

12 January 2021

Mr Mark Stack
Treasurer
Curl Curl Lagoon Friends Inc.

Email: curlcurlagoon@gmail.com

Our Ref: 2020/792041

Dear Mr Stack

Telco tower - DA2020/0661 - Optus Proposal for Curl Curl Lagoon

Thank you for your email dated 30 November 2020.

We apologise for our delayed response to your email.

I have been advised that the community representative declared a conflict of interest in relation to Item 3.3 of the Local Planning Panel (LPP) meeting of 7 October (telecommunications tower) at 4.07pm on Monday 5 October, following his review of the 390 submissions in preparation of the panel meeting and realising that he knew a number of the objectors. His conflict of interest disclosure form (dated 6 October) is available for viewing on the Council website.

The Chair upon becoming aware of the community members conflict chose not to arrange a substitute for the community representative on the basis that a quorum for the item was available (3 members) and due to the late notice that was provided. The procedures for LPP's (established by the Department of Planning, Industry and Environment) state that a quorum is the majority of panel members, and a community member in this case was not necessary for a quorum to be established for the item. The decisions of the Panel are a majority vote, not a unanimous vote.

The Chair of the LPP is approved by the Minister of Planning and Council staff cannot direct the Chair in their duties. It is a matter for the Chair to determine how best to manage the Panel when conflicts of interest arise and to ensure a quorum for meetings is maintained in accordance with the Code of Conduct and the Operational Procedures for LPPs. Notwithstanding this, staff will raise this particular matter with the Chair and advise them of the concerns that have been raised by some members of the community about the fact that a community member was not present for consideration of this item.

I also advise that the assessment of the application was conducted by an independent planner (as Council is the owner of the land) and not a member of staff.

The differences between the DA2017/0298 and DA2020/0661 applications are outlined in the relevant assessment reports and it is relevant to note that they were proposed in

different locations. Further, the monopole proposed under DA2020/0661 was situated amongst existing sporting field lighting poles, which was considered to have a lesser visual impact than a standalone monopole, which was proposed under DA2017/0298.

Should you require any further information or assistance in this matter, please contact my office on 8495 6414.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Robinson', written in a cursive style.

Peter Robinson
Acting Director, Planning & Place