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RE: DA2020/0661 - 7356 / 1167221 Huston Parade NORTH CURL CURL NSW 2099

As a local resident and property owner, I am writing to oppose this application; it is inconsistent with many of the provisions of the Warringah DCP 2011 and LEP2011 and is most definitely not in the public interest. I apologise for the length of this submission but there are so many things wrong with the Application that they need calling out. Specifically:

1. The proposal location is unsuitable

The Statement Of Environmental Effects (prepared by Urbis on 4 May 2020 has many factual errors and flawed conclusions.

For instance on page 18, the proposed location was "Initially discounted due to environmental impacts and negative feedback from the community, however this candidate is now the prime candidate".

There is nothing in the Statement Of Environmental Effects or the Application that states that these admitted environmental impacts or negative community responses do not now exist. In fact Optus is proposing a development that, by its own admission, has no community demand and significant opposition.

On page 26 of the Statement Of Environmental Effects it states "Following the consultation with multiple stakeholders over the past 5 years, it's clear that Optus has taken a lot of time and effort to get to the stage to lodge a development application that we feel addresses all of the stakeholder and community feedback received to date."

This is an incorrect and delusional statement: there is clearly no demonstrable community demand for the infrastructure, and in fact there is consistent, sustained and overwhelming community opposition to it, as evidenced by the number of responses in opposition to the previous proposal, Optus's own admission on page 18 of the Statement Of Environmental Effects (mentioned above), and the number of opposing submissions to this application already made (as at 6/8/2020 well over 200 submission in opposition).

The Statement Of Environmental Effects Conclusion on page 63, incorrectly concludes the following:

"Other reasons why Abbott Road Sportsground is considered an appropriate location for the telecommunications facility include:..."

" - There are no environmental or heritage or concerns in this location"

Please refer to your own report on page 18!

" - The proposed position will not impact upon the existing use or amenity of the park and will

increase the usage of the park by providing lighting for sporting activities as well as reliable communications within the park."

This proposal does not add any further lighting.

" - The potential for negative visual impact is reduced by adjacent trees and proposed planting of further vegetation"

Plantings will have virtually no visual impact on the additional 3.7m at the top of the existing tower.

" - The site is not near community sensitive locations"

It is 350m from North Curl Curl Public School, some 150m closer than the previous proposed location (John Fisher Park, south side of the lagoon) that was refused in the Notice of Determination DA2017/0298 27 July 2017, for, amongst other reasons, being inconsistent with the provisions of Clause D4 Electromagnetic Radiation, and Clause D7 Views, of the Warringah Development Control Plan 2011.

These statements in the Statement Of Environmental Effects Conclusion are just plain incorrect. Errors of this nature in the application do call into question whether the application as a whole can be relied upon to be an accurate and objective statement of environmental effects. Not only are Optus proposing a development that very few residents want, but their application is riddled with errors and inaccuracies and should not be relied upon.

2. The Visual Impact Assessment (VIA) prepared by Urbis on 7 May 2020, supporting the application, is deficient, inaccurate and misleading.

Section 4.5 of the VIA states "The viewpoint (VP) locations that are included in this assessment are from uses considered to be of higher sensitivity, such as residential areas, open space and main streets in residential areas."

VP7, southeast from Headland Road, is a poor location to base a decision on as there is no direct view of Abbott Road fields of the proposed development location. A location even a few hundred metres further east would have direct views, which calls into question why a VP was selected with no direct views of the proposed development, and casts doubt over the objectivity of the whole VIA .

Other than the poorly selected and self-serving VP7 location, there are no Viewpoints north of Abbott Road or West of Griffin Road; due to the hill in the middle of North Curl Curl there are well over a hundred properties north of Abbott Road, in streets such as Quirk St, Headland Rd, Jocelyn St, Makim St, Parr Ave, Bellevue Pde, Delaigh Ave and Playfair Rd with views south and east to Curl Curl beach, Curl Curl, Freshwater, Manly, North Head and the ocean, which take in the Abbott Road playing fields and green space beyond there to the beach and ocean. The proposed development will be visible from most of these properties and protrude over the horizon / tree line, thus negatively impacting the views enjoyed from these properties.

The Conclusion on page 19 of the VIA states "Higher impacts will mostly be experienced from residents to the north of the proposal along Abbott Road. However, given the similarity of form of the proposal with the existing lighting towers, the visual impact for these viewpoints is considered low to moderate."

I disagree with this conclusion; had the VIA selected VPs that accurately represented the views from residents' properties north of Abbott Road, this conclusion could not logically have been made.

The Conclusion then goes on to state "With regard to the sensitivity of users, residents are considered to be of a high visual sensitivity" , however the VIA does not adequately assess the Impact of residents. The VPs selected appear to have been chosen to ignore the impact to views from residents' homes, and rather focus on views from pedestrians and motorists. The Visual Impact Assessment ignores these locations that are " of higher sensitivity, such as residential areas" and thus the VIA should not be considered an accurate, reliable or objective document. The application should be denied unless an accurate, reliable and objective Visual Impact Assessment is submitted which assesses all relevant Viewpoints.

3. Previous refusal of a similar Application

DA 2017/0298 was refused in 2017. In the DEVELOPMENT APPLICATION DA2017/0298 ASSESSMENT REPORT prepared by Sarah McNeilly (Independent Consultant Planner - Watermark Planning Pty Ltd), Ms McNeilly makes the following comments (which are also relevant for community responses for this application DA2020/0661):

Page 9-10 Health Risks

"The proposed location is highly utilised by children, locals, sports teams and is in the immediate proximity of homes, schools and public recreation space. Given the community concern and the continuing research into this matter, a more appropriate location should be sought, or other options such as retaining existing service levels or waiting for improved technology should be considered by Optus."

Page 10 Curl Curl North Public School Health Risks

"It is agreed that the close proximity of the proposal to North Curl Curl Public School and the use of the fields by the students is at odds with the community expectations for public spaces."

Page 13 Impacts on the local community

"The community consultation process by Optus and the notification process by Council have been undertaken accordingly to relevant requirements under the WDCP 2011. The overwhelming view of locals is in opposition to the application."

These comments will validly also apply to DA 2020/0661, given Optus are proposing a similarly high tower just 150m away from the location refused in 2017.