

---

**Sent:** 27/08/2020 4:08:17 PM  
**Subject:** Online Submission

27/08/2020

MS Zali Steggall OAM, Member for Warringah  
2 / 17 - 19 Sydney RD  
Manly NSW 2095  
Zali.Steggall.MP@aph.gov.au

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

DA 2020/0661  
Construction of a Telecommunications Facility with associated equipment

Submission - Zali Steggall OAM MP

In my capacity as the Federal Member for Warringah, I have been contacted by many concerned community members about the proposed development of a 'Telecommunication Facility and associated equipment' right next to Curl Curl Lagoon in John Fisher Park. I have since met with members of the community and Curl Curl Lagoon Friends at the site of the proposed development.

It is clear to me that the proposed location of the facility is unsuitable and the development application should be refused for the following clear reasons:

1. The development does not comply with the agreed Plan of Management for John Fisher Park;
2. This is a sensitive environmental area;
3. The case hasn't been made by the private operator to warrant a new phone tower being built on public land;
4. The development will be over 25m high and the application includes "associated equipment", which means more infrastructure can be built at the bottom of the facility.

John Fisher Park is a highly-valued piece of community land and is a well-used park for walkers, their dogs, sporting groups, many schools (as it hosts the PSSA competitions), bush regenerators, community gardeners, bird watchers, as well as people who simply enjoy the beauty and peace of green open space.

For decades now, community members have worked with council to regenerate and revitalise what was, due to previous poor decisions, a tip. There is still work to be done but the park is now a precious asset. Indeed it is an area that has seen an increase in usage and appreciation during these times of the Coronavirus pandemic. Now more than ever, it is vital that we protect parklands from unwanted developments for the generations to come.

The park is managed by Northern Beaches Council under an agreed Plan of Management, which has a clear vision:

"John Fisher Park and Abbott Road Land should be a healthy, accessible open space that provides harmoniously for both active and passive recreation, which is well maintained and protected by responsible use and management."

It goes on to say with regard to that "responsible use and management":

"A 40 metre buffer zone from the top of the bank of Greendale Creek be maintained throughout the park with respect to any new development." (page 1)

The proposed development application is well within this 40 metre buffer zone.

The Plan of Management states:

#### 4.4.2. How can Crown Land be used?

Uses and activities on land reserved for public purposes are broadly defined by the public purpose of the reservation, in conjunction with any conditions and provisions within the specific land use in Warringah's Local Environmental Plan 2000. The reservation of Crown Land within the John Fisher Park and Abbott Road Land Plan of Management is for public recreation.

In addition, case law judgements influence the policy and practice of the Department of Land and Water Conservation and the Trust Manager. The body of case law which helps define acceptable uses and activities on public recreation reserves provides the following guidance:

- Improvements and developments to land which is reserved or dedicated are confined to those which support, or are ancillary to, the public purpose of the reservation;
- Use of the reserve must be consistent with the public purposes for which the land is dedicated or reserved.

This development is for the sole commercial purpose of enhanced reception for the customers of a single private company.

Any private and commercial development on publicly-owned park land, must be evaluated in a manner which clearly states the benefit to the community.

There must be a clear and accepted case for the necessity of such development. There is no publicly available data which sets out a clear case for this facility. We don't know how many Optus customers there are in the local area. We don't know how many of them have issues with their coverage.

Optus' own website shows maps of Curl Curl and North Curl Curl as having "great outdoor coverage".

LINK: <https://www.optus.com.au/about/network/coverage>

The lack of a business case for this development was already raised in submissions against the 2017 application for a similar development application, which was ultimately rejected. The application attaches a map which states "Optus has poor coverage in and around the Curl Curl area". This assertion is made without any supporting evidence or data.

Accordingly, I urge the Council to find that no business case nor evidence clearly establishing need has been provided.

I refer you to the "NSW Telecommunications Principles Table" which has been submitted by Optus in support of this application.

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadAppPropDoId=kzrouvmyFe0V0A60ki4OEg%253d%253d>

At point g) it says:

"Principle 1. - A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.

Applicable? Yes

Comments - There is no existing significant view which will be obstructed by the proposed telecommunications facility. The coastline is not visible from this area.

The suggestion that this classification applies to this development application is factually wrong. The location of the planned tower is directly in significant panoramic views of the fields, the lagoon and of the general greenspace.

The antennas at the top of the 25.7 metre high pole are not in keeping with the natural environment, and the unsightly elevated structure at the bottom of the pole is exactly the sort of development prohibited in the Plan of Management.

I note the Visual Impact Statement provided by Urbis, the company commissioned by Optus, states that the infrastructure will be placed among other existing infrastructure, including "goal posts, catch nets and a number of lighting poles". This claim should be rejected. None of these items result in the equivalent obstruction of the views or constitute visual pollution.

Both the goal posts and catch nets are not permanent structures and have been approved within the Plan of Management on the understanding that they can be removed in the off-season or indeed at any time.

The light poles were controversially installed in the buffer zone with little community consultation. The poles were added to the park in contravention of the Plan of Management. The presence of these poles should therefore not be used as a precedent or justification for the mobile base station to be accepted.

This bit-by-bit approach to development is strongly opposed by the community.

The council's own Property and Commercial Development Response to this DA states: Property advises that a proposed new pole of this height will likely attract other carriers in future to co-locate on the same pole and each other carrier will require similar equipment on ground within the Council managed Crown Reserve. This may lead to a situation where the pole and ground area become cluttered with equipment similar to the situation at Plateau Park Collaroy Plateau which has become a target for vandalism.

That response also states:

The relevant Plan of Management for the site should be checked to ensure that the proposal is consistent with the objectives and future development permitted in the PoM.

As already noted above, this proposal is not consistent with the objectives and future development permitted in the Plan of Management.

The significant community opposition to the proposed facility on the south side of the lagoon raised in 2017 have still not been addressed and remain relevant today. The current proposal shows a complete lack of understanding of the value and sense of ownership the community places on John Fisher Park and Curl Curl Lagoon.

I urge you to consider the community, aesthetic, social and environmental impacts of this proposed development and draw your attention to the reasons that the Plan of Management for John Fisher Park exists, which are:

- To provide a sound basis for the future management of John Fisher Park and Abbott Road Land, guiding the major strategies and actions that are needed to achieve the vision for John Fisher Park and Abbott Road Land.
- To manage John Fisher Park and Abbott Road Land in accordance with ecologically sustainable development principles.
- For a participatory style of management to be encouraged in all aspects of park operations so as to develop a sense of ownership between the community and the park.
- To be consistent with and contribute to Council's overall management plan.
- To incorporate Curl Curl Lagoon Rehabilitation Study recommendations and other relevant studies into the plan.

Over recent years, a great amount of hard work has gone into regenerating John Fisher Park for the enjoyment of the whole community. It's regeneration and indeed revitalisation is a credit to the collaborative efforts of the State Government, the Northern Beaches Council and the local community including groups such as the Friends of Curl Curl Lagoon. If approved, this development would undermine those efforts and would compromise the environmental sensitivity of this beautiful local park.

For the numerous grounds set out above, I urge you to refuse this Development Application.

Thank you for your considerations of these matters.