



## PRELODGE MENT ADVICE

**Application No:** PLM2020/0072

**Meeting Date:** 16/04/2020 at 3PM

**Property Address:** Lot 7356/1167221 Huston Parade, North Curl Curl  
(Abbott Road Grounds (Field 5) John Fisher Park

**Proposal:** Construction of a Telecommunications Facility and Associated Ancillary Equipment

### In Detail:

- 25.7 metre monopole
- 3 x panel antennas attached on a turret mount at 26.6m
- Overall height of the structure is 28.3m (monopole plus antennas)
- Optus equipment shelter
- 6 x remote radio units
- Underground power and fibre connections
- Access path
- Additional screen planting
- Ancillary equipment

**Attendees for Council:** Rod Piggott – Manager, Development Assessments  
Phil Lane – Principal Planner  
Dominic Chung – Senior Urban Designer

**Attendees for applicant:** Jon Mills (Associate Director – Urbis)  
Adam Richards (Property Acquisition - Lend Lease)  
Catherine Kelly (Assistant Planner – Urbis)

### General Comments/Limitations of these Notes

These notes have been prepared by Council on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only. These notes are an account of the specific issues discussed and conclusions reached at the pre-lodgement meeting. These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority. A determination can only be made following the lodgement and full assessment of the development application.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP and any applicable clauses of the Warringah LEP 2011, Warringah LEP 2000 and Warringah DCP 2011 within the supporting documentation of a development application including the Statement of Environmental Effects.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.



## SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
<p><b>DA Process</b></p>	<p>As the subject site (Abbott Road – John Fisher Park) is under Council’s control on behalf of the Crown Lands the application will be assessed by external town planning consultant. An assessment report with recommendations will prepared and presented to the Northern Beaches Local Planning Panel (NBLPP) where the application will be determined.</p>
<p><b>New Sites</b></p> <p>A. Field Number 5, Abbott Road Sportsground, North Curl Curl</p> <p>B. Dee Why RSL Bowling Club, corner of Griffin Rd and Abbott Rd, North Curl Curl</p> <p>C. Ausgrid Pole, Road Reserve next to 23 Pitt Road, North Curl Curl</p> <p>D. Stewart House, 45 Carrington Parade, Curl Curl</p> <p>E. Richie Roberts Reserve, off Griffin Road</p> <p>F. John Fisher Park (southern side of Curl Curl Lagoon)</p> <p>G. North Curl Surf Life Savers Curl Carpark, Huston parade, North Curl Curl</p> <p>H. Harbord Diggers Club, 66-78 Evans Street, Freshwater, Curl Curl</p>	<p>It is noted that Optus and Urbis have looked at a number of suitable sites for the installation of a new telecommunications facility.</p>

## WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

**Note:** WLEP 2011 can be viewed at [Council’s website](#).

### Zoning and Permissibility



<b>Definition of proposed development:</b> (ref. WLEP 2011 Dictionary)	Telecommunications Facility
<b>Zone:</b>	RE1 Public Recreation
<b>Permitted with Consent or Prohibited:</b>	(Prohibited under WLEP 2011) Permissible with development consent (and concurrence) under State Environmental Planning Policy (Infrastructure) 2007

<b>Principal Development Standards:</b>	
<b>4.3 Height of Buildings</b>	
<b>Standard</b>	<b>Proposed</b>
N/A	28.3m (Top of structure) 25.7m (Top of monopole) 22m (Relocated floodlights)
<p><b>Comment</b></p> <p>Concerns are raised about the overall height of the structure and consistency with any other structures within the vicinity of the proposed monopole (telecommunications facility). Please see further discussion within notes.</p> <p><b>Note:</b> Building heights are measured from existing ground level.</p>	

## **Zone RE1 Public Recreation**

### **Objectives of zone**

- *“To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.”*

### **Comment:**

The visual prominence of the monopole and antennas at the proposed height is significant and inconsistent with the provisions of these objectives specifically the aesthetic value of the public recreation area it is considered that this proposal does not satisfy this merit objective. Further, if vegetation removal is proposed as part of any proposal then the natural environment will not be protected or enhanced. Overall the development is considered to have such an adverse on the ecological and aesthetic values that the proposal at the current height cannot be support.

## **WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)**

**Note:** The WDCP can be viewed at [Council's website](#).



**Other Relevant Controls within WDCP 2011**

Clause D9 Building Bulk

The proposal is not supported as the existing floodlight poles are approximately 22m in height and the proposed overall height of the monopole plus panel antennas will be 28.3m in height (representing a 6.3m height or 28.6% increase over the existing structures). The visual prominence of the pole and head antennas is significant and inconsistent with the provisions of this Clause.

**Specialist Advice**

Referral Body	Comments
<p><b>Urban Design</b></p>	<ol style="list-style-type: none"> <li>1. <i>“Consider making the total height 22m i.e. same as the existing light pole using new technology, etc. Maybe they have to consider two locations to get a similar coverage - assuming the antenna fixtures can be made less ‘top heavy’ thereby making it more streamline like the existing light poles.</i></li> <li>2. <i>If the antenna has to be 6m away from the light fittings, can they consider another location nearby where new floodlights at 16m high will be needed? The new floodlights will also benefit the community.”</i></li> </ol>
<p><b>Coastal</b></p>	<p><i>“All of the coastal matters that I need to see dealt with under the Coastal Management SEPP are already addressed in the Statement of Environmental Effects provided.</i></p> <p><i>This area was revegetated as part of an Environmental Trust Grant that is still current and we would not support removal of newly planted trees and vegetation.”</i></p>



<p><b>Waterways &amp; Riparian</b></p>	<p><i>“This application proposes to place a telecommunications tower and supporting facilities in the riparian zone of Curl Curl Lagoon. The riparian zone for the lagoon is at least 20 metres and can be seen on the Waterways and Riparian DA Referrals mapping layer. Council has recently revegetated the riparian area and we expect that any work and ongoing access in this area would not disturb this work and would therefore not support any work or ongoing facilities or access that would disturb this revegetated area.</i></p> <p><i>If the revegetated riparian area is not disturbed, we would have no issues with the development as long as it complied with:-</i></p> <ul style="list-style-type: none"> <li>• <i>Warringah DCP 2011 C5 – Erosion and Sedimentation</i></li> <li>• <i>Warringah DCP 2011 E8 Waterways and Riparian Lands</i></li> <li>• <i>Warringah Council PL 740 Protection of Waterways and Riparian Land Policy</i></li> <li>• <i>SEPP Coastal Management 2018 – Coastal Environment Zone.”</i></li> </ul>
<p><b>Flooding</b></p>	<p><i>“No major flooding issues, we’d just condition that the electricals are waterproofed below the Flood Planning Level of 4.1m AHD.”</i></p>
<p><b>Biodiversity</b></p>	<p><i>“The applicant has already completed a flora &amp; fauna assessment, and on brief review appears to address all requirements of relevant legislation and biodiversity planning controls, and would be suitable for submission as part of any future DA.”</i></p>
<p><b>Parks</b></p>	<ul style="list-style-type: none"> <li>• <i>“Parks team have already provided land manager’s support to Crownlands for Optus to lodge the DA – <a href="#">2019/699775</a>;</i></li> <li>• <i>Parks met with Optus representatives 2 weeks ago, to go over some operational concerns we had with regards to maintenance and access to the site as raised in the letter to Crownlands – <a href="#">meeting minutes</a>;</i></li> <li>• <i>Resolution from that meeting was that a MoU between Council and Optus would be conditioned under the DA, which would address maintenance and access to the site for Optus and for Council;</i></li> <li>• <i>It was also discussed that Optus replace the existing metal halide lights on the Council pole that is proposed to be replaced, with LED lights, to reduce maintenance needs. This will likely be included as part of the MoU.”</i></li> </ul>



## Property Land Dealings

*“The proposal at John Fisher Park is on Crown Reserve managed by Northern Beaches Council. Therefore, owner’s consent from Department of Planning Industry & Environment – Crown Lands (DPIE – Crown Lands) will be required to lodge a DA.*

*Council’s Parks & Recreation Group will also need to provide a letter of support for owner’s consent to lodge a DA for such a proposal as this will be requested by DPIE – Crown Lands.*

*Additionally, as this proposal would not be a Low Impact facility in accordance with the Telecommunications Act, it appears that such a proposal will require authorisation in an adopted Plan of Management (POM) for this reserve (in accordance with the Crown Land Management Act and the Local Government Act). The current John Fisher Park POM should be checked to see if such a proposal is authorised, especially the proposed height of the pole which at about 28m high, appears to be approximately 10m higher than the existing pole in this location.*

*Please note that as the proposal is located on Crown Reserve, Council as Crown Reserve Manager will not receive any income for this proposed telco facility as DPIE – Crown Lands enters into licences directly with carriers for the occupation of facilities on Crown Reserves.*

*Council’s Parks & Recreation Group may also need to enter into a separate pole/lighting/maintenance agreement with the carrier regarding future pole ownership, renewal, maintenance, electricity usage, floodlights, shut down provisions etc. on the proposed new pole to replace the existing Council owned pole.*

*In relation to the proposed works, the proposed equipment on ground appears to be very close to the existing baseball spectator area.*

*Additionally, it is anticipated that a proposed new pole of this height will likely attract other carriers etc. 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.”*



### Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at Council's website:

- Development Applications Management Policy (see website for details)

### Documentation to accompany the Development Application

- Electronic copies (USB)
- Statement of Environmental Effects
- Cost of works estimate/ Quote
- Site Plan
- Elevations and sections
- A4 Notification Plans
- Survey Plan
- Site Analysis Plan
- Demolition Plan
- Schedule of colours and materials
- Landscape Plan
- Arboricultural Impact Assessment Report
- Photo Montage (multiple from close-by and at distance)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Geotechnical Report
- Acid Sulphate Soil Report
- Coastal Assessment Report (State Environmental Planning Policy (Coastal Management) 2018)
- Flood Risk Assessment Report
- Waterway Impact Statement
- Flora and Fauna Assessment
- Construction Management Plan
- Contaminated Land Report
- Light spill diagrams
- Electromagnetic radiation impact report (EME Report)
- Visual impact assessment
- EPBC Act Protected Matters Report

### Concluding Comments

These notes are in response to a pre-lodgement meeting held on 16 April 2020 to discuss proposed telecommunications facility at Lot 7356/1167221 Huston Parade, North Curl Curl (Abbott Road Grounds (Field 5) John Fisher Park). The notes reference preliminary plans prepared by S2711-P1 & S2711-P2 dated 2 October 2019, Site Survey Plan dated 18 September 2019, L100 & L101 dated 15 July 2019, L102 & L103 dated 2 August 2019.

The proposal is not acceptable and requires redesign prior to submission.

The design of the monopole is critical. It should be designed to be as "**slender**" as possible and



no higher than the existing floodlights. The pole should have a similar appearance to the existing lighting structures within the reserve and the panel antennas should be as discreet in volume as possible to give the appearance of an extension of the pole itself.

The proposed development must demonstrate that it will maintain the visual and scenic quality of the locality and avoid visual clutter and proliferation of structures when viewed from surrounding residential development as well as the public domain.

In addition the following is advised: -

- A comprehensive **Options Assessment and History** is to be submitted with the DA with a clear case for the selection of the site and the design.

Additionally, please address the Plan of Management (John Fisher Park), State Environmental Planning Policy (Coastal Management) 2018, Crown Lands Act 1989 within the Statement of Environmental Effects (SEE). Under the Water Management Act 2000 an application for a Controlled Activity Approval for works on waterfront land will be required to be submitted to the NSW Department of Primary concurrently with any development application.

Please ensure relevant land owners consent is provided with any application.

Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application.