



Glebe Island Silos Telecommunications Upgrade

Development Application Assessment (DA 22/9116)

December 2022

Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Glebe Island Silos Telecommunications Upgrade

Subtitle: Development Application Assessment (DA 22/9116)

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Inner West Council
Crown Lands	Crown Lands, DPE
Department	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
LEP	Local Environmental Plan
Minister	Minister for Planning
RMS	Roads and Maritime Services, TfNSW
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SEPP Eastern Harbour City	State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
TfNSW	Transport for NSW

Executive Summary

Introduction

This report provides an assessment of a Development Application (DA 22/9116) lodged by Service Stream Mobile Communications Pty Ltd (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Applicant seeks consent to upgrade the telecommunications facilities at an existing Optus mobile phone base station on the Glebe Island Silos.

Engagement

In accordance with Schedule 1 of the EP&A Act and the Department's *Community Participation Plan 2019*, the Department publicly exhibited the application for 14 days between the 6 September and 19 September 2022.

The application was made publicly available on the NSW Planning Portal, and the Department notified the adjoining landowners and Inner West Council (Council) in writing. All notification and public participation statutory obligations have been satisfied.

A submission from Council requested that the proposed works be of a colour that minimises visual impacts. The NSW Port Authority provided detailed comments on the SEE and notations on the plans and requested a copy of the conditions of consent for their record following determination.

No public submissions were received.

Assessment

The Department considers the proposal is acceptable for the following reasons:

- it would improve network coverage and the capacity of the existing telecommunications facility that services the surrounding area
- the proposal would support potential future development in the region in accordance with the Bays Precinct Transformation Plan, Bays West Place Strategy, the Greater Sydney Region Plan, and the Eastern City District Plan
- it would have an acceptable visual impact consistent with the existing mobile base stations
- it would not materially change the silos and would not adversely impact the heritage significance of the Glebe Island Silos or any other items
- it would operate at 1.62% of the permissible Radiofrequency (RF) Electromagnetic Energy (EME) public exposure limit and would not pose a risk to the general public
- it would not have a significant impact on matters of National Environmental Significance, the environment of Commonwealth owned land, or actions carried out by the Commonwealth Government
- it would replace an existing facility and is suitable for the site
- Council did not raise any concerns regarding the proposal.

Conclusion

The Department's assessment concludes the proposal is in the public interest and is approvable, subject to the recommended conditions.

Contents

1	Introduction	1
1.1	Background	1
1.2	Site context.....	1
1.3	The Site	2
1.4	Approval history.....	3
2	Project.....	4
2.1	Description of proposal	4
3	Strategic context.....	7
3.1	Greater Sydney Region Plan and Eastern City District Plan	7
3.2	Bays Precinct Transformation Plan	7
3.3	Bays West Place Strategy.....	7
4	Statutory Context.....	9
4.1	Consent authority	9
4.2	Permissibility	9
4.3	Mandatory Matters for Consideration.....	9
5	Engagement.....	10
5.1	Department's engagement.....	10
5.2	Summary of submissions	10
5.3	Response to submissions	10
6	Assessment	12
6.1	Key issues assessment.....	12
6.2	Visual impacts	12
6.3	Heritage	13
6.4	Electromagnetic energy and public safety	13
6.5	Other issues	14
7	Evaluation.....	16
8	Recommendation.....	17
9	Determination.....	18
	Appendices	19
	Appendix A – List of referenced documents	19
	Appendix B – Community Views for Draft Notice of Decision	20
	Appendix C – Statutory Considerations	21
	Appendix D– Recommended Instrument of Consent	28

1 Introduction

1.1 Background

This report provides an assessment of a Development Application (DA 22/9116) lodged by Service Stream Mobile Communications Pty Ltd (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Applicant seeks consent to upgrade the telecommunications facilities at an existing Optus mobile phone base station on the Glebe Island Silos.

1.2 Site context

The subject site is located on Glebe Island, which is a reclaimed peninsular located to the south of Balmain. The site sits within the Inner West Local Government Area (LGA) and is surrounded by water to the north, south and east (as shown in **Figure 1**). The ANZAC Bridge and the City West Link carriageway are situated to the south-east and south (respectively) of Glebe Island. Glebe Island supports a range of industrial and port related uses.



Figure 1 | Location Plan (Source: Nearmap)

Glebe Island has historically been used as a shipping container terminal, for grain and car imports and the transportation of bulk construction materials such as cement and gypsum. It is one of the last remaining port facilities in close proximity to the Sydney CBD and is one of the few deep-water wharves west of the Sydney Harbour Bridge. Glebe Island is currently used for common user berths, dry bulk imports and approval has been granted for a multi-user facility and a concrete batching plant and aggregate handling facility.

1.3 The Site

The site subject to the DA is occupied by a silo structure that comprises of two parallel rows of 15 silos that are located in the southern portion of Glebe Island.

Two existing mobile phone base stations (Optus and Telstra) are visible at the roof line located at the north-easternmost edge of the silos (see **Figure 2** and **Figure 3**). A base station typically consists of antennas, support structures, and transmission equipment that are connected by cable to radio equipment housed in a shelter unit.

The mobile base station considered in this application is operated by Optus who has identified a need to improve network coverage and capacity which services the ANZAC Bridge and White Bay port facilities as well as parts of Rozelle, Glebe and Pyrmont.

The Glebe Island Silos are an item of heritage significance under State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 (SEPP Eastern Harbour City) and are listed on the NSW Port Authority's Section 170 Heritage and Conservation Register.



Figure 2 | Existing facilities (Source: ServiceStream)



Figure 3 | Aerial location of existing facilities (Source: Nearmap)

1.4 Approval history

The Glebe Island Silos were constructed as a principal grain storage facility between 1917 and 1921. Originally, there were 143 silos, the majority of which have been demolished over time. The current structure consists of 30 concrete silos that are built together as one element. The silos run in an east-west direction for an approximate length of 180 metres. Each silo is approximately 45 metres high and the eastern tower element, on which the telecommunication facilities are housed, extends up to an additional 16 metres in height.

On 24 August 2012, the Acting Director of Infrastructure Projects granted consent to a development application (DA 008-02-2012) to remove and replace six panel antennas, install nine remote radio units, and install associated ancillary equipment. The development sought to enhance 3G communication services to Glebe Island and the surrounding area with 4G long-term evolution technology, providing improved network coverage, increased data transfer rates and improved mobile broadband performance.

2 Project

2.1 Description of proposal

The development application seeks approval to upgrade Optus telecommunications facilities at an existing mobile phone base station on the Glebe Island Silos. The proposed upgrade works comprise:

- removing 9 existing antennas and installing 9 new panel antennas including mounting poles
- installing 12 new Remote Radio Units (RRUs) and mounting poles
- associated works for the installation, relocation, and removal of ancillary equipment as part of the mobile base station and within the existing equipment shelter, such as:
 - installing new chain barriers and signage
 - installing feeders and hybrid trunk cables
 - reusing cable ladders.

The key components of the application are outlined in **Table 1** and illustrated in **Figure 4** and **Figure 5** below.

Table 1 | Main Components of the Project

Aspect	Description
Location	The proposed works are confined to the existing mobile phone base station at the north-eastern edge of the Glebe Island Silos. Within this existing base station, the works relate to the existing Optus antennas, mounting poles, remote radio units and the equipment shelter located at the north-easternmost end of the base station.
Change in height	The height of the new proposed mounts will range from 2.9 cm to 88.8 cm above the existing mounts (see the detailed breakdown in Table 2 below).

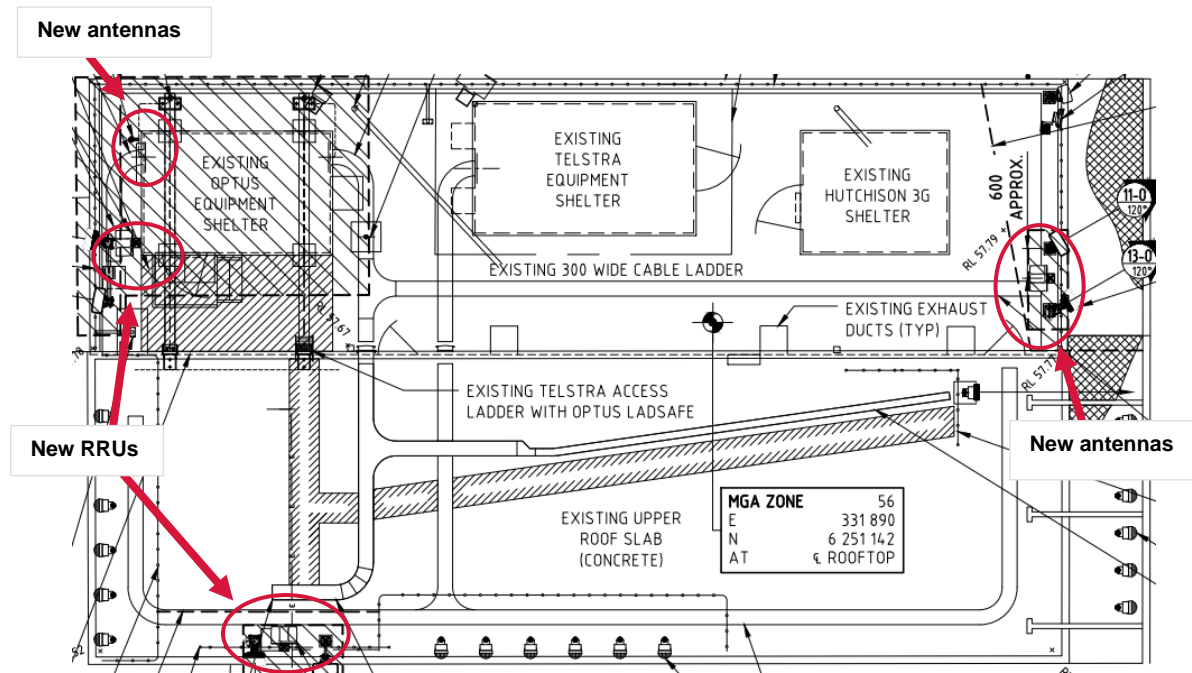


Figure 4 | Mobile base station floorplan (Source ServiceStream)

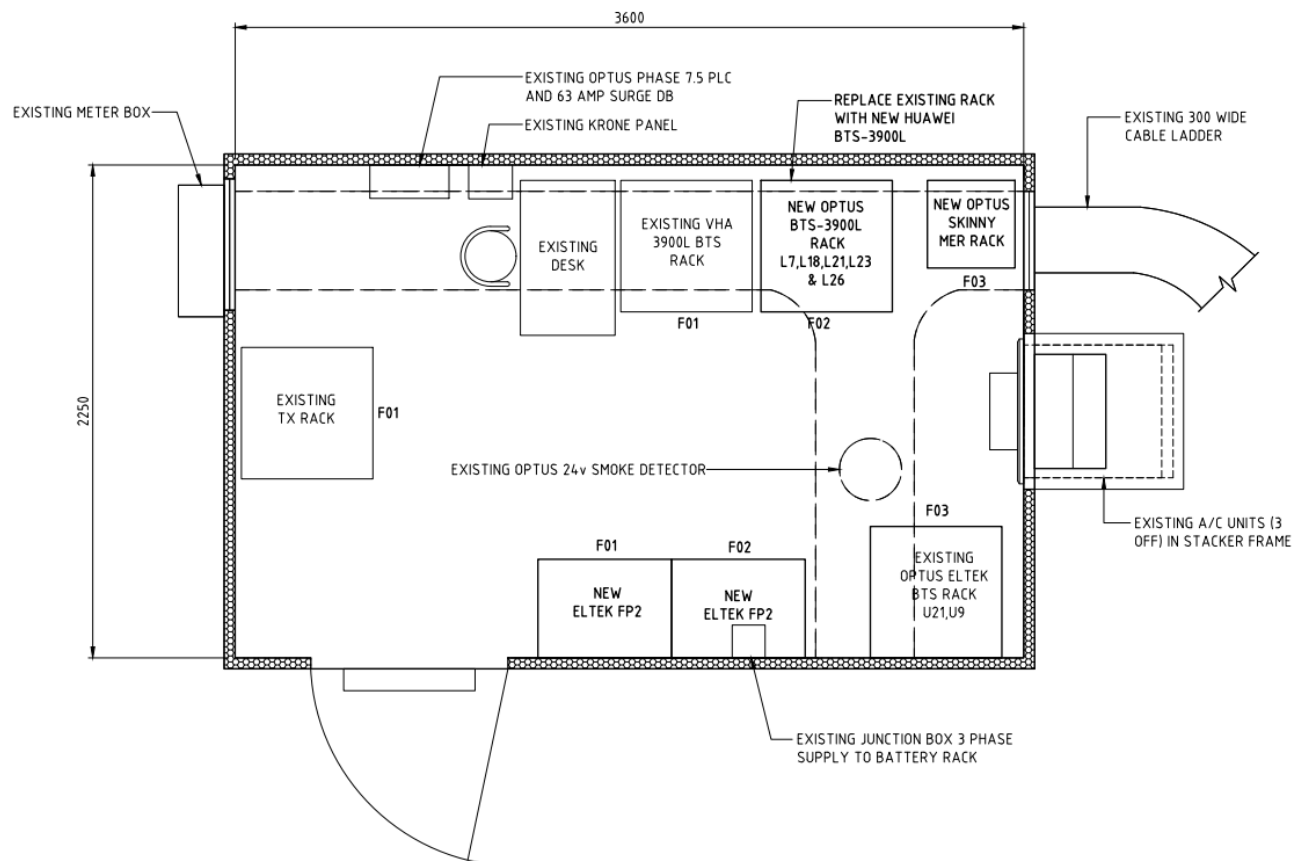


Figure 5 | Floor plan of the Optus equipment shelter (Source ServiceStream)

Table 2 | Detailed breakdown of change in height

Sector	Mounting pole type	Original height (m) including built form	New height (m) including built form	Height change (m)
1	1	61.165	61.194	0.029
	2	60.507	61.295	0.788
2	1	67.165	67.194	0.029
	2	66.507	67.395	0.888
3	1	61.165	61.194	0.029
	2	66.507	67.395	0.888

3 Strategic context

3.1 Greater Sydney Region Plan and Eastern City District Plan

The Greater Sydney Region Plan (GSRP) outlines how Greater Sydney will manage growth and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney to be implemented at local level through District Plans. The site is located in the Eastern City District. The GSRP identifies the Bays Precinct as industrial and urban services land, stating it should be retained because there is a shortage of such land in the Eastern Harbour City.

The proposal supports the directions and objectives of the GRSP and Eastern City District Plan by supporting the ongoing operation of port and industrial uses in the surrounding area, as well as existing nearby residential areas and potential future development as part of the Bays Precinct.

3.2 Bays Precinct Transformation Plan

The site is located within the Bays Precinct, which comprises Glebe Island, Blackwattle Bay, Wentworth Park, Rozelle Bay (including the rail yards) and White Bay. This precinct has historically been utilised for maritime, light industrial and working harbour purposes.

In October 2015, UrbanGrowth NSW released the Bays Precinct Transformation Plan (the Transformation Plan), which sets out the transformation of the Bays Precinct over a two to 30-year timeframe. In particular, it envisages transforming the foreshore and renewing waterfront industrial land for urban purposes, including public open space and promenades.

While the Transformation Plan identifies the potential for renewal on Glebe Island, it also identifies that the site would continue to support the existing port and maritime economy, as well as anticipating a potential temporary construction logistics site at Glebe Island for major infrastructure project.

The proposed works to upgrade Optus mobile capacity will support reliable telecommunication networks for existing infrastructure (ANZAC Bridge and the White Bay port facilities) and parts of Rozelle, Glebe, and Pyrmont. The proposal will, therefore, support potential future development in the region in accordance with the Transformation Plan.

3.3 Bays West Place Strategy

The Department's Bays West Place Strategy (Place Strategy) was finalised on 15 November 2021 and has been adopted through a Ministerial Direction under Section 9.1 of the EP&A Act. The Place Strategy builds on previous urban renewal work in the Bays Precinct and creates a long-term vision for Bays West, to be delivered in stages.

One of the key directions of the Place Strategy is to "retain, manage and allow the essential strategic port and maritime industry uses to grow and evolve, to ensure they continue to support the NSW economy".

The Place Strategy further states that the Port Authority of NSW will work with stakeholders to consider how the future port and maritime functions can evolve and innovate to complement the other future land uses within the Bays West area.

The Glebe Island Silos are located within Sub Precinct 3 (Glebe Island Silos), with the balance of the working port activities in Sub Precincts 4, 5 (Glebe Island Central and East respectively) and 9 (White Bay). Sub Precincts 3 to 5 are identified for urban renewal in the longer term (2040 and beyond), while Sub Precinct 9 will continue to operate for strategic port uses. The Glebe Island Silos will be retained within the Sub Precinct.

The proposal will support reliable telecommunication networks for existing infrastructure and surrounding urban areas and, therefore, support potential future development in the region in accordance with the Place Strategy.

4 Statutory Context

4.1 Consent authority

The proposed development has a capital investment value less than \$10 million and relates to land within the area identified as Glebe Island. Therefore, the Minister for Planning is the consent authority for the application in accordance with Clause 2.8(4) of the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (SEPP Eastern Harbour City).

However, the Minister has delegated the decision-making powers to the Director, Key Sites Assessments as:

- a political disclosure statement has not been made
- there are less than 15 public submissions in the nature of objections
- Council has not made an objection under the mandatory requirements for community participation in Schedule 1 of the EP&A Act.

4.2 Permissibility

The proposed development site is zoned “Port and Employment” under the SEPP Eastern Harbour City. Pursuant to clause 4.21 of the SEPP Eastern Harbour City, only uses which are generally consistent with the zone objectives are permissible in the zone.

The proposed development seeks to provide enhanced telecommunications to the local area to benefit users of the Glebe Island and White Bay Ports, as well as local businesses and residents. Enhanced communications in the area are key to the efficient daily working of the ports and associated facilities. The Department considers the proposal is generally consistent with the zone objectives and hence permissible.

4.3 Mandatory Matters for Consideration

The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant environmental planning instruments (EPIs)
- objects of the EP&A Act
- Ecological Sustainable Development
- Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix C**.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application for 14 days between 6 September and 19 September 2022.

The application was made publicly available on the NSW Planning Portal, and the Department notified the adjoining landowners and Inner West Council (Council) in writing. All notification and public participation statutory obligations have been satisfied.

5.2 Summary of submissions

The Department received two submissions providing comments from Council and the NSW Port Authority, which are summarised in **Table 3** below. No public submissions were received.

Table 3 | Summary of submissions

Inner West Council	
SEE	Any works that are visible from the public domain should be made of a colour that minimises any visual impacts on the surrounding area.
NSW Port Authority	
SEE	<p>The NSW Port Authority provided the following comments:</p> <ul style="list-style-type: none">• Comments on typographical errors with references to legislation• Comments on the design drawing notes with respect to construction site access• Request that a Construction Environmental Management Plan be prepared including details on how the telecommunications facilities will be installed / removed and environmental mitigation measures• Identified that development applications require the NSW Port Authority's permission to lodge• Request that the conditions of consent be issued to the Port Authority for record keeping purposes

The Department has considered the comments raised in submissions in the assessment of the application (**Section 5** and **Appendix B**), and the recommended conditions of consent (**Appendix D**).

5.3 Response to submissions

In September 2022, the Department requested that the Applicant respond to the matters raised in the submissions from Council and the NSW Port Authority.

The Department also requested that the Applicant confirm that any future works shown on the plans are not subject to this DA, confirm any change in height between the existing and proposed structures, provide further assessment of the heritage impacts, and confirm any external changes to the existing equipment shelter.

The Applicant provided a Response to Submissions (RtS) and updated plans addressing the issues raised.

6 Assessment

6.1 Key issues assessment

The Department has considered the proposal, the issues raised in submissions, and the Applicant's response in its assessment of the application. The Department considers the key issues associated with the proposal are:

- visual impact
- heritage
- electromagnetic energy

6.2 Visual impacts

The Glebe Island Silos are approximately 45 m high and 180 m long, and are highly visible from the surrounding residential areas of Balmain, Rozelle, Glebe, Annandale, and Pyrmont, as well as the western side of Central Sydney and from harbour waters.

The *Glebe Island and White Bay Master Plan 2000* (GIWB Master Plan) identifies the silos as a landmark feature in existing views. The Master Plan also specifies views from Victoria Road and from the ANZAC Bridge towards the Glebe Island Silos that should be considered for any proposed development.

The Applicant's Statement of Environmental Effects (SEE) addresses the visual impact of the proposal and concludes that the development does not impact views of the building or surrounds. The SEE identifies that the existing mobile base station is visible from surrounding viewpoints because the antennas must be above physical obstructions and therefore are required to project above the building's roofline. However, because the works will form part of an existing mobile base station, once installed the visual impact will be minimal and generally consistent with the existing site.

The RtS confirmed that the height of new and replacement structures would range from approximately 2.9 cm to 89 cm taller than the existing structures because of contemporary antenna sizes (see **Table 2**). The RtS also confirmed that the proposed works would not change the external appearance or dimensions of the existing equipment shelter, and that the new antennas would be painted light grey to match the existing.

The Department considers the visual impacts of the proposed upgrade works acceptable as:

- the upgrades are visually consistent with the profile and extent of the existing Telstra and Optus mobile base stations, and as such the works will not significantly change the appearance of the silos or their setting
- no change is proposed to the external appearance of the existing equipment shelter, while the antennas, mounting poles, and RRUs above are not visually prominent
- the proposed facilities are compatible with the existing setting of the site within a working port and will not reduce or significantly impact any private views.

6.3 Heritage

The Glebe Island Silos are identified as a building/structure having heritage significance under SEPP Eastern Harbour City and are listed on the NSW Port Authority's Section 170 Heritage and Conservation Register.

The silos are significant for illustrating the past importance of ocean transport for Sydney and the historic use of the site. While the silos were originally constructed between 1912 and 1920, the subject silo grouping was constructed in the 1970s as a grain storage terminal and in 1994 it was modified to accommodate cement storage.

The Applicant's SEE and RtS included an assessment of the heritage significance of the site and the impact of the development. It considered the statement of significance for this heritage item and found that since the works relate to a mobile base station, the proposal would not adversely impact the significance of the existing building and did not identify further measures to conserve the building's heritage significance.

The SEE also confirms that there are no items of Aboriginal archaeological heritage known to be located on, or in the vicinity of, the site.

The Department considers the application would not adversely impact the heritage significance of the Glebe Island Silos or any other items as:

- the proposed works relate to an existing mobile base station, and are limited to that station, ensuring they will not physically impact or remove any heritage fabric
- while the proposed upgrades will be visible, as discussed in **Section 6.2**, the site is an existing telecommunications facility and the proposed works will not materially change the form or the use of existing rooftop
- the proposed works would be reversible in the event that the existing facility was relocated
- the development does not involve any on-ground or below ground works, so there is no potential to impact archaeological remains.

6.4 Electromagnetic energy and public safety

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) establishes standards for human exposure to radiofrequency electromagnetic energy from mobile base stations and requires that mobile carriers comply with the Industry Code (C564:2020 Mobile Phone Base Station Deployment).

The Code provides protection against all known adverse health effects from Radiofrequency (RF) Electromagnetic Energy (EME) exposure, and sets RF EME well below the level at which harm may occur. The Code aligns with guidelines published in 2020 by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), being an international body recognised by the World Health Organisation (WHO).

The Environmental EME Report submitted with the Applicant's SEE identifies that the maximum EME level calculated for the existing systems at the Glebe Island Silos is 0.69% of the permissible public exposure limit. When taking into consideration the proposed upgrades, the base station would be operating at 1.62% of the permissible public exposure limit.

Although the development would result in an increase to the cumulative EME levels, the overall exposure level is well below the permissible limit. In Australia, carriers are permitted to operate base stations with electromagnetic energy levels up to 100% of the mandated standard.

The Department considers that given the maximum cumulative electromagnetic energy level measured for the proposed works is at least 61 times below the acceptable limit, that the proposed EME levels are acceptable.

The Department recommends a condition of consent requiring the Applicant install appropriate signage and control access to the telecommunications facility in accordance with the requirements of the Code. The Department notes that the EME Report and any issued Compliance Certificates will be publicly available at the Radio Frequency National Site Archive website (www.rfnsa.com.au/2039003).

6.5 Other issues

The below table provides the Department's assessment of other issues.

Table 4 | Other assessment issues

Issue	Discussion
Site selection	<p>Mobile base stations are subject to the Industry Code (C564:2020) which includes standards for site selection as well as the design, installation, and operation of telecommunication facilities.</p> <p>The Department considers the proposed works are suitable for the site as:</p> <ul style="list-style-type: none"> the Applicant's SEE confirms the need to improve services in the area the site is located within an existing port and industrial area, and is not considered to be a sensitive location (i.e. proximate to childcare centres, schools, aged care centres, hospitals and the like) noting that residential areas are approximately 500m-800m from the site the proposal would not result in any significant or adverse environmental or health impacts, including visual impacts, heritage, and EME exposure the works constitute an upgrade to an existing telecommunications facility and do not seek to install a new facility.
Biodiversity	<p>The SEE is accompanied by a Protected Matters Report under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), referenced in the <i>Telecommunications Code of Practice 2021</i>.</p> <p>The Department accepts that the proposed development will not have a significant impact on matters of National Environmental Significance, the environment of Commonwealth owned land, and actions carried out by the Commonwealth Government.</p>

Further, the proposed development does not seek to remove any existing vegetation, is located on a highly modified site, and relates to an existing mobile base station.

7 Evaluation

The Department considers the proposal is acceptable for the following reasons:

- it would improve network coverage and the capacity of the existing telecommunications facility that services the ANZAC Bridge and White Bay port facilities as well as parts of the suburbs of Rozelle, Glebe and Pyrmont
- the proposal would support potential future development in the region in accordance with the Bays Precinct Transformation Plan, Bays West Place Strategy, the Greater Sydney Region Plan, and the Eastern City District Plan
- it would have a minor visual impact that is generally consistent with the existing mobile base station
- it would not materially change the form or the use of existing building rooftop and as such would not adversely impact the heritage significance of the Glebe Island Silos or any other items
- it would operate at 1.62% of the permissible EME public exposure limit and as such would not pose a risk to the general public
- it would not have an impact on matters of National Environmental Significance, the environment of Commonwealth owned land, or actions carried out by the Commonwealth Government
- the site is suitable for the development
- Council and the public did not raise any concerns.

The Department concludes the proposal is in the public interest and should be approved, subject to the recommended conditions of consent.

8 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report
- **accept and adopt** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **agree** with the key reasons for approval listed in the notice of decision
- **grant consent** for the application in respect of DA 22/9116, subject to the conditions in the attached development consent
- **sign** the attached development consent and recommended conditions of consent (see **Appendix D**).

Prepared by:



Anna Nowland
Principal Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

9 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:

A handwritten signature in dark ink, appearing to read 'A. Witherdin', is written over a light blue horizontal line.

Anthony Witherdin

Director

Key Sites Assessments

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

<https://pp.planningportal.nsw.gov.au/daex/exhibition/glebe-island-silos-telecommunications-upgrade-da-229116>

Appendix B – Community Views for Draft Notice of Decision

The Department did not receive any submissions from the public. A summary of the Department's consideration of the issues raised by Council is provided below.

Table 1 | Summary of issues raised in Council's submission

Issue	Consideration
Any works that are visible from the public domain should be made of a colour that minimises any visual impacts on the surrounding area.	<p><i>Assessment:</i></p> <p>The external materials and finishes used for the proposed upgrades will be compatible with the existing mobile base station. The replacement antenna's will be a light grey to match the existing building.</p> <p>The Department considers the visual impacts to be acceptable as discussed further in Section 6.</p> <p><i>Recommendation:</i></p> <p>No conditions are recommended.</p>

Appendix C – Statutory Considerations

In line with the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Department's assessment of the proposal has included detailed consideration of a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered all of these matters in its assessment and has provided a summary in **Tables 1** and **2** below.

Table 1 | Consideration of the objects of the EP&A Act

Objects of section 1.3 of the EP&A Act	Department's response
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,	The proposal would not adversely impact on natural or other resources.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal is consistent with ESD principles (see below). The impacts of the proposal can be appropriately mitigated or conditioned (Section 6 and Appendix D).
c) to promote the orderly and economic use and development of land,	The proposal is compatible with the objectives of the Port and Employment zone and is permissible with consent. The proposed development would provide enhanced telecommunications to the local area and enhanced communications in the area are key to the efficient daily working of the ports and associated facilities.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal would not adversely impact on the natural environment.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal would not adversely impact heritage the heritage significance of the Glebe Island Silos or any other items, including any existing or potential archaeological remains.
(g) to promote good design and amenity of the built environment,	The proposal would not adversely impact the amenity of the surrounding area.
(h) to promote the proper construction and maintenance of buildings, including	The proposed upgrades would be installed, maintained, and operated in accordance with the relevant standards and codes.

the protection of the health and safety of their occupants	
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Minister is the consent authority for this application. The Department has consulted with Council (Section 5).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Section 5 sets out the details of the Department's public exhibition of the DA.

Table 2 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposal complies with the relevant legislation as addressed in Section 4 and Appendix C .
(a)(ii) any proposed instrument	Consideration of proposed instruments is provided below.
(a)(iii) any development control plan	The site is not subject to the Leichhardt Development Control Plan 2013.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees.
(a)(v) (repealed)	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has assessed the likely impacts of the development and considers they are acceptable and/or have been appropriately managed by recommended conditions (Section 6 and Appendix D).
(c) the suitability of the site for the development	The site is suitable for the development (Section 6).
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (Sections 5 and Appendix B)
(e) the public interest	The Department considers the proposal to be in the public interest (Section 6).

Protection of the Environment Operations Act 1997 (POEO Act)

The NSW *Protection of the Environment and Operations Act 1997* (POEO Act) requires the regulation of environmental pollutions (ie noise, air and water pollution) from scheduled activities via an Environment Protection Licence (EPL).

The proposed development is not a scheduled activity under Schedule 1 of the POEO Act.

Telecommunications Act 1997

The Federal *Telecommunications Act 1997* is the principal Act that governs the activities of telecommunications carriers. Underpinning this act is the *Telecommunications Code of Practice 2021* and the *Telecommunications (Low-impact Facilities) Determination 2018* which enable telecommunication carriers to inspect land, maintain facilities, connect subscribers to an existing network, or install any declared “low-impact facilities” or temporary defence facilities as exempt development without reference to State and Territory laws.

The Glebe Island Silos are identified as being of heritage significance and as such the existing mobile base station is in a ‘significant environment area’ and cannot satisfy the requirements of a ‘low impact facility’. The proposed upgrade works, therefore, cannot be undertaken as exempt development and consent is sought for the proposed upgrade works via a development application which is subject to NSW planning instruments and regulations considered further below.

The installation and maintenance of the proposed upgrades will be in accordance with the provisions of the *Telecommunications Code of Practice 2021*, the Industry Code C564:2020, and the *NSW Telecommunications Facilities Guideline including Broadband 2010* where relevant.

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs and guidelines were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021.

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

SEPP Eastern Harbour City seeks to facilitate the development, redevelopment, or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State (State Significant Precincts) for the benefit of the State.

Part 2.2, clause 2.8 of the Eastern Harbour City SEPP identifies the site (land-based components) is located within the Sydney Harbour Port and Employment Related Lands area. Any development in this area with a capital investment value (CIV) below \$10 million requires development consent from the Minister when the development is carried out by a person other than a public authority.

The CIV for this development is less than \$10 million and therefore the Minister for Planning is the consent authority under SEPP Eastern Harbour City.

Chapter 4, Part 4.2 of SEPP Eastern Harbour City provides planning principles for development within the area identified as City West. The site is located within the Bays Precinct part of the City West area, and the Department has considered the relevant provisions of the SEPP in **Table 3**.

Table 3 | Chapter 4 – City West – SEPP Eastern Harbour City

Criteria	Department's Consideration
<p>Clause 4.1 Areas covered by this Chapter</p> <ul style="list-style-type: none"> This plan applies to the land shown on Map. This plan does not apply to land to which the Sydney Local Environmental Plan 2012 applies. 	<p>The site is located on land shown on Map 1 of the City West area.</p>
<p>Clause 4.2 Precincts</p> <p>The City West area incorporates four precincts</p>	<p>The site is located within the “Bays Precinct”.</p>
<p>Clause 4.3 Aims of this Chapter</p> <p>This plan aims to establish planning principles and controls and promote the orderly and economic use and development of land.</p>	<p>The proposal is consistent with the orderly and economic use of the land, as the site is zoned for port and employment use and is located within an existing working port.</p> <p>The proposed development seeks to improve network coverage and the capacity of the existing telecommunications facility that services the White Bay port facilities. Enhanced communications assist with the efficient daily operations of the port and associated facilities.</p>
<p>Clause 4.8 Planning principles of regional significance for City West</p> <p>Provides a set of planning principles for land within City West.</p>	<p>The proposal supports existing and future development in the region and would not have any adverse environmental impacts (Section 6).</p>
<p>Clause 4.13 Planning principles of regional significance for Precincts</p> <p>Provides a set of planning principles for land within the Bays Precinct.</p>	<p>The proposal is consistent with the Bays Precinct planning principles as it:</p> <ul style="list-style-type: none"> improves network coverage and capacity to reinforce and complement the role of the precinct as a major inner harbour port does not impact the existing siting or form of development, relating only to the existing mobile base station on the roof of the building would not have adverse environmental impacts (Section 6).
<p>Clause 4.14 How Land is zoned</p> <p>The zoning of the land is shown on Map 2.</p>	<p>The site is located on land zoned Port and Employment as identified on Map 2.</p>
<p>Clause 4.21 Port and employment zone</p> <p>Only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible.</p> <p>The objectives of the Waterfront Use Zone are:</p> <ul style="list-style-type: none"> to facilitate the continuation of commercial port uses, and to allow a range of commercial port facilities (such as buildings, structures, activities or operations and uses ancillary to these, associated with carrying goods from one port to another and associated with storage and handling and access to the port), and 	<p>The proposal is consistent with the relevant objectives and is, therefore, permissible within the zone as discussed in Section 4.2.</p>

- to encourage development on Glebe Island and land adjoining White Bay which requires close proximity to the port, and
- to encourage a mix of land uses which generate employment opportunities, particularly in relation to port and maritime uses, and
- to allow a mix of uses which generate employment opportunities in the White Bay Power Station site, and
- to provide for the ongoing rail access to the port and related activities, and
- to provide pedestrian and cyclist links with surrounding public access networks, and
- to encourage port-related uses which optimise use of existing rail facilities, and
- to provide road and rail access to port activities.

Clause 4.36 Heritage items and heritage conservation areas

Heritage items are identified on Map 4 and described in Schedule 4.

Conservation areas are identified on Map 4.

The mobile base station is located on the Glebe Island Silos, which are shown on Map 4 and described in Schedule 4.

Clause 4.37 General considerations

Development of or including a heritage item, in the vicinity of a heritage item, or within a conservation area, must be compatible with the conservation of the heritage significance of the item or the character of the conservation area.

The proposed upgrade works relate to an existing mobile base station, and as such will not adversely impact the current form or setting of the Glebe Island Silos or any other surrounding heritage items.

Clause 4.38 Duty of consent authority

Before granting consent to any such development, the consent authority must consider:

- the heritage significance of the heritage item or conservation area, and
- the impact that the proposed development will have on the heritage significance of the heritage item and its setting or the conservation area, and
- the measures proposed to conserve the heritage significance of the heritage item and its setting or the conservation area, and
- whether any archaeological site or potential archaeological site would be adversely affected.

The proposed development would not adversely impact the heritage significance of the Glebe Island Silos or any other items as detailed in **Section 6.3**. Further, the site is not identified as being close to items of Aboriginal archaeological heritage.

Clause 4.39 Conservation management plans and heritage impact statements

The consent authority must decline to grant consent for development relating to a heritage item or conservation area unless it has taken into consideration a conservation management plan or heritage impact statement which includes an assessment of the matters listed in section 4.38.

The Department has had regard to the considerations in clause 4.38 of the SEPP with reference to the assessment of heritage impacts contained in the SEE and RtS. Owing to the scale and form of the proposed upgrade works, the Department finds that the development would not adversely or materially impact heritage significance.

4.41 Potential archaeological sites

Before determining an application for consent to development on land identified in an urban development plan as a potential archaeological site, the consent authority may request a report on the likely impact of the development on any archaeological material.

The SEE was accompanied by a search of the Aboriginal Heritage Information Management Systems (AHIMS) which confirmed that there are no items of Aboriginal archaeological heritage known to be located on, or in the vicinity of, the site. Further, the proposed works do not involve any on-ground or below ground works meaning there is no potential to impact archaeological remains.

Clause 4.48 Requirement for and use of Master Plans

The consent authority must consider the relevant Master Plan.

The proposal is generally consistent with the Glebe Island and White Bay Master Plan 2000 discussed further below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour catchment area and is in the foreshores and waterways area. No items of heritage significance are identified on the site, and the site is also not zoned under this SEPP.

The Department has considered the relevant provisions of the Biodiversity and Conservation SEPP and finds that the proposal is consistent with the aims of the Sydney Harbour Catchment and Foreshores and Waterway Area, and the relevant matters for consideration, as it:

- would not result in any adverse impacts to Sydney Harbour
- would not have any significant adverse impact on the biodiversity or ecology of the area
- would not impact or alter public access of the foreshores and waterways
- is compatible with the site's use as 'Port and Employment' related functions
- would not result in any significant adverse visual impacts
- would support the continued operation of the ANZAC Bridge and White Bay port facilities as well as parts of the suburbs of Rozelle, Glebe and Pyrmont.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport and Infrastructure) contains provisions for the development of telecommunication facilities in NSW. Specifically, Division 21 of the SEPP details the applicable planning pathway for telecommunications works and the relationship of works to the Federal *Telecommunications Act 1997* and any guidelines published for development requiring consent.

As detailed in **Section 4.2**, clause 2.143 of SEPP Transport and Infrastructure states that development for the purposes of a telecommunications facility (other than exempt development or development not requiring consent) may be carried out by any person with consent on any land.

For development requiring consent, the consent authority is required to consider any guidelines concerning site selection, design, construction, or operating principles for telecommunications facilities that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.

The *Telecommunications Facilities Guideline including Broadband 2010* applies to telecommunication facilities in NSW and was published prior to making this development application, meaning it applies under clause 2.143(2) of the SEPP. It contains the following principles:

- Principle 1: a Telecommunications facility is to be designed and sited to minimise visual impact
- Principle 2: telecommunications facilities should be co-located wherever practical
- Principle 3: health standards for exposure to radio emissions will be met
- Principle 4: minimise disturbance and risk and maximise compliance.

The Department considers the proposed development is consistent with these principles, noting:

- the proposed upgrades to the existing mobile base station would not impact the design and appearance of the silos and the visual impact will be minimal and generally consistent with the existing site
- the proposed upgrade works do not require the removal or management of any vegetation
- the existing and upgraded facilities are required to be above ground to connect to the wider network, and cannot be relocated underground
- the cumulative EME levels of the upgraded facilities and all other carriers on this site is estimated to be 1.67 % of the ARPANSA public exposure limits
- the existing and upgraded facilities do not penetrate the Obstacle Limitation Surface for Sydney Airport, and will not interfere with any other civil and military communication facilities
- the upgraded facilities will be installed in accordance with relevant manufacturer specifications and the requirements of all relevant Australian Standards and the Industry Code.

Glebe Island and White Bay Master Plan 2000

The Glebe Island and White Bay Master Plan (Master Plan) provides principles, provisions and actions that aim to implement the requirements of SREP 26 (now SEPP Eastern Harbour City).

The proposed development is compatible with the design of the Glebe Island Silos and the context of the site as a working port. Overall, the proposal would comply with the relevant provisions of the Master Plan.

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the project in relation to ESD principles. The precautionary and inter-generational equity principles have been implemented throughout the decision-making process and assessment of the DA's environmental impacts are detailed in **Section 6**.

Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1) have been complied with.

Appendix D– Recommended Instrument of Consent

The recommended conditions of consent can be found on the Department's website at:

<https://pp.planningportal.nsw.gov.au/daex/exhibition/glebe-island-silos-telecommunications-upgrade-da-229116>