

Joint Regional Planning Panel (Southern Region) 21/22 October 2010 - Supplementary Report

JRPP Reference No:	2010STH011
DA No:	RA10/1003
Proposed Development:	Mobile Phone Telecommunications Facility, No.3 Geary Place, North Nowra (Lot 1 DP 1036505)
Applicant:	Aurecon for Telstra Corporation Pty Ltd
Report By:	Peter Marczuk, Shoalhaven City Council

PURPOSE OF SUPPLEMENTARY REPORT

This supplementary report has been prepared to provide the Joint Regional Planning Panel (JRPP) with:

- a) Details on the additional information that has been provided by the applicant to address the recommendation from the JRPP meeting on 8 July 2010; and
- b) Additional information on submissions received since the JRPP meeting on 8 July 2010.

This supplementary report should be read in conjunction the updated Section 79C Assessment for the submitted application which is attached to this report.

Background

The following provides a summary of key events associated with RA10/1003 (JRPP Ref No. 2010STH011) since the JRPP meeting at Shoalhaven City Council on 8 July 2010:

- 8 July 2010: The JRPP considered Council staff's Section 79C Assessment Report and recommended that:

"The application be deferred to allow the applicant to:

- a) Prepare an adequate analysis of the visual impact, particularly when viewed from McMahons Road, the adjoining residential area and sensitive environmental areas;*
 - b) Investigate opportunities to provide an alternative location for the facility on the subject site that results in a reduced visual impact on adjoining properties;*
 - c) Provide a more detailed analysis of alternate sites based on opportunities and constraint, and to minimize impacts on residential premises; and*
 - d) Provide a specific response to visual assessment issues raised in the objections.*
- 14 July 2010: JRPP endorsed minutes from its meeting on 8 July 2010 provided to Council. Letter sent to the applicant notifying of JRPP resolution and requesting the submission of the outstanding information be submitted by 11 August 2010.
 - 15 July 2010: Follow-up email sent to the applicant containing a copy of Council's letter dated 14 July 2010.

- 26 July 2010: Submission received from Mr Vercoe (adjoining land owner - 125 McMahons Road) requesting in part to be kept informed of developments and outlining concerns with the application (see **Attachment 'A'**).
- 29 July 2010: Letter sent to Mr Vercoe regarding progress of the application.
- 17 August 2010: Letter sent to Mr Vercoe regarding progress of the application. Follow-up letter sent to applicant requesting update on progress of providing previously request additional information.
- 20 August 2010: Applicant contacted by phone regarding Council's letters dated 14 July 2010 and 17 August 2010. Applicant was reminded that the information requested was now overdue. The applicant advised that a visual impact assessment has been carried out and indicated that the required information would be provided by 27 August 2010.
- 9 September 2010: Email from the applicant containing analysis of alternative sites (see **Attachment 'B'**) and visual assessment/ photomontage (see **Attachment 'C'**).
- 10 September 2010: Email from the applicant containing amended plan and elevation (see **Attachment 'D'**).
- 20 September: Email from the applicant containing a Visual Impact Assessment prepared by Ingham Planning Pty Ltd (see **Attachment 'E'**).

Discussion of JRPP Resolution to Defer Determination:

The following provides details and comments on the additional information that has been submitted to address each of the recommendations made by the JRPP at its meeting on 8 July 2010.

- a) *Prepare an adequate analysis of the visual impact, particularly when viewed from McMahons Road, the adjoining residential area and sensitive environmental areas;*

Applicant's Submission/Comment: The applicant has submitted an additional four photo montages from locations in Geary Place, Drexel Park, McMahons Road/Judith Drive and McMahons Street (see **Attachment 'C'**). These have been prepared with the use of a cherry picker to enable the height and location of the structure within the landscape to be assessed. In addition a separate Visual Impact Assessment from Ingham Planning Consultants Pty Ltd has been submitted (see **Attachment 'E'**). The Visual Impact Assessment provided supports the applicant's Visual Assessment/ Photomontage.

According to the Visual Impact Assessment, *"An objective visual impact assessment should have regard to the visual character, qualities and physical setting of the location of the proposed communications facility."* For example, *"where visual character and setting is of good quality or high visual significance, for example due to its attractive visual qualities or uniqueness, then the visual impact of a development is of particular importance"*.

The Visual Impact Assessment outlining that *"the industrial locality within which the facility is to be installed could not be characterized as one of high visual quality. The Geary Place industrial area is of low to moderate visual quality, dominated by industrial buildings of low to moderate architectural merit"*.

The Visual Impact Assessment concludes in part that *"the proposed facility, at the revised reduced height of 25 metres whilst visible from nearby properties and from the western section of McMahons Road, will have an acceptable visual impact in the streetscape or*

within the locality and minimal if any visual impact from properties further distant". In addition, "the revised design deleting the relatively bulky antennae headframe option in favour of vertical antennae panels directly mounted on the pole is a significant improvement in terms of visual impact. Any consent issued should require that the pole and antennae be of a light colour, such as light gray or similar colour compatible with the skyline".

In addition, a number of recommended mitigation measures and/or conditions are suggested which include requiring a light colour for the pole (i.e. light grey), provision of tree planting on the development site to assist in screening (i.e. in the vicinity of the southern boundary of the site).

Comment: It is acknowledged that the proposed development will have a visual impact on this locality. It is however considered that the measures outlined above, would substantially reduced the visual impact of the proposed monopole structure on the adjacent and surrounding residential areas, particularly the reduction in the height of the monopole by 10 metres, to have a maximum height of 25m to the top of pole. In addition, the intention to "collar mount" the antennas instead of installing a headframe and the tree screen along the southern and western boundaries of the subject site will minimise any visual impacts and loss of amenity.

The applicant has identified the need, and has taken the opportunity to reduce the height of the monopole by approximately 30% and has incorporated additional measures such as screening the facility with vegetation to the southern and western sides of the subject property. These trees should be capable of reaching a mature height of 15-16 meters and therefore would significantly reduce the visual impact of the proposal on surrounding properties.

Nevertheless, the proposed development would still have a visual impact on the immediate locality, particularly on the residential area to the south, albeit to a lesser degree than previously proposed. From a distance the structure is unlikely to have a significant impact on the visual quality of the wider environment.

If approved, suitable conditions should be imposed on the development in order to minimise the visual impact of the monopole on the nearby residential area, including the recommendations contained in the Visual Impact Assessment by Ingham Planning Pty Ltd.

- b) Investigate opportunities to provide an alternative location for the facility on the subject site that results in a reduced visual impact on adjoining properties;*

Applicant's Submission/Comment: The applicant has advised that they have met with the sites land owner and have had discussions in relation to alternative locations including the option of relocating the structure to the front of the property. This suggestion was not seen as acceptable with support/owners consent for the current application to be withdrawn if the proposal in its current location was not deemed suitable.

Comment: Council has contacted the sites owner who has confirmed that they are not willing to look at alternative locations on the subject land for the proposed structure.

- c) Provide a more detailed analysis of alternate sites based on opportunities and constraint, and to minimize impacts on residential premises;*

Applicants Submission/Comments: The applicant states that the Alternative Site Analysis provided has been based on the opportunities and constraints of these alternative sites and states in part:

“in addressing this issue, it is critical to provide some context to the objectives of the cell. Each mobile facility has 3 sectors and the location or “search ring” for the new site is defined by its relationship to existing cells. Mobile coverage fails if the cell is either too far away from the surrounding cell (a coverage gap) or too close to surrounding cells (an overlap that causes interference). The 3 surrounding Telstra sites are:

- Nowra Exchange - 3.3km E*
- Bomaderry - 2.7km NNE*
- Nowra West - 3.7km SE”*

The alternative sites investigated are shown in **Attachment ‘B’**. The assessment provides additional commentary on eight (8) alternative sites, several of which have been suggested by one of the objectors.

The applicant concluding that *“the site selection is based on the need generated by users of the network and the technical criteria applying to the locations of surrounding sites”*. The applicant also advising that consideration has been given to land zoning within the search ring, with the subject site being within the only industrial precinct in the western portion of the North Nowra locality that is otherwise predominantly residential in nature.

Comment: The applicant does not provide a definitive conclusion to the Alternative Site Analysis, but instead appears to rely on a statement made early in the analysis that *“the purpose of the new site is to fill in the gap within the space defined by these surrounding cells”*.

It is acknowledged that as part of the search and assessment process, the applicant has taken into account the basic zoning, land-use attributes as well as the ability to secure long-term tenure. In addition, it is noted that the ideal location, from a geographic perspective would have been at the intersection of McMahons Road and Illaroo Roads, however due to land zoning this site is not appropriate. In addition all other sites investigated appear to have locational problems (i.e. proximity to existing base station sites, sensitive land uses, etc). Consideration of landuse/zoning has been central to its approach. From a wider community perspective, whilst the development is proposed for an area defined as an industrial zone, it is located as far as practically possible from community-sensitive locations. As noted in the attached Section 79C Assessment Report, the subject site is not located within 300m of a boarding house, primary school, the temporary William Campbell College, child-care centre, hospital or nursing home.

In summary, it is considered that based on the information provided the alternative site analysis has failed to identify another site that would better satisfy the technical criteria requirements and telecommunication needs of the wider community.

d) *Provide a specific response to visual assessment issues raised in the objections.*

Applicant’s Submission/Comment: The applicant states that the modifications that have been made to the proposed facility which include a reduction in height and removal of the need for a headframe, have reduced the visual presence of the structure. In addition the visual assessment has recommended landscaping and use of specific colours. Alternative sites have also been considered and at these locations are unsuitable. The Visual Impact Assessment provided in part states that *“Visual prominence of a building or structure does not necessarily mean that such development should be deemed unacceptable”* and *“A building or structure, such as a mobile phone tower, which is visually prominent, may be acceptable in areas with low to moderate visual amenity, but would be entirely inappropriate in an area of high visual amenity. If a proposed structure has limited visibility*

and is designed to blend into the setting, it may be readily acceptable visually, even within a setting of high visual quality.” It also acknowledges that planning controls seek to encourage facilities such as phone towers in industrial areas where they are seen to be more appropriate/ compatible with the visual character.

Comment: The comments that have been made in the objections received have been acknowledged by the applicant and have resulted in modifications to the proposed development. In this regard, the measures outlined in the applicant’s latest submission, would substantially reduce the visual impact of the proposed monopole structure on the surrounding residential properties, particularly through a reduction in the height of the monopole by 10 metres to 25m, the provision of a “collar mount” for the antennas instead of installing a headframe and the provision of a tree screen along the southern and western boundaries of the subject site.

Additional information on submissions received:

Since the application was considered by the JRPP at its meeting on 8 July 2010, an additional submission has been received by Council from an adjoining land owner who has previously raised concerns with the proposal (Mr Vercoe – 125 McMahons Road). A copy of this submission is provided in **Attachment ‘A’**. This submission outlines that they *“have had expert advice that Telstra antennae are NOT omni-directional”*. However, the submission does not provide additional information to verify this statement. According to the submission, *“Telstra aim them in the direction they want the signal to go. So, the information from the Aurecon lady that the tower on the above sites would interfere with the Bomaderry tower is not correct. The Bomaderry tower would do Bomaderry and the North Nowra tower would do North Nowra and not interfere with each other”*.

The objector is still of the opinion that the North Nowra Tower should be located at one of these above sites. The objector was also told that *“Telstra can add 5 metres to the top of a tower without any further application for approval and also that the reason why the tower has to be 35 metres is, apart from future co-sharing, the towers in the future will be carrying broadband so they have to get through trees and right inside peoples’ homes. It will not be good enough to just reach the house, it has to get inside to where their computer is”*.

The objector concludes by stating that *“As a matter of interest, McMahons Road residents receive our mobile phone signal from Nowra Hill”*.

Applicants Comment: The applicant acknowledges that the Vercoe submission raises the issue of visual impact, including consideration of a number of alternative sites. In this regard, the applicant appears to have addressed these concerns by pointing out that the proposed modifications, including the reduction in height and removal of head frame, would substantially reduce the visual presence of the facility from MacMahons Road and other surrounding locations.

Comment: The area of Nowra North is a growing residential community which contains mixed zonings such as commercial, industrial and residentially zoned land. The infrastructure required and expected by the people living and working in the area includes mobile phone and internet availability. The applicant has advised that Telstra’s aim is to meet this growing need with a high quality range of Next Generation phone services together with the most up-to-date mobile broadband internet connections. What they term to be vital commodities to the expanding private and commercial needs of this dynamic community. It is considered that the community as a whole (i.e. residential, commercial and industrial business needs) would benefit significantly from the proposal by providing enhanced mobile phone and mobile broadband internet services to the area and providing greater opportunity for competitive development.

Conclusion

Overall it is considered that sufficient additional information has been provided by the applicant to address the recommendations made by the JRPP at its meeting on 8 July 2010.

Based on the information that has been provided the proposed site is the most suitable to provide significant coverage for the area and the public would benefit by the approval of this proposal.

While the telecommunications facility will have a visual presence, the facility is important infrastructure that will provide enhanced services to customers such as the provision of improved in-building coverage to residential areas that are currently experiencing limited reception due to the undulating nature of the terrain. Additional details on the application are provided in the attached Section 79C Assessment.

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Assessment Report and Recommendation

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The application has been referred to the Joint Regional Planning Panel pursuant to Clause 13 C (b) of the State Environmental Planning Policy (Major Development) 2005 as the development is greater than 13 metres in height within the coastal zone as defined under State Environmental Planning Policy No. 71 - *Coastal Protection*.

Proposal

The development application as originally submitted has been amended. The amended application seeks approval for:

- a) A third generation (3G) mobile phone telecommunications facility comprising a twenty-five (25) metre monopole (previously 35 metres);
- b) Three (3) vertical antennae panels mounted directly on the pole (previously the panel antennas were to be mounted on a triangular headframe);
- c) An equipment shelter; and
- d) Associated landscaping along the southern and western boundaries.

Permissibility

The subject site is zoned 4(b) (Industrial "B" (Light) Zone) under the Shoalhaven Local Environmental Plan 1985 (SLEP 1985). The proposal is not listed as a prohibited use and is therefore permissible in this zone with development consent. Whilst not an industrial land use, the proposal would not compromise the existing or potential future industrial development on the subject site or in this estate. Given the telecommunications facility would assist industrial development through the provision of more reliable mobile telecommunications and wireless broadband, the proposal is consistent with the zone objectives.

Consultation

The application was notified in accordance with Council's Community Consultation Policy and five (5) submissions were received.

Main Issues

Visual impact of the tower, generation of Electro Magnetic Emissions (EME's) and the associated health Impacts of those radiation emissions.

RECOMMENDATION

It is recommended that RA10/1003 (JRPP Ref 2010STH011) be approved subject to conditions contained in Attachment 'F'.

ASSESSMENT REPORT

1. Background

a) Pre Lodgement:

Telstra has identified a need to improve digital mobile telephone and mobile broadband internet coverage in the suburb of North Nowra and the adjoining areas. It has subsequently determined that the best location to install a new mobile phone base station is at No. 3 Geary Place, North Nowra.

b) Post lodgement:

The current application was lodged on 18 May, 2010. No formal Development Advisory Unit (DAU) meeting was had prior to the applications lodgement.

Council officers during the applications assessment identified that the visual assessment provided was not sufficient. The applicant being advised of the above via letter on 19 May 2010. The requested information was provided to Council on 2 July 2010. As the Section 79C Report had been completed and forwarded to the JRPP for consideration at its meeting on 8 July 2010 it was not considered as part of Council Staff's assessment. On 8 July 2010 the JRPP considered the Section 79C Assessment Report and moved:

"The application be deferred to allow the applicant to:

- a) Prepare an adequate analysis of the visual impact, particularly when viewed from McMahon's Road, the adjoining residential area and sensitive environmental areas;*
- b) Investigate opportunities to provide an alternative location for the facility on the subject site that results in a reduced visual impact on adjoining properties;*
- c) Provide a more detailed analysis of alternate sites based on opportunities and constraint, and to minimize impacts on residential premises; and*
- d) Provide a specific response to visual assessment issues raised in the objections."*

The applicant was subsequently advised of the above resolution. Additional information to address the above was provided to Council on 9 September 2010 (information to address JRPP concerns), 10 September 2010 (amended plans) and 17 September 2010 (Visual Impact Assessment).

c) Site History:

A review of Council's computer records indicates that the subject site has had two previous applications lodged on it as summarised below:

- DA89/1777: Industrial Building; and
- BA89/1944: Industrial Factory building. Approved 24 August 1989.

2. Subject Site and Surrounding Area

The subject site:

- Is located approximately 3.3km north-west of the Nowra Central Business District;
- Is located on the southern side of Geary Place at North Nowra at the rear of a building owned by a local construction company (i.e. the southern side);
- Is adjoined to the west and east by land used for industrial purposes and to the south by land used for residential purposes or a mix of both residential and industrial purposes;
- Currently contains a metal clad industrial building;

- Has been cleared of vegetation;
- Is zoned 4(b) (Industrial "B" (Light) Zone) under SLEP 1985; and
- Has a total area of 3,228m² of which the proposed Telstra lease area will occupy approximately 60m².

Refer to **Attachment 'G'** for details on the sites location. The development site is accessed from Geary Place via a concrete driveway. The closest residential zoned land is located at No.123 McMahons Road located approximately 50m from the development site. The closest sensitive land uses are the Illaroo Co-Operative Aboriginal Corporation Retirement and Nursing Home which is located approximately 380m north-east at No.55 Judith Drive, William Campbell College located on the grounds of the Christian Outreach Centre Church, approximately 390 metres south-west of the development site on the corner of the McMahons Road and Pitt Street intersection (see **Attachment 'H'**).

3. Proposal

The development application as originally submitted proposed the installation of a 3G mobile phone telecommunications base station comprising:

- A 35m high concrete monopole;
- Initial installation of three (3) new panel antennas on a triangular headframe (each measuring 2.6 metres in length) giving an overall height of 36.3m. Telstra proposed to undertake the installation of an additional nine (9) new panel antennas on the monopole under the Low Impact Facilities notification procedure at an undetermined date in the future; and
- Installation of an equipment shelter (3m x 2.5m); and
- Security fencing.

Since the JRPP meeting on 8 July 2010, the applicant has amended the proposal and is now seeking approval for the installation of a 3G mobile phone telecommunications base station comprising:

- A 25m high concrete monopole;
- Initial installation of three (3) new panel antennas on a collar mount giving an overall height of 25m. Telstra propose to undertake the installation of an additional three (3) new panel antennas on the monopole under the Low Impact Facilities notification procedure at an undetermined date in the future; and
- Installation of an equipment shelter (3m x 2.5m);
- Security fencing; and
- Landscaping works

Refer to **Attachment 'D'** for a copy of the amended development application plans.

4. Community Consultation

In accordance with Council's Community Consultation Policy, the development application was notified as follows:

- Individual property owners within a 300 metre radius of the site were notified of the proposal (168 letters sent). The notification period was from 26th May 2010 to 17th June 2010;
- The proposal was advertised in the Local Press on two occasions (South Coast Register on 26th May 2010 and 2 June 2010); and

- The application and supporting documentation were on display at Council's City Administrative Centre, Nowra as well as on Council's website.

Four submissions were received during the consultation period. One additional submission was received when amended plans were received. Additional details on the submissions received are provided in Section 6 (Statement of Compliance) of this report.

5. Statutory Considerations

The following planning instruments and controls apply to the proposed development:

- State Environmental Planning Policy (Major Development) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No.55 – Contaminated Land;
- State Environmental Planning Policy No.71 – Coastal Protection;
- Deemed SEPP (Illawarra Regional Environmental Plan);
- Shoalhaven Local Environmental Plan 1985 (as amended);
- Draft Telecommunications Facility (Mobile Phone Towers) Policy;
- Development Control Plan No.18 – *Car Parking Code*;
- Development Control Plan No.93 – Waste Minimisation and Management; and
- Shoalhaven City Council Section 94 Contribution Plan (as amended).

Additional information on the proposal's compliance with the above documents is detailed below in Section 6 (Statement of Compliance/Assessment) of this report.

6. Statement of Compliance / Assessment

The following provides an assessment of the submitted application against the matters for consideration under Section S79C of the Environmental Planning and Assessment Act 1979 (EPA Act).

S79C(1)(b) Any planning instrument, draft instrument, DCP's and regulations that apply to the land

- State Environmental Planning Policy (Major Development) 2005 (SEPP 2005): The provisions of SEPP (Major Development) 2005 apply to the proposed development. The clauses/matters contained in SEPP 2005 that have relevance to this application are overviewed below:
 - Clause 13C (Coastal development to which this part applies): As previously indicated in accordance with the requirements of Clause 13 C (b) the submitted application is classified as "regional development" with the determining authority for the application being the JRPP (Southern Region). Accordingly, this application is referred to the Joint Regional Planning Panel pursuant to the relevant provision of SEPP (Major Development) 2005 for its determination.
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007): The provisions of SEPP 2007 apply to the proposed development as the proposed facility is consistent with the definition of 'telecommunications facility'. In accordance with the requirements of SEPP 2007, the proposed development does not satisfy the criteria identified under Clause 114 - *Development permitted without consent*, and is, therefore, considered as being development permitted with development consent. Accordingly, this development application seeks the required development consent.

iii. State Environmental Planning Policy No.55 - Remediation of Land (SEPP 55): The provision of SEPP 55 apply to the site. Under Clause 7 of SEPP 55, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. In this regard, an initial evaluation of the subject land indicates that:

- A potentially contaminating activity has not been previously conducted on the property;
- No records exist at Council to indicate or identify that the subject land is contaminated; and
- There is no land use restrictions relating to possible contamination affecting the land.

Further to the above, the proposed works are not affected by the requirements of Clause 9, 10, 12, 13, 15, 16 and 17 of SEPP 55.

As such, there is no reason to suspect contamination and it is considered that the land is suitable for the proposed development.

iv. State Environmental Planning Policy No.71 - Coastal Protection (SEPP 71): The provisions of SEPP 71 apply to the site as it is located within the 'coastal zone' as defined by SEPP71. The clauses/matters contained in SEPP 71 that have relevance to this application are overviewed below:

- a) Clause 8 - *Matters for consideration*: It is considered that the proposal is consistent with the requirements of this clause as the proposal:
- would not impact or impinge on public access to or along the coastal foreshore;
 - is located approximately 520 metres landward of the coastal foreshore (i.e. Shoalhaven River). As such, the proposal is considered suitable development having regard for existing surrounding land uses;
 - would not lead to excessive overshadowing of foreshore areas;
 - would not diminish the scenic qualities of the foreshore area;
 - would not have an adverse impact upon flora and fauna;
 - would not impact upon wildlife corridors;
 - would not lead to a conflict between land based and water based coastal activities;
 - would not impact upon the water quality of coastal water-bodies; and
 - would not impact upon aboriginal heritage.
- b) Clause 13 - *Flexible zoning provisions*: Flexible zoning provision clauses in the Shoalhaven Local Environmental Plan do not impact upon or apply to this development site.
- c) Clauses 14 - *Public access*: The proposed site is located on land that has previously been developed for the provision of industrial infrastructure. The land does not have, or provide, direct access to the Shoalhaven River. As such, it is considered that the proposal would not affect the catchment environs of the River and given the sites location will not impact upon public access to or along the coastal foreshore.
- d) Clause 15 - *Effluent disposal*: No effluent disposal is proposed as part of this application.
- e) Clause 16 - *Storm-water*: The only hard-stand area would be the roof of the equipment shelter and all run-off from the roof would be wholly contained within the compound leased area. The ground within the compound would be covered with loose gravel, allowing the natural percolation of water through to the water table. It is considered that the proposed development would not result in untreated stormwater being discharged into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

Other parts of SEPP 71 relating to “significant coastal development” and “master plans” do not apply to the proposed works. In summary, it is considered that the proposed development does not conflict with the aims and applicable provisions of SEPP 71.

- v. Deemed State Environmental Planning Policy - Illawarra Region Environmental Plan (IREP): The provisions of Deemed State Environmental Planning Policy - IREP, affect the subject land. An assessment against the requirements of the IREP indicated that the subject land is not identified as a wildlife corridor, land of prime crop and pasture potential, land supporting rainforest vegetation, land containing extractive materials, land containing coal resources or land that is part of the sub regional commercial centre. It is however identified as land with landscape or environmental attributes.

The clauses/matters contained in the IREP that have relevance to this application are overviewed below:

- a) Clause 3 of the IREP contains the aims and objectives of the plan. It is considered that the submitted proposal does not conflict with the general aims and objectives as outlined in this clause; and
- b) The Regional Landscape and Environmental Study: The IREP contains no specific provisions that apply to land with “landscape and environmental attributes”. The Regional Landscape and Environmental Study that supports the IREP provides specific recommendations for broad areas of the south coast, including the North Nowra area. In terms of the area within which the subject site is located within Unit 6: Shoalhaven Delta. The Study identifies Policy Recommendations for the area as “IIc/a” – Priority Protection. According to the Study, *“the area requires zoning to protect the riverside environment. The main component of this environment is its scenic amenity and the rezoning should be appropriate to it. Agriculture should continue but there should be no further clearing nor intensive development”*. It is noted that the priority protection requirement apply more specifically to river foreshore and rural areas north of the Shoalhaven River. However, given that the proposed development is located within the existing urban zoned area of North Nowra and this area has no recommendations for change, the priority protection requirement do not directly affect the subject application.

In summary, it is considered that the proposal does not conflict with the relevant provisions of the IREP and would achieve the relevant outcomes. It should be noted that the proposed development is not affected by the provisions of Clause 139 (Development applications-high rise buildings) as the height requirement of 11 metres contained in this clause relates to buildings not structures.

- vi. Shoalhaven Local Environmental Plan 1985 (SLEP 1985): The provisions of SLEP 1985 apply to this site. The clauses/matters contained in SLEP 1985 that have relevance to this application are addressed below:

- a) Clause 2 (Aims and Objectives): The proposed development satisfies the general aims and objectives as outlined in this clause;
- b) Clause 9 (Zone Objectives and Development Control Table): The subject land is zoned 4(b) (Industrial “b” (Light) Zone) under SLEP 1985. The objectives of this zone are:
- to provide for a wide range of light industrial development, including warehousing, processing and general light industries but excluding offensive or hazardous industries,
 - to allow non-industrial uses which are ancillary to industry,
 - to allow for retailing of bulky goods, and

- to allow other non-industrial uses that do not significantly compromise the existing or potential industrial development of the area.

The proposal is consistent with these objectives in providing infrastructure ancillary to industry that does not compromise the potential for industrial development in the area.

The proposed development, as described on the development application form (mobile phone telecommunication facility), is not listed as a prohibited use and is therefore permissible land use within the zone subject to development consent from Council (i.e. as an “in-nominate” use). Whilst “telecommunications facilities” are not defined under the Shoalhaven LEP 1985, the proposal is considered permissible development with consent in this zoning by virtue of the provisions of clause 115 of SEPP (Infrastructure) 2007.

- c) Clause 28 (Danger of Bushfire): A review of Council's Bushfire Prone Lands Map has indicated that the subject site is not identified as bushfire prone;
- d) Clause 37A (Notification of certain development): The submitted application was notified in accordance with Council's Community Consultation Policy. Refer below to the heading “S79C(1)(d) Submissions made in accordance with the Act or Regulations” of this report for further details.

In summary, it is considered that the proposed development does not conflict with the aims and relevant provisions of SLEP 1985.

- vii. Draft Telecommunications Facility (Mobile Phone Towers) Policy: The proposed development falls within the draft DCP's definitions of a telecommunications facility. According to the Draft Policy, telecommunications facilities are permitted development within the 4(b) Industrial 'B' (Light) Zone. The proposed development is not located in an area zoned as residential. The following provides an assessment against other applicable criteria:

Exempt Development: The proposed development:

- Is not defined as a Low Impact Facility under the Telecommunications (Low-impact Facilities) Determination 1997.
- Is not located in an area defined as an area of environmental significance.
- Telstra does not hold a Facility Installation Permit for the proposed development.
- The proposed development is a new development and therefore, does not meet the requirement for work carried out prior to 1 July 2000.
- The proposed development is not a temporary installation for Defence purposes.

As the proposed development does not meet any of the criteria for Exempt Development, a DA has been submitted to Shoalhaven City Council.

Maintenance of Facilities: Telstra must, at all times, maintain the facility in order to ensure the required operation and connection to the network. This maintenance would include the alteration, removal or repair of the facility as well as the monitoring of the facility's function. Telstra would provide all material and information required to establish and maintain the facility.

Telstra must also ensure that the leased compound area is well maintained in consideration of the visual amenity of the area. No vegetation would be removed as a result of this development as the area has been previously cleared for development.

Location of Telecommunications Facilities: The development is proposed for an area defined as an industrial zone and would not be located within 300m of a boarding house, primary school, the temporary William Campbell College, child-care centre, hospital or nursing home.

The increasing residential development in the Nowra North area has added considerable demand to existing facilities located in the surrounding suburbs. Telstra has established that this increased, and increasing, demand is not able to be met by existing facilities. Telstra has considered co-locating its facility with existing telecommunications infrastructure, as required under the Telecommunications Act 1997; however, no other telecommunications facilities were identified in the Nowra North area. Therefore, according to Telstra a new facility is required in the area.

Telstra selected the proposed location as it was an industrial area and Telstra considers that it has made every effort to locate the proposed development as far as possible from community-sensitive locations.

- viii. Development Control Plan No.18 - Car Parking Code (DCP 18): The proposed development does not require the formal provision of car parking within the site. The vehicles required to service the site for on-going maintenance will be a mixture of two wheel drive station wagons/sedans and four wheel drive sedans. Sufficient space currently exists within the site to allow construction and maintenance vehicles to enter the site, manoeuvre and exit the site safely. It is noted that the subject site is located within an industrial estate and service vehicles would not be accessing the site directly from a residential street.

- viii. Development Control Plan No. 93 - Waste Minimisation and Management (DCP 93): The provisions of DCP 93 apply to this development. Council's pro-forma waste minimisation and management plan (WMMP) for the construction phase of the proposed development has been submitted with the development application. It is considered that this plan does not contain sufficient details in terms of method of disposal and destination of disposal to enable the submitted plan to be approved. In accordance with the requirements of DCP 93, a WMMP is not required to be lodged at the development application stage and can be lodged prior to the release of the Construction Certificate. As such any consent, if issued should be conditioned so as to require the submission of a WMMP in accordance with the requirements of DCP 93 prior to the issue of a Construction Certificate.

In addition, as the site has not been identified as containing contamination, specific concerns are not raised regarding disposal of excavated material off-site. However, any approval, should be conditioned so as to require any materials excavated during construction where there is visual evidence or other clear identification of contamination to be stockpiled, sampled and analysed by a suitably trained environmental scientist or engineer prior to its removal from the site to determine its waste classification and appropriate place for disposal.

- ix. Shoalhaven City Council Section 94 Contribution Plan 1993: Council's Section 94 Contribution Plan applies to industrially zoned land (i.e. bushfire and administration related contributions). As the portion of the site to which this application relates has been previously developed, and as the new proposed use will not result in an intensification of the usage of the site over that previously approved, no opportunities exist for the levying of additional/new contributions on the current application.

S79C(1)(b) Likely impact of that development on the Natural and Built Environment and Social and Economic impacts in the Locality.

- Construction Materials:

The equipment shelter associated with the development is proposed to be constructed from colorbond panels and is to be acceptable in colour. Fencing around the site is proposed to be galvanised chain wire fencing. It is considered that these materials are

satisfactory given the fence and shelter structure will be out of the line of sight of the residential properties to the west.

- Context and Setting:

Notwithstanding its reduced height of 25m, the telecommunications tower would still be visible from a number of locations. The applicant has submitted a Visual Impact Assessment as part of this application. In this regard, essentially, the submitted Visual Assessment has not changed the original conclusions relating to the visual impact that would result from the development. It appears however, that the applicant has identified the need, and has taken the opportunity to reduce the height of the monopole by approximately 30%. In addition, it is noted that the visual assessment recommends screening the facility with vegetation to the southern and western sides of the subject property. These trees should be capable of reaching a mature height of 15-16 meters and should significantly reduce the visual impact of the proposal.

Nevertheless, it is considered that the proposed development would still have a visual impact on the immediate locality, particularly on the residential area to the south, albeit to a lesser degree than previously proposed. It is also considered that the impact from a distance is unlikely to have a significant impact on the visual quality of the wider environment in general. As such, the original recommendations regarding the wider visual impact has not changed in that the proposed development should not be refused on the grounds of visual impact. Refer to Attachment 'C' for the applicant's Visual Assessment and Photomontage.

Refer below to Visual / Scenic Impact for more detailed assessment of issues associated with the visual impact of the proposed development on the surrounding area.

- Economic Impacts:

It is anticipated that the proposed development would have a positive economic impact during the construction phase with regard to short-term employment opportunities. In the longer term, it is considered that improved mobile phone and wireless internet coverage would provide a positive benefit to the economy of the local community. The tower facility would make additional telecommunications services available to the local community, including tourists and business generally. Such telecommunications services are currently unavailable or, if available, are not of an acceptable standard.

Improved mobile phone and wireless internet coverage would also increase and enhance the communication capabilities of local emergency services organisations and, in turn, have the potential to facilitate greater efficiency and reliability in these services.

- Noise:

It is expected that some noise will be created during the construction phase of the development. However, this would be of short duration and would be in accordance with relevant guidelines for construction site noise contained within the EPA Environmental Noise Control Manual. Construction noise levels would not exceed these guidelines and construction would only occur during the hours of 7.00 am to 6.00 pm. Such noise would be similar to the volume generated from normal dwelling construction works and would be generated for a considerably shorter period of time. Given that the nearest residential property is located approximately 60m from the subject site, it is considered that construction noise generated should not adversely impact adjoining lands. Notwithstanding the above, any adverse impact can be minimised through the imposition of a condition limiting construction hours.

The only noise emitted by the facility would be associated with a small air conditioning unit attached to the proposed Telstra shelter, which would produce a sound level similar to that of domestic air conditioners. In terms of ongoing noise, it is anticipated that that the development, once operational, would not generate any noise and, given the separation from the closest residential property boundary, no impact should be had. Any

issued development consent should however be conditioned so as to limit any ongoing noise generated at the boundary of the nearest effected residence.

- Sediment and Erosion Control:

It is anticipated that only minimal works would be involved in the erection of the tower facility at ground level. However, there is a need to ensure adequate water and soil control management during the construction of the proposed development. In this regard, it is noted that an erosion and sediment control plan (ESCP) has not been submitted as part of this application. However, in the event of approval, the development consent would be conditioned to require an ESCP to be prepared by a suitably qualified/experienced person. Such an ESCP needs to be based on the Landcom manual "Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004" and should be submitted and approved prior to the issue of a Construction Certificate. In addition, to ensure that no sediment and/or contaminated material leaves the site, a condition would be imposed requiring the proposed erosion control measures to be installed prior to the commencement of any works.

- Social Impacts:

The proposed development would provide improved mobile phone coverage and wireless internet coverage to the surrounding areas. During the construction phase, the proposed development would result in a marginal increase in traffic along McMahons Road and Pitt Street. It is considered that McMahons Road is capable of accommodating the increased traffic generated. As addressed above, given the development would be seen from some adjoining areas, the proposed development would have a potential visual impact. However, it is considered that, given the location of the site within an industrial estate, visual impact is likely to be minimal.

Further, the discharge of electromagnetic emissions (EME) and the associated health impacts is considered to be a potential social impact. As currently submitted, the proposal is compliant with applicable regulations in terms of EME emissions. In this regard it is noted that the predicated EME levels would be significantly below the Australian Communications and Media Authority Standard. Notwithstanding the above, in the event of approval the development consent would be conditioned to require certification that the facility is complying with the predicated EME levels facility prior to the commencement of operations. In addition, to ensure levels would not be exceeding the predicated EME levels, conditions should be imposed requiring a validation report to be submitted within 12 months of the facility commencing operations. Additional discussion on some of the above issues is provided below in Section 7 (Other Issues).

In summary, based on the submitted information, it is considered that the proposed development would have minimal adverse social impact.

- Threatened Species:

A review of Council records has indicated that the following threatened species have been sighted or have been located within 1km of the subject site:

- Glossy Black-Cockatoo sighted approximately 330m from the subject property;
- Powerful Owl sighted approximately 650m and 790m from the subject property;
- Yellow-bellied Glider sighted approximately 640m and 990m from the subject property;
- Nowra Heath Myrtle *Triplarina nowraensis* located approximately 710m from the subject site.

The site of the proposed development is located within land that has been previously heavily disturbed (i.e. currently 100% developed) and contains no established native/natural vegetation. A pro-forma Threatened Species Preliminary Site Assessment has been undertaken and has confirmed that, given the current level of disturbance on the site, it is highly unlikely that any threatened flora/fauna would be impacted upon directly or

indirectly and, as such, no further assessment is required. It is therefore considered that the proposed development would have no impact on threatened fauna or flora or their habitats.

- Traffic and Access:

Access to the development site from Geary Place is via a concrete driveway. Access to the site is constructed to a suitable standard and is of a sufficient width to accommodate construction and service/maintenance vehicles. Once constructed, vehicle generation is estimated to be one vehicle a week. As such, no additional works are required. A truck would be used to deliver equipment to the site and a small crane used to lift most of the equipment into place. The crane and truck would need to be parked at the site for approximately two days. During construction, there would be a temporary (i.e. up to three weeks) addition of a maximum of ten private vehicle trips per day associated with workmen assembling the equipment. Ample parking is available in the vicinity for these vehicles and these movements would not impact on local traffic. Traffic from this construction would only occur from the hours of 7.00am to 6:00pm.

The base station facility is unmanned but would require maintenance checks quarterly or as required in the event of an electricity failure or other similar event. Routine maintenance would involve one vehicle per visit per quarter and parking would be available on-site for this purpose. Other maintenance would occur on a needs basis but would not involve significant traffic generation.

- Visual / Scenic Impact:

It is considered that even though the proposed site is located within the coastal zone and notwithstanding that the structure exceeds 13m in height, it is located over 500m from the Shoalhaven River northern foreshore. An extensive grove of tall mature trees along the embankment of the river, together with other vegetated areas projecting northwards towards the subject site area, would provide significant screening of the site from vantage points along the river. There are also extensive residential and some light industrial / commercial developments in this area providing further significant screening of the proposed development. It is considered, therefore, that the proposal would not have a significant impact upon the coastal environment.

- Visual Impact Assessment:

The development is now supported by the late submission of a Visual Impact Assessment prepared by Ingham Planning Pty Ltd. Essentially, this Visual Impact Assessment agrees with the Applicant's Visual Assessment and Photomontage that was submitted earlier.

According to the Visual Impact Assessment, *"An objective visual impact assessment should have regard to the visual character, qualities and physical setting of the location of the proposed communications facility."* For example, *"where visual character and setting is of good quality or high visual significance, for example due to its attractive visual qualities or uniqueness, then the visual impact of a development is of particular importance"*.

The Visual Impact Assessment points out that *"the industrial locality within which the facility is to be installed could not be characterized as one of high visual quality. The Geary Place industrial area is of low to moderate visual quality, dominated by industrial buildings of low to moderate architectural merit"*.

The Visual Impact Assessment concludes by stating that *"the proposed facility, at the revised reduced height of 25 metres whilst visible from nearby properties and from the western section of McMahon's Road, will have an acceptable visual impact in the streetscape or within the locality and minimal if any visual impact from properties further distant"*. In addition, *"the revised design deleting the relatively bulky antennae headframe option in favour of vertical antennae panels directly mounted on the pole is a significant improvement in terms of visual impact. Any consent issued should require that the pole and*

antennae be of a light colour, such as light gray or similar colour compatible with the skyline”.

In addition a number of recommended mitigation measures and/or conditions are suggested which include requiring a light colour for the pole (i.e. light grey), provision of tree planting on the development site to assist in screening (i.e. in the vicinity of the southern boundary of the site).

In the event of approval, suitable condition would be imposed on the development in order to minimise the visual impact of the monopole on the nearby residential area, including the recommendations contained in the Visual Impact Assessment by Ingham Planning Pty Ltd.

- General Location:

It is considered that the proposed development would be consistent with other existing physical elements such as existing power poles, overhead power lines, electricity distribution poles (up to 20m in height), radio transmission tower at radio station 2ST, the major electricity transmission line that runs through the area less than 200 metres to the east of the subject site and sporting oval lighting towers located in the vicinity of the subject site - all of which protrude into the skyline.

The allotments to the south of the subject site have split industrial/residential zonings, with industrial buildings located at the rear (northern end) of these properties immediately behind (south of) the subject tower site. The land between McMahons Road and the subject site is designed to allow for industrial uses to be located at the rear and dwellings addressing the street.

- Residential Properties located on the Northern side of McMahons Road:

The houses located closest to the facility on the northern side of McMahons Road (i.e. to the south of the proposed facility) will have direct views of the proposed monopole looking north. Whilst the subject area is located within an industrial complex, the facility would have a visual presence, particularly for those residential/industrial allotments close to the southern side of the development site. Whilst the visual impact is somewhat interrupted by the adjoining split-zone land uses, it is considered that the current northern outlook from these residential/industrial properties would be altered given the height of the tower and the relative distance to these properties.

- Visual Impact on the Wider Area:

As noted in the previous report, from a distance of 500m to 5km from the site, views of the proposed structure are likely to be largely restricted by the natural topography and other natural and man-made physical features. Given the presence of existing vegetation for example, it is considered that vision would not be specifically drawn to the structure. It is therefore unlikely that the proposal would significantly alter the existing landscape or impact upon the visual amenity from a distance. The immediate area is characterised by industrial allotments and allotments that have a split industrial/residential zoning. This area provides for people wishing to live near their businesses.

In summary, whilst it is acknowledged that the proposed development is likely to have some degree of visual impact on the immediate locality, it is considered that the impact from a distance is unlikely to have a significant impact on the visual quality of the wider environment in general. As such, it is considered that the proposed development should not be refused on the grounds of visual impact. Refer to **Attachment ‘E’** for a copy of the applicants Visual Impact Assessment.

S79C(1)(c) Suitability of the Site for the Development

As part of its assessment process, the applicant has considered a number of alternative sites. The submitted Statement of Environmental Effects states that six alternative sites have been investigated. The applicant advises that there are a number of requirements that need to be addressed in site selection process. These include, but are not limited to:

- § cost factors;
- § landowner's consent and ability to obtain a suitable lease;
- § proximity to community sensitive locations;
- § minimising public exposure to EME;
- § zoning of the land;
- § minimising the visual impact on the existing environment;
- § physical characteristics of the site, incl. height and terrain;
- § ability to connect with the rest of the network;
- § opportunities to co-locate in the future;
- § environmental impacts;
- § conformance to appropriate RF coverage objectives; and
- § ability to achieve community and Council preferences.

The code applying to telecommunication facilities encourages the use of existing sites to mitigate the effects of facilities (i.e. on the landscape). Based on information that has been provided by the applicant, Council is satisfied that sufficient investigation of alternative sites has been undertaken. As the consent from current land owners has been obtained, the current site appears to provide the best opportunity for coverage while having minimal visual impact.

• Investigation of Alternative Sites:

The Australian Communications and Media Authority (ACMA) requires Telstra, and the other carriers, to balance these factors when deciding on the placement of a site. Telstra has taken all these factors into careful consideration and is satisfied that the proposed site chosen is suitable. An investigation of surrounding land uses was undertaken and it was revealed that no community sensitive sites are located within 300 metres of the proposed site.

The applicant advises that all location opportunities have been investigated, especially consultation with other Carriers as required by the ACIF Code and the Telecommunications Code of Practice 1997. The potential base station locations identified in preliminary investigations included:

- Water Reservoir, Pitt Street - this site was investigated; however, there was insufficient height to meet the necessary radiofrequency requirements. Also there is an existing child care centre next door;
- Ex-Quarry Land, Illaroo Road - this site was investigated; however, the cost of supplying power to the site was not considered to be commercially viable;
- Previous Tip Site, adjacent to Bomaderry Creek Recreation Park - this site was investigated; however, the cost of supplying power to the site was not considered to be commercially viable;
- Public Land, end of Geary Place adjacent to Drexel Park - this location was investigated; however, it was not possible to negotiate a lease with the owners;
- Private Properties, individual industrial properties in Geary Place – these properties were investigated; however, it was not possible to negotiate a lease with the owners;

- Local Radio Mast, McMahon's Road - this site was investigated as it was already developed for communications infrastructure; however, the structure was not considered to be structurally adequate to support the required additional antennas

Following extensive investigations by Telstra, the above options were discarded. According to Telstra, the selection of the proposed site has accounted for all the provisions stipulated under the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 1997*. Telstra concludes that the most appropriate location for the facility is a new monopole at the subject site of 3 Geary Place, Nowra North.

The proposed development is located within industrial zoned estate and is considered to be located at a satisfactory distance from the nearest residential/industrial properties at Nos. 125 and 123 McMahon's Road, approximately 25m to the boundary and 60m to the dwellings south of the subject site. The nearest community sensitive sites are the nursing home located at No.55 Judith Drive, North Nowra which is located approximately 300m north-east of the subject site's eastern western boundary and approximately 380m to the buildings themselves and the William Campbell College located in the Outreach Church complex 390m south-west of the subject site. (see **Attachment 'H'**).

In addition, the site allows for co-location opportunities for future expansion and would not constrain the current development potential of adjoining properties. The subject site also meets Telstra's coverage objectives that ensure the provision of good quality telecommunication coverage for the area. The site is appropriate for the development as it is currently being utilized for a commercial/industrial enterprise and the area has an industrial zoning. The site is also located over 300m away from community sensitive locations such as school and nursing homes. As such, it is considered that the site is suitable for the proposed development.

- Alternative Site Analysis:

The applicant has submitted a supplementary Alternative Site Analysis as a response to the 8th July 2010 resolution by the JRPP. The applicant states that this Alternative Site Analysis has been based on the opportunities and constraints of these alternative sites.

According to the applicant, *"in addressing this issue, it is critical to provide some context to the objectives of the cell. In this regard, each mobile facility has 3 sectors and the location or "search ring" for the new site is defined by its relationship to existing cells. Mobile coverage fails if the cell is either too far away from the surrounding cell (a coverage gap) or too close to surrounding cells (an overlap that causes interference). The 3 surrounding Telstra sites are:*

- Nowra Exchange - 3.3km E
- Bomaderry - 2.7km NNE
- Nowra West - 3.7km SE"

The applicant does not provide a definitive conclusion to the Alternative Site Analysis, but instead appears to rely on a statement made early in the Analysis that *"the purpose of the new site is to fill in the gap within the space defined by these surrounding cells"*.

As part of the assessment and search process, the applicant has taken into account the basic zoning and land-use attributes as well as the ability to secure long-term tenure.

It is noted that the ideal location, in terms of geographic consideration would have been at the intersection of McMahon's Street and Illaroo Roads. However, *"whilst there is a small commercially-zoned local centre at this location, the area and the search ring as a whole is essentially residential with some open space and special uses. The only industrial – zoned land is at the western edge of the search ring, being the Geary Place precinct"*. According to the applicant, Aurecon, this consideration has been fundamental to its approach.

The Alternative Site analysis provides additional commentary regarding alternative sites, several of which have been suggested by one of the submissions.

The applicant concludes the Site Analysis by stating that *“the site selection is based on the need generated by users of the network and the technical criteria applying to the locations of surrounding sites”*. It appears that the applicant has essentially selected a site in the only industrial precinct within the western portion of the North Nowra locality that is otherwise predominantly residential in nature.

Taking both the technical factors and the resident and JRPP factors into account the applicant is claiming substantial modifications to the facility, including a reduction in height to 25m, the removal of the headframe and screen planting.

According to the applicant, several landowners within the Geary Place Industrial Precinct (Site 5) were initially approached as part of the original site selection process. The applicant advises that, following the resolution of the JRPP on the 8th July 2010, Telstra and Aurecon re-approached several private landowners within Geary Place and it appears that some had expressed interest while several others rejected the proposal.

The applicant states that there is no one allotment within the Geary Place Industrial Area that would fundamentally alter the visual relationship with the wider land uses. It is considered however, that another location within the Geary Place precinct could potentially reduce the visual impact on nearby areas, particularly on the residential area located to the south of the subject site.

From a wider community perspective, whilst the development is proposed for an area defined as an industrial zone, it is located as far as practically possible from community-sensitive locations. As noted in the previous report, the subject site is not located within 300m of a boarding house, primary school, the temporary William Campbell College, child-care centre, hospital or nursing home.

With increasing residential development in the Nowra North, together with potential future growth and urban expansion of the area, considerable increases in the demand on the telecommunications facilities can be expected. Telstra has determined that, because this increase in demand cannot be met by existing services, a new facility is now required in the area.

It is further noted that the Alternative Site analysis has failed to identify another site that would better satisfy the technical requirements and telecommunication need of the wider community.

S79C(1)(d) Submissions made in accordance with the Act or Regulations

The application was notified by way of a public notification in accordance with Council's Community Consultations Policy and five submissions have been received. Each of the issues raised is discussed below:

- **Reduction in Property Values:**

Whilst the objector states that he has spoken to “a couple of different Real estate agents”, it is noted that no evidence is submitted in support of the claim that a 35m telecommunications monopole tower would affect property values in the area. Whilst Council has no mechanisms to compensate the objector or other property owners for any perceived reduction in property values, it is considered that the Telstra facility is vital infrastructure that would provide enhanced services to customers by providing improved coverage to residential areas that are currently experiencing limited reception due to the undulating nature of the terrain. Due to the growth of wireless broad-band inter-net

services, the proposed facility is vital for providing the much needed improvement to the quality of these connections for both the current and future usage of North Nowra residents.

In conclusion, it is considered that the net gain provided by improved telecommunications would outweigh any perceived potential loss in the property values.

- Out of Character:

The proposed development is considered to be in character with the existing landscape patterns. In this regard, the proposed development would be consistent with existing physical elements such as existing overhead power poles, power lines, electricity distribution poles, radio transmission tower and sporting oval lighting towers.

Refer above to section headed Visual / Scenic Impact for a more detailed assessment of issues associated with visual impact.

- A More Practical Location:

The submitted Statement of Environmental Effects states that six alternative sites have been investigated. Council is satisfied that sufficient investigation of alternative sites has been undertaken. The subject site meets Telstra's coverage objectives that ensure the provision of good quality telecommunication coverage for the area. The site is appropriate for the development as it is currently being utilized for a commercial enterprise and the area has an industrial zoning. The site is also located away from community sensitive locations such as schools and nursing homes. As such, it is considered that the site is suitable for the proposed development.

Refer above to section headed 'Suitability of the Site for the Development' for more detailed assessment of issues associated with site suitability.

- Health Effects:

As a licensed telecommunications carrier, Telstra must operate under the provisions of the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 1997*. In its submitted Statement of Environmental Effects, the applicant has advised that outputs from the proposed facility would be well below the limits defined by the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003* prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The ARPANSA is a Federal Government agency charged with the responsibility for protecting the health and safety of people and the environment from the harmful effects of radiation.

The Electro Magnetic Emissions (EME) limits, as set by ARPANSA, have been subsequently set by Australian Communications and Media Authority (ACMA) who administer the Commonwealth legislation and associated regulations. Using the ARPANSA standard methodology, the submitted compliance report predicts that the maximum levels of radiofrequency EME from the proposed installation, once it is operational, will be 0.093% of the ACMA mandated exposure limit. The above estimate being expressed as a percentage of the ACMA mandated exposure limit (100% being the maximum allowable exposure limit).

It is noted that according to the submitted Table of Predicted EME Levels, at a distance of 200 metres from the proposed tower, the maximum cumulative EME Level of exposure would be between 0.071% and 0.093% of the maximum 100% public exposure limit.

The proposal, as submitted, is compliant with current regulations/requirements in relation to EME emissions, with the predicted EME levels being significantly below the ACMA

standards. As such, it is considered that the development application should not be refused on the grounds of generated EME levels or associated health impacts.

- Supplementary Submission from Mr Vercoe:

In this submission, Mr Vercoe claims to *“have had expert advice that Telstra antennae are NOT omni-directional”*. However, the submission does not provide additional information in this regard. According to the submission, *“Telstra aim them in the direction they want the signal to go. So, the information from the Aurecon lady that the tower on the above sites would interfere with the Bomaderry tower is not correct. The Bomaderry tower would do Bomaderry and the North Nowra tower would do North Nowra and not interfere with each other”*.

The objector remains convinced that the North Nowra tower should be located at one of these above sites. The objector was also told that *“Telstra can add 5 metres to the top of a tower without any further application for approval and also that the reason why the tower has to be 35 metres is, apart from future co-sharing, the towers in the future will be carrying broadband so they have to get through trees and right inside peoples’ homes. It will not be good enough to just reach the house, it has to get inside to where their computer is”*.

The objector concludes by stating that *“As a matter of interest, McMahons Road residents receive our mobile phone signal from Nowra Hill”*.

The applicant acknowledges that the Vercoe submission raises the issue of visual impact, including consideration of a number of alternative sites. In this regard, the applicant appears to have addressed these concerns by pointing out that the proposed modifications, including the reduction in height and removal of head frame, would substantially reduce the visual presence of the facility from MacMahons Road and other surrounding locations.

S79C(1)(e) the Public Interest

There has been debate within the general community regarding the possible health risks of electromagnetic energy (EME). The applicant advises that the health and safety of the public, customers and employees is of paramount importance to Telstra. Having reviewed relevant research on EME to date, Telstra believes that mobile base stations that operate within the mandatory guidelines do not pose a risk to human health.

Radio telecommunications technology has been in use for over 100 years. Radio frequencies and electromagnetic energy has been the subject of many scientific studies. The overwhelming majority indicates there are no negative health effects, while a small number indicate that more research is needed. No scientific study has found conclusive evidence of negative health effects. Telstra encourages people to obtain more information about EME if they are at all concerned. Refer to the discussion below on Electro Magnetic Emissions and associated Health Impacts for additional information on this.

The area of Nowra North is a growing residential community with zonings for commercial and industrial infrastructure requiring and expecting a high degree of service infrastructure, including mobile phone and internet availability. The applicant advises that Telstra’s aim is to meet this growing need with a high quality range of Next Generation phone services together with the most up-to-date mobile broadband internet connections – vital commodities to the expanding private and commercial needs of this dynamic community. Telstra considers that the community, residential, commercial and industrial business needs would benefit significantly from the proposal by providing enhanced mobile phone and mobile broadband internet services to the area and providing greater opportunity for competitive development. Telstra considers this site the most suitable to provide significant coverage for the area and that the public would benefit by the approval of this proposal.

While the telecommunications facility would have a visual presence, it is considered that the facility is vital infrastructure that would provide enhanced services to customers, providing improved in-building coverage to residential areas that are currently experiencing limited reception due to the undulating nature of the terrain. Due to the growth of wireless broadband internet services, the proposed facility is vital for providing the much needed improvement to the quality of these connections for both the current and future usage of North Nowra residents.

7. Other Issues

• Telecommunications Legislation/Requirements:

As a licensed telecommunications carrier, Telstra must operate under the provisions of the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 1997*. The 1997 Act exempts carriers from the requirements of State and Territory environmental and planning legislation in certain circumstances, including where a proposed facility falls within the definition of the *Telecommunications (Low-impact Facilities) Determination 1997* (as amended). This current proposal cannot be defined as a Low Impact facility and has therefore, required the submission of a Development Application (DA) to Shoalhaven City Council and review by the Joint Regional Planning Panel.

In order to demonstrate compliance with the regulations regarding maximum human exposure limits for radio frequency fields, and to take appropriate measures to restrict general public access to the radio frequency hazard areas in accordance with the Code of Practice, the applicant has applied the precautionary principles in respect of site selection, infrastructure design and the operation of the site.

• Electro Magnetic Emissions and associated Health Impacts:

The emission of radiation from the tower (electromagnetic emissions-EME) and associated health impacts is an issue that needs to be considered as part of this development assessment.

Under S376 (2) of the *Telecommunications Act 1997* and S162 (3) of the *Radiocommunications Act 1992* the Australian Communications and Media Authority (ACMA) sets standards that limit human exposure to EME. ACMA adopted a technical standard, prepared by ARPANSA (Australian Radiation Protection and Nuclear Safety Agency), called Radiocommunications (Electromagnetic Radiation - Human Exposure) Standard 2003. This sets the mandatory standard to which Telstra' base station must comply. ACMA is consistent with the standard recommended by the World Health Organisation.

Listed below are estimates of the maximum levels of EME from the facility at the distances specified in the ARPANSA methodology. These strengths have been calculated with the assumption that there are no buildings or structures surrounding the facility. Therefore, these levels are higher than what the actual levels would be. The levels mentioned below are estimated at 1.5m above ground level.

Predicted EME Levels

Distance from the antennas at 3 Geary Place Nowra North in 360° circular bands	Maximum Cumulative EME Level All Carriers (% of ARPANSA exposure limits²) Public exposure limit = 100%
0m to 50m	0.0038%
50m to 100m	0.0063%
100m to 200m	0.093%
200m to 300m	0.071%
300m to 400m	0.033%
400m to 500m	0.019%

Maximum EME level	
157.86m from the antennas at Nowra North	0.093%

Reference: ARPANSA EME Report

As shown above, the predicted maximum EME levels are very small and are well below the ARPANSA mandatory standard. The maximum EME level, from the site in a publicly accessible location, is predicted to be 0.093% of the Australian Standard. Council can be assured that the facility would always operate well within this Standard.

In their submitted Statement of Environmental Effects, the applicant has advised that outputs from the proposed facility would be well below the limits defined by the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003* prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The ARPANSA is a Federal Government agency charged with the responsibility for protecting the health and safety of people and the environment from the harmful effects of radiation.

The EME limits, as set by ARPANSA, have been subsequently set by Australian Communications and Media Authority (ACMA) who administer the Commonwealth legislation and associated regulations. Using the ARPANSA standard methodology, the submitted compliance report predicts that the maximum levels of radiofrequency EME from the proposed installation, once it is operational, will be 0.093% of the ACMA mandated exposure limit. The above estimate being expressed as a percentage of the ACMA mandated exposure limit (100% being the maximum allowable exposure limit). The submitted estimate assumes the worst case scenario - That is:

- § Base station transmitters operating at maximum power (no automatic power reduction),
- § Simultaneous telephone calls on all channels,
- § An unobstructed line of sight view to the antennas.

Documentation that ARPANSA currently has available contains the following statements in relation to mobile phone base station antennas:

- § *Mobile phone base stations and telecommunications towers produce weak radiofrequency (RF) electromagnetic energy (EME) exposure levels. The weight of national and international scientific opinion is that there is no substantial evidence that RF emissions associated with living near a mobile phone base station or telecommunications tower poses a health risk.*
- § *Current research indicates that....RF radiation is not known to have any adverse health effects.*
- § *While human studies to assess the possibility that RF exposure increases the risk of cancer are few in number, laboratory studies do not provide evidence to support the notion that RF fields cause cancer.*
- § *No adverse health effects are expected from continuous exposure to the RF radiation emitted by the antennas on mobile telephone base station towers.*

In addition, a review of several Land and Environment Court judgements relating to the provision of telecommunication facilities (similar to what is currently proposed) has indicated that the court, has found that it was not appropriate for them to set aside or disregard the existing safety standards (i.e. the ARPANSA standard) nor is it appropriate for the court to create its own standards. As such, the court has ruled that it is appropriate for safety standards to be set by authorities with special expertise such as ARPANSA. The above being reflected in a decision (*Telstra Corporation Limited v Hornsby Shire Council (2006) NSWLEC 133*) where the court specifically in relation to EME levels and whether the proposed levels will harm the health and safety of residents, stated that Councils

should adopt the ACMA standard (i.e. the ARPANSA standard) when measuring and determining EME levels, given that it was the ACMA that has the responsibility for ensuring that exposure limits do not adversely affect the health and amenity of the community.

Given that the predicated EME levels are significantly below the Australian Communications and Media Authority Standard, the proposal development is compliant with current regulatory requirements in relation to EME emissions. Thus, based on submitted information, it is considered that the proposed development is satisfactory and should not be refused on the grounds of electro magnetic emissions and associated health impacts.

However, it should be noted that in considering a Telstra Monopole Telecommunications Facility at Callala Bay, Council, despite having had reported to it these assurances in complying with the relevant standards, resolved that an independent expert in the field of Electro-Magnetic Radiation (EMR) be commissioned to provide advice on the effects of EMR. Council is currently awaiting receipt of this advice.

- Co-location of facilities:

The *Australian Communications Industry Code of Practice 2004 (C564:2004)* encourages the use of existing telecommunication sites to mitigate the effects of multiple facilities. The proposed site would provide an opportunity for co-location.

Any co-location on this site may not require development consent as it could be classified as “low impact” under the schedule to the *Telecommunications (Low Impact Facility) Determination 1997*. In terms of additional impacts from the provision of further facilities, Council’s Communications and Electrical Services Manager has advised that “*If additional mobile phone carriers come onto this tower in the future, the EME level will increase as a cumulative sum of the transmitter radiated powers. However, even with 3 carriers, the total EME level at any location away from the tower will still be a very small percentage of the ARPANSA limit.*” Given the land that has been made available for the lease to Telstra, it is unlikely that any more than two carriers would be able to locate on this facility as sufficient space for the ancillary infrastructure would not be available.

8. Referrals

- Building Surveyor: No objection to the proposal subject to the imposition of standard conditions requiring the appointment of a Principle Certifying Authority and a requirement to obtain a Construction Certificate.
- Development Engineer: No objection to the proposal subject to recommended conditions to be imposed on any issued development consent.
- Environmental Health Officer: Verbal consultation had only. No objection to the proposal subject to the imposition of suitable conditions on any issued development consent (i.e. preparation of a sediment and erosion control plan, management of waste material on site in accordance with DECC Environmental Guidelines, etc).
- Communication and Electrical Services: No objection subject to conditions relating to EME.

9. Options

The Joint Regional Planning Panel may:

- (a) Resolve to approve the application subject to conditions (i.e. adopt the recommendations of this report, including the draft conditions of consent provided in **Attachment 'F'** or modify the those conditions or impose new conditions); or
- (b) Resolve to refuse the application (i.e. on the grounds that the submitted proposal has an unsatisfactory visual impact and/or will have adverse health impacts); or
- (c) Notify the applicant requesting amendments/modifications the proposal, subject to any matters of concern being adequately resolved and a further report to be submitted to the Joint Regional Planning Panel (Southern Region) for its consideration.

It will be noted from the above report, staff have concerns in regard to Council's ability to defend a decision based on adverse visual or health impacts (relating to point (b) above).

10. Conclusion

A planning assessment of the proposed development has been undertaken and has revealed that the proposal complies with the zoning and other statutory controls of the Shoalhaven Local Environmental Plan (LEP) 1985.

The proposed facility has also been designed and located in accordance with the principles outlined in the ACIF Code, the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 1997*. The proposed facility is considered by Telstra as the most appropriate location for the facility considering those principles, zoning controls and environmental planning instruments that apply to the site and would benefit the local community significantly by providing enhanced communication for both personal and commercial usage.

This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that Development Application No. RA10/1003 may be supported subject to suitable conditions (ATTACHMENT "B" – Amended Conditions of Consent) being imposed on any issued development consent.

As noted above, the applicant's Alternative Site Analysis has failed to identify another site that would better satisfy the technical criteria requirements and telecommunication needs of the wider community. In addition, whilst the proposed development would have a visual impact on the immediate locality, the impact from a distance is unlikely to be significant on the visual quality of the wider environment. As such, the original recommendation has not changed and it is considered that the proposed development should not be refused on the grounds of visual impact.

As stated in the previous report, it is anticipated that, in the longer term, the improved mobile phone and wireless inter-net coverage would provide a positive benefit to the economy of both the local and wider communities, including tourists and businesses generally. Such telecommunications services are currently unavailable or, if available at all, are of an inferior standard.

Improved mobile phone and wireless inter-net coverage would also increase and enhance the communication capabilities of local emergency services organisations and, in turn, have the potential to facilitate greater efficiency and reliability in these services.

11. Recommendation:

Recommended that in respect of RA10/1003 (STH2010STH011) for the proposed mobile phone telecommunications facility at Lot 1 in DP 1036505 (No.3) Geary Place NORTH NOWRA, the application be approved as an operational development consent subject to conditions as contained in **Attachment 'F'**.

Supplementary Submission from Mr Vercoe

E-mail Message

From: Geoff Vercoe [SMTP:gavercoe@gmail.com]
To: Council's Generic Mailbox [EX:/O=SHOALHAVEN CITY
COUNCIL/OU=NOWRA/CN=RECIPIENTS/CN=COUNCIL]
Cc: Ward, Gareth [EX:/O=SHOALHAVEN CITY
COUNCIL/OU=NOWRA/CN=RECIPIENTS/CN=GWARD]
Sent: 26/07/2010 at 8:10 PM
Received: 26/07/2010 at 8:10 PM
Subject: Telstra Tower North Nowra

Attention Andrew Lissendon

Andrew, following is email I sent to Russ Pigg on Monday 19th July, I have had no response from him and guess he has now gone on leave.

I would appreciate it if you could make sure I am kept informed of any developments.

"The South Coast Register interviewed me today but I was pretty careful to "stick to the knitting", although I did of course promote the "Sites 2 and 3" , the Pitt Street extension and the old tip approach.

And on that subject I have had expert advice that Telstra antenna are NOT omni-directional.
Telstra aim them in the direction they want the signal to go.
So, the information from the Aurecon lady that the tower on the above sites would interfere with the Bomaderry tower is not correct.
The Bomaderry tower would do Bomaderry and the North Nowra tower would do North Nowra and not interfere with each other.

I remain convinced that the North Nowra Tower should be located at one of the above sites.

I was also told that Telstra can add 5 metres to the top of a tower without any further application for approval.
And also the reason why the tower has to be 35 metres is, apart from future co sharing, the towers in the future will be carrying broadband so they have to get through trees and right inside peoples homes.
It will not be good enough to just reach the house, it has to get inside to where their computer is.

As a matter of interest, McMahons Road residents receive our mobile phone signal from Nowra Hill.

Thank you for your courties to Liz and me."

Regards,
Geoff Vercoe

Applicant's Alternative Site Analysis

Background – Objectives

In addressing this issue it is critical to provide some context to the objectives of the cell. Each mobile facility has 3 sectors and the location or “search ring” for the new site is defined by its relationship to existing cells. Mobile coverage fails if the cell is either too far away from the surrounding cell (a coverage gap) or too close to surrounding cells (an overlap which causes interference). The 3 surrounding Telstra sites are:

- Nowra Exchange - 3.3km E
- Bomaderry - 2.7km NNE
- Nowra West - 3.7km SE

These are depicted in the attached map.



The purpose of the new site is to fill in the gap within the space defined by these surrounding cells. The 3 sectors would face generally north, east and south.

It is within this framework that we conducted a site search. As part of the assessment and search process we need to also take into account the basic zoning and land use attributes as well as constraints in terms of the ability to secure tenure.

It is fair to say that the ideal location in terms of geographic location is at the centre of the search ring which is approximately at the intersection of McMahon's Street and Illaroo Roads. There is a small commercially-zoned local centre at this location, however apart from this, the area and the search ring as a whole is residential with some open space and special uses. The only industrial – zoned land is at the western edge of the search ring being Geary Place Precinct. This consideration has been fundamental to our approach for this search ring.

We have provided some additional commentary below regarding alternative sites, several of which have been suggested by one of the submissions:

1. Water Reservoir, Corner of Pitt Street and Illaroo Road [5(A) Special Uses]

This site was too close to the existing site at Bombaderry which is located on the other side of the undeveloped land which includes the former quarry site. Secondly, it was also adjacent to a child-care centre; whilst Telstra believes that facilities which comply with the relevant industry standards are safe, the ACIF code requires consideration of sites which the community feel are sensitive.

2. Undeveloped Ex-Quarry Land, Illaroo Road [2(c) Residential]

This site was too close to the existing site at Bombaderry which is located on the other side of the site to the north.

3. Undeveloped Ex-Waste Landfill Site, adjacent to Bomaderry Ck Recreation Park [2(c) Res].

This is the same land as "2", above. It is too close to the existing site at Bombaderry which is located just north of this land.

4. Drexel Park [6(a) Open Space]

This alternative was also suggested by one of the submissions to Council. From a development permissibility and leasing perspective, the ability to consider public parks and reserves for uses other than for recreational uses – or other uses specifically identified in plans of management - is constrained by the requirements of the Land Management Provisions of the Local Government Act. Moreover, we do not feel that a site located on public open space offers a better planning solution to one located on industrial land: it is also the case that separation from residential would not necessarily be significantly enhanced by an option on the park. Importantly, it is our contention that this location would not present any better visual solution than the proposal at hand.

5. Other private properties within Geary Place Industrial Precinct [4(b) Light Industrial]

Several landowners within Geary Place Industrial Precinct had been directly approached as part of the initial scoping process. Following the receipt of the JRPP resolution, Telstra and Aurecon re-approached several private landowners within Geary Place. Some have shown interest but several have rejected the proposal. There is no one allotment within Geary Place Industrial Area which would fundamentally alter the visual relationship with the wider land uses.

6. Local Radio Mast, McMahon's Road [4(b) Light Industrial]

The landowner was interested in the proposal however it is not structurally adequate to cater for additional equipment. As such a replacement pole would be required. The current structure is 32m structure and the total height of the replacement structure would need to be 40m in order to accommodate Telstra's proposed antennas whilst maintaining the existing radio station equipment. As such, we feel that the new pole at 25m offers a superior visual solution for the surrounding community.

7. Land on the western side of Pitt Street north of McMahon's Road [1(d) General Rural]

This land would provide more separation from surrounding residences however there are constraints in this location. Firstly, the site would need an additional 10-15 metres in height, being 35-40 metres

in total height, as it is located on the western side of the ridge that runs along Pitt St. However, the more significant constraint with this location is that due to its location outside the western parameter of the search ring a 3-sector arrangement cannot operate as there is inadequate angle separation of the northern and eastern facing sectors with all sectors needing to be oriented between 0 and 189 degrees. Alternately, a two sector site would result in a signal 'null' between the sectors over the key target area to the east. Accordingly, this is not a technically feasible location.

8. Church land corner of McMahons Road and Rockhill Road

Land to the east of this intersection is surrounded by residential zoning. This land generally is on the western edge of the search ring and anything to the west of Rockhill Road is constrained technically by being outside the western parameter of the search ring. This location presents the same technical issues as described in relation to alternate site 7 above.

Applicant's Visual Assessment and Photomontage

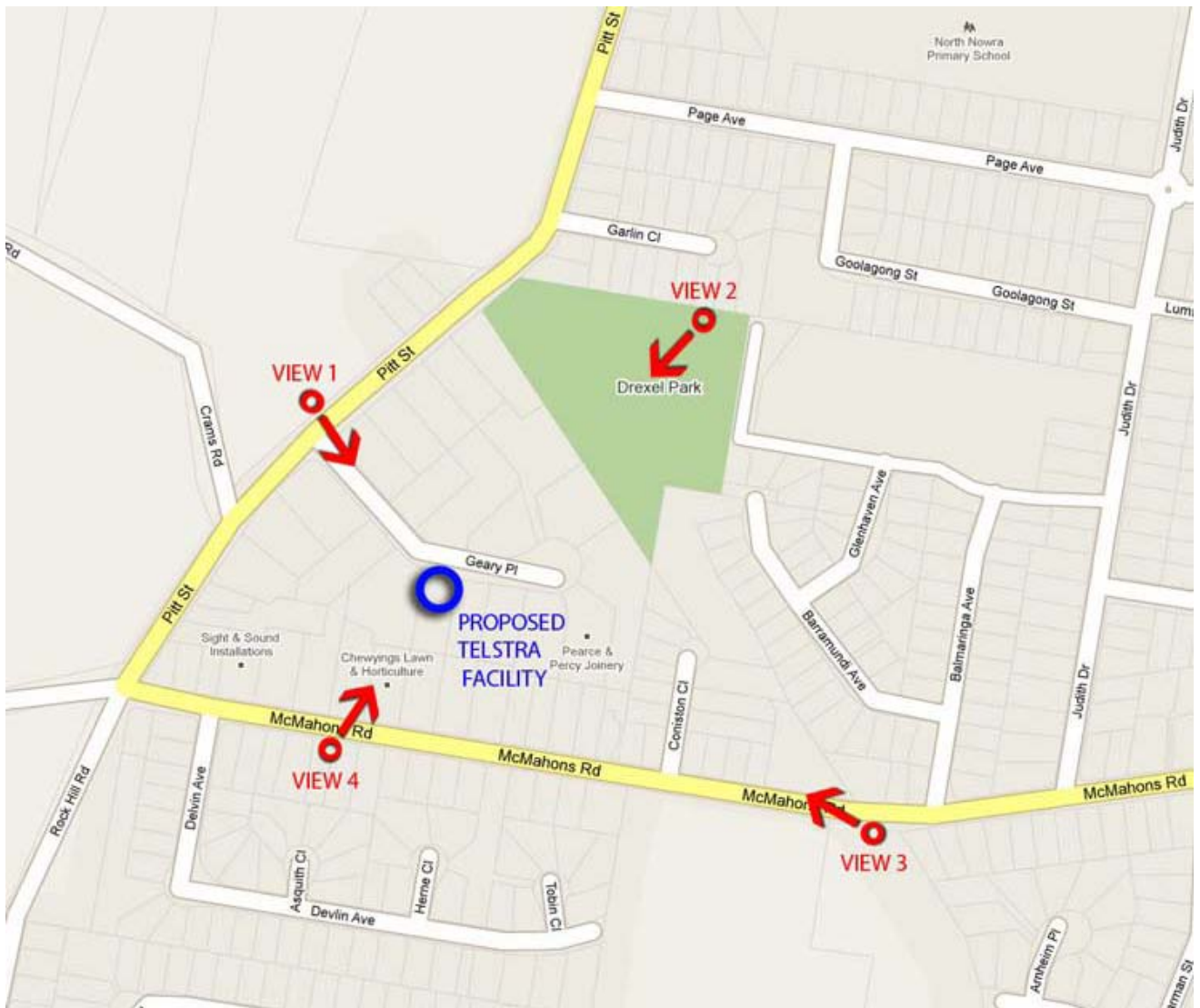


Photo View Locations Map

Photomontage



**VIEW 1 from GearyCl/Pitt St
BEFORE**

**PROPOSED TELSTRA
FACILITY**



**VIEW 1 from GearyCl/Pitt St
AFTER**

Photomontage

PROPOSED TELSTRA
FACILITY



VIEW 2 from DREXEL PARK
BEFORE



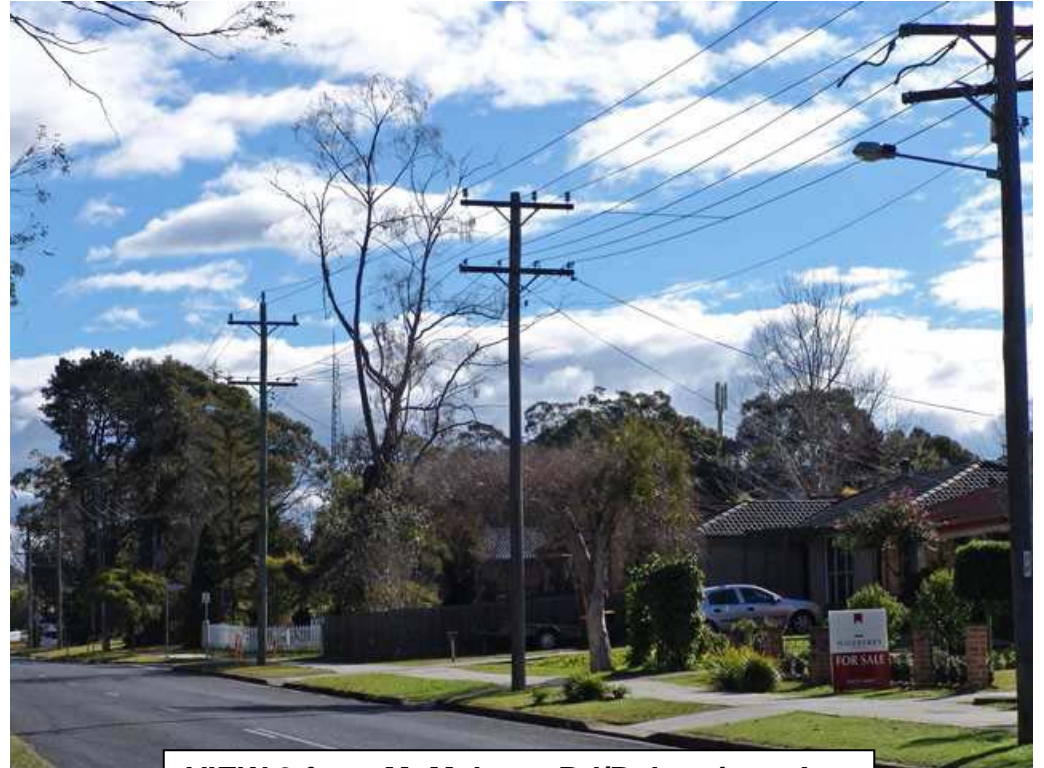
VIEW 2 from DREXEL PARK
AFTER

Photomontage



**VIEW 4 from McMahon's Rd/Balmaringa Ave
BEFORE**

PROPOSED TELSTRA FACILITY



**VIEW 3 from McMahon's Rd/Balmaringa Ave
AFTER**

Photomontage



**VIEW 4 from McMahon's Rd south of the site
BEFORE**



**PROPOSED TELSTRA
FACILITY**

**VIEW 4 from McMahon's Rd south of the site
AFTER**

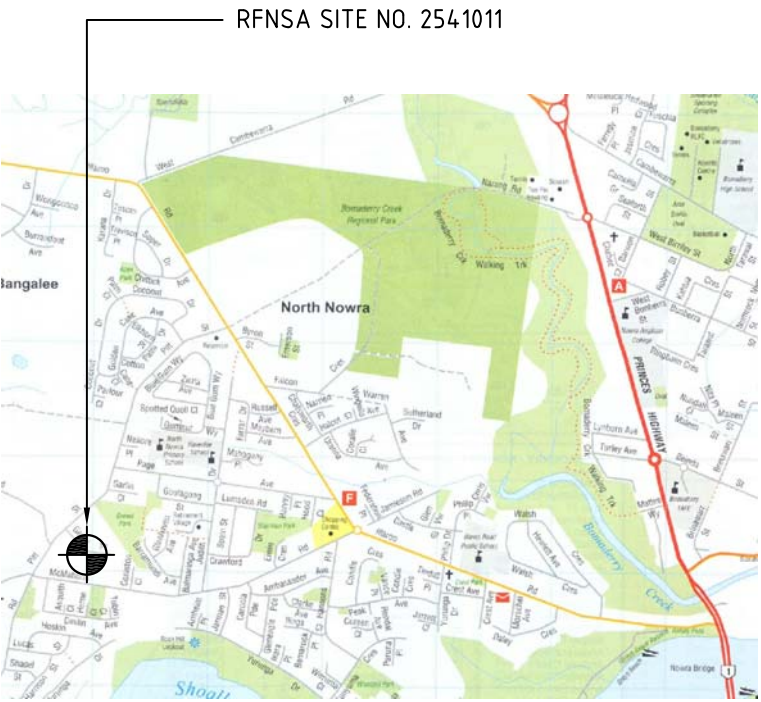
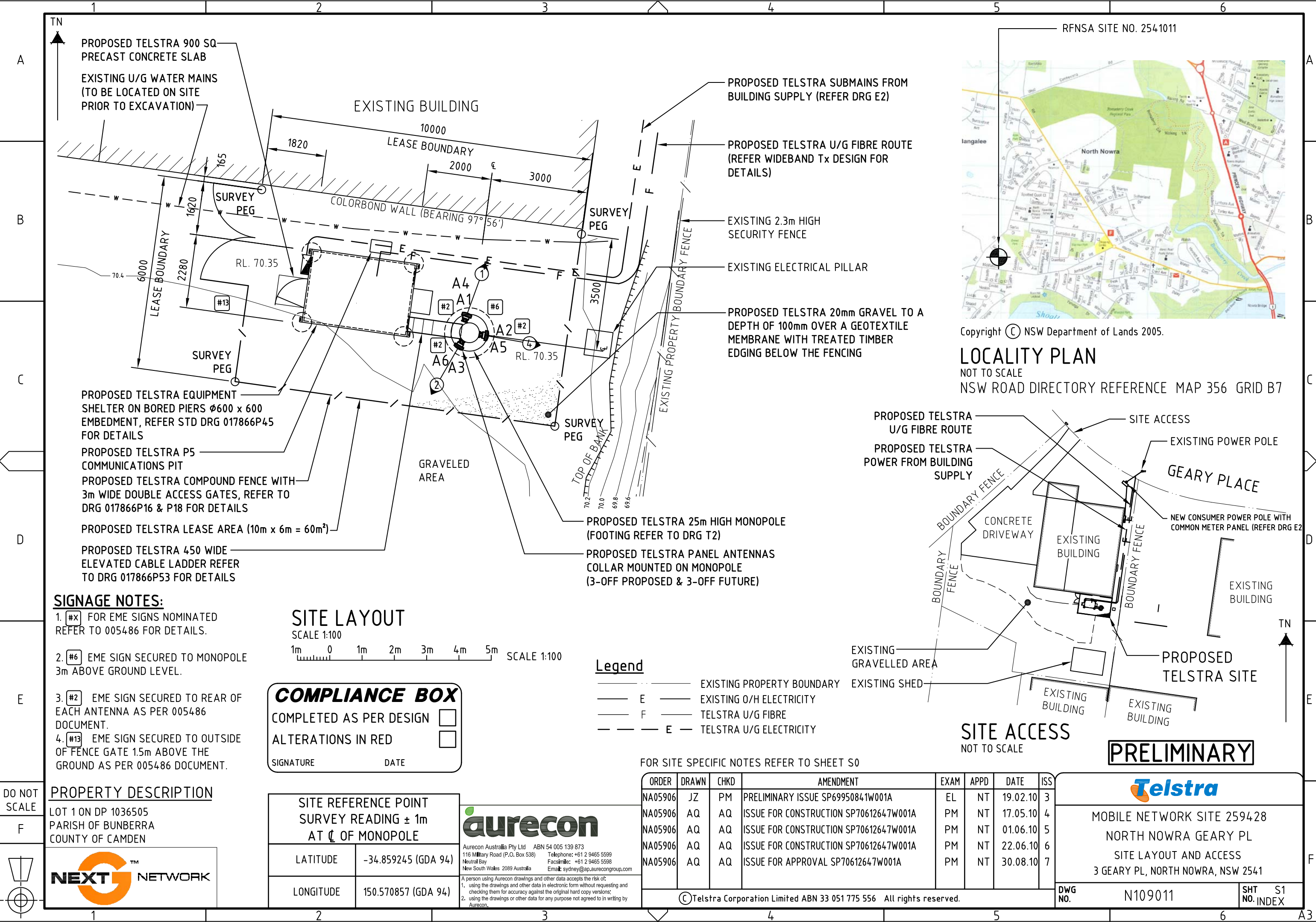
Applicant's specific response to visual assessment issues raised in the objections

The submission by Mr and Mrs Vercoe raises visual impact as well as several alternative sites. In summary:

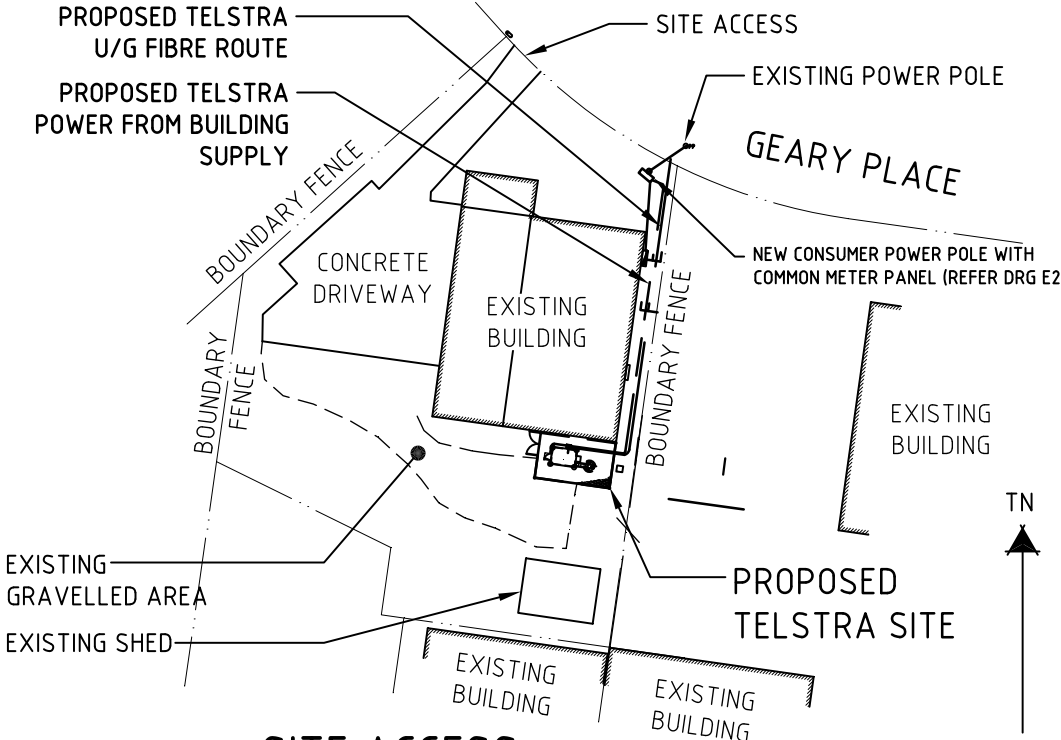
- The substantial modifications to the proposed facility including the reduction in height and removal of head frame: this will reduce the visual presence of the facility from MacMahons Road and other surrounding locations
- The visual assessment provided within this submission addresses the matters raised and recommends screening the facility with vegetation to the south and western side of the facility
- Alternative sites: comments have been addressed above in relation to the various alternatives sites including:
 - Radio mast
 - Drexel Park
 - Church land
 - Disused land / former waste depot

Conclusions

1. Site selection is based on the need generated by users of the network and the locations of surrounding sites: we have selected a site in the only industrial precinct within a locality which is otherwise predominantly residential.
2. Whilst we note Council's original planning report and recommendation, we also acknowledge the feedback provided by the JRPP and from residents submissions in relation to the above proposal.
3. Taking both the technical factors and the resident and JRPP factors into account we have proposed substantial modifications to the facility including a reduction in height to 25m, the removal of the headframe and screen planting.



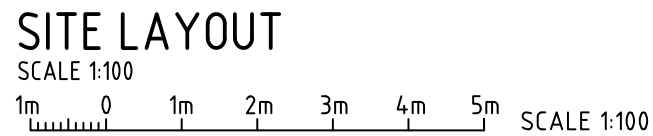
Copyright © NSW Department of Lands 2005.
LOCALITY PLAN
 NOT TO SCALE
 NSW ROAD DIRECTORY REFERENCE MAP 356 GRID B7



SITE ACCESS
 NOT TO SCALE
PRELIMINARY

SIGNAGE NOTES:

- 1. [X] FOR EME SIGNS NOMINATED REFER TO 005486 FOR DETAILS.
- 2. [6] EME SIGN SECURED TO MONOPOLE 3m ABOVE GROUND LEVEL.
- 3. [2] EME SIGN SECURED TO REAR OF EACH ANTENNA AS PER 005486 DOCUMENT.
- 4. [13] EME SIGN SECURED TO OUTSIDE OF FENCE GATE 1.5m ABOVE THE GROUND AS PER 005486 DOCUMENT.



COMPLIANCE BOX
 COMPLETED AS PER DESIGN ☐
 ALTERATIONS IN RED ☐
 SIGNATURE _____ DATE _____

Legend

---	EXISTING PROPERTY BOUNDARY
---	EXISTING O/H ELECTRICITY
---	TELSTRA U/G FIBRE
---	TELSTRA U/G ELECTRICITY

PROPERTY DESCRIPTION

LOT 1 ON DP 1036505
 PARISH OF BUNBERRA
 COUNTY OF CAMDEN



SITE REFERENCE POINT SURVEY READING ± 1m AT CL OF MONOPOLE	
LATITUDE	-34.859245 (GDA 94)
LONGITUDE	150.570857 (GDA 94)

aurecon
 Aurecon Australia Pty Ltd ABN 54 005 139 873
 116 Military Road (P.O. Box 538) Telephone: +61 2 9465 5599
 Neutral Bay Facsimile: +61 2 9465 5598
 New South Wales 2089 Australia Email: sydney@ap.aurecongroup.com

FOR SITE SPECIFIC NOTES REFER TO SHEET S0

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
NA05906	JZ	PM	PRELIMINARY ISSUE SP69950841W001A	EL	NT	19.02.10	3
NA05906	AQ	AQ	ISSUE FOR CONSTRUCTION SP70612647W001A	PM	NT	17.05.10	4
NA05906	AQ	AQ	ISSUE FOR CONSTRUCTION SP70612647W001A	PM	NT	01.06.10	5
NA05906	AQ	AQ	ISSUE FOR CONSTRUCTION SP70612647W001A	PM	NT	22.06.10	6
NA05906	AQ	AQ	ISSUE FOR APPROVAL SP70612647W001A	PM	NT	30.08.10	7

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Telstra
 MOBILE NETWORK SITE 259428
 NORTH NOWRA GEARY PL
 SITE LAYOUT AND ACCESS
 3 GEARY PL, NORTH NOWRA, NSW 2541
 DWG NO. N109011 SHT NO. INDEX S1

TELSTRA ANTENNA CONFIGURATION TABLE

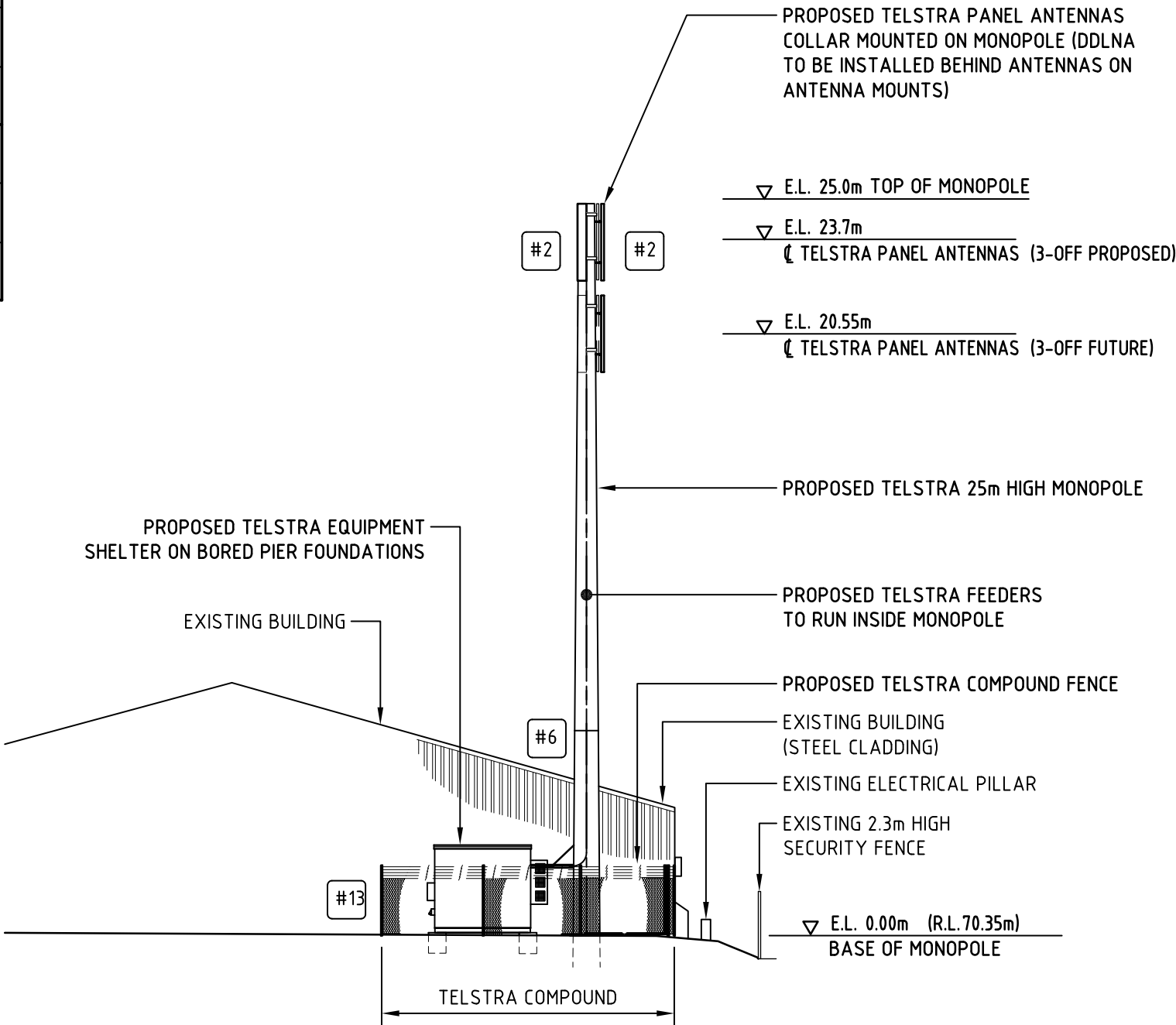
ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA STATUS	ANTENNA HEIGHT € A.G.L.	ANTENNA BEARING (°T)	SECTOR NO. & SYSTEM
A1	ARGUS CNPX310R PANEL ANTENNA 2630x 370x 120mm	PROPOSED	23.7m	20°	S1: WCDMA850 TxM+RxM S1: WCDMA850 RxM
A2	ARGUS CNPX310R PANEL ANTENNA 2630x 370x 120mm	PROPOSED	23.7m	100°	S4: WCDMA850 TxM+RxM S4: WCDMA850 RxM
A3	ARGUS CNPX310R PANEL ANTENNA 2630x 370x 120mm	PROPOSED	23.7m	210°	S2: WCDMA850 TxM+RxM S2: WCDMA850 RxM
A4	ARGUS CNPX310R PANEL ANTENNA 2630x 370x 120mm	FUTURE	20.55m	20°	S1: FUTURE S1: FUTURE
A5	ARGUS CNPX310R PANEL ANTENNA 2630x 370x 120mm	FUTURE	20.55m	100°	S4: FUTURE S4: FUTURE
A6	ARGUS CNPX310R PANEL ANTENNA 2630x 370x 120mm	FUTURE	20.55m	210°	S2: FUTURE S2: FUTURE

SIGNAGE NOTES:

1. #X FOR EME SIGNS NOMINATED REFER TO 005486 FOR DETAILS.
2. #6 EME SIGN SECURED TO MONOPOLE 3m ABOVE GROUND LEVEL.
3. #2 EME SIGN SECURED TO REAR OF EACH ANTENNA AS PER 005486 DOCUMENT.
4. #13 EME SIGN SECURED TO OUTSIDE OF FENCE GATES 1.5m ABOVE GROUND LEVEL, AS PER 005486 DOCUMENT.

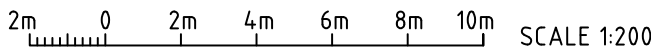
NOTES:-

1. ALL ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. FOR SITE SPECIFIC NOTES REFER TO SHEET S0.



SOUTHERN ELEVATION

SCALE 1:200



PRELIMINARY

COMPLIANCE BOX

COMPLETED AS PER DESIGN

ALTERATIONS IN RED

SIGNATURE DATE

aurecon

Aurecon Australia Pty Ltd ABN 54 005 139 873
116 Military Road (P.O. Box 538) Telephone: +61 2 9465 5599
Neutral Bay Facsimile: +61 2 9465 5598
New South Wales 2089 Australia Email: sydney@ap.aurecongroup.com

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ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
NA05906	JZ	PM	PRELIMINARY ISSUE SP69950841W001A	EL	NT	17.02.10	2
NA05906	JZ	PM	PRELIMINARY ISSUE SP69950841W001A	EL	NT	19.02.10	3
NA05906	AQ	AQ	ISSUE FOR CONSTRUCTION SP70612647W001A	PM	NT	17.05.10	4
NA05906	AQ	AQ	ISSUE FOR CONSTRUCTION SP70612647W001A	PM	NT	01.06.10	5
NA05906	AQ	AQ	ISSUE FOR APPROVAL SP70612647W001A	PM	NT	30.08.10	6

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MOBILE NETWORK SITE 259428
NORTH NOWRA GEARY PL
SITE ELEVATION
3 GEARY PL, NORTH NOWRA, NSW 2541

DWG NO.

N109011

SHT NO.

S3 INDEX



Our Ref: 10133

17th September 2010

Mr. Nicolas Tame
Aurecon Group
PO Box 538
NEUTRAL BAY NSW 2089

Dear Sir

**RE: DA 10/1003 – Proposed Telstra Communications Facility at 3 Geary Place,
North Nowra – Visual Impact Assessment**

We write in response to your request for Ingham Planning Pty Ltd to undertake a visual impact assessment of a proposed Telstra Communications Facility at 3 Geary Place, North Nowra, focusing on visual impact as viewed from McMahons Road and nearby residential properties.

We have inspected the site and reviewed the original and revised development plans, the Statement of Environmental Effects, planning controls, photomontages, public submissions received and correspondence dated 14th July 2010, from the Regional Joint Planning Panel. Our assessment and planning advice is provided as follows.

The Proposed Communications Facility

Telstra is seeking approval a telecommunications facility immediately to the rear of an existing industrial building located in a light industrial area at 3 Geary Place, North Nowra. The original Development Application plans proposed a 3m x 2.6m equipment shed and a 36.3 metre high monopole with antennae mounted on a headframe attached to the top portion of the pole. The facility is required to provide adequate Telstra mobile phone 3G coverage for the North Nowra locality.

Following concerns relating to visual impact, particularly from properties in McMahons Road, a revised design has been prepared which lowers the height of the pole some 30% from 36.3 metres to 25 metres and deletes the headframe. Photomontages have been prepared for both the original 36.3 metre high proposal and the reduced height of 25 metres. Our visual impact assessment focuses on the revised design with a 25 metre pole height, as viewed from McMahons Road and nearby dwellings.

Urban and Regional Planning, Environmental Planning and Statutory Planning
Registered Office: Lyndhurst, Suite 19, 303 Pacific Highway, Lindfield N.S.W 2070
Telephone: (02) 9416 9111 Facsimile: (02) 9416 9799
email: admin@inghamplanning.com.au
A.C.N. 106 713 768



Assessing the Visual Impact of Mobile Phone Communications Facilities

Visual impact is often a significant issue with respect to mobile phone communications where such facilities require the installation of a tall pole or tower in order to provide adequate service levels. It is not always possible to locate mobile phone antennae in a discreet fashion on a building or in locations of minimal visual impact. Mobile phone towers, like many other items of infrastructure comprising taller structures, such as transmission line towers and wind generator towers, are likely to intrude above existing buildings and vegetation and hence readily seen in the landscape, particularly when viewed from closer distances.

Consideration of visual impact requires balancing the need for the facility and the benefits that will provide the broader community with the least visual impact on the locality. Visual impact assessment does involve some degree of subjectivity in that what is attractive or visually important to some, may not be so to others, particularly in relation to the built form. Matters of taste and individual preference are very personal and should be given little, if any weight in an objective visual assessment.

An objective visual impact assessment should have regard to the visual character, qualities and physical setting of the location of the proposed communications facility. Where visual character and setting is of good quality or high visual significance, for example due to its attractive visual qualities or uniqueness, then the visual impact of a development is of particular importance. The visual impact of a proposal on a particular locality or setting will depend primarily on the visual qualities and extent of visibility of the proposed development, including bulk, scale, height, form, colour, finish etc.

Visual prominence of a building or structure does not necessarily mean that such development should be deemed unacceptable. Iconic and land mark structures, recognized as having great design merit such as the Sydney Opera House and Harbour Bridge are prominent in the high quality visual setting of Sydney Harbour, but contribute positively to the visual qualities of that setting. Alternatively, a building or structure of more modest design quality that is also visually prominent, may not have unacceptable visual impact where it is located in an area with low to moderate visual amenity.

Whilst some items of “industrial infrastructure” may be considered to have a positive visual impact, it is generally accepted that telecommunications facilities such as mobile phone towers do not make a positive contribution to the visual qualities of the localities within which they are located. Typically planning controls in relation to such facilities seek to encourage their location within industrial areas where they are seen as more compatible with the visual character of industries.

A building or structure, such as a mobile phone tower, which is visually prominent, may be acceptable in areas with low to moderate visual amenity, but would be entirely inappropriate in an area of high visual amenity. If a proposed structure has limited visibility and is designed to blend into the setting, it may be readily acceptable visually, even within a setting of high visual quality.



In the case of a mobile phone transmission tower, there are options available to reduce visual impact such as minimizing tower height, locating the tower on lower ground, rather than on a prominent ridge, and/or incorporating some screen planting below the level of the antennae. A judgment must be made in relation to the visibility of a proposed building or structure, balanced against the visual quality of the locality and feasible measures available to reduce visual impact. Opportunities to mitigate visual impact should be included in any visual impact assessment.

Expectation plays a part in visual assessment and relates to the manner in which an object is perceived in its context. By way of example, the protrusion of church spires into the skyline of a low rise residential area does not create a discordant element, as there is community expectation that one will see some church spires in a residential environment. Light and electricity poles are not positive visual elements in the landscape, but are such an integral part of the environment of our cities and towns that they become absorbed in our visual experience to the extent that they are generally not noticed. Larger buildings and items of infrastructure similarly appear less noticeable in industrial areas, where the presence of such structures is anticipated by the viewer.

Visual impact assessment should include an evaluation of view impacts. Proposed development should not significantly obstruct or detract from high quality views, such as views to water bodies, natural and man made features or landmarks, and significant parklands or natural landscapes. Views to and from the public domain are particularly important. In conservation areas or where there are nearby heritage items, consideration needs to be given to protecting townscape and heritage qualities and the visual catchment of heritage items and their curtilage.

Visual Impact Assessment of the Proposed Telecommunications Facility

The proposed communications facility is located on an industrial allotment in Geary Place, North Nowra, within a zoned and developed light industrial, surrounded on all sides by industrial development. The site is however located relatively close to residential development to the south, in McMahons Road. It is the visual impact of the proposal as viewed from McMahons Road and adjoining residential properties that has been raised as an issue of concern by the Planning Panel.

The industrial locality within which the facility is to be installed could not be characterized as one of high visual quality. The Geary Place industrial area is of low to moderate visual quality, dominated by industrial buildings of low to moderate architectural merit. A small number of large trees, for example trees to the southeast of the site in the vicinity of the 2ST radio mast do make a positive contribution to the visual qualities of the area.

The nearby residential area to the south fronting McMahons Road comprises relatively level topography, with generally modest single storey dwellings within landscaped garden settings, including a number of mature trees. Whilst the visual character in the residential precinct could not be described as being of high quality, its visual quality is clearly superior to the industrial area to the north and we would consider the residential precinct to have a moderate visual quality.



The Geary Place industrial area is substantially screened from view from McMahons Road by existing dwellings located on the northern side of McMahons Road. The visibility of the industrial area as viewed from McMahons Road is minimized due to the low-rise nature of development in the industrial estate. Apart from the radio mast, the radio station building, electricity poles and a couple of industrial sheds that can be seen alongside or behind existing dwellings on the northern side of McMahons Road, the outlook from McMahons Road, near the site is one of a predominantly residential streetscape of moderate visual quality.

The northerly outlook from the rear of residential properties on the northern side of McMahons Road is more industrial in nature and of lesser visual quality compared to the McMahons Road streetscape. Residential properties on the northern side of McMahons Road are split between an industrial zone at the rear and a residential zone at the front. This zoning is intended to encourage home based industries whereby it is possible to build a dwelling on the front half of the allotment and industrial buildings on the rear half of the property. This form of development predominates on the northern side of McMahons Road, near the development site.

Most dwellings on the northern side of McMahons Road in the subject locality, have industrial sheds or shrub planting along their rear boundaries which minimize the visual impact of industrial development in Geary Place, as seen looking north from the rear of those dwellings. Above a height of 8 metres the outlook is of open sky. It is the intrusion of the proposed monopole and associate antennae into this skyline view that appears to be the primary concern in relation to visual impact. This is illustrated in the photograph below at left, which shows a view of the proposed pole at its original 36.3m height, looking northeast from McMahons Road, over No. 125 McMahons Road. The photograph below at right, shows the revised lower version of the pole, at a height of 25 metres and demonstrates the significant reduction in visual impact by lowering the pole.

PHOTO 1 – View of Proposed Pole from McMahons Road (Original 36.3m height)



PHOTO 2 – View of Proposed Pole from McMahons Road (Revised 25m height)





At the reduced height of 25 metres, the proposed transmission facility will continue to be visible from McMahons Road and nearby residential properties in McMahons Road, however it would not be an intrusive element in this streetscape. Visual impact is similar to or marginally less than the existing radio mast, nearby to the east.

The locality is not of high visual quality and is not an area of natural, heritage or townscape significance. The siting of the facility within an industrial area is generally acknowledged as a preferred location for telecommunications facilities. The proposed facility at the revised lower height, would not be visually obtrusive and there are no significant views that will be obstructed or diminished. The affected view is one of a skyline above building roofs. In the circumstances it is considered that the proposed facility, at a height of 25 metres, has an acceptable visual impact within the locality.

Opportunities for Mitigating Visual Impact

Where a project has a visual impact, the achievement of improved environmental outcomes is enhanced by consideration of feasible measures that can further reduce visual impact. Additional lowering of the pole is not possible, as the service performance of the facility is significantly reduced below a height of 25 metres. It is however possible to utilize a low impact colour that assists in blending the pole into the sky view and introduce some tree planting to screen a substantial portion of the pole from view from nearby residential areas.

We would recommend that a consent condition be imposed requiring a light colour for the pole, preferably a light gray, or similar that assist in blending the pole into the skyline view. We would also recommend that consideration be given to some tree planting on the subject land to assist in screening. Trees have the potential to obstruct mobile phone transmissions. The canopy of screen trees therefore must not extend above the antennae installation. Trees to a maximum height of some 15 to 16 metres would therefore be appropriate.

Operational needs of the existing industrial activity on the site may preclude the planting of trees immediately adjoining the proposed telecommunications pole. The outlook across the southern boundary of the site is the primary concern. There is space available along the southern boundary for suitable advanced screen trees, particularly to the east of the existing small shed at the rear of the property. Trees in this location would screen the greater part of the pole, as viewed from the rear of No. 125 McMahons Road.

We would recommend consultation with the landowner and Council with a view to identifying suitable tree species and locations for some screen planting along or near the southern boundary of the site where there is currently no landscaping.

A suggestion has been made that locating the required antennae on the existing radio mast would avoid the need for an additional tall pole in the area and hence reduce visual impact. We are advised that the radio mast does not have the structural capacity to accommodate the weight of the required antennae. We are also advised that alternative locations either have similar or greater visual impact, or are not feasible due to inadequate service coverage, high cost of extending power, or inability to negotiate a lease with the landowner.



Conclusions

Mobile phone communications facilities are today recognized as essential items of infrastructure. There is a need for the proposed facility in North Nowra and the siting of the facility in an industrial area is a preferred outcome. The visual quality of the locality ranges from low to moderate and no significant views will be impacted by the proposed facility.

The proposed facility, at the revised reduced height of 25 metres whilst visible from nearby properties and from the western section of McMahons Road, will have an acceptable visual impact in the streetscape or within the locality and minimal if any visual impact from properties further distant. The revised design deleting the relatively bulky antennae headframe option in favour of vertical antennae panels directly mounted on the pole is a significant improvement in terms of visual impact. Any consent issued should require that the pole and antennae be of a light colour, such as light gray or similar colour compatible with the skyline.

An opportunity existing to reduce visual impact by providing screen planting in the form of appropriately located canopy trees capable of reaching a height of 15 to 16 metres. Such tree planting is likely to lead to an overall improvement in the streetscape of and outlook from McMahons Road. We would recommend consultation with the landowner and Council with a view to identifying suitable tree species and locations for some screen planting along or near the southern boundary of the site where there is currently no landscaping.

We trust that the above assessment assists in the making of an informed and objective assessment of the visual impact of the proposed telecommunications facility at Geary Place. Should you require any further information or clarification of the assessment we have undertaken, please contact the undersigned.

Yours faithfully

Nick Juradowitch
Director
INGHAM PLANNING PTY LTD

RA10/1003 - Conditions of Consent

PART A CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

General

1. This consent relates to a **telecommunication facility (comprising a 25m high monopole and associated “collar mount”, antennas, an equipment building, security fencing and associated power supply/optic cable works** as illustrated on the plans with the following references:

- Dwg No. N109011, Site Layout and Access, Sheet S1, Issue 7, dated 30/08/2010; and
- Dwg No. N109011, Site Elevation (Southern), Sheet S3, Issue 6, dated 30/08/2010;

stamped with reference to this consent, as modified by the following conditions. the development shall be carried out in accordance with this consent.

Notes:

§ *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*

§ *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*

2. The approved development/use shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

Occupation Certificate

3. An **Occupation Certificate** shall be issued by the Principal Certifying Authority (PCA) before the approved building/development is used or occupied.

Note: Refer to Part F of this development consent for additional requirements in relation to this condition.

PART B CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

Notice of Commencement

4. Notice must be given to Council **at least two (2) days** prior to the commencement of building work.

Principal Certifying Authority/Construction Certificate

5. The following must be undertaken **before any building works can commence**:
- a) A Principal Certifying Authority (PCA) must be appointed; and
 - b) A Construction Certificate must be obtained from either Council or an accredited certifier.

Builders' toilet

6. **Before commencing building operations**, a builder's water closet accommodation must be provided to Council's satisfaction. A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational.

Under no circumstances will pit toilets or similar be accepted by Council.

Existing services and damage to public assets

7. **Prior to the commencement of any work(s)** associated with this development:
- (a) The developer or his agent shall undertake a site inspection of the adjacent kerbs, gutters, carriageway, reserves and the like and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense. Any damage to the adjacent kerb, gutter, footpath/road reserve area, carriageway and the like that occurs during development works shall be repaired by the applicant; and
 - (b) The developer or his agent must check that the proposed works are not affected by any Council, Integral Energy, telecommunications, gas service or other services. Any required alterations to services will be at the developer's expense.

Soil and water management

8. The relevant sedimentation and erosion controls required by this consent (refer to Condition 11) must be implemented **prior to commencement of any work** and maintained until the work is completed and the site stabilised. Soil and water management including siltation and erosion controls shall be inspected and approved prior to the commencement of any site works.

Supervision of works

9. **Prior to the commencement of any works**, Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures.

Site Notice

10. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;

- c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice

PART C

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

Erosion and Sediment Control Plan

11. An Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual *"Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004"*, shall be lodged for approval with the application for a Construction Certificate. The ESCP shall include, but not be limited to the following:
- a) The location and type of proposed erosion and sediment control measures;
 - b) Detail environmental (stormwater) management measures that will be implemented; and
 - c) Detail on measures to be put in place to ensure contaminated material does not impact on adjoining lands.

The ESCP controls must be implemented, inspected and approved prior to the commencement of any site works.

Landscaping

12. a) The applicant must lodge a landscape plan with Council and approval granted prior to the issue of a Construction Certificate. The plan must be prepared by a suitably qualified professional. The landscape plan must include the following (at a minimum):
- The planting of screen trees that are a species capable of reaching a height of 15-20 meters at maturity. Plant specimens must be planted at an appropriate distance so as to sully screen the monopole from the adjoining residential properties.
 - Details on the quantity of plants and pot sizes;
 - Location of common tap/taps/irrigation system to permit all landscape works to be adequately watered; and
 - Maintenance plan for 26 weeks
- b) All landscaping, including plantings, mulch, watering systems and barriers must be carried out in accordance with the approved plan.

Airspace

13. The Council must, prior to the release of the Construction Certificate, be given a report:
- a) Showing compliance with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth; and
 - b) Showing that it does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of

an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.

Note: See the Advisory Circular 139-08(0) entitled *Reporting of Tall Structures issued by the Civil Aviation Safety Authority Australia* in 2005 concerning these conditions.

Waste Minimisation and Management

14. A Waste Minimisation and Management Plan (WMMP) must be prepared that complies with the requirements of Development Control Plan No. 93 - *Waste Minimisation and Management*. The plan must clearly detail how the management of waste material(s) on site will be carried out in accordance with NSW DECC *Environmental Guidelines: Classification and Management of liquid and Non-liquid Wastes*.

The WMMP shall be lodged for approval with the application for a Construction Certificate. A copy of the approved WMMP shall be lodged with Council prior to the issue of the Construction Certificate.

Note: "Waste" has the same meaning as the definition of "Waste" in the *Protection of the Environment Operations Act 1997*.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Building Code of Australia

15. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Note: This condition is prescribed under the *Environmental Planning and Assessment Regulation 2000*.

Design and Construction

16. All design and construction shall be in accordance with DCP 100 - *Subdivision Code*.

Visual Impact

17. To minimise the visual impact of the telecommunications monopole on the surrounding area and to reduce the scale of the visible section of the pole to the adjacent residential properties:

- a) The total height of the monopole structure shall not exceed 25 metres maximum;
- b) The required antennas must be "collar mounted" to the monopole as opposed to installing a headframe; and
- c) The pole and antennae is required to be of a light colour, such as light gray or similar colour to be compatible with the skyline.

Soil and Water Management

18. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.

All silt fences or equivalent must be regularly inspected and cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

Unnecessary disturbance of the site (eg excessive vehicular access) must not occur.

Waste Minimisation and Management

19. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility (i.e. West Nowra Tip). No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Contamination

20. Where there is visual evidence or other clear identification of further land contamination (e.g. layers of ash or strong hydrocarbon odour, etc) during construction, further sampling and chemical analysis must be carried out to confirm the magnitude and extent of contamination, including a suitable removal strategy developed in regard to waste classification and disposal if required. These works are to be undertaken in accordance with the NSW Department of Conservation, Climate Change and Water (DECCW) *Environmental Guidelines: Classification and Management of liquid and Non-Liquid Wastes*.

Construction hours/storage

21. To limit the impact of the development on adjoining owners/occupiers, the following must be complied with:
- a) All construction work shall be restricted to the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No construction work shall take place on Sundays or Public Holidays; and
 - b) The parking of machinery/vehicles or the storing of construction equipment/materials, soil, spoil, or rubbish external to Lot 1 DP 1036505 (the subject land) is prohibited.

Exterior Materials/colour Schedule

22. To maintain the amenity of the area:
- a) The development must be constructed in accordance with the approved schedule of colours and building materials and finishes; and
 - b) Exterior materials are to be non-reflective and of a texture and colour which blend with the existing surroundings.

Restrictions as to Use/Easements – 88b

23. The applicant shall comply with the requirements of the restrictions-as-to-user /easements placed over the title at the time of subdivision.

Electromagnetic Emissions

24. Where the development is part of infrastructure for a public mobile phone network – the Council must, before commencement of use, be given:
- a) In the case of development that will produce electromagnetic radiation-a report in the format required by the Australian Radiation Protection Nuclear Safety Agency that shows the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and
 - b) a report showing compliance with the Australian Communications Industry Forum Industry Code entitled CIF C564:2004 Deployment of Mobile Phone Network Infrastructure.

PART E

CONDITIONS THAT RELATED TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT REASONS FOR CONDITIONS

Site Management and Maintenance

25. The proprietor shall at all times be responsible for on-going site management and maintenance in accordance with the following:
- (a) The use of the approved development must not:
 - (i) Cause transmission of vibration to any place of different occupancy;
 - (ii) Cause 'Offensive Noise' as defined in the Protection of the Environment Operations Act 1997;
 - (iii) Impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise;
 - (b) Loading and unloading in relation to the use of the approved development must occur within Lot 1 in DP 1036505;
 - (c) Maintenance and replacement (if necessary) of all landscaping in accordance with the approved Landscape Plan.

Maintenance of Facilities

26. Telstra must, at all times, maintain the facility in order to ensure the required operation and connection to the network. This maintenance must include the alteration, removal or repair of the facility, as well as the monitoring the function of the facility. Telstra must provide all material and information required to establish and maintain the facility.

Visual Amenity

27. In consideration of the visual amenity of the area, Telstra must ensure that the leased compound area is well maintained.

Noise

28. The L_{A10} (Source) noise level emitted from the Telecommunications facility shall not exceed the background noise level in any octave band (measured using the L_{90} noise level descriptor) by more than 5 dB(A) when measured at the boundary of the nearest affected residence.

Electro Magnetic Energy Levels

29. The telecommunications facility is to comply with the Australian Radiation Protection and Nuclear Safety Agency Protection Standard – Maximum exposure levels to radiofrequency fields – 3kHz to 300Hz as amended from time to time.

Validation Report

30. A validation report shall be submitted to Council within 12 months of the facility commencing operations. This report shall demonstrate that emissions levels for adjoining areas (i.e. at the distances as shown in the submitted Predictive EME Report, Dated 11th March 2010, NSA Site No. 2541011) do not exceed the predicated EME levels and comply with the Australian Radiation Protection and Nuclear Safety Agency Protection Standard – Maximum exposure levels to radiofrequency fields – 3kHz to 300Hz as amended from time to time.

Electro Magnetic Energy Monitoring

31. In the interests of public safety, the applicant must carry out on-going and regular monitoring of the Electro Magnetic Energy emission levels (i.e. yearly – 12 months from date of issue of a Construction Certificate) to ensure that the predicted radiation levels are not exceeded. The results of such monitoring must be submitted to Council annually and be available for public inspection.

In the event that EME level exceeds the predicted levels, power to the telecommunications facility must be reduced or turned off until compliance with the submitted EME Predicted Levels is achieved.

PART F

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED

32. **Prior to the issue of an Occupation Certificate** for the approved development, the requirements of Condition 12(b) – Landscaping, Condition 17 – Visual Impact, Condition 22 - Exterior Materials/colour Schedule and Condition 24 - Electromagnetic Emissions must be complied with and completed.

PART G

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.

3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, car parking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART H

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development. The request must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

PART I

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

This consent is valid for five years from the date hereon.

In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.

PART J

GENERAL ADVICE TO APPLICANT

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

Disclaimer – s88B restrictions on the use of land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

— Subject Site ■ Development Site

Attachment 'H'

PRIMARY

SCHOOL

RETIREMENT

VILLAGE



SENSITIVE LAND USES

**SUBJECT
SITE**

**WILLIAM
CAMPBELL
COLLEGE
(temporary
school)**