

Plannex Environmental Planning

**PLANNING REPORT AND STATEMENT OF
ENVIRONMENTAL EFFECTS FOR THE
INSTALLATION OF A 40m
COMMUNICATIONS TOWER**

**ON LOT 1 DP 538742
OLD PORT ROAD, PORT KEMBLA**

**PREPARED ON INSTRUCTION FROM
MR DAVID DEITCH**

SEPTEMBER 2010

**PLANNING REPORT AND STATEMENT OF
ENVIRONMENTAL EFFECTS FOR THE
INSTALLATION OF A 40m
COMMUNICATIONS TOWER**

**ON LOT 1 DP 538742
OLD PORT ROAD, PORT KEMBLA**

SEPTEMBER 2010

**PREPARED ON INSTRUCTION FROM
MR DAVID DEITCH**

**PREPARED BY
GLENN DEBNAM BTP MPA CPP**

Plannex Environmental Planning
PO BOX 239
FIGTREE NSW 2525

CONTENTS

| | |
|---|-----------|
| EXECUTIVE SUMMARY | 1 |
| 1.0 INTRODUCTION & BACKGROUND | 2 |
| 2.0 SITE AND SURROUNDS | 3 |
| 2.1 The Subject Site | 3 |
| 2.2 The Surrounding Area | 5 |
| 3.0 PROPOSAL | 6 |
| 4.0 PLANNING CONTROLS | 8 |
| 4.1 Overview | 8 |
| 4.2 SEPP (Major Development) 2005 | 8 |
| 4.3 SEPP (Infrastructure) 2007 | 9 |
| 4.4 State Environmental Planning Policy No.71 | 9 |
| 4.5 Wollongong Development Control Plan 2009..... | 12 |
| 5.0 KEY ASSESSMENT ISSUES | 13 |
| 5.1 Permissibility..... | 13 |
| 5.2 Acid Sulfate Soils..... | 14 |
| 5.3 Electromagnetic Radiation Assessment..... | 15 |
| 5.4 Visual Amenity..... | 16 |
| 5.5 Threatened Species..... | 18 |
| 6.0 ENVIRONMENTAL EFFECTS | 21 |
| 6.1 Environmental Planning Instruments | 21 |
| 6.2 Draft Environmental Planning Instruments..... | 21 |
| 6.3 Development Control Plans | 21 |
| 6.4 Planning Agreements under Section 93F..... | 21 |
| 6.5 Matters Prescribed by the Regulations | 21 |
| 6.6 Likely Impacts of the Development | 22 |
| 6.7 Suitability of the Site | 23 |
| 6.8 Public Submissions..... | 23 |
| 6.9 Public Interest..... | 23 |
| 7.0 CONCLUSION | 24 |

EXECUTIVE SUMMARY

- The subject site is located at the corner of Old Port Road and Darcy Road at Port Kembla. The subject site is known as Lot 1 in Deposited Plan No.538742, and is irregular in shape with a total area of 2,720m².
- The development proposal seeks Council's consent for the installation of a 40m high communications tower on the subject site.
- The proposed development satisfies all of Council's relevant planning controls and policies and is satisfactory when considered against the objectives of those controls and policies.
- No unreasonable environmental impacts will be caused by the development proposal. The proposed development has been specifically planned and designed to ensure that all potential impacts are kept to a minimum.
- Approval of the development proposal is recommended.

1.0 INTRODUCTION

Plannex Environmental Planning has been engaged by Mr David Deitch of Comsite Services Pty Limited, owner of Lot 1 DP 538742, to prepare a planning report and Statement of Environmental Effects, to accompany a development application with has been lodged with Wollongong City Council seeking consent for the installation of a 40m high communications tower on the subject site.

This planning report and statement of environmental effects provides the following:-

- A description of the subject site and the surrounding area.
- A description of the proposed development.
- A summary and description of the main planning controls that apply to the land and the proposed development.
- Identification and discussion of the key assessment issues.
- An evaluation of the proposal in accordance with Section 79C of the Environmental Planning and Assessment Act, 1979.

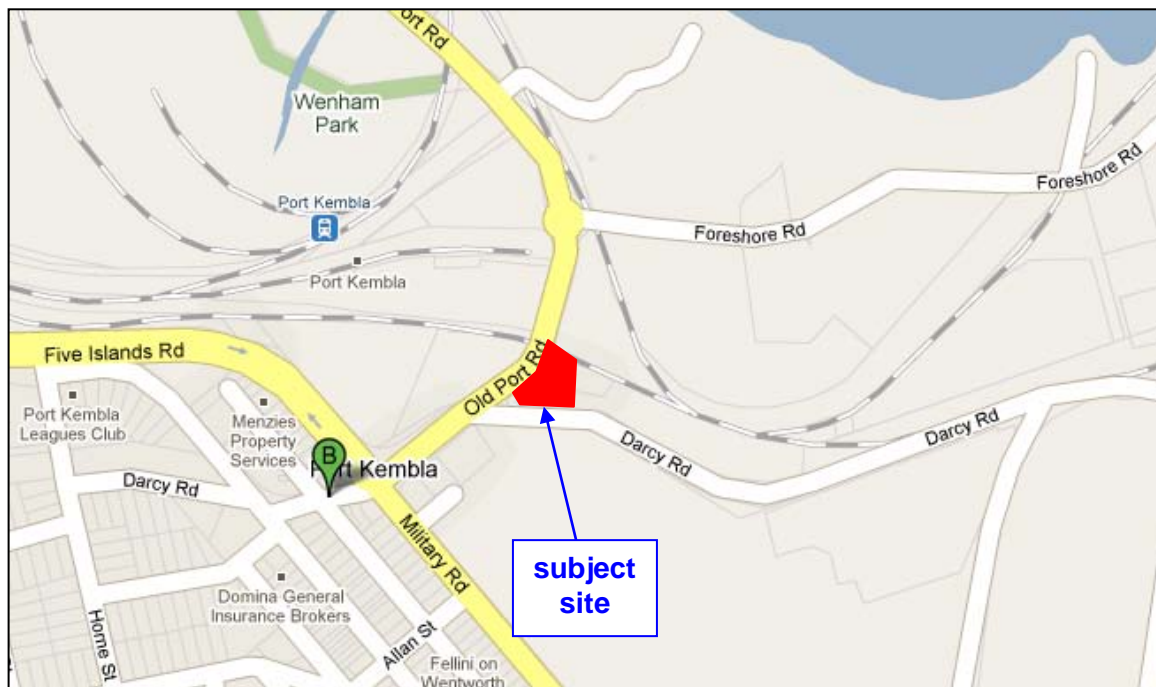
2.0 SITE AND SURROUNDS

2.1 The Subject Site

The subject site is an irregular-shaped allotment of land situated at the corner of Old Port Road and Darcy Road at Port Kembla (see Figure 1). The site is known as Lot 1 in Deposited Plan No.538742 and has an area of 2,720m².

The site has a total frontage of 63.335m to Old Port Road, along its north-western boundary, and a frontage of 44.056m to Darcy Road, along its southern boundary. The eastern boundary of the site measures 52.673m while the northern boundary measures 29.72m.

Figure 1 *Site Location*



Source – Google Maps

The subject site falls from its south-western corner to its north-eastern corner. The high point (about RL 12.9m) is located at the site's south-western corner – at the intersection of Old Port and Darcy Roads. From here, the site slopes to the east (along Darcy Road) at a grade of around 1 in 16; and to the north-east (along Old Port Road) at a grade of around 1 in 17. The lowest point of the site is located in the north-eastern corner (RL 8.77m). In general, grades across the site are fairly consistent.

As evident from Figure 2, the site is currently occupied by a number of buildings with the main building being 'Darcy House', which is operated as a drop-in centre for men

and women. The other buildings on the site are currently vacant and include a metal clad building with an attached metal awning, located in the south-eastern corner of the site; a fibro-clad outbuilding located on the site's northern boundary; and, a single storey brick building located in the south-western corner of the site. A large, L-shaped bitumen-paved parking and manoeuvring area occupies about one-third of the site, running inside the site's southern and eastern boundaries. The northern, southern and eastern boundaries of the site are fenced with a chainwire metal mesh fence.

Vehicular access to the site is available from Old Port Road, to the area immediately adjacent to 'Darcy House'; and, from Darcy Road, to the expansive bitumen-sealed area.

Figure 2 Site Layout



Source – Google Maps

The site of the proposed tower (circled in red in Figure 2) is located in the south-western corner of the subject site, between the existing brick building and the

property boundary. The site of the proposed tower is currently occupied by a large metal shipping container, which is to be removed. There are no trees located on or near the development site and the ground surface consists mostly of loose gravel.

The subject site is connected to the mains electricity supply and to Sydney Water's reticulated water supply and sewerage systems. Telecommunications facilities are also currently available to the existing buildings located on the subject site.

2.2 The Surrounding Area

The subject site is located within the Port Kembla Industrial Area, and lies some 170m north-east of Military Road, and 300m from the Port Kembla CBD. The properties immediately surrounding the subject site contain the following:-

- The land to the north, on the opposite side of Old Port Road is occupied as a road transport depot by a trucking company.
- The neighbouring property to the north and east is currently unoccupied, vacant land.
- Land to the south (on the opposite side of Darcy Road) is current vacant and unused, but forms part of the much larger Port Kembla Copper site.

3.0 PROPOSAL

The development proposal seeks Council's consent for the installation of a 40m communications tower in the south-western corner of the subject site. This tower is to be operated by 3D Coverage Pty Limited and is intended to provide a structure upon which to attach a number of existing telecommunications facilities that are currently located on the Australian Volunteer Coast Guard's tower at Hill 60 and operated by customers of 3D Coverage. These telecommunications facilities were relocated to Hill 60, as an interim measure, after being moved from their previous site at 26 Suvla Street, Port Kembla.

3D Coverage's customers' facilities operate from Hill 60 at a reduced power level and are unable to provide the coverage needed as the transmitters receive interference from the Coast Guard's equipment. This situation could be rectified by increasing the power level of the transmitters used by 3D Coverage's customers. However, this would, in turn, cause interference to the Coast Guard's equipment which is not an acceptable outcome. In addition, the elevation of the Hill 60 site is too high to achieve the required electrical radiofrequency down-tilt that is necessary to cover the area effectively. As a result, a new, permanent structure is required upon which to locate 3D Coverage's customers.

The customers of 3D Coverage who are to be moved from Hill 60 to the proposed tower are:-

- Hutchinson Telecommunications – providing an emergency service paging system for the Illawarra Area Health Service (customer of 3D Coverage for 10 years);
- TNT Transport – providing a back up UHF communication system for its transport network (customer of 3D Coverage for 10 years);
- Dion Bus Service – providing essential UHF service for bus and base operations (customer of 3D Coverage for 10 years);
- Elchaars – providing essential UHF service for its towing business (customer of 3D Coverage for 8 years); and
- Cleanaway Waste – providing essential UHF service for its waste and recycling operations (customer of 3D Coverage for 10 years).

The proposed facility is intended to provide coverage of the Port Kembla Harbour and surrounding areas and will require the erection of a 40m tall lattice-style tower at the subject site. The proposed tower is triangular in cross-section and will be supported on three (3) concrete piers and a mass-concrete footing (6.1m by 6.1m), excavated 1m into the ground. The concrete piers will be positioned at 3.119m centres and at a radius of 1.801m from the centre of the tower's base.

The tower has a triangular footprint with sides of 3.119m at its base, tapering to a triangular footprint with 1.3m sides at the top of the tower. The base of the tower will be established at RL 11.86m AHD and the top of the tower, RL 51.86m AHD.

The proposed tower will be a lattice-type construction comprised of galvanised steel components, assembled together to the desired tower height. An internal access ladder will be provided up the middle of the tower structure and a work platform at its apex.

To prevent unauthorised access the tower will be enclosed in a compound by a 2m high security fence and an anti-climb device will be installed at the base of the access ladder. The compound fence, and each of the tower's three (3) faces, will be sign-posted with unauthorised entry warning signs.

It is proposed to undertake landscaping around the perimeter of the fenced tower compound. This landscaping is shown on the landscape plan submitted with the development application, and consists of a mixture of low-maintenance ground covers and shrubs.

Once constructed, access to the tower is expected to be required only about once a month for routine maintenance and checking. Access to the site will be obtained via the existing driveway off Old Port Road and parking is available on-site.

In the event that the proposed telecommunications facilities and tower are no longer required, the structure will be disassembled and removed from the site.

4.0 PLANNING CONTROLS

4.1 Overview

The primary planning control applying to the land and the proposed development is State Environmental Planning Policy (Major Development) 2005.

Other relevant planning instruments and controls that apply to the land and the development proposal, which are discussed in this statement, are:-

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No.71 – *Coastal Protection*; and
- Wollongong Development Control Plan 2009.

The effects of these planning documents on the development proposal are outlined below.

4.2 State Environmental Planning Policy (Major Development) 2005

The subject site is identified as being part of a State Significant site and is listed in Part 20 of Schedule 3 of State Environmental Planning Policy (Major Development) 2005 (SEPP – *Major Development*). A review of those provisions of SEPP – *Major Development* of relevance to the proposal has been undertaken and the following matters identified.

The subject site is zoned **IN3 Heavy Industrial** under the provisions of SEPP – *Major Development*. The objectives of the IN3 zone are stated (in clause 10(1) of Part 20 in Schedule 3) as:-

- (a) *to provide suitable areas for those industries that need to be separated from other land uses,*
- (b) *to encourage employment opportunities,*
- (c) *to minimise any adverse effect of heavy industries on other land uses,*
- (d) *to provide transport infrastructure and intermodal facilities,*
- (e) *to allow some diversity of activities that will not significantly detract from the operation of existing or proposed industries.*

The development proposal is not contrary to any of the objectives of the IN3 zone. The development proposal utilises a small section of an existing, developed – but underutilised site – for the construction of a 40m tower to support

telecommunications facilities that provide communications to local service and transportation businesses. The proposed tower will not compromise the ability of the subject site to be redeveloped for heavy industrial purposes in the future, nor does it adversely impact upon the use of neighbouring and surrounding properties for either their current uses or for other uses permitted in the IN3 zone.

From a review of the provisions of SEPP – *Major Development*, the development proposal is considered to be satisfactory.

4.3 State Environmental Planning Policy (Infrastructure) 2007

The subject site is affected by the provisions of State Environmental Planning Policy (Infrastructure) 2007 (SEPP – *Infrastructure*). Under the provisions of clause 115 of SEPP – *Infrastructure* “**telecommunications facilities**” are permitted with development consent on **any** land.

4.4 State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71)

The subject site is located within the Coastal Zone and accordingly SEPP 71 applies to the site and the development proposal. The aims of SEPP 71 are listed in clause 2 of the Policy as:-

- (a) *to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (b) *to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (c) *to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (d) *to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) *to ensure that the visual amenity of the coast is protected, and*
- (f) *to protect and preserve beach environments and beach amenity, and*
- (g) *to protect and preserve native coastal vegetation, and*
- (h) *to protect and preserve the marine environment of New South Wales, and*
- (i) *to protect and preserve rock platforms, and*

- (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the Protection of the Environment Administration Act 1991), and*
- (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
- (l) to encourage a strategic approach to coastal management.*

For the purposes of SEPP 71, the site is not situated within a “sensitive coastal location” as it is more than 100m from the mean high water mark.

Clause 8 of SEPP 71 lists a range of matters for consideration in determining a development application under the Policy, as follows:-

- (a) the aims of this Policy set out in clause 2,*
- (b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*
- (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*
- (d) the suitability of development given its type, location and design and its relationship with the surrounding area,*
- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*
- (g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*
- (h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats,*
- (i) existing wildlife corridors and the impact of development on these corridors,*

- (j) *the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*
- (k) *measures to reduce the potential for conflict between land-based and water-based coastal activities,*
- (l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*
- (m) *likely impacts of development on the water quality of coastal waterbodies,*
- (n) *the conservation and preservation of items of heritage, archaeological or historic significance,*
- (o) *only in cases in which a Council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*
- (p) *only in cases in which a development application in relation to proposed development is determined;*
 - (i) *the cumulative impacts of the proposed development on the environment, and*
 - (ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

With respect to the matters listed in clause 8 of SEPP 71, the following observations are made:-

- The development proposal is consistent with the aims of SEPP 71.
- The development site is located remote from the coastline and, as such, will not impact upon public access to, or along, the foreshore; nor will it have any impact on the amenity of the foreshore.
- The proposed development is appropriate for its location having regard to the nature and use of surrounding land uses, and the fact that the industrial skyline contains a number of tall chimneys, stacks, and towers of varying heights and forms.
- The development site is remote from the coastline. Accordingly, the proposed development will not be subjected to coastal processes or hazards; nor will the development have any impact on wildlife, coastal vegetation, fish or marine vegetation.
- The proposed development will not impact on European or Aboriginal heritage.

- The development proposal will not have any impact at all on coastal waters or waterways that connect with coastal waters.
- The proposed development will not have a detrimental cumulative impact on the environment.

Having regard to the above, the development proposal is considered to be consistent with the aims and provisions of SEPP 71.

4.5 Wollongong Development Control Plan 2009 (WDCP 2009)

WDCP 2009 became effective from 3rd March 2010 and applies to the site and the development proposal. The development proposal has been reviewed in light of those provisions contained in Chapter C17 – *Telecommunications and Radiocommunications Facilities* of WDCP 2009.

The matters listed in WDCP 2009 have been given full consideration in the design and location of the proposed tower. The tower will provide 3D Coverage with a structure upon which to co-locate five (5) of its existing customers. Whilst these customers are currently co-located with the Coast Guard on its facility at Hill 60, there are coverage problems arising from the lower power levels at which 3D Coverage's customers are forced to transmit in order to avoid causing interference with the Coast Guard's equipment, and also problems arising from the elevation of the Coast Guard's facility which is too high to allow 3D Coverage's customers to effectively cover their area. As a result the existing co-location with the Coast Guard is detrimental to all users of that facility and a new site for 3D Coverage's customers is necessary.

The proposed tower has been appropriately located within a heavy industrial area well-away from any sensitive receptors, such as schools and dwellings. The nature and character of the surrounding area is such that the proposed tower is not an alien form and will not have a detrimental visual impact. Appropriate landscaping will be planted around the base of the tower for ground level aesthetic reasons.

Appropriate security fencing, anti-climb devices and warning signage will be installed on and around the base of the tower to prevent and discourage unauthorised access to the structure. An assessment of EMR levels likely to be generated by the transmitters attached to the tower has revealed that exposure levels will be less than 0.5% of the maximum recommended General Public exposure level.

The matters raised in Chapter C17 of WDCP 2009 are addressed in detail in this planning report and in the independent reports and plans submitted with the development application.

5.0 KEY ASSESSMENT ISSUES

5.1 Permissibility

The subject site is zoned IN3 Heavy Industrial under the provisions of SEPP – Major Development. Sub-clauses 10(2), (3) and (4) of Part 20 of Schedule 3 of SEPP – Major Development identifies permissible and prohibited land uses for the IN3 zone as following:-

- (2) *Development for any of the following purposes is permitted without development consent on land within Zone IN3 Heavy Industrial:*

environmental protection works.

- (3) *Development for any of the following purposes is permitted only with development consent on land within Zone IN3 Heavy Industrial:*

depots; food and drink premises; freight transport facilities; heavy industries; port facilities; roads; transport depots; warehouse or distribution centres; waste or resource management facilities.

- (4) *Except as otherwise provided by this Part, development is prohibited on land within Zone IN3 Heavy Industrial unless it is permitted by subclause (2) or (3).*

The development proposal is not one of the types of development listed as permissible without development consent in clause 10(2) and is not one of the types of development listed in clause 10(3) as being permissible with development consent. Accordingly, ordinarily, the proposal would be rendered prohibited. However, clause 18 of SEPP – *Major Development* provides as follows:-

18 Infrastructure development and use of existing buildings of the Crown

- (1) *This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development that is permitted to be carried out with or without development consent or that is exempt development under the State Environmental Planning Policy (Infrastructure) 2007.*

Division 21 of Part 3 of SEPP – *Infrastructure* relates to telecommunications and other communications facilities. Specifically, clause 115 relates to development permitted with consent and contains the following provisions:-

115 Development permitted with consent

- (1) Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land [emphasis added].

The following definitions are relevant to the interpretation of clause 115:-

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network [emphasis added].

tower means a freestanding ground-based structure that supports a telecommunications facility at a height where it can satisfactorily send and receive radio waves, but does not include the facility.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

The proposed development is a freestanding, ground-based structure that will support UHF transmitters that are part of a communications system based upon the transmission of electromagnetic energy. It is evident that the proposed structure is a “tower” and that the transmitters it supports constitutes a “telecommunications facility”. The proposed development is therefore consistent with the definition of “telecommunications facility” and, pursuant to the provisions of clause 115 of SEPP – Infrastructure, is permitted on the subject site with development consent.

Clause 13C of SEPP – Major Development dictates that a development application involving the erection of a building or structure greater than 13m in height and located within the Coastal Zone, must be determined by a Joint Regional Planning Panel (JRPP). Accordingly, as the proposed tower is 40m in height, the current development application will need to be determined by the JRPP.

5.2 Acid Sulfate Soils

Information provided by Council in Section 149 Certificate No.201002494 (issued on 24th May 2010) indicated that the subject site potentially contains Class 3, 4 or 5 Acid Sulfate Soils.

Heggies Pty Limited was engaged to conduct preliminary Acid Sulfate Soil sampling at the site of the proposed tower. A copy of Heggies’ report has been submitted to

Council. The methodology adopted by Heggies included the excavation of a test pit to a depth of 2m, with soil samples taken at every 500mm in depth; the observation of the excavated soil profiles; and, laboratory testing of the soil samples.

The results of the soil sampling and field investigations undertaken by Heggies revealed that the pH of the soil was generally greater than 5 and that there had been no previous (or only limited) oxidisation of sulphides. Based on these results the presence of Acid Sulfate Soils was considered to be limited within the depth range of the 2m deep test pit. No ground water seepage was encountered during the excavation of the test pit.

Accordingly, the excavation of footings to support the proposed tower is not likely to result in the disturbance of Acid Sulfate Soils or the lowering of the ground water table.

5.3 Electromagnetic Radiation Assessment

An electromagnetic radiation (EMR) hazard assessment of the development proposal has been undertaken by RFI Industries Pty Limited and previously submitted to Council. The EMR assessment has been based upon the antenna to be installed on the tower, which consists of:-

- Six (6) Dipole antenna arranged at heights between 30m and 40m above ground level; and
- Three (3) Yagi antenna arranged at heights of between 26m and 28m above ground level.

The EMR assessment has been prepared in accordance with the ARPANSA Environmental EME Report protocol (2006) and AS 2722.2-1988 *Radiofrequency Radiation Part 2 Principles and Methods of Measurement – 300kHz to 100GHz*.

In the interests of a conservative assessment, the report adopted a worst-case scenario all the antenna were assumed to be axially aligned at the minimum height of 26m above ground level.

The EMR assessment has determined that the worst-case scenario would result in a power flux density (PFD) at 1.5m above ground level of 0.0103W/m^2 at a distance of 33m from the tower base. This represents less than 0.5% of the allowable General Public exposure level of 2.273W/m^2 at 454.6MHz.

Based on the results of the EMR hazard assessment, the proposed development is not likely to pose a risk to the general public.

5.4 Visual Amenity

The subject site is located within a heavy industrial area and consideration has been given to the potential visual impact of the proposed 40m tall tower. The nature and character of the surrounding urban form is one that is dominated by large-scale manufacturing businesses which generally consist of very large buildings and tall ancillary structures such as chimneys and stacks.

The proposed tower structure is of a galvanised steel lattice-style construction. The galvanised steel framework will tarnish over time, due to exposure to the elements, and will eventually achieve a dull grey finish that will tend to recede into the background, rather than distinguish from it.

Photo 1 (below) provides an overview of the locality as viewed from Hill 60 to the south-east. Within this panorama, the proposed tower will be seen as just another vertical element within the vista, and will not be obtrusively obvious to the casual observer. The proposed tower will sit below the ridge line of the escarpment in the background and its dull grey colour will blend with the blue-grey tones of the background development.



Photo 1 – Overview of the locality from Hill 60.

Even when viewed from closer range (Photo 2 below), the proposed tower will still sit below the ridge of the escarpment and be viewed within the context of a number of other tall, vertical elements.



Photo 2 – Looking towards the site from the intersection of Military Road and Hill Street.

From close range, at the intersection of Darcy Road and Military Road (Photo 3 over), the proposed tower will be more obvious as is to be expected of a 40m tall structure. However, the tower's lattice-style construction will reduce its perceived bulk and scale (especially when compared with other taller chimneys and stacks in the vicinity of the subject site). Furthermore, the tower will not be viewed as a stand-alone dominant structure. Instead, it will always be viewed in the context of other taller, vertical elements within the surrounding locality.

For these reasons, the proposed 40m communications tower is not considered to pose an unacceptable visual impact on the amenity of the locality.



Photo 3 – Looking towards the site from the intersection of Military Road and Darcy Road.

5.5 Threatened Species

Information provided by Council indicates that the subject site provides potential habitat for the Green and Golden bell frog (*Litoria aurea*). The Green and Golden bell frog is listed in Schedule 1 of the Threatened Species Conservation Act 1995 as an **endangered** species. An endangered species is one that is likely to become extinct or is in immediate danger of extinction.

As required by Section 5A of the Environmental Planning and Assessment Act, 1979, an assessment has been undertaken to determine whether the development proposal is likely to have a significant effect on the Green and Golden bell frog or its habitat. This assessment included an inspection of the development site on 9th September 2010.

The Green and Golden bell frog inhabits marshes, dams and stream-sides particularly those containing bulrushes or spikerushes. The optimum habitat includes unshaded waterbodies, free from predatory fish, with a nearby grassy area and the availability of diurnal sheltering sites (NSW NPWS).

The development site is located in the south-western corner of the subject site. The development site is highly exposed, due to its street corner location; and has been highly disturbed, through the construction of a brick garage building, the installation of a large shipping container, and the recent removal of two (2) paperbark trees and part of the chainwire fence (see Photo 4).



Photo 4 – View of the development site showing the highly disturbed nature of the site and existing structures and improvements.

The development site is well-drained and located near the highpoint of the local landform, and its soil profile consists of two (2) layers of coarse granular fill (200mm of gravel and 600mm of clayey sand – *Heggies 2010*). All of these factors would make it difficult for water run-off to pond in the vicinity of the development site even for a short period of time. Accordingly, the physical attributes of the development site do not lend themselves to the provision of habitat suitable for the Green and Golden bell frog.

The site inspection undertaken on 9th September 2010 confirmed that there was no habitat present at the development site that was suitable for the Green and Golden bell frog. The Green and Golden bell frog is active during the day and no individuals were sighted or heard during the time of the inspection.

Having regard to the highly disturbed nature of the development site, the absence of any suitable habitat in the vicinity of the development site, and the absence of any visual or audible contact with individuals, it is concluded that the development proposal will have no impact on the endangered species the Green and Golden bell frog (*Litoria aurea*) at the development site.

6.0 ENVIRONMENTAL EFFECTS

6.1 Environmental Planning Instruments

The subject site is zoned IN3 Heavy Industry under the provisions of SEPP – *Major Development*. The proposed development is permitted with development consent on the subject site by virtue of the provisions of clause 18 of SEPP – *Major Development* and clause 115 of SEPP – *Infrastructure*. The proposal is not inconsistent with the objectives for the IN3 zone.

6.2 Draft Environmental Planning Instruments

There are no relevant draft environmental planning instruments that apply to the subject site or the development proposal.

6.3 Development Control Plans

The development proposal is affected by the provisions of WDCP 2009. As outlined in this statement of environmental effects and planning report, the proposed development is consistent with the relevant provisions of WDCP 2009.

6.4 Planning Agreements under Section 93F

There are no Planning Agreements entered into, or offered to be entered into, by the developer pursuant to Section 93F of the Act.

6.5 Matters Prescribed by the Regulations

The development proposal applies to land within the Coastal Zone. Accordingly, the Regulations prescribe the NSW Coastal Policy as an additional matter for Council to take into consideration in its assessment of the development application under Section 79C.

The development proposal involves the construction of a 40m tall telecommunications tower on land, remote from the coastal foreshore, zoned IN3 and which is surrounded by land zoned IN3 and used for a variety of heavy industrial purposes. The development proposal has been reviewed against then provisions of SEPP 71 and is considered to be satisfactory, and is consistent with the NSW Coastal Policy.

6.6 Likely Impacts of the Development

Natural Environment

The development proposal is located within a highly disturbed part of the subject site and does not necessitate the removal of any vegetation in order to accommodate the proposed tower or its foundations.

The subject site has been identified by Council as providing potential habitat for the endangered species the Green and Golden bell frog. An inspection of the development site has revealed that the site does not contain any habitat suitable for the Green and Golden bell frog, and no individuals of this species were recorded at the site. Accordingly, there will be no impact on this endangered species as a result of the development proposal.

During the construction phase of the development erosion and sedimentation controls will be put in place to ensure that sediment-laden run-off does not flow from the development site onto other land.

Built Environment

The proposed tower will be a 40m tall lattice-style structure. Due to its height, the proposed tower will be clearly visible within the townscape, particularly when viewed from close range – such as from along Old Port Road and Darcy Road. When viewed from further afield, the proposed tower will be a less dominant element and will be viewed in the same visual catchment as a number of other tall, vertical elements – such as the chimneys and stacks associated with the steelworks, Port Kembla Copper and other industries in the area.

The heavy industrial nature of the locality is considered to be an appropriate setting for the proposed tower, and its impact on the amenity of the surrounding built environment is considered to be minimal.

There are no identified European or Aboriginal heritage items located on or near the development site.

Social Impacts

An EMR assessment of the development proposal has been undertaken to determine the level of exposure generated to the general public by the proposed development. Assuming a worst-case scenario (where all antenna are aligned at 26m above ground level) the level of exposure was determined as being less than 0.5% of the maximum allowable public exposure level. As the antenna are arranged at heights between 26m and 40m above ground level, the actual level of exposure will be significantly less.

The proposed development will not have any adverse social impacts.

Economic Impacts

The proposed tower will accommodate antenna used by local service and transportation providers and is critical to their operations. The proposed facility will allow these local businesses to continue to operate efficiently. In this respect, the economic impacts of the proposal are considered to be positive.

6.7 Suitability of the Site

The subject site is considered to be suitable for the proposed development as it:-

- is located within an existing heavy industrial townscape, which contains such building forms that the proposed tower will not be viewed as a dominant element out of character with its surrounds.
- is not affected by known contamination or acid sulfate soils;
- does not support any rare or endangered flora and fauna; and
- is not affected by any easements or other encumbrances that would render the proposed development unsuitable.

6.8 Public Submissions

Any public submissions received in response to the development proposal are required to be considered in the light of Section 79C of the Environmental Planning and Assessment Act, 1979, having particular regard to:-

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and
- The acceptable nature of the proposal when considering the wider public interest.

6.9 The Public Interest

Having regard to the contents of this statement, it is considered there are no matters that warrant refusal of the development proposal on the grounds of it being contrary to the public interest.

7.0 CONCLUSION

The proposed development has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979. On balance, it is concluded the development proposal is satisfactory and warrants development consent, having regard to the following matters:-

- The proposed development is permitted with development consent on the subject site by virtue of the provisions of clause 18 of State Environmental Planning Policy (Major Development) 2005 and clause 115 of State Environmental Planning Policy (Infrastructure) 2007, and is consistent with the objectives for the IN3 zone.
- The proposed development satisfies all of the relevant requirements of Wollongong Development Control Plan 2009.
- The site is located within a heavy industrial area and will not appear as an out of character or foreign building element within this environment.
- No unreasonable environmental, social or health impacts arise as a result of the development proposal. The proposed development has been specifically planned and designed to ensure any potential impacts are kept to within acceptable tolerances.
- There are no constraints on the site, or adjoining sites, that render the proposed development unsuitable for this site.
- It is considered there are no matters that warrant refusal of the proposal on grounds of it being contrary to the public interest.



Glenn Debnam BTP MPIA CPP
Town Planner
Director

Disclaimer

This planning report and statement is true and correct at the time of writing. It is based on the information provided by the client and other relevant organisations during preparation. Plannex Environmental Planning accepts no contractual, tortious or other form of liability for any consequences arising from its use. People using the information in the statement should apply and rely on their own skill and judgment to a particular issue they are considering. This statement shall be used solely for the purpose of this proposal and shall not be replicated or altered without the authorisation of Plannex Environmental Planning.