

TABLELANDS CERTIFIERS AND PLANNING

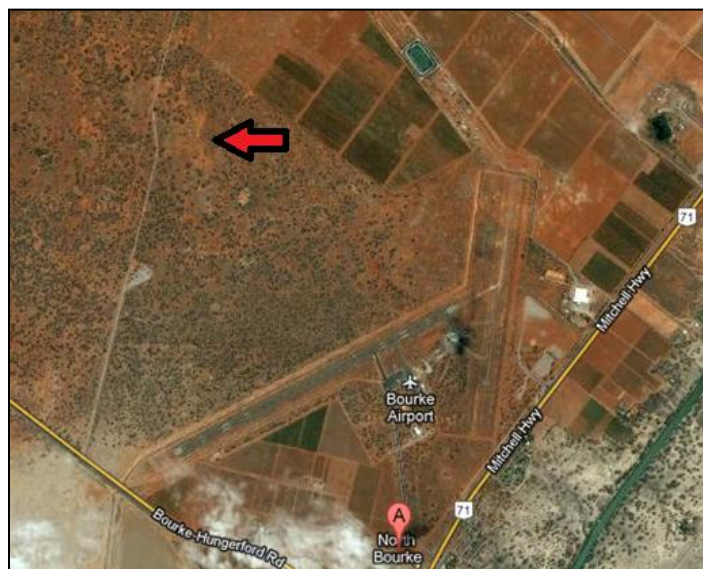
ASSESSMENT REPORT

APPLICATION NUMBER: DA2012/0012
APPLICANT: WOODS BAGOT ARCHITECTS
OWNER: BOURKE SHIRE COUNCIL
PROPOSAL: TREE REMOVAL AND CONSTRUCTION OF A SATELLITE
EARTH STATION FACILITY (NBN NETWORK)
SUBJECT LAND: PROPOSED LOT 1 IN APPROVED (UNREGISTERED) 8 LOT
SUBDIVISION OF LOT 101 DP10492078
22 PETER BRYANT WAY, NORTH BOURKE
ASSESSMENT NUMBER: 1120-40000-5

Consent is sought for the construction of a satellite earth station facility on the subject site. The proposed SES is a telecommunications facility that will form part of the wider National Broadband Network ("NBN") that is currently being rolled-out Australia-wide.

Due to the nature, ownership and cost of the proposal the proposed development is classified as Regional Development under Schedule 4A of the Act and as such the application is required to be referred to the Western Joint Regional Planning Panel for determination.

Council has previously (DA2012/0001) granted consent for an eight (8) lot industrial subdivision on land described as Lot 101 DP1049207, known as 8 – 22 Peter Bryant Way, North Bourke. This plan of subdivision is yet to be registered. Proposed Lot 1 forms part of this approved subdivision.



Locality Plan

The Proposal

This application seeks approval for the construction of a satellite earth station facility on the subject site. The proposed SES is a telecommunications facility that will form part of the wider National Broadband Network ("NBN") that is currently being rolled-out Australia-wide. Proposed Lot 1 is shown edged in red below.



Approved Industrial Subdivision in green, proposed NBNCo site edged in red

The submitted Statement of Environmental Effects summarises the proposal as follows:

- Construction of a sealed access road to the proposed satellite earth station facility and within the site boundary;
- As the site is vacant, no demolition works are required. However, the removal of seventeen (17) trees is required to facilitate the proposal;
- Installation of two (2) satellite antenna on the site with a maximum height of 15.77 metres;
- Construction of a main building at the centre of the facility, which will consist of a vestibule, technical rooms, a store room, office room and amenities (toilets and shower);
- To the north of the main building will be sealed pedestrian pathways and the proposed satellite antenna;
- To the west and south-west of the main building will be a covered walkway, a loading bay and a parking area, comprising a six (6) car sealed car park, a four (4) car carport and an enclosed garage;

- To the south of the main building are two (2) rainwater tanks of a capacity of 25,000 litres each, three (3) generators and a fuel tank (10,000 litre capacity) and pump enclosure, which will fuel the generators, mainly, for the purpose of isolating mains during storms or other events that could result in poor utility supply;
- To the east of the main building is an "open" / un-roofed air conditioner zone which will serve the main building;
- The southern part of the facility will comprise a series of sealed access roads and an unsealed semi-circular access road will be constructed in the northern part of the site; and
- A six (6) strand wire boundary fence to a maximum height of 1.6 metres is proposed, as well as a three (3) metre high chain mesh security fence around the perimeter of the proposed facility. Refer to the architectural package prepared by Woods Bagot for further details regarding the location and type of fencing proposed.

The attached Statement of Environmental Effects contains full plans for the proposal and a thorough detail of compliance of the proposal.

Matters for consideration

Section 79C of the Environmental Planning and Assessment Act 1979 requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s79C(1)(a)(i)

Bourke Local Environmental Plan 1998 (Amended)

Clause 10 – Zone Objectives and Development Control Table

The subject land is zoned Zone No 4 (a) – (Local Industrial Zone) by the Bourke Local Environmental Plan 1998. The proposed subdivision is permissible with consent from Council under the provisions of Clause 10 of the Bourke LEP 1998 (Amended).

Objectives of the 4(a) Local Industrial Zone

The proposal is not contrary to the relevant aims of the LEP which are:

- (c) to facilitate growth and development of the local government area of Bourke in a manner which is consistent with the aims specified in paragraph (a) and which:
 - (i) minimises the cost to the community of fragmented and isolated development of land, and
 - (ii) facilitates the efficient and effective delivery of amenities and services, and

- (iii) facilitates a range of residential and employment opportunities in accordance with demand, and
- (iv) facilitates farm adjustments, and
- (v) ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land, and
- (vi) encourages a mix of land use types where such uses are compatible, and
- (e) to provide suitably zoned land so as:
 - (i) to encourage the relocation of inappropriate industrial activities away from residential areas, and
 - (ii) to provide opportunities for industrial development, employment, and economic and enterprise growth, and
 - (iii) to separate transport-related activities from township and residential areas, and
 - (iv) to provide for minor expansion of township areas to meet future urban growth needs, and
 - (v) to minimise conflict due to inappropriate land uses adjoining each other, and
- (f) to facilitate a reasonable standard of development, and
- (g) to encourage a built environment and amenity which is attractive to visitors, residents and investors.

The proposed development relates to and is consistent with the zone objectives of the 4

(a) Local Industrial Zone, which are:

- (a) to promote development in existing towns which is compatible with their rural service function, and
- (b) to preserve the small scale of activities and general residential character of township areas, and
- (c) to allow for light industrial and service uses which are compatible with adjacent land uses and are unlikely to adversely affect residential amenity or place demands on public utility services beyond the level reasonably required for residential use, and
- (d) to facilitate the provision of a range of employment opportunities appropriate to the diverse needs of the community, and
- (e) to facilitate the relocation of industrial and transport-related land uses to more appropriate land use zones.

Clause 24 – Development applications that must be advertised

The proposed development was not subject to advertisement or notification as this was not required by clause 24 of Bourke Local Environmental Plan 1998 and the proposal is considered to have no negative impacts on adjoining land owners.

Clause 27 – Flood liable land

The applicant indicates that the land is above the 1974 flood height for North Bourke, which is the assumed 1:100 flood height.

Clause 34 – Development near aerodromes

Except with the consent of Council, a person must not erect a building or other structure of a height greater than 10 metres on land within 500 metres of a boundary of an allotment containing an aerodrome.

Whilst Lot 101 DP1049207 bounds the Bourke Airport, proposed lot 1 is greater than 500m from that boundary, and as such this clause does not effect this proposal.

The effective and on-going operation of the Bourke Airport will not be compromised by the proposed development through penetration of the Obstacle Limitation Surface for that airport.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Infrastructure) 2007

The proposed satellite earth station facility falls under the ISEPP's definition of "telecommunications facility."

The aim of State Environmental Planning Policy (Infrastructure) 2007 is to facilitate the effective delivery of infrastructure across the State by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities,*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

The proposal is demonstrated to be not inconsistent with this aim and is not required to be referred to other agencies under the provisions of this SEPP.

State Environmental Planning Policy 55 – Remediation of Land

The proposal is demonstrated to be not inconsistent with the aims of this SEPP.

Council is satisfied, through its assessment of DA2012/0001 for the subdivision of this land, that there is no need to proceed to the preparation of a Stage 1 Preliminary Site Investigation report as the land is not considered by Council to be contaminated.

REGIONAL ENVIRONMENTAL PLANS

There are no known regional environmental plans applicable.

INTEGRATED DEVELOPMENT

The proposal is not integrated development

DESIGNATED DEVELOPMENT

The proposal is not considered Designated Development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s79C(1)(a)(ii)

Council has prepared its new Comprehensive Local Environmental Plan in accordance with the State Government's standard Local Environmental Plan template (Standard Instrument). This plan is the Draft Bourke Local Environmental Plan 2012 ("*DBLEP2012*").

The DBLEP2012 was placed on public exhibition from 16 April to 8 June 2012 for public comment. Council has considered public submissions and referred the instrument to the Department of Planning for final gazettal; therefore, consideration of the draft instrumentation is required.

The site is proposed to be zoned **IN1 General Industry**. Within this zone, the proposal, which would be defined as a "*telecommunications facility*", is permissible with Council's consent. Further, the applicant demonstrates in the Statement of Environmental Effects that the proposal complies with the relevant provisions of DBLEP2012.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s79C(1)(a)(iii)

The applicant demonstrates in the Statement of Environmental Effects that the proposal is not inconsistent with Bourke Development Control Plan No. 8 (Commercial & Industrial Development) which applies to the subject land.

PROVISIONS PRESCRIBED BY THE REGULATIONS s79C(1)(a)(iv)

The proposal does not contravene the relevant provisions of the regulations.

THE LIKELY IMPACTS OF THE DEVELOPMENT s79C(1)(a)(b)

Setting and design

The proposed satellite earth station facility is suitable in overall scale and design and is to be located on land for which the principle use of the area would remain unaffected by the development proceeding.

The applicant advises that “The proposed development is a relatively large scale facility, taking into consideration the height of the proposed antennae. However, we note that the antennae have been located away from the allotment frontage and at the rear of the site, and do not breach the maximum permissible height of 41 metres, prescribed by the Civil Aviation Safety Authority Obstacle Limitation Surfaces Plan.” The approximate height of the proposed development is 16m.

In relation to the effective and on-going operation of the Bourke Airport, Councils engineering department has raised the issues of potential glare from the development and the possibility of radio frequency interference. A draft condition of development consent is included to address these issues.

As such the proposal will not have an adverse impact upon the locality or the environment.

Access and parking

The proposed development has been assessed and access and parking are considered to be able to be provided to a satisfactory standard in this instance. An appropriate draft condition of consent is included to address this issue.

SUITABILITY OF THE SITE s79C(1)(c)

Physical Attributes and Hazards

The land is not known technological or natural hazards.

DEVELOPMENT CONTRIBUTIONS

All required infrastructure is to be installed as part of the proposal. No development contributions apply to this development.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s79C(1)(d)

The proposed development was not advertised or subject to neighbourhood notification

PUBLIC INTEREST s79C(1)(e)

The applicant advises that “The proposal forms part of the wider and extensive National Broadband Network which is to be rolled-out across Australia within the next decade. At the end of the NBN project, *“the plan is for every home, school and workplace in the country to have access to the NBN”*. The long term benefits of the NBN are widely known and the proposed SES facility within the Bourke LGA will form a small but critical part of the wider network. The proposal will also result in the utilisation of land that has been vacant for years. These benefits and the absence of any unreasonable environmental impacts indicate that the approval of this development is in the public interest.”

Assessment of the proposal concurs that the public interest is satisfied in this instance.

SUMMARY

The proposed development is permissible with the development consent. The applicant has adequately demonstrated that proposed development complies with the objectives and provisions of the Bourke Local Environmental Plan 1998. A section 79C assessment of the proposal indicates that the development is acceptable in this instance.

RECOMMENDATION

It is recommended that the Western JRPP resolves to approve development application 2012/0012 for tree removal and construction of a satellite earth station facility (NBN Network) on land described as Proposed Lot 1 in approved subdivision of Lot 101 DP1049207, 8-22 Peter Bryant Way, North Bourke, subject to the conditions set out in schedule A to this assessment report.

SCHEDULE A

DRAFT CONDITIONS OF CONSENT DA2012/0012

1 DEVELOPMENT IN ACCORDANCE WITH APPROVED PLANS & DOCUMENTATION

Development is to take place in accordance with the attached stamped plans (Ref No. DA2012/0012), documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

*NOTE: Any alterations to the approved development application plans must be clearly identified **WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE**. The Principal Certifying Authority (PCA) for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made.*

Reason: Statutory requirement and Public interest

2 CONSTRUCTION CERTIFICATE

Prior to commencement of any works the applicant is to obtain a construction certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council.

NOTE 1: No engineering, excavation or other work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a construction certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the applicable Council Engineering Standards. This may entail alterations to the proposal so that it complies with these standards.

Reason: Statutory requirement

3 SUBDIVISION REGISTRATION REQUIRED

Prior to the issue of a Construction Certificate for the proposal, all works required for the subdivision approved under DA2012/0001 are to be completed and the plan of subdivision is to be registered.

Reason: Statutory requirement and Public interest

4 ENVIRONMENTAL

Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls on the site.

Reason: Statutory requirement and Public interest

5 IDENTIFICATION OF SITE

Provide a clearly visible sign to the site stating:

- a) Unauthorised entry is prohibited;
- b) Builders name and licence number; or owner builders permit number;
- c) Street number or lot number;
- d) Contact telephone number/after hours number;
- e) Identification of Principal Certifying Authority.

Reason: Statutory requirement

6 COMMENCEMENT OF WORK & APPOINTMENT OF PCA

The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifying Authority.

Reason: Public interest

7 TOILET FACILITIES

- a. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- b. Each toilet must be a temporary chemical closet approved under the Local Government Act 1993.

Reason: Statutory requirement

8 DUST SUPPRESSION

The applicant will ensure that all machinery and traffic movement areas are continually watered when in use in order to prevent raised dust from becoming a nuisance to neighbouring properties.

Reason: Statutory requirement and Public interest

9 SEPTIC TANK GENERAL

An on-site waste management system is to be installed, operated and maintained on the land and the premises connected thereto, in accordance with the provisions of the Local Government (Approvals) Regulation made under the Local Government Act 1993. An "Application to Install an on-site waste management system" must be submitted and approved by Council prior to the issuing of the construction certificate in relation to the development.

Reason: Statutory requirement

10 PARKING AREAS PAVE AND LINEMARK

All parking and/or loading bays shall be permanently marked out on the pavement surface with loading bays and visitor parking facilities being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of on-site parking and loading/unloading facilities.

Note: If other hard standing, dust free and weather proof surfaces are proposed other than concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.

Reason: Statutory requirement and Public interest

11 PROTECTION OF AIRSPACE OPERATIONS

The proposed development is to be operated so as not to penetrate the Obstacle Limitation Surface or be contra to the Procedures for Air Navigation Systems Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Systems Operations Surface Map for the Bourke Airport. Particular attention is to be taken in relation to ensuring that there is no interference with airport operations caused through the creation of glare or through radio frequency interference.

Reason: To provide for the effective and on-going operation of the Bourke Airport by ensuring that such operation is not compromised by any proposed development.

Report Prepared By

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Tablelands Certifiers and Planning
10 October 2012

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