

10.1 DA 76/2018 - KORDIA SOLUTIONS AUSTRALIA - INSTALLATION OF NEW TELECOMMUNICATIONS FACILITY

Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Libby Cumming - Strategic Planner
Community Plan Issue:	<i>Diversify the economy, facilitate the development of intensive agriculture and other growth industries, make the Shire a more attractive place to invest and do business</i>
Community Plan Goal:	<i>Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.</i>
Community Plan Strategy:	<i>Apply strategic planning and development assessment planning advice to support Council's economic diversification goals.</i>
Attachments:	<ul style="list-style-type: none"> A. Proposed Conditions of Consent B. Assessment Report C. Statement of Environmental Effects D. Submissions E. Applicant Response to Submissions

APPLICATION DETAILS

Applicant:	Kordia Solutions Australia
Owner:	Muswellbrook Shire Council
Proposal:	Installation of New Telecommunications Facility
Location:	Lot 18 DP 1075238, known as Victoria Park, Muswellbrook
Permissibility:	<p>The proposed development is not permissible as telecommunications facility within the RE1 Public Recreation Zone.</p> <p>The proposed development is permissible under State Environmental Planning Policy (Infrastructure) 2007.</p>
Recommendation:	Approval

RECOMMENDATION

Development Application No. 76/2018 proposing telecommunications facility at Lot 18 DP 1075238, Victoria Park, Hill Street, Muswellbrook be approved subject the conditions in Appendix A to the report.

Moved: _____ Seconded: _____

☐ Cr J. Ledlin

☐ Cr S. Bailey

☐ Cr G. McNeill

☐ Cr J. Foy

☐ Cr M. Green

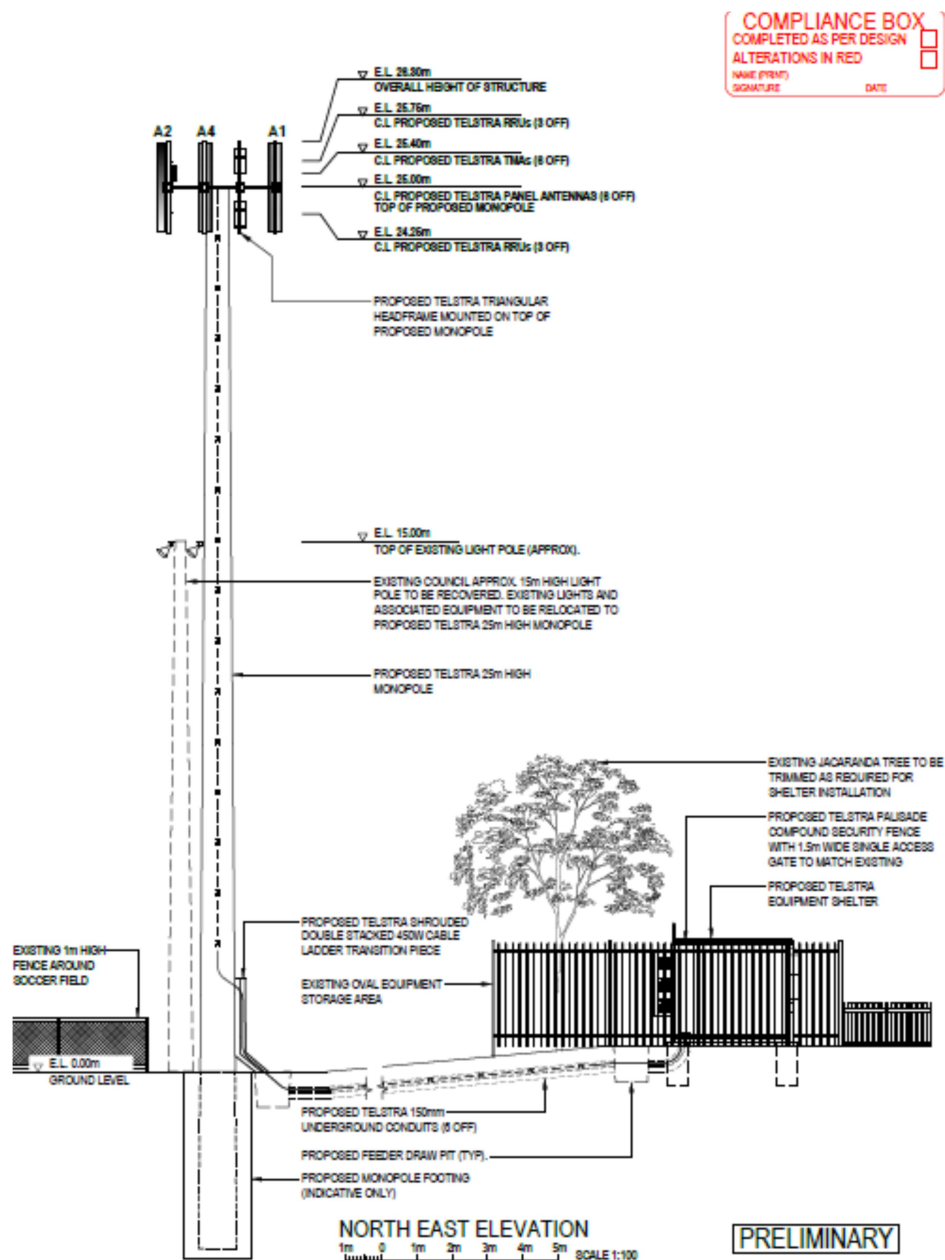
☐ Cr R. Scholes

☐ Cr S. Reynolds☐ Cr B.N. Woodruff☐ Cr S. Ward☐ Cr J.F. Eades☐ Cr M. Bowditch☐ Cr M.L. Rush**Aerial Photograph Identifying Development Site****ISSUES SUMMARY**

1. Suitability of location of telecommunication facility.
2. Twelve submissions of objections.

REPORT**Background**

Kordia Solutions Australia, on behalf of Telstra, are seeking development consent for a new telecommunications facility at the subject site. The proposal will encompass two key components, the installation of a new 25m monopole with a triangular headframe mounted on top and the recovery of the existing 15m light pole with the existing light and associated equipment to be relocated on the new 25m monopole at the 15m centreline. The total height of the proposed telecommunications facility is 26.3m above ground level. An equipment shelter with dimensions of 3.15m (L) x 2.38m (W) will be installed adjacent to the existing sportsground amenities building within a 6.5m (L) x 4m (W) lease area. Six new conduits will be installed underground which will run approximately 20m from the structure location to the equipment shelter.



Site Description

The proposed development relates to Lot 18 DP 1075238, known as Victoria Park, Hill Street Muswellbrook. Victoria Park is a sportsground which is bounded by Hill, Greg, Bowman and Cook Streets. The sportsground contains two sporting fields, and amenity buildings. The site is bounded by a Cemetery to the east and residential development on the remaining sides.

Internal Consultation

Nil

External Consultation

NSW Subsidence Advisory – Approval received 29 November 2018

Assessment Issues

All heads of consideration detailed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), as amended, have been taken into consideration in the assessment of this Application, and is provided in Attachment B.

Submission

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 3 September 2018 until 20 September 2018. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

Twelve submissions were received during the notification period. The issues raised in the submissions are summarised below.

Issue Raised	Planning Comment
Health – Radiation Emissions - High Frequency Radio Waves – Electromagnetic Energy	<p>All emissions are to Australian Health standards. Further, the Infrastructure SEPP required that a condition be placed any approval stating that prior to construction the certifying authority receive:</p> <ul style="list-style-type: none"> a) a report in the format required by the Australian Radiation Protection and 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 Mobile Phone Base Station Code.
Visual	<p>The visual impact will be minimal. The tower will replace a lighting structure which will reduce proliferation, and it has been designed to have minimal impact. The colour will blend with the transmitter station being coloured similarly to that of the existing infrastructure within the sporting field complex.</p>
Decrease in Property Value of Surrounding Residential Properties	<p>Property devaluation is not a planning consideration under the Environmental Planning & Assessment Act. This assessment can only consider those factors which relate to this Act.</p>
Suitability of Site	<p>The sporting field is not considered to be a sensitive location. Sensitive locations are schools, hospitals and aged care facilities. The sporting field option will give the best community phone coverage and represents a buffer between the tower and the neighbouring residents with the closest dwelling being approximately 80 metres away.</p>
Flight Path Obstacle	<p>The height of the tower is not considered to be a flight path obstacle.</p>
Fire Risk	<p>The facility is to be constructed in accordance with the Building Code of Australia and is built to a standard which is considered to have minimal fire risk. This also takes into account the nature of the construction materials used. Fire risk is considered to be minimal, and less than a residential dwelling.</p>

The Suitability of the Site for Development

Carriers and mobile phone network operators have an obligation under the Industry Deployment Code (C564:2011) to utilise and upgrade existing infrastructure as opposed to developing new sites. Kordia

Australia have advised this was unachievable due to constraints with 5 alternative sites investigated. None of these site either met the required coverage or were opposed by the landowner. Victoria Park was chosen as it met the coverage upgrade requirements and had minimal environmental impact.

The applicant advises:

- *The proposed site location is appropriately situated amongst high-bearing existing light pole structures and will dissolve within the context ;*
- *The availability of viable connections to the power and transmission networks in the area;*
- *Visual impact – it is believed that the proposed site location will not result in the loss of amenity or the obstruction of viewing corridors to and from the proposed site;*
- *The proposed site entails a substantial amount of natural vegetation screening surrounding the site location;*
- *Town planning considerations (such as zoning, surrounding land uses, environmental significance, compliance with the planning scheme and visual impact);*
- *The proposed pole swap out will result in minimal adverse impacts as a result of construction. Construction will be undertaken during low traffic periods and be coordinated appropriately with council;*
- *Existing driveway access and carpark to site will negate any impacts to traffic flow during the construction phase;*
- *The location will offer a cost effective site solution whilst maximising coverage and mobile phone service provisions within the identified locality; and*
- *Tenure – obtaining an agreement with the land owner of the subject site provides surety in determining the location of a mobile phone base station. An agreement has been determined with the subject land owner and Telstra.*

It is considered that the development is suitable for the site characteristics, subject to consent conditions.

The Public Interest

The proposed development is unlikely to have any adverse environmental impacts. Accordingly, the proposed development is considered to be generally in accordance with the public interest.

Options

Council Officers have completed an assessment of the proposed development against the relevant provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. This assessment recommends the approval of the development application subject to the conditions contained in Attachment B.

Council may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development unconditionally or subject to amended conditions of consent, or
- C) Refuse development consent to the proposed development and nominate reasons for refusal.

Conclusion:

The application has been assessed in accordance with the relevant legislation, being State Environmental Planning Policy (Infrastructure) 2007. The application has also been placed on public exhibition for a minimum of fourteen days with 12 submissions being received.

It is recommended the application be approved subject to conditions of consent.

Disclosure of Political Donations and Gifts:

No disclosures of a political donations or gifts have been made in relation to this application.

SOCIAL IMPLICATIONS

The provision of improved mobile phone coverage and capacity in the Muswellbrook locality is generally considered desirable by the community.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report.

LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application they have an opportunity under the provisions of the *Environmental Planning and Assessment Act 1979* to appeal that determination at the Land and Environment Court.

OPERATIONAL PLAN IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil