

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	9036042
Application Number:	DA 244-10-2004
Date of lodgement:	1 October 2004
On land comprising:	Lot 1 DP 510738 Sewage Treatment Plant – Industrial Road, HARRINGTON
Application made by:	ERM (Australia) Pty Ltd – for Optus mobile
Application made to:	Minister for Infrastructure, Planning & Natural Resources
Local government area:	Greater Taree
State electorate & member:	Port Macquarie - the views of R.J.M.Oakeshott MP are not known.
Notification:	Advertised: <i>Taree Manning River Times</i> (10/11/04)
Public Exhibition	Start: 11 November 2004 End: 24 November 2004
For the carrying out of:	Telecommunications Tower
Estimated cost of works:	\$150,000
FTE Jobs created:	N/A
Type of development:	State Significant Development.
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	Not Integrated
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered with regard to the matters raised in section 79C of the Act. The application was notified in accordance with the Regulations and all submissions received in the period have been considered. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant views on draft conditions:	The applicant has confirmed that the draft conditions are acceptable.

Recommendation

It is recommended that the Minister for Infrastructure and Planning pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10 of *State Environmental Planning Policy No.71—Coastal Protection*:

- (A) grant **consent** to the application subject to conditions (Tagged “A”), and
- (B) Authorise the Department to carry out post-determination notification.

Approved:

Robert Black
Director,
Urban Assessments

Craig Knowles
Minister for Infrastructure and Planning
Minister for Natural Resources

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Applicant views on draft conditions:	The applicant has confirmed that the draft conditions are acceptable.

Recommendation

It is recommended that the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10 of *State Environmental Planning Policy No.71—Coastal Protection*:

- (A) grant **consent** to the application subject to conditions (Tagged “A”), and
- (B) authorise the Department to carry out post-determination notification.

Approved:

Robert Black
**Director,
 Urban Assessments**

Diane Beamer
**Minister Assisting the Minister for Infrastructure
 and Planning
 (Planning Administration)**

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Development Application: Supplementary Information

Proposed Development

The proposed development seeks consent for a 40-metre high lattice steel monopole with antennas, equipment shelter at the base, associated cabling and power and fencing.

Summary of Significant Issues

(1) Visual Impact

- Issue:* Visual impact of the telecommunications tower from surrounding areas.
- Raised by:* DIPNR Urban Assessments
- Consideration:* The proposal site is located behind an industrial estate and adjacent to a National Park. Existing vegetation will provide screening to the site.
- Resolution:* Although the proposed development will be higher than the existing vegetation, the visual impact is considered to be acceptable due to the distance of the site from surrounding development (2km) and from the nearest coastal water body (700 metres).

(2) Electro-magnetic radiation

- Issue:* Exposure of the public to Electro-Magnetic radiation from the telecommunications tower
- Raised by:* DIPNR Urban Assessments
- Consideration:* An EME report relating to the proposed telecommunications facility has been submitted with the development application. This report identifies that at 1.5m above ground level, the maximum cumulative EME level emitted from the telecommunications facility is estimated to be 0.087% of the ACA mandated exposure limits.
- Furthermore, the maximum EME level is expected to occur at 200 metres from the proposed telecommunications facility. The nearest residential zoned land is 2km from the site.
- Resolution:* The public exposure to Electro Magnetic Radiation is within acceptable limits.



Planning Assessment Report

Development Application No. 244-10-2004

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application Number 244-10-2004.

The application seeks consent for an Optus Mobile telecommunications facility at the Sewage Treatment Plant in Harrington comprising: the erection of a 40m steel lattice monopole, 3 panel antennas (approximately 2.6m in length) mounted on a triangular headframe and 1 parabolic antenna (1.2m in diameter) mounted at a height of 14m to the proposed monopole, with associated equipment stored in a small prefabricated external equipment shelter located at ground level beside the proposed facility.

The Minister for Infrastructure Planning and Natural Resources is consent authority under clause 10 of *State Environmental Planning Policy No.71—Coastal Protection*, as the subject site is within the coastal zone and the tower will exceed 13 m in height.

It is recommended that the development application be granted **consent**.

2 BACKGROUND

2.1 Site Context

The site is identified as Lot 1 in DP 510738, Industrial Road, Harrington in the Greater Taree local government area. The land currently contains the Harrington Sewage Treatment Works located on the outskirts of Crowdy Bay National Park to the West, no existing development to the north and east of the site and industrial land is located further south of the municipal rubbish tip that adjoins the site to the south (refer **Tags “B” & “C”**).

The development application was lodged with the Department on 1 October 2004 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for an Optus Mobile telecommunications facility at the Harrington Sewage Treatment Plant comprising: the erection of a 40m steel monopole, 3 panel antennas (approximately 2.6m in length) mounted on a triangular headframe and 1 parabolic antenna (1.2m in diameter) mounted at a height of 14m to the proposed monopole, with associated equipment stored in a small prefabricated external equipment shelter located at ground level beside the proposed facility.

The plans for the proposed development are shown at Tag “D”.

A site visit was conducted of the site on 24 February 2005.

4 STATUTORY FRAMEWORK

4.1 *Statement of permissibility*

Pursuant to Greater Taree Local Environmental Plan 1995 (as amended) the subject land is zoned 5 Special Uses (Water Supply). The proposed development, defined in the LEP as “communications facility”, is inconsistent with the objectives of the zone. Council’s Development Control Plan 1995 requires an environmental impact report to justify development in the zone (refer **Tag “E”**).

The proposed development is higher than 13 metres and pursuant to Clause 10 and Schedule 2 of State Environmental Planning Policy No.71—Coastal Protection (SEPP 71) the development is state significant development.

While the subject site is located within that area of the state covered by the Hunter REP, this policy does not raise issues for consideration for the development proposed in this application.

4.2 *Instrument of consent and other relevant planning instruments*

Pursuant to Clause 10 and Schedule 2 of SEPP 71, the Minister is the consent authority. Schedule 2 identifies specified development as including all development above 13 metres. The proposed telecommunication tower is 40 metres above existing ground level.

The environmental planning instruments applicable to the site are as follows:

- State Environmental Planning Policy No.71 - Coastal Protection
- Regional Environmental Plan – Hunter
- Greater Taree Local Environmental Plan 1995 (as amended)
- Greater Taree Development Control Plan 1995 (as amended)

4.3 *Legislative context*

The application and the likely impacts of the proposed development have been considered in accordance with Section 79C of the Act. It is considered that the proposed development complies with the requirements of Section 79C.

5 CONSULTATION

5.1 *Public consultation*

The application was notified, in accordance with the Regulations and the draft Urban Assessments Notification Policy including:

Notifications – landowners/occupiers	Nine adjoining and local landowners were notified.
Newspaper advertisements	Advertised in Taree Manning River Times on 10 November 2004.
Site notices	No site notice.
Exhibition dates	Start: 11 November 2004. End: 24 November 2004.
Exhibition venues	▪ Planning Information Centre, 20 Lee Street Sydney ▪ Hunter Regional Office, 251 Wharf Road, Newcastle ▪ Greater Taree City Council, 2 Pulteney Street, Taree ▪ Harrington Post Office, 4 Pilot Street, Harrington

No submissions were received during the exhibition period.

5.2 Referrals

5.2.1 Integrated Approval Bodies

The application is not integrated development.

5.2.2 Council

The application was referred to Greater Taree Council on 5 November 2004 in accordance with the draft Urban Assessments Notification Policy. Council responded by letter dated 30 November 2004 stating that the proposed development is not consistent with the 5(a) – Special Uses zone objectives, and requesting that the applicant justify the proposal in terms of Greater Taree DCP 1995. The applicant submitted further information by letter dated 16 February 2005. Council responded on 17 March 2005 and raised no further issue subject to the satisfaction of relevant planning considerations under S79C of the EPA Act 1979.

5.3 Internal consultations

The DIPNR Regional Office has been consulted regarding the application and did not raise objections to the proposed development.

6 CONSIDERATION

6.1 The Environmental Planning & Assessment Act, 1979

The application and the likely impacts of the proposed development have been considered in accordance with s.79C of the Act.

Section 79C of the EP&A Act requires the Development Application be assessed against the provision of any EPI, DCP or prescribed matter

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

The subject site is within the coastal zone and therefore relevant provisions of SEPP 71 apply. The Minister for Infrastructure and Planning is the consent authority for development contained in Schedule 2 by virtue of Clause 10(2) of the Policy.

The matters for consideration in Clause 8 of the Policy are addressed at **Tag “F”**.

6.1.2 Coastal Protection Act 1979

The proposed development is consistent with the objectives of the Coastal Protection Act 1979. The proposal will not restrict public pedestrian access to coastal areas, and it is not considered the proposal will have a detrimental impact on the coastal environment.

6.1.3 NSW Coastal Policy 1997

The proposed development is consistent with the goals and objectives of the NSW Coastal Policy 1997. The proposal will not restrict public access to coastal areas, and it is not considered the proposal will have a detrimental impact on the coastal environment. The proposal will not detrimentally impact on the aesthetic qualities of the coastal zone.

6.1.4 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with s.79C of the Act. The matters for consideration are addressed at **Tag “G”**.

The subject site is considered suitable for the proposed development. No submissions were received during the exhibition period.

On balance, the proposed development is considered to be in the public interest.

6.2 Issues

6.2.1 Visual Impact

Issue: Visual impact of the telecommunications tower from surrounding areas.

Raised by: DIPNR Urban Assessments

Consideration: The proposal site is located behind an industrial estate and adjacent to a National Park. Existing vegetation will provide screening to the site.

Resolution: Although the proposed development will be higher than the existing vegetation, the visual impact is considered to be acceptable due to the distance of the site from surrounding residential development (2km) and from the nearest coastal water body (700 metres).

6.2.2 Electro-magnetic radiation

Issue: Exposure of the public to Electro-Magnetic radiation from the telecommunications tower

Raised by: DIPNR Urban Assessments

Consideration: An EME report relating to the proposed telecommunications facility has been submitted with the development application. This report identifies that at 1.5m above ground level, the maximum cumulative EME level emitted from the telecommunications facility is estimated to be 0.087% of the ACA mandated exposure limits.

Furthermore, the maximum EME level is expected to occur at 200 metres from the proposed telecommunications facility. The nearest residential zoned land is 2km from the site.

Resolution: The public exposure to Electro Magnetic Radiation is within acceptable limits.

7 CONCLUSION

The Minister for Infrastructure Planning and Natural Resources is the consent authority.

The application has been considered with regard to the matters raised in section 79C of the Act and is not integrated.

The application has been notified in accordance with the Regulations. No submissions were received during the exhibition period.

On balance, it is considered that the proposed development is acceptable and should be approved.

8 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent on 18 April 2005. The applicant responded on 20 April 2005 and requested a number of changes to the conditions. Following agreed changes, the applicant agreed on 26 April 2005 that all conditions were acceptable.

9 RECOMMENDATION

It is recommended that the Minister for Infrastructure, Planning and Natural Resources pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10 of *State Environmental Planning Policy No.71—Coastal Protection*:

- (A) grant **consent** to the application subject to conditions (**Tag “A”**) and
- (B) Authorise the Department to carry out post-determination notification.

Prepared by

Endorsed:

Suzanne Knapp
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