

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S04/00662 Pt1
Application Number:	DA 65-03-2004
Date of lodgement:	18 March 2004
On land comprising:	Lot 17 DP 857006, Huskisson Waste Depot, Huskisson
Application made by:	Phillip Taylor, Connell Wagner 116 Military Rd, NEUTRAL BAY, NSW 2089
Application made to:	Minister for Infrastructure and Planning
Local government area:	Shoalhaven Council
State electorate:	SOUTH COAST, Mrs S Hancock, MP. The views of the Member are not known.
Notification:	Advertised in Nowra/Shoalhaven News on Thursday 6 May 2004.
Public Exhibition	Start: 7 May 2004. End: 4 June 2004.
For the carrying out of:	Telecommunications tower comprising a 60m lattice tower, antennas to an elevation of 65 metres; equipment shelter enclosed in security compound fence
Estimated cost of works:	\$132 000.00
FTE Jobs created:	0 full time jobs
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:	Applicant expressed general support for proposed draft conditions.

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(2) 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.

Approved:

Sam Haddad
**Deputy Director-General,
Office of Sustainable Development
Assessments and Approval
Division**

Craig Knowles
**Minister for Infrastructure and Planning
Minister for Natural Resources**

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Recommendation

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- (C) grant **consent** to the application subject to conditions (**Tag A**), and
- (D) authorise the Department to carry out post-determination notification.

Approved:

Sam Haddad
**Deputy Director-General,
Office of Sustainable Development
Assessments and Approval
Division**

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

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Applicant views on draft conditions:	Applicant expressed general support for proposed draft conditions.

Recommendation

It is recommended that the delegate for 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(2) of State Environmental Planning Policy No. 71 – Coastal Protection:

- (E) grant **consent** to the application subject to conditions (**Tag A**), and
- (F) authorise the Department to carry out post-determination notification.

Approved:

Robert Black
Director
Urban Assessments

David Mutton
Team Leader
Urban Assessments

As delegate of the Minister for Infrastructure
Planning and Natural Resources

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Development Application: Supplementary Information

Proposed Development in detail

Construction of a telecommunications facility within a 22m by 11m fenced compound comprising:

- a 60m high lattice tower;
- six (6) cross polar panel antennas (each 2700mm in length) mounted on a headframe attached to the monopole at an elevation of 60 metres;
- two (2) off omni antennas (each 3.3 metres long) mounted above the headframe at an elevation of 60 metres;
- one (1) radiocommunications antenna (600 mm in diameter) mounted on the tower at an elevation of 35 metres;
- a prefabricated 'phase 7.5' external equipment shelter (painted mist green) located adjacent to the tower with a 2.4m high chain wire security compound fence.

Summary of Significant Issues

Electromagnetic Emissions (EME)

Issue: Exposure of public to electromagnetic emissions from the tower.

Raised by: DIPNR Urban Assessments

Consideration: The EME Prediction Report submitted by the applicant indicates that the maximum cumulative EME level will be within the Australian Communications Authority's (ACA) mandated exposure limits for continuous exposure.

Resolution: Given that the predicted EME is well below the mandated exposure limit, the potential for detrimental impact upon the health of the nearest residents is negligible and does not warrant refusal of the application.

Visual Impact

Issue: Visual Impact on the surrounding area

Raised by: DIPNR Urban Assessments

Consideration: The subject site is an appropriate location for the proposal. The site is located within an existing waste depot away from the commercial and residential areas Huskisson and coastal areas including Jervis Bay, therefore minimising visual impact on the surrounding area. The visibility of the structure will be further ameliorated by the existing vegetation surrounding the site.

Resolution: The proposal will have negligible effect on the amenity of the area due to its location and the presence of surrounding intensive vegetation.

Height of tower

Issue: Increase height to 70 metres to accommodate two additional carriers.

Raised by: Shoalhaven Council

Consideration: The co-location of carriers is supported and consistent with Commonwealth legislation aimed at minimizing the number of telco towers in an area. The visibility of the structure will increase marginally but will not have an unacceptable impact. It would be more acceptable than having further towers in the locality particularly having regard for visual impacts viewed from coastal locations, including Jervis Bay.

Resolution: A condition of the consent requires the increase in height of the tower to 70 metres. The applicant agrees with this condition.



Planning Assessment Report Development Application

DA 64-03-2004.

1. SUMMARY

This report is an assessment of the proposed development the subject of Development Application number **DA 65-03-2004**.

The development application was lodged with the Department on 18 March 2004 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The application seeks consent for a 60m high telecommunications facility with associated equipment shelter.

The Minister for Infrastructure and Planning is the consent authority under clause 10(2) of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71).

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

2. BACKGROUND

2.1 Site Context

The 242m² compound site is located within Lot 17 DP 857006 which comprises the Shoalhaven Council Waste Depot at Huskisson Road, Huskisson in the Shoalhaven Council local government area. The depot land is owned by the Council and it is proposed the telco site will be leased from the Council.

The depot site has an area of 72.36 hectares. It is bounded on all sides by Crown Reserve. A dense bushland buffer bounds the site along Huskisson Road. The township of Huskisson commences about 800 metres east of the Depot (see site plan tagged “C”). The nearest residence is about 550 metres to the north-east at Erina Road. Jervis Bay is over 1 kilometre from the site of the proposed tower.

The compound area within the depot site is about 100 metres from Huskisson Road. It is to be accessed via the existing access point to the depot from Huskisson Road, about 350 metres to the west.

A site visit was conducted.

3. THE PROPOSED DEVELOPMENT

The development application seeks consent for:

- Construction of a telecommunications facility within a 22m by 11m fenced compound comprising the following:
 - a 60m high lattice tower;
 - six (6) cross polar panel antennas (each 2700mm in length) mounted on a headframe attached to the monopole at an elevation of 60 metres;

- two (2) off omni antennas (each 3.3 metres long) mounted above the headframe at an elevation of 60 metres;
- one (1) radiocommunications antenna (600 mm in diameter) mounted on the tower at an elevation of 35 metres;
- a prefabricated 'phase 7.5' external equipment shelter (painted mist green) located adjacent to the tower with a security compound fence.
- erection of a 2.4m high chain wire security fence around the complex.

The equipment shelter will be 3m x 2.5m brick shelter on a steel base frame. The shelter will be positioned on the ground using four (4) small footings made of concrete and steel.

Minor excavation works will be undertaken as part of the development. 4 Eucalyptus spp trees will be removed for the development – the highest about 20 metres. A square concrete footing, approximately 10m x 10m, will form the foundation of the tower.

4. STATUTORY FRAMEWORK

4.1 Statement of permissibility

The subject site is zoned 4(a) Industrial under the *Shoalhaven Local Environmental Plan 1985* (SLEP 1985). The proposed development is permissible with consent in the 4(a) Industrial zone. The proposal is considered to be consistent with the 4(a) Industrial Zone Objectives as prescribed in clause 9 of SLEP 1985.

4.2 Instrument of consent and other relevant planning instruments

4.2.1 State Environmental Planning Policy No. 71 – Coastal Protection

The proposed development is located within the coastal zone, as defined in Part 1 (3) of SEPP 71.

The development application is identified as *significant coastal development – specified development* under Schedule 2 of SEPP 71 as it involves a structure greater than 13m in height. As a result, the application is State Significant development pursuant to clause 10(1) of the Policy. The proposed development is consistent with the aims of SEPP 71 and also complies with the matters of consideration prescribed in clause 8.

4.2.2 Jervis Bay Regional Environmental Plan 1996

The proposal falls within the area subject to the provisions of the JBREP. The proposed development is consistent with and satisfies the aims of JBREP.

4.2.3 Shoalhaven Local Environmental Plan 1985

In addition to the zone provisions discussed in Section 4.1, clause 2 – Aims and objectives of this plan - is the only other clause relevant to the proposal. The proposal is considered consistent with these provisions.

There are no Development Control Plans which are relevant to the proposal.

4.3 Legislative context

4.3.1 Environmental Planning and Assessment Act, 1979

Part 1 of Schedule 3 to the *Telecommunications Act 1997* authorises a carrier to enter on land and install a facility if the facility is a low-impact facility as defined in the

Telecommunications (Low Impact Facilities) Determination 1997. Pursuant to the provisions of the Determination new mobile telecommunications towers are not low-impact facilities.

The proposal is therefore subject to the provisions of the Environmental Planning and Assessment Act, 1979. The development application and the likely impacts of the proposed development have been considered in accordance with s.79C of the Act and satisfy relevant provisions.

5. CONSULTATION

5.1 *Public consultation*

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

Notifications – landowners/occupiers	27 adjoining and nearby landowners
Newspaper advertisements	Advertised in Nowra/Shoalhaven News on Thursday 6 May 2004.
Site notices	A site notice was placed on site on 7 May 2004.
Exhibition dates	Start: 7 May 2004. End: 4 June 2004.
Exhibition venues	▪ Planning Information Centre, 20 Lee Street Sydney ▪ DIPNR Wollongong Office, 84 Crown St, Wollongong ▪ Shoalhaven Council, 36 Bridge Rd, Nowra ▪ Shoalhaven Council, Ulladulla office, Deering St, Ulladulla

One submission was received from Shoalhaven Council. Council did not object to the proposal.

5.2 *Referrals*

5.2.1 *Integrated Approval Bodies*

The application was not integrated.

5.2.2 *Council*

The application was referred to the Shoalhaven Council on 4 May 2004. Council's advice is tagged **D**. Council did not object to the proposal. It requests that the height of the tower be increased to 70 metres to accommodate two additional phone carriers standard antennae systems. Council has also provided draft conditions it would seek to have included in any consent.

5.2.3 *Internal consultations*

The Illawarra Regional Office has been consulted regarding the application and has raised no objections to the proposal.

5.3 The Environmental Planning & Assessment Act, 1979

5.3.1 Section 79C

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

The subject site is considered suitable for the proposed development. Submissions have been considered and issues raised in submissions are discussed in Section 5.4. On balance, the proposed development is considered to be in the public interest.

5.4 Issues

5.4.1 Electromagnetic Emissions (EME)

- Issue:* Exposure of public to electromagnetic emissions from the tower.
- Raised by:* DIPNR Urban Assessments
- Consideration:* The EME Prediction Report submitted by the applicant indicates that the maximum cumulative EME level will be within the Australian Communications Authority's (ACA) mandated exposure limits for continuous exposure.
- Resolution:* Given that the predicted EME is well below the mandated exposure limit, the potential for detrimental impact upon the health of the nearest residents is negligible and does not warrant refusal of the application.

5.4.2 Visual Impact

- Issue:* Visual Impact on the surrounding area
- Raised by:* DIPNR Urban Assessments
- Consideration:* The subject site is an appropriate location for the proposal. The site is located within an existing waste depot away from the commercial and residential areas Huskisson and coastal areas including Jervis Bay, therefore minimising visual impact on the surrounding area. The visibility of the structure will be further ameliorated by the existing vegetation surrounding the site.
- Resolution:* The proposal will have negligible effect on the amenity of the area due to its location and the presence of surrounding intensive vegetation.

5.4.3 Height of tower

- Issue:* Increase height to 70 metres to accommodate two additional carriers.
- Raised by:* Shoalhaven Council
- Consideration:* The co-location of carriers is supported and consistent with Commonwealth legislation aimed at minimizing the number of telco towers in an area. The visibility of the structure will increase marginally but will not have an unacceptable impact. It would be more acceptable than having further towers in the locality particularly having regard for visual impacts viewed from coastal locations, including Jervis Bay.
- Resolution:* A condition of the consent requires the increase in height of the tower to 70 metres. The applicant agrees with this condition.

5.5 EFFECTS OF CHANGES

The impacts of the proposed condition to increase the height of the tower to 70 metres are likely to be increased visibility of the tower. On the basis that the visual impacts of the 60 metre tower are very minor when viewed from accessible public places in the locality, and almost not visible from Huskisson and the waters of Jervis Bay (as evidenced from the photos submitted and site inspections), it is concluded that the increased height will not result in an unacceptable impact.

As the Council requested the increased height and no other submissions were received to the proposal, there is no purpose in further consultation regarding the proposed increase in height.

6. CONCLUSION

The Minister for Infrastructure and Planning is the consent authority.

The application has been considered with regard to the matters raised in s79C of the Act and is not integrated.

The application has been notified in accordance with the Regulations. All submissions received in the period prescribed by the Regulations have been considered.

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

7. CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent on 20 August 2004. The applicant agreed to all recommended conditions on 23 August 2004.

8. 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(2) of State Environmental Planning Policy No. 71 – Coastal Protection:

grant **consent** to the application subject to conditions (Tag **A**), and

- authorise the Department to carry out post-determination notification.

For Ministerial Approval

Prepared by

Endorsed:

David Mutton
**Team Leader,
Urban Assessments**

Robert Black
**Director,
Urban Assessments**

