



Planning Assessment Report

Development Application No. 76-4-2005

1. SUMMARY

This report is an assessment of the proposed development the subject of Development Application number **76-4-2005**. The development application was lodged with the Department on 7 April 2005 in accordance with the *Environmental Planning and Assessment Act 1979* (the Act).

The application seeks consent for the construction of a dual purpose RFS hose drying pole and telecommunications facility, consisting of a 35 metre free standing monopole, installation of two (2) collar mounted antennae clusters and a colourbond equipment shelter.

Pursuant to Eurobodalla Urban Local Environmental Plan 1999 the land is zoned 6(a1) Public Open Space. The proposed development is permissible in the zone subject to development consent and is considered to satisfy the objectives of the zone.

The Minister for Planning is the consent authority under clause 10 of State Environmental Planning Policy No 71 – Coastal Protection.

Issues relating to visual amenity, height, proximity to residential development, exposure to electromagnetic energy and reclassification of the site to operational land were considered in this assessment and it is considered that these issues have been satisfactorily addressed.

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

2. BACKGROUND

2.1 Site Context

The site is legally described as Lot 177 DP 15425 Drake Street Tuross Head, and is located between Narooma and Moruya on the NSW south coast in the Eurobodalla Shire Council local government area. The site is known as 'Water Tower Hill Reserve' and consists of Council land, adjacent to the Tuross Head Rural Fire Service base, which is located to the west of the proposed facility. The site also includes two x 15 metre diameter water reservoirs, located to the north of the facility.

The reservoirs occupy the most elevated positions on the site, while the RFS station is located within a hollow, approximately 4 metres lower than the water towers. The remainder of the site, which tapers down on all sides to Drake Street, is open space. Mature vegetation is located along the northern edge of the water towers, with an average height of 10 metres.

Development adjoining the site consists of a small church and several dwellings to the east along Craddock Road (approximately 100 metres from the site). Adjoining development to the west of the site also consists of detached dwelling houses along Trafalgar Road, which are located further away than adjoining development to the east. Chatham Park, which is heavily vegetated and slopes away from the subject site, is located to the south of the site, while residential development exists to the north along Trafalgar Road. These dwellings fall away from the street, which coupled with vegetation, obscure the proposed facility from these dwellings. The main residential area of Tuross Head is located to the north of the site, and slopes away down to a series of bays and headlands.

A site visit was conducted by Urban Assessments officers and the site is illustrated in the Figure 1: Locality Plan in **Appendix B**.

3. THE PROPOSED DEVELOPMENT

The application seeks development consent for the following:

- The erection of a 35 metre high free standing steel monopole (with associated Cable Runs and Trays to reduce reflectivity), painted in "Pale Eucalypt", adjacent to the RFS base building;
- The installation of two 'collar' mounted antenna clusters at the top of the monopole, consisting of 3 x CNPX 310D-CF panel antenna and 3 CNPX 308D -CF panel antenna in three sectors (2 antennas per sector) at a height of 30.8m;
- Telstra Microwave antenna, diameter 600mm located under collar mounted antenna clusters;
- Construction of a steel colourbond equipment shelter ("Pale Eucalypt") for storage of electrical equipment associated with the facility; and
- New screen plantings of equipment shed.

The 9m x 5m compound, consisting of the pole and shed, will be surrounded by a 2.4 metre high security fencing and the power supply will be trenched underground from the overhead power supply that currently exists to the west of the RFS building.

The proposed development is illustrated in Figure 2 in **Appendix B**.

3.1 Additional Information

On 3 August 2005, the applicant submitted additional information as requested by the Department in correspondence dated 11 May 2005 incorporating:

- An addendum to the Statement of Environmental Effects comprising an assessment under SEPP 71 and the LEP;
- Photomontages from various locations within Tuross Head; and
- Extract of the relevant zoning of the site and surrounding lots.

This additional information does not change the proposed development which was originally proposed in the development application submitted and do not give rise to any

additional impacts. Accordingly, these amendments were accepted as a replacement application in accordance with Clauses 55 and 90 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations). In accordance with Clause 90 of the Regulations, no further notification of the application was undertaken.

In response to the Department's concerns regarding the height of the proposed tower and the potential adverse impact on visual amenity in the area, the applicant stated that the proposed tower would be reduced to 25 metres in height in an email dated 3 March 2006. It was agreed that this would form a condition of development consent if the development application was supported.

4. STATUTORY FRAMEWORK

4.1 *Statement of permissibility*

The subject land is zoned 6(a1) Public Open Space under the Eurobodalla Urban Local Environmental Plan, 1999 (as amended) (the LEP). The proposed development, defined as a 'telecommunications facility' under the LEP, is permissible in the zone subject to formal planning approval.

The Telecommunications (Low Impact Facilities) Determination 1997 (the Determination) came into effect on 1 July 1997, with an amendment to the Determination commencing on 17 August 1999 (No 1 of 1999). The Determination lists the telecommunications facilities which are essential to maintaining the network and which are unlikely to cause significant community disruption during construction and use. These facilities are considered to be 'Low Impact' and are regulated by the Commonwealth Government and do not require State planning approval.

The proposed development is not considered to be 'Low Impact' and accordingly state planning approval is required, hence this development application.

4.2 *Instrument of consent and other relevant planning instruments*

The development application is identified as significant coastal development pursuant to Part 3 of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) (as in force at the time of lodgement of this application) as the proposal involves the erection of a structure greater than 13 metres in height pursuant to Schedule 2 of SEPP 71. Accordingly, the application is State Significant development for the purposes of Section 79A of the Act, pursuant to clause 10(1) and the Minister is the consent authority for this development application pursuant to clause 10(2) of State Environmental Planning Policy No. 71 – Coastal Protection.

The following Environmental Planning Instruments apply:

- State Environmental Planning Policy No. 71 – Coastal Protection;
- Lower South Coast Regional Environmental Plan (REP) No. 2;
- Eurobodalla Urban Local Environmental Plan, 1999 (as amended); and

An assessment of the proposal against the provisions of these Environmental Planning Instruments is outlined in **Appendix C**.

4.3 Other statutory provisions

In addition to the Environmental Planning Instruments outlined in Section 4.2, the following Development Control Plans and policies apply:

- Development Control Plan - Advertising and Notification Guidelines;
- NSW Coastal Policy, 1997; and
- Coastal Design Guidelines of NSW, 2003.

An assessment of the proposal against the provisions of these Development Control Plans and policies are outlined in **Appendix C**.

5. CONSULTATION

5.1 Public consultation

The application was notified, in accordance with the Regulations and the Eurobodalla Shire Council's Development Control Plan Advertising and Notification Guidelines for a period of 30 days. A summary of the notification procedure is outlined below.

Notifications – landowners/occupiers	Fifty five (55) notification letters were sent to adjoining and nearby landowners.
Newspaper advertisements	Advertised in the <i>Batemans Bay Post</i> on 28 September 2005.
Site notice	Not required.
Exhibition dates	Start: 28 September 2005 End: 28 October 2005.
Exhibition venues	<ul style="list-style-type: none">▪ Department of Planning Information Centre - 23-33 Bridge Street Sydney▪ Department of Planning South Coast/Illawarra Regional – Wollongong Office▪ Eurobodalla Shire Council – Moruya

A total of five (5) submissions were received from adjoining neighbours. A summary of submissions is at **Appendix D**. The submissions raised concerns regarding the height of the structure, the potential adverse impact on visual amenity, the potential cumulative impact of the reclassification of the land and the proximity to residential development. The concerns raised in these submissions are discussed in detail in Section 6.2 of this report.

5.2 External Referrals

5.2.1 Eurobodalla Shire Council

The application was referred to Eurobodalla Shire Council on 20 September 2005 for comment. It is considered these issues have been adequately resolved and are discussed in further detail in Section 6.2 of this report. Council's conditions of development consent have been recommended to be imposed and are in **Appendix A**.

5.3 Internal Referrals

The South Coast/Illawarra Region was consulted regarding the application, however, there were no comments received.

6. CONSIDERATION

6.1 The Environmental Planning & Assessment Act, 1979

6.1.1 Section 79C – Matters for consideration

In determining a development application, a consent authority is to take into consideration the following matters as they are relevant to the development the subject of the development application.

(a) Section 79C (1) (a) – Environmental Planning Instruments, Development Control Plans etc

The environmental planning instruments, draft environmental planning instruments, and development control plans applicable to the land to which the development application relates, as outlined in Section 4.2 & 4.3 of this report, are assessed in relation to this proposal in **Appendix C**. The proposal generally complies with these plans and policies at the reduced height of 25 metres.

(b) Section 79C (1) (b) – the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The development application considers the potential impacts of the development proposed on the site including impacts on the natural and built environments. These impacts are considered in detail in section 6.2 of this report. The proposal will not adversely affect the natural or built environments at the reduced height of 25 metres.

(c) Section 79C (1) (c) – Suitability of the Site

The development application considers the suitability of the site for the development by having completed a thorough site analysis prior to designing the development and by undertaking a thorough site selection process. The proponent has considered the constraints of the site including mitigating the visual amenity issue by designing the monopole with regard to minimising visual impact and retaining and augmenting areas of natural vegetation and by reducing the pole height to 25 metres.

The issues relating to the site's suitability for the development proposed in the development application are considered in section 6.2 of this report. In general, the site is considered suitable for the development proposed.

(d) Section 79C (1) (d) – Submissions

The submissions received in response to the development application are outlined in Section 5.1 of this report and in **Appendix D**. The submissions are considered in detail in Section 6.2 of the Report and the issues raised in these submissions have been considered in this assessment.

(e) Section 79C (1) (e) – Public Interest

The public interest has been considered in the assessment of this development application by considering the relevant planning instruments and the submissions in section 6.2 of this report. The proposal is generally considered to be in the public interest given the increased telecommunications coverage resulting from the proposed monopole, the maintenance of visual amenity in the area and the likely future co-location ability of the proposed facility.

6.2. Issues

The main issues with respect to the proposed development are discussed below.

6.2.1 Visual Impact

Issue: Concern that there will be an adverse visual impact as a result of the proposed development and that it is not compatible with the surrounding bushland setting.

Raised by: Applicant, Eurobodalla Shire Council, Community submission.

Consideration: The proposed development, consisting of the monopole (with antennae) and a shed, is located within a site which, at ground level, is screened from public areas and nearby residential, by vegetation. In addition, the proposal involves further screen planting around the shed to further shield the ground-level facilities. Accordingly, the proposed monopole is the only feature which will be visually prominent.

This monopole is proposed to consist of a narrow, 35 metres high pole, with relatively flat antenna located at the top and will be a “Pale Eucalypt” colour, however, following concerns with this height the proposed monopole will be reduced to 25 metres. Whilst this pole will be visible from various locations within Tuross Head, the design and colour will assist in minimising any adverse visual impact. The skyline within the residential areas is dominated by above-ground electricity lines and poles (including light poles) and there is some vegetation which allows the pole to blend in, at certain viewing points close to the site. It is considered that whilst the pole will be visible, the visual amenity of the area is unlikely to be unreasonably affected by the proposal. The proposed monopole will not adversely affect the visual amenity of the area.

Resolution: This issue has been considered in this assessment.

6.2.2 Height of Structure

Issue: Concern that the structure is too high.

Raised by: Community submission.

Consideration: There were concerns from local residents that the pole is too high, however, the height has now been reduced to 25 metres, which will reduce visual impact and will still allow the monopole to be functional and allow for co-location of future facilities (which will also reduce potential adverse visual impact in the future). As discussed in section 6.2.1, it is considered that the visual amenity will not be unreasonably affected by the proposal.

Resolution:: This issue has been considered in this assessment.

6.2.3 Exposure to electromagnetic energy

Issue: The proposed facility is capable of emitting electromagnetic energy.

Raised by: Applicant.

Consideration: The applicant has provided a report which summarises the estimation of maximum cumulative radiofrequency (RF) electromagnetic energy (EME) levels of ground level emitted from the proposed Mobile Phone Base Station antennas. The report concluded that the maximum cumulative EME level at 1.5 metres above ground level is estimated to be 0.54% of the Australian Communications Authority mandated exposure limits.

Resolution: The exposure to EME has been found to be well below the mandated exposure limits. A condition of development consent has been recommended to be imposed to ensure if EME emitted exceeds this mandated exposure limit the facility shall cease use.

6.2.4 Reclassification from community to operational land

Issue: Concern regarding the proposed reclassification of the subject site from community to operational land in relation to potential adverse cumulative impact.

Raised by: Community submission.

Consideration: The reclassification from community to operational land is currently being pursued through the relevant provisions of the *Environmental Planning and Assessment Act 1979* for those parcels of land which are occupied by Council operational facilities. These facilities include car parks, RFS stations, sewerage facilities, reservoirs and water and sewer pump stations. The subject site is being reclassified to allow the RFS station and reservoir on the site, which will also allow the proposed structure to be constructed. There is unlikely to be adverse cumulative impact as the site was to be reclassified regardless of this proposal.

Resolution: This issue has been considered in this assessment.

6.2.4 Proximity to Residential

Issue: Concern that the proposed development was less than 100 metres from residential development.

Raised by: Community submission.

Consideration: The proposed monopole will not present a health hazard to any nearby residential development (as discussed in section 6.2.3) and

the proposal is also not likely to adversely affect the visual amenity of the area, particularly for properties in the medium viewing field since the greatest visual impact will be longer distance views. It is considered that given the screening of the proposal at ground level and the complimentary of uses on the subject site, the proposal is well located and an adequate distance from residential development.

Resolution: This issue has been considered in this assessment.

6.2.4 Co-location

Issue: Industry practice is to co-locate antennae wherever possible.

Raised by: Applicant

Consideration: There are no other tall buildings or existing telecommunications structures in the area which would allow co-location. The proposed monopole is of a height which will allow for co-location of future telecommunications facilities from other carriers.

Resolution: This issue has been considered in this assessment.

7. CONCLUSION

The Minister for Planning is the consent authority.

The application has been considered with regard to the matters raised in section 79C of the *Environmental Planning & Assessment Act, 1979*. The application has been notified in accordance with the Regulations and 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.

8. CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

In accordance with the policy of the Department, the applicant was given the opportunity to comment on the draft conditions of development consent on 10 March 2006. The proponent advised the Department on 10 March 2006 that they were satisfied with the draft conditions of development consent.

9. RECOMMENDATION

It is recommended that the Acting Deputy-Director General, Office of Sustainable Development Assessments and Approvals, as delegate for the Minister for Planning as described by the Instrument of Delegation dated 12 September 2005, and pursuant to Section 80(1)(a) 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) **approve** the application subject to conditions (**Appendix A**), and
- (B) authorise the Department to carry out post-determination notification.

For Acting Deputy Director General Approval

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