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Our ref: MP06_0011
Your ref:
File: 9041586

Dear Ms Marsahll,

Subject: Summary of Submissions for a Proposed Telecommunications Facility, Crown Reserve No 86770, Lot DP 755904, South Durras (MP06_0011)

I refer to your Environmental Assessment (EA) for the proposed telecommunications facility on Crown Reserve 86770, South Durras, lodged with the Department on 11 September 2006. As you are aware, the Department publicly exhibited the EA for 30 days, from 29 September 2006 until 30 October 2006.

In accordance with section 75H(5) of the *Environmental Planning and Assessment Act 1979* ("the Act"), a summary of the issues raised in the submissions received by the Director-General is provided at Attachment 1.

The Director-General, pursuant to s75H(6) of the Act, now requires a response to the issues raised in submissions to be provided. Please note that the Director-General, pursuant to s75H(6)(b) & (c) of the Act may require a preferred project report that outlines any proposed changes to the project to minimise its environmental impact and a revised statement of commitments following review of the response to the issues raised in the submissions.

Please note that the Director-General's Environmental Assessment Requirements dated 21 March 2006 state the "Deemed Refusal" period to be 60 days, which will commence once the Department is satisfied with the responses to submissions.

If you have any queries regarding this matter, please contact John Arnold on (02) 9228 6398 or via email to john.a.arnold@planning.nsw.gov.au.

Yours sincerely

Heather Warton
Director
Urban Assessments

Attachment 1 – Summary of Submissions

Topic	Number of references in submissions	Details / Comment
Coverage (public submission)	1	Concern that the facility will be obsolete with the arrival of the new 3G network and WiMAX telecommunications.
Bushfire (RFS)	1	In addition to the matters outlined in 4.4 Bushfire of the Environmental Assessment address: <ul style="list-style-type: none">• Access and egress arrangements for any personnel and fire fighters in the event of a fire;• Adequate provision of a dedicated water supply for fire suppression.

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06_0011

(FILE NO. 9041586-1)

TELECOMMUNICATIONS FACILITY AT SOUTH DURRAS

I, the Minister for Planning, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 75J approve the project referred to in Schedule 1, subject to the conditions in Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- Prevent and/or minimise environmental impacts;
- Set standards and performance measures for acceptable environmental performance; and;
- Provide for the ongoing environmental management of the project.

Frank Sartor MP
Minister for Planning

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application made by:	NGH Environmental
Application made to:	Minister for Planning
Major Project Application:	MP 06_0011
On land comprising:	Crown Reserve No 86770, Lot DP 755904, South Durras
Local Government Area	Eurobodalla Shire Council
For the carrying out of:	Telecommunications facility
Estimated Cost of Works	\$150,000
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	
Date consent is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0011

Responsibility for other approvals / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Appeals—Third Party

A third party right to appeal to this development consent in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

BCA Building Code of Australia

Council means Eurobodalla Shire Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by NGH Environmental and dated September 2006.

Minister means the Minister for Planning.

MP No. 06_0011 means the Major Project described in the Proponent's Environmental Assessment.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Proponent means NGH Environmental or any party acting upon this consent.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2**CONDITIONS OF APPROVAL****MAJOR PROJECT NO. 06_0011****PART A—ADMINISTRATIVE CONDITIONS****A1 Development Description**

Project Approval is granted only to carrying out the development described in detail below:

Telecommunication facility, which includes:

- Mounting the following to a 30m steel monopole on concrete foundations:
 - Six (6) panel antennae (2 antennae per sector) at the 29.5m level for CDMA800 and GSM900 service
 - One (1) omnidirectional antenna;
 - One (1) 0.6m diameter solid parabolic antenna at the 27m level, and;
- Construction of equipment shelter (3.28m x 2.28m x 3.0m high). Concrete slab footings 4.4m x 2.6m x 0.15m;
- Construction of compound (10m x 5m) surrounded by a 2.4m high security fence (coated in black PVC) with double access gates;
- Installation of 450mm wide galvanised cable tray and supports from equipment shelter to tower, and;
- Installation of a GPS antenna (approximately 0.16m diameter x 0.13m high) on the equipment shelter at 3.2m high.

A2 Development in Accordance with Documents

The development will be undertaken in accordance with the following documents:

1. Proposed Mobile Phone Telecommunications Facility at South Durras – Environmental Assessment, including all appendices – Prepared by ngh environmental on behalf of Telstra – Dated September 2006;
2. The following plans in the above mentioned Environmental Assessment:

Name of Plan	Dwg No.	Sheet No.	Date
Site Specific Notes	N27864	S0	15/09/06
Locality and Site Plans	N27864	S1	15/09/06
Site Setout Plan	N27864	S2	15/09/06
Antenna Layout	N27864	S2.1	15/09/06
Site Elevation Sheet 1 of 2	N27864	S3	15/09/06

Site Elevation Sheet 2 of 2	N27864	S3.1	15/09/06
30m ROCLA SR2-BM30-540 POLE PAD FOOTING – GENERAL ARRANGEMENT AND DETAIL	Cf-10558	1 of DL	13/09/06

3. Conditions of the approval (Schedule 2)
4. Statement of Commitments prepared by ngh Environmental and dated September 2006 (Schedule 3)

A3 *Inconsistency between documents*

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above including the Statement of Commitments in Schedule 3, the conditions of this consent prevail.

A4 *Prescribed Conditions*

The Proponent shall comply with the prescribed conditions of project approval under clause 98 of the

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE***Design Details and Changes******B1 Erosion and Sedimentation Control***

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004) by Landcom*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Compliance***B2 Compliance Report***

Prior to the issue of a Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this approval.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Excavation Works

C1 Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Structural Works

C2 Structural Details

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management

C3 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

Heritage

C4 Aboriginal Representative

A representative of the Batemans Bay Aboriginal Land Council shall be present before any ground disturbance work commences.

General

C5 Construction in a Road Reserve

Prior to the commencement of any construction within the road reserve the applicant is to obtain a Section 138 consent from Eurobodalla Shire Council. To undertake such works the applicant is to include:

- a) A completed application form;
- b) A description of the work to be undertaken and the location, all to be approved by Council;
- c) The dates for commencement and completion of work;
- d) A copy of the contractor's minimum \$10,000,000.00 public liability policy to indemnify Council;
- e) Payment of bonding, to be refunded on satisfactory completion.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with Condition B1, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Construction Management

D2 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D3 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D4 Contact Telephone Number

The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D5 Protection of Trees – On-site Trees

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

D6 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 3:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D7 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before further works can continue in that area.

D8 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify the Department of Environment and Conservation and obtain any necessary approvals to continue the work. The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The Applicant shall comply with the requirements of any public authorities (e.g. Country Energy) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN2 Compliance with Building Code of Australia

The Applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN3 Use of Mobile Cranes

The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN4 Noise Generation

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN5 Section 138 Application

The report identifies that underground cabling would also be required within the road reserve and subject to a separate application by Country Energy. This application would be subject to consideration of a separate Section 138 application.

SCHEDULE 3

MP 06_0011

TELECOMMUNICATIONS FACILITY

CROWN RESERVE NO 86770, LOT DP 755904, SOUTH DURRAS

STATEMENT OF COMMITMENTS

Statement of Commitments

Impact	Objective	Mitigation tasks	By	Timing	Auditing	Criteria
SoC1. Flora and fauna	Minimise the impact area	<ul style="list-style-type: none"> The proposed impact areas and access routes would be delineated in order to restrict impacts. 	Telstra contractors	Before works commence	Telstra contractor	No impacts outside delineated works area
SoC2. Flora and fauna	Minimise the impact area	<ul style="list-style-type: none"> Vehicle and machinery movements and temporary storage of equipment/materials would be entirely within the proposed envelope of the delineated construction site. 	Telstra contractors	During construction	Telstra contractor	No impacts outside delineated works area
SoC3. Flora and fauna	Minimise the modification to habitat	<ul style="list-style-type: none"> Vegetation would be cut in a manner which ensures survival of the groundcover/shrub/tree. 	Telstra contractors	During construction	Telstra contractor	Minimal modification to vegetation
SoC4. Flora and fauna	Minimise the modification to habitat	<ul style="list-style-type: none"> Tree branch removal would occur only within the proposed clearance zone. 	Telstra contractors	During construction	Telstra contractor	No impacts outside delineated works area
SoC5. Flora and fauna	Minimise the modification to habitat	<ul style="list-style-type: none"> All hollow bearing trees would be retained where possible and works kept as far as possible from them. 	Telstra contractors	During construction	Telstra contractor	Minimal impact on hollow-bearing trees
SoC6. Flora and fauna	Minimise the modification to habitat	<ul style="list-style-type: none"> Fauna habitat attributes such as fallen timber, logs and rocks/boulders would be relocated adjacent to the site to provide potential habitat for fauna species. 	Telstra contractors	During construction	Telstra contractor	Minimal modification to habitat resources

	Impact	Objective	Mitigation tasks	By	Timing	Auditing	Criteria
SoC7.	Flora and fauna	Minimise risk of injury to fauna	<ul style="list-style-type: none"> Any lopping of branches containing hollows which must be undertaken would be carried out in a manner that ensures trapped animals are safely relocated. Safeguards to reduce the potential for injury or death of animals include the inspection of hollows on the tree and the sectional dismantling or supervision of works by a licensed wildlife carer or handler. 	Wildlife handler / carer	Before other works commence	Telstra contractor	No injury to fauna
SoC8.	Water and air	Minimise impact on soils, water and air quality	<ul style="list-style-type: none"> Works would avoid times of predicted rainfall. 	Telstra contractors	During construction	Telstra contractor	No works during prolonged wet weather
SoC9.	Water and air	Minimise impact on soils, water and air quality	<ul style="list-style-type: none"> Soil excavated for the footings would be disposed of at an approved land fill site. As the top soil is likely to contain and large proportion of exotic seeds, it would not be respread at the site. 	Telstra contractors	At the completion of the works	Telstra contractor	Excavated soils removed from the site to an approved facility
SoC10.	Water and air	Minimise impact on soils, water and air quality	<ul style="list-style-type: none"> Disturbed soils would be stabilised as soon as practical during works. This would involve covering with geotextile fabric and crushed rock within the compound. The access off Durras Road that would be reinstated for the installation phase would be removed and restored to its existing condition after the works are complete. Disturbed soils in this area would be stabilised with geotextile fabric and oversown with local native grasses. 	Telstra contractors	At the completion of the works	Telstra contractor	Stable landforms at the completion of works
SoC11.	Water and air	Minimise impact on soils, water and air quality	<ul style="list-style-type: none"> Access areas would be identified before works and only these areas would be trafficked during works. 	Telstra contractors	Before works commence	Telstra contractor	No impacts outside delineated works area

Impact	Objective	Mitigation tasks	By	Timing	Auditing	Criteria
SoC12. Water and air	Minimise impact on soils, water and air quality	<ul style="list-style-type: none"> All motorised equipment, including vehicles, would be maintained so as to minimise emissions. 	Telstra contractors	During construction and operation of the facility	Telstra contractor	Only well maintained equipment would be used
SoC13. Water and air	Minimise risk of spills	<ul style="list-style-type: none"> Chemicals, including hydrocarbons and herbicides, would not be stored onsite. 	Telstra contractors	During construction and operation of the facility	Telstra contractor	No storage onsite
SoC14. Water and air	Minimise risk of spills	<ul style="list-style-type: none"> Refuelling of machinery would take place offsite. 	Telstra contractors	During construction and operation of the facility	Telstra contractor	No refuelling onsite
SoC15. Water and air	Minimise risk of spills	<ul style="list-style-type: none"> A spill containment/contamination strategy or plan would be developed and communicated to all staff prior to the commencement of the works. 	Telstra contractors	Before works commence	Telstra contractor	All contractors inducted before works commence
SoC16. Amenity and scale	Minimise contrast of structure to existing environment	<ul style="list-style-type: none"> The proposed tower would be grey, with a pale eucalypt coloured equipment shelter. 	Telstra contractors	Before works commence	Telstra contractor	As stated
SoC17. Amenity and scale	Minimise risk to the public	<ul style="list-style-type: none"> The facility, once constructed, would be secured to prevent public access. 	Telstra contractors	At the completion of the construction phase	Telstra contractor	As stated
SoC18. Amenity and scale	Minimise risk to the public	<ul style="list-style-type: none"> The local community would be notified of the timing of works. 	Telstra contractors	Before works commence	Telstra contractor	Works advertised in local media

Impact	Objective	Mitigation tasks	By	Timing	Auditing	Criteria
SoC19. Amenity and scale	Minimise risk to the public and potential for rubbish dumping	<ul style="list-style-type: none"> The access off Durras Road would be restored to its current state to prevent access 	Telstra contractors	At the completion of the construction phase	Telstra contractor	Stable, impassable access way reinstated
SoC20. Bushfire	Minimise risk of bushfire	<ul style="list-style-type: none"> The NSW Rural Fire Service would be consulted in regard to the adequacy of bushfire prevention measures to be implemented onsite during construction. These measures would in particular cover hot-work procedures and response protocols in the event of a fire during construction. 	Telstra contractors	Before works commence	Telstra contractor	RFS protocols implemented onsite
SoC21. Bushfire	Minimise risk of bushfire	<ul style="list-style-type: none"> Flammable materials and ignition sources brought onto the site, such as fuels, would be handled and stored as per manufacturer's instructions. 	Telstra contractors	During construction and operation of the facility	Telstra contractor	As stated
SoC22. Bushfire	Minimise risk of bushfire	<ul style="list-style-type: none"> During the construction phase, appropriate fire fighting equipment would be held onsite when the fire danger is very high to extreme, and a minimum of one person on site would be trained in its use. 	Telstra contractors	Before and during the construction phase	Telstra contractor	As stated



***MAJOR PROJECT ASSESSMENT:
Telecommunications Facility at South
Durras***

Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979
November 2006

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1 EXECUTIVE SUMMARY

NGH Environmental (the proponent) on behalf of Telstra are proposing the construction and operation of a 30m telecommunications facility in the rural coastal area of South Durras on the South Coast of NSW.

As part of the independent Regional Telecommunications ('Estens') Inquiry, Telstra has been awarded the contract to provide land-based mobile phone service to ensure all Australians have access to adequate telecommunications services, enhance a range of existing services, and ensure that regional Australia continues to share equitably in the benefits of future technologies. The proposed facility will improve mobile phone coverage, capacity and call quality to the South Durras area, Durras Lake areas, foreshore, surrounds and the major road connecting Durras to the Princes Highway.

The Department has assessed the merits of the proposal and is satisfied that it is unlikely to generate any significant environmental impacts on the surrounding area. Whilst it is acknowledged that there would be minor environmental impacts, including in particular; the impact on the visual amenity of the area; limited clearing of flora and soil disturbance, this report concludes that these potential environmental impacts can be mitigated to an acceptable level by adopting the Statement of Commitments identified by the Proponent and through the imposition of conditions of development consent.

Of the seven public authorities that were notified there were no objections to the proposal. A number of minor issues were referred back to the proponent, which were adequately addressed. Of the 12 public submission received there was only one letter opposing the development, the remaining letters all citing existing poor coverage as a reason for support.

The Department is satisfied that there is a clear demand for the proposal, which would bring about significant economic and public benefits that would outweigh any minor environmental impacts associated with the proposal. For these reasons it is recommended that the Major Projects Application be approved.

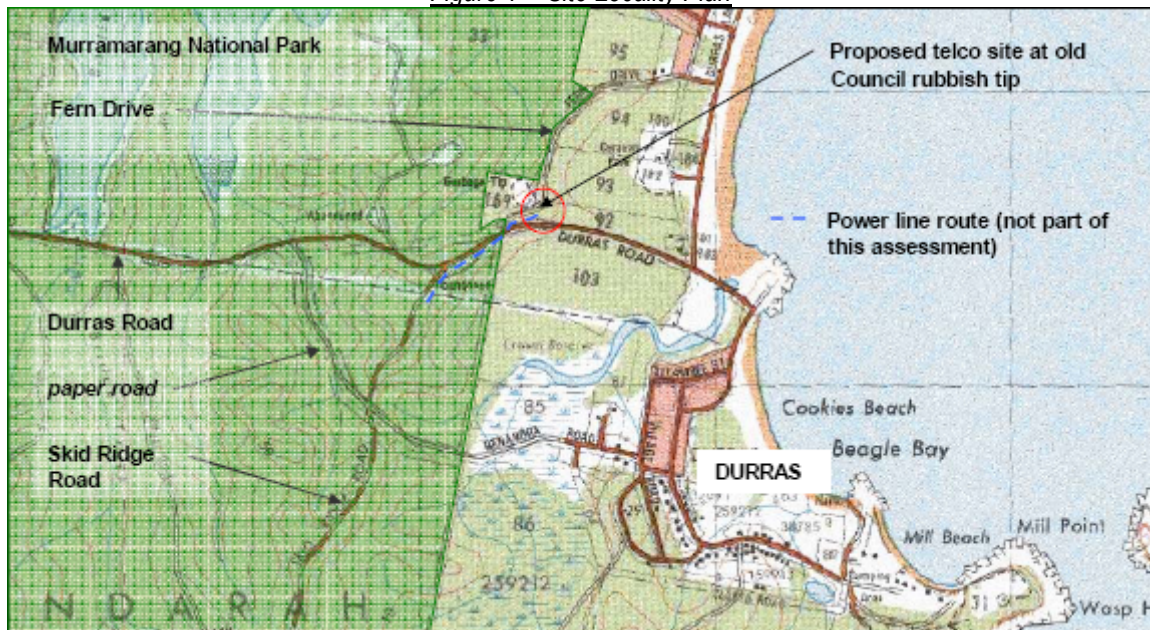
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2 BACKGROUND

The subject site is located on Crown Land Reserve Number 86770, Lot 169 DP 755904, South Durras.

Figure 1 - Site Locality Plan



The subject site (Figure 1) is located approximately 0.5km inland from the coast between the townships of South Durras and Durras Lake, approximately 7.0km north of Batemans Bay (Figure 2). Access from the Princes Highway is approximately 4.0km along Durras Road. Access to the actual subject site is proposed via Fern Drive, which is off Durras Road. This track is currently inaccessible and is discussed as an issue in Section 6.1.2 of this report.

Figure 2: Regional Location Plan



The proposed site is located on elevated land immediately adjacent to a former Council rubbish tip, close to the edge of Murramarang National Park (Figure 1). The development site is located on and adjacent to a fire trail at the edge of woodland, with existing access via Durras Road. Several large trees (*Eucalyptus* and *Corymbia* spp) are located adjacent to the site (Figure 4). The actual subject site itself has been subject to substantial clearing (Figure 3).

Figure 3: Photos of Subject Site Showing Past Clearing



Figure 4: Example of Tall Spotted Gum Trees Adjacent to the Subject Site



The application required landowners consent from the Department of Lands the subject site being located on Crown Land. A letter from the Department of Lands authorising the development subject to development consent is included as part of the application. (Tag 'H').

3 PROPOSED DEVELOPMENT

The proposed telecommunications facility includes:

- Mounting the following to a 30m steel monopole on concrete foundations:
 - Six (6) panel antennae (2 antennae per sector) at the 29.5m level for CDMA800 and GSM900 service
 - One (1) omnidirectional antenna;
 - One (1) 0.6m diameter solid parabolic antenna at the 27m level, and;
- Construction of equipment shelter (3.28m x 2.28m x 3.0m high). Concrete slab footings 4.4m x 2.6m x 0.15m;
- Construction of compound (10m x 5m) surrounded by a 2.4m high security fence (coated in black PVC) with double access gates;
- Installation of 450mm wide galvanised cable tray and supports from equipment shelter to tower, and;
- Installation of a GPS antenna (approximately 0.16m diameter x 0.13m high) on the equipment shelter at 3.2m high.

The proponent proposes that power would be supplied to the site by Country Energy through the provision of underground cabling. This does not form part of this proposal and would be subject to separate works by Country Energy. An application is currently being considered by the Department of Environment and Conservation.

A full set of the proposed drawings are attached (**Tag 'G'**). A site setout plan (*Figure 5*) and an elevation plan (*Figure 6*) are shown below.

Figure 5: Site Setout Plan (not to scale)

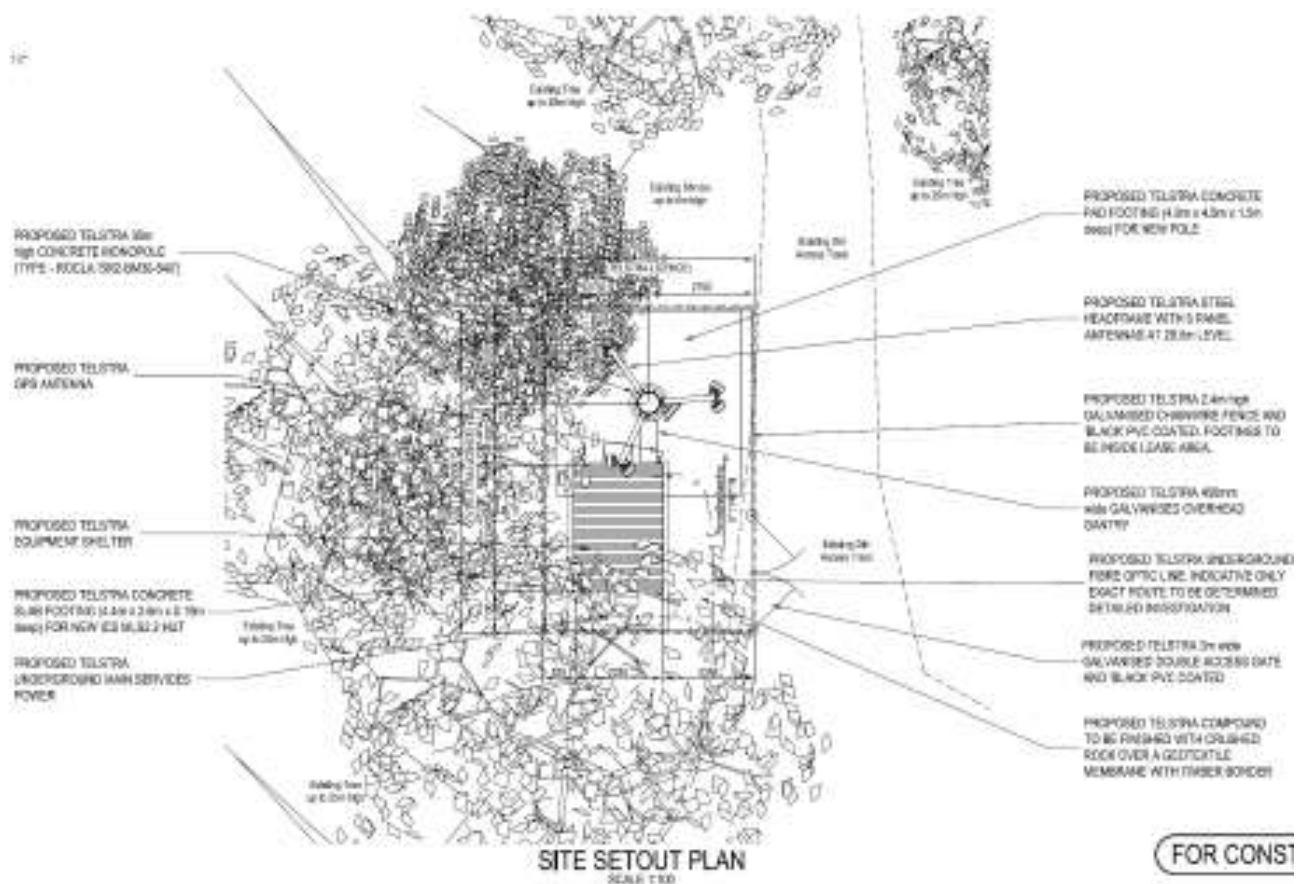
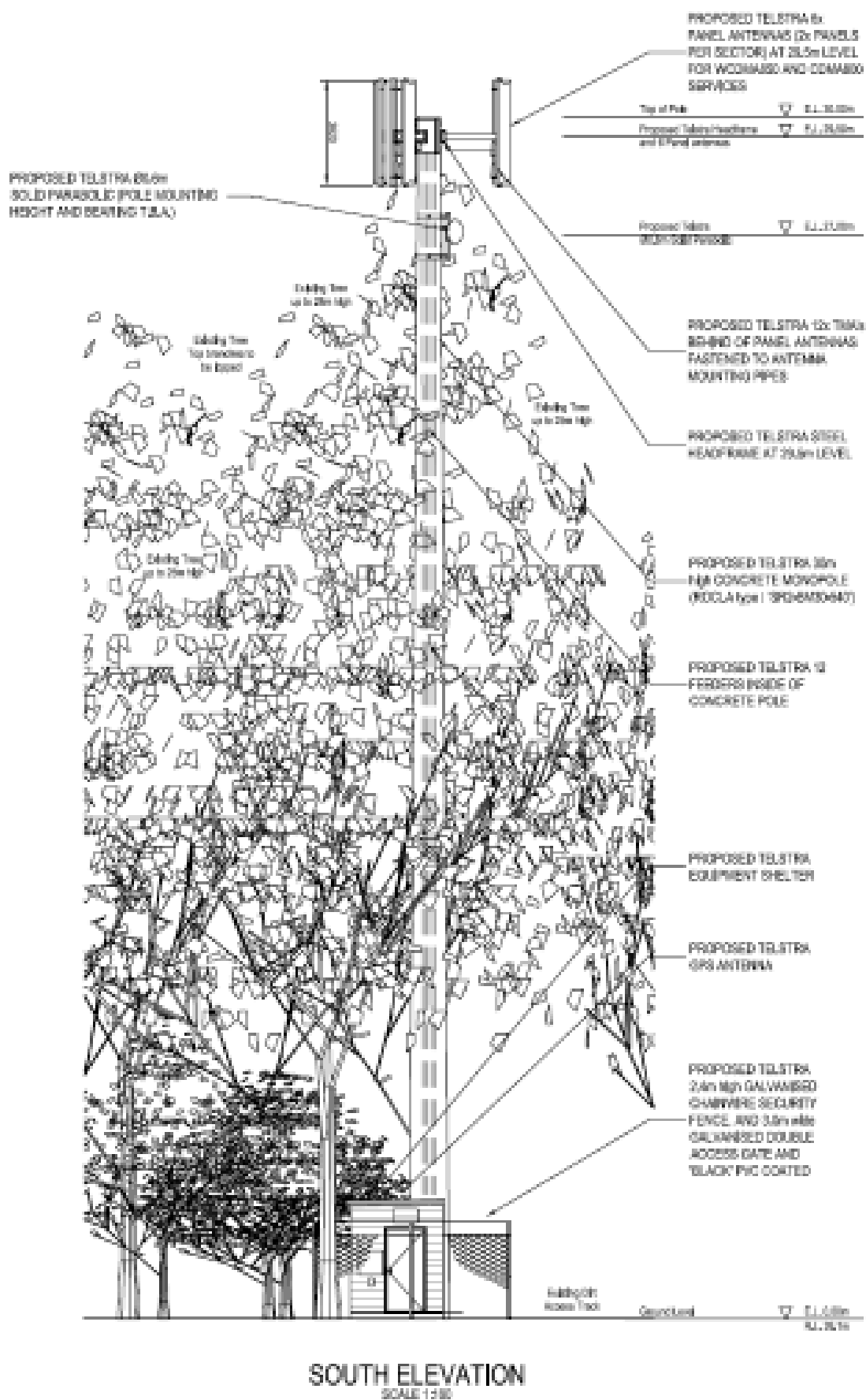


Figure 6: Elevation Plan (not to scale)



3.2 Proponents Justification

Telstra has been awarded the contract to provide land-based mobile phone services under the independent Regional Telecommunications ('Estens') Inquiry which will be subsidised by the Federal Government. This contract includes the installation of a CDMA and GSM mobile telecommunications facility at South Durras. As part of the 'Estens' Inquiry, the Federal Government will invest \$181 million in a comprehensive response that will ensure all Australians have access to adequate telecommunications services, enhance a range of existing services, and ensure that regional Australia continues to share equitably in the benefits of future technologies.

The Inquiry recommended that the Government provide additional funding to support the capital costs of extending land-based mobile phone services to small population centres and key highways in regional Australia. The Government has already provided funding to build 915 mobile phone base stations and repeaters along Australia's national highways, on regional highways, and in regional towns, which will result in 98% of the population having land-based mobile phone coverage. The Government will spend an additional \$15.9 million over four years to further extend coverage to small population centres and along highways in regional Australia, such as South Durras.

The proposal involves the installation of CDMA and GSM mobile phone infrastructure and an equipment hut. One of the major considerations in selecting an appropriate site was to improve mobile phone coverage, capacity and call quality to the South Durras area, Durras Lake areas, foreshore, surrounds and major road connecting Durras to the Princes Highway.

Private local individuals, businesses (including Durras Caravan Park and Murramarang Resort), Durras Progress Group and The Friends of Durras all support improved mobile services for Durras and surrounding areas. Mobile infrastructure in this area would greatly improve communications to the emergency services (Police, Rural Fire Services and Ambulance) and search and rescue.

4 STATUTORY CONTEXT

4.1 Major Project

The proposal is subject to assessment under Part 3A of the Environmental Planning and Assessment Act 1979 ('The Act') and the approval of the Minister for Planning is required to carry out the project. The Minister formed the opinion that the project is one to which Part 3A of the Act applies on 27 January 2006. Consequently the proponent ('NGH Environmental') sought the Minister's approval for the proposal under Section 75J of the Act.

The proposed development is located in the coastal zone, as specified in Clause 1 of Schedule 2 of State Environmental Planning Policy (Major Projects) 2005 ('MP SEPP') and is located within a 'sensitive coastal location' pursuant to the definition in Clause 1(4) of Schedule 2 of the MP SEPP, as the proposed development would be located within 100m of Murramarang National Park.

The proposal involves a development of a structure greater than 13 metres in height within a sensitive coastal location and therefore achieves the criteria in Schedule 2 Clause 1(1)(g)(i) of the MP SEPP.

4.2 Permissibility

The site is on land zoned 1a – Rural (Environmental Constraints) under the Eurobodalla Rural Local Environmental Plan 1987. Relevant objectives of the 1(a) zone include:

f) to permit a variety of uses where these are compatible with rural activity and the capability of the land, or require a location remote from urban areas or villages, or both, and;

g) to permit the provision, expansion or maintenance of utility services within this zone.

Telecommunications facilities are listed as being permissible with development consent.

4.3 Minister's Power to Approve

The Department has exhibited the Environmental Assessment in accordance with Section 75H(3) of the Act as described in Section 5 below. The project is entirely permissible and meets the requirements of the Major Projects SEPP. Therefore, the Department has satisfied its legal obligation and the Minister has the power to determine this project.

The Director-General's Environmental Assessment Requirements ('DGRs'), issued on 25 August 2006 required the following key issues to be addressed:

1. Statutory and Other Requirements – All relevant legislation and planning provisions applying to the site; nature, extent and justification for any non-compliance. Where non-compliance results in environmental impacts, consideration of alternative/compensatory works to address the impacts. Clearly delineate staging, if any.
2. Flora and Fauna - Outline measures for the conservation of flora and fauna and their habitats within the meaning of the Threatened Species Conservation Act 1995 and the Fisheries Management Act, having regard to the Draft Guidelines for Threatened Species Assessment (DEC & DPI July 2005). Measures may include, but not limited to, offset measures, buffers and other long-term protection methods for threatened fauna species.
3. Water and Air Quality - Identify all potential sources of water and air pollution associated with the proposal during construction and operation, and proposed measures to prevent or mitigate the pollution.
4. Amenity and Scale - Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, amenity and visual amenity having regard to the *Coastal Design Guidelines of NSW (2003)* and the *NSW Coastal Policy 1997*. In particular, address visual impact of the project when viewed from public areas including the foreshore and waterways. Address safety and security of the proposal and provide mitigation measures where required.
5. Bushfire - Address the requirements of Planning for Bush Fire Protection 2001 (RFS), in particular adequacy of access for fighting bushfire, water supply for bushfire suppression operations and future management of any areas of hazard including natural areas and buffer zones.
6. Cultural Heritage - Identify whether the site has Aboriginal cultural heritage significance and identify appropriate measures to preserve any significance. Identify any other items of heritage significance and provide measures for conservation.
7. Compliance with Telecommunications Act 1997 - Proposal shall comply with EMR emissions in relation to the regulated standards.
8. Environmental Risk Assessment - A risk assessment of:
 - a) Impact on fauna and residential amenities - potential impacts on fauna and residential amenities.
 - b) Impact on Aboriginal heritage – potential impacts on Aboriginal cultural and other items of heritage significance.

4.4 Environmental Planning Instruments

To satisfy the requirements of Section 75 I (2)(d) and (e) of the Act, this report includes references to the provisions of any Environmental Planning Instruments (EPIs) that substantially govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The objectives of a number of EPIs were deemed to be appropriate for this assessment, as outlined below:

4.4.1 State Environmental Planning Policy (Major Projects) 2005

The MP SEPP applies to the site as discussed in Section 4.1 of this report.

4.4.2 State Environmental Planning Policy No. 71 – Coastal Protection

SEPP 71 applies to the land and development within the Coastal Zone (Clause 4) as defined by the Coastal Protection Act 1979. SEPP 71 provides aims of the Policy (Clause 2) and matters for consideration (Clause 8) when assessing development proposals. The Policy aims to ensure development in the NSW coastal zone is appropriate and suitably located, there is a consistent and strategic approach to coastal planning and management and there is a clear development assessment framework for the coastal zone. The major themes of SEPP 71 include retention of visual amenity, protection of the coastal foreshore in relation to amenity, views and public access and suitability of development within the area.

4.4.3 Lower South Coast Regional Environmental Plan (REP)

The Lower South Coast Regional Environmental Plan sets a regional strategic planning framework for the Local Government areas of Eurobodalla Shire and Bega Valley Shire. The Policy aims to conserve the scenic and environmental character of the Region whilst maintaining the scale and character of the built environment. In particular the Policy stipulates a 14m height restriction for buildings on land to which the policy applies. A building does not include an aerial, receiving or transmission tower.

4.4.4 Eurobodalla Rural Local Environmental Plan (RLEP) 1987

The Eurobodalla RLEP 1987 sets the broad planning framework for development in rural areas within the Eurobodalla government area and establishes permissible forms of development and land use which will be permitted. The subject site is zoned 1a – Rural (Environmental Constraints) (Clause 10) and is permissible with development consent as discussed in Section 4.2 of this report.

4.4.5 Telecommunications Act 1997 (Commonwealth)

The Act regulates the service provision to consumers by telecommunication carriers. The Act includes the provision of a regulatory framework which promotes the long term interests of the users of carriage services and the efficiency and international competitiveness of the Australian telecommunications industry. The Act seeks to ensure that standard telephone services are reasonably accessible to all people in Australia on an equitable basis.

The activities of telecommunication carriers are also subject to the:

- *Telecommunications Code of Practice (1997);*
- *Telecommunications (Low Impact Facility) Determination 1997, as amended by the Telecommunications (Low Impact Facility) Determination Amendment 1 (1999);*
- *Telecommunications (Environmental Impact Information) Regulations (1997) and*
- *ACIF (ACIF C564:2002) Code of Practice 2002.*

An assessment of the proposal against the provisions of these Environmental Planning Instruments is outlined in Appendix C, (Tag 'F').

5 CONSULTATION AND ISSUES RAISED

5.1 Public Consultation

The application was notified, in accordance with Section 75H of the Act for a period of 30 days. A summary of the notification procedure is outlined in Table 2.

(Table 2: Notification Procedure)

Notifications landowners/occupiers/ other agencies	– 280 letters of notification dated 25 September 2006 were sent to local residents in the townships of Durras Lake and South Durras. The Department's South Coast Regional Office, Eurobodalla Shire Council, Department of Natural Resources, NSW Rural Fire Service, Department of Environment and Conservation, RTA and Department of Lands were notified of the proposal.
Newspaper advertisements	Advertised in the Batemans Bay Post on 27 September and the Eurobodalla Shire Independent on 28 September 2006.
Site notice	Letter requesting erection of site notice sent dated 25 September 2006.
Exhibition dates	Start: 29 September 2006 End: 30 October 2006
Exhibition venues	<ul style="list-style-type: none"> • Department of Planning - Information Centre, 23-33 Bridge Street Sydney; • Department of Planning - Illawarra/South Coast Region, Level 2, 84 Crown Street, Wollongong; • Eurobodalla Shire Council – Admin centre, Vulcan Street, Moruya; • Batemans Bay Library – Hanging Rock Place, Batemans Bay

5.2 Environmental Assessment Exhibition and Submissions Received

During the exhibition period referred to in Section 5.1 the Department received a total of 19 submissions on the Environmental Assessment, comprising 12 submissions from the general and public and 7 submissions from Government Agencies and Council. The public submissions included 11 letters of support and 1 letter of objection.

5.3 Public Authorities

The Department received a total of 7 submissions in response to the public exhibition of the project from the following agencies:

- Department of Planning South Coast Regional Office;
- Eurobodalla Shire Council;
- Department of Natural Resources;
- NSW Rural Fire Service;
- Department of Environment and Conservation;
- RTA.
- Department of Lands;

Department of Planning South Coast Regional Office raised no issues.

Eurobodalla Shire Council recommended conditions relating to access to the site and Aboriginal protection.

Department of Natural Resources raised the following issue:

- Management strategies and actions relevant to the site include implementing best practice erosion and sedimentation controls to prevent sediment reaching the drainage line north west of the site which drain to Durras Lake.

NSW Rural Fire Service raised the following issues:

- Address access and egress arrangements for any personnel and fire fighters in the event of a fire.
- Address adequate provision of a dedicated water supply for fire suppression.

Department of Environment and Conservation required the proponent to address following issues in the preparation of their EA:

- The environmental impacts of the project;
- The impacts of the project on threatened species and their habitat;
- The impacts of the project on Aboriginal cultural heritage values;

- The actions that will be taken to avoid or mitigate an impacts, or compensate any unavoidable impacts identified above.

RTA raised no issues.

Department of Lands raised no issues

The proponents response to the issues raised is provided at *Appendix B*, (**Tag 'E'**). Where necessary, key issues have been discussed in detail in Section 6 below.

5.4 Public Submissions and Special Interest Groups

The public submissions included one objection, which raised concern that the facility could become obsolete with the arrival of the new 3G network and WiMAX telecommunications. The proponent's response to the issues raised is provided at *Appendix B*, (**Tag 'E'**) and addressed in detail in Section 6 below.

6 ASSESSMENT

Key issues raised during the consultation process and the Department's assessment of the proposal, include:

- Visual Amenity
- Flora and Fauna
- Frequency Electromagnetic Energy (RF EME)
- Justification of Demand
- Access
- Soil Stability
- Bushfire Assessment
- Cultural Heritage

Issues that are not discussed in detail below are considered in the assessment of the proposal against the relevant Environmental Planning Instruments as set out in *Appendix C* (**Tag 'F'**).

6.1 Environmental Impacts

6.1.1 Visual Impact

Raised By The Department of Planning.

Consideration The proposed mast at 30m high would extend above the canopy of the surrounding trees and therefore its impact on visual amenity needs to be carefully considered especially given the location of the site within a 'sensitive coastal location' in close proximity to Murramarang National Park.

SEPP 71 – Coastal Protection and the Coastal Design Guidelines of NSW place a high emphasis on the protection of the visual amenity of coastal areas particularly as viewed from the coastal foreshore. Views of the tower would be visible from Durras Road in glimpses but views from more prominent areas such as the townships of Durras, from the coastal strip of Durras Lake and the coastal foreshore would not be visible.

In considering the siting of the proposal the proponent reports that four alternative sites were considered:

1. Fern Drive, mid way along Fern Drive;
2. Carls Mountain, Carls Mountain Road, Murramarang National Park;
3. Skid Ridge Road, off Durras Road;
4. Big Bit Lookout, Big Bit Road, Benandarah State Forest.

The proponent reports that Sites 3 and 4 were not considered appropriate as Telstra radio frequency engineers concluded that the sites could not provide the required coverage and quality of mobile phone services to Durras as stipulated by the 'Estens' enquiry. Site 1 was opposed by Durras community groups who were concerned of the visual impact due to the high level of the site and its close proximity to the shoreline and residential homes. Site 2 was opposed by the Department of Environment and Conservation on the grounds that other potential sites were available outside of the National Park.

To further reduce the visual impact of the proposal upon the amenity of the area, it is recommended that the finish of the proposed tower be grey, with a pale eucalypt coloured equipment shelter. The colours reflect the colour of surrounding vegetation. This safeguard is adopted in the Statement of Commitments (*Schedule 3 SoC16*) (**Tag 'C'**).

Resolution

With the potential for only very limited views to the facility, with no view possible from the coastal foreshore it is considered that the minimal detrimental impact the proposal will have on the visual amenity of the locality will be outweighed by the public benefit of the proposal, which will provide mobile phone coverage to an area that currently has very poor to non existent coverage. Treatment in appropriate colours of the external surface of the proposal will further minimise any potential visual impact.

6.1.2 Flora and Fauna

Raised By

The Department of Planning.

Consideration

The development would result in disturbance to vegetation, mainly through minor clearing, in and around the subject site. The total area to be impacted by the facility would be less than 200 sq.m, the majority of which is already disturbed. Some clearing would also result from the widening of Fern Drive to allow access to the site. The Environmental Assessment includes an assessment of impacts on flora and fauna and concludes that impacts will be low.

The Department of Environment and Conservation were notified of the Environmental Assessment and their comments invited. No objection was raised. The proponent recognises that the proposal will result in some minor clearing and disturbance and proposes the following safeguards, as set out in the flora and fauna report (**Tag 'H'**):

- The proposed impact areas and access routes would be delineated in order to restrict the impacts;
- Vehicle and machinery movements and temporary storage of equipment/materials would be entirely within the proposed envelope of the delineated construction site;

- Vegetation would be cut in a manner which ensures survival of the groundcover/shrub/tree;
- Tree branch removal would occur only within the proposed clearance zone;
- All hollow bearing trees would be retained where possible and works kept as far as possible from them;
- Any lopping of branches containing hollows which must be undertaken would be carried out in a manner that ensures trapped animals are safely relocated. Safeguards to reduce the potential for injury or death of animals include the inspection of hollows on the tree and the sectional dismantling or supervision of works by a licensed wildlife carer or handler;
- Fauna habitat attributes such as fallen timber, logs and rocks/boulders would be relocated adjacent to the site to provide potential habitat for fauna species.

Resolution Given that the site has been subject to extensive past clearing (*Figure 4*), is located outside of Murrumbidgee National Park and there is no record of any threatened flora or fauna species, the imposition of the proposed safeguards as set out in the Statement of Commitments (*Schedule 3*) (**Tag 'C'**) are considered to be adequate.

6.1.3 Radio Frequency Electromagnetic Energy (RF EME)

Raised By The Department of Planning.

Consideration Radio Frequency Electromagnetic Energy (RF EME) levels have been estimated from the proposed antennas. The maximum cumulative EME level at 1.5m above ground level is estimated to be 0.23% of the Australian Communications Authority (ACA) mandated exposure limits. ACA mandates exposure limits for continuous exposure of the general public to RF EME from mobile phone base masts.

The subject site is not situated in close proximity to any residences, the nearest being on Durras lane approximately 0.5km away. The proponent proposes safeguards to restrict public access to the subject site once the development has been completed. These are:

- The facility once constructed would be secured to prevent public access;
- The local community would be notified of the timing of works;
- The access off Durras Road would be restored to its current state to prevent access.

Resolution The proposal complies with the relevant exposure limits and the location of the site away from any residence together with the proposed safeguards restricting access will ensure adequate protection from the proposed facility.

6.1.4 Access

Raised By The Department of Planning; Council.

Consideration Access to the site is proposed to be via Fern Drive off Durras Road. The entrance to Fern Drive from Durras Road is currently inaccessible as a roadside drainage line has been constructed to limit access to the old tip site. Telstra propose to reinstate this access during construction and restore it to its existing condition at the completion of works, a safeguard adopted in the Statement of Commitments. (*Schedule 3 SoC19*) (**Tag 'C'**).

The proposal would require construction within the road reserve to provide access to the site. Council request that prior to the commencement of any construction a Section 138 consent is obtained, which is required by *Condition C5 – Construction in a Road Reserve* (**Tag 'B'**).

Resolution The issues raised are dealt with via the imposition of the safeguards in the Statement of Commitments (*Schedule 3*) (**Tag 'C'**) and the attached conditions of consent (*Schedule 2*) (**Tag 'B'**).

6.1.5 Justification of Proposal

Raised By Public submission

Consideration The one letter of objection received raises concern that the facility will be obsolete with the arrival of the new 3G network and WiMAX telecommunications. The proponent has provided further information to address the issue raised.

The facility is proposed following the Estens Inquiry which aims to address the deficiency of coverage in rural areas by making government funding available for telecommunication development. Having been awarded the contract to provide land-based mobile phone services under the 'Estens' Inquiry Telstra are under a contractual agreement as part of this program to install CDMA. The proponent states that in the longer term, Telstra are looking at phasing out CDMA and updating to the new next G network. For this update to occur only components inside the equipment shelter would be updated; the proposed external infrastructure would be compatible with the new next G network. The WiMAX system is not provided by Telstra.

Resolution A technical justification for the proposed facility is provided above. The public demand for the facility is clear as highlighted in the many letters of support all of which cite existing poor coverage as a reason for supporting the proposal.

6.1.6 Soil Stability

Raised By The Department of Natural Resources; The Department of Planning.

Consideration The Department of Natural Resources recommend management strategies and actions relevant to the site to include implementing best practice erosion and sedimentation controls to prevent sediment reaching the drainage line north west of the site which drain to Durras Lake. The proponent recognises that the installation of the facility and its ongoing maintenance could have potential impacts in relation to increased soil erosion, runoff and stormwater pollution and recommends the following safeguards as set out in the Statement of Commitments (*Schedule 3*) (**Tag 'C'**):

- Works to avoid times of predicted rainfall;
- Soil excavated for footings to be disposed of at an approved land fill site (as top soil likely to contain large proportion of exotic seeds);
- Disturbed soils would be stabilised as soon as practical during works;
- Proposed impact areas and access would be delineated in order to restrict impacts;
- Access areas would be identified before works and only these areas would be trafficked during works;
- All motorised equipment, including vehicles, would be maintained so as to minimise emissions;
- Chemicals, including hydrocarbons and herbicides, would not be stored onsite;
- Refuelling of machinery would take place offsite;
- A spill containment/contamination strategy or plan would be developed and communicated to all staff prior to the commencement of the works.

Resolution The total area to be impacted by the proposal is approximately 200 sq.m, the majority of which has been previously disturbed. It is considered that any environmental impact associated with clearing, construction and operation of the facility can be adequately mitigated with the proposed safeguards.

6.1.7 Bushfire Assessment

Raised By NSW Rural Fire Service (RFS).

Consideration Address access and egress arrangements for any personnel and fire fighters in the event of a fire and address adequate provision of a dedicated water supply for fire suppression.

The Statement of Commitments (*Schedule 3, SoC20*) (**Tag 'C'**) requires that the RFS be consulted in regard to the adequacy of bushfire prevention measures to be implemented onsite during construction. The proponent states that access and egress arrangements can be considered at this stage. With regard to the provision of a dedicated water supply for fire suppression the proponent considers this not to be necessary for the following reasons:

- Facilities have been sited in similar locations and no dedicated water supply has been considered necessary;
- The site would be unmanned;
- Telstra are a self-insurer. They would not defend the site in the event of a bushfire and do not expect the RFS to defend the site;
- The materials selected are designed to minimise bushfire impact; steel framing and cladding would be used;
- The compound would be fuel free and is sited with adequate clearance to nearby vegetation;
- Minimal effect from bushfire is anticipated.

Resolution The proponent's comments with regard to access/egress arrangements and the provision of a dedicated water supply were forwarded to the RFS. RFS responded stating that the issues had been adequately addressed. The Statement of Commitments (*Schedule 3*) (**Tag 'C'**) adopts the safeguards proposed.

6.1.8 Cultural Heritage

Raised By Council and Department of Planning

Consideration The Archaeological Assessment submitted with the application finds that the site is of low Aboriginal archaeological potential. No objects were located on the site. The Batemans Bay Local Aboriginal Land Council raised no issues regarding the proposal. The Department of Environment and Conservation raised no issues in this regard. Eurobodalla Shire Council requested the imposition of a condition that requires a representative of the Batemans Bay Aboriginal Land Council to be present before any ground disturbance work commences.

Resolution The imposition of condition C4 – *Aboriginal Representative* (**Tag 'D'**) meets the requirements of Council and condition D8 – *Impact on Below Ground Works – Aboriginal Relics* requires immediate notification to DEC should any relics be exposed during construction.

6.1.7 Other Matters

(i) Public Benefits and the Public Interest

The proposal is considered to provide many public benefits summarised below and is considered to be in the public interest:

- Improved coverage, capacity and call quality to the areas of Durras, which currently experience poor or non-existent coverage;
- Improved communications to the emergency services (Police, Rural Fire Services; Ambulance);
- The location of the proposed facility will have minimal environmental impacts on the area.

(ii) Suitability of the Site

The site is considered suitable for the proposed development for the following reasons:

- Provides for adequate coverage;
- Located outside of the Murrumbidgee National Park;
- The subject site has been previously disturbed being the site of the old Council rubbish tip;
- Existing access exists;
- Minimal visual impact with no views from coastal areas.

(iii) Future Opportunities

The proposal will provide opportunities for future development as follows:

- Potential to upgrade to accommodate future demand for adequate telecommunication coverage.

(iv) Section 94 Contributions

There was no requirement from Council for Section 94 Contributions.

7 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues raised in submissions related to the visual impact; access; and the actual demand for the facility. The Department has considered these issues and through the imposition of the Statement of Commitments and conditions of consent considers that these issues can be adequately mitigated.

In line with the recommendations of the Federal Governments 'Estens' Inquiry the proposed telecommunications facility will help to address the deficiency of coverage in rural areas by providing the townships of Durras with adequate telecommunications coverage.

The Department consulted with the Proponent on the draft conditions of approval and the Proponent agreed that the conditions are satisfactory.

On these grounds, the Department considers the site to be suitable for the proposed development and that the project is in the public interest. Consequently, the Department recommends that the project be approved, subject to conditions of approval (**Tag 'B'**) and the Statement of Commitments (**Tag 'C'**).

8 RECOMMENDATION

It is recommended that the Minister:

- (A) consider the findings and recommendations of this report;
- (B) approve the project application, subject to conditions, under Section 75J of the *Environmental Planning and Assessment Act, 1979*; and
- (C) sign the Determination of Major Project (**Tag 'A'**).

Prepared by:

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APPENDIX A. ENVIRONMENTAL ASSESSMENT

APPENDIX B. RESPONSE TO SUBMISSIONS

RESPONSE TO SUBMISSIONS

Topic	Details/Comment	Proponents Response
Coverage (Public Submission)	Concern that the facility will be obsolete with the arrival of the new 3G network and WiMAX telecommunications	<p>The proposed Durras telecommunications facility is part of the Estins Inquiry which aimed to address the deficiency of coverage in rural areas by making government funding available for telecommunications development.</p> <p>Telstra are looking at phasing out DCMA and updating to the new next G network. For this update to occur only components inside the equipment shelter would need to be updated; the proposed external infrastructure would be compatible with the new next G network.</p> <p>WiMAX telecommunications is a similar system, however this system is not provided by Telstra</p>
Bushfire (RFS)	Address access and egress arrangements for any personnel and fire fighters in the event of a fire	<p>The NSW Rural Fire Service would be consulted in regard to the adequacy of bushfire prevention measures to be implemented onsite during construction. These measures would cover hot-work procedures and response protocols during construction but would also include any additional issues raised by the RFS, for example access and egress.</p> <p>The proposed telecommunication facility, as described in the Environmental Assessment, was assessed to have a very low impact on access and egress in the event of a bushfire. The proposal would not influence access to the proposed site which would be temporarily improved with access off Durras Road reinstated but then restored after the installation of the facility to its current condition.</p>
Bushfire (RFS)	Address adequate provision of a dedicated water supply for fire suppression	<p>The installation of a dedicated water supply for fire suppression is not considered to be necessary. Facilities have been sited in similar locations and similarly, no dedicated water supply has been considered necessary. The site would be unmanned. Telstra are a self-insurer.</p> <p>They would not defend the site in the event of a bushfire and do not expect the RFS to defend the site. The materials selected are designed to minimise bushfire impact; steel framing and cladding would be used. The compound would be fuel free and is sited with adequate clearance to nearby vegetation. Minimal effect from bushfire is anticipated.</p> <p>Consultation to date with the RFS (A. Dobson, RFS Senior Environment Officer, September 2006) has indicated that landowner complaints at other sites have highlighted the issue of telecommunication facilities and bushfire risk; the issue is mostly related to overhead lines and their potential to generate sparks. Underground power would be used to reduce this risk, as indicated in the Environmental Assessment</p>

APPENDIX C. ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

The aims and objectives of the relevant environmental planning instruments and development control plans are assessed below in relation to this development application.

It is generally considered that the application proposes development which is incapable of satisfying the objectives of the environmental planning instruments and development control plans applicable to the site as outlined below.

- *State Environmental Planning Policy (Major Projects) 2005;*
- *State Environmental Planning Policy No.71 – Coastal Protection;*
- *Lower South Coast Regional Environmental Plan No.1*
- *Eurobodalla Rural Local Environmental Plan 1987;*
- *NSW Coastal Policy 1997; and*
- *NSW Coastal Design Guidelines.*
- *Telecommunications Act 1997 (Commonwealth)*

The environmental planning instruments which are required to be addressed and which have not been discussed in the Director-General's Environmental Assessment Report are considered below.

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

MATTERS	COMPLY	COMMENT
CLAUSE 2: AIMS OF POLICY		
(a) To protect and manage the natural, cultural, recreational and economic attributes of New South Wales coast and	YES	The proposed telecommunications facility will not significantly impact on the natural, cultural or recreational attributes of the New South Wales coast. The proposal will not be visible from the coastal foreshore and the external finish off the facility is proposed to be in appropriate colours to the bush surrounding, further reducing its visual impact. Any minor environmental impact that may occur will be significantly outweighed by the public and economic benefit mobile phone coverage will bring to the area.
(b) To protect and improve existing public access to and along coastal foreshores to the extent that it is compatible with the natural attributes of the coastal foreshore, and	YES	The location of the subject site cannot facilitate access to the coastal foreshore.

(c) To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and	N/A	There is no opportunity for public access to and along the coastal foreshore.
(d) To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	YES	The Archaeological report finds that the site is of low Aboriginal archaeological potential. No objects were located on the site. DEC raised no issues in this regard. A representative of the local Land Council raised no issues. Conditions have been imposed to protect and preserve Aboriginal cultural heritage should any items/places be discovered.
(e) To ensure that the visual amenity of the coast is protected, and	YES	It is acknowledged that the main impact of the proposed development is its visual impact, given the 'sensitive coastal location' of the site close to Murrumbidgee National Park. However, given the proposed safeguards that will mitigate the environmental impacts of the proposal the minimal environmental impacts will be outweighed by the public benefit of improved telecommunications coverage to the area.
(f) To protect and preserve beach environments and beach amenity, and	YES	The proposal will involve only minor clearing to an area of land that has undergone significant past clearing. Safeguards are proposed to reduce the impact.
(g) To protect and preserve native coastal vegetation, and	YES	The proposed development will not involve the removal of any native coastal vegetation.
(h) To protect and preserve the marine environment of New South Wales, and	N/A	There is no development proposed within the foreshore.
(i) To protect and preserve rock platforms, and	N/A	There is no development within rock platforms on or in the vicinity of the site which would be affected by the proposed development.
(j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the <i>Protection of the Environment Administration Act 1991</i>), and	YES	The proposed development will not contravene the general principles of ecologically sustainable development resulting in only minor environmental impacts that will be outweighed by the public and economic benefits of the proposal.
(k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	YES	The location of the site has been carefully considered to allow for the required coverage whilst having a minor impact on the natural scenic quality of the area.
(l) To encourage a strategic approach to coastal management.	YES	The proposal is consistent with the aims of SEPP 71.
CLAUSE 8: MATTERS FOR CONSIDERATION		
(a) The aims of this Policy set out in clause 2	YES	See above

(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	N/A	The proposed development does not change public access along the foreshore.
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	N/A	See above.
(d) The suitability of development given its type, location and design and its relationship with the surrounding area	YES	The proposed telecommunications facility has been designed to have the least environmental impact possible especially in relation to the chosen location and design, specifically the external colours proposed.
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	YES	The proposed facility will not be visible from the coastal foreshore.
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities	YES	The proposed facility will not be visible from the coastal foreshore.
(g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act) and their habitats	YES	The land is not known or is not likely to support threatened species or their habitat.
(h) Measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act</i> 1994) and plants (within the meaning of that Act), and their habitats	N/A	As above.
(i) Existing wildlife corridors and the impact of development on these corridors	N/A	The proposed development is not known nor is likely to support wildlife or form part of a wildlife corridor. likely to adversely affect existing wildlife corridors
(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	YES	The subject land is located away from the beach so as not to be impacted by coastal processes or hazards.

(k) Measures to reduce the potential for conflict between land based and water based coastal activities.	YES	There is unlikely to be any conflict between land based and water based coastal activities.
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	YES	The proposal will not adversely affect any items of Aboriginal or non-Aboriginal heritage. The Archaeological report finds that the site is of low Aboriginal archaeological potential. No objects were located on the site. DEC raised no issues in this regard. A representative of the local Land Council raised no issues. Conditions have been imposed to protect and preserve Aboriginal cultural heritage should any items/places be discovered
(m) Likely impacts of development on the water quality of coastal water bodies	YES	The proposed development will not adversely affect water quality.
(n) The conservation and preservation of items of heritage, archaeological or historic significance	YES	Refer to comments at (l) above.
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	N/A	The proposed development does not involve the preparation of a Draft LEP.
(p) Only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient.	YES	As discussed in sections above, it is considered that the minimal environmental impacts associated with the proposal will be outweighed by the economic and public benefits. The proposal will not generate water usage or excessive energy usage.
CLAUSE 14: PUBLIC ACCESS		
A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impending or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	YES	The proposed development does not impact on public access to the foreshore

CLAUSE 15: EFFLUENT DISPOSAL		
The consent authority must not consent to a DA to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, coastal creek or other similar body of water, rock platform.	N/A	The proposed development has no demand for effluent disposal.
CLAUSE 16: STORMWATER		
The consent authority must not consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	YES	The proposed development is unlikely to result in the discharge of untreated stormwater into a coastal water body. However, safeguards to reduce soil erosion and runoff during are included in the Draft Statement of Commitments (<i>Schedule 3</i>)

2. Lower South Coast Regional Environmental Plan No.1

CLAUSE 3 – GENERAL OBJECTIVES		
(a) to conserve the scenic and environmental character of the Region,	YES	The location of the site and the proposed safeguards will ensure the scenic and environmental character of the region is conserved.
b) to maintain the scale and character of the built environment,	N/A	The proposed facility is not within an existing built environment and therefore would not impact on the scale or character of the built environment
(c) to preserve views to and from public places,	YES	The location of the site was selected to ensure views of the proposed mast were minimised from public places. The mast would not be visible from the townships of Durras, the coastal foreshore or the foreshore of Durras Lake.
(d) to protect public places from overshadowing,	N/A	The proposal would not result in overshadowing of public places.
(e) to encourage development sympathetic to the natural landform, and	YES	The development responds to the local environment in terms of height to surrounding trees and colours of the surrounding vegetation.

(f) to enable flexibility in building design consistent with the general aims and objectives of this plan.	YES	The design of the mast responds to the surrounding environment and is consistent with the general aims and objectives of this plan.
HEIGHT RESTRICTIONS		
A person shall not erect a building on land to which this plan applies if the building has a height of more than 14 metres.	N/A	The proposed telecommunications facility is not considered as a building pursuant to the provisions of this plan.

3. Eurobodalla Rural Local Environmental Plan 1987

CLAUSE 3 – GENERAL OBJECTIVES		
(a) to encourage orderly and proper development within the Shire of Eurobodalla	YES	The proposal reflects the orderly development within the Eurobodalla Shire. Careful site selection ensures required coverage whilst minimising environmental impacts.
(b) to identify zones where particular classes of development are most likely to be appropriate, having regard to the environmental characteristics of the area, servicing and access requirements and constraints, and the characteristics of the development	YES	The proposed facility is appropriate within the 1a Rural zone, which permits a variety of uses that are compatible with rural activity and land and require a location remote from urban areas or villages.
(c) to optimise the use of existing services and infrastructure and promote the efficient provision of any services and infrastructure in future in accordance with the intensity and type of development proposed for the area	YES	Although not part of the proposal the facility would be linked via underground cable to the main power supply. The facility would result in the efficient provision of infrastructure through the provision of mobile phone coverage to the townships of Durras.
(d) to ensure that provision is made for public amenities, public services and community facilities early in the process of development	YES	The local public and government agencies have been widely consulted and their comments, particularly in relation to site location are reflected in the proposal.
(e) to ensure that no development on any land is likely to jeopardise the future orderly and economical development of the land or land in its vicinity	YES	The proposal is unlikely to jeopardise the future orderly and economic development of the land or land in its vicinity given the relatively small scale of the subject site and its location away from the nearby townships of Durras.

(f) to provide a broad, long-term framework of planning controls based on a strong emphasis on general, particular and zone specific statements of objectives and strategies in concert with development control plans giving expression to detailed planning provisions	YES	The proposal is in accordance with relevant Environmental Planning Instruments.
CLAUSE 11 – ZONE OBJECTIVES - Zone No 1 (a) (Rural Environmental Constraints and Agricultural Zone)		
(f) to permit a variety of uses where these are compatible with rural activity and the capability of the land, or require a location remote from urban areas or villages, or both	YES	The proposed facility is compatible with rural activity and the capability of the land and is situated in an area away from the local townships of Durras to avoid any detriment to the visual environment but close enough to provide adequate coverage.
(g) to permit the provision, expansion or maintenance of utility services within this zone	YES	The proposal in this zone will improve the mobile phone service to the townships of Durras.

4. NSW Coastal Policy

MATTERS	COMPLY	COMMENTS
Protecting, rehabilitating and improving the natural environment of the coastal zone.	YES	The proposed development will not adversely affect the natural environment of the coastal zone.
Recognising and accommodating the natural processes of the coastal zone.	N/A	The proposed development will not affect coastal processes.
Protecting and enhancing the aesthetic qualities of the coastal zone	YES	The proposed development, which is not visible from the coastal foreshore or the nearby Durras Lake foreshore will help preserve the aesthetic quality of coastal zone.
Protecting and conserving the cultural heritage of the coastal zone.	YES	Appropriate conditions of consent are included to protect cultural heritage.
Providing for ecologically sustainable development and use of resources.	YES	The proposed development does not involve a significant impact on threatened species or corridor values.
Providing for ecologically sustainable human settlement in the coastal zone.	YES	See above.
Providing for appropriate public access and use.	YES	The development does not adversely affect public access or use of the coastal zone.
Providing for integrated planning and management of the coastal zone.	N/A	
Providing information to enable effective management of the coastal zone.	N/A	