

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S03/02034
Application Number:	DA 334-7-2003
Date of lodgement:	14 July 2003
On land comprising:	Lots 425 & 426, Off Hillside Parade, Elizabeth Beach Lot 425 & 426 DP 861736
Application made by:	Nicholas Angelini of Angelini Planning Services Shop 7, 108 Penshurst Street Willoughby
Application made to:	Minister for Infrastructure, Planning & Natural Resources
Local government area:	Great Lakes Council
State electorate:	Myall Lakes, John Turner. The views of the Member are not known.
Notification:	Advertised in Forster Great Lakes Advocate on 13 August 2003.
Public Exhibition	Start: 13 August 2003. End: 10 September 2003.
For the carrying out of:	Telecommunications Tower
Estimated cost of works:	\$200,000
FTE Jobs created:	0.08 full time equivalent Construction jobs
Type of development:	State Significant Development.
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	Not Integrated
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered with regard to the matters raised in section 79C of the Act. The application was notified in accordance with the Regulations and all submissions received in the period have been considered. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant views on draft conditions:	The applicant's views on the proposed draft conditions have not been sought.

Recommendation

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

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

Approved:

Robert Black
**Director,
Urban Assessments**

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

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Development Application: Supplementary Information

Proposed Development

The proposed development seeks consent to:

- (1) a 45 metre high steel lattice tower with antenna equipment
- (2) a television transmission dipole
- (3) television yagi receiving antenna
- (4) 15 panel antennas for Telstra
- (5) two radio link dishes,
- (6) a global positioning system antenna
- (7) two equipment cabinets or huts, one constructed of colourbond and the other brick construction, and
- (8) cable trays and overhead gantry supports connecting the proposed tower.

Summary of Significant Issues

(1) Clearing of land within core Koala habitat area

Issue: Some clearing of land flagged by applicant

Raised by: DIPNR Urban Assessments

Consideration: The applicant indicates that it will be necessary to clear part of the land to install the proposed communication facility and equipment shelters, as well as to ensure a small buffer for bushfire protection. Clearance of the land could affect potential Koala habitats identified in a Local Environmental Study prepared and exhibited by Council.

Resolution: A condition of consent will require, to the satisfaction of the Director, Urban Assessments, a landscape plan identifying the location of trees intended to replace any trees removed for this development.

(2) Road Access

Issue: Road access over Lot 425 and 426 DP 861736 to Lot 4242 DP1036056

Raised by: DIPNR Urban Assessments

Consideration: A dirt track is identified as connecting with the access road in Lot 425 to a set of gates close to the boundary with Lot 4242.

The location of the development may infringe on existing or available access rights of the adjoining owner via Lots 425 and 426. Whilst the adjoining land owner has not provided a written objection the location of the proposed development, this may be because the access rights are protected under common law, by an agreement between the landowners, or by way of a restriction on title. Consequently, there is a need to ensure that the position of the fencing and equipment cabinets are appropriately located and do not restrict or deny potential access between the access road and the gates into Lot 4242.

Resolution: A condition of consent will require, to the satisfaction of Council, that evidence is provided that the adjoining owner of Lot 4242 is satisfied with access arrangements.

(3) Electro-magnetic radiation

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

Raised by: DIPNR Urban Assessments

Consideration: An EME Prediction Report provided by the applicant indicates that the worst case highest percentage of radiation levels will be 243 metres to the north of the site. This is on the western edge of an existing

subdivision currently zone 2 (Village) pursuant to Clause 8 of *Great Lakes Local Environmental Plan 1996*. The Pacific Palms Local Environmental Study indicates that there is a 28 lot residential subdivision within this area.

The EME Prediction Report indicates that the worst case public exposure limit will be 0.3% of the Australian Communication Authority exposure limit. The applicant indicates that this will be less than the public exposure standard of 200 micro watts per square centimetre.

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

(4) Impacts from bushfires

Issue: Impact and threat of bushfire on the proposed tower

Raised by: Rural Fire Service

Consideration: The Rural Fire Service indicated that there was a potential impact from bush fire and that there is a need to introduce a buffer zone and a design able to withstand radiant heat from a bushfire. These comments are appropriate.

Resolution: Conditions proposed attempt to lessen the threat from the bushfire and radiant heat.



Planning Assessment Report Development Application

DA 334-7-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 334-7-2003.

The application seeks consent for the erection of 45m high steel lattice pole that will accommodate mobile telephone antennas for Telstra and Optus and television and FM radio facilities.

The Minister for Infrastructure Planning and Natural Resources is consent authority under clause 10 of *State Environmental Planning Policy No. 71—Coastal Protection*.

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

2 BACKGROUND

2.1 Site Context

The site is located at **Error! Reference source not found.** in the Great Lakes Council local Government area. The subject site is located generally to the southwest of the township of Elizabeth Beach.

The development application was lodged with the Department on 14 July 2003 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The land is partly owned by Mid Coast Water and Great Lakes Shire Council. Development of the site involves a reservoir owned and operated by Mid Coast Water, a brick service hut, electric pole and fence, and two access roads. The site is vegetated with some clearing around the current reservoir.

The nearest residential property and land available for residential single dwellings is approximately 300 metres to the north.

The site and land parcel are not adjacent to the coast.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- a 45 metre high steel lattice tower with antenna equipment
- a television transmission dipole
- television yagi receiving antenna
- 15 panel antennas for Telstra
- two radio link dishes,
- a global positioning system antenna

- two equipment cabinets or huts, one constructed of colourbond and the other brick construction, and
- cable trays and overhead gantry supports connecting the proposed tower.

4 STATUTORY FRAMEWORK

4.1 Statement of permissibility

The proposed development is identified in Clause 8 of *Great Lakes Local Environmental Plan 1996* as within the Zone 1(c) (Future Urban Investigation Zone). The zone indicates that the development is permissible with consent and is generally consistent with the objectives of the zone.

The proposed development is higher than 13 metres and pursuant to Clause 10 and Schedule 2 of State Environmental Planning Policy No.71—Coastal Protection (SEPP 71) the development is state significant development. The development is permissible under this planning instrument subject to Part 4 of SEPP 71.

4.2 Instrument of consent and other relevant planning instruments

Pursuant to Clause 10 and Schedule 2 of SEPP 71, the Minister is the consent authority. Schedule 2 identifies specified development as including all development above 13 metres. The proposed telecommunication tower is 45 metres above existing ground level.

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

- State Environmental Planning Policy No.44—Koala Habitat Protection
- State Environmental Planning Policy No.71—Coastal Protection
- Great Lakes Local Environmental Plan 1996

4.3 Legislative context

The proposed development is state significant development pursuant to Section 79A of the Act.

4.4 Other statutory provisions

Council is investigating the potential of releasing land for new urban release. Council prepared and exhibited a *Pacific Palms Local Environmental Study* that investigates the appropriateness and extent of any new urban release within the locality known as Pacific Palms, which includes Elizabeth Beach.

The exhibition of the Pacific Palms Local Environmental Study does not include a draft Local Environmental Plan prepared in accordance with Division 4 of Part 3 of the Act. However, an “options” map identifies potential residential releases to the north of the site (tagged “D”). Consequently, consideration of the *Pacific Palms Local Environmental Study* is limited to issues of site suitability under Section 79C of the Act.

The development is within the NSW Coastal Zone and the NSW Coastal Policy applies to this site.

5 CONSULTATION

5.1 *Public consultation*

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

Notifications – landowners/occupiers	3 landowners of adjacent properties
Newspaper advertisements	Advertised in Forster Great Lakes Advocate on 13 August 2003.
Site notices	None installed due to the site's isolated location.
Exhibition dates	Start: 13 August 2003. End: 10 September 2003.
Exhibition venues	<ul style="list-style-type: none">▪ Planning Information Centre, 20 Lee Street Sydney▪ DIPNR Hunter Regional Office, level 4 251 Wharf Road, Newcastle▪ Great Lakes Council, Breese Parade, Forster

11 submissions were received regarding the Application. A summary of submissions is within the detailed assessment tagged "C". Issues are considered in Section 6.2 of this report.

5.2 *Referrals*

5.2.1 *Integrated Approval Bodies*

The application is not integrated development.

5.2.2 *Council*

The application was referred to the Great Lakes Council on 8 August 2003 in accordance with the draft Urban Assessments Notification Policy. Council did not provide a written submission on this development application.

5.2.3 *Coastal Council*

The Coastal Council was not advised of the development application due to its minor nature and its location outside a sensitive coastal location.

5.2.4 *Rural Fire Service*

The application was referred to the Rural Fire Service on 8 August 2003. The Rural Fire Service provided a response and this is discussed in Section 6.2 below.

5.3 *Internal consultations*

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

6 CONSIDERATION

6.1 *The Environmental Planning & Assessment Act, 1979*

6.1.1 *Section 79C*

The application and the likely impacts of the proposed development have been considered in accordance with s.79C of the Act. Significant issues are discussed below in Section 6.2, and, where relevant, a detailed assessment is provided (tagged "C").

The subject site is considered suitable for the proposed development. Submissions have been considered and issues raised in submissions are discussed in Section 6.2.

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

6.2 *Issues*

6.2.1 *Clearing of land within secondary Koala habitat area*

Issue: Some clearing of land flagged by applicant

Raised by: DIPNR Urban Assessments

Consideration: The applicant indicates that it will be necessary to clear part of the land to install the proposed communication facility and equipment shelters, as well as to ensure a small buffer for bushfire protection. Clearance of the land could affect potential Koala habitats identified in a Local Environmental Study prepared and exhibited by Council.

Resolution: A condition of consent will require, to the satisfaction of the Director, Urban Assessments, a landscape plan identifying the location of trees intended to replace any trees removed for this development.

6.2.2 *Road Access*

Issue: Road access over Lot 425 and 426 DP 861736 to Lot 4242 DP1036056

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Resolution: A condition of consent will require, to the satisfaction of Council, that evidence is provided that the adjoining owner of Lot 4242 is satisfied with access arrangements.

6.2.3 *Electro-magnetic radiation*

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

Raised by: DIPNR Urban Assessments

Consideration: An EME Prediction Report provided by the applicant indicates that the worst case highest percentage of radiation levels will be 243 metres to the north of the site. This is on the western edge of an existing subdivision currently zone 2 (Village) pursuant to Clause 8 of *Great*

Lakes Local Environmental Plan 1996. The Pacific Palms Local Environmental Study indicates that there is a 28 lot residential subdivision within this area.

The EME Prediction Report indicates that the worst case public exposure limit will be 0.3% of the Australian Communication Authority exposure limit. The applicant indicates that this will be less than the public exposure standard of 200 micro watts per square centimetre.

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

6.2.4 Impacts from bushfires

Issue: Impact and threat of bushfire on the proposed tower

Raised by: Rural Fire Service

Consideration: The Rural Fire Service indicated that there was a potential impact from bush fire and that there is a need to introduce a buffer zone and a design able to withstand radiant heat from a bushfire. These comments are appropriate.

Resolution: Conditions proposed attempt to lessen the threat from the bushfire and radiant heat.

7 CONCLUSION

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

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

The application has been notified in accordance with the Regulations. 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 RECOMMENDATION

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

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

Prepared by

Endorsed:

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