

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S03/00946/001
Application Number:	DA 123-3-2003
Date of lodgement:	18 March 2003
On land comprising:	Macwood Road, Smiths Lake Lot 611 DP 772135
Application made by:	Angelini Planning Services P / L 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 Foster Great Lakes Advocate on 13 August 2003.
Public Exhibition	Start: 13 August 2003. End: 10 September 2003.
For the carrying out of:	Development detailed in Section 3 of the Planning Report
Estimated cost of works:	\$70,000
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 and Planning pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979 (as amended)* and clause 10 of *State Environmental Planning Policy No.71—Coastal Protection*:

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

Approved:

Sam Haddad
**Executive Director,
Sustainable Development**

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

Development Application: Supplementary Information

Proposed Development

The proposed development seeks consent for:

- a 40 metre steel lattice tower
- 3 CDMA panel antennas
- 3 GSM panel antennas
- an omnidirectional transmitting TV antenna
- a TV receiving yagi antenna.

Summary of Significant Issues

(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.

(2) Electro-magnetic radiation

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

Raised by: DIPNR Urban Assessments, Public submissions

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 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.

(3) 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 123-3-2003

1. SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 123-3-2003.

The application seeks consent for the erection of a 40m high steel lattice pole and associated antennae for the purposes of a mobile phone base station and television.

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 Macwood Road, Smiths Lake in the Great Lakes Council local Government area. The site is identified by Council as being within the Smiths Lake Village Area.

The development application was lodged with the Department on 18 March 2003 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The subject site is located generally to the north of the Smiths Lake township. It is on land identified as Lot 611 DP 772135, owned by Mid Coast Water. The site currently has a Mid Coast Water operated water reservoir, a Rural Fire Services hut and a hose drying pole erected on it. The site is well vegetated with some clearing to allow access and the erection of these structures.

To the north and south of the property are residential developments between fifty and seventy metres away. The eastern boundary of the site is formed by Macwood Road, on the opposite side of which are residences, approximately 100 metres distant. To the west of the site is bushland zoned Rural 1(c).

The site is not on adjacent to the coast but is close to a coastal lake.

3. THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- a 40 metre steel lattice tower
- 3 CDMA panel antennas
- 3 GSM panel antennas
- an omnidirectional transmitting TV antenna
- a TV receiving yagi antenna.

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 *Smiths Lake Planning Study* that investigates the appropriateness and extent of any new urban release within the locality known as Smiths Lake Area, which includes the Smiths Lake Village Area.

The exhibition of the *Smiths Lake Planning Study* does not include a draft Local Environmental Plan prepared in accordance with Division 4 of Part 3 of the Act nor identify future zonings. However, the Study does identify a number of “new” centres within the Smiths Lake Area. 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 including:

Notifications – landowners/occupiers	27 land owners of adjacent properties.
Newspaper	Advertised in Foster Great Lakes Advocate on 13 August 2003.

advertisements	
Site notices	None installed
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

17 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 was not integrated.

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 *Electro-magnetic radiation*

- Issue:* Exposure of public to Electro-Magnetic radiation from telecommunication tower
- Raised by:* DIPNR Urban Assessments, Public submissions
- 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 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.

6.2.3 *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 and Planning pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979 (as amended)* and clause 10 of State Environmental *Planning Policy No.71—Coastal Protection*:

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

Prepared by

Endorsed:

Antony Pedroza
Planner, Urban Assessments

Michael Wilson
A\ Team Leader, Urban Assessments

Robert Black
Director, Urban Assessments