



Report of Development Application Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No.:	DA23/0579
Modification No.:	N/A
Council File No.:	D/2023/0579
Date of Lodgement:	14/11/2023
Applicant:	Ventia Pty Limited 80 Pacific Highway NORTH SYDNEY NSW 2060
Proposal:	Telecommunications facility – Mobile phone base station incorporating a 30 metre high monopole and associated infrastructure
Description of Modification:	N/A
Development Cost:	\$385305
Assessment Officer:	Cameron Collins
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	20/12/2023 to 31/01/2024
Advertising:	20/12/2023 to 31/01/2024
Owner's Consent Provided:	Yes
Location:	On the western side of Sycamore Road, approximately 150 metres north of its intersection with Elm Road, Lake Albert.

SITE DETAILS

Subject Land:	13 Sycamore Rd LAKE ALBERT NSW 2650 Lot 8 DP 716602
Owner:	AM Tenbroeke

Description of Development

A development application has been lodged for a new Telecommunications Facility at 13 Sycamore Road, Lake Albert. The proposal involves the installation of a 30m monopole to support the installation of four 5G panel antennas and other associated equipment.

The application describes the installation works to include:

- 30m monopole with a square headframe on the pole (total height with headframe 33.2metres)
- four (4) new 5G panel antennas mounted on the proposed headframe
- four panel antennas mounted on the proposed headframe at an elevation of 31m (centreline)
- sixteen Remote Radio Units (RRU's) mounted on the new headframe
- a 600mm microwave dish on the proposed monopole at an elevation of 28m (centreline)
- an outdoor equipment cabinet adjacent to the new monopole within the proposed lease area
- security fence surrounding the facility - 8m x 10m compound
- ancillary equipment including transceivers, amplifiers, antenna mounts, cable trays, feeders, cabling, combiners, diplexers, splitters, couplers, jumpers, filters, electrical equipment, signage and other associated equipment necessary for the proper function of the proposed facility

The overall height of the facility, including antennas and equipment, will not exceed 33.2m above ground level. The facility will be located within a fenced 8m x 10m compound, enclosed by a 2.4m tall chainlink security fence.

The compound will be located in the south western corner of the site, 2.5m from the southern property boundary, approximately 30m from the western boundary and approximately 95 metres from the eastern boundary (Sycamore Road boundary).

The proposed facility will be owned by the Indara Group (via lease over the subject site) and will host Optus telecommunications equipment. The facility will provide Optus 4G and 5G services to Lake Albert.

Submitted site plan

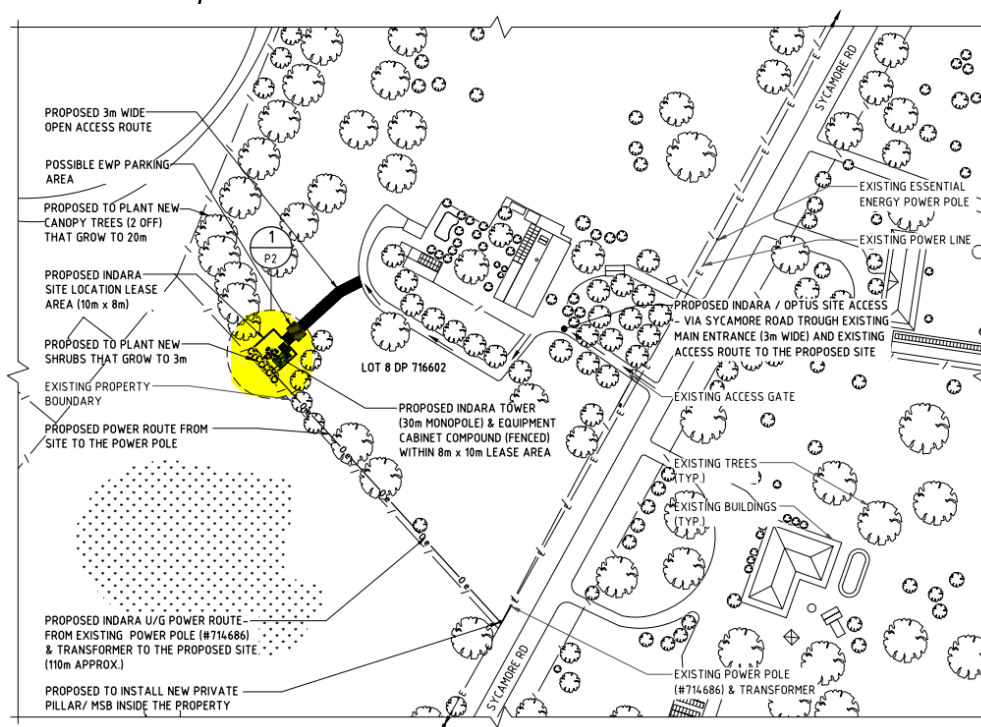


Image of compound and tower location on site looking south west from internal access road



The Site and Locality

The site is 13 Sycamore Road, Lake Albert (Lot 8 DP 716602). The site is located on the western side of Sycamore Road, approximately 150 metres north of its intersection with Elm Road.

The site has an area of 2.15 hectares and contains an existing single storey residential dwelling.

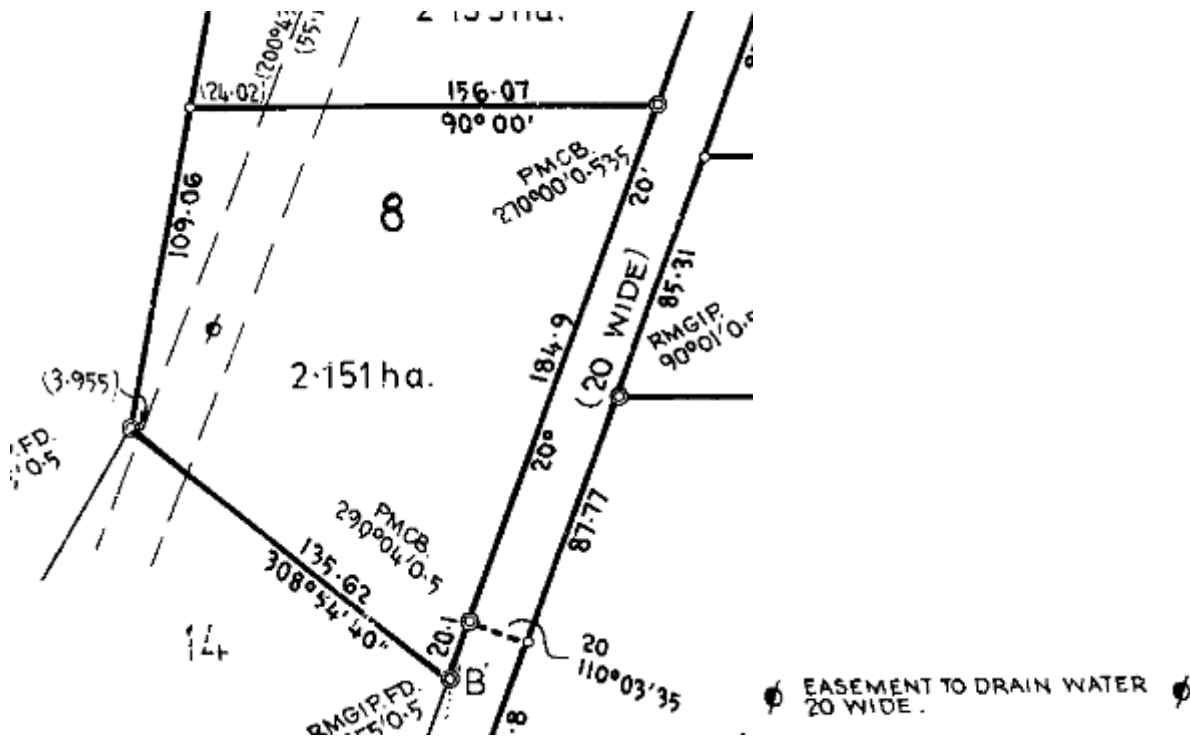
The proposed telecommunication facility is set near the southwest corner of the property next to a cluster of trees as marked on the following images.

The site is within the R5 Large Lot Residential zone under the Wagga Wagga Local Environmental Plan 2010 (LEP). The site is surrounded by other large lot residential properties as depicted in the aerial image below.



Easements and Covenants

The subject land incorporates a 20m wide easement for drainage as depicted below. This easement coincides with the drainage line located at the rear of the site. The drainage line and easement has been fenced off from the area of the site on which the compound will be located. It is satisfied that the development will not encroach or impact on the function of the drainage line as the fenced compound will be located approximately 7 metres from the edge of the easement.



Previous Development Consents

DA21/0404 - Use of existing modular toilet in association with the existing dwelling.

DA22/0745 - WITHDRAWN - Telecommunications facility - Mobile phone base station incorporating a 30 metre high monopole and associated infrastructure

The previous application (DA22/0745) was submitted by the same applicant on the same site in December 2022. The position of the proposed tower was at the front of the site immediately adjacent to the Sycamore Road boundary. The applicant elected to withdraw this application prior to determination.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

Section 4.15(a)(i) - The provisions of any environmental planning instrument

Wagga Wagga Local Environmental Plan 2010

Part 2 Permitted or prohibited development Land Use

Under the provisions of the WWLEP2010, the subject site is within the R5 Large Lot Residential zone.

The development is characterised as a *telecommunications facility* which means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

Telecommunication facilities are permitted with consent in the R5 zone.

(Note - Irrespective of whether the development is permissible in the zone under the LEP, as discussed later in this report, the proposed telecommunications facility is permissible on any land under the provisions of Clause 2.4.3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. The SEPP prevails over the LEP.)

(Note - The Telecommunications Act 1997 allows mobile carriers to perform certain maintenance and installation works without needing development consent. The Telecommunications (Low-Impact Facilities) Determination 2018 also allows for certain kinds of 'Low Impact' equipment to be installed without development consent. New towers do not fall within these federal exemptions. Accordingly, this proposal requires consent.)

The objectives of the R5 zone are discussed below:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

Comment - The development will not provide housing. The telecommunications infrastructure will however support existing and future residential land use within the R5 zoned land in the locality and land use generally within the wider area. The development will have an impact on scenic quality of this surrounding area which is discussed in detail later in this report.

- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

Comment - The development is not for subdivision. This objective is not relevant to the proposal.

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

Comment - The development will not detrimentally impact on public services or facilities. The applicant has confirmed that augmentation is required to increase the network capacity of the existing pole mounted transformer located at the southern end of the property boundary in Sycamore Road to cater for the requirements of the infrastructure. It is not expected that this work will result in any significant disruption of power supply in the area.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment - The construction and operation of the infrastructure has potential to result in land use conflict with existing residential land uses in the area. There are various potential conflicts which are discussed throughout this assessment report. Having regard to the assessment, it is satisfied that conflicts are acceptable

- *To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.*

Comment - The development does not propose the removal of any native vegetation. Having regard to the above comments and the overall assessment and recommendations provided in this report, it is satisfied that the development is consistent with the objectives of the R5 zone.

Part 3 Exempt & Complying Development

Comment: The proposed development is not Exempt or Complying Development. The application is seeking consent.

Part 4 Principal development standards

4.3 Height of buildings

The site is not subject to a maximum building height under this clause. However, consideration is given to the following objectives of this clause which are deemed relevant:

- (b) *to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,*
- (d) *to ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy and permits adequate sunlight to key areas of the public domain.*

The impact of the tower on streetscape and character of the area is examined in detail later in this assessment report. Impact on the amenity of neighbouring properties with respect to the matters identified in (d) above is also examined in this report.

There are no other principal development standards under Part 4 relevant to this application.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

The site is not located in the heritage conservation area and there are no listed items of environmental heritage on the site or within the surrounding locality.

The area is not identified as an Aboriginal place of heritage significance. There is no further evidence to suggest that the development will result in the disturbance or excavation of an Aboriginal object. Despite this, a condition of consent has been recommended requiring all works to cease immediately and for reporting of the find to occur in the event that any Aboriginal object, historic relic or human remains are discovered.

5.21 Flood planning

This clause applies to land within the Flood Planning Area (FPA). The location of the tower and compound is not located within the FPA for riverine flooding, however is located within the FPA for overland flow flooding. The site is also subject to the Probable Maximum Flood (PMF) for overland flow flooding.

1:100 FPA



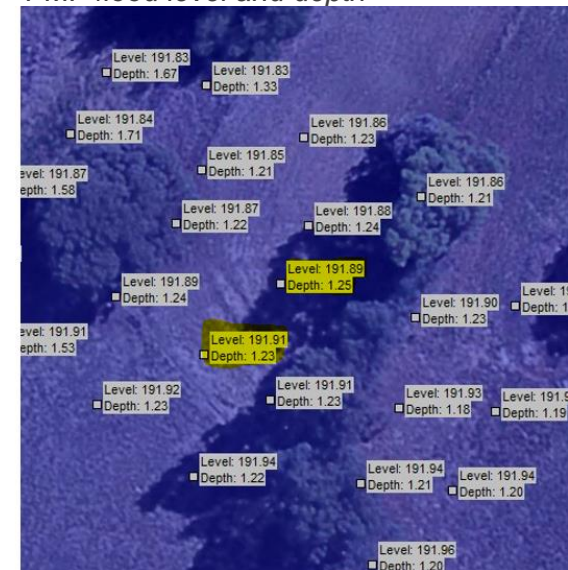
PMF



1:100 flood level and depth



PMF flood level and depth



As identified on the images above from Council's flood model, levels and depth of flooding at the site of the tower will be:

- 1:100 = 191.11m AHD (depth 0.44m)
- PMF = 191.90m AHD (depth 1.24m)

The application includes the following information with respect to the design of the facility.

- Once constructed, the facility will operate unoccupied without the need for on-site staff.
- The facility has been designed with all critical service items (outdoor cabinets supported on an elevated steel platform) to be located above 1:100 ARI event with a 500mm freeboard.
- With the equipment located at this level, the facility would be able to remain operational

- during a flood event of an equivalent nature to the level of the 1:100 ARI event.
- In the event that power is lost to the subject site, the site will remain operable on battery backup for approximately three (3) hours. After this time, the site cannot operate until such time as the power is restored via mains supply or generator.
 - If a larger flood occurs beyond the adopted freeboard and up to the PMF event, the applicant acknowledges that the facility may not operate and a limited level of service will be maintained within the surrounding area by existing sites within the Optus network.

Having regard to this information, the development has been assessed against the matters identified under subclauses (2) and (3) of the clause below.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development-

(a) is compatible with the flood function and behaviour on the land, and

Comment - The tower will occupy a footprint with a diameter of approximately 2.4 metres. The remainder of the development will comprise open fencing around the compound and an elevated equipment platform. The nature of the structures forming the development will have negligible impact on the movement of stormwater through the site and will therefore be compatible as it will have minimal effect on the existing flood function and behaviour on the land.

(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and

Comment - for reasons outlined in (a) above, it is satisfied that the development will not adversely affect flood behaviour including impacts on other developments or properties.

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

Comment - the facility will operate unoccupied and will therefore not create safety or evacuation issues during flooding events. The development will also not affect the capacity of evacuation routes.

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and

Comment - the facility will operate unoccupied and will therefore not require any additional provisions to manage risk to life with respect to operational staff.

The facility remains, however, critical infrastructure that will provide important communication services during emergency events such as flooding. As such, the applicant has designed the facility to ensure sensitive equipment will be positioned above the flood level by incorporating an elevated platform with a freeboard of 500mm above the 1:100 ARI level. As a result of this freeboard, the applicant has confirmed that the facility will remain operational during flood events up to at least the 1:100 ARI. Once inundation of the critical service items occurs during larger events, operation of the facility may fail and limited service will be retained within the

surrounding area by existing sites within the Optus network.

To reduce the likelihood of the facility being affected by flooding up to and including the PMF event, it is recommended that a condition of any consent require the level of the platform and the critical service items be raised to the PMF level at the location of the tower (i.e. 191.90m AHD). This will have the effect of raising the proposed 500mm freeboard by approximately 250mm and resulting in an overall platform height from 1m to approximately 1.25 metres above ground level.

- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Upon re-establishment of the site following construction, it is satisfied that the structure and its surrounds will not pose a threat in relation to erosion and siltation or on the nearby watercourse and associated vegetation.

- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters-*
- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) *the intended design and scale of buildings resulting from the development,*
 - (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

All matters identified under subclause (3) have been considered. In regard to these matters the following comments are made:

- The development incorporates a freeboard to account for variation in flood waters including that caused by climate change. It is recommended that this freeboard be increased as discussed above.
- The design and nature of the structures will have negligible impact on flood waters moving across the site.
- The development has been designed to provide communication services during flood events up to at least the 1:100 ARI event. The recommended increase in freeboard will also allow the facility to operate during larger floods approaching the PMF level.
- The nature of the development does not necessitate the need for safe evacuation.
- The facility has been designed to remain in place and to remain operational during flood events that inundate the site.

As such, the development is considered to be consistent with the provisions of Clause 5.21. There are no other miscellaneous provisions under Part 5 relevant to this application.

Part 6 Urban Release Areas

The site is not in an urban release area. There are no relevant provisions under this part.

Part 7 Additional Local Provisions

7.1A Earthworks

Before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

Comment - The development will be located in an area of the site subject to overland flow flooding. The earthworks proposed will have negligible impact on existing ground levels and therefore are unlikely to impact on drainage patterns in the area. The extent of earthworks required is unlikely to affect soil stability.

- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*

Comment - the siting of the infrastructure compound and its limited footprint will not affect the continued residential use of the land or and is unlikely to affect any future development of the land based on the potential land uses permissible under the current zoning.

- (c) *the quality of the fill or the soil to be excavated, or both,*

Comment - No fill is required to enable the development. Excavated material during construction may be generated. Appropriate conditions of consent have been recommended with regard to the disposal of any fill to be removed (addressed in condition for required CEMP).

- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*

Comment - Earthworks proposed will not impact on the amenity of adjoining properties. Amenity impacts resulting from the proposed infrastructure are not relevant to this clause and are addressed elsewhere in this assessment report.

- (e) *the source of any fill material and the destination of any excavated material,*

Comment - No fill is required to enable the development. Excavated material during construction may be generated. Appropriate conditions of consent have been recommended with regard to the disposal of any fill to be removed (addressed in condition for required CEMP).

- (f) *the likelihood of disturbing relics,*

The area is not identified as an Aboriginal place of heritage significance. There is no further evidence to suggest that the development will result in the disturbance or excavation of an Aboriginal object. Despite this, a condition of consent has been recommended requiring all works to cease immediately and for reporting of the find to occur in the event that any Aboriginal object, historic relic or human remains are discovered.

(g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Comment - Proposed earthworks will not impact on any drinking water catchment of environmentally sensitive area. The earthworks will not encroach on the existing drainage line or easement a discussed earlier in this report.

7.9 Primacy of Zone E2

The purpose of the development is to provide telecommunication services to the surrounding locality. The development will have no impact in the primacy of the E2 commercial centre.

7.11 Airspace operations

Under this clause, if a development application is received and the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface (OLS) as shown on the Obstacle Limitation Surface Map for the Wagga Wagga Airport, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.

The relevant map identifies the OLS at the location of the tower as 367.00m AHD. The existing ground level at the site is approximately 190.5m AHD. The tower will have a finished level above natural ground of 33.2 metres. This would equate to an overall AHD height for the structure of 223.7m AHD. This level is approximately 143 metres below the OLS at this location.

It is satisfied that the proposed development will not penetrate the OLS at this location. Further assessment under this clause is not required.

There are no other additional local provisions under Part 7 relevant to this application.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore, the land is not identified on Councils register of contaminated sites. Accordingly, it is not considered necessary to request any investigation reports on the subject site. The site is suitable in its current state for the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 21 of the SEPP deals with telecommunications and other communications facilities.

Under clause 2.140 (Definitions), the development is characterised as a telecommunications facility which means:

- a) *any part of the infrastructure of a telecommunications network, or*

- b) *any line, cable, optical fibre, fibre access node, interconnect point, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or*
- c) *any other thing used in or in connection with a telecommunications network.*

This is the same definition as the LEP 2010 as referenced earlier in this report.

Clause 2.141 of the SEPP states that Development for the purposes of telecommunications facilities may be carried out by a public authority without consent on any land. The proposed development is not being carried out by a public authority, therefore consent is required.

Clause 2.144 identifies development that is exempt development. The construction of new towers is not exempt development for the purpose of this clause.

Clause 2.4.3 (subclause (1)) of the SEPP states that development for the purposes of telecommunications facilities, other than development in section 2.141(see above) or development that is exempt development under section 2.144 (see above), may be carried out by any person with consent on any land.

(Note - The Telecommunications Act 1997 allows mobile carriers to perform certain maintenance and installation works without needing development consent. The Telecommunications (Low-Impact Facilities) Determination 2018 also allows for certain kinds of 'Low Impact' equipment to be installed without development consent. New towers do not fall within these federal exemptions. Accordingly, this proposal requires consent.)

The development is therefore permissible with consent under the provisions of the Infrastructure SEPP.

Clause 2.4.3 (subclause (2)) of the SEPP requires the consent authority to take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.

The current guidelines are the NSW Telecommunications Facilities Guideline, Including Broadband (October 2022). The guideline has been considered below.

NSW Telecommunications Facilities Guideline, Including Broadband

The NSW Telecommunications Guideline Including Broadband (the Guideline) is designed to support the roll out of broadband in NSW and aims to ensure that both wireline and wireless telecommunications infrastructure, including for broadband, can be provided in an efficient and cost-effective manner to meet the community needs for telecommunications services.

The Guideline includes principles for the design, siting, construction, and operation of telecommunications facilities, and aims to minimize impacts of facilities and meet the requirements of the Telecommunications Act 1997.

Part 3 of the Guideline sets out principles to guide the preparation and assessment of proposals for telecommunications facilities. The matters to be considered under the principles are reproduced in the table below.

Consideration of NSW Telecommunications Facilities Guideline, Including Broadband		
Principle 1: Design and site telecommunications facilities to minimise visual impact.		
Principle	Applicant Comment	Comment
<i>a. As far as practical, integrate a telecommunications facility that is mounted on an existing building or structure with the design and appearance of the building or structure.</i>	Not applicable given the proposal is for a new telecommunications facility. Section 3 of this planning report details the candidate selection process including existing facilities/structures that were considered as part of the assessment.	Not applicable.
<i>b. Minimise the visual impact of telecommunications facilities, reduce visual clutter (particularly on tops of buildings) and ensure physical dimensions (including support mounts) are sympathetic to the scale and height of the building to which it is to be attached and to adjacent buildings.</i>	An assessment of the relevant impacts of the proposal has been demonstrated within the Visual Impact Assessment in Section 7. The scale of the facility is acceptable in terms of visual impact given its context. It is considered that the facility will not result in undue impact on the visual amenity of the locality. Visual impacts are considered mitigated due to its set back distance from the road and the existing vegetation in the vicinity of the subject location. It is not considered that the tower will be visually dominant to road users along nearby roads. Therefore the proposed facility is appropriately located in a setting and will be well screened by the existing mature vegetation around the site.	Refer to visual impact assessment in 4.15 assessment report.
<i>c. If a telecommunications facility protrudes from a building or structure and is predominantly seen against the sky, either match the prevailing colour of the host building or structure or use a neutral colour such as pale grey.</i>	The proposal is a standalone structure made of concrete and steel. The proposed facility will be neutral pale grey to better blend with the sky on site.	The use of a neutral colour scheme will be satisfactory. A condition of consent is recommended as per for final approval of the scheme.

<p><i>d. Where possible and practical, screen or house ancillary facilities using the same colour as the prevailing background and consider using existing vegetation or new landscaping.</i></p>	<p>The proposed equipment shelter consists of four Outdoor Units (ODU's) which minimises any visual impact. Subject to the visual impact mitigation measure recommended in the Visual Impact Assessment (Appendix 5), new landscaping will be used to assist with screening the facilities.</p>	<p>Condition of consent recommended as per recommendation of visual assessment report. Lower structures including fences as ODUs will be appropriately screened and will not result in unacceptable visual impacts.</p>
<p><i>e. Locate and design a telecommunications facility in a way that responds to its setting (rural, residential, industrial or commercial)</i></p>	<p>The facility has been designed and sited with due concern for the surrounding landscape context. The proposed facility is situated at the southwestern corner of the subject land to achieve a desirable separation distance from the adjoining residential dwellings and DEPL-810-1F Page 25 of 51 Version 1.0 - 30.01.2023 public road users, without impinging on the visual amenity value of the local area. The proposed design solution and site location endeavours to strike a balance between providing improved mobile phone coverage and minimising the visual impact on the local landscape setting.</p>	<p>Refer to visual impact assessment in 4.15 assessment report.</p>
<p><i>f. Site and design a telecommunications facility located on or adjacent to a listed heritage item or within a heritage conservation area with external colours, finishes and scale sympathetic to the heritage item or conservation area.</i></p>	<p>Not applicable. The site is not located on or adjacent to a heritage item and/or heritage conservation area</p>	<p>Not applicable.</p>
<p><i>g. Locate telecommunications facilities to minimise or avoid obstructing significant views of a heritage item or place, a landmark, a streetscape, vista</i></p>	<p>As demonstrated within the Visual Impact Assessment within Section 7 of this document, the proposal will not obstruct any significant</p>	<p>Refer to visual impact assessment in the 4.15 assessment report.</p>

<i>or a panorama, whether viewed from public or private land.</i>	views, vistas, heritage items, landmarks, panoramas or generate any adverse visual impacts for the surrounding land uses.	
<i>h. Consult with relevant council when proposing pruning, lopping or removing any tree or vegetation. Obtain a tree preservation order, permit or development consent if required.</i>	Not applicable. The site is located in a cleared area. No pruning, lopping, of trees subject to a Tree Preservation Order will be required to establish the compound.	Not applicable.
<i>i. Remove redundant telecommunications facilities and restore the site to the condition it was in prior to the facility's construction.</i>	Ventia on behalf of Optus acknowledges this condition. This can also be implemented by a condition of development consent if the Council considers it appropriate.	Noted. A condition of consent has been recommended with regard to the possibility of the facility becoming redundant in the future and the site being appropriately rehabilitated.
<i>j. Remove redundant components of existing facilities after upgrades</i>	Not applicable. There are no existing facilities to be removed.	Not applicable.
<i>k. Where possible, consolidate telecommunications facilities to reduce visual clutter and work with other users on co-location sites to minimise cumulative visual impact.</i>	The nearest existing Telstra facility is considered however not feasible for the co-location of the proposed Optus facility to improve mobile services to the intended coverage area.	The applicant provides the following statement with regard to suitability of the existing Telstra tower on Vincent Road for co-location: <i>The site is located approximately 367m northwest of the current proposal site. The existing Telstra facility was considered as a Candidate (Candidate B in the Table 2). The candidate was discounted because the available height for the proposed facility was considered too low for the transmission link and there isn't sufficient space for the proposed microwave dish. Therefore a co-location here was not technically viable. The unsuitability of this tower is noted.</i>
<i>l. Accord with all relevant industry design guides when siting and designing telecommunications facilities.</i>	The proposal is in compliance with the relevant design guides.	Noted.

<i>m. Assess potential visual impact in alternative site assessments.</i>	The site has been compared to alternatives and scores well against these.	Alternative sites considered by the proponent present similar conditions to the proposed site with respect to character and amenity. Refer to visual impact assessment in the 4.15 assessment report.
Principle 2: Co-locate telecommunications facilities wherever practical		
Principle	Applicant Comment	Comment
<i>a. As far as practical, locate telecommunications lines underground or within an existing underground conduit or duct.</i>	All proposed conduits will be installed underground.	Noted.
<i>b. Where practical, co-locate or attach overhead lines, antennas and ancillary telecommunications facilities to existing buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise clutter</i>	There are no suitable co-location opportunities within the subject area as outlined in section 3.2 of this report.	Other than the existing Telstra tower on Vincent Road as referenced above, it is satisfied that there are no other co-location opportunities in the area. Refer to further discussion under Principle 5 below.
<i>c. Consider extending an existing tower as a practical co-location solution to new towers.</i>	Not applicable. The proposal does not involve an extension of an existing structure but rather a new tower facility.	It is noted that the extension of the existing Telstra tower on Vincent Road is not possible. Refer to further discussion under Principle 5 below.
<i>d. Demonstrate that co-location is not practicable if choosing not to co-locate a facility.</i>	There are no viable co-location opportunities within the subject area as demonstrated within Section 3.2 of this report.	It is noted that the extension of the existing Telstra tower on Vincent Road is not possible. Refer to further discussion under Principle 5 below.
<i>e. If choosing to co-locate, design, install and operate a telecommunications facility so that resultant cumulative levels of radio frequency emissions are within the maximum human exposure levels set out in RPS S-1.</i>	Not Applicable. The proposed site does not involve a co-location on an existing telecommunications facility.	Not applicable.
Principle 3: Meet health standards for exposure to radio emissions		
Principle	Applicant Comment	Comment
<i>a. Design, install and operate a telecommunications facility so that maximum human exposure levels to radiofrequency emission</i>	It is the legal obligation for any carrier to ensure that any telecommunications equipment is operated within the human exposure	The compliant exposure level identified in the submitted report has been noted. Refer to EME impact

<i>comply with RPS S-1 (see Appendix C).</i>	limits within the Radio Protection Standard. The maximum human exposure levels have been calculated to be 1.46% of the public exposure limit. Refer to Appendix 3 for the complete EME Environmental Report.	assessment in the 4.15 assessment report.
<i>b. Using the format required by ARPANSA, report on predicted levels of EME surrounding any development covered by the Industry Code C564:2020 Mobile Phone Base Station Deployment, and how the development will comply with ACMA safety limits and RPS S-1.</i>	An EME Environmental Report has been included within Appendix 3 of this document. The EME Environmental Report is in accordance with the format prescribed by Australian Radiation Protection Nuclear Safety Agency. Additionally, the EME Environmental Report is a publicly accessible document which can be retrieved from: www.rfnsa.com.au/2650053	The submitted EME report prepared in accordance with prescribed format is noted. Refer to EME impact assessment in the 4.15 assessment report.
Principle 4: Minimise disturbance and risk, and maximise compliance		
Principle	Applicant Comment	Comment
<i>a. Ensure the siting and height of a telecommunications facility complies with the of the Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1996. Avoid penetrating any obstacle limitation surface (OLS) shown on a relevant OLS plan for an aerodrome or airport (as reported to the Civil Aviation Safety Authority) within 30 km of the proposed development.</i>	The intrusion of equipment, in particular cranes, through Obstacle Limitation Surfaces (OLS) for the airport will be considered through appropriate approvals processes to ensure safety during construction on request.	Complies. Refer to discussion under Clause 7.11 of the LEP in the 4.15 assessment report.
<i>b. Ensure no adverse radio frequency interference with any airport, port or Commonwealth defence navigational or communications equipment, including the Morundah Communication Facility, Riverina</i>	The proposed equipment at the subject site is licensed as per ACMA regulations. As a result, there is to be no interference with other civil and military communications facilities.	Noted.

<p><i>c. Carry out the telecommunications facility and ancillary facilities in accordance with any manufacturer's installation specifications.</i></p>	<p>The proposed equipment is to be installed as per the manufacturer's specifications.</p>	<p>Noted.</p>
<p><i>d. Protect the structural integrity of any building or structure on which a telecommunications facility is erected.</i></p>	<p>Not applicable. Proposal is a standalone structure.</p>	<p>Not applicable.</p>
<p><i>e. Erect the telecommunications facility wholly within the boundaries of a property as approved by the relevant landowner.</i></p>	<p>The proposed 8m x 10m lease area is to be located within the boundaries of the lot and will not encroach on surrounding property boundaries.</p>	<p>Complies.</p>
<p><i>f. Ensure all construction of a telecommunications facility accords with Managing Urban Stormwater: Soils and Construction - Volume 1 (Landcom 2004), or its replacement.</i></p>	<p>The construction of the proposal will adhere to and comply with the regulations set out within the Blue Book - 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004).</p>	<p>Noted. Relevant condition of consent recommended.</p>
<p><i>g. Mitigate obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction</i></p>	<p>The site is not generally accessible by pedestrians or vehicles and will be fenced during construction.</p>	<p>Location of facility will ensure risk to Sycamore Road users is minimised during construction. A condition of consent has been recommended requiring the preparation and approval of a Construction Environmental Management Plan (CEMP) which will include traffic and pedestrian management requirements.</p>
<p><i>h. Where practical, carry out work at times that minimise disruption to adjoining properties and public access and restrict hours of work to 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.</i></p>	<p>Construction works will be conducted between 7.00am and 5.00pm, Mondays to Saturdays or as per the recommended hours stipulated by Council. Consultation with council will be undertaken throughout the construction process.</p>	<p>Noted. Relevant condition of consent recommended.</p>
<p><i>i. Employ traffic control measures during construction in accordance with Australian</i></p>	<p>Any required traffic control will be conducted in accordance with the</p>	<p>Noted.</p>

<p><i>Standard AS1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.</i></p>	<p>relevant Australian Standard S S1742.3-2002 Manual of uniform traffic control devices - Traffic control devices on roads</p>	
<p><i>j. Guard open trenching in accordance with Australian Standard Section 93.080 - Road Engineering AS1165 - 1982 - Traffic hazard warning lamps.</i></p>	<p>Open trenching for the installation of underground power and fibre will be executed in compliance with the Australian Standard Section 93.080 - Road Engineering AS1165 - 1982 - Traffic hazard warning lamps</p>	<p>Noted.</p>
<p><i>k. Minimise disturbance to flora and fauna and restore land to a condition similar to its condition before the work was carried out</i></p>	<p>Not applicable. The proposal will not impact any significant flora or fauna.</p>	<p>Noted. Refer to relevant discussion under 4.15 assessment report.</p>
<p><i>l. Identify any potential impacts on threatened species and communities in consultation with relevant authorities and avoid disturbance to identified species and communities where possible.</i></p>	<p>The site is not known or anticipated to support any threatened species or communities and the site is not subject to the Terrestrial Biodiversity overlay.</p>	<p>Noted. Refer to relevant discussion under 4.15 assessment report.</p>
<p><i>m. Identify the likelihood of harming an Aboriginal place and/or Aboriginal object and obtain approval from the Department of Premier and Cabinet if the impact is likely, or Aboriginal objects are found.</i></p>	<p>Not Applicable. No items or areas of Aboriginal significance were identified on the proposed allotment.</p>	<p>Refer to discussion under Clause 5.10 of the LEP in the 4.15 assessment report.</p>
<p><i>n. Reinstate, at your expense, street furniture, paving or other facilities removed or damaged during construction to at least the same condition as that prior to installation.</i></p>	<p>There is little likelihood of street furniture or other items being disturbed. However, this can be addressed through the imposition of conditions of development consent where relevant. If disturbed, all street furniture, paving and walkways will be reinstated at the end of construction to at least the same condition they were in before work began.</p>	<p>No impacts are anticipated with regard to infrastructure within Sycamore Road.</p>

Principle 5: Undertake an alternative site assessment for new mobile phone base stations		
Principle	Applicant Comment	Comment
<i>a. Include adequate numbers of alternative sites in the alternative site assessment as a demonstration of good faith.</i>	Total of 4 alternative sites were considered and investigated as outlined in section 3 of this report.	See comments on Principle 5 following this table.
<i>b. In addition to the new site selection matters in Section 4 of the Industry Code C564:2020 Mobile Phone Base Station Deployment: • only include sites that meet coverage objectives, and that have been confirmed as available, with an owner agreeable to having the facility on their land • if the preferred site is a site owned by the Carrier, undertake a full assessment of the site • indicate the weight placed on selection criteria • undertake an assessment of each site before any site is dismissed.</i>	Total of 4 alternative sites were considered and investigated as outlined in section 3 of this report.	See comments on Principle 5 following this table.

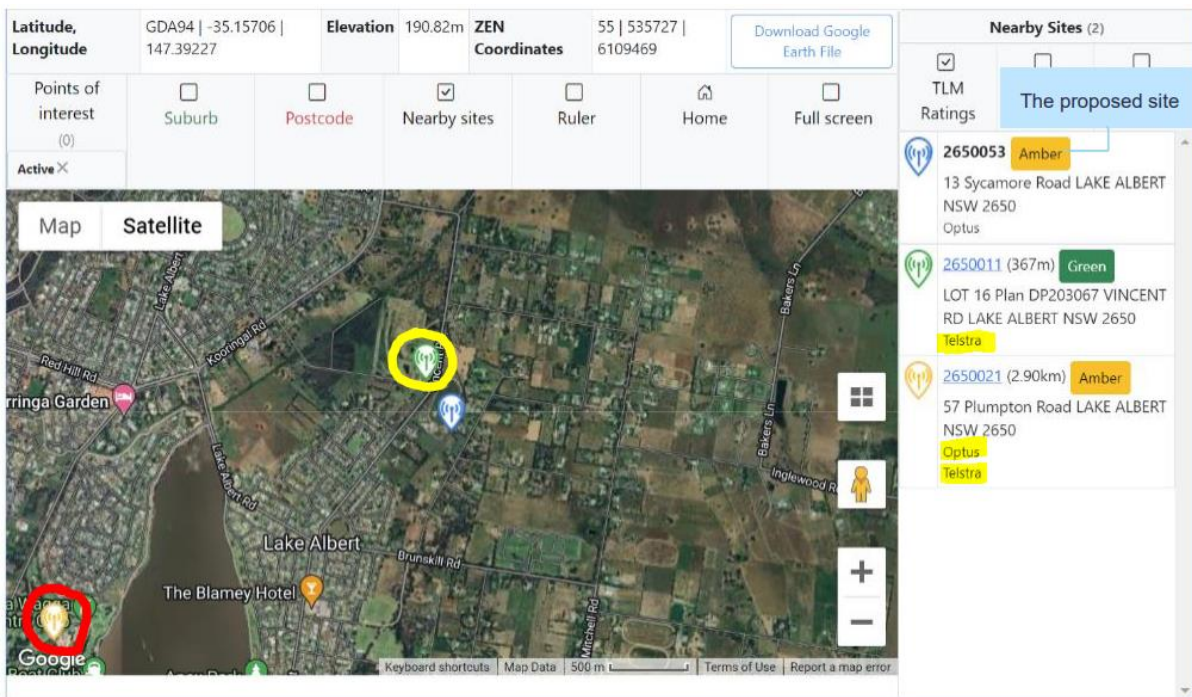
Principle 5: Undertake an alternative site assessment for new mobile phone base stations

Upgrade of existing base stations or co-location

Comment:

With regard to upgrade of existing base stations or co-location, the applicant identifies that:

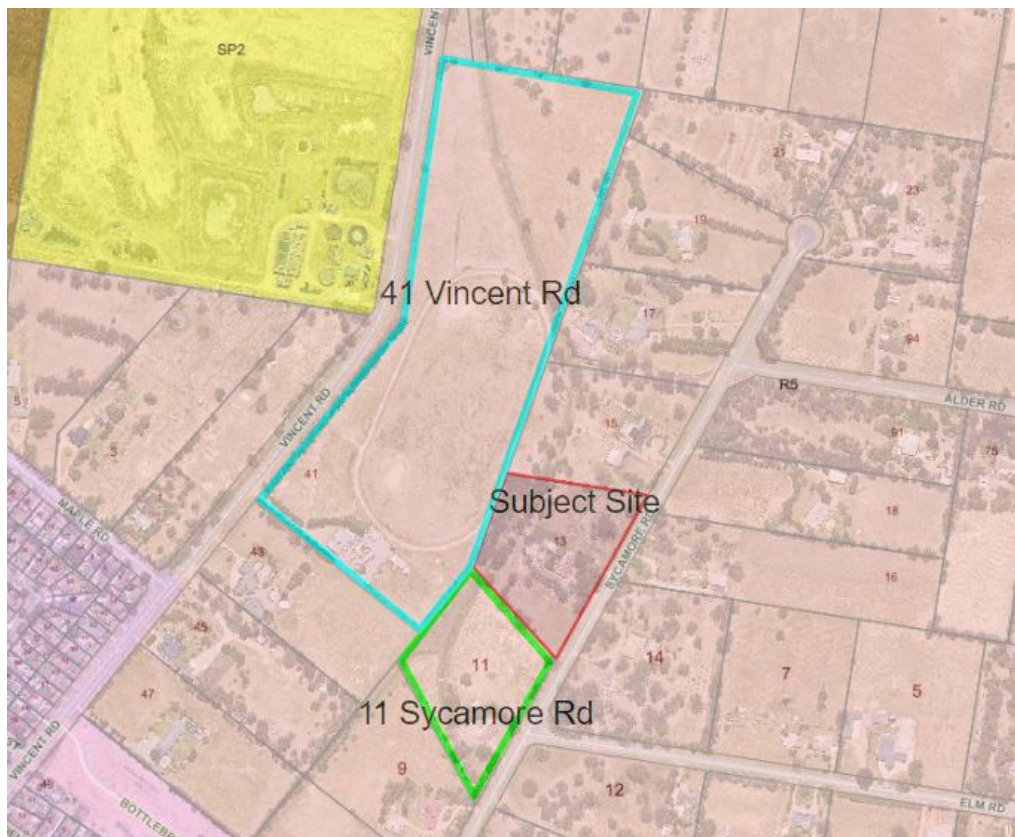
- All existing base stations have been considered for upgrade to provide the necessary improved coverage in the locality. No existing base stations are suitable for upgrade. This includes the existing Optus bases station located at the County Club golf course identified (red circle) in the Radio Frequency National Site Archive (RFNSA) database map below. This base station is located 2.90km southwest of the current proposal site, however is unsuitable as it is too far west to provide improved mobile services to the intended coverage area.
- Co-location has been considered with regard to the Vincent Road tower marked yellow on the RFNSA database map above. The tower is located approximately 367m northwest of the current proposal site. Co-location on this tower was discounted because the available height for the proposed facility was considered too low for the transmission link and there is not sufficient space for the proposed microwave dish.



Alternate Sites

Comment:

With regard to alternate sites for the construction of a new tower, the applicant considered two alternate R5 zoned properties. These were 11 Sycamore Road (green) and 41 Vincent Road (blue) as marked on the following plan.



The applicant states that both these candidate sites were discounted as “*we had no response back from the landowner therefore could not establish an agreement with the landowner*”. With regard to the applicant’s claim, submissions received in relation to the application dispute that contact was ever made with the landowners of these properties in regard to establishing an agreement.

Submissions received also question the rigour of site selection as no mention is given to consideration being given to selecting publicly owned properties including Rawlings Park reserve and the lawn cemetery site, both fronting Brunskill Road to the south and south east. The applicant has responded to these comments by stating that these specific properties were discounted as they did not meet coverage objectives.

Despite questions over the level of rigour taken by the applicant in considering alternate sites, the other potential sites surrounding the location of the proposed tower are predominantly large lot residential properties located in streets such as Sycamore Road, Elm Road, Alder Road, Kyeamba Avenue and Vincent Road. Insisting that further properties should have been considered is most likely futile as such properties would pose very similar impacts as the subject site with regard to character and visual impact. This is demonstrated in the map provided earlier in this report under the visual impact assessment highlighting the property types within a 1km perimeter around the subject site.

Section 4.15(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

Section 4.15(1)(a)(iii) - The provisions of any development control plan

Wagga Wagga Development Control Plan 2010

Section 1 - General

1.10 Notification of a Development Application

The development application was notified to adjoining land owners and advertised for the period commencing on 20/12/2023 and ending on 31/01/2024. The extend of notification is depicted in the following diagram.



During the notification period, a total of 18 public submissions were received, all in objection to the development application.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements and 2.2 Off-street parking

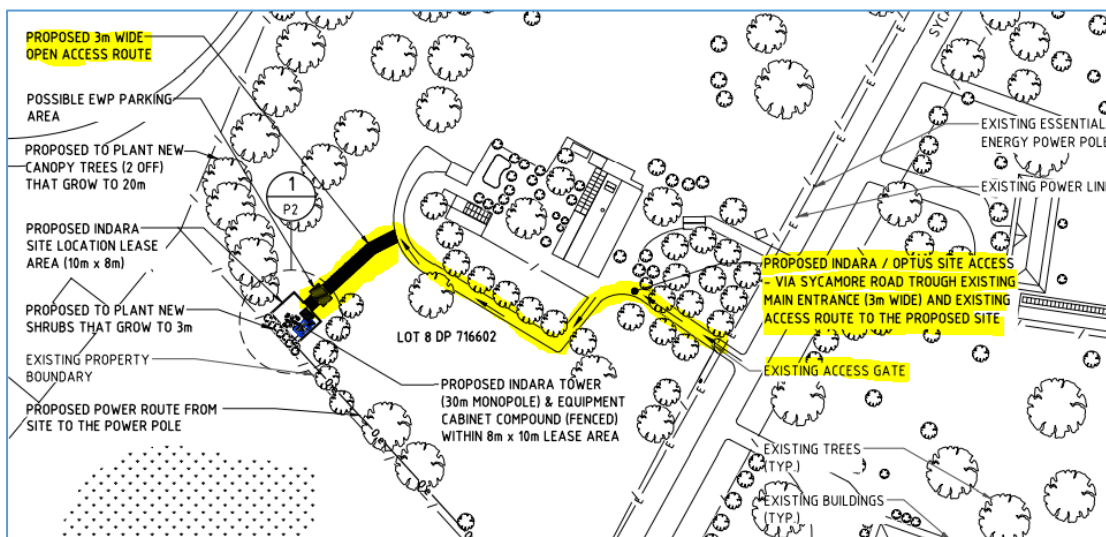
Temporary construction access will be provided by an existing gate accessing the southern section of the property, marked below. This access will allow entry to the site for larger construction vehicles which cannot be accommodated along the existing residential driveway. This access will be further utilised during the operational phase for any required major maintenance works requiring larger vehicles.

Construction traffic will be limited to this phase of the development and can be accommodated on site (including all loading and unloading) with suitable access being provided via the identified access boundary gate. Both access driveways (construction and operational) identified below will provide adequate sightlines along Sycamore Road.



Once constructed, the facility will operate without any requirement for permanent operational staff. Access by staff will only be periodic for routine maintenance visits and is estimated to be 2 to 4 times annually and will occur using standard sized vehicles. Operational traffic generated by the development will be negligible within the context of residential traffic occurring in the area.

Routine maintenance visits will occur via the existing residential access driveway and internal road servicing the dwelling. An extension to the internal roadway is proposed to access the proposed compound as shown below. Sufficient area will be available at the entry to the compound for the parking of maintenance vehicles and all associated vehicles will be able to manoeuvre on site to allow egress to Sycamore Road in a forward direction.



Having regard to this assessment, it is satisfied that the development meets the requirements of sections 2.1 and 2.2 of the DCP.

2.3 Landscaping

Extensive landscaping exists across the site and will be maintained as part of the development as there is no proposal for the removal of any vegetation with the exception of the existing grassed area within the extent of the proposed compound and access road.

As discussed later in this report, the visual impact assessment recommends the establishment of further landscaping for screening purposes. A detailed landscape plan will be required as a condition of consent for the approval of Council prior to the commencement works. This plan shall include an establishment maintenance program to ensure the intent of the landscaping is realised. All landscaping will also need to be appropriately established in accordance with the plan prior to commissioning of the telecommunication infrastructure.

Subject to these requirements, it is satisfied that the development will be consistent with the objectives of this section of the DCP.

2.4 Signage

No signage is proposed as part of the development.

2.5 Safety and security

The infrastructure will be secured within a fenced compound. Access to the site via the existing driveway will be monitored via passive surveillance from the existing dwelling and residential use of the site. No significant safety or security concerns are anticipated.

2.6 Erosion and Sediment Control Principles

Recommended conditions of consent will require appropriate measures to be in place to minimise impact of potential sedimentation and erosion during site works. Also Refer to discussion under Clause 7.1A (Earthworks) of the LEP 2010 above.

Section 4 - Environmental Hazards and Management

4.1 Bushfire

The locality is not considered bush fire prone. The site and surrounding properties are considered managed land.

4.2 Flooding

Refer to discussion under Clause 5.21 with regard to the nature of flooding over this site and the measures proposed by the applicant to address this issue.

The only relevant control under this section is Control C2 contained within the general controls for flood liable land. All other controls relate to other areas of the local government area that are not relevant to the subject property.

C2 Critical utilities are to be located on land above the PMF level in all precincts. For the purposes of this Section critical utilities include:

- ...
- *Telecommunications facilities and networks.*

Whilst the site is not located within any of the precincts identified under this section of the DCP, regard has been given to the intent of the clause to ensure that telecommunication facilities and networks remain operational as they are necessary to provide critical communication services during flood events.

As discussed earlier in this report under Clause 5.21 of the LEP, the facility has been designed to remain operational for events that are equivalent to the 1:100 ARI. Beyond this, the applicant has recognised that larger events may result in the operation of the facility failing and with limited services being retained within the surrounding area by existing sites within the Optus network.

To reduce the likelihood of the facility being affected by flooding up to the PMF event, it is recommended that a condition of any consent require the level of the platform and the critical service items be raised to the PMF level at the location of the tower (i.e. 191.90m AHD). This will have the effect of raising the proposed 500mm freeboard by approximately 250mm and resulting in an overall platform height of approximately 1.25 metres above ground level.

Subject to this requirement, it is satisfied that the development meets the intent of the clause as the facility will be able to maintain critical services during larger flood events approaching the PMF, despite its location on flood prone land.

There are no other relevant provisions under the remaining sections (Sections 5 to 15) of the DCP 2010.

Section 4.15(1)(a)(iia) - Planning Agreements

No planning agreements have been entered into and no draft planning agreement has been offered to enter into.

Section 4.15(1)(a)(iv) - the provisions of the regulations

Relevant matters under the Regulations have been considered.

Section 4.15(1)(b) - likely impacts of the development

Impact	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	X			Refer to visual impact assessment below.
Streetscape	X			Refer to visual impact assessment below.
Traffic, access and parking	X			Refer to assessment under Section 2.1 and 2.2 of DCP above.
Public Domain	X			No public domain impacts are anticipated. Visual impact on the public domain are addressed below. Construction impacts will be addressed via recommended conditions of consent.
Utilities	X			The development will not impose any impact on utilities with the exception of electricity supply. The applicant has confirmed that augmentation is required to increase the network capacity of the existing pole mounted transformer located at the southern end of the property boundary in Sycamore Road to cater for the requirements of the infrastructure. It is not expected that this work will result in any significant disruption of power supply in the area.
Heritage	X			Heritage impacts are discussed under Clause 5.10 of the LEP above.
Other land resources	X			There are no land resource issues identified with regard to the subject site.
Water Quality & Stormwater	X			No water quality impacts are anticipated. Stormwater and flooding impacts are addressed under Clause 5.21 of the LEP and Section 4.2 of the DCP above. Construction impacts will be addressed via recommended conditions of consent.
Soils, soil erosion	X			No soil or soil erosion impacts are anticipated. Refer to assessment under Clauses 7.1A and 5.21 of the LEP above. Construction impacts will be addressed via recommended conditions of consent.

Air and microclimate	X			No air quality impacts are anticipated. Construction impacts will be addressed via recommended conditions of consent.
Flora and Fauna	X			No native vegetation is proposed to be removed from the site to allow for the development with the exception of a lawn/grass area as depicted in the description of the development within the extent of the proposed 8m x 10m compound area. No threatened species impacts are anticipated and the development will not trigger the Biodiversity Offset Scheme - see comments under Part 7 of the Biodiversity Conservation Act 2016 later in this report. It is noted that submissions raise concerns in relation to the impact of Radiofrequency Electromagnetic Energy (EME) on wildlife and also bees in relation to bee keeping (apiculture) activities in the area. This is discussed under EME impacts later in this report.
Waste	X			No operational waste issues are anticipated. Construction waste will be addressed via recommended conditions of consent.
Noise & vibration	X			The applicant has confirmed that the equipment shelter will emit only minimal noise from the air conditioning units required for equipment to operate within required temperatures. The operation of the air conditioning units produces noise comparable to a domestic air conditioner. In addition to this, the applicant has confirmed that the cooling equipment will only operate when required and will not operate continuously. It is satisfied that the operation of the air conditioning units as described will not result in adverse noise impact given the separation distance of approximately 150 metres to the nearest adjoining residence. Construction impacts will be addressed via recommended conditions of consent.
Hours of operation	X			The facility will operated at all times. Construction hours will be restricted by recommended conditions of consent.
Natural hazards - Flooding - Bushfire Prone Area map	X			Refer to assessment of flooding impacts Clause 5.21 of the LEP and Section 4.2 of the DCP above. The locality is not considered bush fire prone. The site and surrounding properties have been assessed as managed land.

Technological Hazards	X			The land is not identified as contaminated land - refer to comment under State Environmental Planning Policy (Resilience and Hazards) 2021 above. Refer to assessment of Radiofrequency Electromagnetic Energy impacts below.
Safety, security and crime prevention	X			Refer to comments under Section 2.5 of DCP above.
Social impact in locality	X			The facility will provide improved wireless telecommunication services within the locality which will lead to positive social impacts.
Economic Impact in Locality	X			The facility will provide improved wireless telecommunication services within the locality which will lead to positive economic impacts.
Overlooking - overshadowing	X			The development will not result in any overlooking issues. Overshadowing impacts from the tower are deemed negligible.
Landscaping	X			Refer to discussion under Section 2.3 Of the DCP including recommended conditions of consent.
Construction	X			Construction impacts will be addressed by recommended conditions of consent. This will include the requirement for a comprehensive Construction Environmental Management Plan (CEMP) to be provided for Council's approval.
Private open space	X			The development does not require private open space and will have negligible impact on the existing private open space on the subject site or adjoining properties.
Disabled access			X	N/A
Signage			X	No signage proposed.
Setbacks, Building Envelopes	X			There are no building envelopes identified on the subject property. Setbacks have been discussed in the visual impact assessment below.

Visual Impact

The applicant has prepared and submitted a Visual Impact Assessment Report. The content and conclusions of this report have been reviewed below.

The report accurately characterises the site and surrounding area as:

“...a semi-rural locality zoned R5 Large Lot Residential, comprising rural residential and small farm holdings. Topography is generally flat and mostly cleared, with tree cover limited to small clusters of trees and individual scattered trees predominantly along road frontages and property boundaries and around existing dwellings.”

The report references the following images that provide an impression of the appearance of the proposed tower when viewed from locations in Sycamore Road marked on the following

plan.





View 2 – Existing



View 2 – Proposed



View 4 – Existing



View 4 - Proposed



View 3 – Existing



View 3- Proposed

As identified in the report, it is agreed that visual impact assessment must include an evaluation of impact on existing views. A judgement must be made in relation to the visibility of the structure, balanced against the visual quality of the locality and feasible measures available to reduce visual impact. The report identifies that development should not significantly obstruct or detract from high quality views, such as views to water bodies, iconic features or landmarks, significant natural and cultural landscapes and heritage areas. The report also identifies that views to and from the public domain are more important than private views.

The report states that it is generally accepted that telecommunications facilities such as mobile phone towers, do not make a positive contribution to the visual qualities. In this case, it is a result of the visual prominence of the tower caused by its height and the necessity to provide adequate service levels, including sufficient signal clearance over existing buildings and tree canopy. The report also recognises the effect of the flat to gently sloping topography of this locality on the need for an elevated tower structure to support equipment at a height of at least 30m. It is agreed that a tower is required in order to provide the required coverage in this area.

Given the character and topography of the area as described above, identifying a location for a tower in this area that will result in minor visual impact is unlikely. It is recognised that in any circumstance, the infrastructure will extend above existing buildings and vegetation, and hence be visible within the landscape, particularly when viewed from closer viewing distances.

As stated in the report, it is agreed that the inherent visual impact of this infrastructure must also be balanced against the requirement for improved telecommunication services to the broader community. The report also recognises that planning controls and guidelines in relation to such facilities typically seek to encourage their location within industrial areas, where they are seen as more compatible. However, this is often not feasible as is the case for this development.

The report identifies that visual impact assessment involves a degree of subjectivity in what is attractive or visually obtrusive, particularly in relation to matters of built form and that personal taste and individual preference should be given little weight in an objective visual impact assessment. An objective assessment must have regard to the visual character, qualities, and physical setting of the location. Where visual character is of high quality or significance, the visual impact of a development will be of particular importance. In settings where visual character is of lower quality and significance, visual impact would be given a much lower weighting. A visually prominent structure, such as a mobile phone tower, may be acceptable in areas with low to moderate visual amenity, but would be entirely inappropriate in an area of high visual quality and amenity.

The report correctly identifies that expectation and “visual familiarity” plays a part in visual assessment. In support of this, the report states - *“while light and electricity poles are not a positive visual element in the landscape, they are such an integral part of the environment of our cities and towns that they become absorbed into the visual experience to the extent that they are generally not consciously noticed.”* This can be seen with the electricity poles and lines that exist along Sycamore Road (illustrated in the photographs above) which are accepted in this location as a necessity.

The report goes on to state - *“In the early years of the provision of telecommunications towers, visual impact of such facilities was more noticeable, as they were a relatively unfamiliar item in the landscape. With the proliferation of such facilities over the last 20 plus years, they have become a familiar and more visually acceptable element within the landscape”.*

Based on this discussion, the visual impact assessment adopts the following criteria to guide its findings and recommendations:

- *Acknowledge the role of telecommunication facilities as essential infrastructure for wireless communication services.*
- *Avoid locations within areas of high landscape and visual quality, or visually sensitive locations and locations that result in excessive prominence within an area of recognised visual or scenic quality, wherever possible.*

- *Locate facilities in locations of low to moderate visual quality wherever possible.*
- *Where possible, locate facilities in land use settings such as industrial, infrastructure or commercial areas, where telecommunications facilities are more compatible with established built form character and land use.*
- *Avoid locations that will result in obstruction of important high-quality and iconic views, particularly views of those features from the public domain.*
- *Where possible locate facilities discreetly on existing buildings or co-located with existing telecommunications facilities.*
- *Include visual mitigation measures such as minimizing height of facilities, utilizing neutral colours, and providing screen landscaping.*
- *Objectively balance the need for the proposed facility with the visual impact arising from the proposed facility.*

In addition to consideration of these criteria, the report recognises the requirement for assessment against Principle 1 of the NSW Telecommunications Guideline Including Broadband October 2022, which aims to minimize the visual impact of telecommunications facilities.

The applicant's visual impact assessment has been broken down into the following areas aspects for consideration.

1. Visual quality or area
2. Effect of topography and distance on visual impact
3. Visual impact in Sycamore Road (public domain)
4. Visual impact on surrounding residential properties
5. Effect of vegetation screening
6. Effect of colour of tower and equipment
7. Consideration of visual impact in relation to alternate locations for development

The applicant's assessment in relation to these matters is provided in italics below with assessment comments following. An overall conclusion of the visual impact based on these comments is provided at the end.

1. Visual quality or area

The proposed location is within a semi-rural urban fringe setting, comprising rural-residential and small farm holdings. Topography is generally flat and mostly cleared, with tree cover limited to small clusters of trees and individual scattered trees predominantly along road frontages and property boundaries and around existing dwellings.

The subject land is not within a scenic protection area or heritage conservation area and is not located adjacent or near any identified heritage item.

The locality is not identified as having scenic or landscape significance and would not constitute an area of high visual quality or as having a high level of visual interest. Nevertheless, the locality exhibits attractive semi-rural qualities typical of rural-residential

areas on the urban fringe. Overall, the locality is considered of moderate visual quality and as such, warrants consideration of potential visual mitigation measures.

Comments -

The assessment of the character of the areas is accurate. The area is an attractive rural residential area and is clearly of importance to the residents living within this locality as demonstrated in the multiple submissions received raising concerns over the visual impact of the development. Other than the presence of the existing tower in Vincent Road, it is reasonable to form the view that telecommunication towers are visually uncharacteristic when compared to the types of structures that are common throughout the surrounding area.

The report correctly identifies that visual impact assessment involves a degree of subjectivity in what is attractive or visually obtrusive, particularly in relation to matters of built form and that personal taste and individual preference should be given little weight in an objective visual impact assessment. An objective assessment must have regard to the visual character, qualities, and physical setting of the location. Where visual character is of high quality or significance, the visual impact of a development will be of particular importance. In settings where visual character is of lower quality and significance, visual impact would be given a much lower weighting. A visually prominent structure, such as a mobile phone tower, may be acceptable in areas with low to moderate visual amenity, but would be entirely inappropriate in an area of high visual quality and amenity.

Despite the character of the area, the site and locality are not within a scenic protection or heritage area and will not impact on any items of environmental heritage. It is agreed that the site cannot be categorised as an area of high visual quality or interest and, for the purpose of assessing impact on views, the conclusion of the assessment that the area is of moderate visual quality is reasonable.

The inherent visual impact of this infrastructure needs to be balanced against the requirement for improved telecommunication services to the broader community. The report also recognises that planning controls and guidelines in relation to such facilities typically seek to encourage their location within industrial areas, where they are seen as more compatible. However, it is agreed that this is not feasible as is the case of a new tower being sited within the surrounding area.

It is satisfied that the merits of the proposal can be considered when balancing the need for improved telecommunication services in this area against the recognition that the area is not deemed to be of high visual quality or interest. The acceptability of the visual impact of the development on both the wider locality and the immediate location (Sycamore Road and surrounding properties) is discussed below.

2. Effect of topography and distance on visual impact

Viewing distance is a significant factor with respect to the visual impact of telecommunications facilities. Any material visual impact is typically limited to viewing distances of less than 300m. The visual impact at closer viewing distances (130m to 170m) is illustrated in the photomontages at Figures 6 and 7. At these viewing distances, the proposed facility will be readily seen, with the antennas and up to two thirds of the monopole clearly visible.

The visual mitigation effect of increased viewing distance is illustrated on the following page in Figure 8, which shows a view from Sycamore Road, approximately 150m south of the location of the proposed facility, looking northwest towards the existing Telstra

telecommunications facility in the Vincent Road sewerage treatment plant site. At this location the viewing distance is in the order of 500m. Figure 6 on Page 5 shows a similar view with a photomontage of the proposed telecommunications facility inserted into the view. At closer viewing distances such facilities are readily visible, even where trees provide some screening.

Comments -

It is agreed that increased viewing distance does diminish the visual impact of towers within the landscape. This can be observed when viewing other towers throughout the city at greater distances. Towers at greater distances generally become visible in areas where more expansive views of the landscape are available. This is particularly the case where towers are positioned in elevated positions such as those that exist along the Willans Hill ridgeline and the ridgelines in the Lloyd area for example. Whilst these towers become visible at different locations around the city, because of the distance and expanse of these views, their scale becomes significantly diminished. Other towers located in lower/flatter areas of the city become even more difficult to observe particularly at street or road level where vegetation and buildings block wider views of the landscape.

It is agreed that viewing distances of greater than 300 metres, particularly in relation to flat areas containing existing visual obstructions such as vegetation and buildings, significantly reduces visual impact within the landscape.

This is further evidenced by the image provided in the visual impact report (reproduced below) that provides a comparison of the impact of the existing tower at Vincent Road (500m away) and the proposed tower (150m away).

It is satisfied that the visual impact of the tower when viewed from the wider locality (such as areas outside Sycamore Road or beyond 300m from the site) will not pose any significant or determinant impact on the existing visual landscape.



3. Visual impact in Sycamore Road (public domain)

The proposed location provides a very substantial 100m setback to Sycamore Road, mitigating visual impact as viewed from Sycamore Road.

Primary visual impact will be limited to Sycamore Road, within a distance 200m northeast and southwest of the site, as well as the adjoining rural-residential property to the directly east of the proposed facility at 14 Sycamore Road, directly to the south at No. 11 Sycamore Road, and directly to the west at 41 Vincent Road.

The photomontages provided in Figures 3, 6 and 7 suitably illustrate visual impact at closer viewing distances, upon vehicular and pedestrian traffic in Sycamore Road and from the front boundaries of properties close to the site in Sycamore Road. As noted above, the proposed facility will be readily seen from these locations, even if additional screen planting could be provided.

While locating the proposed facility with a substantial 100m setback to Sycamore Road will increase development costs, compared to a site closer to the road, it is unlikely to materially impact on the efficient use of the land for flower growing or other productive rural activity that could be accommodated on the land. The location at the rear has the added benefit of reduced visual impact, as viewed from Sycamore Road.

Comment -

The position and setback of the tower on the site has substantially reduced its visual impact when viewed along the Sycamore Road corridor compared with the previous withdrawn application (DA22/0754) which proposed the tower adjacent to the front boundary of the site. This is demonstrated in the following image showing an impression of the tower in the original withdrawn proposal.



The new proposed location of the tower enables existing vegetation along the Sycamore Road corridor to screen visibility of the tower along the majority of the length of the road. Clear visibility of the tower is restricted to one main section of the Road measuring approximately 150 metres in length as illustrated below. Views 2 and 4 demonstrate the visibility of the tower at this location (see earlier photographs in this section of the assessment).



Otherwise, views of the tower along the remainder of the road corridor will be largely screened with the exception of occasional glimpses between or over established vegetation. The extent and effect of existing vegetation along the road is illustrated in the images below looking north and south towards the site.

It is considered that visibility of the tower to motorists, pedestrians and other users of Sycamore Road will be limited and as a result visual impact of the tower when viewed along the corridor will be acceptable.

View looking south towards the site along Sycamore Road



View looking north towards the site along Sycamore Road



4. Visual impact on surrounding residential properties

There are existing views towards the proposed facility and over the subject land from Sycamore Road to the east, northeast and southwest and from nearby dwellings to the north, south and east of the selected site and to a lesser extent from the west. These views could not be described as high-quality views towards iconic or landmark features, water bodies or natural and cultural landscapes of high visual quality.

14 Sycamore Road

Views from nearby dwellings in Sycamore Road are not orientated directly towards the site of the proposed facility and are partly obscured by existing tree canopy. The most affected dwelling directly east of the facility at 14 Sycamore Road is located behind a row of trees extending along the eastern side of Sycamore Road.

As noted above, a substantial row of trees in the order of 18m to 20m high is located on the eastern side of Sycamore Road, opposite the site, as shown below in Figure 9. These trees will screen most of the facility, apart from the antennas and uppermost portion of the monopole, from views from nearby dwellings on the eastern side of Sycamore Road.

11 Sycamore Road

The neighbouring dwelling to the south of the site at No. 11 Sycamore Road (shown below in Figure 10) will have a partial northeast view of the proposed facility through existing trees

located to the northeast and along the shared side boundary between the 2 properties. Separation distance, and the angle of view in combination with the screening effect of existing trees, ensures a moderate and acceptable visual impact as viewed from Sycamore Road and the existing dwelling at No. 11 Sycamore Road.

The compound fence to the facility is proposed to be located adjacent to the southwest side boundary. The compound itself and supporting equipment will have a visual impact not materially greater than a typical rural outbuilding. Provision of some shrub planting along the southwest side of the compound would effectively eliminate any visual impact on No. 11 Sycamore Road, arising from the compound.

41 Vincent Road

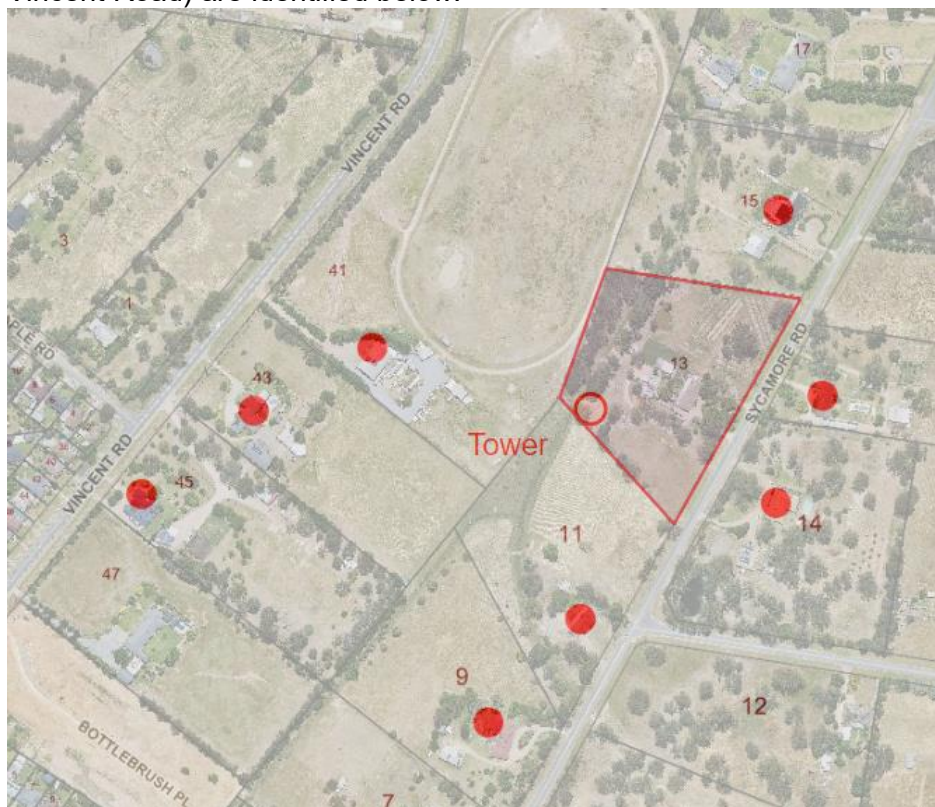
The dwelling at No. 41 Vincent Road is located some 170m to the west of the proposed facility. The primary outlook from the rear of this dwelling is towards the southeast, however, there is an angled outlook east from the rear of this dwelling towards the proposed facility.

Other surrounding properties

The view of the proposed facility from No's 15 and 16 Sycamore Road is very limited due to the screening effect of trees and the existing dwelling on the subject land at 13 Sycamore Road. There is ample separation distance and intervening tree canopy to mitigate visual impact from dwellings to the south of Elm Road and from No. 9 Sycamore Road and the dwellings to the rear at No's 43 and 45 Vincent Road and from Vincent Road.

Comment -

The properties referenced in the report (9, 11, 14, 15 & 16 Sycamore Road and 41, 43 & 45 Vincent Road) are identified below:



14 Sycamore Road - This property has been described as the most effected from visual impact from the development. The front of the dwelling is oriented towards the tower and is located approximately 150 metres away. As described above, the tower will be partially screened by existing established vegetation in front of the dwelling as shown below. Visibility of the upper sections of the tower from the dwelling will be largely restricted by the existing vegetation.



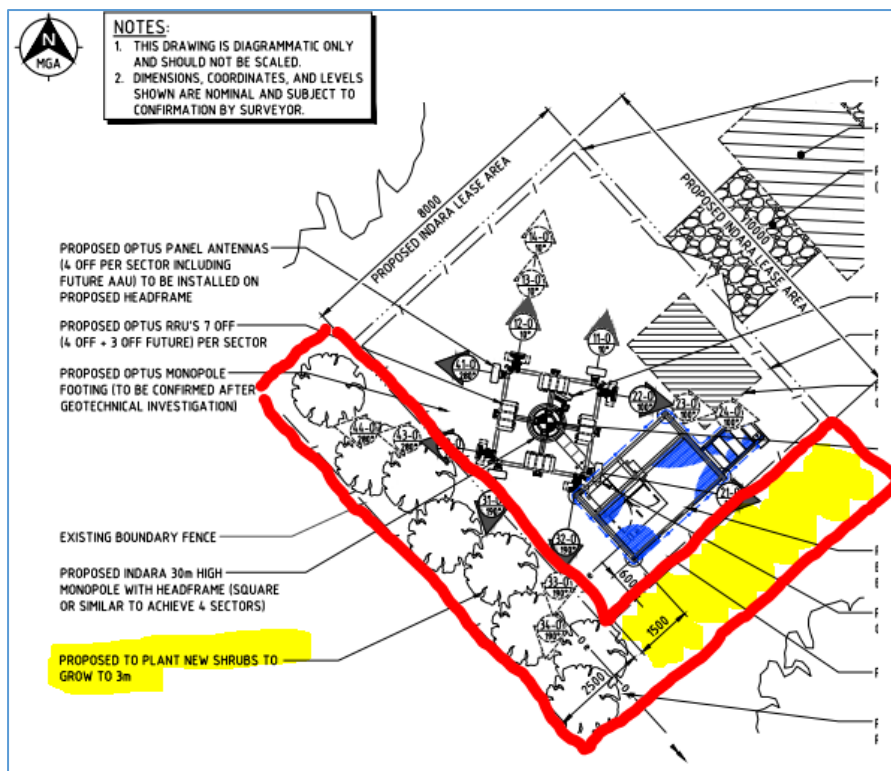
The upper level of the tower will be primarily visible from the entry driveway to the property as illustrated in the image of the proposed tower shown below (as taken from the driveway location).



The lower level (including the compound) will be largely screened by existing vegetation on the site as shown in the photographs above and below. Despite this, it is recommended that screen landscaping that has been proposed by the applicant be extended to include the eastern elevation of the compound to provide further screening of the lower section of the structure from 14 Sycamore Road. This recommended additional landscaping is highlighted in the site plan below.



Additional recommended landscaping



Given the setback of the proposed tower from Sycamore Road and the existing vegetation on the site and across the front of 14 Sycamore Road, it is satisfied that the outlook and views enjoyed by 14 Sycamore Road will not be significantly impacted by the development.

11 Sycamore Road - This property adjoins immediately to the south and the dwelling is located approximately 150 metres from the tower. The dwelling contains existing vegetation around its northern curtilage which will assist in partial screening of the tower. Two photographs are provided below for reference.



Photo 1 -The photograph below is taken from the front of the dwelling looking towards the tower location as marked. Views from the side and rear of the dwelling will be partially screened by the existing vegetation.



Photo 2 - The photograph below is taken from the tower site looking towards the dwelling which has been highlighted.



Screening along the boundary identified in the foreground of the photo below is proposed by the applicant (see site plan above) to provide screening to the lower section of the development incorporating the compound fencing and the equipment shelters. Final details of this landscaping will require approval and a further a conditional requirement of any consent will require its establishment prior to operation of the facility.

It is satisfied that the outlook and views enjoyed by 11 Sycamore Road will not be significantly impacted by the development.

41 Vincent Road - The assessment identifies a dwelling at this address. There is only an existing shed ancillary to the existing agricultural use of the site. No approval has been granted for a dwelling. The opportunity for a dwelling on this property is restricted due to its proximity to the Koorinal sewage treatment plant. Visual impact on this property in relation to its current uses is satisfactory.

9, 15 & 16 Sycamore Rd and 43 & 45 Vincent Rd - Visual impact on other dwellings in proximity to the tower is satisfactory due to a combination of distance and screening by existing tree canopy. The outlook and views enjoyed by these properties will not be significantly impacted by the development.

5. Effect of Vegetation Screening

Telecommunications facilities located behind tree canopy present a materially reduced visual impact, compared to facilities that have minimal tree canopy screening. This is illustrated in

the photo view of the existing Telstra facility to the northwest off Vincent Road, shown above in Figure 8.

The existing trees on the development site adjoining the northwest boundary of the proposed compound will offer some screening of the lower portion of the pole. Consideration should be given to planting at least 2 additional trees in the westernmost corner of the development site, near the proposed facility, with such trees capable of achieving a mature height of at least 20m and a substantial canopy spread.

The proposed location near the rear northwest corner of the subject land in combination with separation distance and existing tree screening, avoids the need for additional screen planting to mitigate visual impact as viewed from Sycamore Road or neighbouring properties to the south, north and east, including Sycamore Road. As noted above, provision of new tree planting in the westernmost corner of the subject land will suitably mitigate visual to residential properties to the west.

Comment -

It is not possible for existing and new vegetation to fully screen the tower from all views. However, it is agreed that the existing landscaping on the site and on other properties surrounding the site greatly assists in limiting views of the tower at varying locations and distances. The effect of this vegetation has been assessed above in relation to distant views and also visual impact within proximity of the tower.

Further landscaping to supplement the existing trees on the site is proposed and will assist in reducing the visibility of the lower section of the development incorporating the compound fencing and the equipment shelters. As discussed above, additional landscaping to screen the lower section of the development is supported and has been recommended.

6. Effect of colour of tower and equipment

Principle 1 (c) recommends utilizing a neutral colour, such as pale grey, where the telecommunications structure protrudes into the skyline. The proposal complies with this recommendation, as a neutral pale grey colour is proposed. This can be suitably addressed by way of a consent condition.

Principle 1(d) recommends that where possible and practical, screen or house ancillary facilities using the same colour as the prevailing background and consider using existing vegetation or new landscaping. The equipment shelter, compound fence and ancillary facilities at ground level should also be a neutral colour, such as pale grey or a tone and colour that matches vegetation in the locality. This can be suitably addressed by way of a consent condition.

Comment -

An appropriate colour scheme for the tower and all other associated structures and equipment in accordance with the recommendation of this assessment, will assist in reducing visual impact. It is recommended that the final colour selection be provided to Council for approval prior to commencement of works. This has been included as a recommended condition of consent.

7. Consideration of visual impact in relation to alternate locations for development

The Applicant has demonstrated that it is not feasible to locate the proposed facility on an existing building or co-locate the facility with an existing telecommunications facility. The

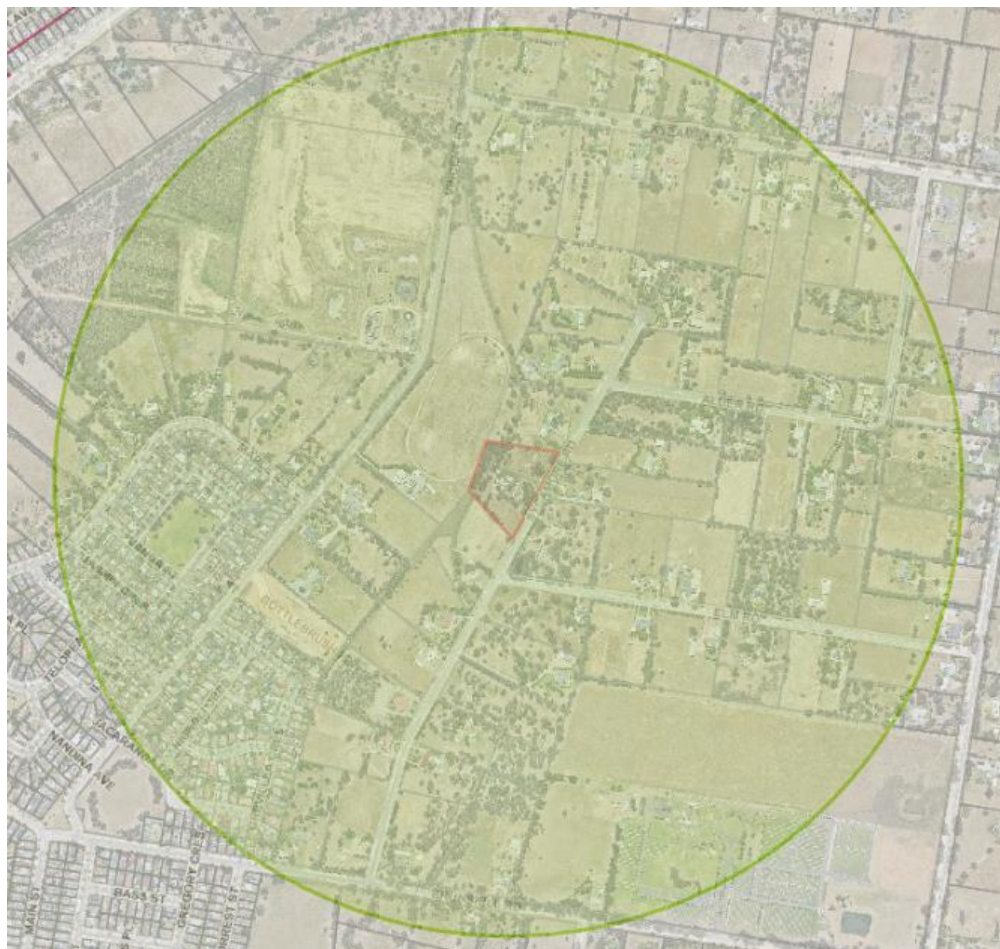
proposed facility does not result in visual clutter.

By way of comparison, the nearest telecommunications facility is located within the Council's Sewerage Treatment Plant (STP) some 367m to the northwest of the proposed site and is situated within an area of low visual quality. It has not been possible to locate the proposed telecommunications facility within the STP site. The balance of the area where the facility could potentially be located, including the area around other identified potential alternative sites, is of moderate visual quality, similar in quality to that which surrounds the selected location. Accordingly, it is not possible to locate the proposed facility within an area of lesser visual quality compared to the site selected.

Comments -

The applicant's contention that colocation on the Vincent Road tower is not possible is noted and has been discussed elsewhere in this assessment report.

Considering other potential sites within a 1km radius of the subject site (as depicted in the diagram below), it is agreed that alternate sites throughout this area would be of similar character and present similar visual qualities to the subject site. Therefore, it would be very unlikely to find an alternate site of lesser visual quality in the surrounding area where similar visual impact issues would not arise. The only site within the area depicted below that may present lower visual quality would be the Koorungal Sewer Treatment Plant site on Vincent Road which contains the existing Telstra tower.



Conclusion on visual impact

Having regard to the overall assessment presented above, the visual impact of the development is deemed acceptable. This is based on the following conclusions:

- Consideration should be given to the development given that the area is deemed to be of moderate visual quality and because there is a need for the provision of improved telecommunication services in the area.
- Consideration of alternate sites for the tower within the surrounding locality reveals that they would likely be of similar character and would therefore likely present similar visual qualities to the subject site.
- The visual impact of the tower when viewed from the wider locality (such as areas outside Sycamore Road or beyond 300m from the site) will not pose any significant or determinant impact on the existing visual landscape.
- The visibility of the tower to motorists, pedestrians and other users of Sycamore Road will be limited and is acceptable.
- Given the proposed separation distance and existing vegetation, it is satisfied that the outlook and views enjoyed by the closest affected properties will not be significantly impacted by the development.
- Further landscaping to assist in reducing the visibility of the lower section of the development and an appropriate neutral colour scheme for the tower and all associated infrastructure will assist in reducing visual impact to both the immediate and wider locality.

Radiofrequency Electromagnetic Energy (EME) impacts

Standards for limiting exposure to radiofrequency fields are set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The ARPANSA RF Standard sets limits for human exposure to RF EMR in the frequency range 100 kHz to 300 GHz. The limits set are intended to provide protection for people of all ages and medical conditions when exposed 24 hours per day, 7 days per week. ARPANSA state that *“based on current research there are no established health effects that can be attributed to the low RF EME exposure from mobile phone base station antennas”*.

The applicant has provided an Environmental EME Report prepared in accordance with the ARPANSA guidelines. The Report provides calculations of the maximum levels of radiofrequency (RF) electromagnetic energy (EME) around the proposed development. The report shows the maximum calculated levels for the development and compares them against the ARPANSA exposure limits.

Wireless base stations must be carried out according to the Industry Code C564:2020 Mobile Phone Base Station Deployment (the Code). The Code requires the supply of certain information as part of the consultative process with the local community and local government authority. The environmental EME report (prepared in accordance with ARPANSA methodology) is part of this process.

The report provided with the application identifies the maximum EME level from the development as 1.46% of the public exposure limit, thereby meeting the exposure limit. Given that the development will be well below the exposure limits set by ARPANSA, it is satisfied that the impacts of EME on human health have been appropriately considered and are satisfactory.

Impact on Fauna

There is a growing body of scientific studies looking at the impact on wildlife of low frequency electromagnetic fields, such as those generated by mobile towers and mobile devices. This research particularly relates to bees and birds as it is suggested that the low frequency electromagnetic field may impact on many of animal's normal functions including orientation, migration, mating and food finding. Further research is required to establish the extent of this impact and whether appropriate standards can be set when considering development that will generate these types of electromagnetic fields.

Currently there is no research based information or standards available from ARPANSA on this type of environmental risk. Without appropriate guidelines or standards, there is no reasonable basis to refuse the application based on possible fauna impacts resulting from EME.

Section 4.15(C) - The suitability of the site for the development

The site is within an existing established large lot residential area. As discussed in this report, telecommunication towers are generally uncharacteristic from a visual perspective as they are not reflective of the nature of development in rural residential localities.

Despite this, the subject site has been selected as the applicant contends that it is required to meet coverage objectives in the area for the intended wireless telecommunication services. These services are required to cater for demand within the wider locality which also the needs of residents living within is area. The application contends that there are no other candidate sites that satisfactorily meet all requirements of the proposal including the required coverage objectives.


The assessment contained in this report considers the overall impacts of the tower against the needs for the services that it intends to provide. Having regard to this assessment, it is satisfied that the site is suitable for the development.

Section 4.15(d) - any submissions made in accordance with the Act or the regulations

The development application was notified to adjoining land owners and advertised for the period commencing on 20/12/2023 and ending on 31/01/2024. During the notification period, a total of 18 public submissions were received, all in objection to the development.

The key matters raised in the submissions has been summarised in the following table including comments on how the matters have been considered in this assessment.

Submission	Comment
Detrimental visual impact on rural/residential character of the area.	A comprehensive assessment of the visual impact of the development is provided in this assessment report.
Telecommunication facilities are prohibited in the R5 zone	This is an incorrect statement in the applicant submission. Telecommunication facilities are permissible in the R5 zone with development consent. This because they are not expressly prohibited in this zone in the Land Use table under the LEP 2010. Irrespective of whether the development is permissible in the zone under the LEP, as identified earlier in this assessment, the

	<p>proposed telecommunications facility is permissible on any land under the provisions of Clause 2.4.3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. The SEPP prevails over the LEP.</p>
<p>Inconsistent with R5 zone objectives under LEP</p>	<p>The development has been assessed against all objectives of the LEP under this assessment report including an assessment of the impacts of the development on the existing residential land uses in the area and the impact of the development on the character and scenic quality of the area.</p>
<p>Proposal does not consider other more appropriate sites in the area including co-location on existing Vincent Road tower.</p>	<p>Refer to assessment under the requirement of State Environmental Planning Policy (Transport and Infrastructure) 2021 and NSW Telecommunications Facilities Guideline, Including Broadband.</p>
<p>Impact on future development in the area including subdivision for future intensification of residential development.</p>	<p>The subject site and the surrounding area are currently zone R5 large lot residential with a minimum lot size provision of 2 hectares. There is no further development opportunity under the current LEP because of the existing subdivision pattern an lot size. The larger property to the west of the site (41 Vincent Road) is restricted due to its proximity to the Koorringal sewage treatment plant and also flooding. The area may be subject to rezoning in the future or a reduction in minimum lot size via an amendment to the LEP. Given that the area immediately surrounding the location of the tower is already restricted by the flood planning area (FPA - see below) for stormwater overland flow, it is unlikely that the tower would sterilise future residential development opportunities.</p> <p><i>Tower location and FPA</i></p> 

<p>Flooding impacts.</p>	<p>A comprehensive assessment of flooding impacts is provided in this assessment report.</p>
<p>Potential noise from ancillary equipment.</p>	<p>The applicant has confirmed that the equipment shelter will emit only minimal noise from the air conditioning units required for equipment to operate within required temperatures. The operation of the air conditioning units produces noise comparable to a domestic air conditioner. It is satisfied that the operation of the air conditioning units will not result in adverse noise impact given the separation distance of approximately 150 metres to the nearest adjoining residence. Construction impacts will be addressed via recommended conditions of consent.</p>
<p>Impact of tower on electricity supply within the area</p>	<p>The applicant has confirmed that augmentation is required to increase the network capacity of the existing pole mounted transformer located at the southern end of the property boundary in Sycamore Road to cater for the requirements of the infrastructure. It is not expected that this work will result in any significant disruption of power supply in the area.</p>
<p>EME- Radiofrequency Electromagnetic Energy impacts</p>	<p>Refer to assessment under Radiofrequency Electromagnetic Energy impacts.</p>
<p>Impact on sensitive land uses (bus stop in Sycamore Road)</p>	<p>There is no safety requirement for a buffer zone between mobile base stations and community sensitive locations. As detailed above, the development complies with standards for EME levels.</p>
<p>Impact of tower on various animal species occupying the area including bee keeping activities occurring in the area.</p>	<p>Impacts on flora and fauna have been addressed in relevant sections of the Section 4.15(1) assessment report. This includes assessment of the impacts of Radiofrequency Electromagnetic Energy impacts and also the requirements of Part 7 of the Biodiversity Conservation Act 2016.</p>
<p>Inaccuracies and incompleteness of documentation submitted with the application including misleading visual assessment.</p>	<p>The applicant's submission has been reviewed in its entirety and any inaccuracies or errors have been noted. This includes the various matters raised in submissions. Whilst these errors or inaccuracies do not assist in the assessment process, they have been accounted for and have not influenced the</p>

	overall merits assessment of the application and the recommendations made.
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Section 4.15(e) - the public interest

The public interest is a broad consideration relating to many issues and is not limited to. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is the public interest.

Access to high quality telecommunications services is vitally important to the community as a result advances in technologies and also for public safety requirements. The purpose of the project is to significantly improve mobile telecommunications services, including coverage and network capacity, in the Lake Albert area. The development is in the public interest.

Other Legislative Requirements

Section 1.7 of the Environmental Planning and Assessment Act 1979 and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

In accordance with the above listed legislation there are a number of tests to determine whether the proposed development results in the need for offsets.

Firstly, the test to determine whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats (7.3). Given no vegetation removal is proposed, as well as the absence of any recorded endangered flora or fauna on site, there is not anticipated to be any adverse impacts upon ecological communities or habitats of threatened species.

Secondly whether the proposed removal of native vegetation exceeds the biodiversity offsets scheme threshold (7.4). The subject lot is 2.15 hectares and the minimum lot size for the site is 2 hectares. In accordance with the legislation the threshold of vegetation that can be removed is 1 hectare. No native vegetation is proposed to be removed and thus the offsets scheme does not apply.

Thirdly whether the development is within a declared area of outstanding biodiversity value. The site is not on land identified as such on the published maps. Based on the above assessment the application does not fall within the biodiversity offset scheme.

Relevant matters under the Biodiversity Conservation Act 2016 have been considered.

Development Contributions - Section 7.11/Environmental Planning & Assessment Act & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.12

As the proposed works do not result in an increase in GFA, the development is exempt from Section 7.12 contributions as per Section 1.7 of the Local Infrastructure Contribution Plan.

Section 64 Sewer

The proposed development does not impact the sewer network. Therefore it is not appropriate to charge Section 64 sewer contributions.

Section 64 Stormwater

As the proposed works do not increase hardstand, Section 64 Stormwater contributions are not required.

Referrals:

Building Surveyor:- Standard conditions recommended

Subdivision Engineer:- conditions recommended

Other Approvals:

No other approvals have been sought.

Conclusion:

The application has been assessed in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979. Having regard to this assessment, the application is recommended for approval for the following reasons:

- The application is compliant with the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 including the requirement for consideration against the NSW Telecommunications Facilities Guideline, Including Broadband.
- The proposed development is consistent with the and objectives provisions of the Wagga Wagga Local Environmental Plan 2010.
- The proposed development is generally consistent with the objectives and controls of the Wagga Wagga Development Control Plan 2010.
- The impacts of the proposed development are acceptable subject to the inclusion of recommended conditions of consent.
- The site is considered suitable for the proposed development and is in the public interest.

RECOMMENDATION

It is recommended that application number DA23/0579 for Telecommunications facility – Mobile phone base station incorporating a 30 metre high monopole and associated infrastructure be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO. DA23/0579

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

- C.1 The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
S4918-P1	Draft Site Layout - Sheet 1 of 2	Ventia	01	21/06/2023
S4918-P2	Draft Site Layout - Sheet 2 of 2	Ventia	01	21/06/2023
S4918-P3	Draft Site Elevation	Ventia	01	21/06/2023
S4918	Statement of Environmental Effects	Ventia	1.1	15/2/2024
23041	Visual Impact Assessment Report	Ingham Planning Pty Ltd	-	August 2023
-	Photomontage	Applicant	-	Undated

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

C.2 Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority.

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

C.3 The applicant shall submit revised plans identifying the raised platform and equipment shelters having a minimum finished level that is equal to the probable maximum flood level for stormwater overland flow. The minimum required level is 191.90m AHD. The revised plan shall be to the satisfaction of the General Manager, or their delegate, prior to the release of the construction certificate.

C.4 A revised landscape plan shall be submitted to Council for approval. The plan shall address the following matters:

- Be prepared in accordance with Council's Landscape Guidelines.
- Incorporate a Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.
- Incorporate an establishment and maintenance plan.
- An extension of the proposed 3 metre high landscaping screen along the southern boundary of the compound to include screening along the eastern boundary of the proposed compound.

The plan shall be to the satisfaction of the General Manager, or their delegate, prior to the release of the construction certificate.

C.5 A colour scheme shall be provided to Council detailing proposed colours for the tower, fencing, raised platform, equipment cabinets and all other associated infrastructure. The colour scheme shall be in accordance with the recommendations of the approved visual assessment report. The scheme shall be to the satisfaction of the General Manager, or their delegate, prior to the release of the construction certificate.

Requirements before the commencement of any works

C.6 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or

- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

C.7 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

C.8 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

C.9 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

C.10 Prior to commencement of construction, the Applicant must prepare a Construction Environmental Management Plan (CEMP) and it must include, but not be limited to, the following:

- Management of construction traffic
- Noise and vibration management
- Dust management
- Management of stormwater and discharge
- Sediment and erosion control including the management of sediment and other materials being tracked onto the roadway by vehicles leaving the site
- Construction waste management
- Disposal of excess fill generated during excavations
- Tree protection
- Unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
- Hours of work
- Contact details of site manager and responsibilities for implementation
- Community consultation and complaints handling

The CEMP shall be submitted to Council and shall be to the satisfaction of the General Manager or their delegate prior to commencement of any works.

Requirements during construction or site works

- C.11 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.12 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.13 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.14 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- C.15 If any Aboriginal object, historic relic or human remains are discovered and/or harmed in, on or under the land, all work must cease immediately, and the area secured so as to avoid further harm. Heritage NSW shall be notified as soon as practicable on telephone 02 9873 8500, providing any details of the object, relic or remains and its location, and no work shall recommence at the particular location unless authorised in writing by Heritage NSW.
- C.16 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.17 Prior to the issue of Occupation Certificate an all weather driveway from the property entrance of the development site to the edge of the carriageway must be provided and maintained, having a minimum clear width of 3.6 metres.
- C.18 All landscaping identified in the approved landscape plan referred to under condition C10 of this consent shall be established prior to the release of the occupation certificate and prior to operation of the facility.
- C.19 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the "Final Occupation Certificate" form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

General requirements

- C.20 Any earthworks (including any structural support or other related structure for the purposes of the development):
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) retained material must have a gradient of at least 5%, and
 - (d) must be constructed in accordance with the approved plans for such work(s).
 - (e) must be wholly located within the subject site (including footings of any retaining structures)
- C.21 Upon any future decommissioning of the facility, the tower and all associated infrastructure shall be dismantled and removed from the site. With the exception of established vegetation, the site shall be rehabilitated to its original level and condition to the satisfaction of Council.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

- E1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 69 EP&A Reg 2021)
- (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
 - (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.
 - (4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.
 - (5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the

application for development consent was made.

(6) This section does not apply-

(a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or

(b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

(7) In this section -

relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.

E2 Erection of signs (clause 70 EP&A Reg 2021)

(1) This section applies to a development consent for development involving building work, subdivision work or demolition work.

(2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out-

(a) showing the name, address and telephone number of the principal certifier for the work, and

(b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

(3) The sign must be-

(a) maintained while the building work, subdivision work or demolition work is being carried out, and

(b) removed when the work has been completed.

(4) This section does not apply in relation to-

(a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

(b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

E3 Notification of Home Building Act 1989 requirements (clause 71 EP&A Reg 2021)

(1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

- (2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following-
 - (a) for work that requires a principal contractor to be appointed-
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - (b) for work to be carried out by an owner-builder-
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989-the number of the owner-builder permit.
- (3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (4) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

E4 Entertainment venues (clause 72 EP&A Reg 2021)

- (1) The requirements specified in this section are conditions of development consent for the use of a building as an entertainment venue.
- (2) During a stage performance at an entertainment venue, there must be at least 1 suitably trained person in attendance in the stage area at all times for the purpose of operating, if necessary, a proscenium safety curtain, drencher system and smoke exhaust system.
- (3) If a proscenium safety curtain is installed at an entertainment venue, there must be no obstruction to the opening or closing of the curtain and the curtain must be operable at all times.
- (4) When a film is being screened at an entertainment venue, there must be at least 1 person in attendance at the entertainment venue who is trained in-
 - (a) the operation of the projectors being used, and
 - (b) the use of the fire fighting equipment in the room in which the projectors are installed (the projection room).
- (5) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subsection (4) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- (6) A member of the public must not be present in the projection suite during the screening of a film.
- (7) An entertainment venue must not screen a nitrate film.
- (8) An emergency evacuation plan must be prepared, maintained and

- implemented for a building, other than a temporary structure, used as an entertainment venue.
- (9) The emergency evacuation plan must specify the following-
- (a) the location of all exits, and fire protection and safety equipment, for the part of the building used as an entertainment venue,
 - (b) the number of fire safety officers that must be present during performances,
 - (c) how the audience will be evacuated from the building if there is a fire or other emergency.
- (10) A fire safety officer appointed to be present during a performance must have appropriate training in evacuating persons from the building if there is a fire or other emergency.
- (11) In this section-
- exit has the same meaning as in the Building Code of Australia.
- E5 Maximum capacity signage (clause 73 EP&A Reg 2021)
- (1) This section applies to a development consent, including an existing development consent, for the following uses of a building, if the development consent contains a condition specifying the maximum number of persons permitted in the building-
- (a) an entertainment venue,
 - (b) a function centre,
 - (c) a pub,
 - (d) a registered club,
 - (e) a restaurant or cafe.
- (2) It is a condition of the development consent that a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.
- E6 Shoring and adequacy of adjoining property (clause 74 EP&A Reg 2021)
- (1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- (2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense-
- (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- (3) This section does not apply if-

- (a) the person having the benefit of the development consent owns the adjoining land, or
- (b) the owner of the adjoining land gives written consent to the condition not applying.

E7 Fulfilment of BASIX commitments (clause 75 EP&A Reg 2021)

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled-

- (a) BASIX development,
- (b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

E8 Deferred commencement consent (clause 76 EP&A Reg 2021)

- (1) A development consent with a deferred commencement, as referred to in the Act, section 4.16(3), must be clearly identified as a “deferred commencement” consent, whether by using the expression, referring to that section or otherwise.
- (2) A deferred commencement consent must clearly distinguish between-
 - (a) conditions that relate to matters about which the consent authority must be satisfied before the consent can operate (the relevant matters), and
 - (b) other conditions.
- (3) A consent authority may specify the period within which the applicant must produce sufficient evidence to the consent authority to enable it to be satisfied about the relevant matters.
- (4) If the applicant produces evidence in accordance with this section, the consent authority must notify the applicant whether it is satisfied about the relevant matters.
- (5) If the consent authority does not notify the applicant within 28 days after the applicant produces the evidence, the consent authority is taken to have notified the applicant, on the day on which the period expires, that it is not satisfied about the relevant matters.
- (6) Subsection (5) applies for the purposes of the Act, section 8.7 only.

E9 Conditions for ancillary aspects of development (clause 77 EP&A Reg 2021)

- (1) If a consent authority grants development consent subject to a condition referred to in the Act, section 4.17(2) in relation to an ancillary aspect of the development, the consent authority may specify the period within which the ancillary aspect must be carried out to the satisfaction of the consent authority or a person specified by the consent authority.
- (2) The applicant may produce evidence to the consent authority, or to the person specified by the consent authority, sufficient to enable the consent authority or the person to be satisfied in relation to the ancillary aspect of the development.

- (3) For the purposes of the Act, section 4.17(3), the relevant period is the period of 28 days after the applicant's evidence is produced to the consent authority or a person specified by the consent authority.

E10 Conditions for State significant development (clause 78 EP&A Reg 2021)

A development consent may be granted subject to a condition referred to in the Act, section 4.17(4A) or (4B) only if the development is State significant development.

E11 Review conditions-the Act, s 4.17(10C) (clause 79 EP&A Reg 2021)

- (1) A development consent that is granted subject to a reviewable condition may, as referred to in the Act, section 4.17(10B), be granted subject to a further condition (a review condition) if the development consent relates to the following kinds of development-
 - (a) an entertainment venue,
 - (b) a function centre,
 - (c) a pub,
 - (d) a registered club,
 - (e) a restaurant or cafe.
- (2) A development consent that is subject to a review condition must contain the following-
 - (a) a statement that the development consent is subject to the review condition and the purpose of the review condition,
 - (b) a statement that the consent authority will carry out the reviews,
 - (c) when, or at what intervals, the reviews must be carried out.
- (3) The consent authority must give written notice to the operator of a development that is subject to a review condition at least 14 days before carrying out a review.
- (4) The consent authority may notify other persons of the review as it considers appropriate.
- (5) The consent authority must take into account submissions that are received from any person within 14 days after notice of a review is given to the person.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

N/A
