

COUNCILLOR QUESTIONS ON BUSINESS PAPERS – 23 FEBRUARY 2026 COUNCIL MEETING

This report presents Councillor Questions on Business Papers submitted in accordance with Council's Code of Meeting Practice relating to items contained within the Business Papers for the 23 February 2026 Ordinary Council Meeting.

Responses to the questions have been prepared by the relevant Council officers. The questions and responses are presented below to be provided to Councillors and the community prior to consideration of the matters before Council.

The questions and responses are presented below.

NOR-1 - NOTICE OF RESCISSION - DA25/0067 MOBILE TELECOMMUNICATIONS FACILITY, INCLUDING MONOPOLE AND COMPOUND

Question - Councillor Condron

In preparation for the reconsideration of this DA can someone point me in the right direction as to what part of the LEP / DCP / other governing document as relevant makes reference to the due considerations required on both contaminated and flood prone land?

During the last meeting it was clear the development itself on flood prone land didn't trigger a more detailed flood study (in simple terms) which meant the DA lacked the information from my perspective in any case to confirm whether or not further ground contamination would / wouldn't occur more widely by constructing a structure of this nature.

It would be beneficial going into the next meeting to understand at what point a development triggers the need for more detailed flood studies (specifically in the flow of water) if not at this point triggered by flood likelihood and existing ground contamination, combined.

The following summary of matters addressed in the assessment report (unless otherwise stated) that address the questions raised.

Contaminated Land

Legislative Framework

Contamination is governed by Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (formerly SEPP 55 – Remediation of Land).

Clause 4.6 of the SEPP requires that a consent authority must not grant consent unless:

- It has considered whether the land is contaminated;
- If contaminated, it is satisfied the land is suitable (or will be suitable after remediation) for the proposed use; and
- Any required remediation will occur before the land is used for that purpose.

Where appropriate, a Preliminary Site Investigation (PSI) is required, and the consent authority may require a Detailed Site Investigation if the preliminary findings warrant further assessment.

Application to this Development

A Preliminary Site Investigation was submitted with the application. The PSI:

- Identified potential contamination sources (including PFAS migration risk, asbestos containing materials and potential unexploded ordnance);
- Concluded that risks are primarily associated with the construction phase;
- Identified that the operational phase presents minimal risk due to the absence of permanent occupation;
- Recommended targeted soil testing and waste classification where soils are removed.

The assessment concludes that, subject to recommended conditions (including targeted testing prior to Construction Certificate and appropriate soil management measures), the site is suitable for the proposed telecommunications facility.

Importantly, there is no automatic statutory trigger for a detailed contamination investigation simply because land is flood prone or because contamination may exist nearby. A detailed investigation is required only where the preliminary investigation identifies risks that warrant further assessment, or where the land use is sensitive (e.g. residential, childcare, hospital). This proposal does not constitute a sensitive land use and involves limited ground disturbance.

Accordingly, the requirements of Clause 4.6 of the SEPP are satisfied.

Flood Planning

Legislative Framework

Flooding is addressed under:

Clause 5.21 (Flood Planning) of the Wagga Wagga Local Environmental Plan 2010; and

- Section 4.2 (Flooding) of the Wagga Wagga Development Control Plan 2010.

Although the site is not mapped within the Flood Planning Area (FPA), historical evidence of flooding from the adjacent creek warranted a conservative assessment under Clause 5.21.

Clause 5.21 requires consideration of whether the development:

Is compatible with flood function and behaviour;

- Will not adversely affect flood behaviour or increase flood affectation elsewhere;
- Will not adversely affect safe occupation or evacuation;
- Incorporates appropriate risk management measures; and
- Accounts for projected climate change impacts.

Application to this Development

A flood assessment was submitted for the purpose of establishing the applicable flood levels at the site, including identification of the Probable Maximum Flood (PMF)

level. The assessment identified a PMF level of approximately 219.4m AHD, with Council's independent data indicating 219.5m AHD. The close alignment between the two datasets confirms the reliability of the flood level adopted.

Importantly, the purpose of the assessment was to determine the design flood level applicable to the site (i.e. the PMF), rather than to undertake detailed hydraulic modelling of flood affectation or reassess broader catchment flood behaviour. Given the scale and minimal footprint of the development, further hydraulic modelling of flood redistribution was not considered necessary.

The development comprises:

- A monopole tower with a footprint of approximately 1.5 metres in diameter (approximately 1.7m² in area);
- Open-style fencing;
- An open elevated equipment platform.

The structure:

- Will not materially obstruct flood flows;
- Will not reduce flood storage capacity;
- Will not alter flood behaviour in a manner that increases impacts to other properties or other land;
- Will not require evacuation, as the facility is unoccupied;
- Has been designed to elevate sensitive equipment above the PMF level (condition recommended).

Section 4.2 of the Wagga Wagga Development Control Plan 2010 requires that critical utilities, including telecommunications facilities, be located above the PMF level. This requirement is satisfied through the proposed elevated platform.

Flooding and Debris Concerns (not specifically addressed in assessment report)

At the previous Council meeting, a concern was raised that debris could accumulate against the open-style fencing of the proposed telecommunications compound during a flood, potentially creating a temporary solid barrier. It was suggested that this could deflect floodwaters, causing inundation of land that might otherwise remain dry, and potentially introducing PFAS contamination to that land.

Staff are of the view that any such effect would be negligible in scale and consequence. The floodway in this area is already highly dynamic, with variations in flow patterns occurring naturally and due to a range of existing activities and structures, including:

- Existing and potential future development, including exempt buildings;
- Other earthworks that may be exempt (existing and future);
- Fencing and other minor structures;
- Natural vegetation growth, which varies seasonally.

Given this dynamic nature of the floodway, the inclusion of the compound fence is not expected to materially influence flood behaviour or redirect floodwaters in a way that would increase risk or PFAS contamination. Any obstruction caused by the fence would be minor relative to the natural and existing variability in flood flows, and floodwaters will naturally balance around it.

Note - As an additional precautionary option, Council could deny consent for the compound fencing to remove any potential for debris build-up leading to the possibility of displaced flood waters. The following condition could be applied to any consent.

Condition – No approval is granted under this consent for the fencing described on the approved plans as “proposed compound security fence with 3.0m wide double access gate”. Any alterations proposed to the existing boundary fencing adjacent to the development site shall be provided to Council and shall be to the satisfaction of the General Manager or their delegate prior to the issue of the construction certificate.

Requirements for Detailed Flood Study

There is no provision in the Wagga Wagga Local Environmental Plan 2010 or the Wagga Wagga Development Control Plan 2010 that mandates a more detailed hydraulic study solely because land is flood prone.

Typically, additional detailed flood modelling is required where development:

- Involves significant fill or earthworks;
- Materially obstructs or redirects flood flows;
- Reduces flood storage;
- Increases flood levels elsewhere;
- Introduces a sensitive or high-risk land use; or
- Raises risk to life or evacuation concerns.

In this instance:

- Earthworks are minimal;
- No significant fill is proposed;
- The monopole and platform footprint is negligible;
- Open fencing and the open interior of the compound allows water passage;
- The facility is unoccupied;
- PMF height modelling has been undertaken and verified.

Accordingly, it was considered that the requirement for further detailed hydraulic modelling was not warranted and there is no planning or statutory trigger for such modelling to occur.

Combined Flooding and Contamination Considerations

The suggestion that flood behaviour combined with potential contamination should trigger further investigation has been considered. The assessment demonstrates that:

- The development does not materially alter flood behaviour or flow paths;
- Soil disturbance is limited in extent;
- Targeted soil testing and waste classification will occur prior to construction;
- Construction impacts will be managed through a Construction Environmental Management Plan (CEMP).

There is no provision within Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, nor Clause 5.21 of the LEP, that creates a combined

or automatic statutory trigger for expanded flood modelling due solely to the presence of potential contamination.

Given the scale, design, and unoccupied nature of the development, and subject to the recommended conditions, the site is considered suitable in respect of both contamination and flood risk.

Conclusion

The Development Application has been assessed against the relevant provisions of:

- State Environmental Planning Policy (Resilience and Hazards) 2021 (contamination);
- Wagga Wagga Local Environmental Plan 2010 (Clause 5.21 – Flood Planning); and
- Wagga Wagga Development Control Plan 2010 (Section 4.2 – Flooding).

The relevant statutory requirements have been satisfied. The development does not trigger a requirement for additional detailed flood studies, nor does the presence of potential contamination create an automatic requirement for expanded hydraulic assessment.

Subject to the recommended conditions of consent, the development as proposed is considered acceptable in respect of both flood and contamination considerations.