

DA173/2007 – ESTABLISHMENT OF A TELECOMMUNICATION COMPOUND INCLUDING THE ERECTION OF AN 80 METRE HIGH STEEL ANGLE TOWER AND THE ERECTION OF AN EQUIPMENT HUT

08/222) RESOLVED:

1. That the Director of Environmental Services be granted Delegated Authority to determine Development Application 173/2007, following negotiation of appropriate conditions with the applicant representing the Crown. (Braddon/Williams)

16) DA 173/2007 – ESTABLISHMENT OF A TELECOMMUNICATION COMPOUND INCLUDING THE ERECTION OF AN 80 METRE HIGH STEEL ANGLE TOWER AND THE ERECTION OF AN EQUIPMENT HUT

(Senior Town Planner)

RECOMMENDED

1. That the Director of Environmental Services be granted Delegated Authority to determine Development Application 173/2007, following negotiation of appropriate conditions with the applicant representing the Crown.

REPORT

Applicant: TransGrid
Owner: Forest NSW
Application No: 173/2007
Zone: 1(f) Forestry Zone
Date Received: 24 April 2007
Assessment No: N/A
Property: Crown Reserve located with the State Forest atop of Mount Macquarie (approx. elevation 1190m).
Proposed Development: Establishment of a Telecommunication Compound including the erection of an 80 metre high steel angle tower and the erection of an equipment hut.

Council has received Development Application 173/2007 for the establishment of a telecommunication compound including the erection of an 80 metre high steel angle tower and the erection of an equipment hut within a Crown reserve atop of Mount Macquarie.

The application was received on the 24 April 2007 and was deferred due to the lack of information provided within the Statement of Environmental Effects. The additional information was re submitted to Council on the 9 June 2008.

Section 79C Assessment:

(a)(i) the provisions of any environmental planning instrument

Environmental Planning and Assessment Act 1979

The proposed development is classified as Crown Development under Part 5A of the Environmental Planning and Assessment Act 1979, which means:

A consent authority, in respect of a development application made by or on behalf of the Crown, must not:

- (a) refuse its consent to the application, except with the written approval of the Minister*
- (b) impose a condition of its consent, except with the written approval of the Minister or the applicant.*

In accordance with the *Environmental Planning and Assessment Act 1979*, the consent authority cannot impose a condition of consent, except with the written approval of the Minister or the applicant. Draft conditions will be negotiated with the applicant representing the Crown.

State Environmental Planning Policy's (SEPP)

SEPP No.	DESCRIPTION	COMMENT
No. 1	Development Standards	Not applicable
No. 4	Development without consent. and Miscellaneous Exempt and Complying Development	Not applicable
No. 6	Number of Storeys in a Building	Not applicable
No. 8	Surplus Public Land	Not applicable
No. 9	Group Homes.	Not applicable
No. 11	Traffic Generating Developments.	Not applicable
No. 15	Rural Landsharing Communities	Not applicable
No. 16	Tertiary Institutions	Not applicable
No. 21	Caravan Parks	Not applicable
No. 22	Shops and Commercial Premises.	Not applicable
No. 30	Intensive Agriculture	Not applicable
No. 32	Urban Consolidation (Redevelopment of Urban Land).	Not applicable
No. 33	Hazardous & Offensive Development	Not applicable
No. 34	Major Employment Generating Industrial Development	Not applicable
No. 35	Maintenance Dredging of Tidal Waterways	Not applicable
No. 36	Manufactured Home Estates	Not applicable
No. 37	Continued Mines & Extractive Industries.	Not applicable
No. 44	Koala Habitat Protection	Not applicable
No. 45	Permissibility of Mining	Not applicable
No. 48	Major Putrescible Landfill Sites.	Not applicable
No. 50	Canal Estate Development	Not applicable
No. 55	Remediation of Land	Not applicable
No. 64	Advertising and Signage	Not applicable
No. 65	Design and Quality of Residential Flat Development	Not applicable
ARTC Rail	ARTC Rail Infrastructure 2004	Not applicable

Infrastructure		
Seniors Living	Seniors Living 2004	Not applicable
BASIX	(Building Sustainability Index: BASIX) 2004	Not applicable
Major Projects	SEPP (Major Projects) 2005	Not applicable

Regional Environmental Plans (REP)

None Relevant

Local Environmental Plan (LEP)

The subject land is zoned 1(f) Forestry under the provisions of the Blayney Local Environmental Plan 1998.

The establishment of a telecommunication compound including the erection of an 80 metre high steel angle tower and the erection of an equipment hut within this zone is permissible, subject to the consent of Council in accordance with the provisions of the Blayney Local Environmental Plan 1998.

Zone Objectives

The objectives of this zone are to identify those areas under the management and control of the Forestry Commissions of New South Wales pursuant to the Forestry Act 1916 and to promote appropriate use of that land.

The proposed development is considered to be an appropriate use of the land due to the existing telecommunication facility within the area.

Permissibility

The establishment of a telecommunication compound including the erection an 80 metre high steel angel tower and the erection of an equipment hut is permissible with the Development Consent of Council under the Blayney Local Environmental Plan 1998.

Clause 20 and Schedule 3 of the Blayney Local Environmental Plan 1998

In accordance with Schedule 3 of the Blayney Local Environmental Plan 1998, the proposed development was advertised in the local newspaper. The proposed development was also notified to adjoining land owners. Two (2) submissions were received during this period.

Clause 24 – Land Subject to Bushfire Hazards

The Council must not grant consent to the subdivision of land or to the erection of a building on land which is subject to bushfire hazards (by reason of the vegetation on the land or on any adjacent land) unless, in the opinion of the Council:

- (a) *adequate provision is made for access for fire fighting vehicles;*
- (b) *adequate safeguards are adopted in the form of fire breaks, reserves and fire radiation zones; and*
- (c) *adequate water supplies are available for fire fighting purposes.*

The subject site is identified as being bushfire prone according to Council's mapping system and has been forwarded to the Rural Fire Service for

comment. These comments shall be included in any draft conditions to be negotiated with the applicant representing the Crown.

(a) (ii) the provisions of any draft environmental planning instrument

There are no known draft environmental planning instruments applicable to the subject land.

(a) (iii) any development control plans

There are no known Development Control Plans applicable to this proposal.

(a) (iv) any matters prescribed by the regulations

Clause 92 of the Environmental Planning and Assessment Regulation 2000 prescribes certain matters that must be considered by Council in determining a development application. There are no relevant prescribed matters that would apply to this proposal.

(b) the likely impacts of the development

Context and Setting

The proposed communication compound will be established at the top of Mount Macquarie which is located 15km south of Blayney and 5km south east of Carcoar. The subject site, Mount Macquarie is owned by Forest NSW and is prominently planted with radiata pine trees, which are for the purpose of harvesting timber.

The proposed location of the communication compound is a cleared area due to the establishment of the existing telecommunications facility. The landscape surrounding the subject site is used for agricultural and rural residential purposes.

Visual Impact

A visual assessment was undertaken to assess the likely visual impacts associated with the establishment of the communication compound comprising an 80 metre steel lattice tower within the Mount Macquarie State Forest.

The subject site is located in a previously cleared area that also contains an existing 20 metre steel lattice tower and shelter. This cleared area is surrounded by pine plantations about 30 metres tall. It is proposed that the existing mature vegetation will screen the view of the communications hut and partially screen the view of the tower. It is noted that the pine plantation will be harvested in the future and trees will then be replaced.

Access, Transport and Traffic

Access to the site is via an existing 4WD vehicle access track which runs through Mount Macquarie. Traffic volumes to the subject site will increase during the construction phase, which is a proposed period of 6 months. At the completion of the construction phase, there will be no significant increase in traffic generated by the maintenance and operation of the proposed communication facility.

Public Domain

The proposed development will not impact on the public domain in terms of public recreation, public spaces or access and pedestrian linkages, due to the nature and location of the development.

Utilities

The power supply to the proposed development will be via an underground cable and a short section of a new overhead powerline. The underground cable will connect into a new overhead 11 k V line on private land on Mount Macquarie Road. Country Energy will be constructing the new overhead section of the line.

Heritage

There is no identified heritage or archaeological sites in close proximity to the subject site in accordance with Blayney Shire Council's Local Environmental Plan 1998 and the Indigenous Heritage Assessment carried out by Ozark Environmental & Heritage Management Pty Ltd which was submitted with the subject application. Due to the existing telecommunication facility the site is a highly disturbed area and it is unlikely that items of archaeological or heritage value would be found.

Other Land Resources

The subject site, Mount Macquarie is owned by Forest NSW and is prominently planted with radiata pine trees, which are for the purpose of harvesting timber. The area is not identified as being a valuable area for mineral and extractive resources.

Water

The Statement of Environmental Effects submitted with the application states that no hydrological or water quality impacts from the construction of the proposed development is expected to negatively impact on surrounding water sources.

Coombing Creek is located approximately 2km south west of the peak of Mount Macquarie and flowing generally northwest into the Belubula River. Any impacts associated with the site run off will be minimised through the implementation of an erosion and sediment control plan during excavation works.

Soils

The local relief in the vicinity of the subject site is predominantly flat. The soils of the area have been disturbed during the construction of the existing telecommunication facility. It is expected that the excavation works for the establishment of foundations will have some level of disturbance to the soils within the proposed development area. Appropriate erosion and sediment control measures will be implemented to alleviate the potential for soil erosion at the time of construction.

Air and Microclimate

The proposed development is expected not to be a source of air pollution. During the construction phase minor dust and plant fumes may be generated.

Flora & Fauna

A Flora and Fauna investigation was undertaken by Cumberland Ecology and was submitted with the subject application. No endangered ecological communities listed and under the Environment Protection or Biodiversity Conservation Act 1999 and Threatened Species Conservation Act 1995 occur on or near the subject site. The study concluded that the proposed development should not have a significant impact upon flora and fauna species and that a Species Impact Statement is not required.

Waste

Any waste generated from the construction of the proposed development will be removed from the subject site after completion of the works.

Energy

The proposed development is affected by Radiofrequency electromagnetic radiations (EMR), which are waves of electric and magnetic energy moving together through space. The proposed microwave radio site is designed on an 8 gigahertz band with continuous strength of 0.1 watt and a maximum of 3 watts. These signal strengths are very low and with the transmission and receiving being highly directional and at a height of 80 metres, the EMR levels on the ground near the tower are extremely low. The levels are typically less than 1% of the general public exposure limits specified by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

Noise and Vibration

Noise levels generated from the proposed development is considered temporary and confined to the construction phase. It is considered unlikely that the noise emitted during the construction phase will impose any adverse affects on the properties surrounding the subject site. To mitigate any impacts caused by the proposed noise, construction will be restricted to daylight hours.

Natural Hazards

The subject site is identified as being bushfire prone according to Council's mapping system and has been forwarded to the Rural Fire Service for comment.

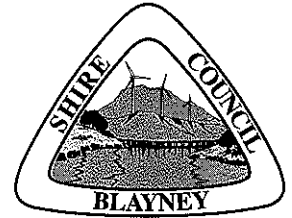
Technological Hazards

Council has no records or evidence to suggest that the site may be contaminated and it is unlikely that the subject land would be subject to any form of land contamination.

Safety, Security & Crime Prevention

The application proposes a 25 x 16 metre compound with 3 metre high palisade fence, for safety, security and crime prevention purposes around the 80 metre steel lattice tower.

Blayney Shire Council



5th February, 2009

Our Reference: 150361

TransGrid
C/- Suzanne Sheekey
PO Box A1000
SYDNEY SOUTH NSW 1235

Dear Madam

RE: Development Application No. 173/2007 – Establishment of a Telecommunication Compound including the Erection of an 80 Metre High Steel Angel Tower and the Erection of an Equipment Hut

I refer to our telephone conversation on the 4th February 2009 in relation to the conditions of consent for the abovementioned development application.

From our discussions, Council and TransGrid have agreed on the conditions of consent in accordance with Part 5A of the *Environmental Planning and Assessment Act 1979*.

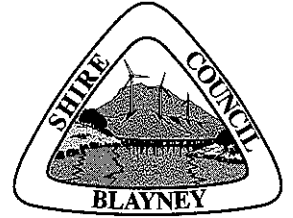
Please find attached a copy of the Notice of Determination for the Establishment of a telecommunication compound including the erection of an 80 metre high steel angel tower and the erection of an equipment hut.

Should you have any questions in relation to this matter, please contact Council's Health and Building Department on (02) 6368 9618.

Yours faithfully

Claire Stewart
Senior Town Planner
For the General Manger

Blayney Shire Council



5th February, 2009

Our Ref: 150361

Transgrid
C/- Suzanne Sheekey
PO Box A1000
SYDNEY NSW 1235

Dear Sir/Madam

RE: Development Consent No. 173/2007

Please find enclosed Council's development consent in response to your application.

The application has been approved subject to your compliance with specified conditions of consent. Please take the time to read the conditions and ensure that they are complied with at the appropriate time.

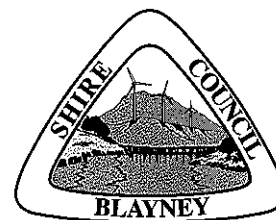
Non-compliance with conditions of consent may result in an Occupation Certificate being withheld at the completion of the development until all outstanding conditions are resolved. Non-compliance may also constitute a breach of the Environmental Planning and Assessment Act 1979, as amended and render you liable to a penalty as prescribed. It is therefore advisable to contact Council as soon as possible if you have any doubt regarding compliance with this consent.

Council wishes you well with your development and invites you to contact the Environmental Services Department if you have any query concerning this consent.

Yours faithfully

Claire Stewart
Senior Town Planner
For General Manager

Blayney Shire Council



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Environmental Planning & Assessment Act, 1979

Applicant: Transgrid
Applicant Address: C/- Suzanne Skeekey
PO Box A1000
SYDNEY SOUTH NSW 1235

Development Application (DA) No.: 173/2007

Description of the Development: Establishment of a
Telecommunication compound
including the erection of an 80metre
high steel angel tower and the
erection of an equipment hut.

Land to be developed: Crown Reserve located within the State Forest
atop of Mount Macquarie.

Owner/s: Forestry Commission of NSW

Building Code of Australia Classification: 10b

Determination: Your development has been determined by the
granting of consent subject to the conditions in
Schedule "A".

Date of Determination: 05/02/2009

Date from which the Consent Operates: 05/02/2009

Date the Consent Lapses: 05/02/2014

Has a Public Inquiry been held into the application? No.

RIGHT OF APPEAL:

The applicant can appeal against this determination in the Land and Environment Court within 12 months of the date on which receiving this notice. The applicant cannot appeal if a Commission of Inquiry was held and the development is designated development or State significant development.

Claire Stewart
Senior Town Planner
For General Manager

5th February, 2009

SCHEDULE "A"

CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION NO. 173/2007

1. The determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Development Application No. 173/2007 registered in Council's records as of 24th April 2007 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.

INFRASTRUCTURE

REASON: To comply with Council's requirements for the provision of infrastructure.

2. That any road widening or land resumption required for public road purposes be undertaken at no cost to Council.
3. That works as executed plans for road and drainage be submitted to Council, prior to the issue of the Occupation Certificate.

STATUTORY

REASON: To comply with Council's statutory requirements.

4. That all Certificates issued in relation to the development are to be submitted to Council.
5. That the building be constructed and maintained in accordance with the requirements of the Building Code of Australia.

ENVIRONMENTAL

REASON: To comply with Council's statutory requirements.

6. That the applicant install, prior to the commencement of works, adequate sediment and soil erosion controls in accordance with Council's Erosion and Sediment Control Policy (copy attached).

CONSTRUCTION

REASON: To comply with Council's policy and requirements.

7. That before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, builder and licence number and emergency telephone contact numbers.
8. That any damage to Council's footpath, road or other land being restored in accordance with Council's specifications. Contact Council's Works & Services Department.
9. That no materials or machinery to be used in the construction of the building shall be stored or stacked on Council's footpath, nature strip or roadway.
10. That there be no burning of waste material, felled trees or other material on the site.

ENGINEERING

11. That the applicant contribute to upgrading Mount Macquarie Road, with gravel resheeting of a 0.5km section from Ch. 8.2km to Ch. 8.7km.
12. That the applicant be responsible for cost of maintaining the section of Mount Macquarie Road during the construction phase.
13. That the section of Mount Macquarie Road be inspected and assessed before and after the construction phase, and that the applicant be responsible for the cost of restoring any deterioration.
14. Provision of pavement widening of Mount Macquarie Road between Neville Road and the access location on curves to accommodate heavy vehicle manoeuvring and widening bays for vehicle passing.
15. That the eastern access at 823 Mount Macquarie Road be used and that the intersection/access be constructed to BAR/BAL standard.
16. That all construction vehicle traffic access the site only from the Neville Road (eastern) and not via Carcoar. Suitable signage to be erected during construction activities to control traffic and to advise road-users of changed traffic conditions.

17. That speed be limited on Mount Macquarie Road to 40kph from Neville Road to the entrance point during construction phase.
18. That the access track within the State Forest be constructed to the requirements of the rural Fire Services section 4.1.3 of Planning For Bush Fire Protection 2006 (Access (2) – Property Access), or to a standard to provide access for construction traffic, whichever is the greater standard.
19. That suitable signage be erected during construction activities to advise road-users of changed traffic conditions.

BUSHFIRE

REASON: To comply with NSW Rural Bush Fire Service.

20. At the commencement of building works and in perpetuity the property around the asset shall be managed as follows:
 - a) north for a distance of 10m as an 'Inner Protection Area' and 10m as an 'Outer Protection Area',
 - b) east for a distance of 10m as an 'Inner Protection Area' and 10m as an 'Outer Protection Area',
 - c) south for a distance of 10m as an 'Inner Protection Area' and 10m as an 'Outer Protection Area',
 - d) west for a distance of 10m as an 'Inner Protection Area' and 10m as an 'Outer Protection Area',as outlined with Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.

ACCESS

REASON: To comply with Council's policy and requirements for the provision of access.

21. The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and other assisting fire fighting activities.
22. Property access roads shall comply with Section 4.1.3 of Planning for Bush Fire Protection 2006.