



ATTACHMENTS

LOCAL PLANNING PANEL MEETING

**Wednesday 27 May 2020
at 6:30PM**



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ATTACHMENT/S

REPORT NO. LPP10/20

ITEM 1

- 1. LOCALITY PLAN**
- 2. AMENDED ARCHITECTURAL PLANS**
- 3. SURVEY PLANS**
- 4. LANDSCAPE PLAN**
- 5. DRAFT PLAN OF MANGEMENT**

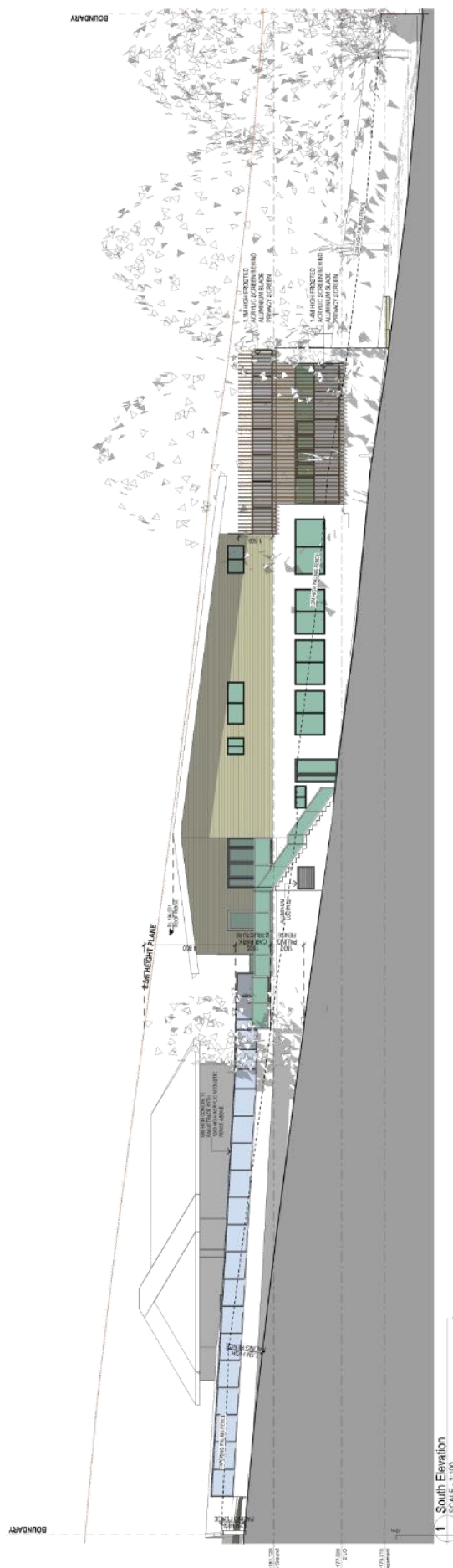
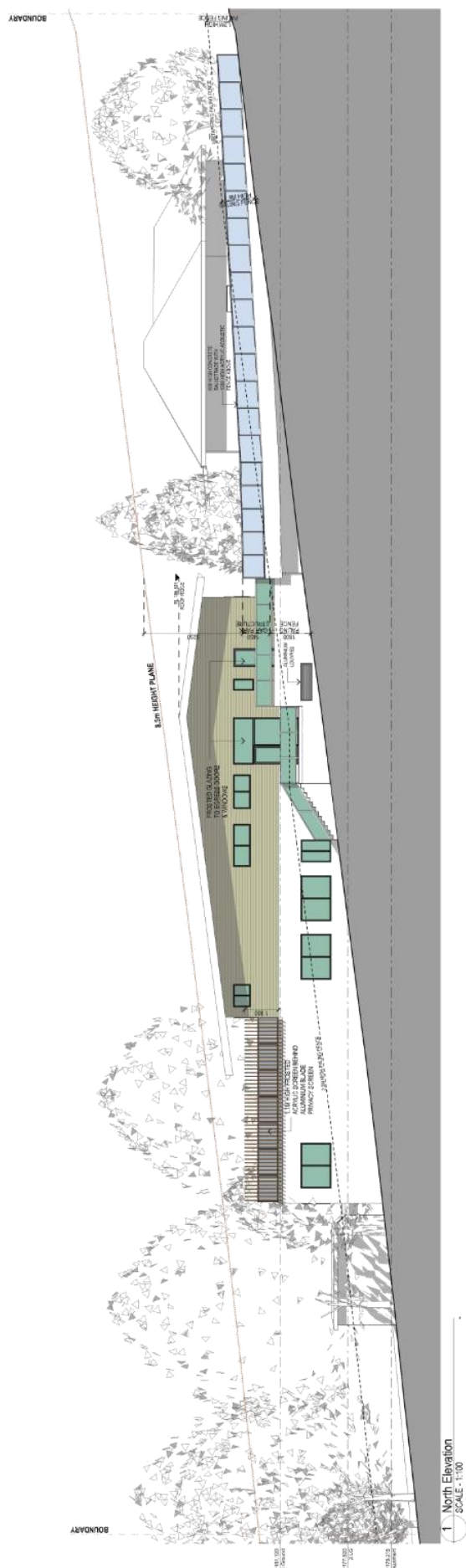


LOCALITY PLAN

DA/893/2019

No. 9 Stuart Avenue, Normanhurst

ATTACHMENT 1 - ITEM 1

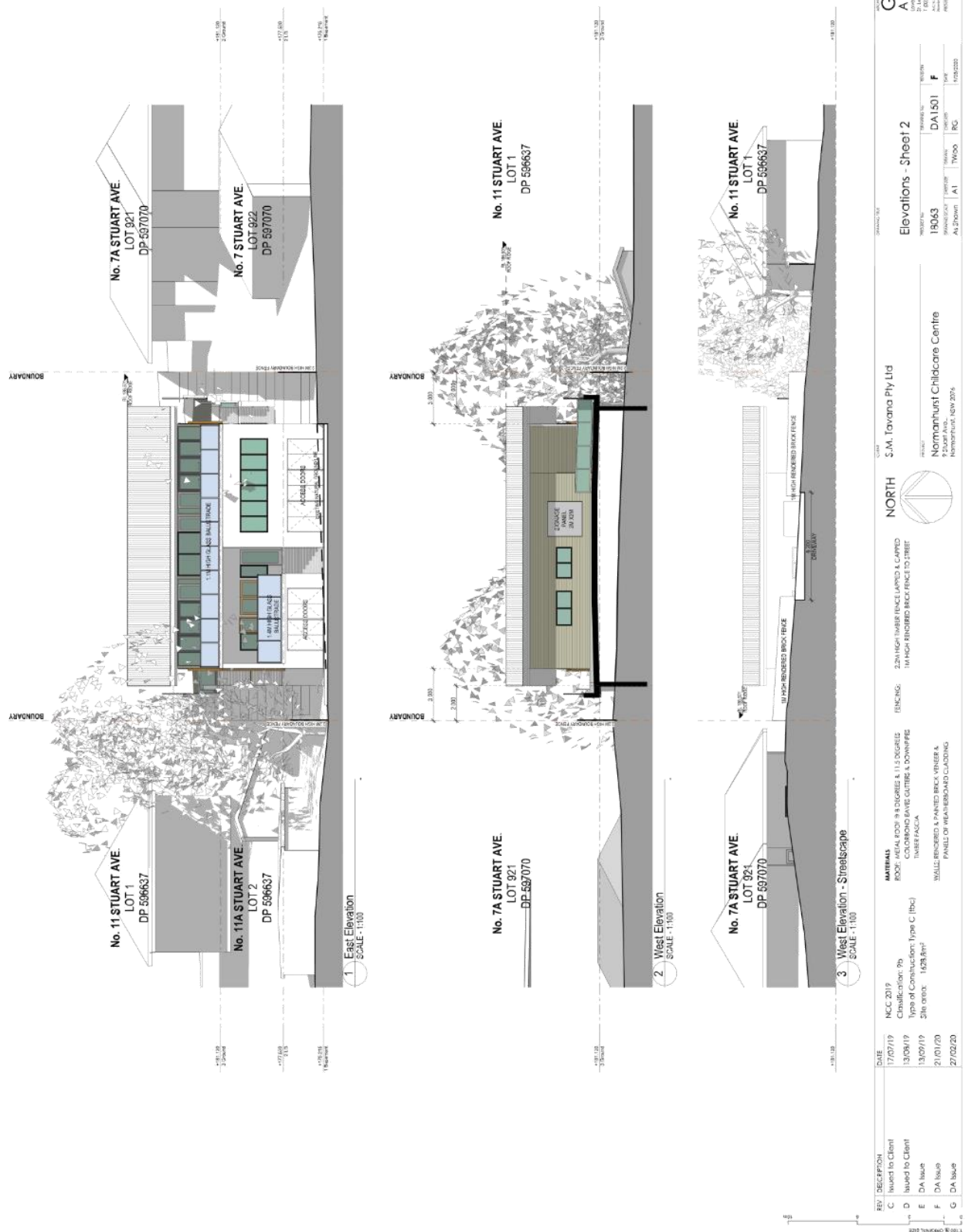


REV	DESCRIPTION	DATE	MATERIALS	FINISHING	NOTES
C	Issued to Client	17/07/19	NCC 2019 Classification: 79	2.2M HIGH TIMBER FENCE/LAMPED & CAPPED 1M HIGH RHODOS BRICK FENCE TO STREET	
D	Issued to Client	13/09/19	Type of Construction: Type C (Hb) Timber FALSA		
E	DA Issue	13/09/19	Site area: 1428.8m ²		
F	DA Issue	21/01/20	WALLS RENDERED & PAINTED BRICK VENEER & PANELS OF NEIGHBOURHOOD CLADDING		
G	DA Issue	27/02/20			

ATTACHMENT 2 - ITEM 1



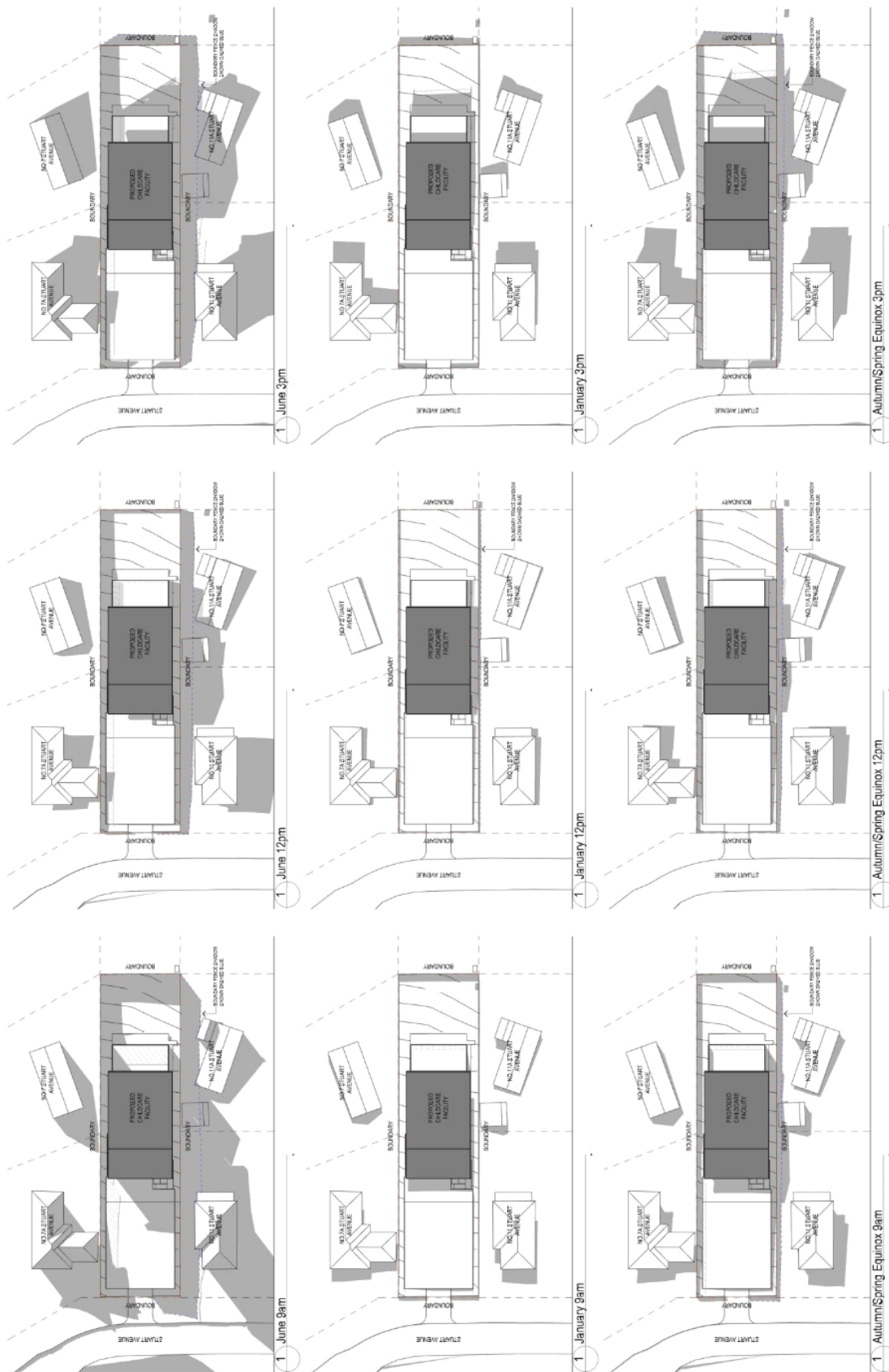
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ATTACHMENT 2 - ITEM 1



ATTACHMENT 2 - ITEM 1



REV	DESCRIPTION	DATE	HCC 2019 Classification: Pn	DATE	SHADOW DIAGRAMS
E	DA Issue	13/09/19	Type of Construction: Type C (Pn)	21/01/20	19063
F	DA Issue	21/01/20	Site area: 1428.8m ²	27/02/20	DA1900
G	DA Issue	27/02/20			

PROJECT NO: 19063
 PROJECT NAME: Normanhurst Childcare Centre
 PROJECT LOCATION: 9 Stuart Ave., Normanhurst NSW 2076
 PROJECT OWNER: S.M. Tavara Pty Ltd
 PROJECT ARCHITECT: GARDNER WETHERILL ASSOCIATES
 PROJECT DATE: 21/01/2020
 PROJECT SCALE: 1:500
 PROJECT DRAWING NO: DA1900
 PROJECT DRAWING DATE: 27/02/2020

ATTACHMENT 2 - ITEM 1

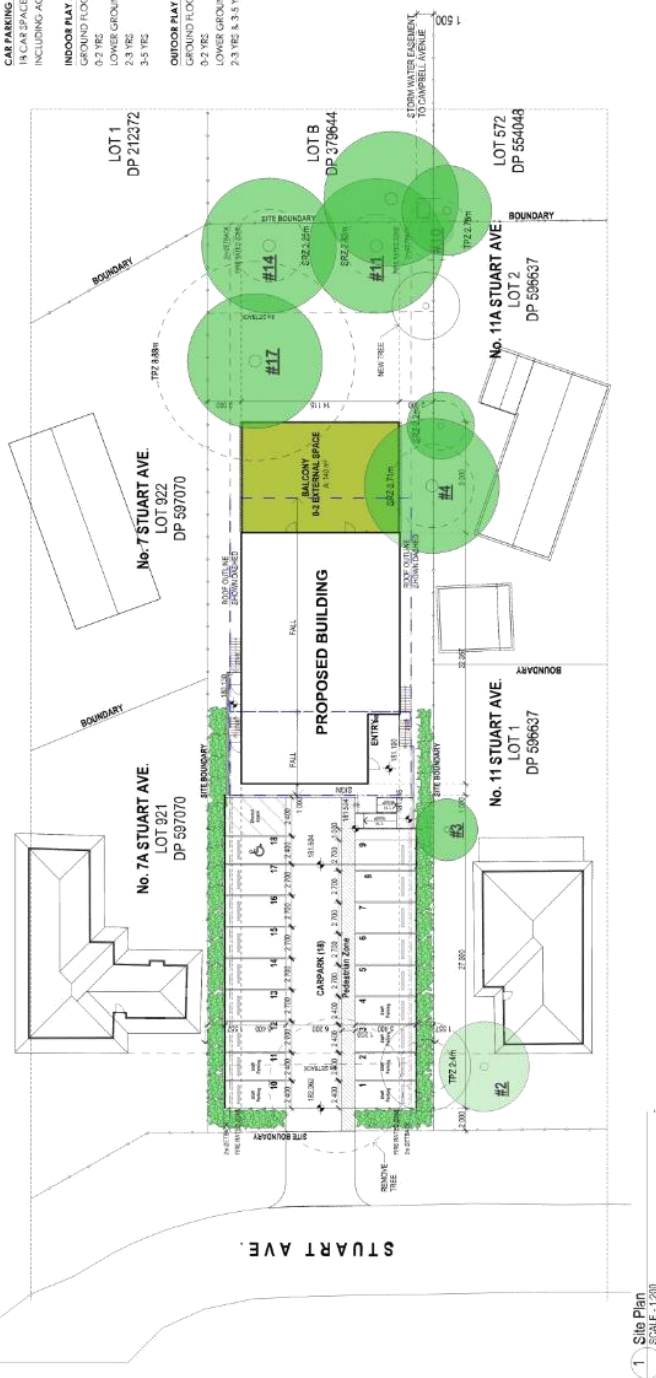


ATTACHMENT 2 - ITEM 1

SUMMARY CALCULATION	
TOTAL SITE AREA	1428.8 sqm
PERMITTED FLOOR SPACE RATIO	N/A
PROPOSED FLOOR SPACE RATIO	0.37 : 1.00
PROPOSED TOTAL FLOOR SPACE	602.4 sqm
BUILDING SETBACKS	
FRONT SETBACK	29.8 m
REAR SETBACK	19.1 m
SIDE SETBACK	3.0 m
TOTAL SITE COVERAGE	
TOTAL SITE COVERAGE PERCENTAGE	28.5%
PROPOSED 71 PLACE CHILDCARE CENTRE	
CHILDREN & STAFF NUMBERS	
CHILDREN	60
STAFF	15
0-2 YRS	8
2-3 YRS	15
3-5 YRS	40
TOTAL	71
CAR PARKING	
18 CAR SPACES ON SITE PARKING INCLUDING ACCESSIBLE CAR SPACE	18 SPACES
INDOOR PLAY AREA CALCULATION	
GROUND FLOOR	261 sqm
0-2 YRS	68 sqm
2-3 YRS	54 sqm
3-5 YRS	137 sqm
OUTDOOR PLAY AREA CALCULATION	
GROUND FLOOR	579 sqm
0-2 YRS	140 sqm
2-3 YRS & 3-5 YRS	389 sqm

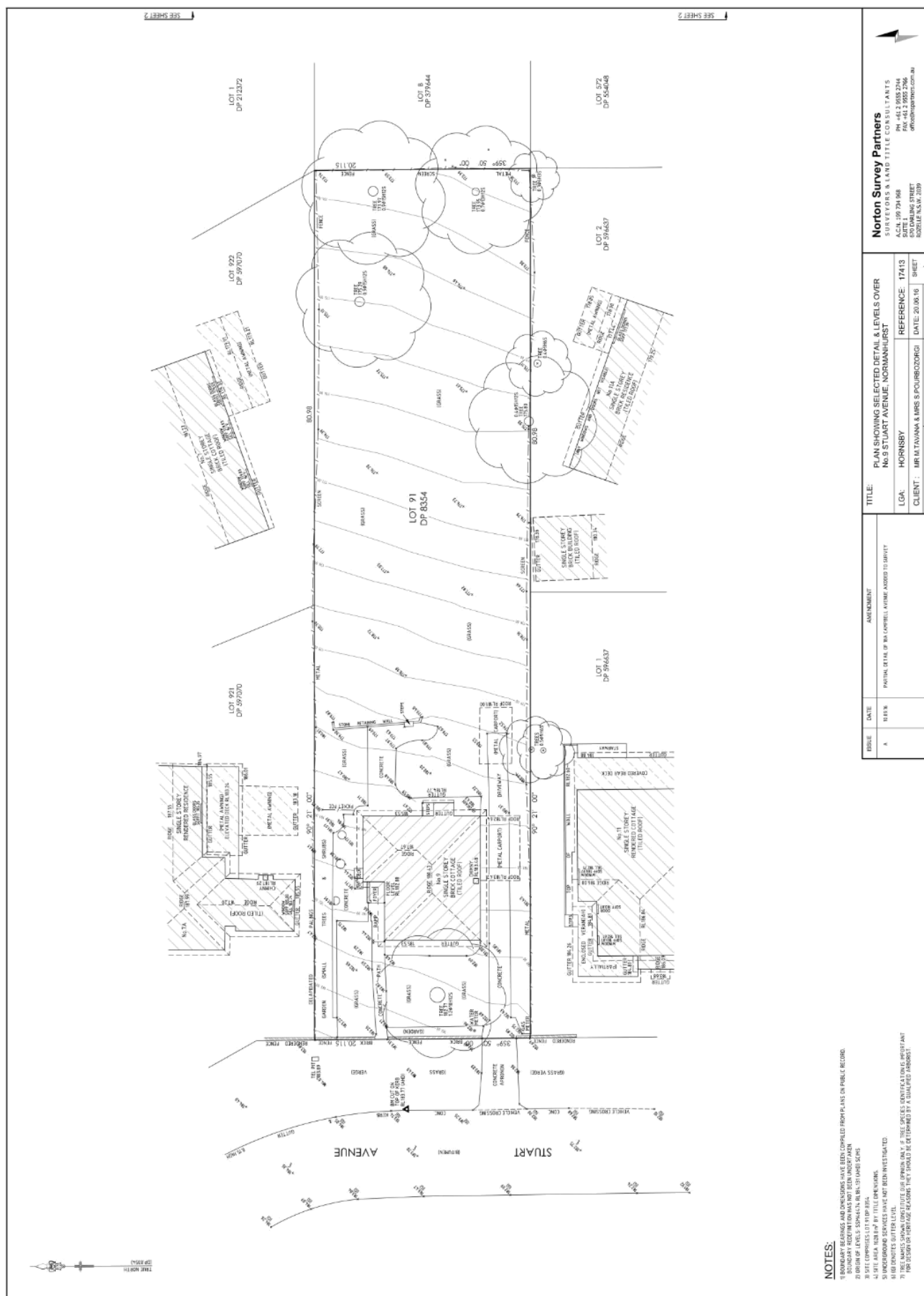


Location Map



DATE 17/07/19 REVISION C: Issued to Client DATE 13/06/19 REVISION D: DA Issue DATE 13/07/19 REVISION E: DA Issue DATE 21/01/20 REVISION F: DA Issue DATE 27/02/20 REVISION G: DA Issue		DATE 17/07/19 REVISION C: Issued to Client DATE 13/06/19 REVISION D: DA Issue DATE 13/07/19 REVISION E: DA Issue DATE 21/01/20 REVISION F: DA Issue DATE 27/02/20 REVISION G: DA Issue	
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ATTACHMENT 3 - ITEM 1



ATTACHMENT 4 - ITEM 1

LEGEND

- EXISTING LEVELS
- PROPOSED LANDSCAPE LEVELS
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- NEW TURF AREAS
- CONCRETE FINISHES REFER TO ARCHITECTURAL DETAILS
- SYNTHETIC GRASS
- PAVING REFERS TO ARCHITECT'S DETAILS
- LOW MAINTENANCE WALLS
- BRICK GARDEN EDGING
- LANDSCAPE STEPPING STONES

SCHEDULE OF EXISTING TREES

NO.	SP. NO.	COMMON NAME	HEIGHT & SPREAD
1	1	CRABAPPLE	14' x 12'
2	2	CRABAPPLE	14' x 12'
3	3	CRABAPPLE	14' x 12'
4	4	CRABAPPLE	14' x 12'
5	5	CRABAPPLE	14' x 12'
6	6	CRABAPPLE	14' x 12'
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9	9	CRABAPPLE	14' x 12'
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82	82	CRABAPPLE	14' x 12'
83	83	CRABAPPLE	14'



Suite 16, 895 Pacific Highway Pymble NSW 2073
Tel 02 9440 8900 Mob 0419 250 600
Email mail@urbanesque.com.au

OPERATIONAL PLAN OF MANAGEMENT

71 Place Child Care Centre

9 Stuart Avenue Normanhurst

January 2020

ATTACHMENT 5 - ITEM 1

OPERATIONAL PLAN OF MANAGEMENT

OPERATIONAL PLAN OF MANAGEMENT CONTENTS

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1. Rationale

9 Stuart Avenue Normanhurst

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OPERATIONAL PLAN OF MANAGEMENT

- This Operational Management Plan forms an essential part of the ongoing management requirements for the approved child care centre at 9 Stuart Avenue Normanhurst. This document is required by council to accompany DA/893/2019. Adherence to the plan of management will minimise any adverse effects upon our neighbouring properties and the wider community.

2. Executive Summary

- The proposed child care centre is designed to cater for seventy-one (71) children from birth to five (5) years of age. The building is designed for effective operational activity and the approved plans indicate ease of supervision for staffing and management. The natural play spaces and the outdoor area and the activity areas provided, reflect compliance with the National Quality Standards. The design of this child care facility is compliant with the Education and Care Services National Law and Regulations.

3. Business Name

- [To be inserted]

4. Location

- 9 Stuart Avenue Normanhurst (Lot 91 DP 8354)

5. Licensee

- [To be inserted]

6. Centre Objectives

- To provide high quality care and education for children aged 0-5 years old, serving both residents and workers in the local community.
- To provide state of the art children's service whilst maintaining a welcoming home-like atmosphere for the comfort and care of children.
- To provide a service where the protection, wellbeing, and rights of each child are paramount.
- To integrate the centre into the locality and build relationships with the local community.

7. Number of children

- The proposed centre will have a capacity of seventy-one (71) children as its daily maximum and will be providing care for children ages 0–5 years old.
- The centre will be divided into five (5) classrooms based on ages and in accordance with the child care regulations. Daily programs will be based on their needs, individual development and progress.
- Each classroom will be required to maintain staff to children ratios in accordance with childcare regulations.

OPERATIONAL PLAN OF MANAGEMENT

The following table shows a breakdown of the 71 children into age groups

AGE GROUP	STAFF TO CHILDREN RATIO	PROPOSED NO. OF CHILDREN	STAFF REQUIRED (PROVIDED)
Birth – 2 yrs	1:4	16	4 (4)
2 yrs – 3 yrs	1:5	15	3 (3)
3 yrs – 6 yrs	1:10	40	4 (4)
Total		71	15

8. Number of Staff

- The centre will be operated by fifteen (15) educators.
- The proposed centre will aim to operate 51 weeks of the year, closing on all Public Holidays. Hours of operation are 7.00am until 6.30pm Monday to Friday.

10. Drop off & Pick up - Staff Parking

- Peak times for arrival of families/children and staff will be between 8.00–9.00am each weekday morning, and peak times for departure of families/children will be between 3.00–4.00pm each weekday afternoon.
- Being in a suburban location it is expected that a majority of families and staff would be in the local area and will travel to and from the centre by short car journeys.

Car parking is to be provided on site (off-street) in a dedicated car park at the front of the centre for eighteen (18) vehicles (including 1 accessible space).

- Car park entry is from Stuart Avenue and entry and exit is to be in a forward direction to and from Stuart Avenue.

Families will be made aware that pick-up and drop off is internal to the premises. The spaces will be time limited to ten (10) minutes during the peak periods.

11. Meals and Food

Food will be handled, prepared and cooked on the premises by certified staff (cook) in the centre's kitchen. The cook will be required to work approximately 3-4 hours per day.

12. Deliveries

Deliveries would be necessary from time to time as the child care centre will be purchasing items such as food, equipment, stationery, sanitary items and cleaning products. Delivery vehicles will use the car park or public parking in Stuart Avenue.

OPERATIONAL PLAN OF MANAGEMENT

13. Routine / Program

The indoor/outdoor program and routine is structured depending on the children needs and developmental stages. A sample daily routine is tabled below which may be varied.

7:00-8:00am	Free play
8:00-8:30	Song / story time
8:30-9:00	Free Play outside - weather permitting
9:00-9:30	Morning Tea
9:30- 10:15	Fitness / Sports / Free play – outside: weather permitting
10:15-10:30	Group Learning Time
10:30-11:30	Activities/Indoor experiences/programming
11:30-11:40	Tidy up time
11:40-12:30	Lunch
12:30-2:30	Rest time/quiet activities
2:30- 3:00	Dance/movement
3:00-3:15	Afternoon Tea
3:15-3:30	Show and tell/group singing time
3.30-4:30	Free play outside – weather permitting
4:30-5:00	Song/story time
5:00-5:15	Late snack
5:15-5:25	Tidy up time
5:25-6:30	Free play

Please note: Times may vary according to the time of year, weather, daylight savings and season. Our Programs have been designed to ensure children's 'wellbeing and belonging' are the principal factors for organizing experiences each day.

OPERATIONAL PLAN OF MANAGEMENT

14. Regulations

- The following government regulations will be complied with:

Education and Care Services National Regulation 2012	State and Federal Government
National Quality Framework	ACECQA
Ratios: 2-3yrs 1:5, 3-6yrs 1:10	Department of Education & Communities

15. Noise Management

Management and staff will take reasonable measures to ensure that any adverse impacts do not affect the surrounding neighbourhood. In particular:-

- All staff will be trained (and children educated) to ensure that people enter and leave the premises in a quiet and reasonable way.
- Staff will ensure that people respect surrounding properties and park safely and legally.

Management and staff will aim to ensure that noise levels are minimised from the child care centre into neighbouring or nearby properties, in accordance with the Noise Management Plan prepared by Day Design Pty Ltd, dated 13 September 2019, as detailed below:-

- Ensuring all staff and parents are provided with a copy of the Centre's noise management plan and its implications for them during their time at the Centre.
- In the event of noise complaints, a sign shall be placed in a conspicuous location on or near the front entry door containing the contact details of the operator including an after-hours emergency contact telephone number.
- Ensuring a sufficient number of educators are provided to supervise children's outside play to discourage unnecessarily loud activities.
- Facilitating children's small group play when outside, and encouraging educators to engage in children's play and facilitate friendships between children.
- Crying children should be comforted as soon as possible and moved indoors.

16. Traffic Management

To address any complaints in relation to traffic and parking issues, a sign shall be placed in a conspicuous location on or near the front entry door containing the contact details of the operator including an after-hours emergency contact telephone number.

OPERATIONAL PLAN OF MANAGEMENT

Management and staff will manage the peak dropping off and picking up periods in order to minimise traffic impacts. Such measures may include:-

- Encouraging parents to walk or ride with the children in lieu of using a car.
- Ensuring a maximum parking period of 10 minutes during the drop off and pick up period.

17. Waste Management

The centre's waste and recycling will be removed on a regular basis by the centre's private waste contractor. Bins will be stored in a dedicated bin room adjacent to the kitchen on the ground floor in accordance with the approved plans.

Centre waste includes: food, sanitary items, cleaning consumables and paper/cardboard waste. Landfill, co-mingled, paper/cardboard streams are divided and collected separately – recycling.

Furthermore, the centre will educate children on environmental issues; it is a core objective to recycle waste as best as possible.

18. Centre Cleanliness and Maintenance

The centre is to be kept clean by both staff and external professional cleaners and gardeners.

The centre's manager/director will be a designated Occupational Health and Safety officer who will maintain a schedule of required maintenance which is routinely undertaken by handymen, builders and other tradesmen as required.

19. Administration

All administrative functions required to meet government regulations will be performed by the manager/director. Furthermore, the centre will be a member of several government and non-government childcare bodies such as 'Australian Childcare Alliance (ACA) NSW', which assists and advises on all aspects of childcare operations.

This ensures that centre can have access to highly skilled specialists to ensure that the centre operates at maximum professionalism and efficiency.

20. Fire Safety and Emergency

The centre will carry certified fire equipment corresponding with the Building Code of Australia, while having a designated staff member act as a 'Fire Warden' in the event of an emergency.

All fire safety equipment will be maintained as required by the Australian Standards and New South Wales law.

The centre will have an Emergency Evacuation Plan and will display an Emergency Evacuation Diagram throughout the centre.

OPERATIONAL PLAN OF MANAGEMENT

21. Security

Security is paramount with limited access provided to all classrooms. The front entrance door will have a security keypad entry system where families access via a personalised key code or buzz-in for visitors.

Furthermore, CCTV cameras will be located throughout the centre (indoor and outdoor) for further security for the safety of children, staff and families.

Each staff member will undergo a *Working With Children Check* before employment and access to children through the NSW Government's Commission for Children and Young People.

22. Insurances

In order to be a licensed childcare operator the centre will have the following insurances:-

- a. Public Liability (\$20 Million cover)
- b. Workers Compensation Insurance
- c. Childcare Insurance (covers all aspects of childcare centre operations).

23. Centre Policies and Procedures

The centre's operations will be documented in a *Policies and Procedures* document.

Further, the centre will have and distribute a *Staff Handbook and Parent Handbook*.

All staff must read the Policies and Procedures and confirm that they have done so.

The Policies and Procedures are to be discussed at staff meetings and shall be continually updated and redistributed as they are amended to retain relevance and compliance with the law.

24. Complaints Procedure.

Surrounding properties will be provided with a contact number for registering any concerns regarding the operation of the child care centre.

A complaints procedure will be developed by the operator, which will detail the procedure for the registration of complaints and how complaints will be dealt with and monitored in the future. This information will be available to Council upon request.

Endorsed by Operator/Date

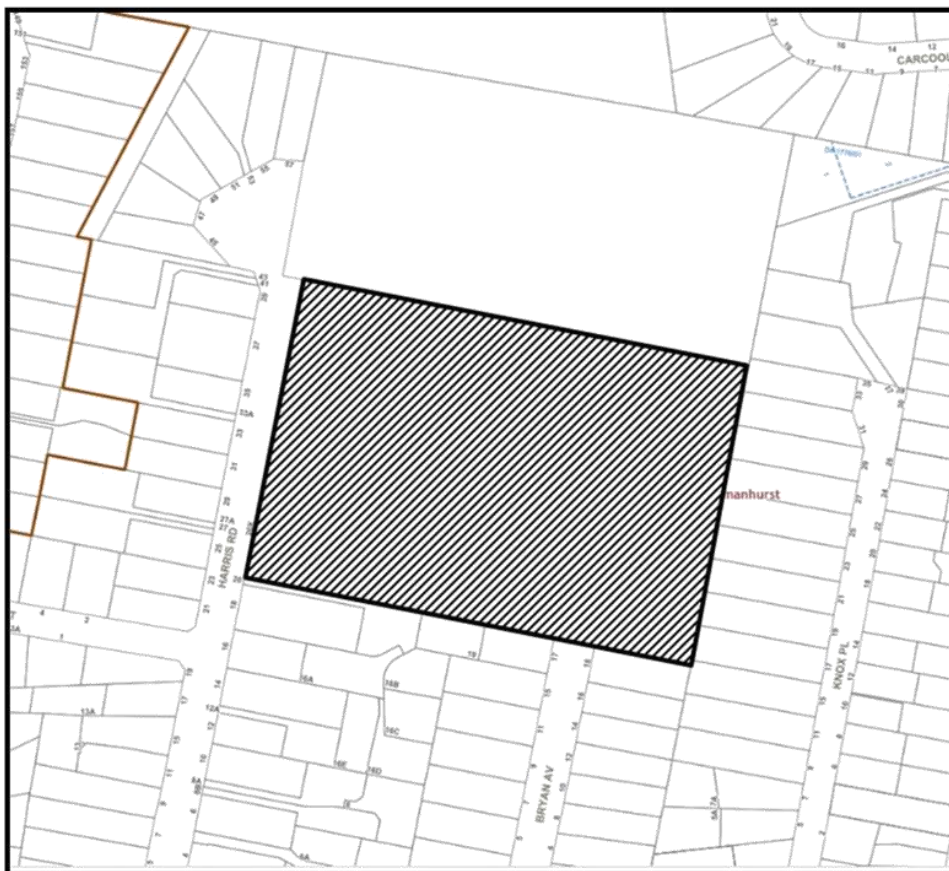
ATTACHMENT/S

REPORT NO. LPP11/20

ITEM 2

- 1. LOCALITY MAP**
- 2. CONSULTANT'S REPORT**
- 3. ARCHITECTURAL PLANS**
- 4. STATEMENT OF ENVIRONMENTAL EFFECTS**
- 5. BUSHFIRE REPORT**

ATTACHMENT 1 - ITEM 2



LOCALITY PLAN

DA/999/2019

20X Harris Street, Normanhurst

CONSULTANT ASSESSMENT REPORT

DA No:	DA/999/2019 (Lodged on 31 October 2019)
Description:	Telecommunications Facility
Property:	Lot 19 DP 3468, No. 20X Harris Road, Normanhurst (Normanhurst Park)
Applicant:	CPS Global
Owner:	Hornsby Shire Council
Estimated Value:	\$250,000

- The application involves the demolition of an existing flood light pole and the construction of a 30-metre free standing steel monopole telecommunications facility, installation of three (3) Optus and three (3) Vodafone panel antennas, oval flood lighting fixtures at height of 22 metres, ground level fencing and ancillary telecommunication equipment.
 - The development was originally proposed on the western side of Normanhurst Oval, adjacent to the existing two storey amenities building on Harris Street. Following the conclusion of the public notification period, Council met with the applicant to discuss the relocation of the tower to the eastern side of the playing field. This report assesses the amended proposal that involves the location of the facility on the eastern side of Normanhurst Park.
 - The site is owned by Council. In accordance with Council's adopted Policy '*Proposed Council Developments*' an independent assessment of the development application has been undertaken by Peter Fryar – Key Urban Planning.
 - The proposal generally complies with the *Hornsby Local Environmental Plan 2013*, *State Environmental Planning Policy (Infrastructure) 2007*, *Telecommunications Act 1997*, NSW Telecommunications Facilities Guideline 2010 and the Hornsby Development Control Plan 2013.
 - A total of thirty-one (31) submissions have been received in respect of the application. Twenty-four (24) submissions have raised objection and seven (7) submissions have supported the development application.
 - The application is required to be determined by the Hornsby Council Local Planning Panel as the site is owned by Council. Furthermore, more than 10 unique submissions objecting to the proposal have been lodged.
 - It is recommended that the application be approved.
-

SITE

The site for the proposed telecommunications facility is located within the north-eastern portion of Normanhurst Park at Normanhurst. The proposed monopole that forms part of the proposal will replace an existing flood light tower at the edge of the main oval.

The site is accessed by vehicle from Harris Road and comprises Normanhurst Oval, netball courts, a playground, and amenities building.

The site contains an area of mature bushland to the east and north immediately adjoining the proposed location of the telecommunications facility. To the west and south of Normanhurst Park exists generally low-density residential areas.

The majority of the site is identified as bushfire prone land.

The site does not contain a heritage listed item and is not located within a heritage conservation area. Heritage Listed Item No. 597 Harris Road Street Trees, is located adjacent to the western boundary of the site.

PROPOSAL

The proposed development comprises the following:

- Replacing the existing flood light pole with a new 30 metre steel monopole;
- Reinstating the flood light on the new monopole at the height of 22 metres;
- Installation of three (3) Optus and three (3) Vodafone panel antennas on a triangular headframe mounted atop of the monopole;
- Installation of ancillary equipment including non-EME emitting Remote Radio Units (RRUs) mounted on the headframe;
- Installation of 5-bay outdoor equipment unit in standard colour "pale eucalypt";
- Ancillary equipment associated with the operation of the facility, including but not limited to, extension of the access track from Bryan Avenue, minor modifications to existing Oval fencing, equipment housing, cable trays, cable ladders, cabling, earthing, electrical works, and air conditioning equipment.

ASSESSMENT

The development application has been assessed having regard to the *Greater Sydney Region Plan - A Metropolis of Three Cities*, the *North District Plan* and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

The *Greater Sydney Region Plan - A Metropolis of Three Cities* has been prepared by the NSW State Government to guide land use planning decisions for the next 40 years (to 2056). The Plan sets a strategy and actions for accommodating Sydney's future population growth and identifies dwelling

targets to ensure supply meets demand. The Plan also identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District. The Greater Sydney Commission has released the North District Plan which includes priorities and actions for Northern District for the next 20 years. The identified challenge for Hornsby Shire will be to provide an additional 4,350 dwellings by 2021 with further strategic supply targets to be identified to deliver 97,000 additional dwellings in the North District by 2036.

The Greater Sydney Commission has released the North District Plan which includes priorities and actions for Northern District for the next 20 years.

Planning priority N1 of the North District Plan is to provide infrastructure that supports forecast population growth. In this regard the proposed telecommunications facility accords with Planning Priority N1.

2. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider “any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations”.

2.1 Hornsby Local Environmental Plan 2013

The *Hornsby Local Environmental Plan 2013 (HLEP)* applies to all land within Hornsby Shire. An assessment of the development against the relevant sections of the *HLEP* is provided below.

2.1.1 Zoning of Land and Permissibility

The subject land is zoned RE1 Public Recreation under the *HLEP*. The objectives of the zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and maintain areas of bushland that have ecological value.

The proposed development is defined as a “telecommunication facility” and is a prohibited land use under the *HLEP* within the RE1 Public Recreation zone. Notwithstanding, the proposal is permitted pursuant to Clause 115(1) of *State Environmental Planning Policy (Infrastructure) 2007* which states:

“development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land”.

The provisions of *State Environmental Planning Policy (Infrastructure) 2007* prevail to the extent of any inconsistency with the *HLEP*.

2.1.2 Height of Buildings

Clause 4.3 of the *HLEP* states that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. There is no maximum building height control for the subject site as it is zoned RE1 Recreation.

The 'Dictionary' contained within the *HLEP* defines 'building height' as follows:

"building height (or height of building) means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

*including plant and lift overruns, **but excluding communication devices**, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."*

Note: Bold and underlining by author.

The proposed 30m tower (30.2m with antennas) is considered a communication device and is excluded from the maximum building height control under the *HLEP*.

The proposed equipment shelter would be approximately 2m in height with the enclosing fencing being reliant on the use of an existing fence and part construction of a new low height chain wire fence.

2.1.3 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire. The site does not include a heritage item and is not located in a heritage conservation area. Accordingly, no further assessment regarding heritage is necessary.

Pursuant to the provisions of clause 5.10(5) of the *HLEP* the site is located within the vicinity of a heritage item No.597, of local significance, which is identified as Roadside trees (east side) Harris Road Normanhurst. The inventory sheet for item No. 597, contained within Council's heritage register, describes the heritage item as "Scattered remnant stands of native trees occur between the southern end of Harris Road (near the junction with Milson Parade) and the cul-de-sac adjacent to Normanhurst Park (northern end)".

The applicable objective of Clause 5.10(4) of the *HLEP* is "to conserve the environmental heritage of Hornsby", and "to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views".

The telecommunications facility would be located approximately 120 metres to the east of the heritage item, separated by Normanhurst Oval and associated facilities. The sporting oval and associated facilities, combined with the significant distance between the heritage item and the proposed development site, would visually and spatially separate the proposed development from the heritage item, and it is considered that the proposal would have negligible impact on the heritage significance of the trees identified within the Harris Road (road reserve), settings or views.

2.1.4 Earthworks

Clause 6.2 of the *HLEP* states that consent is required for any proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining

properties, drainage patterns and soil stability of the locality. Minimal earthworks are proposed as part of the development proposal and no concerns are raised with respect to Clause 6.2.

2.1.5 Flood Planning

The site is not identified as a flood planning area on the Flood Planning Map and further assessment under Clause 6.3 of the *HLEP* is not required.

2.1.6 Terrestrial Biodiversity

The site is not within an area mapped in the *HLEP* as containing terrestrial biodiversity.

2.2 Development on Bushfire Prone Land

Section 4.14 'Consultation and development consent certain bush fire prone land' of the *Environmental Planning and Assessment Act 1979* states that development consent cannot be granted for any purpose on bushfire prone land unless the consent authority is satisfied that the development conforms to the specifications and requirements of the version the document entitled *Planning for Bush Fire Protection* prepared by the *NSW Rural Fire Service* in co-operation with the Department. The applicant submitted a Bushfire Risk Assessment report, prepared by Blackash Bushfire Consulting, dated 6 March 2020, which assessed Section 4.3.6.f of *Planning for Bush Fire Protection 2006* (PBP) and the *Building Code of Australia* (BCA). The report noted that these documents do not provide for any bushfire specific performance requirements for construction of a telecommunications tower.

It is therefore considered that the provisions of Section 4.14 of the *Environmental Planning and Assessment Act 1979*, do not apply to the development. Notwithstanding, an assessment of the bushfire risk applicable to the proposal is contained within Part 2.9.6 of this report, in accordance with the precautionary approach outlined in the *NSW Rural Fire Service's Practice Note 1/11 "Telecommunication Towers in Bush Fire Prone Areas"*.

2.3 Telecommunication Act 1997

Under Division 1 of Part 1 of Schedule 3 of the *Telecommunications Act 1997* a carrier has the right to install a telecommunications facility for purposes connected with the supply of a carriage service if:

- “(i) The carrier is authorised to do so by a facility installation permit
- (ii) The facility is a low impact facility
- (iii) The facility is a temporary facility for use by a defence organisation for defence purposes.
- (iv) The facility is installed before 1 July 2000 for the sole purpose of connecting a building, structure, caravan or mobile home to a line that forms part of a telecommunications network that was in existence on 30 June 1997.”

Under Division 1 of Part 1 of Schedule 3 of the *Telecommunications Act 1997* the proposal does not qualify as a 'low impact facility' installation. Therefore, the development is not exempt and requires consent under the *Environmental Planning and Assessment Act 1997*.

2.4 State Environmental Planning Policy (Infrastructure) 2007

2.4.1 Telecommunications Facilities

SEPP Infrastructure contains provisions that allow telecommunications carriers to install telecommunication facilities as either exempt or complying development subject to a range of criteria including health and amenity considerations. Under Clause 116 and 116A, the proposed development is not exempt or complying development as the facility is not existing and the development is not carried out on land in Zone IN1, IN2, IN3, RU1, RU2, RU3 or RU4 or an equivalent land use zone.

Notwithstanding, the proposal is permitted with development consent pursuant to Clause 115(1) of *SEPP Infrastructure* which states:

“development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land”.

Under Clause 115(3), when determining a proposal for a telecommunications facility, Council *“must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette”*. Consequently, the telecommunication facility is required to be assessed against the *‘NSW Telecommunications Facilities Guideline including Broadband – July 2010’*. An assessment is provided below.

2.4.1.1 NSW TELECOMMUNICATIONS FACILITIES GUIDELINE (INCLUDING BROADBAND) 2010

Principle 1: *A telecommunications facility is to be designed and sited to minimise visual impact.*

Comment: The supplied Statement of Environmental Effects, (SEE) prepared by CPS Global states that the height of the tower has been selected to achieve the stated goal of improving mobile phone coverage within the locality. The 30 metre height of the tower is considered to have minimal visual impact due to the location of the facility on the eastern side of the oval adjacent to an area of established bushland and remote from any nearby residential properties to the site. The tower could be painted however due to the sites remote location this is unlikely to have a net benefit by reducing visual impact. There is a lack of any unifying colour scheme present at the site that would require painting.

In accordance with the Land and Environment Court judgement *Telstra Corporation Limited v Clarence Valley Council [2012] NSWLEC 1125*, the fact that the facility would be visible from some adjoining areas is not sufficient grounds to refuse consent. The facility would not obstruct any high-quality views to water, significant landmarks or significant scenic areas.

Principle 2: *Telecommunications facilities should be co-located wherever practical.*

Comment: The submitted Statement of Environmental Effects (SEE) states the following with respect to potential co-location;

- *There are no existing facilities within the required search ring that are practical for co-location. Nonetheless, the facility will support infrastructure for two Carriers and would be considered a co-location once operational.*

- *The proposed facility will accommodate Optus and VHA facility. Once constructed it will be a co-located facility and will not require an extension.*

A total of four (4) candidate sites were considered as part of determining a location for the facility. The subject site was considered to be the preferred location as alternative sites were not able to achieve the desired coverage target area that can be obtained from the subject site. In fact, a higher monopole (40 metres) was considered in the installation at two of the alternative sites and still could not achieve the desired coverage due to topographical constraints.

The supplied SEE outlines that co-location of the tower is not a possibility in this instance and the chosen site is suitable for achieving the desired network service coverage. As the primary purpose of this tower is to service areas within Normanhurst, Thornleigh and Hornsby that currently receive poor network coverage, it is considered that the proposed site is acceptable and co-location is not considered to be feasible for this development in the circumstances of the case.

Principle 3: *Health standards for exposure to radio emissions must be met.*

Comment: In 2002, Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) published the standard: *Radiation Protection Standard - Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz*. The ARPANSA RF Standard sets limits for human exposure to Radiofrequency Electromagnetic Radiation (RF EMR) in the frequency range 3 kHz to 300 GHz. The Standard also includes requirements for protection of the general public and the management of risk in occupational exposure, together with additional information on measurement and assessment of compliance. This Standard was most recently reviewed in 2014 by an independent panel who found that the exposure limits in the RF Standard continue to provide a high degree of protection against known health effects of RF electromagnetic fields.

The proposal was accompanied by an "Environmental EME Report" which provides a summary of levels of radiofrequency electromagnetic energy around the wireless base station. These levels have been calculated by Radhaz Consulting on behalf of the proponents using methodology developed by ARPANSA.

The SEE further details that the predictions in the Environmental EME Report assume a worst-case scenario including:

- *Base station transmitters are operating at maximum power (no automatic power reduction).*
- *Simultaneous telephone calls on all channels.*
- *An unobstructed line of sight view to the antennas.*

The SEE states that:

"The report shows that the maximum predicted EME levels will equate to 2.39% of the maximum exposure limit, which is significantly below the allowable exposure limit under the Australian Standard (100% – which is still considered to be safe).

This measurement is based on the maximum worst case scenario, considering direct exposure at full operational capacity of the facility which is generally not a true representation of a real-life scenario. The signal from the facility is usually affected by

various factors including service demand, the existing network support of surrounding base stations, distance, topography, physical and natural barriers (e.g. hills, trees, buildings et cetera). Other variations include antenna specifications and azimuth, power input to name a few.

Refer to Figure 4 below for EME predictions at various distances within 500m from the facility and 1.5m from ground level. The table illustrates the maximum predicted level from the proposed facility will be 2.39% at 178 metres from the subject site.

Furthermore, wherever possible the Carriers seek to locate their facilities away from community sensitive locations (e.g. schools, childcare centres, hospitals). In some instances however, this is unavoidable especially in densely populated and well-developed areas.

The predicted EME levels shown in the Environmental EME Report are based on the distance, angle, and height range relative to the specific ground level at the area of interest. The prediction shows the worst-case scenario, not including possible signal attenuation due to physical or natural obstacles such as buildings or trees. The predicted EME levels are considerably low and will within the allowable ARPANSA Standard."

The proposed telecommunications tower would therefore be compliant with the Maximum Exposure Levels to Radiofrequency Fields developed by ARPANSA.

Principle 4: *Minimise disturbance and risk and maximise compliance.*

Comment: The proposal has been designed to minimise disturbance of the locality and is sited in a location that is easily accessible for construction and maintenance within Normanhurst Park. Conditions are recommended to control construction activities and minimise disturbance of the locality.

It is considered that the applicant has had regard to the above principles and the development is consistent with the matters outlined within the guidelines.

2.5 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) commenced 25 August 2017 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 3 of the *Vegetation SEPP* states that a development control plan may make a declaration in any manner relating to species, size, location and presence of vegetation. Accordingly, Part 1B.6.1 of the Hornsby Development Control Plan 2013 (HDCP) prescribes works that can be undertaken with or without consent to trees.

No trees would be removed as part of the development and accordingly no further assessment under the *Vegetation SEPP* is required.

2.6 Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River

The site is located within the catchment of the Hawkesbury Nepean River. Part 2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would comply with the requirements of the Policy.

2.7 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 (SEPP 55) requires that consent must not be granted to the carrying out of any development on land unless Council has considered whether the land is contaminated or requires remediation for the proposed use.

The section 10.7 Planning Certificate for the site indicates that the site may have had a potentially contaminating activity occurring in the past. The proposed tower design does not require significant soil disturbance or excavation and accordingly, it is not likely that the development would disturb any potential contamination. Further assessment under *SEPP 55* is not required for the proposed use as a telecommunications facility.

2.8 Section 3.42 Environmental Planning and Assessment Act, 1979 - Purpose and Status of Development Control Plans

Section 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

2.9 Hornsby Development Control Plan 2013

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the *Hornsby Development Control Plan 2013 (HDCP)*. The proposed development generally complies with the prescriptive measures within the HDCP. A discussion on compliance with relevant requirements of Part 1 General, Part 7 Community is provided below.

2.9.1 Telecommunications

Part 7.3 of the *HDCP* relates to telecommunications and promotes the co-location of facilities in order to limit visual impact and the careful selection of sites in order to minimise the impact of electromagnetic radiation on sensitive land uses.

An assessment regarding the prescriptive measures of Part 7.3 of the *HDCP* is provided below:

HDCP Control	Comment
7.3.1(a) The facility should be consistent with the Australian Communications Industry Forum (ACIF) Code, including consideration of alternative locations and	The submitted documentation confirms that the facility is designed as per the industry code. The application satisfactorily addresses

infrastructure to minimise electromagnetic radiation.	alternative locations and demonstrates compliance with RF EME exposure limits.
<p>7.3.1(b)</p> <p>Telecommunications facilities should be located:</p> <ul style="list-style-type: none"> on business and industrial sites, or on existing infrastructure sites, and to avoid locations within or at the termination of a significant vista or focal point of a streetscape, and to avoid heritage conservation areas or items. 	<p>As per Part 2.4.1.1 of this report, alternative locations have been considered however due to the specific brief of the project, no suitable alternative were available.</p> <p>As outlined in Part 2.1.3 of this report, the site does not include a heritage item and is not located in a heritage conservation area.</p>
<p>7.3.1(c)</p> <p>Where practical, antennae and similar structures should be co-located or attached to existing structures, such as buildings, public utility structures, poles, towers or other telecommunication facilities to minimise visual impact.</p>	As per Part 2.4.1.1 of this report, alternative locations have been considered however due to the specific brief of the project, no suitable alternatives were available.
<p>7.3.1(d)</p> <p>If a facility is proposed not to be co-located, the proponent should demonstrate that co-location is not practical or desirable considering the ACIF Code exclusions.</p>	As per Part 2.4.1.1 of this report, alternative locations have been considered however due to the specific brief of the project, no suitable alternatives were available.
<p>7.3.2(a)</p> <p>Telecommunications facilities should be designed in accordance with industry best practice.</p>	The submitted documentation states that the facility will be designed and installed in accordance with industry best practice.
<p>7.3.2(b)</p> <p>Telecommunications facilities should be integrated with the design, appearance and scale of the building or structure on which it is located with regards to colour, texture, material and built form.</p>	The proposed tower would have a metallic finish. No prevailing design exists in the immediate locality that would warrant the design of the tower to be amended.
<p>7.3.2(c)</p> <p>Ground level ancillary structures (such as equipment huts) should be screened with native landscaping.</p>	Existing vegetation partially screens the ground level cabinetry. Due to the location of the tower within an active recreation area and adjacent bushland, further landscaping is not considered appropriate.

2.9.2 Access

Access to the site for construction and ongoing maintenance is available via an existing access track used by Council for maintenance of the recreation area. However, Councils Landscape Architect has

recommended an upgrade to the access track to ensure future maintenance vehicles associated with the facility do not cause damage to the recreation facilities contained within the park.

It is considered that access to the site is satisfactory, with future site access to be controlled by Hornsby Shire Council as required. An appropriate condition is recommended under Schedule 1 of the report below.

2.9.3 Traffic and Parking

The proposed facility would not generate traffic volumes above the capacity of the local road network and would have little impact on the level of service of the local roads.

2.9.4 Waste Management

The proposed facility would not generate ongoing waste and therefore would not require regular waste collection.

2.9.5 Heritage

As per Part 2.1.3 of this report, the site is located within the vicinity of a heritage item No. 597 and it is considered that the proposal would have negligible impact on the heritage significance of the trees identified within the Harris Road (road reserve), settings or views.

2.9.6 Bushfire

The majority of the development site is located on bushfire prone land. Council's bushfire prone land mapping identifies that the proposed telecommunication tower site would be located within the 100 metre buffer from category 1 vegetation.

The applicant submitted a Bushfire Protection Assessment report, prepared by Backlash Bushfire Consulting to support the development application. In assessing the applicable Bushfire Level, and determining the appropriate bushfire protection requirements, the Bushfire Protection Assessment report assessed Section 4.3.6.f of *Planning for Bush Fire Protection 2006* (PBP) and the *Building Code of Australia* (BCA). It is noted that these documents do not provide for any bushfire specific performance requirements for construction of a telecommunications tower. The asset protection zone and building construction requirements specified within PBP and AS 3959-2009 *Construction of buildings in bushfire-prone areas* do not apply as Deemed-to-Satisfy provisions for bushfire protection for this development.

The report concludes that:

"The proposed development is on designated bushfire prone land and the legislative requirements for development in bushfire prone areas are applicable. The proposed development will be constructed to the minimum standards required in accordance with the guidelines of Planning for Bushfire Protection 2006.

The Building Code of Australia does not provide for any bushfire specific performance requirements for the proposed development and as such AS3959-2009 does not apply as a deemed to satisfy provision. PBP accepts the general fire safety construction provisions of the BCA are taken as acceptable solutions. The community Resilience Practise Note 1/11 from the RFS provides direction on the application of bushfire protection measures for these towers and the RFS advises a construction standard of BAL 40 for the associated infrastructure.

This report has considered all elements of bushfire attack and provided the proposed development is constructed in accordance with the recommendations included in section 9 of this report, it is my considered opinion that the development satisfies the Aims and Objectives of Planning for Bushfire Protection 2006.

This Report is a Bush Fire Hazard Assessment that provides the required information to assist Council in determining compliance in accordance with the aims and objectives of Planning for Bushfire Protection 2006."

Practice Note 1/11 states that a 'precautionary approach' should be taken with respect to telecommunication towers in Bush Fire Prone Areas as the NSW RFS considers that telecommunications towers are critical infrastructure for firefighting communications and for providing warnings, information and communication channels for people in bush fire prone areas during bush fire emergencies.

With respect to the proposed telecommunication tower, it is noted that due to its specific intended use of improving reception outcomes for residents in the locality, the proposed tower would offer limited assistance in a bushfire emergency to the Normanhurst community. Other existing telecommunications sites that currently provide coverage to the Normanhurst region would be more critical in conveying emergency messages.

The supplied Bushfire Protection Assessment Report recommends:

1. **Construction Standard:** *The proposed development shall be constructed to a minimum standard of Section 3 (construction general) and Section 8 (BAL 40) of AS3959-2009 'Construction of Buildings in Bushfire Prone Areas' and Section A3.7 of the NSW Rural Fire Service Addendum to Appendix 3 of 'Planning for Bushfire Protection 2006'.*
2. **Asset Protection Zones:** *At the commencement of building works and in perpetuity, the area within the equipment cabin should be managed as an asset protection zone.*

The NSW RFS have considered the proposal and have raised no objection. The RFS recommend that a 10 metre inner protection area be maintained around the facility. Appropriate conditions of consent in accordance with the requirements of the Bushfire Protection Assessment report and NSW RFS are recommended in Schedule 1 of this report.

Note: During the assessment of this application, *Planning for Bushfire Protection 2019* was adopted. The newer version of PBP contains a section on telecommunication towers, which is located at Part 8.3.7 of the document. Part 8.3.7 of PBP 2019 states the following;

"In order to determine the level of bush fire risk and to develop a suitable suite of protection measures, the NSW RFS should be consulted.

There should be a minimum APZ around the tower/ buildings/associated infrastructure which will increase based on the assessed level of risk and criticality.

Telecommunication towers should be constructed from non-combustible materials, and designed to mitigate the risk of flame damage, ember attack and radiant heat."

The proposed development is considered to be consistent with the updated version of PBP 2019 and the assessment pathway detailed within Part 8.3.7 of the PBP has been followed in the assessment of this application.

2.10 Section 7.12 Contributions Plans

Hornsby Shire Council Section 7.12 Development Contributions Plan 2019-2029 applies to the development as the estimated costs of works is greater than \$100,000. Should the application be approved, an appropriate condition of consent is recommended requiring the payment of a contribution in accordance with the Plan.

3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

3.1 Natural Environment

3.1.1 Tree and Vegetation Preservation

Vegetation removal is not required.

The development would have a negligible impact on the surrounding natural environment.

3.2 Built Environment

3.2.1 Built Form

The location, design and visual impact of the proposal are discussed in the report above under Part 2.4.1.1. The location, design and visual impact of the proposed structure and ancillary buildings are considered acceptable in the context of the site.

3.3 Social Impacts

The proposed telecommunication facility would have a positive social impact in that it would significantly increase the level of telecommunications service to the local community and rail commuters.

3.4 Economic Impacts

There would be negligible economic impacts resulting from the proposed development.

4. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider *the suitability of the site for the development*.

It is considered that the site is both suitable and capable of accommodating the proposed development. The telecommunications facility would not result in tree loss, diminished landscaping or significant earthworks. Whilst the facility would be partially visible from nearby residential developments, it is considered that the proposal would not cause a significant adverse impact to the amenity of residents in the immediate area by loss of significant views.

5. PUBLIC PARTICIPATION

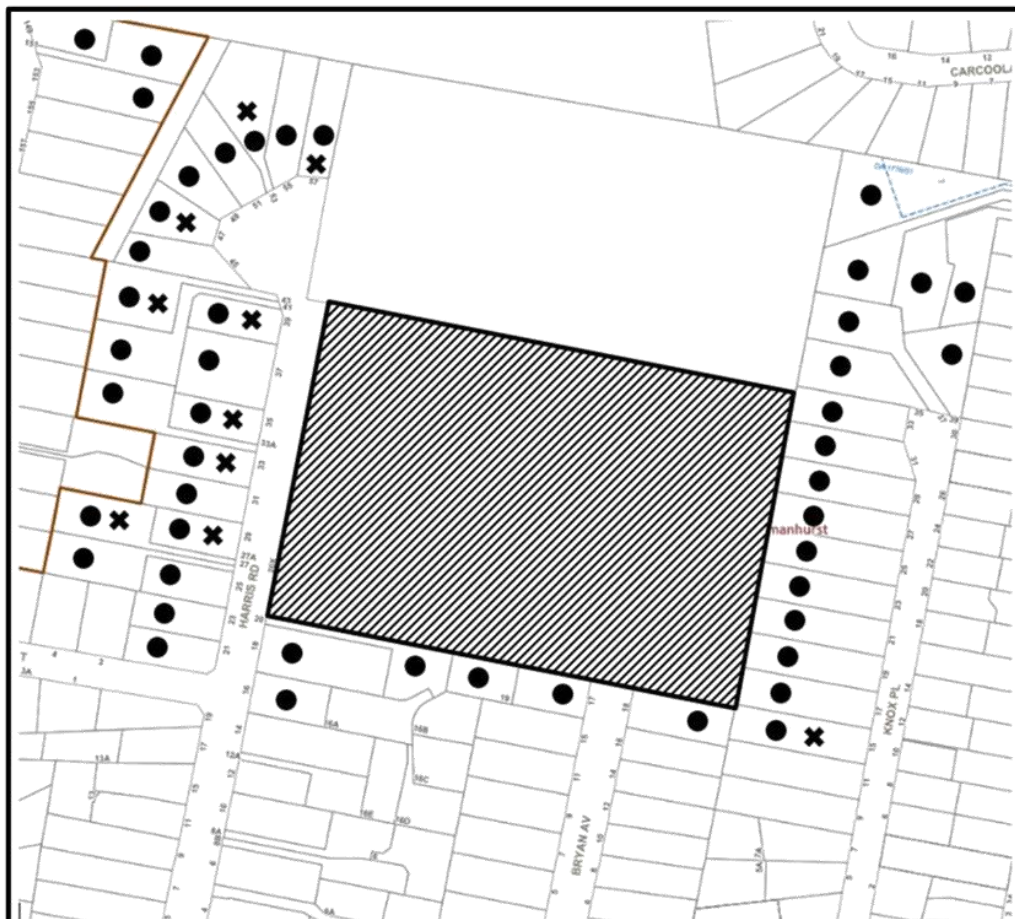
Section 4.15(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.

5.1 Community Consultation



The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 22 November 2019 until 6 December 2019 in accordance with the Notification and Exhibition requirements of the HDCP. The applicant submitted further information that included the

relocation of the proposed facility within Normanhurst Park following negotiations with Council and consideration of concerns raised in submissions. Council re-exhibited the development application from 12 March 2020 to 27 March 2020 to allow for further community comment on the revised tower location.

The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED		PROPERTY SUBJECT OF DEVELOPMENT	
<p><i>Note: Numerous submissions were received either out of map range, or the submitters chose not to disclose their address. Multiple submissions were received from some properties, in response to the two notification periods</i></p>				

A total of 24 submission were received objecting to the development. Submissions raised concerns on the grounds of:

- Precautionary principle in determining site location and alternative sites
- Health Impacts including future use of 5G technology

-
- Aesthetics
 - Inadequate documentation including Statement of Environmental Effects
 - Property Devaluation
 - Safety for children
 - Noise and light pollution
 - Access including vehicle and emergency
 - Impacts on expansion of the club house
 - Permissibility under the Hornsby LEP 2013
 - Probity in development application assessment

A total of 7 submission were received in support of the development. Submissions raised support on the grounds of:

- Existing problems with mobile phone coverage being experienced in the locality and hopeful that proposed facility will address current problems

The merits of the matters raised in community submissions have been addressed in the body of the report with health impacts and aesthetic considerations discussed in Part 2.4.3. Concerns not addressed in the body of the report are addressed below.

5.1.1 Precautionary Principle in Determining Site Location and Alternative Sites

A number of objections to the proposal raise concerns in relation to the suitability of the site and whether alternative sites considered and identified in the Statement of Environmental Effects should be utilised for the proposed facility. In particular, several submissions mention the 'precautionary principle' in determining the suitability of the site.

While terms such as "ecologically sustainable development" and "the precautionary principle" are frequently used in planning law, in a decision of the NSW Land and Environment Court, *Telstra Corporation Limited v Hornsby Shire Council* [2006] NSWLEC 133, the Chief Judge, Justice Preston, gave a detailed consideration of the principles of ecologically sustainable development ("ESD") and, in particular, the precautionary principle. The author of this report (Peter Fryar) was involved in these proceedings on behalf of Council and shares intimate knowledge of the facts of the case.

The Court heard and accepted expert evidence on behalf of Telstra and the Court-appointed expert that the radiofrequency EME from the proposed base station "*would not conceivably cause any adverse biological health effect.*"

The Council primarily relied on non-expert evidence from people objecting to the proposal. In addition to objections such as impacts on visual amenity, the objectors asserted that radiofrequency EME presented a threat of harm to residents and irrespective of proposed facility's compliance with any applicable industry or Australian standards regarding EME emissions, the Court should apply the precautionary principle to abate that threat.

Justice Preston noted that while a number of decisions of the Court had established that the 'precautionary principle' is to be considered in determining a development application under the Act, there had been no detailed explanation of the precautionary principle or its application.

Justice Preston stated that the application of the precautionary principle and the need to take precautionary measures is triggered by the satisfaction of two conditions precedent:

- a threat of serious or irreversible environmental damage; and
- scientific uncertainty as to the nature and scope of the threat of environmental damage.

When both of these conditions have been satisfied, a precautionary measure should be taken but it must be proportionate to the level of the threat.

The precautionary principle permits the taking of preventative measures, without waiting to ascertain the reality and seriousness of environmental threats. However, Justice Preston expressed the view that the precautionary principle should not be used to try and avoid all risks, as "*some are plainly acceptable and others are plainly unacceptable*".

Justice Preston found that the first condition precedent for the application of the precautionary principle, that there be a threat of serious or irreversible environmental damage, was not satisfied as there was no evidence of such a threat. Consequently, there was no basis for the application of the precautionary principle in respect of Telstra's development application.

Justice Preston also concluded that the objectors' claims in relation to the alleged impact of RF EME on people and the environment were without reasonable evidentiary foundation. Therefore, little weight was to be given to the residents' perceptions. As a result, there was no probative evidence upon which the Court could make findings of adverse effects on the amenity of the locality or on the health and safety of persons in the locality or on the environment.

Having considered the matters articulated by Justice Preston in consideration of the development application and issues addressed above in this assessment report, the site is considered suitable for the proposed facility.

5.1.2 Health Impacts Including Future use for 5G Technology

This matter is discussed in detail under section 2.4.1.1 of this report. The proposed telecommunications tower would therefore be compliant with the Maximum Exposure Levels to Radiofrequency Fields developed by ARPANSA.

5.1.3 Aesthetics

A number of submissions raised concern to the adverse visual impact of the proposed facility on the site and surrounding locality. Telecommunication towers are a part of the modern urban landscape and the design and location of the monopole is not considered to be obtrusive in the context of the proposed site. The monopole is a slender structure that will replace an existing light pole, albeit of a greater height.

Aesthetics and visual impact must be considered in the context of a site and surrounding development. In the opinion of the author, the visual impacts of the proposed facility in the context of the site and

surrounding locality are considered acceptable. This can be a subjective opinion that can be formed differently by various individuals.

5.1.4 Inadequate Documentation Including Statement of Environmental Effects

Clause 50 of the *Environmental Planning and Assessment Regulation 2000* requires that a development application “*must contain the information, and be accompanied by the documents, specified in Part 1 of Schedule 1*”. The Council has formed the opinion as the consent authority that the information provided satisfies the requirements of the Regulation.

5.1.5 Property Devaluation

Submitters raised objections that the proposal would devalue residential development in the locality.

In addressing this concern, Section 4.15 of the *Environmental Planning and Assessment Act 1979* does not require Council to take into consideration the impact of development on the value of nearby properties.

5.1.6 Safety for Children

Submitters raised concerns regarding access to the facility for children using the park and safety concerns. This issue was raised with the proponent who advises as follows:

“In regards to fencing, no fencing is required as the monopole is a smooth surface with a ladder required to reach the foot pegs to the top. No fencing is required around the ground level cabinetry as the design of these units prevents access without the need for additional fencing.”

5.1.7 Access Including Vehicular and Emergency

Concerns were raised in regard to access to the Normanhurst Park and in particular, emergency access for medivac helicopter.

Vehicular access is proposed from an access road that enters the site from Bryan Avenue. Council's Landscape Architect has required that the access road be upgraded to a specified standard to the satisfaction of Council.

The monopole is proposed to be located at the perimeter of the oval and sufficient area is available for emergency medivac access if required.

5.1.8 Impacts on Club House Expansion

The location of the proposed facility was initially proposed on a site adjacent to the existing clubhouse. In response to a number of concerns raised by objectors to the likely impacts of the facility on any likely expansion of the club house and upon established trees, the facility has been relocated in the design to a cleared area on the park clear of trees and the clubhouse.

5.1.9 Noise and Light Spill

These matters can be dealt with by appropriate conditions of consent.

5.1.10 Permissibility under the Hornsby LEP 2013

The proposed development is defined as a “telecommunication facility” and is a prohibited land use under the HLEP within the RE1 Public Recreation zone. Notwithstanding, the proposal is permitted pursuant to Clause 115(1) of *State Environmental Planning Policy (Infrastructure) 2007* which states:

“development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land”.

The provisions of *State Environmental Planning Policy (Infrastructure) 2007* prevail to the extent of any inconsistency with the HLEP.

5.1.11 Probity in Development Application Assessment

The site is owned by Council. In accordance with Council's adopted Policy ‘*Proposed Council Developments*’ an independent assessment of the development application has been undertaken by Peter Fryar – Key Urban Planning.

5.2 Public Agencies

The development application was referred to the following Agencies for comment:

5.2.1 NSW Rural Fire Service

The NSW RFS have considered the proposal and have raised no objection. The RFS recommend that a 10 metre inner protection area be maintained around the facility. Appropriate conditions of consent in accordance with the requirements of the Bushfire Protection Assessment report and NSW RFS are recommended in Schedule 1 of this report.

6. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider “the public interest”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community by improving the mobile network coverage for local residents and commuters. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application involves the demolition of an existing flood light pole and the construction of a 30-metre free standing steel monopole, installation of three (3) Optus and three (3) Vodafone panel antennas, oval flood light on new pole, fencing and ancillary telecommunication equipment. The report deals with an amended proposal that involves the location of the facility on a different site within Normanhurst Park to that originally proposed in the application.

A total of 31 unique submissions have been received in respect of the application by way of objection. The matters raised have been addressed in the body of this report.

Having regard to the circumstances of the case, approval of the application is recommended. The reasons for this recommendation are:

- The proposal generally complies with the *Hornsby Local Environmental Plan 2013*, *State Environmental Planning Policy (Infrastructure 2007)*, *Telecommunications Act 1997*, *NSW Telecommunications Facilities Guideline 2010* and the *Hornsby Development Control Plan 2013*.
- The proposal would provide a positive impact on the local community and rail commuters by improving the mobile network coverage in the locality.
- The design, height and site location of the telecommunications tower is appropriate with respect to servicing the locality, lack of suitable colocation facilities in the locality and surrounding topography.

Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

RESPONSIBLE OFFICER

The consultant responsible for the preparation of this report is Peter Fryar – Key Urban Planning.

RECOMMENDATION

THAT Development Application No. DA/999/2019 for the installation of a telecommunications facility, provision for sports field lighting and ancillary equipment at Lot 19 DP 3468, No. 20X Harris Road, Normanhurst (Normanhurst Park) be approved subject to the conditions of consent detailed in Schedule 1 of this report.

SCHEDULE 1**GENERAL CONDITIONS**

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Reference
S8687-P1 Revision 6	Site Access and Site Layout	GPS Global	24/02/2020	D07875522
S8687-P2 Revision 5	Draft site elevation	GPS Global	24/02/2020	D07875522
S8687-P3 Revision 1	Sediment and erosion control plan	GPS Global	15/07/2019	D07875522
S8687-P4 Revision 1	Sediment and erosion control plan	GPS Global	15/07/2019	D07875522

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Bushfire Risk Assessment Report: S86687	Backlash Consulting	6/03/20	D07875525

2. Section 7.12 Development Contributions

- a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act, 1979* and the *Hornsby Shire Council Section 7.12 Development Contributions Plan –2019-2029*, \$2,500 must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of \$250,000.

- b) The value of this contribution is current as at 28 April 2020. If this contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\frac{\$C_{PY}}{CPI_{DC}} = \frac{\$C_{DC}}{CPI_{PY}}$$

Where:

\$C_{PY} is the amount of the contribution at the date of Payment

\$C_{DC} is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

- c) The monetary contributions must be paid to Council:
- (i) Prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) Prior to the issue of the first Construction Certificate where the development is for building work; or
 - (iii) Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or

Prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Note: It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's S94A Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

3. Construction Certificate

- a) A construction certificate must be approved by either Council or a Private Certifying Authority (PCA) prior to the commencement of any works on the site approved under this development consent.
- b) The plans submitted with the application for the construction certificate must not be inconsistent with the plans approved under this development consent.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Note: In addition to the conditions outlined in this section, further requirements are to be met to the satisfaction of Sydney Trains, which are outlined at the end of this document.

4. Sports Field Lighting

To ensure that the monopole contains adequate facilities to enable the affixation of Council's sport field lighting, provision must be granted for the following design elements prior to the issue of a construction certificate;

- a) The applicant must ensure that the monopole will facilitate Council supplied power cables through the inside of the pole so Council's sports field and lighting contractor can mount/install sports field lights, cross arm and cable at a height of 22m onto the Tower.
- b) Applicant is to remove and dispose of the existing steel light pole as part of the works.

5. Access Track

The access track must be designed in accordance with the following requirements:

- a) Minimum 3m wide,
- b) 25mpa concrete coloured 'Honeycomb'
- c) 200mm thick and with two layers of SL82 mesh.
- d) Fall away from the oval.
- e) Where adjacent to the netball court be widened to remove any open drain and be fully paved between the netball court fence and the oval fence.
- f) Where required the existing oval fence is to be relocated to ensure minimum access track width is provided.
- g) New fencing is to match the existing oval fencing

The design of the access track is to be submitted the Manager of Parks Trees & Recreation Hornsby Shire Council for written approval prior to the release of a construction certificate.

Note: Please contact Council via hsc@hornsby.nsw.gov.au "Attention Manager Parks, Trees and Recreation" to obtain written approval.

6. Sports Field Lighting

The telecommunications tower must be designed in accordance with the following requirements:

- a) The sports field lights are outside the EMF (Electro Magnetic Field) energy pattern of the telecommunications facility when installed at 22m on the pole.
- b) The facility does not require to be de-energised for Council to undertake maintenance works on the sports field lights and subsequent equipment.
- c) The Telecommunications Tower will facilitate Council supplied power cables and power through the inside of the pole to the sports field lights mounted on the pole at 22m.

- d) A certificate prepared by a suitably qualified person is to be provided to the Certifying Authority prior to the issue of a Construction Certificate confirming that the design of the telecommunications facility is in accordance with this condition of consent.

7. **Building Code of Australia**

All approved building work must be carried out in accordance with the relevant requirements of the Building Code of Australia.

8. **Design and Construction - Bushfire Attack Category**

- a) New construction must comply with the bushfire requirements outlined in the Bushfire Risk Assessment Report Ref: S867, prepared by Backlash Bushfire Consulting, dated 6 March 2020.
- b) A certificate prepared by a suitably qualified person is to be provided to the Certifying Authority prior to the issue of a Construction Certificate confirming that the design of the telecommunications facility is in accordance with this condition of consent.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

9. **Park Access Licence**

A separate application must be submitted to the Manager of Parks Trees & Recreation Hornsby Shire Council for a licence to access the park prior to commencement of any work. The application must be approved prior to any work commencing on site.

Note: Please contact Council via hsc@hornsby.nsw.gov.au "Attention Manager Parks, Trees and Recreation" to obtain a copy of the application form.

10. **Erection of Construction Sign**

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
 - i) Showing the name, address and telephone number of the principal certifying authority for the work;
 - ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

11. **Bushfire Management – Protection Zones**

At the commencement of building works and in perpetuity, the property around the base of the proposed tower to a distance of 10 metres, shall be managed as an inner protection area (IPA).

The IPA must comprise

- a) Minimal fine fuel at ground level;

- b) Grass mowed or grazed;
- c) Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- d) Trees and shrubs located far enough from buildings so that they will not ignite the building;
- e) Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- f) Minimal plant species that keep dead material or drop large quantities of ground fuel;
- g) Tree canopy cover not more than 15%; and
- h) Tree canopies not located within 2 metres of the building;

12. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; and/or
- c) Involve the enclosure of a public place or part of a public place.
- d) Have been identified as requiring a temporary hoarding, fence or awning within the Council approved Construction Management Plan (CMP).

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

13. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

14. Erosion and Sediment Control

To protect the water quality of the downstream environment, erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual *'Soils and Construction 2004 (Bluebook)'*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

REQUIREMENTS DURING CONSTRUCTION**15. Construction Work Hours**

All works on site, including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

16. Council Property

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

17. Environmental Management

To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction, the site must be managed in accordance with the publication *'Managing Urban Stormwater – Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997*.

18. Excavated Material

Any excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to an approved waste management facility and be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**19. Restoration**

Applicant is to restore any areas of damage to the site from the work the site including but not limited to ensuring all trenches are flush with adjacent ground surfaces. Any trenching is to occur outside of the oval playing area.

20. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets because of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

21. Preservation of Survey Marks

A certificate by a Registered Surveyor must be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in

accordance with the Surveyor General's Direction No.11 – **"Preservation of Survey Infrastructure"**.

22. Bushfire Protection Certification

To ensure the recommended bushfire mitigation measures were installed at the site, a certificate is to be prepared by a suitably qualified person and provided to the Certifying Authority, certifying that the site was constructed in accordance with the conditions of consent for bushfire protection prior to the issue of any Occupation Certificate for the site.

OPERATIONAL CONDITIONS

23. EME Report

A report is to be submitted to Council with measurement of EME levels in the vicinity of the site. The EME levels are to comply with the standard specified in the Australian Radiation Protection and Nuclear Safety Agency 2002 '*Radiation Protection Standard: Maximum exposure levels to Radiofrequency Fields – 3 kHz to 300 GHz*', Radiation Protection Series No 3. Mitigation measures are to be proposed to Council for implementation if levels are found to not comply with the standard. The report is to be submitted to Council within 30 days of commissioning the facility and be prepared by a suitably qualified person with relevant experience in EME measurement using the methodology developed by the Australian Radiation Protection and Nuclear Safety Agency.

Note: The report is to be sent electronically to Council's development mailbox at devmail@hornsby.nsw.gov.au

24. Telecommunications Facility

The telecommunications facility on the site must be operated in compliance with, but not limited to:

- a) Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) '*Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3kHz to 300 GHz*', (2002).
- b) The Australian Communication Industry Forum Code (ACIF), Industry Code C564:2004, Deployment of Mobile Phone Network Infrastructure, (2002).
- c) The Australian Communications Authority (ACA), Radiocommunications (Electromagnetic Radiation - Human Exposure) Standard, (2003).

25. Council Sports Field Lighting

The following are required in relation the sports field lighting:

- a) Any sports field lights, cross arm, cable and all ancillary equipment installed on or inside the Telecommunications Tower will remain the property of Council.
- b) The sports field lights and ancillary equipment (e.g. cross arm and cable) may be worked on at any time by Council for maintenance purposes.

- c) The sports field lights will not be interfered with or disturbed for any reason by any person including power supply, for any reason other than in an emergency or with prior authorisation from Council.
- d) Council will be advised of any issues with the Telecommunications facility that may affect the operation of the sports field lights or any of the ancillary equipment as soon as an issue is identified.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *SafeWork NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

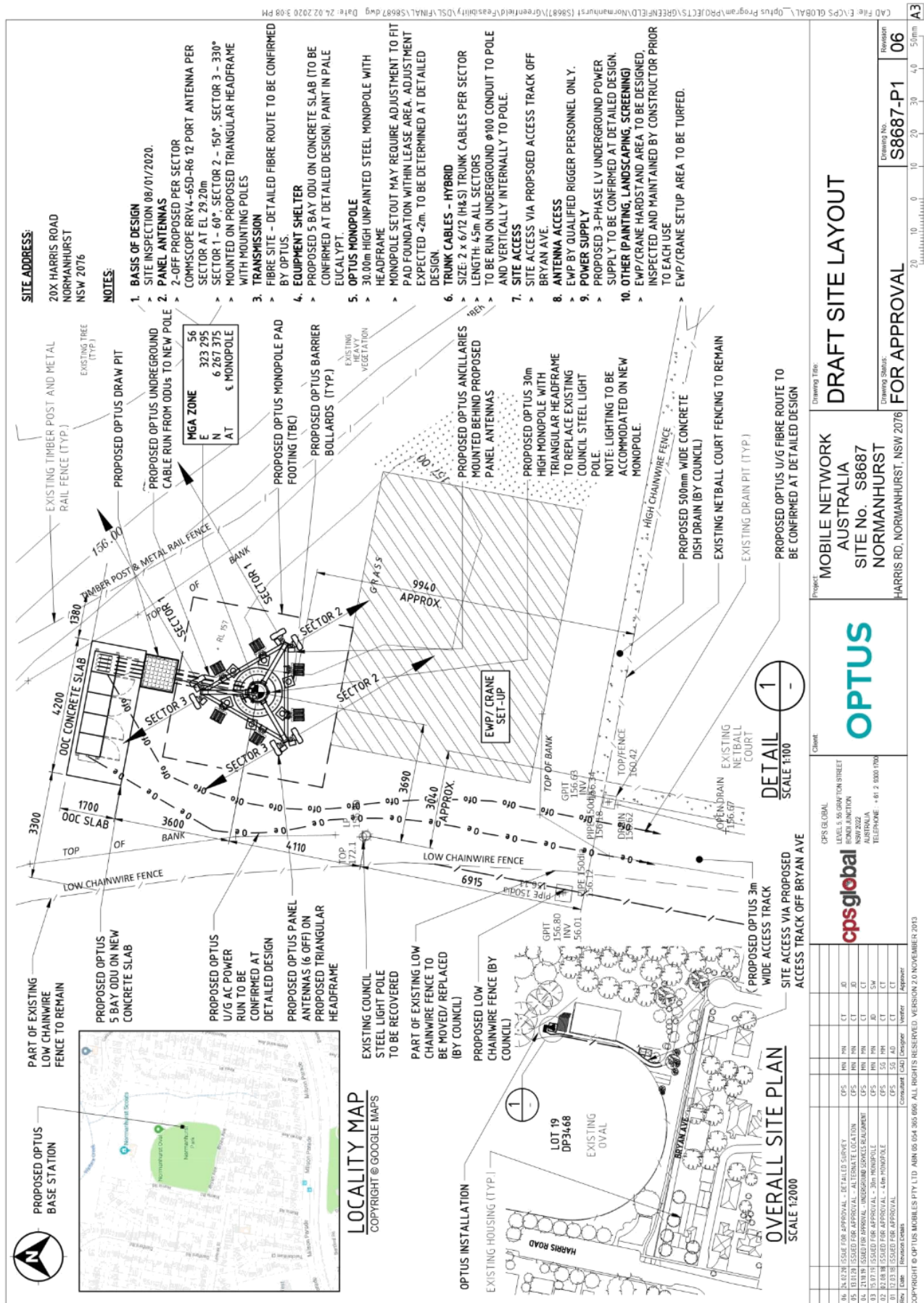
www.environment.nsw.gov.au

www.adfa.org.au

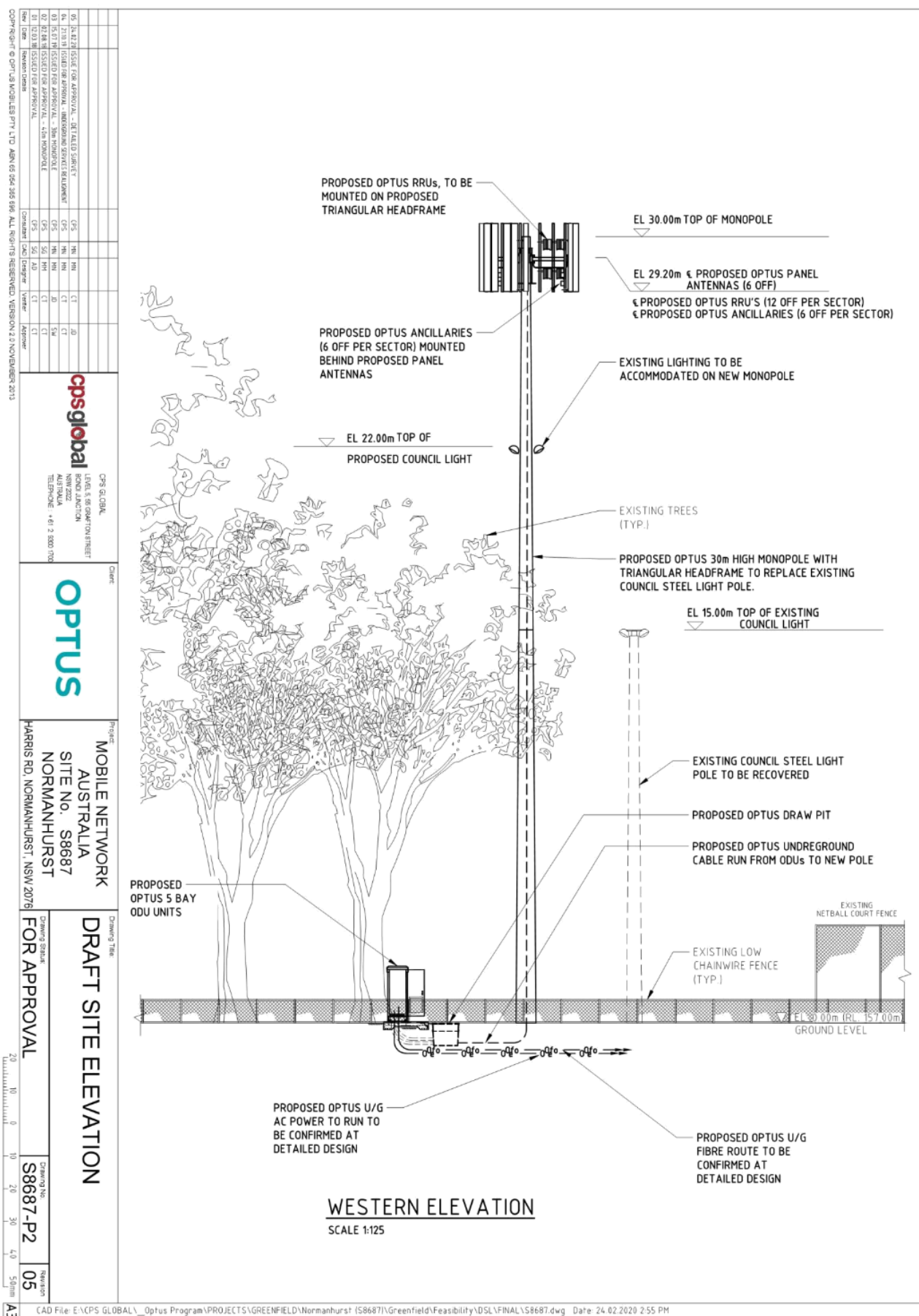
www.safework.nsw.gov.au

Alternatively, telephone the *SafeWork NSW* on 13 10 50.

ATTACHMENT 3 - ITEM 2



ATTACHMENT 3 - ITEM 2



EROSION AND SEDIMENT CONTROL

ESC1. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

- AVOID STRIPPING AND EXCAVATING UNTIL READY TO BUILD
- ESTABLISH A SINGLE STABILISED ENTRY / EXIT POINT
- INSTALL SEDIMENT FENCES
- INSTALL ON SITE WASTE RECEPTACLES (e.g. MINI SKIPS, BINS AND WIND PROOF LITTER RECEPTORS)

ESC2: BULK EARTHWORKS

- TOPSOIL SHOULD BE STOCKPILED ON SITE FOR LATER USE.
- WHERE PRACTICAL MAINTAIN KERB VEGETATION IN A HEALTHY STATE DURING THE CONSTRUCTION PROCESS.
- WHEN UPSTREAM WATER IS DIVERTED AROUND A WORK SITE, WHERE PRACTICABLE, WATER SHALL BE DISCHARGED AS A SHEETFLOW THROUGH A UNDISTURBED AREA BESIDE THE BUILDING.

ESC3. SERVICE TRENCHES

- TO AVOID UNNECESSARY SOIL EROSION, SERVICE TRENCHES SHOULD BE BACK FILLED, CAPPED AND COMPACTED TO A LEVEL AT LEAST 75-100 mm ABOVE THE ADJOINING SURFACE LEVEL.
- ALL UNDERGROUND DRAINAGE TO BE INSTALLED PRIOR TO ERECTION OF THE STRUCTURE. ALL DOWNPipe CONNECTION STUDS TO BE CAPPED UNTIL ATTACHMENT TO THE DOWNPipes.

ESC4. BUILDING OPERATIONS

- 1) REMOVED IMMEDIATELY IF RAINFALL IS IMMINENT OR OCCURRING
 - 2) REMOVED PRIOR TO THE END OF THE DAY'S WORK IF RAINFALL IS NOT EXPECTED
- MATERIALS SHOULD BE SWEEPED FROM THE ROAD, NOT WASHED DOWN THE GUTTER.
- ALL SOLID WASTE SHOULD BE STORED ON SITE IN SUCH A MANNER THAT IT IS PREVENTED FROM LEAVING THE SITE EITHER BY THE ACTION OF WIND OR WATER.
- SMALLER MATERIALS, SUCH AS LITTER SHOULD BE CONTAINED IN COVERED BINS OR LITTER TRAPS FORMED ON THREE SIDES BY A GEOTEXTILE WIND BREAKER.
- CONCRETE WASTE OR PERMANENT DOWNPIPES SHOULD BE INSTALLED PRIOR TO THE FRAME INSPECTION AND IMMEDIATELY AFTER THE ROOF IS LAID.

ESC5. SITE REHABILITATION

- ALL GROUND DISTURBED BY THE BUILDING ACTIVITY SHALL BE PROMPTLY AND PROGRESSIVELY STABILISED SO IT CAN NO LONGER ACT AS A SOURCE OF SEDIMENT
- TO MINIMISE UNNECESSARY SOIL LOSS, MULCH SHOULD BE APPLIED TO OPEN GARDEN BEDS, MULCH PLACED AT A DEPTH OF 75-100mm WILL ASSIST IN PLANT ESTABLISHMENT AND WATER LOSSES.

ESC6. STOCKPILES

- STOCKPILES ARE NOT TO BE STORED ON THE FOOTPATH OR ROAD RESERVE UNLESS APPROVED BY LOCAL AUTHORITIES.
- WHERE NECESSARY STOCKPILE LOSSES CAN BE MINIMISED WITH THE USE OF COVERS.
- ALL STOCKPILES AND BUILDING MATERIAL SHOULD BE LOCATED WITHIN THE SEDIMENT CONTROL ZONE.
- TO MINIMISE EROSION AND THE LOSS OF SAND AND SOIL, STOCKPILES SHOULD NOT BE LOCATED WITHIN AN OVERLAND FLOW PATH IF IT IS IMPRACTICABLE TO AVOID STORMWATER RUNOFF BEING DIRECTED TO A STOCKPILE. THEN A PERIMETER BANK SHOULD BE CONSTRUCTED UP SLOPE OF THE STOCKPILE TO DIRECT RUNOFF IN A CONTROLLED MANNER AROUND THE STOCKPILE.

01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
15.17M ISSUED FOR APPROVAL - 30m MONOPOLE																																																																																																			

PAPER CODE REVISION DATE COMMENTS DATE OF REVISION DATE OF APPROVAL
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1101

Project
**MOBILE NETWORK
AUSTRALIA**
SITE No. S8687
NORMANHURST

Devising Title:

SEDIMENT & EROSION CONTROL PLAN AND DETAILS (SHT 1 OF 2)

Drawing Status-

FOR APPROVAL

Drawing No.

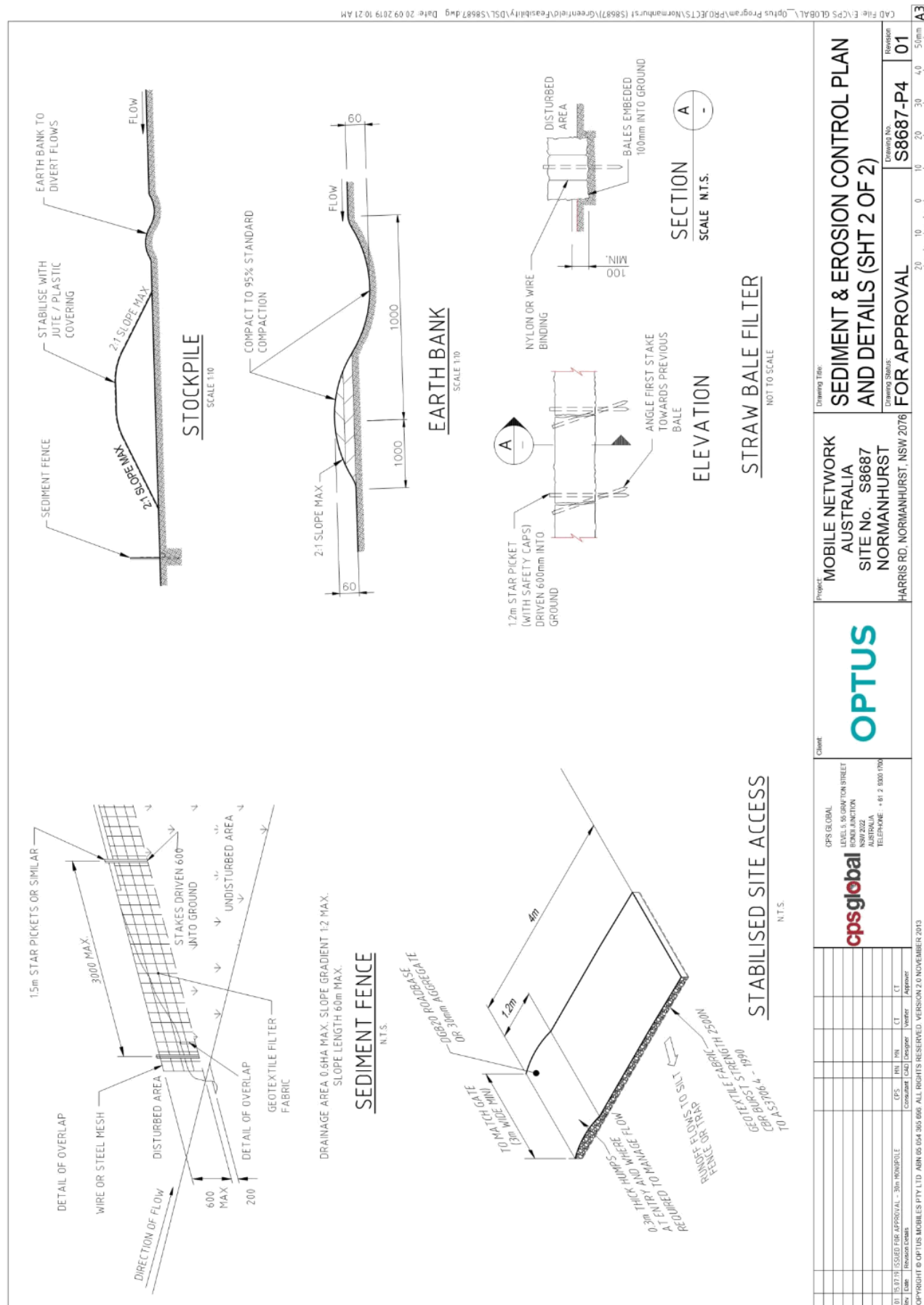
7-P3 01

Distance from the anode (mm)	Current (mA)	Time (min)	Volume (ml)	Concentration (M)
0	10	10	10	10
10	10	10	10	10
20	10	10	10	10
30	10	10	10	10
40	10	10	10	10
50	10	10	10	10

A 3

ATTACHMENT 3 - ITEM 2

ATTACHMENT 3 - ITEM 2





Statement of Environmental Effects

Proposed Installation of a Telecommunications Facility

Address:
Lot 19 DP3468
20X Harris Road
Normanhurst NSW 2076

RFNSA Site Reference:
2076021

Prepared for Submission to:
HORNSBY SHIRE COUNCIL

March 2020

▪ INFRASTRUCTURE DEVELOPMENT CONSULTANTS ▪ PROPERTY CONSULTANTS & MANAGERS ▪ PROJECT MANAGERS ▪

▪ LEVEL 5, 55 GRAFTON STREET, BONDI JUNCTION NSW 2022 ▪ TELEPHONE (02) 9300 1700 ▪

▪ EMAIL cps@cpsglobal.com ▪ WEBSITE www.cpsglobal.com ▪

MUNRO PROPERTY SOLUTIONS PTY LTD T/A CPS GLOBAL ABN 48 148 905 159

ATTACHMENT 4 - ITEM 2



S8687 Normanhurst West

March 2020

Document Controls

Document Description	Statement of Environmental Effects. Proposed Optus and VHA mobile phone base station facility.		
Site Number	S8687	Site Name	Normanhurst West

Revision No	Date	Revision Details	Author
01	30/08/2019	First Draft	KK
02	18/09/2019	Second Draft	KK
03	25/10/2019	For submission	KK
04	12/03/2020	Location change	KK

Prepared on behalf of	Prepared By
 Singtel Optus Pty Ltd	 property & infrastructure CPS Global ABN 48 148 905 159 Level 5, 55 Grafton Street Bondi Junction 2022 New South Wales Contact: Kasia Kucypera Email: kasiak@cpsglobal.com Phone: (02) 9300 1718

This report has been prepared as a supporting document to accompany the Development Application. The report relies on data, surveys, measurements, and results taken at or under particular times and conditions specified herein. Any findings, conclusions, and recommendations only apply to the aforementioned circumstances. CPS Global does not accept responsibility for the use of this report by any parties other than Hornsby Shire Council without its prior written consent.

S8687 Normanhurst West

March 2020

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March 2020

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1 Introduction

Singtel Optus Propriety Limited (Optus) and Vodafone Hutchison Australia (VHA) are licensed carriers under the *Telecommunications Act 1997* (Cwlth) ("Telecommunications Act"). Optus and VHA are currently expanding and improving their mobile phone networks throughout New South Wales to meet growing demand for mobile telecommunications services. As part of this project, Optus and VHA are proposing to install a new telecommunications facility at Normanhurst to improve the coverage within the Hornsby Shire Council local government area (LGA) generally.

The Carrier's mobile phone networks operate through a series of local cells each containing a set of antennas that transmit and receive low-powered radio waves to and from mobile phone handsets in the surrounding area. Each cell contains a mobile telecommunications facility called a base station, with each base station being connected to the whole network via a series of underground cables and in some circumstances point-to-point radio links.

In today's modern society mobile smart phones have become an essential element within everyday life where there is a demand for high quality mobile phone services, call coverage, and data usage. With the increased demand for technology comes an increased need for infrastructure to ensure such quality coverage is maintained. Currently there are some mobile network problems in and around Normanhurst and Thornleigh area. These include some areas where there is poor or no coverage due to the location and performance of the existing sites, the inability of the radio signal to penetrate inside buildings, and the increased demand for mobile phone services.

This Statement of Environmental Effects (SEE) has been prepared to accompany the development application (DA) to Hornsby Shire Council (Council) for the construction of a mobile phone base station on land at Lot 19 DP3468, 20x Harris Road, Normanhurst NSW 2076. The preparation of the SEE and lodgement of the DA has been undertaken by CPS Global on behalf of the Carriers.

The owner of the land is Hornsby Shire Council. Please find enclosed owners consent to lodge the development application from Mr Steve Fedorow, Director of Community and Environmental Division at Hornsby Shire Council as **Appendix A**.

CPS Global has been engaged by Optus to provide property, planning, and project management services to obtain tenure, to design, and to construct appropriate sites for the installation of the Carrier's mobile network base station. As Optus' consultants, CPS Global is authorised to facilitate the environmental assessment of identified sites and apply for any planning approvals required to develop the telecommunications facility.

This statement describes the proposed development at the site in the context of relevant planning controls and policies applicable to the proposed development. Furthermore, the statement provides an assessment against the relevant matters for consideration under *Section 4.15* of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

The environmental assessment has been undertaken in *Section 8* of this SEE and is supported by additional studies. In accordance with the environmental assessment and supplementary documentation, the proposed development is considered appropriate to its context and surroundings, and within the planning parameters with negligible impact.

Mobile phones have formed an integral part of society and they are considered a necessity to everyday life. The proposed facility will have significant benefits to the residents, workers, and travellers to Normanhurst and Thornleigh areas. It will enable productivity and service delivery in various sectors, including, but not limited to, health, education, finance, and business. The facility will have a significant benefit to the safety of residents providing needed mobile phone coverage. For these reasons, it is considered that the proposed facility is in the public interest.

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2 Site Description and Environmental Context

2.1 Site Description

The site is at Lot 19 DP3468, 20x Harris Road, Normanhurst NSW 2076. The site is an existing flood light pole at the Normanhurst Oval.

Please find enclosed a copy of the planning certificate pursuant to Section 10.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as **Appendix B**.



Figure 1: Site Location
(Source: Google Earth, 2019)

The site is located with the Normanhurst Oval in the north eastern portion of the sport oval. The site is an area of open space that includes a sports field with netball courts, a playground, recreation area that includes toilet facilities.

The site is zoned RE1 Public Recreation under Hornsby Local Environmental Plan 2013 (Hornsby LEP). The location of the facility is within the RE1 portion of the site. The immediate area to the east is predominately open space in nature with sport oval, beyond that and to the north the area comprises of mature vegetation. To the west and further to the south the area is residential in nature and is characterised by single dwellings on small lots that is typical of the Normanhurst area.

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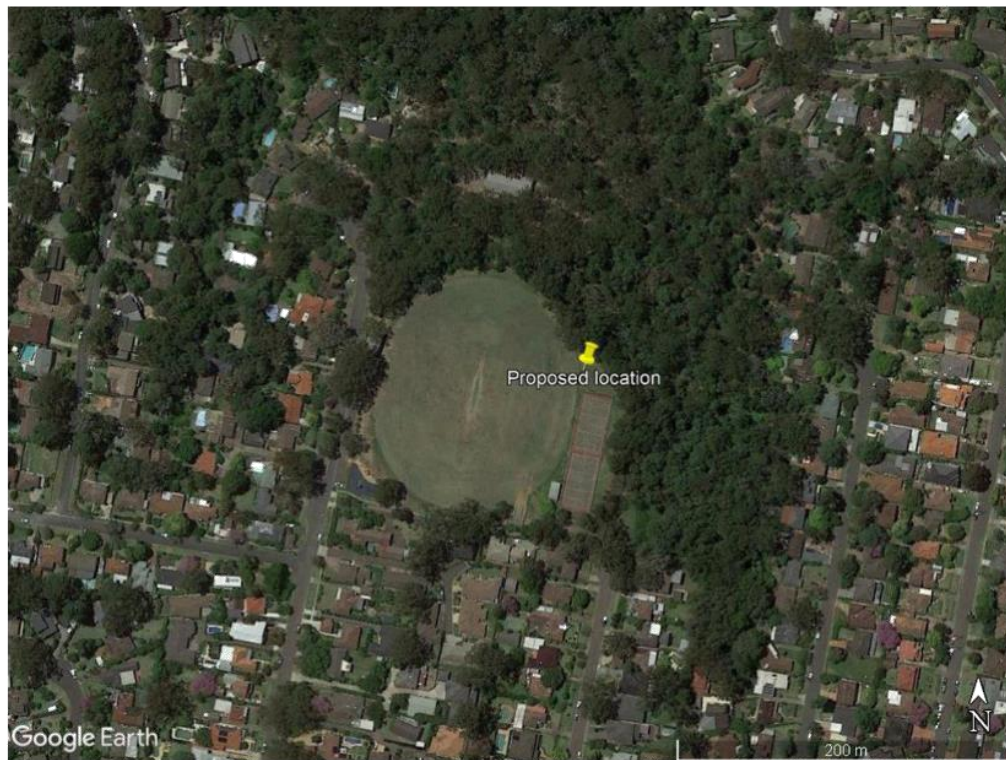


Figure 2: Site Location
(Source: Google Earth, 2020)

2.2 Existing Development and Visual Character

The proposed facility is located within a large area of open space. The facility is located within the Normanhurst Park located east of the Harris Road reserve. To the north of the site there is Waitara Creek. This large area of tall vegetation will provide screening to the facility from the east and south. The areas to west and north of the proposed site also include tall trees that will provide partial screening from residences located in the area.

The areas of open space are surrounded by residential uses. Dwellings comprise mostly two storey single dwellings on small lots. As a result of these residential lots with large building envelopes that are built to minimum setback requirements, only the houses that front the oval will have a view to the proposed facility. There will be some limited views to the west and south where the topography increases.

2.3 Heritage

The subject site is not listed as an item of heritage significance on the Hornsby LEP 2013, nor is it within a heritage conservation area. A basic search of the Aboriginal Heritage Information Management System (AHIMS) returned no recorded Aboriginal sites or places in the area.

Please see **Appendix B** and **Appendix C** for greater detail.

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3 Alternative Sites Considered

The Carriers have undertaken a detailed process in selecting the site for the proposed facility. Alternative candidates were considered as part of the proposal.

It is required by all carriers under the *Telecommunications Act 1997* and the *State Environmental Planning Policy (Infrastructure) 2007* that consideration be given to co-location and the upgrade of existing facilities as a priority.

The closest telecommunications facilities to the site are located at 1 Pioneer Avenue, Thornleigh NSW 2120 and at the corner of Pennant Hills Road and Frith Avenue, Normanhurst NSW 2076. These are located 0.87km and 1.25km respectively from chosen site and outside search area. Optus and Vodafone are currently located on both facilities and so reconfiguration of these sites would not alleviate the current coverage problems experienced within Normanhurst and surrounding areas.

In this instance, there are no suitable existing telecommunication structure in the surrounding area that could provide the necessary coverage for Normanhurst and its surroundings. Nonetheless, the facility will support infrastructure for two Carriers and would be considered a co-location once operational.

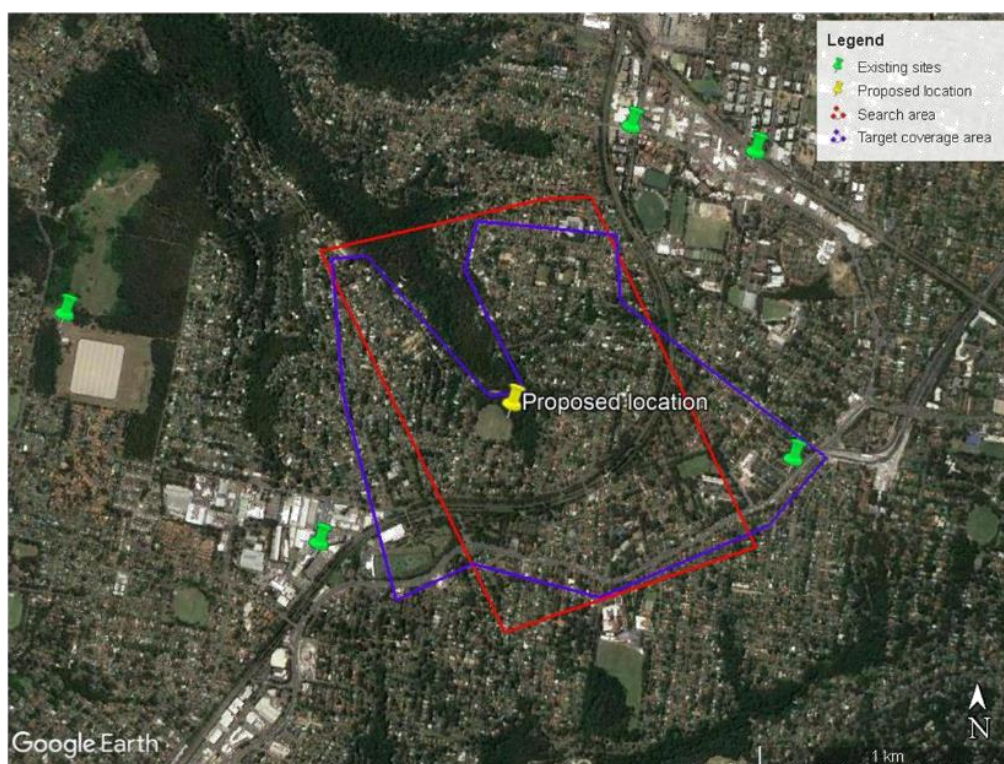


Figure 3: Existing telecommunications sites in the area
(Source: Google Earth, 2020)

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The suitability of each site for the facility is assessed based on a number of factors, which include, but are not limited to, the following:

- Environmental considerations, including local and state planning policies;
- Co-location opportunities;
- Engineering constructability;
- Minimal environmental impact during the construction phase and operation of the facility;
- Visual amenity;
- Topographical constraints;
- Occupational health and safety;
- Radio frequency coverage objectives; and
- The ability to secure tenure on the property.

As a result of this assessment, the following possible sites were identified.

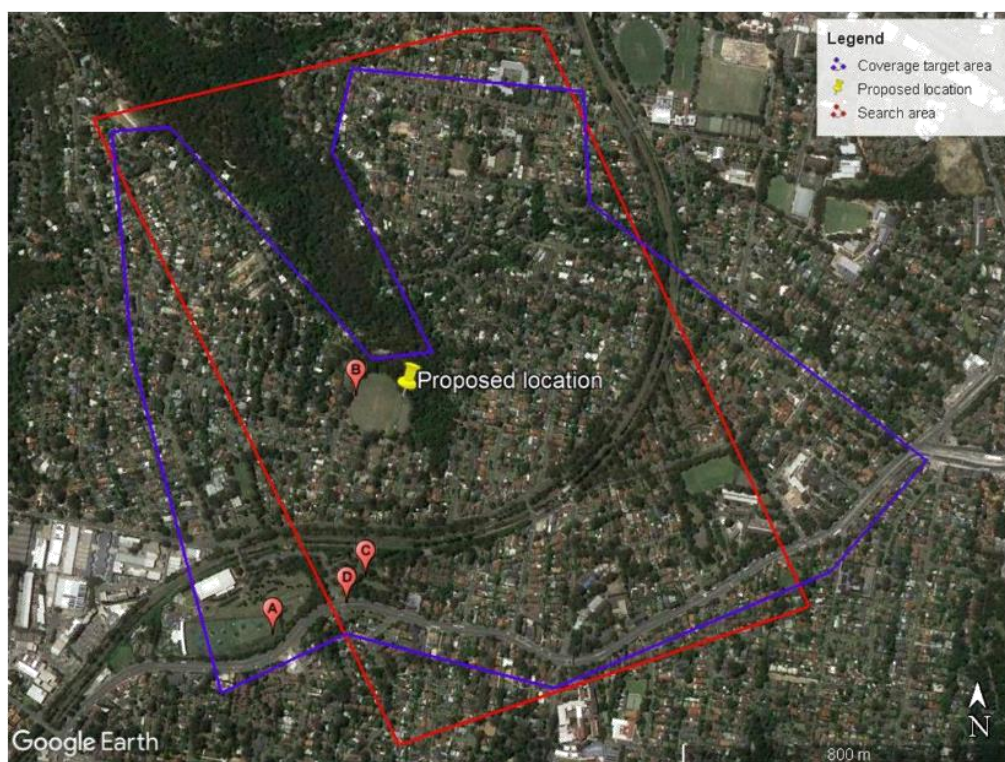


Figure 4: Alternative Candidates Considered
(Source: Google Earth, 2020)

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Table 1: Alternative Candidates Considered

Candidate	Proposal	Comment
Candidate A Thornleigh Golf Centre 142-178 Pennant Hills Road, Thornleigh	Installation of a new 40 metre monopole	Ground level of the proposed location would allow for good coverage. However, its location in the south-west corner of the coverage target area makes it difficult to provide effective coverage, particularly to the north-east.
Candidate B Normanhurst Park 20x Harris Road, Normanhurst	Replacing the existing flood light pole with a new 30 metre monopole	The location has been proposed in initial DA proposal. However, during public exhibition community raised concerns related to close proximity to residential dwellings and potential collision with plans to redevelop the existing club house. In order to address the concerns, a decision was made to change location of the proposal to north eastern corner of the Normanhurst Oval.
Candidate C Kenley Park 136-140 Pennant Hills Road, Normanhurst	Installation of a new 40 metre monopole	Ground level of the proposed location would allow for good coverage. However, its location in the south-west corner of the coverage target area makes it difficult to provide effective coverage, particularly to the north-east.
Candidate D Ausgrid light pole Pennant Hills Road, Thornleigh	Replacing the existing light pole with a new 25 metre monopole	The height of the proposal would not achieve radiofrequency objectives and would require additional facilities.

3.1 The Preferred Candidate

As a result of the site selection process undertaken by Optus, the candidate that involves swapping out the existing flood light pole and replacing it with a new 30 metre monopole within Normanhurst Park, is considered to be the most appropriate site for the following reasons:

- The location will provide much needed network coverage to the areas of Normanhurst, Thornleigh and Hornsby;
- The site is considered to be an appropriate location to service the residential area;
- There is significant vegetation that will provide some screening to the facility from within the immediate locality;
- The site has been designed with the surrounding locality in mind and utilises already existing structure;
- The amended location is having a consideration of future plans to upgrade the existing club house and addresses concerns regarding the proximity to residential dwellings;
- The proposal allows two Carriers to be present at the site, reducing the number of facilities needed in the locality;
- The location of the proposed facility will have a minimal impact on the character and setting of the recreation area;
- The proposed development will not have a detrimental impact to the objectives of the zone;

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- The location, situation, and elevation of the site would ensure the proposal meets Optus and Vodafone's coverage objectives, therefore improving the quality of telecommunications services to the surrounding areas while minimising the visual impact; and
- The ability to secure land tenure.

ATTACHMENT 4 - ITEM 2

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4 Planning History

19 June 2019

CPS Global, on behalf of Optus, wrote to Hornsby Shire Council requesting a pre-lodgement meeting.

Please find enclosed a lodgement confirmation of the Pre-Lodgement Application as **Appendix D**.

19 July 2019

CPS Global received Pre—Lodgement Advice from Hornsby Shire Council.

Please find the advice attached as **Appendix E**.

5 August 2019

CPS Global wrote to Hornsby Shire Council requesting a feedback regarding additional landscaping requirements for proposed facility.

Please find a copy of the correspondence as **Appendix F**.

27 August 2019

CPS Global received comments on the landscaping requirements from Hornsby Shire Council.

Please find the correspondence with Council enclosed as **Appendix G**.

Statement of Environmental Effects addresses the issues raised in the Council's correspondence and provides information on the matters.

17 December 2019

CPS and Optus representatives have met with Council to discuss the concerns raised by community and a solution to address the concerns. It has been agreed that location of the proposed is to be changed in order to minimise a potential impact of the facility on local residents.

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5 Design of the Proposal

5.1 Proposed Equipment to be Installed

The proposal is for a mobile phone network base station that would provide improved depth of coverage to the Carrier's network within Normanhurst and surrounding areas.

The proposal seeks consent for:

- Replacing the existing flood light pole with a new 30.00 metre steel monopole;
- Reinstating the flood light at the height of 22 metres;
- Installation of three (3) Optus and three (3) Vodafone panel antennas on a triangular headframe mounted atop of the monopole;
- Installation of ancillary equipment including non-EME emitting Remote Radio Units (RRUs) mounted on the headframe;
- Installation of 5-bay outdoor equipment unit in standard colour "pale eucalypt";
- Ancillary equipment associated with the safe operation of the facility, including but not limited to, equipment housing, cable trays, cable ladders, cabling, earthing, electrical works, and air conditioning equipment.

Please find enclosed a set of plans as **Appendix H**.

5.2 Access Details

Access to the site is to be via driveway off Bryan Avenue.

Please refer to the set of plans enclosed as **Appendix H** for further details.

5.3 Electricity Details

Power will be taken from the existing power supply on site.

Please refer to the set of plans enclosed as **Appendix H** for further details.

5.4 Strength of the Electromagnetic Field

The facility would operate within the exposure standards in:

- (1) The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Standard (the Radiation Protection Standard for Maximum Exposure levels to Radiofrequency Fields – 3KHz to 30 GHz (ARPANSA Standard));
- (2) Radiocommunications (Electromagnetic Radiation Human Exposure) Standard 2003; and
- (3) Any other standards endorsed by the Commonwealth Government and the Australian Communications and Media Authority (ACMA).

The facility would operate at low power levels as compared to many other radiocommunications transmitters such as television or radio broadcasting facilities.

The maximum strength of the electromagnetic field that the facility will produce will be less than 2.39% of the ARPANSA mandated exposure limit. This estimation is based on the maximum level of radio frequency (RF) / electromagnetic cumulative energy (EME) at 1.5 metres above ground level of the antenna.

Please find enclosed an ARPANSA Environmental EME Report dated 27 February 2020 as **Appendix I**.

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5.5 Construction Details of the Proposed Facility

The construction of a telecommunications facility fundamentally consists of three stages, including:

- Site preparation;
- The installation of the monopole and equipment; and
- The installation of the communications and antennas involving technicians working within the outdoor equipment unit and riggers fixing the antennas to the pole.

The site preparation stage involves activities such as field testing, excavation, and construction foundations. This is followed by the delivery of pre-fabricated equipment housing and pole sections by low loader trucks, which are then fitted into place by a crane and fixed to the footings. Lastly, the antennas are installed on the pole by riggers and connected with the rest of the outdoor equipment unit and other equipment by qualified technicians.

Appropriate construction management measures, incorporating soil erosion and sediment controls, in accordance with the relevant regulations of the *"Blue Book" – 'Managing Urban Stormwater: Soils and Construction'* (Landcom 2004) will be implemented. A Soil and Erosion Control plan is included as part of **Appendix H**.

Any traffic impacts associated with construction will be of short-term duration and are not anticipated to adversely impact on the surrounding road network. In the unlikely event that a road closure would be required, the Carriers would request permission from the relevant authorities.

Noise and vibration emissions associated with the proposed facility will be limited to the construction phase outlined above. Noise generated during the construction phase will be of short duration and will be in accordance with the standards outlined in the *Environmental Protection Regulation 1998* and *Environmental Protection (Noise) Policy 1997*. Construction works will only occur between the hours of 7.00am and 6.00pm or as prescribed in the conditions of any development consent.

There will be some low-level noise from the ongoing operation of the air conditioning equipment associated with the outdoor equipment unit once installed. Noise emanating from the air conditioning equipment is at a comparable level to a domestic air conditioning installation and will generally accord with the background noise levels prescribed by *Australian Standard AS1055*.

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6 Commonwealth Legislative Framework

6.1 Telecommunications Act 1997

The *Telecommunications Act 1997* (Cth) is a federal regulation of telecommunications facilities and the activities of carriers and service providers. Schedule 3 of the *Telecommunications Act* allows carriers to enter on to land and exercise limited defined powers, which include the power to:

- inspect the land to determine whether the land is suitable for the carrier's purposes;
- install a low-impact facility on the land; and
- maintain a facility that is situated on the land.

Schedule 3 of the *Telecommunications Act* exempts carriers from the requirements of State and Territory environmental and planning legislation in some circumstances, including where telecommunications facilities fall under the *Telecommunications (Low-Impact Facilities) Determination 2018* ("the Determination"). In this instance, Optus and Vodafone seek to erect a telecommunications facility that is not believed to fall within the definition of a "low-impact facility" as defined in the Determination.

6.2 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* is a commonwealth regulation that provides a streamlined national regulation regarding the protection of items of a national and international environmental significance such as flora and fauna, ecological communities, and heritage items. These areas include:

- World heritage properties;
- National heritage places;
- Wetlands of international importance (Ramsar Convention);
- Nationally threatened species and ecological communities;
- Migratory species;
- Commonwealth Marine Areas;
- The Great Barrier Reef Marine Park;
- Nuclear actions (including uranium mining); and
- A water resource in relation to coal seam gas development and large coal mining development.

In light of these considerations the subject site is not an area of environmental significance as it will not impact on any of the areas listed above.

6.3 Telecommunications Code of Practice 2018

In exercising the powers given under the *Telecommunications Act*, carriers are required to act in accordance with best engineering practice, comply with recognised industry standards and minimise adverse impacts as much as practicable. The requirements for carrier conduct are outlined in the *Telecommunications Code of Practice 2018* ("the Code").

The Code requires carriers to ensure that design, planning and installation of facilities are in accordance with best practise. Under the Code "best practise" is defined as "using the best available design, planning and location practices to minimise the potential degradation of the environment and the visual amenity associated with the facility".

The facility would comply with the requirements of the Code.

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6.4 Industry Code C564:2018 Mobile Phone Base Station Deployment

In response to requests for greater council and community involvement in relation to the installation of the telecommunications facilities, the Communications Alliance Limited (formerly the Australian Communications Industry Forum Limited) was formed by the Australian Communications Industry to ensure a unified approach in the rollout of telecommunications networks.

The Communications Alliance developed an industry code of practice which is reviewed regularly to ensure the highest quality of standards in industry practice relating to the roll out of mobile radio communications equipment. The current code is known as the *Industry Code C564:2018 Mobile Phone Base Station Deployment* ("the Deployment Code"). The Deployment Code replaces the previous code of practice from 2011.

The Deployment Code cannot change the regulatory and legislative regime at the local, state, or federal level. However, it can supplement the existing requirements already imposed on carriers by requiring them to consult with the local community and to adopt a precautionary approach in planning, installing, and operating mobile communications infrastructure.

The proposal is not considered a low-impact facility as prescribed by the Determination and is therefore subject to local and/or state planning processes requiring consent.

Careful consideration and the principles of the 'precautionary approach' have been applied in the siting of the proposed infrastructure. This takes into consideration the surrounding context, proximity to community sensitive locations, coverage objectives, and EME exposure which is well within the guidelines of the Australian Standard.

The Precautionary Approach has been applied to the development in the selection and design of the proposal in accordance with *Sections 4.1 and 4.2* of the Deployment Code.

Please find enclosed a copy of *Section 4.1 and 4.2* of the Deployment Code, Application of the Precautionary Approach to Site Selection checklist as **Appendix J**.

7 New South Wales Legislative Framework

7.1 State Environmental Planning Policy (Infrastructure) 2007

The *State Environmental Planning Policy (Infrastructure) 2007* ("SEPP Infrastructure") was introduced to facilitate the delivery of infrastructure across New South Wales under the EP&A Act 1979. Its aims are:

- (a) *Improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) *Providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) *Allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) *Identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) *Identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) *Providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

The proposal complies with all elements of the SEPP Infrastructure. The SEPP Infrastructure as amended by the *SEPP (Infrastructure) Amendment (Telecommunications Facilities) 2010*. Clauses 113 and 115 in conjunction with the local planning provisions are being relied upon for permissibility of the proposed development at the subject location and are the basis for lodging and seeking Council consent for this development.

Clause 113 of the SEPP (Infrastructure) defines a "Telecommunications Facility" as:

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

Clause 115(1) provides that:

Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 of 116, may be carried out by any person with consent on any land.

Telecommunications facilities are therefore permissible in all zones within the Hornsby Shire Council local government area with the consent of Council.

Clause 115(3) of SEPP Infrastructure provides that:

Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.

In this respect, the *NSW Telecommunications Facilities Guideline including Broadband (July 2010)* ("the Guideline") has been issued by the Director-General. The principles that must be taken into consideration are outlined in Section 2.2 of the Guideline.

7.2 New South Wales Telecommunications Facilities Guideline Including Broadband

The New South Wales government issued the *New South Wales Telecommunications Facilities Guideline Including Broadband (July 2010)* ("the Guideline"). The purpose of the Guideline is to:

"Provide a guide to the state wide planning provisions and development controls for telecommunications facilities in NSW contained in the State Environmental Planning Policy Infrastructure 2007 (SEPP Infrastructure)"

The Guideline outlines a number of key issues for consideration by consent authorities (where relevant) and carriers in the determination of the design and siting of telecommunications facilities including:

- ensuring that certain "guiding principles" relating to the design, siting, and construction of telecommunications facilities are developed and adhered to;
- consideration of visual impact and the need to reduce the impacts on heritage items as well as other items of environmental significance;
- that telecommunications facilities must be designed, installed, and operated to comply with standards relating to human exposure to EME appearing in any applicable code or standard made under any applicable law of the Commonwealth;
- encourage co-location with other facilities; and
- undertake site analysis to respond to site conditions.

These matters have been taken into account as part of the site selection and design for the proposal, these are discussed in more detail below.

Table 2: Table of compliance with the NSW Telecommunications Facilities Guideline including Broadband.

Principle 1: A telecommunications facility should be sited to minimise visual impact		
Specific Principles	Compliance	Comment
<p>(a) As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.</p> <p>(b) The visual impact of telecommunications facilities should be minimise, visual clutter is to be reduced particularly on the tops of buildings, and their physical dimensions (including support mounts) should be sympathetic to the scale and height of the building.</p> <p>(c) Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts</p>	Yes	(a) – (c) These principles relate to facilities that are located on existing buildings or structures and are not directly applicable to a new free-standing monopole such as the proposed in this instance.

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<p>should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.</p> <p>(d) Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.</p> <p>(e) A telecommunications facility should be located and designed to respond appropriately to its landscape setting.</p> <p>(f) A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.</p> <p>(g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista, or a panorama, whether viewed from public or private land.</p> <p>(h) The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.</p> <p>(i) A telecommunications facility that is no longer required is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.</p>		<p>(d) The associated equipment will be housed in outdoor equipment unit. The equipment unit would be in the standard colour, pale eucalypt. No additional landscaping has been proposed, however if considered necessary, this can be agreed or conditioned by Council as part of any development consent.</p> <p>(e) The facility has been located and designed to respond to its surrounding landscape context. For more detail, please see <i>Section 8.7.1</i> below.</p> <p>(f) The site is not a heritage item, nor within a heritage conservation area.</p> <p>(g) The proposed facility does not occupy a position that will obstruct views or sightline to any heritage item or place, landmark, streetscape, vista, or panorama. For more detail, please see <i>Sections 8.1, 8.2 and 8.7.4</i> below.</p> <p>(h) The proposal does not involve the removal of any tree or other vegetation. Please see Appendix K for an Arborist Report.</p> <p>(i) This aspect could be conditioned as part of any development consent.</p> <p>(j) The siting and design have taken</p>
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(j) <i>The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.</i>		into consideration the Precautionary Approach. A copy of Precautionary Approach is attached as Appendix J .
Principle 2: Telecommunications facilities should be co-located wherever possible		
Specific Principles	Compliance	Comment
<p>(a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.</p> <p>(b) Overhead lines, antennas, and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise the proliferation of telecommunications facilities and unnecessary clutter.</p> <p>(c) Towers may be extended for the purposes of co-location.</p> <p>(d) The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.</p> <p>(e) If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.</p> <p>(f) If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.</p>		<p>(a) Not Applicable</p> <p>(b) There are no existing facilities within the required search ring that are practical for co-location. Nonetheless, the facility will support infrastructure for two Carriers and would be considered a co-location once operational.</p> <p>(c) The proposed facility will accommodate Optus and VHA facility. Once constructed it will be a co-located facility and will not require an extension.</p> <p>(d) Not Applicable</p> <p>(e) For more detail, please see <i>Section 3.0</i> and <i>Table 1</i> above.</p> <p>(f) The facility will be in accordance with industry standards on EME. Please see Appendix I for the Environmental EME Report.</p>
Principle 3: Health Standards for exposure to radio emissions will be met		
Specific Principles	Compliance	Comment
(a) <i>A telecommunications facility must be designed, installed and operated so that the maximum human exposure</i>		(a) The proposed installation will comply with the Australian Communications and Media Authority (ACMA) regulatory arrangements with

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<p>levels to radiofrequency emissions comply with Radiation Protection Standard.</p> <p>(b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format prescribed by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.</p>		<p>respect to electromagnetic radiation exposure levels.</p> <p>(b) EME Exposure Levels from this site have been calculated in accordance with the ARPANSA prediction methodology and report format. This report is enclosed as Appendix I. For more detail, please see <i>Section 8.7.9</i> below.</p>
Principle 4: Minimise disturbance and risk, and maximise compliance		
Specific Principles	Compliance	Comment
<p>(a) The siting the height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface show on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.</p> <p>(b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or</p>	Yes	<p>(a) The proposal is in compliance with the height requirements of CASA. Please Appendix L for correspondence with CASA.</p> <p>(b) The base station is designed to create no electrical interference problems with other radio-based systems and complies with the requirements of relevant Australian Standards.</p>

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<p>communications equipment, including the Morundah Communications Facility, Riverina.</p> <p>(c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.</p> <p>(d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.</p> <p>(e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.</p> <p>(f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004), or its replacement.</p> <p>(g) Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.</p> <p>(h) Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.</p> <p>(i) Traffic control measures are to be taken during construction in accordance with Australian Standard S1742.3-2002 Manual of uniform traffic control devices – Traffic control devise on roads.</p>		<p>(c) The base station facilities are designed to be installed in accordance with any relevant manufacturer specifications. The proposal will comply with the requirements of all relevant Australian Standards.</p> <p>(d) The facilities are not being erected on any existing building or structure.</p> <p>(e) The location and layout of the facilities reflect discussions with the landowner and will be reflected in any associated lease or licence entered between the carriers and the landowners.</p> <p>(f) – (k) These matters can be appropriately addressed through the imposition of conditions by Council on any development consent.</p>
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<p>(j) Open trenching should be guarded in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.</p> <p>(k) Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.</p> <p>(l) The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.</p> <p>(m) The likelihood of harming an Aboriginal Place and/or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.</p> <p>(n) Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.</p>		<p>(l) The works will not impact on threatened species and communities.</p> <p>(m) The site is unlikely to contain any Aboriginal artefacts. An AHIMS Basic Search has been conducted and returned no known items of Aboriginal significance. A copy of this the AHIMS Basic Search Result is attached as Appendix C.</p> <p>(n) This can be addressed by Council through the imposition of conditions on any development consent.</p>
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7.3 State Environmental Planning Policy 55 Remediation of Land

Clause 7 of the *State Environmental Planning Policy No 55 Remediation of Land* (SEPP 55) outlines consideration with regards to contamination and remediation that is to be considered when determining a development application. In particular whether it has considered the following:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

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- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
 - (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital – land:*
 - (i) *in relation to which there are no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

According to the Section 10.7 planning certificate, a potentially contaminating activity may have occurred on the property. The proposed development does not result in the change of land use to which our planning assessment suggest that a new telecommunications facility will be acceptable. Any contaminated soils exposed during the proposed works will be re-mediated in accordance with the relevant guidelines under SEPP No. 55 and the necessary soil disposal permits will be arranged. Should Council deem it necessary, the provision of a detailed site investigation audit may be conditioned as part of any development consent.

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8 Section 4.15 Evaluation – Matters for Consideration

Under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) the consent authority must take into consideration the environmental impacts and general considerations associated with the proposal. This section addresses the requirements in accordance with Section 4.15 of the EP&A Act 1979.

8.1 Hornsby LEP 2013

The consent authority for development on the subject site is Hornsby Shire Council. The *Hornsby Local Environment Plan 2013* (LEP 2013) is the current planning instrument for development in the location of the proposed facility.

Under the LEP 2013, the subject site is zoned Re1 Public Recreation. The development of a telecommunications facility is permissible with the consent of Hornsby Shire Council in accordance with Clause 115(1) of the SEPP (Infrastructure) 2007, whereby telecommunications facilities are permissible in any zone.

Relevant provisions of the LEP 2013 in relation to the proposal are discussed below.

Clause 2.1 Land Use Zones

Zone RE1 Public Recreation

The objectives of the RE1 Public Recreation Zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect and maintain areas of bushland that have ecological value.*

The installation of a telecommunications facility in this location is considered to be generally consistent with the objectives of the zone. The facility will be located on an existing flood light pole that does not impact the sites use as a public park. The facility will not change the use of the light pole nor will it impact on the activities undertaken in the park.

Clause 5.11 Bush fire hazard reduction

The site is identified as being located within a bushfire prone area. The HLEP 2013 states:

“Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.”

A bushfire risk assessment has been prepared and is included as **Appendix M**.

The report identifies that the proposed facility will be constructed to minimum standards required in accordance with the guidelines of Planning for Bushfire Protection 2006. Further, it notes the community Resilience Practice Note 1/11 from the Rural Fire Service provides a direction that telecommunications infrastructure is critical in the event of a bushfire emergency. The required standard for telecommunications infrastructure is BAL40. It is recommended that the area within the equipment cabin should be managed as an asset protection zone. Bushfire hazard is discussed in more detail in Section 8.2 below.

Clause 7.6 Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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The proposed development will include some minor earthworks. It is considered that the works will not have a detrimental impact on the immediate locality, or on any heritage items.

A soil and erosion control plan is included as **Appendix H**.

8.2 Hornsby DCP 2013

The *Hornsby Development Control Plan 2013* (DCP 2013) came into effect on 11 October 2013 and applies to all land within the Hornsby LGA.

The general objectives of the DCP are as follows:

- *provide a comprehensive document that provides a framework for development of land in the Hornsby Local Government Area,*
- *clearly set out the processes, procedures and responsibilities for the involvement of the community and key stakeholders in the development of land,*
- *promote development that is consistent with Council's vision of creating a living environment,*
- *protect and enhance the natural and built environment, and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from development,*
- *encourage high quality development that contributes to the existing or desired future character of the area, with particular emphasis on the integration of buildings with a landscaped setting,*
- *protect and enhance the public domain,*
- *minimise risk to the community, and*
- *ensure that development incorporates the principles of Ecologically Sustainable Development (ESD).*

The proposed location and design of the proposal has had regard to the objectives required by Council. Section 7.3 Telecommunications of Hornsby DCP 2013 provides planning controls for the construction of telecommunications facilities. These are discussed in **Table 3** below.

Table 3: Table of Compliance with Section 7.3 Telecommunications

7.3.1 Location	
Desired Outcomes	
a. Telecommunications facilities that are located to maximise the co-location of facilities to limit visual impact on the locality. b. Telecommunications facilities that are located to minimise the impact of electromagnetic radiation on sensitive landuses.	
Prescriptive Measures	
a. The facility should be consistent with the Australian Communications Industry Forum (ACIF) Code, including consideration of alternative locations and infrastructure to minimise electromagnetic radiation	The Carriers ensure that their facilities are installed, designed and certified by qualified professionals in accordance with all relevant Australian Standards. This ensures that the Optus and VHA's facility will not result in any increase in the level of risk to

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	the public. This facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003. Furthermore, wherever possible the Carriers seek to locate their facilities away from community sensitive locations (e.g. schools, childcare centres, hospitals). In this instance, no sensitive uses have been identified in proximity of the proposed site.
<p>b. Telecommunications facilities should be located:</p> <ul style="list-style-type: none"> • on business and industrial sites, or • on existing infrastructure sites, and • to avoid locations within or at the termination of a significant vista or focal point of a streetscape, and • to avoid heritage conservation areas or items. 	The site is considered to be an appropriate location to service the residential area. The location of the proposed facility will have a minimal impact on the character and setting of the recreation area. The development has been designed with the surrounding locality in mind and utilises already existing structure. The proposed site is not within a heritage conservation area and does not contain an item of significant heritage under the protection of Hornsby LEP 2013.
c. Where practical, antennae and similar structures should be co-located or attached to existing structures, such as buildings, public utility structures, poles, towers or other telecommunication facilities to minimise visual impact.	The proposal includes swapping an existing floodlight pole for a stronger and slightly thicker monopole. Utilising already existing tall structure will minimise the visual impact of the facility.
d. If a facility is proposed not to be co-located, the proponent should demonstrate that co-location is not practical or desirable considering the ACIF Code exclusions.	<p>The Carriers have undertaken a detailed process in selecting the site for the proposed facility. Alternative candidates were considered as part of the proposal. It is required by all carriers under the <i>Telecommunications Act 1997</i> and the <i>State Environmental Planning Policy (Infrastructure) 2007</i> that consideration be given to co-location and the upgrade of existing facilities as a priority.</p> <p>In this instance, there are no suitable existing telecommunication structure in the surrounding area that could provide the necessary coverage for Normanhurst and its surroundings.</p> <p>The proposed facility will support infrastructure for two Carriers and would be considered a co-location once operational.</p>
7.3.2 Design	
Desired outcome	
a. Telecommunications facilities that are designed to minimise the visual impact on the locality.	

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Prescriptive Measures	
a. Telecommunications facilities should be designed in accordance with industry best practice.	In exercising the powers given under the <i>Telecommunications Act</i> , carriers are required to act in accordance with best engineering practice, comply with recognised industry standards and minimise adverse impacts as much as practicable. The requirements for carrier conduct are outlined in the <i>Telecommunications Code of Practice 2018</i> ("the Code"). The Code requires carriers to ensure that design, planning and installation of facilities are in accordance with best practice. Under the Code "best practice" is defined as "using the best available design, planning and location practices to minimise the potential degradation of the environment and the visual amenity associated with the facility". The facility would comply with the requirements of the Code.
b. Telecommunications facilities should be integrated with the design, appearance and scale of the building or structure on which it is located with regards to colour, texture, material and built form.	The facility has been designed to reduce the impacts of visual amenity. The proposal includes the replacement of the existing floodlight pole with a stronger and larger pole. The site comprises of a number of other tall elements such as floodlight poles, infrastructure features such as utility poles and tall trees.
c. Ground level ancillary structures (such as equipment huts) should be screened with native landscaping.	The outdoor equipment unit will be painted in 'pale eucalypt' colour in order to blend with the surrounding greenery. Notwithstanding, if Council consider additional landscaping is appropriate to reduce visual impact to the equipment outdoor units, this can be conditioned.

Section 1B.6.1 Tree Preservation

The proposal does not seek to remove or damage any trees. Although the bushfire land map shows that the proposed facility is located within the 100m buffer from Category 1 vegetation, it is considered that the bushfire prone vegetation within 100m of the site is highly fragmented and heavily effected by weeds on the edges of the Normanhurst Park. The bushfire Risk Assessment concludes that the vegetation to the east of the site is narrow and fragmented and therefore does not present a risk of a fully developed bushfire impacting the proposed site. Please refer to **Appendix M** for greater details.

4.6 Bushfire prone land

The section of the DCP provides guidance and controls for all development upon land classified as being bushfire prone within the Hornsby Shire Council LGA.

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A bushfire risk assessment has been produced to accompany this SEE and is located at **Appendix M**. The report concludes that the proposed development will be constructed to be minimum standard required in accordance with the guidelines in *Planning for Bushfire Protection 2006*. The report assesses the proposed development against all the elements of bushfire attack and concludes that the provided the subject facility is constructed with the recommendations that it is considered to satisfy the aims and objectives of *Planning for Bushfire Protection 2006*.

The report makes recommendations as follows:

(1) *Construction Standard: The proposed development shall be constructed to a minimum standard of Section 3 (construction general) and Section 8 (BAL 40) of AS3959, 2009 'Construction of Buildings in Bushfire Prone Areas' and Section A3.7 of the NSW Rural Service Addendum to Appendix 3 of 'Planning for Bushfire Protection 2006'.*

(2) *At the commencement of building works and in perpetuity, the area within the equipment cabin should be managed as an asset protection zone. Guidance is provided at Appendix 2.*

Council may include any conditions of development consent with regard to these recommendations. Please refer to **Appendix M** for greater details.

The proposed development is therefore considered to be consistent with the aims and objectives for the zone. In addition, the Rural Fire Service has released a Community Resilience Practice Note 1/11. The Practice Note provides direction on the application of bush fire protection measures to telecommunication facilities in bush fire prone areas. The Practice Note states that telecommunications facilities are considered to be critical infrastructure for firefighting communications and for providing warnings, information, and communication channels for people in bush fire prone areas during emergencies. The proposed facility will therefore have a significant benefit to the area and is in the public interest.

8.3 Draft Environmental Planning Instruments

The subject land is not affected by an exhibited Draft Local Environment Plan.

8.4 Planning Agreement

The proposal is not subject to any planning agreement.

8.5 The Regulations

As discussed in *Section 6* and *7* of this SEE, the proposal is consistent with the relevant regulations applicable to the site.

8.6 Coastal Zone Management Plan

The site is not subject to any Coastal Zone Management Plan.

8.7 The Likely Impacts of the Development

The impacts of the proposal in relation to a range of potential issue areas are assessed below. It is considered that the proposal will not create any significant or unacceptable impacts on the locality.

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8.7.1 Visual Character and Impacts

The site is located in the northeast corner of the Normanhurst Oval. The subject site is characterised by open grassy ground containing a sports field with netball courts, a playground, recreation area that includes toilet facilities and significant tall vegetation to the north. The site comprises of a number of other tall elements such as floodlight poles, other infrastructure features such as utility poles and the tall trees located to the north and east. The site is relatively isolated, located outside of the residential area of Normanhurst.

The topography of the subject land is generally flat. The proposed facility is located within a large area of open space. The land gently lowers to the west of the proposed site. The area to the north and east contains significant tall vegetation and the Waitara Creek. Beyond this to the north and east the area is residential. To the west and south the area is predominantly residential in nature. Within the visual catchment, existing buildings, topography, vegetation in gardens limit visibility, therefore the cabin and lower parts of the facility would be of minimal visibility in all views, with minor views of the upper part of monopole and aerials.

The visual catchment may be wider from public domain locations such as recreational area, the views however are partially constrained to glimpses from this area by vegetation.

The proposed facility will support infrastructure for two Carriers and would be considered a co-location once operational. Therefore, the proposed height is to ensure the proposal will meet coverage objectives. The proposal includes swapping an existing floodlight pole for a stronger and slightly thicker monopole. However, utilising already existing tall structure will minimise the visual impact of the facility.

Please find the photomontages showing the proposed facility in context of its surroundings as **Appendix O**.

Overall it is considered that the subject monopole does not have substantial negative effects on the intrinsic character of the wider setting. As a result, this weighting factor is considered to have a neutral impact. The low levels of visual effects therefore equate to low impacts.

In our opinion the monopole is best left unpainted so that the steel may weather over time and darken, as it would be viewed against a background of vegetation. It will also match the existing floodlight infrastructure in the sports field.

The visual impacts of the subject monopole on its overall visual catchment were considered to be moderate to low and acceptable regarding potential visual impacts. In our opinion the development application can be supported on visual impact grounds.

8.7.2 Access, Transport, and Traffic

The proposed facility would be situated on a floodlight pole within the Normanhurst Oval, 20X Harris Road, Normanhurst. Access to the site is to be via new access track off Bryan Avenue.

It is considered that there is adequate space on-site to allow all constructions to be contained within the site boundaries. Limited vehicle movements will be associated with the installation and maintenance of the facility. Traffic in the local area will not be impeded by the installation of the proposed telecommunications facility on the site. No road closures will be required during the construction process. There will be no noticeable increase in traffic volumes.

Once the proposed facility is operational it will be unmanned and will only require regular maintenance approximately three times a year. Direct access to the site off Harris Road will not require any additional management measures once constructed.

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8.7.3 Utilities

Electricity is available from the nearby electricity supply on site. The existing power supply is adequate, and the details of the power run are shown in the plans enclosed as **Appendix H**.

The site does not require any water during operation and as the facility is unmanned, no wastewater is produced.

8.7.4 Heritage

The site does not contain any items of heritage significance.

8.7.5 Demolition and Construction

The proposal includes the removal of the existing floodlight pole and replacing it with a stronger and slightly larger pole. It is considered that demolition and construction will be undertaken in a short time frame. The majority of the works are internal works within the facility equipment cabin. Should Council be minded approving the application, all construction can take place within hours conditioned as part of any development consent.

8.7.6 Flora and Fauna

The site does not contain endangered or threatened species. It is considered the proposed development will not impact on any habitat within the park.

8.7.7 Bushfire Requirements

The issue of bushfire requirements is addressed in *Section 8.1 and 8.2* above.

Please find enclosed a Bushfire Risk Assessment as **Appendix M**.

8.7.8 Noise

The noise associated with the construction of the facility would not be significant. Construction would take place during the day and works would proceed in accordance with Council's noise controls.

There will be some noise associated with the operational stage of the development with the equipment shelter air conditioning units. The air conditioning is required to comply with Australian Standards for noise and will be comparable to a domestic air conditioning unit.

8.7.9 Technological Hazards, Health, and Safety

Optus and VHA take the health and safety of the public very seriously.

The Carriers operate within the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a Federal Government agency incorporated under the Department of Health and is charged with the responsibility for protecting the health and safety of both people and the environment from the harmful effects of radiation (ionising and non-ionising). The operational standards are based on international standards set by the International Commission for Non-Ionizing Radiation Protection (ICNRP).

All Carriers ensure that their facilities are installed, designed and certified by qualified professionals in accordance with all relevant Australian Standards. This ensures that the Optus and VHA's facility will not result in any increase in the level of risk to the public. This

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facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the *Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003*.

In addition to this, the Carriers undertake further measures when designing the facility, to minimise the EME exposure to the general public, by installing the facility in accordance with the Australian Mobile Telecommunications Association (AMTA) Radio Frequency (RF) Safety Compliance Program – Base Station Design Guidelines Engineering for Access Control to minimise EME. Other preventative measures include:

- Utilising Dynamic/Adaptive Power Control network feature that automatically adjusts the power and hence minimises EME from the facility;
- Varying the facility's transmit power to the minimal required level, minimising EME from the network; and
- Discontinuous transmission, a feature that reduces EME emissions by automatically switching the transmitter off when no data is being sent.

The proposed facility will also have restrictions aimed at preventing public access, including a secured compound fence with a locked gate and warning signs placed around the facility.

The Environmental EME Report associated with this site is enclosed as **Appendix I**. The report shows that the maximum predicted EME levels will equate to 2.39% of the maximum exposure limit, which is significantly below the allowable exposure limit under the Australian Standard (100% – which is still considered to be safe).

This measurement is based on the maximum worst case scenario, considering direct exposure at full operational capacity of the facility which is generally not a true representation of a real-life scenario. The signal from the facility is usually affected by various factors including service demand, the existing network support of surrounding base stations, distance, topography, physical and natural barriers (e.g. hills, trees, buildings et cetera). Other variations include antenna specifications and azimuth, power input to name a few.

Refer to Figure 4 below for EME predictions at various distances within 500m from the facility and 1.5m from ground level. The table illustrates the maximum predicted level from the proposed facility will be 2.39% at 178 metres from the subject site.

Furthermore, wherever possible the Carriers seek to locate their facilities away from community sensitive locations (e.g. schools, childcare centres, hospitals). In some instances however, this is unavoidable especially in densely populated and well-developed areas.

The predicted EME levels shown in the Environmental EME Report are based on the distance, angle, and height range relative to the specific ground level at the area of interest. The prediction shows the worst-case scenario, not including possible signal attenuation due to physical or natural obstacles such as buildings or trees. The predicted EME levels are considerably low and will within the allowable ARPANSA Standard.

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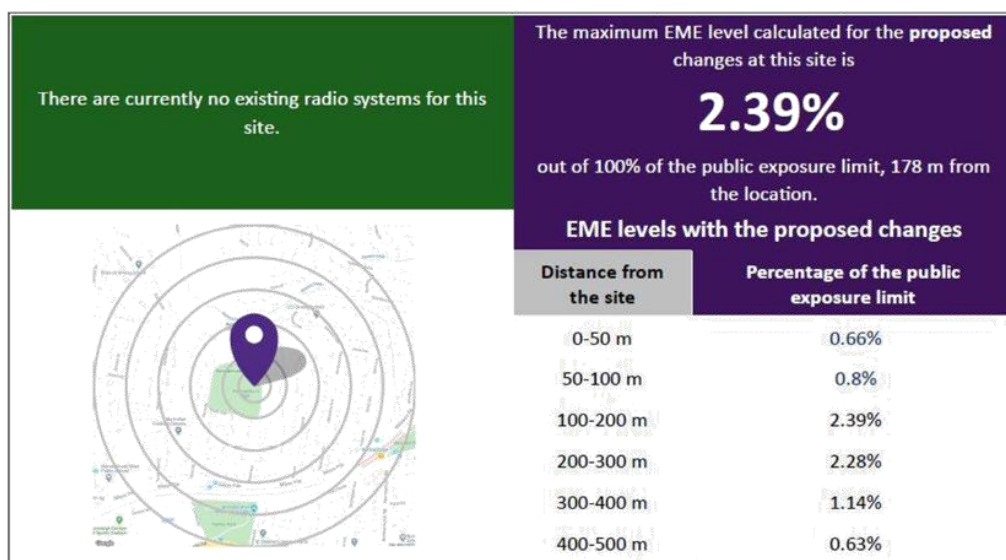


Figure 5: Calculated EME levels as detailed in the ARPANSA Environmental EME Report

Maximum cumulative EME level for the proposed configuration				
Location	Height range	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit
Normanhurst Oval	0-3 m	1.14	3.43	0.062%
Normanhurst Scout	0-3 m	1.97	10.33	0.17%
Playground	0-3 m	1.61	6.84	0.13%
Residence A	0-6 m	4.064	43.81	0.8%
Normanhurst West Public School	0-6 m	0.58	0.89	0.016%

Table 4: Calculated EME levels of nearby locations

8.7.10 Economic and Social

The proposal would contribute to the provision of improved Optus and VHA coverage to Normanhurst and Thornleigh areas and the greater Hornsby Shire Council LGA. The facility would provide economic benefits through improved services, a greater choice of service carriers, and by maintaining competition between providers will reduce costs to consumers.

The improvement in coverage and call quality would facilitate business opportunities from local operators and the ability of local residents to work from home. Improved service levels would also ensure better coverage for visitors and users of the nearby public recreation areas.

8.8 Suitability of the Site for the Development

The proposed site for the Optus and VHA telecommunications facility is considered suitable for the following reasons:

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- The proposed development will not have any detrimental impacts on the objectives of the zone;
- An extensive site selection process has been undertaken and it is considered that the subject site is the most suitable for a telecommunications facility;
- The site has been designed in consideration of the surrounding locality. The facility will be largely screened by existing vegetation and it will be colour matched to the vegetated surroundings;
- The proposed facility utilises a slim line monopole, sympathetic materials, and colours;
- The location meets the desired radiofrequency objectives;
- It has been particularly targeted to provide the optimal required quality of service as required by Optus and VHA for the Hornsby Shire Council LGA.

8.9 Submissions

The proposed development does not meet the requirements of a low-impact facility as detailed in the *Telecommunications (Low-Impact Facilities) Determination 2018*. As a result, the proposal is subject to the requirements of Hornsby Shire Council provisions with regard to notification in accordance with the Hornsby DCP 2013.

Council will have regard to any submissions that it receives as a result of consultation taken under *Section 4.15 (d) and (e)* of the EP&A Act 1979.

8.10 The Public Interest

The proposal has been revised as much as practical to address concerns raised by community in a course of public exhibition.

The proposed development is in the public interest. Mobile phones are an important part of everyday life; people want to use their phones where they live, work, and play and expect them to operate effectively. Recent technological advances have led to a greater demand for improved mobile phone and wireless coverage, which in turn has led to greater demand for telecommunications infrastructure. The proposed facility is required as there is currently significant stress being placed on existing Carrier's networks in Normanhurst, Thornleigh and the surrounding areas.

A mobile phone base station that provides coverage to a geographic area is known as a 'cell'. Cells are aligned next to each other in a similar pattern to a honeycomb, and it is for that reason that mobile phone networks are sometimes referred to as a 'cellular' network. The capacity of the cell is often determined by a number of factors that may hinder its efficiency including the topography of the surrounding areas, physical constraints such as trees or buildings, or the cell's capacity to carry the call.

Each base station can only carry a finite number of calls and in areas where the residential density may not be as high, base stations will often be located on hills or tall structures to maximise the coverage area. When a mobile phone base station reaches capacity, its coverage area will shrink. Areas that previously had good network coverage will be left with poor and possibly no network coverage. The proposed facility will be supporting the existing facilities in the area ensuring that network coverage is maintained at all times.

Additional benefits that the infrastructure will have for the community include:

- Emergency calls and text alerts – Mobile phones are now the predominant way to access the triple zero service. Additionally, mobile phones will send a text message based on the last known location of the handset at the time of an emergency.

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- Landline usage and ownership is declining at an increasing rate and more people now use their mobile phone to make tripe zero calls than landlines. (67% of 000 calls made in 2017 came from mobile phones)
- The ability to have phone and mobile data coverage, particularly from within the home or office.
- Increase in the ability to work from home and home occupations.
- Mobile phones are beneficial in the case of road accidents or breakdowns.
- Meeting the demands of residents in the Hornsby Shire Council area, ensuring they have improved network coverage and access to the latest 4G technology.

It is considered that the safety and ability to assist in the case of an emergency, as well as providing the Hornsby Shire Council community with 4G technologies, the demand and necessity far outweighs the negative impacts of the development. This proposal is therefore considered to be in the public interest.

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9 Conclusion

The proposal is for the installation of a mobile telecommunications base station on land at Lot 19 DP3468, 20x Harris Road, Normanhurst NSW 2076. The proposed facility would form an integral part of the wider network. The proposed facility would provide an important community benefit to the Hornsby Shire Council LGA by providing improved and reliable communications services to the local community.

It is considered that the proposal is in accordance with the objectives of the Hornsby LEP 2013 and other state and federal legislations, in particular State Environmental Planning Policy (Infrastructure) 2007, which allows development for the purposes of telecommunications facilities on any land, with consent.

The environmental impact assessment taking pursuant to Section 4.15 of the EP&A Act 1979 has determined that the proposal would not cause any significant environmental impact and would have minimal impact upon the amenity of the area.

Therefore, for the reasons stated above and having regard to the environmental planning assessment set out in this SEE, it is respectfully requested that Council grant development consent for the proposed works.



Bushfire Risk Assessment

Proposed new telecommunications tower
at Harris Road, Normanhurst, NSW 2076

Prepared for
CPS Global

Version: 1.1
Date: 6 March 2020





New telecommunications tower Harris Rd, Normanhurst

Document Tracking:

Project Name:	New telecommunications tower at Harris Road, Normanhurst Site S8687
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Fire Protection Association of Australia BPAD Level 3 BPD-PA 16373

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ATTACHMENT 5 - ITEM 2



New telecommunications tower Harris Rd, Normanhurst

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New telecommunications tower Harris Rd, Normanhurst

1. Summary

Blackash Bushfire Consulting (**Blackash**) has been engaged by CPS Global (CPS) to provide a bushfire report to determine the category of bushfire attack, construction standard and provision of a bushfire certificate for a proposed new Telecommunications Tower and Equipment Cabin at Normanhurst Park off Harris Road, Normanhurst (Figure 1).

NSW Rural Fire Service (**RFS**) *Practice Note 1/11 Telecommunication Towers in Bushfire Prone Areas Version 2 February 2012* (**Practice Note**) identifies towers in bushfire prone areas are critical infrastructure for firefighting communications and for providing warnings, information and communication channels for people during bushfire emergencies. The RFS require that owner/operators should take actions to reduce the risk of impact of such infrastructure from bushfire attack.

Table 1 is a summary of compliance with relevant documents and approaches to limit bushfire attack.

Table 1 Summary

Can this proposal comply with AS3959, 2009 + addendum to Appendix 3 of PBP?	AS3959, 2009 does not apply as a DTS Provision
Does the proposal comply with Practice Note 1/11 Telecommunication Towers in Bushfire Prone Areas Version 2 February 2012	Yes
Does this development comply with the requirements of PBP?	YES
Does this development comply with the Aims and objectives of PBP?	YES
Is referral to the NSW RFS required?	NO
Architectural Plans	Provided by: CPS Global Refer to Appendix 3 for Site Elevation

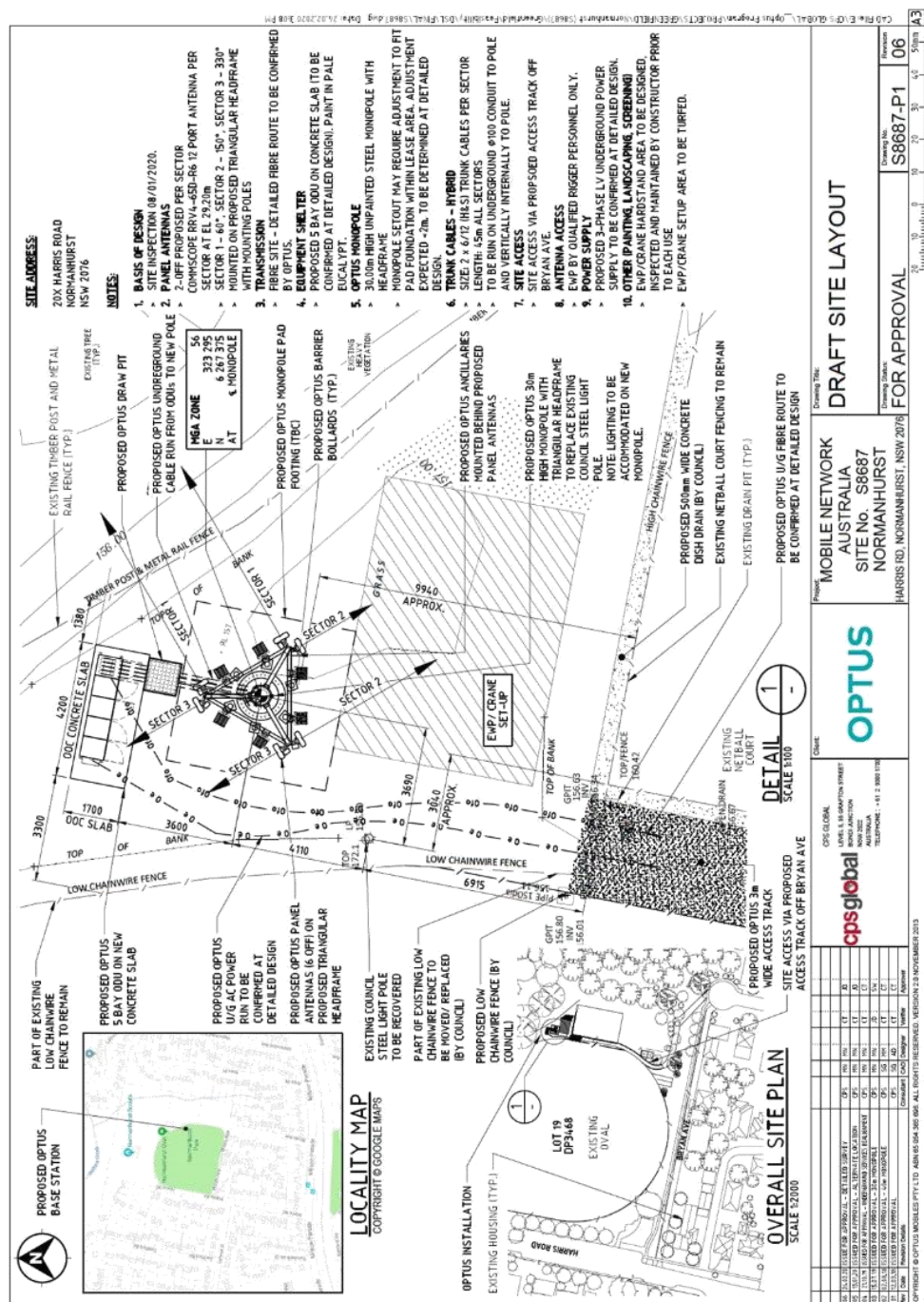
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Figure 1 Figure 1 Site Location & Layout



2. Introduction

The proposal is to construct a telecommunications tower and equipment cabin. The purpose of this report is to determine the category of bushfire attack and subsequent construction standard and provide a complying development certificate for the proposed development of a new telecommunications facility at Harris Road, Normanhurst, NSW (**the site**). See Figure1 for site location.

The site is identified as 'bushfire prone land' for the purposes of Section 146 of the *Environmental Planning and Assessment Act 1979 (EPA Act)* and the legislative requirements for building on bushfire prone lands are applicable.

The proposed development is "other" development as defined within Chapter 4.3.5 of *Planning for Bushfire Protection 2006 (PBP)* and this report has been prepared in accordance with the requirements of section 4.14 of the EPA Act.

SEPP Infrastructure 2007, Division 21 Telecommunications and other Communication Facilities do not provide bushfire specific requirements for complying development for the proposed telecommunication tower and facilities.

The Building Code of Australia (**BCA**) does not provide for any bushfire specific performance requirements for the proposed development and as such AS3959, 2009 does not apply as a deemed to satisfy provision. PBP accepts the general fire safety construction provisions of the BCA are taken as acceptable solutions; however, the aims and objectives of PBP must be considered.

The Practise Note from the NSW Rural Fire Service (**RFS**) provides direction on the application of bushfire protection measures for telecommunication towers. It discusses the importance of protecting the infrastructure required to support these towers. In particular, Asset Protection Zones should be established and maintained for a distance of at least 10m from the infrastructure associated with the tower. Additionally, the RFS advises, regardless of the bushfire attack level calculated, a construction standard of BAL 40 is needed for the associated infrastructure.

This assessment includes an analysis of the hazard, threat and subsequent risk to the development proposal and provides recommendations that satisfy the Aims and Objectives of Planning for Bushfire Protection 2006 [PBP] and considers the advice provided by the NSW Rural Fire Service.

This assessment has been prepared by Lew Short, Principal Bushfire & Emergency Management (FPAA BPAD Level 3 Certified Practitioner No. BPD-L3-28853) who is recognised by the RFS as qualified in bushfire risk assessment and have been accredited by the Fire Protection Association of Australia as a suitably qualified consultant to undertake alternative solution proposals.

A site inspection was completed on 19 July 2019.

3. Revision of *Planning for Bushfire Protection 2006*

The RFS have reviewed PBP 2006. It is anticipated that PBP 2019 will become legislated in March 2020.

Until PBP 2018 becomes legislated, PBP 2006 will remain the legally referenced document and PBP 2019 can be used on a performance basis in consultation with NSW RFS only. This assessment has been completed against PBP 2006 as the in-force document that is called up by NSW legislation.

4. The Site Location

The proposed site is located on land to the east of Normanhurst Park off Harris Road, Normanhurst which is legally known as Lot 19 DP 3468 (see Figure 1).

The proposal is for a new 30m high mono pole and associated infrastructure.



New telecommunications tower Harris Rd, Normanhurst

5. Bushfire Prone Land

Bushfire prone land maps provide a trigger for the development assessment provisions and consideration of sites that are bushfire prone. Bushfire prone land (**BFPL**) is land that has been identified by council, which can support a bushfire or is subject to bushfire attack. Bushfire prone land maps are prepared by local council and certified by the Commissioner of the NSW RFS.

The bushfire prone land map shows that the development site is within the 100m buffer from Category 1 vegetation.

The bushfire prone vegetation within 100m of the site is highly fragmented and heavily effected by weeds on the edges of the Normanhurst Park. The area between the proposed pole and infrastructure hut is cleared.

The vegetation to the east of the site is narrow and fragmented and does not present a risk of a fully developed bushfire impacting the site.

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Figure 2 Bushfire Prone Land Map



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6. Site Assessment Methodology

This bushfire feasibility is based on both a desktop assessment of the site utilising the following resources:

- *Planning for Bushfire Protection* (NSW RFS, 2006)
- *Practice Note 1/11 Telecommunication Towers in Bushfire Prone Areas*
- Aerial mapping.
- On site assessment by Lew Short.

This assessment is based on mapping of vegetation formations and slope assessment in accordance with PBP.

Bushfire risk as influenced by fire history and future mitigation strategies (e.g. hazard reduction burning) has no bearing on the determination of bushfire protection strategies for future development at the site. This is due to the fact that PBP assesses bushfire protection based on vegetation and slope (i.e. hazard and not risk), making the assumption that a fire may occur at a near worst-case scenario.

The methodology used in this assessment is in accordance with PBP and is outlined in the following sections.

6.1. Bushfire Hazard

An assessment of the bushfire hazard is necessary to determine the application of bushfire protection measures such as Asset Protection Zone (**APZ**) locations and dimensions and future building levels. The vegetation formations (bushfire fuels) and the topography (effective slope) combine to create the bushfire threat that may affect bushfire behaviour at the site, and which determine the planning and building response of PBP and the RFS Practice Note.

6.2. Vegetation

Predominant Vegetation is classified by structure or formation using the system adopted by Keith (2004) and by the general description using PBP. Vegetation types give rise to radiant heat and fire behaviour characteristics. The predominant vegetation is determined over a distance of at least 140 metres in all directions from the proposed site boundary or building footprint on the development site. Where a mix of vegetation types exist, the type providing the greater hazard is said to predominate.

The vegetation to the east of the proposed tower is forest consisting of highly fragmented and weedy understorey.

6.3. Slopes Influencing Bushfire Behavior

The 'effective slope' influencing fire behaviour approaching the sites has been assessed in accordance with the methodology specified within PBP. This is conducted by measuring the worst-case scenario slope where the vegetation occurs over a 100 m transect measured outwards from the development boundary or the existing/ proposed buildings. The predominant slopes affecting the site are downslope to the east from the proposed telecommunications tower and are steep. The fill from the establishment of the oval is weedy and unconsolidated.



New telecommunications tower Harris Rd, Normanhurst

6.4. Fire Weather

The fire weather is dictated by PBP and assumes a credible worst-case scenario and an absence of any other mitigating factors relating to aspect or prevailing winds. The sites have a Fire Danger Index (FDI) of 100 as per PBP.

7. Bushfire Attack Levels

The equipment cabin should be built to comply with BAL 40, including ember protection to openings.

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8. Assessment Against the Aim and Objective of PBP

All development in Bushfire Prone Areas needs to comply with the aim and objectives of PBP. Table 2 shows the compliance with PBP.

Table 2 Compliance with Aim & Objectives of PBP

Aim	Meets Criteria	Comment
The aim of PBP is to use the NSW development assessment system to provide for the protection of human life (including fire fighters) and to minimise impacts on property from the threat of bushfire, while having due regard to development potential, onsite amenity and the protection of the environment.	Yes	Landscaping, defensible space, access and egress, emergency risk management and construction standards are in accordance with the requirements of PBP and the aims of PBP have been achieved. A Bushfire Attack Level of BAL 40 can be achieved, meeting the deemed to satisfy requirements for the NSW RFS.
Objectives	Meets Criteria	Comment
Afford occupants of any building adequate protection from exposure to a bushfire.	Yes	The maximum exposure to a bushfire for the area where the development is proposed is BAL 40.
Provide for defensible space to be located around buildings.	Yes	Defensible space is provided on all sides of the proposed development.
Provide appropriate separation between a hazard and buildings, which, in combination with other measures, prevent direct flame contact and material ignition.	Yes	An asset protection zone in accordance with advice provided by the Community Resilience Practise Note 1/11 has been recommended and can be provided around the site.
Ensure that safe operational access and egress for emergency service personnel and occupants is available.	Yes	The site has direct access to public roads, and access and egress for emergency vehicles and evacuation is adequate.
Provide for ongoing management and maintenance of bushfire protection measures, including fuel loads, in the asset protection zone.	Yes	The area within and surrounding the compound is managed.
Ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bushfire fighting).	Yes	



New telecommunications tower Harris Rd, Normanhurst

9. Recommendations

The following recommendations are made for the bushfire protection measures for a new Telecommunications Facility at Anglers Reach, NSW and are based upon the relevant provisions of the NSW Rural Fire Service guideline entitled *Planning for Bushfire Protection 2006* and the community Resilience Practise Note 1/11 from the RFS.

1. Construction Standard: The proposed development shall be constructed to a minimum standard of Section 3 (construction general) and Section 8 (BAL 40) of AS3959, 2009 'Construction of Buildings in Bushfire Prone Areas' and Section A3.7 of the NSW Rural Fire Service Addendum to Appendix 3 of 'Planning for Bushfire Protection 2006'.

2. Asset Protection Zones: At the commencement of building works and in perpetuity, the area within the equipment cabin should be managed as an asset protection zone. Guidance is provided at Appendix 2.

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10. Conclusion

This report consists of a bushfire risk assessment for the proposed development of a new Telecommunications Facility at Harris Road, Normanhurst.

The report concludes that the proposed development is on designated bushfire prone land and the legislative requirements for development in bushfire prone areas are applicable. The proposed development will be constructed to the minimum standards required in accordance with the guidelines of *Planning for Bushfire Protection 2006*.

The Building Code of Australia does not provide for any bushfire specific performance requirements for the proposed development and as such AS3959, 2009 does not apply as a deemed to satisfy provision. PBP accepts the general fire safety construction provisions of the BCA are taken as acceptable solutions. The community Resilience Practise Note 1/11 from the RFS provides direction on the application of bushfire protection measures for these towers and the RFS advises a construction standard of BAL 40 for the associated infrastructure.

This report has considered all elements of bushfire attack and provided the proposed development is constructed in accordance with the recommendations included in section 9 of this report, it is my considered opinion that the development satisfies the Aims and Objectives of *Planning for Bushfire Protection 2006*.

This Report is a Bush Fire Hazard Assessment that provides the required information to assist Council in determining compliance in accordance with the aims and objectives of *Planning for Bushfire Protection 2006*.



Lew Short | Principal

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Appendix 1 References

Australian Building Codes Board *Building Code of Australia Volumes 1&2*

Councils of Standards Australia AS3959 (2009) – *Australian Standard Construction of buildings in bushfire-prone areas*

Keith, David (2004) – *Ocean Shores to Desert Dunes – The Native Vegetation of New South Wales and the ACT*. The Department of Environment and Climate Change

NSW Rural Fire Service (2015) *Guide for Bushfire Prone Land Mapping*

NSW Rural Fire Service (Version 2– February 2012) Practice Note 1/11 Telecommunication Towers in Bushfire Prone Areas

NSW Rural Fire Service (RFS). 2006. *Planning for Bushfire Protection: A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners*. Australian Government Publishing Service, Canberra

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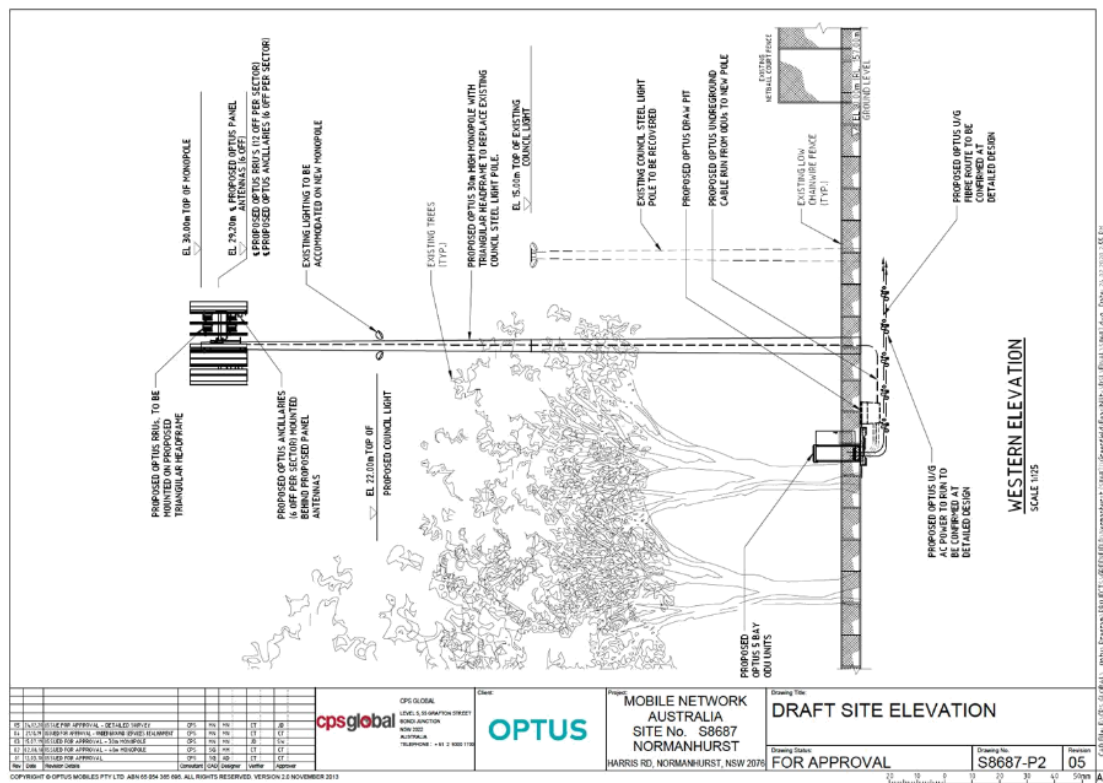


Appendix 2 APZ Maintenance

The APZs and future landscaping of the subject land will achieve the following principles:

- No tree or tree canopy is to occur within 2 m of rooflines;
- The existing rooftop gardens will be managed as APZs to reduce fuel and remove deadwood.
- The presence of a few shrubs or trees in the APZ is acceptable provided that they:
 - are well spread out and do not form a continuous canopy;
 - are not species that retain dead material or deposit excessive quantities of ground fuel in a short period or in a danger period; and
 - are located far enough away from future buildings so that they will not ignite the buildings by direct flame contact or radiant heat emission.
- Any landscaping or plantings should preferably be local endemic mesic species or other low flammability species; and
- A minimal ground fuel is to be maintained to include less than 4 tonnes per hectare of fine fuel (fine fuel means ANY dead or living vegetation of <6 mm in diameter e.g. twigs less than a pencil in thickness. 4 t/ha is equivalent to a 1 cm thick layer of leaf litter).

Appendix 3 Site Elevation



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