



KEMPSEY  
Shire Council

## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

10<sup>th</sup> July 2007

<b>DSDS1</b>	<b>PROPOSED TELSTRA TOWER LOT4 DP1087626, 185 SUMMER ISLAND ROAD, SUMMER ISLAND FILE: T6-07-155 PRJ</b>	<b>{Folio No. *}</b>
--------------	---	----------------------

### **SUMMARY:**

Reporting that Council has received an application for the construction of a Telstra Telecommunications Pole and equipment shelter for which objections have been received.

◆◆◆◆◆

**Applicant:** Telstra Corporation C/O Angelini Planning Services  
**Subject Property:** Lot4 DP1087626, No. 185 Summer Island Road,  
Summer Island  
**Zone:** 1(A3) Agricultural Protection Zone

### **Proposed Development**

The application relates to the proposed construction of a mobile phone base station on land between Summer Island Road and Hills Lane, approximately 1.5km north of Smithtown.

The site is located in the south west corner of lot 4 on level, cleared rural land. The closest rural residences are situated 460 metres away on Summer Island Road to the south-east.

The proposed base station is intended to serve Smithtown, Gladstone and the surrounding rural areas. It is proposed to comprise a 30 m high concrete pole, fitted with antennas, with associated radio equipment being housed in an equipment shelter located adjacent. Plans showing the location of the facility, the type, location and configuration of antenna structures on the pole and the location of the equipment shelter relative to the pole are shown in [\(Appendix A – Page G1\)](#)

### **Heads of Consideration:**

The proposal has been examined having regard to the Heads of Consideration identified under Section 79C(1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

### **Kempsey Local Environmental Plan 1987 (KLEP)**

The subject site is zoned Rural 1(A3) Agricultural Protection Zone, under the

Kempsey Local Environmental Plan 1987. Telecommunication facilities are not a prohibited use in this zone and the proposal is therefore permissible with the consent of Council. The proposal is not contrary to the zone objectives.

Clause 56 of Kempsey LEP 1987 contains provisions relating to development on land containing potential acid sulfate soils. In this regard, a geotechnical assessment of the proposed site has been undertaken by Coffey Geotechnics P/L. The report concludes that on the basis of the screening result, the soils tested are not considered actual or potential ASS and that based on the findings the site is not considered to contain ASS and the proposed development will not require an ASS Management Plan.

## **North Coast Regional Environmental Plan (REP)**

Clause 12 of the North Coast Regional Environmental Plan (REP). addresses development on rural land and therefore is relevant to the proposal:

### ***12 Development control – impact of development on agricultural activities***

The council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land.

The small land area to be occupied by the proposed base station means that it will have no material impact on the use of land for agricultural purposes.

## **Model Provisions 1980**

Clause 34 of the Model provisions addresses development on Flood prone land. The proposed development will be supported on pier footings and elevated above ground level on a steel support framework to take it above the surrounding flood level. Feeder cables linking the pole and hut will be run via an overhead gantry. Refer proposed conditions of consent regarding flood proofing.

There are no other State Environmental Planning Policies that are of relevance to this development proposal.

The proposal is not contrary to the Kempsey Local Environmental Plan zone objectives, nor any State Environmental Planning Policies, North Coast Regional Environmental Plan.

## **Health and Safety**

Mobile phone base stations emit electromagnetic energy (EME), which is the energy stored in an electromagnetic field. It is a part of everyday life, being emitted by natural sources such as the sun and earth, and by man made sources operating on radio waves such as TV and radio broadcasts, baby monitors, model planes, as well as mobile phone base stations.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the Commonwealth body charged with the responsibility for establishing standards that protect the health and safety of the community from the harmful effects of radiation. The relevant standard with which mobile base stations and other forms of radio communication facilities must comply is Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency

fields – 3kHz to 300kHz (RPS 3 –2002).

Telstra mandatory site practices minimise radio frequency radiation exposure by using engineering design to restrict access to radio frequency (RF) hazard areas. These areas are within 0-3metres of a transmitting antenna. Application of these practices ensures that all Telstra staff, Telstra contractors and Telstra visitors admitted to transmitting sites are protected against exposure to radio frequency radiation above the limits set out in RPS 3.

According to the Statement of Environmental Effects health impacts are based on expert advice of national and international health authorities such as the *Australian Radiation Protection and Nuclear Safety Agency* (ARPANSA), and the *World Health Organisation* (WHO) for overall assessments of health and safety impacts. The consensus is that there is no substantiated scientific evidence of health effects from the EME generated by radio frequency technology installations (radio and television broadcasting, mobile phones and their base stations etc) where these comply with national and international safety guidelines.

EME emissions have been dealt with at great length in a recent decision of the Land and Environment Court *Telstra Corporation Ltd v Hornsby Shire Council* (proceedings 11097 of 2005). The Court found that the Australian Standard RPS 3 is consistent with a precautionary approach and principles of ecologically sustainable development and that it is appropriate that EME standards are set by the relevant authorities with the requisite special expertise.

## Public Exhibition

The proposal was advertised in accordance with Council's Policy, with three (3) objections having been received with the issues summarised as follows:

[\(Appendix B – Page G3\)](#)

Objection	Planning Comment
1 Concern over potential health impacts of additional EM Radiation on their health and the health of their cattle.	1 Refer EMR and Health and Safety comments above
2 Concerned at the power supply lines running down beside land adjacent to objector's house and it's potential EM radiation impact on their health	2 The section of proposed power line running past the objector's dwelling is proposed to be an underground 3 phase service that will have no impact on the health and safety of the objector.
3 Feel that the development would reduce the value of their property	3 This is not a matter for consideration in section 79C and cannot be quantified

## REPORT IMPLICATIONS:

- *Environmental*

***From the information supplied to council, it is not anticipated that there will be any adverse environmental / health impacts from the proposed development.***

- **Social**

*The proposed development will improve communication facilities in the locality. It will thus have a positive impact on the social and economic environment of Smithtown and Gladstone.*

*There is a strong public interest vested in seeing the establishment of improved mobile phone facilities in the locality, to ensure that regional customers receive services comparable with their urban counterparts.*

- **Economic (Financial)**

*Improved access to 3G and high speed internet will improve business opportunities for the villages of Smithtown and Gladstone and surrounding areas.*

- **Policy or Statutory**

*The proposal has been assessed under Section 79C(1) of the Environmental Planning and Assessment Act 1979, Kempsey Local Environmental Plan 1987, North Coast Regional Environmental Plan and Model Provisions 1980.*

**RECOMMENDATION:**

- A. That Council approve the proposed Telstra Mobile Phone Telecommunications Pole and equipment shelter on Lot4 DP1087626, No. 185 Summer Island Road, Summer Island subject to the following conditions:

**PROPOSED CONDITIONS**

**GENERAL**

1. Development is to be in accordance with approved plans

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan Supporting Document	No./	Version	Prepared by	Dated
Statement of Environmental Effects	of	April 2007	Angelini Planning Services	April 2007
S0,S1-S3 plans & notes		N27518	Telstra	4/04/07
EO1/D07070 Electrical Services		C	Clarence Consultants Pty Ltd	June 07

In the event of any inconsistency between conditions of this development consent and the plans / supporting documents referred to above, the conditions of this development consent prevail.

2. This consent does not permit commencement of any

works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.

**3. Compliance with EME report**

Within three months of the site becoming operational, a site compliance certificate is to be carried out by an appropriately qualified person, in accordance with the Australian Radiation Protection and Nuclear Safety Agency. This certificate should include but not be limited to, details verifying that the site complies with the requirements and limits of the Australian Radiation Protection and Nuclear Safety Agency, Radiation Protection Standard, 2002 Maximum Exposure Levels to Radio Frequency Fields – 3 kHz to 300 GHz.

This certificate is to be submitted to Council for consideration within 3 months of the tower becoming operational.

**4. Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.**

**5. The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.**

**PRESCRIBED CONDITIONS**

**6. All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.**

**7. A sign is to be provided in a prominent and visible position (on the fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.**

**8. A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.**

**Note: Clause 78I requires that the toilet must be provided before any work is commenced.**

**Compliance with the Building Code of Australia.**

**9. All building work must be carried out in accordance with**

the requirements of the (BCA). A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

## SIZE, SHAPE, BULK, APPEARANCE AND SITING OF BUILDING

10. A Survey Report is to be submitted on completion of base station to ensure the location of the building is in accordance with the approval issued.

## AMENITY OF NEIGHBOURHOOD

11. Building materials are not to be stored within the road reserve or any other public place.

## Flooding

12. A Survey Certificate is to be submitted upon completion of the base station to ensure that the finished floor level is at or above 4.3 metres A.H.D.
13. Fixed electrical installations are to be at least 500mm above the 1 in 100 flood level (i.e. at 4.8m AHD or higher).
14. Submission of a certificate from a Structural Engineer advising that the building has been designed to withstand the forces created by floodwaters and debris loading anticipated for that area prior to release of the Construction Certificate.

## ACCESS TRAFFIC AND PARKING

15. Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Rural Properties. Applicant is to consult Council's Sustainable Development Services Department for requirements before commencing construction.

## ADVICES

The applicant / owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint possibly leading to legal action if access to premises by people with disabilities or their carers is precluded. This may require action to provide or improve access in addition to the minimum requirements of the Building Code of Australia.

The Human Rights and Equal Opportunity Commission can provide further information on this issue (tel: 088-021-199 toll free).

- B. That the objectors be advised of Council's decision.

.....

R B Pitt

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES