

# Wollongong Local Planning Panel Assessment Report | 13 October 2020

<b>LPP No.</b>	Item 4
<b>DA No.</b>	DA-2020/265
<b>Proposal</b>	Telecommunications facility and associated equipment including shelter at ground level
<b>Property</b>	Lot 1 Cater Street Coledale
<b>Applicant</b>	Kordia Solutions
<b>Responsible Team</b>	Development Assessment and Certification - City Wide Team (KR)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Local Planning Panel

The proposal has been referred to the Local Planning Panel **for determination** pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction as the application is the subject of 10 or more unique submissions by way of objection.

#### Proposal

The proposal is for a telecommunications facility and associated equipment including shelter at ground level.

#### Permissibility

The site is zoned SP2 Infrastructure zone under the Wollongong Local Environmental Plan 2009. The proposed telecommunications facility is permissible under Clause 115(1) of the State Environmental Planning Policy (SEPP) Infrastructure 2007.

#### Consultation

The proposal was exhibited in accordance with Council's Community Participation Plan 2019 and received 11 submissions which are discussed at section 1.5 of the assessment report. The main issues raised in submission are as follows:

- Location concerns – proximity to residential properties and child care centre.
- Health concerns – long term effect of exposure to electromagnetic radiation.
- Impact on houses prices.
- Visual impact.

Council's Environment, Heritage, Bushfire, Development Engineer and Geotechnical Officers are satisfied.

Details of the proposal were referred to Sydney Trains and the Natural Resources Access Regulator and satisfactory referrals were received.

#### Main issues

- Issues raised in submissions

#### Likely impacts

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

#### RECOMMENDATION

It is recommended DA-2020/265 be approved subject to the conditions at Attachment 3.

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

The following planning controls apply to the proposal:

#### Commonwealth Legislation:

- Telecommunications Act 1997

#### State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Infrastructure) 2007
- SEPP (Coastal Management) 2018
- SEPP (Koala Habitat Protection) 2019

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan 2009

#### Other policies

- Wollongong City Wide Development Contributions Plan 2019
- Community Participation Plan 2019
- Planning for Bushfire Protection 2019

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal involves the following:

- Excavation of the site, footings and slab.
- Installation of:
  - 30m concrete monopole with triangular headframe.
  - six panel antennas on the triangular headframe and three Tower Mounted Amplifiers on proposed mounts behind the antennas.
  - six Radio Remote Units mounted on the triangular headframe.
  - 3.15m x 2.105m equipment shelter.
  - 2.4m high compound security fence 10m x 6m with 3m wide double access gate.
  - Ancillary equipment such as electrical equipment and signage.

### **1.3 BACKGROUND**

DA-2019/987 Commercial - telecommunications facility - 30 metre monopole and associated infrastructure was withdrawn on 27 November 2019.

On 26 March 2019 a pre-lodgement meeting (PL-2018/43) was held for the proposal. The summary of the pre-lodgement notes stated the following:

*'The main issue identified is the siting and location of the proposal in the context of the Illawarra Escarpment. The proposal will need to be assessed against WDCP 2009 - Chapter B6. A visual impact assessment will be required. WDCP 2009 Chapter B6 contains the Key Viewing Points for a Visual Impact Assessment at Table 8. Sublime Point should be included as a key viewing point in addition to the Key Viewing Points found at WDCP 2009 Chapter B6 Table 8. To minimise visual impacts and ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones, in this regard the colour scheme is not include white, light or bright colours.*

*There are a number of site constraints that affect the subject land and matters that may apply as a result of the proposed works, all need to be adequately addressed to ensure there are no adverse impacts from the development.*

*Further information/studies are sought to inform the overall design for the proposal and the matters raised in response to comments as detailed within these notes. Please ensure these matters are addressed within the development application submission, and the proposal amended where appropriate.'*

#### Customer service actions

There are no outstanding customer service requests of relevance to the development.

#### **1.4 SITE DESCRIPTION**

The site is located at Lot 1 Cater Street Coledale and the title reference is Lot 1 DP 1188983. The site is owned by Sydney Trains and contains the Coledale railway station and railway line.

It is irregular in shape and relatively flat and contains grassy cleared areas and stands of significant trees. The site is traversed by four watercourses, one of which is a Category 1 watercourse located adjacent to the proposal.

The Coledale railway station is listed as a Local Heritage Item under the Wollongong Local Environmental Plan 2009. There are two existing telecommunications towers in the area immediately adjacent to the railway platform on the western side and to the south west of the site.

Adjoining development is as follows:

- North and West: Residential properties in Cokeworks Road zoned E3 Environmental Management.
- East: Residential properties zoned R2 Low Density Residential.
- South: Cater Street and railway bridge, commuter car park and railway station.

#### Property constraints

Council records identify the land as being impacted by the following constraints:

- Unstable land
- Acid sulphate soils
- Flooding
- Bushfire
- Heritage
- Coastal Zone
- Riparian land
- Natural Resources Sensitivity - Biodiversity
- Coastal Zone

- 100m buffer Littoral Rainforest
- Illawarra Escarpment

There are no restrictions on the title.



**Figure 1: Partial site Aerial Photograph – proposal indicated by blue dot**

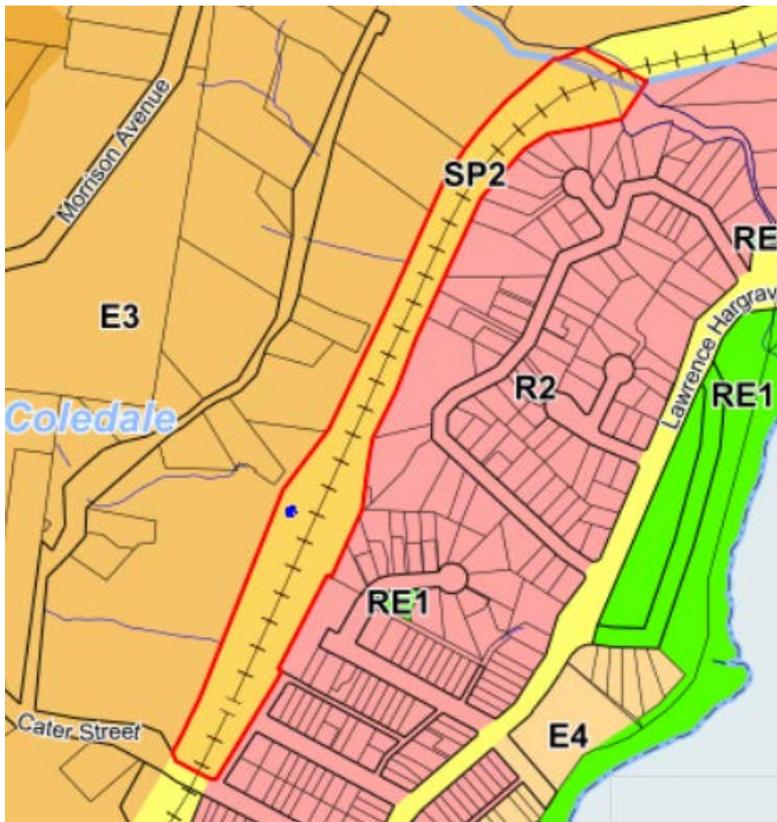


Figure 2: WLEP 2009 zoning map – proposal indicated by blue dot

## 1.5 SUBMISSIONS

The application was exhibited in accordance with Council's Community Participation Plan 2019. This included a notice in The Wollongong Advertiser. 11 submissions were received, and the issues identified are discussed below.

**Table 1: Submissions**

Concern	Comment
1. Location close to residential properties and child care centre.	<p>Council is satisfied that the proposal has taken into consideration the <i>NSW Telecommunication Facilities Guideline including Broadband (July 2010)</i> (the guideline) as required by Clause 115 (3) of the Infrastructure SEPP in regard to the appropriate location, siting and design of telecommunications facilities.</p> <p>Council is also satisfied that the applicant has applied the 'precautionary approach' in the selection and design of the proposal in accordance with relevant Industry Design Guide. This has taken into consideration the surrounding context, proximity to community sensitive location, coverage objectives, and EME exposure.</p>
2. Health concerns – long term effect of exposure to electromagnetic radiation	Council's Environment Officer has assessed the submitted Environmental EME Report and is satisfied that the levels of radiofrequency (RF) electromagnetic energy (EME) will be well within the guidelines of the Australian Standard.
3. Impact on houses prices	This is of limited relevance as a statutory planning assessment consideration.
4 Visual impact	A Visual Impact Assessment Report was submitted with the application which concluded that views from critical local and regional locations will not be significantly altered by the proposed telecommunications tower. Existing vegetation will screen the lower portion of the development. Only the upper portion of the proposed tower is likely to be visible from the surrounding area. The tower will be painted pale eucalypt green to ensure it blends into the environment and backdrop of the Escarpment.

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's Environment, Heritage, Bushfire, Development Engineer and Geotechnical Officers have provided satisfactory referrals.

### 1.6.2 EXTERNAL CONSULTATION

#### **Sydney Trains**

The application was referred to Sydney Trains for concurrence under Clause 86 of the Infrastructure SEPP. A satisfactory response was received 10 September 2020 including conditions which will be attached to any consent to be granted.

#### **Natural Resources Access Regulator (NRAR)**

The application was referred to NRAR as the proposal involves works within 40m of a watercourse. NRAR responded and advised that Controlled Activity Approval is not required.

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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### **Clause 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

#### NSW BIODIVERSITY CONSERVATION ACT 2016

*Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).*

*Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.*

*Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (i.e. less than 1 hectare minimum lot size).*

Council's Environment Officer has reviewed the application and considered the proposal satisfactory. No vegetation is proposed to be removed to facilitate this development. Entry into the Biodiversity Offsets Scheme is not triggered.

### **2.1 COMMONWEALTH LEGISLATION**

The Telecommunications Act 1997 (the Act) and the Telecommunications (Low-Impact Facilities) Determination 1997 (the Determination), came into effect on 1 July 1997. The Act is federal legislation that provides regulatory framework for telecommunication facilities. The Determination was made under Schedule 3 of the Act and provides for the carrying out of many 'low-impact' telecommunication facilities that are not subject to NSW planning law.

Schedule 3 of the Act authorises a telecommunications carrier to inspect land to determine whether the land is suitable for its purpose and install a telecommunications facility on the land if is a low impact facility'. A facility cannot be a low-impact facility unless it is specified in the Determination. A new mobile telecommunications tower is not a 'low-impact facility'. Also, a facility is not a low-impact facility if it is installed in particular areas including a residential area.

In the Statement of Environmental Effects submitted with the application the applicant states that the carrier does not believe the proposal falls within the definition of a 'low-impact facility'.

The proposal is not exempt under the Act and therefore requires development consent from Council.

### **2.2 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT**

#### **2.2.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

##### **7 Contamination and remediation to be considered in determining development application**

*(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*

*(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.*

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. There are minimal earthworks proposed and the proposal does not comprise a change of use. Council's Environment Officer has assessed the proposal and advised that the submitted Geotechnical Report identified some potential fill on site, however this consisted of local natural soils and no concerns were raised. A condition will be imposed for unexpected finds protocol which sets out the requirements should contamination be detected during site works.

No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

#### 2.2.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007 & TELECOMMUNICATIONS FACILITIES GUIDELINE INCLUDING BROADBAND JULY 2010

The State Environmental Planning Policy Infrastructure 2007 (SEPP Infrastructure) sets out the State wide planning provisions and development controls for telecommunication facilities in NSW.

The SEPP enables telecommunications infrastructure providers to be either exempt from planning approval, or obtain a complying development approval, for telecommunications facilities subject to certain criteria including health and amenity considerations. The proposed telecommunications tower does not fall under exempt or complying provisions and therefore requires consent from Council.

#### Division 21 Telecommunication and other Communication Facilities

Clause 113 defines a telecommunications facility as:

*telecommunications facility means:*

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

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

*(c) any other thing used in or in connection with a telecommunications network.*

#### Comment:

The proposal is considered to meet the definition of a telecommunication facility.

Clause 115 (1) 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.

#### Comment:

The proposed telecommunications facility is permissible under Clause 115(1) of the SEPP Infrastructure 2007 in any zone and does not fall within exempt development.

Clause 115 (3) requires Council to consider telecommunication facility guidelines prior to granting development consent. The *NSW Telecommunication Facilities Guideline including Broadband (July 2010)* (the guideline) has been issued by the Department of Planning. The guidelines provide advice on the location, siting and design of telecommunications facilities and is to be read in conjunction with the relevant Commonwealth legislation and Council's development controls. Council is satisfied that the Applicant has adequately considered the Telecommunication Guideline including Broadband (July 2010).

#### Comment

Table 1 of the guideline provides a list of telecommunications facilities that are Exempt or Complying Development in NSW as provided for in Schedule 3A of SEPP Infrastructure. The SEPP provides for

additional exemptions than contained in the Determination as well as Complying Development. The proposal does not fall within the exempt or complying development provisions and therefore requires development consent from Council.

The guidelines on the location, siting and design of telecommunications facilities have been taken into consideration in the assessment of the application as follows:

<b>Principal 1: A telecommunications facility is to be designed and sited to minimise visual impact</b>		
		Compliance
a) <i>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.</i>	The proposal does not involve mounting a telecommunications facility on an existing building or structure.	N/A
b) <i>The visual impact of telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions (including support mounts) should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.</i>	<p>The proposed structure is located in a cleared portion of land within the railway corridor approximately 125m to the north of Coledale Railway Station. The railway station buildings are heritage listed. There are other vertical elements in the vicinity of the proposal including powerlines and two other existing telecommunications towers, one immediately adjacent to the railway platform on the western side and one to the south west of the site.</p> <p>The proposal would be visible from the south from Cater Street and the railway overbridge and forms the backdrop to the heritage item. The site is also visible as a backdrop to the Illawarra Escarpment. However there is a stand of vegetation to the north of the railway platform which would screen the proposal. It is likely that only the top of the tower and headframe would be visible. The tower will be finished in pale eucalypt which will blend in with the surroundings which would minimise visual impact to the escarpment and the heritage item. Council's Heritage Officer is satisfied with the proposal. A photomontage is provided in the Visual Impact Assessment Report and provided as Attachment 2.</p> <p>The proposal is unlikely to have any visual impact from the residential properties to the east or west in Rawson Street/Gifford Street and Cokeworks Road due to existing dense</p>	Yes

	<p>vegetation and topography. The residential properties in Cokeworks Road are elevated approximately 15m above the proposal and the proposal is elevated approximately 15m above the properties in Gifford and Rawson Streets with both residential areas separated from the proposal with dense vegetation.</p> <p>The proposal may be visible from further afield including the eastern end of Cater Street and Coledale Beach however the proposal will be some distance away and mitigation measures including the slimline design and pale eucalypt colour would minimise the visual impact as the proposal will blend in with the environment.</p> <p>A Visual Impact Assessment is provided with the application which provides commentary as well as photomontages of the proposal from key viewing locations. The report provides a view impact assessment from several critical viewpoints including local views and regional views. The report concludes that the proposal would have minimal visual impact as follows:</p> <ul style="list-style-type: none"> <li>• <i>There is dense vegetation between the site and residential properties and the proposal would not be visible from any residential properties.</i></li> <li>• <i>Land to the north and south is occupied by railway land and therefore no visual impact except by train passengers.</i></li> <li>• <i>The railway line is elevated above residential properties to the east and the top of the embankment is covered by dense vegetation which acts as a screen.</i></li> <li>• <i>The site itself is cleared with no public access therefore there would be no close up views.</i></li> <li>• <i>The proposal when viewed from the Cater Street overbridge would be viewed with a number of other existing vertical structures including telecommunications tower, light poles and powerlines.</i></li> <li>• <i>The proposal will be viewed against the backdrop of the escarpment. The major part will be screened by trees.</i></li> </ul>	
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	<p><i>The top visible part of the tower and headframe will be painted in pale eucalypt to blend in with the surroundings and as such any visual impact will be minimal.</i></p> <ul style="list-style-type: none"> <li>• <i>The view from the beach and Coledale Beach carpark approximately 360m and 400m away, the proposal will be visible above the rooftops of dwellings and is considered to be limited visibility given the green backdrop of the escarpment. The foreground is also dominated by power poles and brightly coloured dwellings.</i></li> <li>• <i>The proposal will be visible for railway passengers however it is likely the view would be dominated by existing vertical structures including telecommunications tower and light poles and powerlines.</i></li> <li>• <i>Views from Rawson and Young Street is screened by vegetation with only the headframe visible above dwelling rooftops in some locations.</i></li> <li>• <i>At viewing distances 300m away the proposal will be viewed as a minor element in the landscape and merge into the background. At closer distances the existing tree canopy will screen the development apart from the top headframe in some locations except when viewed from the railway platform where a portion of the tower will also be visible above the trees however it will not be unreasonably intrusive.</i></li> </ul> <p>The conclusions of the Visual Impact Assessment are concurred.</p>	
<p>c) <i>Where telecommunications facilities protrude from a building or structure and are predominantly back grounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host</i></p>	<p>The proposal does not involve mounting antennas to an existing building or structure.</p>	<p>N/A</p>

	<i>building or structure, or a neutral colour such as grey should be used.</i>		
d)	<i>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 practical.</i>	<p>The proposal involves the installation of an equipment shelter 3.15m x 2.105m.</p> <p>The leased area is to be fenced with 2.4m compound security fence and 1.5m wide gates.</p> <p>The proposal will be painted pale eucalypt to blend in with the environment. A condition will be imposed in this regard.</p> <p>Existing vegetation in the vicinity of the proposal will be retained.</p> <p>These mitigation measures will assist in reducing the visibility of the ancillary structures.</p>	Yes
e)	<i>A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.</i>	The proposed telecommunications facility is not proposed to be located in a rural landscape setting.	N/A
f)	<i>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.</i>	<p>The site is in proximity to a heritage item, Coledale Railway Station.</p> <p>The proposal is considered to be sited and designed with external colours, finishes and scale sympathetic to the heritage item.</p> <p>Council's Heritage Officer is satisfied with the proposal as detailed in this report.</p>	Yes
g)	<i>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.</i>	The proposal is unlikely to obstruct views to the heritage item when viewed from the surrounding residential properties.	Yes
h)	<i>The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree</i>	The proposal does not involve the removal of any vegetation.	N/A

<p><i>Preservation Order applying to the land or where a permit or development consent is required.</i></p>		
<p><i>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.</i></p>	<p>A condition will be imposed on any consent to be issued.</p>	<p>Yes</p>
<p><i>j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.</i></p>	<p>Council is satisfied that the applicant has taken into consideration the <i>Industry Code C564:2011 Mobile Phone Base Station Deployment</i> (“the Deployment Code”). The applicant has applied the ‘precautionary approach’ in the selection and design of the proposal. This has taken into consideration the surrounding context, proximity to community sensitive location, coverage objectives, and EME exposure.</p> <p>During the notification 11 submissions were received. As discussed in Section 1.5 Council is satisfied that the issues raised in the submissions have been adequately addressed in the application submission.</p>	<p>Yes</p>
<p><b>Principle 2: Telecommunications facilities should be co-located wherever practical</b></p>		
<p><i>a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.</i></p>	<p>Not applicable.</p>	<p>N/A</p>
<p><i>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 radio communications equipment to minimise the proliferation of telecommunication</i></p>	<p>The applicant has provided details of a site selection process which demonstrated that no feasible alternative sites were available for co-location of facilities, which is accepted.</p> <p>This process included consideration of co-location with the two existing monopoles in the area, circled in red in the aerial photograph below.</p> <p>The existing Railcorp DTRS steel pole adjacent to Coledale Railway Station platform was discounted as the structure owner advised that co-location was not viable.</p> <p>The existing 26m monopole on Lot 1 DP 84724, located to the south west of the site, is an</p>	<p>Yes</p>

<p><i>facilities and unnecessary clutter.</i></p>	<p>existing Vodafone structure. The property is zoned E3 Environmental Management and the land incorporates Coledale Water Reservoir which is a Sydney Water heritage item. Due to height availability on the existing pole and the inability to extend the monopole, the candidate was not able to meet RF coverage objectives.</p> 	
<p><i>c) Towers may be extended for the purposes of co-location.</i></p>	<p>The proposal does not involve the extension of an existing tower.</p>	<p>N/A</p>
<p><i>d) The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.</i></p>	<p>The applicant has provided details of a site selection process which demonstrated that no feasible alternative sites were available for co-location of facilities which is accepted.</p>	<p>N/A</p>
<p><i>e) If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.</i></p>	<p>The applicant has provided information detailing consideration of four sites as detailed in the SEE.</p> <p>The preferred candidate was the subject site as the site allowed for increased separation from residential dwellings, the site contained existing mature vegetation which would provide screening to the proposal.</p>	<p>Yes</p>
<p><i>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</i></p>	<p>The proposed development is not for a co-location purpose.</p>	<p>N/A</p>

<p><i>emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.</i></p>		
<p><b>Principle 3: Health standards for exposure to radio emissions will be met</b></p>		
<p>a) <i>A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.</i></p>	<p>Council's Environment Officer has assessed the submitted Environmental EME Report and is satisfied that the levels of radiofrequency (RF) electromagnetic energy (EME) will be well within the guidelines of the Australian Standard.</p>	<p>Yes</p>
<p>b) <i>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 required by the Australian Radiation Protection Nuclear Safety Agency (ARPANSA). 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.</i></p>	<p>As above.</p>	<p>Yes</p>
<p><b>Principle 4: Minimise disturbance and risk, and maximise compliance</b></p>		
<p>a) <i>The siting and 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</i></p>	<p>The facility does not penetrate any Obstacle Limitation Surface.</p>	<p>Yes</p>

<p><i>Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown 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.</i></p>		
<p>b) <i>The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.</i></p>	<p>The structure is not intended to cause any adverse radio interference.</p>	<p>Yes</p>
<p>c) <i>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.</i></p>	<p>The proposal is capable of complying with this requirement.</p>	<p>Yes</p>
<p>d) <i>The telecommunications facility is not to affect the structural integrity of any building on which it is erected.</i></p>	<p>The facility does not involve an existing building.</p>	<p>N/A</p>
<p>e) <i>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.</i></p>	<p>The facility is sited wholly within the site.</p>	<p>Yes</p>
<p>f) <i>The carrying out of construction of the telecommunications facilities must be in accordance with all</i></p>	<p>The proposal is capable of complying with this requirement.</p>	<p>Yes</p>

	<i>relevant regulations of the Blue Book — ‘Managing Urban Storm water: Sails and Construction’ (Landcom 2004), or its replacement.</i>		
g)	<i>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.</i>	Appropriate conditions of consent can be imposed to ensure existing infrastructure is not damaged during construction and that road and pedestrian safety is maintained.	Yes
h)	<i>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.</i>	A standard condition outlining the permitted construction times will be imposed on any consent to be issued.	Yes
i)	<i>Traffic control measures are to be taken during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices — Traffic control devices on roads.</i>	A condition may be imposed on any consent to be issued for a Traffic Control Plan to be submitted prior to commencement of works to demonstrate compliance with AS1742.3-2002.	Yes
j)	<i>Open trenching should be guarded in accordance with Australian Standard Section 93.080 — Road Engineering AS1165 —1982— Traffic hazard warning lamps.</i>	The proposal is capable of complying with this standard via a condition of consent.	Yes
k)	<i>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.</i>	The proposal does not involve removal of any vegetation.	Yes
l)	<i>The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local</i>	There are no threatened species on the land.	N/A

<p><i>government authorities and disturbance to identified species and communities avoided wherever possible.</i></p>		
<p><i>m) The likelihood of harming an Aboriginal Place and / or Aboriginal object should be identified. Approvals from the Office of Environment &amp; Heritage (OEH) must be obtained where impact is likely, or Aboriginal objects are found.</i></p>	<p>Council's Heritage Officer has not raised any concerns.</p>	<p>Yes</p>
<p><i>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.</i></p>	<p>Conditions can be imposed to ensure no damage to public infrastructure is to occur.</p>	<p>Yes</p>

Comment:

As required by clause 115(3) Council has taken into consideration the *Telecommunications Facilities Guidelines including Broadband* and it is considered the proposal satisfies the principles concerning site selection, design, construction or operating principles for telecommunications facilities.

Clause 85 Development adjacent to rail corridors

The proposal is located adjacent to the rail corridor and therefore this Clause applies.

*(1) This clause applies to development on land that is in or adjacent to a rail corridor, if the development—*

*(a) is likely to have an adverse effect on rail safety, or*

*(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*

*(c) involves the use of a crane in air space above any rail corridor, or*

*(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

**Note—**

*Clause 45 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must—*

*(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*

*(b) take into consideration—*

*(i) any response to the notice that is received within 21 days after the notice is given, and*

*(ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

*(3) Land is adjacent to a rail corridor for the purpose of this clause even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.*

The application was referred to Sydney Trains and a satisfactory response was received on 10 September and will be attached to any consent to be granted.

#### Clause 86 Excavation in, above, below or adjacent to rail corridors

The proposal involves excavation adjacent to the railway corridor and therefore concurrence is required from Sydney Trains. The application was referred to Sydney Trains to consider the following:

*a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on: i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*

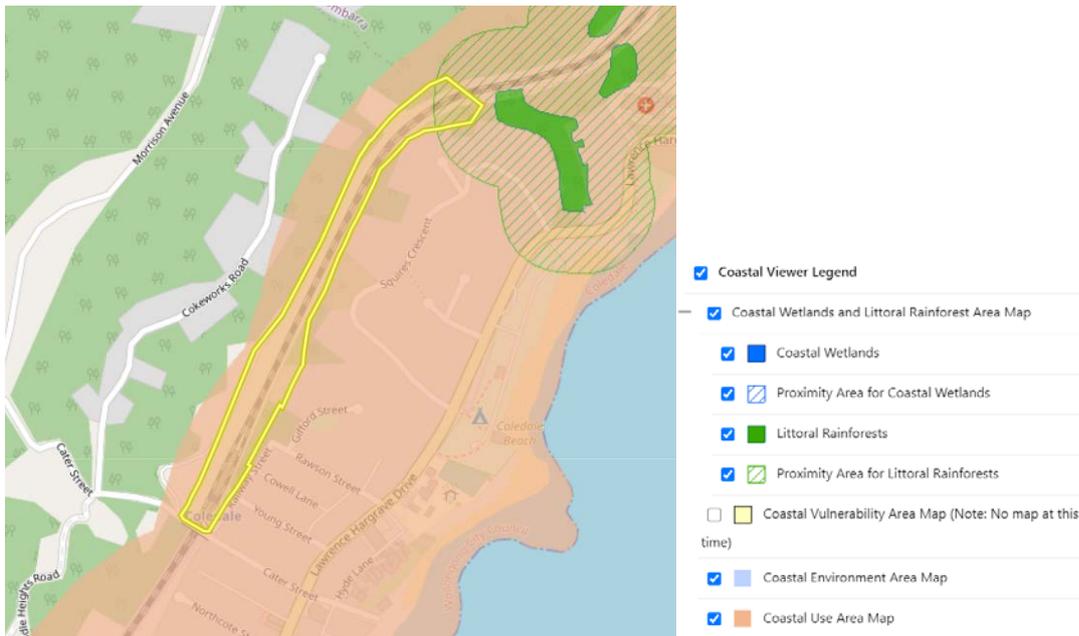
*ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*

*b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

Sydney Trains considered the above and provided a response on 10 September 2020 providing concurrence and recommended conditions to be included in any consent to be granted.

#### 2.2.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

This Policy applies as the site is located in the Coastal Zone. A review of the SEPP mapping indicates the site is mapped within the 100m buffer Littoral Rainforest and Coastal Use Area therefore Clause 11 and 14 applies. See Figure 3 below.



**Figure 3: SEPP Coastal Management mapping**

**Clause 11 Development on land in proximity to coastal wetlands or littoral rainforest**

*Note. The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.*

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
  - (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*
- (2) *This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.*

The site is mapped as being located within the 100m buffer to the Littoral Rainforest. Council is satisfied the proposal would have minimal impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest. The proposal is located in a cleared portion of land in the southern portion of the site, well away from the mapped area in the northern portion of the site. The proposal also does not involve any tree removal and does not drain towards the Littoral Rainforest.

**14 Development on land within the coastal use area**

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
  - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
    - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

- (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) *Aboriginal cultural heritage, practices and places,*
- (v) *cultural and built environment heritage, and*

(b) *is satisfied that:*

- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

(2) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

The site is mapped as located in the Coastal Use Area. Council is satisfied the proposal meets the Clause. A Visual Impact Assessment was submitted with the proposal and demonstrated that the proposal would not affect the visual amenity and scenic qualities of the coast. A Heritage Report was submitted with the proposal and demonstrated minimal adverse impact on the heritage listed Coledale Railway Station. Council's Heritage Officer is satisfied with the proposal. The proposal also does not affect access to the coast, result in overshadowing, loss of views or wind funneling to the coastal area, or affect Aboriginal heritage.

#### 2.2.4 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019

This Policy commenced on 1 March 2020. Savings provision apply for applications made before this date.

The aim of the SEPP to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The Policy applies to all land within the Wollongong LGA excluding land owned or operated by the NSW National Parks and Wildlife Service. The *Map* identifies two extents

- 1 Koala Development Application Map
- 2 Site Investigation Area for Koala Plans of Management Map

Wollongong LGA at present does not have approved koala plan of management and therefore clause 9 of the SEPP is relevant.

#### Clause 9 Development assessment process—no approved koala plan of management for land

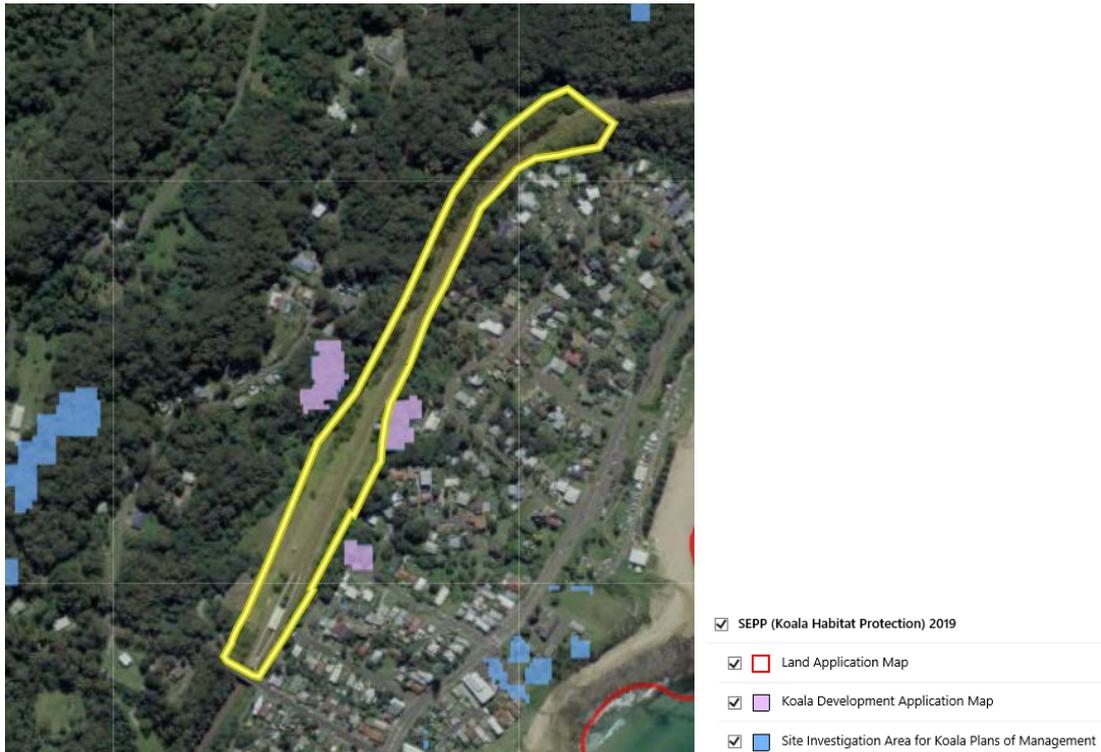
(1) *This clause applies to land to which this Policy applies if the land—*

- (a) *is identified on the Koala Development Application Map, and*
- (b) *has an area of at least 1 hectare (including adjoining land within the same ownership), and*
- (c) *does not have an approved koala plan of management applying to the land.*

This Clause applies as the site is identified on the Koala Development Application Map and has an area of more than 1 hectare and Council does not have an approved koala plan of management applying to the land.

- (2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must take into account—
- (a) the requirements of the Guideline, or
  - (b) information, prepared by a suitably qualified and experienced person in accordance with the Guideline, provided by the applicant to the council demonstrating that—
    - (i) the land does not include any trees belonging to the feed tree species listed in Schedule 2 for the relevant koala management area, or
    - (ii) the land is not core koala habitat.

In accordance with the Guideline the proposal would fall into Tier 1 - Low or no direct impact development as the proposal does not involve any tree removal.



**Figure 4:** SEPP Koala Habitat Protection mapping

Assessment actions

No further action.

## 2.2.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### Clause 1.4 Definitions

**telecommunications facility** means:

(a) any part of the infrastructure of a telecommunications network, or

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

(c) any other thing used in or in connection with a telecommunications network.

**tower** as defined in the Infrastructure SEPP 2007 means a freestanding ground-based structure that supports a telecommunications facility at a height where it can satisfactorily send and receive radio waves, but does not include the facility.

### **Part 2 Permitted or prohibited development**

#### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned SP2 Infrastructure.

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To provide for key transport corridors.

The proposal is satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone.

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Advertising structures; Business identification signs; Centre-based child care facilities; Community facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads

The proposed telecommunications facility is not permitted in the SP2 Zone. However, the application has been lodged pursuant to Clause 115(1) of the SEPP Infrastructure 2007 as follows:

*‘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’*

### **Part 4 Principal development standards**

#### Clause 4.3 Height of buildings

This Clause does not apply as the Height of Buildings Map does not specify a maximum height for the site in the SP2 Zone.

### **Part 5 Miscellaneous provisions**

#### Clause 5.10 Heritage conservation

The proposal is on land containing the Coledale railway station which is listed as a Local Heritage Item. A Heritage Impact Assessment has been submitted as required by this Clause. The application is also

accompanied by a Visual Impact Assessment. Council's Heritage Officer has assessed the application and is satisfied.

The Heritage Impact Assessment concluded that the heritage value of the railway station would not be adversely affected by the proposed telecommunications facility.

The Visual Impact Assessment concluded that the development will have an acceptable visual impact, given the need for the facility as an item of essential communications infrastructure, its height requirements to fulfil its function, the visual quality of the locality and the screening effect of existing trees.

The conclusions of the Heritage Impact Assessment and Visual Impact Assessment are concurred. The tower will provide a visual backdrop to the heritage listed item. However, it is noted that there is an existing 25m high monopole located to the west of the railway station, without any vegetation screening. The cumulative impact of the towers is likely to be minimal as the new proposed tower is located a sufficient distance away and there is existing vegetation which would screen the tower. Only the headframe would be visible above the treetops. The tower will be finished in pale eucalypt which will blend in with the surroundings and minimise visual impact to the heritage item.

The proposed fencing and equipment shed may have an additional visual impact on the setting of the heritage item however the VIA and HIS both note the proposal will be finished in eucalypt green colour which would minimise any impact as it would blend in with the environment.

The site is also adjacent to the Illawarra Escarpment Area State Conservation Area. The photomontages in the Visual Impact Assessment demonstrate that existing tree canopy will screen the proposal and the proposed slimline design and muted tones will ensure it blends into the environment and lessen the visual impact of the proposed facility to an acceptable level. No concerns are raised in relation to impact on the escarpment setting.

## **Part 7 Local provisions – general**

### Clause 7.1 Public utility infrastructure

The site is able to be serviced with electricity for the proposed equipment shelter to be provided from a nearby existing Essential Energy power pole as stated in the submitted Statement of Environmental Effects. The proposal does not require water or sewer services.

### Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity". The application was referred to Council's Environment Division to assess likely impacts of the proposal in this regard. Council's Environment Officer has found the application satisfactory. The proposal does not involve any tree removal.

### Clause 7.3 Flood planning area

The site is flood affected - Medium and High Flood Risk Precinct. The application was accordingly referred to Council's Development Engineering Officer for comment. Council's Development Engineer has assessed the application and is satisfied.

### Clause 7.4 Riparian lands

The Riparian Land Map indicates the site contains riparian land. The application was referred to Council's Environment Officer for comment. Advice was received that the site is immediately adjacent to a mapped Category 1 watercourse. However, the watercourse appears to be piped under the rail corridor at this point. The proposal will not significantly disturb the soil of ground and will not affect the local hydrology. Council's Environment Officer has assessed the proposal and is satisfied. The application was referred to NRAR as the proposal involves works within 40m of a watercourse. NRAR responded and advised that Controlled Activity Approval is not required.



**Figure 5:** Riparian Land map – proposal indicated by blue dot

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. The application was accordingly referred to Council’s Environment Officer for comment. Council’s Environment Officer has assessed the proposal and is satisfied.

Clause 7.6 Earthworks

The proposal comprises minor earthworks to prepare the site for development. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

Clause 7.8 Illawarra Escarpment area conservation

The site abuts the Escarpment area. It is noted the proposal is not located within the mapped area as shown in Figure 6. The application was referred to Council’s Environment and Heritage Officer’s who are satisfied. The proposal will not require any removal of vegetation and is not expected to impact upon the visual or ecological values of the escarpment. The submitted Visual Impact Assessment states that *‘The proposal will be viewed against the green backdrop of extensive vegetation along the railway corridor and the Illawarra escarpment. The major part of the pole will be screened by the clump of trees in the middle of the photo. A small part of the pole together with the headframe which will be colour matched pale eucalypt will be seen against the backdrop of the escarpment. As such, any visual impact is considered to be minimal’*. The findings of the VIA is concurred.



**Figure 6:** Illawarra Escarpment Map – proposal indicated by blue dot

**2.3 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

None.

**2.4 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN**

2.4.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

**CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking, the proposal is considered to be consistent with this Chapter.

**CHAPTER B6: DEVELOPMENT IN THE ILLAWARRA ESCARPMENT**

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5 Visual impact assessment</u>	A Visual Impact Assessment was submitted with the application. The VIA demonstrated the proposal would have minimal visual impact on the escarpment.	Satisfactory
<u>6 Aboriginal heritage</u>	See Chapter E11 below.	Satisfactory
<u>7 Heritage (European)</u>	See Chapter E11 below.	Satisfactory

<u>8 Threatened species impact assessment</u>	There are no threatened species on the site. Council's Environment Officer has not raised any issues in this regard.	Satisfactory
<u>9 Geotechnical / land instability issues</u>	See Chapter E12 below.	Satisfactory
<u>10 Subdivision requirements</u>	N/A	N/A
<u>11 Dwelling and outbuilding design requirements</u>	N/A	N/A
<u>12 General requirements</u>	Stormwater /flooding – see Chapter E13 and E14 below.	Satisfactory

## CHAPTER C17: TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS FACILITIES

### Clause 2 Siting Guidelines:

Required	Proposed	Compliance
<p><b>2.1 – Visual Amenity:</b></p> <p>1. Carriers are to design antennas and supporting infrastructure in such a way as to minimise or reduce the visual and cumulative visual impact from the public domain and adjacent areas.</p> <p>2. Infrastructure design must be consistent with the character of the surrounding area.</p> <p>3. Within the local context, the infrastructure design must take account of:</p> <ul style="list-style-type: none"> <li>- Colour</li> <li>- Texture</li> <li>- Form</li> <li>- Bulk and scale</li> </ul> <p>4. Infrastructure must:</p> <ul style="list-style-type: none"> <li>- Be well-designed</li> </ul>	<p>The proposed monopole is to be 31.27m high and is to be located adjacent to the railway line.</p> <p>A Visual Impact Assessment Report was submitted with the application which concluded that the proposal would have minimal visual impact.</p> <p><u>Comment:</u></p> <p>The proposal is considered to have been sited and designed to minimise visual impact as follows:</p> <ul style="list-style-type: none"> <li>• Existing vegetation will screen the development and only the upper portion of the proposed tower and headframe on top is likely to be visible from the surrounding area. The proposed tower has been designed to be slimline construction and will be painted in pale eucalypt to ensure it blends into the environment. The proposed mitigation measures has significantly</li> </ul>	Yes

<p>- Be integrated with the existing building structure unless otherwise justified in writing to Council:</p> <p>- Have concealed cables where practical and appropriate and</p> <p>- Be unobtrusive where possible.</p> <p>5. Wherever technically feasible, antennas and mast structures should either not be visible, or should be as visually unobtrusive as possible, from the fronting road at pedestrian eye level. Wherever technically feasible they should be located to minimise obtrusiveness. This may for instance result in infrastructure being located towards the rear of a building roof top.</p> <p>6. Wherever possible, towers should be of 'slimline monopole' construction.</p> <p>7. The site must be restored following the construction of the infrastructure.</p> <p>8. Infrastructure must be removed when no longer being used.</p>	<p>lessened the visual impact of the proposed facility to an acceptable level.</p> <ul style="list-style-type: none"> <li>• There is also a number of tall elements including a telecommunications tower, light poles and powerlines along the railway line. The proposed telecommunications tower will not be the only vertical element in the locality, but rather an additional vertical element to the trees and power poles that already exist in the area.</li> </ul> <p>Conditions may be imposed on any consent to be issued for the site to be restored following the construction and for infrastructure to be removed when no longer being used.</p>	
<p><b>2.2 – Co-location:</b></p> <p>Co-location is the practice of locating a number of different telecommunication facilities often owned by different carriers on one facility to reduce visual impact of a number of different facilities in the area.</p>	<p>The application does not propose co-location.</p>	<p>N/A</p>
<p><b>2.3 – Location:</b></p> <p>1. The applicant should demonstrate that, in selecting a site, it has adopted a precautionary approach and accounted for the principals of ecologically sustainable development in regards to minimising EMR exposures consistent with the Code of Deployment of Mobile Phone Network Infrastructure Australia</p>	<p>Clause 2.3 lists the preferred land uses as industrial, rural areas and low use open space. The proposed location is considered to fall loosely within these preferred lands uses. The proposal is adjacent to a residential area which is considered to be a community sensitive location as people reside for long periods. However, Council is satisfied appropriate mitigation measures will be in place to minimise the impact of the proposed tower to an acceptable level.</p>	<p>Yes</p>

<p>Communications Industry Forum 2004).</p> <p>Preferred land uses includes:</p> <ul style="list-style-type: none"> <li>- Industrial areas</li> <li>- Rural areas and</li> <li>- Low use open space</li> </ul> <p>2. The applicant should demonstrate particular consideration of likely community sensitive locations including:</p> <ul style="list-style-type: none"> <li>- Where occupants are located for long periods of time (eg residences).</li> <li>- That are frequented by children (eg school, child care centres).</li> <li>- Where there are people with particular health concerns (eg hospitals, aged care)</li> </ul> <p>3. A facility should not be located in a area where in the opinion of Council, the landform, vegetation or features of a proposed location have special aesthetic, architectural, ecological or conservational value, or where such features will not adequately screen or reduce the impact of the facility.</p>	<p>The existing vegetation will adequately screen the proposal and minimise visual impact of the facility.</p>	
<p><b>2.4 – Heritage:</b></p> <p>1. The applicant is to have regard to avoiding or minimising the visual impact of any proposed facility in the heritage significance of any adjoining or nearby heritage items and/or contributory items within a heritage conservation area.</p> <p>2. Where a facility is proposed upon land containing an item of environmental heritage or land within a Heritage Conservation Area, a heritage impact assessment report will be required.</p> <p>3. A facility should not be located in a locality where in the opinion of Council the streetscape is dominated by heritage buildings or</p>	<p>The proposal is not considered to impact on the heritage listed Coledale Railway Station or the Illawarra Escarpment Landscape Area as detailed in this report. Council’s Heritage Officer has assessed the proposal and is satisfied.</p>	<p>Yes</p>

<p>the heritage significance of adjoining or nearby items of environmental heritage and / or Heritage Conservation Areas may be adversely impacted upon.</p> <p>4. A facility should not be located on roof tops where the building is an item of environmental heritage item or is located within a Heritage Conservation Area as identified in Wollongong LEP 2009.</p>		
<p><b>2.5 – Facility Physical Design Controls:</b></p> <p>1. Infrastructure must be of high quality design and construction.</p> <p>2. Proposals should consider the range of available alternate infrastructure including new technologies, to minimise unnecessary or incidental EMR emissions and exposures. The plan for the facility must include measures to restrict public access to the antenna(s). Approaches to the antenna(s) must contain appropriate signs warning of EMR and provide contact details for the owner and / or site manager of the facility.</p>	<p>The proposed monopole and ancillary at-ground development will be of high quality and construction.</p> <p>The compound will be secured with a fence to prevent unauthorised access.</p>	<p>Yes</p>
<p><b>2.6 – Facility Health Controls:</b></p> <p>1. Documentary evidence is required which proves that the proposed facility complies with the relevant Australian exposure standard as specified by the Australian Communications and Media Authority. Note: The current Australian Standard as specified by the Australian Communications and Media Authority is Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard - Maximum Exposure Levels to Radiofrequency Fields - 3kHz to 300GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia available from</p>	<p>Addressed in Section 2.1.3 NSW Telecommunications Facilities Guideline Including Broadband July 2010 above. Council's Environment Officer has assessed the submitted Environmental EME Report and is satisfied that the levels of radiofrequency (RF) electromagnetic energy (EME) will be well within the guidelines of the Australian Standard.</p>	<p>Yes</p>

<p><a href="http://www.arpansa.gov.au">http://www.arpansa.gov.au</a>.</p> <p>2. Development Applications in community sensitive locations and that are within 300 metres of existing not low-impact type facilities licensed by the Australian Communications and Media Authority are to be accompanied by an EMR assessment in accordance with the ARPANSA prediction methodology and report format demonstrating that the development is not subject to exposure standards above that specified by the Australian Communications and Media Authority.</p> <p>3. The Development Application must also be supported with a map which analyses the cumulative effect of the proposal and shows the proposal's EMR levels, bearing in mind the relevant Australian exposure standard.</p> <p>4. The choice of site should also take into account likely future adjoining land uses.</p> <p>5. In determining the above criteria (sections 2.1 to 2.7 inclusive), the applicant must undertake a site/locality analysis according to the application lodgement checklist (see Appendix 4).</p>		
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## CHAPTER D1 – CHARACTER STATEMENTS

### Coledale

The proposal is considered to be consistent with the existing and desired future character for the locality.

The desired future character for Coledale is to retain its low-density residential village character. The proposal would have minimal visibility from residential areas and the village centre. The submitted Visual Impact Assessment has demonstrated that the proposal would have minimal impact when viewed from residential areas and key vantage points and therefore considered to be consistent with the desired future character of Coledale.

The proposal is considered to have minimal impact on the existing character. The proposal is in proximity to historic Coledale railway station however is considered to have minimal impact on the setting of the heritage item (See Clause 5.10 of WLEP and Chapter E11 WDCP).

## **CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal involves the installation of a compound security fence surrounding the proposed lease area 10m x 6m with 1.5m wide access gate compound security fence surrounding the proposed lease area to prevent unauthorised access.

## **CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT**

Access to the site is via an existing access track off Cater Street. There is ample existing parking adjacent to the proposed location for vehicles during construction. The SEE states that the proposal is anticipated to generate 2-4 trips per year which is considered negligible. Any parking may be accommodated adjacent to the proposed equipment shelter.

## **CHAPTER E6: LANDSCAPING**

No landscaping proposed or required as there is sufficient existing vegetation in the area to screen the proposal.

## **CHAPTER E7: WASTE MANAGEMENT**

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter.

## **CHAPTER E11 HERITAGE CONSERVATION**

Council's Heritage Officer advised an AHIMs search has been undertaken of the area that shows no Aboriginal heritage sites have been recorded in the subject site. As the site has been previously disturbed through development it is unlikely that an Aboriginal heritage sites will be impacted by the proposal.

The subject site is adjacent to the Coledale Railway Station which is listed as a Local Heritage Item under the WLEP 2009. See Clause 5.10 WLEP 2009.

## **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

The site is known to be unstable. The application has been accompanied by a Geotechnical Report as required by this Chapter. Council's Geotechnical Engineer has assessed the proposal and is satisfied.

## **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is flood affected - Medium and High Flood Risk Precinct. Council's Development Engineer has assessed the proposal and is satisfied.

## **CHAPTER E14 STORMWATER MANAGEMENT**

Council's Development Engineer has assessed the proposal and is satisfied. The site discharges to two above ground OSD systems which directly discharge to the street kerb and gutter. Overland flow has been satisfactorily addressed.

## **CHAPTER E16 BUSHFIRE MANAGEMENT**

The site is located in a bushfire area. Council's Bushfire Officer has assessed the proposal. The subject site is considered to be constrained by bushfire hazard vegetation to the North, North West, West and South west. The bushfire hazard vegetation is mapped predominantly as Escarpment Blackbutt Forest. This formation can be classified as wet sclerophyll forest.

Based on Council's spatial mapping the breakdown of the vegetation type and effective slope of the hazard and separation distance from asset to hazard is considered to be as follows:

- North – Forest – Upslope separation from asset to hazard approximately 30m
- North west – Forest – Upslope separation from asset to hazard approximately 27m
- West – Forest - Upslope separation from asset to hazard approximately 44m
- South west – Forest - Upslope separation from asset to hazard approximately 31m

Using the effective slopes and distances provided above in conjunction with Appendix 1 of PBP 2019 the bushfire attack level would be BAL 29.

Clause 8.3.7 of Planning for Bushfire Protection 2019 details requirements for Telecommunications towers. Council's Bushfire Officer has assessed the proposal and is satisfied subject to conditions in relation to the following which will be imposed on any consent to be granted:

- Asset Protection Zone;
- Construct to prevent ember entry into the equipment shelter;
- Utilities to comply with PBP 2019
- Water supply for firefighting
- Provide Bushfire Emergency Management Plan

#### **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

The proposal does not involve any tree removal.

#### **CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)**

Minor earthworks are proposed to prepare the site for the slab foundation. The earthworks are considered to be consistent with this Chapter.

#### **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

The site is not known to be contaminated. No concerns are raised. See also Section 2.2.1.

#### **CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL**

Conditions of consent will be imposed in regard to appropriate sediment and erosion control measures to be in place during works.

#### **CHAPTER E23: RIPARIAN LAND MANAGEMENT**

The Riparian Land Map indicates the site contains riparian land. Council's Environment Officer has assessed the proposal and is satisfied. The application was referred to NRAR as the proposal involves works within 40m of a watercourse. NRAR responded and advised that Controlled Activity Approval is not required.

## 2.4.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

### Part A - Schedules

#### 1. Schedule 1 – City-Wide levy rates

In accordance with clause 25K(1)(a) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the rate of the levy for development carried out on land to which this Plan applies (excluding Wollongong City Centre Commercial Core - see Schedule 2) is calculated as follows:

Proposed cost of carrying out development (Determined in accordance with Clause 18 of this Plan)	Levy Rate
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

#### 2. Schedule 2 - Wollongong City Centre Commercial Core levy rates

In accordance with clause 25K(1)(b) of the EP&A Regulation, the rate of the levy for development carried out on land within the B3 Commercial Core zone in the Wollongong City Centre, as shown at Figure 2, is calculated as follows:

Proposed cost of carrying out development (Determined in accordance with Clause 18 of this Plan)	Levy Rate
Up to and including \$250,000	Nil
More than \$250,000	2%

The estimated cost of works is \$400,000 and a levy is applicable under this plan as the threshold value is \$100,000.

#### 2.5 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

#### 2.6 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

There are no prescribed conditions.

#### 2.7 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- Submissions received following notification would not preclude the development.
- Internal and external referrals are satisfactory subject to appropriate conditions of consent

#### 2.8 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

## Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

### **2.9 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

See Section 1.5.

### **2.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST**

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

## **3 CONCLUSION**

---

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State policies, Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposed development is permitted with consent and the design of the development is appropriate regarding the controls.

Council is satisfied with the location, siting and design of the proposal in accordance with the relevant guidelines. Council's Environment Officer has assessed the submitted Environmental EME Report and is satisfied that the levels of radiofrequency (RF) electromagnetic energy (EME) will be well within the guidelines of the Australian Standard. A Visual Impact Assessment Report was submitted with the application which concluded that views from critical local and regional locations will not be significantly altered by the proposed telecommunications tower.

Some of the issues raised in submissions, though technically unresolved, are considered to be adequately addressed in the application submission and are not considered to be sufficient to refuse the development.

It is considered the proposed development has been designed appropriately given the constraints and characteristics of the site and is unlikely to result in significant adverse impact on the character and amenity of the surrounding area.

## **4 RECOMMENDATION**

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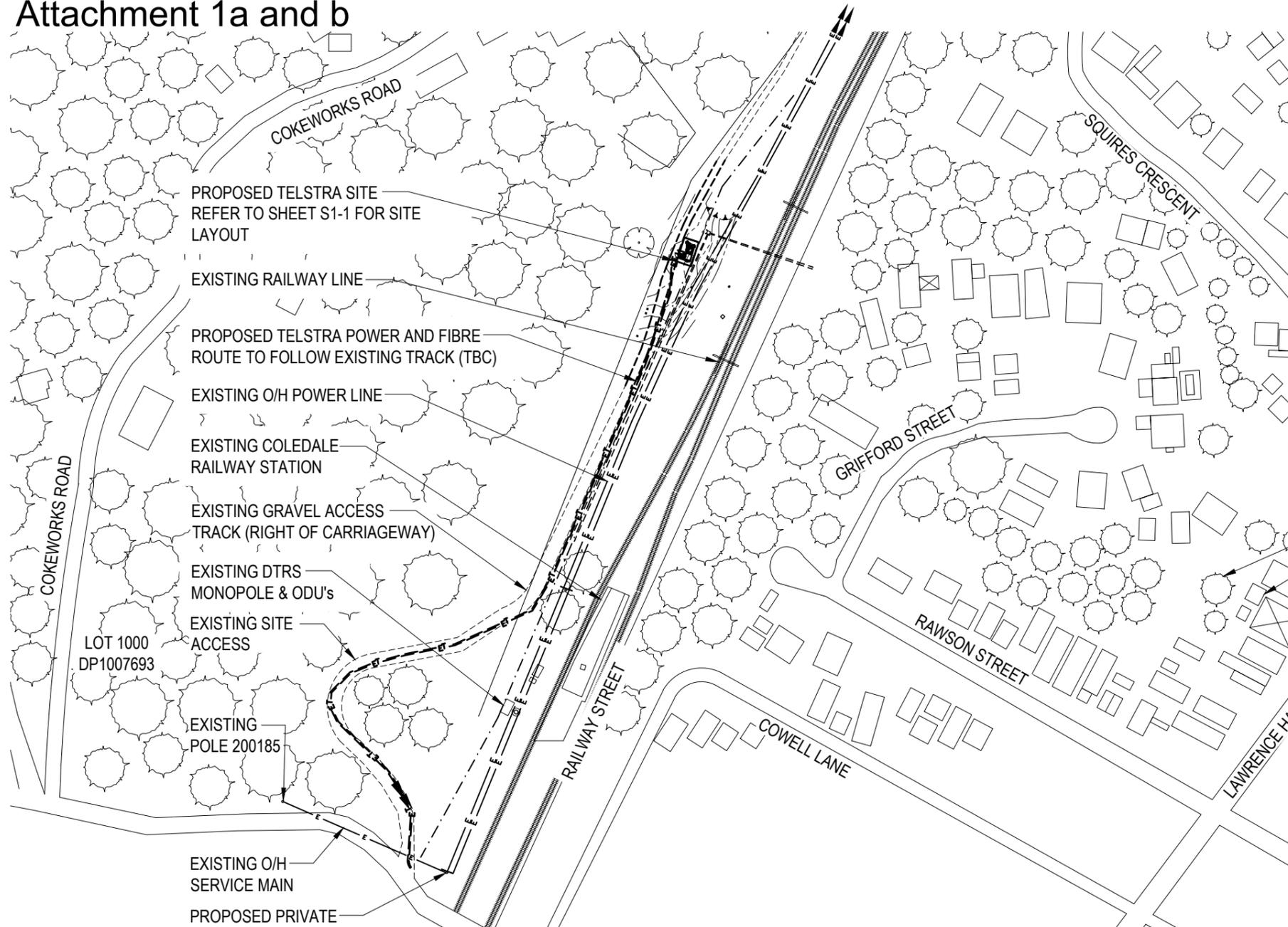
It is recommended that DA-2020/265 be **Approved** subject to the conditions at Attachment 3.

## **5 ATTACHMENTS:**

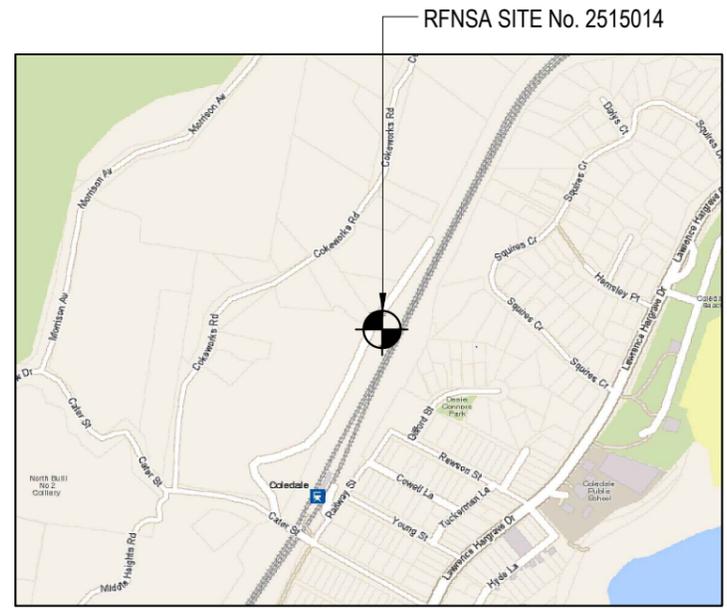
---

1. Plans
2. Visual Impact Assessment including photomontage
3. Conditions

# Attachment 1a and b



- PROPOSED TELSTRA SITE REFER TO SHEET S1-1 FOR SITE LAYOUT
- EXISTING RAILWAY LINE
- PROPOSED TELSTRA POWER AND FIBRE ROUTE TO FOLLOW EXISTING TRACK (TBC)
- EXISTING O/H POWER LINE
- EXISTING COLEDALE RAILWAY STATION
- EXISTING GRAVEL ACCESS TRACK (RIGHT OF CARRIAGEWAY)
- EXISTING DTRS MONOPOLE & ODU'S
- EXISTING SITE ACCESS
- LOT 1000 DP1007693
- EXISTING POLE 200185
- EXISTING O/H SERVICE MAIN
- PROPOSED PRIVATE POLE WITH MSB



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## LOCALITY PLAN

NOT TO SCALE

- EXISTING BUILDINGS (TYP.)
- EXISTING TREES (TYP.)

## SITE ACCESS

SCALE 1:2000  
 20m 0 20m 40m 60m 80m 100m SCALE 1:2000

- NOTES:**
- ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
  - FOR SITE SPECIFIC NOTES REFER TO SHEETS S0 & S0-1.

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1-1 & S1-2

COMPLIANCE BOX

COMPLETED AS PER DESIGN

ALTERATIONS IN RED

NAME (PRINT) \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

FOR CONSTRUCTION

<b>PROPERTY DESCRIPTION</b>	PART OF LOT: 1, DP: 1188983	
	PARISH OF SOUTHEND	
	COUNTY OF CUMBERLAND	
<b>SITE STRUCTURE CO-ORDINATES (GDA94)</b>		
GPS READING ACCURACY: ± 10m		
CENTRE OF POLE		
LATITUDE	-34.28764° (GDA94)	
LONGITUDE	150.94398° (GDA94)	

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ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
NA12373.01	JG	AA	PRELIMINARY 30060199W0021 KOR	MM	MM	11.09.17	1
NA12373.01	JG	AA	PRELIMINARY 30060199W0021 KOR - AMENDMENTS	PJB	PJB	18.07.18	2
NA12373.01	AN	MS	FC - 30060199W0021 KOR - LTE700 / LTE1800 / LTE2100 / LTE2600	JG	EL	10.03.20	3

UNAPPROVED DRAWING

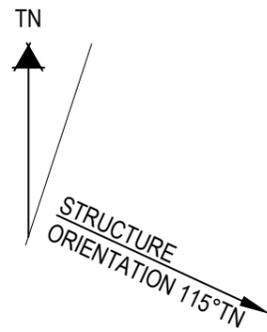
MOBILE NETWORK SITE 232870

COLEDALE RAILWAY ST

SITE ACCESS AND LOCALITY PLAN  
 LOT 1 CARTER STREET, COLEDALE, NSW 2515

Telstra Networks Wireless program Delivery Template - 017868P02 issue 11.4 XX /XX/2015

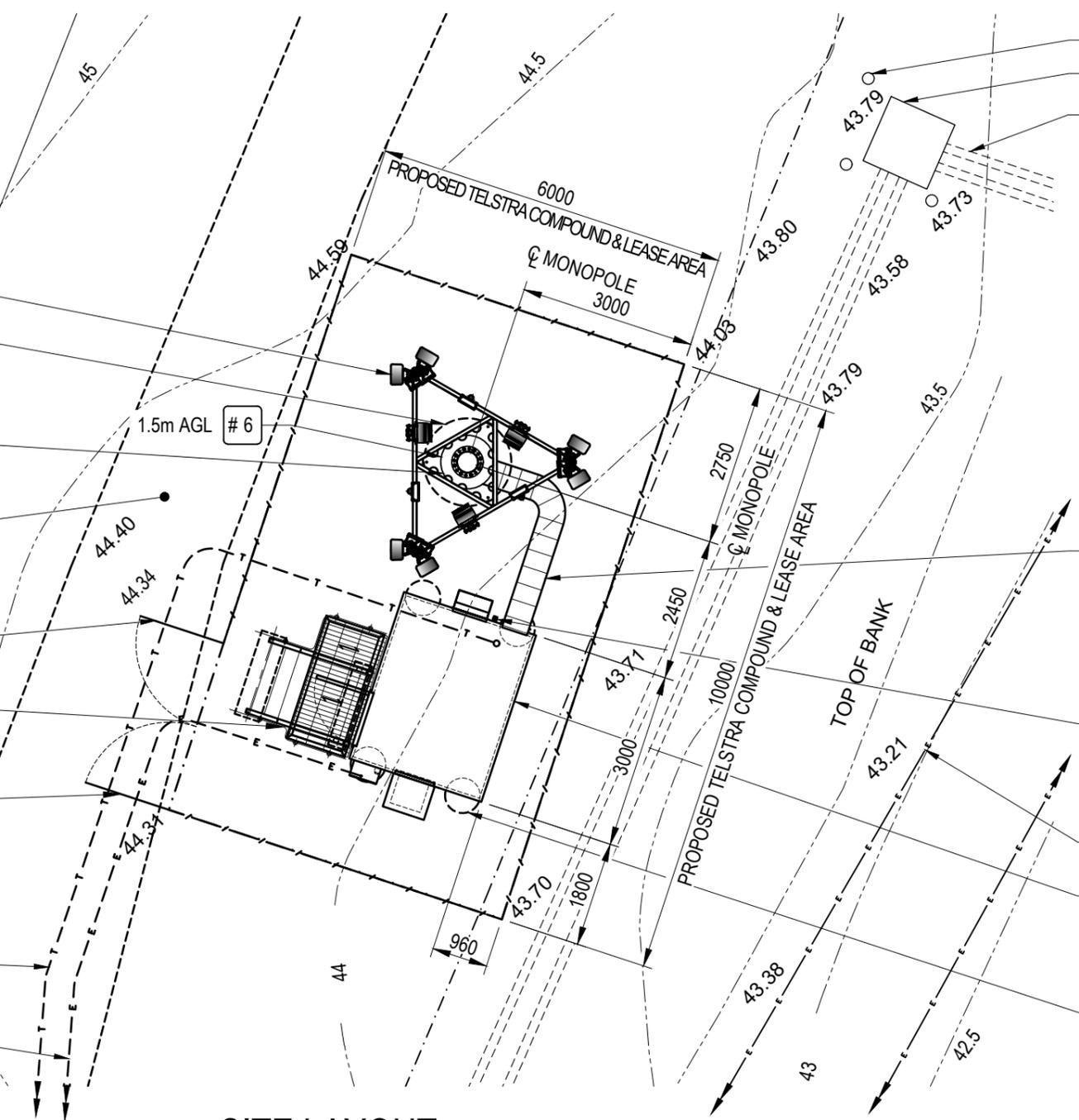
The copyright and ownership of the drawings is to be assigned to Telstra



- EXISTING BOLLARD (TYP).
- EXISTING PIT
- EXISTING SYDNEY TRAIN U/G DUCTS (EXACT LOCATION TBC)

- REFER TO SHEET S1-2 FOR ANTENNA LAYOUT
- PROPOSED TELSTRA MONOPOLE FOOTING. REFER TO SHEET T2 FOR DETAILS
- PROPOSED TELSTRA 30m HIGH SR2.5-H30-540-8TF-7m CONCRETE MONOPOLE.
- EXISTING GRAVEL ACCESS TRACK (RIGHT OF CARRIAGEWAY)
- PROPOSED SIGN SECURED TO TELSTRA COMPOUND GATE #13
- PROPOSED TELSTRA SHELTER PLATFORM. REFER TO SHEETS T8 & T8-1 FOR DETAILS.
- PROPOSED TELSTRA 2.4m HIGH COMPOUND SECURITY FENCE WITH 3m WIDE DOUBLE ACCESS GATES. REFER TO TELSTRA STD DRG'S 017866P16 & 017866P18 FOE DETAILS
- PROPOSED TELSTRA FIBRE ROUTE TO FOLLOW EXISTING TRACK (TBC)
- PROPOSED TELSTRA POWER ROUTE TO FOLLOW EXISTING TRACK. REFER TO SHEET E2 & E2-1 FOR DETAILS

- PROPOSED TELSTRA 450W CABLE LADDER WITH SUPPORT POSTS TO ACCOMMODATE PROPOSED TELSTRA HYBRID CABLES (3 OFF) AND FEEDER CABLES (12 OFF). REFER TO TELSTRA STD DRG'S 017866P53 & 017866P61 FOR DETAILS
- PROPOSED TELSTRA GPS ANTENNA (1 OFF AX) MOUNTED ON PROPOSED ANTENNA BRACKET NEAR FEEDER WINDOW ON SHELTER ROOF
- EXISTING O/H POWER LINE
- PROPOSED TELSTRA Mk5.0 EQUIPMENT SHELTER TO ACCOMMODATE PROPOSED TELSTRA EQUIPMENT. REFER TO SHEET E1 FOR DETAILS AND SHEET H1 FOR FOOTING DETAILS
- PROPOSED TELSTRA SHELTER FOOTING. REFER TO SHEET H1 FOR DETAILS



**SITE LAYOUT**  
SCALE 1:100

**COMPLIANCE BOX**  
COMPLETED AS PER DESIGN   
ALTERATIONS IN RED   
NAME (PRINT) \_\_\_\_\_  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-2

**FOR CONSTRUCTION**

DO NOT SCALE

- NOTES:**
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
  2. FOR SITE SPECIFIC NOTES REFER TO SHEETS S0 & S0-1.
  3. FOR EME SIGNS NOTED THUS (#X) REFER TO 005486 FOR DETAILS.
  4. (#6) EME SIGN SECURED 1.5m AGL TO MONOPOLE.
  5. (#13) EME SIGN SECURED TO TELSTRA COMPOUND GATE.



ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
NA12373.01	JG	AA	PRELIMINARY 30060199W0021 KOR	MM	MM	11.09.17	1
NA12373.01	JG	AA	PRELIMINARY 30060199W0021 KOR - AMENDMENTS	PD	PD	18.07.18	2
NA12373.01	SH	AA	PRELIMINARY 30060199W0021 KOR L700, L4800, L2100, L2600	PD	PD	07.11.18	3
NA12373.01	AN	MS	FC - 30060199W0021 KOR, LTE700, LTE1400, LTE2100, LTE2600	JG	EL	10.03.20	4

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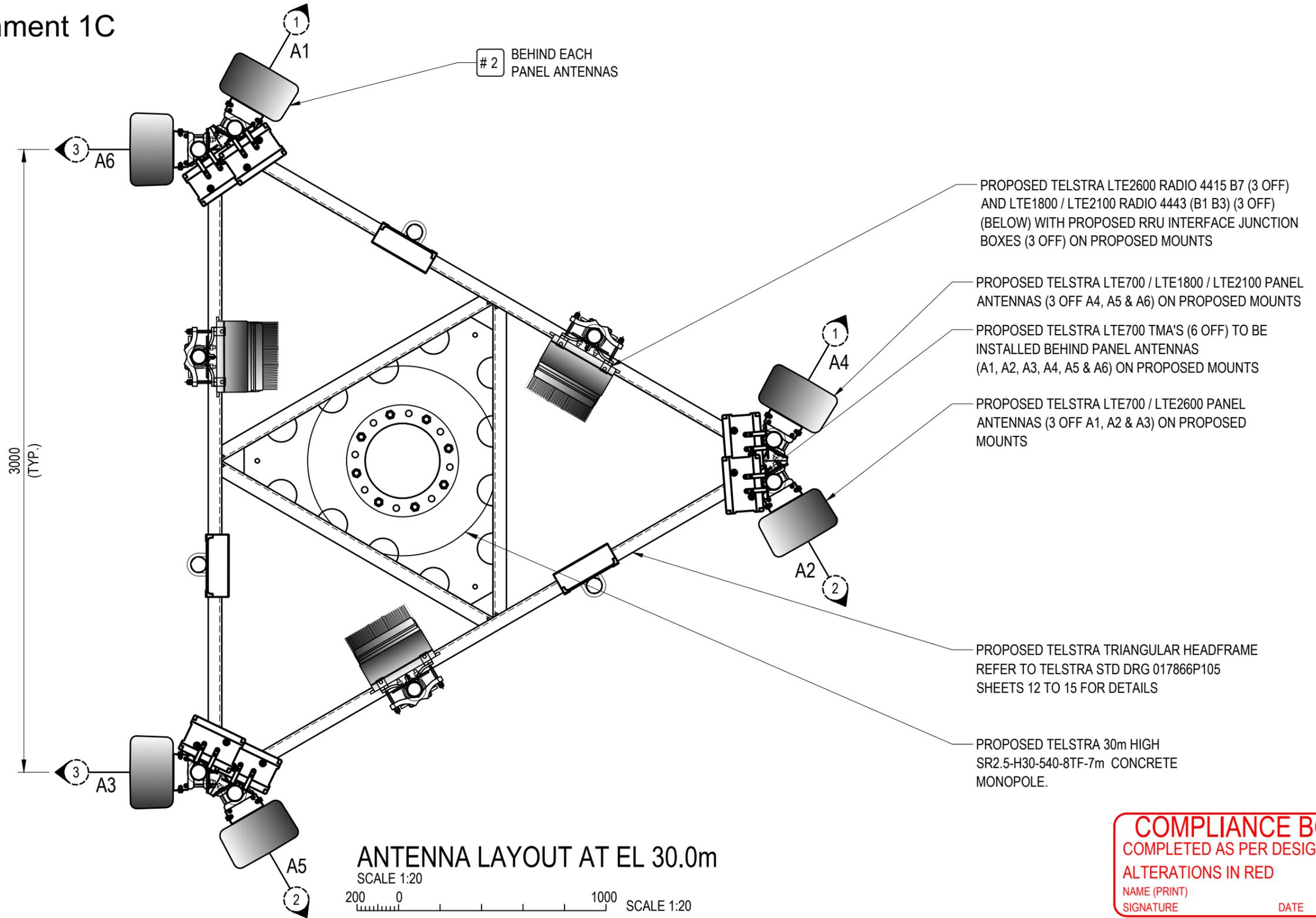
**Telstra**

**MOBILE NETWORK SITE 232870**  
**COLEDALE RAILWAY ST**  
SITE LAYOUT  
LOT 1 CARTER STREET, COLEDALE, NSW 2515

DWG NO. **N110486** SHT NO. S1-1

Telstra Networks Wireless program Delivery Template - 017866P02 issue 11.4 XX /XX/2015

# Attachment 1C



## ANTENNA LAYOUT AT EL 30.0m

SCALE 1:20  
 200 0 1000 SCALE 1:20

**COMPLIANCE BOX**  
 COMPLETED AS PER DESIGN   
 ALTERATIONS IN RED   
 NAME (PRINT) \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-1

**FOR CONSTRUCTION**

DO NOT SCALE

### NOTES:

1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. FOR SITE SPECIFIC NOTES REFER TO SHEETS S0 & S0-1.
3. FOR EME SIGNS NOTED AS #X REFER TO 005486 DOCUMENTS FOR DETAILS.
4. #2 EME SIGN SECURED BEHIND EACH PANEL ANTENNAS.



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ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
NA12373.01	JG	AA	PRELIMINARY 30060199W0021 KOR	MM	MM	11.09.17	1
NA12373.01	JG	AA	PRELIMINARY 30060199W0021 KOR - AMENDMENTS	PD	PD	18.07.18	2
NA12373.01	SH	AA	PRELIMINARY 30060199W0021 KOR L700, L1800, L2100, L2600	PD	PD	07.11.18	3
NA12373.01	AN	MS	FC - 30060199W0021 KOR, L700, L1800, L2100, L2600	JG	EL	10.03.20	4

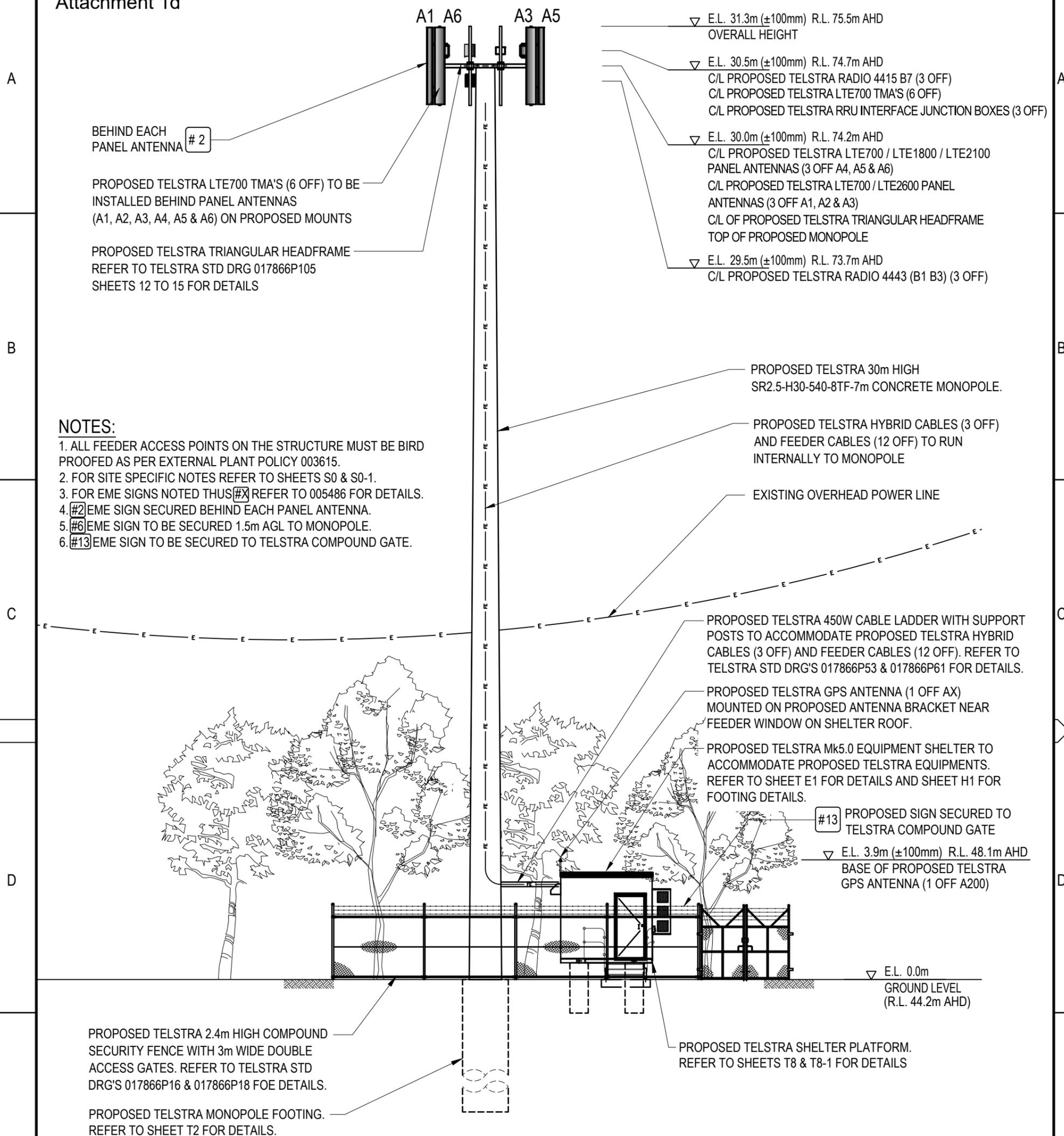
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**MOBILE NETWORK SITE 232870**  
**COLEDALE RAILWAY ST**  
 ANTENNA LAYOUT  
 LOT 1 CARTER STREET, COLEDALE, NSW 2515

DWG NO. **N110486** SHT NO. S1-2

Attachment 1d



BEHIND EACH PANEL ANTENNA #2

PROPOSED TELSTRA LTE700 TMA'S (6 OFF) TO BE INSTALLED BEHIND PANEL ANTENNAS (A1, A2, A3, A4, A5 & A6) ON PROPOSED MOUNTS

PROPOSED TELSTRA TRIANGULAR HEADFRAME REFER TO TELSTRA STD DRG 017866P105 SHEETS 12 TO 15 FOR DETAILS

- ▽ E.L. 31.3m (±100mm) R.L. 75.5m AHD  
OVERALL HEIGHT
- ▽ E.L. 30.5m (±100mm) R.L. 74.7m AHD  
C/L PROPOSED TELSTRA RADIO 4415 B7 (3 OFF)  
C/L PROPOSED TELSTRA LTE700 TMA'S (6 OFF)  
C/L PROPOSED TELSTRA RRU INTERFACE JUNCTION BOXES (3 OFF)
- ▽ E.L. 30.0m (±100mm) R.L. 74.2m AHD  
C/L PROPOSED TELSTRA LTE700 / LTE1800 / LTE2100  
PANEL ANTENNAS (3 OFF A4, A5 & A6)  
C/L PROPOSED TELSTRA LTE700 / LTE2600 PANEL  
ANTENNAS (3 OFF A1, A2 & A3)  
C/L OF PROPOSED TELSTRA TRIANGULAR HEADFRAME  
TOP OF PROPOSED MONOPOLE
- ▽ E.L. 29.5m (±100mm) R.L. 73.7m AHD  
C/L PROPOSED TELSTRA RADIO 4443 (B1 B3) (3 OFF)

PROPOSED TELSTRA 30m HIGH SR2.5-H30-540-8TF-7m CONCRETE MONOPOLE.

PROPOSED TELSTRA HYBRID CABLES (3 OFF) AND FEEDER CABLES (12 OFF) TO RUN INTERNALLY TO MONOPOLE

EXISTING OVERHEAD POWER LINE

PROPOSED TELSTRA 450W CABLE LADDER WITH SUPPORT POSTS TO ACCOMMODATE PROPOSED TELSTRA HYBRID CABLES (3 OFF) AND FEEDER CABLES (12 OFF). REFER TO TELSTRA STD DRG'S 017866P53 & 017866P61 FOR DETAILS.

PROPOSED TELSTRA GPS ANTENNA (1 OFF AX) MOUNTED ON PROPOSED ANTENNA BRACKET NEAR FEEDER WINDOW ON SHELTER ROOF.

PROPOSED TELSTRA Mk5.0 EQUIPMENT SHELTER TO ACCOMMODATE PROPOSED TELSTRA EQUIPMENTS. REFER TO SHEET E1 FOR DETAILS AND SHEET H1 FOR FOOTING DETAILS.

#13 PROPOSED SIGN SECURED TO TELSTRA COMPOUND GATE

▽ E.L. 3.9m (±100mm) R.L. 48.1m AHD  
BASE OF PROPOSED TELSTRA GPS ANTENNA (1 OFF A200)

▽ E.L. 0.0m  
GROUND LEVEL (R.L. 44.2m AHD)

PROPOSED TELSTRA 2.4m HIGH COMPOUND SECURITY FENCE WITH 3m WIDE DOUBLE ACCESS GATES. REFER TO TELSTRA STD DRG'S 017866P16 & 017866P18 FOR DETAILS.

PROPOSED TELSTRA SHELTER PLATFORM. REFER TO SHEETS T8 & T8-1 FOR DETAILS

PROPOSED TELSTRA MONOPOLE FOOTING. REFER TO SHEET T2 FOR DETAILS.

NORTH WEST ELEVATION

SCALE 1:125  
2m 0 5m SCALE 1:125

**COMPLIANCE BOX**  
 COMPLETED AS PER DESIGN   
 ALTERATIONS IN RED   
 NAME (PRINT) \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S3-1

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NA12373.01	JG	AA	PRELIMINARY 30060199W0021 KOR	MM	MM	11.09.17	1
NA12373.01	JG	AA	PRELIMINARY 30060199W0021 KOR AMENDMENTS	PD	PD	18.07.18	2
NA12373.01	SH	AA	PRELIMINARY 30060199W0021 KOR L700, L1800, L2100, L2600	PD	PD	07.11.18	3
NA12373.01	AN	MS	FC - 30060199W0021 KOR, L700, L1800, L2100, L2600	JG	EL	10.03.20	4

**MOBILE NETWORK SITE 232870**  
**COLEDALE RAILWAY ST**  
 NORTH WEST ELEVATION  
 LOT 1 CARTER STREET, COLEDALE, NSW 2515

DWG NO. **N110486** SHT NO. S3

Telstra Networks Wireless program Delivery Template - 017866P02 issue 11.4 XX/XX/2015

DO NOT SCALE



# Coledale Visual Impact Assessment

## **The Proposed Communications Facility**

Telstra are proposing a new telecommunications facility on land adjoining the railway line near to Coledale Railway Station. It is located between the Illawarra Escarpment to the east and the beach and the sea to the west and to the northwest of the settlement of Coledale.

The proposal is for a new 30m monopole together with associated telecommunications equipment located approximately 130m from the northern end of the station platform.

The nearest dwellings are in Gifford St, approximately 70 metres away. However, the railway line is elevated above the street and the railway line is screened from the nearest residential roads by an extensive belt of tree screening.

## **Assessing the Visual Impact of Mobile Phone Communications Facilities**

Visual impact is often a significant issue with respect to mobile phone communications, where such facilities require the installation of a tall pole or tower in order to provide adequate service levels. Typically, such facilities range from 20m to 40m in height and require adequate clearance above buildings and trees to function effectively.

It is not always possible to locate mobile phone antennas in a discreet fashion on a building or in locations of minimal visual impact. Mobile phone towers, like many other items of infrastructure comprising taller structures, such as transmission line towers and wind generator towers, are likely to intrude above existing buildings and vegetation and hence are readily seen in the landscape, particularly when viewed from closer distances.

Consideration of visual impact requires balancing the need for the facility the benefits that will be provided to the broader community, with options that minimize visual impact in the locality, particularly in locations of good to high visual quality. Visual impact assessment does involve some degree of subjectivity in that what is attractive or visually important to some, may not be so to others, particularly in relation to the built form. Matters of taste and individual preference are very personal and should be given little, if any weight in an objective visual assessment.

An objective visual impact assessment should have regard to the visual character, qualities and physical setting of the location of the proposed communications facility. Where visual character and setting is of good quality or high visual significance, for example, due to its attractive visual qualities or uniqueness, then the visual impact of the development is of particular importance. The visual impact of a proposal on a particular locality or setting will depend primarily on the visual qualities and extent of visibility of the proposed development, including bulk, scale, height, form, colour, finish etc.

Visual prominence of a building or structure does not necessarily mean that such development should be deemed unacceptable.

Iconic and landmark structures, recognized as having great design merit, such as the Sydney Opera House and Harbour Bridge are prominent in the high-quality visual setting of Sydney Harbour, yet contribute positively to the visual qualities of that setting. Alternatively, a building, or structure of

more modest design quality, that is also visually prominent, may not have unacceptable visual impact, where it is located in an area with low to moderate visual amenity.

Whilst some items of 'industrial infrastructure' may be considered to have a positive visual impact, it is generally accepted that telecommunications facilities, such as mobile phone towers, do not make a positive contribution to the visual qualities of the localities within which they are located. Typically planning controls in relation to such facilities seek to encourage their location within industrial areas, where they are seen as more compatible with the visual character of industries or in locations such as large areas of open space, rural areas or within infrastructure corridors.

A building or structure, such as a mobile phone tower, which is visually prominent, may be acceptable in areas with low to moderate visual amenity, but would be entirely inappropriate in an area of high visual quality and amenity. If a proposed structure has limited visibility and is designed to blend into the setting, it may be readily acceptable visually, even within a setting of high visual quality.

In the case of a mobile phone transmission tower, there are options available to reduce visual impact, such as minimizing tower/pole height, locating the tower/pole on lower ground, rather than on a prominent ridge, integrating it into existing vertical elements (e.g. light poles) and/or incorporating some screen planting below the level of the antennae, or utilizing existing and new tree planting as screening.

A judgment must be made in relation to the visibility of a proposed building or structure, balanced against the visual quality of the locality and feasible measures available to reduce visual impact. Opportunities to mitigate visual impact should be included in any visual impact assessment.

Expectation plays a part in visual assessment and relates to the manner in which an object is perceived in its context. By way of example, the protrusion of church spires into the skyline of a low-rise residential area does not create a discordant element, as there is community expectation that one will see some church spires in a residential environment. Light and electricity poles are not positive visual elements in the landscape but are such an integral part of the environment of our cities and towns that they become absorbed into our visual experience to the extent that they are generally not noticed. Larger buildings and items of infrastructure similarly appear less noticeable in industrial areas, where the presence of such structures is anticipated by the viewer.

Visual impact assessment should include an evaluation of views impacts. Proposed development should not significantly obstruct or detract from high quality views, such as views to water bodies, natural and manmade features or landmarks, and significant parklands or natural landscapes. Views to and from the public domain are particularly important. In conservation areas or where there are nearby heritage items, consideration needs to be given to protecting townscape and heritage qualities and the visual catchment of heritage items and their curtilage.

The NSW Telecommunications Facilities Guideline Including Broadband (July 2010) prepared by the NSW Department of Planning, includes principles that should be followed in relation to the design and siting of telecommunications facilities.

Principle 2.2 relates to visual impact and requires that *"a telecommunications facility is to be designed and sited to minimize visual impact."*

In most cases telecommunications facilities will have a visual impact, particularly when viewed at closer viewing distances. The Guidelines therefore focus on measures that will keep visual impact to a minimum. In relation to communications facilities the Guidelines primarily relate to those facilities

proposed to be located on existing buildings. Guidelines relevant to facilities that extend into the skyline or are freestanding in nature are detailed as follows:

- *Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts 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.*
- *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.*
- *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.*
- *A telecommunications facility should be located to minimize or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or panorama, whether viewed from public or private land.*
- *The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guidelines.*

The Guidelines advocate co-location as a means of minimizing visual impact. In this case there are no alternative existing communication poles in the locality that can accommodate the proposed antennas and still meet service objectives for the target area.

The following evaluation provides a visual impact assessment of the proposed facility in relation to visual assessment principles and guidelines relevant to the assessment of telecommunications facilities, as items of essential communications infrastructure.

### **Visual Impact Assessment of the Proposed Telecommunications Facility**

The proposed communications facility is located within an infrastructure corridor, being adjacent to the Sydney-Wollongong train line. The site is zoned SP2 Infrastructure. It is bordered by bushland to the west and residential areas to the east.

A corridor of bushland extends to the east towards the Illawarra Escarpment. Whilst there are several isolated dwellings located in this area, none have visibility of the site. Therefore, the proposal will have no visual impact on this area. Land to the north and south of the proposal is occupied by the railway line. All this land is under the control of Sydney Trains, with no Public access. Except for a brief glanced view for passengers on one side of the train, there will be no visual impact of the proposal. The area to the east of the proposal is taken up initially by the railway tracks. The railway line itself is on an embankment and is elevated above the residential areas located between the railway and the sea. At the top of the embankment the ground is covered by a thick belt of mature trees, which acts as an effective screen between the railway and nearby residential areas.

The site itself is located on cleared ground; it is set back from the line for operational reasons. An access driveway extends north from Cater St, along the western boundary of the property. There is no public access to any of this land, so that no close-up public views of the proposal are available.

Given the nature of the site, its separation distance from dwellings and its location adjacent to an infrastructure corridor containing a railway line and transmission lines, the site is considered “in principle” to be a suitable location for a communications facility of the type proposed. Alternative locations would either not meet service requirements or require a significantly taller structure or would be in closer proximity to dwellings.

The proposed site has the advantage of the screening effect of existing trees around the site to the east and west.

Photomontages have been prepared illustrating visual impact from a range of viewing positions around the site. These photomontages indicate that tree canopy, combined with separation distance, substantially mitigates visual impact.



***Photomontage 1*** - View looking from the Railway Bridge northwards some 225m south of the proposed facility.

The photomontage above, indicates how the facility will appear from the railway bridge at a viewing distance of approximately 225m. The proposal will be viewed within the context of a significant number of vertical structures related to the operation of the railway, including light poles and power poles. In particular the foreground is dominated by the DTRS monopole, together with the footbridge. The proposal will be viewed against the green backdrop of extensive vegetation along the railway corridor and the Illawarra escarpment. The major part of the pole will be screened by the clump of trees in the middle of the photo. A small part of the pole together with the headframe which will be colour matched pale eucalypt will be seen against the backdrop of the escarpment. As such, any visual impact is considered to be minimal.



***Photomontage 2 - View from eastern end of Cater St looking north west, 400m from the proposed location.***

This view is from near to the beach approximately 400m from the proposal and is typical of views from the coast towards the escarpment. The proposal can be seen above the roofs of the dwellings in the foreground and is considered to be of limited visibility being seen against the green backdrop of the escarpment. The foreground is dominated by power lines which are typical within most streetscapes and by brightly coloured dwellings.



***Photomontage 3 - View from Coledale Beach Car Park looking from the east, 360m from the site.***

The view from Coledale Beach Car Park, approximately 360m from the proposal is similar to many views from the main north-south road going through the settlement towards the escarpment. The foreground is dominated by power poles and lines, together with residential properties in a variety of architectural styles and the background by the escarpment. The proposal can be seen to the rear of dwellings and power lines in the road opposite against the backdrop of the escarpment. It is considered that the proposal will have minimal visual impact within this context.



***Photomontage 4 - View from Railway Station Platform looking north towards the proposal, 185m away.***

The view that most railway passengers receive when they access the station from the footbridge is dominated by vertical structures such as the light poles on the platform, together with power lines running parallel to the track. In particular the DTRS monopole has a strong visual presence in the foreground. Views towards the proposal are seen within the context of the station building and the group of trees in the centre of the photo. The proposal is considered to have minimal visual impact.



***Photomontage 5 - View from Rawson St looking north west towards the proposal, 155m from the site.***

The view from Rawson Street towards the proposal some 155m away is dominated in the foreground by power poles and wires and in the background by the escarpment, which together with the tree screen at the end of the road creates a dominant green image. The DTRS pole near to the station can be seen in the far left of the photo and the proposal will be seen within a similar context. It will be visible above the trees in the right of the photo against the background of the escarpment. It should be judged in the same manner as other similar vertical infrastructure. It is considered to have minimal visual impact.



***Photomontage 6 - View from Young St looking north west towards the proposal, some 195m away.***

The view towards the proposal from Young St is typical of those from the residential roads which run between the sea and the railway line. The foreground is dominated by power poles and wires and by a mixture of residential dwellings of different colours and styles, the dwellings themselves being elevated above the road. The background is dominated by the escarpment. The DTRS monopole at the station is conspicuous, however the proposal is generally screened by residential buildings and trees and will have minimal visible impact, with only the top of the pole and the headframe visible above the dwelling in the right of the photo.



***Photomontage 7 - View looking north west from intersection of Cater St and Lawrence Hargrave Drive, 330m from the proposal.***

The view from the intersection of Cater St and Lawrence Hargrave Drive, 330m from the site is similar to that seen from the end of Cater St. The foreground is again dominated by power poles and wires and the background by the escarpment. The DTRS pole can hardly be seen from this viewpoint when viewed against the backdrop of the escarpment. The top of the pole and the headframe can be seen above the roof of the dwelling in the foreground to the right of the power pole. It is considered that the proposal will have minimal visual impact.

The photomontages demonstrate that existing tree canopy effectively screens the proposed facility from view, apart from the uppermost portion of the pole and the antenna frame and panels, from most viewing locations. The only exception is from the railway platform where the headframe and the top of the pole can be seen above a group of trees.

At viewing distances of more than 300 metres, the proposed communications facility is a minor element in the landscape and effectively begins to merge into the background view.

At closer viewing distances of less than 300, the uppermost portion of the proposed facility becomes more apparent in the view, but remains of a relatively modest size within that view and is not unreasonably intrusive. Existing tree canopy remains as the dominant visual element in the view and mitigates the visual impact, by screening most of the proposed pole from views.

At close viewing distances of less than 150m to 200m existing tree canopy screens most of the facility from view. Only the uppermost portion of the pole and the antennas are evident in the view.

The facility must have sufficient height to provide adequate coverage to the target area and avoid interference from existing nearby trees. Accordingly, it is not possible to avoid some incursion into the skyline. Nevertheless, there is minimal visual impact from viewing distances of less than 150m to 200m where there is tree canopy screening and from viewing distances of more than 200m, due to tree canopy screening and separation distance.

At viewing distances of more than 300m the uppermost portion of the proposed facility will not be readily seen, due to separation distance and the screening effect of structures and vegetation in the foreground and middle distance of such views.

On balance, visual impact is considered to be acceptable having regard to the existing visual context, particularly screening provided by established tree canopy and the nature of the proposed facility, as an item of essential infrastructure that is frequently located within or adjoining open space and infrastructure corridors.

At viewing distances of more than 400m the visual impact is negligible if any. The facility is too small an element in the view and as noted above its location means that it is not a prominent element in the wider landscape.

Any visual impact is limited to viewing distances of less than 500m. The photomontages clearly demonstrate that at viewing distances of more than 300m, where topography, structures or vegetation does not obstruct views to the proposed facility, visual impact is very minor as the facility is a minor element in the landscape and substantially merges into the background view.

The photomontages clearly demonstrate visual impact at closer viewing distances of 200m to 300m, visual impact generally ranges from minor at viewing distances of 200m to 300m, due to separation distance and the screening effect of structure and vegetation. At close viewing positions, i.e. less than 200m, visual impact is generally relatively modest.

No views to iconic or landmark landscape features are impacted by the proposal.

Tall items of infrastructure such as communication poles, transmission lines and the like, by virtue of their height, have an unavoidable visual impact. Where a proposal involves an item of essential public infrastructure, visual impact would have to be substantial to warrant a refusal on the basis of visual or landscape impact alone. It is not possible to lower the proposed facility any further without compromising service performance to such an extent that it becomes unviable.

No alternative locations are available with a reduced visual or landscape impact, which would meet service requirements. Without the proposed facility, due to increasing use of mobile devices, within a relatively short timeframe, service levels will deteriorate to unsatisfactory levels. Visual impacts should therefore be balanced against a reasonable quality of access to an essential service.

Having regard to the role of the proposed facility, as an item of essential infrastructure that is required to extend above the tree canopy in order to fulfil its service role, landscape and visual impact is considered acceptable.

In accordance with the planning guidelines for telecommunications facilities, measures to mitigate visual impact should be applied wherever possible. This is considered in the following discussion.

### **Opportunities for Mitigating Visual Impact**

Where a project has a visual impact, the achievement of improved environmental outcomes is enhanced by consideration of feasible measures that can further reduce visual impact. The planning guidelines for installation of telecommunications facilities recommend that visual impact be minimized where possible and where free standing, suggest mitigation measures such as colouring the facility to match the prevailing colour, use of screening vegetation where possible, and avoid obstructing significant views e.g. to landmark, or scenic vista.

Further lowering of the pole is not possible, as the service performance of the facility for the target area is significantly reduced below a height of 31.27 metres, due to the signal interference effect of existing tree canopy. The screening effect of the existing dense canopy of trees ensures that visual and landscape impacts are confined to only that limited portion that the proposed facility extends into the skyline above the tree canopy. The proposed use of a "Pale Eucalypt" colour assists in minimizing visual impact, as viewed against the tree canopy/skyline interface.

Changing antenna mounting to the more streamlined turret panel mounting system is not recommended as the number of panels proposed using a turret mounting system would significantly increase the overall height of the facility, resulting in greater intrusion in the skyline. The proposed triangular headframe panel mounting is appropriate in rural locations where there is tree canopy and minimises the height of the facility above the tree canopy.

Use of "Pale Eucalypt" colour for the equipment shelter to be located at ground level will ensure that these relatively small ancillary facilities have minimal visual impact, by blending it into the existing vegetation on the site. The equipment facilities will not be readily seen from neighbouring properties.

## Conclusions

Mobile phone communications facilities are essential items of infrastructure. Such facilities, by definition, must be relatively tall structures to provide necessary service coverage and, in most settings, will extend above tree and building heights.

There is a need for the proposed facility to service the existing and future mobile communications needs of Coledale and adjoining localities. There are no alternative locations that would offer reduced visual impact and still provide the required level of service.

The subject location has the advantage of being in a semi-rural setting alongside an infrastructure corridor.

The site and locality are within a landscape setting of high quality, but due to the green backdrop of the escarpment is able to visually accommodate the facility, in the manner proposed, without materially diminishing the overall visual quality of Coledale or its setting. No iconic or landmark views are materially impacted by the proposal. At viewing distances of more than 300m visual impact is minor to minimal. At closer viewing distances there is limited but acceptable visual impact.

Use of a light colour tone, such as the proposed "Pale Eucalypt" for the pole, assists in mitigating visual impact by blending a substantial portion of the pole into the tree canopy. Visual outlook from residential properties to the east of the site will be reduced to some extent by the tree screen adjacent to the railway line. It is considered, that the site is an appropriate location for a communications facility of the type proposed. The development will have an acceptable visual impact, given the need for the facility as an item of essential communications infrastructure, its height requirements to fulfil its function, the visual quality of the locality and the screening effect of existing trees.

## Attachment 3 Conditions

### General Matters

- 1) **Sydney Trains**  
The proposal is to comply with the conditions in the attached Sydney Trains concurrence letter dated 10 September 2020.
- 2) **Building Work - Compliance with the Building Code of Australia**  
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 3) **Construction Certificate**  
A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.  
  
A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.  
  
**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 4) **Occupation Certificate**  
An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

### Prior to the Issue of the Construction Certificate

- 5) **Unexpected Finding Protocol (UFP)**  
Prior to issue of construction certificate UFP must be prepared and copy to be submitted to principal certifier. Unexpected contamination and “hotspots” Sometimes site contamination is not expected and is detected after work commences. Excavations may uncover buried asbestos, other materials. Unexpected contamination or hotspots on a site should be taken into account for any site health and safety plan. Precautions should be included in the plan, including:
  - workers trained to recognise potential contamination and danger signs eg odours or soil discolouration
  - precautions if signs of unexpected contamination or hot spots are found, such as:
    - stop work
    - report signs to the site supervisor immediately
    - isolate the area with a physical barrier
    - assume the area is contaminated until an assessment proves otherwise
    - assess the area to identify contaminants in the soil or spoil
- 6) Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on construction certificate plans prior to the release of the construction certificate.
- 7) **Structural Engineering Details**  
The submission of structural engineering details by a suitably qualified and experienced structural engineer (with appropriate insurance coverage) to the Principal Certifier, prior to the release of the Construction Certificate addressing the following matters:
  - a) Footings;
  - b) reinforced concrete slabs;

- c) structural steelwork;
- d) the structural engineer, in producing a design is to complement the Geotechnical Engineer's Stability Report to make a clear statement that "any structure designed and erected in accordance with the plans and specifications will achieve the performance requirements described in Clause 1.3 of 2870 (1996) and any other relevant codes and standards."
- 8) **Present Plans to Sydney Water**  
Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.  
The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.  
Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.
- 9) **Heritage – Muted Bushland Tones – External Finishes**  
To ensure the development is compatible with the surrounding environment and blend in with the Illawarra Escarpment, colours and finishes are to be in "Eucalypt Green" or similar muted bushland tone. In this regard white, light or bright colours are not permissible.
- 10) **Parking Area Levels**  
Parking area levels shall be designed and constructed to limit the 1 in 100 year ARI flood flow velocity and depth to within the vehicle stability limits in accordance with Chapter E13 of the Wollongong DCP 2009. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.
- 11) **Water/Wastewater Entering Road Reserve**  
Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.
- 12) The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 13) **Details of Proposed Pit and Pipeline**  
Details of the proposed connecting pipeline to the Council pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- 14) The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 15) **Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m**  
The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal Certifier for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:
- 1 A plan of the wall showing location and proximity to property boundaries;
  - 2 An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
  - 3 Details of fencing or handrails to be erected on top of the wall;
  - 4 Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to

determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;

- 5 The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- 6 The assumed loading used by the engineer for the wall design.
- 7 Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

16) **Pier and Beam Footings Adjacent to any Drainage Easement**

Buildings and structures (including brick fences) adjacent to easements shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900 mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.

17) **Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.

18) **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by Stormwater Concept Plan, prepared by TFA Group, Reference No. 18056-D21, revision H, dated 11/09/2019.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

19) **Flood Level Requirements**

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a Habitable floor levels must be constructed at a minimum of RL 3.55 metres AHD.
- b Any portion of the building or structure below RL 3.55 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP2009.
- c The proposal shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard / or PMF / or PMF plus freeboard being RL 3.74metres AHD.

20) **On-Site Stormwater Detention (OSD) Design**

The developer must provide on-site stormwater detention (OSD) storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the Principal Certifier prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 600mm x 600mm or 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:
  - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
  - Identification number DA-2020/265.
  - Any specialist maintenance requirements.

21) **Site Filling**

Filling on the site being within the floodplain shall be restricted to within the proposed building footprint and ramped areas immediately adjacent to the garage only. No wholesale filling of the site within the floodplain is permitted. This requirement shall be reflected on the Construction Certificate plans.

22) **Council Footpath Reserve Works – Driveways and Crossings**

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be removed and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve.

The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Details and locations are to be shown on the Construction Certificate Plans.

23) **Dilapidation Survey**

A dilapidation survey and report shall be submitted to the Principal Certifier.

The dilapidation survey and report shall accurately reflect the condition of existing public and private infrastructure in the adjacent street(s) fronting the lots.

The report shall outline measures for the protection of existing public and private infrastructure during the works.

Any damage to infrastructure items and relics which is caused by the developer shall be repaired to the satisfaction of the Principal Certifier prior to the issue of a Certificate of Practical Completion for Subdivision works.

24) **Erosion and Sediment Control Plan (ESCP) – Less than 2500m<sup>2</sup> Disturbance**

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the requirements set out in "Managing Urban Stormwater: Soils and Construction" NSW Dept of Housing, 4th Edition. The plan must be submitted to the Principal Certifier for approval prior to the issue of the Construction Certificate.

25) **Site Environmental Management Plan**

The submission of a detailed Site Environmental Management Plan which addresses the following issues:

1. Environmental monitoring methods involving:
  - a. ground and surface waters;
  - b. dust generation and mitigating measures;
  - c. flora and fauna management (if relevant); and
  - d. erosion and sedimentation controls and proposed soil erosion control measures;
2. On-site materials management including soil conservation;
3. Emergency/contingency plans; and
4. Site rehabilitation works.

The Environmental Management Plan is to be submitted to the Principal Certifier for approval prior to the issue of the Construction Certificate.

26) **Bushfire Construction**

The equipment room shall incorporate ember protection measure. This is to be achieved by enclosing all openings or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes. External doors are to be fitted with draft excluders.

These details shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the Principal Certifier prior to the issue of the Construction Certificate.

27) **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$4,000.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate.

The contribution amount will be subject to indexation until the date of payment. The formula for indexing the contribution is:

$$\text{Contribution at time of payment} = \$C \times (CP2/CP1)$$

Where:

**\$C** is the original contribution as set out in the Consent

**CP1** is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

**CP2** is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website – Catalogue No. 6401.0 - Consumer Price Index, Australia.

The following payment methods are available:

<b>METHOD</b>	<b>HOW</b>	<b>PAYMENT TYPE</b>
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1214341	<ul style="list-style-type: none"><li>• Credit Card</li></ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"><li>• Cash</li><li>• Credit Card</li><li>• Bank Cheque</li></ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

#### **Prior to the Commencement of Works**

##### **28) Appointment of Principal Certifier**

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- Appoint a Principal Certifier (PC) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
- notify Council in writing of their intention to commence work (at least two days notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

##### **29) Sign – Supervisor Contact Details**

Before commencement of any work, a sign must be erected in a prominent, visible position:

- stating that unauthorised entry to the work site is not permitted;
- showing the name, address and telephone number of the Principal Certifier for the work; and
- showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

##### **30) Temporary Toilet/Closet Facilities**

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a) a standard flushing toilet; and
- b) connected to either:
  - i) the Sydney Water Corporation Ltd sewerage system or
  - ii) an accredited sewage management facility or
  - iii) an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

31) **Structural Engineer's Details**

Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.

32) **Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifier. No building work is to commence until the fence is erected.

33) **Temporary Sediment Fences**

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

34) **Tree Protection and Management**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a) installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
- b) installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area;
- c) mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch;
- d) irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

35) **Notification to Council of any Damage to Council's Infrastructure**

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

36) **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council’s website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, 5 days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council’s standard document, “Specification for work within Council’s Road reserve”.
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

37) **Tree Protection**

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970-2009).

Tree protection zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.

38) **Asset Protection Zones**

In perpetuity, the property around the development shall be managed as an Asset Protection Zone as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for asset protection zones' for the following distances:

- As an Inner Protection Area (IPA) for a distance of ten (10) metres or the lot boundary whichever is the lesser.

**During Demolition, Excavation or Construction**

39) **Survey Report for Floor Levels**

A Survey Report must be submitted to the Principal Certifier verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

40) **Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to Council’s existing stormwater drainage system.

41) **No Adverse Run-off Impacts on Adjoining Properties**

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

42) **Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

The construction works noise shall comply with the Australian Standard AS 2436-2010 “Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites” and any other requirements as specified by Council or the NSW Environment Protection Authority.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

43) **Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

44) **Excess Excavated Material – Disposal**

Excess excavated material shall be classified according to the NSW Environment Protection Authority’s Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

45) **Fences**

Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

46) **Bushfire - Water and Utilities**

Water, a 5000 litre rainwater tank shall be provided on site. The rainwater tank should be constructed of either concrete or metal and fitted with a 65mm Storz outlet with a gate ball valve.

Electricity is to comply with Section 5 of ‘Planning for Bush Fire Protection 2019’.

**Prior to the Issue of the Occupation Certificate**

47) **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council’s M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.

48) **Restriction on use – On-site Detention System**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and

surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.”

The instrument, showing the restriction, must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

49) **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifier.

50) **Positive Covenant – On-Site Detention Maintenance Schedule**

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule (application number to be referenced).

The instrument, showing the positive covenant must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

51) **On-Site Detention – Structural Certification**

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifier is required prior to the issue of the Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

52) **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard, Probable Maximum Flood (PMF) or Probable Maximum Flood (PMF) plus freeboard being RL 3.74 metres AHD or greater.

53) **Bushfire Emergency Management and Evacuation Plan**

The applicant is to provide a Bushfire Emergency Management and Evacuation Plan prepared in accordance with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* to the Principal Certifier prior to the issue of the construction certificate.

**Operational Phases of the Development/Use of the Site**

54) **Operational Aspects**

The facility shall be operated in accordance with all statutory requirements and the requirements of:

- Australian Communications and Media Authority; and
- Australian Radiation Protection and Nuclear Safety Agency.

55) **Maintenance of Site and its Facilities**

The site and its facilities shall be maintained in a proper and safe condition at all times throughout its lifespan.

56) **Removal of Facility, if Facility Becomes Redundant**

Should the facility become redundant, the facility shall be removed within thirty (30) days after the cessation of use.

57) **Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.

58) **Maintenance of Inner Protection Area**

The Inner Protection Area must be maintained, at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bushfire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- No structures shall be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas shall be maintained free of leaves and other debris.
- Climbing species are avoided;
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
  - tree canopy cover should be less than 15% at maturity;
  - trees at maturity should not touch or overhang the building;
  - lower limbs should be removed up to a height of 2m above the ground;
  - the canopy is discontinuous such that such that tree canopies should be separated by 2 to 5m;
  - they are smooth barked species or, if rough barked, shall be maintained free of decorticating bark and other ladder fuels (rough barked species are not encouraged);
  - create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
  - shrubs should not be located under trees;
  - shrubs should not from more than 10% ground cover;
  - clumps of shrubs should be separated from exposed windows and doors b a distance of at least twice the height of the vegetation;
  - no part of a tree shall be closer to a power line than the distances set out in the current edition of “Planning for Bush Fire Protection”.
  - the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

Attachment - Sydney Trains Concurrence letter dated 10 September 2020



10 September 2020

The General Manager  
Wollongong City Council  
Locked bag 8821  
Wollongong DC NSW 2500

**ATTENTION: Kristy Robinson**

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007  
DEVELOPMENT APPLICATION – DA-2020/265  
Cater Street, Coledale**

I refer to Council's Referral requesting concurrence for the above development application in accordance with Clause 86 of the above SEPP.

Council is advised that Sydney Trains, via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor and to process the concurrence for this development application.

As such, Sydney Trains now advises that the proposed development is being assessed in accordance with the requirements of Clause 86(4) being:

- a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
  - i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
  - ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

In this regard, Sydney Trains has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application DA-2020/265 subject to Council imposing the operational conditions listed in Attachment A.

Sydney Trains is a NSW Government agency  
Level Three - East, 36-46 George Street, Burwood NSW 2134 - PO Box 459 Burwood NSW 1805  
Email DA\_sydneytrains@transport.nsw.gov.au  
www.transport.nsw.gov.au/sydneytrains ABN 38 284 779 682





Should Council choose not to impose the operational conditions provided in Attachment A (as written), then concurrence from Sydney Trains has not been granted to the proposed development.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. Sydney Trains therefore requests that Council comply with this requirements should such an event occur.

Council is also advised that the Sydney Trains concurrence is not to be amended, replaced or superseded by any concurrence issued by any other rail authority, without the further agreement from Sydney Trains.

Please contact Sydney Trains Town Planning Management via email to [DA\\_sydneytrains@transport.nsw.gov.au](mailto:DA_sydneytrains@transport.nsw.gov.au) should you wish to discuss this matter. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,

Digitally signed  
by Anthony  
Moeller  
Date: 2020.09.10  
18:46:37 +10'00'

**Anthony Moeller**  
Director, Property & Commercial Services

**Engineering**

- *Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:*
  - *Geotechnical Report Ref:P1907298JR01V01 prepared by Martens Consulting Engineers dated August 2019.*
  - *Structural Drawings prepared by Kordia as follows:*
    - *Antenna Layout Plan - Drawing No.N110486 Sheet S1-2 Issue 4 dated 10/03/2020*
    - *Norther West Elevation - Drawing No.N110486 Sheet S3 Issue 4 dated 10/03/2020*
    - *Monopole Footing Details - Drawing No.N110486 Sheet T2 Issue 1 dated 10/03/2020*
    - *Shelter Platform Details -Drawing No.N110486 Sheet T8-1 Issue 1 dated 10/03/2020*
    - *Shelter Platform Details -Drawing No.N110486 Sheet T8 Issue 1 dated 10/03/2020*
    - *Equipment Shelter Footings - Drawing No.N110486 Sheet H1 Issue 1 dated 10/03/2020*
    -

*The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.*

- *Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.*

### Supervision

- *Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.*

### Survey

- *Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.*

### Electrolysis

- *Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*

### Construction

- *No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.*
- *No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*

- *Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:*
  - *Machinery to be used during excavation/construction.*
  - *Demolition, excavation and construction methodology and staging*
  - *Methodology for vibration and noise control during construction demonstrating no adverse impact on rail operations or assets*
  - *Confirmation that electro-magnetic interference to railway signalling and telecommunication systems will not be introduced.*

*The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.*

- *If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.*
- *Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- *No scaffolding is to be near high voltage powerlines unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.*

- *If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.*
- *If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.*
- *Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.*
- *The Applicant/Developer must give Sydney Trains written notice at least 5 business days before, and on the day of, commencing works which occur adjacent to the rail corridor.*

#### **Consultation**

- *The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:*
  - *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;*
  - *acts as the authorised representative of the Applicant; and*
  - *is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.*
- *Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.*



- *Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team via email on [Illawarra\\_Interface@transport.nsw.gov.au](mailto:Illawarra_Interface@transport.nsw.gov.au).*

#### **Documentation**

- *Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to be TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied*
- *Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.*
- *If required by Sydney Trains, prior to the issue of a Construction Certificate a revised Intermodulation Report and/or EMF report are to be submitted to Sydney Trains for endorsement. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*

#### **Environmental Protection**

- *During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.*

#### **Drainage**

- *The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains. The Principal Certifying Authority is not to issue a Construction Certificate or final Occupation Certificate unless the drainage is in accordance with the above documentation.*
- *The Applicant must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the railway corridor.*

Sydney Trains is a NSW Government agency  
Level Three - East, 36-46 George Street, Burwood NSW 2134 - PO Box 459 Burwood NSW 1805  
Email [DA\\_sydneytrains@transport.nsw.gov.au](mailto:DA_sydneytrains@transport.nsw.gov.au)  
[www.transport.nsw.gov.au/sydneytrains](http://www.transport.nsw.gov.au/sydneytrains) ABN 38 284 779 682



- *The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.*
- *The Applicant must ensure that extreme care is taken during works to prevent water from collecting on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Trains expenditure involved with restoring or maintaining alternative services.*

### **Inspections**

- *If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.*
- *If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied*
- *Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.*

- *If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:*
  - *site investigations;*
  - *foundation, pile and anchor set out;*
  - *set out of any other structures below ground surface level or structures which will transfer any load or bearing;*
  - *foundation, pile and anchor excavation;*
  - *other excavation;*
  - *surveying of foundation, pile and anchor excavation and surveying of as-built excavations;*
  - *other concreting; or*
  - *any other event that Sydney Trains has notified to the Applicant.*

#### **Maintenance**

- *Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.*

#### **Other**

- *Prior to the issuing of any Occupation Certificate the Applicant must enter into a lease with TAHE (Transport Asset Holding Entity) The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.*
- *Telstra will need arrange its own legal access to the site subject site and not rely on current access easement that Sydney Trains has the benefit of over the affected private property.*
- *Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.*



- *Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.*

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