

# Central Coast

## Local Planning Panel

Central Coast  
Local Planning Panel Meeting  
Business Paper  
**11 June 2020**



# Meeting Notice

**The Local Planning Panel Meeting  
of Central Coast  
will be held remotely - online,  
Thursday 11 June 2020 at 2.00 pm,  
for the transaction of the business listed below:**

## **1 Procedural Items**

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## **2 Planning Reports**

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**Item No:** 1.1  
**Title:** Disclosures of Interest  
**Department:** Governance

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**Central Coast**  
Local Planning Panel

11 June 2020 Local Planning Panel Meeting

Reference: F2020/00812 - D13982834

The NSW Local Planning Panel Code of Conduct states that all panel members must sign a declaration of interest in relation to each matter on the agenda before or at the beginning of each meeting.

### **Recommendation**

***That Panel Members now confirm that they have signed a declaration of interest in relation to each matter on the agenda for this meeting and will take any management measures identified.***

**Item No:** 2.1  
**Title:** DA 57859/2020 - 103 Victoria Street, East Gosford  
- Telecommunications Tower  
**Department:** Environment and Planning

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11 June 2020 Local Planning Panel Meeting

Reference: F2020/00812 - D14006255  
Author: Brian McCourt, Development Planner  
First Authoriser: Ailsa Prendergast, Section Manager, Development Assessment South  
Final Authoriser: Andrew Roach, Unit Manager, Development Assessment

**Summary**

An application has been received for a telecommunications facility at 103 Victoria Street, East Gosford. The proposed development comprises a 25 metre monopole tower for the installation of telecommunications equipment, including headframe, panel antennas and ancillary infrastructure (site equipment shed, secure fencing, signage).

There was a previous development consent for the construction of a similar structure on the site (Development Application Ref. 45377/2014) which was approved on 2 May 2014. Due to delays in the commencement of construction that previous approval expired in May 2019.

The current application has been referred to the Local Planning Panel as a result of the number of written objections received during the public exhibition period. Twenty-two (22) submissions have been received. The application is recommended for approval, subject to conditions.

<b>Applicant</b>	Aurecon Australia Pty Ltd
<b>Owner</b>	M. Levenspiel
<b>Application No</b>	57859/2020
<b>Description of Land</b>	Lot 1 DP 515309 – 103 Victoria Street, East Gosford
<b>Proposed Development</b>	25m Telecommunications Tower with headframe and ancillary infrastructure
<b>Site Area</b>	1075 sqm
<b>Zoning</b>	B2 – Local Centre
<b>Existing Use</b>	Carpark (for existing commercial business)
<b>Employment Generation</b>	10 jobs in construction
<b>Estimated Value</b>	\$150,000

**Recommendation**

- 1 ***That the Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***
  
- 2 ***That the Local Planning Panel advise those who made written submissions of its decision.***

**Precis:**

<b>Proposed Development</b>	Telecommunications Facility (Installation of 25m monopole and related infrastructure)
<b>Permissibility and Zoning</b>	<p>The subject site is zoned <i>B2 – Local Centre</i> under the provisions of <i>Gosford Local Environmental Plan 2014 (Gosford LEP 2014)</i>.</p> <p>The proposed development is defined as a <i>'telecommunications facility'</i> which is defined under the <i>Gosford LEP 2014</i> as:</p> <p style="padding-left: 40px;"><b><i>"Telecommunications facility"</i></b> means –</p> <ol style="list-style-type: none"> <li>a) <i>any part of the infrastructure of a telecommunications network, or</i></li> <li>b) <i>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</i></li> <li>c) <i>any other thing used in or in connection with a telecommunications network.'</i></li> </ol> <p>The use is permissible with consent of Council in the subject zone.</p>
<b>Relevant Legislation</b>	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <ul style="list-style-type: none"> <li>• <i>Telecommunications Act 1997 (Commonwealth)</i> and related</li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Telecommunications Code of Practice 1997 and Industry Code – Mobile Phone Base Station Deployment (2018)</i></li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007</i></li> <li>• <i>Environment Planning and Assessment Act 1979 - section 4.15 (EP&amp;A Act)</i></li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li> <li>• <i>State Environmental Planning Policy No 55 Remediation of Land</i></li> <li>• <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i></li> <li>• <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i></li> <li>• <i>Central Coast Regional Plan 2036 (CCRP 2036)</i></li> <li>• <i>Central Coast Council Community Strategic Plan 2018-2028</i></li> </ul>
<b>Current Use</b>	Commercial Development/Off street Carparking (the subject land is used as carparking in conjunction with existing commercial premises)
<b>Integrated Development</b>	No
<b>Submissions</b>	<p>The development application was notified (in accordance with the provisions of the <i>Gosford Development Control Plan 2014</i>) from 29 January 2020 until 12 February 2020. 22 written submissions were received.</p> <p>(An evaluation of matters raised in these submissions is included later in this report).</p>

### **The Site**

The site is a single lot legally identified as Lot 1 DP 515309 (No. 103 Victoria Street, East Gosford). The site is located on the northern side of Victoria Street having a total area of 1075 sqms. The site contains a single storey commercial building (with commercial tenancies fronting Althorpe and Victoria Streets) and uncovered off street carparking (12 spaces). Access to the site occurs from Gumtree Lane (aerial photograph of site on the following page).

The site is zoned *B2 - Local Business* under the provisions of *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)*.

### Surrounding Development

The subject site forms part of a local shopping strip which includes commercial tenancies fronting Victoria Street and Althorpe Street. The commercial tenancies extend south along Victoria Street more than 250 metres and east along Althorpe Street to its intersection with Gumtree Lane.



**Subject Site (edged blue)**

The site is immediately surrounded by:

- To the south and west – other commercial developments fronting Victoria Street, to a maximum height of two storeys. with St Patrick’s Catholic Church located diagonally opposite (north-west) adjoining the St. Patricks Primary School;
- To the east (opposite side of Gumtree Lane) are a range of primarily single storey residential developments;
- To the north – a small bitumen carparking area, containing a number of large native trees.

Outside of the Victoria Street/Althorpe Street local shopping precinct, developments in the vicinity are mainly single and two storey residential schemes, with the area undergoing extensive change over the last 2 decades as single dwellings on individual lots have been replaced by multi-residential/townhouse style developments in a range of designs.

## 2.1 DA 57859/2020 - 103 Victoria Street, East Gosford - Telecommunications Tower (contd)

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Approximately 250 metres to the east is the Hylton Moore Oval which contains local recreation/sporting fields.

An existing 15m high Vodafone telecommunications facility is located on the rooftop of the adjoining building to the south at 101 Victoria Street, East Gosford. The applicant has stated that this facility is currently being utilised to full capacity and would not be able to accommodate the proposed Telstra antennas, furthermore the Vodafone facility is not high enough to service the coverage + objectives as required by Telstra.



***Subject Site (shown in red) and the wider context***

### **The Proposed Development**

The application as submitted to Council, is for the installation of a telecommunications facility comprising:

- Installation of a new 25 metre monopole with headframe;
- Installation of six (6) new panel antennas (each no more than 2.8 metres in length) collar-mounted on to the pole at 23.5 metres above ground level;
- Installation of ancillary equipment and a new equipment shelter which will be built on a raised platform; and
- Other associated and necessary infrastructure to ensure the proper functioning of Telstra's telecommunications facility including safe access, secure fencing and signage.

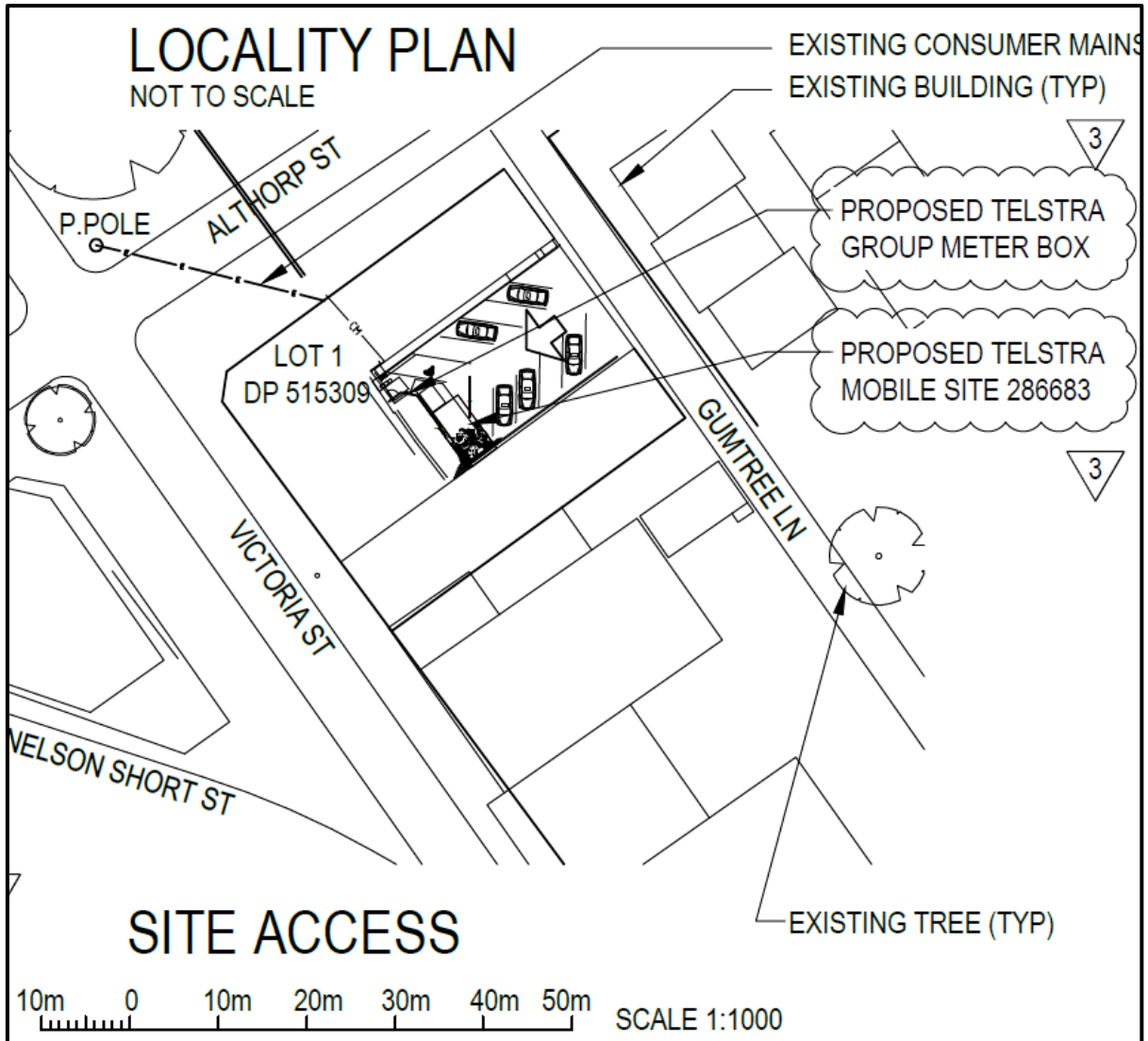


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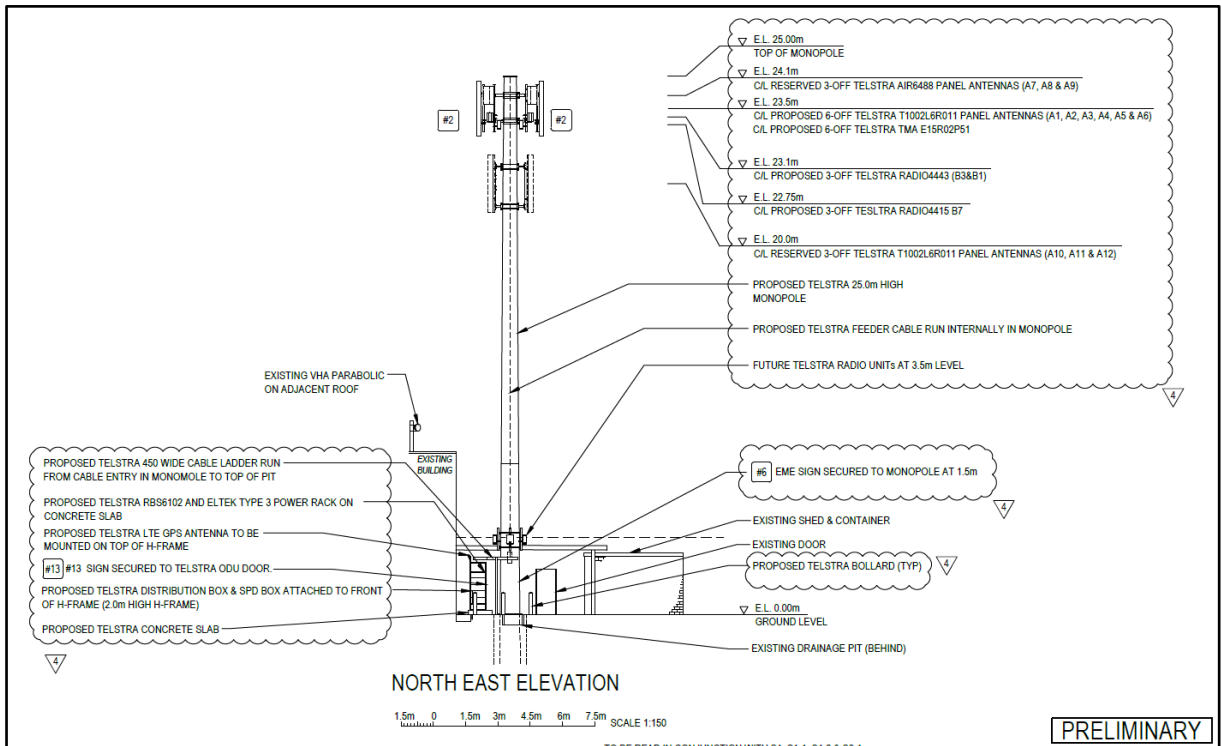
The proposed development includes provision for additional future infrastructure and reservations have been made for six (6) future antennas:

- three (3) to be installed at 20 metres above ground level; and
- three (3) at the 24.1 metres above ground level.

The facility will be located within the off-street carparking area for the property adjacent to the existing building. The location of the tower has been proposed so as not to result in the loss of off street carparking associated with the existing commercial tenancies.



**Location plan**



**Engineering Drawings of Proposed Tower (North East Elevation)**



**Photograph 1 - Visualisation of Tower**



*Photograph 2 – Visualisation of Tower*



*Photograph 3 – Visualisation of Tower*

### **History**

A previous Development Application (Ref. DA 45377/2014) was submitted for the site to the (then) Gosford City Council. The Applications was subsequently approved on 2 May 2014.

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The commencement of construction was delayed and, as a result, the previous development approval lapsed.

The previously approved scope of works were similar to what is currently proposed and a review of that application documentation reveal that it proposed:

- Installation of a new 25 metre monopole;
- Installation of three (3) new panel antennas (each no more than 2.8 metres in length) collar-mounted on to the pole at 20.8 metres;
- Installation of three (3) new panel antennas (each no more than 2.8 metres in length) collar-mounted on to the monopole at 23.8 metres;
- Installation of ancillary equipment and a new equipment shelter which will be built on a raised platform;
- Other associated and necessary activities to ensure the proper functioning of Telstra's telecommunications facility including safe access and signage.

### **Assessment:**

Having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Planning Certificate details, the assessment has identified the following key issues, which are elaborated upon for information.

### **Provisions of Relevant Instruments/Plans/Policies:**

#### ***Central Coast Regional Plan 2036 (CCRP 2036)***

East Gosford Shopping centre is located in Southern Growth Corridor of the Regional Plan. The related directions/actions are:

- Direction 2 – Focus development in the Southern and Northern Growth corridor.
- Action 2.4 – Support revitalisation and localised development opportunities in East Gosford.

The proposed development is not inconsistent with the Vision, Goals or Actions contained within the *Central Coast Regional Plan 2036*.

#### ***Central Coast Council Community Strategic Plan 2018-2028***

The development application is in compliance with the *Central Coast Council Community Strategic Plan 2018-2028*, in particular themes and Focus area – Smart-C 2- Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors.

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The proposed facility provides infrastructure to support business in the East Gosford commercial centre as well as surroundings areas and achieves the objectives of the Community Strategic Plan.

### ***State Environmental Planning Policy (Infrastructure) 2007***

SEPP (Infrastructure) 2007, applied to the original assessment (of expired approved DA 45377/2014).

Given that *SEPP (Infrastructure) 2007* has not undergone significant amendment, and that the proposed development is very similar to that previously approved, the assessment of the matter against *SEPP (Infrastructure) 2007* results in the same outcome – it is considered the proposed telecommunications installation is in compliance with the aims of *SEPP (Infrastructure) 2007* to facilitate the effective delivery of infrastructure across the State.

Relevant Matters from *SEPP (Infrastructure) 2007* are set out below:

- Division 21 of the *SEPP (Infrastructure) 2007* applies to Telecommunications and other communications facilities. Under Division 21, clause 115 requires the consent authority to take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purpose of the clause. In this instance the NSW Telecommunications Facilities Guideline Including Broadband 2010 is one such guideline that applies to the proposal and must be considered. The application has been examined against the provisions of this Guideline in the following section of this report.
- Direction 17 and Action 17.1 – Align land use planning and infrastructure planning

It is concluded that the provision of improved telecommunications infrastructure provided within the East Gosford centre will both support development in the centre and within the Southern Growth Corridor. The consideration of all related matters, as required by Clause 115 of the *SEPP (Infrastructure) 2007* have been undertaken, with relevant matters included within this assessment report.

Under Division 21, clause 115 requires the consent authority to take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purpose of the clause. In this instance the NSW Telecommunications Facilities Guideline Including Broadband 2010 is one such guideline that applies to the proposal and must be considered.

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***Telecommunications Facilities Guideline including Broadband (2010) Principles***

The following table represents a consideration of the application against the Principles contained within the '*Telecommunications Facilities Guideline including Broadband (2010)*', as required by Clause 115 of SEPP (Infrastructure) 2007:

<b>Assessment of the Telecommunications Facilities Guideline including Broadband (2010) Principles</b>		
<b>Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact</b>		
<b>Specific Principle/s</b>	<b>Comment</b>	<b>Consistent</b>
a. As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.	This principle is not applicable to the application as the facility is not attached to an existing building.	NA
b. 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.	Although the proposed facility is not to be attached to an existing building, its location has been selected to minimise impact and 'visual clutter'. It is to be situated centrally on the lot, behind existing single storey commercial buildings, such that the base of the tower and all support facilities will not be visible from any public place except Gumtree Lane.	Yes
c. 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.	This principle is not applicable to the application as the facility is not attached to an existing building. In addition the location of the development, behind existing commercial buildings, has been selected such that the base of the tower and all support facilities will not be visible from any public place except Gumtree Lane.	Yes
d. Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.	The ancillary facilities are to be colour matched with the existing background. In addition the location of the development, behind existing commercial buildings, has been selected such that the base of the tower and all support facilities will not be visible from any public place except Gumtree Lane.	Yes
e. A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.	This principle is not applicable to the application as the facility will not be in a rural setting.	NA
f. A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.	This principle is not applicable as the facility is not located within or nearby to a heritage item.	NA
g. A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	The location of the tower does not have an impact on significant views, vistas or streetscapes. Regardless, it has been reasonably designed and located behind existing commercial premises in order to minimise any impact on views/streetscape and character.	Yes

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h. The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.	No vegetation will be removed as part of the development.	N/A
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.	The site does not contain any existing facility.	N/A
j. The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.	The siting and design is considered to be in accordance with the relevant Industry Design Guides.	Yes
<b>Principle 2: Telecommunications Facilities should be co-located wherever practical</b>		
a. Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.	The installation of telecommunications lines will be underground.	Yes
b. Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.	The <i>Telecommunications Act</i> (federal) requires the co-location of services where possible, in order to prevent the proliferation of towers in one location from multiple telecommunications carriers. The tower has been designed to accommodate additional communications infrastructure with capacity noted in the application.	Yes
c. Towers may be extended for the purposes of co-location.	The tower has been designed to accommodate additional infrastructure/antennae.	Yes
d. The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.	The application is accompanied by adequate reasoning explaining why co-location is not adequate on existing infrastructure in the location. There is one small tower on the adjoining property – however it does not have capacity for additional infrastructure and is not situated high enough to gain required levels of service/coverage.	Yes
e. If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.	The application is accompanied by adequate reasoning explaining why co-location is not adequate on existing infrastructure in the location. There is one small tower on the adjoining property – however it does not have capacity for additional infrastructure and is not situated high enough to gain required levels of service/coverage.	Yes

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<p>f. If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.</p> <p><b>(Note:</b> Co-location is 'not practicable' where there is no existing tower or other suitable telecommunications facility that can provide equivalent site technical specifications including meeting requirements for coverage objectives, radio traffic capacity demands and sufficient call quality.)</p>	<p>This principle is not applicable to the application is not for an extension to an existing tower.</p>	<p>NA</p>
<p><b>Principle 3: Health standards for exposure to radio emissions will be met.</b></p>		
<p>a. A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.</p>	<p>The proposed telecommunications facility will be designed, installed and operated in a way which complies with the standard. An appropriate EME report has been submitted to support the application.</p>	<p>Yes</p>
<p>b. An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.</p>	<p>The EME report has been produced in accordance with the format required by ARPANSA. The report has been reviewed by Council's environmental Health Officer who raises no objection.</p>	<p>Yes</p>
<p><b>Principle 4: Minimise disturbance and risk, and maximise compliance</b></p>		
<p>a. The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the <i>Civil Aviation Regulations 1988</i> and the <i>Airports (Protection of Airspace) Regulations 1996</i> 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.</p>	<p>The proposal is not within an area impacted by an airport.</p>	<p>NA</p>
<p>b. 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.</p>	<p>The base station is not situated within proximity to any airport, Port or defence infrastructure/site. In addition, the facility is designed to create no electrical interference problems with other radio-based systems</p>	<p>Yes</p>



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c.	The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.	The base station facilities are designed and will be installed in accordance with any relevant manufacturer specifications. The proposal will also comply with the requirements of all relevant AS. This is set out in the application and appropriate conditions of consent are recommended.	Yes
d.	The telecommunications facility is not to affect the structural integrity of any building on which it is erected.	The tower is to be freestanding	NA
e.	The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.	The proposal will be located wholly within the site Owners consent has been given for the lodgement of the application in accordance with the <i>Environmental Planning &amp; Assessment Act 1979</i> .	Yes
f.	The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004), or its replacement.	The carrying out of construction of the facilities will be in accordance with all relevant regulations of the Blue Book. There are no proposed significant works likely to impact stormwater or run-off. In addition, appropriate conditions of consent are recommended requiring installation of erosion & sediment control devices during construction and whilst there is any disturbed soil on the site.	Yes
g.	Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.	The proposal will be located away from pedestrian or vehicle access.	Yes
h.	Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	Conditioned to comply.	Yes
i.	Traffic control measures are to be taken during construction in accordance with <i>Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads</i> .	Conditioned to comply.	Yes
j.	Open trenching should be guarded in accordance with <i>Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps</i> .	Conditioned to comply.	Yes
k.	Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.	Minimal disturbance to flora and fauna is expected – the site is currently a carpark and entirely void of any vegetation No native flora or fauna will be impacted.	Yes
l.	The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.	The site is currently a carpark and entirely void of any vegetation. No native flora or fauna will be impacted.	Yes

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<p>m. The likelihood of harming an Aboriginal Place and / or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.</p>	<p>The site is an existing hardstand carpark on a site previously extensively excavated for the construction of existing commercial premises. It is highly unlikely that there is any indigenous archaeology/sites that may be disturbed by the development. Standard conditions to be applied requiring cessation of works if any indigenous artefact /object becomes apparent during construction</p>	<p>Yes</p>
<p>n. Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.</p>	<p>Any damage to the area surrounding or associated with the facility will be reinstated to its prior condition.</p> <p>It is noted that the proposed development is wholly contained within private land and there is no street furniture or paving accessible to the public in the location of the proposed development.</p>	<p>Yes</p>

It is the view of assessing officers that the proposed development is compatible with the principles set out in the 'NSW Telecommunications Facilities Guideline Including Broadband 2010' guideline and therefore deemed acceptable.

**State Environmental Planning Policy (Coastal Management) 2018**

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning and Environment and the subject property falls within the mapped 'coastal management' areas.

The proposed development does not impact on coastal wetlands of littoral rainforests as identified within the SEPP, nor does it involve works in an area subject to coastal vulnerability or in a coastal use are.

The proposal does not impact on coastal protection works and complies with the Development Controls for Coastal Management Areas as set out in Part 2 of the SEPP.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

**State Environmental Planning Policy No. 55 Remediation of Land**

(SEPP 55) applies to the site. However, the site has a history of being utilised as a commercial purpose and so contamination is not likely to be present. In accordance with cl. 7(2) of the SEPP, no further consideration is required in this regard.

**Gosford Local Environmental Plan 2014**

*Zoning and Permissibility/Objectives of the Zone*

The subject site is located within the B2 – Local Centre Zone under the provisions of the Gosford Local Environmental Plan 2014.

The proposed use is best defined as a ‘telecommunications facility’ under the provisions of the Gosford Local Environmental Plan 2014. A telecommunications facility is defined 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.’

The installation of a telecommunications facility is permitted under the B2 – Local Centre zoning of the subject land.

The objectives of the zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential uses, but only as part of a mixed use development.
- To ensure that development is compatible with the desired future character of the zone.
- To promote ecologically, socially and economically sustainable development.
- To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.
- To ensure that village centres such as Avoca, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming are recognised as providing a broad range of services and facilities to serve the population of the locality.
- To ensure that villages are recognised as providing local level services and facilities and are developed at a scale that reflects their population catchment and as a focus for public transport routes.
- To ensure that the different roles of villages are recognised with some villages being key tourist destinations with boutique activities in addition to serving the needs of

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local residents, while other villages are purpose-built centres to serve the needs of the local population.

- To encourage the residential population of villages and town centres to contribute to the vitality of those locations.

The proposed development is consistent with the zone objectives.

### ***Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)***

Following a review of the Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018) which was exhibited until 27 February 2018, the zoning of the subject site remains, and telecommunications facilities remain permissible uses with the obtainment of development consent.

### **PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN:**

#### ***Gosford Development Control Plan 2013***

An assessment of the proposed development against the relevant chapters of the Gosford Development Control Plan (GDGP 2013) is provided below.

#### *2.1 Character*

Chapter 2.1 - Character applies to the development application. The chapter sets out the 'existing' and 'desired' character for each precinct and requires that character be considered in the assessment of any development application.

Whilst many of the matters pertaining to character relate to architectural design, scale and appearance of new buildings, streetscapes and the like, which are difficult to apply to infrastructure. However, there are a number of considerations within the '*existing*' and '*desired future character*' statement which are relevant to the subject application.

The existing character statement includes:

- '*Lining the main street, one and two storey mid-Twentieth Century shop front buildings are visually-uncoordinated but accommodate diverse activity.*'
- '*To the rear of main street buildings, there are substantial parking areas ...*'

The desired character statement includes:

- Ensure that '*... new developments (including alterations to existing buildings) do not dominate their low-scale residential surroundings or disrupt the established main-street development patterns ...*'

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- *Disguise the scale and bulk of new buildings.*
- *'Conceal off-street parking behind shops or apartments, and provide unobtrusive vehicle entrances from laneways or secondary streets that minimise disruption to shopfronts and their associated pedestrian activity'. (note, whilst this applies to vehicular entry/egress, the principal could easily be applied to other infrastructure such as loading docks, waste storage and the like – the idea that infrastructure should not obstruct the shopping precinct nor pedestrian movement)*

As shown in the photomontage. contained in this report there will be a visual impact associated with the facility – which is difficult to avoid for such telecommunications infrastructure. The photomontage information provided by the applicant appears to represent a fair depiction of the visual impact associated with the proposal. The visual impacts of such towers are generally less in urban settings (than vegetated hillsides or ridgelines, for example) and the development proposes a tower that is situated and designed such that it is centrally located on the lot, behind the existing commercial premises and presented to have as little impact on the character of the area as possible. The proposed development does not dominate the streetscape and would not preclude the ongoing operation of the centre. The proposed development is not inconsistent with the desired character statement for the commercial centre of East Gosford.

### *2.2 Scenic Quality*

The subject site is located within the East Brisbane Water Precinct. The proposed development will be contained within an existing commercial are and not located in visually sensitive locations within the precinct such as a waterfront or on visually sensitive slopes or ridgelines.

In this instance the proposal is considered acceptable in regard to the stated objectives of the GDCP 2013 Chapter 2.2 Scenic Quality.

### *Chapter 6.3 Erosion Sedimentation Control*

Appropriate erosion/sedimentation control conditions are recommended.

### *Chapter 6.6 Preservation of Trees or Vegetation*

The proposal does not require the removal of any native vegetation

## **Likely Impacts of the Development:**

### ***Built Environment***

The proposed built form is considered acceptable in the context of the site and the local centre. The visual impacts of such towers as seen in many other areas is often initially seen as

## **2.1 DA 57859/2020 - 103 Victoria Street, East Gosford - Telecommunications Tower (contd)**

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intrusive. In urban settings such as that in which the tower is to be located in East Gosford the tower over time will 'blend' with its local environment and largely become 'unnoticed' like many of the other towers in similar urban environments.

The proposed telecommunications facility is situated centrally on a lot within the commercial core of East Gosford, behind existing commercial premises. The location of the development will essentially preclude the viewing of the lower components of the tower and supporting infrastructure from most public places – only the upper areas of the tower will be visible.

Although it is difficult to design and locate telecommunications towers in order to completely remove any impact on the built environment, the proposed development is acceptable in terms of its location and design.

### ***Access and Transport***

The site is well served by existing roadways having frontage to the main access road to Erina and Terrigal. Victoria Street is also well served by public transport.

### ***Context and Setting***

The site and proposed development sits within a commercial centre surrounded by a mix of residential and institutional uses. See previous comments on character.

### ***Natural Environment***

The subject site does not contain any threatened species or habitat and will have no impact on the conservation of fish and marine vegetation. The site is completely void of any vegetation

The proposal will not affect any identified wildlife corridor. The proposal is considered satisfactory in relation to impacts on the natural environment as identified throughout this report.

### ***Economic Impacts***

The proposed development is considered to be satisfactory from an economic perspective. It forms part of wider telecommunications infrastructure, the cumulative impact of which is likely to have a positive economic benefit through improved services to residents and businesses. There will be minor short term economic benefits during construction.

### ***Social Impacts***

No adverse social impacts will arise from the approval of this infrastructure development.

**Suitability of the Site for the Development:**

A review of Council's records has identified that the site is not impacted by constraints such as bushfire, flooding, risk of landslip or acid sulphate soils.

There are no constraints that would render the site unsuitable for the development.

**Any Submission made in Accordance with this Act or Regulations**

The development application was notified from 29 January 2020 until 12 February 2020 in accordance with Chapter 7.3 - Notification of Development Proposals of Gosford Development Control Plan 2013 (GDGP 2013).

22 submissions were received during notification period. The issues raised in the public submissions are detailed below:

**Submissions**

**Submission:** *EME from the 5G components of the telecommunications facility will adversely affect the health of workers and residents who are located within the vicinity.*

**Comment:** Council has been supplied with a significant level of information from the applicant in relation to the levels of 5G EME which supports their view that the facility can operate without undue impacts upon the health of nearby residents or workers.

Countering information has not been supplied by the objectors nor is there countering information available from Australian Government authorities for Council to consider an alternate position other than health of nearby residents or workers will not be unduly affected by the facility.

The EME emissions from mobile phone base stations and other communications installations are regulated by the Australian Communications and Media Authority (ACMA). The ACMA's regulatory arrangements require base stations to comply with the exposure limits in the ARPANSA RF Standard. The ARPANSA Standard is designed to protect people of all ages and health status against all known adverse health effects from exposure to RF EME. The ARPANSA Standard is based on scientific research that shows the levels at which harmful effects occur and it sets limits, based on international guidelines, well below these harmful levels.

It is acknowledged that there is some community fear and perceptions surrounding health associated with EME as well as community questioning of the standards in place. It is not appropriate however for Council or for a court to question, aside or disregard the authoritative or credible standard set out by the ARPANSA, this is stated in the Land and Environment Court in the case of *Telstra Corporation Limited v Hornsby Shire Council [2006] NSWLEC 133*. It is neither appropriate for new standards be set up by Council as the creation

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of new standards is the responsibility of other federal authorities that have the expertise such as the ARPANSA. In this instance, the proposal meets the standards set by the ARPANSA.

The attachment to this report provides a fact sheet from the applicant in relation to their view of the safety issue.

***Submission: The telecommunications facility will have an adverse effect on the visual amenity of the East Gosford shopping centre.***

***Comment:*** The applicant has provided photomontage details as part of the application. This information (provided by the applicant) appears to represent a fair depiction of the visual impact associated with the proposal.

The proposed telecommunications facility is situated centrally on a lot within the commercial core of East Gosford, behind existing commercial premises. The location of the development will essentially preclude the viewing of the lower components of the tower and supporting infrastructure from most public places – only the upper areas of the tower will be visible. In particular, given the orientation of development and the nature of existing buildings (awnings and the like) the tower is unlikely to be seen from locations along the eastern side of Victoria Street.

Although it is difficult to design and locate telecommunications towers in order to completely remove any impact on the built environment, the proposed development is acceptable in terms of its location and design. The proposed built form is considered acceptable in the context of the site and the local centre.

***Submission: The telecommunications facility should be located at another location such as Hylton Moore Park.***

***Comment:*** The applicant has indicated that as part of the requirements under Federal Government legislation and guidelines they must consider possible alternate locations for the installation of the facility. The subject site for telecommunication performance reasons has been considered as the preferred location after the consideration of alternate sites ie Hylton Moore Park.

***Submission: There was insufficient time and notification of the development application.***

***Comment:*** The application was notified in accordance with standard practice for all proposals and in accordance with the requirements of the *Environmental Planning & Assessment Act 1979* and the *Gosford Development Control Plan 2013*.

Standard practice is for notification to be sent to owners of properties (as Council does not have a register of tenant contact details). In a commercial centre like East Gosford property owners may not be the occupants of the property and there is sometimes a delay in the passing on of the notice of the development application to tenants (leading to a shortened the period



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for submissions for tenants). Council is reliant on owners passing this information onto tenants as Council does not have information as to who is the tenant occupying the premises. This is a matter outside of the control of Council.

Although some tenants may not have had the full exhibition period to comment it is considered that the comments provided canvass the primary issues and provide all the information that the objectors have available to them, in particular in relation to potential health impacts of the facility.

**The Public Interest: (s79C(1)(e)):**

The approval of the application is considered to be in the public interest as it will provide for the future telecommunications needs of the community through provision of this facility. The cumulative impact of improved communications infrastructure is seen to be of a benefit to the community as a whole.

The public interest is best served by approval of the application.

**Submissions from Public Authorities**

No public authorities were required to be consulted in respect of the application.

**Internal Consultation**

Councils Environmental Health officers have reviewed the application and raise no objections to the proposal subject to conditions.

**Other Matters for Consideration:**

***Telecommunications Act 1997; and  
Telecommunications Code of Practice 1997; and  
Industry Code – Mobile Phone Base Station Deployment 2018***

The *Telecommunications Act 1997* sets up the framework for regulating the actions of telecommunications carriers which includes the installation of any telecommunications facilities. This is achieved through subclause 6(3) of schedule 3 of the act which gives authority to the Telecommunications (Low-impact Facilities) Determination 2018 (TD 2018). The TD 2018 is the instrument containing criteria which specifies when a telecommunications carrier is empowered to undertake any proposed works without approval. In this instance, the proposal is concerned with the installation of a monopole and does not satisfy the criteria specified in the TD 2018, therefore approval is required from the consent authority which in this case is Council.

Under the *Telecommunications Act 1997* the Federal Government established the Telecommunications Code of Practice 1997, which sets out the conditions under which a

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carrier must operate. Section 2.11 of the Telecommunications Code of Practice 1997 sets out the design, planning and installation requirements for the carriers to ensure the installation of the facilities is in accordance with 'industry best practice'. This is required to:

"...minimise the potential degradation of the environment and the visual amenity associated with the facilities." [Section 2.11(3)]

Best practice also involves the carrier complying with any relevant industry code or standard that is registered by the Australian Communications Authority (ACA) under Part 6 of the Act and includes the *Mobile Phone Base Station Deployment Industry Code (C564:2018) (The Deployment Code)*.

The *Deployment Code* came into effect 17 December 2018, development of the code has been facilitated by the Communications Alliance through a working committee comprised of representatives from the telecommunications industry and government regulatory agencies and is an ultimate result of intentions of the Commonwealth Parliament as set out under Section 112 of the *Telecommunications Act 1997*. The *Deployment Code* is designed to:

- Allow the community and councils to have greater participation in decisions made by carriers when deploying mobile phone base stations; and
- Provide greater transparency to local community and councils when a carrier is planning, selecting site for, installing and operating mobile phone radio communications infrastructure.

The proposal has been considered for consistency with the relevant clauses of *The Deployment Code* as follows:

<b>Assessment of the Mobile Phone Base Station Deployment Industry Code (C564:2018)</b>		
<b>Clause 4.1 Site Selection</b>		
<b>Subclause</b>	<b>Comment</b>	<b>Consistent</b>
4.1.1 The Carrier must have written procedures for site selection for Mobile Phone Radiocommunications Infrastructure in relation to factors contained in clause 4.1.4 and make them available to the public on request.	Written procedures have been developed and will be made available to members of the public on request.	Yes
4.1.2 Once the preferred option has been selected, the Carrier must make available to the public on request, the summary of the sites considered and the reasons for the selection of the preferred option.	The site selection summary will be made available to members of the public on request.	Yes
4.1.3 The Carrier must comply with its procedures as per clause 4.1.1 above.	All procedures have been complied with.	Yes

<p>4.1.4 The Carrier must ensure that its written procedures for new site selection require it to have regard to:</p> <ul style="list-style-type: none"> <li>a. the reasonable service objectives of the Carrier including: <ul style="list-style-type: none"> <li>i. the area the planned service must cover;</li> <li>ii. power levels needed to provide quality of service;</li> <li>iii. the amount of usage the planned service must handle;</li> </ul> </li> <li>b. minimisation of EME exposure to the public;</li> <li>c. the likelihood of an area being a community sensitive location;</li> <li>d. the objective of avoiding community sensitive locations;</li> <li>e. relevant state and local government telecommunications planning policies;</li> <li>f. the outcomes of consultation processes with Councils and Interested and Affected Parties as set out in clause 6.4;</li> <li>g. the heritage significance (built, cultural and natural);</li> <li>h. the physical characteristics of the locality including elevation and terrain;</li> <li>i. the availability of land and public utilities;</li> <li>j. the availability of transmission to connect the Mobile Phone Radiocommunications Infrastructure with the rest of the network;</li> <li>k. the radiofrequency interference the planned service may cause to other services;</li> <li>l. the radiofrequency interference the planned service could experience at that location from other services or sources of radio emissions;</li> <li>m. any obligation and opportunities to co-locate facilities; and</li> <li>n. cost factors.</li> </ul>	<p>a) The objective is for increased mobile coverage of the road corridor through East Gosford and the commercial centre.</p> <p>The power levels of Telstra's facilities will be set as low as possible to meet the required service objective. The facilities will also automate their power requirements in response to the demand and number of connections at any one time therefore maximising power efficiency.</p> <p>The proposed base station needs to ensure that long-term, consistent, high quality voice and mobile data services are provided to businesses in East Gosford, commuters and the surrounding area.</p> <p>b) Antennas will face away from residential areas. The public exposure will be no greater than 0.63%</p> <p>c) Where existing restrictions allow, the proposal has been designed to respond to any community sensitive locations in terms of EME levels and Visual impact.</p> <p>d) Community sensitive locations have been avoided Where existing restrictions allow.</p> <p>e) The relevant State and Local government planning instruments have been considered in regards to the proposal.</p> <p>f) All community consultation has been associated with Council's notification procedure as per the code.</p> <p>g) There is no heritage items nearby.</p> <p>h) Victoria Street and commercial centre are the dominant character of the immediate surrounds with some residential and schools areas nearby which have been considered.</p> <p>i) The proposal is located in an area with access to adequate land and utilities.</p> <p>j) The facility will utilize fibre transmission to obtain connectivity to the surrounding network.</p> <p>k) The proposal is not expected to interfere with any existing services.</p> <p>l) The proposal is not expected to interfere with any existing services.</p> <p>m) there were no possible co-location opportunities found.</p>	<p>Yes</p>
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## 2.1

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Telecommunications Tower (contd)**

	n) Cost factors are within the normal scope of the proposed facility	
<b>Clause 4.2 Mobile Phone Radiocommunications Infrastructure Design</b>		
4.2.1 The Carrier must have written procedures for designing Mobile Phone Radiocommunications Infrastructure.	Written procedures have been developed by Telstra.	Yes
4.2.2 The Carrier must comply with its procedures as per clause 4.2.1 above.	Carrier will comply.	Yes
4.2.3 With the objective of minimising unnecessary or incidental RF emissions and exposure, the Carrier must ensure that its written procedures for designing Mobile Phone Radiocommunications Infrastructure, require it to have regard to:  a. the reason for the installation of the infrastructure, considering coverage, capacity and quality;  b. the positioning of antennas to minimise obstruction of radio signals;  c. the objective of restricting access to areas where RF exposure may exceed limits of the EME standard;  d. the type and features of the infrastructure that are required to meet service needs including: i. the need for macro, or small scale infrastructure ii. the need for directional or non-directional antennas;  e. the objective of minimising power whilst meeting service objectives; and  f. whether the costs of achieving this objective are reasonable.	a) The primary requirement for the proposal is to deliver 5G services to the East Gosford commercial area and commuters on Victoria Street and surrounding residential areas The proposal will ensure that Telstra is able to meet its customers' current and growing demand for mobile data devices.  b) The antennas have been positioned to minimise the obstruction of radio signals as required.  c) The proposed monopole includes anti-climbing measures, preventing public access to this area. The equipment cabinet will be securely locked and appropriate EME signage will be placed on the site.  d) (i)-(ii) The site requires 2 panel antennas to meet its coverage objectives. e) Telstra facilities automate power in response to the demand and number of connections.  f) The cost of achieving the objectives are reasonable.	Yes
4.2.4 The Carrier must make site EME assessments for Mobile Phone Radiocommunication Infrastructure in accordance with the ARPANSA prediction methodology and report format	Procedures to be complied with.	Yes
4.2.5 The ACMA may request a copy of the site EME estimate, and the Carrier must provide the estimate to the ACMA within two weeks of the request being made.	Carrier to comply - Any requests will be complied with within two weeks of the request being made.	Yes

## 2.1

**DA 57859/2020 - 103 Victoria Street, East Gosford -  
Telecommunications Tower (contd)**

<b>Clause 4.3 Site Operation</b>		
4.3.1 The Carrier must operate their Mobile Phone Radiocommunications Infrastructure in a manner consistent with the objectives in clause 4.2.3.	Carrier is to comply.	Yes
4.3.2 The Carrier must be able to demonstrate compliance with the ACMA regulations regarding maximum human exposure limits for radiofrequency fields.	Carrier is to comply.	Yes
4.3.3 The Carrier must take appropriate measures to restrict general public access to RF hazard areas.	Carrier is to comply.	Yes
4.3.4 For each RF hazard area, the Carrier must ensure warning signs are in place in an appropriate location and manner so that they are clearly visible.	Carrier is to comply.	Yes
4.3.5 In assessing whether measures are appropriate, the Carrier must have regard to: <ul style="list-style-type: none"> <li>a. the kinds of people who may have access to the area;</li> <li>b. the need for physical barriers;</li> <li>c. relevant occupational health and safety requirements;</li> <li>d. the views of the property owner;</li> <li>e. any site changes that have been made; and</li> <li>f. any other matter which may be relevant to ensure site safety with regards to EME.</li> </ul>	Dealt with previously in this report.	Yes
4.3.6 The Carrier must ensure that technical staff of the Carrier who may be involved in activities on or adjacent to Mobile Phone Radiocommunications Infrastructure are trained in radio frequency exposure safety.	Carrier is to comply.	Yes
4.3.7 The Carrier must ensure that RF transmission equipment no longer in service does not transmit, or is removed.	Carrier is to comply.	Yes

### **Development Contributions**

The proposed development is a development type that is not subject to section 7.11 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

### **Water and Sewer Contributions**

There are no water and sewer contributions applicable to the proposed development

### **Ecologically Sustainable Principles**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

### **Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the development application having regard to Council's Climate Change Policy and the following policy commitment statement:

*'Prepare, implement and review plans and strategies inclusive of consideration of risk from future sea level rise, and address the issue of, how to beneficially use coastal areas while recognising the long term need to protect, redesign, rebuild, elevate, relocate or retreat as sea levels rise.'*

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change.

### **Conclusion**

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning & Assessment Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact.

Accordingly, it is recommended that development consent be granted to DA57853/2018.

**Reasons for The Decision**

The reasons for the decision as recommended under the assessment of this application are as follows:

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The proposal has been considered against the provisions of *Gosford Local Environmental Plan 2014* and has been found to be satisfactory.
3. There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

**Attachments**

- |          |   |              |
|----------|---|--------------|
| <b>1</b> | Draft Conditions                          | D13996457    |
| <b>2</b> | Architectural Plans                       | ECMD25522072 |
| <b>3</b> | 5G Information - Environmental EME Report | D13996498    |

**Attachment 2 - CONDITIONS OF CONSENT****1. PARAMETERS OF THIS CONSENT****1.1. Approved Plans and Supporting Documents**

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

**Architectural Plans by: Aurecon**

Drawing	Description	Sheets	Issue	Date
N109703	Site Layout and Access	S1	3	2/9/19
N109703	Antenna Layout	S1-2	1	1/8/19
N109703	Site Elevation	S3	4	1/8/19
N109703	Antenna Configuration Table	S3-1	1	1/8/19

**Supporting Documentation**

Document	Title	Date
SEE	Statement of Environmental Effects	12/12/19

- 1.2. Carry out all building works in accordance with the Building Code of Australia
- 1.3. All existing car parking spaces shall be maintained free of obstruction. These spaces are not to be used for the storage of goods or waste products

**2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE**

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.

**3. PRIOR TO COMMENCEMENT OF ANY WORKS**

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
- Site investigation for the preparation of the construction, and / or
  - Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:



- a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the principal certifying authority for the work; and
  - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.
  - d) Remove the sign when the work has been completed.

#### 4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7:00am and 5:00pm Monday to Saturday
- No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.
- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
  - b) The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.
- Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.
- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.

## 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.

## 6. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a criminal offence. Failure to comply with other environmental laws may also be a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

### Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

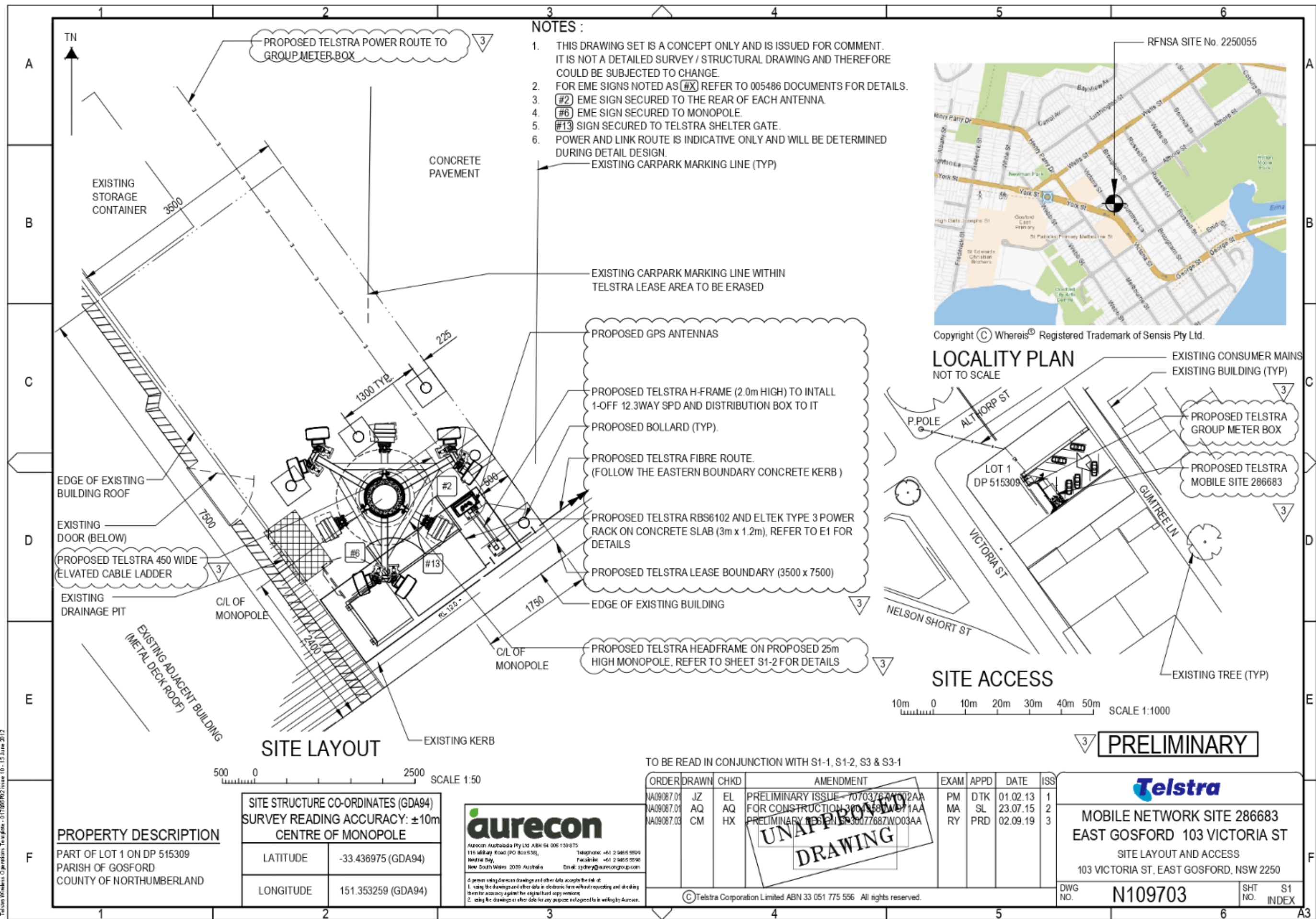
## ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
  - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
  - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial

Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

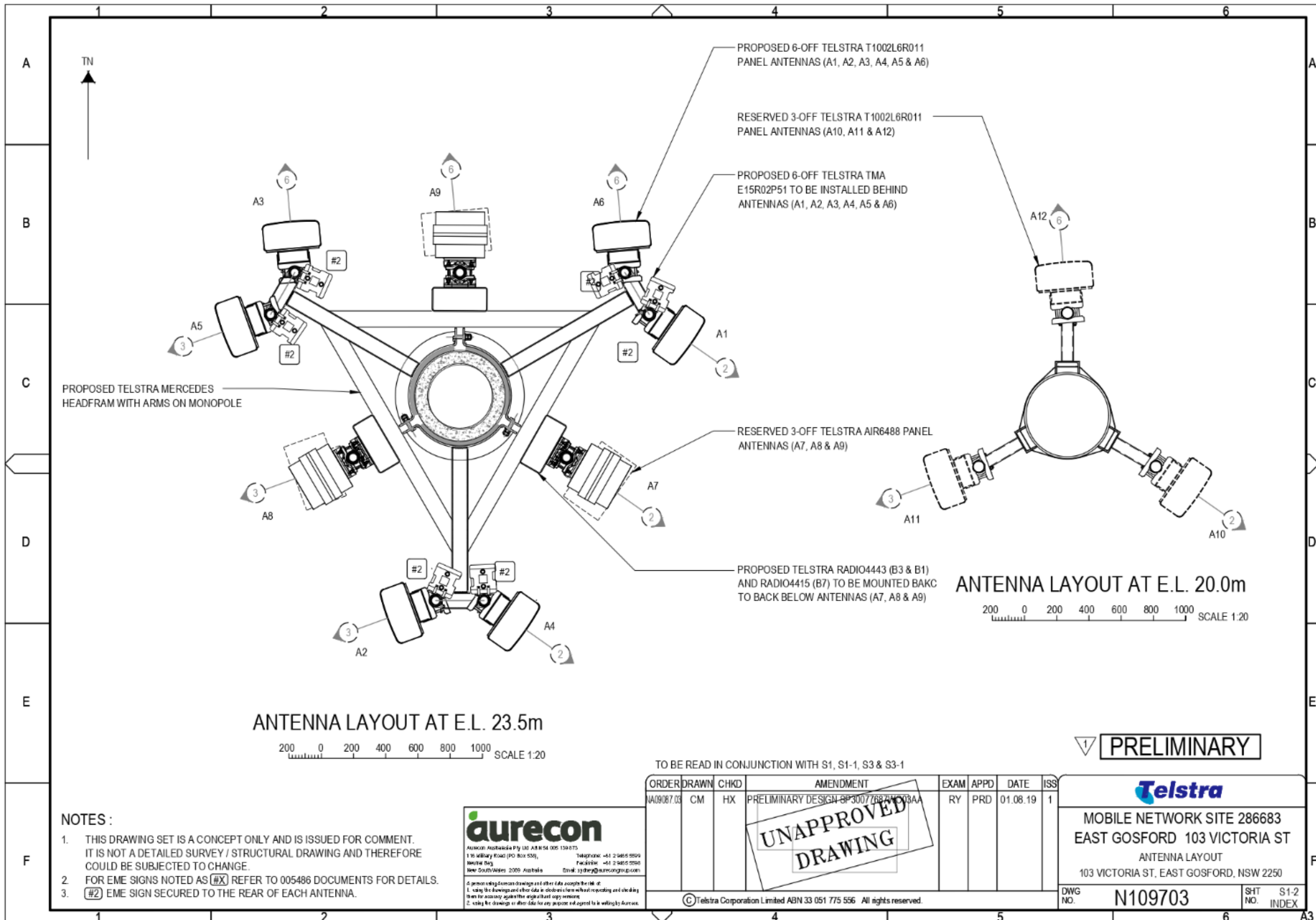
- Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.



Telstra Wireless Connections: Telstra - 017850702 Issue 10 - 15 June 2012

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



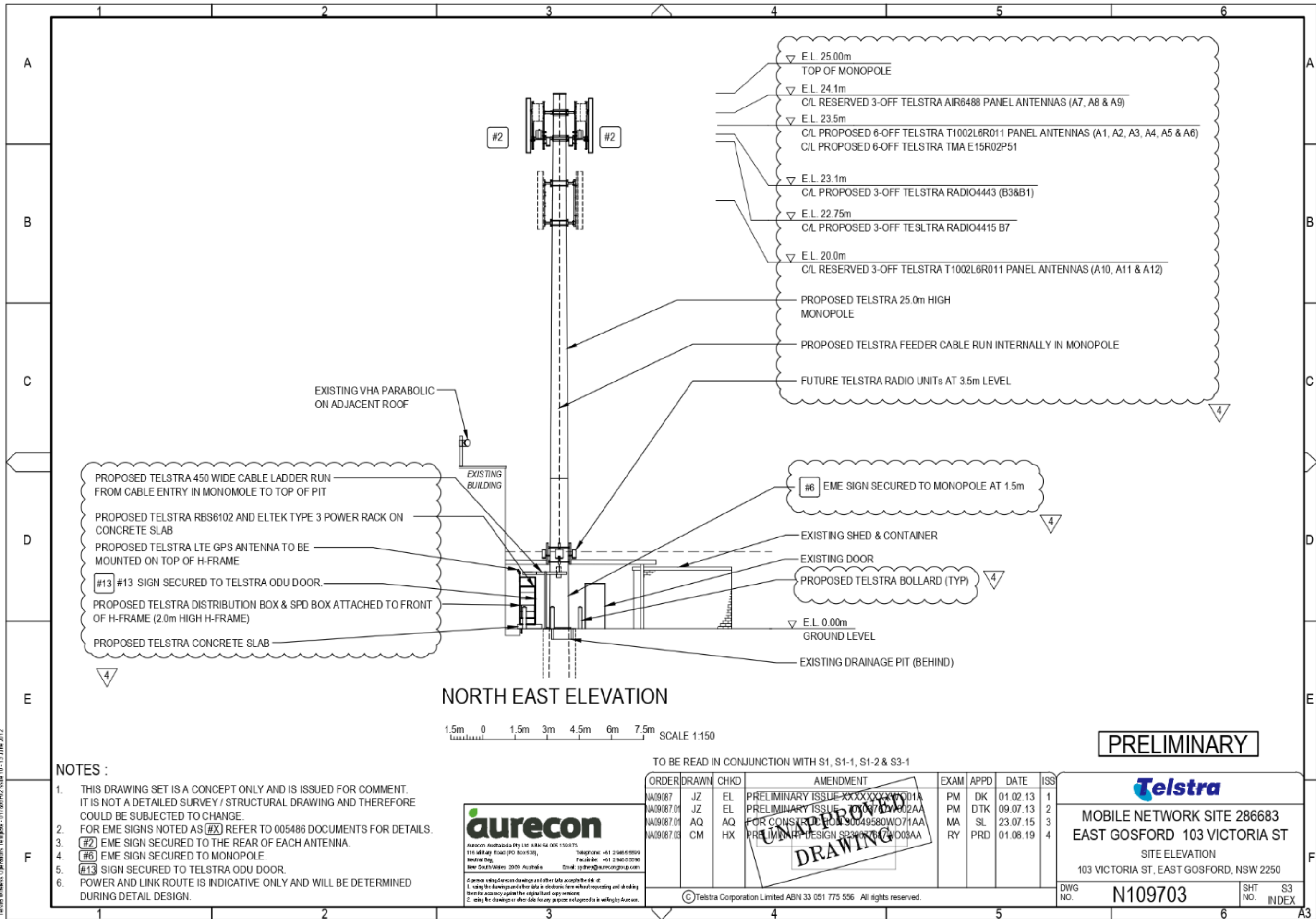
NOTES :

- THIS DRAWING SET IS A CONCEPT ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
- FOR EME SIGNS NOTED AS (#X) REFER TO 005486 DOCUMENTS FOR DETAILS.
- (#2) EME SIGN SECURED TO THE REAR OF EACH ANTENNA.

**aurecon**

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A person relying on these drawings and/or other data accepts the risk of:  
1. using the drawings and other data in situations where without inspecting and checking them for accuracy against the original hard copy versions;  
2. using the drawings or other data for any purpose not agreed to in writing by Aurecon.



PROPOSED TELSTRA 450 WIDE CABLE LADDER RUN FROM CABLE ENTRY IN MONOMOLE TO TOP OF PIT

PROPOSED TELSTRA RBS6102 AND ELTEK TYPE 3 POWER RACK ON CONCRETE SLAB

PROPOSED TELSTRA LTE GPS ANTENNA TO BE MOUNTED ON TOP OF H-FRAME

#13 SIGN SECURED TO TELSTRA ODU DOOR.

PROPOSED TELSTRA DISTRIBUTION BOX & SPD BOX ATTACHED TO FRONT OF H-FRAME (2.0m HIGH H-FRAME)

PROPOSED TELSTRA CONCRETE SLAB

E.L. 25.00m  
TOP OF MONOPOLE

E.L. 24.1m  
C/L RESERVED 3-OFF TELSTRA AIR6488 PANEL ANTENNAS (A7, A8 & A9)

E.L. 23.5m  
C/L PROPOSED 6-OFF TELSTRA T1002L6R011 PANEL ANTENNAS (A1, A2, A3, A4, A5 & A6)  
C/L PROPOSED 6-OFF TELSTRA TMA E15R02P51

E.L. 23.1m  
C/L PROPOSED 3-OFF TELSTRA RADIO4443 (B3&B1)

E.L. 22.75m  
C/L PROPOSED 3-OFF TELSTRA RADIO4415 B7

E.L. 20.0m  
C/L RESERVED 3-OFF TELSTRA T1002L6R011 PANEL ANTENNAS (A10, A11 & A12)

PROPOSED TELSTRA 25.0m HIGH MONOPOLE

PROPOSED TELSTRA FEEDER CABLE RUN INTERNALLY IN MONOPOLE

FUTURE TELSTRA RADIO UNITS AT 3.5m LEVEL

NORTH EAST ELEVATION

1.5m 0 1.5m 3m 4.5m 6m 7.5m SCALE 1:150

PRELIMINARY

NOTES :

- THIS DRAWING SET IS A CONCEPT ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
- FOR EME SIGNS NOTED AS (#X) REFER TO 005486 DOCUMENTS FOR DETAILS.
- #2 EME SIGN SECURED TO THE REAR OF EACH ANTENNA.
- #6 EME SIGN SECURED TO MONOPOLE.
- #13 SIGN SECURED TO TELSTRA ODU DOOR.
- POWER AND LINK ROUTE IS INDICATIVE ONLY AND WILL BE DETERMINED DURING DETAIL DESIGN.

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ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
IA09087	JZ	EL	PRELIMINARY ISSUE XXXXXXXX001A	PM	DK	01.02.13	1
IA09087.01	JZ	EL	PRELIMINARY ISSUE XXXXXXXX002AA	PM	DTK	09.07.13	2
IA09087.01	AQ	AQ	FOR CONSTRUCTION 30049580W071AA	MA	SL	23.07.15	3
IA09087.03	CM	HX	PRELIMINARY DESIGN SP3007674W003AA	RY	PRD	01.08.19	4

UNAPPROVED DRAWING

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MOBILE NETWORK SITE 286683  
EAST GOSFORD 103 VICTORIA ST  
SITE ELEVATION  
103 VICTORIA ST, EAST GOSFORD, NSW 2250

DWG NO. **N109703** SHT NO. **S3** INDEX

Telstra Wireless Connections Template - 017861902 Issue 10 - 15 June 2012

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TELSTRA MOBILES ANTENNA CONFIGURATION TABLE						TELSTRA MOBILES ANTENNA CONFIGURATION TABLE					
ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA STATUS	ANTENNA HEIGHT C/L A.G.L	ANTENNA BEARING (° T)	SECTOR No & SYSTEM	ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA STATUS	ANTENNA HEIGHT C/L A.G.L	ANTENNA BEARING (° T)	SECTOR No & SYSTEM
A1	TONGYU T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	23.5m	125°	S2: LTE700 S2: LTE700 S2: LTE1800/LTE2100 S2: LTE1800/LTE2100 S2: LTE1800/LTE2100 S2: LTE1800/LTE2100	A7	AIR 6488 PANEL 827 x 415 x 263mm	RESERVED	24.1m	125°	S2: SPARE S2: SPARE
A2	TONGYU T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	23.5m	250°	S3: LTE700 S3: LTE700 S3: LTE1800/LTE2100 S3: LTE1800/LTE2100 S3: LTE1800/LTE2100 S3: LTE1800/LTE2100	A8	AIR 6488 PANEL 827 x 415 x 263mm	RESERVED	24.1m	250°	S3: SPARE S3: SPARE
A3	TONGYU T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	23.5m	355°	S6: LTE700 S6: LTE700 S6: LTE1800/LTE2100 S6: LTE1800/LTE2100 S6: LTE1800/LTE2100 S6: LTE1800/LTE2100	A9	AIR 6488 PANEL 827 x 415 x 263mm	RESERVED	24.1m	355°	S6: SPARE S6: SPARE
A4	TONGYU T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	23.5m	125°	S2: LTE700 S2: LTE700 S2: LTE2600 S2: LTE2600 S2: LTE2600 S2: LTE2600	A10	TONGYU T1002L6R011 PANEL 2680 x 355 x 165mm	RESERVED	20.0m	125°	S2: SPARE S2: SPARE
A5	TONGYU T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	23.5m	250°	S3: LTE700 S3: LTE700 S3: LTE2600 S3: LTE2600 S3: LTE2600 S3: LTE2600	A11	TONGYU T1002L6R011 PANEL 2680 x 355 x 165mm	RESERVED	20.0m	250°	S3: SPARE S3: SPARE
A6	TONGYU T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	23.5m	355°	S6: LTE700 S6: LTE700 S6: LTE2600 S6: LTE2600 S6: LTE2600 S6: LTE2600	A12	TONGYU T1002L6R011 PANEL 2680 x 355 x 165mm	RESERVED	20.0m	355°	S6: SPARE S6: SPARE
						A13	ERICSSON GPS ANTENNA	INSTALL	3.0m	0°	-

PRELIMINARY

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ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
1A09087.03	CM	HX	PRELIMINARY DESIGN SP30077687/10/03AA	RY	PRD	01.08.19	1

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DWG NO. **N109703** SHT NO. S3-1 INDEX

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# Fact sheet

## Is 5G safe?

- **That's an important question** that applies to all the mobile and wireless devices that we use in our daily lives, not just 5G.
- **Independent health authorities** here and overseas require us to meet their safety standards so that you can use this technology safely.
- **Over 50 years of scientific research** exists into the possible health effects of the radio frequency signals used for mobile and wireless services including 5G.
- **Safety Standards** – the existing EME safety standards cover 5G, include children and are conservative.

## The facts about 5G

- **5G is very efficient** – both the network and device power will be low, which means low levels of EME
- **5G Frequencies & Power levels** – similar to 3G and 4G used today
- **5G Devices & Networks** – tested to the EME safety standards

“



There is no established health effects from the radio waves that the 5G network uses



World Health Organization

There is no evidence that exposure to low level EME is harmful to human health

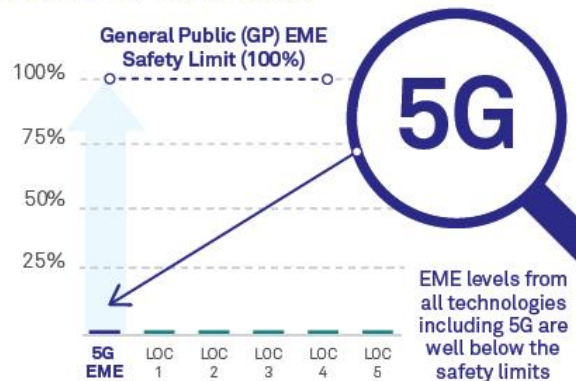
”

## What testing has Telstra done in relation to 5G?

- We have done extensive EME testing on our 5G network at different locations including a school, café, apartment, sports field and in the street.
- We have found the EME levels to be similar to 3G, 4G and WiFi.
- The EME levels measured were found to be well below the safety limits, and in many cases over a thousand times lower.
- We continually monitor our network and the ACMA conduct EME compliance audits.



## 5 Surveys of 5G and EME





### 5G and small cells

#### Will Telstra be using small cells for 5G?

- Initially we are not using small cells for Telstra’s 5G deployment. We are upgrading existing base stations for 5G.
- In the future Telstra will be using a range of different base stations for 5G including small cells.

#### Will small cells be built on every street for 5G?

- Currently, Telstra does not plan or need to build small cells on every street for 5G.
- In future years, mmWave small cells with a shorter range may be used extensively in residential & commercial areas where customers need access to quality high speed and high capacity mobile services.

Small cells are not new and have been used for many years to enhance capacity and boost coverage.

#### Do small cells have high EME?

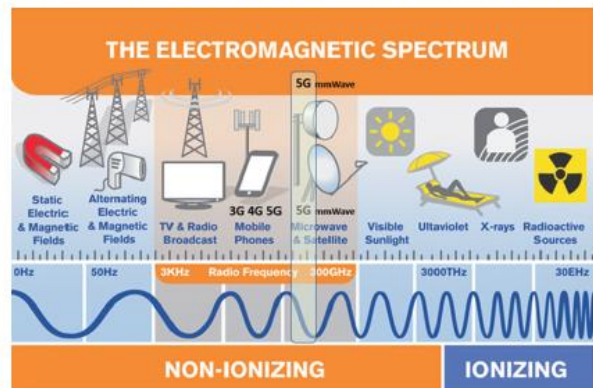
- No, small cells operate at low power and have low EME levels.
- Telstra has tested a range of small cells and found the EME levels around small cells to be very low and well below the EME safety limits.



A typical 4G small cell in a suburban street

### What is mmWave and is it safe?

- Telstra 5G technology does not currently use mmWave frequencies, however we plan to use mmWave in the future when spectrum becomes available.
- mmWave is not new, it’s a higher frequency band that is already being used for communications.
- The existing EME safety standards and extensive research to date includes mmWave.
- Telstra’s mmWave 5G trials showed EME levels were very low and similar to existing technologies.



## Resources

Source	Website
Telstra.com	<ul style="list-style-type: none"> <li>• <a href="https://www.telstra.com.au/consumer-advice/eme/5g-and-eme">https://www.telstra.com.au/consumer-advice/eme/5g-and-eme</a></li> </ul>
Telstra Exchange Articles – public information on 5G and EME	<ul style="list-style-type: none"> <li>• <a href="https://exchange.telstra.com.au/understanding-5g-and-eme/">https://exchange.telstra.com.au/understanding-5g-and-eme/</a></li> <li>• <a href="https://exchange.telstra.com.au/5-things-you-should-know-about-5g-and-eme/">https://exchange.telstra.com.au/5-things-you-should-know-about-5g-and-eme/</a></li> <li>• <a href="https://exchange.telstra.com.au/5-surveys-of-5g-show-eme-levels-well-below-safety-limits/">https://exchange.telstra.com.au/5-surveys-of-5g-show-eme-levels-well-below-safety-limits/</a></li> </ul>
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)	<ul style="list-style-type: none"> <li>• <a href="https://www.arpansa.gov.au/news/misinformation-about-australias-5g-network">https://www.arpansa.gov.au/news/misinformation-about-australias-5g-network</a></li> </ul>
Small cells bringing fast mobile coverage to where it's needed most	<ul style="list-style-type: none"> <li>• <a href="https://exchange.telstra.com.au/small-cells-bringing-fast-mobile-coverage-needed/">https://exchange.telstra.com.au/small-cells-bringing-fast-mobile-coverage-needed/</a></li> </ul>
Australian Communications and Media Authority (ACMA) - small cells	<ul style="list-style-type: none"> <li>• <a href="https://www.acma.gov.au/Home/theACMA/a-guide-to-small-cells">https://www.acma.gov.au/Home/theACMA/a-guide-to-small-cells</a></li> </ul>
EMF Explained – how 5G works	<ul style="list-style-type: none"> <li>• <a href="http://www.emfexplained.info/?ID=25916">http://www.emfexplained.info/?ID=25916</a></li> </ul>
World Health Organisation online (WHO) – EME Q&A	<ul style="list-style-type: none"> <li>• <a href="https://www.who.int/features/qa/30/en/">https://www.who.int/features/qa/30/en/</a></li> </ul>
International Commission for Non-Ionising Radiation Protection (ICNIRP)	<ul style="list-style-type: none"> <li>• <a href="https://www.icnirp.org/en/frequencies/high-frequency/index.html">https://www.icnirp.org/en/frequencies/high-frequency/index.html</a></li> </ul>
Science Media Centre – EME Briefing	<ul style="list-style-type: none"> <li>• <a href="https://www.scimex.org/newsfeed/background-briefing-5g-jitters-how-safe-is-5g-for-our-health">https://www.scimex.org/newsfeed/background-briefing-5g-jitters-how-safe-is-5g-for-our-health</a></li> </ul>
Science & Wireless 2018 EME presentation	<ul style="list-style-type: none"> <li>• <a href="https://acebr.uow.edu.au/events/UOW254614">https://acebr.uow.edu.au/events/UOW254614</a></li> </ul>
ACMA RadComms 2018 5G and EME	<ul style="list-style-type: none"> <li>• <a href="https://www.acma.gov.au/-/media/mediacomms/Events/RadComms2018/Presentations/RadComms-2018-Day-1-Mike-wood-pptx.pptx">https://www.acma.gov.au/-/media/mediacomms/Events/RadComms2018/Presentations/RadComms-2018-Day-1-Mike-wood-pptx.pptx</a></li> </ul>

## Contact us

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V2.0: September 2019

**Item No:** 2.2  
**Title:** DA/405/2020 - 261W Cresthaven Avenue, Bateau Bay - Storage (shipping containers)  
**Department:** Environment and Planning

---

11 June 2020 Local Planning Panel Meeting

Reference: F2020/00812 - D14006661  
Author: Shannon Butler, Senior Development Planner  
First Authoriser: Salli Pendergast, Principal Development Planner North  
Final Authoriser: Andrew Roach, Unit Manager, Development Assessment

**Summary**

An application has been received for the use of two shipping containers for storage ancillary to the use of a Council owned sporting/recreation facility at Bateau Bay (known as Pat Morley Oval). The facilities are intended to be temporary whilst a more permanent storage solution is determined.

The application has been referred to the Local Planning Panel as a result of the land being held in the ownership of Central Coast Council. The application is recommended for approval, subject to conditions (including that the storage containers be removed within 3 years of the date of consent).

<b>Applicant</b>	The Entrance Bateau Bay Football Club
<b>Owner</b>	Central Coast Council
<b>Application No</b>	DA/405/2020
<b>Description of Land</b>	Lot 5 DP822127, 261W Cresthaven Avenue, Bateau Bay
<b>Proposed Development</b>	Use of two shipping containers for storage ancillary to the existing recreation area.
<b>Site Area</b>	36,372m <sup>2</sup>
<b>Zoning</b>	RE1 Public Recreation
<b>Existing Use</b>	Recreation area including fields/facilities for a range of sports (known as Pat Morley Oval)
<b>Employment Generation</b>	No
<b>Estimated Value</b>	Nil

**Recommendation**

***That the Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***

**2.2 DA/405/2020 - 261W Cresthaven Avenue, Bateau Bay - Storage (shipping containers) (contd)**

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**Precis:**

<b>Proposed Development</b>	Use of two shipping containers for storage
<b>Permissibility and Zoning</b>	The site is zoned <i>RE1 Public Recreation</i> under the provisions of <i>Wyong Local Environmental Plan 2013</i> . The proposal is regarded as ancillary to the existing Recreation Area and is therefore permissible within the RE1 zone.
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007</i></li> <li>• <i>Wyong Local Environmental Plan 2013 (WLEP 2013)</i></li> <li>• <i>Draft Central Coast Local Environmental Plan 2018 (CCLEP 2018)</i></li> </ul>
<b>Current Use</b>	Recreation Area comprising a football/cricket ground, amenities building, basketball court and associated car parking
<b>Integrated Development</b>	No
<b>Submissions</b>	Nil - Not notified or advertised

**The Site**

The subject site is legally described as Lot 5 DP 822127 and is commonly known as Pat Morley Oval (261W Cresthaven Avenue, Bateau Bay). The site currently contains a recreation area comprising a football/cricket ground, amenities building, basketball court and associated car parking. Central Coast Council is the property owner.

The subject site is zoned *RE1 Public Recreation* and is bounded by land zoned *E2 Environmental Conservation* to the east and south-east, land zoned *RE1 Public Recreation* to the south, land zoned *R1 General Residential* to the west.

The site contains scattered vegetation to the centre and vegetation at the western adjoining a creek line. The site is mapped as being bushfire prone land being surrounded by vegetation to the south and east and north.

**Surrounding Development**

On the opposite side of Cresthaven Avenue to the north, there is a combination of residential development, bushland and a licensed hotel premises. There is a continuation of the recreational area to the south-west. To the east and south-east the site is bounded by low density residential development to the west and bushland.

**2.2 DA/405/2020 - 261W Cresthaven Avenue, Bateau Bay - Storage (shipping containers) (contd)**



**Figure 1 – Aerial photograph of subject site**



**Figure 2 – Extract of Wyong Local Environmental Plan 2013 zoning map**

### The Proposed Development

The Development Application seeks consent for the use of two shipping containers for the purpose of storage for The Entrance Bateau Bay Football Club.

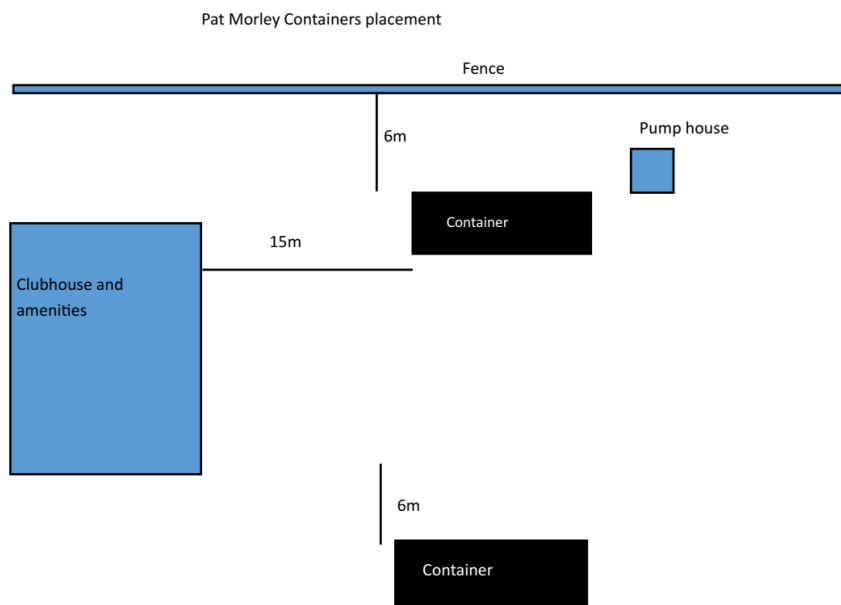
It is intended that the shipping containers will be a temporary storage measure whilst a more permanent option is investigated. Given that the proposed development is temporary, a condition of consent is recommended requiring the removal of the containers within 3 years of the date of consent.

The containers will allow for the temporary but secure and convenient storage of sports equipment associated with the community sporting activities undertaken on the site. Whilst the land is owned by Central Coast Council, it is intended that the containers will remain under the ownership and responsibility of The Entrance Bateau Bay Football Club.

The shipping containers are 6.06m x 2.44m in size and are proposed to be located to the south of the amenities building.

It is noted that the containers were placed on the site without development consent, therefore, the subject Development Application seeks consent for the ongoing use of the containers.

The application initially proposed the use of one of the shipping containers for the service of alcohol during football games. However, the service of alcohol at the facility is not supported by Council's Sports Facilities and Planning team, hence this aspect of the proposal is no longer included.



**Figure 3 – Part site plan showing proposed container locations**

2.2 DA/405/2020 - 261W Cresthaven Avenue, Bateau Bay - Storage (shipping containers) (contd)



Figure 4 – Aerial photograph showing proposed location of containers

**Assessment:**

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council’s policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council’s information. Any tables relating to plans or policies are provided as an attachment.

**Provisions of Relevant Instruments/Plans/Policies:**

**Wyong Local Environmental Plan 2013**

***Zoning and Permissibility***

The subject site is zoned *RE1 Public Recreation* under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013).

The land is currently used for the purposes of community sport and recreation – being cricket, various football codes, basketball and a range of informal uses outside of organized activities. The use of the site is most accurately defined as a ‘recreation area’:

***recreation area*** means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children’s playground, or

## 2.2 DA/405/2020 - 261W Cresthaven Avenue, Bateau Bay - Storage (shipping containers) (contd)

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*(b) an area used for community sporting activities, or  
(c) a public park, reserve or garden or the like,  
and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).*

Development for the purpose of a recreation area is permissible with consent within the RE1 Public Recreation zone.

The use of the shipping containers for storage is considered to be an ancillary element of the existing use of the site for a recreation area.

### **Zone Objectives**

The RE1 Public Recreation zone is based on the following objectives:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide linked open space for ecosystem continuity, public access, local community recreation and waterway protection.*
- *To provide space for integrated stormwater treatment devices for flow and water quality management.*
- *To enable ancillary development that complements land zoned for recreational purposes.*

The proposal will complement the existing use of the land for recreational purposes and will not compromise the natural environment. The containers are located to the rear of the existing amenities building and will not be highly visible from public roads. Accordingly, the proposal is considered to be consistent with the objectives of the RE1 Public Recreation zone.

### **Clauses 4.3 and 4.4 – Principal Development Standards**

The subject site is not mapped under Clauses 4.3 or 4.4 as having maximum applicable building height or floor space ratio.

### **Clause 7.9 – Essential Services**

Clause 7.9 requires that services that are essential for the development are available or that adequate arrangements have been made to make them available when required prior to consent being granted. As the containers are proposed to be used for the purpose of storage only, they are not required to be connected to any services.



### **Draft Central Coast Local Environmental Plan (CCLEP) 2018**

The Draft CCLEP 2018 was exhibited from 2 December 2018 to 28 February 2019 and will replace the planning instruments relating to the former Local Government Areas.

The Draft CCLEP 2018 identifies the subject site retaining the zoning of *RE1 Public Recreation* with development for a *recreation facility (outdoor)* remaining permissible within the zone. There are no additional or amended Clauses or provisions warranting further discussion.

### **State Environmental Planning Policies (SEPP)**

#### ***State Environmental Planning Policy (Infrastructure) 2007***

Consideration has been given to Division 12 of *State Environmental Planning Policy (SEPP) (Infrastructure) 2007* which sets out certain works that may be carried out as exempt development within parks and public reserves by or on behalf of a Council.

As the containers are not proposed by or on behalf of Council, they may not be carried out under Division 12 of the SEPP. As a result, development consent is required.

### **Wyong Development Control Plan 2013**

There are no chapters of the *Wyong Development Control Plan 2013* that are relevant to recreation facilities, therefore, a merit assessment has been undertaken.

The shipping containers are proposed to be a temporary element for the purpose of storage only, ancillary to the use of the site for community sporting activities and as such they do not generate any parking demand (over and above that already required for the use of the site for sporting activities). The containers are proposed to be located to the rear of the existing amenities building, well setback from the street and therefore, will not be highly visible from the public domain. The location of the containers does not impact on any trees or significant vegetation on the site.

The shipping containers are considered to be a reasonable temporary storage measure whilst a more permanent facility is investigated by The Entrance Bateau Bay Football Club.

### **Likely Impacts of the Development:**

#### **Built Environment**

The shipping containers are proposed to be located to the south of the existing amenities building on the site and are to be located in the broader vicinity of existing trees which will provide some screening. Having regard for the temporary nature of the use of the containers, a condition of consent is recommended requiring that the containers be removed from the site at the cessation of three years from the date of consent.

### **Access and Transport**

The containers are proposed to be located on a grassed area which is 15 metres from the existing amenities building. Their position does not impact upon access and transport arrangements.

### **Context and Setting**

The surrounding locality is considered to have a mixed character comprising low density residential development, recreation facilities, a licensed hotel facility and bushland. The subject site is of a large scale and the shipping containers will be a minor element in the context of the site.

### **Natural Environment**

The temporary use of the shipping containers will not impact upon the natural environment.

### **Suitability of the Site for the Development:**

#### ***Whether the proposal fits in the locality.***

The subject locality has a mixed character and the temporary use of the shipping containers is considered satisfactory given the scale and nature of the site.

### **Any Submission made in Accordance with this Act or Regulations**

The *Wyong Development Control Plan 2013 – Chapter 1.2 – Notification of Development Proposals* states the following in relation to applications requiring notification:

- b) *In instances where a proposed land use is not mentioned in the Notification Table and/or Council is of the opinion a proposal will have little or no environmental impact, public notification will not be required.*

The proposed land use is not mentioned in the notification table and is deemed to have little or no environmental impact. In addition, the proposed location of the containers is temporary, is situated centrally on the site away from any nearby residential property and does not change the existing use of the land for recreation purposes (only facilitates additional storage). As a result, the application was not notified.

### **The Public Interest: (s79C(1)(e)):**

The proposal is considered to be within the public interest as it provides for a temporary storage option for a community organisation which will not impact upon the surrounding environment.

**Submissions from Public Authorities**

The application was not required to be referred to any public authorities.

**Internal Consultation**

The application was not formally referred to any internal officers, however, informal comments were provided by Council's Sports Facilities and Planning team.

It was advised that the use of the containers for the sale/storage of alcohol would not be supported and concerns were raised in relation to the degradation of the containers given the coastal location and potential for graffiti. Conditions of consent (related to maintenance, external appearance and graffiti removal) are recommended in response to these concerns and the containers will be permitted to remain on the property for a maximum of three years from the date of consent.

**Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

**Climate Change**

The temporary use of the shipping containers for storage will not result in any climate change impacts.

**Other Matters for Consideration:**

***Section 7.12 Contributions***

As the proposal has a nil cost of works, it does not generate a requirement for the payment of Section 7.12 Contributions.

**Conclusion:**

The application seeks consent for the temporary use of two shipping containers for storage associated with an existing recreation area.

## **2.2 DA/405/2020 - 261W Cresthaven Avenue, Bateau Bay - Storage (shipping containers) (contd)**

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The application has been assessed against the matters for consideration under Section 4.15(1) of the *EP&A Act 1979*, including the *Wyang LEP 2013* and the *Wyang DCP 2013* and is satisfactory for the site and surrounding area.

### **Reasons for the Decision:**

The reasons for the decision as recommended under the assessment of this application are as follows:

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The proposal has been considered against the provisions of *Wyang Local Environmental Plan 2013* and has been found to be satisfactory.
3. There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

### **Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | New Draft conditions/reasons - Pat Morley Oval, 261W Cresthaven Avenue, BATEAU BAY NSW 2261 - DA/405/2020 - Development - Central Coast Council | D13964915 |
| <b>2</b> | Pat Morley Containers Placement - DA 405 2020 - Pat Morley Oval, 261W Cresthaven Ave, Bateau Bay  | D13969493 |
| <b>3</b> | Pat Morley Oval Container Placement - DA 405 2020 - Pat Morley Oval, 261W Cresthaven Ave Bateau Bay   | D13969492 |

**Date:** 8 May 2020  
**Responsible Officer:** Shannon Butler  
**Location:** Pat Morley Oval, 261W Cresthaven Avenue, BATEAU BAY Lot 5 DP 822127  
**Owner:** Central Coast Council  
**Applicant:** The Entrance Bateau Bay AFC  
**Date Of Application:** 30 April 2020  
**Application No:** DA/405/2020  
**Proposed Development:** Use of two shipping containers for storage  
**Land Area:** 36,372m<sup>2</sup>  
**Existing Use:** Recreation facility (outdoor)

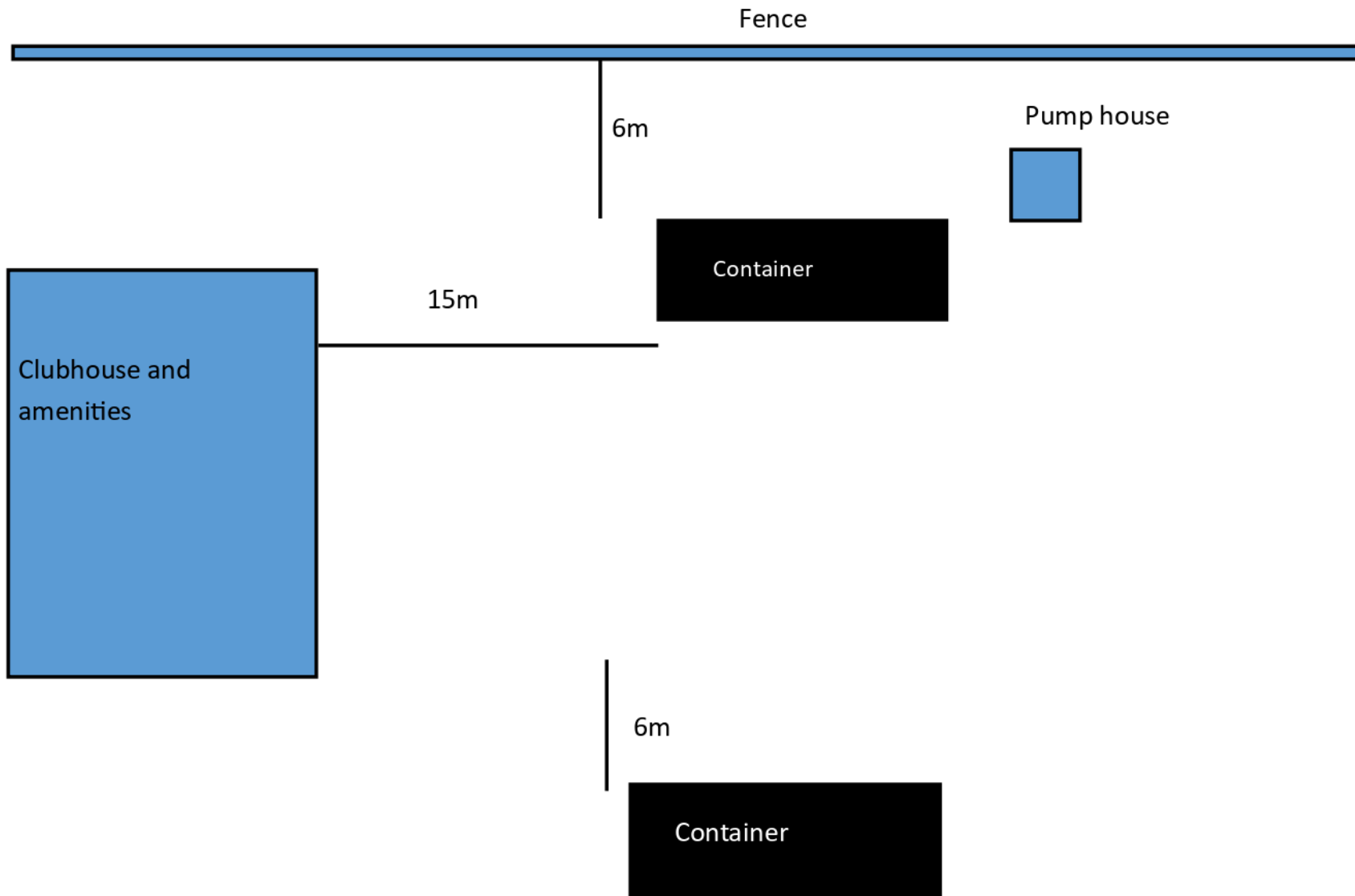
## 1. PARAMETERS OF THIS CONSENT

- 1.1. Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "Development Consent" unless modified by any following condition.

Drawing	Description	Sheets	Issue	Date
DA01	Pat Morley Containers Placement	1	A	May 2020
DA02	Pat Morley Containers Placement Side On	2	A	May 2020

- 1.2 The shipping containers are permitted to remain on the site for up to three years from the date of this consent. Prior to the cessation of the three year period, the containers are to be removed at the expense of The Entrance Bateau Bay Football Club.
- 1.3 This consent permits the use of the shipping containers for storage only and they shall not be used for the sale of alcohol or any other product.
- 1.4 The containers are to be painted a light green colour or an equivalent visually recessive colour to blend into the environment within 28 days of the date of this consent.
- 1.5 All external fittings (brackets, arm and satellite dish) on the easternmost container are to be removed within 28 days of the date of this consent.
- 1.6 In the event of any acts of graffiti on the shipping containers, it is to be removed as soon as practicable by The Entrance Bateau Bay Football Club.
- 1.7 The maintenance of the shipping containers is to remain the responsibility of The Entrance Bateau Bay Football Club.

Pat Morley Containers placement



Pat Morley Oval Container Placement side on

