SKYAUS
Excellence in Network Infrastructure

STATEMENT OF ENVIRONMENTAL EFFECTS

Application for Development Consent

Proposed Additions to Existing Telecommunications Facility in Oxford Falls NSW 2100

April 2024

Document Details

Title	Statement of Environmental Effects, Oxford Falls Road, Oxford Falls NSW 2100
Client	Archos
Prepared By	Stela Razzaque Senior Town Planner SkyAus Infrastructure Pty. Ltd Evan Matthews Consultant Town Planner EVO Plan
Issue	3
Date of Issue	4 June 2024

Table of Contents

1 Executive Summary

Site and Proposal Details

Site Address	Lot 3, DP 205815, Oxford Falls Road, Oxford Falls NSW 2100
Local Government Area	Northern Beaches Council
Local Environmental Plan (LEP)	Warringah Local Environmental Plan 2000 (WLEP 2000)
Zone	DM (Deferred Matter) Note: Certain parts of Warringah have been 'deferred' by the State Government and are not covered by the current WLEP 2011.
Owner	Telstra
Applicant	SkyAus Infrastructure Pty Ltd
Contact Details	Evan Matthews EVO Plan 0400 308 995 evan@evoplan.com.au

2 Introduction

This Statement of Environmental Effects (SEE) has been prepared by SkyAus and EVO Plan on behalf of Archos as supporting information to accompany a Development Application for the installation of a new satellite dish at an existing telecommunications facility. The site, known as the Oxford Falls Earth Station, is operated by Telstra and is located approximately 20km north of Sydney CBD, at Oxford Falls Road, Oxford Falls NSW 2100. The subject land is formally described as Lot 3, DP 205815. Refer to **Appendix A** for Title details.

The subject site is located in the Northern Beaches Local Government Area. This report provides an assessment of the proposed development with regard to the provisions of the Warringah Local Environmental Plan and Warringah Development Control Plan, as well as various State and Federal planning policies.

The primary objectives of the proposed addition to the existing facility is to provide satellite operators, satellite service providers and carriers with improved connectivity, increased operating bandwidth and access to advanced communications technology.

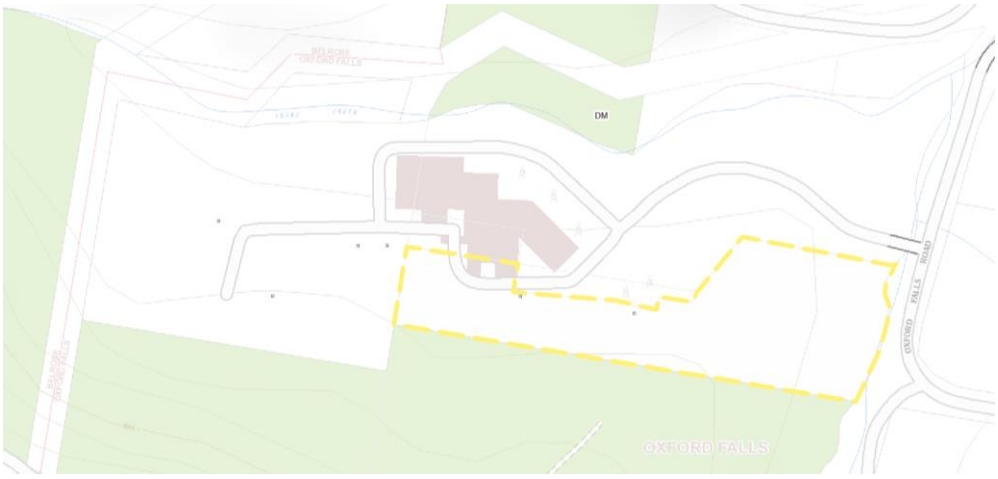

Figure 1: Map of the subject site with yellow outline denoting Lot 3, DP 205815 (Source: NSW Planning Portal Spatial Viewer, 13/11/23)

Figure 2: Aerial image of the subject site (Source: NSW Planning Portal Spatial Viewer, 1/11/23)

3 Proposed Works

The proposal is for the installation of a new satellite dish (approx. 7.6m in diameter), at an existing satellite station in Oxford Falls. The proposed works are necessary for providing improved mobile coverage to the Oxford Falls area.

The works include the:

- Installation of one (1) new satellite dish 7.6m in diameter, on a reinforced concrete foundation;
- Installation of a 2.4m high security fencing surrounding the new satellite dish,
- Removal of one (1) existing tree within the compound area,
- Construction of stormwater drainage infrastructure including the installation of a pit and stormwater pipe,
- Installation of ancillary equipment such as cable trays, cabling, footpath, etc.

Refer to **Appendix B** for full drawing set.

Figure 2: Aerial image of subject site showing location of proposed works in the south-east corner of the facility. (Source: Google Maps 2023)

4 Federal Regulatory Framework

4.1 Telecommunications Act 1997

The *Telecommunications Act* 1997 (the Act) came into effect 1st July 1997. The Act provides a system for regulating telecommunications and the activities of carriers and service providers. Under the Act, telecommunications carriers are not exempt from State and Territory planning laws except in three instances:

a) There are exemptions for inspection of land, maintenance of facilities, installation of "low impact facilities", subscriber connections and temporary defence facilities. These exemptions are detailed in the *Telecommunications (Low-Impact Facilities) Determination 2018* and these exceptions are subject to the *Telecommunications Code of Practice 1997*.
b) A limited case by case appeals process exists to cover installation of facilities in areas of National Significance.
c) There are some specific powers and immunities from the previous *Telecommunications Act 1991*.

The Act gives effect to the *Telecommunications Low Impact Determination 1997* (the Determination). The Government recognises that there are some telecommunications facilities and activities that are unlikely to cause significant community disruption or

significant environmental disturbance. These are exempt from certain State and Territory laws. These new facilities and activities are referred to both within the *Telecommunications Act 1997* and the *Telecommunications (Low-impact Facilities) Determination 1997*.

The Determination defines what low-impact installation activities may be undertaken in certain areas without reference to particular State and Territory laws.

The proposed satellite dish is not considered to be a low-impact activity and therefore requires development consent.

4.2 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act commenced on July 16, 2000. It provides the means for the Commonwealth Government to assess development proposals that have a significant impact on matters of National Environmental Significance.

The proposal is not of National Environmental Significance, as it will not impact on:

- World Heritage Areas;
- Wetlands protected by International Treaty (The RAMSAR Convention);
- Nationally listed threatened species and communities;
- Nationally listed migratory species;
- Barrier Reef Marine Park; and
- The Environment of Commonwealth Marine Area.

4.3 Mobile Phone Base Station Deployment Industry Code - C564:2020 Industry Code

The development of the Code has been facilitated by the Communications Alliance. The Code provides mandatory requirements for consultation with Council and the local community.

The objectives of the Code are to apply a Precautionary Principle to the deployment of Mobile Phone Radiocommunications Infrastructure, to provide best practice processes for demonstrating compliance with relevant exposure limits and to ensure that exposure of the community to EME is kept to a minimum.

The proposal is not classified as a low impact facility under the Act and therefore the consultation requirements set out in the Code do not apply. Consultation processes are undertaken within the relevant State and Local consent procedures.

5 State Planning Assessment

The following section provides a summary of the State legislation and guidelines

relevant to the proposed works at an existing telecommunications facility.

5.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 21 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP) establishes state-wide provisions for telecommunications and communications facilities in New South Wales. Section 2.142 specifies that:

1. *Development for the purposes of telecommunications facilities, other than development in section 2.140 or development that is exempt development under section 2.20 or 2.143, may be carried out by any person with consent on any land.*
2. *Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purposes of this section and published in the Gazette.*

As a result of clause 1 listed above, telecommunications facilities are permitted with consent in any land use zone within the State regardless of if it is permitted by the land use table of a Local Environmental Plan.

The NSW Telecommunications Facilities Guideline Including Broadband document outlines planning principles for telecommunications facilities in the state and is given effect by Clause 2 listed above.

The proposed development has been assessed against the principles below:

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

The proposal has been designed and sited to minimise visual impact. The visual impact section of this statement outlines measures taken to mitigate visual impact and demonstrates the proposal will have an acceptable visual impact.

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

The proposal involves the installation of satellite antennas at an existing facility and is therefore considered to be a co-location. The proposed development would make use of existing equipment buildings ensuring that new buildings and structures are minimised.

Principle 3: Health standards for exposure to radio emissions will be met

The proposed development will adhere with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Standard for Limiting Exposure to Radiofrequency Fields – 100KHz to 30 GHz (Rev. 1). Measures to minimise potential exposure to Electromagnetic Energy (EME) and radio emission have been designed into the proposal and are discussed in this report.

Principle 4: Minimise disturbance and risk, and maximise compliance

Any disturbance associated with the operation of the proposed development will be minimal. Acoustic emissions from the proposal will be limited to when the axis alignment

of the proposed satellite dishes is changed using internal electric motors. Given the generous setback of the proposal from the property boundary it is unlikely that this would create any disturbance beyond the subject property. Light emissions from the proposed facility will be negligible as the facility would only be lit on the rare occasion that emergency maintenance is required. The proposed facility would not result in an increase in local traffic during its operation.

Risk has been minimised through the proposed installation of a large general secure compound that encompasses individual exclusion zone compounds for each antenna. The two layers of secure compounds will ensure that access to any potential hazardous equipment or within EME exclusion zones would be heavily restricted.

5.2 Rural Fires Act 1997

The Rural Fires Act 1997 (RF Act) establishes requirements for owners and occupiers of land to prevent bushfires, and provides for bushfire prevention measures including design measures for developments on bushfire prone land. In addition, the RF Act gives effect to planning for bushfire protection 2019 (PFBP), which supplements the RF Act with detailed requirements for planning and development on bushfire prone land.

The subject site is identified as bushfire prone land in accordance with RF Act and a bushfire report has been supplied to accompany this development application. The recommendations of the bushfire report have been reflected in the site plans.

6 Local Planning Framework

The following section provides an assessment against the local planning framework, relevant to the proposed works to an existing telecommunications facility.

6.1 Warringah Local Environmental Plan 2000

As the subject site is located within a Deferred Matters (DM) Zone, the proposal is subject to the planning provisions of the Warringah Local Environmental Plan 2000 (WLEP 2000). While the WLEP 2000 was replaced by the WLEP 2011 on 9 December 2011, certain parts of Warringah have been deferred by the State Government and are not covered by the current WLEP 2011.

The WLEP 2000 is applicable to this site and sets out controls for the use and development of land. This section of the report provides an assessment of the proposal against the Warringah LEP, with respect to specific development standards and planning provisions relevant to this proposal.

6.1.1 Clause 12 What matters are considered before consent is granted?

Clause 12 of WLEP 2000 requires that before granting consent for development, Council must ensure that it aligns with general principles of development control and relevant State environmental planning policies. Additionally, compliance with

requirements from Parts 2 and 3, as well as development standards outlined in the Locality Statement, must be met. Depending on its classification, the development's consistency with the desired future character described in the Locality Statement must also be considered, without implying a prohibition on development.

These matters are suitably addressed in the report and it is respectfully submitted that the proposed development is reasonable.

6.1.2 Locality B2 Oxford Falls Valley

The proposed facility is situated within Locality B2 Oxford Falls Valley as specified in WLEP 2000. The following Locality Statement applies to the area:

> *"The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.*
>
> *Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.*
>
> *The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.*
>
> *A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.*
>
> *Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained."*

WLEP 2000 does not specify satellite facilities or telecommunications facilities as a development type in any of the development categories and it is therefore considered Category 2 'other buildings, works, places or land uses that are not prohibited or in Category 1 or 3.'

The proposed works are of a low environmental and amenity impact, consistent with the strategic vision outlined in the locality statement.

6.1.3 Clause 38 Glare and reflection

The non-transmitting surfaces of the proposed satellite will be finished in a non-reflective white colour to minimise sun reflection.

6.1.4 Clause 42 Construction sites

The proposed works are within Telstra's existing Oxford Falls Earth Station. Construction access will be via the existing driveway. Traffic generation will be kept to a minimum during the construction phase as the satellite is pre-fabricated off-site, and construction vehicles and equipment will be managed to ensure they operate entirely within the subject property.

Further, as the satellite is pre-fabricated construction waste is minimised and any waste generated will be disposed of appropriately. Australian Standards pertaining to the management of air and water borne pollutants will be adhered to ensuring minimal environmental impact.

6.1.5 Clause 43 Noise

The proposed works are not expected to result in unreasonable noise emission which would diminish the amenity of the area. Some noise will be generated during the construction phase, however this will be short term and temporary in nature. Noise emanating from any equipment will be low and unlikely to be heard above background noise levels. Any noise generated will comply with the background noise levels prescribed by Australian Standard AS1055.

6.1.6 Clause 46 Radiation emission levels

The proposed satellite will comply with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz. Appropriate exclusion zones around the proposed satellite are formed through the use of security fencing to restrict unauthorised access.

6.1.7 Clause 54 Provision and location of utility services

All services required for the ongoing operation of the satellite earth station are capable of being provided to the facility without impacting the supply or reliability of these services to any existing consumers in the locality. The facility will be connected to electricity but, due to its unmanned operation, will not be connected to potable water or sewerage.

6.1.8 Clause 58 Protection of existing flora

The proposed development requires the removal of one tree to ensure the orderly layout and safety of the proposed satellite. As discussed in section 6.2.1 this impact is necessary and considered acceptable.

6.1.9 Clause 61 Views

The proposed satellite dish has been strategically sited as to minimise visual disruption to the surrounding environment. The proposal maintains the aesthetic amenity enjoyed in Oxford Falls by seamlessly integrating into the landscape. The proposed satellite will have a negligible visual impact which is underscored by the following considerations:

1. Co-location with existing satellites - The proposed satellite dish is strategically located alongside pre-existing satellite infrastructure within the Oxford Falls Earth Station. This strategic placement facilitates integration with the surrounding environment, minimising any discernible visual intrusion.
2. Surrounded by mature vegetation: The site is enveloped by extensive mature vegetation, creating a natural buffer that generally obscures the satellite dish from direct view. Vegetation screening restricts view corridors towards the proposed satellite from most aspects except for a small portion of Oxford Falls Road.
3. Rural setting with favourable separation: Situated within a rural setting characterised by expansive open spaces and mature vegetation, the proposed satellite dish benefits from generous spatial separation to neighbouring properties. The rural nature of the Oxford Falls locality provides sufficient

separation between the proposed satellite dish and surrounding uses aiding to further minimise the visual impact of the proposal.

4. Limited impact on Oxford Falls Road: The proposed satellite dish is visible from a section of Oxford Falls Road to the east. Careful consideration has been given to mitigating its visual prominence along this corridor. The proposal has been deliberately positioned off the direct sightline for road users, ensuring that the visual prominence of the facility is minimised. Lastly, the presence of mature vegetation both on-site and in its vicinity serves as a visual screeing, restricting views of the facility and therefore reducing the visual impact of the proposal.
5. Favourable Topography: As the proposed satellite is not located on a ridgeline it does not block any views from surrounding properties and has a reduced visual prominence. The undulating topography of the visual catchment of the proposed facility is favourable as it ensures that views of the facility from the surrounding area are limited.

In summary, the proposed satellite dish installation is thoughtfully sited to uphold the visual aesthetics of the area. By leveraging co-location with existing infrastructure, the natural screening of mature vegetation, the rural context with generous separation from surrounding uses, and mindful management of visual corridors, the project seamlessly integrate into its surroundings with minimal visual impact.

6.1.10 Division 5 Traffic, Access and Carparking

The proposed satellite will not require additional on-site personal to operate. As such the operation of the proposed satellite will not generate the requirement for extra parking facilities or traffic management solutions.

6.1.11 Clause 76 Management of stormwater

The proposed satellite will provide for the sound management of stormwater as detailed in the accompanying plans as it will not significantly increase the amount of impervious surfaces on-site, and as existing stormwater management infrastructure on-site has suitable capacity to absorb any potential minor increase to stormwater run-off.

6.1.12 Clause 78 Erosion and sedimentation

When operational, telecommunications facilities are unmanned and remotely operated, they do not require utility services such as water or sewerage and do not generate any waste or emissions. As such they will not generate any additional demand for pedestrian or vehicular traffic. It is not anticipated that the proposal will result in significant further decline in environmental quality.

Appropriate soil erosion and sediment control mitigation measures are detailed in construction plans. All construction management measures will comply with the Building Code of Australia. When construction is complete, the site will be restored appropriately, and any waste generated will be removed and disposed of appropriately. The facility will not generate any waste or emissions during its operation.

6.2 Warringah DCP 2000

6.2.1 Part 2 - Preservation of Trees and Bushland Vegetation

The requirements for development applications stipulated by Warringah DCP 2000 for the Preservation of Trees and Bushland Vegetation is as follows:

"When a DA required for clearing vegetation the following requirements apply:

5 Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.

6 Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.

7 Development must also avoid any impact on trees on public land.

8 For DAs involving the construction of new buildings and works containing Classes 2-9 (BCA), the DA lodgement is to be in accordance with Appendix 3.

9 Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10, a Tree Protection Plan is to be submitted in accordance with Appendix 4.

Exceptions

Council may consider a variation to the requirements where Council is satisfied:

- *a tree or other vegetation is dying or dead and is not required as habitat for native fauna.*
- *a tree or other vegetation is a risk."*

The proposed works will have minimal impact on existing vegetation. The site has been previously cleared for the construction of the satellite earth station and as such there is no remnant vegetation on site.

The proposed development will require the removal of one Black She-oak tree. The removal of the tree is necessary to ensure the orderly and efficient configuration of satellites on the site. The location of the proposed satellite was carefully selected optimise the spatial arrangement of the site while simultaneously fulfilling critical satellite operational requirements.

Additionally, the removal of the tree ensures that the prescribed bushfire asset protection zone requirements can be adhered to ensuring the protection of the proposed facility, as well as the existing on site satellite infrastructure.

It is submitted that the removal of the tree is a reasonable outcome as it supports the primary use of the site and reduces bushfire risk.

7 Conclusion

Telstra, together with Archos, are committed to providing improved telecommunications to the region. The proposed additions to the existing facility at Oxford Falls will improve connectivity to satellite operators, service providers and carriers.

This report provides an assessment of the relevant matters as required by the Telecommunications Act 1997, State Environmental Planning Policy (Infrastructure) 2007 and the Warringah LEP 2000. The assessment demonstrates compliance with the necessary regulations and guidelines.

The proposed works are within an existing satellite earth station that has been previously cleared of vegetation and built with the necessary construction management measures to ensure the safe, reliable and ongoing operation of this facility. It is respectfully requested that the development application be supported and approved.

APPENDIX A: TITLE DETAILS

APPENDIX B: DRAWINGS