

Statement of Environmental Effects

Application for Development Consent

Proposed satellite ground network earth station in support of future Telstra products and services at existing Telecommunications Facility at Oxford Falls, NSW (Lot 3 on DP205815)

Statement of Environmental Effects

26 May 2021

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URPS Ref 21MEL-0028

Document history and status

Revision	Date	Author	Reviewed	Details
V1	25/05/21	CJ	LP	Final report

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Executive Summary

Site and Proposal Details

Address of Site	Oxford Falls Road, Oxford Falls, NSW, 2100
Legal Property Description	Lot 3, DP205815
Local Authority	Northern Beaches Council
Local Environmental Plan	Warringah Local Environmental Plan 2011
Zone	DM – Deferred Matter
Use	Telecommunications Facility
Owner	Telstra Corporation Limited Level 41, 242 Exhibition Street Melbourne VIC 3000

Applicant Details

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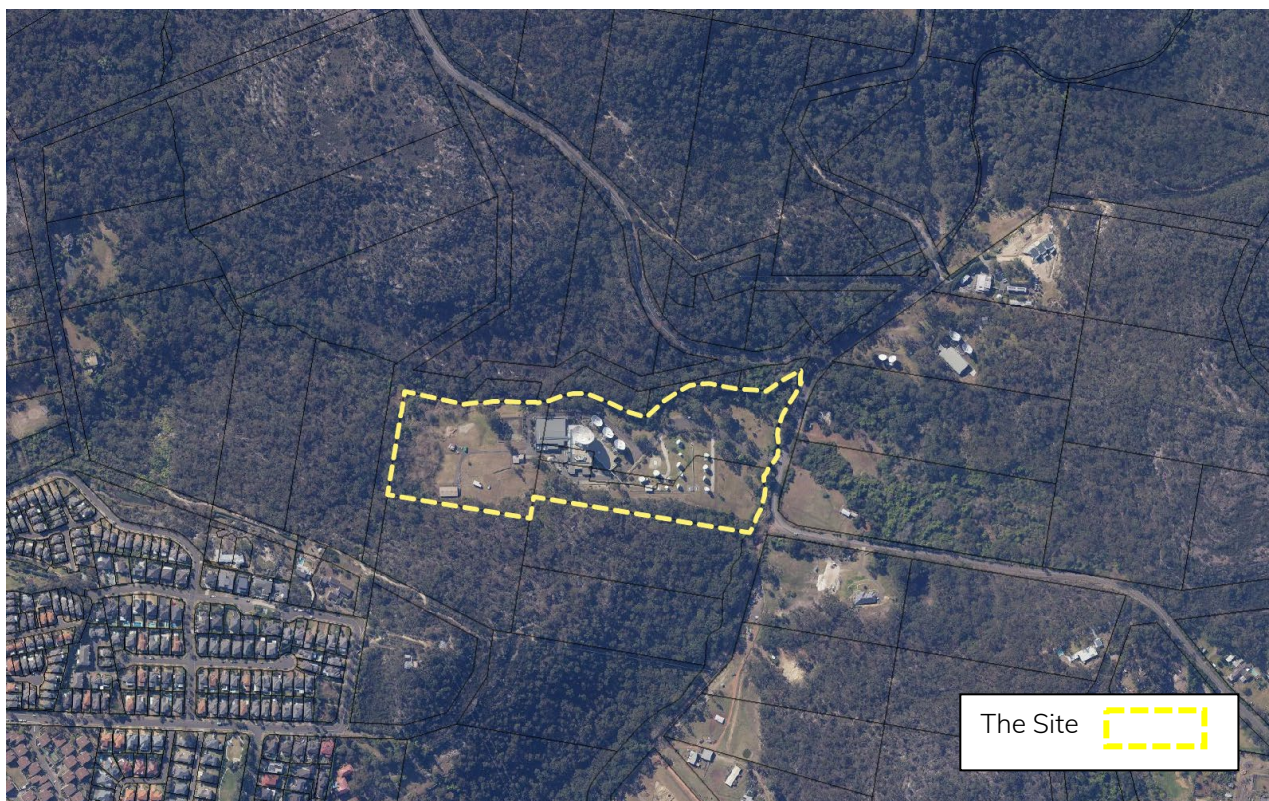
1. Introduction

This report has been prepared by Ventia on behalf of Telstra as supporting information to a Development Application for the installation of a “Satellite ground network earth station in support of future Telstra products and services” (satellite dish) at the existing Oxford Falls telecommunications facility at Oxford Falls Road, Oxford Falls, NSW 2100 more formally known as Lot 3, DP205815. Refer to **Appendix 1** for Title details.

An aerial image of the site is provided in **Figure 1**.

This report addresses the merits of the development with regard to the provisions of the Warringah Local Environmental Plan (WLEP) 2011.

Figure 1 – Aerial image of site



Source: Google Maps

2. The Proposed Development

The proposed satellite dish at Lot 3, DP205815, Oxford Falls Road, Oxford Falls, NSW 2100 is comprised of the following:

- 1.8m diameter satellite dish with 1.8m high antenna;
- 0.915m x 1.2m platform;
- electronics enclosure with shroud;
- Associated electricity, earthing and fibre cabling; and
- 7.62m x 3.66m x 1.8m high fencing surrounding the new satellite dish.

Refer to the Site and Proposal Plans attached at **Appendix 2**.

The primary driver for proposing alterations and additions to the existing facility at Oxford Falls are reliable Telstra services providing the depth of coverage required to enable reliable Telstra cellular services for local residents, businesses and other mobile users.

3. Site Selection

The Communications Alliance Ltd. (formerly Australian Communications Industry Forum Ltd. - ACIF) Industry Code C564:2011 – Mobile Phone Base Station Deployment promotes the use of existing sites in order to mitigate the effects of facilities on the landscape. It should also be noted that as a first preference, Telstra attempts to utilise, where possible, any existing infrastructure or co-location opportunities.

Telstra commences the site selection process with a search of potential sites that meet the network's technical requirements, with a view to also having the least possible impact on the surrounding area. Telstra applies and evaluates a range of criteria as part of this site selection process.

Telstra assesses the technical viability of potential sites through the use of computer modelling tools that produce predictions of the coverage that may be expected from these sites, as well as from the experience and knowledge of the radio engineers.

There are also several other important criteria that Telstra uses to assess options and select sites that may be suitable for a proposed new facility. These take into account factors other than the technical performance of the site.

Two potential sites within the existing facility were reviewed for the proposed site location – these are depicted in **Figure 2**.

Figure 2 – Site Selection



Source: Google Maps

The decision to locate the proposed development at Site 2 was made on the following basis:

- The potential to co-locate within an existing telecommunications facility.
- The potential to locate on an existing building or structure.
- Visual impact and the potential to obtain relevant town planning approvals.
- Proximity to community sensitive locations and areas of environmental heritage.
- The potential to obtain tenure at the site.
- The cost of developing the site and the provision of utilities (power, access to the facility and transmission links).

Accordingly, Site 2 was chosen as the most appropriate location within the existing telecommunications facility.

4. Federal Regulatory Framework

4.1 Commonwealth Telecommunications Act 1997 and Telecommunications (Low-Impact Facilities) Determination, 1997 and Amendment No. 1 of 2018

The *Telecommunications Act 1997* (the Act) came into operation on 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 no longer exempt from State and Territory planning laws except in three limited instances:

- 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 the *Amendment No. 1 of 2012* and these exceptions are subject to the *Telecommunications Code of Practice 1997*;
- A limited case-by-case appeals process exists to cover installation of facilities in situations of national significance; and
- There are some specific powers and immunities from the previous *Telecommunications Act 1991*.

The *Telecommunications (Low-impact Facilities) Determination* came into effect on 1 July 1997 and the *Amendment to the Determination (No.1 of 2018)* came into effect on 20th February 2018.

The Determination contains a list of Telecommunications Facilities that the Commonwealth will continue to regulate. These are facilities that are essential to maintaining telecommunications networks and are unlikely to cause significant community disruption during their installation or operation. These facilities are therefore considered to be ‘Low-impact’ and do not require planning approval under State or territory laws.

The proposed satellite dish at Oxford Falls does not fall within the ambit of the exemptions under the Act or the Determination and therefore, requires approval under State planning legislation.

4.2 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act* commenced on 16th of July 2000. It provides the means for the Commonwealth Government to assess development proposals where those proposals involve actions 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 Treat (The RAMSAR Convention);
- Nationally listed threatened species and communities;
- Nationally listed migratory species;
- Barrier reef marine park;
- All nuclear actions, or;

- The Environment of Commonwealth Marine area.

Refer to the attached EPBC Act Protected Matters Report at **Appendix 3**.

4.3 Communications Alliance Ltd. Code c564: 2011 Industry Code – Mobile Phone Base Station Deployment

The Communications Alliance Ltd. Code c564: 2011 Industry Code – Mobile Phone Base Station Deployment (the Code) imposes mandatory levels of notification and community consultation for sites complying with the Telecommunications (Low-impact Facilities) Determination 2018. It identifies varying levels of notification and/or consultation depending on the type and location of the infrastructure proposed.

The subject proposal, not being designated a 'Low-impact' facility, is not subject to the notification or consultation requirements associated with the Deployment Code. These processes are handled within the relevant State and Local consent procedures.

The intent of the Code is to ensure Carriers follow a 'precautionary approach' to the siting of infrastructure away from sensitive land uses. It also provides the means to ensure that the selection of this site as demonstrated in the Deployment Code section 4.1 Precautionary Approach Checklist has been followed. This checklist will be uploaded to the RFNSA website, by the carrier.

This site has been selected and designed to comply with the requirements of the Deployment Code in so much as the precautionary approach has been adhered to and, as a result the best design solution has been achieved.

5. State Planning Assessment

The following information provides a summary of the State legislation / guidelines relevant to the approval of a satellite dish at the existing telecommunications facility at Oxford Falls.

5.1 SEPP (Infrastructure) (2007)

Statement Environmental Planning Policy (SEPP) (Infrastructure 2007) provides a consistent planning regime for infrastructure and the provision of services across NSW. Division 21 of the SEPP applies to telecommunications and other communication facilities, establishing the approval regimes for telecommunications in NSW. Division 21 classifies certain telecommunications development that is permitted without consent, with consent and exempt from local environmental approvals.

Telecommunications facility is defined to mean:

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

(Underlining added)

The proposal is for a new “dish” and associated telecommunication infrastructure and falls within this definition.

This proposal does not meet the requirements of exempt or complying development under this SEPP as the proposed development is located within Deferred Matter (DM) zoning.

The SEPP (Infrastructure) 2007 as amended by the SEPP (Infrastructure) Amendment (Telecommunications Facilities) 2010 is of specific relevance to the proposal as clause 115 is being relied upon for permissibility of the proposed development at the subject location and is the basis for lodging and seeking Council consent for this development. Clause 115(1) provides that:

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

Telecommunications facilities are therefore permissible in all zones with Northern Beaches LGA with the consent of the Northern Beaches Council.

5.2 SEPP (No.55 Remediation of Land)

Under this SEPP the Responsible Authority must not consent to the carrying out of any development if the land is within a contaminated state and if the land requires remediation.

The site is not believed to be contaminated and the proposed telecommunications facility will take only a small portion of the subject site.

Accordingly, no remediation works will be required.

6. Local Planning Framework

The following provides an assessment against the local planning framework, relevant to alterations and additional to an existing telecommunications facility.

6.1 Warringah Local Environmental Plan 2000

The relevant local environmental plan (LEP) applicable to the subject site is the Warringah Local Environmental Plan 2000 (WLEP 2000). Under the current Warringah Local Environmental Plan 2011, the site is located in the Deferred Matter (DM) Zone. In accordance with Part 1, clause 1.3 of the LEP, this LEP does not apply to land identified as Deferred Matter on Land Application Map - Sheet LAP_001. The former WLEP 2000 therefore applies. Under WLEP 2000, the land is located in Locality B2 Oxford Falls Valley. The proposal does not preclude the achievement of the Desired Character for this area. The proposal is considered to be consistent with the broad intent of the LEP as detailed in **Table 1**.

Table 1 – LEP Compliance Table

LEP Control	Assessment	Complies
46 Radiation emission levels	Radiation emission levels are addressed in the 'public safety' section of this report.	✓
49A Acid Sulfate soils	The site is not mapped as having identifiable acid sulfate soils of any class.	✓
54 Provision and location of utility services	This clause allows for the provision of "telecommunications" utilities and seeks that they are "suitably screened from public places or streets". The proposed satellite dish is located adjacent to and existing facility in a cleared portion of the site. This area is screened from public view by existing dense vegetation at the boundaries of the site.	✓
58 Protection of existing flora	The development is sited on a cleared portion of the site. No vegetation is proposed to be removed to accommodate the satellite dish.	✓
79 Heritage	There are no known items of cultural or heritage significance in proximity to the site.	✓

The following additional assessment is also provided.

Heritage

In order to determine any possible natural or cultural values of state or national significance associated with the site, a search was conducted through the relevant Heritage Registers (Including AHIMS search – refer **Appendix 4**). There are no known items of cultural, historical or environmental heritage significance located in the immediate vicinity of the proposal site.

Public Safety

Telstra acknowledges some people are genuinely concerned about the possible health effects of electromagnetic energy (EME) from mobile phone base stations and is committed to addressing these concerns responsibly.

Telstra, along with the other mobile phone carriers, must strictly adhere to Commonwealth Legislation and regulations regarding mobile phone facilities and equipment administered by the Australian Communications and Media Authority (ACMA).

In 2003 the ACMA adopted a technical standard for continuous exposure of the general public to RF EME from mobile base stations. The standard, known as the Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003, was prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and is the same as that recommended by ICNIRP (International Commission for Non- Ionizing Radiation Protection), an agency associated with the World Health Organisation (WHO). Mobile carriers must comply with the Australian Standard on exposure to EME set by the ACMA.

The Standard operates by placing a limit on the strength of the signal (or RF EME) that Telstra can transmit to and from any network base station. The general public health standard is not based on distance limitations, or the creation of “buffer zones”. The environmental standard restricts the signal strength to a level low enough to protect everyone at all times. It has a significant safety margin, or precautionary approach, built into it.

In order to demonstrate compliance with the standard, ARPANSA created a prediction report using a standard methodology to analyze the maximum potential impact of any new telecommunications facility. Carriers are obliged to undertake this analysis for each new facility and make it publicly available.

Importantly, the ARPANSA-created compliance report demonstrates the maximum signal strength of a proposed facility, assuming that it’s handling the maximum number of user’s 24-hours a day.

In this way, ARPANSA requires network carriers to demonstrate the greatest possible impact that a new telecommunications facility could have on the environment, to give the community greater peace of mind. In reality, base stations are designed to operate at the lowest possible power level to accommodate only the number of customers using the facility at any one time. This design function is called “adaptive power control” and ensures that the base station operates at minimum, not maximum, power levels at all times.

Using the ARPANSA standard methodology, Telstra is required to complete and make available an EME report which predicts the maximum environmental EME level the facility will emit. Telstra has undertaken a compliance report that predicts the maximum levels of radiofrequency EME from the proposed installation. The maximum environmental EME level predicted from this proposed facility is within the allowable limit under the ARPANSA standard.

Telstra relies on the expert advice of national and international health authorities such as the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organization (WHO) for overall assessments of health and safety impacts.

The WHO advises that all expert reviews on the health effects of exposure to radiofrequency fields have concluded that no adverse health effects have been established from exposure to radiofrequency fields at levels below the international safety guidelines that have been adopted in Australia.

Telstra has strict procedures in place to ensure its mobile phones and base stations comply with these guidelines. Compliance with all applicable EME standards is part of Telstra’s responsible approach to EME

and mobile phone technology. A copy of the EME report associated with this proposal is provided at **Appendix 5**.

Erosion, Sedimentation Control and Waste Management

All erosion and sediment control mitigation measures will be detailed in construction plans and will comply with the Building Code of Australia and Local Council standards. On completion of the installation, the site will be restored and reinstated to an appropriate standard. No waste which requires collection or disposal will be generated by the operation of the facility.

Traffic Generation

The proposed dish is located within an existing telecommunications facility. It is not considered to require additional staff during the operational phase.

Construction access will be via the existing driveway to Oxford Falls Road and the frequency and number of vehicles during construction is considered to be minimal given the satellite is prefabricated off-site.

The traffic generation will therefore be minimal and not sufficient to create any adverse impacts in this regard or by creating a demand for parking facilities.

Visual Impact

Visual impact is an important consideration for Telstra when they seek alterations and additions to existing facilities. The visual impact of this facility is minimised by virtue of its location and siting as it is not visible from public vantage points. The areas adjacent to the site are heavily vegetated and screened from public view.

Noise

Noise and vibration emissions associated with the proposed facility will be limited to the initial construction phase.

Flora and Fauna

The proposed site is not located within an area of ecological significance as defined in any environmental planning instrument.

On the proposed site it has been identified that two (2) trees are within close proximity to the construction area, however during assessment and inspection of the site it has been found that no trimming, lopping or removal is required in order to construct the telecommunications facility and associated equipment.

Social and Economic Impact

Reliable mobile phone coverage is important to ensure the economic growth of communities in residential areas. There are not expected to be any adverse social or economic impacts as a result of the development. Indeed, it is anticipated that there would be positive impacts because of the mobile telephone coverage, and the proposed facility could also be utilised in the event of an emergency with reference to mobile phone and internet use.

The proposed development is essential to enable carriers to remain competitive and increase the choice of mobile telephone services to consumers. Additional competition in the market will have economic benefits

for individual consumers and the community as a whole. The development is consistent, with the objectives of the Telecommunications Act 1997, namely:

- To promote “the efficiency and international competitiveness of the Australian telecommunications industry” (s.3 (1)); and
- To ensure that telecommunications services “are supplied as efficiently and economically as practicable” (s.3 (2) (a) (ii).

Public Interest

The proposed development will form the subject of public notification in accordance with Council's notification policy.

6.2 Warringah Development Control Plan 2000

The Warringah Development Control Plan 2000 also applies to the proposal. The proposal is considered to be consistent with the broad intent of the DCP as detailed in **Table 2**.

Table 2 – DCP Compliance Table

DCP Control	Assessment	Complies
Part 2 – Preservation of Trees and Bushland Vegetation	No vegetation is proposed to be removed as a result of this proposal.	✓
Part 3 – Waste management	It is unlikely that the erection of this satellite dish will result in additional waste associated with the telecommunications facility beyond that which already exists. Waste associated with the construction of the satellite dish will be stored on site until it is removed by a licensed contractor.	✓

7. Conclusion

This application is a direct result to improve coverage of Oxford Falls.

The drawings respond to the principles of design, siting, construction and operation of telecommunications facilities as specified in the Code of Practice whilst meeting state and local planning policy objectives.

Telstra, together with Ventia have undertaken an assessment of the relevant matters as required by the Telecommunications Act 1997, State Environmental Planning Policy (Infrastructure) 2007, and the Warringah Local Environmental Plan 2011. The proposed satellite dish is considered appropriate for the subject site for the following reasons:

- It will assist in providing reliable telecommunication services to Oxford Falls and the surrounding district.
- Public views to the facility are non-existent due to the presence of mature vegetation and its siting within the existing site.
- The implementation of an additional dish at a scale lesser than that of the existing infrastructure at the facility will not impact on the vistas from public viewpoints or the valued landscape qualities of the region.
- The proposal is consistent with the relevant provisions of the Warringah Local Environmental Plan 2011.
- The proposed facility is appropriately located next to the existing built form and will be fenced.

For the reasons outlined above, it is respectfully requested that consent is granted for this development application.

Appendix 1 – Title

Appendix 2 – Site and Proposal Plans

Appendix 3 – EPBC Act Protected Matters Report

Appendix 4 – AHIMS Search

Appendix 5 – EME Report

