Ventia
21MEL-0028
25 October 2021

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 Lot 12 DP774796 (34 Angus Avenue, Kandos, NSW 2848)

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Statement of Environmental Effects

25 October 2021

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Document history and status

Revision	Date	Author	Reviewed	Details
V1	25/10/21	CJ	LP	Final report

Contents

Executive Summary

Site and Proposal Details

Address of Site	34 Angus Av, Kandos, NSW 2848
Legal Property Description	Lot 12 DP774796
Local Authority	Mid-Western Regional Council
Local Environmental Plan (LEP)	Mid-Western Regional Local Environmental Plan 2012
Zone	RU5 Village
Use	Telecommunications Facility
Owner	Telstra Corporation Limited Level 41, 242 Exhibition Street Melbourne VIC 3000

Applicant Details

Applicant	Ventia Pty Limited ABN 51 603 146 676 20 Corporate Drive Heatherton VIC 3202 On behalf of: Telstra Corporation Limited ABN 051 775 556
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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 an existing telecommunications facility at 34 Angus Av, Kandos, NSW 2848. The land is more formally known as Lot 12 DP774796. 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 Mid-Western Regional Local Environmental Plan 2012 and State Environmental Planning Policy (SEPP) (Infrastructure) 2007.

Figure 1 – Aerial image of site

Source: NSW ePlanning Spatial Viewer

2. The Proposed Development

The proposed satellite dish is comprised of the following:

- 1.8m diameter satellite dish with 1.8m long 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 the site is reliable Telstra services providing the depth of coverage required to enable reliable Telstra cellular services for local residents, businesses and other mobile users.

3. Federal Regulatory Framework

3.1 Commonwealth Telecommunications Act 1997 and Telecommunications (Low-Impact Facilities) Determination, 1997 and Amendment No. 1 0f 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 the site does not fall within the ambit of the exemptions under the Act or the Determination and therefore, requires approval under State planning legislation.

3.2 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.**

3.3 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.

4. 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 the site.

4.1 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.

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 the consent of the Mid-Western Regional Council.

4.2 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.

5. Local Planning Framework

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

5.1 Mid-Western Regional Local Environmental Plan 2012

The relevant LEP applicable to the subject site is Mid-Western Regional Local Environmental Plan 2012 (the LEP). Under the LEP, the site is located in the RU5 Village.

The objectives of the zone relate to the provision of a range of land uses, services and facilities that are associated with a rural village and to promote development that is sustainable in terms of the capacity of infrastructure within villages.

The proposed satellite dish within an existing telecommunications facility, adjacent to an existing telecommunications building does not preclude the achievement of the above objectives of the zone. The satellite dish will provide additional telecommunications services to the community.

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 analyse 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.

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 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.

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. No vegetation or trees are required to be removed in order to erect the satellite dish.

Social and Economic Impact

Reliable mobile phone coverage is important to ensure the economic growth of communities in regional 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).

5.2 Mid-Western Development Control Plan 2013

The Mid-Western Development Control Plan 2013 (MWDCP 2013) also applies to the proposal. There were no controls specific to Telecommunications Facilities in MWDCP 2013.

6. Conclusion

This application is a direct result to improve the telecommunications services to Kandos.

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 LEP. The proposed satellite dish is considered appropriate for the subject site for the following reasons:

- It will assist in providing reliable telecommunication services to Kandos and the surrounding district.
- It is located within an existing telecommunications facility compound.
- The proposal is generally consistent with the relevant provisions of the LEP and DCP.
- 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. BB

Appendix 1 – Title

Appendix 2 – Site and Proposal Plans

Appendix 3 – EPBC Act Protected Matters Report

Appendix 4 – Heritage Searches

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