



# Statement of Environmental Effects

Proposed Removal of Existing 20m Monopole with new 30m Monopole and Ancillary Works to Support the Development.



Rail Corridor next to Lot 79 DP755420 Upper Bylong NSW 2849

This Statement of Environmental Effects has been prepared by Downer EDI Engineering for and on behalf of Australian Rail Track Corporation Limited (ARTC) and Telstra Corporation Limited.

Telstra Corporation Limited ACN 086 174 781

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**May 2023**

## Document Control

<b>Document description</b>	This Statement of Environmental Effects has been prepared by <b>Liz Mansell, Senior Town Planner</b> of Downer EDI Engineering, for and on behalf of Telstra Corporation.		
<b>RFNSA No.</b>	2849001	<b>Site name</b>	Bylong no 3

	<b>Name</b>	<b>Signed or Initial</b>	<b>Date</b>
<b>Prepared by</b>	Liz Mansell	LM	8/05/2023

Summary of Proposal	
<b>Address of Site:</b>	Bylong tunnel, rail corridor next to Lot 79 DP755420 Upper Bylong NSW 2849
<b>LOT/ DP:</b>	Rail corridor
<b>Land Owner:</b>	Transport For NSW
<b>Consent Authority:</b>	Mid-Western Regional Council
<b>Zoning:</b>	SP2 Rail Infrastructure pursuant to the <i>Mid-Western Regional Local Environmental Plan 2012</i> .
<b>Proposal:</b>	Removal of the existing 20m pole and install a new 30m pole. Proposal to attached two new panel antennas on the new pole and relocate the existing satellite antenna onto the new pole, one new GPS antenna fixed on the equipment hut and associated ancillary cabling and equipment.

<b>Prepared for:</b>	<b>Prepared by:</b>
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## 1.0 Introduction

Downer EDI Engineering (Downer) acts for and on behalf of Telstra Corporation (Telstra) for the deployment of Telstra's in-building coverage technologies to regional and metropolitan Australia.

Telstra's in-building coverage upgrade roll out, which is the purpose of this development application, will typically involve the replacement of the existing tower to facilitate the height for the new antenna. The proposed works will facilitate and allow the ongoing in-building coverage services for the Australian Rail Track Corporation Limited (ARTC) Tunnel upgrade by adding L700/W850 cells in the Bylong Tunnel. The proposal will be connected by way of cabling to the in-building coverage DAS equipment that is located in the ceilings of the tunnel. The DAS services provide low power signals for use of persons relying on mobile phone and internet services.

The proposal is located on land that hosts existing Telstra in-building coverage services and will require an upgrade as part of this roll out. The proposed works is monopole located within the rail corridor next to Lot 79/DP755420 (-32.43950, 150.19167). The proposed works will continue to offer the best location in terms of access, minimal environmental impacts, build constraints because it is an existing site.

Telstra, as a licensed telecommunications carrier, must operate under the provisions of the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 2021*. The 1997 Act exempts carriers from the requirements of State and or Territory environmental and planning laws in certain circumstances. This includes where a proposed facility falls within the definitions of the *Telecommunications (Low-impact Facilities) Determination 2018 (as amended)*. However, the current proposal is not defined as a low impact facility pursuant to the *Telecommunications (Low-impact Facilities) Determination (as amended)*. Further, the proposed installation cannot be defined as Exempt or Complying Development under the *Transport and Infrastructure State Environmental Planning Policy 2021*. Therefore, the proposal is subject to the provisions of *Environmental Planning and Assessment Act 1979 (As amended)* and accordingly to the provisions of the *Mid-Western Regional Council under Council's assessment process*.

This Statement of Environmental Effects has been prepared and is supported by the following documents:

**Attachment 1 – Proposed Plans**

**Attachment 2 – Owners consent**

## 2.0 Background to The Application

### 2.1 Telstra's Coverage Objectives

Telstra regularly undertakes detailed assessments of the performance and coverage services it offers for its customers and to ensure its system is reliable and achieving the required objectives. Specifically, the proposal seeks to use radio signals that will assist with the in-building coverage network in support of Telstra's products and services. The proposed works within the rail corridor next to Lot 79/DP755420 (-32.43950, 150.19167) is an integral element of the in-building coverage network Telstra is maintaining in Australia.

### 2.2 Details of The Proposal

The proposal has been designed by Downer in care of Telstra for ARTC and will include the following elements:

- ✓ The removal of the existing 20m tower
- ✓ Installation of a new 30m monopole
- ✓ Proposed two panel antennas on the proposed 30m monopole
- ✓ Relocate the existing satellite antenna to the proposed pole
- ✓ Proposed GPS antenna fixed on the equipment hut
- ✓ Install associated ancillary cabling and equipment

See **Attachment 1** for details.

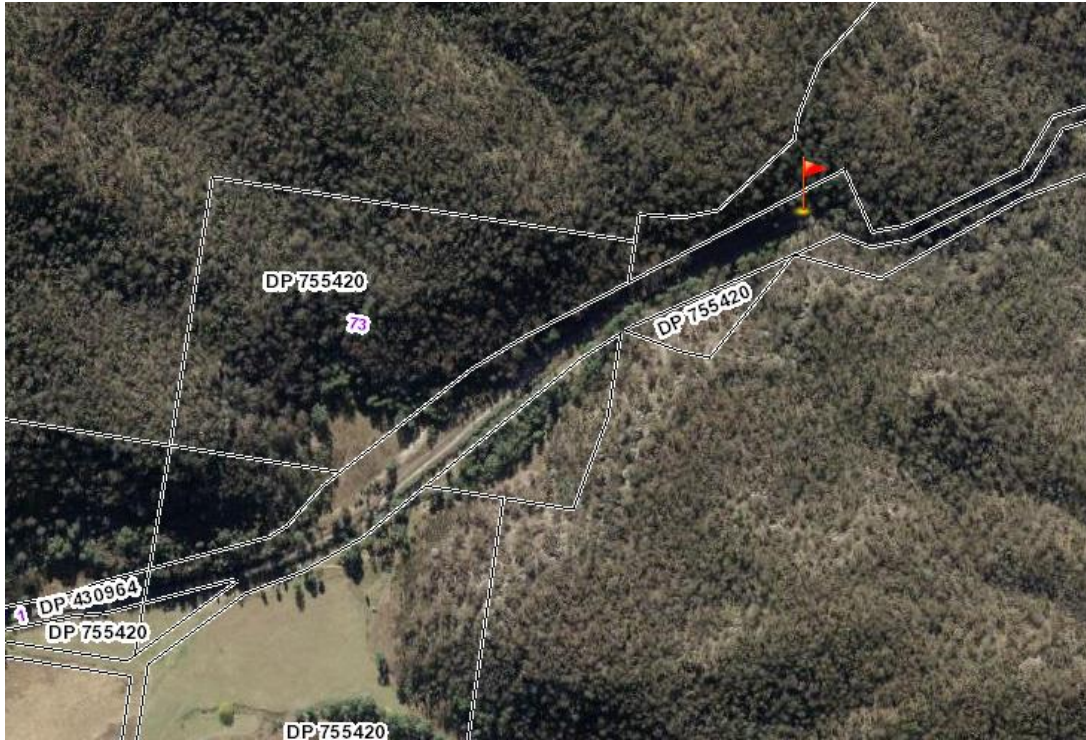
Existing access track is readily available, which is located off Bylong Road. The existing access to the site will be maintained for general works to maintain the facility once the new site is operational.

In terms of servicing, a telecommunications facility will only require electricity and is readily available on site given that it is already existing.

The purpose of this development application is to obtain consent for the new tower replacement to provide an upgrade to the existing low RF power tunnel solution.

## 2.3 Subject Site

The site is not a registered lot and is located within the rail corridor next to Lot 79/DP755420 (-32.43950, 150.19167). The monopole replacement is located at the entrance of Bylong tunnel, see **Figure 1** below.



**Figure 1:** Subject site location within rail corridor

The existing 20m Telstra tower is located towards the entrance of the Bylong tunnel. The existing 20m tower features one panel antenna and extension. The tower is already located as close as possible to the tunnel to facilitate a shorter cable run to the DAS technologies already located within the tunnel.

With reference to the above, it can be acknowledged that the established uses on the land contain existing telecommunications facilities. This means, the proposal of the replacement of the existing 20m tower for a new 30m monopole at this site will not appear out of place within the context of the established telecommunications infrastructure already located on the land.

## 2.4 Approvals Sought

Our client seeks development consent from Mid-Western Regional Council for the proposal as illustrated in **Attachment 1**.

The owner's consent to lodge a Development Application to Mid-Western Regional Council is provided with the online application by way of the NSW Planning Portal. See **Attachment 2**.

## 3.0 Legislative Context

### 3.1 Commonwealth Regulatory Framework

Telstra, as a licensed telecommunications carrier, must operate under the provisions of the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 2021*. The 1997 Act exempts carriers from the requirements of State and Territory environmental and planning legislation in certain circumstances, including where a proposed facility falls within the definition of the *Telecommunications (Low-Impact Facilities) Determination 2018* (As amended).

In 1991, the Commonwealth Government initiated a major reform of the telecommunications industry in Australia. The reforms allowed limited competition until July 1997, at which time full competition was permitted. In July 1997, the *Telecommunications Act 1997 (1997 Act)*, was introduced, replacing the 1991 Act. Under the 1997 Act, the Government established the *Telecommunications Code of Practice 2021 (Code of Practice) (As Amended)*, which sets out the conditions under which a carrier must operate. Telstra, as a licensed telecommunications carrier, must comply with the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 2021 (Code of Practice)* for all telecommunications facilities.

In particular, Subclause (1) of Clause 1A.4 Best Practice of Part 2 of the *Telecommunications Code of Practice 2021 (As amended)* requires carriers to ensure that the design, planning and installation of facilities are in accordance with the industry's 'best practice'. In this, best practice involves the carrier to comply with any relevant industry code or standard that is registered by the Australian Communications and Media Authority (ACMA) made under part 6 of the Act. The planning and siting of the current proposal has taken place in accordance with Section 3 (Planning and Siting) of the Australian Standard, Siting of Radio Communications Facilities (AS 3516.2).

It is understood that the proposed replacement of the existing 20m tower for a new 30m tower is located on land zoned SP2 Rail Infrastructure under the *Mid-Western Regional Local Environmental Plan 2012*. Under this zone, the *Transport and Infrastructure State Environmental Planning Policy (SEPP) 2021 (the "Policy")* permits for new towers to be installed under Complying Development. However, the replacement tower under the Policy must be on rural zoned land for the (replacement) tower installation to be exempt from a Council Development Application (DA). However, the Subject site is located on land that is zoned SP2 Rail Infrastructure, which does not comply with this Policy. The proposal therefore must obtain development consent under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### 3.2 The Environment Protection and Biodiversity Conservation (EPBC) Act 1999 (Cth)

The *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* obliges proponents of development, including telecommunications carriers to consider 'matters of national environmental significance'. Under this legislation, an action will require approval from the Minister of Environment if the action has or is likely to have an impact on a matter of 'national environmental significance'.



According to the *EPBC Act 1999*, there are eight (8) matters of national environmental significance, which must be considered as part of any application for development. To demonstrate that Telstra has considered these issues, the following outlines compliance:

1. World Heritage Properties
2. Wetlands of International Importance (Ramsar Wetlands)
3. Threatened Species and Ecological Communities
4. Migratory Species
5. Commonwealth Marine Species
6. Nuclear Actions (Including Uranium Mining)
7. National Heritage Places
8. The Great Barrier Reef Marine Park.

With reference to the above, we note that the above environmental issues are inapplicable and is therefore, not impacted by the *EPBC Act 1999*.

## **4.0 Environmental Planning and Assessment Act 1979**

This application must be assessed by Council against the relevant heads of consideration detailed under section 4.15 evaluation of the *Environmental Planning and Assessment Act 1979 (As amended)*.

### **4.1 State Environmental Planning Policy (SEPPs)**

We note that there are eleven SEPPs under the New South Wales (NSW) Government Website. However, the following SEPP is relevant to the proposal:

- Transport and Infrastructure SEPP 2021.

#### **4.1.1 Transport and Infrastructure SEPP 2021**

As defined under the Exempt and Complying Development Definitions the site is not located within an “Environmentally Sensitive Area”. In regard to this, the proposed siting and location satisfies the site requirements made under the *Transport and Infrastructure SEPP 2021 (As amended)*, which would preclude the requirements of a Development Application (DA) on the condition that the proposed works adhere to the Policy. However, it is understood that the proposal will require the removal of an existing 20m tower and the installation of a new 30m tower, which is located on SP2 Rail Infrastructure Zone under Council’s Planning instrument. Based on its land use zone the proposed development will not satisfy Item 5 of Part 2, in Schedule 4 “*Exempt and complying development in relation to telecommunications facilities—Chapter 2*” stipulated under the *Transport and Infrastructure SEPP* based on its requirement to be located on rural zoned land. Consequently, the proposed works will require a Development Application (DA) subject to Council’s consent.

Notwithstanding, Clause 2.143(1) of the *Transport and Infrastructure SEPP 2021* states,

*“Development for the purposes of telecommunications facilities, other than development in section 2.141 or development that is exempt development under section 2.20 or 2.144, may be carried out by any person with consent on any land.”*

With reference to the above, a telecommunications facility is a defined use under *Mid-Western Regional Local Environmental Plan 2012*, and can be carried out by any person with consent on any land. Therefore, a telecommunications facility can be assessed and subject to the consent of Council.

Further, the aims of the *Transport and Infrastructure SEPP 2021* are to facilitate the effective delivery of infrastructure across the state by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

#### Comments

With reference to the above, Council can consider that the proposed telecommunications facility can be erected on 'any' land use zone in accordance with the *Transport and Infrastructure of the State of Environmental Planning policy 2021*. Further, the Subject site is a defined use under the *Local Environmental Plan* and therefore, Council can accept the application for development assessment.

Further, it is understood that the proposal complies with the aims listed under the *Transport and Infrastructure SEPP*, which seeks to facilitate the effective delivery of infrastructure across the State of NSW. As such, Council can agree that the proposed facility adheres to the objectives of the *Transport and Infrastructure SEPP*.

## **4.2 Mid-Western Regional Local Environmental Plan (LEP) 2012**

The site is subject to the provisions of the *Mid-Western Regional Local Environmental Plan (LEP) 2012*. These are discussed below.

### **4.2.1 Land Use Definition**

In respect to the *Mid-Western Regional LEP 2012* the proposed use of the site is as follows:

- ✓ A telecommunications facility.

Under the *Mid-Western Regional LEP 2012* the proposed development is defined below:

- (a) Any part of the infrastructure of a telecommunications network, or

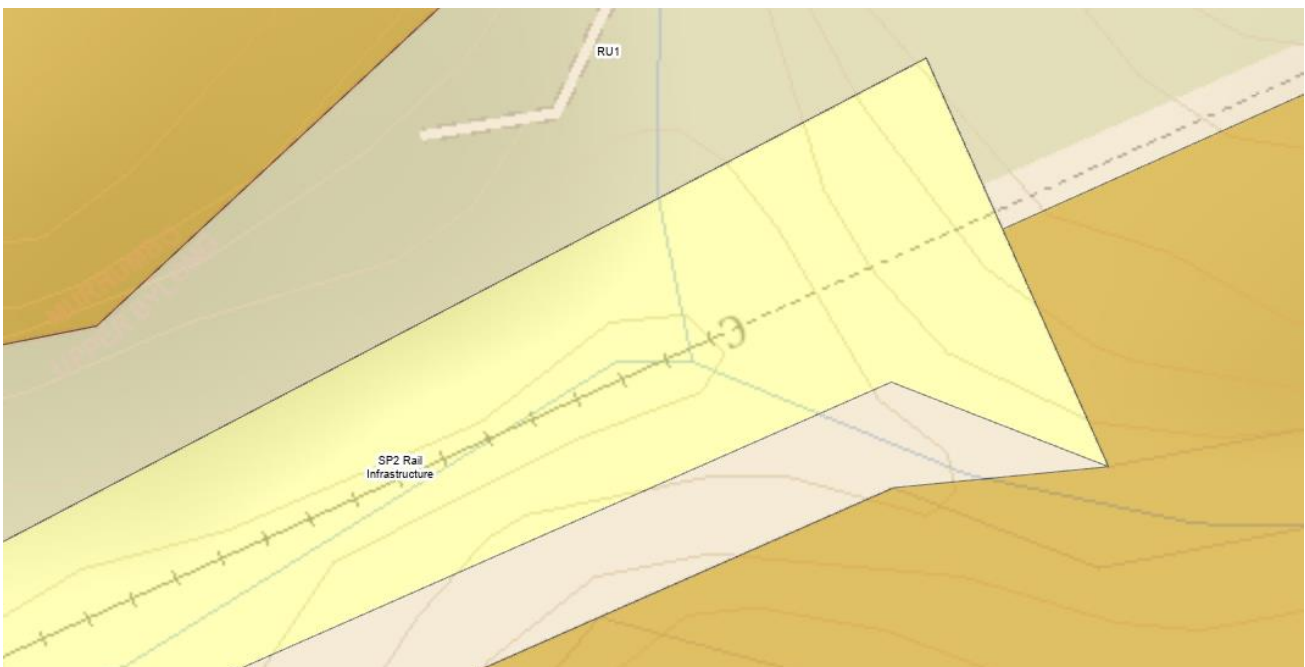
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) Any other thing used in or in connection with a telecommunications network.

### Comments

A telecommunications facility is a defined use under *Mid-Western Regional LEP 2012*. As stated in Section 4.1.1 of this SEE a telecommunications facility can be constructed on any land. As such, a telecommunications facility can be assessed subject to the consent of Mid-Western Regional Council.

## 4.2.2 Zoning and Permissibility

The Subject site is zoned SP2 Rail Infrastructure under the provisions of the *Mid-Western Regional LEP 2012*. See **Figure 3** below.



**Figure 3:** Subject site location zoned SP2 Rail Infrastructure pursuant to the *Mid-Western Regional LEP 2012*.

The 'Land Use Table' outlines those uses that can be development carried without consent, with consent, or a development that is prohibited pursuant to the *Mid-Western Regional LEP 2012*. The land use table is constructed to depict those uses that are permissible without consent and those uses that are prohibited. If a defined use does not appear under either of these two headings, then it is deemed to be permissible subject to the consent of Council. As such, telecommunications facilities are prohibited development under SP2 Rail Infrastructure zone pursuant to the *Mid-Western Regional LEP 2012*. However, as explained in section 4.1.1 of this Statement, a telecommunications facility can be erected on any land use zone under the *Policy (SEPP 2021)*. But is subject to council's consent. This means, that a telecommunications facility (replacement tower) can be accepted for formal town planning assessment by Council.

### 4.2.3 Zoning Objectives

The objectives of zone SP2 Rail Infrastructure Zone are as follows:

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

#### Comments

With reference zone objective (a) is to provide for related uses for the rail infrastructure. The purpose of this proposal is to allow continued in-building radio coverage inside the Tunnel. While mobile phone signal services already exist in the area the upgrade will allow for rail users to answer and make calls by mobile phone. The proposal is considered a related use for the tunnel and so will satisfied zone objective (a).

Zone objective (b) is in place to prevent development that is not compatible with or that may detract from the provision of infrastructure. The proposed works is directly compatible with rail infrastructure as it supports the connectivity throughout the tunnel, in which assists in the operation of the rail network and users of that network. We reiterate that the in-building coverage services are already existing. However, this DA is instigated by the requirement of a new 30m monopole that is to replace the existing 20m tower located on SP2 zoned land. As such, zone objective (b) will be satisfied.

This means, Council can consider development approval which poses minor impacts to the prime use of the land.

### 4.2.4 Clause 4.3 Building Height

Clause 4.3 of the *Mid-Western Regional LEP 2012* is irrelevant to this proposal as the planning standard applies to buildings. Specifically, the proposal does not involve the erection of a building and the proposed works is detailed in Section 2.2 of this SoEE.

### 4.2.5 Clause 6.3 Earth Works

Relevant to this proposal is Clause 6.3 of the *Mid-Western Regional LEP 2012*. The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

#### Comments

With respect to Clause 6.3 we advise that the proposed works is not affected by an Environmentally Sensitive Area as defined under the *SEPP (Exempt and Complying Development Codes) 2008*. Further, the proposed site is not affected by any heritage conservation or item in accordance with Council's local planning instrument. As such, the proposal will require minimal earthing of 4m (Approx.) and will be back-filled soon after completion. Accordingly, the proposed works will require minor earthing and will pose no impact on its environment due to its minor ground disturbance. See **Attachment 1** for details.

## 5.0 Likely Impacts on the Environment

### 5.1 Public Safety

The Australian Communications and Media Authority (ACMA), under s.376(2) of the *Telecommunications Act 1997* and s.162(3) of the *Radiocommunications Act 1992* sets standards that limit human exposure to EME. The ACMA adopted a technical standard, prepared by ARPANSA (Australian Radiation Protection and Nuclear Safety Agency), called Radiocommunications (Electromagnetic Radiation - Human Exposure) Standard (2003). This sets the mandatory standard with which Telstra's radio equipment must comply. The ACMA standard is consistent with the standard recommended by the World Health Organization (WHO).

It is Telstra's obligation to comply with the mandated standard (RPS3) for EMF set by ARPANSA, which is based on the safety guidelines recommended by the WHO. The safety standard works by limiting the network signal to a level which will protect all people, in all environments, 24 hours a day. To demonstrate compliance with the safety standard, an Environmental EME Report is available via the RFNSA website [www.rfnsa.com.au](http://www.rfnsa.com.au) (search site number 2849001).

The EME Report predicts the maximum signal strength from the proposed facility at 1.5m above ground level is well within the allowable limit. This is typical of Telstra's responsible approach to network performance and environmental compliance.

Telstra undertakes further measures when designing the facility, to minimise the EME exposure to the general public, by installing the facility in accordance with the Australian Mobile Telecommunications Association (AMTA) Radio frequency (RF) Safety Compliance Program – Base Station Design Guidelines Engineering for Access Control to minimise EME.

Other preventative measures also include:

- Power Control network feature that automatically adjusts the power of the network transmission based on consumer demand.
- Varying the facility's transmit power to the minimal required level in order to save electricity and lower RF emissions from the facility.

Further information about EMF can be obtained from:

- Commonwealth Department of Health (ARPANSA): [www.arpansa.gov.au](http://www.arpansa.gov.au)
- Australian Communications and Media Authority (ACMA): [www.acma.gov.au](http://www.acma.gov.au)
- World Health Organisation (WHO): [www.who.int/en/](http://www.who.int/en/)

### 5.2 Heritage Landscape Character

There is no heritage item on the land nor is the subject Lot located within a heritage conservation overlay.

### **5.3 Bush Fire Impacts**

None. The site is already existing.

### **5.4 Access**

Existing access track is readily available, which is located off Bylong Road. The existing access to the site will be maintained for general works to maintain the facility once the new site is operational.

### **5.5 Erosion and Sediment Control**

Erosion and sediment control measures will be installed in accordance with the requirements of Council.

### **5.6 Flood Hazard**

No flood hazard impacts affect the land in accordance with Flood Hazard Map under the *Mid-Western Regional LEP 2012*.

### **5.7 Flora and Fauna**

The proposal does not involve any removal of vegetation.

### **5.8 Social and Economic Impact**

The proposed development is essential to enable carriers to remain competitive and increase its services to consumers, including those existing customers such as the Australian Rail Track Corporation Limited and Transport for NSW who rely on already existing in-building coverage in the Bylong Tunnel. 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)).

### **5.9 Site Suitability**

This Statement of Environmental Effects has demonstrated that a telecommunications facility can be established in respect to its minor impacts to the site being located within a rural area, and that the proposed facility already existing (20m tower). Plus is located on land that already hosts existing telecommunications facilities such as the in-building coverage and antenna equipment located on the land.

## 6.0 Conclusion

This Statement of Environmental Effects demonstrates that the proposed development is an appropriate and suitable development when tested against the relevant heads of considerations under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

This Statement of Environmental Effects has identified all key issues associated with the proposal and demonstrated that it can be developed appropriately and will make an ancillary contribution to the established telecommunications facilities that are already located on the land.

This Statement of Environmental Effects has demonstrated that the proposal will satisfy the statutory based planning considerations and poses minor impacts to the environment. Given the findings of this Statement of Environmental Effects it is considered that there is no matter which should preclude the planning permit of the proposed development.