



Attachment 3 to Item 2.1.1.

Statement of Environmental Effects

Date of meeting: 17 April 2025
Location: By Audio-Visual Link
Time: 10am

Statement of Environmental Effects

Proposed 40m Amplitel Steele Monopole with Telecommunications Facility as part of the Telstra National Mobile Phone Blackspot Project.



Site name: NSW100009 Berambing

Address: 81 Berambing Crescent, Berambing NSW 2758 (LOT 4/-/DP 38137).

This Statement of Environmental Effects has been prepared by Site Logic for and on behalf of Decon and Amplitel Pty Limited.

18 November 2024

Document Control

Document description	This Statement of Environmental Effects has been prepared by Site Logic in care of Decon for and on behalf of Amplitel Pty Limited. The proposed development will support Telstra's mobile phone network.		
Site No.	NSW100009	Site name	Berambing

	Name	Date
Prepared by	Redentor Tandog. Site Logic c- Decon.	02.04.2024
Review-1	Redentor Tandog. Site Logic c- Decon.	15.04.2024
Review-2	Redentor Tandog. Site Logic c- Decon	19.06.2024
Review Final	Redentor Tandog, Site Logic c-Decon	18.11.2024

Summary of Proposal	
Address of Site:	81 Berambing Crescent, Berambing NSW 2758. Coord. -33.530125, 150.444012.
LOT/ DP:	LOT 4/-/DP 38137.
Tower Owner/Applicant:	Amplitel Pty Ltd/ Amplitel Pty Ltd.
Landowner:	Anne and Mark McDonnell.
Consent Authority:	Hawkesbury City Council.
Zoning:	RU2 Rural Landscape pursuant to the Hawkesbury Local Environmental Plan 2012.
Proposal:	Proposed 40m monopole with telecommunications facilities (Blackspot program). See Section 2.2 of this Statement of Environmental Effects for details of the proposal.

Prepared for:	Prepared by:
Decon Technologies Pty Ltd ABN 20 113 386 959 C/- Amplitel Pty Ltd ABN 15 648 133 073 and Telstra Corporation ABN 33 051 775 556.	Site Logic Contact: Redentor Tandog HWT Tower, Level 6, 40 City Road, Southbank VIC 3006 M: +61 408 808 758 Email: red@sitelogic.net.au

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1.0 Introduction

Site Logic acts for and on behalf of Decon Technologies ("Decon") and submits this application in care of Amplitel Pty Ltd. The tower owner will be Amplitel in which Telstra will collocate its equipment on the proposed new structure. The purpose of the proposal supports Telstra's deployment of the 4G network to regional and metropolitan Australia.

Telstra has identified the need to introduce digital mobile telephone coverage and performance to the 4G mobile phone network in the Berambing area. The proposed telecommunications facility is an integral element of the digital mobile telephone network that Telstra is establishing in Australia. This site has been identified as a blackspot area, which has been flagged by local residents of the Local Government Area of Hawkesbury. As such Telstra stress that the purpose of the proposal is in support of the **Federal Government's Mobile Black Spot Programme** and will not only support local businesses and residents but will also function as an emergency tower for mobile phone users. For details of the Telstra's Mobile Black Spot Programme in allegiance with the Federal Government see **Attachment 4**.

Telstra radio frequency engineers, town planning, engineering and property consultants have undertaken intensive investigations within the area. Following these investigations, Telstra identified a suitable opportunity to propose a telecommunications facility at 81 Berambing Crescent, Berambing NSW 2758 (LOT 4/-/DP 38137). See Section 2.2 of this Statement of Environmental Effects for details of the proposal.

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*. Further, the proposed installation cannot be defined as Complying and or Exempt Development under the *Transport and Infrastructure State Environmental Planning Policy 2021*. Therefore, the proposal is subject to the provisions of the *Environmental Planning and Assessment Act 1979* and accordingly to the provisions of the *Hawkesbury Local Environmental Plan 2012*.

This Statement of Environmental Effects is supported by the following documents and reports as listed below.

- **Attachment 1** - NSW100009_Berambing_BTS23826_FC_V1_15112024 by Decon
- **Attachment 2** - Berambing_81 Berambing Cres_NSW Title - 4 38137
- **Attachment 3** - AHIMS Search for Lot 4 DP 38137
- **Attachment 4** - Purpose of the Proposal (Mobile Blackspot Programme)

- **Attachment 5** - Environmental EME Report at LOT 4/-/DP38137
- **Attachment 6** – Landowners consent of Lot 4 DP 38137 to lodge DA
- **Attachment 7**- AIA - Berambing Crest Berambing by Aboricultural Consultancy
- **Attachment 8** - 250067 81 Berambing Crescent, Berambing - Bushfire Assessment Statement v2 by BCBHS.
- **Attachment 9** - FFA_81BerambingCrestBerambingNSW_Final_v1.0 For Publication by Narla Environmental

2.0 Background to The Application

2.1 Telstra's Coverage Objectives

Telstra regularly undertakes detailed assessments of the performance and coverage of its digital mobile telephone network to ensure the system is reliable and achieving the required objectives. Reference to customer demand also provides an indication of areas of poor performance or where coverage does not exist.

During these assessments, Telstra identified that new mobile telephone coverage is required to provide 4G mobile coverage and traffic capacity in the Berambing area. Although the area may have intermittent Telstra mobile telephone coverage, the level of service is poor, and Telstra's customers experience call 'drop-outs' and slower mobile broadband experiences. This is due to the capacity problems with the surrounding base stations and the lack of Telstra wireless services in the Berambing area. The number of calls a mobile telephone base station can transmit and receive at any one time is limited. Therefore, when customer demand exceeds a base stations capacity, an enhancement of the network is required.

Further, the proposal also seeks to introduce 4G mobile phone network to the local area. The new network will be operated in the 700 MHz and 2600 MHz frequency bandwidth and is a high-speed broadband service that allows for greater range of mobile phone services such as transmission for live video footage and faster data speeds for uploading and or downloading information between the internet and smart phones.

The proposed installation of Telstra's telecommunications facility at 81 Berambing Crescent, Berambing NSW 2758 is an integral element of the digital mobile telephone network that Telstra is establishing in Australia.

For details of the Telstra's Mobile Black Spot Programme in allegiance with the Federal Government see **Attachment 4**.

2.2 Details of The Proposal

The proposal has been designed by Decon and Site Logic for and on behalf of Amplitel and Telstra and will include the following elements.

Proposal

- Construction of new 40m high concrete monopole. Plus, a triangular headframe atop the tower.
- Installation of six argus panel antennas, each 2.53m in length, at a height of 41.3m (or 42.7m at the Top of Antenna (TOA)).
- Ancillary installations include three radio unit boxes, three junction boxes, six TMA units, feeder cables, an Amplitel equipment shelter, cable ladders, GPS antenna atop the shelter, which will have a lease area of 119sqm defined by the proposed compound area.
- Planned compound area will be 47m² (Approx.).

Notes –

- i). The proposed site will be located towards the north western end of the Lot (Off of Berambing Crest).
- ii). Compound lease area will not require concreting and or paving.

Main structural works

- Planned monopole with require a 4m to 5m excavation, which will form part of the
- Equipment shelters planned pier foundation (See pdf no. 5 of **Attachment 1**).

Vegetation Plan

- One tree planned for removal to facilitate the proposed development.

See **Attachment 1** for details.

The subject site location at 81 Berambing Crescent, Berambing NSW 2758, and will be accessed via a reserve road off Berambing Crescent located north west of the LOT. Vehicular car parking is available off the road reserve.

In terms of servicing, a telecommunications facility will only require electricity and is readily available on site and will be supplied by the Essential Energy power pole #411008 (Point of supply). However, in case of an outage the facility will be backed by a battery reserve pack. See pdf page 3 of **Attachment 1**.

2.3 Subject Site

The site is registered as LOT 4 DP 38137 and is located at 81 Berambing Crescent, Berambing NSW 2758 (The "subject site"). The proposed tower location will be installed towards the north west corner of the Lot and a very minor portion of this corner is reserved for the planned lease area (Also known as the fenced compound area). The subject site has an irregular shaped lot and has a total land area of 6.63ha (Approx.). The proposed site installation will be located towards the north western end of the Lot (Or site coordinates located at -33.53023, 150.44421). The proposed site installation will be accessed via a reserve road off Berambing Crest, which is located towards the north west corner of the LOT. Vehicular car parking is available off the road reserve.

See **Figure 1**, which illustrates context of the total land area of the subject site.

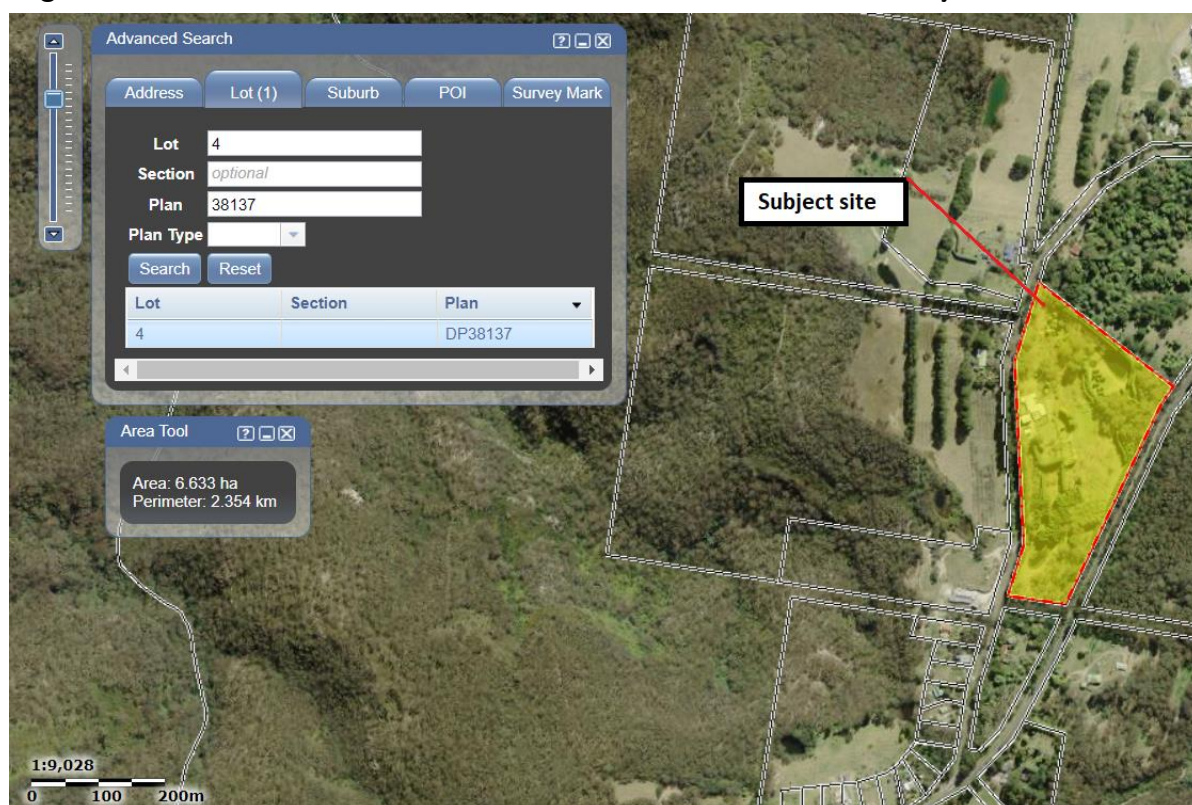


Figure 1: Subject site location has a total land area of 6.63ha (Approx.). Source: <https://maps.six.nsw.gov.au/>.

Figure 1A illustrates the description of the proposed site nearby Berambing Crest.

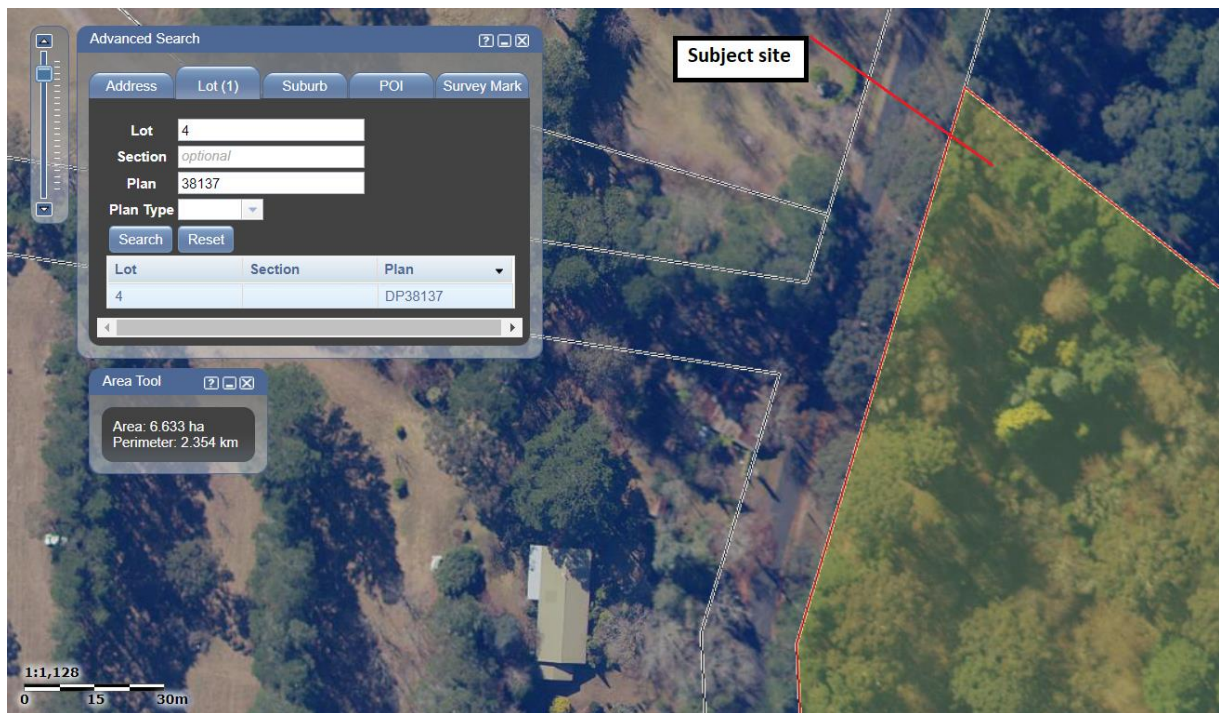


Figure 1A: Subject site location at (Lot 4) and is accessible off the road verge, Berambing Crest to the subject site at 81 Berambing Crescent, Berambing NSW 2758. Source: <https://maps.six.nsw.gov.au/>.

For geographic context, the subject site is located 81.21km north west to Sydney International Airport at off the corner of Joyce Drive and Sir Reginald Ansett Dr, Mascot NSW 2020. See **Figure 2** below.

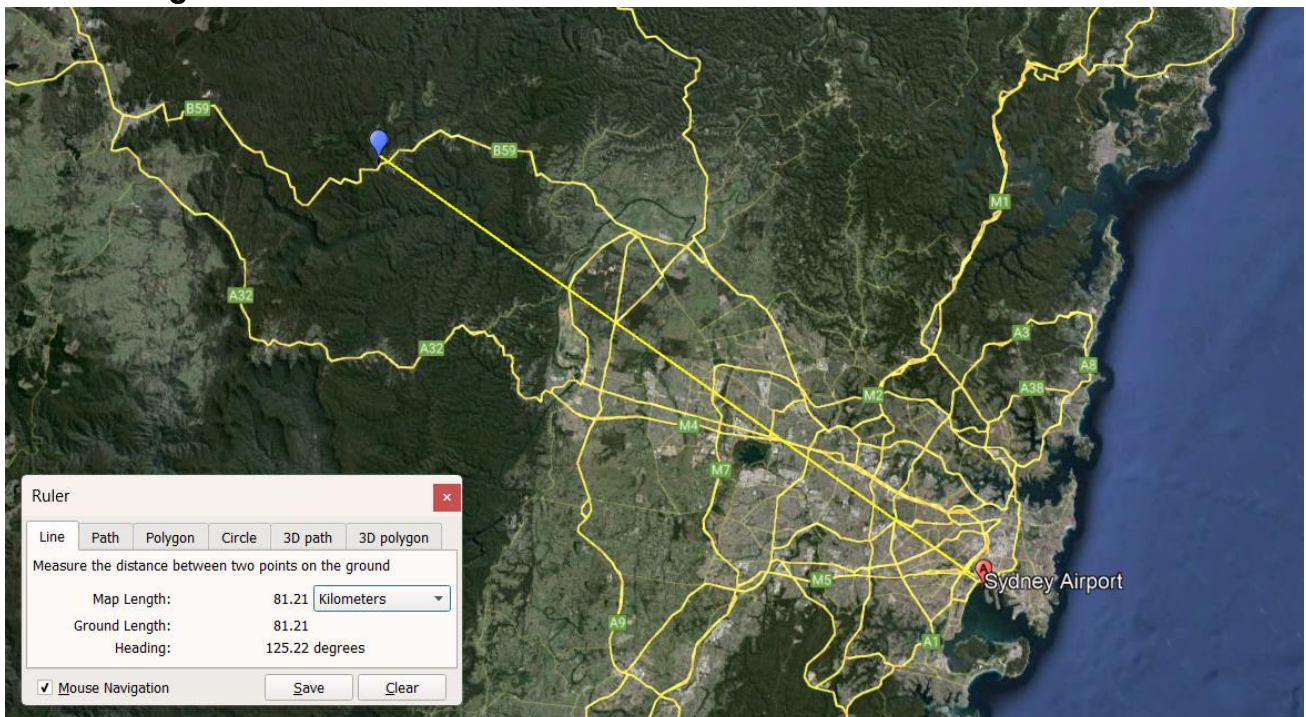


Figure 2: Subject site is located 81.21km north west to Sydney International Airport NSW. Source: Google Earth.

Surrounding the subject site is 31 Berambing Crest, Berambing NSW, which is located north west to the subject site and is separate by a road, Berambing Crest. 31 Berambing Crest has

a total land area of 6.9ha (Approx.) and is on an irregular shaped Lot. The property at 31 Berambing Crest features cleared grass lands and shows that there is a dwelling house, an outbuilding car park and rear outbuilding. The dwelling at 31 Berambing Crest will be 72m north west to the planned tower location.

Adjacent north to the subject site is 27 Berambing Crest, Berambing NSW, and has a total land area of 8.138ha (Approx.), which has an irregular shaped Lot. The northern boundary line aspect of the Lot features a crescent curve, which supplements Berambing Crest Road. It is understood that the Lot features dense vegetation as well. 74m north to the proposed tower location is an existing dwelling which is accessed of a dirt road off Berambing Crest. It does not appear that the dwelling is free from any bushfire safety setbacks due to the immediate trees located to the dwelling.

South west to the subject site is 21-27 Berambing Crest, Berambing NSW, and has an irregular shaped Lot that has a total site area of 21.41ha. On the land features cleared grass lands towards the eastern end of the Lot with the remainder featuring dense vegetation. On the land features a dwelling house and shed. Noted on the property appears to be a tree and orchards farm located west off of Berambing Crest. Rear to the property is an outbuilding (Workers shed) and water reservoir. The dwelling house mentioned will be located 112m south west to the planned tower and associated carrier equipment.

With reference to the above, it can be acknowledged that the proposed site is located within a rural landscape and farming area based on its large parcels of land, large areas of cleared grassed lands, and rural farm lands nearby. **Figure 3** illustrates the surrounding properties described. See **Figure 3**.

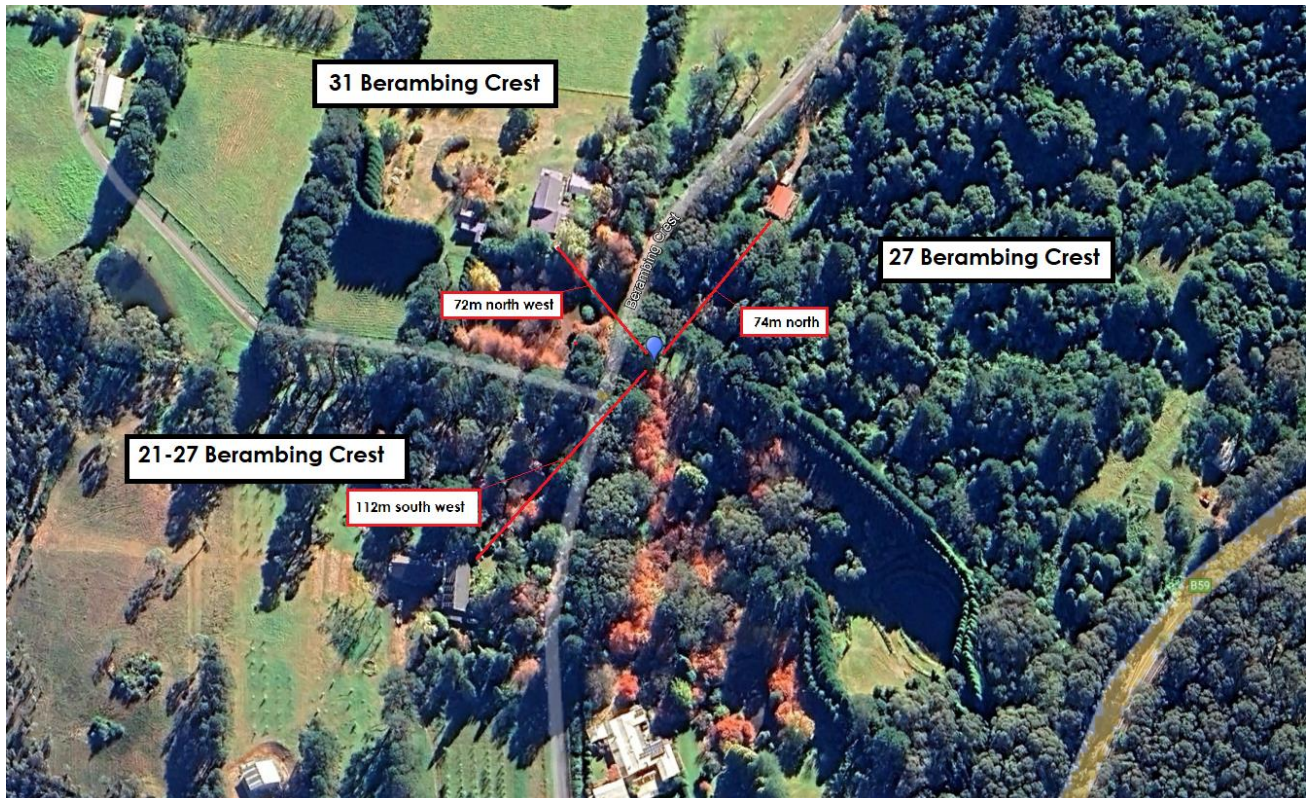


Figure 3 The subject site and surrounding area. Noted closest dwellings to the planned Tower location.
Source: Google Earth.

2.4 Approvals Sought

Our client seeks development consent from Hawkesbury City Council for the proposal as detailed in Section 2.2 of this Statement and as illustrated in **Attachment 1**. The owner's consent to lodge this Development Application is provided in **Attachment 2** and **Attachment 6** of this Statement.

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).

We note that the proposed works seeks to install a 40m steele monopole and associated telecommunications facilities. However, it is understood that the proposed works does not fit into the build criteria specified in the *Telecommunications (Low Impact Facilities) Determination 2018 (As amended)*. Consequently, the proposed works cannot progress as low impact.

It is understood that a telecommunications facility under RU2 land use zone is technically prohibited development under Council's planning instrument. Consequently, the proposal cannot be progressed as Exempt and or Complying Development under the *Transport and Infrastructure State Environmental Planning Policy (SEPP) 2021*, which consequently does not comply with this Policy. Amplitel and Telstra is therefore not empowered to undertake the proposed works pursuant to the *Telecommunications Act 1997* and or under the *Transport and Infrastructure SEPP 2021* and 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*.

3.3 Communications Alliance Ltd Industry Code

The Communications Alliance Ltd Industry Code (C564:2020) 'Mobile Phone Base Station Deployment' for the Deployment of Radio Communications Infrastructure supplements the regulatory regime by extending the obligations of Carriers. It provides for greater transparency and accountability of Carriers' activities, standardizes the type of information made available by Carriers and clarifies the consultation methods.

The objectives of the Code are:

- (a) To apply a Precautionary Approach to the deployment of Mobile Phone Radio communications infrastructure;
- (b) To provide best practice processes for demonstrating compliance with relevant exposure limits and the protection of the public;
- (c) To ensure that the exposure of the community to EMR is minimized;
- (d) To ensure relevant stakeholder are informed, consulted and engaged with before Mobile Phone Radio Communications Infrastructure is constructed;
- (e) To specify standards for consultation, information availability and presentation;
- (f) To consider the impact on the wellbeing of the community, physical or otherwise, of Mobile Phone Radio Communications Infrastructure; and
- (g) To ensure Council and community views are incorporated into the Mobile Phone Radio Communications Infrastructure site selection.

Section 4.1 of the Code requires that a Carrier must have written procedures for site selection for radio communications infrastructure and to adopt a precautionary approach to the design and siting of facilities. In particular, the Code requires the following matters be considered when designing and siting radio communications infrastructure:

- (a) Reasonable service objectives of the Carrier including:
 - (i) the area the planned service must cover;
 - (ii) power levels needed to provide quality of service;
 - (iii) the amount of usage the planned service must handle.
- (b) Minimisations of EMR exposure to the public;
- (c) The likelihood of an area being a community sensitive location. (Examples of sites which sometimes have been considered to be sensitive include residential areas, childcare centres, schools, aged care centres, hospitals and regional icons);
- (d) The objective of avoiding community sensitive locations.
- (e) Relevant state and local government telecommunications policies;
- (f) The outcomes of consultation processes with Councils and Interested and Affected Parties as set out in Section 6.7;
- (g) The heritage significance (built, cultural and natural);
- (h) The physical characteristics of the locality including elevation and terrain;
- (i) The availability of land and public utilities;
- (j) The availability of transmission to connect the Mobile Phone Radio communication Infrastructure with the rest of the network, e.g. line of sight for microwave transmission;
- (k) The radiofrequency interference the planned service may cause to other services;
- (l) The radiofrequency interference the planned service may cause to other services;
- (m) Any obligations, an opportunities, to co-locate facilities; and
- (n) Cost factors.

These objectives are considered during the site selection process by Telstra and its contractor. We note that a collocation opportunity was not possible due to the lack of collocation opportunities in the area. While a new stand-alone tower is not a preferred solution under the Code of Practice the proposed site location offers an appropriate location, which is cited within a predominantly rural landscape area. This means that the visual impacts will be minimized due to the location selected on cleared grass land. While the proposed facility will be visible from certain vehicular vantagepoints that being from the road, Berambing Crest. However, due to the proposed design proposed at 40m monopole will be a neutral grey colour that it will help lessen its visual impact when viewed off its road vantage points. See Section 5.2 of this SEE for details.

3.4 Site Selection

This section details the summary of Telstra's candidate selection in regard to the measured search area. As can be seen in **Figure 4** the “search area” is marked by a red outline. In respect to the search area a candidate needs to be identified to satisfy Telstra's network service coverage objectives. The areas that will be serviced are areas within and nearby outside the red outline overlay.

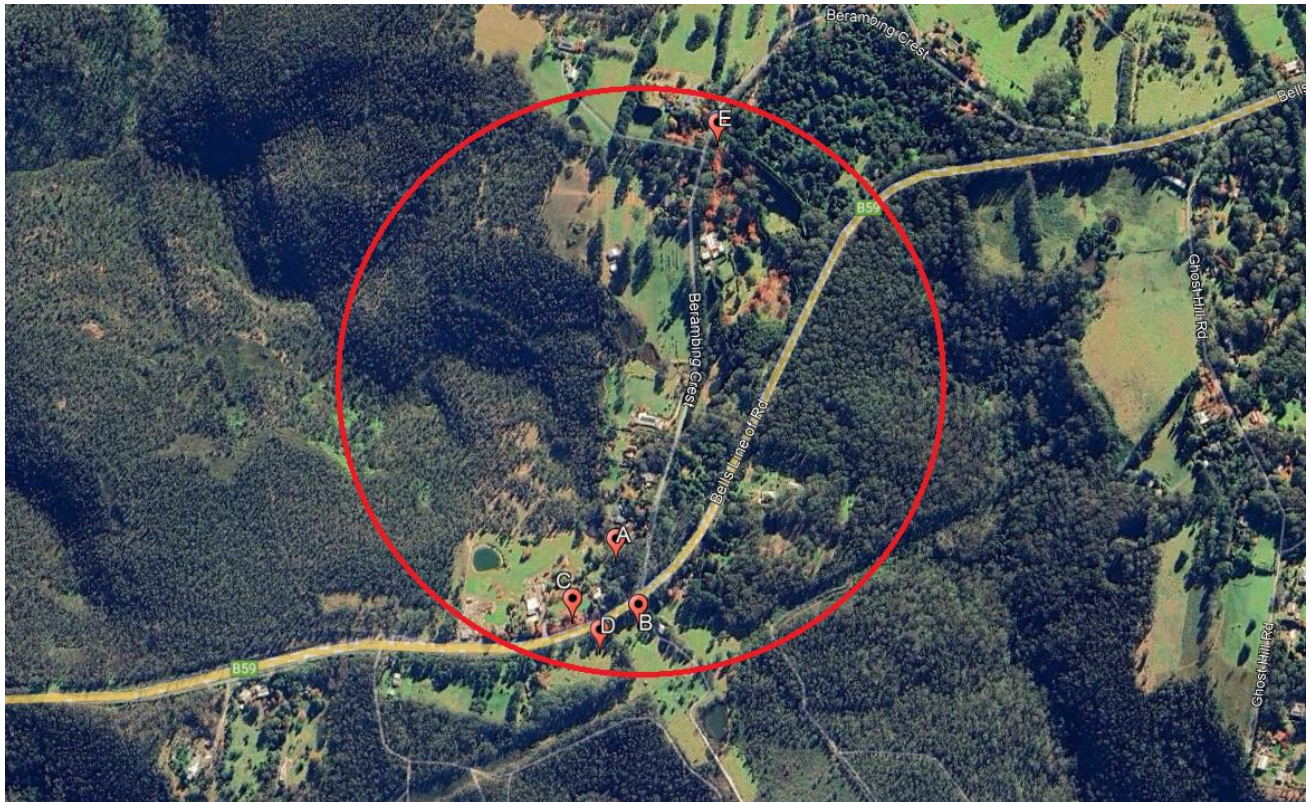


Figure 4: Polygon search area of Berambing.

With reference to **Figure 4** above, the letters that are illustrated are to be used as reference to the details noted in **Table 1** of this summary.

Table 1, Summary of candidate surveyed for Barrier Highway.

Candidate	Address	Proposal	Summary comments
A	2 Bells Line Road, Berambing NSW 2758. Lot 9 DP24093. -33.536262, 150.442358 791m Elevation	60m lattice tower, with cabin and compound.	Candidate A is located within a Natural Resources Biodiversity Map and will not be ideal in contrast to the alternative sites examined. Further, this site will require significant tree clearing given its location is located 40m west to Berambing Crest. This means, clearing will be required for 40m access plus a 10m or 20m bushfire APZ buffer due to its distance to the entrance. As such, this candidate was not selected for

			considered worthy.
B	<p>2 Bells Line Road, Berambing NSW 2758.</p> <p>Lot 9 DP24093.</p> <p>-33.536262, 150.442358</p> <p>791m Elevation</p>	60m lattice tower, with cabin and compound.	Due to the height requirement at this location we did not arrive to an alignment with the landowner nor is there any interest to engage with Telstra. As such, candidate B was not considered worthy for consideration.
C	<p>6-18 Bells Line of Road, Berambing NSW 2758.</p> <p>Lots 1-7 DP 24093.</p> <p>-33.536975, 150.441637</p> <p>795m Elevation</p>	60m lattice tower, with cabin and compound.	While candidate C offers slightly higher ground elevation than candidate B, the proposed site offered by the landowner exposes engineering constraints due to the slope constraint at this location. In context to the uneven ground a 60m lattice tower will not be feasible. As such, this site was not considered to progress.
D	<p>3439 Bells Line of Road, Berambing NSW 2758</p> <p>Lot 1 DP 122251.</p> <p>-33.537411, 150.442109</p> <p>795m Elevation</p>	60m lattice tower, with cabin and compound.	Access would need to be via the Classified Road, Bells Line of Road, which is anticipated to be a very lengthy acquisition process and is known not to be a reasonable turnaround time. As such, this site was not considered to progress.
E	<p>Berambing; 81 Berambing Crescent, Berambing NSW 2758.</p> <p>LOT 4/-/DP 38137.</p> <p>-33.530125, 150.444012</p> <p>794m Elevation</p>	40m monopole, with cabin and compound.	A property that will be accessed immediately off the road reserve, Berambing Crest and will require only one tree to be removed to facilitate the proposed compound area, which will have a minor effect to nearby tree species. There is also readily available power access via a utility pole at pole no. 411008. Further, the landowner has engaged a keen interest to support the proposal and was considered as the preferred site when contrasted to the other candidates studied during Telstra's site scoping process.

With reference to **Table 1**, the search area is heavily rural and it is concluded that by proposing a new telecommunications facility at Candidate E of (Lot 4 DP38137), offers a suitable location for a new tower facility that will preclude the requirements of significant tree clearing and that the land offers readily available power access, which minimizes the need for further tree clearing. In this instance, Telstra were able to design a facility that would only require a 40m structure. Therefore, Candidate E was selected.

Note. The following sections are the most applicable part of this Statement, which forms the basis of Council's assessment.

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 SEPPs are relevant to the proposal:

- Transport and Infrastructure SEPP 2021, and
- SEPP (Vegetation in Non-Rural Areas) 2017.

4.1.1 Transport and Infrastructure SEPP 2021

As defined under the Exempt and Complying Development Definitions the tower site itself 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 precludes the requirements of a Development Application (DA) on the condition that the proposal for a telecommunications facility under RU2 land use zone is permitted. However, under RU2 zoned land, a telecommunications facility is technically prohibited development under Council's planning instrument. Consequently, the proposal cannot be progressed as Exempt and or Complying Development under the *Transport and Infrastructure State Environmental Planning Policy (SEPP) 2021*, which consequently does not comply with this *Policy*. Specifically, Complying Development pursuant to clause 2.22(2)(g) of the *Transport and Infrastructure SEPP 2021* will require development because the proposed use, telecommunications facility, is prohibited under RU2 zone. As such, the proposed works will require a Development Application (DA). But is 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 *Hawkesbury Local Environmental Plan 2012* and can be carried out by any person with consent on any land. Therefore, a telecommunications facility and development associated with the proposal can be assessed subject to the consent of Hawkesbury City 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 in accordance with the *Transport and Infrastructure of the State of Environmental Planning policy 2021 (the Policy)*. Further, the subject site is a defined use under *Hawkesbury Local Environmental Plan 2012* 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 Hawkesbury Local Environmental Plan (LEP) 2012

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

4.2.1 Land Use Definition

In respect to the *Hawkesbury LEP 2012* the proposed use of the site is as follows:

- ✓ A telecommunications facility.

Under the *Hawkesbury 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 *Hawkesbury Local Environmental Plan (LEP) 2012*. As stated in Section 4.1.1 of this Statement, a telecommunications facility can be constructed on any land. As such, a telecommunications facility can be assessed subject to the consent of Hawkesbury City Council.

4.2.2 Zoning and Permissibility

The subject site is zoned RU2 Rural Landscape zone under the provisions of the *Hawkesbury Local Environmental Plan 2012*. See **Figure 5** below.

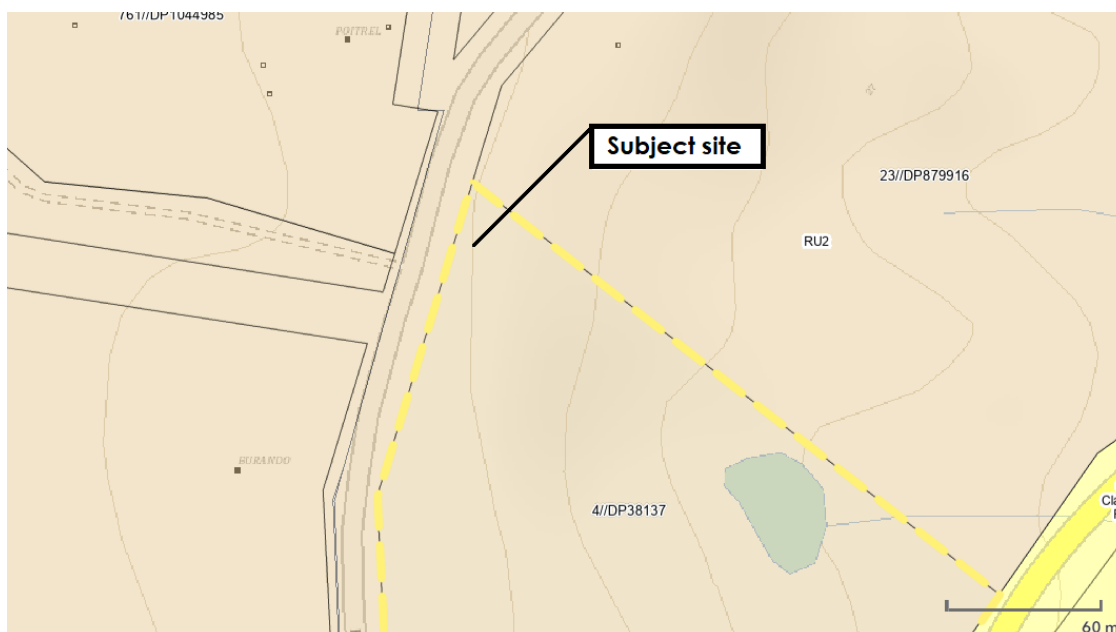


Figure 5: Subject site location zoned RU2 Rural Landscape pursuant to the *Hawkesbury LEP 2012*. See location of subject site (Image).

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 *Hawkesbury Local Environmental Plan (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 is not a permitted development under RU2 Rural Landscape zone pursuant to the *Hawkesbury LEP 2012*. However, a telecommunications facility is a defined use under the *Hawkesbury Local Environmental Plan 2012* and can be carried out by any person with consent on any land pursuant to clause 2.143(1) of the *Policy*. This means, that a telecommunications facility can be accepted for formal town planning assessment by Council in accordance with the *Hawkesbury Local Environmental Plan 2012* and as well as the *Transport and Infrastructure SEPP (2021)*.

4.2.3 Zoning Objectives

The objectives of zone RU2 Rural Landscape Zone are as follows:

- a) To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- b) To maintain the rural landscape character of the land.
- c) To provide for a range of compatible land uses, including extensive agriculture.
- d) To minimise the fragmentation and alienation of resource lands.
- e) To minimise conflict between land uses in the zone and land uses in adjoining zones.
- f) To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- g) To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- h) To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.
- i) To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

Comments

Zone objective (a) is in place to encourage sustainable primary industry production by maintaining and enhancing natural resource base. In reply to this zone objective, we note that it is not particularly relevant to a proposed telecommunications facility. As such, zone objective (a) is not relevant in this instance.

Zone objective (b) is in place to ensure that any development that occurs on the land will maintain the rural landscape character of the area. Accordingly, the proposed works will involve a new 40m pole and associated telecommunications facilities. It is understood that the proposed development will be immediately accessible from the council reserve (Road) and will incorporate grey neutral colours. When viewed from the road reserve the grey neutral colours will fade into the background and will have a negligible effect to its rural

landscape. As such, it is considered that zone objective (b) will be satisfied. See section 2.2 of this statement for details.

Zone objective (c) is in place to provide for a range of compatible land uses, including extensive agriculture. In reply to this zone objective, we note that it is not particularly relevant to a proposed telecommunications facility. As such, zone objective (a) is not relevant in this instance.

Zone objective (d) is in place to minimise the fragmentation and alienation of resource lands. Note that the proposed site is not located on any registered resource land. This means, there will not be any works carried out on any resource land. As such, objective (d) will be satisfied.

Zone objective (e) is in place to minimise conflicts between land uses in the zone and land uses in adjoining zones. It is understood that the subject site is located within RU2 rural zone and the planned access will be separate to the primary use on the land. That being that the proposed facility will be accessed immediately off the road verge, Berambing Crest. By separating the access for the proposed tower to the primary use on the land will uphold zone objective (e). As such, objective (e) will be satisfied.

Zone objective (f) is in place to ensure that development occurs in a way that does not have a significant adverse effect on water catchments. Noted that the subject site does not require a waste water management plan and or catchment plan. Specifically, the proposed works is limited to structural and radio technologies installations. This means, the proposed works will not have any effects to nearby waterways. As such, objective (f) will be satisfied.

Zone objective (g) is in place to ensure new development enhances existing landscape values including a distinctive agricultural component. Plus, zone objective (h) is in place to preserve the river valley systems. It is understood that the proposed works is for a new telecommunications facility and zone objective (g) and (h) is not particularly relevant in this instance.

Zone objective (i) is in place to ensure that development does not detract from the existing rural character. In reply to zone objective (i) note that the proposed works will not require an 10m APZ buffer from the proposed fenced compound area. Given the proposed towers grey neutral colours and proposed tower height at 40m, it is considered that the proposed site will have a negligible effect within context of the surrounding area. As such, zone objective (j) will be satisfied.

Reference to the above, it can be accepted that zone objective (a), (c), (f), (g) and (h) are not particularly relevant. But zone objective (b), (d), (e), and (i) will be satisfied. This means, the proposed works will satisfy the zone objective that are relevant to the proposal.

4.2.4 Acid Sulphate Soils

There is not any acid sulphate soils on the land pursuant to the acid sulphate soils map no. 004 of the *Hawkesbury Local Environmental Plan 2012*. As such, the proposed development is not impacted by any acid sulphate soils controls pursuant to Council's Planning Instrument.

4.2.5 Heritage Impacts

There is not any heritage item nor any heritage conservation overlay on the land pursuant to the heritage map no. 004 of the *Hawkesbury Local Environmental Plan 2012*. As such, the proposed development is not impacted by any heritage controls pursuant to Council's Planning Instrument. See also **Attachment 3** for details of Aboriginal Heritage.

4.2.6 Height of Building Limitations

Pursuant to the height of buildings map no. 004, the subject site falls under category 'k' of the height of building maps. This means, any building erected on the land is restricted to 10m in height above ground level. But is subject to development consent. However, this control does not apply to the application given that the proposal is for a new telecommunications facility and involves the erection of a tower and not a building as defined under the *Environmental Planning and Assessment Act 1979 (As amended)*.

4.2.7 Land Reserved for Acquisition

There is not any land reservation acquisition controls that apply to the subject site at 81 Berambing Crescent, Berambing NSW 2758, made under the Land Reservation Acquisition (LRA) map (no. 004) of the *Hawkesbury Local Environmental Plan (2012)*. As such, the proposed development is not impacted by any LRA controls pursuant to the *Hawkesbury Local Environmental Plan 2012*.

4.2.8 Wetlands

There is not any wetlands on the land pursuant to the wetlands map no. 004 of the *Hawkesbury Local Environmental Plan 2012*. As such, the proposed development is not impacted by any wetlands controls pursuant to Council's Planning Instrument.

4.2.9 Terrestrial Biodiversity

Pursuant to the Terrestrial Biodiversity Map no. 004 of Council's Planning Instrument registers the land containing significant vegetation. Consequently, clause 6.4 of the *Hawkesbury Local Environmental Plan 2012* applies. Clause 6.4(4) states that development consent must not be granted to development on land unless:

“(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.”

Comments

Refence to the above, a Flora and Fauna Impact Assessment was prepared by Narla Environmental released in care of Site Logic in October 2024. In summary, the following assessment determined:

- The Subject Site contains 0.2ha of Exotic Dominated Vegetation and Lawn; therefore, vegetation clearing will be restricted to the removal of exotic dominated vegetation and lawn, with minor impact to native groundcover species.
- It was determined that the proposed activity will not have a significant impact on any potentially occurring threatened entities.
- It is not anticipated that any threatened flora or fauna will be impacted by the proposed development.
- Due to the lack of canopy species within the Subject Site, it does not constitute core koala habitat and further assessment under the Biodiversity and Conservation SEPP (i.e., Koala Assessment Report) will not be required.

Reference to the above, it is determined that the flora and fauna will not be adversely affected and will have a negligible effect to the tree species communities.

See **Attachment 9** for details.

Further to the above, we advise that one tree is required for removal to facilitate the development. As such, a qualified Arborist was engaged to prepare an Arboricultural Impact Assessment (AIA). Site Logic engaged Arboricultural Consultancy to prepare the AIA in response to the proposed telecommunications facility installation. Below summarises their findings:

- One (1) tree is adversely impacted and not retainable under the current proposal.
- Eight (8) Individual trees and all neighbouring and street trees are retainable under the current proposal.

- Modifications to the current design and Tree Protection Conditions have been prepared in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites.
- Subject only to the design amendments being undertaken and the implementation of tree protection conditions as prescribed, the author is satisfied that all retained trees will remain sustainable.
- Due to the density of the vegetation on and surrounding the site, replacement planting to compensate for the tree removal is not recommended.

See **Attachment 7** for details.

Given the findings above, it can be accepted that the proposed works will be of minor significance in context of the vegetation immediately adjacent to the planning monopole installation. See proposal details in section 2.2 of this Statement.

5.0 Likely Impacts on the Environment

5.1 Public Safety

There has been debate within the general community regarding the possible health risks of Electromagnetic Energy (EME). The health and safety of the public, customers and employees is of paramount importance to Telstra. Having reviewed relevant research on EME to date, Telstra believes that mobile base stations do not pose a risk to human health.

Radio telecommunications technology has been in use for over 100 years. Radio frequencies and electromagnetic energy has been the subject of many scientific studies. The overwhelming majority indicate there are no negative health effects, while a small number indicate that more research is needed. No scientific study has found conclusive evidence of negative health effects. Telstra encourages people to obtain more information about EME if they are at all concerned.

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 base station must comply. The ACMA standard is consistent with the standard recommended by the World Health Organisation (WHO).

Listed below are estimates of the maximum levels of EME, which could be experienced from the Telstra antenna, at the distances specified in the ARPANSA methodology. Note that these strengths have been calculated with the assumption that there are no buildings, trees, wind or structures surrounding the facility. Therefore, these levels are higher than what the actual levels would be. The levels mentioned below are estimated at 1.5m above ground level. See **Table 2** below:

The maximum EME level calculated for the proposed changes at this site is	
0.34%	
out of 100% of the public exposure limit, 252 m from the location.	
EME levels with the proposed changes	
Distance from the site	Percentage of the public exposure limit
0-50 m	0.18%
50-100 m	0.08%
100-200 m	0.25%
200-300 m	0.34%
300-400 m	0.31%
400-500 m	0.19%

Table 2: Predicted EME Levels around the proposed telecommunications facility at 81 Berambing Crescent, Berambing NSW 2758. (Source: **Attachment 5**).

As shown above, the maximum safety to EME exposure is 100%, however, the predicted maximum EME levels will be less than **0.34%** of the maximum level specified under the relevant mandatory **Australian safety standard** for such facilities set by the ARPANSA and regulated by ACMA and are well below the ACMA mandatory standard. Due to the non-ionizing energy exposure Council can be assured that the facility would always operate well within this standard. See **Attachment 5** for more details.

5.2 Visual Impact

Given that the proposed pole height will be 40m above natural ground level, surrounded by mature vegetation; it is anticipated that the visual impacts will have a negligible effect to the surrounding area. See view that is 48.53m south facing north towards the proposed site on Berambing Crest. See **Figure 6** (Note- Image to be used as a guide only).

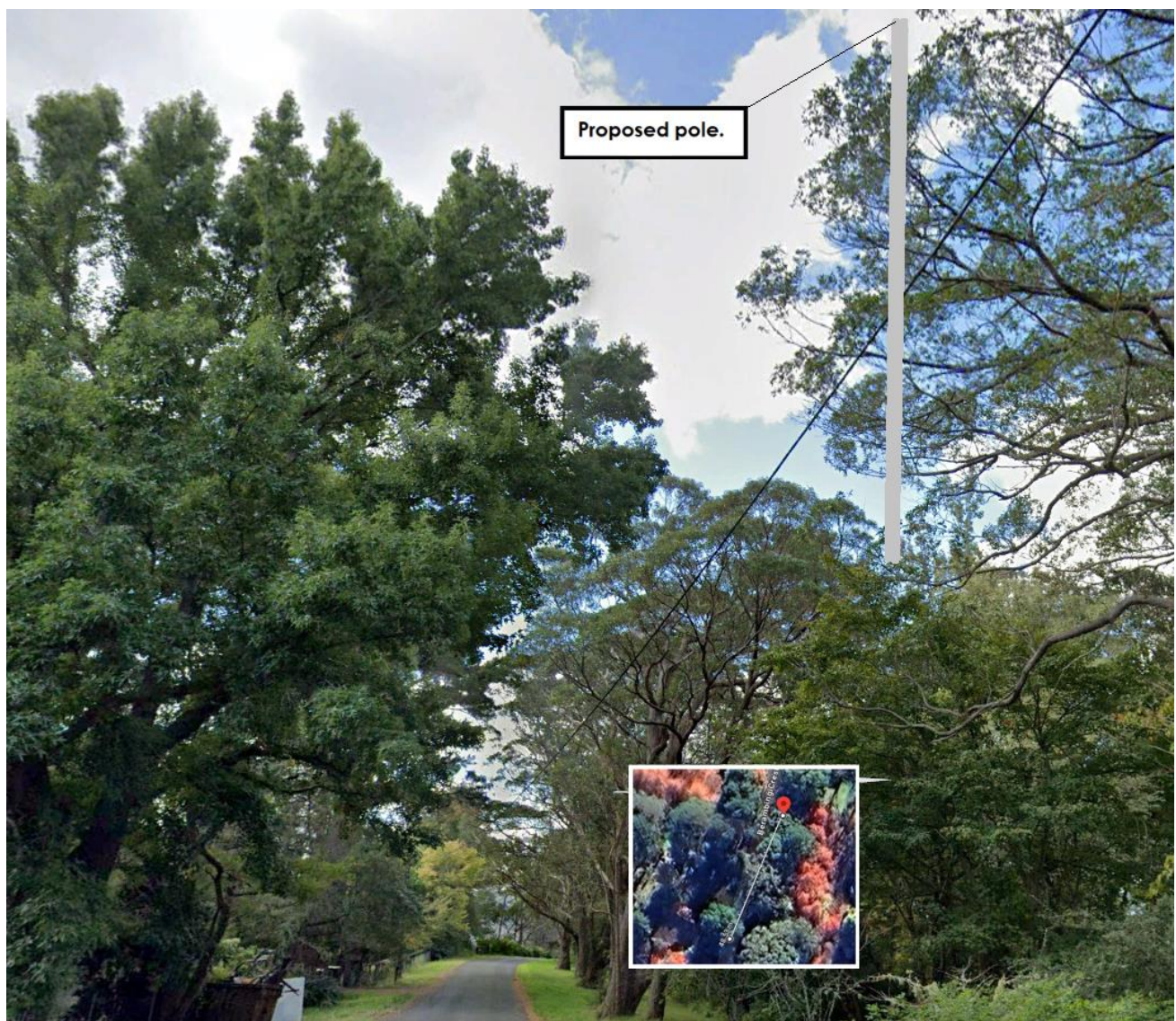


Figure 6: View 48.53m south facing north towards the proposed site on Berambing Crest. Source: Google street view, n.d.

5.3 Bush Fire Impacts

The subject site is located towards the north west corner of the LOT (The subject site).

Bushfire prone areas are defined as those areas;

- containing or within 100m of Category 1 Vegetation; or
- containing or within 30m of Category 2 or Category 3 Vegetation.

The subject site is mapped as containing Category 1 & 3 Vegetation; therefore, the subject site is identified as being 'bushfire prone'.

As such, the proposed monopole will be located within the red-zone and this development application requires a Bushfire Assessment Statement to determine if the proposed development will satisfy the Rural Fire Services document, "Standards for Asset Protection Zones".

To support this application; Site Logic engaged Building Code and Bushfire Hazard Solutions Pty Limited to prepare the Bushfire Assessment Statement. It was determined that the development will have reasonable level of bushfire protection, which will satisfy the specifications made under the Planning for Bushfire Protection 2019 in accordance with the recommended safety measures below:

Asset Protection Zones

1. That all grounds around the tower and equipment shelters to the site perimeter fence shall be maintained as an Asset Protection Zone (Inner Protection Area) as detailed in the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.
2. The Asset Protection Zone must be free of surface fuel and elevated fuel and should have minimum canopy.
3. That the equipment shelters, tower and surrounding APZ's be inspected prior to each fire season and corrective action or maintenance of the APZ and surrounding grasses occurs at that time as necessary.

Construction

4. That the equipment shelters and pole shall be non-combustible.
5. That the cable gantry and all other exposed cabling be suitably rated and insulated to mitigate the effects of bushfire impact (radiant heat flame contact and conductive heat where applicable). This could be achieved by:
 - Insulated sarking (having a flammability index of less than 5) and protected (a.k.a. shrouded) by a non-combustible material or
 - wrapped with an insulation having a min FRL -/30/30 (e.g. fire rated blanket) or
 - using fire rated cable trays (min FRL -/30/30 protection to cables and trays)

Overall, the proposed development is part of the Governments Bushfire Blackspot Program and is deemed critical infrastructure for the Hawkesbury City Council.

See **Attachment 8** for details.

5.4 Access

The subject site located at 81 Berambing Crescent, Berambing NSW 2758, and will be immediately accessible off Berambing Crest, which is north western end of the Lot.

Vehicular car parking is available off the road reserve.

5.5 Servicing

In terms of servicing, a telecommunications facility will only require electricity and is readily available on the land and will be supplied by the Essential Energy power pole #411008 (Point of supply). However, in case of an outage, the facility will be backed by a battery reserve pack. See **Attachment 1**.

5.6 Erosion and Sediment Control

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

5.7 Flood Hazard

There are not any flood prone maps under the Hawkesbury Local Environmental Plan 2012. However, should this be the case at post issuance of the *Determination*, then Telstra and its associates will adjust the cabinet floor height accordingly.

5.8 Social and Economic Impact

Reliable mobile phone coverage is important to ensure the economic growth of communities in rural and 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 as a result of the mobile telephone coverage, and the proposed facility could also be utilized in the event of an emergency with reference to mobile phone and internet use. Further, Telstra stress that the purpose of the proposal is in support of the **Federal Government's Mobile Black Spot Programme** and will not only support local businesses and residents but will also function as an emergency tower for all mobile phone users. This site has been identified as a blackspot area, which has been flagged by local residents to facilitate them with mobile phone and internet services.

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)).

5.9 Site Suitability

Based on its statutory grounds the proposal satisfies the aims listed under the *Transport and Infrastructure SEPP*, which seeks to facilitate the effective delivery of infrastructure across the State and has demonstrated that the proposed works poses ‘minor’ impacts when tested against the *Hawkesbury Local Environmental Plan 2012*. Therefore, there is no matter which should preclude the approval of the proposed development.

5.10 Public Interest

Public consultation will be undertaken as part of this Assessment process.

6.0 Conclusion

This Statement of Environmental Effects demonstrates that the proposed telecommunications facility 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 already established uses 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.