



City of
Newcastle



CITY OF NEWCASTLE

PUBLIC VOICE COMMITTEE

Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that a Public Voice Committee will be held on:

DATE: Tuesday 17 November 2020

TIME: 6.00pm

VENUE: Council Chambers
Level 1
12 Stewart Avenue
City Administration
Newcastle West NSW 2302

J Bath
Chief Executive Officer

**City Administration Centre
12 Stewart Avenue
NEWCASTLE WEST NSW 2302**

10 November 2020

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**PUBLIC VOICE COMMITTEE
17 November 2020**

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PUBLIC VOICE SESSIONS

ITEM-1 **PV 17/11/20 - DA2020/00158 - 54 REGENT STREET NEW LAMBTON - INFRASTRUCTURE - INSTALLATION OF A TELECOMMUNICATIONS FACILITY (MONOPOLE AND ANCILLARY EQUIPMENT 26.3M)**

APPLICANT: **TELSTRA CORPORATION LIMITED
C/- KORDIA SOLUTIONS AUSTRALIA**
OWNER: **AUSTRALIAN TELECOMMUNICATIONS COMMISSION**
REPORT BY: **GOVERNANCE**
CONTACT: **DIRECTOR GOVERNANCE / MANAGER REGULATORY,
PLANNING AND ASSESSMENT**

PURPOSE

On 26 February 2020, a development application (DA2020/00158) was received seeking consent for a telecommunications facility comprising a 25m monopole with associated antennas and equipment at 54 Regent Street, New Lambton.

The original application was publicly notified in accordance with City of Newcastle’s (CN) Community Participation Plan (CPP). During the notification period a total of 264 submissions and two public voice requests were received.



Subject Land: 54 Regent Street, New Lambton

The original application was referred to the Public Voice Committee on 16 June 2020. In response to the items of discussion, CN requested additional information be provided:

- i) Capacity and site selection
- ii) Opportunities for co-location
- iii) Visual Impact Assessment

On 18 September 2020, the applicant provided a response to CN’s request and the development application was re-notified. During the second notification period a total of 156 submissions were received. While not required under the Public Voice Policy, but given the level of continued community interest, the application is again referred to the Public Voice Committee.

The application will be referred to the Development Applications Committee for determination, due to the application being called in by Councillor Clausen, Councillor Elliott and Councillor Rufo and furthermore the number of submissions received.

The concerns raised by the objectors in respect to the proposed development include character, visual impacts, health, electromagnetic emissions, co-location, social impact and public interest.

A detailed summary of the key issues raised by objectors is provided at section 3.0.

A copy of the submitted plans for the proposed development is at **Attachment A**.

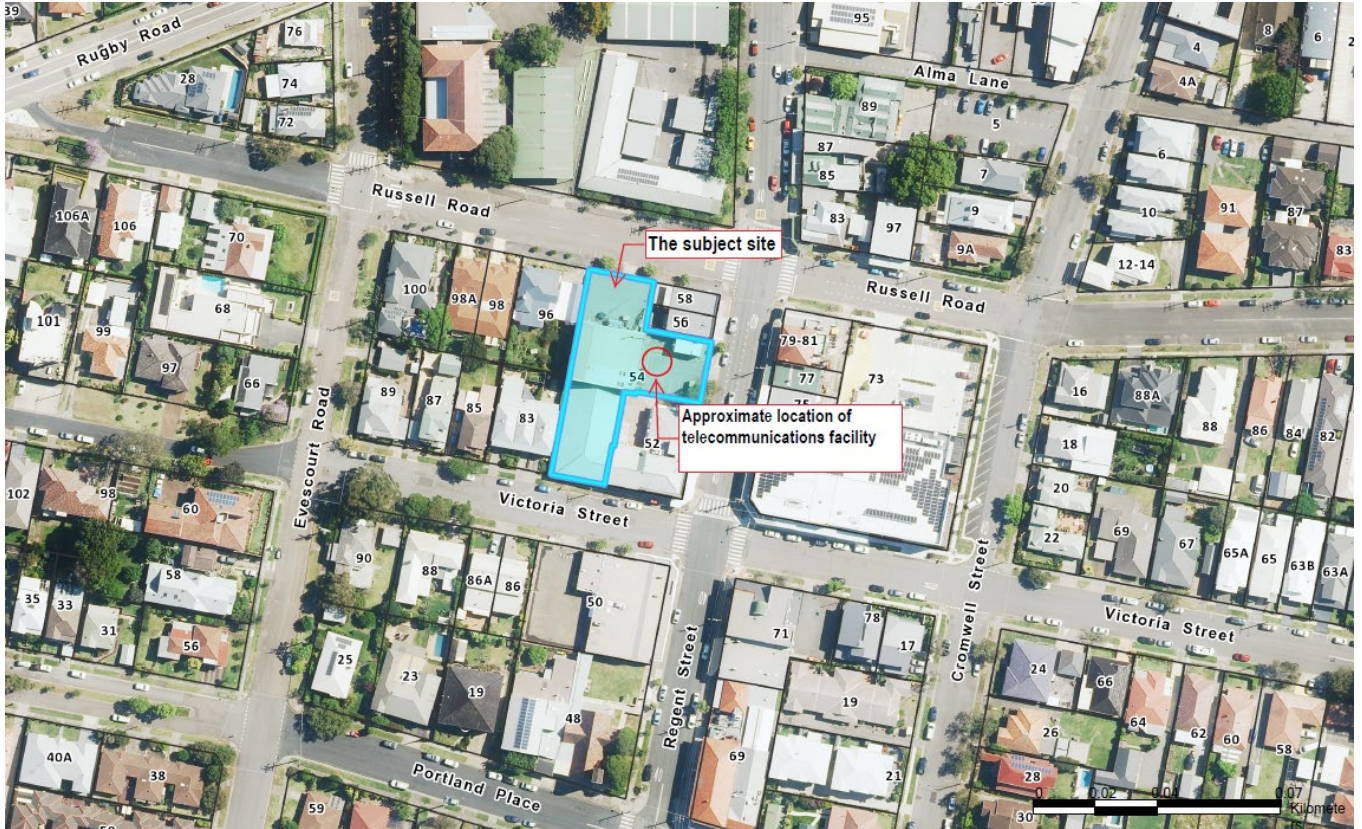
1.0 THE SITE

The subject site is known as 54 Regent Street, New Lambton and has a legal description of Lot 11 DP 786193. The subject site is irregular in shape and has a total area of 1,533m² and street frontages to Victoria Street to the south, Regent Street to the east and Russell Road to the north. The development application relates to the portion of the subject site adjacent Regent Street (the development site). The development site and the location of the telecommunications tower can be viewed in Figure 1 below.

An existing gate and driveway located off Regent Street provide vehicle access to the development site. The existing car park is primarily used by vehicles associated with the Telstra Exchange Building on the subject site.

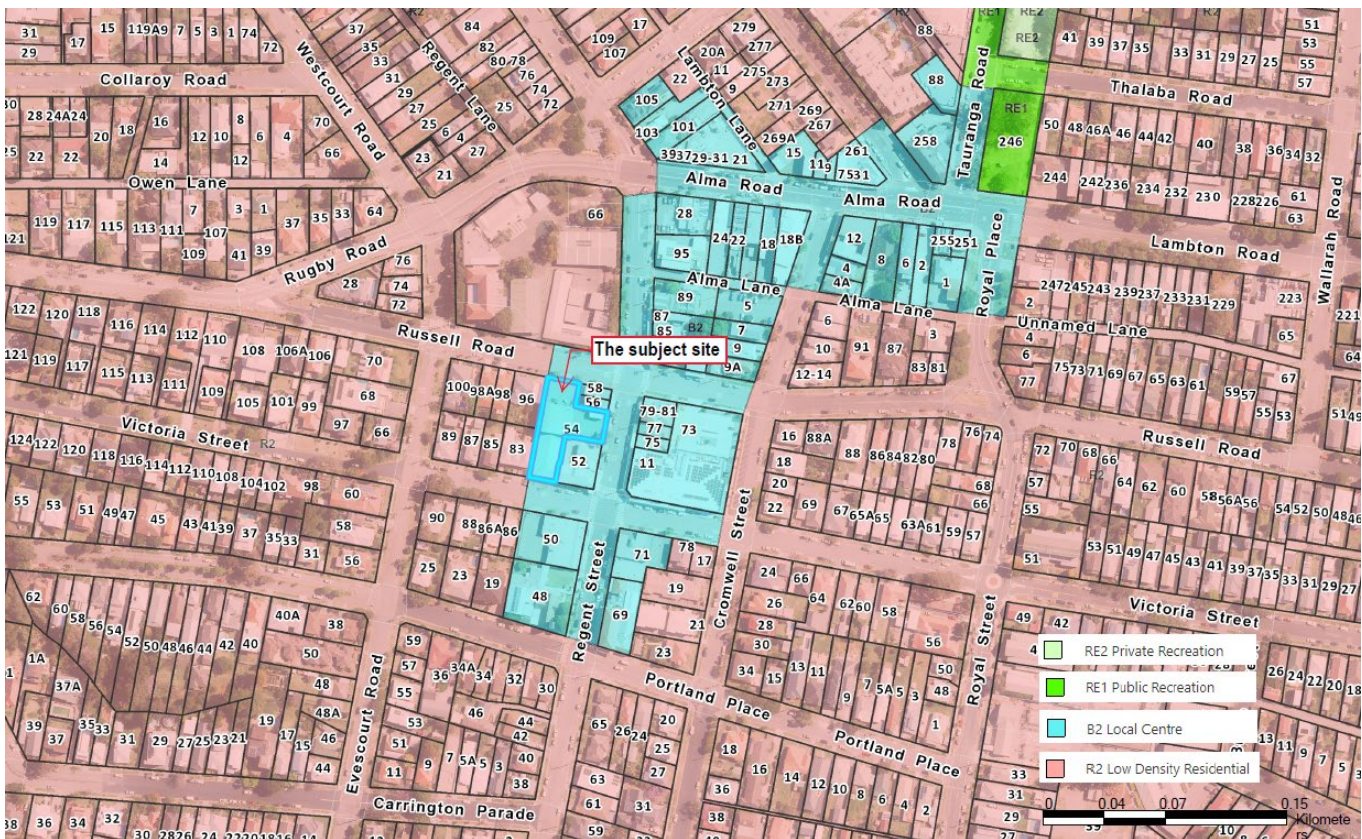
The subject site is zoned B2 Local Centre and located within the New Lambton Commercial Centre which runs along Regent Street and Lambton Road. Land adjoining the subject site to the north, east and south is Zoned B2 Local Centre and provides a supermarket and mixed business facilities including banks, cafes and restaurants.

Land adjoining the subject site to the east is Zoned R2 Low Density Residential comprising of residential dwellings as shown in Figure 2 below.



(Source: City of Newcastle, OneMap 2019)

Figure 1: The location of the subject site and approximate location of the telecommunications facility at 54 Regent Street, New Lambton.



(Source: City of Newcastle, OneMap 2019)

Figure 2: Zoning of the subject site and surrounding New Lambton area.

2.0 THE PROPOSAL

The development application, as amended, proposes the installation of a telecommunications facility comprising of a 25m monopole and ancillary equipment (overall height 26.3m). Particulars of the proposal are listed below:

- 1) Installation of a new 25m concrete monopole with a double stack turret headframe (overall height 26.3m).
- 2) Installation of six new panel antennas mounted on the headframe.
- 3) Replacement of existing shelter with new shelter on existing concrete slab.
- 4) Removal and decommissioning of the existing wall mounted installation on the exchange.
- 5) Installation of ancillary equipment including transceivers, remote radio units, amplifiers, antenna mounts, cable trays, feeders, cabling, combiners, diplexers, splitter, couplers, jumpers, filters, electrical equipment, signage, and other associated equipment.

Following 16 June 2020 Public Voice Committee meeting the applicant has lowered the height of the proposed telecommunications tower by 5.5m. No other changes to the proposal have been made.

The proposed development is intended to replace the existing telecommunication infrastructure, namely Telstra antennas, which are located on the walls of the existing Telstra exchange compound. The existing antennas are proposed to be removed upon completion of the proposed development. The proposed telecommunications facility will provide the necessary coverage and service objectives within the area.

The additional information supplied by the applicant identifies that co-location with other facilities within the New Lambton area was investigated, however co-location was not deemed to be practical in this instance as it would not improve coverage to the New Lambton area. The applicant has also provided information on the site selection process and the suitability of other sites within the New Lambton area. The information concludes that the zoning of the New Lambton area is largely residential and that the search for an alternative site was limited to sites within the New Lambton Commercial Centre identified as B2 Local Centre zoned land in Figure 2.

A copy of the submitted plans is at **Attachment A**.

The various steps in the processing of the application to date are outlined in the Processing Chronology at **Attachment B**.

3.0 PUBLIC NOTIFICATION

In accordance with CN's CPP, the application requires a public notification period of 14 days. Accordingly, the amended application was placed on public notification from 28 September 2020 to 12 October 2020 and during this time 156 submissions were received. It is noted that 264 submissions were received in the first round of notification.

The concerns raised by the objectors in respect to the proposed development are summarised as follows:

a) Statutory and Policy Issues

- i) The proposed telecommunications tower exceeds the maximum prescribed height limit for the subject site as specified in the Newcastle Local Environmental Plan 2012 (NLEP 2012).
- ii) The NSW Government Department of Education has a policy requiring that telecommunication facilities are not installed on school property and that an adequate separation distance between a proposed telecommunications facility and a school is maintained. The Department of Education has a preference for a distance of at least 500m from the boundary of the property.

b) Amenity Issues

- i) The proposed telecommunications tower has not been designed or sited to reduce the impact on the amenity of the surrounding area.
- ii) The telecommunications tower is not in keeping with the character of the New Lambton Commercial Centre.
- iii) The telecommunications tower detracts from the amenity of the New Lambton Commercial Centre.
- iv) The telecommunications tower obstructs views from private land.
- v) The telecommunications tower will detract from the heritage value of the nearby heritage item formally known as "New Lambton Public School."
- vi) Reducing the overall height of the telecommunications facility from 31.8m to 26.3m does not reduce the visual impact and bulk and scale of the proposal.

c) Design and Aesthetic Issues

- i) Character – The proposed telecommunications tower is not compatible with the character of the New Lambton Commercial Centre.
- ii) Visual impact – The visual impact assessment and photomontages do not accurately represent the true visual impact of the proposed telecommunications tower.

d) Miscellaneous

- i) Health – Concerns regarding the impacts on the health of residents and school children within close proximity to the proposed telecommunications tower.
- ii) Location – The proposed telecommunications tower should not be located within the New Lambton Commercial centre, instead, somewhere else in the New Lambton area.
- iii) Land tenure – The subject site is owned by Telstra therefore it is in their best interest to locate the proposed telecommunications tower on a site Telstra owns and not elsewhere.
- iv) Co-location – Opportunities for co-location within the vicinity of New Lambton have not been thoroughly explored. More specifically, the recently approved Optus tower in bushland at Queens Road and Mahogany Drive. Furthermore, other telecommunication providers will be able to co-locate their telecommunication infrastructure with the tower once it is constructed.
- v) Electromagnetic Energy (EME) – There is not enough information available on the effects of prolonged exposure to EME.
- vi) Educational institutions – The New Lambton Public School is located within close proximity to the telecommunications tower.
- vii) Social impact – The social impacts of the proposal have not been satisfactorily addressed.
- viii) Visual Impact Assessment – The visual impact assessment and photomontages do not accurately represent the visual impacts of the proposed telecommunications facility as many sites within the New Lambton Commercial centre.
- ix) Existing and desired coverage objectives – The applicant has not submitted diagrams indicating the existing and the desired coverage objectives of the existing and proposed telecommunications infrastructure on the subject site and broader New Lambton area.

4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT

The submitted application has been assigned to Development Officer, Alexandra Tobin for assessment. The key issues resulting from the assessment and raised within the received submissions are outlined below.

a) Statutory and Policy Issues

The subject site is zoned B2 Local Centre under the NLEP 2012. The proposed development is defined as a 'telecommunications facility' and is not listed as a permissible use within the zone. However, in accordance with clause 115(1) State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), development for the purposes of a '*telecommunications facility*' is permissible on any land with development consent. A telecommunications facility under the ISEPP is defined as:

telecommunications facility means —

- (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.*

The proposed telecommunications tower complies with the above definition as described in (b).

Due to the hierarchy of environmental planning instruments, the provisions of the ISEPP prevail over the NLEP 2012, and as such the proposed development is permissible with consent from CN.

It is noted that in many circumstances 'telecommunications facilities' are constructed without the need to obtain consent from CN pursuant to the exempt and complying development provisions of the ISEPP.

However, as the subject site is Zoned B2 Local Centre, which is excluded from the exempt and complying development provisions of the ISEPP, development consent from CN is required for the proposed telecommunications facility. Accordingly, the applicant is seeking development consent from CN.

Development consent for the existing telecommunications infrastructure on the Telstra Exchange building is not required as the existing infrastructure is permissible within any zone without development consent provided it meets the requirements of Schedule 3A Exempt and complying development in relation to telecommunications facilities of the ISEPP.

The assessment of the proposal is governed by the relevant provisions of the ISEPP, together with the requirements of the NSW Telecommunications Facilities Guideline including Broadband (July 2010) (the Guideline).

The principles that must be taken into consideration during the design and assessment of a telecommunication facility development are outlined in section 2.2 of the Guideline. The Statement of Environmental Effects (SEE) submitted with the development application outlines the proposal is consistent with the Guideline principles.

Given the nature of the proposed development, there are minimal controls within the NLEP 2012 or the Newcastle Development Control Plan 2012 (NDCP 2012). The maximum Building Height development standard does not apply to the proposal. The building height definition contained within the NLEP 2012 excludes 'communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like'.

The NSW Government Department of Education has a policy of prudent avoidance in relation to the installation of mobile telecommunications facilities within school grounds. The Department supports objections, if appropriate, to proposals to establish mobile telecommunications facilities near school grounds and requests that telecommunications carriers locate these proposed facilities further away from Department sites.

While the Department cannot state a specific separation distance between a proposed mobile telecommunications facility and a school, the Department has a preference for a distance of at least 500m from the boundary of the property. There is no legislation that requires the telecommunication facility to be located a minimum of 500m from an educational establishment. The proposed telecommunication facility is located approximately 47m south of the New Lambton Public School.

b) Electromagnetic Emissions (EME)

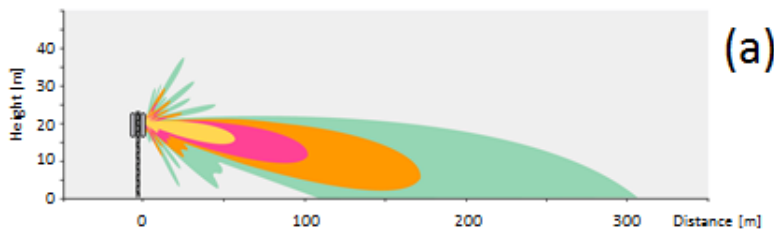
Telecommunications facilities generating Electromagnetic Emissions (EME), such as the proposed development, are required to comply with EME standards mandated by the Australian Communication and Media Authority (ACMA), which includes a maximum exposure limited as a percentage value of 100%. The reduced height of the proposed telecommunications tower does not result in a reduction of EME.

The Environmental EME Report submitted with the application demonstrates that the maximum predicted EME levels of the proposed development will equate to 3.18% of the maximum exposure limit at a distance of 64m from the location, which is 96.82% below the allowable exposure limit under the Australian Standard. The existing telecommunications infrastructure located at the subject site has a maximum EME level of 5.94% at a distance of 53m from the location. The proposed development will result in a reduction of the maximum predicted EME level at the subject site as the proposed telecommunications facility will be located in a new position at the subject site which is further away from the existing telecommunications facility. In addition to the facility being located further away, the height of the proposed telecommunications facility also contributes to these reductions.

The application outlines:

“As one moves away from a base station at ground level, the levels first increase before reaching a maximum and then get less as you move further away. Typically, the maximum EME level at ground level will occur between 75m and 200m from the base of the antenna.”

Figure 3 below provides a two-dimensional view of what happens to the EME around a base station. The EME transmitted from small cells (existing on the subject site) is more localised and, depending on its configuration, may not follow the same emission profile as a larger base station (proposed telecommunications facility). Typically, the EME levels are very low and they decrease rapidly with distance away from the source much like the larger base stations.



(Source: Australian Radiation Protection and Nuclear Safety Agency, Australian Government)

Figure 3: How EME levels vary as you move away from a base station tower.

Table 1 below provides a comparison of the EME levels associated with the existing telecommunications infrastructure located on site and the proposed development.

Table 1: Comparison of EME levels extracted from EME report.

Distance from the site	Existing configuration			Proposed configuration		
	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit
0-50m	12.022	383.36	5.94%	10.72	304.69	3.17%
50-100m	12.069	386.34	5.94%	10.73	305.36	3.18%
100-200m	7.3	141.29	2.39%	8.49	191.0	1.94%
200-300m	3.62	34.7	0.59%	6.3	105.31	1.38%
300-400m	2.42	15.58	0.27%	4.3	49.0074	0.64%
400-500m	1.81	8.71	0.15%	3.18	26.81	0.35%

There are approximately 20 dwellings located within 100m of the proposed facility. The Environmental EME Report has identified a predicted maximum EME level of 4.022% as measured at the nearest residence. This equates to 95.978% below the allowable exposure limit under the Australian Standard. Table 2 below provides the EME level readings for areas of interest such as the New Lambton Public School and St Therese’s Catholic Primary School.

Table 2: Proposed EME levels at areas of interest extracted from the EME report.

Location	Height range	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit
Nearest residence on Russell Rd	0-3 m	12.061	385.85	4.022%
Public School	0-2 m	9.62	245.63	2.5%
St Therese's Catholic Primary school	0-2 m	3.48	32.059	0.4%

c) Visual Impact Assessment

A Visual Impact Assessment has been submitted as part of the development application. The Visual Impact Assessment includes a series of photomontages from seven viewpoints taken from the New Lambton Commercial Centre and surrounding residential area. Receptors of these viewpoints include residents, motorists, pedestrians and businesses within the New Lambton Commercial Centre and surrounding residential area.

A Zone of Theoretical Visibility (ZTV) has also been submitted as part of the Visual Impact Assessment comparing the potential visibility of an 11m versus 31.8m telecommunications facility. The applicant advises that the ZTV was completed before the decision was made to reduce the overall height of the proposed telecommunications facility.

ZTV mapping is a computer-generated analysis which identifies land from which it is theoretically possible to view the telecommunications facility.

The results show that the visual impact of a telecommunications tower with a height of 31.8m is theoretically no different to a telecommunications tower with a height of 11m.

The proposed height of the development will result in the structure being visible from several locations within the surrounding area.

The nature of telecommunications facilities requires that they be located at an elevated position to gain the best coverage possible. The application identifies a number of methods have been integrated into the design of the proposed telecommunications facility to mitigate the visual impacts of the structure including; locating the structure in proximity to existing vertical elements such as buildings, and the use of neutral / non-reflective grey colours to blend into the skyline.

The proposed facility has incorporated a number of design elements to reduce its visual impact and minimise its effect on the landscape.

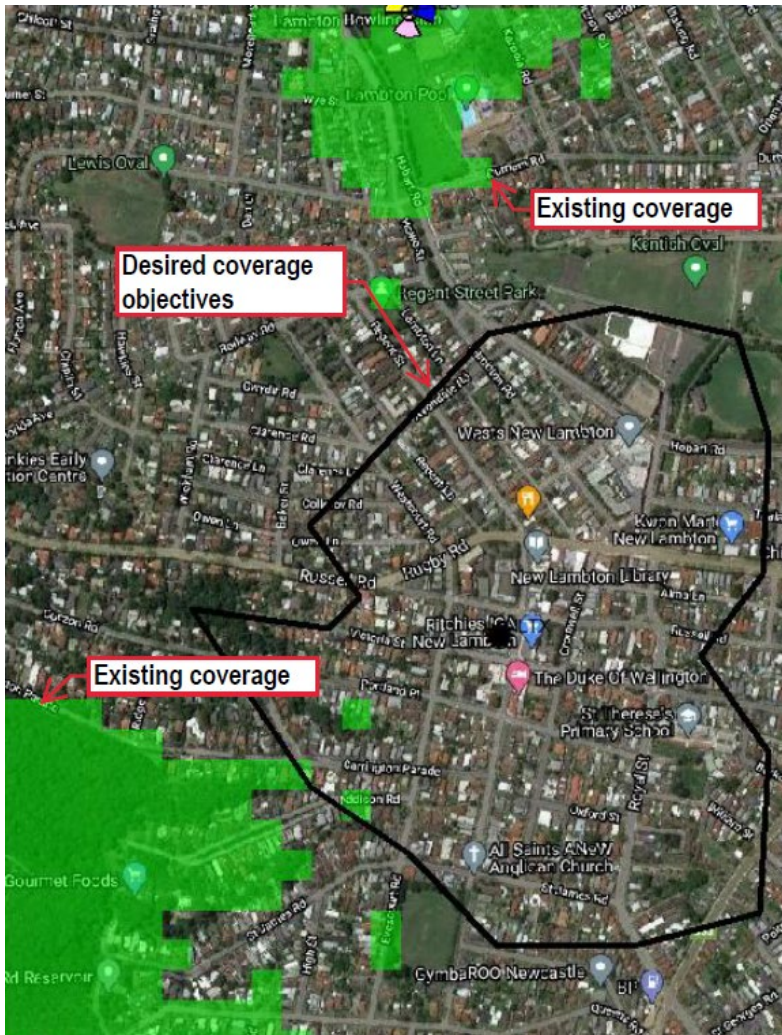
d) Co-location and Site Considerations

The applicant undertook a detailed site selection process as part of the application with due consideration given to a range of issues including but not limited to:

- i) Consistency with the applicable Commonwealth and State and Local planning policies and regulatory instruments.
- ii) Minimal impact on the environment during the construction and operation of the facility.
- iii) Avoiding areas of environmental significance or heritage listed sites or any sites of heritage significance.
- iv) Meeting the radio frequency objectives of Telstra's networks.
- v) Opportunities for co-location with other existing telecommunications facilities / utility structures wherever possible.

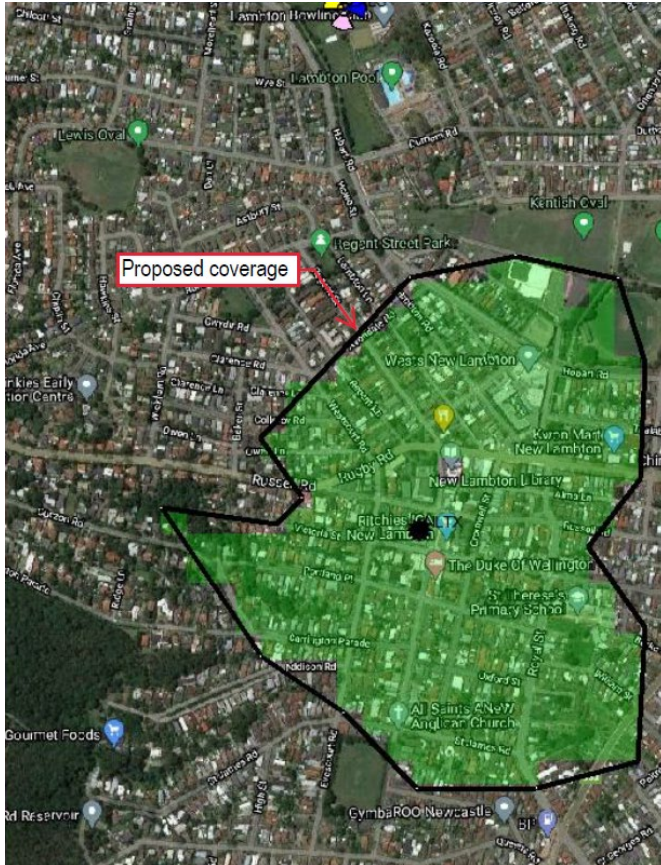
The applicant advises that no other suitable candidate areas within the New Lambton area were identified. The search for an alternative location was limited to an area located within close proximity to the existing site which is largely characterised by low density residential development which is generally not conducive to telecommunication facilities. The applicants search for an alternative site was limited to other sites within the New Lambton Commercial Centre. Alternative sites outside of the New Lambton Commercial Centre would not achieve the coverage objectives as shown in Figures 4 and 5 below.

The other sites considered include the rooftops of the Ritchies IGA building, Lambton Uniting Church, the existing exchange building, and the Ritchies IGA car park as shown in Figure 6 below.



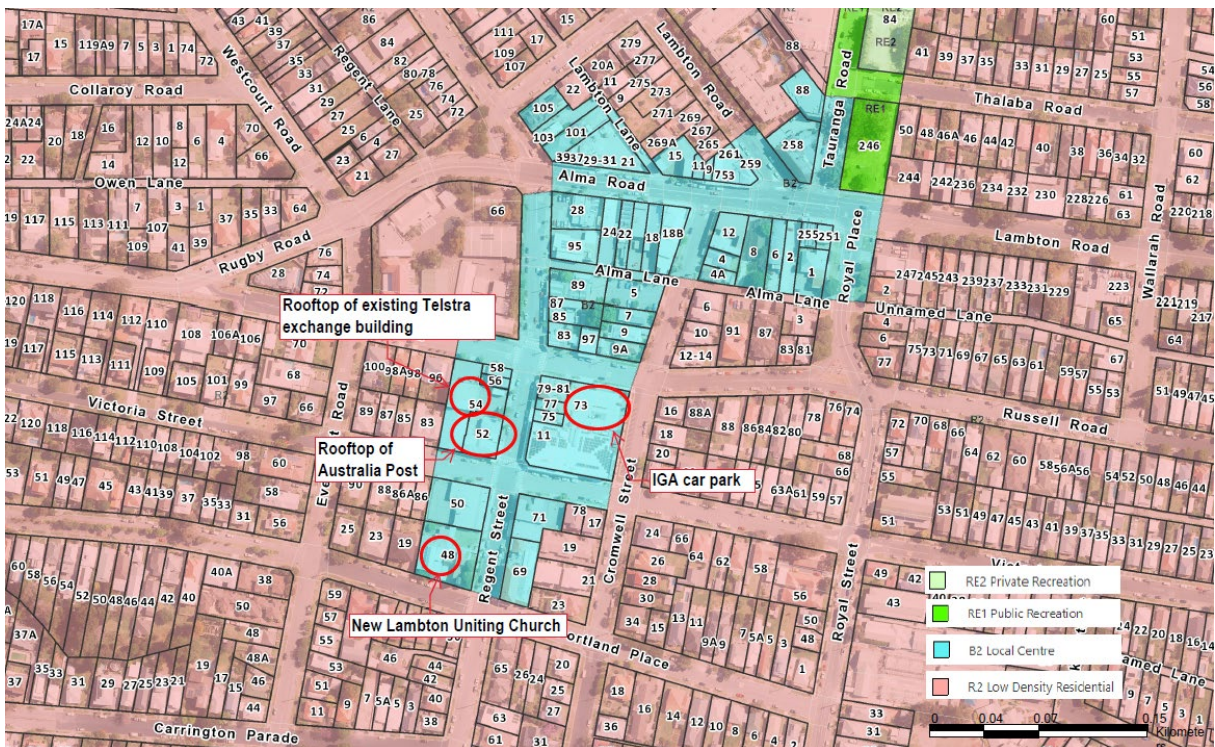
(Source: Kordia Solutions; 2020)

Figure 4: Existing coverage within the New Lambton area and the desired coverage objectives based on the new telecommunication facility.



(Source: Kordia Solutions, 2020)

Figure 5: Proposed coverage resulting from the installation of the proposed 26.3m telecommunications facility.



(Source: City of Newcastle, OneMap 2019)

Figure 6: Approximate location of alternative sites within the New Lambton Commercial Centre.

The rooftops of these existing buildings were deemed unsuitable as the buildings are not tall enough to achieve the coverage objectives. The Ritchies IGA carpark was not deemed suitable by the applicant as locating the tower in the car park would result in a loss of car parking and landscaping. Furthermore, the area provides no screening for the new telecommunications facility and the visual impact would be unreasonable.

Alternative sites outside of the New Lambton Commercial Centre that are not identified as residential were considered not suitable as the coverage objectives as identified in Figure 4 cannot be achieved.

The applicant explored options for co-location with two Optus telecommunication facilities located within the suburb of New Lambton including the Optus tower approved through Development Application DA2019/01113 located at 123 Lookout Road, New Lambton (Blackbutt Reserve). The information concludes that co-location with the Optus towers is not feasible as the Telstra coverage objectives cannot be met.

The applicant has identified that a minimum height of 30.3m is required to support coverage in the New Lambton area however the tower has been reduced and the coverage objectives have been amended.

The subject site is not identified as being Bush Fire Prone or Flood Prone land. Further, the subject site is not mapped as containing biodiversity values nor within proximity to land identified as containing biodiversity values.

The development application does not propose the removal of any vegetation in order to facilitate the development.

The subject site is not identified as being a heritage item or being located within a Heritage Conservation Area.

A series of photomontages from a number of viewpoints within the New Lambton Commercial Centre have been prepared as part of a Visual Impact Assessment to illustrate the potential visual impacts of the proposed telecommunications tower. Receptors of these viewpoints would include motorists, pedestrians and businesses within the New Lambton Commercial Centre.

The above matters, along with other issues raised in submissions will be addressed in more detail in the assessment report to the Development Applications Committee.

ATTACHMENTS

Item 1 - Attachment A: Copy of Submitted Plans – 54 Regent Street, New Lambton

Item 1 - Attachment B: Processing Chronology – 54 Regent Street, New Lambton

Item 1 Attachments A - B distributed under separate cover

ITEM-2 **PV 17/11/20 - RECLASSIFICATION AND REZONING OF 233 WHARF ROAD, NEWCASTLE (BOAT HARBOUR CAR PARK)**

REPORT BY: **GOVERNANCE**
CONTACT: **DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT**

PURPOSE

A Public Voice application has been received from Mr Brian Ladd, representing the Newcastle Inner City Residents Alliance (NICRA), to address Council on the proposed rezoning and reclassification of 233 Wharf Road, Newcastle (Boat Harbour car park).

BACKGROUND

A Planning Proposal to rezone and reclassify 233 Wharf Road, Newcastle and rezone “Parcel 12” former rail corridor and amended Newcastle Development Control Plan 2012 (NDCP 2012) were placed on public exhibition from 4 February 2020 to 2 March 2020. The Proposal is to rezone 233 Wharf Road Newcastle from RE1 Public Recreation to SP3 Tourist Zone and to rezone Parcel 12 from SP2 Infrastructure – Railway to SP3 Tourist Zone. Four submissions were received including one petition with 119 signatures.

A Public Hearing was held as required by the *Local Government Act 1993* in relation to the reclassification of the Boat Harbour car park from community land to operational land on 6 August 2020. Four people attended the Public Hearing, and one community member submitted a written submission in lieu of attendance.

The loss of car parking is a key issue raised by submitters. Submitters contend that in the long-term, any change of use of the car park should be to open space / park land.

The Planning Proposal and amended NDCP 2012 are listed for consideration at the Ordinary Council Meeting to be held on 24 November 2020.

ATTACHMENTS

Nil