

# **Statement of Environmental Effects**

## **Proposed Installation of a Telecommunications Facility**

**Address:**

Lot 13 DP 1148282

Maitland Showground  
50 Louth Park Road  
South Maitland NSW 2320

**RFNSA Site Reference:**

2320037



**Prepared for Submission to:**  
**MAITLAND CITY COUNCIL**

January 2022

## Document Controls

<b>Document Description</b>	Statement of Environmental Effects for a proposed Optus mobile phone base station facility		
<b>Site Number</b>	S4019	<b>Site Name</b>	Maitland Showground

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## 1.0 Introduction

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Singtel Optus Propriety Limited (Optus) is a licensed carrier under the *Telecommunications Act 1997* (Cwlth) ("Telecommunications Act"). Optus is currently expanding and improving its mobile phone networks throughout New South Wales to meet growing demand for mobile telecommunications services. As part of this project, Optus is proposing to install a new telecommunications facility in South Maitland to improve the coverage within the Maitland City Council Local Government Area (LGA) generally.

Optus mobile phone networks operate through a series of local cells each containing a set of antennas that transmit and receive low-powered radio waves to and from mobile phone handsets in the surrounding area. Each cell contains a mobile telecommunications facility called a base station, with each base station being connected to the whole network via a series of underground cables and in some circumstances point-to-point radio links.

In today's modern society mobile smart phones have become an essential element within everyday life where there is a demand for high quality mobile phone services, call coverage, and data usage. With the increased demand for technology comes an increased need for infrastructure to ensure such quality coverage is maintained. Currently there are some mobile network problems in and around South Maitland. These include some areas where there is poor or no coverage due to the location and performance of the existing sites, the inability of the radio signal to penetrate inside buildings, and the increased demand for mobile phone services.

This Statement of Environmental Effects (SEE) has been prepared to accompany the development application (DA) to Maitland City Council (Council) for the construction of a mobile phone base station on land at Lot 13 DP 1148282, 50 Louth Park Road, South Maitland NSW 2320. The preparation of the SEE and lodgement of the DA has been undertaken by CPS Technology & Infrastructure on behalf of Optus.

The owner of the land is the Hunter River Agricultural and Horticultural Association Limited (the "Association"). Please find enclosed owners consent to lodge the development application from Mr Brett Gleeson, Manager of the Association as **Appendix A**.

CPS Technology & Infrastructure has been engaged by Optus to provide property, planning, and project management services to obtain tenure, to design, and to construct appropriate sites for the installation of the Optus mobile network base station. As Optus' consultants, CPS Technology & Infrastructure is authorised to facilitate the environmental assessment of identified sites and apply for any planning approvals required to develop the telecommunications facility.

This statement describes the proposed development at the site in the context of relevant planning controls and policies applicable to the proposed development. Furthermore, the statement provides an assessment against the relevant matters for consideration under *Section 4.15* of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

The environmental assessment has been undertaken in *Section 7* of this SEE and is supported by additional studies. In accordance with the environmental assessment and supplementary documentation, the proposed development is considered appropriate to its context and surroundings, and within the planning parameters with negligible impact.

Mobile phones have formed an integral part of society and they are considered a necessity to everyday life. The proposed facility will have significant benefits to the residents, workers, and travellers to the Maitland area. It will enable productivity and service delivery in various sectors, including, but not limited to, health, education, finance, and business. The facility will have a significant benefit to the safety of residents providing needed mobile phone coverage. For these reasons, it is considered that the proposed facility is in the public interest.

## 2.0 Site Description and Environmental Context

### 2.1 Site Description

The site is at Lot 13 DP 1148282, 50 Louth Park Road, South Maitland NSW 2320. The site is situated within the Maitland Showground.

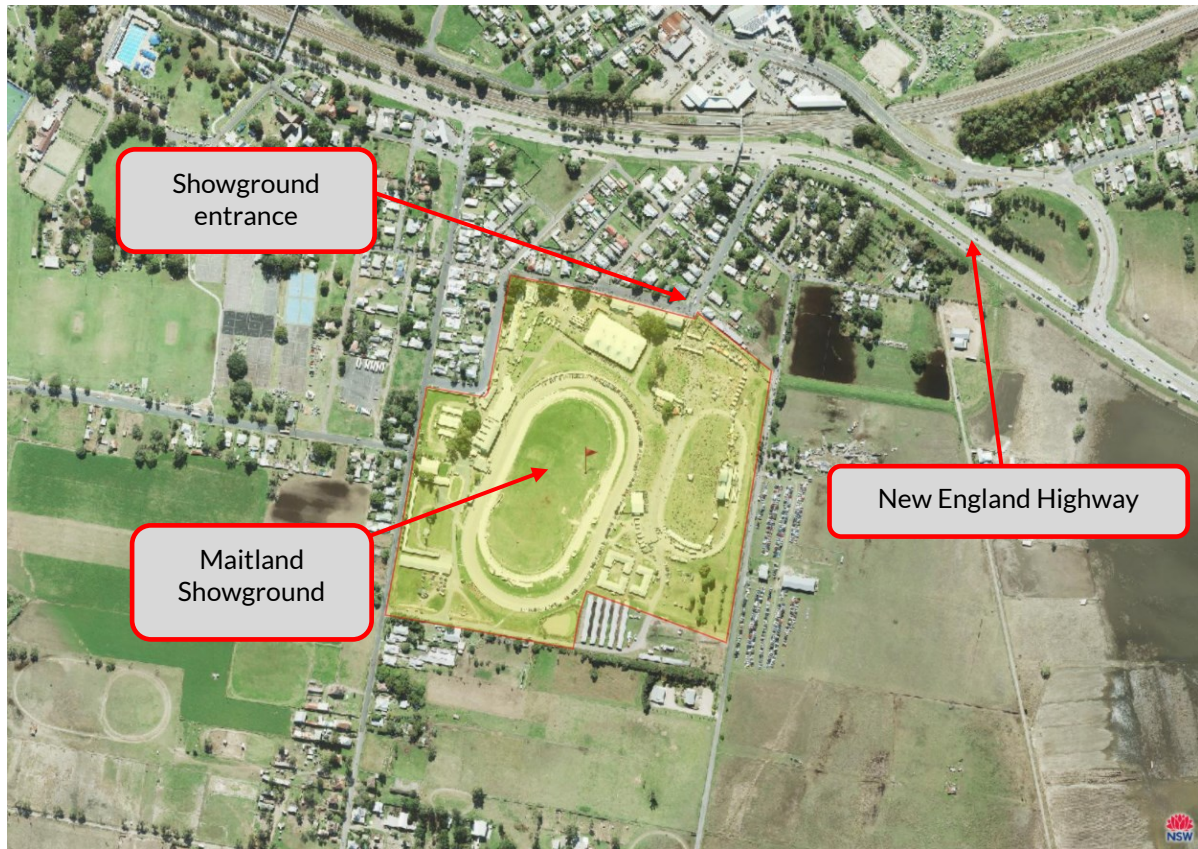


Figure 1: Site Location (Source: SIX Maps 2021)

The proposed facility is located in the south-east corner of the showground. The site is an area of open space that is grassed with some surrounding structures and is located alongside the Hunter Valley Flood Mitigation Scheme Development Consent Area. Maitland Showground is often used for large events such as music festivals and races, as well as markets.



Figure 2: Site Location (Source: Google Earth 2021)

The site is zoned RE2 Private Recreation under the *Maitland Local Environmental Plan 2011 (MLEP2011)*. It is otherwise surrounded by RU1 Primary Production zoning, with some RE1 Public Recreation to the north-east and north-west. The rural areas are largely sparse and undeveloped however with some residential dwellings in the proximity of the showground, which provide a separation to the New England Highway and the commercial centre of South Maitland.



Figure 3: Map showing the surrounding zoning (Source: NSW Planning Portal 2021)

## 2.2 Existing Development and Visual Character

The proposed facility is located within a private recreation area, which is often used to host public events such as festivals, concerts, as well as racing events. The showground is a large open space with some existing buildings, mostly along the boundary. Surrounding the showground is a rural residential area, which consists of paddocks, sheds, and storage areas, with the residences consisting of one and two storey dwellings. Maitland Park is situated north-east of the subject site. Maitland High Street train station is north of the showground which adjoins a B4 Mixed Use zone. The site has been specifically identified so as to capture festival traffic at the showground.

## 2.3 Heritage

The subject site is not listed as an item of heritage significance on the MLEP2011, nor is it within a heritage conservation area. A basic search of the Aboriginal Heritage Information Management System (AHIMS) returned no recorded Aboriginal sites or places in the area.

Please see **Appendix B** for greater detail.



### 3.0 Alternative Sites Considered

Optus have undertaken a detailed process in selecting the site for the proposed facility. Alternative candidates were considered as part of the proposal.

#### Co-location opportunities

It is required by all carriers under the *Telecommunications Act 1997* and the *State Environmental Planning Policy (Infrastructure) 2007* that consideration be given to co-location and the upgrade of existing facilities as a priority. It is always Optus' first preference to co-locate on existing facilities where new site acquisition is undertaken only when all other options are exhausted.

Below is a map of existing telecommunications facilities (marked in aqua) surrounding the South Maitland area – the white marker indicates the location of the proposed telecommunications facility at 50 Louth Park Road, South Maitland and the red polygon – target coverage area. There are a number of existing telecommunications facilities in the surrounding area, the closest being located at the Maitland Sports Ground on James Street, Horseshoe Bend NSW 2320; 405 High Street, Maitland NSW 2320; and 123 George Street, East Maitland NSW 2323. These are located 1.18km, 1.68km, and 2.28km respectively from the chosen site and already host Optus equipment. Given their location well outside the target coverage area, upgrading these existing facilities would not provide an effective coverage to the target area.



Figure 4: Existing telecommunications sites in the area (Source: Google Earth 2021)

#### Candidates considered

The suitability of each site for the facility is assessed based on a number of factors, which include, but are not limited to, the following:

- Environmental considerations, including local and state planning policies;
- Co-location opportunities;
- Engineering constructability;
- Minimal environmental impact during the construction phase and operation of the facility;
- Visual amenity;
- Topographical constraints;
- Occupational health and safety;
- Radio frequency coverage objectives; and
- The ability to secure tenure on the property.

As a result of this assessment, the following possible sites were identified.



Figure 5: Alternative Candidates Considered (Source: Google Earth 2021)

Table 1: Candidates Considered

Candidate	Proposal	Comment
A Maitland Showground 50 Louth Park Road, South Maitland NSW 2320	Installation of a new monopole	The subject site was chosen as it is located a suitable distance from residential dwellings and would support high levels of traffic at the showground during events which was one of the primary coverage objectives.  The design consists of a 30m high monopole, which is required to provide an effective coverage to target area.
B Coates Hire 185 High Street, Maitland NSW 2320	Installation of a new monopole	This candidate consisted of a new greenfield monopole, however it would have been located within a local conservation area and may have drawn concerns from the local community regarding nearby heritage items.  This candidate was therefore not pursued.
C 45 Anzac Street, Maitland NSW 2320	Installation of a new monopole	This candidate consisted of a new greenfield monopole. This location was not able to be investigated properly due to ownership constraints, and it was ultimately discounted as a result.

### 3.1 The Preferred Candidate

As a result of the site selection process undertaken by Optus, **Candidate A** that involves the installation of a new 30m monopole, was selected as the most appropriate site for the following reasons:

- The location will provide much needed network coverage to South Maitland and its surrounding areas;
- The site's location within the showground is considered appropriate in consideration of the surrounding residential areas;
- The site is clear of environmental and heritage sensitivities;
- The site has been designed with the surrounding locality in mind to keep in character with the surrounding locality;
- The location of the proposed facility will have a minimal impact on the character and setting of the recreation area;
- The proposed development will not have a detrimental impact to the objectives of the zone;
- The location, situation, and elevation of the site would ensure the proposal meets Optus' coverage objectives, therefore improving the quality of telecommunications services to the surrounding areas while minimising the visual impact; and
- The ability to secure land tenure.

## 4.0 Design of the Proposal

### 4.1 Proposed Equipment to be Installed

The proposal is for a mobile phone network base station that would provide improved depth of coverage to the Optus' network within South Maitland and the surrounding areas.

The proposal seeks consent for:

- The installation of a 30.00 metre monopole with a triangular headframe;
- Installation of three (3) 4G and two (2) 5G antennas mounted on a collar mount atop the monopole with the provision for six (6) future 5G antennas;
- Installation of ancillary equipment including nine (9) non-EME emitting Remote Radio Units (RRUs) mounted on the headframe with the provision for twelve (12) future RRUs;
- Installation of a 4-bay outdoor equipment unit (ODU) on a new 1.50-metre-high steel platform with steps and a handrail;
- Ancillary equipment associated with the safe operation of the facility, including but not limited to, equipment housing, cable trays, cable ladders, cabling, earthing, electrical works, and GPS.

Please find enclosed a set of plans as **Appendix C**.

### 4.2 Access Details

Access to the site is to be via the showground entry at the corner of Blomfield Street and Anzac Street.

Please refer to the set of plans enclosed as **Appendix C** for further details.

### 4.3 Electricity Details

Power will be taken from the existing power supply on site.

Please refer to the set of plans enclosed as **Appendix C** for further details.

### 4.4 Strength of the Electromagnetic Field

The facility would operate within the exposure standards in:

- (1) The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Standard (the Radiation Protection Series S-1 (Rev. 1) – Standard for Limiting Exposure to Radiofrequency Fields – 100kHz to 300GHz (ARPANSA Standard));
- (2) Radiocommunications (Electromagnetic Radiation Human Exposure) Standard 2014; and
- (3) Any other standards endorsed by the Commonwealth Government and the Australian Communications and Media Authority (ACMA).

The facility would operate at low power levels as compared to many other radiocommunications transmitters such as television or radio broadcasting facilities.

The maximum strength of the electromagnetic field that the facility will produce will be less than 1.36% of the ARPANSA mandated exposure limit. This estimation is based on the maximum level of radio frequency (RF) / electromagnetic cumulative energy (EME) at 1.5 metres above ground level of the antenna.

Please find enclosed an ARPANSA Environmental EME Report dated 22 January 2022 as **Appendix D**.

### 4.5 Construction Details of the Proposed Facility

The construction of a telecommunications facility fundamentally consists of three stages, including:

- Site preparation;
- The installation of the monopole and equipment; and

- The installation of the communications and antennas involving technicians working within the outdoor equipment unit and riggers fixing the antennas to the pole.

The site preparation stage involves activities such as field testing, excavation, and construction foundations. This is followed by the delivery of prefabricated equipment housing and pole sections by low loader trucks, which are then fitted into place by a crane and fixed to the footings. Lastly, the antennas are installed on the pole by riggers and connected with the rest of the outdoor equipment unit and other equipment by qualified technicians.

Appropriate construction management measures, incorporating soil erosion and sediment controls, in accordance with the relevant regulations of the “Blue Book” - ‘Managing Urban Stormwater: Soils and Construction’ (Landcom 2004) will be implemented. An Erosion and Sediment Control Plan is included with the Design Drawings as **Appendix C**.

Any traffic impacts associated with construction will be of short-term duration and are not anticipated to adversely impact on the surrounding road network. In the unlikely event that a road closure would be required, Optus would request permission from the relevant authorities.

Noise and vibration emissions associated with the proposed facility will be limited to the construction phase outlined above. Noise generated during the construction phase will be of short duration and will be in accordance with the standards outlined in the *Environmental Protection Regulation 1998* and *Environmental Protection (Noise) Policy 1997*. Construction works will only occur between the hours of 7.00am and 6.00pm or as prescribed in the conditions of any development consent.

There will be some low-level noise from the ongoing operation of the air conditioning equipment associated with the outdoor equipment unit once installed. Noise emanating from the air conditioning equipment is at a comparable level to a domestic air conditioning installation and will generally accord with the background noise levels prescribed by *Australian Standard AS1055*.

## 5.0 Commonwealth Legislative Framework

### 5.1 Telecommunications Act 1997

The *Telecommunications Act 1997* (Cth) is a federal regulation of telecommunications facilities and the activities of carriers and service providers. Schedule 3 of the *Telecommunications Act* allows carriers to enter on to land and exercise limited defined powers, which include the power to:

- inspect the land to determine whether the land is suitable for the carrier's purposes;
- install a low-impact facility on the land; and
- maintain a facility that is situated on the land.

Schedule 3 of the *Telecommunications Act* exempts carriers from the requirements of State and Territory environmental and planning legislation in some circumstances, including where telecommunications facilities fall under the *Telecommunications (Low-Impact Facilities) Determination 2018* ("the Determination"). In this instance, Optus seek to erect a telecommunications facility that is not believed to fall within the definition of a "low-impact facility" as defined in the Determination.

### 5.2 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* is a commonwealth regulation that provides a streamlined national regulation regarding the protection of items of a national and international environmental significance such as flora and fauna, ecological communities, and heritage items. These areas include:

- World heritage properties;
- National heritage places;
- Wetlands of international importance (Ramsar Convention);
- Nationally threatened species and ecological communities;
- Migratory species;
- Commonwealth Marine Areas;
- The Great Barrier Reef Marine Park;
- Nuclear actions (including uranium mining); and
- A water resource in relation to coal seam gas development and large coal mining development.

In light of these considerations the subject site is not an area of environmental significance as it will not impact on any of the areas listed above.

### 5.3 Telecommunications Code of Practice 2018

In exercising the powers given under the *Telecommunications Act*, carriers are required to act in accordance with best engineering practice, comply with recognised industry standards and minimise adverse impacts as much as practicable. The requirements for carrier conduct are outlined in the *Telecommunications Code of Practice 2018* ("the Code").

The Code requires carriers to ensure that design, planning and installation of facilities are in accordance with best practise. Under the Code "best practice" is defined as "using the best available design, planning and location practices to minimise the potential degradation of the environment and the visual amenity associated with the facility".

The facility would comply with the requirements of the Code.

### 5.4 Industry Code C564:2020 Mobile Phone Base Station Deployment

In response to requests for greater council and community involvement in relation to the installation of the telecommunications facilities, the Communications Alliance Limited (formerly the Australian

Communications Industry Forum Limited) was formed by the Australian Communications Industry to ensure a unified approach in the rollout of telecommunications networks.

The Communications Alliance developed an industry code of practice which is reviewed regularly to ensure the highest quality of standards in industry practice relating to the roll out of mobile radio communications equipment. The current code is known as the *Industry Code C564:2020 Mobile Phone Base Station Deployment* ("the Deployment Code"). The Deployment Code replaces the previous code of practice from 2018.

The Deployment Code cannot change the regulatory and legislative regime at the local, state, or federal level. However, it can supplement the existing requirements already imposed on carriers by requiring them to consult with the local community and to adopt a precautionary approach in planning, installing, and operating mobile communications infrastructure.

The proposal is not considered a low-impact facility as prescribed by the Determination and is therefore subject to local and/or state planning processes requiring consent.

Careful consideration and the principles of the 'precautionary approach' have been applied to the development in the selection and design of the proposal in accordance with Sections 4.1 and 4.2 of the Deployment Code. This takes into consideration the surrounding context, proximity to community sensitive locations, coverage objectives, and EME exposure which is well within the guidelines of the Australian Standard.

## **6.0 New South Wales Legislative Framework**

### **6.1 State Environmental Planning Policy (Infrastructure) 2007**

The *State Environmental Planning Policy (Infrastructure) 2007* (“SEPP Infrastructure”) was introduced to facilitate the delivery of infrastructure across New South Wales under the EP&A Act 1979. Its aims are:

- (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.*

The proposal complies with all elements of the SEPP Infrastructure. The SEPP Infrastructure as amended by the *SEPP (Infrastructure) Amendment (Telecommunications Facilities) 2010*. Clauses 113 and 115 in conjunction with the local planning provisions are being relied upon for permissibility of the proposed development at the subject location and are the basis for lodging and seeking Council consent for this development.

Clause 113 of the SEPP (Infrastructure) defines a “Telecommunications Facility” as:

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

Clause 115(1) provides that:

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

Telecommunications facilities are therefore permissible in all zones within the Maitland City Council local government area with the consent of Council.

Clause 115(3) of SEPP Infrastructure provides that:

*Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.*

In this respect, the *NSW Telecommunications Facilities Guideline including Broadband (July 2010)* (“the Guideline”) has been issued by the Director-General. The principles that must be taken into consideration are outlined in Section 2.2 of the Guideline.



## 6.2 New South Wales Telecommunications Facilities Guideline Including Broadband

The New South Wales government issued the *New South Wales Telecommunications Facilities Guideline Including Broadband (July 2010)* ("the Guideline"). The purpose of the Guideline is to:

*"Provide a guide to the state wide planning provisions and development controls for telecommunications facilities in NSW contained in the State Environmental Planning Policy Infrastructure 2007 (SEPP Infrastructure)"*

The Guideline outlines a number of key issues for consideration by consent authorities (where relevant) and carriers in the determination of the design and siting of telecommunications facilities including:

- ensuring that certain "guiding principles" relating to the design, siting, and construction of telecommunications facilities are developed and adhered to;
- consideration of visual impact and the need to reduce the impacts on heritage items as well as other items of environmental significance;
- that telecommunications facilities must be designed, installed, and operated to comply with standards relating to human exposure to EME appearing in any applicable code or standard made under any applicable law of the Commonwealth;
- encourage co-location with other facilities; and
- undertake site analysis to respond to site conditions.

These matters have been taken into account as part of the site selection and design for the proposal, these are discussed in more detail below.

**Table 2:** Table of compliance with the NSW Telecommunications Facilities Guideline including Broadband.

<b>Principle 1: A telecommunications facility should be sited to minimise visual impact</b>		
<b>Specific Principles</b>	<b>Compliance</b>	<b>Comment</b>
<p>(a) <i>As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.</i></p> <p>(b) <i>The visual impact of telecommunications facilities should be minimise, visual clutter is to be reduced particularly on the tops of buildings, and their physical dimensions (including support mounts) should be sympathetic to the scale and height of the building.</i></p> <p>(c) <i>Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.</i></p> <p>(d) <i>Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility,</i></p>	Yes	<p>(a) – (c) These principles relate to facilities that are located on existing buildings or structures and are not directly applicable to a new free-standing monopole such as the proposed in this instance.</p> <p>(d) The associated equipment will be housed in an outdoor equipment unit. The equipment unit would be in the standard colour, pale eucalypt. No additional landscaping has been proposed, however if</p>

<p>including the use of existing vegetation where available, or new landscaping where possible and practical.</p> <p>(e) A telecommunications facility should be located and designed to respond appropriately to its landscape setting.</p> <p>(f) A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.</p> <p>(g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista, or a panorama, whether viewed from public or private land.</p> <p>(h) The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.</p> <p>(i) A telecommunications facility that is no longer required is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.</p> <p>(j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.</p>		<p>considered necessary, this can be agreed or conditioned by Council as part of any development consent.</p> <p>(e) The facility has been located and designed to respond to its surrounding landscape context. For more detail, please see Section 7.8.1 below.</p> <p>(f) The site is not a heritage item, nor within a heritage conservation area.</p> <p>(g) The proposed facility does not occupy a position that will obstruct views or sightline to any heritage item or place, landmark, streetscape, vista, or panorama. For more detail, please see Sections 7.1, 7.2 and 7.7.4 below.</p> <p>(h) The proposal does not involve the removal of any tree or other vegetation.</p> <p>(i) This aspect could be conditioned as part of any development consent.</p> <p>(j) The siting and design have taken into consideration the Precautionary Approach.</p>
<b>Principle 2: Telecommunications facilities should be co-located wherever possible</b>		
<p><b>Specific Principles</b></p> <p>(a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.</p> <p>(b) Overhead lines, antennas, and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise the proliferation of telecommunications facilities and unnecessary clutter.</p>	<p><b>Compliance</b></p>	<p><b>Comment</b></p> <p>(a) Not Applicable</p> <p>(b) There are no existing facilities within the required search ring that are practical for co-location. Nonetheless, the facility will support infrastructure for additional carriers and could be an option for co-location in the future.</p>

<p>(c) Towers may be extended for the purposes of co-location.</p> <p>(d) The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.</p> <p>(e) If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.</p> <p>(f) If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.</p>		<p>(c) Not applicable.</p> <p>(d) Not applicable.</p> <p>(e) For more detail, please see Section 3.0 and Table 1 above.</p> <p>(f) Not applicable.</p>
<b>Principle 3: Health Standards for exposure to radio emissions will be met</b>		
<b>Specific Principles</b>	<b>Compliance</b>	<b>Comment</b>
<p>(a) A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.</p> <p>(b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format prescribed by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.</p>		<p>(a) The proposed installation will comply with the Australian Communications and Media Authority (ACMA) regulatory arrangements with respect to electromagnetic radiation exposure levels.</p> <p>(b) EME Exposure Levels from this site have been calculated in accordance with the ARPANSA prediction methodology and report format. This report is enclosed as <b>Appendix D</b>. For more detail, please see Section 7.7.9 below.</p>
<b>Principle 4: Minimise disturbance and risk, and maximise compliance</b>		
<b>Specific Principles</b>	<b>Compliance</b>	<b>Comment</b>
<p>(a) The siting the height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation</p>	Yes	<p>(a) The proposed development is considered to comply with the height requirements of Maitland Airport. It is not considered that the proposed development will penetrate the obstacle limitation surface shown on any map. Correspondence from CASA is attached as <b>Appendix E</b>.</p>

<p>surface show on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.</p> <p>(b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment, including the Morundah Communications Facility, Riverina.</p> <p>(c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.</p> <p>(d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.</p> <p>(e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.</p> <p>(f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book - 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004), or its replacement.</p> <p>(g) Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.</p> <p>(h) Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.</p> <p>(i) Traffic control measures are to be taken during construction in accordance with Australian Standard S1742.3-2002 Manual of uniform traffic control devices - Traffic control devise on roads.</p>		<p>(b) The base station is designed to create no electrical interference problems with other radio-based systems and complies with the requirements of relevant Australian Standards.</p> <p>(c) The base station facilities are designed to be installed in accordance with any relevant manufacturer specifications. The proposal will comply with the requirements of all relevant Australian Standards.</p> <p>(d) The facility is not being erected on any existing building or structure.</p> <p>(e) The location and layout of the facilities reflect discussions with the landowner and will be reflected in any associated lease or licence entered between Optus and the landowners.</p> <p>(f) - (k) These matters can be appropriately addressed through the imposition of conditions by Council on any development consent.</p>
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<p>(j) Open trenching should be guarded in accordance with Australian Standard Section 93.080 - Road Engineering AS1165 - 1982 - Traffic hazard warning lamps.</p> <p>(k) Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.</p> <p>(l) The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.</p> <p>(m) The likelihood of harming an Aboriginal Place and/or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.</p> <p>(n) Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.</p>		<p>(l) The subject site is not listed as being environmentally sensitive under the Maitland LEP 2011.</p> <p>(m) The site is unlikely to contain any Aboriginal artefacts. An AHIMS Basic Search has been conducted and returned no known items of Aboriginal significance. A copy of this the AHIMS Basic Search Result is attached as <b>Appendix B</b>.</p> <p>(n) This can be addressed by Council through the imposition of conditions on any development consent.</p>
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### 6.3 State Environmental Planning Policy 55 Remediation of Land

Clause 7 of the *State Environmental Planning Policy No 55 Remediation of Land* (SEPP 55) outlines consideration with regards to contamination and remediation that is to be considered when determining a development application. In particular whether it has considered the following:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
  - (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land

*planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

- (4) *The land concerned is:*
- (a) *land that is within an investigation area,*
  - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
  - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital – land:*
    - (i) *in relation to which there are no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
    - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

A potentially contaminating activity has not been previously conducted on the property. No records exist to indicate or identify that the subject land is contaminated. There are no land use restrictions relating to possible contamination. As such there is no reason to suspect that the land is contaminated and therefore is suitable for the proposed development.

## **7.0 Section 4.15 Evaluation – Matters for Consideration**

Under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) the consent authority must take into consideration the environmental impacts and general considerations associated with the proposal. This section addresses the requirements in accordance with Section 4.15 of the EP&A Act 1979.

### **7.1 Maitland Local Environmental Plan 2011**

The consent authority for development on the subject site is Maitland City Council. The *Maitland Local Environmental Plan 2011* (MLEP2011) is the current planning instrument for development in the location of the proposed facility.

Under the MLEP2011, the subject site is zoned RE2 Private Recreation. The development of a telecommunications facility is permissible with the consent of Maitland City Council in accordance with Clause 115(1) of the SEPP (Infrastructure) 2007, whereby telecommunications facilities are permissible in any zone.

Relevant provisions of the MLEP2011 in relation to the proposal are discussed below.

#### **Clause 2.1 Land Use Zones**

##### Zone RE2 Private Recreation

The objectives of the RE2 Private Recreation zone are:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The installation of a telecommunications facility in this location is considered to be generally consistent with the objectives of the zone and will not impact or change the site's current use as a showground.

The proposed development will not require the removal of any existing vegetation as it will be located within a cleared section of the site.

#### **Clause 5.21 Flood Planning**

The objectives of this clause are:

- *To minimise the flood risk to life and property associated with the use of land,*
- *To allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- *To avoid adverse or cumulative impacts on flood behaviour and the environment,*
- *To enable the safe occupation and efficient evacuation of people in the event of a flood.*

The site is identified as being located in a flood planning area.

Per Council's advice dated 26 February 2021 (**Appendix G**), this matter has been incorporated into the design, which has allowed for an elevated steel platform for the outdoor equipment unit, as well as internal equipment running within the structure, so as to avoid any potential damage during flooding events.

#### **Clause 7.1 Acid sulfate soils**

- (1) *The objective of this clause is to ensure that the development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*
- (2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

The site is identified as Class 4 according to the Acid Sulfate Soils (ASS) Map under the MLEP2011.

*Class 4*

*Works more than 2 metres below the natural ground surface.*

*Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.*

A detailed geotechnical assessment has been carried out. The assessment did not specify the presence of ASS. Please find attached as **Appendix F**. If Council deems it necessary, an ASS Assessment can be conditioned as part of any development consent.

### Clause 7.2 Earthworks

The objectives of this clause are as follows:

- 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,
- To allow earthworks of a minor nature without requiring separate development consent.

The proposed development will include some minor earthworks. It is considered that the works will not have a detrimental impact on the immediate locality. An Erosion and Sediment Control plan has been included with the Design Drawings as **Appendix C**.

## 7.2 Maitland Development Control Plan 2011

The *Maitland Development Control Plan 2011* (MDCP2011) came into effect on 16 December 2011 and applies to all land within the Maitland LGA.

The proposed location and design of the proposal has had regard to the objectives required by Council. These are discussed in **Table 3** below.

**Table 3:** Relevant MDCP2011 provisions to the proposed development

DCP Provisions	Compliance	Comments
B3 Hunter River Floodplain	Yes	The proposed development will be located in proximity to the Hunter Valley Flood Mitigation Scheme Development Consent Area and is not proposed to create an impact or increase the flood hazard, or adversely increase flood affectation on other properties (see <i>Figure 6</i> ).
B5 Tree Management	Yes	The proposed facility will not require the clearing of any vegetation.
B6 Waste Not – Site Waste Minimisation & Management	Yes	The facility is primarily prefabricated off-site and installed at the site over a short period of time. There will be minimal waste associated with the construction of the facility and as it will be unmanned it will not generate any waste.
C11 Vehicular Access & Car Parking	Yes	Access to the proposed facility will be via the existing entrance of the Maitland Showground. It is expected that there is adequate space to allow for the movement of vehicles during the construction phase and for maintenance purposes once the facility is operational. The development does not require dedicated car parking facilities.





Figure 6: Map showing the area subject to the Hunter Valley Flood Mitigation Scheme (Source: NSW Planning Portal 2021)

### 7.3 Draft Environmental Planning Instruments

The subject land is not affected by an exhibited Draft Local Environment Plan.

### 7.4 Planning Agreement

The proposal is not subject to any planning agreement.

### 7.5 The Regulations

As discussed in *Section 5* and *6* of this SEE, the proposal is consistent with the relevant regulations applicable to the site.

### 7.6 Coastal Zone Management Plan

The site is not subject to any Coastal Zone Management Plan.

### 7.7 The Likely Impacts of the Development

The impacts of the proposal in relation to a range of potential issue areas are assessed below. It is considered that the proposal will not create any significant or unacceptable impacts on the locality.

#### 7.7.1 Visual Character and Impacts

The proposed site is located in the southeast quadrant of the Maitland Showground, south of the small track which runs parallel to Cultivation Road. The surrounding visual context of the showground is predominantly cleared rural land which consists of open paddocks, shed, and other storage areas, as well as one and two storey residential dwellings. The proposed development site will not be obtrusive to the views from the public roads or close to sensitive public uses. Nonetheless, it is acknowledged that the proposed telecommunications facility would be visible from some residential properties and recreational

areas in the immediate area. Only the upper part of the equipment will be seen in most directions. It is proposed to have the equipment painted in light grey, which will help the facility blend both with the sky and the other tall structures located within the showground such as the flood lights.

No other existing telecommunication facilities are located in the immediate visual context of the subject site, however, when viewed from the west a telecommunications facility can be seen in the distance.

Within the visual catchment, existing building, topography, and vegetation in gardens limit visibility, therefore the cabin and lower parts of the facility would be of minimal visibility in all views, with minor views of the upper part of the monopole and aerials. The amount of the monopole visible well depends on each viewing height and location, but in all surrounding residential locations. The majority of views from the surrounding rural areas, including recreational areas, would include other tall structures (e.g. flood light poles, flagpoles, wide electricity easements with electricity poles) in and around the showground and local roads surrounding the site.

Please find photomontages showing the proposed facility in context of its surroundings as **Appendix H**.

### 7.7.2 Access, Transport, and Traffic

The proposed facility would be situated inside the property of Lot 13 DP 1148282. The proposed site is located in the lower right corner of the Maitland Showground and access to the site is available through the entry to the showground. The proposal would not cause any interference with access to the showground as well as its operation.

It is considered that there is adequate space on-site to allow all constructions to be contained within the site boundaries. Limited vehicle movements will be associated with the installation and maintenance of the facility. Traffic in the local area will not be impeded by the installation of the proposed telecommunications facility on the site. No road closures will be required during the construction process. There will be no noticeable increase in traffic volumes.

Once the proposed facility is operational it will be unmanned and will only require regular maintenance approximately three times a year. Direct access to the site via the showground entry (and gate if constructed) will not require any additional management measures once constructed. There is sufficient on-site parking for these purposes.

### 7.7.3 Utilities

Electricity is available from the nearby electricity supply on site. The existing power supply is adequate, and the details of the power run are shown in the plans enclosed as **Appendix C**.

The site does not require any water during operation and as the facility is unmanned, no wastewater is produced.

### 7.7.4 Heritage

The site does not contain any items of heritage significance.

### 7.7.5 Demolition and Construction

The proposal will include the installation of a new telecommunications facility on site. No demolition is required for the works. Should the proposed development be approved, Council can ensure that all works are undertaken within hours conditioned as part of the development consent.

### 7.7.6 Flora and Fauna

The proposal does not require the clearance of the vegetation. Therefore, flora and fauna should not be impacted by the proposed development.

### 7.7.7 Bushfire Requirements

The proposal is not affected by bushfire requirements.

### 7.7.8 Noise

The noise associated with the construction of the facility would not be significant. Construction would take place during the day and works would proceed in accordance with Council's noise controls.

There will be some noise associated with the operational stage of the development with the equipment cabin and its fans. The ventilation equipment is required to comply with Australian Standards for noise and will be comparable to a domestic air conditioning unit.

### 7.7.9 Technological Hazards, Health, and Safety

Optus takes the health and safety of the public very seriously.

Optus operates within the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a Federal Government agency incorporated under the Department of Health and is charged with the responsibility for protecting the health and safety of both people and the environment from the harmful effects of radiation (ionising and non-ionising). The operational standards are based on international standards set by the International Commission for Non-Ionizing Radiation Protection (ICNRP).

All Carriers ensure that their facilities are installed, designed and certified by qualified professionals in accordance with all relevant Australian Standards. This ensures that the facility will not result in any increase in the level of risk to the public. This facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the *Radio communications (Electromagnetic Radiation Human Exposure) Standard 2014*.

In addition to this, Optus 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 include:

- Utilising Dynamic/Adaptive Power Control network feature that automatically adjusts the power and hence minimises EME from the facility;
- Varying the facility's transmit power to the minimal required level, minimising EME from the network; and
- Discontinuous transmission, a feature that reduces EME emissions by automatically switching the transmitter off when no data is being sent.

The proposed facility will also have restrictions aimed at preventing public access, including a secured compound fence with a locked gate and warning signs placed around the facility.

The Environmental EME Report associated with this site is enclosed as **Appendix D**. The report shows that the maximum predicted EME levels will equate to 1.36% of the maximum exposure limit, which is significantly below the allowable exposure limit under the Australian Standard (100% – which is still considered to be safe).

This measurement is based on the maximum worst-case scenario, considering direct exposure at full operational capacity of the facility which is generally not a true representation of a real-life scenario. The signal from the facility is usually affected by various factors including service demand, the existing network support of surrounding base stations, distance, topography, physical and natural barriers (e.g. hills, trees, buildings et cetera). Other variations include antenna specifications and azimuth, power input to name a few.

Refer to *Figure 7* below for EME predictions at various distances within 500m from the facility and 1.5m from ground level. The table illustrates the maximum predicted level from the proposed facility will be 1.36% at 209 metres from the subject site.

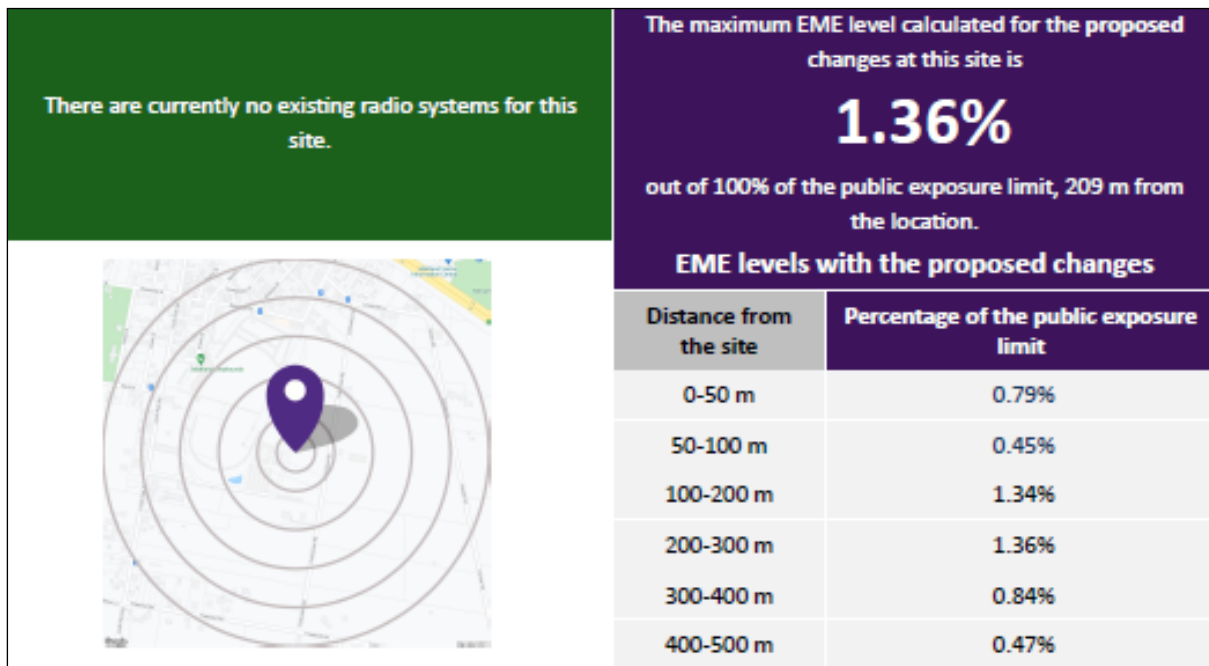


Figure 7: Calculated EME levels as detailed in the ARPANSA Environmental EME Report

The predicted EME levels shown in the Environmental EME Report are based on the distance, angle, and height range relative to the specific ground level at the area of interest. The prediction shows the worst-case scenario, not including possible signal attenuation due to physical or natural obstacles such as buildings or trees. The predicted EME levels are considerably low and will be within the allowable ARPANSA Standard.

**Maximum cumulative EME level for the proposed configuration**

Location	Height range	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
Showground campsite	0-3 m	4.29	48.72	0.70%
Maitland Greyhounds	0-5 m	4.17	46.04	0.68%
Caravan park	0-3 m	2.98	23.57	0.35%

Figure 8: Calculated EME levels of nearby locations

**7.7.10 Economic and Social**

The proposal would contribute to the provision of improved Optus coverage to the area of South Maitland. The facility would provide economic benefits through improved services, a greater choice of service carriers, and by maintaining competition between providers will reduce costs to consumers.

The improvement in coverage and call quality would facilitate business opportunities from local operators and the ability of local residents to work from home. Improved service levels would also ensure better coverage for visitors and users of the nearby public and private recreation areas.

**7.8 Suitability of the Site for the Development**

The proposed site for the Optus telecommunications facility is considered suitable for the following reasons:

- The proposed development will not have any detrimental impacts on the objectives of the zone;
- A site selection process has been undertaken and it is considered that the subject site is the most suitable for a telecommunications facility;

- The site has been designed in consideration of the surrounding locality. The facility will be largely screened by existing vegetation and it will be in light grey colour to blend in with the sky and the surrounding light pole structures within the showground;
- The proposed facility utilises sympathetic materials and colours;
- The location meets the desired radiofrequency objectives;
- The proposal does not require removal of any trees or vegetation;
- It has been particularly targeted to provide the optimal required quality of service as required by Optus for the Maitland City Council LGA.

## 7.9 Submissions

The proposed development does not meet the requirements of a Low Impact Facility as detailed in the *Telecommunications (Low-Impact Facilities) Determination 2018*. As a result, the proposal is subject to the requirements of Maitland City Council provisions with regard to notification in accordance with the MDCP2011.

Council will have regard to any submissions that it receives as a result of consultation taken under *Section 4.15 (d) and (e)* of the EP&A Act 1979.

## 7.10 The Public Interest

The proposed development is in the public interest. Mobile phones are an important part of everyday life; people want to use their phones where they live, work, and play and expect them to operate effectively. Recent technological advances have led to a greater demand for improved mobile phone and wireless coverage, which in turn has led to greater demand for telecommunications infrastructure. The proposed facility has been proposed to alleviate stress on the network at the Maitland Showground, as well as improving coverage for South Maitland and the surrounding area.

A mobile phone base station that provides coverage to a geographic area is known as a 'cell'. Cells are aligned next to each other in a similar pattern to a honeycomb, and it is for that reason that mobile phone networks are sometimes referred to as a 'cellular' network. The capacity of the cell is often determined by a number of factors that may hinder its efficiency including the topography of the surrounding areas, physical constraints such as trees or buildings, or the cell's capacity to carry the call.

Each base station can only carry a finite number of calls and in areas where the residential density may not be as high, base stations will often be located on hills or tall structures to maximise the coverage area. When a mobile phone base station reaches capacity, its coverage area will shrink. Areas that previously had good network coverage will be left with poor and possibly no network coverage. The proposed facility will be supporting the existing facilities in the area ensuring that network coverage is maintained at all times.

Additional benefits that the infrastructure will have for the community include:

- Emergency calls and text alerts – Mobile phones are now the predominant way to access the triple zero service. Additionally, mobile phones will send a text message based on the last known location of the handset at the time of an emergency.
- Landline usage and ownership is declining at an increasing rate and more people now use their mobile phone to make triple zero calls than landlines. (67% of 000 calls made in 2017 came from mobile phones)
- The ability to have phone and mobile data coverage, particularly from within the home or office.
- Increase in the ability to work from home and home occupations.
- Mobile phones are beneficial in the case of road accidents or breakdowns.
- Meeting the demands of residents in the Maitland City Council area, ensuring they have improved network coverage and access to the latest 5G technology.

It is considered that the safety and ability to assist in the case of an emergency, as well as providing the Maitland City Council community with 5G technologies, the demand and necessity far outweighs the negative impacts of the development. This proposal is therefore considered to be in the public interest.

## **8.0 Conclusion**

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The proposal is for the installation of a mobile telecommunications base station on land at Lot 13 DP 1148282, 50 Louth Park Road, South Maitland NSW 2320. The proposed facility would form an integral part of the wider network. The proposed facility would provide an important community benefit to the Maitland City Council LGA by providing improved and reliable communications services to the local community.

It is considered that the proposal is in accordance with the objectives of the *Maitland Local Environmental Plan 2011* and other state and federal legislations, in particular *State Environmental Planning Policy (Infrastructure) 2007*, which allows development for the purposes of telecommunications facilities on any land, with consent.

The environmental impact assessment taking pursuant to Section 4.15 of the *EP&A Act 1979* has determined that the proposal would not cause any significant environmental impact and would have minimal impact upon the amenity of the area.

Therefore, for the reasons stated above and having regard to the environmental planning assessment set out in this SEE, it is respectfully requested that Council grant development consent for the proposed works.