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## SECTION 4.15 EVALUATION

Environmental Planning and Assessment Act 1979 (as amended)

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<b>Development Application No.</b>	DA051/24 (PAN-424318)
<b>Subject Site</b>	Lot A DP374075, 35-43 Coerwull Road, Lithgow NSW 2790 (Property Number: 11070)
<b>Proposal</b>	Telecommunications Facility
<b>Zoning</b>	R2 Low Density Residential - LEP 2014
<b>Permissibility</b>	Telecommunications and other communication facilities are considered permissible under the Lithgow Local Environmental Plan 2014 and Division 21, Clause 2.143 ' <i>Development permitted with consent</i> ' under the State Environmental Planning Policy (Transport and Infrastructure) 2021
<b>Cost of Development</b>	\$125,000.00
<b>Applicant</b>	Mr. Chris Hayes on behalf of Waveconn Operations Pty Ltd
<b>Owner</b>	Carter Properties Pty Ltd/Prefabricated Buildings Pty Ltd
<b>Notification</b>	23 April 2024 to 16 May 2024 and 14 August 2024 to 30 August 2024
<b>Submissions</b>	1 <sup>st</sup> notification period- Five (5) formal submissions and a petition with sixty five (65) signatures, 2 <sup>nd</sup> notification period- three (3) formal submissions, Onsite Council meeting with residents 23 January 2025.
<b>Variations</b>	Nil.
<b>Site Inspection</b>	22 May 2024
<b>Responsible Officer</b>	Lauren Stevens- Development Assessment Planner Will Cherrington- Team Leader Development Sandra Politi- Development Manager Shaun Elwood- Director People ad Place
<b>Recommendation</b>	Approval subject to attached conditions

### **Executive Summary**

Objective of Report: To assess and recommend determination of DA051/24 with recommendation for approval subject to conditions.

On 17 April 2024, the subject Development Application DA051/24 was lodged to Council seeking consent for a mobile telecommunications facility, on land known as Lot A DP374075, 35-43 Coerwull Road, Lithgow.

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 23 April and concluded 16 May 2024. During the notification period, Five (5) formal submissions and a petition with sixty five (65) signatures were received.

Given that the location of the tower was re-located, an additional notification period was undertaken from 14 August 2024 to 30 August 2024. During the second notification period an additional three (3) submissions were received.

The development was subsequently called-in for determination by the elected Councillor. An onsite meeting was then conducted with Councillors, Council staff, residents and the applicant (telecom).

All submissions raised during the DA two notification periods and the onsite meeting are summarised later in this report.

### **Description of Site and Surrounds**

The subject site is formally known as Lot A DP374075, 35-43 Coerwull Road, Lithgow.

Lot A DP374075 currently retains an area of 8050m<sup>2</sup> and is utilised as a self storage unit facility (approved via 179/08DACC). Access to the self storage units is via an existing entrance from Coerwull Road. The telecommunication facility will have a frontage to Coerwull Road.

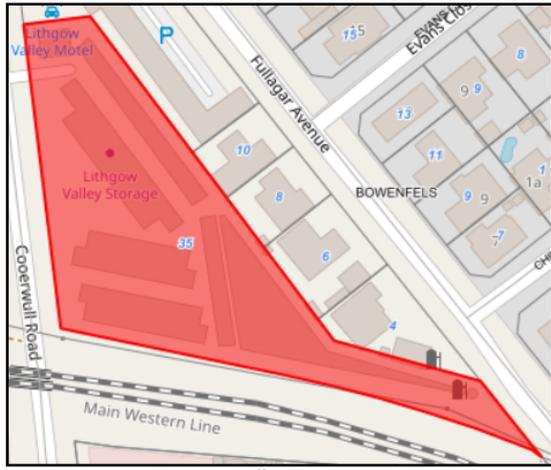


Figure 1: Allotment Layout

The Lithgow Caravan Park is within direct vicinity to the proposed development with residential dwellings located along Fullagar Avenue behind the storage units.

The site plan submitted with the application, originally identified the location of the development to be within the south eastern corner of the property. Due to the proximity to the rail infrastructure and impacts to the rail line, the application was amended to propose the tower to be located within the south west side of the property.

The location of the proposed development is identified on the plan below:



Figure 2: Aerial View of the property

Original location of the proposed development



Location of the proposed development

Figure 3: The location of the development from Coerwull Road (Google Maps, Nov 2021)



Location of the proposed development

Lithgow Caravan Park

Figure 4: The location of the development from Coerwull Road, south to north (Google Maps, Nov 2021)



Location of the proposed development

Lithgow Caravan Park entrance

Figure 5: The location of the development from Coerwull Road showing the proximity of the entrances to the caravan park and development site, south to north (Google Maps, Nov 2021)

Site entrance to the storage facility and development site

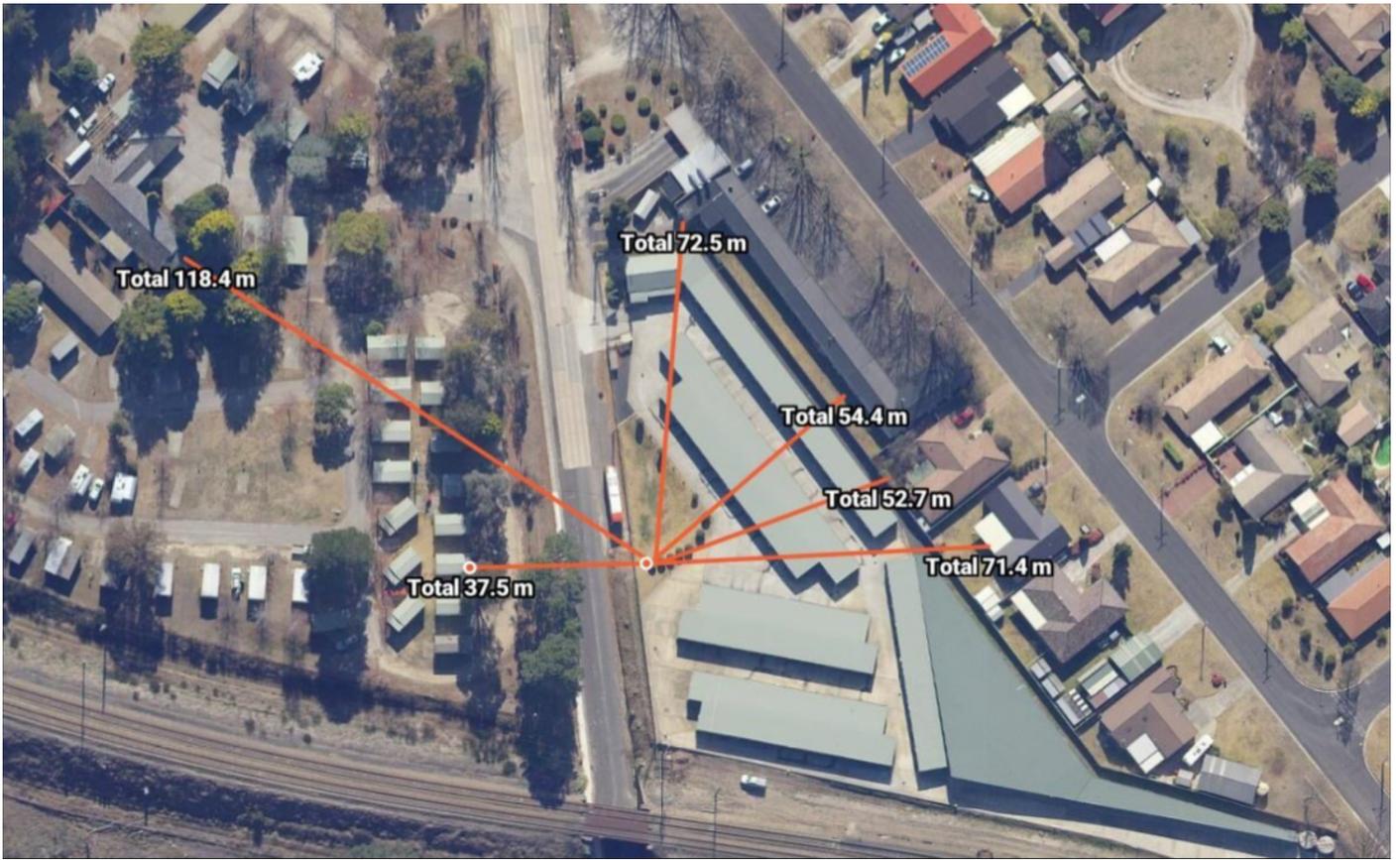


Figure 6: Location of the development to adjoining residential structures.

### **Proposed Development**

Council is in receipt of Development Application No. DA051/24 seeking consent for a mobile telecommunications facility, on land known as Lot A DP374075, 35-43 Coerwull Road, Lithgow.

The development proposes:

- The construction of a new 30 metre high slimline monopole, including equipment such as triangular headframe and panel antennas,
- 10m x 8m compound area to house electrical equipment and
- The installation of power to the proposed site compound.

The proposed monopole will be constructed of steel, and be in a grey colour with the equipment unit to be coloured 'eucalypt green'.

The lease area of the facility is proposed to contain an area of 164.8 m<sup>2</sup> (10.3m x 16m).

Access to the facility is proposed to be via the existing self storage unit entry off Coerwull Road.

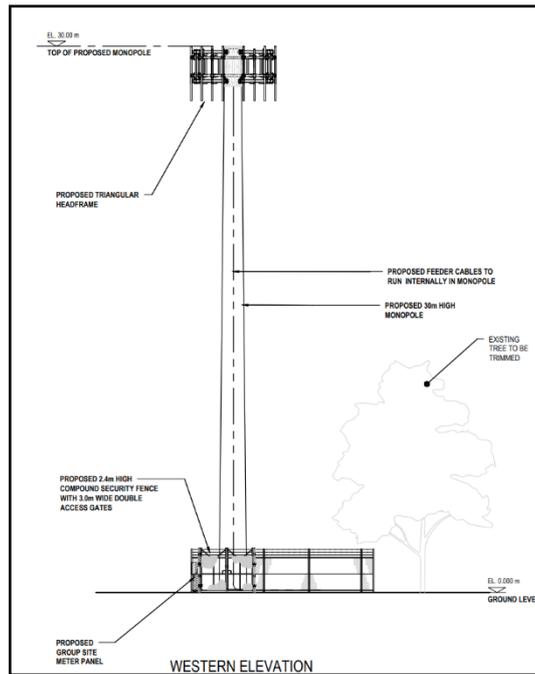


Figure 7: Elevation of the Development

The purpose of the development within this location is due to poor coverage and the lack of existing mobile telecommunication facilities in the area (there are no mobile phone base stations within approximately 2.6 kilometres of the proposed site location). The closest being a facility housing Telstra equipment, located to the east (at Roy Street), the second closest facility, housing Telstra, Optus and Vodafone equipment, is further afield at Braceys Lookout, some 3.3km south-east.

The applicant has stated:

*The main requirement for a new telecommunications facility in the area is to accommodate the combination of;*

- *improved coverage and services to the surrounding area, specifically the growing customer base within the residential areas and roadways;*
- *facilitating the requirements necessary to upgrade to the latest mobile technologies, along with preparing for further 5G network rollouts; and*
- *helping the surrounding facilities integrate effectively into the greater Network of sites by helping capacity and connectivity issues in areas with limited service.*

*It is not possible to adequately and efficiently service the area around the proposed location from existing facilities. Data services, in particular, are unreliable and throughput speeds slow.*

*As stated above, the lack of telecommunications infrastructure in the local area is putting a major strain on the existing Carrier networks in the surrounding area. This lack of infrastructure becomes crucial with the introduction of 5G technology, whereby facilities need to be located closer to each other than for previous 3G and 4G Networks.*

*To accommodate the above-mentioned service improvements, and future technology equipment, a new structure is necessary. There were no suitable colocation opportunities to provide for the required radio frequency coverage objectives in this instance. Due to the density of the residential population in the surrounding area, along with the industrial and commercial uses and motorists nearby, a new facility is necessary.*

The developer has further indicated that the structure will not be built until there is a need/demand for the structure and a carrier/s elect to locate on it.

### Site Selection

A site selection process was undertaken as part of the development with an evaluation including the ability to enter in tenure agreements with landowners and planning considerations.

Technical computer modelling is undertaken to review subject sites. This involves the expected coverage propagation from the site location, and essentially dictates the equipment necessary and the type, and height of the proposed facility.

As stated previously, the closest existing facility is 2.6km from the proposed site location, with the distance being too far apart to provide the depth of coverage and capacity to the area. Although, the existing facilities have been able to provide telecommunication services for Carrier's original networks (i.e. 2G and 3G), the facilities were not intended to provide for the updated technological services (5G network).

Carrier telecommunication facilities are linked via microwave radiocommunication dishes. These require direct line of site to existing and/or proposed site in the network to have the ability to link together.

The Statement of Environmental Effects states that the proposed site location at Coerwull Road ensures that the Carriers can connect to their extended local network of existing and future telecommunication facilities via the radio frequency coverage objectives. Candidate options were limited due to the requirements for a site on an elevated parcel of land that would meet coverage requirements.

### **Referrals**

#### **Internal Referrals**

<b>Branch</b>	<b>Comment</b>
Building	NA
Environmental & Health	NA
Heritage Advisor	NA
Infrastructure Services	NA
Planning	NA
Property/Legal	NA
Water & Wastewater	NA

#### **External Referrals**

<b>Agency</b>	<b>Comment</b>
DPE-Water	NA- No construction work is proposed to be undertaken within 40m of a water course.
Rural Fire Service	NA- The development is not a habitable building therefore it is exempt form RFS requirements.
Subsidence Advisory	NA
WaterNSW	The development was referred to WaterNSW as per Part 6.5 of the State Environmental Planning Policy (Biodiversity and Conservaton) 2021. Response from WaterNSW was received with no objection to the application subject to conditions on the consent). (Responses dated 27 June 2024 and 17 September 2024).
EndeavourEnergy	The development was referred to Endeavour Energy as per SEPP (Transport and Infrastructure) 2021, s.2.48 – Referral. Response from Endeavour Energy was received with no objection to the application subject to conditions on the consent.
Australian Rail Track Corporation (Sydney Trains)	The development was referred to Australian Rail Track Corporation as per SEPP (Transport and Infrastructure) 2021, s.2.98 – Referral. (Response received 24 October 2024).
Transport for NSW- Rail Authority	The development was referred to Transport for NSW- Rail Authority, as per SEPP (Transport and Infrastructure) 2021, s.2.98 – Referral. (Response received 6 September 2024).
Nepean Blue Mountains Local Health District	The application was referred to Nepean Blue Mountains due to the location of the development being in proximity to residential land uses and due to the number of community concerns raised.

	Nepean Blue Mountains Local Health District provided comments against the application. These comments were received 19 May 2025 and referenced later in this report under Public Participation.
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## **Statutory Assessment**

In determining a Development Application, a consent authority is to take into consideration the matters of relevance to the development pursuant to section 4.15 of the Environmental Planning and Assessment Act (EP&A Act) 1979.

## **State Environmental Planning Policies**

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of environmental planning instruments (EPIs), which includes State Environmental Planning Policies (SEPPs). SEPPs applicable to this assessment are addressed in the following sections:

- State Environmental Planning Policy (Transport and Infrastructure) 2021,
- Principles of NSW Telecommunications Facilities Guidelines including Broadband (2022),
- State Environmental Planning Policy (Biodiversity and Conservation) 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- Lithgow Local Environmental Plan (LEP) 2014,
- Lithgow Development Control Plan (DCP) 2021.

## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

<b>Division 21 Telecommunications and other communication facilities</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
<b>2.143 Development permitted with consent</b>	
(1) 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.	The development is therefore permissible in the zone.

## **Principles of NSW Telecommunications Facilities Guidelines including Broadband (2022)**

Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.	Complies - The associated equipment will be housed in an equipment shelter near the base of the pole. This equipment is proposed to be painted green to blend with surrounding fencing.  The use of a slimline pole, is considered appropriate to service the surrounding areas. While not in a rural setting, the proposed facility is located within a self storage unit facility and adjoins the railway line.  The proposed facility is not in immediate proximity to a heritage item. It is not considered that any nearby heritage item or area will be negatively impacted by this proposal.
Principle 2: Telecommunications facilities should be co-located wherever practical.	Complies - There are currently no existing carrier telecommunications facilities located in the vicinity.
Principle 3: Health standards for exposure to radio emissions must be met.	Complies – The Statement of Environmental Effects states: The proposed installation will comply with Australian Communications and Media Authority (ACMA) regulatory arrangements with respect to electromagnetic radiation exposure levels.  While no radiating equipment will be installed initially on this proposed facility, once operational, an Environmental EME

	Report, as required by the ARPANSA, will be produced and provided to Council.  This is satisfactory for the development.
Principle 4: Minimise disturbance and risk, and maximise compliance.	Complies - 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. The proposed facility is to be sited on a private lot and is secured by a fenced gate area to avoid access to the public. The proposal is therefore unlikely to put pedestrians or vehicles at risk.

## State Environmental Planning Policy (Biodiversity and Conservation) 2021

<b>Chapter 6 – Water Catchments</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
<b>6.1 Land to which this Chapter applies</b>	
This Chapter applies to land in the following catchments- (a) the Sydney Drinking Water Catchment, (b) the Sydney Harbour Catchment, (c) the Georges River Catchment, (d) the Hawkesbury-Nepean Catchment.	The subject site is located within the Sydney Drinking Water Catchment and as such the provisions of Chapter 6 apply.
<b>Division 2 Controls on development generally</b>	
6.6 Water quality and quantity	The proposed development provides appropriate onsite stormwater management. Based on the information submitted, the proposed development is considered unlikely to result in adverse impacts on water quality and quantity.
6.7 Aquatic ecology	Not applicable.
6.8 Flooding	Not applicable – the subject site is mapped as being within the probable maximum flood level on Council's flood prone map.
6.9 Recreation and public access	Not applicable.
6.10 Total catchment management	The proposed subdivision is considered unlikely to result in adverse impacts on the total catchment management.
<b>6.5 Sydney Drinking Water Catchment</b>	
The objectives of this Part are— (a) to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and (b) to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.	The proposed development is considered to be in keeping with the objectives of this Part.
<b>6.63 Requirement of consistency with NorBE Guideline</b>	
Development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority is satisfied the development is consistent with the NorBE Guideline.	Given that the application is located within a stormwater basin, the development was referred to WaterNSW for concurrence.
<b>6.64 Concurrence of Regulatory Authority</b>	
(1) Development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority has obtained the concurrence of the Regulatory Author	A Neutral or Beneficial Assessment has been undertaken by WaterNSW and contained a satisfactory result subject to conditions on the consent.

<b>Chapter 6 – Water Catchments</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
(2) For the Act, section 3.18(3), the Regulatory Authority must consider the following matters in deciding whether to grant concurrence— (a) the NorBE Guideline, (b) whether the development will have a neutral or beneficial effect on water quality.	

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

<b>Chapter 4 Remediation of Land</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
<b>4.6 Contamination and remediation to be considered in determining development application</b>	
(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.	The development adjoins the main rail way line. As such it is considered that all railway corridors are generally deemed to be contaminated unless proven otherwise by sampling. Contamination risk arises from both the construction (e.g., unknown fill used in rail construction) and operations (e.g., transportation of contaminated material, spills) of the railway. Potential contaminants could include but are not limited to, heavy metals, PAHs, phenolics (boiler ash), Organochlorine Pesticides (OCPs) and Organophosphorus Pesticides (OPPs).  Transport for NSW is unaware of whether contaminants are found in the rail corridor or on the common boundaries with the development site.  Given the scale, and type of infrastructure being constructed, the current land use being for storage units and the location of the development being separated from the railway line via buildings, Council is satisfied that no contamination testing is required.

### **Lithgow Local Environmental Plan (LEP) 2014**

<b>Clause 1.2 Aims of Plan</b>	
<b>Objective</b>	<b>Comment</b>
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	Not applicable – the proposed development is a permissible land use and is considered to support the commercial needs of the local community.
(a) to encourage sustainable and planned development that complements the unique character and amenity of Lithgow and enhances its towns, villages and rural areas,	Complies – the proposed development is considered to be in keeping with the existing locality.
(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Lithgow in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,	Complies – the proposed development is considered to provide for a range of development opportunities that contribute to the social, economic and environmental resources.
(c) to manage, facilitate and encourage sustainable growth and development that—	Refer to below comments.
(i) promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs to government, authorities and the community, and	Complies – the proposed development is considered to appropriately manage the necessary utilities, infrastructure and services required.

(ii) protects, enhances and conserves mineral and extractive resources lands, forests and agricultural lands and the contributions they make to the local, regional and State economy, and	Not applicable - the proposed development relates to the construction of a telecommunication tower.
(iii) allows for the orderly growth of land uses while minimising conflict between land uses in a zone and land uses in adjoining zones, and	Complies – the proposed development, although different to other types of development in the area, is considered unlikely to result in land use conflict due to area size and purpose of the development.
(iv) encourages a range of housing choices in planned urban and rural locations to meet population growth and the diverse needs of the community, and	Not applicable - the proposed development relates to the construction of a telecommunication tower.
(v) preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and	Not applicable – the site has not been identified for long term urban development.
(vi) protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have the potential to contribute to improved environmental outcomes, and	Complies – appropriate consideration has been given to the environmentally sensitive areas located. Based on the information submitted and the matters outlined in this 4.15 Assessment Report, the development is considered to achieve compliance with this objective.
(vii) protects and enhances places and items of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and	Complies - appropriate consideration has been given to the environmentally sensitive areas located. Based on the information submitted and the matters outlined in this 4.15 Assessment Report, the development is considered to achieve compliance with this objective.  The subject site is not mapped as being an item of heritage significance or within proximity to a heritage item.
(viii) avoids or minimises the impact of development on drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and the maintenance of environmental and recreational values, and	Complies – The proposed development is surrounded by a mixture of built uses, as such the development will have no impact on water catchments.
(ix) strengthens and promotes employment land opportunities and appropriate tourism development and growth, and	Complies – the development relates to the construction of a telecommunication tower, as such the development will create employment during construction as well as proving a service to the community.
(x) creates resilience to natural hazards through local land use planning.	Complies – the development is considered to adequately respond to the environmental factors present at the site, including bushfire prone land and flood prone land.

#### Characterisation & Permissibility

Pursuant to the Lithgow LEP 2014 and Division 21, Clause 2.143 'Development permitted with consent' under the State Environmental Planning Policy (Transport and Infrastructure) 2021, the proposed use is defined as a telecommunications facility as defined below:

#### **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.

Zone of Land R2 Low Density Residential

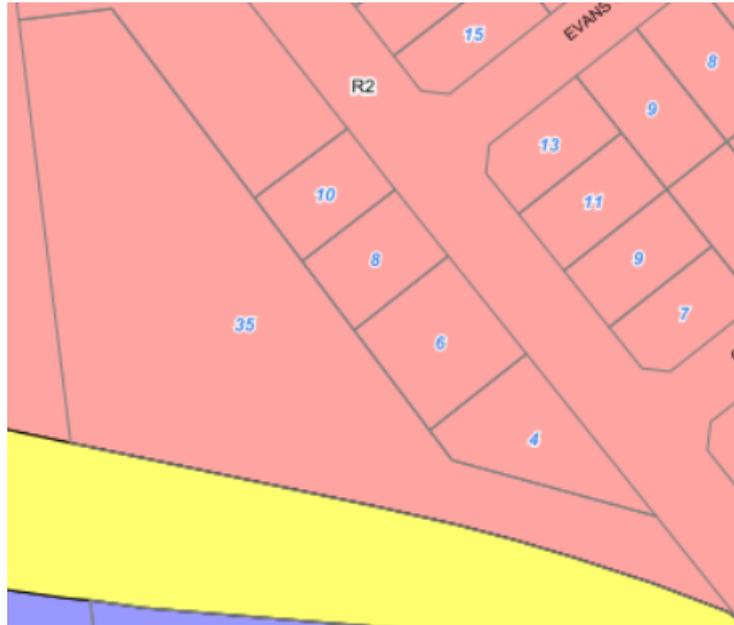


Figure 7: Zoning Map

### Zone Objectives

Objective	Comment
<b><i>R2 Low Density Residential</i></b>	
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> </ul>	Complies – the development being for a telecommunication facility will provide essential services (being mobile telecommunications and internet services) to the residents, businesses, and home based occupations within the surrounding area. The facility will also service the surrounding roadways and public recreation and tourist areas.
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	Complies – the development will for economic growth and investment to the area.
<ul style="list-style-type: none"> <li>To maintain or improve the water quality of receiving water catchments.</li> </ul>	Complies- the development being a telecommunication facility/tower will have no impact on water quality. The development has also been assessed as achieving a satisfactory Norbe result as per WaterNSW requirements.

LEP Clauses		
Relevant Provisions		Comment
<b>Part 2 Permitted or prohibited development</b>		
2.3	Zone objectives and Land Use Table	Complies – telecommunications facility are permitted with consent in the R2 Low Density Residential; and the development is in keeping with the objectives of the zone.
2.4	Unzoned land	Not applicable.
2.5	Additional permitted uses for particular land	Not applicable.
2.6	Subdivision – consent required	Not applicable.
2.7	Demolition – consent required	Not applicable.
2.8	Temporary use of land	Not applicable.
<b>Part 4 Principal development standards</b>		
4.1	Minimum subdivision lot size	Not applicable.
4.2	Rural subdivision	Not applicable.
4.3	Height of buildings	Not applicable.

<b>LEP Clauses</b>		
<b>Relevant Provisions</b>		<b>Comment</b>
4.4	Floor space ratio	Not applicable.
4.6	Exceptions to development standards	Not applicable.
<b>Part 5 Miscellaneous provisions</b>		
5.3	Development near zone boundaries	Not applicable.
5.4	Controls relating to miscellaneous permissible uses	Not applicable.
5.5	Controls relating to secondary dwelling on land in a rural zone	Not applicable.
5.9	Dwelling house or secondary dwelling affected by natural disaster	Not applicable.
5.10	Heritage conservation	Not applicable.
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	Not applicable.
5.21	Flood planning	Not applicable.
<b>Part 7 Additional local provisions</b>		
7.1	Earthworks	Complies –Minimal earthworks are proposed for the development. As such the proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination.
7.3	Stormwater management	Complies- The proposed development includes minimal construction of permeable surfaces. As such it is considered that the development will not interrupt or significantly alter the natural flow of water through the existing drainage line.
7.4	Terrestrial biodiversity	Not applicable.
7.5	Groundwater vulnerability	Complies - The property is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as the building exists on the property and no further construction work is required at this stage. The development is designed, sited and will be managed to avoid any significant adverse environmental impact. Water vulnerability is mapped below:  
7.7	Sensitive lands	Not applicable.
7.10	Essential services	Electricity and telecommunication services are located within the vicinity of the development. As such the development will be provided connections to these essential services.

### **Draft Environmental Planning Instruments (EPI)**

There are no draft EPIs applicable to the site or development.

## Provisions of any Voluntary Planning Agreements (VPA)

There are no VPAs that relate to the site or development.

## Lithgow Development Control Plan (DCP) 2021

Applicable DCP Chapters			
Chapter 2 – Site Requirements	X	Chapter 3 – Environment & Hazards	X
Chapter 4 – Heritage		Chapter 5 – Subdivision	
Chapter 6 – Residential		Chapter 7 – Commercial & Industrial	
Chapter 8 – Rural & Other Land Uses		Chapter 9 – Pottery Estate Precinct	

Chapter 2 – Site Requirements	
Development Control	Assessment Comments
<b>2.2 Site Analysis, Local Character &amp; Context</b>	
2.2.1 Site Selection	Complies - The development is permissible in the zone and complies with the zone objectives. The development is consistent with surrounding landuses being for self storage units and the railway line (industrial type purposes).
2.2.2 Site Analysis & Development Response a) The Site topography, climate and natural environment; b) Natural hazards on or near the Site; c) Potential land use conflicts; d) Heritage items or heritage conservation areas; e) Surrounding built form and landscape/streetscape character; and f) Amenity for the Site and adjacent sites (where relevant).	<p>Complies - Consideration has been given to the site topography and natural environment, along with any potential hazards on or near the site. The development is considered to respond to the established built form and is unlikely to result in adverse impacts on adjoining allotments.</p> <p>The proposed site location accessed via the existing driveway on the property.</p> <p>The property contains a self-storage facility, with numerous garages and lockers available for public use. The property has a railway line to the south, that is predicted to assist in minimising the perceived visual impact of the facility to the surrounding area.</p> <p>It is considered that there will be visual impact from the proposed facility, however it is limited, and intermittent in nature in the surrounding area.</p> <p>The existing infrastructure and vegetation on the subject property and surrounds, is expected to screen the lower portion of the monopole and the ground based equipment. The upper most portion of the monopole and headframe will be visible from some locations surrounding the property.</p> <p>The proposed facility will be seen in conjunction with other elements in the environment, such as power poles, power lines and vegetation.</p> <p>The most visual points are from residential dwellings around Fullagar Avenue (and side streets) and the Caravan Park located adjacent to the property on Coerwull Road. Given the existing vegetation along Coerwull Road, there is expected to be no further potential impacts to the north-west.</p> <p>The development being a slimline monopole structure will be the only infrastructure viewed from residents in Fullagar Avenue.</p>

	Besides the height of the development, ground base equipment will be similarly designed to the existing storage units on site.
2.2.3 Local Character & Context	Complies – Refer to the above comments.
2.2.4 Visually Prominent Sites	Complies – Refer to the above comments.
<b>2.3 Slope Response, Earthworks &amp; Retaining Walls</b>	
2.3.1 Earthworks	Complies – Minimal earthworks are proposed for the development given its scale. As such the proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination.
2.3.2 Retaining Walls	Not applicable – no retaining walls are proposed as part of the development.
<b>2.4 Stormwater Management</b>	
2.4 Stormwater Management	Complies- The development will be designed to not interrupt or significantly alter the natural flow of water through the existing drainage line.
<b>2.5 Vehicle Access &amp; Parking</b>	
2.5.1 Guidelines & Standards	Complies- It is proposed to access the site via the existing property access off Coerwull Road, however it is noted there are also access gates on the Fullagar Avenue side of the property, which may be utilised for construction access. As such, the access is considered satisfactory and is not required to be upgraded.
2.5.2 Vehicle Access & Driveways	Complies – Refer to the above comment.
1) Access	Complies – Refer to the above comment.
2) Policy: All works comply with Council Policy – <i>Specification for the construction of driveways, footpath/gutter crossings and foot-paving (as amended).</i>	Complies – Refer to the above comment.
3) All weather access: all weather access is required to all development to ensure that emergency services are able to access them at all times.	Complies – Refer to the above comment.
4) Proximity to Intersection(s) & Sight-Lines	Complies – Refer to the above comment.
5) Direction of Travel: Vehicle access and egress to/from a lot occurs in a forward direction.	Complies – Refer to the above comment.
6) Access to street	Complies – Refer to the above comment.
7) Slope	Complies – Refer to the above comment.
8) Driveway width: a) Driveways servicing one (1) to two (2) dwellings or in rural areas are a minimum width of 3.5m b) Shared driveways servicing three (3) or more dwellings (up to eight (8) dwellings) have a minimum width of 4.5m (3.5m carriageway plus landscaping) increasing to 5.5m forward of the front building line or provide for passing bays based on the size of the development/length of driveway. d) Driveways do not dominate the street and provide the minimum width to achieve safety whilst being integrated with the landscape design for the site.	Complies – Refer to the above comment.
<b>2.6 Pedestrian Access, Mobility &amp; Safety</b>	
2.6.1 Accessibility	Not applicable.
2.6.2 Pedestrians	Not applicable.

2.6.3 Street Numbering & Letterboxes	Not applicable.
<b>2.7 Designing for Crime Prevention</b>	
Complies – Fencing is existing around the site. This is satisfactory for the development.	
<b>2.8 Utilities, Easements &amp; Infrastructure</b>	
2.8.1 Connection to Utilities	Complies - Electricity and telecommunication services are located within the vicinity of the development. As such the allotments in the subdivision will be provided connections to these essential services. Appropriate consent conditions will be imposed in accordance with utility authority standards and statutory requirements.
2.8.2 Building Near Utilities/Easements/Drainage Lines	Complies – the development is located within proximity to the electrical powerlines. As such, the development was referred to Endeavour Energy, who has no objection to the application subject to conditions on the consent.
2.8.6 Water Supply	Not Applicable.

<b>Chapter 3 – Natural Environment &amp; Hazards</b>	
<b>Development Control</b>	<b>Assessment Comments</b>
<b>3.2 Bushfire Prone Land</b>	
O1. To meet the statutory requirements for bush fire protection in NSW.	Complies - The subject property is noted as being Bushfire Prone Land as a 'Vegetation Buffer'. The proposed facility will not increase the possibility of a bushfire on the subject property, nor will it exacerbate any possible bushfire activity. As the development is not habitable or defined as a special fire protection development, the development is considered to be exempt for RFS requirements.
<b>3.3 Vegetation Management &amp; Biodiversity</b>	
3.3.3 LLEP 2014 – Terrestrial Biodiversity	Not applicable.
<b>3.4 Land and Soil</b>	
3.4.1 Contaminated Land	Complies - The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.
3.4.2 Sensitive Land Areas	Not Applicable.
3.4.3 Erosion & Sedimentation	Complies - The development proposes minimal earthworks for the construction of the development. A retaining wall consisting of steel posts and concrete sleepers, with a height of 1m is proposed to be located behind the carrier equipment cabinet (north/east of the leased area). This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent.
<b>3.6 Ground &amp; Surface Water Protection</b>	
This clause applies to land where the following Clauses of LLEP2014 apply: a) Clause 7.5 – Groundwater vulnerability; and/or b) Clause 7.6 – Riparian land and watercourses;	Complies - The property is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as the building exists on the property and no further construction work is required at this stage. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.
<b>3.7 Mine Subsidence Risk</b>	
1) Any development application in a Mine Subsidence District considers and addresses the relevant Guideline(s) for the subject site (as amended) prepared by Subsidence Advisory (SA) NSW.	Not applicable.

## **Environmental Planning and Assessment Regulation 2021**

Section 4.15(1)(a)(iv) of the EP&A Act requires the consent authority to consider any prescribed matters under the Environmental Planning and Assessment Regulation 2021 (the Regulation). Council has assessed the development in accordance with all relevant matters prescribed by the Regulation.

### **Likely Impacts of the Development**

Section 4.15(1)(b) of the EP&A Act requires the consent authority to consider the likely impacts of that development including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

<b>Head of Consideration</b>	<b>Comment</b>
Natural Environment	Based on the information submitted, an assessment of the proposal and a site inspection, the development is considered unlikely to result in adverse impacts on the natural environment.
Built Environment	The proposed development is considered to be in keeping with the established industrial/residential locality. The proposal is not considered to be an overdevelopment of the site and is unlikely to result in adverse impacts on the subject site and surrounding locality.
Social Impact	The proposed development shall support the commercial/housing needs of the Lithgow community. Concerns have been raised relating to the visual aspects of the development and health concerns. These potential impacts are addressed separately in this table.
Economic Impact	As the proposed development will be generally in keeping with the provisions of the planning instrument, it is expected a generally positive social and economic impact will result.
Noise	Noise and vibration emissions associated with the proposed facility will be limited to the initial construction phase. There will be some low-level noise from the ongoing operation of air conditioning equipment associated with the equipment shelter, 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.
Traffic Generation	After the construction period, the only traffic generated by the base station will be that associated with maintenance vehicles. In this respect, it is estimated that maintenance of the facility will generate between 4 and 6 visits per year and it will remain unattended at all other times. The traffic generation will therefore be minimal and not sufficient to create any adverse impacts in this regard or by creating a demand for parking facilities.
Visual Impacts	<p>The proposed site location is accessed via the existing driveway on the property.</p> <p>The property contains a self-storage facility, with numerous garages and lockers available for public use. The property has a railway line to the south, that is predicted to assist in minimising the perceived visual impact of the facility to the surrounding area.</p> <p>It is considered that there will be visual impact from the proposed facility, however it is limited, and intermittent in nature in the surrounding area.</p> <p>The existing infrastructure and vegetation on the subject property and surrounds, is expected to screen the lower portion of the monopole and the ground based equipment. The upper most portion of the monopole and headframe will be visible from some locations surrounding the property.</p>

The proposed facility will be seen in conjunction with other elements in the environment, such as power poles, power lines and vegetation.

The most visual points are from residential dwellings around Fullagar Avenue (and side streets) and the Caravan Park located adjacent to the property on Coerwull Road. Given the existing vegetation along Coerwull Road, there is expected to be no further potential impacts to the north-west.

The development being a slimline monopole structure will be the only infrastructure viewed from residents in Fullagar Avenue.

Besides the height of the development, ground base equipment will be similarly designed to the existing storage units on site.

The photos below show examples of existing Telecommunication Towers located within the Lithgow LGA and the slim line structure that potential visual impacts that would be involved against the surrounding vegetation/backdrops:

1. Corner of Browns Gap Road/Great Western Highway Little Hartley



2. Magpie Hollow Road

	
Health Impacts	<p>The health risks are managed and monitored by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO).</p> <p>As such a condition would be included on the consent requesting that an Environmental Electromagnetic Energy (EME) Report, as required by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), be undertaken and submitted to Council for approval prior to the issue of the Occupation Certificate.</p> <p>The Environmental EME is to be maintained for the duration of the development and is to be reviewed annually. Any changes to the report is to be submitted to Council for assessment.</p>

### **Site Suitability**

Section 4.15(1)(c) of the EP&A Act requires the consent authority to consider the suitability of the site for the development. The surrounding land uses are for industrial/residential pursuits with the size and nature of the development consistent with those in the surrounding area. The development will have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the site is considered to be suitable for the proposal.

### **Policies**

#### **Policy 7.7 Calling In Of Development Applications or Development Application/Construction Certificates by Councillors**

This application has been called in pursuant to Policy 7.7 "Calling in of Applications by Councillors" Item 3 that states:

*3. Should written notice signed by a Councillor be provided to the General Manager prior to determination of a development application, the application shall not be determined under delegated authority but shall be:*

- Reported to the next available Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been 'called in'; and
- Reported to a Meeting of Council for determination where the application is in a state that it can be determined.

The application has been called in, with a call in report undertaken at a Council meeting held 25 November 2024. The following resolution was made:

**24 -268 RESOLVED**

**THAT:**

1. Information on Development Application DA051/24 be noted.
2. An onsite meeting be organised for staff, Councillors and residents.
3. Council note that a report on the final assessment and recommendation will be furnished to a future Council meeting for determination of DA051/24.

An onsite meeting was undertaken with staff, Councillors and residents on Thursday 23 January 2025. Concerns raised by the residents are noted in the next section below under public participation.

**Public Participation**

Section 4.15(1)(d) of the EP&A Act requires the consent authority to consider any submissions made in accordance with this Act or the regulations.

Notification Period: First Notification Period: 23 April 2024 to 16 May 2024 and  
Second Notification Period: 14 August 2024 to 30 August 2024

Submissions: First Notification Period: five (5) formal submissions and one (1) petition with 65 signatures,  
Second Notification Period: three (3) formal submissions

Onsite Council Meeting dated 23 January 2025: 22 Residents attended the meeting with an additional submission (previously objected)

During the notification periods, the following concerns were made:

<b>Community Concerns</b>	<b>Applicants Response</b>	<b>Assessment Officer's Response</b>
<b>First Notification Period</b>		
Environment Factors involving radio waves: animals and native vegetation such as trees would be impacted by the proposed development.	Refer to comments below.	Refer to comments below.
Health Risks: Concerns are raised to health risks by new mobile phone towers being rolled out in residential areas, specifically with electromagnetic field of a power	All mobile phone carriers, must strictly adhere to Commonwealth Legislation and regulations regarding mobile phone facilities and equipment administered by the Australian Communications and Media Authority (ACMA).  In 2020 the ACMA adopted a technical standard for exposure of the general public to RF EME from mobile base stations. The standard, known as the 'Standard for Limiting Exposure to Radiofrequency Fields – 100kHz to 300GHz (2021) RPS S-1 (Rev 1)', was prepared by the	Council concurs that the health risks are managed and monitored by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO).  As such a condition would be included on the consent requesting that an Environmental Electromagnetic Energy (EME)

<p>pole can reach up to 500 metres.</p>	<p>Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and is the same as that recommended by ICNIRP (International Commission for NonIonising Radiation Protection), an agency associated with the World Health Organisation (WHO). Mobile carriers must comply with the Australian Standard on exposure to EME set by the ACMA.</p> <p>The Standard operates by placing a limit on the strength of the signal (or RF EME) that Carriers can transmit to and from any network base station. The general public health standard is not based on distance limitations, or the creation of "buffer zones". The environmental standard restricts the signal strength to a level low enough to protect everyone, always, including children. It has a significant safety margin, or precautionary approach, built into it.</p> <p>All Carriers rely on the expert advice of national and international health authorities such as the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO) for overall assessments of health and safety impacts.</p> <p>The WHO advises that all expert reviews on the health effects of exposure to radiofrequency fields have concluded that no adverse health effects have been established from exposure to radiofrequency fields at levels below the international safety guidelines that have been adopted in Australia.</p> <p>Carriers have strict procedures in place to ensure their mobile phone base stations comply with these guidelines.</p>	<p>Report, as required by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), be undertaken and submitted to Council for approval prior to the issue of the Occupation Certificate.</p> <p>The Environmental EME is to be maintained for the duration of the development and is to be reviewed annually. Any changes to the report is to be submitted to Council for assessment.</p>
<p>Location of the development being within proximity to residential dwellings and visual impacts.</p>	<p>Due to the residential area to the north of the proposed site location, most views of the facility will be from the north/north-east. When viewed from the residential area, the upper portion of the proposed facility will be visible from a number of vantage points.</p> <p>The following images show that the proposed facility will be seen in conjunction with other elements in the environment, including the built form of the residential area, the industrial area further south, and vertical elements such as power poles and power lines and mature vegetation. When viewed from around 400m north-west, on Coerwull Road, the proposed facility will be entirely screened due to the mature vegetation that is in the vicinity and lining the roadway.</p>	<p>The proposed site location is accessed via the existing driveway on the property.</p> <p>The property contains a self-storage facility, with numerous garages and lockers available for public use. The property has a railway line to the south, that is predicted to assist in minimising the perceived visual impact of the facility to the surrounding area.</p> <p>It is considered that there will be visual impact from the proposed facility, however it is limited, and intermittent in nature in the surrounding area.</p> <p>The existing infrastructure and vegetation on the subject property and surrounds, is expected to screen the lower portion of the monopole and the ground based</p>



View towards the proposed site location from Coerwull Road.

The proposed facility will benefit from mature vegetation, and will also be seen in conjunction with other vertical elements including power lines and power poles.



View towards the proposed site location from Fullagar Avenue.

Views of the proposed facility from the south are predominately limited due to the distance separation from the site location, and the existing industrial uses between the site and the southern residential area. It is also noted that the Great Western Highway is located approximately 300m to the south of the proposed site

equipment. The upper most portion of the monopole and headframe will be visible from some locations surrounding the property.

The proposed facility will be seen in conjunction with other elements in the environment, such as power poles, power lines and vegetation.

The most visual points are from residential dwellings around Fullagar Avenue (and side streets) and the Caravan Park located adjacent to the property on Coerwull Road. Given the existing vegetation along Coerwull Road, there is expected to be no further potential impacts to the north-west.

The development being a slimline monopole structure will be the only infrastructure viewed from residents in Fullagar Avenue.

Besides the height of the development, ground base equipment will be similarly designed to the existing storage units on site.

location, and provides a further buffer for residential areas to the south.



View towards the proposed site location from Coerwull Road, approximately 3500m south.

The below image is taken from a nearby tourist accommodation. While it is clear that this vantage point will have clear vision of the proposal, it is not considered an inappropriate or uncommon site for such a location, and combines the existing commercial storage use with an additional infrastructure use. Further, the facility will be seen in conjunction with other vertical elements in the environment, and will not detract from any significant views of vistas.



View towards the proposed site location from Coerwull Road, adjacent to site location.

	<p>The above images show that while the proposed telecommunications facility may be visible at some vantage points, primarily when there is direct vision, the use of a slimline monopole structure, along with the specific siting and design, will enable it to be minimised as much as is possible.</p> <p>The proposed structure is considered a visually acceptable outcome taking into account the inherent nature of telecommunications facilities needing to be sited in the centre of the area which they are required to service, and requiring line of sight to the areas which they are proposed to cover. Further, the siting of the proposed facility in an area with existing vegetation in the near vicinity, near a railway corridor and industrial area, ensures that the visual impact is ameliorated as much as is possible.</p> <p>Through our experience, the best visual outcome is to retain the proposed monopole's 'grey' appearance, as it recedes into the background in most settings.</p>	
Devalue of properties.	In regard to property values, it is often considered a necessity of new purchasers of a property that there is an efficient and reliable mobile telecommunications service available throughout the local area. Mobile telecommunications facilities are becoming increasingly common in areas where coverage improvements are necessary. Like accessibility to schools, shops and public transport, mobile telecommunications coverage is just one of the essential services that residents expect, however it is understood that each of these aspects of a property may influence individual buyers.	The devaluation of properties is not a planning consideration.
<b>Second Notification Period</b>		
Impacts to the caravan park on the adjoining property.	It is understood that there will be some visual impact from the proposal when viewed from some areas within the adjoining Lithgow Tourist Park. However, as a primarily transient, tourist population, it is not considered that the impacts will be negative. As with residents and local communities, tourist populations expect an efficient mobile telecommunications network while holidaying and undertaking recreational ventures. It is not considered an uncommon site location for a mobile telecommunications facility to be in proximity to such an operation. It is also noted that the caravan park, and along Coerwull Road, is provided a degree of visual screening by the existing vegetation that lines the roadway.	Refer to previous comments relating to visual impacts and the design of the development.
Visual impacts and character of the area.	While the proposed telecommunications facility may be visible at some vantage points, primarily when there is direct vision, the use of a slimline monopole structure, along with the specific siting and design, will enable it to be minimised as much as is possible. The proposed structure is considered a visually acceptable outcome taking into account the inherent nature of telecommunications facilities needing to be sited in the centre of the area which they are required to service, and requiring line of sight to the areas which they are proposed to cover. Further, the siting of the proposed	Refer to previous comments.

	<p>facility in an area with existing vegetation in the near vicinity, near a railway corridor and industrial area, ensures that the visual impact is ameliorated as much as is possible.</p> <p>From more distant vantage points, the proposed facility will have the backdrop of vegetation, and will be seen in conjunction with other existing vertical elements in the adjoining commercial and industrial areas. From a distance, it is not expected that the monopole will be a focal point in the area, nor detract from the general character of the immediate vicinity or wider area.</p> <p>Through our experience, the best visual outcome is to retain the proposed monopole's 'grey' appearance, as it recedes into the background in most settings. If Council considers that an alternative colour would be better suited in this instance, it could be accepted as a condition of any potential Approval.</p>	
Overshadowing impacts	Due to the relatively minor bulk of the facility, and its slim appearance, it is not expected that shadowing will be a significant issue in the surrounding area. The facility will also be within other existing vertical elements such as power poles and power lines, and vegetation in the surrounding area.	The monopole is relatively slim, with the location of the tower containing large setbacks from any residential boundaries. Therefore, the tower is not expected to have overshadowing impacts.
The development is located within proximity to heritage items and cultural significant areas. The impacts to these items will be impacted upon.	While there are heritage items in the vicinity, there are none immediately adjoining, and they will not be impacted upon. There are no other known items of cultural, historical or environmental heritage significance located in the immediate vicinity of the proposed site that will be impacted upon by this proposal.	<p>There are some heritage items located in the vicinity of the development, these are known as Methven House, Andrew Brown Cemetery, Bowenfels Railway Station, Lithgow Station Group and Residence, Stone Viaduct.</p> <p>These heritage items do not adjoin directly to the development, the storage unit will be screened via surrounding structures with the pole and antennas being located above the roofline of surrounding dwellings and storage units.</p> <p>In relation to cultural significant items, an Aboriginal Heritage Information Management System (AHIMS) web services search was undertaken and did not identify any aboriginal sites or places of significance to be located within the vicinity of the development.</p> <p style="text-align: right;">Location of the Proposed Development    Methven House</p>

		 <p>Andrew Brown Private Cemetery</p> <p>Bowenfels Railway Station, Lithgow Station Group and Residence, Stone Viaduct</p>
<p>The new location of the development will be closer to power lines.</p>	<p>The proposed (revised) site location is afforded a greater level of separation to nearby power lines than the original proposal. The separation is considered acceptable and will not pose any concerns for the ongoing operation of the facility or the local power supply.</p>	<p>The application was referred to Endeavour Energy who had no objection to the application.</p>

**Onsite Council Meeting 23 January 2025**

<p>Over-development of the site; the use of the site is already utilised for storage units and associated infrastructure such as the bioretention basin, fencing, landscaping, driveway and carparking areas.</p>	<p>The proposal is not considered to be over-development of the site. The proposal is sited in an area that is currently not utilised, and will not impact the existing (or future) uses of the site. The facility is proposed to be sited on a property that is operating an existing commercial use, and is considered an appropriate location that will not inhibit the use of the subject property, nor properties in the surrounding area. The facility has been specifically designed so that it will not impact upon the operation of the water retention basin.</p>	<p>The use of the site is currently utilised by an existing commercial use being for storage units and associated development.</p> <p>The lease area of the facility is proposed to contain an area of 164.8 m<sup>2</sup> (10.3m x 16m) over an allotment that contains an area of 8050m<sup>2</sup>.</p> <p>The area of the structure is considered to be relatively small compared to the area size of the property and the existing use on the site. The existing use further contains reasonable vehicle manoeuvring areas and setback from boundaries.</p> <p>All commercial developments that involve new storage units are required to be assessed by WaterNSW. Given that the development is proposed to be located within proximity to the detention basin, the development was referred to WaterNSW as per the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p> <p>The on-site detention basin is noted to be approximately 400m<sup>2</sup> area</p>
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		<p>and discharge to Coerwull Road to the west via a 150mm outlet.</p> <p>As such WaterNSW is satisfied that the proposed development will not impact the existing stormwater infrastructure on the property subject to conditions on the consent.</p>
<p>Medical and Health Concerns – scientific studies have proven that telecommunication towers being located within proximity to residential uses increase and have detrimental health impacts.</p>	<p>The following is a brief outline of the guidelines surrounding health and safety of mobile telecommunications infrastructure.</p> <p>“All mobile phone Carriers must strictly adhere to Commonwealth Legislation and regulations regarding mobile phone facilities and equipment administered by the Australian Communications and Media Authority (ACMA).”</p> <p>In 2020 the ACMA adopted a technical standard for exposure of the general public to RF EME from mobile base stations. The standard, known as the ‘<i>Standard for Limiting Exposure to Radiofrequency Fields – 100kHz to 300GHz (2021) RPS S-1 (Rev 1)</i>’, was prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and is the same as that recommended by ICNIRP (International Commission for Non-Ionising Radiation Protection), an agency associated with the World Health Organisation (WHO). Mobile carriers must comply with the Australian Standard on exposure to EME set by the ACMA. The Standard operates by placing a limit on the strength of the signal (or RF EME) that Carriers can transmit to and from any network base station. The general public health standard is not based on distance limitations, or the creation of “buffer zones”. The environmental standard restricts the signal strength to a level low enough to protect everyone, always. It has a significant safety margin, or precautionary approach, built into it. It is with this in mind that we find mobile telecommunications base stations being common-place in residential areas, often located on rooftops of buildings, apartment blocks, and on numerous Hospital buildings and within school grounds across the country. Scientific research has also shown that EME from telecommunications doesn’t cause animals harm either.</p> <p>Carriers rely on the expert advice of national and international health authorities such as the ARPANSA and the World Health Organisation for overall assessments of health and safety impacts. The WHO advises that all expert reviews on the health effects of exposure to radiofrequency fields have concluded that no adverse health effects have been established from exposure to radiofrequency fields at levels below the international safety guidelines that have been adopted in Australia.</p>	<p>Council concurs that the health risks are managed and monitored by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO).</p> <p>As such a condition would be included on the consent requesting that an Environmental Electromagnetic Energy (EME) Report, as required by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), be undertaken and submitted to Council for approval prior to the issue of the Occupation Certificate.</p> <p>The Environmental EME is to be maintained for the duration of the development and is to be reviewed annually. Any changes to the report is to be submitted to Council for assessment.</p> <p>Refer to Nepean Bue Mountains Local Health District comments located under this table.</p>

	<p>ICNIRP's current international guidelines are applicable to 5G frequencies. ICNIRP's exposure guidelines cover frequencies from 100 kHz – 300 GHz. There are also international standards for the compliance assessment of 5G networks antennas and devices, which include new approaches for smart antennas and the use of new frequency ranges.</p> <p>Mobile phone base station facilities do not cause interference in the surrounding area. There are National and International standards governing all forms of electronic equipment regarding the interference that such equipment produces and, in turn, its immunity to interference from outside. Any equipment compliant with these standards is unlikely to suffer or cause interference. It is confirmed that all equipment connected to a mobile telecommunications base station is compliant with these standards.</p> <p>Further, all transmitters are designed to comply with ACMA regulations which minimise spurious interference to other services; sufficient antenna separation is maintained; and, detailed radio frequency modelling is performed to ensure that interference into other services is avoided.</p>	
<p>Environmental Concerns such as flood impacts. Currently, this section adjacent to the site within Coerwull Road is subject to flooding and this causes a safety impact to residents. The development would increase the volume of water from the site to divert to the road at a faster rate.</p>	<p>The proposal would not increase any impacts related to flooding in the local area. The facility has been specifically designed to take into consideration the adjoining water retention basin, with detailed modelling undertaken to ensure there will be no impact on the retention or release of water in the area. The proposed facility will not increase the probability or severity of a flood event in the local area, rather, it would provide assistance in natural disasters such as flood or bushfire, by providing critical emergency service communication.</p>	<p>The size area (not height) of the development on ground level is not expected to increase potential flood impacts in the area. As previously discussed the development will not impact the existing detention basin. WaterNSW has also provided concurrence to the application.</p>
<p>Location of the development is unsuitable for the locality, given the reasons raised through the residential submissions and specifically within a bioretention basin that is to contain vegetation and to capture stormwater runoff.</p>	<p>As has been detailed, the proposed site location has been specifically chosen on the subject property as it will not impact the existing or future use of the property or surrounding properties, and has been designed to take into consideration the water retention basin nearby.</p> <p>The proposed facility intends to provide improved mobile telecommunications services and connectivity to users in the surrounding area. The predominant users of these services are residential areas, and while it is accepted that the facility is in proximity to a residential population, it is afforded as much distance separation as is possible in this instance.</p> <p>Siting a facility in close proximity to the area it is intended to cover ensures that the facility operates at its lowest</p>	<p>Refer to previous comments.</p>

	<p>possible power levels and provides optimum service to the end user. Siting a facility further away from the areas requiring coverage improvements can often result in the need for numerous additional facilities to provide efficient coverage.</p> <p>The lack of telecommunications infrastructure in the local area is putting a major strain on the existing Carrier networks in the surrounding area. This lack of infrastructure becomes even more crucial with the introduction of 5G technology, whereby facilities need to be located closer to each other than for previous 3G and 4G Networks.</p> <p>The proposed site location offers the necessary height, whilst importantly being central to the area where Carriers require coverage improvements. The site location is immediately abutting an existing commercial use, in the storage warehouse, and the existence of mature vegetation adjoining the site location will also assist in reducing the visual impact of the facility to the nearby residential areas. Candidate options were limited due to the requirements for a site on an elevated parcel of land that would meet coverage requirements, and that would not impede the existing and future use of land. The proposed site location has attempted to strike a balance between all factors in the environment.</p> <p>The site is afforded a level of screening from vegetation on adjoining properties, and is distanced by some 55m from the nearest residential property. The ground based equipment will be painted a shade of green to blend with adjoining vegetation and the retention basin, and while the monopole and headframe will be seen to the nearby and surrounding areas, its impact will be minimised by siting nearby to the railway line and other industrial uses to the south.</p>	
<p>Heritage and cultural values of the area.</p>	<p>The proposed site location is not in the immediate vicinity, or adjacent to, any listed heritage items or conservation areas. Lithgow is an historically diverse town, with numerous heritage items throughout, however this proposal has attempted to avoid these significant areas and ensure there is as little impact, if any, on the heritage of the town.</p> <p>While the proposed telecommunications facility may be visible at some vantage points, primarily when there is direct vision, the use of a slimline monopole structure, along with the specific siting and design, will enable it to be minimised as much as is possible. The proposed structure is considered a visually acceptable outcome taking into account the inherent nature of telecommunications facilities needing to be sited in the centre of the area which they are required to service, and requiring line of sight to the areas which they are proposed to cover.</p>	<p>Refer to previous comments relating to the submissions.</p>

The purpose of the development; as the document states that it "has identified an area of poor network coverage in the Lithgow area". The residents advised that they currently have NBN Node and the mobile data is more than adequate for the residential area of Fullagar Avenue and Caravan Park. Additionally, there would be no residential expansion in the area given the constraints of the surrounding land.

It is understood that the NBN provides fixed internet services to specific residences in the area. The NBN does not, however, provide mobile telecommunications services. These mobile services are required for phone and emergency situations, and in instances where fixed line communications are unavailable or inoperable. Mobile telecommunications services are also important to transient populations, whether that is tourists travelling along local roadways, tourists in the local area – such as residing at the nearby tourist caravan park, or residents travelling in motor vehicles, or simply standing outside in their backyards while using mobile devices. While some residents and members of the surrounding area may receive some mobile telecommunications services, there is a noted deficiency in the area, whereby the availability of the most up-to-date technologies are not available. There are also a number of Blackspot areas that have been noted throughout the Federal Governments Mobile Black Spot Program. This dedicated mobile telecommunications facility will ensure efficient mobile services are provided into the surrounding area, which not only includes the residential area, but also the tourist locations, and surrounding roadways.

The coverage analysis for the proposed site shows significant coverage improvement to the surrounding area, including proposed new indoor coverage to almost 600 dwellings, as well as local businesses, roads, and the Highway.

The existing indoor coverage is shown below:

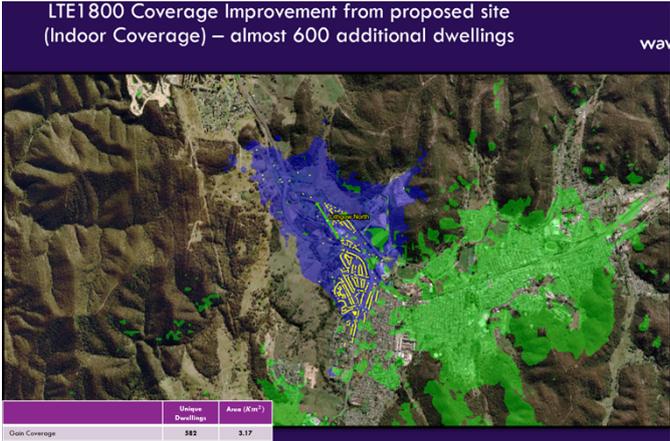


The proposed indoor coverage area is shown below:



Infrastructure is to be constructed as new technology is developed. Services currently may be satisfactory however as technology is developed, the services would no longer be available. Mobile telecommunication services are important specifically to blackspot areas.

Refer to the applicants response in relation to the coverage area and diagrams.

	<p>The coverage improvement from the proposed site is shown below:</p> 	
<p>Documentation provided does not represent a true replica of the location of the caravan park</p>	<p>Where referenced in documentation, it is not considered that the location of the caravan park has been misrepresented.</p>	<p>Refer to previous comments relating to visual impacts.</p>

### **Nepean Blue Mountains Local Health District**

The application was referred to Nepean Blue Mountains due to the location of the development being in proximity to residential land uses and due to the number of community concerns raised.

Nepean Blue Mountains Local Health District provided the following comments:

#### **Radiofrequency Electromagnetic Energy**

*Radiofrequency (RF) electromagnetic energy (EME) is the transfer of energy by radio waves. It is non ionising, meaning it has insufficient energy to break chemical bonds or remove electrons. Common sources of RF EME include radio and television broadcasting, mobile telephony, Wi-Fi and satellite communications.*

*The development proposal includes the installation of a mobile telecommunications monopole and ground-based equipment, as such potential adverse health effects from RF EME exposure should be adequately considered for this proposal.*

*The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) state that exposure to sufficiently high levels of RF EME can heat biological tissue and cause tissue damage, however at low levels of exposure, the evidence for harmful biological effects is unproven and ambiguous.*

*To ensure human health is not adversely affected, RF EME emissions from telecommunications are regulated by the Australian Communications and Media Agency (ACMA). The ACMA regulatory arrangements require base stations to comply with strict exposure limits set out in the 'Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz Radiation Protection Series S-1' (the Standard).*

*The Standard has been developed by ARPANSA and sets out safe RF EME exposure limits based on current scientific research that shows at which level harmful effects can occur. The Standard has been designed to protect people of all ages and health status against the known health effects from exposure to RF EME.*

*ARPANSA state that there is no substantiated scientific evidence to support adverse health effects from low exposure to the RF EME, such as those associated with telecommunications, below the limits set within the Standard.*

*It is noted that there are potentially sensitive land uses nearby, including residential areas. As all telecommunication equipment and devices are required to operate under the limits imposed by the Standard and therefore must operate*

*below the level at which known adverse effects may occur, the Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts have reported no advantage in requiring telecommunications to be located any particular distance from residential area.*

*The 'Mobile Phone Base Station Deployment' Industry Code does not strictly prohibit a carrier from deploying mobile phone radiocommunications infrastructure near or on a community sensitive location.*

**Recommendation:**

*To prevent adverse health impacts, the development proposal should be designed, installed and operated so that:*

- a) The proposed facility operates at a radiofrequency field that is between 100 kHz to 300 GHz and therefore is captured within the scope of the Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz Radiation Protection Series S-1, and*
- b) the maximum RF EME exposure levels comply with the exposure limits outlined in the Standard, and*
- c) the proposal is compliant with the relevant Industry Code, and*
- d) adequate consideration has been given to nearby community sensitive locations, including residential areas.*

*Additionally, a report in the format required by ARPANSA, demonstrating the predicted levels of electromagnetic energy surrounding the development will comply with the safety limits set forth in the Standard, and a report showing compliance with the relevant Industry Code, should be completed by the proponent/carrier and provided to the local council prior to the commencement of use.*

**Noise and vibration**

*Environmental noise exposure can lead to a variety of short-term and long-term adverse health effects, such as sleep disturbance, anxiety and cardiovascular effects (EnHealth 2018, World Health Organisation 2010). Noise impacts from the proposed project include noise emitted during the initial construction phase and operational noise resulting from the ongoing use of the air conditioning equipment and potential future electrical unit housed in the 63m<sup>2</sup> compound area. We note that potentially impacted receivers include nearby residential receivers.*

*It is noted that we have not received an acoustic report for this proposal, however the Statement of Environmental Effects prepared by Waveconn, indicates that the noise emissions from the use of the air conditioning equipment will be comparable to the noise emissions from a domestic air conditioning installation and therefore, will generally accord with the background noise levels. The proposal includes a 63m<sup>2</sup> compound area, to house future electrical equipment units, that may contribute to the future noise and vibration emissions from the proposal. Thorough assessment of the health impacts from noise and vibration associated with this proposal is problematic without a detailed acoustic report and more detailed equipment details.*

**Recommendations:**

*It is recommended that restrictions or conditions on hours of work, such as those recommended within the 'NSW Telecommunications Facilities Guideline, Including Broadband' developed by the Department of Planning and Environment, are put in place to minimise the impact of noise and vibration on neighbouring properties during the construction phase.*

*Noise and vibrations from the ongoing use of air-conditioning equipment and from any electrical equipment that will be housed within the 63m<sup>2</sup> compound, have the potential to adversely impact on nearby receivers. As such it is recommended that a mechanical noise assessment/acoustic report be prepared and provided to the local council to more accurately assess the potential noise and vibration emissions of this proposal.*

**Council Comment:** Due to the compound being at a lower elevation and surrounded by the storage units building as well as the train line being within proximity, a noise and vibration assessment is not deemed necessary. Further standard noise and vibration conditions would be included on the consent should the application be approved.

**Contributions**

**Section 7.12 Development Contributions Plan 2015**

Council's Section 7.12 Development Contributions Plan 2015 applies to this development given it is for a telecommunication facility at an estimated cost of \$125,000.00, using the below levies:



## **REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- To ensure that adequate road and drainage works are provided.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

**Schedule A**  
**Conditions of Consent (Consent Authority)**

<b>GENERAL CONDITIONS</b>																															
1.	<p><b>Approved Development</b>            Development Consent is granted for a Telecommunications Facility, on land known as Lot A DP374075, 35-43 Coerwull Road, Lithgow NSW 2790.</p> <p>Condition Reason: To ensure all parties are aware of the approved development description and development address.</p>																														
2.	<p><b>Approved plans and supporting documentation</b>            Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="6" style="text-align: left;"><b>Approved Plans</b></th> </tr> <tr> <th style="width: 33%;">Title</th> <th style="width: 15%;">Author</th> <th style="width: 15%;">Project</th> <th style="width: 10%;">Sheet</th> <th style="width: 10%;">Revision</th> <th style="width: 17%;">Date</th> </tr> </thead> <tbody> <tr> <td>Site Plan</td> <td>Waveconn</td> <td>AN2790-004</td> <td>P1</td> <td>A</td> <td>07/02/2024</td> </tr> <tr> <td>Site Setout Plan</td> <td>Waveconn</td> <td>AN2790-004</td> <td>P2</td> <td>A</td> <td>07/02/2024</td> </tr> <tr> <td>Site Elevation Plan</td> <td>Waveconn</td> <td>AN2790-004</td> <td>P3</td> <td>A</td> <td>07/02/2024</td> </tr> </tbody> </table> <p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans/documents and a condition of this consent, the condition prevails.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	<b>Approved Plans</b>						Title	Author	Project	Sheet	Revision	Date	Site Plan	Waveconn	AN2790-004	P1	A	07/02/2024	Site Setout Plan	Waveconn	AN2790-004	P2	A	07/02/2024	Site Elevation Plan	Waveconn	AN2790-004	P3	A	07/02/2024
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<b>GENERAL TERMS OF APPROVAL AND CONCURRENCE REQUIREMENTS</b>	
<b>Endeavour Energy Requirements</b>	
3.	<p><b>Dial Before You Dig</b>            Before commencing any underground activity the applicant is required to obtain advice from the <b>Dial Before You Dig 1100</b> service in accordance with the requirements of the <i>Electricity Supply Act 1995</i> (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
4.	<p><b>Earthing</b>            The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations'.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
5.	<p><b>Emergency Contact</b>            In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
6.	<p><b>Look up and Live</b>            Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
7.	<p><b>Network Connection</b>            Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.</p>

	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
8.	<p><b>Public Safety</b> Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources, which were developed to help general public/workers to understand why you may be at risk and what you can do to work safely is available via the following link: <a href="http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures">http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures</a>.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
9.	<p><b>Safety Clearances</b> Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
10.	<p><b>Service Conductors</b> Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
11.	<p><b>Vegetation Management</b> The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure could become a potential safety risk, restrict access, reduce light levels from streetlights or result in the interruption of supply.</p>
	Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
<b>WaterNSW Requirements</b>	
12.	<p><b>General</b> The site layout and works shall be as specified in the Statement of Environmental Effects (dated August 2024) and Draft Site Plans (dated 11.06.2024) prepared by Waveconn. No revised site layout or external works that will have any impact on water quality, shall be permitted without the agreement of Water NSW.</p>
	Reason for Condition: Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.
13.	<p><b>Stormwater Management</b> The recommendations as specified in the Detention Basin Flow Analysis report (dated 6 August 2024) prepared by Taylor Consulting Engineers shall be incorporated in the final stormwater drainage plan to be approved by the Principal Certifier. The stormwater drainage plan shall:</p> <ul style="list-style-type: none"> <li>• include: two proposed 0.9m x 0.9m x 1.3m control pits with 150 mm outlets <ul style="list-style-type: none"> <li>○ existing detention control pit</li> <li>○ on-site detention, and</li> </ul> </li> <li>• be implemented.</li> </ul>
	Reason for Condition: To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.
14.	<p><b>Operational Environmental Management Plan</b> 1) An Operational Environmental Management Plan shall be by a person with knowledge and experience in the preparation of such plans. The Plan shall:</p> <ul style="list-style-type: none"> <li>• be prepared prior to the issuance of an Occupation Certificate,</li> <li>• be provided the site's appointed management representative,</li> <li>• include the details on the location and nature of stormwater management structures such as pits, pipes and on-site detention basins,</li> <li>• outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities</li> </ul>

	<ul style="list-style-type: none"> <li>• identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and</li> <li>• include checklists for recording inspections and maintenance activities.</li> </ul> <p>2) All stormwater management devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan.</p>
	Reason for Condition: To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.
15.	<p><b>Construction Activities</b></p> <p>1) An Erosion and Sediment Control Plan (ESCP) shall be prepared by a person with knowledge and experience in the preparation of such plans for all works required as part of the development, including for operations. The Plan shall:</p> <ul style="list-style-type: none"> <li>• be developed prior to the issuance of a Construction Certificate and be to the satisfaction of the Principal Certifier,</li> <li>• meet the requirements outlined in Chapter 2 of NSW Landcom’s Soils and Construction: Managing Urban Stormwater (2004), and</li> <li>• include controls that prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system.</li> </ul> <p>2) The ESCP shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained as part of ongoing operations at the site and retained until works have been completed and ground surface stabilised or groundcover re-established.</p>
	Reason for Condition: To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation, and pollution within or from the site during this construction phase.
<b>Sydney Trains Requirements</b>	
16.	<p>Prior to the installation of any radiating machinery or equipment that is to be secured, installed, or attached to any part of the existing monopole, the person or service provider shall consult with Sydney Trains to confirm that the works will not interfere or negatively impact Sydney Trains’ operations. All works must comply with Sydney Trains’ requirements and obtain Sydney Trains’ written approval and endorsement before the final installation is completed and operated.</p>
	Reason for Condition: To ensure minimal impacts occur to the Train Line.
17.	<p>The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:</p> <ul style="list-style-type: none"> <li>•oversees the carrying out of the Applicant’s obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;</li> <li>•acts as the authorised representative of the Applicant; and</li> <li>•is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.</li> </ul>
	Reason for Condition: To ensure minimal impacts occur to the Train Line.
18.	<p>Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.</p>
	Reason for Condition: To ensure minimal impacts occur to the Train Line.
19.	<p>Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on <a href="mailto:West_Interface@transport.nsw.gov.au">West_Interface@transport.nsw.gov.au</a>.</p>
	Reason for Condition: To ensure minimal impacts occur to the Train Line.
20.	<p>Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.</p>
	Reason for Condition: To ensure minimal impacts occur to the Train Line.

<b>Transport for NSW- Rail Authority</b>	
21.	<p><b>Guidelines</b></p> <p>The applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments (Link: <a href="https://www.transport.nsw.gov.au/industry/asset-standards-authority/finda-standard/airspace-and-external-developments-1">https://www.transport.nsw.gov.au/industry/asset-standards-authority/finda-standard/airspace-and-external-developments-1</a>) and Development Near Rail Corridors and Busy Roads- Interim Guidelines (Link <a href="https://www.planning.nsw.gov.au/sites/default/files/2023-03/development-near-rail-corridorsand-busy-roads-interim-guideline.pdf">https://www.planning.nsw.gov.au/sites/default/files/2023-03/development-near-rail-corridorsand-busy-roads-interim-guideline.pdf</a>).</p> <p>Please note that State Environmental Planning Policy (Infrastructure) 2007 referred in the above documents has been superseded by State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>Reason for condition: To comply with the Guidelines and State Environmental Planning Policies.</p>
22.	<p><b>Access to the rail corridor</b></p> <p>The applicant must not and, must ensure its employees and all other persons do not enter any part of the rail land during at all times unless otherwise permitted in advance.</p> <p>Reason for condition: Lot A DP 374075 is immediately adjacent to the rail corridor. As such, it is essential that access to the rail corridor/ rail land must be permitted in advance.</p>
23.	<p><b>Excavation in, above, below, or adjacent to rail corridors</b></p> <p>Prior to the issue of the construction certificate or commencement of any works, the applicant shall provide either design drawings/plans or statement (on letter or email format) indicating the location, depth, distance, and height of any excavation/earthworks located within 25m of the rail corridor to UGLRL. If such excavation work depth is greater than 2m within 25m of the rail corridor (actual depths to be shown on plans), the applicant shall provide the geotechnical report (specifically developed for the railway authority) prepared by the qualified Geotechnical and Structural Engineers to the satisfaction of UGLRL demonstrating that the proposed works will not have a negative impact on the rail corridor and associated rail infrastructure. The applicant must consult and obtain written approval from UGLRL stating that this condition has been satisfied.</p> <p>Reason for condition: The Statement of Environmental Effect (SEE)/plans/drawings supplied by the applicant do not contain a reference to the extent of excavation/earthworks (location, depth, distance, and height) near the rail corridor. It is important for UGLRL and TfNSW to be satisfied that the works do not have any adverse impacts on the rail corridor and rail infrastructure due to the proposed development.</p>
24.	<p><b>Lighting/non-reflective materials</b></p> <p>The design installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridors must limit flare and reflectivity to the satisfaction of UGLRL on behalf of TfNSW. The applicant shall not use red, amber, or green lighting colours to avoid adverse effects on train running schedules and safety issues due to misidentification of lighting colours. The Principal Certifying Authority (PCA) shall not issue the relevant construction certificate until written confirmation has been received from UGLRL and TfNSW confirming that this condition has been satisfied.</p> <p>Reason for condition: The applicant must note that the rail corridor is operational thus, the glare from lighting and external finishes has the potential to affect the drivers for safe operations of trains. The applicant is advised to contact UGLRL's Property team via <a href="mailto:propertyenquiries@uglregionallinx.com.au">propertyenquiries@uglregionallinx.com.au</a> and <a href="mailto:affanadil.khan@uglregionallinx.com.au">affanadil.khan@uglregionallinx.com.au</a> for confirmation.</p>
25.	<p><b>Cranes and Equipment</b></p> <p>The applicant must submit an application to UGLRL on behalf of TfNSW prior to any use of cranes and equipment (Equipment) in the air space over the rail corridor. The use of Equipment must be in accordance with the AS 2550 series of Australian Standards, Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use - Concrete Placing Equipment.</p> <p>Reason for condition: If such equipment is required to be used in the air space over the rail corridor or adjacent rail land other than the leased premises, the applicant must submit an application to UGLRL for its endorsement and TfNSW's approval in advance. The applicant is advised to contact UGLRL's Third-party works team via <a href="mailto:thirdpartyworks@uglregionallinx.com.au">thirdpartyworks@uglregionallinx.com.au</a> for more information in this regard.</p>
<b>Nepean Blue Mountains Local Health District</b>	
<b>Radiofrequency Electromagnetic Energy</b>	

26.	<p>To prevent adverse health impacts, the development proposal should be designed, installed and operated so that:</p> <ul style="list-style-type: none"> <li>a) The proposed facility operates at a radiofrequency field that is between 100 kHz to 300 GHz and therefore is captured within the scope of the Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz Radiation Protection Series S-1, and</li> <li>b) the maximum RF EME exposure levels comply with the exposure limits outlined in the Standard, and</li> <li>c) the proposal is compliant with the relevant Industry Code, and</li> <li>d) adequate consideration has been given to nearby community sensitive locations, including residential areas.</li> </ul> <p>Additionally, a report in the format required by ARPANSA, demonstrating the predicted levels of electromagnetic energy surrounding the development will comply with the safety limits set forth in the Standard, and a report showing compliance with the relevant Industry Code, should be completed by the proponent/carrier and provided to the local council prior to the commencement of use.</p>
	Reason for condition: To limit impacts to surrounding residents and to comply with the health requirements.

## BUILDING WORK

<b>BEFORE BUILDING WORK COMMENCES</b>	
26.	<p><b>Construction Certificate required</b></p> <p>Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Certifier.</p>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
27.	<p><b>Section 7.12 Local Contributions</b></p> <p>Payment of a 7.12 contribution in accordance with Lithgow City Council Section 7.12 Development Contribution Plan (2015) shall be made to Council, prior to the release of the Construction Certificate.</p> <p>The amount payable is <b>\$625.00</b>.</p> <p>The amount payable may be adjusted at the time of actual payment in accordance with the provisions of the Lithgow City Council Section 7.12 Development Contributions Plan (2015).</p>
	Condition Reason: To demonstrate compliance and ensure fees are paid in accordance with the Lithgow Contributions Plan.
28.	<p><b>Colour Schedule</b></p> <p>The colour of the monopole is to be painted in a grey colour with the equipment unit to be coloured 'eucalypt green'. Colour schemes are to be submitted to Council for approval prior to construction work.</p>
	Condition Reason: To ensure minimal impact to the environment.
29.	<p><b>Erosion and sediment controls in place</b></p> <p>Before any site work commences, the Principal Certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual</p>

	'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).
	Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
30.	<p><b>Protection of adjoining areas</b></p> <p>A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works—</p> <ul style="list-style-type: none"> <li>(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or</li> <li>(b) could cause damage to adjoining lands by falling objects, or</li> <li>(c) involve the enclosure of a public place or part of a public place.</li> </ul>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
31.	<p><b>Toilet facilities</b></p> <p>Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work
32.	<p><b>Garbage receptacle</b></p> <p>A garbage receptacle <b>must</b> be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers</p>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work
33.	<p><b>Traffic Control Plan</b></p> <p>A fully certified traffic control plan will be required where machinery may obstruct traffic on public roads whilst construction work is being undertaken. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.</p>
	Condition Reason: To ensure minimal impact is made to traffic in the area.
34.	<p><b>Council Assets</b></p> <p>Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.</p>
	Condition Reason: To ensure minimal impact is made to Council assets.
35.	<p><b>Contract Works Insurance</b></p> <p>The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors/Subcontractors engaged by the Applicant within Council road reserve will be borne by the Applicant and not Lithgow City Council.</p>
	Condition Reason: To ensure minimal impact is made to Council assets.

#### DURING BUILDING WORK

36.	<p><b>Construction hours</b></p> <p>Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.</p>
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	Condition Reason: To protect the amenity of the surrounding area
37.	<p><b>Site management</b></p> <p>All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
38.	<p><b>External colours and finishes</b></p> <p>The development shall incorporate colours and finishes that are consistent with the approved plans and schedule.</p>
	Condition Reason: To ensure the development complies with the approved plans and referenced documents.
39.	<p><b>Earthworks</b></p> <p>Any earthworks (including any structural support or other related structure for the purposes of the development:</p> <ul style="list-style-type: none"> <li>- Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and</li> <li>- Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and</li> <li>- That is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and</li> <li>- That is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.</li> <li>- Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.</li> </ul>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
40.	<p><b>Procedure for critical stage inspections</b></p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p>
	Condition Reason: To require approval to proceed with building work following each critical stage inspection.
41.	<p><b>Vehicle Movements</b></p> <p>All vehicles entering or leaving the site must have their loads covered, and before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</p>
	Condition reason: To promote safe entry and exit to the construction site.
42.	<p><b>Excavated Areas</b></p> <p>Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building.</p>
	Condition reason: To ensure all earthworks are adequately retained.
43.	<p><b>Dust</b></p> <p>The Applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.</p>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
44.	<b>Waste management</b>

	<p>Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. Copies of receipts stating the following must be given to the principal certifying authority—</p> <ul style="list-style-type: none"> <li>(a) the place to which waste materials were transported,</li> <li>(b) the name of the contractor transporting the materials,</li> <li>(c) the quantity of materials transported off-site and recycled or disposed of.</li> </ul>
	Condition Reason: To promote safe and responsible disposal of waste.
45.	<p><b>Contamination</b></p> <p>Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contact and conducted a thorough assessment.</p> <p>In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination, and Council must be notified.</p>
	Condition Reason: To ensure potential contamination is appropriately managed and mitigated onsite.
46.	<p><b>Archaeology discovered during excavation</b></p> <p>If any object having interest due to its age or association with the past is uncovered during the course of the work—</p> <ul style="list-style-type: none"> <li>(a) all work must stop immediately in that area, and</li> <li>(b) the Office of Environment and Heritage must be advised of the discovery.</li> </ul> <p><i>Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.</i></p>
	Condition reason: To ensure potential archaeology is appropriately managed.
47.	<p><b>Aboriginal objects discovered during excavation</b></p> <p>If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—</p> <ul style="list-style-type: none"> <li>(a) all excavation or disturbance of the area must stop immediately in that area, and</li> <li>(b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the <i>National Parks and Wildlife Act 1974</i>.</li> </ul> <p><i>Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.</i></p>
	Condition reason: To ensure potential archaeology is appropriately managed.

#### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

48.	<p><b>Disturbed areas</b></p> <p>The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifier upon completion of the work.</p>
	Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

#### OCCUPATION AND ONGOING USE

49.	<p><b>Occupation Certificate</b></p> <p>The development shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.</p>
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	Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
50.	<p>An Environmental Electromagnetic Energy (EME) Report, as required by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), is to be undertaken and submitted to Council for approval prior to the issue of the Occupation Certificate.</p> <p>The Environmental EME is to be maintained for the duration of the development and is to be reviewed annually. Any changes to the report is to be submitted to Council for assessment.</p>
	Condition reason: To minimise potential environmental impacts.

## PRESCRIBED CONDITIONS

<b>PRESCRIBED CONDITIONS</b>	
<i>Environmental Planning and Assessment Regulation 2021</i>	
51.	<p><b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <p>(1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>(2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</p> <p>(3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.</p> <p>(4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.</p> <p>(5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>(6) This section does not apply—</p> <p style="padding-left: 20px;">(i) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</p> <p style="padding-left: 20px;">(ii) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</p> <p>(7) In this section—</p> <p>relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.</p>
	Condition reason: Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
52.	<p><b>Erection of signs</b></p> <p>(1) This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>(2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <p style="padding-left: 20px;">(i) showing the name, address and telephone number of the principal certifier for the work, and</p> <p style="padding-left: 20px;">(ii) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</p> <p style="padding-left: 20px;">(iii) stating that unauthorised entry to the work site is prohibited.</p> <p>(3) The sign must be—</p> <p style="padding-left: 20px;">(i) maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p style="padding-left: 20px;">(ii) removed when the work has been completed.</p>

	<p>(4) This section does not apply in relation to—</p> <p>(i) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p>(ii) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p>
	Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
53.	<p><b>Notification of Home Building Act 1989 requirements</b></p> <p>(1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</p> <p>(2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—</p> <p>(i) for work that requires a principal contractor to be appointed—</p> <p>(a) the name and licence number of the principal contractor, and</p> <p>(b) the name of the insurer of the work under the Home Building Act 1989, Part 6,</p> <p>(ii) for work to be carried out by an owner-builder—</p> <p>(a) the name of the owner-builder, and</p> <p>(b) if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.</p> <p>(3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</p> <p>(4) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p>
	Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
54.	<p><b>Shoring and adequacy of adjoining property</b></p> <p>(1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>(2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—</p> <p>(i) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</p> <p>(ii) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</p> <p>(3) This section does not apply if—</p> <p>(i) the person having the benefit of the development consent owns the adjoining land, or</p> <p>(ii) the owner of the adjoining land gives written consent to the condition not applying.</p>
	Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).

## General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

### BUILDING WORK

Building work must not be carried out until a construction certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.