
Environmental & Community Services Committee Agenda

14 March 2023 at 10.30am

To All Councillors

*You are hereby notified that the next meeting of the Environmental & Community Services Committee will be held on **14 March 2023** in the Council Chambers, Scone at **10.30am**, for the purpose of transacting the undermentioned business.*

This meeting will be audio recorded and those in attendance should refrain from making any defamatory statements.

There are to be no other recordings of this meeting without the prior authorisation of the committee.

The Environmental & Community Services Committee consists of

Cr Lee Watts (chair), Cr Elizabeth Flaherty, Cr Allison McPhee and Cr Ron Campbell.

GREG MCDONALD
GENERAL MANAGER

1. APOLOGIES
2. DECLARATIONS OF INTEREST
3. PUBLIC PARTICIPATION
4. SITE INSPECTIONS - Nil
5. BUSINESS ITEMS

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Planning & Infrastructure Services

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

ECSC.03.1 ***DEVELOPMENT APPLICATION NO. 188/2021
TELECOMMUNICATIONS FACILITY***

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Paul Smith - Senior Environmental Planner

PURPOSE

On 4 January 2022, Council received Development Application No. 188/2021 for a telecommunications facility at 78 Bettington Street Merriwa (Lots 30 & 31 DP 837789). The development application is being referred to Council as two submission have been received.

RECOMMENDATION

That Council approve Development Application No. 188/2021 for a telecommunications facility at 78 Bettington Street Merriwa (Lot 31 DP 837789) subject to the conditions of consent in Attachment 1.

BACKGROUND

Council has not had any previous dealings with this development application.

REPORT/PROPOSAL

Applicant: Ventia Pty Ltd
Owner: Telstra Pty Ltd
Location: 78 Bettington Street Merriwa (Lot 30 & 31 DP 837789)
Proposal: Satellite ground network earth station in support of future Telstra products and services at existing telecommunications facility (new 1.8m diameter satellite dish)
Zone: B2 Local Centre

The development site comprises two existing allotments with a combined area of 2,953m² and an approximate 20m frontage to Bettington Street. The development application involves the installation of a 1.8 metre diameter satellite dish with a 1.8 metre long antenna, 0.915m x 1.2m platform, electronics enclosure with shroud, associated electricity, earthing and fibre cabling; and 7.62m x 3.66m x 1.8m high fencing surrounding. The application originally proposed the installation on Lot 30 DP 837789.

In order to address concerns about impacts on heritage and adjoining landowners, the application was amended on 2 February 2023. The satellite dish and related infrastructure is now proposed to be installed on the adjoining Lot 31 DP 837789. Access to the site will be via an existing concrete driveway within an access handle (refer to plans in Attachment 2).

Assessment of the application took a considerable period of time due to delays in receiving amended plans from the applicant.

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OPTIONS

1. That Council approve Development Application No. 188/2021 for a telecommunications facility at 78 Bettington Street Merriwa (Lot 31 DP 837789) subject to the conditions of consent in Attachment 1.
2. That Council refuse Development Application No. 188/2021 for a telecommunications facility at 78 Bettington Street Merriwa (Lot 31 DP 837789) stating the reasons for refusal.

CONSULTATION

The development application was notified and placed on public exhibition between Wednesday 12 January and Thursday 27 January 2022. Two (2) submissions were received raising issues including:

- The close proximity of the proposed development to local Australia Post business/home on the western boundary
- Noise impact from ongoing operation of the proposed development
- Risk to human health by Electromagnetic Radiation
- Loss of Property Values (refer to Attachment 4).

On 9 February 2022 the applicant was advised of the submissions and requested to consider siting the facility to provide greater setbacks.

The amended development application, received on 23 February 2023, was notified and placed on public exhibition between 15 February 2023 and 1 March 2023. No submissions were received.

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

- 2.5 Provide efficient and effective advisory, assessment and regulatory services focused on being customer 'friendly', responsive and environmentally responsible.

b. Delivery Program

- Assessment of planning applications

c. Other Plans

Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 provides that in determining a development application, a consent authority is to take into consideration a development control plan. The development application is considered to satisfy the outcomes of the Upper Hunter Development Control Plan 2015 (UHDCP) (refer to Section 4.15 Assessment in Attachment 3).

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IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development application fees of \$260.00 have been paid.

c. Legislative Implications

An assessment of the development application has been undertaken pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (see Attachment 3).

d. Risk Implications

Council determinations of development applications and modifications in relation to local development can be appealed by the applicant in the Land and Environment Court where they are not satisfied with the outcome of a determination. There is a risk that the applicant may appeal the determination.

Council determinations of development applications and modifications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied.

e. Sustainability Implications

Nil

f. Other Implications

Nil

CONCLUSION

The development application was lodged on 4 January 2022 and proposed the installation of a satellite dish and compound on Lot 30 DP 837789 (the lot closer to Bettington Street) and approximately 1m from the boundary with No. 80 Bettington Street (Merriwa Post Office). The applicant was requested to reconsider the location due to potential impact on heritage conservation and adjoining resident amenity. On 2 February 2023, the applicant submitted amended plans that relocated the facility to Lot 31 DP 837789, providing greater setbacks to the boundaries and less likely to impact on the heritage values of the Merriwa Conservation Area. In this regard, it is recommended that the development application be granted consent for the following reasons:

- The proposal complies with the Upper Hunter Local Environmental Plan 2013
- The development satisfies the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021
- The development satisfies the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021



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- The proposal complies with the Upper Hunter Development Control Plan 2015
- The proposal has been assessed as satisfactory against Section 4.15 of the Environmental Planning & Assessment Act 1979
- Will not have an adverse impact on the surrounding locality

ATTACHMENTS

- [1↓](#) DA 188/2021 - Recommended Conditions of Consent
- [2↓](#) DA 188/2021 - Amended plans
- [3↓](#) DA 188/2021 - Section 4.15 Assessment
- [4↓](#) DA 188/2021 - Submissions

DA 188/2021 – Recommended Conditions of Consent**Identification of approved plans:**

1. The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects dated August 2012, except where amended by the following conditions.

JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE
Site Layout and Access N743777	1		Telstra	24.01.2023
Site Layout N743777	1-1		Telstra	24.01.2023
Site Set out Plan N743777	1-2		Telstra	24.01.2023
Elevation N743777	3		Telstra	24.01.2023
Fence and Gate Details N743777	8		Telstra	24.01.2023

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

Operational conditions imposed under the environmental planning and assessment act and regulations and other relevant legislation:

2. All building work must be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: Prescribed by legislation)

Conditions that must be addressed prior to commencement:

3. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with *Soils and Construction* (Landcom, 4th Edition, March 2004) provisions on Erosion and Sediment Control, or a suitable and effective alternative method.

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

The installation is to be approved by the Certifying Authority prior to further commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

4. Unless an existing stabilised site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size be a minimum of 3m in width and must be provided from the road edge to the front of the building being constructed. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

The installation must be approved by the principal certifying authority prior to the commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

5. Site facilities

- (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) before work commences. Any such hoarding or fence is to be removed when the work has been completed.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees.
- (c) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (d) Adequate toilet facilities must be provided on the work site. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or an approved temporary chemical closet.

The provision of toilet facilities must be completed before any other work is commenced.

The installation of the site facilities shall be approved by the Principal Certifying Authority prior to further commencement of site works and prior to the first inspection.

(Reason: To ensure the health and safety of the community and workers on the site)

6. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

(Reason: Statutory requirement)

7. No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works in must cover the works being undertaken onsite.

(Reason: Prescribed – Statutory)

Conditions that must be complied with during demolition and building work:

8. Any person acting on this consent shall ensure that:-
- (a) building construction activities are only carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
 - ii. on a Saturday—8.00am to 5.00pm.
 - (b) building construction activities must not be carried out on a Sunday or a public holiday unless prior approval has been obtained
 - (c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)
9. Any person acting on this consent must ensure that:-
- (a) all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - (b) all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
 - (c) demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.
 - (d) the builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.
- (Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)
10. If any previously unidentified Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately cease work and notify the NSW Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974* and obtain any necessary approvals to continue the work. Works shall not recommence until an appropriate strategy for managing the objects has been determined in consultation with the NSW Office of Environment and Heritage and the applicant receives written authorisation from the NSW Office of Environment and Heritage.

Conditions which must be complied with prior to the issue of any occupation certificate:

11. The cost of repairing any damage caused to Council or other Public Authority's assets adjoining the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant prior to the issue of an Occupation Certificate.
12. The building is not to be used or occupied until a final inspection has been carried out and any Occupation Certificate has been obtained from the Principal Certifier.
- (Reason: Prescribed - Statutory.)

Conditions which must be complied with at all times:

13. At all times, all stormwater from the development, including all hardstandings and overflows from rainwater tanks, shall be collected and disposed of by way of properly constructed stormwater lines to:


(a) the existing stormwater drainage on site;

The discharge point shall be stabilised in a manner that will prevent the erosion of adjacent soils and shall disperse stormwater in a controlled manner, with such water being retained within the subject property.

(Reason: To ensure the suitable disposal of stormwater generated by the development

Plot date: 24 January 2023 - 1:58 PM

	1	2	3	4	5	6
A						
B	DRAWING/DOCUMENT DESCRIPTION	DRAWING NUMBER	SHEET NO.	ISSUE NO.	ISSUE DATE	DRAWING STATUS CANCELLED PRELIMINARY FOR CONSTRUCTION AS BUILT REFERENCE ONLY
	SITE SPECIFIC NOTES - SHEET 1 OF 2	N743777	S0	0.2	24.01.23	
	SITE SPECIFIC NOTES - SHEET 2 OF 2	N743777	S0-1	0.2	24.01.23	
	SITE LAYOUT AND ACCESS	N743777	S1	0.2	24.01.23	
	SITE LAYOUT	N743777	S1-1	0.2	24.01.23	
	SITE SETOUT PLAN - OPTION 1	N743777	S1-2	0.2	24.01.23	
	EAST ELEVATION	N743777	S3	0.2	24.01.23	
	LOS PHOTOS	N743777	S7	0.2	24.01.23	
C	SITE EARTHING - OPTION 1	N743777	G4	0.2	24.01.23	
	SAN EARTHING SCENARIO	N743777	G4-2	0.2	24.01.23	
	SITE EARTHING SCHEMATIC	N743777	G4-4	0.2	24.01.23	
	BAR CONNECTIONS DIAGRAMS	N743777	G4-5	0.2	24.01.23	
	TRENCH DETAILS	N743777	G4-6	0.2	24.01.23	
	AC POWER CONNECTION	N743777	E2	0.2	24.01.23	
D	CONCRETE FOUNDATION DETAILS	N743777	T2	0.2	24.01.23	
	EQUIPMENT PLATFORM - H-FRAME DETAIL	N743777	T2-1	0.2	24.01.23	
	COMPOUND FENCE AND GATE DETAILS	N743777	T8	0.2	24.01.23	
E						
F						



MERRIWA EXCHANGE

Address ID NSW 131068 MRAW


ADDRESS: 78 BETTINGTON ST,
MERRIWA, NSW 2329

VENTIA REVISION TABLE				PWID: MRAW			SCALE : AS SHOWN	
				-				
CP 20004549 SP 30092220 WO 046				-			DATE	24.01.23
							DESIGN BY	G.HEFFERNAN
							DRAWN BY	IJ
24.01.23	SAN plot location change			IJ	GH	B	CHECKED	G.HEFFERNAN
16/07/21	FOR CONSTRUCTION			S.C	H.D.	A	APPROVED	G.HEFFERNAN
DATE	DESC			DRN	APP	REV	CUST APPR.	J.SCROGGIE

DRAWING ENDORSEMENT BY CLIENT

NAME		DATE	
SIGNATURE		STATUS	

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
-	IJ	GH	EXCHANGE SATELLITE INSTALLATION	GH	GH	24.01.23	0.2




SATELLITE ACCESS NODE SITE 131068
MERRIWA EXCHANGE

DRAWING INDEX AND DOCUMENT CONTROL
78 BETTINGTON ST, MERRIWA, NSW 2329

DWG NO.	N743777	SHT NO.	DC
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Cad file: 30092220 WO046 Merriwa Exchange.dwg

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A	<div><div>SITE SPECIFIC NOTES</div><div>EQUIPMENT PLATFORM</div><p>TYPE: PROPOSED STEEL 'MOON' PLATFORM. SIZE (mm): APPROX. 915 x 1200mm. BASE TYPE: STEEL BASE PLATE</p></div>					<div><div>SITE REFERENCE DETAILS</div><table><tr><td>OCCUPIER</td><td>SITE NAME</td><td>SITE CODE</td></tr><tr><td>TELSTRA</td><td>MERRIWA EXCHANGE</td><td>MRAW</td></tr></table></div>	OCCUPIER	SITE NAME	SITE CODE	TELSTRA	MERRIWA EXCHANGE	MRAW																																										
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C	<div><div>ENVIRONMENTAL ISSUES</div><p>REFER TO ENVIRONMENTAL RISK ASSESSMENT CHECKLIST 018422f10 INCLUDE ANY ANIMALS: NESTING BIRDS: OSPREY ETC. DANGEROUS SNAKES, WASPS & SPIDERS ETC. MENACING CATTLE ETC.</p></div>																																																					
	D	<div><div>POWER SUPPLY</div><p>32A/1P SUPPLY SHALL BE TAKEN FROM PROPOSED WALL MOUNTED EXTERNAL SAN DISTRIBUTION BOARD TO BE INSTALLED BY TELEPOWER. REFER TO SHEET S1 AND S1-1 FOR PROPOSED LOCATION AND SHEET E2 FOR AC POWER DETAILS.</p><p>DIAL 1100 BEFORE YOU DIG.</p></div>																																																				
		E	<div><div>PROPERTY SIGNAGE</div><p>SPECIFY PROPERTY SIGNAGE AS PER DOCUMENT 017866A12. SITE NAME: BRANDED SITE IDENTIFICATION REGULAR (BSr). TELSTRA S/I NUMBER 187/00929. JABAC PART NUMBER TFMS929-M.</p></div>																																																			
F			<div><div>SITE ACCESS</div><p>VIA BETTINGTON STREET , REFER TO SHEET S1 SITE S.A.C. TO ADVISE C.D.C. LOCATION DETAILS</p></div>																																																			
	<div><div>SITE SIGNAGE</div><p>ALL EME SIGNAGE IS REFERENCED ON DRAWINGS S1 & S3. REFER TO DOCUMENT 005486 FOR DETAILS.</p></div>																																																					
	<div><div>WORKPLACE HEALTH & SAFETY</div><p>ASBESTOS CONTAINING MATERIALS WERE IDENTIFIED DURING INSPECTION & DESIGN STAGES, SUBSEQUENTLY CONFIRMED BY REVIEW OF THE TELSTRA REGISTER OF ASBESTOS MATERIALS. ALL NECESSARY CONTROLS WILL NEED TO BE IN PLACE DURING THE CONSTRUCTION PHASE TO CONTROL THIS IDENTIFIED HAZARD.</p></div>																																																					
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<div><div>CYCLONIC SITES</div><p>REFER SHEET T2-2 FOR SPECIFIC REQUIREMENTS FOR SITES IN NOMINATED CYCLONIC WIND ZONES.</p></div>																																																						
<div><div>TO BE READ IN CONJUNCTION WITH SHEETS S0-1, S1, S1-1 & S3.</div><table><tr><td>ORDER</td><td>DRAWN</td><td>CHKD</td><td>AMENDMENT</td><td>EXAM</td><td>APPD</td><td>DATE</td><td>ISS</td></tr><tr><td>-</td><td>IJ</td><td>GH</td><td>EXCHANGE SATELLITE INSTALLATION</td><td>GH</td><td>GH</td><td>24.01.23</td><td>0.2</td></tr></table></div>						ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS	-	IJ	GH	EXCHANGE SATELLITE INSTALLATION	GH	GH	24.01.23	0.2																																	
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<div><div>FOR CONSTRUCTION</div><div><div></div><div>SATELLITE ACCESS NODE SITE 131068 MERRIWA EXCHANGE SITE SPECIFIC NOTES - SHEET 1 OF 2 78 BETTINGTON ST, MERRIWA, NSW 2329</div></div><div><div>DWG NO.</div><div>N743777</div><div>SHT NO.</div><div>S0</div></div><div>Cad file: 30092220 WO046 Merriwa Exchange.dwg</div></div>																																																						
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SITE SIGNAGE



- 1 ONE OF EACH TO BE SUPPLIED PER SITE.

SITE SIGNAGE REQUIREMENTS
SIGN TO BE YELLOW BACKGROUND
WITH BLACK LETTERING
ALUMINIUM MATERIAL REQUIRED

ATTACHED WITH GALVANIZED HOG TIES OR
STAINLESS HARDWARE



STICKER TO BE ATTACHED TO BACK OF
DISH VISIBLE FROM GATE AT NO HIGHER
THAN EYE HEIGHT

SITE ID: _____

FOR ACCESS OR EMERGENCIES
CONTACT:
SERVICE ASSURANCE CENTER
1800 842 728

- 2 SITE SIGNAGE REQUIREMENTS
ENGRAVED SIGNS
ADHESIVE BACKED
75mm x 150mm

FIP01

FIBER INTERFACE PANEL
SERVICE FROM FIBER DEMARC
SERVICE TO EQUIPMENT CABINET

- 3 SITE SIGNAGE REQUIREMENTS
ENGRAVED SIGNS
ADHESIVE BACKED
75mm x 150mm

MDP01

MAIN DISTRIBUTION PANEL
240v, 1 PH
FED FROM TELCO SUPPLY
FEEDING EQUIPMENT CABINET

- 4 SITE SIGNAGE REQUIREMENTS
ENGRAVED SIGNS
ADHESIVE BACKED
75mm x 150mm

ACCEPTANCE TESTING:

1. PROVIDE PERSONNEL AND EQUIPMENT, MAKE REQUIRED TESTS, AND SUBMIT TEST REPORTS UPON COMPLETION OF TESTS.
2. WHEN MATERIAL AND/OR WORKMANSHIP IS FOUND NOT TO COMPLY WITH THE SPECIFIED REQUIREMENTS, THE NONCOMPLYING ITEMS SHALL BE REMOVED FROM THE JOBSITE AND REPLACED WITH ITEMS COMPLYING WITH THE SPECIFIED REQUIREMENTS PROMPTLY AFTER RECEIPT OF NOTICE OF SUCH NON-COMPLIANCE.

A. TEST PROCEDURES:

1. ALL FEEDERS SHALL HAVE THEIR INSULATION TESTED AFTER INSTALLATION, BUT BEFORE CONNECTION TO DEVICES. THE CONDUCTORS SHALL TEST FREE FROM SHORT CIRCUITS AND GROUNDS. TESTING SHALL BE FOR ONE MINUTE USING 1000V DC. INVESTIGATE ANY VALUES LESS THAN 50 MEGOHMS.
2. PRIOR TO ENERGIZING CIRCUITRY, TEST WIRING DEVICES FOR ELECTRICAL CONTINUITY AND PROPER POLARITY CONNECTIONS.
3. MEASURE AND RECORD VOLTAGES BETWEEN PHASES AND BETWEEN PHASE WIRES AND NEUTRALS. SUBMIT A REPORT OF MAXIMUM AND MINIMUM VOLTAGES.

END OF SECTION

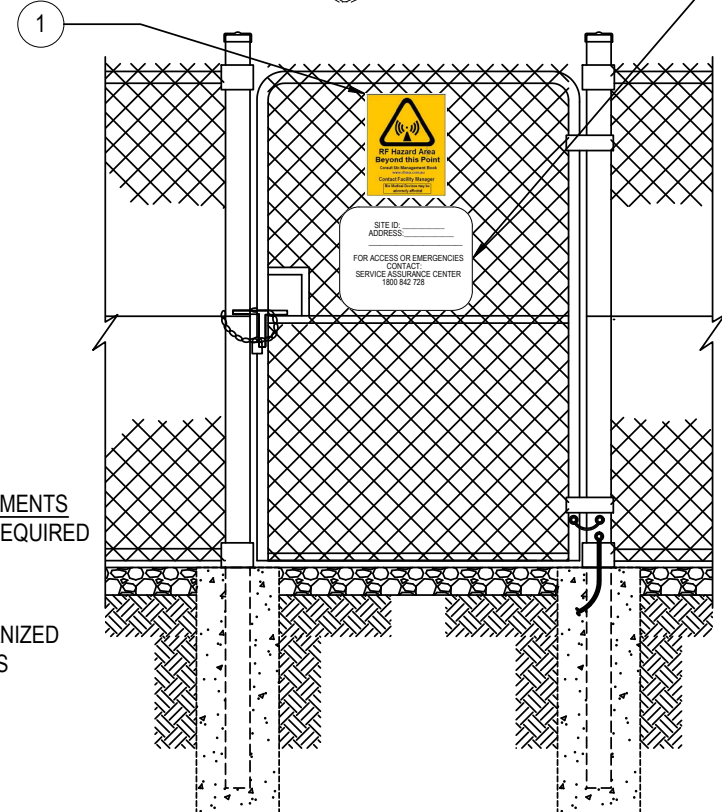
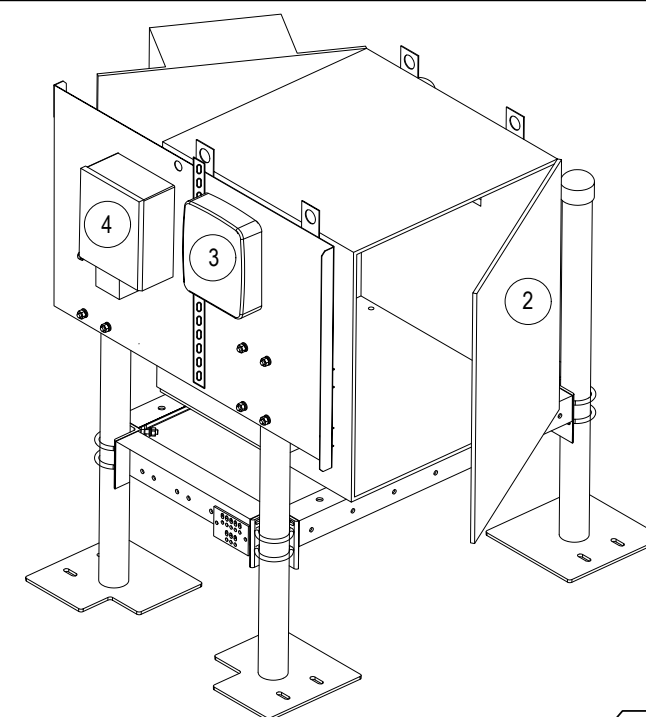
END OF SPECIFICATION

SITE ID: _____
ADDRESS: _____

FOR ACCESS OR EMERGENCIES
CONTACT:
SERVICE ASSURANCE CENTER
1800 842 728

5 SITE SIGNAGE REQUIREMENTS
ALUMINIUM MATERIAL REQUIRED
200mm x 250mm

ATTACHED WITH GALVANIZED
HOG TIES OR STAINLESS
HARDWARE



FOR CONSTRUCTION

TO BE READ IN CONJUNCTION WITH SHEETS S0, S1, S1-1 & S3.

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
-	IJ	GH	EXCHANGE SATELLITE INSTALLATION	GH	GH	24.01.23	0.2

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Telstra

SATELLITE ACCESS NODE SITE 131068
MERRIWA EXCHANGE
SITE SPECIFIC NOTES - SHEET 2 OF 2
78 BETTINGTON ST, MERRIWA, NSW 2329

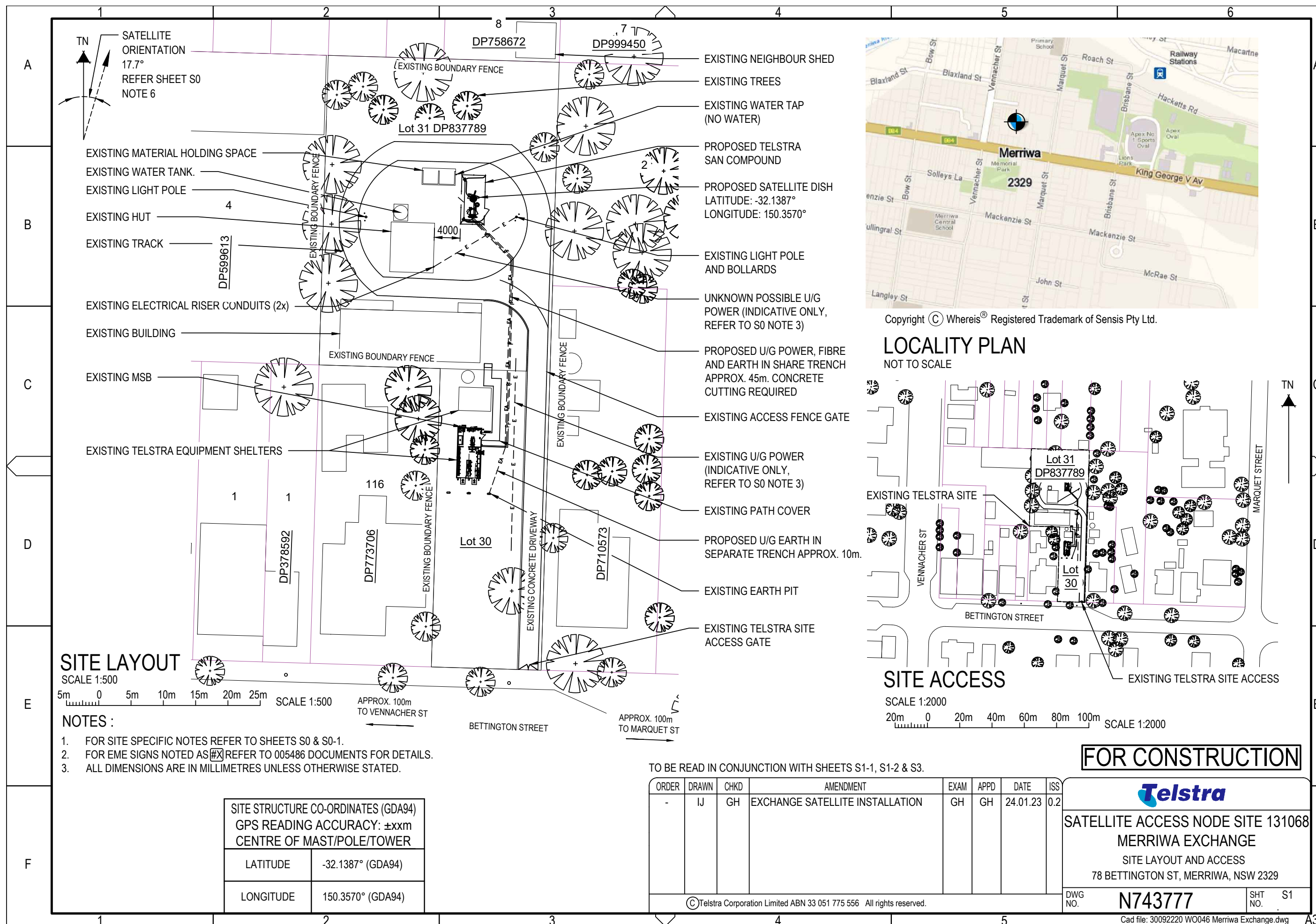
DWG
NO.

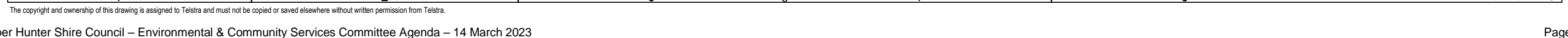
N743777

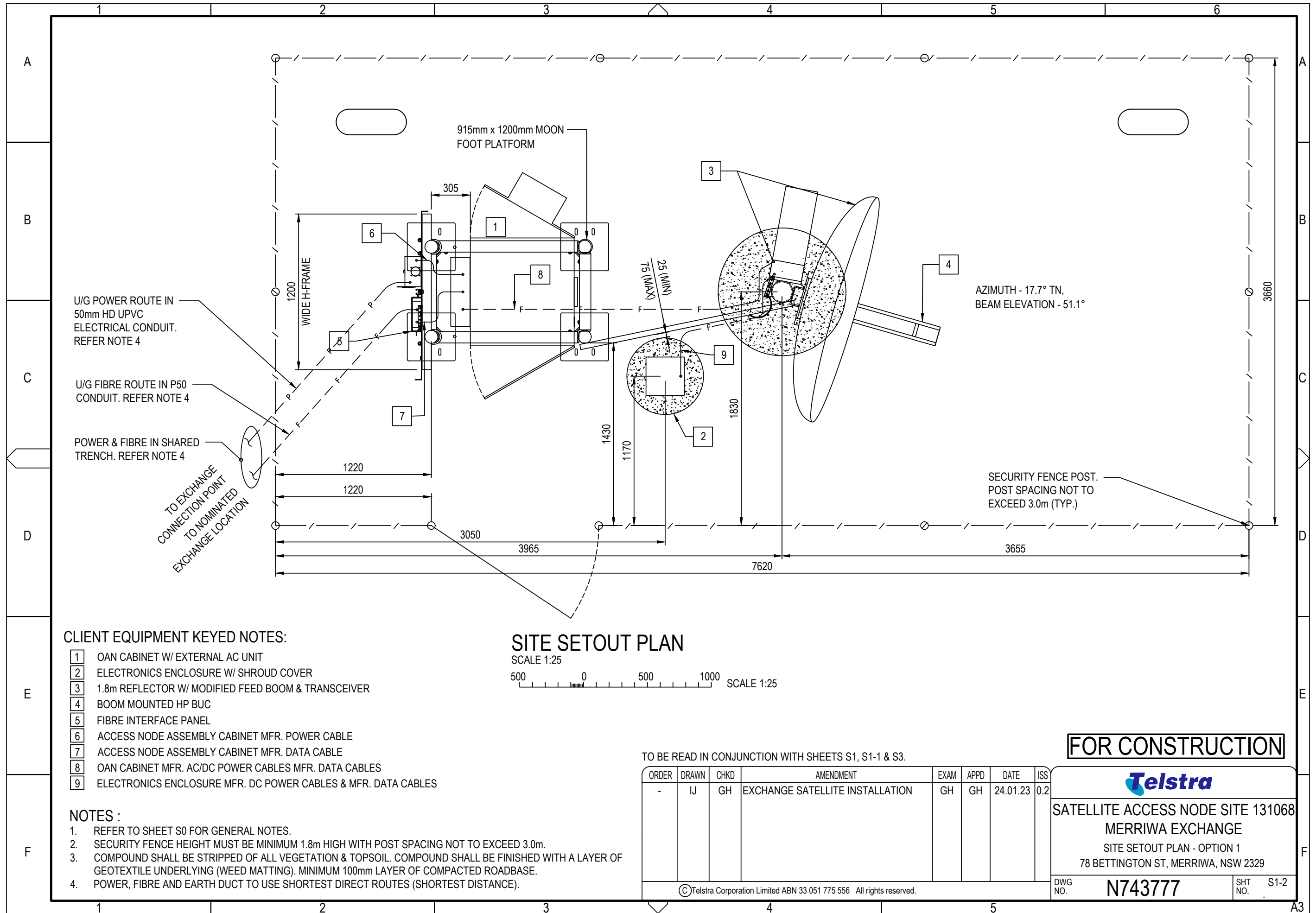
SHT
NO.

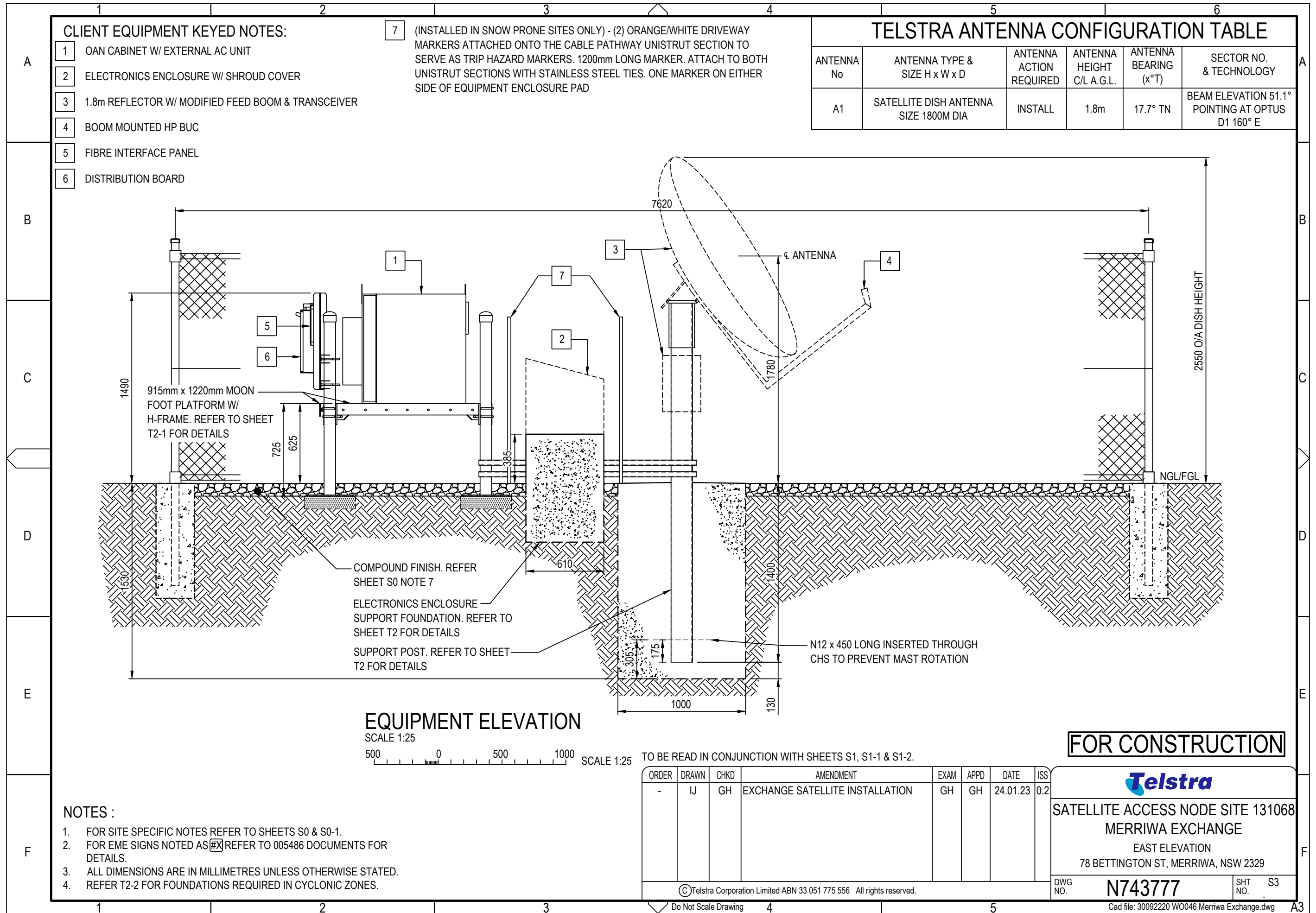
S0-1

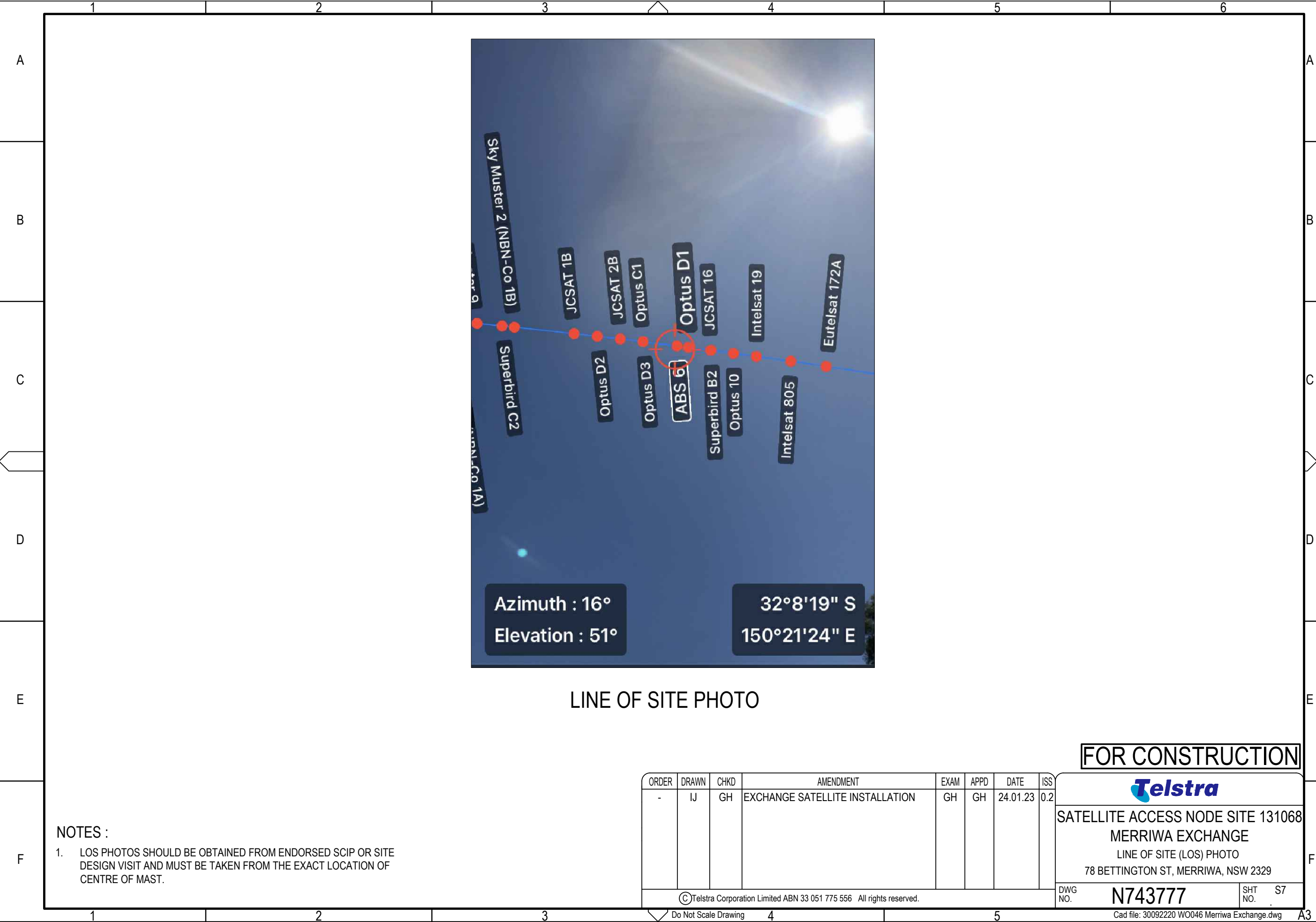
Cad file: 30092220 WO046 Merriwa Exchange.dwg












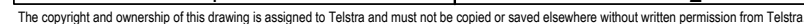
NOTES :

- 1. LOS PHOTOS SHOULD BE OBTAINED FROM ENDORSED SCIP OR SITE DESIGN VISIT AND MUST BE TAKEN FROM THE EXACT LOCATION OF CENTRE OF MAST.

FOR CONSTRUCTION

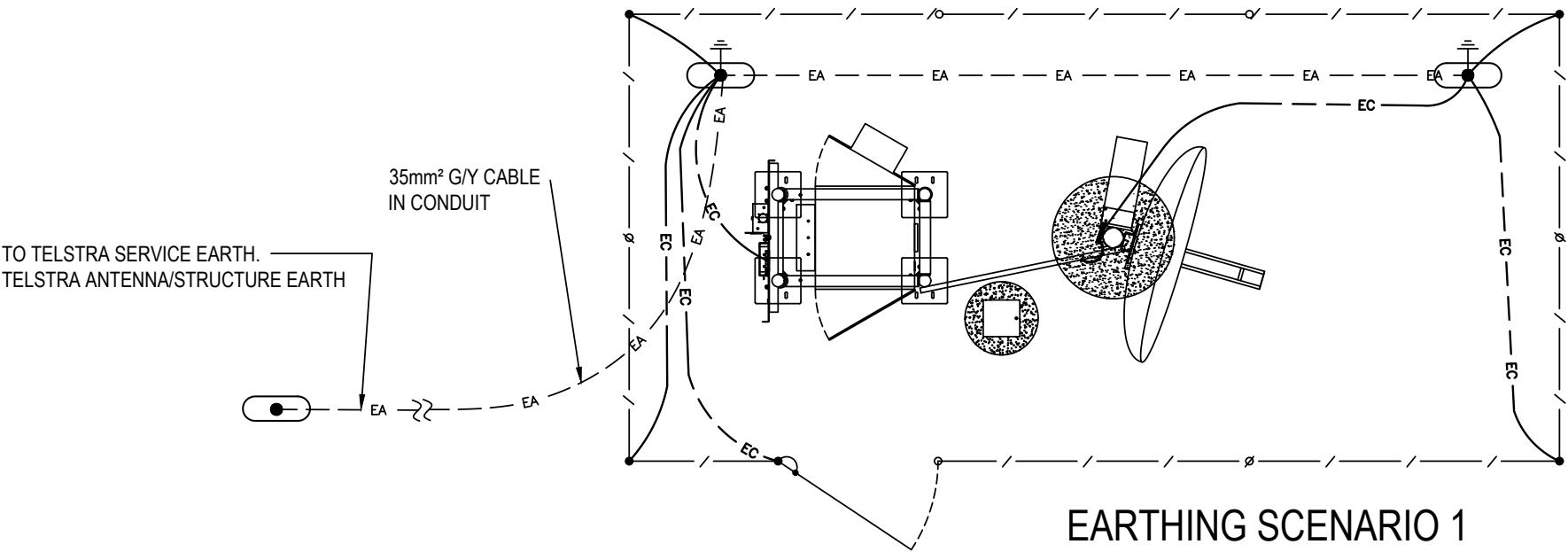
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-	IJ	GH	EXCHANGE SATELLITE INSTALLATION	GH	GH	24.01.23	0.2		
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Do Not Scale Drawing								SHT NO.	S7

Cad file: 30092220 WO046 Merriwa Exchange.dwg



EARTHING GUIDELINES

	TELSTRA ACTIVE EARTH RESISTANCE (TAE) STATUS (TO BE CHECKED PART OF SITE VISIT TO DETERMINE SAN EARTH SOLUTION AND INTERCONNECTIVITY)	SAN EARTHING SYSTEM	SAN EARTH RESISTANCE (ASSESSED ON INSTALLATION)	SAN (SEB) TO NEAREST TELSTRA ACTIVE EARTH (TAE)	SAN-TAE INTERCONNECTION SOLUTION	DIAGRAM REFERENCE
SCENARIO 1	<10 OHM	6m STRAP + 2* 2.88 ELECTRODES	<10 OHMS	NO DISTANCE LIMITED	YG DUCTED EARTH CABLE ONLY	1

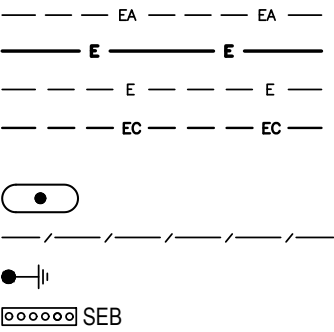


EARTHING SCENARIO 1

SCALE 1:50
TAE & SAN EARTH < 10 OHMS BOND
WITH 35mm² G/Y CABLE

LEGEND:

- EARTH STRAP
- ABOVE GROUND 16mm² EARTH
- BELOW GROUND 35mm² EARTH
- BELOW GEOTEXTILE MAT, 35mm² EARTH IN FLEX GREY CONDUIT
- EARTH INSPECTION PIT
- SITE FENCING
- EARTH ELECTRODE
- SERVICE EARTH BAR



FOR CONSTRUCTION

THIS SHEET TO BE READ IN CONJUNCTION WITH SHEET G4.

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
-	IJ	GH	EXCHANGE SATELLITE INSTALLATION	GH	GH	24.01.23	0.2

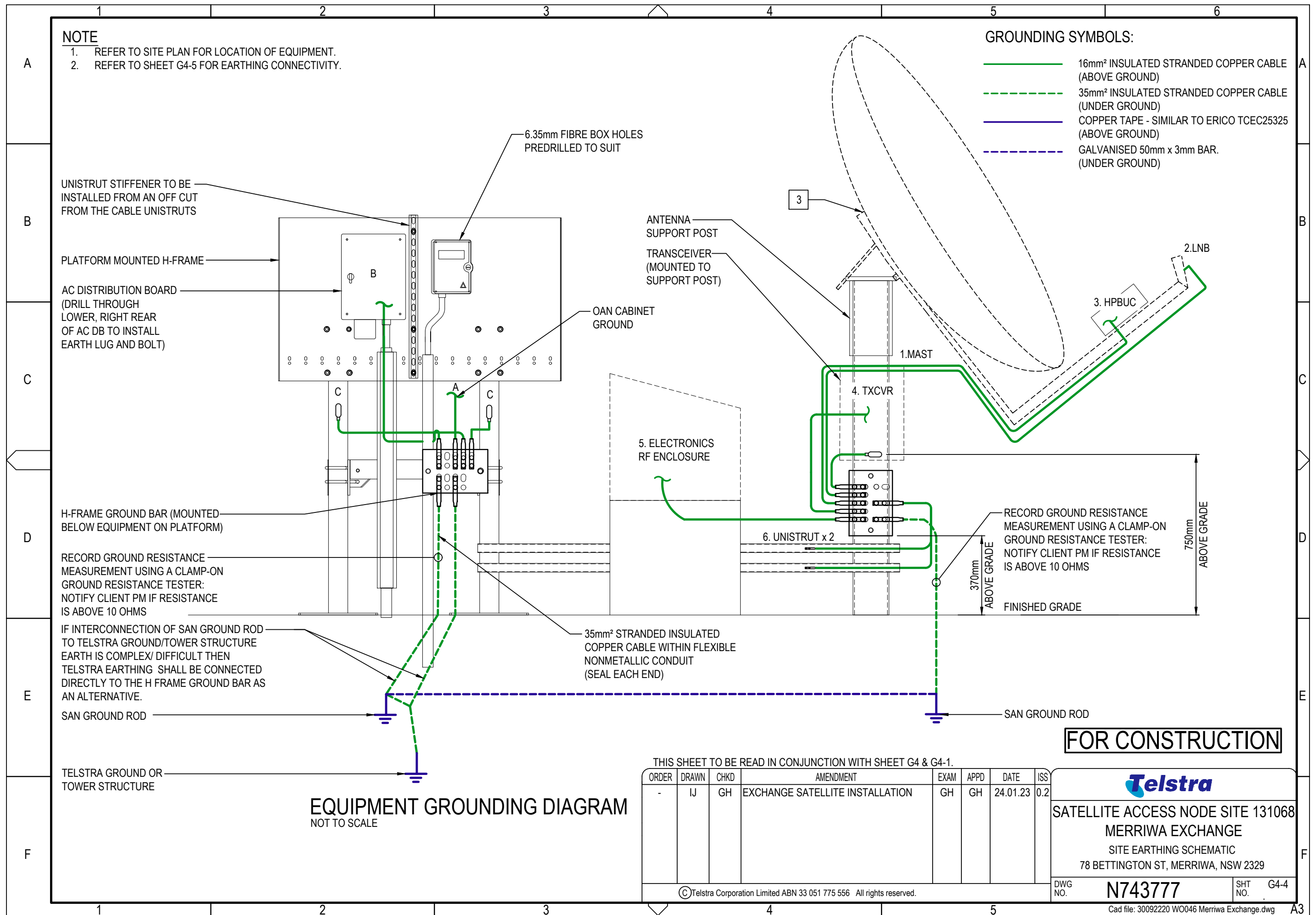
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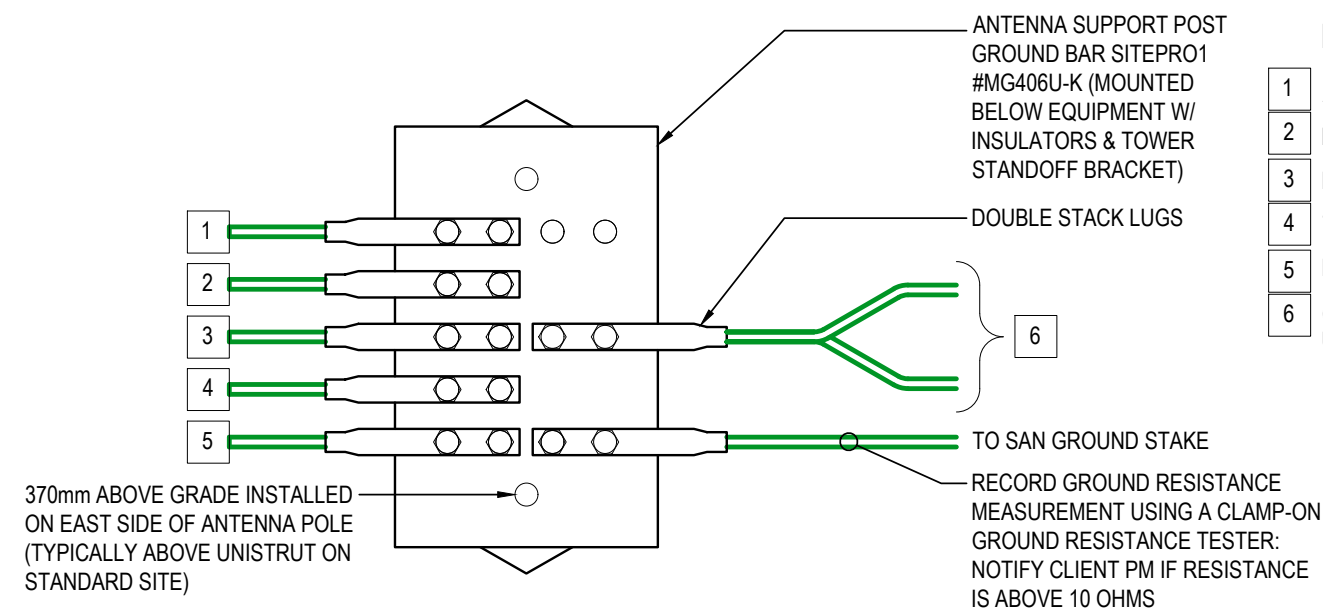


SATELLITE ACCESS NODE SITE 131068
MERRIWA EXCHANGE
EARTHING SCENARIO
78 BETTINGTON ST, MERRIWA, NSW 2329

DWG NO. N743777 SHT NO. G4-2

Cad file: 30092220 WO046 Merriwa Exchange.dwg

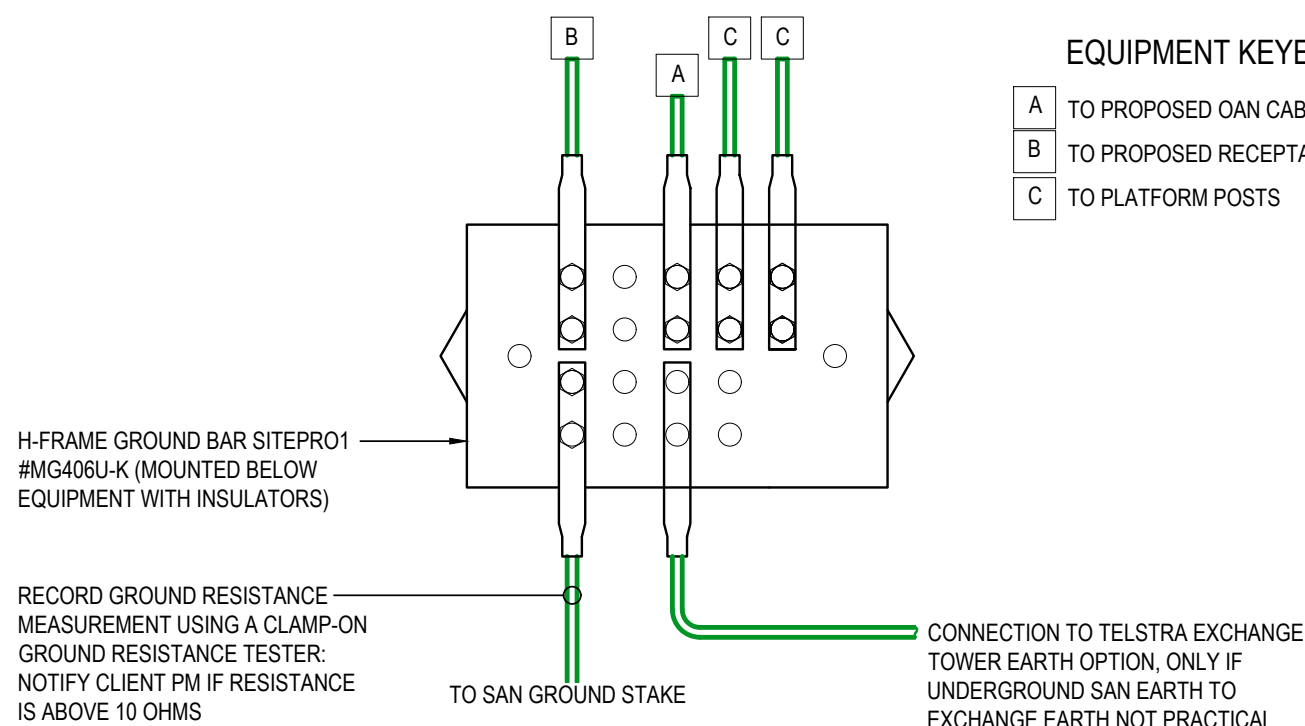




GROUND BAR CONNECTION DIAGRAM - ANTENNA SUPPORT
NOT TO SCALE

EQUIPMENT KEYED NOTES:

- | | |
|---|--|
| 1 | ANTENNA MAST |
| 2 | LNB GROUND |
| 3 | HPBUC (BOOM ARM) |
| 4 | TXCVR GROUND |
| 5 | ELECTRONICS ENCLOSURE GROUND |
| 6 | (2) STACKED SECTIONS OF UNISTRUT FOR CABLE PATHWAY |



GROUND BAR CONNECTION DIAGRAM - H-FRAME
NOT TO SCALE

EQUIPMENT KEYED NOTES:

- | | |
|---|------------------------------------|
| A | TO PROPOSED OAN CABINET |
| B | TO PROPOSED RECEPTACLE POWER PANEL |
| C | TO PLATFORM POSTS |

THIS SHEET TO BE READ IN CONJUNCTION WITH SHEET G4 & G4-1.

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
-	IJ	GH	EXCHANGE SATELLITE INSTALLATION	GH	GH	24.01.23	0.2

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FOR CONSTRUCTION

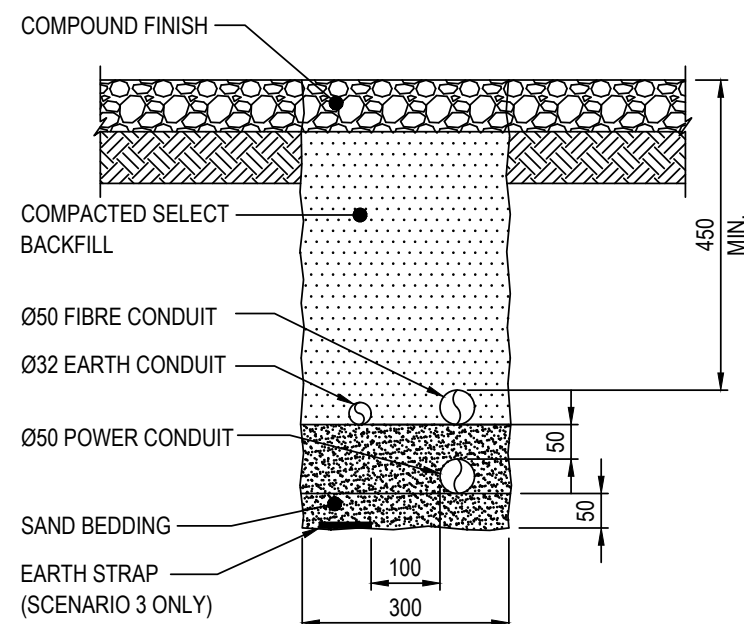
SATELLITE ACCESS NODE SITE 131068
MERRIWA EXCHANGE
BAR CONNECTIONS DIAGRAMS
78 BETTINGTON ST, MERRIWA, NSW 2329

DWG
NO.**N743777**SHT
NO.

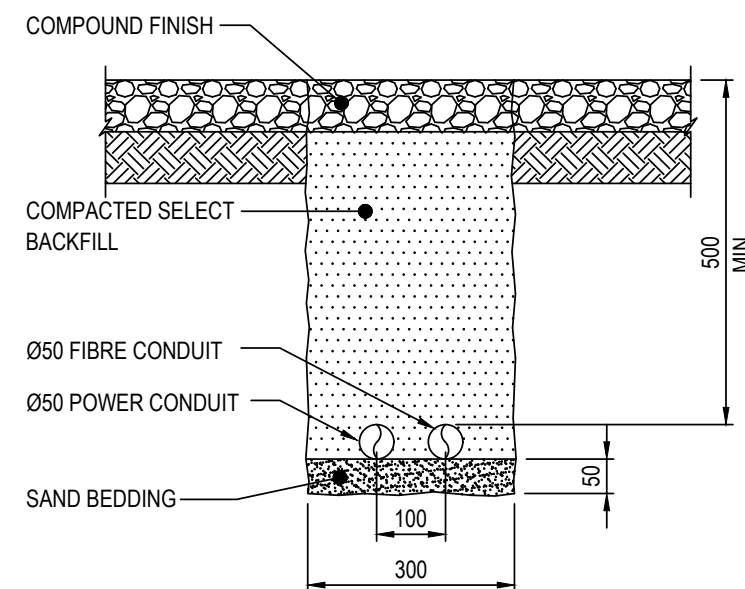
G4-5

Cad file: 30092220 WO046 Merriwa Exchange.dwg

A3




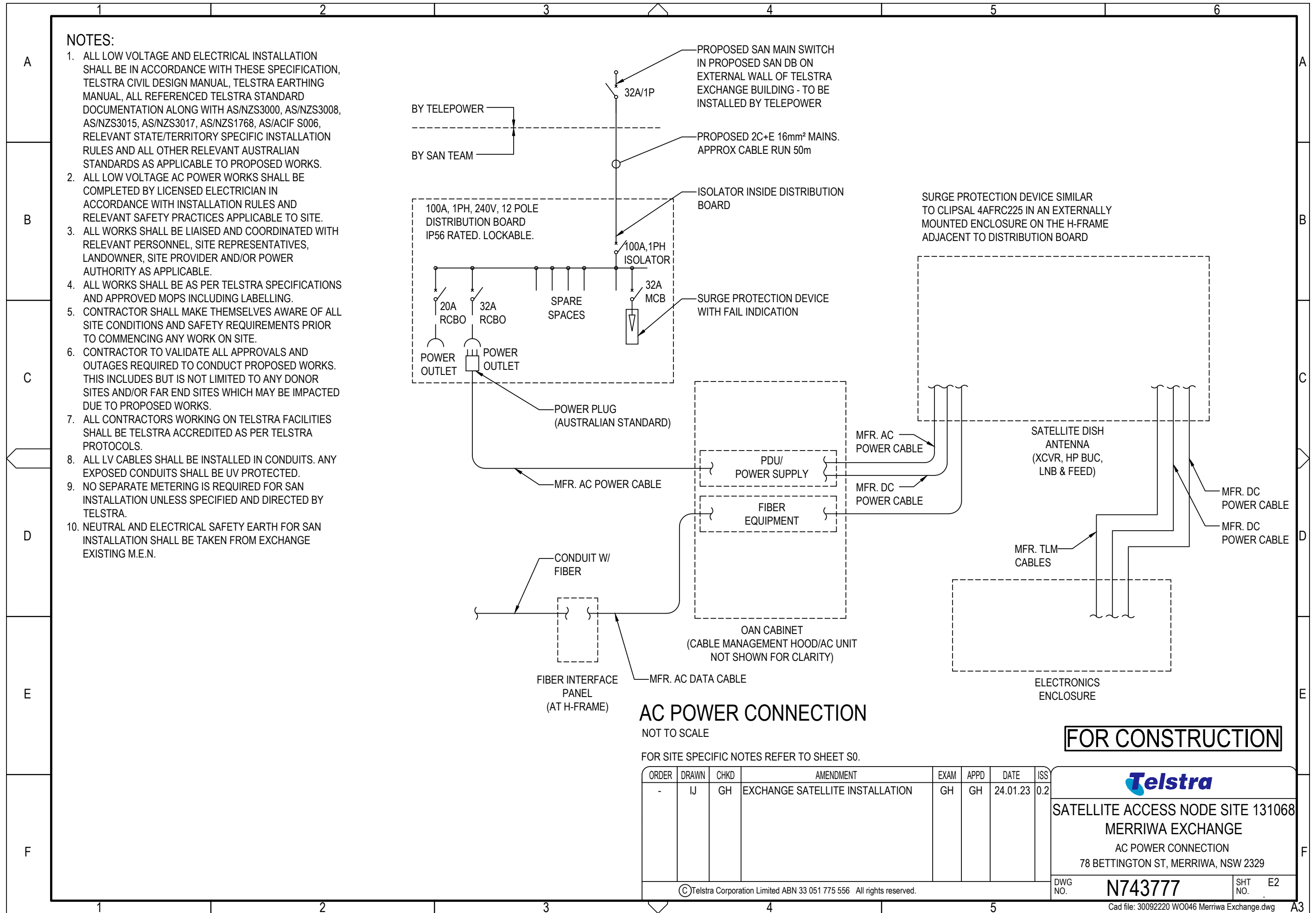
TRENCH DETAILS
SCALE 1:10

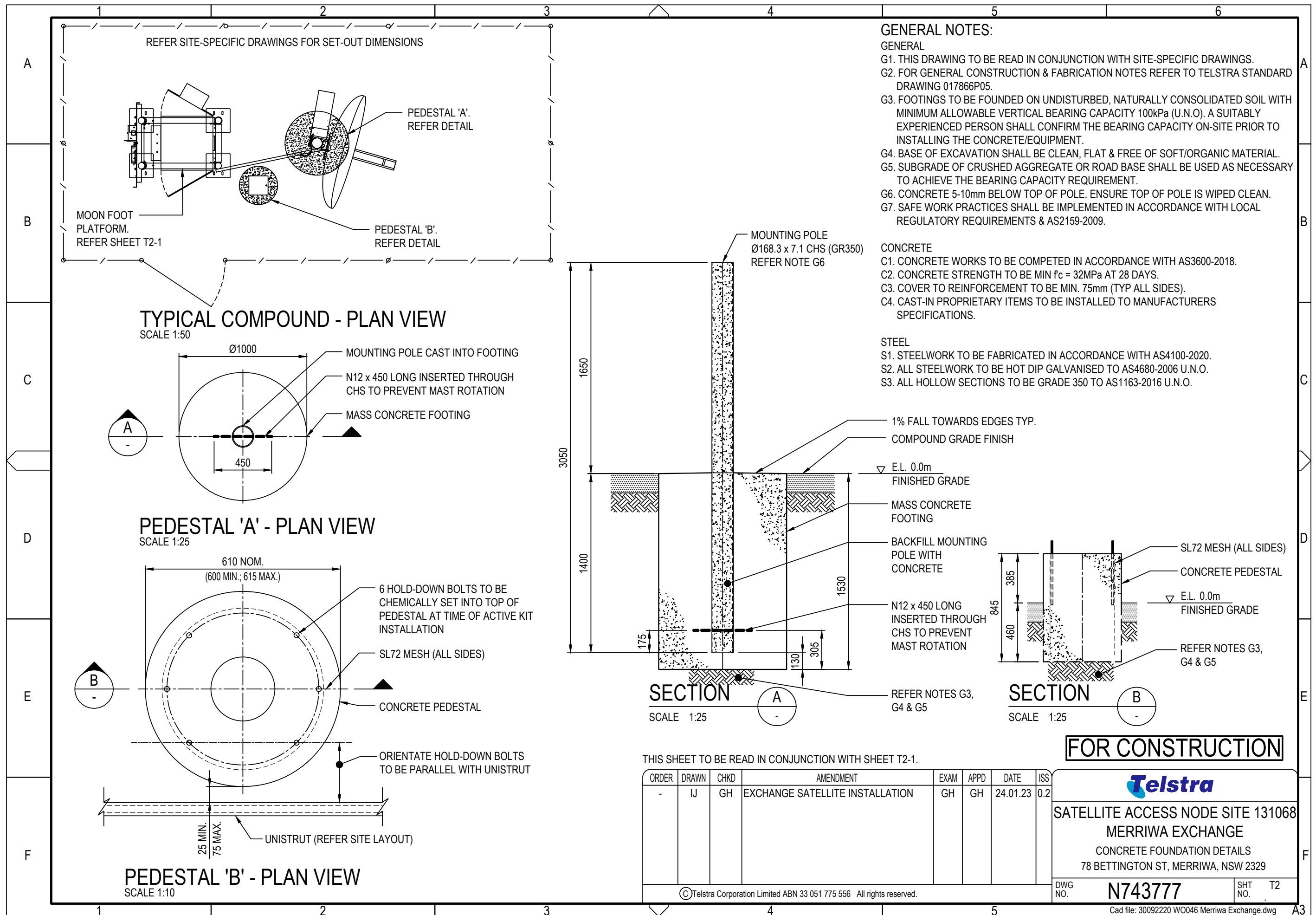


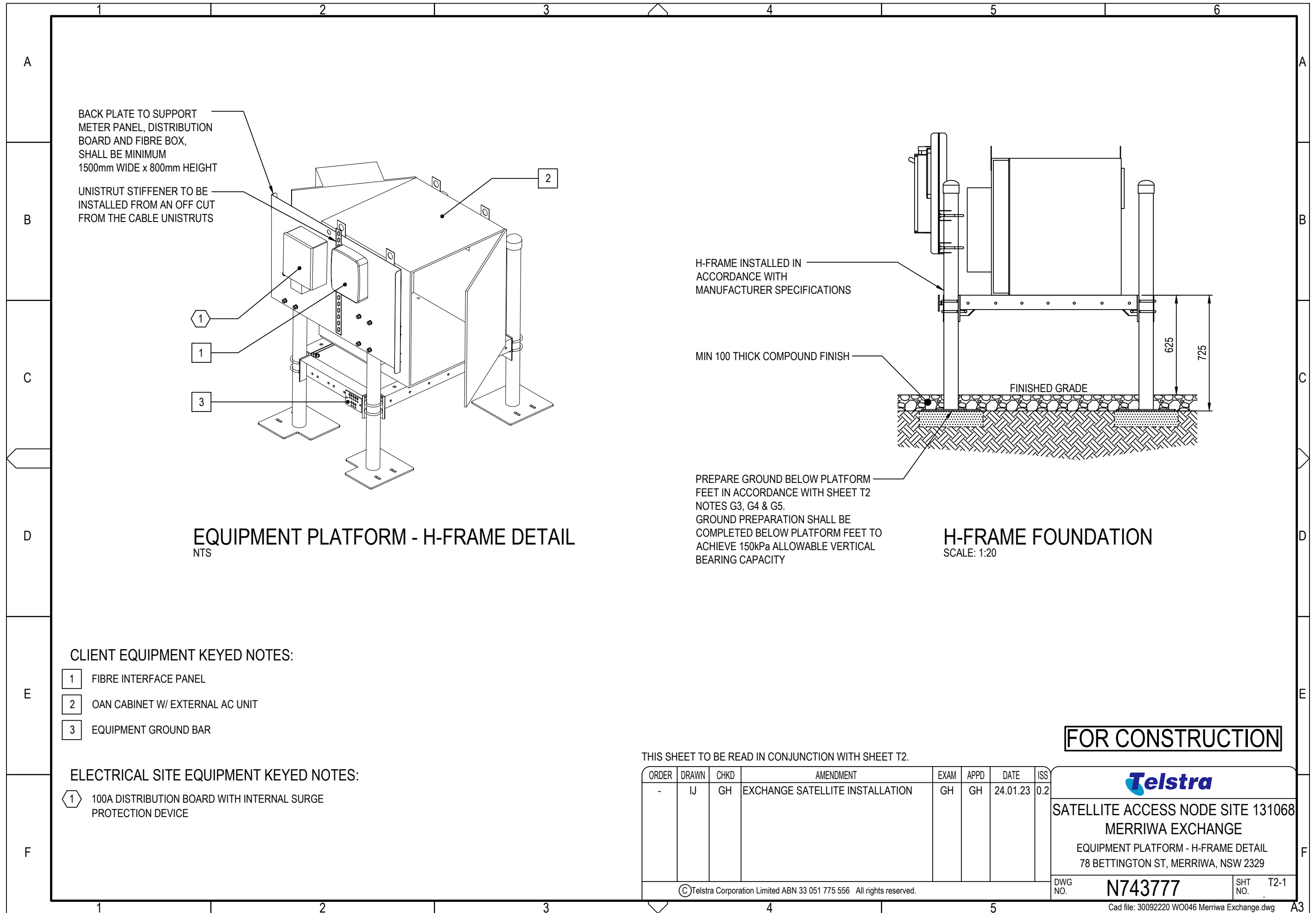
TRENCH DETAILS (NO EARTH CABLE)
SCALE 1:10

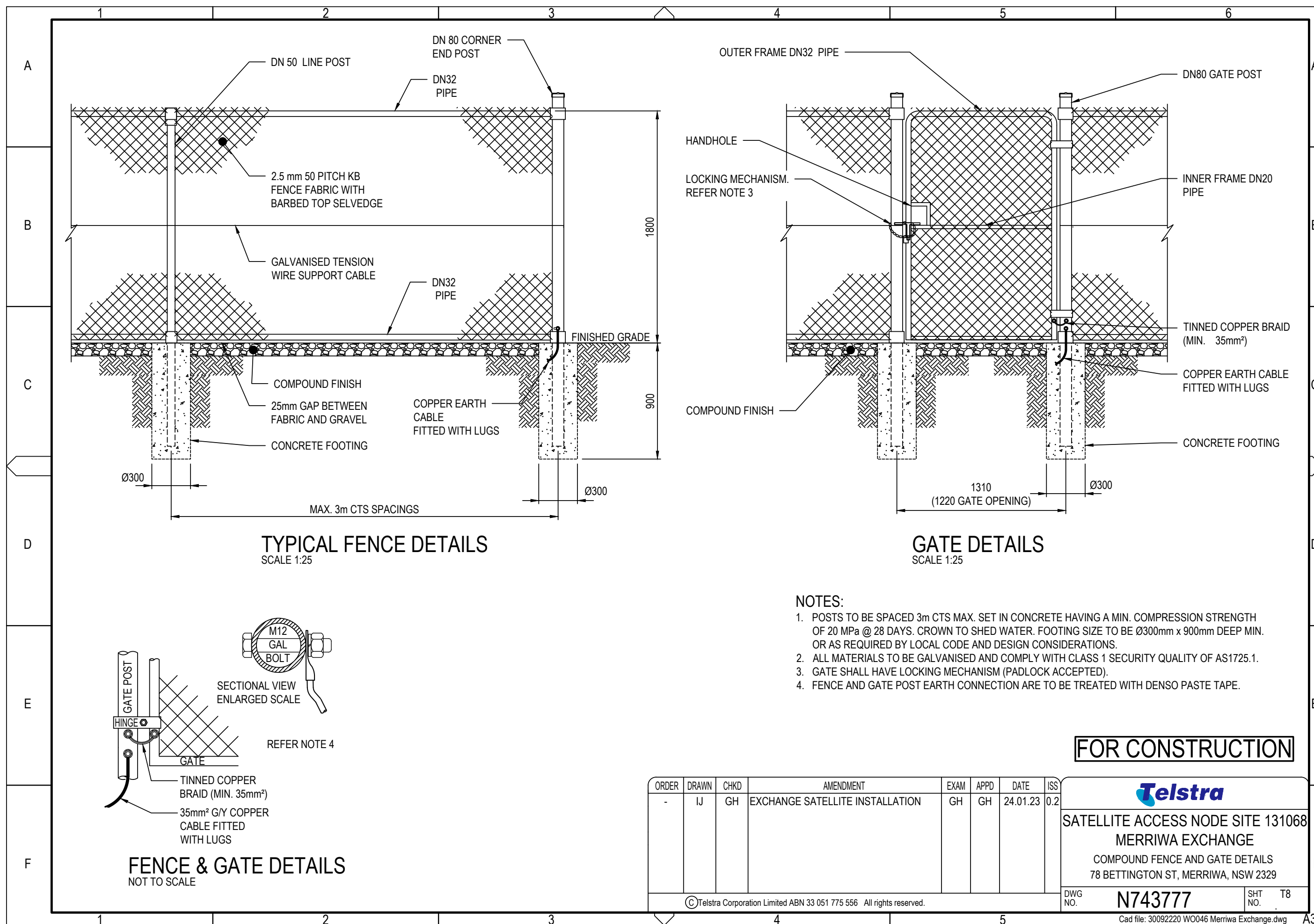
FOR CONSTRUCTION

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS	 SATELLITE ACCESS NODE SITE 131068 MERRIWA EXCHANGE TRENCH DETAILS 78 BETTINGTON ST, MERRIWA, NSW 2329	
-	IJ	GH	EXCHANGE SATELLITE INSTALLATION	GH	GH	24.01.23	0.2		
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								Cad file: 30092220 WO046 Merriwa Exchange.dwg	









REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



ADDRESS: LOT: 30 & 31 DP: 837789
78 Bettington Street Merriwa

APPLICATION No: DA 188-2021

PROPOSAL: Telecommunications Facility

PLANS REF:

DRAWINGS NO.	DRAWN BY	DATE	RECEIVED
PLANNING RELATED DRAWINGS / INFO			
N743777 – Sheet S1-2 – Site Plan	Telstra	24.01.2023	
N743777 – Sheet DC – Drawing Index and Document Control	Telstra	24.01.2023	
N743777 – Sheet S0 – Site Specific Notes	Telstra	24.01.2023	
N743777 – Sheet S1 – Site Layout and Access	Telstra	24.01.2023	
N743777 – Sheet S1-1 – Site Set out Plan	Telstra	24.01.2023	
N743777 – Sheet S3 – (N,S, W, E) Elevation	Telstra	24.01.2023	
N743777 – Sheet S4 – LOS Photo Page	Telstra	24.01.2023	
N743777 – Sheet G4 – Site Earthing – Option 1	Telstra	24.01.2023	
N743777 – Sheet G4-2 – Earthing Scenario – Sheet 1 of 2	Telstra	24.01.2023	
N743777 – Sheet G4-4 – Trench Details	Telstra	24.01.2023	
N743777 – Sheet E2 – AC Power Connection	Telstra	24.01.2023	
N743777 – Sheet T2 – Concrete Foundation Details	Telstra	24.01.2023	
N743777 – Sheet T2-1 – Equipment Platform – H-	Telstra	24.01.2023	

page 1 of 14

REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



Frame Detail			
N743777 – Sheet T8 – Compound Fence and Gate Detail	Telstra	24.01.2023	

OWNER: Telstra Corporation Limited

APPLICANT: Venture Pty Limited
20 Corporate Drive
Heatherton VIC 3202

AUTHOR: Paul Smith

DATE LODGED: 4 January 2022

AMENDED: 2 February 2023

ADD. INFO REC'D:

DATE OF REPORT: 7 March 2023

SUMMARY OF FACTS

ISSUES:	Setbacks, Noise, Human Health, Property Values
SUBMISSIONS:	2
RECOMMENDATION:	Approval

LOCATION MAP



DESCRIPTION OF PROPOSAL

The development site comprises two existing allotments with a combined area of 2,953m² and an approximate 20m frontage to Bettington Street.

The development application involves the installation of a 1.8 metre diameter satellite dish with a 1.8 metre long antenna, 0.915m x 1.2m platform, electronics enclosure with shroud, associated electricity, earthing and fibre cabling; and 7.62m x 3.66m x 1.8m high fencing surrounding. The application originally proposed the installation on Lot 30 DP 837789.

In order to address concerns about impacts on heritage and adjoining landowners, the application was amended on 2 February 2023. The satellite dish and related infrastructure is now proposed to be installed on the adjoining Lot 31 DP 837789. Access to the site will be via an existing concrete driveway within an access handle.

RELEVANT HISTORY

The land contains an existing telecommunications facility and has been used for this purpose for an unknown period of time. There are no other registered Development Applications that affect this site.

REFERRALS

■ Heritage Advisor

Heritage comments have been received and incorporated into the conditions consent.

1. *The full height of the satellite dish is required to be shown;*
2. *A statement of heritage impact is required to be submitted as part of the DA documentation and to be prepared by a heritage consultant listed on the Heritage NSW consultant's list: <https://www.heritage.nsw.gov.au/search-for-heritage/directory-of-heritage-professionals/>*
3. *The statement of heritage impact should include*
 - ☐ *an assessment of the impact of the satellite dish on the streetscape and conservation area.*
 - ☐ *advice of the best siting and landscape buffers.*
 - ☐ *Impact on the Merriwa Post Office.*
4. *A landscape plan should be included in the DA documentation.*

The amended development application was referred to the Heritage Advisor who made the following recommendations:

1. *The amended drawings 24/01/2023 are required to be referred to Heritas Heritage (URPS) and Conservation for assessment, to ensure that the site chosen is within the recommendations of the Statement of Heritage Impact, as it appears to differ from the recommendations. An addendum to the Statement of Heritage Impact is required, assessing this proposed location and the suitability.*
2. *The recommendations for potential archaeology in the Statement of Heritage Impact, 2 November 2022, (point 3.3) should be included in the DA conditions.*

Planning Comment: The Statement of Heritage Impact (URPS, 9 November 2021) has been prepared based on the amended plans which involve the proposed antennae structure being on Lot 31 DP 837789. In this regard, it is not deemed necessary for the amended drawings to be referred to Heritas Heritage. In relation to potential archaeological finds an unexpected finds condition of consent will be imposed.

SUBMISSIONS

The development application was notified and placed on public exhibition between Wednesday 12 January and Thursday 27 January 2022.

Two (2) submissions were received with the main issues raised being summarised below.

Name & Address of Submitter	Basis of Submissions
Inga Keegan 76 Bettington Street Merriwa	This submission raises the following concerns: <ul style="list-style-type: none"> • The setbacks of the proposed development are close to local Australia Post business/home at the western boundary. • Noise impact from ongoing operation of the proposed development. • Risk to human health by Electromagnetic Radiation • Loss of Property Values
Dee Nobes 80 Bettington Street Merriwa	This submission raises the following concerns the sting of the proposed facility – close to their kitchen window and possible health impacts - Electromagnetic Radiation.

The amended development application was notified and placed on public exhibition between 15 February 2023 and 1 March 2023. No submissions were received.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

ENVIRONMENTAL PLANNING INSTRUMENTS

UPPER HUNTER LOCAL ENVIRONMENTAL PLAN 2013

	COMMENT
Land Use Table	
Zoning classification	B2 Local Centre
Zoning objectives	<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. <p>The proposed development is not inconsistent with the objectives of the zone.</p>
Zoning permissibility	The proposal is not permissible as a Telecommunications Facility in the B2 Local Centre zone. However, consideration needs to be given to the ISEPP (see below).
Clauses (Part 4)	
Height of buildings (Clause 4.3)	The proposed development has a building height of 3.050m for the mounting pole and 1.8m long antenna and 1.8m high internal fencing which is consistent with the maximum building height of 13m in the B2 Local Centre zone.
Floor space ratio (Clause 4.4 and 4.5)	The proposed and existing development 428.1m ² / site area 3,103.8m ² has a floor space ratio of 0.13:1 which is consistent with the floor space ratio of 1.5:1 in this zone.
Part 5 – Miscellaneous provisions	
Heritage conservation (Clause 5.10)	<p>Requirement for consent Development consent is required for any of the following— (of relevance) erecting a building on land— on which a heritage item is located or that is within a heritage conservation area</p> <p>The development application proposes the erection of a 2.5m high satellite dish within a fenced compound, located 17m from the Bettington Street boundary. This has the potential to adversely impact on the character of the Merriwa Conservation Area.</p> <p>The applicant submitted a Statement of Heritage Impact as part of the amended application. This concludes:</p> <p><i>The proposal to install an exchange satellite compound on the existing Telstra site in Bettington Street, Merriwa is considered to be sympathetic to the Merriwa Heritage Conservation Area.</i></p> <p><i>The history of use on the subject land is somewhat unclear however, the adjacent post office dates to the late 1870s and it seems likely that telecommunications use on the neighbouring, subject site has been</i></p>

	<p><i>associated with the post office building for some time. A continuation of that use is deemed sympathetic.</i></p> <p><i>The siting of the structure originally proposed for Lot 30 facing Bettington Street is suggested to be relocated to Lot 31, further to the north, to reduce its impact on the streetscape.</i></p> <p>The propose location of the satellite dish and compound are unlikely to adversely impact on heritage conservation.</p>
Part 6 – Additional Local Provisions	
Earthworks (Clause 6.1)	Minor earthworks will be required for the construction of the proposed development, soil and erosion controls are proposed to be implemented and any disturbed soil will be retained on the site.
Essential Services (Clause 6.10)	The proposed development has existing provision to essential services. The site has legal access to Bettington Street and provision to connect to existing electricity services. The proposed development does not require any additional stormwater management, does not require water supply to operate.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (Infrastructure) 2007	<p>The subject property has been used as a Telecommunication Facility for an unknown period of time. The proposed development is consistent with SEPP (Infrastructure) 2007, Part 3, Division 21,</p> <p>Section 115 Development permitted with consent provides that:</p> <p>(1) <i>Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.</i></p> <p>Although the development is located on land in a B2 Local Centre zone it is permitted pursuant to this clause.</p> <p>(2) <i>(Repealed)</i></p> <p>(3) <i>Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purposes of this clause and published in the Gazette.</i></p> <p><i>The applicant has provided comments in relation to compliance as follows:</i></p> <ul style="list-style-type: none"> <i>The proposal cannot be mounted on existing infrastructure for functionality purposes, however has been co-located on an existing telecommunications site.</i> <i>The new location of the proposal and its general height and scale as per the updated plans ensures that the does not cause unreasonable visual impact or clutter.</i> <i>The proposal will not protrude from another structure and will not skyline.</i> <i>Ancillary components of the proposal will feature the same colour and be clustered with the proposal to minimise visual impact.</i> <i>The proposal has been sited and designed such that it will not impact heritage. Please also refer to the discussion further below.</i> <i>The proposal will not obstruct views of a heritage place.</i> <i>The proposal will not require pruning, lopping or removal of any trees.</i> <i>Where possible cables will be placed underground.</i> <i>The proposal satisfies all health standards with respect to radiation.</i> <i>The siting and height of the proposal satisfies the applicable civil aviation regulations.</i> <i>All work associated with the proposal will be undertaken in a manner that causes minimum disruption.</i>
SEPP (Resilience and	

Hazards) 2021	<p>4.6 Contamination and remediation to be considered in determining development application</p> <p><i>(1) A consent authority must not consent to the carrying out of any development on land unless—</i></p> <p><i>(a) it has considered whether the land is contaminated, and</i></p> <p><i>(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</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p> <p>The subject property is currently used as a Telecommunication Facility, and it is considered that the site is not likely to be subject to contamination that would require remediation of the land relative to the proposed development and use of the land.</p>
---------------	---

REGIONAL ENVIRONMENTAL PLANNING POLICIES

There are no REP's applicable to the site.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPI's applying to the land.

DEVELOPMENT CONTROL PLANS

<i>Development control plan</i>	<i>Considered?</i>	<i>Comment (only if necessary)</i>
Upper Hunter Development Control Plan 2015	YES	<p>Part 5 Commercial Development Section 5a Commercial Development – General</p> <p>A. Building Setbacks – The location of the development are well within the site, approximately 80m from the boundary with Bettington Street. In this regard the streetscape impacts are minimal.</p> <p>B. Building Height – The compound fence and gateway have a building height of 1.8m from ground level, the OAN Cabinet with External AC Unit, fibre interface and distribution have a building height of 1.49m, Electronics Enclosure with Shroud Cover have a building height below 1.49m, the Mounting Pole has a building height of 1.78m to the height of the Antenna above ground level which is consistent with the maximum building height of 13m in this zone.</p> <p>C. Floor Space Ratio – The existing development and proposed development 416.89m² / Site Area 3,103.8m² = 0.13:1 which is consistent with the floor space ratio of 1.5:1 in this zone.</p> <p>D. Siting and Building General Design –</p>

page 8 of 14

		<p>The structure is setback from the western boundary between 1m and 1.2m, the site is not affected by any underground utilities in the location of the proposed development.</p> <p>F. Heritage – The site is identified within the Merriwa Conservation Area, it is unlikely that the proposed development would have an adverse effect on this local heritage area given that the site already contains telecommunications infrastructure and that the proposed development is setback approximately 80m from the front boundary. The development is not affected by any State or Aboriginal Heritage items or places.</p> <p>I. Safer by Design – The proposed development is wholly within the boundaries of the existing telecommunications facility which has existing security fencing, the proposal is designed to be within its own compound within the site surrounded by 1.8m high fencing.</p> <p>O. Off Street Parking and Access – The site has existing access via the Right of Carriageway that affects Lot 31.</p> <p>T. Waste Minimisation and Management – Waste will be removed from the site by the contractor on completion of the installation, the operation of the development will not generate waste.</p>
Section 94A Levy Contributions Plan 2008	NA	The development has an estimated value of \$38,500 and as such no contributions are applicable.
Upper Hunter Section 94 Contributions Plan 2017	YES	
Upper Hunter Servicing Plan for Water Supply and Sewerage	N/A	

PLANNING AGREEMENTS

There are no planning agreements relevant to the proposal.

REGULATIONS

There are no provisions in the regulations relevant to the proposal.

LIKELY IMPACTS OF THE DEVELOPMENT

Context and Setting

The proposed development is consistent with the context and setting of the site for the purpose of an existing Telecommunication Facility within the local business centre. The surrounding development in Bettington Street contains a mix of residential, business and community facilities that provide a range of uses to the local community. The site is adjacent to Australia Post to the west and a residential dwelling to the east, the local Fire and Rescue Station and Merriwa Doctor Surgery is south of the site.

Built Form

The proposed development is built with steel and stainless-steel clad rods.

Potential Impact on Adjacent Properties

The development site is surrounded by a range of land uses. To the east is a residential premises of No. 76 Bettington Street and then the rear vacant portion of No 78 Bettington Street. To the north is the backyard of 21 Blaxland Street (residential) is No. 11-19 Vennacher Street (commercial). The amended development application proposes to relocate the proposed SAN compound and satellite dish to a new site on Lot 31 DP 837789. In the new location the compound will have an approximate 13m setback to the eastern boundary, a 20m setback to the northern boundary, a 23m setback to the western boundary and a 22m setback to the southern boundary.

The proposed development indicates that noise will only be temporary during the construction of the proposal and that ongoing operations of the satellite dish will not emit any noise that would have an adverse impact on adjoining development. The development is well below the maximum building height within this zone and is unlikely to overshadow on adjoining development. The site contains an existing telecommunications facility which is compatible with adjoining development, the installation of the satellite dish is unlikely to change the relationship of the existing site and adjoining development.

Access, Transport and Traffic

The site has existing access to Bettington Street via an access handle. The proposed development is unlikely to have an adverse impact on the access, transport and traffic within the locality.

Public Domain

The proposed development is unlikely to impact on the Public Domain.

Utilities

The site currently contains the existing Telecommunications Facilities, the utilities existing onsite are satisfactory to service the proposed development.

Heritage

The site is identified within the Merriwa Conservation Area, the site contains an existing Telecommunication Facility, and the proposed development is setback approximately 20.2m from the front boundary. It is unlikely that the proposed development would have an adverse impact on this local Heritage Area, given that the site is already used as a Telecommunications Facility and the development is wholly within the boundaries of the site. The site is not affected by any State or Aboriginal Heritage Items or places.

Other Land Resources

The site is not affected by other land resources.

Water

The existing provision of water supply and stormwater drainage is not affected by the proposed development, existing provisions are satisfactory for this site.

Soils

The proposed development involves the construction of footings and foundations for the construction of the development. Erosion and sediment controls are proposed to be implemented prior to the construction of the development.

Air/Microclimate

The proposed development is unlikely to impact on air and microclimate.

Flora and Fauna

The proposed development does not include the removal of any flora and fauna.

Waste

The proposed development will create waste during the construction stage which will be removed from the site by the contractor to an approved waste management facility. The ongoing operation of the proposed development does not include waste generation.

Energy

The proposed development is unlikely to affect the energy of the site or adjacent properties.

Noise & Vibration

The proposed development has identified that noise will be generated during the construction stage which will be minor and temporary. The development has not identified that ongoing noise will be generated from the development.

Natural Hazards

The site is not affected by any Natural Hazards.

Technological Hazards

The site is not affected by any Technological Hazards.

Safety, Security & Crime Prevention

The proposed development is entirely within the boundaries of the existing Telecommunication Facility which is surrounded by security fencing. The development proposes to install its own compound fencing 1.8m high surrounding the compound.

Social/Health Impact on the Locality

Concerns have been raised over the potential for the satellite dish to emit electromagnetic radiation that present a human health risk. The amended development application was accompanied by an Antenna RF Assessment Report:

provides an assessment against the applicable Australian Standards to calculate the extent of the required exclusion Zones, based upon the recorded EME levels.

This report also explains that the satellite produces a transmission frequency up to 31GHz (gigahertz), which is limited to the satellite beam.

The Assessment Report identifies the applicable exclusion zones which extend skyward (upward) from the satellite dish to cover the beam.

This area will not be accessible to the public given the proposed security fencing surrounding the proposal.

The exclusion zone has therefore been clearly identified to ensure compliance with EME exposure levels and necessary measures are in place to prevent public access.

Economic Impact on the Locality

The Statement of Environmental Effects makes the following comment:

Reliable mobile phone coverage is important to ensure the economic growth of communities in regional areas. There are not expected to be any adverse social or economic impacts as a result of the development. Indeed, it is anticipated that there would be positive impacts because of the mobile telephone coverage, and the proposed facility could also be utilised in the event of an emergency with reference to mobile phone and internet use.

The proposed development is essential to enable carriers to remain competitive and increase the choice of mobile telephone services to consumers. Additional competition in the market will have economic benefits for individual consumers and the community as a whole. The development is consistent, with the objectives of the Telecommunications Act 1997, namely:

- *To promote “the efficiency and international competitiveness of the Australian telecommunications industry” (s.3 (1)); and*
- *To ensure that telecommunications services “are supplied as efficiently and economically as practicable” (s.3 (2) (a) (ii).*

The proposed development would have a positive economic impact on the locality by increasing the efficiency of mobile telephone coverage in the locality for businesses and consumers and allow for competition within the market for these services.

Site Design and Internal Design

The proposed development is sited entirely within the boundaries of the subject site, the existing development and proposed development are consistent with the floor space ratio for the site and the structures are below the maximum building height in this zone. The proposed development is consistent with the building materials of the existing development and include internal security fencing to ensure safety within the site.

Construction

The proposed development includes soil and erosion control measures which are proposed to be implemented prior to the construction stage, the site has existing access from Bettington Street with the proposed development being prefabricated offsite for delivery to the site and noise for installation to be kept at a minimum to the construction phase only. The development is entirely within the boundaries of the subject allotment which is surrounded by external security fencing to increase public safety.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does proposal fit in the locality?

The amended development is a minimum of 13m from any boundary. Although the land does adjoining residential land, given the setbacks and the development is consistent with the existing development on site it is considered to be appropriate for the locality.

Are the site attributes conducive to the development?

The proposed development is not affected by any Natural Hazards or Soil Contamination. The land is identified within the Merriwa Conservation Area; however, the land already contains existing infrastructure for the Telecommunications Facility, it is unlikely that the proposed satellite dish will have an adverse impact on the Merriwa Conservation Area given that the development is setback from Bettington Street and entirely within the boundaries of the subject allotment.

THE PUBLIC INTEREST

Overall the development is considered to be in the public interest as it seeking to improve the telecommunications infrastructure servicing the Merriwa area.

SUMMARY OF LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL		CONSIDERED
1	Statutory controls	YES
2	Policy controls	YES
3	Design in relation to existing building and natural environment	YES
4	Landscaping/open space provision	YES
5	Traffic generation and car parking provision	YES
6	Loading and servicing facilities	YES
7	Physical relationship to and impact upon adjoin development (views, privacy, overshadowing, etc.)	YES
8	Site Management issues	YES
9	All relevant S79C considerations of Environmental Planning and Assessment Act 1979	YES
10	Section 89 LGA 93 including Clause 12 considerations of Local Government Regulations 1993	NA

CONSISTENCY WITH THE AIMS OF PLAN

It is considered that the development is consistent with the specific aims of the plan and the objectives of the zone and of the controls.

As such, consent to the development may be granted.

SUBMITTORS CONCERNS

The issued raised are addressed in the report or through the amended development application.

CONCLUSION

The application has been assessed as satisfactory against Section 4.15 of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent.

RECOMMENDATION

PURSUANT TO SECTION 4.16/4.17 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT Council, as the consent authority, grant consent to Development Application No. 188/2021 subject to the attached conditions which include the following site specific conditions:-

REASONS FOR RECOMMENDATION

- The proposal complies with the Upper Hunter Local Environmental Plan 2013

- The development satisfies the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021
- The development satisfies the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021
- The proposal complies with the Upper Hunter Development Control Plan 2015
- The proposal has been assessed as satisfactory against Section 4.15 of the Environmental Planning & Assessment Act 1979
- Will not have an adverse impact on the surrounding locality

SENIOR ENVIRONMENTAL PLANNER

Paul Smith

From: Dee Nobes
Sent: Thursday, 20 January 2022 12:45 PM
To: Council Internet Mail
Subject: Submission concerning DA 188-2021

To whom it may concern

RE: DA 188-2021

I received a notice of proposed development at:
Lot 30 DP:837789
78 Betting Street Merriwa NSW 2329

I reside at 80 Bettington Street, and whilst I am pleased Telstra are making improvements for telecommunications in the area, I have concerns about the structure being built so close to the fence line and in direct vision of my kitchen window (or what appears to be from the site plan).

The block is quite large and I'm unsure as to why the location was chosen, I understand erecting structures needs to comply with building regulations and access to electricity etc, although I wonder if it could be moved further to the back of the block.

The develop application also states noise will be limited to the initial construction stage, which is understandable, although I have no understanding if the satellite will emit any noise and to what decibel. Again, given the structure is proposed to be built so close to fence line, along with my kitchen and bedroom windows, I am concerned about the impact this may have to my lifestyle.

I would like to note these concerns arise from my basic understandings of what I have read and viewed in the proposal and am open to further information and understanding regarding the structure and any other solutions that may be available.

Given the notice period 12 January to 27 January 2022 for written submissions, I would like to request acknowledgement receipt of this email to ensure my concerns are addressed.

Thank you

Dee Nobes
80 Bettington Street
Merriwa NSW 2329



27th January, 2022.

Upper Hunter Shire Council

Attention: Mat Pringle

Director Environmental & Community Services

Re- Notice of Proposed Development – DA 188-2021 78 Bettington St, Merriwa 2329.

Ventia Corporation on behalf of Telstra Corporation Limited

Dear Mr Pringle,

I have recently received notice of the above proposed development which is earmarked for the property next door to my family's home on Bettington Street, Merriwa.

Although I feel it is wonderful that telecommunication issues in this area are being addressed, I wish to make formal opposition to this application, on the grounds of both controversial health issues associated with such, and the guaranteed de-valuation of my neighbouring property.

I do not wish for this development to go ahead in its current form, with plans for the dish to be situated anywhere near residential dwellings. Perhaps another site may be obtained, whereby surrounding property values are not affected, nor the health of ANY local resident. I will be very interested to know if our local doctor across the road from this proposed development has been notified, since his surgery operates out of a Shire owned building.....

I look forward to your reply.

Kindest Regards,

Inga Keegan.

76 Bettington Street, Merriwa NSW 2329.