

Application Referral Environmental Development Planner - Response

From:	Rowan Moore Environmental Development Planner 23 July 2018
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	127 - 127A CASCADE ROAD, SOUTH HOBART
Proposal:	Mobile Base Station Facility (Re-Advertised)
Application No:	PLN-18-25
Assessment Officer:	Michael McClenahan,

Referral Officer comments:

Codes Applicable:

Code	Applicable	Exempt	Permitted	Discretionary
E1.0 Bushfire-Prone Areas	No			
E3.0 Landslide	No			
E9.0 Attenuation	No			
E10.0 Biodiversity	Yes	No	No	Yes - E10.7.1 P1
E11.0 Waterway & Coastal	No			
E15.0 Inundation Prone Areas	No			
E16.0 Coastal Erosion	No			
E18.0 Wind & Solar Energy	No			
E20.0 Acid Sulfate Soils	No			

Assessment:

Approval is sought to construct a mobile phone base station in bushland owned by Cascade Brewery at 127-127A Cascade Road, South Hobart. The proposed base station would include a 20m high monopole, antennas and a small equipment shed. It would be within a 66m² fenced compound and would require the removal of 5 trees. A new underground power supply is also proposed from Jubilee Road to the proposed base station site along the path of an existing track. No vegetation would be removed for the power supply.

The site is located on a ridge line just off an existing access track. A base station for another carrier is located approximately 65m to the east.

Biodiversity Code

The Biodiversity Code applies because the removal of native vegetation is proposed within a

Biodiversity Protection Area. No exemptions apply.

A Natural Values Assessment (NVA) was submitted with the application which includes the following findings:

- The vegetation community is '*Eucalyptus tenuiramis* woodland on sediments' (DTO).
- The trees are mostly regrowth and many exhibit coppicing from lignotubers.
- No mature or hollow bearing trees were present in the immediate vicinity of the site.
- The five *Eucalyptus tenuiramis* trees to be removed are single and multi-stemmed and have a range of diameters from 8-25 cm dbh (diameter at breast height).
- No threatened flora species were observed.
- Fifty five threatened taxa are known from within 5 km. None of these species were found, were likely to occur or were likely to have been overlooked within the study area.
- The area may be utilised by masked owls, eastern-barred bandicoots, grey goshawks and eastern quolls for foraging, however the habitat values of the 5 trees is not significant for these species.

'*Eucalyptus tenuiramis* woodland on sediments' is a threatened native vegetation community and is specified in Table E10.1 of the Code as being of 'high priority biodiversity value'. The NVA classifies the habitat value of the trees as being of 'low priority biodiversity value' under Table E10.1.

The relevant Code standards are in section E10.7.1 'Buildings and Works'. The proposal doesn't comply with acceptable solution A1 because 'high priority biodiversity values' will be impacted.

Performance criterion P1 states the following:

Clearance and conversion or disturbance must satisfy the following...

(c) if high priority biodiversity values:

(i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;

(ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;

(iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;

(iv) special circumstances exist;

The NVA makes the following comment with regard to the design and location of the proposed base station:

While the proposal will result in the clearance of five trees there will be minimal impact on the community as a whole. The five trees are regrowth and coppices with little habitat value for fauna. The site is on a degraded old track and the site selection has minimised impact on native vegetation to the extent possible.

A covering letter makes the following comment with regard to the design and location of the proposed base station:

Optus investigated siting the proposed facility on alternative locations on the property,

including to the east of the subject site, however these were subsequently discounted on the following grounds;

- Increased visual amenity disturbance, citing lower terrain and less vegetative screening;
- Industry practice to allow adequate separation distance (at least 50-100m) between two facilities to ensure operational functionality and avoid interference.

Aerial photography appears to show an area that has been subject to historical clearing to the east of the existing base station (refer to Figure 1 below). It is likely that the proposed station could be constructed here and require fewer, less significant trees to be removed, and the vegetation is a less significant vegetation community. However, this area is located less than 65m from the existing base station, so may not achieve the minimum required operational separation distance. It is also lower down the ridgeline so may not achieve the required coverage. Other location in this part of the property are likely to require similar or greater degrees of vegetation removal, and also may not achieve the required coverage.



Figure 1: Proposed base station (red line), existing base station (blue line) and partially cleared area (red dotted line)

The proposed compound supporting the tower and equipment shed appears relatively compact with an area of only 66m².

There are other sites on the property along the ridgeline that are already clear of any significant vegetation (refer to Figure 2), however these are located in close proximity to dwellings so are

likely to be unacceptable to residents due to visual impact and concerns about potential health impacts from electro-magnetic radiation.



Figure 2: Existing cleared areas on property (dotted blue line)

Given the site constraints, the limited impact of the proposed development on biodiversity values and the applicant's statements regarding the lack of suitable alternatives for operational and community acceptability reasons, in my opinion the proposal has been acceptably designed and located to minimise impacts.

With regard to P1(c)(ii), No bushfire hazard management areas are required for the development.

With regard to P1(c)(iii), to ensure the remaining DTO vegetation is protected, it is recommended that a condition be applied to any permit granted requiring the area of DTO on the site to be surveyed and protected through a Part 5 Agreement. To ensure the DTO community is improved it is recommended that a condition be applied to any permit granted requiring any weeds within the area be removed (however it should be noted that the submitted NVA indicates that few weeds were observed within the vicinity of the base tower site). The approximate location of the DTO community on the site is shown in Figure 3 below.



Figure 3: Approximate extent of DTO community based on HCC vegetation mapping GIS layer

With regard to P1(c)(iv), 'special circumstances' are defined as follows:

'means particular circumstances associated with the proposed use or development that justify loss of high priority biodiversity values.'

Special circumstances are considered to exist if one or more of the following apply:

(a) the use or development will result in significant long term social or economic community benefits and there is no feasible alternative location;

(b) ongoing management cannot ensure the survival of the high priority biodiversity values on the site and there is little potential for recruitment or for long term persistence;

(c) the development is located on an existing lot within the Low Density Residential, Rural Living or Environmental Living Zone and is for a single dwelling and/or associated residential.'

Special circumstances (b) and (c) are not applicable so the proposal must satisfy (a) to be approved. With regard to community social and economic benefits, the application includes the following comments:

Additional base stations are required where surrounding facilities cannot provide sufficient coverage to a target area. New facilities are also required when existing base stations are fully utilised and cannot serve additional users in the area. Optus has undertaken analysis of their mobile network in South Hobart and has identified areas where coverage and network quality needs to be improved. If this investment is not made, the following main issues will arise:

- *Users may have difficulty connecting to the mobile network or the call may drop out. This impacts*

businesses, residents, visitors to the area and the ability of the user to contact emergency services.

- *Users may experience reduced data speeds, longer download times and poor network performance at busy times of the day with data intensive and time sensitive applications (e.g. newscasts, social media, mobile banking, weather forecasts, sports highlights etc.)...*

In this instance the optimisation of surrounding facilities has not been able to achieve a satisfactory outcome for the network at South Hobart. Optus has also undertaken investigations into the use of other Carrier and broadcast facilities in the area. However, the use of existing facilities could not adequately accommodate the required Optus equipment and the coverage to the target area could not be achieved (refer to Section 4.2). Accordingly, the deployment of a new Optus mobile base station in the South Hobart area was the only viable solution...

4.1 Site Selection Process

Optus carefully examined a range of possible deployment options in the area before concluding that a new telecommunications facility located at 127-127A Cascade Road would be the most appropriate solution. Optus commenced the site selection process with a search of potential sites that meet the network's technical requirements, with a view to also having the least possible impact on the surrounding area. Optus applies and evaluates a range of criteria as part of this site selection process.

Optus assesses the technical viability of potential sites using computer modelling tools that produce predictions of the coverage that may be expected from these sites, as well as from the experience and knowledge of the radio engineers.

There are also a number of other important criteria that Optus uses to assess and select potential site options. These consider factors other than the technical performance of the site, and include:

- *The potential to upgrade existing Optus facilities within the region.*
- *The potential to co-locate on an existing telecommunications facility.*
- *The potential to locate on an existing building or structure.*
- *The ability to minimise environmental, visual and heritage impacts.*
- *Proximity of the site to community sensitive locations.*
- *Regulatory compliance and the potential to obtain relevant planning approvals.*
- *Proximity to community sensitive locations and areas of environmental heritage.*
- *Impacts on the existing use of the site.*
- *The ability to secure tenure with a landowner.*
- *The cost of developing the site and the provision of utilities (power, access to the facility and transmission links)...*

The potential to co-locate the proposed Optus facility with an existing Telstra monopole was investigated...

An assessment of the Telstra facility determined that the proposed site could not structurally and technically accommodate the Optus equipment. In addition, the surrounding tree height was greater than the aperture available to Optus. As the existing facility cannot accommodate the Optus equipment, a colocation would require the replacement of the existing monopole with a substantially taller structure. Increasing the height of the Telstra facility from 20m to 30m would have an unacceptable level of impact on the visual amenity of the surrounding area. Accordingly, co-location with the Telstra facility was not a viable alternative to a new, stand-alone Optus facility...

A thorough examination of potential telecommunications facility sites in the surrounding

area has been undertaken. However, most of these sites have been ruled out for one or more reasons;

- Lack of required coverage and network performance;
- Unacceptable visual impact.

The site selection process provided limited candidates for the establishment of a new Optus facility. In this instance, the subject site at 127-127A Cascade Road has been identified as the most appropriate location for the development, based on all discipline requirements. Co-location with the existing Telstra facility was investigated, however, the visual impact associated with the replacement of the existing monopole with a substantially taller structure was considered too great. The replacement structure would protrude well above the tree line and screening opportunities would be considerably less effective. Establishment of a new Optus facility of a suitable height is the most appropriate outcome, with impact to visual amenity mitigated by the topography of the area and screening provided by surrounding vegetation.

The application presents a reasonable case that:

- the proposed development will provide significant long term social and economic community benefits; and
- there is no alternative feasible location considering operational requirements and the need to minimise the visual impact of the development to meet community expectations and satisfy the relevant standards of the planning scheme relating to height and visual impact.

Given the very limited scale of impact to the high priority biodiversity values, in my opinion the proposal can satisfy Performance criterion P1 of the Biodiversity Code, subject to conditions requiring:

- a Part 5 Agreement with Council protecting the remaining stand of DTO woodland from further disturbance that would degrade the values of that vegetation; and
- an environmental weed survey of the remaining stand of DTO woodland and a weed management plan to remove any weeds recorded and manage any weed regrowth if necessary.

Conditions are also recommended pursuant to clause 8.11.3 of the scheme to minimise the risk of erosion and the introduction of weeds during construction works.

Representations

Two representations (including one with 10 signatories) were received objecting to the proposal. One representation suggested siting the tower in the partially cleared area to the west of the existing tower however, the application indicates that this is not a suitable location for technical reasons. A representation also raises concern for lichens and bryophytes, however the site is disturbed on an old track with little quality habitat for lichens and bryophytes. The area impacted would also be of very small size relative to the property and the area to be protected under the recommended Part 5 Agreement.

Recommended Conditions:

Prior to the granting of consent under the Building Act 2012 or the commencement of works (whichever occurs first), the owner(s) must enter into a Part 5 Agreement with Council pursuant to section 71 of the Land Use and Planning Approvals Act 1993 and the Agreement must be registered on the relevant land title(s). The Agreement must:

- include a map that identifies and delineates a conservation area that includes all of

the 'Eucalyptus tenuiramis woodland on sediments' vegetation community on the property outside of the approved development area, based on a survey by a suitably qualified person; and

• specify that no activities are to be undertaken or knowingly allowed to occur by the owner(s) of the land, without the written consent of the planning authority, that will compromise the biodiversity values of the area including harvesting of trees or timber, clearing or disturbance of native vegetation, removal or significant disturbance to rock or soil, use of chemicals, dumping of any biotic or abiotic materials, introduction of exotic species, grazing or the lighting of fires.

The Council will have its solicitors prepare the Agreement for signing by the property owner(s). The Council will then lodge the Agreement with the Lands Titles Office. The cost of preparing the Agreement and registration with the Land Titles Office is to be met by the applicant, prior to preparation of the Agreement.

Advice: Please contact Council's Environmental Development Planner to initiate preparation of the Agreement.

Reason for condition

To ensure the development does not result in unnecessary or unacceptable loss of priority biodiversity values

No trees may be removed other than those identified for removal in the Natural Values Assessment by North Barker Ecosystem Services dated 30 April 2018. Measures must be implemented during the works to ensure trees other than those identified for removal are not damaged or destroyed (e.g. temporary fencing/flagging of work area)

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

An approved weed management plan for the 'Eucalyptus tenuiramis woodland on sediments' (DTO) vegetation community on the property outside of the approved development area must be implemented if declared or environmental woody weeds are present within this community.

If declared or environmental woody weeds are present within this community, a weed management plan prepared by a suitably qualified person must be submitted and approved, prior to the granting of consent under the *Building Act 2012* or the commencement of works (whichever occurs first). The weed management plan must:

- 1. identify and illustrate the distribution of the declared and environmental weeds within the DTO community;**
- 2. set out a program for eradicating these weeds including appropriate disposal;**
- 3. include a section clearly identifying and detailing actions to be taken, the area to be targeted, the timing of each action and the persons/parties responsible for undertaking all actions; and**
- 4. include prescriptions to minimise impacts on native vegetation and minimise soil**

disturbance.

All work required by this condition must be undertaken in accordance with the approved weed management plan.

Reason for condition

To ensure the remaining moderate and high biodiversity values on the site are retained and improved

All construction vehicles and machinery must be effectively cleaned of soil before entering the property.

Soil cleaned from construction vehicles and machinery must not be allowed, either directly or indirectly, to enter waterways or the Council's stormwater system.

Note: further information on effective measures for washdown can be found [here](#).

Reason for condition

To minimise the spread of weeds and pathogens

Sediment and erosion control measures sufficient to prevent sediment from leaving the development areas must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program [click here](#).

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

Recommended Advice:

Advice: If wire mesh fencing is to be used, it is strongly recommended that treatment be applied to increase the visibility of the fencing and reduce the risk of bird collisions (e.g. by attaching shade cloth or densely-spaced flagging tape, or by using cloured plastic-coated wire mesh). Some treatment measures are described in the WWF-Australia publication "Minimising The Swift Parrot Collision Threat: Guidelines and recommendations for parrot-safe building design" (2008).