COUNCIL ASSESSMENT PANEL MEETING
9 June 2021
AGENDA – 8.1

Applicant: NBN CO Limited	**Landowner:** SA Water Corporation
Agent: Adam Pfitzner- Aurecon Group	**Originating Officer:** Doug Samardzija
Development Application:	20/1005/473
Application Description: Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)	
Subject Land: Lots: 10 to 12 Sec: P1293 FP:152770 CT:5279/886	**General Location:** Crossing Road Mylor ***Attachment – Locality Plan***
Development Plan Consolidated : 8 August 2019 **Maps AdHi/**3 & 42	**Zone/Policy Area:** Watershed (Primary Production) Zone - Watershed Protection Policy Area
Form of Development: Non-complying	**Site Area:** 1256 m²
Public Notice Category: Category 3 Non Complying - DPC Requested & Private Cert BRC Notice published in The Advertiser on 26/02/2021	**Representations Received:** 15 **Representations to be Heard:** 9

1. EXECUTIVE SUMMARY

The purpose of this application is for the construction of a 45 metres high monopole NBN telecommunications tower, which is proposed to be situated at Allotments 10, 11 and 12 Crossing Road, Mylor.

The subject land is located within the Watershed (Primary Production) Zone and Watershed Protection Policy Area 5 as delineated in Map set AdHi/3 and AdHi/42 of the Adelaide Hills Development Plan.

The proposal is a non-complying form of development in accordance with the *Procedural Matters* section of the Watershed (Primary Production) Zone, which identifies that *'All kinds of development are non-complying in the Watershed (Primary Production) Zone except – Telecommunications Facilities below 30 metres in height'*.

The proposed Telecommunications facility is in excess of the prescribed maximum height threshold and is accordingly processed as Non Complying Development.

The proposal has received substantial feedback through the statutory Public Notification process including 15 representations from the public, predominantly from nearby landowners/residents, and unsolicited correspondence from State MP, Rebekah Sharkie, who has advocated on behalf of residents in favour of the proposal (which was not part of the statutory consultation process).

As per the CAP delegations, the CAP is the relevant authority for Category 3 non-complying development where the representors have identified that they wish to be heard in support of their representations.

Pursuant to Section 35 of the *Development Act 1993*, the date of this application, being lodged on 24 September 2020 'post deletion' of Section 35 (3) of the *Development Act 1993*, effective on 15 May 2020 the Relevant Authority will not be required to obtain the concurrence of the State Planning Commission in determining this application.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- 46 metres maximum height galvanised metal 'monopole' telecommunications tower fitted with headframe to 46 metres and antenna systems fitted at or above 38 metres elevation
- Enclosed 8 metres x 10 metres security compound surrounding the tower and infrastructure, comprising chainmesh & 3-row barbed wire security fencing, galvanised steel poles and gate
- Two (2) ground mounted equipment cabinets dimensioned approximately 0.7m x 0.7m x 1.8 metres height and one (1) mains power meter box
- Site preparation cut to 0.7 metres and fill to 1.2 metres.

The proposed development is to be located within an existing cleared area on Allotment 11, which is devoid of vegetation and is immediately accessible from the formed track within the SA Water Corporation land, (Allotments 10, 11 & 12) and is near to Crossing Road, a formed road located approximately 20 metres to the north.

The site of the proposed development is elevated, at approximately 342 metres AHD with local topography of land rising to elevations of 430 metres AHD and 380 metres AHD to the north-west and south-west (respectively) of the subject site. First order watercourses commence 110 metres to the northwest and 240 metres to the east of the subject site within dense native bushland.

The nearest sensitive receptor (i.e. a dwelling) to the proposed development is situated approximately 120 metres to the north-east of the site, with fourteen (14) dwellings located within 300 and 600 metres of the proposed development.

The proposed plans are included as ***Attachment – Proposal Plans*** with other information included as ***Attachment – Application Information*** and ***Attachment – Applicant's Professional Reports.***

3. BACKGROUND AND HISTORY

Nil

4. REFERRAL RESPONSES

- **NATIVE VEGETATION COUNCIL**

  The applicant submitted an application to the Native Vegetation Council (NVC) for approval in relation to the clearance of degraded Messmate Stringybark (*Eucalyptus obliqua*) understory totalling 0.0014ha for underground powerline construction along Crossing Road. Further, clearance of four regenerating Varnish Wattles (*Acacia verniciflua*) and degraded understory totalling 0.001ha and pruning of one Messmate Stringybark (E*ucalyptus obliqua*) for installation of double gate access from Smith Road was also applied for. Approval from

Native Vegetation Council has since been granted in relation to these proposed works. The applicant has opted not to sign the Decision Notification Acknowledgment with the Native Vegetation Council until the outcome of the planning decision is known.

- **EPA**

  The application was referred to the EPA who advised that:

  'As the referral trigger to the EPA for assessment is non-complying development in the Mount Lofty Ranges Water Protection Area, as per Schedule 8 of the Development Regulations, the EPA has only provided an assessment of the potential water quality impacts that may result from the proposed development. As such, there has been no assessment undertaken of any other potential environmental impacts'.

  The EPA have recommended a standard condition be included (refer to recommended *Condition 4*) in relation to a Soil Erosion Drainage Management Plan.

- **AHC OPEN SPACE DEPARTMENT**

  The road reserve (area) proposed for vegetation clearance is not registered under the Native Vegetation Marker System. The vegetation is however predominately native and *Eucalyptus obliqua* - Messmate Stringybark.

  The Native Vegetation Council would condition the works under the NV Regulations of 2017 if the clearance extends outside the parameters of The Road Side Vegetation Management Plan or the Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation, in respect to required trafficable envelope expansion.

  Some pruning has occurred, possibly of dead vegetation at the location of Gate 25 (refer to pg 10 of the referral report (reference photograph attached)) and near the entrance of Smith Road.

  Open Space Department's approval is provided subject to Native Vegetation approvals whether by legal exemption or intervention by an NVC Accredited consultant, to ascertain the Regulation, Decision Notification and any applicable offset.

  An advisory note has been attached as part of the recommendation from Open Space Department requiring the applicant to provide Council with a signed Decision Notification Acknowledgment with Native Vegetation Council which will need to be verified by Council prior to any works occurring on site (refer *Note 6* in the recommended conditions and notes of consent).

- **AHC ENGINEERING**

  Engineering Department reviewed the proposed widening of the access point from Smith Road and advised that they have no objections to the proposed works.

The above responses are included as ***Attachment – Referral Responses.***

5. CONSULTATION

The application was categorised as a Category 3 form of development in accordance with Section 38(2)(c) of the Development Act 1993 requiring formal public notification and advertising.

Fifteen (15) representations were received during the public consultation period. Of these nine (9) representations are opposing the proposal, and seven (7) are in support of the proposal. Many of the representations were from adjacent and nearby properties.

The following nine (9) representors have indicated a desire to be heard:

Name of Representor	**Representor's Property Address**	**Appearing / Nominated Speaker**
Ken Lynn	23 Smith Road, Mylor	In-person
Sean Carr	497 River Road, Mylor	In-person
Frauke Hobbs	6 Phillinda Lane, Mylor	In-person
Chris & Narelle Whiting	11 Boucaut Lane, Mylor	In-person
Peter & Paula Ashforth	10 Boucaut Lane	In-person
Lucy Quigley-Smith & Matt Smith	133 Crossing Road, Mylor	Represented by Tom Game, Botton Levinson.
Susanne Koen	26 Silver Lake Road, Mylor	In-person
Graham & Deborah Davidson	159 Crossing Road, Mylor	In-person
Stephanie Dallwitz	51 Smith Road, Mylor	In-person

The issues contained in the representations can be briefly summarised as follows:

- Need / necessity for the new facility
- Electromagnetic Energy / Radiation (EME/EMR) and human health
- Compliance with Safety Standards
- Consultation processes
- Site selection / appropriateness
- Physical Access to the site
- Visual impact
- Compliance with the Development Plan provisions
- Environmental impact
- Further co-location and proliferation of additional infrastructure
- Property values

As the panel would be aware, only those issues relating to Development Plan considerations can be taken into account as part of the planning assessment process. However the issues raised by the representors are addressed below.

<u>Need / necessity for the new facility</u>
Whilst the proper distribution and limitation or encouragement of certain forms of development is a crucial part of proper strategic and policy planning (establishing the *'planning rules'* within the Development Plan, or in the *Code* from March 2021 onward), it is not a matter for development assessment, which must assess against the proposal against the *Development Plan in force at the time of lodgement*.

The development assessment process cannot determine if any particular form of development is needed or not. Necessity is driven by many other factors including business markets, commercial competition and public need (which are not always shared as common interests of the whole of the public).

Electromagnetic Energy / Radiation (EME/EMR) and human health
EME is not a planning consideration and telecommunication providers are subject to the meeting of relevant standards set by the *Australian Radiation Protection and Nuclear Safety Agency* (ARPANSA). EME limitations are routinely 10,000 times higher than the EME from telecommunications facilities. As a comparison, it is noted that higher EME levels are recordable in front of a household television than from a telecommunications tower such as the one proposed.

Compliance with Safety Standards
This is a matter beyond the scope of Council's powers to undertake planning assessment of a development application, as prescribed in Section 33 (1)(a) of the Act – for the purpose of Development Plan Consent, the assessment is made against *the appropriate Development Plan* for the area of the state in which the development is proposed *and in some instances case law is used as an aid to interpretation*.

Safety Standards are not a relevant element of a planning assessment – except for the standards set by the Development Plan in the form of *Objectives* and *Principles* and defined *Procedural Matters*.

Consultation processes
Statutory processes for public notification have been undertaken in compliance with the Development Legislation.

Site selection / appropriateness
This is a planning assessment criteria which is discussed in detail later in this report.

Property valuation
This is not a matter required to be assessed or addressed under the Development Legislation or Development Plan. The applicant has addressed all planning related matters extensively in their response document (**Refer *Attachment- Applicant's Response to Representations*).**

Matters relate to the planning assessment are discussed in detail in the following sections of the report.

A copy of the submission is included as ***Attachment – Representations*** and the response is provided in ***Attachment – Applicant's Response to Representations.***

6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been assessed in accordance with the following matters:

i. The Site's Physical Characteristics
The subject land (Allotment 11) is 6.94 hectares in area and is part of a larger area of land held by SA Water Corporation, with some 48 land titles making up part of its Mount Bold Reservoir reserve.

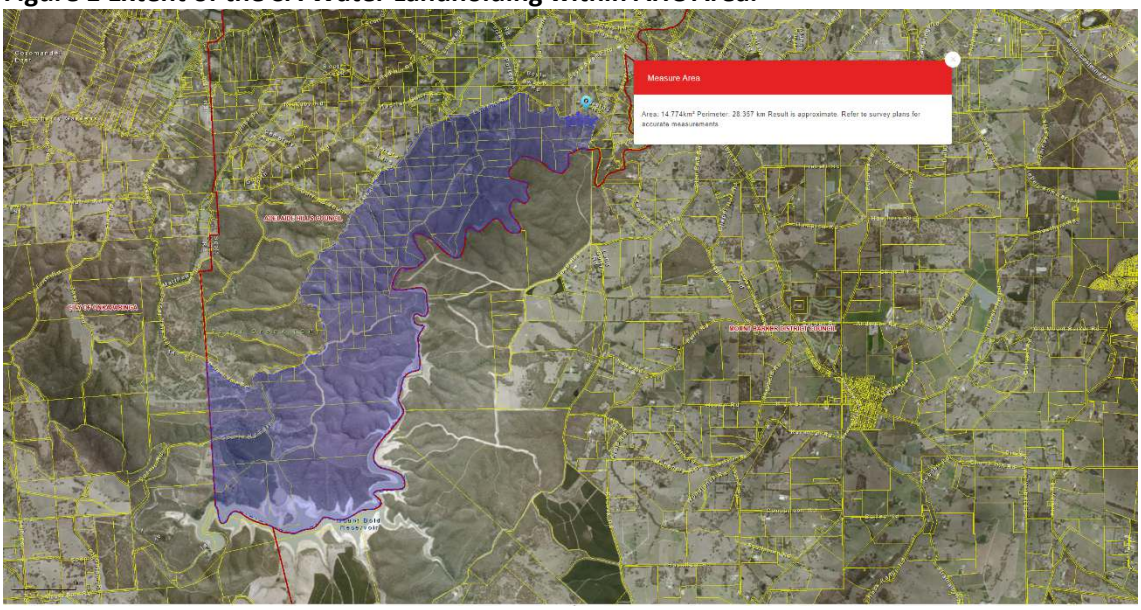
The land is substantially covered with native woodland and is undulating with few small open areas, and some established internal vehicle tracks.

ii. The Surrounding Area
The SA Water Mt. Bold Reservoir reserve stretches across Adelaide Hills, Mount Barker and Onkaparinga Council areas and has a total area in excess of 55 square Kilometres (or 5500 Hectares) with 14.77 square kilometres (or 1440 Hectares) within the Adelaide Hills Council area (refer to ***Figure 1*** below). This reserve makes up the vast majority

between the south and west boundaries of the site, with rural living development established to the north and east.

The prominence of the landscape and its elevation means that the proposed tower will be somewhat prominent within the landscape, and may be seen from the surrounding areas, particularly to the north and immediately northeast where flatter topography prevails and therefore has less visual interruption of the proposed tower.

Figure 1 Extent of the SA Water Landholding within AHC Area.



Source: SAPPA

There are many other examples of towers within the Adelaide Hills and southern Mount Lofty ranges which have been in existence for many years. Beyond their immediate visual impacts when first developed, these existing towers are not considered to be overtly prominent in the landscape, unless they are seen as landmarks.

Some relevant examples of landmarks include:

- 'Trig Point' telecommunications and meteorological Station (near Myponga),
- 'Mount Terrible' telecommunications and meteorological station (near Sellicks Hill),
- Mount Lofty Fire Tower and TX Australia television broadcast Tower, amongst many others and innumerable High voltage power line towers crossing the Mount Lofty Ranges.

This is relevant to the assessment noting the Environment, Resources and Development Court (ERDC) Case of Telstra Corp. P/L. vs City of Holdfast Bay 2008 (SAERDC47/2008) in which 'vertical elements' within the locality, including built form, such as poles and other towers, and natural elements such as trees, were taken into account for evaluating the impact of a proposed new telecommunications tower. This must also be weighed up against the visual impact of the proposed tower within the surrounding natural environment and the proximity at which it will generally be viewed.

iii. Development Plan Policy considerations

a) Policy Area/Zone Provisions

The subject land lies within the Watershed (Primary Production) Zone - Watershed Protection Policy Area and these provisions seek:

- *to maintain and enhance natural resources of the Mount Lofty Ranges particularly water resources.*
- *to protect the long term sustainability of primary production activities.*
- *to enhance amenity and landscape value through preservation and restoration of native vegetation.*
- *to enhance the amenity and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors and to support and develop the tourism industry with accommodation, attractions & facilities and increase visitation and overnight stays in the region.*

The Policy Area in particular reinforces the avoidance of pollution of surface or underground water resources and *maintenance of a pleasant, attractive rural landscape.*

The following are considered to be the relevant *Watershed Protection Policy Area* provisions:

Objectives: 1 & 2
PDCs: 1, 4 & 5

The following are considered to be the relevant Watershed (Primary Production) Zone provisions:

Objectives: 1, 2, 3, 4, & 5
PDCs: 1, 11, 14, 15, 16, 17, 28, 32, 36, 70(non-complying list item)

Accordance with the Watershed (Primary Production) Zone and Watershed Protection Policy Area

The proposal is not offensive or prejudicial to the objectives of the W(PP) Zone or the Objectives of the Watershed Protection Policy Area, which both place a large emphasis on development not prejudicing the sustainability or quality of water resources in the Zone / Policy Area and not undermining the potential for primary Production land uses to prevail.

It is noted that apart from the construction phase (at which point reasonable attenuation measures are to be employed), that the proposed development will not have any adverse effect upon water resources, which has been confirmed by the EPA's mandatory referral response.

Both the Zone and the Policy Area identify that the landscape quality and amenity is to be enhanced for the enjoyment of residents and visitors.

At Zone level, the proposed tower accords the objectives quite satisfactorily, and is considered highly unlikely to have adverse effect on the zone's use, preservation of water resources or amenity and landscape quality.

At a much more localised level, it is apparent from the eight opposing representations that there is a concern of the tower component of the development impacting upon amenity and enjoyment of the visual characteristics of the natural environment. At very least there is a stronger anticipated impact within a radius of approximately half a kilometre of the site, and particularly in the northeast to north-west quadrant.

It is not considered that the introduction of a monopole tower, which is minimalistic as far as towers can be in terms of visual impact, will be of such significance that it would preclude the development. It is noted that the Zone does not provide outright rejection for Telecommunication Towers (PDC 70), and only those which exceed 30 metres in height are defined as 'non-complying.'

The effect of the further 16 metres in elevation over the prescribed non-complying threshold should therefore be considered in context of the locality (which is undulating and hence the need for the extra height) and its relative isolation in the broader landscape.

In this locality, the tower is substantially distant from major points of public outlook, such as the townships of Mylor or the scenic/tourist routes identified in Figure AdHi(EC)/1 in the Development Plan, or from other distant outlooks from which the 'intact natural characteristics' of the Adelaide Hills are contextually most relevant.

Form of Development
As foreshadowed above, the development of Telecommunication facilities within the zone is not dismissed outright within the zone, but triggers a more rigorous assessment of any facilities exceeding 30 metres in height.

Appropriateness of Proposal in Locality
The proposed development is highly unlikely to create a conflicting land use and is located well away from the nearby sensitive receptors which will mitigate any potential minor noise impacts from the cooling/ventilation for the equipment cabinets, and the visual impact of the base of the tower and chainmesh compound fencing.

Telecommunication facilities are generally considered to be most acceptable within *industrial, commercial, business, centre and rural zones* (Council Wide Telecommunications Facilities PDC 1). The proposal is not inconsistent with other comparable telecommunications infrastructure and power transmission infrastructure within the broad locality. High voltage infrastructure (including lattice towers) also crosses the Mount Bold reserve approximately 3.3 kilometres south of the proposed development.

Appearance of Land and Buildings
The zone and policy area provisions seek that buildings will achieve minimal visual impact in terms of design and siting. These are not particularly specific or applicable to structures like telecommunications towers. More specific provisions exist and are addressed within the Council Wide *Telecommunications Facilities* provisions.

Conservation
It is considered that the proposed development does not represent any conflicts with the conservation values of the Zone or Policy Area. The proposal will not have significant impact on native vegetation with:

- clearance of 0.0014ha of degraded Messmate Stringybark (*Eucalyptus obliqua*) understory for the underground powerline construction along Crossing Road
- clearance of 0.001ha of four regenerating Varnish Wattles (*Acacia verniciflua*) and degraded understory, and
- pruning of one Messmate Stringybark (*Eucalyptus obliqua*) for installation of double gate access from Smith Road proposed.

This vegetation removal has been authorised by Native Vegetation Council as well as Adelaide Hills Council's Open Spaces Department. The proposed impacts of these works have been identified in the applicants ecological survey (refer to the ***Attachments***).

b) Council Wide provisions

The *Council Wide* provisions of relevance to this proposal seek (in summary):

- *appropriate segregation of certain forms of development within appropriate zones or areas.*
- *orderly and sustainable development.*
- *avoidance of incompatible land uses.*
- *Appropriate limitations to design, height, bulk and visual/aesthetics.*

The following are considered to be the relevant Council Wide provisions:

Telecommunications Facilities
Objectives: 1 & 2
PDCs: 1, 2 & 4

Objective 1 purports that *Telecommunications facilities provided to deliver communication services to the community*, meaning that such development is intended to be practical and efficient at delivering services to the community. Inefficient or compromised design or siting creates inefficiency and propagates the need for further development and proliferation of more facilities to serve community needs. This can be read also in conjunction with *Orderly and Sustainable Development* PDC 5: *Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure,* to be efficient and economical.

Objective 2 seeks that Telecommunications facilities will be *sited and designed to minimise visual impact on the character and amenity of the local environment*. This is also highly relevant to the abovementioned provisions, to ensure that the potential for poorly designed and proliferation of new services will create incremental impacts on landscape qualities in any given area.

The locality in which this tower is proposed is not considered to be of high visitation, with the vast majority of the surrounding land being located within the SA water reserve which is not publicly accessible except for the reservoir itself. The Heysen Trail traverses land approximately 1.7 kilometres to the east of the subject site, but no notable public trails exist near Crossing Road or the north and eastern aspects of the

Mount Bold reserve. Lastly, Scott Creek Conservation Park commences some 3.8 kilometres to the southwest.

Siting and Visibility
Objective: 1
PDCs: 1, 5, 7 & 9

Orderly and Sustainable Development
Objectives: 3 & 4
PDCs: 1 & 5

Further to the *Orderly and Sustainable* and *Siting and Visibility* provisions already addressed above, the proposal does not, in any way *jeopardise the continuance of adjoining authorised land uses* and does not *prejudice the achievement of the provisions of the Development Plan* insofar as they relate to water resource preservation and security and potential for primary production pursuits in the more arable rural areas within the zone.

As is relatively common with Telecommunication facilities, the development is sited somewhat remotely, in a position where it can obtain optimum coverage of the target community where services are to be delivered, in this case, by wireless NBN service. Siting remotely is intended to minimise visual impact, but inevitably affects a small number of nearby premises and occupants.

Concerns raised by representors that the telecommunications tower is equivalent *to a 15 storey building* do not address the fact that the tower lacks the equivalent breadth and bulk). The representors concerns that it will overshadow adjacent houses are not in the traditional planning sense of building obstructing natural light. This is a monopole design which will cause minimal shadowing within the nearby locality.

As previously detailed the siting is considered not to interfere with areas of high visitation and avoids *walking trails* such as the Heysen Trail, *recreation reserve* areas such as Mount Bold Reservoir and acknowledged *scenic routes*.

The proposed development requires a small degree of earthworks and a new access to be formed for the purpose of establishing the facility. After the construction is complete, the vehicular access will not need to be maintained to the same degree as required to get heavy vehicles and materials into the site during the construction phase.

The proposed development utilises materials which, initially will be shiny and will stand out in the environment. However, experience shows that galvanised metal (not zinc or other coatings) will 'patina' to a dull grey colour in time. The dulled resultant finish is reasonably compatible in the natural environment, including where it is superimposed against the skyline and will be less visible. However, it will not be boldly apparent and in many cases such monopole towers are not readily visible at a distance without trying to identify them in the landscape.

7. SUMMARY & CONCLUSION

The proposal has been assessed against the relevant provisions of the Adelaide Hills Development Plan (Consolidated 8 August 2019) and is considered to demonstrate adequate merit insofar that it can suitably blend in with the surrounding natural environment of the locality in which it will be situated.

The proposal is of a regular standard of design for its intended purpose and it is considered that no advantage could be had by utilising a different form of tower, such as a lattice tower (which would be more visually dominant), or a slimline guyed lattice mast, which is not substantially different in appearance or bulk.

The proposed development inevitably creates an impact at close interface with surrounding residences. These impacts, within the bounds of the *Development Plan assessment* are limited to visual impact, and are in most cases (but not necessarily all cases) not within the immediate dominant viewscapes from established dwellings. These dwellings' principal orientations are from the north to the east, and not to the south or south-west in the direction of the proposed tower.

The proposed development is predominantly inconspicuous to the broader locality in which it sits and does not disfigure the natural environment form broader outlooks.

It is noted that the concerns expressed by representors regarding EME, impact on property values and safety standards, are not matters which can be considered as part of the assessment process. As far as the issue of EME is concerned, it is noted that all telecommunications providers have to meet the ARPANSA requirements in order to minimise any potential impacts on human health.

The proposed development is not considered to be seriously at variance with the Development Plan and in the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED,** subject to conditions as detailed below.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan and GRANTS Development Plan Consent to Development Application 20/1005/473 by NBN CO Limited for Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying) at Crossing Road Mylor subject to the following conditions:

(1) <u>Development In Accordance With the Plans</u>
The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- **Site specific notes prepared by Aurecon, drawing number 5STI-51-08-MYLO-C1 revision 02 last dated 15/09/20 and date stamped by Council 10/02/2021**
- **Overall site plan prepared by Aurecon, drawing number 5STI-51-08-MYLO-C2 revision 02 last dated 15/09/20 and date stamped by Council 10/02/2021**
- **Site setout plan prepared by Aurecon, drawing number 5STI-51-08-MYLO-C3 revision 03 last dated 01/02/2021 and date stamped by Council 10/02/2021**
- **Site elevation and details prepared by Aurecon, drawing number 5STI-51-08-MYLO-C4 revision 03 last dated 01/02/2021 and date stamped by Council 10/02/2021**
- **Site earthworks plan and elevations prepared by Aurecon, drawing number 5STI-51-08-MYLO-C5 revision 01 last dated 01/02/2021 and date stamped by Council 10/02/2021**

- **Access track earthworks plan and elevations prepared by Aurecon, drawing number 5STI-51-08-MYLO-C6 revision 01 last dated 01/02/2021 and date stamped by Council 10/02/2021**
- **Site earthworks notes prepared by Aurecon, drawing number 5STI-51-08-MYLO-C7 revision 01 last dated 01/02/2021 and date stamped by Council 10/02/2021**
- **NBN antenna configuration & setout plan prepared by Aurecon, drawing number 5STI-51-08-MYLO-A1 revision 03 last dated 01/02/2021 and date stamped by Council 10/02/2021**
- **Boundary setout plan prepared by Aurecon, drawing number 5STI-51-08-MYLO-C3 revision 01 last dated 29/10/20 and date stamped by Council 10/02/2021**

(2) <u>Commercial Lighting</u>
Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

(3) <u>External Finishes</u>
The external finishes to the building herein approved shall be as follows:

Monopole: Galvanized steel or similar

(4) <u>Prior to Building Consent Being Granted - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)</u>
Prior to Building Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:

a. soil moving off the site during periods of rainfall;
b. erosion and deposition of soil moving into the remaining native vegetation; and
c. soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

NOTES

(1) <u>Development Plan Consent (DPC) Expiry</u>
This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the DPC.

(2) <u>Erosion Control During Construction</u>
Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

(3) <u>EPA Environmental Duty</u>
The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

(4) <u>EPA Information Sheets</u>
Any information sheets, guideline documents, codes of practice, technical bulletins, are referenced in this decision can be accessed on the following web site: http://www.epa.sa.gov.au/pub.html

(5) <u>Environment Protection (Water Quality) Policy 2015</u>
The applicant is advised that the Environment Protection (Water Quality) Policy 2015 came into effect on 1 January 2016. Therefore, all reasonable and practicable measures must be put in place to prevent or minimise environmental harm during the construction process.

(6) <u>Decision Notification Acknowledgment with Native Vegetation Council</u>
The applicant is reminded that a Decision Notification Acknowledgment must be signed with Native Vegetation Council. This acknowledgement must be provided to Native Vegetation Council and Adelaide Hills Council for verification prior to pruning or removal of any native vegetation.

9. ATTACHMENTS

Locality Plan
Proposal Plans
Application Information
Applicant's Professional Reports
Referral Responses
Representation
Applicant's response to representations

Respectfully submitted

_____

Doug Samardzija
Statutory Planner

Concurrence

_____

Deryn Atkinson
Assessment Manager

28-May-2021

500 m

Scale =

Adelaide Hills COUNCIL

N

Annotations

- Representors land 12
- Representors land 11
- Representors land 10
- Representors land 9
- Representors land 8
- Representors land 7
- Representors land 6
- Representors land 5
- Representors land 4
- Representors land 3
- Representors land 2
- Representors land 1
- Subject Land

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

DATE OF ISSUE		31.08.20	15.09.20	20.01.21			
DRAWING PACKAGE VERSION		1	2	3			
GENERAL							
5STI-51-08-MYLO-T1	COVER SHEET	01	02	03			
5STI-51-08-MYLO-C1	SITE SPECIFIC NOTES	01	02	02			
5STI-51-08-MYLO-C2	OVERALL SITE PLAN	01	02	02			
5STI-51-08-MYLO-C3	SITE SETOUT PLAN	01	02	03			
5STI-51-08-MYLO-C4	SITE ELEVATION AND DETAILS	01	02	03			
ELECTRICAL							
ANTENNA DETAILS							
5STI-51-08-MYLO-A1	NBN ANTENNA CONFIGURATION & SETOUT PLAN	01	02	03			
STRUCTURAL							
CIVIL							
5STI-51-08-MYLO-C5	SITE EARTHWORKS PLAN AND ELEVATIONS	-	-	01			
5STI-51-08-MYLO-C6	ACCESS TRACK EARTHWORK PLAN AND ELEVATIONS	-	-	01			
5STI-51-08-MYLO-C7	SITE EARTHWORKS NOTES	-	-	01			
MONOPOLE DOCUMENTATION							
LEASE / LICENCE							
DISTRIBUTION							
ERICSSON	MORGAN BROWN	1	1	1			
AURECON	ADAM PFITZNER	1	1	1			

SITE CODE: 5STI-51-08-MYLO

MYLOR SOUTH

LOT 10 CROSSING ROAD
MYLOR
SA 5153

Australia's broadband network

PROJECT SUMMARY

NBN 45m MONOPOLE WITH CIRCULAR HEADFRAME
NBN OUTDOOR CABINETS INSTALLED ON A CONCRETE SLAB WITHIN THE NBN COMPOUND

Client:

Client:

ERICSSON

Client:

Project:
NATIONAL BROADBAND NETWORK
SITE No: 5STI-51-08-MYLO
MYLOR SOUTH
LOT 10 CROSSING ROAD
MYLOR
SA 5153

PRELIMINARY ISSUE

Rev	Date	Revision Details
03	01.02.21	RF ANTENNA UPDATES
02	15.09.20	PRELIMINARY ISSUE
01	31.08.20	PRELIMINARY ISSUE (DRAFT)

aurecon
Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER:	KH
CHECKED:	MH
APPROVED:	AP

Drawing Title:
COVER SHEET

Drawing No. 5STI-51-08-MYLO-T1
Revision 03

COPYRIGHT © NBN Co LIMITED ABN 86 136 533 741 . ALL RIGHTS RESERVED. VERSION 10 - SEPT 2011

20 10 0 10 20 30 40 50mm A3

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

SITE INFORMATION:

1. SITE ADDRESS
LOT 10 CROSSING ROAD, MYLOR SA 5153

2. GENERAL
THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT NBN CONSTRUCTION STANDARDS, CURRENT AUSTRALIAN STANDARDS AND SPECIFICATIONS

3. SITE ACCESS
FROM THE CENTRE TOWNSHIP OF MYLOR TRAVEL SOUTH ON STRATHALBYN ROAD FOR 800m, TURN RIGHT ONTO SILVERLAKE ROAD AND TRAVEL FOR 1.6km. TURN RIGHT ONTO CROSSING ROAD AND TAKE THE FIRST SLIGHT LEFT ONTO SMITH ROAD. TRAVEL FOR 550m TO SA WATER SITE ACCESS GATE (LABELLED GATE: 25 GRID: 948-173), ENTER THROUGH & SHARP RIGHT ON THE GRAVEL ACCESS TRACK (BOUNDARY (1) TRACK). TRAVEL FOR 700m AND THE NBN SITE IS ON THE LEFT IN THE CLEARING, AS SHOWN ON DRAWING 'C2' NOTE ACCESS IS PROHIBITED ON TOTAL FIRE BAN DAYS.

4. EQUIPMENT
PROPOSED NBN OUTDOOR CABINETS ARE TO BE INSTALLED ON A CONCRETE SLAB WITHIN THE NBN COMPOUND & LEASE AREA

5. STRUCTURE
PROPOSED NBN 45m MONOPOLE WITH CIRCULAR HEADFRAME

6. ANTENNA ACCESS
ANTENNA ACCESS WILL BE AVAILABLE TO QUALIFIED RIGGERS ONLY BY CLIMBING THE ACCESS LADDER INSTALLED ON THE MONOPOLE USING THE LAD-SAF SAFETY CLIMB SYSTEM, OR VIA EWP

7. EXISTING SERVICES
THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT SERVICES AS REQUIRED PRIOR TO THE COMMENCEMENT OF WORKS

8. EXISTING SITE HAZARDS
- EXISTING AUSTRALIAN WILDLIFE, (ECHIDNAS, KANGRAROOS, KOALAS, DEER)
- SITE ACCESS BOGGY/SLIPPERY WHEN WHEN, 4WD ACCESS RECOMMENDED
- PROHIBITED SITE ACCESS ON TOTAL FIRE BAN DAYS
- BLIND CORNER/RISE ENTERING/EXISTING SILVER LAKES ROAD, TRAFFIC MANAGEMENT FOR CONSTRUCTION MAY BE REQUIRED

9. ELECTRICAL SUPPLY
ELECTRICAL SUPPLY TO THE NBN FACILITY WILL LIKELY BE FROM EXISTING POWER POLE ON ROAD VERGE OF CROSSING ROAD, NEAR PROPERTY GATES 133. EXPECTED TRANSFORMER UPGRADE REQUIRED. UNDERBORING REQUIRED FOR NEW CONSUMER MAIN TO NBN SITE (275m) EXPECTED DUE TO BIODIVERSITY AREA. NO EXISTING SUPPLY ON SITE. (TO BE CONFIRMED BY SAPN)

10. TRANSMISSION LINK
REFER TABLE ON DRAWING 5STI-51-08-MYLO-A1 FOR DETAILS

11. SITE SPECIFIC INFORMATION
- EXISTING ACCESS GATE TO BE REPLACED WITH NEW DOUBLE GATES WITH DAISY CHAIN ARRANGEMENT
- POSSIBLE EARTHWORKS/BACKFILL REQUIRED AT SA WATER SITE ENTRY FOR CONSTRUCTION VEHICLES
- POSSIBLE TRIMMING OF LOW LYING BRANCHES ALONG SMITH ROAD FOR CRANE ACCESS, TBC POST SITE VISIT WITH BUILD CONTRACTOR
- MONOPOLE MAY HAVE TO BE TRANSFERRED IN SECTIONS TO AVOID IMPACT ON VEGETATION
- POSSBLE CUT/FILL REQUIRED FOR NBN COMPOUND DUE TO GROUND SLOPE, TBC POST SURVEY
- POSSIBLE EXISTING TRACK UPGRADE (725m) FOR CONSTRUCTION VEHICLE ACCESS (BOGGY/SLIPPERY WHEN WET)

Client:

Client:

ERICSSON

Client:

Project:
NATIONAL BROADBAND NETWORK
SITE No: 5STI-51-08-MYLO
MYLOR SOUTH
LOT 10 CROSSING ROAD
MYLOR
SA 5153

PRELIMINARY ISSUE

Rev	Date	Revision Details
02	15.09.20	PRELIMINARY ISSUE
01	31.08.20	PRELIMINARY ISSUE (DRAFT)

aurecon
Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER:	KH
CHECKED:	MH
APPROVED:	AP

Drawing Title:
SITE SPECIFIC NOTES

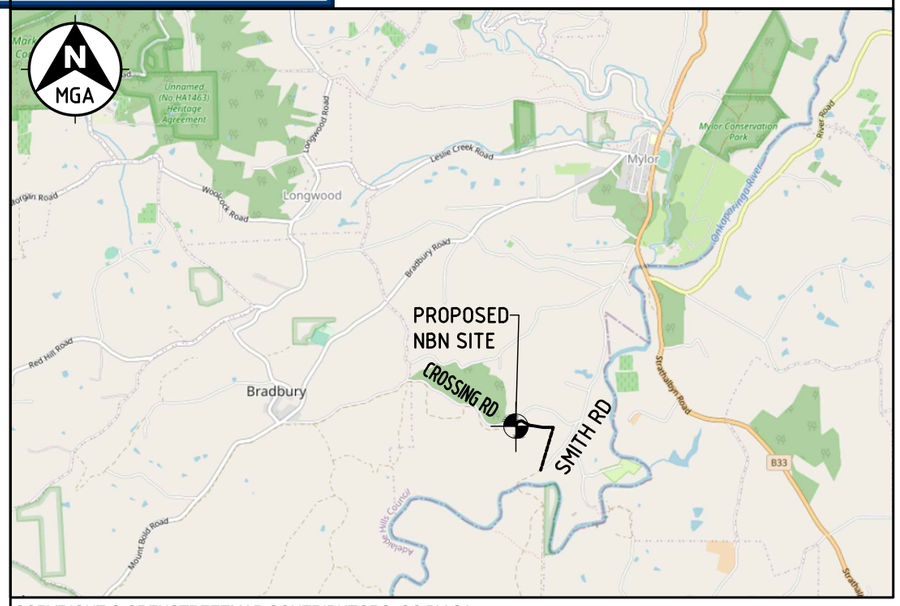
Drawing No. 5STI-51-08-MYLO-C1
Revision 02

COPYRIGHT © NBN Co LIMITED ABN 86 136 533 741 . ALL RIGHTS RESERVED. VERSION 10 - SEPT 2011

20 10 0 10 20 30 40 50mm A3

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

SITE LOCATION



COPYRIGHT © OPENSTREETMAP CONTRIBUTORS, CC BY-SA
http://www.openstreetmap.org
http://creativecommons.org/licences/by-sa/2.0/
Use of this image is subject to the terms and conditions of the Creative Commons Attribution-ShareAlike 2.0 licence, the full licence of which can be accessed at http://creativecommons.org/licenses/by-sa/2.0/legalcode

SITE CO-ORDINATES

MONOPOLE LOCATION

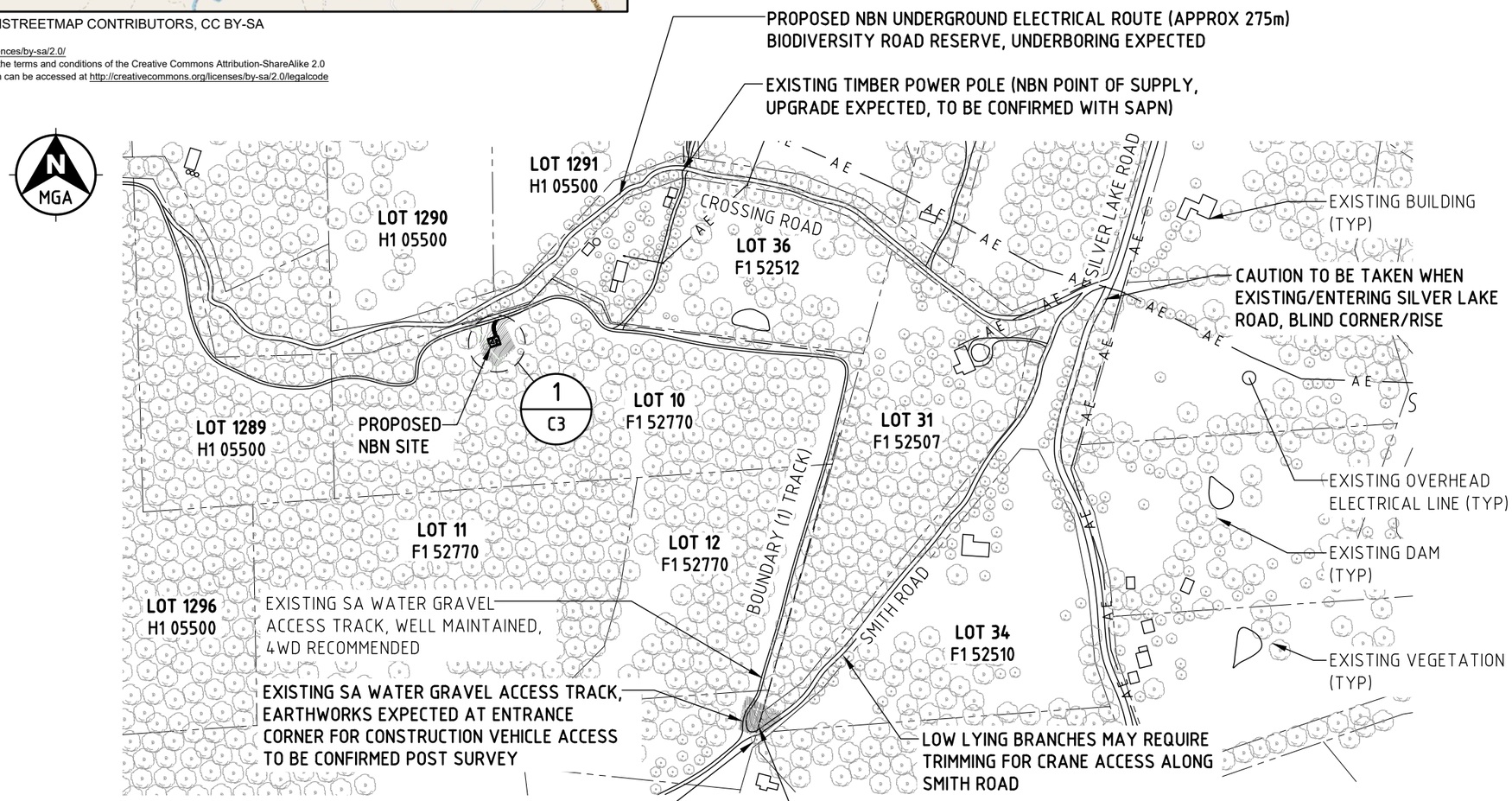
DATUM: MGA (GDA94)	ZONE: 54
LATITUDE	-35.062989°
LONGITUDE	138.746930°
EASTING	294567.23
NORTHING	6117667.35

NOTES:

1. THE ELECTRICAL ROUTE SHOWN ON THIS DRAWING IS INDICATIVE ONLY, FINAL ROUTE TO BE DETERMINED ON SITE PRIOR TO CONSTRUCTION.
2. CONSTRUCTOR SHALL LOCATE AND IDENTIFY ANY EXISTING UNDERGROUND SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.

LEGEND

— A E — A E — EXISTING OVERHEAD ELECTRICAL ROUTE
— NUE — NUE — NBN UNDERGROUND ELECTRICAL ROUTE
— - - — - - — PROPERTY BOUNDARY



OVERALL SITE PLAN

SCALE 1:5000

Client:

Client:

Client:

Project:

NATIONAL BROADBAND NETWORK
SITE No: 5STI-51-08-MYLO
MYLOR SOUTH
LOT 10 CROSSING ROAD
MYLOR
SA 5153

PRELIMINARY ISSUE

Rev	Date	Revision Details
02	15.09.20	PRELIMINARY ISSUE
01	31.08.20	PRELIMINARY ISSUE (DRAFT)

aurecon
Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER:	KH
CHECKED:	MH
APPROVED:	AP

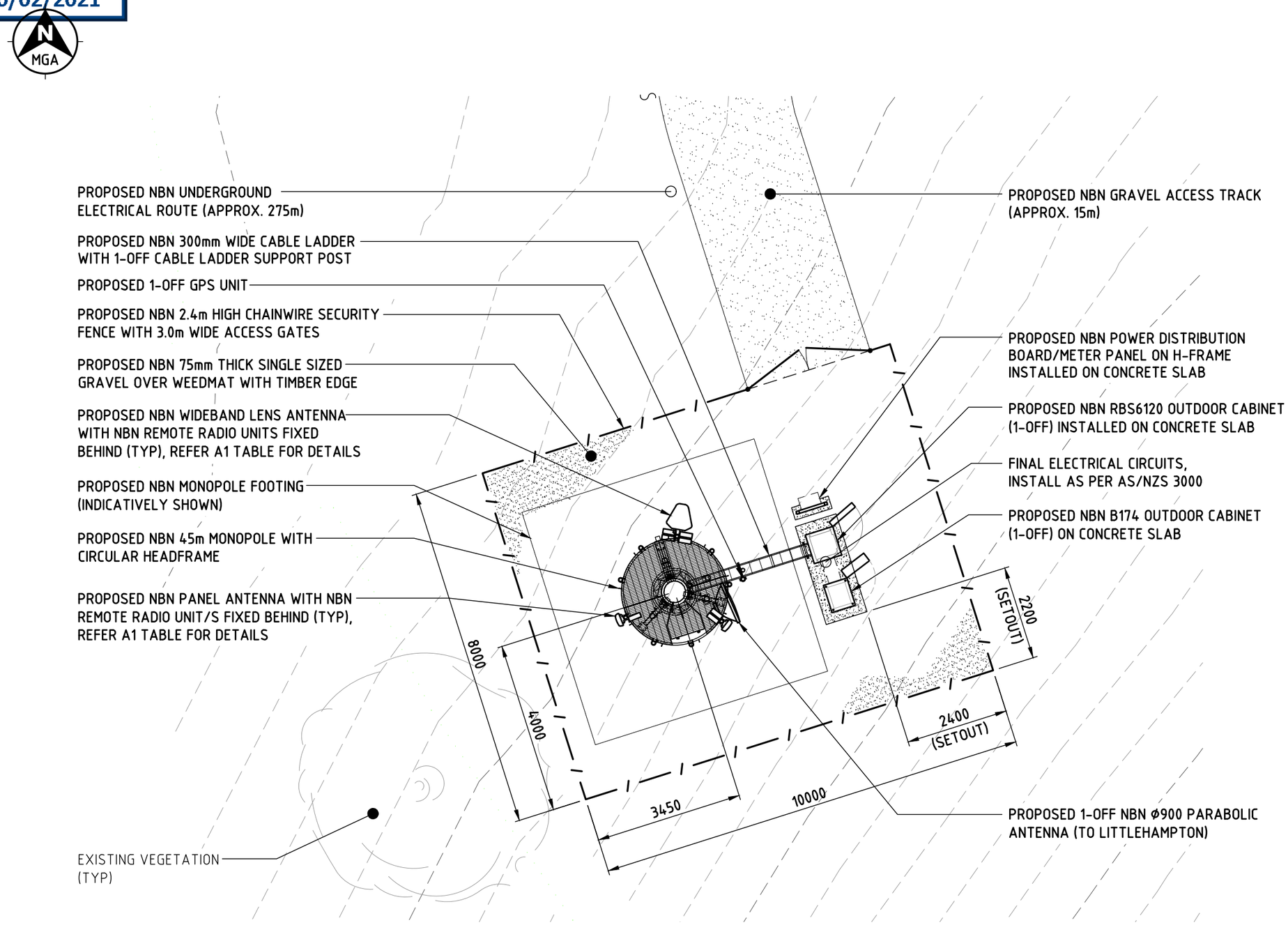
Drawing Title:
OVERALL SITE PLAN

Drawing No. 5STI-51-08-MYLO-C2
Revision 02

COPYRIGHT © NBN Co LIMITED ABN 86 136 533 741 . ALL RIGHTS RESERVED. VERSION 10 - SEPT 2011

20 10 0 10 20 30 40 50mm A3

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021



DETAIL 1 / C2
SCALE 1:100

NOTES:

1. THE ELECTRICAL ROUTE SHOWN ON THIS DRAWING IS INDICATIVE ONLY, FINAL ROUTE TO BE DETERMINED ON SITE PRIOR TO CONSTRUCTION
2. CONSTRUCTOR SHALL LOCATE AND IDENTIFY ANY EXISTING UNDERGROUND SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE
3. ALL SET OUT DIMENSIONS SHOWN ARE TO BE CONFIRMED POST SURVEY & COMPLETION OF FOOTING DESIGN

LEGEND

— NUE — NUE — NBN UNDERGROUND ELECTRICAL CABLE

— / — / — NBN COMPOUND FENCE

Client: nbn

Client: ERICSSON

Client:

Project:

NATIONAL BROADBAND NETWORK
SITE No: 5STI-51-08-MYLO
MYLOR SOUTH
LOT 10 CROSSING ROAD
MYLOR
SA 5153

PRELIMINARY ISSUE

Rev	Date	Revision Details
03	01.02.21	RF ANTENNA UPDATES
02	15.09.20	PRELIMINARY ISSUE
01	31.08.20	PRELIMINARY ISSUE (DRAFT)

aurecon
Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER:	KH
CHECKED:	MH
APPROVED:	AP

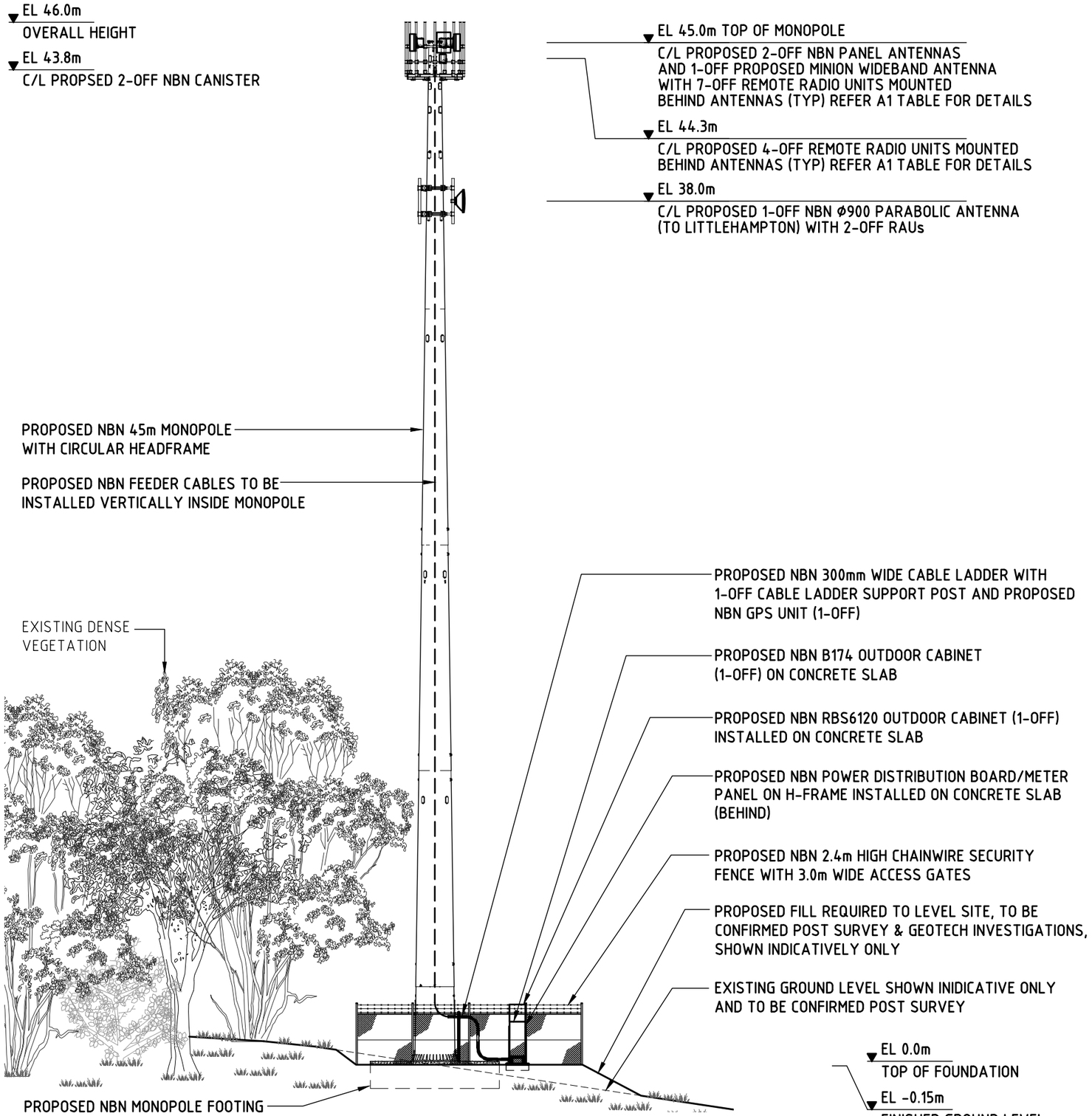
Drawing Title:
SITE SETOUT PLAN

Drawing No. 5STI-51-08-MYLO-C3
Revision 03

COPYRIGHT © NBN Co LIMITED ABN 86 136 533 741 . ALL RIGHTS RESERVED. VERSION 10 - SEPT 2011

20 10 0 10 20 30 40 50mm A3

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021



SOUTH ELEVATION

SCALE 1:150

Client:

Client:

Client:

Project:

NATIONAL BROADBAND NETWORK
SITE No: 5STI-51-08-MYLO
MYLOR SOUTH
LOT 10 CROSSING ROAD
MYLOR
SA 5153

PRELIMINARY ISSUE

Rev	Date	Revision Details
03	01.02.21	RF ANTENNA UPDATES
02	15.09.20	PRELIMINARY ISSUE
01	31.08.20	PRELIMINARY ISSUE (DRAFT)

Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER:	KH
CHECKED:	MH
APPROVED:	AP

Drawing Title:
SITE ELEVATION AND DETAILS

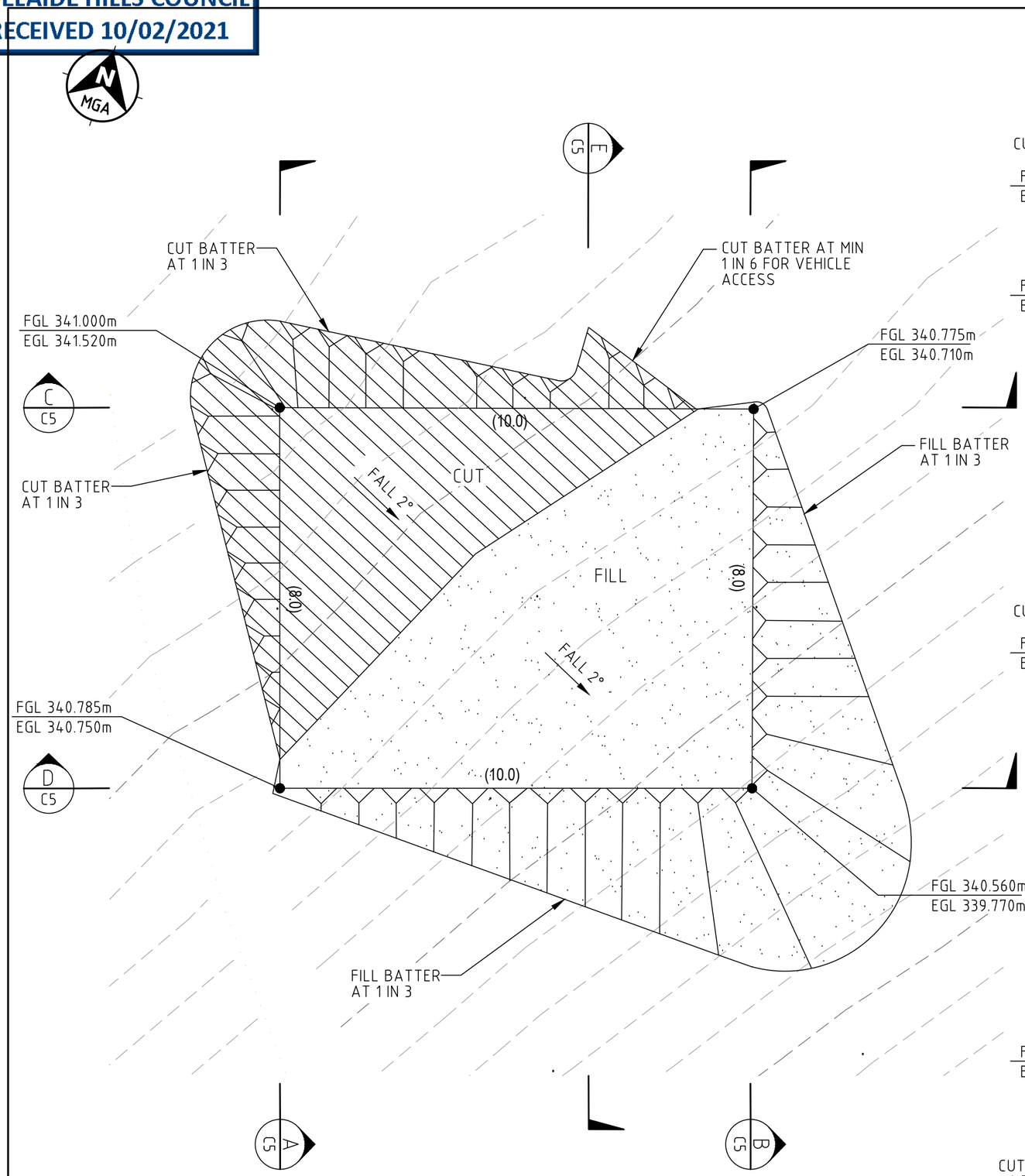
Drawing No. 5STI-51-08-MYLO-C4

Revision 03

COPYRIGHT © NBN Co LIMITED ABN 86 136 533 741 . ALL RIGHTS RESERVED. VERSION 10 - SEPT 2011

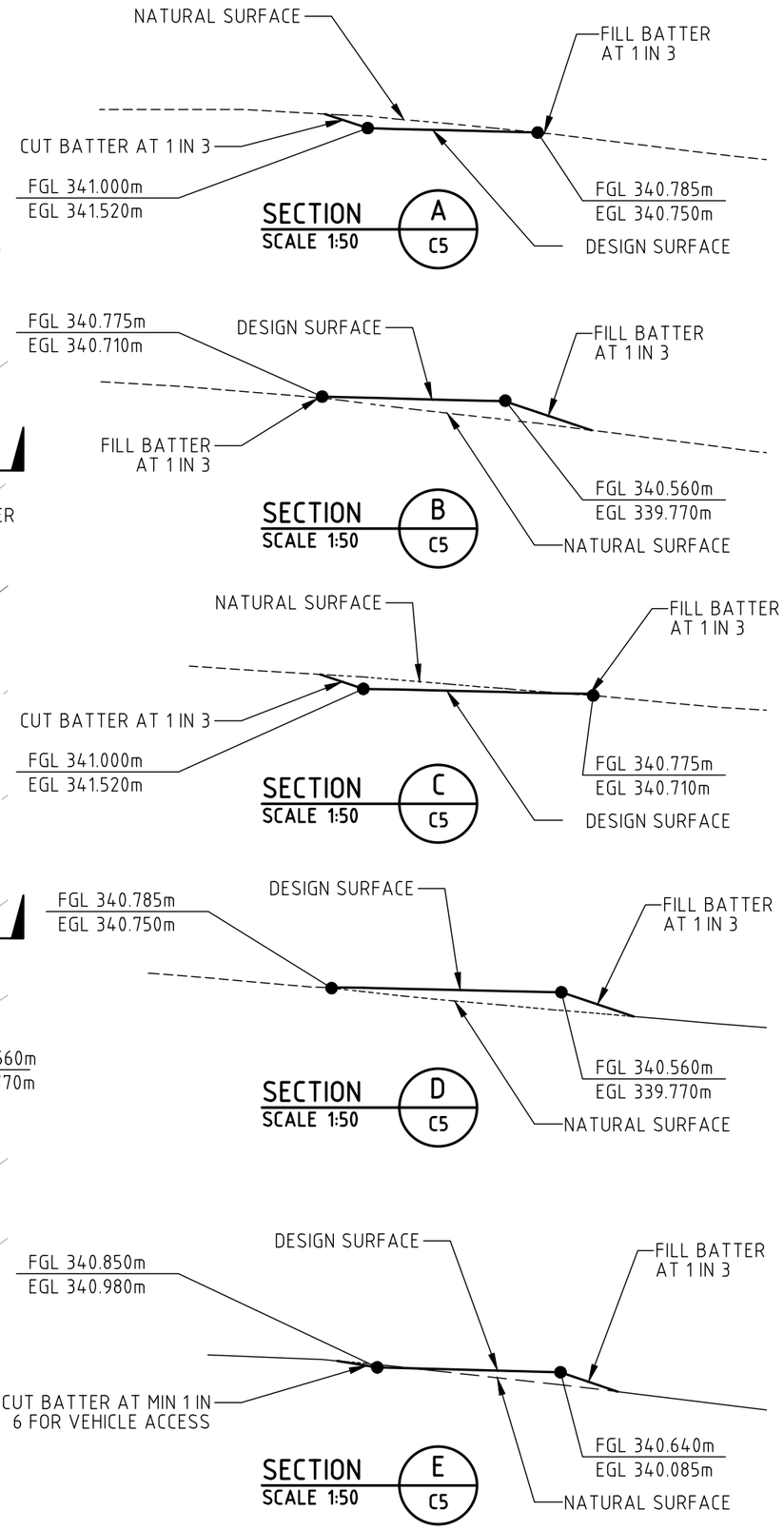
20 10 0 10 20 30 40 50mm A3

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021



SITE EARTHWORKS PLAN

SCALE 1:150



Client:

Client:

ERICSSON

Client:

Project:

NATIONAL BROADBAND NETWORK
SITE No: 5STI-51-08-MYLO
MYLOR SOUTH
LOT 10 CROSSING ROAD
MYLOR
SA 5153

PRELIMINARY ISSUE

Rev	Date	Revision Details
01	01.02.21	PRELININARY ISSUE

aurecon
Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER:	MH
CHECKED:	LJM
APPROVED:	AP

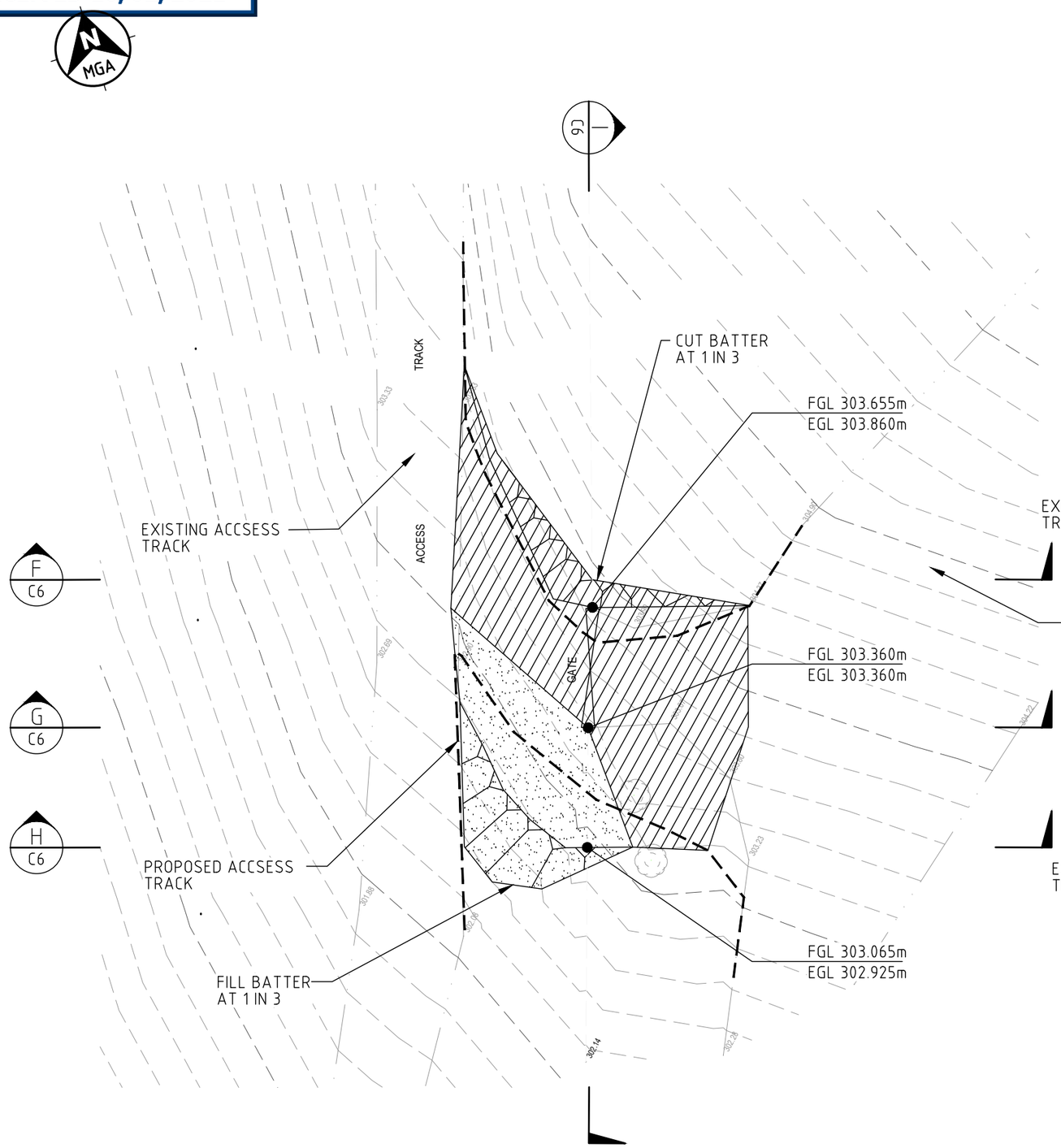
Drawing Title:
SITE EARTHWORKS PLAN AND ELEVATIONS

Drawing No. 5STI-51-08-MYLO-C5
Revision 01

COPYRIGHT © NBN Co LIMITED ABN 86 136 533 741 . ALL RIGHTS RESERVED. VERSION 10 - SEPT 2011

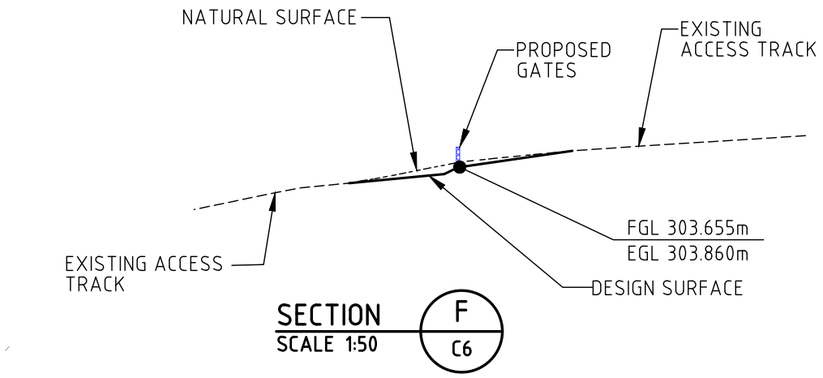
20 10 0 10 20 30 40 50mm A3

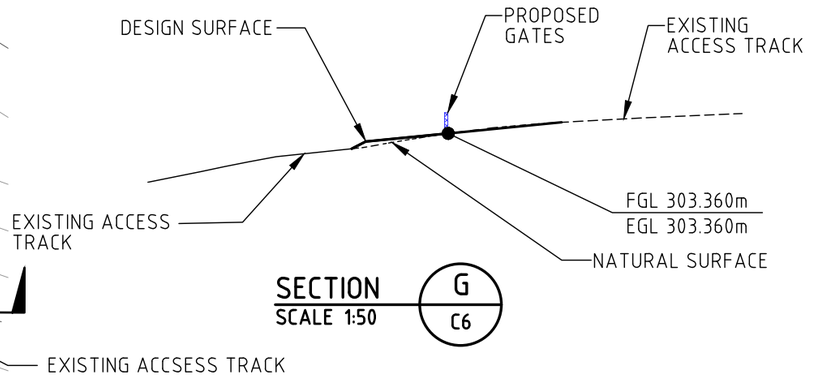
ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

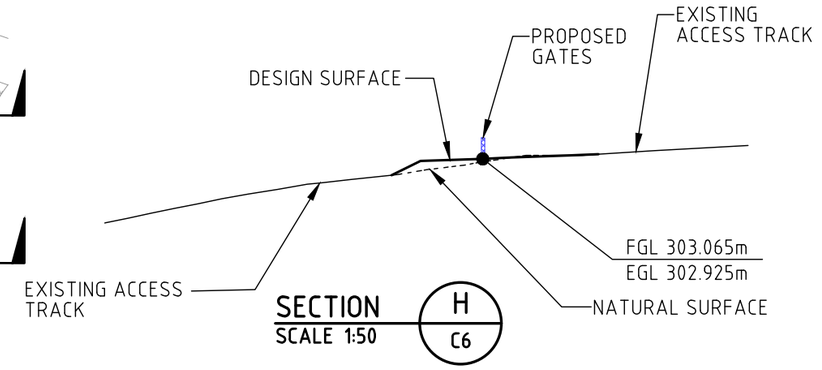


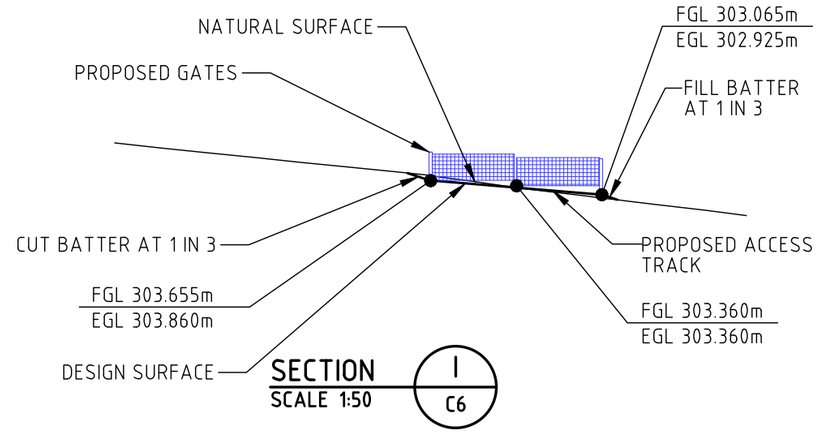
ACCESS TRACK EARTHWORK PLAN

SCALE 1:150









Client:

Client:

Client:

Project:

NATIONAL BROADBAND NETWORK
SITE No: 5STI-51-08-MYLO
MYLOR SOUTH
LOT 10 CROSSING ROAD
MYLOR
SA 5153

PRELIMINARY ISSUE

Rev	Date	Revision Details
01	01.02.21	PRELININARY ISSUE

Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER:	MH
CHECKED:	LJM
APPROVED:	AP

Drawing Title:
ACCESS TRACK EARTHWORK PLAN AND ELEVATIONS

Drawing No. 5STI-51-08-MYLO-C6

Revision 01

COPYRIGHT © NBN Co LIMITED ABN 86 136 533 741 . ALL RIGHTS RESERVED. VERSION 10 - SEPT 2011

20 10 0 10 20 30 40 50mm A3

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

GENERAL NOTES:

G1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS' DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ALL DISCREPANCIES SHALL BE REFERRED TO THE SUPERINTENDENT FOR DECISION BEFORE PROCEEDING WITH THE WORK.
G2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
G3 ALL DIMENSIONS RELEVANT TO SETTING OUT AND OFF-SITE WORK SHALL BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION OR FABRICATION IS COMMENCED. THE ENGINEER'S DRAWINGS SHOULD NOT BE SCALED.
G4. DURING CONSTRUCTION THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING THE STRUCTURE AND ADJACENT STRUCTURES IN A STABLE CONDITION AND ENSURING NO PART SHALL BE OVERSTRESSED UNDER CONSTRUCTION ACTIVITIES.
G5. WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE RELEVANT CURRENT AUSTRALIAN STANDARDS INCLUDING ALL AMENDMENTS, AND THE LOCAL STATUTORY AUTHORITIES, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
G6. THESE DRAWINGS ARE BASED ON, AND SHOULD BE READ IN CONJUNCTION WITH THE (TBC)

EARTHWORK NOTES:

1. PREPARATION OF NATURAL FOUNDATION SOIL

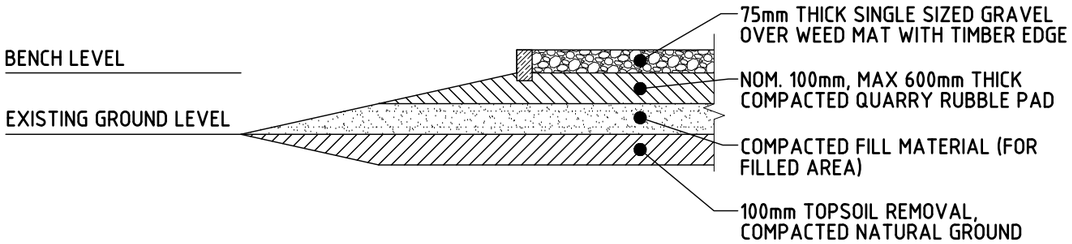
- STRIP OFF ANY EXISTING VEGETATIVE ZONE AND TOPSOIL OVER THE ENTIRE FOOTPRINT OF THE NBN COMPOUND AND BATTERS.
- PROOF ROLL EXPOSED SURFACE WITH MINIMUM 6 PASSES OF MINIMUM 3 TONNE VIBRATING SMOOTH DRUM ROLLER.
- FOR ANY IDENTIFIED SOFT SOIL SPOTS (LOCATIONS THAT SHOW VISIBLE DEFORMATION OF THE GROUND SURFACE UNDER THE PASSAGE OF THE DRUM ROLLER), BOX OUT SOIL TO MINIMUM 0.15m BELOW STRIPPED SURFACE AND REPLACE WITH QUARRY RUBBLE, PLACED AND COMPACTED IN THE SAME MANNER AS OUTLINED BELOW FOR THE CONSTRUCTION OF THE RUBBLE PAD.

2. FILL PLACEMENT

- AREA EXPOSED AFTER STRIPPING SHALL BE COMPACTED PRIOR TO PLACEMENT OF FILL, TO THE SAME REQUIREMENTS AS FOR OVERLAYING LAYERS.
- FILL MATERIAL SHALL BE SPREAD OVER THE FULL AREA OF THE WORK IN UNIFORM LAYERS NOT EXCEEDING 0.15m LOOSE DEPTH. CLODS OR LUMPS SHALL BE BROKEN, THE MATERIAL MIXED UNTIL AN EVEN LAYER OF UNIFORM DENSITY AND MOISTURE CONTENT IS OBTAINED BEFORE COMMENCING COMPACTION.

3. FILL COMPACTION

- EACH LAYER OF MATERIAL SHALL BE COMPACTED TO AT LEAST 95% OF THE MODIFIED MAXIMUM DRY DENSITY FOR THE MATERIAL AS DETERMINED IN ACCORDANCE WITH AS 1289.



TYPICAL COMPOUND EARTHWORKS

SCALE NTS

Client:

Client:

ERICSSON

Client:

Project:

NATIONAL BROADBAND NETWORK
SITE No: 5STI-51-08-MYLO
MYLOR SOUTH
LOT 10 CROSSING ROAD
MYLOR
SA 5153

PRELIMINARY ISSUE

Rev	Date	Revision Details
01	01.02.21	PRELININARY ISSUE

aurecon
Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER:	MH
CHECKED:	LJM
APPROVED:	AP

Drawing Title:
SITE EARTHWORKS NOTES

Drawing No. 5STI-51-08-MYLO-C7
Revision 01

COPYRIGHT © NBN Co LIMITED ABN 86 136 533 741 . ALL RIGHTS RESERVED. VERSION 10 - SEPT 2011

20 10 0 10 20 30 40 50mm A3

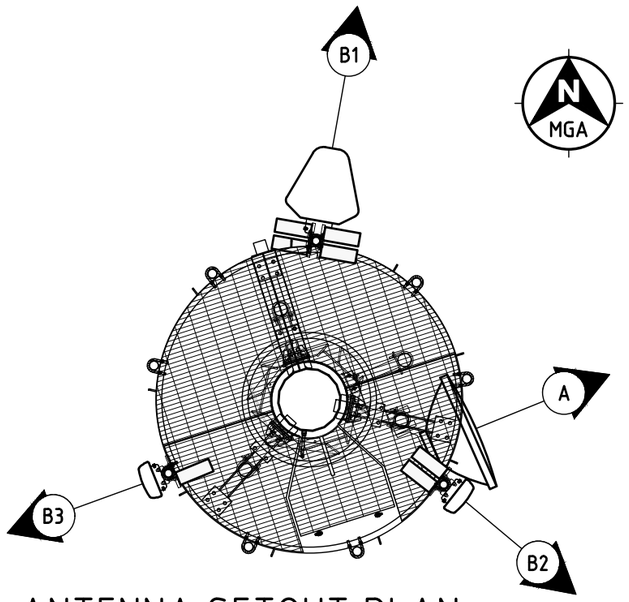
ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

NBN ANTENNA CONFIGURATION - 3400MHz

SECTOR	SYMBOL	PANEL ANTENNA DETAIL								MAIN FEEDER DETAIL					RRU DETAIL					RF TAIL H&S 1/2" BIRD PROOFED LISCA CABLE	RET CABLE 1/TSR 484 21/2000
		TYPE	SIZE (mm)	C/L HEIGHT	AZIMUTH (TN)	E-TILT		MECH TILT	ANTENNA ACTION REQ	TYPE	OVERALL LENGTH	CANISTER HEIGHT	CANISTER TO RRU LENGTH	FEEDER ACTION REQ	TYPE	LOCATION	C/L HEIGHT	ANTENNA PORT	RRU ACTION REQ	LENGTH	LENGTH
B1	B1	MINION WIDEBAND	900 x 620 x 600	45m	10°	4°		0°	INSTALL	1-OFF H&S HYBRIFLEX MLEH 9/18	60m	43.8m	2m	INSTALL	RRUS2218	BEHIND	44.3m	1 & 2	INSTALL	1.5m	2.0m
						4°		0°					2m	INSTALL	RRUS2218	BEHIND	44.3m	3 & 4	INSTALL	1.5m	
						4°		0°					2m	INSTALL	RRUS2218	BEHIND	45.0m	5 & 6	INSTALL	1.5m	
						4°		0°					2m	INSTALL	RRUS2218	BEHIND	45.0m	7 & 8	INSTALL	1.5m	
						4°		0°					2m	INSTALL	RRUS2218	BEHIND	44.3m	9 & 10	INSTALL	1.5m	
						4°		0°					2m	INSTALL	RRUS2218	BEHIND	44.3m	11 & 12	INSTALL	1.5m	2.0m
						4°		0°					2m	INSTALL	RRUS2218	BEHIND	45.0m	13 & 14	INSTALL	1.5m	
						4°		0°					2m	INSTALL	RRUS2218	BEHIND	45.0m	15 & 16	INSTALL	1.5m	
B2	B2	ARGUS SSPX310R	750x300x115	45m	130°	5°	5°	0°	INSTALL	H&S HYBRID MKII 6x6 (Ø27.5mm)	60m	43.8m	2m	INSTALL	RRUS2218	BEHIND	45.0m	1 & 2	INSTALL	1.5m	2m
														INSTALL	RRUS2218	BEHIND	45.0m	3 & 4	INSTALL	1.5m	
B3	B3	ARGUS SSPX310R	750x300x115	45m	250°	5°	5°	0°	INSTALL				2m	INSTALL	RRUS2218	BEHIND	45.0m	1 & 2	INSTALL	1.5m	2m
														INSTALL	RRUS2218	BEHIND	45.0m	3 & 4	INSTALL	1.5m	

NBN TRANSMISSION & GPS ANTENNA CONFIGURATION

ANTENNA	SYMBOL	ANTENNA DETAIL						MAIN FEEDER DETAIL			RAU DETAIL	
		TYPE	DIMENSION	C/L HEIGHT	AZIMUTH (TN)	DESTINATION	ANTENNA ACTION REQ	TYPE	OVERALL LENGTH	FEEDER ACTION REQ	QTY RAU	RAU ACTION REQ
A	A	PARABOLIC	Ø900	38m	68°	LITTLEHAMPTON	INSTALL	LDF1-50	45m	INSTALL	2	INSTALL
GPS		KRE 101 2182/1	Ø69x96	2.5m	N/A		INSTALL	LDF1-50	7m	INSTALL		



ANTENNA SETOUT PLAN

SCALE 1:50

Client:

Client:

Client:

Project:

NATIONAL BROADBAND NETWORK
SITE No: 5STI-51-08-MYLO
MYLOR SOUTH
LOT 10 CROSSING ROAD
MYLOR
SA 5153

PRELIMINARY ISSUE

Rev	Date	Revision Details
03	01.02.21	RF ANTENNA UPDATES
02	15.09.20	PRELIMINARY ISSUE
01	31.08.20	PRELIMINARY ISSUE (DRAFT)

Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER:	KH
CHECKED:	MH
APPROVED:	AP

Drawing Title:
NBN ANTENNA CONFIGURATION & SETOUT PLAN

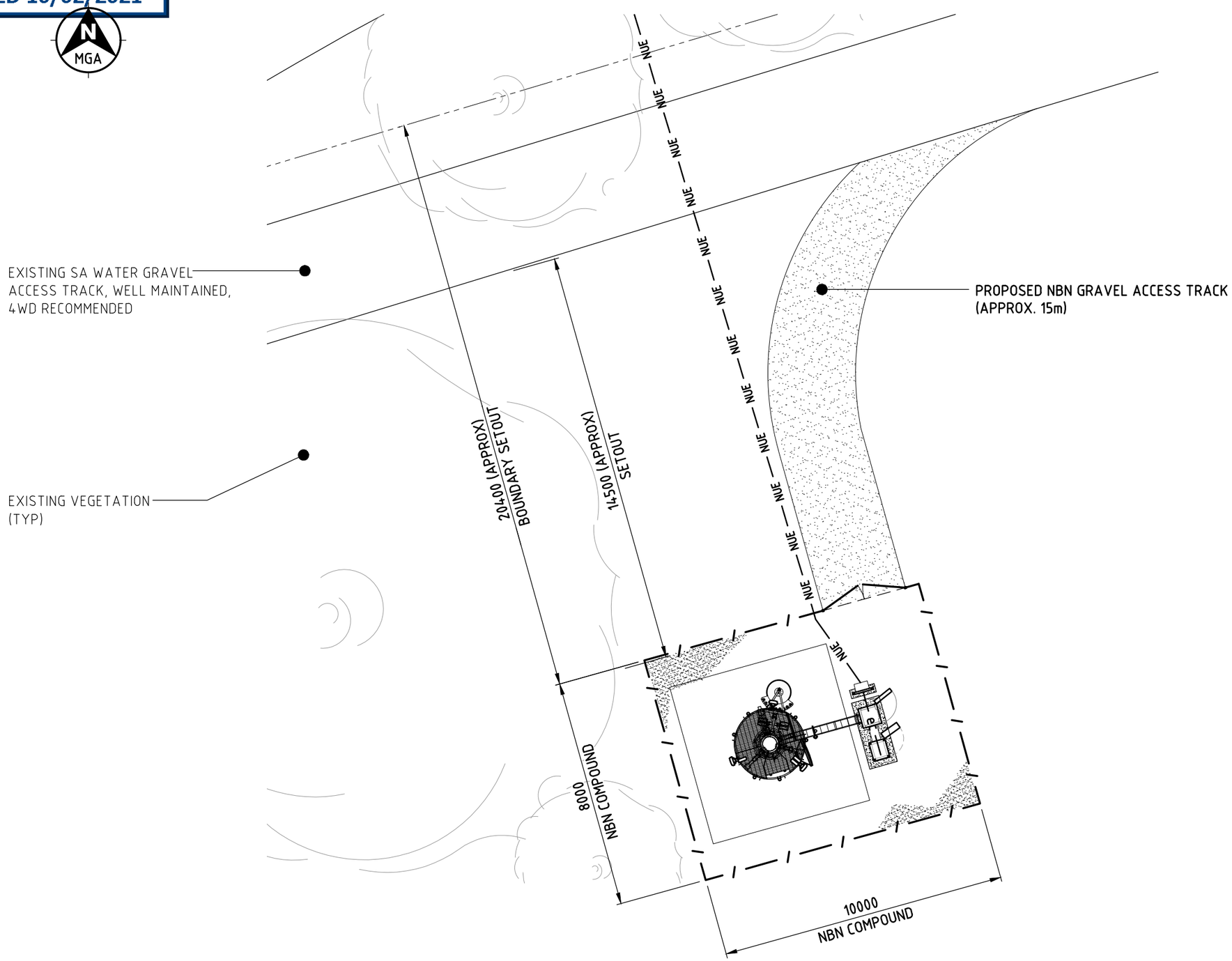
Drawing No. 5STI-51-08-MYLO-A1

Revision 03

COPYRIGHT © NBN Co LIMITED ABN 86 136 533 741 . ALL RIGHTS RESERVED. VERSION 10 - SEPT 2011

20 10 0 10 20 30 40 50mm A3

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021



LEGEND

— NUE — NUE — NBN UNDERGROUND ELECTRICAL CABLE

— ec — ec — FINAL ELECTRICAL CIRCUITS IN 2x 50Ø HDPVC UNDERGROUND ELECTRICAL CONDUIT

— / — / — NBN COMPOUND FENCE

— - - — - - — PROPERTY BOUNDARY/FENCE

BOUNDARY SETOUT PLAN

SCALE 1:150

Client:

Client:

Client:

Project:

NATIONAL BROADBAND NETWORK
SITE No: 5STI-51-08-MYLO
MYLOR SOUTH
LOT 10 CROSSING ROAD
MYLOR
SA 5153

PRELIMINARY

Rev	Date	Revision Details
01	29.10.20	PRELIMINARY ISSUE

Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER:	KH
CHECKED:	MH
APPROVED:	AP

Drawing Title:
SITE SETOUT PLAN

Drawing No. 5STI-51-08-MYLO-C3

Revision 01

COPYRIGHT © NBN Co LIMITED ABN 86 136 533 741 . ALL RIGHTS RESERVED. VERSION 10 - SEPT 2011

20 10 0 10 20 30 40 50mm A3

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Statement of Effect

Proposed Fixed Wireless Facility

Lot 10, Crossing Road

Mylor, SA 5153

NBN-5STZ-5STI-5108 – Mylor South

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Disclaimer

This document is provided for information purposes only. This document is subject to the information classification set out on this page. If no information classification has been included, this document must be treated as UNCLASSIFIED, SENSITIVE and must not be disclosed other than with the consent of **nbn**. The recipient (including third parties) must make and rely on their own inquiries as to the currency, accuracy and completeness of the information contained herein and must not use this document other than with the consent of **nbn**.
© 2015 **nbn™** limited. All rights reserved.

Document control

Document information

Document type	Planning Report
Author	Kate Croucher
Approver (owner)	Adam Pfitzner
Status	Draft
Issue date	09/02/2021
Revision number	<1.0>
Classification	UNCLASSIFIED

Revision history

Date	Revision	Details
21/12/2020	1	Draft
4/02/2021	2	Final

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Contents

Executive Summary 5

1. INTRODUCTION **6**

2. BACKGROUND **8**

2.1 **nbn** and the National Broadband Network 8

2.2 What is Fixed Wireless? 8

2.3 The Fixed Wireless Network – Interdependencies 9

3. SITE SELECTION **11**

3.1 Identification of areas requiring Fixed Wireless coverage 11

3.2 Site Selection Parameters 11

3.3 Candidate Sites 12

3.4 Site Selection 15

4. SUBJECT SITE & SURROUNDS **16**

5. THE PROPOSAL **18**

5.1 Facility and Equipment Details 18

6. CURRENT PLANNING CONTROLS **23**

6.1 Commonwealth Legislation – The Telecommunications Act 23

6.2 State Policy and Legislation 23

6.3 The Telecommunications Code of Practice 23

7. Development Plan Assessment **24**

7.1 Nature of Development 24

7.2 Public Notification 24

7.3 Development Plan Provisions 24

7.4 Development Plan Assessment 25

8. OTHER ENVIRONMENTAL CONSTRAINTS AND OPPORTUNITIES **35**

8.1 Heritage 35

8.2 Electrical Interference and Grounding of the Facility 35

8.3 Erosion, Sedimentation Control and Waste Management 35

8.4 Flora, Fauna and Endangered Species 36

8.5 Social and Economic Impacts 36

8.6 Public Safety 37

8.7 The Public Interest and the Benefits of Telecommunications 38

9. CONCLUSION **39**

Appendix A **40**

Certificate of Title 40

Appendix B **41**

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Proposed Plans 41

Appendix C 42

EPBC Act Protected Matters Report 42

Appendix D 43

ARPANSA Environmental EME Report 43

Appendix E 44

Photomontage 44

Appendix F 45

Native Vegetation Clearance – Data Report (T&M Ecologists Pty Ltd) 45

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Executive Summary

Proposal	**nbn** propose to install a new fixed wireless facility at Mylor comprised of the following: ▪ 45m monopole; ▪ Two (2) 750mm high panel antennas at a centreline height of 45m; ▪ One (1) wideband Minion antenna at a centreline height of 45m; ▪ Twelve (12) 381mm high remote radio units (RRUs), mounted behind the panel antennas; ▪ One (1) 900mm diameter parabolic (dish) antenna at a centreline height of 38m; ▪ One (1) GPS unit at an elevation of 2.5m; ▪ Two (2) outdoor cabinets at ground level ▪ 2.4m high chain link security compound fencing; and ▪ Ancillary equipment associated with operation of the facility, including cable trays, cabling, safe access methods, earthing, electrical works and air-conditioning equipment.
Purposes	The proposed facility is necessary to provide **nbn**™ fixed wireless coverage to the Mylor area as well as provide a crucial transmission link to an existing facility in Littlehampton (Our Ref: Littlehampton).
Property Details	*Lot & Plan No:* Lot 10, Filed Plan 152770 *Street Address:* Lot 10 Crossing Road, Mylor, SA 5153 *Property Owners:* South Australian Water Corporation
Development Plan	*Council:* Adelaide Hills Council *Zone:* Watershed (Primary Production) Zone *Policy Area:* Watershed Protection Policy Area 5 *Precinct Area:* N/A *Maps:* AdHi/42 & AdHi/86 *Consolidated 8 August 2019*
Application	Development of the land for the purposes of construction & operation of a Telecommunications Facility (Fixed Wireless facility).
Applicant	**nbn** (**nbn co limited**) c/- Aurecon Australasia Pty Ltd Level 3, 25 Grenfell Street Adelaide SA 5000 Contact: Kate Croucher (08) 8237 9682 Kate.Croucher@aurecongroup.com Our Ref: NBN-5STZ-5STI-5108 – Mylor South

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

1. INTRODUCTION

nbn™ has engaged Ericsson as the equipment vendor and project manager to establish the infrastructure required to facilitate the fixed wireless component of the National Broadband Network (the **nbn™** network). Ericsson has in turn engaged Aurecon to act on its behalf in relation to the establishment of the required fixed wireless network infrastructure.

The **nbn™** is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

nbn™ plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

To support the Fixed Wireless component of this network, **nbn™** requires a fixed wireless transmission site to provide fixed wireless internet coverage to the area of Mylor.

An in-depth site selection process was undertaken in the area prior to confirming the site as the preferred location. This process matched potential candidates against four key factors, specifically:

- Town planning considerations (such as zoning, surrounding land uses, environmental significance and visual impact);
- The ability of the site to provide acceptable coverage levels to the area;
- Construction feasibility; and
- The ability for **nbn™** to secure a lease agreement with the landowner.

This application seeks planning consent for:

- a 45m high monopole;
- radio transmission equipment;
- equipment cabinets; and
- ancillary equipment.

Located at Lot 10 Crossing Road, Mylor, SA 5153.

This submission will provide assessment in respect of the relevant planning guidelines, and demonstrates site selection on the basis of:

- The site is designed so as to be appropriately located & sited so as to minimise visual impact on the immediate & surrounding area;

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

- The proposal is designed to comply with the relevant Commonwealth, State and Local Legislation;
- The site is designed to achieve the required coverage objectives for the area;
- The proposal is designed to operate within the regulatory framework of Commonwealth, State and Local Government; and
- The facility is designed to operate within all current and relevant standards and is regulated by the Australian Communications and Media Authority (ACMA).

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

2. BACKGROUND

2.1 **nbn** and the National Broadband Network

nbn™ is the organisation responsible for overseeing the upgrade of Australia's existing telecommunications network and for providing wholesale services to retail service providers. The **nbn**™ network is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

nbn™ plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

The **nbn**™'s fixed wireless network will use cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business, which is pointed directly towards the fixed wireless facility.

2.2 What is Fixed Wireless?

nbn™'s fixed wireless network, which uses advanced technology commonly referred to as LTE or 4G, is engineered to deliver broadband services to a fixed number of premises within each coverage area.

Fixed Wireless is a network of base station facilities that provide a broadband service via radio transmissions. These base stations communicate directly with antennas fixed to individual premises (e.g. dwellings or businesses) to deliver wireless broadband access. This connection is typically used in circumstances where the distance between premises can be many kilometres. Data travels from a transmission tower to an **nbn™** outdoor antenna that has been fitted to the premises by an approved **nbn™** installer.

By quantifying the number of subscribers each facility is designed to service, **nbn** ensures that the fixed wireless network has the capacity to deliver high-speed data transfer. This is an important distinction to existing ADSL services, where download speeds fall off significantly the further away a user is from the nearest exchange. The Fixed Wireless network thereby provides more universal access to reliable, high-speed broadband services.

The fixed wireless network bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use. Unlike a mobile wireless service where speeds can be affected by the number of people moving into and out of the area, the speed available in a fixed wireless network is designed to remain relatively steady.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

2.3 The Fixed Wireless Network – Interdependencies

Although fixed wireless facilities are submitted to Council as standalone developments from a planning perspective, they are highly interdependent. Each fixed wireless facility is connected to another to form a chain of facilities that link back to the fibre network. This is called the 'transmission network'.

The transmission network requires line of sight from facility to facility until it reaches the fibre network. The fixed wireless network will remain unconnected without the transmission network and a break in this chain can have flow on effects to multiple communities.

A typical fixed wireless facility will include three antennas mounted above the surrounding area. Each antenna is designed to cover a set area to maximise signal strength. These network antennas communicate to a small antenna installed on the roof of each customer's home or business.

Each **nbn**™ Fixed Wireless facility has been designed to heights that allow the panel antennas to have a clear line of sight to the surrounding premises (radio coverage), and also ensure that the radio transmission dish has clear line of sight to the adjoining network facility to link the sites back into the broader network.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

The character of the Fixed Wireless network is visually demonstrated through **Figure 1** below.

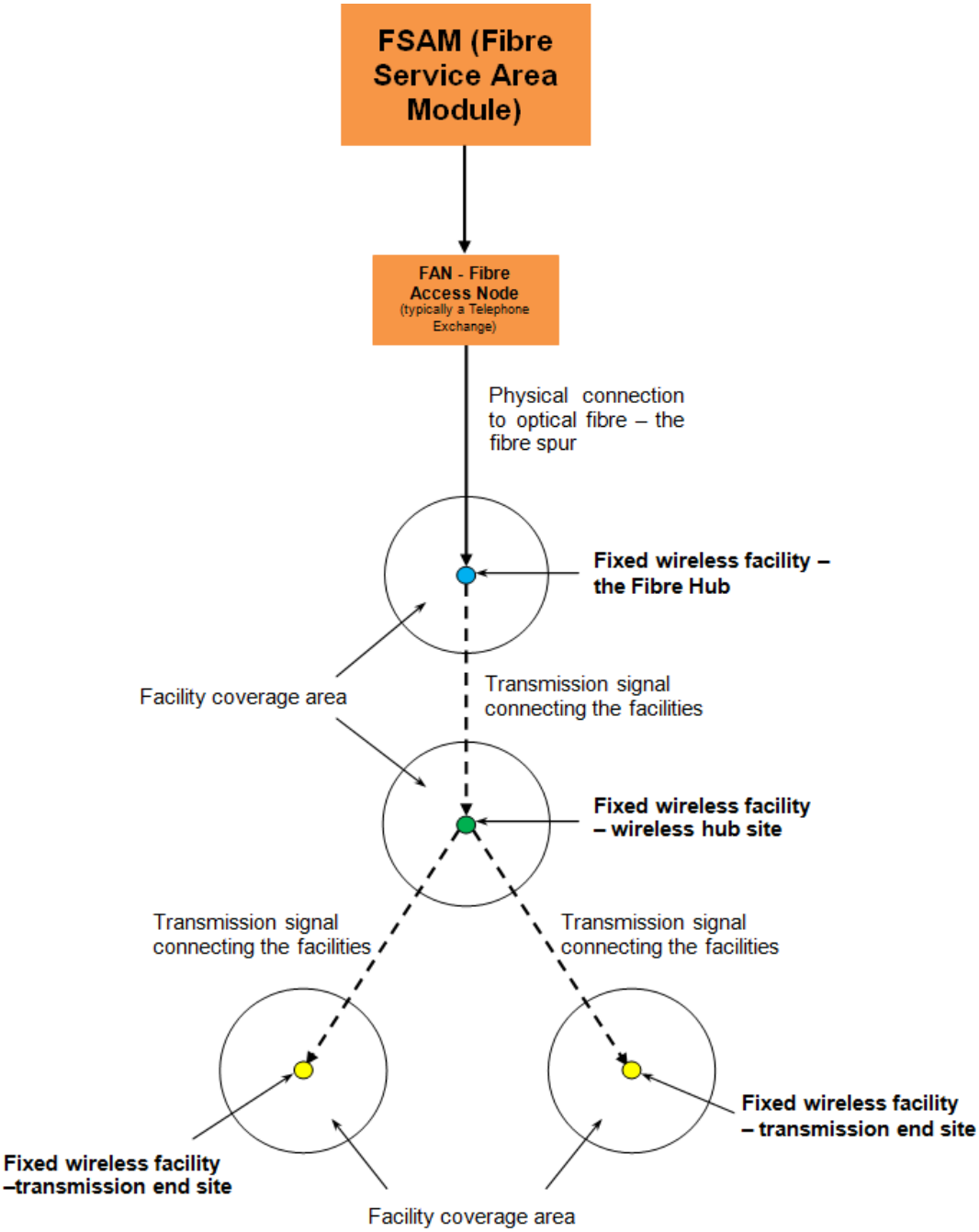


Figure 1: The fixed wireless network

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

3. SITE SELECTION

Planning for a new fixed wireless broadband facility is a complex process. **nbn™** conducts a rigorous multi-stage scoping process, as outlined below.

3.1 Identification of areas requiring Fixed Wireless coverage

nbn™'s Fixed Wireless locations are determined by a number of factors including the availability of both the **nbn™** Fibre transit network and the availability of Point of Interconnect (POI) facilities to allow for the installation of **nbn™** fibre equipment. **nbn™** uses a number of methods to identify those parts of Australia that require Fixed Wireless coverage. When an area is identified as requiring Fixed Wireless coverage, investigations are undertaken to determine the measures required to provide this coverage.

nbn™ has identified a requirement to provide a Fixed Wireless facility at Mylor. The facility is designed to provide Fixed Wireless internet services to over 323 premises in the Mylor area.

3.2 Site Selection Parameters

nbn™ generally identifies an area where the requirement for a Fixed Wireless facility would be highest, a 'search area.' A preliminary investigation of the area is then undertaken, in conjunction with planning and property consultants, radiofrequency engineers and designers in order to identify possible locations to establish a facility.

Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be technically feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other issues that influence network design, which have to be resolved in parallel.

Some of the issues that may be considered include visual amenity, potential co-location opportunities, the availability and suitability of land as well as a willing site provider, occupational health and safety, construction issues (including structural and loading feasibility and access for maintenance purposes), topographical constraints affecting network line of sight, legislative policy constraints, environmental impacts, and cost implications.

The number, type and height of facilities required to complete the Fixed Wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

factors often severely restrict the available search area within which a facility can be established to provide Fixed Wireless internet services to a local community.

3.3 Candidate Sites

3.3.1 Opportunities to Co-locate

During the preliminary site selection process, investigations of existing facilities were undertaken to determine if any co-location options were available in order to attach the **nbn**™ equipment. These investigations were undertaken in 2016 for the initial Development Application 16/796/473 with further investigations undertaken in 2020 for this application. A search of the Radio Frequency National Site Archive (RFNSA) identified two (2) existing telecommunications facility within the locality, listed within the one RFNSA site number as detailed below.

Telstra / Optus Site: RFNSA site number (5153001) – While listed within the RFNSA as one site, this site comprises of two separate structures, as follows;

- Structure 1 - 25m high Telstra monopole
- Structure 2 - 25m high Optus monopole (with previous extension), with Vodafone equipment also located on the structure.

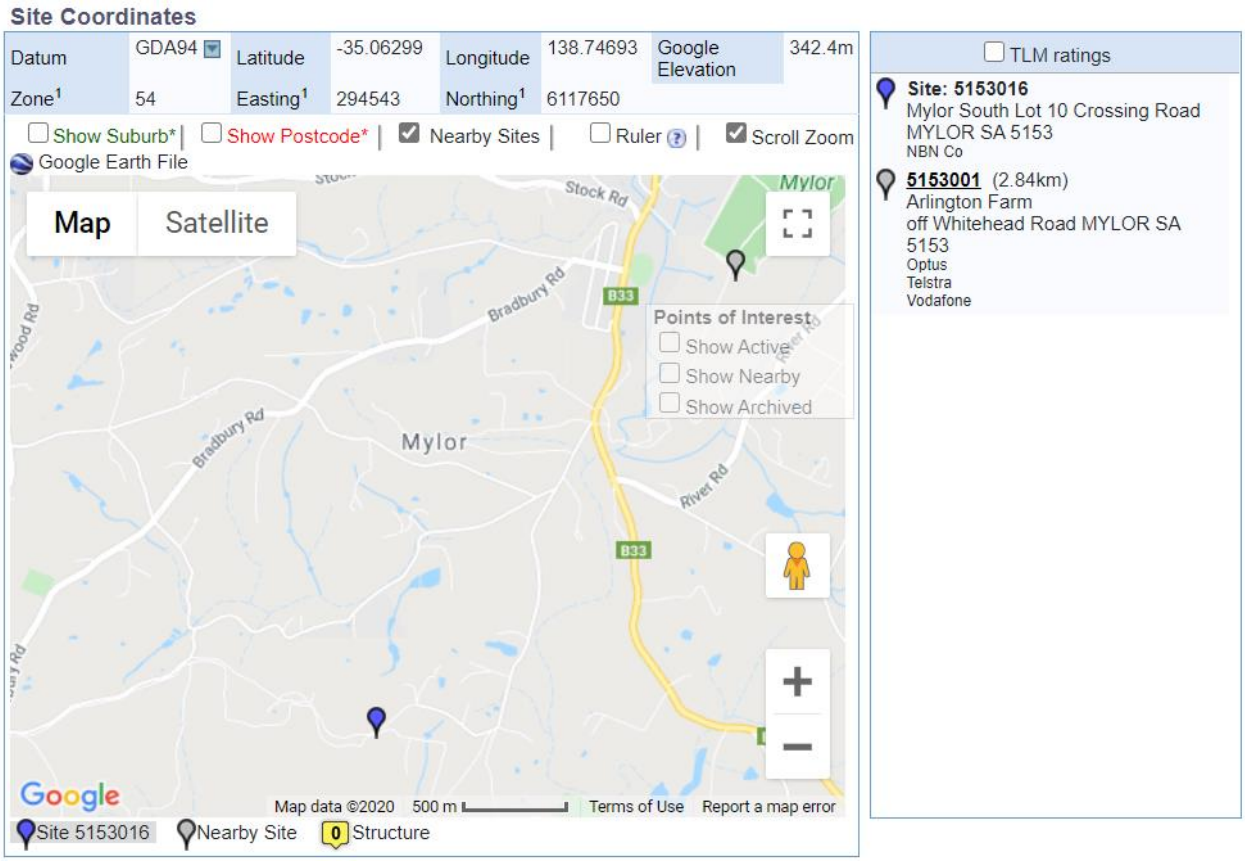


Figure 2: Opportunities to Co-locate in the Mylor area identified at RFNSA Reference No. 5153001

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

These existing facilities are each located within the property at 104 Whitehead Road, Mylor, approximately 40m apart. While suitably located from a technical perspective to service the target area, the heights available for additional equipment at each of the structures was found to be too low. For instance, given the existing equipment on these poles the highest available height was around 17.8m, thereby pushing our parabolic (dish) antenna (required for transmission purposes to other facilities) down to only approximately 11.8m. At these heights, the surrounding terrain, and mature pine trees located within the subject property, form a considerable obstruction to achieving line-of-sight from the antennas to the premises within the coverage area as well as line-of-sight to other facilities to enable connection into the network. This is crucial to the operation of the Fixed Wireless service.

A 'swap-out' was also considered, in which one of the 25m high facilities is replaced with a 45m high facility, however, an agreement could not be reached with the carriers or landowner for the proposed taller structure in this locality. As such, co-location of additional equipment was not found to be a viable solution for either of these existing structures. As no other structures are located within or near the coverage objective area, no other co-location candidate sites were examined.

3.3.2 Existing Structures

Where possible, **nbn** have looked for opportunities to 'co-site' in order to construct a facility next to existing forms of infrastructure. Using desktop analysis and site inspection, no opportunities for 'co-siting' were identified in the Mylor area.

3.3.3 Greenfield Candidates

Following the identification of the search area, several greenfield candidate sites were examined. Of these candidates, two (2) consisted of existing structures which were assessed on their ability to offer the heights required for the co-location of additional equipment, as detailed previously within Section 3.3.1. As these candidates were not able to offer the heights required for the operation of the antennas, or an option to 'swap-out' the existing facilities with a taller one, a further four (4) locations were examined, as listed in the table below. Following investigation, the Greenfield candidate located at Lot 10 Crossing Road, Mylor was ultimately found to be the most viable solution, as is detailed within the following sections of this report.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Table 1. Candidates explored during the site selection process (including those identified during the 2016 Development Application 16/796/473 investigations)

Candidate	Address	RFNSA	Development Type	Investigation Outcome
A	104 Whitehead Road, Mylor, SA 5153	5153001	Co-location on existing 25m high Optus facility (considered in 2016 and 2020)	While suitably located from a technical perspective to service the target area, the heights available for additional equipment at each structure was too low to achieve line-of-sight from the antennas to the premises within the coverage area. Swapping out these facilities was also not possible due to the inability to reach agreements with carriers and landowners. As such, these candidates were not found to be viable solutions.
B			Co-location on existing 25m high Telstra facility (considered in 2016 and 2020)	
C	104 Whitehead Road, Mylor, SA 5153	5153012	New 40m monopole and associated equipment	This was the selected candidate for DA 16/796/473 which received Development Approval. However, due to confidential reasons this development was unable to proceed to construction.
D	805 Strathalbyn Road, Mylor, SA 5153 (2 locations at this address)	-	New 40m monopole and associated equipment	Two locations were explored on this property. The first was located on a high point on the property (to the North) which required some extensive earthworks to modify an existing (disused) dam wall. Whilst the earthworks were not a blocker, the lack of established vegetation near the proposed site, and proximity to the property boundary, raised concerns in regard to potential visual impact on neighbouring properties and was ultimately discounted. The second location was on the southern end of the property but considered too close to a greater quantity of neighbouring properties. The landowner also ultimately withdrew interest in property negotiations as a result of potential community conflict.
E	116 Glen Bold Road, Chapel Hill, SA 5153	-	New 40m monopole and associated equipment	This candidate was not preferred due to low performance regarding coverage objectives and access issues. It was to be accessed directly from the road beside an 80km/hr blind corner, causing OHS concerns for construction and on-going maintenance. Furthermore, the landowner had withdrawn interest during the preliminary stages of negotiation.
F	110 Kangaroo Reef Road, Biggs Flat, SA 5153	-	New 40m monopole and associated equipment	Two potential locations were considered at this address. They were not the preferred candidates due to the lack of access to power onsite and limited established vegetation to provide screening of the facility from neighbouring properties. Furthermore, this landowner ultimately withdrew interest in property negotiations as a result of potential community conflict.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

G	Lot 10 Crossing Road, Mylor, SA 5153	5153016	New 45m monopole and associated equipment	This is the preferred candidate. The established vegetation in and around the site offers appropriate screening of the facility, it has good access for construction and maintenance from the Smith Road access gate and is suitable from a technical perspective.

3.4 Site Selection

Following an evaluation of the alternative options and the issues identified, a new monopole facility and associated infrastructure at Lot 10 Crossing Road, Mylor SA 5153 is deemed to be the most acceptable solution.

The site offers:

- Sufficient setback from township and residences;
- Appropriate non-residential zoning (Watershed (Primary Production) Zone);
- Will not restrict current operations associated with the subject property;
- Screening provided by existing vegetation, when viewed from nearby road networks, residences and the Township of Mylor; and
- Suitable location from a technical perspective.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

4. SUBJECT SITE & SURROUNDS

The telecommunications facility is proposed to be located on land owned by the South Australian Water Corporation at Lot 10 Crossing Road, Mylor, SA 5153. The land is formally described as Lot 10 of Filed Plan 152770 in the Hundred of Noarlunga, within the area named Mylor. Refer to **Appendix A** for a copy of the Certificate of Title.

Figure 3 and **Figure 4** identify the subject property within the context of the local area as well as the proposed location of the facility on the property.

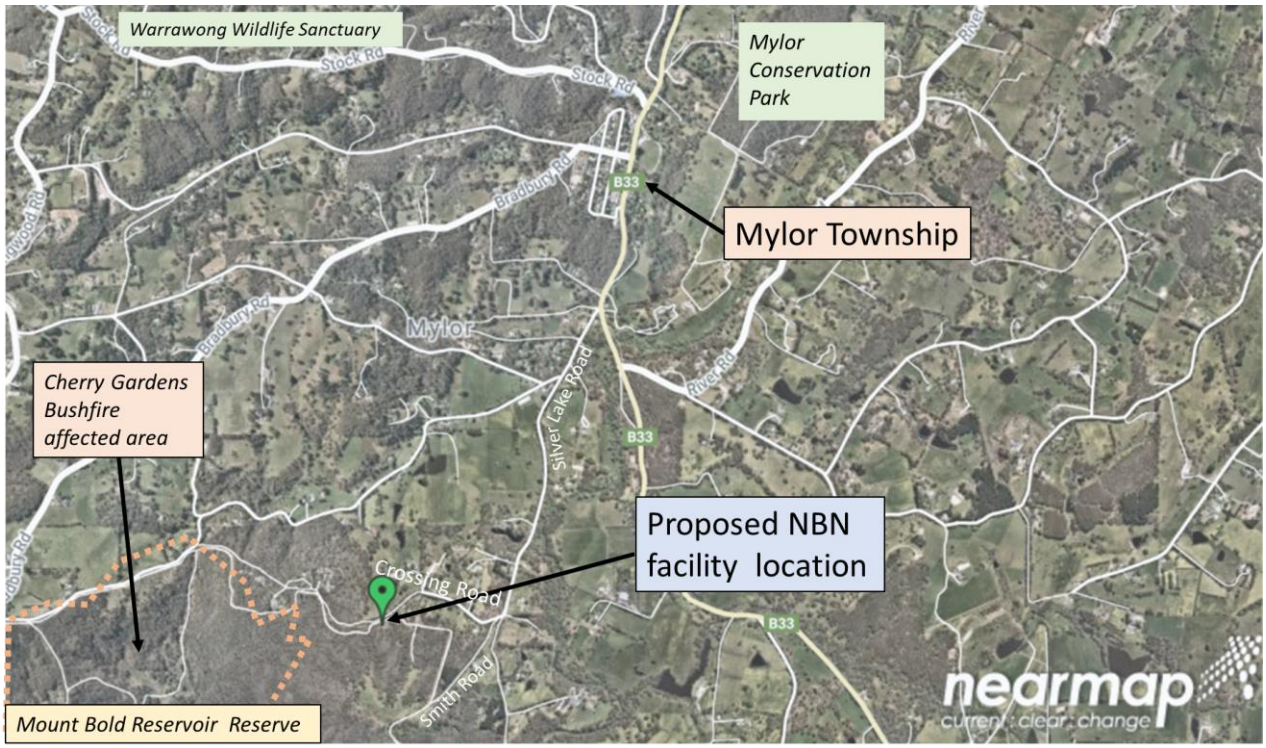


Figure 3: Aerial map of the site within the context of the wider area (Image Source: Nearmap, 2020)

The subject land is located within the semi-rural outskirts of Mylor. The landscape is characterised by undulating terrain populated by sections of dense native vegetation and medium sized allotments of semi-rural land uses. Some of the vegetation in the broader region has been burnt by the Cherry Gardens bushfire which affected the Mylor community and Adelaide Hills in late January 2021. While not impacting the subject land directly, the fire burnt a large amount of scrub to the west and southwest, predominantly in the Scott Creek Conservation Park and surrounding Mount Bold Reservoir.

The subject land mostly consists of dense vegetation and gently sloping terrain. A previously cleared section of land near the northern boundary perimeter has been identified as the preferred location for the proposed telecommunications facility. The presence of vegetation in all directions surrounding the proposed location largely mitigates the visual impact of the facility while the positioning

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

on mostly cleared land reduces the amount of vegetation clearing required for the development. While the upper portion of the facility may be visible from a small number of residences and from some points along the surrounding road network, the physical separation and presence of vegetation assists with minimising the potential for visual impact.

The nearest dwelling is located approximately 130m northeast of the proposed site, on Crossing Road. Besides other residences located further to the north and northwest, no other sensitive or community land uses are in proximity to the proposed facility's location. A photomontage demonstrating the appearance of the monopole in relation to the existing mature trees in and immediately surrounding the property has been included in **Appendix E**. Views from the fence line of the nearest residence and the verge on Crossing Road towards the proposed facility are included in the photomontage.

Access to the facility and property will be via an existing gated entrance from Smith Road which currently provides access to the Mount Bold Reservoir Reserve and SA Water facilities on the subject land and adjacent land parcels. The single gate is proposed to be replaced by double gates to allow access for larger vehicles during construction. The existing unsealed track which follows the eastern and northern property boundary will provide vehicle access to the proposed facility from the entrance gates (see **Figure 4** below).

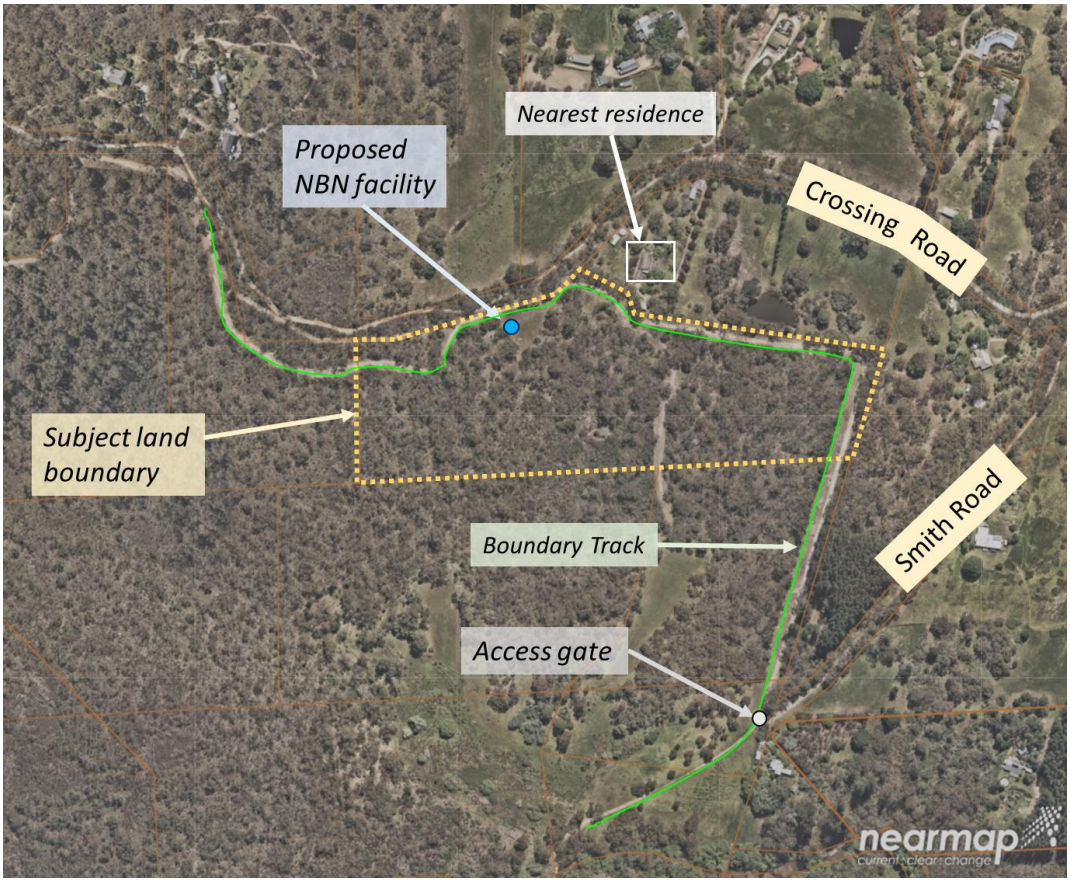


Figure 4: Aerial map of the site and local area context (boundary approximate, image source: NearMap, 2020)

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

5. THE PROPOSAL

5.1 Facility and Equipment Details

5.1.1 Equipment to be installed

Approval is sought for the use and development of a telecommunications facility, comprising a 45-metre monopole, and ancillary components including outdoor equipment cabinets enclosed within a secure compound which measures approximately 80m^2.

The specific components of the proposed installation are described below.

The installation of:

- A 45m galvanised steel monopole;
- Two (2) panel antennas (dimensions 750mm high x 300mm wide x 115m deep), attached to the monopole structure at a centreline elevation of 45m;
- One (1) wideband Minion antenna (dimensions 900mm high x 620mm wide x 600mm deep) at a centreline height of 45m;
- Twelve (12) 381mm high remote radio units (RRUs), mounted behind the panel antennas;
- One (1) 900mm diameter parabolic (dish) antenna for transmission purposes, at a centreline height of 38m;
- One (1) GPS unit at an elevation of 2.5m;
- Two (2) outdoor equipment cabinets (each measuring approximately 1464mm high x 667mm wide x 944mm deep) at ground level, adjacent to the proposed monopole; and
- 2.4m high chain-link security compound fence, with 3m wide access gate;
- The installation of associated feeder cables that will run aboveground from the equipment cabinets, and then vertically inside the monopole to the antennas.

Please refer to **Appendix B – Proposed Plans** for further details. A survey of the compound location and access point (via Smith Road) has been undertaken and enabled the production of preliminary Earthwork Plans which have been provided as part of the Appendix B Specific details can be found on Pages C5-C7. Earthworks will be required around the compound to cater a more level surface to place equipment (but still slightly sloped to allow natural fall for drainage across the compound). Minor earthworks, and an extra gate, are also required and at the entrance off Smith Road to allow for construction access of large vehicles. Additionally, the proposed plans on Page C3-1 display the subject area, boundaries and setback from the property boundary fence on Crossing Road.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

The monopole will be constructed of galvanised steel which will fade to a light grey colour within approximately twelve (12) months from the construction of the facility. This finish is considered to be more sympathetic to the surroundings when compared to painted finishes. Associated equipment for the proposed facility is to be of a light grey colour to match the monopole and blend with the surrounding locality.

Figure 5 represents an example of a monopole whit panel antennas while **Figure 6** represents an example of a parabolic dish and **Figure 7** represents a Minion antenna.

Figure 8 and **Figure 9** identify the specific site on the subject land where the proposed development is to be situated and the location of the existing access track ('Boundary Track').

Figure 5: Example of a monopole

Figure 6: Example of a parabolic dish antenna

Figure 7: Example of a Minion antenna

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Figure 8: View towards the proposed location on subject land (facing west).

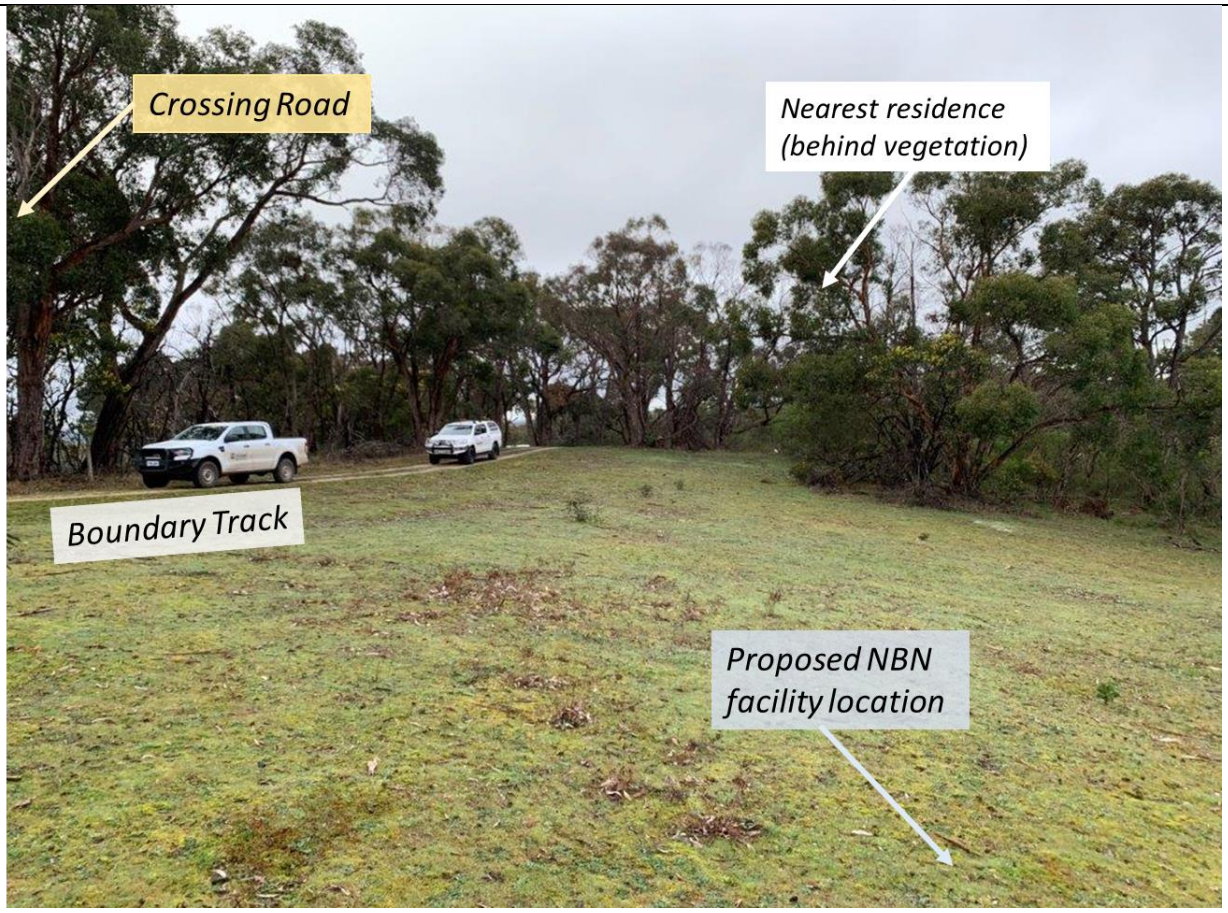


Figure 9: View from the proposed location looking east towards the boundary track and nearest residence.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

5.1.2 Access and Parking Details

The **nbn™** Fixed Wireless facility will utilise existing access arrangements including the crossover and access off Smith Road (existing single gate at site entrance is to be replaced with double gates with minor earthworks required to allow construction access) and follow the existing gravel track which sits near the eastern and northern property boundary. As per the technical drawings in Appendix B (Page C3-1) an extension of an unsealed gravel track of approximately 15 metres is proposed, between the existing access track and proposed compound in the northern section of the subject land.

The site access is considered to be appropriate given the **nbn™** Fixed Wireless facility will not be a significant generator of traffic and utilises an existing crossover point and gravel track.

During the construction phase, a truck will be used to deliver the equipment and a crane will be utilised to lift most of the equipment into place. Any traffic impacts associated with construction will be of a short-term duration and are not anticipated to adversely impact on the surrounding road network. In the unlikely event that road closure will be required, **nbn™** will apply to the relevant authorities for permission. Some tree trimming will be required on Smith Road to allow the heavy vehicle access the site. We have included an ecologist report detailing the extent of clearing required for the proposal in **Appendix F**. Please note that this report has not yet been submitted to the Native Vegetation Council for approval, as we kindly request Council's feedback on the proposed earthworks at Smith Road (within road reserve) in case this needs amending prior to submission.

A total construction period of approximately ten weeks (including civil works and network integration and equipment commissioning) is anticipated. Construction activities will involve four basic stages:

- Stage 1 (Week 1) – Site preparation works, including field testing, excavation and construction of foundations;
- Stage 2 (Weeks 2, 3 and 4) – Construction of the monopole;
- Stage 3 (Weeks 5 and 6) – Construction of the outdoor cabinets and fences;
- Stage 4 (Weeks 7 – 10) – Installation of antennas and radio equipment, as well as equipment testing.

Once operational, the facility will function on a continuously unstaffed basis and will typically only require maintenance works once a year.

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 only one to two visits per year and

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

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.

5.1.3 Utility Service Details

Pending confirmation from the South Australia Power Network (SAPN), the facility is proposed to be powered from the existing power pole and transformer located on Crossing Road. Power is proposed to be supplied to the proposed location via a new underground power route (refer to Drawing No. 5STI-51-08-MYLO-C2 for details). In the unlikely event that power is not available to the site, a temporary power supply would be required in the form of a generator. Upgrades to the existing power facilities will be at **nbn**'s expense.

5.1.4 Construction and Noise

Noise and vibration emissions associated with the proposed facility are expected to be limited to the construction phase outlined above. Noise generated during the construction phase is anticipated to be of short duration and accord with the standards outlined in the relevant EPA guidelines. Construction works are planned only to occur between the hours of 7.00am and 6.00pm.

There is expected to be some low-level noise from the ongoing operation of air conditioning equipment associated with the equipment cabinets, once installed. Noise emitted from the air conditioning equipment is expected to be at a comparable level to a domestic air conditioner and will be consistent with relevant EPA guidelines for noise.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

6. CURRENT PLANNING CONTROLS

6.1 Commonwealth Legislation – The Telecommunications Act

This legislation establishes the criteria for 'low impact' telecommunication facilities. If a proposed facility satisfies the requirements of a 'low impact' facility, the development is exempt from the planning approval process.

Further clarification of the term 'low impact' is provided in the *Telecommunications Act 1997* and the *Telecommunications (Low Impact Facilities) Determination 1997*, which was gazetted subsequent to the Act. The *Telecommunications (Low Impact Facilities) Determination 2018* establishes certain facilities, which cannot be considered 'low impact' facilities.

The proposed facility is not low impact under the definitions contained in the Commonwealth legislation. Planning consent is therefore required for the proposed facility.

6.2 State Policy and Legislation

The proposed facility is subject to the *Development Act 1993*, *Development Regulations 2008* and relevant Council Development Plan.

An assessment against the above legislation is provided in Section 7 of this Planning Report.

6.3 The Telecommunications Code of Practice

Under Section 2.11 of the *Telecommunications Code of Practice 2018*, carriers are required to ensure that the design, planning and installation of their facilities are in accordance with what industry considers to be 'best practice'.

Section 2.11.3 requires carriers to:

> *"…minimise the potential degradation of the environment and the visual amenity associated with the facilities."*

In order to achieve 'Best Practice', carriers must comply with any relevant industry code or standard, which has been registered by the Australian Communications and Media Authority, under Part 6 of the *Telecommunications Act 1997*. The planning and siting of the current proposal has regard to Section 3 of the Australian Standard, Siting of Radio-Communications Facilities (AS:3516.2).

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

7. Development Plan Assessment

7.1 Nature of Development

The subject land is located within the Watershed (Primary Production) Zone in accordance with the Adelaide Hills Council Development Plan (consolidated 8 August 2019).

Notwithstanding that the proposed development is non-complying within the Watershed (Primary Production) Zone, we are of the opinion that the proposed development has sufficient merit to warrant Development Plan Consent.

7.2 Public Notification

In accordance with Section 38 (2) (b) of the *Development Act 1993*, we are of the opinion that the proposed telecommunications facility should be assigned Category 3 for Public Notification purposes, as the application is a non-complying form of development.

7.3 Development Plan Provisions

The following Objectives and Principles of Development Control (PDC) of the Adelaide Hills Council Development Plan (consolidated 8 August 2019) are considered to be relevant in the assessment of the proposed development.

Council Wide		
Orderly and Sustainable Development	Objectives	1, 3, 4
	Principles of Development Control	1, 5, 9
Design and Appearance	Objectives	1, 2
	Principles of Development Control	7, 9, 28
Transportation and Access	Objectives	2
	Principles of Development Control	2, 8, 14, 26
Hazards	Objectives	2, 4, 5
	Principles of Development Control	4, 6, 7, 8, 11, 14
Infrastructure	Objectives	1, 2, 3, 5
	Principles of Development Control	1, 2, 3, 10, 11, 12
Interface Between Land Uses	Objectives	1, 2, 3
	Principles of Development Control	1, 2
Telecommunications Facilities	Objectives	1, 2
	Principles of Development Control	1, 2

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Zone Specific		
Watershed (Primary Production) Zone	Objectives	1, 4, 5
	Principles of Development Control	1, 2, 9, 11, 14, 15, 16, 28, 29, 30, 32, 36, 37, 39
Watershed Protection Policy Area	Objectives	1
	Principles of Development Control	4, 5

7.4 Development Plan Assessment

7.4.1 Design and Appearance

The proposed **nbn**™ Fixed Wireless (Telecommunications) facility has been designed and sited to provide optimal Fixed Wireless telecommunications coverage, achieve line of sight to other facilities in the region for connection to the wider **nbn**™ network and to minimise visual impact where possible.

The proposed development is to be located within a semi-rural allotment which forms part of SA Water's Mount Bold Reservoir Reserve, to the southwest of the Mylor Township. The undulating landscape and dense vegetation in the surrounding environment will provide partial screening from the nearest dwellings. The proposed location provides considerable spatial separation from community and sensitive land uses, the Mylor Township and road networks within the locality.

While the upper portion of the facility may be visible from the wider area, it is not considered that the proposal will be of high visual impact, nor be prominent within the surrounding landscape. A benefit of this location is that the site is nestled into the side of a prominent hill (as opposed to on top of), which does not penetrate the skyline or interrupt existing views. As it is noted in the photomontages in Appendix E, the top of the hill, to the East of the facility, is located approximately 79m higher (according to Google Earth) than the ground level at the site location, meaning a 45m monopole height will not protrude past the hill height when viewed from westerly directions.

The materials used for the proposed facility are a light grey colour to mitigate potential visual impact within the locality. The monopole structure will be constructed of galvanised steel which will fade to a light grey colour within approximately twelve (12) months from the construction of the facility. This finish is considered to be more sympathetic to the surroundings when compared to painted finishes. Associated equipment for the proposed facility is to be of a light grey colour to mitigate potential visual impact.

The height of the proposed facility strikes a balance between the need to minimise visual impact on the surrounding locality and technical constraints for

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

the function of the proposed antennas to provide internet services to the surrounding area and connect to the wider **nbn**™ network.

The proposed development is unlikely to cause adverse impacts to the existing land uses in the surrounding locality. This facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the Radio communications (Electromagnetic Radiation Human Exposure) Standard 2014. This standard is set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). In this regard, the proposed facility will not produce any waste and is unlikely to impact on the existing watersheds in the locality.

During operation, the only noise emitted by this facility is the small cooling system located within the outdoor equipment cabinets. This emits a noise level similar to that of a domestic air conditioner and is unlikely to be noticeable beyond the subject land.

We are of the opinion that the proposed development is consistent with the following provisions:

Orderly and Sustainable Development

OBJECTIVES

1: *Orderly and economic development that creates a safe, convenient and pleasant environment in which to live.*

3: *Development that does not jeopardise the continuance of adjoining authorised land uses.*

4: *Development that does not prejudice the achievement of the provisions of the Development Plan.*

PRINCIPLES OF DEVELOPMENT CONTROL

1 *Development should not prejudice the development of a zone for its intended purpose.*

5 *Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.*

9 *Development should take place on land which is suitable for the intended use of that land having regard to the location and condition of that land.*

Design and Appearance

OBJECTIVES

1: *Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.*

2: *Roads, open spaces, paths, buildings and land uses laid out and linked so that they are easy to understand and navigate.*

PRINCIPLES OF DEVELOPMENT CONTROL

7 *Development should not cause:*

(a) unreasonable loss of sunlight or views from existing or proposed development
(b) adverse conditions by significantly altering microclimatic conditions
(c) adverse alteration of the character of the area.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

9 *Development should take place in a manner which will minimize alteration to the existing land form.*

28 *Except in areas where a new character is desired, the setback of buildings from public roads should:*

(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
(b) contribute positively to the function, appearance and/or desired character of the locality.

Interface Between Land Uses

OBJECTIVES

1 *Development located and designed to minimise adverse impact and conflict between land uses.*

2 *Protect community health and amenity from adverse impacts of development.*

3 *Protect desired land uses from the encroachment of incompatible development.*

PRINCIPLES OF DEVELOPMENT CONTROL

1 *Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*

(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
(b) noise
(c) vibration
(d) electrical interference
(e) light spill
(f) glare
(g) hours of operation
(h) traffic impacts
(i) stormwater or the drainage of runoff from the land.

2 *Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.*

7.4.2 Transportation and Access

The proposed facility will utilise an existing crossover and gated entrance at Smith Road which currently provides access to the multiple SA Water land parcels in the Mount Bold Reservoir Reserve. The unsealed track follows the perimeter of the subject land boundary, where vehicles will travel approximately 720 metres from the Smith Road gated entrance to the proposed **nbn** compound. The existing single gate entrance is proposed to be replaced with double gates to improve access for larger vehicles and a small extension to the track of approximately 15 metres is proposed, between the existing access track and proposed **nbn** compound. This access arrangement is considered to be an acceptable all-weather surface that enables domestic 4wd vehicles to enter and exit the land in a forward direction.

Once operational, the facility is unstaffed and only requires maintenance personnel to access the site on a once to twice a year basis. It is therefore considered that the proposed development is not a high generator of traffic. It is also worth noting that Smith Road terminates at the entry to the SA Water property, therefore access through this point will not be impacting traffic flows.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

For these reasons, the proposed development is considered to be consistent with the following provisions:

Transportation and Access

Objectives

2: *Development that:*

(a) provides safe and efficient movement for all transport modes
(b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
(c) provides off street parking
(d) is appropriately located so that it supports and makes best use of existing transport facilities and networks
(e) provides convenient and safe access to public transport stops.

Principles of Development Control

2 *Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.*

8 *Development should provide safe and convenient access for all anticipated modes of transport.*

14 *Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.*

26 *Development should be provided with safe and convenient access which:*

(a) avoids unreasonable interference with the flow of traffic on adjoining roads
(b) provides appropriate separation distances from existing roads or level crossings
(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision
(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties
(e) minimizes traffic hazards, queuing on roads, right turn movements and interference with the function of intersections, junctions and traffic control devices.

7.4.3 Hazards

While bushfires are a natural part of the South Australian landscape, their destruction and danger was made apparent during the Cherry Gardens bushfire which affected the Mylor community and broader Adelaide Hills in January 2021. Furthermore, the proposed development is situated on land identified as a 'High Bushfire Risk' area, according to the Bushfire Protection Area Figure AdHi(BPA)/1 within the Adelaide Hills Council Development Plan.

The proposed site access arrangement, utilising existing crossover and proposed double access gates from Smith Road and an unsealed track to the proposed facility, will allow for vehicles, including emergency vehicles, to enter and exit the subject land in a forward direction and does not impede access to existing activities on the subject land.

SA Water regularly maintains the fire break around the property and the proposed location sites beyond this point, thereby not impeding access for emergency vehicles.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

In addition, the proposed facility is not a habitable building, does not store hazardous materials and utilises permeable fencing to minimise the potential trapping of debris. It is therefore considered that the proposed development is consistent with the *Minister's Code: Undertaking development in Bushfire Protection Areas* as well as the relevant provisions from the Development Plan, identified below:

Hazard

Objectives

2 *Development located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards.*

4 *Development located and designed to minimise the risks to safety and property from flooding.*

5 *Development located to minimise the threat and impact of bushfires on life and property while protecting natural and rural character.*

Principles of Development Control

4 *Development, including earthworks associated with development, should not do any of the following:*

(a) impede the flow of floodwaters through the land or other surrounding land
(b) increase the potential hazard risk to public safety of persons during a flood event
(c) aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood
(d) cause any adverse effect on the floodway function
(e) increase the risk of flooding of other land
(f) obstruct a watercourse.

6 *The following bushfire protection principles of development control apply to development of land identified as General, Medium and High bushfire risk areas as shown on the Bushfire Protection Area Figures AdHiBPA/1 to 14.*

7 *Development in a Bushfire Protection Area should be in accordance with those provisions of the Minister's Code: Undertaking development in Bushfire Protection Areas that are designated as mandatory for Development Plan Consent purposes.*

8 *Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:*

(a) vegetation cover comprising trees and/or shrubs
(b) poor access
(c) rugged terrain
(d) inability to provide an adequate building protection zone
(e) inability to provide an adequate supply of water for fire-fighting purposes.

11 *Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.*

14 *Vehicle access and driveways to properties and public roads created by land division should be designed and constructed to:*

(a) facilitate safe and effective operational use for fire-fighting and other emergency vehicles and residents
(b) provide for two-way vehicular access between areas of fire risk and the nearest public road.

7.4.4 Telecommunications Facilities

The proposed facility will provide fast fixed wireless internet services to dwellings and businesses within the Mylor locality.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

The **nbn**™ network will enable high speed broadband to be delivered to all Australian households, businesses and enterprises through a combination of fixed line, fixed wireless and satellite technology. The proposed telecommunications facility is part of the **nbn**™ network and will provide fixed wireless services to the Mylor community and will have significant benefits for the residents and businesses throughout the region.

Access to the **nbn**™ network will provide a wide range of services to meet the need of the community and local businesses in Mylor and the wider region, such as:

- High Speed Internet Services
- Upgraded Telephone Services
- Teleworking Opportunities (working from home)
- Distance Education Services
- Online Health Services
- Online Business Services

During the site selection process, including the scoping analysis undertaken for the initial **nbn** Development Application in 2016, investigations were undertaken to determine if any co-location options were available for **nbn**™ equipment. As detailed in Section 3.3.1, existing facilities within the Mylor region were ruled out due to technical constraints (low available height, obstructions preventing line of sight, structural capacity) which affects the reliability of the service.

The proposed facility is appropriately sited and designed to minimise the visual impact and amenity of the surrounding locality as much as practicable. The facility has been located with separation from sensitive land uses within a non-residential zone (Watershed (Primary Production) Zone) as advised in Principle of Development Control 1 (Telecommunications Facilities).

The design of the proposed facility balances the need to provide an appropriate standard of fixed wireless services and achieve line of sight to adjacent facilities in the network, whilst minimising visual impact on the surrounding locality as much as practicable. The 45 metre height of the monopole structure is the minimum required to allow the antennas to operate effectively, providing line of sight to residents in the Mylor area and to another facility in Littlehampton for transmission purposes.

The proposed development is therefore considered to be consistent with the following provisions:

Infrastructure

Objectives

1 *Infrastructure provided in an economical and environmentally sensitive manner.*

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

2 *The visual impact of infrastructure facilities minimised.*

3 *The efficient and cost-effective use of existing infrastructure.*

5 *The protection of reservoir sites from development.*

Principles of Development Control

1 *Development should only occur where it has access to adequate utilities and services, including:*

(a) electricity supply
(b) water supply
(c) drainage and stormwater systems
(d) effluent disposal systems
(e) formed all-weather public roads
(f) telecommunications services
(g) gas services.

2 *Development should incorporate any relevant and appropriate social infrastructure, community services and facilities.*

3 *Development should only occur where it provides, or has access to, relevant easements for the supply of infrastructure.*

10 *Utilities and services, including access roads and tracks, should be sited on areas already cleared of native vegetation. If this is not possible, their siting should cause minimal interference or disturbance to existing native vegetation and biodiversity.*

11 *Utility buildings and structures should be grouped with non-residential development where possible.*

12 *Development in proximity to infrastructure facilities should be sited and be of a scale to ensure adequate separation to protect people and property.*

Telecommunications Facilities

Objectives

1: *Telecommunications facilities provided to deliver communication services to the community.*

2: *Telecommunications facilities sited and designed to minimise visual impact on the character and amenity of the local environment.*

Principles of Development Control

1 *Telecommunications facilities should:*

(a) be located in a coordinated manner to deliver communication services efficiently
(b) use materials and finishes that minimise visual impact
(c) have antennae located as close as practicable to the support structure
(d) be located primarily in industrial, commercial, business, centre and rural zones
(e) where technically feasible, be co-located with other telecommunications facilities
(f) incorporate landscaping to screen the development, particularly equipment shelters and huts
(g) be designed and sited to minimise the visual impact on the character and amenity of the local environment, in particular visually prominent areas, main focal points and significant vistas.

2 *Telecommunications facilities in areas of high visitation and community use should use innovative design techniques (e.g. sculpture and other artworks) where possible and where the resulting design would positively contribute to the character of the area.*

7.4.5 Watershed (Primary Production) Zone

The Watershed (Primary Production) Zone envisages development that will preserve and enhance the natural landscape and its rural character. The continuance and enhancement of sustainable primary production is paramount within the objectives of the zone.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Although the proposed development is not specifically an envisaged land use for the zone, the proposed facility is considered to provide an essential service for the Mylor community, supporting residents and businesses in the area and serving as a key part of the **nbn**™ network for the wider Adelaide Hills Council. In addition, Council Wide Objectives advise Telecommunications Facilities should be primarily within commercial, industrial or rural zones.

The proposed facility is considered to be broadly consistent with key objectives of the Watershed (Primary Production) Zone as:

- The subject site is located in an area selected in consultation with the landowner to ensure the existing activities are not adversely affected;
- Existing vegetation within the subject land will be retained wherever possible;
- The proposed facility has been sited with separation from primary transport routes, tourist routes and the Mylor Township;
- The proposed location takes advantage of screening provided by dense on-site vegetation and undulating terrain; and
- The location is set back approximately 130m from the nearest residential dwelling (outside of the subject land).

The proposed telecommunications facility is not considered to impair the amenity of the locality, nor is it considered to be in conflict with land uses in the locality nor the envisaged forms of development for the Watershed (Primary Production) Zone. We are of the opinion that the proposed development is consistent with the provisions as outlined below:

Watershed (Primary Production) Zone

OBJECTIVES

1: *The maintenance and enhancement of the natural resources of the south Mount Lofty Ranges.*

4: *The preservation and restoration of remnant native vegetation in the south Mount Lofty Ranges.*

5: *The enhancement of the amenity and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors.*

PRINCIPLES OF DEVELOPMENT CONTROL

1 *Buildings, should be located in unobtrusive locations and, in particular, should:*

(a) be located well below the ridge line;
(b) be located within valleys or behind spurs;
(c) be located not to be visible against the skyline when viewed from public roads and especially from the Mount Lofty Ranges Scenic Road;
(d) be set well back from public roads, particularly when the allotment is on the high side of the road;
(e) be sited on an excavated rather than a filled site to reduce the vertical profile of the building;
(f) where possible be screened by existing native vegetation when viewed from public roads and especially from the Mount Lofty Ranges Scenic Road; and
(g) maximize the retention of existing native vegetation and the protection and retention of watercourses in their natural state.

2 *Buildings should be unobtrusive and not detract from the desired natural character of the Zone and, in particular:*

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

(a) the profile of buildings should be low and the roof lines should complement the natural form of the land;
(b) the mass of buildings should be minimized by variations in wall and roof lines and by floor plans which complement the contours of the land; and
(c) large eaves, verandas and pergolas should be incorporated into designs to create shadowed areas which reduce the bulky appearance of buildings.

9 *Driveways and access tracks should follow the contours of the land to reduce their visual impact and erosion from water run-off and be surfaced with dark materials. The excavation/filling of land should be kept to a minimum to preserve the natural form of the land and the native vegetation.*

11 *Buildings should not impair the character of rural areas by reason of their scale or siting. If necessary, buildings should be screened by trees or shrubs.*

14 *Development should not detract from the natural and rural landscape character of the region.*

15 *The rural character, comprising natural features and man-made activities, should be preserved by careful siting, design and landscaping of new building development and/or intensive land uses.*

16 *Development should ensure that primary production activity is not prejudiced.*

Conservation

28 *The nature, features and general character of areas and items, other than building development and vegetation, should be conserved which are of special:*

(a) historical (including archaeological) significance or heritage value;
(b) scientific interest; or
(c) scenic value or natural beauty.

29 *Buildings should not be located within areas of native vegetation.*

30 *Buildings near native vegetation should be sited only where there is an existing cleared area of sufficient size to ensure the safety of the proposed structures from fire hazard without the need for further clearance.*

32 *The provision of services, including power, water, effluent and waste disposal, access roads and tracks should be effected over areas already cleared of native vegetation or, if this is not possible, cause the minimum interference or disturbance to native vegetation.*

36 *Development should take place in a manner which will not interfere with the utilisation, conservation or quality of water resources and protects the natural systems that contribute to natural improvements in water quality.*

Appearance of Land and Buildings

37 *Trees, other vegetation and earth mounding should be retained or provided as part of the development where the environment will be visually improved by such a provision.*

39 *Buildings should not impair the character of rural areas by reason of their scale or siting. If necessary, buildings should be screened by trees or shrubs.*

Watershed Protection Policy Area 5

Objective 1: *A Policy Area primarily for natural open space and non intensive farming on large holdings which does not pollute surface or underground water resources.*

PRINCIPLES OF DEVELOPMENT CONTROL

4 *Development should harmonise with the rural character of the locality in the following ways:*

(a) be of a scale and simple design compatible with the topography; and

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

(b) be screened by vegetation or landform from the South Eastern Freeway, secondary arterial roads and major local roads.

5 *Development should not occur where extensive clearance of native vegetation or significant modification of the landscape would be necessary and in particular:*

(a) No vegetation within ten metres of a watercourse should be cleared except declared noxious species; and

(b) Native vegetation clearance should only be permitted where:

> *(i) the trees to be removed are scattered; and*
>
> *(ii) the land, following vegetation clearance, is capable of supporting the proposed land use without undue risk of soil erosion, and land/water salinisation; and*
>
> *(iii) deep rooted native vegetation should be planted and maintained on substantial areas of the same land holding to compensate for the loss of vegetation.*

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

8. OTHER ENVIRONMENTAL CONSTRAINTS AND OPPORTUNITIES

8.1 Heritage

In order to determine any possible values of state or national significance associated with the site, a search was conducted through the relevant Heritage Registers. The nearest items of heritage significance are the Local Heritage listed 'Silver Lake' and 'Tobacco Kiln' located respectively 735m and 820m northeast of the proposed site. Due to the reasonable spatial separation, the proposed development is not considered to affect the character of the identified heritage places.

If any items/artefacts of Aboriginal heritage are found, the construction of this facility will be undertaken pursuant to Section 23 of the *Aboriginal Heritage Act 1988* in order to ensure that no damage occurs to the historical artefacts or places.

8.2 Electrical Interference and Grounding of the Facility

The **nbn™** fixed wireless network is licensed by the Australian Communications and Media Authority (ACMA) for the exclusive use of the OFDMA9800 frequency band. As **nbn™** is the exclusive licensee of this sub-band, emissions from **nbn™** equipment within the frequency band should not cause interference.

Filters will also help to ensure that each facility meets the ACMA specifications for emission of spurious signals outside the **nbn™** frequency allocations. **nbn™** intends to promptly investigate any interference issues that are reported.

The facility is also designed to be grounded (earthed) to the relevant Australian Standards.

8.3 Erosion, Sedimentation Control and Waste Management

All erosion and sediment control mitigation measures will be detailed in construction plans and will comply with the Building Code of Australia and local Council standards. In addition, contractors must comply with the '**nbn™** Construction Specification' that requires contractors to undertake the necessary erosion and sediment control measures in order to protect the surrounding environment. On completion of the installation, the site will be restored and reinstated to an appropriate standard. No waste which requires collection or disposal will be generated by the operation of the facility.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

8.4 Flora, Fauna and Endangered Species

In order to determine any possible natural Flora, Fauna and Endangered Species of Significance associated with the site, a search was conducted through the relevant environmental searches.

It was identified that there are no *'Listed Threatened Ecological Communities'*, twenty-eight (28) *'Listed Threatened Species'* and fourteen (14) *'Listed Migratory Species'* that may occur within a 0.5km radius of the site. Please refer to the Protected Matters Search Report in **Appendix C** for further details.

Precautions will be taken in order to minimise the removal or damage of any native species that may be present in the area of the proposed site. Given that the footprint of the site is relatively small (10m x 8m), and the removal of native vegetation will be minimised as much as practicable, the proposed installation is considered to be low impact to flora and fauna. Precautions will be taken in order to minimise the removal or damage to any native species that may be present in the area of the proposed site. Where native vegetation identified through an ecological survey is proposed to be removed/trimmed, the necessary clearance permits will be obtained from the Native Vegetation Council, in accordance with the *Native Vegetation Act 1991.* As per the ecologist report included as Appendix F, much of the native vegetation located in the proposed compound and access track footprint is not 'viable' due to the ongoing slashing/mowing of the vegetation.

A small amount of vegetation may be required to be removed at the Smith Road entrance where the single gate is to be replaced with a double gate. The proposed impacts of these works have been identified in the ecological survey, and will have necessary clearance permits be obtained once confirmation of earthworks received from Council.

Direction from Adelaide Hills Council will be sought if any native vegetation located in the Adelaide Hills Council 'Biodiversity Site' on the verge at Crossing Road is proposed to be removed/ trimmed, as well as any roadside vegetation on Smith Road to allow crane access to the site. Discussions will be undertaken with Council prior to works commencing in order to ensure the correct permits are obtained and rehabilitation/restoration measures are adopted.

8.5 Social and Economic Impacts

Access to fast internet is an essential service in modern society. Initially, small to medium business customers accounted for a significant part of the demand for broadband technology, but internet services have now been embraced by the general public. The need for fast internet has been reinforced by the challenges faced by COVID-19 and the increase of people undertaking work and school from home. Usage of internet services continues to widen as new

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

technologies become progressively more affordable and accessible for the wider community.

The proposed development should provide significantly enhanced fixed wireless internet coverage to the Mylor area. This is expected to be of particular benefit for residential dwellings and businesses in the locality.

The **nbn™** network is designed to provide the community with access to fast and reliable internet services. A reliable internet service is important to help promote the economic growth of communities, and the facility is anticipated to have significant social and economic benefits for the local community.

8.6 Public Safety

8.6.1 Radiofrequency Emissions

In relation to public safety and specifically Electromagnetic Emissions (EME) and public health, **nbn™** network operates within the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a Federal Government agency incorporated under the Health and Ageing portfolio and is charged with the responsibility for protecting the health and safety of both people and the environment from the harmful effects of radiation (ionising and non-ionising).

All **nbn™** network installations are designed and certified by qualified professionals in accordance with all relevant Australian Standards. This helps to ensure that the **nbn™** facility does not result in any increase in the level of risk to the public.

This facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003. The EME Report associated with this site is attached in **Appendix D**. The report shows that the maximum predicted EME will equate to 0.11% of the maximum exposure limit. This is approximately 909 times below the maximum allowable exposure limit (where 100% of the limit is still considered to be safe).

Moreover, all **nbn™** network equipment has the following features, all of which help to minimise the amounts of energy used and emitted:

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

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

8.6.2 Access

The proposed facility will have restrictions aimed at preventing public access, including a secured compound fence with a locked gate and warning signs placed around the facility. Furthermore, the gated entrance on Smith Road is locked by SA Water at all times.

8.7 The Public Interest and the Benefits of Telecommunications

The proposed **nbn** facility is expected to have significant benefit for residents and businesses in and surrounding the Mylor community. **nbn** believes that the public interest would be served by approval of the proposal, given benefits of enhanced internet coverage in the area. Furthermore, after the previous application for an **nbn** facility did not proceed to construction in Mylor, **nbn** has been approached by Ms Rebekha Sharkie MP, Member for Mayo, requesting Fixed Wireless services be established in the community surrounding Mylor due to the large community support for this project.

8.7.1 Other Benefits of Reliable Broadband Services

There are numerous other benefits of telecommunications connectivity, as follows:[1]

- There are many potential educational benefits justifying the implementation of the **nbn**™ network. Curriculum and data sharing, increased availability and accessibility of research materials, and virtual classroom environments are good examples. Such elements are particularly beneficial within a tertiary education context.
- Businesses can, through internet usage, increase efficiency through time, resource and monetary savings. Improved internet services effectively remove physical distance and travel time as a barrier to business.
- Improvements to internet services may also be of benefit for local employees, by enabling telecommuting and home business. The telecommuting trend is heavily reliant on access to fast internet services and is anticipated to continually increase in popularity.

The public benefits of access to fast internet have been widely acknowledged for many years. Reliable internet access is now more than ever an integral component of daily life, so much so that its absence is considered a social disadvantage.

[1] End user experience including the speeds actually achieved over the **nbn**™ network depends on some factors outside **nbn™**'s control like the end user's equipment quality, software, broadband plans and how the end user's service providers designs its network.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

9. CONCLUSION

The proposed **nbn™** Fixed Wireless facility, comprising a 45 metre high monopole, antennas, outdoor equipment cabinets and associated ancillary equipment has been sited in the most appropriate location given the context of the local area and service objective – providing broadband services to Mylor and surrounds.

The facility has been strategically sited and designed to minimise visibility within the surrounding environment as much as practicable, while being suitably located from a technical perspective to service the target area. Accordingly, it is considered that the proposed development is acceptable having full regard to the context of the locality, the nature of the design, and the internet service benefits provided by the proposed development.

The proposal is also consistent with the stated Objectives and Principles of Development Control within the Adelaide Hills Council Development Plan (consolidated 8 August 2019). It is considered that the proposal will provide an important community benefit to Mylor and the wider Adelaide Hills Council region providing service to local residents and businesses.

We are therefore of the opinion that the proposal has sufficient merit to warrant Development Plan Consent.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Appendix A

Certificate of Title

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

LAND SERVICES SA

Product	Title Details
Date/Time	12/05/2020 04:37PM
Customer Reference	N-Mylor
Order ID	20200512011246

Certificate of Title

Title Reference	CT 5279/886
Status	CURRENT
Easement	NO
Owner Number	90004901
Address for Notices	ADELAIDE SA 5000
Area	17.6HA (APPROXIMATE)

Estate Type

FEE SIMPLE

Registered Proprietor

SOUTH AUSTRALIAN WATER CORPORATION
OF ADELAIDE SA 5000

Description of Land

ALLOTMENTS 10, 11 AND 12 FILED PLAN 152770
IN THE AREA NAMED MYLOR
HUNDRED OF NOARLUNGA

Last Sale Details

There are no sales details recorded for this property

Constraints

Encumbrances

NIL

Stoppers

NIL

Valuation Numbers

Valuation Number	Status	Property Location Address
3305892103	CURRENT	Lot 10 CROSSING ROAD, MYLOR, SA 5153

Notations

Dealings Affecting Title

NIL

Notations on Plan

NIL

Registrar-General's Notes

NIL

Copyright: www.landservices.com.au/copyright | Privacy: www.landservices.com.au/privacy | Terms of Use: www.landservices.com.au/sailis-terms-of-use

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Administrative Interests

NIL

Copyright: www.landservices.com.au/copyright | Privacy: www.landservices.com.au/privacy | Terms of Use: www.landservices.com.au/sailis-terms-of-use

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Appendix B

Proposed Plans

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Appendix C

EPBC Act Protected Matters Report

ADELAIDE HILLS COUNCIL
RECEIVED 10/11/2021

Australian Government

Department of Agriculture, Water and the Environment

EPBC Act Protected Matters Report

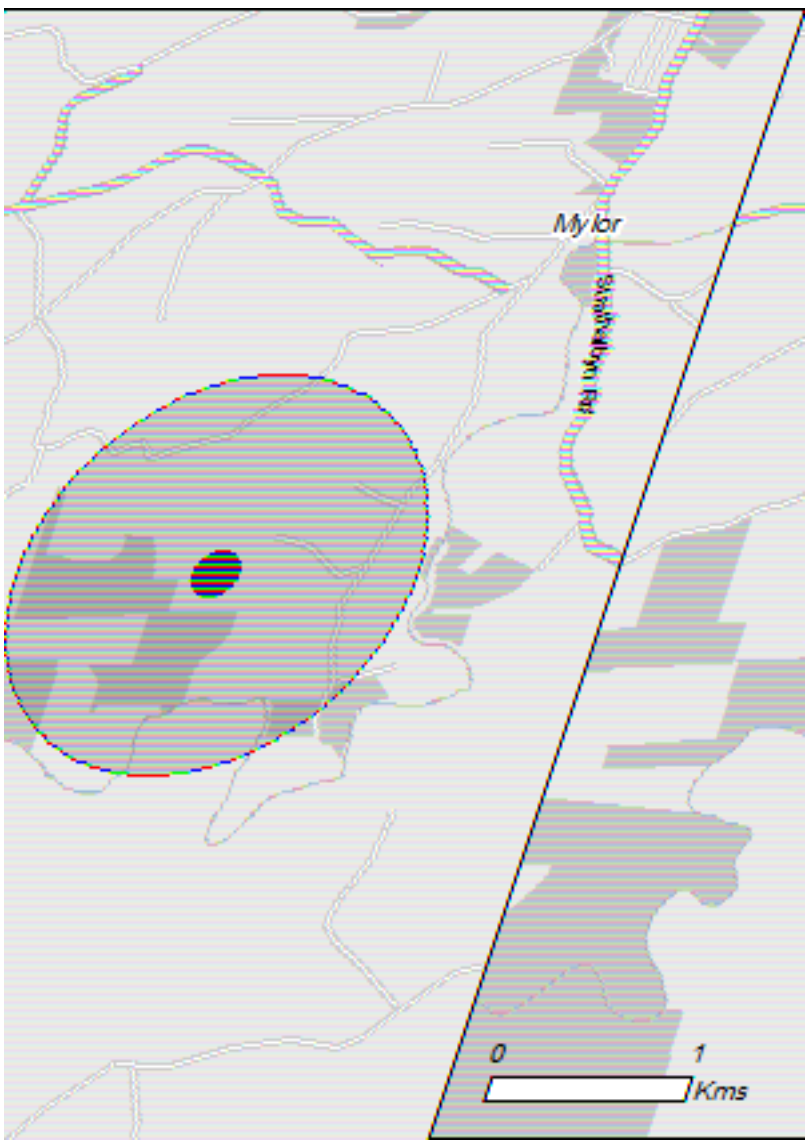
This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about Environment Assessments and the EPBC Act including significance guidelines, forms and application process details.

Report created: 29/10/20 16:29:45

- Summary
- Details
  - Matters of NES
  - Other Matters Protected by the EPBC Act
  - Extra Information
- Caveat
- Acknowledgements



This map may contain data which are ©Commonwealth of Australia (Geoscience Australia), ©PSMA 2015

Coordinates
Buffer: 1.0Km

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the Administrative Guidelines on Significance.

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	None
Listed Threatened Species:	28
Listed Migratory Species:	14

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at http://www.environment.gov.au/heritage

A permit may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Land:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	20
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	1
Regional Forest Agreements:	None
Invasive Species:	39
Nationally Important Wetlands:	None
Key Ecological Features (Marine)	None

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Details

Matters of National Environmental Significance

Listed Threatened Species		[Resource Information]
Name	Status	Type of Presence
Birds		
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat likely to occur within area
Calamanthus pyrrhopygius parkeri Chestnut-rumped Heathwren (Mt Lofty Ranges) [80826]	Endangered	Species or species habitat likely to occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Cinclosoma punctatum anachoreta Mt Lofty Ranges Spotted Quail-thrush, Spotted Quail-thrush (Mt Lofty Ranges) [67099]	Critically Endangered	Species or species habitat may occur within area
Falco hypoleucos Grey Falcon [929]	Vulnerable	Species or species habitat may occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area
Leipoa ocellata Malleefowl [934]	Vulnerable	Species or species habitat likely to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Pedionomus torquatus Plains-wanderer [906]	Critically Endangered	Species or species habitat may occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area
Zoothera lunulata halmaturina Bassian Thrush (South Australian) [67121]	Vulnerable	Species or species habitat likely to occur within area
Frogs		

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Name	Status	Type of Presence
Litoria raniformis		
Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog [1828]	Vulnerable	Species or species habitat likely to occur within area
Mammals		
Isoodon obesulus obesulus		
Southern Brown Bandicoot (eastern), Southern Brown Bandicoot (south-eastern) [68050]	Endangered	Species or species habitat known to occur within area
Pteropus poliocephalus		
Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Plants		
Caladenia behrii		
Pink-lipped Spider-orchid [11161]	Endangered	Species or species habitat likely to occur within area
Caladenia gladiolata		
Bayonet Spider-orchid, Clubbed Spider-orchid [8079]	Endangered	Species or species habitat likely to occur within area
Caladenia rigida		
Stiff White Spider-orchid [13419]	Endangered	Species or species habitat likely to occur within area
Caladenia tensa		
Greencomb Spider-orchid, Rigid Spider-orchid [24390]	Endangered	Species or species habitat may occur within area
Corybas dentatus		
Toothed Helmet-orchid, Finniss Helmet-orchid [55042]	Vulnerable	Species or species habitat may occur within area
Euphrasia collina subsp. osbornii		
Osborn's Eyebright [3684]	Endangered	Species or species habitat known to occur within area
Glycine latrobeana		
Clover Glycine, Purple Clover [13910]	Vulnerable	Species or species habitat likely to occur within area
Olearia pannosa subsp. pannosa		
Silver Daisy-bush, Silver-leaved Daisy, Velvet Daisy-bush [12348]	Vulnerable	Species or species habitat may occur within area
Prasophyllum pallidum		
Pale Leek-orchid [20351]	Vulnerable	Species or species habitat likely to occur within area
Prasophyllum pruinosum		
Plum Leek-orchid [11821]	Endangered	Species or species habitat known to occur within area
Pterostylis cucullata		
Leafy Greenhood [15459]	Vulnerable	Species or species habitat likely to occur within area
Thelymitra matthewsii		
Spiral Sun-orchid [4168]	Vulnerable	Species or species habitat may occur within area
Veronica derwentiana subsp. homalodonta		
Mount Lofty Speedwell [82836]	Critically Endangered	Species or species habitat likely to occur within area

Listed Migratory Species

[Resource Information]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Migratory Marine Birds		

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Name	Threatened	Type of Presence
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Migratory Terrestrial Species		
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area
Motacilla cinerea Grey Wagtail [642]		Species or species habitat may occur within area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat likely to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat may occur within area
Migratory Wetlands Species		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Pandion haliaetus Osprey [952]		Species or species habitat may occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

ADELAIDE HILLS COUNCIL
RECEIVED 19/02/2021

Other Matters Protected by the EPBC Act

Listed Marine Species

[Resource Information]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Birds		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Ardea alba Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
Chrysococcyx osculans Black-eared Cuckoo [705]		Species or species habitat likely to occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Motacilla cinerea Grey Wagtail [642]		Species or species habitat may occur within area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat likely to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Name	Threatened	Type of Presence
		area
Pandion haliaetus Osprey [952]		Species or species habitat may occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat may occur within area
Rostratula benghalensis (sensu lato) Painted Snipe [889]	Endangered*	Species or species habitat likely to occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

Extra Information

State and Territory Reserves [Resource Information]

Name	State
Unnamed (No.HA1275)	SA

Invasive Species [Resource Information]

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resouces Audit, 2001.

Name	Status	Type of Presence
Birds		
Alauda arvensis Skylark [656]		Species or species habitat likely to occur within area
Anas platyrhynchos Mallard [974]		Species or species habitat likely to occur within area
Carduelis carduelis European Goldfinch [403]		Species or species habitat likely to occur within area
Carduelis chloris European Greenfinch [404]		Species or species habitat likely to occur within area
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area
Passer domesticus House Sparrow [405]		Species or species habitat likely to occur within area
Pycnonotus jocosus Red-whiskered Bulbul [631]		Species or species habitat likely to occur within area

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Name	Status	Type of Presence
Streptopelia chinensis Spotted Turtle-Dove [780]		Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]		Species or species habitat likely to occur within area
Turdus merula Common Blackbird, Eurasian Blackbird [596]		Species or species habitat likely to occur within area
Mammals		
Bos taurus Domestic Cattle [16]		Species or species habitat likely to occur within area
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Capra hircus Goat [2]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Lepus capensis Brown Hare [127]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Oryctolagus cuniculus Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area
Rattus norvegicus Brown Rat, Norway Rat [83]		Species or species habitat likely to occur within area
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Vulpes vulpes Red Fox, Fox [18]		Species or species habitat likely to occur within area
Plants		
Asparagus asparagoides Bridal Creeper, Bridal Veil Creeper, Smilax, Florist's Smilax, Smilax Asparagus [22473]		Species or species habitat likely to occur within area
Asparagus plumosus Climbing Asparagus-fern [48993]		Species or species habitat likely to occur within area
Asparagus scandens Asparagus Fern, Climbing Asparagus Fern [23255]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera Bitou Bush, Boneseed [18983]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera subsp. monilifera Boneseed [16905]		Species or species habitat likely to occur

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Name	Status	Type of Presence
		within area
Cytisus scoparius Broom, English Broom, Scotch Broom, Common Broom, Scottish Broom, Spanish Broom [5934]		Species or species habitat likely to occur within area
Genista linifolia Flax-leaved Broom, Mediterranean Broom, Flax Broom [2800]		Species or species habitat likely to occur within area
Genista monspessulana Montpellier Broom, Cape Broom, Canary Broom, Common Broom, French Broom, Soft Broom [20126]		Species or species habitat likely to occur within area
Genista sp. X Genista monspessulana Broom [67538]		Species or species habitat likely to occur within area
Lycium ferocissimum African Boxthorn, Boxthorn [19235]		Species or species habitat likely to occur within area
Nassella neesiana Chilean Needle grass [67699]		Species or species habitat likely to occur within area
Olea europaea Olive, Common Olive [9160]		Species or species habitat likely to occur within area
Opuntia spp. Prickly Pears [82753]		Species or species habitat likely to occur within area
Pinus radiata Radiata Pine Monterey Pine, Insignis Pine, Wilding Pine [20780]		Species or species habitat likely to occur within area
Rubus fruticosus aggregate Blackberry, European Blackberry [68406]		Species or species habitat likely to occur within area
Salix spp. except S.babylonica, S.x calodendron & S.x reichardtii Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]		Species or species habitat likely to occur within area
Solanum elaeagnifolium Silver Nightshade, Silver-leaved Nightshade, White Horse Nettle, Silver-leaf Nightshade, Tomato Weed, White Nightshade, Bull-nettle, Prairie-berry, Satansbos, Silver-leaf Bitter-apple, Silverleaf-nettle, Trompillo [12323]		Species or species habitat likely to occur within area
Tamarix aphylla Athel Pine, Athel Tree, Tamarisk, Athel Tamarisk, Athel Tamarix, Desert Tamarisk, Flowering Cypress, Salt Cedar [16018]		Species or species habitat likely to occur within area
Ulex europaeus Gorse, Furze [7693]		Species or species habitat likely to occur within area

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-35.06292 138.74685

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

-Office of Environment and Heritage, New South Wales
-Department of Environment and Primary Industries, Victoria
-Department of Primary Industries, Parks, Water and Environment, Tasmania
-Department of Environment, Water and Natural Resources, South Australia
-Department of Land and Resource Management, Northern Territory
-Department of Environmental and Heritage Protection, Queensland
-Department of Parks and Wildlife, Western Australia
-Environment and Planning Directorate, ACT
-Birdlife Australia
-Australian Bird and Bat Banding Scheme
-Australian National Wildlife Collection
-Natural history museums of Australia
-Museum Victoria
-Australian Museum
-South Australian Museum
-Queensland Museum
-Online Zoological Collections of Australian Museums
-Queensland Herbarium
-National Herbarium of NSW
-Royal Botanic Gardens and National Herbarium of Victoria
-Tasmanian Herbarium
-State Herbarium of South Australia
-Northern Territory Herbarium
-Western Australian Herbarium
-Australian National Herbarium, Canberra
-University of New England
-Ocean Biogeographic Information System
-Australian Government, Department of Defence
Forestry Corporation, NSW
-Geoscience Australia
-CSIRO
-Australian Tropical Herbarium, Cairns
-eBird Australia
-Australian Government – Australian Antarctic Data Centre
-Museum and Art Gallery of the Northern Territory
-Australian Government National Environmental Science Program
-Australian Institute of Marine Science
-Reef Life Survey Australia
-American Museum of Natural History
-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania
-Tasmanian Museum and Art Gallery, Hobart, Tasmania
-Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the Contact Us page.

© Commonwealth of Australia
Department of Agriculture Water and the Environment
GPO Box 858
Canberra City ACT 2601 Australia
+61 2 6274 1111

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Appendix D

ARPANSA Environmental EME Report

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Environmental EME Report

Location	Mylor South, Lot 10 Crossing Road, MYLOR SA 5153		
Date	04/02/2021	**RFNSA No.**	5153016

How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Mylor South, Lot 10 Crossing Road, MYLOR SA 5153. These levels have been calculated by Ericsson using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).
A document describing how to interpret this report is available at ARPANSA's website:
A Guide to the Environmental Report.

A snapshot of calculated EME levels at this site

There are currently no existing radio systems for this site.

The maximum EME level calculated for the **proposed** changes at this site is

0.11%

out of 100% of the public exposure limit, 207 m from the location.

EME levels with the proposed changes

Distance from the site	Percentage of the public exposure limit
0-50 m	0.01%
50-100 m	Less than 0.01%
100-200 m	0.11%
200-300 m	0.11%
300-400 m	0.08%
400-500 m	0.05%

For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at http://www.rfnsa.com.au/5153016.

Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration.
The proposal would modify the base station to include all the services listed under the proposed configuration.

	Existing		Proposed	
Carrier	**Systems**	**Configuration**	**Systems**	**Configuration**
NBN Co			4G	LTE3500 (proposed)

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360º circular bands.

	Existing configuration			Proposed configuration		
Distance from the site	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit
0-50m				0.75	1.50	0.01%
50-100m				0.61	1.00	Less than 0.01%
100-200m				2.03	10.88	0.11%
200-300m				2.04	11.03	0.11%
300-400m				1.78	8.36	0.08%
400-500m				1.40	5.21	0.05%

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the Communications Alliance Ltd Deployment Code C564:2018 or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit
No locations identified				

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Appendix E

Photomontage

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

1. Viewpoint (-35.062567, 138.747567)
2. Viewpoint (-35.062883, 138.746567)
3. Viewpoint (-35.034159, 138.445537)
4. Viewpoint (-35.034472, 138.442886)

NBN Mylor South

aurecon

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

1. Viewpoint (-35.062567, 138.747567)
elev ≈ 344 m

aurecon

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

2. Viewpoint (-35.062883, 138.746567)
elev ≈ 346 m

aurecon

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

3. Viewpoint (-35.034159, 138.445537)
elev ≈ 335 m

aurecon

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

4. Viewpoint (-35.034472, 138.442886)
elev ≈ 422 m

"Please note topographical difference between photo location and facility location is approximately 79m (according to Google Earth, 343m facility location / 422m photo location), therefore, monopole height will be below horizon in this photo."

aurecon

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Appendix F

Native Vegetation Clearance – Data Report (T&M Ecologists Pty Ltd)

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Native Vegetation Clearance

Installation of NBN Monopole Crossing Road Mylor

Data Report

Clearance under the *Native Vegetation Regulations 2017*

21st December 2020

Tim Milne & Sarah Telfer, T&M Ecologists

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Table of contents

1. Application information
2. Purpose of clearance
   - 2.1 Description
   - 2.2 Background
   - 2.3 General location map
   - 2.4 Details of the proposal
   - 2.5 Approvals required or obtained
   - 2.6 Native Vegetation Regulation
   - 2.7 Development Application information (if applicable)
3. Method
   - 3.1 Flora assessment
   - 3.2 Fauna assessment
4. Assessment outcomes
   - 4.1 Vegetation assessment
   - 4.2 Threatened Species assessment
   - 4.3 Cumulative impacts
   - 4.4 Addressing the Mitigation hierarchy
   - 4.5 Principles of clearance
   - 4.6 Risk Assessment
   - 4.7 NVC Guidelines
5. Clearance summary
6. Significant environmental benefit
7. Appendices
   - 7.1 Fauna Survey (where applicable)
   - 7.2 Bushland, Rangeland or Scattered Tree Vegetation Assessment Scoresheets (to be submitted in Excel format).
   - 7.3 Flora Species List
   - 7.4 SEB Management Plan (where applicable)

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

1. Application information

Application Details

Applicant:	Aurecon Australasia Pty Ltd		
Key contact:	Kate Croucher, Consultant, Environment and Planning		
Landowner:	Adelaide Hills Council		
Site Address:	Crossing Road and Smith Road, Mylor		
Local Government Area:	Adelaide Hills Council	Hundred:	Noarlunga
Title ID:	Roadsides and F152770 A10 -	Parcel ID	CT5279/886

Summary of proposed clearance

Purpose of clearance	The purpose of the clearance is to gain access to the construction site of a monopole for the National Broadband Network (NBN). The monopole will be constructed on cleared SA Water land within Mt Bold Reservoir Reserve. Access to this site will be gained via Smith Road, Mylor and an underground powerline will be installed along a section of Crossing Road, Mylor.
Native Vegetation Regulation	Regulation 12, Schedule 1; clause 34, Infrastructure
Description of the vegetation under application	The proposed clearance/trimming is on roadsides which support Stringybark (*Eucalyptus obliqua*) Woodland with understorey which varies from moderately good to poor condition (weed infested).
Total proposed clearance - area (ha) and number of trees	Clearance of 4 regenerating Varnish Wattle (*Acacia verniciflua*) (0.001 ha patch) and trimming of 1 Stringybark to allow the construction of a double gate at the end of Smith Road to gain access to the monopole compound site on cleared SA Water land. 0.0014 ha of degraded Stringybark understorey to provide access for boring of an underground powerline.
Level of clearance	Level 1 – patch of degraded understorey (total area of 0.0024ha) Level 2 – trimming of 1 tree
Overlay (Planning and Design Code)	Native vegetation overlay ID - 0402 P&D Code Zone - Peri-Urban Z4801

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Map of proposed impact areas – Smith Road and Crossing Road, Mylor

Mitigation hierarchy	Every effort has been made to avoid removal and/or trimming of trees along both Smith Road and Crossing Road. This includes the undergrounding of the powerline via horizontal direction drilling and the siting of the monopole compound on a previously cleared patch of SA Water land which is regularly slashed/mown for fuel reduction purposes. As a result, the section of significant roadside vegetation on Crossing Road (AHC Conservation Site No. 432) will not be impacted.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

	Measures which have been taken to miminise the impacts of clearance include: • reduction of the clearance envelope as much as possible by the use of directional horizontal drilling which is a minimal impact trenchless method of installing powerlines; • location of the places where the directional bore will enter the ground in highly degraded areas of roadside; • trees identified for trimming will only be trimmed back to a point where the passage of trucks is enabled and it is envisioned that these trees will fully recover post-trimming; and • minimization of disturbance through careful management of vehicles and machinery on the site both during and after monopole installation.
SEB Offset proposal	Payment of $889.79 into the Native Vegetation Fund

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

2. Purpose of clearance

2.1 Description

Aurecon Australasia Pty Ltd/NBN Co plan to install a National Broadband Network monopole at a site on SA Water land (Mt Bold Reservoir Reserve) adjacent to Smith Road and Crossing Road at Mylor (see Figures 1 and 2 below for location). Both Smith Road and Crossing Road are unsealed, narrow local access roads.

The monopole site needs to be accessed with semi-trailers and concrete trucks for installation purposes. These vehicles require clearance of up to 4.5 metres in height along the carriageways. This will require the trimming of several remnant Stringybarks (*Eucalyptus obliqua*) on Smith Road and also the widening of a gate at the end of Smith Road which will provide access to the compound footprint.

In addition, an underground powerline will be installed along the southern verge of Crossing Road. This will be done by directional boring, in order to minimize disturbance to the roadside vegetation. Directional boring will commence at the site of an existing power pole on Crossing Road where no native vegetation was detected. The bore will need to re-surface once en-route to the monopole compound – in a section of roadside which supports highly degraded native understorey vegetation.

2.2 Background

Current and surrounding land use can best be described as 'Rural Residential with Agriculture[1]' and native vegetation associated with the Mt Bold Reservoir Reserve.

2.3 General location map

See Figure 1 and Figure 2 below.

[1] NatureMaps

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

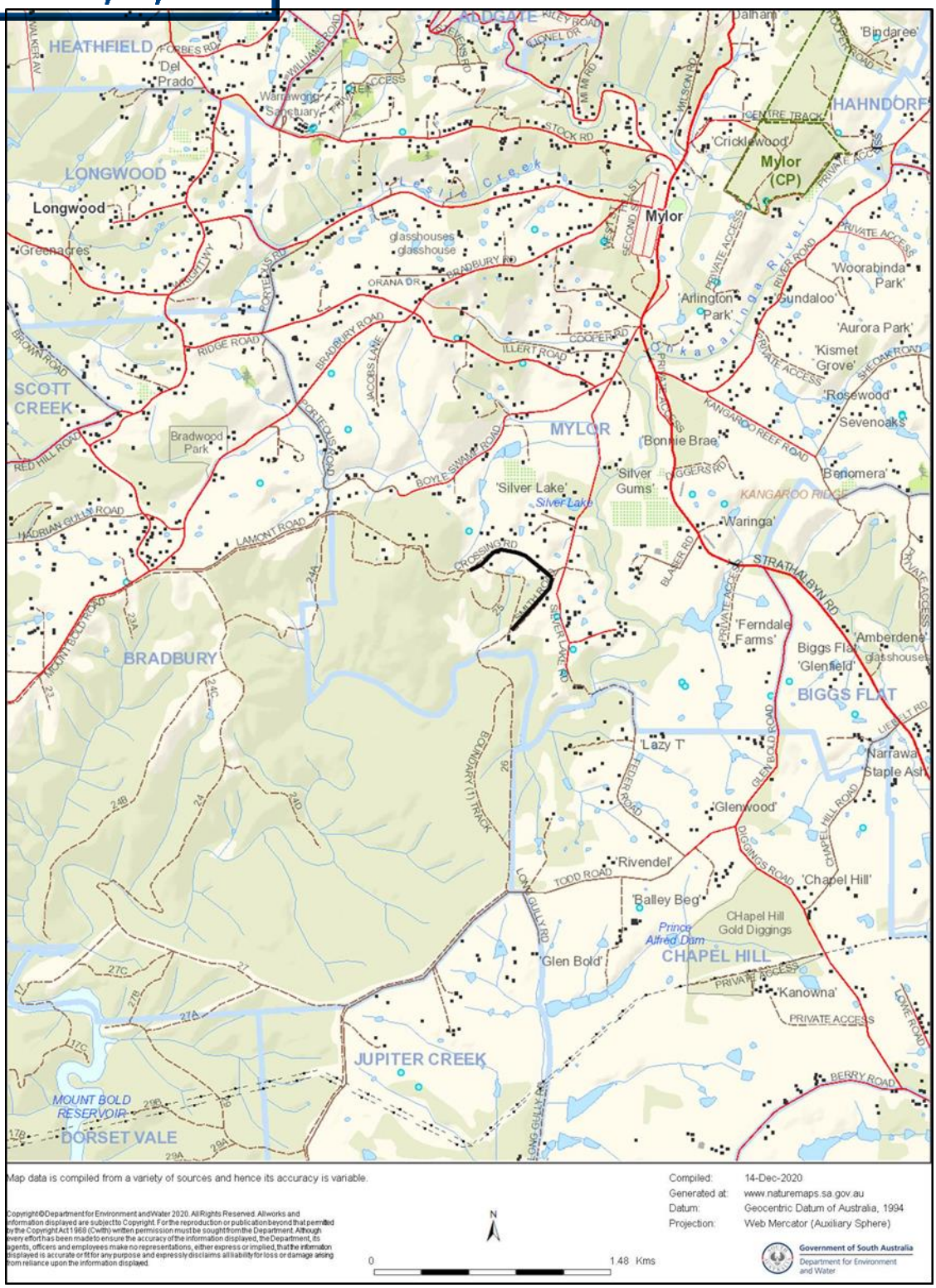


Figure 1: Site of proposed clearance – Smith Road and Crossing Road, Mylor

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

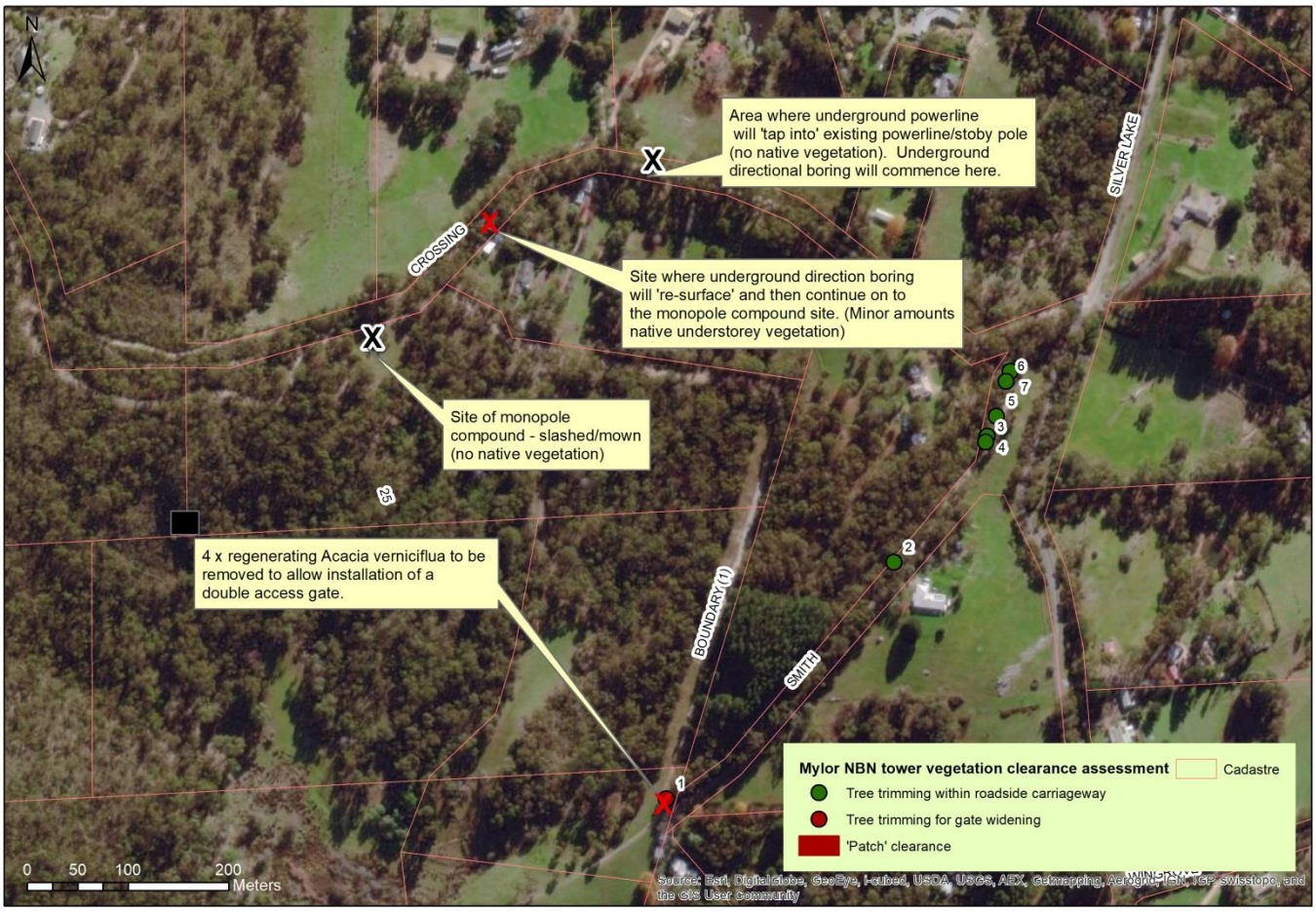
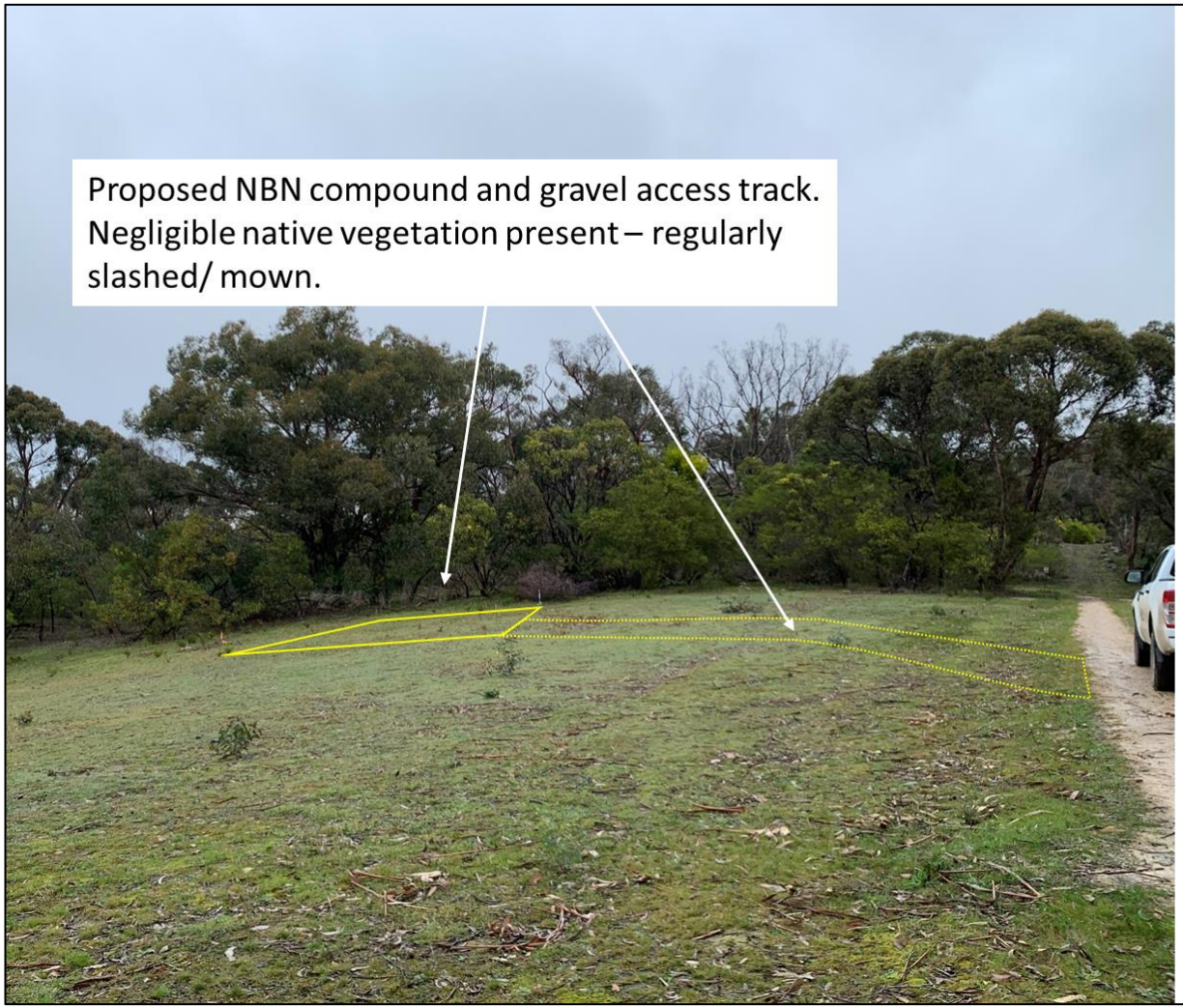


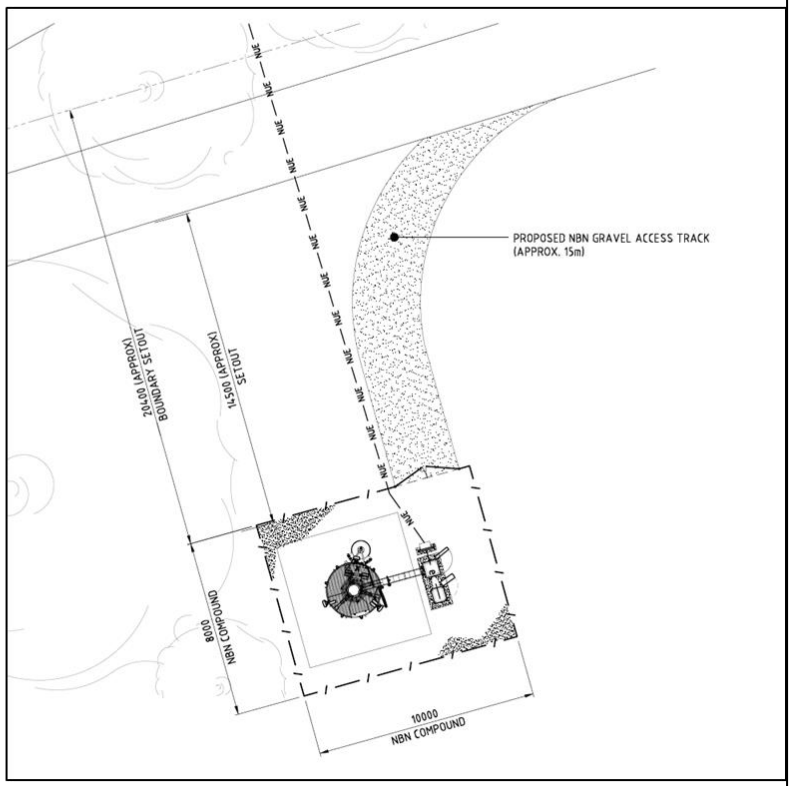
Figure 2: Location of the proposed trees and vegetation for clearance/trimming – Smith Road and Crossing Road, Mylor

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

2.4 Details of the proposal

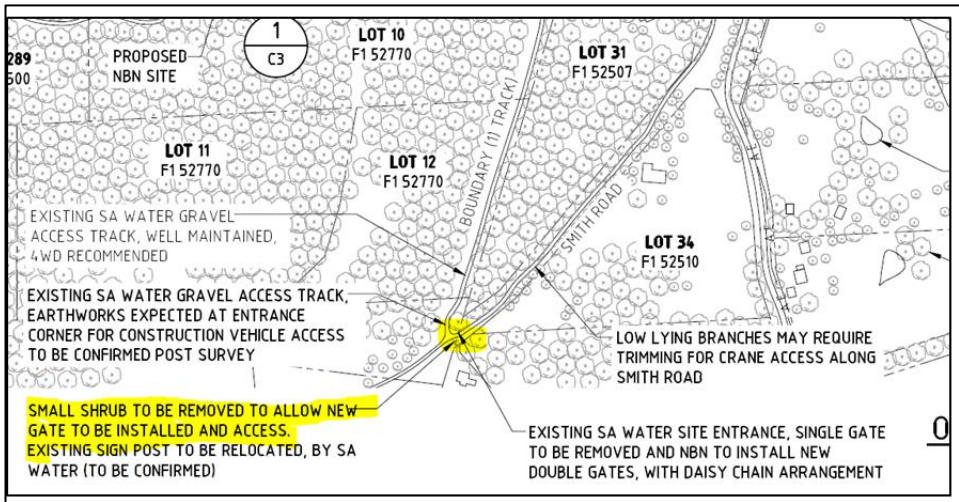
The following plan and photograph shows the location of the monopole compound on SA Water land (Mt Bold Reservoir Reserve).





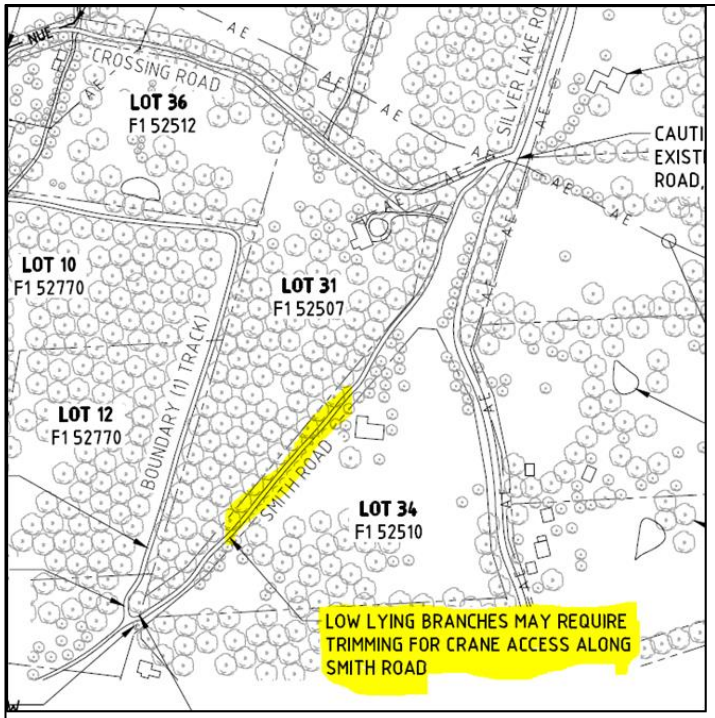
ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

The following plan and photographs show the location of the trees to be trimmed and the regenerating shrubs to be removed to allow replacement of a single gate with double gates at Smith Road entrance to the monopole compound site – "Gate 25" (Mt Bold Reservoir Reserve).



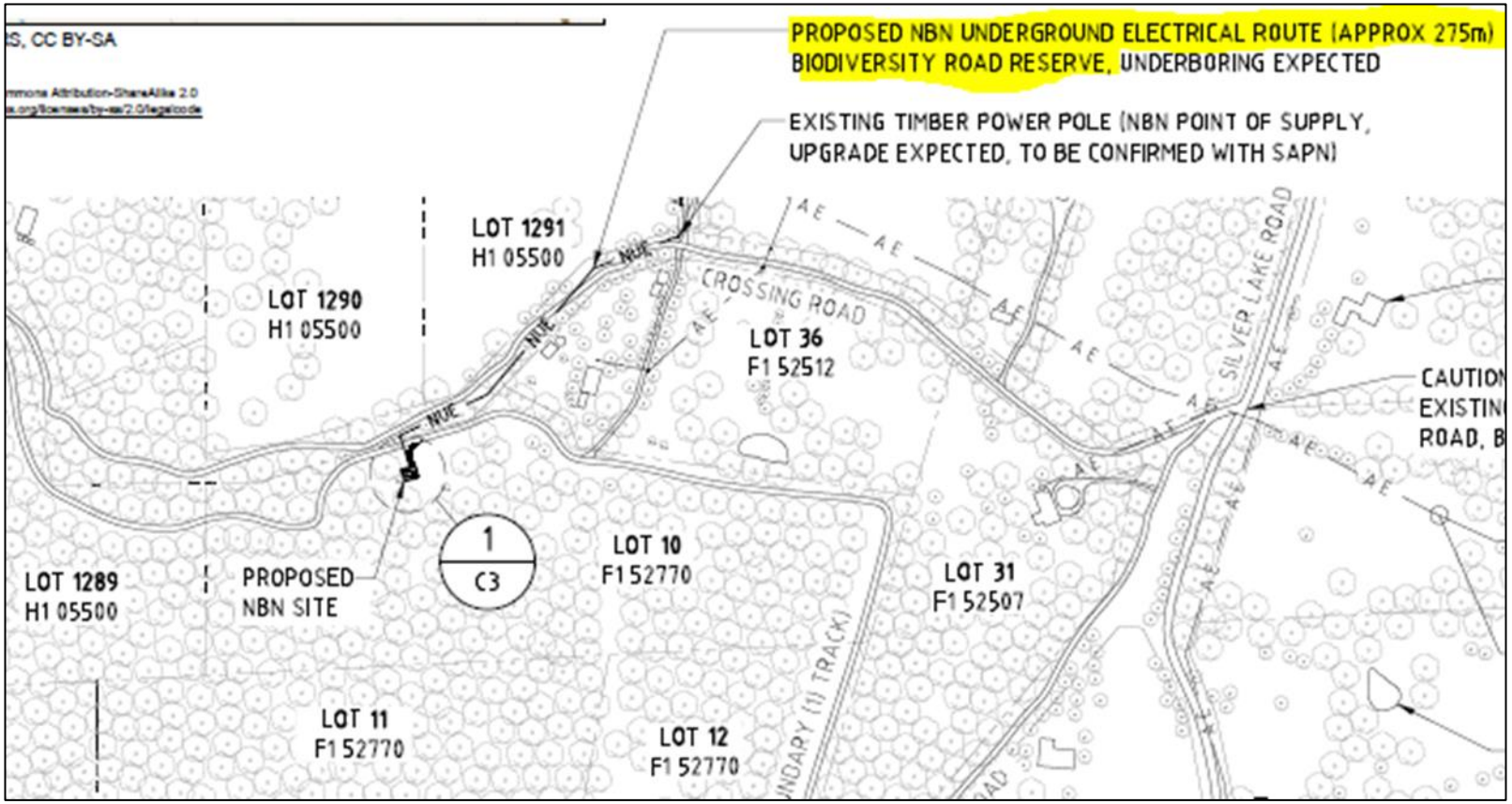
ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

The following plan and photograph show the location of the trees with low-lying branches which require trimming on Smith Road for truck access.



ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

The following plan shows the location of the proposed NBN underground electrical route on Crossing Road, Mylor.



ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

2.5 Approvals required *or* obtained

Planning, Development and Infrastructure Act 2016 Development Application number 20/1005/473.

Adelaide Hills Council has not yet been approached regarding the extent of clearing required along the roadsides, however Aurecon will be highlighting it to them in their response to a RFI they have received.

2.6 Native Vegetation Regulation

Regulation 12, Schedule 1; clause 34, Infrastructure.

2.7 Development Application information (if applicable)

Native vegetation overlay ID - 0402
P&D Code Zone – Peri-Urban Z4801
(Note: As this site is located within the Adelaide Hills Council area it will be assessed under the Development Act 1993 and is located within the 'Watershed (Primary Production) Zone' - this area is expected to transition to the new PDI Act and P & D Code zones in March 2021 (approximately).)

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

3. Method

3.1 Flora assessment

The site of the proposed clearance was assessed on 10th December 2021.

3.2 Fauna assessment

The proposed clearance was assessed as a 'Level 1' and 'Level 2' risk, hence a fauna survey was not undertaken. A Naturemaps fauna search was undertaken to identify threatened fauna species that occur within 5km of the site – these species are addressed in Section 4.2.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

4. Assessment Outcomes

4.1 Vegetation Assessment

General description of the vegetation, the site and matters of significance

Crossing Road and Smith Road are unsealed local roads on the southern outskirts of the township of Mylor in the Mount Lofty Ranges.

Crossing Road
The section of roadside vegetation along Crossing Road where it is proposed to place an underground powerline comprises a Messmate Stringybark (*Eucalyptus obliqua*) Woodland. The understorey in the more eastern section of this road verge is heavily weed infested (notably **Cytisus scoparius, *Dactylis glomerata, *Anthoxanthum odoratum, *Plantaogo lanceolata, *Hypochaeris radicata*) with Native:exotic Understorey Biomass estimated to be <5%. No native vegetation will be impacted in this section as the point where the new powerline will 'tap into' the existing powerline/stoby pole does not support any native vegetation. The new powerline will be underbored from this point to a depth of 3 metres.

The understorey in the more western section of Crossing Road road verge is more 'intact', with less weed invasion and Native:exotic Understorey Biomass estimated to be 70-80%. This section is marked by an Adelaide Hills Council "Conservation Site" marker (No. 432). However, very little of this roadside vegetation will be impacted as the powerline will be underground. It is proposed that the location of the small site where the directional boring will need to re-enter the ground supports <1% native ground cover (scattered *Rytidosperma* spp., *Lepidosperma semiteres*, *Acaena echinata*) and there is no tree layer.

Smith Road
A portion of Smith Road will be used by semi-trailers and concrete trucks to access the site. The roadside vegetation comprises a Messmate Stringybark (*Eucalyptus obliqua*) Woodland in moderate condition. In order for the heavy machinery to be able to use this road, several mature trees will require trimming. In addition, clearance of several seedling Varnish Wattle (*Acacia verniciflua*) and the trimming of a Stringybark branch will be required to replace the existing single gate at the end of Smith Road with a double gate at the entrance to SA Water land where the monopole will be erected.

Site of monopole compound (SA Water land)
The site of the monopole compound is regularly slashed/mown, probably for firebreak and/or fuel reduction purposes. The only native vegetation detected in this area is a slashed *E. obliqua* and *Acacia pycnantha* seedling (both <5cm tall) plus a 10cm x 20cm patch of slashed *Microlaena stipoides*. This vegetation was not deemed to be clearance as it will never be able to reach maturity or form a viable patch of native vegetation due to ongoing slashing/mowing.

Details of the vegetation associates/scattered trees proposed to be impacted

- A total of **7 trees** (numbered 2-8 in Figure 2) have been identified as requiring trimming to create an envelope of 4.5 metres height from the edge of the shoulder on the north-western side of Smith Road to allow truck access. This proposed activity fits within the standard 'Primary Envelope' as defined in the Guidelines for the *Management of Roadside Native Vegetation and Regrowth Vegetation*[2]. A primary clearance envelope for unsealed roads is considered to be **up to a vertical height of 6 metres** from the **edge of grader line**, which is taken to be the edge of the carriageway.

  These guidelines state that *no approval or consultation with the Native Vegetation Council is required for clearance within the primary clearance envelope*. In this instance, a Significant Environmental Benefit (SEB) is not required.

- A further **1 tree** (numbered 1 in Figure 2) has been identified for trimming to allow for the installation of a double gate at the end of Smith Road where trucks will gain access to the monopole compound (there is

[2] Native Vegetation Council – Endorsed 3 July 2019 (Amended September 2020).

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

presently a single gate in this location). Also in this location are 4 regenerating small Varnish Wattles (*Acacia verniciflua*) which are all <0.5 metres tall and have been identified for removal.

- At the site on Crossing Road where the directional bore will need to re-enter the ground for undergrounding and installing of a powerline, there is a **degraded patch** of scattered Slender Wallaby-grass (*Rytidosperma racemosum var. racemosum*), Wallaby-grass (*Rytidopserma* sp.), Sheep's-burr (*Acaena echinata*) and Wire Rapier-sedge (*Lepidosperma semiteres*). This area was chosen as it is heavily weed infested and does not support any native tree canopy and <1% native ground cover.

Details of the trees and other vegetation proposed for trimming/clearance are summarized below and Figure 2 shows the location of each tree and the patch of degraded native vegetation.

Patches of vegetation

Vegetation Association	Highly modified Messmate Stringybark (*Eucalyptus obliqua*) Woodland – site where the directional boring will need to re-enter the ground to lay the underground powerline on Crossing Road.

Photo taken facing NW at 294636E/6117756N.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Photo taken facing NW at 294796E/6117290N. These 4 regenerating Varnish Wattle (*Acacia verniciflua*) are situated at the end of Smith Road at the location of the site where a double gate will be installed so that trucks can access the site for installation of the monopole compound.

General description	• Degraded patch of scattered Slender Wallaby-grass (*Rytidosperma racemosum var. racemosum*), Wallaby-grass (*Rytidopserma* sp.), Sheep's-burr (*Acaena echinata*) and Wire Rapier-sedge (*Lepidosperma semiteres*). This patch was chosen as it is heavily weed infested and does not support any native tree canopy and <1% native ground cover. Dominant grassy and herbaceous weed present include **Plantago lanceolata, *Hypochaeris radicata, *Anthoxanthum odoratum, *Briza maxima, *Dactylis glomerata*. • Four regenerating Varnish Wattle (*Acacia verniciflua*). There is a dead shrub in the centre of this photo (ID uncertain). Other vegetation in this patch is all introduced and includes **Cytissus scoparius, *Genista monspessulensa, *Anthoxanthum odoratum, *Hypochaeris radicata, *Briza maxima*. These patches are considered to be too small and degraded to provide habitat values for any native fauna species.				
Threatened species or community	No				
Landscape context score	1.17	Vegetation Condition Score	2.1	Conservation significance score	1.00
Unit biodiversity Score	2.46	Area (ha)	0.0024	Total biodiversity Score	0.01

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Tree ID – 1	
Eucalyptus obliqua	
Number of trees – 1	
Height (m) – 16	
Hollows – 0	
Diameter (cm) – 50, 50, 20 (3 trunks)	
Canopy dieback (%) – 0	
Total Biodiversity Score – 1.97	Photo taken facing NW at 294797E/6117296N. This tree is at the end of Smith Road at the location of the site where a double gate will be installed so that trucks can access the site for installation of the monopole compound.

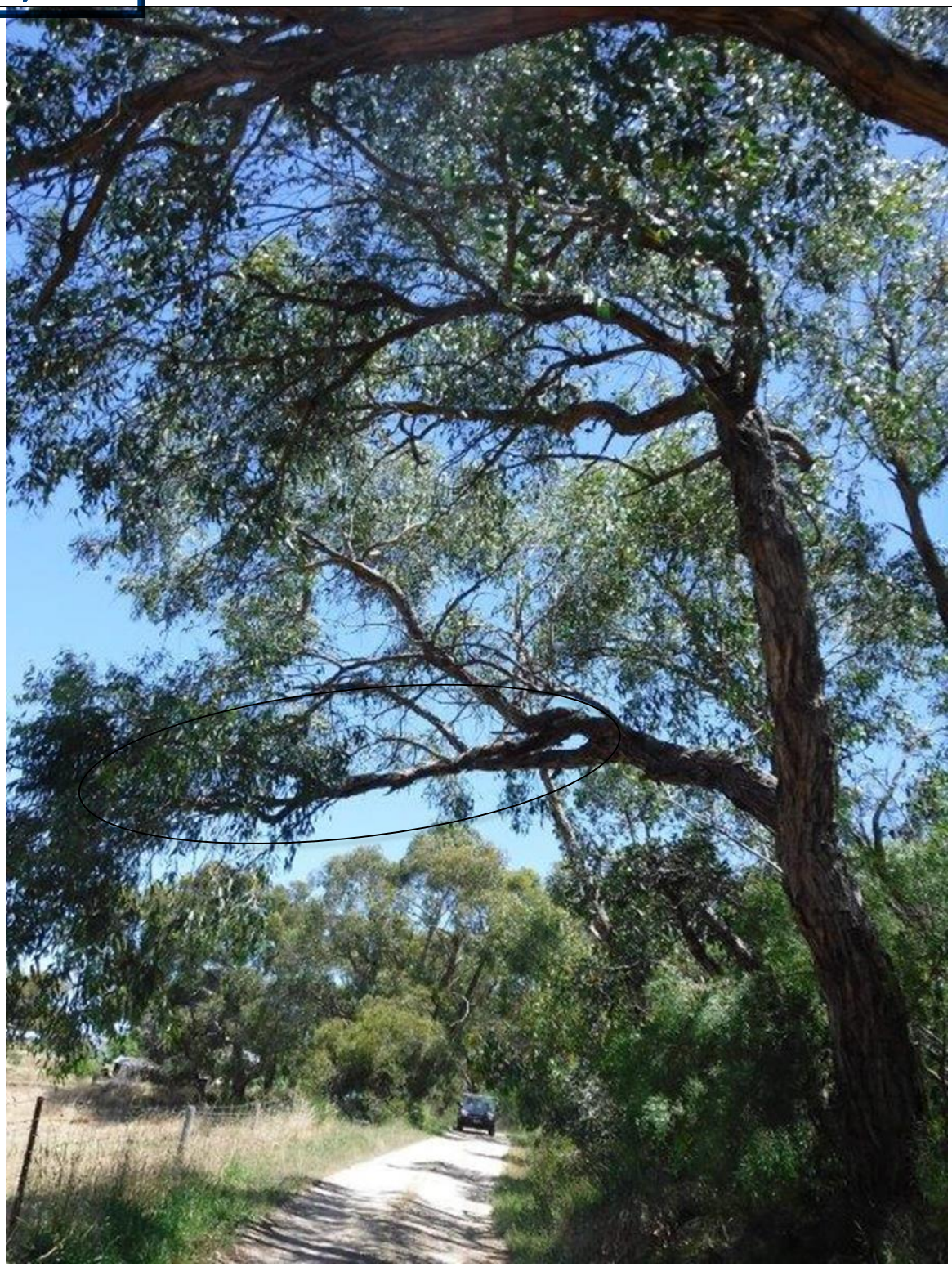
This tree is in excellent condition, however it is envisaged that it will regenerate once it has been trimmed. It potentially provides habitat for 2 bird species listed as Rare in South Australia:

- Scarlet Robin (*Petroica boodang boodang*)
- Elegant Parrot (*Neophema elegans elegans*)

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Tree ID – 2	
Eucalyptus obliqua	
Number of trees – 1	
Height (m) – 17	
Hollows – 0	
Diameter (cm) – 79,44,49 (3 trunks)	
Canopy dieback (%) – 0	
Total Biodiversity Score – **NA as not subject to clearance approval under the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation*)**	Photo taken facing NE on Smith Road (294977E/6117491N) – approximately 10% of the tree requires trimming within the primary clearance envelope. Note that a trunk of this tree has been previously trimmed.
This tree is in excellent condition, and it is envisaged that it will regenerate once it has been trimmed.	

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Tree ID – 3	
Eucalyptus obliqua	
Number of trees – 1	
Height (m) – 16	
Hollows – 0	
Diameter (cm) – 76	
Canopy dieback (%) – 10	
Total Biodiversity Score – **NA as not subject to clearance approval under the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation*)**	Photo taken facing SW on Smith Road (295050E/6117591N– approximately 20% of the tree requires trimming within the primary clearance envelope.

This tree is in excellent condition, and it is envisaged that it will regenerate once it has been trimmed.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Tree ID – 4	
Eucalyptus obliqua	
Number of trees – 1	
Height (m) – 18	
Hollows – 0	
Diameter (cm) – 78, 38, 38 (3 trunks)	
Canopy dieback (%) – 10	
Total Biodiversity Score **– NA as not subject to clearance approval under the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation*)**	Photo taken facing SW on Smith Road (295048E/6117597N– approximately 5-10% of the tree requires trimming within the primary clearance envelope. Note that a trunk of this tree has been previously hit by a vehicle.

This tree is in excellent condition, and it is envisaged that it will regenerate once it has been trimmed.

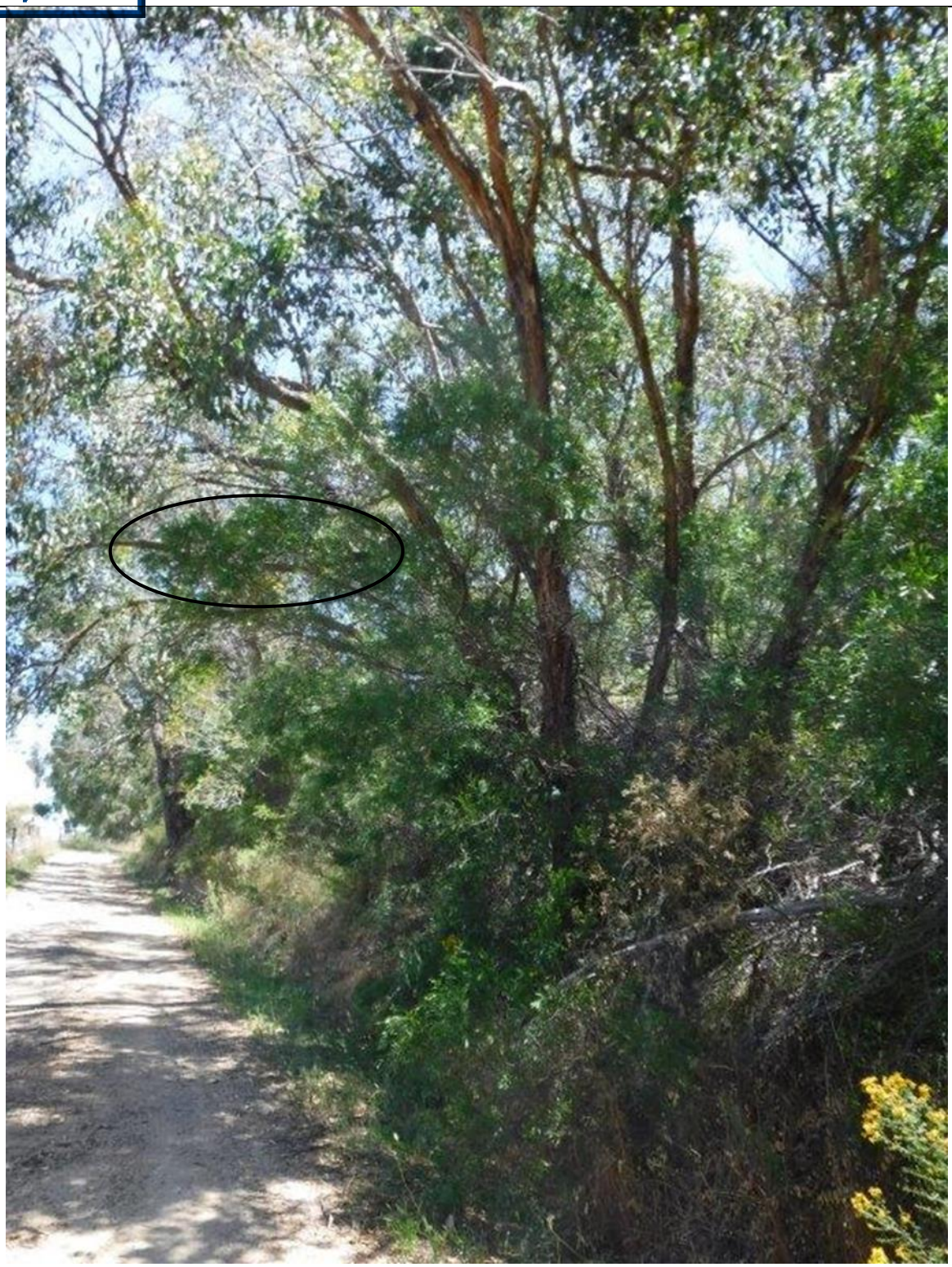
ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Tree ID – 5	
Eucalyptus obliqua	
Number of trees – 1	
Height (m) – 8	
Hollows – 0	
Diameter (cm) – 37,45,25 (3 trunks)	
Canopy dieback (%) – 85	
Total Biodiversity Score – **NA as not subject to clearance approval under the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation*)**	Photo taken facing SW on Smith Road (295053E/6117612N– approximately 50% of the tree requires trimming within the primary clearance envelope. Note that the one live branch of this tree will not require trimming.
This tree is in poor health and not expected to be providing critical habitat for any fauna species of conservation significance.	

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Tree ID – 6	
Eucalyptus obliqua	
Number of trees – 1	
Height (m) – 8	
Hollows – 0	
Diameter (cm) – 55	
Canopy dieback (%) – 5	
Total Biodiversity Score – **NA as not subject to clearance approval under the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation*)**	Photo taken facing NE on Smith Road (295065E/6117642N– approximately 30% of the tree requires trimming within the primary clearance envelope.
This tree is in excellent condition, and it is envisaged that it will regenerate once it has been trimmed.	

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Tree ID – 7	
Acacia verniciflua	
Number of trees – 1	
Height (m) – 5	
Hollows – 0	
Diameter (cm) – 8	
Canopy dieback (%) – 0	
Total Biodiversity Score – **NA as not subject to clearance approval under the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation*)**	Photo taken facing NE on Smith Road (295068E/6117649N– approximately 30% of the tree requires trimming within the primary clearance envelope.
This tree is in excellent condition, and it is envisaged that it will regenerate once it has been trimmed.	

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Site map showing areas of proposed impact

See Figure 2 above.

Photo log

In addition to the photos provided above, the following photos show the general roadside vegetation present.

Photo taken facing east at corner of staked out compound footprint on SA Water land (Mt Bold Reservoir Reserve). This cleared area is regularly slashed/mown, probably for firebreak and/or fuel reduction purposes. The only native vegetation detected in this area is a slashed *E. obliqua* and *Acacia pycnantha* seedling (both <5cm tall) plus a 10cm x 20cm patch of slashed *Microlaena stipoides*. This vegetation was not deemed to be clearance as it will never be able to reach maturity or form a viable patch of native vegetation.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Photo taken facing SW at 294762E/6117811N – degraded *Eucalyptus obliqua* Woodland on the southern Crossing Road road verge. The Native:exotic Understorey Biomass in this particular section was estimated to be <5%. The new powerline will be installed by directional underground boring and it is not envisaged that this vegetation will be impacted.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Photo taken facing ENE at 294542E/6117691N – *Eucalyptus obliqua* Woodland on the southern Crossing Road road verge. The Native:exotic Understorey Biomass in this particular section was estimated to be >40-80%. The new powerline will be installed by directional underground boring and it is not envisaged that this vegetation will be impacted.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Photo taken at 294764E/6117814N – shows the location on Crossing Road where the underground powerline would connect with the existing powerline/stoby pole. No native vegetation was detected in this area.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

4.2 Threatened Species assessment

Species observed on site, or recorded within 5km of the application area since 1995, or the vegetation is considered to provide suitable habitat

Note: assessment verified with Graham Carpenter, Assessment Officer Native Vegetation Branch on 21/12/20.

Species	Common Name	AUS	SA	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
AMPHIBIA							
Pseudophryne bibronii	Brown Toadlet		R	3	18-May-2009	Inhabits areas that are likely to be inundated after rain. This can be anything from coastal swamps, creeks, temporary ponds/roadside ditches in forest, cleared land, heathland and even sub-alpine areas.	Unlikely as impacted areas do not provide critical habitat for this species.
BIRDS							
Bubulcus ibis coromandus	Eastern Cattle Egret		R	3	25-Sep-1987	The Cattle Egret is found in grasslands, woodlands and wetlands, and is not common in arid areas. It also uses pastures and croplands, especially where drainage is poor. Will also forage at garbage dumps, and is often seen with cattle and other stock.	Unlikely. Not recorded since 1987.
Corcorax melanorhamphos	White-winged Chough		R	3	28-Oct-2019	Tend to prefer the wetter areas, with lots of leaf-litter, for feeding, and available mud for nest building.	Unlikely – prefers more intact woodlands.
Falcunculus frontatus frontatus	Eastern Shriketit		R	3	10-Dec-1994	Mainly occurs in *E. camaldulensis* (especially young trees), *E. viminalis* ssp. and *E. leucoxylon* ssp. woodlands.	Habitat is not suitable. Not recorded since 1994.
Hirundapus caudacutus caudacutus	White-throated Needletail	sp	V	3	29-Jan-1990	Aerial birds and for a time it was commonly believed that they did not land while in Australia. It has	Unlikely. Not recorded since 1990.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Species	Common Name	AUS	SA	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
						now been observed that birds will roost in trees.	
Hylacola pyrrhopygia parkeri	Chestnut-rumped Heathwren (Mount Lofty Ranges)	EN	E	3	06-Feb-2020	Requires dense understorey.	Unlikely. Habitat is not suitable.
Lewin pectoralis pectoralis	Lewin's Rail		V	3	07-Sep-2010	A wetland species.	Unlikely. Habitat is not suitable.
Melanodryas cucullata cucullata	Hooded Robin (YP, MN, AP, MLR, MM, SE)		R	3	01-Dec-1985	Found in lightly timbered woodland, mainly dominated by acacia and/or eucalypts.	Unlikely. Not recorded since 1985.
Melithreptus gularis	Black-chinned Honeyeater		ssp	3	04-Aug-2005	Ffound in the upper levels of open eucalypt forests and woodlands dominated by box and ironback eucalypts. It is often found along waterways.	Unlikely. Habitat is not suitable.
Microeca fascinans	Jacky Winter		R	3	21-Sep-2000	Prefers open woodland with an open shrub layer and a lot of bare ground. They are often seen in farmland and parks.	Unlikely – prefers intact woodlands.
Neophema elegans elegans	Elegant Parrot		R	3	28-Jan-2020	Occurs in a wide variety of open habitats. Feeds on ground taking seeds from grasses and low shrubs.	Likely to utilise Tree 1.
Petroica boodang boodang	Scarlet Robin		R	3	06-Feb-2020	A sedentary bird, observed in open forest and woodlands. It feeds mainly on or near the ground on insects.	Likely to utilise Tree 1.
Petroica phoenicea	Flame Robin		V	3	21-Jun-1986	Prefers forests and woodlands.	Unlikely, last recorded in 1986.
Spatula rhynchotis	Australasian Shoveler		R	3	06-Dec-2000	A wetland species.	Unlikely, habitat is not suitable.
Stagonopleura bella samueli	Beautiful Firetail (MLR and KI)		SP	3	19-Sep-2013	Lives in swampy grassy areass in coastal belts of dry forest, shrubby heath, tea-tree scrub, casuarinas and never far from water.	Unlikely, habitat is not suitable.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Species	Common Name	AUS	SA	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
Turnix varius varius	Painted Buttonquail		R	3	28-Jan-2020	Prefers closed canopies with some understory and deap leaf litter on the ground.	Unlikely, habitat is not suitable.
Zapornia tabuensis	Spotless Crake		R	3	07-Sep-2010	A freshwater wetland species.	Unlikely, habitat is not suitable.
Zoothera lunulata halmaturina	Bassian Thrush (southern FR, MLR, KI)	VU	SP	3	21-Jun-2019	Damp, densely forested areas and gullies are favoured by the Bassian Thrush, usually with a thick canopy overhead and leaf-litter below.	Unlikely, habitat is not suitable.
MAMMALS							
Antechinus flavipes	Yellow-footed Antechinus		V	3	08-Jun-2019	Prefers areas with a moderate to dense shrub layer.	Unlikely as habitat is not suitable
Isoodon obesulus obesulus	Southern Brown Bandicoot (SA mainland and KI)	EN	V	3	25-Oct-2019	This species lives in native vegetation with a thick, often shrubby understorey which is at least knee high and difficult to walk through.	Unlikely as habitat is not suitable.
Ornithorhynchus anatinus	Platypus		E	3	01-Jan-1990	A semi-aquatic species.	Habitat is not suitable. Not recorded since 1990.
Pteropus poliocephalus	Grey-headed Flying-fox	VU	R	3	06-Mar-2020	This species uses a range of habitats for roosts but typically sets up camps in tall, reasonably dense trees adjacent to a water source.	Possible, however impact areas are not likely to provide critical habitat for this species.
Trichosurus vulpecula	Common Brushtail Possum		R	3	22-Apr-2019	No hollows observed in the tree under application, however this species is considered likely to be present in the local area.	No nesting habitat (hollows).
REPTILES							
Egernia cunninghami	Cunningham's Skink		E	3	06-Jan-2010	Forests and woodlands with rock outcrops. The species occurs within forests and open woodland which feature rock outcrops. Groups of	Unlikely, habitat is not suitable.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Species	Common Name	AUS	SA	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
						Cunningham's Skinks bask on top of rocks and will scurry in between rock ledges to shelter.	
Varanus rosenbergi	Heath Goanna		V	3	01-Jan-2014	This species most often inhabits sandy heathland, open woodland or sclerophyll forest, although the species is known to occur in other vegetation types. Heath monitors excavate burrows for refuge, or occupy rocky fissures and hollow trees.	The impact areas are unlikely to provide critical habitat for this species.

Source; 1- BDBSA, 2 - AoLA, 3 – NatueMaps 4 – Observed/recorded in the field, 5 - Protected matters search tool, 6 – others
NP&W Act; E= Endangered, V = Vulnerable, R= Rare
EPBC Act; Ex = Extinct, CR = Critically endangered, EN = Endangered; VU = Vulnerable

Criteria for the likelihood of occurrence of species within the Study area.

Likelihood	Criteria
Highly Likely/Known	Recorded in the last 10 years, the species does not have highly specific niche requirements, the habitat is present and falls within the known range of the species distribution or; The species was recorded as part of field surveys.
Likely	Recorded within the previous 20 years, the area falls within the known distribution of the species and the area provides habitat or feeding resources for the species.
Possible	Recorded within the previous 20 years, the area falls inside the known distribution of the species, but the area provide limited habitat or feeding resources for the species. Recorded within 20 -40 years, survey effort is considered adequate, habitat and feeding resources present, and species of similar habitat needs have been recorded in the area.
Unlikely	Recorded within the previous 20 years, but the area provide no habitat or feeding resources for the species, including perching, roosting or nesting opportunities, corridor for movement or shelter. Recorded within 20 -40 years; however, suitable habitat does not occur, and species of similar habitat requirements have not been recorded in the area. No records despite adequate survey effort.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

4.3 Cumulative impact

When exercising a power or making a decision under Division 5 of the Native Vegetation Regulations 2017, the NVC must consider the potential cumulative impact, both direct and indirect, that is reasonably likely to result from a proposed clearance activity.

The extent and severity of impacts on native vegetation from the proposed works has been minimized as much as is practical. Once the NBN tower and associated infrastructure has been installed, it is highly likely that the trimmed trees and small patches of native vegetation which will be disturbed will be able to regenerate and recover fully.

It is not envisaged that any subsequent clearance will be required and there should be no indirect clearance occurring as a result of the works which will be of short duration and have a very small footprint. No future stages or associated components are expected for this development.

4.4 Address the Mitigation Hierarchy

When exercising a power or making a decision under Division 5 of the Native Vegetation Regulations 2017, the NVC must have regard to the mitigation hierarchy. The NVC will also consider, with the aim to minimize, impacts on biological diversity, soil, water and other natural resources, threatened species or ecological communities under the EPBC Act or listed species under the NP&W Act.

a) Avoidance – outline measures taken to avoid clearance of native vegetation

A site visit was undertaken which included representatives from Aurecon and Visionstream. Every effort has been made to avoid removal and/or trimming of trees along both Smith Road and Crossing Road. This includes the undergrounding of powerlines via horizontal direction drilling and the siting of the monopole compound on a previously cleared patch of SA Water land which is slashed/mown. As a result, the section of significant roadside vegetation on Crossing Road (AHC Conservation Site No. 432) will not be impacted.

b) Minimization – if clearance cannot be avoided, outline measures taken to minimize the extent, duration and intensity of impacts of the clearance on biodiversity to the fullest possible extent (whether the impact is direct, indirect or cumulative).

Measures which have been taken to miminise the impacts of clearance include:

- reduction of the clearance envelope as much as possible by the use of directional horizontal drilling which is a minimal impact trenchless method of installing powerlines;
- location of the places where the directional bore will enter the ground in highly degraded areas of roadside;
- trees identified for trimming will only be trimmed back to a point where the passage of trucks is enabled and it is envisioned that these trees will fully recover from trimming; and
- minimization of disturbance through careful management of vehicles and machinery on the site both during and after monopole installation.

c) Rehabilitation or restoration – outline measures taken to rehabilitate ecosystems that have been degraded, and to restore ecosystems that have been degraded, or destroyed by the impact of clearance that cannot be avoided or further minimized, such as allowing for the re-establishment of the vegetation.

Rehabilitation/restoration measures to be undertaken include:

- Allowing all 7 trees to be trimmed to re-shoot once the installation of the monopole is complete; and
- Ensuring good weed and pathogen hygiene both during and after monopole installation.

In addition, any stipulations laid out by the Adelaide Hills Council will be adhered to.

d) Offset – any adverse impact on native vegetation that cannot be avoided or further minimized should be offset by the achievement of a significant environmental benefit that outweighs that impact.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

The surrounding land does not belong to the NBN, and so there is no on-ground SEB offset option available. In this case, the offset would need to be a payment directly into the Native Vegetation Fund.

4.5 Principles of Clearance (Schedule 1, *Native Vegetation Act 1991*)

The Native Vegetation Council will consider Principles 1(b), 1(c) and 1(d) when assigning a level of Risk under Regulation 16 of the Native Vegetation Regulations. The Native Vegetation Council will consider all the Principles of clearance of the Act as relevant, when considering an application referred under the *Planning, Development and Infrastructure Act 2016*.

Principle of clearance	Relevant information	Assessment against the principles	Moderating factors that may be considered by the NVC
Principle 1b - significance as a habitat for wildlife	**Tree 1** potentially provides habitat for 2 bird species listed as Rare in South Australia: • Scarlet Robin (*Petroica boodang boodang*) • Elegant Parrot (*Neophema elegans elegans*) Threatened Fauna Score for Tree 1 – 0.05 **Patches** of highly degraded *E. obliqua* Woodland Unit biodiversity Score – 2.46	At Variance – - Trimming of Tree 1 Not at Variance – patches of highly degraded *E. obliqua* Woodland	The tree is likely to recover post-trimming. NA
Principle 1c - plants of a rare, vulnerable or endangered species	Nil recorded	Not At Variance	-
Principle 1d - the vegetation comprises the whole or part of a plant community that is Rare, Vulnerable or endangered:	No threatened plant community present in the areas of impact.	Not At Variance	-

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

4.6 Risk Assessment

Determine the level of risk associated with the application

Total clearance	No. of trees	1 tree to be trimmed (all other tree trimming is exempt under the Roadside Vegetation Guidelines)
	Area (ha)	0.0024 ha of degraded *E. obliqua* Woodland (2 small patches)
	Total biodiversity Score	1.97 (Tree 1) 0.01 (2 small patches)
Seriously at variance with principle 1(b), 1(c) or 1 (d)		No
Risk assessment outcome		Level 2 (Tree 1) Level 1 (2 x patches of degraded *E. obliqua* Woodland)

4.7 NVC Guidelines

Provide any other information that demonstrates that the clearance complies with any relevant NVC guidelines related to the activity.

Clearances conform to "Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation" as appropriate.

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

5. Clearance summary

Clearance Area(s) Summary table

Block	Site	Species diversity score	Threatened Ecological community Score	Threatened plant score	Threatened fauna score	UBS	Area (ha)	Total Biodiversity score	Loss factor	Loadings	Reductions	SEB Points required	SEB payment	Admin Fee
1		3	1	0	0	2.46	.0024	.01	1			0.01	6.26	0.34
						Total	**0.0024**	**.01**				**0.01**	**$6.26**	**$0.34**

Scattered trees Summary table

Tree or Cluster ID	Number of trees	Fauna Habitat score	Threatened flora score	Biodiversity score	Loss factor	SEB Points required	SEB Payment	Admin Fee
1	1	1	0	1.97	0.4	0.83	$837.15	$46.04
Total	**1**			**1.97**		**0.83**	**$837.15**	**$46.04**

Totals summary table

	Total Biodiversity score	Total SEB points required	SEB Payment	Admin Fee	Total Payment
Application	1.98	0.84	$843.41	$46.38	$889.79

Economies of Scale Factor	0.5
Rainfall (mm)	766

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

6. Significant Environmental Benefit

A Significant Environmental Benefit (SEB) is required for approval to clear under Division 5 of the *Native Vegetation Regulations 2017*. The NVC must be satisfied that as a result of the loss of vegetation from the clearance that an SEB will result in a positive impact on the environment that is over and above the negative impact of the clearance.

ACHIEVING AN SEB

Indicate how the SEB will be achieved by ticking the appropriate box and providing the associated information:

☐ Establish a new SEB Area on land owned by the proponent.

☐ Use SEB Credit that the proponent has established. Provide the SEB Credit Ref. No. _____

☐ Apply to have SEB Credit assigned from another person or body. The application form needs to be submitted with this Data Report.

☐ Apply to have an SEB to be delivered by a Third Party. The application form needs to be submitted with this Data Report.

☒ Pay into the Native Vegetation Fund.

PAYMENT SEB

If a proponent proposes to achieve the SEB by paying into the Native Vegetation Fund, summary information must be provided on the amount required to be paid and the manner of payment:

Payment amount required = $889.79

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

7. Appendices

Appendix 7.1. Bushland and Scattered Tree Vegetation Assessment Scoresheets associated with the proposed clearance and SEB Area (to be submitted in Excel format)

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Tree to be trimmed at Smith Road gate

Number of trees in a clump (enter 1 for individual trees)	Height (m)	Diameter at 1m above ground level (cm)	Dieback %	Number of Hollows			Suitability for fauna threatened species				Threatened sp.	Remnancy IBRA Assoc. % veg remaining	Loss Factor	Species	Fauna habitat Score	Threatened flora score	Biodiversity score (Max 15) (Score per tree)	Total biodiversity score	SEB Points Req.	Total SEB Payment $
							Number of species				Tree species is; R = Rare V = Vulnerable E = Endangered									
				Small	Medim	Large	Uncommon	NP&W Act - Rare	NP&W Act - Endangered or Vulnerable (exclude EBPC Spp)	EPBC Listed spp.										
1	16.0	50	0	0	0	0		2				15	0.4	Eucalyptus obliqua	1	0	1.97	1.97	0.83	$879.01

SEB Required for Scattered Trees

(Version - 1 July 2020)

Landscapes Region	H&F	Total Biodiversity Score	1.97
Mean Annual Rainfall (mm)	766	Total SEB Points required	0.83
Economies of Scale factor	0.5	Total SEB $ required	$883.19
IBRA Association	Hahndorf		

Tree Species	Number of Trees	Total SEB Points required	Payment in NV Fund (GST Exclusive)	Administration fee (GST Inclusive)	Total
Eucalyptus obliqua	1	0.83	$837.15	$46.04	$883.19

ADELAIDE HILLS COUNCIL
RECEIVED 10/02/2021

Patches of degraded native vegetation

Vegetation Condition Scores

SITE:	Crossing Road & Smith Road, Mylor
VEGETATION ASSOCIATION DESCRIPTION	Highly degraded E. obliqua Woodland
SIZE OF SITE (Ha)	0.0024

Native Plant species diversity	
Score the diversity of species present in the site as a proportion to what would be expected in a vegetation of that community in very good condition (approaching a pre-European state)	
<5% (3 Points)	☑
5-10% (6 Points)	☐
11 - 20% (9 Points)	☐
21 - 30% (12 Points)	☐
31 - 40 % (15 Points)	☐
41 - 50% (18 Points)	☐
51 - 60% (21 Points)	☐
61 - 70% (24 Points)	☐
71 - 80% (27 Points)	☐
>80% (30 Points)	☐
Native Plant species diversity score (max score of 30)	3

Regeneration	
No regeneration present (0 Points)	☑
Very low regeneration, consisting of highly scattered juvenile plants of a limited number of species (3 points)	☐
Regeneration present, consisting of multiple individual juvinile plants but a limited number of species (6 points)	☐
Multiple species regenerating, but low numbers of juvenile plants (9 points)	☐
Multiple species regenerating with multiple individual juviniles present with varying age classes (12 points)	☐
Regeneration Score (Max 12)	0

Weed Scores	
Does the site contain plant species declared under the *NRM Act 2004* (1.5 points)	☐
Cover rating for all declared weeds (max of 6)	
Does the site contain environmental weeds (introduced plants with the capacity to invade and exclude native species from bushland. This typically includes species with a BCM weed threat rating of 3, 4 or 5). (1 Point)	☑
Cover rating for all environmental weeds (max of 6)	6
Weed Score (max score of 15)	9

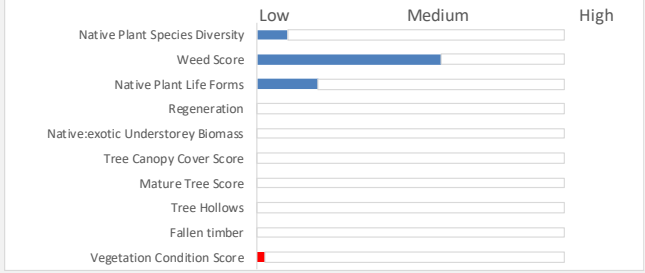
Native Plant life form	
All strata of vegetation heavily impacted and native vegetation represented by only scattered plants (4 points)	☑
All strata of vegetation impacted with limited structural diversity, largely uniform age classes and reduced vegetation cover (8 points)	☐
At least one strata of vegetation has been impacted, with reduced structural diversity, elements may be missing (such as plant species that provide specific structural features e.g. sedges or mid layer shrubs) and reduce vegetation cover (12 points)	☐
Limited impacts on native vegetation, with a diversity of structural features and a varied age class, with only a minor loss in structurally diversity, vegetation cover or structural elements (16 points)	☐
All strata of vegetation present, little or no sign of disturbance. A variety of life forms and associated age classes present. Vegetation cover near complete (20 points)	☐
Native Plant life form score (max 20)	4

Is the community naturally treeless?	☐
Mature Tree Score (max 8)	0
Fallen timber/debris (max 5)	0
Hollow-bearing trees Score (max 5)	0
Tree Canopy Cover Score (max 5)	0
Native:exotic Understorey biomass score (max 5)	0

Vegetation Condition Score calculation

Positive Vegetation Attributes Score = Native species diversity + Regeneration + Native Plant Life Forms + Mature Trees + Fallen timber/debris + Hollow-bearing trees

If the community is naturally treeless this score is multiplied by 1.24	7.00
Negative Vegetation Attributes Score = (15 - Weeds) + ((10 - Biomass score - Tree Canopy Cover Score)exp2/2)	56.00
VEGETATION CONDITION SCORE (Positive veg attributes x ((Negative vegetation attributes + 60) / 80))	**2.10**



Conservation Significance Score

Is the vegetation association considered a Threatened Ecological community or Ecosystem?	**Yes/No**
State (Provisional List of Threatened Ecosystems of SA) **Rare** community (0.1 pt)	☐
State (Provisional List of Threatened Ecosystems of SA) **Vulnerable** community (0.2 pts)	☐
State (Provisional List of Threatened Ecosystems of SA) **Endangered** community (0.3 pts)	☐
Nationally (EPBC Act) **Vulnerable** community (0.35 pts)	☐
Contains a Nationally (EPBC Act) **Endangered** or **Critically Endangered** community (0.4 pts)	☐
Note; all sites will score a minimum Conservation Significance Score of 1 **Threatened CommuntiyScore**	1

Number of Threatened Flora Species recorded for the site (within the site)	**Number**
**If a species has both a State (NP&W Act) and National (EPBC Act) rating, it's only recorded for its National rating.*	
State **Rare** species recorded (1 pt each)	0
State **Vulnerable** species recorded (2.5 pt each)	0
State **Endangered** recorded (5 pts each)	0
Nationally **Vulnerable** species recorded (10 pts each)	0
Nationally **Endangered** or **Critically endangered** species recorded (20 pts each)	0
0 = 0 pts; <2 = 0.04 pts; 2 - <5 = 0.08 pts; 5 - <10 = 0.12 pts; 10 - <20 = 0.16pts; 20 or > = 0.2 pts	**0**
Threatened Flora Score	0

Potential habitat for Threatened Fauna Species (number observed or previously recorded)	**Number**
**If a species has both a State (NP&W Act) and National (EPBC Act) rating, it's only recorded for its National rating.*	
State **Rare** species observed or locally recorded (1 pt each)	0
State **Vulnerable** species observed or locally recorded (2.5 pt each)	0
State **Endangered** species observed or locally recorded (5 pt each)	0
Nationally **Vulnerable** species observed or locally recorded (10 pts each)	0
Nationally **Endangered** or **Critically endangered** species observed or locally recorded (20 pts each)	0
0 = 0 pts; <2 = 0.02 pts; 2 - <5 = 0.04 pts; 5 - <10 = 0.06 pts; 10 - <20 = 0.08pts; 20 or > = 0.1 pts	**0**
Threatened Fauna Score	0
CONSERVATION SIGNIFICANCE SCORE	**1**

Total Scores for the Site

	Score
LANDSCAPE CONTEXT SCORE	**1.17**
VEGETATION CONDITION SCORE	**2.10**
CONSERVATION SIGNIFICANCE SCORE	**1.00**

Vegetation Condition x Landscape Context x Conservation Significance = **UNIT BIODIVERSITY SCORE**	2.46
Total Biodiversity Score (Biodiversity Score x hectares)	0.01

Photo Point and Vegetation Survey Location

Direction of the Photo

GPS Reference	
Datum	GDA94
Zone (52, 53 or 54)	54
Easting (6 digits)	294636
Northing (7 digits)	6117756

Description

Assessment for Clearance

Loss Factor	1.0
Loadings for clearance of protected areas	
Reductions for rehabilitation of impact site	
SEB Points required	**0.01**

Approximate hectares required	0.00
Economies of Scale factor	0.50
Mean Annual rainfall for the site (mm)	766
Payment into the fund (GST Exclusive)	**$6.26**
Administration fee (GST Inclusive)	**$0.34**

Native Vegetation Council

81-95 Waymouth St, ADELAIDE SA 5000 | GPO Box 1047, ADELAIDE SA 5001
Ph| 08 8303 9777; email| nvc@sa.gov.au

DECISION NOTIFICATION
Native Vegetation Regulations 2017

Application Number: 2021/3052/473

To: Aurecon Australasia
c/- Kate Croucher
Level 3, 25 Grenfell Street
ADELAIDE SA 5000
Via: Kate.Croucher@aurecongroup.com

Date Received: 19/2/2021
Date Registered: 22/3/2021

Applicant	Aurecon Australasia Pty Ltd
Landholder	Road reserve
Purpose of application	Clearance of native vegetation for the installation of underground power lines, NBN infrastructure.
Description of native vegetation under application	**Crossing Road** Clearance of degraded Messmate Stringybark (*Eucalyptus obliqua*) understory totalling 0.0014ha for underground powerline construction. **Smith Road** Clearance of four regenerating Varnish Wattles (*Acacia verniciflua*) and degraded understory totalling 0.001ha and pruning of one Messmate Stringybark (*Eucalyptus obliqua*) for installation of double gate access.
Location of the application	Road reserve adjoining F152507 A31, Hundred of Noarlunga, CT 5612/634 and F152512 A36, Hundred of Noarlunga, CT 5785/398

Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 34 of the *Native Vegetation Regulations 2017*.

In respect of the application you are informed that the Native Vegetation Council:

1. **Grants consent** to the clearance of 0.0024 ha of native vegetation and pruning of one tree in the area shown on the attached Decision Plans 2021/3052/473 for the purpose of installing infrastructure.

Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 34.

Conditions of approval

This approval is subject to the conditions specified below. These conditions have been imposed to ensure that the impacts on native vegetation and biodiversity from approved clearance is adequately minimised and mitigated;

1. The applicant must ensure that only native vegetation approved for removal in accordance with this decision is removed. Prior to clearance commencing, the applicant must advise all persons undertaking the vegetation removal or working on site, of all relevant conditions of approval and associated statutory requirements.

Government
of South Australia

2. No clearance to occur until Development Approval has been obtained under the *Planning, Development and Infrastructure Act 2016* (including Building Rules Consent where required).
3. Prior to clearance commencing, the applicant must define the area or trees approved for clearance with markings, barriers, pegs, flags or temporary fencing. The markings, barriers, pegs, flags or temporary fencing must remain in place, in good condition and clearly visible, for the period in which clearance is occurring.
4. The Significant Environmental Benefit requirement (equivalent to 0.84 SEB points) is to be achieved by making a payment into the Native Vegetation Fund of $889.79 ($843.41 for clearance GST exclusive and $46.38 for the administration fee GST inclusive) prior to any clearance occurring (Note an invoice will be sent once the attached form 'Decision Notification acknowledgement' form is signed and returned.);
5. Members of the NVC or a person who is an authorised officer under the Act may at a reasonable time enter the property of the landowner for the purpose of assessing and recording any matter relevant to this consent. A person undertaking such an assessment may be assisted by other suitable persons. Any such inspection will only be taken after there has been an attempt to contact the landowner.
6. Non-compliance with any of the conditions of this approval must be reported to the Native Vegetation Council as soon as practical after the non-compliance being detected, but must be within a maximum of seven days. The report must include details of the nature of the breach, the location and extent of the breach and the actions taken and associated timing for completion of those actions, to address the breach.
7. No clearance is to occur until the attached form, "Decision Notification Acknowledgement", is signed and returned to confirm that the applicant and anyone else who is a party to the agreement, understand and will comply with the decision, including all the associated conditions.
8. The applicant must adequately inform any prospective purchaser, lessee or occupier of the land affected by conditions in this consent, of the relevant conditions.
9. Where trees are to be pruned, pruning must be conducted in accordance with the Australian Standard for Pruning Amenity Trees (AS4373-2007). Branches or limbs are to be cut cleanly back to the nearest trunk.

Expiry date of approval

The approval to clear native vegetation in accordance with this decision ceases after 2 years from the decision date.

Signature	
Name	Adam Schutz
Position	**DELEGATE TO NATIVE VEGETATION COUNCIL**
Date	29/4/2021 (Decision Date)

Notes

1. **Effect of Consent**
   This Decision Notification grants consent under the *Native Vegetation Act 1991* only and does not imply approval under any other legislation. It is the responsibility of the landowner to obtain all relevant approvals for any proposed development. This includes any approval that might be required in relation to the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*.

2. Conditions

Please note that these conditions are an integral part of the consent and are legally binding under the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*. Should **any** clearance occur in accordance with this decision, the conditions are enforceable in full.

Any conditions of consent are binding on and enforceable against the person granted the approval, any current and future owners of the land, any occupier of the land and any person who acquires the benefit of the clearance.

3. Amended decisions

Where a decision is amended, all previous versions of the decision are null and void.

If an application to amend a decision will substantially alter the nature of the original application or conditions of approval, the Native Vegetation Council may require a new application be submitted.

4. SEB Areas

All areas established as a condition of consent to provide a significant environmental benefit, whether through revegetation, management or protection of an area of native vegetation, are protected in perpetuity under the *Native Vegetation Act 1991*. No clearance of native vegetation within these areas can occur without the consent of the Native Vegetation Council.

5. Monitoring

The Native Vegetation Council undertakes a program of monitoring of conditions attached to any clearance consent. As part of this program, the landowner may be contacted by an officer of Department to arrange inspections. Should it be evident that the conditions have not be applied with in full, the landholder will be informed in writing of the nature of breach of the conditions and given an opportunity to comply with the conditions. However, if the breach of the conditions is substantial, ongoing or irreversibly, then the Council may take compliance actions under Section 31 of the *Native Vegetation Act 1991*.

6. Use of cleared vegetation

Native vegetation authorised for clearance under a Decision Notification may be a useful resource, as a source of seed for local revegetation projects, for woodcraft purposes or providing hollows for relocation. Please consider notifying any local seed collection groups to offer them the opportunity of collecting seed at the time of clearance, and making any timber from the cleared trees available for woodcraft or hollow relocation.

DECISION NOTIFICATION ACKNOWLEDGEMENT

Application Number: **2021/3052/473**

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 29/4/2021) are fully aware and will comply with the decision and all the attached conditions.

Name of applicant: .....

Signature of applicant or seal of Company and authorised signatory, including the signature of any other parties to the decision:

.....

.....

.....

.....

Date : .....….

Note: *Sign and return this form by post or email to:*

Send to: **Native Vegetation Branch**
C/o
Department for Environment and Water
GPO Box 1047 Adelaide SA 5001

Email: **brianna.fyffe2@sa.gov.au**

Native Vegetation Clearance Application

Government of South Australia
Department for Environment and Water

DECISION PLAN (2 of 2)

TO FORM PART OF THE DECISION TO THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3052/473

HUNDRED of NOARLUNGA

Road reserve adjacent F152512/A36

Certificate of Title CT 5785/398

Conditional Consent

Property/Section Boundary

Road

Produced for: Native Vegetation Council
By: Native Vegetation Branch
Department for Environment and Water

Imagery: Latest_Imagery_ImageMapSA

Date: 29/4/2021
Version: 01
Datum: GDA94

Native Vegetation Council

Delegate, Native Vegetation Council

Decision Date: 29/4/2021

N

DISCLAIMER
The Department for Environment and Water its employees and servants do not warrant or make any representation regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise.
The Department for Environment and Water, its employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein.

Meters
0 6 12 18 24 30
Scale: 1:381

© Government of South Australia, through the Department for Environment and Water. This work is Copyright. Apart from any use permitted under the Copyright Act 1968 (Cwlth), no part may be reproduced by any process without prior written permission obtained from the Department for Environment and Water. Requests and enquiries concerning reproduction and rights should be directed to the Chief Executive, Department for Environment and Water, GPO Box 1047, Adelaide SA 5001.

Native Vegetation Clearance Application

Government of South Australia
Department for Environment and Water

DECISION PLAN (1 of 2)

TO FORM PART OF THE DECISION TO THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3052/473

HUNDRED of NOARLUNGA

Road reserve adjacent F152507/A31

Certificate of Title CT 5612/634

Conditional Consent

Conditional Consent - Pruning only

Property/Section Boundary

Road

Produced for: Native Vegetation Council
By: Native Vegetation Branch
Department for Environment and Water

Imagery: Latest_Imagery_ImageMapSA

Date: 29/4/2021
Version: 01
Datum: GDA94

Native Vegetation Council

Delegate, Native Vegetation Council

Decision Date: 29/4/2021

N

DISCLAIMER
The Department for Environment and Water its employees and servants do not warrant or make any representation regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise.
The Department for Environment and Water, its employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein.

Meters
0 8.5 17 25.5 34 42.5
Scale: 1:560

© Government of South Australia, through the Department for Environment and Water.
This work is Copyright. Apart from any use permitted under the Copyright Act 1968 (Cwlth), no part may be reproduced by any process without prior written permission obtained from the Department for Environment and Water. Requests and enquiries concerning reproduction and rights should be directed to the Chief Executive, Department for Environment and Water, GPO Box 1047, Adelaide SA 5001.

Environment Protection Authority
GPO Box 2607 Adelaide SA 5001
211 Victoria Square Adelaide SA 5000
T (08) 8204 2004
Country areas 1800 623 445

EPA Reference: 34991

26 March 2021

Mr Doug Samardzija
Statutory Planner
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

Dear Mr Samardzija

ADVICE FOR REGARD - Non-complying development within the Mount Lofty Ranges Water Protection Area

Development Application No.	473/1005/20
Applicant	NBN Co Limited (Aurecon Australaisa Pty Ltd)
Location	A10, A11, and A12 FP152770 HD Noarlunga, Lot 10 Crossing Road, Mylor SA 5153
Activity of Environmental Significance	Schedule 8 Item 10(a) - non-complying development in the Mount Lofty Ranges Water Protection Area
Proposal	Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)

Decision Notification	A copy of the decision notification must be forwarded to: Client Services Officer Environment Protection Authority GPO Box 2607 ADELAIDE SA 5001

I refer to the above development application forwarded to the Environment Protection Authority (EPA) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves an activity of environmental significance as described above.

The following response is provided in accordance with Section 37(4)(a)(i) of the *Development Act 1993* and Schedule 8 Item 10(a) of the *Development Regulations 2008*.

In determining this response the EPA had regard to and sought to further the objects of the

Environment Protection Act 1993, and also had regard to:

- the General Environmental Duty, as defined in Part 4, Section 25 (1) of the Act; and
- relevant Environment Protection Policies made under Part 5 of the Act.

Please direct all queries relating to the contents of this correspondence to Hayley Riggs on telephone (08) 82071916 or facsimile (08) 8124 4673 or email hayley.riggs@epa.sa.gov.au.

THE PROPOSAL

The proposal is for the installation of a fixed wireless telecommunications facility for the National Broadband Network (nbnTM). The proposed facility includes a transmitting antenna, secure foundation and related infrastructure, including:

- a 45 metre high monopole
- one wideband antenna
- one parabolic antenna
- two panel antennas
- 12 remote radio units
- two outdoor cabinets
- chainlink fencing and ancillary equipment.

SITE DESCRIPTION

The site of the proposed development is located at 10 Crossing Road, Mylor, formally described as Allotment 10 in Filed Plan 152770 in the Hundred of Onkaparinga.

The subject land is located within the Watershed (Primary Production) Zone and the Watershed Protection Policy Area 5 of the *Adelaide Hills Council Development Plan* (consolidated 8 August 2019).

The subject site is also located within Priority Area 1 of the Mount Lofty Ranges Watershed and within the Mount Lofty Ranges Water Protection Area proclaimed under the Environment Protection Act.

The site is owned by SA Water.

CONSIDERATION

Advice in this letter includes consideration of the location with respect to existing land uses and is aimed at protecting the environment and avoiding potential adverse impacts upon the locality.

As the referral trigger to the EPA for assessment is non-complying development in the Mount Lofty Ranges Water Protection Area, as per Schedule 8 of the Development Regulations, the EPA has only provided an assessment of the potential water quality impacts that may result from the proposed development. As such, there has been no assessment undertaken of any other potential environmental impacts.

ENVIRONMENTAL ISSUES

Water Quality

Water quality in South Australia is protected by the Environment Protection Act and the associated *Environment Protection (Water Quality) Policy 2015* ("the Water Quality Policy").

The Water Quality Policy places a general obligation on persons undertaking activities and the occupiers of land to take all reasonable and practicable measures to prevent and/or minimise environmental harm and avoid discharging or depositing of waste from that activity into any waters or onto land in a place from which it is reasonably likely to enter any waters.

A note to remind the applicant/operator of their obligations is recommended below.

Construction works

Building sites can be major contributors of sediment, suspended solids, concrete wash, building materials and wastes to stormwater and receiving waters.

The supplied documentation states that "all erosion and sediment control mitigation measures will be detailed in construction plans and will comply with the Building Code of Australia and Local Council standards. In addition, contractors must comply with the 'nbnTM Construction Specification' that requires contractors to undertake the necessary erosion and sediment control measures in order to protect the surrounding environment". It is also stated that "on completion of the installation, the site would be restored and reinstated to an appropriate standard".

Given the construction works would be undertaken within the Mount Lofty Ranges Water Protection Area, a Soil Erosion and Drainage Management Plan (SEDMP) must be prepared to the reasonable satisfaction of the Adelaide Hills Council. The SEDMP would need to document the soil erosion control and drainage management strategy to be adopted for the proposed construction of the new telecommunications facility.

The SEDMP must consider (but would not necessarily be limited to):

- the direction of stormwater flows and drainage patterns
- the location of stockpiles and materials and waste management
- a wash-down area for equipment
- contained areas for paint, plastering wash-water, concreting works and brick cutting (where applicable).

The SEDMP must be prepared in accordance with the *Code of Practice for the Building and Construction Industry (1999) (*found at: http://www.epa.sa.gov.au/files/47790_bccop1.pdf) to prevent soil sediment and pollutants leaving the site or entering receiving waters during development of the site. A condition in relation to the preparation of a SEDMP is advised below.

CONCLUSION

Provided soil erosion and drainage management is appropriately implemented during the construction of the development, the EPA is satisfied that the proposal would not impact on water quality within

the Mount Lofty Ranges Water Protection Area and can be undertaken in a manner that is consistent with the Water Quality Policy.

ADVICE

The planning authority is advised to attach the following condition to any approval:

1. Prior to construction commencing, a Soil Erosion and Drainage Management Plan (SEDMP) must be prepared and submitted to the reasonable satisfaction of the Adelaide Hills Council and must be implemented during construction to prevent soil sediment and pollutants leaving the site during the construction phase. Note: For information on preparation and implementation of a SEDMP refer to the *Code of Practice for the Building and Construction Industry,* found at: http://www.epa.sa.gov.au/files/47790_bccop1.pdf

The following notes provide important information for the benefit of the applicant and are requested to be included in any approval:

- The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- The applicant is advised that the *Environment Protection (Water Quality) Policy* 2015 came into effect on 1 January 2016 and all reasonable and practicable measures must be put in place to prevent or minimise environmental harm during the construction process. The *Environment Protection (Water Quality) Policy 2015* can be found at: https://www.legislation.sa.gov.au/LZ/C/POL/Environment%20Protection%20(Water%20Quality)%20Policy%202015.aspx
- EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: http://www.epa.sa.gov.au .

Yours faithfully

Courtney Stollznow
Delegate
ENVIRONMENT PROTECTION AUTHORITY

South Australian Development Act 1993
REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: David Parker

Postal Address: PO Box 704 Mylor 5153

Contact No: [redacted]

Email: [redacted]
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: supports the proposed development ~~**OR** opposes the proposed development~~
(cross out whichever does not apply)

My interests are: owner of local property ~~OR occupier of local property~~
~~a representative of a company OR Other~~
~~organisation affected by the proposal OR a private citizen~~
(cross out whichever does not apply)

The address of the property affected is:
132 Silver Lake Road Mylor Postcode: 5153

The specific aspects of the application to which I make representation are:
I believe this is the best/preferred option in regards to providing nbn service to the outskirts of Mylor. I also believe the proposed location for the tower is satisfactory and inhibites very ~~very~~ few neighbouring properties.

My objections (if any) could be overcome by:

(cross out whichever does not apply)
~~I do wish to be heard in support of my representation by appearing personally~~
~~or by being represented by the following person:~~

OR
I do not wish to be heard in support of my representation.

Date: 5/3/21 Signature: [signature]

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

South Australian Development Act 1993
REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: MR. KYM MILNE & MS. ELIZABETH JANE MCLAREN.

Postal Address: PO Box 374, MYLOR, S.A. 5153

Contact No: [redacted]

Email: [redacted]
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: supports the proposed development ~~OR opposes the proposed development~~
(cross out whichever does not apply)

My interests are: owner of local property ~~OR occupier of local property~~
~~a representative of a company OR Other organisation affected by the proposal OR a private citizen~~
(cross out whichever does not apply)

The address of the property affected is:
665 STRATHALBYN RD, MYLOR, SA. Postcode: 5153.

The specific aspects of the application to which I make representation are:
See attached representation

My objections (if any) could be overcome by:
No objections

(cross out whichever does not apply)
I do wish to be heard in support of my representation by appearing personally or by being represented by the following person.....
OR
I do not wish to be heard in support of my representation.

Date: 9/3/2021 Signature: .....

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will

Development Number: 20/1005/473

The specific aspects of the application to which I make representation are:

1. This development is desperately needed. My wife and I operate a winemaking consultancy business from our home just outside Mylor at the address stated on this form. The clients of the business are both local, interstate and international. The current internet service available to us (ADLS2) is hopelessly inadequate for the needs of the business, and seems to be getting slower. Internet phone calls with overseas clients often drop out or become unintelligible due to lack of internet speed; larger files sent to us (e.g. wine packaging) can take ages to download. This lack of suitable internet connection – i.e. no suitable NBN available – will only continue to further limit our ability to operate our business
2. To be situated only 25 km's from a state capital city, and not be offered suitable NBN access is very poor. The only option without this tower is satellite NBN as I understand it, which from the research I have done is unreliable, drops out often, gives poor speeds and will be no better than the current very poor service we currently have. Satellite NBN is listed as being for " remote Australia and offshore islands" where there is no other option. It should not be the only option for someone 25km from the city centre of a State capital!
3. The location for this tower is in our opinion very suitable. It will have minimal visual impact, it will be well screened by native vegetation and would have no negative impact on local landowners.

This Development is very strongly supported by us, and will be crucial for us to continue operating our business.

MR KYM MILNE

JANE McCARROW

9/3/2021.

South Australian Development Act 1993
REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: KEN LYNN

Postal Address: 23 SMITH ROAD MYLOR 5153

Contact No: [redacted]

Email: [redacted]
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: ~~supports the proposed development~~ **OR** opposes the proposed development
(cross out whichever does not apply)

My interests are: owner of local property ~~OR occupier of local property~~
~~a representative of a company OR Other organisation affected by the proposal OR a private citizen~~
(cross out whichever does not apply)

The address of the property affected is:

23 SMITH ROAD MYLOR SA Postcode: 5153

The specific aspects of the application to which I make representation are:

see attached document

My objections (if any) could be overcome by:

Complete rejection of NBN application

(cross out whichever does not apply)
I do wish to be heard in support of my representation by appearing personally
~~or by being represented by the following person~~
OR
~~I do not wish to be heard in support of my representation.~~

Date: 10th March 2021 Signature: [signature]

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

An Objection To
The Proposed Development 20/1005/473
and
Proposed National Broadband Network Fixed Wireless Facility
for the Mylor Area

Introduction

I make reference to the proposed NBN tower on Crossing Road, Mylor with which we at 23 Smith Road are vehemently opposed for a variety of reasons.

The issue is complex and should never be swept aside with an airy wave of a hand.

The Standards Argument

The Nature of Standards

Although this may seem a strange topic to start the submission, I wish to clear the decks as a short discussion about standards in our industrial society is warranted.

I do not intend to talk about any particular standards but to talk about standards in general. I also realise that this will be extremely boring to those who are very familiar with the use of standards and so I offer my apologies to you.

Standards, of which I have used many in my own engineering career, should be the accumulation of wisdom accrued in a particular area through research, development and experience.

This process of developing standards is a time consuming process that occurs after the facts are well known, and so their very nature is to lag, often considerably, any advances in a particular discipline.

It needs to be pointed out that countries usually have their own standards which although similar in intent can vary quite considerably in detail

Organisations and businesses can often choose what standard they want to use unless they are compelled to conform to a particular country's standard.

The Standards and Mylor NBN

For this reason the adherence to relevant standards by the NBN are to be commended and indeed expected. However, although standards are a necessary foundation of any design,

development, manufacture, or installation, they may not be adequate given any new data or information.

Subsequent new information usually compels the diligent professional engineer to go further than the dictates of a standard for the safety and operation of any device. In other words the duty of care should be uppermost.

My point is that the stance that NBN may take that they fulfill the requirements of standards is not at all a guarantee that the devices are safe for operators or the public when further evidence shows the contrary.

The requirements of any standards are necessary but are often not sufficient.

Health Issues For Humans

Putting Our Actions and Money Where Our Mouth Is

We take very seriously the health dangers that attend exposure to Electromagnetic Radiation (EMR). We are aware of the industry's assurances that it is perfectly safe (they wouldn't do anything else), but we are also aware of significant research that shows that it is not at all safe when the interference in the animal cell structure and function is examined and that it is not just the heating effects of EMR that are of concern.

Our Reduction of EMR in Our Home

To prove the point of our concern with EMR we have actively set about reducing it within our own home by

- Purchasing an EMR, electric or magnetic field measurement device
- Turning off all Bluetooth applications and replacing units with wired devices
- Turning off WiFi and putting in hard wired LAN cable to our computers and routers
- Getting rid of our cordless phone system and putting in hard wired telephones
- Turning off the Mobile data on our phones and tablet unless absolutely necessary for short periods
- When able to, turning off our mobile phones completely
- Do not normally carry our mobile phones in our clothing
- Nearly always use speaker phone on our mobile phones to avoid close proximity to our head
- Having access to the internet via an external 4G LTE antenna with a commercial modem located close to it
- Setting about distancing power cables from our sleeping arrangements

In short, we have put our money, time and a lot of effort into minimizing EMR in our house. We continue to discover other ways that we can improve this further. We take it very seriously.

The Environmental Issues Should Include Homo Sapiens

It is interesting that the extensive environmental section of the submission concerns itself with plants and animals that are able to move as far away from the installation as they are inclined (the animals not the plants!). However, the living entity homo sapiens and the dangers by EMR that it is exposed to is scarcely covered.

The substantial volume of the proposal given over to what limbs need to cut off to allow the access and what bush will be dug up is as a famous person put it, “You strain at a gnat and swallow a camel”.

We have been researching the EMR issue and the dangers for some time now. We realise that our opinions will be counter to those of the NBN, but our opinions are well founded. I would suggest that in light of world research that any NBN’s supposed scientific backup is degenerating into opinion, and from our perspective quite faulty.

It is a sad fact that political inertia and the desire by the communications industry to protect its investments and profits have actively suppressed many sound scientific reports that show the dangers of EMR.

These issues are becoming more widely recognized and trust in government and the industry is evaporating rather quickly. This is a shame as an honest debate would be able to provide sound communications in our country with trust by the community that the industry was genuinely working to ensure minimum damage to individuals.

The nature of the industry’s denial and suppression is quite reminiscent of the tobacco industries denial and obfuscation in relation to the dangers of smoking. It has taken many years for the truth about smoking to come out but it is now evident that smoking is a health hazard. And it is the same for EMR.

Growing Evidence of Detrimental Effects of EMR on Human Biology

There is a growing body of evidence that shows that even low doses of EMR can be significantly detrimental to human beings especially over the long term.

The extent of the problem is summarized nicely by Dr Sharon Goldberg.

Multiple studies have shown that unnatural sources of electromagnetic radiation cause biological effects. “This is no longer a subject for debate when you look at PubMed and the peer-reviewed literature. These effects are seen in all life forms; plants, animals, insects, microbes. In humans, we have clear evidence of cancer now, there is no question. We have evidence of DNA damage, cardiomyopathy, which is the precursor of congestive heart failure, neuropsychiatric effects…” – Dr. Sharon Goldberg, an internal medicine physician.

Note that she refers to PubMed which is a well known and respected source of researched health information. I will refer to a few other references but to deal exhaustively with this would require a submission of encyclopedic proportions. I am sure no one wants that!

World Reaction to EMR

Let’s look at what the experts said about EMF radiation before 5G was introduced…

In 2011 the World Health Organization classified Wi-fi radiation as a “Class 2 Carcinogen.” That means it’s a possible cancer-causing agent in the same category as lead and cigarette smoking. – and that was before 5G.

In Israel, every cell phone must carry the warning: “Prolonged use of this device may cause cancer” – and that was before 5G.

France banned wi-fi from nursery schools in 2014! – that was before 5G.

Many nations around the world, 28 in fact, have taken steps to protect against EMR that envelop us.

Notice that these steps were taken by countries for 4G before 5G was seriously considered. Current research into the effects of 5G are very disturbing and many will be seriously injured by this pulsed millimetre highly directional and therefore concentrated transmission.

To add insult to injury (pun intended), the rollout of 5G does not replace 4G (or3G which is still available in the Mylor area) but is added on top of the current network. This is necessary because 5G is easily attenuated and must be supported by 4G when it fails to connect.

NBN have demonstrated time and time again that their ploy is to propose the installation of the less damaging 4G installation and then to go ahead and install 5G technology without any need to consult either local government or the people in that zone. The dishonesty is breathtaking.

Electromagnetic radiation is emitted by anything that runs on electricity, some of the most common being power lines, cellphones, computers, and Wi-Fi etc. Those people who are “electrosensitive” can notice the effects of EMR from any type of radiation on a daily basis.

These individuals experience a range of symptoms such as

- Foggy brain
- Fibromyalgia
- Chronic fatigue / Body aches and pains
- Restlessness
- Poor concentration
- Learning difficulties
- Infertility / Trouble maintaining pregnancy
- Insomnia
- Muscle tremors
- Flu feelings that never turn into an actual flu
- Ringing in the ears (tinnitus)
- Anxiety

These symptoms could be dismissed as psychosomatic or from other causes and that they have no scientific backup. An equivalent scenario that probably all of us have experienced is when eating or drinking something that does not agree with us. The symptoms are very real. We eventually identify the problem and cease consuming what is causing it, and then the symptoms dissipate. We don’t need a scientific research paper to tell us what is going on and

how to fix it. It is the same for those who are electrosensitive. When they take steps to remove EMR from their lives the symptoms dissipate.

Many countries have set “exposure limits” for their citizens very much lower than those allowed under Australian standards. These nations took serious steps to protect their citizens even before the rollout of 5G.

It is clear that reaction against EMR and the devices that generate it is not just a weird fringe phenomenon, but is taken seriously by other governments and the scientific community that are given a free hand to look at the issue honestly.

Russian Studies

Three decades of field research showed that adverse health effects appear if exposure occurred daily over five years (ref Hecht. Health implications of long term exposure to electrosmog. Germany2016 August 2016)

This clearly indicates that short term studies will miss this danger completely. The NBN installation is obviously long term and those in its radiation zone can expect to have significant health issues in the years to come.

Australian Study

In 1994 the CSIRO was commissioned to undertake a comprehensive literature review to look at the biological effects of communication wireless technologies. This was authored by Dr Stan Barnett and funded by Telstra, Optus and Vodafone. The Barnett report documented adverse health effects from power levels well below the existing standards and called for a research program to develop safety standards in order to gain the trust of the public. Again note that this was before 5G.

The report was subsequently classified as Confidential and withheld from publication. (Ref Maisch DR. The procrustean approach: setting exposure standards for telecommunications frequency electromagnetic radiation 2009). No surprise that the researchers involved were made redundant.

For those who are mystified by the title of the reference above, Procrustes was one of many villains defeated by the Greek hero Theseus. According to Greek mythology, Procrustes was a robber who killed his victims in a most cruel and unusual way. He made them lie on an iron bed and would force them to fit the bed by cutting off the parts that hung off the ends or by stretching those people who were too short.

Something that is described as Procrustean, therefore, takes no account of individual differences but cruelly and mercilessly makes everyone the same shape and size. And a "procrustean bed" is a scheme or pattern into which someone or something is arbitrarily forced.

The variability of different individuals’ susceptibility to any adverse conditions because of individual differences in genotype or lifestyle is well understood by most. So an assumption that one size fits all is completely fallacious. Specifically when it comes to damage from EMR.

German Study

In 1996 the German Federal Agency of Telecommunications commissioned researchers to review 1500 Russian studies in the 0 to 3GHz frequency range referred to above. The 120 page report came out in 1997 but was quickly suppressed by the telecommunication industry. Again before the much more devastating 5G.

Another Study

In 2002, Professor Dariusz Leszczyzynski and his research team submitted a study to the Bioelectromagnetics Journal that demonstrated the mechanism by which cell phones compromise the permeability of the blood brain barrier and induce cancer. The blood brain barrier normally ensures that neurotoxins such as aluminium and mercury cannot cross into the brain.

They received a rejection letter (in a Motorola envelope) from the associate editor CK Chou who was employed by Motorola, asserting that it was rejected on the basis that it was original research that had not yet been replicated.

This ludicrous excuse would be basis for halting all research as all new ideas must start with a first publication. I know from personal experience when my daughter made a major breakthrough in the nerve mechanism in the human gut that overturned the current theory at the time. If that hadn't been published because it was brand new research no one would have been any wiser.

The Reliability of Research

It is clear from this small sample of research material that suppression or hiding of research and reports that do not suit the telecommunications industry or the government is endemic.

This political manipulation is further evidenced as follows

In late 1990s the National Health and Medical Research Council appointed Dr Ken Joyner, a former head of Motorola as the only expert advisor on the board to advise on mobile phone exposure

In 2003 the same organization elected Professor Vitas Anderson, a close associate of Dr Joyner above and a former Telstra employee to become the Director of the Australian Centre for Radio Frequency Bioeffects Research.

In 2004 Donna Staunton was appointed as Director of Communications in the CSIRO in order to bring venture capital expertise to the table. She was involved in controversial work as a lawyer representing the tobacco industry and as former CEO of the Tobacco Industry and former Vice President of Phillip Morris Cigarette Group.

Just because these people had strong ties to organisations who would prefer to have loose standards when it comes to EMR exposure for humans doesn't mean of course that they couldn't do good work and bring honesty to the debate.

"You can tell a tree by its fruit" as a famous person once said. The levels for safe exposure to EMR haven't changed in Australia on over 20 years, despite all this "effort", and so we still

haven't even been able to catch up with what other countries are doing. The fruit in this case looks very suspect.

Other Countries Standards

Current Proposal and EMRs

Let us consider the EMR standards used by the NBN as stated in their proposal and repeated in their document "ARPANSA environmental EME reports"

First let's take a quick look at how EMR is rated. The Electric Field (V/m) and Power Density (mW/ m2) are closely linked by the laws of physics and to keep things simple we will use figures for Power Density.

The other difficulty is the interchanged use of mW/m2 and uW/m2. This is obviously confusing for the uninitiated and so I will use one consistent measurement, namely uW/m2 . This measurement means micro watts per square metre.

Now

There are 1000 uW/m2 in 1 mW/m2

and 1000 mW/m2 in 1W/ m2

Therefore 1uW/m2 means that if you took a window frame (without any glass) 1 metre by 1metre then 1 micro watt would flow through it. That is 1 millionth of a watt of power would pass continuously through that window frame.

Now what does NBN propose.

At 200 to 300m from the mast there is a maximum of 11,030 uW/m2 . Taking our 1m x 1m window frame we would have 11,030 micro watts flowing through it continuously.

They do indicate elsewhere that this could vary up or down depending on reflections occurring in changing conditions. So to put it simply it is possible that the power passing through our window frame could vary from 0 to 22,060 micro watts. The distribution of possibilities is complex and beyond this submission.

The Australian standards allow anywhere from 3,750,000 to 10,000,000 microwatts per square metre (depending on the frequency band being used) as a safe standard for power that would flow continuously flow through our window frame. So NBNs theoretical calculations look good at 0.11% of the standard.

However, to put things in perspective, the Australian standard allowable power through our window frame is more than capable of powering the modern day LED globe used in our houses.

Other Countries

It is now instructive to compare the Australian standard with other countries

Australia 3,750,000 to 10,000,000 uW/m2 – NBN 0.11%

Bulgaria, China, Italy, India, Israel, France, Poland 100,000 uW/m2 – NBN 11%

Luxemburg 20,000 uW/m2 – NBN 55%

Switzerland 40,000 uW/m2 – NBN 28%

Vienna Austria 10,000 uW/m2 – NBN 110%

Salzburg Austria (inside) 1 uW/m2 – NBN 1,103,000%

The last entry is somewhat unfair to NBN as it is the allowed EMR inside any Salzburg building and of course the NBN calculations are for outside. However, how shielded are our houses to protect us from EMR when we are inside. Would it be allowed in Salzburg?

We must also acknowledge these calculations are theoretical and account only for the 4G transmissions. They do not account for the fact that they can easily double under some circumstances. They also do not account for the current EMR emissions from the Telstra and Optus bases, or the radiation from any mobile phones, iPads etc, cordless phones, blue tooth, WiFi and other electrical devices and cables. These can be assumed to be cumulative and so simple addition of these additional sources of EMR make NBN's assurances ludicrously inaccurate.

There is also the almost certain probability that once NBN have erected their mast that they will be free to install 5G as well as a fait accompli, which would acerbate the EMR exposure substantially further.

Compared with other countries that look after their citizens the Australian standards for EMR exposure look extraordinarily high.

The proposed calculations of field strengths are theoretical and can vary significantly in practice. They are significant percentages compared to the standards of other countries, and do not take other sources of EMR into account.

Serious Disruption To Bees

Our Bee Hives and Queen Rearing

It has been noted by other bee keepers that when there is an increase in EMR bees vacate their hives and move elsewhere where the EMR smog is less. The addition of the NBN tower will definitely increase the level of EMR in the area, and on our property in particular.

We have invested in three Flow Hives and the additional attendant equipment to be able to harvest honey and support the very important work of maintaining bee populations in the area for pollination.

We have also started to buy equipment to raise queen bees and all this will now be in jeopardy if the NBN is allowed to go ahead. The cost associated with this activity has been quite significant and will be put at considerable risk of loss.

The Crucial Involvement of Insects in Pollination

It won't be just our own hives that will become empty but other bee colonies including wild bees, especially along the Onkaparinga River, will be disrupted in the area.

In a rural/agricultural area, such as Mylor, the maintenance of bee colonies (both wild and honey) is very important. It is becoming more widely acknowledged that this devastation of bee population and the attendant economic damage is unconscionable.

It is not just bees that are affected by EMR but all insects to varying degrees. The pollinators are at the top of the list.

Foraging Range of Bees

Field bees (those which are more than 4 weeks old) go out and forage for nectar and pollen to feed the larvae and bees with carbohydrates and protein.

It is often not appreciated that foraging honeybees can fly to a range of up to 13·5 km (Ref Frisch, Von K. (1967) The Dance Language and Orientation of Bees. Harvard University Press, Cambridge, MA.)

Most frequently, honey bees were observed to fly 600–800 meters to collect food. The mean was 2·3 km and 9% of the colony's foraging was within a radius of 6 km, but foraging activity depended on the abundance of profitable forage available.

It was demonstrated that honeybees (Apis mellifera) regularly forage several kilometres from the nest. (Ref Visscher, P.K. & Seeley, T.D. (1982) Foraging strategy of honeybee colonies in a temperate deciduous forest. Ecology 63, 1790 1801.)

It is clear that the bees from our hives would normally forage around the location covered by the NBN installation and that they are able to travel extensively in the Mylor area. All of which would be affected by the additional EMR from the NBN transmission.

The Extraordinary Longevity of A Hive

With animals, birds and insects their life span is limited from a few days to several years and so any environmental change that shortens their lifespan could be dismissed by the more callous as of no consequence.

A bee hive however is quite a different entity. It is a living thing in its own right that if cared for and protected can continue indefinitely.

Of course, human intervention and disease can cut the life of a hive short. But the point is that with care, provided no one throws a spanner in the works, it is possible for a hive to outlive us and continue to be productive in honey production and pollination.

It seems that NBN's ignorance or worse when it comes to the well being of bees would be that spanner.

EMR Adversely Bee Biology

There is a growing body of research in the area of the adverse effects of EMR on not only bees but all birds, insects, other vertebrates. Again I will present some of the research papers in this area.

The growth of wireless telecommunication technologies causes increased electrosmog. Radio frequency fields in the MHz range disrupt insect and bird orientation. Radio frequency noise interferes with the primary process of magnetoreception. Existing guidelines do not adequately protect wildlife. Further research in this area is urgent. (Ref Balmori, Alfonso. "Anthropogenic radiofrequency electromagnetic fields as an emerging threat to wildlife orientation." Science of The Total Environment, vol. 518–519, 2015, pp. 58–60)

A Review of 113 studies from original peer-reviewed publications. RF-EMF had a significant effect on birds, insects, other vertebrates, other organisms and plants in 70% of the studies. Development and reproduction of birds and insects are the most strongly affected endpoints. (Ref Cucurachi, C., et al. "A review of the ecological effects of radiofrequency electromagnetic fields (RF-EMF)." Environment International, vol. 51, 2013, pp. 116–40.)

At the present time, there are reasonable grounds for believing that microwave radiation constitutes an environmental and health hazard….Concerning the exposure to electromagnetic fields, the precautionary principle is needed and should be applied to protect species from environmental non-thermal effects (Zinelis, 2010).

Controls must be introduced and technology rendered safe to the environment, since this new ubiquitous and invisible pollutant could deplete the efforts devoted to species conservation." (Ref Balmori, A. "Electrosmog and species conservation." Science of the Total Environment, vol. 496, 2014, pp. 314-6.)

5G Frequencies are Highly Absorbed into Insects- Especially Bees
"Exposure of Insects to Radio-Frequency Electromagnetic Fields from 2 to 120 GHz" published in Scientific Reports is the first study to investigate how insects (including the Western honeybee) absorb the higher frequencies (2 GHz to 120 GHz) to be used in the 4G/5G rollout. The scientific simulations showed increases in absorbed power between 3% to 370% when the insects were exposed to the frequencies. Researchers concluded, "This could lead to changes in insect behaviour, physiology, and morphology over time…." (Thielens 2018)

NBN may argue that the proposal is for 4G only, but we know from past experience they have been empowered to install 5G without any further consultation … and they will almost certainly do this at Mylor.

Bees Vacate Areas of significant EMR Smog

There is considerable anecdotal evidence that apiarists are experiencing the death or vacation of hives when additional EMR is brought to a community in the form of mobile phone and data services. This now has its own acronym, Colony Collapse Disorder' CCD

Ferdinand Ruzicka, scientist and beekeeper himself, reports: "I observed a pronounced restlessness in my bee colonies (initially about 40) and a greatly increased urge to swarm. As a

framehive beekeeper, I use a so-called high floor, the bees did not build their combs in this space in the manner prescribed by the frames, but in random fashion. In the summer, bee colonies collapsed without obvious cause. In the winter, I observed that the bees went foraging despite snow and temperatures below zero and died of cold next to the hive. Colonies that exhibited this behaviour collapsed, even though they were strong, healthy colonies with active queens before winter. They were provided with adequate additional food and the available pollen was more than adequate in autumn. The problems only materialised from the time that several transmitters were erected in the immediate vicinity of my beehives" (RUZICKA, 2003).

Ruzicka organised a survey through the magazine Der Bienenvater (2003/9): - Is there a mobile radio antenna within 300 m of your beehives? - This was confirmed in 20 replies (100%). - Are you observing increased aggressiveness of the bees compared to the time before the transmitters were in operation? – 37.5% confirmed this. - Is there a greater tendency to swarm? – 25% confirmed. - Are colonies inexplicably collapsing? - 65% confirmed. Such colony collapses, heralded by “angry” swarming of the bees, were also reported in New Zealand (FIRSTENBERG, 2007).

We know that agricultural pesticides and herbicides cause very significant damage to apiaries with the attendant degradation of honey production and pollination.

There are other disease and parasitic threats to bee hives that apiarists have to take seriously and to monitor. Bee hives are not a simple set and forget enterprise in our current threatening environment.

There is a very significant shortage of bee hives for pollination of crops and orchards and Australia’s food production that rely on pollination is coming under considerable threat.

The last thing we need is the added and real threat of additional EMR to our bee colonies.

Technical Issues

The Link to Littlehampton

A radio link between Mylor/Littlehmpton needs line of sight but is not a simple narrow pencil beam

Reflection and refraction (Fresnel zone clearance) problems affect locations not directly in line of sight. Also any structure such as the mast and dish will move in a wind and temperature changes that move the azimuth and elevation of the beam. These cause the microwave beam to wander from its original line of sight. These problems usually require space and frequency diversity to maintain a reliable link. In extreme conditions (precipitation or temperature inversion) the link will significantly degrade or even fail, and as with Murphy’s Law this is usually just when you need it the most. A fixed hard wire or fibre generally gives a more reliable link.

The Mylor area is a distinctive area inasmuch as it receives its more than fair share of rain. Radar images of rain show considerable and consistent precipitation whenever the Adelaide

Hills area receives rain. The significance of this is that rain greatly attenuates RF signals at these frequencies which then requires transmitted power to be significantly increased to maintain a workable signal strength at the other end, namely Littlehampton.

The tower is several 100 metres from our house and even closer to our neighbor at the end of Smith Road, and the path for the microwave link to connect the NBN service to the wider network passes right over our homes.

It is not clear that the EMR patterns and the field strengths for the transmission from the dish link in the vicinity of the installation are incorporated in the submission's calculations. If not that would mean the figures given are in error.

It is suggested that this link is essential to connect to Littlehampton, but of course it would be not needed at all if the NBN installation does not go ahead!

Current Mobile Radio Coverage

The Mylor area currently has coverage supplied by Telstra and Optus.

Residents were promised installation of fibre to residence NBN connections several times over the years and despite registrations of interest it never eventuated.

Because of the poor response by NBN and the ADSL degradation people experienced, they availed themselves of the mobile networks rolled out by Telstra and Optus and found the convenience of mobile communications advantageous even in their own home.

Continued improvement in the mobile data communications including the introduction of 4G LTE has improved data throughput significantly.

There would be few households who would not be able to stream programs through the current Telstra and Optus networks.

If Telstra and Optus wanted to improve fixed communications to households they could do what NBN has proposed, install external antennas and enhance communications even more.

For those few households that do suffer poor internet connection and need alternative arrangements, these could be fibre optic cable, copper cable or an elevated high gain antenna.

Addition of NBN Will Increase EMR Smog

The current Telstra and Optus networks have created a 3G and 4G EMR smog that people are either willing to put up with for convenience or are ignorant of the potential hazards of continuous EMR exposure.

The current NBN proposal is to add to the current EMR smog with 4G transmissions.

To provide the same level of signal strength and data bandwidth it will have to provide at least the same EMR intensity throughout the Mylor area.

Simple arithmetic shows that the EMR smog in Mylor will be increased by another 50%.

This means that the EMR signal strengths the NBN predict from their installation is only part of the story as there already exists Telstra and Optus signals.

The other issue with the NBN installation is that when they are given the go ahead to build the tower, they become a law unto themselves. This means that the changes for additional height, or power for the 4G transmission could be done without the approval of council or residents. This can drastically alter the actual field strengths from the theoretical field strengths we have been presented with, making EMR power densities even higher.

They will almost certainly add 5G transmission which again not only radiate far more damaging radiation to living things but again increase the cumulative power density even further. It needs to be pointed out that the commissioning of 5G does not replace 4G but relies on any existing 4G network to support the sporadic nature of 5G. We would end up with both.

They will also be able to rent out space on their mast to other entities, again with no accountability to council or residents.

There would now be no limit to how much EMR the NBN will be allowed to emanate from this tower with no accountability to others except the absurdly inflated Australian standards for so called safe EMR.

To add insult to injury, it would be fallacious to suggest that this would give 100% coverage to the Mylor area. This is born out by the lack of any figures for a carefully executed propagation survey to map the effective reach of their installation. If there are holes in field strength in the area it means that the efforts of Telstra and Optus have not yet managed to achieve full coverage and they have just as much competence as NBN, probably more.

Talk about opening Pandora's box!

Telstra and Optus can Also Install External Antennas

NBN has indicated that their service will require external antennas to be mounted at the residence. This will definitely improve the mobile communications at that site

However as indicated before, if Telstra or Optus would like to improve their data bandwidth to be commensurate with the NBN they could offer exactly the same addition to those households. Current hardware installation that are already in place would not be wasted and so this improvement could be done at what should be a lower cost.

Current Telstra and Optus Mobile Data Infrastructure

Due the significant delay in the NBN rolling out of their fibre cable in the Mylor area we have nearly all made alternative arrangements with Telstra and Optus or their distributors. The aging and unreliable copper network along with lowering the priority for the ADSL network has caused us to look for alternatives.

We can be sure that the number of households relying on copper for communications will have decreased substantially as people have moved to mobile phones and modems connected to the 4G mobile data network provided by Telstra or Optus.

The 4G network has continued to be upgraded technically with the addition of 4G LTE and this technical improvement is most certain to continue with increases in reliability and speed and the addition of external antennas.

Limited Population Density and Growth

The population density in the area is sparse compared with suburbia and is not going to increase to any great extent due to the restrictions on residential and business expansion with the current zoning.

That zoning will also remain in place for many years to come because of the proximity to the Onkaparinga River and the Mount Bold reservoir.

This means that the potential communications market is not going to change to any great extent over the foreseeable future. In other words, it is a very limited growth area for the communications industry

Disruption of Service Providers by NBN

Because of the limited and sparse population within the Mylor area the introduction of a new NBN service will simply take a slice of the current market as it is not going to grow for many years to come.

Any move by NBN to steal customers will put at risk the investment in Telstra and Optus infrastructure and make redundant any hardware that customers have already purchased.

Simply put if NBN is successful in attracting current Telstra and Optus customers the current providers will lose market share. A back of envelope calculation will show that if customers are evenly distributed between the three providers the market share for Telstra and Optus will fall by 33%

This drop in customers for the current providers will mean that the current infrastructure with fixed running amortization and maintenance must be distributed to fewer subscribers

The increase in the cost of provision of communications services per subscriber will make the current infrastructure less economically efficient.

Competition

Customers always enjoy the benefits of competition between providers of goods or services. However, no one could accuse Telstra and Optus of not providing competition in the Mylor area. We have all seen the different marketing efforts that have improved the quality of service and caused subscription costs to fall.

More competition is nearly always welcomed when the market is an expanding one.

The static population of Mylor promises a market that will not expand and so another player in this space is more likely to be detrimental than beneficial.

New NBN Installation Does Not Make Business Sense

Not only will Telstra and Optus lose customers but the additional capital costs put into the area by the NBN will simply increase the aggregate capital costs to be distributed over a static

market. Not a very smart idea as this will simply increase the overall costs for communications delivery for everyone for no significant tangible benefit for communications in the area.

I repeat this makes absolutely no business or economic sense.

Demographics suggest no need for permanent high speed data

Zoning is Essentially For limited Domestic And Rural Activities

The demographics in the Mylor area is mixed but is moving towards the more affluent residential with a mix of the agricultural. It is very unlikely that such people would want very high speed 24/7 communications such as required by servers constantly connected to the internat for business purposes.

This means that even if the NBN could provide a very high speed super reliable service it is unlikely that many would have a need or want such a service.

Very High Speed Data Not really Needed

A requirement for a super high speed installation is not only just the speed and speed and reliability but often requires low latency.

Latency refers to the time it takes for a distant server to respond to requests from your own server or computer.

Those who need very fast communications as well as low latency locate as close as possible to where the action is. Mylor is not one of those locations … which is why most of us live here.

In short, any high speeds promised by the NBN using 4G are unlikely to make any material difference to people's lives in this area. Especially when any improvements could be matched by Telstra and Optus probably at a lower overall cost

Having such a 24/7 high speed, low latency communications service would be like having a Ferrari but only ever driving in the suburbs. With a Ferrari one could strut your stuff albeit at slow speed, however, with a flash communications system there is no red sexy contours or a decent exhaust note that you can openly brag about. No real brag points here.

Additional NBN 5G Installation Not Really Needed

Any 5G capability (which has a whole range of more serious technical and health problems), adds no realistic advantage to the NBN installation proposed. If people can receive a strong signal from this rather fragile and unreliable transmission, they will be able to download a full movie in a few seconds. So what? You can still only watch it in real time and streaming with the current 4G system is normally quite adequate. Any demands for a faster connection in the future will undoubtedly be met by technical and innovative improvements in the current Telstra/Optus network of which 4G LTE is a recent example.

Demand For NBN

Registrations of Interest

NBN might argue that there was considerable interest registered in their service. That would have been true several years ago with the promise of a fibre optic cable connection to residence proposed. I was one of those people.

We have moved from the promised fibre optic proposal to 4G mobile communications provided by Telstra and Optus. Sorry NBN but too little too late. You are not needed.

Demand From Our MP

It has been suggested that Rebecca Sharkey has requested NBN to install the service in the Mylor area because of requests to her. I know that Ms Sharkey was active several years ago in trying to get good data communications to hills residents but I would need to be persuaded that she has received much demand so far this year.

Several years ago I was interested and went to one of her meetings to see what was going on. I for one am definitely not interested now.

Current Civil Construction

An argument against halting any contentious installation like this is that works have already started and therefore the project should go ahead so as not to waste the expenditure put in.

As far as I can see the only significant expenditure would be the overdue maintenance of Smith Road and entrance to the Mt Bold reserve

The improvement is very significant and appreciated. The expenditure is not at all wasted and is long overdue.

Smith Road Before the Cherry Gardens Bushfire

Before the roadworks Smith Road resembled a very dilapidated fire track with rutted track and overhanging branches that even our sedan had to duck. Not at all suitable for the height of trucks carrying any significant load like a CFS water truck.

In fact deliveries by truck often stopped at the beginning of Smith Road and asked us to meet there to pick up our package because the “road” was inaccessible to him.

The Upgrade of Smith Road

As residents on Smith Road we really deserved to have the road better maintained and are grateful for the significant improvement.

CFS and SA Water Now Have Good Access

The entrance to the Mt Bold reserve off Smith Road gives a good safer access to the north east corner, north of the Onkaparinga River for SA Water and the CFS.

The entrance gives close access to the ford across the Onkaparinga River and brings any units on to the reserve at a low point on the hill which is much safer than entering on a ridge where a bushfire tends to race up at alarming speed.

The expenditure on the upgrade of Smith Road will not be wasted at all on the residents and the service and fire tucks of SA Water and the CFS.

Poor Notification of Residents

Two Weeks to Respond

The very limited two week response period for an objection to be lodged and no ready access to a printed copy of the proposal seems to me to be disingenuous.

For me the surprise notification has given me little time to put together a reasonable response. A thorough literature search would normally take several months for such a complex and contentious issue.

The slight against the residents in this area has been noted and will not be easily forgotten

Neighbor Significantly Affected Not Informed

Our neighbor at the end of Smith Road, did not receive any notification whatsoever. She had to hear it from a friend.

Considering this person was missed out on being informed is disgraceful. Especially when she is one resident who is one of the closest to the proposed installation and nearest the proposed entrance gate.

This is further compounded by the fact that she has a very beautiful and well kept garden. Considering the ecological damage done by EMR on insects, bees and butterflies in particular, their exodus from her garden would be a travesty.

Conclusion

Rushed Response

The limited ability to respond in a convincing way to oppose the installation allowed by the NBN and the Adelaide Hills Council is disingenuous at best. With more time I could prepare a more thorough submission.

It is also puzzling that the Adelaide Hills Council would allow such an installation that would be injurious to both residents and the environment. NBN has a history of walking roughshod over councils and residents when they have a foot in the door. If they are given an inch they will take a mile and ignore all of us completely. It is definitely not a good look for the Council that professes to be a champion of the environment and the welfare of its citizens.

Detrimental to Homo Sapiens and Insects

The use of Australian standards as being adequate design requirements betray a lack of consideration of EMR on people and insects of all sorts is disgraceful. There is growing evidence that non heating low level EMR can cause many different health problems in individuals and damage to other living things and should be avoided or at the very least minimized in line with evolving international understanding, research and standards.

The concrete actions we have taken to reduce EMR in our home would be nullified if this installation goes ahead. We have forgone some convenience of minimising wireless communications inside our home and had planned to continue to reduce their influence further for our own safety and health.

The effect of EMR on insects, and bees in particular, will mean our personal efforts to raise bees will be sabotaged and there will be material loss for us let alone the deprivation of a useful hobby that we enjoy.

It is not only us that will lose out but the horticultural environment in Mylor would be put at risk of reduced productivity because of the reduction of insects that carry out pollination due to the increase in EMR with the 4G NBN installation. This EMR will go very much higher when they install 5G, modify the 4G installation proposed, and rent out space for other transmitters.

We are therefore vehemently opposed to the NBN on Crossing Road to what will be completely disruptive to our health, our personal efforts to reduce EMR in our home, and the significant losses to our bee populations.

Not Wanted and Not Needed

We are already serviced by a mobile data network by Telstra and Optus that provide competition which will control costs to the customer and continue to drive any improvements.

The introduction of the NBN to the area makes no economic or business sense and is more likely to increase costs to the customers without delivering any meaningful improvement to people's data consumption.

In short it is disruptive and complete waste of time and money for everyone.

This proposal needs to br completely rejected out of hand, and the sneaky introduction of 5G and other escalation of EMR transmissions nipped in the bud. We shouldn't give NBN an inch.

Not Wanted, Not Needed!

Ken Lynn

23 Smith Road MYLOR 5153

10th March 2021

Attention
R.E
NBN Tower

Urgent

South Australian Development Act 1993

REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: Sean Carr

Postal Address: .....

Contact No: .....

Email: .....
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: supports the proposed development **OR** ~~opposes the proposed development~~
(cross out whichever does not apply)

My interests are: ~~owner of local property~~ OR occupier of local property
~~a representative of a company OR Other organisation affected by the proposal OR~~ a private citizen
(cross out whichever does not apply)

The address of the property affected is:
497 River Rd Mylor Postcode: 5153

The specific aspects of the application to which I make representation are:
I live at 497 can not get ADSL there is no room on the exchange had to a dongle from Optus. We run out of internet every month costs extra and some months can not get any more. This effects my work partners work and school work & your 10y we not spot 26 km from Adelaide and no internet. It is very poor and infact laugable if not so serious.

My objections (if any) could be overcome by: .....

(cross out whichever does not apply)
I do wish to be heard in support of my representation by appearing personally or by being represented by the following person Sean Carr
OR
~~I do not wish to be heard in support of my representation.~~

Date: 12/3/21 Signature: Sean Carr

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

South Australian Development Act 1993

REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: Frauke Hobbs

Postal Address: PO Box 625

Contact No:

Email:
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: . ~~supports the proposed development~~ ~~**OR**~~ opposes the proposed development
(cross out whichever does not apply)

My interests are: . owner of local property OR occupier of local property
. ~~a representative of a company OR Other organisation affected by the proposal OR a private citizen~~
(cross out whichever does not apply)

The address of the property affected is:
6 Pillinda Lane, Mylor
Postcode: 5153

Reasons for objection

As a local resident, utilising Crossing Rd daily for recreational purposes, I strongly object to the proposed 45 m high NBN monopole tower being erected on Lot 10, 11 & 12, SA Water Land directly adjacent to Crossing Rd, Mylor. This proposal is a non-complying development within the Watershed (Primary Production) Zone.

The NBN monopole will have detrimental effects on residents' health and wellbeing, including their quality of living in the natural country setting of Mylor where the tower is proposed to be erected. The anticipated detrimental effects on residents will far outweigh the supposed benefits of improved internet access via NBN for the following reasons:

1. If this NBN tower will be approved residents and local Council will have no control over mobile phone service and other equipment being added to the tower, even though the proposal states exclusive NBN use of the tower at this point! There will be nothing stopping NBN Co to add other equipment at a later stage, including for mobile phone services, which will increase the hardware mounted on the pole and on the ground. This will significantly increase the visual impact of the site and EMR emissions. Hazardous EMR emission rates are likely the result if mobile phone service equipment will be added to the tower, especially if it includes 5G. This will drastically increase EMR emissions by adding dangerous, high frequency microwave radiation which will have adverse health effects for residents in the vicinity of the tower and beyond.

2. Spoiling of a natural and precious conservation environment used for living and recreational purposes. There are very few relatively unspoiled nature tracks and conservation areas left and accessible to be enjoyed for recreational use by residents and the public in the Adelaide Hills, including Crossing Rd and surrounding bush of SA Water Land in Mylor. These areas must be preserved for continued conservation of local flora and fauna, and the considered recreational use by the public only. These areas must be kept free of detrimental commercial use, including and especially by telecommunication infrastructure that will create an ugly eye sore for everyone to see, hear and feel.

3. Devaluation of quality of country living and property prices for residences on Crossing Rd in the vicinity of the tower and likely beyond from vantage areas where a giant 45 m high tower will be clearly visible as an ugly eye sore in the otherwise natural landscape. Being surrounded by natural, undisturbed landscape is one of the main reason residents chose to live on the outskirts of Mylor. The proposed 45 m high tower would stand over twice the height of the local trees and will dominate the area as an ugly eyesore and be completely out of place with the surrounding lands and buildings. It will be clearly visible from the whole valley and overshadow adjacent houses. The proposed tower would significantly and irrevocably devalue the whole landscape and living value on the southern side of Mylor. The views in the photos shown in the development proposal are misleading, displaying the drawn tower much shorter than 45 metres high and were taken from only three vantage points and angles, where there seems to be vegetation screening the tower. At more than twice the height of local trees there is no way of screening the tower from anywhere in the concerned area!

4. The supposed benefit of better internet via NBN in the proposal is clearly overstated and deliberately used to manipulate residents to view the NBN tower on Crossing Rd as the only option to have improved internet. Poor internet reception has been a problem on the outskirts of Mylor for many years and less invasive, more viable options were available and under consideration 20 years ago, but unfortunately never installed. Many affected households in the area have sourced faster and more reliable internet via other options, such as mobile broadband and don't see the need for a giant NBN tower near their doorstep. Several affected residents have chosen options that make use of already existing telecommunication infrastructure in Mylor. Full utilisation of existing infrastructure to improve internet access should be the prerogative for any future infrastructure planning by local, state and federal government.

My objections (if any) could be overcome by:

1. Utilise and promote existing, similar telecommunication infrastructure, namely 4 G services, in and around Mylor to improve internet access for concerned residents. This option should be considered before installing further high impact infrastructure. NBN is not the only option for highspeed broadband.

2. Further community consultation with more transparency and consideration is required in regard to current and future service use, size of and amount of equipment on the NBN monopole. Local community and Council should have a say in this matter!

3. If the building of an NBN monopole was to go ahead on the southern side of Mylor a more remote site on SA Water Land must be identified, far enough away from residential and recreational areas of concerned residents, to minimise visual, health and wellbeing impacts. The tower could be built over 500m further into the SA Water land on areas of similar land height and outlook to the currently proposed tower. It should be built well away from the local residents who border the SA Water land.

(cross out whichever does not apply)

I do wish to be heard in support of my representation by appearing personally

~~or by being represented by the following person.~~

OR

~~I do not wish to be heard in support of my representation.~~

Date: 14/3/21

Signature: Frauke Hobbs

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

South Australian Development Act 1993
REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: Chris & Narelle Whiting, Peter & Paula Ashforth.

Postal Address: PO Box 89, Mylor, 5153

Contact No: [redacted]

Email: [redacted]
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: supports the proposed development **OR** opposes the proposed development
(cross out whichever does not apply)

My interests are: owner of local property OR occupier of local property
a representative of a company OR Other organisation affected by the proposal OR a private citizen
(cross out whichever does not apply)

The address of the property affected is:
11 Boucaut Lane, Mylor & 10 Boucaut Lane, Mylor Postcode: 5153

The specific aspects of the application to which I make representation are: See attached letter.
- Visual impact.
- Duplication of existing infrastructure

My objections (if any) could be overcome by:
See attached letter

(cross out whichever does not apply)
I do wish to be heard in support of my representation by appearing personally or by being represented by the following person.....
OR
~~I do not wish to be heard in support of my representation.~~

Date: 11/03/2021 Signature: .....

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

Objection to Development Number 20/1005/473

From

Chris & Narelle Whiting,

11 Boucaut Lane, Mylor.

Peter & Paula Ashforth,

10 Boucaut Lane, Mylor.

Objection

As a local resident I object most strongly to the proposal to erect a 45 metre high NBN monopole tower on Crossing Road Mylor directly opposite our properties. It is a non-complying development within the Watershed (Primary Production) Zone.

This commercial proposal will adversely alter the character of the area by having a highly detrimental visual impact on the surrounds to both the people that live here and recreational visitors.
This impact does not have merit as any perceived benefits of high-speed internet can already be had by most people in the area by accessing the existing 4G services provided by Telstra and Optus. New infrastructure of this nature is not required.

Detail on grounds for objection

Visual Impact

At 45 metres this tower is a similar height to a 15 storey residential building! It will stand over twice the height of the local trees and will dominate the area as an ugly eyesore and be completely out of place with the surrounding lands and buildings. It will be clearly visible from the whole valley and overshadow adjacent houses.

The NBN proposal downplays the visual impact and states "*The presence of vegetation in all directions surrounding the proposed location largely mitigates the visual impact of the facility*". This is quite clearly incorrect given that the tower is more than twice the height of the trees when viewed from the north.

The photographs given in the NBN application of the views from the proposed site say residences are behind vegetation. As above, this would not be the case due to the tower height. It would overshadow properties and be in continuous clear site for those living here.

Future Use

If this NBN tower is approved then neither residents nor local Council will have control over other antennas being added to the tower in the future which will further increases it's visibility and environmental impact.

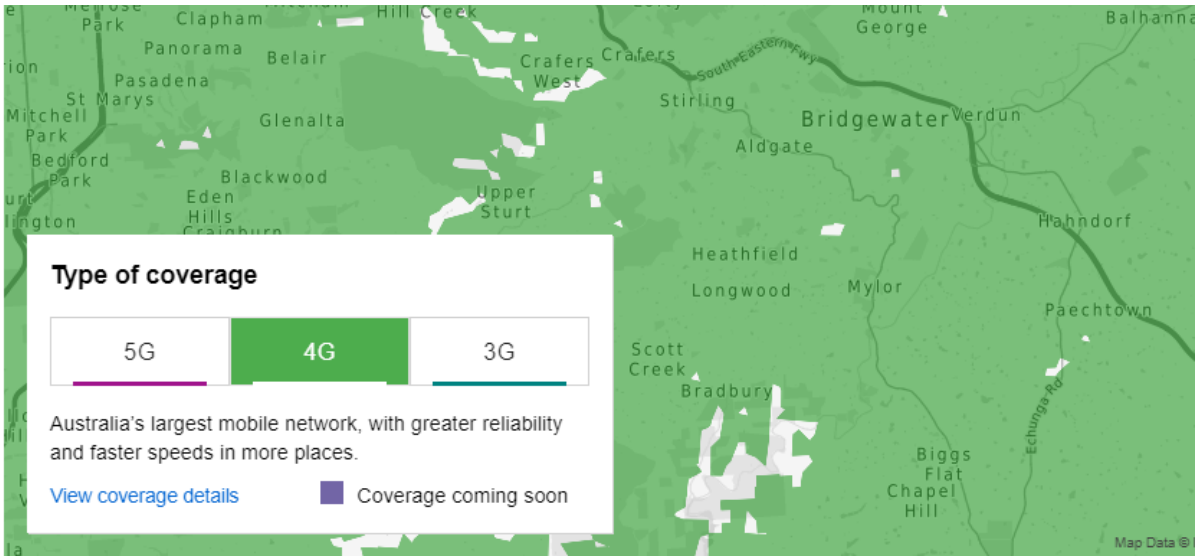
Duplication of existing infrastructure results in overstated benefits.

The supposed benefit of better internet via NBN in the proposal is clearly overstated as it ignores existing similar infrastructure already providing high speed broadband throughout Mylor via 4G.

Many people who we have spoken to about this were not aware of the 4G mobile broadband services already available in Mylor from both Telstra and Optus giving up to 90MB download speed. These services already exist and significantly outperform download speeds available from NBN fixed wireless at similar cost.

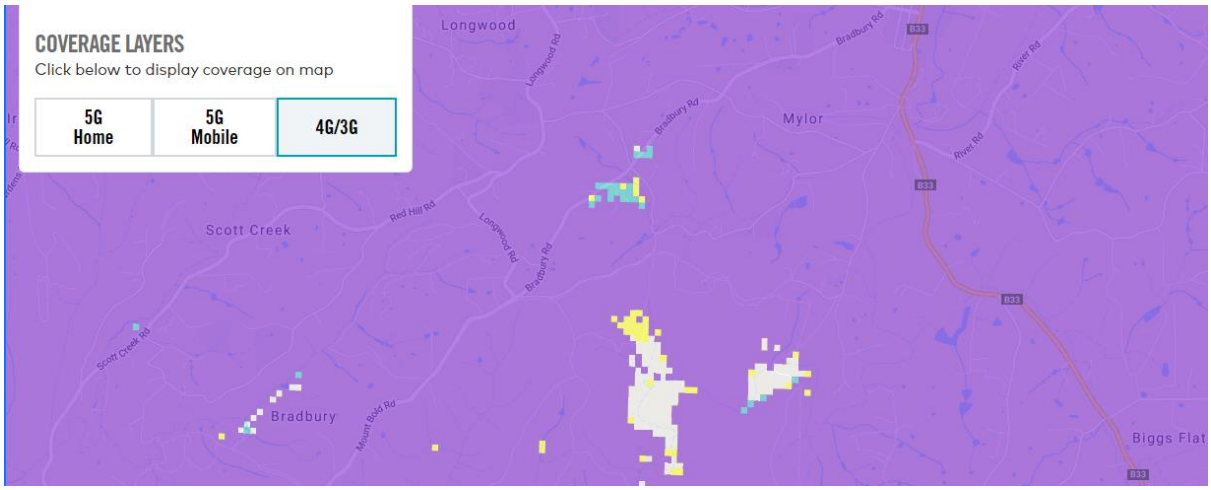
Many of the 323 premises proposed to be serviced by this tower already have access to the existing 4G services and so the number of people to actually benefit is much smaller than stated.
NBN should determine how many of the 323 premises proposed to benefit actually already have access to the 4G services but are unaware.
This would leverage existing similar infrastructure, avoid duplication, and will put the stated benefits into a realistic context.

Telstra 4G coverage map:
Source – Telstra Website



Optus 4G Coverage Map

Source – Optus Website



Objections by others.

The NBN proposal lists a number of other sites that were considered. For a number of these the reason for not proceeding has been given as "Potential Community Conflict".
NBN has obviously recognised the impact to those residents adjacent to a tower.

If NBN have been sensitive to the wishes of those local residents, then why has the same approach not been applied to the residents along Crossing Road?

How my objections could be overcome:

- Leverage the existing, similar infrastructure already in the area. Promote the existing 4G services to meet the needs of the majority of residents in the Mylor area.
  NBN is not the only option for high speed broadband.

- Relocate the proposed tower
  The tower could be built over 500m further into the SA Water land.
  According to Google Earth there are plenty of locations further within the SA Water land with a similar land height and outlook to the proposed tower. It could be built away from the residents who border the SA Water land.

- Least favoured option would be to build a much lower tower but located further up the hillside.
  It doesn't make sense to have a very tall tower located at the bottom of a hill. A smaller tower further up the hill and just visible above the treetops would reduce the visible impact, while still providing the same coverage.

We look forward appearing personally to present our objections.

Chris & Narelle Whiting

Peter & Paula Ashforth

South Australian Development Act 1993

REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: Jane and Peter Bailey

Postal Address: P.O. Box 668 Mylor 5153

Contact No: [redacted]

Email: [redacted]
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: ~~supports the proposed development~~ **OR** opposes the proposed development
(cross out whichever does not apply)

My interests are: owner of local property OR occupier of local property
~~a representative of a company OR Other organisation affected by the proposal OR a private citizen~~
(cross out whichever does not apply)

The address of the property affected is:
11 Pilinda Lane, Mylor Postcode: 5153

The specific aspects of the application to which I make representation are:
See attached document

My objections (if any) could be overcome by:
See attached document

(cross out whichever does not apply)
~~I do wish to be heard in support of my representation by appearing personally or by being represented by the following person~~
OR
I do not wish to be heard in support of my representation.

Date: 14/03/21 Signature:

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

Objection to Development Number 20/1005/473

Representation from Jane and Peter Bailes
11 Pillinda Lane, Mylor
Property bordering Crossing Road

Objection

As local residents who have a dwelling within 550 metres of the proposed NBN monopole we strongly object to the current plan on grounds of potential loss of significant natural beauty, detriment to property value and no perceived internet benefit due to coverage from other providers. It is also a non-complying development within the Watershed (Primary Production) Zone.

Further details of objection

Important area of natural beauty and remanent native vegetation
The proposed site is in a scenic area and known for its natural beauty (important considerations precluding development of proposals such as this in a Watershed (Primary Production) Zone. The area contains important remanent native vegetation e.g. rare orchids, shrubs, ground covers and trees. The adjacent verge on Crossing Road has been identified as a biodiversity site. The chosen site for the proposed monopole is located at the perimeter of a significant tract of native bushland (SA Water land) in the Southern Mr Lofty Ranges that has not been subjected to development. The environmental reports in the proposal highlight it is an area that is home to many native animals including the endangered southern brown bandicoot and heath goanna and grey headed flying fox, to name a few. Whilst the environmental reports in the proposal do suggest the impacts to flora and fauna would be minimal there is valid concern that encroachment on this important habitat could be cumulative and set a precedent for further large scale impactful development. There are strict rules regarding entry to this land and it would represent a double standard if a commercial entity such as NBN Co is successful with this proposal and granted access to SA Water land where other parties are not. We are aware that scientists and botanists who want to research the native flora and fauna are often denied access to this land.

Impact on property value
The proposed monopole at 45 metres will tower the local vegetation and create a significant visual and social impact in the area. Due to our residential location we perceive this will impact the value of our property due to this visual impact and the concerns many people have regarding electromagnetic radiation. NBN Co even acknowledge the impact on the local area in section 6 by stating "*The proposed facility is not low impact under the definitions in the Commonwealth legislation*". The photos in the proposal of the monopole do not fully convey the visual impact. The following photo is taken from the Crossing Road fire track. We have superimposed an image of the proposed monopole to provide a more accurate visual of the clearance the monopole will have from the surrounding vegetation.

Service not required

We currently have a reliable high-speed broadband signal provided by the Optus wireless 4G network. This more than meets our needs as a family of 4. We are aware that Telstra provides a similar service to Mylor residents. The proposed NBN infrastructure is late to the area compared with other providers and we perceive that this substantial project will not fill a gap in the market.

How our objections could be overcome

- We would like to see the leveraging of existing, telecommunications infrastructure already in the area. For example, the promotion of the existing 4G services to meet the needs of the majority of residents in the Mylor area. NBN is not the only option for high speed broadband.
- More consultation with the wider community in Mylor about the need for this infrastructure and implications of the monopole on the natural beauty of the area. This would determine if there would be demand for this service.

South Australian Development Act 1993

REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: PHILLIP ALLEN

Postal Address: PO BOX 95 MYLOR SA 5153

Contact No: 0400 016 020

Email: unitysysy@ozemail.com.au
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: . supports the proposed development **OR** opposes the proposed development
(cross out whichever does not apply)

My interests are: . owner of local property OR occupier of local property
. a representative of a company OR Other organisation affected by the proposal OR a private citizen
(cross out whichever does not apply)

The address of the property affected is:

137 SILVER LAKE ROAD MYLOR SA Postcode: 5153

The specific aspects of the application to which I make representation are:

I SUPPORT THE NBN PROPOSAL

My objections (if any) could be overcome by:

(cross out whichever does not apply)

~~I do wish to be heard in support of my representation by appearing personally~~

~~or by being represented by the following person~~

OR

I do not wish to be heard in support of my representation

Date: 15/03/2021 Signature: P Allen

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

South Australian Development Act 1993

REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: ..... Ian HOBBS

Postal Address: .... PO Box 625 Mylor, SA, 5153

Contact No: .....

Email:
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: . opposes the proposed development.

My interests are: . owner of a local property.

The address of the property affected is:

6 Pillinda Lane, Mylor, SA. Postcode: 5153

The specific aspects of the application to which I make representation are:

Misleading information in the development proposal. See attached.
The monopole is too high, radiation levels, while are within Australian standards, they are above many other developed countries. See attached.

My objections (if any) could be overcome by:

Relocation of monopole, monopole half the height, promote other alternative such as the existing 4G mobile network.

I do not wish to be heard in support of my representation.

Date: 13 March 2021 Signature: .....

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

Objection to Development Number 20/1005/473 – NBN Co Ltd

From: Ian Hobbs, resident,
6 Pillinda Lane,
Mylor, SA 5153.

Objection

I am a local resident living less than 700m away from the proposed 45 metre high NBN monopole tower on Crossing Road, Mylor. I strongly object to this proposal, which is a non-complying development within the Watershed (Primary Production) Zone.

This commercial proposal will have a highly detrimental visual impact on the surrounds, adversely altering the character of the area. Living in the local area, my wife and I use Crossing Road every few days for recreation purposes and often meet recreational visitors, including other locals. Recreational activities include walking, horse riding and cycling. This commercial development will destroy the natural amenity the surrounding area.

After speaking with local residents, I find many already have a high-speed internet by accessing the existing 4G services provided by Telstra and Optus. Therefore, new infrastructure of this proposal is not required.

The visual impact of this proposed monopole could be seen for several kilometres around the site destroying the natural views that exist at present. There has been many changes in the Mylor locality over the past five years that has disrupted the amenity visually and auditorily, eg removal of hundred + year old trees, increased traffic and new residents bringing city values to a rural community.

Grounds for my objection

Visual Impact
At 45 metres this proposed tower will be more than double the height of the existing vegetation and similar in height to a 15-story building. This monstrous tower will be totally out of character with the natural surroundings and be visible across the Mylor valley.

The NBN Co Ltd proposal is misleading in a number of areas in regard to visual impact.

- *"The facility has been strategically sited and designed to minimise visibility within the surrounding environment as much as practicable …"*
  How can a 45-metre monopole have minimal "visibility within the surrounding environment" when the mono-pole towers more than two times above the surrounding environment ?

- "*The presence of vegetation in all directions surrounding the proposed location largely mitigates the visual impact of the facility*".
  How can the surrounding trees "mitigate the visual impact" when the tower is more than twice the height of those trees? This is quite clearly incorrect.

- A number of photographs in the NBN Co Ltd application (viewpoint 1 & 2) that show the proposed monopole graphically, are misleading when they show the monopole strategically hidden by surrounding vegetation. A couple of steps to the right of left would have the

monopole clearly in view. If the graphically represented monopole was inserted in the one photo (viewpoint 4) it would clearly tower over the surrounding vegetation.

Duplication of existing infrastructure results in overstated benefits.
Existing infrastructure already exists that provides high speed broadband throughout Mylor via 4G network. Many local residents that I have spoken with have existing connections/contracts with either Telstra or Optus and have no intention of using the proposed NBN service. They are happy with the cost and don't expect the proposed NBN service to outperform their existing 4G service.

How many of the 323 premises proposed to be serviced by this tower have existing 4G services which they intend to stay with? The number of people who will actually benefit from the proposed NBN service is likely to be significantly smaller. Therefore, the number of people who will benefit from the NBN service will be smaller than stated and I understand that some premises will not be serviced by this service as they are not in site of the antennas.

Future Use
If the proposed NBN monopole is erected what future additions/antennas will be added without any notification to the local residents or Adelaide Hills Council? Will any future additional installations to the monopole increase the proposed eyesore that is before us now? Additional infrastructure is likely to increase the detrimental visible, radiation and environmental impact.

Notification
Notification of this proposed monopole NBN service has not been made to all effected residents, eg the resident at the bottom of Smith Road. Construction and maintenance are likely to impact this resident who was shocked when she was informed of the proposal by local residents. Why was she not informed by Adelaide Hills Council?

How my objections could be overcome:

- Promote the existing 4G network to service Mylor residents with higher speed internet. NBN is not the only option for high-speed broadband.

- Relocate the proposed monopole to another suitable location, maybe within the Mount Bold Reservoir/SA Water land so that has reduced visual and environmental impact on local residents.

- Another option is to build a much lower monopole at a higher elevation along Crossing Road, although this may not be acceptable to residents on top of the hill. It doesn't make sense to have a very tall tower located at the bottom of a hill. A smaller tower further up the hill and just visible above the treetops would reduce the visible impact and would be more acceptable to many local residents.

Ian Hobbs

13 March 2021

South Australian Development Act 1993
REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: LUCY QUIGLEY-SMITH & MATT SMITH

Postal Address: C/- BOTTEN LEVINSON LAWYERS GPO BOX 1042 ADELAIDE SA 5001

Contact No:

Email:
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: ~~supports the proposed development~~ ~~OR~~ opposes the proposed development
(cross out whichever does not apply)

My interests are: owner of local property ~~OR occupier of local property~~
~~a representative of a company OR Other~~
~~organisation affected by the proposal OR a private citizen~~
(cross out whichever does not apply)

The address of the property affected is:
133 CROSSING ROAD MYLOR Postcode: 5153

The specific aspects of the application to which I make representation are:
REFER ATTACHED

My objections (if any) could be overcome by:

(cross out whichever does not apply)
I do wish to be heard in support of my representation by appearing personally or by being represented by the following person TOM GAME BOTTEN LEVINSON
~~OR~~
~~I do not wish to be heard in support of my representation.~~

Date: 15.3.2021 Signature:

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

BOTTEN LEVINSON
Lawyers

Our ref: THG/221079

15 March 2021

Mr Andrew Aitken
Chief Executive Officer
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

By email: mail@ahc.sa.gov.au

Dear Andrew

Representation – DA 20/1005/473 – 46m high telecommunications facility at Lots 10, 11 & 12 Crossing Road, Mylor

This firm acts for Mrs Lucy Quigley-Smith and Mr Matt Smith of 133 Crossing Road, Mylor. Mrs Quigley-Smith is the registered proprietor of the land at 133 Crossing Road.

This representation regarding the above application for a 46 metre high NBN monopole and associated works (**the proposed development**) at Lots 10, 11 & 12 Crossing Road is made on our clients' behalf.

Our clients are opposed to the proposed development and submit that the Council should refuse the grant of Development Plan Consent.

Our clients' principal concerns are:

1. That the proposed development will have an unreasonable impact on the exceptionally high visual amenity of their property;

2. That the need for the facility has not been demonstrated; and

3. That the developer has failed to sufficiently consider alternative sites that would have less visual impact.

Our client's land and the locality

Our clients' land is located directly to the northeast of the subject land, on the northern side of Crossing Road.

Our clients' land comprises a dwelling, horse arena, stables and various outbuildings. The land also contains a small lake and is typified by open paddocks with scattered mature trees.

The broader visual outlook is ringed by well established trees and scrub which largely screens other buildings from view.

Our clients reside on their property with their children and utilise it for the training of elite equestrian horses.

Level 1 Darling Building
28 Franklin Street, Adelaide
GPO Box 1042, Adelaide SA 5001
t. 08 8212 9777
f. 08 8212 8099
e. info@bllawyers.com.au
www.bllawyers.com.au

The locality of the area is semi-rural in nature, with a mix of residential and small-scale primary production land uses. The locality features an undulating, scenic landscape with a backdrop of well defined, vegetated ridgelines and clear skylines.

The amenity of our clients' property and the broader locality is exceptionally high and is deeply valued by them.

The dwelling on our clients' property is the second closest house to the proposed tower.

The Development Plan

Pursuant to the relevant consolidation of the Council's Development Plan[1] the land is located in the Watershed (Primary Production) Zone and the Watershed Protection Policy Area.

The proposed development is a non-complying form of development within the Zone.

Assessment of telecommunications facilities

The Courts have, over the years, dealt with a reasonable number of cases involving proposals to erect telecommunication facilities. The following general principles emerge from a detailed review of the Council's Development Plan and the relevant case authorities:

1. even if demand for telecommunication services is a given, the question will arise as to whether there is a need for an additional facility to meet that demand for services;

2. there is a clear and heavy onus on telecommunications companies to demonstrate that there is a need for an additional facility to meet the demand for services;

3. provided that the telecommunication company can adequately demonstrate that there is a need for an additional facility, the next relevant question is whether the facility has been designed and sited to minimise its visual impact; and

4. it will be for an applicant to demonstrate that the facility has been designed and sited to minimise its visual impact.

Visual amenity

The Watershed (Primary Production) Zone and Watershed Protection Policy Area are areas of very high amenity, with a strong existing character. It is plain that the Development Plan intends that particular scrutiny will be applied to development within the Zone and Policy Area.

Objective 2 of the Policy Area seeks:

> *The maintenance of a pleasant, attractive rural landscape characterised by verdant undulating pasture lands, dotted with clumps of large majestic gum trees with the occasional cluster of farm buildings.*

[1] Consolidated 8 August 2019

Development in the Policy Area should minimise visual impairment[2] and harmonise with the rural character of the locality[3].

Objective 5 of the Zone seeks:

> *The **enhancement of the amenity** and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors*

Principle of Development Control (PDC) 39 in the Zone states that:

> *Buildings should not impair the character of rural areas by reason of their scale or siting. If necessary, buildings should be screened by trees or shrubs.*

The Development Plan also specifically calls for careful consideration of the visual impacts of telecommunication facilities and for those impacts to be minimised: Objective 2:

> *Telecommunications facilities **sited and designed to minimise visual impact** on the character and amenity of the local environment*[4]
>
> *Telecommunication facilities should be designed and **sited to minimise the visual impact on the character and amenity of the local environment**, in particular visually prominent areas, main focal points and significant vistas*[5]

Our clients' are extremely concerned by the visual impact the proposed development will have on the character and amenity of their land, and the locality more broadly.

The proposed development will be of significant height and will be prominent above the tree line of surrounding vegetation and clearly visible against the skyline when viewed from our clients' land.

It will be a distinctly non-rural, alien visual element in a locality otherwise dominated by natural features.

It is also clear that the visual impacts of the proposed facility have been understated in the application documents, noting that:

1. The photographic example of a monopole appears to be different to the facility which is proposed, which includes a substantial circular headframe with a diameter of approximately 3m;

2. The montages, elevations and example images do not account for the likely proliferation of other telecommunications infrastructure which would seek to take advantage of co-location opportunities with the facility;

3. The photomontages provided are entirely inadequate, with three of the four photomontages being taken from within the site, and the fourth taken from a heavily vegetated section of Crossing Road; and

4. The photomontages are favourably selective, with all of the chosen locations featuring vegetation obstructing the view of the facility. There are clearly other

[2] Policy Area PDC 1
[3] Policy Area PDC 4
[4] Council-wide Telecommunication Facilities Objective 2
[5] Council-wide Telecommunication Facilities PDC 1(g)

locations, such as our clients' land, where the tower will be clearly visible above the tree line;

Further, it is clear that the visual impacts from our clients' property have not been considered at all in the development application.

Given the visual sensitivity of the locality it is entirely reasonable to expect that the applicant would have commissioned an independent visual impact assessment which considers impacts not just from the public road but also from the surrounding properties.

Our clients are prepared to facilitate access to their property by an independent expert for the purposes of undertaking a proper visual impact assessment of the proposed development.

It is also reasonable to expect that the applicant would prepare a section or 'line of sight' drawing depicting the height of the proposed tower relative to the adjoining properties.

The application documents as presented are insufficient for a proper assessment of the likely visual impact.

The need for an additional facility

Although the Applicant has outlined the general benefits of providing NBN Fixed Wireless services, it has not demonstrated why those services are necessary in the Mylor area, nor specifically why existing services are inadequate to service the wider community.

The development application states that the facility is designed to provide Fixed Wireless internet services to over 323 premises in the Mylor area.

However, it is not clear whether and in what way the services presently available to those premises are inadequate.

To the extent that our clients' property is one of the 323 premises, they do not consider the existing internet services to be inadequate.

It is also not clear why the tower needs to be as high as it is, given that the key requirement appears to be line of sight. Is the 46m height in fact necessary to achieve that line of sight?

The need for an additional facility, and a facility of this size, has not been adequately demonstrated.

Alternative sites

The area in which the proposed facility could be located and still achieve the desired transmission performance is clearly very large. It appears to be an area which covers tens of square kilometres and many hundreds of properties of both a public and private nature. The area includes for example many un-made road reserves.

Despite the large area in which the facility could be sited it appears that relatively few alternative sites have been considered in this process, including:

1. One potential co-location site (described as sites A, B and C); and
2. Three alternative sites for a new monopole (sites D, E and F);

The fundamental reasons given for rejecting the alternative sites include:

1. Inability to reach agreement with landowners (sites A, B, D, E and F); and
2. Confidential reasons (site C);

It appears that in reality very few alternative sites have been properly considered.

A failure to reach agreement with landowners on commercial terms should not be held out as a sufficient reason not to look for further alternative sites. In truth, a site where the landowner is not prepared to host the facility is not a potential alternative site in the first place and it should not be treated that way.

Likewise, stating that an alternative site cannot proceed for 'confidential reasons' in no way aids a planning authority in determining whether suitable alternative sites do in fact exist.

Summary

The proposed development is likely to lead to adverse visual amenity impacts for adjoining land owners and the locality generally.

In the Supreme Court decision of *Hutchens & Anor v City of Holdfast Bay & Anor*, the Court held that in assessing a proposed development:

> *It is necessary to balance the interests of those who seek to develop a site with the interests of those who already reside in the relevant neighbourhood or locality.*[6]

The proposed development is of considerable scale and will impact on the amenity of my client's land as well as the character and amenity of the locality generally.

The Development Plan places a clear emphasis on preserving and enhancing the rural character and scenic qualities of the zone. The proposed development will not assist in the achievement of that objective. Those provisions exist for good reason and should not be departed from lightly.

Having regard to all of the above, the proposed development does not warrant Development Plan consent.

Our clients wish to be heard in person, or by legal representative at the relevant meeting of the Council Assessment Panel. As such, I would be grateful if you could advise me of the time and date of the relevant meeting.

Yours faithfully

Tom Game
BOTTEN LEVINSON
Mob: 0419 809 361
Email: thg@bllawyers.com.au

Cc Mr Doug Samardzija (dsamardzija@ahc.sa.gov.au)

[6] *Hutchens & Anor v City of Holdfast Bay & Anor* [2007] SASC 238 at [21]

Annexure – Images from 133 Crossing Road looking towards the site of the proposed tower

South Australian Development Act 1993

REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: Susanne Koen.....

Postal Address: PO Box 353, Mylor SA 5153..... .....

Contact No: .....

Email: .....
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: . supports the proposed development **OR** ~~opposes the proposed development~~
(cross out whichever does not apply)

My interests are: . owner of local property ~~OR occupier of local property~~
~~. a representative of a company OR Other organisation affected by the proposal OR a private citizen~~
(cross out whichever does not apply)

The address of the property affected is:

26 Silver Lake Road, Mylor
.....Postcode: 5153.....

The specific aspects of the application to which I make representation are:

We have long fought for an nbn tower for this community in order to get better internet. I therefore support the project. However, I wish to point out that the consultation process has not been fair in that has not

a) Cast the net widely enough to gather a wider range of voices than just immediate neighbours
b) Taken into account the date of the Council Community Forum on 30 March, at which this topic is agenda item and yet any forum outcomes will have no bearing on the consultation, as it is past the cut-off date.

My objections (if any) could be overcome by:
A greater opportunity for wider community consultation

(cross out whichever does not apply)

I do wish to be heard in support of my representation by appearing personally
~~or by being represented by the following person.....~~
~~**OR**~~
~~I do not wish to be heard in support of my representation.~~

Date: ....15 March 2021..... Signature: Susanne Koen .....

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

South Australian Development Act 1993

REPRESENTATION ON APPLICATION - Category 3 Notification
Non-complying

Development Number: **20/1005/473**

My Name: Graham and Deborah Davidson

Postal Address: PO Box 154. Stirling. SA 5152.

Residential address: 159 Crossing Road, Mylor, SA 5153

Contact No:

Email:

(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **NBN CO Limited**

Nature of Development: **Telecommunications facility comprising NBN monopole (maximum height 46m), security chainmesh fencing (maximum height 2.4m) with outdoor cabinets & associated earthworks (non-complying)**

Proposed to be located at: **Lots 10, 11 & 12 FP152770 Crossing Road, Mylor SA 5153**

My representation: . Opposes the proposed development

My interests are: . Owner / occupier of local property
.

The address of the property affected is: 159 Crossing Road, Mylor, SA 5153

The specific aspects of the application to which I make representation are:

Crossing Road one of last local quiet walking routes with no infrastructure and noise - we looked for an appropriate property in the Adelaide Hills for over 3 years before purchasing on Crossing Road. Our decision was strongly motivated by the peace and quiet and especially the unspoiled natural views and lack of infrastructure. Our views will now be seriously compromised by the proposed ~46 metre tall tower, which is around 3 times higher than the surrounding vegetation. This will be visible from properties on Crossing Road and also many on the facing hills of Boyle Swamp, Bradbury and Ridge Roads. The NBN proposal states that "The presence of vegetation in all directions surrounding the proposed location largely mitigates the visual impact of the facility". This is absolutely NOT the case. The photos shown in the information pack are highly misleading and are not even close to a true representation of the visual impact this tower will have for many people. It will be clearly visible from both inside and outside of our home in our most used living areas. In this area, the tower will be an eyesore and to us this is absolutely unacceptable.

Negative impact on property values - it is widely acknowledged that properties in close proximity to major infrastructure, particularly major electrical and communications assets, are less desirable to purchasers and frequently suffer from reduced values and sale prices post infrastructure development. In a quiet and relatively undeveloped locality, and one where people specifically seek these qualities, this is likely to be even more pronounced. We do not want our property value to be negatively impacted by this proposed development. We are currently undertaking a significant investment in the refurbishment of our home to create a sustainable living outcome, focussed on connection with nature, views and bushfire reduction. We are intending to submit our project for consideration in the SA Institute of Architects awards for sustainable construction. Our intention is that our home is a showcase for sustainable living in the Adelaide Hills (an similar environs around Australia). The presence of this needless infrastructure near to our property undermines what we are trying to achieve with our home and will negatively impact our financial investment in our asset.

Perceived internet issues - from speaking with other locals in our neighbourhood, the consensus is that there are no internet issues in and around Mylor and that there are several viable internet options available to locals. We do not need NBN or its associated infrastructure. We will not be taking up NBN as our current service provides superior performance. NBN, where provided, should be via fibre optic cable as in the rest of the developed world. We currently use wireless broadband and it is completely acceptable for our needs – including running two successful businesses from

home. There is already existing infrastructure in the Mylor area to provide high speed internet – we do not need it to be duplicated.

Health concerns - there are well documented concerns for public health and wellbeing relating to proximity to communications infrastructure. The future uses of this tower will almost certainly include 5G telecommunication, further exacerbating health issues for flora and fauna in the area. We do not want to be put in an involuntary position of living close to this infrastructure and having the local ecosystem damaged by this infrastructure.

Lack of consultation with affected residents - Disappointingly there was no upfront consultation with affected residents and even when letters were sent out, many affected residents were omitted and had to be told by their neighbours. This is not the way that business should be done in our locality and demonstrates disrespect and disregard for proper process, local residents and their interests.

Non-compliant development - Non compliant developments should not be permitted, particularly in increasingly rare, unspoiled bushland areas. This is a matter of principle and Council must lead by example and operate in a manner that is transparent and consistent with the policy direction it has set. We understand that this site is one of a few new sites being considered after others were found to be unsuitable previously. Due to the issues listed above we see no reason why this site should be considered as a suitable location.

My objections (if any) could be overcome by:

Relocating the proposed NBN tower to an area further away from residential properties, where both health impacts to residents and to native flora and fauna, and visual amenity impacts will be lessened. Mount Bold SA Water land is vast and there are many access roads through it that would allow access to a tower located further into this area where it cannot be seen by local residents.

Reconsidering the need for the NBN tower in the first place. Making better use of and better promoting the existing 4G communications infrastructure, which already effectively services the majority of residents in the area.

If this proposal is accepted or taken part this point of development, we, and several other affected residents, shall engage appropriate legal services to represent us in further opposing this needless and damaging project. Should this not be shut down, we shall also lobby local political representatives and voice our objections in the press and in local community groups and social media outlets.

(cross out whichever does not apply)

I do wish to be heard in support of my representation by appearing personally or by being represented by the following person .....

~~**OR**~~

~~I do not wish to be heard in support of my representation.~~

Date: ....15 March 2021.....

Signature:

The closing time and date for Representations is 5.00pm on 15 March 2021 & Representations can only be received during the period 26 February 2021 to 15 March 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

OBJECTION TO DEVELOPMENT NUMBER 20/1005/473

From:

Stephanie Dallwitz
51 Smith Road,
Mylor
Phone

As a local resident I object most strongly to the proposal to erect a 45 metre high NBN tower on Crossing Road, Mylor.

It is a non-complying development within the watershed (primary production) zone.

This commercial proposal will have a hugely negative impact on the residents who live nearby. We choose to live where we do because of our love for nature and a peaceful lifestyle. There are not many places left in the world of such beauty and serenity.

It is not my area of expertise but I have talked to other people who have a good knowledge of telecommunications and all question the viability of the position of this structure. There surely must be places that are higher up and further away from houses to consider. It is questionable wether this will be of benefit to many people as they will likely still be in the shadow of the hills. Most of the people I know who had Internet problems a few years ago have managed to solve the problem using other systems such as mobiles. It seems a travesty to destroy the lifestyle of those living near the proximity of the tower for the possibility of slightly increased internet speed for a small number of people in Mylor. People affected will be forced to move, but it will drastically affect sale prices.

As this is a non complying development I am appalled by the lack of time and information given to local residents to object. I myself, living very close and who will be greatly impacted, was not informed at all of this proposal, and only found out through friends. This gave me only a week to formulate this objection.

informed at all of this proposal, and only found out through friends. This gave me only a week to formulate this objection.

At the very least there should be a more thorough investigation of how many people will actually benefit from this installation, and consultation with the Mylor community, before the sacrifice of the people who live nearby is carried out.

SMITH ROAD:

I also strongly object to Smith Road being used as the access road for this operation. I live at the end of Smith Road, no. 51. In the proposal it was stated that Smith Road culminates at the SA Water gate. This is untrue, and possibly a purposeful deception. The Road culminates at my place, just past the gate. Smith Road is a narrow unsealed road. It has no room for two cars to pass. There are a few blind spots along it. The thought of months of trucks and cranes coming along the road meeting me head on is terrifying. I would not be able to safely reverse, especially under stress and in places while reversing I could easily tip into the side ditch. I also regularly walk along the road for exercise, which would become dangerous.
I would like to be heard on this matter.

Stephanie Dallwitz
14/3/2021

From: Karl Moore
Sent: Monday, 15 March 2021 2:32 PM
To: Mail
Subject: Fwd: Mylor Forum and NBN Proposal consultation closes at 5pm today

Attn: Planning dept

Dear Council,
Re the nbn tower proposal on crossing road in Mylor, I'd like to add my support to the development. It will bring better communication opportunities for the local community including those working from home and for the vulnerable who's connectedness with the world via the Internet is becoming more and more relevant. Currently my family is relying on mobile phone tethering which is marginally adequate and only possible because we have direct line of sight of the nearest optus repeater. I do not live within 500m of the proposed tower so did not receive the letter drop, I am hoping my voice will be heard.
Regards
Karl Moore
17 Cooper Rd Mylor

Subject: Mylor Forum and NBN Proposal consultation closes at 5pm today

Dear Mylor Resident

Council will be providing an update and presentation from NBN at the Mylor Forum on 30 March 2021. Further information on the forum can be found at the link below:

Mylor Community Forum 2021 | Hills Voice: your say (ahc.sa.gov.au)

Please note that a consultation on the NBN tower proposal in Mylor started late February and closes at 5pm today. This is a standard Category 3 consultation which is promoted via an advert in the local paper which occurred in late February and a letter is sent to those living within 300 – 500m of the site on which the tower is proposed.

Due to the high interest on this topic and in case you were not unaware of this consultation and want to make a submission you will need do so by 5pm today. Please see additional information which was in the advertisement on 26 February below:

The public notification period begins on 26 February 2021 and concludes on 15 March 2021. Documentation will only be available for viewing during the notification period.

Any person or body may make representation concerning the applications by notice in writing either by emailing mail@ahc.sa.gov.au or posting to PO Box 44 Woodside SA 5244 by no later than **5.00pm on 15 March 2021, noting late submissions cannot be considered.**

You can also see the proposal details at the links below.

See https://www.ahc.sa.gov.au/Resident/planning-and-building/current-development-applications

and scroll down to Lots 10, 11 and 12 Crossing Road, Mylor (20.1005) - Category 3 Representation Form - Crossing Road, Mylor.

Providing a submission at this time will allow you to be heard at the Council Assessment Panel meeting in the future where the NBN proposal is submitted seeking approval.

Looking forward to seeing you at the Mylor forum – don't forget to register if you haven't already.

Kind regards
Vanessa

Vanessa Geerts
Community Engagement Coordinator
Adelaide Hills Council
Mon (to 2:30pm), Tues and Thurs

Visit me at: 63 Mount Barker Road, Stirling SA 5152
PO Box 44 Woodside SA 5244

SOUTH AUSTRALIA'S PLANNING SYSTEM IS CHANGING - 19 MARCH 2021

PlanSA

This email (including any attachments) is confidential and intended only for use by the addressee. It has been sent by Adelaide Hills Council. If you are not the intended recipient of this document, you are advised that any use, reproduction, disclosure or distribution of the information contained in this document is prohibited. If you have received this document in error, please advise us immediately and destroy the document. It is noted that legal privilege is not waived because you have read this email or its attachments. Any loss or damage incurred by using this document is the recipient's responsibility. Adelaide Hills Council's entire liability will be limited to resupplying the document. No warranty is made that this document is free from computer virus or other defect.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit http://www.symanteccloud.com

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit http://www.symanteccloud.com

From: Mmhampton
Sent: Monday, 15 March 2021 4:05 PM
To: Mail
Subject: NBN Tower Application

Application 20/1005

I would like to say yes in favour to the erecting of an NBN tower at Crossing Rd Mylor.
I live at Strathalbyn Rd, Biggs Flat, and the Internet service is intermittent at best.

Mary Hampton

Sent from my iPad

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit http://www.symanteccloud.com

Aurecon Australasia Pty Ltd
ABN 54 005 139 873
55 Grenfell Street
Adelaide SA 5000
Australia

T +61 8 8237 9777
F +61 8 8237 9778
E adelaide@aurecongroup.com
W aurecongroup.com

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

31 March 2021

Doug Samardzija
Statutory Planner – Development and Regulatory Services
Adelaide Hills Council
PO Box 44
Woodside SA 5244

Dear Doug

DA: 20/1005/473 – Response to Representations Received during Category 3 Public Notification of Development Application for a proposed nbn™ Fixed Wireless Facility at Lot 10 Crossing Road, Mylor SA 5153

We are writing in response to Council's email dated 17 March 2021 providing the representations that were received regarding the **nbn**™ Fixed Wireless Facility (DA: 20/1005/473) proposed at the above address.

We thank Council for the opportunity to respond, on behalf of **nbn**, to the comments made during the public notification of the application. **nbn** appreciates feedback from residents and is committed to working openly and transparently with communities and key stakeholders in the deployment of **nbn**™ infrastructure nationwide to achieve solutions which strike a balance between providing **nbn**™ services and minimising impacts on communities and the local environment.

A total of fifteen (15) representations were received from Council and we would like to take this opportunity to respond to the issues raised within the submissions. We also note that seven (7) of these representations were in support of the proposal.

As the representations have expressed a range of issues, these have been categorised and addressed under headings below.

Need for the facility

Some representors have questioned the need for the facility in this location, with many stating that they use mobile broadband services provided by existing telecommunication infrastructure in the broader area. Representors expressed concerns that the proposed development is a *'duplication of existing infrastructure"*, stating that *"the consensus is that there are no internet issues in and around Mylor"* and that existing services *"more than meet the needs of our family."* One representation stated *"the need for an additional facility, and a facility of this size, has not been adequately demonstrated."*

However, some representors also emphasised their need for alternative internet provision, describing existing internet services as *"marginally adequate"* and *"intermittent at best"*, also stating that they *"have long fought for an **nbn** tower for this community."* One representor described the proposed development as *"desperately needed"* to replace their existing ADLS2 connection and *"crucial"* for the continued operation of their business. We also note that Federal Member for Mayo Rebekha Sharkie supports the provision of a **nbn** Fixed Wireless facility in the Mylor area, supporting a petition with seventy-two (72) signatories to overturn the decision to abandon a previously proposed **nbn** facility within the locality.

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

As some representors are stating that the existing services are adequate, noting some of these services are from mobile service providers, it is important to note the proposed **nbn**™ Fixed Wireless services operates in a different manner to these existing telecommunications facilities (i.e. Telstra, Optus, Vodafone mobile services). The main difference between the services is that unlike a mobile service where speeds can be affected by the number of people moving into and out of the area, the speed available in a Fixed Wireless network is designed to remain relatively steady as it is a fixed point for wireless connection rather than intermittent as it is with mobile services which emphasises the need for the facility in this location.

nbn is upgrading the current telecommunications network in the most cost-efficient way using best-fit technology and taking into account existing infrastructure, in keeping with the Government's Multi-Technology-Mix (MTM) model. This will vary from place to place and will include technologies such as Fibre to the Node, Fibre to the Premises, Fixed Wireless, HFC and the Long Term Satellite.

Due to an outcry of community need and political support for better services within Mylor, **nbn** has undertaken additional site selection to identify an appropriate location for this service to address these needs.

We advise that the "originally planned" **nbn**™ network design has always included an element of fixed wireless technology. Communities with the size and dwelling density of Mylor have been intended to receive a Fixed Wireless service. That is, the initial local service design for Mylor was in keeping with the national design of the network, which represented an upgrade to Australia's existing telecommunications, designed to provide Australians with access to fast, affordable and reliable internet services, as quickly and as cost effectively as possible. This approach has been revisited for the current proposal.

EME and Health

Five (5) representations raised concerns regarding the effects of Electromagnetic Energy (EME / EMR) that will be produced by the proposed facility.

nbn acknowledges that some people are concerned about possible health effects from the EME generated by radio frequency technology and are committed to addressing these concerns responsibly.

nbn relies 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 Organization (WHO) for overall assessments of health and safety impacts.

Organisations such as the WHO routinely review the medical research and science relevant to the Electromagnetic Energy (EME) generated by radio communications services. The consensus is that there is no substantiated scientific evidence of adverse health effects from the EME generated by radio communications services that comply with national and international safety guidelines.

The report which accompanied the application to Council clearly demonstrates that the **nbn**™ Fixed Wireless proposal will operate well within the prescribed safety standards developed by ARPANSA, and a summary of the estimated RF EME levels around the proposed facility is contained in the "EME Report", which was included with the application documentation.

We also note that research on possible biological and health effects of exposures to RF EME has been underway for more than 50 years. The WHO states that the research has found no adverse health effects from the low level RF signals emitted by base stations and wireless networks:

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

> *"considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects"*

The power outputs are quite low considering the service they are offering. As an example, this facility will operate at a maximum Power Density of approximately 11.03mW/m2 (milliwatts per square metre) which is considerably low.

It is **nbn**'s responsibility to comply with the mandated standard for RF EME set by ARPANSA, which is the safety standard recommended by the WHO. The safety standard works by limiting the network signal to a level low enough to protect all people, in all environments, 24 hours a day, 7 days a week. The safety limit itself has a significant safety margin built into it. For reference, please find attached the EME Report which shows the maximum predicted level of EME equates to approximately 0.11% (or over 909 times below the allowable limit) of the maximum allowable exposure limit (mandated standard) at a distance of 207m (but also noted between 100-300 metres) from the facility. This is substantially less than 1% of the maximum allowable exposure limit. Other locations beyond 300m from the site (essentially every other dwelling in the locality) the maximum level can become much less – equating to approximately 0.08% (300-400m) and 0.05% (400-500m) of the maximum allowable limit.

In summary, the proposal will operate at levels that are many orders of magnitude below the standard.

Compliance with Safety Standards

nbn has demonstrated very significant compliance with safety standards as required by public health authorities. **nbn** would like to inform Council that the ACMA has conducted an audit (in 2015) of the Fixed Wireless network, and concludes that:

> *"NBN has a high level of compliance with the EME licence conditions, has a clear understanding about EME compliance obligations and associated record-keeping requirements, has processes in place to ensure that compliance assessments accurately reflect current environmental and site conditions, is appropriately addressing the underlying risk of EME exposure from its base stations, is highly cooperative and willing to work with the ACMA in relation to all aspects of its EME compliance."*
>
> (http://www.acma.gov.au/Industry/Suppliers/Product-supply-and-compliance/Priority-compliance-areas/eme-and-the-national-broadband-network)

A copy of the ACMA's *Priority compliance area outcomes report Electromagnetic energy compliance and the National Broadband Network* is attached for Council's reference. We trust that the Federal audit, as well as our very significant compliance at Mylor, provides Council with the necessary assurance of the safety and responsibility of the fixed wireless network.

Consultation

Some representors questioned the timing and extent of community consultation as part of this application. As such, we provide the following summary of notifications commenced under the *Development Act 1993* and willingly by **nbn**.

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

Statutory Notification

This Development Application has been assessed as a Category 3 development which, in accordance with Section 38 (2) (b) of the *Development Act 1993*, requires a 10-business day notification period to the community. The Council is governed by this process and it is their responsibility to comply with the *Act*.

The Council's Category 3 Public Notification period commenced on Friday 26th February and concluded on Monday 15th March as per the requirements under the *Act*.

The Council's statutory notification period offers an avenue for residents to provide representation and comments on the application. We consider the method of consultation which we have undertaken, additional to that carried out by Council within the development assessment process, has ensured reasonable opportunity for the community to provide feedback and express any concerns.

nbn Notification

Due to the political interest in this service being provided at Mylor, nbn has opted to undertake additional notification to the community immediately surrounding the proposal location, with additional wider notification to the Mylor Citizens Friendship Club Inc. and a notice at the Mylor General Store.

This notification was aligned with Council's statutory notification period commencing on 26 February, in which residents were encouraged to contact Aurecon directly with any questions or concerns they may have via the contact details which were provided within our letter.

Site Selection

Six representors expressed concerns with the proposed position of the facility with an emphasis on the need to respect the *"deeply valued"* and *"exceptionally high"* amenity of properties nearby the site and within the broader Mylor locality. One representation questioned the adequacy of the alternative site considerations, while another stated that *"they saw no reason why this site should be considered as a suitable location."* Some representations sought further investigations into the *"leveraging of existing telecommunication infrastructure,"* while two representations suggested that the proposed facility should be reduced in height and relocated further into the Mount Bold SA Water land.

We also note that two representations supported the site as the *"best/preferred option,"* stating that the proposed location is *"suitable"* and *"[inhibits] very few neighbouring properties."*

The site selection process, including consideration of alternative sites, was outlined within the Planning Report submitted to Council. However, as representors raised issues with the proposed position of the facility and the site selection process, we would like to reiterate the following information.

The site selection process involved a thorough investigation of the search area with planning and property consultants, radiofrequency engineers and designers to identify possible locations for the proposed facility. Opportunities to 'co-site' with existing facilities were investigated, however, as outlined in the Planning Report, no existing facilities were viable in the objective coverage area. Opportunities to co-locate with existing facilities were also investigated, however only two (2) facilities were identified in the area. The nearby Telstra facility is only 25m high and would not achieve the required heights required to provide reliable internet coverage. Similarly, the nearby Optus facility is 25m high and too low to achieve the line-of-sight necessary to premises within the coverage area.

Therefore, it is considered that no viable co-siting or co-location opportunities were available in this area.

Several candidate sites were then selected and examined. Candidate C was the selected candidate for a previous DA (16/796/473) but not able to proceed with the development due to commercial terms not being reached and a withdrawal of any further negotiations between **nbn** and the landowner. We believe legal tenure is an appropriate consideration as to whether a site proceeds or not. Whilst property negotiations did not proceed with Candidates D, E, and F, these candidates had reached a point whereby a reasonable level of confidence in negotiations with the landowner enabled further site investigations to be undertaken. It was only later in the process that withdrawals occurred. Furthermore, there are a large number sites that did not reach this level of confidence and thus not included in our site selection of the Planning Report. We consider property negotiations is a justifiable constraint for site selection.

Further considering other candidates for the siting of this facility, representor's suggestions to relocate the site further into Mount Bold SA Water land are not viable due to the impacts on the land due to the clearing necessary to accommodate the facility and access. The facility would also be required to be sited at a higher elevation, thus increasing its visibility and making it more obvious within the surroundings.

One representor asked *"If NBN have been sensitive to the wishes of those local residents* [referring to Candidates D, E, F]*, then why has the same approach not been applied to the residents along Crossing Road?"* It should be noted that the previous site sensitivities were are a result of a culmination of issues, including visual impact, which was considered to be greater than the current proposed location. The previous sites did not have the benefit of existing vegetation to conceal a large portion of the facility (which the current site has), as they were located on much more bare landscapes at the top of ridgelines. It is considered the facility has been located and designed appropriately to minimise visual impacts on the locality. As a comparison, the proposed facility will only have negligible or minor adverse impacts on the majority of prominent viewsheds. This is due to the significant setback achieved from scenic routes, the undulating topography and the mature vegetation screening as much of the facility as possible. The location enables the height of the proposed facility to be restricted to a 45m slim monopole structure, as opposed to a bulky lattice structure, whilst still achieving service and connection to the wider **nbn**™ network.

As discussed in Section 3.3 of our report, the selection of Candidate G balances the need for a facility that meets the technical requirements necessary to provide fast, reliable Fixed Wireless internet service to the broader Mylor locality (over 323 premises) whilst minimising visual impacts as much as is possible.

Access

One representor raised concerns regarding the utilisation of Smith Road as an accessway for the construction and maintenance of the proposed facility. The representor indicated that the road is unsealed and narrow, and there are blind spots for vehicles travelling along this road.

Access to this property is restricted to only certain points, this is to ensure that access through SA Water property can be controlled. Additionally, access via Crossing Road (being a closer point of access) brings complications regarding the biodiversity corridor, so to minimise impact to the environment, the existing access via Smith Road is proposed.

Construction will be undertaken for an approximate 10-week period, there will be a minimal constant flow of vehicles excepting a two-week period in which construction vehicles and equipment will be required to construct the facility. A Traffic Management Plan will be implemented on Smith Road to

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

control safe traffic flow and ensure that access to properties is not impeded. A water truck can be used to dampen the road if excessive dust is created by construction vehicles. If it assists residences along this road, **nbn** contractors will nominate a contact during the duration of the build to allow for any concerns to be raised. These details will be noted on a sign near the proposed site.

On-going access to the property would be minimal, with no more than 1 or 2 visits per year for general maintenance. This would only require access using a standard 4WD vehicle.

Visual Impact

Six (6) of the representations received expressed the view that the proposed facility would have a negative visual impact upon their properties and the wider locality. Two representations indicated that the facility will be an *"eyesore"* that would *"significantly and irrevocably devalue the whole landscape."* We acknowledge that these representations also expressed concerns about the height of the proposed facility, with two (2) representations indicating that the facility *"will be visible from the whole valley"* and one representation asking *"How can the surrounding trees "mitigate the visual impact" when the tower is more than twice the height of those trees?*" A representation also raised concerns about the potential overshadowing of properties caused by the height of the facility.

We also note that one (1) representor expressed the view that the proposed facility will have *"minimal visual impact"* on the locality.

We note that the representors consider the proposed 45m height of the facility to be a significant addition to the landscape, however, we acknowledge we cannot completely conceal the proposed facility, as the service relies on line-of-sight to the premises and other facilities in the network. Nonetheless, we can implement principles for the siting and design of the facility in order to mitigate its potential visual impact on the wider locality.

We have selected a site that not only offers reasonable separation from adjoining arterial road networks, but also provides existing landscaping to assist in screening the lower portion of the facility.

The proposed monopole will be constructed of galvanised steel which will fade to a light grey colour over a period of approximately 12 months. This finish is considered to create a more natural tone and be more sympathetic to the surrounding environment when compared to painted finishes that can crack, peel and fade to be a completely different shade of the original paint. The associated equipment will be a light grey / off-white colour to mitigate visual impact.

We note one (1) representor suggested that it is *"reasonable to expect that the applicant would prepare a section or 'line of sight' drawing depicting the height of the proposed tower relative to the adjoining properties"*. As per our Planning submission, we noted the constraints regarding the photomontages provided and that we could only provide photos from publicly accessible locations. Views from Crossing Road are restricted by the existing vegetation and scaling from these vantage points is not feasible for an accurate depiction without some form of physical marker. For example, at an approximate height of 1.5m above ground, the below image (from Crossing Road) demonstrates that the culmination of tree canopies will block views of the proposed facility, when viewed along this road.

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

Figure: View from Crossing Road, looking towards the proposed location

If montages are required from individual properties, **nbn** will be happy to provide an independent visual impact analysis.

Compliance with the Development Plan

Whilst our compliance with the relevant Development Plan has previously been discussed within our application, we would like to take this opportunity to reiterate some of the main provisions in the Development Plan (consolidated 8 August 2019) with which this development demonstrates compliance.

Four (4) representations raised concerns about the proposed facility being a *"non-complying form of development within the [Watershed (Primary Production)] Zone."* Whilst it is acknowledged that the proposal is non-complying within this Zone, as outlined in the Planning Report, we are of the opinion that the proposed development has sufficient merit to warrant Development Plan Consent.

One (1) representor raised specific concerns regarding a number of Development Plan provisions, each of which we would like to address in turn.

Watershed Protection Policy Area

The representor expressed concern for the proposal's inability to reconcile Objective 2 of the Watershed Protection Policy Area of the Development Plan:

2. The maintenance of a pleasant, attractive rural landscape characterised by verdant undulating pasture lands, dotted with clumps of large majestic gum trees with the occasional cluster of farm buildings.

The benefit of the selected location is that the proposed facility will not require the removal any trees. It is acknowledged that some trees along Smith Road may require trimming to allow for construction access, but the health of that vegetation is not significantly impacted, which maintains the character of the landscape as described by the Objective. We also consider that the facility has been sited below the ridgeline as much as possible without impacting the required technical performance.

The representor also raised concerns about Principles of Development Control (PDCs) 1 and 4 of the Form of Development section within the Watershed Protection Policy Area:

1. Development should be primarily low-intensity farming which should minimize environmental impairment and not pollute surface or underground water resources.

4. Development should harmonise with the rural character of the locality in the following ways:

***(a)** be of a scale and simple design compatible with the topography; and*

***(b)** be screened by vegetation or landform from the South Eastern Freeway, secondary arterial roads and major local roads;*

The siting of the proposed facility will not impact any low-intensity farming. The services provided by the facility will assist nearby low intensity farming by providing services to help run their businesses. Due to the separation distance (over 5km) from the South Eastern Freeway and over 1 km from Strathalbyn Road, and given the undulating terrain, the proposed facility will unlikely impact views from these roads.

Watershed (Primary Production) Zone

The representor also expressed concern that the proposed development did not achieve the *"enhancement of amenity"* sought in Objective 5 of the Watershed (Primary Production) Zone.

***Objective 5:** The enhancement of the amenity and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors.*

As stated in the Planning Report, we consider the proposed facility to be consistent to with the above objective. Although the proposed development is not specifically an envisaged land use for the zone, the proposed facility is considered to provide an essential service for the Mylor community, supporting residents and businesses in the area and serving as a key part of the **nbn**™ network for the wider Adelaide Hills Council.

Principle of Development Control 39 for this Zone also raised issue with the representor:

39. Buildings should not impair the character of rural areas by reason of their scale or siting. If necessary, buildings should be screened by trees or shrubs.

As stated above, the siting and scale of the facility have been selected to ensure that the height of the facility is minimised without jeopardising coverage within the locality.

Council-wide Telecommunications Facilities

The representor also questioned the proposed development's consistency with Objective 2 and PDC 1(g) in the Council-wide Telecommunications Facilities section of the Development Plan:

> *Objective 2. Telecommunications facilities sited and designed to minimise visual impact on the character and amenity of the local environment.*
>
> *PDC 1(g) Telecommunications facilities should be designed and sited to minimise the visual impact on the character and amenity of the local environment, in particular visually prominent areas, main focal points and significant vistas.*

As previously stated, while we acknowledge that we cannot completely conceal the proposed facility as the service relies on line-of-sight to premises, the implementation of the site selection process and chosen design techniques have mitigated the visual impact on the character and amenity of the locality to the highest degree that can be reasonably achieved.

Environmental Impact

Five (5) representations expressed concerns about the environmental impact of the proposed facility on flora and fauna within the locality. One (1) representor questioned the *"double standards"* that may be established if the facility is constructed with regards to the existing *"strict"* access rules for the land., while another raised issue with the verge adjacent Crossing Road which has been identified as a biodiversity site.

As stated in the Planning Report, precautions will be taken to minimise the removal or damage of any native species that may be present in the area of the proposed site. Minimal clearance will need to be undertaken along Smith Road to allow for construction access, however the facility is located within a cleared portion of land. Furthermore, any associated infrastructure (i.e. power), if coming from Crossing Road will be underbored and supervised by accredited ecologists/arborist to preserve the biodiversity corridor.

One representor had particular concerns about the potential for *"disruption to bees"* in proximity to the site. Organisations such as ARPANSA routinely review studies into the impacts that electromagnetic radiation have on flora and fauna. There is no substantiated scientific evidence to suggest that electromagnetic radiation has any adverse impacts on flora or fauna. In their *Submission to the House of Representatives Standing Committee on Communications and the Arts Inquiry into 5G in Australia*, (noting this proposal does not involve 5G technology) ARPANSA stated the following:

> *The majority of studies investigating the effects of radio waves or electromagnetic fields in general are usually performed on standard laboratory animals used in toxicological studies, such as rats and mice. However, some studies have also included other species such as short-living flies for the investigation of genotoxic effects. There is limited research on the effects of electromagnetic fields on the diversity or abundance of insects or bees. The few ecological studies that do exist generally report little or no evidence of a significant environmental impact. The studies that do show an effect, such as the ones listed, suffer from poor scientific method and the reported effect of electromagnetic field exposure cannot be separated from other environmental factors.*

For further information, the complete Submission by ARPANSA can be found at the following link:

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

https://www.arpansa.gov.au/sites/default/files/arpansa_submission_to_inquiry_into_5g_in_australia_1.pdf

Additional Infrastructure

Six (6) representations have suggested that other Carriers will add their equipment and further increase the EME on the facility.

Whilst it is possible that mobile carriers can install their equipment on an existing facility, provided they follow certain legislation, this is entirely dependent on whether the carrier has a need to co-locate. Nevertheless, any colocations proposed on this facility will need to be within the ARPANSA EME limits factoring in the cumulative impact of existing equipment.

At this stage, the facility is only intended to provide **nbn™** Fixed Wireless services to the area and this is all the application is seeking. Any future additions that may be installed on the facility are subject to their own approval process.

Property Value

Three (3) representors raised the issue of property values, and the possibility of the proposed facility resulting in the de-valuation of their property.

Property values may be impacted for a variety of reasons. **nbn** is not aware of any credible evidence to suggest that the construction of a telecommunications facility would influence property value from a positive or negative perspective.

We also note that as property values are market driven, this issue should not be considered as part of the planning assessment.

Summary

We trust that the above response addresses the key issues raised within the representations received by Council. We note that the proposed **nbn™** Fixed Wireless facility will deliver substantial benefits to premises throughout the Mylor region and the entire community has the potential to benefit from broadband that will be reliable and cost effective.

We confirm our intention to attend a Council Assessment Panel meeting in support of our response should the opportunity be provided. **nbn** will be more than happy to be part of discussion with submitters if required.

Should Council require any further information, please do not hesitate to contact the undersigned on (08) 8237 9989 or by email at adam.pfitzner@aurecongroup.com

Yours sincerely

Adam Pfitzner
Planner

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

Environmental EME Report

Location	Mylor South, Lot 10 Crossing Road, MYLOR SA 5153		
Date	04/02/2021	**RFNSA No.**	5153016

How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Mylor South, Lot 10 Crossing Road, MYLOR SA 5153. These levels have been calculated by Ericsson using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).
A document describing how to interpret this report is available at ARPANSA's website:
A Guide to the Environmental Report.

A snapshot of calculated EME levels at this site

There are currently no existing radio systems for this site.

The maximum EME level calculated for the **proposed** changes at this site is

0.11%

out of 100% of the public exposure limit, 207 m from the location.

EME levels with the proposed changes

Distance from the site	Percentage of the public exposure limit
0-50 m	0.01%
50-100 m	Less than 0.01%
100-200 m	0.11%
200-300 m	0.11%
300-400 m	0.08%
400-500 m	0.05%

For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at http://www.rfnsa.com.au/5153016.

Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration.
The proposal would modify the base station to include all the services listed under the proposed configuration.

	Existing		Proposed	
Carrier	**Systems**	**Configuration**	**Systems**	**Configuration**
NBN Co			4G	LTE3500 (proposed)

An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360º circular bands.

	Existing configuration			Proposed configuration		
Distance from the site	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit
0-50m				0.75	1.50	0.01%
50-100m				0.61	1.00	Less than 0.01%
100-200m				2.03	10.88	0.11%
200-300m				2.04	11.03	0.11%
300-400m				1.78	8.36	0.08%
400-500m				1.40	5.21	0.05%

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the Communications Alliance Ltd Deployment Code C564:2018 or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit
No locations identified				

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

Australian Government

acma

Australian Communications and Media Authority

Priority compliance area outcomes report

Electromagnetic energy compliance and the National Broadband Network

SEPTEMBER 2015

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

communicating | facilitating | regulating

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

Canberra
Red Building
Benjamin Offices
Chan Street
Belconnen ACT

PO Box 78
Belconnen ACT 2616

T +61 2 6219 5555
F +61 2 6219 5353

Melbourne
Level 32
Melbourne Central Tower
360 Elizabeth Street
Melbourne VIC

PO Box 13112
Law Courts
Melbourne VIC 8010

T +61 3 9963 6800
F +61 3 9963 6899

Sydney
Level 5
The Bay Centre
65 Pirrama Road
Pyrmont NSW

PO Box Q500
Queen Victoria Building
NSW 1230

T +61 2 9334 7700 or 1800 226 667
F +61 2 9334 7799

Copyright notice

http://creativecommons.org/licenses/by/3.0/au/

With the exception of coats of arms, logos, emblems, images, other third-party material or devices protected by a trademark, this content is licensed under the Creative Commons Australia Attribution 3.0 Licence.

We request attribution as: © Commonwealth of Australia (Australian Communications and Media Authority) 2015.

All other rights are reserved.

The Australian Communications and Media Authority has undertaken reasonable enquiries to identify material owned by third parties and secure permission for its reproduction. Permission may need to be obtained from third parties to re-use their material.

Written enquiries may be sent to:

Manager, Editorial and Design
PO Box 13112
Law Courts
Melbourne VIC 8010
Tel: 03 9963 6968
Email: candinfo@acma.gov.au

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

Contents

Executive summary **1**

Regulation of electromagnetic energy **2**

ARPANSA's role—Recommending standards 2

Electromagnetic energy compliance and the National Broadband Network **4**

Compliance program methodology 4

Compliance verification and risk assessment 5

Compliance records audits 5

Details of risks identified and audit results 5

Program results 6

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

Executive summary

The Australian Communications and Media Authority (the ACMA) has conducted a compliance program in order to establish a base level of compliance for National Broadband Network (NBN) base stations. This compliance program was a priority compliance area (PCA) for the 2014–15 financial year.

The purpose of this paper is to provide a summary of the compliance program implemented and its results.

The program consisted of two graduated phases, each of which comprised increasing levels of auditing and analysis. The first phase examined the compliance records of all the NBN base stations available to the ACMA on the Radio Frequency National Site Archive (RFNSA) website. A small number of sites were assessed in a second phase though a formal compliance audit.

As a result of the compliance program, the ACMA is confident that NBN:

> has a high level of compliance with the electromagnetic energy (EME) licence conditions

> has a clear understanding about EME compliance obligations and associated record-keeping requirements

> has processes in place to ensure that compliance assessments accurately reflect current environmental and site conditions

> is appropriately addressing the underlying risk of EME exposure from its base stations

> is highly cooperative and willing to work with the ACMA in relation to all aspects of its EME compliance.

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

Regulation of electromagnetic energy

The compliance program implemented was underpinned by the regulation that governs electromagnetic energy (EME). It is useful to understand this regulatory regime before reading further.

Regulatory regime

Mobile communications devices, such as mobile phones, wireless modems and base stations (including base stations utilised by the National Broadband Network (NBN) produce electromagnetic energy (EME) in order to transmit a signal. Enforceable standards are in place which require that EME emissions do not exceed levels which the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has specified as being safe.

Human exposure to EME from base station transmitters is regulated by making compliance with ACMA standards a condition of apparatus and spectrum licences. General information about NBN base stations and EME is available on the ACMA website. More detailed information about these arrangements can be found in the supplier section of the ACMA's EME hub.

EME requirements for mobile and portable devices (such as mobile phones) are regulated at the point of supply to the market, rather than under a radiocommunications licence regime.

ARPANSA's role—Recommending standards

ARPANSA uses its scientific expertise to recommend safe limits for human exposure to radiofrequency (RF) fields in the frequency range 3 KHz to 300 GHz. The recommended limits are designed to ensure that known adverse health effects do not arise from exposure to RF fields. These limits include a significant safety factor. That is, the limits are set well below the level at which all known adverse health effects occur.

The limits set by ARPANSA are published in the Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields 3 KHz to 300 GHz (the ARPANSA Standard).

The ACMA's regulatory regime for EME from NBN base stations

NBN uses fixed wireless communications links to provide high-speed broadband. The fixed wireless links use radiofrequency EME to communicate between NBN base stations and small rooftop installations on residences and business premises. These devices operate at 2312 MHz.

The ACMA regulates EME from NBN base stations by imposing conditions on the radiocommunications licences it issues to NBN. NBN must satisfy all conditions of the licence, including those relating to EME. The ACMA imposes these licence conditions through the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015 (the LCD).

The EME licence conditions apply to transmitters that operate under both apparatus and spectrum licences. The LCD stipulates that the level of emissions from a

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

transmitter must not exceed the limits for the general public exposure category of the ARPANSA Standard at places accessible to a member of the general public.

Examples of places accessible to a member of the general public include:

> residential buildings

> public parks

> roof tops with a transmitter antenna located on the roof top, where access in not restricted by the site manager or operator.

Find out more detailed information about what suppliers must do to comply with EME exposure requirements.

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

Electromagnetic energy compliance and the National Broadband Network

In general, the ACMA prioritises its compliance work based on the risk of harmful interference, high risk to spectrum utility and risk to public safety or public interest. The ACMA's EME base station compliance program has focused on compliance by NBN with the EME exposure licence conditions. This in turn ensures that base stations are not producing emissions greater than the public safety health limit as recommended by ARPANSA and enforced by the ACMA.

The ACMA conducted this compliance program from February to June 2015 to establish a base level of compliance for NBN base stations. The program involved compliance verification and formal audits, which were conducted in order to test NBN's level of compliance with the requirements of the LCD.

Compliance program methodology

ARPANSA coordinates a survey of environmental EME emissions from mobile phone base station antennas. The purpose of this survey is to confirm that the highest levels of measured radiofrequency EME due to these antennas is within the limits set by the ARPANSA Standard and are consistent with the predictions made in the Environmental EME Report relevant to that installation. NBN also utilises Environmental EME Reports to demonstrate its compliance with the LCD. The survey, conducted to the highest confidence level of testing by assessors accredited by the National Association of Testing Authorities (NATA), has consistently returned results that show predictive modelling provides a higher reading (well within the ARPNSA standards) than empirical measurements.

The ACMA accepts that predictive modelling is a sound basis for making an EME assessment. Further, that the testing performed through the ARPANSA coordinated survey provides sufficient supporting empirical testing evidence.

The current ACMA compliance program was designed to assess compliance from available compliance data in the first instance. In cases where compliance could not be verified with a high level of confidence, the site was subject to a comprehensive compliance audit. The ACMA selected a sample of NBN sites for a comprehensive compliance audit to ensure that a statistically relevant sample (10 per cent) was examined.

The program examined the publicly available data on all of the 346 active base stations operated by NBN as at 20 March 2015. The ACMA focused its attention on sites where there was no compliance documentation available, or where base stations presented a potential for increased exposure to EME, due to proximity of base station panels to areas of general public interest (such as residences, shopping centres and schools). The ACMA has the highest level of confidence that NBN has fulfilled its obligations under the LCD, as all active sites have been the subject of a comprehensive compliance audit.

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

The program consisted of two graduated phases each of which comprised increasing levels of auditing and analysis:

1. compliance verification and risk assessment
2. compliance records audits.

Compliance verification and risk assessment

This process involved examining the compliance records available on the Radio Frequency National Site Archive (RFNSA) website for the 346 active base stations operated by NBN as at 20 March 2015. The RFNSA website holds EME Environmental Reports and EME compliance information produced by NBN for each of its base stations in Australia. The ACMA is able to access all compliance information, including the results of modelling and testing stored on this site. Members of the public are able to access EME environmental reports, which set out the EME exposure levels in the vicinity of NBN base stations. The ACMA verified compliance of 313 sites of the 346 through this process.

Compliance records audits

The ACMA conducted compliance audits of the remaining 33 sites. These audits were conducted to address the small number of sites where there was insufficient data to assess compliance. The majority of audits were conducted to establish an evidence base of NBN's compliance with the LCD. These audits assessed compliance against the limits in the ARPANSA Standard and required NBN to provide a comprehensive suite of compliance documentation comprising:

> **For compliance level 1 (or low risk devices)**—compliance level 1 applies to low-powered devices and point-to-point links operating at more than 1 GHz.
  > A declaration of conformity showing that the licensee has ensured that members of the public cannot access areas that are above the ARPANSA limit must be produced.
> **For compliance level 2 (the highest level)**—compliance level 2 means any device that is not compliance level 1. Evidence of compliance can include:
  > a declaration of conformity for the transmitter
  > the name and qualifications of any person who has assessed the transmitter for compliance
  > the dates of any assessments
  > the results of any assessments obtained by measuring or calculating RF fields in accordance with the Radiofrequency fields – Principles and methods of measurement and computation – 3 kHz to 300 GHz standard (AS/NZS 2772.2:2001)
  > details of the transmitter including its power level, gain, size, tilt, manufacturer, model number and emission designator
  > evidence (including measurements of predictive modelling) that the specific EME concern raised during inspections had been effectively mitigated.

Details of risks identified and audit results

The 33 audited sites were selected based on the following criteria:

> there was no RFNSA data available (five sites)
> the places of interest were not identifiable from the data available (five sites)
> to allow a spread of inspections across all states/territories where there are NBN sites.

ADELAIDE HILLS COUNCIL
RECEIVED 31/03/2021

Thirty-two of the 33 sites were compliance level 1. In these cases, although NBN only needed to submit a declaration of conformity, NBN submitted documentation to the highest level of compliance (level 2) in each case. All of these sites were compliant with the requirements of the LCD.

There was one site (of the 33 sites) that met the characteristics of a compliance level 2 site (based on antenna height and Effective Isotropic Radiated Power (EIRP)). This site was compliant with all of the requirements of the LCD.

The following table provides an overview of the number of sites where a compliance verification was conducted by state/territory and the number of these verifications that were escalated to a formal audit.

Table 1: Sites, compliance verifications and audits

State/Territory	Compliance verifications	Formal audit
Victoria	112	9
New South Wales	68	9
Queensland	49	5
Australian Capital Territory	0	0
Northern Territory	14	2
South Australia	19	4
Tasmania	71	3
Western Australia	13	1
Total	346	33

In all cases, NBN was able to demonstrate at audit that it was fully compliant with the EME conditions contained in the LCD.

Program results

As a result of the compliance program, the ACMA is confident that NBN:

> has a high level of compliance with the EME licence conditions

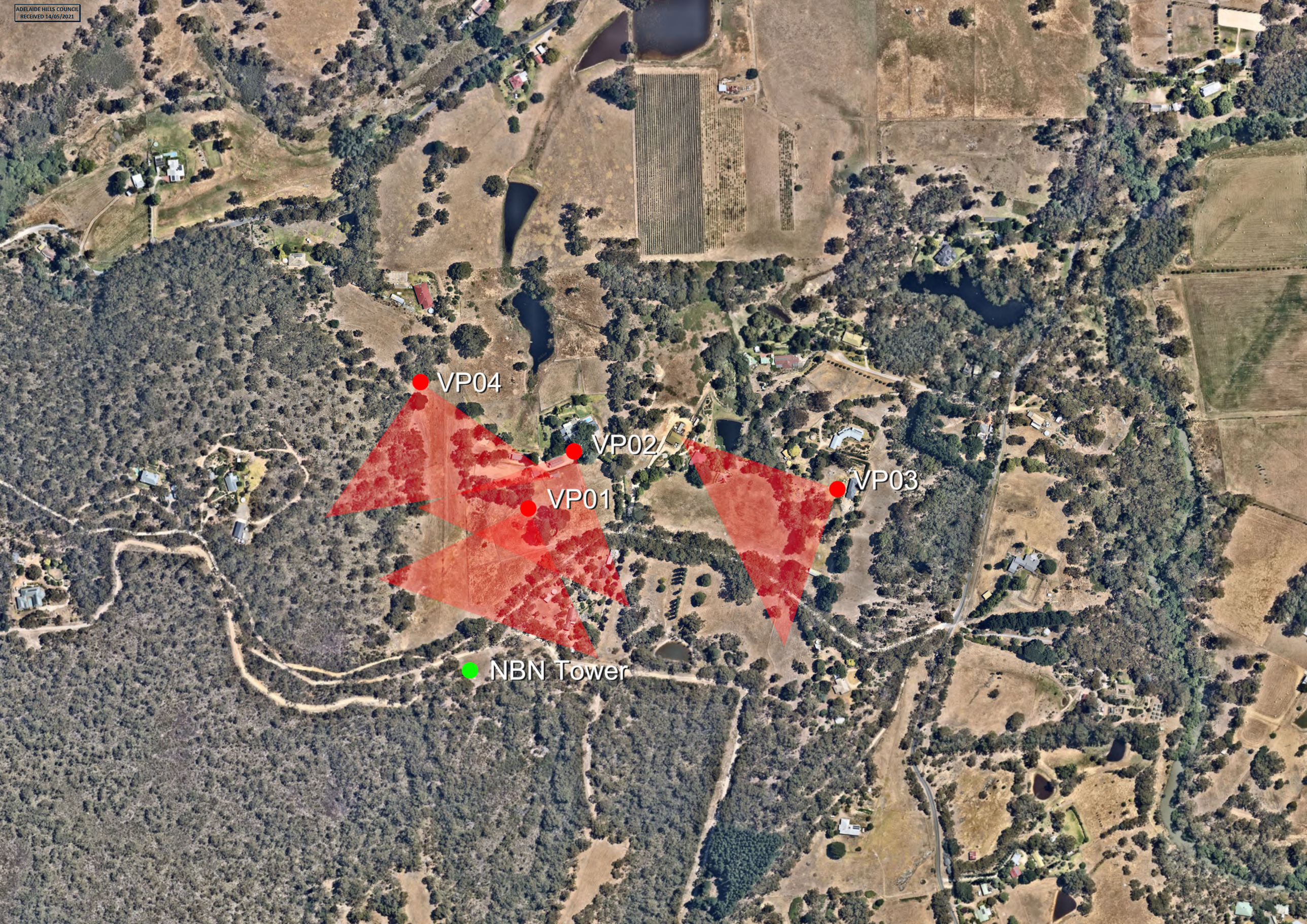
> has a clear understanding about EME compliance obligations and associated record-keeping requirements

> has processes in place to ensure that compliance assessments accurately reflect current environmental and site conditions

> is appropriately addressing the underlying risk of EME exposure from its base stations

> is highly cooperative and willing to work with the ACMA in relation to all aspects of its EME compliance.

ADELAIDE HILLS COUNCIL
RECEIVED 14/05/2021



Indicative silhouette of tower location