

## Introduction

The Yarralumla Residents Association (YRA) is an incorporated association formed in 1988 to represent the views of all residents of Yarralumla. YRA aims to represent everyone who lives in Yarralumla, with particular emphasis on maintaining and improving the quality of life for the residents of Yarralumla. At the end of the last financial year, members comprised 21 percent of all Yarralumla households.

## Telecommunications General Code

The proposed telecommunications facility is subject to the NCA's Telecommunications General Code (the Code).

The Objectives of the Code are to:

- *ensure that the operation of a functional telecommunications service meets community expectations and does not adversely affect the character of Canberra as the National Capital, including the landscape setting of the city and the national significance of land specified in this Plan as Designated Areas.*
- *minimise environmental and visual impacts arising from the construction, operation, maintenance, decommissioning and removal, and site rehabilitation of telecommunications infrastructure.*

The proposal fails to comply both with the Objectives and with the Specific Policies of the Code.

## Visual impact

The proposal is considered as a high impact proposal under Part 1 of Schedule 3 of the Telecommunications Act 1997. In addition, under the Code, the requirement for public consultation implies the NCA considers the proposal will create a high visual impact.

YRA also considers the proposal will have a significant negative impact on Yarralumla residents and the broader Canberra and Australian community.

The proposal will increase the height of the existing monopole from 35m to 40m. In addition, the proposed site is some 11m higher than the current location. In total, the new monopole will be 16m or 45% higher than the current facility and be located at the highest point in the whole of Yarralumla.

The photomontages depicting the proposed facility are misleading. For example, Figs 3 and 6 have been taken at such an angle so that tree branches and trunks obscure the bulk of the proposed facility. The photomontages also appear to be based on a monopole height of 32m (see Fig 3), whereas the proposed monopole is actually 40m. Fig 6 is also misleadingly taken from a position below the crest of Lane-Poole Place. Meaning the visual impact will again be much greater than depicted.

One of the key principles of the National Capital Plan is the protection of Canberra's vistas. Given the height of the proposed facility on the highest point in Yarralumla the vista from Stirling Ridge in Yarralumla and Red Hill towards the Brindabella Mountains will be seriously compromised.

In this context YRA notes that the Code notes that:

*Sites where a tower, mast or antenna will be visually incongruous should be avoided wherever possible.*

### **Alternative sites not fully explored**

The Code notes:

*Large-scale facilities, such as towers and masts will only be approved where no other alternative exists and where the proposal does not create any significant disruption to the visual environment.*

Not only will there be a significant disruption to the visual environment, but there is no evidence that sites other than the Golf Club have been explored. For example, existing facilities on the Telecom Tower on Black Mountain, Parliament House, Red Hill, Mount Ainslie or Deakin. Nor does it appear that the feasibility of locating the facility on top of one of the new apartment blocks slated for the existing site has been explored. This is one of the preferred locations for new facilities under the Code.

The option of redesigning the location of the proposed new apartments also does not appear to have been considered.

### **Consultation Process Flawed**

Public advertisements in the Canberra Times on 6 March and 12 March 2023 advising of the proposed relocation of the facility refer to a closing date of 21 March 2023. On the other hand, a series of letter box drops to the immediate neighbours refers to alternative closing dates of 21 March and 28 March 2023.

Furthermore, the NCA website that the public use to be alerted to proposed developments advises "Currently, there are no Work approvals under consultation".

Both of these process flaws mean some members of the public who may wish to make a comment on the proposal have been prevented from doing so.

### **Heritage**

The Code notes that:

*Where practicable, sites having ... heritage significance ... should be avoided.*

A location on the Golf Course (Block 2 Section 119 Division Yarralumla) was rejected because the Golf Course is protected under the ACT Heritage Register as part of Westbourne Woods. The

proposed site is also part of Block 2 Section 119 Division Yarralumla and is similarly protected under ACT Heritage legislation.

There does not appear to be any approval from ACT Heritage for the proposed facility.

### **Regulated Trees**

There are several trees that are *Regulated Trees* under ACT Tree Protection legislation in the vicinity of the proposed site that are at risk of loss or damage from the proposed facility or construction associated with the proposed facility.

There is no evidence the necessary approvals have been obtained from the relevant ACT authorities.

### **Noise**

The proposed site is close to single story residential properties. The noise from equipment fans is likely to have a significant negative impact on surrounding residents and affect their quality of life.

### **Mitigation Measures**

Clearly a significant part of the facility will protrude above the tree canopy. The Code requires:

*Where parts of an antenna or mast are exposed, they are to be finished in a colour that is not highly reflective and that minimises their intrusiveness.*

This requirement should be made a condition of any approval.

### **Relocation premature**

The application for Works Approval for the new facility is premature. The reason given for the relocation of the existing facility is the Owner's plans to re-develop the land (the former CSIRO site).

However, before the land can be redeveloped there is a requirement to amend the National Capital Plan to change the permitted land uses. An application to amend the National Capital Plan is currently with the NCA but should the NCA proceed with a draft amendment there is a period of public consultation before any amendment can be approved by the NCA Board and Minister which then becomes a disallowable instrument by Parliament.

In addition, because the former CSIRO site is listed as a Commonwealth Heritage site there is a requirement under the EPBC Act for the proposed development of the site to be referred to the relevant Minister for approval.

Hence there is no certainty the Owner's plans to re-develop the land will be approved. If approvals are not forthcoming there may be no need to relocate the existing facility.

Yarralumla Residents Association  
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