

Supplementary Assessment Report

DA Number:	2023/24/1.
Development:	Installation and use of a telecommunications facility, consisting of a 40-metre monopole, antennas, outdoor equipment cabinets and ancillary equipment.
Estimated Cost of Development:	\$451,000.
Site Address(es):	90 Werombi Road GRASMERE LOT 10 DP 845472

PURPOSE OF REPORT

The purpose of this report is to provide additional information to the Camden Local Planning Panel ("the Panel") to facilitate the electronic determination of the above-described development application (DA).

BACKGROUND

A Planning Assessment Report for the above-described DA was forwarded to the Panel seeking electronic determination of the application. It was recommended that the Panel approve the DA subject to appropriate conditions.

On 13 July 2013, the Panel provided feedback on the applicant's Clause 4.6 written request and the assessment of the development standard contravention in the Planning Assessment Report. The Panel raised concern as to whether the Clause 4.6 written request provided adequate reasoning as to why the development standard contravention was unreasonable or unnecessary in the circumstances of the case; and that there were sufficient environmental planning grounds to justify the contravening of the development standard.

UPDATED CLAUSE 4.6 WRITTEN REQUEST

The applicant has submitted an updated Clause 4.6 written request that addresses the concerns raised by the Panel.

A copy of the applicant's updated Clause 4.6 written request is provided as an attachment to this report.

Contravention Assessment

The updated Clause 4.6 written request provides the following reasons as to why compliance with the development standard is unreasonable and unnecessary in the circumstances of the case (each point is expanded upon in the applicant's Clause 4.6 written request).

- *There is a technical requirement for telecommunications facilities to protrude above the surrounding environment to enable a line of sight between antennas and receivers for quality a signal.*
- *There is an established lack of mobile coverage and capacity in the Grasmere area, as tested by Telstra, with increasing demand for improved mobile network services.*

The updated clause 4.6 written request also outlines the following key environmental planning grounds particular to the proposed development and site context:

- *The proposal is generally in accordance with the objectives of the R5 Large Lot Residential zone.*
- *The proposal is in the public interest and will support the communication requirements of current residents and the residents of future housing development in the area.*
- *There is a demonstrated need for the proposed infrastructure in the area. There is a distinct lack of existing telecommunications facilities in the Grasmere region, particularly to the east of the proposal towards the University of Sydney Campus.*
- *The proposal is in accordance with the objectives of the Camden Local Environmental Plan 2010 and State Environmental Planning Policy (Infrastructure) 2007 and other State and Federal Legislation, that allow development for the purposes of telecommunications facilities on any land, with consent (refer to Statement of Environmental Effects).*
- *The environmental impact assessment undertaken pursuant to Section 4.15 of the EPA Act 1979 has determined that the proposal would not cause any significant environmental impact and would have minimal impact upon the amenity of the area (refer to Statement of Environmental Effects).*

While the proposal contravenes the building height standard, the environmental planning grounds put forward by the applicant are considered reasonable. It is assessed that compliance with the development standard would be unreasonable and unnecessary in this instance, as Council staff are satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of CLEP 2010, and
- the development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

The development standard contravention is supported for the following reasons:

- The facility will improve the capacity of Telstra's network in the area, relieving congestion on existing base stations in the surrounding districts. This will result in more reliable network coverage for residents and businesses, as well as emergency services.
- A 40m monopole is required at this location, based on the area the site must cover. There are precedents for telecommunications facilities to exceed the prescribed height limit.
- The bulk and scale of the proposed development will not have an adverse impact on this area as it is sited within a substantial R5 Large Lot zoned allotment.
- The proposed telecommunications facility is well separated from sensitive community development. The structure is to be located beside a NSW Rural Fire Service building, which acts as a buffer from the main thoroughfare of Werombi Road / Sheathers Lane, offsetting the facility's visual impact.
- The proposal will have minimal environmental impact. It will not require significant ground works.
- The contravention of the development standard does not cause unacceptable privacy or overshadowing impacts for residents of surrounding properties.
- The development will be in the public interest because it is consistent with the objectives of the Clause 4.3 Height of Buildings development standard, as demonstrated below:
 - a) *To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.*

While the proposal is for a telecommunication facility and associated structures, which is specialised infrastructure and unlike typical built form, it is considered the proposed structure is compatible with the character of the area, which consists of the Camden West RFS station (co-located on the subject site) and the West Camden water recycling plant.

Furthermore, the proposal is compatible with the future character of the locality, which is anticipated to remain unchanged given the proximity to the West Camden water recycling plant (and associated odour buffers).

- b) *To minimize the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*

The telecommunication facility as proposed will have minimal visual impact or disruption of views and has no impact on privacy or solar access to existing residential development.

- c) *To minimize the adverse impact of development on heritage conservation areas and heritage items.*

The location of the telecommunications facility is situated at the furthest point possible from the physical structures of the listed heritage item. In addition, the monopole is not highly visible from the heritage buildings, as it will be located on a portion of the site where the topography is 30 metres lower and obscured by dense vegetation to the northwest.

- The development will be in the public interest because it is consistent with the objectives within the R5 Large Lot Residential zone in which the development is proposed to be carried out, as demonstrated below:
 - *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

The proposed telecommunication facility and associated structures will support residential housing in the area, with minimal impact on environmentally sensitive locations or scenic quality.

- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

The proposed telecommunication facility and associated structures will not hinder the future development of the area, rather it will result in improved communication services throughout the area.

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

The proposed telecommunication facility and associated structures will address the demand on services by providing improved communication services throughout the area.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed telecommunication facility and associated structures will not result in a use of the site that will conflict with the residential uses of adjoining land. The proposed development does not sterilise adjoining land or prevent future development from occurring.

Based on the above, it is considered that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify contravening the development standard in this instance.

It is noted that the Panel may assume the concurrence of the Secretary pursuant to Planning Circular PS 20-002.

PUBLIC SUBMISSIONS

The Panel requested clarification and additional assessment of the issue raised in the submission letter. To ensure completeness and readability, an assessment of the the submission is provided in full below:

(d) any submissions made in accordance with this Act or the regulations

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 10 February 2023 to 23 February 2023. During the exhibition period, Council received one objection.

The following discussion addresses the issue raised in the submission.

- 1. Concern is raised over the nighttime lighting of the pole and any illumination or flashing lights affixed to the pole.***

Given the proximity of the proposed telecommunications facility in relation to Camden Airport, the consent authority was required to consult with Aeria Management Group (formerly Sydney Metro Airports) who raised no issue with the development, subject to conditions imposed by the Federal Department for Infrastructure Transport Regional Development and the Arts. These conditions require the monopole to be obstacle lit with a low intensity steady red obstacle light during night and periods of low visibility at the highest point. Characteristics of low intensity obstacle lights are mandated by the Civil Aviation Safety Authority (CASA) under section 9.32 of the Manual of Standards (Aerodromes).

The proposed monopole is located approximately 400m to the south-west to the objector's property, which provides a significant buffer distance from the structure so as not to cause an unreasonable impact on the amenity of the objector. Given the separation distance, coupled with the required lighting being of low intensity, it is considered that the development will not have a significant impact upon the amenity of residences located within the vicinity of the monopole.

RECOMMENDED

That the Panel:

- i. support the justification in the applicant's written request lodged pursuant to Clause 4.6(3) of Camden Local Environmental Plan 2010 to the contravention of the height of buildings development standard; and
- ii. approve DA/2023/24/1 for the installation and use of a telecommunications facility, consisting of a 40-metre monopole, antennas, outdoor equipment cabinets and ancillary equipment at 90 Werombi Road, Grasmere subject to the conditions attached to the assessment report for the following reasons:

1. The Panel has considered the updated written request to contravene Camden Local Environmental Plan 2010 in relation to the height of buildings development standard that was attached to Supplementary Assessment Report

The Panel considers that the updated written request from the applicant adequately demonstrates that compliance with the development standard in Section 4.3 of Camden Local Environmental Plan 2010 is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard in Section 4.3 of Camden Local Environmental Plan 2010 and the objectives for development within the R5 Large Lot Residential zone.

2. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, and Camden Local Environmental Plan 2010.
3. The development is consistent with the objectives of Camden Development Control Plan 2019.
4. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
5. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.
6. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.