



**CAMPBELLTOWN**  
CITY COUNCIL

# **LOCAL PLANNING PANEL**

23 AUGUST 2023

## **MEETING NOTICE**

### **Campbelltown City Council Local Planning Panel**

The meeting of the Campbelltown City Council Local Planning Panel will be held via Teams on  
**Wednesday, 23 August 2023 at 3.00pm.**

## **MEETING AGENDA**

### **1. ACKNOWLEDGEMENT OF LAND**

I would like to acknowledge the Traditional Custodians, the Dharawal people, whose Lands we are now meeting on. I would like to pay my respects to the Dharawal Elders, past and present and all other Aboriginal people who are here today.

### **2. APOLOGIES**

### **3. DECLARATIONS OF INTEREST**

### **4. REPORTS**

**6**

- 4.1 Development Application for a monopole and associated telecommunications equipment - 5 Willowdale Drive, Denham Court

**6**

## **General Information**

The role of the Local Planning Panel is to determine development applications and provide advice on planning proposals.

When the panel is considering a report relating to a development application, the panel will receive and consider verbal submissions from the applicant and from any person that made a written submission in regard to that development application (during the notification or exhibition period).

As required by the Minister's Local Planning Panels Direction, when considering a planning proposal, the role of the panel is to provide advice to Council. The panel is the first step in the evaluation process before Council and the State Government (through the Gateway process) to decide whether to support a formal public exhibition or consultation period on the proposal. It is possible that the proposal will be modified before or as part of the consideration by Council and/or through the Gateway process. The panel will consider verbal submissions made in relation to the matter from the applicant, if there is one, and from any other person. The panel will not consider written submissions tabled at the meeting, however they will be accepted and passed on to Council officers for consideration in their report to Council.

Any person who makes a verbal submission to the panel must identify themselves and must also accept that their presentation will include their images and sounds and will be webcast and stored on Council's website for future viewing. Any person who makes a verbal submission to the panel must also declare before their submission any political contributions or donations they have made over the last four years exceeding \$1,000 to any political party or candidate who contested the last Ordinary Election of Council.

If you would like to make a verbal submission to the panel, it is necessary to submit the "request to address – community access to meetings" form available on Council's website by midday the day prior to the meeting. The panel chair will invite the registered speakers to the table at the appropriate time in the agenda. Verbal submissions to the panel will be limited to 5 minutes each. The chairperson has the discretion to extend the period if considered appropriate. Panel members will have the opportunity to ask your questions at the end of your submission.

**Recommendations of the Panel**

The reports are presented to the Local Planning Panel for its consideration and recommendation.

After the panel has considered submissions made by interested parties, the panel will make recommendations to the Council. The Panel's recommendations become public the day following the Local Planning Panel meeting.

**Information**

Should you require information about the panel or any item listed on the agenda, please contact Council's City Development Division on 4645 4575 between 8.30 am and 4.30pm.

The following report is referred to the Local Planning Panel for its consideration and recommendation.

Lindy Deitz  
General Manager

## 4. REPORTS

### 4.1 Development Application for a monopole and associated telecommunications equipment - 5 Willowdale Drive, Denham Court

#### Community Strategic Plan

Objective	Strategy
2 Places For People	2.2.3 Utilise communication technologies to better connect people and foster an inclusive community

#### Delivery Program

Principal Activity
2.2.3.1 Advocate for improved digital connectivity in Campbelltown

#### Referral Criteria

This matter is reported to the Campbelltown Local Planning Panel in accordance with Schedule 1, item 3 of the Local Planning Panels Direction – Development Applications, issued by the Minister for Planning under section 9.1 of the *Environmental Planning & Assessment, Act 1979* (EP&A Act) on 30 June 2020 as the development application proposes a contravention to the maximum height of buildings development standard greater than 10 per cent.

#### Executive Summary

- The subject development application is for the installation of a 22.5 m high monopole and associated telecommunications equipment at 5 Willowdale Drive, Denham Court. The application is accompanied by a request under Appendix 6, Clause 4.6 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- The application was initially publicly exhibited from 24 October 2022 to 21 November 2022 and one submission was received. The application was amended and notified again from 20 March 2023 to 19 April 2023, and one submission was received from the same author. The issues raised included visual impact, electromagnetic radiation and traffic. It is not considered that these matters warrant refusal of the application.
- It is recommended that the applicant's 4.6 request be supported, and the application be approved, subject to the recommended conditions in attachment 1.

#### Recommendation

It is recommended that the panel support the applicants request under Appendix 6, Clause 4.6 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 and that development application 4090/2022/DA-0 for installation of a 22.5 m high monopole and

associated telecommunications equipment at 5 Willowdale Drive, Denham Court be approved subject to the conditions of consent in attachment 1.

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## Purpose

To assist the Panel in its determination of the subject application in accordance with the provisions of the EP&A Act.

## Application Details

<b>Property Description</b>	Lot 12 DP 1209044, 5 Willowdale Drive, Denham Court
<b>Application No</b>	4090/2022/DA-0
<b>Applicant</b>	Optus Mobile Pty Limited
<b>Owner</b>	Willowdale Shopping Plaza Pty Limited
<b>Provisions</b>	State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Precincts - Western Parkland City) 2021 Campbelltown 2032 Community Strategic Plan Campbelltown Growth Centre Precincts Development Control Plan 2013
<b>Lodgement Date</b>	12 October 2022

## The Site

The site is legally described as Lot 12 DP 1209044, which is identified as 5 Willowdale Drive, Denham Court. The land has a total site area of 22,650 m<sup>2</sup> and contains an established shopping centre known as the Willowdale Shopping Plaza. The site is bounded on 3 sides by roads including Willowdale Drive, Jamboree Avenue and Barbula Road.

Surrounding the site is a range of residential developments containing approximately 200 dwellings, a retirement village containing approximately 270 dwellings, and various open spaces, including a large regional park. To the west of the site on the opposite side of Barbula Road is land zoned B4 - mixed use.



Figure 1 – Subject Site – 5 Willowdale Drive, Denham Court

### **Proposal**

The proposed development includes the installation of a new mobile phone network telecommunications facility for OPTUS. The proposed development will include the following elements.

- Installation of a 22.5 m high monopole
- Installation of 12 panel antennas at a height of 2.8 m (to be installed on the proposed monopole) at heights 22.13 m, 21.23 m and 19.25 m
- Installation of cylindrical shroud from 17.7 m to 22.5 m that will screen views of the antennas and associated equipment above the top of the monopole
- Installation of 8 remote radio units at heights of 16 m attached to a set of mounting poles on the monopole
- A set of 4 outdoor equipment cabinets at ground level adjacent to the monopole
- Installation of ancillary equipment associated with operation of the telecommunications facility including electrical cables, ladders, safe access devices, signage, retaining walls, earthing, electrical works and bollards

The proposed development is to be located adjacent to the western boundary of the site (figures 2 and 3).

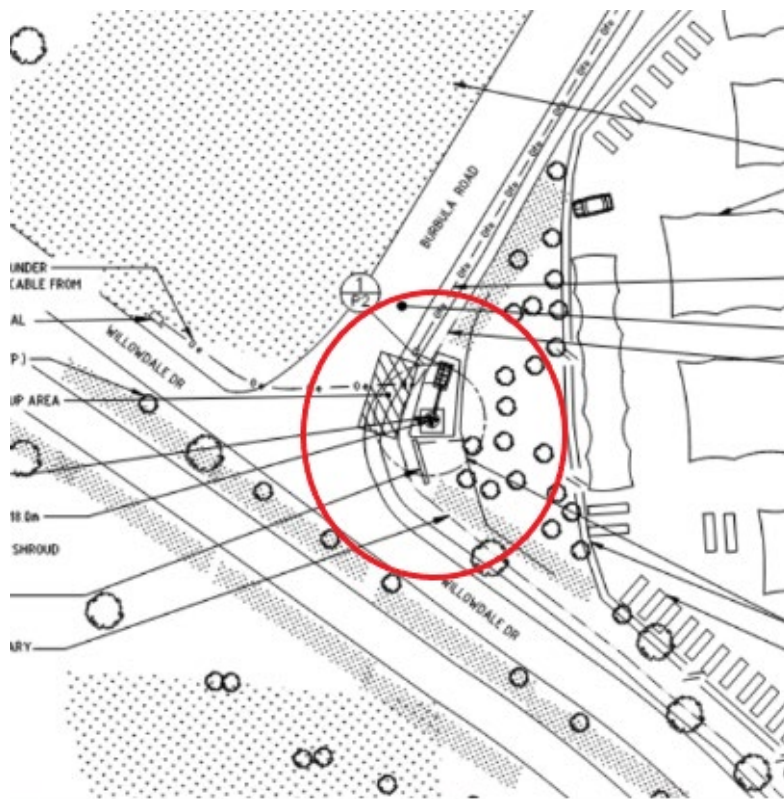


Figure 2 – proposed location of the development

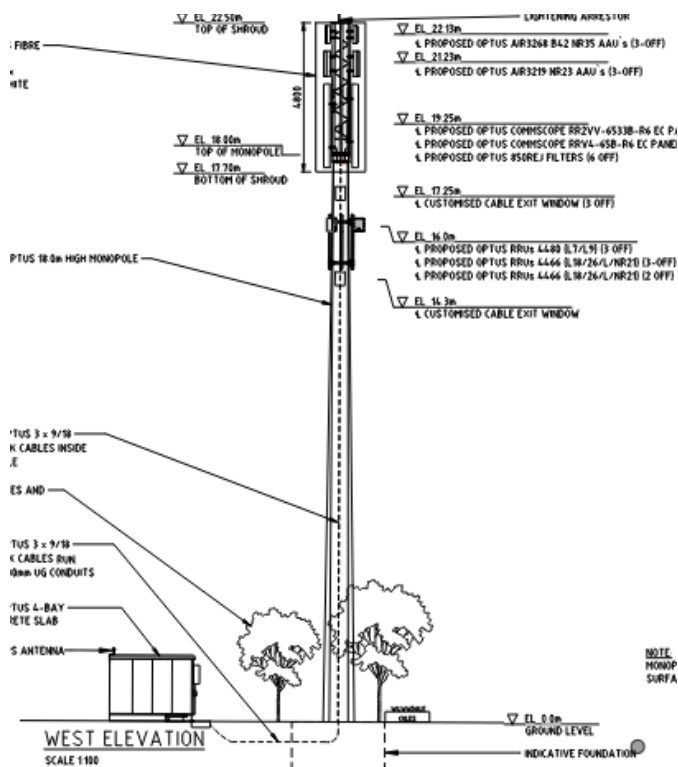


Figure 3 – proposed telecommunications facility



## Report

### 1. Vision

Campbelltown 2032 is the Community Strategic Plan (CSP) for the City of Campbelltown. Campbelltown 2032 addresses 5 key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: Community and belonging
- Outcome 2: Places for people
- Outcome 3: Enriched natural environment
- Outcome 4: Economic Prosperity
- Outcome 5: Strong leadership

Outcome 2 is considered to be most relevant outcomes for the proposed development.

Specifically, Outcome 2, Strategy 2.2.3 utilises communication technologies to better connect people and foster an inclusive community. The application proposes a telecommunications facility on the corner of Willowdale Drive and Barbula Road which is shared by the existing Willowdale Shopping Centre. The proposed telecommunications facility ensures that sufficient mobile phone network coverage is provided to the surrounding residential and commercial developments.

### 2. Planning Provisions

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the EP&A Act, and having regard to those matters the following issues have been identified for further consideration.

#### 2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP RH 2021) required the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Chapter 4, Clause 4.6 of the SEPP RH 2021 is provided below.

<b>Clause 4.6 Contamination and remediation to be considered in determining development application</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
1) A consent authority must not consent to the carrying out of any development on land unless- (a) A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The subject site was created as part of a residential subdivision and subsequent commercial use.  No evidence of contamination was identified during site inspection and investigation of Council records did not reveal any history of potentially contaminating land uses on the site.  The consent authority can therefore be satisfied that the development site is suitable for the proposed telecommunications facility.	Yes

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.		
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## 2.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP TI 2021) aims to facilitate the effective delivery of infrastructure across the state by:

- (a) Improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) Providing greater flexibility in the location of infrastructure and service facilities, and
- (c) Allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) Identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) Identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) Providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) Providing opportunities for infrastructure to demonstrate good design outcomes.

The following table provides an assessment against the relevant telecommunications facility provisions found in Part 2.3, Division 21 of the SEPP TI 2021 - Clauses 2.141 and 2.143.

SEPP TI 2021			
Clause	Requirement	Proposed/Comments	Complies
<b>2.141 Development permitted without consent</b>	Development for the purposes of telecommunications facilities (including radio facilities) may be carried out by a public authority without consent on any land.	The proposed development does not meet the criteria to be permitted without consent and will therefore require consent via a development application.  The applicant has submitted this development application in response to this provision.	Yes
<b>2.143 Development permitted with consent</b>	Development for the purposes of telecommunications facilities, other than development in section 2.141 or development that is exempt	It has been identified by the applicant the proposed installation of a telecommunications facility is unable to be carried out under	Yes

	development under section 2.20 or 2.144, may be carried out by any person with consent on any land.	sections 2.20, 2.141 or 2.144 (exempt development).	
	(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.	An assessment of the relevant planning considerations have been made within this report.  Further assessment of the NSW Telecommunications Facilities Guideline, Including Broadband dated October 2022 is made below.	Yes

### NSW Telecommunications Facilities Guideline, Including Broadband

The NSW Telecommunications Facilities Guideline Including Broadband (Guideline) dated October 2022 has been prepared by the NSW Government and supports the roll out of broadband in NSW and aims to ensure that both wireline and wireless telecommunications infrastructure, including for broadband, can be provided in an efficient and cost-effective manner to meet community needs for telecommunications services.

The following table highlights compliance with the principles outlined within the Guideline.

<b>NSW TELECOMMUNICATIONS FACILITIES GUIDELINE, INCLUDING BROADBAND</b>		
<b>Principle/Control</b>	<b>Proposed/Comments</b>	<b>complies</b>
<b>Principle 1: Design and site telecommunications facilities to minimise visual impact</b>		
a. As far as practical, integrate a telecommunications facility that is mounted on an existing building or structure with the design and appearance of the building or structure.	The proposed telecommunications facility is new and is unable to be located on an existing building or structure. The applicant has noted within their site candidate summary, forming part of their Statement of Environmental Effects (SEE), that the proposed telecommunications facility is required to be in its location to meet the requirements of network coverage and capacity objectives. Moreover, the existing shopping centre does not provide sufficient access capabilities to ensure the ongoing use of the telecommunications facility.  The proposed location of the telecommunications facility is therefore considered to be appropriate.	Yes
b. Minimise the visual impact of telecommunications facilities, reduce visual clutter (particularly on tops of buildings) and	The proposed development is a freestanding structure and not attached to any existing buildings.	N/A

ensure physical dimensions (including support mounts) are sympathetic to the scale and height of the building to which it is to be attached and to adjacent buildings.		
c. If a telecommunications facility protrudes from a building or structure and is predominantly seen against the sky, either match the prevailing colour of the host building or structure or use a neutral colour such as pale grey.	The proposed telecommunications facility is a free-standing monopole and is not attached to an existing building or structure. The proposed development features neutral off-white colours and is considered to be acceptable.	N/A
d. Where possible and practical, screen or house ancillary facilities using the same colour as the prevailing background and consider using existing vegetation or new landscaping.	The proposed telecommunications facility will be coloured neutral off white and the base of the structure would be partially screened by existing vegetation.	Yes
e. Locate and design a telecommunications facility in a way that responds to its setting (rural, residential, industrial or commercial).	The proposed site is located within a B2 Local Centre zone and is surrounded by R2 Low Density Residential. The site is shared with the existing Willowdale Shopping Centre development. The proposed location of the monopole is on the corner of Willowdale Drive and Barbula Road, which features streetlights and existing vegetation. It is considered that the design of the proposed monopole is not inconsistent with the surrounding development and would have minimal visual impacts within the context of other surrounding infrastructure.	Yes
f. Site and design a telecommunications facility located on or adjacent to a listed heritage item or within a heritage conservation area with external colours, finishes and scale sympathetic to the heritage item or conservation area.	In accordance with State Environmental Planning Policy (Precincts – Western Parkland City) 2021 the site is not identified as a heritage item and is not within heritage conservation area.  The proposed monopole will therefore have no impact on the any heritage item and the scale and finishes are considered to be satisfactory.	Yes
g. Locate telecommunications facilities to minimise or avoid obstructing significant views of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	The proposed development will not detrimentally impact on the views of heritage item or place, a landmark, a streetscape, vista or panorama when viewed from public or private land.	Yes
h. Consult with relevant council when proposing pruning, lopping or removing any tree or vegetation. Obtain a tree preservation order, permit or development consent if required.	The proposed development does not include the removal of any trees or vegetation.	N/A
i. Remove redundant telecommunications facilities and restore the site to the condition it was in prior to the facility's construction.	The site does not feature any existing telecommunications facility to be removed.	Yes

	Further, a condition of consent will require that the site is reinstated to its former state upon the decommissioning of telecommunication facilities.	
j. Remove redundant components of existing facilities after upgrades.	A condition of consent will require that the site is reinstated to its former state upon the decommissioning of telecommunication facilities.	Yes
k. Where possible, consolidate telecommunications facilities to reduce visual clutter and work with other users on co-location sites to minimise cumulative visual impact.	The site currently has no other telecommunication services and no opportunities are present to co-locate. However, the proposed telecommunications facility would not to contribute to the cumulative visual impact within Campbelltown.  The proposed development features neutral colours, landscaping and infrastructure to provide indirect screening.	Yes
l. Accord with all relevant industry design guides when siting and designing telecommunications facilities.	The proposed development has been designed in accordance with all relevant industry design guides. A condition of consent has been added to ensure that the proposed telecommunications facility has been built in accordance with the relevant industry design guides.	Yes
m. Assess potential visual impact in alternative site assessments.	The applicant has provided an assessment into alternative sites within their SEE. The proposed location of the telecommunications facility is the preferred site and would not have a significant adverse visual impact.	Yes
<b>Principle 2: Co-locate telecommunications facilities wherever practical</b>		
a. As far as practical, locate telecommunications lines underground or within an existing underground conduit or duct.	The proposed structure is a monopole which cannot be located underground. The proposed development proposes connections to be taken from the nearest available points underground to the facility.	Yes
b. Where practical, co-locate or attach overhead lines, antennas and ancillary telecommunications facilities to existing buildings, public utility structures, poles, towers or other radio communications equipment to minimise clutter.	The accompanying SEE states that there are no opportunities for co-locations or to be attached to existing buildings, public utility structures, poles, towers or other radio communication equipment.	Yes
c. Consider extending an existing tower as a practical co-location solution to new towers.	The proposed telecommunications facility is required to provide necessary services within the locality and no other opportunities are present for the purposes of co-	Yes

	location or extension of an existing tower.	
d. Demonstrate that co-location is not practicable if choosing not to co-locate a facility.	The applicant has provided mapping investigations within the SEE and outlines that co-location is not possible whilst complying with EME and engineering standards as well as meeting the requirements to servicing the locality.  The proposed new telecommunications facility is considered to be acceptable in this regard.	Yes
e. If choosing to co-locate, design, install and operate a telecommunications facility so that resultant cumulative levels of radio frequency emissions are within the maximum human exposure levels set out in RPS S-1.	The proposed development does not include co-locating.	N/A
<b>Principle 3: Meet health standard for exposure to radio emissions</b>		
a. Design, install and operate a telecommunications facility so that maximum human exposure levels to radiofrequency emissions comply with RPS S-1 (see Appendix C).	An Environmental EME report accompanies this development application and supports the development. The emissions do not exceed the maximum human exposure levels to radiofrequency set out in RPS-1 and further a condition of consent has been included.	Yes
b. Using the format required by ARPANSA, report on predicted levels of EME surrounding any development covered by the Industry Code C564:2020 Mobile Phone Base Station Deployment, and how the development will comply with ACMA safety limits and RPS S-1.	An Environmental EME report dated 29 July 2022 accompanies this development application and has been calculated in accordance with the ARPANSA prediction methodology and report format. The report meets the ACMA safety limits and RPS S-1 and further a condition of consent is added in relation to the maintenance of the Industry Code.	Yes
<b>Principle 4: Minimise disturbance and risk, and maximise compliance</b>		
a. Ensure the siting and height of a telecommunications facility complies with the the Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1996. Avoid penetrating any obstacle limitation surface (OLS) shown on a relevant OLS plan for an aerodrome or airport (as reported to the Civil Aviation Safety Authority) within 30 km of the proposed development.	The site is located approximately 17km from Western Sydney Airport. In accordance with Clause 89Y of the Civil Aviation Regulations 1998 the proposed 22.5m monopole is below the maximum 110 m above ground level provision. Further assessment has been undertaken below this table.  The proposed development therefore does not penetrate any OLS and a condition of consent has been added to ensure compliance to this provision is maintained.	Yes
b. Ensure no adverse radio frequency interference with any airport, port or Commonwealth defence navigational or	The proposed development has been designed not to result in any electrical interference with any airport, port or	Yes

communications equipment, including the Morundah Communication Facility, Riverina.	Commonwealth defence navigational or communications equipment. A condition of consent has also been added in effect to this.	
c. Carry out the telecommunications facility and ancillary facilities in accordance with any manufacturer's installation specifications.	A condition of consent has been added ensuring that the telecommunications facility and ancillary facilities will be constructed in accordance with any manufacturer's installation specifications.	Complies (via condition of consent)
d. Protect the structural integrity of any building or structure on which a telecommunications facility is erected.	The proposed development includes the construction of a new standalone telecommunications facility and therefore will not adversely impact the structural integrity of any building or structure on site.	N/A
e. Erect the telecommunications facility wholly within the boundaries of a property as approved by the relevant landowner.	The proposed telecommunications facility is located within the boundaries of the site and the relevant owners consent has been provided as part of this development application.	Yes
f. Ensure all construction of a telecommunications facility accords with Managing Urban Stormwater: Soils and Construction - Volume 1 (Landcom 2004), or its replacement.	A condition of consent has been recommended to ensure that all construction of the proposed development is in accordance with Managing Urban Stormwater: Soils and Construction - Volume 1 (Landcom 2004).	Complies (via condition of consent)
g. Mitigate obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction.	A condition of consent has been recommended to mitigate obstructions or risks to pedestrians or vehicles during the construction of the telecommunications facility.	Complies (via condition of consent)
h. Where practical, carry out work at times that minimise disruption to adjoining properties and public access and restrict hours of work to 7.00 am and 5.00 pm, Mondays to Saturdays, with no work on Sundays and public holidays.	A condition of consent has been recommended limiting constructions works to the outlined times.	Complies (via condition of consent)
i. Employ traffic control measures during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.	A condition of consent has been recommended to ensure traffic control is in accordance with the Australian Standard.	Complies (via condition of consent)
j. Guard open trenching in accordance with Australian Standard Section 93.080 - Road Engineering AS1165 - 1982 - Traffic hazard warning lamps.	A condition of consent has been recommended to ensure trenching is in accordance with the Australian Standard.	Complies (via condition of consent)
k. Minimise disturbance to flora and fauna and restore land to a condition similar to its condition before the work was carried out.	The proposed development does not include the clearing or removal of any trees or vegetation.	N/A
l. Identify any potential impacts on threatened species and communities in consultation with relevant authorities and avoid disturbance to identified species and communities where	The proposed development does not include the removal of any trees or vegetation. The proposed development is not considered to	Yes

possible.	impact on threatened species.	
m. Identify the likelihood of harming an Aboriginal place and/or Aboriginal object and obtain approval from the Department of Premier and Cabinet if the impact is likely, or Aboriginal objects are found.	An Aboriginal Heritage Information Management System (AHIMS) report has been obtained for this site and reveals a number of relics of heritage significance. In accordance with the East Leppington Precinct Planning Indigenous and Non-Indigenous Heritage Assessment prepared by GML 2012 and East Leppington Archaeological Excavations report prepared by GML 2016, the relics were excavated in 2013 and removed from site prior to the subdivision of East Leppington.  Further assessment has been undertaken within this report, which concludes that the proposal is satisfactory in this regard.	Yes
n. Reinstatement, at your expense, street furniture, paving or other facilities removed or damaged during construction to at least the same condition as that prior to installation.	A condition of consent has been recommended to reinstate the site to the same condition as prior to the installation.	Complies (via condition of consent)
<b>Principle 5: Undertake an alternative site assessment for new mobile phone base stations</b>		
a. Include adequate numbers of alternative sites in the alternative site assessment as a demonstration of good faith.	The applicant has provided a thorough assessment of alternative sites and the proposed location is considered to be suitable and acceptable for the development as proposed.	Yes
b. In addition to the new site selection matters in Section 4 of the Industry Code C564:2020 Mobile Phone Base Station Deployment: <ul style="list-style-type: none"> <li>only include sites that meet coverage objectives, and that have been confirmed as available, with an owner agreeable to having the facility on their land</li> <li>if the preferred site is a site owned by the Carrier, undertake a full assessment of the site</li> <li>indicate the weight placed on selection criteria</li> <li>undertake an assessment of each site before any site is dismissed.</li> </ul>	The applicant has provided this information within the accompanying SEE and is considered to be acceptable.	Yes

### Civil Aviation Safety Authority - Reporting of tall structures

In accordance with the Advisory Circular AC 139.E-01 v1.0 prepared by the Civil Aviation Safety Authority dated December 2021, Clause 2.2 outlines the requirements for further concurrence for tall structures and states:

2.2.2 If you are the person who owns, controls or operates the object, structure or a source of a hazardous plume which is either present, imminent or has been approved for erection/construction, details need to be provided about:



- the construction, extension or dismantling of tall structures if the top is:
  - 100 m or more above ground level
  - or
  - affects the obstacle limitation surface of an aerodrome as defined in Part 139 of CASR.
- gaseous effluxes (plume rises) with a velocity of more than 4.3 m per second affecting either:
  - airspace higher than 100 m or more above ground level
  - or
  - the obstacle limitation surface of an aerodrome.

2.2.3 In addition, tall structures may pose a specific hazard for the operation of low-flying Defence aircraft or to the flight paths of arriving/departing aircraft (refer Paragraph 2.1.3). Therefore, the RAAF and Airservices Australia require information on structures that are 30 m or more above ground level—within 30 km of an aerodrome or 45 m or more above ground level elsewhere for the RAAF, or 30 m or more above ground level elsewhere for Airservices Australia.

The proposed telecommunications facility and associated monopole structure has been measured at 22.5 m above existing ground level and located approximately 17 km from Western Sydney Airport. The proposed monopole is not defined as a tall structure and in accordance with the Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1996, further concurrence is not required as part of this application.

Despite this, a condition of consent has been recommended ensuring that notification to the relevant authorities and compliance to the relevant provisions have been met prior to the issue of a Construction Certificate.

### **2.3 State Environmental Planning Policy (Precincts – Western Parkland City) 2021**

The site is zoned B2 Local Centre Zone and in accordance with the provisions of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (SEPP WPC 2021). The consent authority must have regard to the zone objectives in the determination of a development application. The objectives for B2 Local Centre Zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
- To encourage development that will contribute to economic growth and the creation of employment opportunities within the City of Campbelltown.

The proposed telecommunications facility is consistent with the objectives of the B2 Local Centre Zone. The proposed telecommunications facility will contribute to providing services to retail, businesses, entertainment and community uses which will serve the needs of the people who live in, work and visit the Denham Court area.

The proposed development is defined as a Telecommunications Facility under the Standard Instrument LEP as follows:

**Telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**Telecommunications network** has the same definition as it has in the Standard Instrument.

**Note—**

The Standard Instrument defines telecommunications network as follows—

Telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

The proposed telecommunications facility is a permissible use under the B2 Local Centre Zone and is captured under item 3 as “Any other development not specified in item 2 or 4”.

The following table provides an assessment against the relevant provisions of the SEPP WPC 2021.

<b>STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – WESTERN PARKLAND CITY) 2021</b>			
<b>Appendix 6 Campbelltown Growth Centres Precinct Plan</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<b>Land Zoning</b>	Zone B2 Local Centre	Zone B2 Local Centre	Yes
<b>Clause 4.3 Maximum Building Height</b>	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	<p>The maximum height of building permissible on this site is 18 m.</p> <p>The proposed telecommunications facility features an overall height of 22.5m and does not comply with this provision.</p> <p>The proposed development results in a 25% variation to the maximum height shown on the Height of Building Map.</p>	<b>No – see Clause 4.6 Justification below</b>
<b>Clause 5.10 Heritage</b>	(2) Requirement for consent Development consent is required for any of the following – (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of building, making changes to its detail, fabric, finish or appearance) – (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area.	<p>An Aboriginal Heritage Information Management System (AHIMS) report has been obtained for this site and reveals a number of relics of heritage significance. In accordance with the East Leppington Precinct Planning Indigenous and Non-Indigenous Heritage Assessment prepared by GML 2012 and East Leppington Archaeological Excavations report prepared by GML 2016, the relics were excavated in 2013 and removed from site prior to the subdivision of East Leppington.</p> <p>Further assessment has been undertaken within this report, which concludes that the proposal is satisfactory in this regard.</p>	Yes
	(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this section to the carrying out of development in an Aboriginal place of heritage significance – (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal	<p>The site is currently developed for the purpose of Willowdale Shopping Centre.</p> <p>The proposed telecommunications facility is considered unlikely to further impact on the significance of the Aboriginal heritage item.</p>	Yes

	<p>object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p>		
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### Exceptions to development standards

Clause 4.6, Appendix 6 of the SEPP WPC 2021, includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of Clause 4.6 provide as follows:

- a. to provide an appropriate degree of flexibility in applying certain development standards to particular development
- b. To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 provides flexibility in the application of planning provisions by allowing the Consent Authority to approve a development application that does not comply with a development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve a better planning outcome.

Clause 4.6(3) Appendix 6 of the SEPP WPC 2021 provides as follows:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(4) Appendix 6 of the SEPP WPC 2021 provides as follows:

- (4) Development consent must not be granted for development that contravenes a development standard unless—
  - (a) the consent authority is satisfied that—

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and
  - (ii) the proposed 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 zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Planning Secretary has been obtained.

The Planning Secretary has issued their assumed concurrence.

The following justifications have been provided in the applicants' written Clause 4.6 variation request in consideration of Clause 4.6 (3):

...it is believed that compliance with the building height limit is unreasonable and unnecessary in this circumstance. Without breaching the building height development standard of 18 m the proposal would not be feasible from a radio frequency coverage perspective and the local community would be denied access to improved telecommunications services.

The proposed monopole does not have the same building bulk or visual impact of a traditional building that the building height limits are intended to apply to. The overall visual impact of allowing the variation would be minor in comparison to an apartment building for example. Application of this standard to a monopole or other type of telecommunications tower that is not more than 2 m in width is considered to be unreasonable in this circumstance. It is considered that there are sufficient grounds to contravene the development standard as outlined in this statement and detailed in the visual impact assessment attached.

A variation to the height development standard is considered acceptable in this instance, based on the arguments and assessment of impacts presented within the applicants' Clause 4.6 Variation Request. Further, the proposed development will be in the public interest as it is considered to be generally consistent with the objectives of Clause 4.3 - Height of Buildings and the objectives of B2 Local Centre Zone as prescribed in Appendix 6 of SEPP WPC 2021, which provide as follows:

#### **4.3 Height of buildings**

The objectives of the height of buildings development standard are:

- (a) to establish the maximum height of buildings,
- (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
- (c) to facilitate higher density development in and around commercial centres and major transport routes.

The proposed development is consistent with the objectives of the standard being varied, as it is an appropriate form of development for the site and location, which is located within a large commercial lot with vegetation surrounding, minimising visual impact and protection the amenity of the adjoining land uses and buildings. The narrow width of the structure (being a slim

monopole design with a shroud) will ensure that the monopole will not adversely impact the locality in terms of shadows and loss of solar access to buildings and open space.

Additionally it is noted that a compliant telecommunications facility would not provide the same level of service to the community as the proposed development. The community relies on telecommunications for environmental hazard warnings and social interactions. Therefore, given the limited visual impact of the narrow structure, it is considered that there are sufficient environmental planning grounds to justify the departure in this instance.

The proposal is consistent with the objectives of the B2 zone as it promotes and facilitates retail, business, entertainment and community uses by improving efficiency and the social and economic attractiveness of the area due to enhanced telecommunications services.

The height of the proposed structure will not prevent the future use or orderly and economic development of the site. The proposed structure is compatible with the existing use and zoning of the land and will support and promote business and economic and social growth within the area. Despite the non-compliance, the development is unlikely to result in any unreasonable adverse impacts upon surrounding properties and the public domain and a variation to the height development standard is considered acceptable in this instance.

#### **2.4 Campbelltown Growth Centre Precincts Development Control Plan 2013**

The proposed development has been assessed under the relevant provisions of the Campbelltown Growth Centre Precinct Development Control Plan 2013 (GCP DCP 2013).

The proposed telecommunications facility has been assessed under the following relevant controls of the GCP DCP 2013.

#### **5.0 Centres Development Controls**

Section 5.1 - Introduction Centres Development Controls of the GCP DCP 2013 provides objectives for the local centre as follows:

- a. Create vibrant, functional centres that are a focus for community activity and interaction;
- b. Establish design principles that achieve high quality coordinated urban design outcomes and high standards of amenity;
- c. Encourage social interaction and the development of places that are safe and desirable for all users;
- d. Provide flexible controls to accommodate change within the centres over time;
- e. Ensure that development in centres takes advantage of access to public transport;
- f. To establish the function of the Local Centre;
- g. To promote the northern section of Heath Road as the main activity spine;

- h. To ensure that the centres provide for a range of retail, commercial and community related uses that serve the needs of the local population;
- i. To ensure that centres are located to maximise viability and walkability; and
- j. To provide a hierarchy and function of local and neighbourhood centres (refer to Figure 5-1).

The proposed installation of a telecommunications facility serves to support the existing retail, commercial and community related uses that serve the need of the local population. The proposed development is consistent with these objectives and will contribute to the function of the Willowdale Shopping Centre.

## 6.0 Site Specific Controls

Section 6.3 - Aboriginal Cultural Heritage Management Areas of the GCP DCP 2013, provides objectives as follows:

- a. To ensure future development does not adversely impact Aboriginal cultural heritage conservation areas or sites of Aboriginal heritage value,
- b. To ensure identified conservation areas and areas of high Aboriginal cultural heritage value are protected and conserved,
- c. To ensure appropriate management and mitigation measures are implemented for identified Aboriginal conservation areas and Aboriginal heritage sites of moderate heritage value,
- d. To manage Aboriginal heritage values to ensure enduring conservation outcomes, and e. To ensure areas identified as archaeologically or culturally significant are managed appropriately.

The proposed telecommunications facility is consistent with the objectives outlined within section 6.3 of the GCP DCP 2013. The following table provides an assessment of the relevant development controls in relation to Aboriginal heritage.

<b>CAMPBELLTOWN CITY COUNCIL GROWTH CENTRE PRECINCTS DEVELOPMENT CONTROL PLAN</b>		
<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
1. Development applications must identify any areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these)(refer to Figure 6-12).	An AHIMS report has been obtained and submitted with this development application. One item of Aboriginal significance has been identified nearby the location of the proposed telecommunications facility.	Yes
2. For land that has not been subject to detailed Aboriginal heritage surveys as part of the Precinct Planning Process (refer to East	A review has been undertaken of the East Leppington Precinct Planning Indigenous and Non-Indigenous Heritage Assessment prepared by GML 2012. A part of this report, detailed Aboriginal heritage surveys were conducted throughout the East Leppington Precinct	

<p>Leppington Precinct Planning Indigenous and Non-Indigenous Heritage Assessment prepared by GML 2012) an Aboriginal Heritage Assessment is to be carried out by a suitably qualified professional and submitted with the development application.</p>	<p>in which the subject site was located within.</p> <p>As shown within the AHIMS and Heritage Assessment prepared by GML 2012 and East Leppington Archaeological Excavations report prepared by GML 2016, Aboriginal significance has been identified on the subject site and it is therefore noted that an Aboriginal Heritage Impact Permit (AHIP) (1132181) is relevant to the subject site. Further to this, it has been outlined within the report that the Aboriginal relics that were discovered have now been removed from the site.</p> <p>An Aboriginal Assessment is therefore not required to be submitted as part of this development application.</p> <p>The site is now developed and features an existing shopping centre. The proposed telecommunications facility is not considered to further impact on the excavated Aboriginal relics. A condition of consent has been added outlining further actions required if artefacts are discovered during the construction of the telecommunications facility.</p>	
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## 2.5 Campbelltown Local Infrastructure Contributions Plan 2018

The Campbelltown Local Infrastructure Contributions Plan 2018 applies to the subject site. In accordance with Clause 2.7(7) of the Plan, development contributions are not applicable to the proposed development as the development is a Class 10 structure.

## 3. Planning Assessment

Section 4.15(1)(b) of the EP&A 1979 Act requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The key matters for consideration when considering the development's potential impact on the natural and built environment are as follows:

- Electro Magnetic Emissions
- Visual Impact
- Aboriginal Heritage
- Construction
- Built Form
- Social, Economic and Environmental Impacts



## Electro Magnetic Emissions

The application is accompanied by an Environmental EME report dated 29 July 2022 which has been prepared in accordance with the ARPANSA prediction methodology and report format.

The report details the estimated radiofrequency electromagnetic levels generated by the facility.

The report provides calculated estimations on the expected cumulative radiofrequency electromagnetic energy levels generated by the proposal, and concludes that the electromagnetic energy levels at 113 m from the location is estimated to be only 4.05 per cent of the maximum public exposure limits permitted by Australian Radiation Protection and Nuclear Safety Agency.

## Visual Impact

The proposed telecommunications facility has been designed to be located within the boundaries of the site operated by the Willowdale Shopping Centre. It is noted that existing on the corner of Willowdale Drive and Barbula Road features landscaping and signage (refer to images below).



Figure 4 – Existing centre signage and landscaping



Figure 5 – existing shopping centre signage and landscaping

The proposed telecommunications facility features a 22.5 m monopole located behind the existing sign. The surrounding architectural features of Denham Court include street lighting and flag pole signs of neutral colours which is consistent with the design of the proposed monopole.

The proposed monopole also features a turret arrangement which transfers the visual bulk of the structure towards the top and out of eye line sight and is considered to be of an appropriate design to reduce the visual impact. The proposal also includes associated telecommunication structure which houses equipment to support the proposed monopole. This structure has been proposed to be set back along Barbula Road to further reduce any impacts on sightlines for drivers navigating the intersection. The applicant has provided a photomontage of the corner and proposed telecommunications facility (refer to below image).



Figure 6 – Photo montage of proposed monopole

Consideration to the design of the proposed telecommunications facility has been provided by the applicant in support of the proposal and is considered to be acceptable. The proposed telecommunications facility is considered to be required to provide improved network coverage and to support the growth of the surrounding residential and commercial developments, without any unreasonable adverse impacts.

### **Aboriginal Heritage**

As noted within this report Aboriginal relics have been identified on this site and were excavated and removed from prior to the subdivision of East Leppington.

The proposed installation of the telecommunications facility is not considered to further impact on the excavated Aboriginal relic. In accordance with Part 6.3(2) of the GCP DCP 2013 no further Aboriginal Assessment is required to be submitted as part of this development application.

A condition of consent has been recommended outlining further actions required if artefacts are discovered during the construction of the telecommunications facility.

### **Construction**

The construction phase of the development has the potential to generate short term environmental impacts through the generation of dust, noise and vibration.

Conditions of consent have been recommended to manage the proposed works, including the installation of erosion and sediment control measures prior to works commencing on site.

## Built Form

The proposed development provides an appropriate design with a range of building materials which reflects the predominant building materials in the local area.

Overall, it is considered the proposed development is not inconsistent with the desired future character of the locality.

## Social, economic and environmental impacts

Having regard to social and economic impacts generated by the development, the proposed development will contribute to the use of the existing residential and commercial land uses within the locality.

The construction phase of the development will have minor flow on economic benefits for the locality, though the generation of employment.

## 4. Public Participation

In accordance with Campbelltown Participation Plan the development application was publically exhibited from 24 October 2022 to 21 November 2022 and one submission was received. The application was amended and was then notified again to nearby neighbours from 20 March 2023 to 19 April 2023 and again one submission was received which was from the same author as the original submission. The following table summarises the concerns raises.

<b>Submission 1 – nearby resident</b>	
<b>Issue</b>	<b>Response</b>
(1) Visual impact to the surrounding residential developments.	<p>The proposed telecommunications facility has been designed to be located within the boundaries of the site operated by the Willowdale Shopping Centre.</p> <p>It is to be noted that the proposed telecommunications facility features a 22.5m monopole located behind the existing sign and established vegetation. The surrounding built form features of Denham Court include street lighting and flag sign poles of neutral colours which is consistent with the design of the proposed monopole.</p> <p>The proposed monopole also features a turret arrangement which transfers the visual bulk of the structure towards the top and out of eye line sight and is considered to be of an appropriate design to reduce the visual impact. The proposed telecommunications facility is considered to be acceptable in the regard.</p>
(2) Radiation and its impacts on the residences within the locality	<p>This development application has been accompanied with Environmental EME report dated 29 July 2022 that has been calculated in accordance with the ARPANSA prediction methodology and report format.</p>

	<p>The report provides calculated estimations on the expected cumulative radiofrequency electromagnetic energy levels generated by the proposal, and concludes that the electromagnetic energy levels at 113 m from the location is estimated to be only 4.05% of the maximum public exposure limits permitted by Australian Radiation Protection and Nuclear Safety Agency.</p> <p>On this basis it is considered that the proposed is acceptable and no unreasonable adverse impacts are envisaged.</p>
(3) traffic impacts as a result of the proposed development	<p>This structure has been proposed to be set back along Barbula Road and is not considered to detrimentally impact on sightlines for drivers navigating the intersection.</p>

## Conclusion

Development application 4090/2022/DA-0 proposes the installation of a 22.5 m high monopole and associated telecommunications equipment at 5 Willowdale Drive, Denham Court. The proposal has been assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The application was notified to surrounding properties and publicly exhibited. Council received one submission (on 2 separate occasions) objecting to the proposal. The issues raised in the submission have been addressed in this report. This application is referred to the Local Planning Panel for determination as the development proposes a contravention to the height of buildings development standard greater than 10 per cent.

The proposed development is considered suitable for the subject site as the proposal is required to provide sufficient mobile phone networking within the locality and the applicant has provided an acceptable design. The development also satisfies the matters for consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and approval of the development application is considered to be in the public interest. It is therefore recommended that the panel approves the proposed development.

## Attachments

- 4.1.1 Recommended Conditions of Consent (contained within this report)
- 4.1.2 Architectural Plans (contained within this report)
- 4.1.3 EME Report (contained within this report)
- 4.1.4 Photomontage (contained within this report)
- 4.1.5 Clause 4.6 Variation Statement (contained within this report)

## Reporting Officer

Executive Manager Planning and Development





**ATTACHMENT 1**  
**4090/2022/DA-0**  
**Recommended Conditions of Consent**

**GENERAL CONDITIONS**

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

**1. Approved Development**

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and/or any conditions within.

Plan Detail	Job Number	Prepared by	Date
Site Plan - Drawing No S4141-P1 - Revision 01	N/A	ServiceStream	26.07.22
Site Layout - Drawing No S4141-P2 - Revision 01	N/A	ServiceStream	26.07.22
Site Elevation - Drawing No S4141-P3 - Revision 01	N/A	ServiceStream	26.07.22

**2. Building Code of Australia**

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

**3. Lighting**

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of *Australian Standard 4282 (as amended)* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

**4. Storage of Goods**

All works, storage and display of goods, materials and any other item associated with the use shall be contained wholly within the site.

**5. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

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**Conditions of Consent of DA No.: 4090/2022/DA-O****6. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

**7. Design and Construction**

The telecommunications facility is to be designed and constructed in such a manner that enables other nearby telecommunications carriers to co-locate existing or new infrastructure should the need arise.

**8. Electromagnetic Emissions**

The telecommunications facility must adhere to the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard and comply with the Australian Communications Industry Forum Industry Code entitled C564:2004 *Mobile Phone Base Station Deployment*.

**9. Traffic Control Measures**

Traffic control measures must be carried out in accordance with AS174.3-2002.

**10. Open Trenching**

Any open trenching must be carried out in accordance with AS 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.

**11. Removal of Facility if Facility Becomes Redundant**

Should the facility become redundant, the telecommunications facility (tower and associated infrastructure) must be removed within thirty (30 days) after the cessation of the use.

**12. Signage**

Signage is to be appropriately erected at the base of the monopole and displayed at all times, warning the public to the electromagnetic radiation hazard and providing contact details of the site manager.

**13. Construction Certificate**

Prior to the commencement of any works that require a construction certificate:

- a. the applicant shall appoint a Principal Certifier;
- b. the applicant shall obtain a construction certificate for the particular works; and

**Conditions of Consent of DA No.: 4090/2022/DA-O**

- c. when Council is not the Principal Certifier, the appointed Principal Certifier shall notify Council of their appointment no less than two days prior to the commencement of any works.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

**14. Utility Servicing Provisions**

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

*Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authority's water or sewer infrastructure.*

**15. Soil and Water Management Plan**

Prior to Council or the appointed Principal Certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

**16. Airspace**

Prior to Council or appointed Principal Certifier issuing a Construction Certificate, the applicant must provide separate notification in writing to Airservices Australia (vod@airservices.com), of the proposal to erect the approved tower.

The notification is to include an appropriate level of detail that clearly provides an understanding of the proposed timeframes for the erection of the tower, and is to include the design, finishes, physical location and dimensions of the approved tower, as well as the maximum height of the tower above finished ground level.

Prior to Council or appointed Principal Certifier issuing a Construction Certificate, the applicant must provide a qualified report to Council's Director City Development confirming the following:

- a. Compliance with any relevant site and height requirements specified by *the Civil Aviation Regulation 1988 and the Airports (Protection of Airspace) Regulations 1996* of the Commonwealth, and
- b. That the development does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.

*Note: See the Advisory Circular 139-09(0) entitled Reporting of Tall Structures issued by the Civil Aviation Safety Authority Australia on 5 April 2005 concerning these conditions.*



**Conditions of Consent of DA No.: 4090/2022/DA-O****17. Telecommunications Infrastructure**

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the appointed Principal Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

**18. Electromagnetic Emissions**

Prior to Council or appointed Principal Certifier issuing a construction certificate, the applicant shall submit the following information prepared by a suitably qualified person to Council:

- A report in the format required by the Australian Radiation Protection Nuclear Safety Agency that shows the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard and;
- A report showing compliance with the Australian Communications Industry Forum Industry Code entitled C564:2020 *Mobile Phone Base Station Deployment*.

**19. Sydney Water**

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met.

An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the appointed Principal Certifier prior to issue of a construction certificate.

The Sydney Water Tap In service can be accessed at [www.sydneywater.com.au](http://www.sydneywater.com.au).

**PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

**20. Erection of Construction Sign**

Prior to the commencement of any works on the land, signs must be erected in prominent positions on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours
- b. Stating that unauthorised entry to the work site is prohibited

**Conditions of Consent of DA No.: 4090/2022/DA-O**

- c. Pollution warning sign promoting the protection of waterways (a digital copy is provided with this consent that can be printed, laminated and affixed to the site or a corflute sign is available for free pick up at Council's administration office)
- d. Stating the approved construction hours in which all works can occur
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

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

**21. Toilet on Construction Site**

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

**22. Trade Waste**

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

**23. Vehicular Access during Construction**

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

**24. Hoarding / Fence**

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with Work Cover requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under *Section 68 of the Local Government Act 1993* shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

**Conditions of Consent of DA No.: 4090/2022/DA-O****25. Consultation with NSW Work Cover Authority**

Prior to the commencement of any works on the site, it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.

**26. Before You Dig**

Underground assets may exist in the area that is subject to your application. Prior to the commencement of any works on the land, please contact Before You Dig Australia at [www.byda.com.au](http://www.byda.com.au) before excavating or erecting structures.

**DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

**27. Construction Work Hours**

All work on site shall only occur between the following hours:

Monday to Friday	7.00 am to 6.00 pm
Saturday	8.00 am to 5.00 pm
Sunday and public holidays	No Work.

**28. Erosion and Sediment Control**

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – Soils and Construction (2004) (Bluebook), the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

**Note: On the spot penalties up to \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.**

**29. Work Zones**

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic/pedestrian control measures, including relevant fees, shall be borne by the applicant.

**Conditions of Consent of DA No.: 4090/2022/DA-O****30. Fill Contamination**

Any landfill used on the site is to be validated in accordance with the Environment Protection Authority's guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

**31. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual - 'Soils and Construction (2004) (Bluebook). Construction areas shall be treated/regularly watered to the satisfaction of the appointed Principal Certifier.

**32. Certification of Location of Building during Construction**

Prior to the positioning of the structures, the applicant shall submit to the appointed Principal Certifier a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of the structures.

**33. Certification of Location of Building upon Completion**

Upon completion of structures, the applicant shall submit to the appointed Principal Certifier a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from boundaries.

**34. Excess Material**

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

**35. Earth Works/Filling Works**

All earthworks, including stripping, filling, and compaction shall be:

- Undertaken in accordance with Council's 'Specification for Construction of Subdivisional Roads and Drainage Works' (as amended), AS 3798 'Guidelines for Earthworks for Commercial and Residential Development' (as amended), and approved construction drawings;
- Supervised, monitored, inspected, tested and reported in accordance with AS 3798 Appendix B 2(a) Level 1 and Appendix C by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

**36. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2m wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the State Roads Authority manual "Traffic Control at Work Sites" (as amended), all applicable Traffic Management and/or

**Conditions of Consent of DA No.: 4090/2022/DA-O**

Traffic Control Plans. The contractor shall also ensure that all Work Cover Authority requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

**37. Compliance with Council Specification**

All design and construction work shall be in accordance with:

- Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
- Campbelltown (Sustainable City) DCP - Volumes 1 and 3 as amended
- Soils and Construction (2004) (Bluebook) and
- Relevant Australian standards and State Government publications.

**38. Impact of below ground (sub-surface) works – Aboriginal relics**

If any previously unidentified Aboriginal archaeological relics are exposed during construction works, work will immediately cease and Department of Premier and Cabinet (DPC) contacted in accordance with the National Parks and Wildlife Act 1974.

All necessary approvals must be obtained prior to the continuation of work. Works will not recommence until an appropriate strategy for managing the objects has been determined in consultation with the Department of Planning and Environment, and DPC provides written authorisation.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of an occupation certificate by the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

**39. Completion of External Works Onsite**

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

**40. Restoration of Public Roads**

Prior to the appointed Principal Certifier issuing an occupation certificate, the restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

**41. Public Utilities**

Prior to the appointed Principal Certifier issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

**42. Electromagnetic Emissions**

Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall provide a report, prepared by a suitably qualified person, stating that the operation of the telecommunications facility would comply with the following:

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- Compliance with the safety limits for the predicted levels of electromagnetic energy surrounding the development imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard; and
- Compliance with the Australian Communications Industry Forum Industry Code entitled CIF C564:2020 *Mobile Phone Base Station Deployment*.

A copy of the above information must be submitted to Council's Director City Development

**43. Council Fees and Charges**

Prior to the appointed Principal Certifier issuing an occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

**ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

**Advice 1. Environmental Planning and Assessment Act 1979 Requirements**

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a Principal Certifier and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

**Advice 2. Tree Preservation Order**

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside three metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *NSW Biosecurity Act 2015* or included within the *NSW Governments Greater Sydney Strategic Management Plan 2017-2022*.

**Conditions of Consent of DA No.: 4090/2022/DA-O****Advice 3. Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued rely on their own enquiries as to whether or not the building breaches any such covenant.

**Advice 4. Inspection within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

**Advice 5. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 6. Asbestos Warning**

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

**Advice 7. Dial before you Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

**Advice 8. Telecommunications Act 1997 (Commonwealth)**

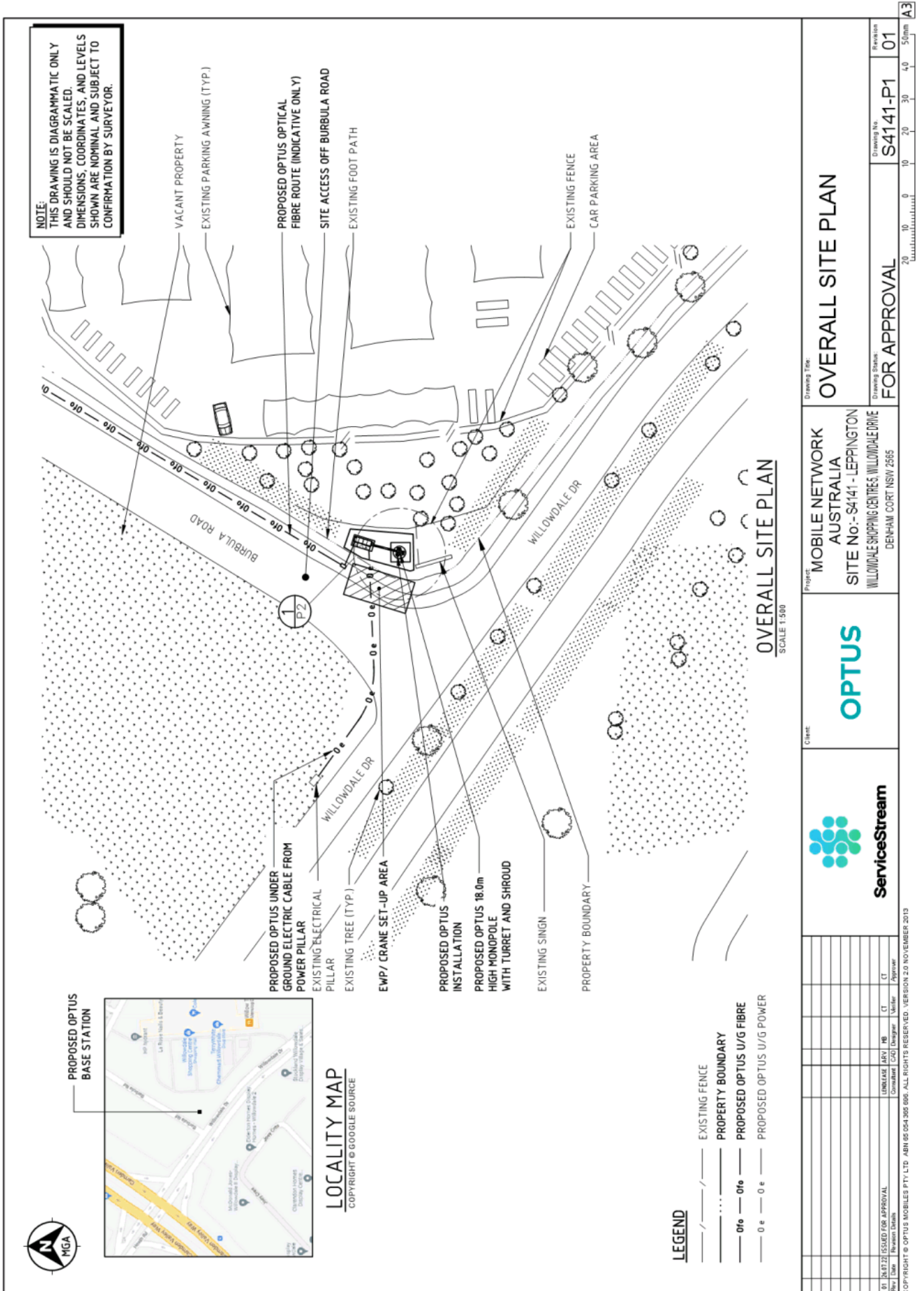
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

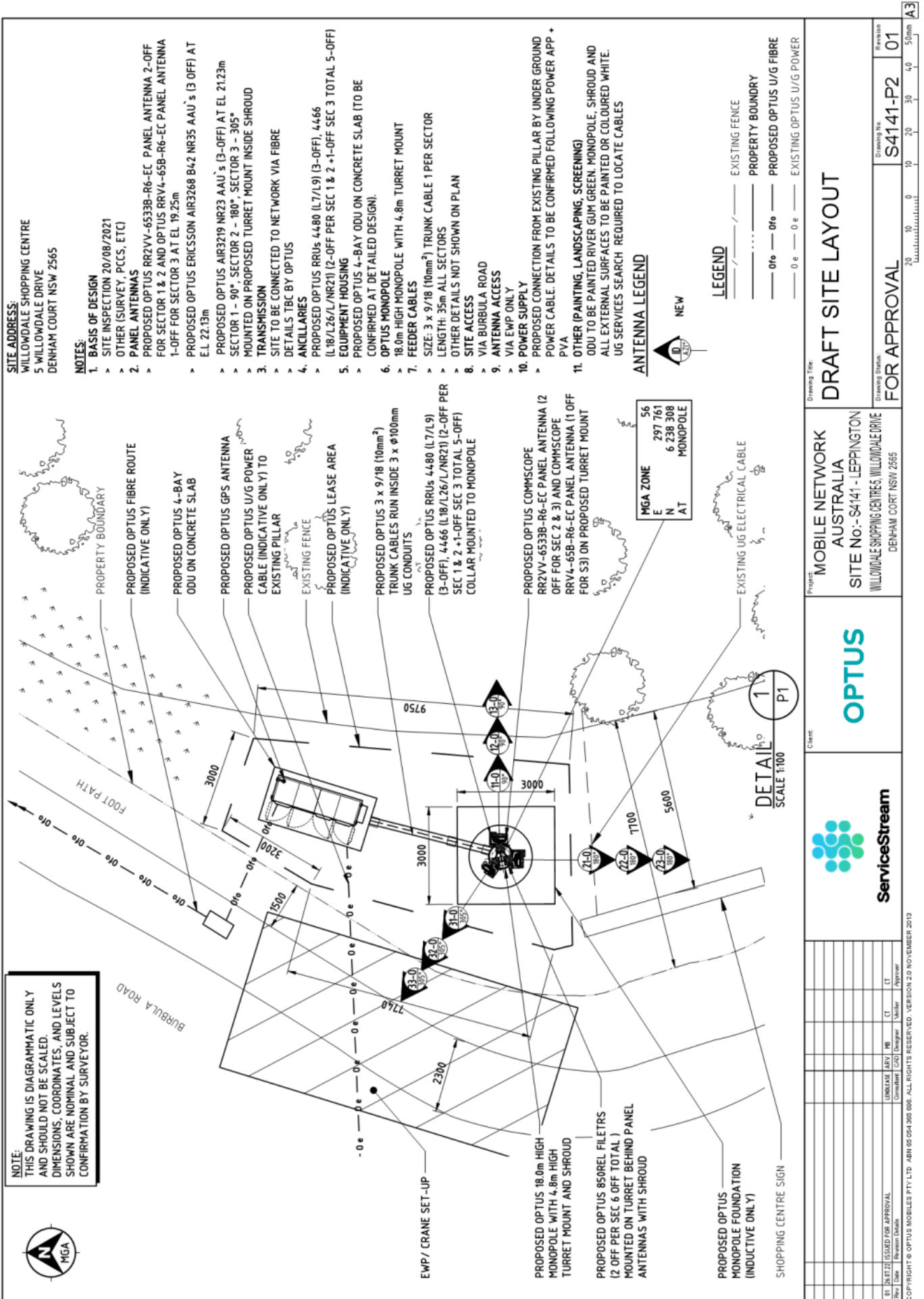
**Conditions of Consent of DA No.: 4090/2022/DA-O**

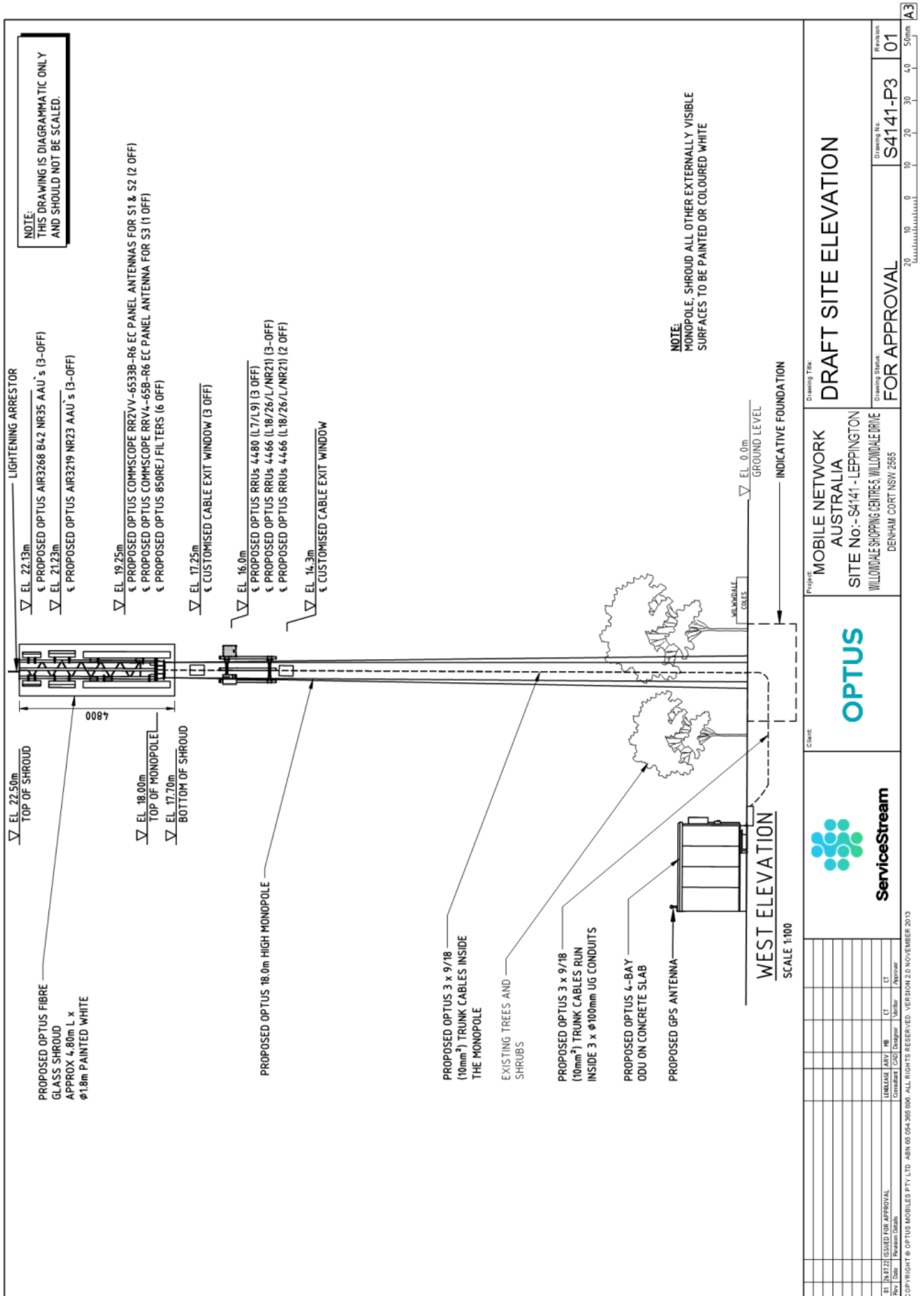
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

**END OF CONDITIONS**









# Environmental EME Report

<b>Location</b>	Willowdale Shopping Centre, 5 Willowdale Drive, DENHAM COURT NSW 2565		
<b>Date</b>	29/07/2022	<b>RFNSA No.</b>	2565019

## How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Willowdale Shopping Centre, 5 Willowdale Drive, DENHAM COURT NSW 2565. These levels have been calculated by Lend Lease 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.](#)

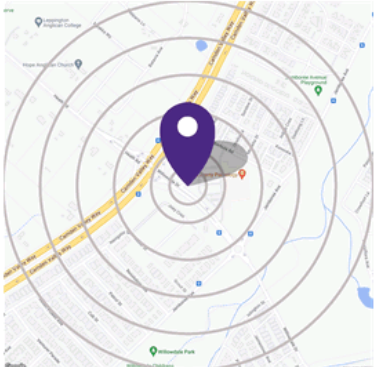
## A snapshot of calculated EME levels at this site

There are currently no existing radio systems for this site.

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

# 4.05%

out of 100% of the public exposure limit, 113 m from the location.



EME levels with the proposed changes

Distance from the site	Percentage of the public exposure limit
0-50 m	1.81%
50-100 m	3.77%
100-200 m	4.05%
200-300 m	1.75%
300-400 m	0.79%
400-500 m	0.44%

For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at <http://www.rfnsa.com.au/2565019>.

## 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.

Carrier	Existing		Proposed	
	Systems	Configuration	Systems	Configuration
Optus			4G, 5G	LTE700 (proposed), LTE900 (proposed), LTE1800 (proposed), NR/LTE2100 (proposed), LTE2600 (proposed), NR2300 (proposed), NR3500 (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 360° circular bands.

Distance from the site	Existing configuration			Proposed configuration		
	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
0-50m				7.98	168.90	1.81%
50-100m				10.99	320.47	3.77%
100-200m				11.38	343.72	4.05%
200-300m				7.52	149.89	1.75%
300-400m				5.03	67.09	0.79%
400-500m				3.74	37.11	0.44%

## 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 C564:2020](#) 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/m <sup>2</sup> )	Percentage of the public exposure limit
No locations identified				







#### Clause 4.6 Variation – Building Height

**Application:** Proposed Optus Telecommunications Facility at  
5 Willowdale Drive, Denham Court  
**Building Height Development Standard:** 18m  
**Proposed Height of Telecommunications Facility:** 22.5m

The following request is made pursuant to Clause 4.6 of the *State Environmental Planning Policy (Precincts - Western Parklands City) 2021 – South West Growth Centre* (the 'SEPP') seeking a variation to the building height development standard contained in Clause 4.3 of Appendix 6 of the SEPP. Clause 4.3 establishes a maximum building height of 18m at the subject property. The proposed telecommunications facility is not a building, however the top of the monopole and associated equipment has a maximum height of 22.5m.

Our understanding of the relevant legislation is that the proposed telecommunications facility is assessable under the provisions of the *State Environmental Planning Policy (Infrastructure) 2007* (the 'SEPP') and the SEPP takes precedence over the *State Environmental Planning Policy (Precincts - Western Parklands City) 2021 – South West Growth Centre*. As referenced in clause 8 of the SEPP, for any inconsistency between the SEPP (Infrastructure) and the *State Environmental Planning Policy (Precincts - Western Parklands City) 2021 – South West Growth Centre*, the SEPP (Infrastructure) would prevail.

Please note the SEPP (Infrastructure) allows for a telecommunications tower up to 30m in height (in an industrial zone) to be undertaken as Complying Development regardless of the relevant building height provision of the other SEPP or LEP.

The proposal is similar to other telecommunications facilities in Campbelltown LGA and other areas of South Western Sydney, which exceed the building height limits of the SEPP. To address the exceedance of the building height limit we provide the following information to request an exception to the development standard.

#### Clause 4.6 - Exceptions to Development Standards

The objectives of clause 4.6 of the SEPP are provide below:

1. (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*  
(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is argued that 'the particular development' and 'the particular circumstances' referenced in these objectives relate to a proposal such as the proposed 22.5m high telecommunications facility at 5 Willowdale Drive, Denham Court. Relaxing the building height development standard specified in the SEPP would allow for the proposed 22.5m telecommunications facility which would achieve a better outcome by having the required elevation to achieve the radio frequency coverage objectives, while making the proposal viable from a radio frequency perspective, and providing essential telecommunications services to the community.

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*



Subsection (2) of clause 4.6 gives Council the power to approve a variation to the building height development standard of clause 4.3 of the sepp.

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

With respect to subsection (3) above, it is believed that compliance with the building height limit is unreasonable and unnecessary in this circumstance. Without breaching the building height development standard of 18m the proposal would not be feasible from a radio frequency coverage perspective and the local community would be denied access to improved telecommunications services.

There are considered to be sufficient environmental planning grounds to justify contravening the building height development standard. The proposed monopole does not have the same building bulk or visual impact of a traditional building that the building height limits are intended to apply to. Therefore, the overall visual impact of allowing the variation would be minor in comparison to an apartment building for example. Application of this standard to a monopole or other type of telecommunications tower that is not more than 2m in width is considered to be unreasonable in this circumstance. It is considered that there are sufficient grounds to contravene the development standard as outlined in this statement and detailed in the visual impact assessment attached.

*(4) Development consent must not be granted for development that contravenes a development standard unless:*

*(a) the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

*(ii) the proposed 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 zone in which the development is proposed to be carried out, and*

*(b) the concurrence of the Secretary has been obtained.*

The matters required to be demonstrated by subclause (3) have been adequately addressed above.

The proposed development will be in the public interest because it is consistent with the objectives of the building height development standard and the objectives of the b2 Commercial zone.

The objectives of the height of buildings development standard are:

(a) to establish the maximum height of buildings,

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,





- (c) to facilitate higher density development in and around commercial centres and major transport routes.

The proposed telecommunications facility is consistent with the above objectives as its height is appropriate for its location, within a large lot and adequately separated from surrounding land uses. The visual impact assessment, as demonstrated in the Statement of Environmental Effects, for the proposal further confirms this point in more detail and demonstrates that there are no significant visual impacts arising from the proposal. The proposed design is of a high standard, it seeks to reduce the visual prominence of the facility by using a slim monopole design with a shroud and a location in the corner of the shopping centre.

The objectives of the B2 Local Centre zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.

The proposal is considered to be consistent with these objectives. The proposal will promote and facilitate retail, commercial, entertainment and community uses and improve efficiency and the social and economic attractiveness of the area because the area will have excellent wireless telecommunications services. The proposed telecommunications facility is compatible with the existing commercial land uses. The telecommunications facility is compatible with the commercial land use as well as providing important services to the commercial land uses as well as surrounding land uses including the residential areas and roads.

The proposal is permitted with consent in accordance with the provisions of the SEPP.

The proposed development seeks to establish telecommunications infrastructure that will provide wireless telecommunications services to the surrounding area. The location and the size of the facility will not prevent the future use of the property and the presence of the facility will also not hinder the proper and orderly development of the property. The proposed facility has been positioned in a corner of the property with vertical elements within the surrounding area such as powerlines, power poles, light poles and the road infrastructure to ensure the proposal blends in with the existing surrounding backdrop of the area. The facility will be partially visible from certain locations along in the surrounding area. There is existing vegetation within the local area and there is landscaping areas along the boundary of the property which will provide partial screening of the facility from nearby residential dwellings, roads and adjacent properties.

The proposal is consistent with the objectives of the zone outlined above. The use of the land for a telecommunications facility will not prevent the future use of the property as it only



occupies a small corner portion of the land. The use is considered to be compatible with the use of the land and will support and promote business and economic and social growth within the area.

It is expected that Council will obtain concurrence of the Director-General as required, possibly through delegation.

**Conclusion**

This Clause 4.6 Variation Request accompanies a development application seeking consent for a 22.5m Optus Telecommunications facility at 5 Willowdale Drive, Denham Court. As demonstrated above, the request to vary the building height development standard is considered to be acceptable and is consistent with the requirements of Clause 4.6 of the SEPP.

PO Box 57, Campbelltown NSW 2560

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