

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0017
Proposed development:	Telecommunications Facility - Rooftop Mast & Antenna
Property address:	23 - 107 Erskine Park Road, ERSKINE PARK NSW 2759
Property description:	Lot 1 DP 1128233
Date received:	12 January 2017
Assessing officer	Lauren Van Etten
Zoning:	SEPP - (WSEA) 2009 - ZONE IN1 IN1 General Industrial - LEP 2010
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a telecommunications facility at 23 - 107 Erskine Park Road, Erskine Park.

The proposal relies on the provisions contained within State Environmental Planning Policy (Infrastructure) 2007 for permissibility, as the land use is prohibited in the IN1 General Industrial zone under State Environmental Planning Policy (Western Sydney Employment Area) 2009.

An assessment against Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

Site & Surrounds

The subject site is triangular in shape with a frontage to Mamre Road of approximately 600m and a frontage along Erskine Park Road of approximately 1,150m. The subject site has a total area of 32ha of which the northern 14.16ha of the site is affected by a transmission easement.

The site is situated within the Erskine Business Park, with adjoining properties to the east and south also within the Erskine Business Park and zoned for industrial development. To the north is the residential suburb of St Clair with a Crown road reserve (Van Dieman Road) running the length of the site between the 137m wide transmission easement and the residential area.

Previous approvals granted on the subject site include:

DA12/0202	Use of Building B3 for Warehousing & Installation of Pallet Racking and Internal Portable Office
DA11/0302	Fitout and Use of Existing Warehouse and Advertising Signs
DA09/0008	Fitout and Occupation of a Warehouse Building for the purposes of Storage and Distribution

Proposal

The proposed development is a telecommunications facility and includes the following aspects:

- Installation of an antenna apparatus and 10m mast on the roof of an existing industrial building, anchored using existing roof rivets and sealed with polyurethane;
- The antenna is a rocket dish (0.6m in diameter and 9.8kg in weight) to provide a cirrus wireless ethernet service; and
- Ancillary cabling, which will run from the mast to the nearest cable riser and thereafter enter the ceiling in the tenancy and drop down into a cabinet.

Plans that apply

- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Western Sydney Employment Area) 2009
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended) (EP&A Act), and having regard to those matters; the following issues have been identified for further consideration.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

This Policy applies to all land state wide irrespective of the applicable zoning provisions. The aim of this Policy is to facilitate the effective delivery of infrastructure across the state by improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services and providing greater flexibility in the location of infrastructure and service facilities.

The proposal is suitably defined as a telecommunication facility and as such the following provisions apply:

Clause 115:

(1) Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.

(2) (Repealed)

(3) Before determining a development application for development to which this clause 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 Director-General for the purposes of this clause and published in the Gazette..."

The development is not development identified as exempt development and as such the development may be carried out on the land with consent.

Consideration has been given to Planning Circular PS10-018 which relates to telecommunications facilities. In this regard, the proposal complies with the following principles:

Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact

The location of the facility on the rooftop is considered suitable as it is 200m away from residential areas will be screened by existing vegetation and is integrated into an existing building.

Overall, there is not considered to be an adverse visual impacts from the proposal.

Principle 2: Telecommunications facilities should be co-located wherever practical.

The existing telecommunications services for the building include an under street conduit route which will become redundant in light of the subject proposed antenna.

Principle 3: Health standards for exposure to radio emissions must be met.

Council's Environmental Officer reviewed the proposal and raised no objections in this regard.

Principle 4: Minimise disturbance and risk and maximize compliance

No environmental disturbance will result from the proposal.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

The subject site is zoned IN1 General Industrial under the provisions of State Environmental Planning Policy (Western Sydney Employment Area) 2009. Within this zone, telecommunication facilities are prohibited. However, the application is being made under SEPP (Infrastructure) 2007, which overrides the SEPP (WSEA) 2009 in this instance and makes the use permissible.

SEPP Objectives

The proposal is consistent with the following objectives:

- *To promote economic development and the creation of employment in the Western Sydney Employment Area;*
- *To ensure that development occurs in a logical, environmentally sensitive and cost-effective manner;*
- and
- *To conserve remnant vegetation.*

Zone Objectives

The proposal is consistent with the following objectives:

- *To minimise any adverse effect of industry on other land uses in the IN1 zone; and*
- *To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.*

The provision of the telecommunications facility will improve telecommunications services to the existing tenant and have negligible environmental impacts.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against relevant criteria within Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997) and the proposal is satisfactory subject to recommended conditions of consent.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
D5.1. Application of Certification System	N/A
D5.2. Child Care Centres	N/A
D5.3. Health Consulting Rooms	N/A
D5.4. Educational Establishments	N/A
D5.5 Parent Friendly Amenities	N/A
D5.6. Places of Public Worship	N/A
D5.7. Vehicle Repair Stations	N/A
D5.8. Cemeteries, Crematoria and Funeral Homes	N/A
D5.9. Extractive Industries	N/A
D5.10 Telecommunication Facilities	Complies - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iv) The provisions of the regulations

The proposal has been referred to Council's Building Surveyor for assessment and subject to conditions, complies with the requirements of the Regulations.

Section 4.15(1)(b)The likely impacts of the development

Social and Economic Impact

The erection of a telecommunications facility at the subject site will ensure the maintenance of the existing telecommunications network within the area. The applicant advises that the proposal will ensure that the current and future users will be provided with the highest quality telecommunications service.

Visual Amenity

The visual impact of the development on surrounding areas is considered to be negligible.

Noise and Vibration

The application was referred to Council's Environmental Health Officer, who has raised no objections to the proposal and noted that the development proposed may generate some noise, however the closest sensitive receiver is located approximately 215 metres north from the land subject to this development application. Given the small-scale nature of the proposed development, it has been determined that there will be no offensive noise generated during the construction or operational phases of the proposed development.

Section 4.15(1)(c)The suitability of the site for the development

The site of the proposal is considered to be a suitable location in providing a wireless service to the existing warehouse tenancy. There will be no significant visual impacts from the development. Accordingly, the site is considered suitable for the proposed antenna and mast.

Section 4.15(1)(d) Any Submissions

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Environmental - Environmental management	No objections

Section 4.15(1)(e)The public interest

The proposed development will not generate any significant issues of public interest.

Conclusion

The proposed development is appropriately located and is generally consistent with the aims and objectives of the applicable environmental planning instruments.

Furthermore, the development performs adequately in terms of its relationship with the surrounding built and natural environments, particularly in relation to likely impacts upon surrounding properties. Consequently, the proposal is supported from an environmental planning perspective.

Recommendation

That DA17/0017 for a Telecommunications Facility - Rooftop Mast & Antenna at 23 - 107 Erskine Park Road, ERSKINE PARK NSW 2759, be approved subject to the attached conditions.

General

1 A001

The development must be implemented substantially in accordance with the Cover Sheet and Communication Pole Location Plan, reference number 20160450, Revision B, drawn by RGH Consulting Group and dated 06/09/16 and the Example Mast Plan as stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

BCA Issues

2 E001 - BCA compliance

All aspects of the structure's design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

3 E003 - Structural alterations

The mast and antenna are to be installed in accordance with the manufacturer's specifications.

Construction

4 H041 - Hours of work (other devt)

Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to all construction works.

Certification

5 Q05E - Compliance Certificate for earthworks if Construction Certificate not required

On completion of the works, a Compliance Certificate is to be obtained from the Principal Certifying Authority certifying compliance that all conditions of the development consent required to be met have been met. The Certificate shall not be issued if any conditions of this consent, except the conditions relating to the operation of the development, are outstanding.

A copy of the Compliance Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the certifier who issued the Compliance Certificate.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

D5 Other Land Uses

D5 - 5.10 Telecommunication Facilities

The proposal satisfies the objectives and controls of this section by:

- avoiding sensitive locations;
- being visually compatible with the surrounding character of the locality;
- being consistent with the amenity of the area; and
- being located at least 200m from a residential zone and screened by existing vegetation to the north and west.