

# DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

**DSDS9                      PROPOSED EQUIPMENT SHELTER –  
1/3 HILL STREET, SOUTH WEST ROCKS  
FILE: T6-05-388            CSR**

## SUMMARY:

Reporting that Council has received an application to erect an equipment shelter for Telstra for which objections have been received.

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**Applicant:**                      Telstra c/o Mark Byrnes (Communications Planning)  
**Subject Property:**        1/3 Hill St, South West Rocks  
**Zone:**                              2(b1) (Residential Zone)

## Description of Proposal

The proposal involves the erection of additions to an equipment shelter for Telstra equipment purposes. The shelter is proposed to provide for the growing demand for Telstra's services in particular, broadband in the South West Rocks area. [\(Appendix S\)](#)

## Heads of Consideration

The proposal has been assessed having regard for the Heads of Consideration as identified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 with the following matters deemed to be of particular relevance: -

### Telecommunications Act 1997

The Act exempts carriers from the requirements of planning Legislation in some circumstances, including where telecommunications fall under the "Low Impact Facilities" determination. This proposal is a new equipment shelter which is not used solely for the storing of telecommunications equipment, and therefore is not a low impact facility.

### Kempsey Local Environmental Plan 1987 (KLEP 1987)

The subject land is zoned 2(b1) (Residential Zone) under the provisions of this plan. The objectives of this zone are: -

- (a) to allow multiple dwellings to be developed in suitable areas;
- and

- (b) to permit medium density housing in residential areas that is compatible in character with detached housing.

The proposal is considered to be consistent with these objectives.

The shelter is considered to be a **utility installation** and is permissible with consent, within this zone.

### Noise

The applicant has undertaken a noise assessment for the air-conditioning units and has demonstrated that they comply with the Australian Standards (AS-1055). A screening panel facing the nearest residence has been incorporated in the proposal to ensure compliance.

### Advertising

The proposal was advertised for fourteen (14) days in accordance with Council's Notification Policy with one (1) objection being received. The objection received has three signatories. [\(Appendix T\)](#) On the basis of this objection, the applicant was required to reposition the shed to comply with the BCA, and the objectors were notified of this change.  The objector was advised of the amendment and a further objection was received from the same party(ies). [\(Appendix U\)](#)

<b>Objection</b>	<b><u>Planning Comment</u></b>
1 Concern with anticipated installation of a large antenna and/or another development/installations which will follow to complement the current application.	1 The application before Council does not include any large antennae.  Further development of this site will require a separate application and review process. The opportunity to object to future developments will be made available to the public at that time.
2 Object to the proposed new location & suggest it could be located on the eastern side or preferably at the southern end of the existing exchange building.	2 The initial plan and proposal was for the shelter to be located on the south-western corner of the existing shelter. This position was unacceptable because of the Building Code of Australia requirements for fire rating. The revised position complies with all height and setback restrictions.

3 Concerns that the new proposal will not be advertised.

Due to concerns that the combined existing and proposed air-conditioners may pose a noise issue, the new position also addresses noise mitigation through setback and screening in the revised plans.

3 The original objectors were advised by phone of the amendment to the application.

#### **REPORT IMPLICATIONS:**

- ***Environmental***

***The proposal will have no significant environmental harm.***

- ***Social***

***There are no perceived adverse social implications as a result of this proposal.***

- ***Economic (Financial)***

***The proposal will bring an economic benefit for the South West Rocks area through improved access to broadband.***

#### **RECOMMENDATION**

**A That the application be approved subject to the following conditions:**

**1 The development is to be carried out substantially in accordance with the approved plans.**

**2 The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.**

**3 All building work must be carried out in accordance with the provisions of the Building Code of Australia:**

**(a) This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**

- (b) This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- (c) A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- (d) Two days prior to commencing work Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- (e) The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.
- (f) Before the commencement of site works, demolition or building, the following activities must be completed:
- a Installation of soil erosion and sedimentation control devices.
  - b Installation of safety fencing/hoardings between the property and the street
  - c Protection barriers for existing trees
  - d Installation of builder's toilets
  - e Installation of signage in prominent, visible position including -
    - "Unauthorised site entry is prohibited"
    - Name and phone number of builder or other responsible person for contact outside working hours.
- (g) A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.

Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.

- (h) Structural Engineer's Details for footings, structural steel, retaining walls are to be submitted prior to any work commencing on the building.
- (i) Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.

**B** That the objectors be advised of Council's decision.