

October 22<sup>nd</sup> 2018

**Request for a variation of the 'height of building' development standard in accordance with Clause 4.6 of the Nambucca Local Environmental Plan 2010.**

**Your Ref:** DA 2018/209

**Our Ref:** Reflections Holiday Park Scotts Head

**Address:** Lot 2/DP1202794, 12 Adin Street, Scotts Head

On October 16<sup>th</sup> 2018, Nambucca Shire Council requested further information in relation to our development application for a telecommunications facility at the above mentioned address. This request stated that council believes Clause 4.3 – 'height of building development standard', should be imposed on the facility and a Clause 4.6 request for variation of development standard was required.

This is a formal request for council to consider a variation of development standard 4.3 – height of buildings, of the Nambucca Local Environmental Plan (LEP) 2010, under clause 4.6 of the LEP.

In accordance with Clause 4.6 part (3) as the applicant, we seek to justify the contravention of the development standards where the compliance with the development standard is unreasonable and that there are sufficient environmental planning grounds to justify the contravention.

As per the objectives of Clause 4.3, the height of buildings are restricted to ensure that building height relates to the current land use is consistent throughout the surrounding area. The proposed facility is located in the area where building height limit is restricted to 8.5m so that the character of any new proposed development does not become inconsistent when viewed with the surrounding character.

However, a telecommunications tower, like many other items of infrastructure comprising taller structures, such as power line towers, are likely to intrude above existing buildings, vegetation and the land use's building height restriction, in order to function properly (i.e. transmitting energy from one base station to another without obstacles in between).

Therefore, the higher the height of the telecommunications tower, better signal it provides and wider network coverage it provides. Without protruding higher than the surrounding building and vegetation, the proposed development cannot achieve its objectives.

The location where the proposed telecommunications facility will be built has been carefully considered. It is believed to be the best location that will bring economic and community benefits, as well as having minimal environmental and visual impacts to the character of the surrounding area. Often the height of building is restricted due to their built form. However, due to telecommunications facility always seen as being a tall built structure and common understanding of what a telecommunications facility look like, visual impact is minimal and therefore, the impact of its height

**sydney** Level 2, 71 Alexander Street  
Crows Nest NSW 2065

**melbourne** Level 5, 3 Bowen Crescent  
Melbourne VIC 3004

p PO box 31 Crows Nest NSW 1585

abn 79 145 899 458

t +61 2 9439 1006

t +61 3 9804 5324

f +61 2 9436 1089

[METASITE.COM.AU](http://METASITE.COM.AU)



on the existing natural and built environment is also minimal. Even though the proposed facility does not comply with the height of buildings requirement in accordance to Nambucca Local Environmental Plan 2010, due to its slim built form and discrete location, the height of the proposed facility will not create a negative impact on the character of the surrounding area.

Furthermore, the facility is of minimal increase to the height of building development standard in the area, and is of minimal height when compared to commercial telecommunications facilities.

It is therefore considered that under clause 3 (a) the height restriction imposed for infrastructure such as a telecommunications facility would should be determined as unreasonable and unnecessary.

We believe council should allow a variation to the development standard under Clause 4.6 of the Nambucca LEP in these specific circumstances.

Joel Stuart  
*Environmental Consultant, Metasite Pty Limited*  
**On Behalf of NSW Crown Holiday Parks Land Managers**

**Joel Stuart at Metasite Pty Limited**  
**POST: PO Box 31 CROWS NEST NSW 1585**  
**PHONE: 02 9439 1006 FAX: 02 9436 1089**  
**EMAIL: joel.stuart@metasite.com.au**

**sydney** Level 2, 71 Alexander Street  
Crows Nest NSW 2065

**p** PO box 31 Crows Nest NSW 1585

**t** +61 2 9439 1006  
**f** +61 2 9436 1089

**melbourne** Level 5, 3 Bowen Crescent  
Melbourne VIC 3004

**abn** 79 145 899 458

**t** +61 3 9804 5324

**METASITE.COM.AU**