

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA25/0149
DATE OF DETERMINATION	10 September 2025
PANEL MEMBERS	Steve Alchin (Chair) Michael Evesson (Expert) Bruce Simpson (Expert) Vanessa Howe (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Nikta Pilbala – Applicant (Online) Mitchell Flint – Applicant – (Online)
LIST OF ADDITIONAL ATTENDEES	Alexandra Pearce – Council – Development Assessment Planner (In – person) Robert Craig – Council – Development Assessment Planner (In – person) Gavin Cherry – Council – Development Assessment Coordinator (In – person) Katelyn Davies – Panel Management Support Officer (In – person) Krysten Rock – Administration Assistant (In – person)

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Hybrid Public Meeting held in person and via video conference on Wednesday, 10 September 2025, starting at 2.00pm

Matter Determined pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979

DA25/0149, Telecommunications Facility including 30m High Monopole, Antenna Headframe, Panel Antennas & Associated Infrastructure at Nos. 78-88 Tench Avenue, Jamisontown, NSW, 2750.

Panel Consideration

The Panel had regard to the assessment report prepared by Council staff, supporting plans and information, and the following environmental planning instruments and policies:

- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Precincts- Western Parkland City) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

In terms of considering community views, the Panel noted there were two (2) submissions received in response to the public notification of the Development Application, whilst the Panel also listened to registered speakers at the public meeting. The nature of the submissions were also addressed within the Council's Assessment Report.

Panel Decision

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA25/0149, Telecommunications Facility including 30m High Monopole, Antenna Headframe, Panel Antennas & Associated Infrastructure at Nos. 78-88 Tench Avenue, Jamisontown, NSW, 2750 be approved subject to the recommended conditions of consent accompanying the assessment report as amended by the following:-

- Condition No. 7 be amended to include the following additional paragraph:**

"Notwithstanding the above requirement, the development is required to be a single consistent colour with respect to the monopole, antennas and ancillary equipment being 'factory grey'.
- Condition No. 6 is to be replaced with the following:**

"Prior to the issue of a construction certificate, a landscape plan prepared by a suitably qualified landscape architect is to be prepared which provides for endemic species planting around the development to a 3m width, capable of a mature height that can provide screening up to the height of the equipment / shelter on the platform.

*The required planting is to be implemented **prior to the Issue of the Occupation Certificate.***

At 12 months from the completion of works, an implementation statement from a suitably qualified landscape architect is to be submitted to Council verifying that the planting is in good health. In the event that planting has died or is in poor health, re-planting is required with evidence provided to Council.

iii. **Condition 14 be replaced as follows:**

"Within 3 x months of the issue of an occupation certificate and operation of the development, a statement of compliance is to be completed and submitted to Penrith City Council verifying that the development is compliant with the safety limits imposed by the Australian Communications and Media Authority and Electromagnetic Radiation Standards and the Communication Alliance Industry Code C564:2020 Mobile Phone Base Station Development."

Penrith Local Environmental Plan 2010 Clause 4.6 Variations

The Panel has considered the applicant's Clause 4.6 requests to vary the height of building development standard within Penrith Local Environmental Plan 2010.

The Panel is satisfied that:-

- The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 4.6(3), and
- The Council's assessment of the applicant's clause 4.6 variation request has suitably addressed requisite considerations including established Land and Environment Court Planning Principles and clause 4.6 of the Penrith LEP 2010; and

- The proposed development will be in the public interest by providing necessary telecommunication coverage that supports the existing local community, and the intended variety of tourist orientated development specifically encouraged by virtue of the SP3 Tourist Zone and associated zone objectives.
- The proposed variation to the height of building development standard is supportable.

Reasons for the Decision

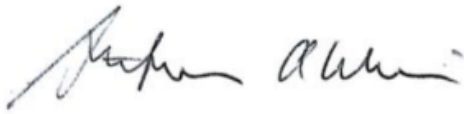


- The Panel generally agreed with the assessment of the proposal outlined within the Council's assessment report.
- The monopole design is narrow in nature and minimises the resulting visual impact to the skyline and escarpment. Condition No. 7 however is to be amended (as detailed above) to ensure that a single colour is nominated and pursued to further minimise visual implications of the overall structure.
- The nature of the structure, including its form and height, is not out of character with existing infrastructure in the immediate locality as detailed within the Council's assessment report and the Panel's points below.
- While the development (including finished floor level of the platform) responds to the flooding affectations and considerations that relate to the land, placement of landscaping around the development would reduce any adverse impact of the development on flooding and visual amenity in the area.
- Appropriate conditions have been imposed to ensure the proposed development and associated works will have minimal environmental impacts and the site is suitable for the proposed development.
- The proposal is compliant with applicable development controls within Penrith Development Control Plan 2014.
- Condition 6 as recommended by Council staff was resolved to be deleted and replaced as the Panel formed the view that screen planting was necessary to reduce the visual dominance of the development as viewed from elsewhere on the site and surrounding land. The Panel noted that the bushfire mapping affectation does not

extend to the part of the site subject of the proposed development. As a result, the Panel did not believe the suggested requirements from NSW Rural Fire Services were appropriate having regard to this mapping extent, the nature of the proposal and the unique characteristics of this particular part of the site in the SP3 zoned lands.

- The Panel considered representations made during the Public Meeting by the Applicant regarding the Panel's suggested amendments to Condition No. 6. The Panel was ultimately satisfied that the resulting outcome was supportable and appropriate for the reasons outlined above.

Votes

The decision was unanimous.

Steve Alchin (Chair) 	Michael Evesson (Expert) 
Bruce Simpson (Expert) 	Vanessa Howe (Community Representative) 