



Planning

11/03/2011

Crown Castle Australia
C/- Mr Mark Byrnes
65A Mill Hill Road
BONDI JUNCTION NSW 2022

Notice of Determination of a Development Application

Issued under section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

Reference No. 10/21953-1

**Development Application
Number** DA 072-11-2010

Development Application

Name of Applicant Crown Castle Australia

Address of Applicant C/- Mr Mark Byrnes
65A Mill Hill Road
BONDI JUNCTION NSW 2022

Address of land to be developed 33 Brabham Drive, Eastern Creek
(Lot 3 DP1079897)

Proposed Development To construct and operate a telecommunications facility, including development of a fenced compound with gates; a 50 metre high steel lattice tower; a headframe at 50 metres and at 43 metres to support panel antennas; parabolic radio dishes at various heights; construction of two communications shelters at the base of the tower; and associated cables, electrical connection, earthing and safety equipment.

Determination Date 11/03/2011

Determination Approval

Details of conditions See attached schedule

Other approvals

Nil

Right of appeal

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice

Further information

If you have any queries regarding this matter, please contact Megan Fu on (02) 9228 6531, or email megan.fu@planning.nsw.gov.au.

Signed

Under delegated authority from the Minister for Planning, and pursuant to section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*, I hereby grant consent subject to the conditions in the attached schedule.



Daniel Cavallo
A/ Director
Metropolitan and Regional Projects North
Delegate for Minister for Planning
Sydney **11/03/2011**

Note:

- (1) This notice should be read in conjunction with the approved plans endorsed as part of this determination.
- (2) This consent becomes effective from the endorsed determination date.
- (3) The consent will lapse 5 years after the date of the effective consent date, unless a specific condition of the consent stipulates a lesser period or the consent is subject to a "deferred commencement" consent, or the use has commenced or any building works have been physically commenced.
- (4) Section 125 of the Act confers the authority to direct any person to comply with the terms and conditions of any consent and any person failing to comply with such a direction shall be guilty of an offence under the Act.
- (5) The applicant or any other person entitled to act on this consent may apply to modify the consent in accordance with Section 96 of the Act.
- (6) Additional advisory notes regarding this consent maybe attached to the Notice of Determination.

SCHEDULE

ADDRESS: 33 Brabham Drive, Eastern Creek
(Lot 3 DP1079897)

DA NUMBER: DA 072-11-2010

FILE NUMBER: 10/21953-1

DESCRIPTION OF DEVELOPMENT: To construct and operate a telecommunications facility, including development of a fenced compound with gates; a 50 metre high steel lattice tower; a headframe at 50 metres and at 43 metres to support panel antennas; parabolic radio dishes at various heights; construction of two communications shelters at the base of the tower; and associated cables, electrical connection, earthing and safety equipment.

A APPROVED DEVELOPMENT

A1 Development in Accordance with Documentation

The development shall be generally in accordance with development application number DA 072-11-2010 submitted by the applicant on 26 October 2010 and in accordance with the supporting documentation submitted with that application, including the *Statement of Environmental Effects for Proposed Telecommunications Facility* prepared by *Communications Planning* dated August 2010.

A2 Development in Accordance with Plans

The applicant shall provide revised plans to the satisfaction of the Director-General, illustrating the relocation of the telecommunications facility and associated structures a minimum 32 metres to the east of the site. The development shall be generally in accordance with these revised plans.

A3 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Payment of Levy Fee

Payment of the prescribed Long Service Levy Fee is to be made to Council prior to the issue of a Construction Certificate.

B2 Airspace

The Council must, prior to the release of the Construction Certificate, be given a report:

- (1) showing compliance with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth, and
- (2) showing that it 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 139-08(0) entitled Reporting of Tall Structures issued by the Civil Aviation Safety Authority Australia in 2005 concerning these conditions.

B3 Services

The Applicant shall comply with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the telecommunications facility. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Certificate

A Construction Certificate issued by the PCA is to be deposited with Council at least 48 hours prior to commencement of any building work on the site.

C2 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Council a 24 hour telephone number to be operated for the duration of the construction works.

C3 Compliance Report

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Council a report addressing compliance with all relevant conditions of this consent.

PART D—DURING CONSTRUCTION

D1 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D2 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Certifying Authority.

D3 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period; and
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice.

D4 Contact Telephone Number

The applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development and this is displayed for public viewing at the entrance to the site.

D5 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 5:00 pm, Mondays to Saturdays inclusive;
- (2) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities; or
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
- (3) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D6 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any previously unidentified archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the Heritage Branch of the Department of Planning must be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required for further works can be considered in that area. Works shall not recommence until the applicant receives written authorisation from the Heritage Branch.

D7 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any previously unidentified Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately cease work and notify the Department of Environment, Climate Change and Water (DECCW) in accordance with the *National Parks and Wildlife Act 1974* and obtain any necessary approvals to continue the work. Works shall not recommence until an appropriate strategy for managing the objects has been determined in consultation with the DECCW and the applicant receives written authorisation from the DECCW.

D8 Trees

No trees shall be removed during construction of the facility.

D9 Fencing/Hoarding

If the telecommunications compound fencing has not been constructed, adequate fencing or hoarding shall be erected to ensure that no members of the public have access to the tower during construction.

PART E—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets adjoining the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant prior to the issue of an Occupation Certificate.

E2 Electromagnetic Emissions

If the development is to support any public or private mobile phone network infrastructure – the applicant must provide the Department with the following before commencement of use:

- (1) in the case of development that will produce electromagnetic radiation-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
- (2) a report showing compliance with the Australian Communications Industry Forum Industry Code entitled CIF C564:2004 Deployment of Mobile Phone Network Infrastructure.

ADVISORY NOTES

AN1 Compliance with Building Code of Australia

The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

The reasons for the imposition of the above conditions are:

- To confirm the details of the application and plans submitted by the applicant, and to ensure that the structure is not altered without approval;
- To comply with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*;
- To ensure compliance with relevant planning controls;
- To ensure that the work is carried out to an acceptable standard and in accordance with the Building Code of Australia;
- To ensure the excavation and irrigation works are carried out within the required standards, with minimal impact to the locality;
- To ensure that appropriate environmental protection measures are in place;
- To protect the amenity of the local environment, residents and adjoining landowners.