

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 244-10-2004

(FILE NO. 9036042)

**ERECTION OF TELECOMMUNICATIONS TOWER AT LOT 1, DP 510738,
SEWERAGE TREATMENT WORKS, INDUSTRIAL ROAD, HARRINGTON**

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 10 of *State Environmental Planning Policy No.71—Coastal Protection*, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

1. ensure construction and operation of telecommunications facility is undertaken with minimal impact to locality.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2004

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Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2004

SCHEDULE 1

PART A—TABLE

Application made by:	EMR (Australia) Pty Ltd (for Optus Mobile Pty Ltd) Locked Bag 24 Broadway NSW 2007
Application made to:	Minister for Infrastructure Planning and Natural Resources
Development Application:	244-10-2004
On land comprising:	Lot 1, DP 510738 Harrington Sewage Treatment Works, Industrial Road
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$150,000
Type of development:	State Significant Development
S.119 Public inquiry held:	No
BCA building class:	Class 10 (a) and (b)
Approval Body / Bodies:	Not Integrated
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the accompanying letter.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or a condition in Schedule 2, or ▪ the development has substantially commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 244-10-2004

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or
- (2) for a modification to the consent, within 3 months after the date on which the application received this notice.

Appeals—Third Party

For designated development, a third party has the right to appeal to the Land and Environment Court on the merits of this decision under Section 98 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only available within 28 days of the date of commencement of this consent.

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means ERM (Australia) Pty Ltd (for Optus Mobile Pty Ltd) or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Greater Taree Council.

DA No. 244-10-2004 means the development application and supporting documentation submitted by the applicant on 1 October 2004.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure Planning and Natural Resources.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 133-8-2004

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Development consent is granted only to carrying out the development described in detail below:

- Erection of a 40m steel lattice tower;
- 3 panel antennas (approximately 2.6m length) mounted on a triangular headframe at the top of the monopole;
- 1 parabolic antenna (1.2m diameter) mounted at a height of 14m to the proposed monopole;
- an equipment shelter with a floor area of 3m x 2.5m located at the base of the proposed monopole.

A2 *Development in Accordance with Plans*

The development shall be generally in accordance with development application number 244-10-2004 submitted by the applicant on 1 October 2004, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects entitled “Proposed Optus Telecommunications Tower Harrington, NSW”, prepared by ERM Pty Ltd, dated September 2004.			
Drawings entitled “Optus Site - S0165 Harrington”, prepared by TCI, dated 10 September 2004.			
Drawing No.	Revision	Name of Plan	Date
S0165-G1	1	Site Specifications	10-09-04
S0165-G2	1	Site Layout Plan	10-09-04
S0165-G3	1	Site Setout Plan	10-09-04
S0165-G1	1	Site Elevation	10-09-04
Summary of Estimated RF EME Levels around proposed Mobile Phone Base Station at S0165 Harrington, Industrial Road, Harrington, NSW prepared by Optus, dated 8 August 2004			

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.

A4 *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART 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.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 *Construction Certificate*

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

Excavation Works

C2 *Notice to be Given Prior to Excavation*

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Structural Works

C3 *Structural Details*

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management

C4 *Construction Management Plan*

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Council. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management,
- (4) noise and vibration management,
- (5) waste management,
- (6) erosion and sediment control, and
- (7) flora and fauna management.

C5 *Contact Telephone Number*

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

Compliance

C6 *Compliance Report*

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

PART D—DURING CONSTRUCTION

Site Maintenance

D1 *Erosion and Sediment Control*

All erosion and sediment control measures are to be effectively maintained at or above design capacity 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.

Structural Works

D2 *Setting Out of Structures*

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

Construction Management

D3 *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 the Department, Council or the PCA.

D4 *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;
- (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; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D5 *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.

Noise and Vibration

D6 *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 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) 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;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) 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.

Heritage

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

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office 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.

D8 *Impact of Below Ground (Sub-surface) Works – Aboriginal Relics*

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

Compliance**D9 *Compliance Report***

The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

There are no conditions in respect of this part.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE***Engineering*****F1 *Structural Inspection Certificate***

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F2 *Road Damage*

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

PART G—POST OCCUPATION

There are no conditions in respect of this part.

PART H—GENERAL TERMS

Council

H1 Utility Services

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

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.