

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 159-10-2005) OF DEVELOPMENT CONSENT (DA 184-8-2004)

PROPOSED TELECOMMUNICATION FACILITY

**PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

(FILE NO. S04/01783)

I, Yolande Stone, the Acting Deputy Director General, OSDAA, as delegate of the Minister for Planning, under Instrument of Delegation dated 12 September 2005, pursuant to Section 96 (1A) of the *Environmental Planning & Assessment Act, 1979*, modify the development consent referred to in the attached Schedule 1 in the manner set out in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure construction and operation of the telecommunications facility is undertaken with minimal impact to the locality.

Yolande Stone

Acting Deputy Director General

Office of Sustainable Developments, Assessments and Approvals

Sydney,

2006

SCHEDULE 1 –THE DEVELOPMENT

PART A—TABLE

Application Number:	MOD 159-10-2004 modifying DA 184-8-2004
Application made by:	Connell Wagner Pty Ltd 116 Military Road, Neutral Bay NSW 2089
On land comprising:	Lot 59 DP831253 Salamander Bay Waste Transfer Station, off Soldiers Point Road, Salamander Bay
Local Government Area:	Port Stephens
For the carrying out of:	Proposed telecommunications tower
Section 96 (1A) Application:	MOD 159-10-2005 to modify DA 184-8-2004 in the following manner: ▪ delete condition A2 and insert new condition A2 regarding Development in Accordance with Plans
Development consent granted by:	Delegate for the Minister of Planning
On:	No
Type of development:	State Significant Development Integrated Development
S.119 public inquiry held:	An inquiry under S.119 of the Act was not held.
As modified:	Consent not previously modified

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. 184-8-2004.

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 available within 3 months after the date on which the applicant received this notice.

Appeals—Third Party

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

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application DA 184-8-2004.

SCHEDULE 2

MODIFICATION (MOD 159-10-2005) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA184-8-2004

The development consent is modified as follows:

PARTA – ADMINISTRATIVE CONDITIONS

Omit Condition A2. Insert instead:

A2(1) *Development in Accordance with Plans*

The development shall be in accordance with development application number 184-08-2004 submitted by the applicant on 4 August 2004, and in accordance with the following:

Statement of Environmental Effects entitled <i>Optus Mobile Pty Ltd Statement of Environmental Effects Proposed Mobile Phone Facility at Salamander Waste Transfer Station, Off Soldiers Point Road, Salamander Bay</i> prepared by Connell Wagner dated July 2004.			
Architectural (or Design) Drawings prepared by Connell Wagner			
Drawing No.	Revision	Name of Plan	Date
S1676-00	n/a	Cover Page	n/a
S1676-G1	B	Site Specifications	19/09/05
S1676-G2	B	Overall Site Plan	19/09/05
S1676-G3	B	Site Layout and Setout Plan	19/09/05
S1676-G4	B	Site Elevation and Antennas Plan	19/09/05
S1676-S1	A	Equipment Shelter Foundation Details	19/09/05
S1676-C1	B	Erosion & Sediment Control Plan	19/09/05
RF EME Report entitled <i>Summary of Estimated RF EME Levels around the proposed Mobile Phone Base Station at "S1676 Corlette", Salamander Bay Waste Transfer Depot, Salamander Bay NSW</i> dated 06 June 2004.			