

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 65-03-2004

(FILE NO. S04/00662/001)

**60 METRE LATTICE TELECOMMUNICATIONS TOWER, ASSOCIATED
ANTENNAS AND EQUIPMENT SHELTER**

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) Accurately describe and document the development,
- (2) Protect the amenity of the local environment during and after construction, and,
- (3) Protect the environment from potential disturbance of acid sulphate soils.

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

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**60 METRE LATTICE TELECOMMUNICATIONS TOWER, ASSOCIATED
ANTENNAS AND EQUIPMENT SHELTER**

I, Robert Black as delegate of 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:

- (4) Accurately describe and document the development,
- (5) Protect the amenity of the local environment during and after construction, and,
- (6) Protect the environment from potential disturbance of acid sulphate soils.

Robert Black
Director
Urban Assessments

Sydney,

2004

SCHEDULE 1**PART A – TABLE**

Application made by:	Phillip Taylor, Connell Wagner 116 Military Road, NEUTRAL BAY NSW 2089
Application made to:	Minister for Infrastructure and Planning
Development Application:	65-03-2004
On land comprising:	Lot 17 DP 857006 Huskisson Waste Depot, Huskisson Road, Huskisson
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$132,000.00
Type of development:	State Significant Development
S.119 Public inquiry held:	No
BCA building class:	Class 10 (b)
Approval Body / Bodies:	Not Integrated
Determination:	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. 65-03-2004***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 for a development application, within 12 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

In this consent,

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

Applicant means *Connell Wagner 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 Shoalhaven Council.

DA No. 65-03-2004 means the development application and supporting documentation submitted by the applicant on 18 March 2004.

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

Minister means the Minister for Infrastructure and Planning.

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. 65-03-2004

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Development consent is granted only to the construction of a telecommunications facility comprising:

- (i) a 60m high lattice tower;
- (ii) six (6) cross polar panel antennas (each 2700mm in length) mounted on a headframe attached to the monopole at an elevation of 60 metres;
- (iii) two (2) off omni antennas (each 3.3 metres long) mounted above the headframe at an elevation of 60 metres;
- (iv) one (1) radiocommunications antenna (600 mm in diameter) mounted on the tower at an elevation of 35 metres;
- (v) a prefabricated 'phase 7.5' external equipment shelter (painted mist green) located adjacent to the tower with a security compound fence.
- (vi) a 22m by 11m fenced compound

A2 *Development in Accordance with Plans*

The development shall be generally in accordance with development application number 65-3-2004 submitted by the applicant on 18 March 2004, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects entitled Optus Mobile Pty Ltd Statement of Environmental Effects Proposed Mobile Phone Facility Council Waste Depot, Huskisson Road, Huskisson prepared by Connell Wagner Pty Ltd.

except as modified by any condition of this consent.

A3 *Tower Capacity*

The tower shall be capable of supporting an additional two (2) phone carriers' standard antennae systems. The tower shall also have a residual 10% of its design load capacity available for Shoalhaven City Council's purposes after the three antennae have been installed.

A4 *Tower Height*

The tower height shall be increased to 70 metres to accommodate the two additional phone carriers referred to in Condition A3.

A5 *Finishes*

To reduce the visual impact of the tower, construction materials, antennas and dishes shall be non-reflective and have an external finish to blend as much as possible with the existing skyline and backdrop. Fencing materials and colour shall be approved by the Council.

A6 *Tree removal*

To maintain and enhance the amenity of the area, no trees are to be removed without the prior written consent of the Council.

A5 *Prescribed Conditions*

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

PART B – PRIOR TO COMMENCEMENT OF WORKS

Excavation Works

B1 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

B2 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

B3 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) noise and vibration management,
- (4) waste management, and
- (5) erosion and sediment control.

B4 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.

B5 Damage to Council Property

The applicant must advise the Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the works being repaired at the applicant's expense.

PART C—DURING CONSTRUCTION

Site Maintenance

C1 Erosion and Sediment Control

Temporary erosion and sediment control measures (such as straw bales and contour drains and/or retention ponds) are to be implemented prior to earth works commencing and 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

C2 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.

C3 Inspections

The following inspections are required to ensure compliance with the BCA:

- (a) Footings – foundation, trenches, steel reinforcement in situ (engineering details may be required);
- (b) Final – building works and associated development have been constructed in accordance with the development consent and construction certificate.

Details prepared by a practicing structural engineer for footings/steelwork are to be submitted to the Council by an accredited certifier.

Construction Management

C4 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.

C5 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.

C6 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 5:30 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 3:00 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

C7 Waste Disposal

The builder must ensure that all waste material is contained and removed from the site to an authorised waste disposal facility.

ADVISORY NOTES

AN1 *Requirements of Public Authorities for Connection to 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 proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN2 *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.

AN3 *Structural Capability for Existing Structures*

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN4 *Use of Mobile Cranes*

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5 *Construction Inspections*

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation, and

- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN6 *Noise Generation*

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN7 *Excavation – Aboriginal Relics*

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN8 *Excavation – Historical Relics*

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN9 *Public Liability Insurance*

Appropriate Public Liability Insurance shall be taken out by the applicant. Such insurance shall cover the applicant for any claim up to \$10,000,000. Written evidence for such insurance cover shall be submitted to Shoalhaven City Council prior to any work commencing on the site.

AN10 *Compliance Report*

Prior to the commencement of the use, the applicant shall submit to Council a report addressing compliance with all relevant conditions of this consent.

AN11 *Occupation Certificate*

An Occupation Certificate must be issued by the PCA before the facility can be utilised.

AN11 *Operation of Facility*

The use of the facility shall be carried out in accordance with any approval issued by the Department of Communications and Arts, as required under the Broadcasting Servicing Act.

Use of the facility shall not cause interference with local television and radio reception.

