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## ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

### DETERMINATION OF DEVELOPMENT APPLICATION NO. 76-4-2005

(FILE NO. 9038676)

#### CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY (AND USE AS AN RFS HOSE DRYING POLE)

I, Chris Wilson, Acting Deputy-Director General, Office of Sustainable Development, Assessments and Approvals, Department of Planning as delegate for the Minister for Planning as described by the Instrument of Delegation dated 12 September 2005, pursuant to Section 80(1)(a) and 80A of the *Environmental Planning & Assessment Act, 1979* (as amended), and clause 10 of State Environmental Planning Policy No. 71 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. to comply with the provisions of the Eurobodalla Urban Local Environment Plan, 1999;
2. to protect the environment;
3. to preserve the visual amenity of the area;
4. to ensure public health and safety;
5. to ensure construction and operation of the telecommunications facility is undertaken with minimal impact to the locality; and
6. to preserve the existing and likely future amenity of the neighbourhood.

Chris Wilson  
**Acting Deputy Director General**  
Office of Sustainable Development Assessment and Approvals

Sydney,

2006

## SCHEDULE 1

### PART A—TABLE

|   |   |
|---|---|
| <b>Application made by:</b>             | Telstra Corporation<br>C/o Urbis JHD<br>Level 18/60 Castlereagh Street Sydney NSW 2000  |
| <b>Application made to:</b>             | Minister for Planning   |
| <b>Development Application:</b>         | No. 76-4-2005   |
| <b>On land comprising:</b>              | Lot 177 DP 15425<br>Drake Street, Tuross Head   |
| <b>Local Government Area</b>            | Eurobodalla Shire Council   |
| <b>For the carrying out of:</b>         | Construction of a Telecommunications Facility (and use as an RFS hose drying pole).<br>Development described in Condition A1, Part A, Schedule 2  |
| <b>Estimated Cost of Works</b>          | \$250,000   |
| <b>Type of development:</b>             | State Significant Development   |
| <b>S.119 Public inquiry held:</b>       | No  |
| <b>BCA building class:</b>              | 10b   |
| <b>Approval Body / Bodies:</b>          | Nil   |
| <b>Determination made on:</b>           |   |
| <b>Determination:</b>                   | Development consent is granted subject to the conditions in the attached Schedule 2.  |
| <b>Date of commencement of consent:</b> | This development consent commences on the date identified in the formal notification letter accompanying the Determination.   |
| <b>Date consent is liable to lapse</b>  | This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> <li>▪ a shorter period of time is specified by the Regulations or</li> <li>▪ a condition in Schedule 2, or</li> <li>▪ the development has physically commenced.</li> </ul> |

### PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 76-4-2005

#### ***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 Telstra Corporation (C/o Urbis JHD) 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 Eurobodalla Shire Council.

**DA No. 76-4-2005** means the development application and supporting documentation submitted by the applicant on 7 April 2005.

**Department** means the Department of Planning or its successors.

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

**Team Leader** means the Team Leader of the Urban Assessments (or its successors) within the Department.

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

**Minister** means the Minister for 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.

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## SCHEDULE 2

### CONDITIONS OF CONSENT

#### DEVELOPMENT APPLICATION NO. 76-4-2005

##### **PART A—ADMINISTRATIVE CONDITIONS**

###### **A1 Development Description**

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

- (1) Construction of a 25 metre high free standing steel monopole (with associated Cable Runs and Trays to reduce reflectivity), painted in "Pale Eucalypt", adjacent to the RFS base building;
- (2) The installation of two 'collar' mounted antenna clusters at the top of the monopole, consisting of 3 x CNPX 310D-CF panel antenna and 3 CNPX 308D – CF panel antenna in three sectors (2 antennas per sector) at a height of 30.8m;
- (3) Telstra Microwave antenna, diameter 600mm located under collar mounted antenna clusters;
- (4) Construction of a steel colourbond equipment shelter ("Pale Eucalypt") for storage of electrical equipment associated with the facility; and
- (5) New screen plantings of equipment shed.

###### **A2 Development in Accordance with Plans**

The development shall be in accordance with development application number DA 176-4-2005 submitted by the applicant on 7 April 2005, and in accordance with the following:

| <b>Statement of Environmental Effects (titled "Proposed Telecommunications Upgrade – Tuross Head") prepared by Urbis JHD, dated March 2005 and Addendum dated 1 August 2005</b> |               |                                 |                  |
|---|---------------|---------------------------------|------------------|
| <b>Electromagnetic Energy Report prepared by Telstra dated 2 March 2005</b>   |               |                                 |                  |
| <b>Drawing No.</b>  | <b>Job No</b> | <b>Name of Plan</b>             | <b>Date</b>      |
| N242002   | 1440          | Existing Site Layout            | 24 November 2004 |
| N242005   | 1440          | Proposed Site Layout (Opt 2)    | 26 November 2004 |
| N242006   | 1440          | Proposed Site Elevation (Opt 2) | 26 November 2004 |

###### **A3 Tower height**

Notwithstanding the drawings in Condition A2, the height of the monopole shall not exceed 25 metres.

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#### **A4 Prescribed Conditions**

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

#### **A5 Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to in Condition A2, the conditions of this development consent prevail.

#### **A6 Lapsing of Consent**

In order that the development of the land is undertaken in an orderly and coordinated manner, the development consent shall lapse five years after the determination date in Part A of Schedule 1 of this consent.

### **PART B—PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE**

There are no Part B conditions relevant to this consent.

### **PART C—PRIOR TO COMMENCEMENT OF WORKS**

#### **C2 Construction Certificate**

Prior to the commencement of any works on the site, A Construction Certificate shall be obtained from the Principal Certifying Authority.

#### **C3 Excavation Works**

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

#### **C3 Structural Details**

Prior to the commencement of construction, the applicant shall submit to the satisfaction of the Principal Certifying Authority 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 Standard listed in the BCA (Specification A1.3)

#### **C4 Construction Management Plan**

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Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. 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 (see also C4 below),
- (4) noise and vibration management,
- (5) waste management,
- (6) erosion and sediment control (see also B1), and
- (7) flora and fauna management.

The Applicant shall submit a copy of the approved plan to the Department and Council.

### ***C3 Contact Telephone Number***

Prior to the commencement of the works, 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.

### ***C4 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**

### ***D1 Erosion and Sediment Control***

All erosion and sediment control measures are to be effectively implemented and 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***

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**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 including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. 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.

**D6      *Dust Control Measures***

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,

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- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
  - (8) Cleaning of footpaths and roadways shall be carried out regularly.

### ***D7 Waste Disposal***

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

### ***D8 Public Way to be unobstructed***

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

### ***Noise and Vibration***

#### ***D9 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:

- the delivery of materials is required outside these hours by the Police or other authorities;
- it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
- 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***

#### ***D10 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.

#### ***D11 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics***

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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***

### ***D12 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 ISSUE OF THE SUBDIVISION CERTIFICATE**

There are no Part E conditions relevant to this consent.

## **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 Part G conditions relevant to this consent.

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## **PART H—GENERAL TERMS**

There are no Part H conditions relevant to this consent.

### **ADVISORY NOTES**

#### ***AN1 Requirements of Public Authorities for Connection to Services***

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) 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 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,

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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.

**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 Eurobodalla Shire 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 *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.