

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF MAJOR PROJECT NO. 06\_0011**

**(FILE NO. 9041586-1)**

**TELECOMMUNICATIONS FACILITY AT SOUTH DURRAS**

I, the Minister for Planning, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 75J approve the project referred to in Schedule 1, subject to the conditions in Schedule 2 and the Statement of Commitments in Schedule 3.

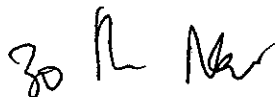
These conditions are required to:

- Prevent and/or minimise environmental impacts;
- Set standards and performance measures for acceptable environmental performance; and;
- Provide for the ongoing environmental management of the project.



Frank Sartor MP  
**Minister for Planning**

Sydney,



2006

## SCHEDULE 1

### PART A—TABLE

Application made by:	NGH Environmental
Application made to:	Minister for Planning
Major Project Application:	MP 06_0011
On land comprising:	Crown Reserve No 86770, Lot DP 755904, South Durras
Local Government Area	Eurobodalla Shire Council
For the carrying out of:	Telecommunications facility
Estimated Cost of Works	\$150,000
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	
Date consent is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06\_0011

#### ***Responsibility for other approvals / agreements***

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

#### ***Appeals***

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

#### ***Appeals—Third Party***

A third party right to appeal to this development consent in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

#### ***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).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this consent.

**BCA** Building Code of Australia

**Council** means Eurobodalla Shire Council.

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

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

**Environmental Assessment** means the Environmental Assessment prepared by NGH Environmental and dated September 2006.

**Minister** means the Minister for Planning.

**MP No. 06\_0011** means the Major Project described in the Proponent's Environmental Assessment.

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

**Proponent** means NGH Environmental or any party acting upon this consent.

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

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

**SCHEDULE 2****CONDITIONS OF APPROVAL****MAJOR PROJECT NO. 06\_0011****PART A—ADMINISTRATIVE CONDITIONS****A1 Development Description**

Project Approval is granted only to carrying out the development described in detail below:

Telecommunication facility, which includes:

- Mounting the following to a 30m steel monopole on concrete foundations:
  - Six (6) panel antennae (2 antennae per sector) at the 29.5m level for CDMA800 and GSM900 service
  - One (1) omnidirectional antenna;
  - One (1) 0.6m diameter solid parabolic antenna at the 27m level, and;
- Construction of equipment shelter (3.28m x 2.28m x 3.0m high). Concrete slab footings 4.4m x 2.6m x 0.15m;
- Construction of compound (10m x 5m) surrounded by a 2.4m high security fence (coated in black PVC) with double access gates;
- Installation of 450mm wide galvanised cable tray and supports from equipment shelter to tower, and;
- Installation of a GPS antenna (approximately 0.16m diameter x 0.13m high) on the equipment shelter at 3.2m high.

**A2 Development in Accordance with Documents**

The development will be undertaken in accordance with the following documents:

1. Proposed Mobile Phone Telecommunications Facility at South Durras – Environmental Assessment, including all appendices – Prepared by ngh environmental on behalf of Telstra – Dated September 2006;
2. The following plans in the above mentioned Environmental Assessment:

Name of Plan	Dwg No.	Sheet No.	Date
Site Specific Notes	N27864	S0	15/09/06
Locality and Site Plans	N27864	S1	15/09/06
Site Setout Plan	N27864	S2	15/09/06
Antenna Layout	N27864	S2.1	15/09/06
Site Elevation Sheet 1 of 2	N27864	S3	15/09/06

Site Elevation Sheet 2 of 2	N27864	S3.1	15/09/06
30m ROCLA SR2-BM30-540 POLE PAD FOOTING – GENERAL ARRANGEMENT AND DETAIL	Cf-10558	1 of DL	13/09/06

3. Conditions of the approval (Schedule 2)

4. Statement of Commitments prepared by ngh Environmental and dated September 2006 (Schedule 3)

**A3     *Inconsistency between documents***

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above including the Statement of Commitments in Schedule 3, the conditions of this consent prevail.

**A4     *Prescribed Conditions***

The Proponent shall comply with the prescribed conditions of project approval under clause 98 of the

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

### ***Design Details and Changes***

#### ***B1 Erosion and Sedimentation Control***

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

### ***Compliance***

#### ***B2 Compliance Report***

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

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

### ***Excavation Works***

#### ***C1 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***

#### ***C2 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 BCA,
- (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***

#### ***C3 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.

### ***Heritage***

#### ***C4 Aboriginal Representative***

A representative of the Batemans Bay Aboriginal Land Council shall be present before any ground disturbance work commences.

### ***General***

#### ***C5 Construction in a Road Reserve***

Prior to the commencement of any construction within the road reserve the applicant is to obtain a Section 138 consent from Eurobodalla Shire Council. To undertake such works the applicant is to include:

- a) A completed application form;
- b) A description of the work to be undertaken and the location, all to be approved by Council;
- c) The dates for commencement and completion of work;
- d) A copy of the contractor's minimum \$10,000,000.00 public liability policy to indemnify Council;
- e) Payment of bonding, to be refunded on satisfactory completion.

## **PART D—DURING CONSTRUCTION**

### ***Site Maintenance***

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

All erosion and sediment control measures, as designed in accordance with Condition B1, 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.

### ***Construction Management***

#### ***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 the Department, Council or the PCA.

#### ***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 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.

#### ***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.

#### ***D5 Protection of Trees – On-site Trees***

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

#### ***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 3:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) 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.

***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 before further works can continue 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 Department of Environment and Conservation 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.

## ADVISORY NOTES

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

The Applicant shall comply with the requirements of any public authorities (e.g. Country Energy) 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 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.

### **AN4 Noise Generation**

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

### **AN5 Section 138 Application**

The report identifies that underground cabling would also be required within the road reserve and subject to a separate application by Country Energy. This application would be subject to consideration of a separate Section 138 application.

**SCHEDULE 3**

**MP 06\_0011**

**TELECOMMUNICATIONS FACILITY**

**CROWN RESERVE NO 86770, LOT DP 755904, SOUTH DURRAS**

**STATEMENT OF COMMITMENTS**

### Statement of Commitments

Impact	Objective	Mitigation tasks	By	Timing	Auditing	Criteria
SoC1. Flora and fauna	Minimise the impact area	<ul style="list-style-type: none"> <li>The proposed impact areas and access routes would be delineated in order to restrict impacts.</li> </ul>	Telstra contractors	Before works commence	Telstra contractor	No impacts outside delineated works area
SoC2. Flora and fauna	Minimise the impact area	<ul style="list-style-type: none"> <li>Vehicle and machinery movements and temporary storage of equipment/materials would be entirely within the proposed envelope of the delineated construction site.</li> </ul>	Telstra contractors	During construction	Telstra contractor	No impacts outside delineated works area
SoC3. Flora and fauna	Minimise the modification to habitat	<ul style="list-style-type: none"> <li>Vegetation would be cut in a manner which ensures survival of the groundcover/shrub/tree.</li> </ul>	Telstra contractors	During construction	Telstra contractor	Minimal modification to vegetation
SoC4. Flora and fauna	Minimise the modification to habitat	<ul style="list-style-type: none"> <li>Tree branch removal would occur only within the proposed clearance zone.</li> </ul>	Telstra contractors	During construction	Telstra contractor	No impacts outside delineated works area
SoC5. Flora and fauna	Minimise the modification to habitat	<ul style="list-style-type: none"> <li>All hollow bearing trees would be retained where possible and works kept as far as possible from them.</li> </ul>	Telstra contractors	During construction	Telstra contractor	Minimal impact on hollow-bearing trees
SoC6. Flora and fauna	Minimise the modification to habitat	<ul style="list-style-type: none"> <li>Fauna habitat attributes such as fallen timber, logs and rocks/boulders would be relocated adjacent to the site to provide potential habitat for fauna species.</li> </ul>	Telstra contractors	During construction	Telstra contractor	Minimal modification to habitat resources

Impact	Objective	Mitigation tasks	By	Timing	Auditing	Criteria
SoC7. Flora and fauna	Minimise risk of injury to fauna	<ul style="list-style-type: none"> <li>Any lopping of branches containing hollows which must be undertaken would be carried out in a manner that ensures trapped animals are safely relocated. Safeguards to reduce the potential for injury or death of animals include the inspection of hollows on the tree and the sectional dismantling or supervision of works by a licensed wildlife carer or handler.</li> </ul>	Wildlife handler / carer	Before other works commence	Telstra contractor	No injury to fauna
SoC8. Water and air	Minimise impact on soils, water and air quality	<ul style="list-style-type: none"> <li>Works would avoid times of predicted rainfall.</li> </ul>	Telstra contractors	During construction	Telstra contractor	No works during prolonged wet weather
SoC9. Water and air	Minimise impact on soils, water and air quality	<ul style="list-style-type: none"> <li>Soil excavated for the footings would be disposed of at an approved land fill site. As the top soil is likely to contain and large proportion of exotic seeds, it would not be respread at the site.</li> </ul>	Telstra contractors	At the completion of the works	Telstra contractor	Excavated soils removed from the site to an approved facility
SoC10. Water and air	Minimise impact on soils, water and air quality	<ul style="list-style-type: none"> <li>Disturbed soils would be stabilised as soon as practical during works. This would involve covering with geotextile fabric and crushed rock within the compound. The access off Durras Road that would be reinstated for the installation phase would be removed and restored to its existing condition after the works are complete. Disturbed soils in this area would be stabilised with geotextile fabric and oversown with local native grasses.</li> </ul>	Telstra contractors	At the completion of the works	Telstra contractor	Stable landforms at the completion of works
SoC11. Water and air	Minimise impact on soils, water and air quality	<ul style="list-style-type: none"> <li>Access areas would be identified before works and only these areas would be trafficked during works.</li> </ul>	Telstra contractors	Before works commence	Telstra contractor	No impacts outside delineated works area

Impact	Objective	Mitigation tasks	By	Timing	Auditing	Criteria
\$oC12. Water and air	Minimise impact on soils, water and air quality	<ul style="list-style-type: none"> <li>All motorised equipment, including vehicles, would be maintained so as to minimise emissions.</li> </ul>	Telstra contractors	During construction and operation of the facility	Telstra contractor	Only well maintained equipment would be used
SoC13. Water and air	Minimise risk of spills	<ul style="list-style-type: none"> <li>Chemicals, including hydrocarbons and herbicides, would not be stored onsite.</li> </ul>	Telstra contractors	During construction and operation of the facility	Telstra contractor	No storage onsite
SoC14. Water and air	Minimise risk of spills	<ul style="list-style-type: none"> <li>Refuelling of machinery would take place offsite.</li> </ul>	Telstra contractors	During construction and operation of the facility	Telstra contractor	No refuelling onsite
SoC15. Water and air	Minimise risk of spills	<ul style="list-style-type: none"> <li>A spill containment/contamination strategy or plan would be developed and communicated to all staff prior to the commencement of the works.</li> </ul>	Telstra contractors	Before works commence	Telstra contractor	All contractors induced before works commence
SoC16. Amenity and scale	Minimise contrast of structure to existing environment	<ul style="list-style-type: none"> <li>The proposed tower would be grey, with a pale eucalypt coloured equipment shelter.</li> </ul>	Telstra contractors	Before works commence	Telstra contractor	As stated
SoC17. Amenity and scale	Minimise risk to the public	<ul style="list-style-type: none"> <li>The facility, once constructed, would be secured to prevent public access.</li> </ul>	Telstra contractors	At the completion of the construction phase	Telstra contractor	As stated
SoC18. Amenity and scale	Minimise risk to the public	<ul style="list-style-type: none"> <li>The local community would be notified of the timing of works.</li> </ul>	Telstra contractors	Before works commence	Telstra contractor	Works advertised in local media

Impact	Objective	Mitigation tasks	By	Timing	Auditing	Criteria
SoC19. Amenity and scale	Minimise risk to the public and potential for rubbish dumping	<ul style="list-style-type: none"> <li>The access off Durras Road would be restored to its current state to prevent access</li> </ul>	Telstra contractors	At the completion of the construction phase	Telstra contractor	Stable, impassable access way reinstated
SoC20. Bushfire	Minimise risk of bushfire	<ul style="list-style-type: none"> <li>The NSW Rural Fire Service would be consulted in regard to the adequacy of bushfire prevention measures to be implemented onsite during construction. These measures would in particular cover hot-work procedures and response protocols in the event of a fire during construction.</li> </ul>	Telstra contractors	Before works commence	Telstra contractor	RFS protocols implemented onsite
SoC21. Bushfire	Minimise risk of bushfire	<ul style="list-style-type: none"> <li>Flammable materials and ignition sources brought onto the site, such as fuels, would be handled and stored as per manufacturer's instructions.</li> </ul>	Telstra contractors	During construction and operation of the facility	Telstra contractor	As stated
SoC22. Bushfire	Minimise risk of bushfire	<ul style="list-style-type: none"> <li>During the construction phase, appropriate fire fighting equipment would be held onsite when the fire danger is very high to extreme, and a minimum of one person on site would be trained in its use.</li> </ul>	Telstra contractors	Before and during the construction phase	Telstra contractor	As stated