

# Development Consent

## ***Section 4.16 of the Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



Anthony Witherdin  
**Director**  
**Key Sites Assessments**

Sydney

19 December 2022

File: DA 22/9116

### **SCHEDULE 1**

<b>Application Number:</b>	DA 22/9116
<b>Applicant:</b>	Service Stream Mobile Communications Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	1 Sommerville Road, Rozelle (Lot 13 DP 1170710)
<b>Development:</b>	Glebe Island Silos Telecommunications Upgrade

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Service Stream Mobile Communications Pty Ltd or any person carrying out any development to which this consent applies
<b>AS</b>	Australian Standard published by Standards International Limited and means the current standard which applies at the time the relevant works is undertaken.
<b>AHD</b>	Australian Height Datum
<b>BCA</b>	Building Code of Australia
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
<b>Council</b>	Inner West Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds, and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the SEE and Response to Submissions, including the works and activities comprising the telecommunications facility as modified by the conditions of this consent.
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EHG</b>	NSW Environment and Heritage Group
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of approved development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>

<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>RtS</b>	The Applicants Response to Submissions titled <i>Further Information to the Department of Planning and Environment</i> prepared by ServiceStream and dated October 2022, and accompanying appendices received in relation to the application for consent for the development under the EP&A Act
<b>SEE</b>	Statement of Environmental Effects prepared by Service Stream Mobile Communications Pty Ltd dated April 2022.
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
<b>TfNSW</b>	Transport for New South Wales
<b>Work(s)</b>	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

**TERMS OF CONSENT**

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the approved plans and reports in the table below:

<b>Design Drawings by Service Stream</b>			
<b>Drawing No.</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
S0314-00	-	Cover page	18/10/22
S0314-G1	C	Site Specifications	18/10/22
S0314-G2	B	Overall Site Plan	18/10/22
S0314-G3	F	Site Layout and Setout Plan	18/10/22
S0314-G4	F	Site Elevation	18/10/22
S0314-A1	F	Panel Antenna System Configuration	18/10/22
S0314-A2	E	RF Plumbing Diagram	18/10/22
S0314-S1	B	RRU Mounts Details – Sheet 1	18/10/22
S0314-S2	B	Antenna Mounts Details – Sheet 1	18/10/22
S0314-F1	E	Equipment Shelter Layout Plan	18/10/22
OSD-100	C	Construction Notes	18/10/22
OSD-180	B	Site Signage Typical Rooftop Site	18/10/22
OSD-191	A	Optus EME Safety Signage Requirements	18/10/22

<b>Technical Report</b>	<b>Reference</b>	<b>Author</b>	<b>Date</b>
Statement of Environmental Effects	-	Service Stream	April 2022
Environmental EME Report	-	Lend Lease	February 2021
Further Information to the Department of Planning and Environment	-	Service Stream	October 2022

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in **Condition A3(a)** above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

**LIMITS OF CONSENT**

- A5. This consent will lapse five years from the date the consent is published on the NSW planning portal unless the works associated with the development have physically commenced.

## **PRESCRIBED CONDITIONS**

- A6. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

## **LEGAL NOTICES**

- A7. Any advice or notice to the consent authority shall be served on the Planning Secretary.

## **EVIDENCE OF CONSULTATION**

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## **STRUCTURAL ADEQUACY**

- A9. All structures, and any alterations or additions to existing buildings and structures, that are part of the development, must comply with the relevant requirements of the BCA.

### **Notes:**

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

## **OPERATION OF PLANT AND EQUIPMENT**

- A10. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## **APPLICABILITY OF GUIDELINES**

- A11. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A12. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **DEVELOPMENT EXPENSES**

- A13. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

## **STATUTORY REQUIREMENTS**

- A14. The Applicant shall ensure that all licenses, permits, and consents are obtained as required by law and maintained as required throughout the life of the development. No condition of consent removes the obligation of the Applicant to obtain, renew or comply with such licenses, permits, approvals or consents.

## **LONG SERVICE LEVY**

- A15. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

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

### **LONG SERVICE LEVY**

- B1. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

### **BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE**

- B2. The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
  - (b) formulating an alternative solution which:
    - (i) complies with the performance requirements; or
    - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
    - (iii) a combination of (a) and (b).

### **STRUCTURAL DETAILS**

- B3. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
  - (b) this development consent.

### **DESIGN**

- B4. Antennas and other ancillary equipment, where feasible and reasonable, shall be constructed from non-reflective materials.

### **UTILITIES AND SERVICES**

- B5. Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Applicant.

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

### **NOTIFICATION OF COMMENCEMENT**

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **ACCESS TO INFORMATION**

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in **condition A2** of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### **COMPLIANCE**

- C4. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### **PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES**

- C5. Prior to the commencement of works, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection, and support of the affected infrastructure
  - (b) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards
  - (c) ensure all public infrastructure in vicinity of the construction works (including any roads, gutters, and footpaths) are protected throughout construction.

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT**

- C6. Prior to the commencement of any construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:
- (a) Details of:
    - (i) hours of work
    - (ii) 24 hour contact details of the site manager
    - (iii) traffic management
    - (iv) noise and vibration management
    - (v) management of dust and odour to protect the amenity of the neighbourhood
    - (vi) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
    - (vii) contamination management, including any unexpected contamination finds protocol
    - (viii) waste management.

## **COMMUNICATIONS INFRASTRUCTURE**

- C7. Prior to the commencement of any works, details must be submitted to the Certifier detailing that the installation of the communications infrastructure is in compliance with the following:
- (a) ARPANSA, Australian Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency fields - 3kHz to 300GHz, in Radiation Protection Standard RPS S-1 2021; and
  - (b) The Australian Communication Industry Forum Code 'ACIF' C564:2020.



## **PART D DURING CONSTRUCTION**

### **APPROVED PLANS TO BE ON-SITE**

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

### **SITE NOTICE**

- D2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) state the name, address and telephone number of the principal certifier for the work
  - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints
  - (c) state the approved hours of work
  - (d) state that unauthorised entry to the work site is prohibited
  - (e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size
  - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period
  - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

### **HOURS OF CONSTRUCTION**

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving, and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### **INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

- D8. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

### **NON-COMPLIANCE NOTIFICATION**

- D9. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- D10. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- D11. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **SAFework REQUIREMENTS**

- D12. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

## **IMPLEMENTATION OF MANAGEMENT PLANS**

- D13. The Applicant must ensure the requirements of the Construction Environmental Management Plan required by Part C of this consent are implemented during construction.

## **CONSTRUCTION NOISE LIMITS**

- D14. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the Construction Environmental Management Plan.
- D15. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D16. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D17. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- D18. Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.

## **VIBRATION CRITERIA**

- D19. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D20. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific Construction Environmental Management Plan.

## **AIR QUALITY**

- D21. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## **EROSION AND SEDIMENT CONTROL**

- D22. All erosion and sediment control measures must 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 have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

## **NO OBSTRUCTION OF PUBLIC WAY**

- D23. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

## **CONTACT TELEPHONE NUMBER**

- D24. The Applicant must 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.

**COVERING OF LOADS**

- D25. All vehicles departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**VEHICLE CLEANSING**

- D26. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

## **PART E PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

- E1. Prior to the occupation of the building or commencement of use that is part of the Development, an occupation certificate must be obtained from the Principal Certifier. A copy of the occupation certificate must be submitted to the Planning Secretary prior to the occupation of the building or the commencement of the use which is part of the Development.

### **STRUCTURAL INSPECTION CERTIFICATE**

- E2. Prior to the occupation or commencement of use, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:
- (a) 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
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E3. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

## PART F OCCUPATION AND ONGOING USE

### COMMUNICATIONS INFRASTRUCTURE

~~F1. The Applicant is to provide certification to the Planning Secretary of the operation of the telecommunications facility in accordance with the approved electromagnetic energy (EME) levels within thirty (30) days after the issue of the final Occupation Certificate, and again at a twelve month interval.~~

F1. The telecommunications facility is not to cause adverse radio frequency interference with any airport, port, or Commonwealth Defence navigational or communications equipment.

~~F1.~~

### SIGNAGE

F2. The Applicant shall ensure that appropriate signage warning of electromagnetic energy is erected in accordance with the requirements of the Industry Code C564:2020 Mobile Phone Base Station Deployment.

F3. The Applicant shall provide a permanent and legible weatherproof sign in the immediate proximity of the telecommunications facility that identifies the name and contact details of the operator of the telecommunications facility. The sign shall be publicly visible.

### ACCESS

F4. The Applicant shall ensure that access to the telecommunications facility is controlled in accordance with the requirements of the Industry Code C564:2020 Mobile Phone Base Station Deployment.

## ADVISORY NOTES

### APPEALS

- AN1. The Applicant 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).

### OTHER APPROVALS AND PERMITS

- AN2. The Applicant must apply to the relevant authority for all necessary permits required to carry out the works authorised (and comply with) this consent, including but not limited to crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS AND AGREEMENTS

- AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### DISABILITY DISCRIMINATION ACT

- AN4. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.
- AN5. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### USE OF MOBILE CRANES

- AN6. 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 and submitted to the Certifier:
- (a) 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 or the relevant road authority:
    - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of the relevant road authority will create minimal traffic disruptions; and
    - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of the relevant road authority, will create significant traffic disruptions.
  - (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.00 am without the prior approval of the relevant authority.

### COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- AN7. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an consent from the Commonwealth Environment Minister.
- AN8. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and the Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

## **APPENDIX 1 - WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

A written incident notification addressing the requirements set out below must be notified to the Department via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition D9 or, having given such notification, subsequently forms the view that an incident has not occurred.

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

Written notification of an incident must:

- a. identify the development and application number;
- b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- c. identify how the incident was detected;
- d. identify when the Applicant became aware of the incident;
- e. identify any actual or potential non-compliance with conditions of consent;
- f. describe what immediate steps were taken in relation to the incident;
- g. identify further action(s) that will be taken in relation to the incident; and
- h. identify a project contact for further communication regarding the incident.

### **INCIDENT REPORT REQUIREMENTS**

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

- a. a summary of the incident;
- b. outcomes of an incident investigation, including identification of the cause of the incident;
- c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- d. details of any communication with other stakeholders regarding the incident.