

<b>JRPP No:</b>	2010NTH033
<b>DA No:</b>	DA 2010/0533
<b>PROPOSED DEVELOPMENT:</b>	Utility Installation – Telecommunications Tower, 4474 Pacific Highway, Rossglen
<b>APPLICANT:</b>	Angelini Planning Services
<b>REPORT BY:</b>	Ben Roberts - Port Macquarie-Hastings Council

## Assessment Report and Recommendation

---

This report considers a development application for a Utility Installation – Telecommunication Tower at Lot 160 DP 754418, 4474 Pacific Highway, Rossglen.

The application is being reported to the Joint Regional Planning Panel as the proposal is a “regional development” pursuant to Clause 13C(b) of State Environmental Planning Policy (Major Development) 2005, being a building or structure that is greater than 13 metres in height within the coastal zone.

The development is also “integrated development” for the purposes of the Water Management Act 2000 and Fisheries Management Act 1994.

The application was advertised for a period of 30 days. No submissions were received during the exhibition period.

### Recommendation

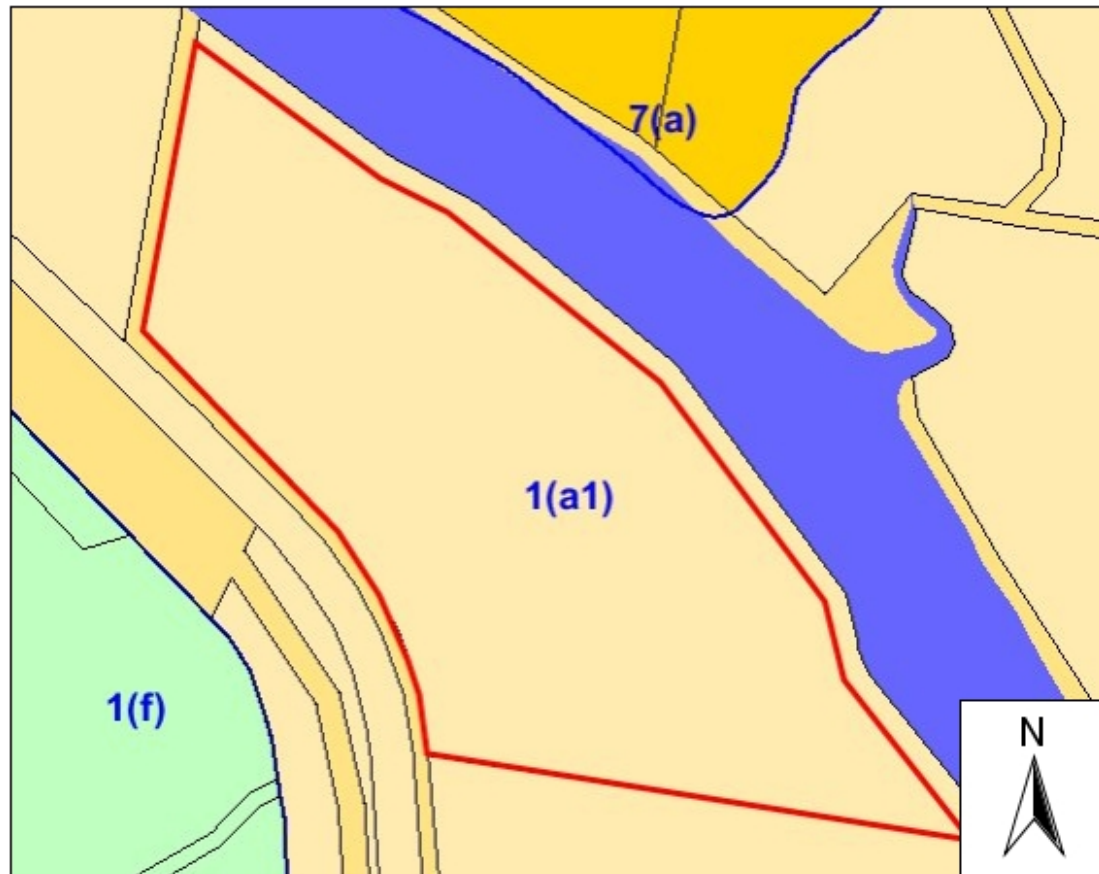
That DA 2010/0533 for a Utility Installation – Telecommunications Tower at Lot 160 DP 754418, 4474 Pacific Highway, Rossglen be determined by granting consent subject to the recommended conditions.

## 1. Background

### Existing site features and surrounding development

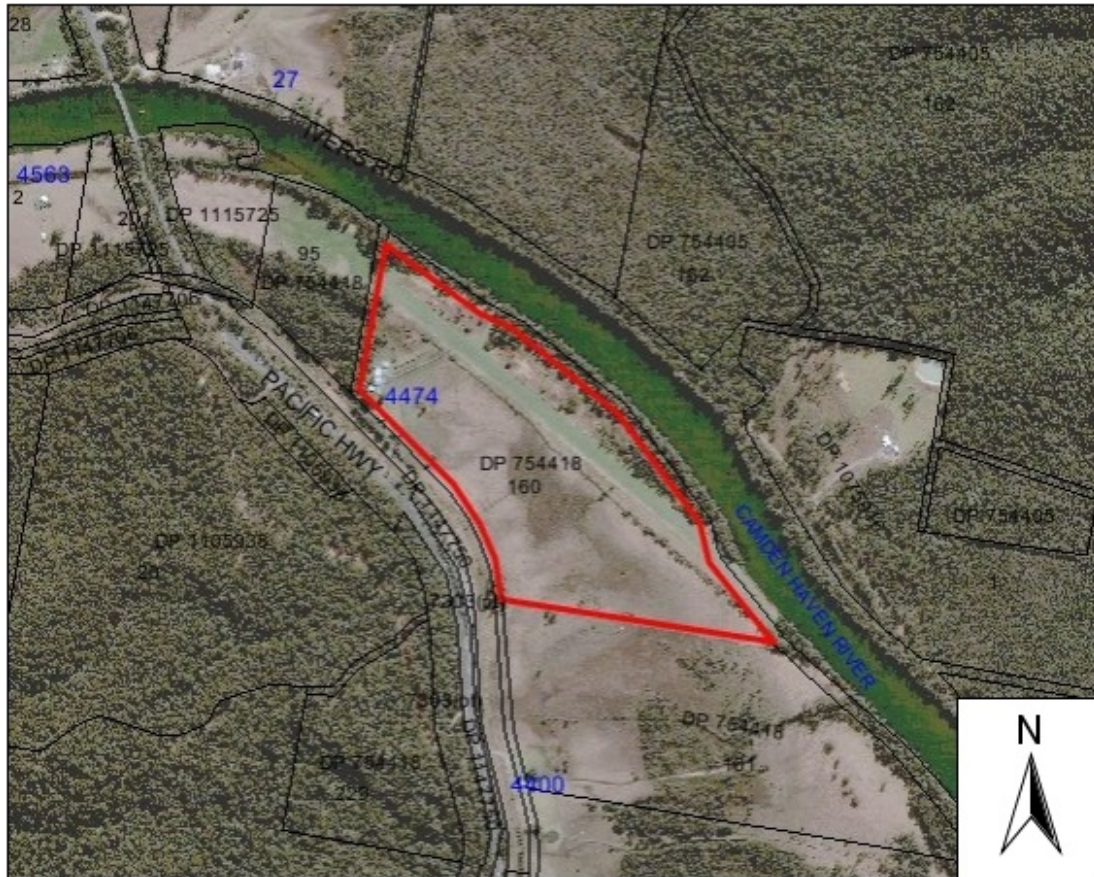
The site has an area of approximately 40.469 hectares.

The site is zoned 1(a1) Rural in accordance with the Hastings Local Environmental Plan 2001 as shown in the following zoning plan.



The site is within a rural property located between the Camden Haven River along its eastern boundary and the north coast railway line along its western boundary. The site also contains an unlicensed privately owned and operated airstrip used by light aircraft, ultra-light aircraft and gliders.

Land surrounding the site is used primarily for cattle grazing. The site and location of existing development within the immediate locality is shown in the following aerial photo.



## 2. Description of the development

The proposed development is for the construction of a Telstra mobile phone base station to provide improved mobile phone services to the surrounding locality.

The station will involve the erection of a 29.5 metre high guyed mast with fitted antennas and construction of equipment shelter alongside. The proposal also includes the construction of a new bridge across a drainage channel to provide access to the site. A 2.35m high security fence is also proposed around the facilities.

### Application chronology

- 29 November 2010 – Application lodged.
- 7 December 2010 – Additional information and fee request for integrated referrals.
- 8 December 2010 – Local NSW Rural Fire Service referral sent.
- 10 December 2010 – JRPP Notified via online register.
- 14 December 2010 – Additional information and fees received for integrated referrals
- 17 December 2010 – Local NSW Rural Fire Service referral response provided.
- 17 December 2010 – 14 January 2011 – Exhibition period.
- 22 December 2010 – Integrated development referral sent (Fisheries Management Act 1994 – NSW Department of Industry and Investment)
- 22 December 2010 – Integrated development referral sent (Water Management Act 2000 – NSW Office of Water )
- 7 February 2011 – Integrated development response (Fisheries Management Act 1994 – NSW Department of Industry and Investment)
- 25 February 2011 – Integrated development response (Water Management Act 2000 – NSW Office of Water)

### **3. Statutory Assessment**

#### **Section 79C Matters for Consideration**

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

#### **(a) The provisions (where applicable) of:**

#### **(i) any Environmental Planning Instrument:**

##### **SEPP 44 – Koala Habitat Protection**

The subject land is an area more than 1 hectare in size and therefore the provisions of the SEPP 44 must be considered. However, NSW Planning's Circular No. B35, Section 1.5 states that "In relation to affected DAs it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat".

The site of the facility is cleared of significant vegetation and no habitat will be removed or modified and therefore, no further investigations are required.

It is considered that the requirements of the SEPP have been satisfied.

##### **State Environmental Planning Policy No.55 – Remediation of Land**

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use of the land in this regard.

The requirements of this SEPP are therefore satisfied.

##### **State Environmental Planning Policy No. 71 – Coastal Protection**

The site is located within a coastal zone as defined in accordance with clause 4. The site is further identified as a sensitive coastal location.

Having regard to clauses 8 and 12 to 16 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore;
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage; and
- g) reduce the quality of the natural water bodies in the locality.

Refer to the assessment table following this table for compliance with specific requirements of this SEPP. The requirements of this SEPP are satisfied.

#### **State Environmental Planning Policy (Infrastructure) 2007**

Clause 115 of the Policy provides that development for the purposes of telecommunication facilities may be carried out with consent on any land.

Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.

The NSW Telecommunications Facilities Guideline including Broadband (July 2010) has been issued by the Director General. The application has demonstrated consistency with these guidelines.

#### **State Environmental Planning Policy (Major Development) 2005**

Clause 13C(b) of the Policy applies to the extent of buildings or structures greater than 13 metres in height in the coastal zone being classified as regional development.

The proposed development is recognised as regional development to which the Joint Regional Planning Panel is the consent authority.

#### **State Environmental Planning Policy (Rural Lands) 2008**

The site is identified as rural land of which this policy applies.

The aims of this Policy are as follows:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
- (c) to implement measures designed to reduce land use conflicts,
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

The site is not recognised as State significant agricultural land. The proposed development is in a small section of the property of which does not contain any substantial rural use. It is considered that there would be limited conflict between the development and any surrounding rural uses. This is based on the limited rural pursuits being carried out in the area. The proposed development is consistent with the objectives of this policy.

#### **North Coast Regional Environmental Plan**

In accordance with clause 2, the proposal is consistent with the aims of this REP.

In accordance with clause 12, the proposed development will be unlikely to adversely impact on the use of adjoining or adjacent agricultural land and the proposed structure will not result in a significant loss of prime crop or pasture land.

In accordance with clause 32B (2), the proposal will not contravene any of the aims, objectives or strategic requirements of the following:

- (a) *the NSW Coastal Policy 1997,*
- (b) *the Coastline Management Manual, and*
- (c) *the North Coast: Design Guidelines.*

In accordance with clause 32B (3), the proposal will not impede public access to the nearby foreshore.

In accordance with clause 32B (4), the proposal will not result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time).

In accordance with Clause 15, the proposal will not adversely impact on any river or stream, coastal or inland wetland or fishery habitat area.

In accordance with clause 81, there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development.

The requirements of this REP are satisfied.

### **Hastings Local Environmental Plan 2001**

In accordance with clause 9, the subject site is zoned 1(a1) Rural. The proposed development for a telecommunications transmission tower is best defined as a 'utility installation' for the purposes of the LEP, which is a permissible landuse with consent.

The objectives of the 1(a1) Rural zone are as follows:

- (a) To protect and encourage utilisation of the productive potential of agricultural, extractive and mineral resources located in rural areas.
- (b) To protect the amenity of rural residential subdivision areas.
- (c) To prevent the unnecessary, premature or sporadic fragmentation of rural land, to protect the agricultural potential of land and also to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities and services.
- (d) To enable appropriate development where allowed with consent.

The proposal is consistent with the zone objectives as it is considered appropriate development and will not result in the loss of any significant rural land.

In accordance with clause 25, the site is identified as being flood liable land. The surrounding property is open rural grazing land and there are no dwellings or other structures in the near vicinity of the proposed compound area that could be potentially affected by any localised flooding as a result of this development. In accordance with Council's policy for development of flood prone land a condition is recommended to require compliance with Council's Interim Flood Policy and the NSW Sea Level Rise Policy Statement (October 2009 ) requiring the non-habitable areas to be constructed above RL 3.1m AHD and any electrical meter boxes at or above RL 3.7m AHD.

In accordance with clause 26, the site is within an area of the property mapped as class 2 potential acid sulfate soils. Martens Consulting Engineers prepared an acid sulfate soils assessment which was submitted with the application for both the base

station and bridge components of the development. The assessment concluded that materials to be excavated should be viewed as potential acid sulfate soils and that the material needs to be treated with lime on site in accordance with details of the acid sulfate management plan also submitted with the application.

Martens Consulting Engineers have also produced a Groundwater Dewatering Plan which is to be read in conjunction with the Acid Sulfate Soils Management Plan, detailing the required onsite treatment of any extracted groundwater from excavations for the development.

Subject to works being undertaken in accordance with the Acid Sulfate Soils Management Plan and Groundwater Dewatering Plan the proposal is considered acceptable. A condition has been recommended.

The requirements of this LEP are therefore satisfied.

**(a)(ii) Any proposed instrument that is or has been placed on exhibition**

**Draft Port Macquarie-Hastings Local Environmental Plan 2010**

At the time this application was lodged the now Port Macquarie-Hastings Local Environmental Plan 2011 was in draft format. It was proposed to zone the subject site RU1 – Primary Production. The proposed use could best be defined as a ‘telecommunication facility’ and is prohibited in the RU1 zone. The proposal is not inconsistent with the draft zone objectives and relevant provisions, including FSR and minimum lot size. No height development standard within the LEP applies to the site.

In this regard the provisions of State Environmental Protection Policy (Infrastructure) 2007 override the Draft LEP and provides that development for the purposes of telecommunication facilities may be carried out with consent on any land.

**(a) (iii) Any Development Control Plan in force**

**Port Macquarie-Hastings Development Control Plan 2006**

**DCP 34 – Acid Sulphate Soils**

This plan applies as the site is within an area of the property mapped as class 2 potential acid sulfate soils and works below the ground surface are proposed.

In accordance with the requirements of this plan a preliminary soil assessment to determine the extent of acid sulfate soils has been undertaken and furthermore an acid sulfate soil management plan has been prepared for works to be undertaken on the site. Conditions have been recommended to ensure works are conducted in accordance with the Acid Sulfate Soils Management Plan. The requirements of this plan have been satisfied.

**DCP 40 – Advertising of Development**

The proposed development has been publicly exhibited via neighbour notification and advertisement in the local newspaper in accordance with the requirements of this Plan. No submissions were received during the exhibition period.

**(a)(iia) Any planning agreement or draft planning agreement**

No planning agreement has been offered or entered into relating to the site.

**(a)(iv) Any matters prescribed by the regulations**



## **NSW Coastal Policy 1997**

The proposed development is consistent with the objectives and strategic actions of this policy.

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality**

### **Context and Setting**

The site is located at Lot 160 DP 754418, 4474 Pacific Highway, Rossglen.

The site is with a rural property that sits between the Camden Haven River along its eastern boundary and the north coast railway line along its western boundary. The Pacific Highway is located alongside the north coast railway line further to the west.

The property is predominantly cleared and used for agricultural purposes. It also features a privately owned unlicensed airfield known as the Camden Haven Airfield that runs parallel to its eastern frontage with the Camden Haven River.

The property features a series of aircraft hangars and a dwelling house grouped together along the western boundary adjacent the railway line.

The proposed telecommunications tower is located in the south east corner of the property on a cleared section of land used for grazing purposes.

### **Visual Impacts**

The 29.5 metre height of the proposed structure means it will be visible from a number of viewpoints. Due to the cleared nature of the property it will be intermittently visible from some sections of the Pacific Highway and most visible from the short distance perspectives within the grazing lands of the subject property and the property adjoining to the south. In these circumstances it will be viewed against the backdrop of mature trees (approximately 20-25m tall) along the western bank of the Camden Haven River. At varying viewpoints the upper 5 to 10 metres of the mast will be visible against the skyline.

The design of the mast structure has minimal bulk or profile. The utilisation of slim lattice types elements and steel guy wires allows views through the structure giving a sense of transparency. The equipment shelter is proposed to be painted a green colour as to blend with the vegetation backdrop and ground cover.

It is considered that the proposed telecommunications tower and associated equipment shelter will not represent an excessively intrusive or bulky development that will dominate the immediate or wider localities or adversely affect the amenity of the surrounding rural locality.

### **Access, transport and traffic**

Access to the site is via a side road off the Pacific Highway and a crossing over the railway line. Access to the site within the property is via an informal access track alongside the western side of the airstrip which traverse a drainage line. A new bridge structure is to be constructed over this drainage crossing.



The only traffic generated by the base station will be that associated with maintenance vehicles. It is estimated that maintenance of the facility will generate 1-3 visits per year.

The existing road network will satisfactorily cater for the increase in traffic generation as a result of the development and will not create any adverse impacts in this regard.

### **Aeronautical Impacts**

In view of the proximity of the proposed mast structure to the private airstrip (known as Camden Haven Aerodrome) within the property the applicant submitted an Aeronautical Impact Study prepared by Ambidgi Group to assess the potential impact to aircraft of constructing the proposed mast structure.

The report concluded that the proposed mast:

- Will not affect the Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation – Aircraft Operations (PANS-OPS) surfaces associated with Port Macquarie airport approximately 271m from the site.
- Will not conflict with aviation regulations and guidelines for operations in the area and take-offs and landings at Camden Haven aerodrome.
- Will not impact on flying operations at Camden Haven aerodrome.
- Will not require notification to Civil Aviation Advisory Surfaces (CASA) because the mast will be below the “Tall Structure” height of 110m AGL.
- Will not require obstacle marking and lighting as the mast does not exceed 110m AGL.

Due to the proximity of the mast to the existing airfield the report recommends the mast be painted a conspicuous colour so as to ensure easy visibility to pilots. Painting of the structure in typical red and white sections is proposed and is considered acceptable.

A peer review of the Ambidgi Group study and additional assessment of risk associated with the location of the mast structure was also undertaken by Rehbein Airport Consulting and submitted with the application. This report concluded:

- The mast will have no impact on existing aircraft operations at Camden Haven aerodrome because it will not penetrate the OLS for the aerodrome in its current existence as an Aeroplane Landing Area.
- The probability of an aircraft colliding with the mast is estimated to be lower than 9.8 in 1 million per year. This is significantly lower than the CASA trivial risk criterion of 1.0E-04 (1 in 10,000) per year for a single fatality. The probability of fatal or serious injury to occupants of an aircraft is of the same order as the risk of an aircraft colliding with the mast and is therefore not significant.
- The mast will not adversely impact on public safety because the risk of fatal or serious injury to persons on the ground following an aircraft collision with the mast is estimated to be 1 in 100 million per year or less for the current number of aircraft movements. This is much lower than the NSW Department of Planning benchmark of 1 in 1 million per year for residential areas but may require mitigation through the exercise of planning controls that prevent further buildings being constructed in the vicinity of the mast site at Camden Haven. On this basis it was concluded that the mast would be acceptable under the NSW Department of Planning criteria.

In response to the last conclusion, the site and surrounding land within the locality is zoned rural (requiring a minimum lot size of 40 hectares to enable the construction of a dwelling house) and it appears as though no further potential for future dwellings exists within close proximity to the site.

The Rehbein Report also recommends that:

- The mast and guy wires be marked in accordance with CASA Manual of Standards, Part 139 – Aerodromes, Section 8.10.2 – Marking of Obstacles as an additional mitigating factor.
- Low intensity obstacle lighting of the mast in accordance with CASA Manual of Standards, Part 139 – Aerodromes, Section 9.4 – Obstacle Lighting, while not required, is also recommended to improve the visibility of the mast during twilight periods 1 hour after sunset and 1 hour before sunrise.

The proposal as submitted does not include provision for obstacle lighting. In accordance with the recommendations of the Rehbein report is being recommended that a condition of consent be applied requiring low intensity obstacle lighting.

It should also be noted that CASA were contacted by Council upon submission of the application and no referral to this Authority was deemed necessary.

With the recommended conditions requiring marking and obstacle lighting it is concluded that the proposed structure will not have any adverse impact on the current aircraft operations at the Camden Haven Aerodrome.

### **Utilities**

All services required for the ongoing operation of the base station are capable of being provided to the facility without any adverse impacts. No water supply, stormwater or sewerage facilities are required for the proposal.

### **Heritage**

No known items of heritage significance exist on the property. No adverse impacts anticipated.

### **Water cycle**

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

### **Soils**

The nature and scale of earthworks associated with the construction of the base station are limited to minor grading of the site and excavations for various footings. Any materials excavated will be treated in accordance with the details of the Acid Sulfate Soils Management Plan submitted by Martens Consulting.

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction. Also refer to comments under Clause 26 of the HLEP 2001 regarding management of acid sulfate soils.

### **Air and microclimate**

The operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

### **Flora and fauna**

Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

### **Waste**

Satisfactory arrangements will be put in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated.

### **Energy**

No adverse impacts anticipated.

### **Noise and vibration**

The equipment shelter will incorporate two standard room air conditioning units. Given the proximity of the site from the nearest residence noise will not be an issue. No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

### **Bushfire**

The site is identified as being bushfire prone. The application was referred to the Local NSW Rural Fire Service for comment. The Service reviewed the application and raised no concerns or issues in relation to bush fire.

### **Technological Hazards - Radio Frequency (RF) Electromagnetic Energy (EME)**

The Australian Radiation Protection And Nuclear Safety Agency (ARPANSA), as part of the Health and Ageing Portfolio, is a Federal Government agency charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of ionising and non ionising radiation.

The Australian Communications and Media Authority (ACMA) also mandates exposure limits for continuous exposure of the general public to radio frequency (RF) electromagnetic energy (EME) from mobile phone base stations.

The levels of electromagnetic fields from mobile phone telecommunications base stations must comply with safety limits imposed by the ACMA. The limits are given in the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 2003*. These limits are based on the *Australian Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3khz to 300GHz* which sets public and occupational limits for exposure to EME fields.

In the case of the subject proposal, the maximum cumulative EME level of exposure at ground level is estimated to be 0.48% of the maximum permitted by the ARPANSA.

As a result the proposed telecommunications facility comfortably complies with the Australian *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3khz to 300GHz*.

EME emissions have been dealt with at great length in a decision of the Land and Environment Court *Telstra Corporation Ltd v Hornsby Shire Council* (proceedings 11097 of 2005). The court found that the Australian Standard RPS 3 is consistent with a precautionary approach and principles of ecologically sustainable development and that it is appropriate that EME standards are set by the relevant authorities with the requisite special expertise.

### **Technological Hazards - Electrical Interference**

The base station is designed to create no electrical interference problems with television or radio reception and complies with the requirements of relevant Australian standards in this regard. Mobile phone facilities are operated under an individual licence from the federal Australian Communications and Media Authority (ACMA). All licensed radio communication systems are prohibited by law from interfering with other licensed radio communication systems.

### **Safety, security and crime prevention**

The proposed development will not result in a loss of safety or security in the area. The facility is wholly located on privately owned land and will be enclosed by security fencing.

### **Social impacts in the locality**

Given the nature of the proposed development and its location the proposal is unlikely to result in any adverse social impacts.

The provision of additional telecommunications service coverage to the area will provide a positive social and economic benefit to the community.

### **Economic impact in the locality**

No adverse impacts. Likely positive impacts can be attributed to the construction of the development.

### **Site design and internal design**

Tall telecommunications facilities located within rural environments can often be considered out of context and not cohesive with such an environment's character. However in the context of this proposal the site is actually reasonably suited to accommodate a telecommunications base station with the benefit of reducing impacts to visual amenity which may otherwise be substantial within a different setting. With consideration of the plans and an investigation of the site, it has been established that the visual amenity impacts posed by this proposal are likely to be low to medium, depending on viewing distance. It is not considered that high level adverse visual impacts would occur, nor would the visual character of the locality be significantly degraded. The proposed development design satisfactorily responds to the site attributes and would fit reasonably into the locality.

### **Construction**

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

### **Cumulative impacts**

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

### **(c) The suitability of the site for the development**

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints of potential acid sulphate soils have been adequately addressed and appropriate conditions of consent recommended.

### **(d) Any submissions made in accordance with this Act or the regulations**

No submissions received.

### **(e) The public interest**

The proposed development will be in the wider public interest at the facility will provide additional mobile phone coverage to the area.

### **Ecologically Sustainable Development and Precautionary Principle**

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

### **Section 94/94A Contributions**

Section 94A contributions will apply to the development.

### **Water and Sewer Contributions**

Not applicable as these services are not available to the site.

### **Conclusion**

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

## SEPP 71 ASSESSMENT TABLE

Provision	Comment	Complies
<b>Part 2 – Matters for Consideration</b>		
(a) the aims of this Policy set out in clause 2,	Consistent with aims.	Yes
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	The proposal will not adversely affect any existing access to and along any coastal foreshore, and will not affect any water based activities.	Yes
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	N/A	N/A
(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	Proposed development suitable with surrounding areas.	Yes
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	The proposal will not adversely affect the visual amenity of the surrounding coastal environment due to the location and distance from the foreshore and coast. The proposal will not result in any overshadowing of any nearby existing coastal foreshore.	Yes
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	Not impacted.	Yes
(g) measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i> ) and plants (within the meaning of that Act), and their habitats,	No tree removal proposed. No impact on any Threatened Species and/or their habitats.	Yes
(h) measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i> ) and marine vegetation (within the meaning of that Part), and their habitats	N/A	N/A
(i) existing wildlife corridors and	No impact on any existing wildlife	Yes



the impact of development on these corridors,	corridor.	
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	The proposal will be unlikely to be affected by any existing coastal processes or compromise any coastal management initiatives.	Yes
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	No impact anticipated	Yes
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	No known artefacts on site.	Yes
(m) likely impacts of development on the water quality of coastal waterbodies,	Conditions in relation to environmental management of the site during construction have been recommended within the consent.	Yes
(n) the conservation and preservation of items of heritage, archaeological or historic significance,	The site does not contain any identifiable historical or heritage value.	Yes
(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	N/A	N/A
(p) only in cases in which a development application in relation to proposed development is determined:  (i) the cumulative impacts of the proposed development on the environment, and  (ii) measures to ensure that water and energy usage by the proposed development is efficient.	Development should not unduly create negative cumulative impacts to the precinct.	Yes
<b>Part 4 – Development Control</b>		
13 Flexible zone provisions – A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	N/A	N/A

<p>14 Public access – A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.</p>	<p>Proposal will not restrict any public access to the coastal foreshore.</p>	<p>Yes</p>
<p>15 Effluent disposal – The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.</p>	<p>No sewer or stormwater facilities are required.</p>	<p>N/A</p>
<p>16 Stormwater – The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.</p>	<p>No stormwater facilities required.</p>	<p>N/A</p>

# FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS FOR JRPP

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2010/533**

**DATE: 7 March 2011**

## **A – GENERAL MATTERS**

- (1) (DA001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Statement of Environmental Effects	-	Angelini Planning Services	November 2010
Site Access & Locality Plans	N28179 Sheet 1	TCI Intelligent Solutions	31 August 2010
Site Layout & Anchorage Plans	N28179 Sheet 2	TCI Intelligent Solutions	1 September 2010
North West Elevation Plan	N28179 Sheet 3	TCI Intelligent Solutions	31 August 2010
Survey Information Sheet	N28179 G1	Sureline Geomatics	27 April 2010
Survey for Construction	N28179 G2	Sureline Geomatics	27 April 2010
Access Bridge Pile Layout & Details	22-15259-S004	GHD	17 September 2010
Access Bridge General Arrangement	22-15259-S003	GHD	17 September 2010
Access Bridge Abutment Sections & Details	22-15259-S005	GHD	17 September 2010
Acid Sulfate Soil Management Plan & Dewatering Plan	-	Martens Consulting Engineers	4 August 2010 & 9 September 2010
Aeronautical Impact Study	J0313	Ambidji	28 July 2010
Review of Aeronautical Impact Study	-	Rehbein Airport Consulting	10 November 2010
EME Report	-	Telstra	25 September 2010

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (DA002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a. the appointment of a Principal Certifying Authority; and
  - b. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (DA006) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works within the development site required by the development consent is to be obtained from Port Macquarie-Hastings Council. A copy of the approval is to be submitted with the application for Construction Certificate.
- (4) (DA016) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, are set out in Section G of this consent and form part of the consent conditions for this approval.
- NSW Office of Water
- (5) (DA082) Dust nuisance shall not be generated as a result of the undertaking of the development.
- (6) (DA086) The minimum floor level of non-habitable areas is to be not less than RL3.1m AHD pursuant to Council's policy on the development of flood prone land, (Refer to Hastings Interim Flood Policy).
- (7) (DA092) All electrical meter boxes shall be placed at a level which is above the 1:100 year flood level. The positioning of meter boxes shall comply with the requirements of Country Energy. For the purpose of this approval, the 1 in 100 year flood level may be assumed to be RL 3.7m AHD.

## **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

- (1) (DB012) An Erosion and Sediment Control Management Plan prepared in accordance with the relevant sections of the Department of Housing manual "Soil and Water Management for Urban Development", Port Macquarie-Hastings Council sediment control policies and Council's adopted AUSPEC Design and Construction Guidelines shall be submitted to and approved by the Principal Certifying Authority with the application for Construction Certificate.

The plan shall include measures to:

- a. Prevent site vehicles tracking sediment and other pollutants from the development site.
  - b. Dust control measures.
  - c. Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.
  - d. Contingencies in the event of flooding.
- (2) (DB045) Payment to Council, prior to the issue of the Construction Certificate of the Section 94A contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Section 94A Levy Contributions Plan 2007

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (3) (DB195) The location and construction detail of the (impervious) bunded area for the (storage) and treatment of excavated material required by the ASS Management Plan [Ref:P1002767JC06V01] prepared by Martens Consulting Engineers dated 25<sup>th</sup> October 2010 are to be submitted to Council; &

The details of the tank required for the treatment of extracted groundwater as detailed in the Groundwater Dewatering Plan [Ref.0902572JC03V01] prepared by Martens Consulting Engineers dated 9<sup>th</sup> September 2010, which forms part of the ASS Management Plan, shall be submitted to Council.

- (4) The Construction Certificate will not be issued over any part of the site requiring a license under the Water Act 1912 until a copy of the Approval has been provided to Council.

#### **C – PRIOR TO ANY WORK COMMENCING ON SITE**

- (1) (DC001) Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.
- (2) (DC003) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (DC006) Erosion and sediment controls in accordance with the approved management plan shall be in place prior to the commencement of any works or soil disturbance on the site.
- (4) (DC010) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must:

- a. be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the Council, or
- b. an approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (5) (DC013) Signage must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited.
  - b. showing the name of the principal contractor in charge of the work site and a telephone number at which that person may be contacted outside working hours.

- c. the name and contact details of the principal certifying authority responsible for the site

Any such signage is to be removed when the work has been completed.

This does not apply to building work carried out inside an existing building.

#### **D – DURING WORK**

- (1) (DD006) The capacity and effectiveness of erosion and sediment control measures shall be maintained at all times in accordance with the approved management plan until such time as the site is made stable by permanent vegetation cover or hard surface.
- (2) (DD024) Work on the project being limited to the following hours, unless otherwise permitted by Council:-
  - Monday to Saturday from 7.00am to 6.00pm
  - The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (3) (DD028) Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.
- (4) (DD044) A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.
- (5) (DE195) The excavation, storage, treatment and disposal of all excavated material and groundwater shall be carried out in accordance with the ASS Management Plan prepared by Martens Consulting Engineers, reference documents dated 25<sup>th</sup> October 2010 & 9<sup>th</sup> September 2010, respectively.

#### **E – PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (DE001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (DE008) Upon completion of all construction works the person appointed in accordance with the requirements of this consent shall provide written certification confirming all relevant acid sulphate construction activities have been carried out in accordance with the acid sulphate soils management plan.
- (3) (DD195) The mast and guy wires shall be marked in accordance with CASA Manual of Standards, Part 139 – Aerodromes, Section 8.10.2 – Marking of Obstacles. Certification shall be provided by an appropriately qualified consultant.
- (4) (DD196) Low intensity obstacle lighting of the mast shall be undertaken in accordance with CASA Manual of Standards, Part 139 – Aerodromes, Section 9.4 – Obstacle Lighting. Certification shall be provided by an appropriately qualified consultant.

#### **F – OCCUPATION OF THE SITE**

- (1) (DF030) Offensive noise shall not be generated as a result of the operation of the development.

## **G – NSW OFFICE OF WATER**

### **Plans, Standards & Guidelines**

- (1) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 2010/0533 and provided by Council :

- a) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified, the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- (2) Prior to the commencement of any controlled works, the consent holder must obtain a license under Part V of the Water Act from the NSW Office of Water.
- (3) The consent holder must prepare or commission the preparation of :
  - i) Acid Sulfate Management Plan
  - ii) Works Schedule
  - iii) Erosion & Sediment Control Plan
  - iv) Soil and Water Management Plan

In support of an application under Part V and are to be approved by the NSW Office of water prior to commencement of works.

- (4) The consent holder must (i) undertake construction in accordance with approved plans and (ii) construct and/or implement the works by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

### **Reporting Requirements**

- (5) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

### **Erosion Control**

- (6) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

### **Excavation**

- (7) The consent holder must ensure that no excavation is undertaken land other than in accordance with a plan approved by the NSW Office of Water.
- (8) All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to public or private property.





## ET Calculation for Existing Development (Credits)

Commercial & Industrial Existing Development		Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer	Traffic Facilities m <sup>2</sup>
N/A	▼	m2	0	0	0	0	0	
N/A	▼	m2	0	0	0	0	0	
N/A	▼	m2	0	0	0	0	0	
N/A	▼	m2	0	0	0	0	0	
				Total Commercial ETs:		0	0	0
Existing Residential Development			Units	Sec 94 ET	Water ET	Sewer ET		
Number of existing residential lots greater than 450m <sup>2</sup> (excluding Dual Occ & Int Housing)			0	0	0	0		
Number of existing residential lots greater than 2000m <sup>2</sup> (excluding Dual Occ & Int Housing)			0	0	0	0		
1 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0		
2 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0		
3 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0		
4 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0		
1 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0		
2 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0		
3 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0		
4 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0		
Motel Unit - Partially Self Contained (Own ensuite but shared facilities for cooking & laundry)			0	0	0	0		
Motel Unit - Self Contained (Own ensuite and kitchen)			0	0	0	0		
Caravan Park - Not Self Contained Site (permanent or transient)			0	0	0	0		
Caravan Park - Partially Self Contained Site (permanent or transient)			0	0	0	0		
Nursing Homes High Dependency/Residential Care Facility (per bed)			0	N/A	0	0		
Nursing Homes Low Dependency/Hostel (per bed)			0	0	0	0		
Aged Unit - Self Contained 1 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0		
Aged Unit - Self Contained 2 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0		
Aged Unit - Self Contained 3 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0		
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathrooms)			0	0	0	0		
Boarding House per 1 Occupancy Bedroom Partially Self Contained (Own ensuite - shared cooking & laundry facilities)			0	0	0	0		
Boarding House - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)			0	0	0	0		
Boarding House - Self Contained Per Bed (for dormitories/bunkrooms, Own ensuite per bedroom/dorm/bunkroom with shared cooking and laundry)			0	0	0	0		
Existing Residential Unit Total:			0	0	0	0		

G:\Dev\DEV AND BUILDING CONTROLS\DA2010\DA2010-0533\Development Contributions Calculation Sheet, DA 2010-0533, Stage No. 1, Issue No.1