

16 March 2011

Our ref: 2010/533
PN: 17541

Telstra Corporation
CARE Angelini Planning Services
Shop 7 108 Penshurst Street
WILLOUGHBY NSW 2068

Dear Sir/Madam

Notice to applicant of determination of a development application under Section 81(1) (a) of the Environmental Planning and Assessment Act 1979 and Section 99 of the Local Government Act 1993

Subject Development	Utility Installation - Telecommunications Tower (Telstra)
Property Description	LOT: 160 DP: 754418, 4474 Pacific Highway ROSSGLEN
Applicant	Telstra Corporation

Notice is hereby given of the determination by the consent authority of your development application by granting of consent subject to the conditions detailed on the schedule attached to this notice.

Approvals under the Local Government Act, 1993

Local Government Act 1993 approvals granted under Section 78A of the Environmental Planning & Assessment Act 1979 are as follows: Nil

Notes to this consent

1. The date of determination is 15 March 2011.
2. The date from which this consent operates is 15 March 2011 and will lapse unless building, engineering or construction work or a use related to this consent is physically commenced within five (5) years of this date.
3. The period for which this consent can operate may be limited by conditions of this consent.

Yours sincerely

Dan Croft
Manager
Building & Development Assessment

SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2010/533 are as follows:

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.

Plan / Supporting Document	Reference	Prepared by	Date
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 25th 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 9th 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 25th October 2010 & 9th 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.

The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Codes and Policies, LEP's, DCP's or any other ancillary Act or Regulation in force at the time of the date of determination and are aimed at protecting the natural environment, preserving our heritage and providing a safe and health built environment.

Rights of Appeal

If you are dissatisfied with this decision:

1. A request for a review of the determination may be made to Council, under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979.
2. Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely

Dan Croft
Manager
Building & Development Assessment