

File No:	DA 2012/0012
Report: DA 2012WES013	DA 2012/0012 – TREE REMOVAL AND CONSTRUCTION OF A SATELLITE EARTH STATION FACILITY (NBN NETWORK) Proposed Lot 1 in Subdivision of LOT 101 DP 1049207 8-22 Peter Bryant Way, North Bourke
Responsible Officer:	Dwayne Willoughby, Manager Environmental Services

Background

Consent is sort for the construction of a satellite earth station facility on the subject site. The proposed SES is a telecommunications facility that will form part of the wider National Broadband Network ("*NBN*") that is currently being rolled-out Australia-wide.

Due to the nature, ownership and cost of the proposal the proposed development is classified as Regional Development under Schedule 4A of the Act and as such the application is required to be referred to the Western Joint Regional Planning Panel for determination.

Council has previously (DA2012/0001) granted consent for an eight (8) lot industrial subdivision on land described as Lot 101 DP1049207, known as 8 – 22 Peter Bryant Way, North Bourke. This plan of subdivision is yet to be registered. Proposed Lot 1 forms part of this approved subdivision.



Locality Plan

Even though the proposed development was not subject to advertisement or notification under clause 24 of Bourke Local Environmental Plan 1998, the proposal was advertised in the local newspaper, The Western Herald and no submissions were received. The proposal is considered to have no negative impacts on adjoining land owners.

As the land is owned by Council, the proposal has been assessed in accordance with the relevant planning provisions by an independent consultant, Tablelands Certifiers. The

principal of Tablelands Certifiers is Mr. Paul O'Brien, a former Director Environmental Services and Development, with Bourke Shire Council who has a sound knowledge of the area pertaining to the proposed development.

The application is recommended for **approval**, subject to the conditions detailed in schedule "A" to the attached report.

Financial Implications:

The proposed funding model for the subdivision development to proceed has previously been adopted by council. Nil additional financial implications for Council.

Legal Implications:

Nil – the process for ensuring an independent assessment of the development application has been followed and the report referred to the JRPP for determination.

Recommendation:

1. That development application 2012/0012 for tree removal and construction of a satellite earth station facility (NBN Network) on land described as proposed Lot 1 in a subdivision, approved under DA2012/0001, of Lot 101 DP1049207, 8-22 Peter Bryant Way, North Bourke, be determined by way of approval, subject to the conditions set out in schedule A below.

SCHEDULE A

CONDITIONS OF CONSENT DA2012/0012

1 DEVELOPMENT IN ACCORDANCE WITH APPROVED PLANS & DOCUMENTATION

Development is to take place in accordance with the attached stamped plans (Ref No. DA2012/0012), documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

*NOTE: Any alterations to the approved development application plans must be clearly identified **WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE**. The Principal Certifying Authority (PCA) for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made.*

Reason: Statutory requirement and Public interest

2 CONSTRUCTION CERTIFICATE

Prior to commencement of any works the applicant is to obtain a construction certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council.

NOTE 1: No engineering, excavation or other work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a construction certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the applicable Council Engineering Standards. This may entail alterations to the proposal so that it complies with these standards.

Reason: Statutory requirement

3 SUBDIVISION REGISTRATION REQUIRED

Prior to the issue of a Construction Certificate for the proposal, all works required for the subdivision approved under DA2012/0001 are to be completed and the plan of subdivision is to be registered.

Reason: Statutory requirement and Public interest

4 ENVIRONMENTAL

Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls on the site.

Reason: Statutory requirement and Public interest

5 IDENTIFICATION OF SITE

Provide a clearly visible sign to the site stating:

- a) Unauthorised entry is prohibited;
- b) Builders name and licence number; or owner builders permit number;
- c) Street number or lot number;
- d) Contact telephone number/after hours number;
- e) Identification of Principal Certifying Authority.

Reason: Statutory requirement

6 COMMENCEMENT OF WORK & APPOINTMENT OF PCA

The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifying Authority.

Reason: Public interest

7 TOILET FACILITIES

- a. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- b. Each toilet must be a temporary chemical closet approved under the Local Government Act 1993.

Reason: Statutory requirement

8 DUST SUPPRESSION

The applicant will ensure that all machinery and traffic movement areas are continually watered when in use in order to prevent raised dust from becoming a nuisance to neighbouring properties.

Reason: Statutory requirement and Public interest

9 ON-SITE WASTE MANAGEMENT SYSTEM (SEPTIC TANK)

An on-site waste management system is to be installed, operated and maintained on the land and the premises connected thereto, in accordance with the provisions of the Local Government (Approvals) Regulation made under the Local Government Act 1993. An “Application to Install an on-site waste management system” must be submitted and approved by Council prior to the issuing of the construction certificate in relation to the development.

Reason: Statutory requirement

10 PARKING AREAS PAVE AND LINEMARK

All parking and/or loading bays shall be permanently marked out on the pavement surface with loading bays and visitor parking facilities being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of on-site parking and loading/unloading facilities.

Note: If other hard standing, dust free and weather proof surfaces are proposed other than concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.

Reason: Statutory requirement and Public interest

11 PROTECTION OF AIRSPACE OPERATIONS

The proposed development is to be operated so as not to penetrate the Obstacle Limitation Surface or be contra to the Procedures for Air Navigation Systems Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Systems Operations Surface Map for the Bourke Airport. Particular attention is to be taken in relation to ensuring that there is no interference with airport operations caused through the creation of glare or through radio frequency interference.

Reason: To provide for the effective and on-going operation of the Bourke Airport by ensuring that such operation is not compromised by any proposed development.