

Wollongong Local Planning Panel Assessment Report | 7 May 2024

WLPP No.	Item No. 1
DA No.	DA-2023/539
Proposal	Telecommunications facility – construction of 30m monopole, headframe, and ground-based equipment units.
Property	'Kareelah' 522 Marshall Mount Road, MARSHALL MOUNT NSW 2530
Applicant	WAVECONN OPERATIONS PTY LTD
Responsible Team	Development Assessment & Certification – City Wide Planning Team (BB)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP)

The proposal has been referred to the WLPP **for determination** pursuant to clause 3, schedule 2 of the Local Planning Panels Direction for departure to Clause 4.3, Height of Buildings in Wollongong Local Environmental Plan (WLEP) 2009 by more than 10%. The proposal seeks a departure of 333%.

Proposal

The proposal seeks the following:

- Approval for the installation and use of a telecommunications facility, consisting of 30m high monopole, antennas, headframe, and ground base equipment.

Permissibility

The subject site is zoned RU2 Rural Landscape pursuant to Wollongong Local Environmental Plan (WLEP) 2009. Telecommunications Facilities are a permissible use irrespective of zoning pursuant to clause 2.143(2) of the SEPP (Transport and Infrastructure) 2021.

Consultation

Details of the proposal were publicly exhibited in accordance with Council's adopted Community Participation Plan 2019. No Submissions were received.

Internal

Details of the proposal were referred to Council's development engineer, heritage, landscape, geotechnical and environmental officers for assessment. No objections were raised that would warrant refusal of the application, comments and/or recommended conditions were provided.

External

Details of the proposal were sent to Shellharbour City Council who confirmed with a representative from CASA (Civil Aviation Safety Authority) that the structure will not be a hazard to aircraft operations.

Main Issues

- Height
- Heritage impacts

RECOMMENDATION

DA-2023/539 be approved subject to the conditions provided in **Attachment 6**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- State Environmental Planning Policy (Hazards and Resilience) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2023
- Planning for Bushfire Protection 2019
- DPIE – NSW Telecommunications Facilities Guideline, Including Broadband
- Wollongong Community Participation Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal seeks the following:

- Approval for the installation and use of telecommunications facility, consisting of 30m high monopole. Antennas, headframe, and ground base equipment.

Specifically, the development involves:

- The installation of a new 30-metre-high slimline monopole;
- The installation of six (6) future panel antennas on headframe;
- The installation of equipment units to house electrical equipment, and
- The installation of power to the proposed site compound.

The estimated cost of development is \$100,000.



Figure 1: Aerial photographs

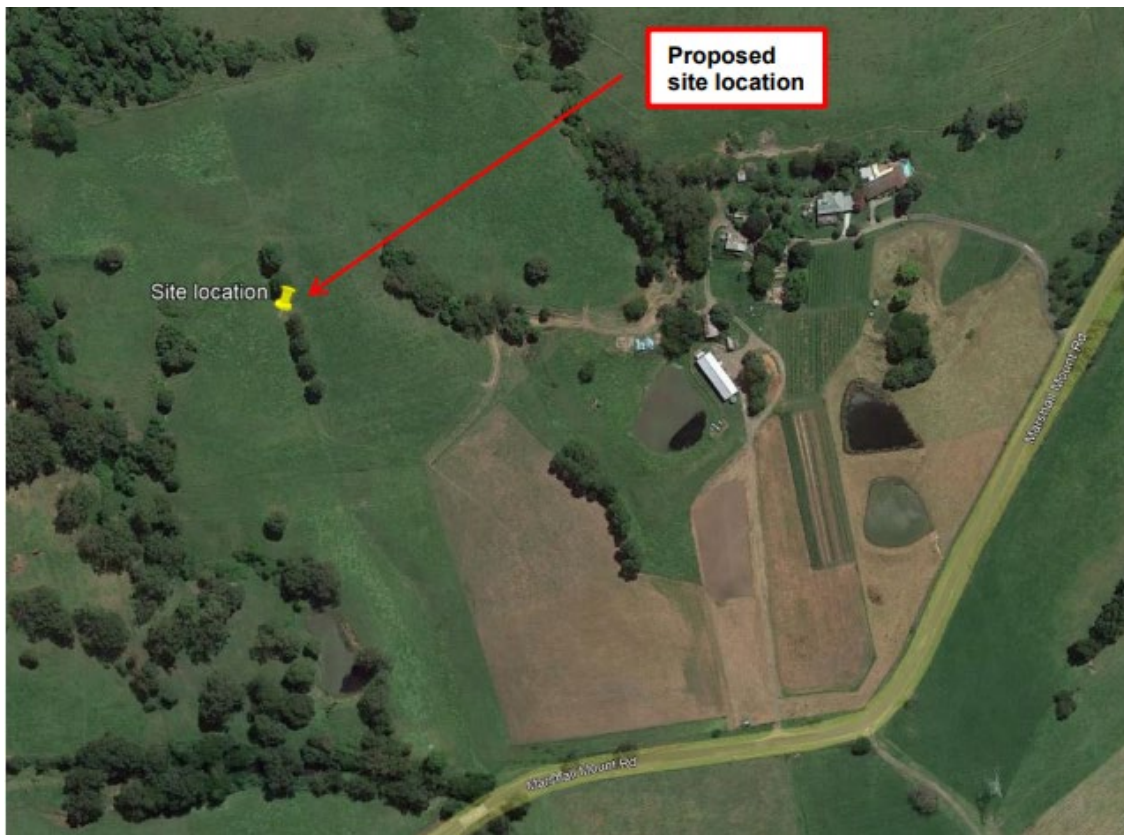


Figure 2: Location of proposed works



Proposed
site location
(beyond)

Image 9: View looking north-east towards proposed site location from Calderwood Road, approximately 1.1km from the site location – Source: Waveconn



Image 10: View looking west towards proposed site location from Marshall Mount Road, approximately 400m from the site location – Source: *Waveconn*

1.3 BACKGROUND

The development history for the site is as follows;

Application Number	Description	Decision	Decision Date
DA-1979/1103	Rural Dwelling	Approved	24-Dec-1979
BA-1979/3340	B/V Dwelling	Approved	10-Jan-1980
DA-1993/256	Addition to carport	Approved	13-May-1993
BA-1993/952	Addition to carport to existing dwelling	Approved	08-Jun-1993
PL-2023/64	Mobile telecommunications base station – monopole and equipment shelter	Completed	16-May-2023
DA-2023/379	Residential – demolition works, tree removal and construction of a dwelling house and retaining walls	Approved	27-Sep-2023

1.4 SITE DESCRIPTION

The site is located at 'Kareelah' 522 Marshall Mount Road MARSHALL MOUNT NSW 2530 and the (Lot 3 DP 2534). The proposed site location is approximately 300m north off Marshall Mount Road, (450m west of the eastern section of Marshall Mount Road) and accessed via the existing access to the property off Marshall Mount Road. The property includes a number of outbuildings and large shed, along with the primary residential dwelling. The property retains a rural-residential feel, with large open spaces, significant stands of mature vegetation, including the row of trees that is the subject area for this proposal.

The site is typical of other properties in the greater surrounding area, being predominately large land holdings, comprising a residential dwelling, outbuildings, sheds, and often an agricultural or rural use being undertaken on the property. The density of current residential dwellings is low, with sparsely located residences within the surrounding locality of the proposed site location.

Property constraints

- Unstable land: Council's geotechnical officer has reviewed studies for the general area and notes that there is no slope instability mapped in this vicinity. Studies for the area show very stiff, medium to high plasticity residual clays with bedrock around 3m in depth. The referral is assessed as satisfactory without submission of geotechnical advice. However, the structural designer will likely require advice to support foundation design.
- Bushfire affected: The applicant included a bushfire report to accompany the application. To satisfy the relevant specifications and requirements of Planning for Bush Fire Protection 2019, a number of recommendations were made by the applicant's bushfire consultant. Additional protection measures have been applied where considered necessary. These are enforced through standard conditions of consent.
- Flood affected land: The proposed tower location is outside of the mapped PMF flood extents. Council's engineer raises no objection to the proposal.
- Illawarra Escarpment: The proposed facility will not have negative adverse impacts on natural features and the environment of the Illawarra Escarpment and incorporates conservation measures.

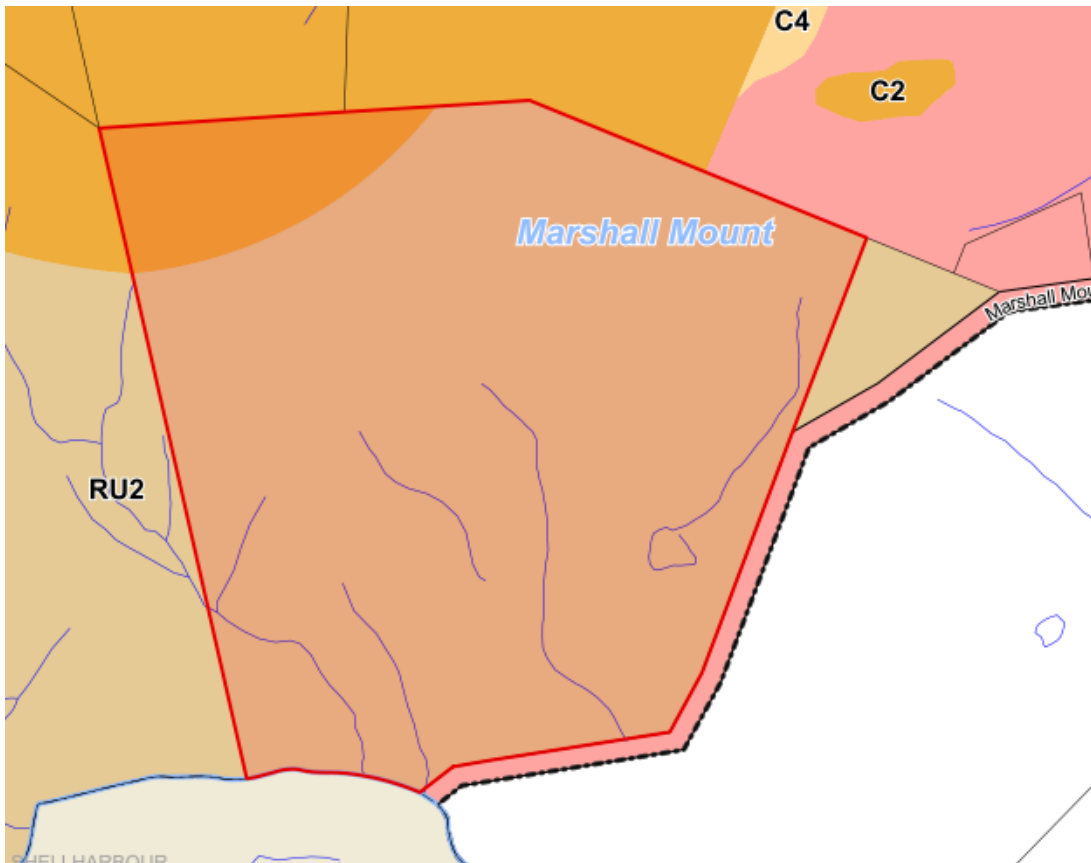


Figure 3: WLEP 2009 zoning map

1.5 SUBMISSIONS

The application was exhibited in accordance with Wollongong Community Participation Plan 2019. No submissions were received

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Details of the proposal were referred to Council's development engineer, heritage, landscape, geotechnical and environmental officers for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided

1.6.2 EXTERNAL CONSULTATION

Details of the proposal were referred to Shellharbour City Council pursuant to clause 7.9 of WLEP 2009. Advice provided was that the tower will not be a hazard to aircraft operations for either a code 2 or 3 aerodrome OLS with no marking or lighting of the structure required.

2 OTHER LEGISLATION

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents, and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (ie. less than 1 hectare minimum lot size).

No native vegetation is proposed to be cleared for the development.

3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

3.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

3.1.1 STATE ENVIRONMENTAL PLANNING POLICY (HAZARDS AND RESILIENCE) 2021

4.6 Contamination and remediation to be considered in determining development application.

(1) A consent authority must not consent to the carrying out of any development on land unless—

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational, or childcare purposes, or for the purposes of a hospital—and—*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Council records do not indicate any historic use that would contribute to the potential contamination of the site and the land is not identified as being contaminated on Council's land mapping system. The application does not propose a change of use. Councils' environment officer has reviewed the

proposal and no concerns are raised regarding contamination as relates to the intended use of the land such that the consent authority can be satisfied the requirements of clause 4.6 have been satisfied. Under the precautionary principle an unexpected finds protocol condition has been included as **Attachment 6**.

3.1.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 4 Koala habitat protection 2021

The State Environmental Planning Policy (Biodiversity) 2021 applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

4.9 Development assessment process—no approved koala plan of management for land

There is no approved koala plan of management applying to the land, and the land does not have an area of at least 1 hectare (including adjoining land within the same ownership). As such, Clause 4.9 does not apply to the land.

3.1.3 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Division 21 Telecommunications and other communication facilities.

As the proposed development is not being undertaken by a public authority, development consent is required to be obtained. Subject to Section 2.143(1) of the SEPP, development for the purposes of a telecommunications facility may be carried out by any person with consent on any land.

Pursuant to Section 2.143(2) of the SEPP, the consent authority must take into consideration the Department of Planning and Environments publication, NSW Telecommunications Facilities Guideline, including broadband. The development is assessed as being consistent with the guideline.

An assessment table in which the development is considered against the Telecommunications Facilities Guideline, including Broadband is provided as at **Attachment 4**.

3.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Telecommunications facility means –

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole, or other structure in connection with telecommunications network, or
- (c) any other thing used in or in connection with telecommunications network.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned ***RU2 – Rural Landscape***

Clause 2.3 – Zone objectives and land use table

The objectives of the zone RU2 Rural Landscape are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To encourage the retention, management, or restoration of native vegetation.*

The proposed telecommunications facility use generally satisfies the above objectives for Zone RU2 Rural Landscape. As previously discussed, the proposed telecommunications facility is a permissible use irrespective of zoning pursuant to clause 2.143(2) of the SEPP (Transport and Infrastructure) 2021.

Part 4 Principal development standards

Clause 4.3 Height of buildings

This clause prescribes a maximum height of 9 metres for the Site, as shown on the Height of Buildings Map. The proposal has a maximum overall height of 30m. The applicant proposes a contravention to Clause 4.3 Height of Buildings development standard that applies to the site. The development standard limits buildings/structures to a maximum height of 9m.

The development will have maximum height of 30 metres measured to the top of the headframe, attached to the monopole, which exceeds the development standard by 21 Metres, representing a 333% variation.

The extent of the contravention is illustrated in the proposed plans, with an extract of the plans shown in the below figure.

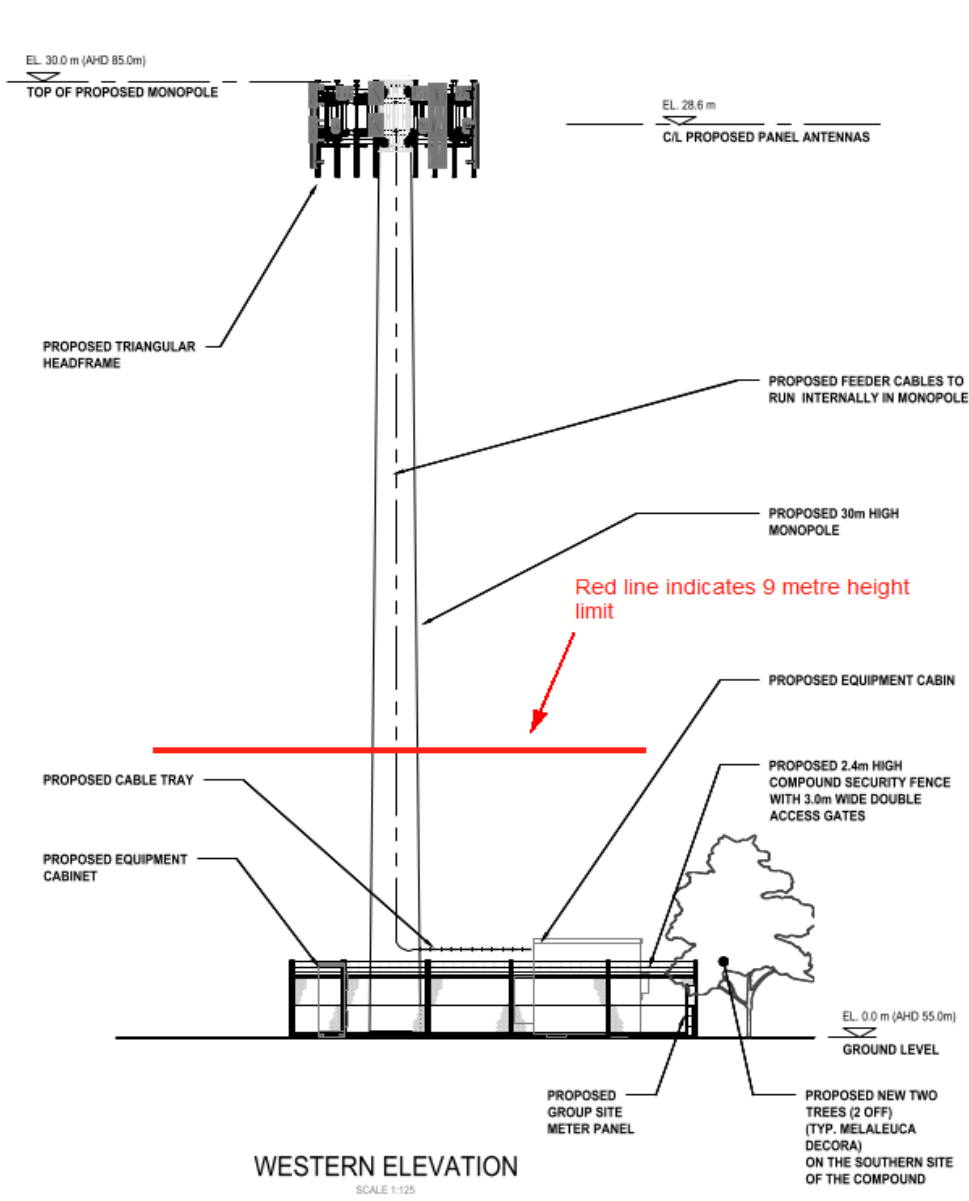


Figure 4: height contravention extract

Clause 4.4 Floor space ratio

The proposed development does not comprise additional gross floor area to the site.

Clause 4.6 Exceptions to development standards

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 4.3 Height of Buildings 9 metres The proposal has a maximum height of 30 metres
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Yes, the applicant's request contains this justification as provided at Attachment 5 .
that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes, the applicant's request contains this justification shown at Attachment 5 . It is requested that Council consider the following justifications: <ul style="list-style-type: none">• There is an established community need for the improved mobile coverage in this location and there is a technical requirement for telecommunications facilities to protrude above the surrounding environment to function correctly. The applicant also outlined key environmental planning grounds in particular to the proposed development site and context noting that;• The proposal retains significant merit from a public benefit perspective and warrants approval.• The proposal is within the public interest.• There is a demonstrated need for the proposed infrastructure in the area.• The proposal is carried out in accordance with the objectives outlined in the Department of Planning and Environments publication and SEPP (Transport and Infrastructure) 2021, that allow development for the purposes of a telecommunications facility on any land, with consent (refer to statement of environmental effects).• The environmental impact assessment undertaken pursuant to section 4.15 of

	<p>the EPA Act 1979 has determined that the proposal would not cause any significant environmental impact and would have minimal impact upon the amenity of the area (refer to Statement of Environmental Effects).</p>
<p>4.6 (4) (a) Consent authority is satisfied that:</p>	
<p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>The statement submitted by the applicant (Attachment 5) adequately addressed the matters required to be demonstrated, in that compliance to the development standard is unnecessary or unreasonable in the circumstances of the case. In demonstrating that there are sufficient planning grounds the statement appropriately provides reasons that are specific to the site.</p> <p>The development standard contravention is supported for the following reasons;</p> <ul style="list-style-type: none"> • The facility will improve the capacity for networks in the area, relieving congestion on existing base stations in the surrounding districts. This will result in more reliable network coverage for residents and businesses, as well as emergency services. • A 30m monopole is required at this location, based on the area the site must cover. There are precedents for telecommunications facilities to exceed the height limit. • The bulk and scale of the proposed development will not have an adverse impact on this area as it is sited with a large RU2 Rural Landscape allotment. • The site is well separated from sensitive community development as far as practical. The siting of the structure is located in between a number of trees which act as a buffer from the main thoroughfare of Calderwood offsetting the structures visual impact. • The proposal will have minimal environmental impact. It will not require significant ground works. • The contravention of the development standard does not cause unacceptable privacy or overshadowing impacts for residents of surrounding properties.
<p>(ii) the proposed development will be in the public interest.</p>	<p>While the proposal departs from the height standard, the environmental planning grounds</p>

because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

put forward by the applicant are considered supportable. It is considered that compliance with the development standard would be unreasonable and unnecessary in this instance, council is satisfied that:

- The applicant written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of WLEP 2009, and
- The development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives/controls outlined in the DPIE publication.

The objectives stipulated in Clause 4.3; Height of buildings are as follows;

- a) To establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- b) To permit building heights that encourage high quality urban form,*
- c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.*

Objective (a) is declaratory, or overarching, in nature. The development does result in an exceedance to floor space ratio. The structure is, although tall is sympathetic and will blend into the natural landscape. The immediate surrounding land consists of trees up to a maximum height of 25 metres. The height of the structure will be no different with a slimline pole. The structure will not impact on surrounding buildings as the locality is rural landscape. The proposed development has been positioned to avoid community sensitive land uses.

The objectives of an RU2 Rural Landscape zone are as follows;

- a) To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- b) To maintain the rural landscape character of the land.
- c) To provide for a range of compatible land uses, including extensive agriculture.

	<p>d) To encourage the retention, management, or restoration of native vegetation</p> <p>The facility would encourage primary industry to the area through enhanced connectivity as well as maintaining its character as a result. Council is satisfied that the construction of the facility is minor and can still enable compatible land uses to be carried out within the zone.</p>
(b) the concurrence of the Secretary has been obtained.	The WLPP can assume the Secretary's concurrence as the consent authority.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

The proposed development site is not heritage listed or subject to direct heritage considerations, though it is located within the Illawarra Escarpment and in the vicinity of a known Aboriginal site located on the adjacent property. Council's Heritage officer initially requested additional information with respect to a due diligence assessment, however since that has been provided the proposal is considered satisfactory with regard to heritage issues subject to the recommendations and conclusions of the Due Diligence Assessment report being implemented, including an unexpected finds protocol.

Clause 5.21 Flood planning

The subject land is identified as being flood hazard affected. Council's Development Engineer has assessed the application submission in this regard and has not raised any objections subject to conditions.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The proposal has been assessed against Clause 7.1 of WLEP2009 and the subject site is already serviced by public utilities. The structure can be appropriately serviced.

7.4 Riparian land

The Riparian Land Map indicates the site contains riparian land. This is in the form of category 1 and 2 watercourse. Council's Environment Officer has reviewed the application in this regard and has not raised any objections subject to appropriate conditions of consent.

Clause 7.6 Earthworks

The application has been assessed against the requirements of this clause with respect to the earthworks carried out to facilitate the base of the structure. It is expected that the structure will involve minimal ground works and council's development engineer is satisfied that the earthworks will not have a detrimental impact environmental functions and processes, neighbouring uses or heritage items and features surrounding land. Given the land is mapped as potentially unstable, the structural designer will likely require geotechnical advice to support foundation design which is suitably conditioned.

7.8 Illawarra Escarpment area conservation

The site is located within the Illawarra Escarpment Area. The application was accordingly referred to Council's Environment Officer for comment. No objections were raised subject to appropriate conditions of consent.

Clause 7.9 Airspace operations

The site is located within the Illawarra Regional Airport OLS and is within the Conical Surface. For development to penetrate this surface it would need to be between an AHD of RL 52-127.

The proposed structure has a maximum height of 84 AHD.

The applicant sought comments from the relevant Commonwealth body prior to lodgement of the applications submission to council, being Illawarra Regional Airport and CASA (Civil Aviation Safety Authority).

Referral advice was also provided from Shellharbour Airport advising that Illawarra Regional Airport have no concerns with the application as the proposed development has been considered at a height of 84m AHD.

The structure is not runway aligned and shielded by the escarpment behind, CASA has advised the tower will not be a hazard to aircraft operations for either a code 2 or 3 aerodrome OLS with no marking or lighting of the structure required.

3.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

N/A

3.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

3.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009. Compliance tables are presented at **Attachment 3**.

3.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is \$100,000 and a levy of 1% is only applicable under this plan if the threshold value is > \$100,000.

3.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development

3.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

Not Applicable.

93 Fire safety and other considerations

Not applicable

94 Consent authority may require buildings to be upgraded

Not Applicable.

3.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

The proposal is acceptable with regard to the likely impacts. There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- No submissions were received following notification.
- Internal and external referrals are satisfactory subject to appropriate conditions of consent

3.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

The proposal is appropriate with regard to the zoning of the site and is not expected to result in negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

3.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

Details of the proposal were publicly exhibited in accordance with Wollongong Community Participation Plan 2019. No submissions were received.

3.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The proposal is not expected to result in unreasonable impacts on the environment or the amenity of the locality. It is appropriate with consideration to the zoning objectives and the character of the area and is therefore in the public interest.

4 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provision of the relevant State Policies, Wollongong Local Environmental Plan 1979, the provisions of the relevant State policies, Wollongong Local Environmental Plan 2009, and all relevant Council DCP's, Codes and Policies.

The proposed development is permitted with consent pursuant to the SEPP (Transport and Infrastructure) 2021 and the design of the development is appropriate regarding controls stipulated in the DPIE publication.

The proposal requests a departure to the development height standard of WLEP2009 which is capable of support.

The proposed development has been designed appropriately given the characteristics and constraints of the site and will not result in significant adverse impact on the character and amenity of the surrounding area.

5 RECOMMENDATION

DA-2023/539 be approved pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions provided at **Attachment 6**.

6 ATTACHMENTS

- 1 Architectural Plans
- 2 Site Inspection Photos
- 3 Compliance table for Wollongong Development Control Plan 2009
- 4 Telecommunications Facilities Guideline Assessment table

- 5 Clause 4.6 written request
- 6 Conditions

DATE OF ISSUE	29.09.2021	22.11.2022	11.05.2023	08.12.2023	15.12.2023	22.03.2024				
DRAWING PACKAGE VERSION	1	2	3	4	5	6				

GENERAL DRAWINGS

AN2156-002-P1	DRAFT SITE PLAN	A-1	B-1	C-1	D-1	E-1	F-1			
AN2156-002-P2	DRAFT SITE SETOUT PLAN	A-1	B-1	C-1	D-1	E-1	F-1			
AN2156-002-P3	DRAFT SITE ELEVATION	A-1	B-1	C-1	D-1	E-1	F-1			

CALDERWOOD

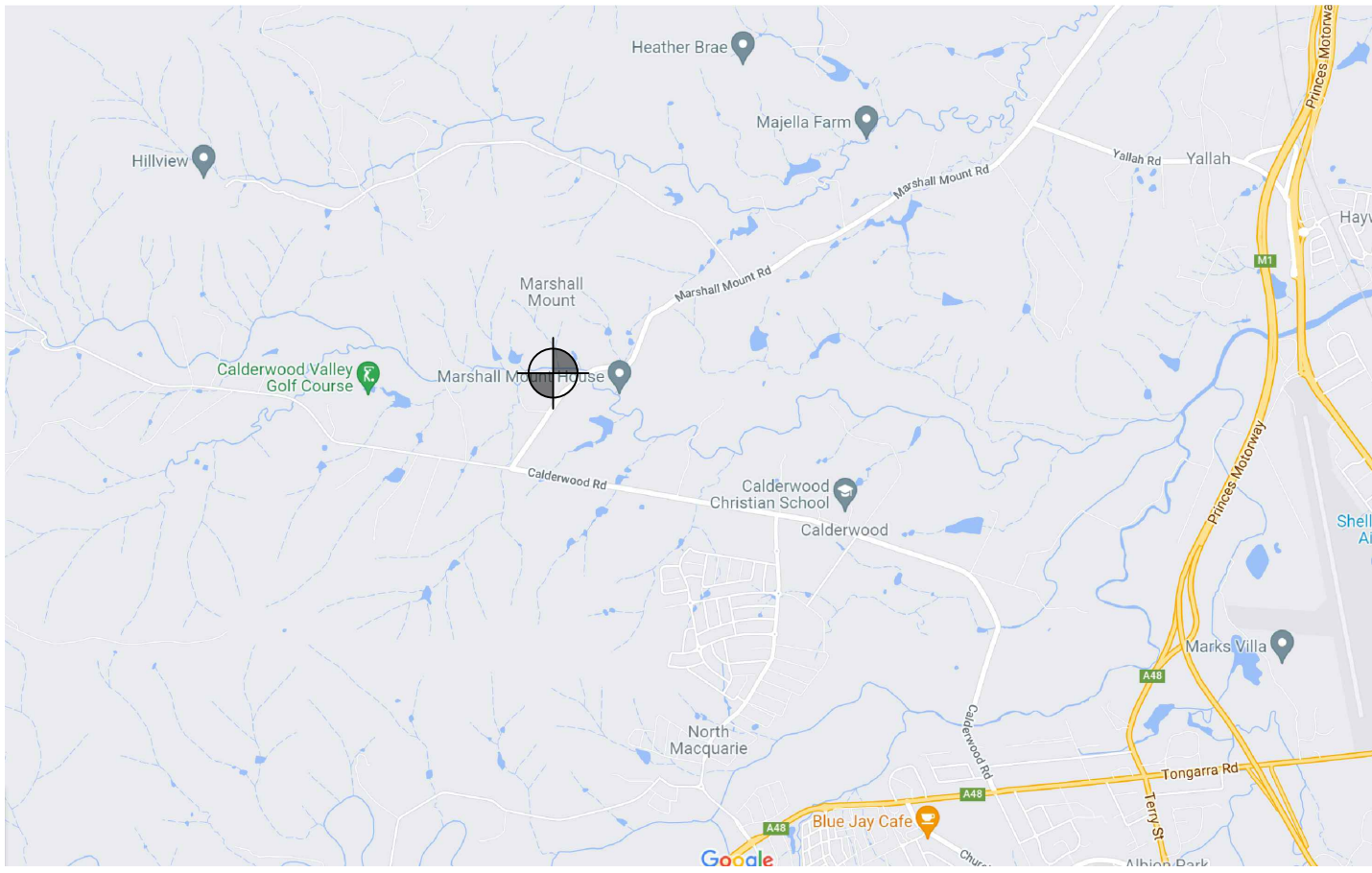
522 MARSHAL MOUNT ROAD,
MARSHALL MOUNT,
NSW 2530

SITE ID: AN2156-002



waveconn

City West Office Park
Suite 3.02, Level 3, Building B
33-35 Saunders Street, Pyrmont, NSW 2009
www.waveconn.com



LOCALITY PLAN
NOT TO SCALE

FOR APPROVAL

DRAWING No.
AN2156-002 - 00



PROPOSED INSTALLATION AND LEASE AREA (HATCHED)

PROPOSED NEW TWO TREES (2 OFF) (TYP. MELALEUCA DECORA) ON THE SOUTHERN SITE OF THE COMPOUND

PROPERTY BOUNDARY

EXISTING OH POWER LINES

NOTES:

1. TREES NUMBERED PRE ABORIST REPORT
2. TREES 1-10- RADIATA PINE (PINUS RADIATA)

- TREE 10
- TREE 9
- TREE 8
- TREE 7
- TREE 6
- TREE 5
- TREE 4
- TREE 3
- TREE 2
- TREE 1

LOT 3 DP2534

MARSHALL MOUNT RD

EXISTING BUILDINGS

PROPOSED SITE ACCESS

PROPOSED POWER CONNECTION ROUTE

EXISTING HV POWERLINES & EASEMENT

EXISTING BUILDINGS

NOTES:
1. PROPOSED POWER ROUTE SHOWN INDICATIVELY ONLY AND IS SUBJECT TO POWER AUTHORITY DESIGN & APPROVAL.

SITE PLAN

SCALE 1:2500

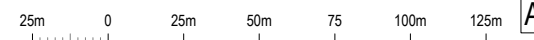
REVISION	DATE	REVISION DESCRIPTION	DRAWN	DESIGNED	APPROVED
F-1	22.03.2024	ISSUED FOR APPROVAL	EW	EW	MH
E-1	15.12.2023	ISSUED FOR APPROVAL	EW	EW	MH
D-1	08.12.2023	ISSUED FOR APPROVAL	EW	EW	MH
C-1	11.05.2023	ISSUED FOR APPROVAL	EW	EW	MH
B-1	22.11.2022	ISSUED FOR APPROVAL	EW	EW	MH
A-1	29.09.2021	ISSUED FOR APPROVAL	EW	EW	MH

City West Office Park
Suite 3.02, Level 3, Building B
33-35 Squanders Street, Pymont, NSW 2009
www.waveconn.com

AN2156-002
CALDERWOOD
522 MARSHAL MOUNT ROAD, MARSHALL MOUNT, NSW
2530

TITLE: DRAFT SITE PLAN		
DRAWING STATUS: FOR APPROVAL	DRAWING No. AN2156-002 - P1	REVISION F-1

SCALE 1 : 2500 AT A3





DATUM POINT	GDA94 COORDINATES	
	LATITUDE	-34.54656
	LONGITUDE	150.737736

PROPOSED CABLE TRAY

12000 LEASE AREA
+ COMPOUND AREA

PROPOSED EQUIPMENT
CABINET

PROPOSED INSTALLATION
AND LEASE AREA (144m²)
(HATCHED)

PROPOSED 30m HIGH MONOPOLE
WITH TRIANGULAR HEADFRAME

PROPOSED CABLE TRAY

PROPOSED EQUIPMENT CABIN

PROPOSED 2.4m HIGH
COMPOUND SECURITY
FENCE

PROPOSED GROUP SITE
METER PANEL FLUSH
MOUNTED WITH FENCE

PROPOSED 3.0m WIDE
DOUBLE ACCESS GATES

FIBRE PIT

PROPOSED NEW TWO TREES
(2 OFF)
(TYP. MELALEUCA DECORA)
ON THE SOUTHERN SITE OF
THE COMPOUND

ELECTRICAL PIT

SITE SETOUT PLAN

SCALE 1:75

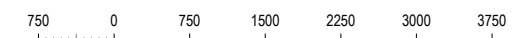
REVISION	DATE	REVISION DESCRIPTION	DRAWN	DESIGNED	APPROVED
F-1	22.03.2024	ISSUED FOR APPROVAL	EW	EW	MH
E-1	15.12.2023	ISSUED FOR APPROVAL	EW	EW	MH
D-1	08.12.2023	ISSUED FOR APPROVAL	EW	EW	MH
C-1	11.05.2023	ISSUED FOR APPROVAL	EW	EW	MH
B-1	22.11.2022	ISSUED FOR APPROVAL	EW	EW	MH
A-1	29.09.2021	ISSUED FOR APPROVAL	EW	EW	MH

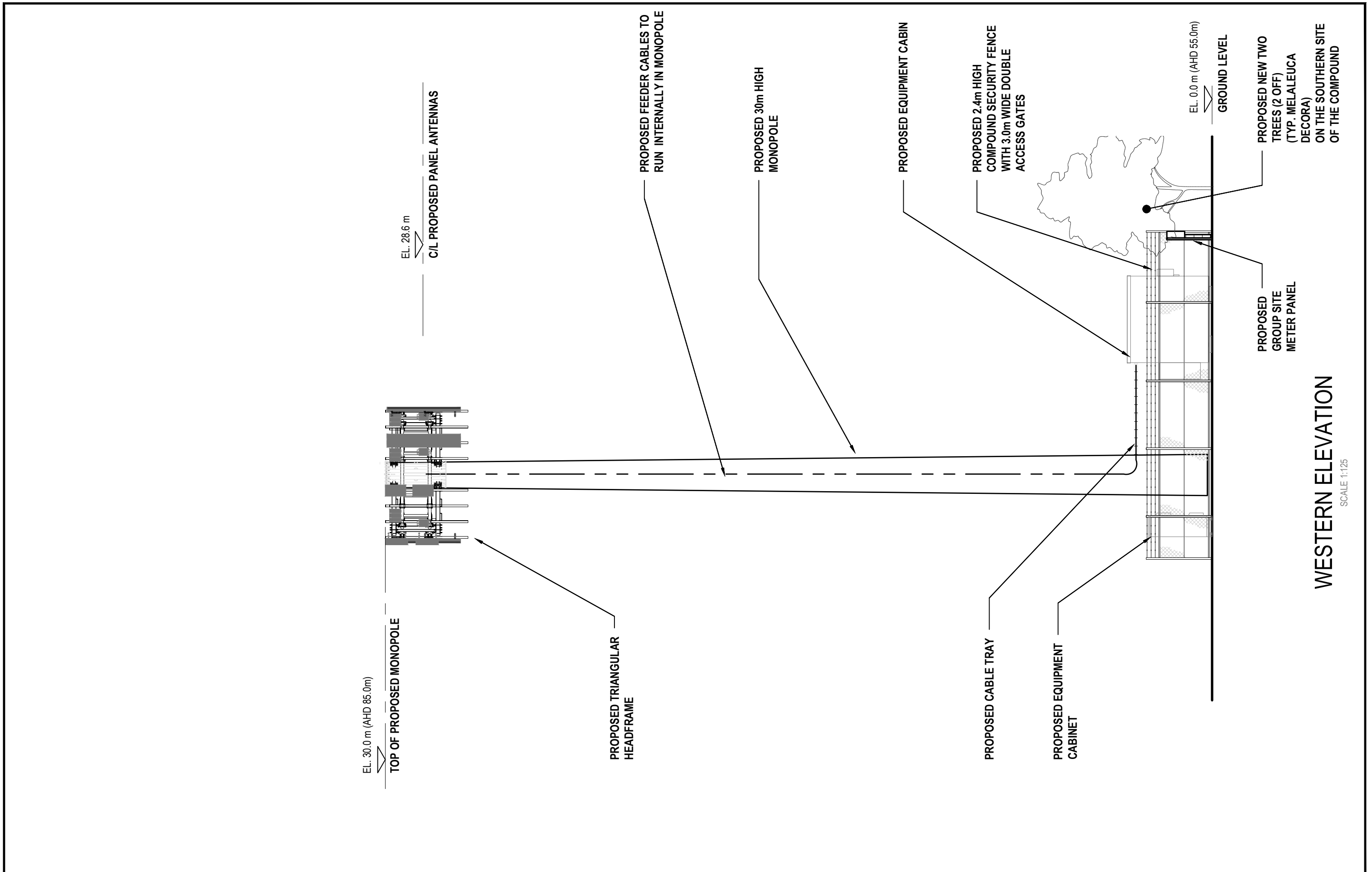
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TITLE : DRAFT SITE SETOUT PLAN		
DRAWING STATUS : FOR APPROVAL	DRAWING No. AN2156-002- P2	REVISION F-1

SCALE 1 : 75 AT A3





F-1	22.03.2024	ISSUED FOR APPROVAL	EW	EW	MH
E-1	15.12.2023	ISSUED FOR APPROVAL	EW	EW	MH
D-1	08.12.2023	ISSUED FOR APPROVAL	EW	EW	MH
C-1	11.05.2023	ISSUED FOR APPROVAL	EW	EW	MH
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522 MARSHAL MOUNT ROAD, MARSHALL MOUNT, NSW
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TITLE : DRAFT SITE ELEVATION		
DRAWING STATUS : FOR APPROVAL	DRAWING No. AN2156-002- P3	REVISION F-1

EROSION AND SETTLEMENT CONTROL

E1 PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

AVOID STRIPPING AND EXCAVATING UNTIL READY TO BUILD.
 ESTABLISH A SINGLE STABILISED ENTRY/EXIT POINT (SHAKEDOWN AREA).
 INSTALL SEDIMENT FENCES.
 INSTALL ON SITE WASTE RECEPTACLES (eg. MINI SKIPS, BINS AND WINDPROOF LITTER RECEPTORS).

E2 BULK EARTHWORKS

TOPSOIL SHOULD BE STOCKPILED ON SITE FOR LATER USE.
 WHERE PRACTICAL MAINTAIN KERB VEGETATION IN A HEALTHY STATE DURING THE CONSTRUCTION PROCESS.
 WHEN UPSTREAM WATER IS DIVERTED AROUND A WORK SITE, WHERE PRACTICABLE, WATER SHALL BE DISCHARGED AS SHEETFLOW THROUGH AN UNDISTURBED AREA BESIDE THE BUILDING.

E3 SERVICE TRENCHES

TO AVOID UNNECESSARY SOIL EROSION, SERVICE TRENCHES SHOULD BE BACK FILLED, CAPPED AND COMPACTED TO A LEVEL AT LEAST 75-100mm ABOVE THE ADJOINING SURFACE LEVEL.
 ALL UNDERGROUND DRAINAGE TO BE INSTALLED PRIOR TO ERECTION OF THE BUILDING.
 ALL DOWNPIPE CONNECTION STUBS TO BE CAPPED UNTIL ATTACHMENT TO THE THE DOWNPIPES.

E4 BUILDING OPERATIONS

BUILDING OPERATIONS SUCH AS THE WASHING OF TOOLS AND PAINTING EQUIPMENT, AND THE CUTTING OF BRICKS, TILES OR MASONRY SHOULD BE DONE WITHIN THE PROPERTY BOUNDARIES. WHERE PRACTICABLE, CUTTING OF BRICKS, TILES OR MASONRY SHOULD BE DONE ON A PERMEABLE SURFACE (eg. GRASS, INFILTRATION TRENCHES OR LOOSENED SOIL) WHERE POLLUTANTS CAN BE CONTAINED ON SITE. THIS ESPECIALLY APPLIES TO WATER COOLED CUTTING EQUIPMENT THAT CAN GENERATE SIGNIFICANT QUANTITIES OF POLLUTED WASTEWATER.

ERODABLE MATERIAL MISTAKENLY PLACED WITHIN THE ROAD RESERVE (INCLUDING ACCIDENTAL SPILLAGE AND TRACKING OF SUCH MATERIALS ONTO THE ROAD) THAT CANNOT BE PREVENTED THROUGH REASONABLE MEANS SHALL BE:

1. REMOVED IMMEDIATELY IF RAINFALL IS IMMINENT OR OCCURRING .
2. REMOVED PRIOR TO THE END OF THE DAYS WORK IF RAINFALL IS NOT EXPECTED.

MATERIALS SHOULD BE SWEEP FROM THE ROAD NOT WASHED DOWN THE GUTTER.
 ALL SOLID WASTE SHOULD BE STORED ON SITE IN SUCH A MANNER THAT IT IS PREVENTED FROM LEAVING THE SITE EITHER BY THE ACTION OF WIND OR WATER.

SMALLER MATERIALS, SUCH AS LITTER SHOULD BE CONTAINED IN COVERED BINS OR LITTER TRAPS FORMED ON THREE SIDES BY A GEOTEXTILE WIND BREAKER.

CONCRETE WASTE OR PERMANENT DOWNPIPES SHOULD BE INSTALLED PRIOR TO THE FRAME INSPECTION AND IMMEDIATELY AFTER THE ROOF IS LAID.

E5 SITE REHABILITATION

ALL GROUND DISTURBED BY THE BUILDING ACTIVITY SHALL BE PROMPTLY AND PROGRESSIVELY STABILISED SO IT CAN NO LONGER ACT AS A SOURCE OF SEDIMENT.

TO MINIMISE UNNECESSARY SOIL LOSS, MULCH SHOULD BE APPLIED TO OPEN GARDEN BEDS.
 MULCH PLACED AT A DEPTH OF 75-100mm WILL ASSIST IN PLANT ESTABLISHMENT AND WATER LOSSES.

E6 STOCKPILES

STOCKPILES ARE NOT TO BE STORED ON THE FOOTPATH OR ROAD RESERVE UNLESS APPROVED BY LOCAL AUTHORITIES.

WHERE NECESSARY STOCKPILE LOSSES CAN BE MINIMISED WITH THE USE OF COVERS.

ALL STOCKPILES AND BUILDING MATERIALS SHOULD BE LOCATED WITHIN THE SEDIMENT CONTROL ZONE.

TO MINIMISE EROSION AND THE LOSS OF SAND AND SOIL, STOCKPILES SHOULD NOT BE RELOCATED WITHIN AN OVERLAND FLOW PATH. IF IT IS IMPRACTICAL TO AVOID STORMWATER RUNOFF BEING DIRECTED TO A STOCKPILE, THEN A PERIMETER BANK SHOULD BE CONSTRUCTED UP SLOPE OF THE STOCKPILE TO DIRECT RUNOFF IN A CONTROLLED MANNER AROUND THE STOCKPILE.

E7 SEDIMENT BARRIERS

SEDIMENT FENCE: INSTALL SEDIMENT FENCE(S) ALONG THE LOW SIDE OF THE SITE, AND IDEALLY ALONG A LINE OF CONSTANT LAND LEVEL TO PREVENT THE CONCENTRATION OF STORMWATER RUNOFF. IN AREAS WHERE IT IS EITHER UNDESIRABLE OR IMPRACTICAL TO BURY THE LOWER EDGE OF THE SEDIMENT FENCE, THE LOWER 200mm MIN. PORTION OF THE FABRIC SHOULD BE LAID ON THE GROUND UP SLOPE OF THE FENCE AND BURIED UNDER A 100mm MIN. LAYER OF AGGREGATE.

FIELD INLET GULLIES: SEDIMENT CONTROLS FOR STORMWATER INLETS LOCATED WITHIN THE PROPERTY BOUNDARIES MAY CONSIST OF GEOTEXTILE FABRIC PLACED EITHER DIRECTLY OVER THE GRATED INLET OR AROUND THE INLET SUPPORTED BY TIMBER FRAME. FIELD INLET PROTECTION IS NECESSARY WHERE INLET DRAIN AREAS OF BARE AND UNPROTECTED SOIL. DURING STORMS, PONDING SHOULD BE ALLOWED TO OCCUR AROUND THE STORMWATER TO ASSIST IN THE SETTING OF SEDIMENT.

PAVEMENT INLET GULLY: A ROADSIDE INLET BARRIER IS TO BE INSTALLED, SO THAT IT SHOULD NOT/BE ALLOWED TO FULLY BLOCK THE INLET STRUCTURE. ON A HILLSIDE, SEDIMENT BARRIERS MAY CONSIST OF A TEMPORARY DAM CONSTRUCTED FROM SAND AND GRAVEL BAGS AT LEAST 4 METERS UP SLOPE FROM THE GULLY INLET.

ROCK CHECK DAMS ARE TO BE SPACED AS DETAILED ON PLANS.


GEOTEXTILE, BIDUM A34 OR SIMILAR TO BE PLACED UNDER ROCK CHECK DAMS.

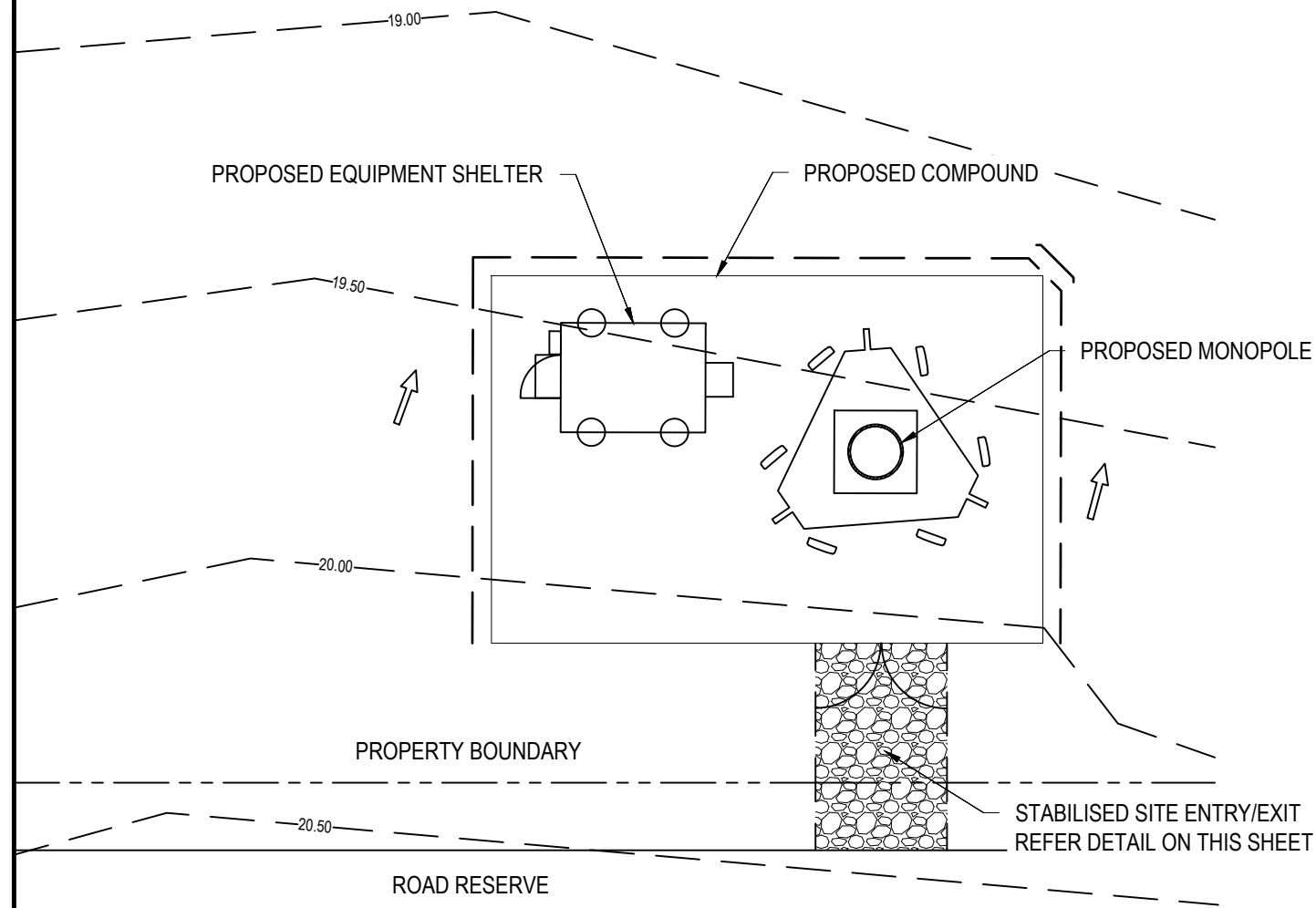
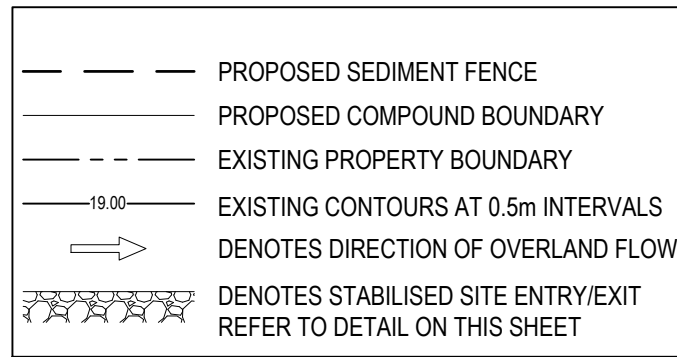
E8 MAINTENANCE

SEDIMENT FENCES SHOULD BE REPLACED IF THE FABRIC IS RIPPED OR OTHERWISE DAMAGED.

THE MAINTENANCE OF THE SEDIMENT FENCES INCLUDES THE REMOVAL OF THE FENCE AND RETRENCHING THE FABRIC WHEN THE FENCE IS 25% FULL.

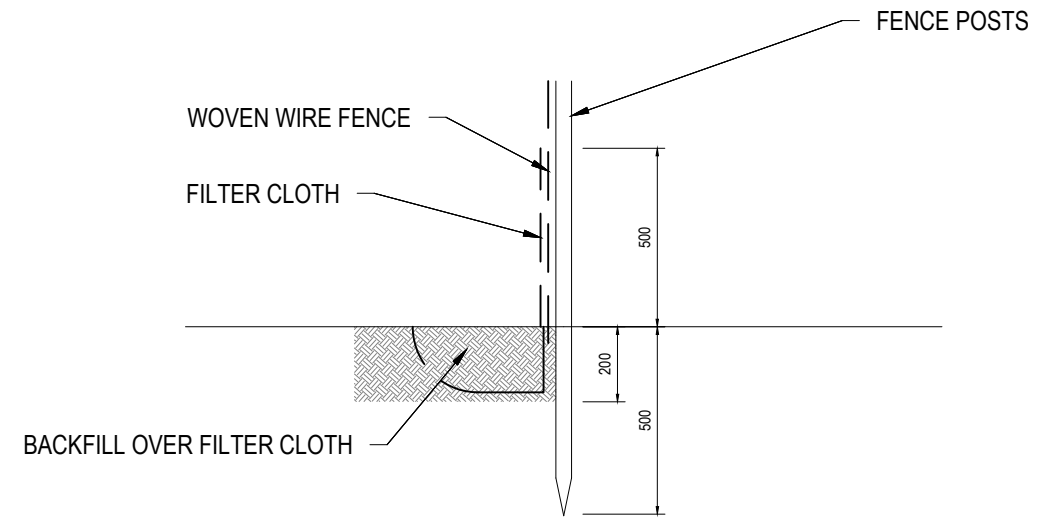
FOLLOWING STORM EVENTS, THE ROAD RESERVE AND ALL SEDIMENT BARRIERS SHOULD BE INSPECTED AND ANY EXCESSIVE SEDIMENT RESIDUE SHOULD BE APPROPRIATELY REMOVED.

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								DRAWING STATUS : FOR APPROVAL	DRAWING No. CD 201.4.1	REVISION C-1



EROSION AND SEDIMENT CONTROL PLAN

SCALE 1:150



TEMPORARY SEDIMENT AND DIVERSION FENCE

SCALE 1:20

ERECTION NOTES:

WOVEN FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES.

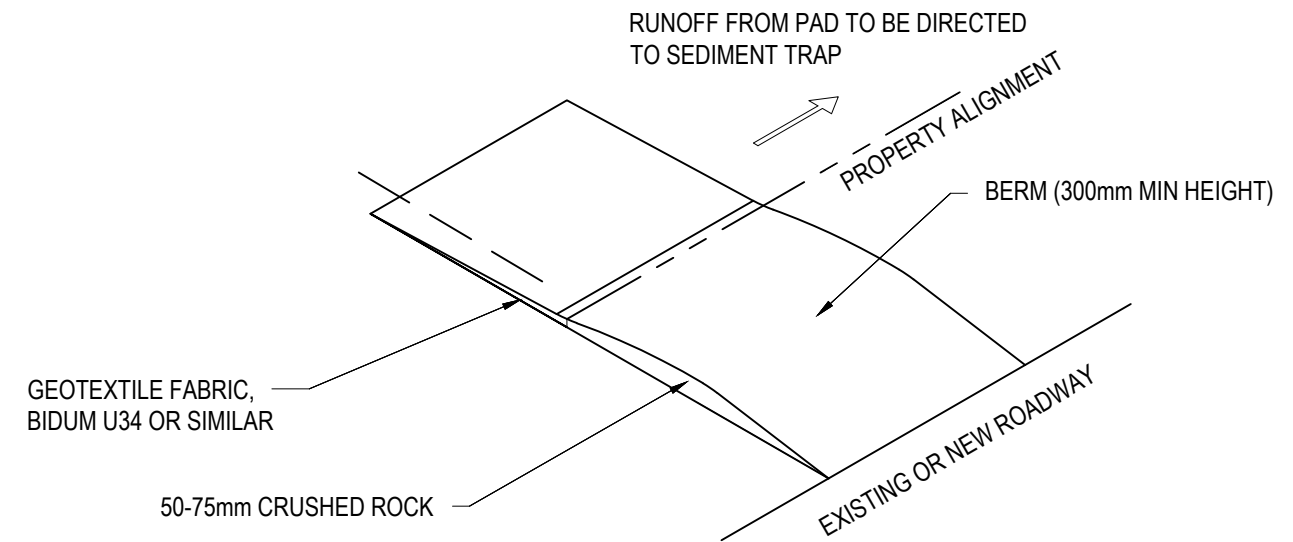
FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 600mm AT TOP OF MID SECTION.

WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 150mm AND FOLDED.

MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN BUILDING OF FENCE OCCURS.

MATERIALS

MATERIAL	TYPE
POSTS	STEEL EITHER 'T' OR 'U' TYPE OR 50mm HARDWOOD
FENCE	WOVEN WIRE 14 GAUGE 150mm MAX APERTURE
FILTER CLOTH	FILTER AS SPECIFIED (TERRAM 100, POLYFELT TS500 BIDIUM U24 OR EQUIVALENT)
PREFABRICATED UNIT	GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT



TEMPORARY STABILISED SITE ENTRY/EXIT (ROCK)

SCALE 1:100

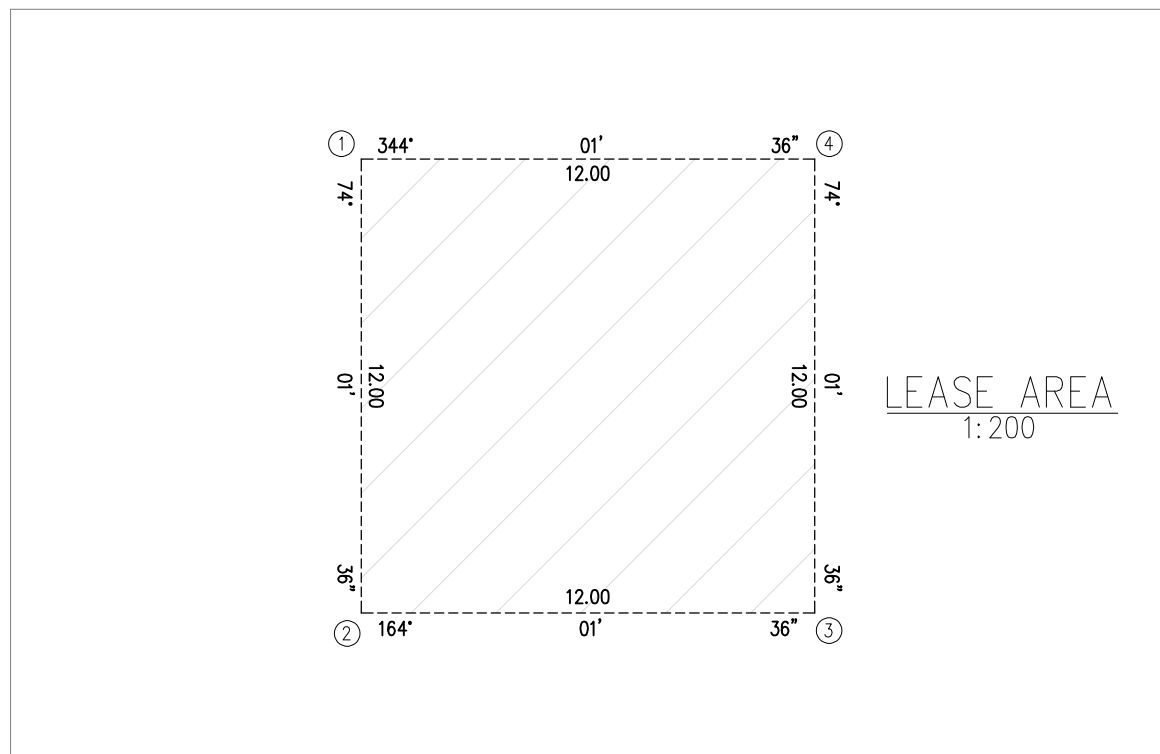
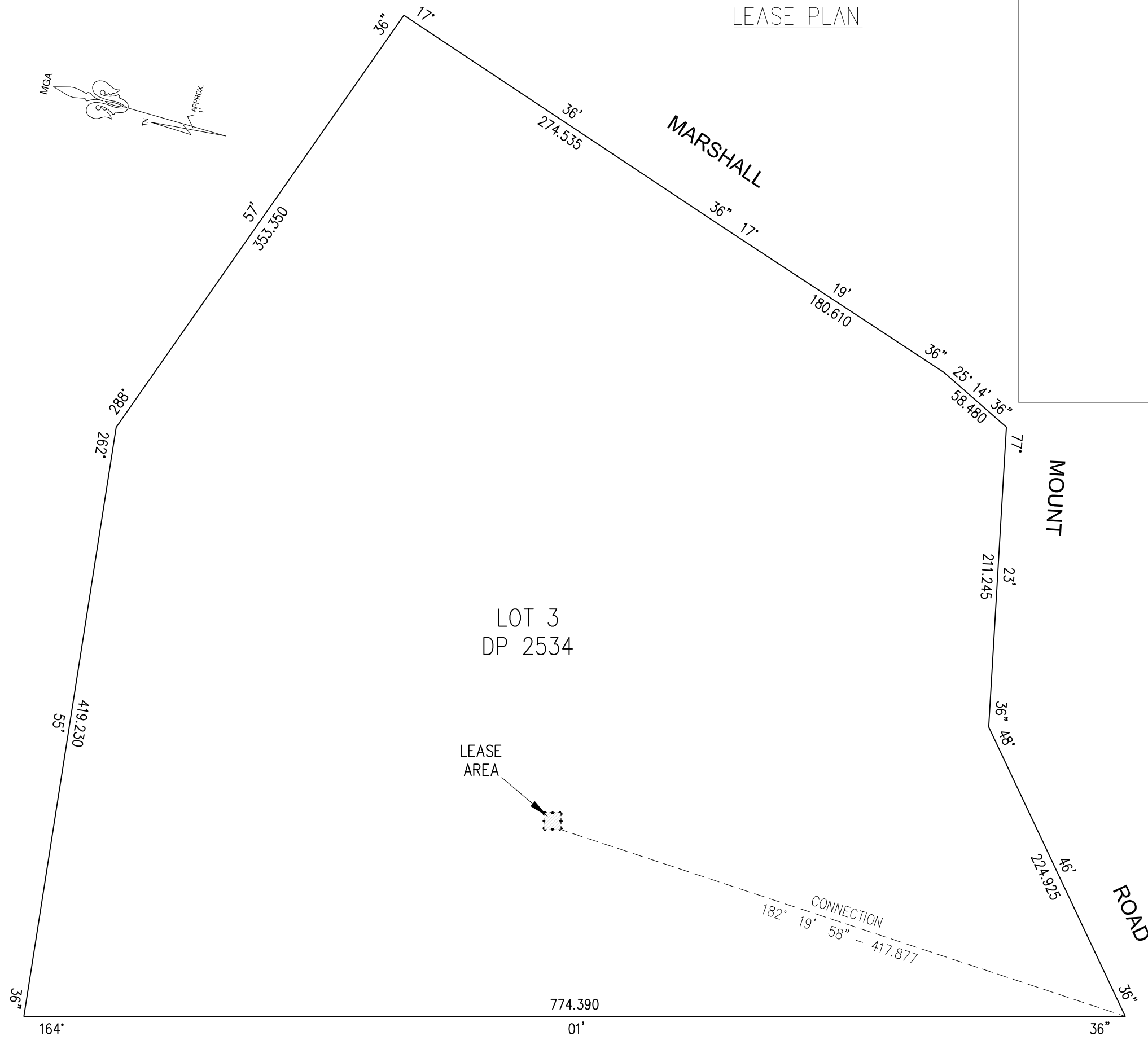
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TITLE: EROSION AND SETTLEMENT CONTROL PLAN - SHEET 2		
DRAWING STATUS: FOR APPROVAL	DRAWING No. CD 201.4.2	REVISION C-1

LEASE PLAN



COORDINATE SCHEDULE			
Pt No.	M.G.A. CO-ORDINATES (ZONE 56)		DESCRIPTION
	EASTING	NORTHING	
①	292427.440	6174931.026	PEG PLACED
②	292416.000	6174927.424	PEG PLACED
③	292419.605	6174916.001	PEG PLACED
④	292431.040	6174919.589	PEG PLACED









CHAPTER B6: DEVELOPMENT IN THE ILLAWARRA ESCARPMENT

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>5 Visual impact assessment</u></p> <ul style="list-style-type: none"> Development will only be supported where the Visual Impact Assessment report demonstrates that a Development Opportunity Envelope is available, and the development will not generate an adverse visual impact upon the scenic environmental quality of the relevant escarpment precinct. In certain cases, the Visual Impact Assessment report and accompany architectural plans must identify any recommended visual impact mitigation measures including additional landscaping treatment, building design measures and / or recommend selective external finishes/materials. 	<p>A detailed visual impact has been provided in section 8 of the SEE. It is accepted that due to the nature of the structure, it will be seen to varying degrees in the surrounding area, and the existing vegetation on the property, the lower portion of the monopole and the ground base equipment will be screened from the surrounding view to many vantage points.</p> <p>The proposed facility will be visible to some degree from surrounding streets such as Calderwood Road and Marshall Mount Road to the South and West. It is noted that views towards the proposed facility from these locations would be intermittent in nature and would not be of the facility in its entirety.</p>	<p>Yes</p>
<p><u>6 Aboriginal heritage</u></p> <ul style="list-style-type: none"> Where a site falls within an “area of potential Aboriginal heritage significance”, prospective applicants are required to undertake a search of Heritage NSW’s Aboriginal Heritage Information Management System (AHIMS) database, in order to determine whether their subject site contains any recorded Aboriginal object and / or Aboriginal place of cultural heritage significance. 	<p>As the proposed site location has been previously disturbed for agricultural and development purposes, it is expected the likelihood of harming an Aboriginal place or object is low. Should any item of Aboriginal Significance be discovered during the excavation or construction works, all works on site would cease and appropriate measures taken. A standard condition</p>	<p>Yes</p>

	of consent will be applied with respect to this.	
	Councils Heritage officer states that the site is in the Vicinity of a known Aboriginal site located on the adjacent property. As such, an Aboriginal Due Diligence assessment has been provided and satisfactorily addresses all of council's concerns	Yes
<u>7 Heritage (European)</u>		
<ul style="list-style-type: none"> It is recommended that applicants obtain a Section 10.7 Planning Certificate from council to confirm whether the subject site contains and item of environmental heritage or is within a heritage conservation area under Schedule 5 of <i>Wollongong Local Environmental Plan 2009</i>. 	The site does not have any known items of environmental heritage.	N/A
<u>8 Threatened species impact assessment</u>		
<ul style="list-style-type: none"> Any required flora and / or fauna impact assessment report shall be prepared in accordance with requirements set out in Wollongong DCP 2009 Chapter E18. 	No disturbance to flora and fauna has been achieved by siting the proposed facility on an area of land that is clear of vegetation. The location of the facility has been slightly amended to decrease fire risk.	Yes
<u>9 Geotechnical / land instability issues</u>		
<ul style="list-style-type: none"> A geotechnical report will be required for the majority of development upon lands within Illawarra Escarpment, except in certain cases where previous geotechnical investigations have conclusively proven that a particular site or locality is 	Geotechnical studies for the general area have been reviewed and note that there is no slope instability mapped in this vicinity. Geotechnical studies for the area show very stiff medium to high plasticity residual clays with bedrock around 3m in depth. A	Yes

not subject to any slope instability impacts.	similar profile is expected for this site. Council is satisfied the proposal addresses land instability.	
<u>10 Subdivision requirements</u>		
N/A		
<u>11 Dwelling and outbuilding design requirements</u>		
N/A		
<u>12 General requirements</u>		
<ul style="list-style-type: none"> Any development must be designed to ensure compliance with the requirements of the Waste Management chapter in Part E 	An assessment has been made against the requirements of this chapter and council is satisfied subject to conditions of consent relating to ongoing waste management	Yes

CHAPTER C17: TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS FACILITIES

It is noted that the proposed telecommunications tower is subject to the NSW Telecommunications Facilities Guideline, Including Broadband and as such an assessment of the proposed Telecommunications against the guideline has been undertaken.

Clause 2.143(2) SEPP (Transport and Infrastructure) 2021 indicates that before determining a development application to which this section applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction, or operating principles for telecommunications facilities.

Given the SEPP guideline covers matters pertaining to health controls, design and construction, co-location, location, and heritage it is determined by council that the proposal is not required to be re-assessed against the requirements of this chapter. The proposal also demonstrates that it satisfactorily addresses the objectives as set out in this chapter of the DCP.

CHAPTER D1 – CHARACTER STATEMENTS

Marshall Mount

The proposal is considered to be consistent with the existing and desired future character for the locality.

CHAPTER E6: LANDSCAPING

The proposal has been assessed in accordance with the requirements of this chapter as the proposed development is located in close proximity to a number of trees. The applicant for this development application has engaged with an arborist to determine the ‘health and retention value and to evaluate the potential impacts on trees by the proposed development. The arborist sort to provide options, if viable to reduce potential impacts on trees and make recommendations for tree management and protection during the development.

The arborist has recommended that all trees be retained, and a level 5 Arborist monitor the trees throughout the construction process. The applicant has modified the location of the telecommunication facility base 10m to the west to avoid any potential damage to closely located

trees. The applicant's bushfire consultant has recommended an asset protection zone which could potentially impact upon closely by trees. The location has been slightly adjusted for these reasons.

CHAPTER E7: WASTE MANAGEMENT

A waste management plan is to be provided as a requirement of this chapter. No issues are raised regarding waste management and council is satisfied that any waste generated throughout the construction of the development will be managed and disposed of appropriately.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. Appropriate conditions have been recommended.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is identified as being located within a low flood risk uncategorised precinct. Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and clause 7.3 of WLEP 2009 and has recommended no conditions. The proposed tower location is outside of the mapped PMF flood extents.

CHAPTER E16 BUSHFIRE MANAGEMENT

The proposal has been assessed in accordance with the requirements of this chapter as the proposed development falls within an area that has been mapped as bush fire prone. The applicant has submitted a bushfire report that considers Planning for Bushfire Protection (PBP) as part of the development application process.

The report found that in principle the location of any new electrical services should limit the possibility of ignition to surrounding bushland and ensure the ongoing operation of the tower during and following bushfire impact. It was also considered that protection should also be considered for electrical wiring and therefore the cable gantry and all other exposed cabling should be protected by non-combustible material.

Given an Asset Protection Zone for the pole and equipment is required for a minimum of 10 metres in each direction in accordance with NSW Rural Fire Service's document 'Standards for Asset Protection Zones. The applicant has decided to shift the location of the monopole 10 metres to the west. This is so to ensure the APZ is free of surface fuel and elevated fuel and has minimum canopy. Council is satisfied the proposal complies with the requirements of this chapter and supports the structure subject to conditions of consent.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Earthworks have been assessed in accordance with the requirements of this chapter. Plans provided in support of the development application suggest that minimal earthworks will be carried out in support of the structure. Council is satisfied that development will not have any negative adverse impacts as a result of the proposed works.

NSW Telecommunications Facilities Guideline, including Broadband (2022).

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>Principle 1: Design and site telecommunications facilities to minimize visual impact</u></p>	<p>(a) to (c) These principles relate to facilities that are not located on an existing building or structure and are not directly applicable to new free standing structure elements such as those proposed in this instance. As such, these elements are not applicable.</p>	N/A
<p>a) As far as practical, integrate a telecommunications facility that is mounted on an existing building or structure with the design and appearance of the building or structure.</p>		
<p>b) Minimise the visual impact of telecommunications facilities, reduce visual clutter (particularly) on tops of buildings and ensure physical dimensions (including support mounts) are sympathetic to the scale and height of the building to which it is to be attached and to adjacent buildings.</p>		
<p>c) If a telecommunications facility protrudes from a building or structure and is predominantly seen from the sky, either match the prevailing colour of the host building or structure or use a neutral colour such as pale grey.</p>		
<p>d) Where possible and practical, screen or house ancillary facilities using the same colour as the prevailing background and consider using existing vegetation or new landscaping.</p>	<p>(d) The associated equipment will be housed in an equipment shelter near the base of the pole. This equipment is proposed to be painted green to blend with surrounding vegetation.</p>	Yes
<p>e) Locate and design of a telecommunications in a way that responds to its setting (rural, residential, industrial or commercial).</p>	<p>(e) The use of a slimline, low-height pole is considered appropriate to service the surrounding rural areas and residential development areas. Ensuring only the upper portion of the facility protrudes above the treetops will ensure that the facility is not out of place in its rural setting and will not be significant visual impact on the landscape.</p>	Yes

<p>f) Site and design of a telecommunications facility located on or adjacent to a listed heritage item or within a heritage conservation area with external colours, finishes and scale sympathetic to the heritage item or conservation area.</p>	<p>(f) The proposed site is not within a heritage conservation area and is well distanced to any heritage items identified in the Wollongong City Council LEP. It is noted, however, that the property is located on the outskirts of the Illawarra escarpment conservation area and an assessment has been against the requirements of this chapter.</p>	<p>Yes</p>
<p>g) Locate telecommunications facilities to minimise or avoid obstructing significant views of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.</p>	<p>(g) The proposed facility is located towards the midpoint of the ridgeline. While there are more significant vistas further north of the proposed facility, these will assist with ameliorating any visual impact of the facility by providing a vegetation backdrop. In the immediate vicinity, the proposal will utilise the existing mature vegetation on site to screen a large portion of the monopole and equipment, which will significantly minimise visual impact.</p>	<p>Yes</p>
<p>h) Consult with relevant council when proposing pruning, lopping, or removing any tree or vegetation. Obtain a tree preservation order, permit or development consent if required.</p>	<p>(h) The proposed facility will utilise any existing unused space on the property, and no vegetation removal is proposed.</p>	<p>Yes</p>
<p>i) Remove redundant telecommunications facilities and restore the site to the condition it was prior to the facility's construction.</p>	<p>(i) Conditions of consent are imposed.</p>	<p>Yes</p>
<p>j) Remove redundant components of existing facilities after upgrades.</p>		
<p>k) Where possible, consolidate telecommunications facilities to reduce visual clutter and work with other uses on co-location sites to minimise cumulative visual impact.</p>	<p>The design and siting approach is discussed in detail in the report.</p>	<p>Yes</p>

- l) Accord with all relevant industry design guides when siting and designing telecommunications facilities.
- m) Assess potential visual impact in alternative site assessments.

Principal 2: Co-locate telecommunications facilities wherever practical

- a) As far as practical, locate telecommunications lines underground or within an existing underground conduit or duct.
- b) Where practical, co-locate or attach overhead lines, antennas and ancillary telecommunications facilities to existing buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise clutter.
- c) Consider extending an existing tower as practical co-location to new towers.
- d) Demonstration that co-location is not practicable if choosing not to co-locate a facility.
- e) If choosing to co-locate, design, install and operate a telecommunications facility so that resultant cumulative levels of radio frequency emissions are within the maximum human exposure levels set out in the RPS S-1

(a) The proposal does not involve the installation of new telecommunications lines.

Yes

(b)(c)(d)(e) There are currently no existing carrier telecommunications facilities located in the vicinity with the required position and/or height and/or structural suitability that are potentially capable of providing the wireless radio services to the locality on which the proposed equipment can be co-located. Collocation was not viable option in this area.

Yes

Principal 3: Meet health standards for exposure to radio emissions

- a) Design, install and operate a telecommunications facility so that maximum human exposure levels to radiofrequency emissions comply with RPS S-1
- b) Using the format required by ARPANSA, report on predicted levels of EME surrounding any development covered by the Industry Code C564:2929 Mobile Phone Base Station

(a) The proposed installation will comply with Australian Communications and Media Authority (ACMA) regulatory arrangements with respect to electromagnetic radiation exposure levels.

Yes

(b) While no radiating equipment will be installed initially on this proposed

Yes

<p>Deployment, and how the development will comply with ACMA safety limits RPS S-1</p>	<p>facility, once operational, an Environmental EME Report, as required by the ARPANSA, will be produced, and provided to council. This requirement can be conditioned.</p>	<p>Yes</p>
<p><u>Principal 4: Minimise disturbance and risk, and maximise compliance</u></p>		
<p>a) Ensure the siting and height of a telecommunications facility complies with Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1998. Avoid penetrating any obstacle limitation (OLS) shown on a relevant OLS plan for an aerodrome or airport (as reported to the Civil Aviation Safety Authority) within 30km of the proposed development.</p>	<p>(a) The proposed facility is located within boundaries of the Obstacle Limitation Surface of Illawarra Regional Airport. The airport has provided their concurrence in relation to the proposed development.</p>	<p>Yes</p>
<p>b) Ensure no adverse radio frequency interference with any airport, port or Commonwealth defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.</p>	<p>(b) The base station is designed to create no electrical interference problems with other radio-based systems and complies with the requirements of relevant Australian Standards in this regard.</p>	<p>Yes</p>
<p>c) Carry out the telecommunications facility and ancillary facilities in accordance with any manufacturer's installation specifications.</p>	<p>(c) The base station facilities are designed and will be installed in accordance with any relevant manufacturer specifications. The proposal will comply with the requirements of all relevant Australian Standards.</p>	<p>Yes</p>
<p>d) Protect the structural integrity of any building or structure on which a telecommunications facility is erected.</p>	<p>(d) The facility (monopole) is not being erected on any existing building or structure.</p>	<p>Yes</p>
<p>e) Erect the telecommunications facility wholly within the boundaries of a property as approved by the relevant landowner.</p>	<p>(e) The location and layout of the facilities reflect discussions with the private landowner of 522 Marshall</p>	<p>Yes</p>

	Mount Road, Marshall Mount.	Yes
f) Ensure all construction of a telecommunications facility accords with Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom 2004) or its replacement.	(f)(h)(i)(j) These matters are appropriately addressed through the imposition of conditions of development consent.	Yes
g) Mitigate obstruction or risks to pedestrians or vehicles cause by the location of the facility, construction activity or materials used in construction.	(g) The proposed facility is to be sited on a private lot and is secured by a fenced gate area to avoid access to the public. The proposal therefore will not put pedestrians or vehicles at risk	Yes
h) Where practical, carry out work at times that minimise disruption to adjoining properties and public access and restrict hours of work to 7:00am and 5:00pm, Mondays to Saturdays, with no work on Sundays or public holidays.	Work will be carried out in accordance with standard hours of work recommended by council and suitably conditioned.	Yes
i) Employ traffic control measures during construction in accordance with the Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Part 3: traffic control devices – Part 3: Traffic control devices for works on roads.		
j) Guard open trenching in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.		
k) Minimise disturbance to flora and fauna and restore the land to a condition similar to its condition before work was carried out.	No disturbance to flora and fauna has been identified by siting the proposed facility on an area of land that is clear of vegetation.	Yes
l) Identify any potential impacts on threatened species and communities in consultation with relevant authorities and avoid disturbance to identified species and communities where possible.		
m) Identify the likelihood of harming an Aboriginal place	As the proposed site location has been previously	

<p>and/or Aboriginal object and obtain approval from the Department of Premier and Cabinet if the impact is likely, or Aboriginal objects are found.</p> <p>n) Reinstate, at your expense street furniture, paving or other facilities removed or damaged during construction to at least the same condition as that prior to installation.</p>	<p>disturbed for agricultural and development purposes, it is expected the likelihood of harming an aboriginal place or object is low. Should any item of Aboriginal significance be discovered during the excavation or construction works. All works on site would cease appropriate measures taken</p>	<p>Yes</p>
<p><u>Principal 5: Undertake an alternative site assessment for new mobile phone base stations</u></p>		
<p>a) Include adequate numbers of alternative sites in the alternative site assessment as a demonstration of good faith.</p> <p>b) In addition to the new site selection matters in Section 4 of the Industry Code C564:2020 Mobile Phone Base Station Deployment:</p> <ul style="list-style-type: none"> o Only include sites that meet coverage objectives, and that have been confirmed as available, with an owner agreeable to having the facility on their land. o If the prepared site is a site owned by a Carrier, undertake a full assessment of the site. o Indicate the weight placed on the selection criteria. o Undertake an assessment of each site before any site is dismissed. 	<p>One of the new site selection matters states <i>“Only include sites that meet coverage objectives, and that have been confirmed as available, with the owner agreeable to having the facility on their land”</i>.</p> <p>In this instance, the property at 522 Marshall Mount Road was selected as the only property where an appropriate agreement could be made with the land owner to proceed.</p>	<p>Yes</p>

Clause 4.6 Variation – 522 Marshall Mount Road, Marshall Mount NSW

PAN-351316: Proposed mobile telecommunications facility (monopole and associated equipment)

1. What is the name of the environmental planning instrument that applies to the land?

Wollongong Local Environmental Plan 2009.

2. What is the zoning of the land and what are the objectives of the zone?

RU2 Rural Landscape

Objectives:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base,
- To maintain the rural landscape character of the land,
- To provide for a range of compatible land uses, including extensive agriculture; and
- To encourage the retention, management or restoration of native vegetation.

3. Identify the Development Standard to which this Clause 4.6 Variation applies?

- Clause 4.3 Height of buildings

4. What are the objectives of the development standard?

- Height of buildings objectives:
 - (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
 - (b) to permit building heights that encourage high quality urban form,
 - (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.

5. What is the numeric value of the development standard in the environmental planning instrument?

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown for the land at 522 Marshall Mount Road, Marshall Mount, is 9m.

6. How do the existing and proposed numeric values relate to the development standard? What is the percentage variation (between your proposal and the environmental planning instrument)?

Height of Building			
Current Height of Building (m)	Maximum Height of Building under WLEP2009 (m)	Proposed Height of Building (m)	Percentage Variation
n/a	9m	30m	333%

Comments:

It is the inherent nature of a telecommunications facility that it be of a height that is above the area which it intends to service. As such, it is almost never the case that a telecommunications facility can adhere to Council building height limits.

It is often considered that a telecommunications facility is not specifically a 'building', rather a utility or provision of a service to the community. With this in mind, the percentage variation as noted above appears inappropriately skewed – when referenced against a standard building height. Notwithstanding, it is accepted that a non-compliance variation is to be submitted to Council.

7. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

The NSW Land and Environment Court in *Four2Five Pty LTD v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827. The court provided five tests that can be used as prompts to answer the above question. A number of these tests are highlighted below in regards to this specific proposal at 522 Marshall Mount Road:

Test a: *The underlying object or purpose of the standard is not relevant to the development and compliance is unnecessary*

Commonly, the building height limit of an area is in place to ensure the scale and bulk of development is kept in line with the locality in which it is being proposed. This applies specifically to residential buildings, apartments, industrial warehouses etc. As an uncommon development type, mobile telecommunications facilities fall foul of height limits within almost every CBD, suburban and urban environment. In this instance, the zoning of the subject land parcel is Rural, and while the building height restriction would usually apply to any developments, it is difficult to define a telecommunications facility as a use within this zone. As such, it is considered that the height of buildings development standard is not relevant and is unnecessary.

Test b: *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*

It is the inherent nature of a telecommunications facility that they be of a height that is above the area which it intends to service. As such, it is almost never the case that a telecommunications facility can adhere to Council building height limits.

For a telecommunications facility to operate, it is necessary to have a height that allows the antennas to provide coverage services above and over the existing landforms and developments. As a single telecommunications facility is intended to service as wide an area as is possible, height is necessary to achieve this. Should a facility be only slightly higher than surrounding elements in the environment, it will not provide service to a wide area, and numerous facilities will be required to service the area. Essentially, it is not feasible or practical to have a telecommunications facility that would adhere to the height limit as described in the Wollongong LEP 2009. The limit of 9m in the proposed site location would provide no services to the surrounding area. The additional height provided by this proposed structure off Marshall Mount Road ensures that Carrier's network objectives can be met in the surrounding area, both now and into the future.

8. Are there sufficient environmental planning grounds to justify contravening the development standard?

It can be reasonably assumed that the Height of buildings development standard has not been formulated with the intention of limiting the provision of mobile telecommunications services. Rather, its intent is outlined in the standards objectives, which relate primarily to building development. In this instance, the contravening of the Height of buildings development standard is necessary to ensure the provision of vital, and often considered essential, services to the surrounding community.

The proposed telecommunications facility at 522 Marshall Mount Road, will form an integral part of the mobile telecommunications network in the greater area. As part of mobile Carriers' network reconfigurations and expansion into the 5G Network, the new facility is required to ensure the community surrounding the site locality continue to receive high quality and reliable mobile telecommunications services. The undulating terrain in the vicinity also impacts the reliability of mobile telecommunications connectivity, a driver for the requirement of a new site.

The proposed facility is considered appropriate for the subject site in regards to environmental planning grounds for the following reasons:

- The facility is located specifically to provide reliable mobile phone service to the area surrounding the site, including the residential and recreation areas and adjoining road links;
- The use of a monopole with minimal bulk ensures that visual impact is significantly mitigated;
- The proposal is consistent with the relevant provisions of the Wollongong Local Environmental Plan and Development Control Plan 2009, by siting the facility within an area that does not require tree removal or destruction, and will be visually acceptable to the surrounding area;
- The facility will ensure the provision of improved mobile phone coverage and competition in the area;
- The site location is able to ensure that Carriers' network growth, including 5G, can proceed efficiently; and
- Emissions from the proposed facility will be significantly below the Australian Radiation Protection and Nuclear Safety Agency standards adopted by the Australian Communications and Media Authority.
- When viewed from surrounding roadways and residential areas, it is not expected that the proposed facility will be seen as a negative visual addition in the locality due primarily to the undulating terrain and vegetation in the vicinity.

The proposed development, which provides a significant benefit to the public, could not proceed in any area due to the building height limits as noted by the Wollongong LEP 2009.

The proposal is considered to be consistent with the broad intent of the Wollongong LEP 2009 and the Wollongong DCP.

It is therefore necessary to apply for this variation to the Height of buildings limit for the proposed mobile telecommunications facility.

9. Is the proposed development, despite the contravention to the development standard, in the public interest?

The proposed development is, in its entirety, in the public interest. It is indeed due to the specific need for this facility by the surrounding area – for continued and improved mobile telecommunications services to residents, tourists, motorists etc – that this proposal is a necessity and is therefore in the public interest.

This proposed new site, and the contravention of the development standard, is required for a number of specific reasons:

- *Network upgrades and reconfiguration*: Carrier's networks are expanding, and to create greater competition in the telecommunications industry, additional facilities to cater for increased use are occurring across Australia. This includes adding new technology and equipment in locations that best fit into existing and expanding Networks.

- *5G Network*: the evolution of mobile telecommunications services is upon us, and the requirement for Carrier's to provide 5G services to customers is now paramount. A new standalone facility is required for Carrier's to be able to effectively and efficiently install equipment so that it can provide services now and into the future.

- *Coverage expansion*: As mobile customer base continues to grow across Australia, new telecommunications facilities are required to service growing (and changing) customer levels. Existing sites are at capacity or no longer provide the right services into the right areas. The proposed site will provide significant improvements in the Carrier's Networks in the areas surrounding the site location. The site also provides the necessary height which is not available in the local area, hence a contravention to the building height development standard is a necessity in this instance.

Despite contravening the development standard, the proposed development is significant to the improved coverage that this proposed facility will provide into the surrounding area. There is a significant gain in the number of dwellings that will receive the services provided by this facility.

The proposed facility will provide a necessary service to the surrounding residential and recreational areas, as well as local roadways.

The development will not increase the demand for public services, being an unmanned facility that does not require the service of water/sewerage.

It is considered that the proposed mobile telecommunications base station will not adversely impact the natural environment due to its relatively small footprint, and its setting within a vegetated area that does not require tree removal.

Commonly, the building height limit of an area is in place to ensure the scale and bulk of development is kept in line with the locality in which it is being proposed. This applies specifically to residential buildings, apartments, industrial warehouses etc. As an uncommon development type, mobile telecommunications facilities fall foul of height limits within almost every CBD, suburban and urban

environment. In this instance, the zoning of the subject land parcel is Rural, and while the building height restriction would usually apply to any developments, it is difficult to define a telecommunications facility as a use in this land zoning.

The proposed development, which provides a significant benefit to the public, could not proceed in any area due to the building height limits as noted by the Wollongong LEP 2009. It is therefore necessary to apply for this variation to the Height of buildings limit for the proposed mobile telecommunications facility.

10. Is there any other relevant information to be considered in order to justify varying the development standard?

Without a variation to the building height development standard, this proposed facility and its significant benefits to the public could not proceed. It is understood that the building height development standard does not necessarily take into account every type of specific development. It is considered that by their inherent nature, telecommunications facilities must be well above the area they are required to provide coverage to, and as such in this instance, it is necessary and considered appropriate to vary the building height development standard.

The recent decision in *Indara Infrastructure Pty Ltd v Wollongong City Council [2023] NSWLEC 1460* provides a very similar situation as to that which is being proposed to Council in this instance. It was the decision of the Court that the proposed contravention of the building height limitation be allowed.

DRAFT CONDITIONS FOR: DA-2023/539

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GENERAL CONDITIONS

Conditions				
1. Approved Plans and Supporting Documentation				
Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.				
Plan No	Revision No	Plan Title	Drawn By	Dated
AN2156-002-P1	F-1	Draft Site Plan	Waceconn	22 March 2024
AN2156-002-P2	F-1	Draft Site Setout Plan	Waveconn	22 March 2024
AN2156-002-P3	F-1	Draft Site Elevation	Waveconn	22 March 2024
In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.				
Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.				
<u>Reason:</u> To ensure all parties are aware of the approved plans and supporting documentation.				
2. Restricted Vegetation Removal				
This consent permits the removal of trees and other vegetation from the site within three (3) metres of the approved buildings. This consent also permits the pruning of trees within three (3) metres of approved buildings in accordance with AS 4373:2007 Pruning of Amenity Trees. No other trees or vegetation shall be removed or pruned, without the prior written approval of Council.				
<u>Reason:</u> To protect the amenity of the environment and the neighbourhood.				
3. Unexpected Finds of Aboriginal Cultural Heritage				
If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must ensure:				
a. No further harm is undertaken to the object(s);				
b. Immediately cease all work at the particular location;				
c. Secure the area so as to avoid further harm to the Aboriginal object(s);				

- d. Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location;
- e. Not recommence any work at the particular location unless authorised in writing by Heritage NSW;
- f. If harm cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) under the NSW National Parks and Wildlife Act 1974 will be required prior to recommencing.

Wollongong City Council's Heritage Staff should also be notified by calling 4227 7111.

Reason:

To satisfy the requirements of the legislation.

4. Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of Section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Reason:

To satisfy the requirements of the legislation.

5. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

Reason:

To ensure the development is built in accordance with the Building Code of Australia.

6. Construction Certificate

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason:

To satisfy the requirements of the legislation.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Conditions

7. Tree Protection and Management

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

8. Construction Site Management Plan

Before the issue of a Construction Certificate, the applicant must ensure a construction site management plan is prepared before it is provided to the Principal Certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter of the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's Development Control Plan)
- details of any earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the construction site management plan is kept on-site at all times while work is being carried out.

Reason:

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

9. Erosion and Sediment Control Plan

Before the issue of a Construction Certificate, the applicant is to ensure an erosion and sediment control plan is prepared by a suitably qualified person in accordance with the following documents before it is provided to the Principal Certifier:

- Council's Development Control Plan,
- the guidelines set out in the NSW Landcom manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times while works are being carried out.

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

10. Waste Management Plan Requirements

Before the issue of a Construction Certificate, the applicant must ensure a waste management plan for the development is prepared and provided to the Principal Certifier. The plan must be prepared:

- a. in accordance with
 - i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
 - ii. Council's Development Control Plan
- b. include the following information –
 - i. the contact details of the person(s) removing waste,
 - ii. an estimate of the type and quantity of waste,
 - iii. whether waste is expected to be reused, recycled, or sent to landfill,
 - iv. the address of the disposal location for waste.

The applicant must ensure a copy of the waste management plan is kept on-site at all times while work is being carried out.

Reason:

To ensure resource recovery is promoted and local amenity is protected during construction.

11. Compliance with Findings and Recommendations of the Bush Fire Impact Assessment Report

The findings and recommendations contained in the Bush Fire Hazard Assessment Report No 240378 dated 2 November 2023 prepared by Building Code & Bushfire Hazard Solutions shall be implemented and maintained, except where amended by other conditions of this consent.

The bush fire protection measures for telecommunications facilities as detailed in Section 8.3.7 of 'Planning for Bush Fire Protection' as recommended in the Bush Fire Hazard Assessment Report No 240378 dated 2 November 2023 prepared by Building Code & Bushfire Hazard Solutions shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the Principal Certifier prior to the issue of the Construction Certificate.

Reason:

To satisfy the requirements of the legislation.

12. Present Plans to Sydney Water

Approved plans must be submitted online using Sydney Water Tap In, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

Reason:

To satisfy the requirements of the legislation.

BEFORE BUILDING WORK COMMENCES

Conditions

13. Supervising Arborist - Tree Inspection and Installation of Tree Protection Measures

Prior to the commencement of any demolition, excavation or construction works, the supervising Arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the Arborist's recommendations and relevant conditions of this consent.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

14. Erosion and Sediment Controls in Place

Before the commencement of any site or building work, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Landcom manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book) (as amended from time to time).

Reason:

To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

15. All-weather Access

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

Reason:

To protect neighbourhood amenity.

16. Tree Protection

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970:2009).

Tree Protection Zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

17. Temporary Sediment Fences

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

Reason:

To protect neighbourhood amenity.

18. Enclosure of the Site

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifier. No building work is to commence until the fence is erected.

Reason:

To ensure safety.

19. Structural Engineer's Details

Structural Engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.

Reason:

To ensure structural integrity.

20. Signs On Site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address, and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:

To satisfy the requirements of the legislation.

21. Appointment of Principal Certifier

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

Reason:

To satisfy the requirements of the legislation.

22. Asset Protection Zones

At the commencement of building works and in perpetuity the Asset Protection Zones as indicated in the Bushfire Hazard Assessment Report No. 240378 dated 2 November 2023 prepared by Building Code & Bushfire Hazard Solutions must be managed for a distance of 10 metres as an Inner Protection Area (IPA) as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Reason:

To satisfy the requirements of the legislation.

DURING BUILDING WORK

Conditions

23. Provision of Waste Receptacle

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied, and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

Reason:

To comply with Council's Development Control Plan.

24. Cut and Fill

While site work is being carried out, the Principal Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the Principal Certifier.
- b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to resource recover exemption by the NSW EPA.

Reason:

To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

25. Waste management

While building work, demolition or vegetation removal is being carried out, the Principal Certifier must be satisfied all waste management is undertaken in accordance with the waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- The contract details of the person(s) who removed the waste;
- The waste carrier vehicle registration;
- The date and time of waste collection;
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill;
- The address of the disposal location(s) where the waste was taken;
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, notifying date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to the Order or Exemption and provide the records to the principal certifier and Council.

Reason:

To require records to be provided, during site work, documenting the lawful disposal of waste.

26. Removal of Waste Upon Completion

After completion of all site work, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the waste management plan. Written evidence of the removal just be supplied to the satisfaction of the Principal Certifier.

Reason:

To ensure waste material is disposed of appropriately.

27. Implementation of the Site Management Plans

While site work is being carried out, the applicant must ensure the measures required by the construction site management plan and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these plans is kept on site at all times and made available to Council officers upon request.

Reason:

To ensure site management measures are implemented during the carrying out of site work.

28. Hours of Work

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

Any request to vary the approved hours shall be submitted to the Council in writing detailing:

- a. The variation in hours required (length of duration);
- b. the reason for that variation (scope of works);
- c. the type of work and machinery to be used;
- d. method of neighbour notification;
- e. supervisor contact number; and
- f. any proposed measures required to mitigate the impacts of the works.

Note: The developer is advised that other legislation, such as Noise Guidelines for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the *Protection of the Environment Operations Act 1997*.

Reason:

To protect the amenity of the surrounding area.

29. Colours of Development

The outdoor equipment shelter located at the base of the monopole to store ancillary facilities must be finished in Colourbond Colour 'Pale Eucalypt'.

Reason:

To mitigate impacts on the natural environment

30. New Information/Unexpected Finds

In the event that demolition and/or construction works cause the generation of odours or the uncovering of previously unidentified contaminants, hazardous materials, or acid sulphate soils, works must immediately cease. The Principal Certifier and Council (in the event that Council is not the Principal Certifier) must be notified in writing within two (2) days of the incident. An assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm must be undertaken by an appropriately qualified environmental consultant as soon as possible. This assessment will necessitate a report to be prepared outlining the required remediation measures for the sign off by Council and the Principal Certifier.

Reason:

To ensure protection of the environment and comply with legislation.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Conditions

31. Bush Fire Compliance Certificate

A Compliance Certificate shall accompany any Occupation Certificate for Bushfire Protection Measures as have been completed, verifying that the development has been

constructed/completed in accordance with the relevant Planning for Bushfire Protection requirements of the Development Consent and Construction Certificate.

Reason:

To satisfy the requirements of the legislation.

32. Height

A registered surveyor must certify that the maximum height of the structure is consistent with the height in the approved plans and this consent.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

OCUPATION AND ONGOING USE

Conditions

33. Operational Aspects

The facility shall be operated in accordance with all statutory requirements and the requirements of the:

- Australian Communications and Media Authority; and
- Australian Radiation Protection and Nuclear Safety Agency.

Reason:

To satisfy the requirements of the legislation and the requirements of the Australian Communications and Media Authority and the Australian Radiation Protection and Nuclear Safety Agency.

34. Maintenance of Site and its Facilities

The site and its facilities shall be maintained in a proper and safe condition at all times throughout its lifespan.

Reason:

To ensure protection of the environment and human safety.

35. Removal of Facility, if Facility Becomes Redundant

Should the facility become redundant, the facility shall be removed within thirty (30) days after the cessation of use and the site restored to a condition similar to its condition before the facility was constructed.

Reason:

To ensure the removal of redundant facilities within a reasonable timeframe.

36. Loading/Unloading Operations/Activities

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.

Reason:

To comply with legislation and Australian Standards.