Development Applications Committee Meeting 20 April 2021



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DAC 20/04/21 – 54 REGENT STREET, NEW LAMBTON – DA2020/00158 - INFRASTRUCTURE - INSTALLATION OF A TELECOMMUNICATIONS FACILITY (MONOPOLE AND ANCILLARY EQUIPMENT 26.3M)

PAGE 3 ITEM-5 Attachment A: Submitted Plans

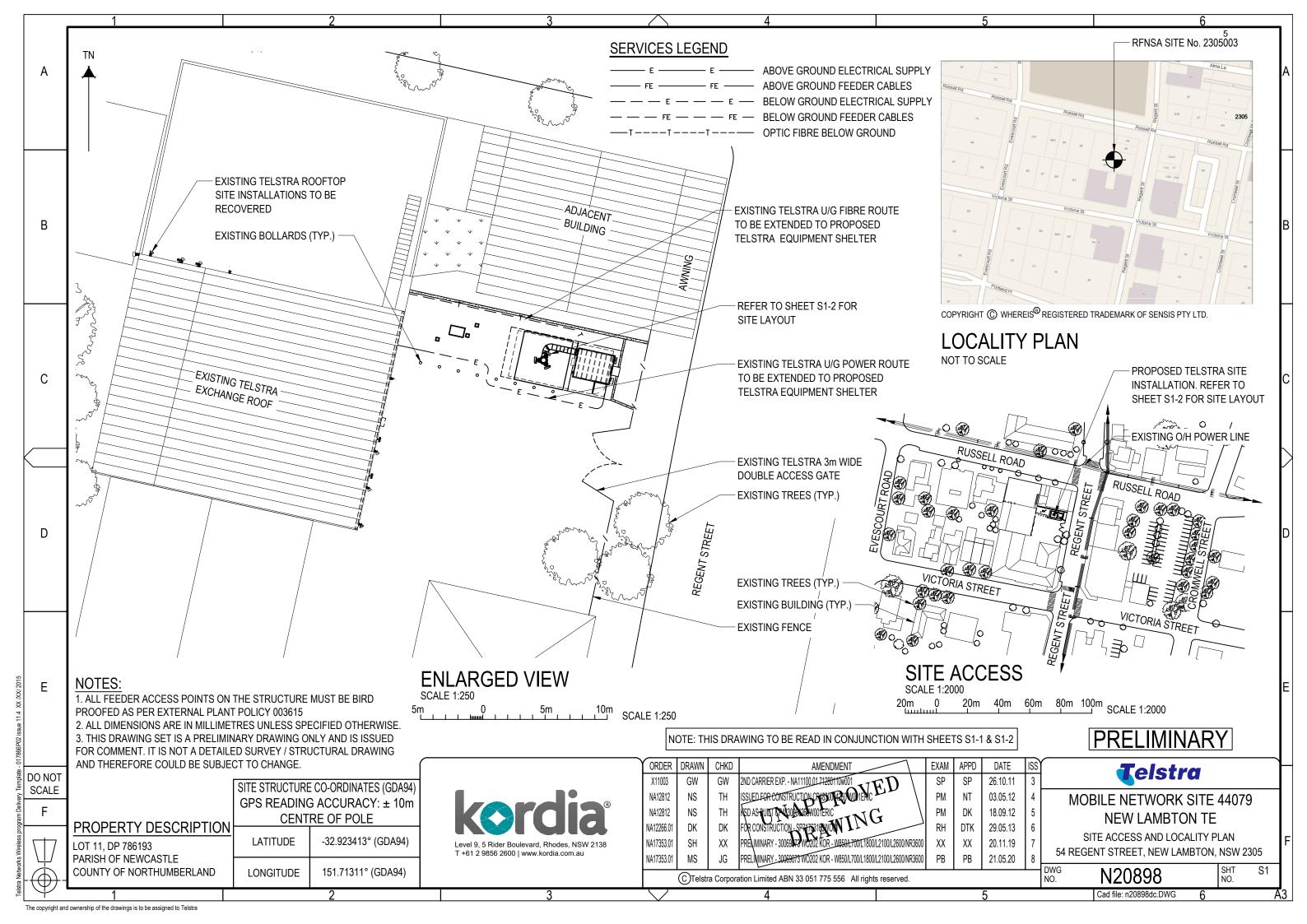
PAGE 10 ITEM-5 Attachment B: Draft Schedule of Conditions

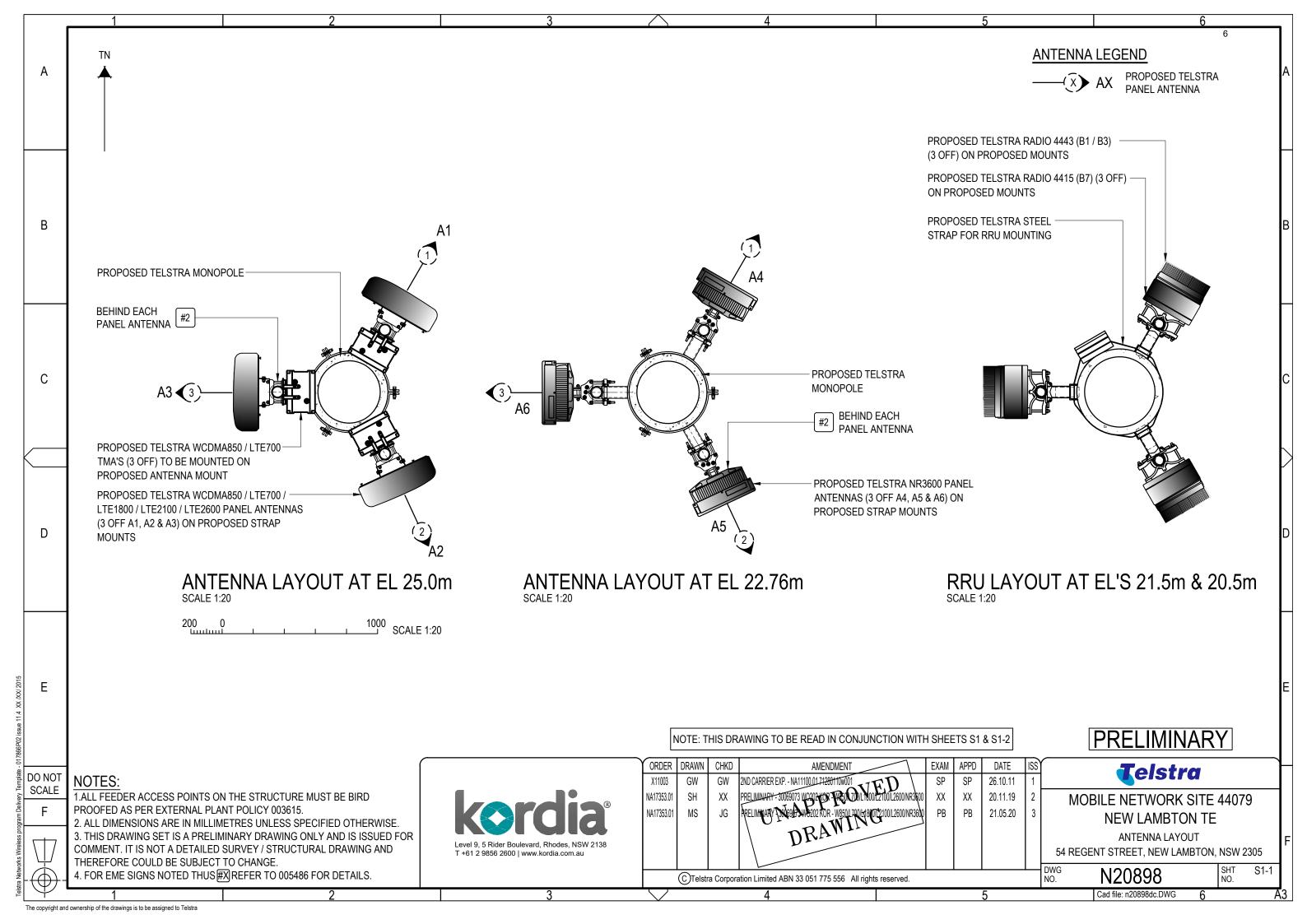
PAGE 18 ITEM-5 Attachment C: Processing Chronology

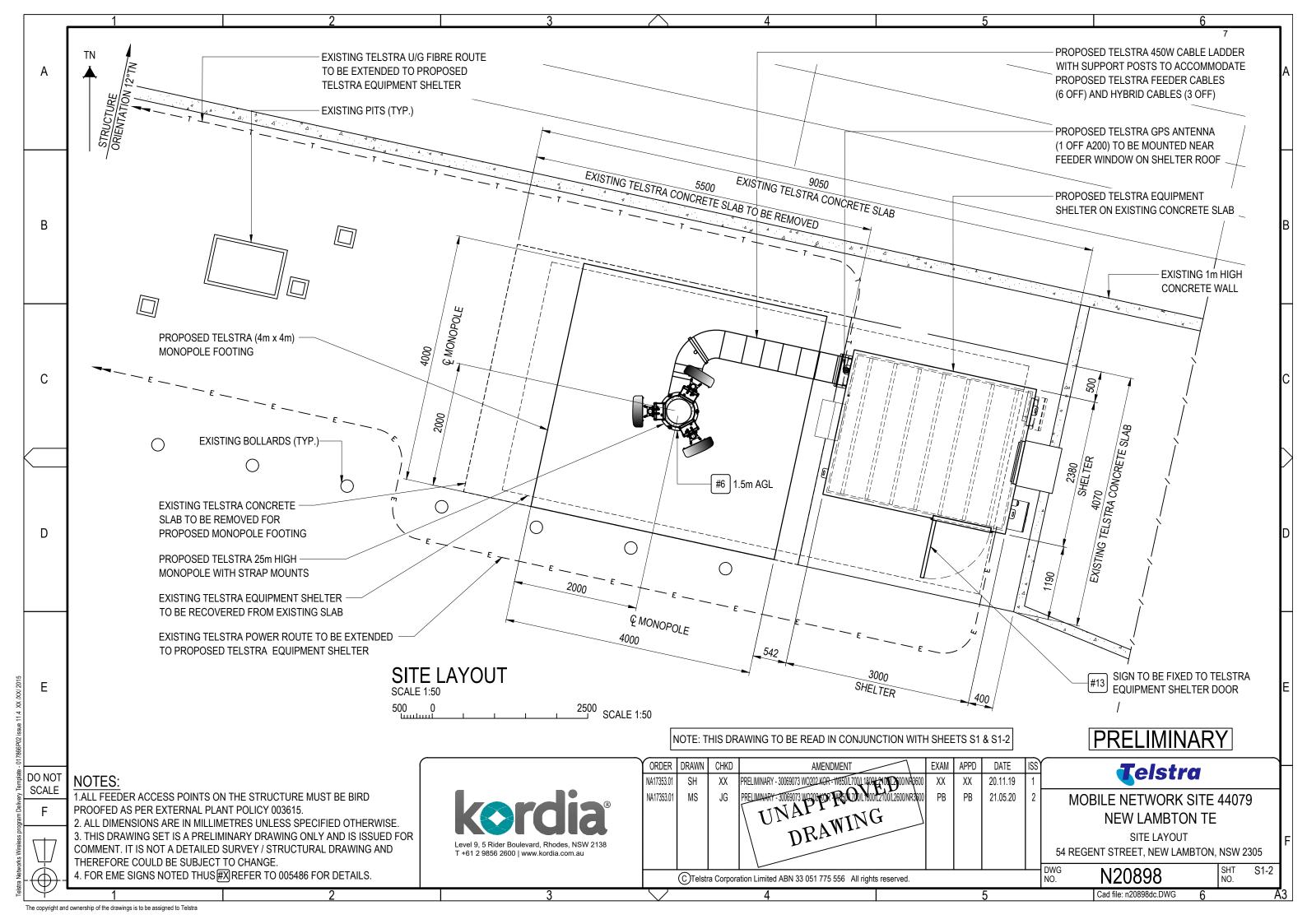
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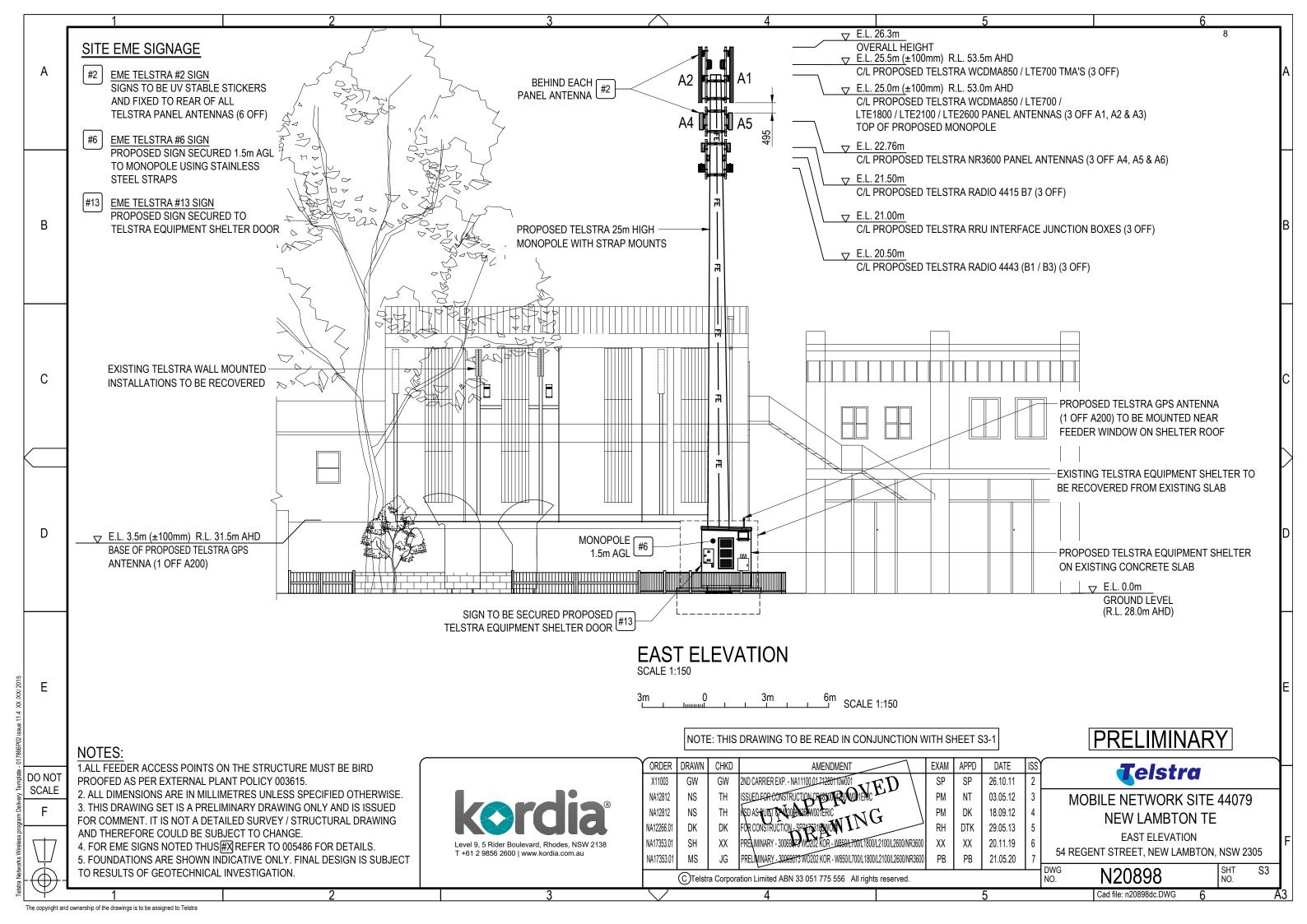
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ITEM-5 Attachment A: Submitted Plans









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EQUIPMENT 26.3M)

ITEM-5 Attachment B: Draft Schedule of Conditions

DRAFT SCHEDULE OF CONDITIONS



Application No: DA2020/00158

Land: Lot 11 DP 786193

Property Address: 54 Regent Street New Lambton NSW 2305

Proposed Development: Infrastructure - installation of a telecommunications facility

(monopole and ancillary equipment 26.3m)

SCHEDULE 1

APPROVED DOCUMENTATION

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

Plan No / Supporting	Reference /	Prepared by	Dated
Document	Version		
Site Plan	Dwg No. N20898,	Kordia	21 May 2020
	Sheet 1, Rev 8		
Site Layout	Dwg No. N20898,	Kordia	21 May 2020
	Sheet 1-2, Rev 8		
Antenna Layout	Dwg No. N20898,	Kordia	21 May 2020
	Sheet 1-1, Rev 2		
Elevation Plan	Dwg No. N20898,	Kordia	21 May 2020
	Sheet S3, Rev 2		

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

2. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
- b) Have an on-site effluent disposal system approved under the *Local Government Act 1993* (NSW), or
- c) Be a temporary chemical closet approved under the *Local Government Act 1993* (*NSW*).
- 3. Waste management shall be implemented in accordance with the approved Waste

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Management Plan. At a minimum, the following measures shall be implemented during the construction phase:

- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
- c) Appropriate provision is to be made to prevent windblown rubbish leaving the site and
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997* (NSW).

- 4. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
 - a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
 - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
 - c) stating that unauthorised entry to the work site is prohibited, and
 - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

- 5. All building work must be carried out in accordance with the provisions of the National Construction Code.
- 6. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
- 7. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.
- 8. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
 - Monday to Friday, 7:00 am to 6:00 pm and
 - Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

- 9. Council's 'Prevent Pollution' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.
 - The sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter, Wallsend Library or the Master Builders Association Newcastle.
- 10. Any excavated material to be removed from the site is to be assessed and classified in accordance with the NSW Environment Protection Authority's 'Waste Classification Guidelines Part 1: Classifying Waste' and be transported and disposed of in accordance with the provisions of the Protection Of The Environment Operations Act 1997 and the Protection Of The Environment (Waste) Regulation 2014.
- 11. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
 - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition Vol. 1 (the 'Blue Book') published by Landcom, 2004.
- 12. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
 - a) Restricting topsoil removal
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion
 - c) Alter or cease construction work during periods of high wind and
 - d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
- 13. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act* 2002 (NSW).
- 14. Open trenching should be guarded in accordance with Australian Standard Section 93.080 Road Engineering AS1165 1982 Traffic hazard warning lamps.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE

15. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to

be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any Occupation Certificate in respect of development involving building work.

16. All works within the road reserve required by this consent are to be completed prior to the issue of a Occupation Certificate.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

17. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW).

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

18. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997* (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

19. If the telecommunications facility is no longer required it is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.

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ADVISORY MATTERS

- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - A Construction Certificate is to be obtained; and a)
 - A Principal Certifier is to be appointed for the building works and Council is to be b) notified of the appointment; and
 - Council is to be given at least two days notice of the date intended for c) commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed An application for an Occupation Certificate must contain the development. information set out in Clause 149 of the Environmental Planning and Assessment Regulation 2000 (NSW).
- It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the Environmental Planning and Assessment Act 1979 (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

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SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Newcastle Local Environmental Plan 2012 (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.

Document Set ID: 6677664 Version: 4, Version Date: 18/03/2021

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ITEM-5 Attachment C: Processing Chronology



PROCESSING CHRONOLOGY

DA2020/00158 - 54 Regent Street New Lambton

24 February 2020	Development Application lodged	
02 March 2020 to 16 March 2020	Public notification	
14 April 2020	Request for additional information/response to issues raised in submissions	
06 May 2020	Additional information received/applicants response to issues raised in public submissions	
16 June 2020	Public Voice Committee meeting	
22 June 2020	Request for additional information/ response to issues raised at 16 June Public Voice Committee meeting	
18 September 2020	Additional information received Amended development plans	
28 September 2020 to 12 October 2020	Public notification of amended plans and documentation.	
08 October 2020	Request for additional information - Clause 4.6 Variation to vary the maximum building height development standard set out under Clause 4.3 of the NLEP 2012	
15 October 2020	Applicant provided clause 4.6 Variation.	
17 November 2020	Public Voice Committee meeting	
19 November 2020	Request for additional information	
05 February 2021	Additional information received	