



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO DA 014-11-06

(FILE NO. 0607/063)

**UPGRADE AND MODIFICATION OF THE EXISTING MOBILE PHONE NETWORK
TELECOMMUNICATIONS FACILITY AT THE BIOMEDICAL BUILDING,
AUSTRALIAN TECHNOLOGY PARK, EVELEIGH**

I, the Chief Executive Officer of the Redfern Waterloo Authority as delegate of the Minister for Planning under Instrument of Delegation dated 28 November 2006 pursuant to Sections 80 (1) (a) and 80A of the *Environmental Planning & Assessment Act, 1979* and Clause 9A of the State Environmental Planning Policy (Major Projects) 2005 determine the development application referred to in the attached Schedule 1, by **granting consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

1. To confirm the details of the application and plans submitted by the applicant, and to ensure that the structure is not altered without approval.
2. To comply with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
3. To ensure compliance with relevant planning controls.
4. To ensure that the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.
5. To protect the amenity of the local environment, and adjoining residents, businesses and landowners.

Robert Domm
Chief Executive Officer
Redfern Waterloo Authority

Sydney, 19 December 2006

SCHEDULE 1

PART A—TABLE

Application made by:	Mark Byrnes, Daly International c/- Telstra Lot 10/1-5 Railway Street Chatswood
Development Application:	014-11-06
On land comprising:	Biomedical Building Lot 500 DP 1033739 1 Central Avenue Australian Technology Park
Local Government Area	City of Sydney Council
For the carrying out of:	Upgrade and modification of the existing mobile phone network telecommunications facility at the Biomedical Building
Estimated Cost of Works	\$20,000
S.119 Public inquiry held:	No
Approval Body / Bodies:	Not Integrated
Determination made on:	19 December 2006
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2. A detailed description of the development consented to is described in Condition A1, Part A, Schedule 2
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 014-11-06

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the Environmental Planning and Assessment Act, 1979. The right to appeal is only valid, for a development application, within 12 months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Chief Executive Officer of the Redfern Waterloo Authority.

Further Information

If you have any queries regarding this matter, please contact Joanne McGuinness on 9202 9127.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Mark Byrnes, Daly International c/- Telstra or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

CEO means the Chief Executive Officer of the Redfern Waterloo Authority

Council means the City of Sydney.

DA No. 014-11-06 means the development application and supporting documentation submitted by the Applicant on 10 November 2006.

Department means the Department Planning or its successors.

Planning Director means the Planning Director of the Redfern Waterloo Authority.

Minister means the Minister for Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations mean the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RWA means the Redfern Waterloo Authority

Subject Site has the same meaning as the land identified in Part A of this schedule.

Advisory Notes – means advisory information relating to the approved development but do not form a part of this consent.

SCHEDULE 2
CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO. 014-11- 06

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is granted only to carrying out the development described in detail below:

- (1) The replacement of the existing steel mounting poles with a new extended mounting pole capable of supporting the additional antennas. The replacement mounting pole will be attached to the rooftop of the building in the same location as the original mount.
- (2) The installation of three (3) panel antennas on the new replacement mount on the rooftop of the building. The panel antennas are 2120mm high and 370 mm wide. The reinstatement of the existing panel antenna from the old mount to the new mount.
- (3) An additional radio base station unit, electrical rack and transmission unit will be positioned alongside existing Telstra equipment within the Telstra equipment room located within the plant room on level 5.
- (4) An additional set of 6 cables will be run from the equipment room to the new antennas in the existing trays and replaced cable trays.
- (5) Other associated and necessary works including cables, electrical, earthing, safe access, mast head amplifiers and air conditioning works for the telecommunications facility.

A2 Development in Accordance with Plans

The development shall be in accordance with development application number DA No.014-11-06 submitted by the Applicant on 10 November 2006 and in accordance with the following:

Statement of Environmental Effects entitled *Proposed Upgrade of the Telecommunications Facility at the Biomed Building, 1 Central Avenue, Australian Technology Park* prepared by *Daly International* dated October 2006

Design Drawings prepared by *Daly International*

Drawing No.	Revision	Title of Plan	Date
A02	C	Site Locality and Access Plan	11/10/06
A03	E	Site Setout Plan	13/10/06
A04	F	Site Elevation	23/10/06
A05	D	Antenna Layout and Configuration	11/10/06
A06	C	Shelter Floor Plan	11/10/06
A07	C	RF Plumbing Diagram	11/10/06

and as amended by following conditions:

A3 Application for Construction Certificate

The stamped drawings must now be lodged with a Principal Certifying Authority (PCA) (Minister for Planning via the Department of Planning, City of Sydney Council, or a private certifier) for a Construction Certificate. The applicant must supply the consent authority with a copy of the Construction Certificate within 2 days from the date of its issue.

A4 Works Compliance

All building works shall be constructed in accordance with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

A5 Inconsistency between documents

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

A6 Lapsing of Consent

In accordance with Section 95(1) of the Act the development consent shall lapse unless work has physically commenced on the land within five years from the date of the consent or in instances where no work is required, the use has commenced within 5 years from the date of the consent.

A7 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of development consent under clause 98, 98A and 98B of the Regulation.

PART B - CONDITIONS TO BE MET PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**B1 Requirements of Public Authorities for Connection to Services**

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

B2 Structural Details

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

B3 Details of Materials, Colours and Finishes

External materials shall match or be compatible with existing roof structures.

B4 Reflective Qualities

Construction materials are to exhibit low reflective qualities and are to blend with the landscape of the site and the surrounding environment.

PART C—CONDITIONS TO MET DURING CONSTRUCTION**C1 Approved Plans to be On-site**

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the RWA or the PCA.

C2 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities.
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.
- (3) Written approval is obtained from the Planning Director or similar of the relevant consent authority prior to the carrying out of the work and residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

C3 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

C4 Noise Control

All work, including demolition, excavation and building work must comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

C5 Work Safety

To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant WorkCover requirements.

PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**D1 Approval to Use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been issued.

D2 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to the consent authority and Council by the PCA.

D3 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

D4 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and
- (4) Any dispensation granted by the New South Wales Fire Brigade.

D5 Structural Inspection Certificate

A Structural Inspection Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific format) shall be submitted to the consent authority and the Council after:

- (1) The site has periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E CONDITIONS TO BE MET DURING THE OPERATION OF THE CONSENT**E1 Damage to Public Assets**

The cost of repairing any damage caused to RWA, Council or any other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the commencement of the use of the facility.

E2 Maintenance of infrastructure

The applicant is responsible for the maintenance and upgrading of infrastructure and the maintenance of the site of such infrastructure

E3 Removal of Infrastructure

Infrastructure must be removed when it is no longer in use.

E4 Signage

For each facility, a permanent and legible weatherproof sign must be publicly visible in the immediate proximity of the facility to identify the name and contact details of the operator or site manager.

ADVISORY NOTES

- AN1. This determination Notice operates or becomes effective from the endorsed date of consent.
- AN2. If you are dissatisfied with this decision, you may appeal to the Land and Environmental Court pursuant to Section 97 of the Act within 12 months after the date of receipt of this Notice.
- AN3. Section 125 of the Act confers the authority to direct and person to comply with the terms and conditions of any consent and any person failing to comply with such a direction shall be guilty of an offence under the Act.
- AN4. This consent will lapse 5 years from the endorsed date of consent unless either the use has commenced or any building works have physically commenced.
- AN5. That the applicant or any person entitled to act on this consent may apply to modify this development consent in accordance with Section 96 of the Act.