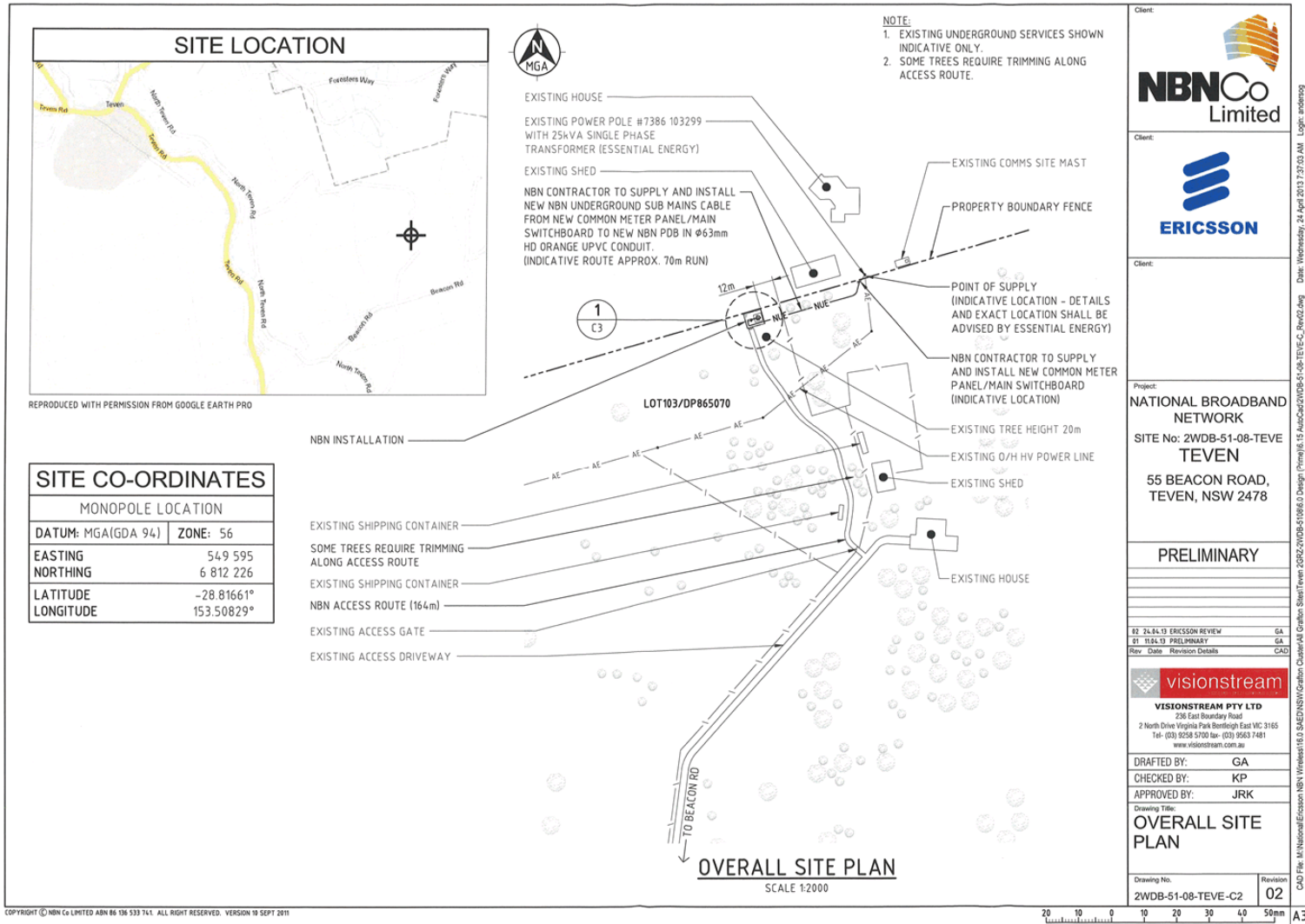


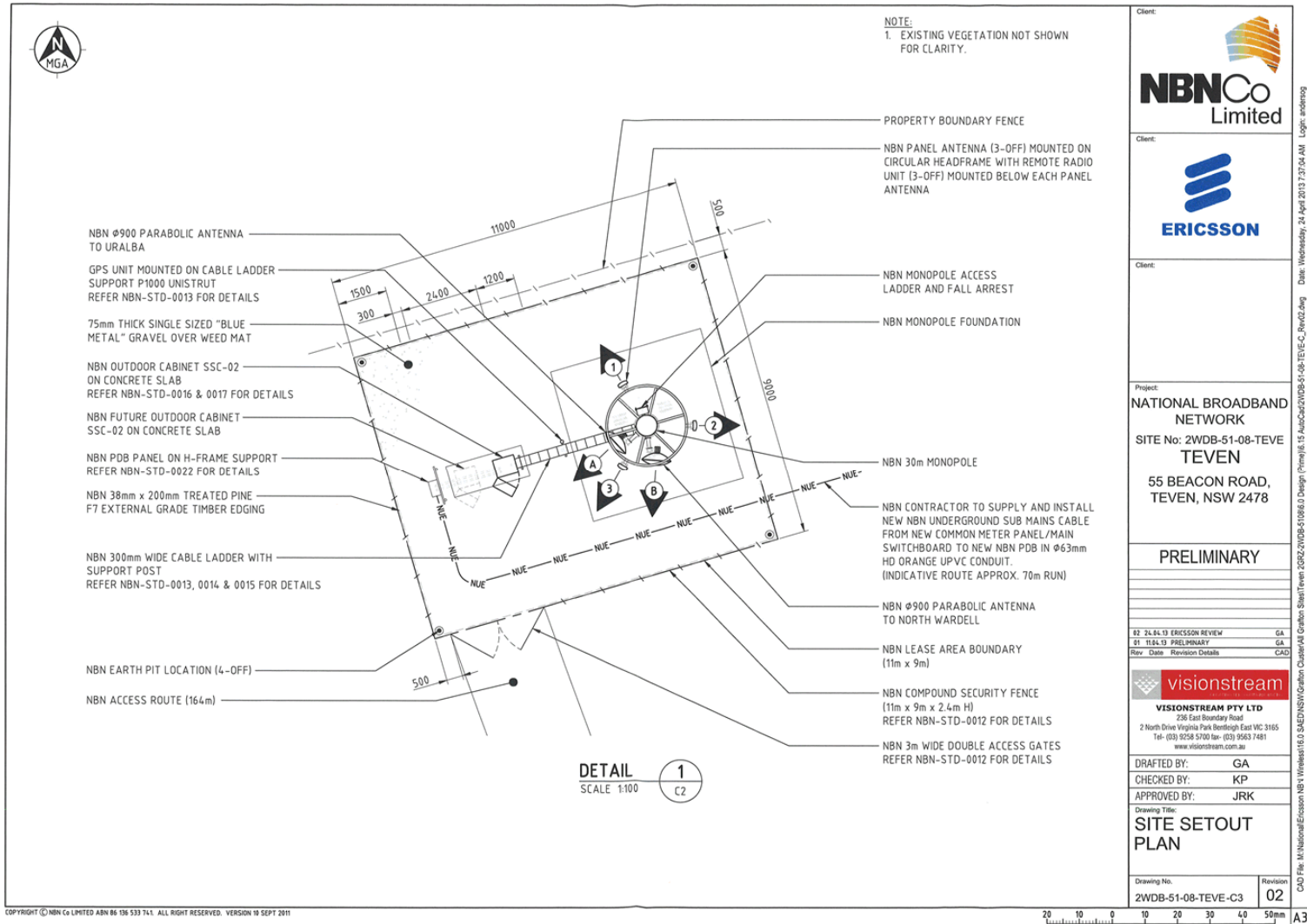
Locality Plan 55 Beacon Road, Teven
Proposed Telecommunications Facility



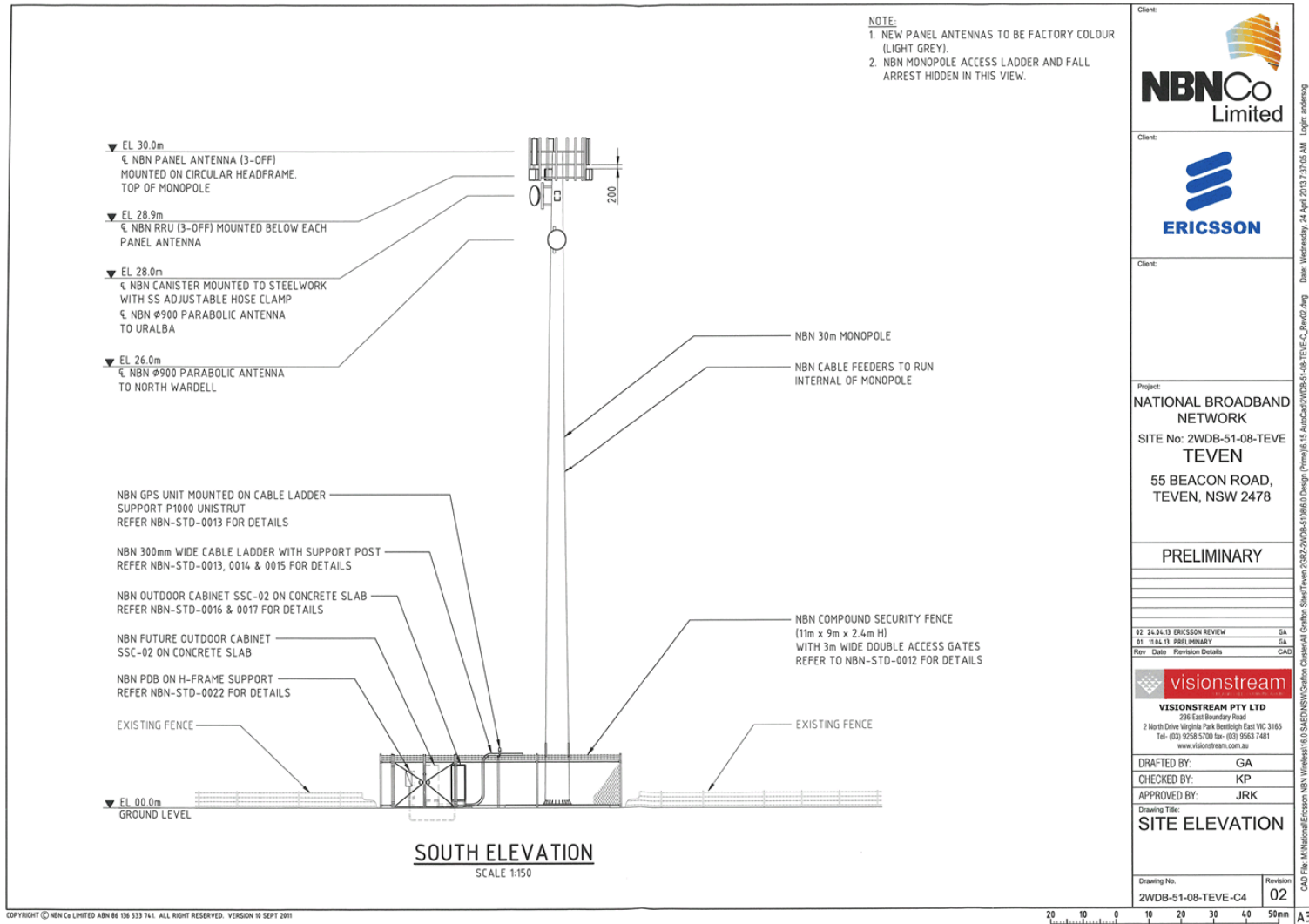
8.1 **DA 2014/19 - Telecommunications Tower 55 Beacon Road Teven.DOC**



8.1 DA 2014/19 - Telecommunications Tower 55 Beacon Road Teven.DOC



8.1 **DA 2014/19 - Telecommunications Tower 55 Beacon Road Teven.DOC**



54 Beacon Road
TEVEN NSW 2478

12 February 2014

Mr Rod Willis
Group Manager
Development and Environmental Health
Ballina Shire Council
P.O. Box 450
BALLINA NSW 2478

Dear Mr Willis

RE: DA 2014/19 – Proposal to erect a telecommunications tower at 55 Beacon Road, TEVEN

We refer to your letter of 6 February advising of development application DA 2014/16 and, in particular, the proposal by Visionstream Pty Ltd to erect a 30m high monopole tower on a neighbouring property at 55 Beacon Road, Teven. The purpose of this letter is to seek clarification of a number of matters contained in that development application (DA). Please note that this letter is not intended as a formal objection against the DA – however, in the event that your response to our queries does not arrive in sufficient time to enable any further submissions to be made to you by 28 February (closing date for submissions), we would appreciate your taking the matters raised in this letter under consideration in a manner similar to those raised in an objection.

Public Safety – Radiofrequency Emissions

Section 6.10 of the Statement of Environmental Effects attachment to the DA, and Appendix 3 (Summary of Estimated RF EME Levels) to that attachment would seem to offer reassurance to Council that the predicted levels of Electromagnetic Emissions (EME) to be generated by the proposed telecommunications facility will be well within the relevant Australian standards. That is, we should not be concerned about our health and safety.

Our questions relating to these elements of the DA are:

1. How should we interpret the Table of Predicted EME Levels – does it mean that the maximum predicted EME level would be 0.029% of the Australian standard for safe exposure to EMEs?
2. Is Council able to satisfy itself that the process adopted by the applicant to calculate the predicted EME levels was conducted accurately, and that the results are also accurate?

Page | 1

3. As noted by the applicant, there are already 3 telecommunication towers in the vicinity of the proposed tower – is Council informed of the cumulative effect of EME levels on surrounding areas from the operation of all 4 towers and, if so, what is that cumulative effect?

Proposed site/location of the tower

The Statement of Environmental Effects attachment discusses the process adopted by the applicant in selecting the proposed site for the tower. In doing so, it canvasses 2 other sites on the same geographical feature, each of which sites has an existing tower, and then dismisses those sites as being unsuitable.

Our questions relating to these elements of the DA are:

4. Given that the NSW Telecommunications Facilities Guideline (referred to in section 5.2.2 of the attachment) states under Principle 2 that “Towers may be extended for the purposes of co-location” and “The extension of an existing tower must be considered as a practical co-location solution prior to building new towers” – is Council satisfied with the applicant’s apparent disregard of these principles by failing to consider the option of extending an existing tower?
5. Is Council prepared to have the feature at Teven become a nest of telecommunications towers when clearly the principles mentioned above are intended to minimise the presence of towers in our landscape?

Your responses to these matters would be much appreciated.

Yours sincerely,



Peter and Paulene Blackwood

NORTHERN COMMUNICATIONS

ABN 47 538 617 523 ACN 055 639 015



COMMUNICATION SPECIALISTS
120 CASINO STREET
P.O. BOX 3009 LISMORE MAIL ANNEX
LISMORE N.S.W. 2480

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Website www.northern.com.au

27/2/2014
Ballina Shire Council
Att: Dwayne Roberts

Re: DA 2014/19
NBN Site Reference 2WDB-51-08-TEVE-C

Letter Of Objection

Dear Sir/Madam,

Northern Communications is a small, local family owned business providing communication services to the Far North Coast.

In respect to DA 2014/19 we (Northern Communications) were recently informed by Denis and Gayl Perkins, that another communications facility was possibly going to be constructed on the same hill that we have our own communications facility at Teven.

We were informed that a company called Visionstream was the entity in charge of the proposed new communication site. We contacted Visionstream to enquire why they hadn't approached us to co-locate on our tower and to also inform Visionstream that our tower would be more than capable of handling any equipment for the NBN rollout.

The gentleman we spoke to at Visionstream didn't even know that Northern Communications existed, let alone that another suitable site was nearby.

After we made a few more follow up calls to Visionstream and giving them the specifications of our tower and hut, the Visionstream representative said the project was too far down the track to change things now.

The issues Northern Communications have with the proposed position of the new tower are as follows:

- 1) The proposed new tower/pole is **in direct line** with our microwave and radio links back to our site at Tregeagle. Besides possible interference that could be caused to our equipment (which the Australian Communications and Media Authority (ACMA) strongly legislate) the proposed new tower/pole would also block not only our signals to Tregeagle, but also NSW Fire and Rescue and NSW Ambulance who co-locate on our existing tower.

8.1 DA 2014/19 - Telecommunications Tower 55 Beacon Road Teven.DOC

- 2) Good radio frequency design and engineering is to have antennas in close proximity to be on the same vertical plane to minimize interference. This is why towers have a lot less interference issues than sites that have antennas on the horizontal plane, for example water reservoirs etc.
- 3) Visionstream dishes/antennas will be on the same horizontal plane as ours, causing a possible OH and S issue for our staff climbing our tower for maintenance or installation.

There is what is called the “bore site” of their radiated signal and this will be on the same plane and height as our staff on our tower, and I doubt that this has even been calculated or considered by Visionstream.

For these reasons, Northern Communications strongly objects to the proposal.

Hoping that common sense will prevail and a suitable and more cost effective resolution happens for all parties concerned.

Yours Sincerely
Scott & Donna Barker
Northern Communications

Denis & Gayl Perkins
444 North Teven Road
Teven NSW 2478
02 66878 448
landsvale@bigpond.com

Attention : Dwayne Roberts Ballina Shire Council

**Re: PROPOSED FIXED WIRELESS FACILITY
NBN Site Reference
2WDB-51-08-TEVE-C
DA 2014/19**

Letter of Objection Dated 20-02-2014

We have studied the Development Application DA 2014/19 in detail and question the need for another tower to be erected on the site near our house when three others already exist.

We were not aware of this project until the Survey Pegs appeared on our Boundary Fence and we started asking questions.

1: Site Selection

On page 5 it states that an in depth site selection took place.

This is not correct as no contact was made to us in regard to inspecting our property, which adjoins. Reference is also made to the site being appropriately located to minimize visual impact on the immediate and surrounding area.

We strongly disagree with this, as it will have maximum visual impact on us and the entire Teven valley.

2: Candidate Sites:

Reference: Page 10

Report states that Candidate 2 is located at: 287 Tintenbar Road Teven.

This is not the correct address for this tower.

Tower is located on our property, 444 North Teven Road Teven and is capable of accommodating the required NBN Equipment.

They say it has limited load-bearing capacity. What is the proof of this?

The location of this tower is approximately 100metres from the proposed site of Candidate 3, The Greenfield Facility at Beacon Road Teven.

The report states that Candidate 3 has existing telecommunications facilities.
This is not true. There are no towers on that property.

The towers are located at:

**Candidate 1: 118 Beacon Road Teven and
Candidate 2: 444 North Teven Road Teven.**

The location called Candidate 2 only became an option on our insistence once we became aware of the project. We are convinced it has not been seriously considered, as we had to argue with Visionstream that it even existed and we were told it was too late to consider using the existing tower as the site survey and lease agreement for the Greenfield site had already been completed and only had to be signed by the landowner.

3: Construction and Noise

What measures will be taken to reduce Air conditioning Noise levels?

As our Farm shed and House are closely situated to this we do not want to have to tolerate constant noise from air-conditioner.
Prevailing southerly winds will direct any noise to ward the bedrooms of our house.
The tower, which is already located on our property, is sited to the east and does not cause nose issues for that reason.

4: Guideline Principals

Principle 1 Telecommunications Facility sited to minimize Visual Impact

Section (e) Visual Impact

Report states no impact, however, no site inspection was made from our property. **The proposed site will impact greatly on our visual aspect.**

Section (g) Obstruction of view

Report states no obstruction of views and states that our property views are primary aspect northeast.
This is Incorrect. We have almost 360 degrees views.

Principle 2: Facilities to be co-located where possible

Section (b) (d) (e) Use of existing towers

Reports state no existing telecommunications facilities in the vicinity with required height and location capable of providing the service.
This is incorrect as the Northern Communication tower is very close by. This is identified on the Overall Site Plan in their documentation. Tower Height and structure would be suitable for this project. If it is not, what proof do they have to back up this claim?

5: Zoning

Page 22 : 5.3.2 Ballina LEP Special Uses Zone Objectives

Reference A

Response to the Objective outlined claims the subject property contains an existing navigation mast, which is similar in appearance to the proposed facility.
This is not true. That tower is on a neighbouring property to the East

Reference B

Based on the proposed location of this tower it will be very visible to both us and the wider community of the Teven valley. However the report states the proposed development has been sited to avoid impacting on the rural character of the area. It is stated it would be visually screened from the majority of residential areas. Which it is not.

6: Planning Considerations

Reference # 6.1.1

This section states that our house is 70 meters away, built into the hill, facing north and away from the existing tower on its property.

**1: Our house is NOT built into the hill.
It sits atop the hill with views in all directions.
Window height of our house will be 5-6 metres in height above the base of the tower.**

**2: They have admitted there is a Tower on our property.
However they have made no site Consultation with us before deciding on the proposed site chosen.**

Reference # 6.1.2 Design

Report states will not be excessively visible, intrusive or dominant.
This is incorrect. It will be very visible to us and the entire Teven Valley.

Site Photographs & Site Plans

Page 30 shows 2 photographs taken at the proposed site.

Both photos clearly shows the Northern Communications Tower giving a visual detail of how close it is to the proposed site of this new tower but in a higher and more favourable location.

The Overall Site Plan attached to documentation also details the location of the Northern Communications tower site on our property.

Both of these items clearly contradict the statement made on page 10 where it states that the Candidate 2 Co- location option of the Northern Communications tower is located at 287 Tintenbar Road Teven which is incorrect.

Radio Frequency EME Exposure Levels

What is the Cumulative affect on EME risk when our house is to be in between multiple sites and services as is being proposed and what is the effect when our house is 5-6 metres higher up the hill from the base of the proposed tower?

Normal measurements are from one site only, not multiple sites and on level ground.

In our case the risk will be greater as we are higher.

We Object to this location as a Suitable location mainly because the existing tower, which is owned and operated by Northern Communications, (used mainly for Two Way Radio Repeaters) is already on the highest part of the hill which should be a more obvious location for such a tower. The Tower is 30m tall. It is a lattice steel construction, capable of supporting the necessary antennas and available to be used for such purposes. If it is necessary to have another tower erected it should be in the same vicinity as the Northern Communications tower to minimize the impact to the view and the environment. Two towers together are better than 100metres apart and in full view to the west as is proposed.

In the proposed location the base of the tower will be about 5-6 metres below window height on our house so the EME risk will be greater than specified on level ground.

It will be in full view of our normal entry door, garage and our machinery shed/workshop will be right under the tower, only 20metres away.

Any noise, including air-conditioning will be carried by southerly breeze directly to the west end of our house which is where the bedrooms are located. If the existing Northern Communication tower location was used the air conditioning noise would not be a problem as it is at the other end of our hose and further away. Also any EME risk is minimized as the roof centerline faces southeast towards the existing tower and the ground is level with the house making overall height of tower greater. If the tower is moved further east or south east it would then be closer to the existing Telstra & Optus towers, which also begs the question, why not co-locate at either of these two sites or build a new tower at these sites, 30m high if necessary like what is being proposed.

We already have 3 towers, do we really need a fourth one in full view to the west.

Another consideration should be for light aircraft in the Teven Valley with a 30m tower on the western edge of the hill and in the vicinity of the Ballina Airport. In bad weather Aircraft of all types fly around and directly over this hill.

Aircraft safety should be considered.

We trust this information and our opinions will be considered in this Development Application Approval Process.

Denis & Gayl Perkins
20th February 2014



Our Ref: 2WDB-51-08-TEVE

2 April 2014

Mr Dwayne Roberts
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Dear Mr Roberts

Planning Permit Application 2014/19 for a Proposed Fixed Wireless NBN (Telecommunications) Facility, 55 Beacon Road, Teven, NSW 2478 (Lot 103 DP865070)

Thank you for your letters dated 18 and 27 February 2014, which were received via email on 3 March 2014. We would also like to take this opportunity to address the comments received by Northern Communications dated 27 February 2014.

With regards to the information request from the Civil Aviation Safety Authority:

1. The height of the proposed monopole is positioned at 129.44m AHD at ground level.
2. The height of the facility from ground level to the highest point of the panel antennas is 30.55m.

Examination of Co-location opportunities

NBN Co emphasises that it always seeks to co-locate on existing infrastructure first before proposing new structures. Co-location is always thoroughly examined when seeking new locations for the NBN Fixed Wireless network. Co-location offers reduced visual impacts, considerably lower costs and a speedier decision making process, as such this is only ruled out where it cannot be suitably achieved. Examples of this can be seen in Ballina Shire where NBN Co has proposed to co-locate on existing facilities at Alstonville North, Knockrow and Meerscham Vale. As part of the early scoping process for Teven a number of existing facilities were considered and assessed to determine whether they could be utilised or extended to provide suitable coverage to the local community, and link into the wider fixed wireless network. These are outlined on the following pages.

It is important to note that the proposed site at Teven has been designed as a Fixed Wireless Hub site. This means that it not only provides the service to the local community around Teven, but also provides an essential connection to adjoining downstream facilities, linking back into the network through North Wardell and Alstonville North. Without the proposed site at Teven other communities cannot link back into this network. From a technical perspective the proposed facility at Teven needs to have a clear line of sight to each adjoining facility and also a sufficient height to provide the NBN service to the local community.



VISIONSTREAM PTY LTD ABN 80 062 604 193
236 East Boundary Road
Locked Bag 3, Bentleigh East, VIC 3165

www.visionstream.com.au



Set out below is further information on the existing facilities examined within the search area;

118 Beacon Road, Cumbalum, NSW, 2478 – Telstra 20m monopole

This existing facility comprises of a 20m monopole set within an existing area of 15m tall trees, and is utilised by Telstra. Telstra were approached for a Level 1 request to provide details on the availability of space for co-location. This response indicated that the only available height was 15m, which is not sufficient for any equipment to function above the existing trees. In addition to this, Telstra have existing reservations up to 3m above the existing monopole. NBN Co requires a minimum height of 30m in this location for the panel antennas, which cover the local premises. In addition to this 27m and 28m are required for the parabolic antennas, which link to the adjoining facilities.

Following this feedback it was assessed as to whether this facility could be extended in order to provide the required heights for NBN Co on the existing structure. As Telstra has reservations for the top 5m, plus a further 3m for expansion above the existing structure, any extension would need to accommodate Telstra on the top 8m. Having regard to this in order to accommodate both Telstra and NBN Co, this facility would need to be at least 40m in height, which could not be structurally achieved by extending this existing facility.



Figure 1 – Existing Telstra facility

118 Beacon Road, Cumbalum, NSW, 2478 – Optus 22m monopole

The existing facility here comprises of a 22m steel monopole, set within 15m tall trees which facilitates Optus equipment as well as an aircraft guidance beacon used by Ballina aerodrome. Optus were approached for a Level 1 request. This response offered NBN Co. a height of 10m on the existing structure due to existing Optus reservations and load. Optus advised that even with this height availability the facility will be close to structural capacity with the Optus future load alone.

NBN Co requires a minimum height of 30m in this location for the panel antennas, which cover the local premises. In addition to this 27m and 28m are required for the parabolic antennas, which link to the adjoining facilities. Having regard to the available height, and the existing and future load, this structure would need to be in excess of 40m and as such could not be extended to provide the required NBN coverage for this location.



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Figure 2 – Existing Optus facility

444 North Teven Road, Teven, NSW, 2478 – Northern Communications 30m lightweight lattice

The existing structure comprises of a 30m lightweight steel lattice tower which the ACMA database indicates contains approximately 25 existing items of radio communications equipment for both the emergency services and private enterprises. This equipment is affixed at intervals along this structure as can be seen in the image below. Engineers have advised that this lightweight structure would not be sufficient to carry the load of the NBN Co panel antennas and parabolic dish required. Irrespective of this any co-location would need to provide NBN Co with a height of 30m for the panel antennas and 28 and 26m for the parabolic dish. In addition to this a colocation would need to accommodate the existing equipment and by law must not interfere with them. Having regard to the positioning of the existing equipment and NBN Co requirements, any extension would require an overall height of between 35-40m, which could not structurally be achieved on this existing facility.

It should also be noted that the landowner was approached in July 2012, but indicated that they were not interested in any proposal.



Figure 3 – Existing Northern Communications Facility



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Locked Bag 3, Bentleigh East, VIC 3165

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Issues raised by Northern Communications

Following receipt of the objection from Northern Communication's, Visionstream contacted them directly requesting details of the azimuths, orientation, frequency and heights of their existing equipment. Emails were sent on 12 and 26 March, as well as follow up phone calls, however no response was forthcoming. Nonetheless, Ericsson radio engineers have reviewed the details contained on the ACMA database for this site, as well as site photographs and mapping. Based on this assessment we can confirm that the proposed NBN facility is not in the direct line of sight of the Northern Communication's equipment. The proposed structure is placed approximately 251 degrees compared to the Northern Communications structure, which gives NBN approximately 15-25 degrees separation from their azimuth. As such the proposed facility will not interfere with the existing equipment on the adjacent site.

With respect to the occupational health and safety query, this is something that is taken very seriously by Visionstream and Ericsson and is always considered, for every site. The attached Antenna EME Exclusion Zones are contained in drawing 2ALS-51-06TEVE-R1 Rev C, which is attached for your information. It is important to note from these that the 'Limited Access Exclusion Zone' extends to 10.5m in a horizontal plane, from the proposed structure at its greatest distance. As such with the Northern Communications structure approximately 85m from the proposal, any staff on this structure will not be working within the exclusion zones of the NBN facility.

I hope this information provides you with sufficient information to enable the Council to support this proposal, but should you or any Council Officer wish to discuss any aspect of the application in more detail, please do not hesitate to call Richard Turner on 03 9258 5803 or email richard.turner@visionstream.com.au

Yours Sincerely,



Richard Turner
Environmental Planner

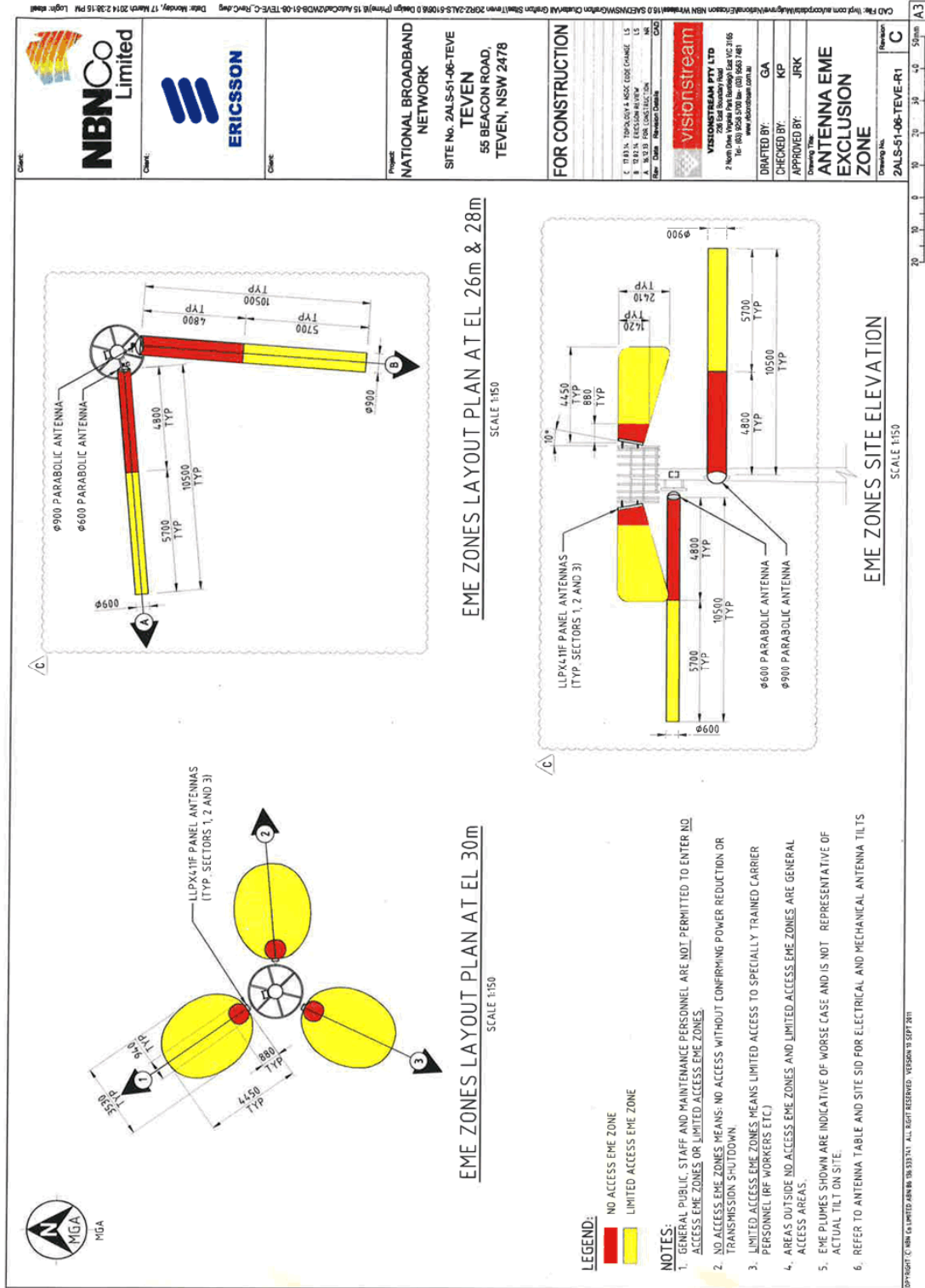
Visionstream



VISONSTREAM PTY LTD ABN 80 062 604 193
236 East Boundary Road
Locked Bag 3, Bentleigh East, VIC 3165

www.visionstream.com.au





8.1 DA 2014/19 - Telecommunications Tower 55 Beacon Road Teven.DOC

Frequency	Client	Licence No
852.1125 MHz Rx	Fire and Rescue NSW (3808)	1214520
928.1125 MHz Tx	Fire and Rescue NSW (3808)	1214520
419.200 MHz Tx	Fire and Rescue NSW (3808)	1214670
409.750 MHz Rx	Fire and Rescue NSW (3808)	1214670
462.025 MHz Tx	Ambulance Service of NSW (17661)	1251658
452.525 MHz Rx	Ambulance Service of NSW (17661)	1251658
414.300 MHz Rx	Ambulance Service of NSW (17661)	1251664
404.850 MHz Tx	Ambulance Service of NSW (17661)	1251664
163.7375 MHz	Boral Resources Pty Ltd (3792)	1280562
159.1375 MHz	Boral Resources Pty Ltd (3792)	1280562
473.950 MHz Tx omni	Swancage Pty Ltd (536360)	1412871
479.150 MHz Rx Omni	Swancage Pty Ltd (536360)	1412871
474.600 MHz Tx Omni	BUSLINES GROUP PTY LIMITED (20005712)	1427995
479.800 MHz Rx Omni	BUSLINES GROUP PTY LIMITED (20005712)	1427995
484.625 MHz Rx Omni	Swancage Pty Ltd (536360)	156608
472.450 MHz Tx Omni	Swancage Pty Ltd (536360)	520281
483.925 MHz Rx Omni	Swancage Pty Ltd (536360)	30638
483.325 MHz Rx Omni	Swancage Pty Ltd (536360)	30642
477.650 MHz Rx Omni	Swancage Pty Ltd (536360)	520281
489.825 MHz Tx Omni	Swancage Pty Ltd (536360)	156608
404.550 MHz Tx	BUSLINES GROUP PTY LIMITED (20005712)	1428001
414.000 MHz Rx	BUSLINES GROUP PTY LIMITED (20005712)	1428001
489.125 MHz Tx Omni	Swancage Pty Ltd (536360)	30638
488.525 MHz Tx Omni	Swancage Pty Ltd (536360)	30642
505.500 Mhz Rx		
515.500 Mhz Tx		
506.5125 Mhz Rx		
516.5125 Mhz Tx		
507.5125 Mhz Rx		
517.5125 Mhz Tx		

5.8Ghz Northern Comms link to tregeagle

3.6 Ghz/5.8 Ghz WWWires

5.8 Ghz WWWires

Hieght	Bearing
20 Mtrs	Goon'bah 269 deg
20 Mtrs	Goon'bah 269 deg
30 Mtrs	Omni
35 Mtrs	Omni
30 Mtrs	Omni
35 Mtrs	Omni
16 Mtrs	P'Nest 260 deg
16 Mtrs	P'Nest 260 deg
	No Equipment
	No Equipment
22 Mtrs	Omni
35 Mtrs	Omni
22 Mtrs	Omni
35 Mtrs	Omni
35 Mtrs	Omni
22 Mtrs	Omni
35 Mtrs	Omni
35 Mtrs	Omni
35 Mtrs	Omni
22 Mtrs	Omni
12 Mtrs	Wyreema 267 deg
12 Mtrs	Wyreema 267 deg
22 Mtrs	Omni
22 Mtrs	Omni
15 Mtrs	Tregeagle 260 deg
15 Mtrs	Tregeagle 260 deg
14 Mtrs	Tregeagle 260 deg
14 Mtrs	Tregeagle 260 deg
13 Mtrs	Tregeagle 260 deg
13 Mtrs	Tregeagle 260 deg
25 Mtrs	Tregeagle 260 deg
20 Mtrs	Coorabell
20 Mtrs	Teven Valley

SCHEDULE OF CONDITIONS

GENERAL

1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including plans, prepared by Visionstream Pty Ltd, numbered 2WDB-51-08-TEVE-C1, 2WDB-51-08-TEVE-C2, 2WDB-51-08-TEVE-C3, 2WDB-51-08-TEVE-C4, Revision 2, dated 24 April 2014, stamped approved, except as modified by any condition in this consent.
2. **BCA compliance**
The buildings are to comply with the requirements of the Building Code of Australia and relevant Australian Standards.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development.

3. **Administration/inspection fees**
Where Council is not chosen as the Principal Certifying Authority, the relevant certificate registration fee's are required to be paid to Council in accordance with Council's Fee Schedule, prior to the issue of a Construction Certificate.
4. **Issue of construction certificate**
The erection of a structure under the terms and conditions of this Development Consent must not be commenced until:
 - (a) Detailed plans and specifications of the structure have been endorsed with a Construction Certificate by:
 - (i) The Council; or
 - (ii) An accredited certifier; and
 - (b) The person having the benefit of the development consent has appointed a Principal Certifying Authority has notified the Council (if Council is not the principal certifying authority) of the appointment; and
 - (c) The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building.
5. As the tower falls within the requirements for notification of Tall Structures, the proponent will be required to submit advice prior to the issue of a Construction Certificate in the preferred format to RAAF-AIS as stated in the attached CASA Advisory Circular AC139.08(0). Copies of that advice are to be provided to Ballina Byron Gateway Airport's Operations Manager.

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with or addressed prior to commencement of construction works relating to the approved development.

6. Erection of Signs

- (1) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the Principal Certifying Authority 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 work site is prohibited.
- (2) 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.
- (3) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 109R of the Act, to comply with the technical provision of the NSW Government's building laws.

7. Building waste containment

A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. Building waste such as paper, plastic, cardboard, sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the locality.

8. Builder's toilet

A suitable builder's toilet is to be provided on-site before building work commences. Such facility is to either connect to Council's sewer or a suitable approved chemical closet is to be provided.

9. Safety fencing

The building site is to be provided with adequate safety fencing preventing public access onto the site. Such protection measures are required to protect the public from construction works including dangerous excavations. Signage, restricting unauthorised site entry, containing the builder's name, licence number and contact telephone numbers is to be provided in a visually prominent location on the site.

10. The following notification must be provided to Ballina Byron Gateway Airport's Operations Manager:

- I. at the commencement of works on site;
- II. at least one week prior to the use of cranes higher than 20m above ground level on the site; and
- III. immediately upon completion

These notifications are to ensure that an assessment on the airports airspace can be made and any Notice to Airmen prepared and issued.

DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with or addressed during the course of carrying out the construction works relating to the approved development.

11. An Erosion and Sediment Control Plan (ESCP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 must be implemented in full during the construction period.

12. Construction

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

13. All construction waste is to be transported and disposed of to an approved waste facility. If alternative disposal methods are to be sought, written approval is to be granted by Council. It is an offence to transport waste to a place that can not lawfully be used as a waste facility.

14. The discharge of sediment and waste materials including concrete waste, paint, plaster and the like material into any roadway, natural or constructed drainage system, watercourse and/or adjoining land constitutes a breach of development approval conditions. Council's Authorised Officers may issue a Clean Up Notice, Prevention Notices and/or an on-the-spot fine in accordance with the Protection of the Environment Operations Act 1997.

15. If necessary dust control measures such as wetting down, covering stockpiles and physical barriers shall be used to control and prevent a dust nuisance to surrounding properties.

16. The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The

supplier of the fill material must certify to Council at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to occupation or use.

17. Occupation certificate

An Occupation Certificate is to be obtained prior to commencement of use of the structure. Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council.

Civil Aviation Safety Authority Conditions

18. Prior to the issue of an Occupation Certificate the structure is to be obstacle lit with a low intensity steady red obstacle light for night operations. For detailed obstacle lighting requirements refer to subsections 9.4.2, 9.4.3 and 9.4.6 of MOS Part 139;

19. Prior to the issue of an Occupation Certificate a monitoring programme is to be established with the Ballina Byron Gateway Airport, which includes a visual observation of the obstacle lights at least once every 24 hours, or

the obstacle lighting should have a remote monitoring capability, in lieu of visual observations every 24 hours, to alert Ballina Byron Gateway Airport's reporting staff of any outage. For detailed requirements for the monitoring of obstacle lights within the OLS area of aerodromes, refer to subsection 9.4.10 of MOS Part 139.

CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

20. Noise – air conditioning

Noise caused by the approved use, including installed air conditioning plant, must comply with the following criteria:

- (a) The use and associated plant must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- (b) The LAeq noise level emitted from the air conditioning plant must not exceed 5dB above the background (L90) noise level between the hours of 7.00am and 10.00pm when assessed within 30 metres of the nearest affected residence. The background noise level must be measured in the absence of noise emitted from the use.
- (c) The LAeq noise level emitted from the air conditioning plant must not exceed the background (L90) noise level between the hours of 10.00pm and 7.00am when assessed within 30 metres of the nearest affected residence. The background noise level must be measured in the absence of noise emitted from the use.

(d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the air conditioning plant must not be audible within any habitable room in any nearby residential property between the hours of 10.00pm and 7.00am weekdays and 10.00pm and 8.00am weekends and public holidays.

21. Certification is to be provided within **three** months of the commissioning of the facility that the EME levels from the facility comply with the ARPANSA public exposure limits and be submitted to Council.