

Development consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Daniel James
Team Leader
Alpine Resorts Team
Department of Planning, Industry and Environment

Jindabyne

31/10/ 2019

SCHEDULE 1

Application No.:	DA No. 9917
Applicant:	CommPlan Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Land:	Water Reservoir South, Blue Cow, Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Works including: <ul style="list-style-type: none">• installation of Optus telecommunications equipment onto an approved Telstra lattice tower• installation of an equipment shelter• trenching and rehabilitation• removal of existing telecommunications facilities from Blue Cow Ski Terminal

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means CommPlan Pty Ltd, or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifying Authority	has the same meaning as in Part 6 of the Act.
DA No 9917	means the development application submitted by the applicant on 18 February 2019.
Department	means the Department of Planning, Industry and Environment, or its successors.
Director	means the Director of Regional Assessments or a delegate of the Director within the Department.
Minister	means the Minister for Planning and Public Spaces, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
PCA	means the principal certifying authority and has the same meaning as in Part 4A of the Act.
Regulation	means the <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's agreement satisfaction	approval, or means a written approval from the Secretary or nominee/delegate.
Subject site	has the same meaning as the land identified in Part A of this schedule.
Team Leader	means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1 Obligation to minimise harm to environment

In addition to meeting the specific performance measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

A.2 Development in accordance with approved documentation and plans

The development shall be in accordance with the:

- (a) DA No. DA 9917 submitted by CommPlan Pty Ltd on 18 February 2019
- (b) supporting documentation submitted with the application (DA 9917)
- (c) additional information submitted by CommPlan Pty Ltd on 8 April 2019, 22 May 2019, 17 June 2019 and 16 August 2019
- (d) the conditions of this consent

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author / Prepared by	Dated / Received	Document Reference
1	Statement of Environmental Effects (SEE)	Telecommunications Facility, Perisher Blue Cow Resort, Link Road, Kosciuszko National Park NSW 2624	CommPlan Pty Ltd	February 2019	
2	Plan	Draft Site Layout	Optus Mobiles Pty Ltd	6 June 2017	S3176-P1 Rev. 01
3	Plan	Draft Site Elevation	Optus Mobiles Pty Ltd	6 June 2017	S3176-P2 Rev. 01
4	Biodiversity Development Assessment Report (BDAR)	Blue Cow, Kosciuszko National Park, NSW	Biosis Pty Ltd	14 February 2019	27710 V.01
5	Letter	Proposed New Telecommunications Facility: Optus Site S3176	Martens and Associates Pty Ltd	22 May 2019	
6	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification	Martens and Associates Pty Ltd	21 May 2019	-
7	Report	Geotechnical Investigation, Telstra Site 41627	Martens and Associates Pty Ltd	16 November 2016	P1605378 JR01V01
8	Plan	Optus Antenna on Rooftop of Blue Cow Ski Terminal	-	16 August 2019	-

A.3 Inconsistency between documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

A.4 Lapsing of consent

This development consent will lapse five years from the date of consent, unless the building, engineering or construction work relating to the development is physically commenced on the land to which this consent applies before the date on which the consent would otherwise lapse.

A.5 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (a) clause 98, Compliance with Building Code of Australia; and
- (b) clause 98A, Erection of signs during building and demolition works.

A.6 Australian standards

All works shall be carried out in accordance with current Australian Standards.

A.7 Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

PART B – PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B.1 NSW Biodiversity Offset Scheme

Prior to the issue of a construction certificate, the class and number of ecosystem credits and species credits in Appendix E of the BDAR – BAM Credit Summary Report (reference 6 in Condition A.2) must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment into the applicable fund or trust, as per the *Biodiversity Conservation Act 2016*, of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the Secretary or nominee prior to the issue of the construction certificate.

B.2 Biodiversity management plan

- (a) Prior to the issue of a construction certificate, a Biodiversity Management Plan (BMP) must be:
 - (i) prepared in consultation with the NPWS (unless agreed otherwise in writing by the Secretary or nominee);
 - (ii) submitted to and approved by the Secretary or nominee.
- (b) The BMP must identify the development as per the BDAR and approved plans.
- (c) The BMP must identify areas of land that are to be retained as outlined in the BDAR.
- (d) Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.
- (e) The BMP must identify all measures proposed in the BDAR to mitigate and manage impacts on biodiversity, including performance measures for each commitment.

B.3 Construction certificate

Work must not commence until a relevant construction certificate has been issued.

B.4 Building Code of Australia Compliance

The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions; or
- (b) formulating a performance solution which:
 - (i) complies with the performance requirements; or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (a) and (b).

B.5 Structural Details

Prior to the commencement of the relevant works, the Applicant shall submit to the certifying authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- a) the relevant clauses of the BCA; and
- b) the development consent.

B.6 Design

The structure, antennas and other ancillary equipment, where feasible and reasonable, shall be constructed from non-reflective materials. Details to be provided to the certifying authority prior to the issue of any construction certificate.

B.7 Ski-tube tunnel

The proposed works are within the ski-tube exclusion zone. Prior to the issue of any construction certificate the Applicant shall:

- (a) provide construction techniques, plans and documentation to Perisher Blue Pty Ltd;
- (b) obtain any comments and/or recommendations from Perisher in relation to the proposal's proximity to the ski-tube tunnel; and
- (c) incorporate recommendations into the design documentation unless otherwise agreed by the secretary or nominee.

The Applicant and/or the lessee are responsible for any costs associated with items (a)-(c) above.

B.8 Stormwater Management Plan

Prior to the issue of any construction certificate, a stormwater management plan is to be prepared by an appropriately qualified and practising engineer to address the requirements of the BDAR, in particular:

- (a) Implement temporary stormwater controls during construction to ensure no impacts to the ephemeral wetland located to the south-west and down slope drainage lines.
- (b) Stormwater controls maintain the pre-construction hydrology by directing water flowing from the equipment shelter overland through flow dissipaters, such as rip-raps.

Details to be provided to the certifying authority.

B.9 Payment of the Long Service Levy

Prior to the issue of any construction certificate, evidence shall be provided to the certifying authority, in the form of a receipt, confirming payment of the Long Service Levy to the Long Service Payments Corporation in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1 Notification of commencement

The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

C.2 Site environmental management measures

Prior to commencement of work, a detailed Site Environmental Management Plan (SEMP) is to be prepared identifying measures to minimise and manage environmental impacts. The SEMP:

- (a) is to clearly show potential environmental impacts and ways to mitigate these impacts;
- (b) should be in line with the *'Guideline for the Preparation of Environmental Management Plans'* (2004) and needs to show matters such as sediment and erosion controls methods and locations, parking areas, material storage areas, stockpile sites, waste management procedures, contact and incident procedures.

Once the SEMP is prepared, all staff / contractors responsible for undertaking the works are to have access to the SEMP.

Details demonstrating compliance with this condition is to be forwarded to the Secretary or nominee prior to commencement of the works.

C.3 Protection of adjacent vegetation areas

Site management shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not part of the proposed development.

C.4 Authorisation under the National Parks and Wildlife Act 1974

The applicant is to consult with the NPWS to determine any lease, licence or other authorisation that is required for the development under the *National Parks and Wildlife Act 1974*, and prior to the commencement of construction works the appropriate lease, licence or authorisation must be obtained and in place.

C.5 Implementation of site environmental management measures

- (a) Prior to any works commencing:
 - (i) all site environmental management measures relevant to that section of work, in accordance with the approved documentation and plans (Condition A.2) and these conditions of consent, shall be in place and in good working order; and
 - (ii) the site environmental management measures shall be inspected and approved by the environmental officer.
- (b) Prior to commencing, erosion and sediment control measures shall be put in place.

C.6 Machinery and storage

Machinery used during construction must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas and must not be stored on native vegetation.

C.7 Tree and rock removal

Any trees or above ground rocks proposed to be removed, or partly removed, shall be clearly marked/tagged, prior to their removal, or partial removal.

C.8 Geotechnical recommendations

Prior to commencement of works, the Applicant is to demonstrate to the satisfaction of the PCA, with a copy provided to the Secretary or nominee, compliance with the recommendations within the Geotechnical Investigation undertaken by Martens and Associates Pty Ltd dated 16 November 2016.

C.9 Compliance

The Applicant must ensure that all employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

PART D – DURING CONSTRUCTION

D.1 Approved plans and documentation to be on-site

A copy of the approved plans and documentation shall be kept on site at all times and shall be readily available for perusal by any person associated with construction works, or an officer of the Department.

D.2 Construction hours

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7.00am and 1.00pm on Saturday, with no work allowed on Sunday or public holidays, or as otherwise approved by the Secretary.

D.3 Construction period

- (a) All construction activities are limited to the "summer" period. For this development this period means commencing after the October long weekend and ceases no later than 31 May or as otherwise approved by the Secretary or nominee.
- (b) By 31 May the applicant shall ensure that the site is made safe and secure by undertaking the following:
 - (i) removal of all waste materials;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) demolition and construction materials are removed from around the building and are stored within the building or contained within designated areas;
 - (iv) the subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
 - (v) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
 - (vi) any external scaffolding shall be dismantled and removed from the site;
 - (vii) all external plumbing and drainage works are to be completed;
 - (viii) all disturbed ground is stabilised and made erosion resistant;
 - (ix) any excavations are made safe and secure; and
 - (x) any other specific matters related to making the site safe and secure raised by the PCA or the Secretary or nominee.

D.4 Construction activities

- (a) At all times, construction activities shall be undertaken in accordance with the approved SEMP.
- (b) All construction activities shall be confined to within the construction zone.
- (c) No disturbance is permitted outside the construction zone unless otherwise agreed by the Secretary or nominee.

D.5 SafeWork NSW

All works shall be carried out in accordance with current SafeWork NSW guidelines.

D.6 Site notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (a) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (b) the approved hours of work, the name of the principal contractor for the work (if any), and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;

- (c) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted; and
- (d) the name, address and phone number of the PCA is to be identified on the site signage.

D.7 Storage of materials

The applicant shall ensure that at all times during the construction period that no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation.

All stockpiling is to be in accordance with the '*Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017*'.

D.8 Prohibition of hazardous materials

No hazardous or toxic materials or dangerous goods shall be stored or processed on the site at any time.

D.9 Noise and vibration management

Excavation and construction shall be managed in accordance with AS 2436 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure there is no adverse impact on any neighbouring/affected tourist accommodation buildings during the construction period.

D.10 Litter and building waste

Building waste shall be minimised and shall be contained in receptacles so as not to escape by wind or water. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacle must be cleaned regularly.

D.11 Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the SEMP and conditions.

D.12 Aboriginal heritage

Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works, all works impacting the objects or artefacts shall cease immediately. The applicant must immediately contact the NPWS to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

D.13 Electrical works

All electrical works shall be carried out by a qualified and licensed electrical contractor and installed in accordance with the relevant Australian Standards.

D.14 Erosion and Sediment Control Measures

All erosion and sediment control measures must be checked regularly and maintained in good working order at all times. All exposed earth must be kept stabilised and re-vegetation must commence as soon as practicable. All straw bales used for sediment and erosion control must be certified as weed free.

D.15 Area of disturbance

The area of disturbance shall be kept to the minimum necessary and shall comply with the following:

- (a) all works associated with construction of the development shall be confined to the construction zone;

- (b) no encroachment or works are permitted outside of the construction zone unless associated with the environmental offset areas; and
- (c) all materials, stockpiles, vehicles, machinery and the like shall be confined to the approved construction zone.
unless otherwise approved by the Secretary or nominee.

Where the condition is not complied with, works are to cease and the matter rectified. No works shall recommence until written authorisation is obtained from the Secretary or nominee.

D.16 Protection of Native Vegetation

Site management shall ensure that appropriate measures are in place to ensure that vehicles, machinery or persons do not damage or remove any native vegetation that is not part of this consent. The damage or removal of any native vegetation that is not part of this consent may warrant further action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

D.17 Geotechnical requirements

At all times works associated with the development shall comply with:

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment in undertaken by Martens and Associates Pty Ltd dated 16 November 2016.

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior approval from the geotechnical engineer. Written advice of the variation shall be provided to the Department within 48 hours.

D.18 Excavations and backfilling

- (a) All excavating and backfilling shall comply with the following:
 - (i) shall be executed in a safe manner and in accordance with appropriate professional standards;
 - (ii) where excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
 - (iii) any excess excavated material is to be moved off-site for storage or disposal;
 - (iv) adequate provision shall be made for drainage; and
 - (v) all excavations shall be properly guarded and protected to prevent them from being dangerous;
- (b) Any clean excavated material may be temporarily stockpiled at the site compound prior to its removal off-site.
- (c) Any clean excess fill shall be reused on site or disposed of at an authorised land fill site, and any contaminated spoil shall be disposed of at an authorised waste facility.
- (d) Imported fill material shall only be obtained from an Office of Environment and Heritage recommended source.

D.19 Re-fuelling

Appropriate controls shall be put in place to ensure no spillage occurs when re-fuelling all vehicles/machinery associated with the works. Re-fuelling of vehicles/machinery shall be performed on hard-stand areas or with appropriate spill kit and temporary bunding in place.

D.20 Rehabilitation and site establishment

- (a) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas.
- (b) Rehabilitation shall be undertaken in accordance with the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007)*.

- (c) Monitoring, maintenance and replacement planting must occur at least every 12 months for a period of 5 years.
- (d) All species used must be native and endemic to the area.
- (e) All straw bales used for rehab must be certified as weed free.
- (f) Anionic emulsion is not considered suitable for use in this area.
- (g) Monitoring and maintenance must include weed control.

D.21 Imported gravel or material

Imported gravel or material that is to be used is to be free from weeds or pathogens and in accordance with the *'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'*.

D.22 Stabilising agents

The use of soil stabilising agents is not permitted without prior consent of the Secretary or nominee in consultation with the NPWS.

D.23 Tree and rock removal

- (a) All vegetation and rocks required for removal must be clearly marked.
- (b) An onsite inspection with NPWS is to occur prior to vegetation removal for the Asset Protection Zone (APZ) to clearly outline what vegetation is being removed for the APZ and what vegetation can remain, whilst still fulfilling the APZ requirements.
- (c) All vegetation removed must be cut into smaller pieces, stored and reused for thatching for rehabilitation. Any residual vegetation can either be placed in adjoining native vegetation (without damage) or be removed from site completely.
- (d) All rocks removed during the works should be placed in the surrounding landscape without damaging existing native vegetation or removed from the site completely.
- (e) All vegetation must be checked for fauna habitats and fauna by suitable qualified personnel prior to felling / clearing. If fauna is present, then the Applicant must contact NPWS to assist with mitigation actions.
- (f) All vegetation and rocks should not be felled / removed in a manner which damages other surrounding vegetation.

D.24 Stormwater Management Implementation

- (a) Implement temporary stormwater controls during construction to ensure no impacts to the ephemeral wetland located to the south-west and down slope drainage lines.
 - (b) Stormwater controls maintain the pre-construction hydrology by directing water flowing from the equipment shelter overland through flow dissipaters, such as rip-raps.
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PART E – PRIOR TO COMMENCEMENT OF USE

E.1 Occupation certificate

Prior to the occupation of the building or the commencement of use, an occupation certificate must be obtained from the PCA. A copy of the occupation certificate must be furnished to the Secretary prior to the occupation of the building or commencement of the use.

E.2 Site Clean Up

Prior to commencement of use, the subject site shall be cleaned up.

E.3 Removal of site notice

Any site notices or other site information signs shall be removed upon completion of the site works and prior to the commencement of use.

E.4 Rehabilitation

- (a) Prior to the issue of any occupation certificate, the Applicant shall provide the PCA with a statement confirming:
 - (i) the initial rehabilitation has been undertaken in accordance with the approved documentation and these conditions of consent; and
 - (ii) the rehabilitation is considered satisfactory.
- (b) The PCA shall not issue an occupation certificate (interim or final) unless it is satisfied that all disturbed ground, including trenchlines, has been rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

E.5 Structural certification

A structural engineer's certificate shall be submitted to the PCA prior to issue of any occupation certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards. A copy of the certificate is to be submitted to the Secretary with the Occupation Certificate documentation.

E.6 Electrical Certification

Prior to the issue of any occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the PCA. The certificate shall indicate that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards.

E.7 Geotechnical certification

The Applicant shall provide certification to the PCA prior to the issue of the final occupation certificate verifying the works have been completed in accordance with the Geotech Form 4 and recommendations of the associated geotech assessment report.

E.8 Progress report

- (a) On 1 June each year, until a final occupation certificate has been issued for the development, the Applicant shall submit to the Department a progress report for the rehabilitation and site stabilisation (Condition D.20).
- (b) The progress report shall outline all rehabilitation and stabilisation works:
 - (i) whether the works have been commenced, in progress, or completed;
 - (ii) if completed, whether they comply with the requirements of Condition D.20;
 - (iii) if not completed, the expected timeframe for commencement and completion; and
 - (iv) if in progress or completed, what monitoring and maintenance is being undertaken.

- (c) If the Secretary or nominee gives directions to the Applicant to take further action in respect of rehabilitation and monitoring as a result of a progress report (or failure to submit one), these directions must be complied with.

E.9 As built survey plan

Within 12 months of the issue of any occupation certificate, an as built survey plan of the constructed development is to be furnished to the Secretary or nominee.

E.10 Existing antenna on Blue Cow Ski Terminal

Prior to the final occupation certificate being issued, the existing Optus antenna located on the rooftop of the Blue Cow Ski Terminal is to be removed. Details of the completion of these works, are to be provided to the PCA and a copy forwarded to the Department.

PART F – POST OCCUPATION

F.1 Rehabilitation

Up until the date 5 years after the issue of a final occupation certificate, all disturbed areas shall be monitored and maintained to ensure that:

- (a) the ground remains erosion resistant and the groundcover is being established; and
 - (b) all areas planted with native species (including sod replacement and seeding), are surviving.
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PART G – OPERATIONAL MANAGEMENT

G.1 Signage

- (a) The Applicant shall ensure that appropriate signage warning of electromagnetic energy is erected in accordance with the requirements of *Industry Code C564:2018 Mobile Phone Base Station Deployment*.
- (b) The Applicant shall provide a permanent and legible weatherproof sign in the immediate proximity of the telecommunications facility that identifies the name and contact details of the operator of the telecommunications facility. The sign shall be publicly visible.

G.2 Access

The Applicant shall ensure that access to the telecommunications facility is controlled in accordance with the requirements of *Industry Code C564:2018 Mobile Phone Base Station Deployment*.

G.3 Electromagnetic Radiation

At all times, any electromagnetic radiation and/or radiofrequency radiation emitting from any equipment within or on the building, cumulatively shall not exceed the limits stipulated in the current and relevant legislation, standards and codes. As of the date of this consent, the current and relevant standards and codes include (but not limited to):

- (a) *Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields 3 kHz to 300 GHz* (2002); and
 - (b) *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard* (2003, and as amended in 2007).
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ADVISORY NOTES

AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

AN.2 Responsibility for other consents / agreements

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

AN.3 Utility services

- (a) The applicant shall liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications, and the fire hydrant on the subject site:
 - (i) to locate all service infrastructure on the subject site;
 - (ii) arrange connection to these services for the development where relevant; and
 - (iii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the development.
- (b) The applicant and/or the lessee are responsible for costs associated with relocating any services.

AN.4 Temporary fencing

Prior to works commencing, the construction works area shall be fenced with temporary fencing in accordance with current SafeWork NSW guidelines. This fencing is to clearly delineate the construction area and shall keep the disturbance area to a minimum. This is to restrict access and also prevent unauthorised persons entering the work area.