

Panel Reference	2017NTH009
DA Number	DA-46-2017
LGA	Armidale Regional Council
Proposed Development	<p>72 lot staged subdivision and construction of a new roundabout, as follows:</p> <p><i>Stage 1A</i></p> <p>Creation of 42 allotments comprising 21 light industrial allotments (Lots 16, 20, 24, 28, 51 – 62 and 67 – 71), 7 business park / hotel allotments (Lots 32, 36, 37, 39, 40, 42 and 73), 13 aviation-related infrastructure allotments (Lots 21 – 23, 25, 26, 29 – 31, 33 – 35, 38 and 41), 1 highway service centre allotment and the construction of a new roundabout.</p> <p><i>Stage 1B</i></p> <p>Creation of 30 light industrial allotments (Lots 1 – 15, 17 – 19, 43 – 50, 63 – 66).</p> <p>The proposal also encompasses the dedication of Lot 3 DP1198787 and Part Lot 21 DP817347 as environmental offset land.</p>
Street Address	<p>10541 New England Highway, Armidale NSW 2350 (Lot 1 DP 1198787, Lots 1 & 2 DP 1196697)</p> <p>31 Saumarez Road, Armidale NSW 2350 (Lot 24 DP 1001379)</p> <p>33 – 125 Saumarez Road, Armidale NSW 2350 (Lot 2 DP 1198787, Lot 19 DP 817347, Lot 3 DP1198787, Lot 21 DP817347)</p>
Applicant/Owner	Armidale Regional Council
Type of Development	<p>Local</p> <p>The Roads and Maritime Services (RMS) is a concurrence authority pursuant to the provisions of <i>State Environmental Planning Policy (Infrastructure) 2007</i>.</p>
Date of DA lodgement	13 April 2017
Number of Submissions	<p>Two (2)</p> <p>Notification period: 27 April 2017 – 17 May 2017</p>
Recommendation	Approval, subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	<p>The estimated cost of works for the proposed development is \$9 million. As Armidale Regional Council is the owner of the subject land and applicant for the DA, and the capital investment value exceeds the threshold of \$5 million, the application has been referred to the Joint Regional Planning Panel for determination in accordance with Schedule 4A of the <i>Environmental Planning & Assessment Act 1979</i>.</p>

List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 44 – Koala Habitat; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy (State and Regional Development) 2011; • Armidale Dumaresq Local Environmental Plan 2012; • Armidale Dumaresq Development Control Plan 2012.
List all documents submitted with this report for the Panel's consideration	Appendix 1: Plan of the Proposed Development Appendix 2: Submissions Appendix 3: Draft Conditions
Report prepared by	Kate Campbell – Consultant Town Planner, Sixhills Group
Report date	7 September 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Glossary of terms used in this report:

BCA – Building Code of Australia

DA – Development Application

DCP – Armidale Dumaresq Development Control Plan 2012, as amended

LEP – Armidale Dumaresq Local Environmental Plan 2012, as amended

SEE – Statement of Environmental Effects

SEPP – State Environmental Planning Policy

Table of Contents

Executive Summary	5
Subject Site and Locality	7
Proposed Development	11
Submitted Documents and Plans.....	12
Political Donations	15
Assessment - Matters for Consideration	15
Section 79C(1)(a) the provisions of the following that apply to the land to which the development application relates:.....	15
(i) the provisions of any environmental planning instrument	15
(ii) the provisions of any draft environmental planning instrument	30
(iii) the provisions of any development control plan	30
(iiiia) the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F	34
(iv) the provisions of the regulations	35
(v) the provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)	35
79C(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	35
Impacts on the Natural Environment	35
79C (c) the suitability of the site for the development.....	37
79C(d) any submissions made in accordance with the Act or the Regulations	37
Assessment Conclusion	39
Recommendation	39

Assessment Report and Recommendations: DA-46-2017

Executive Summary

Consideration by Joint Regional Planning Panel

The Joint Northern Region Planning Panel is the determining authority for this DA pursuant to the provisions of the *Environmental Planning and Assessment Act 1979*, as the proposed development is a “Council related development” with a capital investment value of more than \$5 Million.

As the Council is the applicant for this DA, the application has been submitted to Sixhills Group Pty Ltd as an independent planning consultant for assessment and reporting direct to the JRPP. Council’s only role in relation to the processing of the DA has been to assist with the administration and public notification of the application as required under Council’s DCP, and to answer any technical enquiries of the consultant in relation to issues such as local infrastructure services (given that Council is the local water, sewer and roads authority). Armidale Regional Council’s Development Engineer, Airport Manager and Environmental Health Officer have also provided written referrals with standard conditions of development consent. Additional comments have been sought from the NSW Roads and Maritime Services (RMS), the Civil Aviation and Safety Authority (CASA), the NSW Office of Environment and Heritage (OEH) and Heritage Council of NSW.

Proposal

The subject development application seeks Council’s consent for a 72 lot staged subdivision and construction of a new roundabout, as follows:

Stage 1A

Creation of 42 allotments comprising 21 light industrial allotments (Lots 16, 20, 24, 28, 51 – 62 and 67 – 71), 7 business park / hotel allotments (Lots 32, 36, 37, 39, 40, 42 and 73), 13 aviation-related infrastructure allotments (Lots 21 – 23, 25, 26, 29 – 31, 33 – 35, 38 and 41), 1 highway service centre allotment and the construction of a new roundabout.

Stage 1B

Creation of 30 light industrial allotments (Lots 1 – 15, 17 – 19, 43 – 50, 63 – 66).

The proposal also encompasses the dedication of Lot 3 DP1198787 and Part Lot 21 DP817347 as environmental offset land.

The plan of the proposed development is attached as **Appendix 1** to this report.

Permissibility

The proposed development complies with relevant s79C(1)(a) matters, including:

- State Environmental Planning Policy No. 44 – Koala Habitat;
- State Environmental Planning Policy No. 55 – Remediation of Land, Clause 7;
- State Environmental Planning Policy (Infrastructure) 2007, Clause 101, Clause 104, Schedule 3, Part 3;
- State Environmental Planning Policy (State and Regional Development) 2011, Part 4 Clause 20;

- The proposed development is permissible with development consent in accordance with Part 2 of the *Armidale Dumaresq Local Environmental Plan 2012* (LEP), under which the site is zoned SP2 Infrastructure (Air Transport Facility) and IN2 Light Industrial. Pursuant to the Lot Size Maps accompanying the LEP, the SP2 zoned land has no specified minimum lot size while the IN2 zoned land has a minimum lot size of 1,000 square metres. All proposed allotments exceed this development standard, complying with Clause 4.1 *Minimum subdivision lot size* of the LEP.

The proposal is consistent with the relevant objectives of the SP2 Infrastructure (Air Transport Facility) and IN2 Light Industrial zones, as it will provide for infrastructure and related uses; provide an opportunity for a wide range of light industrial, warehouse and related land uses; and encourage employment opportunities.

- Armidale Dumaresq Development Control Plan 2012.

It is noted that the proposed development is consistent with the Armidale Regional Airport Master Plan dated December 2016.

Key Issues

From the attached Assessment Report, key issues for this project can be summarised as follows:

- A portion of the proposed industrial allotments are currently zoned SP2 Infrastructure pursuant to the provisions of the LEP. While this matter does not affect the subdivision of the subject land (as there is no applicable minimum lot size), it will affect the nature of future land uses. It is understood that Council is currently in the process of rezoning the affected allotments.
- Land uses on proposed Lot 1-72 include a highway service centre, while Lots 32, 36, 37, 39, 40, 42 and 73 are proposed business park / hotel allotments. Council also intends to utilise Lot 1-55 as a car museum. It is understood that Council is currently in the process of undertaking an amendment to Schedule 1 of the LEP to allow additional permitted land uses on these allotments to facilitate the development as proposed.
- The compatibility of the proposed development with adjoining airport operations has been considered in detail and comments have been sought from CASA as well as Council's Airport Manager. This report includes recommended conditions of development consent relating to lighting, fencing and landscaping in order to avoid any land use conflicts.
- Proximity of the subject land to the State Heritage Listed Saumarez House, and the alteration of the existing access road leading to this landmark. Comments have been sought from the Heritage Council of NSW in this regard, and Council has considered their advice.
- Construction of the proposed roundabout on the New England Highway. The land upon which the roundabout is proposed to be constructed is largely unconstrained and there are no significant issues anticipated by the applicant. A Review of Environmental Factors has been completed for the proposed roundabout, and the short and long-term impacts of the development on the natural and man-made environment are not expected to be significant and can be reasonably and practically mitigated. The RMS has also provided a written referral in relation to this matter together with suitable conditions of development consent.

- The proposed development includes the clearing of native vegetation and as such, detailed flora and fauna assessments have been completed. The applicant proposes the dedication of two allotments in proximity to the subject site as biodiversity offset land, and suitable conditions of development consent have been recommended in order to ensure compliance with relevant legislation.
- Previous land uses and potential for contamination. A detailed assessment of the suitability of the subject land to support the proposed development has been completed as part of the development application determination.
- Provision of utility services such as water supply, sewerage, electricity, stormwater drainage, telecommunications and road infrastructure. This infrastructure is either readily available or capable of being extended to service each proposed allotment.

Consultation

Two (2) submissions were received from members of the public as a result of notification and advertising of the DA, attached as **Appendix 2**. The matters raised in these submissions have been considered as part of the assessment of this application and are addressed in the body of this report.

Recommendation

- (a) That having regard to the assessment of the Application, Development Application 46-2017 (JRPP ref 2017NTH009) be granted conditional consent in the terms set out in Appendix 3 to this report.
- (b) That agencies that made submissions in relation to the Application be notified of the determination in writing.
- (c) That those persons that made submissions in relation to the Application be notified of the determination in writing.

Subject Site and Locality

Land subject to this application is detailed as follows, and demonstrated by Figures 1 – 6:

Lot & DP	Address	Proposed Use
Lot 1 DP 1198787 Lots 1 & 2 DP 1196697	10541 New England Highway, Armidale NSW	Light industrial, business park / hotel, aviation-related infrastructure and highway service centre and car museum.
Lot 24 DP 1001379	31 Saumarez Road, Armidale NSW	Light industrial, business park / hotel, aviation-related infrastructure and highway service centre and car museum.
Lot 2 DP 1198787 Lot 19 DP 817347	33 – 125 Saumarez Road, Armidale NSW	Light industrial, business park / hotel, aviation-related infrastructure and highway service centre and car museum.
Lot 3 DP1198787 Part Lot 21 DP817347	33 – 125 Saumarez Road, Armidale NSW	Environmental offset land.



Figure 1 - Aerial Image of Lot 1 DP 1198787 and Lots 1 & 2 DP 1196697, 10541 New England Highway, Armidale NSW 2350

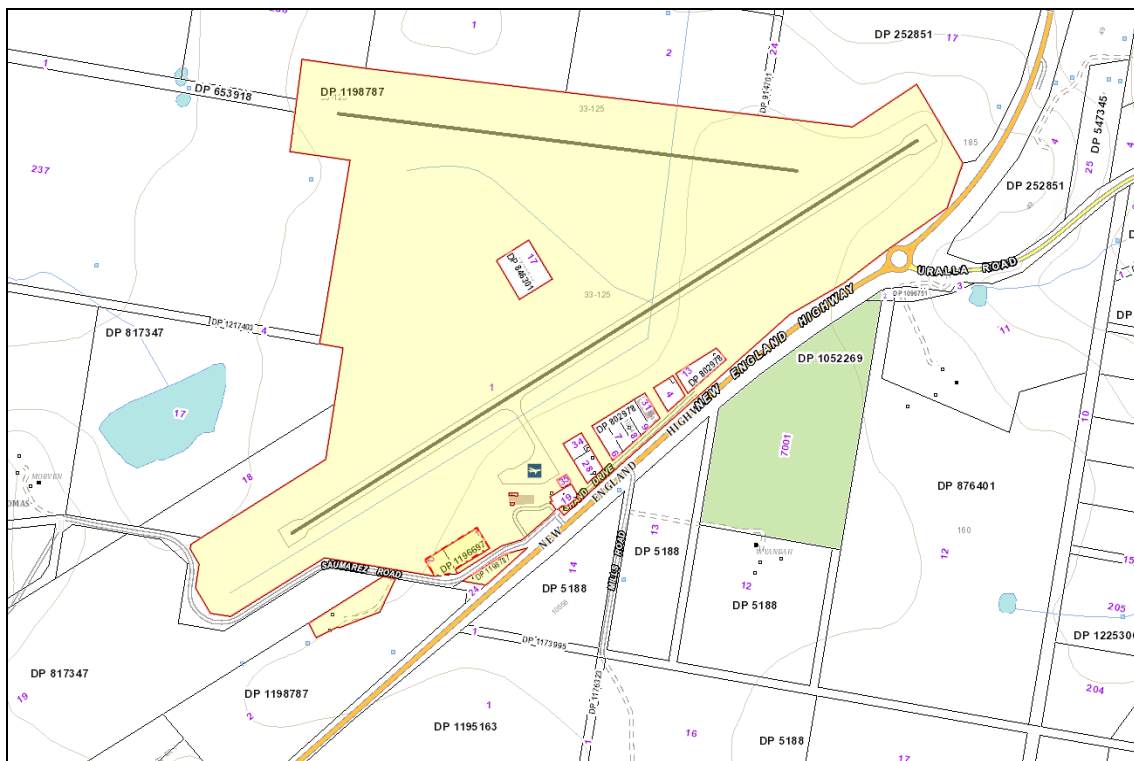


Figure 2 - Cadastral Image of Lot 1 DP 1198787 and Lots 1 & 2 DP 1196697, 10541 New England Highway, Armidale NSW 2350

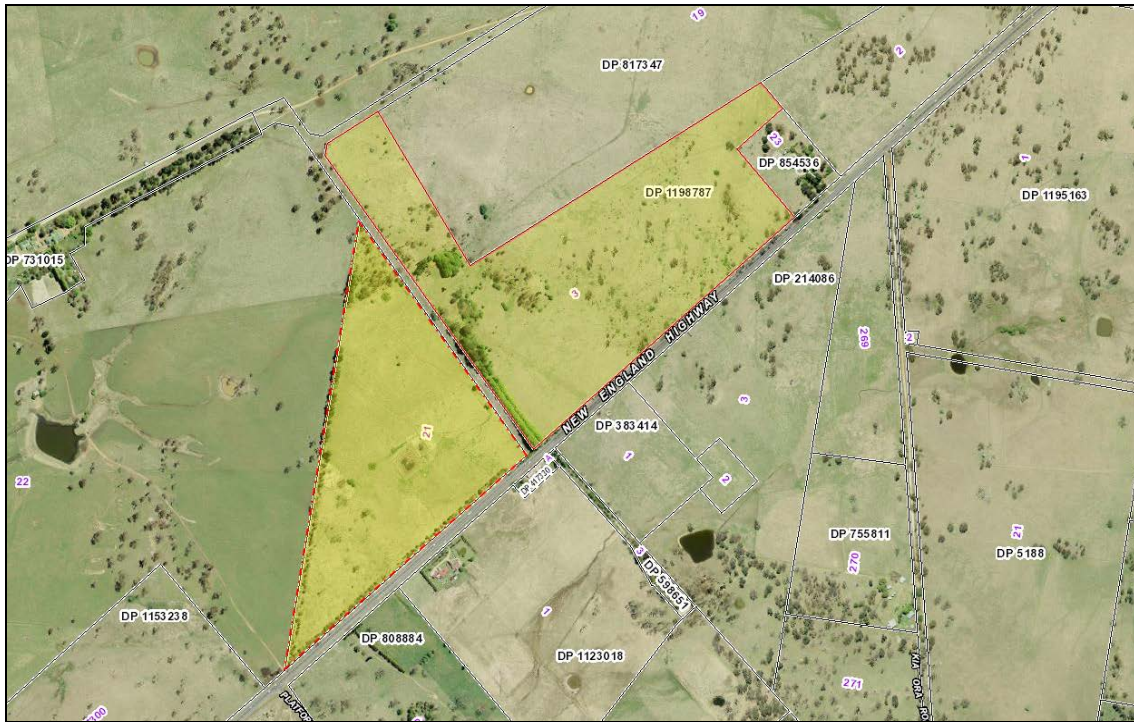


Figure 5 - Aerial Image of Lot 3 DP 1198787 and Lot 21 DP 817347, 33 – 125 Saumarez Road, Armidale NSW 2350

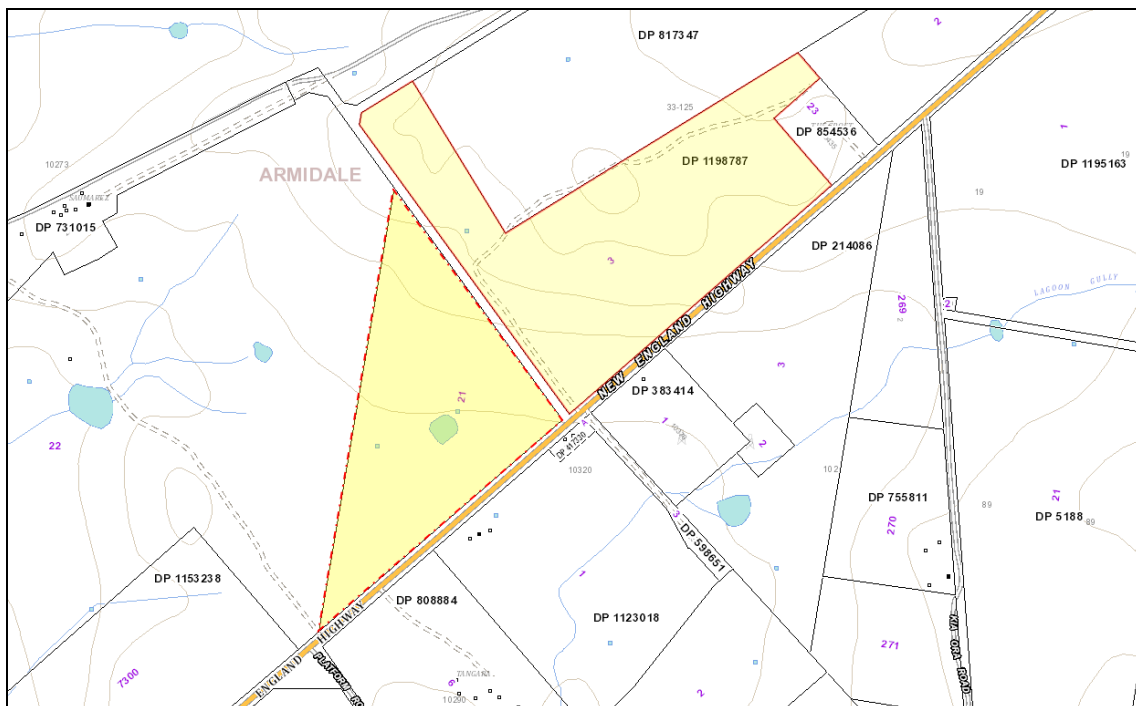


Figure 6 - Cadastral Image of Lot 3 DP 1198787 and Lot 21 DP 817347, 33 – 125 Saumarez Road, Armidale NSW 2350

The subject lands adjoin the Armidale Regional Airport, generally front the New England Highway and are located approximately 5 kilometres south-west of the Armidale Central Business District. The New England Highway is a two-lane, two-way sealed single carriageway and an existing channelised left and right-hand turn treatment provides access to and egress from the Airport. There are no alterations proposed to this access by the subject application. The site is characterised by gently undulating topography and predominantly comprises grassed paddocks with scattered stands of vegetation, mature trees and shrubs. A stockpile area is located in the eastern portion of the subject land adjacent to the New England Highway which comprises excavated natural material from the construction of the parallel taxiway at the Armidale Airport.

Existing development within the subject lands include the animal welfare facility and stock yards, water tank, car hire facility buildings and undercover car parking facility. The proposed subdivision layout considers this built infrastructure and achieves adequate setbacks from proposed allotment boundaries to ensure compliance with the provisions of the *Building Code of Australia* (BCA).

Land to the north of the site includes rural allotments; the Armidale Regional Airport is present to the north-east and at the south-western extent is a rural lifestyle lot known as “the Croft” (which is being purchased by Armidale Regional Council). The airport is at an elevation of 1,084 metres and has two non-intersecting runways in a ‘V’ configuration. The passenger terminal, car park and general aviation zones are currently sited in a wedge-shaped area located between the main (05/23) runway and the New England Highway. The LEP has earmarked land to the south of the development site for future industrial purposes.

The allotments are not subject to inundation by flooding and are not classified as being bushfire prone. While there are no items of environmental heritage present on the subject land, the State heritage listed Saumarez House is present to the west of the site and gains access via Saumarez Road, which generally runs along the northern boundary of Lot 19 DP 817347. Access to Saumarez House will be maintained during the construction process and ultimately the new road proposed by the subject application will provide access to this landmark.

The site has access to overhead and underground electricity supply, NBN telecommunications, and reticulated water and sewerage utilities.

Proposed Development

The subject development application seeks Council’s consent for a 72 lot staged subdivision and construction of a new roundabout, as follows:

Stage 1A

Creation of 42 allotments comprising 21 light industrial allotments (Lots 16, 20, 24, 28, 51 – 62 and 67 – 71), 7 business park / hotel allotments (Lots 32, 36, 37, 39, 40, 42 and 73), 13 aviation-related infrastructure allotments (Lots 21 – 23, 25, 26, 29 – 31, 33 – 35, 38 and 41), 1 highway service centre allotment and the construction of a new roundabout.

Stage 1B

Creation of 30 light industrial allotments (Lots 1 – 15, 17 – 19, 43 – 50, 63 – 66).

The proposal also encompasses the dedication of Lot 3 DP1198787 and Part Lot 21 DP817347 as environmental offset land.

The plan of the proposed development is attached as **Appendix 1** to this report.

Submitted Documents and Plans

DA documentation has been prepared by a variety of specialists. Supporting documents and plans relied upon for this assessment is as follows:

- A. *Statement of Environmental Effects for Proposed Staged Subdivision of Lands Zoned Light Industrial and Infrastructure (Air Transport Facility) at the Armidale Regional Airport Industrial Precinct Reference 16031 Dated October 2016;*
- B. *Overall Layout Plan Option 1 – Stages 1A and 1B Revised Layout prepared by Ardill Payne, Dwg No. SK05 Job No. 8019 Issue F dated 15/08/2017;*
- C. *Preliminary Site Investigation for Contamination prepared by EnviroAg Australia, Project Document No. 23375.55454 dated 04/09/2012;*
- D. *Aboriginal Cultural Heritage Site Assessment Report by CCC Cohen Cultural Consultancy dated 30/11/2015;*
- E. *Review of Environmental Factors for the Construction of a Roundabout on the New England Highway to service the Armidale Regional Airport Industrial Precinct prepared by Ardill Payne, Job No. 8019 dated August 2016;*
- F. *Proposed Roundabout Detail Plan prepared by Ardill Payne, Dwg No. C02 Job No. 8019 Issue C dated 20/12/2016;*
- G. *Preliminary Offset Review for the subdivision and planning proposal to rezone land adjacent to Armidale Regional Airport prepared by Ecological Australia, Ref / Job No. 16ARM – 3654 dated 17/03/2016;*
- H. *Armidale Regional Airport Biodiversity Offset: Part 1 Biodiversity Assessment prepared by Ecological Australia, Ref / Job No. 16ARM – 4175 dated 30/06/2016.*

Referrals undertaken and other approvals required

Comments were sought from the following government agencies as well as Council's technical officers:

NSW Roads and Maritime Services (RMS)

The key interests for the RMS are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport. The following conditions have been recommended by the RMS, and have been included as part of **Appendix 3** to this report:

1. Prior to the issue of any Civil Construction Certificate for the subdivision, the Developer shall prepare a Traffic Management Plan (TMP), including appropriate Traffic Control Plans (TCPs), to manage traffic impacts during construction of the subdivision. TCPs should be prepared and implemented by suitably qualified person/s in accordance with RTA Traffic Control at Worksites Manual. Any traffic control proposed on the New England Highway will require a Road Occupancy Licence (ROL) to be obtained from Roads and Maritime.
2. The Developer will enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services for construction of the proposed roundabout on the New England Highway. The roundabout is to be completed prior to the issue of any Subdivision Certificate for the subdivision.

Civil Aviation and Safety Authority (CASA)

Although the proposed development is in proximity to the Armidale Airport, CASA has no objection to the proposal provided the following matters are considered:

- The Manual of Standards Part 139 Aerodromes;
- Requirements of the National Airports Safeguarding Framework;
- Future upgrades planned by the aerodrome's operational management;
- Development and crane activity during construction. Such activities are to be reviewed by the aerodrome's management team for the protection of the Obstacle Limitation Surfaces;
- Final growth heights of landscaping against the Obstacle Limitation Surfaces, as well as any attractions to birds which may cause a risk to aviation activities;
- Development of ground lights in the vicinity of an aerodrome;
- Emission of gaseous plumes and potential impacts on aircraft;
- The control of dust during construction.

Armidale Regional Council's Airport Manager was also provided with the opportunity to comment on the proposed development. The matters raised for consideration as part of this referral were consistent with the correspondence received from CASA. Suitable conditions of development consent have been recommended as part of **Appendix 3** in order to address the comments from both parties.

NSW Office of Environment and Heritage (OEH)

The NSW OEH was consulted regarding the proposed environmental offset arrangement to compensate for the loss of native vegetation resulting from the future development of the subject land. The BioBanking Assessment Methodology has been adopted for the proposed development and it has been determined that sufficient ecosystem credit values are available. In order to protect and manage the offset site, a condition of development consent has been included as part of **Appendix 3** requiring the dedication of Lot 3 DP 1198787 and Part Lot 21 DP 817347 as environmental offset land. Furthermore, a Vegetation Management Plan (VMP) (as well as a BioBanking agreement and the rezoning of the offset land, if required) is to be finalised prior to release of the Subdivision Certificate to allow for management of the land in perpetuity.

Heritage Council of NSW

The subject land is in the vicinity of Saumarez Homestead which is listed in the State Heritage Register (SHR 01505), the Armidale Dumaresq Local Environmental Plan 2012 and the National Trust Register. It is owned and managed by the National Trust as a house museum, with tours of the house and gardens provided by the Trust.

The access road leading to Saumarez Homestead is proposed to be altered in order to facilitate the development. The Heritage Council has recommended that Council consider a shorter, direct route to the Homestead in order to improve visitation. Consultation with Council indicates that there were many alternatives considered with regard to the access road to Saumarez Homestead, and that the proposed configuration achieves the best outcome for all land uses in the vicinity as well as for future stages of the development in accordance with the adopted Armidale Regional Airport Master Plan. Conditions have been included as part of **Appendix 3** requiring that signage be installed at the new roundabout and within the subdivision in order to direct traffic towards Saumarez Homestead, and that suitable plantings be provided along the access road to the Homestead.

The Heritage Council note that an archaeological assessment has not been submitted as part of the application. A Cultural Heritage Site Assessment has been provided, and a condition has been recommended as part of **Appendix 3** requiring that any relics discovered during construction be reported to the National Parks and Wildlife Service.

The Heritage Council also note that there is no maximum building height or floor space ratio proposed by this application. They recommend that these restrictions be established so that the full impact to Saumarez Homestead is understood and is able to be fully assessed. In this instance, it is not considered that the imposition of a maximum building height or floor space ratio is necessary. An Obstacle Limitation Height Surface does apply to the site, and future land uses are expected to comprise low-rise industrial buildings. Nevertheless, it would be appropriate that a merit-based assessment be undertaken as part of any future development application lodged over the proposed allotments in order to consider any potential impacts to the adjoining heritage item.

Development Engineer

Council's development engineer has provided comment in relation to the proposed development, and has considered:

- Proposed roadworks, including the potential impact on Saumarez Homestead and the Animal Welfare Facility;
- Stormwater management;
- Provision of utility infrastructure including water and sewer;
- Applicable Section 64 Contributions.

Suitable conditions have been included as part of **Appendix 3**.

Environmental Health Officer

Council's Environmental Health Officer provided comment regarding the contamination investigation, which is considered in more detail later within this report.

The Environmental Health Officer also recommended the preparation of an Acoustic Report to focus on the impact of the airport's activities on the amenity criteria for occupants of the proposed allotments. However, considering the nature of the proposed land uses, being for aviation and industrial purposes, it is expected that future activities will be compatible.

Political Donations

The subject land is owned by Armidale Regional Council and as such the application has been lodged by an officer of Council. The DA has therefore been referred to Sixhills Group Pty Ltd as an independent planning consultant for assessment.

At the time of lodging the Development Application the applicant indicated, pursuant to Section 147(4) of the *Environmental Planning and Assessment Act 1979*, that no reportable political donation or gift had been made by the applicant or any person with a financial interest in this application to a local Councillor or employee of Armidale Regional Council.

These declarations may be made by an applicant (or persons with a financial interest in the application), or a person who makes a submission (or persons who are associates of such submitters) as defined in s.147 of the Act.

Notwithstanding any such declaration, Council is reminded that the application should be determined on its merits pursuant to section 147(1) of the Act, which states:

“political donations or gifts are not relevant to the determination of any such planning application, and the making of political donations or gifts does not provide grounds for challenging the determination of any such planning application”.

However, Councillors and staff members must of course consider their position under the Code of Conduct in the determination of any development application.

Assessment - Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979*, as amended. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

Section 79C(1)(a) the provisions of the following that apply to the land to which the development application relates:

(i) the provisions of any environmental planning instrument

State Environmental Planning Policies (SEPPs):

The following SEPPs have been considered in connection with this development:

State Environmental Planning Policy No. 44 – Koala Habitat

This environmental planning instrument encourages the conservation and management of natural vegetation areas that provide habitat for koalas and applies in the Armidale Regional Council local government area to land that has an area of more than 1 hectare. Therefore, the provisions of this Policy require consideration as part of the proposed development.

Enviro Ag Australia Pty Ltd (hereafter referred to as 'Enviro Ag') was engaged by the developer to undertake an assessment of the proposed development against the provisions of this SEPP. This assessment found that all native eucalypt trees observed within the study area are identified as scheduled koala feed trees with Koala Management Area No. 4 (Northern Tablelands No. 4). As a result, the site represents potential koala habitat. However, no evidence of koala habitat was observed on the site. As a result, Enviro Ag concluded that approval of the application is unlikely to cause a significant impact on the koala species. Furthermore, the woodland on the subject land is not classified as 'core koala habitat' and therefore does not necessitate the preparation of a Plan of Management under Clause 9 of the SEPP. As such, it is considered that further assessment of this matter is not warranted in this instance.

State Environmental Planning Policy No. 55 – Remediation of Land

This Policy requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities, as follows:

Clause	Subject	Comments
7	Contamination and need for remediation to be considered in determining development applications	<p>Although the subject site is identified in Council's information system for potentially contaminated land, this control applies to all land that comprises the Armidale Airport. The land is not listed on the NSW Environment Protection Authority's online register of Records under Section 58 of the <i>Contaminated Land Management Act 1997</i>. However, there are a number of historic land uses that may have resulted in contamination. As such, a Preliminary Site Investigation has been completed in order to consider the viability of the proposed development from a contamination perspective.</p> <p>The report identified a sheep dip and packing and juicing sheds associated with the historical operation of a commercial orchard, and the potential for contamination as a result of historic use of pesticides, herbicides and fertilisers on certain land within the industrial precinct. However, this land is outside the bounds of the subject DA and therefore not relevant to this assessment.</p> <p>The report also identifies the existence of an underground storage tank (UST) located in proximity to / on the subject land. Although the precise location of the tank could not be determined due to the regrowth of grass, it is expected that it is located on the allotment that currently accommodates Hertz Rental Car (proposed Lot 1-42).</p>

Clause	Subject	Comments
7	Contamination and need for remediation to be considered in determining development applications (continued)	<p>Evidence of the UST and associated fuelling point was identified through both a desktop study including consideration of aerial photographs as well as a site inspection by the consultant. It is known that the tank was constructed of steel, was a significant size (55,000L) and most likely held Jet-A1 fuel. The area around the UST and the fuel tank did not appear to be sealed or bunded. The fuel tank was used to transfer aviation fuel to aircraft via transport tankers. Anecdotal evidence provided to the consultant suggests that the tank was operated by Shell, installed in 1992 and decommissioned in 1997. No documented evidence is available relating to the installation, operation or the removal of the UST. Furthermore, it is not known whether or not any analysis or remediation of the soil took place following decommission of the tank, and there is no information available to Council in this regard.</p> <p>During the site inspection by the consultant, evidence of disturbed plant growth was observed to a small degree in the area of the former UST. However, no visual or olfactory evidence of soil or surface water contamination, such as staining or petroleum odours, was detected. As a result, it is assumed by the consultant that the restricted plant growth is related to other factors such as the use of heavy vehicles on the site or the earthworks associated with the removal of the UST.</p> <p>In conclusion, the consultant has stated that while no contamination was detected, the lack of information relating to the removal of the tanks (i.e. a tank validation report or similar) means that it is possible that residual contamination may be present on the site.</p> <p>As a preliminary contamination investigation has been undertaken, the next step in the process would be the completion of a detailed investigation (in accordance with the Contaminated Land Planning Guideless referred to in SEPP No. 55). According to the guidelines, a detailed investigation is required if the following is identified:</p> <p><i>“Stage 2 – Detailed Investigation. A detailed investigation is only necessary when a preliminary investigation indicates that the land is contaminated or that it is, or was, formally used for an activity listed in Table 1 and a land use change is proposed that has the potential to increase the risk of exposure to contamination. A detailed investigation will also need to be conducted as part of a remediation proposal. The objectives of a detailed investigation are to define the nature, extent and degree of contamination; to assess potential risk posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required”.</i></p>

Clause	Subject	Comments
7	Contamination and need for remediation to be considered in determining development applications (continued)	<p>In this instance, a detailed investigation is not considered to be necessary for the following reasons:</p> <ul style="list-style-type: none"> • While the preliminary investigation indicates that it is possible that residual contamination may be present on the site, no visual or olfactory evidence of soil or surface water contamination, such as staining or petroleum odours, was detected. • The matter regarding contamination was considered in detail by Council during the assessment of DA-72-2011 (construction of a covered car parking facility) and DA-80-2014 (construction of Avis car hire) which both considered new land uses in proximity to the expected location of the UST. No further action was deemed to be necessary by Council in these instances. • Future land uses will be required to be compatible with the existing air transport facility and / or industrial land use zone, which preclude uses of a sensitive nature (including residential accommodation, hospitals, schools and the like). As such, the land is considered to be generally fit for use. • Appropriate conditions have been included as part of Appendix 3 regarding the disposal of potentially contaminated soil, if discovered during construction. <p>It is noted that large quantities of fill have been stockpiled on the subject land. This material comprises excavated natural material from the construction of the parallel taxiway at the Armidale Airport and has been tested by an independent firm in order to identify appropriate uses. A condition has been included as part of Appendix 3 requiring all stockpiled material to be removed from the site prior to the commencement of construction.</p>

State Environmental Planning Policy (Infrastructure) 2007

The Application has been considered having regard to the relevant provisions of this SEPP, as follows:

Clause	Subject	Comments
Clause 101	Development with frontage to a classified road	This clause states that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

Clause	Subject	Comments
Clause 101	Development with frontage to a classified road (continued)	<p><i>(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p>The subject application seeks consent for the construction of a new roundabout to facilitate the increase in traffic to the subject land. This matter has been assessed by the RMS and Council's Development Engineer to be satisfactory.</p> <p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</i></p> <p><i>(i) the design of the vehicular access to the land, or</i></p> <p>Vehicular access to the land is proposed to be upgraded as part of development works as detailed above. The proposed roundabout will be located approximately 1.4 kilometres to the south-west of the existing roundabout situated at the intersection of the New England Highway and Uralla Road. The proposed roundabout will be two-lane with four legs, and will cater for all vehicles traveling on the highway (including B-doubles). It is proposed to widen the existing highway in order to accommodate the proposed development, and up to 2 metres of fill will be needed to complete this work and create the exit road embankments. The land upon which the roundabout is proposed to be constructed is largely unconstrained and there are no significant issues anticipated by the applicant. A Review of Environmental Factors has been completed for the proposed roundabout, and the short and long-term impacts of the development on the natural and man-made environment are not expected to be significant and can be reasonably and practically mitigated.</p> <p><i>(ii) the emission of smoke or dust from the development, or</i></p> <p>The proposed development seeks consent for the creation of allotments that will be zoned IN2 Light Industrial and SP2 Infrastructure. The nature of future land uses will be assessed at the development application stage for the construction of a building and commencement of a specific land use. It is anticipated that consideration of the emission of smoke or dust from the development, and the subsequent impact on the adjoining classified road, will be considered at that time.</p> <p>It is noted that the proposed development also incorporates the construction of a 10 metre wide vegetated mound along the New England Highway frontage to reduce the visual impact of the development, and that this may also act to preserve the safety, efficiency and ongoing operation of the classified road.</p>

Clause	Subject	Comments
Clause 101	Development with frontage to a classified road (continued)	<p><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p>The proposed roundabout has been designed with consideration of the nature, volume and frequency of vehicles that will utilise the proposed subdivision.</p> <p><i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p> <p>The proposed development, predominantly incorporating industrial and aviation allotments, is considered compatible with the adjoining classified road. Land uses such as motels and the like will require consideration of this legislation during their development application for the proposed land use, and may require the inclusion of suitable noise attenuation measures.</p> <p>It is also anticipated that the 10 metre wide vegetated mound along the New England Highway frontage will ameliorate potential traffic noise or vehicle emissions.</p>
Clause 104 & Schedule 3	Traffic generating development	<p>The proposed development constitutes the subdivision of land with access to a classified road. Development applications which create more than 50 allotments with access to a classified road are defined as traffic generating development to be referred to the NSW Roads and Maritime Services (RMS).</p> <p>Consultation with the RMS was undertaken by Armidale Regional Council prior to the lodgement of the subject DA. Considering the scale of the proposed development, the RMS required Council to include details regarding the proposed new roundabout on the New England Highway as part of the application.</p> <p>In accordance with the provisions of this Clause, written notice of the application was provided to the RMS within 7 days after the application was made. The submission received by the RMS has been considered as detailed throughout this assessment report and suitable conditions of development consent have been included as part of Appendix 3.</p>

Clause	Subject	Comments
Part 3	Development controls	<p>Clause 41 of the SEPP states that development for the purpose of an electricity transmission or distribution network may be carried out by or on behalf of an electricity supply authority or public authority without consent on any land. Nevertheless, written advice from the electricity provider, confirming that satisfactory arrangements can be made for the provision of electricity services to the development, are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.</p> <p>If undertaken by a public authority, this Part also allows for various water, sewerage and stormwater works, including reticulation works, to be carried out without consent. As Council is the intending developer for this project, these provisions are relevant. Nevertheless, the expected implications of the project in relation to this Council infrastructure have been assessed by Council's Development Engineer and suitable conditions have been included as part of Appendix 3.</p>

State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to Part 4 of the SEPP, in particular cl. 20, the *Environmental Planning and Assessment Act* 1979 Schedule 4A threshold for JRPP consideration of Council-related development applies where projects have a capital investment value of more than \$5 million. In this case the estimated cost of works for the proposed development is \$9 million. Therefore, the DA is to be determined by the Northern Joint Regional Planning Panel (JRPP).

As the Council is the applicant for this DA, the application has been submitted to Sixhills Group Pty Ltd as an independent planning consultant for assessment and reporting direct to the JRPP in accordance with Chapter 1.1 of Council's DCP 2012. Council's only role in relation to the processing of the DA has been to assist with the administration and public notification of the application as required under Council's DCP, and to answer any technical enquiries of the consultant in relation to issues such as local infrastructure services (given that Council is the local water, sewer and roads authority). Armidale Regional Council's Development Engineer, Airport Manager and Environmental Health Officer have also provided written referrals with standard conditions of development consent. Additional comments have been sought from the NSW Roads and Maritime Services (RMS), the Civil Aviation and Safety Authority (CASA), the NSW Office of Environment and Heritage (OEH) and Heritage Council of NSW.

Local Environmental Plans (LEPs):

The ***Armidale Dumaresq Local Environmental Plan 2012*** (LEP) has been considered in connection with this development:

Clause	Subject	Comments
1.2 (2)	Aims	<p>Relevant aims of the LEP considered in this assessment include:</p> <p><i>2(a) to encourage the orderly management, development and conservation of resources by protecting, enhancing and conserving:</i></p> <p style="padding-left: 40px;"><i>(iv) native plants and animals, including threatened species, populations and ecological communities, and their habitats, and</i></p> <p><i>2(c) to facilitate development for a range of business enterprises and employment opportunities,</i></p> <p><i>2(d) to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes,</i></p> <p><i>2(e) to ensure that development has regard to the principles of ecologically sustainable development and to areas subject to environmental hazards and development constraints,</i></p> <p>The proposed development is considered consistent with these aims. Relevant issues have been considered and are addressed where appropriate in this assessment.</p>
2.1	Land use zones	<p>The subject site is zoned SP2 – Infrastructure & IN2 – Light Industrial.</p> <p>It is noted that a portion of the proposed industrial allotments are currently zoned SP2 Infrastructure pursuant to the provisions of the LEP. While this matter does not affect the subdivision of the subject land (as there is no applicable minimum lot size), it will affect the nature of future land uses. It is understood that Council is currently in the process of rezoning the affected allotments.</p>
2.3	Zone objectives	<p>The consent authority must have regard to the relevant zone objectives in determining a DA (see Land Use Table provisions, below).</p>
-	Land use table	<p>In the LEP's Land Use Table, the objectives for the SP2 zone are:</p> <ul style="list-style-type: none"> • <i>To provide for infrastructure and related uses.</i> • <i>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</i> <p>The proposed development is considered to be consistent with these zone objectives. Approval of the subject application will create land suitable for transport infrastructure uses, which is appropriate when considering the context of the site as well as surrounding development.</p>

Clause	Subject	Comments
-	Land use table (continued)	<p>In the LEP's Land Use Table, the objectives for the IN2 zone are:</p> <ul style="list-style-type: none"> <i>To provide a wide range of light industrial, warehouse and related land uses.</i> <i>To encourage employment opportunities and to support the viability of centres.</i> <i>To minimise any adverse effect of industry on other land uses.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i> <i>To support and protect industrial land for industrial uses.</i> <p>The proposed development is considered to be consistent with these zone objectives. Approval of the subject application will create suitably located industrial zoned land that will potentially accommodate a range of land uses; create employment opportunities, services and facilities for the local community; provide infrastructure and related uses and prevent development that is incompatible with the operation of the airport.</p> <p>Land uses on proposed Lot 1-72 include a highway service centre, while Lots 32, 36, 37, 39, 40, 42 and 73 are proposed business park / hotel allotments. Council also intends to utilise Lot 1-55 as a car museum. It is understood that Council is currently in the process of undertaking an amendment to Schedule 1 of the LEP to allow additional permitted land uses on these allotments to facilitate the development as proposed.</p>
2.6	Subdivision – consent requirements	<p>The provisions of this Clause require that development consent be obtained for subdivision. As a development application has been lodged, the proposal complies with the provisions of this Clause.</p>
4.1	Minimum subdivision lot size	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <i>(a) to ensure that lot sizes are compatible with local environmental values, constraints and permissible uses,</i> <i>(b) to facilitate the efficient use of land and its resources for residential and other human purposes,</i> <i>(c) to minimise potential land use conflicts.</i> <p>The LEP does not specify a minimum lot size for land zoned SP2 – Infrastructure. The proposed lot sizes are expected to be suitable for their respective purposes, and adequate area has been allowed for future development of the allotments.</p>

Clause	Subject	Comments
4.1	Minimum subdivision lot size (continued)	<p>A minimum lot size of 1,000 square metres is specified for the land zoned IN2 – Light Industrial by the Lot Size Map. The proposed subdivision layout complies with the minimum size shown on the relevant map, thereby complying with the provisions of this Part.</p> <p>The residual area of land currently described as Lot 1 DP 1198787 will also comply with the specified minimum lot size of 1,000 square metres.</p>
5.9	Preservation of trees or vegetation	<p>The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation and applies to species or kinds of trees prescribed by a related DCP.</p> <p>The proposed development includes the clearing of native vegetation to facilitate future land uses and as such, detailed flora and fauna assessments have been completed by the applicant. The applicant proposes the dedication of two allotments (Lot 3 DP 1198787 and Part Lot 21 DP 817347) in proximity to the subject land as biodiversity offset land. The NSW OEH was consulted regarding the proposed environmental offset arrangement to compensate for the loss of native vegetation resulting from the future development of the subject land. The BioBanking Assessment Methodology has been adopted for the proposed development and it has been determined that sufficient ecosystem credit values are available. In order to protect and manage the offset site, a condition of development consent has been included as Appendix 3 requiring the dedication of Lot 3 DP 1198787 and Lot 21 DP 817347 as environmental offset land prior to the issue of a Subdivision Certificate for Stage 1A. A Vegetation Management Plan (VMP) (as well as a BioBanking agreement and the rezoning of the offset land, if required) is to be finalised prior to release of the Subdivision Certificate to allow for management of the land in perpetuity.</p>
5.10	Heritage conservation	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <i>(a) to conserve the environmental heritage of Armidale Dumaresq,</i> <i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i> <i>(c) to conserve archaeological sites,</i> <i>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i>

Clause	Subject	Comments
5.10	Heritage conservation (continued)	<p>The effect of the proposed development on both European Heritage as well as Aboriginal Heritage is therefore required to be completed.</p> <p><u>European Heritage</u></p> <p>Schedule 5 of the LEP lists Saumarez Homestead, including outbuildings, gardens, ground and driveway at 230 Saumarez Road (Lot 5 DP 731015) as an item of environmental heritage (I180) with State significance. The provisions of this clause state that where development is in the vicinity of a heritage item, the extent to which the proposal would affect that item is to be assessed. Although the proposed subdivision is not expected to be visible from Saumarez Homestead or its environs, realisation of the proposal will result in an alteration to the access road to the historic homestead. As such, comment from the Heritage Council of NSW was sought, and their feedback has been detailed previously within this report.</p> <p><u>Aboriginal Heritage</u></p> <p>The applicant has submitted an Aboriginal Cultural Heritage Site Assessment report. This report concluded that <i>there is no evidence remaining of any sites of significance or artefacts still remaining to the Anaiwan (Nganyaywana) people of the Northern Tablelands of the New England area of Northern NSW or to the Gumbaynggirr Nation</i>. The report made the following recommendations, which have been included as recommended conditions of development consent in Appendix 3:</p> <ul style="list-style-type: none"> • That Aboriginal community Monitors be present to determine the significance of any Aboriginal sites or cultural artefacts found; and • Acknowledgment signage be erected for the traditional owners of the land. <p>A further search of the Aboriginal Heritage Information Management System (AHIMS) indicates that there are two (2) Aboriginal sites recorded in proximity to the subject land, within the adjoining New England Highway road reserve:</p> <ul style="list-style-type: none"> • ARM 106 located in proximity to the northern end of the Airport runway. This site contained axe grinding grooves in a floating granite boulder as well as a quarry. The location of this site is now part of the highway corridor, and it is believed that the artefacts have been moved to the Keeping Place. • ARM 105 located to the north of the airport along the New England Highway. The presence of artefacts was recorded from spoil heaps in an RTA access track. This site has since been developed and the spoil heaps have revegetated.

Clause	Subject	Comments
5.10	Heritage conservation (continued)	Considering the location of the artefacts as well as the fact that they have been relocated from one site and revegetated in another, the proposed subdivision is not expected to have a physical impact on any known items of Aboriginal Heritage.
5.12 (1)	Infrastructure development	<p>This clause provides:</p> <p><i>"This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.</i></p> <p>The permissibility of the development under this SEPP has been noted previously in this report and is consistent with Council's LEP.</p>
6.1	Earthworks	<p>Clause 6.1 requires consideration of the environmental impacts of any earthworks to be carried out in conjunction with development. In this case earthworks will be required to facilitate roadworks (including the construction of the proposed roundabout and an internal road network) as well as to ensure the provision of services to all allotments. A small dam is located to the south of the Animal Welfare Facility and will require removal and filling prior to bulk earthworks commencing. The Geotechnical Report submitted in support of the proposed development notes that the base of the dam will have softened and will require over excavation to a stiff base prior to filling to the level of the surrounding property. It is also noted that the construction of a 10 metre wide vegetated mound along the New England Highway frontage is proposed as part of development works.</p> <p>Geotechnical investigations submitted with the DA indicate that the subsurface profile of the subject land consists of highly reactive clay soil (Class H2) which is particularly susceptible to moisture variations, and subgrade improvements will be required below pavements. Particular attention to moisture control will also need to be undertaken during construction. This matter, together with additional relevant considerations such as erosion, sedimentation, potential archaeological relics, and nuisance impacts have been addressed via the inclusion of appropriate conditions of development consent, attached as Appendix 3 to this report.</p>

Clause	Subject	Comments
6.3	Airspace operations	<p>The objectives of this clause aim to provide for the effective and on-going operation of the Armidale Regional Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport, and to protect the community from undue risk from that operation. As the proposed development constitutes the subdivision of land only there will be no penetration of the Limitation or Operations Surface. Nevertheless, consultation with the relevant Commonwealth body (Civil Aviation Safety Authority) has been undertaken in this instance considering the scale of the proposal, and the comments of Council's Airport Manager have also been sought.</p> <p>A review of the Obstacle Limitation Surface (OLS) and OLS Cross Section indicates that height limitations for buildings on the allotment will allow construction of a range of structures and that this matter will not preclude future developments. Nevertheless, future development applications for building works will be required to consider the provisions of this Clause to ensure that new structures do not encroach the Limitation or Operations Surface. It is noted that in order for the construction of new industrial buildings and additions to existing industrial buildings to be considered as complying development pursuant to the provisions of <i>State Environmental Planning Policy (Exempt and Complying Development Codes)</i> 2008, the maximum height of a new building must not be more than the maximum height applicable to the land on which the building is erected under another environmental planning instrument applying to the land (i.e. Clause 6.3 of the LEP). The implementation of a restriction on the Land Titles is therefore not considered necessary in this instance.</p>
6.4	Development in areas subject to aircraft noise	<p>This clause applies to development that is on land near the Armidale Regional Airport and is in an ANEF contour of 20 or greater. The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <i>(a) to prevent certain noise sensitive developments from being located near the Armidale Regional Airport and its flight paths,</i> <i>(b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,</i> <i>(c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.</i>

Clause	Subject	Comments
6.4	Development in areas subject to aircraft noise (continued)	The proposed development involves the release of land to be used either for purposes associated with the existing air transport facility or for industrial purposes. Considering the zoning of the subject land, it is expected that any future uses of the allotments affected by this application will be sympathetic to the operations of the Armidale Airport.
6.5	Development within a designated buffer	<p>The objective of this clause is to maintain a safe and effective operational environment around the Armidale Regional Airport. Before granting development consent for development on land to which this clause applies, the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> <i>(a) the impact that any noise or other emissions associated with existing land uses would have on the proposed development,</i> <i>(b) any proposed measures incorporated into the development that would limit the impact of such noise and other emissions associated with the existing land use,</i> <i>(c) any opportunities to relocate the proposed development outside the land to which this clause applies,</i> <i>(d) whether the proposed development would adversely affect the safe and effective operational environment of the Armidale Regional Airport and Armidale Sewage Treatment Plant and any existing development that forms part of those facilities.</i> <p>As detailed within this assessment report, the subject land is zoned SP2 and IN2 and as such, proposed land uses are required to be permitted in the zone and / or compatible with the operations of the Armidale Airport. As a result, sensitive land uses such as residential accommodation or child care facilities will not be permitted.</p> <p>Furthermore, the proposed subdivision has been designed in order to maintain the safe and effective operation of the airport facility via the maintenance of sufficient area between the new allotments and the runway. Consultation with both CASA and the Armidale Airport Manager has not raised any specific matters that are required to be addressed by the subject application.</p>
6.6	Essential services	This clause requires the consent authority to be satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

Clause	Subject	Comments
6.6	Essential services (continued)	<p>(a) the supply of water,</p> <p>Each of the proposed allotments will be provided with a reticulated potable water supply via the extension of existing Council mains and infrastructure. This supply is to include fire hydrants and stop valves in accordance with Council's requirements. A water meter is to be provided at the property boundary and is to be readily accessible by Council's meter reader. Consistent with the referral from Council's Development Engineer, a condition has been included as part of Appendix 3 requiring that designs for the supply of water be completed in accordance with <i>Council's Engineering Code D11 – Water Supply</i>, and that details be submitted prior to the issue of a Construction Certificate.</p> <p>(b) the supply of electricity,</p> <p>A power supply is to be created by the subdivision along with the necessary telecommunication services. The applicant has advised that Essential Energy has confirmed that delivery mains to the area will have sufficient supply for the development as proposed.</p> <p>(c) the disposal and management of sewage,</p> <p>Sewerage reticulation will be provided to each of the proposed lots in accordance with Council's Engineering Code. Servicing of the proposed allotments will require the extension of existing Council mains and infrastructure. Consistent with the referral from Council's Development Engineer, a condition has been included as part of Appendix 3 requiring that designs for the disposal and management of sewage be completed in accordance with <i>Council's Engineering Code D12 – Sewerage System</i>, and that details be submitted prior to the issue of a Construction Certificate.</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>A Servicing Strategy has been lodged with the application. The development will control stormwater through an underground piped stormwater network, and is to be based on a fully developed (80%) impervious area to ensure suitable design of the proposed management system. As open surface water is an issue in proximity to an airport (due to the attraction of birds), an on-site detention system will be required in order to contain and control flows across the subject land. Stormwater management designs are to comply with Council's Engineering Code, and details are to be provided with an application for a Construction Certificate.</p>

Clause	Subject	Comments
		<p>(e) suitable road access.</p> <p>The subject application seeks Council's consent for the construction of a new roundabout on the New England Highway as well as an internal road network. Detailed designs, in accordance with Council's Engineering Code, will be required to be submitted prior to the issue of a Construction Certificate. Construction of this infrastructure will be required to be completed prior to the issue of a Subdivision Certificate.</p>

(ii) the provisions of any draft environmental planning instrument

At the time of writing (August 2017) there were no relevant draft planning proposals exhibited on Council's website.

(iii) the provisions of any development control plan

The ***Armidale Dumaresq Development Control Plan (DCP) 2012*** (DCP) applies to the land.

The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with this assessment.

Chapter	Comment
Chapter 1.1 DCP Introduction and Public Notification	<p>The subject DA was advertised and notified in accordance with this Chapter from 27 April 2017 – 17 May 2017. There were two submissions received during the notification period of the DA, and the matters raised in these submissions are considered later within this report.</p> <p>As Council is the applicant for this DA, the application has been assessed by an independent planning consultant in accordance with Part 7 of this Chapter. As detailed earlier within this report, the NSW Northern Region JRPP will determine the application in accordance with Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
Chapter 2.1 Site Analysis	<p>The proposed development is considered compliant with the relevant objectives in Part 1.2 of this Chapter. Due consideration has been given to the identified opportunities and constraints of the subject land as detailed within this assessment report.</p> <p>In relation to the specific matters identified in Part 2 of Chapter 2.1, the issues relevant for this DA can be summarised as follows:</p>

Chapter	Comment
<p>Chapter 2.1</p> <p>Site Analysis (continued)</p>	<p><i>2.1 Heritage Items and or Conservation Areas</i></p> <p>There are no items of environmental heritage present on the subject allotment. The State heritage listed Saumarez House is present to the west of the subject land, and comments received by the Heritage Council of NSW with regard to this matter have been considered during the assessment of the subject application as detailed within this report.</p> <p><i>2.2/3 Removal or pruning of trees and street trees to facilitate development</i></p> <p>The proposed development does propose the removal of native vegetation as detailed throughout this report. Consultation with the NSW Office of Environment and Heritage has been undertaken, and suitable conditions of development consent have been included as part of Appendix 3 with regard to this matter.</p> <p><i>2.4 Essential Services</i></p> <p>This clause aims to ensure that relevant services and service capacity for the specific development is, or can be, made available. Essential services are available for connection to the proposed development as detailed previously within this report.</p> <p><i>2.5/8 Site Hazards</i></p> <p>Council records indicate that the site is not subject to any flood or bushfire risk. An assessment against the provisions of <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> has been undertaken as detailed in this assessment report. Earthworks required to accommodate the proposed development have been considered against the relevant provisions of the LEP.</p> <p><i>Part 3 Erosion and Sediment Management</i></p> <p>Earthworks will be required to facilitate roadworks as well as to ensure the provision of services to all allotments. In addition, the construction of a 10 metre wide vegetated mound along the New England Highway frontage is also proposed as part of development works, to be completed prior to the issue of a Subdivision Certificate. To control erosion and sediment during this time, a suitable condition has been included as part of the recommended conditions of development consent.</p> <p><i>Part 4 State Environmental Planning Policies</i></p> <p>State Environmental Planning Policies have been considered as relevant to this development earlier within this report.</p>

Chapter	Comment
Chapter 2.1 Site Analysis (continued)	<p><i>Part 5 Land Use Conflicts</i></p> <p>The subject application seeks development consent for the subdivision of 72 allotments at the Armidale Airport, zoned SP2 and IN2. Due to the zoning of the land, any future land uses will be required to be complementary to / compatible with the existing air transport facility. Compliance with the provisions of Clauses 6.4 and 6.5 of the LEP has been addressed within this assessment report, and future development applications proposing specific land uses will also be required to comply with these Clauses. The proposed development is considered suitable and is not expected to result in any unacceptable land use conflicts on surrounding properties or the environment.</p>
Chapter 2.2 Tree Preservation	As vegetation is proposed to be removed in connection with the subject development, the removal has been addressed as part of this application in accordance with the provisions of this Chapter.
Chapter 2.3 European Heritage Chapter 2.4 Aboriginal Heritage	Matters regarding European and Aboriginal Heritage have been assessed against the provisions of Clause 5.10 of the LEP.
2.5 Contaminated Land	An assessment against the provisions of <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> has been undertaken as detailed in this assessment report.
2.6 Earthworks and Geotechnical Assessment	<p>This Chapter ensures that geotechnical risks are recognised; that earthworks do not impact on local amenity, site safety and stability; and that appropriate engineering solutions are provided for development where these hazards exist. It is noted that the subject land is not identified as being spring affected in accordance with the provisions of this Part.</p> <p>As detailed within this report, earthworks will be required to facilitate roadworks as well as to ensure the provision of services to all allotments. In addition, the construction of a 10 metre wide vegetated mound along the New England Highway frontage is also proposed as part of development works, to be completed prior to the issue of a Subdivision Certificate. There will be no retaining walls required and considering the flat nature of the subject land, matters such as slope instability are not expected.</p> <p>Relevant matters such as erosion, sedimentation, potential archaeological relics, and nuisance impacts have been addressed via the inclusion of appropriate conditions of development consent (Appendix 3).</p>

Chapter	Comment
Chapter 2.7 Flooding Protection and Stormwater Drainage	The proposed development has been assessed against the provisions of this Chapter by Council's Development Engineer. The site is not in the flood plain of any major creeks.
Chapter 2.8 Noise	By virtue of the nature of the proposal as well as its context, the development is not expected to generate unacceptable levels of noise.
2.9 Parking 2.10 Signage	Matters including parking and signage will be addressed at the Development Application stage for a specific land use. Adequate area is proposed on each allotment to be created by the application to facilitate suitable on-site car parking and advertising.
Chapter 2.11 Engineering	This Chapter was revoked upon commencement of the Engineering Code. The subject application has been referred to Council's Development Engineer for assessment against the provisions of the Engineering Code. Suitable conditions of consent have been provided and are included as part of the recommended conditions detailed in Appendix 3 to this report.
Chapter 5.2 Industrial Development	<p>This Chapter provides detailed guidelines for developers on a range of matters relating to industrial development in the Armidale LGA, and will apply to future applications that seek consent for the development of allotments created by the subject DA. The allotments proposed by this application are considered capable of accommodating future buildings in accordance with the provisions of this Part.</p> <p>Part 11 of this Chapter relates to subdivision and aims to:</p> <ul style="list-style-type: none"> • <i>provide new lots that are of a sufficient size and dimension to accommodate future development;</i> • <i>ensure that services are provided in an orderly and efficient manner to meet the requirements of future development;</i> • <i>ensure all development has legal and properly constructed access.</i> <p>In accordance with the provisions of this Part, the proposed development complies with the specified minimum frontage of 20m and does not propose any allotments with access via a battleaxe handle. All proposed allotments are proposed to be afforded with legal and properly constructed access to a public road.</p> <p>This Part also requires that a subdivision that creates more than 10 lots accessed by a cul-de-sac is to have alternative emergency vehicular access. The cul-de-sacs proposed by this application service no more than 8 allotments and as such, alternate emergency egress is not required.</p>

(iiia) the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There are no Developer Contributions Plans currently in place for this development. Council sought advice as to whether Council (as the applicant) could enter into a Planning Agreement pursuant to section 93F with itself for the purpose of imposing contributions toward the NBN Extension, Embellishment of Existing Open Space and Bio Diversity Offsets.

The legal advice concluded that Council is unable to enter into a Planning Agreement with itself being the developer, landowner and Local Authority. However, the advice indicated that, notwithstanding the legislative provisions surrounding developer contributions and the need to have a Developer Contributions Plan in place before such a monetary contribution may be imposed via a development consent condition, Council could identify such commitments through the determination.

To this end, Council commissioned the completion of various reports in order to determine the value of the environmental offset land (Lot 3 DP1198787 and Part Lot 21 DP817347) as well as the costs associated with the preparation and implementation of a Vegetation Management Plan. In order to ensure that all aspects of the development are achieved regardless of who the developer may be (i.e. Council or a third party), it is proposed to include the following condition of consent in **Appendix 3**:

That the applicant / developer contribute to General Fund prior to the staged release of the Subdivision Certificate in accordance with the following formulae toward the extension of the NBN network throughout the subdivision, Embellishment of Existing Open Space within the Armidale Regional Council LGA and for the Establishment and Management of Bio Diversity Offsets:-

NBN Contribution = (A x B)

When: A = Number of lots created in the stage

B = Contribution per lot created in the stage (\$850 / lot created)

Embellishment of Existing Open Space = (C x D x E)

When: C = Number of hectares developed in stage

D = Employees per hectare (23 employees / ha)

E = Contribution per employee (\$125 per employee)

Establishment and Management of Bio Diversity Offsets = (F x G)

When: F = Vegetation Management per hectare developed per stage (\$2,953.08 / ha developed)

G = Number of hectares developed in stage

The above figures shall be CPI adjusted annually.

(iv) the provisions of the regulations

There are no specific matters prescribed by the *Environmental Planning and Assessment Regulation* 2000 that require consideration in this instance.

(v) the provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

Not applicable.

79C(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

This assessment has been undertaken having regard to various issues, as follows:

Impacts on the Natural Environment

No threatened ecological communities as listed by the Commonwealth *Environment Protection and Biodiversity Conversation Act* 1999 occur within the study area, and no threatened plant species listed by the *Environment Protection and Biodiversity Conversation Act* 1999 and *Threatened Species Conservation Act* 1995 were recorded during site surveys. These site surveys indicate that native vegetation in the study area is generally of poor quality, consisting of scattered trees with a highly degraded understorey where most of the native species are replaced by a variety of exotic perennial grasses and areas of weedy derived native grassland. The field surveys also determined that no threatened plants occur on the site and previous ecological assessments concluded that the proposed subdivision is not likely to result in a significant effect upon threatened fauna species.

As noted throughout this assessment report, the proposed development includes the dedication of land for environmental offset purposes and a Vegetation Management Plan (VMP) (as well as a BioBanking agreement and the rezoning of the offset land, if required) is to be finalised prior to release of the Subdivision Certificate to allow for management of the land in perpetuity. The offset assessment for ecosystem credits, using the Biodiversity Certification Assessment Methodology, shows that an Improve or Maintain outcome can be achieved by offsetting vegetation clearance associated with the proposed development. The Assessment has concluded that the loss of vegetation as a result of the proposal is not likely to result in a significant impact upon listed endangered communities.

Impacts on the Built Environment

The subject land was earmarked for industrial development prior to the completion of the Armidale Industrial Land Study completed in May 2013, and the proposed development is consistent with the Armidale Regional Airport Master Plan, dated December 2016. The development is considered to be compatible with surrounding land uses as detailed within this report, and the inclusion of a vegetated mound along the New England Highway frontage will assist in the reduction of visual impacts on the south-western gateway into Armidale. The proposal is considered suitable for the development site.

A condition has been included as part of **Appendix 3** which requires the preparation of a suitable Section 88B Instrument, noting the following restrictions to preserve the amenity of the locality:

- There shall be no direct access to / from the New England Highway. All access shall be via the new internal roadways;
- There shall be no structures or signage, nor shall there be the storage of any goods or materials between the Title boundary and the New England Highway (i.e. within the 10m wide landscaped area);
- Landscaping shall be maintained in perpetuity in accordance with the approved Landscape Plan;
- Any replacement fencing shall match that approved and erected at the time of the Subdivision Certificate.

Utility / Infrastructure Impacts

Essential services are available to the subject land, including:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

Construction Impacts

Construction work to facilitate the extension of essential services will be required prior to the release of the Subdivision Certificate. As such, a suitable condition of development consent has been included as part of **Appendix 3** requiring hours of building work to be consistent with NSW State Guidelines.

Traffic Impacts and Parking Impacts

Likely traffic impacts have been considered by the NSW RMS as well as Council's Development Engineer.

Social Impacts

It is not envisaged that there will be any adverse social impacts experienced as a result of the proposed development.

Economic Impacts

The Armidale Economic Development and Tourism Strategy was completed in 2011 and identified opportunities for the region to attract investment in industrial sectors to grow the local economy. The Strategy identified an existing shortage of adequate industrial land to meet demand from new and existing industrial businesses. The finding was supported by the New England Development Strategy, which outlines the need to provide adequate industrial land to meet demand for development and facilitate employment opportunities.

The proposed development is expected to have a number of positive economic impacts for the region, as detailed throughout the Armidale Regional Airport Master Plan dated December 2016. In this regard, the development has the potential to generate approximately \$20 million in land sales, growing to \$35 million (at current pricing) if all properties available in Stage 1 were to be sold.

Noise

It is expected that future development of the subject land will be consistent and compatible with established land uses as discussed throughout this report.

Cumulative Impacts

The proposed development is considered appropriate and relevant issues have been considered in detail as part of this assessment report.

79C (c) the suitability of the site for the development

The subject site is considered suitable for the proposed development for the following reasons:

- The land is appropriately zoned pursuant to the provisions of the LEP 2012;
- The development is considered appropriate for the site and the locality;
- There are no known environmental hazards or constraints associated with the site that cannot be accommodated as detailed within this report;
- Future development is capable of complying with relevant clearance zones for airspace operations associated with the Armidale Regional Airport;
- Necessary utility service infrastructure to support the proposed development is capable of being extended to the subject land.

79C(d) any submissions made in accordance with the Act or the Regulations

Agency submissions

Comments were received from NSW Roads and Maritime Services (RMS), the Civil Aviation and Safety Authority (CASA), the NSW Office of Environment and Heritage (OEH) and Heritage Council of NSW as detailed previously throughout this report.

Public submissions

The submitted DA was publicly exhibited in accordance with Council's DCP 2012 – Chapter 1.1 from 27 April 2017 – 17 May 2017. This included notification sign/s placed on the subject land as well as notification by mail to the owners of properties in the vicinity of the site. Two (2) submissions were received during the notification period of the DA, and an assessment of the matters raised is provided in the table below:

Issue Raised	Assessment Comment
Concern regarding the closure of the existing entrance to and exit from the Armidale Airport	The subject DA does not propose the closure of any existing property accesses.

Issue Raised	Assessment Comment
That a landscaping plan be designed to ensure that existing commercial signage remains visible from the New England Highway for a minimum of 300 metres in both directions	A condition has been included as part of Appendix 3 regarding the preparation of a suitable landscaping plan for the subject land prior to the issue of a Construction Certificate. This condition includes a requirement to consider existing commercial signage in the vicinity and not propose any vegetation that will unduly obscure this signage.
That the current highway sign be retained unless unanimous agreement is given by all users of the sign for any relocation	The subject DA does not propose the removal of any existing signage.
That Lot 1-72 [<i>proposed highway service centre and car museum</i>] be renamed "Proposed Food Service Outlet and Car Museum" so that every effort is seen to be made by Council to protect the viability of existing tenants	It is understood that Council is currently in the process of undertaking an amendment to Schedule 1 of the LEP to allow additional permitted land uses on proposed Lots 1-55 and 1-72. This Schedule, rather than the proposed plan of subdivision, will dictate permissible land uses.
That Council consider moving the Food Service Outlet to the land opposite the existing service station, which is currently in the carpark for the airport terminal. This would ensure that the Food Service Outlet would get additional business from the airport terminal users and have the added benefit of providing an integrated highway service centre without any breach of commitments made to the existing lessees	Detailed consideration has been undertaken regarding the proposed development during the design phase. There are no current proposals to relocate the proposed highway service centre. The commitments of Council to existing lessees do not form a matter for consideration in the assessment of this development application.
Alterations to access to Saumarez Station	As detailed throughout this report, access to Saumarez House will be maintained during the construction process of the proposed subdivision, and ultimately the new road proposed by the subject application will provide access to this landmark.
Possibility of development of land to the north of the airport	This matter is not pertinent to the assessment of the subject application and can be addressed by direct enquiry to Council's Strategic Planning Division.

79C(e) the public interest

The proposed development has been assessed to be in the public interest, as detailed throughout this report. The proposal is consistent with the aims of the LEP and other applicable statutory planning provisions as well as the adopted Armidale Regional Airport Master Plan 2016. The development is expected to attract new industry and investment to the region and has the potential to generate significant economic benefits both during construction and on completion. There are no land use conflicts anticipated with the adjoining Armidale Airport.

The proposal is considered consistent with the State Plan which includes, inter alia, Goal 3 (Drive economic growth in regional NSW) and Goal 19 (Invest in critical infrastructure). The application is also consistent with the *Armidale Dumaresq Community Strategic Plan 2013 – 2028*, which aims to create available and affordable industrial land upon which to develop and expand businesses.

Assessment Conclusion

DA 46-2017 proposes a 72 lot staged subdivision and construction of a new roundabout, as well as the dedication of two allotments as environmental offset land. The proposed development complies with all controls specified by relevant Environmental Planning Instruments and the *Armidale Dumaresq Development Control Plan 2012*. The proposal is considered to be compatible with the adjoining airport operations and there is no land use conflict anticipated as a result of approval of DA-46-2017. Utility services such as water supply, sewerage, electricity, stormwater drainage, telecommunications and road infrastructure is either readily available or capable of being extended to service each proposed allotment.

Two (2) submissions were received from members of the public raising various concerns to aspects of the development. These submissions have been considered as part of the assessment.

The proposed development has been thoroughly assessed as detailed throughout this report and is recommended for conditional consent. **Appendix 3** contains all relevant conditions identified throughout the assessment process and as discussed in this report.

Recommendation

- (a) That having regard to the assessment of the Application, Development Application 46-2017 (JRPP ref 2017NTH009) be granted conditional consent in the terms set out in Appendix 3 to this report.**
- (b) That agencies that made submissions in relation to the Application be notified of the determination in writing.**
- (c) That those persons that made submissions in relation to the Application be notified of the determination in writing.**

Kate Campbell
Consultant Town Planner, Sixhills Group Pty Ltd
7 September 2017
Page 39 of 52

Appendix 3 - Proposed Conditions of Development Consent

All Stages

General

G001E Compliance with Consent

[Amended]

To ensure this development is consistent with Council's consent, the development must take place in accordance with the approved plans (bearing the Council approval stamp); and all other documents submitted with the application, subject to the consent conditions in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail.

The approved plans are attached to this consent notice and are listed below:

Plan Drawer	Plan Numbers / Revision	Date
Denis Atkinson Planning Pty Ltd	Statement of Environmental Effects for Proposed Staged Subdivision of Lands Zoned Light Industrial and Infrastructure (Air Transport Facility) at the Armidale Regional Airport Industrial Precinct Reference 16031	October 2016
Ardill Payne	Overall Layout Plan Option 1 – Stages 1A and 1B Revised Layout, Dwg No. SK05 Job No. 8019 Issue F	15/08/2017
EnviroAg Australia	Preliminary Site Investigation for Contamination, Project Document No. 23375.55454	04/09/2012
CCC Cohen Cultural Consultancy	Aboriginal Cultural Heritage Site Assessment Report	30/11/2015
Ardill Payne	Review of Environmental Factors for the Construction of a Roundabout on the New England Highway to service the Armidale Regional Airport Industrial Precinct, Job No. 8019	August 2016
Ardill Payne	Proposed Roundabout Detail Plan, Dwg No. C02 Job No. 8019 Issue C	20/12/2016
Ecological Australia	Preliminary Offset Review for the subdivision and planning proposal to rezone land adjacent to Armidale Regional Airport, Ref / Job No. 16ARM – 3654	17/03/2016
Ecological Australia	Armidale Regional Airport Biodiversity Offset: Part 1 Biodiversity Assessment Ref / Job No. 16ARM – 4175	30/06/2016

ADVISING: Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.

The proposed development is to comply with the Manual of Standards Part 139 Aerodromes as well as the requirements of the National Airports Safeguarding Framework

Prior to Issue of a Construction Certificate for Each Stage of Development

G002 Works in Accordance with Engineering Code

All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.

C021E Road Design

[Amended]

Road design shall be in accordance with Council's Engineering Code. Plans demonstrating compliance with the Code are to be provided to the relevant Certifying Authority for approval prior to the issue of a Construction Certificate for each stage of the development.

C045E General S68 approvals

[Amended]

Approval is required from Council for the following activities pursuant to Chapter 7 Section 68 of the Local Government Act 1993:

- Water supply work,
- Sewerage work,
- Stormwater drainage work.

Approval must be obtained prior to the issue of a Construction Certificate for each stage of the development.

C038E Water Supply

[Amended]

Separate approval must be obtained from the Council as the Local Water Supply and Sewer Authority pursuant to Chapter 7 of the Local Government Act 1993 prior to the issue of a Construction Certificate for each stage of the development. Designs for the supply of water be completed in accordance with Council's Engineering Code D11 – Water Supply.

Provision of an adequate water supply by connecting to the Council's reticulated potable water supply system is required to serve each lot within the proposed subdivision. Details are to be submitted for the approval of Council's Development Engineer or nominee before the issue of a Construction Certificate and related Section 68 approval for each stage of the development.

The internal water mains are to form a looped system with no dead ends and each new lot shall have the main in its frontage. Water supply design is to comply with Council's Engineering Code (POL119) and provide for sustainable cost effective operation by Council in the future. Fire flows required are 11L/sec at a pressure of not less than 275 kPa (28m). These flows are to be supplied at the most disadvantaged hydrant in addition to peak instantaneous demands.

If any stage of the subdivision results in the temporary construction of a "dead end" main, then a legal agreement is to be drawn up at the developer's expense between the developer and Council as the water supply authority. The agreement is to include a contribution of capitalised maintenance and operational costs to Council to cover the design life (100 years) of any system that is not part of a minimum maintenance gravity system. This agreement is also to include a charge of \$2,000 to cover the capitalised cost of future flushing of the main and to be executed before the issue of a Subdivision Certificate. Fees will be refunded less expenses, upon request and completion of the main as a looped system.

Disposal and Management of Sewage

Designs for the disposal and management of sewage shall be completed in accordance with Council's Engineering Code D12 – Sewerage System and are to be submitted to Council as the Local Sewer Authority prior to the issue of a Construction Certificate for each stage of the development.

C031E Underground Piping of Stormwater

[Amended]

Stormwater management designs are to comply with Council's Engineering Standards, and details are to be submitted to Council prior to the issue of a Construction Certificate for each stage of the development.

Protection of the development by provision of underground drainage pipelines (within easements or roadways) to cater for a stormwater flood frequency of 20% Annual Exceedence Probability (AEP) and fail-safe aboveground floodways to cater as a minimum for a flooding frequency of 1% AEP. Trimming, filling or reshaping of the site is to be undertaken so that no ponding or other stormwater nuisance occurs, or concentration of flow is produced onto other property.

Inter-allotment drainage is to be provided for all lots which do not drain naturally to a public road, to protect those lots and adjoining property. All inter-allotment drainage is to be contained within a suitably located easement (minimum width 2m). Details are to be provided to the relevant Certifying Authority for approval prior to the issue of a Construction Certificate for each stage of the development.

Title Plan submissions are to confirm easement details including the function, form and levels of essential earth or other surface works including flood ways, to help ensure the permanency and designed operation of such facilities.

C033 Stormwater Detention

[Amended]

A stormwater detention system is to be designed to ensure the post-development flow from the detention basin is to be no greater than the pre-development flow from the catchment. Storm events to be provided for are the 1% Annual Exceedence Probability (AEP), 5% AEP and 20% AEP. Details are to be provided to the relevant Certifying Authority for approval prior to the issue of a Construction Certificate for each stage of the development.

C029 Erosion & Sediment Control Plan

[Amended]

The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual *“Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004”*, shall be lodged for approval of the certifying authority with the application for a Construction Certificate for each stage of the development. The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:

- Provision for the diversion of runoff around disturbed areas;
- Location and type of proposed erosion and sediment control measures;
- Location of and proposed means of stabilisation of site access;
- Approximate location of site sheds and stockpiles;
- Proposed staging of construction and ESCP measures;
- Clearance of sediment traps on a regular basis and after major storms;
- Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- Standard construction drawings for proposed erosion and sediment control measures.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

Traffic Management Plan

Prior to the issue of any Construction Certificate for the subdivision, the developer shall prepare a Traffic Management Plan (TMP), including appropriate Traffic Control Plans (TCPs), to manage traffic impacts during construction of the subdivision. TCPs should be prepared and implemented by suitably qualified person/s in accordance with RTA Traffic Control at Worksites Manual. Any traffic control proposed on the New England Highway will require a Road Occupancy Licence (ROL) to be obtained from Roads and Maritime Services.

Works Authorisation Deed

Prior to the issue of any Construction Certificate for the subdivision, the developer shall enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services for construction of the proposed roundabout on the New England Highway.

Lighting

Street lighting is to be provided in accordance with the lighting level requirements of the Armidale Regional Council Engineering Code for the proposed industrial subdivision and the RMS requirements for the New England Highway roundabout. All lighting shall meet the requirements of the Civil Aviation Safety Authority for ‘Lighting in the Vicinity of Aerodromes’, which, by reason of its intensity, configuration or colour, must not cause confusion or glare to pilots that might endanger the safety of aircraft. Details shall be included with each application for a Construction Certificate.

Landscape Plan

A landscape plan shall be submitted with an application for a Construction Certificate for each stage of the development. This plan shall detail the proposed 10 metre wide landscaped mound between the site and the New England Highway as well as plantings along the road/s that will be accessed by Saumarez Homestead. Furthermore, in accordance with the Airport's Wildlife Hazard Management Plan, all landscaping provisions for the proposed development must consider final growth heights against the Obstacle Limitation Surface Map, and any attractions to birds which may cause a risk to aviation activities. The Plan shall also consider existing commercial signage in the vicinity and not propose any vegetation that will unduly obscure this signage.

Prior to Commencement of Works for Each Stage of Development

G009 Construction Certificate

[Amended]

A Construction Certificate for each stage of the development must be obtained before the work commences, in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

P003 cl.98A - Erection of Signs

Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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 provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. *Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).*

G007 Notice of Commencement & PCA

The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with clauses 103, 103A and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is to be given using the form enclosed with this consent.

For development involving both building and subdivision work authorised by the same development consent, separate appointment of a Principal Certifying Authority for each type of work is required, in accordance with Section 109E of the Environmental Planning & Assessment Act 1979.

Stockpiles

All material stockpiled on the subject land shall be removed prior to the commencement of construction.

During Construction of Each Stage of Development

D006 Dust Control

[Amended]

Dust and loose refuse must be controlled during any construction in the vicinity of the aerodrome, to avoid any airborne particulates which could impair the visual condition of the aerodrome or be ingested into an aircraft orifice or engine.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

Construction with Cranes, Concrete Pumps and Structures

In accordance with the Armidale Aerodrome Manual, approximately 12 weeks prior to any construction that involves the use of cranes, concrete pumps or structures of any kind, the details of the object must be submitted to CASA via the District Aerodrome Inspector and to Airservices Australia Procedure Designers to assess the impact on PANS-OPS and published approach procedures.

D009 Construction Hours

The hours of building work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality.

Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

ADVISING: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.

Access

Safe and uninterrupted access to Saumarez Homestead, the Animal Welfare Facility and private property shall be ensured at all stages throughout construction.

D016 Toilet on Site

Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.

D017E Inspections

[Amended]

Should Council be appointed the Principal Certifying Authority for the building work, at least 2 days' notice is to be given to enable the following inspections to be undertaken:

- before covering any stormwater drainage connections

This is identified as a 'critical stage inspection', being a mandatory inspection pursuant to Section 109E of the EP&A Act 1979. Please note that a Subdivision Certificate cannot be issued for a development where a critical stage or other nominated inspection has not been carried out.

D018 Erosion/Sedimentation Control

The development must be carried out in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

Public Safety

Action being taken by the developer and contractors to ensure that public safety is maintained on roadways under construction at all times, by the provision of effective barriers to distinguish between adjacent public roadways and the roadways under construction.

Hoardings

A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenienced. The erected hoarding is to comply with AS 4687 (current edition) - Temporary fencing and hoardings and be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

Fill

Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) Guidelines on Earthworks for Commercial and Residential Developments. The developer's structural engineering consultant shall:

- identify the source of the fill and certify that it is free from contamination; and
- classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1 (current edition).

G005 Fuel Storage / UPSS

[Amended]

Separate authorisation is required from NSW Workcover for the removal of any fuel storage facilities on the site, to address employee and public safety issues. Advice is also to be provided to the NSW Office of Environment and Heritage in relation to works in connection with any underground petroleum systems.

Land Contamination

Any contaminated land discovered during construction is to be appropriately remediated in accordance with relevant legislation.

G006 Tree Removal

[Amended]

Any approved tree removal shall be carried out by an appropriately qualified person (e.g. tree surgeon) to avoid any risk to life or damage to property. This person shall have adequate public liability insurance cover.

Prior to Issue of a Subdivision Certificate for Each Stage of Development

C027 Subdivision Certificate/Title Plan Release

[Amended]

An Application for a Subdivision Certificate is to be submitted to Council with three (3) copies of the Title Plan. Details of any staging, compliance with relevant consent conditions, and all required easements, positive covenants and restrictions as to user are to be included on the documentation submitted for a Subdivision Certificate for the subject lots, to ensure that the relevant consent requirements are addressed.

Protection of Infrastructure

All utility services located within private property are to be contained within suitably located easements. In this regard, appropriate Section 88B Instrument/s shall be lodged with any application for a Subdivision Certificate. The 88B Instrument/s shall also note the following restrictions over all allotments:

- There shall be no direct access to / from the New England Highway. All access shall be via the new internal roadways;
- There shall be no structures or signage, nor shall there be the storage of any goods or materials between the Title boundary and the New England Highway (i.e. within the 10m wide landscaped area);
- Landscaping shall be maintained in perpetuity in accordance with the approved Landscape Plan;
- Any replacement fencing shall match that approved and erected at the time of the Subdivision Certificate.

Defect Liability Period

In relation to the civil works required by this development which will become public assets, it is Council's usual requirement that these works be completed and accepted by Council before a Subdivision Certificate is issued. Upon completion and subsequent acceptance, Council will require these works to be placed on a 12 months' defect liability period and secured by means of a cash deposit or bank guarantee for 10% of the total construction contract price.

Upon application by the developer, Council will consider issuing a Subdivision Certificate before the subdivision works have been completed. In these cases an 'Agreement to Meet Costs' form and monetary security for outstanding civil works that are to become public assets must be provided to Council before the issue of any Subdivision Certificate. Security shall be in the form of cash deposit or bank guarantee, for an amount to the satisfaction of Council's Director Public Infrastructure or nominee. Application for a 90% refund of the security may be made on documented completion of the works, with full refund of the remaining 10% upon satisfactory completion of the 12 months' defects liability period.

C048 Completion/Inspection of Civil Works

[Amended]

All civil engineering and utility service works undertaken pursuant to this consent, including:

- Water supply work,
- Sewer drainage work,
- Stormwater drainage work,
- Roadwork, including kerb and gutter and footpath construction,
- Street lighting,

are to be inspected and tested upon completion, and details of works which will become public assets provided to Council's Development Engineer or nominee, before the issue of a Subdivision Certificate for each stage of the development.

One set of print film copies and an electronic copy of "work as executed" plans are to be provided to Council for works affecting Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.

C017 Road Names

Suggestions (and reasons) for the names of new road(s) should be submitted at least 3 months before the submission of an application for a Subdivision Certificate for the development. Proposed new road name(s) should not be included on Title Plans submitted to Council with an application for a Subdivision Certificate, until such time as the name of any new road(s) has been approved by Council and other relevant authorities. Street name signs and posts are to be erected in accordance with Council's Engineering Code.

ADVISING: Council's Policy on Local Place Naming, Policy POL071, favours names with historical, zoological, botanical or geographic association with the locality. Council can provide advice on appropriate names on request.

O024 Completion / Inspection of Works

[Amended]

All conditions of this consent requiring any of the following to be carried out:

- Earthwork,
- Road work, including road pavement and road finishing,
- Stormwater drainage work,
- Landscaping work,
- Erosion and sedimentation control work,
- Excavation work,

are to be satisfied and inspected by the relevant Certifying Authority, before the issue of the relevant Subdivision Certificate for each stage of the development.

Fencing

Any fencing adjacent to the New England Highway shall be a maximum 3 metres above existing ground level, constructed of black wire mesh, and in accordance with the requirements of the Roads and Maritime Services. Any security fencing installed on the subject site shall be in accordance with the requirements of the Civil Aviation Safety Authority.

Ongoing Operations

Emissions

Exhaust plumes must not originate from any sources including chimneys, smoke stacks, smelters, combustion sources or flares.

Advice

A001 Aboriginal Artefacts

In the event that Aboriginal artefacts are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS – part of the Office of Environment and Heritage) and cease work in the relevant location pending investigation and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.

A 'Consent to Destroy' Application under section 90 of the National Parks and Wildlife Act 1974 must be submitted and issued by the Director-General of National Parks and Wildlife for any Aboriginal archaeological sites that are to be damaged or destroyed as a result of any development. The Applicant shall consult with the relevant local Aboriginal groups and to the satisfaction of the NPWS prior to any 'Consent to Destroy' Application being submitted.

For further information see the NPWS Code of Practice for Archaeological Investigations in NSW:

<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>

Signage

It is recommended that signage acknowledging the traditional owners of the land be erected within the subdivision in accordance with the requests of relevant local Aboriginal groups.

A002 European Artefacts

[Amended]

In the event that any relics, being any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance,

are identified on the site during development through earthworks or construction, the Applicant/developer shall notify the NSW Heritage Council as required under s.146 of the Heritage Act 1977, as well as the Armidale Regional Council, of the find and await further advice before proceeding with the development.

Stage 1A

Prior to Issue of a Subdivision Certificate for Stage 1A

C039E Water and Sewer Developer Contributions

[Amended]

The owner is required to pay a contribution towards water and sewer infrastructure provided by Council for the benefit of this site in accordance with Council's Development Servicing Plan for Water and Sewerage. Upon payment of the required contribution or completion of appropriate arrangements for payment, which must be made before the issue of the Subdivision Certificate, Council will issue a Certificate of Compliance pursuant to s.64 of the Local Government Act 1993, and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

*ADVISING: At the date of determination the applicable contributions for **Stage 1A** are **\$471,954.00** (\$249,648.00 - water and \$222,306.00 – sewer). Please be advised that contributions are indexed annually at the end of each financial year. Contributions applicable at the date of payment can be reviewed on the 'On-line Services' on Council's website.*

Payment of Contributions

Prior to the release of each Subdivision Certificate, the applicant / developer shall contribute to a General Fund in accordance with the following formulae toward the extension of the NBN network throughout the subdivision, Embellishment of Existing Open Space within the Armidale Regional Council LGA and for the Establishment and Management of Bio Diversity Offsets:-

NBN Contribution = (A x B)

When: A = Number of lots created in the stage

B = Contribution per lot created in the stage (\$850 / lot created)

Embellishment of Existing Open Space = (C x D x E)

When: C = Number of hectares developed in stage

D = Employees per hectare (23 employees / ha)

E = Contribution per employee (\$125 per employee)

Establishment and Management of Bio Diversity Offsets = (F x G)

When: F = Vegetation Management per hectare developed per stage (\$2,953.08 / ha developed)

G = Number of hectares developed in stage

The above figures shall be CPI adjusted annually.

Construction of the Roundabout on the New England Highway

Prior to the issue of a Subdivision Certificate for any stage of the development, the roundabout on the New England Highway shall be completed in accordance with the requirements of the NSW Roads and Maritime Services.

Environmental Offset Land

Lot 3 DP 1198787 and Part Lot 21 DP 817347 shall be dedicated as environmental offset land. A Vegetation Management Plan (VMP) is to be prepared and finalised prior to release of the Subdivision Certificate for Stage 1A, which may also include the requirement for a BioBanking agreement as well as the rezoning of this land. The VMP, BioBanking Agreement and rezoning will allow for the implementation and management of the offset area in perpetuity.

Directional Signage

Suitable directional signage is to be installed within the subdivision prior to the release of the Subdivision Certificate for Stage 1A of the development in order to direct traffic towards Saumarez Homestead.

Stage 1B

Prior to Issue of a Subdivision Certificate for Stage 1B

C039E Water and Sewer Developer Contributions

[Amended]

The owner is required to pay a contribution towards water and sewer infrastructure provided by Council for the benefit of this site in accordance with Council's Development Servicing Plan for Water and Sewerage. Upon payment of the required contribution or completion of appropriate arrangements for payment, which must be made before the issue of the Subdivision Certificate, Council will issue a Certificate of Compliance pursuant to s.64 of the Local Government Act 1993, and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

*ADVISING: At the date of determination the applicable contributions for **Stage 1B** are **\$337,110.00** (\$178,320.00 - water and \$158,790.00 – sewer). Please be advised that contributions are indexed annually at the end of each financial year. Contributions applicable at the date of payment can be reviewed on the 'On-line Services' on Council's website.*

Payment of Contributions

Prior to the release of each Subdivision Certificate, the applicant / developer shall contribute to a General Fund in accordance with the following formulae toward the extension of the NBN network throughout the subdivision, Embellishment of Existing Open Space within the Armidale Regional Council LGA and for the Establishment and Management of Bio Diversity Offsets:-

NBN Contribution = (A x B)

When: A = Number of lots created in the stage

B = Contribution per lot created in the stage (\$850 / lot created)

Embellishment of Existing Open Space = (C x D x E)

When: C = Number of hectares developed in stage

D = Employees per hectare (23 employees / ha)

E = Contribution per employee (\$125 per employee)

Establishment and Management of Bio Diversity Offsets = (F x G)

When: F = Vegetation Management per hectare developed per stage (\$2,953.08 / ha developed)

G = Number of hectares developed in stage

The above figures shall be CPI adjusted annually.