

**DETERMINATION AND STATEMENT OF REASONS**  
NORTHERN JOINT REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	24 January 2018
<b>PANEL MEMBERS</b>	Garry West (Chair), Pam Westing, Stephen Gow, Robert Hussey
<b>APOLOGIES</b>	Paul Drake
<b>DECLARATIONS OF INTEREST</b>	None

Meeting held on Wednesday 24 January 2018 at Port Macquarie-Hastings Council, Cnr Lord and Burrawan Streets, Port Macquarie, public meeting opened at 3:30 pm and closed at 3.55pm.

**MATTER DETERMINED**

2017NTH026 – Port Macquarie-Hastings – DA2011-438.2 at 99 Boundary St, Port Macquarie (AS DESCRIBED IN SCHEDULE 1)

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

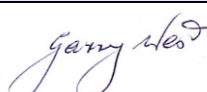

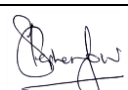
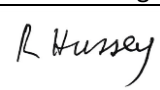
The reasons for the decision of the Panel were:

- The modification will not change the passenger and staff numbers, aircraft movements, hours of operation or height of the building as previously approved.
- The proposed development is not contrary to the public's interest and will not have a significant social, environmental or economic impact.
- The draft conditions were updated to reflect Council's updated format and were agreed by the Applicant.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition A1 was updated to reflect the amended plans of the terminal and carpark;
- New Condition A23 inserted to reflect the approved stages;
- New Condition A24 to replace conditions B10, C3, C4, D2, D4, D5, D6 in relation to the management of the works;
- Delete B5 as it obsolete in relation to this development;
- Condition E1 was amended in regard to the issuance of an Occupation Certificate and/or Interim Occupation Certificate; and
- Condition E6 was amended regarding the occupation of the food and drink premises.

PANEL MEMBERS	
 Garry West (Chair)	 Pam Westing
 Stephen Gow	 Robert Hussey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH026 – Port Macquarie-Hastings – DA2011-438.2
2	PROPOSED DEVELOPMENT	Section 96(2) Modification to Upgrade of Port Macquarie Airport (Passenger Terminal Building)
3	STREET ADDRESS	Boundary St, Port Macquarie
4	APPLICANT/OWNER	Mecone (Applicant) and Port Macquarie-Hastings Council (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy NO 44 – Koala Habitat Protection</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No 62 – Sustainable Aquaculture</li> <li>State Environmental Planning Policy No 71 – Coastal Protection</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Rural Lands) 2008</li> <li>State Environmental Planning Policy (State and Regional Development) 2011 and previously SEPP (Major Development 2005 (since repealed)</li> <li>Port-Macquarie Hastings Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments:</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Port-Macquarie Hastings Development Control Plan 2013</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the Environmental Planning and Assessment Regulation 2000: Nil</li> <li>NSW Coastal Policy 1997</li> <li>Demolition of buildings AS 2601</li> <li>Coastal zone management plan:</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 11 January 2018</li> <li>Written submissions during public exhibition: Nil</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Support – NIL</li> <li>Object – NIL</li> <li>On behalf of the applicant – Ashley Grummit, Airport Manager; Rowan Howarth, Design Manager and Megan Rodgers, Mode.</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>Site inspection and briefing meeting 24 January 2018 at 2.30pm Attendees:</p> <ul style="list-style-type: none"> <li>Panel members: Garry West (Chair), Pam Westing, Stephen Gow, Robert Hussey</li> <li>Council assessment staff: Clinton Tink</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Amended as dated 24 January 2018 tabled at the meeting and attached as Schedule 2

## FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS - 2011

DA NO: 2011/438.2

DATE: 24/01/2018

The conditions of consent referred to in the Notice of Determination for DA No 2011 – 438.2 are as follows:

No.1	Modification No.1	24 January 2018
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### PREScribed CONDITIONS

#### Part 6 – Division 8A of the *Environmental Planning & Assessment Regulations 2000*

- (1) (P001) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) (P003) 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.

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.

### A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects and accompanying letter by Ashley Grummit and as amended by letters dated 26/9/2011 Coffey, 27/9/2011 GHD, 16/11/2011 GHD & 22/11/2011 Ashley Grummit		GHD as amended by Mecone	July 2011, 8 August 2011 and September 2017 respectively
Site Plan	Drawing No 33-15692-C001 Rev B	GHD	5/8/2011
Plans of Terminal and	Drawing No 3315694-G001 Rev	GHD as amended	19/7/2011 as amended by 2017

Car Park	A & 3315694-A100 & 102 Rev A as amended by Project No 17013SYD, Drawing No DA000 (14/9/2017), DA001 (19/10/2017), DA002 (28/7/2017), DA003 (6/9/2017), DA004 (19/10/2017), DA005 (19/10/2017), DA006 (6/9/2017), DA007 (6/9/2017), DA008 (15/9/2017), DA009 (19/10/2017) and awning (17/10/2017)	by Mode	plans
SEPP 14 Plan	Job No 22-15696	GHD	17/11/2011
SoEE and REF Plans	Job No 22-15696 Figure 03A & 05A	GHD	Oct 2011

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail. <sup>1</sup>

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (A006) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council.
- (4) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications and Port Macquarie-Hastings Council DCP 2011 which are prescribed at the time of commencement of engineering works.
- (5) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (6) (A015) The owner/applicant is responsible for complying with any covenants/restrictions to users which may be applicable to the land where the proposed building work is to be undertaken.
- (7) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (8) (A019) Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council's Engineering Development Section within Infrastructure Division to discuss the extent and scope of all works and details required on the design plans to conform to Council's Development Control Plans, Codes, Policies and AUSPEC

Specifications. Some of the issues to be discussed and incorporated in the design plans include, but are not limited to the following:

- Hastings River Drive & Boundary Street Intersection Improvements

- (9) (A031) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be obtained from Port Macquarie-Hastings Council.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving (width)
- Footway and gutter crossing
- Functional vehicular access

- (10) (A032) The developer is responsible for any costs relating to minor alterations and extensions of existing roads, drainage and Council services for the purposes of the development.

- (11) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:

- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
- b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
- c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (12) (A036) Any interruption to the natural overland flow of stormwater drainage, which could result in the disruption or deterioration to any other property is not permitted.

- (13) (A042) In respect of applications for other than separate Class 1 buildings, applicants are required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:
- Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
  - A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the property, the type of materials and nominal size of all water service pipes, the position of all stop valves, stop taps, backflow prevention devices and other valves, any water storage to be provided including air gap requirements, overflow pipe arrangement and any booster pumps.
  - Complete details of any fire service, booster pump or irrigation system installation.
- (14) (A050) All water, sewer and stormwater services necessary to service the development must be provided in accordance with Council's requirements. All services are to be designed and constructed in accordance with Council's AUSPEC Specifications.
- (15) (A062) Where applicable, the applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (16) (A195) The development is only to commence once the REF for the airport upgrade works being done under SEPP (Infrastructure) 2007 have been approved. Where relevant, the works must be done concurrently to ensure a logical outcome/completed upgrade.
- (17) (A196) The Asphalt Plant is to only to service the needs of upgrading the airport and must only operate for a period of twelve (12) months from the date the Construction Certificate is issued. The Asphalt Plant must also not be placed onsite until the Construction Certificate has been issued.
- (18) (A197) A portion of the customer service check in desk is to have a height that can be used by a person using a wheelchair or someone of short stature.
- (19) (A198) This consent does not change the hours of operation for the airport.
- (20) (A199) A vegetation management plan shall be submitted and approved by Council prior to the release of the construction certificate application. The plan shall outline, but not be limited to the following:
- Details of plantings of endemic species to provide compensation for the loss of potential habitat on-site.
  - Vegetation removal associated with construction works.
  - Identification and flagging of all hollow bearing trees in areas to be cleared and mechanisms for removal and replacement of hollows.
  - Any proposed vegetation is to be installed onsite prior to the release of the subdivision certificate.
  - Process for removing and disposing of felled trees and vegetation.
  - Process of protecting trees to be retained during clearing works.

In addition, the vegetation management plan (once approved by Council) will form part of this consent and is to be complied with at all times.

- (21) (A201) The Manager of the Airport will be responsible for gaining any necessary approvals from CASA prior to upgrade works commencing onsite.
- (22) (A202) Where relevant, the environmental mitigation measures in GHD's REF report (section 6.2.2) are to be incorporated into the works associated with this consent.
- (23) (A007) The development must only proceed in accordance with the approved stages as set out below:

- Stage 1 – Civil upgrades including airside and carpark.
- Stage 2 – Terminal building upgrade, less food and drink premise occupation.
- Stage 3 – Terminal building food and drink premises occupation.
- Stage 4 – Ancillary works such as covered walkways.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable. <sup>1</sup>

- (24) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  4. Building waste is to be managed via an appropriate receptacle;
  5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
  6. Building work being limited to the following hours, unless otherwise permitted by Council;
    - Monday to Saturday from 7.00am to 6.00pm
    - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work. <sup>1</sup>

## **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

- (1) (B001) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location

- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:

1. Water supply reticulation.
2. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, NSW Code of Practice and Port Macquarie-Hastings Council Policies.
3. Detailed intersection layout at the junction of Hastings River Drive & Boundary Street in accordance with AUSTROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance.

An application and checking fee in accordance with Council's Management Plan shall be payable upon submission of engineering design plans.

- (3) (B005) Where relevant, approved design plans by the RTA of the proposed engineering works detailed below shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

- Hastings River Drive & Boundary Street Intersection Design Plans

- (4) (B006) The provision of additional civil works at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development. Design plans are to be approved by Council prior to issue of the Construction Certificate.

- (5) Deleted. <sup>1</sup>

- (6) (B011) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted prior to release of Construction Certificate.

- (7) (B021) A hydraulic strategy and plans are required from a hydraulic consultant for the whole of the development on the site stage by stage. Water service sizing is then to be determined by the hydraulic consultant to suit the proposed domestic and commercial components of the development, as well as addressing fire service requirements to AS 2419 and backflow protection requirements.

- (8) (B027) Construction plans are to detail water meter location and demonstrate accessibility for future reading (e.g. not behind fences or locked gates).

- (9) (B030) An application under Section 138 of the Roads Act 1993 is to be submitted to and approved by Council for works associated with the development on or within the Public Road.

- (10) Deleted. <sup>1</sup>

- (11) (B034) The submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:

- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include



photographs of the existing pavement and pavement deflection test results taken in the travel lanes;

- Recommended load limits for haulage vehicles and;
- A procedure for monitoring the condition of the pavement during the haulage;
- Bond to guarantee public infrastructure is not damaged as a result of construction activity,

and;

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.

- (12) (B045) A schedule of existing and proposed fire safety measures is to be submitted with the application for the Construction Certificate.
- (13) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890.1. Certification of the design by a suitably qualified consultant is to be provided prior to issue of the Construction Certificate.
- (14) (B056) Prior to the issue of any Construction Certificate plans, the provision of water services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (15) (B060) Approval must be obtained from Council under Section 68 of the Local Government Act 1993, for work to install or alter any onsite sewage management facility related to the development.
- (16) (B063) Prior to release of the Construction Certificate, a detailed landscape plan is to be submitted to Council for approval.
- (17) (B065) The applicant shall implement a landscape maintenance program for a minimum period of twelve (12) months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Detailed Landscape Plan with the Construction Certificate application.
- (18) (B195) Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic, commercial and industrial components of the development, as well as requirements for fire service coverage and backflow protection.
- (19) (B196) Should road construction (other than surface resheeting) take place over PVC or AC water mains then these are to be replaced in ductile iron.
- (20) (B197) The water main plans provided with the application are not acceptable in their present form.
- (21) (B198) The relevant Mitigation Measures and Environmental Management Actions detailed in the GHD documents: GHD "Port Macquarie Airport Upgrade Statement of Environmental Effects", July 2011 shall be implemented onsite.

## **C – PRIOR TO ANY WORK COMMENCING ON SITE**

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C002) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the

applicant or consultants, principal contractor and Council's development engineer or his representative.

- (3) Deleted. <sup>1</sup>
- (4) Deleted. <sup>1</sup>
- (5) (C007) Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council.
- (6) (C014) Prior to the commencement of work, the location and depth of any water mains on the development site and adjacent land affected by the development is to be established. The water mains are to be clearly marked and protected with safety fencing.

#### **D – DURING WORK**

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
  - a. at completion of installation of erosion control measures
  - b. at completion of installation of traffic management works
  - c. when the sub-grade is exposed and prior to placing of pavement materials;
  - d. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - e. at the completion of each pavement (sub base/base) layer;
  - f. before pouring of kerb and gutter;
  - g. prior to the pouring of concrete for sewerage works and/or works on public property;
  - h. on completion of road gravelling or pavement;
  - i. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) Deleted. <sup>1</sup>
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) Deleted. <sup>1</sup>
- (5) Deleted. <sup>1</sup>
- (6) Deleted. <sup>1</sup>
- (7) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do

not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

- (8) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and Conservation is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.
- (9) (D035) Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movement of sediments in accordance with the approved management plan. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- (10) (D036) Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
- (11) (D195) Should contamination be discovered during construction, work is to cease and Council's Environmental Health Officer contacted immediately to determine an appropriate course of action.
- (12) (D196) The relevant Mitigation Measures and Environmental Management Actions detailed in the following GHD documents shall be implemented onsite:
  - GHD "Port Macquarie Airport Upgrade Statement of Environmental Effects", July 2011;
  - GHD "Port Macquarie Airport Runway Pavement Overlay & Associated Maintenance Works" Nov, 2007

## **E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate and/or interim Occupation Certificate has been issued by the Principal Certifying Authority in line with the approved staging and to suit the continued operation of the terminal building. <sup>1</sup>
- (2) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate or proposed as part of the application for a Subdivision Certificate.
- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E010) Driveways, access aisles and parking areas shall be provided with an approved surface. Such a surface shall be on a suitable pavement,

constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

- (5) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (6) (E024) Occupation of the food and drink premises shall not occur until:
  - a. A registration application has been submitted to Council's Environmental Health Unit for the Food Premises, and
  - b. Notification of the food premises to the NSW Food Authority under Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)Evidence of compliance of the above shall be submitted to Council prior to commencement of business. <sup>1</sup>
- (7) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (8) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (9) (E035) Prior to occupation or the issuing of the Occupation Certificate, provision to the Principal Certifying Authority of documentation from the Roads and Traffic Authority (RTA) being the roads authority certifying that all matters required by approval issued by Section 61 and/or Section 138 of the Roads Act have been satisfactorily completed where relevant. A copy of this is to be submitted to Council prior to the release of the engineering security bond.
- (10) (E036) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan 2011 and Australian Standard 2890.1 prior to occupation or issue of the Occupation Certificate.
- (11) (E039) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming:
  - a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Construction Certificate.
  - c. all stormwater has been directed to a Council approved drainage system
  - d. all conditions of consent/ construction certificate approval have been complied with.
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (12) (E049) Submission of a Compliance Certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in

accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

- (13) (E051) Prior to occupation or the issuing of any Occupation Certificate provision to the Principal Certifying Authority of a Water Authority and/or Section 68 Sanitary Plumbing and/or Stormwater Drainage Final Certificate issued by Port Macquarie-Hastings Council.
- (14) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC in accordance with the Council's *Interim Requirements for the Maintenance and Certification of Public Infrastructure Provided Through Land Developments* (dated 6 September 2010) prior to issue of the release of the security bond to guarantee completion of public works.
- (15) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (16) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (17) (E065) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (18) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - a. The relocation of underground services where required by civil works being carried out.
  - b. The relocation of above ground power and telephone services
  - c. The relocation of street lighting
  - d. The matching of new infrastructure into existing or future design infrastructure
- (19) (E072) Lodgement of a security deposit with Council upon practical completion of the public infrastructure works in accordance with the Council's *Interim Requirements for the Maintenance and Certification of Public Infrastructure Provided Through Land Developments* (dated 6 September 2010).
- (20) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to the completion of public infrastructure. The copyright for all information supplied, shall be assigned to Council.

## **F – OCCUPATION OF THE SITE**

- (1) (F001) Onsite car parking to be provided for use by both staff and patrons of the development.

- (2) (F003) All driveways, visitor parking spaces and turning areas shall be kept clear of obstructions at all times.
- (3) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (4) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (F017) Materials stockpiles and handling areas shall be maintained in a condition that prevents wind blown or traffic generated dust.
- (6) (F030) The *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards) will apply to any Construction Certificate application lodged on or after 1 May 2011. Any Construction Certificate application lodged on or after 1 May 2011 will need to demonstrate compliance with the new standards.
- (7) (F195) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (8) (F196) The relevant operational Mitigation Measures and Environmental Management Actions detailed in the following GHD documents shall be implemented onsite:
  - GHD “Port Macquarie Airport Upgrade Statement of Environmental Effects”, July 2011;
  - GHD “Port Macquarie Airport Runway Pavement Overlay & Associated Maintenance Works” Nov, 2007.