

**NOTICE OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

issued under the *Environmental Planning and Assessment Act 1979* Section 4.18(1)(a)

DEVELOPMENT APPLICATION NO: DA-16-2022

LAND TO BE DEVELOPED

PROPERTY ADDRESS: 9 Cameron Drive ARMIDALE NSW 2350

LEGAL DESCRIPTION: Lot 125 DP 1277428

PROPOSED DEVELOPMENT

(This consent is issued in respect of the following matters)

DEVELOPMENT DESCRIPTION: Information and Education Facility - Transport museum, building identification signage, on-site car parking, landscaping and associated site works.

DETERMINATION: Approved Subject to Conditions

MADE ON:

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

(If development is not physically commenced
by this date)

Please read all conditions carefully. The applicant/developer may arrange to meet with Council to review and clarify, if necessary, the precise requirements of the conditions of this consent.

Note: A copy of all conditions contained in this consent are to be provided to contractors and subcontractors working on the site, to ensure all work is carried out in accordance with this consent.

PRESCRIBED CONDITIONS

For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed condition of development consent:

CI 69 EP&A Reg 2021: Compliance with Building Code of Australia

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia.

CI 70 EP&A Reg 2021: Erection of signs

- (1) For the purposes of section 4.17 (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.

Note. *Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.*

GENERAL CONDITIONS

1. Approved plans and supporting documentation

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development, the development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

| Plan No. | Revision No. | Plan Title | Drawn By | Dated |
|----------|--------------|---|---------------------|------------------|
| 21112 | 1 | DA101 – Site Plan & Images DA102 – Floor Plans DA103 – Elevations | ANE Building Design | 10 February 2022 |
| 21112 | 1 | SA01 – Site Analysis Plan SA02 – Vehicle Swept Paths | ANE Building Design | 10 February 2022 |

| Document Title | Version No. | Prepared by | Dated |
|------------------------------------|-------------|---------------------|-------|
| Statement of Environmental Effects | | ANE Building Design | |

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

2. In accordance with the provisions of Section 6.6 and 6.7 of the *Environmental Planning and Assessment Act 1979*, construction works approved by this consent must not commence until:

- a) a Construction Certificate has been issued;
- b) the NSW Planning Portal has been advised of;
 - (i) the intention to commence work; and
 - (ii) the specific Principal Certifying Authority (building inspector) that has been appointed to the project.

Documentation required under this condition must show that the proposal complies with all relevant development consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

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

4. Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development.
- No ventilation system and no hot water system is to be placed within 6 metres of the padmount substation.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

BEFORE RELEASE OF CONSTRUCTION CERTIFICATE

5. The plans accompanying the Construction Certificate are to demonstrate compliance with the Building Code of Australia (BCA).

Plans and documents are to be submitted to the Accredited Certifier for the authentication of BCA compliance and issue of a Construction Certificate.

Note - Should the configuration of the building be modified as a result of achieving BCA compliance, the plans accompanying this development consent must also be modified.

6. An approval is required under Section 68 of the Local Government Act for:
- connection to Council’s Infrastructure for water supply, sewerage and stormwater work.

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

7. Prior to release of a Construction Certificate for the development, a parking designation and dedication request and supporting plan is to be submitted to Council for adoption from the Local Traffic Advisory Committee and approval from Council to request the following:
- Area fronting the development on Cameron Drive and between the proposed driveway crossovers is to be dedicated as “No Parking – Cars with Caravans Accepted” to ensure adequate arrangements are made for car and caravan vehicles and in support for the development.

The request and plan is to include all signage, line marking, and any other traffic safety arrangements applicable to the development. Signage type and placement is to meet relevant standards and are to be installed prior to the release the Occupation Certificate for the development.

Details to be provided to the Council for adoption by the Local Traffic Advisory Committee and approval from Council before the issue of any Construction Certificate for the development.

8. A Stormwater Management System Plan is to be designed, demonstrating the manner in which all roof as well as surface water from paved and impervious areas is to be collected, controlled and directed to a legal point of discharge (Cameron Drive and/or the interallotment drainage system), to protect the site and adjoining properties from the effects of flooding.

The Stormwater Management System is to be designed to ensure stormwater drainage flows at the point of discharge are at pre-development flows for a 20%AEP storm event. Impervious areas are to be designed so as to contain and direct overland flows away from neighbouring properties.

Details are to be approved by the relevant certifying authority before the issue of a construction certificate for the development.

Note: The section of pipe in the Council's reserve should be a 100mm PVC (SN10) or ductile iron material to prevent compression and subsequent damage from vehicular traffic over time.

9. An all-weather, nuisance-free surface for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways.

The surface shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb.

Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking, AS/NZS 2890.2 (current edition): Off-street commercial vehicle facilities and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities, and Council's Development Control Plan 2012.

Details are to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development.

ADVISING: Bitumen sealed compacted gravel pavement or reinforced concrete to current best practice standards, will satisfy the above requirement. Alternatively, segmental paving may be used provided it is installed as part of a pavement design in accordance with the Cement & Concrete Association of Australia's "Guide to Design and Construction" for Interlocking Concrete Road Pavements, July 1986.

10. The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, shall be submitted to and approved by the relevant certifying authority before the release of a Construction Certificate for 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.

11. To address the additional demand on Council's water and sewer infrastructure, a contribution is to be paid to Council before the issue of the Construction Certificate (as per ARC Development Servicing Plan for Water and Sewerage).

Contributions for the development have been calculated at \$24,620.00 - (valid until 30/6/22).

Note 1: Contributions are indexed annually at the end of each financial year.

Note 2: Contributions may be deferred, normally for a maximum period of two years, provided satisfactory security is lodged (the contribution amount + 20%) in accordance with the abovementioned Servicing Plan.

Contribution fees can be paid online on Council's website or in person to the cashier at Council's offices. For online payments select the SELF SERVICE tab then 'Application Payments' under 'Pay for it' and enter your payment reference number (provided at the end of this consent).

12. Full details of all proposed external lighting for the development, which is to be prepared by a suitably qualified consultant, is to be submitted to the satisfaction of the Certifying Authority before the release of a Construction Certificate.

Any lighting structures or fixtures are to be designed to comply with the current standards of AS/NZS 1680 and be installed in accordance with the requirements of the Civil Aviation Safety Authority (CASA) standards for "Lighting in the Vicinity of Aerodromes", and comply with AS 4282 – Control of the obtrusive Effects of Outdoor lighting, to protect the amenity of the locality.

13. The proposed development is to be landscaped, to enhance its appearance and provide shade and environmental benefits, generally in accordance with the approved plan from heritage landscape, with the following additions:

Significantly dense landscaping of the development, particularly along the front boundary of the site, is to be undertaken to help visually integrate the development within the local environment.

The landscape plan needs to include some additional vertical elements within the design such as a mix of small/medium deciduous & non deciduous trees that will grow once established to a height consistent with the bulk and scale of the building. Some suitably advanced trees/vegetation are to be included in the landscaping plan and planted prior to the issue of an Occupation Certificate to help integrate the development immediately on completion.

Details to be indicated on plan to the satisfaction of the Certifying Authority before the release of a Construction Certificate for the development. Detailed landscaping plans are to indicate the proposed species to be used (which must be appropriate for the New England climate), height and spread at maturity, and a specification for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment.

New tree planting to be a minimum of 3m horizontal distance from the line of buildings or underground services to reduce risk of future damage by limbs, roots, etc. Approved landscaping is to be maintained at all times to the satisfaction of the Manager Development & Regulatory Services or nominee.

14. The submission of a detailed Construction Management Plan for the approval of the relevant Certifying Authority, before the release of a Construction Certificate for the development, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:
- Off-street parking for employees, contractors, sub-contractors and visitors to the site.
 - Site access for construction vehicles and equipment.
 - Storage and removal strategies for construction wastes.
 - Construction Traffic Management Plan.
 - Provision of sanitary amenities and ablution facilities for employees.
 - Fire precautions during construction.
 - Dust suppression.
 - Control of noise arising from the works in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
 - Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site.
 - Details of all construction-related signs.
 - Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
 - Location of all public utility facilities and methods of protecting them
 - Method of support to any excavation adjacent to adjoining properties, or the road reserve.

DURING CONSTRUCTION

15. Approval from Council under the Plumbing and Drainage Act 2011 and Regulations 2012 and the Plumbing Code of Australia (NCC 2016) to carry out plumbing and drainage work defined as -
- Water Services (cold water, heated water, non-drinking water, fire-fighting water)
 - Sanitary plumbing, and drainage
 - Stormwater drainage (roof drainage, surface and subsurface drainage)

A Plumbing and Drainage Permit must be obtained by a licensed plumber prior to plumbing work commencing.

ADVICE: This is an online service for the plumbing industry - go to www.armidaleregional.nsw.gov.au

16. The development is to be provided with two vehicular driveway crossovers as per the approved plans.

Approval is to be obtained from Council as the roads authority pursuant to s138 of the Roads Act 1993 for all construction work required on Council road reserves, specifically installation of these two property vehicular accesses (driveway cross-over), and any footpath paving and/or stormwater disposal to kerb work.

The approval is to be obtained through a s138 application prior to any such works being undertaken within the road reserve, confirming that the works will meet Council's Driveway Handbook and standard drawings, which can be found on Council's website (www.armidaleregional.nsw.gov.au).

All redundant vehicular footpath crossings along the development frontages are to be removed and footpath and kerb and gutter reinstated to the satisfaction of Council's Development Engineer or nominee prior to the issue of a Final Occupation Certificate for the development.

Advising: the activity is to be protected by public liability insurance with a minimum cover of \$20 million.

17. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.

18. Pipes, stack work and vents (below the roof line) are to be concealed to prevent their deterioration and improve the aesthetics of the building.

19. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

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

20. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.

21. 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).

22. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided, and adequate provision must be made for drainage.

Any proposed retaining wall is not to impede overland stormwater flows from adjoining properties. Provision is to be made within the site to redirect stormwater at ground level from the rear of the retaining wall to a legal point of discharge, to protect the site and adjoining property from the effects of flooding.

ADVISING: Should excavation identify any Aboriginal objects or European relics you will be required to cease work and follow the relevant procedures in the National Parks and Wildlife Act 1974 or the Heritage Act 1977. Further details are provided under the heading 'ADVICE' in this consent.

23. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of 1 toilet plus 1 additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site disposal system approved under the Local Government Act 1993, or
- (c) be a temporary chemical closet approved under the Local Government Act 1993.

24. The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Stockpiles are to be limited in height to 3 metres and located in a position not visually prominent from public places. Areas within the development not otherwise built on are to be left with not less than 100mm of topsoil with grass or other landscaping established, to provide an aesthetically pleasing development within the streetscape.

25. 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 to sufficiently 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.

26. Uncovering relics or Aboriginal objects

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means 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; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works

BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED

27. Before the issue of an Occupation Certificate, the Accredited Certifier shall be provided with a copy of the Council Certificate issued to the Plumbing Contractor confirming that the contractor has had approval to do the work and has also had the required mandatory inspections completed and the required mandatory documentation submitted to the regulator as stipulated in the *Plumbing and Drainage Act 2011*

28. The relevant Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning & Assessment Act 1979 and to ensure the health and safety of the building's occupants.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation.

29. A Fire Safety Certificate covering each of the essential fire and other safety measures installed in the building must be provided to the Certifying Authority before the issue of an Occupation Certificate for any part of the building, to ensure the safety of the occupants in the case of an emergency.

A fire safety certificate is a document issued by or on behalf of the building owner(s) upon the completion of new building work. The certificate confirms that each of the fire safety measures that apply to a building (as listed in the fire safety schedule) have been installed and checked by a properly qualified person. This process helps verify that the required fire safety measures can perform to the minimum standard.

A copy of the Certificate is to be forwarded to NSW Fire Brigades (firesafety@fire.nsw.gov.au) and a copy to be on display in the building, in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.

For further information, go to <https://www.planning.nsw.gov.au/Policy-and-Legislation/Buildings/Fire-safety-in-buildings/Fire-safety-certification>

30. The property number is to be provided in a visible place on or near the entrance for the convenience of visitors, emergency services and postal services prior to the issue of a Final Occupation Certificate. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed.
31. Provision of **twenty four (24)** off-street parking spaces to serve the development (as shown on the approved plans and in accordance with Council's Development Control Plan 2012, Chapter 2.9) is to be completed before the issue of an Occupation Certificate, to ensure these facilities are available before the use commences.

Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings prior to the issue of a Final Occupation Certificate.

Bicycle facilities to serve the proposed development are to be completed before the issue of an Occupation Certificate. Provision of facilities to be in accordance with Council's Parking Code.

ADVISING: Provision of parking spaces and dimensions of spaces to be in accordance with Council's Development Control Plan 2012, Chapter 2.9. Spaces adjacent to walls (or other obstructions which may affect the opening of a car door or vehicle manoeuvring) are to be widened by 300mm on the side of the obstruction(s), to facilitate safe use of these spaces.

32. Access/facilities for people with disabilities is to be provided in accordance with the Building Code of Australia before the issue of an Occupation Certificate for the development, and maintained thereafter.

ADVISING: The applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Australian Human Rights Commission has released Advisory Notes on current Premises Standards which are available from Council on request. The Commission can also provide further information on this issue (1300 369 711). In addition to human rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice.

33. Landscaping is to be completed in accordance with the approved landscape plan prior to the issue of an Occupation Certificate for the development.

OPERATIONAL MATTERS

34. A Fire Safety Statement shall be provided to Council at least once every 12 months as required, to ensure that the required fire safety measures for the building are being properly maintained.

A copy of the Statement is also to be forwarded to the NSW Fire Brigades (afss@fire.nsw.gov.au) and an additional copy to be displayed in a prominent location within the building, in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.

For further information, go to <https://www.fire.nsw.gov.au/page.php?id=9157>

35. All loading and unloading being carried out on-site or in the loading bay, to provide for safe off-street loading and unloading of vehicles servicing the site and prevent interference with the use of the public road by vehicles and pedestrians.
36. All vehicles are to enter and leave the site in a forward direction, to ensure traffic/pedestrian safety.
37. Any lighting used on site in connection with the development is to comply with AS/NZS 1680 "Lighting in the Vicinity of Aerodromes", and AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting (current version), to protect the amenity of the locality.
38. Storage facilities for waste and recyclables sufficient for the maximum accumulation between collections shall be provided in a secure location screened from public view, to protect the amenity of the locality.

OTHER APPROVALS/CONSENTS

Local Government Act 1993 - approvals granted under Section 4.12(3) and (5) of the Environmental Planning and Assessment Act 1979: Nil

General terms of other approvals integrated as part of this consent: Nil

REASONS FOR THE ABOVE CONDITIONS

Given Council's duty to consider the matters set out in Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 (as amended).

PAYMENT OF CONTRIBUTIONS

Contribution fees can be paid online on Council's website or in person to the cashier at Council's offices. For online payments, your Payment Reference is 301416.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 8.7 and 8.10 (1) of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Section 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a Review of Determination. Upon payment of the prescribed fees Council will review the determination under the provisions of Section 8.2, 8.3, 8.4 and 8.5.

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