

**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-92-2022

**LAND TO BE DEVELOPED**

**PROPERTY ADDRESS:** 2 Cameron Drive ARMIDALE NSW 2350

**LEGAL DESCRIPTION:** Lot 107-113 DP 1277428

**PROPOSED DEVELOPMENT**

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

**DEVELOPMENT DESCRIPTION:** Construction of New Warehouse Building with Associated Office and Administration Area, On-Site Carparking and Associated Infrastructure

**BUILDING CLASSIFICATION:**

**DETERMINATION:**

**MADE ON:**

**CONSENT TO OPERATE FROM:**

**CONSENT TO LAPSE ON:** (If development is not physically commenced by this date)

## CONDITIONS ATTACHED TO DEVELOPMENT CONSENT NO. DA-92-2022

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 70 EP&A Regs 2021: Erection of signs

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a 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 certifier for the work, and
  - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be—
  - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work has been completed.

### 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
38488- A00	E	Cover sheet	-	-
38488- A01	G	Site Plan	LO	29.08.22
38488-A02	E	Overall Floor Plan	LO	01.07.22
1003	A	Proposed GF Office Building Floor Plan	EO	09.02.22
1004	A	Proposed L1 Office building floor Plan	EO	09.02.22
38488-A05	E	Elevations	LO	01.07.22

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. 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.

#### **BEFORE RELEASE OF CONSTRUCTION CERTIFICATE**

3. 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.

#### **4. Payment of building and construction industry long service levy**

The applicant is to ensure that the long service levy has been paid to the Long Service Corporation under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

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Reason: To ensure the long service levy is paid.

5. 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 Council's kerb inlet pits, to protect the site and adjoining properties from the effects of flooding.

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.*

#### **6. Erosion and sediment control plan**

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 issue of 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.*

7. 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.*

## 8. Landscaping

The proposed development being landscaped to enhance its appearance and provide shade and environmental benefits with the following inclusions:

- A mix of small/medium/large deciduous & non deciduous trees & larger shrubs are to be incorporated within the landscaped area along the Cameron Drive frontage (southern boundary) of the site, to provide additional vertical elements to help soften the bulk and scale of the overall development.
- Trees included in the landscaping are not to be of species that are likely to attract a significant amount of birds

Details to be indicated on plan to the satisfaction of the Certifying Authority before the issue of a Construction Certificate for the development. Detailed landscaping plans 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.

9. 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.

10. **Construction site management plan**

The submission of a detailed Construction Management Plan for the approval of the relevant Certifying Authority, prior to the issue 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.

*Advising: The chief contractor involved in the development should contact Council's Local Traffic Committee and Rangers Team Leader if they wish to make arrangement for temporary parking arrangements for the duration of the building work*

**11. Outdoor lighting**

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 prior to 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.

12. A Section J report is to be prepared and submitted to the certifying authority prior to the issue of a construction certificate.
13. Details of materials and their finishes/colours, which are to be selected to blend with the surrounding landscape and which are not to be reflective in nature, are to be submitted for the approval of the relevant Certifying Authority before the release of the Construction Certificate, to ensure that the building is visually integrated with its environment and locality.
14. The proposed development, including all signage, are to be erected such that no structure/s will penetrate the Obstacle Limitation Surface. Relevant OLS for the site is to be confirmed with the Airport Manager or nominee, with details to be provided to the satisfaction of the relevant Certifying Authority prior to the release of the Construction Certificate.

**BEFORE WORKS COMMENCE**

**15. Erosion and sediment controls in place**

Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

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Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways

**DURING CONSTRUCTION**

**16. Compliance with the Building Code of Australia**

Building work must be carried out in accordance with the requirements of the BCA.

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Reason: Prescribed condition - EP&A Regulation clause 98(1)(a))

**17. 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.

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

18. 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 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 Councils website ([www.armidaleregional.nsw.gov.au](http://www.armidaleregional.nsw.gov.au)).

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

19. 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](http://www.armidaleregional.nsw.gov.au)***

20. 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.
21. 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.***

22. Roof and surface stormwater from paved and impervious areas is to be collected and directed to a legal point of discharge to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately once the roof and guttering is installed.

The section of pipe in the Council footpath should be a class 15 PVC or ductile iron material to avoid compression and subsequent damage to the pipe over time.

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. A sufficient amount of top soil, for the proposed landscaping, 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. 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.

27. Arrangements are to be made with the Airport Reporting Officers for the issuing of any Notices to Airmen (NOTAMs) when any crane is operating with a boom height which may infringe on the OLS for the various runways. A minimum of 24 hours' notice is required to allow the issuing of the NOTAM.

28. **Cut and fill**

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) Excess excavated material from the site is to be placed in Armidale Regional Council's stockpile site for Stage 2 of the Airside Business Park, provided that the material is separated into stripped topsoil and excavated material. No concrete spoil or other rubbish material is permitted to be disposed of in this stockpile. Appropriate arrangements with Council will be



required at the time of disposal.

- (b) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- (c) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

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Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants

#### **BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED**

- 29. 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*
- 30. 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 (Penalties do not apply to uses detailed in 109M and 109N; i.e. crown projects, or as detailed for certain temporary structures).*
- 31. 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.
- 32. Provision of at least **58 (fifty-eight)** 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.

The provision of **six (6)** bicycle spaces 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.*

- 33. 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.*

34. A new Deposited Plan must be registered for the development which consolidates Lot 7 to Lot 113 of DP 1273640 into a single holding.  
The new Deposited Plan and any associated S88b instruments must be registered prior to the issue of an Occupation Certificate.
35. Prior to the issue of an Occupation Certificate for the development, a survey is to be undertaken and provided to the satisfaction of Council, demonstrating that the building and all structures as constructed, do not penetrate the OLS at the airport.
36. Landscaping is to be completed in accordance with the approved landscape plan prior to the issue of a Final Occupation Certificate for the development.
37. Prior to the issue of an occupation certificate appropriate wayfinding and vehicle directional signage is to be installed on the relevant entry and exit points to the site
38. Fire safety certificates (FSC): 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 (FSS)) have been installed and checked by a properly qualified person. This helps verify that the required fire safety measures can perform to the minimum standard.

**A fire safety certificate must be issued using a standard template form published by the Government:** [Template form – Fire safety certificate \(DOCX, 253 KB\)](#)

Provisions for development certification and fire safety requirements are now located in the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#). These changes improve the rigour and checking of the design, approval, construction and maintenance phases of the building life cycle.

Further information can be found in [Building System Circular BS 17-002](#) (PDF, 197 KB).

## OPERATIONAL MATTERS

### 39. Fire safety statement

A fire safety statement is a document issued by or on behalf of the owner(s) of an existing building. The statement confirms that an accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure that applies to the building.

Fire safety statements must be issued using a standard template form published by the

Government: Note: Building owners should check the date on which their fire safety statement is likely to be issued before selecting the relevant form and preparing the statement.

For statements **to be issued on or after 1 March 2021**, use [Template form \(Version 3.1\) – Fire safety statement](#) (DOCX, 242 KB)

For statements **issued on or after 1 September 2022**, use [Template form \(Version 4.0\) – Fire safety statement](#) (DOCX, 163 KB)

40. 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.
41. 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.
42. All vehicles are to enter and leave the site in a forward direction, to ensure traffic/pedestrian safety.
43. 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.
44. Approved landscaping is to be maintained to the satisfaction of Manager Development & Regulatory Services or nominee, for the life of the development.

#### **ADVICE**

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.*

*The Building Code of Australia, part of the National Construction Code series, is now available online at [abcb.gov.au](http://abcb.gov.au)*

#### **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 307006.

#### **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. *Note: Section 8.7 and 8.10 (1) of the Environmental Planning and Assessment Act 1979 does not apply to a Development Application for designated development determined by the consent authority after a public hearing held by the Planning Assessment Commission.*

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. *Note: Section 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a Designated Development, Integrated Development or Crown Applications.*

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