

## COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNTH-7
DA Number	DA-82-2019
LGA	Armidale Regional Council
Proposed Development	Emergency Services Facility - Construction of a NSW Rural Fire Service Control Centre and Double Training Facility
Street Address	41 Shand Drive ARMIDALE NSW 2350
Applicant/Owner	Armidale Regional Council
Date of DA lodgement	Nil
Number of Submissions	Approval with Conditions
Recommendation	Armidale Regional
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Council related development with a capital investment value of more than \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land.</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>• State Environmental Planning Policy (Infrastructure) 2007.</li> <li>• State Environmental Planning Policy No. 44 – Koala Habitat Protection.</li> <li>• Armidale Dumaresq Local Environmental Plan 2012 (LEP)</li> <li>• The <i>Armidale Dumaresq Development Control Plan 2012</i> (DCP) as well as the Armidale Regional Airport Master Plan dated December 2016.</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Appendix 1 - Proposed conditions of consent</li> <li>• Appendix 2 - Plans (not to scale)</li> </ul>
Report prepared by	Sonia Broun
Report date	4 September 2019

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

### Legislative clauses requiring consent authority satisfaction

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

**Yes**

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

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not Applicable**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not Applicable**

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

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**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

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

<b>JRPP No:</b>	<b>PPSNTH-7</b>
<b>DA Number:</b>	<b>DA-82-2019</b>
<b>Local Government Area:</b>	<b>Armidale Regional</b>
<b>Proposed Development:</b>	<b>Emergency Services Facility - Construction of a NSW Rural Fire Service Control Centre and Double Training Facility</b>
<b>Street Address:</b>	<b>41 Shand Drive ARMIDALE NSW 2350</b>
<b>Applicant/Owner:</b>	<b>Armidale Regional Council</b>
<b>Number of Submissions:</b>	<b>Nil</b>
<b>Recommendation:</b>	<b>Approval with Conditions</b>
<b>Report by:</b>	<b>Sonia Broun</b>
<b>Report date:</b>	<b>4 September 2019</b>

**Further Application Details:**

<b>DA Lodgement Date:</b>	25-June-2019
<b>Additional Information received? / date?</b>	n/a
<b>Estimated Construction Value of Development:</b>	\$6 million
<b>Capital Investment Value:</b>	\$6 million

**Glossary of terms used in this report**

**BCA** – Building Code of Australia

**DA** – Development Application

**DCP** - Armidale Dumaresq Development Control Plan 2012

**LEP** – Armidale Dumaresq Local Environmental Plan 2012

**SEE** – Statement of Environmental Effects

**SEPP** – State Environmental Planning Policy

**NRPP** – Northern Regional Planning Panel

**GFA** – Gross Floor Area

**BCA** – Building Code of Australia

**NCC** – National Construction Code

**RFS** – Rural Fire Service

**CASA** – Civil Aviation Safety Authority

**OLS** – Obstacle Limitation Surface

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## Assessment Report and Recommendations

### DA-82-2019 / JRPP Ref PPSNTH-7

## Executive Summary

### Consideration by Northern Regional Planning Panel (NRPP)

The NRPP is the determining authority for this DA by virtue of the proposal being Council related development that has a capital investment value of more than \$5 million as per Part 4 (Regionally Significant Development) and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. The capital investment value of the project, as estimated by the Applicant, is \$6 Million (excl. GST).

### Proposal

The subject application seeks consent for the construction of an emergency services facility, being a NSW Rural Fire Service - Fire Control Centre and Double Training Facility comprised as follows:

- The erection of a single building with a GFA of 1,125m.
- Provision of forty (40) new car parking spaces accessed from Shand Drive;
- The erection of a communications tower/s; and
- Associated loading/unloading, landscaping works and footpaths.

### Permissibility

The proposed development is permissible with consent in accordance with Part 2 of the Armidale Dumaresq Local Environmental Plan 2012 (LEP), under which the site is zoned SP2 Infrastructure (Air Transport Facility). The proposal can be described as that which is ordinarily incidental or ancillary to development for the zone and is thereby permitted with consent. The proposal is consistent with the relevant objectives of the SP2 Infrastructure zones, as it will support the existing airport infrastructure within the vicinity of the site and is compatible with surrounding land uses.

Furthermore, the subject application complies with the relevant 4.15(1)(a) matters, including:

- State Environmental Planning Policy No. 55 – Remediation of Land.
- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No. 44 – Koala Habitat Protection.
- The *Armidale Dumaresq Development Control Plan 2012* (DCP) as well as the Armidale Regional Airport Master Plan dated December 2016.

### Key Issues

The key issues for this project can be summarised as follows:

- The design and height of the proposed communications tower which has not been specified in the proposal.
- Consideration of the contamination issues relating to the property.
- The proposed development complies with the controls specified by relevant Environmental Planning Instruments as well as the DCP. The proposal is considered to be compatible with the adjoining airport operations and there are no land use conflicts anticipated.

- Utility services such as water supply, sewerage, electricity, stormwater drainage, telecommunications and road infrastructure are either readily available or capable of being extended to service the proposed development.
- The proposal will be contained wholly within the title boundaries.
- The proposed development has been thoroughly assessed as detailed throughout this report and is recommended for conditional consent. **Appendix 1** contains all relevant conditions identified throughout the assessment process and as discussed in this report.

### Consultation

The application was not notified as the proposal is located on airport land that is owned by Council. The adjoining land is also held in Council ownership. In this respect, there are no third party land owners adjoining the site.

In addition, the development is not considered to be integrated nor designated and under Council's DCP 2012, there were no matters triggered to require notification.

### Recommendation

- (a) **That having regard to the assessment of the Application, DA-82-2019 be granted conditional consent in the terms set out in Appendix 1 to this report.**

## Subject site and locality

The subject site is located at No. 41 Shand Drive Armidale, being legally known as Lot 7 DP 1252697. The site has an area of approximately 6835.57m<sup>2</sup> and is located at the Armidale Regional Airport. The lot is currently occupied by two(2) sheds which are used for related purposes.

The airport sits at an elevation of 1,084 metres and has two non-intersecting runways in a 'V' configuration. The passenger terminal, car park and general aviation lots are currently sited in a wedge-shaped area located between the main (05/23) runway and the New England Highway.

The site is generally flat with scattered vegetation evident along the New England Highway frontage to the airport. The land is not subject to inundation by flooding and is not classified as being bushfire prone. There are no items of environmental heritage present on the site. However, the State heritage listed "Saumarez House" is located at a distance of approximately 3 kilometres to the west of the site and, as such, by virtue of this separation the subject application is not expected to have an impact on this building.

The site is currently accessed from the New England Highway onto Saumarez Road, via Shand Drive which is a private service road. Shand Drive is currently being upgraded to Council's standard.

The site has access to overhead and underground electricity supply, NBN telecommunications, and reticulated water and sewerage utilities, as per the recommended Condition of Consent contained in **Appendix 1** to this report.

Existing RFS buildings and facilities are located on the northern boundary of the site. Within the immediate vicinity of the site is the Armidale Regional Airport, Caltex Service Station, Secure Covered Car Parking Facility and various ancillary services and aviation-related hangers and land uses. Surrounding land uses are predominantly rural holdings with the exception of Moore Park Motor Inn, Serviced Apartments and residential properties to the north-east of the subject site, and Piddington's Funeral Home located to the north-east. The LEP has earmarked land to the south-west of the development site for future industrial purposes.

An annotated locality aerial photograph is reproduced below.

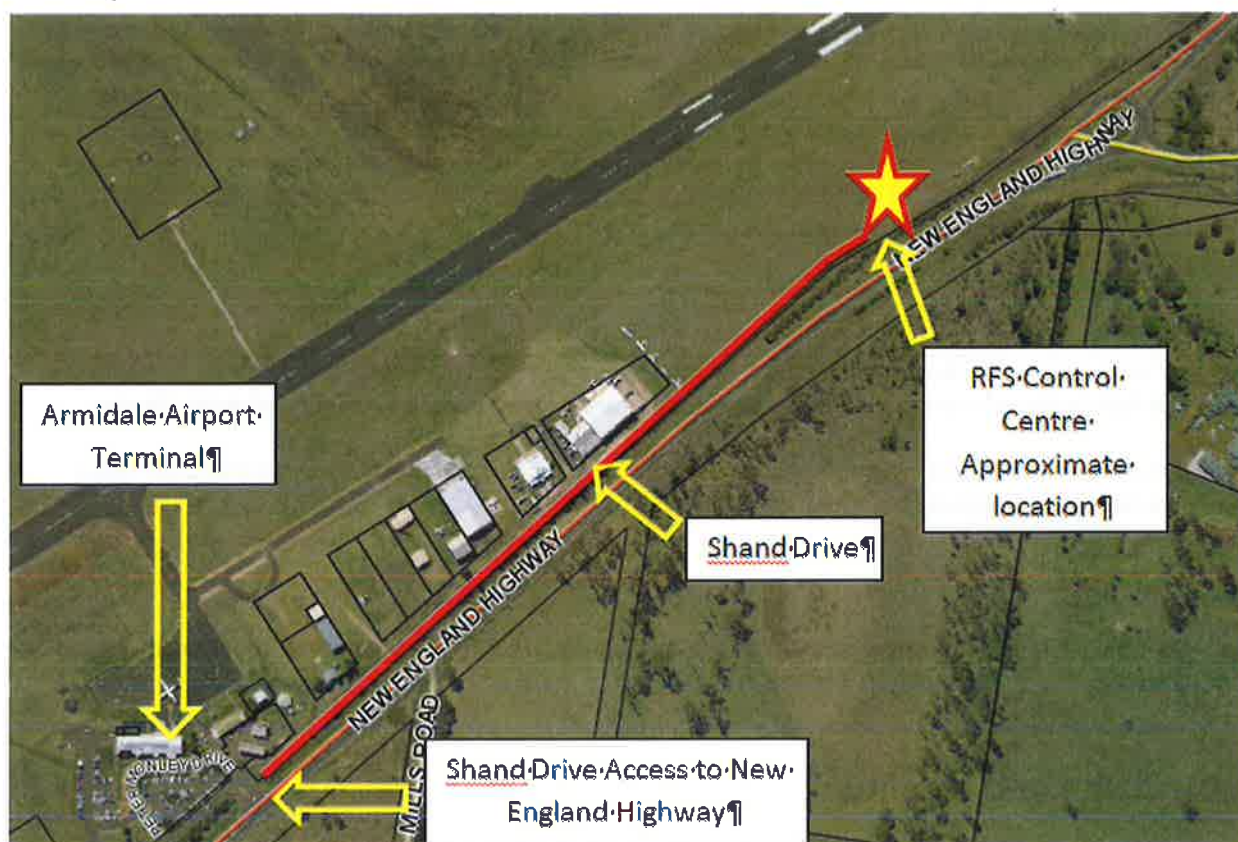


Figure 1: Locality Plan

## Proposed development

The subject application seeks consent for the construction of an emergency services facility, being a NSW Rural Fire Service - Fire Control Centre and Double Training Facility comprised as follows:

- The erection of a single storey building which will generally be of steel construction on a reinforced concrete slab with steel sheet roofing and a combination of coloured metal and aluminium cladding. The internal lining will generally be plasterboard, ceramic tiles with a high use of glazing for natural light. The Applicant has stated that a Section J report will be completed following the issue of the Notice of Determination for this application to ensure the building meets the Thermal and Energy requirements of the Building Code of Australia and provides occupancy comfort for the Armidale climate and the buildings location and orientation.
- The total indoor floor area will be approximately 1,125m<sup>2</sup> with another 173m<sup>2</sup> of outdoor undercover activity area providing an approximate under roof area of 1,300m<sup>2</sup>. Adjoining the under roof outdoor activities area will be an open 81m<sup>2</sup> passive grassed area.
- It is proposed that two (2) communications towers (subject to final detail to comply with OLS and communication requirements) will be housed adjoining the building to its east and contained within a security compound/s. The height of the tower/s will be managed to ensure it does not exceed the maximum height permitted in this proximity to the airport and runway.
- Provision of forty (40) new car parking spaces, including two (2) disabled spaces that will be accessed from Shand Drive. Twenty (20) parking spaces are proposed on site and a further twenty (20) spaces are proposed within the service road. Access to these spaces will be formalised as being additional parking through a Section 88(b) of the *Conveyancing Act 1919*, and as a Right-of-Way to allow overflow parking to be utilised by the RFS shed. Heavy vehicle loading and unloading will be accommodated to the north of the facility and adjacent to the recently constructed RFS Logistics shed.



- All services will be extended to the facility and it is proposed to service the facility and all the RFS buildings in this vicinity with 3 Fire Hydrants strategically positioned to ensure compliance with the Building Code of Australia.

## Submitted Documents and Plans

The documents and plans relied upon for this assessment are listed below.

DA documentation has been prepared by Greg Meyers on behalf of Armidale Regional Council.

Supporting documents and plans relied upon for this assessment is as follows:

A. Statement of Environmental Effects for the Proposed Construction of the Armidale Rural Fire Service Fire Control Centre on Lot 4 DP1198787 Armidale Regional Airport (Proposed Lot 7 in subdivision approved via DA-38-2017) 41 Shand Drive Armidale NSW

B. Plans and Site Plan listed below:

Kollanyl Architects	A00 Revision V.01	5 Nov 2018
	A02 Revision V.01	5 Nov 2018
	A03 Revision V.01	5 Nov 2018
	A04 Revision V.01	5 Nov 2018
	A05 Revision V.01	5 Nov 2018
	A06 Revision V.01	5 Nov 2018
	A07 Revision V.01	5 Nov 2018
	A08 Revision V.01	5 Nov 2018
	A09 Revision V.01	5 Nov 2018
	A10 Revision V.01	5 Nov 2018
	A11 Revision V.01	5 Nov 2018
	A12 Revision V.01	5 Nov 2018
	A13 Revision V.01	5 Nov 2018
Armidale Regional Council	Site Plan	2 September 2019

## Referrals undertaken and other approvals required

Referral Agency:	Response Date:	Summary of Advice / Issues:
Australian Government Civil and Aviation Safety Authority	19.8.2019	<p><i>'CASA has reviewed the information provided and has no objections to the proposed development. CASA notes that the SEE and associated drawings include a communication radio towers(s). The SEE also advises that "The height of the tower/s will be managed to ensure it does not exceed the maximum height permitted in this proximity to the airport and runway" and "A survey certificate/plan will be required prior to the CC for the Communications Tower demonstrating that the tower/s do not exceed the OLS". I am advised that these statements are appropriate, as the site is below the transitional surface.</i></p> <p><i>CASA notes that the Site Plan shows the proposed buildings will be outside the Airside Security Fence, however it does not clearly show how security will be maintained in the carpark/ existing</i></p>

		<p><i>airbase building area'.</i></p> <p>The first matter relating to the height of the communication tower will be conditioned in <b>Appendix 1.</b></p> <p>With respect to second matter raised in the CASA response, Council's Engineering Department have provided the following comments: <i>"....the proposed building will be constructed landside of the airfield, avoiding any conflict with airside access. The RFS depot is encircled by an appropriate security fence preventing access to the airside. A pad key gate will be in place at the northeast corner of the site to permit access for authorised persons. The Fire Airbase building has internal control doors to define airside and landside to allow authorised operational staff to efficiently access airside during fire fighting operations. Operational security of the airbase building, to restrict access to airside by non authorised persons, is the responsibility of the RFS to manage. All airside access will be audited by the Armidale Regional Airport Manager.</i></p> <p>It is considered that the above comments adequately address CASA's concerns.</p>
Council's Engineering Department on behalf of Council's Airport Manager	1 and 29 August 2019	<p>Council's Development Engineer has provided comment in relation to the proposed development, and has raised no objection, subject to the recommended conditions included as part of <b>Appendix 1.</b> This proposal will also require separate approvals under Section 68 of the Local Government Act 1993 for connection to Council's water, sewerage and drainage services.</p> <p>Council's Program Leader Investigations and Design, in consultation with Council's Airport Manager has responded as follows:</p> <ul style="list-style-type: none"> <li>• All building elements including radio towers must be compliant with the OLS for the airport and certified by the airport manager.</li> <li>• All external lighting must be compliant with the Method of Standards for Airports and certified by the airport manager.</li> <li>• Stormwater drainage for the RFS depot site was addressed under the development consent and construction certificate process for the Logistics Shed. Reference should be made to the design detailed under that process.</li> <li>• Electrical Supply, sewer, water and telecommunications have been provided to the site under the previous DA's. This work will still need to have the standard conditions with respect o the provision of a water service for the building (should they need an extra) and fire fighting requirements.</li> <li>• Car parking – 2 disabled spaces should be provided in the FCC car park. Note that Shand Drive will be gazetted as a road to the head of the cul-de-sac. Beyond that point the road way is on the broader airport lot as is the 90 degree parking. Both are currently being constructed under the Logistics DA.</li> <li>• The Buffer along the highway has been considered under the</li> </ul>

		<p>logistics DA, planting to be done as part of that work, should not be impacted by this DA</p> <p>Subject to a recommended condition relating to lighting as included as part of <b>Appendix 1</b>, there are no additional matters for consideration in this referral.</p>
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There were no other internal referrals.

## Political Donations

At the time of lodging the Development Application the Applicant indicated, pursuant to Section 10.4(4) of the Environmental Planning and Assessment Act 1979, that no reportable political donation or gift had been made by the Applicant or any person with a financial interest in this Application to a local Councillor or employee of Armidale Regional Council.

## Assessment - Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, as amended. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

**Section 4.15(1)(a) the provisions of the following that apply to the land to which the development application relates:**

**(i) the provisions of any environmental planning instrument**

**State Environmental Planning Policies (SEPPs):**

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

State Environmental Planning Policy (State and Regional Development) 2011

Clause	Subject	Comments
Clause 3 of Schedule 7	<u>Regionally Significant Development</u>	<p>The aims of this Policy are as follows—</p> <p>(a) to identify development that is State significant development,</p> <p>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</p> <p>(c) to identify development that is regionally significant development.</p> <p>The proposed development is identified as being regionally significant development, as per the above discussion.</p>
Part 4 Clause 20(1)	<u>Regionally Significant Development</u>	The proposed development is declared as being regionally significant development for the purposes of the Act, as it is specified in Schedule 7 of the SEPP.
Schedule 7(3)	<u>Regionally Significant Development</u>	The proposed development is identified as being regionally significant development as it is Council related development that has a capital investment value of more than \$5 million as Council is the Applicant and Council is the owner of the land upon which the development is to be carried out.

### **SEPP No.55 – Remediation of Land**

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

<b>Clause</b>	<b>Subject</b>	<b>Comments</b>
7	Contamination and need for remediation to be considered in determining development applications	<p>SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> <p>Clause 7(a) requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated.</p> <p>Consideration has been made as to whether the land is contaminated. The site inspection did not reveal any obvious evidence of any site contamination. However, the whole of the Armidale Regional Airport is identified on Council's Geographic Information System due to fuel storage and mechanical repairs that constitute part of the normal airport operations. A review of the relevant airport property files did indicate that fuel was or had been stored on the subject area of the proposed building envelope for the emergency services facility.</p> <p>Clause 7(b) requires that if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>The location of the proposed development is clear of any current fuel storage areas. The building envelope is currently being used by Council for storage of equipment and a site shed for the roadworks currently under construction. The proposal is to construct a new building to be used as an RFS emergency services facility, which is similar to the existing use of this area of the airport. As there would be no change of use of this part of the site, it is considered that the land would continue to be suitable for the intended use.</p> <p>Clause 7(c) states that if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>As the subject site has to be best of Council's knowledge not been previously used for any use that may have lead to potential contamination of the area, the site is considered suitable for the proposed development and does not require any remediation.</p> <p>Notwithstanding the above consideration of site suitability, the Contaminated Land Planning Guidelines have also been consulted in relation to this application. From Section 4.3 of the Guidelines, the consent authority must consider the risks during both construction and operation. The former includes work safety issues, as well as the potential for construction to disturb contamination and cause off-site movement of chemicals. In the event that contamination is uncovered during any of the proposed construction works the relevant procedures as detailed in this document and in accordance with the Environmental Protection Authority must be followed.</p>

		<p>Furthermore, this matter was given consideration at the subdivision stage that created the subject lot under DA-38-2017. The report prepared by Sixhills Group Pty Ltd drew the following conclusions:-</p> <p><i>"Although the subject site is identified in Council's information system for potentially contaminated land, this control applies to all land that comprises the Armidale Airport. The land is not listed on the NSW Environment Protection Authority's online register of Records under Section 58 of the Contaminated Land Management Act 1997. However, the site has been historically utilised for airport purposes and current land uses include aviation commercial depots, aircraft hangers and workshops as well as fuelling stations. While there is potential for these activities to lead to land contamination, the existing businesses will continue to operate upon determination of the subject DA. Furthermore, any future land uses will be required to be compatible with the existing air transport facility (due to the zoning of the land), which preclude uses of a sensitive nature (including residential accommodation, hospitals, schools and the like). As such, the land is considered to be generally fit for use".</i></p> <p>The subject site has no known history relating to incompatible past uses. The land has until now been a clear and open grassed site that has not been utilised for airport operations due to the proximity of the boundary fence. The contamination constraint evident on Council's GIS mapping relates to underground fuel tanks that were located on the southern end of the airport site beyond the terminal. These tanks have since been confirmed as being removed in 1995. Site sampling has confirmed that the site was remediated and that no contamination exists.</p> <p>Whilst the subject land is not listed on the NSW Environment Protection Authority register it is considered to be warranted to place an advising on any consent to alert contactors/workers on the site that contamination may exist and to take reasonable precautions in the event of unearthing suspicious materials during site preparation. <b>Refer to Appendix 1.</b></p>
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State Environmental Planning Policy (Infrastructure) 2007

Subject	Comments
SEPP (Infrastructure) 2007:	<p><b>Division 1 – Air Transport Facilities:</b></p> <p><b>Clause 21: Definitions</b></p> <p><b>air transport facility</b> means an <u>airport</u>, or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.</p> <p><b>Clause 22: Development permitted without consent</b></p> <p>(1) Development for the purpose of an <u>airport</u> may be carried out by or on behalf of a public authority without consent on land in any of the following land use zones or in a land use zone that is equivalent to any of those zones:</p> <p>SP2 Infrastructure</p> <p>The proposal is for the construction of a new RFS emergency services facility at the Armidale Regional Airport, which will be located on a separate lot, but within the area of the Armidale</p>

**Regional Airport.**

The RFS have advised that the proposed emergency services facility will enhance the fire fighting capabilities within the New England Region. The emergency services facility will operate on a needs basis that is fire activity related. As such, working hours once constructed will vary depending on the level of fire activity and training sessions to be undertaken. A skeleton staff will manage the facility out of the fire season.

As such, Clause 23 of the SEPP is relevant to this application as it is for the construction of a new emergency services facility. Such development is permissible with consent in the SP2 zone.

Clause 47 (1) outlines development that may be permitted with consent as follows:

- (1) Development for the purpose of an emergency services facility may be carried out with consent in a prescribed zone by or on behalf of the NSW Rural Fire Service or an emergency services organisation that is not a public authority.

As such, the proposed development is permissible with consent under this clause.

**Division 17 Roads and traffic**

**Subdivision 2 Development in or adjacent to road corridors and road reservations**

**101 Development with frontage to classified road**

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

The development is serviced by an internal service road within the Airport precinct. Access to/from the New England Highway is only from the intersection that provides access to the airport.

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

- (i) the design of the vehicular access to the land, or

The existing vehicular access to the land from the classified road is at an intersection providing access to the Armidale Regional Airport. The existing intersection has been designed to accommodate traffic levels generated by this development.

- (ii) the emission of smoke or dust from the development, or

Not applicable.

- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

The proposed new emergency services facilities will only operate on a needs basis that is fire activity and training related. As such, working hours once constructed will vary depending on the level of fire activity. It is not expected that the development would significantly increase the existing traffic volumes generally apart from when the facility is operating at full capacity

	<p>during extreme fire activity. In these instances it is considered that the volume and frequency of vehicles would be intermittent.</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p> <p>The development is not considered to be noise-sensitive.</p> <p><b>102 Impact of road noise or vibration on non-road development:</b></p> <p>(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:</p> <p>(a) a building for residential use,</p> <p>(b) a place of public worship,</p> <p>(c) a hospital,</p> <p>(d) an educational establishment or child care centre.</p> <p>The average daily traffic volume along this section of the New England Highway is not more than 40,000 vehicles and the proposed use is not considered to be noise sensitive.</p>
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State Environmental Planning Policy No.44 – Koala Habitat Protection

Comments
<p>The subject site is located within the airport precinct which has a site area in excess of 1Ha.</p> <p>The site for the emergency services facility is devoid of tree coverage and is not identified as potential Koala habitat.</p>

#### Local Environmental Plans (LEP):

The proposed development is permissible with consent in accordance with Part 2 of **Armidale Dumaresq Local Environmental Plan 2012**, under which the site is zoned SP2 Infrastructure (Air Transport Facility).

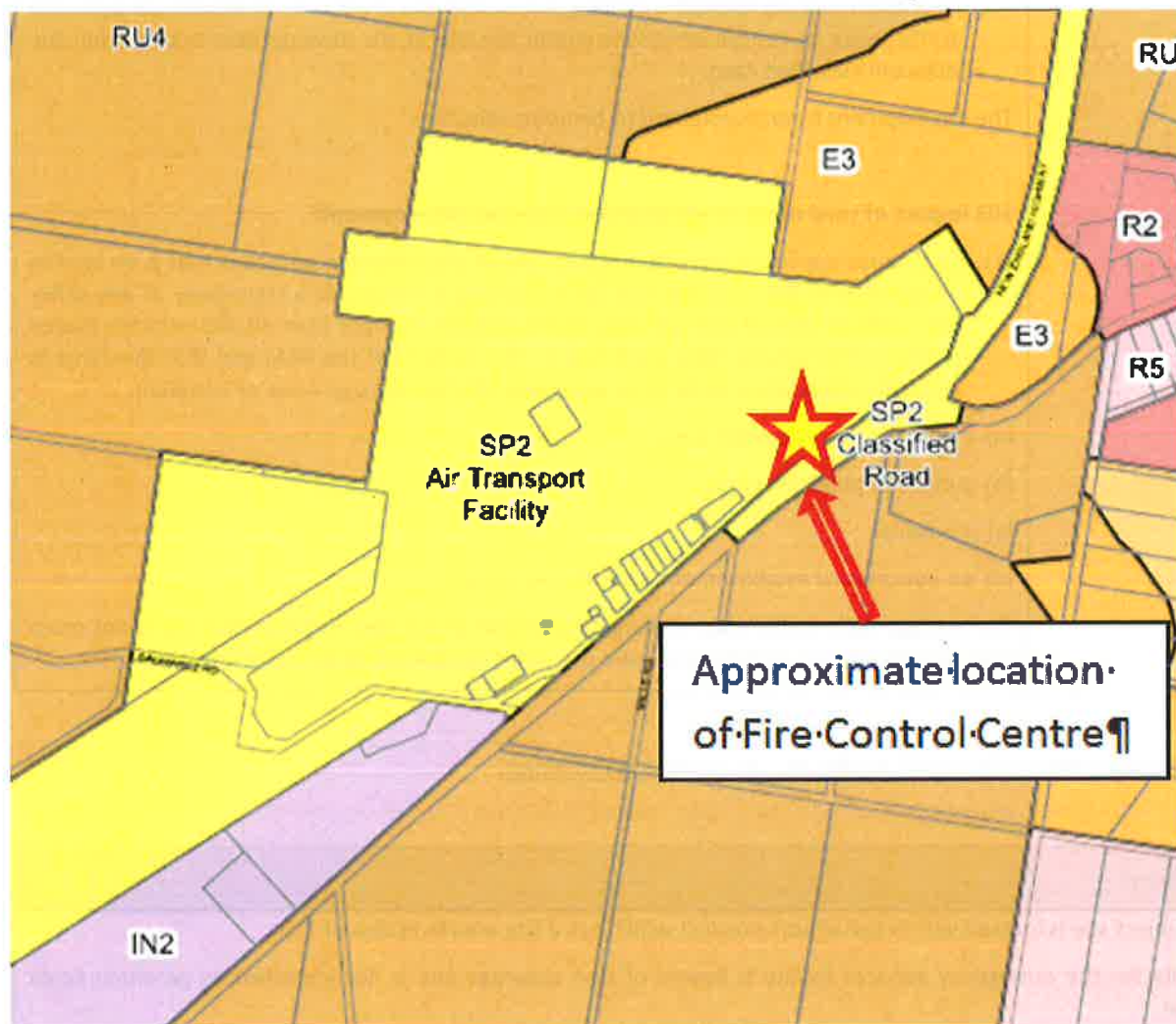


Figure 2: ADLEP 2012 – SP2 – Infrastructure – Air Transport Facility Plan

Clause	Subject	Comments
1.2 (2)	Aims	<p>Relevant aims of the LEP considered in this assessment include:</p> <ul style="list-style-type: none"><li>(c) to facilitate development for a range of business enterprises and employment opportunities,</li><li>(d) to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes,</li><li>(e) to ensure that development has regard to the principles of ecologically sustainable development and to areas subject to environmental hazards and development constraints,</li></ul> <p>The proposed development is considered consistent with these aims. Relevant issues have been considered and are addressed where appropriate in this assessment.</p>



2.1	Land use zones	The subject site is zoned SP2 – Infrastructure.
2.3	Zone objectives	The consent authority must have regard to the relevant zone objectives in determining a DA (see Land Use Table provisions, below).
-	Land use table	<p>In the LEP's Land Use Table, the objectives for the SP2 zone are:</p> <ul style="list-style-type: none"> <li><i>To provide for infrastructure and related uses.</i></li> <li><i>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</i></li> </ul> <p>The proposed development is considered to be for a purposes that is incidental or ancillary to the purpose of the land as shown on the Land Zoning Map and as such, is considered to be permissible with consent within the zone. Approval of the subject application will provide for fire service infrastructure which is consistent with the objectives and is appropriate when considering the context of the site as well as the surrounding development.</p>
6.1	Earthworks	<p>Clause 6.1 requires consideration of the environmental impacts of any earthworks to be carried out in conjunction with development. In this case earthworks will be required to ensure the provision of services (including roadways) to all allotments.</p> <p>Relevant matters such as erosion, sedimentation, potential archaeological relics, and nuisance impacts have been addressed via the inclusion of appropriate conditions of Development Consent, attached as <b>Appendix 1</b> to this report.</p>
6.3	Airspace operations	<p>The objectives of this clause aim to provide for the effective and on-going operation of the Armidale Regional Airport by ensuring that such operation is not compromised by proposed development that penetrates the OLS for that airport, and to protect the community from undue risk from that operation. The Applicant proposes that the new communication tower/s will not penetrate the OLS. The application was referred to CASA, and they have stated that they have no objection to the proposal subject to the proposed communication radio tower/s being surveyed to ensure that it does not exceed the OLS".</p> <p>As such, the proposal is satisfactory in this regard and accordingly, the proposed communication tower/s will be conditioned so that there will no penetration of the OLS. Refer to <b>Appendix 1</b>.</p>
6.4	Development in areas subject to aircraft noise	<p>This clause applies to development that is on land near the Armidale Regional Airport and is in an ANEF contour of 20 or greater. The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li><i>(a) to prevent certain noise sensitive developments from being located near the Armidale Regional Airport and its flight paths,</i></li> <li><i>(b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,</i></li> <li><i>(c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.</i></li> </ul> <p>The site is located on land that adjoins the Armidale Regional Airport and, as such, the building will be designed to mitigate and manage the expected</p>

		<p>noise levels associated with the operations of the airport and the other adjoining aviation businesses.</p> <p>The Applicant proposes to submit a Section J Report with the Construction Certificate which will review the noise levels to be achieved within the building and to ensure the recommendations identified in AS2021 – 2000 are applied.</p> <p>Furthermore, the proposed development is for the erection of a emergency services and training facility for the NSW RFS in conjunction with their operations, which is not considered to be for a noise sensitive building.</p>
6.5	Development within a designated buffer	<p>The objective of this clause is to maintain a safe and effective operational environment around the Armidale Regional Airport. Before granting development consent for development on land to which this clause applies, the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> <li><i>(a) the impact that any noise or other emissions associated with existing land uses would have on the proposed development,</i></li> <li><i>(b) any proposed measures incorporated into the development that would limit the impact of such noise and other emissions associated with the existing land use,</i></li> <li><i>(c) any opportunities to relocate the proposed development outside the land to which this clause applies,</i></li> <li><i>(d) whether the proposed development would adversely affect the safe and effective operational environment of the Armidale Regional Airport and Armidale Sewage Treatment Plant and any existing development that forms part of those facilities.</i></li> </ul> <p>The subject site is located within the Airport Buffer and as detailed within this assessment report, the subject land is zoned SP2 and, as such, existing and proposed land uses are required to be compatible with the operations of the Armidale Airport. In addition, the proposed development is not for a noise sensitive use and thereby complies with the objectives of this clause.</p> <p>The proposed development has been designed in order to maintain the safe and effective operation of the airport facility via maintenance of sufficient area between the new communication tower/s and the OLS. As per the above comments, the Section J report will need to address and identify compliance with the acceptable noise levels within the building as outlined in AS2021-2000.</p> <p>The building's external finishes will also be required to ensure compliance with all recommended finishes include non- reflective applications, as per a recommended Condition of Development Consent (<b>Appendix 1</b>).</p>
6.6	Essential services	<p>This clause requires the consent authority to be satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> </ul>

		<p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p> <p>Connection to essential services has been carefully considered by Council's Development Engineer and has been conditioned accordingly in <b>Appendix 1</b>.</p>
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**(ii) the provisions of any draft environmental planning instrument**

Not applicable.

**(iii) the provisions of any development control plan**

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

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

Chapter	Comment
Chapter 1.1 DCP Introduction and Public Notification	<p>The application was not notified as the proposal is located on airport land that is owned by Council. The adjoining land is also held in Council ownership. In this respect, there are no third party land owners adjoining the site.</p> <p>In addition, the development is not considered to be integrated nor designated and under Council's DCP 2012 there were no matters triggered to require notification.</p>
Chapter 2.1 Site Analysis	<p>The proposed development is considered to satisfy the relevant objectives in Part 1.2 of this Chapter. Due consideration has been given to the identified opportunities and constraints of the subject land as detailed within this assessment report.</p> <p>In relation to the specific matters identified in Part 2 of Chapter 2.1, the issues relevant for this DA can be summarised as follows:</p> <p><i>2.1 Heritage Items and or Conservation Areas</i> There are no items of environmental heritage present on the subject site. Despite, the State heritage listed Saumarez House being present to the west of the subject land, there is significant separation between the sites (approximately 3 kilometres) and, as such, the subject application is not expected to have an impact on this building.</p> <p><i>2.2/3 Removal or pruning of trees and street trees to facilitate development</i> There are no trees located on the subject site.</p> <p><i>2.4 Essential Services</i> Essential services are available for connection to the proposed development as detailed throughout this report.</p> <p><i>2.5/8 Site Hazards</i> Council records indicate that the site is not subject to any flood, bushfire or undue contamination risk.</p> <p><i>Part 3 Erosion and Sediment Management</i> To control erosion and sediment during construction, a suitable condition has been included as part of the recommended conditions of the Development Consent.</p> <p><i>Part 4 State Environmental Planning Policies</i> State Environmental Planning Policies have been considered as relevant to this development earlier within this report.</p>

	<p><b>Part 5 Land Use Conflicts</b></p> <p>The proposed land use is considered to be complementary to and compatible with the existing air transport facility. The proposed development is considered suitable and is not expected to result in any unacceptable land use conflicts for surrounding properties or the environment.</p>
Chapter 2.2 Tree Preservation	There are no trees located on the site.
Chapter 2.3 European Heritage	The subject site is not identified as being of European heritage significance.
Chapter 2.4 Aboriginal Heritage	<p>Consideration of Aboriginal heritage was undertaken in accordance with the provisions of Clause 5.10 of the LEP.</p> <p>There are no sites recorded nearby but a site has been identified within approximately 300-350m from the proposed building site, just north of the round-about within the road reserve. The proposal is located a substantial distance from this site and there will be no works within the road reserve. An advising is to be included in <b>Appendix 1</b> to this report</p>
Chapter 2.5 Contaminated land	Refer to comments made above in relation to SEPP No. 55 (Remediation of Land).
Chapter 2.6 Earthworks and Geotechnical Assessment	<p>This Chapter ensures that geotechnical risks are recognised; that earthworks do not impact on local amenity, site safety and stability; and that appropriate engineering solutions are provided for development where these hazards exist. It is noted that the subject land is not identified as being spring affected in accordance with the provisions of this Part.</p> <p>There will be no retaining walls required and considering the flat nature of the subject land, matters such as slope instability are not expected.</p> <p>Relevant matters such as erosion, sedimentation, potential archaeological relics, and nuisance impacts have been addressed via the inclusion of appropriate conditions of development consent, attached as <b>Appendix 1</b> to this report.</p>
Chapter 2.7 Flooding Protection and Stormwater Drainage	<p>The proposed development has been assessed against the provisions of this Chapter by Council's Development Engineer.</p> <p>The site is not in the flood plain of any major creeks.</p>
Chapter 2.8 Noise	By virtue of the nature of the proposal as well as its context, the development is not expected to generate unacceptable levels of noise.
Chapter 2.9 Parking	Adequate on-site area is required to be provided for car parking as addressed earlier within this assessment report.

**(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

Not applicable.

**(iv) the provisions of the regulations**

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

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

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

## **Armidale Regional Airport Master Plan June 2016**

The key aims of this master plan are to:

- ✓ Position Armidale Regional Airport as a growing hub for RPT services
- ✓ Support and grow existing general aviation and aviation related business activity
- ✓ Diversify current airport income through expansion of the airport's property portfolio and
- ✓ Upgrade and expand current airport infrastructure, capabilities and services.

The proposed development will expand the current airport infrastructure, capabilities and services by providing a new facility to co-ordinate fire fighting in the locality and provide training for these exercises. The Master Plan specifically relates to RFS activities and states as follows:

*"The Rural Fire Service's aerial firefighting base has been established with a new, purpose built facility recently constructed. This facility is located at the North Eastern end of the General Aviation area. The new base will support the firefighting operations of the RFS in the New England Zone, where crews are regularly stationed during summer months. This new facility will provide for equipment storage and support facilities for staff and off-duty pilots. As part of a broader plan for the New England Zone, the proposed airport site will enable other RFS services to be re-located; including RFS Aerial Firefighting Training and, importantly, the Zone Control Centre which will command all firefighting operations - whether undertaken by land or from the air".*

It is considered that the proposed development is in line with the strategic vision prescribed by the Mater Plan.

### **Impacts on the Natural Environment**

The subject land is a cleared site and has no residual value as habitat for any threatened species, populations or ecological communities or their habitats.

### **Construction Impacts**

Recommended conditions of consent have been incorporated into the **Appendix 1** to address the following matters:

- Hours of building work (to be consistent with NSW State Guidelines);
- Parking and Traffic Management;
- Waste storage and management;
- Toilet facilities for builders;
- Noise and dust management and control of other potential pollutants;
- Site hoardings and public/worker safety;
- Signage.

### **Urban and Building Design**

The design of the proposed building is considered to be simple, utilitarian and appropriate within the context of the intended use and the surrounding airport infrastructure. The mix of materials including extensive glazing and metal sheet and aluminium cladding will allow for sufficient articulation to the airside frontage of the site. The proposed communication tower/s will provide visual interest and are considered to be something that is to be expected in the vicinity of the airport. The highway frontage of the building is considered to be bland and requires articulation. This being the case, a recommended condition of consent requiring articulation, fenestration or other architectural enhancements to the eastern most portion of the wall on the southern elevation to break up the

monotonous façade is included in **Appendix 1**. The proposed air conditioning units will be required to be relocated away from the New England Highway frontage. Furthermore, dense evergreen landscaping will be required adjacent to the southern elevation of the site. Refer to **Appendix 1**.

#### **Consideration of Crime Prevention through Environmental Design (CPTED)**

The provisions of CPTED are considered to have been met through the clearly defined entry point to the building and the territorial reinforcement created by the new building and fencing around the site.

#### **Utility Infrastructure Impacts**

Essential services are available to the subject land, including:

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

Utility services are either readily available or capable of being extended to service the development.

The subject site falls outside Council's Development Servicing Plan for water and sewer services and, as such, there are no developer contributions in connection with related works/increased loading on these services.

#### **Traffic and parking impacts**

Likely traffic impacts have been considered by Council's Development Engineer. The existing road network is capable of supporting the additional traffic generated by the development.

#### **Social impacts**

Positive social impacts will transpire as a result of improved emergency service provision within the region. It is not envisaged that there will be any adverse social impacts experienced as a result of the proposed development.

#### **Economic impacts**

The proposal will facilitate employment opportunities in Armidale. Furthermore, the training component of the facility will bring outside visitors to the area that will utilise services within the town. To this end, the proposed development is expected to have a positive economic impact on the region.

#### **Cumulative impacts**

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

#### **4.15 (1)(c) the suitability of the site for the development**

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

- The land is zoned for SP2 Infrastructure – Airport Transport Facility, and is located immediately adjacent to the Armidale Regional Airport, allowing complementary activities and support to the RFS.
- The shed is logically sited with access to the site from the New England Highway and airport facility for the

fire fighting aircraft. Shand Drive is currently under construction at the time of writing this report. The road will be sealed in accordance with Council's Engineering Code.

- A service station and café are located a short distance from the site to support the proposed use.
- Otherwise the locality has the necessary utility service infrastructure to support the development. Detailed arrangements for water, sewer, stormwater drainage services and connections have been considered by Council's Development Engineer whose report is on the subject file to be tabled at the Panel meeting. Essential services are either readily available or capable of being extended to service the proposed development. Refer to Appendix 1 for the recommended Conditions of Consent.
- Likewise, detailed arrangements will need to be made with electricity and telecommunications providers, but again these services are available to the site.
- The subject site is not located within proximity to residential zones or developed residential areas.
- The site is relatively flat and is not bush fire or flood prone. The issue of potential contamination has been addressed earlier in this report under SEPP 55.

**4.15 (1)(d) any submissions made in accordance with the Act or the Regulations**

Not applicable.

**4.15 (1)(e) the public interest**

The proposed development has been assessed to be in the public interest, as detailed throughout this report. The proposal is consistent with the aims of the LEP and other applicable statutory planning provisions as well as the adopted Armidale Regional Airport Master Plan 2016. The development is expected to provide a vital service to the region and there are no land use conflicts anticipated with the adjoining Armidale Airport.

**Building Code requirements**

Compliance with the BCA (NCC) will be required as a recommended Condition of Consent, prior to the issue of a Construction Certificate.

**Food safety and environmental health issues**

Not applicable.

**Ecologically Sustainable Development**

A relevant aim of the Council's LEP (clause 2(e)) is to ensure that development has regard to the principles of ecologically sustainable development (ESD). ESD is defined in NSW Legislation (for example the Dictionary to the Local Government Act 1993), and involves consideration of the following principles and programs:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
  - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
  - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*

- (d) *improved valuation, pricing and incentive mechanisms - namely, that environmental factors should be included in the valuation of assets and services, such as:*
- (i) *polluter pays - that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
  - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
  - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposed development is considered to be satisfactory having regard to the principles of ecologically sustainable development.

## Assessment Conclusion - Key Issues

DA-82-2019 seeks consent for the construction of an emergency services facility, being a NSW Rural Fire Service - Fire Control Centre and Double Training Facility at No. 41 Shand Drive Armidale, being legally known as Lot 7 DP 1252697. The proposed development complies with the intent of all controls specified by relevant Environmental Planning Instruments and the *Armidale Dumaresq Development Control Plan 2012*. The proposal is considered to be compatible with the adjoining airport operations and there is no land use conflict anticipated as a result of approval of DA-82-2019. Utility services such as water supply, sewerage, electricity, stormwater drainage, telecommunications and road infrastructure are either readily available or capable of being extended to service each proposed allotment.

The proposed development has been thoroughly assessed as detailed throughout this report and is recommended for conditional consent. **Appendix 1** contains all relevant conditions identified throughout the assessment process and as discussed in this report.

## Recommendation

- (a) **That having regard to the assessment of the Application, DA-82-2019 be granted conditional consent in the terms set out in Appendix 1 to this report.**

Sonia Broun

**Town Planner, Armidale Regional Council**

Armidale, 4 September 2019



# Appendix 1 – Proposed Conditions of Consent

## CONDITIONS ATTACHED TO DEVELOPMENT CONSENT NO. DA-82-2019

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 conditions of development consent:

#### **98 EP&A Regs 2000: 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 98A EP&A Regs 2000: 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 (see clause 227A which currently imposes a maximum penalty of \$1,100).*

## GENERAL CONDITIONS

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

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

Plan Drawer	Plan Numbers / Revision	Date
Kollanyi Architects	A00 Revision V.01	5 Nov 2018
	A02 Revision V.01	5 Nov 2018
	A03 Revision V.01	5 Nov 2018
	A04 Revision V.01	5 Nov 2018
	A05 Revision V.01	5 Nov 2018
	A06 Revision V.01	5 Nov 2018
	A07 Revision V.01	5 Nov 2018
	A08 Revision V.01	5 Nov 2018
	A09 Revision V.01	5 Nov 2018
	A10 Revision V.01	5 Nov 2018
	A11 Revision V.01	5 Nov 2018
	A12 Revision V.01	5 Nov 2018
	A13 Revision V.01	5 Nov 2018
Armidale Regional Council	Site Plan	September 2019

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

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 by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
  - b) a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
  - c) at least two days notice, in writing has been given to Council of the intention to commence work.

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

3. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

## BEFORE RELEASE OF CONSTRUCTION CERTIFICATE

4. The proposed communication tower/s are to be erected such that they do not penetrate the Obstacle Limitation Surface. Details are to be provided to the satisfaction of the relevant Certifying Authority prior to the release of the Construction Certificate.

5. 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.*

6. The proposed development being landscaped to enhance its appearance and provide shade and environmental benefits:

- Incorporation of planting to visually integrate the development with the local environment when viewed from the New England Highway.
- Additional plantings are to be incorporated along the south-eastern elevation of the building adjacent to Shand Drive to provide visual relief to the façade of the development.

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. The proposed species are to be selected so as not to penetrate the Obstacle Limitation Surface.

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 Director Sustainable Planning and Living or nominee.

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

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

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

**ADVICE** - Home Building Compensation Fund (previously known as Home Owners Warranty insurance) and Long Service Levy apply to the installation of a manufactured home or moveable dwelling.

8. Council's approval must be obtained by a detailed application under the Local Government Act 1993, for the discharge of any trade waste or chemical material into Council's sewerage system, to prevent any unauthorised use of the system.

The application must be approved prior to the issue of a Construction Certificate for the development.

9. 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.

Due to the bulk and scale of the proposed development and its proximity to the New England Highway, the structure, is to include some architectural detailing along the south-eastern elevation of the building. Such detailing is to provide visual variety including articulation, fenestration or other architectural enhancements to minimise the building's visual impact when viewed from the adjacent highway and public areas.

Details of the elements proposed to be incorporated in the building design to address the above matters, as well as colour samples, are to be provided to the satisfaction of the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development.

10. The proposed air conditioning units are to be relocated from the southern elevation of the building to an alternative location where they are screened from public view. Details are to be submitted to the relevant Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate.
11. Any lighting structures or fixtures for the proposed development are to be installed in accordance with the requirements of the Civil Aviation Safety Authority (CASA) standards for "Lighting in the Vicinity of Aerodromes". Details and confirmation of compliance to be provided to the satisfaction of the Airport Manager prior to the release of a Construction Certificate.
12. 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 Principal Certifying Authority 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)*

## DURING CONSTRUCTION

13. 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 the issue of a Construction Certificate for the development.

*ADVICE: This is an online service for the plumbing industry - go to [www.armidaleregional.nsw.gov.au](http://www.armidaleregional.nsw.gov.au)*

14. Non-slip materials complying with AS 3661 (current edition) Slip resistance of pedestrian surfaces - Guide to the reduction of slip hazards and AS 4586 (current edition) Slip resistance classification of new pedestrian surface materials, are to be used for the paving of public areas within the development, to ensure safe public use of these areas.

15. 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.*

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

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

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

17. Roof and surface stormwater from paved and impervious areas is to be collected and directed to Council's stormwater system, 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.

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

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

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

20. 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.

21. Prior to works commencing on site a suitable security fence is to be erected around the lease area of the proposed new lot to the satisfaction of Council's Airport Manager or nominee, to demarcate the work area from airside or alternatively, the applicant is to address and comply with all relevant regulatory requirements for working airside.
22. 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.
23. 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.
24. All access to the site is to be in accordance with the Armidale Airport Transport Security Program including the use of ASIC and Visitor cards. Application can be made through Council's Airport Manager to the Department of Transport and Regional Services Office of Transport Security for the creation of a Special Events Zone that would not require the use of ASIC or Visitor cards. This Application is expected to take at least 3 weeks to be processed.

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

25. Creation of a Section 88B instrument is required as part of the development to ensure that legal and satisfactory access to Lot 7 over Lot 1 DP 1252697 is achieved via the creation of a right of carriageway.

The s88B instrument is to make further arrangements for the utilisation of the 20 car spaces within Lot 1 for the benefit of Lot 7 for the life of the development, as well as any easements for services traversing Lot 1 to the benefit of Lot 7.

Provision is to be made for the ongoing management/maintenance of the carriageway including clear details of the responsibilities of all affected parties, including mechanism for the resolution of conflicts between affected parties.

Details to be provided with the application for an Occupation Certificate.

26. 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*

27. 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 copy of the certificate is to be given to the NSW Fire Brigades to [afss@fire.nsw.gov.au](mailto: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.

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 (Penalties do not apply to uses detailed in 109M and 109N; i.e. crown projects, or as detailed for certain temporary structures).*

29. 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.

30. 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.*

31. Provision of 40 off-street parking spaces, including 2 disabled access parking spaces (in accordance with AS2890.6) to serve the development (as shown on the approved plans and in accordance with Council's Parking Code) is to be completed before the issue of an Occupation Certificate for the development, 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.

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 Parking Code and Access and Mobility Code. 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. Prior to the issue of an Occupation Certificate for the building a survey is to be undertaken and provided to the satisfaction of Council, demonstrating that the building and in particular the telecommunications towers as constructed, has not penetrated the OLS at the airport.

33. Any lighting structures or fixtures for the proposed development are to be installed in accordance with the requirements of the Civil Aviation Safety Authority (CASA) standards for "Lighting in the Vicinity of Aerodromes". Details and confirmation of compliance to be provided to the satisfaction of the Airport Manager prior to the issue of an Occupation Certificate.

34. Any doors of the development which have access to the airside area will need to have the appropriate signage as required by the Office of Transport Security under the Aviation Transport Security Regulations 2005, Section 3.15 (4) and (6). The doors will also be required to be locked at all time. Staff who work in the building and who require airside access, will be required to have and wear an Aviation Security Identification Card (ASIC). Compliance is to be provided to the satisfaction of the PCA prior to the issue of an Occupation Certificate for the development.

#### **OPERATIONAL MATTERS**

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. Any lighting used on site in connection with the development is to comply with AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting (current version) and, CASA's standards for "Lighting in the vicinity of Aerodromes", and is to be compliant with the Methods of Standards for Airports, to protect the amenity of the locality.
37. 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.
38. 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](mailto: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.
39. A separate Development Application is required for all outdoor advertising relating to the approved use, unless classified as Exempt Development under Council's Armidale Local Environmental Plan 2012. Any signage relating to the development is to be removed at the cessation of the use.
40. Given the current drought conditions the landscaping of the site is to be undertaken in accordance with the approved landscape plan within 12 months of occupation of the building or within such timeframe as approved by Council if the drought conditions continue.

#### **ADVICE**

Council's Mapping System suggests that the airport land may be potentially contaminated as it has been used for aviation related development.

In this regard, the developer is to implement safe work practices for the site, including suitable precautions to protect workers from potential health hazards if contaminated soil is confirmed to be present on the site, to ensure the safety of employees/occupiers of the site on the site during construction and later during soil disturbance for landscaping etc.

In the event that any contaminated material are identified during excavation works, work on the site is to cease immediately and further investigation is to be undertaken by a suitably qualified environmental consultant to ascertain the level of contamination and develop an action plan for the remediation of the site in accordance with relevant legislation. Furthermore, Council is to be notified immediately in the event that any contaminated materials are found on site.

Any excavated material which is found to be contaminated and proposed to be removed from the site is to be disposed of at a suitably licensed facility. Vehicles entering or leaving the site with contaminated material are to be



covered, to prevent any potential for contaminants to spread to other land. Furthermore, the contractors are to comply with the requirements of the facility in regard to disposal of any potentially contaminated soil.

Additionally, all vehicles involved in removing contaminated materials from the site are to be cleaned prior to leaving the property, to prevent off-site migration of contaminants.

Any stockpiles of soil on the site are to be stored in an appropriately bunded area within the property during construction, to ensure safe containment of any potential contaminants.

Where archaeological relics are discovered during excavation, work must cease in the affected area pending investigation and assessment of its heritage value.

Aboriginal relics are to be referred to the National Parks and Wildlife Service (NPWS) and objects of non-Aboriginal settlement are to be brought to the attention of the Heritage Council.

For further information go to the NPWS Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (available online) and/or the Heritage Council.

Certain electricity generating works (solar energy systems including solar hot water, solar air heating, photovoltaic electricity systems and small wind turbine installations) may require Council's consent under current planning legislation.

If you are planning on installing such technology as part of this project, please check whether development consent is required. For further information, go to [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

Appendix 2 – Plans