

# D&E

## MEMO

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| **To:** | DA2021 - 175 file and PPSNTH-89 |
| **cc:** |  |
| **From** | Pat Galbraith-Robertson |
| **Date:** | 3 September 2021 | **Our ref:**  | DA2021 - 175 |
| **Subject:** | Updated recommended conditions  |

As requested by the Northern Region Planning Panel on 25 August 2021 the recommended conditions have reviewed. Changes have been made to improve the certainty for consent obligations under the Environmental Impact Statement (EIS) and supporting studies.

The following attached updated conditions include changes as shown in red.

The following changes have been reviewed and agreed to by the Applicant.

Regards,



Patrick Galbraith-Robertson

Development Planning Coordinator

### PROPOSED CONDITIONS

# NOTE: THESE ARE DRAFT ONLY

### DA NO: 2021/175 DATE: 3/9/21

**PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000.

A – GENERAL MATTERS

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan / Supporting Document** | **Reference** | **Prepared by** | **Date** |
| Vegetation Management Plan | Tree removal zone  | King and Campbell | July 2021 (version 8) |
| Site context | Exhibit 01 | King and Campbell | 12 February 2021 |
| Site analysis | Exhibit 02 | King and Campbell | 30 September 2020 |
| Site analysis | Exhibit 03 | King and Campbell | 30 September 2020 |
| Planned works | Exhibit 04A | King and Campbell | 12 February 2021 |
| Planned works | Exhibit 04B | King and Campbell | 12 February 2021 |
| Planned works | Exhibit 05A | King and Campbell | 12 February 2021 |
| Planned works | Exhibit 05B | King and Campbell | 12 February 2021 |
| Planned works | Exhibit 06A | King and Campbell | 30 September 2020 |
| Planned works | Exhibit 06B | King and Campbell | 30 September 2020 |
| Planned works | Exhibit 06C | King and Campbell | 30 September 2020 |
| Airport Infrastructure and Hazards | Exhibit 07A | King and Campbell | 12 February 2021 |
| Airport Infrastructure and Hazards | Exhibit 07B | King and Campbell | 30 September 2020 |
| Environmental Impact Statement for Planned Works at Port Macquarie Airport | Version 4 | King and Campbell | March 2021  |
| Wetland hydraulics, hydrology and stormwater management plan | Version 2 | King and Campbell | October 2020 |
| Flood impact assessment | Revision A | Advisian | March 2020 |
| Ecological report  | Revision 5 | Biodiversity Australia | 22 September 2020 |
| Aboriginal cultural heritage assessment report  |  | Heritage Now Contact | 21 May 2020 |
| Noise Impact Statement |  | EMM  | 21 July 2020 |
| Traffic engineering report | TPS324Rep3 | TPS Group | 4 June 2020 |
| Air quality impact assessment |  | EMM | 19 June 2020 |
| Biodiversity Certification Agreement |  | The Minister of the Environment of State of New South Wales | 3 September 2018 |

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

(2) (A002) No building work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

1. the appointment of a Principal Certifying Authority; and
2. the date on which work will commence.

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

~~(3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.~~

~~(4)~~(3) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council:
* Monday to Saturday 7 am to 6 pm, with night works as required (20% of all works undertaken on the site at night) associated with the sealing of the connections of the run-up bays from the proposed parallel taxiway to the existing runway.  No works on Sundays or public holidays.

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

~~(5)~~(4) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.

* NSW Department of Primary Industries - The General Terms of Approval, Reference IDA21-48 and dated 26 July 2021, are attached and form part of this consent.

~~(6)~~(5)(A016) This consent does not override any requirements of the Environmental Protection and Biodiversity Conservation Act 1999.

~~(7)~~(6) (A196) The Vegetation Management Plan for the Tree Removal Zone prepared by King and Campbell July 2021 and approved by the Department of Planning Industry and Environment - Biodiversity Conservation Division Dated 30 July 2021 forms part of this consent and shall be implemented at the respective stages throughout the development.

~~(8)~~(7) Vegetation clearing works for the Run-Way Strip (RWS) and Obstacle Limitation Surface (OLS), and for the *conservation cropping* works adjacent the RWS must be undertaken in accordance with a single, or multiple, Vegetation Management Plan/s, based on the objective of the works and the landowner preferences (PMHC owned lands, airside lands and private owned lands). The objectives to be addressed for the vegetation works are set out at Section 7.14.2.1 and the minimum principles to be addresses are summarised at Section 8 to the Environmental Impact Statement for Planned Works at Port Macquarie Airport (Version 4) prepared by King and Campbell March 2021.

 The VMP/s must address, as a minimum:

* Site inductions
* Management of fauna
* Scheduling of works; and
* Maintenance and monitoring schedule.

 The VMP/s is/are to be approved by Council prior to any vegetation works being undertaken.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

1. (B090) Payment to Council, prior to the issue of a Construction Certificate of the Section 7.12 contributions set out in the “Notice of Payment – Developer Charges” schedule attached to this consent unless deferral of payment of contributions has been approved by Council.  The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
* Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

 The plan may be viewed on Council’s website or during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

 The attached “Notice of Payment” is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plan. Payments can only be made using a current “Notice of Payment” form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

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

* The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
* Recommended load limits for haulage vehicles and;
* A procedure for monitoring the condition of the pavement during the haulage;
* Bond to guarantee public infrastructure is not damaged as a result of construction activity,

and;

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

(3) (B048) Prior to the issue of a Construction Certificate, provision shall be made for the storage of garbage containers and containers for recyclable material in a designated garbage area. If an external area is used for the storage of putrescible material then the area shall be:

1. Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest.
2. Provided with a hose tape connected to the water supply;
3. Paved with impervious material;
4. Graded and drained to the sewer system, and
5. Roofed to prevent the entry rainwater.

~~(4) (B061) Prior to release of the Construction Certificate submission of a Waste Management Plan, in accordance with Council's current requirements.~~

~~(5) (B195) Prior to the issuing of the Construction Certificate, the contractor shall submit to Council a site specific project Construction Environmental Management Plan (CEMP). The CEMP shall include, but not be limited to the following:~~

* ~~Demolition and Waste Management Plan;~~
* ~~Air Quality and Dust Control Management Plan;~~
* ~~Construction Noise and Vibration Management Plan.~~

~~(6) (B196) The CEMP shall refer to the relevant specialist consultant reports submitted as part of the Development Application, including, but not limited to the:~~

* ~~EMM “Port Macquarie Airport Parallel Taxiway Noise Impact Assessment” Report;~~
* ~~EMM “Port Macquarie Airport Parallel Taxiway Air Quality Impact Assessment” Report.~~

C – PRIOR TO ANY WORK COMMENCING ON SITE

1. Prior to any vegetation/clearing work commencing Port Macquarie-Hastings Council shall be formally notified in writing at least 48 hours prior to clearing work commencing.
2. Prior to Stage 1 OLS vegetation clearing work commencing within Environmental Management Unit 1 of the VMP for the Tree Removal Zone, application shall be made for an Aboriginal Heritage Impact Permit (AHIP) under section 90a of the National Parks and Wildlife Act 1974 (NPW Act) with respect to PAD 30-3-338 (Aboriginal Cultural Heritage Assessment Report, Heritage Now 21 May 2020)

or

If trees need to be removed within 50 metres of the PAD 30-3-338 (Aboriginal Cultural Heritage Assessment Report, Heritage Now 21 May 2020) prior to the AHIP approval, a hand clearing methodology is to be developed with input from a heritage consultant and the Birpai Local Aboriginal Land Council. The tree removal is to be monitored by a heritage consultant and a representative of the Birpai Local Aboriginal Land Council.

1. Prior to Stage 2 OLS vegetation clearing work commencing within Lot 2 DP 619643 assessment of the Potential Scarred Tree (Aboriginal Cultural Heritage Assessment Report, Heritage Now 21 May 2020) shall be undertaken by an arborist with a specialty in Aboriginal scarred tree identification to verify the scar is of Aboriginal origin.

If deemed to be Aboriginal, an AHIP under section 90a of the National Parks and Wildlife Act 1974 (NPW Act) is to be obtained prior to commencement of the Stage 2 OLS vegetation clearing work within Lot 2 DP 619643.

(4) (B195) Prior to works commencing, the contractor shall submit to Council for approval of a project Construction Environmental Management Plan (CEMP) for works associated with:

1. The staged construction of a Code C parallel taxiway with run-up bays and pavement rehabilitation, including temporary construction compound with asphalt manufacturing plant; and

2. The relocation of the Aerodrome Weather Information Service (AWIS).

The principles to be addressed in the CEMP to manage and mitigate potential risks are identified in the specialist consultant reports and the Environmental Impact Statement for Planned Works at Port Macquarie Airport (Version 4) prepared by King and Campbell March 2021.

The CEMP will include as a minimum the following information:

a. identification of a person or persons with responsibility for implementing the CEMP.

 b. an understanding of the project and staging.

c. an understanding of the risks and mitigation measures identified by the specialist consultants as part of this EIS.

d. the methods to mitigate the potential risks.

e. obligations associated with the relevant legislation and any licensing requirements.

f. the responsibilities and reporting requirements for key personnel; and

g. the monitoring and auditing measures to be employed to ensure the proposed works are managed in a sustainable manner.

The CEMP will include as a minimum the following principles:

a. Potential groundwater hazards and methods to monitor and mitigate.

b. Potential erosion risk and methods to monitor and mitigate.

c. Potential contamination risk and methods to monitor and mitigate.

d. Silt and sediment control measures.

e. Construction traffic management.

f. Wildlife hazard management, potential bird strike and mitigation measures.

g. Obligations under the NSW Heritage Act 1977.

h. Construction noise and vibration, including monitoring and management of community complaints.

i. Potential dust impacts, including monitoring and management of community complaints.

j. Management of night works, including management and monitoring of community complaints; and

k. Management of construction and vegetative waste.

(5) Prior to works commencing, a Method of Work Plan (MOWP) is to be submitted to and approved by Council and as a minimum is required to address:

a. CASA’s requirements for the airport operator, to ensure that the construction phase of the works is managed in accordance with the National Airports Safeguarding Framework (NASF) guidelines.

b. Safety and security to ensure the operation of the airport and operation of aircraft are not compromised; and

c. Protocols for working within airside lands, including machinery use, traffic, night lighting, noise, vibration, dust, waste management and emergency response.

The MOWP is to be prepared in consultation with the Airport Operations Coordinator and approved by PMHC prior to any works undertaken within airside lands. The Airport Operations Coordinator will remain responsible for works co-ordination, identifying and applying any special working or operating conditions, notification to organisations required to facilitate, control and monitor works, and for notification to stakeholders.

D – DURING WORK

(1) (D196) Noise from construction activities (measure as the LAeqT noise level) shall not exceed the background noise level (measured as the LA90 noise level in the absence of the source), for periods of construction between 7 am to 6 pm by 10 dB(A), and for periods of construction after 6pm by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.

(2) (D040) Wastes including vegetation shall not be disposed of by burning.

(3) (D195) During work, the contractor shall implement and comply with the CEMP, including, but not limited to the sub-management plans for air quality, dust control, demolition and construction wastes, noise and vibration.

(4) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council’s current specifications at the time of construction.

(5) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:

1. CBR test results, and
2. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

(1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.

(2) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.