

SOUTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Yass Valley Council on Thursday, 4 September 2014 at 1:00 pm

Panel Members: Allen Grimwood (Acting Chair), Alison McCabe, Mark Grayson and Christopher Corcoran

Apologies: Pam Allan. Declarations of Interest: Chris Corcoran* & Mark Grayson**

Determination and Statement of Reasons

2014STH005 – Yass Valley Council – DA 5.2014.6.1 [at 1653 Yass Valley Way, Yass] as described in Schedule 1.

Date of determination: 4 September 2014

Decision:

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

Panel consideration:

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

Reasons for the panel decision:

The Panel is satisfied with the assessment of the proposal as detailed in the Council Assessment Report, Peer Review, and Supplementary Report.

The Panel considered that the proposal is consistent with the strategic planning objectives to establish an industrial area at a location some distance from the Yass township and the objectives of the IN1 General Industrial zone.

The Panel supported the assessment of matters considered in the Council Assessment Report, Peer Review, Supplementary Report and draft conditions as amended and tabled at the Panel meeting.

Conditions:

The development application was approved subject to the conditions as amended and tabled at the Joint Regional Planning Panel meeting and detailed in Schedule 2.

Panel members:



Allen Grimwood (Acting Chair)



Alison McCabe



Mark Grayson



Christopher Corcoran

* Chris Corcoran – Non pecuniary interest. Brother is a livestock manager in Young with offices in Yass. Has had no consultation with his brother regarding the proposal.

** Mark Grayson – Non pecuniary interest. Has previously provided planning advice to one of the submitters on an unrelated matter.

SOUTHERN JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014STH005 – Yass Valley Council – DA 5.2014.6.1
2	<p>Proposed development: Development Consent has been sought to construct and operate a new South East Livestock Exchange (SELX) on a 14 ha green field site located approximately 2.5 km west of Yass.</p> <p>The proposed SELX seeks to secure an annual throughput of approximately 150,000 cattle and 1,330,000 sheep and lambs by 2021. Prime cattle and sheep sales would be held weekly, along with monthly store cattle and quarterly store sheep sales. The proposed SELX incorporates design features to maximise patron safety and animal welfare whilst minimising environmental impacts. Roofing the facility is also proposed to minimise effluent generation and reduce demand on Council's potable supply.</p> <p>The SELX is also proposed to contain ancillary facilities including a three bay truck wash, truck driver ablution building, maintenance shed, patron amenities, an agents building and car parking. Associated development works include road construction from Bellevale Road, connection to Council's water and sewer mains and connection to reticulated power and communication services.</p>
3	Street address: Proposed Lot 20 in a subdivision of Lot 2, DP: 1169723, 1653 Yass Valley Way, Yass, 2582
4	Applicant/Owner: SELX Pty Ltd / Bellevale Cattle Company Pty Ltd
5	Type of Regional development: Schedule 4A s4(d): Development that has a capital investment value of more than \$5 million if: (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).
6	<p>Relevant mandatory considerations</p> <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure SEPP) – 2007 ○ State Environmental Planning Policy No. 44 (SEPP 44) – Protecting Koala Habitat ○ State Environmental Planning Policy No. 55 (SEPP 55) – Remediation of Land ○ Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013) • Development control plans: <ul style="list-style-type: none"> ○ Yass Shire Development Control Plan – Community Consultation • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	<p>Material considered by the panel:</p> <p>Council Assessment Report Dated 21 August 2014</p> <p>Written submissions during public exhibition: forty-eight (48) of which 19 were against and 29 in support</p> <p>Late submissions: Two (2) from Yass Landcare Group and Applicant</p> <p>Council Supplementary Report Dated 3 September 2014</p> <p>Revised conditions tabled at the meeting by Council</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Council Assessment: Chris Berry & Paul de Szell • Support- Frank Hodgkinson • Against- Nanette Betts, George Dashwood • Unknown/Neutral – John McGrath • On behalf of the applicant- Martin Haege (Geolyse) & Brendan Abbey
8	Meetings and site inspections by the panel: Site visit on 4 September 2014; briefing meeting on 4 September 2014
9	Council recommendation: Approval
10	Draft conditions: As attached to assessment report

DEVELOPMENT APPLICATION NO. 5.2014.6.1

Applicant name: SELX Pty Ltd

Applicant address: c/- Geolyse Pty. Ltd.
PO Box 1963 ORANGE NSW 2800

Land to be developed: Proposed Lot 20
Part Lot 2 DP 1169723
1653 Yass Valley Way YASS 2582

Proposed development: Regional Livestock Selling Centre

SCHEDULE OF CONDITIONS

PART 1. GENERAL CONDITIONS

1. The development is to be carried out generally in accordance with the plans and documentation (including Environmental Impact Statement as amended) submitted with the application except where varied by the following conditions of Consent.

ADVISING:

No advertising signs are approved as part of this Development Consent.

The design of any advertising signs is to be reflective of and complementary to the design of the facility.

Advertising signs shall not be higher than the building roofline.

Advertising signs shall meet the requirements of the Roads & Maritime Services as detailed in their letter dated 28 February 2014.

2. All engineering design and construction work shall be undertaken in accordance with Yass Valley Council's *Road Standard Policy (RD-POL-09)*, Council's *Design and Construction Specification – Ausspec#1*, *Australian Standards*, *AustRoads*, the *Water Reticulation Code of Australia* and the *Sewerage Code of Australia* current at the time of the Construction Certificate being issued
3. As the proposed development affects the access to the adjoining dwelling to the east of the subject land alternative access arrangements shall be made for this dwelling.

ADVISING:

This could be achieved by providing:

- A carriageway easement through the subject land benefiting the existing dwelling
- An alternate access driveway around the subject site to Bellevale Road
- Incorporating the dwelling into the development site for use as a manager's/caretaker's dwelling

PART 2. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Evidence to be submitted prior to the issue of a Construction Certificate demonstrating that the development site has been created via a registered plan of subdivision.

ADVISING:

Development Consent 127/2013 applies to the subdivision.

5. Plans and details shall be submitted with any application for a Construction Certificate which show compliance with the relevant conditions of this Consent including the requirements of agencies detailed in Part 7 of this Consent.

6. The provision of engineering infrastructure will require detailed investigation and design. Three copies of detailed engineering plans prepared by a suitably qualified and experienced civil engineering professional are to be submitted to Council. These plans must be approved by Council prior to the issue of the Construction Certificate and shall comply with the conditions of Consent.
7. A Construction Certificate shall be obtained for all engineering and building works prior to any works commencing on site. Council's fee for providing a Construction Certificate is levied in accordance with Council's Management Plan relevant at the time of payment.
8. Any surface modification such as cut and fill is to be kept to a minimum and must be approved by Council prior to issue of the Construction Certificate. This approval does not allow widespread cut and fill of the land. Plans showing cross sections (scale 1:200) are to be taken at appropriate positions to determine the extent of cut and fill and to ensure compliance with AS/NZ 2890.1:2004 Parking Facilities – Off Street Car Parking (i.e. vehicle entrance grades to and within the properties need to comply with this standard) to be submitted to Council with the Construction Certificate application. Each cross section and plan shall indicate the extent of fill and excavation as compared to the existing ground level as determined by a registered surveyor.
9. A Soil and Water Management Plan shall be submitted to Council's Engineering Department for approval in accordance with Council's *Design and Construction Specification – Ausspec#1*. The plan shall include construction techniques to minimise site disturbance and the potential for soil erosion by wind or water, erosion control on any watercourse on the property, revegetation of disturbed areas and any other matters that are deemed necessary by Council.

ADVISING:

An indicative plan may be prepared to complement the design plans, however, the final plan for approval shall be prepared in consultation with the construction contractor;

10. Engineering drawings for the provision of access, the internal road network and parking areas shall be submitted to Council's Engineering Department for approval in accordance with Council's *Roads Standards Policy RD-POL-09* and Council's *Design and Construction Specification – Ausspec#1*

The design shall include the following:

- The northern property access on Bellevale Road is to be designed to an AUL Type intersection as per *AustRoads Guidelines*
- The intersection of Bellevale Road, Telegraph Close and the proposed driveway is to be reconstructed to include a BAR style intersection in conjunction with the AUL for the property access. The intersection shall be designed to suit the anticipated traffic volumes and loadings and shall have an asphalt wearing course
- Driveways are to accommodate B Double vehicle entering and exiting the site in a forward direction
- Safe Sight Distance Requirements in accordance with Section 7 of Council's *Roads Standards Policy RD-POL-09*
- Access points are to be located to achieve Safe Intersection Sight Distance (SISD) in accordance with Austroads standards. Consideration will be given to accepting Approach Site Distance (ASD) on difficult sites subject to additional facilities such as BAR right turn treatment and/or BAL left turn treatments being provided as appropriate
- Property accesses are to be constructed of reinforced concrete or asphalt designed and constructed to suit the anticipated traffic volumes and loadings
- Gate to be set a minimum of 30m from the edge of the road
- The finished surface of any earthworks required for the driveway shall be graded to a maximum of 1 in 4 in cut, and 1 in 2 in fill
- Reinforced concrete pipes and headwalls (grout pipe to headwall) are to be provided through the table drain (or modified drain to ensure at least 2m from the road)
- Pipe are to be installed in accordance with the AS 3725 to ensure sufficient cover and a suitable pipe class to cater for the expected vehicle loadings
- Pipe sizes shall be designed using the methods outlined in Australian Rainfall and Runoff (AR&R) or determined as follows:

Catchment Size	Less than 0.5Ha	Less than 1Ha	Less than 2Ha	Less than 3Ha	3+Ha
Pipe Size	300mm	375mm	450mm	600mm	AR&R 1 in 5 year storm event

Where the pipes form part of the diversion drain to divert water around the proposed site, they are to be designed to cater for a 1 in 100 year flow

- Any damage to Council's road or other assets caused by the construction is to be repaired
- The surrounding soil shall be made flush with the new driveways and reseeded
- All internal roads and parking areas shall be designed and constructed with suitable pavement and asphalt or concrete wearing course. Details of this design are to be submitted to Council for approval to ensure it is suitable for the anticipated traffic volumes and loadings
- The design plans are to include details of internal traffic facilities including line marking, signage and delineation to manage vehicle movement and parking within the site. Particular attention is required to ensure that heavy vehicles movements (other than those related to the truck wash) are restricted to a one way flow utilising the northern driveway as an entrance and the southern driveway as an exit

ADVISING:

All disturbed surfaces adjacent to the works, either natural or manmade, will be required to be rehabilitated to a suitable state at the end of works.

Direct access to Yass Valley Way is prohibited.

11. Engineering drawings associated with the drainage of sewer shall be submitted to Council's Engineering Department for approval in accordance with the *Sewerage Code of Australia*.

These drawings shall detail the proposed connection into Council's sewer network along Yass Valley Way

The proposed development shall be designed to ensure that only domestic sewage is discharged into Council's sewer network along Yass Valley Way. However the design of the connection may need to consider inputs from the liquid waste management system if it is to be used during commissioning of the liquid waste management system.

12. Engineering drawings associated with the drainage of stormwater shall be submitted to Council's Engineering Department for approval in accordance with Council's *Stormwater Policies and Design and Construction Specification – Ausspec#1*.

Drawings are to include details of the proposed diversion drain around the site designed to cater for a 1 in 100 year storm event, and details of all proposed internal drainage networks. The design is to include calculations showing the estimated flows, sizes of all structures, grades, depths, and capacities of all open drains and other drainage structures.

13. Engineering drawings associated with the supply of water shall be submitted to Council's Engineering Department for approval in accordance with the *Water Code of Australia*.

ADVISING:

1. Proposed water reticulation mains shall be laid across the Yass Valley Way in close proximity to the existing 200mm Council Water Main. Connection to the Council Water Main shall be carried out by the Council at full cost to the developer (noted on plans).
2. Water main shall be continuous along Bellevale Road as well as making provisions for the neighbouring subdivision.
3. All reticulation mains shall be of MPVC, **PN 12, S2** except at road crossings. Road crossings shall be constructed using DICL pipe class **PN 35. Minimum diameter shall be 100 mm.**

4. All valves shall be anti-clockwise close and shall conform to Council standards.
5. All mains shall be tested in accordance with Yass Valley Council requirements.
6. All property services shall be with copper pipes as per plumbing standards. Long services shall be with 25 mm and short services shall be with 20 mm.
7. All meter cocks of each property service shall be installed at 200 mm – 300 mm below finished ground level and shall be covered with meter boxes. Meter boxes will be supplied by the Council.
8. Tapping saddle, main cock and meter cock shall meet Yass Valley Council requirements.
9. Hydrants for firefighting purposes shall be installed as required by building regulations;

14. Engineering drawings associated with the upgrade of the Yass Valley Way and Bellevale Road intersection shall be submitted to Council's Engineering Department for approval in accordance with Council's *Roads Standards Policy RD-POL-09* and Council's *Design and Construction Specification – Ausspec#1*.

ADVISING:

The intersection shall be upgraded to the following standard:

- Right turn into Bellevale Road from Yass Valley Way, subject to site constraints to be designed and constructed to a full CHR (L) in accordance with Austroads standards
- Left turn out of Bellevale Road onto Yass Valley Way, a BAL treatment in accordance with Austroads to cater for B-Double sized vehicles, with an acceleration lane provided in a westerly direction
- Right turn out of Bellevale Road onto Yass Valley Way, no change to existing
- Left turn into Belview Road from Yass Valley Way, to be designed, constructed and line marked as a minimum to a BAL standard to accommodate a B Double sized heavy vehicle with sufficient shoulder width to ensure safe access The entire Intersection is to be reconstructed and line marked as per the design
- Intersection to be constructed with a suitable asphalt wearing surface with pavement design to suit the anticipated traffic volumes and loadings

15. A Design Certification Report relating to all civil engineering design work shall be submitted to Council as per Council's *Design Specification - AusSpec #1, Annexure DQS-A*.

ADVISING:

This Design Report shall provide evidence that suitably qualified designers have designed each component of the engineering works for the development

16. An erosion control bond of **\$10,000** shall be lodged with Council.

ADVISING:

The bond shall be refunded at the completion of the project subject to the erosion control measures being satisfactorily maintained onsite during the construction and revegetation phases. In the event that Council considers that ineffective or insufficient measures are being taken to control wind or water erosion or sediment loss from the site, the bond may be used to construct such structures as deemed necessary;

17. A bank guarantee, or cash bond, equivalent to 5% of the value of the whole of the engineering works relating to infrastructure that will become Council's responsibility for maintenance shall be lodged with Council as a performance bond.

ADVISING:

This bond shall be held for a period of 12 months from the later of the date of Construction Certificate/linen plan release from Council or the practical completion of the engineering works

This bond is intended to relate only to infrastructure that will be taken over and maintained by Council, not the whole of the works.

18. An overland flow path to accommodate the discharge from a 1 in 100 year storm event shall be provided. Details are to be submitted with the Construction Certificate application.

19. Details of the arrangements for surface water controls (including outlet arrangements) to control discharge to the existing drainage lines are to be submitted with the Construction Certificate application.
20. Detailed engineering design of the storage ponds and wetlands are to be submitted to the Engineering Department with the Construction Certificate application.

The lining of the anaerobic treatment pond and wet weather effluent holding pond to provide a permeability of 1×10^{-9} m/s or less. This would be achieved with clay or synthetic lining as required.

21. Plans and specifications demonstrating compliance with the Building Code of Australia are to be submitted with the application for a Construction Certificate.

ADVISING

If Council is the nominated Principal Certifying Authority (PCA), the builder or applicant is to ensure compliance with the following Codes and Standards and parts of the Building Code of Australia. Plans, details and specifications, which show compliance with the Building Code of Australia, are to be submitted with the application for a Construction Certificate.

- Part C of the BCA – Fire Resistance
- Part D of the BCA – Access and Egress and Access for People with a Disability
- Part E of the BCA - Services and Equipment
- Part F2 of the BCA – Sanitary Facilities including Disabled facilities
- Part J of the BCA – Energy Efficiency. A report showing compliance with all parts of this section is to be provided with the application for a Construction Certificate.
- AS 1288 - Glazing Materials
- AS 3660.1 - Termites
- AS 1668 - Mechanical Ventilation

22. Proof of compliance with the Environmental Protection Authority and Office of Water requirements (3 copies) shall be submitted with the application for a Construction Certificate.

ADVISING

The application for Construction Certificate shall include plans and details addressing conditions of Environmental Protection Authority letter dated 17 April 2014 and Office of Water letter dated 25 March 2014. Refer to Part 7 of this Consent.

23. Detailed geotechnical investigations are to be undertaken and submitted to the Principle Certifying Authority prior to the issue of a Construction Certificate confirming engineering design of the facility (e.g. structural design aspects, suitable construction materials, construction methods, foundations).
24. Structural Engineers details of the footings, floor slab and structural components of the buildings (including site office/central amenities building, workshop and saleyard complex) must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
25. Hydraulic Engineers details of the effluent disposal systems (including grease trap facility and arrestors), stormwater drainage systems, rainwater tanks and fire services, are required to be submitted to and approved by Council prior to issue of the Construction Certificate

The application is to include manufacturer's plans and details of the facility and drainage plans based on the maximum seating capacity and maximum wastewater production.

26. Details of the kitchen fit out which show compliance with the *requirements AS 4674-2004, Design, Construction and Fit-out of Food Premises* are to be submitted with the application for a Construction Certificate. Particular attention is drawn to the provision of solid wall construction (eg masonry, hebel blocks) within food preparation areas.

27. Lighting is required to provide security to the facility. Details of any external lighting within the site are to be submitted and approved by the Principal Certifying Authority prior to issue of the Construction Certificate. For the purpose of amenity any external lighting is not to adversely impact adjacent properties by way of excessive light. The intensity of the lighting should be able to be redirected if excessive to adjacent properties.
28. Details of a brief traffic management plan, hoarding and alternate pedestrian paths shall be submitted to the Council's Engineering Department for approval prior to issue of the Construction Certificate. All care shall be taken to safeguard both contractors and the public while the works are being carried out. The traffic management plan should endeavour to minimise disturbance to pedestrian/vehicle traffic in the vicinity of the site during the construction works. Details to be submitted to the Council prior to issue of the Construction Certificate.
29. Detail of the provision of waste storage facilities within the building sufficient to hold the likely maximum waste accumulation between collections in order to maintain public health and amenity. Details to be indicated on plan to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate for the development.

ADVISING

Consideration should be given to the development incorporating materials recycling facilities for glass, plastics and paper packaging products generated by the development, to minimise the need for solid waste from the complex having to be directed to landfill disposal

30. Details of the colour, finish and substance of all external materials are to be submitted to Council for approval prior to issue of the Construction Certificate. Samples of all external materials, finishes and colours to be submitted for approval by the Principal Certifying Authority prior to issue of the Construction Certificate. Colours to be non-reflective natural/earthy tones that fit with the landscape of the locality. New materials shall be sympathetic and compatible to adjoining properties.
31. The roof finish shall not be highly reflective and must be compatible with the surrounding environment. Detail to be submitted to and accepted by the Principal Certifying Authority prior to issue of the Construction Certificate.
32. A detailed landscaping plan is to be submitted to Council for approval with the application for a Construction Certificate. This plan is to indicate species, height and location of plantings and to include an effective landscape screen minimum of 5m where possible to Yass Valley Way and Bellevale Road.

ADVISING:

All planting is to take place in suitably prepared plant beds. Preparation is to include weed removal and cultivation of the soil. All plants are to be planted at appropriate centres so that when mature a continuous cover of the ground is provided.

All plant beds are to be mulched with organic or gravel mulch to a minimum depth of 75mm.

An edge is to be provided between garden areas and grassed areas to facilitate maintenance and plant establishment. Suitable materials include timber, concrete, brick, PVC.

The landscaping plan is to incorporate the requirements of the Office of Environment & Heritage as detailed in Section 7 of this Consent.

33. The vegetation protection fences for trees to be retained on site are to be installed prior to commencement of any works on site and maintained in good order for the full construction period. The purpose of the fences is to protect the root zone of the trees. No materials, including soil and building rubble to be stored, no cleaning of equipment e.g. cement mixers etc, no temporary structures be erected, no circulation of vehicles including earth moving equipment, to take place within the drip line of the trees to be retained.

PART 3. PRIOR TO COMMENCEMENT OF WORKS

34. Nominate a Principal Certifying Authority (PCA) and the PCA is to notify the Consent Authority and Council of their appointment, two (2) days prior to commencing work.
35. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.
36. A sign is to be erected on the development site, which shows the Builder's name and contact details and the Principal Certifying Authority for the development.
37. A Construction Environmental Management Plan (CEMP) be prepared with relevant agencies and approved prior to construction commencing. The CEMP would include, but not limited to, procedures for:
 - Meeting consent and licence conditions
 - Minimising noise and dust
 - Protecting water quality
 - Access management and traffic safety
 - Training and awareness
 - Communication and complaint handling
 - Responsibilities for implementation and reporting requirements

The CEMP would include the following sub-plans:

- Soil and Water Management Plan
 - Traffic Management Plan
 - Heritage Management Plan
 - Construction Noise Management Plan
 - Flora and Fauna Management Plan
 - Other sub-plans as required to meet conditions of Consent or licence conditions
38. Run-off and erosion controls must be implemented in accordance with the approved Soil and Water Management Plan to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land as follows:
 - Divert uncontaminated run-off around cleared or disturbed areas, and
 - Erect a silt fence to prevent debris escaping into drainage systems or waterways, and
 - Prevent tracking of sediment by vehicles onto roads, and
 - Stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
 39. An inspection and test plan for all civil engineering works shall be submitted to Council's Engineering Department for approval in accordance with Council's *Construction Specification – Ausspec#1, Annexure CQS-14*
 40. In accordance with s138 *Roads Act 1993* any contractor undertaking works in an existing Council road reserve shall submit the following details and be recognised by Council as an "Approved Contractor" for such works:
 - (a) A current public liability certificate with a minimum cover of \$20M
 - (b) Current Plant / vehicle insurances
 - (c) A certified traffic control plan for the proposed works
 41. Prior to any construction taking place the Old Telegraph Inn area is to be protected by:
 - A permanent fence to provide a 2m buffer to the ruins
 - Stabilisation of the ruin by suitable re-pointing to shed rainwater off the stone work
 - The preparation of a Management Plan including provision of future excavation, stabilisation and interpretation

PART 4. DURING CONSTRUCTION

42. All building and engineering work is to be undertaken in accordance with the Construction Certificate issued for the facility.

43. To ensure that the development is carried out in such a manner to ensure that the environmental, social and economic assets of the Shire are protected all construction waste associated with any demolition and construction work shall be separated into components of:

- (a) Asbestos
- (b) Clean fill
- (c) Bricks, tiles, concrete
- (d) Steel
- (e) Other metals
- (f) Timber & vegetation
- (g) Other material

Any asbestos shall be handled, removed and wrapped in accordance with relevant regulations and WorkCover directions and taken to Murrumbateman Landfill. Two days notice of delivery is required

Fill and other bulk waste materials shall be taken to a licensed Landfill facility. Other waste materials may be taken to one of Council's Transfer Station facilities and deposited in the appropriate separated pile.

44. The Local Aboriginal Land Council be informed at least 4 weeks prior to construction commencing at the site so that they can arrange to monitor the topsoil removal for the presence of artefacts at the site.
45. If any Aboriginal archaeological material is located during the course of the construction, works are to cease in the area of the find and the Cultural Heritage Division of the Office of Environment & Heritage (OEH) and the Local Aboriginal Land Council shall be contacted to determine a course of action.

ADVISING:

Under s89A *National Parks & Wildlife Act 1974* it is an offence for any person not to notify OEH of the location of any Aboriginal object the person becomes aware of, not already recorded on the Aboriginal Heritage Information Management System (AHIMS). An AHIMS Site Recording form should be completed and submitted to the AHIMS Registrar for each Aboriginal site found during excavations

46. The property vehicular accesses from the road to the property boundary and the car park area and internal accessways shall be constructed in accordance with the approved Construction Certificate drawings.
47. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
48. In accordance with s109E(3) *Environmental Planning & Assessment Act 1979* and Clause 162A *Environmental Planning & Assessment Regulation 2005* the following Mandatory, Critical Stage Inspections need to be carried out by the Principal Certifying Authority. (PCA)

Forty-eight (48) hours notice is required prior to these inspections.

- Following any excavation and before the placement of any footings; and
- Prior to covering any stormwater drainage connections; and
- After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

ADVISING

If Council is the nominated Principal Certifying Authority, Council requires the following extra stages of construction to be inspected. Forty-eight (48) hours notice is required prior to these inspections.

- Steel reinforcing before pouring of concrete slab.
- Framework before cladding or lining is fixed.
- Sealing of the wet areas before wall linings are fixed and before floor and wall tiling is fixed.

49. The construction of the kitchen is to comply with the requirements *AS 4674-2004, Design, Construction and Fit-out of Food Premises*.
50. All construction work shall be carried out only between the hours of 7.00am and 6.00pm Mondays to Fridays inclusive and on Saturdays between 7.00am and 1.00pm if inaudible on residential premises, otherwise 8.00am to 1.00pm.

No construction work shall take place on Sundays or Public Holidays. A written application shall be made to the Council if a variation of these hours is required. The application shall indicate the reasons for the variation. The Council shall, if it so desires, grant any variation in writing.

51. Activities occurring at the site must be carried out in a manner that will minimise emissions of dust from the premises. Trucks entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, must be covered at all times, except during loading and unloading.
52. To preserve and enhance the natural environment, all soil erosion and sediment control measures must be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from soil erosion and sediment control measures when no more than 40% capacity has been reached and appropriately disposed of. These measures shall continue in proper operation until all development activities have been completed and the site is fully stabilised.
53. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.
54. To prevent the loss and transport of sediment from the development site and deposition into waterways, for the protection of the environment sediment controls shall be provided along the downhill drainage side(s) of the development and construction sites. The controls may consist of hay bales or sediment fencing and must be installed prior to the commencement of any work involving the disturbance of the ground surface. The controls are to remain in place until all disturbed ground surfaces are rehabilitated/revegetated and stabilised to prevent erosion or sediment loss.
55. Topsoil shall be stripped from areas to be developed and stockpiled within the site. Stock-piled topsoil on the site and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stockpiles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.
56. Any stock-piled topsoil on the site must be located outside drainage lines and where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution, seeded to minimise particle movement or appropriately covered to minimise particle movement.
57. No heavy vehicles and equipment associated with the development are to access the site outside of the specified construction hours, that is, between the hours of 7.00am and 6.00pm Mondays to Fridays inclusive and on Saturdays between 7.00am and 1.00pm if inaudible on residential premises, otherwise 8.00am to 1.00pm. No work Sundays and Public Holidays without written approval of Council.
58. Vehicles and equipment associated with the construction are to be located to ensure there is no adverse impact on existing residences in the locality.
59. The construction works are to be supervised by a suitably qualified and experienced civil engineer on a daily basis (or as agreed to with the Principal Certifying Authority). This supervising engineer is to ensure compliance with the requirements of the specification, adherence to design plans and quality control of the works.
60. Appropriate measures are to be implemented to ensure no dirt or sediment is deposited on the road from vehicles and equipment associated with the development.

61. Building materials must NOT be placed or stored on the road or footpath.
62. No fill permitted to change existing ground levels at the property boundary. Any proposed fencing is to be on existing ground level.
63. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them being dangerous to life or property in accordance with WorkCover requirements. It will necessary to ensure that the excavation is not within the zone of influence on the footings of buildings on the adjoining properties.
64. In the erection or demolition of a building, if the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided and adequate provision for drainage must be made. Approval is required for any retaining walls over 600mm in height.
65. The applicant or developer will be required to pay the full cost of restoration to the road, swale/kerb and gutter, concrete footpath and/or street trees, should any damage occur during construction.
66. No part of the civil works or building works (including eaves or guttering and retaining walls) is to encroach over the boundaries. The proposal is to be set out by a Registered Surveyor and a Survey Report is to be submitted to the Principal Certifying Authority to ensure compliance with the Development Application.
67. Subterranean termite control is to be provided to the buildings in accordance with the Building Code of Australia. This shall include the permanent fixing to the building of a durable notice in a prominent location such as the meter box or the like, which indicates the following:
- The method of protection; and
 - The date of installation of the system; and
 - Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - The installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.
68. All plumbing and drainage work is to be undertaken in accordance with the provisions of the *Plumbing Code of Australia* and the *Plumbing & Drainage Act 2011*

ADVISING

The tradesman must submit a standard Notice of Work form (as developed by the Office of Fair Trading) to Council prior to the commencement of plumbing or drainage works.

69. The following works are to be inspected by Council as the Water and Sewer Authority.

Forty-eight (48) hours notice is required prior to these inspections.

- Plumbing and Drainage before backfilling.
- Pressure testing or waterpipes within the building prior to fixing of linings.
- Final inspection of water plumbing and sewage drainage.

ADVISING

Inspections fees must be paid prior to commencing any plumbing and drainage work. If Council is not the nominated Principal Certifying Authority (PCA) it will be necessary to pay plumbing and drainage fees.

70. All new hot water installations shall deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50 degrees Celsius in accordance with AS 3500.
71. The top level of the sewage service yard gully shall be located a minimum of 150mm below the lowest fixture level and a minimum of 75mm above ground level.

Where it is not practicable to locate the top of the yard gully 150mm below the lowest fixture level or 75mm above the surrounding ground level then a reflux valve shall be fitted to the sewer drainage system so as to prevent the backflow from the sewer entering the building.

72. Security fencing to Yass Valley Way and Bellevale Road shall be located behind or integrated within the landscape area. Side and rear security fencing shall be black coloured cyclone chain mesh.
73. A Compliance Certificate shall be obtained from Council's Engineering Department at the following stages of construction:

Roads

- (a) Completion of sub-grade pavement layer (proof roll)
- (b) Completion of base course pavement layer (proof roll)
- (c) Completion of asphalt wearing course
- (d) Completion of intersection works at Bellevale Road, Telegraph Close and the proposed access driveway
- (e) Completion of the intersection upgrade at Bellevale Road and Yass Valley Way
- (f) Completion of roadside drainage
- (g) Completion of property accesses
- (h) Completion of internal road network and parking areas

Water

- (a) Completion of water main and service connections – prior to backfilling

Stormwater

- (a) Completion of stormwater drainage lines – prior to backfilling
- (b) Completion of stormwater quantity control and quality improvement ponds

Sewer

- (a) Completion of sewer main and sewer ties – prior to backfilling
- (b) Installation of sewer drainage connections to Council's main – prior to backfilling

74. If Council is selected as the Principal Certifying Authority for engineering works, the fee per inspection shall be levied in accordance with Council's Fees and Charges, relevant at the time of payment;

PART 5. PRIOR TO OCCUPATION

75. The facility and building shall not be occupied or used until all building and engineering works are completed in accordance with approved plans and an Occupation Certificate is issued by the Principal Certifying Authority.
76. In accordance with s94 *Environmental Planning & Assessment Act 1979* and the *Yass Shire Council Section 94 Contributions Plan 2000 for Rural Roads*, a monetary contribution of **\$217,664** shall be paid to Council prior to the issue of an Occupation Certificate for the upgrading of rural roads in the locality.

The applicable contribution rate is reviewed annually and new rates, if applicable, become payable from 1 July each year. All contributions shall be paid at the rate determined at the most recent review.

ADVISING:

The contribution figure of \$217,664 is based on the 152 additional equivalent vehicle movements which will be generated by this development. This has been calculated as follows:

- Current contribution rate (2014/15) of \$8,592 per Equivalent Tenement (ET)
- ET = 6 vehicle movements per day

- Maximum 152 vehicle movements per day
- $152/6 = 25.33$ ETs
- $25.33 \text{ ETs} \times \$8,592 = \$217,664$

77. A Certificate of Compliance shall be obtained, and relevant contribution fees paid, under s305 *Water Management Act 2000*, in relation to augmentation of Council's water supply system.

ADVISING

The fee for the Certificate of Compliance under s305 *Water Management Act 2000*, with regard to water service augmentation, is \$5,001.60 being the total for 0.4 unit increases in demand, calculated on a base rate of \$12,504 per unit. It should be noted that:

- (a) The base rate utilised above was the rate applicable at the time the application was determined
- (b) The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined
- (c) The base rate per connection may vary over time
- (d) Compliance under s305 does not include the physical installation of any infrastructure

78. A Certificate of Compliance shall be obtained, and relevant contribution fees paid, under s305 *Water Management Act 2000*, in relation to augmentation of Council's sewerage supply system.

ADVISING:

The fee for the Certificate of Compliance under s305 *Water Management Act 2000*, with regard to sewerage system augmentation, is \$1,911.36 being the total for 0.33 unit increase(s) in demand, calculated on a base rate of \$5,792 per unit. It should be noted that:

- (a) The base rate utilised above was the rate applicable at the time the application was determined;
- (b) The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined
- (c) The base rate per connection may vary over time
- (d) Compliance under s305 does not include the physical installation of any infrastructure

79. A detailed commissioning plan shall be developed for the liquid waste management system. This would include:

- Staged actions to ensure the biological processes come on-line
- Planting and maintenance of the wetland systems
- Monitoring of system performance
- Details of water and sewerage discharge requirements during commissioning

This plan would be prepared and prior to operations commencing.

ADVISING:

A Trade Waste Approval will be required prior to any liquid waste discharge to the sewerage system.

80. One complete set of "Work as Executed" (WAE) drawings, indicating all details of new engineering works constructed, shall be submitted to Council.

The WAE Drawings shall be supplied to Council in the following format:

- AutoCAD LT 2011 on MGA 94 Zone 55 coordinates; and
- PDF; and
- A1 Hard Copy; and

and shall include the following details:

- (a) Water – Location, Depth, Size, Material, Easement;

- (b) Sewer – Location, Depth, Size, Material, Easement, Invert Level, Grades, Pit Details and tie details;
 - (c) Stormwater - Location, Depth, Size, Material, Easement, Invert Level, Grades, Pit Details and tie details;
 - (d) Landscaping Details;
 - (e) Other Utilities – Gas, Telstra, Electricity, Fibre Optic Cable locations, Depths, Easements and heights in comparison to the roads centre line.
 - (f) Survey Mark Details – Marker Numbers and AHD.
81. A Constructed Asset Information shall be supplied for all assets dedicated to Council. The required information shall include:
- (a) Stormwater Drainage**
 - (i) Pipe type, length and cost
 - (ii) Pit type, number and cost
 - (iii) Headwalls, number and cost
 - (iv) Rockwork area and cost
 - (v) Stormwater quality improvement features, type, number and component costs
 - (b) Sewerage Infrastructure**
 - (i) Pipe type, length and cost
 - (ii) Pit type, number and cost
 - (c) Water Supply Infrastructure**
 - (i) Pipe type, length and cost
 - (ii) Valve type, number and cost
 - (iii) Hydrant type, number and cost
 - (d) Other Assets**
 - (i) Description, dimensions and cost
82. In order to detail management methods, maintenance and monitoring and reporting requirements the site is to be managed and maintained an Operational Environmental Management Plan (OEMP) is to be prepared for all aspects of site management and submitted to Council and relevant agencies.
- The OEMP is to be prepared in consultation with relevant agencies and approved prior to operations commencing. The OEMP would provide a reporting framework for managing environmental impacts and performance. The OEMP would outline procedures and responsibilities for environmental monitoring; incident reporting and complaints handling; and environmental performance reporting.
- Procedures would detail specific performance objectives, include operational protocols and documented work practices, and allocate responsibilities for undertaking all identified activities. The scope and format of the OEMP would be structured to cover requirements in the Environment Protection Licence and Conditions of Consent.
- The OEMP would include, but not be limited to, procedures in accordance with the appropriate industry standard and/or regulation for:
- Meeting Consent and licence conditions
 - Liquid waste management
 - Water system monitoring
 - Surface water quality
 - Solid waste management (including storage, treatment and removal of used sawdust flooring)
 - Minimising noise and dust
 - Groundwater monitoring
 - Disease management
 - Mass carcass disposal
 - Access management and traffic safety
 - Soil and water management
 - Weed and pest management

- Emergency response (including the containment of an initial outbreak of an emergency disease in consultation with local animal health officials)
- Pollution incident response management
- Training and awareness
- Communication and complaint handling
- Responsibilities for implementation and reporting requirements

An annual report of performance against the OEMP shall be submitted to Council and relevant agencies annually.

83. A street number is to be displayed on the site so that it may be readily seen from the road and is to be undertaken in accordance with the rural addressing requirements of the Geographical Names Board. The number shall be in place at the time of final inspection of the building.

84. Prior to the issue of an Occupation Certificate it will be necessary to submit to the Principal Certifying Authority, a Fire Safety Certificate in respect of the fire safety measures installed within the building.

A Fire Safety Certificate is to state, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated:

- That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so, and
- That, as at the date of the assessment, the measure was found to be capable of performing to a standard not less than that required by the schedule to the relevant approval.

85. All landscaping work is required to be in place in accordance with the approved plan prior to commencement of the use.

PART 6. ONGOING OPERATION

86. The owner of the building shall ensure that the building is maintained in a clean and tidy manner at all times.

87. The development is to be conducted in a manner to ensure the development does not create a nuisance and that the environment of the surrounding locality is not adversely affected, disturbed or disrupted.

ADVISING

A nuisance consists of interference with the enjoyment of public or private rights in a variety of ways. A nuisance is 'public' if it materially affects the reasonable comfort and convenience of a sufficient class of people to constitute the public or a section of the public

88. Groundwater quality is to be monitored every three months for the first 2 years then every 6 months after this time.

The groundwater-monitoring network would include:

- One groundwater monitoring piezometer on the up gradient side of the treatment pond
- Two groundwater-monitoring piezometers on the down gradient side of the site

Groundwater quality monitoring it to include pH; electrical conductivity; exchangeable cations; nitrate; nitrite; ammonia; TKN; total nitrogen; total phosphorus and inorganic phosphorus

Corrective action is to be taken should groundwater quality indicators exceed acceptable levels.

Groundwater levels are to be recorded monthly for the first 2 years after which it would be reduced to every 3 months.

89. The operation of the facility shall be undertaken in accordance with:

- Operational Environmental Management Plan
- The Australian Code of Practice for the Selling of Livestock

- AUSVETPLAN Disease Strategies, Operational Procedures Manuals Management Manuals and Enterprise Manuals for the ongoing management of animal disease emergencies
90. All vehicles entering and exiting the property should do so in a forward direction.
91. There is to be no parking of traffic along Yass Valley Way. All parking is to be undertaken onsite.
92. All landscaping at the site is to be maintained in accordance with the approve landscape plan.
93. The owner of the building shall:
- Furnish to the Council an Annual Fire Safety Statement in respect to each essential service installed in the building
 - Ensure that essential services installed within the building are performing to a standard no less than to which the measure was originally designed
 - Ensure the safety of fire exits
 - Ensure doorways and paths of travel are not obstructed
 - Ensure that offences relating to fire exits do not occur within the building
- The owner of the building shall:
- Cause a copy of the Certificate to be furnished to the NSW Fire Brigades
 - Cause a further copy of the certificate to be kept at the building

PART 7. AGENCY CONDITIONS

94. **Environmental Protection Authority – (Refer to Schedule 1)**
The applicant shall comply with all the General Terms of Approval of the Environmental Protection Authority as detailed in the Authority's letter dated 17 April 2014.
95. **NSW Office of Water (Refer to Schedule 2)**
The applicant shall comply with all the General Terms of Approval of the NSW Office of Water as detailed in the Office's letter dated 25 March 2014.
96. **Office of Environment & Heritage**
The following requirements of the Office of Environment & Heritage shall be met:
- The group of native trees in the north east of the land to be retained and managed for their continued existence
 - The area around the proposed wetland ponds in the north east, in association with the adjacent remnant trees to be developed into a habitat area through native tree planting wetlands planting and appropriate management
 - The edge of the site facing Yass Valley Way to be planted out with native trees to form a screen for the site and improve habitat values

ADVISING:

Planting along Yass Valley Way may be permitted provided it does not interfere with traffic line of sight or present a hazard to motorists

97. Roads & Maritime Service

To ensure appropriate access to the site and management of traffic generated by the proposal the following Roads & Maritime Services requirements are to be met:

- The intersections of the Yass Valley Way with Bellevale Road and Black Range Road and the roadside is to be maintained so as to provide the required Safe Intersection Sight Distance (SISD) in either direction along the Yass Valley Way in accordance with the Austroads Publications for the prevailing speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the works.
- As a minimum the intersection of the Yass Valley Way with Bellevale Road is to be constructed to provide a sealed Channelised Right Turn (CHR) and Auxiliary Left Turn - Short (AUL(s)) treatment in accordance with the Austroads Guide to Road Design for the prevailing speed limit and to cater for largest size vehicle likely to access the site.
- Vehicular and pedestrian access directly between the development site and the road reserve of the Yass Valley Way is denied. Any existing driveways or gates to the Yass Valley Way are to be removed and the road reserve is to be reinstated to match the surrounding roadside landform in accordance with Council requirements.
- Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site.
- Suitable provision should be made to retard any increased storm water run-off from the site.
- Any road works shall be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway of the road. If a culvert is to be located within the clear zone for the prevailing speed zone it is to be constructed with a traversable type headwall.
- Any Damage or disturbance to the road reserve (other than the driveway) is to be restored to match surrounding landform in accordance with Council requirements.
- A construction management plan, to address construction activity, access and parking, is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from the road reserve. Appropriate signs and fencing is to be installed and maintained to effect this requirement.
- Any works associated with the proposed development shall be at no cost to Roads and Maritime Services.

98. Department of Primary Industries

In order to detail management methods, maintenance and monitoring and reporting requirements an Operational Environmental Management Plan shall be prepared in consultation with the Department of Primary Industries for all aspects of site management including:

- Dust
- Disease
- Mass Carcass disposal
- Weed and pest management
- Emergency responses
- Surface water quality
- Liquid and solid waste
- Soil and water management