

Appendix A.

Draft conditions of development consent

General Conditions

1.1 Approved Plans and Supporting Documents

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below except where modified by any following condition. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

Reference/Drawing No.	Title/Description	Prepared By	Date/s
SRLM-01 Revision 11	Floor Plan	Atlex Stockyards	02.07.15
SRLM-02A Revision 7	Yard Plan	Altex Stockyards	02.07.15
SRLM-02B Revision 7	Yard Plan	Altex Stockyards	02.07.15
SRLM-03 Revision 8	Roof Plan	Gerard Professional Solutions	02.07.15
SRLM-04 Revision 4	Electrical (lighting)	Gerard Professional Solutions	02.07.15
SRLM-05 Revision 5	Roadway	Atlex Stockyards	02.07.15
SRLM-06 Revision 5	Landscaping (tree removal)	Atlex Stockyards	02.07.15
SRLM-07 Revision 6	Soft Floor	Atlex Stockyards	02.07.15
SRLM-08 Revision 6	Yard Removal	Atlex Stockyards	02.07.15
21-240005-S005 Revision C	Roof General Arrangement	GHD	15.01.15
21-24005-S010 Revision C	Steel Roof Framing Plan	GHD	15.01.15
21-24005-S015 Revision C	Steel Framing Elevations Sheet 1	GHD	15.01.15
21-24005-S016 Revision C	Steel Framing Elevations Sheet 2	GHD	15.01.15
21-24005-S017 Revision C	Steel Framing Elevations Sheet 3	GHD	15.01.15
21-24005-S018 Revision C	Steel Framing Elevations Sheet 4	GHD	15.01.15

Note 1: Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

Note 2: The approved plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).

1.2 Registered Surveyors Reports (Privately Certified Only)

The approved sales yard building is to be set out by a registered surveyor in the position approved by Council. A copy of the survey report indicating the position of the building as approved, shall be submitted to Council with the Occupation Certificate.

Prior to the commencement of demolition work

2.1 Construction Certificate – Prior to the Commencement of any Demolition Work

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is “commencement of erection of a building” pursuant to section 81A(2) of the Act. In such circumstances all conditions of this consent (where applicable) must be satisfied prior to any demolition work. This includes but is not limited to, the issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.

2.2 Notification to Council

Five (5) working days (i.e. Monday to Friday exclusive of public holidays) prior to commencement of any demolition work, notice in writing is to be given to Council. Such written notice is to include:

- a) The date when demolition will commence;
- b) Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- c) The license number of the demolisher and details of the relevant WorkCover licenses for the proposed works; and
- d) Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10 000 000.

2.3 Notification of Adjoining Residents

Five (5) working days (i.e. Monday to Friday exclusive of public holidays) prior to commencement of any demolition work, the developer or demolition contractor must contact adjoining residents advising of the following:

- a) The date when demolition will commence; and
- b) Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.

2.4 Erosion and Sediment Controls – Demolition

Erosion and sediment controls must be in place prior to commencement of demolition works and must be maintained throughout the demolition of the

building(s) and any regrading of ground levels or approved removal of vegetation.

The controls must be installed in accordance with the approved plans or as directed by Council staff.

2.5 Hours of Work

Work involving the operation of demolition plant and equipment of any description, shall only be carried out on site during the following times:

- a) 7.00am to 6.00pm, Monday to Friday;
- b) 7.00am to 1.00pm Saturdays;
- c) No work is permitted on Sundays or Public Holidays.

Any variations to the above working hours must be authorised prior to the commencement of such works.

2.6 Demolition Works

All demolition works must be carried out in accordance with AS 2601-2001 The Demolition of Structures.

Prior to the issue of a Construction Certificate

3.1 Approval of On-Site Sewage Management Application

Prior to the issue of a Construction Certificate, an application under Section 68 of the Local Government Act 1993 must be lodged and approved by Singleton Council for the proposed on-site sewage management system.

The application must be consistent with the on-site sewage management details approved under the development consent.

Any significant variations to these details may impact on the viability of this development proposal and may require a Section 96, modification, under the Environmental Planning & Assessment Act, 1979 to be lodged with Council for further consideration.

3.2 Landscape Plan

Prior to the issue of a construction certificate, a landscape plan prepared by a suitably qualified and practising professional (e.g. landscape architect) is to be submitted to the Manager Development & Regulatory Services seeking approval.

The plan shall include the following information:

- 1. location of all existing and proposed landscape features including materials to be used;
- 2. details of earthworks including mounding, retaining walls etc.;

3. detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names and quantities of each species, pot sizes and the estimated size at maturity.
4. Details of drainage and automatic watering systems.

Consideration within the design shall be given to the scale of planting in relation to the proposed development (having regard to the visual impact statement prepared for the development application), consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

All landscaping works shall be completed prior to the issue of an occupation certificate.

3.3 Material and Finishes Schedule

Prior to the issue of a construction certificate, a colours and material board shall be submitted to Council's Manager Development & Regulatory Services seeking approval.

The selection of the colours and materials shall have regard to the visual impact statement prepared for the development application.

3.4 BCA Variation approved by NSW Fire and Rescue

Prior to the issue of a construction certificate, written approval from New South Wales Fire and Rescue is required for the setback encroachment of the building on the site's eastern boundary.

3.5 Stormwater Management Plan

Prior to the issue of a construction certificate, a detailed stormwater management plan prepared by a suitably qualified and practising professional (e.g. hydraulic engineer) shall be submitted to Council's Co-ordinator Development Engineering seeking approval.

Prior to commencement of any development work

4.1 Roads Act Approval

Prior to any construction commencing on the site, an approval under section 138 of the Roads Act 1993 is to be obtained from Council for the construction of the following road works:

1. A Channelised Right-Turn Treatment with a Short Turn Slot [CHR(S)] Two-Lane Rural Road designed in accordance with AUSTRROADS-Guide to Road Design - Part 4A at the intersection of Gresford Road and the vehicle exit/entry point to the sales yard.

In addition to the submission of a Roads Act Approval Application, a plan illustrating the specific location of the driveway (i.e. coordinates or lineal metres from a boundary point) is to be submitted to and recorded by Council's Land and Asset Management System unit for addressing purposes.

4.2 Sediment and Erosion Control

Prior to the commencement of work, erosion and sediment control barriers shall be installed in accordance with Council's Guidelines for Erosion and Sediment Control from Building Sites as follows:-

- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building site to divert run-off to a stable discharge area such as rock outcrop or area with a dense ground cover. This diversion drain to be lined with turf or otherwise stabilised.
- b) Silt fence consisting of driven pickets at 3metre maximum centres, Geotextile filter fabric securely attached to the pickets with the base of the fabric buried a minimum 150mm below undisturbed ground surface and/or straw bales fixed in a 100mm deep trench and held in position with stakes driven 600mm into the ground.
- c) The site entrance/exit shall be constructed at a minimum width of 3 metres with a surface of compacted chitter, gravel or a sealed surface. A diversion drain shall be installed to minimise runoff via the access to the road.
- d) Provision of a blue metal filled groin adjacent to the kerb inlet. The groin shall be 900mm long by 200mm diameter to be filled with 10-18mm blue or crushed rock.
- e) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- f) Top soil from the construction site will be stripped and stockpiled in a location where it will not be eroded from the site.
- g) Both cut and fill, will be topsoiled using the stored material, or purchased top soil if required, and vegetated on a temporary basis until final landscaping is undertaken.
- h) Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.

These controls are to be effectively maintained throughout the building phase.

Failure to comply with these requirements may lead to Council instituting legal proceedings under the Protection of the Environment Operations Act 1997. Should any soil or sediment escape from the building site (for example from an access or vehicle tyres) it is to be cleaned off the roadway or gutter immediately to ensure it cannot enter the drainage system. Any nearby drainage pit must be protected with blue metal sausages.

Details of the proposed soil erosion and `sedimentation controls to be implemented on-site must be submitted with the construction certificate application and approved by the Certifying Authority. Under no circumstances may any works commence prior to these controls being in place on-site.

4.3 Erection of Signs

A signboard (minimum size 600mm x 400mm) must be erected in a prominent position indicating the following:-

- a) Name, address and telephone number of the Principal Certifying Authority for the work; and
- b) Name of the principal contractor for any building work and a telephone number on which that contractor may be contacted outside working hours; and
- c) Stating that unauthorised entry to the work site is prohibited.

The signboard must be maintained during the course of building/demolition works and removed upon completion.

Clauses 98A of the Environmental Planning & Assessment Regulation 2000.

4.4 Appointment of PCA and Issue of Construction Certificate

Work shall not commence in connection with this Development Consent until:

- a) A Construction Certificate for the building work has been issued by:
 - i) the Consent Authority (Singleton Council); or
 - ii) an Accredited Certifier; and
- b) The person having the benefit of the development consent has:
 - i) appointed a Principal Certifying Authority (PCA) for the building work, and
 - ii) notified the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case; and
- c) The PCA has, no later than 2 days before the building work commences:
 - i) notified the Council of his or her appointment, and
 - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
- d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
 - i) appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
 - ii) notified the Principal Certifying Authority of such an appointment, and
 - iii) unless that person is the Principal Contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- e) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If Council is appointed as the PCA, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates. Completion of a contract for appointment of Council as the PCA is required to be submitted to Council prior to commencement of any works.

4.5 Site Safety Fencing

Erect site fencing to a minimum height of 1.8 metres complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and maintained.

The site must be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site must also be maintained in a clean and orderly condition during demolition and construction works.

4.6 Temporary Closet Requirements

A temporary closet shall be provided on site from the commencement of building work. No inspections will be made until the closet is installed.

A temporary closet shall be:-

- a) A water closet connected to the sewerage system to Council approval;
or
- b) A water closet connected to an approved septic tank; or
- c) A chemical closet supplied by a contractor approved by Council.

4.7 Control of Waste

Suitable provision for the containment of building waste materials generated by the building process, shall be provided within the boundaries of the building site prior to any construction work being commenced above natural or excavated ground level, as follows:-

- a) Such containment measures are to be either by means of a screened area of silt stop fabric or shade cloth, having dimensions of 1.8 x 1.8 x 1.2 metre high area OR equivalent size waste disposal bin.
- b) The provision of a suitable enclosure or bin shall be maintained for the term of the construction to the completion of the project.
- c) The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
- d) Building waste shall be disposed of at an approved waste disposal or recycling facility. Building waste shall not be disposed of by burning on site.

4.8 Construction management plan

Prior to any work commencing on site, a detailed construction management plan prepared by a suitably qualified and practising professional shall be submitted to Council's Project Manager seeking adoption.

The plan shall include but not necessarily be limited to the following information:

- a. noise and vibration mitigation measures;
- b. odour mitigation measures;
- c. dust mitigation measures;
- d. stormwater and wastewater management;

- e. waste management (including disposal of surplus fill material);
- f. traffic control;
- g. parking for workers;
- h. complaint management;
- i. chance find procedure (e.g. Aboriginal and/or European relics), skeletal remains;
- j. WorkCover requirements.

During any development work

5.1 Archaeological Discovery during Excavation

- a) Should any historical relics be discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- b) Should any Aboriginal relics be discovered then all excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage is to be informed in accordance with section 91 of the National Parks and Wildlife Act, 1974.

5.2 Hours of Work

Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:

- a) 7.00am to 6.00pm, Monday to Friday;
- b) 7.00am to 1.00pm Saturdays;
- c) No work is permitted on Sundays or Public Holidays.

Any variations to the above working hours must be authorised prior to the commencement of such works.

5.3 Inspection Requirements for Sanitary Drainage

The applicant shall ensure that Council, being the Plumbing Regulator under delegation by NSW Fair Trading, has been requested to and carried out inspection of the works at the following stages of construction:

- a) Internal drainage lines before the floor is laid, or concrete placed.
- b) External drainage lines before backfilling of the trenches.
- c) Final - on completion of all sanitary plumbing to drainage work.

Requests for inspections may be made either by telephone (02) 65 787 290(02) 65 787 290 or in person at the Customer Services Counter.

Inspection requests are subject to the following:-

- i) Applicants are required to nominate the relevant Notice of Work and address prior to the inspection request being granted.
- ii) Clerical staff only will receive all requests for inspections.
- iii) Where work is not prepared, ready for inspection, applicants will be required to re-book inspections through the Customer Service Centre for the next available day and a re-inspection fee may be charged.
- iv) Inspections must be received before 3.30 pm on the working day prior to when the inspection is required.
- iv) Inspections within the township of Singleton will generally be carried out as AM or PM inspections.
- v) Inspections in outlying areas eg. Putty, Howes Valley, Lambs Valley, Mt Royal etc, may not be available on the next working day and will generally be carried out within two working days (48 hours) or on days specified by Council in those areas. Applicants should contact Council to determine when inspections are available in these areas and advise all contractors of inspection availability.

5.4 Erosion and Sediment Control

Erosion and Sediment Control devices are to be maintained in accordance with the approved plan and to the satisfaction of Council at all times during construction (inclusive of site preparation works).

5.5 Waste Material from Demolition Works

The applicant must ensure that all waste material generated from the work is adequately stored and is removed from the site during demolition and clean up works.

All waste materials must be removed to:

- a) an approved waste management facility; or
- b) an approved demolition waste recycling facility

in accordance with the appropriate Work Cover requirements. NO waste materials are to be buried on site. In the case of asbestos, prior arrangements may need to be made with the operator of the facility.

Receipts issued by the waste management / recycling facility operator shall be retained by the applicant and upon request provided to Council within 7 days of the request being made.

5.6 Use of Clean Fill

Any soil, gravel, rock or other material imported to the site to be used as fill shall be free of waste materials or any other contaminants.

5.7 Fencing

All works must be suitably fenced off and protected during the duration of the works. The maintenance, safety and security of the site is to remain the responsibility of the applicant and appointed representatives and contractors until such time as the road reserve is reinstated to its former state, or to a

condition identified in this Approval. At the end of the work, all the building waste material is to be properly removed from site.

Prior to the issue of any Occupation Certificate

6.1 Consolidation

All allotments involved in this proposal must be consolidated into one allotment. Evidence of registration shall be submitted Principal Certifying Authority prior to the issue of an Occupation Certificate.

6.2 On-Site Sewage Management System

Prior to any Occupation Certificate being issued, an Approval to Operate an On-site Sewage Management System (OSSM) under Section 68 of the Local Government Act 1993 must be obtained from Council.

6.3 Repairs to Council Infrastructure

Prior to the release of any Occupation Certificate, damage caused during development works to Council's infrastructure (water, sewer, stormwater, footpath and roads etc) shall be repaired, at the cost of the developer, to the satisfaction of Council's General Manager.

6.4 Occupation Certificate – Principal Certifying Authority

The building shall not be occupied or used until an Occupation Certificate has been issued by the Principal Certifying Authority.

Please be advised that Section 109H (1B) of the Environmental Planning and Assessment Act, 1979 prevents the Principal Certifying Authority from issuing an Occupation Certificate until all conditions of development consent have been completed.

6.5 Fire Safety Certificate

A Final Fire Safety Certificate must be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule must be:

- a) Forwarded to Singleton Council;
- b) Forwarded to the Commissioner of NSW Fire and Rescue; and
- c) Prominently displayed in the building

6.6 Access report

Prior to the issue of an occupation certificate, a report prepared by a suitably qualified and practising professional (e.g. access consultant) shall be submitted to Council's Manager Development & Regulatory Services to confirm that all required access measures have been completed in accordance with the BCA, Australian Standards and the requirements of the relevant legislation.

6.7 Completion of roadworks

Prior to the issue of an occupation certificate, a certificate of compliance is required confirming works approved under s138 of the Roads Act 1993 to upgrade Gresford Road have been completed.

6.8 Operational Environmental Management Plan

Prior to the issue of any occupation certificate, an operational environmental management plan prepared by a suitably qualified and practising professional shall be submitted to Council's Manager Development & Regulatory Services.

Condition during the ongoing use of the development

7.1 Loading

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

7.2 Vehicle Entry and Exit

All vehicles must enter and exit the site in a forward direction.

7.3 Maximum number of livestock per year

The maximum number of livestock accommodated at the premises per year shall be no more than 50,000 head.

The year shall be calculated as per the anniversary date identified on the Environment Protection Licence issued by the New South Wales Environmental Protection Authority(EPA) (e.g. from the 12 September 2015 to 12 September 2016 etc.).

A report detailing the number of livestock accommodated at the premises for the year shall be submitted to Council within 6 weeks after the anniversary date.

7.4 Glendon Road entry/exit for emergency purposes only

The site's vehicle entry/exit point on Glendon Road shall only be used in the event of an emergency. At all other times the gate/s shall be appropriately locked.

7.5 Review Of Operational Environmental Management Plan

A review of the operational environmental management plan shall be undertaken by a suitably qualified and practising professional on a 2 year basis (from the date the occupation certificate is issued) and shall be submitted to Council's Manager Development & Regulatory Services within 6 weeks from this date.

Advices

8.1 Lapsing of Consent

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has substantially physically commenced. The building must be completed, in accordance with the approved plans and specifications, within five (5) years from the date when the building was substantially physically commenced.

8.2 Removal of Asbestos

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition License" AND a current WorkCover "Class 2 (Restricted) Asbestos License".

The removal of asbestos must comply with "WorkCover's Guide to Working with Asbestos".

Note: A copy of this publication can be obtained from WorkCover Authority's website www.workcover.nsw.gov.au

8.3 Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 96 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

8.4 Review of Determination

In accordance with the provisions of Section 82A of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

8.5 Disability (Access to Premises – Buildings) Standards 2010

From May 1 2011, if disabled access and facilities are provided in accordance with this Standard then such access or facilities cannot be viewed as unlawful under the Disability Discrimination Act, 1992.

8.6 Dial Before You Dig

The principal contractor, owner builder or any person who needs to excavate and undertake building work must first contact Dial Before You Dig and allow a reasonable time for the utilities to provide locations of their underground assets. Failure to do so may result in you being held financially responsible by

the asset owner should damage occur to any underground pipe or cable networks.

Dial Before You Dig is a free national service that provides advice on the location of underground pipes and cables.

When you contact Dial Before You Dig, you will be sent details of all asset owners who have underground assets in the vicinity of your proposed works.

8.7 Work Cover Requirements

The Work Health and Safety Act 2011 and regulations, codes of practice and guidelines control and regulate the development industry.

For further information go to WorkCover NSW's website:
<http://workcover.nsw.gov.au/Industry/Construction/default.htm>