

DETAILS OF CONDITIONS

The conditions of consent are set out as follows:

1. In granting this development consent, Council requires:
 - All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
 - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
 - Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) Northern Rivers Saleyards Redevelopment Dargaville Drive Casino NSW 2470, Project No. W15384 and documents described below.

Site Plan Proposed Detail	00A003 Issue 1 dated 17/03/17
Site Plan Demolition	00D001 Issue 1 dated 17/03/17
Floor Plan Proposed Ground	01A102 Issue 1 dated 17/03/17
Floor Plan Proposed Walkway	01A103 Issue 1 dated 17/03/17
Elevations East and South	01A201 Issue 1 dated 17/03/17
Elevations North and West	01A202 Issue 1 dated 17/03/17
Statement of Environmental Effects	GeoLink Issue 2 dated 20/03/17
Cover Page	00C001 Issue 3 dated 24/04/17
Construction Notes	00C002 Issue 2 dated 03/04/17
Stormwater Drainage Layout Plan - Sheet 1	00C011 Issue 3 dated 24/04/17
Stormwater Drainage Layout Plan - Sheet 2	00C012 Issue 3 dated 24/04/17
Stormwater Drainage Longitudinal Sections	00C013 Issue 1 dated 24/04/17
Erosion and Sediment Control Plan	00C021 Issue 1 dated 24/04/17
Stormwater Management Plan	Issue B 18 April 2017 by MPN Consulting (Ref 7227)

Statement of Environmental Effects, and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

Reason: To correctly describe what has been approved. (EPA Act Sec 79C)

PLANNING

2. All separate parcels of land shall be consolidated into one allotment under one title and lodged with the Registrar General **prior to issue of an Occupation Certificate.**

Reason: To ensure the site can operate as approved, prevent future dealing in separately titled land and comply with the Building Code of Australia. (EPA Act Sec 79C(c))

3. Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining premises, can only occur:
 - a) Monday to Sunday - 6.00 am to 7.00 pm.

- b) No construction work which will adversely impact on the amenity of the area is to take place outside the above hours, including Public Holidays.

Reason: To preserve the amenity of the area.

4. Construction works or activities must be confined to the subject property only. The use of any adjoining land or airspace is not permitted by this consent.

Reason: To ensure construction works do not encroach onto any adjoining land.

5. Any proposed signage shall comply with the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or a separate Development Application shall be lodged.

Reason: To correctly describe what has been approved, to preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))

6. Any outdoor lighting shall be appropriately located or shielded so no additional light is cast on adjoining land or distracts traffic as specified in Australian Standard 4282 - 1997 *The Obtrusive Effects of Outdoor Lighting*.

Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))

BUILDING

7. A Construction Certificate must be obtained from Council or an accredited certifier at least two (2) days prior to any building or ancillary work commencing. Where the Construction Certificate is obtained from an accredited certifier the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.

Reason: Required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Part 8, Division 2 of the *Environmental Planning and Assessment Regulation, 2000*.

8. Notification of appointment of the Principal Certifying Authority must be submitted to the Council two (2) days prior to the commencement of work.

Reason: Required by Section 81A(2) of the *Environmental Planning and Assessment Act, 1979* and Clause 135 of the *Environmental Planning and Assessment Regulation, 2000*.

9. A fence must be erected between the work site and a public place.

Reason: To protect the health and safety of the public.

10. All demolition work must comply with the provisions of AS 2601 - 2001 "The Demolition of Structures" as in force at 1 July 1993.

Appropriate precautions shall also be taken to ensure compliance with the requirements of WorkCover Authority of NSW.

Reason: To ensure compliance with the Australian Standard and protection of the public is provide.

11. All building waste must be stored in a designated waste storage area and removed from the site to an approved waste disposal facility.

Reason: *To ensure the site is left in a clean condition and ensure proper disposal of waste.*

12. Details and certification prepared by a Practising Structural Engineer must be submitted to the certifying authority for the following **prior to the issue of a Construction Certificate:**

- a) site classification.
- b) all footings and slabs.
- c) all bracing and tie downs including design wind speed assessment.
- d) structural steelwork.

The certification must:

- i) certify that the design complies with the requirements of the Building Code of Australia; and
- ii) set out the basis on which it is given and the extent to which relevant codes of practice, specifications, rules or other publications have been relied upon.
- iii) Details of bore log results (if applicable)

Reason: *To ensure that the key structural elements of the building or structure have been designed to suit the site conditions.*

13. All footings shall bear on natural ground having an even, uniform bearing capacity not subject to differential bearing values upon stable, firm and undisturbed foundations, free from roots and fill.

Reason: *To ensure there is no differential movement of the footing system.*

14. All plumbing, drainage and stormwater work must be in accordance with AS3500, All Plumbing and Drainage work must be carried out by a licensed person.

Reason: *Required by the Plumbing and Drainage Act 2012 and it's Regulation.*

15. Provide vacuum breaker devices to all external taps.

Reason: *To prevent the contamination of the water supply by cross connection.*

16. Roof water shall be disposed by connection to;

- a) the existing drainage system.
- b) pipe-work or drains and dispersed without nuisance to adjoining premises or soil erosion and directed clear of all effluent disposal areas.
- c) water storage tanks. The tank overflow is to be connected to the approved stormwater management system.

Reason: *To ensure adequate and safe disposal of stormwater.*

17. The application for a Construction Certificate must be accompanied by;
- i) a list of any fire safety measures as are currently implemented in the building or on the land, and
 - ii) a list of any fire safety measures that are proposed to be implemented in the building or on the land.

Reason: *Required by the Regulation 2000.*

18. A final fire safety certificate must be issued by the **owner prior to the issue of the Final Occupation Certificate**. Each essential fire safety measure specified in the current schedule has been assessed by a properly qualified person, and as found, to be capable of performing to the standard required by the current schedule.

Reason: *Required by Clause 170 of the Regulation.*

19. Where the height of the structure above finished ground level is greater than 1.0 metre, a continuous balustrade a minimum of:
- a) metre high above the finished level of decks, walkways, landings, and the like, and
 - b) 865 mm high above the nosings of the stair treads or floor of ramp, must be provided. The maximum permissible opening in the balustrade is 125 mm.
 - c) OR in accordance with D2.16 and D2.17 of the Building Code of Australia.

Reason: *Required by Part D2 of the Building Code of Australia.*

20. The occupation or use of the building must not commence until an Occupation Certificate has been issued by the Principal Certifying Authority. Where Council is not the Principal Certifying Authority then all documentation must be forwarded to Council within seven (7) days of issue.
(N.B. All Critical Stage Inspections must have been completed prior to the issue of the Occupation Certificate).

Reason: *To monitor compliance with the Development Consent and Construction Certificate.*

21. At completion/occupation, the following certification must be submitted to Council, if Council is not the Principal Certifying Authority:
- a) 'Works as executed' diagram of external and internal drainage. A licensed plumber's certification that 'works as executed' complies with AS 3500 must accompany the diagram.
 - b) The development has been completed in accordance with the development consent.
 - c) Documentary evidence that the access and car parking commitments and requirements have been satisfied.

Reason: *To monitor compliance with the Development Consent and Construction Certificate.*

22. 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 & Environment to confirm that all required access measures, car parking have been completed in accordance with the BCA, Australian Standards and the requirements of the relevant legislation.

Reason: To ensure access and car parking meets the relevant Acts, Codes and Standards.

INFRASTRUCTURE

23. Payment to Richmond Valley Council of contributions levied under Section 94A of the Environmental Planning and Assessment Act 1979 and Richmond Valley Council's Revenue Policy and Contributions Plan is required in accordance with the attached schedule. The levy is applied to all development over \$100,000.00 (with legislated exemptions). Such levies shall contribute towards the provision, extension or augmentation of public amenities or public services in accordance with Richmond Valley Council's Section 94A Development Contributions Plan.

Total cost of the development shall be in accordance with Section 5 of the Richmond Valley Council Section 94A Development Contributions Plan and shall include all private and proposed Council infrastructure, and include such items as consultant fees, demolition works, excavation, site preparation, all buildings, power supply, telecommunications supply, water supply, sewerage pipelines/manholes, stormwater pipelines/pits, inter allotment drainage lines, stormwater treatment devices, driveways/roads, lighting, earthworks, retaining walls, preparing executing and registering plans of subdivision and covenants and easement, etc.. Costs shall include GST (Environmental Planning and Assessment Regulation 25J (3) (i)).

Contributions required by this condition may be adjusted at the time of payment of the contribution in accordance with the formula detailed in Section 1.2 of Richmond Valley Council's Development Contributions Plan ie by CPI from the date of consent, or recalculated in accordance with changes greater than CPI in the total cost as shown on the Construction Certificate(s).

All contributions shall be paid **prior to the issue of any Construction Certificate.**

Richmond Valley Section 94A Development Contributions Plan 2010			
Environmental Planning and Assessment Act 1979 Levy area - full Richmond Valley Council		(Job No/ Receipt Code - PLD 103)	
Total Cost of Development: \$ 6,400,000 (as per DA application, but may be adjusted in accordance with Construction Certificate(s) where increased cost is greater than CPI)		@ % of total cost	Contribution
\$ 0 - \$ 100,000	No levy	NIL - No levy	No levy
or 100,001 - \$ 200,000	\$ N/A	0.5 %	\$ N/A
or > \$ 200,000	\$ 6,400,000	1.0 %	\$ 64,000.00

Reason: To provide funds for the provision of services and facilities identified in Richmond Valley Council's Section 94A Development Contributions Plan (EPA Act Sec 94A).

24. All stormwater is to be directed to the existing stormwater drainage system and/or a natural watercourse in accordance with the Stormwater Management Plan and detailed design drawings:
- Stormwater Management Plan Issue B 18 April 2017 by MPN Consulting (Ref 7227)
 - Project No. W15384 Dwg 00C001 Issue 3 Cover Page
 - Project No. W15384 Dwg 00C002 Issue 2 Construction Notes
 - Project No. W15384 Dwg 00C011 Issue 3 Stormwater Drainage Layout Plan Sh 1
 - Project No. W15384 Dwg 00C012 Issue 3 Stormwater Drainage Layout Plan Sh 2
 - Project No. W15384 Dwg 00C013 Issue 1 Stormwater Drainage Long Sections
 - Project No. W15384 Dwg 00C021 Issue 1 Erosion and Sediment Control Plan

Amendments to the above plans required during construction shall be approved by Richmond Valley Council.

Construction and acceptance by Richmond Valley Council of the stormwater infrastructure is to be completed **prior to the issue of the Occupation Certificate.**

Reason: To ensure an adequate stormwater drainage system in accordance with adopted standards.

ENVIRONMENTAL HEALTH

25. A detailed management plan for the material to be used for the soft flooring is to be submitted to Council for approval two (2) months prior to its proposed application. This management plan shall address such issues as, but not be limited to, any stockpiling of new or used soft flooring material, proposed end use of removed soft flooring material, maintenance of the soft flooring material and any drainage pipe work, and any proposed nutrient or pathogen sampling. Modification to the management plan shall be approved by Richmond Valley Council.

Reason: To protect human and livestock health and the environment.

26. Soil removed during the excavation process located between the existing stockyards to the south of the dip yard and the dip are to be placed in a bunded area, have stormwater diverted around the stockpile area and be covered with an impermeable material. The excavated soil is to be analysed for contamination by a suitably qualified person and results forwarded to Council. An Action Plan to manage the material must be submitted to Council in the event results indicate the material is contaminated.

Reason: To ensure that environmental protection measures are being adhered to.

27. A suitable location on site is to be allocated for the storage of the excavated soil. The location and a plan of management for the stock pile area is to be submitted to Council for approval **prior to release of the Construction Certificate.**

Reason: To ensure no potential contaminated soil is removed from the site.

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

General terms of approval for Environmental Protection Authority under Part 3.2 of the Protection of the Environment Operations Act 1997

Nil Conditions

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act, 1979 are to be complied with:

- (i) A Construction Certificate is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Act.
- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance With Section 81A(2)(b) of the Act.
- (iii) Council is to be given at least two (2) days notice of the persons intention to commence building works, in accordance with Section 81A(2)(c) of the Act.

NOTE 2: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue of any relevant documentary evidence or certificates.

NOTE 3: In accordance with Clause 98(1) of the Environmental Planning and Assessment Regulation, it is a condition of Development Consent for development that involves any building work, that the work must be carried out in accordance with the requirements of the Building Code of Australia.

NOTE 4: If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

NB: GST means any tax levy charge or impost under the authority of any GST law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means a New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

NOTE 5: This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of the Australian Standard 1428 – Design for Access and Mobility (Part 1 is mandatory in the BCA). From May 1 2011, if disabled access and facilities are provided in accordance with Disability (Access to Premises - Buildings) Standards 2010 then such access or facilities cannot be viewed as unlawful under the Disability Discrimination Act, 1992.

NOTE 6: The granting of the development consent does not negate the owner/applicant's obligations under Part 6 of the *National Parks and Wildlife Act 1974*, where it is declared an offence to harm, or desecrate, an Aboriginal object or declared Aboriginal Place. The Office of Environment and Heritage's *Due Diligence Code of Practice* should be used to determine whether harm is likely, and whether consent in the form of an Aboriginal Heritage Impact Permit (AHIP) is required.

NOTE 7: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

NOTE 8: Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact : Telstra's Network Integrity Team on Phone Number 1800 810 443.

PREScribed CONDITIONS OF DEVELOPMENT CONSENT

Under the provisions of Clause 98 of the Environmental Planning and Assessment Regulation for the purposes of Section 80A(11) of the Environmental Planning and Assessment Act the following conditions are Prescribed Conditions:

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: *Required by Clause 98 of the Regulation.*

2. Any Development that requires building work, subdivision work or demolition work a sign must be erected on the development site in a prominent position before the commencement of any work showing:

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

NOTE: The sign must be of rigid and durable material and maintained on the site until work has been completed. The sign must be easily read by anyone in any public road or public place adjacent to the site.

Reason: *To ensure compliance with Section 80A(11) of the Environmental Planning and Assessment Act, 1979 and Clauses 98A and 227A of the Accompanying Regulation.*

3. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with Section 80A(11) of the Environmental Planning and Assessment Act, 1979 and Clauses 98E of the Accompanying Regulation.

DATE FROM WHICH CONSENT OPERATES

Section 83 of the Environmental Planning and Assessment Act provides that the consent shall become effective and operate from the date endorsed upon the notice, **except** in the case of designated development to which objections have been lodged, when the consent shall become effective 28 days after the consent is issued.

Where an appeal is lodged, either by the applicant or an objector in respect of designated development, the consent shall remain in deferment and not become effective until the appeal has been determined. The consent shall be void if, on appeal, the development is refused.

COMPLIANCE

The development shall be carried out in accordance with the application, and "approved plans" as may be attached to this consent, and as amended by the foregoing conditions. **All conditions** shall be complied with prior to occupation of the development and, where appropriate, during the operating life of the development.

REVIEW OF DETERMINATION

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979, an applicant may request the Council to review a determination of the application. The request for a review must be made within six (6) months after the date of the determination.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Where an appeal is made in the case of a designated development, each person who objected is required to be given notice of the appeal, and will have the right to be heard at that hearing.

Except in the case of designated development, there is no provision within the Act for a third party (objector) to appeal against the consent issued by the Council.

LAPSING OF CONSENT

Section 95 of the Environmental Planning and Assessment Act provides that a development consent lapses five years after the date from which it operates. Therefore, this consent lapses five years from the date of operation of this consent **UNLESS**:

- building, engineering, or construction work relating to this development is commenced on the land within the period of operation of the consent, or
- if no such works are required, the use of the premises commences within the period of operation of the consent.

MODIFICATION OF CONSENTS

Under the provisions of Section 96 of the Environmental Planning and Assessment Act an applicant may apply to Council for modification of the consent.

NOTICE TO COMPLETE

Where development has been commenced, but the work not completed, Section 121B provides that the Council may issue an order requiring completion of the work within a specified time, being not less than twelve months.

For and on behalf of Richmond Valley Council.

Angela Jones
Director Infrastructure and Environment

per:

Encl.