

## **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 plans and documents listed in the schedule below, on. Copies of the approved plans are attached to this consent.

## **ARCHITECTURAL DRAWINGS**

Project No.	Number	Rev	Title	Date
W15384	SK002 - 4		Site Plan Proposed Detail	07/06/18
	SK007 - 3		Carpark Layout	07/06/18
	SK009 - 3		Amenities Floor Plan - Proposed	07/06/18
	SK010 - 4		Holding Yards Floor Plan	07/06/18
	SK011 - 4		Holding Yards Roof Plan	07/06/18
	SK013 - 4		Holding Yards Elevations	07/06/18
	SK015 - 2		New Equipment Shed	07/06/18
			Panelfab Agents Office Plan - 12.040m x 3.070m Bunkhouse	Undated
8472	Sheet 1 of 2		Panelfab Agents Office Plan - Proposed 12.040 x 3.070 Bunkhouse (Elevations)	15/11/17

## **SUPPORTING DOCUMENTS**

Document	Title	Author	Reference	Date
Statement of Environmental Effects	Stage 2 Redevelopment of the Northern Rivers Livestock Exchange	GeoLINK	UPR 3088-1008	11/04/2018
Ecological Impact Assessment	Stage 2 Redevelopment of the Northern Rivers Livestock Exchange	Arbor Ecological		27/05/2018
Water Balance Investigation	Executive Summary Memo	Sustainable Solutions International Pty Ltd	18009 NRLX Water Balance Investigation	16/05/2018

**Reason:** To correctly describe what has been approved.

## BIODIVERSITY

2. The development shall be undertaken in accordance with the Ecological Impact Assessment Stage 2 Redevelopment of the Northern Rivers Livestock Exchange dated 27 May 2018.
  - Removal of trees is limited to those identified in Table 1 plus the two trees located in the Storage Shed footprint.
  - Trees approved for removal shall be clearly marked for easy identification prior to work commencing.
  - The Recommended Management Measures outlined Section 5 Table 2 shall be implemented.
  - Construction activities must ensure no damage to any adjoining vegetation identified for retention.

**Reason:** *To protect biodiversity and identify trees approved to be removed.*

## PLANNING

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, unless prior approval is obtained from the affected land owner.

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

5. An Erosion and Sediment Control Plan shall prepared in accordance with NSW Landcom's "Managing Urban Stormwater Soils and Construction, 2004 **prior to issue of a Construction Certificate**. Erosion and sediment control measures shall be in place prior to the commencement of site works and maintained throughout construction activities until the site is suitably stabilised/revegetated.

**Reason:** *To protect the environment.*

6. 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. (EPA Act Sec 4.15 (formerly 79C))*

7. 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 4.15 (formerly 79C(b)))*

## **BUILDING**

8. 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 6.6 (formerly 81A) of the Environmental Planning and Assessment Act, 1979 and Part 8, Division 2 of the Environmental Planning and Assessment Regulation, 2000.*

9. Notice of Commencement of work at least two (2) days prior to any building or ancillary work being carried out must be submitted to Council on the relevant form.

**Reason:** *Required by Section 6.6(2) (formerly Section 81A(2)) of the Environmental Planning and Assessment Act, 1979 and Clause 136 of the Environmental Planning and Assessment Regulation, 2000.*

10. 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 6.6(2) (formerly Section 81A(2)) of the Environmental Planning and Assessment Act, 1979 and Clause 135 of the Environmental Planning and Assessment Regulation, 2000.*

11. **Prior to any work commencing** toilet facilities must be provided at or in the vicinity of the work site.

**Reason:** *To provide sanitary facilities for workers.*

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

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

13. The proposal to comply with the requirements of the Work Safe NSW

**Reason:** *To ensure compliance with all Statutory requirements.*

14. 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 Work Safe NSW.

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

15. 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.*

16. 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.*

17. The fire safety measures contained in the fire safety schedule attached to this approval/consent must be implemented and maintained in the building premises.

**Reason:** Required by Clause 168 of the Regulation.

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. The owner of the building must cause Council to be given an annual fire safety statement in relation to each fire safety measure implemented in the building. The annual fire safety statements are to be given within 12 months after which the last fire safety certificate statement was given. A copy of each statement is to be given to the Commissioner of New South Wales Fire Brigades and a further copy is to be prominently displayed in the building.

**Reason:** Required by Clause 177 of the Regulation.

20. Access for people with disabilities must be provided to and within the building as set out in Table D3.2 of the Building Code of Australia by means of a continuous path of travel in accordance with AS1428.1:-

- i) from the allotment boundary at the main point of entry from a road to the doorway at the entrance floor; and
- ii) from any accessible car-parking space on the allotment (whether within or outside the building) provided in accordance with D3.5; and
- iii) from any other building on the allotment to which access for people with disabilities is required; and
- iv) through the principal public entrance.

**Reason:** Required by Part D3.2 of the Building Code of Australia.

21. Access is to be provided to the building and to those areas within the building to which the public would normally be expected to gain access in accordance with AS1428.1 - Design for Access Mobility.

**Reason:** Required by Part D3.3 of the Building Code of Australia.

22. Sanitary facilities for people with disabilities must be provided as set out in Part D3.1 and F2.4 of the Building Code of Australia.

**Reason:** Required by Parts D3.1 & F2.4 of the Building Code of Australia.

23. Delete the car parking spaces in the area designated for "Brigade Appliance" and "Fire Crew Working Space".

**Reason:** To ensure access to essential Fire Safety Systems is not impeded.

## **INFRASTRUCTURE**

24. Payment to Richmond Valley Council of contributions levied under Section 7.12 (formerly 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. (available on Council's website at

[www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au) under Planning & Development, then Development Policies & Guidelines)

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**. Personal cheques are not acceptable where the contribution exceeds \$10,000.00.

<b>Richmond Valley Section 94A Development Contributions Plan 2010</b>			
<b>Environmental Planning and Assessment Act 1979 - Levy area full Richmond Valley Council</b>			
Total Cost of Development: \$6,500,000 (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	\$ 6,500,000.00	1.0 %	\$ 65,000.00

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

25. Stormwater Management details and stormwater drainage design plans suitable for construction are to be submitted to and approved by Richmond Valley Council **prior to issue of the Construction Certificate**. Interim discharges during the construction phase shall be incorporated into the plan. The designs shall include the discharge and disposal from the water harvesting tanks through to the discharge location from the site, and the selected method of addressing the stormwater flows in the drain adjacent to the effluent treatment pond as proposed in the Water Balance Report (Sustainable Solutions dated 16 May 2018).

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

NOTE: Stormwater flows are to be managed in accordance with the sites Environmental Protection Licence.

**Reason:** To manage stormwater flows on and from the site and reduce stormwater impacts on the downstream environment.

## **ENVIRONMENTAL HEALTH**

26. The top 300mm of soil removed during any excavation process that is within 30metres of the dip is 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 Environment Protection Authority Under Part 3.2 of the Protection of the Environment Operations Act 1997**

#### **Development must be in accordance with:**

1. Clean and dirty water separation must be maintained at the premises at all times. The clean stormwater catchment on the premises must be maintained in a manner that prevents entry of clean stormwater into the waste water system.
2. The clean stormwater system must be designed, installed and maintained to capture and convey a 1 in 10 year average recurrence interval (ARI) rainfall event.
3. Before construction, the design of any stormwater management works (including diversion channels or changes to onsite storage) must be provided to the EPA including specifications and any changes to treatment or management of stormwater or wastewater systems.

## **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 6.7 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 6.6 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 6.6 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).

**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](http://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 4.17(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. In the case of residential building work for which the Home Building Act 1989 requires there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

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

3. 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 4.17(11) of the Environmental Planning and Assessment Act, 1979 and Clauses 98A and 227A of the Accompanying Regulation.*

4. 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 4.17(11) of the Environmental Planning and Assessment Act, 1979 and Clauses 98E of the Accompanying Regulation.*

#### **DATE FROM WHICH CONSENT OPERATES**

Sections 4.20 and 8.13 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 Sections 8.25 to 8.5 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, Sections 8.7 and 8.10 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 4.53 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 4.55 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, Schedule 5 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.

*per:* Andrew Hanna  
**Manager Development and Environment**

Encl.