

Appendix A - DA2300720 - Saleyards Infrastructure Upgrade

PARAMETERS OF THIS CONSENT

- The development must be implemented in accordance with the plans and supporting documents set out in the following table, except where modified by any conditions of this consent.

Plan No./ Supporting Document	Version	Prepared by	Dated
DA001 COVER PAGE & DRAWING LIST	2	DRA Architects	1/02/2023
DA050 OVERALL SITE PLAN	2	DRA Architects	1/02/2023
DA060 SITE PLAN - DEMOLITION	2	DRA Architects	1/02/2023
DA100 FLOOR PLAN - SALES ARENA	2	DRA Architects	1/02/2023
DA101 FLOOR PLAN - INBOUND YARD	2	DRA Architects	1/02/2023
DA102 FLOOR PLAN - OUTBOUND YARD	2	DRA Architects	1/02/2023
DA200 ROOF PLAN - OVERALL	2	DRA Architects	1/02/2023
DA201 ROOF PLAN - INBOUND YARD	2	DRA Architects	1/02/2023
DA202 ROOF PLAN - OUTBOUND YARD	2	DRA Architects	1/02/2023
DA203 ROOF PLAN - KIOSK & AMENITIES	2	DRA Architects	1/02/2023
DA300 ELEVATIONS - OVERALL	2	DRA Architects	1/02/2023
DA301 ELEVATIONS - INBOUND YARD	2	DRA Architects	1/02/2023
DA302 ELEVATIONS - OUTBOUND YARD	2	DRA Architects	1/02/2023
DA303 ELEVATIONS - KIOSK & AMENITIES	2	DRA Architects	1/02/2023
HSK01 HYDRAULIC SERVICES SITE PLAN CONCEPT	2	Northrop	13/07/2023
HSK02 HYDRAULIC SERVICES SALES AREANA CONCEPT	2	Northrop	13/07/2023
CIVIL ENGINEERING PACKAGE Drawings DA-C01, DA-C02, DA-C04 and DA-C05	2	Northrop	15/12/2022
DA-C03 CONCEPT STORMWATER MANAGEMENT - SITE PLAN	2	Northrop	13/07/2023
ESK01 ELECTRICAL SERVICES	2	Northrop	25/07/23

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

2. All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.
3. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the *Environmental Planning and Assessment Regulation 2021*.
4. This consent does not permit commencement of any site works until such time as a Construction Certificate has been obtained and a Principal Certifier has been appointed.

<p style="text-align: center;">CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE</p>

5. A Structural Engineer's certificate must be submitted certifying that the northern building has been designed to withstand the forces created by flood waters and debris loadings anticipated for that area and indicate any impacts on adjoining buildings and land. All building elements will have to be designed to withstand the flood pressure for floods up to 8.03 metres AHD.
6. A revised Solid Waste Management Plan is to be prepared to manage solid wastes generated during the operation of the Saleyards. The plan is to be in accordance with the *Solid Waste Management Plan – Kempsey Regional Saleyards* (Ref Final v2 dated 18/09/2023 by GeoLINK Consulting Pty Ltd) with the exception that the manure, animal derived sludge, sawdust and woodchips solid wastes are to be transported from the site to a facility licensed to accept their classification of waste, taken to be general solid waste (putrescible), or to a facility that is legally allowed to accept the waste for composting in accordance with the NSW Environment Protection Authority Resource Recovery Order under Part 9, Clause 93 of the *Protection of the Environmental Operations (Waste) Regulation 2014*: The Compost Order 2016.

The revised Solid Waste Management Plan is to be approved by Whitehead & Associates Environmental Consultants Pty Ltd or another suitably qualified consultant who has not been involved in the project and is experienced in solid waste management policies, procedures and guidelines and their implementation.

7. Prior to the issue of any Construction Certificate, consent from Council must be obtained for the installation of an upgraded on-site sewage management system to service the development under Section 68 Part C(6) of the *Local*

Government Act 1993. The application must be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in on-site wastewater management and design, which addresses all matters required under Part 2 Division 4 of the *Local Government (General) Regulation 2021*. The on-site sewage management system is to be designed in accordance with the requirements of the Department of Local Government *Environmental & Health Protection Guidelines: On-site Sewage Management for Single Households*, and Australian/ New Zealand Standard 1547:2012, *On-site domestic wastewater management*. The design must take into consideration the impact of flooding on the on-site sewage management system.

The approval of the Section 68 application is to be based on the advice from Whitehead & Associates Environmental Consultants Pty Ltd or another suitably qualified consultant who has not been involved in the project and has equivalent experience and qualification in on-site wastewater management and design.

8. Prior to the commencement of any works, a Site Waste Minimisation and Management Plan (SWMMP) prepared in accordance with the Council's *Development Control Plan 2013* must be submitted to, and approved by, the Principal Certifying Authority. The approved SWMMP must be complied with for the duration of the works.
9. Design certification of any fire hydrant and/or hose reel system including its supply network must be provided by an accredited fire safety practitioner.
10. Consent from Council must be obtained for a construction traffic management plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 6*, and Australian Standard 1742.3 - 2019,

The plan must incorporate measures to ensure that motorists using Saleyards Road, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic guidance scheme plan must be prepared by an TfNSW accredited person.

11. A construction site management plan must be prepared ~~and approved by Council. The plan must that~~ includes the following matters:
 - a) location and materials for protective fencing and hoardings to the perimeter of the site,
 - b) provisions for public safety for persons traversing the site,
 - c) noise, vibration, dust and fume minimization and suppression,

- d) Construction vibration must be in accordance with Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).
- e) protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites,
- f) location of rubbish storage,
- g) location of site storage areas and builder's sheds and amenities, and
- h) Protocols for dealing with complaints from neighbours.

The plan is to be developed with the assistance of a suitably qualified consultant who is experienced in construction management procedures and guidelines and their implementation. The plan must be approved by Council's Development Engineer.

12. The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - *Design for Access and Mobility* and Part D3 of the *Building Code of Australia*.

The plans must be certified by Architecture & Access or another suitably qualified consultant who has equivalent experience and qualification in accessible design.

13. Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:
 - Installation of electronic livestock signs with flashing lights,
 - Installation of electronic truck signs with flashing lights,
 - Any car parking and large vehicle manoeuvring area works that spill over into the road reserve of Saleyards Road.
 - Placement of permanent advisory speed signs in advance of the turns in Saleyards Road either side of the subject site.

14. The application for a Construction Certificate is to include plans and specifications that indicate access, parking and maneuvering details in accordance with the plans approved by this consent. The 24 car spaces under the roof are to be constructed, sealed, line marked and landscaped.

The access, parking and maneuvering for the site is to comply with the requirements of Council's Development Control Plan for Car Parking.

The current Saleyards carriageway through the site must be treated as a public road. In this regard the engineering plans must demonstrate compliance with AS 2890.5:1993 and AS2890.6:2022. Particular attention should be given to the creation of adequate 'manoeuvre space'. That is the space between the

rear of the car parking space and the edge of the travel lane, which allows for manoeuvring in and out of the car space without obstructing through traffic. Dimension requirements are specified in Figure 2.5 of AS2890.5:1993.

The engineering plans must also demonstrate compliance with AS 2890.2:2002 for commercial vehicle parking and manoeuvring areas.

Plans are to include, but not be limited to, the following items:

- i) pavement description,
- ii) pavement design report issued by a certified geotechnical or civil engineer, specifying pavement designs based on subgrade test results,
- iii) site conditions affecting the access;
- iv) existing and design levels,
- v) longitudinal section from the road centreline to the car space(s),
- vi) stormwater drainage. All stormwater inlet pits picking up surface flow from car parking areas to include trash screens,
- vii) disabled space design and access paths to buildings in accordance with AS1428,
- viii) turning paths,
- ix) linemarking and
- x) signs.

The engineering plans and specifications are to be certified by suitably experienced Registered or Chartered Professional Engineer with Engineers Australia or Professionals Australia.

The plans must be in compliance with the AS2890 series. Such plans and specifications must be approved as part of the Construction Certificate.

15. The contributions set out in the following Schedule must be paid to Council prior to the issue of any Construction Certificate. The particulars of the contributions levied pursuant to Section 7.12 of the Act are set out in the following table:

The contributions plan under which the condition is imposed	Date of contributions plan
Kempsey Local Infrastructure Contributions Plan	6 July 2023

The above plans may be viewed during office hours at the Council Offices located at **22 Tozer Street West Kempsey**.

Contributions set out in the following Schedule are to be paid to Council prior to the issue of a Construction Certificate for the subject development. The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment**. The contribution rates for specific dates are available from Council offices during office hours.

Schedule of Contributions pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979

The Contribution plans under which the condition is imposed	Levy (%)	Value of Works	Contribution Levied	Date until which Contribution rate is applicable
Kempsey Local Infrastructure Contributions Plan	1%	\$12,112,663	\$121,126.63	30 June 2024
TOTAL			\$121,126.63	

16. The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. The approved landscaping plan must include:

- a) the ~~exclusive~~ use of native indigenous plants,
- b) botanical name of shrubs and trees to be planted,
- c) mature height of trees to be planted,
- d) location of common tap(s) and/or irrigation system to ensure all landscape works can be adequately watered, and.
- e) an effective physical barrier between public spaces, vehicles, accessways, parking areas and the surrounding landscaped area.

The landscaping is to provide for the screening of the completed building from surroundings residences. Consideration is also to be given to using species of trees to assist with reducing odor transmission.

The plan is to be prepared by a suitably qualified landscape architect who has appropriate experience and competence in landscaping. Such plans and specifications must be approved as part of the Construction Certificate.

17. The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins. The sediment and erosion control plan is to be designed in accordance with the requirements of the Landcom Blue Book, "Soils and Construction -Managing Urban Stormwater".

The sediment and erosion control plan is to be prepared by a suitably experienced Registered or Chartered Professional Engineer with Engineers

Australia or Professionals Australia.

The plans must be in compliance with Council's current Council's Adopted Engineering Standard. Such plans and specifications must be approved as part of the Construction Certificate.

18. Prior to the issue of any Construction Certificate, a Long Service Levy must be paid to the Long Service Payments Corporation. The amount payable is currently based on 0.25% of the cost of the work. This is a State Government Levy and is subject to change without notice. The requirements of the State Government supersede this condition.

19. A certificate from a professional Geotechnical Engineer is to be provided to the Principal Certifying Authority, certifying that the site is stable and will not be affected by subsidence when the buildings are erected. The certificate must be prepared in accordance with AS 1726.

20. The application for a Construction Certificate is to include plans and specifications that indicate a muted roof colour that has a Solar Absorbance value of between 0.40 and 0.45. Such plans and specifications must be approved as part of the Construction Certificate.

21. The application for a Construction Certificate is to include plans and specifications that indicate stormwater management for the site, in accordance with AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage. The stormwater design must be generally in accordance with the stormwater plans prepared by Northrop and approved by this consent. The final design is to take account of all impervious areas approved by this consent. The overflow discharge is to be designed for the 1% AEP storm event.

The engineering plans and specifications are to be certified by suitably experienced Registered or Chartered Professional Engineer with Engineers Australia or Professionals Australia. Such plans and specifications must be approved as part of the Construction Certificate.

~~20.~~

CONDITIONS TO BE COMPLIED WITH PRIOR TO AND DURING WORKS

21.22. A copy of this Development Consent and the approved Construction Certificate (including all plans, details, specifications, etc.) must always remain on site during construction works. These documents must be made readily available for perusal at the request of any officer of the Council, the Principal Certifying Authority, and/or any Government Agency.

22-23. Prior to the commencement of any building work or demolition work, a sign must be erected in a prominent position at the frontage to the site:

- a. Showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
- b. Showing the 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; and
- c. Stating that unauthorized entry to the work site is prohibited.

The sign/s must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of 1m².

23-24. If any Aboriginal object(s) are discovered and/or harmed in or under the land, while undertaking the proposed development activities, the proponent must:

- Not further harm the object(s),
- Immediately cease all work at the particular location,
- Secure the area so as to avoid further harm to the Aboriginal object(s),
- Notify Environment Line as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location, and
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

24-25. If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.

25-26. In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

26-27. Work must be carried out in a safe and professional manner. Work must not interfere with public amenity, cause damage to nearby property, or unreasonably impact upon the environment. In particular:

- a. Erosion and sediment controls must be maintained throughout the construction, in accordance with approved SWMP, until the site has been stabilized by permanent vegetation or hard surface.
- b. The approved Construction and Traffic Management Plans are to be implemented.

27-28. Works must not unreasonably interfere with the amenity of the neighborhood. Noise that is audible at adjoining residential premises, can only occur:

- a. Monday to Friday, from 7:00am to 6:00pm.
- b. Saturday, from 8:00am to 1:00pm.

- c. Nil on Sundays or Public Holidays.

~~28-29.~~ Construction noise must be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A); or
- b. For construction periods greater than four (4) weeks and not exceeding twenty- six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

<p style="text-align: center;">CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</p>
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~~29-30.~~ Lot 1 DP 530690 and Lot 3 DP623073 are to be consolidated into a single lot.

~~30-31.~~ A right of carriageway, road dedication or similar public right must be created over the existing road carriageway through the land that provides for the joining of Saleyards Road south and north of the site. The right created must be of sufficient width to ensure the proper functioning of the road for both vehicles, cyclists and pedestrians. If at any time the road carriageway is constructed east of the site within the current road reserve the right may be extinguished.

~~31-32.~~ A flood evacuation plan is to be developed and certified as adequate by a suitably experienced and qualified consultant. Such a plan is to include the following components:

- a. Flood Characteristics - A brief description of how a flood event occurs in the area and its impact on the proposed development. This detail must give any user of the saleyards an understanding of what to expect during a flood event.
- b. Flood Warnings - Provide details as to the warnings users can expect in relation to flooding and how they are received. These warnings include expected flood peak, road closures, long term weather forecasts and emergency advice.
- c. Preparations - Users of the development must have clear direction on the various activities that need to be undertaken when preparing for an expected flood event. Such activities as:
 - Moving any items below the flood level to above the flood level,
 - Placing closed signs on the through road,
 - Switching off electrical equipment below the flood level, and
 - Undertaking any measures necessary to minimise the impact of the flooding of waste treatment ponds and on-site sewage management system.

- d. Evacuation - Programming the evacuation process must ensure all activities are undertaken in a safe timely manner providing safe unassisted evacuation from the buildings and the carpark for various flood levels.
- e. Responsible persons - Nominate by position title, those persons responsible for implementation actions for individual plan elements. Identify a hierarchy of alternate controllers with the persons potentially responsible identified by position title, not their individual names. Useful contact numbers for flood advice must be included in any flood contingency plan.
- f. A single A3 summary page that can be publicly displayed display in the main selling arena. This should include a simple diagram to explain expected flood levels and likely warning intervals.

32.33. A Neighbour Management Plan must be developed to deal with potential issues with neighbouring residents to the Saleyards. The plan is to be developed with the assistance of a suitably qualified consultant who is experienced in land use conflict policies, procedures and guidelines and their implementation. The plan is to include but is not limited to the following matters:

- a. Protocols for the public address systems. Measures should include:
 - i. restriction to designated areas,
 - ii. volume controls, and
 - iii. direction of speakers away from any sensitive residential receivers.
- b. Protocols for the loading and unloading of livestock. Measures should include:
 - i. restriction to the designated areas,
 - ii. restrictions on hours of operation, and
 - iii. education campaigns for truck drivers.
- c. Protocols for odor controls. Measures should include:
 - i. changes to the Solid Waste Management Plan as required, and
 - ii. provision of built or planted screens.

d. Specific complaint handling procedures which are to include:

- i. distribution to the neighbours of the direct contact details of the site manager and details of the adopted complaint handling procedures,
- ii. a notice at the site entry of the contact details of the site manager,
- iii. the recording of all complaints received and the response to those complaints. This record of complaints (with personal details redacted) is to be provided to any member of the public on request.

The management plan is to be developed in consultation with potentially impacted neighbours. As a minimum this is to include all immediately adjoining neighbours.

~~33-34.~~ Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must ensure that all requirements of this consent (including the approved documents and subsequent approvals) have been completed.

~~34-35.~~ Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must ensure that all flood mitigation measures of this consent have been satisfied.

~~35-36.~~ Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must ensure that all requirements of all approvals issued under Section 68 of the *Local Government Act 1993* have been completed. This includes obtaining an approval to operate the on-site sewage management system.

~~36-37.~~ Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must ensure that all requirements of all approvals issued under Section 138 of the *Roads Act 1993* have been completed.

~~37-38.~~ The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of any works associated with the approved development, must be met in full by the applicant/developer.

~~38-39.~~ An updated stock effluent treatment system management plan servicing the truck washdown area, including the operation, maintenance and monitoring of the system, is to be prepared to manage liquid wastes generated during the operation of the Saleyards. The plan is to be in accordance with the *Environmental Guidelines: Use of Effluent by Irrigation* (Department of Environment and Conservation (NSW) 2004). This may include the use of the NSW Environment Protection Authority Resource Recovery Order under Part 9, Clause 93 of the *Protection of the Environmental Operations (Waste) Regulation 2014: The Effluent Order 2014* and the Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the *Protection of the Environmental Operations (Waste) Regulation 2014: The Effluent Exemption 2014*. The design must take into consideration the impact of flooding on the stock effluent treatment system and recovery from a flood event.

The updated stock effluent treatment system management plan is to be approved by Whitehead & Associates Environmental Consultants Pty Ltd or another suitably qualified consultant who has not been involved in the project and is experienced in stock effluent management policies, procedures and guidelines and their implementation.

ONGOING OPERATIONAL REQUIREMENTS

~~39.40.~~ The annual throughput of livestock, for the purposes of sale, auction or exchange or transportation by road, or rail ~~or ship~~, is to be less than 50,000 animals of any type.

~~a) 50,000 head of cattle, or~~

~~b) 200,000 animals of any type, including cattle.~~

~~40.41.~~ The electronic livestock signs with flashing lights installed on Saleyards Road must be activated when livestock is on the Saleyards Road carriageway through the land.

~~41.42.~~ The electronic truck signs with flashing lights installed on Saleyards Road must be activated when trucks are manoeuvring within the through lane.

~~42.43.~~ The Neighbour Management Plan is to be continuously implemented. The Plan is to be reviewed within six months of the completion of the completion of the new roof. The review is to include further consultation with potentially impacted neighbours. Thereafter the Neighbour Management Plan is to be reviewed every five years. All reviews are to be with the assistance of a suitably qualified consultant who is experienced in land use conflict policies, procedures and guidelines and their implementation.

~~43.44.~~ The Solid Waste Management Plan is to be continuously implemented. The Plan is to be reviewed within six months of the completion of the completion of the new roof. Thereafter the Plan is to be reviewed every five years.

Any change to the plan is to be approved by Whitehead & Associates Environmental Consultants Pty Ltd or another suitably qualified consultant who has not been involved in the project and is experienced in solid waste management policies, procedures and guidelines and their implementation.

~~44.45.~~ The approved ~~landscaping~~ is to be maintained in perpetuity.

~~45.46.~~ Flood mitigation measures and the flood evacuation plan required by this consent must be effectively implemented at all times.

~~46.47.~~ The updated stock effluent treatment system management plan is to be continuously implemented. The Plan is to be reviewed every five years. The updated management plan is to be approved by the Council's principal environmental health officer.

Schedule 2 - ADVICE: BUILDING SERVICES

Certain additional approvals and action are required by you prior to and during construction works. The *Environmental Planning and Assessment Act 1979* requires you to:

Obtain a Construction Certificate prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier must obtain Council's approval to certain conditions of this development consent, where indicated before issuing the Construction Certificate.

- a. Nominate a Principal Certifying Authority (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You cannot lawfully commence works without complying with this requirement.
- b. Give Council at least two (2) days notice of your intention to commence the erection of a building before commencing construction works by lodging the 'Notice of Commencement of Building Works and Appointment of the Principal Certifying Authority' form enclosed. You cannot lawfully commence works without complying with this requirement.
- c. Obtain an Occupation Certificate before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign by lodging the 'Application for Occupation Certificate' form enclosed. You cannot lawfully commence occupation or the use of a building without complying with this requirement.