

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNTH-95
DA Number	2021/018
LGA	Gunnedah
Proposed Development	Redevelopment of the existing Gunnedah Sale Yards, including the construction of a new administration building, multi-roof structure, extension to cattle yards, construction of new truck wash and other ancillary structures. The development is proposed to occur over three (3) stages
Street Address	2-42 Kamilaroi Highway, Gunnedah NSW 2380
Applicant/Owner	Gunnedah Shire Council (c/- Damien Connor)
Date of DA lodgement	05 March 2021
Total number of Submissions Number of Unique Objections	Nil
Recommendation	Approval – Subject to Conditions (Annexure A)
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Clause 3 – Council related development over \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy (Koala Habitat Protection) 2020 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • Gunnedah Local Environmental Plan 2012 • Gunnedah Development Control Plan 2012
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects •
Clause 4.6 requests	N/A
Summary of key submissions (Excluding Late Submissions)	N/A
Report prepared by	Wade Hudson (Senior Development Officer)
Report date	18 August 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes

1. Executive Summary

1.1 Reason for consideration by Regional Planning Panel

The Development Application has been referred to the Northern Regional Planning Panel (NRPP) for determination pursuant to clause 3 of *Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011*, as the development is a Council related development with a capital investment of more than \$5 million.

1.2 Description of Proposed Development

The development application is seeking consent for the redevelopment of the existing Gunnedah Sale Yards, including the construction of a new administration building, multi-roof structure, extension to cattle yards, construction of new truck wash and other ancillary structures. The development is proposed to occur over three (3) stages in accordance with the proposed staging plan.

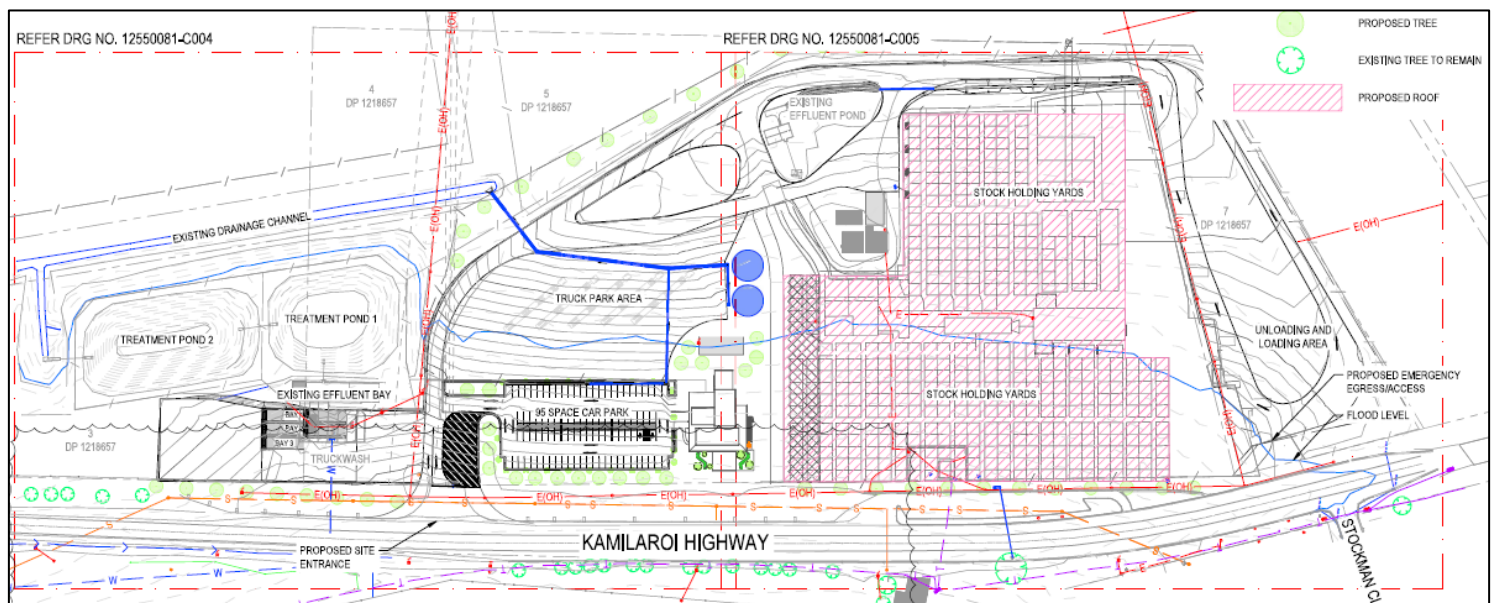


Figure 1. Proposed Site Plan

1.3 Compliance with Planning Controls

The development is not regarded as being state significant development as the land use activity is not identified within *Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011*. The development also does not trigger State Significant Development under *Schedule 3 of the State Environmental Planning Policy (State and Regional Development) 2011*, as the development is a development on behalf of the Gunnedah Shire Council, within the Gunnedah Local Government area and the development did not require the lodgement of an Environmental Impact Statement (EIS).

The development proposal would have typically been regarded as designated development under clause 21 of Schedule 3 of the *Environmental Planning Regulation 2000*, being a saleyards facility with a throughput of more than 50,000 head of cattle per annum. However, the development is not regarded as being Designated Development under clause 35 of Schedule 3 of the *Environmental Planning Regulation 2000*, as the development is for the alteration and addition to the existing facility and given that the proposed development does not significantly increase the environmental impacts of the total development to those created by the current facility with no increase in total stock numbers being sought. The proposed works will, improve the net overall environmental benefit through modernisation of a range of facilities and environmental management systems at this particular site.

1.4 Consultation

The development application was exhibited and notified in accordance with *Division 2 of Schedule 1* of the *Environmental Planning and Assessment Act 1979*. The Gunnedah Community Participation Plan required that the application be notified to adjoining and surrounding neighbours and advertised in the local paper for a minimum period of 21 days, due to the advertisement occurring over the school holiday period. Council did not receive any submissions in response to the exhibition period.

1.5 Recommendation

It is recommended that Development Application DA2021/018 be approved, subject to conditions of consent contained in Annexure A.

1.6 Annexures

Annexure A	Draft Conditions of Consent
Annexure B	General Terms of Approval (NSW Environment Protection Authority)
Annexure C	Assessment Peer Review

2. Evaluation of Development Application

2.1 *Proposed Development*

The development application is seeking consent for the redevelopment of the Gunnedah Sale yards precinct. The redevelopment includes the renovation of existing livestock pens, construction of new holding pens, construction of a new truck wash bay, construction of a new administration building, construction of ancillary structures and new car parking area. The development will be constructed over three (3) stages. The full breakdown of the proposed works is as follows:

- Construction of administration building, to replace the existing building which is located across Kamilaroi Highway to the south of the site, including ancillary facilities consisting of:
 - Office;
 - administration and education spaces;
 - café/kiosk and outdoor dining area; and
 - amenities including lunch rooms, showers, wash rooms and toilets;
- Construction of multiple roof structures over the whole of the existing yard and pen areas in multiple stages;
- Extension of the existing cattle yards to the west, and improvements to the existing cattle yard infrastructure including gates, fencing and watering systems;
- Biosecurity improvements including a new drive-through truck wash capable of accommodating road trains and semi-trailers;
- Bitumen sealing of internal roads, car parking and manoeuvring areas;
- Construction of off-street car parking for light vehicles and a parking/queuing area for heavy vehicles;
- Construction of security fencing around the site perimeter and other security improvements including CCTV;
- Upgrades of existing loading/unloading ramps;
- Construction of public access gantries and other access improvements;
- Internal lighting upgrades;
- Technological improvements including wi-fi and high-speed internet;
- Construction of stormwater harvesting and re-use facilities, solar panel arrays and other sustainability improvements; and
- Consolidation of the development allotments into a single land parcel.

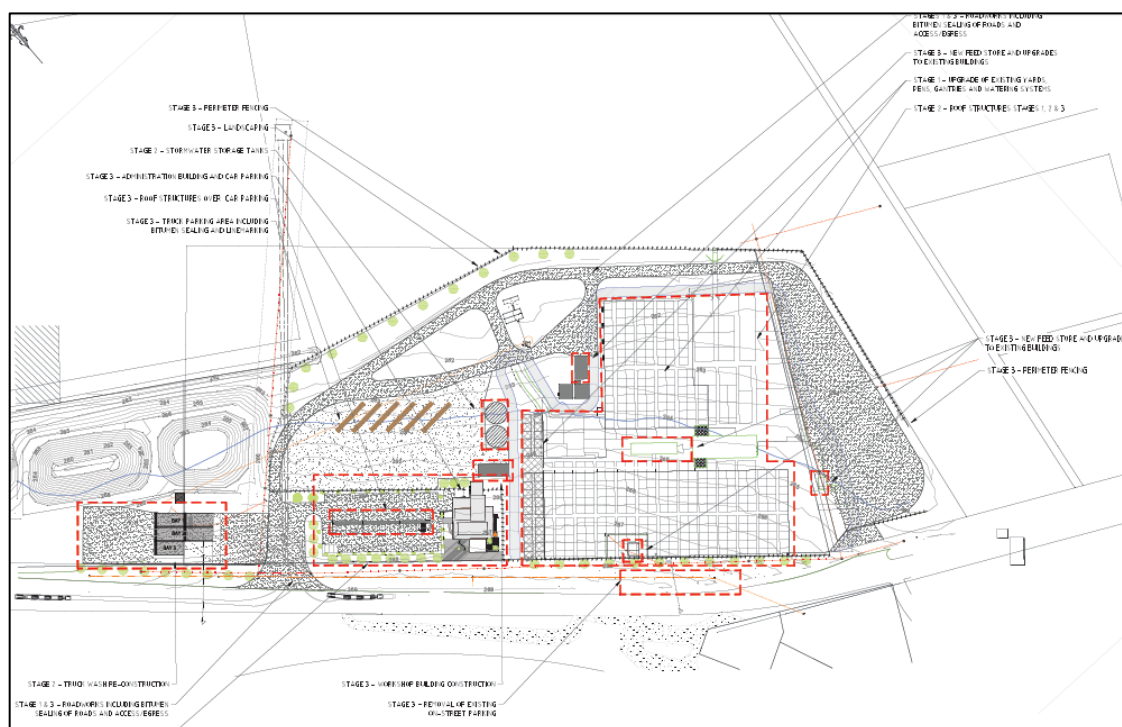


Figure 2. Proposed Staging Plan

2.2 Site Description

The development is to be located within the boundaries of Lot 3, 6 & 7 DP 1218657, 2-42 Kamilaroi Highway which contains the existing Gunnedah Sale Yards which has a licensed animal handling capacity of >25,000-60,000 accommodation (EPL 11561) and a current throughput of 120,000 head of cattle per annum. The development site has a combined lot area of 9.583ha across the three (3) lots with each lot being of an irregular shape. The subject land has frontage to Kamilaroi Highway, with multiple existing historical accesses to this road frontage.

2.3 Background

According to the submitted SoEE, the Gunnedah Saleyards represents the fourth largest cattle selling facility in NSW based on cattle throughput, and is comparatively the eighth largest in Australia. The facility holds cattle sales every Tuesday and the facility is not known to host any 'mixed sales'.

The Saleyards has undergone several upgrades and additions since commencement of operations at the site mid last century. The current layout of the Saleyards facility was substantially completed in 2012 with an additional 4,000m² of selling pens, drafting pens and loading ramps was constructed adjacent to the existing cattle pens towards the centre of the subject site.

The SoEE provides that the Gunnedah facility has been operating for over 100 years, with the facility containing the following structures and infrastructure:

- Loading/unloading ramps;
- Holding, selling and drafting pens/yards with reticulated water supply/troughs;
- Personnel access gantries between the yards/pens;

- Personal Address (PA) system;
- Flexible shade structures;
- Truck wash;
- Weigh scales and telemetry;
- Scanning facilities;
- Vet crush;
- Canteen facilities (nb: off-site and not subject to this application);
- Office and amenities building;
- Unsealed access roads and hardstand areas for truck manoeuvring; and
- Workshop and machinery shed.

Council has recently been successful in acquiring a significant grant from the NSW government to update this nationally significant facility. A particular focus of the proposed works under the submitted application surrounds animal husbandry and welfare considerations and commensurate environmental improvement activities which will be addressed in detail in a latter section of this Report.

The sheep handling facilities at the site, including yards and loading facilities, have been recently demolished and removed. It is not currently proposed to reinstate sheep sales at this particular facility.

2.4 *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*

Evaluation of the development application has been undertaken in compliance with Section 4.15 of the EPA Act.

S4.15(1)(a)(i) any environmental planning instrument (EPI)

➤ State Environmental Planning Policy (Infrastructure) 2007

Division 2, Clause 15 Consultation with councils—development with impacts on flood liable land

The development site is subject to flooding and would be impacted by the maximum probable flood. However, the development is not expected to change flood characteristics within the immediate or wider environment as no physical barriers or significant earth works will occur that may redirect or disperse flood waters. Hence, consultation was not required for this development. Potential flooding impacts arising from this development is considered in detail in section GLEP Clause 5.21 and GDCP 6.1 of this Report.

Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network

The development is not located within 10 metres of an overhead power distribution line or 2 metres of a below-ground distribution line. The development does not adjoin an easement for electricity purposes or a electricity substation. Hence, the provisions of Clause 45 of the ISEPP did not require referral of the development to the electricity supply authority for the Gunnedah Area (Essential Energy).

➤ State Environmental Planning Policy (Koala Habitat Protection) 2020

The development is required to be considered in accordance with the provisions of *State Environmental Planning Policy (Koala Habitat Protection) 2021* as the Gunnedah Shire is listed within Schedule 1 of this SEPP and the development site has an area greater than 1 hectare. The development site has no registered Koala Plan of Management (KPoM).

The development application was accompanied by a Koala Assessment Report, which was prepared by a suitably qualified and experienced consultant. The report determined that three (3) listed tree species identified onsite during field investigation (River Red Gum, Silver-leaved Ironbark and Yellow Box). Trees onsite were investigated for presence of Koalas or evidence that trees had been inhabited by Koalas. No individuals were noted onsite and no evidence of past koala activity was observed at the site. A desktop analysis did not identify any koala sightings on the site over the past 18 years.

The site was determined to be highly suitable as Koala Habitat due to the presence and number of Koala Feed Trees onsite. However, due to the lack of records and evidence of Koala activity onsite, it was determined that the development site did not meet the definition of Core Koala Habitat. The development was determined to have a low impact on Koalas and their habitat with the development occurring outside of the vegetated footprint of the site. Hence, Council is not prevented from granting development consent.

- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
The assessment of the development and the nature of the activity does not trigger SEPP No. 33 as the development is not regarded as being 'Potentially Hazardous Industry' or 'Potentially Offensive Industry' in accordance with the available definitions within the *Gunnedah Local Environmental Plan 2012* (GLEP 2012). No dangerous goods are proposed to be stored onsite as part of existing and ongoing site activities.
- State Environmental Planning Policy No. 55 – Remediation or Land
The development is currently operated for the purpose of an stock and sale yard. The development does not propose a change of land use to the facility. Hence, no detailed soil investigation was required.

Council has reviewed its records and has not identified any historical activity of the site which could have potentially lead to contamination. In the event that any minimal contamination of the site has occurred, it is considered that the site is suitable in its contaminated state. Hence, the consent authority is not restricted from granting consent for the development.

- State Environmental Planning Policy No. 64 – Advertising and Signage
The development does not propose any signage or advertising structures that require specific consideration under SEPP 64. It is indicated that existing signage will be retained and repurposed for the new development where required. There are exemptions within Schedule 2 of the GLEP which allows for this to occur.
- State Environmental Planning Policy (State and Regional Development) 2011
The development is not regarded as being state significant development under 3 of this SEPP, as the development is on behalf of the Gunnedah Shire Council within the Gunnedah Local Government Area. Hence, the proposed sale yard redevelopment is not considered to be State Significant Development for the purposes of the *EPA Act 1979*.

The development is considered to be Regional Development as the development is a Council related development with a Capital Investment Value in excess of \$5 million, for which Council is the application and the land owner. Hence, the Northern Joint Regional Planning Panel (NRPP) is the determining body for this application.

- State Environmental Planning Policy (Primary Production & Rural Development) 2019:
This Policy aims, inter alia, to facilitate both the orderly and economic use and development of lands for primary production, and to reduce land use conflict and sterilisation of rural land.

Part 4 of the SEPP pertains to livestock intensive industries. The provisions of the SEPP are not deemed to apply to this proposal as the development does not entail:

- Emergency feeding or emergency homing arrangements for livestock in response to emergencies, including fire, flood, drought and animal disease outbreaks, or
- Use of the land for routine husbandry purposes such as weaning or dipping, or
- Location within a local government area (LGA) designated as being with the Western Division, as defined.

Land Use Conflict Risk Assessment (LUCRA) considerations are addressed throughout this assessment report.

- Regional Environmental Plans (REP)
There is no Regional Environmental Plan (REP) which applies to the development site.
- Gunnedah Local Environmental Plan 2012 (GLEP 2012)
Clauses of the GLEP 2012 applicable to the development are addressed as follows.

2.3 – Zone Objectives and Land Use Table

The development site is zoned as being SP2 Infrastructure. The development is marked as being for the purpose of Stock and Sale Yards on LEP Maps LZN_005A and LZN_005AA. Refer to Figure 2, below.

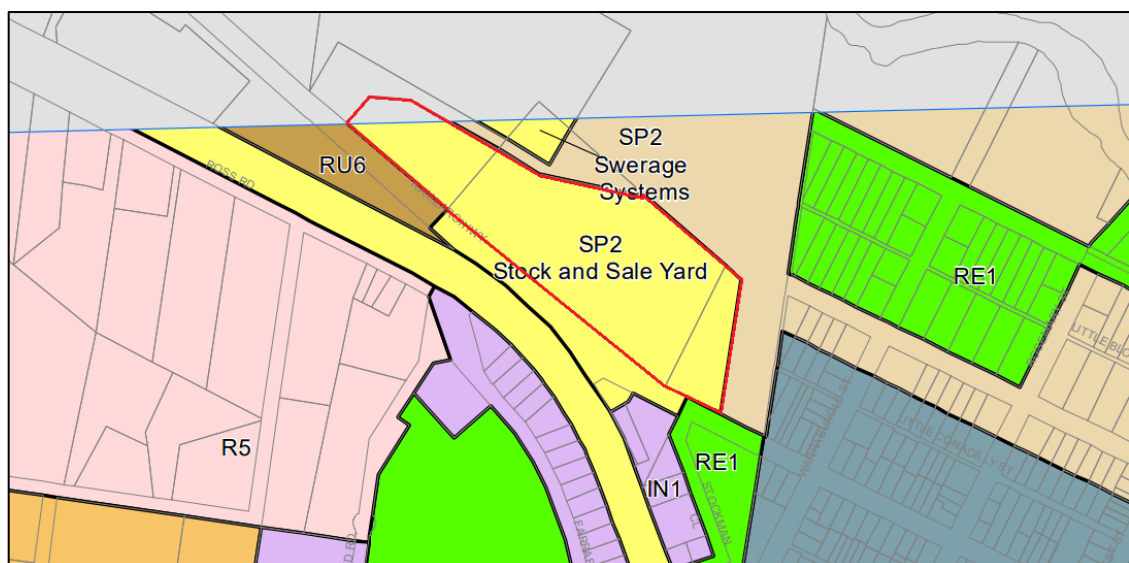


Figure 2. Gunnedah LEP 2012 Land Zone Map, LZN_005AA extract. Site Mark Red

For the SP2 zone within the LEP 2012, land uses which are permissible with consent are specific to the purpose for which is shown on the Land Zoning Map. This includes any incidental or ancillary activity to the occurrence of this development. Hence, as the Land Zoning Map indicated the site for Stock and Sale Yard and all proposed activities are ancillary to that activity, then the development is a permissible land use, subject to consent.

The SP2 Infrastructure zone objectives are outlined as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To provide for a range of significant transport and physical infrastructure to meet the needs of the community.
- To ensure that the scale and character of infrastructure is compatible with the landscape setting and built form of surrounding development.

The development is considered consistent with each of the above land use objectives as the facility is community infrastructure which provides a benefit to the broader community. The proposed development will not be of a scale which detracts from the surrounding environment and is not inconsistent with industrial activities which are in close proximity to the site.

5.21 – Flood Planning

The development site is mapped as being partially flood prone land on the lower lying areas of the site. The extent of the mapped flood inundation for a 1 in 100 year is shown in Figure 3 below.



Figure 3. – Flood Planning Map, GLEP 2012 (1 in 100 year flood level)

The development will position all critical infrastructure and new buildings outside of the flood prone area of the site. The new administration building and new washbay will all be located in areas of the site which are not subject to the 1 in 100 year flood event level. This ensure that the impacts of flooding is minimised. In the event of a flood event, there is sufficient notice available and there is a clear direction of evacuation to the south onto the

Kamlairoi Road, which is the primary and only road frontage for persons attending the facility and stock housed.

Structures which will be located within the flood prone area of the site are either existing structures which are retained, or non habitable structures which are constructed of a material which would be compatible with flood inundation. The development will not result in any new structures or earthworks which would result in significant diversion or displacement of flood waters. Hence, the development is not expected to present risk to life as a result of the proposed works and the development is not restricted from being granted consent under this clause.

6.2 – Airspace Operations

The development site is subject to obstacle limitation contours from the Gunnedah Aerodrome, which is located approximately 1.2km to the north of the site. The height limitation, to facilitate aircraft takeoff and landing for this site, is 45 metres. The highest structure for the proposed development is the proposed roof structure over the sale pens. This structure will have a topmost height of 15 metres from the current ground level. Hence, the development did not require referral to CASA for comment and no action is required regarding potential aircraft collision.

6.5 – Essential Services

The development site has access to Council's reticulated water supply. This service will be retained and upgraded if required.

The site has an existing electrical service connection from overhead electrical transmission lines. Any required upgrade to these services is to be conducted in consultation with the local service provider. Appropriate conditions of consent will be imposed in this regard.

The development site is serviced by an existing effluent pump station located to the rear of the yard area. The pump station currently collects liquid from effluent storage bays, which conveys effluent to settlement ponds located adjacent to the truck wash, which also captures effluent from the truck wash bays. The primary treated effluent from the settlement ponds is then pumped directly into the settlement dams at the Gunnedah Waste Management Facility, which adjoins the site to the north.

The development will require onsite stormwater detention. The development application includes a stormwater management plan which outlines the management of additional stormwater generated from the new roof structures and sealing of internal driveways and parking areas.

The development site has frontage to the Kamlairoi Highway as a suitable legal road access for light and heavy vehicles. This frontage already services two existing vehicle accesses which will be retained for the purposes of this development. Any upgrade works to access points is addressed further through this report.

S4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft environmental planning instruments applicable to the proposed development or the development site.

S4.15(1)(a)(iii) any development control plan

Gunnedah Development Control Plan 2012 (GDGP 2012)

➤ 4. Industrial

- ***4.1 – Building Setbacks***

The development control plan requires a minimum setback of 7.5 metres from Kamilaroi Highway as the Primary Road frontage to the property. Side setbacks are required to meet fire separation requirements of the Building Code of Australia (BCA). The administration building and roof structures over stock pens and parking areas will be located towards the front of the property.

The administration building is able to achieve the minimum setback of 7.5 metres from Kamilaroi Highway and is not located close to any of the other property boundaries which may require some particular fire rating by the BCA. The submitted Statement of Environmental Effects (SoEE) indicated that the administration building will be located 10 metres from the Kamilaroi Highway frontage.

The roof structure 'B', which is the southern of the 3 roof structures, which will be constructed over the existing sale pens, will be located 3 metres from the Kamilaroi Highway frontage, with the support posts being approximately 6 metres from the lot boundary. As this structure is being constructed over an existing area of the site, without removing or repositioning these pens, there is no way of meeting compliance with the building setbacks set by this control standard. The benefits of providing shading and a protected space to sale areas and stock housed within the sale pens, outweighs the slight encroachment into the building line. Additionally as the pens are already located in close proximity to the road reserve the construction of such a structure would not impose a new feature on the road reserve. The structures are not expected to be overbearing on the road reserve. Hence, the variation to this development standard is supported.

- ***4.2 – Design***

The development will incorporate an Administration Building, which will be ancillary to the proposed development, consistent with the adopted precinct Master Plan. The new building will provide significantly improved sale-day facilities. Architectural design plans have been submitted in support of the application, as prepared by Hill Lockart Architects. The plans detail that the double-storey administration and café building will be contemporary design with robust finishings including colourbond, brick, smooth finish James Hardie "Exotec" façade sheeting and steel.

The proposed roof structures over the yards will significantly improve animal welfare outcomes via the reduction of exposure of the animals to the elements over extended

periods of time. The roof structures will also improve sale-day outcomes to patrons and visitors of the facility by providing shelter from adverse weather conditions, and reduce effluent generation and reliance on potable water supplies. As detailed above, the preferred colour palette for the roofing structures have not been nominated and will need to be addressed as a condition of consent to the proposal and ensure that they are non-reflective in nature.

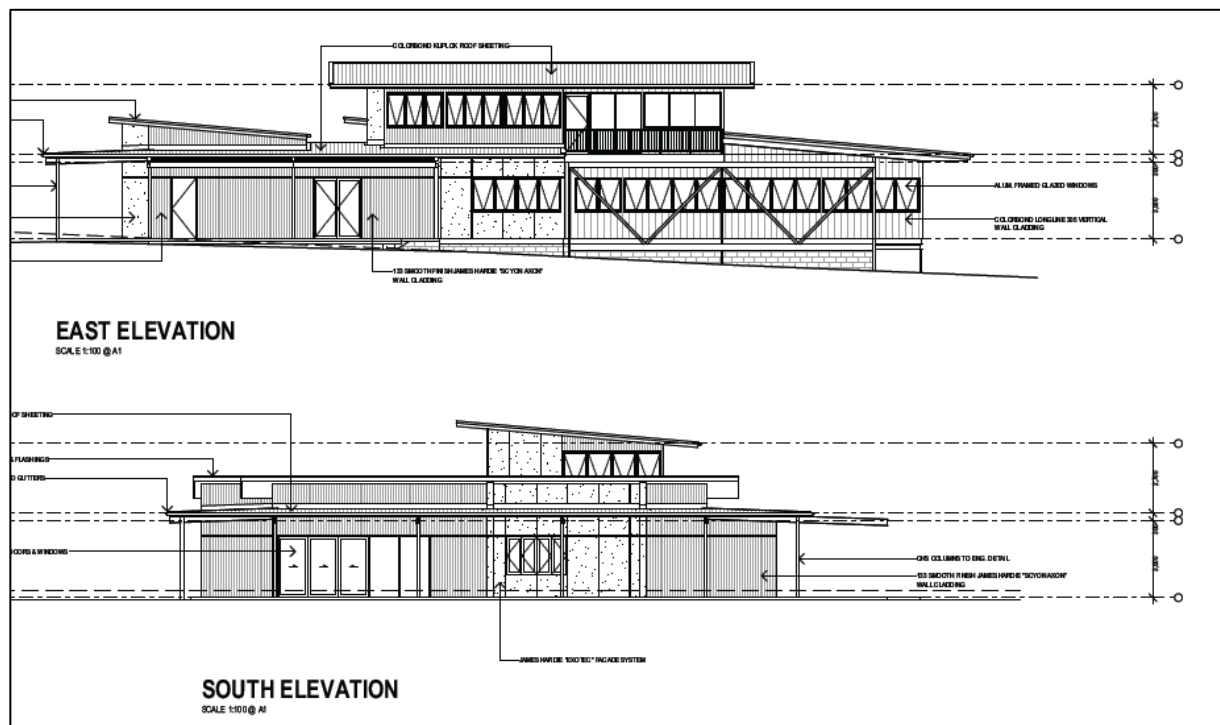


Figure 4. – Administration Building Elevations

- 4.3 – Utilities and Services

The new administration building will include a café that is ancillary to the patronage of the sale yards and administration building. This activity is likely to create a trade waste. A trade waste agreement is to be submitted to Council prior to the issue of a Construction Certificate to ensure appropriate management of trade wastes. The development site is already connected to Council's water and sewer services. These services are to be retained and no significant upgrades to the current infrastructure network have been identified as being required as a result of this development. The new administration building is to be serviced by sewer through the creation of a new service connection to Council's existing sewer main located along Kamilaroi Highway. Appropriate conditions of development consent may be imposed in this regard.

- *4.4 – Traffic and Access*

The development application was accompanied by a Traffic Impact Assessment which addressed the traffic volumes of the development and the impact on and state of existing road infrastructure.

The development site has frontage to Kamilaroi Highway for vehicle access to the site. Kamilaroi Highway is bitumen constructed along the entire road frontage. There is no current special intersection treatment at the access point to the facility. The site has two existing access points. Each of these will be retained for the purposes of this development. The primary access will be the Western access, with the SoEE indicating the Eastern access being retained for emergency access only. There are no new access points proposed.

The current internal driveway treatment is gravel surface with no hardsealed areas within the site. To limit the possible dust impacts from the site the development includes a proposal to seal all internal driveway, parking, manoeuvring and loading/unloading areas. It is anticipated that the seal of these areas will reduce the potential dust generation from the site.

The Eastern end of the site is improved by kerb and gutter, which is terminated at the current Western vehicle access. This is the expected to be retained for the development and additional kerb will be required along the remaining frontage to the site. The establishment of kerb will require the construction of a kerb layback to grant access to the site.

There is sufficient area within the site for all vehicles to access and exit in a forward direction. A condition is to be imposed that all onsite parking facilities be designed and constructed in accordance with *AS 2890.1 Parking Facilities*.

- **4.5 – Parking**

Parking at the site will consist of off-street parking areas to be shared with the Administration Building, and will provide a total of 95 publicly accessible spaces, including two (2) accessible spaces. Generation rates for parking demand for a range of land use types are detailed in the *RTA Guide to Traffic Generating Developments (2002)*, which is read in conjunction with the Gunnedah Development Control Plan (DCP). It is acknowledged that neither the Guide nor the DCP provide parking generation rates for saleyards. Consequently, the submitted documentation makes assertions based on historical parking demand which is considered reasonable in the context of this development.

The development site has a current onsite parking provision of 27 parking spaces for the sale yards. As there is no increase in the total capacity of number of stock that can be serviced by the facility (restricted by the maximum number allowed in the Environmental Protection License) no additional onsite parking demand is created.

The car parking demand requirements for the administration building has been calculated at a total of 49 spaces. The car parking area will be made available for use by staff, agents and their contractors, visitors and the general public. These parking spaces are required as part of Stage 3 of the development as this parking demand is not created until the administration building is completed.

The ancillary structures to the development proposed do not create any parking demand, as these would not promote any customer usage of the site or additional staff capacity. Hence, no specific onsite parking spaces are required based on the floor area of these structures.

As a result of the components of this development, the total number of parking spaces required is 76. This can be broken down to 27 parking spaces during stage 1, as the stock yards are not diminished and the parking demand is created for these spaces during stage 1 and the remaining 49 spaces, from the administration building, would be required during stage 3 of the development works. Conditions will be imposed accordingly.

Additional parking for heavy vehicles is provided in the hardstand area at the rear of the administration building. This parking area can accommodate up to 10 B-Double vehicles. There is no specific parking requirement for these vehicles in accordance with the GDCP. However, the provision of these additional parking requirement is supported.

The ancillary structures to the development proposed do not create any parking demand, as these would not promote any customer usage of the site or additional staff capacity. Hence, no specific onsite parking spaces are required based on the floor area of these structures.

As a result of the components of this development, the total number of parking spaces required is 76. This can be broken down to 27 parking spaces during stage 1, as the stock yards are not diminished and the parking demand is created for these spaces during stage 1 and the remaining 49 spaces, from the administration building, would be required during stage 3 of the development works. Conditions will be imposed accordingly. The development plans show a onsite parking area which accommodates 99 parking spaces, well in excess of the minimum requirement. There is also a dedicated parking area for B-double trucks.

- **4.6 – Landscaping**

The development proposes to undertake landscape along the frontage to the existing sale pens and to the front of the proposed formal onsite parking areas. Additional landscaping is proposed along the rear property boundary. Landscaping is indicated on the staging plan to occur during stage 3 of the development, being the final stage. However, due to the requirement and obligations of this clause of the GDCP 2012,

landscaping will be required to occur during Stage 1 in full. A detailed landscaping plan is required prior to the issue of a Construction Certificate, which addresses how the visual elements of the development will be minimised from the public reserve and additional softening and shading will be provided to onsite parking areas. The Detailed Landscaping plan is to identify selected vegetation species, which are to consist of low maintenance, drought and frost tolerant species.

- *4.7 – Fencing*

The development proposes the construction of any new boundary fence around the perimeter of the stock sale yards. The fence will not be located in front of the new administration building and will not encompass the onsite parking area. The proposed new fence is to be of a decorative nature. The final design of the fence is to be consistent with other industrial developments within the surrounding area.

- *4.8 – Loading/unloading facilities*

The development will require the loading/unloading of cattle as well as product which is delivered onsite to the new administration building and associated facilities within this building.

Loading/unloading of cattle will continue to occur at the Eastern side of the cattle pens, with ramps and races already presented for the purposes of loading and loading stock from vehicles delivering them to site for sales. Access to these areas occurs from the combined entry of Kamilaroi Highway, but is accessed from an internal access driveway. This driveway and the loading/unloading area is limited to pedestrians, with public access not provided from this area and public parking located on the opposite (west side) of the sale yards. There is not expected to be any conflict with pedestrian from these delivery vehicles.

The deliveries to the new administration building will be limited to light-rigid vehicles. These vehicles will either service the administration of the sale yards or provide product to the café service provided within this building. A loading/unloading area is provided adjacent to the administration building. Deliveries of to this building will be scheduled to occur outside of sale times to prevent any likelihood of pedestrian conflict. A traffic management plan is required prior to the issue of a Construction Certificate, which must outline how deliveries to the administration will occur as to ensure that there is no conflict with patrons to the administration operation or café, where each operate outside of stock sale events.

- *4.9 – Outdoor Lighting*

Any outdoor lighting is to be installed as to comply with *AS4282 Control of Obtrusive Effects of Outdoor Lighting*. A condition has been recommended to this effect.

In the completion of this assessment report consideration has also been given to the requirements of the *Environmental Planning and Assessment Regulation 2000* with

particular regard to the *Dark Sky Planning Guidelines*. As the development is not identified as designated development, the provisions of clause 92(d) of the Regulation are not deemed to be applicable.

- *4.10 – Outdoor Signage*

The development application does not include an application for the installation of any new signage.

- *4.11 – Noise*

The development site adjoins R5 Large Lot residential areas to the South. This residential area is located across the Kamilaroi Highway and the Rail Corridor. There are no windows, doors or open space of any workbays which are directed towards the residential zone. A condition is to be imposed that air-conditioner and plant rooms are not to be located on the southern elevation of any buildings. Other noise impacts not specific to this clause are addressed further through this report.

➤ 6. General Development Specifications

- *6.1.1 – Development on Flood Affected Land*

The development site is mapped as being subject to flooding during a 1 in 100 year flood event level.

- *6.1.2 – Is land flood affected*

The development site is not mapped as being flood way. Hence, Council considers the site to be flood fringe.

- *6.1.4 – General Requirements for development of flood fringe*

Flooding considerations arising from this development are considered in detail as part of Clause 5.21 of the GLEP review previous through this assessment report.

- *6.1.5 – Access to lots within flood fringe*

The access to the property occurs to Kamilaroi Highway, which is not flood prone land. Hence, the site has flood free access.

- *6.1.8 – Commercial/Retail/Industrial development within flood fringe*

The access to the property occurs to Kamilaroi Highway, which is not flood prone land. Hence, the site has flood free access.

- *6.1.12 – Non-Residential rural buildings within the flood fringe*

The access to the property occurs to Kamilaroi Highway, which is not flood prone land. Hence, the site has flood free access.

- *6.2 – Parking Requirements*

Parking has been previously addressed through this report. Refer to 4.5 – Parking above.

- **6.3 – Landscaping**
Landscaping has been previously addressed through this report. Refer to 4.6 – Landscaping above.
- **6.4 – Outdoor Lighting**
Any outdoor lighting is to be installed as to comply with *AS4282 Control of Obtrusive Effects of Outdoor Lighting*. A condition has been recommended to this effect.
- **6.5 – Outdoor Advertising/Signage**
Signage has been previously addressed through this report. Refer to 4.10 – Outdoor Signage above.
- **6.6.1 – Environmental Effects**
The environmental effects arising from this proposal are detailed throughout this assessment report.
- **6.6.2 Erosion and Sediment Control**
Council's standard conditions will be imposed for sediment and erosion control measures to be implemented during construction and ongoing operation of the development.
- **6.6.4 Waste Management**
Waste management considerations are addressed further through this report.
- **6.6.5 Noise**
Noise impacts are addressed further through this report.
- **6.6.6 Geology**
The slope and soil conditions of the development site have been addressed further through this report.

S4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement or draft planning agreement entered into between the development applicant, relevant body or Council, under section 7.11 of the Act for this development.

S4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)

Joint Regional Planning Panels Order 2009

Gunnedah Shire Council is identified as being located within the Northern Region Joint Planning Panel.

S4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

- *Context & setting*

The subject site is situated within an area that is predominantly characterised as low-density industrial development in a gateway location. The context of the surrounding environment is considered varied, comprising open grasslands and sparse mature vegetation to the north of the site, the Gunnedah Wastewater Treatment Plant to the west, industrial development to the south, and residential development to the east.

The site is located with frontage to a primary transport corridor being the Kamilaroi Highway and the Mungindi Railway Line. A wide transport corridor currently exists.

The SoEE details that the visual appearance of the saleyards will be altered significantly through the addition of the expansive roof areas, the new Administration building, site perimeter fencing, landscape and formalised access arrangements.

Given the scale of the proposed development it cannot be screened to remove it completely from the landscape. The key question is whether or not the visual impact is acceptable. Given that the proposed development is located on an existing site that has been utilised for this purpose for over a century, it is considered unlikely that the scenic qualities, character and features of the broader landscape will be adversely impacted. This impact can also be lessened by the planting of screening along the Kamilaroi Highway frontages of the land. The planting used should be outlined in a detailed Landscaping Plan. The scale (bulk, height, mass) of the development is large, however, it is appropriately setback from the street and although dominant is not considered to be visually out of context with other development in the locality.

The proposed design arrangements and amelioration measures are considered satisfactory in this instance.

- *Access, transport and traffic*

The development has frontage to Kamilaroi Highway with two existing vehicle accesses. With respect to the Eastern access to the unloading areas, it is understood that this access will be gated and used in a restricted manner. Due to the location of this access and its proximity to the intersection of Stockman Close and the adjoining traffic generating development of the highway fuel station on the southern side of the road, it was requested by Transport for NSW that this access be used as an emergency access only.

The proposed redevelopment of the Sale Yards facility is not expected to increase any traffic demand with no additional stock capacity being sought. The intention of the works is to upgrade the facility to improve animal welfare and compete with other regional facilities of the same nature. Hence, there will be no increase in vehicle activity from Stages 1 and 2. It has been determined that the development warrants a minimum access treatment of BAR/BAL. a condition is to be imposed that this minimum standard be achieved if the intersections construction does not already meet this standard.

The construction of the administration building during Stage 3 does increase the traffic demand of the facility with respect to the new education facilities and introduction of a

café to service staff and patrons of the sale yards. These additional activities are expected to generate an increase in traffic attending the site.

Transport for NSW has requested that a Traffic Management Plan be developed for each stage of the development, in consultation with their department, to identify any necessary upgrades based on a 10 year growth period of the site. It is expected that this plan will determine any necessary upgrade works to the Highway upon preparation of each stage.

The Kamilaroi Highway is a classified (State) road under the *Roads Act 1993*. Kamilaroi Highway is not a freeway or crown road and Gunnedah Shire Council is the Roads Authority pursuant to section 7 of the Roads Act. However, any proposed works on a classified (State) road will require the consent of TfNSW and consent is provided under the terms of a Works Authorisation Deed (WAD).

The need for onsite parking has been addressed previously through this report.

- *Public domain*

The development does not create the need for any public recreation nor will it created demand on Council's existing facilities. The nature of the development does not generate any need for pedestrian linkages with adjoining infrastructure or utilities.

The visual impact of the development from public spaces has been considered previously throughout this Report. The development will be visible from public road reserves. However, the visual impacts are not expected to be distracting to motorists within the road network.

The development application is subject to Council's Gunnedah S94A Contributions Plan under S7.12 of the *EPA Act 1979*. However, the development application was accompanied by a request for the consideration of an exemption under S1.8 of the Gunnedah S94A Contributions Plan. The application is made as the Development Application is made on behalf of Council and is for community infrastructure. Hence, no S94A contribution has been imposed on this development.

- *Utilities*

No utilities have been identified as requiring significant upgrade as a result of this development. The anticipated average potable water consumption is 192.1kL/week, and this will require additional Section 64 contributions to be paid due to the demand being in excess of 1 Equivalent Tenement (ET).

The existing office building is furnished with amenities connected to the existing sewer main located along the Kamilaroi Highway frontage, which discharges to the adjacent Wastewater treatment plant. It is proposed that the truck wash will use the existing effluent bays for primary treatment of discharges, with the existing facilities to be reconstructed with a similar capacity and anticipated level of discharge.

The proponent has utilised the *NSW Water Directorate Section 64 Determinations of Equivalent Tenements Guidelines (2017)*, to calculate the additional sewer demand for the variety of uses of the proposed Administration Building. The total proposed sewer ET is 17.26 and a condition of consent will be proposed requiring payment of water

headworks in accordance with Council's adopted Developer Servicing Plan (DSP) and adopted fees and charges schedule.

Potable water and water for fire protection is proposed to be sourced from the existing reticulated water main, located along the Kamilaroi Highway frontage. Water for dust suppression, the truck wash and site landscaping are not identified as being of potable quality. This demand is proposed to be met via the use of onsite roof water storage. A connection to the potable supply will be provided for back-up only for these purposes.

Stock water is required to be potable. An existing reticulated stock watering network is in existence which will be further expanded to service the expansion of the selling yards and updated where appropriate.

The proponent has also undertaken an analysis of the additional water demand resultant from the development utilising the NSW Water Directorate Guidelines as described above. A total of 17.26 ET for water has been identified and a further condition of consent will be proposed requiring payment of water headworks in accordance with Council's adopted Developer Servicing Plan (DSP) and adopted fees and charges schedule.

The proponent has advised that the design for fire protection will be completed upon determination of the DA. Access for fire appliances will be provided via a ring road around the perimeter of the proposed roof structures, and fire hydrants will be constructed in accordance with relevant Australian Standards.

It is anticipated that the existing water supply will be sufficient to provide adequate supply for any identified fire protection systems.

- *Heritage*

The development site does not contain any items of heritage significance as listed within the Schedule 5 of the *Gunnedah Local Environmental Plan 2012*, nor are there any on the surrounding allotments which may be impacted by the development. There are no known items of aboriginal heritage on the development site. Investigation of the site did not identify any unknown items of heritage.

Any items of potential Aboriginal or European heritage that are uncovered during construction works or any demolition works undertaken as part of the development will require the immediate cessation of operations and the appropriate department within the Department Planning, Industry and Environment (DPIE) are to be contacted.

The development site does not contain any land identified as being within a wetland of international significance declared under the Ramsar Convention on Wetlands or lands within a World Heritage area declared under the World Heritage Convention.

- *Other land resources*

The development site is zoned specifically for the purpose of stock and sale yards and is unable to be developed for any other purpose. Mining is not permissible within the land zoning.

- *Water*

The submitted SoEE details that runoff/effluent collected from the yards will continue to be directed to the effluent capture swales located at the rear of the site. The generation of surface effluent runoff from the area is expected to be significantly reduced by virtue of the existing roof structures.

Runoff from the roofed yards, the covered car park area and the Administration Building will be collected and piped to two (2) large stormwater tanks. The capacity of these tanks has been nominated as providing an overall storage volume of 1,324 kL. Water from the tanks will be stored for reuse in non-potable site activities including dust suppression, landscaping irrigation and the truck wash.

Surface runoff from the unroofed hardstand area, including vehicle parking, truck manoeuvring areas, internal roads and landscaped areas are proposed to be collected in swale drains and channels and discharged at the rear of the site onto a Travelling Stock Route (TSR).

It should be noted that no legal point of discharge currently exists at this site nor has specific approval been granted by the Crown for this activity. As a consequence, the submitted Stormwater Management Plan (SWMP), as prepared by GHD (June 2021) will require review and resubmission for endorsement prior to the issue of the Construction Certificate (CC). Associated water balance assumptions will also require further review as part of this process. A condition of consent may be imposed in this regard.

- *Soils*

Minimal information has been included in the submitted application regarding the soils at the site, or with respect to site geological characteristics. A process of soil classification and engineering design will be required for design of footings and construction works which may be further addressed as conditions of development consent.

Extensive soil disturbance is unlikely to occur as a result of this development. Appropriate mitigations, including a requirement to prepare and implement Erosion and Sediment Control Plans in accordance with Landcom Publication *Managing Urban Stormwater: Soils and Construction*, will be required under the terms of the development consent.

- *Air and microclimate*

Dust generation arising from operational activities at the saleyards has the potential to create nuisance and potential environmental risks. Such hazards include the ingestion of airborne particles and potential dust deposition on surrounding rainwater catchments including roofs and tanks.

Dust pollution is currently addressed in the existing EPL for the facility (licence no. 11561), as follows:

“All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.”

No specific conditions for monitoring or reporting of air quality exist under the current EPL. Notwithstanding, there is no record of a history of dust complaints arising from this premises from the NSW EPA or Council. Potential sources of dust are described below:

- Livestock movements;
- Vehicular movements; and
- Pedestrian movements.

The existing saleyards has an existing dust suppression system in place. Yards, pens and other unsealed areas are routinely watered prior to and during sales events to minimise overall dust generation. The floors of the pens and yards have a layer of soil/sawdust spread over them prior to sales events that assist in binding dust-laden water to the surface for removal as effluent solids.

The proposed covering of the yards and pens will significantly reduce the likelihood of airborne dust, subject to ongoing proactive site management. Additionally, the bitumen sealing of the access roads and hardstand areas will also reduce the likelihood of vehicular generated dust. It is noted that the proposed development is intended to continue to be operated in a manner that would effectively limit potential sources of dust. There would be few potential dust sources and each of these would be controlled either through design features or operational controls.

Potential odour sources from the saleyards would include:

- Soft floor material within the cattle pavilions;
- Temporary stockpile of recovered organics, including manure from the pavilions and solids from the truck wash solids screen and screenings;
- The pond treating truck wash and wash down wastes; and
- Livestock.

Section 129 of *Protection of the Environment Operations Act 1997* requires the licensee to not cause or permit the emission of an offensive odour from the premises. An offensive odour is defined as an odour that, by reason of its strength, nature, duration, character or quality, or at the time at which it is emitted, or any other circumstances:

- is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
- interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.

There are no specific conditions under the existing EPL for monitoring or reporting of odour. No records of odour complaints being made to either the EPA or Council are in existence for this site. The development is not expected to significantly increase capacity or throughput at the site, and the roof structures over the yards are considered likely to reduce the likelihood of odour impacts through the reduction of airflow.

Therefore, it can be concluded that no adverse non-cumulative or cumulative odour impacts will arise as a result of the proposed development.

- *Flora and fauna*

The site and its immediate environs have been heavily modified and disturbed for a significant period of time. Existing vegetation within the project footprint includes exotic peppercorn trees (*Schinus molle*) located within the yard areas. These trees are proposed to be removed to permit construction of the roof areas.

The development is not expected to have any other impact on flora or fauna, including native trees, located around the perimeter of the site. A koala habitat assessment report was also completed and submitted in support of the application. This report concluded that due to limited tree removal the proposal is unlikely to have impact on koalas.

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC) contains a number of matters that are required to be considered as part of a DA. These are outlined below.

The first consideration under the BC Act is whether the development is likely to significantly affect threatened species (s.7.2 BC Act). There are three considerations to determine this:

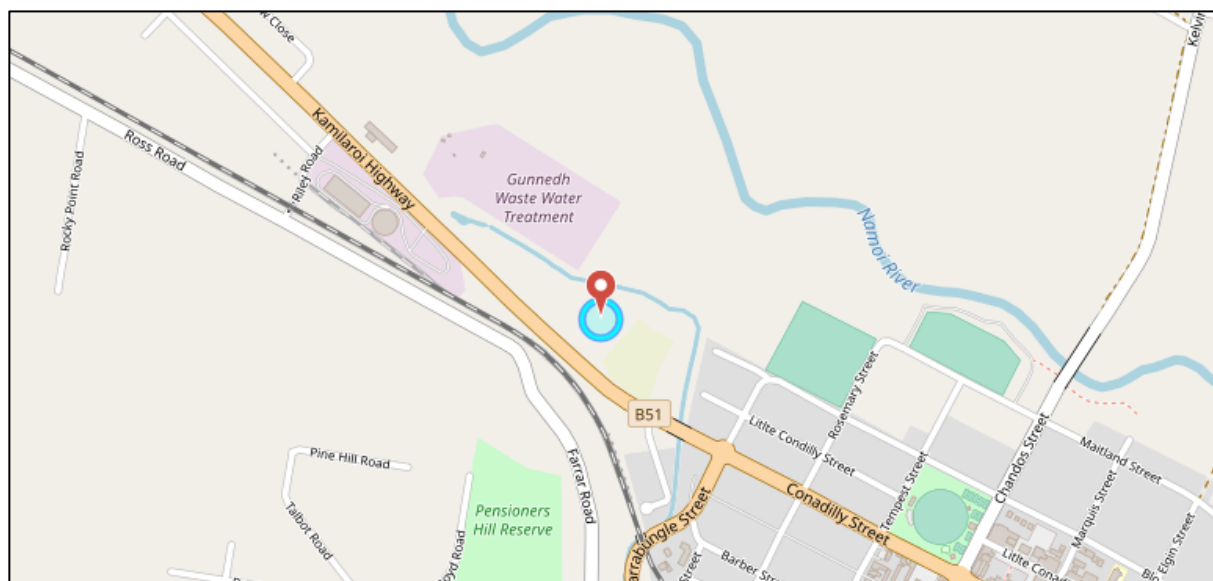
1. Is the development likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3?
2. Does the development exceed the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values?
3. Is the development to be carried out in a declared area of outstanding biodiversity value?

Each of these considerations are addressed below.

Likely to significantly affect threatened species or ecological communities, or their habitats (7.3 Test)

A search of BioNet Public Report of all Valid Records of Threatened (listed on TSC Act 1995) or Commonwealth listed Entities in selected area returned a total of zero (0) records for the subject site. The figure below provides a map of the search results. No records are located on the site or immediately surrounding the site.

Given the highly disturbed nature of the site, it is not expected that the development would significantly affect threatened species or ecological communities, or their habitats.



Source: (NSW Environment & Heritage)

Biodiversity Offsets Scheme (BOS) Threshold

A proposed development exceeds the BOS threshold for the purposes of Part 7 of the BC Act if it is or involves:

- the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or
- the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.

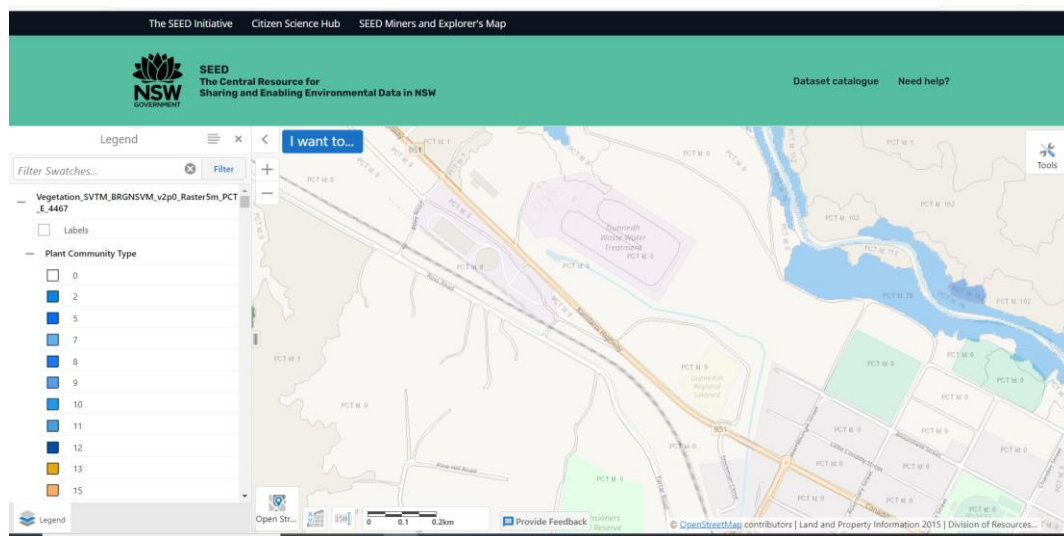
Clearing Threshold

The site has no minimum lot size (MLS) defined under the GLEP and as a consequence the current combined lot size of 9.55ha has been utilised for the purposes of this assessment.

Clearing Thresholds	
Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more
Source: Clause 7.2 of BC Regulation 2017	

Based on the lot size parameters, the applicable clearing threshold for the development site is 0.5 hectares. Minimal clearing is proposed with the removal of the existing exotic

peppercorn trees to permit construction of the roofing over the yards/pens. The removal of the peppercorn trees will not exceed the applicable threshold.

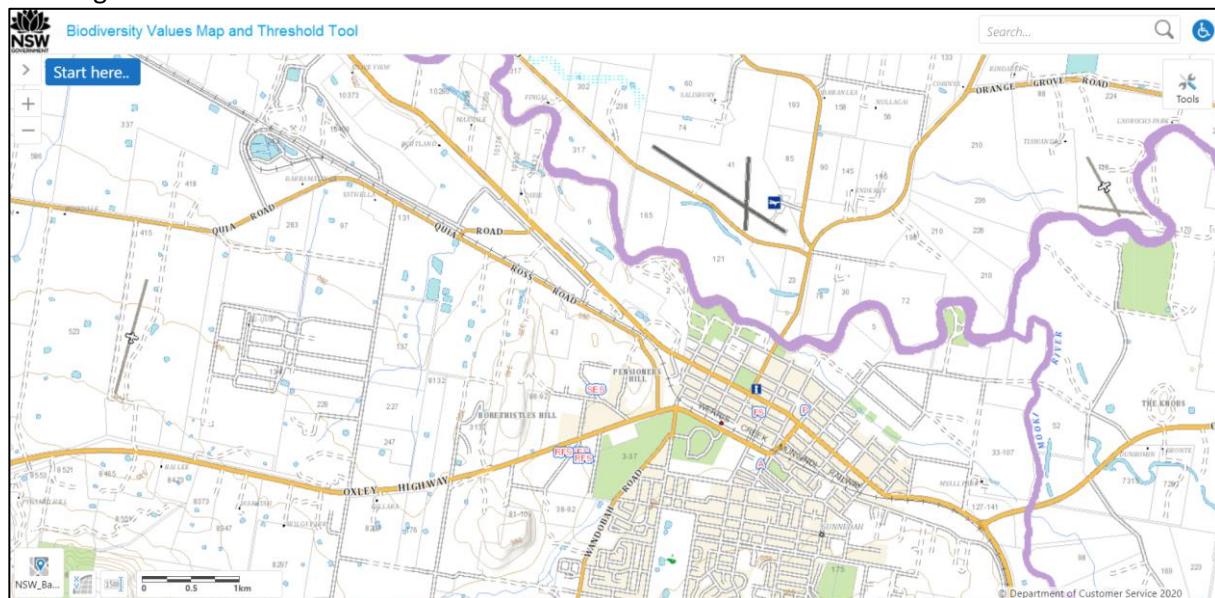


Source: (NSW Government)

The site affected by the development footprint is mapped as plant community type 0 (refer figure above). Based on this, the assessment concluded that the proposal would not trigger the area threshold of $\geq 0.5\text{ha}$.

Biodiversity Values Map

The footprint of the facility is not mapped as being on the Biodiversity Values Map. Refer figure below.



Source: (NSW Department of Planning and Environment)

Declared Area of Outstanding Biodiversity Value (AOBV)

Areas of declared critical habitat under the *Threatened Species Conservation Act 1995* have become the first AOBVs in NSW with the commencement of the Biodiversity Conservation Act. The Critical habitat declarations in NSW are (NSW Office of Environment & Heritage):

- Gould's Petrel - critical habitat declaration
- Little penguin population in Sydney's North Harbour - critical habitat declaration
- Mitchell's Rainforest Snail in Stotts Island Nature Reserve - critical habitat declaration
- Wollemi Pine - critical habitat declaration

The site is not known to be an AOBV.

Biodiversity Development Assessment Report (BDAR)

A BDAR is to be submitted with all DAs that are likely to significantly affect threatened species. As outlined in the preceding section, the development is not likely to significantly affect threatened species. Therefore, a BDAR is not required for this DA.

○ *Waste*

As part of normal site operations the facility would generate both liquid and solid wastes. The liquid waste proposed to be treated onsite would be generated from the truck wash, wash down of the cattle weighing areas and the external pen first flush system, whilst domestic effluent would be discharged to the sewer. The waste generated at the facility is therefore categorised as follows:

1. Livestock generated effluent:

Manure and other livestock-generated waste from the yards and pens, in addition to effluent pond downstream of the truck wash, and the solid waste remaining after primary treatment and settlement requiring disposal. The solid waste is typically combined with the sand/soil topping layer that is placed over the yarding areas. The applicant advises that these areas are cleaned out regularly after sales events and the solid waste is stored onsite in a contained 'solids area. The waste is then on-sold to a local contractor to be used as fertiliser/soil.

2. General Waste

General waste streams emanating from the site has been identified as being largely confined to food packaging and paper/cardboard. It is acknowledged that the existing facility has a commercial contract in place.

The applicant has foreshadowed the preparation of a Waste Management Plan in the SoEE. This documentation will be prepared as part of the detailed design phase and following the commercial contracts for waste removal and management.

Given the associated biosecurity risks associated with the current livestock generated effluent management practices, the disposal of effluent offsite should be further addressed in the required Waste Management Plan and associated Biosecurity Plan.

○ *Energy*

Telecommunications services and overhead electricity supply is located along the Kamilaroi Highway frontage. Existing service connections are proposed to be maintained. Potential has been identified in the application to use the roof areas as platforms for the placement of PV solar panel arrays. The generation of solar energy would improve overall environmental outcomes at the site, in addition to reducing operational costs at the facility. The extent of the proposed arrays, and the timing of construction of same is proposed to be further addressed at the detailed design phase.

○ *Noise & vibration*

The use of heavy machinery during both general site operations and during construction works will result in noise generation. The construction phase of the development is anticipated to have the most significant potential for noise impact, particularly on potential receptors located in proximity to the development site, including the adjacent service station. On this basis, the imposition of a range of conditions of consent to manage and mitigate potential noise impacts is considered appropriate, as follows:

- Limiting construction hours between the hours of 7am to 6pm daily with no construction/demolition permitted on Sundays or public holidays;
- Conducting neighbourhood notification activities prior to the commencement of site works;
- Ensuring vehicles and earthmoving equipment are serviced and well maintained; and
- Ensuring vehicles are not left idling for prolonged periods.

From an ongoing site operations perspective, predicted noise levels meet the derived noise goals under neutral and adverse weather conditions and therefore no significant noise impact from the development is expected. Additionally, no history of noise complaints arising from the operations of the facility exists.

○ *Natural hazards*

The site is not identified as being subject to mine subsidence or as being bushfire prone land. The site is identified as being partially subject to flooding during a 1 in 100 year flood event as mapped within the *Gunnedah Local Environmental Plan 2012*. Flood impacts have been addressed previously through this report. Refer to GLEP 2012 Clause 5.21.

○ *Technological hazards*

No significant technological hazards have been identified as a result of this development.

○ *Safety, security & crime prevention*

A review of Crime Prevention Through Environmental Design (CPTED) principles were undertaken, as follows:

Surveillance

Good natural surveillance is considered available to the subject site from a major thoroughfare in the Kamilaroi Highway.

Access Control

The current site is currently unfenced. Site perimeter fencing is proposed under the submitted application which will improve overall site safety.

Territorial Reinforcement

No issues identified.

Space Management

No deleterious impacts or issues identified.

It is considered that there are no immediate issues of concern from a site safety and security perspective.

- *Social & economic impact in the locality*

No adverse social impacts are considered likely to occur as a result of the proposed development.

The proposed development would contribute to growth in the region including retaining an estimated 60 full-time jobs, part-time jobs, associated with the facility, and an expanded livestock selling facility to support agents. Although the proposed facility improvements will directly maintain employment, it has the potential to indirectly create employment opportunities on a much larger scale across multiple employment sectors. The proposed development by virtue of its size, scale and potential multiplier effects is considered likely to stimulate further economic development in the approved industrial subdivision adjacent to the site and on this basis is supported.

The submitted SoEE details that the Sale Yard generates considerable economic benefits to the Gunnedah community. In 2017-18, the facility was estimated to have generated \$16.8m in industry output (direct and indirect) to Gunnedah businesses, \$9.1m to Gunnedah's Gross Regional Product (GRP) and supported 60 full time equivalent (FTE) jobs. The development as proposed will create further certainty and ensure that the facility will be appropriately positioned to meet changing industry and community needs.

- *Site design and internal design*

The proposed development is intended to incorporate design features to maximise patron safety and animal welfare including covered selling pavilions and best practice yard layouts to provide faster and safer flow through of livestock, reducing stress and improving hygiene. Walkways for auctioneers are raised to permit operators to move cattle, further minimising stress.

A central facilities building is proposed to be constructed which is of a multi-purpose function and includes ancillary facilities comprising of an office, administration and education spaces, café and outdoor dining area and supporting amenities. A feed store will also be installed comprising of a steel-clad portal frame shed with a footprint of approximately 120m². The shed is of a non-habitable nature and is required to store hay

and other bulk feed and located at the southern end of the saleyards within an area that has been identified as being subject to periodic inundation by floodwater. Flooding considerations for this aspect have been addressed in a latter section of this report.

The construction information provided with the application is of a conceptual nature only and therefore detailed design information will be required to be provided prior to construction commencing. This documentation will need to indicate how the proposed development complies with the Building Code of Australia and relevant performance standards including the “premises standard”.

○ *Construction*

A range of construction activities will be undertaken on the site which have been described throughout this Report. The partial demolition of existing structures including the scale house, guard house, office/amenities buildings is proposed. Conditions of consent should be imposed requiring the following management and mitigation measures during demolition and the construction phase:

- Identification, removal and disposal of any asbestos-containing materials (ACM) at a suitably licensed landfill by an appropriately qualified and registered asbestos removal contractor in accordance with the requirements of the *Work Health and Safety Regulation 2011*.
- Active dust suppression via routine watering of disturbed areas and exposed earth;
- Assessment of daily meteorological conditions to ensure that dust generating activities cease during unfavourable conditions including high wind speed and hot ambient temperatures;
- Routine servicing and maintenance of construction and earthmoving equipment;
- Ensuring vehicles are not left idling for prolonged periods;
- Installation of dust protection sheeting around areas to be demolished; and
- Installation of dust extraction and ventilation equipment.

○ *Cumulative impacts*

Cumulative impacts at the site predominantly pertain to traffic management considerations and the interaction between this site and the adjoining wastewater treatment plant. Whilst overall site environmental outcomes are expected to improve as a result of this development, stormwater discharge considerations, and their potential cumulative effect, remains unresolved as detailed in the preceding section. It is considered that this particular item would not preclude approval of the proposal but may be addressed as a condition of development consent.

It is considered that the cumulative traffic considerations have been appropriately considered. The proposed intersection upgrades and internal site works will vastly improve traffic management at this site.

○ *Biosecurity considerations*

The site is required to comply with a variety of biosecurity-allied statutory obligations, including, but not limited to the following:

- *Biosecurity Act 2015*
- *Biosecurity Regulation 2017*

- *Biosecurity (National Livestock Identification System) Regulation 2017*
- *Biosecurity Order (Permitted Activities) 2019*

To ensure that the site continues to meet its legislative obligations, and general biosecurity duties, it is considered appropriate to require the operator to prepare a Biosecurity Management Plan prior to the issue of a Construction Certificate (CC). The Biosecurity Management Plan must be prepared by a suitably qualified and experienced practitioner in accordance with the NSW Department of Primary Industries document: *Managing Biosecurity Risks in Land Use Planning and Development Guide* (October 2020). This document must also be to the satisfaction of Council's appointed Biosecurity (Weeds) Officer.

In addition to biosecurity (weeds) considerations, AUSVETPLAN contains the nationally-agreed approach for the response to emergency animal disease (EAD) incidents in Australia. The plan is captured in a series of manuals and supporting documents. The requisite Biosecurity Management Plan will also be required to address emergency responses associated with mass mortality/morbidity events and be prepared in consultation with the local emergency management committee (LEMC). This approach is in recognition that at a local level, animal health officials in conjunction with local emergency management officials are responsible for developing plans to contain the initial outbreak of an emergency disease while the state control plans are being put into effect.

Reporting against the Biosecurity Management Plan shall also be required to be conducted on an annual basis in line with Annual Environmental Reporting obligations. As detailed in the preceding section, a clear 'line of sight' should also exist to the required Waste Management Plan to ensure that biosecurity risks are appropriately managed and mitigated wherever practicable at the facility.

○ *Animal Husbandry*

The facility currently operates under the *Model Code of Practice for the Welfare of Animals*. Gunnedah Shire Council is a member of the board of the Australian Livestock Association (ALA). It is further acknowledge that the saleyards is also governed by the *Biosecurity (National Livestock Identification System) Regulation 2017* and the *Prevention of Cruelty to Animals Regulation 2012*.

It is appropriate that a Saleyards Management Plan be prepared to ensure ongoing compliance with animal husbandry and welfare best practice standards. This Plan should also seek to address associated public health considerations, particularly those impacting personnel and contractors, including, but not limited to zoonosis such as Q-Fever for example.

S4.15(1)(c) the suitability of the site for the development

The site is currently zoned SP2 (Infrastructure) under the provisions of the GLEP. The applicant's proposal is considered to be in keeping with the objectives of this zone and with surrounding development. It is considered that the attributes of the site are generally conducive to the proposed development. There are no constraints preventing the orderly development of the site in the manner proposed or its ability to subsequently

function. Therefore, in view of its merits and the absence of any significant adverse effects, the proposed development is considered worthy of approval.

S4.15(1)(d) any submissions made in accordance with this Act or the regulations

Community Participation Plan 2020 – Consultation

The redevelopment of the Gunnedah Stock and Sale Yards is a major Council project and as a result was specifically identified by the *Gunnedah Community Participation Plan 2020*, as requiring notification and advertising to the public. The development was exhibited for a period of twenty one (21) days. Council did not receive any submissions, being either submission or objection to the project, during the exhibition period.

Council received comment from Transport for NSW (TfNSW) regarding the intersection of the development with the highway. Results of the TfNSW referral are detailed in a preceding section.

S4.15(1)(e) the public interest

The application is not regarded as being designated development in accordance with the provisions of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. The development application required notification to other external agencies. The development proposal was also identified as being integrated development under the provisions of the *Protection of the Environment Operations Act 1997* (S.43b and S.48). General Terms of Approval have been received from the Environment Protection Authority and included as Annexure B of this report. A condition has been included in the draft conditions that the development is to be undertaken in accordance with the General Terms of Approval (GTAs) issued by the NSW EPA.

The development application was placed on public exhibition for a period of 21 days. No submissions were received. Hence, the approval of the development application, subject to the recommended conditions of consent, is not considered to be contrary to public interest.

3. Conclusion

The development application is seeking consent for the redevelopment of the existing Gunnedah Sale Yards, including the construction of a new administration building, multi-roof structure, extension to cattle yards, construction of new truck wash and ancillary structures, over 3 stages.

The application has been assessed pursuant to the requirements of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and any other applicable legislation triggered by this assessment. The evaluation of the application has demonstrated that the proposed development is satisfactory in terms of the matters for consideration as identified by the legislation.

It is recommended that, in relation to Development Application No. 2021/018 at Lot 2, 6 and 7 DP 1218657, 2-42 Kamilaroi Highway, be approved subject to the listed conditions of consent identified within Annexure A.

ANNEXURE A – DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 2021/018

A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged 05 March 2021;
 - Statement of Environmental Effects, prepared by Kelly Covey Group Pty Ltd, dated March 2021, Ref: T207758; and
 - Additional Information, prepared by Kelly Covey Group Pty Ltd, dated 10 June 2021, Ref: MF/MF/T207758, 54107ltr; and
 - Submitted plans:
 - Prepared by GHD, dated 18/06/2021, Drawing No. 12550081-C003, Issue A;
 - Prepared by Kelley Covey Group Pty Ltd, dated 10/06/2021, Ref: T207758, Sheet 1 of 2 (Site Layout);
 - Prepared by Kelley Covey Group Pty Ltd, dated 04/06/2021, Ref: T217846, Sheet 3 of 8 (Truck Wash Site Plan), Sheet 4 of 8 (Truck Wash Bays Plan and Pavement Details), Sheet 1 of 8 (Stormwater Strategy), Sheet 8 of 8 (Truck Wash Facility Swept Path Analysis);
 - Prepared by Hilllockart Architects, dated 20/04/2021, Drawing No. G0421 WD101, Rev C (Site Plan), Drawing No. G0421 WD102 (Part Site Plan), Drawing No. G0421 WD103 (Ground Floor Plan), Drawing No. G0421 WD104 (Upper Floor Plan and Roof Plan), Drawing No. G0421 WD105 (Furniture Plans), Drawing No. G0421 WD106 (Reflected Ceiling Plans), Drawing No. G0421 WD201 (Elevations), Drawing No. G0421 WD202 (Sections), Drawing No. G0421 WD301 (Glazed Door and Window Elevations), Drawing No. G0421 WD302 (Typical Details), Drawing No. G0421 WD401 (Wet Area Details 1 – Male & Access Toilets), Drawing No. G0421 WD402 (Wet Area Details 1 – Female Toilets & Store), Drawing No. G0421 WD403 (Wet Area Details 1 – Unisex Change Rooms), Drawing No. G0421 WD404 (Kitchen Details), Drawing No. G0421 WD405 (Café Servery Details);
 - Prepared by Kelley Covey Group Pty Ltd, dated 03/03/2021, Ref: T207758, Sheet 2 of 2 (Proposed Staging Plan);
 - Supporting Documentation:
 - Traffic Impact Assessment, prepared by Kelly Covey, dated: February 2021, ref: 53688Rpt, Issue A;
 - SEPP (Koala Habitat Protection) 2021 Assessment Report, prepared by Stewart Surveys Pty Ltd, dated 7 June 2021, Ref: 5359;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

- A2.** To confirm and clarify the terms of this development determination, consent is granted for the construction of Development in accordance with the following staging plan:
- Stage 1:
 - Upgrade existing yards, pens, gantries and water systems
 - Seal internal perimeter road, driveways, parking areas and loading/unloading areas.
 - Undertaking of necessary landscaping;
 - Re-dedication of existing parking requirements
 - Undertaking of stage 1 stormwater management work
 - Upgrade of vehicle access
 - Construction of kerb and guttering along road frontage; &
 - Construction of Stage 1 roof cover of saleyards

- Stage 2:
 - Construction of New Truckwash;
 - Construction of Stage 2 roof cover of saleyards
 - Undertaking of stage 2 stormwater management work
- Stage 3:
 - Construction of amenities building;
 - Construction of car park;
 - Construction of new feed store;
 - Upgrade of workshop;
 - Construction of perimeter fence

except as otherwise provided by the conditions of consent.

Reason: To clarify that the staging of the development consent.

B. PRESCRIBED CONDITIONS

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

B1. Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work—
 - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
- (2) This clause does not apply—
 - (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Reason: *To ensure compliance with the statutory requirements.*

B2. Erection of signs

- (1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out—
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (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 unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: *To ensure compliance with the statutory requirements.*

B3. Notification of [Home Building Act 1989](#) requirements

- (1) For the purposes of section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information—
 - (a) in the case of work for which a principal contractor is required to be appointed—
 - (i) the name and licence number of the principal contractor, and

- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder—
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

Reason: To ensure compliance with the statutory requirements.

B4. Conditions relating to entertainment venues

For the purposes of section 4.17(11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue.

Reason: To ensure compliance with the statutory requirements.

B5. Fulfilment of BASIX Commitments

- (1) This clause applies to the following development:
 - (a) BASIX affected development,
 - (b) any BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied).
- (2) For the purposes of section 4.17 (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

Reason: To ensure compliance with the statutory requirements.

B6. Condition relating to maximum capacity signage

- (1) For the purposes of section 4.17(11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building—
 - (a) entertainment venue,
 - (b) function centre,
 - (c) pub,
 - (d) registered club,
 - (e) restaurant.

- (2) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.
- (3) Words and expressions used in this clause have the same meanings as they have in the Standard Instrument.

Reason: To ensure compliance with the statutory requirements.

B7. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that 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.
- (2) The condition referred to in subclause (1) does 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 the statutory requirements.

C. PRIOR TO COMMENCEMENT OF BUILDING WORKS

- C1.** Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the building. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

Reason: To meet statutory requirements.

- C2.** Prior to the commencement of building works, the name, address and contact details of the Principal Building contractor shall be provided to Council

Reason: To ensure compliance.

- C3.** Prior to the commencement of building works for Stage 3 works, a "Peg Survey Report" indicating the location of the corners of the support post of the roof structure over the sale pens, is to be submitted to Council confirming the positioning of the support relative to the allotments boundaries.

Note: consent is not granted for the position of any part of the roof structure over the property boundary.

Reason: To ensure compliance.

- C4.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

Reason: To ensure erosion and sediment control on the development site.

- C5.** The developer shall enter into a 'Works Authority Deed' (WAD) with the Transport for NSW (TfNSW) for all road works on the Kamilaroi Highway. A TfNSW Pre-Qualified contractor shall complete all road works under the WAD to practical completion, as determined by TfNSW. Further information on Private Developments adjacent to classified roads can be accessed on the TfNSW website. A copy of the road works construction plans shall also be provided to Council.

Reason: To maintain the integrity, safety and efficiency of the classified road network.

D. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- D1.** Prior to issue of a Construction Certificate construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifier.

Reason: To ensure compliance.

- D2.** Prior to the issuing of a Construction Certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:
- (a) Carry out water supply works
 - (b) Carry out sewerage works
 - (c) Carry out stormwater drainage works

Note: All works are to be carried out by an appropriately licensed contractor in accordance with NSW Code of Practice for Plumbing and Drainage-2006.

Reason: To ensure environmental health standards are met.

- D3.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

Reason: To comply with statutory requirements.

- D4.** Prior to the issuing of a Construction Certificate for Stage 1 of the development the developer is to submit to Council's Planning and Environmental Services Department and have approved a Waste Management Plan.

Reason: To ensure the environmental management is appropriately managed through management of onsite wastes.

- D5.** Prior to the issuing of a Construction Certificate for Stage 1 of the development the developer is to submit to Council and have approved a Biosecurity Management Plan. The Biosecurity Management Plan must be prepared by a suitably qualified and experienced practitioner in accordance with the NSW Department of Primary Industries document: *Managing Biosecurity Risks in Land Use Planning and Development Guide* (October 2020). The document must be to the satisfaction of Council's appointed Biosecurity (Weeds) Officer.

Reason: To ensure the environmental management is appropriately managed.

- D6.** Prior to the issue of a Construction Certificate for Stage 1, a preferred Palette for all buildings and structures for each of the development stages, including walls, roofing and any other component of the development.

Reason: To ensure that an entire development approach is determined at the commencement of the development.

- D7.** A Traffic Management Plan (TMP) is required to be submitted to and approved by Gunnedah Shire Council, prior to the issue of a Construction Certificate for Stage 1. The TMP is to consider both pedestrians and vehicle movements and must include, but not be limited to:
- Details of maximum size delivery vehicle;
 - Ability of these vehicle to access and manoeuvre within the site without impacting on the safety of motorists;
 - Management of vehicle deliveries regarding conflict with attending members of the public or staff;

Transport for NSW should be consulted in the preparation of this plan. Evidence of this consultation must be submitted with the plan to Council.

Note: the TCP's shall be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites" manual

Reason: To comply with the Gunnedah Development Control Plan 2012.

- D8.** The existing Traffic Management Plan (TMP) required by condition D6 is to be updated prior to the issue of a Construction Certificate for Stage 3 to include:
- An outline of how deliveries to the administration will occur as to ensure that there is no conflict with patrons to the administration operation or café, where each operate outside of stock sale events;

Transport for NSW should be consulted in the preparation of amendments to this plan. Evidence of this consultation must be submitted with the plan to Council.

Note: the TCP's shall be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites" manual

Reason: To comply with the Gunnedah Development Control Plan 2012.

- D9.** Prior to the issue of a Construction Certificate for Stage 3, an application for the discharge of liquid trade waste to Council's sewer shall be submitted to Council.

Reason: To ensure compliance.

- D10.** An updated Stormwater Management Plan (SMP) is required prior to the issue of a Construction Certificate. The SMP is to include an updated water balance report which indicates the stormwater runoff during each stage of the development and the required water detention capacity. The SMP is to indicate the necessary water storage per stage of development and the intended method of ensuring that such volume can be accommodated within the site.

Reason: To comply with the Gunnedah Development Control Plan 2012.

- D11.** A detailed Landscaping Plan is require prior to the issue of a Construction Certificate. The detailed landscaping plan is to, as a minimum, conduct landscaping within the initial 3 metres of the site frontage to Kamilaroi Highway (except where physical attributes prevent

landscaping form occurring). Landscaping is to be developed in such a way that it minimises the visual impact of the development on public reserves and provides shading to onsite parking areas.

Note: The detailed Landscaping Plan is to identify selected vegetation species. Selected species are to consist of low maintenance, drought and frost tolerant species.

Reason: To comply with the Gunnedah Development Control Plan 2012.

- D12.** A Compliance Certificate for each stage under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority).

Note: Council requires the following contributions to be paid prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

- \$131,155.00 for Water headworks
- \$200,600.00 for Sewer headworks

The contributions for each stage shall be paid prior to the issue of a Construction Certificate for Stage 2.

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2021/2022 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Development Services Plans.

- D13.** A Compliance Certificate for each stage under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority).

Note: Council requires the following contributions to be paid prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

- \$128,377.60 for Water headworks
- \$196,352.00 for Sewer headworks

The contributions for each stage shall be paid prior to the issue of a Construction Certificate for Stage 3.

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2021/2022 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Development Services Plans.

- D14.** Prior to the issuing of a Construction Certificate for Stage 1 of the development the developer is to submit to Council and have approved a Saleyards Management Plan.

Reason: To ensure a suitable Saleyards Management Plan is prepared for the ongoing management of the site operations.

E. GENERAL

- E1.** No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

- E2.** Excavated material from the lot is not to be placed on or used to alter the level of Council's footpath, with no earth batters are to extend beyond the property boundary line.

Reason: Implementation of Council policy.

- E3.** Street numbers of minimum height of 75mm are to be displayed in a prominent position so as to be legible from the street. Your street number will be 2-42 Kamilaroi Highway.

Reason: To ensure proper identification of premises in case of emergencies.

- E4.** An onsite water storage tank for each building structure is to be installed in a positioned behind the building line. Stormwater capture from the building is to be directed to the tank and water from the tank is to be utilised for watering of landscaping undertaken onsite.

Reason: To ensure compliance with the Gunnedah Development Control Plan 2012.

- E5.** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Driveway crossing standards and specifications.

Reason: To ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.

- E6.** Before erection of any permanent structures such as fences, concrete car drives, garages etc. adjacent to street boundaries, correct street levels must be ascertained from the Council's Infrastructure Services Section.

Reason: To ensure compliance efficient construction.

- E7.** All air-conditioner units and plant rooms constructed as part of any new structure, building or outbuilding are not permitted to be to be located on the southern elevation of any buildings.

Reason: To meet statutory requirements.

- E8.** The Developer shall ensure that any landfill removed from the site is not deposited on any land affected by floodwater inundation within the Gunnedah Shire.

Reason: To meet statutory requirements.

- E9.** Colours and textures of materials of external walls, roof and ancillary structures shall be non-reflective and as such will not conflict with the existing landscape.

Reason: *To ensure visual amenity of the area is maintained.*

Outdoor Lighting

- E10.** Outdoor lighting is to comply with AS/NZS 11583.1 *Pedestrian Area (Category P) Lighting* and AS4282 *Control of Obtrusive Effects of Outdoor Light*.

Reason: *To ensure compliance.*

Stage 1

Access - Urban

- E11.** Vehicular access shall be from Kamilaroi Highway and will require the construction of a minimum 12 metre wide concrete driveway across the footpath in accordance with Council's standards and specifications, unless alternative access constructed is supported by Council's Infrastructure Services Department. The access is to be constructed during Stage 1 of works. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at: <http://www.gunnedah.nsw.gov.au>
- a) Before commencement of this work, construction levels are to be obtained from Council's Infrastructure Services. A security bond being half of the estimated cost of the construction work is to be lodged with Council, before work on the driveway is commenced.
 - b) Upon the satisfactory completion of the driveway by the developer, the security bond will be released.

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2-3%. Internal driveway grades shall be in accordance with AS 2890 – 2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

Reason: *To implement Council's policy.*

- E12.** Onsite car parking accommodation shall be provided for a minimum of twenty seven (27) vehicles, during Stage 1, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking spaces are to be marked to ensure compliance with AS 2890 *Off Street Parking* for parking space dimensions.

Reason: *To ensure compliance with Council's requirements.*

Traffic and Parking

- E13.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with AS 2890 – *Parking Facilities* and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

Reason: *To ensure compliance with relevant Australian Standards and to facilitate the use of vehicular access and parking facilities.*

Stage 3

- E14.** Onsite car parking accommodation shall be provided for a minimum of forty nine (49) vehicles, during Stage 3, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking spaces are to be marked to ensure compliance with AS 2890 *Off Street Parking* for parking space dimensions.

Reason: To ensure compliance with Council's requirements.

- E15.** The development is to be provided with a minimum onsite storage capacity of 1,324kL

Reason: To ensure suitable capacity is provided for the capture of stormwater.

F. DURING CONSTRUCTION WORKS

- F1.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

Reason: To ensure compliance with approved application and plans.

- F2.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- F3. Excavations and backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To ensure compliance.

- F4. Retaining walls and drainage**

If the soil conditions require it:

- (a) Retaining walls associated with the erection or demolition of a building or other approved methods preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

Should a retaining wall be proposed to be constructed above a height of 600mm the applicant shall have the structure designed by a practicing Structural Engineer and a copy of the design plans are to be provided to council before work commences on the site. The retaining wall is to be completed in accordance with the design provided prior to any occupation or use of the building.

Reason: To ensure site stability.

- F5. Support for neighbouring buildings**

If an excavation associated with the construction of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and

- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this clause, **allotment of land** includes a public road and any other public place.

Reason: To ensure site stability.

F6. Protection of public places

If the work involved in the construction of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To ensure site safety.

F7. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

- F8.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday - 7.00am to 5.00pm;
Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise
7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

Reason: To ensure amenity of the neighbourhood is maintained.

- F9.** Any required upgrade to electrical or telecommunication services are to be conducted in consultation with the local service provider.

Reason: To ensure relevant authorities are consulted regarding service upgrades.

Stage 1

- F10.** The developer is to conduct the landscaping of the initial 3 metres from the frontage to Kamilaroi Highway, as identified in the approved detailed landscaping plan required by condition D10, during Stage 1.

Reason: To ensure that necessary landscaping is conducted in accordance with the Gunnedah Development Control Plan 2012 requirements.

- F11.** The intersection of the western access point and the Oxley Highway, shall be constructed to a minimum standard of Austroads Basic Left Turn (BAL) and Basic Right Turn (BAR) intersection treatment (with reference to the Roads and Maritime Services supplements. The road shoulder is to be sealed.

Reason: To ensure safe access to the site for patrons and

- F12.** All internal driveways and manoeuvring areas are to be hardsealed in accordance with condition E13, during Stage 1.

Reason: To ensure that internal driveways are constructed to reduce dust generation in accordance with the Gunnedah Development Control Plan 2012 requirements.

- F13.** All stormwater works required for Stage 1 are to be conducted in accordance with the approved Stormwater Management Plan required by Condition D9.

Reason: To ensure that necessary landscaping is conducted in accordance with the Gunnedah Development Control Plan 2012 requirements.

- F14.** During Stage 1 the developer is to construct kerb and guttering for the full extent of the lot frontage to Kamilaroi Highway.

Reason: To ensure appropriate stormwater infrastructure is constructed for capture of stormwater and to ensure compliance with the Gunnedah Development Control Plan 2012.

Stage 2

- F15.** All stormwater works required for Stage 2 are to be conducted in accordance with the approved Stormwater Management Plan required by Condition D9.

Reason: To ensure that necessary landscaping is conducted in accordance with the Gunnedah Development Control Plan 2012 requirements.

Stage 3

- F16.** The developer is to construct the covered parking structure identified on Site Plan, Section and Perspective, prepared Studio Two Architecture, dated 03/03/21, Rev D, Drawing K2101, DA101, as roof structure 'D' during Stage 3 of works. The roof structure is to cover a minimum of 23 parking spaces.

Reason: To ensure that necessary landscaping is conducted in accordance with the Gunnedah Development Control Plan 2012 requirements.

- F17.** All stormwater works required for Stage 3 are to be conducted in accordance with the approved Stormwater Management Plan required by Condition D9.

Reason: To ensure that necessary landscaping is conducted in accordance with the Gunnedah Development Control Plan 2012 requirements.

G. Demolition Conditions

- G1.** Any structure that requires demolition shall only be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures" and the requirements of the Workcover Authority of New South Wales including but not limited to:

- (a) Protection of site works and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos and lead based paints handling and disposal where applicable.

The disposal of demolition materials is to be to an approved licensed waste disposal depot so determined by the NSW Environment Protection Authority.

Reason: To ensure compliance and safety of workers.

- G2.** Prior to the commencement of demolition works, all water and sewerage connections to Council's infrastructure are to be capped off by a licensed plumber so as to prevent any contamination of Council's reticulation systems.

Reason: To ensure the integrity of Council's sewerage and water systems.

- G3.** The developer shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere from the onsite and from vehicles transporting material off-site.

Reason: To ensure compliance and safety of workers and general public.

- G4.** The deliberate burning of the building and/or demolition material shall not be permitted.

Reason: To ensure compliance and safety of workers and general public.

- G5.** All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and they must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To ensure compliance and safety of workers and general public.

H. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- H1.** Occupation of the building constructed at any stage of the development, is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifier for the respective stage.

Reason: To meet statutory requirements.

- H2.** Prior to the issue of an Occupation Certificate for Stage 1, Lot 3, 6 & 7 DP 1218657 shall be consolidated into one Lot. A copy of the registered plan of consolidation shall be provided to Council.

Reason: To ensure compliance.

I. CONTINUED OPERATIONS

- I1.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- I2.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- I3.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure compliance with Council's requirements.

- I4.** The Eastern most vehicle access is to only be used for the purposes of emergency access.

Reason: To ensure safety of access.

- I5.** Vehicles shall be loaded or unloaded, standing wholly within the development site and within loading zones designated on the submitted plans.

Reason: To ensure appropriate undertaking of loading and unloading of cattle.

Annual Reporting and Monitoring

16. Within three (3) month of the end of each calendar year, the Applicant/Owner shall submit an Annual Environmental Management Report to the Council. This report must:
- (a) Identify the standards and performance measures that apply to the development;
 - (b) Include a detailed summary of the complaints received during the past year, and over time compare this to the complaints received in previous years since the development commenced;
 - (c) Include a detailed summary of the monitoring results on the development during the past year (if required);
 - (d) Include a detailed analysis of these monitoring results (if required) against the relevant:
 - (i) Impact assessment criteria;
 - (ii) Monitoring results from previous years; and
 - (iii) Predictions in the SoEE
 - (e) Identify any trends in the performance of the development shown by monitoring over the life of the development (if required);
 - (f) Identify any non-compliance during the previous year; and
 - (g) Describe what actions were, or are being taken to ensure compliance.

Reasons: To protect the amenity of the area and the environment

17. At no time shall the use of the Sale Yards give rise to 'offensive noise' as defined under the *Protection of the Environment Operations Act 1997*.

Should substantiated noise complaints be received by Council, Council reserves the right to seek an Acoustic Report, to be paid for by the operator of the premises, to determine the noise impacts of the development in accordance with the Noise Policy for Industry (NPI). Mitigation measures required to bring the development into compliance with the NPI are to be implemented and maintained for the duration of the development. Noting that the works may require modification of this development consent.

Reason: To protect the amenity of the locality

Operation of Plant and Equipment

18. The Applicant/Owner shall ensure that all plant and equipment at the site, haulage vehicles, or used in connection with the development are:
- (a) Maintained in a state of sound mechanical repair; and
 - (b) Operated in a proper and efficient manner.

Reason: To protect the amenity of the locality

19. The use must always be operated / managed in accordance with the Saleyards Plan of Management that has been approved by Council as part of this consent.

Reason: To protect the amenity of the locality

Compliance

110. The Applicant must put in place a management system, and take reasonable steps, to ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

Reason: To ensure all workers on site are aware of approval obligations

J. General Terms of Approval – Environment Protection Authority

- J1.** The development shall be carried out in accordance with the General Terms of Approval issued by the Environmental Protection Authority, attached in Annexure B to this consent.

Reason: To ensure compliance with statutory requirements.

Hudson - Wade

From: Shamah Ismail <shamah.ismail@epa.nsw.gov.au> on behalf of EPA West Operations Regional Mailbox <EPA.Westopsregional@epa.nsw.gov.au>
Sent: Wednesday, 18 August 2021 9:47 AM
To: Council Email
Cc: Hudson - Wade
Subject: Attn Wade Hudson - Gunnedah Saleyards Redevelopment -CNR-19810 - DA 2021.018

From: Rebecca Scrivener <Rebecca.Scrivener@epa.nsw.gov.au>

Sent: Tuesday, 17 August 2021 4:09 PM

Hi Wade,

The EPA has reviewed the Environmental Assessment and Surface Water Management Plan for the proposed redevelopment of the Gunnedah Saleyards.

Our review indicates there is adequate information for us to provide General Terms of Approval and we do not expect any significant changes to the current environment protection licence will be required.

I will provide a formal response later this week, however understand you need our preliminary advice for a Council meeting tomorrow. I trust this email will be adequate for the meeting tomorrow.

If you need anything more detailed or wish to discuss anything further, please contact me on 6773 7000 or via email to armidale@epa.nsw.gov.au

Regards,

Rebecca Scrivener

Head, Regional Operations Unit
Regulatory Operations Regional
NSW Environment Protection Authority
D 02 6773 7000 | M 0407 437 884



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.

Report pollution and environmental incidents 131 555 or +61 2 9995 5555

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