

<b>DATE OF DETERMINATION</b>	6 September 2021
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Penny Holloway and Stephen Gow
<b>APOLOGIES</b>	Ann Luke
<b>DECLARATIONS OF INTEREST</b>	<p>Jamie Chaffey declared a conflict of interest as he did not want his company to be precluded from tendering for the works.</p> <p>Andrew Johns declared a conflict of interest as one of his staff members undertook the assessment of this development application</p> <p>Blake O'Mullane declared a conflict of interest as he assisted in the development of the proposed application.</p>

Papers circulated electronically on 18 August 2021.

#### **MATTER DETERMINED**

PPSNTH-95 – Gunnedah – DA2021/018 at 2 Kamilaroi Hwy, Gunnedah – Upgrade of the Gunnedah Regional Saleyards (as described in Schedule 1)

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Development application**

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The panel determined to approve the application for the following reasons:

1. The proposed development is a permissible use in the SP2 zone and is consistent with relevant zone objectives.
2. The site of the proposal is suitable for the intended use; it has all necessary infrastructure and no significant environmental constraints. While parts of the site are flood prone sensitive new facilities are located outside the flood affected area and safe evacuation routes are available.
3. The proposal, including various safeguards, will have no material adverse effects on the natural or built environments generally and specifically on other land uses in the surrounding area. Also, the Panel notes that the EPA has issued its General Terms of Approval.
4. The proposed facilities will improve operational and environmental performance as well as animal welfare, thus being beneficial overall.
5. For the reasons given above approval of the application is in the public interest.

#### **CONDITIONS**

The development application was approved subject to the conditions attached to the Council assessment report, with the following changes:

- In Condition A2 Stage 3, change 'amenities' to 'administration'
- Renumber conditions D6 to D4 and D7 to D5

- Insert Condition D6 as follows:

Prior to the issue of a Construction Certificate for Stage 2, an application for the discharge of liquid trade waste to Council's sewer shall be submitted to Council, relating to the proposed discharge of waste from the proposed truck wash.

*Reason: to ensure compliance*

- Renumber condition D8 to D7 and Condition D9 to D8
- Renumber condition D10 to D9 and add to the end "and that the SMP include the identification of a legal point of discharge. The SMP is to be approved by Council's Director of Infrastructure Services or his/her nominated delegate.
- Renumber Condition D11 to D10
- Delete conditions D12, D13, D14, D4 and D5
- Add the word 'additional' to condition E14
- In the reasons for condition F15 and F17, replace 'landscaping is conducted in accordance with the Gunnedah Development control Plan 2012 requirements' with 'stormwater works are completed in accordance with the approved Stormwater Management Plan'
- Insert the following conditions:

**H3.** Prior to the issuing of an Occupation Certificate for Stage 1 of the development the developer is to submit to Council and have approved a Saleyards Management Plan. The Saleyard Management Plan is to include but not be limited to:

- a) Construction Environmental Management Plan;
- b) Operational Management Plan;
- c) Noise Management Plan;
- d) Waste Management Plan;
- e) Pest and Weed Management Plan;
- f) Biosecurity Management Plan;
- g) Soil and Water Management Plan.

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

**H4.** Prior to the issuing of an Occupation 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.***

**H5.** Prior to the issuing of an Occupation 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.***

**H6.** A Compliance Certificate for Stage 3 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.

- \$89,494.00 for Water headworks

- \$136,800 for Sewer headworks

The contributions for Stage 3 shall be paid prior to the issue of an Occupation Certificate.


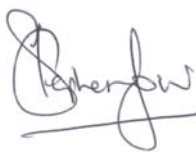

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions 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.***

The amended conditions of consent are attached in Schedule 2.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stephen Gow
 Penny Holloway	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-95 – Gunnedah – DA2021/018
2	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
3	STREET ADDRESS	2 – 42 Kamilaroi Highway, Gunnedah
4	APPLICANT/OWNER	Gunnedah Shire Council (c/- Damien Connor)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Koala Habitat Protection) 2020</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ Gunnedah Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Gunnedah Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 18 August 2021</li> <li>• Written submissions during public exhibition: nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection: 24 June 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Stephen Gow</li> <li>○ <u>Council assessment staff</u>: Wade Hudson</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 26 August 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway and Stephen Gow</li> <li>○ <u>Council assessment staff</u>: Wade Hudson and Daniel Noble</li> <li>○ <u>Department representatives</u>: Carolyn Hunt and Lisa Foley</li> </ul> </li> <li>• Applicant Briefing: 26 August 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway and Stephen Gow</li> <li>○ <u>Council assessment staff</u>: Wade Hudson and Daniel Noble</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Department representatives:</u> Carolyn Hunt and Lisa Foley</li><li>○ <u>Applicant representatives:</u> Jeremy Every, Jason Gao, Shane Humphreys, Patrick Quinlan, Rachel Pettitt and Dean Butcher</li></ul> <p><u>Note:</u> Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

## SCHEDULE 2

### 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 administration 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 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.***

- D5.** 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.***

- D6.** Prior to the issue of a Construction Certificate for Stage 2, an application for the discharge of liquid trade waste to Council's sewer shall be submitted to Council, relating to the proposed discharge of waste from the proposed truck wash.

***Reason: To ensure compliance.***

- D7.** 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.***

- D8.** 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.***

- D9.** 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 and that the SMP include the identification of a legal point of discharge. The SMP is to be approved by Council's Director of Infrastructure Services or his/her nominated delegate.

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

- D10.** A detailed Landscaping Plan is required 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 from 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.***

## **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 position 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 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) additional 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 Stormwater works are completed in accordance with the approved Stormwater Management Plan.***

#### **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 Stormwater works are completed in accordance with the approved Stormwater Management Plan.***

## **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.***

- H3.** Prior to the issuing of an Occupation Certificate for Stage 1 of the development the developer is to submit to Council and have approved a Saleyards Management Plan. The Saleyard Management Plan is to include but not be limited to:

- h) Construction Environmental Management Plan;
- i) Operational Management Plan;
- j) Noise Management Plan;
- k) Waste Management Plan;
- l) Pest and Weed Management Plan;
- m) Biosecurity Management Plan;
- n) Soil and Water Management Plan.

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

- H4.** Prior to the issuing of an Occupation 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.***

- H5.** Prior to the issuing of an Occupation 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.***

- H6.** A Compliance Certificate for Stage 3 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.

- \$89,494.00 for Water headworks
- \$136,800 for Sewer headworks

The contributions for Stage 3 shall be paid prior to the issue of an Occupation Certificate.

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.***

## **I. CONTINUED OPERATIONS**

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

***Reason: To ensure maintenance of landscaping.***

- 12.** 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.***

- 13.** 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.***

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

***Reason: To ensure safety of access.***

- 15.** 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.***