

Conditions of approval

GENERAL CONDITIONS

- (1) The development shall be in carried out in accordance with the following plans:

Reference No.	Rev.	Name of Plan	Date
151224-15300SN01	A	SITE AND LOCALITY PLAN	24/12/2015
151224-15300SN01	A	OVERALL SHED PLAN	24/12/2015
151224-15300SN01	A	PART SHED PLAN	24/12/2015
151224-15300SN01	A	ELEVATIONS	24/12/2015
151224-15300SN01	0	LANDSCAPING PLAN (as amended in red)	24/12/2015
151029-15300CI01	A	CONCEPT CIVIL PLAN	29/10/2015

except where otherwise provided by the conditions of this development consent.

- (2) In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.
- (3) Prior to the issue of an Occupation Certificate the proponent must submit to the Council a report addressing compliance with all relevant conditions of this consent.
- (4) This development consent is limited to a period of five (5) years in accordance with Section 95(1) of the *Environmental Planning and Assessment Act 1979*.
- (5) The development must not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, light, waste water, waste products, grit or oil, traffic generation or otherwise.
- (6) Payment of contributions levied under Section 94 of the *Environmental Planning and Assessment Act 1979* and the Kyogle Council *Section 94 Contributions Plan Urban & Rural Roads (as amended)* are required. Kyogle Council levies these contributions for the provision of public amenities and services in such a manner as will meet the increased demand for those amenities and services arising from this development.

The rate and amount to be paid as at the date of this notice is \$132,981.40 as described in the Schedule. This amount remains valid for a period of three (3) months from date of issue. Following this period any unpaid contributions will be subject to annual indexation in line with Consumer Price Index (CPI) Brisbane as

published by the Australian Bureau of Statistics. Indexation adjustments must be included in the final calculation of the contribution amount and paid to Council.

All contributions must be paid prior to issue of an Occupation Certificate.

Where the total contribution payable exceeds \$10,000, payment to Council must be by bank cheque or cash (personal cheques are not acceptable).

Proponents of Development may be entitled to a discounted rate of contribution. Eligibility and discount amounts are specified in Section 4 of Council's *Section 94 Contributions Plan Urban & Rural Roads (as amended)*.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act. The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

- (7) Contribution rates will be adjusted in accordance with the Consumer Price Index - Brisbane (CPI - Brisbane), as published by the Australian Bureau of Statistics - in accordance with the following formula:

$$RC = \frac{C \times \text{Current Index}}{\text{Previous Index}}$$

where

RC = Revised contribution rate applicable at the time of payment

C = Previous contribution rate

Current Index is the Consumer Price Index at the date of the review of the contribution.

Previous Index is the Consumer Price Index applicable at the time of issue of the consent.

Contributions are subject to annual and a yearly pro rata indexation.

- (8) If the contributions are not paid within the quarter in which the consent is granted, the contribution payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment in accord to the following:

$$C_p = C_{dc} + \frac{[C_{dc} \times (C_q - C_c)]}{C_c}$$

where

C_p is the amount of the contribution calculated at the time of payment

C_{dc} is the amount of the original contribution as set out in the development consent.

C_q is the contribution rate applicable at the time of payment.

C_c is the contribution rate applicable at the time of the original consent.

- (9) Payment of heavy haulage contributions under Section 94 of the *Environmental Planning and Assessment Act 1979* and the *Kyogle Council Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended)* are required. Kyogle Council levies these contributions for the provision of public amenities and services in such a manner as will meet the increased demand for those amenities and services arising from this development.

The rate and amount to be paid as at the date of this notice is \$0.35 per tonne, as described in the Schedule, to be paid in one annual instalment. The first instalment is to be paid within six (6) months of the development commencing operation (in this condition the term 'commencing operations' means the physical commencement of the use of the development and not the 'commencement' of the Development Consent Notice).

The levy is to be indexed annually in accordance with the Consumer Price Index for Brisbane commencing January each year for the life of the development.

Where the total contribution payable exceeds \$10,000, payment to Council must be by bank cheque or cash (personal cheques are not acceptable).

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

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

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

- (10) Prior to the issue of an Occupation Certificate landscaping must be provided and maintained in accordance with the approved landscape plan (as amended in red by Council).

BUILDING AND PLUMBING

- (11) All metal framing to comply with approved engineering specifications and AS 3623-Domestic Metal Framing.
- (12) A final fire safety certificate must be issued by the owner prior to the issue of the Final Occupation Certificate. Each essential fire safety measure specified in the current schedule has been assessed by a properly qualified person, and as found, to be capable of performing to the standard required by the current schedule.
- (13) If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;
- a) prior to pouring any in-situ reinforced concrete building element.
 - b) prior to covering of the framework for any floor, wall, roof or other building element.
 - c) prior to covering waterproofing in any wet areas. (Class 2,3 & 4 only 10% of rooms)
 - d) prior to covering any stormwater drainage connections.
 - e) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- (14) Plans and specifications in accordance with the Building Code of Australia are to be submitted to Council prior to issue of a Construction Certificate.
- (15) All water supply, sanitary plumbing and drainage or storm water drainage works must be carried out by a licensed plumber. The plumber is required to apply for a plumbing permit at least two days prior to works commencing. For large or complex installations, the plumber is required to apply for a plumbing permit at least twenty (20) days prior to works commencing. All work is to be carried out in accordance with the conditions of the plumbing permit and to the satisfaction of Kyogle Council. All costs associated with complying with this condition, including permit fees and inspections fees shall be borne by the proponent.
- (16) Prior to the issue of a Construction Certificate a Section 68 application to install a system of sewage management for the development must be submitted and be approved by the Consent Authority. The system should be designed to reflect the Conclusion in the report '*On-Site Wastewater Management Assessment*', report no. 15300_ww_packing shed prepared by Greg Alderson and Associates and dated 10 December 2015. The requirements of the approval must be complied with.

Note: All control equipment for the NSW Health accredited sewage management facility must be located above the 1 in 100yr flood level. All components of the facility that may be subject to flooding must be flood compatible.

- (17) The proposed system of sewage management must be installed and be operated in accordance with the relevant approvals given pursuant to the provisions of Section 68 of the *Local Government Act, 1993*.
- (18) Prior to issue of the Occupation Certificate Council must be provided with a complete and accurate layout plan to an appropriate scale of all internal and external drainage and all stormwater and subsoil drainage.
- (19) The following water conservation devices must be provided to assist in minimising the amount of effluent generated on the premises:-
 - (i) 6/3 litre cisterns to all water closets; and
 - (ii) all showers and basins must be provided with flow restriction devices which provide for a maximum water delivery of 11 litres/minute.
- (20) All tanks used for the storage of water for human consumption must bear a sign, a minimum of 450 mm. wide by 250 mm. high, with the words "Warning Drinking Water - Do Not Add Chemicals" in letters a minimum of 25 mm. high and 3 mm. wide.
- (21) All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.
- (22) All plumbing, drainage and stormwater work must be in accordance with AS3500 and National Code of Practice and the work must be carried out by a licensed person.
- (23) Provide a minimum cover of 300 mm to sewer and stormwater pipes not subject to vehicular traffic, or provide adequate paving to protect the drainage.
- (24) The overflow gully must be a minimum of 75 mm. above the surrounding surface and a minimum of 150 mm. below the lowest ground floor level.

ENVIRONMENTAL HEALTH

- (25) Burning of site refuse and materials is not permitted and all such materials shall be prevented from escaping onto adjoining land and shall be maintained in a tidy manner on site at all times.
- (26) All waste materials generated from construction and demolition works shall only be disposed at licensed waste management facilities capable of receiving the waste as classified under the NSW Department of Environment and Climate Change (EPA) guideline document '*Waste Classification Guidelines: Part 1 Classifying Waste 2008*'.
- (27) Prior to work commencing on the site, erosion and sediment control measures must be implemented on the development site in accordance with Landcom Managing Urban Stormwater (blue book 4th edition, March 2004). Control measures are to remain in place until the site has been adequately stabilised, revegetated or landscaped to prevent soil erosion.
- (28) Construction works are not permitted to occur outside the following times:

- a) Monday to Friday- 7.00 am to 6.00 pm.
- b) Saturday- 7.00 am to 1.00 pm.

No construction work which will adversely impact on the amenity of the area is to take place on Sundays or Public Holidays.

- (29) All security and external lighting must be installed to ensure that no nuisance is caused to neighbouring premises or motorists. Appropriate light selection and shielding and/or other measures must be implemented, and the installation must comply with AS4282 *Control of the Obtrusive Effects of Outdoor Lighting*.

Prior to the issue of an Occupation Certificate details prepared by an appropriately qualified person and demonstrating compliance with this condition shall be submitted to and be approved by the Certifying Authority. A copy of this documentation must be provided to the Consent Authority for record purposes.

- (30) Operation of the facility shall not result in the emission of offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
- (31) In the event of a noise complaint that is deemed to be valid by Council, the applicant is to engage a suitably qualified and experienced acoustic consultant to prepare a noise impact assessment. The noise impact assessment is to be submitted to Council, to the satisfaction of the General Manager or his/her delegate.

ENGINEERING

- (32) Apart from developer funded works, no improvements to existing roads, access and services will be provided by Council or any other utility authority.
- (33) No tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.
- (34) The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with the Northern Rivers Local Government Development, Design and Construction Manual. The proponent shall be responsible for any costs, associated with the provision of the works. Required roadworks include:
 - The upgrade and widening of Tabulam Road between chainages 12,020m and 12,420m (measured from Clarence Way) to 6m seal with 1m shoulders.
- (35) Full design plans of the proposed engineering works shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.
- (36) The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with the Northern Rivers Local Government Development Design and Construction Manual. Engineering design plans shall provide evidence of the feasibility of lot access.

- (37) Prior to carrying out any works within a public road reserve, the proponent shall complete an application under Council's Road Reserve Management Plan and receive written approval from Council. Satisfactory arrangements for restoration with Council's Infrastructure Works Department shall also be required, with all works constructed according to Council's Development, Design and Construction Manuals (as amended). All costs shall be the responsibility of the proponent.
- (38) A certified "Works as Executed" plan from a suitably qualified Engineer or Registered Surveyor is to be submitted before the release of the Occupation Certificate certifying that the works have been constructed in accordance with the drawings and to the levels specified.
- (39) A maintenance period shall apply to all construction carried out on development where the ownership of the asset is to pass to Council. The maintenance period shall extend from the completion of the construction and subsequent approval by Council, for six months. Within that time the developer is responsible for any omissions or defects. At the end of the maintenance period Council will inspect the asset and any work found not conforming to the plans and specifications shall be the responsibility of the developer to rectify. The maintenance bond shall be returned at the completion of the maintenance period and subsequent defect free approval by Council.

Construction (contract) price Bond

up to \$50,000 - 10% of contract price (minimum bond \$1,000)
over \$50,000 \$5,000 plus 5% of balance over \$50,000

- (40) Engineering design plans for the carpark, loading area, accesses and stormwater drainage are to be submitted to and approved by Council, prior to the release of a Construction Certificate. A plan checking and supervision fee is required to be paid prior to the release of the plans.
- (41) All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.
- (42) The applicant is to make written application to Council (accompanied by a location plan) for a vehicular access to the development and construct it in accordance with Council's approval (refer to Council's Property Access and Addressing Management Plan). No other accesses may be constructed or opened onto a Council road without the prior written approval of Council.
- (43) All allotments shall have a sealed vehicular access from the existing roadway to the boundary of private property in accordance with Council's Property Access and Addressing Management Plan.
- (44) Measures shall be put in place to control storm water runoff during construction. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
- adjoining land
 - natural drainage courses
 - constructed drainage systems, or

- waterways
- public road reserve

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation wherever possible.

FOOD STORAGE AND HANDLING

- (45) Fit-out shall comply with AS 4674 – 2004 *Design, construction and fit-out of food premises*, and the Australia and New Zealand Food Standards Code.
- (46) The walls shall be smooth, impervious and free of gaps, cracks and crevices and be capable of being easily cleaned to a minimum height of 2m. If wall sheeting is used it shall be of solid construction (a minimum thickness of 13mm).
- (47) The floor finish must meet the requirements of AS 4674 – 2004, and graded such that there is no pooling/ponding of water.
- (48) Coving (25mm radius) shall be installed to a minimum wall height of 75mm at the intersections of floors with walls/plinths and shall be integral to the surface finish of both the floor and wall in such a manner as to form a continuous uninterrupted surface. A solid preformed coving fillet shall be used to support sheeting or similar material.
- (49) All equipment, shelves and benches must be on wheels or stands, and at least 150 mm off the floor.
- (50) Shelving shall be installed at least 25 mm from walls, or alternatively be sealed to walls.
- (51) Pipes and conduits not enclosed within walls shall be round and installed at least 25 mm from walls.
- (52) At the completion of fit-out, and prior to operation, the applicant is to contact Council to arrange an inspection of food handling and storage areas.
- (53) Prior to operation, the food business must contact the NSW Food Authority to notify of their business details.
- (54) Any non-reticulated water shall be of a potable standard and shall meet the requirements of the Australian Drinking Water Guidelines, published in 2011 (updated 2015) by the National Health and Medical Research Council and the Natural Resource Management Ministerial Council.