



# CENTRAL DARLING SHIRE COUNCIL

## Delegated report for internal determination

### Development application

|                             |   |                              |           |
|-----------------------------|---|------------------------------|-----------|
| <b>DA number</b>            | D16/21- PAN 124243                          | <b>Date of lodgement</b>     | 9/08/2021 |
| <b>Applicant</b>            | Jacob Michael Forner                        |                              |           |
| <b>Owner</b>                | Jacob Michael Forner/ Crown Lands lease     |                              |           |
| <b>Proposed development</b> | Construction of a shed with Carport         |                              |           |
| <b>Street address</b>       | Lot 2876 DP765037 - Pooncarie Road Menindee |                              |           |
| <b>Notification period</b>  | 28 days                                     | <b>Number of submissions</b> | 0         |

### Assessment

|                           |                                |  |  |
|---------------------------|--------------------------------|--|--|
| <b>Report prepared by</b> | Glenda Dunn - Senior Planner   |  |  |
| <b>Report date</b>        | 14 September 2021              |  |  |
| <b>Recommendation</b>     | Approved subject to conditions |  |  |

### Checklist

|   |     |
|---|-----|
| <b>Summary of section 4.15 matters</b>  |     |
| Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the assessment report?  | Yes |
| <b>Legislative clauses requiring consent authority satisfaction</b>   |     |
| 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 summarised in the Executive Summary of the assessment report? | Yes |
| <b>Clause 4.6 Exceptions to development standards</b>   |     |
| 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?  | N/A |
| <b>Special Infrastructure Contributions</b>   |     |
| Does the DA require Special Infrastructure Contributions conditions (section 7.24)?   | N/A |
| <b>Native Title land Claim and Aboriginal land claim</b>  |     |
| Review status   | N/A |

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|    | Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A R..... | 32 |

**Attachments**

- 1 Location map - zone information, Aerial image
- 2 Plans
- 3 Assessment against planning controls
- 4 Draft conditions of consent

## **1 Executive summary**

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1.1 The key issues that need to be considered in respect of this application are:

Construction of a shed and carport. The building is a single storey shed with attached carport.

Assessment of the application against the relevant planning framework and consideration of matters by our technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.

The application is therefore satisfactory when evaluated against Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

This report recommends approval of the application subject to the recommended conditions.

## **2 Location**

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2.1 The site is located Lot 2876 DP765037 - Pooncarie Road Menindee.

2.2 The location of the site is shown at attachment 1.

## **3 Site description**

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3.1 Lot 2876 DP765037 - Pooncarie Road Menindee.

3.2 An aerial image of the site and surrounding area is at attachment 1.

## **4 Background**

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4.1 R5 Large Lot Residential zone - The zoning plan for the site and surrounds is at attachment 1.

## **5 The proposal**

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5.1 The shed is for storage of building equipment.

## **6 Assessment against planning controls**

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6.1 A full assessment of the development application against relevant planning controls is provided in the attachments, including:

- Environmental Planning and Assessment Act 1979 (as amended 2018)
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- Central Darling Local Environmental Plan 2012

## 7 Key issues

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Construction of a new shed and carport. The building is a single storey shed of metal construction. The development includes site works.

## 8 Issues raised by the public

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- 8.1 The proposed development was notified to property owners and occupiers in the locality for 28 days upon the council website.
- 8.2 Council received 0 submissions.

## 9 External referrals

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- 9.1 The development application was referred to the following external authorities for comment:

| Authority | Comments |
|-----------|----------|
| 0         | 0        |

## 10 Internal referrals

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- 10.1 The development application was referred to the following internal sections of Council for comment:

| Section | Comments |
|---------|----------|
| 0       | 0        |

## 11 Conclusion

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The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

## 12 Political donations disclosure

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- 12.1 Under Section 10.4 of the *Environmental Planning and Assessment Act 1979*, a disclosure statement must be lodged in certain circumstances in relation to any planning application, i.e. a development application, an application to modify a consent and an application to make an environmental planning instrument or development control plan.
- 12.2 A disclosure statement of a reportable political donation or gift must accompany a planning application or submission (including a submission either objecting to or supporting the proposed development) if the donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement

of the application, a disclosure statement must be sent to Council within 7 days after the donation or gift is made. The provision also applies to an associate of a submitter.

12.3 A disclosure statement may be made available for viewing upon a written request to Council in line with Section 12 of the *Local Government Act 1993*.

As required under Section 10.4 of the Act, a disclosure statement has been submitted to Council in respect of the subject development application.

### **13 Recommendation**

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Approve Development Application D16/21 PAN 124243 Construction of a single storey shed with an attached carport and associated site works for the reasons listed below, and subject to the conditions listed in the attachments.

- a** Construction of a single storey metal shed with carport with site works.

Council officers to notify the applicant and submitters of the decision.



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Glenda Dunn  
Senior Planner



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Reece Wilson  
Director Environmental Services

## ATTACHMENT 1 - MAPS and PHOTOS

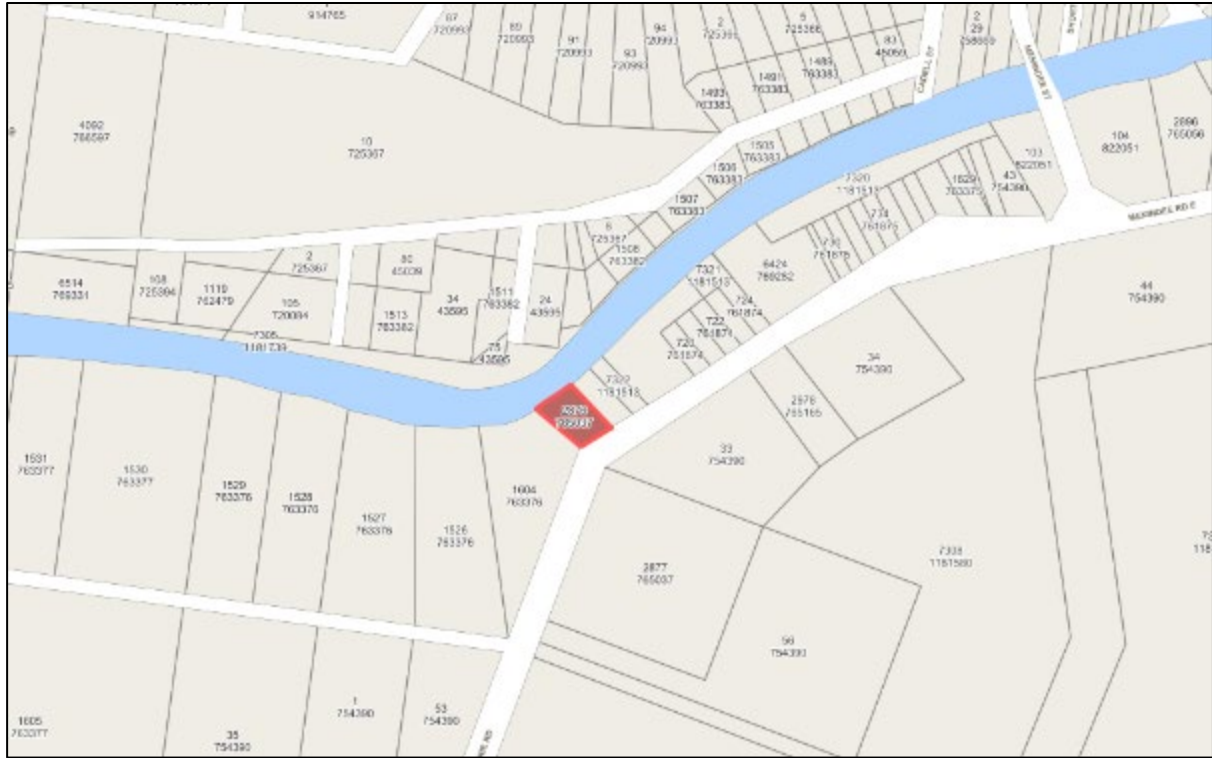
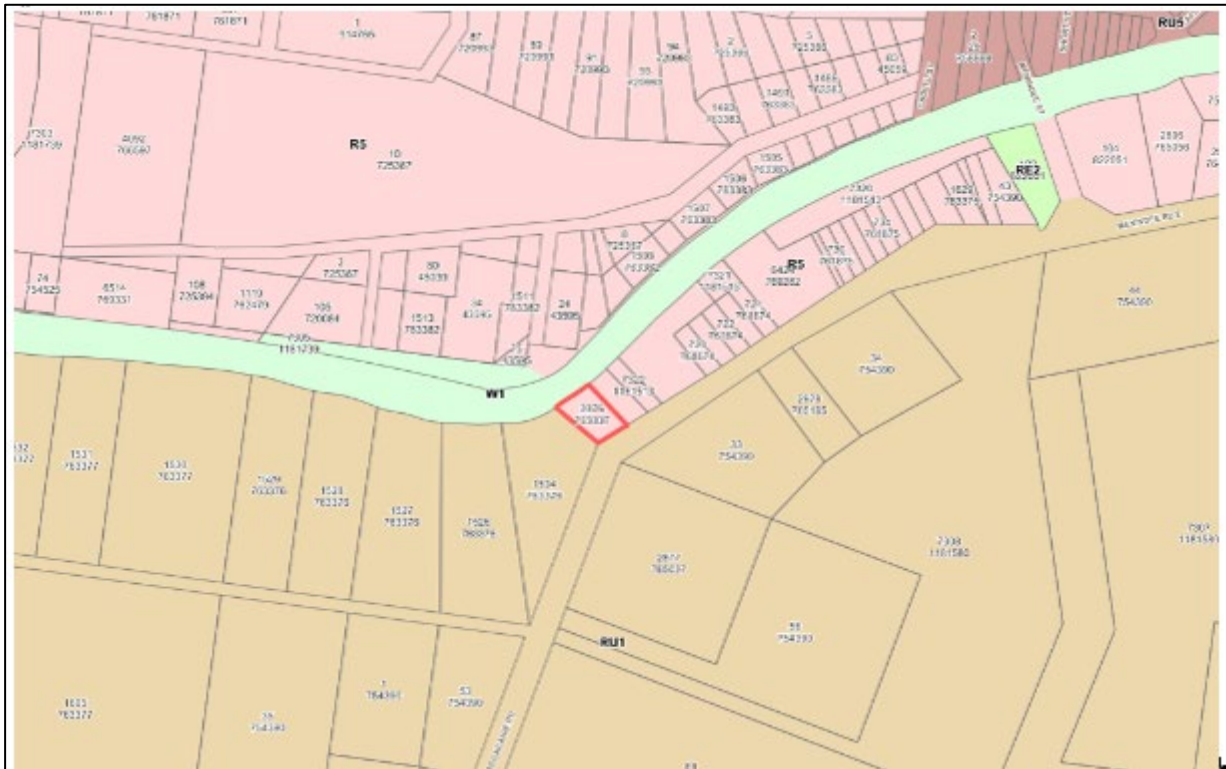


Figure The subject lot is located within the town of Menindee NSW on the Pooncarie Road. There is no official street number yet allocated to the lot (source: Intramaps).



Lot 2876 DP765037 - Pooncarie Road Menindee - R5 Large Lot Residential zone



Site photo Lot 2876 DP765037 - Pooncarie Road Menindee (Source: 6 maps 2021)

Delegated report: D16 /21 PAN 124243 Pooncarie Rd Menindee





Site photo Lot 2876 DP765037 - Pooncarie Road Menindee (Source: Google Streetview 2021)

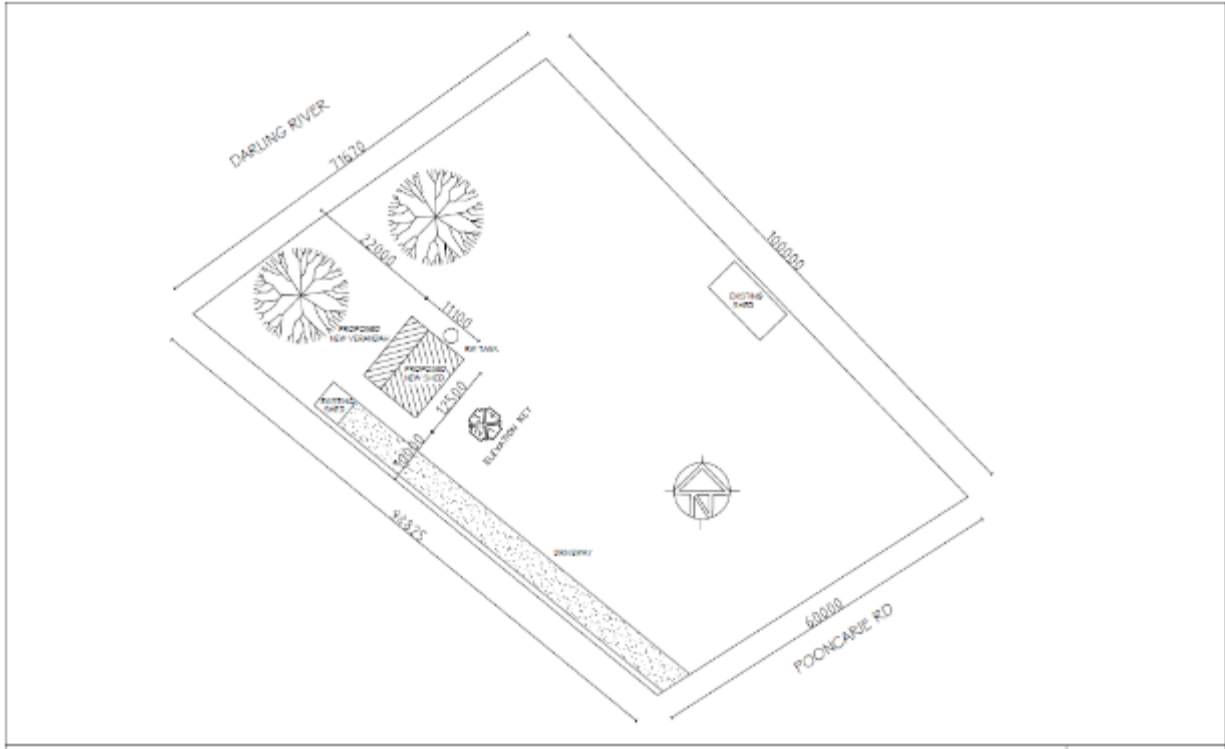


Site photo Lot 2876 DP765037 - Pooncarie Road Menindee (Source: Google Streetview 2021)

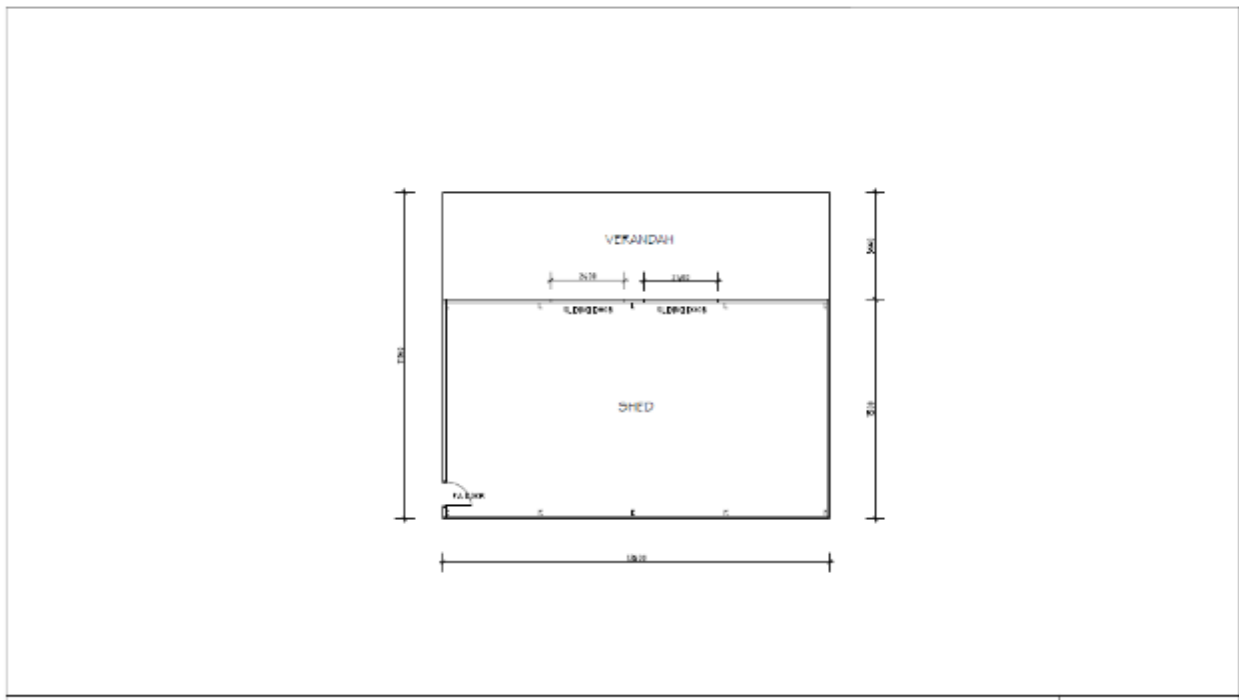


Site photo Lot 2876 DP765037 - Pooncarie Road Menindee (Source: Google Streetview 2021)

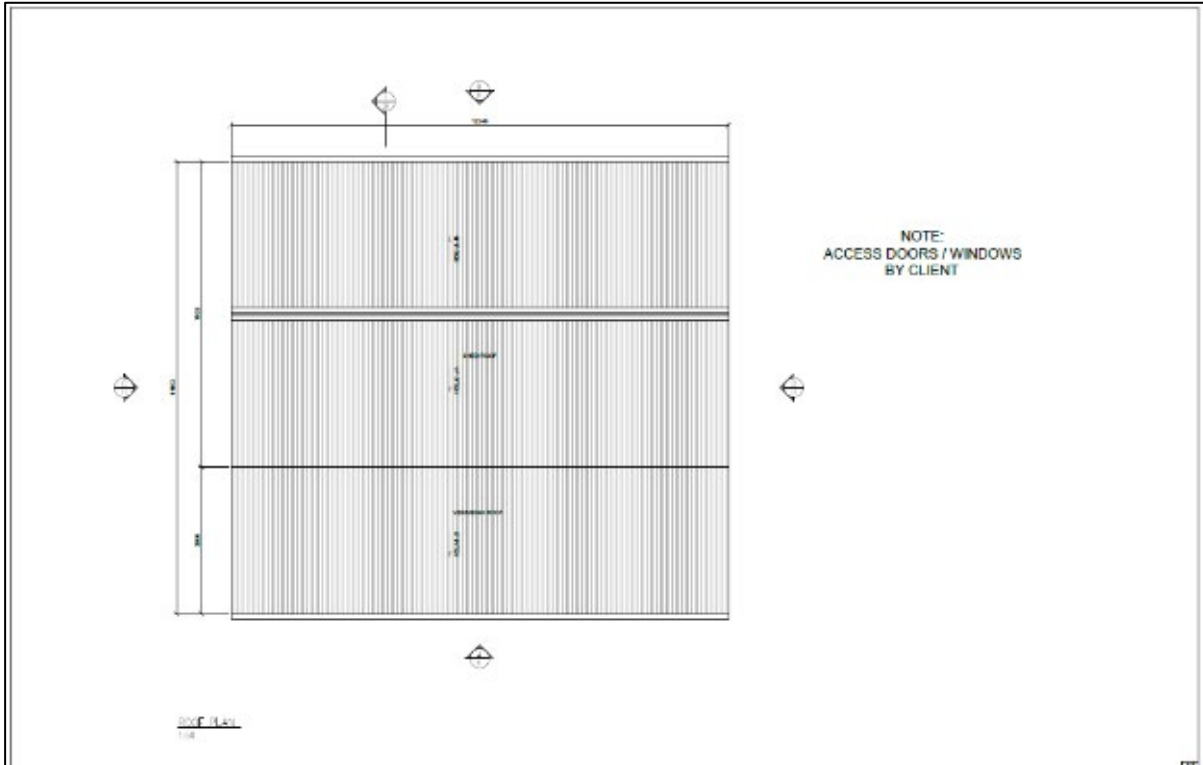
## ATTACHMENT 2 - PLANS



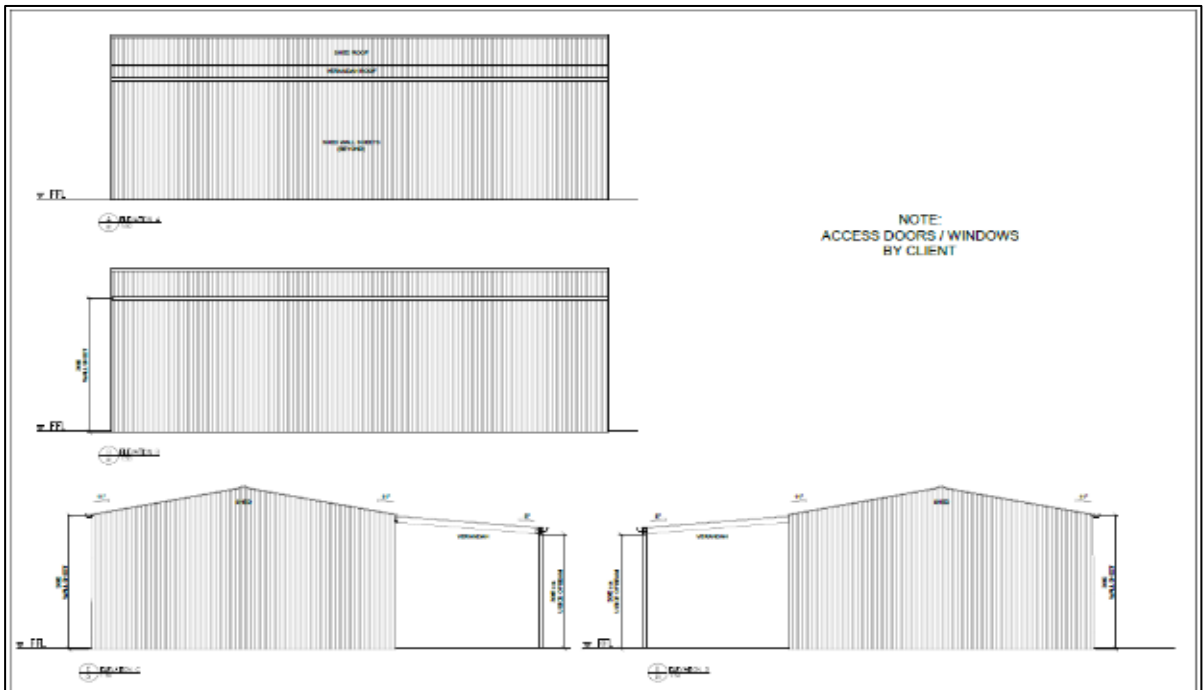
Site plan



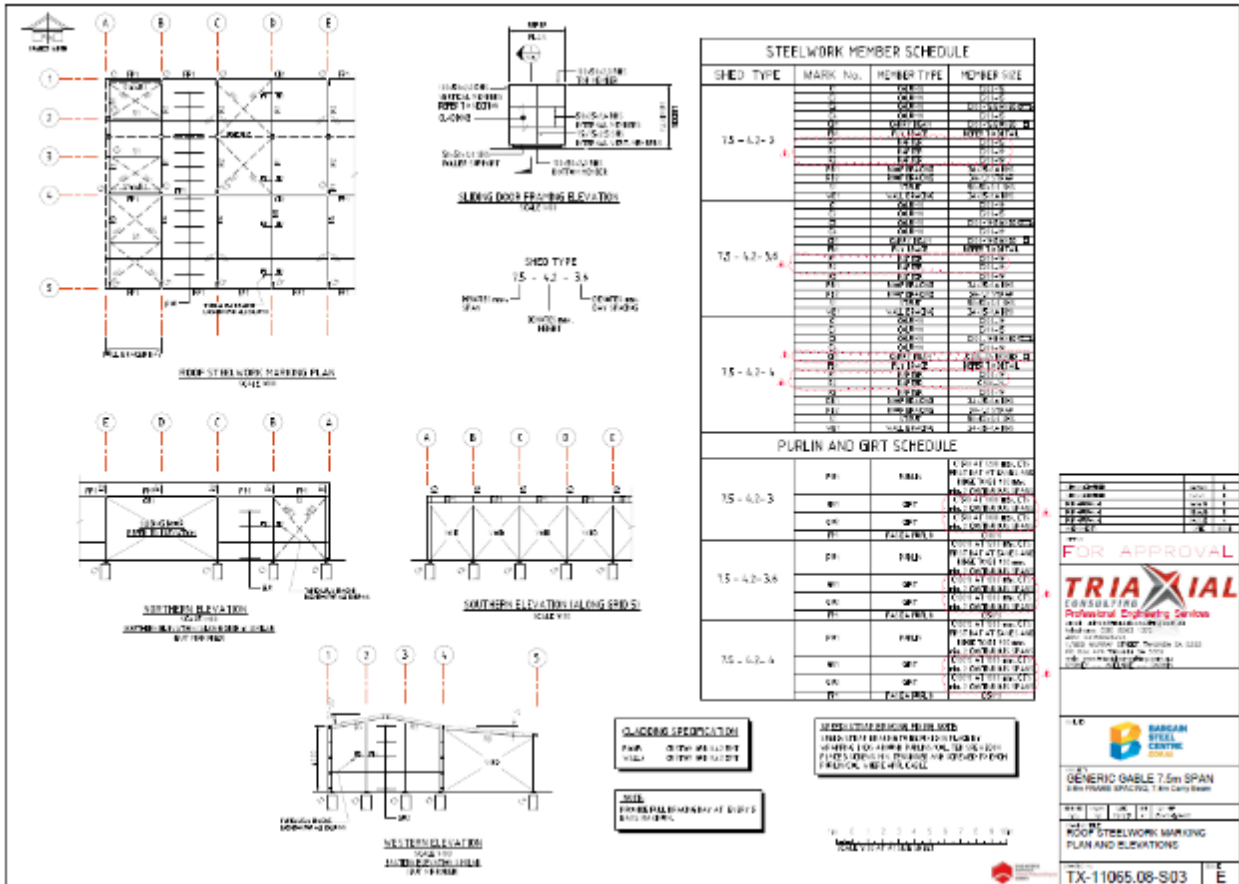
Floor plan



Roof plan.



Elevations.



Structural Drawings

# ATTACHMENT 2 - ASSESSMENT OF PLANNING CONTROLS

## PLANNING ASSESSMENT SUMMARY

|                                    |  |
|------------------------------------|--|
| Application Number:                | D 16/ 21 - PAN-124243  |
| Site Address:                      | Lot 2876 DP765037 - Pooncarie Road Menindee  |
| Date of Lodgement:                 | 9/08/2021  |
| Applicant:                         | Jacob Michael Forner/ Crown Lands lease  |
| Architect/Designer:                |  |
| Owner:                             | Jacob Michael Forner/ Crown Lands lease  |
| Cost of Works:                     | \$45,000.00  |
| Development Contribution Required: | No   |
| Zoning:                            | R5 Large Lot Residential zone  |
| Proposal:                          | Construction of a new metal shed with attached car port and site works.  |
| Recommendation:                    | The development application is recommended for approval, subject to the conditions in the Notice of Determination. |

## Background

### The Site and Surrounding Development

The subject site is located in the Township of Menindee on the Pooncarie Road. The site has an area of land / property area of approximately 6,290m<sup>2</sup>. The subject site currently vacant. It is proposed to erect the shed and carport for storage of building materials.

The subject site of this application is Lot 2876 DP765037 - Pooncarie Road Menindee.

The site is zoned R5 Large Lot Residential zone pursuant to the provisions under the Central

Darling Local Environmental Plan 2012 (the LEP). The proposed development is defined as a shed and carport which is ancillary development and is permitted with consent in the R5 Large Lot Residential zone.

The site is currently a vacant lot with a few trees.

## Proposed Development

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The application seeks consent for the following:

The proposed development includes the construction of a metal shed and carport with site works.

## Assessment

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The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### Local Environmental Plans

#### Central Darling Local Environmental Plan 2012

An assessment of the proposed development against the relevant provisions of the Central Darling Local Environmental Plan 2012 is provided in the following sections.

#### Part 2 Permitted or prohibited development

| Provision                              | Compliance | Comment  |
|--|------------|--|
| 2.3 Zone objectives and Land Use Table | Yes        | <p>Central Darling Local Environmental Plan 2012 <input type="button" value="Go"/></p> <p>Zone R5 Large Lot Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> <li>To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</li> </ul> |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</li> <li>• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul> <p>2 Permitted without consent</p> <p>Environmental protection works; Home-based child care; Home occupations; Roads; Water reticulation systems</p> <p>3 Permitted with consent</p> <p>Bed and breakfast accommodation; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Group homes; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Roadside stalls; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4</p> <p>4 Prohibited</p> <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage;</p> |
|--|---|



|  |  |  |
|--|--|--|
|  |  | Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies |
|--|--|--|

Principal development standards

| Provision               | Compliance | Comment   |
|-------------------------|------------|---|
| 4.3 Height of buildings | Yes        | No height limit.<br>Structures all single storey on site not higher than 5 metres |
| 4.4 Floor space ratio   | Yes        | No FSR for site   |

General Provisions

| Provision              | Compliance | Comment   |
|------------------------|------------|---|
| Public Domain          | Yes        | The proposed works will not result in any additional overshadowing to the public domain or affect public views of the Darling River.. |
| Heritage               | Yes        | The site is not a heritage item   |
| Transport and Parking  | Yes        | Car parking provided on site  |
| 3.12 Accessible Design | Yes        | The proposed works is a storage shed and carport and it is accessible from the existing raised graded driveway                        |
| 3.14 Waste             | Yes        | A Waste Management Plan is not required.  |

Development Types

| Provision                            | Compliance | Comment   |
|--------------------------------------|------------|---|
| 4.2.1 Building height                |            |   |
| 4.2.1.2 Floor heights                | Yes        | Complies/ Ground level.   |
| 4.2.2 Building setbacks              | N/A        | The shed is setback at least 20m from the Darling River and is setback over 20 m from the Pooncarie Road Menindee. The building is setback from both side boundaries. |
| 4.2.3 Amenity                        |            |   |
| 4.2.3.1 Solar access                 | Yes        | Not applicable  |
| 4.2.3.11 Acoustic privacy            | Yes        | Not applicable  |
| 4.2.6 Waste and recycling Management | Yes        | Not applicable  |

## Consultation

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### Internal Referrals

The application was not discussed with any internal units.

### Advertising and Notification

The application was advertised on the Central Darling Shire Council Website for 28 days, there was no submissions.

## **Financial Contributions**

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N/A

### **Conclusion**

Having regards to all of the above matters, the proposed development will not result in any adverse impacts on both the natural and built environment and the locality, is suitable for the site, and is in the public interest, subject to appropriate conditions of consent being imposed.

The proposed development generally satisfies the relevant provisions of the applicable State Environmental Planning Instruments including the Central Darling Local Environmental Plan 2012 and is acceptable.

## **Recommendation**

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The development application is recommended for approval, subject to the conditions in the Notice of Determination.

The application is approved under delegated authority of Council.



## CONDITIONS OF CONSENT

### SCHEDULE 1A

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#### APPROVED DEVELOPMENT/ DESIGN MODIFICATIONS/ COVENANTS AND CONTRIBUTIONS/ USE AND OPERATION

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

### APPROVED DEVELOPMENT

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Development must be in accordance with Development Application No. D16/21 PAN 124243 Pooncarie Road Menindee dated 14/09/2021 for the construction metal shed and carport and associated site works, the drawings as amended by the conditions of this consent.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans and consent condition documents will prevail.

#### Prescribed Conditions

All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

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:

showing the name, address and telephone number of the Principal Certifying Authority for the work, and

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

stating that unauthorised entry to the work site is prohibited.

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.

Residential building work within the meaning of the Home Building Act 1989 must

not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

in the case of work for which a principal contractor is required to be appointed:  
the name and licence number of the principal contractor, and  
the name of the insurer by which the work is insured under Part 6 of that Act,  
in the case of work to be done by an owner-builder:  
the name of the owner-builder, and  
if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:  
protect and support the adjoining premises from possible damage from the excavation, and  
where necessary, underpin the adjoining premises to prevent any such damage.  
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: Legislative requirement.

#### **Schedule 1B - General Requirements**

Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- I 7.00 am to 5.00 pm inclusive Monday to Friday,
- I 8.00 am to 1.00 pm inclusive on Saturday,
- I No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- I 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant

Australian Standards.

At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Prior to the commencement of any development onsite for:

Building/s that are to be erected

Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place

Building/s that are to be demolished

For any work/s that is to be carried out

For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may

deem necessary.

The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

Swimming Pools Act 1992

Swimming Pools Amendment Act 2009

Swimming Pools Regulation 2018

Australian Standard AS1926 Swimming Pool Safety

Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools

Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## **SCHEDULE 1C**

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### **1 INSTALLATION OF WATER EFFICIENT TAPS**

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All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Principal Certifier, prior to any Occupation Certificate being issued.

### **2 WASTE AND RECYCLING MANAGEMENT - MINOR**

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Council requires the proposal facilities to minimise and manage waste and recycling generated by the proposal.

- (1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site
- (2) The waste management plan must—
  - (a) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
  - (b) identify the quantity of waste material in tonnes and cubic metres to be—
    - (i) reused on-site, and
    - (ii) recycled on-site and off-site, and
    - (iii) disposed of off-site, and
  - (c) if waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
  - (d) if waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

### **3 RUN – OFF AND EROSION CONTROLS**

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Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—diverting uncontaminated run-off around cleared or disturbed areas, and erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and preventing the tracking of sediment by vehicles onto roads, and stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

### **SCHEDULE 1D**

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DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

### **4 OCCUPATION CERTIFICATE TO BE SUBMITTED**

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An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

## **5 HOURS OF WORK AND NOISE**

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The hours of construction and work on the development must be as follows:

All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.

All work, including demolition, excavation and building work must comply with the Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection, and dismantling of on site tower cranes which warrant the on- street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding.

The Council allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the Environmental Planning and Assessment Act 1979.

## **6 NOISE – DURING CONSTRUCTION**

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### Construction noise

Noise caused by construction must not exceed an LAeq (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the construction is being carried out.

## **7 ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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No portion of the proposed structure shall encroach onto the adjoining properties.

## **8 DEMOLITION**

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Any demolition must be carried out in accordance with AS 2601—2001, The demolition of structures.

## **9 MAINTENANCE OF SITE**

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All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be given to the principal certifying authority—

the place to which waste materials were transported,

the name of the contractor transporting the materials,

the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction—

all vehicles entering or leaving the site must have their loads covered, and all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

## **10 EARTHWORKS, RETAINING WALLS AND STRUCTURAL SUPPORT**

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Any earthworks (including any structural support or other related structure for the purposes of the development)—

must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and

must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and

that is fill brought to the site—must contain only virgin excavated natural material

(VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005. Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.

## **11 DRAINAGE CONNECTIONS**

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If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed. Any approval that is required for connection to the drainage system under the Local Government Act 1993 must be held before the connection is carried out.

## **12 ARCHAEOLOGY DISCOVERED DURING WORKS**

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If any object having interest due to its age or association with the past is uncovered during the course of the work— all work must stop immediately in that area, and the Office of Environment and Heritage must be advised of the discovery.

### **Note**

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

## **13 ABORIGINAL OBJECTS DISCOVERED DURING WORKS**

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If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work— all excavation or disturbance of the area must stop immediately in that area, and the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

### **Note—**

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

## **14 COVERING OF LOADS**

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All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## **15 LOADING AND UNLOADING DURING CONSTRUCTION**

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The following requirements apply:

All loading and unloading associated with construction activity must be accommodated on site, where possible.

If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be obtained.

## **16 NO OBSTRUCTION OF PUBLIC WAY**

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The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

## **17 USE OF MOBILE CRANES**

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The following requirements apply:

Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

For special operations including the delivery of materials, hoisting of plant and equipment and erection, and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

## **18 CONTAMINATED SOILS**

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### **Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

### **Compliance with the Remediation Action Plan**

The requirements of the Remediation Action Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of any interim / final occupation certificate.

Reason: Protection of the environment, SEPP 55 compliance.

A validation report, is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

If the site requires ongoing activities to control contamination, the validation report is to provide a list of ongoing measures to be undertaken to protect adjacent properties, the environment and the water table from further contamination.

Reason: To ensure environmental amenity is maintained.

## **19 VEHICULAR ACCESS**

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If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

## **20 UTILITY SERVICES**

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If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

## **21 LANDSCAPING – TREES AND PLANTING**

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All landscape works including nominated tree species and other shrubs and vegetation species are to be approved by council prior to Occupation Certificate issue.

## **SCHEDULE 2 PRESCRIBED CONDITIONS**

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The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 may apply:

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 requirements Clause 98C Conditions relating to entertainment venues.

Clause 98D Conditions relating to maximum capacity signage.

Clause 98E Conditions relating to shoring and adequacy of adjoining property Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at:

<http://www.legislation.nsw.gov.au>

## IMPORTANT ADDITIONAL INFORMATION

### Advisory notes:

The Environmental Planning and Assessment Act 1979 requires you to:

- Obtain a Construction Certificate prior to the commencement of any works. An application may be lodged through the NSW Planning Portal to nominate either Central Darling Shire Council as the Principal Certifying authority, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier must obtain Development application approval to review the conditions of this development consent, where indicated before issuing the Construction Certificate.
- Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application through the NSW Planning Portal to Central Darling Shire Council. Please refer to the link below for any further information about digital requirements and electronic files.
- Nominate a Principal Certifier which may be either Council or an accredited certifier and notify Council of that appointment. You cannot lawfully commence works without complying with this requirement.
- Give Council at least two days' notice of your intention to commence the erection of a building before commencing construction works. You cannot lawfully commence works without complying with this requirement.
- Obtain an Occupation Certificate before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

- Obtain approval through the lodgement of an application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
  - installation of hoardings/scaffolding.
  - installation and/or alterations to advertising/business signs and street awnings.
  - crane operation and other hoisting activities.
  - temporary works (e.g.: barricading, road openings, mobile hoisting devices).
  - works zone (for loading and unloading from the roadway); and
  - temporary ground anchoring and shoring to support a roadway when excavating.
- Lodge an Application for Subdivision to obtain a Subdivision Certificate if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain Strata Title Subdivision under the relevant Strata Titles Act if strata title of the development is proposed.
- Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises are used for the manufacture, preparation, packing, storing, conveying, or delivering of food or beverage for sale.
- Contact NSW Water and Central Darling Shire Council regarding the water and sewerage services to this development.

## **Carry out critical stage inspections in accordance with Section 6.5 of**

**Applications and submissions referred to in this consent may be lodged at:  
Central Darling Shire Council**

21 Reid Street

Wilcannia NSW 2836

**the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A R**