



# CENTRAL DARLING SHIRE COUNCIL

14 September 2022

Mr David Kaunitz  
Kaunitz and Yeung Architects  
1A  
277 Cleveland Street  
Surry Hills NSW 2016

NOTICE OF DETERMINATION - APPROVAL  
APPLICATION NO: D/03/2022- PAN 203489

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Dear Mr David Kaunitz

Please find enclosed the Notice of Determination and advisory notes relating to your development application for – 42 – 44 Reid Street, Wilcannia- Lot 1 S13 DP759091, Lot 2 S13 DP759091.

A copy of the DA Assessment Report can be viewed online at the Central Darling Shire Council website-  
<https://www.centraldarling.nsw.gov.au/planning/development-applications>.

If further information is required, please contact Glenda Dunn ph. 08 8083 8900,  
email - [dunng@centraldarling.nsw.gov.au](mailto:dunng@centraldarling.nsw.gov.au).

Yours faithfully

Reese Wilson  
**Director Shire Services**



**NOTICE OF DETERMINATION – APPROVAL D/03/2022- PAN 203489**

**NOTICE OF DETERMINATION - APPROVAL**

*Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979*

<b>Development Application No.</b>	D/03/2022- PAN 203489
<b>Applicant</b>	Mr David Kaunitz Kaunitz and Yeung Architects
<b>Land to be developed</b>	Lot 1 S13 DP759091, Lot 2 S13 DP759091. at 42-44 Reid Street Wilcannia NSW 2836.
<b>Approved development</b>	D/03/2022- PAN 203489  The applicant proposes the construction of a cultural /tourism community centre. The building includes a café, tourist information centre, meeting space, exhibition spaces and offices. The building is a single storey with a basement and associated landscaping and site works.
<b>Cost of development</b>	\$5,576,000.00
<b>Determination</b>	The application was determined under delegation of Council and was granted consent <b>subject to the conditions.</b>
<b>Other Approvals</b>	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
<b>Consent is to operate from</b>	8 September 2022
<b>Consent will lapse on</b>	10 September 2027

**Reasons for conditions**

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.



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**Reasons for Approval**

1. The development, subject to conditions, is consistent with the objectives of the B2 Local Centre zone being a work to a heritage item and within a heritage conservation zone.
2. The development is compatible with the character of the B2 Local Centre zone area and Wilcannia heritage conservation area; and  
The development, subject to conditions, for the construction of a cultural /tourism community centre.
3. The building includes a café, tourist information centre, meeting space, exhibition spaces and offices. The building is a single storey with a basement and associated landscaping and site works.
4. The development accords with objectives of relevant planning controls.

**Right of appeal**

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months of the date of this notification.

Division 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination.

Division 8.2 does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 4.2 in respect of Crown applications.

If further information is required, please contact Glenda Dunn ph. 08 8083 8900, email - [dunng@centraldarling.nsw.gov.au](mailto:dunng@centraldarling.nsw.gov.au).

Yours faithfully

Reece Wilson

**Director Shire Services**



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## **CONDITIONS OF CONSENT**

- Property:** Lot 1 S13 DP759091, Lot 2 S13 DP759091.  
at 42-44 Reid Street Wilcannia NSW 2836
- Development:** Proposed site works including demolition and construction of a new cultural centre and associated works to the existing shed with landscaping, boundary fencing and a new awning.

## **DEFERRED COMMENCEMENT CONDITIONS**

The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.

(A) Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to 42-44 Reid Street, Wilcannia for the construction of a new cultural centre subject to the following conditions of consent:

1. **Detailed site investigation report** - The applicant must submit a detailed site investigation report for Council's consideration. The detailed site investigation report must comply with the Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use. If remediation is required, the report should also set out the remediation options available for the site.

(Reason: To comply with the statutory requirements of State Environmental Planning Resilience and Hazards 2021).

2. **Remediation Action Plan** - A Remediation Action Plan prepared by a suitably qualified person shall be provided to the Certifying Authority and Council. The Remedial Action Plan should be prepared in accordance with the requirements of "Managing Land Contamination Planning Guidelines SEPP Resilience and Hazards 2021".

Note. No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

(Reason: To comply with the statutory requirements of State Environmental Planning).

3. **Validation Report** - A validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:



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- (a) compliance with the approved RAP;
- (b) that the remediation acceptance criteria (in the approved RAP) have been fully complied with;
- (c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP Resilience and Hazards 2021 and Council’s Management of Contaminated Lands Policy; and includes
- (d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
- (e) a “notice of completion of remediation work” as required under Clause 18 of Remediation & Hazards SEPP and;
- (f) a statement confirming that the site following remediation of contamination is suitable for the intended use.

(Reason: To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the *Contaminated Land Management Act 1997*).

- (B) Written evidence that the matter identified in deferred commencement condition (A) (1), (A) (2) and (A) (3) above has been satisfied, must be submitted to Council within twelve (12) months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 95 (6) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) (1), (A) (2) and (A) (3) above has been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) (1), (A) (2) and (A) (3) above has been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

**GENERAL CONDITIONS**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

- 1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Cover Page	13.11.2020	No. DA100 Rev DA8



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Site & Roof Plan	22.06.2022	No. DA101 Rev DA10
Proposed Demolition Plan	13.11.2020	No. DA102 Rev DA8
Existing Stone Walls	13.11.2020	No. DA103 Rev DA8
Existing Shed Drawings	13.11.2020	No. DA104 Rev DA8
Proposed Basement Plan	13.11.2020	No. DA106 Rev DA8
Proposed Ground Floor Plan	22.06.2022	No. DA107 Rev DA10
Proposed Elevations	22.06.2022	No. DA111 Rev DA10
Proposed Elevations	22.06.2022	No. DA112 Rev DA10
Sections	22.06.2022	No. DA113 Rev DA10
Photomontage	22.06.2022	Photomontage graphic
Stormwater Management Plans	14.03.2022 14.03.2022 14.03.2022 14.03.2022 14.03.2022 14.03.2022 14.03.2022 14.03.2022	No. DR-000 Rev 0 No. DR-001 Rev 0 No. DR-002 Rev 0 No. DR-003 Rev 0 No. DR-004 Rev 0 No. DR-005 Rev 0 No. DR-100 Rev 0 No. SD-100 Rev 0
Arborist Report	16.06.2022	Arboricultural Assessment prepared by Urban Tree Management
Contamination Reports	21.02.2022  16.08.2022  21.06.2019	Preliminary Site Contamination Assessment report prepared by Barnson Supplementary Contamination Report prepared by Barnson Clearance Investigation Report prepared by EnviroScience Solutions

(Reason: To ensure the development is carried out in accordance with the determination).

- Construction Materials & Finishes.** The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage plan and listed under Condition 1.

(Reason: To ensure the development is carried out in accordance with the determination).

- Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

(Reason: Statutory requirement).



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4. **Support for neighbouring buildings.** If the development involves excavation that extends below 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, in accordance with relevant Australian Standards.

(Reason: Statutory requirement).

5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.

(Reason: To ensure signage is not erected without prior development approval).

6. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.

(Reason: To protect the amenity of the locality).

7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

(Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties).

8. **Hoardings.**
- A hoarding or fence must be erected between the work site and any adjoining public place.
  - Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

(Reason: To ensure public safety).

9. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.



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(Reason: To ensure public safety).

10. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises, with the exception of structures shown on the architectural plans referenced in Condition 1. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

(Reason: To ensure that development occurs within the site boundaries).

11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

(Reason: To ensure public safety).

12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: Access to public utilities).

13. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 138 of the Roads Act 1993.

(Reason: To ensure compliance with the requirements of the Roads Act 1993).

14. **Contaminated Land: Discovery of Additional Information** - Council and the Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

(Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health).

15. **Requirement to notify about new contamination evidence** - Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the certifying authority immediately.

(Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health).





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16. **Duty to Notify Pollution Incidents** - Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

(Reason: To comply with the requirements of the Protection of the Environment Operations Act 1997).

17. **No painting or rendering of masonry or stone.** No painting or rendering shall be permitted to masonry or stone surfaces which have not previously been painted or rendered.

(Reason: Heritage conservation).

18. **No demolition of extra fabric.** Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent.

No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council.

No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition may result in the Council instituting legal proceedings.

(Reason: Heritage conservation).

**DEMOLITION CONDITIONS**

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

19. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

(Reason: Statutory requirement).

20. **Excavation**



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- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with Safework NSW in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

(Reason: To ensure work is completed in an appropriate manner).

21. **Asbestos (hazardous management strategy)** - The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

(Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing).

22. **Asbestos (signage)** - On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or their website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

(Reason: To comply with the requirements of the NSW WorkCover Authority).

23. **Asbestos (records of disposal & licensed waste facility)** - Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

(Reason: To ensure appropriate disposal of asbestos materials).



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24. **Asbestos (handled & disposed of by licensed facility)** - All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

(Reason: To ensure appropriate disposal of asbestos materials).

25. **Contaminated soil disposal** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.

(Reason: To ensure appropriate disposal of contaminated soil).

26. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

(Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997).

27. **Waste data maintained** - A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

(Reason: To confirm waste minimisation objectives are met).

28. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals.

(Reason: To prevent any nuisance or danger to health, safety or the environment).

29. **Hazardous/intractable waste disposal** - Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:
- Work Health and Safety Act 2011
  - NSW Protection Of the Environment Operations Act 1997 (NSW) and
  - NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines

(Reason: To ensure that the land is suitable for the proposed development and any



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contaminating material required to be removed from the property is removed in accordance with the prescribed manner).

30. **General requirements for liquid and solid waste** - Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines

(Reason: To prevent pollution of the environment).

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

31. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
- (i) showing the name, address and telephone number of the Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must 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.

(Reason: Statutory requirement).

32. **Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their 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.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An 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 condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.



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(Reason: Statutory requirement).

33. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

(Reason: Statutory requirement).

34. **Tree Retention.** As identified in the Arboricultural Assessment prepared by Urban Tree Management dated 16/06/2022. The following trees on site are to be retained and protected:

Tree No.	Species "Common name"
2	<i>Phoenix canariensis</i> (Canary Island Date Palm)

(Reason: To ensure the health of existing trees retained by the development are maintained).

35. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.

(Reason: To protect existing trees before any work on site commences).

36. **Tree Protection Fencing.** All trees to be retained on site and on adjoining site are to have protective fencing and signage around TPZs and must be located in accordance with AS4970-2009: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

(Reason: To protect existing trees before any work on site commences).

37. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

(Reason: To ensure all existing trees to be retained in the development works are maintained).

38. **Roads Act Requirements.** Under Section 138 of the Roads Act 1993 an approval for engineering work is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Road construction
- Kerb inlet pit connections or construction



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- Vehicular crossings
- Path paving

(Reason: Statutory requirement).

39. **Vehicle Access/Parking.** A minimum of five (5) car parking spaces including one (1) accessible/disabled parking space (with a shared area) shall be provided on site. These are to be designed having minimum internal clear dimensions in accordance with the relevant section of AS 2890.1 and AS2890.6 as follows:

- 2.6 m wide x 5.4 m long
- Disabled/Accessible Car Space: 2.4 m wide x 5.4 m long (plus 2.4m x 5.4m shared area)

(Reason: Statutory requirement).

40. **Australian Standards.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions, sight distance must be designed to comply with the relevant section of AS 2890.1 for standard B99/B85 vehicles and AS2890.2 for heavy vehicles.

(Reason: Statutory requirement).

41. **Entry & Exit.** The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.

(Reason: Traffic & pedestrian safety).

42. **Stormwater Runoff.** Stormwater runoff from the development shall be collected and piped by gravity flow to the kerb and gutter in Myers Street, generally in accordance with the plans by Stellen Consulting, Drawing No.: DR-00 to DR-100, Issue No.: 0, Dated 14/03/2022, subject to any variations marked in red on the approved plans. The detailed plans, documentation and certification of the drainage system must be prepared by a suitably qualified Civil Engineer and submit for the approval of the Certifying Authority. The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS3500.3.

(Reason: To ensure the development is in accordance with the development consent).



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43. **Detailed measured documentation.** Prior to the issue of any construction, detailed measured ‘working’ drawings to a minimum scale of 1:50 are to be provided, detailing all reconstruction and restoration works associated with the original building.

(Reason: Heritage conservation).

44. **Archaeological Assessment.** Prior to construction, a preliminary archaeological assessment is to be undertaken of the site, having specific regard to the excavation works for the basement level.

Evidence shall be provided to Crown Certifier of the extent of excavation works with respect to the original basement level footprint and whether the excavation works will impact upon the archaeological resources present on the site, in which case further excavation permits and approvals will be required.

(Reason: Statutory obligations and protection of archaeology).

45. **Heritage Interpretation Strategy and Plan.** Prior to construction, a Heritage Interpretation Strategy and Plan shall be prepared for the site.

The Heritage Interpretation Strategy shall be prepared by a suitably qualified Heritage Specialist and in accordance with the relevant guidelines of the NSW Heritage Manual (Heritage Council of NSW).

The Heritage Interpretation Strategy shall include (but not limited to):

- a) Identifying the key themes relevant to the history of the site.
- b) Identifying opportunities for interpretive features to the site.
- c) Establishing recommended content for interpretive features to the site.

The Heritage Interpretation Strategy shall incorporate a Heritage Interpretation Plan that shall then document and specify (but is not limited to):

- a) The location of heritage interpretation media including any salvaged elements from the heritage item.
- b) The format of the interpretive media
- c) Method of fixing / anchoring / display
- d) Content of information

Both the Heritage Interpretation Strategy and Plan shall be submitted to the Crown Certifier.

(Reason: Heritage conservation).



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46. **Photographic Archival Recording.** Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "*Archival Recording of Heritage Items Using Film or Digital Capture*" published by the Heritage Division of the Office of Environment and Heritage.

One complete copy of the Photographic Archival Recording shall be submitted to Council and shall contain (for digital projects):

- i) A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- ii) Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- iii) The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- iv) Catalogue sheets, photographic plan, supplementary maps;
- v) Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- vi) One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.

Photographic images are to include:

- a. View to and from the site (possible from four compass points)
- b. Views showing relationships to other relevant structures, landscape features and moveable items
- c. All external elevations
- d. Views of all external and internal spaces (e.g. courtyards, rooms, roof spaces, etc)
- e. External and internal detail (e.g. joinery, construction joints, decorative features, paving types, etc)





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- vii) A CD or DVD containing electronic image files saved as TIFF and RAW files with associated metadata and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

(Reason: Heritage conservation).

**DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

47. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

(Reason: Statutory requirement).

48. **Noise from construction and demolition work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from demolition and construction work.

(Reason: To protect the amenity of the neighbourhood).

49. **Sediment/dust control.** Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind-blown dust.

(Reason: To protect the amenity of the area).

50. **Road Clearance.** All roads adjoining the site must be kept clean and free of all materials.

(Reason: To protect the amenity of the area).

51. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:

- a) Fill is allowed under this consent;



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- b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
- c) the material is reused only to the extent that fill is allowed by the consent. Existing fill on the site may be re-used if certified by a qualified Geotechnical Engineer.

(Reason: To ensure fill is consistent with the consent).

52. **Construction materials.** All materials associated with construction must be retained within the site.

(Reason: To ensure the public domain is not affected during construction).

53. **Covering of Loads.** 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.

(Reason: To ensure the public domain is not affected during construction).

54. **Loading and unloading during construction.** The following requirements apply:

- a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- b) 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.
- c) 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 construction activities.
- d) 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,

(Reason: To ensure the public domain is not affected during construction).

55. **Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight-fitting lid.



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(Reason: Statutory requirement).

**56. Site maintenance**

The applicant must ensure that:

- c. approved sediment and erosion control measures are installed and maintained during the construction period;
- d. building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- e. the site is clear of waste and debris at the completion of the works.

(Reason: To ensure the site is appropriately maintained during construction).

- 57. Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 “Traffic Control Devices for Work on Roads”.

(Reason: To ensure works do not disrupt pedestrians and vehicular traffic).

- 58. Archaeology.** As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including any statutory requirements under the Heritage Act 1977.

**Note:** The National Parks and Wildlife Service Act 1974 and the Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

(Reason: Statutory requirements for the protection of archaeology).

- 59. Excavation Works.** All excavation works shall employ such techniques and equipment which minimises the amount of ground vibration.

In this regard, excavation of the site by use of pneumatic drill for the breaking of rock or any other vibrating equipment for excavation, shall not be permitted.

(Reason: To minimise vibration and risk to the structural stability and integrity of the adjoining heritage item).



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60. **Heritage works.** All works involving deconstruction, reconstruction or restoration of the retained portions of the building shall be undertaken in accordance with the following:
- All works are to be supervised by the appointed Heritage Specialist.
  - All works are to be undertaken in accordance with the Articles of the Australia ICOMOS Burra Charter (2013).
  - Temporary protective covers or screens shall be put in place during works to protect retained significant fabric.

(Reason: To ensure the protection and retention of significant fabric).

61. **Excavation for services within Tree Protection Zone (TPZ).** Any excavation for services or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

(Reason: To ensure any excavation works are not detrimental to the health of the tree).

62. **Tree Removal.** As identified in the Arboricultural Assessment prepared by Urban Tree Management dated 16/06/2022. The following tree on site is to be removed:

Tree No.	Species "Common name"
1	<i>Jacaranda mimosifolia</i> (Jacaranda)

(Reason: To ensure only the trees approved for removal are in fact removed)

63. **Tree works – Australian Standards.** All tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).

(Reason: To ensure that any tree work is carried out by a qualified Arborist)

64. **Council Inspection.** All inspection(s) required by this consent for any engineering works that are approved under the Roads Act 1993 or Local Government Act 1993 must be made by Council's Engineer. A written confirmation shall be obtained from Council to confirm that these works have been completed to its satisfaction.

(Reason: To ensure the development is in accordance with the development consent).

65. **Vehicle Access/parking.** Vehicle access and parking shall be provided in accordance with relevant section of AS2890.1, AS2890.2 and AS2890.6. All required internal driveways and car parking spaces shall be line-marked, sealed



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with a hard standing, all-weather material to a standard suitable for the intended purpose.

(Reason: Statutory requirement).

66. **Drainage.** The site stormwater drainage system shall be constructed in accordance with the approved stormwater plans by Stellen Consulting, Drawing No.: DR-00 to DR-100, Issue No.: 0, Dated 14/03/2022 and the requirements of Council in relation to the connection to the public drainage system.

(Reason: To ensure the development is in accordance with the development consent).

67. **Erosion and sediment controls.** Runoff and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) Diverting uncontaminated run-off cleared or disturbed areas, and
- b) 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
- c) Preventing the tracking of sediment by vehicles onto roads, and Stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the site.

(Reason: To protect adjoining properties and Council's drainage system from sediment build-up transferred by stormwater runoff from the site).

**PRIOR TO THE OCCUPATION OF THE BUILDING**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with prior to the occupation of the building.

68. **Implementation of the Interpretation Strategy.** Prior to the occupation of the building, the Heritage Interpretation Strategy must be fully implemented, with evidence provided to the satisfaction of Council.

(Reason: Heritage conservation).

69. **Landscaping.** All landscaping works approved by Condition 1 are to be completed prior to the issue of the any occupation of the building.

(Reason: To ensure the development is in accordance with the development consent).



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70. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the occupation of the building.

Each year the Owners must send to the Council and the Fire and Rescue NSW an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

(Reason: Statutory requirement).

71. **Repair of Council Assets.** The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer,

(Reason: to ensure work is completed in an appropriate manner with no unnecessary cost to Council).

72. **Amalgamation of the Lots.** Prior to the occupation of the building, the two sites must be amalgamated into one (1) allotment.

(Reason: To ensure the development site reflects the approved development).

**OPERATIONAL CONDITIONS**

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

73. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.

(Reason: To ensure provision of adequate waste storage arrangements).

74. **External garbage storage areas** - External areas used for the storage of garbage must be roofed and paved with concrete graded to a grated drain connected to the sewerage system.

(Reason: To minimise contaminating surface water).



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75. **Access for waste collection vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction. Additional clearances must be provided for overhead and side loading where appropriate.

(Reason: To ensure provision of adequate waste collection arrangements).

76. **Management of waste storage facilities** - All waste storage areas are to be maintained in a clean and tidy condition at all times.

(Reason: To ensure the ongoing management of waste storage areas).

77. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

(Reason: To ensure the ongoing management of waste storage areas).

78. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

(Reason: To ensure waste is adequately stored within the premises).

79. **Storage of bins between collection periods** - Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

(Reason: To ensure waste is adequately stored within the premises).

80. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

- a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
- b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.



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c) The transmission of vibration to any place of different occupancy.

(Reason: To prevent loss of amenity to the area).

81. **No 'offensive noise'** - Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

(Reason: To reduce noise levels).

82. **Noise from mechanical equipment** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

(Reason: To protect the amenity of the area).

**End of Consent.**





## IMPORTANT ADDITIONAL INFORMATION

### Advisory notes:

#### The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**
3. 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.
4. 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.
5. 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:

6. 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:
  - (a) installation of hoardings/scaffolding.
  - (b) installation and/or alterations to advertising/business signs and street awnings.
  - (c) crane operation and other hoisting activities.
  - (d) temporary works (e.g.: barricading, road openings, mobile hoisting devices).
  - (e) works zone (for loading and unloading from the roadway); and
  - (f) temporary ground anchoring and shoring to support a roadway when excavating.
7. 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.
8. 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.
9. Contact NSW Water and Central Darling Shire Council regarding the water and sewerage services to this development.
10. 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 Regulation 2000.

**Applications and submissions referred to in this consent may be lodged at:**

**Central Darling Shire Council**

21 Reid Street  
Wilcannia NSW 2836