



CENTRAL DARLING SHIRE COUNCIL

Delegated report for internal determination

Development application

DA number	D/02/2022- PAN 200600	Date of lodgement	04/03/2022
Applicant	Chris Alderton		
Owner	The Trustee for Semi Arid AG Trust		
Proposed development	Installation of a bridge over the Tallwalka Creek on Terawynia Station.		
Street address	1 Terawynia Road Ivanhoe NSW 2878		
Notification period	28 days	Number of submissions	0

Assessment

Report prepared by	Glenda Dunn - Senior Planner
Report date	22 April 2022
Recommendation	Approved subject to conditions

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

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

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?	N/A
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Native Title land Claim and Aboriginal land claim

Review status	N/A
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Attachments

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

1 Executive summary

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

The installation of a pre constructed bridge over Talywalka Creek on Teryawynia Rd Ivanhoe NSW 2878.

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

2.1 The site is located 1 Teryawynia Rd Ivanhoe NSW 2878.

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

3 Site description

3.1 Lot 3995 DP 766468.

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

4 Background

4.1 RU1 – Primary Production zone - The zoning plan for the site and surrounds is at attachment 1.

4.2 The lot is not a local heritage item

5 The proposal

5.1 The development application has been lodged by Mr Chris Alderton (Green Edge Environmental P/L)on behalf of Western Lands Lease (WLL) 7829 by Semi-Arid Ag Pty Ltd, managed by the company director Jack Palmer, and is predominately used for grazing by domestic livestock.

The applicant proposes the construction of a bridge over the Talywalka Creek on Teryawynia Road on Teryawynia Station, Ivanhoe NSW 2836.

6 Assessment against planning controls

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)
- Central Darling Local Environmental Plan 2012

7 Key issues

The proposal is to install a small pre-constructed bridge over the Talywalka Creek, which splits the station in two (refer Appendix G). The project is required so the landholders can continue to manage livestock at time of high flow in the Darling River, which causes the Talywalka Creek to become inundated and impassable, stranding livestock on an island.

8 Issues raised by the public

- 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

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

Authority	Comments
0	0

10 Internal referrals

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

Section	Comments
0	0

11 Conclusion

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

- 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.

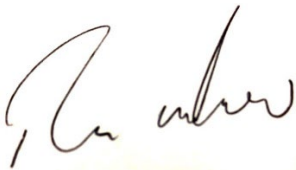
13 Recommendation

Approve Development Application D/02 /2022- PAN 1200600 at Lot3995 in DP 766468, Teryawynia Station, via Ivanhoe, approximately 83km north- east of Menindee., for the reasons listed below, and subject to the conditions listed in the attachments.

- a** The to install a small pre-constructed bridge over the Talywalka Creek, and associated works.
- 2 Council officers to notify the applicant and submitters of the decision.



Glenda Dunn
Senior Planner



Reece Wilson
Director Shire Services

ATTACHMENT 1 - MAPS and PHOTOS



Figure 1: Lot 3995 in DP 766468, Teryawynia Station, via Ivanhoe, approximately 83km north-east of Menindee (source: 6 maps).

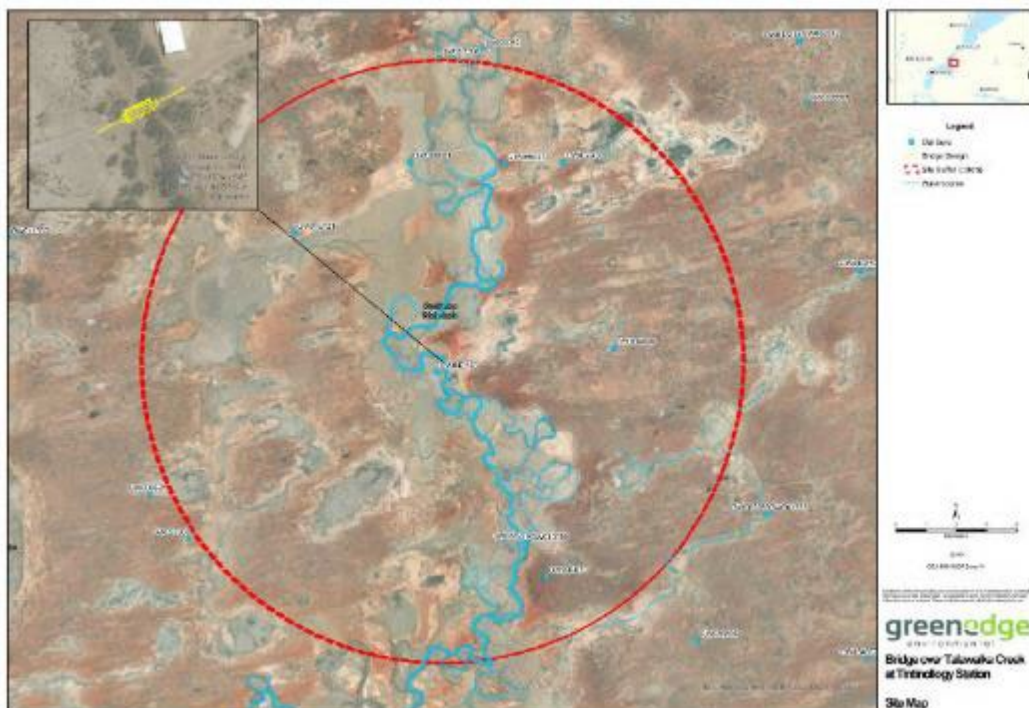


Figure 2 - Lot 3995 in DP 766468, Teryawynia Station, via Ivanhoe, approximately 83km north-east of Menindee (Source: 6 maps 2021).



Figure 3.: aerial photo of site at Lot3995 in DP 766468, Teryawynia Station, via Ivanhoe, approximately 83km north- east of Menindee (Source: 6 maps 2021)

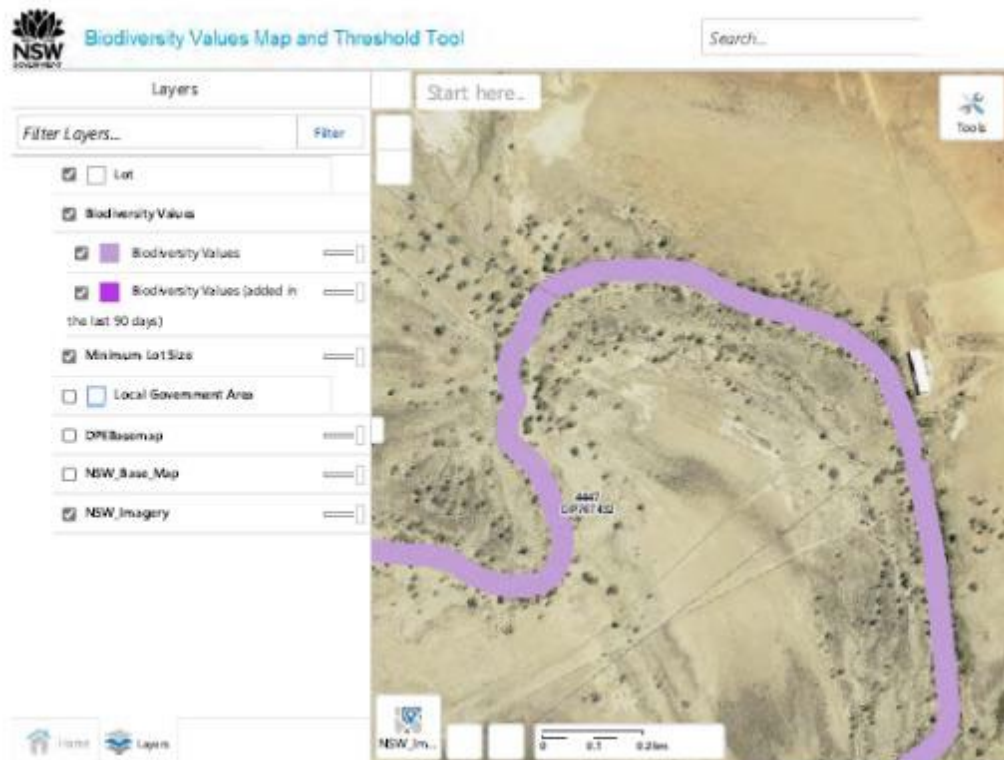


Figure 4: aerial photo Lot3995 in DP 766468, Teryawynia Station, via Ivanhoe, approximately 83km north- east of Menindee (Source 6 maps 2022)



Figure 5.: aerial photo Lot3995 in DP 766468, Teryawynia Station, via Ivanhoe, approximately 83km north- east of Menindee (Source 6 maps 2022)



Photos 1-3 (source: applicant photos 2022)

View to the east across the existing track with the bridge is proposed., Existing track to the west of the proposed bridge., View to the west from the existing track.



Photos 4-6.(Source - Applicant photos 2022)

View to the west looking across the proposed bridge level, View upstream in the Talywalka Creek, View downstream in the Talywalka Creek



Photos 7-8 (Source: Applicant photos 2022)

February 2022 flooding at the bridge area.

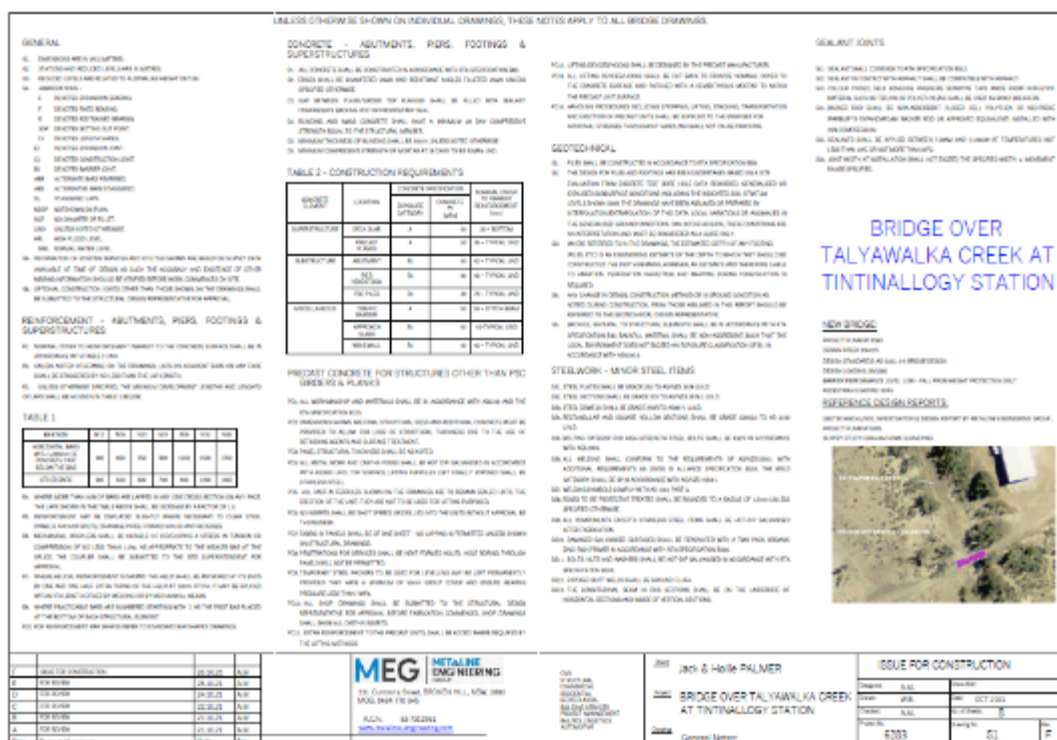


Figure 6. Architectural Drawings/ structural dwgs for installation of preconstructed bridge over Talywarka Creek at Lot3995 in DP 766468, Teryawynia Station.

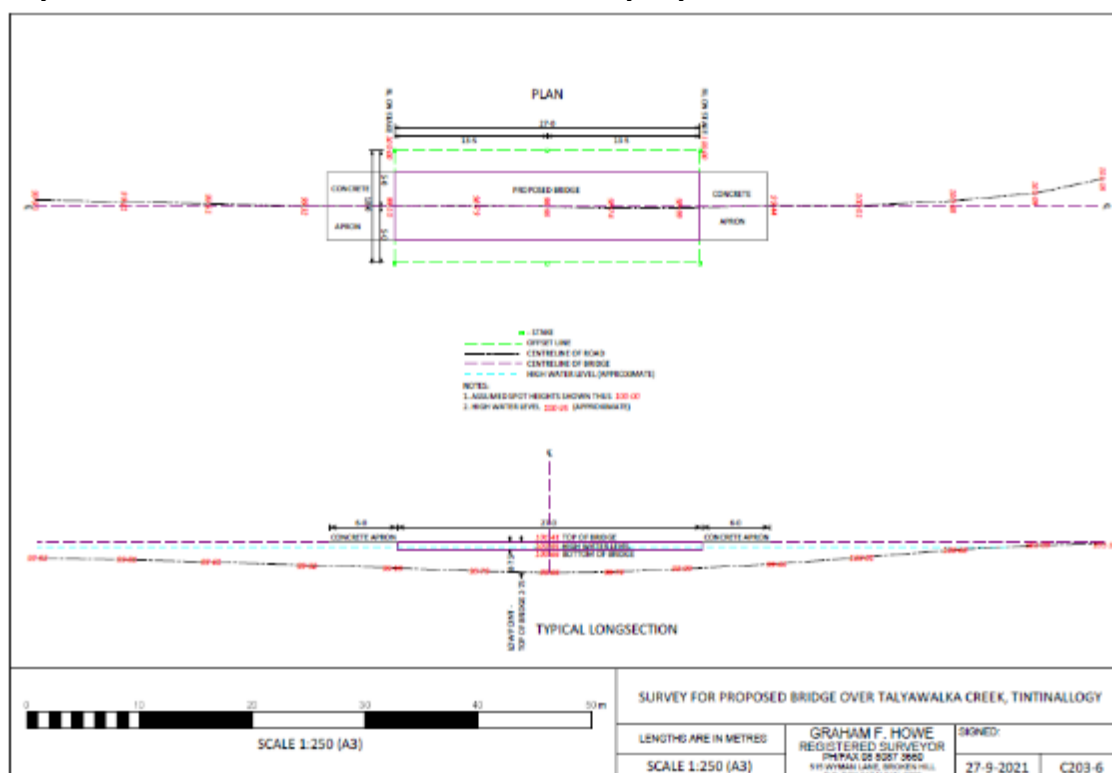


Figure 7. Architectural Drawings/ structural dwgs for installation of preconstructed bridge over Talywalka Creek at Lot3995 in DP 766468, Teryawynia Station,

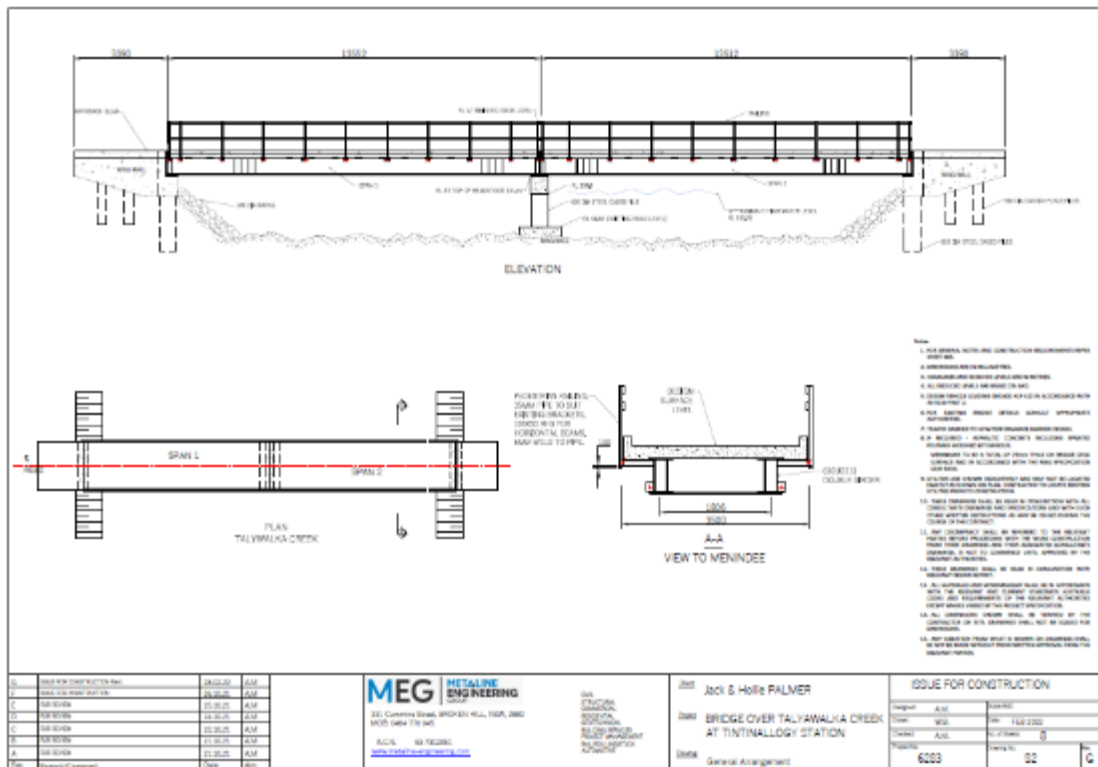


Figure 8. Architectural Drawings/ structural dwgs for installation of preconstructed bridge over Talywalka Creek at Lot3995 in DP 766468, Teryawynia Station,

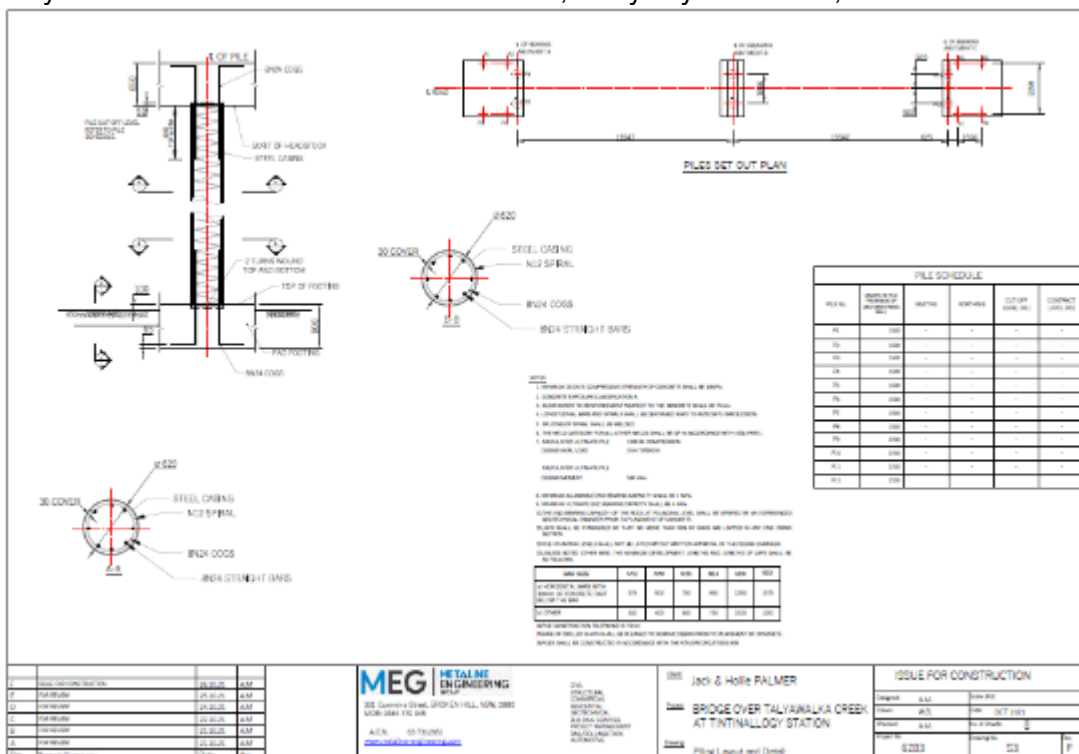


Figure 9. Architectural Drawings/ structural dwgs for installation of preconstructed bridge over Talywalka Creek at Lot3995 in DP 766468, Teryawynia Station,

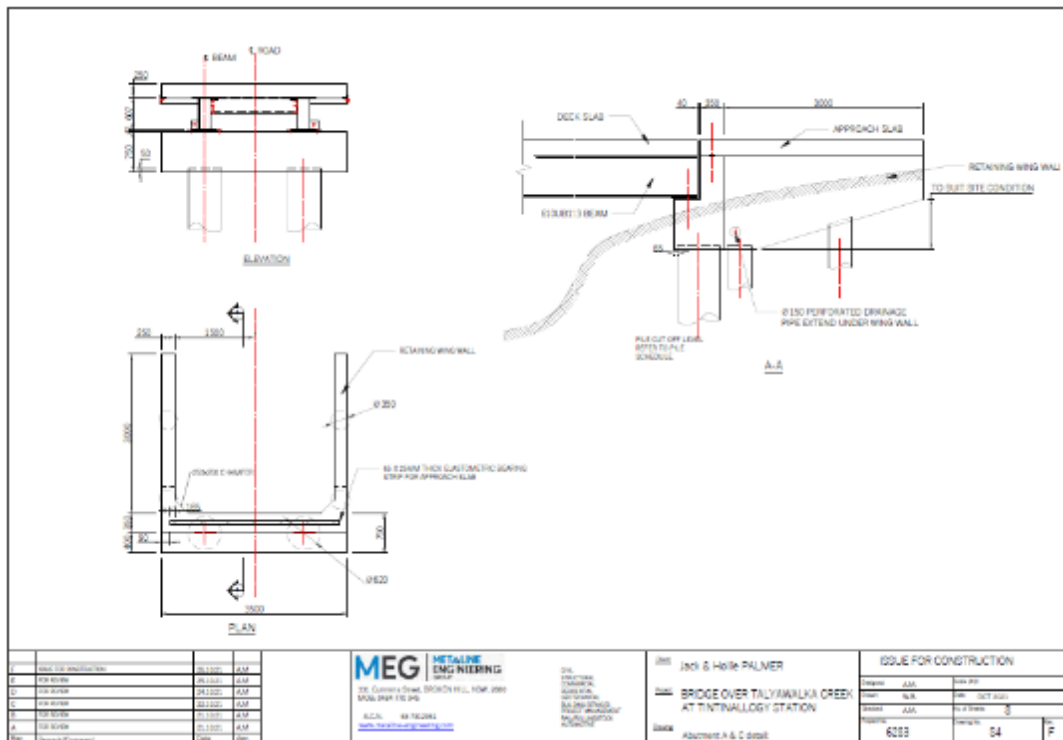


Figure 10. Architectural Drawings/ structural dwgs for installation of preconstructed bridge over Talywarka Creek at Lot3995 in DP 766468, Teryawynia Station,

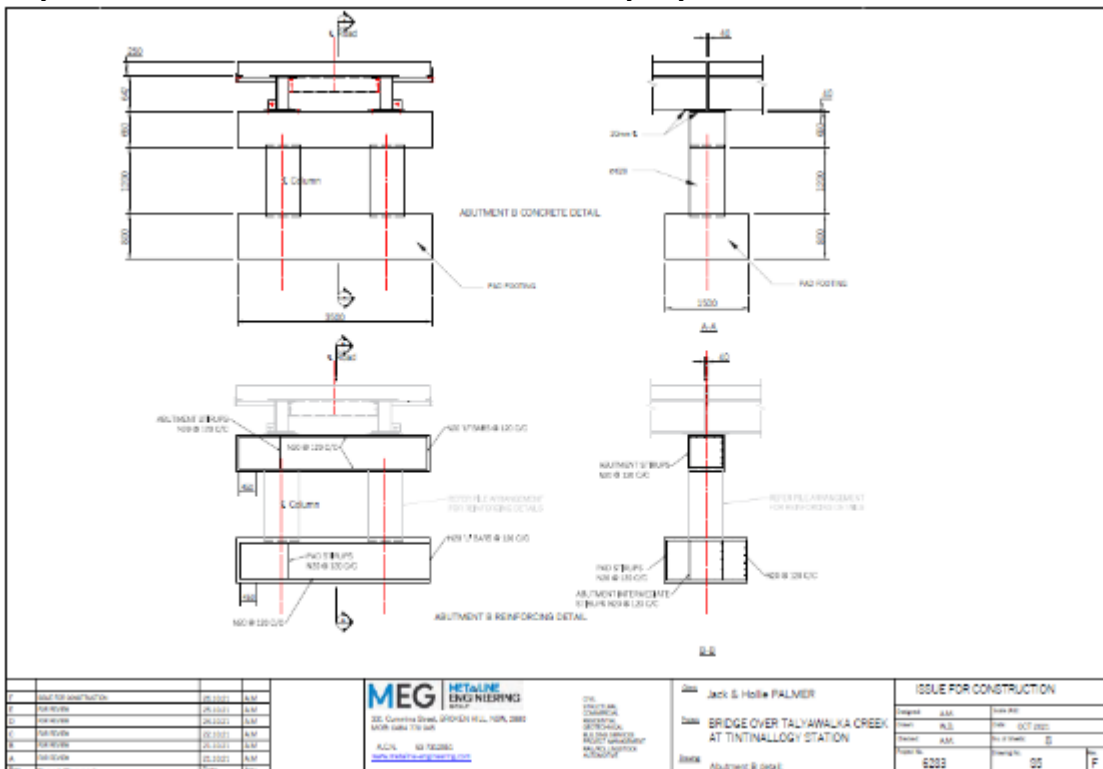


Figure 11. Architectural Drawings/ structural dwgs for installation of preconstructed bridge over Talywarka Creek at Lot3995 in DP 766468, Teryawynia Station,

ATTACHMENT 2 - ASSESSMENT OF PLANNING CONTROLS

PLANNING ASSESSMENT SUMMARY

Application Number:	D/02/2022- PAN 200600
Site Address:	1 Teryawynia Rd Ivanhoe
Date of Lodgement:	30 08 2021
Applicant:	Chris Alderton - Green Environmental - The Trustee for Semi Arid AG Trust.
Architect/Designer:	Chris Alderton - Green Environmental
Owner:	The Trustee for Semi Arid AG Trust.
Cost of Works:	\$100,000.00
Development Contribution Required:	No
Zoning:	RU1 Primary Production zone
Proposal:	To install a small pre-constructed bridge over the Talywalka Creek.
Recommendation:	The development application is recommended for approval, subject to the conditions in the Notice of Determination.

Background

The Site and Surrounding Development

The proposed is located on Teryawynia Station, via Ivanhoe, approximately 83km north- east of Menindee. Access to the proposed site is via Menindee-Wilcannia Road an existing gravel farm track; approximately 22km from the Menindee-Wilcannia Road .

The subject allotment is known as Teryawynia Station and is legally described as 3995 in DP 766468. The lot is located within the Central Darling Shire Council (CDSC) Local Government Area, the site is zoned RU1 – Primary Production zone under the Central Darling Local Environmental Plan 2012.

The land is held under Western Lands Lease (WLL) 7829 by Semi-Arid Ag Pty Ltd, managed by the company director Jack Palmer, and is predominately used for grazing by domestic livestock. Delegated report: DA 02/2022 PAN 200600 1 Teryawynia Rd Ivanhoe - Installation of a bridge. Page 13 of 26

Proposed Development

The application seeks consent for the following:

The development is for the installation of a small pre-constructed bridge over the Talywalka Creek, which splits the station in two.

Assessment

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>Zone RU1 Primary Production</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. <p>2 Permitted without consent Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads; Water reticulation systems</p> <p>3 Permitted with consent Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps;</p>

		<p>Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water supply systems</p> <p>4 Prohibited Any development not specified in item 2 or 3</p>
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Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	No height limit.
4.4 Floor space ratio	Yes	No FSR for site
Bushfire prone land	Yes	Bushfire prone land - Vegetation Category 3.

General Provisions

Provision	Compliance	Comment
Public Domain	Yes	The proposed works will not result in any overshadowing or impact on the surrounding rural area.

Heritage	Yes	There is no impact on any heritage item.
Transport and Parking	Yes	Not applicable. No car parking required.
3.12 Accessible Design	Yes	Not applicable
3.14 Waste	Yes	Not applicable

Development Types

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.2 Floor heights	Yes	Not applicable - development is a bridge.
4.2.2 Building setbacks	N/A	Not applicable - the development is a bridge within a large rural property.
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

Internal Referrals

The application was not discussed with any internal units.

Advertising and Notification

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

Financial Contributions

N/A

Conclusion

The proposed installation of the bridge is within a large rural property to allow access across the Tallywalka Creek.

There is no impact on the rural property.

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

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.

ATTACHMENT 3- CONDITIONS OF CONSENT

APPROVED DEVELOPMENT

Development for the installation of a small preconstructed bridge over Tallywalka Creek, must be in accordance with Development Application No. D02/2022 PAN 200600 Lot 3995 in DP 766468, Teryawynia Station, Ivanhoe NSW 2836, dated 21 April 2022 and 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 will prevail.

Prescribed Conditions

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

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:

The sign is to show the name, address and telephone number of the Principal Certifying Authority for the work, and

The sign is to show 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

The sign is to state 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.

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.

Mandatory Critical Stage Inspections.

The following applicable works shall be inspected and passed by an officer of Council prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection, please quote Council's reference number D22/21 PAN-159157.

Advanced notification for an inspection should be made by emailing or by telephoning Council's Development & Environment Division.

1. Inspection of footings and foundations (prior to placement / pour of concrete) - in accordance with Structural engineer drawings and design.
2. Inspection of slab - reinforcing steel work (prior to concrete pour).
3. Inspection of wall framework. - prior to cladding.
4. Inspection of roof framework.- prior to roof installation.
5. Internal and external sanitary plumbing and drainage under hydraulic test.
- 6.. Water plumbing including fire services, under hydraulic test.
7. Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation/use.

(Reason: Statutory compliance provision and Council requirement being the delegated Plumbing Regulator)

(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

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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.

Reason: To ensure that works do not interfere with reasonable amenity expectations of

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residents and the community.

SCHEDULE 2

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

1 WASTE AND RECYCLING MANAGEMENT - MINOR

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.

2 RUN – OFF AND EROSION CONTROLS

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 2B

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

3 OCCUPATION CERTIFICATE TO BE SUBMITTED

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.

4 HOURS OF WORK AND NOISE

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.

5 NOISE – DURING CONSTRUCTION

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.

6 ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

7 DEMOLITION

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

8 MAINTENANCE OF SITE

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.

9 EARTHWORKS, RETAINING WALLS AND STRUCTURAL SUPPORT

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.

10 ARCHAEOLOGY DISCOVERED DURING WORKS

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.

11 ABORIGINAL OBJECTS DISCOVERED DURING WORKS

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.

12 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.

13 LOADING AND UNLOADING DURING CONSTRUCTION

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.

14 NO OBSTRUCTION OF PUBLIC WAY

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.

15 USE OF MOBILE CRANES

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.

16 CONTAMINATED SOILS

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.

17 VEHICULAR ACCESS

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.

18 UTILITY SERVICES

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.

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 Council, or you may apply to a private accredited certifier (through the NSW Planning Portal) 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.

Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application through the NSW Planning Portal with 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:

- a) Installation of hoardings/scaffolding.
- b) installation and/or alterations to advertising/business signs and street awnings.
crane operation and other hoisting activities.
- c) temporary works (e.g.: barricading, road openings, mobile hoisting devices).
works zone (for loading and unloading from the roadway); and
- d) 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 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 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