



DA Assessment Review

Machinery Shed,
Ivanhoe
Central Darling Shire Council

(Our Reference: 36791-P01_Ivanhoe Shed)

July 2021

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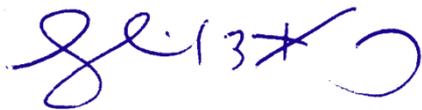
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Report Title:	DA Assessment Review
Project Name:	Four bay Machinery Shed Ivanhoe
Client:	Central Darling Shire Council
Project No.	36791
Report Reference	36791-P01_Ivanhoe Shed
Date:	27/7/21
Revision:	Final

Prepared by:

BARNSON PTY LTD



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B. Arts, Grad. Dip. Urb. Reg. Plan, Dip. EH&B Surveying
DIRECTOR

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1.0 EXECUTIVE SUMMARY

This development application assessment review has been prepared for Central Darling Shire Council (Council) who is the 'consent authority' for determination of the application.

In view of the development being carried out by or on behalf of Council this independent review by Barnson Pty Ltd adds required probity to the planning process.

The proposed development involves the erection of a four (4) bay open front machinery shed and associated site works at the existing Council Works Depot, Ivanhoe, Lot 1 DP 89360, 11 Behring Street, Ivanhoe, NSW, 2878.

The value of works is projected to be \$51,700.

The site is zoned RU5 Village zone pursuant to the Central Darling Local Environmental Plan (LEP) 2012. The machinery shed is ancillary to current Depot operations.

Therefore, the proposed use may be considered a *shed* associated with a depot which is permissible with consent in the zone. In summary, it is our view that the material provided to support the development application, and Council's assessment generally satisfies planning requirements, and that the proposal is considered appropriate for the site and in the zone.

The following additional conditional items are recommended:

Nil

2.0 INTRODUCTION

2.1 Background

Barnson Pty Ltd has been engaged by Central Darling Shire Council to carry out an independent planning review of a development assessment report prepared by Council for the proposed machinery shed.

The subject land is zoned RU5 Village pursuant to the Central Darling Local Environmental Plan 2012. The proposed development is permissible with consent in the zone as a shed ancillary to an existing depot.

The review involves consideration of the following documentation:

1. Statement of Environmental Effects; and
2. Council's development assessment report and recommended conditions.

Refer to documentation in **Appendix A**.

2.2 Owner

The owner of the land is the Central Darling Shire Council.

2.3 Consultant

Barnson Pty Ltd

Jim Sarantzouklis

'Riverview Business Park'

Unit 1, 36 Darling St

Dubbo NSW 2830

3.0 THE SITE & LOCALITY

The site of the proposed development is located at 11 Behring Street, Ivanhoe.

The site comprises one (1) allotment being Lot 1 in DP 89360, on Behring Street with an area comprising approximately 12,210m².

The property currently enjoys several improvements including storage sheds and amenities. The site is generally flat and sparsely vegetated outside the building curtilage. Essential services are available.

4.0 SITE HISTORY

The site has been used as a Council Works depot for many years.

5.0 DESCRIPTION OF PROPOSAL

The proposed development involves the erection of a single storey four bay open front machinery shed. The shed shall be steel framed with pale grey colorbond cladding.

The proposed building shall have a rear and side setback of approximately 3m from the boundaries. The existing buildings have adequate front setback.

Off-street parking is available.

A proposed site plan, floor plan and elevations are all included with the supporting information providing a description of the development. The dimensions are not clear on the reduced plans supplied.

6.0 PLANNING ASSESSMENT REVIEW

6.1 Development Application procedures

The development application has been made by the owner (delegated representative of Central Darling Shire Council) generally in accordance with the requirements contained in Clause 50 of the Environmental Planning and Assessment Regulation 2000.

Central Darling Shire Council has implemented Policy requiring an assessment review by an independent party (being an appropriately qualified planner) where, among other things, the Council retains an interest in a development application.

6.2 Statutory and Policy compliance

The relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act (EPAA) 1979 are identified and review comments provided in the Table below:

EPAA 1979	Matters for consideration	Addressed in planning assessment	Comments
S4.15(1)(a)(i)	Any State Environmental Planning Policy (SEPPs)	Yes	Certain SEPPs are applicable to the site, however none significantly relevant to the development.
”	Any Local Environmental Plans (LEP) Central Darling LEP 2012	Yes	The proposed use is defined as a shed being ancillary to the existing ‘depot’ which is permitted with development consent in the RU5 Village zone.
”	Any Draft LEP	N/A	
”	Any Development Control Plans (DCPs)	N/A	There is no site specific DCP.
”	Any matters prescribed by the Regulation	N/A	
S 4.15 (1)(b)	The likely impacts of the development	Yes	The assessment satisfactorily considers minimal impacts.
S 4.15(1)(c)	The suitability of the site for the development	Yes	The development is considered suitable in the locality. Please note that the subject site is shown as bushfire prone land on Bushfire Prone Land Mapping including the proposed footprint area. Refer to 6.2.2 below for further details.
S 4.15 (1)(d)	Any submissions made in accordance with Act or Regulation	Yes	The application was notified to neighbours in the locality, and no submissions were received.
S 4.15 (1)(e)	The public interest	Yes	The proposed development is considered positive in terms of public interest.

Table 1: S4.15(1) Assessment

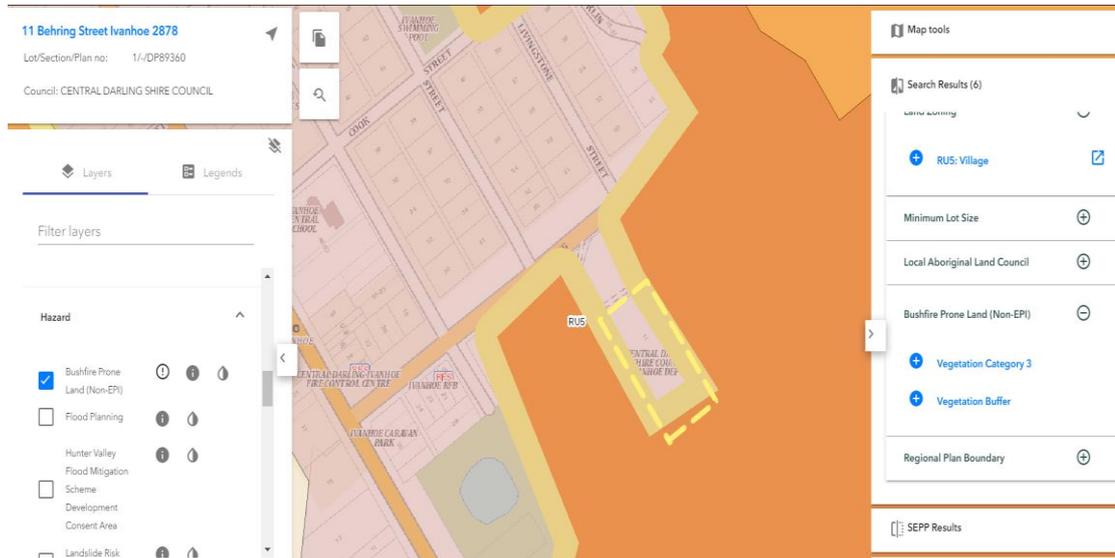
6.2.1 Referrals

No record of internal referrals were provided.

6.2.2 Site Suitability

The subject site is partly impacted by bushfire prone land. The bushfire category types affecting the land include:

- Vegetation Category 3; and
- Vegetation buffer



The Planning for Bush Fire Protection Guide 2019 does not specifically capture buildings, of this nature however it does state that consideration should be given to other development (not residential) as raised in *Section 8.3 Other non-residential development* for the purposes of appropriate access, water supply and services, and emergency and evacuation planning in bush fire prone areas:

- *to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;*

Comment: The proposed development is accessible by a sealed road suitable for egress in the event that evacuation is required.

- *to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;*

Comment: Occupants of the development shall in most cases be Council workers familiar with any emergency evacuation procedures. Refer also to **Appendix C**.

- *to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and*

Comment: It is likely that equipment would be relocated in the event of a fire. The shed itself is likely to survive an attack without requiring defending.

- *to locate gas and electricity so as not to contribute to the risk of fire to a building; and provide for the storage of hazardous materials away from the hazard wherever possible.*

Comment: Gas and electricity are not major considerations. No hazardous materials are known to be part of this development.

Note. The general fire safety construction provisions of the NCC are taken as acceptable solutions however construction requirements for bush fire protection will need to be considered on a case-by-case basis.

6.3 Draft Conditions

The EPAA 1979 requires conditions to be imposed in accordance with Section 4.17.

The consent authority recommends that the proposed development be approved subject to conditions. The draft set of conditions prepared by Council are considered generally appropriate as a reflection of the assessment carried out for Section 4.15(1) matters and ancillary requirements.

It is recommended that the following matters also be conditioned with relevant reasons given:

Nil

Council may wish to delete the following conditions as they do not appear relevant:

1, 2, 3, 4, 5 and 21.

7.0 CONCLUSION

Barnson Pty Ltd was engaged by Central Darling Shire Council to carry out an independent planning review of a development application assessment for a new four (4) bay machinery shed at 11 Behring Street, Ivanhoe.

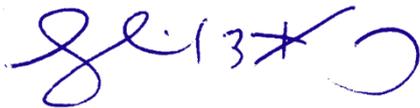
The independent planning review is a Council requirement as a landowner is associated with the development.

It is our opinion that Council's assessment has addressed all the key issues in a reasonable and timely manner, and the recommendation for approval is supported subject to the draft set of conditions and Barnson suggested conditional matters.

If this report raises any further queries feel free to contact the undersigned at our Dubbo office.

Yours faithfully

BARNSON PTY LTD



Jim Sarantzouklis MAIBS MEHA RPIA

DIRECTOR

Appendix A - Development Information Package

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED 4bay open front Machinery Shed
for Central Darling Shire Council

LOT 1

DP 89360

Behring STREET Ivanhoe

FOR
Central Darling Shire Council.

17th May, 2021

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared to support a development application for

the 4 bay open front machinery shed @ rear of Council's works Depot, off Behring St. Ivanhoe -
for Central Darling Shire Council.

. The application is accompanied by architectural plans 2020.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, (as amended) including: -

- Central Darling Local Environmental Plan 2012

As a result of the assessment it is concluded that the application addresses the controls satisfactorily and that the granting of consent to the application is justified.

2.0 PROPERTY DESCRIPTION

The subject allotment is known as Council Works Depot, Ivanhoe

and is legally described as Lot 1 in dp 89360. These lots are located within the Central Darling Shire Council Local Government Area, the site is zoned RU-5 village zone under the Central Darling Local Environmental Plan 2012.

The subject lots are located within the town of Ivanhoe
The subject site is not affected by Flooding.

3.0

Figure 1: Extract from 6 maps of site is attached to the rear of this document. ✓

Figure 2: Extract from the zoning map within the Central Darling Local Environmental Plan 2012. ✓

Site Description : The subject site is located on existing council depot yard
and all the lots are rectangular shape the combined site area is 12,210 m². The site has a frontage width on Behring street of 76.8m. The site is a flat area of land.

Figure 3: Image of site attached to this document at rear ✓

4.0 SURROUNDING ENVIRONMENT(brief description)

The site contains Councils works depot, store sheds, and amenities.

Land at all adjacent sides is vacant Crown lands

5.0 PROPOSED DEVELOPMENT

As detailed in the accompanying architectural plans the proposal seeks approval for the following works:-

The erection of a steel framed, open front machinery shed with nat. surface floor, to be located in the N.E. rear corner of the lot.

The proposed structure will stand 3m off both exist. boundary fences.

Associated site works (footing, sewerage works, stormwater works, plumbing, connection to electrical and other services and the construction (no service connections)

The colour scheme of the pale grey co ordinates with the adjacent environment.

Figure 4: Plans and details of the proposal are attached to the rear of this document

6.0 RELEVANT STATUTORY CONTROLS

The proposed development is identified as development requiring consent under the provisions of the *Environmental Planning and Assessment Act 1979*. The following is an assessment of the proposal against the relevant provisions of the Act and the relevant planning instruments and policies of Central Darling Shire Council.

6.1 Central Darling Local Environmental Plan 2012

Clause 2.1 – Land Use Zone

The subject property is included within the RU-5 (village) zone under the provisions of the *Central Darling Local Environmental Plan 2012*, within which the proposed development is permissible with Council's consent. The proposed development is consistent with the zone objectives, as it is compatible with the existing environmental and built character of the area.

7.0 SECTION 4.15(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

7.1 The provisions of any environmental planning instrument - S41.5(1)(a)(i)

The proposed development of land is subject to the provisions of the *Central Darling Local Environmental Plan 2012*. It is considered that the provisions of these Environmental Planning Instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with their provisions.

7.2 Any draft environmental planning instrument - S4.15(1)(a)(ii)

There are no draft Environmental Planning Instruments in force at the present time.

7.3 Any development control plan - S4.15(1)(a)(iii)

There is no Development control plan for Central Darling Shire Council area.

7.5 Any matter prescribed by the regulations that apply to the land- S4.15(1)(a)(iv)

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development - Section 4.15(1)(b)

It is considered that this application, which comprises the construction of *Steel framed shed* plus site works is reasonable and achieves the objectives of the relevant planning controls. This is due to the fact that the resultant development is compatible with and will complement the established area.

The proposal will have an acceptable impact on the environment and the amenity currently enjoyed by the neighbouring properties. As demonstrated by this Statement, the proposal is appropriately designed having regard to the relevant provisions of the *Central Darling Local Environmental Plan 2012* and Council's Plans and Policies.

7.7 Suitability of the Site - Section 4.15(1)(c)

The subject site is considered to be suitable in size and will not be affected by the construction of the *pale grey colourbond clad, open front machinery shed.* The proposed works will not cause a resultant development of unreasonable bulk or scale in the area, and will be sympathetic to the local character as demonstrated in the architectural design.

7.8 Submissions made in accordance with this Act or the regulations - Section 4.15(1)(d)

This is a matter for Council in the consideration of this proposal.

7.9 The Public Interest - Section 4.15(1)(e)

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

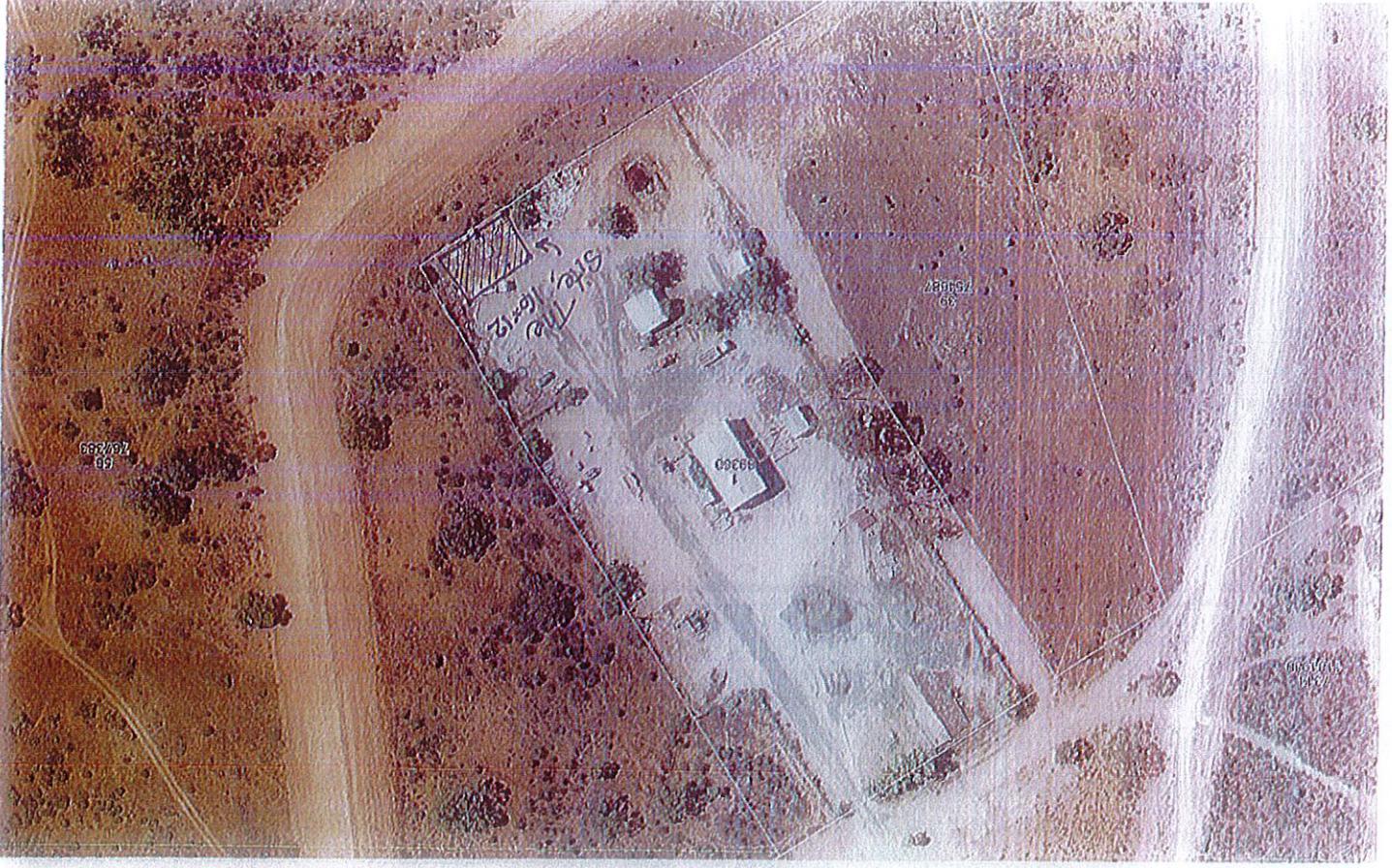
8.0 CONCLUSION

This proposal, which includes the construction of *machinery shed* and associated site works at *Lot 1 DP 89360, Behring St.* and is legally described as Lot— in ~~dp~~. has been assessed against the requirements of Section 4.15(1) of the Act, the *Central Darling Local Environmental Plan 2012* and the relevant Council plans and policies.

As described in this Statement of Environmental Effects, compliance with Council's controls or qualitative objectives has demonstrated that the proposal will not unreasonably impact upon the natural or built environment, the amenity of surrounding properties within the *Shire of Central Darling, Ivanhoe Village*

Accordingly, it is our opinion that the proposed development as described in the application, is reasonable and supportable and should be approved by Council under delegated authority.

Lot 1, DP 89360
Ivanhoe Shire Depot.
off Edmg St. Ivanhoe.



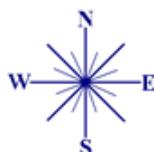
CENTRAL DARLING SHIRE COUNCIL

CONSTITUTED 1 MAY 1959

ABN: 65-061-502-439

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THE GENERAL MANAGER
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WILCANNIA NSW 2836



PHONE: (08) 8083 8900
FAX: (08) 8091 5994

COUNCIL CHAMBERS
21 REID STREET
WILCANNIA NSW 2836

Delegated report for internal determination

Development application

DA number	D14/21- PAN 104033	Date of lodgement	26/05/2021
Applicant	Central Darling Shire Council		
Owner	Central Darling Shire Council		
Proposed development	The erection of a four bay open front machinery shed within the Ivanhoe CDSC council works depot and associated site works.		
Street address	11 Behring Street Ivanhoe NSW 2878.		
Notification period	28 days	Number of submissions	0

Assessment

Report prepared by	Glenda Dunn
Report date	14 July 2021
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

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

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? N/A

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 erection of a four bay open front machinery shed within the existing Ivanhoe works depot and associated site works.

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 11 Behring Street Ivanhoe NSW 2878.

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

3 Site description

3.1 Lots 1, DP89360

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

4 Background

4.1 RU5 Village zone - The zoning plan for the site and surrounds is at attachment 1.

5 The proposal

5.1 The development application has been lodged by Central Darling Shire Council.

The applicant proposes the for the erection of a four bay open front machinery shed within the existing Ivanhoe works depot and associated site works.

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)
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- Central Darling Local Environmental Plan 2012

7 Key issues

The erection of a four bay open front machinery shed within the existing Ivanhoe works depot and associated site works.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality for 14 days upon the council website.
- 8.2 We 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 D14/21 PAN 104033, 11 Behring Street Ivanhoe for the reasons listed below, and subject to the conditions listed in the attachments.

The erection of a four bay open front machinery shed within the existing Ivanhoe works depot and associated site works.

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

ATTACHMENT 1 - MAPS and PHOTOS



Figure 1: Site - 11 Behring Street Ivanhoe (6 maps).

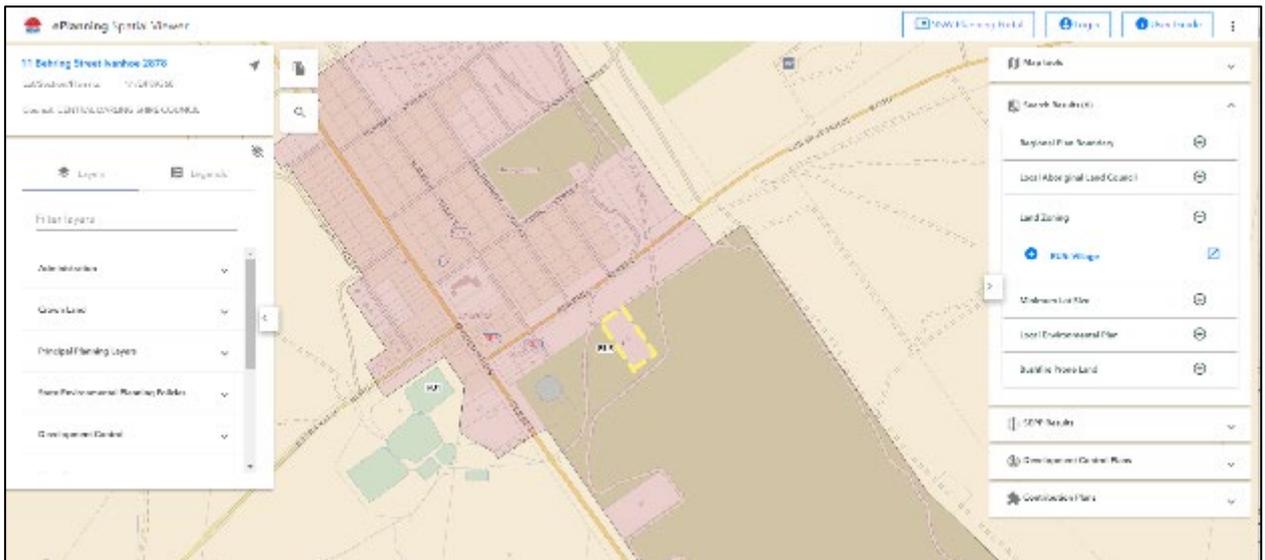
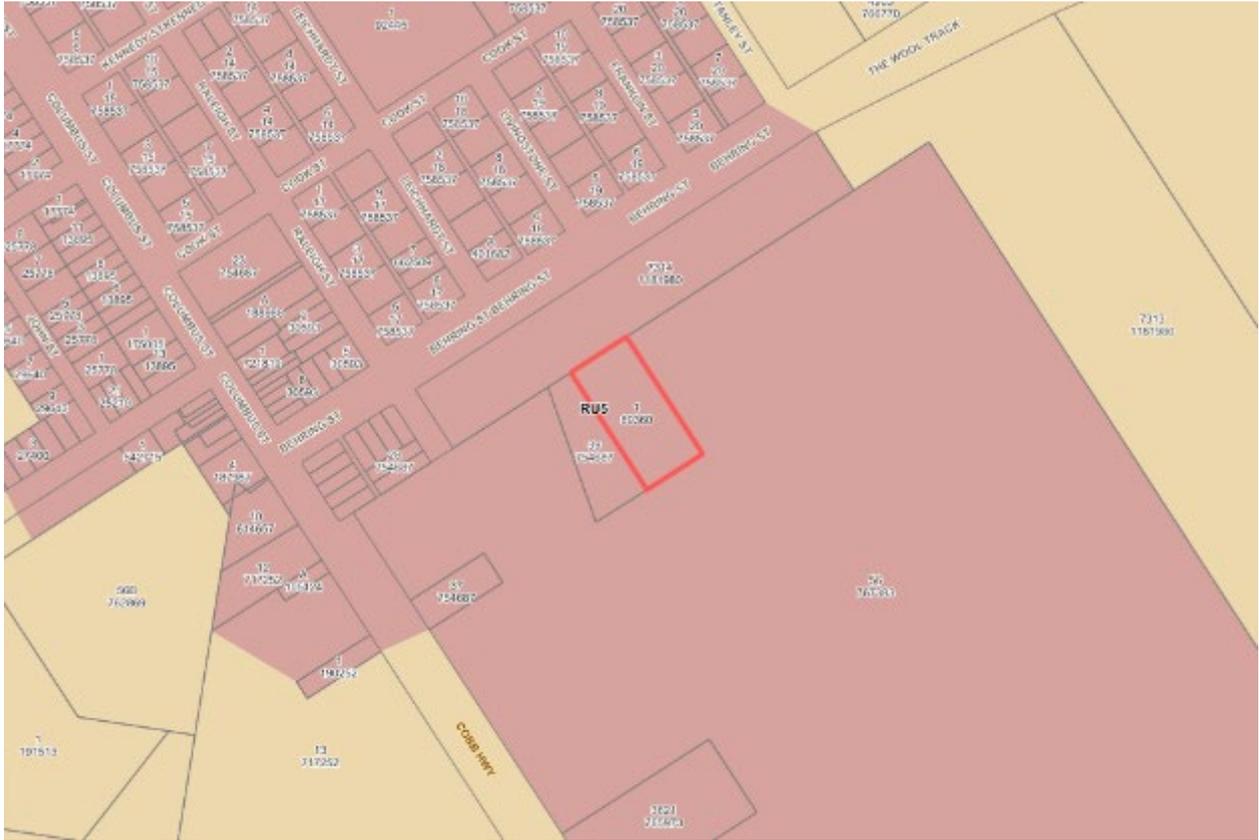


Figure 2: 11 Behring Street Ivanhoe - plan view zone information (NSW Plan spatial viewer).

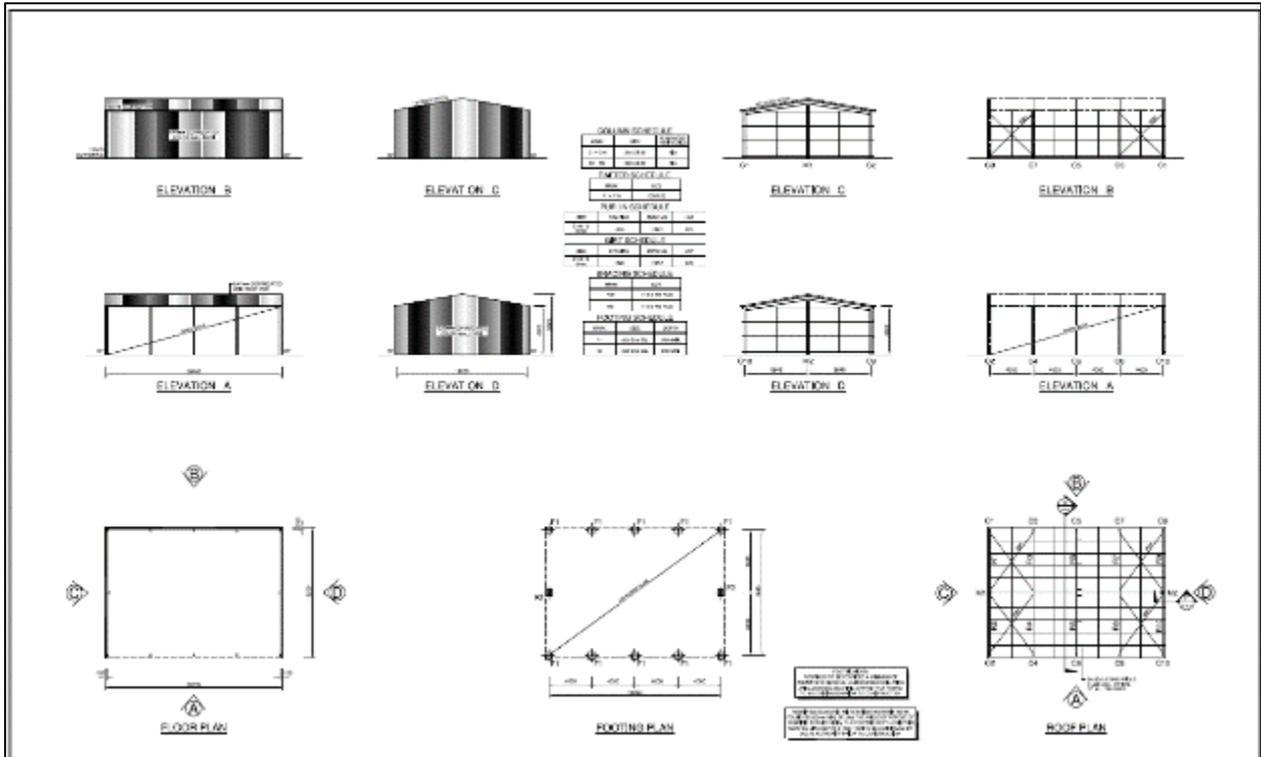


11 Behring Street Ivanhoe(source: Intramaps)

ATTACHMENT 2 - PLANS



Photo: Nominated position of shed on the site at 11 Behring Street Ivanhoe, with 3m site and rear boundary setbacks.(source: Intramaps)



Elevations and sections 11 Behring Street Ivanhoe .

ATTACHMENT 2 - ASSESSMENT OF PLANNING CONTROLS

PLANNING ASSESSMENT SUMMARY

Application Number:	D 14/21 - PAN-104033
Site Address:	11 Behring Street Ivanhoe NSW 2878
Date of Lodgement:	26 05 2021
Applicant:	Central Darling Shire Council
Architect/Designer:	-
Owner:	Central Darling Shire Council
Cost of Works:	\$51,700.00

Development Contribution Required:	No
Zoning:	RU5 Village zone. The proposed development is defined as the erection of a machinery shed, which is permissible with consent in the RU5 Village zone.
Proposal:	The erection of a four bay open front machinery shed within the existing Ivanhoe works depot and associated site works.
Recommendation:	The development application is recommended for approval, subject to the conditions in the Notice of Determination.

Background

The Site and Surrounding Development

The subject site is located on 11 Behring Street Ivanhoe is on a regular shape rectangular lot used as the Central Darling Shire Council Menindee works depot. The lot area is 1.13ha . The site has a frontage width on the Behring Street Ivanhoe. The site is a flat area of land.

The site is currently occupied by a number of council buildings that are single storey and a number of metal sheds used for storage of materials and machinery for council. There is a few trees on the site.

Proposed Development

The application seeks consent for the following:

The erection of a four bay open front machinery shed within the existing Ivanhoe works depot and associated site works.

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 RU5 Village</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide for a range of land uses, services and facilities that are associated with a rural village. To retain and facilitate expansion and redevelopment of the existing central business districts of Menindee and Ivanhoe and to further strengthen the core commercial functions of those areas. To ensure that development retains and enhances the existing village character. <p>2 Permitted without consent</p> <p>Environmental protection works; Home-based child care; Home occupations; Roads; Water reticulation systems</p> <p>3 Permitted with consent</p> <p>Air transport facilities; Centre-based child care facilities; Community facilities; Dwelling houses; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4</p> <p>4 Prohibited</p> <p>Agriculture; Airstrips; Cellar door premises; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Roadside stalls; Rural workers' dwellings; Waste disposal facilities; Wharf or boating facilities</p>

Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>No height limit.</p> <p>Structures all single storey on site not higher than 5metres</p>

4.4 Floor space ratio	Yes	No FSR for site
-----------------------	-----	-----------------

General Provisions

Provision	Compliance	Comment
Public Domain	Yes	The proposed works will not result in any additional overshadowing to the public domain or affect public views.
Heritage	Yes	The site is not a heritage item
Transport and Parking	Yes	Parking on site
3.12 Accessible Design	Yes	The proposed works is a single storey machinery shed at a works depot.
3.14 Waste	Yes	A Waste Management Plan is not required

Development Types

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.2 Floor heights	Yes	The proposed works is a single storey machinery shed at a works depot, will meet the minimum BCA requirements.
4.2.2 Building setbacks	N/A	The proposed works is a single storey machinery shed at a works depot and has adequate 3m setbacks from the side and rear boundaries.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	The proposed works is a single storey machinery shed at a works depot will not cause a blockage of solar access on adjoining lots.

4.2.3.11 Acoustic privacy	Yes	The proposed works is a single storey machinery shed at a works depot will have no acoustic privacy issues.
4.2.6 Waste and recycling Management	Yes	A Waste Management Plan is not required

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

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 must be in accordance with Development Application No. D14/21 PAN 104033, 11 Behring Street Ivanhoe, dated xx/0x/2021 and the drawings as amended by the conditions of this consent.

The erection of a machinery shed within the existing Ivanhoe works shop and associated site works.

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



CONDITIONS OF CONSENT

Prescribed Conditions

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

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

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

in the case of work for which a principal contractor is required to be appointed:

the name and licence number of the principal contractor, and

the name of the insurer by which the work is insured under Part 6 of that Act,

in the case of work to be done by an owner-builder:

the name of the owner-builder, and

if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.

must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place. Reason: Legislative requirement.

General Requirements

Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

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

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

the site).

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

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

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

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

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

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

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

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

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

Prior to the commencement of any development onsite for:

- * Building/s that are to be erected
- * Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- * Building/s that are to be demolished
- * For any work/s that is to be carried out
- * For any work/s that is to be demolished

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

within 7 days.

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

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

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

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

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

- Swimming Pools Act 1992
- Swimming Pools Amendment Act 2009
- Swimming Pools Regulation 2018
- Australian Standard AS1926 Swimming Pool Safety
- Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- Filter backwash waters shall be conveyed to the Sydney Water sewerage system in seweried areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- Swimming pools and spas must be registered with the Division of Local Government.

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

SCHEDULE 1B

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

1. PROTECTION OF ADJOINING AREAS

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular

- traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place.

2. ADJOINING WALL DILAPITATION REPORT

- (1) If a wall on a lot is to be built to a boundary and there is a wall (the adjoining wall) on the lot adjoining that boundary that is less than 0.9m from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall.
- (2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.

3. ASBESTOS REMOVAL WORKS

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

All work must be carried out in accordance with the Work Health and Safety Regulation 2017 and the NSW Government and SafeWork NSW document entitled How to manage and control asbestos in the workplace: Code of Practice (Safework NSW) December 2011 and associated guidelines.

The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 Safety Signs for the Occupational Environment for size, illumination, location, and maintenance.

Asbestos waste must only be transported and disposed of at an EPA licensed

waste facility.

No asbestos products are to be reused on the site (i.e., packing pieces, spacers, formwork or fill etc).

No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

1. contact person for the site;
2. telephone and facsimile numbers and email address; and
3. site activities and time frames.

4. INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Accredited Certifier, prior to a Construction Certificate being issued.

5. INSTALLATION OF WATER EFFICIENT TAPS

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

6. 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.

7. 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—

- a. diverting uncontaminated run-off around 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 top soil, excavated materials, construction and landscaping supplies and debris within the lot.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

8. 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.

9. 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.

10. 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.

11. ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

12. DEMOLITION

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

13. 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—

- a. the place to which waste materials were transported,
 - b. the name of the contractor transporting the materials,
 - c. the quantity of materials transported off-site and recycled or disposed of.
 - d. 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—
- e. all vehicles entering or leaving the site must have their loads covered, and
 - f. all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
 - g. At the completion of the works, the work site must be left clear of waste and debris.

14 EARTHWORKS, RETAINING WALLS AND STRUCTURAL SUPPORT

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

- a. 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
- b. must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- c. 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
- d. 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.
- e. 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.

15 DRAINAGE CONNECTIONS

If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.

Any approval that is required for connection to the drainage system under the Local Government Act 1993 must be held before the connection is carried out.

16 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—

- a. all work must stop immediately in that area, and

- b. 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.

17 ABORIGINAL OBJECTS DISCOVERED DURING WORKS

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- a. all excavation or disturbance of the area must stop immediately in that area, and
- b. 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.

18 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.

19 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.

20 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.

21 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.

22 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.

23 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.

24 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.

SCHEDULE 2 PRESCRIBED CONDITIONS

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

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

Clause 98A Erection of signs

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

Clause 98D Conditions relating to maximum capacity signage.

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

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

IMPORTANT ADDITIONAL INFORMATION

Advisory notes:

The Environmental Planning and Assessment Act 1979 requires you to:

Obtain a Construction Certificate prior to the commencement of any works. An application may be lodged 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.

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.

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 NSW Water and Central Darling Shire Council regarding the water and sewerage services to this development.

Carry out critical stage inspections in accordance with Section 6.5 of 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