

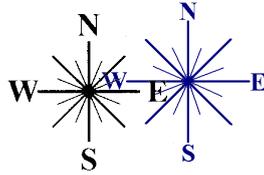
# CENTRAL DARLING SHIRE COUNCIL

CONSTITUTED 1 MAY 1959

ABN: 65 061 502 439

E-mail: [council@centraldarling.nsw.gov.au](mailto:council@centraldarling.nsw.gov.au)  
Website: [www.centraldarling.nsw.gov.au](http://www.centraldarling.nsw.gov.au)

PLEASE ADDRESS ALL  
CORRESPONDENCE TO:  
THE GENERAL MANAGER  
P. O. BOX 165  
WILCANNIA NSW 2836



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

COUNCIL CHAMBERS  
21 REID STREET  
WILCANNIA NSW 2836

10 March 2021

Central Darling Shire Council  
Att: Geoff Laan  
21 Reid Street  
WILCANNIA NSW 2836

## NOTICE OF DETERMINATION - APPROVAL APPLICATION NO: D/04/21

---

Dear Sir

Please find enclosed the Notice of Determination and advisory notes relating to your development application for 30-40 James Street Wilcannia.

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Reece Wilson', is enclosed in a thin black rectangular border.

Reece Wilson  
Director Environmental Services  
**Central Darling Shire Council**

## NOTICE OF DETERMINATION – APPROVAL D/06/21

### NOTICE OF DETERMINATION - APPROVAL

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

---

|                                    |  |
|------------------------------------|--|
| <b>Development Application No.</b> | D/04/21 - PAN-66920  |
| <b>Applicant</b>                   | Central Darling Shire Council  |
| <b>Land to be developed</b>        | 30-40 Johnstone Street Wilcannia<br>Lot 1 DP 812602  |
| <b>Approved development</b>        | PAN 66290<br>Addition and alterations to the Central Darling Shire Council Engineering Depot Wilcannia   |
| <b>Cost of development</b>         | \$120,000.00   |
| <b>Determination</b>               | The application was determined under delegation of Council and was granted consent <b>subject to the conditions.</b>   |
| <b>Other Approvals</b>             | Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act. |
| <b>Consent is to operate from</b>  | 10 March 2021  |
| <b>Consent will lapse on</b>       | 11 March 2026  |

---

#### Reasons for conditions

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

#### Reasons for Approval

1. The development, subject to conditions, is consistent with the objectives of the IN2 Light Industrial zone.
2. The development is compatible with the character of the Wilcannia Industrial and residential area and locality; and
3. The development, subject to conditions, for the works to the Council Engineering Depot 'building for the construction of additions and alterations to the depot building; and
4. The development accords with objectives of relevant planning controls.

## NOTICE OF DETERMINATION – APPROVAL D/06/21

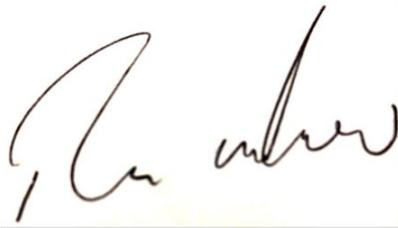
### Right of appeal

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

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

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

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

A handwritten signature in black ink, appearing to read 'Reece Wilson', is written over a light yellow rectangular background.

Reece Wilson  
Director Environmental Services  
**Central Darling Shire Council**

## CONDITIONS OF CONSENT

### SCHEDULE 1A

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

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

#### APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/04/21 dated 10/03/2021 and the drawings as amended by the conditions of this consent.
- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

### 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

- i. 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.

- ii. 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.
- iii. 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*.
- iv. 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.
- v. 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.
- vi. Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- vii. No asbestos products are to be reused on the site (i.e., packing pieces, spacers, formwork or fill etc).
- viii. No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- ix. 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—

- 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 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:

- i. 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.
- ii. 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*.
- iii. 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—
  - 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.

#### **(14) 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.

#### **(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—

- 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.

## **(17) 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*.

## **(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:

- i. All loading and unloading associated with construction activity must be accommodated on site, where possible.
- ii. 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.
- iii. 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.
- iv. 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:

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

#### You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
  - (a) installation of hoardings/scaffolding.
  - (b) installation and/or alterations to advertising/business signs and street awnings.
  - (c) crane operation and other hoisting activities.
  - (d) temporary works (e.g.: barricading, road openings, mobile hoisting devices).
  - (e) works zone (for loading and unloading from the roadway); and
  - (f) temporary ground anchoring and shoring to support a roadway when excavating.
7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises are used for the manufacture, preparation, packing, storing, conveying, or delivering of food or beverage for sale.
9. Contact NSW Water and Central Darling Shire Council regarding the water and sewerage services to this development.
10. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

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

##### Central Darling Shire Council

21 Reid Street  
Wilcannia NSW 2836