



# CENTRAL DARLING SHIRE COUNCIL

## Delegated report for determination of a Review of Environmental Factors Report under Part 5 of Environmental Planning and Assessment Act 1979

### Review of Environmental Effects Assessment Report

<b>DA number</b>	REF 25/21	<b>Date of lodgement</b>	15/12/2021
<b>Applicant</b>	Mr Simon Goddard - Membrane Systems Australia		
<b>Owner</b>	Central Darling Shire Council		
<b>Proposed development</b>	Construction of the Ivanhoe Water treatment plant and ancillary works		
<b>Street address</b>	REF 25/21 Ivanhoe, NSW (within Lot 1 DP 815263)		
<b>Notification period</b>	28 days	<b>Number of submissions</b>	0

### Assessment

<b>Report prepared by</b>	Nishantha Kekulandara - Engineer (MIE)
<b>Report reviewed by</b>	Ivan Draganajac - Engineer (MIE)
<b>Report reviewed by</b>	Elham Nariyan – Environmental Engineer
<b>Report date</b>	4 March 2022
<b>Recommendation</b>	Approved subject to conditions

### Checklist

<b>Summary of Part 5 Infrastructure and environmental impact assessment matters</b>	
Have all recommendations in relation to relevant Part 5 matters been summarised in the Executive summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b>	
Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	Yes
<b>Special Infrastructure Contributions</b>	
Does the REF proposal require Special Infrastructure Contributions conditions (section 7.24)?	N/A
<b>Native Title land Claim and Aboriginal land claim</b>	
Review status	Not applicable as located on free hold land.

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**Attachments**

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

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## **1 Executive summary**

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

Construction of a water treatment plant and ancillary works Ivanhoe, NSW (within Lot 1 DP 815263). 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 Part 5 Infrastructure and environmental impact assessment of the *Environmental Planning and Assessment Act 1979* (as amended).

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

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## **2 Location**

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2.1 The site is located Ivanhoe, NSW (within Lot 1 DP 815263).

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

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## **3 Site description**

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3.1 Ivanhoe, NSW (within Lot 1 DP 815263).

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

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## **4 Background**

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

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## **5 The proposal**

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5.1 The development application has been lodged by Membrane Systems Australia.

5.2 The applicant proposes a water treatment plant and ancillary works.

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## **6 Assessment against planning controls**

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

- *Environmental Planning and Assessment Act 1979* (as amended 2018)
- *Environmental Planning and Assessment Regulations 2000*
- *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 construction of a new water treatment plant and ancillary works for the town of Ivanhoe, NSW (within Lot 1 DP 815263).

## 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 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 the REF application.

## 13 Recommendation

Approve the development proposal as assessed by the Review of Environmental Factors ( REF-25/21 ) under Part 5 of the *Environmental Planning and Assessment Act 1979*, for land at Ivanhoe, NSW (within Lot 1 DP 815263), for the reasons listed below, and subject to the conditions listed in the attachments.

REF Delegated planning assessment report: REF 25/21 Ivanhoe, NSW (within Lot 1 DP 815263).

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- a Construction of a new water treatment plant and ancillary works for Ivanhoe.
- 2 Council officers to notify the applicant and submitters of the decision.



10/MAR/2022  
date  
Nishantha Kekulandara - Engineer (MIE)



10/3/2022  
Ivan Draganjac - Engineer (MIE)



date 16/3/2022  
Elham Nariyan - Environmental Engineer



6/6/2022 date  
Reece Wilson  
Director Shire Services



6/6/2022 date  
Greg Hill  
General Manager

## ATTACHMENT 1 - MAPS and PHOTOS





Figure 1. Existing water treatment plant at Ivanhoe, NSW (within Lot 1 DP 815263): (a) a close up shot of the existing water treatment plant with the infrastructures (reservoirs, raw water supply, flocculation, clarifier, sedimentation tank, activated carbon filtration, sludge lagoon, and laboratory), (b) a shot of the water treatment plant relation with its surrounding land.

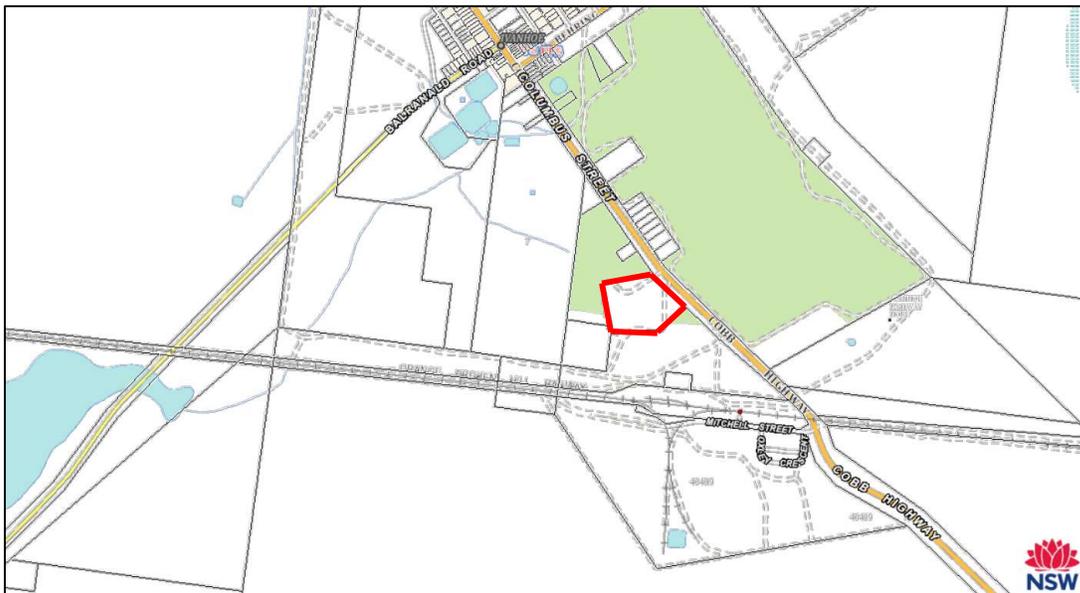


Figure 2. Map of Ivanhoe with site of Water treatment plant nominated (Source: 6maps).

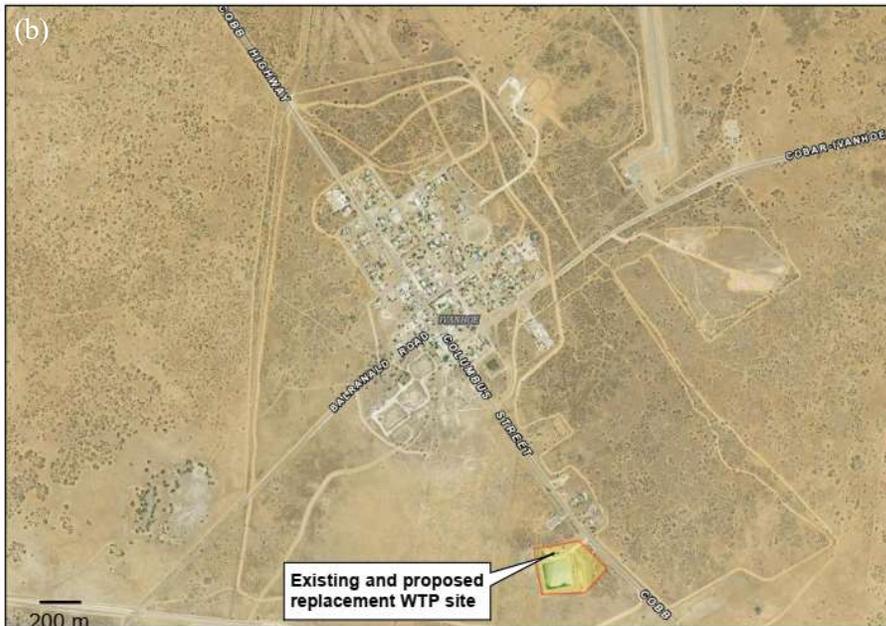


Figure 3. Aerial photo of site at Ivanhoe, NSW (within Lot 1 DP 815263) (a) a closer look up and (b) a distant shot (Source: 6 maps).



Figure 4. Site plan of proposed water treatment plant sludge lagoon (a): whole area, (b) each sludge lagoon size.



## ATTACHMENT 2 - ASSESSMENT OF PLANNING CONTROLS

### REF Part 5 - PLANNING ASSESSMENT SUMMARY

<b>Application Number:</b>	REF 25/21
<b>Site Address:</b>	Ivanhoe, NSW (within Lot 1 DP 815263).
<b>Date of Lodgement:</b>	15 December 2021
<b>Applicant:</b>	Mr Simon Goddard - Membrane Systems Australia
<b>Architect/Designer:</b>	MSA
<b>Owner:</b>	Central Darling Shire Council
<b>Cost of Works:</b>	\$ 1,856,337.33
<b>Development Contribution Required:</b>	No
<b>Zoning:</b>	RU1 Primary Production
<b>Proposal:</b>	Water treatment plant and ancillary works
<b>Recommendation:</b>	The development application is recommended for approval, subject to the conditions in the Notice of Determination.

### Background

Ivanhoe is located in central western NSW, approximately 650km north-west of Sydney and 300km south east of Broken Hill, and is within the Central Darling Shire Council (CDSC) Local Government Area (LGA).

The existing Ivanhoe Water Treatment Plant (WTP) is owned and operated by CDSC and was constructed in 1985. It is now past its technological and economic life in terms of performance and structural integrity as it is still operated with original plant equipment. The Lake Morrison Storage which supplies Ivanhoe has been known to dry up during drought conditions, requiring water to be carted in or sourced from bores that in some cases only provide a limited water supply. Spikes in salinity and blue-green algae outbreaks has also been an issue faced by this town, and deteriorating water treatment plants present a serious risk to public health. As a result, CDSC proposes to construct a new upgraded WTP within the existing WTP site with a treated water capacity of 0.4 ML/day.

### The Site and Surrounding Development

The site is situated within the well-established Ivanhoe area of within Lot 1 DP 815263. The site is RU1 Primary Production. The total site area of 6.4 hectares.

REF Delegated planning assessment report: REF 25/21 Ivanhoe, NSW (within Lot 1 DP 815263).

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In February 2018 Central Darling Shire Council prepared an expression of interest (EOI) application to the NSW Government for funding under the Safe and Secure Water Program. The EOI was for funding to replace the Ivanhoe WTP. The EOI was submitted as the existing Ivanhoe WTP constructed in 1986 is reaching the end of its service life. The submission explained the reasons why the WTP needs replacement, as follows:

The Ivanhoe WTP is aging and cannot reliably produce drinking water that meets the Australian Drinking Water Guidelines (ADWG) on a continuous basis. The current plant is costing the Central Darling Shire Council significant funds in ongoing maintenance and repairs and without an upgrade, has the potential for failure which could result in public health issues for the community of Ivanhoe.

A new plant will be built to the improved design standards with the latest and modern equipment and control system and will be fully automated, requiring less operator intervention. This will significantly improve the quality of water produced and reliability of the plant.

### **Regulatory Requirement**

It provides a safe workplace for Council staff. The Work Health and Safety Act aims to secure the health and safety of workers and workplaces by protecting workers and other persons against harm to their health, safety and welfare through the elimination, or minimisation of risks arising from work. According to the Act Council has a 'primary duty of care' to ensure the health and safety of its workers.

Operation of the current plant involves substantial manual handling and operational housekeeping. There are several work health and safety risks to operational staff at the plant and Council would be failing in its primary duty of care stated in the Act.

The new plant will be designed to eliminate or mitigate all WHS risks to operating staff and provide a substantial improvement in workplace health and safety.

### **Operational cost reduction**

The current Ivanhoe water treatment plant has ongoing failures and breakdowns which require repairs. There is also the need for additional staffing to ensure WHS compliance and safety. Construction of a new plant will reduce these costs substantially presenting a significant saving to Council and the ratepayers.

The new plant can result in significant reductions in operating costs. The new WTP will operate more efficiently potentially resulting in lower electricity requirements. This represents a significant saving to Central Darling Shire Council.

The WTP was built on the site in 1985 and has been operational since that time. Relocating the WTP to a new site would mean that the infrastructure connections for the incoming raw water and outgoing treated water to the town's reticulated system would need to be replaced.

## Proposed Development

The application seeks consent for the following:

The construction of the new Water treatment plant for Ivanhoe and ancillary works.

## Assessment

The proposed development has been assessed under Part 5 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><b>Zone RU1 Primary Production</b></p> <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>To minimise the fragmentation and alienation of resource lands.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.</li> <li>To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.</li> </ul> <p><b>2 Permitted without consent</b> Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems</p> <p><b>3 Permitted with consent</b> Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Home industries; Intensive livestock agriculture; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Restaurants or cafes; Roadside stalls; Any other development not specified in item 2 or 4</p> <p><b>4 Prohibited</b> Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Car parks; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Educational establishments; Exhibition homes; Exhibition villages; Freight transport facilities; Group homes; Health services facilities; Heavy industrial storage establishments; Hostels; Industrial retail outlets; Industries; Marinas; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation facilities (indoor); Registered clubs;</p>

		Residential flat buildings; Respite day care centres; Restricted premises; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shops; Shop top housing; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wholesale supplies
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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	

#### General Provisions

Provision	Compliance	Comment
Public Domain	Yes	The proposed works will not result in any overshadowing or impact on the impact on the public domain or affect public views.
Heritage	Yes	There is minimal impact on the heritage.
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	The sheds will be 3.6m walls & 5.2m apex.
4.2.2 Building setbacks	N/A	Not applicable
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	A Waste Management Plan is not required

## Consultation

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### Internal Referrals

The application was reviewed by the Central Darling Shire Council REF review panel.

### Advertising and Notification

The application was advertised on the Central Darling Website for 28 days, there was 15 December 2022 – 28 January 2022 submissions.

## Financial Contributions

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N/A

## Conclusion

The proposed site for the new replacement WTP is located approximately 1 km to the south-east of the township of Ivanhoe, within the existing WTP property. The proposed works would involve:

- Construction of a new 0.4 ML/d treated water capacity WTP at the existing Ivanhoe WTP site
- Refurbishment and upgrade of two existing sedimentation (sludge) lagoons
- Construction of a new onsite carpark and access road
- New gates and fencing (as required)

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

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

## Recommendation

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The Review of Environmental Factors development proposal is recommended for approval, subject to the conditions in the Notice of Determination.

The Review of Environmental Factors development proposal is approved by Council.

## ATTACHMENT 3- CONDITIONS OF CONSENT

### APPROVED DEVELOPMENT

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The proposed development must be in accordance with REF 25/21 Ivanhoe, NSW (within Lot 1 DP 815263), dated **10 March 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 signage should show the name, address and telephone number of the Principal Certifying Authority for the work, and 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

And 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.

#### Schedule 1B - General Requirements

Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- I 8.00 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.

## **SCHEDULE 2**

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

#### **1 PROTECTION OF ADJOINING AREAS**

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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 NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

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Noise from commercial plant and industrial development must not exceed a project

amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the Councils Director of Environmental Services. Further:

Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the Councils Director of Environmental Services.

Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

### **3 ASBESTOS REMOVAL WORKS**

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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:

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

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

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

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

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

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

### **SCHEDULE 2B**

#### **DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

## **6 OCCUPATION CERTIFICATE TO BE SUBMITTED**

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

## **7 HOURS OF WORK AND NOISE**

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

All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of :

Building construction and delivery of material hours are restricted to:

- I 8.00 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

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 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.

## **8 NOISE – DURING CONSTRUCTION**

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Construction noise

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

## **9 ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

## **10 DEMOLITION**

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

## **11 MAINTENANCE OF SITE**

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

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

Copies of receipts stating the following must be given to the principal certifying authority—the place to which waste materials were transported, the name of the contractor transporting the materials, the quantity of materials transported off-site and recycled or disposed of.

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

During construction—

all vehicles entering or leaving the site must have their loads covered, and

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

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

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

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

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

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

that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and

that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.

## **13 ARCHAEOLOGY DISCOVERED DURING WORKS**

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If any object having interest due to its age or association with the past is uncovered during the course of the work—

all work must stop immediately in that area, and

the Office of Environment and Heritage must be advised of the discovery.

Note

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

## **14 ABORIGINAL OBJECTS DISCOVERED DURING WORKS**

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

all excavation or disturbance of the area must stop immediately in that area, and the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

Note—

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

## **15 COVERING OF LOADS**

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

## **16 LOADING AND UNLOADING DURING CONSTRUCTION**

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The following requirements apply:

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

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

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

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

## **17 NO OBSTRUCTION OF PUBLIC WAY**

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

## **18 USE OF MOBILE CRANES**

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The following requirements apply:

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

For special operations including the delivery of materials, hoisting of plant and equipment and erection, and dismantling of 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

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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 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.

## **19 CONTAMINATED SOILS**

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Requirement to Notify about New Contamination Evidence

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

Reason: To protect human health and the environment.

Compliance with the Remediation Action Plan

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

Reason: Protection of the environment, SEPP 55 compliance.

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

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

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

Reason: To ensure environmental amenity is maintained.

## **20 VEHICULAR ACCESS**

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

## **21 UTILITY SERVICES**

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

## 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.

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