



CENTRAL DARLING SHIRE COUNCIL

8 August 2022

Maari Ma Health Aboriginal Corporation
C/o
Mr Jim Sarantzouklis
Barnson Consulting
1/36 Darling Street
DUBBO NSW 2830
jim@barnson.com.au

NOTICE OF DETERMINATION - APPROVAL
APPLICATION NO: D/20 /2021- PAN 158296 -
PPSWES-122 - Central Darling - D20/ 21

Dear Mr Jim Sarantzouklis,

Please find enclosed the Notice of Determination and advisory notes relating to your development application for – Lot 4 DP 1201089, Lot 2 DP 1201089, Lot 3 DP 1201089, Lot 111 DP 1201028 at Bonney Street Wilcannia NSW 2836.

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.

Yours faithfully

Reece Wilson
Director Shire Services



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NOTICE OF DETERMINATION - APPROVAL

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

Development Application No.	D/20/2021- PAN 158296 - PPSWES-122 - Central Darling - D20/ 21
Applicant	Maari Ma Health Aboriginal Corporation C/o Mr Jim Sarantzouklis - Barnson Consulting
Land to be developed	Lot 4 DP 1201089, Lot 2 DP 1201089, Lot 3 DP 1201089, Lot 111 DP 1201028 at Bonney Street Wilcannia NSW 2836
Approved development	D/20/2021- PAN 158296 - PPSWES-122 - Central Darling - D20/ 21 Maari Ma Community Health Facility Wilcannia - Bonney Street Wilcannia - Construction of a Community Health Facility for the Maari Ma Health Aboriginal Corporation to serve Wilcannia
Cost of development	\$6,992,324.62
Determination	The application was determined by the Western Regional Planning Panel under delegation of Council and was granted consent subject to the conditions.
Other Approvals	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.
Consent is to operate from	8 August 2022
Consent will lapse on	10 August 2027

Reasons for conditions

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



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Reasons for Approval

1. The development, subject to conditions, is consistent with the objectives of the R1 General Residential zone being a work for the Construction and use of the building as a Community Health Facility for the Maari Ma Health Aboriginal Corporation to serve Wilcannia.
2. The development is compatible with the character of the R1 General Residential area; and
3. The development, subject to conditions, Construction and use of the building as a Community Health Facility. The works include the construction of the access road for Bonney Street and car parking with kerb and guttering and drainage.
4. The development accords with objectives of relevant planning controls.

Right of appeal

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

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

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

If further information is required, please contact Glenda Dunn ph. 08 8083 8900, email - dunng@centraldarwin.nsw.gov.au.

Yours faithfully

Reece Wilson

Director Shire Services



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1 ADVISORY NOTES

Terminology

- 1.1 Any reference in this document to a 'consent' means a 'development consent' defined in the Environmental Planning and Assessment Act 1979.
- 1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

Scope of Consent

- 1.3 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

Other Approvals

- 1.4 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.5 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.6 If any Aboriginal objects are found during construction, work is to cease immediately. Heritage NSW is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of Heritage NSW. No further works are to be undertaken on the site without the written consent of Heritage NSW.

Services

- 1.7 The applicant is advised to consult with:
- (a) Central Darling Shire Council regarding water connection
 - (b) Recognised energy provider servicing the area
 - (c) Natural gas company (if applicable)
 - (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

- 1.8 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please



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contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form, or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- 1.9 Telstra and its authorised contractors are the only ones that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800 810 443.
- 1.10 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.

Identification Survey

- 1.11 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

Engineering Notes

- 1.12 All works requiring approval under the Roads Act 1993 (except standard vehicular crossings) or Local Government Act 1993 must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.

Road Damage

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

2 GENERAL

Scope of Consent

- 2.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:



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Drawing No.	Date	Drawn by
01(B)	13 May 2022	Troppo Architects
02(A)	5 October 2021	Troppo Architects
03(A)	5 October 2021	Troppo Architects
04(A)	5 October 2021	Troppo Architects
05(A)	5 October 2021	Troppo Architects
06(A)	5 October 2021	Troppo Architects
07(A)	5 October 2021	Troppo Architects
OS693_CP01 (1)	9 September 2021	Outer Space
OS693_CP02 (-)	1 October 2021	Outer Space

Report	Date	Author
Flood Study	18 May 2022	Tonkin Consulting
Statement of Environmental Effects	12 October 2021	Barnson Pty Ltd
Aboriginal Due Diligence Assessment	21 April 2021	Eco Logical Australia
Flora and Fauna Impact Assessment	3 May 2021	Eco Logical Australia
Bushfire Assessment Report	6 April 2021	Barnson Pty Ltd
Preliminary Contamination Assessment	28 July 2021	Barnson Pty Ltd
Arboriculture Impact Assessment (Ref 23037)	5 March 2021	Urban Tree Management

Inconsistency between documents

- 2.2 If there is any inconsistency between the plans and documentation referred to above, or elsewhere in this consent, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved plans and elevations, the elevations prevail.

Lapsing of consent

- 2.3 This consent will lapse 5 years from the date of the consent unless works associated with the development have physically commenced.

Services

- 2.4 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.



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Design and Works Specification

- 2.5 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e., roads, drainage reserves, parks, etc.)

A copy of this notice must be provided to Central Darling Shire Council.

Other Necessary Approvals

- 2.6 A separate application will be required for the following approvals, under the Local Government Act 1993 and/or the Roads Act 1993.
- Vehicular crossing
 - Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

Other Matters

- 2.7 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

Natural Resources Access Regulator

- 2.8 Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval under the Water Management Act from the Natural Resources Access Regulator. Waterfront land for the purposes of this development application is land and material in or within 40 m of the top of the bank or shore of the Darling River.
- 2.9 The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths, or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the Natural Resources Access Regulator .
- 2.10 The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to riverbanks; are left on waterfront land other than in accordance with a plan approved by the Natural



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Resources Access Regulator.

- 2.11 The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Natural Resources Access Regulator; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the Natural Resources Access Regulator .
- 2.12 The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Natural Resources Access Regulator .
- 2.13 The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the Natural Resources Access Regulator.
- 2.14 The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Natural Resources Access Regulator.

Flooding

- 2.15 The Floodway Warning Sign and Flood Management Plan are to be maintained for the life of the development.
- 2.16 The underside of the 3 buildings is to be left open so as not to restrict overland flows and can only be enclosed with vertical metal security bars or palisade fencing.

Other Engineering Matters

- 2.17 Any future substation, temporary drainage works, or other utility installation required to service the approved development shall not be sited on future or existing Council land, including road reservations and/or public reserves, other than those works specified in the Voluntary Planning Agreement or by conditions of this consent.

3 PRIOR TO CONSTRUCTION CERTIFICATE

DA Plan Consistency

- 3.1 A construction certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved development application design plans and these conditions of consent.



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- 3.2 No overhanging structure, eaves, gutter or services (including rainwater tank, hot water units, air-conditioning or the like) is permitted over the area of a registered easement.

General

- 3.3 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.

Services/Utilities

- 3.4 The following documentary evidence shall accompany any Construction Certificate:
- (a) A 'Notification of Arrangement' Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting (if required), to the development.
 - (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

Construction materials

- 3.5 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the photomontage and the external material and finishes schedule submitted with the application and listed at Condition 2.1.



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Access/Parking

- 3.6 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 3.7 A minimum of 16 car parking spaces are required to be provided, being 12 spaces on Bonney Street as part of the Voluntary Planning Agreement and 4 car parking spaces on the site. These are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:
- 2.6 m x 5.4 m
 - Disabled Car Space: 2.6 m x 5.5 m (plus shared zone)
- 3.8 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 3.9 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 3.10 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.
- 3.11 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.

Natural Resources Access Regulator

- 3.12 The construction certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the Controlled Activity Approval issued by the Natural Resources Access Regulator is provided to Central Darling Shire Council.

Aboriginal Archaeology

- 3.13 The recommendations of the submitted 'Eco Logical Australia, 2021 *Maari Ma Wellbeing Centre, Wilcannia – Aboriginal Due Diligence Assessment*. Prepared for Barnson Pty Ltd' are to be implemented. In this regard, further archaeological assessment in



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accordance with Heritage NSW's guidelines are required. This may include the requirement for an Aboriginal Heritage Impact Permit under the National Parks and Wildlife Act 1974. A copy of the additional archaeological assessment is to be submitted to Council prior to the issue of any construction certificate on the site.

Building Code of Australia Compliance

- 3.14 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) Complying with the deemed to satisfy provisions, or
 - (b) Formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

Site Works and Drainage

- 3.15 Any required method to retain excavated or filled ground (not being exempt development under an environmental planning instrument), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 3.16 Soil erosion and sediment control measures shall be designed in accordance with Council's soil erosion and sediment control requirements. Details shall accompany any construction certificate.
- 3.17 Final design plans for subsoil, stormwater and roof water drainage systems and connections must be submitted to the principal certifying authority.



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Flooding

- 3.18 The minimum floor levels of the building are to be RL 77.40 metres to Australian Height Datum (AHD).
- 3.19 Structural design certification is required by a Chartered structural engineer registered on NER, indicating that the structure has been designed to withstand all flood impacts prior to release of the Construction Certificate. The certificate should consider scour, impact of debris, hydrodynamic pressure, hydrostatic and buoyancy forces at the design floor level.
- 3.20 A Flood Management Plan is to be prepared by an experienced Chartered hydraulic engineer registered on NER, to address emergency flood management of the site including the use as appropriate of warning signs, notices of procedures and depth gauges (if required). The plan is to recommend to evacuate and must incorporate maintenance free measures into the development to ensure the timely, orderly, and safe evacuation of people from the area if required should a flood occur. Detail the evacuation route. Any requirements of the Plan are to be implemented prior to occupation. A colour laminated copy of the Flood Management Plan is to be permanently affixed within each of the buildings to the inside of a kitchen, or laundry, or another cupboard door.
- 3.21 A plumber licensed with NSW Fair Trading is to certify that the buildings comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:



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- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. 3 star Water efficient washing machines and dishwashers have been used.

3.22 An experienced chartered hydraulic engineer is to prepare and certify a detailed non-potable water supply and irrigation plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Council requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:

- i. a first flush or pre-treatment system,
- ii. a pump with isolation valves;
- iii. a solenoid-controlled mains water bypass;
- iv. flow meters on the solenoid-controlled mains water bypass line and the pump outflow line, to determine non-potable usage;
- v. an inline filter;
- vi. providing taps for landscape watering
- vii. ensuring all the rainwater reuse pipes and taps are coloured purple.
- viii. fitting rainwater warning signs to all external taps using rainwater.

3.23 The construction certificate plans shall set all the electrical power points, the air conditioning units (if applicable) and hot water service above the floor level.



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- 3.24 Building materials capable of withstanding prolonged immersion in flood water shall be incorporated in the design of that part of the building below the nominated floor level.
- 3.25 The building shall be designed and certified by a suitably qualified person to withstand the forces of floodwaters and the impact of any debris likely to be carried by such floodwaters. A copy of the certificate shall accompany the Construction Certificate.

Local Government Act Requirements

- 3.26 Under Section 68 of the Local Government Act 1993 an approval for engineering work is required. These works include but are not limited to the following:
- Any works on adjoining land (outside the subject site boundaries)
 - Inter-allotment drainage on adjoining land
- The above requirements are further outlined in this section of the consent.

Roads Act Requirements

- 3.27 Under Section 138 of the Roads Act 1993 an approval for engineering work is required. These works include but are not limited to the following:
- Any works within Council's Road reserve
 - Road construction
 - Kerb inlet pit connections or construction
 - Vehicular crossings
 - Path paving
- The above requirements are further outlined in this section of the consent.

Other Engineering Requirements

- 3.28 Any ancillary works undertaken shall be at no cost to Council.
- 3.29 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.



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Roads

3.30 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered National Association of Testing Authorities (NATA) soils laboratory. The pavement design shall withstand the traffic loadings listed in this consent.

Note: The design California Bearing Ratio (CBR) is to be confirmed on site prior to placement of any pavement. If actual CBR is less than design CBR, revised pavement design will be required.

3.31 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed, and dated by a person who holds a current Transport for NSW (Roads and Maritime) Work Zone Traffic Management Plan accreditation and photo card.

3.32 Proposed new roads shall be designed and constructed as follows:

Name	Reserve Width(m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A)
Bonney Street	40m	50m	3.5m-6.0m-3.5m	5x10 ⁴

Drainage

3.33 Drainage from the site must be conveyed through the site in a suitable swale and pipe drainage system to the river. Appropriate measures to be taken to prevent scouring and erosion of swales. This must be consistent with any requirements of the Natural



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Resources Access Regulator.

- 3.34 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.
- 3.35 Submit a certificate from a registered engineer (NER) certifying the building has been designed to withstand the forces of floodwaters and the impact of any flotsam likely to be carried by such floodwaters.

Engineering

- 3.36 The engineering drawings referred to below are not for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

Construction Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared by	Project No.	Drawing No.	Revision	Dated
Barnson	32342	C00	B	23-04-2021
Barnson	32342	C01	B	23-04-2021
Barnson	32342	C02	B	23-04-2021
Barnson	32342	C03	B	23-04-2021
Barnson	32342	C04	B	23-04-2021
Barnson	32342	C05	B	23-04-2021
Barnson	32342	C06	B	23-04-2021
Barnson	32342	C07	A	23-04-2021
Barnson	32342	C10	A	23-04-2021

The following items are required to be addressed on the Construction Certificate plans:

- i. The works within the Bonney Street Road reserve are to be offset a minimum of 3.5m from the south eastern boundary to provide a verge area.
- ii. A 1.5m concrete footpath is to be constructed within the verge from Ross Street to the car park area.
- iii. Provide marked pedestrian access paths within the carpark area by way of suitable line marking or similar, from the end of the concrete path across the ambulance turning area.
- iv. Provide a barrier kerb adjacent to the verge.



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- v. Delete the requirement for on-site stormwater detention. This is not needed so close to the river.
- vi. The rainwater tanks from under the 'Healthy Start Building' are to be consolidated into an integrated set of rainwater tanks all under the 'Nerve Centre Building'.
- vii. On Drawing C02 provide an additional table drain TD3 that extends from the pipe above along the north-west boundary and extending to Bonney Street to align with the future realignment of the discharge from Ross Street.
- viii. For all the swale designs allow for a Mannings 'n' of 0.05.
- ix. On Drawing C06 provide a new detail (including all calculations) for TD3 sized to take all the flow from Bonney Street and the flow that discharges off Ross Street in a 10% AEP event.
- x. Reposition the swale/table drain that currently meanders along the north-western side of the development site which conveys the flows from Bonney Street and Ross Street within the proposed 3m wide easement allocation along the boundary.
- xi. The back-up generator or electrical substation is to be raised to match the proposed floor level.

Earthworks

- 3.37 Batters are not to exceed a grade of 1V:5H, unless otherwise approved by this consent, and are to be stabilised with topsoil, turf, and vegetation.

Bush Fire Prone Land

- 3.38 The various construction standards and features required to protect the building from bush fire shall be provided in accordance with Australian Standard 3959-2009 - Construction of Buildings in Bushfire-Prone Areas.

4 PRIOR TO DEVELOPMENT WORKS

Safety/Health/Amenity

- 4.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, or
- (b) a temporary on-site toilet which is regularly maintained, and the waste disposed to



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an approved sewerage management facility.

- 4.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 70 of the Environmental Planning and Assessment Regulation 2021
- (a) the name, address, and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

- 4.3 All soil erosion and sedimentation control measures indicated in the documentation accompanying the construction certificate shall be installed prior to the commencement of development works.

- 4.4 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

Notification to Council

- 4.5 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice in accordance with the Environmental Planning and Assessment Regulation 2021, indicating details of the appointed Principal



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Certifying Authority and the date construction work is proposed to commence.

- 4.6 At least 5 full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

Protection of Fauna

- 4.7 It is the responsibility of the developer to ensure that the removal of hollow-bearing trees or trees containing nests is conducted with due regard to any fauna present. In the event that fauna is evident an ecologist shall be engaged on-site to undertake appropriate relocation any fauna.

5 DURING CONSTRUCTION

Safety/Health/Amenity

- 5.1 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

- 5.2 All measures specified in the construction certificate to control soil erosion and sedimentation shall be maintained throughout development works.



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- 5.3 Building and construction materials, plant, equipment, and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

Building Code of Australia Compliance

- 5.4 Compliance with the Building Code of Australia.

Surveys

- 5.5 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifier to verify the approved position of each structure in relation to the property boundaries.

Nuisance Control

- 5.6 Any objectionable noise, dust, concussion, vibration, or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 5.7 The hours of any offensive noise-generating development works shall be limited to between 7 am to 5 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.



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Tree Protection

5.8 The measures required to effectively protect trees on the land shall be maintained throughout the development works. The recommendations of the Arboriculture Impact Assessment, prepared by Urban Tree Management and dated 5 March 2021 must be followed at all times, with particular attention to the protection and retention of Tree 1 *Eucalyptus largiflorens* – Black Box.

Construction Inspections

5.9 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2, 3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate



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being issued in relation to the building.

The critical stage inspection “(f)” must be carried out by the Principal Certifier.

Any inspection conducted by an accredited certifier other than the nominated PC for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

Site Contamination

- 5.10 Should any contaminated material be unearthed during the construction works, all works are to cease immediately, and a suitably qualified environmental site contamination consultant is to investigate and report on the findings.
- 5.11 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

European Heritage

- 5.12 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and Heritage NSW shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from Heritage NSW is issued.

Aboriginal Heritage

- 5.13 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and Heritage NSW informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not



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recommence until written authorisation from the Heritage NSW is received by the applicant. In addition, a delegate of the Barkindji Nation is to be contacted.

Other matters

- 5.14 All landscaping, fencing and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

Boundary Levels

- 5.15 Any construction at the property boundary, including but not limited to fences and driveways shall not be carried out until boundary alignment levels have been fixed.

Soil Erosion and Sediment Control Measures

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

- 5.17 All roads adjoining the site must be kept clean and free of all materials.

Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

- 5.18 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* or *Local Government Act 1993* must be made by Council's Engineer.



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Public Safety

5.19 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

Site Security

5.20 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.

Traffic Control

5.21 Traffic control devices/facilities (i.e., barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Transport for NSW (Roads and Maritime) accreditation and photo card to implement Traffic Control Plans.

Land and Compaction Requirements from Site Works

5.22 Works shall comply with the requirements of Council's Works Specification – Civil listed



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below.

- a) Compaction certificates for fill within road reserves.
- b) Compaction certificates for road sub-grade.
- c) Compaction certificates for road pavement materials (sub-base and base courses).
- d) Applicant to submit material compliance documentation
 - Compliance certificate and test results
 - Delivery dockets (road construction material)
 - Summary of material deliveries

Note: Council requires road pavement and pipe bedding materials be sourced from

N.A.T.A. certified stockpiles.

Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

5.23 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* or *Local Government Act 1993* must be made by Council's Engineer.

Public Safety

5.24 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

Site Security

5.25 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.



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Traffic Control

- 5.26 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Transport for NSW (Roads and Maritime) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 5.27 Traffic control devices/facilities (i.e., barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Transport for NSW (Roads and Maritime) accreditation and photo card to implement Traffic Control Plans.

Other Matters

- 5.28 A plumber, licensed with NSW Fair Trading, is to undertake flow testing of the non-potable water reuse system to certify that all the toilets are capable of being supplied by rainwater and that there is no cross mixing, or cross contamination with the potable water supply.

6 PRIOR TO OCCUPATION CERTIFICATE

Consolidation of Lots

- 6.1 The lots shall be consolidated into one title which shall be registered with NSW Land Registry Services.



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Road Damage

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

Compliance with Conditions

- 6.3 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than 'Operational' conditions, have been satisfied. The building shall not be occupied or used until the principal certifying authority has issued an occupation certificate.
- 6.4 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

Service Authorities

- 6.5 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (a) A water supply compliance certificate or equivalent must be obtained.
 - (b) A 'Notification of Arrangement' Certificate from the relevant energy provider, stating that arrangements have been made with the servicing authority for electrical services, including the provision of street lighting, to the development.
 - (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the



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development.

Temporary Facilities Removal

- 6.6 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 6.7 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected, and removed from the land.
- 6.8 Any temporary builder's sign or other site information sign shall be removed from the land.

Landscaping/Car Parking

- 6.9 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 6.10 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 6.11 All landscaping, recreation features and furniture, bbq facilities, children's play equipment and clothes drying facilities shall be completed in accordance with the approved landscaping design plans submitted as part of the construction certificate.
- 6.12 All fencing shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing work must be provided at full cost to the developer. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 6.13 Vandal proof and security lighting, any CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 6.14 All power boards should be housed within a locked cabinet to restrict tampering with



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the power supply. The lock set must be approved by the electricity authority.

- 6.15 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 6.16 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 6.17 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

Fire Safety

- 6.18 Smoke alarm/s complying with the provisions of the Environmental Planning and Assessment Amendment (smoke alarms) Regulation, 2006, shall be installed in the building.

Surveys/Certificates/Works as Executed Plans

- 6.19 A registered surveyor is to certify that:
 - i. the 4 flood warning signs have been installed. One in the carpark and one adjacent to the underfloor of each of the buildings.
 - ii. the Flood Management Plan is permanently affixed within each of the buildings to the inside of a kitchen, or laundry, or another cupboard door.
 - iii. all the other requirements of the Flood Management Plan have been implemented including the installation of all other signage and notices.
 - iv. the powerpoints, air conditioning units (if applicable) and hot water service are all above the design floor level
 - v. the finished floor levels for the buildings is at or above the minimum required of RL 77.40 m AHD (tolerance - zero to +0.3 m).
- 1. 6.20 A plumber licensed with NSW Fair Trading is to certify that the buildings comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
 - i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 5 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. 3 star Water efficient washing machines and dishwashers have been used.
- 3. 6.21 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:
 - i. All the non-potable water uses are being supplied by rainwater;



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- ii. All the requirements of the detailed non-potable water supply & irrigation plan have been installed to the required locations.
 - iii. The flow meters have been installed on the pump outflow and the solenoid-controlled mains water bypass to determine non-potable usage
 - iv. The initial flow meter readings are detailed in the certificate;
 - v. The pumps, alarms and all other systems are working correctly;
 - vi. Rainwater warning signs are fitted to all external taps using rainwater.
- 6.22 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 6.23 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.

Easements/Restrictions/Positive Covenants

- 6.24 Any easement(s) or restriction(s) required by this consent must nominate Central Darling Shire Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Any requirements of Central Darling Shire Council.
 - (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services.
- 6.25 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services over the overland flow-path.
- 6.26 The creation of an Easement in Gross to Drain Water, with a minimum width of 3.0m in favour of Central Darling Shire Council over the following nominated lot(s) free of cost to Council. The alignment of the easement shall generally follow the drainage lines TD1 and



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TD2 on the northern side of the site as shown on Barnson Pty Ltd Drawing No 32342-C03 Revision B dated 23-04-02021. The easement must be created under the *Conveyancing Act 1919* and have the nominated lot(s) burdened and Central Darling Shire Council as benefiting authority.

Nominated Lot(s) Burdened: Lot 11 DP 1201028, Lot 2 and 3 DP 1201089

- 6.27 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Central Darling Shire Council.

Car Parking

- 6.28 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 6.29 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 6.30 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

Lighting

- 6.31 All lighting is to comply with relevant Australian Standards, including Australian Standard 4282 to ensure no spillage of light affecting the amenity of adjoining residential properties.

Aboriginal heritage

- 6.32 Prior to the release of an occupation certificate, the following documents are to be submitted to Central Darling Shire Council for its records:

- (a) any Aboriginal Heritage Impact Permit (AHIP) for the development site
- (b) the Aboriginal Heritage Report



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- (c) an extensive search site record for the area covered by the AHIP in a spreadsheet and map format.

Voluntary Planning Agreement

- 6.33 Prior to the issuing of an occupation certificate, any relevant requirements under the Voluntary Planning Agreement made between Central Darling Shire Council and the Maari Ma Health Aboriginal Corporation shall be satisfactorily completed.

7 OPERATIONAL

Access/Parking

- 7.1 All required roadworks, car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.
- 7.2 All loading and unloading operations shall always take place wholly within the confines of the land.
- 7.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

General

- 7.4 The hours of operation of the health services facility shall not be outside the following nominated times. Any alteration to these hours will require the separate approval of Council via a Section 4.55 modification application.

Sunday to Saturday: 7:00am to 6:00pm

These hours do not apply in the event of an emergency.

- 7.5 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

- 7.6 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of



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adjoining land. If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

- 7.7 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 7.8 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 7.9 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke, or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.
- 7.10 Arrangements shall be made for an effective commercial refuse removal service.

Landscaping

- 7.11 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 7.12 The overflow car parking area on Bonney Street shall be maintained in a dust-free manner and to a standard suitable for the intended purpose.
- 7.13 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 7.14 The management of vegetation, gardens, planter boxes, communal areas and other similar areas is to be incorporated within the management plan once the development is occupied.



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Use of Premises

- 7.15 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 7.16 The development shall not be used or converted for use for any purpose other than that:
- (a) Granted consent by Council's Notice of Determination, or
 - (b) Which is "Exempt Development" under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council environmental planning instrument.

Emergency Procedures

- 7.17 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly always displayed on the premises for both public and staff information to the satisfaction of Council.

Other Matters

- 7.18 The development shall comply with s120 of the Protection of the Environment Operations Act 1997, which prohibits the pollution of water.

Lighting and Security

- 7.19 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 7.20 All intruder alarms shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 7.21 The maintenance of all external lighting is to be managed by way of an annual service agreement to ensure the security of the building and persons within are not compromised from dark or uncontrolled public areas.



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Waste

- 7.22 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 7.23 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan.
- 7.24 The entire waste entry driveway including area outside the loading dock are to be kept unobstructed and free of any vehicle parking and any other obstructions, so it is always freely available for use by the waste delivery trucks. The Strata Management are responsible for enforcing this requirement.

Graffiti Removal

- 7.25 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.

Crime Prevention Through Environmental Design

- 7.26 Vandal proof and security lighting, CCTV and security measures endorsed by this consent shall be met and always maintained.

Environmental Management

- 7.27 No contaminated wastewater or liquid waste shall be discharged into Council's stormwater system or the Darling River.
- 7.28 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

RIGHT OF REVIEW

Section 8.2 of the Environmental Planning and Assessment Act 1979 confers the right for an applicant to request a review of the determination. The request must be made in writing within 6 months after the date on which you receive this notice, together with payment of the appropriate fee.



CENTRAL DARLING SHIRE COUNCIL

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RIGHT OF APPEAL

Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 confer the right for an applicant who is dissatisfied with consent authority's determination to appeal to the NSW Land and Environment Court within 6 months after the date on which you receive this notice.



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