



CENTRAL DARLING SHIRE COUNCIL

20 January 2022

Mr Simon Goddard
Membrane systems Australia Pty Ltd
11 B Eddison Drive
Golden Grove SA 5125

NOTICE OF DETERMINATION - APPROVAL
APPLICATION NO: D/21/21 – PAN 162908.

Dear Sir

Please find enclosed the Notice of Determination and advisory notes relating to your development application for Beth Street White Cliffs NSW 2836 - Lot 102 DP 611504.

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



DATE OF DETERMINATION	20 January 2022
DATE OF PANEL DECISION	20 January 2022
DATE OF PANEL MEETING	18 January 2022
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 December 2021.

MATTER DETERMINED

PPSWES-120 – Central Darling – 21/21 - Lot 102--/611504 Central Darling - White Cliffs Water Treatment Plant - Construct the new White Cliffs Water Treatment Plant (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the following reasons:

- The proposed development is not considered to have any significant negative impacts upon the environment or upon the amenity of the locality.
- The proposed development is consistent with the objectives of the applicable Environmental Planning Instruments and Council policies.
- The proposed development will bring significant social benefits to the locality by guaranteeing a reliable potable water supply.
- The advice of the Council that the proposed development is consistent with SEPP No 55 - Remediation of Land.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Condition 1, amended to read as follows:



- (1) The development shall be undertaken generally in accordance with the Statement of Environmental Effects Report No DC17091 October 2021 (the SEE) prepared by Public Works Advisory and the stamped approved plans detailed as follows except where modified by any of the following conditions.

The development shall be undertaken generally in accordance with the following plans:

- White Cliffs Water Treatment Plant, Sheet 1, Rev D, dated 20/08/21 by Membrane Systems Australia,
- White Cliffs Water Treatment Plant, Sheet 2, Rev E, dated 16/08/21 by Membrane Systems Australia,
- White Cliffs Water Treatment Plant, Sheet 3, Rev E, dated 20/08/21 by Membrane Systems Australia,
- White Cliffs Water Treatment Plant, Sheet 4, Rev D, dated 03/09/21 by Membrane Systems Australia,
- White Cliffs Water Treatment Plant, Sheet 5, Rev E, dated 20/08/21 by Membrane Systems Australia,
- White Cliffs Water Treatment Plant, Sheet 6, Rev E, dated 29/09/21 by Membrane Systems Australia,
- White Cliffs Water Treatment Plant, Sheet 7, Rev E, dated 05/10/21 by Membrane Systems Australia,
- White Cliffs Water Treatment Plant, Sheet 7 (8?), Rev E, dated 05/10/21 by Membrane Systems Australia.

The applicant is reminded of their obligations contained in the SEE, specifically but not limited to:

- The preparation of a Construction Environmental Management Plan (conditions 37 and 40, pt 3.5.1, pt 3.5.4, pt 3.5.5, pt 3.5.7, pt 5.2.3, pt 5.3.1, pt 5.3.3, pt 6.1, pt 6.2.6, pt 6.2.7 of the SEE),
- The preparation of a Traffic Management Plan (pt 5.4.3, pt 6.2.8 of the SEE),
- The preparation of an Erosion and Sedimentation Control Plan (condition 24, pt 5.6.3, pt 6.2.2 of the SEE),
- The preparation of a Waste Management Plan (conditions 25, 26, 27, pt 5.8.3, pt 6.2.9 of the SEE).

{Reason: To ensure that the development is undertaken in accordance with that assessed}

- Condition 4, amended to read as follows:

- (4) Unless authorised by Council, building construction, delivery of material hours, demolition and excavation works are restricted to 8.00 am to 5.00 pm Monday to Sunday.

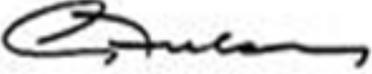
Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site

{Reason: Council requirement to reduce the likelihood of noise nuisance}



CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no community concerns were raised.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	



SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-120 – Central Darling – 21/21
2	PROPOSED DEVELOPMENT	White Cliffs Water Treatment Plant Upgrade
3	STREET ADDRESS	Lot 102--/611504 Central Darling
4	APPLICANT/OWNER	Simon Goddard/Central Darling Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none">• Local Government Act 1993• National Parks and Wildlife Act 1974• Protection of the Environment Operations Act 1997• Water Management Act 2000• Contaminated Land Management Act 1997 (NSW)• Biodiversity Conservation Act 2016• Rural Fires Act 1997 (NSW)• Environment Protection and Biodiversity Conservation Act 1999• Native Title Act 1993• Central Darling LEP 2012• ISEPP 2007• Hazardous and Offensive SEPP• Remediation of Land SEPP• Koala Habitat Protection SEPP 2021• No DCP mentioned
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none">• Council assessment report: 10 December 2021• Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none">• No site inspection was undertaken by Panel members as it was not considered necessary for the determination of the development application.• Final briefing to discuss council’s recommendation: [18 January 2022]<ul style="list-style-type: none">○ <u>Panel members:</u> Garry Fielding (Chair), Sandra Hutton, Graham Brown



		<ul style="list-style-type: none">○ <u>Council assessment staff:</u> Glenda Dunn, Reece Wilson, Geoff Laan, Elham Nariyam○ <u>Applicant representatives:</u> Simon Goddard, Rick Legg
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report



APPENDIX 1

CONDITIONS:

(1) The development shall be undertaken generally in accordance with the Statement of Environmental Effects Report No DC17091 October 2021 prepared by Public Works Advisory and stamped approved plans detailed as follows except where modified by any of the following conditions:

{Reason: To ensure that the development is undertaken in accordance with that assessed}

(2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
{Reason: Prescribed statutory condition under EP&A Act}

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

- showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- stating that unauthorised entry to the work site is prohibited.

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

{Reason: Prescribed statutory condition under EP&A Act}

(4) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 5.00 pm inclusive on Saturday and Sunday.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Sunday.

(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).

{Reason: Council requirement to reduce the likelihood of noise nuisance}

(5) 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.

{Reason: Council requirement to prevent exposure to contamination materials}

(6) 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.

{Reason: Council requirement to ensure adherence to consent conditions}

(7) 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.

(Reason: Council requirement to ensure site is stabilised)

- (8) Temporary 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.
{Reason: Council requirement to preserve public hygiene}
- (9) 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.
(Reason: Legislative requirement)
- (10) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
(Reason: Council requirement to protect public property)
- (11) 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.
(Reason: Council requirement to protect public property)
- (12) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
(Reason: Council requirement to protect environment being polluted)
- (13) 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.
(Reason: Council requirement to protect public land)
- (14) 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.
(Reason: To protect the public)
- (15) 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.
(Reason: Council requirement to ensure relevant service authorities are aware of the development)

- (16) The works must comply with the relevant Power Network Standards and SafeWork NSW Codes of Practice.
(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)
- (17) All excavations associated with the erection of the buildings and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property.
(Reason: Council requirement for protection of persons)
- (18) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.
(Reason: Council requirement to prevent pollution of the environment by wind-blown litter)
- (19) The applicable plumbing works shall be inspected and passed by an officer of Council prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection, please quote Council's reference number D21/21 PAN-162908 Advanced notification for an inspection should be made by emailing or by telephoning Council's Development & Environment Division.
(Reason: Statutory provision and Council requirement being the delegated Plumbing Regulator)
- (20) Hot water delivered to the outlets of the disabled hand basin and any shower fixtures shall not exceed a temperature of 45°C, whilst the remainder of the hand basins and any shower fixtures in the buildings shall not exceed 50°C.
Note: Thermostatic mixing valve(s) are required to be installed to achieve the maximum temperature setting of 45°C.
(Reason: Council policy and statutory requirement of the Plumbing Code of Australia)
- (21) The drainage and plumbing installations shall comply with the provisions of the Local Government (General) Regulation, 2005.
(Reason: Statutory and Council requirement)
- (22) Any stockpiled clean soils/material shall be kept in a single designated stockpile area with appropriate sediment control and signage. All materials being stockpiled shall be tracked and kept in a stockpile register which is available for assessment by authorised officers upon request. All materials brought onto and moved around the site shall be documented. Records of the fate of each excavation cell and stockpile shall be kept. Truck movements and weighbridge receipts from transport companies and destination to landfill or a treatment facility and reused of soils onsite shall be verifiable. Photographs of stockpiled materials shall be taken and must have a time/date/location stamp added in order to ensure that the origin of all materials on site can be traced.
(Reason: Council requirement to ensure that the origin of all stockpiles can be verified)
- (23) Suppression and mitigation of dust shall be employed during works on the site to ensure dust is not emitted from the site, including when no activities are taking place on the site.
(Reason: Council requirement to reduce the likelihood of dust nuisance)
- (24) 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.

(Reason: Implementation of Council policy to reduce sediment pollution)

(25) Prior to works commencing the applicant shall prepare and submit to Council for approval a Waste Management Plan. Such Plan shall be approved by Council prior to commencement of the development and shall include but not be limited to, the following:

- Assessment of types of waste;
- Classification of each type of waste;
- Volume of each type of waste;
- Management and storage of waste onsite:
 - Method of waste disposal and disposal sites;
 - Method of waste transport and disposal sites; and
- Record keeping.

(Reason: Council requirement to require compliance with the POEO Act)

(26) Waste construction materials including soil arising from the development must be disposed of at an appropriately licensed waste facility.

(Reason: To ensure environmentally safe disposal)

(27) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Department of Planning, Industry and Environment (DPIE), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the Environment Protection Authority (EPA) to receive that type of waste.

(Reason: Council requirement to prevent the contamination of the environment)

(28) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Department of Planning, Industry and Environment notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the DPIE.

(Reason: Council and statutory requirement to protect Aboriginal heritage)

(29) All driveways, hard standards and parking areas shall be drained to Council's satisfaction, noting that development will be required to discharge stormwater from the land in its undisturbed/natural state for the minor storm event (1 in 20 year ARI).

(Reason: To achieve a satisfactory means and method of stormwater drainage disposal from the proposed development)

- (30) All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.

(Reason: To provide safety for the travelling public utilising the public roadways)

- (31) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading, or unloading, of goods on the public roadway system be permitted.

(Reason: Requirement of Council so as not to create adverse traffic conditions)

- (32) Prior to occupation or use of the development, entry and exit points to and from the proposed development and off-street car parking shall be delineated and sign-posted.

(Reason: Traffic and parking arrangements)

- (33) A separate application for any proposed onsite advertising/signage shall be submitted to Council if such signage does not comply with Part 2, Division 2 of State Environmental Planning Policy (Exempt and Complying Development Codes), 2008.

(Reason: To ensure onsite advertising/signage is appropriate for the site and the locality)

- (34) Any lighting on the site must be installed to emit light in a downward direction and designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity or surrounding area by light overspill.

(Reason: To limit light pollution to neighbouring property)

- (35) Highly reflective wall or roofing colours, materials and glazing shall not be used. Materials must be designed so as to not result in glare to minimise impacts on airport operations.

(Reason: To minimise the visual impact)

- (36) 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.

(Reason: To protect the public)

- (37) Preparation of a Construction Environmental Management Plan to be approved by Central Darling Shire Council prior to works commencing that incorporates the safeguard measures identified in the Statement of Environmental Effects Report No DC17091 October 2021 prepared by Public Works Advisory.

(Reason: Protection of the Environment)

- (38) The buildings shall not be occupied or used until the Principal Certifying Authority has first issued an Occupation Certificate.

(Reason: Statutory requirement to ensure the building is fit for occupation)

- (39) A decommissioning/demolition work plan in accordance with AS 2601:2001 is to be submitted and approved by Council prior to demolition works taking place.

(Reason: To ensure orderly development)



- (40) Preparation of an Operational Environmental Management Plan prior to Occupation that incorporates procedures to ensure appropriate protection to workers undertaking future maintenance activities, site visitors and users of the Water Treatment Plant.
(Reason: To ensure the development is operated in a safe manner)
- (41) A construction certificate must be issued prior to commencement of building works.
(Reason: Regulatory requirement)
- (42) The Water Treatment Plant should be designed, constructed and operated in accordance with the Australian Drinking Water Guidelines 6 2011.
(Reason: To ensure safe water quality)

NOTES

- (1) The absence of the aforementioned approvals does not negate the statutory requirement for the plumbing and drainage licensee to provide to Council as the delegated Plumbing Regulator, the Notice of Work (NoW), Certificate of Compliance (CoC) and Sewerage Service Diagram (SSD) as prescribed under the Plumbing and Drainage Act 2011, for the proposed sanitary drainage/plumbing and domestic water plumbing works.
- (2) It is requested that the Applicant include in the tender documentation for the construction of the proposed development that the successful Principal Contractor (the Builder) will be responsible for the payment of all Council sanitary drainage and water plumbing inspection fees associated with the development. Alternatively, the Principal Contractor is to ensure that plumbing contractors when quoting on such work are informed to include such Council fees in their quotations.
- (3) Should the Geotechnical Site Investigation show a highly or extremely reactive site then, where the sanitary drainage pipework passes through the underside of the building, flexible pipework fittings should be fitted to permit articulation of the pipework equivalent with the expected soil movement. Reference should be made to AS 2870-2011 in this regard.
- (4) If Council is appointed the Principal Certifying Authority for the proposed building work, the following **inspections** for the subject building work **must be undertaken and approved by Council prior to such works being covered**. In this regard, at least 48 HOURS NOTICE shall be given to permit such inspections to be performed. When requesting an inspection, please quote Council's reference number D21/21.

Critical Stage Inspections:

Assuming Tanks and Flocc Plant are Class 10b then –

- (a) after excavation for, and prior to the placement of, any footings, and
- (b) prior to pouring any in-situ reinforced concrete building element, and
- (c) prior to covering of the framework for building elements e.g. fixed platform, walkway, stairway, ladders etc.. supporting framework, and
- (d) prior to covering any stormwater drainage connections (if applicable), and
- (e) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Assuming Plant room is Class 8 then –



- (a) after excavation for, and prior to the placement of, first footings, and
- (b) prior to covering any stormwater drainage connections, and
- (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: Failure to ensure that all of the above stated inspections are performed by Council, will result in the non-issue of the building's occupation certificate.



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