

CENTRAL DARLING SHIRE COUNCIL

CONSTITUTED 1 MAY 1959
ABN: 65 061 502 439

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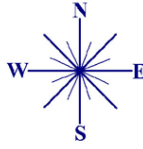
PLEASE ADDRESS ALL

CORRESPONDENCE TO:

THE GENERAL MANAGER

PO BOX 165

WILCANNIA NSW 2836



COUNCIL CHAMBERS

21 REID STREET

WILCANNIA NSW 2836

27 February 2025

Central Darling Shire Council
C/o Ken Mair
Uniplan Group
53 Seaton Street
Armidale NSW 2350

NOTICE OF DETERMINATION - APPROVAL
APPLICATION NO: D 17 -2024 – PAN 489713

Dear Sir

Please find enclosed the Notice of Determination and advisory notes relating to your development application at Lot 3 DP25778, 34 John Street Ivanhoe NSW 2836. The approval is for the installation of a manufactured dwelling, and carport with associated site works including footings and piers and associated sub structure and landscape works.

A copy of the development application delegated 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

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

Reece Wilson
Director Shire Services

Central Darling Shire Council

NOTICE OF DETERMINATION - APPROVAL

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

Development Application No. D 17-2024 – PAN 489713	
Applicant	Central Darling Shire Council C/o Ken Mair - Uniplan Group
Land to be developed	The site is Lot 3 DP25778, 100 Hood Street Wilcannia NSW 2836.
Approved development	D17 2024 PAN 489713 Approval for the use of the land for the installation of a manufactured dwelling, with carport and associated site works including footings and piers and associated sub structure and landscape work.
Cost of development	\$280,000.00
Determination	The application was determined 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	27 February 2025
Consent will lapse on	28 February 2030

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest. The conditions also ensure statutory and regulatory compliance for all construction and site work, and compliance with the National Construction Code – Building Code of Australia.

Reasons for Approval

1. The development, subject to conditions, is consistent with the objectives of the RU5 Village zone.
2. The development is compatible with the character of the Ivanhoe residential/ village area and locality; and
3. The development, subject to conditions, for the use of the land for the installation of a manufactured dwelling, with carport and associated site works including footings and piers and associated sub structure and landscape work; and
4. The development generally accords with objectives of relevant planning controls.

CENTRAL DARLING SHIRE COUNCIL

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Right of appeal

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

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

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

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



Reece Wilson
Director Shire Services
Central Darling Shire Council



CONDITIONS OF CONSENT

SCHEDULE 1A

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

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

APPROVED DEVELOPMENT

Development must be in accordance with Development Application No. D17 2024 PAN 489713, at Lot 3 DP25778 , 34 John Street, Ivanhoe NSW 2836, dated 27 February 2025 for the;

1. The installation of a manufactured dwelling, with carport and associated site works including footings and piers and associated sub structure and landscape work.

Premises to which this Notice refers: Lot 3 in DP 25778 (34 John Street, Ivanhoe NSW 2878)

Proposed development: Use of the land for residential development and installation of a moveable dwelling.

Council advises that the application submitted by you for permission to undertake the above described development has been approved.

The application has been determined as a conditional consent subject to compliance with the conditions attached to this Notice and adherence to the requirements of the Environmental Planning and Assessment Act, 1979 and Regulation thereunder.

Development application: DA17-2024

Determination date: 27 February 2025

Operation of consent date: 27 February 2025

Consent expiry date: 28 February 2030

Note: Such consent will not lapse once the proposed development is physically commenced before the date the consent would otherwise lapse except where a specific condition of consent limits the duration of consent.

The Independent Planning Commission has not conducted a public hearing in respect of this application.

Approvals under the Local Government Act, 1993 integrated with this Consent: Nil

The development must be in accordance with the above approval and the stamped drawings as amended by the conditions of this consent.

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

Prescribed Conditions

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

BASIX affected development must comply with the schedule of BASIX commitments



specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

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

stating that unauthorised entry to the work site is prohibited.

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

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

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

the name and licence number of the principal contractor, and

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

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

the name of the owner-builder, and

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

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

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

protect and support the adjoining premises from possible damage from the excavation, and

where necessary, underpin the adjoining premises to prevent any such damage.

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

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

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

Reason: Legislative requirement.

Schedule 1B - General Requirements

Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

I 7.00 am to 5.00 pm inclusive Monday to Friday,

I 8.00 am to 1.00 pm inclusive on Saturday,

I No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:



I 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

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

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

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

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

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

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

Prior to the commencement of any development onsite for:

Building/s that are to be erected

Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place

Building/s that are to be demolished

For any work/s that is to be carried out

For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the



area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

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

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

CONDITIONS OF DEVELOPMENT CONSENT

Condition	Condition reason
(1) The development shall be undertaken in accordance with the stamped approved plans and the statement of environmental effects except where modified by any of the following conditions.	{Reason: To ensure that the development is undertaken in accordance with that assessed}
(2) Erosion and sedimentation control shall be provided to the proposed construction site during construction and remain ongoing to ensure the site is stabilised from further erosion following completion of the works.	{Reason: Implementation of Council policy to reduce sediment pollution}
(3) Any alterations to the footpath, kerbing and guttering, vehicular entrance(s), road or road shoulder, shall be repaired/restored at full cost to the developer and in accordance with Council's standards.	Reason: Implementation of Council Policy}
(4) Construction work shall only be carried out within the following time: Monday to Friday: 7.00 am to 6.00 pm Saturday: 7.00 am to 1.00 pm if inaudible on residential premises otherwise 8.00 am to 1.00 pm Sunday and Public Holidays: No construction work permitted The above restrictions will be subject to review and variation by Council upon assessment of the level of annoyance that may arise.	{Reason: Council requirement to reduce likelihood of noise nuisance}
(5) The applicant shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere at the construction site and from vehicles transporting/moving materials on site.	{Reason: Council requirement to prevent dust nuisances and contravention of the POEO Act 1997}



<p>(6) Surface water shall be directed away from the proposed amenities block to prevent ponding of water onsite.</p>	<p>{Reason: To ensure adequate drainage from the site} - Erosion, road design, footpaths, driveways.</p>
<p>(7) Should the proposed development require additional fill material, the fill material obtained from external sources shall be clean and free from any contamination.</p>	<p>{Reason: Public safety, compliance with the POEO Act}- Building Works, excavation.</p>
<p>(8) A separate application for approval for any proposed onsite advertising shall be submitted to Council.</p>	<p>{Reason: Requirement of the Environmental Planning and Assessment Act 1979}- Building works, advertising.</p>
<p>(9) 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 topsoil, excavated materials, construction and landscaping supplies and debris within the lot.</p>	<p>{Reason: To ensure erosion control and water quality} Erosion, road design, footpaths, driveways, stormwater design, site drainage.</p>
<p>(10) 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. {Reason: Ensure heritage conservation is considered}</p>	<p>{Reason: Ensure heritage conservation is considered}</p>



<p>(11) If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—</p> <p>all excavation or disturbance of the area must stop immediately in that area, and</p> <p>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.</p> <p>Note—</p> <p>If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.</p> <p>{Reason: Ensure aboriginal heritage conservation is considered}</p>	<p>{Reason: Ensure aboriginal heritage conservation is considered}</p>
<p>(12) 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.</p> <p>{Reason: Public safety}</p>	<p>{Reason: Public safety}</p>
<p>(13) 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.</p> <p>{Reason: Public safety}</p>	<p>{Reason: Public safety}</p>
<p>(14) 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.</p>	<p>{Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community}</p>



<p>(15) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).</p>	<p>{Reason: to ensure the structure is constructed in accordance with the BCA}</p>
<p>(16) 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:</p> <p>a) The sign is to show the name, address and telephone number of the Principal Certifying Authority for the work, and</p> <p>b) The sign is to 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</p> <p>c) The sign is to state that unauthorised entry to the work site is prohibited.</p> <p>d) 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.</p>	<p>{Reason: to ensure the structure is constructed in accordance with the BCA}</p>
<p>(17) The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense.</p>	<p>{Reason: to ensure adequate connection to necessary services are provided}</p>
<p>Prior to Issue of a Section 68 Activity Approval for the Moveable Dwelling</p>	
<p>(18) Prior to Issue of a Section 68 Activity Approval documentation is to be submitted to Council demonstrating the development's compliance with Division 4 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.</p>	<p>{Reason: to ensure compliance with legislation}</p>
<p>(19) Prior to Issue of a Section 68 Activity Approval a bushfire assessment prepared in accordance with the "Buildings in Bush Fire Prone Area - Single Dwelling Application Kit" must be provided as part of the Section 68 approval for the completion of the installation of the dwelling. Compliance with the required BAL construction standards must be achieved in the final design of the development.</p>	<p>{Reason: to ensure compliance with legislation}</p>
<p>Prior to the Occupation of the Dwelling</p>	



<p>(20) Prior to the occupation of the dwelling a Section 68 Approval under the Local Government Act is required prior to the installation of the new septic system. The system must be installed to the satisfaction of Council prior to the occupation of the development.</p>	<p>(Reason: to ensure compliance with legislation)</p>
<p>(21) Prior to the occupation of the dwelling a Section 138 Approval must be granted by Council for the installation of the driveway. The driveway must be constructed of bitumen between the road carriageway and the property boundary.</p>	<p>(Reason: to ensure suitable access is provided to the site)</p>
<p>(22) Prior to the occupation of the dwelling the following works must be completed to the satisfaction of Council.</p> <ul style="list-style-type: none"> - driveway construction in accordance with the Section 138 approval - stormwater connections to drainage network in John Street. - installation of septic system in accordance with Section 68 approval. 	<p>(Reason: to ensure critical infrastructure is provided for the occupants of the dwelling)</p>
<p>(23) Prior to the occupation of the dwelling any recommendations made in the bushfire assessment required by Condition 19 must be implemented to the satisfaction of Council.</p>	<p>(Reason: to ensure the requirements of the relevant NSW Rural Fire Service Guidelines and Standards are achieved.)</p>

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 nominate either Central Darling Shire Council as the Principal Certifying authority, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier must obtain Development application approval to review the 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 to Central Darling Shire 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:

installation of hoardings/scaffolding.

installation and/or alterations to advertising/business signs and street awnings.



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crane operation and other hoisting activities.

temporary works (e.g.: barricading, road openings, mobile hoisting devices).

works zone (for loading and unloading from the roadway); and

temporary ground anchoring and shoring to support a roadway when excavating.

Lodge an Application for Subdivision to obtain a Subdivision Certificate if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain Strata Title Subdivision under the relevant Strata Titles Act if strata title of the development is proposed.

Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises are used for the manufacture, preparation, packing, storing, conveying, or delivering of food or beverage for sale.

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

Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulations.

Applications and submissions referred to in this consent may be lodged at: Central Darling Shire Council
21 Reid Street
Wilcannia NSW 2836