

Enquiries: Evan Radford  
Our Ref: 10.2023.238.1  
PAN: PAN-359837

LJB Urban Planning Pty Ltd  
26 Shoplands Road  
Annangrove NSW 2156

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION AND STATEMENT OF REASONS

*Issued under the Environmental Planning and Assessment Act 1979 (the 'Act')*

Application Information	
Application Number	10.2023.238.1
Planning Portal Reference:	PAN-359837
Property Description	2A Bent Street COOMA 2630 Lot: 2 DP: 1161366
Proposed Development:	Site Works - Remediation of part of the site in preparation for works approved under Part 5 of the Act
Estimated Cost of Works:	\$495,000.00
Determination:	Delegated (Staff)

Pursuant to Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979, notice is given by Snowy Monaro Regional Council that the above Development Application has been **APPROVED**, subject to the conditions specific in this Notice.

Date of Determination:	28/09/2023
Consent is to operate from:	28/09/2023
Consent is to lapse on:	28/09/2028

### Reasons For Conditions

1.	The proposal adequately satisfies the application provisions and objectives of the Cooma Monaro DCP 2014 and Cooma Monaro LEP 2013
2.	The proposed development adequately satisfies the relevant State Environment Planning Policies including (Resilience and Hazards) 2021.
3.	The proposed development, subject to the conditions below, will have no unacceptable adverse impacts on the natural or built environments including nearby local heritage items, the local waterways or drainage systems or the operation of the local road system. Further it is considered that development of the subject site does not prevent future reasonable development of adjoining allotments.
4.	The application was not required to be notified to adjoining landowners and/or publicly advertised in accordance with the Snowy Monaro Planning and Development Community Participation Plan 2019 and the relevant statutory regulations. The proposal received zero (0) submissions.
5.	In consideration of conclusions 1 – 4 above it is considered the proposed development is a suitable and planned use of the site and approval of the proposal is in the public interest.

**Right of appeal / review of determination:** If you are dissatisfied with this decision:

- Apply to Council to review its decision under Section 8.2 of the Environmental Planning and Assessment Act 1979. Such application must be made and determined by Council within twelve (12) months from the date on which you received the original determination notice provided that an appeal under Section 8.7 of the Environmental Planning and Assessment Act 1979 has not been made against this determination
- 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 after the date on which you receive this notice.

**Definitions**

Unless specified otherwise, words have the same meaning as defined by the Act, the Regulation and the Interpretation Act 1987 as in force at the date of consent.

- Applicant means the applicant for this consent.
- Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.
- AS or AS/NZS means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.
- BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any Construction Certificate.
- Council means Snowy Monaro Regional Council
- Court means the NSW Land and Environment Court
- Stormwater drainage system means all works, facilities and documentation relating to:
  - the collection of stormwater,
  - the retention of stormwater,

- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater; and
- connections to easements and public stormwater systems.
- Owner means the owner of the site and successors in title to the site.
- Owner-builder “construction phase of the development” has the same meaning as in the Home Building Act 1989.
- Principal Certifying Authority means the Principal Certifier under the Act.
- Principal Contractor has the same meaning as in the Act, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.

**Advisory notes:** your attention is drawn to the following:

- Changes to the external configuration of the building, site layout, density, internal configurations, or the operation of use, may require the submission of a modification application under Section 4.55 of the Environmental Planning and Assessment Act 1979.
- All building work must be carried out fully in accordance with the conditions of development consent and it is in offence to carry out unauthorised building work that is not in accordance with the development consent. It is the responsibility of the applicant to check, understand and seek assistance where needed to ensure full compliance with the conditions of this Development Consent.
- This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- Council wishes to advise that it is the responsibility of the owner and/or applicant to determine if site security and/or safety fencing is required to be provided in accordance with clause 235 of the *Occupational Health and Safety 2001 and Work Cover Authority* requirements. Failure to comply with these requirements may result in penalties being imposed upon the owner and/or applicant.
- Headings are for convenience only and do not affect the interpretation of any condition of this development consent.
- For further information and if there is any difficulty in understanding any of the above conditions please contact the Development Assessment Section on 1300 345 345.

On behalf of the above Council:



**Delegated Officer**

Evan Radford

**Town Planner**

## Conditions Of Consent

10.2023.238.1

**Reason for imposition of conditions:** Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

### Part A – Administrative Conditions

#### ADM\_01 - Endorsed plans and supporting documentation

#### Reason

Development must be carried out in accordance with the following plans and documentation, except where amended by Council and/or the conditions of this development consent.

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

#### Approved documents

Document Title.	Version Number	Prepared By.	Date of Plan
Statement of Environmental Effects	-	LJB Planning	10/08/2023
Site Investigation	-	JKGeotechnics	30/06/2023
Remediation Action Plan	-	JKGeotechnics	30/06/2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails. Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

#### ADM\_02 - Inconsistency between documents

#### Reason

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent

prevail.

## Part B – Prior To The Commencement Of Works

### PCW\_01 Asbestos Management Plan

#### Reason

Prior to the commencement of works the developer shall provide to Council an Asbestos Management Plan to the satisfaction of Council

### PCW\_03 Erection of signage

#### Reason

A sign must be erected in a prominent position on any site on which any approved work is to be carried out:

- showing the name, address and telephone number of the certifying authority for the work;
- showing the name of the principal contractor (if any) for any demolition or 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.

To ensure the development complies with prescribed conditions under the Environmental Planning and Assessment Regulations 2021.

The sign must be maintained while the approved work is being carried out and must be removed when the work has been completed.

### PCW\_14 Demolition Works

#### Reason

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

- All demolition work is to be carried out in accordance with Australian Standard AS2601 - The Demolition of Structures.
- It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation reports supported with suitable photographic records.
- This information shall be submitted to Council prior to commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement;

The ensure demolition works are undertaken in a safe manner.

- No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road.
- Any unforeseen hazardous and/or intractable wastes shall be disposed of in accordance with AS 2601, to the satisfaction of the Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.
- The applicant is to provide a demolition Clearance certificate to Council at the completion of the works and a copy of the asbestos where the demolition involves the removal of more than 10 m2 of asbestos material.

Note: Construction Certificate is not required for demolition works, including demolition works involved with renovations.

#### **PCW\_15 Remediation Notification to Surrounding Residents**

Remediation must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which remediation works will commence.

#### **Reason**

To ensure that remediation does not unduly impact neighbouring properties

#### **PCW\_19 Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

#### **Reason**

To ensure the protection of the public

#### **PCW\_04 Construction Site Management Plan**

Before site work commences, a construction site management plan must be prepared, and provided to the certifier or Council. The plan must include the following matters:

#### **Reason**

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

1. The location and materials for protective fencing and hoardings on the perimeter of the site;
2. Provisions for public safety;
3. Pedestrian and vehicular site access points and construction

- activity zones;
4. Details of construction traffic management including:
    - a. Proposed truck movements to and from the site;
    - b. Estimated frequency of truck movements; and
    - c. Measures to ensure pedestrian safety near the site;
  5. Details of bulk earthworks to be carried out;
  6. The location of site storage areas and sheds;
  7. The equipment used to carry out works;
  8. The location of a garbage container with a tight-fitting lid;
  9. Dust, noise and vibration control measures;
  10. The location of temporary toilets;
  11. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
    - a. AS 4970 – Protection of trees on development sites;
    - b. An applicable Development Control Plan;
    - c. An arborist's report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

#### **PCW\_05 Erosion and drainage management**

Earthworks and/or demolition of any existing buildings must not commence until an erosion and sediment control plan is submitted to, and to the satisfaction of the Principal Certifying Authority. The plan must comply with the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (The Blue Book).

Erosion and sediment control works must be implemented in accordance with the erosion and sediment control plan.

#### **Reason**

To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised.

#### **DC\_06 Discovery of relics and Aboriginal objects**

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

1. the work in the area of the discovery must cease immediately;
2. the following must be notified
  1. for a relic – the Heritage Council; or
  2. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

1. for a relic – the Heritage Council; or
2. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

#### **Reason**

To ensure the protection of objects of potential significance during works.

#### **DC\_18 Protecting Wastewater supply services**

Council's existing wastewater infrastructure including rising mains, trunk, drainage pipelines and access chambers (SMH) which are exposed, accidentally or deliberately during construction shall be protected from damage.

Council must be informed immediately of any damage to any Council infrastructure. The damage shall be repaired/reinstated to new condition at the applicant's expense following consultation with Council.

Note: Repair work may require a Section 68 Application for sewerage works under the Local Government Act 1993.

#### **Reason**

It is in the public interest that the development works do not damage existing Council infrastructure. Section 4.15(e) of the Environmental Planning and Assessment Act 1979.

#### **DC\_20 Protecting Water supply services**

Council's existing water supply infrastructure including rising mains, trunk and reticulation pipelines which are exposed, accidentally or deliberately during construction shall be protected from damage.

Council must be informed immediately of any damage to any Council infrastructure. The damage shall be repaired/reinstated to new condition at the applicant's expense following consultation with Council.

#### **Reason**

It is in the public interest that the development works do not damage existing Council infrastructure and accordingly a record of existing conditions is required. Section 4.15(e) of the



Note: Repair work may require a Section 68 Application for water supply works under the Local Government Act 1993.

Environmental  
Planning and  
Assessment Act  
1979.

#### **DC\_24 Public Access and Site Security**

It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

#### **Reason**

The ensure  
community is safe  
from the  
construction works.

#### **DC\_26 Dust Control Measures**

Adequate measures will be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

#### **Reason**

To reduce impact on  
surrounding  
properties during  
construction.

- a) Physical barriers will be erected at right angles to the prevailing wind direction or will be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- b) Earthworks and scheduling activities will be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed, All materials will be stored or stockpiled at the best locations,
- c) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- d) All vehicles carrying spoil or rubble to or from the site will at all times be covered to prevent the escape of dust or other material,
- e) All equipment wheels will be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- f) Gates will be closed between vehicle movements and will be fitted with shade cloth, and Cleaning of footpaths and roadways will be carried out regularly.

#### **DC\_30 Waste Disposal**

#### **Reason**

All remediation waste including waste containing Asbestos or Asbestos Contaminated Material (ACM) must be disposed of lawfully at a facility licensed to take such waste. Lawful disposal includes ensuring that it is transported from the site to the disposal facility by a lawfully licensed

asbestos transport contractor in a manner which prevents spillage or release of airborne fibres during transport.

#### **DC\_34 Site Safety**

#### **Reason**

1. Provision is required to be made for the storage of remediation waste within the bounds of the property and the site is to be kept tidy and provision is to be made to ensure that no waste material is to escape at any time during the period of compliance with this Order.
2. If goods or materials are required to be swung or hoisted over any of a public road by means of a lift, hoist or tackle projecting over the footway separate approval will be required to be obtained from Council and the Transport NSW prior to this occurring.
3. The site is to be kept secure by security fencing and appropriate signage displayed identifying access to the site is restricted from unauthorized persons.

#### **DC\_35 Remediation Works**

#### **Reason**

All remediation works are to comply with the provisions as set out in the Remediation Action Plan (RAP) and the Asbestos Management Plan (AMP).

#### **DC\_03 Infrastructure and Public Road and Footpath Areas**

#### **Reason**

Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development must not be borne by Council. The owner, principal contractor or owner-builder must meet all costs associated with such works.

To ensure no negative impact on public road and footpath areas.

This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within roads and other public places.

#### **OU\_51 Protection of Council Waste Water Infrastructure**

#### **Reason**

No debris, illegal waste or demolition material is to enter Council waste water mains.

To ensure protection of Council waste water infrastructure.

#### **OU\_53 Maintenance of Sediment Control Structures**

#### **Reason**

Sediment control structures should be inspected daily and maintained. If the control structure is more than 50% full, the sediment is to be removed and disposed of appropriately (so that it will not move into watercourses).

To prevent the movement of sediment from the site.

### **Part D – Prior To The Issue Of a Clearance Certificate**

#### **OU\_52 Waste Management**

#### **Reason**

All refuse, spoil and/or material unsuitable for use must be removed from the site and lawfully disposed of upon completion of the building works and prior to the issue of the relevant Clearance Certificate.

### **Part E – At the Completion of Remediation Works**

#### **OU\_54 Validation Report or Completion Certificate**

#### **Reason**

Upon completion of works on site the developer shall provide Council with certification from a suitably qualified contaminated lands consultant /auditor that the site has been fully remediated in accordance with the “remediation Plan”.

### **Part F – Tree Removal Conditions**

**TRE\_05****Tree Protection**

- a) Protective fencing shall be installed between the remediation site and adjacent trees which are not proposed to be removed.
- b) Where trees which are not proposed to be removed, have roots exposed during the remediation process, any root pruning required to be undertaken, must be undertaken by a licensed arborist.