

**10.2 DA 2023-0073 - CONTINUOUS USE OF COMPLETED EARTHWORKS LOT 10 DP 703914 - 131-133 HERBERT STREET TUMUT - ATTACHMENTS**

Attachment Titles:

1. Without Prejudice Draft Conditions - 131-133 Herbert Street Tumut Continuous Use of Earthworks
2. 131-133 Herbert Street (DA) Plans PAN-340574

## Attachment 1 - Without Prejudice Draft Conditions - 131-133 Herbert Street Tumut Continuous Use of Earthworks

### Without Prejudice Draft Conditions

#### SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

#### ADMINISTRATION CONDITIONS

##### 1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of continuous use of an existing earth pad.

**Reason:** To confirm the use of the approved development.

##### 2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Architectural Plan Set	Revision 1, D003-01-02 dwg	Tumut Building Design	8 June 2023
Statement of Environmental Effects	08/06/2023	Tumut Building Design	8 June 2023

**Reason:** To ensure the development is carried out in accordance with the approved plans and documentation.

##### 3. Inconsistency between documents

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

**Reason:** To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).

##### 4. Imported 'Waste-derived' Fill Material

The only waste derived fill material that has been received at the development site must be:

- Virgin excavated natural material (VENM) within the meaning of the Protection of the Environment Operations Act 1997 (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material

**Note:** Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier (PC).

The application of waste-derived material to land is an activity that may require a licence under the Protection of the Environment Operations Act 1997. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the Protection of the Environment Operations (Waste) Regulation 2014.

Resource recovery exemptions are available on the NSW EPA website at <http://www.epa.nsw.gov.au/waste/>.

**Reason:** To ensure that imported fill is of an acceptable standard for environmental protection purposes.

**5. Structure not to be built over easements/infrastructure**

No portion of any of the earthworks shall be erected over any existing sullage or stormwater disposal drains or easements.

**Reason:** To protect infrastructure.

**6. Alterations to Earthworks undertaken**

The proponent shall reduce the earthworks completed to enable a **maximum of a 15 metre** apron when measured from the main exterior walls of the existing approved shed building. The fill shall then be tapered or battered to a maximum gradient of 1:6. Fill outside of the 15m apron and associated maximum grade batter shall be removed from the site and disposed of to a lawful facility to accept such waste. The proponent shall undertake this work within three (3) months of the date of this approval. The proponent shall also provide Council within the three (3) month period:

- (a) Copy of any waste dockets for the lawful disposal of any waste soil.
- (b) Copy of a survey plan from a registered surveyor identifying the apron lengths and confirming the gradient of any batters.

**7. Ground Levels**

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to an approved storm water drainage system.

**Reason:** To ensure that natural drainage of the property and adjoining properties is not affected.

**8. Earthworks, retaining walls and structural support**

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

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
- (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation

2005.

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

**Reason:** Structural safety.

#### 9. Maintenance of soil erosion and pollution controls

All erosion and sediment measures to minimise the effects of soil erosion and pollution are to be installed then maintained until disturbed areas are rehabilitated and landscaped. Roads servicing the development site shall be maintained in a condition free of mud and soil materials at all times.

**Reason:** To ensure that that soil erosion is mitigated and sedimentation and erosion control measures are in place.

#### 10. Amenity of the Area

- (i) The approved use on site shall be conducted in such a manner so as not interfere with the amenity of the neighborhood by reason of noise, smoke, smell, gases, vapours, dust, particulate matter or impurities from the premises.
- (ii) The proponent shall at their cost and within 3 months of the date of the approval provide a continuous landscaping screen to the Western Boundary of the Property and the Northern Boundary of the property to screen the development from adjacent residential neighbouring properties. The proponent shall utilize non deciduous, native species and shall maintain the landscaping to ensure amenity of the neighbouring properties.
- (iii) The proponent shall landscape the batter of the apron to ensure both stability of the earthworks and also increase amenity of the area. This work shall be completed within 3 months of the date of this approval to the satisfaction of the Council.

**Reason:** to ensure that the development does not impact on the neighborhood

#### 11. Geotech Analysis

The proponent shall engage a suitably qualified and professional geotechnical engineer to establish the structural stability of the earth subject to this application including testing and advice on compaction rates and whether the material is VENM in accordance with condition 4 of this notice of determination.

#### 12. Land Contamination Analysis

The proponent shall engage a suitably qualified and professional geotechnical engineer to sample imported fill and undertake geotechnical testing to ensure that the fill is not contaminated with either building waste including hazardous materials and contains no hazardous chemicals. Any report will be required to be furnished to Council within 3 months of the date of this approval.

**Reason:** to ensure compliance with statutory controls.

#### 13. Stormwater

Any stormwater associated with the pad shall be collected and directed to an approved stormwater management system at the front of the property in order to prevent any concentration of water or nuisance to adjoining properties.

**Reason:** to ensure compliance with statutory controls.

**14. Use of the site**

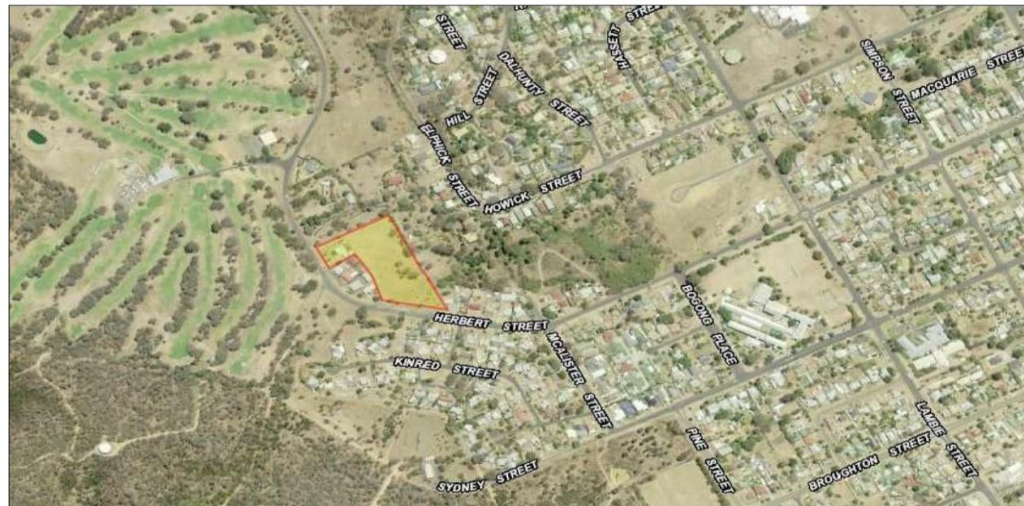
The proponent shall not store, park, maintain or otherwise, plant, machinery including trucks and or commercial vehicles or associated equipment on the site subject site.

**Reason:** to ensure that the site is only used for permissible uses within the residential zoning.

**END OF CONDITIONS**

**Attachment 2 - 131-133 Herbert Street (DA)\_PAN-340574**

# CONTINUOUS USE OF EARTHWORKS 131-133 HERBERT STREET, TUMUT NSW 2720




**LOCATION MAP**

IMAGE SOURCE: SIX MAPS NSW

SHEET LIST	
01	TITLE PAGE
02	EXISTING SITE PLAN

		TUMUT BUILDING DESIGN Neil Townsend 0415 997 717 <a href="http://www.tumutbuildingdesign.com.au">www.tumutbuildingdesign.com.au</a>	1. Issued for DA 2. Issued for client approval Issue/Amendments	09.06.23 08.06.23 Date	Client <b>JAMES DOON</b>	Project Name <b>CONTINUOUS USE OF EARTHWORKS</b>	Date 08.06.23	Issue 1
						Scale N.T.S	Sheet size A3	Plan & Sheet Number <b>D003- 01</b>



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<b>Address:</b> 131-133 HERBERT ST, TUMUT		
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