



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-15-2024 PAN-431272
Applicant	Daniel Flavel [REDACTED]
Description of development	Dual Occupancy (Additional Dwelling [manufactured / transportable]) Rainwater Tank
Property	786 BUNDARRA ROAD SAUMAREZ PONDS 2350 4/-/DP241491
Determination	Approved Consent Authority - Council staff under delegated authority
Date of determination	7/06/24
Date from which the consent operates	13/06/24
Date on which the consent lapses	13/06/29
Building Code of Australia building classification	1(a)

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The

application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Simon Vivers
Interim Manager Development & Planning
Person on behalf of the consent authority

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans except where the conditions of this consent expressly require otherwise.</p> <table border="1" data-bbox="313 674 1235 1163"> <thead> <tr> <th colspan="5">Approved plans</th> </tr> <tr> <th>Plan/Page number</th> <th>Revision number</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>Pages 1 and 2 of 2</td> <td>-</td> <td>786 Bundarra Road, Saumarez Ponds NSW 2350</td> <td>-</td> <td>-</td> </tr> <tr> <td>Drawing 7 of 7</td> <td>-</td> <td>Plans and Elevations</td> <td>All Structural Consulting Job ref: ED-24204 - AJC-9549</td> <td>April 2024</td> </tr> </tbody> </table> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Approved plans					Plan/Page number	Revision number	Plan title	Drawn by	Date of plan	Pages 1 and 2 of 2	-	786 Bundarra Road, Saumarez Ponds NSW 2350	-	-	Drawing 7 of 7	-	Plans and Elevations	All Structural Consulting Job ref: ED-24204 - AJC-9549	April 2024
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2	<p>Section 68 Approvals</p> <p>Before commencement of work, approval is required to be granted under Section 68 of the Local Government Act 1993 for the work described below. A separate application is required for each Part.</p> <table border="1" data-bbox="313 1556 1352 1808"> <tbody> <tr> <td>Part A</td> <td>Install a manufactured home, moveable dwelling or associated structure on land</td> </tr> <tr> <td>Part C</td> <td>Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility (installation, alteration, or operation of an on-site waste water management system)</td> </tr> </tbody> </table> <p>Condition reason: To ensure the dwelling and related work meets relevant standards.</p>	Part A	Install a manufactured home, moveable dwelling or associated structure on land	Part C	Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility (installation, alteration, or operation of an on-site waste water management system)																
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3	<p>Carport</p> <p>Unless separate planning permission (and associated Construction Certificate) is obtained, the carport shall be constructed in accordance with the requirements of Part 2, Division 1,</p>																				

	Subdivision 10 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.								
	Condition reason: To ensure that the carport complies with relevant standards, and in the absence of elevation drawings provided.								
4	<p>Stormwater</p> <p>Stormwater from:</p> <ul style="list-style-type: none"> • All roof areas; • Surface water from paved and impervious areas; and • Any overflow from tanks <p>Is to be collected, controlled, and conveyed in a suitable manner within the site and away from any footings or on-site wastewater system.</p> <p>Condition reason: To ensure that stormwater is managed in a nuisance free manner and does not cause health or structural impacts.</p>								
5	<p>Stables</p> <p>For the avoidance of doubt, this consent does not relate to stables indicated on plans, and does not approve any horse training facility or similar.</p> <p>Condition reason: For the avoidance of doubt and given these details are shown on approved plans.</p>								
6	<p>Materials</p> <p>External facing materials of the development shall be non-reflective in colour.</p> <p>Condition reason: To ensure that the development is acceptable in terms of amenity and given its location with a setback dispensation.</p>								
7	<p>Section 7.12 Contribution</p> <p>Before the issue of a Section 68 Approval for installation of a manufactured dwelling, a contribution is to be paid to Council towards the provision or improvement of public facilities (as per Uralla Shire Council's section 7.12 Contributions Plan 2021).</p> <table border="1"> <thead> <tr> <th>Proposed Cost of Development *</th> <th>Levy Percentage</th> <th>Total Contribution</th> <th>Note</th> </tr> </thead> <tbody> <tr> <td>\$150,000.00</td> <td>0.5</td> <td>\$750.00</td> <td>Contribution Rate remains current until first date of next quarter</td> </tr> </tbody> </table> <p>*Proposed cost of carrying out the development less any credits which may apply.</p> <p>Contributions are indexed annually at the end of each financial year.</p> <p>ADVICE: Please email Council for an invoice for payment of the contribution.</p> <p>Condition reason: To provide a contribution towards provision of appropriate public facilities to maintain and enhance amenity and service delivery within the Uralla Shire Local Government Area.</p>	Proposed Cost of Development *	Levy Percentage	Total Contribution	Note	\$150,000.00	0.5	\$750.00	Contribution Rate remains current until first date of next quarter
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8	<p>Water Supply / Rainwater Tank</p> <p>Prior to occupation, the dwelling is to be provided with water storage in accordance with the approved plans. The tank shall be installed and managed in accordance with Part, Division 1, Subdivision 32 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, with exception to the 10m side boundary requirement.</p>								

	<p>ADVISING: It is recommended that greater storage is provided to the development, to ensure that needs of the dwelling are met.</p> <p>Condition reason: To ensure that installation and operation of tanks are acceptable.</p>
9	<p>Section 138 Approval</p> <p>Within 1 year of the date of this consent, the existing driveway crossover shall be upgraded as follows:</p> <ul style="list-style-type: none"> include a bitumen seal for the width of the crossover and minimum span of 10m from the bitumen seal edge or to the property boundary. <p>A Section 138 approval under the Roads Act 1993 will be required to be approved before commencement of any works within the road reserve.</p> <p>ADVISING: This condition has been applied with a 1 year timeframe, given cold conditions would be unsuitable for the undertaking of this work.</p> <p>Condition reason: To ensure that the site access meets current standards given the development forms an intensification of the site, and in the interests of proper planning.</p>
10	<p>Development likely to affect an electricity transmission or distribution network (ADVICE)</p> <p>The development has not triggered referral to Essential Energy, however care must be taken during installation of the dwelling and for any on-site waste water system. It is recommended to consult with Essential Energy prior to works occurring.</p> <p>Condition reason: N/A Advice</p>

Building Work

Before issue of a construction certificate

No additional conditions have been applied to this stage of development.

Before building work commences

11	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, suitable erosion and sediment controls shall be in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
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During building work

12	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>7am - 6pm Monday to Friday 8am - 1pm on Saturday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p>
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	Condition reason: To protect the amenity of the surrounding area.
13	<p>Noise and Vibration requirements</p> <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at a lot boundary of the site.</p> <p>Condition reason: To protect the amenity of the neighbourhood during construction.</p>
14	<p>Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ol style="list-style-type: none"> 1. the work in the area of the discovery must cease immediately; 2. the following must be notified <ol style="list-style-type: none"> 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. <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> 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. <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>

Before issue of an occupation certificate

No additional conditions have been applied to this stage of development.

Occupation and ongoing use

No additional conditions have been applied to this stage of development.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means URALLA SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Northern Regional Planning Panel.