



## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application number</b>	DA-16-2024 PAN-432030
<b>Applicant</b>	Storm Dickerson [REDACTED]
<b>Description of development</b>	Secondary Dwelling (Manufactured)
<b>Property</b>	27 FITZROY STREET URALLA 2358 2/-/DP1220746
<b>Determination</b>	Approved Consent Authority - Council staff under delegated authority
<b>Date of determination</b>	20/08/24
<b>Date from which the consent operates</b>	4/09/24
<b>Date on which the consent lapses</b>	4/09/24
<b>Building Code of Australia building classification</b>	1a

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><b>Approved plans and supporting documentation</b></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="315 674 1232 940"> <thead> <tr> <th colspan="3">Approved plans</th> </tr> <tr> <th>Plan/Sheet number</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>-3 (amended by Condition 6)</td> <td>Uniplan Group</td> <td>01/05/2024</td> </tr> <tr> <td>-4</td> <td>ref: 4282_1B</td> <td></td> </tr> <tr> <td>-8</td> <td></td> <td></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><b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Approved plans			Plan/Sheet number	Drawn by	Date of plan	-3 (amended by Condition 6)	Uniplan Group	01/05/2024	-4	ref: 4282_1B		-8		
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2	<p><b>Section 7.12 Contribution</b></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" data-bbox="315 1335 1458 1507"> <thead> <tr> <th>Proposed Cost of Development *</th> <th>Levy Percentage</th> <th>Total Contribution</th> <th>Note</th> </tr> </thead> <tbody> <tr> <td>\$250,000</td> <td>1%</td> <td>\$2,500.00</td> <td>Contribution Rate remains current until first date of next quarter</td> </tr> </tbody> </table> <p>Contributions are indexed annually at the end of each financial year. Please contact Council for an invoice.</p> <p><b>Condition reason:</b></p>	Proposed Cost of Development *	Levy Percentage	Total Contribution	Note	\$250,000	1%	\$2,500.00	Contribution Rate remains current until first date of next quarter							
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3	<p><b>Section 68 Approvals</b></p> <p>Before commencement of work, approval is required to be granted under Section 68 of the Local Government Act 1993 for:</p> <ul style="list-style-type: none"> <li>• Part A - Install a manufactured home, moveable dwelling or associated structure on land</li> <li>• Part B - Carry out sewerage and stormwater drainage work, Connect to water meter (if</li> </ul>															

	<p>required)</p> <ul style="list-style-type: none"> <li>Part F - Install a domestic oil or solid fuel heating appliance, other than a portable appliance (if required)</li> </ul> <p>Separate fees and works may be required to obtain the approvals.</p> <p><b>Condition reason:</b> To ensure at relevant associated permits are obtained.</p>
4	<p><b>Section 138 Approval</b></p> <p>Before the commencement of any works within Council's road reserve, a Section 138 application (to Conduct Work on Land to Which Council is the Regulatory Authority) must be approved under the Roads Act 1993. The work includes:</p> <ul style="list-style-type: none"> <li>Upgrade of existing driveway crossover to accord with current standards; and</li> <li>Any works to the existing kerb for stormwater disposal.</li> </ul> <p><b>Condition reason:</b> In the interests of safety and protection of Council's assets.</p>
5	<p><b>Stormwater</b></p> <p>Stormwater from:</p> <ul style="list-style-type: none"> <li>All roof areas;</li> <li>Surface water from paved and impervious areas; and</li> <li>Any overflow from tanks</li> </ul> <p>Is to be collected, controlled, and conveyed to a lawful point, being the kerb of Fitzroy Street.</p> <p>ADVISING: Please ensure that the existing dwelling also complies with this condition.</p> <p><b>Condition reason:</b> To manage the effects of flooding</p>
6	<p><b>Approved Plan - Amendments (Fire Safety and Streetscape)</b></p> <p>Notwithstanding the details hereby approved, the approved plans are to be varied as follows:</p> <ul style="list-style-type: none"> <li>Front building line of proposed development (excluding verandah) shall be set back no less than 4m; and</li> <li>A minimum 1.8m setback is provided between each dwelling (including and any attached structure) in accordance with Part 9.2 (Housing Provisions - Fire Separation of External Walls) within the National Construction Code. In this regard, the existing structure identified 'carport' forward of the existing building shall be removed.</li> </ul> <p>If required, any replacement structure shall maintain a 1.8m setback between each dwelling and be constructed in accordance with Part 2, Division 1, Subdivision 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Amended plans shall be submitted to and approved as part of the relevant Section 68 Approval.</p> <p><b>Condition reason:</b> To ensure acceptable fire safety between each dwelling and to ensure the characteristics of the streetscape are maintained.</p>
7	<p><b>Completion of Works</b></p> <p>For the avoidance of doubt, any conditions in relation to:</p> <ul style="list-style-type: none"> <li>Earthworks;</li> <li>Water, stormwater and sewerage works;</li> <li>Fire Safety; and</li> <li>Driveway crossover work</li> </ul>

	shall be completed before occupation of the development.
	<b>Condition reason:</b> To ensure that relevant work is carried out.
8	<b>Verandah non-enclosure</b>
	The verandah shall be maintained in accordance with approved plans, and shall not become enclosed in any form.
	<b>Condition reason:</b> In the interests of maintaining street amenity.
9	<b>Demolition</b>
	Any demolition associated with this consent must be carried out in accordance with AS 2601—2001, <i>The demolition of structures</i> .
	<b>Condition reason:</b> In there interests of safety for any occupants.
10	<b>Repair of Infrastructure</b>
	Before occupation of the development:
	<ol style="list-style-type: none"> <li>1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or</li> <li>2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.</li> </ol>
	<b>Condition reason:</b> To protect Council's infrastructure

## Building Work

### Before issue of a construction certificate

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

### Before building work commences

11	<b>Erosion and sediment controls in place</b>
	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).
	<b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

### During building work

12	<b>Discovery of relics and Aboriginal objects</b>
	While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:
	<ol style="list-style-type: none"> <li>1. the work in the area of the discovery must cease immediately;</li> <li>2. the following must be notified</li> </ol>

	<p>1. for a relic – the Heritage Council; or</p> <p>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> <p>Site work may recommence at a time confirmed in writing by:</p> <p>1. for a relic – the Heritage Council; or</p> <p>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> <p><b>Condition reason:</b> To ensure the protection of objects of potential significance during works.</p>
13	<p><b>Hours of work</b></p> <p>Site work must only be carried out between the following times –</p> <p>7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays.</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> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>
14	<p><b>Noise and Vibration requirements</b></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><b>Condition reason:</b> To protect the amenity of the neighbourhood during construction.</p>

### **Before issue of an occupation certificate**

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

### **Occupation and ongoing use**

15	<p><b>Storage and disposal of waste materials during ongoing use</b></p> <p>During ongoing use of the dwelling:</p> <ul style="list-style-type: none"> <li>• All garbage and recyclable materials generated from the premises must be stored wholly within the property in a sheilded location, between waste collection times.</li> </ul> <p><b>Condition reason:</b> To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises</p>
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### **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.