



## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application number</b>	DA-2-2025 PAN-495655
<b>Applicant</b>	A Brydon [REDACTED]
<b>Description of development</b>	Outbuilding (Hay Shed) Rainwater Tank
<b>Property</b>	4/-/DP5376
<b>Determination</b>	Approved Consent Authority - Council staff under delegated authority
<b>Date of determination</b>	26/02/25
<b>Date from which the consent operates</b>	26/02/25
<b>Date on which the consent lapses</b>	26/02/30

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  
Senior Planner  
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>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <ol style="list-style-type: none"> <li>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</li> <li>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</li> <li>4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</li> <li>5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</li> <li>6. This section does not apply—             <ol style="list-style-type: none"> <li>a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol> <p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p><b>Erection of signs</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—             <ol style="list-style-type: none"> <li>a. showing the name, address and telephone number of the principal certifier for the work, and</li> </ol> </li> </ol>

- b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
- a. maintained while the building work, subdivision work or demolition work is being carried out, and
  - b. removed when the work has been completed.
4. This section does not apply in relation to—
- a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

**Condition reason:** Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

3

**Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans			
Plan number	Revision number	Drawn by	Date of plan
A001	2	SAE Design	25/10/24
A002		ref: 1207-24	
GO1	-	Techspan	26/06/24
EN01	0	ref: 1524	

Approved documents			
Document title	Version number	Prepared by	Date of document
SoEE	A	approved	December 2024

In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

4

**Approved Development and Use Limitations**

Unless further planning permission is obtained, the approved development / structure shall be occupied only in a manner which is:

- ancillary to the existing 'extensive agriculture' use of the land, pursuant to the Uralla Local Environmental Plan 2012 or its successor; and
- consistent with the approved Statement of Environmental Effects

	<b>Condition reason:</b> In the interests of amenity and safety, and to ensure the use is consistent with the Building Classification.
5	<b>Non-enclosure of structure</b>
	Unless further planning permission is obtained, the approved development / structure shall remain open sided at all times.
	<b>Condition reason:</b> To ensure the approved development / structure is consistent with the 'Hay Shed' characteristics and given elevation plans are not submitted.
6	<b>Stormwater</b>
	Stormwater from:
	<ul style="list-style-type: none"> <li>• All roof areas; and</li> <li>• Overflow from tank</li> </ul>
	is to be collected and disposed in a controlled manner and away from footings.
	<b>Condition reason:</b> In the interests of proper planning.
7	<b>Rainwater Tank</b>
	The approved rainwater tank shall be installed in accordance with Part 2, Division 1, Subdivision 32 (Rainwater Tanks - Above Ground), Clause 2.64 (Development Standards) of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> , with exception that:
	<ul style="list-style-type: none"> <li>• Signage is not required; and</li> <li>• Any pump is not required to be housed in a soundproof enclosure</li> </ul>
	<b>Condition reason:</b> To provide appropriate development standards for the approved tank.

## Building Work

### Before issue of a construction certificate

8	<b>Long Service Levy</b>			
	Before the issue of a Construction Certificate, the long service levy must be paid to the <i>Long Service Corporation</i> and evidence of the payment is to be provided to the principal certifier.			
	<b>Condition reason:</b> To ensure the long service levy is paid.			
9	<b>Section 7.12 Contributions</b>			
	Before the issue of a Construction Certificate, 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).			
	Proposed Cost of Development *	Levy Percentage	Total Contribution	Note
	\$260,000.00	1%	\$2,600.00	Contribution Rate remains current until first date of next quarter
	*Proposed cost of carrying out the development less any credits which may apply.			
	Contributions are indexed annually at the end of each financial year.			
	<b>Condition reason:</b> To assist the Council to provide the appropriate public facilities which are			

required to maintain and enhance amenity and service delivery within the LGA.

### **Before building work commences**

10	<p><b>Erosion and sediment controls in place</b></p> <p>Before any site work commences, the principal certifier must be satisfied suitable the erosion and sediment controls are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan.</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
11	<p><b>Construction Certificate</b></p> <p>In accordance with the provisions of Section 6.6 and 6.7 of the Environmental Planning and Assessment Act 1979, construction works approved by this consent must not commence until:</p> <ul style="list-style-type: none"> <li>• a Construction Certificate has been issued; and</li> <li>• the NSW Planning Portal has been advised of;             <ol style="list-style-type: none"> <li>1. the intention to commence work; and</li> <li>2. the specific Principal Certifying Authority (building inspector) that has been appointed to the project.</li> </ol> </li> </ul> <p>Documentation required under this condition must show that the proposal complies with all relevant development consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.</p> <p><b>Condition reason:</b> To ensure a Construction Certificate is applied for.</p>

### **During building work**

12	<p><b>Discovery of relics and Aboriginal objects</b></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"> <li>1. the work in the area of the discovery must cease immediately;</li> <li>2. the following must be notified             <ol style="list-style-type: none"> <li>1. for a relic – the Heritage Council; or</li> <li>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.</li> </ol> </li> </ol> <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> <li>1. for a relic – the Heritage Council; or</li> <li>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.</li> </ol> <p><b>Condition reason:</b> To ensure the protection of objects of potential significance during works.</p>
13	<p><b>Procedure for critical stage inspections</b></p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with</p>

	this consent and the relevant construction certificate.
	<b>Condition reason:</b> To require approval to proceed with building work following each critical stage inspection.

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

14	<b>Occupation Certificate</b>
	The relevant Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning & Assessment Act 1979 and to ensure the health and safety of the building's occupants.
	ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation
	<b>Condition reason:</b> To ensure the building is suitable for occupation (in accordance with its BCA classification).

### **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.