

Report of Development Application

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act
1979

APPLICATION DETAILS

Type of Application	Development Application
Planning Portal Case No.	PAN-48793 CFT-to be applied for
Application No.	DA 23/25
Modification No.	Not Applicable
Council Record No.	25/77
Date of Lodgement	21.11.2024
Date of Site Inspection	3.12.2024
Applicant	James McRorie – Fine Eye Designs
Proposal	Machinery Shed or Truck Depot
Description of Modification	N/A
BCA Classification	7a
Development Cost	\$150,000
Other Approvals	CC and S68 stormwater
Concurrence Required	Not required
Referrals	Engineering Department
AHIMS Search Result	An Aboriginal site is recorded on Lot 2. The identified item is a Ring Tree, a site report card is available.
Adjoining Owners Notification	Notification is required and has been sent to selected property owners along Piper and Yerong Street for review. Submissions due 16.12.2024. – no submissions received.
Advertising	Not required
Determination Body	Council
Reason	The proposed machinery shed is prohibited on land zoned R5 and a Variation to Clause 4.6 of the LEP is required.
Meeting Date	17 February 2025
Assessment Officer	Birgit Ronnfeldt

SITE DETAILS

Subject Land	Lot 2 Sec 16 DP977904
Street, Town	1999 Bullenbong The Rock Road, THE ROCK 2655

Owner	Jamie Campton
Owner's Address	PO Box 46, THE ROCK 2655
Owner's Consent Provided	Yes
Previous DAs or BAs and S68	Nil on record - vacant lot

PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Planning Instrument	Lockhart Local Environmental Plan 2012
Zoning	R5 Large Lot Residential
Land Use Definition	Large Machinery Shed
Statement of Permissibility	Permitted with Consent

Description of Development

The proposal involves the construction of a new machinery storage shed 48.0m x 20.0m, eave H: 6.0m and total H:7.992m. The shed is enclosed on three sides and roof and walls are clad with corrugated zinc. The roof pitch is 10°. The proposed floor finish is compacted gravel. The use of the shed is to house landscaping and earthwork machinery.

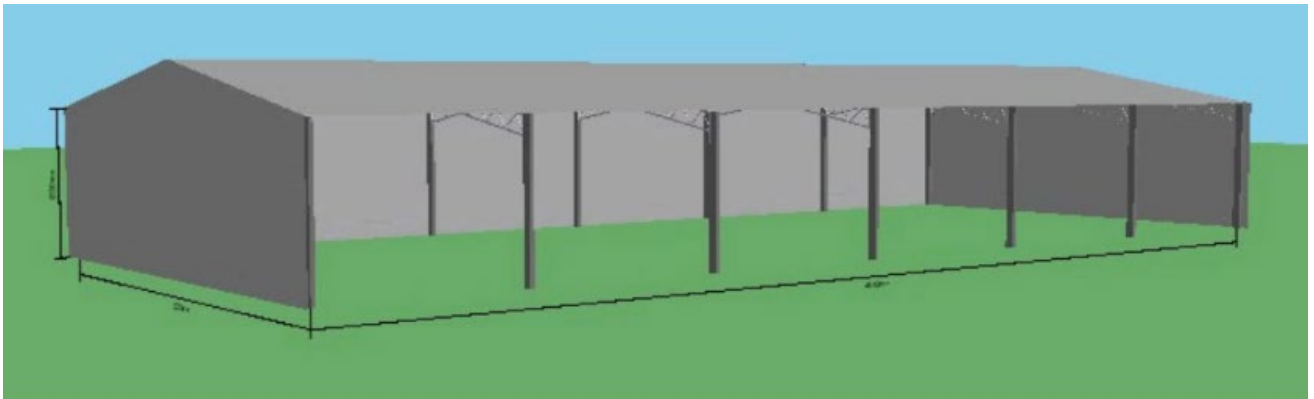


Image provided by Fine Eye Designs

The Site and Locality

The site is located on R5 Large Lot Residential zoned land. The land is 12.33 ha in area and is currently vacant with pockets of trees around the site boundaries and a large dam on Lot 1. Tree removal is not permitted and not proposed as part of this development. An Aboriginal heritage site has been identified on the Western boundary, therefore a condition of consent will refer to securing and protecting the site. The land is mainly flat with a slight fall towards Burkes Creek to the north where the zoning changes to RU1 Primary production. The Rock sewerage Treatment works is on the western boundary zoned SP2 Infrastructure. The land on the eastern boundary is RU5 Village zone with some existing dwellings. The current vehicle access is via Piper Street.

The land is affected by the following overlays: Bushfire prone, Flood prone and Biodiversity layer. The machinery shed is a non-habitable space and therefore does not require flood and bushfire planning controls. Tree removal is not proposed or required as part of this development.



MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15

Section 4.15 (1) – The provisions of any environmental planning instrument (EPI)

Lockhart Local Environmental Plan 2012

Proposed development does not comply with the provisions of the Lockhart Local Environmental Plan 2012 as follows:

Part 2 Permitted or prohibited development Land Use

The land is located in the R5 zone under the LLEP 2012 and the proposed development is prohibited.

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Dual occupancies; Dwelling houses; Home industries; Kiosks; Landscaping material supplies; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Roads; Roadside stalls; Take away food and drink premises; Tank-based aquaculture; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

*Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Car parks; Caravan parks; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Intensive plant agriculture; Local distribution premises; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; **Truck depots**; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies.*

Comment: The development **defined as Truck Depot** does not meet the objectives of the R5 zone. In the LLEP Dictionary a truck depot is defined as: a “**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like”.

A variation under Clause 4.6 of the LLEP 2012 is proposed as follows:

Comment: A variation to the LLEP is proposed to grant consent to the proposed development on the grounds that it complies with the objectives of the zone with reference to the following:

1. The proposed machinery shed is located in a position on the block so that it is tucked away and not easily visible from the public domain or any neighboring residences Therefore having minimal impact on 'scenic quality'.
2. The proposed development is not considered to be posing any negative impacts on 'environmentally sensitive locations' as demonstrated in Part 3 of this statement.
3. The proposed will not hinder any future urban developments due to its proximity to The Rock Sewage Treatment Plant to the NW, making it an unattractive area for any urban development.
4. The development does not increase any demand for any public services or facilities as is a machinery shed for parking farm vehicles.
5. There are multiple different land uses surrounding the development. The subject site is the only land zoned R5 in this area and therefore does not set a precedent or a 'conflict' between land uses of any adjoining zones, as these land uses differ anyhow.

LEP 2012**4.6 Exceptions to development standards**

(1) *The objectives of this clause are as follows—*

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

(a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

(b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Note—

The [Environmental Planning and Assessment Regulation 2021](#) requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) *The consent authority must keep a record of its assessment carried out under subclause (3).*

(5) *(Repealed)*

(6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

(a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

(b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

(7) *(Repealed)*

(8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*

(a) *a development standard for complying development,*

(b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*

(c) *clause 5.4,*

(caa) *clause 5.5.*

Part 3 Exempt & Complying Development

Comment: The proposed development is not Exempt or Complying Development. The applicant is seeking consent.

Part 4 Principal development standards

Comment: No Applicable Development Standards.

Part 5 Miscellaneous provisions

Comment: No Applicable Miscellaneous Provisions.

Part 6 Additional Local Provisions

Comment: Clause 6.5 'Essential Services' of the LLEP is relevant to this application and provides:

6.5 Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that

adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

Services are not required for this development.

State Environmental Planning Policies (SEPPs)

N/A

Section 4.15(1)(a)(ii) – the provisions of any draft environmental planning instrument

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

Section 4.15(1)(a)(iii) – The provisions of any development control plan

Lockhart Shire Development Control Plan 2016

If the variation to clause 4.6 of the development standards is approved by Council the Proposed development complies with the development standards of the Lockhart Development Control Plan 2016 as follows:

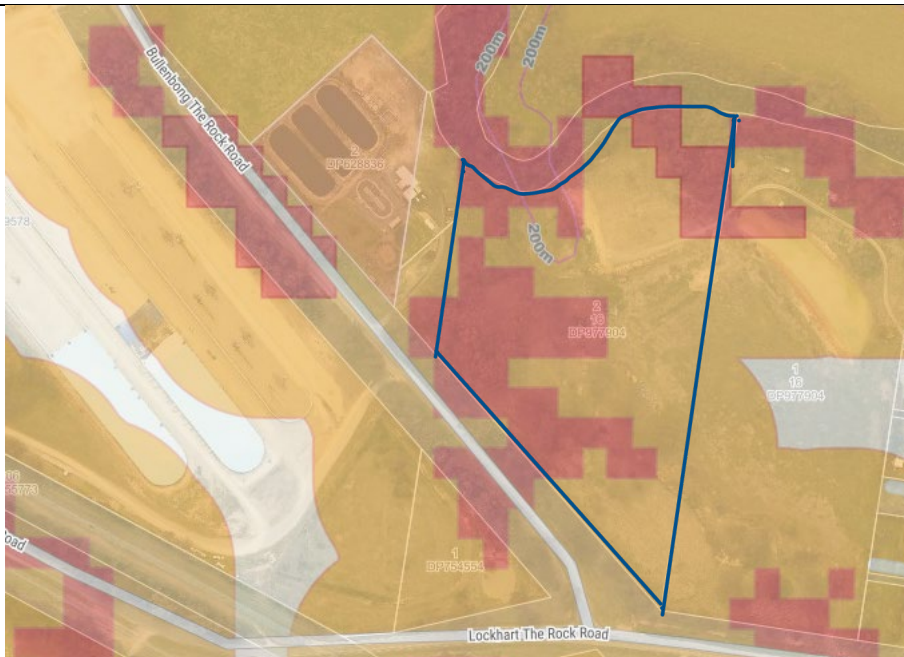
Section C – Development Controls

Activities in Public Places

Comment: Not applicable.

Bushfire Prone Land

Comment: The development site is identified as being bushfire prone land. The shed is for non-habitable use and therefore does not require a BAL. The structure is entirely of steel being non-combustible.



Commercial Development

Comment: The development is part of a commercial enterprise although it is for storage of earthmoving plant

Contaminated Land

Comment: Not applicable. The development site is not identified as being contaminated.

Dwelling Houses (Second Hand)

Comment: Not applicable.

Engineering Standards

Comment:

- The subject site has an existing vehicle access with double gates and gravelled track to the location of the proposed shed. If an alternative vehicle access from the Bullenbong The Rock Road is required, an application for s138 Road opening permit is to be lodged. Although it seems unlikely as there would be a bridge or large culvert be required to cross the existing large stormwater drainage. Any new property access will be required to be installed in accordance with Council's Engineering standards. This will form a condition of Development Consent.
- No new sewerage works proposed to be undertaken as part of the development.
- water supply is not required
- Stormwater from the proposed new structures will be connected into stormwater drainage lines located on the site.

Environmentally Sensitive Areas

Comment: Not applicable. The development site is not located in an Environmentally Sensitive Area.

Erosion and Sediment Control

Comment: Appropriate measures will be taken on the site and there is likely to be minimal impacts as part of the development.

Flood Prone Land

Comment: The development site is located on flood prone land close to the creek. The shed is for non-habitable use and therefore does not require to comply with planning in flood prone areas.

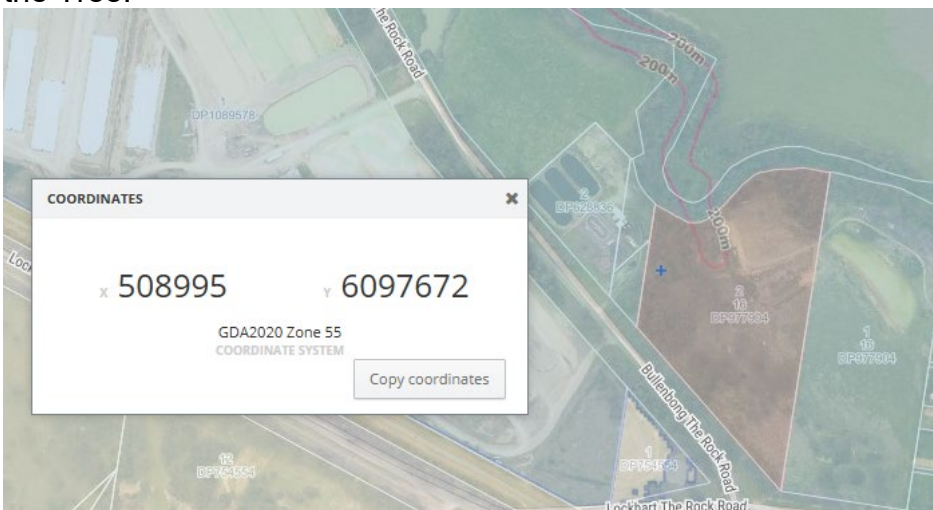


Food Premises Fit Out and Construction

Comment: Not applicable.

Heritage and Conservation

Comment: An Aboriginal Heritage site has been recorded on this land. AHIMS site ID 56-1-0589. The record identified a Ring Tree. The proposed development is not within close vicinity of the heritage site. The owner of the land has been made aware of the significance of the Tree.



Industrial Development

Comment: Not applicable. The development is residential.

Large Lot Residential Development

Comment: The development site is located on R5 zoned land in accordance with the Lockhart LEP. This type of development is not permitted in this zone and the applicant is seeking approval with a variation to the LEP under section 4.6.

The allotments 1 and 2 are isolated R5 zoned. The land surrounding the subject site are zoned SP2 to the west, RU5 to the east, RU1 to the north and south. Considering the location of the subject site and the proposed development it is unlikely to impact any adjoining land holders. Visual impact is also minimal as the shed will be placed at the rear of Lot 1 towards the creek. Although, the proposed use, storage of earthmoving machinery and the like, it is unlikely that the shed will have a negative impact on adjoining landholders as the building is at the rear and out of view. The site will be infrequently in use as the owner will use the shed only for storage of plant and machinery which will not be used regularly.

Notification of Development Applications

Comment: Notification of the Development Application is required due to increase traffic via Piper Street, which may have an impact on adjoining landowners/occupiers.

Residential and Village Development

Comment: This section is not relevant to this development.

Rural Development

Comment: Not applicable as the development is residential.

Sewage Management

Comment: The development does not propose any new sewage work.

Signage

Comment: No new signage proposed as part of the development.

Subdivision

Comment: Not applicable. No subdivision proposed.

Temporary Occupation of Land

Comment: Not applicable.

Section 4.15(1)(a)(iiia) – Planning Agreements

Nil

Section 4.15(1)(a)(iv) - any matters prescribed by the regulations

Nil

Section 4.15(1)(b) - likely impacts of that development				
	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The machinery shed/truck depot is not permitted within the R5 Zone and therefore the owner seeks approval under a variation to clause 4.6 of the LEP.
Streetscape	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not affect the streetscape in a negative way.
Traffic, access and parking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development does not require a new access and all machinery will be parked on site.
Public Domain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No adverse impacts will occur to the public domain as a result of this development.
Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory for this development.
Heritage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The property was identified as an aboriginal heritage site. The location of the ring tree is not within close proximity of the construction site nevertheless precaution will be taken during construction and a condition will be added to consent.
Aboriginal Heritage Search	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A search report on the Aboriginal Heritage Information Management System (AHIMS) revealed a Ring Tree on the Western Boundary of the site. The site recording card ID 56-1-0589 refers to the tree.
Other land Resources (e.g physical, biotic, environmental, infrastructural and socio-economic components of a natural land unit)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Satisfactory.
Water Quality & Stormwater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater to be disposed of away from buildings and retained on site.
Soils, soil erosion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not create any adverse impacts on soils or contribute to soil erosion. Precautions will be taken during construction and a condition will be added to consent.
Air and microclimate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not create any adverse impacts on the air or micro climate.
Flora and Fauna Trees	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No trees or vegetation required to be removed as part of the development.
Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development will utilise appropriate waste management practices and is serviced by a

				waste collection service. The development does not create waste for service to be used.
Energy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not create any adverse impacts or demands on energy.
Noise & vibration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will create minimal adverse impacts with regards to traffic noise.
Hours of operation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Natural hazards - Flooding Area Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development site is identified as flood liable land. Non-habitable use.
Natural hazards - Bushfire Prone Area Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development site is identified as bush fire prone land. Non-habitable use.
Technological Hazards (e.g industrial pollution, toxic waste, fires, chemical spills)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not promote any technological hazards.
Safety, security and crime prevention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not create or contribute to any adverse safety, security or crime prevention issues.
Social impact in locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not adversely affect the social fabric of the community. The development will not change the way that people conduct their daily lives etc.
Economic Impact in Locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that the development may contribute positively to the local economy by virtue of economic flow on effects.
Site design and internal design	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Site is satisfactory. Internal design is not applicable
Overlooking - overshadowing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No problems with overlooking or overshadowing.
Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Construction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory.
Private open space	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Cumulative Impacts (environmental, social, economic and other impacts)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Considered acceptable and positive.
Disabled access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Signage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Setbacks, Building Envelopes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed front, rear and side setbacks are compliant with the DCP setback requirements.

Section 4.15(1)(c) - the suitability of the site for the development

The subject land located at 1999 Bullenbong The Rock Road, The Rock is considered to be suitable for the proposed development.

NOTE: Address needs to be updated to Piper Street as access to property is from Piper Street.

Section 4.15(1)(d) - any submissions made in accordance with the Act or the regulation

The development was required to be notified as potential increase in heavy machinery traffic could have some noise impact on residents in Piper Street. No submissions have been received by the due date therefore it is presumed that residents have no concerns.

Section 4.15(1)(e) - the public interest

The public interest is a broad consideration relating to many issues and is not limited to the efficient development of the land. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is consistent with the public interest.

Other Legislative Requirements**Biodiversity Conservation Act 2016**

Is the clearing of native vegetation proposed? No

Does clearing exceed clearing criteria identified in Biodiversity Conservation Regulations? N/A

Is the land identified on OEHs Biodiversity Values Maps? N/A

For all proposals below the thresholds a 'test of significance' is required. If this test indicates significant impact then Biodiversity Assessment Method Must be applied.

Section 7.3 of the Biodiversity Conservation Act 2016**5 Part Test (threatened species or ecological communities, or their habitats)**

The following factors must be taken into account in making a determination under this section:

- a) In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,
- b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,
- c) in relation to the habitat of a threatened species or ecological community:
 - (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

- d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly,
- e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

Comment:

Is vegetation proposed to be cleared, native vegetation? No
 If yes - then does DCP require a permit? N/A

If yes, is clearing associated with development that requires consent? N/A
 Does it exceed offset scheme threshold or test of significance? If yes Biodiversity Assessment Method applies and Biodiversity Assessment Report from accredited persons is required? N/A

Note: If serious and irreversible impacts are identified then the application must be refused.

Developer Contributions Plans

Section 7.12 Development Contributions Plan for the Council of Lockhart Shire 2020.

The Development is valued at \$150,000, therefore following contributions are requires: 0.5% of the above totals to \$750 in accordance with the Contribution Plan.

Paid 21.11.2024

REFERRALS:

Condition for s138 is to be added to development consent with request to seal vehicle access from edge of road to gate.

CONCLUSION:

This assessment has given consideration to the matters listed where relevant. This assessment was undertaken in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION

It is recommended that Development Application 23/25 for the Construction of proposed machinery shed, be approved, subject to the following conditions:-

General Conditions

- 1) **COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER HOME BUILDING ACT 1989**

- (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.
- (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.
- (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.
- (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.
- (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.
- (6) This section does not apply—
 - 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
 - b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

REASON: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

2) ERECTION OF SIGNS

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (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—
 - a) showing the name, address and telephone number of the principal certifier for the work, and
 - 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.

REASON: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

3) NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS

- (1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- (2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—

- a) for work that requires a principal contractor to be appointed—
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer of the work under the Home Building Act 1989, Part 6,
- b) for work to be carried out by an owner-builder—
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
- (3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (4) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

REASON: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

4) SHORING AND ADEQUACY OF ADJOINING PROPERTY

1. This section applies to a development consent for development that involves **excavation that extends below the level of the base of the footings of a building**, structure or work on adjoining land, including a structure or work in a road or rail corridor.
2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 - a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
3. This section does not apply if—
 - a. the person having the benefit of the development consent owns the adjoining land, or
 - b. the owner of the adjoining land gives written consent to the condition not applying.

REASON: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

5) APPROVED PLANS AND SUPPORTING DOCUMENTATION

The development must be carried out in accordance with the stamped approved plans and specifications.

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

Note: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

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

6) TOILET FACILITIES

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus and additional toilet for every 20 persons employed at the site.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15 (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

Before issue of a construction certificate

7) CONSTRUCTION CERTIFICATE

A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.3 of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: to ensure compliance with the National Construction Code.

8) APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY

The applicant must ensure that prior to any works commencing, that if Council is to be appointed as the Principal Certifying Authority, that the appointment of Principal Certifying Authority is made on the NSW Planning Portal.

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the Environmental Planning and Assessment Act 1979, as amended. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

9) ROAD OPENING PERMIT S138

The applicant must obtain a Road Opening Permit under Section 138 of the Roads Act 1993 from Council, prior to commencing any works on the road reserve.

REASON: To comply with Council's Engineering requirements.

10) SECTION 68 PLUMBING AND DRAINAGE APPROVAL

Prior to commencement of any plumbing works an application for Section 68 Plumbing and drainage must be submitted through the NSW Planning Portal and approval must be obtained from Council.

The following documents must be submitted with the application for plumbing and drainage:

- Plan/Diagram for all new plumbing works.
- Description of works.

REASON: To ensure all plumbing and drainage is compliant.

11) STORMWATER DRAINAGE

All roofed and paved areas must be drained and the water from those areas and from any other drainage conveyed to:

- a) An appropriate location on site, in accordance with AS/NZS 3500.3 'Stormwater Drainage'.

Stormwater disposal drains must be connected to all roof gutter downpipes within fourteen (14) days of installation of the downpipes and/or the construction of hard standing areas, as may be appropriate, to discharge roof water to the approved method of disposal.

REASON: to ensure the stormwater does not impact existing buildings and adjoining land.

12) **SITE DRAINAGE**

The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200 mm below the finished floor level and must have a minimum grade of 1:100 to the approved storm water disposal location. This work must be carried out within fourteen (14) days of the installation of the roof gutter downpipes.

REASON: a drainage system for the disposal of stormwater must convey the water to an appropriate outfall, avoid the entry of water into a building, avoid water damaging the building and avoid the likelihood of damage or nuisance to any other property.

Before building work commences

13) **NOTICE OF COMMENCEMENT OF WORKS**

At least two (2) days prior to the commencement of any works, notice of commencement of building or subdivision works is to be provided to Council and, in the event of a private certifier, the principal certifier.

REASON: To ensure the development complies with the requirements of Section 6.6 of the Environmental Planning and Assessment Act 1979.

14) **BUILDING WASTE**

Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind-blown. The enclosure shall be approved by council and be retained on site at all times prior to the disposal of rubbish at a licensed Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: the suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

REASON: To protect the amenity of the surrounding area.

15) **EROSION & SEDIMENT CONTROL**

Prior to commencement of works erosion & sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. Such measures are to remain in place until the project has been completed and the land suitably rehabilitated and stabilised.

REASON: To protect the amenity of the surrounding area.

During building work

16) 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:

the work in the area of the discovery must cease immediately;
the following must be notified

- for a relic – the Heritage Council; or
- 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:

- for a relic – the Heritage Council; or
- 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.

17) TRACKING MUD

The Site supervisor is to ensure to clean up any mud tracking/spoil material from the construction site onto the Road and all other adjoining public roads. To prevent the tracking of mud onto the carriageway and to prevent edge breaking of the existing pavement, the driveway is to be sealed from the existing edge of seal to the property boundary, at no cost to the Authority.

REASON: To ensure that development works does not have adverse impact on road safety. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

18) BUILDING INSPECTIONS

If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.

COLUMN 1	COLUMN 2
Site Inspection	When all earthworks (cut and fill) approved under this consent are completed (excluding earthworks that are exempt development) and prior to any footings being excavated on the subject site. The applicant shall contact Council to arrange for this inspection.
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab (if applicable)	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.

Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Drainage	When the stormwater and roof water drainage system has been completed prior to backfill.
Final	Required prior to occupation of the building.

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

NOTE 2: The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Information Certificate under Section 6.26 of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: To require approval to proceed with building work following each critical stage inspection.

19) SITE DIMENSIONS AND MEASUREMENTS

It is the responsibility of the owner of the land to ensure that all site dimensions and measurements are accurate.

REASON: To ensure that the building is located in accordance with the approved plans.

20) HOURS OF WORK

Site work must only be carried out between the following times and excepting public holidays -

- For construction from 7am to 6pm Monday to Friday,
- For construction from 7am to 5pm on Saturday.

All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

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.

REASON: To protect the amenity of the surrounding area.

21) ADVERSE EFFECTS

The development is to be carried out in a manner so as not to cause any adverse effects or interfere with the amenity of the neighbourhood by way of smoke, fumes, exhausts, dust, noise or the like.

REASON: To protect the amenity of the surrounding area.

22) PROTECTION TO COUNCIL'S ASSETS

The applicant shall ensure that suitable protection is given to the Council's assets, including paving, to ensure no damage is incurred during activities on the site. The applicant shall be responsible for any re-instatement costs incurred.

REASON: To protect Council's asset and ensure rectification to any damage occurred.

Before issue of an Occupation Certificate

23) VEHICULAR CROSSING

Any vehicular crossing being required to enable satisfactory access shall be constructed at full expense of the applicant and to Council's specification. The applicant must obtain a Road Opening Permit under Section 138 of the Roads Act 1993 from Council, prior to commencing any works on the road reserve.

(Please contact Council's Engineering department for standard conditions and specifications). The access is to be maintained by the applicant to the satisfaction of Council.

REASON: To provide suitable vehicle access to the property and comply with Council's Engineering requirements.

24) STREET NUMBER

The street number for the property shall be requested from Council. Prior to the issue of an occupation certificate, the number must be prominently displayed at the Piper Street vehicle entry point in figures a minimum of 100mm high, dark coloured and set upon a sharply contrasting light-coloured background.

25) CONDITIONS OF OCCUPANCY

An Occupation Certificate, must be obtained pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the "Final Occupation Certificate", the applicant shall make application on the NSW Planning Portal – failure to lodge / submit the completed Occupation Certificate Application form on the Planning Portal will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

REASON: To ensure that the building is suitable for occupation.



Ongoing

26) DAMAGE TO COUNCILS' ROAD INFRASTRUCTURE

All public footways, kerb & gutters, tabledrains and road pavement damaged due to the use and movements of the earth moving equipment and machinery are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. The applicant shall be responsible for any re-instatement costs incurred.

Full restoration of the damage is to be carried out to Council's specification and satisfaction.

REASON: To protect Council's asset and ensure rectification to any damage occurred.

<p>Report by:</p>  <p>Birgit Ronnfeldt DEVELOPMENT ASSESSMENT OFFICER</p> <p>Date: 4/02/2025</p>	<p>Report Approved by</p>  <p>Jesse Rapley DIRECTOR PLANNING AND ENVIRONMENT</p> <p>Date: 4/02/2025</p>
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