



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-1-2024 PAN-400541
Applicant	Gail Barker [REDACTED]
Description of development	Secondary Dwelling (Detached Living - Manufactured)
Property	1 MARSH STREET URALLA 2358 1/A/DP6763
Determination	Approved Consent Authority - Council staff under delegated authority
Date of determination	15/02/24
Date from which the consent operates	15/02/24
Date on which the consent lapses	15/02/29
Building Code of Australia building classification	1

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 and 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

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 title	Drawn by	Date of plan
Site Plan	Gypsy Cabins	16.01.2024
Floor Plan (as amended by Council)	Job ref:2309.07	
Elevations		
Bracing/Lintels	Gypsy Cabins	16.01.2024
	Job ref: 2309.07	
(untitled plan, showing smoke alarm detail)	Gypsy Cabins	16.01.2024
	Job ref: 2309.07	

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.

2

Section 68 Approval Required

Before installation of the approved Secondary Dwelling (detached living), approval is required under Section 68 of the Local Government Act 1993 for:

• Water, sewer or stormwater drainage work; and

• Installation of a manufactured dwelling

ADVISORY NOTE 1: Council notes that application ref: S68-1-2024 has been lodged in connection with the above requirement.

ADVISORY NOTE 2: Should any Stormwater Drainage work require connection to Councils kerb and gutter, an approval under Section 138 of the Roads Act 1993 is also required before undertaking this work.

Condition reason: To ensure the development meets relevant health and safety

	requirements.
3	Section 138 Approval (if required) Before commencing drainage work, approval is required under Section 138 of the Roads Act 1993 for: Any work on Council's road reserve (including any cutting in of a stormwater drainage connection to kerb). Condition reason: To ensure Councils infrastructure is suitably protected.
4	Ancillary Use Unless separate planning approval is obtained, the approved development shall be used in ancillary form to the principal dwelling, and shall not be occupied or rented as a separate dwelling. Condition reason: To comply with 'detached living' legislative requirements.
5	Access This consent does not authorise vehicular access to the site from Rowan Avenue, except where required for installation. Condition reason: To prevent the informal vehicle access.
6	Privacy Before use of the approved development, a privacy screen shall be installed to the western elevation of the verandah, and be full width of that elevation and 1.5m above floor level. The screening must be durable and permanently fixed. ADVISORY NOTE: This condition does not detail the percentage obscenity to be achieved, and allows a performance solution to meet the condition (use of lattice or mesh together with climbing plants is acceptable). This is given direct views would not occur towards the rear of the neighbouring garden. Notwithstanding, some screening is considered appropriate. Condition reason: To reduce views direct views towards front elevation of neighboring dwelling.

Building Work

Before issue of a construction certificate

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

Before building work commences

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

During building work

7	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
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	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. Site work may recommence at a time confirmed in writing by: 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. Condition reason: To ensure the protection of objects of potential significance during works.
8	Hours of work Site work must only be carried out between the following times – 7am - 6pm Monday to Friday AND 8am - 1pm Saturday 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. Condition reason: To protect the amenity of the surrounding area.
9	Noise and Vibration requirements 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. Condition reason: To protect the amenity of the neighbourhood during construction.
10	Stormwater Disposal Stormwater from paved and impervious surfaces is to be disposed in a manner that does not cause a nuisance for neighbouring properties, by one of the following methods: 1. By piping to the street gutter. 2. By piping to a rainwater tank and then via the overflow to the street gutter. 3. By piping onto a hardened surface and directed away from the building. Stormwater infrastructure is to be installed in conjunction with dwelling installation. Any tank shall be within exempt development limitations, unless separate planning permission is obtained. Condition reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.

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.