



NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application number DA-4-2024-2
PAN-466804

Applicant Timothy Lockrey
[REDACTED]

Description of development New Dwelling (Manufactured)

Property 57 RIFLE RANGE ROAD ROCKY RIVER 2358
154/-/DP755846
307/-/DP755846

Determination Approved
Consent Authority - Council

Date of determination 5/09/24

Date from which the consent operates 5/04/24

Date on which the consent lapses 5/04/29

Under section 4.55(2) of the EP&A Act, notice is given that the above application to modify DA-4-2024-2 has been approved, subject to the conditions specified in this notice and as described in the Modification Summary

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 28 days from the date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.9 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

Modification Summary

Modified Conditions

Application Number (PAN)	Determination Date	Modification Description
PAN-466804	5/04/24	Amendments to condition 1

Terms and Reasons for Conditions

Under section 118(3)(a) 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 number	Revision number	Drawn by	Date of plan	
Sheet 1 of 4	-	Austam Homes	04.03.2024	
Sheets 2 - 3		Job ref: 9600	09.02.2024	
Sheet 4				
Revised Plan: Sheet 4, approved 5 September 2024.				
Superseded Plan: Sheet 4, approved 5 April 2024. All other plans approved 5 April 2024 remain current.				
Approved documents				
Document title		Version number	Prepared by	Date of document
Bushfire Hazard Assessment & BAL Certificate		ARM 24/06	Stephen Cotter	12.02.2024
In the event of any inconsistency between the approved plans and document, the approved Document prevails.				
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
(PAN-466804 20240905 Condition was amended)				
Condition reason: To ensure all parties are aware of the approved plans and supporting				

	documentation that applies to the development.								
2	Amalgamation of Lots Before Occupation of the Dwelling or within 6 months of the date of this approval (whichever occurs first), Lot 154 DP755846 and Lot 307 DP755846 shall be amalgamated to form a single allotment. ADVISING: Council would normally require that this condition is satisfied before release of the Section 68 approval for installation of a manufactured dwelling. Compliance action will be commenced if the condition is not complied with. Condition reason: To ensure the dwelling is permissible in accordance with Clause 4.2A of the LEP (both lots share a single dwelling entitlement).								
3	Section 7.12 Contribution Before the issued 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). <table><tr><td>Proposed Cost of Development *</td><td>Levy Percentage</td><td>Total Contribution</td><td>Note</td></tr><tr><td>\$327,426.00</td><td>1%</td><td>\$3,274.26.00</td><td>Contribution Rate remains current until first date of next quarter</td></tr></table> *Proposed cost of carrying out the development less any credits which may apply. Contributions are indexed annually at the end of each financial year. Condition reason: To assist with the provision of and maintenance of Council's assets.	Proposed Cost of Development *	Levy Percentage	Total Contribution	Note	\$327,426.00	1%	\$3,274.26.00	Contribution Rate remains current until first date of next quarter
Proposed Cost of Development *	Levy Percentage	Total Contribution	Note						
\$327,426.00	1%	\$3,274.26.00	Contribution Rate remains current until first date of next quarter						
4	Separate Approval - Outbuilding/Shed For the avoidance of doubt, this consent does not approve any outbuildings, including the shed shown on approved plans. ADVISING: Council notes that progression is being made toward a DA lodgement for a Shed. Condition reason: For the avoidance of doubt.								
5	Section 68 Approvals Before commencement of work, approval is required to be granted under Section 68 of the Local Government Act 1993 for: • installation, alteration, or operation of an on-site waste water management system (OSSMS), and • installation of a domenstic oil or solid fuel heating appliance (if required); and • installation of a manufactured dwelling. Condition reason: To ensure that relevant associated permits are obtained.								
6	Section 138 Approval 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: • Installation/Construction of any NEW driveway crossover (if required). If a new driveway crossover is required, any existing crossover shall be required to be removed and the road edge and table drain reinstated.								

	ADVISING: An existing driveway crossover appears to service the site, but does not correlate with the internal driveway shown on plans. Condition reason: In the interests of road safety.
7	Stormwater Stormwater from: • All roof areas; • Surface water from paved and impervious areas; and • Any overflow from tanks Is to be collected, controlled, and conveyed in a suitable manner within the site and away from any footings or on-site wastewater system. Condition reason: To manage the effects of flooding.
8	Property Number The property number is to be provided in a visible place on or near the entrance for the convenience of visitors, emergency services and postal services prior to occupation of the dwelling. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed. ADVISING: Only required if not currently in place. Condition reason: To assist wayfinding including first responders.
9	Bushfire - Construction The dwelling shall meet the performance criteria for construction standards given in the NSW RFS Planning for Bushfire Protection 2019 for BAL 19, as follows • Construction standards in accordance with Section 3 and 5 of AS3959-2018 and Section 7.5 of Planning for Bushfire Protection 2019 Condition reason: To ensure the building is acceptable regarding bushfire risk.
10	Bushfire - General The dwelling and surrounds shall be constructed and managed in accordance with the approved Bushfire Hazard Assessment, including adoption of the following recommendations: • A separation distance of at least 24 metres to the south, 20 metres to the west and north and 16 metres to the east is provided from the bushfire hazard. • The APZ shall be managed as an Inner Protection Area according to Appendix 4 of PBP2019 to provide separation from the bushfire prone vegetation. • A minimum of 20,000L is provided for firefighting purposes. • Property access shall exceed any provisions in PBP2019 for a property access road. • Construction shall comply with section 3 and 6 of AS3959-2018 and section 7.5 of PBP2019. Condition reason: To ensure the building is acceptable regarding bushfire risk
11	Water Supply Prior to Occupation, the dwelling is to be provided with a minimum 70,000 litre domestic water supply, in accordance with Council's Development Control Plan 2011. In addition to the minimum quantities of domestic water storage required above, a dedicated reserve for fire fighting purposes of 20,000L is also required to be provided, and in accordance with the recommendations of the Bushfire Hazard Assessment.

ADVISING: The relevant extract from the approved document is provided below:

A minimum 20,000L water storage is to be provided. Tank is to be made of metal, with 65mm metal Storz outlet and gate or ball valve and installed and dedicated for fire-fighting purposes. The gate or ball valve, pipes and tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and shall be made from metal. If the tank is also used for domestic supply, the outlet shall be above the 20,000L level to ensure that a water supply for fire-fighting operations shall remain in the tank at all times. The water tank is to be located within the Asset Protection Zone; accessible by fire-fighting appliances; a blue SWS sign placed at entry to property and the location of water tank recorded on RFS database.

Condition reason: To ensure the building is acceptable regarding bushfire hazard.

Building Work

Before issue of a construction certificate

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

Before building work commences

12	Erosion and sediment controls in place
	Before any site work commences, suitable erosion and sediment controls are to 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).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

During building work

13	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: 1. the work in the area of the discovery must cease immediately; 2. the following must be notified 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. 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.

14	Hours of work
	Site work must only be carried out between the following times – • 7am - 6pm Monday to Friday • 8am -1pm on 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.
15	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.

Before issue of an occupation certificate

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

Occupation and ongoing use

16	Management of asset protection zones (APZ)
	During ongoing use of the site, the APZ must be managed in accordance with the recommendation of the approved Bushfire Hazard Assessment, Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's Standards for Asset Protection Zones.
	Condition reason: To ensure ongoing protection from bush fires.

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.