

Business Paper

LATE REPORTS ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00PM, Tuesday 23rd July, 2024

Administration Centres: 1300 459 689



LATE REPORTS

Order Of Business

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6 MAYORAL MINUTES

6.1 MAYORAL MINUTE - THANKING FORMER MAYOR SHEAHAN

DOCUMENT NUMBER	418070
AUTHORISING OFFICER	Gil Kelly, Mayor
REPORTING OFFICER	Gil Kelly, Mayor
ATTACHMENTS	Nil

RECOMMENDATION

That Council acknowledge and thank Councillor Sheahan for his service to the CGRC community whilst serving in the position as Mayor.

Councillors,

I wish to take a moment to acknowledge and express my deepest gratitude to Councillor Sheahan for his outstanding service and dedication to our council and I am honoured to follow in his footsteps.

As I take on the responsibilities of this esteemed position, I am mindful of the legacy he has left behind and the significant contributions he has made to our communities.

As you prepare to move on to your retirement, properly, I can only say that you will be greatly missed after September.

On behalf of the community, thank you for everything you have done. We wish you happiness, good health and all the best for the future for both you and Sue, and we hope that the memories of your time here will always be good ones.

Cr Gil Kelly
Mayor

8 GENERAL MANAGER’S REPORT

8.4 SUSTAINABLE DEVELOPMENT

8.4.1 DA MOD 2023/101.2 - 6 PINKERTON LANE, COOTAMUNDRA

DOCUMENT NUMBER	418040
REPORTING OFFICER	Luke Izzard, Building Surveyor
AUTHORISING OFFICER	Paul Woods, Interim Deputy General Manager - CCD
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p>2. A region for the future</p> <p>2.2 A thriving region that attracts people to live, work and visit</p> <p>3. Protected and enhanced environment</p> <p>3.1 A natural environment is valued and protected</p>
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Development Assessment Report DA MOD 2023/101.2 ↓

RECOMMENDATION

That Council issue development consent for the following development subject to the consent conditions below:

- **Application No: DA MOD 2023/101.2**
- **Property: Lot: 1 DP: 1296902, 6 Pinkerton Lane, Cootamundra**
- **Erection of a new shed ancillary to existing dwelling and continued use of carport (erected without consent) ancillary to existing dwelling.**

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.

Condition 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.

Condition 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.

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

4 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	Plan title	Drawn by	Date of plan
A.01	C	Site Plan	DA Busters	21/09/2023 received by council 30/11/2023
A.01	4	Site Plan	DA Busters	10/7/2024 showing 2.195m setback at closest point for shed
-	B	Carport Plans	DA Busters	30/11/2023
-	-	Shed Plan and Elevations	Shed Tech	24/03/2023

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.

Before building work commences

5 Appointment of a Principal Certifier

Prior to the commencement of any construction works, the person having benefit of this Development Consent must appoint a Principal Certifier.

Condition reason: To ensure legislative requirements are met.

6 Construction Certificate

A Construction Certificate must be submitted and approved by a nominated Certifier prior to any building works taking place on the subject site. The Construction Certificate must be lodged via the NSW Planning Portal.

Condition reason: To ensure compliance with the requirements of the Environmental Planning and Assessment Regulation 2021.

7 Erosion and sediment controls in place

Before any site work commences, the Principal Certifier, must be satisfied that erosion and sediment controls in the erosion and sediment control plan are 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.

8 Notice of intention to commence building work

The proponent must give the Principal Certifier at least 2 days notice of their intention to commence building works. The notice of intention to commence building works must be lodged on the NSW Planning Portal in accordance with Section 6.6 of Environmental Planning and Assessment Act 1979 and Section 59 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Condition reason: To ensure legislative requirements are met

9 Underground Services

The proponent shall locate and identify all existing underground services prior to commencement of works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

Condition reason: To ensure the utility services are protected and satisfactory for the proposed development.

During building work**10 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:

- a. the work in the area of the discovery must cease immediately;
- b. the following must be notified
 - i. for a relic – the Heritage Council; or
 - ii. 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:

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

11 Procedure for critical stage inspections

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 this consent and the relevant construction certificate.

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

12 Approved Plans

A copy of the endorsed plans, specifications, development consent, the construction certificate and any other certificates to be relied upon shall be available on site at all times during construction.

Condition reason: To ensure compliance with relevant plans and approvals

13 Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between—

- Mondays to Fridays - 7:00am to 6:00pm;
- Saturdays - 8:00am to 1:00pm;
- No work permitted on Sundays and Public Holidays.

Condition reason: To protect the amenity of neighbouring properties.

14 Earthworks

No earthworks are permitted to be undertaken beyond those detailed on the approved plans unless otherwise permitted by the exempt development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Condition reason: To ensure that the development is consistent with the approval

15 Footpath Storage

Building materials not to be stored on Council footway or nature strip at any time.

Condition reason: To ensure an adequate level of public safety is maintained.

16 Hours of Work

Site work must only be carried out between the following times –

- Mondays to Fridays - 7:00am to 6:00pm;
- Saturdays - 8:00am to 1:00pm; and
- No work is permitted on Sundays and Public Holidays.

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.

17 Restricted Public Access

It is the responsibility of the proponent to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with SafeWork NSW Regulations.

Condition reason: To ensure public safety is maintained.

18 Roof Water

Roof water generated by the development must be discharged to the water table or a rainwater tank complying with exempt development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The stormwater outlet or tank overflow outlet must discharge:-

- to the water table; and
- away from any buildings, structures, property boundaries and effluent disposal area;

The point of discharge from the overflow must be

- protected from being crushed or damaged; and
- provided with scour protection to prevent erosion

Condition reason: To ensure that roof water is disposed of without nuisance to neighbours, damage to property or the environment.

19 Works Near Electricity Infrastructure

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Condition reason: Safety of workers and building occupants.

20 Activities within Electricity Easements and Close to Infrastructure

Essential Energy’s records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Condition reason: Safety of workers, building occupants and protection of electricity infrastructure.

Before issue of an occupation certificate

21 Repair of infrastructure

Before the issue of an occupation certificate any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council.

Condition reason: To ensure any damage to public infrastructure is rectified.

22 Occupation of building

A person must not commence occupation or use of the whole or any part of the buildings unless an occupation certificate has been issued by the appointed Principal Certifier.

Condition reason: To ensure the development is completed to a safe standard to allow use or occupation and to ensure compliance with the requirements of this consent.

23 Stabilisation of Earthworks

Prior to the issue of an Occupation Certificate all earthworks must be appropriately retained or battered at a ratio no steeper than 1:3 (vertical: horizontal) and vegetated to prevent erosion.

Any retaining wall constructed on-site must comply with the exempt development provisions of State Environmental Planning Policy (Exempt and Complying development Codes) 2007 or have necessary development and construction approval.

Condition reason: To ensure earthworks are appropriately protected.

Occupation and Ongoing use

24 Use of non-habitable structures

The shed shall not be used or adapted for any residential, commercial or industrial purpose unless prior development consent has been obtained.

Condition reason: To ensure the structure is used in accordance with this approval.

25 Condition – Building Certificate Required.

As the existing carport structure was constructed without a valid Construction Certificate or Complying Development Certificate, you are required as part of this consent to obtain a Building Certificate from Council to formalize the erection of the structure in question.

Reason: To formalize the structure and prevent future orders being imposed.

Introduction

This report assesses a development application (DA MOD 2023/101.2), which seeks to vary the location of a detached shed approved by Council under delegation in December 2023.

The existing development approval located the garage 6m from Pinkerton Lane boundary, however a misinterpretation between consultant and owner located the shed in a position that the owners were not intending. The intended location was in a similar location to the original shed located approximately 2.5m from the boundary. A recent survey of the boundary has revealed the intended location of the shed to be 2.195m from the boundary and plans now reflect this proposed change.

Therefore, the modification is for Council to consider varying the location of the shed from 6m to 2.195m from the boundary.

The application is referred to Council for determination, as the application seeks a variation of minimum secondary building line setback requirement for Sheds as set out by the Cootamundra Development Control Plan (DCP) 2013.

Discussion

The assessment of the application has considered all relevant matters under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act) and the requirements of relevant Environmental Planning Instruments and the Cootamundra DCP 2013.

Council staff have delegation to determine developments that comply with the Cootamundra LEP 2013 and DCP 2013, however, delegations do not extend to the determination of developments where a variation of DCP 2013 is sought. In such circumstances, delegations require the application to be referred to Council for determination.

The development assessment concludes that the modification, including proposed setback variation for the Shed, is appropriate in the context of the area overall.

Financial

There are no financial impacts to this development.

OLG 23a Guideline consideration

There are no impacts or considerations regarding the 23a Guidelines.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



DATE OF REPORT COMMENCEMENT:

18 July 2024

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Luke Izzard

DEVELOPMENT REFERENCE:

DA 2023/101

DEVELOPMENT ADDRESS:

6 Pinkerton Lane COOTAMUNDRA

DEVELOPMENT LOT / SEC / PLAN:

Lot: 1 DP: 1296902

OWNER(S):

Lynda Anne Ponting
6 Pinkerton Lane
COOTAMUNDRA NSW 2590

APPLICANT:

Lynda Anne Ponting
6 Pinkerton Lane
COOTAMUNDRA NSW 2590

PROPOSED DEVELOPMENT:


Modification of Development Consent (New Shed location)

SITE:

Past approvals under DA2023/101 were the erection of a new shed 13 x 9.5m ancillary to existing dwelling and continued use of carport 6 x 8.5m (erected without consent) was approved. Application is now sought to modify the sheds location- see below.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



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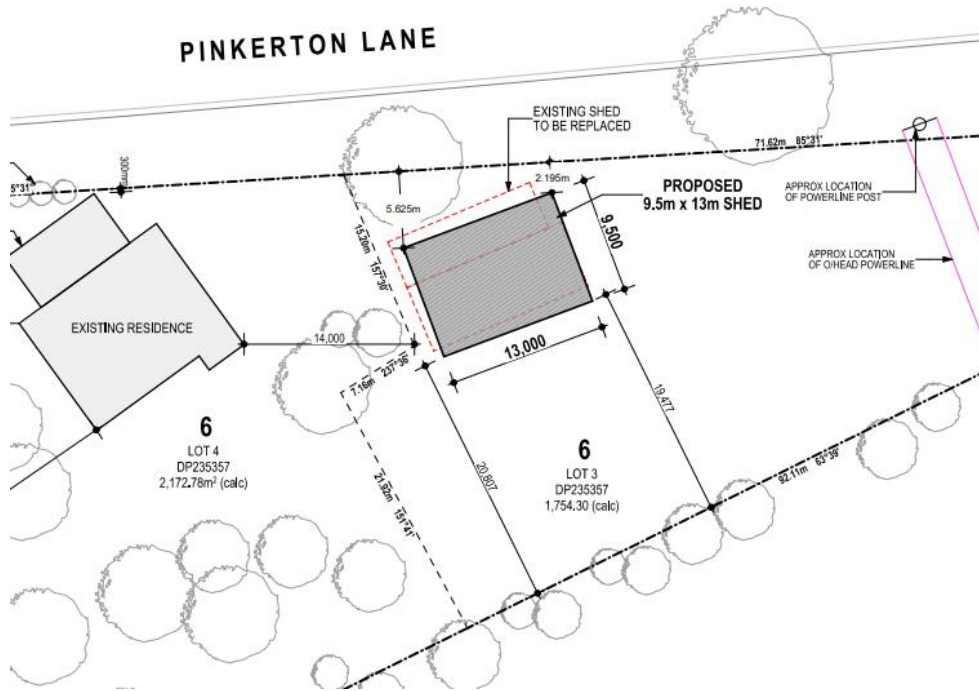
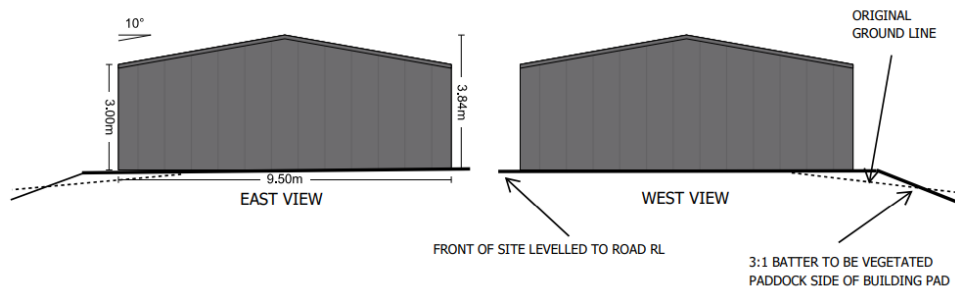


Figure 1 - Submitted site plan of actual shed location confirmed from surveyor(extract) (not to scale)



DEVELOPMENT ASSESSMENT REPORT
*Pursuant to the Environmental Planning & Assessment Act 1979
 Section 4.15 (as amended)*


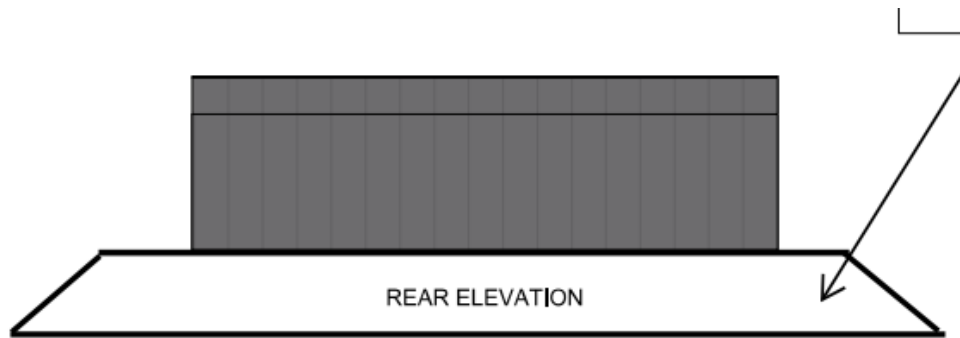
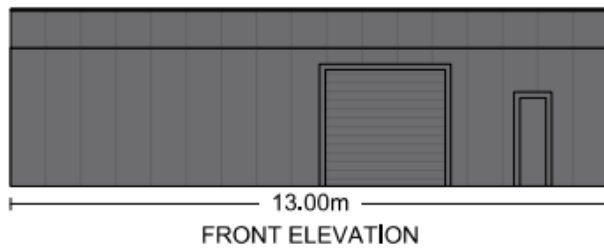



Figure 2 - Proposed shed elevations

SITE:


Site is an existing rural residential site in the town of Cootamundra sized approximately 4000m², it has frontage to Pinkerton Road and Pinkerton Lane. The site is recently consolidated into one lot and is trapezoidal in shape with sealed frontages to both Pinkerton Road of approximately 60m and 130m secondary frontage to Pinkerton Lane.

The site zoned RU4 – Primary Production Small Blocks and is surrounded by a mix of larger and similar sized properties.

Use of the site is residential with grazing of hobby livestock. Currently the dwelling onsite is a brick and fibro cottage from around 1940-50, facing Pinkerton Road, however the vehicle access is from Pinkerton Lane with the addressing of the site showing number 6. The dwelling onsite is approximately 18m from the primary frontage and 4m from the secondary boundary. Cottage has town water connected and is serviced by a traditional septic and trench on-site sewage management system located on the southern side of the dwelling.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



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Also existing onsite 12m to the north east from the rear of the dwelling is new earthworks which have been undertaken without approval in preparation for a new steel framed shed subject of the previous application and this modification. The site of the earthworks is in the approximate location of an old existing shed which has been demolished prior to lodgement.

The site slopes down to the south-west and is mostly cleared with only a small number of trees and shrubs surrounding the cottage.


Housing and buildings on surrounding properties are of mixed types, with a wide range of building ages and styles existing, presenting no theme for the area.



Figure 3 - Satellite view from SIXMAPS (previous shed now removed)

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



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Figure 4 - Satellite view from council mapping (lots not reflected accurately following consolidation, shed since demolished).



DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*




Figure 5 - Earthworks undertaken without consent, placement of fill viewed from Pinkerton Lane.



Figure 6 – Shed now demolished, looking from East to West (source:realestate.com)

BACKGROUND:

Since the original consent which was issued as a deferred commencement approval within December 2023 Council meeting, the earthworks have been tested and identified as not contaminated. However, the testing did indicate the fill was not a suitable foundation material and required additional engineering input to design the required slab.

Construction certificate was lodged with appropriate engineering for the detached shed to meet requirements of soil testing, at the DA approved location and approved 16/4/2024 set at 6m from the boundary, however when set out began owners realised the location wasn't correct and wanted to move shed forward closer to the boundary.


When informed by council this would require a modification to do so, thus the application to modify was lodged.

The exact location of the boundary on Pinkerton Lane onsite was not known therefore council requested a survey of the boundary to be conducted to ensure an accurate measurement was determined for the sheds location.

While this was waiting to be organised works began on the shed with a slab inspection booked on the 24th June 2024 although the position of the shed was not as per current approval.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



Council officers visited the site Tuesday 25th June to inform the owners to stop work as the actual application to modify was still undetermined and provide the survey to determine the actual location of the shed from the boundary.

Survey results and amended plans have been lodged now showing the proposed shed to be located at 2.195m from the Pinkerton lane boundary at nearest corner.

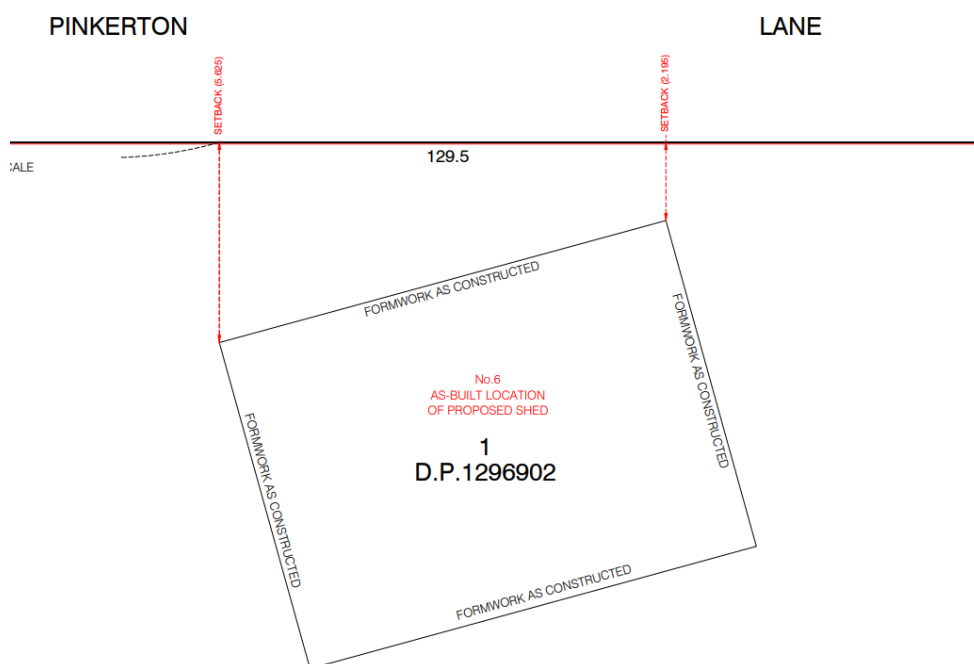


Figure 87 – Snip from survey report showing actual shed location (CMS surveyors drawing 16244B compliance 1)

PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

DA2023/101

GENERAL REQUIREMENTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979:

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



The development is not a key threatening process under either Act, and the site contains no known threatened species or EECs, has not been declared critical habitat or an area of outstanding biodiversity value, and is not mapped on the Biodiversity Values Map. It is not considered that the development is likely to significantly affect threatened species, populations or ecological communities, as it does not impact on any flora, fauna or their habitat, including terrestrial biodiversity and river systems.

No change from previous application, site is already cleared of vegetation and the shed site with filled pad is as per original application.. Clearing of any native vegetation does not exceed the threshold of 0.5ha applicable to lots with a minimum lot size of 1ha to less than 40ha.

2.22 Mandatory community participation requirements

As per this section and Schedule 1, of the Act, the development was notified in accordance with the CGRC Community Participation Plan (CPP), for a period of fourteen (14) days.

No submissions were received.

Council was not also notified by neighbours during the unapproved building works either.

4.5 Designation of consent authority

The development is not state significant or regionally significant, and therefore Council is the determining authority.

4.10 Designated development

Schedule 3 of the EP&A Regulation defines the various types of designated development, but the application does not meet any of the criteria and therefore is not designated.

4.13 Consultation and concurrence

If required by an environmental planning instrument, this section requires Council to consult with or obtain the concurrence of the person.

No additional referral required- was notified originally under DA2023/101.

4.14 Consultation and development consent—certain bush fire prone land

The land is not bushfire prone and therefore consideration of *Planning for Bush Fire Protection*, is not required.

4.22 Concept development applications

The development is not a concept development (development undertaken in stages).

4.33 Determination of Crown development applications

The development is not a Crown development.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



4.36 Development that is State significant development

The development is not State significant development (of a size, type, value or with impacts deemed to be significant).

4.46 Integrated development

The development is not integrated development (requires consent or an approval from another government agency).

4.55 Modification of consents - generally

Not applicable

SECTION 4.15 CONSIDERATIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979:

4.15(1)(a)(i) The provisions of any environmental planning instrument:

State Environmental Planning Policies (SEPPs) and deemed SEPP's

The following SEPPs are relevant to the development.

n/a

SEPP (Resilience and Hazards) 2021

Chapter 3 – Hazardous and offensive development - N/A

Chapter 4 – Remediation of land

Fill has been now tested as part of initial DA - clear

SEPP (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

- *Section 2.48 (Determination of development applications—other development)* requires referral to the electricity supply authority, for development comprising:
 - penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
 - development within or immediately adjacent to an easement for electricity purposes
 - development immediately adjacent to an electricity substation
 - development within 5m of an exposed overhead electricity power line
 - installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level,
 - installation of a swimming pool any part of which is within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



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- involving or requiring the placement of power lines underground.

Referral already conducted previously, previous conditions from essential energy will remain.



Figure 8 - photo of carport and overhead service line.

Referral was sent on 9/10/2023. The following comments were received on 25/10/2023.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as [JSSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure](#). Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Figure 9 - Essential Energy referral comments

- *Section 2.77 (Development adjacent to gas pipeline corridors)* requires referral to the pipeline operator, for development compromising:
 - within the licence area of a pipeline for gas
 - within 20m of the centreline of a pipeline
 - within 20m of land the subject of an easement for a relevant pipeline.

The development does not meet this criteria, so no formal referral to APA Group, was required.

- *Division 15, Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements*, requires referral to the rail authority, for development compromising:
 - *Section 2.97* - access via a level crossing
 - *Section 2.98* development adjacent a rail corridor that is likely to have an adverse effect on rail safety, places a metal finish on a structure and the corridor is used by electric trains, use of a crane in the air space above the corridor, within 5 m of an exposed overhead power line used for railway purposes and infrastructure,
 - *Section 2.99* – penetration of the ground to a depth of 2 m or greater, within a rail corridor or within 25 metres of a rail corridor

The development does not meet this criteria, so no formal referral to the rail authority, was required.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



- **Section 2.100 (Impact of rail noise or vibration on non-rail development)**, requires consideration of the impact of noise and vibration on residential accommodation, a place of public worship, hospital, educational establishment or child care facility, where they are located in or adjacent a rail corridor.

The development is not for this form of development and/or is not located adjacent a rail corridor, and therefore consideration of this clause is not required.

- **Section 2.119 (Development with frontage to classified road)**, the development does not front a classified road and therefore this clause does not apply to this development,
- **Section 2.120 (Impact of road noise or vibration on non-road development)**, does not apply as the AADT volume of the adjacent road is less than 20,000 vehicles, and/or the development is not for residential accommodation, a place of public worship, hospital, educational establishment or child care facility.
- **Section 2.121 (Excavation in or immediately adjacent to corridors)**, does not apply as the development will not result in the penetration of the ground to a depth of 3m or greater, within or adjacent the Hume Motorway.
- **Section 2.122 and Schedule 3 (Traffic generating development)**, does not apply, as the type/and or scale of the works is not identified in the Schedule.

Local Environmental Plan (LEP)

The applicable LEP is the Cootamundra LEP 2013 (CLEP) and the relevant provisions of the LEP are discussed as follows.

1.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

1.4 Definitions

A 'shed' and 'carport' are not defined land uses under the LEP, but are permitted with consent as ancillary to the existing dwelling and residential use of the property.

1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.9A Suspension of covenants, agreements and instruments

Nil to consider

2.1 Land use zones

The site is zoned RU4 – Small Lot Primary Production.

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2.3 Zone objectives

The proposed development is not inconsistent with the objectives of the zone, detailed below.

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

It is considered that the modification meets the above required objectives.

2.7 Demolition requires development consent

N/A

2.8 Temporary use of land

N/A

COOTAMUNDRA CLAUSES

4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings –

This is the installation of an ancillary structure to the site and does not involve the erection of a dwelling or secondary dwelling

5.10 Heritage conservation

There are no heritage items on-site (identified on either the SHR or in the LEP), and the site is not located in a HCA.

A AHIMS Search conducted previously.

5.21 Flood planning

The land is not in the flood planning area.

6.1 Earthworks

The un-approved earthworks have been addressed since the deferred commencement approval and subsequent construction certificate being issued. No further assessment required.

In order to minimise the risk of sediment laden waters leaving the property a condition shall be applied to any consent requiring the provision of erosion and

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sediment controls during construction, until such time as vegetation coverage of the batters can be established.

Further, conditions shall be applied restricting the undertaking of any additional earthworks unless they meet exempt development provisions or separate development consent has been obtained as well as providing for maximum slope ratio of batters to ensure earthworks are stabilized.

6.3 Terrestrial biodiversity

This clause applies to land that is identified as biodiversity land on the *Terrestrial Biodiversity Map*, but the site is not mapped as being affected, and accordingly this clause is not applicable.

6.4 Groundwater vulnerability

This clause applies to land that is identified as groundwater vulnerable on the *Groundwater Vulnerability Map*, the site is mapped as being affected, and accordingly this clause must be addressed. Under the provisions of subclause (3) and (4) Council must consider the following matters prior to granting consent for any development on the site.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—

- (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- (b) any adverse impacts the development may have on groundwater dependent ecosystems,*
- (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),*
- (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

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As the suitability of existing fill has been verified, the development will not result in discharge of any pollutants and is unlikely to result in any contamination of groundwater.

The nature of the developments is such that it is not likely to have any adverse impact on groundwater dependent ecosystems.

No extraction of groundwater is proposed as part of the development and as such it is unlikely to result in any adverse cumulative impact.

Given no negative impact is anticipated as a result of the development mitigation and minimization measures are not required.

The development is sited and can be managed to avoid any significant adverse environmental impact.



Figure 10 – Groundwater vulnerability map

6.5 Riparian land and watercourses

This clause applies to land that is identified as a watercourse on the *Watercourses Map*, or is within 40 metres of a mapped watercourse, but the site is not mapped as being affected, and accordingly this clause is not applicable.

6.6 Salinity

This clause applies to land identified as dryland salinity on the *Natural Resources Land Map*, but the site is not mapped as being affected, and accordingly this clause is not applicable.

6.7 Highly erodible soils

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This clause applies to land identified as high soil erodibility on the *Natural Resources Land Map*, but the site is not mapped as being affected, and accordingly this clause is not applicable.

6.8 Airspace operations

This clause applies to developments that penetrate the Limitation or Operations Surface of the Cootamundra Airport. Works proposed on the site would not project into the Airport airspace.

6.9 Essential Services

Council must not consent to the proposed development unless satisfied that the development meets to requirements of subclause (2).

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that any of the following services that are essential for the 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.*

The existing dwelling has existing reticulated water arrangement and mains power connection. Ancillary structures would not create any significant increase in demand.

Wastewater from the existing dwelling is managed through an existing OSSM. The earthworks undertaken and proposed shed provide for some reduction in land area that could fall for on-site for wastewater management in the event that the existing system were to fail. However, sufficient area will remain to provide for additional area if required.

There is no existing reticulated stormwater infrastructure servicing the site. Natural drainage of the site is to the Southwest. Suitable for roofwater to be directed to natural drainage. Conditions should be applied to ensure it is not directed onto neighbouring land and is kept away from buildings, structures and existing on-site sewage management system.


Accessing legal and practical vehicle access is existing from Pinkerton Lane. No changes to vehicle access is proposed as part of the development.

4.15(1)(a)(ii) The provisions of any draft environmental planning instrument:

State Environmental Planning Policies (SEPPs)

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There are no draft SEPP's which relate to this development.

Local Environmental Plan (LEP)

There are no draft LEP's which apply to this land.

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

The Cootamundra Development Control Plan (DCP) applies to the land, and the provisions are discussed as follows:

- **Chapter 1 – General information**
 - Section 1.7 - Notification of Development Applications: The provisions of the Community Participation Plan takes precedence over this section of the DCP (see comments above in Section 2.22)
- **Chapter 2 - Residential Development** – Assessment against this section of the DCP is as follows:

Acceptable solution	Comment
2.1 Building line setbacks	
Front Primary Building Line Setback Requirements	
An average of the front setbacks of the nearest two neighbouring houses within forty (40) metres	Complies No change to primary setbacks on site to Pinkerton Road. All works are conducted off the secondary frontage.
Setbacks For Garages, Sheds And Carports - General Requirements:	
Garages, sheds and carports must be setback at least 1m from the primary or secondary building line	Variation Sought for garage Variation approved previously for carport under DA2023/101. Both the proposed shed and existing carport are to be behind the primary building line of the dwelling by more than 1m The existing dwelling is setback 3m from the secondary street frontage (Pinkerton Lane), as such the minimum setback for outbuildings is 4m, to be not less than 1m behind the secondary frontage. Shed location is seeking a modification to the

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	approved setback of 6.0m to a minimum of 2.195m from Pinkerton Lane, as per the survey report of the current shed boxing location.
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Variation Request

The applicant submits the following justification for the proposed variation.

Same or similar footprint to that approved (carport & shed); no change in structure proposed = instead of moving it back to 6m at lead corner, 2.195m per original building line is now sought. Still a shed – instead of new setback of 6m to lead corner, the original shed site (existing use) lead face is now to be re-claimed. Shed to be placed on less fill.

Comment:

Giving consideration to the above the following comments are made: -

- The above does not address the variation proposed or any part of the DCP other than claiming the position is similar to the shed demolished.
- The new position of the shed at 2.195m from the boundary will have some impact on the streetscape however it is assessed as negligible.
- The new shed is not parallel to Pinkerton Lane, being proposed at 2.195m at closest point and 5.625m at the other, thus reducing any visual impact on the building line or streetscape.
- It is deemed that the shed adjacent the proposed shed is set at a similar setback but parallel to the street, so the impacts are envisaged to be less than what exists in the street.
- The rural location has a mixture of building types, setbacks and structures, as well as having an offset road site line which will also minimise any effects.
- Overall the impact of the adjustment although against DCP guidelines is determined as satisfactory in this instant.

- **Chapter 3 - Business & Industrial Development** - Does not apply to this zone.
- **Chapter 5 – Car parking and vehicle access** – Dwellings are required to have a minimum of 2 on-site carparking spaces. The proposed development includes in excess of 2 car parking spaces.
- **Chapter 4 – Subdivision** – The development is not a subdivision.
- **Chapter 6 – Environmental Management** – Not applicable as land is not bushfire prone, flood prone or potentially contaminated.

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- **Chapter 7 – Heritage** – Not applicable as the site does not contain a heritage item and is not in the HCA.

4.15(1)(a)(iia) Any planning agreement or draft planning agreement:

The developer has not entered into a planning agreement, nor has offered to enter into a draft planning agreement.

4.15(1)(a)(iv) Matters prescribed by the Regulations:

Council has considered the following matters as prescribed by Regulations:

Section 61 (Additional matters for consideration): -

- No demolition works proposed.
- the development is not for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act,
- the development is not located within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle (to which the Dark Sky Planning Guideline applies),

Section 62 (Consideration of fire safety)

- the development is not for a change of building use for an existing building.

Section 63 (Considerations for erection of temporary structures)

- the development is not for a temporary structure.

Section 64 (Consent authority may require upgrade of buildings)

- the development does not involve the rebuilding, enlargement or extension of an existing building.

Section 65 (Special provision relating to Sydney Opera House)

- the development does not relate to the Sydney Opera House.

4.15(1)(b) The likely impacts of that development:

Context and Setting:

The surrounding land is generally semi residential in nature. The development will have minimal impact on any scenic qualities and features of the landscape. The scale form, character, density, and design of the development would not have a significant adverse impact on the character and amenity of the locality and streetscape. It is considered the change in setback of the shed to 2.195m from the boundary as shown will have little impact as in the approximate setback of the old shed. Being semi rural area other outbuildings occur close to the boundary, such as the garage across the road at 3 Pinkerton Road and further up at 36 exists garages within 3m of the boundary.

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It will not impact on adjacent properties in terms of visual and acoustic privacy.

Access, Transport and Traffic:

Existing accesses from Pinkerton Lane is suitable. Internal referral to council's engineer team did not identify any safety concerns or other issues. The development would not result in any increase to traffic or vehicle movements beyond construction.

Public Domain:

The development would not impact negatively in terms of such things as recreational opportunities, or the amount, location, design, use and management of public spaces.

Utilities:

There are no changes proposed or required in relation to water, on-site sewer, phone, gas, stormwater or power.

Heritage:

There is no adverse impact on Aboriginal or European heritage anticipated, as a result of the development.

Other Land Resources:

The development would not have any significant adverse effect on conserving and using valuable land resources such as productive agricultural land, mineral extractive resources or water supply catchments.

Water:

The issue of water supply is discussed above, and there would be no increase in demand on council's supply.

It is appropriate to apply conditions minimising any potential adverse impacts from sediment and erosion.

Soil:

The development would have no impact on soil conservation in terms of - soil qualities or instability, management of soils, soil erosion and degradation, sedimentation and pollution of water bodies contamination, or acid sulphate soils. Appropriate conditions would be imposed in relation to sedimentation and erosion controls.

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Air and Microclimate:

The development is not anticipated to have any adverse impact on air quality and microclimatic conditions in terms of existing air quality or pollution. It does not propose any inclusions which would result in air pollutants (beyond those associated with embodied energy).

Flora and Fauna:

The development does not result in the removal of any significant vegetation and therefore, it is not anticipated to have any adverse impact on critical habitats, threatened species or populations, ecological communities or any other protected species, or on native fauna or vegetation.

Waste:

There will be some construction waste. The development would not result in any increase in domestic waste generated by the existing dwelling.

Energy:

The development would not have any significant demand on energy supply.

Noise and Vibration

Minimal impacts expected during construction, but amenity conditions will be imposed. It is not considered that the finished development would generate offensive noise pollution or vibrations.

Natural Hazards:

There are no known risks to people, property or the biophysical environment from – geologic or soil instability, bushfire or flooding.

Technological hazards

Conditions to be applied in accordance with Essential Energy Electricity comments relating to undertaking of works near electricity infrastructure.

Safety, security and crime prevention

It is not considered that the development will adversely impact on the security and safety of the area.

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Social Impacts in the Locality:

It is considered that the development would not have a negative social impact in terms of the health and safety of the community, social cohesion, community structure, character, values or beliefs, social equity, socio-economic groups or the disadvantaged, and social displacement.

Economic Impact in the Locality:

Small positive impact anticipated as a result of construction works. No long term economic impacts anticipated.

Site Design and Internal Design:

Proposed design of development is considered suitable to the site.

Construction Matters:

No issues have been identified preventing the structures from complying with the Building Code of Australia and relevant Australian Standards. A Building information Certificate application for the carport has yet to be determined. Issue of a DA for the continued use of the carport does not prevent council from taking compliance action if required (until such time as a BIC is issued), requiring alterations to the carport to meet construction requirements either to meet BCA or address other construction matters such as stormwater.

Fill has been tested and now is deemed sufficient for the outbuilding.

Cumulative impacts

No significant adverse cumulative impacts have been identified.

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

The development would result in a development that fits in the locality. There are no constraints posed by adjacent developments that would prohibit the development. It is considered that the air quality and microclimate are appropriate for the development, and there are no hazardous landuses or activities nearby, and ambient noise levels are suitable for the development.

Are the site attributes conducive to development ?

The site is not subject to natural hazards including flooding, bushfire, subsidence, slip or mass movement. The soil characteristics are appropriate for the development, and there are no

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critical habitats, or threatened species, populations, ecological communities or habitats on the site. The development would not prejudice future agricultural production and there are no known mineral or extractive resources on the site. This issue of potential site contamination has been discussed previously.

4.15(1)(d) - Any submissions made:

Nil submissions received.

4.15(1)(e) - The public interest:

The Riverina Murray Regional Plan 2036 has been developed to plan for future population’s needs for housing, jobs, infrastructure and a healthy environment, in the Region. The development is consistent with the Directions in the Plan.

Staff are not aware of any other policy statements from either Federal or State Government that are relevant to this proposal, nor any planning studies or strategies. There is no management plan that is applicable to a development of this nature, and no codes or guidelines. The issue of easements has been discussed above.

Overall, the proposal would not contravene the public interest.

OTHER MATTERS:

Section 7.11 and 7.12 Contributions Policies:

Section 7.12(2) of the EPA Act, states that “a consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11”. Accordingly, Council can only require payment of either a 7.11 or 7.12 contributions.

Section 7.11 Contributions Plans

There is no section 7.11 plan in force in the former Cootamundra LGA.

Section 7.12 Contributions Plans

The Cootamundra-Gundagai Regional Council Section 7.12 Fixed Development Consent Levy Contributions Plan 2018, applies to the land and this development, based on the following costings:

Proposed Cost of the Development	Maximum Percentage of the Levy	Contribution payable
Up to \$100,000	Nil	N/A
\$100,001-\$200,000	0.5 %	N/A
\$200,001 +	1 %	N/A

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Section 64 water and sewer contributions policies:

Neither the Goldenfields Water s64 water contributions plan or the Cootamundra s64 sewer contributions plan, applies to this development.

Disclosure of political donations and gifts:

The application and notification process did not result in any disclosure of Political Donations and Gifts.

FINANCIAL IMPACTS:

Nil impacts for Council

POLICY IMPACTS:

Nil

ORGANISATIONAL IMPACT:

Nil

RISK MANAGEMENT IMPACTS:

Nil

LEGAL ISSUES:

Nil

CONCLUSION:

Council has considered the all matters under the relevant legislation, and it considers that the proposed development is appropriate having regard to those matters, and that any impacts can be managed through appropriate conditions.

RECOMMENDATION:


Determination:

That Council issue deferred commencement approval for the following development, subject to the consent conditions outlined in attached report:

- Application No.: DA MOD 2023/101.2
- Property: Lot: 1 DP: 1296902
6 Pinkerton Lane, COOTAMUNDRA
- Development: Erection of a new shed ancillary to existing dwelling and continued use of carport (erected without consent) ancillary to existing dwelling.

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General Conditions

1	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 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— <ol style="list-style-type: none"> 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. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p>Erection of signs</p> <ol style="list-style-type: none"> 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— <ol style="list-style-type: none"> 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

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	<p>contractor may be contacted outside working hours, and</p> <ul style="list-style-type: none"> c. stating that unauthorised entry to the work site is prohibited. <p>3. The sign must be—</p> <ul style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> 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.
	<p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>3</p>	<p>Notification of Home Building Act 1989 requirements</p> <ul style="list-style-type: none"> 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— <ul style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ul style="list-style-type: none"> 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— <ul style="list-style-type: none"> 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. <p>Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>

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4	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p>																																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: left; padding: 2px;">Approved plans</th> </tr> <tr> <th style="width: 10%;">Plan number</th> <th style="width: 10%;">Revision number</th> <th style="width: 25%;">Plan title</th> <th style="width: 20%;">Drawn by</th> <th style="width: 35%;">Date of plan</th> </tr> <tr> <td style="text-align: center;">A.01</td> <td style="text-align: center;">C</td> <td style="text-align: center;">Site Plan</td> <td style="text-align: center;">DA Busters</td> <td style="text-align: center;">21/09/2023 recieved by council 30/11/2023</td> </tr> <tr> <td style="text-align: center;">A.01</td> <td style="text-align: center;">04</td> <td style="text-align: center;">Site plan</td> <td style="text-align: center;">DA busters</td> <td style="text-align: center;">Received by council 10/7/24 Showing 2.195m at closest point for shed</td> </tr> <tr> <td style="text-align: center;">-</td> <td style="text-align: center;">B</td> <td style="text-align: center;">Carport Plans</td> <td style="text-align: center;">DA Busters</td> <td style="text-align: center;">30/11/2023</td> </tr> <tr> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">Shed Plan and Elevations</td> <td style="text-align: center;">ShedTech</td> <td style="text-align: center;">24/03/2023</td> </tr> </table>					Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	A.01	C	Site Plan	DA Busters	21/09/2023 recieved by council 30/11/2023	A.01	04	Site plan	DA busters	Received by council 10/7/24 Showing 2.195m at closest point for shed	-	B	Carport Plans	DA Busters	30/11/2023	-	-	Shed Plan and Elevations	ShedTech	24/03/2023
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<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p>																																		
<p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>																																		

Building Work


Before issue of a construction certificate

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

Before building work commences


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5	<p>Appointment of a Principal Certifier</p> <p>Prior to the commencement of any construction works, the person having benefit of this Development Consent must appoint a Principal Certifier.</p> <p>Condition reason: To ensure legislative requirements are met.</p>
6	<p>Construction Certificate</p> <p>A Construction Certificate must be submitted and approved by a nominated Certifier prior to any building works taking place on the subject site. The Construction Certificate must be lodged via the NSW Planning Portal.</p> <p>Condition reason: To ensure compliance with the requirements of the Environmental Planning and Assessment Regulation 2021.</p>
7	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the Principal Certifier, must be satisfied that erosion and sediment controls in the erosion and sediment control plan are 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).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
8	<p>Notice of intention to commence building work</p> <p>The proponent must give the Principal Certifier at least 2 days notice of their intention to commence building works. The notice of intention to commence building works must be lodged on the NSW Planning Portal in accordance with Section 6.6 of Environmental Planning and Assessment Act 1979 and Section 59 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p> <p>Condition reason: To ensure legislative requirements are met</p>
9	<p>Underground Services</p> <p>The proponent shall locate and identify all existing underground services prior to</p>

<h1 style="margin: 0;">DEVELOPMENT ASSESSMENT REPORT</h1> <p style="font-size: small; margin: 0;">Pursuant to the Environmental Planning & Assessment Act 1979 Section 4.15 (as amended)</p>	 COOTAMUNDRA- GUNDAGAI <small>REGIONAL COUNCIL</small>
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	commencement of works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.
	Condition reason: To ensure the utility services are protected and satisfactory for the proposed development.

During building work

10	<p>Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified <ul style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. 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 <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> a. for a relic – the Heritage Council; or b. 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 <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
11	<p>Procedure for critical stage inspections</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 this consent and the relevant construction certificate.</p> <p>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
12	<p>Approved Plans</p> <p>A copy of the endorsed plans, specifications, development consent, the construction certificate and any other certificates to be relied upon</p>

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	shall be available on site at all times during construction.
	Condition reason: To ensure compliance with relevant plans and approvals
13	<p>Deliveries</p> <p>While site work is being carried out, deliveries of material and equipment must only be carried out between—</p> <ul style="list-style-type: none"> Mondays to Fridays - 7:00am to 6:00pm; Saturdays - 8:00am to 1:00pm; No work permitted on Sundays and Public Holidays. <p>Condition reason: To protect the amenity of neighbouring properties.</p>
14	<p>Earthworks</p> <p>No earthworks are permitted to be undertaken beyond those detailed on the approved plans unless otherwise permitted by the exempt development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Condition reason: To ensure that the development is consistent with the approval</p>
15	<p>Footpath Storage</p> <p>Building materials not to be stored on Council footway or nature strip at any time.</p> <p>Condition reason: To ensure an adequate level of public safety is maintained.</p>
16	<p>Hours of Work</p> <p>Site work must only be carried out between the following times –</p> <ul style="list-style-type: none"> Mondays to Fridays - 7:00am to 6:00pm; Saturdays - 8:00am to 1:00pm; and No work is permitted on Sundays and Public Holidays. <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>

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17	<p>Restricted Public Access</p> <p>It is the responsibility of the proponent to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with SafeWork NSW Regulations.</p> <p>Condition reason: To ensure public safety is maintained.</p>
18	<p>Roof Water</p> <p>Roof water generated by the development must be discharged to the water table or a rainwater tank complying with exempt development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The stormwater outlet or tank overflow outlet must discharge:-</p> <ul style="list-style-type: none"> to the watertable; and away from any buildings, structures, property boundaries and effluent disposal area; <p>The point of discharge from the overflow must be</p> <ul style="list-style-type: none"> protected from being crushed or damaged; and provided with scour protection to prevent erosion <p>Condition reason: To ensure that roof water is disposed of without nuisance to neighbours, damage to property or the environment.</p>
19	<p>Works Near Electricity Infrastructure</p> <p>Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.</p> <p>Condition reason: Safety of workers and building occupants</p>
20	<p>Activities within Electricity Easements and Close to Infrastructure</p> <p>Essential Energy’s records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as</p>

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	<p>ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.</p>
	<p>Condition reason: Safety of workers, building occupants and protection of electricity infrastructure</p>

Before issue of an occupation certificate

21	<p>Repair of infrastructure</p> <p>Before the issue of an occupation certificate any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
22	<p>Occupation of building</p> <p>A person must not commence occupation or use of the whole or any part of the buildings unless an occupation certificate has been issued by the appointed Principal Certifier.</p> <p>Condition reason: To ensure the development is completed to a safe standard to allow use or occupation and to ensure compliance with the requirements of this consent.</p>
23	<p>Stabilisation of Earthworks</p> <p>Prior to the issue of an Occupation Certificate all earthworks must be appropriately retained or battered at a ratio no steeper than 1:3 (vertical: horizontal) and vegetated to prevent erosion.</p> <p>Any retaining wall constructed on-site must comply with the exempt development provisions of State Environmental Planning Policy (Exempt and Complying development Codes) 2007 or have necessary development and construction approval.</p>

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	Condition reason: To ensure earthworks are appropriately protected.
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Occupation and ongoing use

24	<p>Use of non-habitable structures</p> <p>The shed shall not be used or adapted for any residential, commercial or industrial purpose unless prior development consent has been obtained.</p> <p>Condition reason: To ensure the structure is used in accordance with this approval.</p>
25	<p>Building Certificate Required</p> <p>As the existing carport structure was constructed without a valid Construction Certificate or Complying Development Certificate, you are required as part of this consent to obtain a Building Certificate from Council to formalize the erection of the structure in question.</p> <p>Reason: To formalize the structure and prevent future orders being imposed..</p>

REASONS FOR CONDITIONS:

- To confirm the details of the application as submitted by the applicant and as approved by Council.
- To manage any inconsistencies between the approved plan and documents and conditions of consent.
- To ensure the amenity of the neighbourhood is maintained during construction.
- To ensure that adequate measures are in place so that damage from sediment run off to adjoining sites and waterways is minimised.
- To ensure that roof water is disposed of without nuisance to neighbours,
- To ensure public safety is maintained.
- To ensure all works are carried out in accordance with the development consent.

SCHEDULE 1, DIVISION 4, CLAUSE 20 - REASONS FOR THE DECISION:

This section of the Act requires the public notification of certain decisions, the date of the decision, the reasons for the decision and how community views were taken into account in

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making the decision. The reasons for the decision and how community views were taken into account, as it relates to this development application are:

- The development is consistent with the existing character of the area.
- The impacts of the development are minimal.
- The development complies with all local environmental planning instruments.
- Conditions have been imposed to preserve the amenity of the area.
- The development application was notified, and no submissions were received.

DEVELOPMENT ASSESSMENT SIGNING OFFICER:

Luke Izzard

Building Surveyor

18 July 2024