


FAST TRACK ASSESSMENT

Section 4.15 Evaluation Report – Domestic shed

DA Number	DA 065/22
Address	609 Back Cullen Bullen Road, Portland
Lot/DP	Lot 6 DP 836142
Applicant/Landowner	Cassandra Coleman
Assessment by	Lachlan Sims
Description of Proposal	Domestic shed
Description of Site	<p>The proposed shed is on a rural residential property with no significant constraints. The location of the shed is adjacent to the existing dwelling on the site the built form proposed will be compatible with the built form of the dwelling. The size and structural design of the shed is generally consistent with the prevailing built form in the locality. The location of the shed on the site is illustrated in the images below.</p>  <p>Location of proposed shed</p>



Policy Implications

Community Participation Plan

The development proposed is a domestic shed in the R5 zone with a floor area of less than 100m² and is exempt from public notification under the CPP.

Developer Contributions

The estimated cost of works is \$29,000.00 and is not subject to the payment of a levy under the Section 94A Development Contributions Plan 2015.

Environmental Planning and Assessment Act 1979 – Section 4.15

5.3.1 Any environmental planning instrument

Lithgow Local Environmental Plan 2014

Zoning	<i>R5 Large Lot Residential</i>
Objectives	<i>The shed is ancillary to the residential use of the land and is consistent with the zone objectives</i>
Permissibility	<i>Outbuilding for domestic purposes associated with future dwelling house – generally consistent</i>
Other matters	
<i>7.1 Earthworks – complies. No significant earthworks proposed or required.</i> <i>7.3 Stormwater management – complies. Sufficient capacity for stormwater management exists.</i> <i>7.4 Terrestrial biodiversity – not applicable, none affected</i> <i>7.5 Groundwater vulnerability – no impacts</i> <i>7.6 Riparian land and watercourses – not applicable</i> <i>7.7 Sensitive lands – no impacts</i> <i>7.8 Development within buffer – not applicable</i>	

Other environmental planning instruments

State Environmental Planning Policy (Koala Habitat Protection) 2021

The proposed development does not require the removal of any vegetation and will not impact on potential koala habitat.

State Environmental Planning Policy No 55. – Remediation of Land

The site of the development is not known to be contaminated or subject to past contaminating uses.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

None applicable.

5.3.3 Any Development Control Plan

DCP – DEEMED TO COMPLY PROVISIONS

DCP Requirement	Complies? (Y/N)
General requirements (detached outbuildings – all zones)	
2.2 Site Analysis, Local Character and Context Development generally suitable for the site and designed to avoid or mitigate potential impacts. Development is compatible with local character and is not visually prominent.	Yes
2.3 Slope Response, Earthworks and retaining walls Development responds to site topography and does not involve earthworks with detrimental environmental impact.	Minimal earthworks required – site generally level.
2.4 Stormwater Management	No significant issues, roof runoff to be discharged and dissipated over ground
2.5 Vehicle Access and Parking	Utilises existing - adequate
2.6 Pedestrian Access, Mobility and Safety	N/A
2.7 Designing for Crime Prevention	N/A
2.8 Utilities, Easement and Infrastructure	Existing services available, no impact on infrastructure
2.9 Solid waste Management	N/A
2.10 Amenity/buffers for Sensitive Uses	N/A
3.2 Bushfire Prone Land Adequate consideration has been given to statutory requirements for bushfire protection.	Bushfire prone land – non habitable outbuilding, no bushfire controls
3.3 Vegetation Management and Biodiversity No impacts on biodiversity. Clearing of significant vegetation not required/proposed.	No impacts
3.4 Land and soils	N/A
3.5 Flood Prone Land	N/A
3.6 Ground and surface water protection	N/A
3.7 Mine subsidence Risk	N/A
6.2 General Controls – Residential outbuildings Site analysis and potential land use conflicts, site suitability, landscaping etc	Acceptable

Detached outbuildings – Residential zones	
<p>6.3.3 Garages, Carports, Outbuildings and Sheds (Residential)</p> <ul style="list-style-type: none"> - The shed complies with the objectives in DCP section 6.3.3 - Compliance with floor area controls is achieved 	<p>Complies. The proposed shed will not unreasonably dominate views of the site and is generally in keeping with the prevailing built form in the locality. The shed is designed to integrate and be compatible with the existing dwelling. No negative impacts on the surrounds is expected.</p> <p>Floor area is 92.4 square metres. Maximum wall height = 2.7m Maximum ridge height = 3.38m Setbacks from boundaries exceed 48m on all elevations.</p>
5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?	
None applicable.	
5.3.5 Any matters prescribed by the regulations that apply to the land	
Prescribed conditions of consent will be imposed.	
5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	
Amenity impacts	<i>No negative amenity impacts expected</i>
Servicing	<i>Adequate servicing available</i>
Ecological impacts	<i>No ecological impacts</i>
Hazard	<i>The development is not subject to any significant hazards. Bushfire prone land – non habitable outbuilding.</i>
Social and economic impact	<i>Generally positive social and economic impacts expected</i>
Construction impacts	<i>No significant construction impacts.</i>
5.3.7 The Suitability of the site for the development	
The proposed development is considered generally suitable for the site.	
5.3.8 Any submissions made in accordance with this Act or the Regulations	
N/A	
5.3.9 The public interest	
Approval of the proposal is generally compatible with the public interest.	

RECOMMENDATION

THAT development application DA 065/22 is approved subject to conditions set out in Schedule A.

Report prepared by: Lachlan Sims 05/04/2022



REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Recommended Consent Conditions

GENERAL

1. **Approved plans and documentation**

The development is to be undertaken in accordance with the approved plans containing Council's approved development stamp identified in the table below and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

TITLE	DATE	PREPARED BY
Site plan	16/03/2022	Applicant
Plans, elevations, specifications, Job No. 0916699414, Sheets 1-9	15/02/2022	Best Sheds and Emerald Design and Construction

2. **Authorised use**

Approval is granted for a domestic shed only with no plumbing fixtures. The shed shall not be used, fitted out or occupied for industrial, commercial or separate residential purposes without prior development consent.

3. **Limits on earthworks**

Earthworks are restricted to a depth/height not exceeding 1 metre above/below existing ground level. Batters for cut or fill must be finished to a slope not exceeding a ratio of 2 in 1 or 50%. No retaining walls exceeding 600mm height above finished ground level are authorised by this consent.

CONDITIONS APPLYING BEFORE WORKS COMMENCE

4. **Certification**

Prior to commencing any construction works, the following requirements of the *Environmental Planning and Assessment Act 1979* are to be complied with:

- a) A principal certifier is appointed in accordance with section 6.6(1) of the Act, and
- b) If the principal certifier is not Council, Council has been notified of the appointment of the principal certifier no later than 2 days before building work commences in accordance with section 6.6(2) of the Act, and
- c) A construction certificate has been issued for the building works in accordance with section 6.7 of the Act, and
- d) Council has been given at least 2 days' notice of the intention to commence building works in accordance with section 6.6(2)(e) of the Act.

5. **Signage**

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.

- b) Stating that unauthorised entry to the work site is prohibited and
- c) Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

6. **Insurance**

Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

- (a) In the case of work to be done by a Licensee under the Act:
 - i) has been informed in writing of the licensee's name and contractor Licensee Number, and
 - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of the Act, or
- (b) In the case of work to be done by any other person:
 - i) has been informed in writing of persons name and Owner-Builder Permit Number, or
 - ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of dated any information or declaration previously given under either of those paragraphs.

7. **Protection of adjoining areas**

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works—

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

8. **Toilet facilities**

- (1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must—
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.

9. **Garbage receptacle**

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

10. **Run-off and erosion controls**

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

CONDITIONS APPLYING DURING THE WORKS

Note. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

11. **Standard hours for construction**

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

12. **Compliance with plans**

- (1) Works must be carried out in accordance with the plans and specifications to which the development consent relates.
- (2) A copy of the stamped and approved plans, development consent are to be on the site at all times.

13. **Maintenance of site**

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (4) During construction—
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

14. **Earthworks, retaining walls and structural support**

- (1) Any earthworks (including any structural support or other related structure for

the purposes of the development)—

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.

15. **Stormwater Drainage**

Stormwater runoff from the roof of the structure is to be collected and diverted clear of buildings and any waste water disposal area by a drainage system.

16. **Archaeology discovered during excavation**

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

17. **Aboriginal objects discovered during excavation**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

CONDITIONS APPLYING BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

18. **Occupation certificate**

Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.