

# **DEVELOPMENT ASSESSMENT REPORT – DA058/18DA - PROPOSED PATIO AT 445 SUNNY CORNER ROAD PORTLAND LITHGOW NSW 2847**

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## **1. PROPOSAL**

Council is in receipt of a Development Application DA058/18 for a proposed patio at Lot 2 DP 634789 No. 445 Sunny Corner Road Portland NSW 2847.

This rural lot has an approximate area of 150 hectares. The proposal provides for the construction of a metal framed patio with pitched metal roof over having external dimensions of 8m x 8m and attached to the rear wall of the existing dwelling.

## **2. SUMMARY**

To assess and recommend determination of DA058/18 with recommendation for approval subject to conditions.

## **3. LOCATION OF THE PROPOSAL**

Legal Description : Lot 2 DP 634789  
Property Address : 445 Sunny Corner Road Portland NSW 2847

**4. ZONING:** The land is zoned RU1 Primary Production in accordance with Lithgow Local Environmental Plan 2014.

**5. PERMISSIBILITY:** The development being an attached patio is considered permissible as ancillary development to an existing dwelling under Lithgow Local Environmental Plan 2014 Zone RU1 Primary Production, subject to development consent.

### **5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)**

#### **Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land**

This policy applies to the development. The Development Application was lodged by Councillor Maree Statham and the Policy requires the application must be referred to the Council for consideration and determination. It further provides that no aspect of the application be dealt with under delegated authority.

### **5.2 FINANCIAL IMPLICATIONS (eg Section 94)**

#### **Section 94A (Section 7.12) Development Contributions Plan 2015**

As the estimated total construction cost of \$22,000 is less than \$100,000, Council's Section 94A Contributions are not applicable to this development, as outlined below:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

### 5.3 LEGAL IMPLICATIONS

#### Conveyancing Act 1919

There are no Restrictive Covenants that affect this development.

#### Environmental Protection and Biodiversity Conservation Act 1991

No federally listed Threatened Species or Endangered Ecological Communities are required to be cleared as a result of this application. Accordingly, there are no legal implications under this Act in respect to the proposed development.

#### Local Government Act 1993

No approvals are required under this Act in respect to the proposed development.

#### Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

##### 5.3.1 Any Environmental Planning Instruments

#### ***Lithgow Local Environmental Plan 2014***

LEP 2014 – Compliance Check		
Clause		Compliance
<b>Land Use table</b>	RU1 Primary production	Yes
<b>7.1</b>	Earthworks	Yes
<b>7.5</b>	Groundwater vulnerability	Yes
<b>7.7</b>	Sensitive lands	Yes

#### **Comment:**

The property is zoned RU1 Primary Production and the proposed patio is permissible as ancillary development to a dwelling. The proposed patio is compatible with the surrounding development and meets the objectives of the zone.

The subject site is identified as 'Groundwater vulnerable' on Environmentally Sensitive Areas – Water Overlay Map. The property is not connected to town water or sewer. The existing dwelling is served by an approved onsite wastewater management system and has a roof catchment water supply. Roof water from the proposed patio will be connected to the existing rainwater harvesting system serving the dwelling.

It is considered that there would be negligible impact from the proposed patio development on groundwater dependent ecosystems and environmentally sensitive land. The patio is to be located in an existing retained area / courtyard and is site responsive with no additional earthworks required. Therefore the development is

designed, sited and will be managed to avoid any significant adverse environmental impact.

The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes
11	Development that needs concurrence of the Chief Executive	N/A

**Comment:** The application was required to be assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool as below. The NORBE assessment was determined as having a Neutral or Beneficial Effect on Water Quality Assessment Tool and therefore satisfies this assessment. The development complies with the SEPP.

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

Nil.

5.3.3 Any Development Control Plan

Nil.

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?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

It is considered that as a result of this assessment the development will comply with the provisions of the regulations subject to conditions of consent.

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

**Adjoining Landuse:** The surrounding area comprises of similar rural land uses and the proposal is consistent with such. The proposal will not cause any land use conflicts and the development is permissible within the zone.

**Services:** The development will not affect existing electricity and telecommunication service connections serving the dwelling and is sited clear of the existing onsite wastewater management system. Therefore, it is considered that the proposal will be adequately serviced.

**Context and Setting:** The proposed development will have no adverse impact on the context and setting of the area. The development has been designed to complement existing development.

**Access:** Provided in respect to the existing dwelling from Sunny Corner Road. Access is considered adequate for the development.

**Flora and Fauna:** No clearing is required and the development will have no impact on flora or fauna.

**Social and Economic Impact:** The proposed development is compatible with surrounding development, will have no minimal social or economic impact and is generally in keeping with the provisions of the planning instrument.

**Soils:** The proposed construction involves minimal cut and fill. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

**Water:** The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied. Therefore with appropriate conditions of consent it is considered that the development will have minimal impact on water.

**Air and Microclimate:** There will be no significant impact on air or microclimate.

**Waste:** Any waste generated by the proposed development will be disposed of at a licenced facility.

**Natural Hazards:** The lot is not affected by bushfire prone mapping. Therefore no bushfire protection requirements apply to this development.

**Noise and Vibration:** The proposal is not expected to cause any noise issues to the surrounding area.

**Other Land Resources:** This ancillary development will not impact on the value of the land in terms of agricultural potential or mining.

#### 5.3.7 The Suitability of the site for the development

The development will have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the site is considered to be suitable for the proposal.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

Nil.

#### 5.3.9 The public interest

There are no public interest issues arising from the proposed development.

## 6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instrument and will not adversely impact upon the environment or upon the amenity of the locality. As such it is recommended that development consent be issued subject to the conditions outlined below.

## 7. ATTACHMENTS

Schedule A- Conditions of consent.

## 8. RECOMMENDATION

**THAT** development application DA058/18 is approved subject to conditions set out in Schedule A.

Report prepared by: Jim Sheehan

Supervisor: Jim Nichols

Signed:.....

Signed:.....

Dated:.....

Dated:.....

### 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 that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- 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 lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## **Schedule A**

### **Conditions of Consent (Consent Authority)**

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### **ADMINISTRATIVE CONDITIONS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed on the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.
4. 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 that Act:
    - i) has been informed in writing of the licensee's name and contractor Licence Number, and
    - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of that Act, or
  - b) in the case of work to be done by any other person:
    - i) has been informed in writing of the 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 date any information or declaration previously given under either of those paragraphs.
5. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
6. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.
7. 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.

- 8. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
- 9. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
  - a) Pier holes/pad footings before filling with concrete.
  - b) Framing when external wall and / or roof cladding is in place and prior to internal linings.
  - c) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
  - d) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

- 10. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

- 11. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of Council. Care is to be taken to ensure that no nuisance is created to adjoining properties.
- 12. That the proposed rainwater drains are connected to the existing rainwater disposal system.
- 13. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.



SUNNY CORNER ROAD

OVER 100 METERS TO BOUNDARY

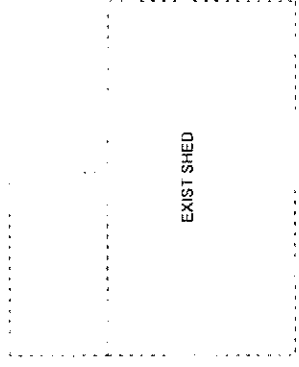
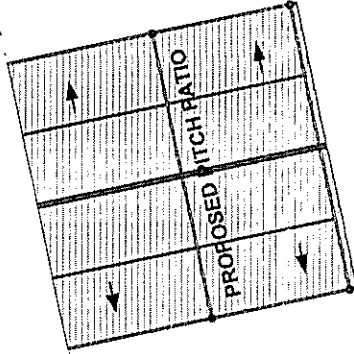
OVER 100 METERS TO BOUNDARY

EXIST DWELLING

OVER 100 METERS TO BOUNDARY

OVER 100 METERS TO BOUNDARY

EXIST SHED



**PICTON BROS  
IMPROVEMENTS  
PH) 68840899  
LIC # 83737C**

Site Plan

CUSTOMER: MAREE STATHAM  
 PANELSPAN PROJECT : PITCH PATIO COVER  
 SITE ADDRESS:  
 455 SUNNY CORNER ROAD PORTLAND 2847

CONTRACT No  
 OR2847

SCALE  
 1:200

DESCRIPTION OF PROPOSED WORKS  
 PITCH PATIO COVER

GRAHAM  
 CHAPMAN

SHEET #  
 2 of 2

Drawing Plan Schedule  
 Date Created  
 Preliminary Drawing  
 Contract Plan

CUSTOMERS APPROVAL

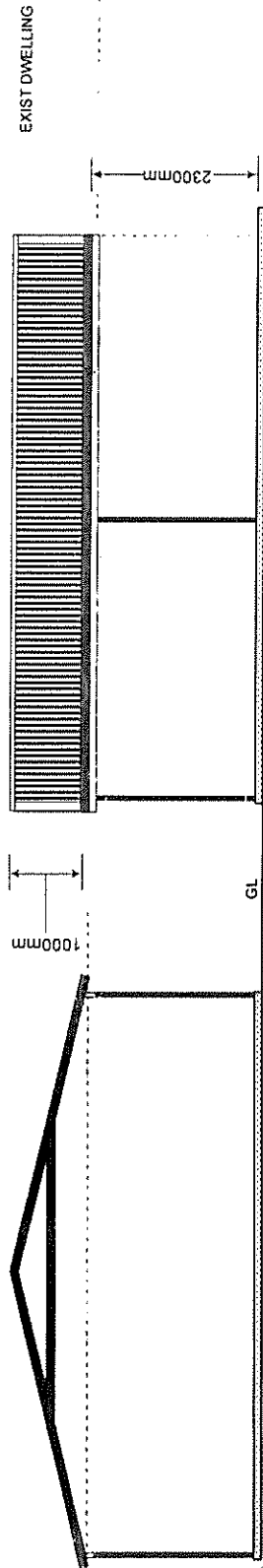
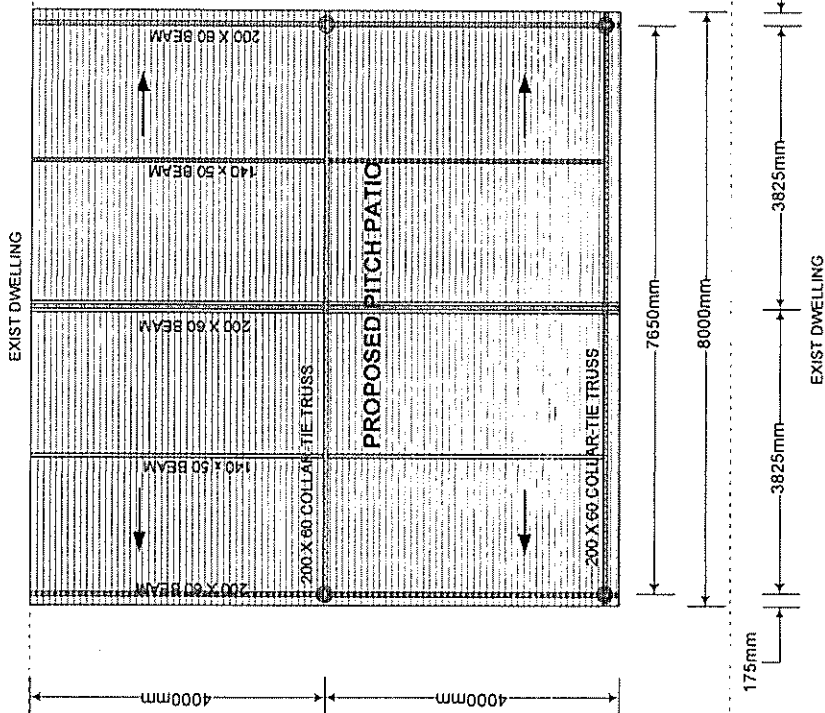
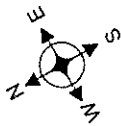
Signature

Date

DATE  
 22-Feb-18



**PROPOSED PITCH PATIO COVER TO ATTACH TO DWELLING**  
**JOB AREA = 63.96m<sup>2</sup>**  
**JOB HEIGHT = 2300mm**  
**PITCH HEIGHT = 1000mm**  
**POSTS = 90 X 90 ALUMINIUM TO ATTACH TO PROPOSED SLAB WHICH IS TO BE ARRANGED BY OWNER**  
**BEAMS = 200 X 60 STEEL AND 140 X 50 BEAM AND 200 X 60 STEEL COLLAR - TIE TRUSSES**  
**LAND AREA = 218246m<sup>2</sup>**



**SOUTH WEST ELEVATION** **SOUTH EAST ELEVATION**

<b>PICTON BROS IMPROVEMENTS</b> <b>PH) 68840899</b> <b>LIC # 83737C</b>  Architectural Plan	CUSTOMER: MAREE STATHAM PANELSPAN PROJECT: PITCH PATIO COVER SITE ADDRESS: 455 SUNNY CORNER ROAD PORTLAND 2847	DESCRIPTION OF PROPOSED WORKS PITCH PATIO COVER	Drawing Plan Schedule Date Created Preliminary Drawing Contract Plan	DATE 22-Feb-18
	CONTRACT No OR2843	SCALE A4 1:100	GRAHAME CHAPMAN	Signature CUSTOMERS APPROVAL

# **DEVELOPMENT ASSESSMENT REPORT – DA058/18DA - PROPOSED PATIO AT 445 SUNNY CORNER ROAD PORTLAND LITHGOW NSW 2847**

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## **1. PROPOSAL**

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This rural lot has an approximate area of 150 hectares. The proposal provides for the construction of a metal framed patio with pitched metal roof over having external dimensions of 8m x 8m and attached to the rear wall of the existing dwelling.

## **2. SUMMARY**

To assess and recommend determination of DA058/18 with recommendation for approval subject to conditions.

## **3. LOCATION OF THE PROPOSAL**

Legal Description : Lot 2 DP 634789  
Property Address : 445 Sunny Corner Road Portland NSW 2847

**4. ZONING:** The land is zoned RU1 Primary Production in accordance with Lithgow Local Environmental Plan 2014.

**5. PERMISSIBILITY:** The development being an attached patio is considered permissible as ancillary development to an existing dwelling under Lithgow Local Environmental Plan 2014 Zone RU1 Primary Production, subject to development consent.

### **5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)**

#### **Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land**

This policy applies to the development. The Development Application was lodged by Councillor Maree Statham and the Policy requires the application must be referred to the Council for consideration and determination. It further provides that no aspect of the application be dealt with under delegated authority.

### **5.2 FINANCIAL IMPLICATIONS (eg Section 94)**

#### **Section 94A (Section 7.12) Development Contributions Plan 2015**

As the estimated total construction cost of \$22,000 is less than \$100,000, Council's Section 94A Contributions are not applicable to this development, as outlined below:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

### 5.3 LEGAL IMPLICATIONS

#### Conveyancing Act 1919

There are no Restrictive Covenants that affect this development.

#### Environmental Protection and Biodiversity Conservation Act 1991

No federally listed Threatened Species or Endangered Ecological Communities are required to be cleared as a result of this application. Accordingly, there are no legal implications under this Act in respect to the proposed development.

#### Local Government Act 1993

No approvals are required under this Act in respect to the proposed development.

#### Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

##### 5.3.1 Any Environmental Planning Instruments

#### ***Lithgow Local Environmental Plan 2014***

LEP 2014 – Compliance Check		
Clause		Compliance
<b>Land Use table</b>	RU1 Primary production	Yes
<b>7.1</b>	Earthworks	Yes
<b>7.5</b>	Groundwater vulnerability	Yes
<b>7.7</b>	Sensitive lands	Yes

#### **Comment:**

The property is zoned RU1 Primary Production and the proposed patio is permissible as ancillary development to a dwelling. The proposed patio is compatible with the surrounding development and meets the objectives of the zone.

The subject site is identified as 'Groundwater vulnerable' on Environmentally Sensitive Areas – Water Overlay Map. The property is not connected to town water or sewer. The existing dwelling is served by an approved onsite wastewater management system and has a roof catchment water supply. Roof water from the proposed patio will be connected to the existing rainwater harvesting system serving the dwelling.

It is considered that there would be negligible impact from the proposed patio development on groundwater dependent ecosystems and environmentally sensitive land. The patio is to be located in an existing retained area / courtyard and is site responsive with no additional earthworks required. Therefore the development is

designed, sited and will be managed to avoid any significant adverse environmental impact.

The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes
11	Development that needs concurrence of the Chief Executive	N/A

**Comment:** The application was required to be assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool as below. The NORBE assessment was determined as having a Neutral or Beneficial Effect on Water Quality Assessment Tool and therefore satisfies this assessment. The development complies with the SEPP.

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

Nil.

5.3.3 Any Development Control Plan

Nil.

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?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

It is considered that as a result of this assessment the development will comply with the provisions of the regulations subject to conditions of consent.

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

**Adjoining Landuse:** The surrounding area comprises of similar rural land uses and the proposal is consistent with such. The proposal will not cause any land use conflicts and the development is permissible within the zone.

**Services:** The development will not affect existing electricity and telecommunication service connections serving the dwelling and is sited clear of the existing onsite wastewater management system. Therefore, it is considered that the proposal will be adequately serviced.

**Context and Setting:** The proposed development will have no adverse impact on the context and setting of the area. The development has been designed to complement existing development.

**Access:** Provided in respect to the existing dwelling from Sunny Corner Road. Access is considered adequate for the development.

**Flora and Fauna:** No clearing is required and the development will have no impact on flora or fauna.

**Social and Economic Impact:** The proposed development is compatible with surrounding development, will have no minimal social or economic impact and is generally in keeping with the provisions of the planning instrument.

**Soils:** The proposed construction involves minimal cut and fill. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

**Water:** The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied. Therefore with appropriate conditions of consent it is considered that the development will have minimal impact on water.

**Air and Microclimate:** There will be no significant impact on air or microclimate.

**Waste:** Any waste generated by the proposed development will be disposed of at a licenced facility.

**Natural Hazards:** The lot is not affected by bushfire prone mapping. Therefore no bushfire protection requirements apply to this development.

**Noise and Vibration:** The proposal is not expected to cause any noise issues to the surrounding area.

**Other Land Resources:** This ancillary development will not impact on the value of the land in terms of agricultural potential or mining.

#### 5.3.7 The Suitability of the site for the development

The development will have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the site is considered to be suitable for the proposal.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

Nil.

#### 5.3.9 The public interest

There are no public interest issues arising from the proposed development.

## 6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instrument and will not adversely impact upon the environment or upon the amenity of the locality. As such it is recommended that development consent be issued subject to the conditions outlined below.

## 7. ATTACHMENTS

Schedule A- Conditions of consent.

## 8. RECOMMENDATION

**THAT** development application DA058/18 is approved subject to conditions set out in Schedule A.

Report prepared by: Jim Sheehan

Supervisor: Jim Nichols

Signed:.....

Signed:.....

Dated:.....

Dated:.....

### 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 that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- 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 lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## **Schedule A**

### **Conditions of Consent (Consent Authority)**

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### **ADMINISTRATIVE CONDITIONS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed on the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.
4. 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 that Act:
    - i) has been informed in writing of the licensee's name and contractor Licence Number, and
    - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of that Act, or
  - b) in the case of work to be done by any other person:
    - i) has been informed in writing of the 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 date any information or declaration previously given under either of those paragraphs.
5. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
6. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.
7. 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.

- 8. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
- 9. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
  - a) Pier holes/pad footings before filling with concrete.
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At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

- 10. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

- 11. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of Council. Care is to be taken to ensure that no nuisance is created to adjoining properties.
- 12. That the proposed rainwater drains are connected to the existing rainwater disposal system.
- 13. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.





SUNNY CORNER ROAD

OVER 100 METERS TO BOUNDARY

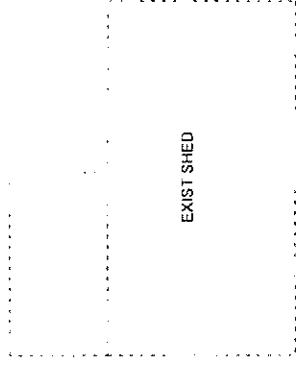
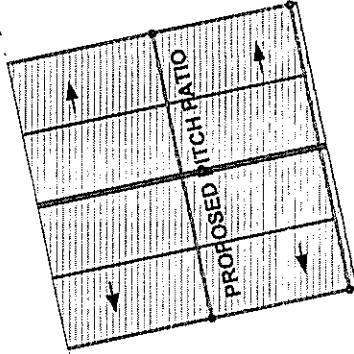
OVER 100 METERS TO BOUNDARY

EXIST DWELLING

OVER 100 METERS TO BOUNDARY

OVER 100 METERS TO BOUNDARY

EXIST SHED



**PICTON BROS  
IMPROVEMENTS  
PH) 68840899  
LIC # 83737C**

Site Plan

CUSTOMER: MAREE STATHAM  
PANELSPAN PROJECT : PITCH PATIO COVER  
SITE ADDRESS:  
455 SUNNY CORNER ROAD PORTLAND 2847

CONTRACT No  
OR2847

SCALE  
1:200

DESCRIPTION OF PROPOSED WORKS  
PITCH PATIO COVER

GRAHAM  
CHAPMAN

SHEET #  
2 of 2

Drawing Plan Schedule  
Date Created  
Preliminary Drawing  
Contract Plan

CUSTOMERS APPROVAL  
Signature  
Date

DATE  
22-Feb-18

# **DEVELOPMENT ASSESSMENT REPORT – DA058/18DA - PROPOSED PATIO AT 445 SUNNY CORNER ROAD PORTLAND LITHGOW NSW 2847**

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## **1. PROPOSAL**

Council is in receipt of a Development Application DA058/18 for a proposed patio at Lot 2 DP 634789 No. 445 Sunny Corner Road Portland NSW 2847.

This rural lot has an approximate area of 150 hectares. The proposal provides for the construction of a metal framed patio with pitched metal roof over having external dimensions of 8m x 8m and attached to the rear wall of the existing dwelling.

## **2. SUMMARY**

To assess and recommend determination of DA058/18 with recommendation for approval subject to conditions.

## **3. LOCATION OF THE PROPOSAL**

Legal Description : Lot 2 DP 634789  
Property Address : 445 Sunny Corner Road Portland NSW 2847

**4. ZONING:** The land is zoned RU1 Primary Production in accordance with Lithgow Local Environmental Plan 2014.

**5. PERMISSIBILITY:** The development being an attached patio is considered permissible as ancillary development to an existing dwelling under Lithgow Local Environmental Plan 2014 Zone RU1 Primary Production, subject to development consent.

### **5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)**

#### **Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land**

This policy applies to the development. The Development Application was lodged by Councillor Maree Statham and the Policy requires the application must be referred to the Council for consideration and determination. It further provides that no aspect of the application be dealt with under delegated authority.

### **5.2 FINANCIAL IMPLICATIONS (eg Section 94)**

#### **Section 94A (Section 7.12) Development Contributions Plan 2015**

As the estimated total construction cost of \$22,000 is less than \$100,000, Council's Section 94A Contributions are not applicable to this development, as outlined below:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

### 5.3 LEGAL IMPLICATIONS

#### Conveyancing Act 1919

There are no Restrictive Covenants that affect this development.

#### Environmental Protection and Biodiversity Conservation Act 1991

No federally listed Threatened Species or Endangered Ecological Communities are required to be cleared as a result of this application. Accordingly, there are no legal implications under this Act in respect to the proposed development.

#### Local Government Act 1993

No approvals are required under this Act in respect to the proposed development.

#### Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

##### 5.3.1 Any Environmental Planning Instruments

#### ***Lithgow Local Environmental Plan 2014***

LEP 2014 – Compliance Check		
Clause		Compliance
<b>Land Use table</b>	RU1 Primary production	Yes
<b>7.1</b>	Earthworks	Yes
<b>7.5</b>	Groundwater vulnerability	Yes
<b>7.7</b>	Sensitive lands	Yes

#### **Comment:**

The property is zoned RU1 Primary Production and the proposed patio is permissible as ancillary development to a dwelling. The proposed patio is compatible with the surrounding development and meets the objectives of the zone.

The subject site is identified as 'Groundwater vulnerable' on Environmentally Sensitive Areas – Water Overlay Map. The property is not connected to town water or sewer. The existing dwelling is served by an approved onsite wastewater management system and has a roof catchment water supply. Roof water from the proposed patio will be connected to the existing rainwater harvesting system serving the dwelling.

It is considered that there would be negligible impact from the proposed patio development on groundwater dependent ecosystems and environmentally sensitive land. The patio is to be located in an existing retained area / courtyard and is site responsive with no additional earthworks required. Therefore the development is

designed, sited and will be managed to avoid any significant adverse environmental impact.

The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes
11	Development that needs concurrence of the Chief Executive	N/A

**Comment:** The application was required to be assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool as below. The NORBE assessment was determined as having a Neutral or Beneficial Effect on Water Quality Assessment Tool and therefore satisfies this assessment. The development complies with the SEPP.

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

Nil.

5.3.3 Any Development Control Plan

Nil.

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?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

It is considered that as a result of this assessment the development will comply with the provisions of the regulations subject to conditions of consent.

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

**Adjoining Landuse:** The surrounding area comprises of similar rural land uses and the proposal is consistent with such. The proposal will not cause any land use conflicts and the development is permissible within the zone.

**Services:** The development will not affect existing electricity and telecommunication service connections serving the dwelling and is sited clear of the existing onsite wastewater management system. Therefore, it is considered that the proposal will be adequately serviced.

**Context and Setting:** The proposed development will have no adverse impact on the context and setting of the area. The development has been designed to complement existing development.

**Access:** Provided in respect to the existing dwelling from Sunny Corner Road. Access is considered adequate for the development.

**Flora and Fauna:** No clearing is required and the development will have no impact on flora or fauna.

**Social and Economic Impact:** The proposed development is compatible with surrounding development, will have no minimal social or economic impact and is generally in keeping with the provisions of the planning instrument.

**Soils:** The proposed construction involves minimal cut and fill. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

**Water:** The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied. Therefore with appropriate conditions of consent it is considered that the development will have minimal impact on water.

**Air and Microclimate:** There will be no significant impact on air or microclimate.

**Waste:** Any waste generated by the proposed development will be disposed of at a licenced facility.

**Natural Hazards:** The lot is not affected by bushfire prone mapping. Therefore no bushfire protection requirements apply to this development.

**Noise and Vibration:** The proposal is not expected to cause any noise issues to the surrounding area.

**Other Land Resources:** This ancillary development will not impact on the value of the land in terms of agricultural potential or mining.

#### 5.3.7 The Suitability of the site for the development

The development will have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the site is considered to be suitable for the proposal.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

Nil.

#### 5.3.9 The public interest

There are no public interest issues arising from the proposed development.

## 6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instrument and will not adversely impact upon the environment or upon the amenity of the locality. As such it is recommended that development consent be issued subject to the conditions outlined below.

## 7. ATTACHMENTS

Schedule A- Conditions of consent.

## 8. RECOMMENDATION

**THAT** development application DA058/18 is approved subject to conditions set out in Schedule A.

Report prepared by: Jim Sheehan

Supervisor: Jim Nichols

Signed:.....

Signed:.....

Dated:.....

Dated:.....

### 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 that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- 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 lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## **Schedule A**

### **Conditions of Consent (Consent Authority)**

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### **ADMINISTRATIVE CONDITIONS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed on the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.
4. 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 that Act:
    - i) has been informed in writing of the licensee's name and contractor Licence Number, and
    - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of that Act, or
  - b) in the case of work to be done by any other person:
    - i) has been informed in writing of the 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 date any information or declaration previously given under either of those paragraphs.
5. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
6. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.
7. 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.

- 8. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
- 9. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
  - a) Pier holes/pad footings before filling with concrete.
  - b) Framing when external wall and / or roof cladding is in place and prior to internal linings.
  - c) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
  - d) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

- 10. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

- 11. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of Council. Care is to be taken to ensure that no nuisance is created to adjoining properties.
- 12. That the proposed rainwater drains are connected to the existing rainwater disposal system.
- 13. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.





SUNNY CORNER ROAD

OVER 100 METERS TO BOUNDARY

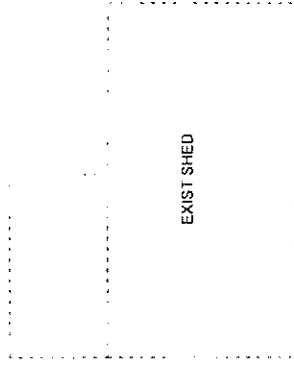
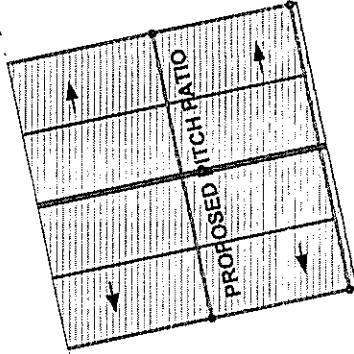
OVER 100 METERS TO BOUNDARY

EXIST DWELLING

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EXIST SHED



**PICTON BROS  
IMPROVEMENTS  
PH) 68840899  
LIC # 83737C**

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**PROPOSED PITCH PATIO COVER TO ATTACH TO DWELLING**

JOB AREA = 63.96m<sup>2</sup>

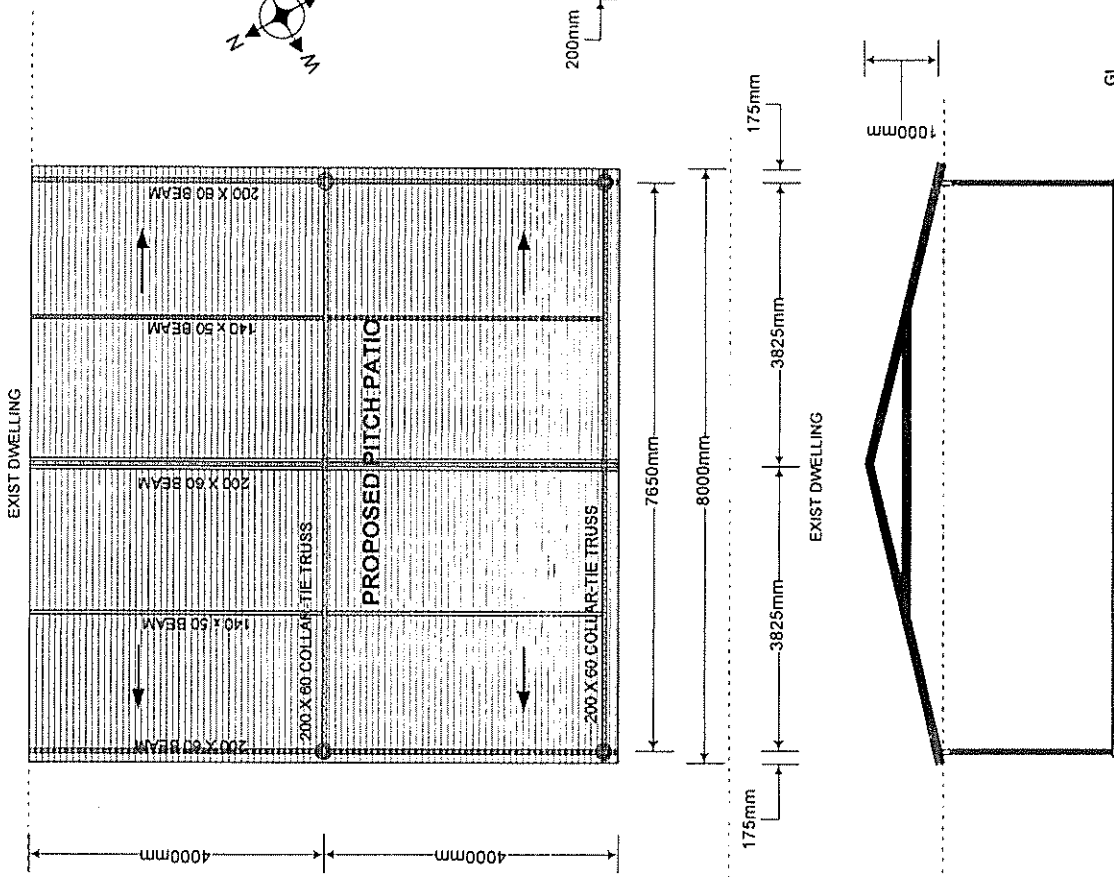
JOB HEIGHT = 2300mm

PITCH HEIGHT = 1000mm

POSTS = 90 X 90 ALUMINIUM TO ATTACH TO PROPOSED SLAB WHICH IS TO BE ARRANGED BY OWNER

BEAMS = 200 X 60 STEEL AND 140 X 50 BEAM AND 200 X 60 STEEL COLLAR - TIE TRUSSES

LAND AREA = 218246m<sup>2</sup>

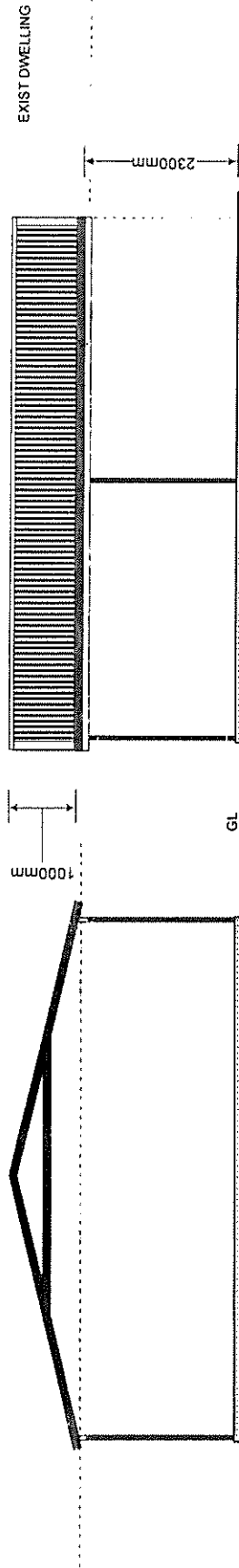
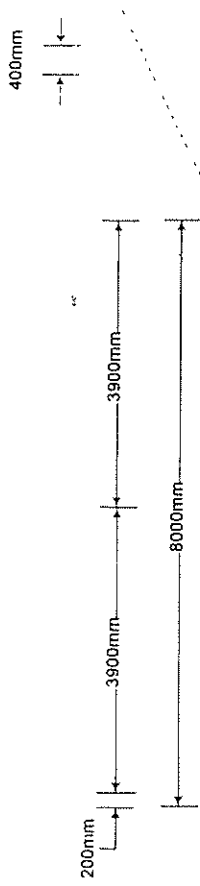
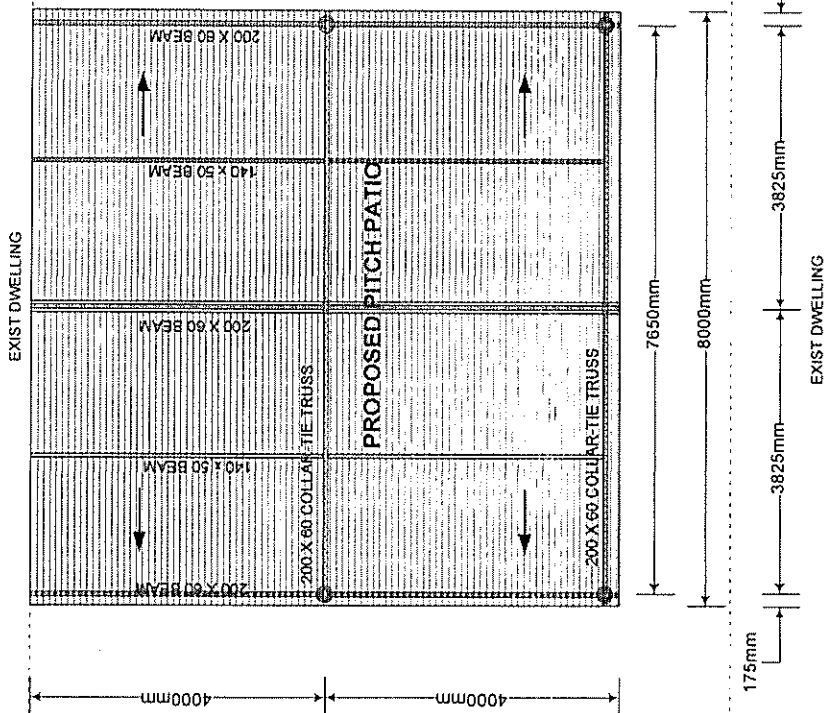
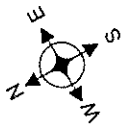


**SOUTH WEST ELEVATION**

**SOUTH EAST ELEVATION**

<b>PICTON BROS IMPROVEMENTS</b> PH) 68840899 LIC # 83737C Architectural Plan	CUSTOMER: MAREE STATHAM PANELSPAN PROJECT: PITCH PATIO COVER SITE ADDRESS: 455 SUNNY CORNER ROAD PORTLAND 2847		DESCRIPTION OF PROPOSED WORKS PITCH PATIO COVER		Drawing Plan Schedule Date Created Preliminary Drawing Contract Plan		DATE 22-Feb-18		
	CONTRACT No OR2843		SCALE A4 1:100		GRAHAME CHAPMAN		SHEET # 1 of 2		CUSTOMERS APPROVAL Signature _____ Date _____

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**SOUTH WEST ELEVATION** **SOUTH EAST ELEVATION**

<p><b>PICTON BROS IMPROVEMENTS</b>  <b>PH) 68840899</b>  <b>LIC # 83737C</b></p> <p style="text-align: right;">Architectural Plan</p>	<p><b>CUSTOMER:</b> MAREE STATHAM  <b>PANELSPAN PROJECT:</b> PITCH PATIO COVER  <b>SITE ADDRESS:</b>          455 SUNNY CORNER ROAD PORTLAND 2847</p> <p><b>CONTRACT No</b> OR2843 <b>SCALE</b> A4 1:100</p>	<p><b>DESCRIPTION OF PROPOSED WORKS</b>          PITCH PATIO COVER</p> <p><b>GRAHAME CHAPMAN</b></p>	<p><b>Drawing Plan Schedule</b>          Date Created          Preliminary Drawing          Contract Plan</p> <p><b>SHEET #</b>          1 of 2</p>	<p><b>DATE</b>          22-Feb-18</p> <p><b>CUSTOMERS APPROVAL</b>          Signature _____ Date _____</p>
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