

# NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979* Section 81(1)(a)

**DEVELOPMENT APPLICATION NO. 117/16/DA/D2**

## DEVELOPMENT APPLICATION

**Applicant Name** Banksia Park Puppies  
**Applicant Address** 5457 South Gippsland Highway  
STRADBROKE VIC 3851

## LAND TO BE DEVELOPED

677 BARNES ROAD, FINLEY NSW 2713  
Lot 2//DP701027

## PROPOSED DEVELOPMENT

Dog Breeding Facility

## DETERMINATION

**Made on** 08-06-2016

**Determination**  consent granted unconditionally  
 consent granted subject to conditions described below  
 application refused

**Consent to operate from** 08-06-2016

**Consent to lapse on** 07-06-2021



Details of Conditions (including section 94 conditions)

**General Conditions**

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

1. **Approved Plans**

The development shall be implemented in accordance with the details set out on the approved plans Franke Building Design & Drafting Job No. 201422 (Sheets 1-2), BSC-001 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. **Appointment of PCA and Notice of Commencement**

No work is to commence until the person granted development consent has:

- a) obtained a Construction Certificate for each structure
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY (Complete Form D - Appointment PCA)
- c) notified the Council of the appointment
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) given the Council at least 2 days notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

3. **Construction Certificate**

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

4. **Critical Stage Inspections**

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 109E EP&A Act 1979)

5. **Occupation**

The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an "Occupation Certificate".

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia.  
(Section 109C(1)(c) and 109H EP&A Act 1979)

6. **Waste**

A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

7. **Compliance with Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia



8. **Permitted hours for building work**  
All building work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and public holidays.
9. **Excavations and backfilling**
  - (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
10. **Signs to be erected on building & demolition site**
  - a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
    - (i) stating that unauthorised entry to the work site is prohibited, and
    - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  
  - b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).
11. **Environmental Management Plan**  
An Environmental Management Plan (covering noise, odour, waste management, water management, food, mortalities and chemical storage) must be prepared and submitted to Council for approval prior to commencement of operations as indicated in the supporting information.
12. **Minimisation of Odour**  
The operation of the development must be undertaken in such a manner to ensure that odour emanating from the site is minimised and there are no adverse impacts upon surrounding residences.
13. **NSW Department of Primary Industry Animal Welfare**  
The development must be operated in accordance with the provisions of any policy or guideline developed by the NSW Department of Primary Industry from time to time.

Reasons for conditions: Compliance with Environmental Planning and Assessment Act 1979 and Building Code of Australia.

#### **RIGHT OF APPEAL**

If you are dissatisfied with the decision you may make an application to the Council for a review of the determination in accordance with Section 82A of the Environmental Planning & Assessment Act 1979.

You also have the right to appeal to the NSW Land & Environment Court under Section 97 of the Environmental Planning & Assessment Act 1979 within 6 months after the date on which you receive this notice.

#### **SIGNED**

on behalf of the consent authority

Signature \_\_\_\_\_



Name      Camillus O'Kane - Town Planner

Date       08-06-2016