



# Greater Hume Shire

simply greater

Our Ref: CJK: SLG: P10059749:P40532-8632

J Ferguson  
PO Box 60  
HOLBROOK NSW 2644

## ANNEXURE 1

Greater Hume Shire  
ABN 44 970 341 154  
39 Young Street (PO Box 99)  
Holbrook NSW 2644  
P: 02 6036 0100 or 1300 653 538  
F: 02 6036 2683

Culcairn Office  
40 Balfour Street Culcairn NSW 2660  
P: 02 6029 8588 F: 02 6029 8607

Customer Service Centres  
Henty RTC/Library  
32 Sladen Street, Henty NSW 2658  
Jindera

Shops 8 & 9 Jindera Plaza  
Jindera NSW 2642  
Walla Walla RTC/WAW Credit Union  
Commercial Street,  
Walla Walla NSW 2659

E: [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au)  
[www.greaterhume.nsw.gov.au](http://www.greaterhume.nsw.gov.au)

### Subject land:

|                |   |
|----------------|---|
| Property Title | Lot: 2 DP: 1123880                                |
| Address:       | Holbrook Airpark 375 Holbrook Wagga Road HOLBROOK |

## Development Consent No.10.2016.71.1

Notice of determination of a development application pursuant to section 81(1)(a) of the *Environmental Planning and Assessment Act 1979* (the Act). The development application has been determined by the granting of consent subject to the attached conditions.

Endorsed date of consent: 17 August 2016

Description of development: 13 Lot Subdivision  
Attached: 1 Conditions  
2 Endorsed plans

Pursuant to section 81(1)(a) of the Act this Consent becomes effective and operates from the endorsed date of consent.

Pursuant to section 95 of the Act this Consent shall lapse if building, engineering, or construction work relating to the building, subdivision, or work is not physically commenced on the subject land within five (5) years from the endorsed date of consent.

Colin Kane  
**Director Environment & Planning**  
**Accreditation No. BPB0878**  
GREATER HUME SHIRE COUNCIL

17 August 2016

**Right of Review:**

Pursuant to clause 100(1)(c1) of the *Environmental Planning and Assessment Regulation 2000* and section 82A(2A)(a) of the Act it is advised that if you are dissatisfied with this determination you may request a review of this determination under section 82A of the Act within 6 months after the date on which you received this notice.

**Right of Appeal:**

Pursuant to section 97(1)(a) of the Act it is advised that if you are dissatisfied with this determination you may appeal to the Land and Environment Court within 6 months after the date on which you received this notice.

**Conditions of Development Consent No. 10.2016.71.1**

1. Development shall be generally in accordance with the approved plans and accompanying information (including the Statement of Environmental Effects), except where modified by the following conditions.
2. Prior to commencing any subdivision construction works, a construction certificate is to be obtained in accordance with Section 81A(4)(a) of the Environmental Planning and Assessment Act 1979.
3. **Prior to the issue of a Construction Certificate** for any lot, the applicant shall provide to Council for approval:
  - a. A plan and design for the drainage of the lots.
  - b. A plan and design of the vehicle access to the lots.
4. **Prior to the issue of a subdivision certificate** for any lot, the applicant shall provide to Council:
  - a. An easement for vehicle access to the lots.
  - b. Evidence of construction of the vehicle access to all lots in accordance with Council specifications.
  - c. Demonstrate to Council that occupants of the hangers can access a communal ablutions facility. Further the applicant will demonstrate how this facility will be maintained.
  - d. complete works which are subject to the construction certificate.
5. Written notice shall be given to Council seven (7) days prior to the commencement of any works on the site.
6. This approval shall expire if the development hereby permitted is not commenced within five (5) years of the date of consent.
7. Subdivision Certificate will only be issued upon completion of "Application for Subdivision Certificate" (form attached) and payment of the fee applicable when the subdivision certificate is issued.

**Advisory Note: Council will restrict hangers to a specific size and uniform appearance through constraints on Title.**

**Conditions have been placed on the consent for the following reasons:**

- 1 To ensure the compliance with the terms of the Environmental Planning Instruments.
- 2 Having regard to Council's duties of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, as well as Section 80A which authorises the imposing of consent conditions.
- 3 Having regard to the comments made by referral authorities and submissions received from the public
- 4 Having regard to the circumstances of the case and the public interest.

Subdivision for hangars only  
 No power, water or sewer  
 proposed to be provided

Not based on survey

NOTE  
 Plan for identification purposes only

Proposed 13 Lot Subdivision  
 Holbrook Airpark

Scale A3  
 1 : 1250

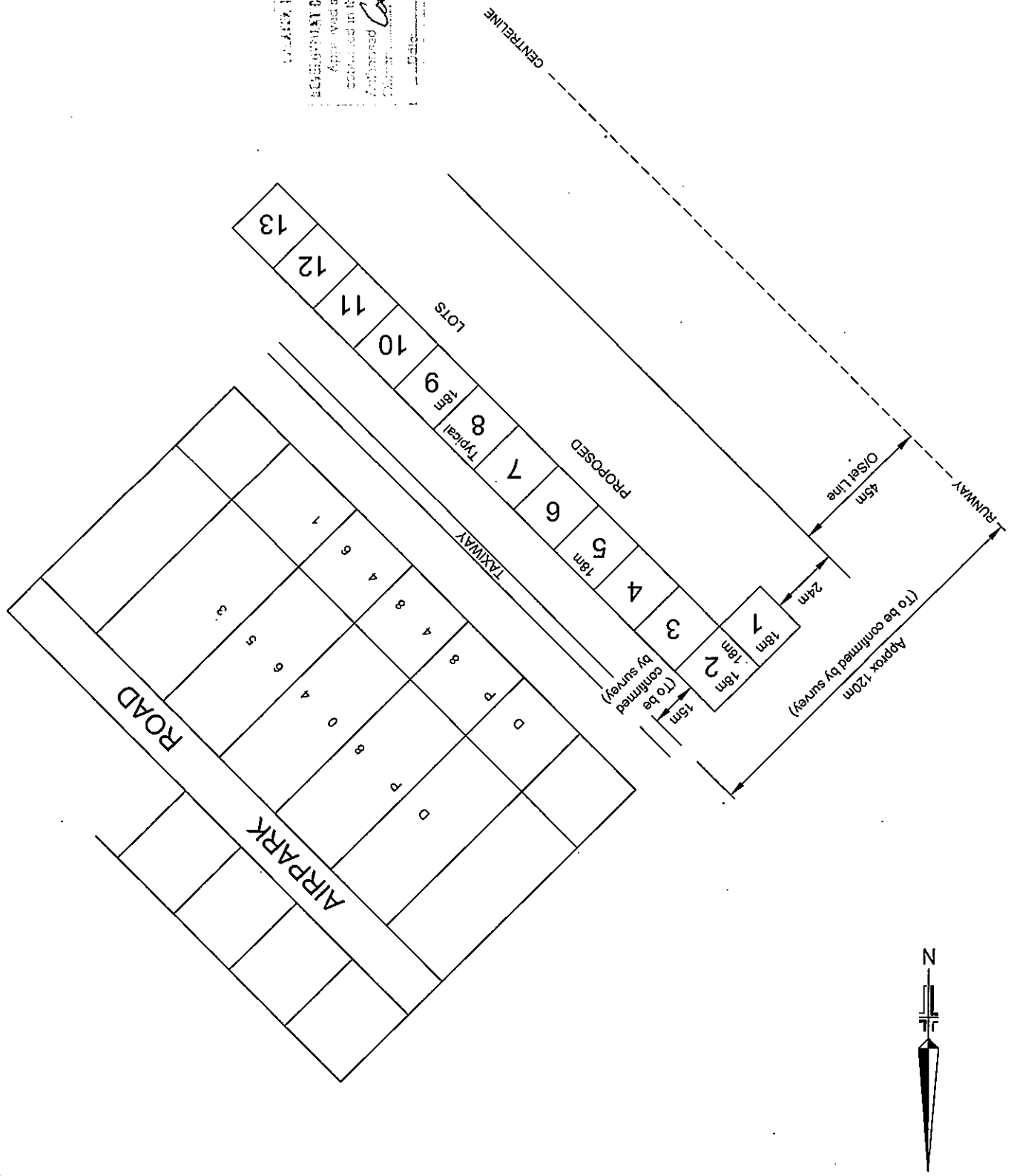
Lengths are in metres

|                   |                             |                  |      |      |           |
|-------------------|-----------------------------|------------------|------|------|-----------|
| Co-ordinate Datum | MGAS5                       | Sheet            | 1    | of   | 1         |
| Drawing No.       | 704265UD0                   | Version          | 1    |      |           |
| CAD Ref.          | G:70 - MAX PROSPECTING04265 | Checked By       | ES   | Date | 24/5/2016 |
| Drawn By          | ES                          | General Revision |      |      |           |
| REV               | A                           | APPROVED         | DATE |      |           |

**spire**

445 Townsend Street  
 PO Box 3400  
 Albury NSW 2640  
 T 61 2 6051 1300  
 spire.com.au

LOCAL GOVERNMENT PROJECT No. 10-2016-71  
 Approved subject to the conditions  
 set out in the Development Consent  
 Authority's Conditions  
 Date: 17 AUG 2016



| GREATER HUME<br>SHIRE COUNCIL |        |
|-------------------------------|--------|
| Received: 18 NOV 2016         |        |
| Doc ID:                       |        |
| File: D.A.15                  |        |
| Officer                       | Action |
| GM                            |        |
| DCCS                          |        |
| DE                            |        |
| DEP                           |        |
| Sherrin                       | ✓      |
|                               |        |

Mr. S. Pinnuck

Greater Hume Shire Council

39 Young St, Holbrook, NSW 2644

Regarding: DA Content 10.2016.71.1 Condition 4a.

Dear Steven

Firstly we would not be discussing this issue if the hanger only blocks were placed in a more appropriate place on the Holbrook Airport. It still baffles me why the applicant and Greater Hume Shire Council would want to have the legacy of placing hangers airside of a taxiway when no other airport has done so. I personally would not want my name associated with such a legacy.

In response to John Ferguson's point 1. It is not common place on country airfields for owners to use the airside aircraft entrance as a car access point. It is best to keep taxiways' and road access separate. As you have plenty of space at the Holbrook Airport it can be done. I would strongly recommend Greater Hume Shire Council seeking professional airport development help. There are some airport development consultants in Australian. Please see attached two airport master plans for Tumut and Cowra.

In response to John Ferguson's point 2. You have plenty of land at the airport to place hanger only sites at a more appropriate location.

So as an aviator I would not recommend placing hangers airside of the taxiway and using taxiways as common access road.

On another point. The only unique selling point you have for your Holbrook airport, is it's vistas. If you know of any person wanting a block at your airport, please have a look at [holbrook.simdif.com](http://holbrook.simdif.com)

Yours Sincerely

Don Woodward 15,11,2016

25 NOV 2016

Mr. Steven Pinnuck  
General Manager  
Greater Hume Shire Council  
25<sup>th</sup> November 2016

Dear Sir,

I write in response to Council's Notice of Modification to the Ferguson Development Application regarding implementation of Stage Two of the Airfield Master Plan.

At the start let me express how pleased I am to see signs of further development on the Airfield, it has taken the best part of a quarter century to see Stage Two initiated.

In support of the proposed modification I make the following points;

1. The occupants of Lots 13 to 18 inclusive are accustomed to using the taxiway at the rear of their premises for vehicle access due (in all cases but one) to them not maintaining the 3m separation between building and boundary as required in the original Construction Certificates.
2. Claims made by Objectors relating to the taxiway being unable to cope with the extra traffic are spurious as all taxiways constructed under Stage One were to road standard and have proved to be capable of sustaining heavy vehicle traffic for more than two decades.
3. Concerns relating to shared use of taxiways by both vehicles and aircraft are generally addressed at regional airfields by requiring vehicles to display a flashing amber light while underway. Aircraft always and in all circumstances have right of way. Signs requiring compliance should be erected at all entry points to the taxiways.
4. Re-surfacing of the taxiway by the Developer will ensure continued use at minimal maintenance cost to Council.

I have made no reportable donations or gifts to any local Councillor or employee of Council in the past two years.

Sincerely,



Bryan Gabriel  
14 Airpark Road  
Holbrook 2644

PO Box 18 Holbrook

ANNEXURE 1  
D & R Mc CUTCHEON  
PO BOX 442  
HOLBROOK.

STEVEN PINNICK  
GENERAL MANAGER  
GREATER HUME SHIRE COUNCIL

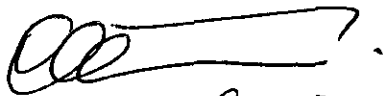
RE: DEVELOPMENT APPLN 10.2016.71.2

DEAR SIR,

WE STRONGLY OBJECT TO PRESENT  
TAXIWAY BEING USED FOR ANY  
FUTURE DEVELOPMENTS AND THEREFORE  
ARE AGAINST DEVELOPMENT 10.2016.71.2  
MODIFICATION.

YOURS SINCERELY.

D & R Mc CUTCHEON



R. Mance

29/11/16

15 SEP 2016

Mr. S. Pinnuck, General Manager  
Greater Hume Shire Council  
39 Young Street, Albury NSW 2644

Ref: DA Consent 10.2016.71.1

Steven,

| GREATER HUME<br>SHIRE COUNCIL |        |
|-------------------------------|--------|
| Received:                     |        |
| Doc ID:                       |        |
| File: D A                     |        |
| Officer                       | Action |
| GM                            |        |
| DCCS                          |        |
| DE                            |        |
| DEP                           |        |
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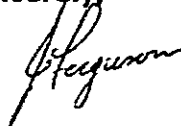
In consideration of land immediately behind the proposed hangars being used for vehicle access;

1. It is common practice particularly on country airfields, for owners to use the front entrance to their hangars. I know from past experience that a road at the rear of the hangars would rarely if ever be used thereby making it difficult to justify the on-going cost of maintenance. Larger airfields often have no rear road access, they allow the use of taxiways.
2. Most importantly, a road at the rear of the approved blocks would prevent development (still capable of meeting CASA requirements) of a second row of hangars at a later date. *(NOT SO)*

May I suggest the existing taxiway be resealed at my cost as an alternative to a rear access road. *(TOILE)*

Happy to discuss further,

Sincerely,



John Ferguson  
6 September 2016



# Greater Hume Shire

simply greater

Our Ref: CJK:SLG:P10059749

D & R McCutcheon  
PO Box 42  
HOLBROOK NSW 2644

Dear Sir/Madam

## NOTIFICATION OF DEVELOPMENT APPLICATION MODIFICATION

In accordance with Council's notification and advertisement procedures for development applications, you are hereby advised that Council has received a modified application for development on land adjoining your premises.

Details of the application are as follows:

|                                   |  |
|-----------------------------------|--|
| Name of Applicant:                | J Ferguson   |
| Consent Authority:                | Greater Hume Shire Council   |
| Development Application No:       | 10.2016.71.2   |
| Location of Proposed Development: | Holbrook Airpark 375 Holbrook Wagga Road HOLBROOK                      |
| Property Description:             | Lot: 2 DP: 1123880   |
| Proposed Development:             | Use of Taxiway in Lieu of Construction Access Road-Delete Condition 4a |

Plans relating to the above application are attached for your information.

Should you wish to make any comments or submissions relating to the development application, you are required to advise Council in writing by 5pm on 29 November 2016. Please read the attached information regarding lodging of a submission.

Council advises that any submission you may make will be considered a public document, unless privacy is specifically requested.

Yours faithfully

Per: 

Colin Kane  
**Director Environment & Planning**  
**Accreditation No.**  
GREATER HUME SHIRE COUNCIL

14 November 2016

enc: Plans & Submission Lodgement information

## ANNEXURE 1

Greater Hume Shire  
ABN 44 970 341 154  
39 Young Street (PO Box 99)  
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P: 02 6036 0100 or 1300 653 538  
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Jindera  
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Jindera NSW 2642  
Walla Walla RTC/WAW Credit Union  
Commercial Street,  
Walla Walla NSW 2659

Email: [greater@greaterhume.gov.au](mailto:greater@greaterhume.gov.au)  
[www.greaterhume.gov.au](http://www.greaterhume.gov.au)

29 NOV 2016

Rec'd  
29/11/16



74 Yurunga Drive,  
North Nowra, NSW.  
2541.

17-11-16.

Mr Colin Kane  
Director Environment & Planning  
Greater Home Bays Council.

Re: Development Application No: 10.2016.71.2

Lot: 2 DP: 112380

Use of Taxiway for construction  
purposes.

Dear Sir,

I am in receipt of your letter dated 14-11-16 regarding the above DA. This development comes as no surprise to me & no doubt many others on the airfield. It was almost a fore-gone conclusion that Mr Ferguson would attempt to "short circuit" the process to his financial advantage. I am against the idea of the use of the taxiway as it simply was never built to handle Concrete Trucks, other trucks, builders vehicles etc, etc. It is a single surface road, that is, tar sprayed on the compacted gravel with a sheet of 3 to 5 mm blue metal swept over it.

There are several areas where the taxiways have had heavy traffic over time & the damage remains. The most recent is on the taxiway adjacent to my Hangar (#10) & the subsequent repair is never quite the same.

Included with your letter is Mr Fergusons letter to Mr Pinnuck & what is obviously a hand written "reasons for" list supporting his proposal. There are many points in that list that are not exactly correct.

Mr Ferguson makes mention of Wagga Wagga, Moruya & Bonalla airfields.

-2-

In one point he mentions that "Hangar owners can drive to their hangars". This is true, via an access road, but not via any taxiways which are on the active side of these airfields.

Wagga Wagga & Moruya at least of the 3 have taxiways where you cannot access with a vehicle & are built & rated to aircraft up to 5,700 KG. A far cry from the Holbrook situation. Both YSWG & YMRV are security controlled airfields which means they have RPT (Regular Public Transport) aircraft movements. These airfields can only be accessed if you have an ASIC. (Aviation Security Identification Card). You cannot go simply driving around with a car to access your personal hangar. These airfields all have separate access roads, not on the active security side of the field to give access to your Hangar.

If Mr Ferguson wants to continue with this Sub-division he has to do it the correct way. There has to be a separate access road capable of handling large vehicles during construction & private vehicles on-going. When all 13 or so hangars are complete you cannot have a mix of cars & aeroplanes on an active taxiway all running around flashing their "Yellow lights".

Every existing residence & hangar at present on Holbrook Air field has a dedicated "access road" road which can be used by a registered vehicle. This sub-division is no different apart from the fact that its concept & sighting puts its access road well & truly on the ACTIVE side & closer to conflict with aircraft operating on the cross strip.

We are all guilty of driving on the taxiways, even the developer of this proposed Hangar sight.

-3-

I have enclosed a letter (copy of) which Mr Pinnuck sent to all airpark residents back in March 2013. Even he recognised at that time the dangers of mixing cars & planes & the potential for damage to the pavement. I would hate to think we are now going to introduce an "OK for some but not for others" scenario.

This whole development is ill-conceived and I would ask you to seek out a letter which I wrote to the Mayor, Heather Wilton, after the sight meeting in August which has more detail pertaining to this. At that time I asked for a reply, for which I am still waiting.

Mr Ferguson makes a point that he will be prepared to restore the taxiway when the development takes place. There is no mention of the detail as to when this is likely to take place. It is common knowledge that he intends to construct the first two down adjacent to his existing House/Hangar. Will the taxiway be repaired at completion of those buildings or at some future date when the entire 13 sites are complete?

In the meantime the residents along that taxiway may not be able to use it. They have purchased properties for the purpose of access as part of their Airpark experience.

Some on the airfield may say that they don't fly but bear in mind those properties will eventually change hands. (As will mine at some point in the future).

I think Council has a duty not to effectively de-value properties which belong to its' ratepayers.

This whole development should have & could have been sited along the South Eastern boundary where it would have added value to the whole Airfield.

Regards, David King.



# Greater Hume Shire

simply greater

Our Ref: SJP:MK

Mr D King  
74 Yurunga Drive  
NORTH NOWRA NSW 2541

Dear Mr King

## **UNAUTHORISED PERSONAL VEHICLES USING HOLBROOK AIRPARK TAXIWAYS**

It has been brought to Council's attention that unauthorised personal vehicles have been using airpark taxiways.

As a consequence, I am writing to all landowners advising that the use of the taxiways by other than aviation traffic is to cease immediately.

This use of taxiways can lead to an unsafe environment as well as potentially causing unnecessary damage to the taxiway itself.

Should you wish to discuss this matter please contact myself, otherwise your cooperation is requested.

Yours faithfully

Steven Pinnuck  
General Manager  
GREATER HUME SHIRE COUNCIL

19 March 2013

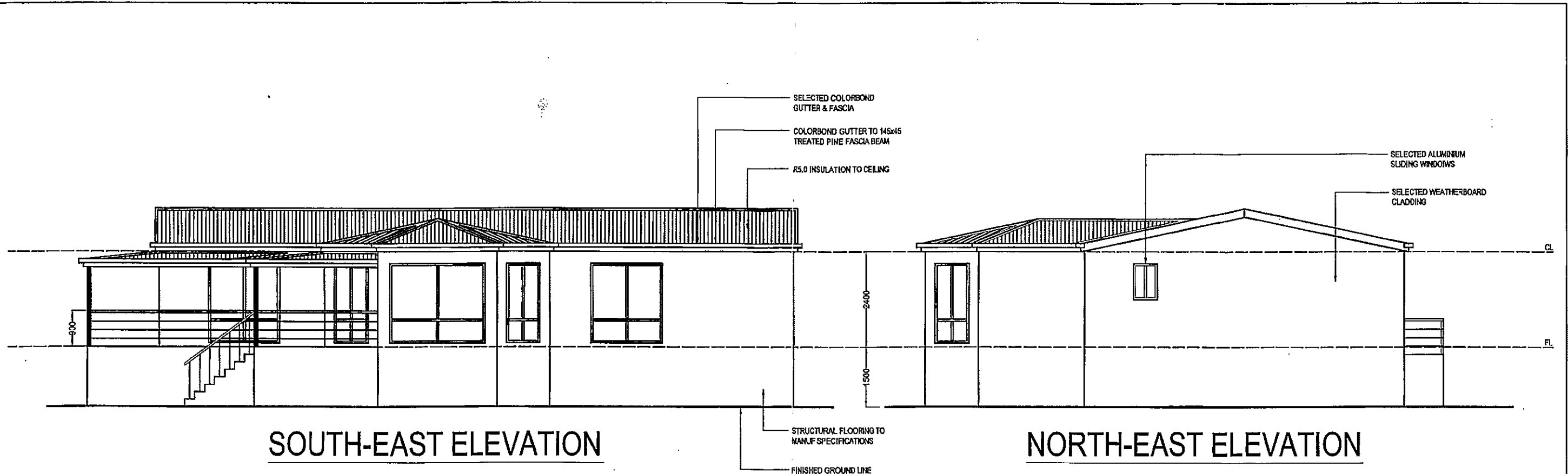
Greater Hume Shire  
ABN 14 370 311 54

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Walla Walla RTC/WAW Credit Union  
Commercial Street  
Walla Walla NSW 2659

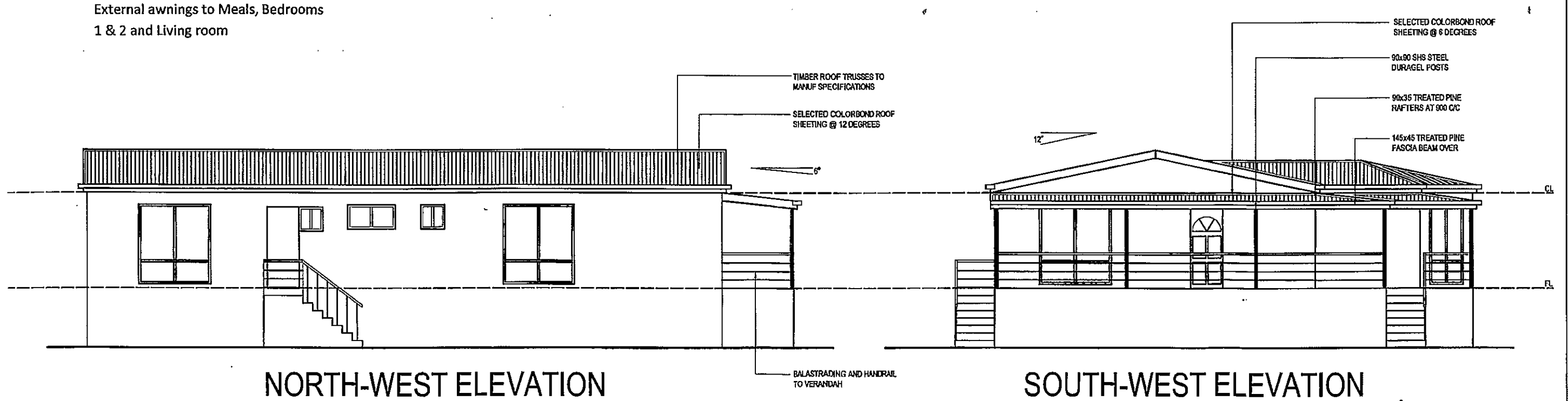
E: [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au)  
[www.greaterhume.nsw.gov.au](http://www.greaterhume.nsw.gov.au)



**SOUTH-EAST ELEVATION**

**NORTH-EAST ELEVATION**

External awnings to Meals, Bedrooms  
1 & 2 and Living room



**NORTH-WEST ELEVATION**

**SOUTH-WEST ELEVATION**

PROJECT NO.:  
142

CLIENT:  
R. & T. BOULTON  
LOT 1 & 2 GEORGE ST, WALBUNDRIE, 2642

SHEET TITLE:  
PROPOSED ELEVATIONS

SCALE:  
1:100 (A3)

DATE:  
NOVEMBER 2016

SHEET NO.:  
**2**  
OF 3

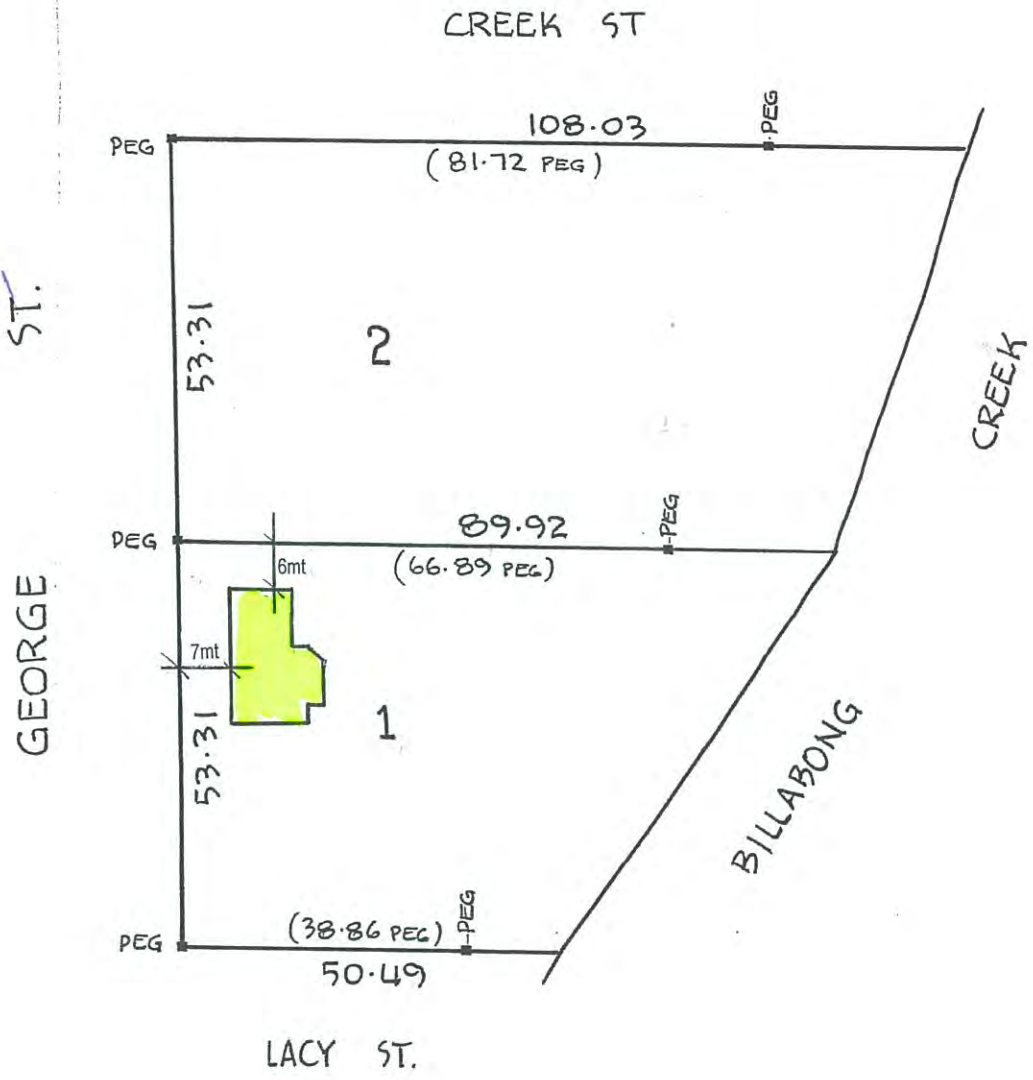
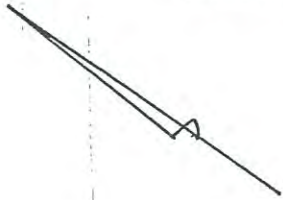
The contractor must verify all dimensions on site before commencing any work. All dimensions must be checked on site and not scaled from this drawing. This drawing is copyright.



# SURVEY PLAN

SCALE 1 : 1000

LOTS 1 & 2 SECTION 6 DP 759034  
WALBUNDRIE



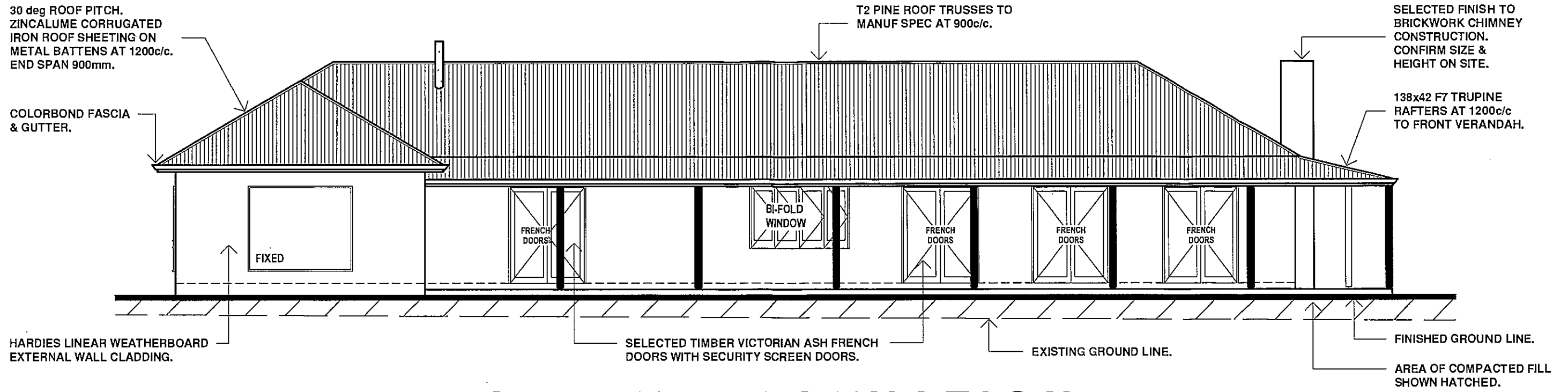
**MICHAEL STEWARD PTY LTD**  
 A.C.N. 006 862 255 A.B.N. 91 124 812 318  
 LAND SURVEYORS

114 KENNEDY STREET,  
 HOWLONG NSW 2643  
 PHONE/FAX (02) 6026 5527  
 MOBILE 0408 265 527

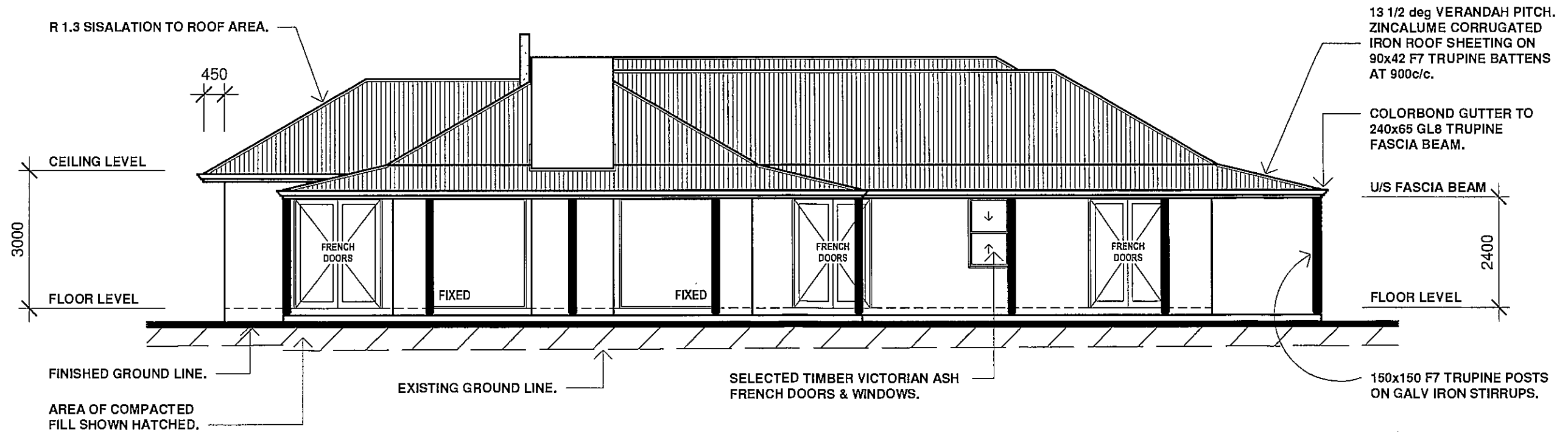
SIGNED: *M Steward*  
 REGISTERED SURVEYOR

DATE OF SURVEY 11/3/2015

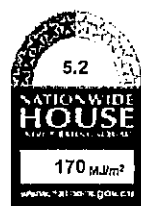
REFERENCE NO 2218/2



# NORTHERN ELEVATION 1:100



# WESTERN ELEVATION 1:100



Certificate no.: 0000720532  
 Assessor Name: darren parker  
 Accreditation no.: VIC/BD/AV/15/1694  
 Certificate date: 06 Sep 2016  
 Dwelling Address: Brigadoon Lane  
 Holbrook, NSW 2644  
 www.nathers.gov.au



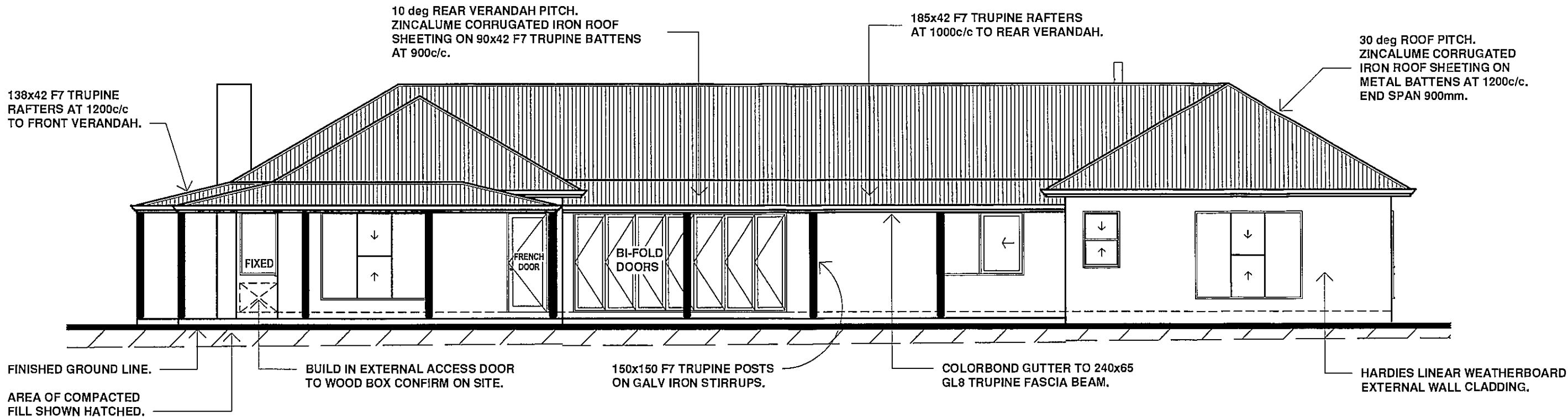
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**JRL**  
**DRAFTING & DESIGN**  
 PHONE: 0419440576  
 VIC DP/AD 18405

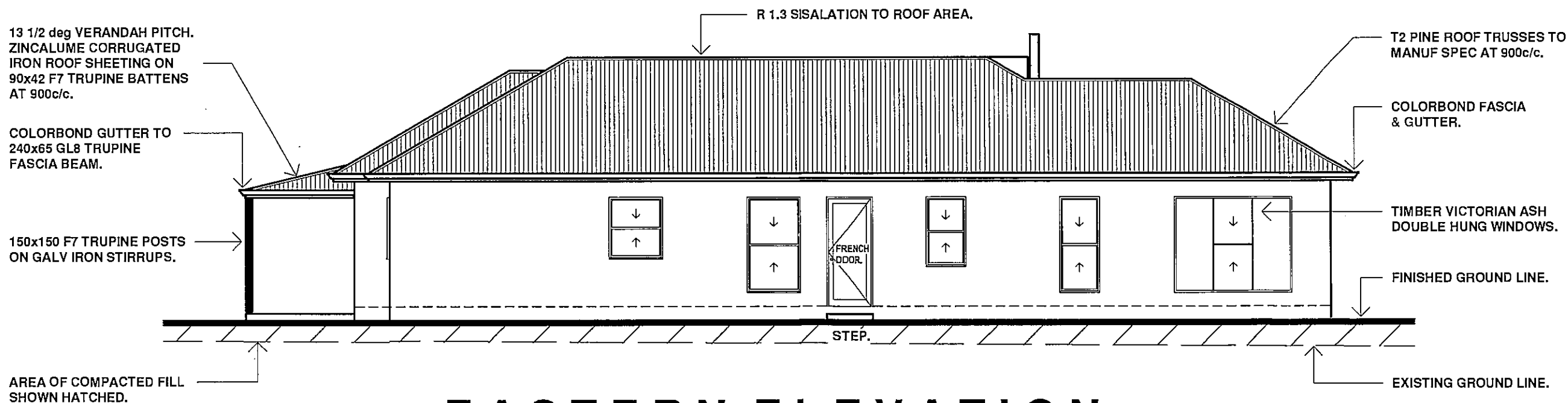
The builder shall verify all levels & measurements on site before ordering materials or the start of construction.

PROPOSED RESIDENCE.  
 AT: 181 "BRIGADOON" LANE HOLBROOK NSW.  
 FOR: ANDREW & ALICE LANDALE.

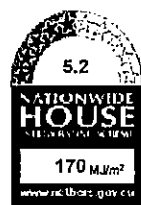
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| SCALE:  | 1 : 100 | JOB: 2016-76 |
| DATE:   | AUG'16  |              |
| DESIGN: | OWNER   | SHEET: A05   |
| DRAWN:  | JRL     |              |



## SOUTHERN ELEVATION 1:100



## EASTERN ELEVATION 1:100



Certificate no.: 0000720532  
 Assessor Name: darren parker  
 Accreditation no.: VIC/BDV/15/1694  
 Certificate date: 06 Sep 2016  
 Dwelling Address: Brigadoon Lane Holbrook, NSW 2644  
 www.nath.gov.au

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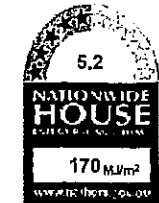
**JRL**  
**DRAFTING & DESIGN**  
 PHONE: 0419440576

The builder shall verify all levels & measurements on site before ordering materials or the start of construction.  
 VIC DP/AD 18405

PROPOSED RESIDENCE.  
 AT: 181 "BRIGADOON" LANE HOLBROOK NSW.  
 FOR: ANDREW & ALICE LANDALE.

|         |         |              |
|---------|---------|--------------|
| SCALE:  | 1 : 100 | JOB: 2016-76 |
| DATE:   | AUG'16  |              |
| DESIGN: | OWNER   | SHEET: A06   |
| DRAWN:  | JRL     |              |





Certificate no.: 0000720532  
 Assessor Name: darren parker  
 Accreditation no.: VIC/BDAV/15/1694  
 Certificate date: 06 Sep 2016  
 Dwelling Address: Brigadoon Lane  
 Holbrook, NSW 2644  
 www.nathers.gov.au



HOLBROOK WAGGA ROAD

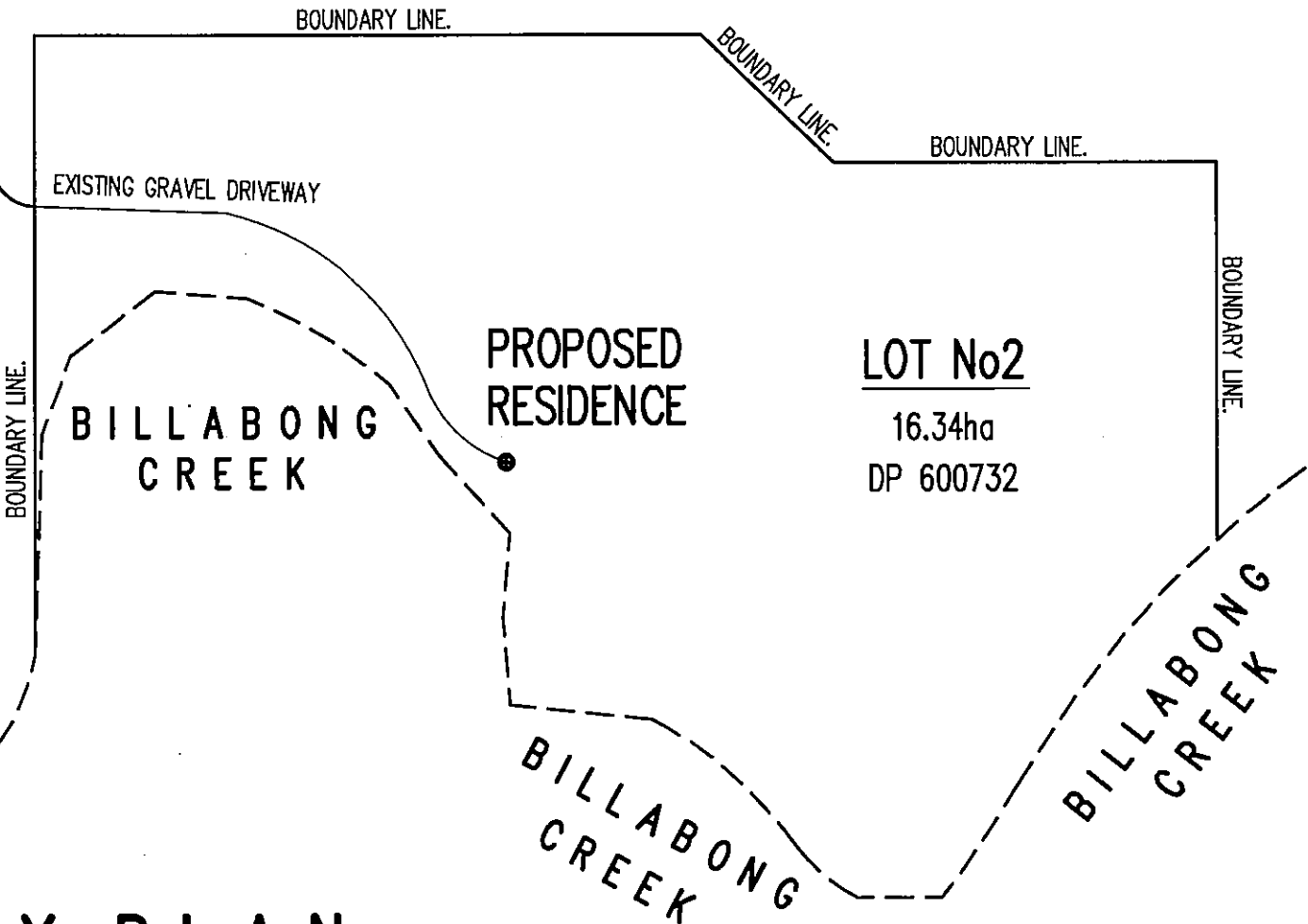
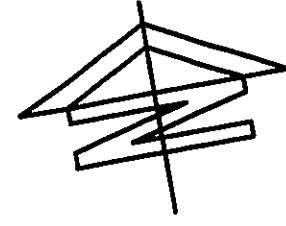
TO HOLBROOK

3.8 km APPROX

1.8 km APPROX

BRIGADOON LANE

KANIMBLA ROAD



# BLOCK & LOCALITY PLAN N.T.S.

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|   |   |  |  |   |
|---|---|--|--|---|
| <b>JRL</b><br><b>DRAFTING &amp; DESIGN</b><br>PHONE: 0419440576 | The builder shall verify all levels & measurements on site before ordering materials or the start of construction.<br>VC DP/AD 18405                | <b>PROPOSED RESIDENCE.</b><br><b>AT: 181 "BRIGADOON" LANE HOLBROOK NSW.</b><br><b>FOR: ANDREW &amp; ALICE LANDALE.</b> | SCALE: N. T. S.<br>DATE: AUG'16.<br>DESIGN: OWNER.<br>DRAWN: JRL.  | JOB: 2016-76<br>SHEET: A01  |
|   | Copyright Reserved - no portion of these drawings may be reproduced by any process whatsoever without the written consent of JRL DRAFTING & DESIGN. | The builder shall verify all levels & measurements on site before ordering materials or the start of construction.     | <b>PROPOSED RESIDENCE.</b><br><b>AT: 181 "BRIGADOON" LANE HOLBROOK NSW.</b><br><b>FOR: ANDREW &amp; ALICE LANDALE.</b> | SCALE: N. T. S.<br>DATE: AUG'16.<br>DESIGN: OWNER.<br>DRAWN: JRL. |

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**From:** Debbie Jones <debbieandmurray@gmail.com>  
**Sent:** Monday, 17 October 2016 6:17 PM  
**To:** Andrew Shaw  
**Subject:** Annexure:hard waste collection day

Dear Andrew.

The Holbrook Rotary Club would like to do a hard rubbish collection day in Holbrook next year March 5th 2017 as a community service project in conjunction of Clean up Australia Day. The Holbrook Rotary Club would like The Greater Hume to grant us free access to the Holbrook landfill for this event with flexible hours to be worked out. Any donations of plant or equipment by Greater Hume would be much appreciated.

This event will be by bookings only open to residents of Holbrook township and does not include green waste.

The Holbrook Rotary Club looks forward to your support of this project.

regards Murray Jones 0429992636



# Triggers to apply the Premises Standards

*BPB practice advice PS 11-003 December 2011*

Note to readers: practice advice relates to the legislation in force at the time, which may since have been amended.

**This Practice Advice will assist the application of the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (the Premises Standards) within NSW.**

Background information on the Standards and guidance on their implementation in NSW can be viewed at [www.bpb.nsw.gov.au](http://www.bpb.nsw.gov.au/legislation-regulation/premises-standards) (<http://www.bpb.nsw.gov.au/legislation-regulation/premises-standards>).

For most building work, the trigger for compliance with the Premises Standards occurs where an application for the approval of building work [either for a construction certificate (CC) or complying development certificate (CDC)] is lodged on or after 1 May 2011.

The Standards apply to new buildings, a new part of a building and the 'affected part' of a building (see [PS 11 - 002](http://www.bpb.nsw.gov.au/affected-part-upgrades-under-premises-standards) (<http://www.bpb.nsw.gov.au/affected-part-upgrades-under-premises-standards>)). The Premises Standards also apply to Crown building work. However, as Crown building work is not the subject of an application for a CDC or CC, the trigger for compliance is whether the work commenced on or after 1 May 2011.

The Standards do not apply to exempt development, nor to exempt building work undertaken by the Crown.

In NSW, a 'building' does not include a manufactured home or moveable dwelling under the *Environmental Planning and Assessment Act 1979* (EP&A Act). As these are not buildings and do not require the issue of a CC or CDC, the requirements of the Premises Standards and the Building Code of Australia (BCA) in relation to accessibility do not apply to their installation.

**Building certificates for unauthorised building work**

An application for a building certificate under section 149A EP&A Act where building work has been carried out without a CC or a CDC is not an application which triggers the operation of the Standards.

Councils may utilise their discretionary powers to issue Order No. 13 under section 121B of the EP&A Act to bring a building into conformity with relevant development standards (e.g. disability access provisions), however careful consideration needs to be given to the use of these discretionary powers as compliance may not be achievable.

### **Areas that do not need to be accessible**

Part D3.4 of the Access Code and the BCA specify the areas that are not required to be accessible:

- a) an area where access would be inappropriate because of the particular purpose for which the area is used
- b) an area that would pose a health or safety risk for people with a disability
- c) any path of travel providing access only to an area exempted by this clause.

These areas could include rigging lofts, waste containment areas, foundry floors, loading docks, fire lookouts, plant and equipment rooms and other similar areas. Identifying such areas should be on a case-by-case basis.

### **Related Practice Advice:**

- **PS 11 - 002: 'Affected part' upgrades under the Premises Standards**  
(<http://bpb.nsw.gov.au/affected-part-upgrades-under-premises-standards>)