



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-21-2023 PAN-440459
Applicant	Ricky Zietlow [REDACTED]
Description of development	Dwelling Associated Earthworks including Retaining Wall
Property	123 BARLEYFIELDS ROAD URALLA 2358 8/-/DP1281776
Determination	Approved Consent Authority - Council staff under delegated authority
Date of determination	11/07/24
Date from which the consent operates	15/07/24
Date on which the consent lapses	15/07/29

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Simon Vivers
Interim Manager Development & Planning
Person on behalf of the consent authority

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and

	<ul style="list-style-type: none"> b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. <p>3. The sign must be—</p> <ul style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	<p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
3	<p>Fulfilment of BASIX commitments</p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ul style="list-style-type: none"> 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate.
	<p>Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
4	<p>Notification of Home Building Act 1989 requirements</p> <ul style="list-style-type: none"> 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ul style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ul style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder— <ul style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	<p>Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
5	<p>Approved plans and supporting documentation</p>

Development must be carried out in accordance with the following approved plans and document, except where the conditions of this consent expressly require otherwise.

Approved plans			
Plan/Sheet number	Revision number	Drawn by	Date of plan
2 of 11	D	Perry Homes	03.07.2024
3 of 11		Job ref: 10727	
4 of 11			
Approved document			
Document title	Ref number	Prepared by	Date of document
BASIX Certificate	1749785S	Perry Homes	31.05.2024

In the event of any inconsistency between the approved plans and document, the approved Plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Building Work

Before issue of a construction certificate

6	<p>Construction Certificate</p> <p>In accordance with the provisions of Section 6.6 and 6.7 of the Environmental Planning and Assessment Act 1979, construction works approved by this consent must not commence until:</p> <ul style="list-style-type: none"> a) a Construction Certificate has been issued; b) the NSW Planning Portal has been advised of; <ul style="list-style-type: none"> (i) the intention to commence work; and (ii) the specific Principal Certifying Authority (building inspector) that has been appointed to the project. <p>Documentation required under this condition must show that the proposal complies with all relevant development consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards. For the avoidance of doubt, this includes any retaining walls.</p> <p>Condition reason:</p>				
7	<p>Section 68 Approvals</p> <p>Before issue of a Construction Certificate, an approval is required under Section 68 of the Local Government Act for:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 20%;">Approval Type</th> <th>Description.</th> </tr> </thead> <tbody> <tr> <td style="height: 30px;"> </td> <td> </td> </tr> </tbody> </table>	Approval Type	Description.		
Approval Type	Description.				

Part B Water supply, sewerage and stormwater drainage work	<ul style="list-style-type: none"> Carrying out water supply, sewerage and stormwater drainage work <p>Note: This will require additional fees, including for the installation of any new water meter (if required)</p>
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Condition reason: To ensure the appropriate section 68 approvals are in place prior to issue of a construction certificate for the development.

8

Section 7.12 Contributions

A contribution is to be paid to Council towards the provision or improvement of public facilities (as per Uralla Shire Council's section 7.12 Contributions Plan 2021), before the issue of a Construction Certificate.

Proposed Cost of Development *	Levy Percentage	Total Contribution	Note
\$502,590.00	1%	\$5,025.90	Contribution Rate remains current until first date of next quarter

*Proposed cost of carrying out the development less any credits which may apply.

Contributions are indexed annually at the end of each financial year.

Please email Council to request an invoice for payment of the contribution.

Condition reason: To assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the LGA.

9

Long Service Levy

Before the issue of a Construction Certificate, the long service levy must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the principal certifier

Condition reason: To ensure the levy is paid.

Before building work commences

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Erosion and sediment controls in place

Before any site work commences, the principal certifier must be satisfied suitable erosion and sediment controls are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

During building work

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Discovery of relics and Aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

	<ol style="list-style-type: none"> 1. the work in the area of the discovery must cease immediately; 2. the following must be notified <ol style="list-style-type: none"> 1. for a relic – the Heritage Council; or 2. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> 1. for a relic – the Heritage Council; or 2. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
12	<p>Hours of work</p> <p>Site work must only be carried out between the following times:</p> <p>7am - 6pm Monday to Friday & 8am - 1pm Saturday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
13	<p>Noise and Vibration requirements</p> <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at a lot boundary of the site.</p> <p>Condition reason: To protect the amenity of the neighbourhood during construction.</p>
14	<p>Soil management</p> <p>While site work is being carried out, the principal certifier must be satisfied any soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ol style="list-style-type: none"> 1. Any excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. 2. Any fill material imported to the site must be: <ol style="list-style-type: none"> a. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997; or b. a material identified as being subject to a resource recovery exemption by the NSW EPA; or c. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA. <p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
15	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with</p>

	<p>this consent and the relevant construction certificate.</p> <p>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
16	<p>Responsibility for changes to public infrastructure</p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p>Condition reason: To ensure payment of approved changes to public infrastructure.</p>
17	<p>Stormwater Disposal</p> <p>Stormwater from:</p> <ul style="list-style-type: none"> • All roof areas; • Surface water from paved and impervious areas; and • Any overflow from tanks <p>Is to be collected, controlled, and conveyed to a lawful point.</p> <p>Condition reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.</p>
18	<p>During Construction Matters</p> <p>During the construction of the development, the following is to be adhered to:</p> <ul style="list-style-type: none"> • Effective dust control measures are to be maintained. • No materials are to be burned on site. Waste is to be removed from the site. • The uppermost layer of soil (top soil) is to be retained onsite, stockpiled and surrounded at its base with silt fencing to ensure topsoil is maintained in a usable condition. Stockpiles are to be limited to 3m high and should not be located in areas visually prominent. <p>Condition reason: To ensure an appropriate level of amenity is maintained during construction.</p>
19	<p>Plumbing and Drainage</p> <p>Plumbing and drainage work shall comply with the Plumbing and Drainage Act 2011, Plumbing and Drainage Australian Standard AS3500, Plumbing Regulations 2017 and the Plumbing Code of Australia (NCC 2016).</p> <p>Condition reason: To ensure the work meets relevant standards.</p>

Before issue of an occupation certificate

20	<p>Repair of infrastructure</p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be
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	paid under this consent.
	Condition reason: To ensure any damage to public infrastructure is rectified.
21	<p>Occupation Certificate</p> <p>The relevant Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning & Assessment Act 1979 and to ensure the health and safety of the building's occupants.</p> <p>ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation</p> <p>Condition reason: To ensure the building is suitable for occupation (in accordance with its BCA classification).</p>
22	<p>Plumbing and Drainage</p> <p>Prior to issue of an occupation certificate, the principal certifier shall be provided with a copy of the Final Plumbing and Drainage Certificate confirming compliance with the Plumbing and Drainage Act 2011.</p> <p>Condition reason: To ensure any plumbing and drainage work complies with the relevant requirements of the Plumbing and Drainage Act 2011</p>
23	<p>Property Number</p> <p>The property number is to be provided in a visible place on or near the entrance for the convenience of visitors, emergency services and postal services prior to the issue of an Occupation Certificate. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed.</p> <p>Condition reason: So that first responders can locate the property in case of an emergency.</p>
24	<p>Mailbox</p> <p>Before the issue of an Occupation Certificate, a mail box shall be provided. Mail boxes are to be:</p> <ul style="list-style-type: none"> • Accessible • Located at the front of the property, as close to the footpath as possible; • Constructed from durable materials • Be designed to blend in with the predominant style of the front fencing (if provided) and the dwelling • Large enough to cater for A4 size envelopes, newspapers and other general mail. <p>Condition reason: To ensure suitable mail receipt can occur</p>
25	<p>Completion of Works</p> <p>For the avoidance of doubt, any condition which relates to:</p> <ul style="list-style-type: none"> • Stormwater Drainage • Building Construction • Plumbing and Drainage • Repair of infrastructure <p>shall be complied with before the issue of an Occupation Certificate</p> <p>Condition reason: To ensure that all works are completed.</p>

Occupation and ongoing use

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

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means URALLA SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Northern Regional Planning Panel.