



**NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT**

<b>Application number</b>	DA-29-2024-2 PAN-487131
<b>Applicant</b>	Ralph Anthony Westley [REDACTED]
<b>Description of development</b>	New Dwelling (Modification - Approved Plans, in relation to site layout)
<b>Property</b>	41 TUBEROSA ROAD SAUMAREZ 2350 4/-/DP247506
<b>Determination</b>	Approved Consent Authority - Council staff under delegated authority
<b>Date of determination</b>	23/01/25
<b>Date from which the consent operates</b>	
<b>Date on which the consent lapses</b>	27/09/29

Under section 4.55(2) of the EP&A Act, notice is given that the above application to modify DA-29-2024-2 has been approved, subject to the conditions specified in this notice and as described in the Modification Summary

**Reasons for approval**

Proposal complies with Clause 4.55(2) of the EP&A Act 1979.

**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 28 days from the date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

**Rights to appeal**

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

## Modification Summary

### Modified Conditions

Application Number (PAN)	Determination Date	Modification Description
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### Terms and Reasons for Conditions

Under section 118(3)(a) 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><b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>6. This section does not apply—             <ol style="list-style-type: none"> <li>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</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol> <p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p><b>Erection of signs</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 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</li> </ol>

	<p>carried out—</p> <ol style="list-style-type: none"> <li>a. showing the name, address and telephone number of the principal certifier for the work, and</li> <li>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</li> <li>c. stating that unauthorised entry to the work site is prohibited.</li> </ol> <p>3. The sign must be—</p> <ol style="list-style-type: none"> <li>a. maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>b. removed when the work has been completed.</li> </ol> <p>4. This section does not apply in relation to—</p> <ol style="list-style-type: none"> <li>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</li> <li>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ol>
	<p><b>Condition reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
3	<p><b>Fulfilment of BASIX commitments</b></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> <ol style="list-style-type: none"> <li>1. BASIX development,</li> <li>2. BASIX optional development, if the development application was accompanied by a BASIX certificate.</li> </ol>
	<p><b>Condition reason:</b> Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
4	<p><b>Notification of Home Building Act 1989 requirements</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</li> <li>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— <ol style="list-style-type: none"> <li>a. for work that requires a principal contractor to be appointed— <ol style="list-style-type: none"> <li>i. the name and licence number of the principal contractor, and</li> <li>ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,</li> </ol> </li> <li>b. for work to be carried out by an owner-builder— <ol style="list-style-type: none"> <li>i. the name of the owner-builder, and</li> <li>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.</li> </ol> </li> </ol> </li> <li>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.</li> <li>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.</li> </ol>

**Condition reason:** Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

**5 Approved plans and supporting documentation**

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/ title	Revision number	Drawn by	Date of plan
6 of 26	13	Integrity New Homes (Job ref: UR2214)	12.09.2024
7 of 26			
8 of 26			
9 of 26			
20 of 26			
Setout Survey	B	New England Surveying and Engineering	28.11.2024

Approved document			
Document title	Reference number	Prepared by	Date of document
BASIX Certificate	1753968S_02	Energy Advice	19 September 2024

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

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

(PAN-487131 20250123 Condition was amended)

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

**6 ADVICE - Acoustic Considerations and proximity to Classified Road**

For the new dwelling, it is recommended the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

**Condition reason:** N/A - Advice

**7 ADVICE - Private Open Space**

This consent has not included any conditons with regards to delineation of private open space, noting the sites unique characteristics. It is recommended that if unassociated residents occupy the dwellings, suitable landscaping and screening is incorporated to ensure an appropriate level of amenity is enjoyed.

## Building Work

### Before issue of a construction certificate

9	<p><b>Section 68 Approvals</b></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%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Part B Water supply, sewerage and stormwater drainage work</td> <td>Carry out stormwater drainage work, sewerage work, water supply work</td> </tr> <tr> <td>Part C Management of waste</td> <td>Install or modify an existing on-site sewerage management system.</td> </tr> </table> <p>Note that additional fees may be required to obtain the above consent.</p> <p><b>Condition reason:</b> To ensure the appropriate section 68 approvals are in place prior to issue of a construction certificate for the development.</p>			Part B Water supply, sewerage and stormwater drainage work	Carry out stormwater drainage work, sewerage work, water supply work	Part C Management of waste	Install or modify an existing on-site sewerage management system.				
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10	<p><b>Section 7.12 Contributions</b></p> <p>Before the issue of a Construction Certificate, 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).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Proposed Cost of Development *</th> <th style="width: 15%;">Levy Percentage</th> <th style="width: 20%;">Total Contribution</th> <th style="width: 35%;">Note</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">\$518,700.00</td> <td style="text-align: center;">1%</td> <td style="text-align: center;">\$5,187.00</td> <td>Contribution Rate remains current until first date of next quarter</td> </tr> </tbody> </table> <p>*Proposed cost of carrying out the development less any credits which may apply.</p> <p>Contributions are indexed annually at the end of each financial year.</p> <p>Please contact Council to request an invoice.</p> <p><b>Condition reason:</b> To assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the LGA.</p>			Proposed Cost of Development *	Levy Percentage	Total Contribution	Note	\$518,700.00	1%	\$5,187.00	Contribution Rate remains current until first date of next quarter
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8	<p><b>Long Service Levy</b></p> <p>Before the issue of a Construction Certificate, the long service levy must be paid to the LongService 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.</p> <p><b>Condition reason:</b> To ensure the long service levy is paid.</p>										

### Before building work commences

11	<p><b>Erosion and sediment controls in place</b></p> <p>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).</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
12	<p><b>Construction Certificate</b></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> <p>a) a Construction Certificate has been issued;</p> <p>b) the NSW Planning Portal has been advised of;</p> <p>(i) the intention to commence work; and</p> <p>(ii) the specific Principal Certifying Authority (building inspector) that has been appointed to the project.</p> <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.</p> <p><b>Condition reason:</b> To ensure the building meets relevant construction standards.</p>

**During building work**

13	<p><b>Discovery of relics and Aboriginal objects</b></p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ol style="list-style-type: none"> <li>1. the work in the area of the discovery must cease immediately;</li> <li>2. the following must be notified <ol style="list-style-type: none"> <li>1. for a relic – the Heritage Council; or</li> <li>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.</li> </ol> </li> </ol> <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> <li>1. for a relic – the Heritage Council; or</li> <li>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.</li> </ol> <p><b>Condition reason:</b> To ensure the protection of objects of potential significance during works.</p>
14	<p><b>Hours of work</b></p> <p>Site work must only be carried out between the following times –</p> <p>7am - 6pm Monday to Friday &amp; 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><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>
15	<p><b>Noise and Vibration requirements</b></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><b>Condition reason:</b> To protect the amenity of the neighbourhood during construction.</p>
16	<p><b>Procedure for critical stage inspections</b></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 this consent and the relevant construction certificate.</p> <p><b>Condition reason:</b> To require approval to proceed with building work following each critical stage inspection.</p>
17	<p><b>Responsibility for changes to public infrastructure</b></p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure must be paid as directed by the consent authority.</p> <p><b>Condition reason:</b> To ensure payment of approved changes to public infrastructure.</p>
18	<p><b>Stormwater Disposal</b></p> <p>Stormwater from:</p> <ul style="list-style-type: none"> <li>• All roof areas;</li> <li>• Surface water from paved and impervious areas; and</li> <li>• Any overflow from tanks</li> </ul> <p>Is to be collected, controlled, and conveyed to a lawful point.</p> <p><b>Condition reason:</b> To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.</p>
19	<p><b>During Construction Matters</b></p> <p>During the construction of the development, the following is to be adhered to:</p> <ul style="list-style-type: none"> <li>• Effective dust control measures are to be maintained.</li> <li>• No materials are to be burned on site. Waste is to be removed from the site.</li> <li>• 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.</li> </ul> <p><b>Condition reason:</b> To ensure an appropriate level of amenity is maintained during construction.</p>
20	<p><b>Plumbing and Drainage</b></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><b>Condition reason:</b> To ensure the work meets relevant standards.</p>

**Before issue of an occupation certificate**

21	<b>Repair of infrastructure</b>
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	<p>Before the issue of an Occupation Certificate, 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.</p> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.</p>
22	<p><b>Plumbing and Drainage</b></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><b>Condition reason:</b> To ensure any plumbing and drainage work complies with the relevant requirements of the Plumbing and Drainage Act 2011</p>
23	<p><b>Occupation Certificate</b></p> <p>The relevant Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning &amp; 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><b>Condition reason:</b> To ensure the building is suitable for occupation (in accordance with its BCA classification).</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.