



NOTICE OF DETERMINATION FOR MODIFICATION OF A DEVELOPMENT CONSENT

Application number	DA-58-2023-2 PAN-364908
Applicant	Ambrose Hallman [REDACTED]
Description of development	Dual Occupancy Phase 1 – Dwelling and attached garage, three (3) 22,500l water tanks, associated driveway, & landscaping. Phase 2 – Dwelling and attached deck and carport & four (4) 22,500l water tanks.
Property	45 MARBLE HILL ROAD SAUMAREZ PONDS 2350 162/-/DP1280337
Determination	Approved Consent Authority – Uralla Shire Council
Date of determination	29/07/2024
Date from which the consent operates	7/11/2023
Date on which the consent lapses	7/11/2028

Under section 4.55(2) of the EP&A Act, notice is given that the above application to modify DA-58-2023-2 has been approved, subject to the conditions specified in this notice and as described in the Modification Summary

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

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 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

	<ul style="list-style-type: none"> c. stating that unauthorised entry to the work site is prohibited. <ol style="list-style-type: none"> 3. The sign must be— <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. 4. This section does not apply in relation to— <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> <ol 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> <ol 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	Approved plans and supporting documentation			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	Approved plans			
	Rev number	Page number	Drawn by	Date
B	1, 2, 3, 5, 6, 7 (Phase 1)	New England Drafting Job ref: 2023-00	17-04-2024	
	9, 10, 11, 13, 14 (Phase 2)			
BASIX Certificate 1404517S_02		Gregory Selby		
BASIX Certificate 1418542S_01				
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	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 Certifier.
	Condition reason: To ensure the long service levy is paid.
7	Construction Certificate
	In accordance with the provisions of Section 6.6 and 6.7 of the <i>Environmental Planning and Assessment Act 1979</i> , construction works approved by this consent must not commence until: <ul style="list-style-type: none"> a) a Construction Certificate has been issued;

	<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>Condition reason: To ensure a Construction Certificate is approved for Stages 1 & 2.</p>								
8	<p>Section 68 Approvals</p> <p>Before issue of any Construction Certificate, an approval is required under Section 68 of the Local Government Act for:</p> <ul style="list-style-type: none"> installation, alteration, or operation of an on-site waste water management system (OSSMS). <p>Condition reason: To ensure the appropriate section 68 approvals are in place prior to issue of a construction certificate for the development.</p>								
9	<p>Section 7.12 Contributions</p> <p>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"> <thead> <tr> <th>Proposed Cost of Development *</th> <th>Levy Percentage</th> <th>Total Contribution</th> <th>Note</th> </tr> </thead> <tbody> <tr> <td>\$606,684.00</td> <td>1%</td> <td>\$6,066.84</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>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.</p>	Proposed Cost of Development *	Levy Percentage	Total Contribution	Note	\$606,684.00	1%	\$6,066.84	Contribution Rate remains current until first date of next quarter
Proposed Cost of Development *	Levy Percentage	Total Contribution	Note						
\$606,684.00	1%	\$6,066.84	Contribution Rate remains current until first date of next quarter						

During building work

10	<p>Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified <ul style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. 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 <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> a. for a relic – the Heritage Council; or b. 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 <i>National Parks and Wildlife Act 1974</i>, section 85.
	<p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
11	<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 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>
12	<p>Construction of Buildings in Bushfire Prone Areas (BAL – LOW)</p> <p>Compliance with <i>Australian Standard AS3959: 2018 Construction of buildings in bushfire-prone areas</i> is to be addressed by including appropriate bush fire measures as listed in the NSW Rural Fire Service's <i>Planning for Bush Fire Protection</i>, during construction of the building, to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p> <p>Measures include the provision of Asset Protection Zones, access, water supply, electricity and gas services, construction standards, landscaping and emergency management.</p> <p>You can download a copy of <i>Planning for Bush Fire Protection</i> from: https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0007/97576/DPP1007-Planning-for-Bushfire-Protection-2018-280818-D22.pdf</p>
	<p>Condition reason: To ensure the development meets Australian Standard AS3959: 2018 and provides a measure of protection for the occupants of buildings, as well as providing a measure of protection to the building itself.</p>

13	Hours of Work
	<p>The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:</p> <ul style="list-style-type: none"> • 7am to 6pm on Monday to Friday AND 8am to 1pm on Saturday <p>(No work on Sundays and public holidays)</p> <p>The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.</p> <p>Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.</p> <p>Note: Any variation to the hours of work requires Council's approval.</p>
	Condition reason: To protect the amenity of the surrounding area
14	Stormwater Disposal
	<p>Stormwater from paved and impervious surfaces is to be disposed in a manner that does not cause a nuisance for neighboring properties, by:-</p> <ol style="list-style-type: none"> a. piping to a rainwater tank and then via the overflow 3 metres clear of any building to a rubble pit or similar. <p>Stormwater infrastructure is to be installed during building work as soon as the roof is constructed.</p>
	Condition reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.

Before issue of an occupation certificate

15	Application for an Occupation Certificate
	<p>The relevant Occupation Certificate must be obtained for each dwelling 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><i>ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation</i></p>
	Condition reason: To ensure the building is suitable for occupation (in accordance with its BCA classification).
16	Plumbing and Drainage
	<p>Any required 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>

	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 <i>Plumbing and Drainage Act 2011</i> .
	Condition reason: To ensure any plumbing and drainage work complies with the relevant requirements of the Plumbing and Drainage Act 2011

Occupation and ongoing use

17	Asset Protection Zones
	Prior to the issue of an Occupation Certificate and in perpetuity, landscaping around the dwelling footprint is required to comply with the principles of Appendix 4 of <i>Planning for Bush Fire Protection 2019</i> .
	At the commencement of building works, land around the building footprint to a distance of 10m, shall be maintained as in inner protection area (IPA) and 50m, shall be maintained as an outer protection area (OPA) as outlined within 'Planning for Bush Fire Protection' 2019 and the Rural Fire Service's document 'Standards for asset protection zones'.
	Condition reason: To ensure an APZ is maintained around the dwellings at all times.

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.