

15 November 2024

Mr L A Cornish



Dear Mr Cornish,

Development Application

Proposed Activity:	MODIFICATION – BUILDING ENVELOPE VARIATION & DUAL OCCUPANCY DWELLING & CONVERSION OF MACHINERY SHED TO DWELLING
Application No.:	DA-13-2021-2 MODIFICATION
Address:	37 PANHANDLE ROAD, URALLA

I am pleased to advise that consent has been granted for the above modification. The consent documents are enclosed.

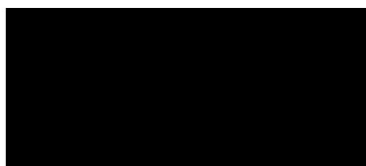
The Principal Certifying Authority is unable to complete any inspections unless the Notice of Commencement and a copy of the builder's Home Warranty Insurance or your Owner Builder permit has been provided to the Certifying Authority.

It is your responsibility to be aware of all covenants affecting the property, and to ensure that this approval does not contravene them in any way.

Should you be carrying out any work on Council property (e.g., the nature strip) you will also need to obtain separate approval from Council's Infrastructure & Regulation Department.

Should you have further enquiries, please do not hesitate to contact the Council Officer listed below or Council's offices by telephoning (02) 6778 6300.

Yours sincerely,



Simon Vivers
Interim Manager Development & Planning

Council Officer: Simon Vivers – Interim Manager Development & Planning
Telephone: (02) 6778 6300
Email: council@uralla.nsw.gov.au



Uralla Shire Council

Address correspondence to:
General Manager
32 Salisbury Street
URALLA NSW 2358

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Fax: (02) 6778 6349
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ABN 55 868 272 018

NOTICE OF DETERMINATION MODIFICATION OF CONSENT

Issued under *Environmental Planning and Assessment Act 1979* Section 96(1A)

DEVELOPMENT APPLICATION

APPLICANT & OWNER		Application No: DA-13-2021-2 (Modification)			
Applicant Name:	Mr L A Cornish				
Applicant Address:	[REDACTED]				
LAND TO BE DEVELOPED					
Property Details:	37 Panhandle Road, URALLA				
Legal Description:	Lot: 2 DP: 1168505				
Land Use Zone:	C3 – Environmental Management				
DEVELOPMENT					
Description:	Modification (Dwelling Design) – Building Envelope Variation & Dual Occupancy – Dwelling & Conversion of Machinery Shed to Dwelling				
DETERMINATION – APPROVAL					
Decision Date:	15/11/2024	Operational Date:	10/03/2021	Lapse Date:	N/A (Development Commenced)
CONDITIONS					
Please read all conditions carefully. The applicant/developer may arrange to meet with Council to clarify, if necessary, the precise requirements of the conditions of this consent.					
Please Note: A copy of all conditions contained in this consent are to be provided to contractors and subcontractors working on the site, to ensure all work is carried out in accordance with this consent.					
Approved Plans & Documents:					
<u>Amended/new Plans and Documents:</u>					
Prestige Kit Homes: Drawing no.s 02 – 06 of 9, Job ref: 66034, dated 06/08/2024					

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BASIX Certificate 1758919S, dated 15 November 2024

Existing Approved Plans and Documents:

BAL Assessment Report – ARM 20/41, dated 24 November 2020;

Koala Habitat Assessment, dated 18 January 2021; **Stringybark Ecological** – Environmental Assessment, Reference 210203_01, dated February 2021;

BASIX Certificate 1113132S, dated 23 June 2020;

New England Drafting – Reference No. 2020-027 Shed Conversion, 2 pages, 23 June 2020;

Tierney Consulting Engineers – Structural Certificate, Reference 9980mt01/mt/1101, dated 28 November 2020

Superseded Plans and Documents:

New England Drafting – Reference No. 2020-027 New Residence, 5 pages, dated 28 July 2020;

BASIX Certificate 1122329S_02, dated 28 July 2020;

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Compliance with National Construction Code & insurance requirements under the Home Building Act 1989

Please Note: A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
3. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One of the *National Construction Code*.

Erection of signs

Please Note: This does not apply in relation to:

- (a) building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (c) a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (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 any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
5. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Notification of *Home Building Act 1989* requirements

Please Note: *This does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.*

6. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the relevant owner-builder permit.
7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.

136D Fulfillment of BASIX commitments

8. This clause applies to the following development:
 - (a) BASIX affected development,
 - (b) any BASIX optional development in relation to which a person has made an application for a complying development certificate that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 4A of Schedule 1 for it to be so accompanied).
9. A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled.

GENERAL CONDITIONS

10. The development shall be implemented in accordance with:
 - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
 - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

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11. The owner of the property is to ensure that any structure is installed:

- (a) to meet the setback requirements of the approved plans,
- (b) to be located within the confines of the lot, and;
- (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any structures being erected in a location where it would be inappropriate.

12. The dwellings are to be inspected at the following stages of construction:

- before the pouring of footings**
- before covering drainage (under hydrostatic test)
- before pouring any reinforced concrete structure **
- before covering the framework for any wall, roof or other building element **
- before covering waterproofing in any wet area**
- before covering any stormwater drainage connections
- when the building work is completed and all conditions of consent have been addressed**

** denotes a critical stage inspection (a mandatory inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a *development where a critical stage or other nominated inspection has not been carried out.

Council has limited capacity for inspections, which may only be on specific days. Please contact Council well in advance to arrange an inspection.

*All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer

Reason: To ensure compliance with appropriate standards.

13. A Construction Certificate must be obtained from a Certifier before work commences.

Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.

14. Occupancy of the building is not to take place until the Principal Certifier (PC) has carried out a final inspection and an Occupation Certificate issued.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and to restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building.

15. Roof water is to be disposed in a manner that does not cause a nuisance for neighbouring properties, by one of the following methods:

- (a) By piping onto a hardened surface and directed away from the building.
- (b) By piping 3.0 metres clear of any building to a rubble pit.

Reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.

16. Prior to the issue of a final certificate of completion, the applicant shall obtain approval from Council under the Local Government Act 1993 to operate the approved on-site sewage management system.

Note: Applications to operate an on-site sewage management system must be renewed every 1, 3 and 5 years (as applicable).

Reason: To ensure compliance with appropriate standards.

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17. Any rainwater tank must be installed so that the overflow is on the downhill side of the dwelling/building at a minimum distance of 3 metres from any boundary of the property or any structure so as to prevent damage to any structure.

Reason: To prevent structural damage to buildings and protect public health.

18. The responsible person for plumbing and drainage work must ensure that the responsible person has given Council a notice of work in an approved form that specifies the work to be carried out and the responsible person for the work.

The notice of work must be provided no later than 20 business days before the work concerned is carried out in the case of work that involves a proposed alternative solution, or no later than 2 business days before the work concerned is carried out in any other case.

Reason: Statutory requirement

19. The responsible person for plumbing and drainage work must provide Council, and the person for whom the work is carried out, with a certificate of compliance within 2 business days after the work is completed.

Reason: Statutory requirement

Note: A certificate of compliance is a written document, in an approved form, that certifies that the plumbing and drainage work to which it relates is code compliant.

20. On completion of plumbing and drainage work that consists of or includes carrying out work on a sanitary drainage system, the responsible person for the work must supply a plan of the work, in the approved form, to the following persons:

- (a) The owner of the land or the owner's agent,
- (b) The Council.

Reason: Statutory requirement

- 20a. **Before the issue of a Construction Certificate for the dwelling, a contribution of \$825 is payable to Council pursuant to Council's Section 7.12 Development Contributions Plan.**

Please contact Council for an invoice.

ADVISING: The fee is subject to CPI increases.

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

21. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifier (if the PC is not Council) at least two days before the proposed date of commencement.

Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

22. The owner of the property is to ensure that any building is constructed:
- (a) to meet the setback requirements of the approved plans,
 - (b) to be located within the confines of the lot, and;
 - (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any buildings being erected in a location where it would be inappropriate.

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23. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

Monday to Saturday 7.00 AM to 5.00 PM

Sunday & public Holidays No construction activities are to take place.

Reason: To ensure that public amenity is not unduly affected by noise.

24. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.

BUSHFIRE CONDITIONS

25. The entire property shall be managed as an Inner Protection Area according to Appendix 4 of PBP2019 to provide separation from bushfire prone vegetation.

Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2019" and Bushfire Hazard Assessment Report.

26. All new construction for the proposed dwelling shall be in accordance with section 3 and 6 of AS3959 (BAL-19).

Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2019" and Bushfire Hazard Assessment Report.

27. The existing shed must be upgraded to improve ember protection.

Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2019" and Bushfire Hazard Assessment Report.

28. A minimum 20,000L water storage is to be provided across the two dwellings and be available for fire-fighting operations in accordance with Table 7.4a of PBP2019.

Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2019" and Bushfire Hazard Assessment Report.

ADVISORY NOTES – GENERAL

29. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
30. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.
31. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
32. Any alteration to the drawings and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of

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the Act or a fresh development application. No works other than those approved under this consent shall be carried out without the prior approval of Council.

33. Telecommunications Act 1997 (Commonwealth): Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

REASONS FOR THE ABOVE CONDITIONS

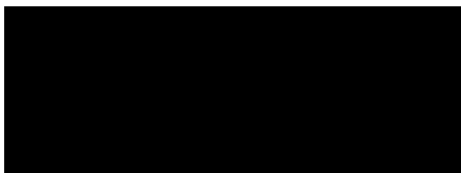
Given Council's duty to consider the matters set out in Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 (as amended).

RIGHT OF APPEAL

If you are dissatisfied with this decision, Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice. *Note: Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.* Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a Review of Determination. Upon payment of the prescribed fees, Council will review the determination under the provisions of Sections 8.2, 8.3, 8.4 and 8.5.

Note: Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 do not apply to the determination of a Designated Development, Integrated Development or Crown Applications.

Simon Vivers
Interim Manager Development and Planning



Per: _____

Date: 15 November 2024