



Uralla Shire Council

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NOTICE OF DETERMINATION (Modification)

Issued under *Environmental Planning and Assessment Act 1979* Section 4.55

DEVELOPMENT APPLICATION

APPLICANT		Application No: DA-28-2017-2			
Applicant Name:	Ms L J Moss				
Applicant Address:	[REDACTED]				
OWNER					
Owner Name:	Ms K F Smith & Ms L J Moss				
Owner Address:	[REDACTED]				
LAND TO BE DEVELOPED					
Property Details:	55 Budumba Road, INVERGOWRIE				
Legal Description:	Lot: 111 DP: 1153542				
Land Use Zone:	R5 – Large Lot Residential				
DEVELOPMENT					
Description:	Dual Occupancy				
DETERMINATION – APPROVAL					
Decision Date:	22 August 2017	Operational Date:	22 August 2017	Modified on:	27 August 2025
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: Marshall Drafting Service – Project Number 17021, WD-01-05, Revision D, dated 7 May 2017; BASIX Certificate – Number 823120S, dated 24 May 2017; Bushfire Attack Level (BAL) Certificate – Stephen Cotter BPAD20505, dated 31 May 2017					

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.

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.

3. 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 certifying authority 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.
4. 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.

Please Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

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.

5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority 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,

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- 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.
6. 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 certifying authority 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

7. 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).
8. 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.

ADVISING: Certifications from appropriate manufacturers and installers confirming each BASIX commitment are to be provided prior to the issue of an Occupation Certificate. These may be in the form of an invoice or a simple written statement by the tradesman, including their details and signature.

GENERAL CONDITIONS

9. The development must take place in accordance with the approved plans (bearing the Uralla Council approval stamp) and documents submitted with the application, and subject to the conditions below to ensure the development is consistent with Council's consent.
10. A Construction Certificate must be obtained from a Certifying Authority before work commences, in accordance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.
11. *The dwelling is 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**
 - in the case of a swimming pool, after the construction of the swimming pool is completed and the barrier (if one is required under the [Swimming Pools Act 1992](#)) has been erected and before the pool is filled with water,

*** 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.*

Applicants should give at least 24 hours notice to guarantee 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*

12. DELETED.
13. The construction of the dwelling are to comply with
 - AS 3959 – 2009 for BAL 12.5, sections 3 and 5 with gutter guards
 - the NSW Rural Fire Service publication *Planning for Bushfire Protection 2006 Section A3.7 of Addendum Appendix 3 and Section 4.1.3 for gas and electricity installation.*

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

14. The plans and specifications accompanying the Construction Certificate are to demonstrate compliance with the requirements of the deemed-to-satisfy provisions of the National Construction Code for a Class 1(a) building

Amended plans are to be submitted to the Principal Certifying Authority for authentication of NCC compliance and issue of a Construction Certificate.

Should the external configuration of the building be modified as a result of achieving NCC compliance, the plans accompanying this development consent must also be modified.
15. For all construction work required on Council land (e.g. storm water, footpaths, kerb and gutter etc.) the applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority. The Application must be approved prior to the issue of a Construction Certificate, to ensure pedestrian and vehicular safety during construction.

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

16. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with clause 103 and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is given using the form enclosed with this consent.
17. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - divert contaminated run-off away from disturbed areas,
 - erect silt fencing along the downhill side of the property boundary,
 - prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
 - stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

18. Any building work must be carried out between 7.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays, excluding Sundays and public holidays. No audible construction is to take place outside these hours, to maintain the amenity of the locality.
19. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.

20. Materials must not be burned on site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
21. Effective dust control measures are to be maintained during construction to maintain public safety/amenity. Construction activities are to be undertaken so as not to inconvenience the adjoining land owners and are to be restricted solely to the subject site.
22. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
23. Construction of an internal all-weather access road from the property boundary to the dwelling is to be undertaken in order to minimise soil erosion with suitable profiling and drainage to reduce surface water run off volumes and velocity with relation to the slope of the land.

The width of the carriageway is to be 4 metres with a 1 metre verge either side maintained in a fuel reduced state. The vertical clearance of 4 metres to any overhanging branches is to be maintained.

All Engineering works to be designed by a competent person e.g. Professional Engineer and carried out in accordance with Councils Engineering Code unless otherwise indicated, to ensure that these works are of a sustainable and safe standard

CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING

24. An Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning and Assessment Act and to ensure the health and safety of the building's occupants.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for places of public entertainment).
25. Approval must be obtained from the Council as the Local Water Supply and Sewer Authority for any potable water supply, sewerage or on-site waste water system serving the site, pursuant to Chapter 7 of the Local Government Act 1993 with all relevant work completed in accordance with such approval.
26. The Principal Certifying Authority is to contact Council to ensure all the Section 68 conditions of approval have been completed prior to the issue of an Occupation Certificate.
27. Storage tank overflow, roof and surface stormwater from paved and impervious areas is to be directed away from the building and any on site waste disposal system to protect the site and adjoining property from the effects of flooding. Such work must be completed prior to the use and/or occupation of the premises commencing.
28. Provision of not less than 90,000 litres of domestic water storage. However, where the property has an additional water source or storage, e.g. dams, bores, streams or swimming pool, not less than 45,000 litres of domestic water storage will be required.

Although not specifically required by Council, it is recommended that landowners consider providing a greater storage capacity where an additional water source or storage is not available.

The minimum quantities of water storage required above, are to include at least 20,000 litres reserved for fire fighting purposes. A suitable connection for Rural Fire Service purposes must be made available. In general a 65mm Storz outlet with a Gate or Ball valve should be provided. Underground tanks with an access hole of 200mm will allow bushfire fighting tankers to refill direct from the tank. Any underground tanks shall be fitted with a childproof access hole of 200mm x 200mm will allow bushfire fighting tankers to refill direct from the tank. Tanks for fire fighting water must be constructed of a Metal or Concrete unless screening is provided and must incorporate a 65mm storz fitting.

29. Signage must be provided to the Front Gate and the location of the Storz valve connection with a Static Water Supply (SWS) sign.
30. Tanks for fire fighting water must be constructed of a Metal or Concrete unless screening is provided and must incorporate a 65mm storz fitting
31. Stormwater tanks to also to be provided with first flush disposal device to prevent the potential pollution of the potable water supply by contaminants contained in the roof gutter drainage system.

CONDITIONS RELATING TO ONGOING OPERATIONS

32. The construction of the dwelling, vegetation maintenance, landscaping and Asset Protection Zones are to comply with the NSW Rural Fire Service publication *Planning for Bushfire Protection 2006*.
33. The Asset protection Zone surrounding the new dwelling shall be managed as an Inner Protection Area (IPA) and regularly maintained with a surface fuel load less than 8t/Ha. Patches of shade trees can be retained within the APZ if the canopy is separated by >5m between patches of trees. There are to be no over-storey vegetation within 5 metres of the proposed dwelling.

COUNCIL ADVICE ONLY

34. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display/erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under the Exempt and Complying Development State Environmental Planning Policy).
35. **Compliance with the National Construction Code:** All building work must be carried out in the following manner to ensure compliance with the National Construction Code (Volume 2: Housing Provisions):-

Drainage of surface water surrounding the building: Finished ground or paving level must be at least 150mm below the level of any floor. Such finished ground level is measured not more than one (1) metre from external walls with the ground surface graded to allow effective drainage of surface water away from the building (in accordance with AS 2870).

Tempering valves: Hot water units are to deliver hot water at the outlet of the closest sanitary fixture at a maximum temperature of 50 degrees Celsius (Part 4, National Plumbing and Drainage Code AS 3500), to restrict the temperature of the hot water supply to sanitary fixtures such as baths, showers and hand basins to limit the potential risk of scalding to the occupants of the building.

Covenant/s: The applicant/owner has the responsibility of being aware of any covenant which may affect the proposal.

Rainwater Tanks: Council requires rainwater tanks to be installed in accordance with the State Environmental Planning Policy No 4. Direct connection between the rainwater tank and reticulated potable water supply will not be permitted; however, the reticulated potable supply may be used to top up the tank via a physical air gap. Maintenance of the tank or tanks should be in accordance with the guidelines from the New South Wales Department of Health for the use and maintenance of rainwater tanks.

Greywater Disposal: Greywater disposal must be carried out below surface level (i.e. porous piping – not sprinklers) and must not impact on adjoining properties.

***Sewer & Sanitary Water Supply Work:** a separate approval must be obtained from the Council as the Local Water Supply and Sewer Authority pursuant to Chapter 7 of the Local Government Act 1993 for any activity associated with water supply, sewer or on-site waste water systems serving the site.

36. **Dial Before You Dig:** 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.
37. **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 4.55 of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (as amended).

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice. *Note: Section 97 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.* Section 82A 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 Section 82A.

Note: Section 82A of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a Designated Development, Integrated Development or Crown Applications.

Toni Averay
GENERAL MANAGER

Per:



Date: 27 August 2025