

## NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

*Issued under Clause 122 of the Environmental Planning and Assessment Regulation 2000.*

<b>Application No.</b>	DA-63/2024/A
<b>Applicant</b>	Mrs Natalie Kate Peterson
<b>Land to be developed</b>	Lot 125 DP 753271 36 Wood Street, GILGAI NSW 2360
<b>Approved development</b>	Demolition of existing dwelling, construction of new dwelling
<b>Building Code of Australia Classification</b>	Class 1a
<b>Determination</b>	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
<b>Original date of determination</b>	11 June 2024
<b>Modification determination date</b>	7 November 2024
<b>Consent will lapse on</b>	11 June 2029
	Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979.

### CONDITIONS OF CONSENT

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—</li> </ol>
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	<ul 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> </ul> <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> <ul style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>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— <ul 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> </ul> </li> <li>3. The sign must be— <ul 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> </ul> </li> <li>4. This section does not apply in relation to— <ul 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> </ul> </li> </ul> <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> <ul 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> </ul> <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> <ul 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— <ul style="list-style-type: none"> <li>a. for work that requires a principal contractor to be appointed— <ul 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> </ul> </li> <li>b. for work to be carried out by an owner-builder—</li> </ul> </li> </ul>

- 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.

**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 documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A1	-	Natalie Peterson - 36 Wood Street Gilgai - Lot 125 DP753271	D & T Collier	-
A2	-	Natalie Peterson - 36 Wood Street Gilgai - Lot 125 DP753271	D & T Collier	-
A3	1	Natalie Peterson - 36 Wood Street Gilgai - Lot 125 DP753271	D & T Collier	17/10/2024
A4	-	Natalie Peterson - 36 Wood Street Gilgai - Lot 125 DP753271	D & T Collier	-
A5	1	Natalie Peterson - 36 Wood Street Gilgai - Lot 125 DP753271	D & T Collier	17/10/2024
A6	1	Natalie Peterson - 36 Wood Street Gilgai - Lot 125 DP753271	D & T Collier	17/10/2024
A7	-	Natalie Peterson - 36 Wood Street Gilgai - Lot 125 DP753271	D & T Collier	-
A8	-	Natalie Peterson - 36 Wood Street Gilgai - Lot 125 DP753271	D & T Collier	-
A9	-	Natalie Peterson - 36 Wood Street Gilgai - Lot 125 DP753271	D & T Collier	-
A10	-	Natalie Peterson - 36 Wood Street Gilgai - Lot 125 DP753271	D & T Collier	-

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.

6	<b>Construction Certificate required prior to commencement of works on site</b>
	No activity is to be carried out on site until a Construction Certificate has been issued, other than: <ul style="list-style-type: none"> <li>• site investigation for the preparation of the construction; and/or</li> <li>• implementation of environmental protection measures, such as erosion control etc. that are required by this consent.</li> </ul>
	<b>Condition reason:</b> To ensure no works commence until a Construction Certificate has been issued and any pre-construction conditions have been satisfied.
7	<b>Construction of buildings in bushfire prone areas requirements</b>
	The dwelling is to be constructed in accordance with the BAL-12.5 requirements of Australian Standard 3959 Construction of buildings in bushfire prone areas.
	<b>Condition reason:</b> To comply with Planning for Bush Fire Protection.

### Demolition Work

#### Before demolition work commences

8	<b>Disconnection of services before demolition work</b>
	Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.
	<b>Condition reason:</b> To protect life, infrastructure and services
9	<b>Erosion and sediment controls in place</b>
	Before any site work commences, Inverell Shire Council must be satisfied the erosion and sediment controls in the erosion and sediment control plan 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).
	<b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

#### During demolition work

10	<b>Demolition - Australian Standards</b>
	All demolition work is to be carried out in accordance with <i>Australian Standard 2601 The demolition of structures</i> .
	<b>Condition reason:</b> All demolition work must comply with Australian Standard 2601.
11	<b>Demolition - Supervision</b>
	At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that: <ul style="list-style-type: none"> <li>• The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work;</li> <li>• Precautions are to be taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes; and</li> <li>• The site shall be sealed off at all times against the unauthorised entry of persons or vehicles.</li> </ul>
	<b>Condition reason:</b> To protect adjoining properties and public safety.

12	<p><b>Transportation of Waste</b></p> <p>During demolition works, all waste transportation vehicles entering or leaving the site must have their loads covered.</p> <p><b>Condition reason:</b> To ensure the removal of asbestos is undertaken in a safe and professional manner.</p>
13	<p><b>Disposal of Waste</b></p> <p>All material must be disposed at the Inverell Landfill located on 55 Burtenshaw Road, Inverell.</p> <p>Note: prior to disposal of asbestos containing material at the Inverell Landfill, Council is to be provided with a minimum of 24 hours notice. The Inverell Waste Depot can be contacted on 02 6721 3546.</p> <p><b>Condition reason:</b> Condition reason: To ensure safe and professional disposal of waste inclusive of hazardous material.</p>
14	<p><b>Repair and maintenance of infrastructure</b></p> <p>The applicant will:</p> <ul style="list-style-type: none"> <li>• Repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development, and</li> </ul> <p>Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.</p> <p><b>Condition reason:</b> To ensure public infrastructure remains intact.</p>
15	<p><b>Demolition - asbestos</b></p> <p>If the development is found to contain asbestos:</p> <ul style="list-style-type: none"> <li>• The applicant/builder must investigate, and carry out, their obligations as specified under the <i>Work Health and Safety Regulation 2011</i>; and</li> <li>• All asbestos waste must be stored, transported and disposed of in accordance with the <i>Protection of the Environment Operations (Waste) Regulation 1996</i>.</li> </ul> <p><b>Condition reason:</b> To require asbestos is handled, transported and disposed in accordance with the relevant legislation.</p>

**On completion of demolition work**

16	<p><b>Certification of Completion</b></p> <p>Within 14 days of completion of demolition, copies of receipts stating the following must be given to Council;</p> <ul style="list-style-type: none"> <li>• The place to which the waste materials were transported;</li> <li>• The name of the contractor transporting the materials; and</li> </ul> <p>The quantity of materials transported off-site and recycled or disposed of.</p> <p><b>Condition reason:</b> To ensure demolition waste has been removed from site and deposited at a certified landfill facility.</p>
17	<p><b>Site Condition</b></p> <p>At the completion of demolition, the site must be left clear of waste and debris. The site must be maintained in a clean and tidy manner, including the control of vegetation, until such time that the land has been redeveloped.</p> <p><b>Condition reason:</b> To protect visual impact and public safety</p>

## Building Work

### Before issue of a construction certificate

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

### Before building work commences

18	<p><b>Construction -Erosion and Sediment Control</b></p> <p>Prior to commencement of works (including earthworks), run-off and erosion control measures must be implemented to prevent soil erosion, water pollution and the discharge of loose sediment on the surrounding land. Measures are to include:</p> <ul style="list-style-type: none"> <li>• Diverting uncontaminated run-off around cleared or disturbed areas;</li> <li>• Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties;</li> <li>• Preventing the tracking of sediment by vehicles onto roads; and</li> <li>• Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.</li> </ul> <p>Run-off and erosion control measures must be in place for the duration of building work and until adequate (more than 70%) vegetation (grass) cover is established on the site to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads. In the event that the building contract is completed, it is the responsibility of the owner to maintain the run-off and erosion control measures.</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
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### During building work

19	<p><b>Hours of work</b></p> <p>Site work must only be carried out between the following times –</p> <p>From 7:00am to 5:00pm on Monday to 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>
20	<p><b>Construction - Local amenity, noise and environmental pollution</b></p> <p>To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:</p> <ul style="list-style-type: none"> <li>• Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;</li> <li>• Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;</li> <li>• Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;</li> <li>• Builders waste must not be burnt or buried on site. All waste (including felled trees)</li> </ul>

	<p>must be contained and removed to a waste disposal depot;</p> <ul style="list-style-type: none"> <li>• Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the <i>Surveying and Spatial Information Act 2002</i>. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.</li> </ul>
	<b>Condition reason:</b> To protect local amenity and survey monuments during construction.

### Before issue of an occupation certificate

21	<p><b>Occupation of premise</b></p> <p>Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><i>Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:</i></p> <ul style="list-style-type: none"> <li>• <i>all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and</i></li> <li>• <i>any preconditions to the issue of the certificate required by a development consent have been met.</i></li> </ul>
	<b>Condition reason:</b> To ensure an Occupation Certificate is obtained prior to use of the building.
22	<p><b>Stormwater drainage</b></p> <p>Prior to issue of an Occupation Certificate, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with <i>Australian Standard 3500.3 Plumbing and drainage</i>.</p>
	<b>Condition reason:</b> To ensure stormwater is disposed without causing a nuisance to adjoining properties
23	<p><b>Bushfire documentation regarding bushfire in relation to gas and electricity</b></p> <p>Prior to issue of an Occupation Certificate gas and electricity are to comply with <i>Planning for Bushfire Protection 2006</i>. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.</p>
	<b>Condition reason:</b> To comply with Planning for Bush Fire Protection

### Occupation and ongoing use

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

### REASONS FOR CONDITIONS

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

## **RIGHT OF APPEAL**

If you are dissatisfied with this decision, Division 8.3 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice. You are also advised that Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council



**LIAM SPALDING**  
**DEVELOPMENT OFFICER**