

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

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

Application No.	DA-108/2024/A
Applicant	Precise Designs
Land to be developed	Lot 500 DP 1304013 2929 Elsmore Road, PARADISE 2360
Approved development	Dwelling and Shed
Building Code of Australia Classification	Class 1a
Determination	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
Original date of determination	25 November 2024
Modification determination date	27 February 2025
Consent will lapse on	25 November 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

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.
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	<p>6. This section does not apply—</p> <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 c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— <ol 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— <ol 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— <ol style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ol 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,

	<p>b. for work to be carried out by an owner-builder—</p> <ol 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. <p>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.</p> <p>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>																																				
	<p>Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>																																				
5	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" data-bbox="268 725 1187 999"> <thead> <tr> <th colspan="5">Approved plans</th> </tr> <tr> <th>Plan number</th> <th>Revision number</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>D1-D21</td> <td>B</td> <td>Proposed Workers Cottage</td> <td>Precise Designs</td> <td>13/01/2025</td> </tr> <tr> <td>2797057631</td> <td>-</td> <td>Wyelba Trust Pty Ltd - 2929 Elsmore Road, Paradise, NSW, 2360</td> <td>Best Sheds</td> <td>22/08/2024</td> </tr> </tbody> </table> <table border="1" data-bbox="268 1102 1187 1252"> <thead> <tr> <th colspan="4">Approved documents</th> </tr> <tr> <th>Document title</th> <th>Version number</th> <th>Prepared by</th> <th>Date of document</th> </tr> </thead> <tbody> <tr> <td>BASIX Certificate</td> <td>1767073S-02</td> <td></td> <td>13/2/2025</td> </tr> <tr> <td>NatHERS Certificate</td> <td>0009786567-1</td> <td></td> <td>28/1/2025</td> </tr> </tbody> </table> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	D1-D21	B	Proposed Workers Cottage	Precise Designs	13/01/2025	2797057631	-	Wyelba Trust Pty Ltd - 2929 Elsmore Road, Paradise, NSW, 2360	Best Sheds	22/08/2024	Approved documents				Document title	Version number	Prepared by	Date of document	BASIX Certificate	1767073S-02		13/2/2025	NatHERS Certificate	0009786567-1		28/1/2025
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6	<p>Construction Certificate required prior to commencement of works on site</p> <p>No activity is to be carried out on site until a Construction Certificate has been issued, other than:</p> <ul style="list-style-type: none"> • site investigation for the preparation of the construction; and/or • implementation of environmental protection measures, such as erosion control etc. that are required by this consent. <p>Condition reason: To ensure no works commence until a Construction Certificate has been issued and any pre-construction conditions have been satisfied.</p>																																				
7	<p>Bushfire Construction Standard</p> <p>The dwelling is to be constructed in accordance with BAL-12.5 requirements of Australian Standard 3959 Construction of building in bushfire prone areas.</p> <p>Condition reason: To ensure the development complies with AS 3959.</p>																																				

Building Work

Before issue of a construction certificate

8	<p>Section 7.11 Fees</p> <p>Prior to issue of a Construction Certificate, a single contribution must be paid to Council pursuant to Section 7.11 (previously Section 94) of the Environmental Planning and Assessment Act 1979 for:</p> <ul style="list-style-type: none"> • General Rural Roads; and • Community Services.
	<p>Condition reason: To confirm that all fees and charges are calculated at the date of payment.</p>

Before building work commences

9	<p>Construction -Erosion and Sediment Control</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"> • Diverting uncontaminated run-off around cleared or disturbed areas; • Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties; • Preventing the tracking of sediment by vehicles onto roads; and • Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot. <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>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>

During building work

10	<p>Hours of work</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>Condition reason: To protect the amenity of the surrounding area.</p>
11	<p>Construction - Local amenity, noise and environmental pollution</p> <p>To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution</p>

	<p>during the construction period:</p> <ul style="list-style-type: none"> • 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; • 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; • 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; • Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot; • 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.
	Condition reason: To protect local amenity and survey monuments during construction.

Before issue of an occupation certificate

12	<p>Bushfire - Access</p> <p>Prior to issue of an Occupation Certificate the internal driveway is to be an all weather access 4m wide with a vertical clearance of 4m. If the driveway exceeds 200m in length, than a passing bay measuring 20m long by 2m wide is to be provided every 200m. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.</p> <p>Condition reason: To comply with Planning for Bush Fire Protection.</p>
13	<p>Bushfire documentation regarding bushfire in relation to gas and electricity</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> <p>Condition reason: To comply with Planning for Bush Fire Protection</p>
14	<p>Bushfire protection zone</p> <p>Prior to issue of an Occupation Certificate a distance of 50 metres must be provided around the dwelling and maintained in perpetuity as an Asset Protection Zone in accordance with <i>Planning For Bush Fire Protection 2019</i> and the NSW Rural Fire Service document 'Standards for Asset Protection Zones'. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.</p> <p>Condition reason: To comply with Planning for Bush Fire Protection.</p>
15	<p>Bushfire - Water Supply</p> <p>Prior to issue of an Occupation Certificate a 20,000 litre dedicated water supply is to be provided and maintained in perpetuity for the dwelling, with a 65mm storz outlet with a gate or ball valve for connection of a Rural Fire Service tanker. The water supply must be located within the Asset Protection Zone. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met</p> <p>Condition reason: To comply with Planning for Bush Fire Protection.</p>
16	<p>Occupation of premise</p> <p>Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with</p>

	<p><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"> • <i>all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and</i> • <i>any preconditions to the issue of the certificate required by a development consent have been met.</i>
	<p>Condition reason: To ensure an Occupation Certificate is obtained prior to use of the building.</p>
17	<p>Rural addressing</p> <p>Prior to the issue of Occupation Certificate, a rural addressing fee in accordance with Council's fees and charges is to be paid to Council.</p>
	<p>Condition reason: To provide a road number for formal addressing of the property.</p>
18	<p>Stormwater drainage</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>
	<p>Condition reason: To ensure stormwater is disposed without causing a nuisance to adjoining properties</p>

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 PLANNER