

**NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

**Issued under the *Environmental Planning & Assessment Act, 1979* Section 81(1)(a)**

TO: **Westbuilt Homes**  
OF: **38-48 Project Street**  
**Warwick QLD 4370**

being the applicant in respect of **Application No DA-153/2018**

Notice is hereby given of the determination by Council of **Application No. DA-153/2018** relating to the land owned by **Mr John Charles Shephard and Mrs Mary Ethel Shephard, of 347 Mount Russell Road, Mount Russell NSW 2360** and is described as follows:

**Lot 2 DP 1154230 - 347 Mount Russell Road, MOUNT RUSSELL 2360**

The development proposal is: **New Dwelling (Manufactured Home)**

The Determination is **consent granted subject to conditions described below** made on **13 December 2018**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

***Preliminary***

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for:

- The installation of a Manufactured Home on Lot 2 DP 1154230 as a replacement for the existing dwelling; and
- Conversion of the existing dwelling into a storage building.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans unless modified by any following condition. Any deviation will require the consent of Council.

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000* (as detailed at the end of this consent).
3. Upon completion and occupation of the Manufactured Home, the existing dwelling is to be converted to and used for storage purposes only. Residential accommodation use is not permitted.
4. In the event of any partial demolition of the existing dwelling, the owner must investigate and carry out their obligations in relation to asbestos as specified under WorkCover, the *Work Health and Safety Regulation 2011* and the *Protection of the Environment Operations (Waste) Regulation 1996*.

### ***During Installation***

5. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
  - 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;
  - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
  - 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;
  - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and
  - 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 *Surveying and Spatial Information Act 2002*. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

### ***Prior to Occupation of the Manufactured Home***

6. Prior to occupation of the Manufactured Home, a final inspection is to be undertaken and a notice must be issued by Council confirming its suitability for occupation.
7. Prior to Occupation of the Manufactured Home, compliance plates are to be attached to each dwelling certifying that the applicable dwelling complies with the *Building Code of Australia*.
8. Council must be given written notice of the installation of the manufactured home within 7 days after the completion of the installation. The notice must include:
  - the site identifier of the dwelling site on which the relocatable home or associated structure has been installed; and
  - the particulars contained on each compliance plate relating to the relocatable home or associated structure.

The notice must also be accompanied by:

- a copy of the engineer's certificate for the relocatable home or associated structure;
  - a fully dimensioned diagram of the dwelling site on which the relocatable home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this Part have been complied with;
  - a plumbing and drainage Certificate of Compliance;
  - an electrical Compliance Certificate;
  - a water proofing Compliance Certificate;
  - a glazing Compliance Certificate; and
  - a termite protection Compliance Certificate.
9. Prior to Occupation of the Manufactured Home, the Manufactured Home is to be connected to the approved onsite sewerage management system.

10. Prior to Occupation of the Manufactured Home and in perpetuity, a distance of 50 metres around the manufactured home must be maintained as an Asset Protection Zone in accordance with Section 4.1.3 and Appendix 5 of *Planning For Bush Fire Protection 2006* and the NSW Rural Fire Service document 'Standards for Asset Protection Zones'.
11. Prior to Occupation of the Manufactured Home and in perpetuity, gas and electricity are to comply with Section 4.1.3 (2) of *Planning for Bushfire Protection 2006*.
12. Prior to Occupation of the Manufactured Home and in perpetuity, a 20,000 litre dedicated water supply is to be provided and maintained in perpetuity for the home, 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.
13. Prior to Occupation of the Manufactured Home and in perpetuity, the internal driveway is to be an all weather access 4m wide with a vertical clearance of 4m. A passing bay measuring 20m long by 2m wide is to be provided every 200m.

**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 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

**Reasons for Approval**

1. The Manufactured Home is a replacement for the existing dwelling and complies with Clause 4.2A (5) of the Inverell Local Environmental Plan 2012.

**Community Consultation**

As per section 1.11 of the Inverell Development Control Plan 2013 the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

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 6 months after the date on which you receive this notice.

You are also advised that section 82A 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



**CHRIS FALEY**  
**DEVELOPMENT PLANNER**  
**DATE : 21 December 2018**

## Annexure

### Prescribed Conditions Summary

As per condition 2 of this consent, the following matters prescribed under Division 8A of the *Environmental Planning & Assessment Regulation 2000* must be complied with, where relevant:

1. All work must be carried out in accordance with the requirements of the *Building Code of Australia*.
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 is in force before any building work authorised to be carried out by the consent commences.
3. Prior to commencement of building work, subdivision work or demolition work a sign must be erected in a prominent position on the site. The sign must:
  - show the name, address and telephone number of the principal certifying authority for the work;
  - show 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
  - state that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

4. 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:
  - in the case of work for which a principal contractor is required to be appointed:
    - the name and licence number of the principal contractor; and
    - the name of the insurer by which the work is insured under Part 6 of that Act; and
  - in the case of work to be done by an owner-builder:
    - the name of the owner-builder; and
    - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified as required 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.

5. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this consent, must at the person's own expense:
  - protect and support the building, structure or work from possible damage from the excavation; and
  - where necessary, underpin the building, structure or work to prevent any such damage.