

**NOTICE TO APPLICANT OF DETERMINATION
OF AN AMENDED DEVELOPMENT APPLICATION**

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

TO: **North West Homes & Sheds Pty Ltd**
OF: **PO Box 176**
Inverell NSW 2360

being the applicant in respect of **Application No DA-22/2010/A**

Notice is hereby given of the determination by Council of **Application No. DA-22/2010/A** relating to the land owned by **Mr Malcolm John Buchan and Mrs Leonie Margaret Buchan, of PO Box 176, Inverell NSW 2360** and is described as follows:

Lot 2 DP 1126039
8075 Gwydir Highway, LITTLE PLAIN 2360

The development proposal is: **New dwelling, swimming pool and access.**

The determination is amended in accordance with s.96(1A) of the Environmental Planning and Assessment Act 1979 on 12 December 2018.

This consent expires five (5) years from **21 April 2010** 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:

- I. Erection of a new dwelling
- II. Installation of a new swimming pool
- III. Construction of a new site access

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the stamped plans prepared by Bell Country Homes, The Shed Company & Aquatic Pools Pty Ltd and all accompanying documentation.

Prior to Construction

2. Prior to Council issuing a Construction Certificate the following information is to be provided:
 - I. Site specific engineering details/plan for all structural concrete related to the dwelling;
 - II. Engineering details for the dwelling's steel frames and trusses.
3. Prior to any residential building work commencing a contract of insurance in accordance with the *Home Building Act 1989* is to be in force.

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:
- (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 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.

Conditions Relating to Construction of Access

5. The new driveway/access is to be constructed in accordance with the AUSTRROADS rural access standards and to Council's satisfaction. Details of the access from the highway are to be provided to Council for approval, provisions for school bus services should be incorporated into the design as well as drainage structures where appropriate.
- Should you wish for Council to design the access and carry out the works, cost will be by quotation upon request from Council's Civil & Environmental Services Division.
- ~~6. The first 30m of the access/driveway is to be bitumen sealed to maintain its condition and prevent potential gravel and dust hazards on the Gwydir Highway.~~
7. The road works on the highway must be undertaken by an RTA accredited construction authority
8. No native vegetation is to be removed from the site or road reserve without the prior approval of Council.
9. A payment of \$50.00 is to be made to Council for the erection of a new Rural Address post. Upon payment and the completion of the proposed access Council will allocate a property address and erect a post displaying this number.

During Construction

10. Council, in the case of being the Principal Certifying Authority, is to be given 24 hours notice of the following critical stage inspections where applicable;
- (a) after excavation for, and prior to the placement of, any footings, and
 - (b) prior to pouring any in-situ reinforced concrete building element, and
 - (c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - (d) prior to covering waterproofing in any wet areas, and
 - (e) prior to covering any stormwater drainage connections, and
 - (f) after the construction of the swimming pool is completed and the barrier has been

- erected and before the pool is filled with water, and
(g) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

11. All work must be carried out in accordance with the requirements of the Building Code of Australia.
12. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - a) 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.
 - b) 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 measures in place to prevent the movement of such material off site.
 - c) 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.
 - d) 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.
13. 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, such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed. The sign must include the following:
 - showing the name, address and telephone number of the principal certifying authority for the work, and
 - 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
 - stating that unauthorised entry to the work site is prohibited.
14. The dwelling and swimming pool is not to be located within 3m of the transmission lines on-site.
15. In the case of Council being appointed the Principal Certifying Authority forty-eight (48) hours notice is to be given to Council for inspection of the pool excavation prior to the pool being placed in position
16. Any cut and fill on-site is to be suitable retained or battered in accordance with table 3.1.1.1 of the Building Code of Australia.

Prior to Occupation

17. To comply with the Swimming Pools Act, 1992 the owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier:
 - (a) that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises, and
 - (b) that is designed, constructed, installed and maintained in accordance with the regulations and Australian Standard 1926-2007, Swimming Pool Safety.
18. A sign/poster displaying a simple flow sequence containing details of resuscitation techniques is to be displayed in a prominent position adjacent to the pool. The flow sequence is to be in accordance with the Cardiopulmonary Resuscitation Guideline, illustrated by drawings with key words only in bold print and contain a statement to the effect that formal instruction in resuscitation is also essential. The sign shall comply with the other relevant guidelines of the Australian Resuscitation Council and include the name of the teaching organisation or other

body that published the sign and the date of its publication.

19. The following compliance certificates are to be provided to Council prior to occupation of the building;
 - (a) Manufacturers Certification and details of roof trusses and wall framing
 - (b) Wet area Certification, including shower compartments certifying compliance with the Building Code of Australia and AS 3740
 - (c) Manufacturers certification that all glazed assemblies are in accordance with AS 1288 & AS 204
20. All commitments of the approved BASIX Certificate are to be fulfilled prior to occupation of the dwelling. Certification that the requirements have been completed in accordance with the Certificate is to be submitted to Council by the owner/builder prior to occupation of the building.

On-going Use

21. The filtration and any disinfection equipment shall be maintained in a good condition and at all times operate in accordance with the manufacturers specifications.
22. Access to the site is not permitted to be taken from the existing right of carriageway which runs along its western boundary.

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 : 12 December 2018