



NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

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

TO: **Mr Allan Clive Wood**
OF: **PO Box 394**
Inverell NSW 2360

being the applicant in respect of **Application No DA-132/2019**

Notice is hereby given of the determination by Council of **Application No. DA-132/2019** relating to the land owned by **Mr Allan Clive Wood and Mrs Mary-Anne Elizabeth Wood, of PO Box 394, Inverell NSW 2360** and is described as follows:

Lot 2 DP 1115208
6B Brewery Street, INVERELL 2360

The development proposal is: **Change of Use - Gymnasium/Squash Courts to Dwelling**

The Determination is **consent granted subject to conditions described below** made on **13 December 2019**.

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 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for a Change of Use - Gymnasium/Squash Courts to a single dwelling-house.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plan and accompanying documentation, 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. The building must be used as a single dwelling-house in its entirety. Separate development consent is to be obtained to separate the building into two or more separate tenancies (whether physically separated or not) or to use the building for any purpose other than a single dwelling-house.

Prior to Occupation as a Dwelling House

4. Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with Section 109M of the *Environmental Planning and Assessment Act 1979*.

Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:

- *all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and*
 - *any preconditions to the issue of the certificate required by a development consent have been met.*
5. In accordance with Section 4.17 (1) (b) and Section 4.17 (5) of the *Environmental Planning and Assessment Act 1979*, prior to issue of an Occupation Certificate, the owner of Lot 2 DP 1115208 must surrender:
- The rights conferred under Division 4.11 of the *Environmental Planning and Assessment Act 1979* for the use of the building on Lot 2 DP 1115208 as gymnasium and squash courts; and
 - The following development consents:
 - Development Application No. 18 (reference 76/B) issued by Inverell Municipal Council on 12 June 1975 (Council Resolution 75/793 – 10 June 1975);
 - DA-14/93 granted 24 February 1993 for two (2) beach volley ball courts; and
 - DA-143/94 granted 5 January 1995 for approval to convert two (2) squash courts to a gym room.
6. Prior to issue of an Occupation Certificate, the dwelling is to be equipped with hard wired smoke alarms that are located, on or near the ceiling:
- In any storey of the building or home-containing bedrooms – in every corridor or hallway associated with a bedroom, and if there is no such corridor or hallway, between that part of the building or home containing the bedroom and the remainder of the building or home; and
 - In any other storey of the building not containing bedrooms.
- The smoke alarms located on each storey must be interconnected.
7. 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.

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. A single dwelling, subject to conditions, is permissible in and consistent with the objectives of the R1 General Residential zone.
2. The dwelling will be adequately serviced by water, sewer, telephone, electricity and access.
3. Subject to conditions, the building is considered suitable for use as a Class 1a dwelling under the Building Code of Australia.

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 : 13 December 2019

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.