

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Application No.	DA-44/2021
Applicant	Miss Kirsten May Smith
Land to be developed	Lot 1 DP 748979 143 Baltimore Loop Road, ATHOLWOOD 2361
Approved development	Use of Shed as Dwelling
Building Code of Australia Classification	1a
Determination	The determination is consent granted subject to conditions.
Determination date	14 May 2021
Consent is to operate from	14 May 2021
Consent will lapse on	14 May 2026

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

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 the use of the existing shed as a dwelling.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans 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*.

Prior to Use of the Shed as a Dwelling

3. Prior to use of the shed as a dwelling, the dwelling is to be equipped with 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.
 - In any other storey of the building not containing bedrooms.
4. Prior to use of the shed as a dwelling, all sewerage, including greywater, from the dwelling must be discharged to an on-site sewage management system. Greywater must be discharged to:
 - The existing septic system; or

- A greywater treatment system accredited by the NSW Department of Health. Prior to installation of an accredited greywater treatment system, details of the system are to be submitted and approved by Council.
5. Prior to use of the shed as a dwelling, the bathroom is to be removed and re-installed, including suitable water-proofing, in accordance with 'Part 3.8.1 Wet Areas And External Waterproofing' of the *Building Code of Australia*. An inspection of the waterproofing is to be undertaken by Council prior to re-installing any fixtures.
 6. Prior to use of the shed as a dwelling, in accordance with *Australian Standard 3959-2009 Construction of buildings in bushfire prone areas*:
 - External walls are to be completely covered. All joints in the external surface materials of walls must be covered, sealed, overlapped, backed or butt-jointed to prevent gaps greater than 3mm;
 - Openable portions of windows shall be screened with a mesh or perforated sheet with a maximum aperture of 2mm, made of corrosive-resistant steel, bronze or aluminum; and
 - The roof is to be fully sarked. Roof penetrations and the roof/wall junction must be fully sealed to prevent openings greater than 3mm.
 7. Prior to use of the shed as a dwelling and in perpetuity, 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:
 - Stored in a concrete or metal tank within the Asset Protection Zone; or
 - If stored in a plastic tank, the tank must be located adjacent to the northern wall of the dwelling.
 8. Prior to use of the shed as a dwelling and in perpetuity, the internal access is to be constructed and maintained to an all-weather standard.
 9. Prior to use of the shed as a dwelling and in perpetuity, a distance of 30 metres must be provided around the dwelling and maintained in perpetuity 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'.
 10. Prior to use of the shed as a dwelling, internal steps are to be constructed to comply with Part 3.9.1 of the Building Code of Australia.
 11. Prior to use of the shed as a dwelling, the dwelling must be connected to mains electricity or a solar energy system. The applicant must obtain a Certificate of Compliance of Electrical Work (CCEW) from a licenced electrical contractor ensuring all electrical work within the dwelling complies with the Australian Standard AS/NZS 3000 2018.

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.

REASONS FOR APPROVAL

1. The development, subject to conditions, is consistent with the objectives of the RU1 Rural Primary Production zone.

2. Subject to conditions, the use of the shed as a dwelling complies with Planning for Bush Fire Protection.

COMMUNITY CONSULTATION

As per the Inverell Community Participation Plan the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

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



CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR