

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

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| Application Number | DA-171/2021 |
| Applicant | Mr Dermot Tomelty |
| Land to be developed | Lot 9 DP 750101 15321 Bruxner Way, CAMP CREEK 4385 |
| Approved development | Transportable Dwelling |
| Building Code of Australia Classification | 1a |
| Determination | The determination is consent granted subject to conditions. |
| Determination date | 13 December 2021 |
| Consent is to operate from | 13 December 2021 |
| Consent will lapse on | 13 December 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 installation of a transportable dwelling on Lot 9 DP 750101.

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 manufactured home is to comply with the BAL-19 construction requirements of Australian Standard 3959-2009 Construction of Buildings in Bushfire Prone Areas.
3. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000*.

Prior to Occupation of the Manufactured Home

4. Prior to occupation of the Transportable Dwelling, a final inspection is to be undertaken and a notice must be issued by Council confirming its suitability for occupation.
5. Prior to Occupation of the Transportable Dwelling, a compliance plate must be installed on the dwelling. The compliance plate must specify the following:
 - (the name of the manufacturer of the Transportable Dwelling or associated structure;
 - the unique identification number for each major section of the Transportable Dwelling;
 - the month and year during which the Transportable Dwelling or associated structure was constructed;
 - (the design gust wind speed for the Transportable Dwelling or associated structure;

- a statement that the Transportable Dwelling or associated structure complies with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021; and
 - the name of the practising structural engineer who issued the engineer's certificate for the Transportable Dwelling.
6. Council must be given written notice of the installation of the Transportable Dwelling within 7 days after the completion of the installation. The notice must include:
- the site identifier of the dwelling site on which the Transportable Dwelling or associated structure has been installed; and
 - the particulars contained on each compliance plate relating to the Transportable Dwelling or associated structure.
- The notice must also be accompanied by:
- A copy of the engineer's certificate for the Transportable Dwelling or associated structure;
 - A fully dimensioned diagram of the dwelling site on which the Transportable Dwelling 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; and
 - A certificate confirming compliance with the BAL-19 construction standards of Australian Standard 3959-2009 Construction of Buildings in Bushfire Prone Areas.
7. Prior to Occupation of the Transportable Dwelling and in perpetuity, a distance of twenty-two (22) metres must be maintained around the dwelling as an Asset Protection Zone in accordance with *Planning For Bush Fire Protection 2019*.
8. Prior to Occupation of the Transportable Dwelling, 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. Above ground tanks are manufactured of concrete or metal and raised tanks have their stands protected.
9. Prior to Occupation of the Transportable Dwelling, gas and electricity are to comply with *Planning for Bushfire Protection 2006*.
10. Prior to Occupation of the Transportable Dwelling, a septic tank is to be installed and commissioned for the dwelling.
11. Prior to Occupation of the Transportable Dwelling, laundry facilities are to be provided in accordance with the Building Code of Australia.

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 Primary Production zone.
2. Lot 9 DP 750101 exceeds the minimum lot size and the installation of the dwelling is permissible under Clause 4.2A (3) (a) of the Inverell Local Environmental Plan 2012.
3. Subject to conditions, the development is considered to comply with the 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