

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under Clause 122 of the Environmental Planning and Assessment Regulation 2000.

Application No.	DA-157/2012/B
Applicant	Mr Darrell James Priest and Ms Katherine Rose Nicholson
Land to be developed	Lot 51 DP 1186605, Lot 50 DP 753277, Lot 50 DP 753277, Lot 51 DP 753277 490 Rifle Range Road, INVERELL 2360
Approved development	New dwelling
Building Code of Australia Classification	Class 1a
Determination	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
Original date of determination	20 December 2012
Modification determination date	26 November 2021
Consent will lapse on	30 December 2017 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

1.

Preliminary

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 a new dwelling on Lot 51 DP 753277.

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the stamped and approved plans prepared by Abode Building Design, numbered 120615 120615a 201011, dated 06-09-2012 03-09-2012 07-10-2021, and accompanying supportive documentation.

Any deviation from this will require the prior consent of Council.

2.

Prior to Construction

Prior to the commencement of any building works on the site a Construction Certificate is to be obtained from Council or an Accredited Certifier. The application for a Construction Certificate shall include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.

3. Prior to the issue of a Construction Certificate, a Section 94 Contribution is to be paid for the increased traffic generation along Rifle Range Road.

Note: As at the date of this consent, the contribution is \$12,425.00. This amount is subject to CPI adjustment and will be increased up to the nearest \$5.00 at date of payment.

4. 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.
5. 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.

6. Prior to the issue of a Construction Certificate, a Section 94 Contribution is to be paid for the increased traffic generation along Rifle Range Road.

Note: As at the date of this consent, the contribution is \$12,425.00. This amount is subject to CPI adjustment and will be increased up to the nearest \$5.00 at date of payment.

7.

During Construction

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 implement measures 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.
 - e) 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.
8. All work must be carried out in accordance with the requirements of the *Building Code of Australia*.
9. 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.
10. For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent and Construction Certificate on site.
11. For the purpose of safety and convenience balconies higher than 1000mm is be fitted with an approved balustrade, a minimum height being 1.0m. (*Pursuant to Clause D2.16 (Class 2-9) or Part 3.9.2 (Class 1 & 10) of the Building Codes of Australia.*)
12. Every glazed door or glazed panel capable of being mistaken for being a doorway or unimpeded path of travel, and other glazed panels are to be glazed with safety glazing complying with the provisions of the applicable standard. NB The manufacturer is to provide certification to confirm that all framing and glazing has been completed in accordance with the standards. (*Pursuant to the Building Codes of Australia Clause B1.3 (Class 2-9) or Part 3.6 (Class 1 & 10).*)
13. In accordance with Clause F2.5 (Class 2-9) and Clause 3.8.3.3 for Class 1 & 10, the door to a fully enclosed sanitary compartment must:-
- a) open outwards, or
 - b) slide, or
 - c) be readily removable from the outside of the compartment, unless there is a clear space of at least 1.2m between the closet pan within and the nearest part of the doorway.
14. The floor surfaces of all bathrooms, shower rooms, water closet compartments and laundries are to be of an approved impervious material. (*Pursuant to Clauses F1.7 (Class 2-9) or Part 3.8.1 (Class 1 & 10) of the Building Code of Australia.*) The floor surfaces of all bathrooms, shower rooms, water closet compartments and laundries are to be of an approved impervious material. (*Pursuant to Clauses F1.7 (Class 2-9) or Part 3.8.1 (Class 1 & 10) of the Building Code of Australia*)
15. To comply with Part 5.4 of AS 3959-2009, all joints in the external surface material of walls must be covered, sealed, overlapped, backed or butt-jointed to prevent gaps greater than 3 mm. Alternatively external framed walls can be sarked over the outer face of the frame prior to fixing any external cladding.
16. To comply with Part 5.4 of AS 3959-2009, vents and weep holes are to be screened with a mesh with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium.
17. To comply with Part 5.5. of AS 3959-2009, all external windows and doors are to be fitted with

corrosive-resistant steel or bronze mesh screens with a maximum aperture size of 2mm. All screens are to be in place prior to final inspection.

18. To comply with Part 5.6. of AS 3959-2009, all roofing must be non-combustible, and provided with:
- sarking having a Flammability Index of not more than 5, covering the entire roof including the ridge and extending into gutters and valleys., or
 - have any gaps greater than 3mm under corrugations or ribs of sheet roofing and between roof components sealed at the fascia or wall line and at the valleys, hips and ridges by, cutting in or sealing all capping with a suitable non-combustible material.

19. ***Prior to Issue of an Occupation Certificate***

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

Note: Prior to the 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.
20. Prior to issue of an Occupation Certificate, a system of onsite sewage management must be installed and operational.
21. 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. *(Reason: To ensure the completed building achieves the NSW Government target requirements for sustainability.)*
22. In accordance with Clause 94 of the Environmental Planning and Assessment Act 1979, the owner of a dwelling or relocatable home must ensure that the building/home is 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.

23. ***Ongoing Use***

A distance of 20 metres shall 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 and the NSW Rural Fire Service document 'Standards for Asset Protection Zones'.

24. A 10,000 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 RFS tanker located within the asset protection zone.

25. Gas and electricity are to comply with Section 4.1.3 (2) of *Planning for Bushfire Protection 2006*.
26. The internal driveway is to be an all weather access 4m wide with a vertical clearance of 4m. If the driveway exceeds 200m in length, than 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 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.

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