

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

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

Application No.	DA-141/2009/A
Applicant	Mr Malcolm Wayne Page
Land to be developed	Lot 2 DP 716644, Lot 173 DP 751094 1154 Oakwood Road, MOUNT RUSSELL 2360
Approved development	New Dwelling and Three (3) New Sheds
Building Code of Australia Classification	1a, 10a
Determination	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
Original date of determination	30 September 2009
Modification determination date	23 June 2023
Consent will lapse on	30 September 2014 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 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the erection of a new dwelling-house and three (3) new sheds

Modified consent (DA-141/2009/A) is granted to delete Condition 10.

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the stamped approved plans prepared by Westrade, numbered K.09.025, dated 14 August 2009 and The Shed Company number TSC – 01-05 & 46 dated 03.03.09 & 02.02.09 and all conditions prescribed by this consent.

Any deviation from this will require the consent of Council.

Prior to Construction

2. 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.

- 3. Prior to the construction of the proposed workshop native plants and vegetation are to be planted to create a visual buffer. Council is to be provided with details of intended plantings including species, mature heights and locations around the shed.
- 4. Prior to any residential building work commencing a contract of insurance in accordance with the *Home Building Act 1989* is to be in force.

During Construction

- 5. All work must be carried out in accordance with the requirements of the Building Code of Australia.
- 6. 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 building work has been completed and prior to any occupation certificate being issued in relation to the building.
- 7. 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.
- 8. 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.
Reason: To ensure compliance with the conditions in the Development Consent.

9. 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.

Prior to Occupation

10. ~~Lot 2 in Deposited Plan 716644 and Lot 173 in Deposited Plan 751094 are to be consolidated. Evidence of this is to be provided to Council prior to the issue of an Occupation Certificate.~~
11. The existing access to the site is to be upgraded to Council's standard rural access detail. All works are at the expense of the applicant. If you wish for Council to carry out the works, cost will be by quotation from Council's Civil & Environmental Services Division.
12. A Rural Address Number for physical identification purposes of the subject property is required. A number will be allocated relevant to the distance from the start of the road to the access to the site. A Rural Address Number post will be erected by Council clearly showing the number. The cost per post is \$50.00 and is payable prior to the occupation of the dwelling. The post will then be erected as soon as practically possible.
13. 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.)*
14. 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 2047

On-going Use

15. All approved landscaping shall be maintained at all times. If any approved tree, shrub or the like forming part of a visual buffer should die, it must be replaced with vegetation of the same species and height.

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