

# DEVELOPMENT ASSESSMENT REPORT - DA176/14

## PROPOSED DUAL OCCUPANCY, TARANA ROAD TARANA NSW 2787

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### 1. PROPOSAL

Council is in receipt of a Development Application DA176/14 for a DUAL OCCUPANCY on land known as Lot 2 DP 579085, TARANA ROAD TARANA NSW 2787.

The proposal is for an attached dual occupancy, with each dwelling proposed to contain 2 bedrooms, a study and a garage. The floor area indicated on the plans for each of the proposed dwellings is 197m<sup>2</sup>. The dwellings are proposed to be located on the southern side of the property with a setback of approximately 15m from the front boundary.

The property contains an area of 7271m<sup>2</sup> with the topography of the land having a gentle undulating downwards slope to the west (to Solitary Creek). The property is currently vacant of building structures with scattered vegetation and eucalypt trees located towards the eastern boundary of the site. Refer to the photo below:



The property has a frontage and direct access from Tarana Road. The property adjoins the Great Western Railway line along the south-west boundary and vacant land towards the rear. The Tarana Village is also located approximately 800 metres from the development.

A SEPP1 Objection was submitted with the application as the property size is under Council's minimum allotment size for dwelling purposes in the 1(e) Outer Rural zone.

#### History

A dwelling was approved in 2003 under the former Evans Sire Council (Evans – DA 53/2003). This consent lapsed in 2008 as no physical commencement was undertaken. A new application for a dwelling was submitted and approved by both Lithgow City Council (DA036/08) and the Department of Planning incorporated a SEPP 1 Objection. This consent lapsed in October 2013.

The Department of Urban Affairs and Planning (now DoPI) indicated in their favourable response to Council of 4 June 1996 that the Department would encourage the creation of small lots in areas adjacent to existing villages.

### **Previous Applications**

DA 53/03 Dwelling Approval under the former Evans Shire Council's planning instrument of 13 January 2003 and the Department of Planning. The Department of Planning made the following comments in relation to its concurrence to this DA:

- *Preserve agricultural land.*
- *Will not impact on agricultural production.*
- *No adverse effect on landuse.*

DA 036/08 Dwelling Approved by Lithgow City Council with the Director General's concurrence to the variation of Council's development standard. The Department of Planning made the following comments in relation to its concurrence to this DA:

- *The history of the subdivision and dwelling consents including a previous concurrence under SEPP 1 issued by the Department 1<sup>st</sup> March 2006.*
- *The proposal is considered unlikely to alter the character of the area.*
- *Relaxing the development standard is unlikely to have a negative impact on the future use of 1(e) Outer Rural land in the current case and is unlikely to cause issues of precedent.*

## **2. SUMMARY**

To assess and recommend determination of DA176/14 Recommendation will be for approval subject to conditions

## **3. LOCATION OF THE PROPOSAL**

Legal Description : Lot 2 DP 579085  
Property Address : TARANA ROAD TARANA NSW 2787

**4. ZONING:** The land is zoned 1(e) Outer Rural in accordance with Lithgow City Local Environmental Plan 1994.

**5. PERMISSIBILITY:** The dual occupancy development is permissible in the 1(e) Outer Rural zone however the development standard is 40 hectares for one dwelling under Lithgow City Council's Local Environmental Plan 1994 Clause 18A. Accordingly a SEPP 1 objection has been submitted which requires the concurrence of the NSW Department of Planning in order for Council to approve the development as the allotment does not meet the minimum lot size for dwelling purposes.

### **5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)**

Council does not have any policies relating to this development. The applicant has submitted a SEPP 1 Objection to vary Council's Development Standards. As Council's planning staff do not have delegation to determine SEPP 1 Objections that go beyond 10%, the development is to be referred to the elected Council for consideration and recommendation which is to then be referred to the Department of Planning for final determination (concurrence).

## 5.2 FINANCIAL IMPLICATIONS (eg Section 94)

### Council's Section 94A Contributions Plan 2012

Council's Section 94A Contributions Plan 2012	Percentage (%) Contribution/Levy
All development types valued at \$100,000 or less Nil	Nil
All development types valued at \$100,001 and up to \$200,000 0.5%	0.5%
All development types valued in excess of \$200,000 1%	1%

**Comment:** Section 94 Contributions were not paid for the subdivision as the lot was registered in 1978 under Evans Shire nor where contributions paid for the previous dwelling applications.

The expected value of the proposed works is \$400,000.00. 1% of \$400,000.00 is \$4,000. Therefore the following condition would be placed on the consent if the development is approved:

*"Prior to release of a Construction Certificate the applicant shall pay to Council a Section 94 contribution of \$4,000.00 in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2012. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2012".*

## 5.3 LEGAL IMPLICATIONS

### Local Government Act 1993

A Section 68 application for an onsite waste disposal system has been lodged with this application. The Section 68 Application must be approved prior to commencement of any work on site and shall be at full cost to the applicant.

### Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

#### 5.3.1 Any Environmental Planning Instruments

#### *Lithgow City Local Environmental Plan 1994*

LEP 1994 – Compliance Check		
Clause		Compliance
<b>9</b>	1(e) zoning table	Yes
<b>11</b>	General Considerations for development in rural zones	Yes
<b>18A</b>	Erection of a dwelling in Zone No 1(e)	No
<b>19</b>	Dual occupancy development	Yes

**Comment:** The proposed development is consistent with the 1(e) zone objectives. The land is deemed suitable for the proposal; a geotechnical report has been

submitted to Council and has been found to be satisfactory that disposal of domestic waste water is feasible within the boundaries of the allotment.

The land is not classified as being prime crop and pasture land due to the size of the property being 7271m<sup>2</sup>.

The Statement of Environmental Effects states:

- *The land is intended to be used for residential purposes,*
- *There will be only one access from Tarana Road, and*
- *Effluent disposal would be contained within the boundaries of the allotment.*

Council is satisfied with the above response and that the development complies with Clause 19 Dual Occupancy Development under Council's LEP 1994.

A SEPP 1 Objection has been submitted by the applicant to vary the minimum allotment size for dwelling purposes within the outer rural zone as the property contains an area of 7271m<sup>2</sup>. Clause 18A - Erection of a dwelling in Zone No 1 (e) under Council's LEP 1994 requires that minimum allotment size for each lot is 100 hectares for the erection of a dwelling.

## **History**

Two separate DA's have previously been approved with concurrence from the Department of Urban Affairs and Planning for the construction of a dwelling on the property.

A dwelling was approved in 2003 under the former Evans Sire Council (Evans – DA 53/2003). This consent lapsed in 2008 as no physical commencement was undertaken. A new application for a dwelling was submitted and approved by both Lithgow City Council (DA036/08) and the Department of Planning incorporated a SEPP 1 Objection. This consent lapsed in October 2013.

The Department of Urban Affairs and Planning (now DoPI) indicated in their favourable response to Council of 4 June 1996 that the Department would encourage the creation of small lots in areas adjacent to existing villages.

The Department of Planning made the following comments in relation to its concurrence for DA 53/03:

- *Preserve agricultural land.*
- *Will not impact on agricultural production.*
- *No adverse effect on landuse.*

The Department issued concurrence for DA036/08 for the following reasons:

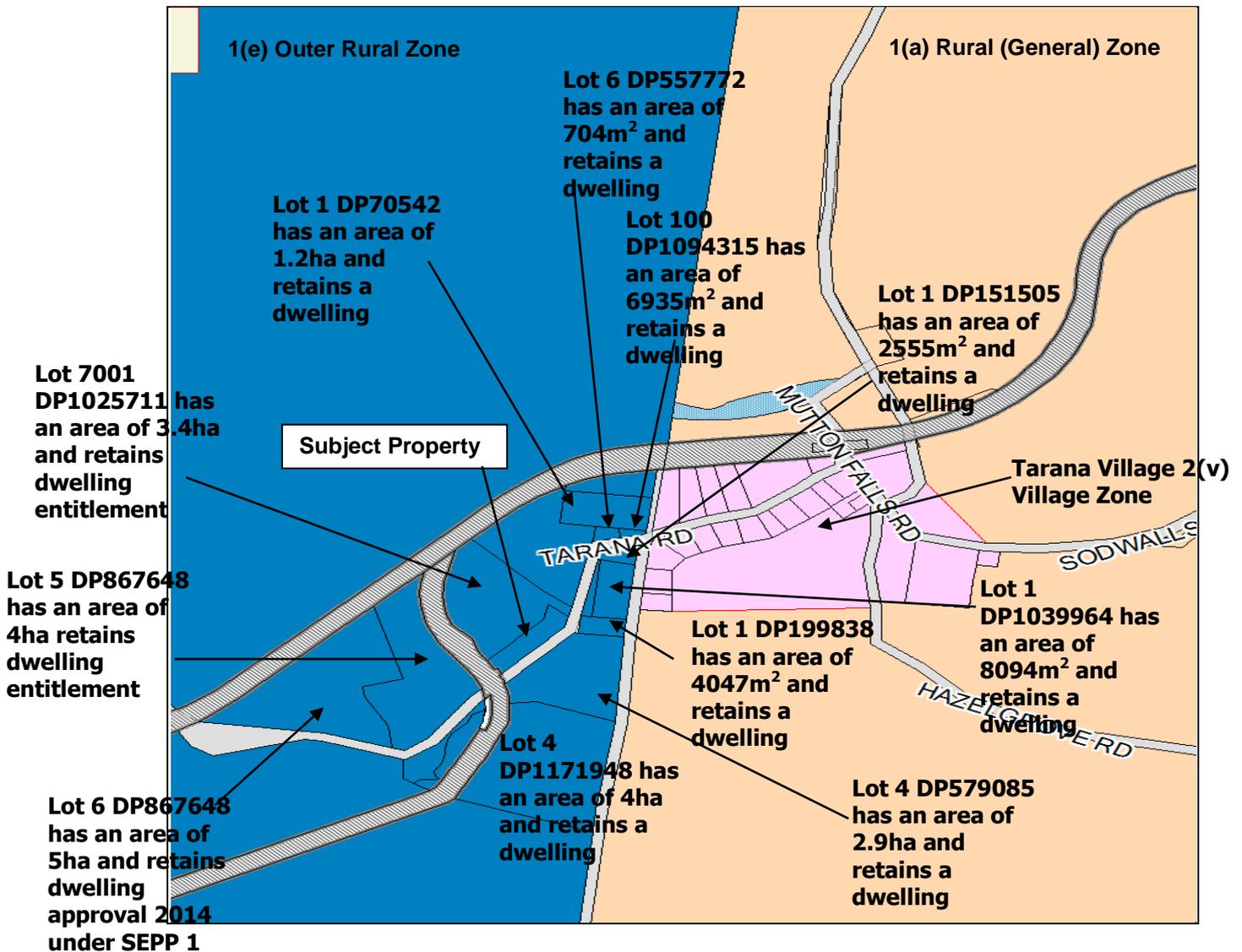
- *The history of the subdivision and dwelling consents including a previous concurrence under SEPP 1 issued by the Department 1<sup>st</sup> March 2006.*
- *The proposal is considered unlikely to alter the character of the area.*
- *Relaxing the development standard is unlikely to have a negative impact on the future use of 1(e) Outer Rural land in the current case and is unlikely to cause issues of precedent.*

The Department of Urban Affairs and Planning (now DoPI) indicated in their favourable response to Council of 4 June 1996 that the Department would encourage the creation of small lots in areas adjacent to existing villages.

The applicant has provided an objection to the minimum area standard under State Environmental Planning Policy No.1 (SEPP 1) – Development Standards.

As discussed previously, the rationale for the SEPP 1 Objection is to allow the construction of an attached dual occupancy.

The property is located within proximity to the Tarana Village Zone with surrounding lots having similar lot sizes and contain dwellings, as demonstrated in the map below:



**State Environmental Planning Policy No 1—Development Standards**

SEPP 1- Development Standards– Compliance Check		
Clause		Compliance
3	Aims, objectives etc	Yes
6	Making of applications	Yes

7	Consent may be granted	Yes
8	Concurrence	Yes

**Comment:** The Department of Planning and Infrastructure's "Varying Development Standards Guidelines - August 2011", states:

**6 Making of applications**

*Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefore) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.*

**7 Consent may be granted**

*Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3, it may, with the concurrence of the Director, grant consent to that development application notwithstanding the development standard the subject of the objection referred to in clause 6.*

**8 Concurrence**

*The matters which shall be taken into consideration in deciding whether concurrence should be granted are:*

- (a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

Applicant has provided the following response to the SEPP 1 Guidelines:

- *The two previous dwelling approvals under SEPP 1 has been issued to the property.*
- *It is considered that this proposal is an exceptional case, as the land could not be used viably for any agricultural enterprise or speciality farming practice as the land has an area of 7271m<sup>2</sup>. Due to this small area, it is considered appropriate that the land can only be reasonably used for the purposes of a residential lot.*
- *The land is located on the Tarana Road, Tarana, approximately 800m from the centre of the village.*

**Council Comment:**

The applicant has included a SEPP1 objection with this application and is seeking a variation to the 100 hectares development standard for erection of a dwelling under Lithgow City LEP 1994.

Lithgow City Local Environmental Plan (LEP) 1994 (Amendment 12) was gazetted on 07 November 2008. Accordingly, the Evans Local Environmental Plan (LEP) No. 24 (Interim Development Order (IDO) No.1 – Shire of Evans (as amended)) was repealed. The above 100 hectares requirement under clause 18A is similar to the previous 100 hectares requirement under clause 16(3)(a) of Evans Local Environmental Plan (LEP) No. 24 (IDO – Shire of Evans).

For these reasons and for those provided above by the applicant, the SEPP 1 is considered worthy of the Council's support.

The development will need to be referred to the Department of Planning once a recommendation is made by Council as the application has been made for a dual occupancy on an allotment that is approximately 7% of the minimum area specified (or a 93% variation, with the maximum being 10%).

#### **State Environmental Planning Policy (Rural Lands) 2008**

SEPP (Rural Lands) 2008 – Compliance Check	
Clause	Compliance
<b>10</b> Matters to be considered in determining development applications for rural subdivisions or rural dwellings	Yes

**Comment:** The Department of Agriculture classifies the property as a class 3 which means that some grazing and occasional cropping is suitable. The property is not classed as being prime crop and agricultural land and therefore no restrictions apply to the development of a dual occupancy.

#### **State Environmental Planning Policy (Infrastructure) 2007**

SEPP (Infrastructure) 2007 – Compliance Check	
Clause	Compliance
<b>85</b> Development immediately adjacent to rail corridors	Yes
<b>87</b> Impact of rail noise or vibration on non-rail development	Yes

**Comment:** The old Great Western Railway line is located on the western boundary of the property, within 80m from the proposed location of the dwellings. As the railway line is not operational, it is expected that there would be no impacts on the development.

The development was referred to John Holland Rail Pty Ltd (Country Regional network) for commenting. These comments are found later in this report.

#### **State Environmental Planning Policy 44 – Koala Habitat Protection**

SEPP 44 is applicable to site given that it exceeds 1ha in size and is located within the Lithgow Local Government Area to which the SEPP applies.

Part 2 of the SEPP requires Council to consider whether the land the subject of the application retains potential and subsequently core koala habitat.

**Comment:** Given that no trees are to be removed as part of the development, and the section of the subject site relevant to the application is devoid of native vegetation it is considered unnecessary to proceed further with SEPP 44 assessment.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

#### **Lithgow Council's Draft Local Environmental Plan 2013**

Council's Draft LEP 2013 – Compliance Check	
Clause	Compliance

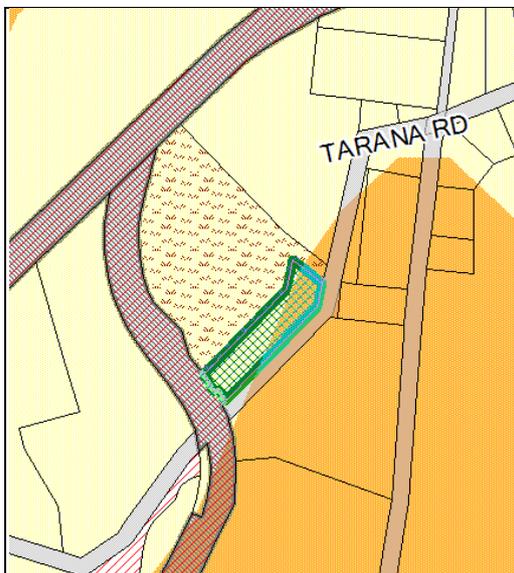
<b>Land Use Table</b>	R5 Large Lot Residential -Minimum allotment Size 2 hectares	No
<b>7.7</b>	Environmentally Sensitive	Yes

**Comment:** A dwelling nor dual occupancy developments are permissible in the zone as the size of the property does not meet the minimum allotment size.

Despite not meeting the recommended allotment size for dual occupancy, the development complies with the objectives of the R5 Zone as:

- The development would provide residential housing in a rural setting while having a minimal impact to environmentally sensitive locations and scenic qualities, including Solitary Creek which is located within proximity to the property.
- The development is located approximately 800m from the village zone and is surrounded by residential dwellings.
- The development is not expected to create unreasonably demand for public services or facilities due to its close location to the village zone and that the development is considered to be minor.
- The development is not expected to create landuse conflicts as similar developments surround the property.
- The development would not impact the water quality of the area.

A small portion of the site is shown to be environmentally sensitive. It is indicated that the development would not be located within the mapped environmentally sensitive area. A site inspection also revealed that the environmentally sensitive area would most likely be intended to relate to Solitary Creek. Refer to the map below.



This assessment is considered to satisfactorily address the Clause 7.7 of Council's draft LEP 2013.

As the development does not comply with the proposed minimum allotment size under Council's Draft LEP 2013 and Council's current LEP 1994, a SEPP 1 Objection has been submitted by the applicant to vary the minimum allotment size for dwelling purposes.

### 5.3.3 Any Development Control Plan

None.

### 5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

No.

### 5.3.5 Any matters prescribed by the regulations that apply to the land

There are no demolition works, rebuilding or extension of the building is proposed as part of this application.

### 5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**Adjoining Landuse:** the surrounding properties are typical of small rural residential developments with the Tarana Village being located within 800m. The scale of the proposal is very similar to surrounding developments as the adjoining allotments are utilised for residential purposes.



**Context and Setting:** The proposed development will be located on the edge of the Tarana Village with the surrounding area characterised by residential developments. It is considered that the proposed dual occupancy is in keeping with the context for the locality and is compatible with the surrounding area.

The development is proposed to have A front and rear setback of 10m and 20m from the south western boundary.

The design of the development is of a single storey with the dwellings connected by the garages and laundry storage rooms. Both dwellings are proposed to contain a timber deck at the rear facing north. The dwellings are proposed to be made from colourbond cladding which is compatible with the surrounding developments.

**Services:** Electricity and telephone services exist within the vicinity as they are connected to adjoining properties. A connection to the proposed dwelling would be possible from the existing transmission lines.

As the site is not connected to Council's reticulated water system, the new dwellings on the land would be required to provide a minimum of 45000 litres of water in accordance with Council's standards.

**Soils:** The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems.

**Noise and Vibration:** The old Great Western Railway line is located on the western boundary of the property with the dwellings proposed to be located within 80m from the corridor. As the railway line is not operational, it is expected that there would be no noise or vibration impacts. There are no other nearby sources of noise or vibration that would impact detrimentally on the proposed dwellings. The proposal will further not cause any noise issues.



**Access, Transport and Traffic:** Access to the property is proposed to be from Tarana Road that is currently a sealed road managed and maintained by Council. It is not expected that the development would impact on traffic as the development is for two additional dwellings in the area of a village environment.

The development proposes to move the existing gate slightly to the east where a new entrance and driveway will be required to be constructed to Council's standards.

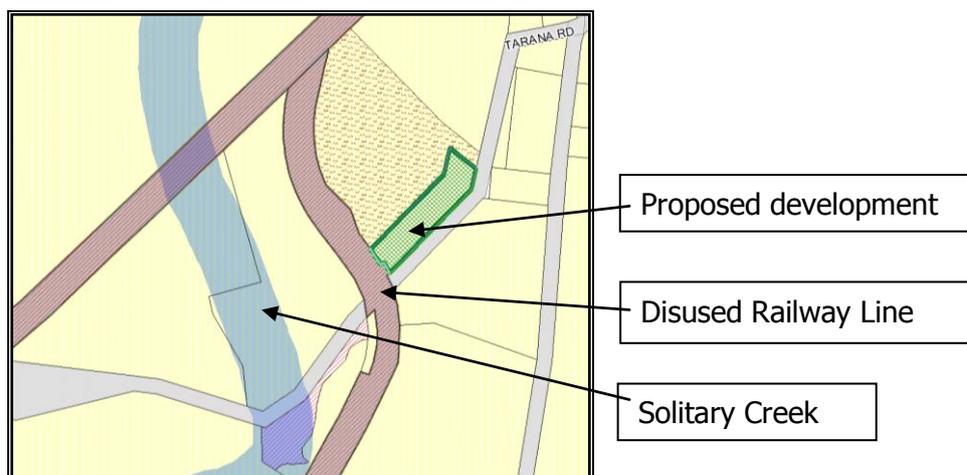
**Other Land Resources:** The development will not impact on the value of the land in terms of agricultural potential, mining etc. as it is only using part of the large allotment, with all waste and water to be properly managed. There are no known heritage items on or within the vicinity of the property.

**Natural Hazards:** The property is not located within the bushfire prone area.

**Effluent Disposal:** a geotechnical report has been submitted to Council and is found to be satisfactory for the development. The report indicates that on-site disposal would be obtained using conventional trenches or beds. This system is considered to be appropriate for the development.

The development was referred to Council's Building Surveyor to assess the proposed effluent disposal system. It was concluded that the disposal of domestic waste water is feasible within the boundaries of the allotment subject to conditions located on the consent. These conditions are found later in this report.

**Flooding:** The property is identified to be within proximity to Solitary Creek, as shown on the map below:



The applicant has stated the following:

*It is noted that the western boundary of the site is 772.5m AHD and the finished floor levels of the dwellings have been set at 775.2m AHD (2.7m higher). It is estimated that the western boundary is about 184m from Solitary Creek and has the disused railway in between (which acts like a levee) – I estimate that this point would be a further 5-10m lower again (which has been confirmed by the owner). Solitary Creek is considered a relatively minor creek. It is considered that the proposed building is significantly higher than the creek (between 7.7m and 12.5m) and would be well removed from any flooding. The access would also be outside of any flooding.*

Council considers the applicant's response to be satisfactory for the development and as such there are no potential flooding impacts.

**Social and Economic Impact:** The development is expected to have a positive social impact as it would allow an attached dual occupancy to be erected on a rural residential property (as identified by Council's Draft LEP 2013) and in close proximity to the village zone.

As the proposed development will be reasonably compatible with other similar developments in the locality, it is expected to have minimal social and economic impacts.

#### 5.3.7 The Suitability of the site for the development

The surrounding land uses are for rural/residential pursuits. Therefore, the size and nature of the development will be consistent with those in the surrounding area.

Hence, the site is considered to be suitable for the proposed development. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding residential amenity.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to John Holland Rail Pty Ltd (Country Regional Network), Council's Building Surveyor, Engineer and Water and Waste Officer for commenting.

The proposal was also sent to adjoining neighbours and placed on public display in Councils Administration Building for a period of 14 days.

## **NEIGHBOUR NOTIFICATION**

During the notification period one submission was received. The issue raised involved fencing around the property as the concerned resident uses the road to move sheep and cattle between properties. The concerned resident recommended that the applicant stock proof fences and gates.

**Applicant's Comment:** *"The owner has stock themselves from time to time on the property and confirms that the fencing is suitable in this regard".*

**Council Comment:** The property currently contains fencing and is not proposed to be removed as part of this development. Council is satisfied with the applicant's response.

## **JOHN HOLLAND RAIL PTY LTD (COUNTRY REGIONAL NETWORK)**

Reference is made to Council's letter dated 12 August 2014 regarding DA176/14 for a dual occupancy at Tarana Road, Tarana.

The New South Wales Government's Transport for NSW is the land owner of the Country Regional Network (CRN) railway lines across NSW. As of 15 January 2012, John Holland Rail Pty Ltd (JHR) has been appointed to manage CRN. As such JHR is responsible for reviewing developments, plans and policies adjoining the rail corridor to ensure any potential impacts of or on future rail operations are considered.

It is requested that Council consider State Environmental Planning Policy (SEPP) (Infrastructure) 2007 (the Infrastructure SEPP) and Development near Rail Corridors and Busy Roads – Interim Guideline (2008) in its assessment of the application. A copy of the guidelines can be found at the following link:

[http://www.planning.nsw.gov.au/planningsystem/pdf/guide\\_infra\\_devrailroadcorridors\\_interim.pdf](http://www.planning.nsw.gov.au/planningsystem/pdf/guide_infra_devrailroadcorridors_interim.pdf)

Particularly it is requested that Council consider noise and vibration, fencing and stormwater, as follows:

### **Noise and Vibration**

The Infrastructure SEPP requires consideration of rail noise or vibration on non-rail development. Clause 87 of the Infrastructure SEPP provides guidelines for achieving development for residential use, requiring that the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) In any bedroom in the building – 35 Db(a) at any time between 10.00 pm and 7.00 am,
- (b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40 Db(a) at any time.

The proposed dwelling appears to be within 80 metres of the rail corridor. In accordance with the Interim Guideline mitigation measures are recommended for development within 80m of the rail corridor. It is requested that Council ensure that noise mitigation measures are included within the proposal.

**Council Comment:** Council's Planner rang John Holland Rail Pty Ltd on the 23 September 2014 to discuss the above condition. As the railway line is not operational it was concluded that the above condition is irrelevant and not required as a condition on the consent.

#### **Stormwater and wastewater**

It is requested that Council ensure that no additional stormwater flows towards the rail corridor, and that all wastewater is appropriately treated and disposed of.

**Council Comment:** Council's Building Surveyor has assessed stormwater and the proposed effluent disposal system. It is concluded that all stormwater and waste water is contained wholly within the boundaries of the property and would not impact the railway line.

#### **Fencing**

The security of fencing along the rail corridor is essential to prevent unauthorised entry. JHR requests that Council impose a condition on any consent requiring a 1.8m chain wire fence or similar to prevent access to the rail corridor.

**Council comment:** A wire fence exists between the property and the rail corridor. A condition would be placed on the consent to state that a 1.8m chain wire fence or similar is to be erected to prevent access to the rail corridor if it were to become operational.

#### **COUNCIL'S ENGINEER'S**

No written response was received from Council's Engineer's. The development was discussed at Council's Planning and Engineering meeting in which Council's Engineer's had no objection to the development subject to standard conditions being included in the consent. These conditions include:

1. The development is to be constructed in accordance with Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.
2. The access shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface. Access is to be constructed providing a minimum entry splay of 6.0 metres in width, tapering back into a minimum 4.0 metre wide internal access road. All access roads are to be (2) two-coat bitumen sealed (14/7mm pre-coated aggregate) from the edge of the Road to the Property boundary or alternatively concreted.
3. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Tarana Road whilst construction work is being undertaken on the access to Lot 2 DP 579085. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.
4. The internal access driveway is to incorporate vegetated swales for managing runoff, in conjunction with suitably spaced cross drains, level spreaders, sills or mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation.

5. All swales, batters and verges associated with the access driveway are to be vegetated and stabilised with bitumen and jute matting or similar as soon as possible after construction.

### **COUNCIL'S WATER AND WASTE OFFICER**

Council's Water and Waste Officer has no objection to the development subject to the following condition being included on the consent:

1. That water storage tanks capable of holding a minimum of 50,000 litres per dwelling are provided for the storage of water for domestic purposes. **Note: Connection to the untreated reticulated water supply at Tarana is not available as the supply is not potable (untreated) and not suitable for drinking and domestic purposes.**

### **COUNCIL'S BUILDING SURVEYORS**

Reference is made to the Development Application, site inspection carried out on 11 September 2014, site assessment checklist and assessment of plans and details provided.

The wastewater report submitted did not include a copy of the site plan showing the location of the trenches. The report did not take into account the 2 additional potential bedrooms. An email was sent to Calare Civil on 12 September 2014 requesting additional information. An amended report was received on 18 September 2014.

#### **General Requirements**

##### **Administrative conditions**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.

##### **Footpath**

2. Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

**Planning Comment:** This is a rural property where no kerb and guttering exists nor any property controlled by Council. The condition was not included on the consent.

##### **Location of dwelling**

3. The dual occupancy is to be located wholly within the confines of the property boundaries in accordance with the approved site plan.

##### **Section 94 Contribution**

4. Prior to release of the Construction Certificate, the applicant shall pay to Council a Section 94 contribution of \$4000.00 in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2012. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2012.

### **Water, stormwater and plumbing and drainage**

5. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of Council. Care is to be taken to ensure that no nuisance is created to adjoining properties.

6. That the rainwater drains are connected to water storage tanks which are located in a position that will not create a nuisance to the building or adjoining properties.

Note: Overflow pipes are to be discharged into approved drains to 600 mm wide x 600 mm deep dispersal pits, having an aggregate length of 2 metres per downpipe and be located not less than 4 metres from any building or site boundary. The pits are to be located so as to ensure that the stormwater is dispersed clear of any building and should not create a nuisance to adjoining properties

7. Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.

8. That water storage tanks capable of holding a minimum of 50,000 litres per dwelling are provided for the storage of water for domestic purposes. **Note: Connection to the untreated reticulated water supply at Tarana is not available as the supply is not potable (untreated) and not suitable for drinking and domestic purposes.**

9. All plumbing and drainage works shall be carried out by a licensed plumber and drainer.

### **Information to be submitted to Council for approval prior to the issue of the Construction Certificate**

10. The following information is to be submitted to Council for approval prior to the issue of the Construction Certificate:

- Design Producer Statement, System Design from the Geotechnical/wastewater consultant for the onsite waste disposal system and septic tank and collection well specification approved by the NSW Health.

### **Requirements Prior to Commencement of Work**

11. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

12. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:

- a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
- b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
- c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

13. Building work that involves 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:

In the case of work to be done by a Licensee under the Act:

- has been informed in writing of the licensee's name and contractor Licensee Number, and
- it is satisfied that the Licensee has complied with the requirements of Part 6 of the Act, or
- In the case of work to be done by any other person:
- has been informed in writing of persons name and Owner-Builder Permit Number, or
- has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of dated any information or declaration previously given under either of those paragraphs.

### **Sedimentation controls**

14. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:

- The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
- To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

### **Dust minimisation measures**

15. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – "Soils and Construction" (2004) (Bluebook).

### **Signage**

16. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
- Stating that unauthorised entry to the work site is prohibited and
- Showing the name, address and telephone number of the principle certifying authority for the work.
- The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

17. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

## **Requirements during construction**

### **Workers toilet facilities**

18. Before work starts, toilet facilities must be provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

### **Waste disposal**

19. Prior to any building works commencing a suitable Waste Container for the deposit of all building rubbish and litter must be provided and emptied as soon as full at a waste management facility. Building rubbish and litter must be contained on the building site and the work site left clear of waste and debris at the completion of the works.

### **BASIX certificate**

20. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number 562927M as obtained on 22 July 2014 from the Department of Infrastructure, Planning and Natural Resources.

**Appropriate certification is to be submitted to Council prior to issue of the occupation certificate indicating that all BASIX requirements have been undertaken.**

### **Construction hours**

21. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

### **Excavations**

22. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- Must preserve and protect the building from damage; and
- If necessary, must underpin and support the building in an approved manner, and footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

### **Maintenance of building site**

23. Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

A temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b. Could cause damage to adjoining lands by falling objects.

### **Prior to the issue of an Occupation Certificate**

#### **Occupation Certificate**

24. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

25. Prior to the issue of an Occupation Certificate the applicant shall furnish Council with a Certificate of Compliance and approved drainage diagram for all sanitary plumbing and drainage.

26. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated prior to the issue of the Occupation Certificate. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed. Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stoneflagging or terracing prior to occupation. (**Note retaining walls over 600mm in height require Development Consent**).

### **Advisory Notes**

#### **Building Code of Australia**

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

#### **Inspection schedule – Drainage and Plumbing**

2. As the Certifying Authority, for water and sewer inspections Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Internal and sanitary external drainage including septic tank and absorption trenches prior to covering.
- b. Hot and cold water plumbing prior to covering
- c. Final inspection of system prior to occupation of the building.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections and inspection fees must be paid.**

#### **Mandatory Building Inspection schedule**

3. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- Pier holes/pad footings before filling with concrete.
- Reinforcing steel in position and before concrete is poured (slab, footings, lintels, beams, columns, floors, walls and the like).
- Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- Framing when external wall and roof cladding is in place and prior to internal linings.
- Wet area flashing prior to tiling or covering.
- Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

### **Snow load**

4. The property is located in an area (elevation 830m, ground snow load 1.18kPa) subject to snow falls. Frame and truss details from the manufacturer are to be designed and certified for the relevant ground snow and wind loading for the area and details are to be submitted to the Certifying Authority prior to the frame inspection.

### **Separating Wall and fire safety Requirements**

5. Separating walls and common eaves/roof spaces and the like shall comply with Part 3.7, Fire Safety provisions, Building Code of Australia.

6. Fire hazard properties of materials used in the construction must comply with Clause 3.7.1.9, Building Code of Australia.

7. Construction and insulation to separating walls within the building are to comply with the required airborne and impact sound levels outlined in Part 3.8.6 Building Code of Australia.

### **Requirements during Construction**

8. That all timber sizes, spacings and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 – 2010 "Timber Framing Code".

9. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:

- the method of protection and
- the date of installation of the system and
- the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

10. That truss validation details supplied by the truss manufacturer shall be to the accredited certifier for the trusses over the garage at or prior to the time of frame inspection (**alternatively, full design details are to be submitted prior to commencement of construction**).

Details shall include:

- (i) job address and builder's name;
- (ii) **design wind velocity and ground snow load**
- (iii) terrain category;
- (iv) truss spacing;
- (v) roof pitch;
- (vi) material of roof;
- (vii) roof batten/purlin spacing;
- (viii) material of ceiling;
- (ix) job number

This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2-2010 (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).

11. That glazing comply with the provisions of Part 3.6, Building Code of Australia, Housing Provisions. The serviceability design wind pressure and the ultimate strength test pressure of the glazing must be suitable for the wind load for the site. Certification should be submitted to the certifying authority at frame stage.

12. The installation of hard wired smoke alarm/s is required to be carried out in accordance with AS3786 and the Building Code of Australia. The licensed electrical contractor is required to submit to the Principal certifying authority a certificate certifying compliance with AS 3000 and AS 3786.

13. That, owing to the area being subject to high wind velocities from time to time, every precaution is to be taken to ensure the building and the roof cladding are effectively secured. Manufacturer's details and directions for anchorage and fixing are to be adhered to.

#### **Requirements prior to Occupation**

14. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

#### **Display of letter box/house number**

15. A house number must be displayed in a position clearly visible from the street with numbers having a height of not less than 75mm prior to the issue of the Occupation Certificate. **(Note; letter boxes, garden beds and the like are to be established within the confines of the property boundaries and not on Council's footpath).**

#### **Reference to Building Code of Australia**

16. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

#### 5.3.9 The public interest

There has been no issues raised from the public regarding planning issues.

## **6. DISCUSSION AND CONCLUSIONS**

The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

## **7. ATTACHMENTS**

1. Schedule A- Conditions of consent.
2. Site Plan
3. Elevations

## **8. RECOMMENDATION**

**THAT** development application DA 117/14 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Supervisor: Andrew Muir

Signed:.....

Signed:.....

Dated:.....

Dated:.....

**REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## **Schedule A**

### **Conditions of Consent (Consent Authority)**

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### **ADMINISTRATIVE CONDITIONS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. The Council's Environment and Development Department should be contacted to arrange the appropriate rural address number to be allocated to the property.

#### ***Location of dwelling***

3. The dual occupancy is to be located wholly within the confines of the property boundaries in accordance with the approved site plan.

#### **PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE**

##### ***Section 94***

4. Prior to release of a Construction Certificate the applicant shall pay to Council a Section 94 contribution of \$4,000.00 in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2012. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2012.

#### ***Water, stormwater and plumbing and drainage***

5. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of Council. Care is to be taken to ensure that no nuisance is created to adjoining properties.
6. That the rainwater drains are connected to water storage tanks which are located in a position that will not create a nuisance to the building or adjoining properties.

Note: Overflow pipes are to be discharged into approved drains to 600 mm wide x 600 mm deep dispersal pits, having an aggregate length of 2 metres per downpipe and be located not less than 4 metres from any building or site boundary. The pits are to be located so as to ensure that the stormwater is dispersed clear of any building and should not create a nuisance to adjoining properties

7. Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.
8. That water storage tanks capable of holding a minimum of 50,000 litres per dwelling are provided for the storage of water for domestic purposes. **Note: Connection to the untreated reticulated water supply at Tarana is not available as the supply is not potable (untreated) and not suitable for drinking and domestic purposes.**
9. All plumbing and drainage works shall be carried out by a licensed plumber and drainer.

#### ***On Site Waste Disposal***

10. The following information is to be submitted to Council for approval prior to the issue of the Construction Certificate:

- Design Producer Statement, System Design from the Geotechnical/wastewater consultant for the onsite waste disposal system and septic tank and collection well specification approved by the NSW Health.

## **PRIOR TO COMMENCEMENT OF WORK**

11. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.
12. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
13. Building work that involves 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:

In the case of work to be done by a Licensee under the Act:

- has been informed in writing of the licensee's name and contractor Licensee Number, and
- it is satisfied that the Licensee has complied with the requirements of Part 6 of the Act, or
- In the case of work to be done by any other person:
  - has been informed in writing of persons name and Owner-Builder Permit Number, or
  - has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of dated any information or declaration previously given under either of those paragraphs.

### ***Sedimentation Controls***

14. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
  - The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

### ***Dust minimisation measures***

15. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook).

### ***Signage***

16. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
- Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - Stating that unauthorised entry to the work site is prohibited and
  - Showing the name, address and telephone number of the principle certifying authority for the work.
  - The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
17. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

## **JOHN HOLLAND RAIL PTY LTD (COUNTRY REGIONAL NETWORK)**

### ***Fencing***

18. The security of fencing along the rail corridor is essential to prevent unauthorised entry. A 1.8m chain wire fence or similar to prevent access to the rail corridor is to be erected.

## **REQUIREMENTS DURING CONSTRUCTION**

### ***Workers toilet facilities***

19. Before work starts, toilet facilities must be provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

### ***Waste disposal***

20. Prior to any building works commencing a suitable Waste Container for the deposit of all building rubbish and litter must be provided and emptied as soon as full at a waste management facility. Building rubbish and litter must be contained on the building site and the work site left clear of waste and debris at the completion of the works.

### ***BASIX Certificate***

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**Appropriate certification is to be submitted to Council prior to issue of the occupation certificate indicating that all BASIX requirements have been undertaken.**

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### ***Excavations***

23. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- Must preserve and protect the building from damage; and
- If necessary, must underpin and support the building in an approved manner, and footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

### ***Maintenance of Building Site***

24. Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.  
A temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
- a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic,  
or
  - b. Could cause damage to adjoining lands by falling objects.

### ***Engineering Requirements***

25. The development is to be constructed in accordance with Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.
26. The access shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface. Access is to be constructed providing a minimum entry splay of 6.0 metres in width, tapering back into a minimum 4.0 metre wide internal access road. All access roads are to be (2) two-coat bitumen sealed (14/7mm pre-coated aggregate) from the edge of the Road to the Property boundary or alternatively concreted.
27. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Tarana Road whilst construction work is being undertaken on the access to Lot 2 DP 579085. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.
28. The internal access driveway is to incorporate vegetated swales for managing runoff, in conjunction with suitably spaced cross drains, level spreaders, sills or mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation.
29. All swales, batters and verges associated with the access driveway are to be vegetated and stabilised with bitumen and jute matting or similar as soon as possible after construction.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

### ***Occupation Certificate***

30. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

31. Prior to the issue of an Occupation Certificate the applicant shall furnish Council with a Certificate of Compliance and approved drainage diagram for all sanitary plumbing and drainage.
32. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated prior to the issue of the Occupation Certificate. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed. Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stoneflagging or terracing prior to occupation. (**Note retaining walls over 600mm in height require Development Consent**).

## **ADVISORY NOTES**

### ***Building Code of Australia Compliance***

AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

### ***Inspection schedule – Drainage and Plumbing***

- AN2. As the Certifying Authority, for water and sewer inspections Council must be contacted to undertake inspections of the various stages of construction as follows:
- a. Internal and sanitary external drainage including septic tank and absorption trenches prior to covering.
  - b. Hot and cold water plumbing prior to covering
  - c. Final inspection of system prior to occupation of the building.
- Note: forty-eight (48) hours notice shall be given to Council prior to inspections and inspection fees must be paid.**

### ***Mandatory Building Inspection schedule***

- AN3. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- Pier holes/pad footings before filling with concrete.
  - Reinforcing steel in position and before concrete is poured (slab, footings, lintels, beams, columns, floors, walls and the like).
  - Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
  - Framing when external wall and roof cladding is in place and prior to internal linings.
  - Wet area flashing prior to tiling or covering.
  - Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
  - Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

### **Snow Load**

- AN4. The property is located in an area (elevation 830m, ground snow load 1.18kPa) subject to snow falls. Frame and truss details from the manufacturer are to be designed and certified for the relevant ground snow and wind loading for the area and details are to be submitted to the Certifying Authority prior to the frame inspection.

### ***Separating Wall and fire safety Requirements***

- AN5. Separating walls and common eaves/roof spaces and the like shall comply with Part 3.7, Fire Safety provisions, Building Code of Australia.
- AN6. Fire hazard properties of materials used in the construction must comply with Clause 3.7.1.9, Building Code of Australia.

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### **Requirements during Construction**

AN8. That all timber sizes, spacings and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 – 2010 "Timber Framing Code".

AN9. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:

- the method of protection and
- the date of installation of the system and
- the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

AN10. That truss validation details supplied by the truss manufacturer shall be to the accredited certifier for the trusses over the garage at or prior to the time of frame inspection (**alternatively, full design details are to be submitted prior to commencement of construction**).

Details shall include:

- (i) job address and builder's name;
- (ii) **design wind velocity and ground snow load**
- (iii) terrain category;
- (iv) truss spacing;
- (v) roof pitch;
- (vi) material of roof;
- (vii) roof batten/purlin spacing;
- (viii) material of ceiling;
- (ix) job number

This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2-2010 (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).

AN11. That glazing comply with the provisions of Part 3.6, Building Code of Australia, Housing Provisions. The serviceability design wind pressure and the ultimate strength test pressure of the glazing must be suitable for the wind load for the site. Certification should be submitted to the certifying authority at frame stage.

AN12. The installation of hard wired smoke alarm/s is required to be carried out in accordance with AS3786 and the Building Code of Australia. The licensed electrical contractor is required to submit to the Principal certifying authority a certificate certifying compliance with AS 3000 and AS 3786.

AN13. That, owing to the area being subject to high wind velocities from time to time, every precaution is to be taken to ensure the building and the roof cladding are effectively secured. Manufacturer's details and directions for anchorage and fixing are to be adhered to.

### **Requirements prior to Occupation**

AN14. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

### **Display of letter box/house number**

AN15. A house number must be displayed in a position clearly visible from the street with numbers having a height of not less than 75mm prior to the issue of the Occupation Certificate. (**Note; letter boxes, garden beds and the like are to be established within the confines of the property boundaries and not on Council's footpath**).

**Reference to Building Code of Australia**

AN16. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

**Construction Certificate**

AN17. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

**Section 68 Approvals**

AN18. "Prior to the issue of any Occupation Certificate an Approval to Operate for the On-Site Sewerage Management System is to be issued by Council in accordance with Section 68 of the Local Government Act".