



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the Environmental Planning and Assessment Act, 1979
Section 81 (1) (a)

Issued to:

Applicant Details:

Abbey Rural Enterprise Custodian Pty Ltd
PO Box 728
PARKES NSW 2870

Development Consent No:

DA2019/0081

Description of Development:

Dwelling-house (Manufactured Home)

Subject Land:

Lot 109 DP 750177

Property Address:

'Braeside' 3327A Henry Parkes Way,
Gunningbland

Date of Determination:

30 October 2019

Consent to Lapse on:

30 October 2024

Determination:

Consent granted subject to conditions described below:

Conditions:

Conditions imposed by Parkes Shire Council

Approved Plans and Documentation

1. The development shall be carried out in accordance with:
 - I. The approved stamped Site Plan prepared by LLOYDS TRANSPORTABLE HOMES, Sheet 1 and dated 15 August 2019
 - II. The approved stamped Detailed Site Plan prepared by LLOYDS TRANSPORTABLE HOMES, Sheet 2 and dated 15 August 2019
 - III. The approved stamped Architectural Drawings prepared by LLOYDS TRANSPORTABLE HOMES, Sheet 1 and dated 7 August 2019
 - IV. The approved stamped plan(s), prepared by LLOYDS TRANSPORTABLE HOMES, Titled: Specification for the construction of a new transportable dwelling.
 - V. The approved stamped Statement of Environmental Effects.

except as varied by the conditions listed herein or as marked in red on the plans. A copy of the approved stamped plans is to be maintained on site for constructional and reference purposes.

Prior to Commencement

2. Prior to the commencement of works, a Section 68 application to Install and Operate an On-Site Sewage Management System is to be submitted to and approved by Parkes Shire Council.
3. The Applicant is to obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Parkes Shire Council prior to commencing works to and comply with any conditions of that permit. All work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia.





4. Erosion and sedimentation controls must be in place prior to the commencement of site works and maintained throughout construction activities until the site is landscaped and/or suitably re-vegetated. The controls shall be in accordance with latest publication of Managing Urban Stormwater – Soils and Construction produced by Landcom.
5. The applicant is to submit to Parkes Shire Council, at least two (2) days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.

During Construction

6. The manufactured home and any associated structure must be designed, constructed and installed in accordance with the requirements of Subdivision 3 of Division 2 of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
7. All building rubbish, demolition material and debris shall be disposed at an approved Parkes Shire Council Waste Landfill Depot.
8. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
9. All roofed and paved areas are to be properly drained to comply with the following criteria in accordance with Australian Standard 3500.3 'National Plumbing and Drainage Code – Stormwater Drainage' and the Plumbing Code of Australia:
 - (a) Roof waters shall be conveyed from appropriate areas of the roof to the designated rainwater tank. The point of discharge from the rainwater tank is to be three (3) metres clear of any building/ structure in such a manner that does not cause soil erosion or nuisance.
 - (b) Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roof-water to the approved method of disposal.
 - (c) Roof water and run-off including any tank overflow pipework shall be diverted around the on-site sewage disposal area via pipework, an approved dish drain, diversion bank or similar
10. The existing on-site sewage management system tank(s) must be removed from the site and disposed of a Parkes Waste Landfill or alternatively, decommissioned in accordance with the NSW Health Advisory Note No 3 (dated 3 May 2006) for Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and Other Sewage Management Facility Vessels.

Note. All effluent and sludge is to be removed from the redundant septic tank(s) by an approved contractor, utilising approved tanker vehicles and approved dump sites

Note. The existing on-site sewage management system absorption/transpiration area, surrounding affected soils and associated pipes must be removed from the site and disposed of a Parkes Waste Landfill.

Note. The excavated areas must be filled with virgin natural excavated material (such non-reactive gravel or roadbase type material) placed and compacted to achieve loadbearing and reactivity requirements of the structural engineering design for the dwelling footings and slab.





Completion of Works & Prior to Occupation

11. The consent owner must give Council written notice within seven (7) days of the completed installation in accordance with Clause 160 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
12. Prior to occupation of the dwelling, an inspection is to be carried out by Council's Building Surveyor, verifying all relevant requirements of the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993 have been satisfied.
13. Prior to occupation of the dwelling, a minimum of 20,000 litres of firefighting water supply shall be provided onsite in accordance with the NSW Rural Fire Service requirements. The tank shall be fitted with a 65mm Storz fitting and ball or gate valve. Water tanks for firefighting purposes shall be of a non-combustible material, generally located in close proximity to the dwelling and allow access for fire fighting vehicles.

Prescribed Conditions under the Environmental Planning and Assessment Regulation 2000

14. A development consent for development that involves any building work must be issued subject to the following conditions:
 - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*, in force on the date of the application.
 - (b) 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 must be entered into and be in force before any building work authorised to be carried out by the certificate commences.

Note: This condition does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.

Note: This condition does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), of the Environmental Planning and Assessment Regulation 2000, or
 - (b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.

Note: In this condition, 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 complying development certificate is made.
15. 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:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) 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
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is 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.

- Note: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.





Note: This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Note: This condition applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

16. 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.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above condition 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.

Note: The above condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

17. Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.





Reasons for Conditions:

Development Application No: DA2019/0081 was assessed using current procedures developed by the Parkes Shire Council and other resource information. This includes:

- the requirements of Section 79C(1) of the *Environmental Planning and Assessment Act 1979* which states:

Section 79C(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *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, and*
 - (iii) *any development control plan, and*
 - (iv) *any matters prescribed by the regulations that apply to the land to which the development application relates*
 - (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,*
 - (c) *the suitability of the site for the development,*
 - (d) *any submissions made in accordance with this Act or the regulations,*
 - (e) *the public interest.*
- the requirements of the Parkes Local Environmental Plan 2012.
 - the requirements of the Parkes Shire Council Development Control Plan 2013.
 - the requirements of the Local Government Act 1993.
 - field inspection and liaison between officers of the Parkes Shire Council.
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Other Approvals:**Local Government Act,
1993 approvals granted
under Section 78A (5):**

Section 68 Install Moveable Dwelling on land

**Approval bodies who have
given General Terms of
Approval in relation to
the Development:**

N/A

**Applicants right to make
an application for review
against the determination:**

Pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, an applicant may request Council to review a determination within six months after the date of determination.

Applicants Right of Appeal:

Pursuant to Section 97 of the Environmental Planning and Assessment Act 1979, an applicant who is dissatisfied with Council's determination may appeal to the Land and Environment Court within six months after the date of determination.

Signed:

On behalf of the consent authority:

Signature:**Name:**Michael Carter
PLANNER**Date:**

30 October 2019

