



12 June 2008

**NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

To Mr W Chua
Suite 1, 131 Howick Street
BATHURST NSW 2795

being the applicant in respect of **Development Application No 2008/0615**.

Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act 1979, as amended, notice is hereby given of the determination by Council of Development Application No 2008/0615, relating to the land described as follows:

LOT 1, DP 735319, 125 PEEL STREET, BATHURST

The Development Application has been determined by GRANTING consent to the following development:

**TWO STOREY DUAL OCCUPANCY (SECOND DWELLING), CARPORT, PERGOLA,
AND DEMOLITION OF EXISTING SHED**

Building Code of Australia building classification **1a & 10a**.

IMPORTANT NOTICE TO APPLICANT

If this consent relates to a subdivision or to the erection of a building, one of the conditions listed below will require you to obtain a construction certificate prior to carrying out any work. **YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE**, even if you made an application for a construction certificate at the same time as you lodged this development application. Due to changes in the law relating to planning and building approvals, Council is unable to issue the construction certificate with the development consent. If there are no conditions in this development consent which need to be met before Council issues the construction certificate, and if your plans comply fully with the Building Code of Australia, the construction certificate will be forwarded to you shortly.

This consent is issued subject to the following conditions and reasons:

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

1. The payment to Council of \$1,850.30 (based on three bedroom unit) for the provision of community facilities in accordance with Council's Section 94 Contribution Plan "Community Facilities and Services - Bathurst".

All monetary conditions are to be paid prior to the issuing of any construction certificates.

NOTE: Copies of all Council's Section 94 Contribution Plans may be inspected at Council's offices.

REASON: Because, having considered the matter in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, as amended, the Council is satisfied that the development will require the provision of , or increase the demand for, these public amenities or services within the area. Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979, as amended.

2. **The developer is to apply to Council for a Certificate of Compliance pursuant to Section 305 of the Water Management Act, 2000 (application form enclosed).**

NOTE 1: The developer will have to contribute the sum of \$1,076.56 water headworks plus \$1,423.10 sewer headworks before the Certificate of Compliance will be issued.

REASON: Because it is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

3. **The proposed residence is over Council's sewer main. That section of the main affected by the zone of influence is to be inspected, using CCTV, at applicant's cost and the tape supplied to Council for review, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

Where permissible, sewer reticulation mains of up to 225mm may be built over provided the following conditions are met:

- (a) **If the sewer main is in an acceptable condition, as determined by Council, Council may allow the main to remain in position. If the main is in an unacceptable condition, then Council will require that the main be replaced with a material of Council's nomination.**
- (b) **No building loads are to be imposed on the sewer main. This will require the use of concrete reinforced piers, designed and certified by a structure engineer. Where loads upon the sewer main are unavoidable, Council may require that the main be concrete encased in accordance with Council's standard drawing number EN 7902.**

The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority certifying compliance with Bathurst Regional Council's Guidelines for Engineering Works and Bathurst Regional Council's standard drawing EN7902 at the stages of construction listed in Column 1. For the purposes of obtaining the compliance certificate the works must be inspected at the time specified in Column 2.

(For encasement and construction of piers)

COLUMN 1	COLUMN 2
Pre-pouring	When all steelwork and formwork has been put in place and prior to pouring of concrete.
During pouring	During the pouring of the concrete.

NOTE: All work is to be at full cost to the applicant.

REASON: To minimise any potential damage to Council's main from the load bearing nature of the building and to ensure that settlement will not affect the structural integrity of the building. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

4. **Prior to the issuing of any construction certificate, the owner is to sign Council's standard indemnity with respect to building over, or within the minimum clearance from, Council's sewer main.**

NOTE: Indemnity forms are available from the Environmental, Planning and Building Services Department.

REASON: Because it is in the public interest for Council to be indemnified against any costs or liabilities associated with the building being sited over or within the minimum distance of Council's sewer main. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

5. **Prior to the commencement of construction, arrangements, satisfactory to Country Energy and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, are to be made.**

REASON: So that electrical power and telephone lines are available, it being necessary that these utilities serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

6. **The applicant is to obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

NOTE 1: No building, engineering, excavation work or food premises fitout is to be carried out in relation to this development until the necessary construction certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a construction certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

7. **The provisions of Council's Tree Preservation Order (adopted at the ordinary meeting of 20 November 1991) are to be observed.**

NOTE: A copy of the Tree Preservation Order is enclosed with this notice.

REASON: To ensure that any trees, on or near to the subject land, are not damaged or removed unnecessarily. Section 79C(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

8. **Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**

- a) **a standard flushing toilet connected to a public sewer, or**
- b) **if that is not practicable, an accredited sewage management facility approved by the Council, or**

- c) if that is not practicable, any other sewage management facility approved by the Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

NOTE 2: Refer to Council's Guidelines for the provision of builders temporary closet accommodation attached for additional information.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

9. The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

COLUMN 1	COLUMN 2
Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;
Erosion and Sediment Control	* Prior to the installation of erosion measures.
All Development & or Subdivision Works	* Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

10. The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council or an accredited certifying authority certifying that the plumbing work identified in column 1 has been installed in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. For the purposes of obtaining the compliance certificates the plumbing works must be inspected by the accredited certifying authority at the times specified in column 2.

COLUMN 1	COLUMN 2
Internal House Drainage	When all internal plumbing work is installed and prior to concealment.
External House Drainage	When all external plumbing work is installed and prior to concealment.
Stack Work	When all work is installed and prior to concealment.
Final	Prior to occupation of the building.

REASON: Because it is in the public interest that plumbing work is certifying as complying with AS/NZS 3500 and New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

11. **The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the construction certificate.**

REASON: Because it is in the public interest that a copy of the construction certificate plans are available. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

12. **Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.**

REASON: So that building works do not have adverse effect on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

13. **All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.**

Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

14. **Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's Erosion and Sediment Control Guidelines for Building Sites.**

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above guidelines are available from Council's Environmental Planning and Building Services Department.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

15. **The sheet metal cladding proposed to be used on the external surfaces of the roof of the building is to be of factory prefinished, non glare materials.**

NOTE: White colorbond is not acceptable.

REASON: So that the external appearance of the development is of a standard acceptable within the community, and because it is in the public interest to minimise hazards and nuisances caused by sunlight reflecting from the development. Section 79C (1)(b) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

16. **The demolition is to be carried out in accordance with the provisions of Australian Standard AS2601-1991: The Demolition of Structures & Council's Code for the Demolition of Buildings.**

REASON: Because it is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 79C(1)(a) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

17. **If soil conditions require it:**

- a) **retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and**
- b) **adequate provision must be made for drainage.**

NOTE 1: Retaining walls in excess of 1000mm in height require Council approval under the provisions of the Development Control Plan – Exempt Development.

NOTE 2: Retaining walls which exceed 1200 mm in height are to be designed by a practising structural engineer.

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

18. **If an excavation associated with the erection/demolition of a building 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:**
- a) **must preserve and protect the building from damage, and**
 - b) **if necessary, must underpin and support the building in an approved method, and**
 - c) **must, at least 7 days before excavating below the level of the base of the 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 to the owner of the building being erected/demolished.**

NOTE 1: The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

NOTE 2: For the purposes of this condition allotment of land includes a public road or any other public place.

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

19. **All excavation and backfilling associated with the erection/demolition of the building must:**
- a) **be executed safely and in accordance with appropriate professional standards, and**
 - b) **be properly guarded and protected to prevent them from being dangerous to life or property.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

20. **The existing sewer connection to the Council sewer main for this property is located under the proposed new residence. This connection is to be removed entirely from the Council sewer main and a new connection is to be installed clear of the new building alignment.**

REASON: To protect the plumbing and drainage systems and to prevent unhealthy conditions on site. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

21. **The exterior colour scheme is to be compatible with that of adjoining buildings in particular and with the character of the Bathurst Conservation Area in general.**

NOTE: Advice on suitable colour schemes is available from most paint suppliers with 'heritage' ranges and from Council's Heritage Advisor.

REASON: So that the exterior colour scheme is compatible with the character of the area. Section 79C(1)(a)(i) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

22. **All existing house sewerage drainage pipelines affected by the proposed residence are to be re-laid to clear the new building alignment.**

REASON: To ensure the house sewerage drainage is accessible at all times for maintenance purposes. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

23. **The building is to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible grade to the connection to Council's sewer main, and the earthworks on the site are to be such that there is the required minimum cover over the house drainage line, all in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To ensure that the design, siting and height of the building is such that the house drainage operates correctly and because it is in the public interest to comply with the Local Government (Approvals) Regulation, 1999 made under the Local Government Act, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

24. **All redundant plumbing and drainage is to be capped off in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

Further, the works are to be inspected by Council's Plumbing and Drainage Inspectors before the capped off works have been concealed.

REASON: To protect the plumbing and drainage systems and to prevent unhealthy conditions on site. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

25. **The water service is to be of adequate size and of a design adequate to serve the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. Any necessary upgrading of the existing service is to be at full cost to the applicant.**

NOTE 1: Application form for water is attached. This form is to be returned to Council with payment.

NOTE 2: The service will be a 25 mm long service at \$1,668.00 at full cost to the applicant.

NOTE 3: The applicant is to advise Council to remove the existing service upon connection to the new service.

REASON: So that the development will have an adequate water service having regard to the character of the development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

26. **All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

NOTE: It will be necessary to install a temperature control device (eg. tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

27. **It will be necessary for the applicant to arrange for the installation of a hydrant in Council's existing water main, within 20 metres of the street access point to the site, for fire fighting purposed at full cost to the applicant.**

REASON: To ensure access to a hydrant or booster facility by NSW Fire Brigades within an appropriate distance, in the event of a fire on the site. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

28. **Within seven (7) days of the completion of the piers, concrete footings and floor slab, a certificate from a Practising Structural Engineer approved by the Council shall be submitted to Council, certifying that the Engineer has inspected the site preparations and the steel reinforcement in position prior to the placement of the concrete, and that all work has been carried out in accordance with his requirements and that the work is structurally sound and capable of sustaining the loads to be placed on the footings and floor slabs.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

29. **All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to the gutter in Peel Street, in accordance with AS/NZS 3500.**

Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

NOTE: 'Pump-out' stormwater drainage systems are not acceptable.

REASON: Because the character of the development is such that storm water run off will be increased and must be safely conveyed to the storm water drainage system. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

30. **The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out within fourteen (14) days of the installation of the roof gutter down pipes.**

REASON: A drainage system for the disposal of stormwater must convey the water to an appropriate outfall, avoid the entry of water into a building, avoid water damaging the building and avoid the likelihood of damage or nuisance to any other property. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

31. **All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

32. **The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

NOTE: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.

REASON: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

33. **The overflow for the rainwater tank is to be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with AS/NZS 3500.**

NOTE 1: The rainwater tank should be maintained and protected against mosquito infestation.

NOTE 2: If a pump is required it must be located and operated so as not to cause a noise nuisance to adjoining properties.

REASON: To ensure that no nuisance is created by the disposal of the stormwater. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

34. **During and after construction, minimum distances from powerlines are to be maintained.**

REASON: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Country Energy. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

35. **The developer is to relocate, if necessary, at the developer's cost any utility services.**

REASON: Because the circumstances are such that the services be relocated. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

36. **The applicant is to submit to Council one set of transparent film copies of the works as executed plans for the works required by Condition 29. Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

37. **A building number shall be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm (3 inches). The number must be in a contrasting colour to the background on which it is placed. The correct building number is stated on the Notice of Determination.**

NOTE: Proposed residence No. 2 is to be known as 123 Peel Street. The existing dwelling will remain as 125 Peel Street.

REASON: Because it is in the public interest that the building/property be easily identifiable. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

38. **The applicant is to obtain an occupation certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority prior to occupation of the building.**

NOTE: The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

REASON: Because it is in the public interest that an occupation certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

USE OF THE SITE

39. **Access to the subject land is only to occur via the access from Peel Street and no other entrance, exit, access, gate, grid or driveway is to be constructed without the prior consent of Council. Access to the land is not to occur from the unnamed side laneway.**

REASON: To prevent unsafe access to the adjoining road and to minimise the number of accesses to that road. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

40. **The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.**

REASON: So that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

41. **All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.**

NOTE: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

PRESCRIBED CONDITIONS

The following conditions are known as "Prescribed Conditions" and are required to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council's Planning and Development Department who will be happy to advise you as to whether or not the conditions are relevant.

42. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).**

REASON: So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations

2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

43. **Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:**
- a) **in the case of work done by a licensee under the Act:**
 - (i) **has been informed in writing of the licensee's name and contractor license number, and**
 - (ii) **is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
 - b) **in the case of work to be done by any other person:**
 - (i) **has been informed in writing of the person's name and owner-builder permit number, or**
 - (ii) **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 the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the 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 date any information or declaration previously given under either (a) or (b).

NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: So that the development complies with the requirements of clause 98 of the Environmental Planning and Assessment Act Regulations 2000. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

44. **A sign must be erected in a prominent position on any work site on which building work, subdivision work or demolition work is being carried out:**
- (a) **stating that unauthorised entry to the site is prohibited,**
 - (b) **showing the name of the principal contractor (if any) for the building work, and a telephone number on which that person may be contacted outside work hours, and**
 - (c) **showing the name, address and telephone number of the principal certifying authority for the work.**

Any sign is to be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) **building work carried out inside an existing building, or**
- b) **building work carried out on premises that are to be occupied continuously (both during and outside work hours) while the work is being carried out.**

REASON: Because it is in the public interest that the persons responsible for the site can be contacted. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

45. **The commitments listed in any relevant BASIX Certificate for this development are to be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.**

REASON: So that the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended. Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

Date application submitted: 7 April 2008

Endorsement of date of determination: 12 June 2008

NOTES:

1. **Lapsing of consent.** Unless a shorter period is specified in this notice, this consent will lapse if the development is not substantially commenced within five years of the date endorsed on this notice.
2. **Right of Review:** If you are dissatisfied with this determination, section 82A of the Environmental Planning and Assessment Act 1979, as amended, gives you the right to request the Council to review its determination, within 12 months of the date endorsed on this notice. Such a request must be accompanied by the fee prescribed in Council's Revenue Policy.
3. **Right of appeal:** If you are dissatisfied with this determination, section 97 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right of appeal to the Land and Environment Court within 12 months of the date endorsed on this notice.
4. See **attached** sheet for explanatory notes.

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Mr W Chua
12 June 2008

5. All monetary conditions are reviewed annually, and may change as of 1 July each year.



D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES