



23 February 2021

D-SYRE DESIGN  
10 Michael Cr  
VALENTINE NSW 2280

## Development Application Notice of Determination

Issued under the Environmental Planning and Assessment Act 1979  
Sections 4.16, 4.17 & 4.18 (1)(a)

Development Application No: DA/2180/2020  
Property Address: Lot 1602 DP 1224483  
12 Mirrabay Drive, MORISSET PARK NSW 2264  
Description of Development: Dwelling House  
Determination: Approved  
Determination Date: 23 February 2021  
Consent to operate from: 23 February 2021  
Consent to lapse on: 23 February 2026

### Conditions of Consent

(Approved subject to the conditions specified in this notice and in accordance with the stamped approved plans).

### Reason for the Imposition of Conditions

The reason for the imposition of the following conditions shall ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

To encourage:

- a) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

- i. The promotion and co-ordination of the orderly and economic use of development of land;
  - ii. The protection, provision, and co-ordination of communication and utility services;
  - iii. The provision of land for public purposes;
  - iv. The provision and co-ordination of community services and facilities;
  - v. The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
  - vi. Ecologically Sustainable Development; and
  - vii. The provision and maintenance of affordable housing.
- b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

## Administrative Conditions

### 1. Prescribed Conditions

- a) The work shall be carried out in accordance with the requirements of the *Building Code of Australia*.
- 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 is in force before any building work authorised to be carried out by the consent commences.
- c) A sign shall be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - i. showing the name, address and telephone number of the Certifying Authority for the work, and
  - ii. 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
  - iii. stating that unauthorised entry to the work site is prohibited.

Any such sign shall be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

- d) Residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the Certifying Authority for the development to

which the work relates (not being the Council) has given the Council written notice of the following information:

- i. in the case of work for which a principal contractor is required to be appointed:
  - a. the name and licence number of the principal contractor, and
  - b. the name of the insurer by which the work is insured under Part 6 of that Act,
- ii. in the case of work to be done by an owner-builder:
  - a. the name of the owner-builder, and
  - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so the information notified under (d) becomes out of date, further work must not be carried out unless the Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

## 2. Approved Documentation

The development consent incorporates this schedule of conditions and the plans and documents referenced and stamped as follows:

### a) Plans Reference:

Plans prepared by D-syre Design Project No. 20-106			
Name of Plan	Drawing No.	Issue	Date
Cover Page	00	3	8 February 2021
Site Analysis	01	3	8 February 2021
Site Plan	02	3	8 February 2021
Ground Floor Plan	03	3	8 February 2021
Upper Floor Plan	04	3	8 February 2021
Roof Plan/ Stormwater Plan	05	3	8 February 2021
Northern and Eastern Elevations	06	3	8 February 2021
Southern and Western Elevations	07	3	8 February 2021
Sections	08	3	8 February 2021
BASIX Commitments	10	3	8 February 2021
Landscape Plan	11	3	8 February 2021

b) Document Reference:

<b>Document</b>	<b>Ref</b>	<b>Author</b>	<b>Date</b>
Statement of Environmental Effects	N/A	D-syre Design	December 2020
Waste Management Plan	1160911S	Building Sustainability Assessments	4 December 2020

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- i. Any amendments made by Council on the approved plans or documents;
- ii. Any notes, markings, or stamps on approved plans or documents, and
- iii. Any conditions contained in this consent.

**Conditions to be satisfied prior to the issue of the Construction Certificate**

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of a Construction Certificate.

Any documentation required to be submitted for the Construction Certificate shall be submitted to the Certifying Authority unless otherwise specified.

**3. Construction Certificate**

Prior to the commencement of building work or subdivision work, a Construction Certificate shall be obtained.

Note: If the Construction Certificate is issued by a Certifying Authority that is not Council it shall be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) *Environmental Protection Authority Regulation 2000*).

**4. Building Sustainability Index (BASIX) Certificate**

The development shall be constructed in accordance with a current Building Sustainability Index (BASIX) certificate.

## **5. Stormwater Disposal**

A design plan for the disposal of stormwater prepared in accordance with the requirements of *Australian Standard 3500* shall be submitted.

Stormwater shall be conveyed to the street gutter or kerb inlet pit.

### **Conditions to be satisfied prior to the commencement of works**

The person having the benefit of the consent shall comply with each of the following conditions prior to the commencement of works.

## **6. Hoarding and Construction Site Safety Fencing**

Construction site safety fencing and/or hoarding shall be provided in accordance with WorkCover requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.

Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. No work shall commence until written approval is obtained.

## **7. Building Waste**

An area for the containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

## **8. Erosion and Sediment Controls**

Erosion and sediment controls shall be installed as follows:

- a) A sediment fence shall be erected consisting of stakes at 2.5m maximum intervals with geotextile filter fabric securely attached to the stakes. The base of the fabric shall be entrenched a minimum 150mm below the ground surface. Only geotextile specifically produced for sediment fencing may be used. The use of shade cloth is not permitted.
- b) The sediment fence shall be located so all sediment-laden water from the site flows through at least one sediment fence before flowing offsite.
- c) The vehicle site access shall have a minimum width and length of three metres with a surface of compacted aggregate (30mm to 75mm) or a sealed surface. The use of broken tiles is not acceptable.
- d) Where the sediment fence joins onto the site access, a hump shall be constructed in the access to divert water to behind the sediment fence.

- e) Aggregate or gutter “bags” are not permitted where the road width is less than eight metres. No bags shall be placed where they may create a safety or flooding hazard. Where appropriate, a bag made from green sediment fence material, or similar, shall be placed in the gutter. The bag shall be at least 450mm long, 200mm diameter and filled with clean rock aggregate. The use of hessian bags and sand filled bags is not permitted.

A material stock pile area, such as, sand or soil, shall be contained with a sediment fence installed as per point (a) above.

## 9. Dial Before You Dig (Advice)

Prior to commencement of work, the free national community service “Dial Before You Dig” shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries shall provide the property details and the nearest cross street/road.



## Conditions to be satisfied during demolition and construction works

The person having the benefit of the consent shall comply with each of the following conditions during demolition and construction works.

## 10. Noise - Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication *Interim Construction Noise Guideline July 2009*.

### Approved Construction Times

- a) The approved hours for construction of this development are –
- Monday to Friday - 7.00am to 6.00pm.
  - Saturday – 8am to 1pm.
- b) No construction work shall take place on Sundays or Public Holidays.

### Construction Periods in Excess of 26 Weeks

- a) If the construction period is in excess of 26 weeks, a Noise Management Plan shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant

and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The Noise Management Plan shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

- b) Operational times may be amended with the written advice of Council's General Manager or delegate.

#### **11. Unobstructed Footpath Access**

The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

#### **12. Stormwater Disposal**

Immediately after completion of any roof, a stormwater disposal system shall be installed which disposes of the stormwater without causing any adverse environmental impacts.

#### **13. Building Waste**

The enclosure or bin shall be maintained for the term of the construction to the completion of the development.

The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.

#### **14. Site Amenities**

Toilet facilities shall be available or provided at the work site before works begin and shall 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.

Each toilet shall:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an approved on-site effluent disposal system under the *Local Government Act 1993*, or
- c) be a temporary chemical closet.

## 15. Swimming Pool

The pool safety barrier shall comply and be constructed in accordance with the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2008* and *Australian Standard AS-1926-2012*.

A switchboard shall not be installed within or above the swimming pool zone or spa pool zone nor within a sauna, pursuant to *AS 3000 - 2007 - Electrical Installations*.

The swimming pool/spa water recirculation and filtration system installation shall comply with *AS 1926.3-2003 Swimming pool safety - Water recirculation systems*.

Swimming pool waste water shall be disposed to comply with the following:

- a) Sewered Area
  - i. Backwashing systems, emptying and waste water from vacuuming systems, shall discharge into the sewerage system in accordance with the Hunter Water Corporation requirements.
- b) Unsewered Area
  - i. A waste water management plan approved by the Certifying Authority.

## 16. Swimming Pool/Spa Motor and Pump

All swimming pool plant shall be sited and/or sound insulated so as to minimise emission of noise to adjoining properties. No offensive noise (as defined by the *Protection of the Environment Operations Act 1997*) shall be emitted by swimming pool plant.

Note: Under the provisions of the *Protection of the Environment Operations (Noise Control) Regulations 2000*, a person shall not cause or permit a swimming pool or spa pump to be used on residential premises if noise is audible within a habitable room of any other residential premises regardless of whether any door or window to that room is open:

- a) before 8am or after 8pm on any Sunday or public holiday;
- b) before 7am or after 8pm on any other day.

## **17. Erosion and Sediment Controls**

Should any sediment from the site be deposited outside the site, such as, from vehicle tyres or a broken bag, it shall be removed from the road or gutter immediately.

Erosion and sediment controls shall be effectively maintained until the site is made erosion resistant.

### **Conditions to be satisfied prior to issue of an Occupation Certificate**

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of the Occupation Certificate, Interim or Final, as stated in each condition.

## **18. Occupation Certificate**

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

## **19. Stormwater Disposal**

The stormwater disposal system shall be constructed in accordance with the approved Construction Certificate plans, prior to the issue of the Interim or Final Occupation Certificate, whichever comes first.

## **Right of Appeal**

If you are dissatisfied with this decision (including a determination on a review under Section 8.2), Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court.

Please note Section 8.8 of the Environmental Planning and Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development).

## **Right of Review**

Section 8.2 and 8.3 of the Environmental Planning and Assessment Act 1979 provides the applicant may request the Council to review the determination. A request to review the determination of a development application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979 can only be undertaken where the consent authority is Council, other than:

- a) A determination to issue or refuse to issue a complying development certificate, or
- b) A determination in respect of designated development, or
- c) A determination made by the Council under Division 4 in respect of an application by the Crown.

**Planning Assessment Commission**

The Planning Assessment Commission has not conducted a public hearing in respect of this application.

Should you require further information, please contact the undersigned on 4921 0333 or by e-mail on [council@lakemac.nsw.gov.au](mailto:council@lakemac.nsw.gov.au).

Yours faithfully



Michael Jacobson – BPB3011  
**Building Surveyor**  
**Development Assessment and Certification**