



CLARE AND GILBERT VALLEYS COUNCIL

Telephone (08) 8842 6400 Fax (08) 8842 3624

DECISION NOTIFICATION FORM	Development Plan Consent, or Building Rules Consent or Development Approval
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South Australian - Regulations under the Development Act 1993
Regulation 42

FOR DEVELOPMENT APPLICATION	REGISTERED DATED: 11/07/12
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DEVELOPMENT NO: 433/0139/2013	ASSESSMENT NO: 43108992259 4310899507 4310900010
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To:	ENERGY AUSTRALIA RENEWABLE DEVELOPMENTS PTY LTD LEVEL 33, 385 BOURKE STREET MELBOURNE, VIC 3000
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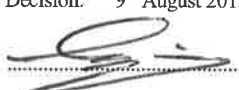
LOCATION OF PROPOSED DEVELOPMENT	SECTION 271, 272 TOTHILL RD, HD WATERLOO SECTION 273 (H160900), STEELTON RD, HD WATERLOO SECTION 274 (H160900), STEELTON RD EAST, HD WATERLOO
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NATURE OF PROPOSED DEVELOPMENT:	VARIATION TO WORDING OF CONDITION 1 OF DEVELOPMENT ASSESSMENT 433/0140/2012
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In respect of this proposed development you are informed that:-

Nature of Decision	Consent Granted	No of Conditions	Consent Refused	Not Applicable
Provisional Development Plan consent	GRANTED	1 + NOTE		
Reserved Matters				✓
Provisional Building Rules consent				✓
Other				✓
DEVELOPMENT APPROVAL	Still Required			

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, you must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.

Date of Decision: 9 th August 2013	<input type="checkbox"/> Development Assessment Commission or Delegate
Signed: 	<input checked="" type="checkbox"/> Council Chief Executive Officer or Delegate
Date: 9 August 2013	<input type="checkbox"/> Private Certifier
	<input type="checkbox"/> Sheets Attached

Please read the information on the back of this form

NOTES FOR APPLICANTS

Lapse of consent or approval

48. (1) Subject to this or any other regulation, any consent or approval under Part 4 of the Act (whether subject to conditions or not) will lapse at the expiration of -
- (a) subject to the operation of paragraph (b) - 12 months from the operative date of the consent or approval;
 - (b) if-
 - (i) the relevant development has been lawfully commenced by substantial work on the site of the development within twelve months from the operative date of the approval - three years from the operative date of the approval, unless the development has been substantially or fully completed within those three years (in which case the approval will not lapse); or
 - (ii) if the relevant development involves the division of land and an application for a certificate under Section 51 of the Act has been lodged with the Development Assessment commission within twelve months from the operative date of the relevant consent - three years from the operative date of the consent.
- (2) A period prescribed by subregulation (1) may be extended by a relevant authority-
- (a) when the relevant consent or approval is given; or
 - (b) at such later time as may be appropriate.
- (3) Where an approval is given, any consent which was necessary for that approval will not lapse unless or until the approval lapses.

DIVISION 2 – DISPUTES AND APPEALS

General right to apply to Court

86. (1) The following applications may be made to the Court-
- (a) a person who has applied for a development authorisation may appeal to the Court against -
 - (i) a refusal to grant the authorisation; or
 - (ii) the imposition of conditions in relation to the authorisation; or
 - (iii) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation;
 - (b) a person who is entitled to be given a notice of a decision in respect of a Category 3 development under Section 38 may appeal to the Court against that decision (to the extent that it relates to the assessment of the relevant development against a Development Plan);
 - (c) a person who has applied to a Council for a certificate of occupancy or an approval to occupy a building on a temporary basis may appeal to the Court against a refusal by the Council to grant the certificate or to give the approval;
 - (d) a person who has-
 - (i) been served with an order under Section 55 or 56; or
 - (ii) been served with an enforcement notice under Section 84; or
 - (iii) been served with a notice or order under Part 6,may appeal to the Court against the notice or order;
 - (e) a person who is a party to a dispute relating to-
 - (i) the effect of the Building Rules in specific circumstances; or
 - (ii) the manner in which the provisions of the Building Rules are, or ought to be, carried into effect; or
 - (iii) whether or not the application of the Building Rules should be modified in a particular case; or
 - (iv) whether the requirements of the Building Rules in any matter relating to building work have been satisfied in a particular case, or what is necessary for the satisfaction of those requirements; or
 - (v) the construction of a party wall or the proportion or amount of the expense to be borne by the respective owners of premises separated by a party wall; or
 - (vi) any other prescribed matter,may apply to the Court for determination of the dispute.



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CONDITIONS ATTACHING TO NOTIFICATION OF A DECISION

DEVELOPMENT NUMBER: 433/0139/2013

DEVELOPMENT AT: SECTION 271, 272 TOTHILL RD, HD WATERLOO
SECTION 273 (H160900), STEELTON RD, HD WATERLOO
SECTION 274 (H160900), STEELTON RD EAST, HD WATERLOO

OWNER: AP & J ALLCHURCH NOMINEES
MR & HJ WILLIAMS
DJ BUSCH

BUILDER & LICENCE NO: TBA

BUILDING CLASSIFICATION: N/A

APPROVED NO OF OCCUPANTS
UNDER THE BUILDING CODE: N/A

The purpose of implementing these conditions is to ensure all development complies with requirements of all Acts of Parliament and that the development is orderly and comparable with adjacent developments as allowed in the Council's Development Plan.

CONDITIONS OF APPROVAL: As listed below

1. Subject to the decision of the reserved matters, the proposed development shall be undertaken in accordance with plans and associated reports that accompanied the application, including:-

- TruEnergy Volume I Main Report, July 2012
- TruEnergy Volume II Technical Appendices, July 2012, inclusive of amendments dated 4 October, 2012 (Marshall Day Acoustics) and 31 August 2012 (Aviation Projects)
- A1 site plan and topographic site plan, dated 6 March 2013

PLANNING NOTE

The applicant is reminded that all other conditions and reserved matters in the Development Plan consent granted on 14 June 2013 (DA 433/0140/12) are unaffected by this variation and remain valid and enforceable. The applicant is also reminded of the general notes on the Development Plan consent granted on 14 June 2013.

Date: 9 August 2013

Authorised Officer: 

Please read the information on the back of this form

MANDATORY INSPECTIONS

Applicant/Builder to provide mandatory notification to Council prior to the following stages of construction (Class 1 - 9 buildings).

1. Concrete footings prior to pouring of concrete.
2. Completion of wall and roof framing prior to claddings being fixed.

REQUIREMENTS FOR CERTIFICATE OF OCCUPANCY

Development Act 67(1)(b) - A person must not occupy a building in contravention of a certificate of occupancy.

Occupation of Class 1a buildings

A person must not occupy a Class 1a building under the Building Code (or an addition to a Class 1a building) that has not been fully completed in accordance with a development authorisation insofar as it relates to the performance of building work unless -

1. The building is structurally sound and weatherproof: and
2. The building work that has been carried out on the building is in accordance with the relevant approval (disregarding any variation of a minor nature which has no adverse effect on the safety of the building, or on the health of the occupants of the building, or any variation undertaken with the written consent of the Council); and
3. The building includes all items specified in clause F2.1 of the Building Code for class 1a buildings: and
 - (a) a kitchen sink and facilities for the preparation and cooking of food;
 - (b) a bath or shower;
 - (c) clothes washing facilities, comprising at least one washtub and space in the same room for a washing machine or wash copper; and
 - (d) a closet pan and washbasin
4. All connections required for the supply of water, and the disposal of water and effluent have been made (although if the approved documentation provides for two or more of the same item, it is sufficient for the purposes of this paragraph that one item is connected); and
5. If the building is in an area set out in schedule 18 (being an area designated as a bushfire prone area), the building complies with Part G5 of the Building Code.

Penalty: Division 6 fine

Swimming Pools

A person must not, in relation to a swimming pool completed after the commencement of this regulation, fill the pool with water unless the pool is enclosed by a fence that complies with SA Appendix Part G.1.1(b) of the Building Code.