



YOUNG SHIRE COUNCIL PLANNING & ENVIRONMENT TOOL BOX NOTES

Welcome to the December 2011 edition of the YSC Toolbox Notes. It has been a while since our last copy but we envisage that the editions will now be back on a regular basis.

If you have any subjects you would like us to address in the Tool Box please contact me and let me know so I can do the research.

Brian Tredinnick
Cadet Building Surveyor

WHAT'S INSIDE

- Development Control Plan 2011
- Plumbing changes
- Pool reminder
- Plans
- Homeowners Warranty
- Exempt and Complying
- Craig's corner - Construction Certificates
- Engineering issues
- Development without consent

Development Control Plan 2011

The New Young Shire Council Development Control Plan 2011 was adopted on the 5th September 2011. There seems to be little awareness of many of the new residential standards for single dwelling that are set out in the DCP. Many people are also unaware of the need to submit a Statement of Environmental Effects (SEE) with their development applications. These are a requirement of the DCP and applications will not be accepted without them.

The SEE is where you can address variations on the standards set out in the DCP that are specific to your application so if you have any questions please contact Council. You can also access the DCP on Council's website. In the DCP you will find a pro-forma that you are welcome to use to simplify the process.



Plumbing Pipeline

Plumbers are you aware that in addition to the BCA volume 3 Plumbing Code of Australia 2011, the NSW Government has now passed through the NSW Parliament the Plumbing and Drainage Act 2011.

The Bill sets out the General requirements as well as the responsibilities of the tradesman to notify the plumbing regulator, who are the Young Shire Council in this Local Government Area, before work is carried out. This includes maintenance work as set out under the Act.

There is also information on inspection, enforcement and penalty notices. You should be aware that the builder must supply the plumber with a copy of the determination before work is commenced, this will help avoid any confusion over what Council has conditioned and the design of the approved plan. It is also necessary for you to make a sewer/ septic application and receive the approval before the commencement of work.

The Act is yet to come into force but will herald changes when it does. Young Shire Council's Building section encourages tradesman to view the document online at the NSW legislation website. <http://www.legislation.nsw.gov.au/>

DESIGN AND CONSTRUCTION OF A FOOD PREMISES

A development application or complying development application must be lodged with Council for approval to upgrade, construct, renovate or operate a food business.

Food Premises are required to comply with;

- the *Food Act 2003*,
- the *Food Regulation 2010*,
- The Food Safety Code – *Standard 3.2.3 Food Premises and Equipment*,
- *AS4674-2004 Design, construction and fit-out of food premises*, and
- Young Shire Council's *Development Control Plan 2011*.

Council's Environmental Health Officers can provide assistance in interpreting these requirements and current owners looking to upgrade or refit their premises and prospective owners are encouraged to contact Council staff to arrange for a pre-lodgement meeting. Applicants should also contact Council to lodge an Application to *Discharge Liquid Trade Waste into Council's Sewer* and sign a Trade Waste Agreement for the disposal of liquid waste from the premises.

ARE YOU AWARE OF THE CHANGES COMING TO THE HOME OWNERS WARRANTY

The NSW Government recently enacted changes to the Home Building Act with the Home Building Amendment 2011. The changes will come in two phases as listed below,

October 2011

- Requirement to notify home warranty insurance in writing
- Time limits on home warranty insurance claims
- Claiming outside the home warranty period
- A notification of a loss includes a 'related' loss
- Ten year limit
- Definition of "completed"
- Definition of "Developer"
- Proportionate liability explained
- Trader - initiated disputes

February 2012

- Statutory warranty periods
- Threshold of mandatory home warranty insurance and cooling off periods
- New small job contracts category
- Additional home warranty insurance benefits for homeowners
- Definition of 'related' corporations to a builder or development

Try this link for detailed info.

<http://www.fairtrading.nsw.gov.au/> and follow the links to the Home Building amendments

DEVELOPMENT WITHOUT CONSENT

Sadly there have been recurring instances of development starting without consent being granted. Often this is in the form of earthworks but there have been instances of building work taking place before a Construction Certificate has been issued.

Please read your Determination of Development Application taking particular note of the conditions of consent. Just because you applied for a combined DA/ Construction Certificate it does not mean you will receive the Construction Certificate with the determination. There may be a requirement for further information.

Further to this it is the applicants responsibility to ensure that critical stage inspections are called for at the appropriate time and that work does not progress before the inspection has been completed and consent to proceed granted.



CRAIGS' CORNER



Who may apply for a Construction Certificate



It has come to Council's attention due to information received from the Builders Professional Board, that the nominated builder of a development may not be the applicant for a Construction Certificate as set out under section 139 of the Environmental Planning and Assessment Regulation 2000.



The Regulation states;



Sect 139(1A) EPA & A Regulation - The application may only be made by a person who is eligible to appoint a principal certifying authority for the relevant development.



The EPA & A identifies the person who can appoint a PCA as;



Section 109E, EPA & A Principal certifying authorities



(1) The person having the benefit of a Development Consent or Complying Development Certificate for development:



(a) is to appoint a principal certifying authority in respect of building work involved in the development and a principal certifying authority in respect of subdivision work involved in the development.



(1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.



Put simply the builder cannot be the applicant for a Construction Certificate or a Complying Development Certificate as they are ineligible to appoint the PCA. As a result it has been assessed that the combined Development Application / Construction Certificate will be withdrawn. In the future Council will require these applications to be made separately.



It should be noted that the builder may be the applicant of a Development Application if the owner of the property delegates this responsibility to them as is set out in the EPA & A sect 49 (1) Persons who can make development applications;



A Development Application may be made:



- (a) by the owner of the land to which the Development Application relates, or
- (b) by any other person, with the consent in writing of the owner of that land.



For more information go to WWW.KEEPWATCH.COM.AU



For more information go to WWW.KEEPWATCH.COM.AU



For more information go to WWW.KEEPWATCH.COM.AU



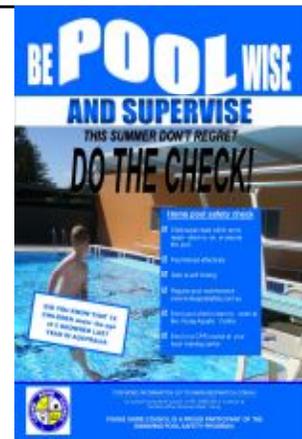
Summer Season and Swimming Pools

Just a reminder that any vessel with more than 300mm of water and is obviously designed for swimming or wading requires fencing that is compliant to Australian Standard 1926.1—2007.

Also any pool or spa that holds more than 2000 litres must have consent from Council before installation.

If you want more information about pool safety and the required standards you can view a copy of the BCA requirements and the Australian Standard for safety barriers for swimming pools AS1926.1-2007 at Council's office.

For more information go to WWW.KEEPWATCH.COM.AU





MERRY CHRISTMAS AND A HAPPY NEW YEAR

All the Staff of the Young Shire Council and the Planning and Environment Team wish you all a merry Christmas and a happy new year.

We would also remind you that the Young Shire Council will close from Saturday the 24th of December 2011 and reopen on Tuesday the 3rd of January 2012.

CONTACTING COUNCIL

Council offices are part of the Town Hall complex and the Planning and Environment Staff are available for consultation between 9am and 11am daily at the counter. If you need to talk with someone outside of these hours could you please make an appointment to see the person you need to speak with.

Appointments can be made by calling the department you require on the appropriate number.

Planning and Environment	6380 1203
Operations	6380 1215
Administration	6380 1200
Fax	6380 1299

OR

Email us at: mail@young.com.au

Council's Development and Building Team

Craig Filmer	Director Planning and Environment
--------------	-----------------------------------

Administration

Lyn Michael	Technical Assistant
Ann McClelland	Technical Assistant

Planning

Laura Schweiger	Manager Planner
Ellie Caldwell	Development Control Planner
Kerry Callaghan	Strategic Planner

Building

Kim Talbert	Building / Development Officer
Brian Tredinnick	Cadet Building Surveyor

Engineering Issues

Council's Engineering Department, would like to take the opportunity to remind tradesmen and builders of the following few matters:

COUNCIL SEWER MAIN BLOCKAGE

Council advises all tradesmen working on sewer lines, that if a sewer block does occur, to check the inspection opening at the boundary riser first to ascertain if it is wet or dry. If it is wet, please contact Council's Emergency Response number on 0419 275 991.

WORKS WITHIN ROAD RESERVE

It has come to Council's attention that there appears to be a lack of clarity as to how the 'Road Reserve' is being used in front of businesses in Young.

Council appreciates that some businesses are starting to provide maintenance or upgrade to the front of their shops to improve the streetscape and appeal. However, in order to ensure that this type of work is undertaken with approval when the footpath is used, a 'Fact' sheet has been produced to provide some guidelines on when Council approval is required. (enclosed)

Without the approval of Council a person must not:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road.

The public road reserve includes grass or concrete footpath areas.

Generally it is that area between front fences on opposite sides of the road or between building frontages on opposite sides of the road in the town area.

Typical works include driveway construction, erection of scaffolding for shop front maintenance and under road boring.

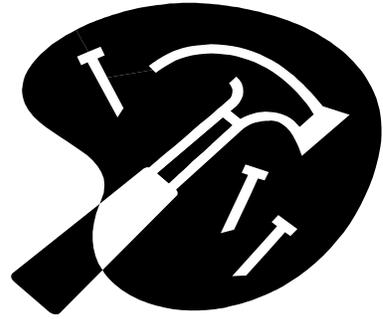
The application form is available from the Council Administration Offices and is to be submitted with a copy of a Certificate of Currency for public liability insurance to the value of \$ 10,000,000 and a Traffic Control Plan prepared by an accredited person.

Additional information on any or all of these matters, can be obtained by contacting Council's Engineering Department on (02) 6380 1215.

PLANS, PLANS, PLANS

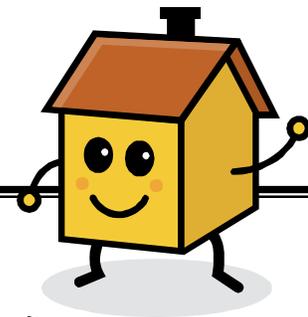
Remember when submitting plans to Council with your Development Application that you must include:

- Site plan that includes a clearly marked building site, contour lines, spot levels, any cut and fill works to be undertaken that include depth of cut and fill,
- Floor plan
- Elevations
- Sections
- Details
- Specifications. Ensure that your specifications are current otherwise they can not be considered as part of the assessment. We currently use the BCA2011 and the associated standards that it calls up.
- Slab and footing detail including mesh design.
- Clearly mark all vegetation on site and any that shall be removed as part of the DA.
- Make sure that you keep your approved plans separate to any proposed plans to reduce the risk of mistakes
- You must have a set of approved plans on site when a Building Surveyor attends to do an inspection.
- Frame inspections cannot be completed without a bracing plan for the frame and a truss kit plan including fastening design.
- Proximity of neighbouring properties should be indicated



Exempt and complying

Remember to keep an eye on the Exempt and Complying SEPP 2008 for changes. They happen all too often.



CONGRATULATIONS



Ellie Caldwell our very own Cherry Queen



08



FACT SHEET No.08

Home Pool Safety

Q. Why should I be concerned with home pool safety?

A. Home swimming pools are the most dangerous aquatic location for young children. In 2009/10 33 children under the age of five died from drowning. Of these 16 children drowned in swimming pools.

Q. How do so many drowning deaths occur in home swimming pools?

A. Home swimming pools are located close to the house and a child's natural curiosity may bring them into contact with the pool. In the majority of home swimming pool drowning deaths the toddler entered the pool area and drowned without the knowledge of the parent. The most common entries into home pools for toddlers are: via an open gate or one that has been propped open, through a house door, or by using nearby equipment to climb over the fence.

Q. Will I hear my child calling for help when drowning?

A. No. Many parents mistakenly believe they can listen out for their child but drowning can occur in a matter of seconds without any splashing or crying to alert parents/caregivers.

Q. How can I prevent my child from drowning?

A. There are several things you can do to prevent drowning:

1. Fence the pool/spa with a four sided fence in accordance with AS1926. This means that access to the pool/spa is via a self-closing, self-latching gate, not the house.
2. Any equipment not related to the function of the pool/spa must be securely stored outside the pool area. The gate to the pool/spa should never be propped open.
3. Regularly inspect your fence (a quick check once a month) using the Home Pool Safety Checklist (downloadable from www.homepoolsafety.com.au) to ensure your fence and gate are in good working order.

Q. What is the Keep Watch program?

A. Royal Life Saving has created the Keep Watch program to prevent toddler drowning in Australia. Keep Watch has four key actions and toddler drowning prevention involves all of these strategies: Supervise, Restrict Access, Water Awareness and Resuscitate.

Real Life Story - Home Pool Tragedy

In a warning to parents everywhere, the second child in 2 days has drowned in a backyard pool in NSW. The toddler gained access to the pool, when the self-latching mechanism on the sliding door to the pool did not work. The toddler was found face down in the backyard pool by relatives and was taken to hospital but she could not be revived. Parents are being urged to learn CPR and to ensure their pool fences are properly secured.

ROYAL LIFE SAVING HAS DEVELOPED A NUMBER OF FACT SHEETS ON WATER SAFETY ISSUES IN AUSTRALIA.

Contact Royal Life Saving on: 1300 737 763
or download them from: www.keepwatch.com.au

Home Pool Safety Checklist:

- Child supervised within arms' reach when in, on, or around the pool or spa
- Pool fenced effectively
- Gate is self-closing and self-latching and never propped open
- Pool regularly maintained (checked at least once a month). Completed checklist from www.homepoolsafety.com.au
- Child enrolled in a water awareness class such as the Swim and Survive Wonder Program www.swimandsurvive.com.au
- Enrolled in a CPR course. Checked www.royallifesaving.com.au for course details
- CPR skills updated annually

FENCE/GATE/MAINTAIN

Proudly Supported by

PoolWerx
The Healthy Pool People

DECEMBER 2011

- Development Control Plan 2011
- Plumbing changes
- Pool reminder
- Plans
- Homeowners Warranty
- Exempt and Complying
- Craig's corner - Construction Certificates
- Engineering issues
- Development without consent