

**NOTICE TO APPLICANT OF DETERMINATION
OF AN AMENDED DEVELOPMENT APPLICATION**

Issued under the Environmental Planning & Assessment Act, 1979 Section 81(1)(a)

TO: **Mr Steven John De Gunst**
OF: **12 Mulligan Street
Inverell NSW 2360**

being the applicant in respect of **Application No DA-108/2017/A**

Notice is hereby given of the determination by Council of **Application No. DA-108/2017/A** relating to the land owned by **Mr Steven John De Gunst and Mrs Angela Margaret De Gunst, of 12 Mulligan Street, Inverell NSW 2360** and is described as follows:

**Lot 3 DP 536293
160-162 Glen Innes Road, INVERELL 2360**

The development proposal is:

Multi Dwelling Housing
Modification - Strata Subdivision

The determination is amended in accordance with s.96(1A) of the Environmental Planning and Assessment Act 1979 on 24 September 2018.

This consent expires five (5) years from **17 November 2017** in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

Preliminary

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for a multi dwelling housing development, being the construction of 4 units, driveways, landscaping and services.

Modified consent (DA-108/2017/A) is granted for the strata subdivision of the development.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000* (as detailed at the end of this consent).
3. The existing colourbond fence along the common boundary between the site and 158 Glen Innes Road is to be retained (or replaced with similar if necessary).
4. The units shall be numbered as follows:

- Unit 1 – 1/160 Glen Innes Road;
- Unit 2 – 2/160 Glen Innes Road;
- Unit 3 – 3/160 Glen Innes Road; and
- Unit 4 – 4/160 Glen Innes Road.

Prior to Commencement of Works

5. Prior to the commencement of any works (including earthworks) on the site a Construction Certificate must be issued in accordance with Section 109C (1)(b) and 81A (2) of the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate shall include plans and specifications demonstrating full compliance with the *Building Code of Australia* and associated standards.
6. Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 is to be obtained for the concrete access driveway and all related works within the road reserve.

Detailed plans are to be submitted with the application for approval under Section 138 of the Roads Act 1993, which are to show:

- The new gutter crossing and concrete driveway being a minimum 8 metre wide at the kerb tapering back to 6 metre at the property boundary and extending through to the proposed parking bays 1 & 3 at 6 metre width;
 - The capping of the redundant layback;
 - Concrete specifications; and
 - The removal of two small trees at the property frontage to provide for the construction of the driveway and the required sight distance to the footpath and roadway for vehicles exiting the site.
7. Prior to issue of a Construction Certificate, a detailed stormwater drainage plan is to be submitted to and approved by Council. This plan is to include:
 - The capture and diversion of site runoff away from downstream properties;
 - Site drainage proposed to Glen Innes Road is to be piped underground to the kerb.
 - Proposed drainage to the north is to be piped underground through the rear laneway to the kerb in Mulligan Street.
 - The driveway at the entry to the property to incorporate a grated stormwater collection channel to intercept and direct stormwater via underground pipe to the kerb and gutter in Glen Innes Road;
 - Levels of the Mulligan Street and Glen Innes Road kerb, gutter and footpath and proposed drainage pipe / pit invert levels.
 8. Separate water services are to be provided to each unit. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for water supply and water connections. This will require payment to Council of:
 - A Water Contribution under Council's Development Servicing Plan No. 1 for 1.4 equivalent tenements (total development); and
 - A water connection fee per unit for Units 1, 3 and 4 in accordance with Council's fees and charges.

Note: The existing water service will serve Unit 2.

9. The existing sewer junction on the sewer main running through the rear of the site is to be used for the new development. Each unit is to have an independent sewer service connecting into a manifold arrangement at the common junction point.

Prior to the issue of a Construction Certificate, a Sewer Contribution under Council's Development Servicing Plan No. 1 for 2 equivalent tenements is to be paid to Council.

Note: The applicant is to check the levels at the junction point relative to the proposed building levels to determine if adequate grade to the sewer is available. Any changes to the sewer junction by Council would be by quotation.

10. Prior to the issue of a Construction Certificate, a Community Services contribution for Units 2, 3 and 4 (3 contributions) must be paid to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*.
11. Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 is to be obtained for Water Supply Work, Sewerage Work and Stormwater Drainage Work.
12. Prior to issue of a Construction Certificate, a plan of the Strata subdivision nominating the proposed strata lot boundaries and common property, is to be submitted to and approved by Council.

During Construction

13. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - Works on site are to be carried out in accordance with the *Protection of the Environment Operations Act 1997* in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
 - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;
 - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;
 - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and
 - Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the *Surveying and Spatial Information Act 2002*. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.
14. Construction related traffic must be managed in accordance with the RTA Traffic Control at Worksites Manual and a Road Occupancy Licence (ROL) must be obtained from Roads and Maritime prior to the implementation of any approved Traffic Control Plan (TCP) on the Glen Innes Road.
15. A survey report is required to ensure that the proposed development is located on the correct allotment and at the approved distance from the boundary. The survey report is to be prepared by a registered land surveyor and be provided to the Principal Certifying Authority prior to works proceeding past floor level. This report is to be verified:
 - by the pegging of the site prior to the commencement of work; and

- on completion of footings.

Prior to Occupation

16. Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with Section 109M of the *Environmental Planning and Assessment Act 1979*.

Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:

- all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
 - any preconditions to the issue of the certificate required by a development consent have been met.
17. Prior to issue of an Occupation Certificate, where applicable, the following works are to be completed:
- All adjacent public and private land must be cleared of obstructions such as stockpiles of topsoil, building material, waste and other material associated with construction.
 - The applicant will repair/restore, or pay the full costs associated with repairing/restoring, any footpath, public reserve and infrastructure that is damaged by the development.
 - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
18. Prior to issue of an Occupation Certificate, the access crossing, capping the redundant layback, internal driveways and parking areas are to be constructed in accordance with the approved plans and the approval issued under Section 138 of the Roads Act 1993.
19. Prior to issue of an Occupation Certificate, all stormwater drainage work is to be completed in accordance with the approved plans.
20. Prior to issue of an Occupation Certificate, a group of mailboxes must be provided adjacent to the footpath.
21. Prior to issue of an Occupation Certificate, each unit is to be individually numbered and the number displayed in 100mm numerals on each unit and associated mailbox. The street number is to be displayed in 150mm numerals adjacent to the mailboxes.
22. Prior to issue of an Occupation Certificate all landscaping, fencing and privacy screens are to be completed as per the approved plan(s).
23. Where practical open storage areas and garbage bins are to be effectively screened and located so as to be out of sight from any public place, road or reserve.

Conditions Relating to the Strata Subdivision

24. A Strata Certificate must be obtained from Council. The applicant must submit a completed Subdivision Certificate Application Form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.
25. Prior to the issue of a strata certificate, Council must inspect the building, and the common property areas around the building, so as to be satisfied, as required by section 37AA of the *Strata Schemes (Freehold Development) Act 1973*, that:
- the floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed, and
 - the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the

- building, and any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.
26. Prior to the issue of a strata certificate, an occupation certificate must be issued for all units in the multi-dwelling housing development.

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

You are also advised that section 82A of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council



CHRIS FALEY
DEVELOPMENT PLANNER
DATE : 24 September 2018

Annexure

Prescribed Conditions Summary

As per condition 2 of this consent, the following matters prescribed under Division 8A of the *Environmental Planning & Assessment Regulation 2000* must be complied with, where relevant:

1. All work must be carried out in accordance with the requirements of the *Building Code of Australia*.
1. 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.
2. Prior to commencement of building work, subdivision work or demolition work a sign must be erected in a prominent position on the site. The sign must:
 - show the name, address and telephone number of the principal certifying authority for the work;
 - show 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
 - state that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

3. 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:
 - in the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of that Act; and
 - in the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - 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 that the information notified as required above 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.

4. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this consent, must at the person's own expense:
 - protect and support the building, structure or work from possible damage from the excavation; and
 - where necessary, underpin the building, structure or work to prevent any such damage.