

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

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

TO: **Miss Joyce Barry and Mrs Beverley Ann Korsch**
OF: **11 Albert Street
Inverell NSW 2360**

being the applicant in respect of **Application No DA-112/2018**

Notice is hereby given of the determination by Council of **Application No. DA-112/2018** relating to the land owned by **Mrs Beverley Ann Korsch, of 2 Dorothy Avenue, Armidale NSW 2350** and is described as follows:

**Lot 21 DP 976586, Lot 22 DP 976586
9 Albert Street, INVERELL 2360**

The development proposal is: **Staged Subdivision**

The Determination is **consent granted subject to conditions described below** made on **4 October 2018**.

This consent expires five (5) years from the date on which it commences to operate 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 2 into 3 lot staged subdivision.

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 access handle of proposed Lot 202 is not to be used by Lot 201 or Lot 102 (Stage 1).
4. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the carrying out of any subdivision works:
 - 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 work 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;
- 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;
- 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.

Prior to Issue of a Subdivision Certificate – Stage 1

5. A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the *Environmental Planning and Assessment Act 1979*. 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.
6. Prior to issue of a Subdivision Certificate, a bitumen sealed or concreted access crossing is to be constructed from kerb in Albert Street to the boundary of Lot 102.

Prior to the commencement of this work the applicant is required to obtain approval under Section 138 of the *Roads Act 1993* to install a paved vehicular access across the footpath (a copy of the application form is enclosed). The application for this approval is to be accompanied by a detailed plan of the access crossing, showing location, finished surface detail and location/treatment of services (as required).

All work is to be completed to the standard approved by Council, at the applicant's expense.

7. Prior to issue of a Subdivision Certificate, the roofwater of the dwelling on Lot 102 (11 Albert Street) is to be connected to and discharged to the kerb and gutter in Albert Street. All work shall be undertaken in accordance with *Australian Standard 3500.3 Plumbing and drainage*.
8. A 3m easement over Council's sewer main in Lot 101 and Lot 102 is to be shown on the plan of subdivision and dedicated in favour of Council.

Prior to Issue of a Subdivision Certificate – Stage 2

9. A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the *Environmental Planning and Assessment Act 1979*. 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.
10. Prior to issue of a Subdivision Certificate, the roofwater of the dwelling on Lot 201 (9 Albert Street) is to be connected to and discharged to the kerb and gutter in Albert Street. All work shall be undertaken in accordance with *Australian Standard 3500.3 Plumbing and drainage*.
11. Prior to the issue of a Subdivision Certificate, electricity and telecommunications services are to be provided to Lot 202. The proponent is required to submit to Council, certificates from:
 - An approved electricity service provider indicating that satisfactory arrangements have

been made for the provision of electricity to Lot 202.

- An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to Lot 202.
12. Prior to the issue of a Subdivision Certificate, a Community Services contribution for Lot 202 must be paid to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*.
 13. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lot 202 for water supply and water connections. This will require payment to Council of:
 - A Contribution for 1 equivalent tenement; and
 - A water connection in accordance with Council's fees and charges.
 14. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lot 202 (2 lots) for sewer supply. This will require payment to Council of:
 - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement.
 15. Prior to issue of a Subdivision Certificate, the sewer main extension and proposed sewer manhole within Lot 202 as shown on the approved is to be constructed.

Prior to commencement of this work, a detailed engineering plan of these sewer works is to be submitted to and approved by Council.

All work is to be completed to the standard approved by Council, at the applicant's expense.

16. Prior to issue of a Subdivision Certificate, a 'Restriction as to User' under Section 88b of the *Conveyancing Act 1919* is to clearly state:
 - No more than a single dwelling may be constructed on Lot 202;
 - No dwelling may be constructed on Lot 202 without being connected to a Council approved stormwater retention system with sufficient capacity to ensure that post development flow from the site is no greater than pre-development flow, based on a 20% Annual Exceedance Probability rain event;
 - No dwelling may be constructed on Lot 202 without the access handle being bitumen sealed or concreted;
 - No dwelling may be constructed on Lot 202 with a floor level lower than 611.5 metre AHD.

Reasons for Conditions:

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

Reasons for Approval

1. The proposed lot sizes exceed the minimum lot size requirements of Clause 4.1 of the Inverell Local Environmental Plan 2012.
2. The dimensions of the battle-axe allotment comply with Section 2.4 of the Inverell Development Control Plan 2013 for an allotment to contain single dwelling.

3. Subject to conditions, stormwater drainage can be adequately addressed for the proposed subdivision.
4. The proposed subdivision is consistent with development pattern in Albert Street and is not considered to significantly impact the amenity of the area.

Community Consultation

Neighbour notification was undertaken in accordance with the *Inverell Development Control Plan 2013*. One submission was received. This submission did not object to the subdivision. The submission requested consideration of stormwater drainage from the site and broader area. Stormwater drainage has been assessed during the application and subject to the conditions of consent, is considered to be acceptable.

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 : 18 October 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*.
2. 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.
3. 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.

4. 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.

5. 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.