

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

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

TO: **Mr Mark John Warrener**  
OF: **PO Box 820  
Inverell NSW 2360**

being the applicant in respect of **Application No DA-26/2017/A**

Notice is hereby given of the determination by Council of **Application No. DA-26/2017/A** relating to the land owned by **Mr Kevin John Warrener and Mrs Suzanne Warrener, of 'Alister', 14735 Guyra Road, Gilgai NSW 2360** and is described as follows:

**Lot 6 DP 17818, Lot 7 DP 17818  
6-8 Anderson Street, INVERELL 2360**

The development proposal is: **Modification to DA-26/2017 - Delete Condition No. 15**

The determination is amended in accordance with s.96(1A) of the Environmental Planning and Assessment Act 1979 on 15 August 2018.

This consent expires five (5) years from **18 April 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:

### **GENERAL CONDITIONS**

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:

- The construction of a new dwelling; and
- The subdivision of Lots 6 and 7 DP 17818 into three (3) lots.

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).

### **CONDITIONS RELATING TO CONSTRUCTION OF THE DWELLING**

#### ***Prior to Construction***

3. 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.

4. Prior to issue of a Construction Certificate, approvals under Section 68 of the *Local Government Act 1993* are to be obtained for water supply work, sewerage work and stormwater drainage work.
5. Inter-allotment drainage is to be provided at the rear of the dwelling, along the proposed boundary between Lots 3 and 2.

The discharge point of stormwater into the Council easement at the rear is also to be designed to ensure that stormwater is directed into the drainage line without impacting land to the south.

Prior to issue of a Construction Certificate, detailed stormwater drainage plans, including details of inter-allotment drainage, surface water and the discharge point to the easement are to be submitted to and approved by Council.

*Note: It is recommended that the stormwater plans be designed in conjunction with the stormwater drainage required for the subdivision.*

6. Prior to the issue of a Construction Certificate, a contribution must be paid to Council for the new dwelling for sewer supply. This will require payment to Council of:
  - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
7. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for the new dwelling for water supply and water connections. This will require payment to Council of:
  - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
  - A water connection fee in accordance with Council's fees and charges.
8. Prior to issue of a Construction Certificate, the western boundary of Lot 6 DP 17818 is to be clearly marked by a registered surveyor and a survey report provided to Council.

#### ***During Construction***

9. 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.

10. The applicant will:
  - repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
11. The applicant will repair, or pay the full costs associated with repairing any adjoining land (including driveways, access crossings, gardens, nature strip, etc.) that is damaged as a result of the development.

### ***Prior to Occupation***

12. 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.
13. 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.
    - Any unused layback in the kerb and gutter is to be capped to Council's satisfaction.
    - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
  14. Prior to issue of an Occupation Certificate, all stormwater shall be drained in accordance with the approved plans and *Australian Standard 3500.3 Plumbing and drainage*.
  15. ~~Prior to issue of an Occupation Certificate, privacy screens are to be installed on the sides of the 2<sup>nd</sup> storey deck. The privacy screen must have:~~
    - ~~• A minimum height 1.5m above floor level;~~
    - ~~• No individual opening more than 30mm wide; and~~
    - ~~• A total area of all openings no greater than 30% of the screen area.~~

### **SUBDIVISION CONDITIONS**

#### ***Prior to Commencement of Subdivision Works***

16. Prior to the commencement of any subdivision 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*.
17. Prior to issue of a Construction Certificate for subdivision works, detailed design plans are to be submitted to and approved by Council for:

- A concrete/bitumen sealed access crossing to Lot 2;
- The length of the access handle for Lot 2 is to be concreted or bitumen sealed;
- Drainage measures are to be provided at the end of the access handle for Lot 2;
- A landscaping strip is to be incorporated into the access handle;
- Inter-allotment drainage is to be provided along the:
  - Boundary between Lots 1 and 2; and
  - Boundary between Lots 3 and 2.
- The discharge point of stormwater into the Council easement at the rear is also to be designed to ensure that stormwater is directed into the drainage line without impacting land to the south.

***Prior to Issue of a Subdivision Certificate***

18. 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.
19. Lots may be released together or individually in separate stages subject to the satisfactory completion of the conditions of consent applicable to the relevant allotment(s).
20. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lots 2 to 3 inclusive (2 lots) for sewer supply and sewer connections. This will require payment to Council of:
- A Contribution per Lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
  - A sewer junction fee per Lot in accordance with Council's fees and charges.

*Note: Any contributions/fees previously paid prior to issue of a Construction Certificate for the new dwelling will be credited towards the subdivision.*

*The applicant should also undertake their own investigations in relation to the depth of the sewer and floor heights for future development of Lot 2.*

21. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lots 2 to 3 inclusive (2 lots) for water supply and water connections. This will require payment to Council of:
- A Contribution per Lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
  - A water connection fee per Lot in accordance with Council's fees and charges.

*Note: Any contributions/fees previously paid prior to issue of a Construction Certificate for the new dwelling will be credited towards the subdivision.*

22. Prior to the issue of a Subdivision Certificate, a contribution for Lot 2 must be paid to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* for Community Services.
23. Prior to issue of a Subdivision Certificate, the access crossing and access handle (including landscaping) are to be constructed in accordance with the approved plans.
24. Prior to issue of a Subdivision Certificate, inter-allotment drainage and Lot 2 access handle drainage are to be constructed in accordance with the approved plans.
25. Prior to the issue of a Subdivision Certificate, electricity and telecommunications services are to be provided to all lots. 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 each lot in the subdivision.

- An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.

26. The plan of subdivision is to clearly nominate the proposed stormwater easements over Lot 2 and a 3 metre easement, in favour of Council, is to be created over Council's sewer main.

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 : 3 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*.
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.