

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

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

TO: **Mrs Ann Marie Russell and Mr Timothy James Russell**
OF: **'Laura Brae'**
A T F Dominico Blue Trust
4326 Bundarra Road
Inverell NSW 2360

being the applicant in respect of **Application No DA-37/2018/A**

Notice is hereby given of the determination by Council of **Application No. DA-37/2018/A** relating to the land owned by **Mrs Ann Marie Russell, of 'Laura Brae', A T F Dominico Blue Trust, 4326 Bundarra Road, Inverell NSW 2360** and is described as follows:

Lot 1 DP 1174124, Lot 2 DP 1174124, Lot 2 DP 1244312
4326 Bundarra Road, INVERELL 2360

The development proposal is:

Construct new dwelling, shed and pool.

The determination is amended in accordance with s.96(1A) of the Environmental Planning and Assessment Act 1979 on 21 September 2018.

This consent expires five (5) years from **24 April 2018** 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:

1. ***Preliminary***

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 construction of a dwelling, shed and pool.

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.

Note: These conditions supersede the conditions imposed under DA-37/2018 on 24 April 2018; however, the approved plans remains as per the 24 April 2018 consent.

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 dwelling is to be constructed to comply with a Bush Fire Attack Level (BAL) of 12.5 in accordance with Australian Standard 3959.
4. In the event that a connection to Council's water supply system is required and/or requested for Lot 2 DP 1244312, the following is to be paid to Council at the owners/developers expense:

- A water 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.

The amount payable will be determined at date of payment for the applicable financial year.

Prior to Construction

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 68 of the *Local Government Act 1993* is to be obtained from Council for the installation and operation of an onsite sewage management system.
7. Prior to construction or installation, design details and specifications for the pool must be submitted to and approved by Council.

During Construction

8. 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.
9. 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.
10. 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.
 11. Prior to issue of an Occupation Certificate, a system of onsite sewage management must be installed and operational.
 12. Prior to issue of an Occupation Certificate the internal driveway is to be an all weather access 4m wide with a vertical clearance of 4m. If the driveway exceeds 200m in length, than a passing bay measuring 20m long by 2m wide is to be provided every 200m. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
 13. Prior to issue of an Occupation Certificate a distance of 15 metres must be provided around the dwelling and maintained in perpetuity as an Asset Protection Zone in accordance with Section 4.1.3 and Appendix 5 of *Planning For Bush Fire Protection 2006* and the NSW Rural Fire Service document 'Standards for Asset Protection Zones'. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
 14. Prior to issue of an Occupation Certificate gas and electricity are to comply with Section 4.1.3 (2) of *Planning for Bushfire Protection 2006*. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
 15. Prior to issue of an Occupation Certificate a 20,000 litre dedicated water supply is to be provided and maintained in perpetuity for the dwelling, with a 65mm storz outlet with a gate or ball valve for connection of a Rural Fire Service tanker. The water supply must be located within the Asset Protection Zone. Above ground tanks are manufactured of concrete or metal and raised tanks have their stands protected. Plastic tanks are not to be used. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.

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



ANTHONY ALLISTON
MANAGER DEVELOPMENT SERVICES
DATE : 21 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.