

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

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

TO: **Ms Tracey Janine Morris**  
OF: **P O Box 1006**  
**Coffs Harbour NSW 2450**

being the applicant in respect of **Application No DA-21/2018**

Notice is hereby given of the determination by Council of **Application No. DA-21/2018** relating to the land owned by **Ms Tracey Janine Morris, of P O Box 1006, Coffs Harbour NSW 2450** and is described as follows:

**Lot 2 DP 601925**  
**26 William Street, INVERELL 2360**

The development proposal is: **Dwelling**

The Determination is **consent granted subject to conditions described below** made on **25 September 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 dwelling.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans (as amended in red) 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).

***During Construction***

3. 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.
4. 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.
6. Council, in the case of being the Principal Certifying Authority, is to be given 24 hours notice of the following critical stage inspections:
- after excavation for, and prior to the placement of, any footings, and
  - prior to pouring any in-situ reinforced concrete building element, and
  - prior to covering of the framework for any floor, wall, roof or other building element, and
  - prior to covering waterproofing in any wet areas, and
  - prior to covering any stormwater drainage connections, and
  - after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
7. Any replacement or renovation of a deteriorated frame member must be of equivalent or improved quality materials. Any second-hand materials to be used shall be inspected and approved by Council's Building Surveyor prior to their use in the construction.

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

8. 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.
9. 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.
10. Prior to issue of an Occupation Certificate, a concrete or bitumen sealed access crossing is to be constructed from the gutter to the boundary, to Council's satisfaction. Prior to construction of the access, approval under Section 138 of the Roads Act 1993 is to be obtained from Council.
  11. Prior to issue of an Occupation Certificate, a space of 400mm clear is to be provided between the underside of every joist and bearer and the ground surface. That space is to be ventilated and cross-ventilated by means of evenly distributed openings in the external walls having an unobstructed area of not less than 7300 square millimetres per metre of external wall.
  12. Prior to issue of an Occupation Certificate, the dwelling is to be equipped with hard wired smoke alarms that are located, on or near the ceiling:
    - In any storey of the building or home-containing bedrooms – in every corridor or hallway associated with a bedroom, and if there is no such corridor or hallway, between that part of the building or home containing the bedroom and the remainder of the building or home.
    - In any other storey of the building not containing bedrooms.
  13. Prior to issue of an Occupation Certificate, all stormwater shall be drained to the kerb and gutter in Wynne Street in accordance with *Australian Standard 3500.3 Plumbing and drainage*.
  14. Prior to issue of an Occupation Certificate, any deteriorated wet areas are to be removed and re-installed in accordance with 'Part 3.8.1 Wet Areas And External Waterproofing' of the *Building Code of Australia*.
  15. Prior to the issue of an occupation certificate, the external walls of the dwelling must be appropriately repaired, painted and finished.
  16. Prior to issue of an Occupation Certificate, the dwelling is to be connected to water, sewer, electricity and telephone.
 

*Note: The connection of water will require payment of water connection fee to Council.*
  17. Prior to issue of an Occupation Certificate, a mailbox must be provided adjacent to the footpath with the street number (26) clearly displayed.
  18. Prior to issue of an Occupation Certificate, a landing not less than 750mm long is to be constructed outside the laundry door in accordance with Section 3.9.1.5 of the Building Code of Australia (attached) and as shown in red on the approved plans.

### **Reasons for Approval**

1. The development, subject to conditions, is consistent with the objectives of the R1 General Residential zone.
2. The development is a single dwelling on a standard residential lot. The location, setbacks and design of the dwelling comply with the controls of the Inverell Development Control Plan 2013.
3. A detailed contamination site investigation has concluded that the site is suitable for low density residential use.

## Community Consultation

As per section 1.11 of the Inverell Development Control Plan 2013 the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

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 : 25 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*.
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.