

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

TO: **Mr Benjamin John Hawthorne**
OF: **7B Stainfield Drive**
Inverell NSW 2360

being the applicant in respect of **Application No DA-38/2018**

Notice is hereby given of the determination by Council of **Application No. DA-38/2018** relating to the land owned by **Mr Benjamin John Hawthorne, of 7B Stainfield Drive, Inverell NSW 2360** and is described as follows:

Lot 5 DP 259258
50 Lewin Street, INVERELL 2360

The development proposal is: **Construct double story duplex**

The Determination is **consent granted subject to conditions described below** made on **24 August 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 the construction of a Dual Occupancy (Attached).

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans Precise Designs Drawing no's D1 to D8 and S2 inclusive dated 20/02/2018 with amendments to D1 on 21/05/2018 and 18/07/18, ABODE Building Design drawing No's 180520a sheets A101 and A102 dated 22/05/2018, BASIX Certificates 892526S and 892548S 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 units shall be numbered as follows:
 - 1/50, the Eastern unit; and
 - 2/50 the Western unit.

Prior to Construction

4. 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.
5. Prior to the issue of a Construction Certificate, a full set of working drawings are to be supplied to Council incorporating all development modifications.
6. Prior to issue of a Construction Certificate, a landscaping plan is to be prepared for the site detailing the location, type and maximum growth height of vegetation and any fencing proposed. This plan is to be submitted to and approved by Council.
7. Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 is to be obtained from Council for the new access crossing off Lewin Street and capping of the redundant layback. The application is to be accompanied by a plan showing the driveway gradients.
8. Prior to the issue of a Construction Certificate, drawings of the proposed retaining walls are to be submitted to Council for approval. The retaining walls are not to encroach on the drainage easement including the surface half drainage pipe and the sewer main.

Any proposed design for construction or landfilling in the vicinity of a sewer main is to comply with the NSW Water Directorate publication Building in the Vicinity of Sewer Main Guidelines, May 2013, Part 2.

Note: The sewer main is located approximately 3.4m off the rear fence.

9. Prior to the issue of a Construction Certificate, an inter-allotment drainage plan is to be submitted to Council for approval. The drainage plan is to keep the drainage from each unit separate and include edge beams to prevent runoff from entering adjoining land. Roof water from the front of the site (that is not required for the rainwater tank / BASIX requirements) to be directed to the kerb and gutter in Lewin Street and the 2 m wide drainage easement across the rear of the site is to be kept clear of any structures.
10. 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 single Contribution under Council's Development Servicing Plan No.1 for 0.6 equivalent tenement; and
 - Two (2) Standard 20mm Water Connection fees in accordance with Council's fees and charges.
11. Prior to the issue of a construction certificate, contributions/fees must be paid to Council for sewer supply and water connections. This will require payment to Council of:
 - A single Contribution under Council's Development Servicing Plan No.1 for 1 equivalent tenement; and
 - A single sewer junction for the northern unit in accordance with Councils fees and charges.

Note: The southern unit is to be connected to the existing sewer junction.

12. Prior to the issue of a Construction Certificate , a single contribution must be paid to Council pursuant of section 94 of the Environmental Planning and Assessment Act 1979 for community Services.
13. Prior to the issue of a Construction Certificate and approval under Section 68 of the Local Government Act 1993 must be obtained form Council for water supply, sewerage and stormwater drainage works.

During Construction

14. 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.
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. 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.
 18. Prior to issue of an Occupation Certificate, each dwelling is to be individually numbered and the number displayed in 100mm numerals on each dwelling and associated mailbox. The street number is to be displayed in 150mm numerals adjacent to the mailboxes.
 19. 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.
 20. Prior to issue of an Occupation Certificate, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with the approved inter-allotment drainage plans and *Australian Standard 3500.3 Plumbing and drainage*.
 21. Prior to issue of an Occupation Certificate, the new access crossing and capping of the redundant layback is to be completed in accordance with Section 138 approval.
 22. Prior to issue of an Occupation Certificate, the landscaping is to be completed in accordance with the approved plans. All landscaping is to be maintained in perpetuity.
 23. Prior to issue of an Occupation Certificate, the retaining walls (including requirements for construction near the drainage pipe and sewer main) are to be completed in accordance with the approved engineering plans.

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.

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



GREG DOMAN
MANAGER WASTE AND PROJECTS
DATE : 24 August 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.