

NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

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

TO: **Local Government Engineering Services**
OF: **17 Byron Street**
Inverell NSW 2360

being the applicant in respect of **Application No DA-23/2020**

Notice is hereby given of the determination by Council of **Application No. DA-23/2020** relating to the land owned by **Inverell RSM Club Ltd, of C/- The Secretary, 68-76 Evans Street, Inverell NSW 2360** and is described as follows:

Lot A DP 355585
21 Howard Street, INVERELL 2360

The development proposal is: **One (1) into Three (3) Lot Subdivision**
Construction of Single Dwelling
Construction of Semi-Detached Dwellings (Duplex)

The Determination is **consent granted subject to conditions described below** made on **16 April 2020**.

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 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for:

- One (1) into Three (3) Lot Subdivision of Lot A DP 355585;
- Construction of Single Dwelling on proposed Lot C; and
- Construction of Semi-Detached Dwellings (Duplex) on proposed Lots A and B.

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 maximum height of the fence along the boundary with Lot 1 DP 330687 (21 George Street) must not exceed 1.8 metres above:
 - The top of the retaining wall, where the fence is located on the retaining wall; or
 - Natural ground level in any other case.
3. The dwellings must be numbered as follows:
 - 19A George Street being Dwelling A;
 - 19B George Street being Dwelling B; and
 - 19C George Street being Dwelling C.

4. 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).

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 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 Contribution under Council's Development Servicing Plan No. 1 for 1.6 equivalent tenement; and
 - A two water connection fees in accordance with Council's fees and charges.

Note: Dwelling B will utilise the existing water service. Dwellings A & C require the additional, separate service connections.

7. Prior to the issue of a Construction Certificate, contributions must be paid to Council for sewer supply. This will require payment to Council of a Contribution under Council's Development Servicing Plan No. 1 for 2 equivalent tenements.
8. Prior to issue of a Construction Certificate, two sewer junctions must be constructed to service Dwellings A & C. The new junctions will be by quotation due to the depth of the main, in accordance with Council's fees and charges.

Note: The existing sewer junction along the south-eastern boundary of the site is to service Dwelling B.

9. Prior to the issue of a Construction Certificate, two (2) contributions must be paid to Council pursuant to Section 7.11 (previously Section 94) of the *Environmental Planning and Assessment Act 1979* for Community Services.
10. Prior to issue of a Construction Certificate approval under Section 138 of the *Roads Act 1993* must be granted by Council for construction of the access crossings off George Street.
11. The retaining wall along the boundary of Lot A DP 355585 and Lot 1 DP 330687 (21 George Street) must be located to ensure that the wall, footing and drainage are located wholly within Lot A DP 355585.

Prior to issue of a Construction Certificate, revised plans are to be submitted to and approved by Council clearly showing the retaining wall wholly within Lot A DP 355585.

12. Prior to the issue of a Construction Certificate, a dilapidation report is to be prepared by a practicing structural engineer at full cost to the proponent. It must detail the structural adequacy of adjoining properties, including Council's property, and their ability to withstand the proposed excavation. Any damage not shown in the dilapidation report submitted to Council before site works commence will be assumed to have been caused as a result of the site works undertaken and must be rectified at the proponent's expense.

During Construction

13. A survey report is required to ensure that the proposed development, including retaining walls, 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.

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. Any required fill material must be Virgin Excavated Natural Material as defined under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

16. All fill material is to be retained within the allotment and all cut and fill must be either retained or graded and drained in accordance with Part 3.1 (Class 1 & 10) or Part B1 (Class 2-9) of the *Building Code of Australia*.

Prior to Occupation

17. 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.

18. 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.
19. 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.
20. Prior to issue of an Occupation Certificate, the access crossings must be installed in accordance with the Section 138 approval issued by Council, at the applicants expense and include:
 - The crossings constructed in accordance with Council's Residential Access Specification;
 - The concrete access crossings must have a key joint 0.6m off each face of the water main in the George Street road reserve;
 - The existing layback in Howard Street must be capped;
 - The existing layback in George Street must be extended and then capped where it is no longer required; and
 - The "cycleway" sign in George Street where Dwelling C's access crossing is to be constructed must be removed at the applicant's expense.
21. Prior to issue of an Occupation Certificate, inter-allotment drainage in the form of a 150mm concrete kerb is to be constructed along the south-eastern boundary to direct surface run-off to Council's existing stormwater drainage system.

Prior to Issue of a Subdivision Certificate

22. 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.
23. Prior to issue of a Subdivision Certificate, an Occupation Certificate must be issued for each dwelling.
24. The linen plan of subdivision must include the water easement on DP 355585, an easement over Council's sewer main and any other easement required as a result of the development (e.g. retaining wall/s, eave overhang on the duplex). These must also be included in an 88b instrument as provided under the *Conveyancing Act 1919*.

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 development, subject to conditions, is consistent with the objectives of the R1 General Residential zone.
2. The built form and design of the development, subject to conditions is consistent with the streetscape and residential development in the locality.
3. In consideration of residential controls of the *Inverell Development Control Plan 2013*, the development is considered appropriate within the context and setting.
4. In consideration of the fall of the land, a sediment and erosion control and earthwork provisions it is deemed that the proposed cut and fill is appropriate for the development.

Community Consultation

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

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 SERVICES COORDINATOR

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.