

NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

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

TO: **Creative Planning Solutions**
OF: **Level 3**
397 Riley Street
Surry Hills NSW 2010

being the applicant in respect of **Application No DA-68/2020**

Notice is hereby given of the determination by Council of **Application No. DA-68/2020** relating to the land described as follows:

Lot 4 DP 234141
25 Medora Street, INVERELL 2360

The development proposal is: **Dual Occupancy (Detached)**

The Determination is **consent granted subject to conditions described below** made on **21 August 2020**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 4.20 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. 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 dual occupancy (detached) and associated works.

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 following contributions/fees must be paid to Council for water supply and sewer supply:
 - A Water Contribution under Council's Development Servicing Plan No. 1 for 0.2 equivalent tenement; and
 - A Sewer Contribution under Council's Development Servicing Plan No. 1 for 0.5 equivalent tenement.

Note: The sewer main is in Macintyre Lane and is approximately 4.6 metres deep, with both dwellings to share the existing junction. Should separate water meters be requested for the dwellings, this will be by quote from Council.

3. A contribution pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* of \$115.00 must be paid to Council for Community Services.
4. 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.

5. Prior to occupation of the dwellings, the southern side of Macintyre Lane is to be upgraded with rollover kerb and gutter from Cameron Street to the western boundary of the site, in accordance with an engineering survey and design completed in consultation with Council.

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. In consideration of residential controls of the *Inverell Development Control Plan 2013*, the development is considered appropriate within the context and setting.
3. In accordance with the parking and traffic controls of the *Inverell Development Control Plan 2013*, the southern side of Macintyre Lane will require upgrade as part of this development, consistent with the surrounding unit developments.

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