

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

TO: **Mr Jacob Deryck Tan**
OF: **52 Bennett Street**
Inverell NSW 2360

being the applicant in respect of **Application No DA-98/2020**

Notice is hereby given of the determination by Council of **Application No. DA-98/2020** relating to the land described as follows:

Lot 13 Sec 7 DP 18001
9 Butler Street, INVERELL 2360

The development proposal is: **Subdivision & Dwelling**

The Determination is **consent granted subject to conditions described below** made on **30 October 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 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for a:

- One (1) into Two (2) Lot Subdivision; and
- Construction of a Dwelling.

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

SUBDIVISION CONDITIONS

3. 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.

4. Prior to issue of a Subdivision Certificate, a Construction Certificate must be issued for the construction of the dwelling, as approved under this consent.

DWELLING CONDITIONS

Prior to Issue of a Construction Certificate

5. Prior to the commencement of any building works on the site a Construction Certificate is to be obtained from Council or an Accredited Certifier. 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, a detailed stormwater drainage plan prepared by a suitably qualified civil engineer must be submitted to and approved by Council.

The detailed stormwater drainage plan must be accompanied by a Drainage Study for the Stormwater Easement and Site, for a 1 in 100 Average Recurrence Interval (ARI), demonstrating a floor level for the dwelling above the 1 in 100 ARI height without adversely impacting adjoining properties.

7. Prior to issue of a Construction Certificate, approval under Section 138 of the *Roads Act 1993* is to be obtained for the access to the new dwelling off Butler Street. The application for approval under the *Roads Act 1993* must be accompanied by a longitudinal section of the proposed access.

8. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for water supply and water connection for the new dwelling. This will require payment to Council of:

- A 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.

9. Prior to the issue of a Construction Certificate, a contribution must be paid to Council for sewer supply and sewer connection for the new dwelling. This will require payment to Council of:

- A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
- A sewer junction fee in accordance with Council's fees and charges.

10. Prior to the issue of a Construction Certificate, a Section 7.11 (formerly Section 94) Community Services Contribution for the new dwelling must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act 1979*.

During Construction

11. Survey Reports by a Registered Land Surveyor are required to certify:

- That the proposed dwelling is located on the correct allotment (as per the subdivision approved under this consent);
- That the proposed dwelling is at the approved distance from the boundary (as per the subdivision approved under this consent); and
- The floor level of the dwelling is located above the 1 in 100 ARI.

The survey reports are to be provided to the Principal Certifying Authority prior to works proceeding past floor level.

12. 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.

Prior to Occupation

13. 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.
14. 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.
15. Prior to issue of an Occupation Certificate, the plan of subdivision for the one (1) into two (2) lot subdivision approved under this consent, is to be registered with the Lands Titles Office.
16. Prior to issue of an Occupation Certificate, the access crossing for the dwelling is to be constructed in accordance with the approved plans and the approval issued under Section 138 of the *Roads Act 1993*.

17. Prior to issue of an Occupation Certificate, all stormwater drainage work are to be completed in accordance with the approved plans and to Council's satisfaction.

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 subdivision complies with the provisions of Clause 4.1 of the *Inverell Local Environmental Plan 2012*.
3. The applicant has demonstrated a suitable building envelope, dwelling design and access arrangement for proposed Lot 2 in accordance with the requirements of Chapter 2 of the *Inverell Development Control Plan 2013*.
4. The built form and design of the single storey dwelling, subject to conditions, is consistent with the streetscape and is not considered to adversely impact the amenity of adjoining properties.

Community Consultation

Neighbour notification was undertaken for the subdivision in accordance with the Inverell Community Participation Plan. No submissions were received. In accordance with Clause 55 of the Environmental Planning and Assessment Regulation 2000, DA-98/2020 was amended to include a dwelling. The dwelling is considered minor development under the Inverell Community Participation Plan and further notification was not considered 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 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.