

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Application No.	DA-9/2021
Applicant	Mr Christopher James Tonkin
Land to be developed	Lot 2 DP 1095200 1612 Pindaroi Road, PINDAROI 2361
Approved development	Demolition of Existing Dwelling and Construction of New Dwelling
Building Code of Australia Classification	Class 1a
Determination	The determination is consent granted subject to conditions.
Determination date	8 February 2021
Consent is to operate from	8 February 2021
Consent will lapse on	8 February 2026 Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of <i>Environmental Planning and Assessment Act 1979.</i>

CONDITIONS OF CONSENT

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 demolition of the existing dwelling and construction of a new dwelling on Lot 2 DP 1095200.

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).

CONDITIONS RELATING TO DEMOLITION OF THE EXISTING DWELLING

3. Any demolition work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the *Work Health and Safety Regulation 2011*.

The owner must provide Council with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences,

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the owner must give Council a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

4. All waste materials not suitably recycled (including excavation, demolition, construction and vegetation waste materials) must be managed on the site and then disposed of at a waste management facility.
5. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.
6. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work;
 - Precautions are to be taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes; and
 - The site shall be sealed off at all times against the unauthorised entry of persons or vehicles.

CONDITIONS RELATING TO CONSTRUCTION OF A NEW DWELLING

Prior to Construction

7. 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.
8. The dwelling is to be constructed to comply with a Bush Fire Attack Level (BAL) of 12.5 in accordance with *Australian Standard 3959 – Construction of buildings in bushfire-prone areas*. The necessary commitments are to be noted on plans submitted with the Construction Certificate Application.

During Construction

9. 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

10. 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.
11. 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.
12. Prior to issue of an Occupation Certificate a system of onsite sewage management must be installed and operational.

13. Prior to issue of an Occupation Certificate a distance of 20 metres must be fenced around the dwelling and must be maintained in perpetuity as an Asset Protection Zone (APZ) in accordance with Appendix 4 of *Planning For Bush Fire Protection 2019* and the NSW Rural Fire Service document 'Standards for Asset Protection Zones'. The APZ must also be maintained as a mown area with grass heights less than 100mm.
14. Prior to issue of an Occupation Certificate gas and electricity are to comply with Section 4.1.3 (2) of *Planning for Bushfire Protection 2019*.
15. Prior to issue of an Occupation Certificate a minimum 20,000 litre dedicated water supply is to be provided and maintained in perpetuity for the dwelling, with a 65mm storz outlet with a gate or ball valve for connection of a Rural Fire Service tanker. The water supply must be located within the Asset Protection Zone.

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 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 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 replacement of the dwelling is permissible under Clause 4.2A (5) of the *Inverell Local Environmental Plan 2012*.
2. Following the site inspection on 5 February 2021, the applicant removed the 50 metre APZ from the development. A 20 metre APZ and BAL-12.5 construction standard were agreed upon. Subject to conditions, the development is considered to comply with *Planning for Bush Fire Protection*.

Community Consultation

As per the Inverell Community Participation Plan the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Division 8.3 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 Division 8.2 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