

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under Clause 122 of the Environmental Planning and Assessment Regulation 2000.

Application No.	DA-163/2010/C
Applicant	Bundarra Business Solutions
Land to be developed	Lot 4 DP 1230296, Lot 3 DP 5472, Lot 4 DP 5472, Lot 5 DP 5472, Lot 6 DP 5472, Lot 5 DP 1230296, Lot 3 DP 1230296, Lot 6 DP 1230296 133A Old Bundarra Road, INVERELL 2360
Approved development	Modification to DA-163/2010 - Units 9 & 10
Building Code of Australia Classification	Class 1a
Determination	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
Original date of determination	15 March 2021
Modification determination date	15 March 2021
Consent will lapse on	15 March 2026 Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979.

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:

- A boundary adjustment between Lot 3 DP 5472 and Lot 6 DP 5472.
- Construction of five (5) attached dual occupancy buildings.

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the stamped and approved plans and accompanying supportive documentation.

The construction of Units 5 and 6 is to be shall be carried out in accordance with the stamped and approved amended plans including 'PCA Note 1' and 'PCA Note 2' on Sheet 104 – Section Details.

The construction of Units 1, 2, 3 and 4 shall be carried out in accordance with the stamped and approved plans for Client 'David Reid Homes Tamworth Lot 3 No. 133C Old Bundarra Road Inverell NSW 2360' dated 27 November 2017.

The construction of Units 9 and 10 is to be carried out in accordance with the stamped and approved amended plans prepared by Abode Building Design, project title 'Proposed Duplex – Old Bundarra Road, Inverell Lot 4 DP 1230296', dated 24 February 2020.

Any deviation from this will require the prior consent of Council.

2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed. The sign must include the following:
 - showing the name, address and telephone number of the principal certifying authority for the work, and
 - showing 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
 - stating that unauthorised entry to the work site is prohibited.

Prior to Endorsement of a Subdivision Certificate

3. The sewer main is to be extended to serve all allotments. Prior to the commencement of this work, an engineering survey and design is to be prepared, submitted and approved By Council.

All work is to be completed in accordance with the engineering design, at the applicant's expense, prior to the endorsement of a subdivision certificate.

4. The water main is to be extended to serve all allotments. Prior to the commencement of this work, an engineering survey and design is to be prepared, submitted and approved By Council.

All work is to be completed in accordance with the engineering design, at the applicant's expense, prior to the endorsement of a subdivision certificate.

5. Kerb and gutter, with laybacks where necessary, is to be provided along the length of the development. Prior to the commencement of this work, an engineering survey and design is to be prepared, submitted and approved By Council.

All work is to be completed in accordance with the engineering design, at the applicant's expense, prior to the endorsement of a subdivision certificate.

6. To ensure satisfactory utility services are provided to all lots in the subdivision, the applicant is required to submit to Council, certificates from:
 - An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision.
 - An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.

7. A three (3) metre easement for sewer dedicated in favour of Council is to be shown on the plan of subdivision.

Prior to Construction

8. 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.

9. Prior to the issue of a construction certificate, the plan of subdivision for the boundary adjustment between Lot 3 DP 5472 and Lot 6 DP 5472 is to be registered with the Lands Title Office.
10. Security lighting is to be provided along the access handle serving units 1, 2, 3 and 4. Details of the proposed security lighting, demonstrating compliance with *Australian Standard 1158 Lighting for roads and public spaces. Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements* is to be submitted to and approved by Council prior to the issue of a construction certificate.
11. Water is to be connected to each unit. This will require payment, prior to the issue of a construction certificate, of:
 - A contribution under Council's *Development Servicing Plan No. 1* (DSP) for each dwelling.
 - A separate water connection fee for each dwelling.

These costs are by quote from Council.

12. Sewer is to be connected to each dwelling. This will require payment, prior to the issue of a construction certificate, of:
 - A contribution under Council's *Development Servicing Plan No. 1* (DSP) for each dwelling.

This cost is by quote from Council.

13. If applicable, prior to any residential building work commencing a contract of insurance in accordance with the *Home Building Act 1989* is to be in force.
14. 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:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. 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.

During Construction

15. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - a) 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.
 - b) 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 measures in place to prevent the movement of such material off site.

- c) 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.
 - d) 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.
 - e) 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.
16. Council, in the case of being the Principal Certifying Authority, is to be given 24 hours notice of the following critical stage inspections where applicable;
 - after excavation for, and prior to the placement of, any footings, and
 - prior to pouring any in-situ reinforced concrete building element, and
 - prior to covering of the framework for any floor, wall, roof or other building element, and
 - prior to covering waterproofing in any wet areas, and
 - prior to covering any stormwater drainage connections, and
 - after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
 17. All work must be carried out in accordance with the requirements of the Building Code of Australia.
 18. For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent and Construction Certificate on site.
 19. The following compliance certificates are to be provided to Council, if appointed as the principal certifying authority, prior to the relevant critical stage inspections:
 - (a) Manufacturers Certification and details of roof trusses and wall framing prior to the structural frame inspection.
 - (b) Manufacturers certification that all glazed assemblies are in accordance with AS 1288 & AS 2047 prior to the structural frame inspection.
 - (c) Wet area Certification, including shower compartments certifying compliance with the Building Code of Australia and AS 3740, prior to the wet area inspection.
 20. 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

21. All commitments of the approved BASIX Certificate are to be fulfilled prior to occupation of the dwelling. Certification that the requirements have been completed in accordance with the Certificate is to be submitted to Council by the owner/builder prior to occupation of the building. *(Reason: To ensure the completed building achieves the NSW Government target requirements for sustainability.)*
22. The access crossing servicing each building/lot is to be a minimum six (6) metres wide and is to be bitumen sealed or concreted. Prior to the commencement of this work, an application for approval for the access crossing (form enclosed) is to be submitted to and approved by Council.

All work is to be completed to Council's satisfaction, at the applicant's expense, prior to the issue of an occupation certificate.
23. All internal driveways, car parking and vehicle movement areas are to be bitumen sealed or concreted, including the six (6) metre access handle servicing Units 1, 2, 3 and 4. This work is to be completed to Council's satisfaction, at the applicants expense.

24. All landscaping is to be completed as per the approved plans.
25. Each dwelling is to be provided with a standing area for garbage and recycling bins. This area is to be concreted / paved with an area of one (1) metre x one (1) metre for each bin and is to be located in area screened from public view prior to the issue of a occupation certificate.
26. A concrete pad with an area of one (1) metre x one (1) metre per bin is to be placed immediately adjacent to the back of the kerb prior to the issue of an occupation certificate.
27. Each unit is to be provided with a mailbox. Units 1, 2, 3 and 4 are have a common mailbox location.
28. Each dwelling is to be individually numbered and the number displayed in 100mm on each dwelling and associated mailbox prior to the issue of a construction certificate. The street number is to be displayed in 150mm numerals adjacent to the mailboxes prior to the issue of a occupation certificate.
29. Certification from a suitably qualified person that the security lighting has been installed in accordance with the approved details, is to be submitted to and approved by 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 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.

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