

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-183/2020
Applicant	Ms Alethea Marie Grills
Land to be developed	Lot B DP 355629 21-23 Clive Street, INVERELL 2360
Approved development	Dual Occupancy
Building Code of Australia Classification	Class 1a Class10a
Determination	The determination is consent granted subject to conditions.
Determination date	4 March 2021
Consent is to operate from	4 March 2021
Consent will lapse on	4 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 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the construction of a new dwelling resulting in a dual occupancy.

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).
3. The dwellings shall be numbered as follows:
 - Existing dwelling – 21 Clive Street, Inverell; and
 - New Dwelling – 23 Clive Street, Inverell.
4. Separate water and sewer services are to be provided to each dwelling.
5. The footing design for the deep edge beams associated with the driveway and dwelling are to comply with *Building in the Vicinity of Sewer & Trunk Water Mains Guidelines (Part 2), NSW Water Directorate, February 2019*.

Prior to Construction

6. Prior to the commencement of any works (including earthworks) on the site a Construction Certificate must be issued in accordance with 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.
7. Prior to issue of a Construction Certificate, engineering plans are to be submitted to and approved by Council demonstrating that the deep edge beams associated with the driveway and dwelling comply with *Building in the Vicinity of Sewer & Trunk Water Mains Guidelines (Part 2,)* NSW Water Directorate, February 2019.
8. Prior to issue of a Construction Certificate, a revised stormwater drainage plan is to be submitted to Council showing roofwater, inter-allotment drainage and a kerb/barrier on the driveway area to the side of the dwelling (as shown in red on the approved plans).
9. 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 single Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A single water connection fee in accordance with Council's fees and charges.
10. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for sewer supply and sewer connection for the new dwelling. This will require payment to Council of:
 - A single 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.
11. Prior to the issue of a Construction Certificate, a single contribution must be paid to Council pursuant to Section 7.11 (previously Section 94) of the *Environmental Planning and Assessment Act 1979* for Community Services.
12. Prior to issue of a Construction Certificate, approval under Section 138 of the *Roads Act 1993* must be obtained for the construction of the widened access crossing in Clive Street.
13. Prior to issue of a Construction Certificate, approvals under Section 68 of the *Local Government Act 1993* are to be obtained from Council for sewerage work, stormwater drainage work and water supply work.

During Construction

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. 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.
16. Prior to pouring of any concrete for the deep edge beams associated with the driveway or house slab, Council's Engineering Division must inspect the footings adjacent to the sewer main to ensure they achieve the required minimum depth.

Prior to Occupation

17. Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with 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, the widened access crossing and driveways must be concreted and constructed in accordance with the approval under Section 138 of the *Roads Act 1993*.
20. Prior to issue of an Occupation Certificate, all stormwater, including interallotment drainage, must be completed in accordance with the approved plans and *Australian Standard 3500.3 Plumbing and drainage*.
21. 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.

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 development, subject to conditions, is consistent with the objectives of the R1 General Residential zone.
2. The built form and design of the dual occupancy, subject to conditions is consistent with the streetscape and development in the locality.
3. In consideration of residential controls of the Inverell Development Control Plan 2013, the development is considered appropriate within the neighbourhood.
4. No access is proposed from Glen Innes Road and the development is not considered to adversely impact highway traffic or transport.

COMMUNITY CONSULTATION

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

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