

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

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| Application No. | DA-25/2021 |
| Applicant | M B & C M Jorgensen Pty Ltd |
| Land to be developed | Lot 19 DP 1131580 135 Roscrae Lane, INVERELL 2360 |
| Approved development | Shed |
| Building Code of Australia Classification | Class 10a |
| Determination | The determination is consent granted subject to conditions. |
| Determination date | 18 March 2021 |
| Consent is to operate from | 18 March 2021 |
| Consent will lapse on | 18 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 partial consent in accordance with Section 4.16 (4) of the *Environmental Planning and Assessment Act 1979* for:
 - Construction of a shed;
 - Temporary occupation of the shed for a period of twelve (12) months.

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.

Note: Development consent will be issued for the dwelling in accordance with Section 4.16 (5) of the Environmental Planning and Assessment Act 1979 upon submission of a BASIX certificate.

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 TEMPORARY OCCUPATION

3. The shed / temporary dwelling must not be occupied until an Occupation Certificate has been issued for the shed.
4. The shed / temporary dwelling must be provided with suitable bathroom, kitchen and laundry facilities connected to an approved on-site sewage management system.

5. Upon completion of 12 months from the date of issue of a Occupation Certificate for the shed or upon the issue of an Occupation Certificate for the dwelling, whichever is the lesser, the kitchen facilities within the shed / temporary dwelling must be removed.

CONDITIONS RELATING TO CONSTRUCTION OF DWELLING AND SHED

During Construction

6. 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; 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

7. Prior to occupation of the dwelling and/or shed, an Occupation Certificate must be issued for each building 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.*
8. Prior to issue of an Occupation Certificate, an approved on-site sewage management system must be installed and operational.
9. Prior to issue of an Occupation Certificate, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with *Australian Standard 3500.3 Plumbing and drainage*.

Advice Only

As part of the construction of a dwelling, outbuildings and/or other development it is the responsibility of the property owners to manage stormwater drainage through the installation of contours, retaining walls, pits and pipes and the like to reduce potential stormwater nuisances, in manner which does detrimentally impact downstream properties. Council is unlikely to take any future action in relation surface water runoff that is caused by extreme rainfall events or that is deemed to be natural runoff from higher properties due to natural topography.

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 R5 Large Lot Residential zone.
2. The built form and design of the development is consistent with the surrounding rural residential area. The two storey dwelling has been 'cut' into to the site and is not considered to significantly impact views of surrounding dwellings.
3. Subject to conditions, the temporary occupation of the shed is not inconsistent with Council's Management Policy.

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