

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-35/2021
Applicant	Mr Samuel Robert Kimmince
Land to be developed	Lot 2 DP 563706 145 Nullamanna Road, INVERELL 2360
Approved development	Additions to Existing Dwelling
Building Code of Australia Classification	Class 1a
Determination	The determination is consent granted subject to conditions.
Determination date	26 March 2021
Consent is to operate from	26 March 2021
Consent will lapse on	26 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 Additions to the Existing Dwelling.

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.

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000*.
3. The additions to existing dwelling is to be constructed in accordance with the BAI-12.5 requirements of *Australian Standard 3959 Construction of buildings in bushfire prone areas*. This will require the provision of a 20 metre Asset Protection Zone around the dwelling.

Prior to Construction

4. 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.

During Construction

5. 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.
6. Prior to commencement of works (including earthworks), run-off and erosion control measures must be implemented in accordance with Council's Erosion and Sedimentation Control Policy 2005) to prevent soil erosion, water pollution and the discharge of loose sediment on the surrounding land. Measures are to include:
- Diverting uncontaminated run-off around cleared or disturbed areas;
 - Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties;
 - Preventing the tracking of sediment by vehicles onto roads; and
 - Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Run-off and erosion control measures must be in place for the duration of building work and until adequate cover is established on the site.

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, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with *Australian Standard 3500.3 Plumbing and drainage*.

9. Prior to issue of an Occupation Certificate a distance of 20 metres must be provided around the dwelling and maintained in perpetuity as an Asset Protection Zone in accordance with Section 4.1.3 and Appendix 5 of *Planning For Bush Fire Protection 2019* and the NSW Rural Fire Service document 'Standards for Asset Protection Zones'. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
10. 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*. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
11. Prior to issue of an Occupation Certificate a 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. Water tanks used for storing the dedicated water supply is to be of non-combustible material (e.g. metal or concrete). In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.

Advice Only

12. If the development is found to contain asbestos the applicant/builder must investigate, and carry out, their obligations as specified under WorkCover, the *Work Health and Safety Regulation 2011* and the *Protection of the Environment Operations (Waste) Regulation 1996*.
13. 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 RU1 Rural Primary Production zone.
2. The built form and design of the additions to the existing dwelling, subject to conditions is consistent with the streetscape and development in the locality.
3. In consideration of the residential controls of the Inverell Development Control Plan 2013, the development is considered appropriate within the rural neighbourhood.
4. Subject to conditions of consent, the development is considered to comply with Planning for Bushfire 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