

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

<b>Application No.</b>	<b>DA-110/2021</b>
<b>Applicant</b>	Vinecombe Construction Pty Ltd
<b>Land to be developed</b>	Lot 15 Sec 9 DP 18001 13 Shirley Street, INVERELL 2360
<b>Approved development</b>	Erect deck at rear of dwelling
<b>Building Code of Australia Classification</b>	1a
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	26 August 2021
<b>Consent is to operate from</b>	26 August 2021
<b>Consent will lapse on</b>	26 August 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*.

In accordance with Section 4.16 (4) of the *Environmental Planning and Assessment Act 1979*:

- Partial consent is granted for the construction of a deck at the rear of the dwelling only; and
- The carport/garage on the western side of the dwelling **does not** form part of this consent.

*Note: A separate Development Application will need to be lodged for the carport/garage, which addresses the requirements of Essential Energy in relation to the proximity of the carport/garage to an electricity service line.*

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the stamped and approved plans (as amended in red). Any deviation from this will require the prior 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*.

#### *Prior to Construction*

3. 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.

### ***During Construction***

4. 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***

5. Prior to occupation of the dwelling and/ore 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.*
6. Prior to issue of an Occupation Certificate, all roofwater from the proposed deck and existing dwelling must be drained to Shirley Street in accordance with *Australian Standard 3500.3 Plumbing and drainage*.
  7. Prior to issue of an Occupation Certificate, a privacy screen is to be installed on the eastern side of the deck (as shown on red on the approved plans) to prevent overlooking of 11 Shirley Street, Inverell. The privacy screen must have:
    - A minimum height 1.5m above floor level;
    - No individual opening more than 30mm wide; and
    - A total area of all openings no greater than 30% of the screen area.

### ***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 R1 General Residential zone.
2. The built form and design of the deck, subject to the provision of a privacy screen, is consistent with the Inverell Development Control Plan 2013 and not considered to have significant adverse impact on the amenity of adjoining properties.

## 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**