

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-48/2021
Applicant	Mr Mitchell Alexander Cameron
Land to be developed	Lot 3 DP 1244612 12 Oakland Lane, INVERELL 2360
Approved development	New Shed
Building Code of Australia Classification	Class 10a
Determination	The determination is consent granted subject to conditions.
Determination date	4 August 2021
Consent is to operate from	4 August 2021
Consent will lapse on	4 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*.

Consent is granted for:

- The construction of a Class 10a non-habitable shed; and
- The use of the shed for private residential storage only.

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*.

Prior to Pouring of the Concrete Slab for the Shed

3. Prior to pouring the concrete slab for the shed, the 'cut' for the shed and installation of a contour bank along the southern boundary are to be completed and certified as correct by Council.

During Construction of the Shed

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.

5. 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 or Use of the Shed

6. 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.*

7. Prior to issue of an Occupation Certificate, the contour bank along the southern boundary must be:
 - Landscaped in accordance with the approved plans;
 - Include suitable mulching of the plants; and
 - Include an automatic irrigation/watering system.
8. Prior to issue of an Occupation Certificate, the existing access crossing of Oakland Lane is to be bitumen sealed from the edge of Oakland Lane to the property boundary.

Ongoing Use of Lot 3 DP 1244612 (Inclusive of the Shed)

9. No part of Lot 3 DP 1244612, inclusive of the shed, is to be used for:
 - Business or industrial activities; and/or
 - The parking and/or storage of trucks or earthmoving machinery; and
 - The storage of plant, machinery or other goods (that support the operations of an existing business or industry) when not required for use.
10. The contour bank and landscaping along the southern boundary must be maintained in perpetuity. Where a planting is lost, a replacement planting of similar size must be undertaken.

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 RU1 Primary Production zone.
2. The proposed earthworks, location and landscaping are such the shed is not considered to have a significant adverse impact on the streetscape or adjoining properties.
3. Conditions of consent have been imposed in relation to maintenance of the landscaping and use of the shed.

COMMUNITY CONSULTATION

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. One submission was received (not by way of objection). The development was redesigned in consideration of this submission.

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

A handwritten signature in black ink, appearing to read 'Anthony Alliston', with a long horizontal flourish extending to the right.

**ANTHONY ALLISTON
MANAGER DEVELOPMENT SERVICES**