

## 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-61/2021</b>
<b>Applicant</b>	Mr Steven John De Gunst
<b>Land to be developed</b>	Lot 2 DP 787664, Lake Inverell Drive, INVERELL 2360 Lot 1 DP 787664 – 9 Brewery Street, INVERELL 2360
<b>Approved development</b>	Two (2) into Eight (8) Lot Subdivision
<b>Building Code of Australia Classification</b>	Not Applicable
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	10 August 2021
<b>Consent is to operate from</b>	10 August 2021
<b>Consent will lapse on</b>	10 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*

- 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 subdivision of Lot 2 DP 787664 (Lake Inverell Drive, Inverell) into:
  - Four (4) residential lots (Lots 1, 2, 3 and 4) fronting Lake Inverell Drive; and
  - One (1) residual vacant development lot (Lot 38).
- The subdivision of Lot 1 DP 787664 (9 Brewery Street, Inverell) into:
  - Two (2) residential lots (Lots 21 and 22) fronting Brewery Street; and
  - One (1) residual development lot containing the existing dwelling (Lot 37).

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plan and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

- 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).
- Lots 1, 2, 3, 4, 21 and 22 (6 lots) within the subdivision must be serviced by:
  - Council's reticulated water service;
  - Council's reticulated sewerage service;
  - Electricity in accordance with the relevant energy provider; and
  - National Broadband Network.

The services must be provided/constructed prior to the issue of a Subdivision Certificate.

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4. Lots 1, 2, 3, 4, 21 and 22 (6 lots) will be levied contributions in accordance with Council's Section 94 Plan 1992 (as amended in 2003). The contributions must be paid prior to the issue of the Subdivision Certificate.
5. In the event that the post-development stormwater drainage for the subdivision exceeds the capacity of existing drainage infrastructure, this stormwater drainage infrastructure must be upgraded to cater for a fully developed **New Residential Areas East Inverell** as identified within Figure 2.1 of the *Inverell Development Control Plan 2013*.
6. The inter-allotment drainage for Lots 1, 2, 3 and 4 fronting Lake Inverell Drive must be directed to a suitable detention/retention basin within the residual vacant development lot (Lot 38). A suitable easement for stormwater drainage must be created over this basin.
7. A kerb inlet pit must be installed at the northern point of the new kerb and gutter in Brewery Street, which will then pipe stormwater to the existing culvert road crossing in front of 11 Brewery Street, Inverell. The pipe culvert in front of 11 Brewery Street is to be converted to a surface inlet pit.
8. All fees, Section 94 and other contributions will be adjusted in accordance with Council's fees and charges applicable at the time of payment.

#### ***Prior to Commencement of any Works***

9. Prior to the commencement of any subdivision works, including earthworks, a Subdivision Works Certificate must be obtained.

#### ***Prior to the Issue of a Subdivision Works Certificate***

10. Prior to issue of a Subdivision Works Certificate, a detailed drainage assessment must be submitted to and approved by Council, which:
  - Identifies the drainage catchment upstream and downstream of the proposed subdivision;
  - Identifies all drainage infrastructure, including pits, pipes, drains, channels, kerbs and watercourses within the upstream and downstream catchments and determines their importance (i.e. minor, moderate and major) within the **New Residential Areas East Inverell** as identified within Figure 2.1 of the *Inverell Development Control Plan 2013*;
  - Determines the:
    - Pre-development capacity of all drainage infrastructure;
    - Post-development (DA-61/2021) capacity of all drainage infrastructure; and
    - Required capacity of the drainage infrastructure based on a fully developed **New Residential Areas East Inverell** as identified within Figure 2.1 of the *Inverell Development Control Plan 2013*.
  - Assesses the capacity of all drainage infrastructure based on:
    - Minor importance – 1 in 2 year average recurrence interval;
    - Moderate importance – 1 in 20 year average recurrence interval; and
    - Major infrastructure - 1 in 100 year average recurrence interval.

*Note: In the event that the post-development stormwater drainage for the subdivision exceeds the capacity of existing drainage infrastructure, this stormwater drainage infrastructure must be upgraded to cater for a fully developed **New Residential Areas East Inverell** as identified within Figure 2.1 of the *Inverell Development Control Plan 2013*.*

11. Prior to the issue of a Subdivision Works Certificate, a detailed engineering survey and design for the entire subdivision must be submitted to and approved by Council. The detailed design must be in accordance with the following:

## NATSPEC Specifications

- Group 0 – Planning and Design;
- Group 01 – General;
- Group 11 – Construction – Roadways; and
- Group 13 – Construction – Public Utilities.

## Water Supply Code of Australia

- WSA 02 – Sewerage Code of Australia; and
- WSA 03 – Water Supply Code of Australia.

The detailed engineering plans and specifications must be prepared by a practising civil engineer and must include but are not limited to the following detail:

- Stormwater drainage infrastructure, including inter-allotment drainage, within and fronting the subdivision in accordance with the approved drainage assessment – The 'Open Cut Drain Approx. 300mm Deep' is not approved by Council. The inter-allotment drainage must comprise boundary kerbs, pits and/or underground pipes;
- Upgrades (if required) to existing drainage infrastructure upstream or downstream of the subdivision as determined by the approved drainage assessment;
- Stormwater detention/retention within Lot 38 for the inter-allotment drainage for Lots 1, 2, 3 and 4;
- Water quality measures;
- Earthwork details including cut and fill ratios, quantities and stockpiling;
- Kerb and gutter along:
  - Brewery Street for the entire frontage of Lot 1 DP 787664, including returns for the future road reserve; and
  - Lake Inverell Drive for the entire frontage of Lot 2 DP 787664, including returns for the future road reserve;

*Note: The width of the kerb returns / future road are to be determined in consultation with Council and be suitable for the development of the **New Residential Areas East Inverell** as identified within Figure 2.1 of the Inverell Development Control Plan 2013.*

- Bulk earthworks;
- Erosion and sediment control measures;
- Water supply works including reticulation, services, valves, hydrants and markers. This will require:
  - The existing 100mm AC pipe in the Lake Inverell Drive footpath fronting the subdivision to be replaced with a new 100mm diameter UPVC water main along the frontage of the subdivision. The design is to include tees, stubs, stop valves for water mains along both sides of the future subdivision street, with hydrants spaced at no more than 70 metres.
  - A new 100mm diameter UPVC water main to be constructed along the frontage of the subdivision to accommodate the proposed subdivision intersection design. Design to include tees, stubs, stop valves for water mains along both sides of the future subdivision street.
- The provision of sewer to service the standard density residential lots, which will require:
  - Two new sewer junctions to be constructed for Lots 21 and 22;
  - The sewer main extension to service proposed Lots 1, 2, 3 and 4 must be constructed along the southern boundary of the development site. *Note: This would serve future lots on the southern side of a future road reserve. A separate sewer main extension would be constructed along the central road reserve to serve future northern lots at a later date.*
- Location of all service conduits (NBN, electricity); and
- Identify all easements for infrastructure (e.g. sewer, stormwater drainage) and the intended beneficiary.

*Note: Prior to preparation of any engineering design plans, it is recommended that the consultant(s) preparing the design plans contact Council's Civil and Environmental Services division to confirm the extent and scope of all works and detail required on the design plans and specifications.*

12. Prior to the issue of a Construction Certificate(s) separate approval(s) from Council under Section 138 of the *Roads Act 1993* is required for any works within Council's road reserve. For any such works, design plans must be submitted to Council for approval prior to issue of the Subdivision Works Certificate.

### ***During Construction***

13. During construction the applicant must ensure that arrangements are made for Council to carry out inspections. Request for Council inspections may be made either by telephone or in person. Forty eight (48) hours notice must be given for inspections.

Inspections are required to be carried out in order to ensure that a Subdivision Certificate can be issued for the relevant stage. In the event that any inspection is not carried out, a Subdivision Certificate cannot be issued. Inspections will generally be required at the following stages:

- After stripping of topsoil from roads and fill areas (all erosion and sediment control devices and traffic control signs shall be installed at this stage);
- After completion and compaction of the road sub grade;
- After placement and compaction of each layer of gravel pavement material prior to sealing;
- After laying and jointing of all stormwater drainage pipelines, water pipelines and sewer pipelines, prior to backfilling;
- During application of bitumen seal or asphaltic concrete wearing surface;
- After restoration and completion of all works; and
- As otherwise required to confirm that the works are satisfactorily executed and in conformity with engineering specifications, environmental controls and conditions of development consent.

It should be noted that Council charges fees for inspections. These inspection fees must be paid prior to release of the Subdivision Certificate associated with the development consent. Inspection fees will be adjusted in accordance with Council's fees and charges operating at the time of inspection. In the event additional inspections are required, those inspections will attract inspection fees at the rate applicable at the time the inspections are carried out.

14. During construction all work must be carried out under the supervision of a project manager, with qualifications and/or experience in civil engineering. The details and qualifications of the Project Manager must be provided to and approved by Council prior to commencing any works at the site.
15. During construction any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.
16. During construction, 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 must not interfere with the amenity of the surrounding lands.
17. During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.

18. During construction, waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
19. The hours of construction for all stages of the subdivision, including the delivery of materials or equipment to the site are restricted to between 7:00 a.m. and 5:00 p.m., Mondays to Saturdays inclusive and no work on Sundays and public holidays. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable.
20. Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. The NSW Heritage Office is to be contacted immediately and any direction or requirements complied with.
21. During construction works sediment and erosion control measures are to be implemented in accordance with the approved engineering plans and maintained until the site is fully stabilised.
22. Any required fill material must be Virgin Excavated Natural Material as defined under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

#### ***Prior to Issue of Subdivision Certificate***

23. Prior to the issue of a Subdivision Certificate, an application for a Subdivision Certificate must be submitted to and approved by Council for each stage of the subdivision (as applicable). A Subdivision Certificate will not be issued nor the final plan signed by Council until all relevant conditions have been complied with.
24. Prior to the issue of a Subdivision Certificate, all necessary easements, restrictions as-to-user pursuant to Section 88B of the *Conveyancing Act 1919* must be clearly marked on the plan of subdivision. Council is to be nominated as a party empowered to release, vary or modify only those easements and/or restrictions required by the conditions of this development consent.
25. Prior to the issue of a Subdivision Certificate, any pavement damage or structural deterioration caused to Council's roads by the use of roads as haulage routes for materials used in construction of the subdivision must either be repaired to the satisfaction of Council, or a payment made of the costs incurred by Council to undertake the repairs.
26. Prior to the issue of a Subdivision Certificate, electricity and National Broadband services are to be provided to all lots. The proponent is required to submit to Council, certificates from:
  - An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision; and
  - An approved National Broadband Network service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.
27. Prior to the issue of a Subdivision Certificate, all civil works are to be completed in accordance with the approved Subdivision Works Certificate, engineering plans and specifications. The works are to have had all necessary inspections.
28. Prior to the issue of a Subdivision Certificate, the proponent is to enter a Defects Liability Period contract with Council, guaranteeing performance of work of any contractors for a period of twelve (12) months from the date of the issue of a Subdivision Certificate.
29. Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be submitted to and accepted by Council. The plans are to be endorsed by a suitably qualified and practicing civil engineer certifying that the plans accurately reflect the Works as Executed.

30. Prior to the issue of a Subdivision Certificate, a Community Services Contribution for Lots 1, 2, 3, 4, 21 and 22 (6 lots) must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act 1979*.
31. Prior to the issue of a Subdivision Certificate, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the *Water Management Act*, a Certificate of Compliance must be issued by Council for Lots 1, 2, 3, 4, 21 and 22 (6 lots) and complied with by the applicant.

*Note:*

- This will require payment to Council of a Contribution (for water) for Lots 1, 2, 3, 4, 21 and 22 (6 lots) under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement per lot; and
  - This will require payment to Council of a Contribution (for sewer) for Lots 1, 2, 3, 4, 21 and 22 (6 lots) under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement per lot.
32. Prior to the issue of a Subdivision Certificate, water connection fees for Lots 1, 2, 3, 4, 21 and 22 (6 lots) must be paid in accordance with Council's fees and charges.

## **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 subdivision is permissible with consent in the R1 General Residential zone and complies with the minimum lot size provisions of Clause 4.1 of the Inverell Local Environmental Plan 2012.
2. Based on Council's assessment of DA-61/2021, the proposed subdivision is consistent with the Draft Structure Plan and is unlikely to have a significant adverse impact on the final Structure Plan.
3. The site can be suitably serviced with detailed engineering survey and design, including stormwater design, to be completed as part of a Subdivision Works Certificate.

## **COMMUNITY CONSULTATION**

One submission was received in response to the notification of DA-61/2021. This submission related to the preparation of Structure Plans for the New Residential Areas. Based on Council's assessment of DA-61/2021, the proposed subdivision is consistent with the Draft Structure Plan and is unlikely to have a significant adverse impact on the final Structure Plan.

## **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 stylized flourish at the end.

**ANTHONY ALLISTON  
MANAGER DEVELOPMENT SERVICES**