

## 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>	DA-97/2021
<b>Applicant</b>	Westbuilt Homes
<b>Land to be developed</b>	Lot 312 DP 754847 Mount Russell Road, LITTLE PLAIN 2360
<b>Approved development</b>	Install Manufactured Home and Construct Shed on Lot 312 DP 754847
<b>Building Code of Australia Classification</b>	1a, 10a
<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*

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 Installation of a Manufactured Home on Lot 312 DP 754847; and
- Construction of a Non-Habitable Shed on Lot 312 DP 754847.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans (as amended in red) 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 manufactured home is to comply with the BAL- 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 manufactured home.

#### ***During Installation of the Manufactured Home and Construction of the Shed***

4. A survey report is required to ensure that the proposed manufactured home and shed are located on the correct allotment and at the approved distance from the boundary. The survey report is to be prepared by a registered land surveyor and be provided to the Principal Certifying Authority prior to works proceeding past floor level. This report is to be verified:
  - by the pegging of the site prior to the commencement of work; and
  - on completion of footings or slab.

5. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction/installation 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/installation 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 of the Shed***

7. Prior to occupation of the shed, an Occupation Certificate must be issued for the 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 for the shed, all roofwater (including tank overflow) must be discharged to the table drain in Mount Russell Road.

#### ***Prior to Occupation of the Manufactured Home***

9. Prior to occupation of the Manufactured Home, a final inspection is to be undertaken and a notice must be issued by Council confirming its suitability for occupation.

10. Compliance plates are to be attached to each dwelling certifying that the applicable dwelling complies with the *Building Code of Australia*.
11. Council must be given written notice of the installation of the manufactured home within 7 days after the completion of the installation. The notice must include:
  - the site identifier of the dwelling site on which the relocatable home or associated structure has been installed; and
  - the particulars contained on each compliance plate relating to the relocatable home or associated structure.

The notice must also be accompanied by:

- a copy of the engineer's certificate for the relocatable home or associated structure;
  - a fully dimensioned diagram of the dwelling site on which the relocatable home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this Part have been complied with;
  - a plumbing and drainage Certificate of Compliance;
  - an electrical Compliance Certificate;
  - a water proofing Compliance Certificate;
  - a glazing Compliance Certificate; and
  - a termite protection Compliance Certificate.
12. Prior to Occupation of the Manufactured Home, a bitumen sealed access crossing is to be constructed from the edge of Mount Russell Road to the boundary of Lot 312 DP 754847 in accordance with Council's *Access Crossing Concrete Dish and Culvert Crossing Residential, Commercial and Rural Premises* standard. Where an existing access crossing is used, this access is to be upgraded to a bitumen sealed standard.

Prior to the commencement of this work the applicant is required to apply to Council for approval under Section 138 of the *Roads Act 1993*. All work is to be completed to the standard approved by Council, at the applicant's expense.
  13. Prior to Occupation of the Manufactured Home, a rural addressing fee is to be paid to Council in accordance with Council's Fees and Charges.
  14. Prior to Occupation of the Manufactured Home, all roofwater (including tank overflow) must be discharged to the table drain in Mount Russell Road.
  15. Prior to Occupation of the Manufactured Home and in perpetuity, a distance of 20 metres around the Manufactured Home must be maintained as an Asset Protection Zone in accordance with Section 7.4 of *Planning For Bush Fire Protection 2019*. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
  16. Prior to Occupation of the Manufactured Home, gas and electricity are to comply with Section 7.4 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.
  17. Prior to Occupation of the Manufactured Home and in perpetuity, a 10,000 litre dedicated water supply for fire fighting 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.

## **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 RU5 Village zone.
2. The built form and design of the Manufactured Home and Shed, subject to conditions is consistent with the streetscape and development in the locality.
3. In consideration of residential controls of the Inverell Development Control Plan 2013, the development is considered appropriate within the village of Little Plain.
4. Subject to conditions of consent, the development is considered to comply with Planning for Bushfire Protection.

## **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**