

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-135/2021
Applicant	M B & C M Jorgensen Pty Ltd
Land to be developed	Lot 2 DP 16404 17 Auburn Vale Road, INVERELL 2360
Approved development	Semi-Detached Dwellings and Subdivision
Building Code of Australia Classification	1a
Determination	The determination is consent granted subject to conditions.
Determination date	31 August 2021
Consent is to operate from	31 August 2021
Consent will lapse on	31 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:

- Subdivision of 17 Auburn Vale Road; and
- Construction of Semi-Detached Dwellings (Duplex) on 17 Auburn Vale Road.

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* (as detailed at the end of this consent).

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* and associated standards.
4. Separate water connections are to be provided to each unit. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for water supply and water connection two the two (2) units. This will require payment to Council of:
 - A single Contribution under Council's Development Servicing Plan No. 1 for 1.6 equivalent tenement; and

Administration Centre, 144 Otho Street (PO Box 138), Inverell NSW 2360

Ph: 02 6728 8288 Fax: 02 6728 8277 DX 6159

council@inverell.nsw.gov.au

- Two (2) water connection fee in accordance with Council's fees and charges.
5. Prior to the issue of a Construction Certificate, a single Contribution under Council's Development Servicing Plan No. 1 for 2 equivalent tenements must be paid to Council.

Note: Both units are to share the existing sewer junction.

6. Prior to the issue of a Construction Certificate, a single contribution must be paid to Council pursuant to Section 7.11 (previously Section 94) of the *Environmental Planning and Assessment Act 1979* for Community Services.

During Construction

7. 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;
 - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; 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

8. Prior to occupation of the premises, an Occupation Certificate must be issued 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.*
9. Prior to issue of an Occupation Certificate, where applicable, the following works are to be completed:
- All adjacent public and private land must be cleared of obstructions such as stockpiles of topsoil, building material, waste and other material associated with construction.
 - The applicant will repair/restore, or pay the full costs associated with repairing/restoring, any footpath, public reserve and infrastructure that is damaged by the development.

- Any unused layback in the kerb and gutter is to be capped to Council's satisfaction.
 - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
10. Prior to issue of an Occupation Certificate, each dwelling is to be individually numbered and the number displayed in 100mm numerals on each dwelling and associated mailbox. The street number is to be displayed in 150mm numerals adjacent to the mailboxes.
 11. Prior to issue of an Occupation Certificate, the access crossing and driveways for the units are to be concreted in accordance with the approved plans and an approval under Section 138 of the *Roads Act 1993*. The access crossing must include:
 - Key joints in the concrete slab 600mm either side of the water main along the footpath; and
 - Key joints in the concrete slab 600mm either side of water main crossing the footpath.
 12. Prior to issue of an Occupation Certificate, all roofwater and/or tank overflows are to be discharged to Auburn Vale Road in accordance with *Australian Standard 3500.3 Plumbing and drainage* and to Council's satisfaction.

Subdivision Conditions

13. A Subdivision Certificate must be obtained from Council in accordance with the *Environmental Planning and Assessment Act 1979*. The applicant must submit a completed Subdivision Certificate application form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.
14. Prior to issue of a Subdivision Certificate, the common fire wall between the units is to be completed in accordance with the Construction Certificate and certified as correct by an Accredited Certifier.
15. A private easement for drainage of sewer is to be included on the plan of subdivision.

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 subdivision complies with the provisions of Clause 4.1D of the *Inverell Local Environmental Plan 2012*.
3. The built form and design of the semi-detached dwellings, subject to conditions is consistent with the streetscape and locality.
4. The development is consistent with the subdivision and residential controls of the Inverell Development Control Plan 2013.

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