

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under Clause 122 of the Environmental Planning and Assessment Regulation 2000.

Application No.	DA-88/2021/A
Applicant	Local Government Engineering Services
Land to be developed	Lot 2 DP 707500 2 Moore Street, INVERELL 2360
Approved development	One (1) into Two (2) lot Subdivision
Building Code of Australia Classification	Not Applicable
Determination	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
Original date of determination	14 July 2021
Modification determination date	30 September 2021
Consent will lapse on	14 July 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 subdivision of Lot 2 DP 707500 into two (2) lots being:

- Lot 1 – Vacant lot off Victoria Street; and
- Lot 2 – Residual lot containing the existing dwelling.

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 Commencement of Any Works

3. ~~Prior to the commencement of any subdivision works, including earthworks, a Subdivision~~

~~Works Certificate must be obtained.~~

4. Prior to commencement of works ~~issue of a Subdivision Works Certificate~~, detailed engineering survey and design must be submitted to and approved by Council for the concrete access crossing in Victoria Street to Proposed Lot 1 and the internal concrete driveway (as shown on the approved plans) – The access crossing design must demonstrate suitable grade and stormwater drainage without impacting the existing garage access for 13 Victoria Street.

Note: It is recommended that an inspection be undertaken between the designer/engineer and Council to determine suitable access grades.

5. Prior to commencement of works ~~issue of a Subdivision Works Certificate~~, detailed engineering survey and design must be submitted to and approved by Council for the provision of water to Proposed Lot 1, which will require the existing 100mm diameter water main along the western side of Victoria Street to be extended to the eastern side of the proposed access crossing and a water service to be installed off this water main extension.

Where the water main is extended/cut through the access crossing of 20 Victoria Street, this access crossing is to be entirely replaced (as concrete) from the kerb to the boundary.

6. Prior to commencement of works ~~issue of a Subdivision Works Certificate~~, detailed engineering survey and design must be submitted to and approved by Council for the sewer connection/junction from the sewer main to the property boundary of Proposed Lot 1, which is to be 50mm diameter UPVC class 12 (black with cream strip) with a non-return valve within the property boundary.

Note: Any future dwelling constructed on Lot 1 must be connected to this sewer system via a pump-out sewage system, which must be approved by Council prior to construction of the dwelling.

7. Prior to commencement of works ~~issue of a Subdivision Works Certificate~~, detailed engineering survey and design must be submitted to and approved by Council for the inter-allotment drainage along the northern boundary of the site (shown as “surface drain to capture and direct upstream flows” on the approved plans). This stormwater drainage design must:

- Be designed for an annual recurrence interval of 1 in 10 year;
- Discharge into the existing headwall ~~underground stormwater drainage pipe (from the Victoria Street kerb inlet pit to the Macintyre River)~~;
- ~~Identify any upgrades to the existing underground stormwater drainage pipe (from the Victoria Street kerb inlet pit to the Macintyre River) to cater for the additional stormwater; and~~
- Assess the suitability of the existing scour protection at the discharge point of the stormwater system and identify any upgrades required to this scour protection to cater for the additional stormwater.

8. Prior to commencement of works ~~issue of a Subdivision Works Certificate~~, detailed engineering survey and design must be submitted to and approved by Council for erosion and sediment controls to be installed and maintained for the construction of access and services to the subdivision.

9. Prior to commencement of works ~~issue of a Subdivision Works Certificate~~, approval under Section 138 of the Roads Act 1993 must be obtained from Council for the works in Victoria Street.

10. Prior to commencement of works, approval under Section 68 of the Local Government Act 1993 must be obtained for the sewer supply works, water supply and stormwater drainage work required for the subdivision.

During Construction of Subdivision Works

11. 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.
12. The developer will:
- Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development;
 - Repair/restore, or pay the full costs associated with repairing/restoring the land between the front boundary and kerb (i.e. footpath) in front of surrounding properties that is damaged by the development; and
 - Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Prior to issue of a Subdivision Certificate

13. A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of 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 following works must be constructed in accordance with the approved engineering survey and design:
- The concrete access crossing in Victoria Street to Proposed Lot 1 and the internal concrete driveway;
 - The water main extension to Proposed Lot 1;
 - The sewer connection/junction to the Proposed Lot 1;
 - The inter-allotment drainage along the northern boundary of the site; and
 - Any upgrades to the existing underground stormwater drainage pipe (from the Victoria Street kerb inlet pit to the Macintyre River) and/or scour protection.

All works must be completed to Council's satisfaction, at the applicants expense.

15. Prior to the issue of a Subdivision Certificate, electricity and telecommunications 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.
 - An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.
16. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for water supply and water connection. This will require payment to Council of:
 - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A water connection fee in accordance with Council's fees and charges.
17. Prior to the issue of a Subdivision Certificate, a Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement, must be paid to Council for sewer supply.
18. Prior to issue of a Subdivision Certificate, a Restriction as to User under Section 88b of the *Conveyancing Act 1919* must clearly state that no dwelling may be erected on proposed lot without being connected to Council's sewer system via a pump-out sewage system approved by Council.
19. Prior to issue of a Subdivision Certificate, an easements for drainage of water, dedicated in favour of Council, must be created over:
 - The existing underground stormwater drainage pipe (from the Victoria Street kerb inlet pit to the Macintyre River). This easement must be a minimum of 3 metres wide;
 - ~~The inter-allotment drainage along the northern boundary of proposed Lot 1. The width of the easement must be in accordance with the approved engineering survey and design, but not be less than 3 metres wide; and~~
 - The natural drainage lines through proposed Lot 2. The easement must measure 5 metres wide from the top of the each bank of each drainage line.

The terms of the easements must be approved by Council.

20. Prior to issue of a Subdivision Certificate, an easement for drainage of water and public access dedicated in favour of Council, must be created over the northern boundary of Lots 1 and 2. This easement must be a minimum of 3 metres wide.
21. Prior to the issue of a Subdivision Certificate, a contribution for Lot 1 must be paid to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* for Community Services.

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.

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