

## 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-167/2021</b>
<b>Applicant</b>	Local Government Engineering Services
<b>Land to be developed</b>	Lot 9 Sec 6 DP 17137 40 King Street, INVERELL 2360
<b>Approved development</b>	Relocation of an Existing Dwelling and Construction of a New Carport
<b>Building Code of Australia Classification</b>	Class 1a
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	2 December 2021
<b>Consent is to operate from</b>	2 December 2021
<b>Consent will lapse on</b>	2 December 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 Relocation of an Existing Dwelling; and
- The Construction of a New Carport.

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*.
3. The dwelling must not be relocated to, or temporarily stored on, the site until such time that a Construction Certificate has been issued inclusive of the dwelling.

#### *Prior to Construction*

4. 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.

5. Prior to the issue of a Construction Certificate inclusive of the dwelling, a report from a licensed asbestos professional or person experienced in asbestos identification is to be submitted to Council confirming that the dwelling to be relocated does not contain asbestos material and/or any asbestos has been removed from the dwelling.

*Note: All Asbestos Containing Material is to be transported in accordance with Protection of the Environment Operations (Waste) Regulation 2014. Prior to the disposal of Asbestos Containing Material at the Inverell Landfill, Council is to be provided with a minimum of 24hrs notice. To arrange for disposal contact Inverell Waste Depot phone number is (02) 67213546. Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.*

### **During Construction**

6. 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.
7. Any replacement or renovation of a deteriorated frame member must be of equivalent or improved quality materials. Any second-hand materials to be used shall be inspected and approved by Council's Building Surveyor prior to their use in the construction.
8. 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**

9. Prior to occupation of the dwelling and/or carport, 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.*
10. Prior to issue of an Occupation Certificate, the subdivision approved under DA-30/2021 must be registered with NSW Registry Services.
  11. Prior to issue of an Occupation Certificate, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with *Australian Standard 3500.3 Plumbing and drainage*.
  12. Prior to issue of an Occupation Certificate, all existing and new electrical wiring serving the dwelling shall be inspected by a suitably qualified electrical contractor and a written report provided containing the following minimum requirements:
    - The electrical contractors licence number;
    - That a visual examination (refer to Clause 8.2 of AS/NZS 3000:2007) of wiring, fittings and accessories was undertaken and they were found to be in sound condition;
    - That an insulation resistance and circuit connection test was carried out pursuant to Clause 8.3.6 of AS/NZS 3000:2007 and was found to be satisfactory.
  13. Prior to the issue of an occupation certificate, the external walls of the dwelling must be appropriately repaired, painted and finished.
  14. Prior to issue of an Occupation Certificate, all wet areas are to be removed and re-installed in accordance with 'Part 3.8.1 Wet Areas And External Waterproofing' of the Building Code of Australia.
  15. Prior to issue of an Occupation Certificate, the dwelling is to be equipped with hard wired smoke alarms that are located, on or near the ceiling:
    - In any storey of the building or home-containing bedrooms – in every corridor or hallway associated with a bedroom, and if there is no such corridor or hallway, between that part of the building or home containing the bedroom and the remainder of the building or home.
    - In any other storey of the building not containing bedrooms.

### **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 built form and design of the dwelling and carport, 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 neighbourhood.

## **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**