

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Application Number	DA-196/2021
Applicant	Smith & Sons Renovations & Extensions
Land to be developed	Lot 9 DP 1136684 8 John Street, INVERELL 2360
Approved development	New Dwelling
Building Code of Australia Classification	Class 1a
Determination	The determination is consent granted subject to conditions.
Determination date	22 December 2021
Consent is to operate from	22 December 2021
Consent will lapse on	22 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 Construction of a New 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*.
3. The proposed new dwelling, including laundry, must be connected to Council's sewer system. This will require the extension of Council's sewer main from William Street to Lot 9 DP 1136684, at the developer's expense

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 issue of a Construction Certificate, engineering survey and design must be submitted to and approved by Council for the extension of Council's sewer main from William Street to serve Lot 9 DP 1136684. The extension of the sewer main can be undertaken via:
 - Construction of a gravity 150mm diameter sewer main along the southern side of John Street from William Street. This will require the construction of a new manhole over the 225mm diameter sewer main in William Street plus a manhole at the termination of the main fronting John Street; or
 - Construction of a 50mm internal diameter pressure sewer main along John Street. This will involve the construction of a new manhole over the 225mm diameter sewer main in William Street and installation of a sewerage pump system within Lot 9 DP 1136684 (pump system details to be approved by Council).
6. Prior to the issue of a Construction Certificate, fees must be paid to Council for connection of town water to Lot 9 DP 1136684. This will require payment to Council of a water connection fee in accordance with Council's fees and charges.
7. Prior to the issue of a Construction Certificate, a Sewer Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement is to be paid to Council for the new dwelling.

During Construction

8. 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.
9. 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

10. Prior to occupation of the dwelling, 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.*

11. In accordance with Section 4.17 (1) (b) and Section 4.17 (5) of the *Environmental Planning and Assessment Act 1979*, prior to issue of an Occupation Certificate, the owner of Lot 9 DP 1136684 must surrender the rights conferred under Division 4.11 of the *Environmental Planning and Assessment Act 1979* for the use of the existing sheds as commercial storage units.
12. Prior to issue of an Occupation Certificate, the existing access crossing is to be upgraded to a bitumen sealed standard with a concrete dish drain in accordance with Council's specification *ACCESS CROSSING CONCRETE DISH AND CULVERT FOR RESIDENTIAL, COMMERCIAL AND RURAL PREMISES* (stamped and approved).
13. Prior to issue of an Occupation Certificate, the sewer main extension is to be constructed and the dwelling connected to sewer in accordance with the approved engineering design. All work is to be completed to Council's satisfaction, at the applicant's expense.
14. 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*. The dwelling roofwater (including tank overflow) must be directed to John Street.

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 new dwelling, 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.
4. The site is not considered suitable for on-site effluent disposal. The dwelling can be connected to Council's sewer via a sewer main extension (gravity or pump-out).
5. It is considered that a land use conflict may arise between the proposed new dwelling and commercial storage use of the existing shed. In addition to the land use conflict, to comply with the BCA the Class 1a laundry cannot be attached to Class 7b storage building. Accordingly, DA-196/2021 has been determined subject to condition requiring surrender of the storage unit use.

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