

## 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-172/2020</b>
<b>Applicant</b>	Mr Clinton James Connery
<b>Land to be developed</b>	Lot 12 DP 1117274 42 Sapphire Street, INVERELL 2360
<b>Approved development</b>	New Dwelling, Shed and Pool
<b>Building Code of Australia Classification</b>	Class 1a Class 10a Class 10b
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	24 March 2021
<b>Consent is to operate from</b>	24 March 2021
<b>Consent will lapse on</b>	24 March 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: a New Dwelling, Shed and Swimming Pool.

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. No access is to be permitted for the shed and dwelling off Onus Avenue.

#### *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.

### ***During Construction***

5. 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.
  
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.

7. Any driveway or access used by vehicles into the property must have a minimum clearance of 500 millimetres from its closest point to the service pit located on the street frontage of the property. The driveway must not impact on existing cables, cable joints, pits, pillars and the like – refer Essential Energy's policy CEOM7098 Distribution Underground Design and Construction Manual. Note that approval is not possible where the driveway is proposed to be located with an impact on existing cables, cable joints, pits, pillars and the like - refer the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

### ***Prior to Occupation***

8. Prior to occupation of the dwelling and/or shed, 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.*
9. Prior to issue of an Occupation Certificate, all stormwater (i.e. roof water and/or surface water) shall be drained to Sapphire Street in accordance with *Australian Standard 3500.3 Plumbing and drainage* and the approved plans.
  10. Prior to issue of an Occupation Certificate, the access crossing and access handle off Sapphire Street are to be concreted. The access crossing is to be constructed in accordance with Council's *Access Crossing Across Footpaths for Residential Premises (Concrete) Specifications*.
  11. To comply with the *Swimming Pools Act 1992* the owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier:
    - that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and
    - that is designed, constructed, installed and maintained in accordance with the regulations and *Australian Standard 1926-2007 Swimming pool safety*.
  12. Any external pool lighting shall be positioned and shielded to prevent a glare nuisance to neighbouring premises.
  13. The swimming pool filtration equipment is to be located so as to prevent the possibility of any offensive noise to adjoining or nearby residences.
  14. A resuscitation techniques flow sequence sign/poster is to be displayed in a prominent position adjacent to the pool. The sequence must be in accordance with the *Cardiopulmonary Resuscitation Guideline*, illustrated by drawings with key words only in bold print, and contain a statement to the effect that formal instruction in resuscitation is also essential. The sign shall comply with the other relevant guidelines of the *Australian Resuscitation Council* and include the name of the teaching organisation or other body that published the sign and the date of its publication.

#### **Advice Only**

As part of the construction of a dwelling, outbuildings and/or other development it is the responsibility of the property owners to manage stormwater drainage through the installation of contours, retaining walls, pits and pipes and the like to reduce potential stormwater nuisances, in manner which does detrimentally impact downstream properties. Council is unlikely to take any future action in relation surface water runoff that is caused by extreme rainfall events or that is deemed to be natural runoff from higher properties due to natural topography.

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.

Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

### **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, shed and swimming pool, 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. DA-172/2020 was referred to Essential Energy in accordance with Clause 45 of *State Environmental Planning Policy (Infrastructure) 2007*. Following further information requires and redesign of the development, Essential Energy have no further safety concerns which would preclude issuing of development consent.

### **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**