

**NOTICE TO APPLICANT OF DETERMINATION**  
**OF A DEVELOPMENT APPLICATION**

**Issued under the *Environmental Planning & Assessment Act, 1979* Section 81(1)(a)**

TO: **Mr Luke Charles Holder**  
OF: **PO Box 1073**  
**Inverell NSW 2360**

being the applicant in respect of **Application No DA-177/2020**

Notice is hereby given of the determination by Council of **Application No. DA-177/2020** relating to the land owned by **Mr Luke Charles Holder and Mrs Melissa Dawn Holder, of PO Box 1073, Inverell NSW 2360** and is described as follows:

**Lot 1 DP 827468**  
**514 Old Bundarra Road, INVERELL 2360**

The development proposal is: **New Dwelling, Carport and Swimming Pool**

The Determination is **consent granted subject to conditions described below** made on **12 January 2021**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

***Preliminary***

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for a New Dwelling, Carport 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* (as detailed at the end of this consent).
3. The dwelling is to be constructed in accordance with the BAL-12.5 requirements of *Australian Standard 3959 Construction of buildings in bushfire prone areas*. This will require the provision of a 30 metre Asset Protection Zone around the dwelling.

***Prior to Construction***

4. Prior to the commencement of any building works on the site a Construction Certificate must be issued in accordance with Section 109C (1)(b) and 81A (2) of the Environmental Planning and Assessment Act 1979. The application for a Construction Certificate, made to Council or an Accredited Certifier, must include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.

### ***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;
  - 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.
6. During construction, detailed engineering design plans for the proposed new access crossing over the existing waterway must be provided to Council. The access crossing must be suitably formed and constructed having an all-weather surface capable of supporting a general fire appliance and have a minimum width of 4m wide. All work is to be completed to the standard approved by Council and at the applicant's expense.

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

7. Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with Section 109M of 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.
8. Prior to issue of an Occupation Certificate the new access crossing is to be constructed and bitumen sealed from the edge of Old Bundarra Road, to the boundary of the site in accordance with the approval under Section 138 of the *Roads Act 1993*. All work is to be completed to the standard approved by Council, at the applicant's expense.
9. 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*.
10. Prior to issue of an Occupation Certificate the internal driveway is to be an all weather access 4m wide with a vertical clearance of 4m. If the driveway exceeds 200m in length, than a

passing bay measuring 20m long by 2m wide is to be provided every 200m. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.

11. Prior to issue of an Occupation Certificate a distance of 30 metres must be provided around the dwelling and maintained in perpetuity as an Asset Protection Zone in accordance with Section 4.1.3 and Appendix 5 of *Planning For Bush Fire Protection 2006* and the NSW Rural Fire Service document 'Standards for Asset Protection Zones'. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
12. Prior to issue of an Occupation Certificate gas and electricity are to comply with Section 4.1.3 (2) of *Planning for Bushfire Protection 2006*. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
13. Prior to issue of an Occupation Certificate a 20,000 litre dedicated water supply is to be provided and maintained in perpetuity for the dwelling, with a 65mm storz outlet with a gate or ball valve for connection of a Rural Fire Service tanker. The water supply must be located within the Asset Protection Zone. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
14. 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*
15. The swimming pool filtration equipment is to be located so as to prevent the possibility of any offensive noise to adjoining or nearby residences.
16. Any external pool lighting shall be positioned and shielded to prevent a glare nuisance to neighbouring premises.
17. 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.

#### **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 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A 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 RU1 Rural Primary Production zone.
2. The built form and design of the new dwelling, carport 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 rural neighbourhood.
4. Subject to conditions of consent, the development is considered to comply with Planning for Bushfire Protection.

### **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.

If you are dissatisfied with this decision section 97 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 section 82A 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



**ANTHONY ALLISTON**  
**MANAGER DEVELOPMENT SERVICES**  
**DATE : 12 January 2021**