

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

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

TO: **Ms Edina Edith Kurota**  
OF: **33 Museum Street**  
**Tingha NSW 2369**

being the applicant in respect of **Application No DA-184/2020**

Notice is hereby given of the determination by Council of **Application No. DA-184/2020** relating to the land owned by **Ms Kata Sara Carruthers and Ms Edina Edith Kurota, of 33 Museum Street, Tingha NSW 2369** and is described as follows:

**Lot 1 DP 1009623**  
**Old Mill Road, STANNIFER 2369**

The development proposal is: **Detached Dual Occupancy**

The Determination is **consent granted subject to conditions described below** made on **25 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 the installation of two (2) dwellings (manufactured homes) as a ***detached dual occupancy*** development.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans 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 dwellings (manufactured homes) and cabins are to comply with the BAL-12.5 construction requirements of Australian Standard 3959-2009 Construction of Buildings in Bushfire Prone Areas.

### ***During Installation***

4. 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.

### ***Prior to Occupation of each Dwelling (Manufactured Home)***

5. Prior to occupation of the two (2) dwellings (manufactured homes) and associated structures (cabins), a final inspection is to be undertaken and a notice must be issued by Council confirming the suitability for occupation.
6. Prior to occupation of the two (2) dwellings (manufactured homes) and associated structures (cabins), Council must be provided with:
- engineering certification for the footings for each dwelling and the two (2) cabins;
  - an engineer's certificate of structural adequacy of the two (2) dwellings (manufactured homes) and associated structures (cabins);
  - a plumbing and drainage Certificate of Compliance for each dwelling and each cabin;
  - an electrical Compliance Certificate for each dwelling and each cabin;
  - a water proofing Compliance Certificate for each dwelling and each cabin;
  - certification of fire detection and alarm for each dwelling and each cabin;
  - a glazing Compliance Certificate for each dwelling and each cabin; and
  - a termite protection Compliance Certificate for each dwelling and each cabin.
7. Prior to occupation of each dwelling (manufactured home) and associated cabins, the dwellings (manufactured home) and cabins must comply with the BAL-12.5 construction requirements of Australian Standard 3959-2009 Construction of Buildings in Bushfire Prone Areas.

8. Prior to occupation of each dwelling (manufactured home) and in perpetuity;
  - a 28m Asset Protection Zone is to be provided to the north; and
  - a 22m Asset Protection Zone is to be provided to the south, east and west.

The Asset Protection Zones must be 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'.

9. Prior to occupation of the dwellings (manufactured homes), gas and electricity are to comply with Section 4.1.3 (2) of *Planning for Bushfire Protection 2006*.
10. Prior to occupation of each dwelling (manufactured home), a 20,000 litre dedicated water supply is to be provided and maintained in perpetuity, 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. Above ground tanks must be manufactured of concrete or metal.
11. Prior to occupation the internal driveway to each dwelling (manufactured home) 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.
12. Prior to occupation rural addressing fee in accordance with Council's fees and charges is to be paid to Council for the access off Old Mill Road.
13. Prior to occupation the on-site sewerage management system for each dwelling must be installed and operational in accordance with septic approval 33/2020.
14. Prior to occupation the following contributions must be paid to Council pursuant to Section 7.11 (formally Section 94) of the *Environmental Planning and Assessment Act 1979*:
  - General Rural Roads; and
  - 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 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. In consideration of the controls of the Inverell Development Control Plan 2013, the development is considered appropriate for the site and rural area.

## **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 : 25 January 2021**