

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under Clause 122 of the *Environmental Planning and Assessment Regulation 2000*.

Application No.	DA-163/2020/A
Applicant	Mr Benjamin Thomas Partridge
Land to be developed	Lot 26 DP 1146755 145 Roscrae Lane, INVERELL NSW 2360
Approved development	Shed - Modification for temporary occupation of shed
Building Code of Australia Classification	Class 10a
Determination	The determination is amended in accordance with Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i> .
Original date of determination	23 June 2022
Modification determination date	23 June 2022
Consent will lapse on	2 December 2025
	Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of <i>Environmental Planning and Assessment Act 1979</i> .

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 the shed.

Amended consent is granted for the temporary occupation of the shed.

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 shed is to be utilised for residential storage only, generally in accordance with the stamped and approved e-mail.

4. No part of Lot 26 DP 1146755, inclusive of the shed, is to be used for:
 - Business or industrial activities; and/or
 - The storage of plant, machinery or other goods (that support the operations of an existing business or industry) when not required for use.
5. Prior to installation of any toilet/bathroom facilities within the shed, approval under Section 68 of the Local Government Act 1993 is to be obtained for the installation of an on-site sewage management system (i.e. aerated waste water treatment system).

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;
 - 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

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, where applicable, the following works are to be completed:
 - All adjacent public and private land must be cleared of obstructions such as stockpiles of topsoil, building material, waste and other material associated with construction.
 - The applicant will repair/restore, or pay the full costs associated with repairing/restoring, any footpath, public reserve and infrastructure that is damaged by the development.
 - Any unused layback in the kerb and gutter is to be capped to Council's satisfaction.

- Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
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*.

Conditions Relating to Temporary Occupation of Shed

10. The temporary occupation of the shed is permitted for a period of twelve (12) months from the date of the amended consent (DA-163/2020/A).
11. Upon completion of the temporary occupation period under Condition 10 or the issue of an Occupation Certificate for the dwelling approved under CDC/1267132 issued by Buildcert, whichever occurs first:
- The use of the shed for residential accommodation must cease;
 - The kitchen facilities within the shed / temporary dwelling must be removed; and
 - The laundry facilities within the shed / temporary dwelling must be removed.

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.

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**