NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

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

Application No.	**DA-2/2022/A**
Applicant	Mr Clive James Hasselmann
Land to be developed	Lot 101 DP 1276931, Lot 102 DP 1276931 300 Duftys Lane, Myall Creek
Approved development	New Dwelling
Building Code of Australia Classification	Class 1a
Determination	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
Original date of determination	11 February 2022
Modification determination date	13 May 2022
Consent will lapse on	11 Februray 2027 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.

   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.*

Prior to Construction

3. 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.

4. Prior to issue of a Construction Certificate, approval under Section 68 of the *Local Government Act 1993* is to be obtained from Council for the installation and operation of an onsite sewage management system.

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.

Prior to Occupation

7. 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.*

8. 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*.

9. Prior to issue of an Occupation Certificate, a system of onsite sewage management must be installed and operational.

10. Prior to issue of an Occupation Certificate, a driveway is to be constructed with a suitable gravel material and a 6.0m wide splay at the intersection of Duftys Lane is to be constructed from the edge of the access to the property.

    The proposed location of the access is to be approved by Council and all work is to be completed to the standard approved by Council, at the applicant's expense. Prior to the commencement of this work the applicant is required to:
    - Apply to Council for approval under Section 138 of the *Roads Act 1993* to install a paved vehicular access across the footpath (a copy of the application form is enclosed); and
    - Contact Council for footpath levels so that the driveway can be constructed to provide vehicle access onto the site.

    The installation of the vehicular access crossing must be carried out under the supervision of Council and the applicant must give Council two (2) working days' notice to inspect the formwork prior to pouring any concrete.

11. 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.

12. Prior to issue of an Occupation Certificate a distance of 50 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 2019* 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.

13. Prior to issue of an Occupation Certificate gas and electricity are to comply with Section 4.1.3 (2) of *Planning for Bushfire Protection 2019*. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.

14. 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. Water tanks used for storing the dedicated water supply is to be of non-combustible material (e.g. metal or concrete). In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.

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