

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Application Number	DA-32/2022
Applicant	Mr Jonathon Bourne
Land to be developed	Lot 1 DP 1177889, Lot 2 DP 1177889, Lot 3 DP 1177889 98 Moore Street, INVERELL 2360
Approved development	Residential development comprising: - Construction of Semi-Detached Dwelling (Duplex) & Subdivision on Lot 1 DP 1177889, 98 Moore Street, Inverell; - Construction of Semi-Detached Dwelling (Duplex) & Subdivision on Lot 2 DP 1177889, 100 Moore Street, Inverell; and - Construction of Semi-Detached Dwelling (Duplex) & Subdivision on Lot 3 DP 1177889, 102 Moore Street, Inverell.
Building Code of Australia Classification	Class 1a
Determination	The determination is consent granted subject to conditions.
Determination date	9 June 2022
Consent is to operate from	9 June 2022
Consent will lapse on	9 June 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 staged residential development comprising:

- The Construction of Semi-Detached Dwelling (Duplex) & Subdivision on Lot 1 DP 1177889, 98 Moore Street, Inverell;
- The Construction of Semi-Detached Dwelling (Duplex) & Subdivision on Lot 2 DP 1177889, 100 Moore Street, Inverell; and
- The Construction of Semi-Detached Dwelling (Duplex) & Subdivision on Lot 3 DP 1177889, 102 Moore Street, Inverell.

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 following works must be completed as Stage 1 of DA-32/2022:

- Construction of the duplex on Lot 1 DP 1177889 (98 Moore Street, Inverell);

- Extension of the sewer main within Lot 1 DP 1177889 (98 Moore Street, Inverell) to serve Side A of Unit 1;
- Construction of all stormwater infrastructure (pit and pipe) within the easement at the rear of Lot 1 DP 1177889 (98 Moore Street, Inverell), Lot 2 DP 1177889 (100 Moore Street, Inverell) and Lot 3 DP 1177889 (102 Moore Street, Inverell); and
- Construction of a 300mm D x 200mm W concrete curb inside the rear boundary of Lot 1 DP 1177889 (98 Moore Street, Inverell), Lot 2 DP 1177889 (100 Moore Street, Inverell) and Lot 3 DP 1177889 (102 Moore Street, Inverell) to turn water away from the boundary and discharge to the stormwater pits.

The remaining components of DA-32/2022 can be completed as follows:

- Upon the completion of Stage 1, the construction of the duplexes on Lot 2 DP 1177889 (100 Moore Street, Inverell) and Lot 3 DP 1177889 (102 Moore Street, Inverell) can be undertaken as separate stages in any order or together as a single stage; and
 - The subdivision of each duplex can be undertaken after the construction of the common fire wall within the relevant units.
3. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000*.
 4. Separate water and sewer services are to be provided to each unit/lot.
 5. The units shall be numbered as follows:
 - 98A Moore Street, being Unit A shown on plan;
 - 98B Moore Street, being Unit B shown on plan;
 - 100A Moore Street, being Unit A shown on plan;
 - 100B Moore Street, being Unit B shown on plan;
 - 102A Moore Street, being Unit A shown on plan; and
 - 102B Moore Street, being Unit B shown on plan.

CONDITIONS RELATING TO 98 MOORE STREET, INVERELL

Prior to Construction – 98 Moore Street, Inverell

6. 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.
7. Prior to issue of a Construction Certificate, engineering survey and design is to be submitted to and approved by Council for the sewer main extension within Lot 1 DP 1177889 (98 Moore Street, Inverell) to serve Side A of Unit 1.
8. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for water supply and water connection one additional dwelling. This will require payment to Council of:
 - A single Contribution under Council's Development Servicing Plan No. 1 for 0.6 equivalent tenement; and
 - A single water connection fee in accordance with Council's fees and charges.
9. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for sewer supply for one additional dwelling. This will require payment to Council of:
 - A single Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A single sewer junction fee in accordance with Council's fees and charges.

10. Prior to the issue of a Construction Certificate, a single contribution must be paid to Council pursuant to Section 7.11 (previously Section 94) of the *Environmental Planning and Assessment Act 1979* for Community Services.
11. Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 is to be obtained for the construction of the concrete access crossing.

During Construction - 98 Moore Street, Inverell

12. 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.
13. 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 – 98 Moore Street, Inverell

14. Prior to occupation of the duplex, an Occupation Certificate must be issued for each unit 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.*

15. Prior to issue of an Occupation Certificate, the sewer main extension within Lot 1 DP 1177889 (98 Moore Street, Inverell) to serve Side A of Unit 1, is to be completed in accordance with the approved engineering plans at the applicant's expense.
16. Prior to issue of an Occupation Certificate, all stormwater infrastructure (pit and pipe) within the easement at the rear of Lot 1 DP 1177889 (98 Moore Street, Inverell), Lot 2 DP 1177889 (100 Moore Street, Inverell) and Lot 3 DP 1177889 (102 Moore Street, Inverell) is to be constructed in accordance with the approved plans.
17. Prior to issue of an Occupation Certificate, a 300mm D x 200mm W concrete curb is to be constructed inside the rear boundary of Lot 1 DP 1177889 (98 Moore Street, Inverell), Lot 2 DP 1177889 (100 Moore Street, Inverell) and Lot 3 DP 1177889 (102 Moore Street, Inverell) to turn water away from the boundary and discharge to the stormwater pits.
18. Prior to issue of an Occupation Certificate, all roofwater (including any tank overflow) is to be directed to the kerb and gutter in Moore Street.
19. 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.
 - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
20. Prior to issue of an Occupation Certificate, each dwelling is to be individually numbered and the number displayed in 100mm numerals on each dwelling and associated mailbox. The street number is to be displayed in 150mm numerals adjacent to the mailboxes.
21. Prior to issue of an Occupation Certificate, the concrete access crossing and driveway are to be constructed from the kerb of Moore Street, to the boundary of the site, and to have key jointing 0.6m off each face of the water main in accordance with the approved plans and 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.
22. Prior to issue of an Occupation Certificate, any unused layback in the kerb and gutter is to be capped to Council's satisfaction.

Subdivision Conditions – 98 Moore Street, Inverell

23. A Subdivision Certificate must be obtained from Council in accordance with the *Environmental Planning and Assessment Act 1979*.
24. Prior to issue of a Subdivision Certificate, the common fire wall between the units is to be completed in accordance with the Construction Certificate and certified as correct by an Accredited Certifier.

CONDITIONS RELATING TO 100 MOORE STREET, INVERELL

Prior to Construction – 100 Moore Street, Inverell

25. 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.
26. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for

water supply and water connection one additional dwelling. This will require payment to Council of:

- A single Contribution under Council's Development Servicing Plan No. 1 for 0.6 equivalent tenement; and
 - A single water connection fee in accordance with Council's fees and charges.
27. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for sewer supply for one additional dwelling. This will require payment to Council of:
- A single Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A single sewer junction fee in accordance with Council's fees and charges.
28. Prior to the issue of a Construction Certificate, a single contribution must be paid to Council pursuant to Section 7.11 (previously Section 94) of the *Environmental Planning and Assessment Act 1979* for Community Services.

During Construction – 100 Moore Street, Inverell

29. 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.
30. 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 – 100 Moore Street, Inverell

31. Prior to occupation of the duplex, an Occupation Certificate must be issued for each unit 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.*
32. Prior to issue of an Occupation Certificate, all roofwater (including any tank overflow) is to be directed to the kerb and gutter in Moore Street.
33. 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.
 - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
34. Prior to issue of an Occupation Certificate, each dwelling is to be individually numbered and the number displayed in 100mm numerals on each dwelling and associated mailbox. The street number is to be displayed in 150mm numerals adjacent to the mailboxes.
35. Prior to issue of an Occupation Certificate, the concrete access crossing and driveway are to be constructed from the kerb of Moore Street, to the boundary of the site, and to have key jointing 0.6m off each face of the water main in accordance with the approved plans and 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.
36. Prior to issue of an Occupation Certificate, any unused layback in the kerb and gutter is to be capped to Council's satisfaction.

Subdivision Conditions – 100 Moore Street, Inverell

37. A Subdivision Certificate must be obtained from Council in accordance with the *Environmental Planning and Assessment Act 1979*.
38. Prior to issue of a Subdivision Certificate, the common fire wall between the units is to be completed in accordance with the Construction Certificate and certified as correct by an Accredited Certifier.

CONDITIONS RELATING TO 102 MOORE STREET, INVERELL

Prior to Construction – 102 Moore Street, Inverell

39. 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.
40. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for water supply and water connection one additional dwelling. This will require payment to Council of:

- A single Contribution under Council's Development Servicing Plan No. 1 for 0.6 equivalent tenement; and
 - A single water connection fee in accordance with Council's fees and charges.
41. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for sewer supply for one additional dwelling. This will require payment to Council of:
- A single Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A single sewer junction fee in accordance with Council's fees and charges.
42. Prior to the issue of a Construction Certificate, a single contribution must be paid to Council pursuant to Section 7.11 (previously Section 94) of the *Environmental Planning and Assessment Act 1979* for Community Services.

During Construction – 102 Moore Street, Inverell

43. 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.
44. 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 – 102 Moore Street, Inverell

45. Prior to occupation of the duplex, an Occupation Certificate must be issued for each unit 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.*
46. Prior to issue of an Occupation Certificate, all roofwater (including any tank overflow) is to be directed to the kerb and gutter in Moore Street.
47. 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.
 - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
48. Prior to issue of an Occupation Certificate, each dwelling is to be individually numbered and the number displayed in 100mm numerals on each dwelling and associated mailbox. The street number is to be displayed in 150mm numerals adjacent to the mailboxes.
49. Prior to issue of an Occupation Certificate, the concrete access crossing and driveway are to be constructed from the kerb of Moore Street, to the boundary of the site, and to have key jointing 0.6m off each face of the water main in accordance with the approved plans and 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.
50. Prior to issue of an Occupation Certificate, any unused layback in the kerb and gutter is to be capped to Council's satisfaction.

Subdivision Conditions – 102 Moore Street, Inverell

51. A Subdivision Certificate must be obtained from Council in accordance with the *Environmental Planning and Assessment Act 1979*.
52. Prior to issue of a Subdivision Certificate, the common fire wall between the units is to be completed in accordance with the Construction Certificate and certified as correct by an Accredited Certifier.

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 development is not considered to be inconsistent with the surrounding residential area.
3. The proposed subdivision complies with the *Inverell Local Environmental Plan 2012*.

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