

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

<b>Application Number</b>	<b>DA-42/2022</b>
<b>Applicant</b>	Mr Jonathon Bourne
<b>Land to be developed</b>	Lot 9 DP 1259983 11 Oakland Lane, INVERELL 2360
<b>Approved development</b>	Detached Dual Occupancy
<b>Building Code of Australia Classification</b>	Class 1a
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	14 July 2022
<b>Consent is to operate from</b>	14 July 2022
<b>Consent will lapse on</b>	14 July 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 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for:

- Construction of a Dual Occupancy (detached);
- Construction of a shed / garage and carport ancillary to Dwelling A;
- Two (2) new accesses of Oakland Lane;
- Extension of Council's sewer main to service Dwelling A and Dwelling B; and
- Associated drainage and earth-works.

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 Dwellings shall be numbered as follows:

- 11A Oakland Lane, Dwelling B; and
- 11B Oakland Lane, Dwelling A.

## **CONDITIONS RELATING TO DWELLING A**

### ***Prior to Construction – Dwelling A***

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 for Dwelling A, a three (3) metre easement for sewer, dedicated in favor of Council, is to be created over:
  - The proposed sewer main extension within Lot 9 DP 1259983 to serve Dwelling A and Dwelling B; and
  - The service line within Lot 10 DP 1259983, between the existing main and boundary of Lot 9 DP 1259983.

*Note: The service line within Lot 10 DP 1259983 is a private easement only and not currently Council sewer main.*

5. Prior to issue of a Construction Certificate for Dwelling A, approval under Section 68 of the Local Government Act 1993 is to be obtained for the sewer pump out system.

### ***During Construction – Dwelling A***

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; 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.
7. 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 – Dwelling A***

8. Prior to occupation of the dwelling and shed, 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.
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 sewer main extension to serve dwelling A, is to be completed in accordance with the approved engineering plans at the applicant's expense.
11. 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.
12. Prior to issue of an Occupation Certificate, the access crossing and driveway are to be constructed from the Oakland Lane, to the boundary of the site, and to be 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.

#### ***CONDITIONS RELATING TO DWELLING B***

##### ***Prior to Construction – Dwelling B***

13. 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.
14. Prior to issue of a Construction Certificate for Dwelling B, a three (3) metre easement for sewer, dedicated in favor of Council, is to be created over:
- The proposed sewer main extension within Lot 9 DP 1259983 to serve Dwelling A and Dwelling B; and
  - The service line within Lot 10 DP 1259983, between the existing main and boundary of Lot 9 DP 1259983.

*Note: The service line within Lot 10 DP 1259983 is a private easement only and not currently Council sewer main.*

15. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for sewer supply for dwelling B. This will require payment to Council of:
  - A single Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement.
16. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for water supply and water connection for dwelling B. 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 water connection fee in accordance with Council's fees and charges.
17. 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 – Dwelling B***

18. 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.
19. 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 of Dwelling B**

20. 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.*
21. 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.
22. 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.
23. Prior to issue of an Occupation Certificate, the access crossing and driveway are to be constructed from the Oakland Lane, to the boundary of the site, and to be 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.

### **ADVICE ONLY**

24. As part of the construction of a dwelling, outbuildings and/or other development it is the responsibility of the property owners to manage stormwater drainage through the installation of contours, retaining walls, pits and pipes and the like to reduce potential stormwater nuisances, in manner which does detrimentally impact downstream properties. Council is unlikely to take any future action in relation surface water runoff that is caused by extreme rainfall events or that is deemed to be natural runoff from higher properties due to natural topography.

### **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.