

## 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-118/2022</b>
<b>Applicant</b>	Mr Andrew James Murphy and Mrs Kerri-Anne Murphy
<b>Land to be developed</b>	Lot 31 DP 45298, Lot 28 DP 750070 2830 Tarwoona Road, CAMP CREEK 4385
<b>Approved development</b>	Consolidation of Lot 31 DP 45298 and Lot 28 DP 750070. Relocation of dwelling to consolidated lot resulting in a dual occupancy (detached)
<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>	13 September 2022
<b>Consent is to operate from</b>	13 September 2022
<b>Consent will lapse on</b>	13 September 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 the consolidation of Lot 31 DP 45298 and Lot 28 DP 750070 and relocation of dwelling to the consolidated lot resulting in a dual occupancy (detached).

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 development, including finished floor height, must be undertaken in accordance with the flood report (stamped and attached) undertaken by David C. Jones dated 27 August 2021.
3. The dwelling must be constructed to comply with the General and BAL-12.5 construction standards (stamped and attached) of *Australian Standard 3959-Construction of buildings in bushfire-prone areas*.
4. The applicant must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.

#### *Prior to Construction*

5. 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.

6. Prior to issue of a Construction Certificate, certification is to be submitted to the Accredited Certifier that the dwelling can withstand the conditions, without suffering significant damage, that would be experienced during a 1 in 100 year flood.

*Note: This is a recommendation of the flood report provided by David C. Jones dated 27<sup>th</sup> August 2021.*

#### ***During Construction***

7. 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.
8. The applicant will repair/restore, or pay the full costs associated with repairing/restoring, any road, public reserve and infrastructure that is damaged by the development.

#### ***Prior to Occupation***

9. 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.*
10. Prior to issue of an Occupation Certificate, Lot 31 DP 45298 and Lot 28 DP 750070 must be consolidated into a single allotment under one Certificate of Title.
  11. Prior to issue of an Occupation Certificate, a Section 7.11 Contribution for Rural Roads is to be paid to Council for the additional traffic generated by the new dwelling.

*Note: At the date of this consent, the contribution is \$2,650.00. This contribution is subject to quarterly CPI adjustment and final amount payable will be calculated at the date of payment.*
  12. Prior to issue of an Occupation Certificate, the dwelling is to be constructed to comply with the General and BAL-12.5 construction standards (stamped and attached) of *Australian Standard 3959-Construction of buildings in bushfire-prone areas*.

13. Prior to issue of an Occupation Certificate a distance of twenty (20) metres must be provided around the new dwelling and maintained in perpetuity as an Asset Protection Zone in accordance with *Planning For Bush Fire 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 new 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. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
15. Prior to issue of an Occupation Certificate, any gas connections to the new dwelling are to comply with *Planning for Bushfire Protection 2019*. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
16. Prior to issue of an Occupation Certificate the internal driveway is to be constructed to an all-weather access standard. This internal driveway is to be maintained in perpetuity.
17. Prior to issue of an Occupation Certificate, the access crossing off Tarwoona Road to the new dwelling is to be upgraded at the applicant's expense to comply with Council's *Access Crossing Concrete Dish and Culvert Crossing Residential, Commercial and Rural Premises* (stamped and attached).
18. Prior to issue of an Occupation Certificate, the new dwelling is to be serviced by a photo-voltaic solar energy system with a minimum capacity of 6.6kW. In this regard it is the applicant's responsibility to provide documentary evidence that this condition has been met.
19. Prior to issue of an Occupation Certificate, a septic system is to be installed and operational for the dwelling.

#### **Advice Only**

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.

#### **REASONS FOR APPROVAL**

1. The development, subject to consolidation of lots, is characterised as a dual occupancy (detached), which is permissible within the RU1 zone.
2. The applicant has provided suitable evidence that the dwelling can be suitably serviced as required by Clause 6.6 of the Inverell Local Environmental Plan 2012. This includes

authorization for access over the travelling stock reserve, on-site effluent disposal and use of solar energy for electricity supply.

3. A flood assessment has been provided and subject to conditions of consent, the dwelling is not considered to be adversely impacted by flood matters.
4. In accordance with Planning for Bush Fire Protection 2019, the predominant vegetation is considered grasslands and the bush fire threat has been determined as BAL-12.5. Subject to conditions of consent, the dwelling considered to comply with Planning for Bush Fire Protection 2019.

### **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**