

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-133/2022
Applicant	Mr Jonathon Bourne
Land to be developed	Lot 9 DP 1131580 118 Roscrae Lane, Inverell NSW 2360
Approved development	Construction of New Dwelling and Shed Temporary Occupation of Shed
Building Code of Australia Classification	Class 1a Class 10a
Determination	The determination is consent granted subject to conditions.
Determination date	17 October 2022
Consent is to operate from	17 October 2022
Consent will lapse on	17 October 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:

- Construction of a New Dwelling and Shed; and
- Temporary Occupation of 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 Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.
3. The dwelling is to be constructed in accordance with the BAL-12.5 requirements of Australian Standard 3959 Construction of buildings in bushfire prone areas.

Conditions Relating to the Temporary Occupation of the Shed

4. The shed must not be occupied until an Occupation Certificate has been issued for the shed.

5. The temporary occupation of the shed is permitted for a period of twelve (12) months from the date of issue of an Occupation Certificate for the shed.

Note: Council may consider an extension of the temporary occupation period subject to written request and suitable progress towards completion of a dwelling (i.e. CC approved, slab constructed, etc.).

6. Upon completion of the temporary occupation period under Condition 5 or the issue of an Occupation Certificate for a dwelling, whichever occurs first:
 - The use of the shed for residential accommodation must cease;
 - Any kitchen facilities within the shed / temporary dwelling must be removed; and
 - The laundry facilities within the shed / temporary dwelling must be removed.

Prior to Commencement of Works

7. 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 with the Building Code of Australia.

Note: Separate Construction Certificates may be obtained for the dwelling and shed.

8. Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 is to be obtained for the installation of a septic tank.

During Construction

9. 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.
10. 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

11. 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.*
12. 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*.
 13. Prior to issue of an Occupation Certificate for the dwelling and/or shed, a septic tank must be installed and operational.
 14. Prior to issue of an Occupation Certificate for the dwelling, an asset protection zone must be provided around the dwelling and maintained in perpetuity in accordance with *Planning for Bush Fire Protection 2019*. The distance of the asset protection zone must be in accordance with the approved plans.
 15. Prior to issue of an Occupation Certificate for the dwelling, gas and electricity are to comply with *Planning for Bushfire Protection 2019*.
 16. Prior to issue of an Occupation Certificate for the dwelling, 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.

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 conditions, is consistent with the objectives of the R5 Large Lot Residential zone.
2. The proposed development, including temporary occupation of the shed, is considered to be consistent with the surrounding rural residential area.
3. Subject to conditions of consent, the development is considered to comply with Planning for Bushfire Protection.

COMMUNITY CONSULTATION

As per the Inverell Community Participation Plan the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

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