

## NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

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

<b>Application No.</b>	DA-111/2016/C
<b>Applicant</b>	Mr Mark Rodney Croft and Mrs Lisa Maree Croft
<b>Land to be developed</b>	Lot 1 DP 321491 56 Granville Street, Inverell NSW 2360
<b>Approved development</b>	Alterations and additions to dwelling, new shed, install pool - Modification to shed and size of pool
<b>Building Code of Australia Classification</b>	Class 10a Class 10b
<b>Determination</b>	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
<b>Original date of determination</b>	1 September 2016
<b>Modification determination date</b>	4 November 2022
<b>Consent will lapse on</b>	1 September 2021  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 alterations and additions to a dwelling, installation of an in-ground swimming pool, and construction of a 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 Division 8A of the *Environmental Planning & Assessment Regulation 2000* (as detailed at the end of this consent).

### ***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 Section 109C (1)(b) and 81A (2) of 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* and associated standards.
4. Prior to issue of a Construction Certificate, the location and levels of the access into the shed from Henderson Lane must be approved by Council. This requires:
  - Application to Council for approval under Section 138 of the *Roads Act 1993*; and
  - All work is to be completed to the standard approved by Council, at the applicant's expense.

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 access crossing.

### ***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;
  - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; 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.

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

6. Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with Section 109M of 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.
7. 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.
    - Any unused layback in the kerb and gutter is to be capped to Council's satisfaction.
    - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
  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. To comply with the *Swimming Pools Act 1992* the owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier:
    - that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and
    - that is designed, constructed, installed and maintained in accordance with the regulations and *Australian Standard 1926-2007 Swimming pool safety*.
  10. The swimming pool filtration equipment is to be located so as to prevent the possibility of any offensive noise to adjoining or nearby residences.
  11. Any external pool lighting shall be positioned and shielded to prevent a glare nuisance to neighbouring premises.
  12. A resuscitation techniques flow sequence sign/poster is to be displayed in a prominent position adjacent to the pool. The sequence must be in accordance with the Cardiopulmonary Resuscitation Guideline, illustrated by drawings with key words only in bold print, and contain a statement to the effect that formal instruction in resuscitation is also essential. The sign shall comply with the other relevant guidelines of the Australian Resuscitation Council and include the name of the teaching organisation or other body that published the sign and the date of its publication.
  13. Swimming pool wastewater must be drained to Council's sewer in accordance with the requirements of Council and *Australian Standard 3500.2 Plumbing and drainage*.

### **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, subject to conditions is consistent with the streetscape and development in the locality.
3. In consideration of residential controls of the *Inverell Development Control Plan 2013*, the development is considered appropriate within the neighbourhood.

### **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**