

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-123/2022 |
| Applicant | Mr Connor Noel Ridley |
| Land to be developed | Lot 1 DP 501395 52 Mulligan Street, Inverell NSW 2360 |
| Approved development | Dwelling and subdivision |
| Building Code of Australia Classification | Class 1a |
| Determination | The determination is consent granted subject to conditions. |
| Determination date | 1 December 2022 |
| Consent is to operate from | 1 December 2022 |
| Consent will lapse on | 1 December 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:

- One (1) into Two (2) Lot Subdivision; and
- Construction of a New Dwelling on Lot B.

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 Part4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.
3. The development will be numbered as follows:
 - Lot A – Existing Dwelling – 52 Mulligan Street, Inverell; and
 - Lot B – New Dwelling – 52 Mulligan Street, Inverell.

CONDITIONS RELATING TO THE SUBDIVISION

Prior to issue of a Subdivision Certificate

4. A Subdivision Certificate must be obtained from Council in accordance with the Environmental Planning and Assessment Act 1979.
5. Prior to the issue of a Subdivision Certificate, electricity and telecommunications services are to be provided to Lot B. The proponent is required to submit to Council, certificates from:
 - An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to Lot B.
 - An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to Lot B.
6. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lot B for water supply and water connection. This will require payment to Council of:
 - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A water connection fee in accordance with Council's fees and charges.

Note: Any contributions/fees paid prior to issue of a Construction Certificate (if obtained first) for the new dwelling will be credited towards the subdivision.

7. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lot B for sewer supply and sewer connections. This will require payment to Council of:
 - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A sewer junction fee in accordance with Council's fees and charges.

Note: Any contributions/fees paid prior to issue of a Construction Certificate (if obtained first) for the new dwelling will be credited towards the subdivision.

8. Prior to the issue of a Subdivision Certificate, a contribution for Lot B inclusive must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act 1979* for Community Services.

Note: Any contributions/fees paid prior to issue of a Construction Certificate (if obtained first) for the new dwelling will be credited towards the subdivision.

9. Prior to issue of a Subdivision Certificate, the plan of subdivision is to include the following easements:
 - A three (3) metre easement for sewer over the sewer main, which is to be dedicated in favour of Council; and
 - A five (5) metre wide right of carriageway over the access, which is to be dedicated in favour of both allotments.

CONDITIONS RELATING TO THE CONSTRUCTION OF THE NEW DWELLING

Prior to Construction

10. 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.
11. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for water supply and water connection to the new dwelling. This will require payment to Council of:
 - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A water connection fee in accordance with Council's fees and charges.

Note: Any contributions/fees paid prior to issue of a Subdivision Certificate (if obtained first) will be credited towards the dwelling.

12. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for sewer supply and sewer connection to the new dwelling. This will require payment to Council of:
 - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A sewer junction fee in accordance with Council's fees and charges.

Note: Any contributions/fees paid prior to issue of a Subdivision Certificate (if obtained first) for the new dwelling will be credited towards the dwelling.

13. Prior to the issue of a Construction Certificate, a contribution for the new dwelling must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning and Assessment Act 1979 for Community Services.

Note: Any contributions/fees paid prior to issue of a Subdivision Certificate (if obtained first) for the new dwelling will be credited towards the dwelling.

Demolition / During Construction

14. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.
15. All Asbestos Containing Material is to be transported in accordance with Protection of the Environment Operations (Waste) Regulation 2014.

Prior to the disposal of Asbestos Containing Material at the Inverell Landfill, Council is to be provided with a minimum of 24hrs notice. To arrange for disposal contact Inverell Waste Depot phone number is (02) 67213546.

16. All waste associated with the development is to be transported and disposed of at a Licence waste management facility. Waste generated as part of the development is to be sorted into the following waste streams as far as practicable for disposal;
 - Concrete/Bricks/Tiles,
 - Clean fill,
 - Steel,
 - Timber,
 - Asbestos Containing Material, and
 - Mixed waste.

17. A survey report is required to ensure that the proposed development is located on the correct allotment and at the approved distance from the boundary. The survey report is to be prepared by a registered land surveyor and be provided to the Accredited Certifier prior to works proceeding past floor level. This report is to be verified:
 - by the pegging of the site prior to the commencement of work; and
 - on completion of footings.
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.

20. The applicant will:
 - Repair, or pay the full costs associated with repairing, any adjoining property that is damaged by the development;
 - repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Prior to Occupation

21. 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.*
22. 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*.
 23. Prior to issue of an Occupation Certificate, the access crossing and internal driveway are to be concreted in accordance with Council's *Access Crossing Across Footpaths Residential Premises (Concrete) Specifications*. All work must be completed to Council's satisfaction, at the applicant's expense.

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 R1 General Residential zone.
2. The subdivision complies with Clause 4.1 of the Inverell Local Environmental Plan 2012.
3. In consideration of the controls of the Inverell Development Control Plan 2013, the development is not considered to adversely impact the streetscape or amenity of adjoining properties. The development is consistent with the surrounding residential area.

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

A handwritten signature in black ink, consisting of several overlapping, slanted strokes that form a stylized, somewhat abstract shape.

ANTHONY ALLISTON
MANAGER DEVELOPMENT SERVICES