

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-131/2022
Applicant	Local Government Engineering Services
Land to be developed	Lot 18 DP 750096, 449 Hoskins Road, Atholwood NSW 2361
Approved development	New Dwelling
Building Code of Australia Classification	Class 1a
Determination	The determination is consent granted subject to conditions.
Determination date	29 November 2022
Consent is to operate from	29 November 2022
Consent will lapse on	29 November 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 construction of a dwelling on Lot 18 DP 750096.

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 to comply with the BAL-12.5 construction standards of *Australian Standard 3959 Construction of buildings in bushfire-prone areas*.

Prior to Construction

4. 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.
5. Prior to issue of a Construction Certificate, revised dwelling plans are to be submitted to the Accredited Certifier demonstrating compliance with the BAL-12.5 construction standards of *Australian Standard 3959 Construction of buildings in bushfire-prone areas*.

During Construction

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

8. 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 dwelling must be connected to a working septic tank and 40 metre absorption trench.

Note 1: Should Council undertake an inspection of the site, including for the purpose of issuing an Occupation Certificate, and determine that the septic tank and/or absorption trench have failed then upgrades to the system may be required.

Note 2: It is recommended that the owner engage the services of a licensed plumber to assess the septic system and absorption trench early in the construction phase to determine whether any upgrades to the system are required.

11. Prior to issue of an Occupation Certificate, an asset protection zone of twenty (20) metres must be provided around the dwelling and maintained in perpetuity in accordance with *Planning for Bush Fire Protection 2019*.
12. Prior to issue of an Occupation Certificate gas and electricity are to comply with *Planning for Bushfire Protection 2019*.
13. Prior to issue of an Occupation Certificate 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.
14. Prior to issue of an Occupation Certificate, the internal driveway is to be an all-weather access 4m wide with a vertical clearance of 4m. If the driveway exceeds 200m in length, than a passing bay measuring 20m long by 2m wide is to be provided every 200m.

Advice Only

- a. At the date of this consent, Hoskins Road is a crown road. In accordance with Council's Road Hierarchy Management Policy, Hoskins Road is identified for no scheduled maintenance.
- b. 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 RU1 Primary Production zone.
2. The construction of a dwelling is permissible under Clause 4.2A (3) (a) of the Inverell Local Environmental Plan 2012.
3. Subject to conditions, the development is considered to comply with the controls of the Inverell Development Control Plan 2013.
4. Subject to conditions, the development is 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