

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-147/2022
Applicant	Mr Raymond Edward Lintern
Land to be developed	Lot 8 Sec 25 DP 758036 52 Ely Street, ASHFORD 2361
Approved development	Relocate Dwelling
Building Code of Australia Classification	1a
Determination	The determination is consent granted subject to conditions.
Determination date	12 December 2022
Consent is to operate from	12 December 2022
Consent will lapse on	12 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 the relocation of a dwelling to Lot 8 Section 25 DP 758036, 52 Ely Street, Ashford.

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 must be setback a minimum of 1.5 metres from Council's sewer main through the site.

Prior to Commencement of Works

4. Prior to commencement of works, a survey report is required to ensure that the proposed development is located at the approved distance from the boundary and a minimum of 1.5 metres from Council's sewer main. The survey report is to be prepared by a registered land surveyor and be verified by the pegging of the site prior to the commencement of work.

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*

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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.
6. Any replacement or renovation of a deteriorated frame member must be of equivalent or improved quality materials. Any second-hand materials to be used shall be inspected and approved by Council's Building Surveyor prior to their use in the construction.
7. If any asbestos containing material is discovered during the relocation of the dwelling and/or as part of any of other works to the dwelling, the asbestos containing material must be removed, handled and disposed in accordance with the *Work Health and Safety Regulation 2011*.
8. 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 of the Dwelling

9. An Occupation Certificate must be issued for the dwelling 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, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with *Australian Standard 3500.3 Plumbing and drainage*.
11. Prior to issue of an Occupation Certificate, all existing and new electrical wiring serving the dwelling shall be inspected by a suitably qualified electrical contractor and a written report

provided containing the following minimum requirements:

- The electrical contractors licence number;
 - That a visual examination (refer to Clause 8.2 of AS/NZS 3000:2007) of wiring, fittings and accessories was undertaken and they were found to be in sound condition;
 - That an insulation resistance and circuit connection test was carried out pursuant to Clause 8.3.6 of AS/NZS 3000:2007 and was found to be satisfactory.
12. Prior to issue of an Occupation Certificate, the external walls of the dwelling must be appropriately repaired, painted and finished.
 13. Prior to issue of an Occupation Certificate, any deteriorated wet areas are to be removed and re-installed in accordance with 'Part 3.8.1 Wet Areas And External Waterproofing' of the Building Code of Australia.
 14. Prior to issue of an Occupation Certificate, stairways are to be constructed in accordance with 'Part 3.9.1 Stairway and ramp construction' of the Building Code of Australia.
 15. Prior to issue of an Occupation Certificate, the dwelling is to be equipped with hard wired smoke alarms that are located, on or near the ceiling:
 - In any storey of the building or home-containing bedrooms – in every corridor or hallway associated with a bedroom, and if there is no such corridor or hallway, between that part of the building or home containing the bedroom and the remainder of the building or home.
 - In any other storey of the building not containing bedrooms.
 16. Prior to issue of an Occupation Certificate, an all-weather access crossing is to be constructed from the edge of the bitumen in Ely Street to the property boundary. This will require at minimum:
 - The access crossing to be a minimum of four (4) metres wide with a six (6) metre splay at the intersection with Ely Street; and
 - The splay to be bitumen sealed.

All works is to be completed to Council's satisfaction, at the applications 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 RU5 Village zone.
2. In consideration of the residential controls of the Inverell Development Control Plan 2013, the development is considered to be consistent with the streetscape and surrounding Ashford Village.

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