

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-150/2022
Applicant	Mr Christopher David Wilesmith
Land to be developed	Lot 2 DP 1046021 47 Staggs Lane, Inverell NSW 2360
Approved development	Installation of relocatable home resulting in dual occupancy (detached) and construction of deck and carport
Building Code of Australia Classification	Class 1a Class 10a
Determination	The determination is consent granted subject to conditions.
Determination date	6 December 2022
Consent is to operate from	6 December 2022
Consent will lapse on	6 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 installation of relocatable home resulting in dual occupancy (detached); and
- Construction of deck and carport off the relocatable home.

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*.
3. The relocatable home, deck and carport are to be constructed in accordance with the BAL-19 requirements of Australian Standard 3959 Construction of buildings in bushfire prone areas and the additional construction requirements of Planning for Bush Fire Protection (2019) Section 7.
4. 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.
5. 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.

CONDITIONS RELATING TO THE INSTALLATION OF THE RELOCATABLE HOME

Prior to Installation of the Relocatable Home

6. Approval under Section 68 of the Local Government Act 1993 is to be obtained for the installation of the relocatable home.
7. Prior to issue of an approval under Section 68 of the local Government Act 1993 for the installation of the relocatable home, a Section 7.11 General Roads Contribution is to be paid to Council.

Note: At the date of this consent, the General Roads Contribution is \$2,700.00. This contribution is subject to quarterly CPI adjustment and the final contribution will be calculated at the date of payment.

Prior to Occupation of the Relocatable Home

8. Prior to occupation of the Relocatable Home, a final inspection is to be undertaken and a notice must be issued by Council confirming its suitability for occupation.

9. Prior to occupation of the Relocatable Home, compliance plates are to be attached to the Relocatable Home in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* certifying that the applicable home complies with the *Building Code of Australia*.
10. Council must be given written notice of the installation of the Relocatable Home within 7 days after the completion of the installation. The notice must include:
 - the site identifier of the dwelling site on which the relocatable home or associated structure has been installed; and
 - the particulars contained on each compliance plate relating to the relocatable home or associated structure.

The notice must also be accompanied by:

- a copy of the engineer's certificate for the relocatable home or associated structure;
 - a fully dimensioned diagram of the dwelling site on which the relocatable home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this Part have been complied with;
 - a plumbing and drainage Certificate of Compliance;
 - an electrical Compliance Certificate;
 - a water proofing Compliance Certificate;
 - a glazing Compliance Certificate; and
 - a termite protection Compliance Certificate.
11. Prior to occupation of the Relocatable Home, the Relocatable Home is to comply with the BAL-19 requirements of Australian Standard 3959 Construction of buildings in bushfire prone areas and the additional construction requirements of Planning for Bush Fire Protection (2019) Section 7.

Note: Where Council is unable to ascertain compliance with the AS 3959, third-party certification (e.g. Relocatable Home supplier) may be required.
 12. Prior to occupation of the Relocatable Home, water, electricity and gas (as applicable) are to comply with Section 7 of Planning for Bush Fire Protection (2019).
 13. Prior to occupation of the Relocatable Home, the existing internal driveway is to be extended to the Relocatable Home and incorporate a 20m long x 6m wide passing bay and turning head at the end of the driveway allowing a fire appliance or other vehicle to turn around in one motion in accordance with Section 7 and Appendix 3 of Planning for Bushfire Protection 2019.
 14. Prior to occupation of the Relocatable Home, the "Designated waterline from existing rainwater tank. Upstand pipe with STORZ connector for fire fighting" as shown on the approved is to be installed. The Storz fitting/connector must comply with Planning for Bushfire Protection 2019.
 15. Prior to occupation of the Relocatable Home, a system of onsite sewage management must be installed and operational.

CONDITIONS RELATING TO THE CONSTRUCTION OF THE DECK AND CARPORT

Prior to Construction

16. 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 and associated standards.

17. Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 is to be issued for the installation of the Relocatable Home.

Prior to Occupation

18. An Occupation Certificate must be issued in accordance with the *Environmental Planning and Assessment Act 1979*.
19. Prior to issue of an Occupation certificate for the deck and carport, the Relocatable Home must be installed and a notice must be issued by Council confirming that the Relocatable Home is suitable for occupation.
20. Prior to issue of an Occupation certificate for the deck and carport, the deck and carport are to comply with the BAL-19 requirements of Australian Standard 3959 Construction of buildings in bushfire prone areas and the additional construction requirements of Planning for Bush Fire Protection (2019) Section 7.

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.

Should the developer or property owner request the connection of town water to Lot 2 DP 1046021, this will require the payment of contributions and/or connecton fees to Council, which are by quote from Council's Engineering Services.

It is recommended that the property owner and occupants familiarize themselves with the relevant bushfire preparation and survival information provided by the New South Wales Rural Fire Service.

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, complies with the Inverell Local Environmental Plan 2012 and is consistent with the controls of the Inverell Development Control Plan 2013.
2. Subject to conditions, the relocatable home is considered to comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
3. Subject to conditions, the development is considered to comply with Planning for Bush Fire Protection 2019.

4. A minimum 24 metre asset protection zone was approved under DA-165/2021 (existing dwelling). The additional clearing completed on the site, including the area of the relocatable home, was undertaken independently from DA-165/2021 and DA-150/2022. For the purpose of assessing DA-150/2022 and at the date of determination, no native vegetation removal is required.

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