

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-65/2023
Applicant	LEGS
Land to be developed	Lot 4 DP 735639 1750 Emmaville Road, Ashford NSW 2361
Approved development	Dwelling and prefabricated cabin linked with common deck
Building Code of Australia Classification	Class 1a
Determination	The determination is consent granted subject to conditions.
Determination date	19 May 2023
Consent is to operate from	19 May 2023
Consent will lapse on	19 May 2028
	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 a dwelling comprised of:

- The use of the existing manufactured home (cabin); and
- Alterations and additions.

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*.

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 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.

4. Prior to issue of a Construction Certificate, plans are to be submitted to the Accredited Certifier demonstrating that the entirety of the dwelling (manufactured home and alterations and additions) comply or will achieve compliance with the BAL-12.5 construction standards of Australian Standard 3959.

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; 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. 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

7. An Occupation Certificate must be issued 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.*

8. Prior to issue of an Occupation Certificate, the entirety of the dwelling (manufactured home and alterations and additions) must comply with the BAL-12.5 construction standards of Australian Standard 3959.
9. Prior to issue of an Occupation Certificate and in perpetuity, the following distances around the dwelling (manufactured home and alterations and additions) must be maintained as an Asset Protection Zone in accordance with Section 7.4 of *Planning For Bush Fire Protection 2019*:
 - To the east, south and west – 40 metres; and
 - To the north – to the property boundary. *Note: Council does not authorize the extension of the asset protection zone into the TSR.*
10. Prior to Occupation of the Manufactured Home and in perpetuity, a 20,000 litre dedicated water supply for fire-fighting 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. The water supply must be located within the asset protection zone and be suitably protected (i.e. separated, screened) from the bush fire threat.
11. Prior to Occupation of the Manufactured Home, gas and electricity are to comply with Section 7.4 of *Planning for Bushfire Protection 2019*.
12. Prior to issue of an Occupation Certificate, compliance plates are to be attached to manufactured home in accordance with Clause 158 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.
13. Prior to issue of an Occupation Certificate, the following documents are to be submitted for the manufactured home:
 - An electrical Compliance Certificate; and
 - A termite protection Compliance Certificate.

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 and complies with the *Inverell Local Environmental Plan 2012*.
2. The development comply with the controls of the Inverell Development Control Plan 2013.
3. Subject to conditions, the development is considered to comply with *Planning for Bush Fire Protection 2019*.

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**