

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-79/2023
Applicant	Bt & RI Woodford Family Trust
Land to be developed	Lot 2 DP 1197935 3181 Bonshaw Road, Bonshaw NSW 2361
Approved development	Relocatable dwelling
Building Code of Australia Classification	Class 1a
Determination	The determination is consent granted subject to conditions.
Determination date	22 June 2023
Consent is to operate from	22 June 2023
Consent will lapse on	22 June 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 the installation of a relocatable dwelling on Lot 2 DP 1197935.

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 relocatable dwelling is to be constructed in accordance with the BAL-12.5 requirements of Australian Standard 3959 Construction of buildings in bushfire prone areas.

Prior to Installation of the Relocatable Home

4. Prior to issue of the installation of the relocatable home, approval under Section 68 of the *Local Government Act 1993* is to be obtained for the installation of the home on Lot 2 DP 1197935.

During Construction

5. Prior to installation of the septic system, approval under Section 68 of the *Local Government Act 1993* is to be obtained for an on-site sewage management system on Lot 2 DP 1197935.
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;
 - 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. Prior to occupation of the relocatable dwelling, 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 dwelling, compliance plate/s are to be attached to the dwelling which contain the following information:
 - The name of the manufacturer of the manufactured home or associated structure;
 - The unique identification number for each major section of the manufactured home;
 - The month and year during which the manufactured home or associated structure was constructed;
 - The design gust wind speed for the manufactured home or associated structure;
 - A statement that the manufactured home or associated structure complies with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021; and
 - The name of the practising structural engineer who issued the engineer's certificate for

the manufactured home.

10. Council must be given written notice of the installation of the manufactured 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 dwelling, the applicant must surrender the consent relating to Development Application No. DA-153/2022 in accordance with the *Environmental Planning and Assessment Regulation 2021*.
 12. Prior to occupation of the relocatable dwelling, a distance of 25 metres must be provided around the dwelling and maintained in perpetuity as an Asset Protection Zone in accordance with Section 4. *Planning for Bush Fire Protection 2019*.
 13. Prior to occupation of the relocatable dwelling, 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.
 14. Prior to occupation of the relocatable dwelling, gas and electricity are to comply with *Planning for Bushfire Protection 2019*.
 15. Prior to occupation of the relocatable dwelling, 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

Council's records show that Lot 2 DP 1197935 has frontage to, and takes access from Bonshaw Road. The road nominated as "Campbells Road" on the approved site plan is not a public road, being located within private property.

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 is consistent with the objectives of the RU1 Primary Production zone and the construction of the dwelling is permissible under Clause 4.2A (3) (a) of the Inverell Local Environmental Plan 2012.
2. The dwelling can be suitability serviced and the development complies with the residential controls of the Inverell Development Control Plan 2013.
3. Subject to conditions, the development complies 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