



NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under Clause 122 of the Environmental Planning and Assessment Regulation 2000.

Application No.	DA-50/2022/A
Applicant	Mr Jonathon Bourne
Land to be developed	Lot 98 DP 753271 25 Short Street, GILGAI 2360
Approved development	Demolition of Existing Dwelling & Construction of New Dwelling
Building Code of Australia Classification	1a
Determination	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
Original date of determination	21 June 2022
Modification determination date	11 July 2023
Consent will lapse on	21 June 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 demolition of an existing dwelling and construction of a new dwelling.

Modified consent (DA-50/2022/A) is granted to delete Condition 13.

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.

During Demolition / Construction

2. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the demolition/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;
 - Demolition and 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;
 - 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; 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.

3. 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.

4. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.

5. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work;
 - Precautions are to be taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes; and
 - The site shall be sealed off at all times against the unauthorised entry of persons or vehicles.

6. All Asbestos Containing Material is to be transported in accordance with Protection of the Environment Operations (Waste) Regulation 2014.

Prior to the disposal of Asbestos Containing Material at the Inverell Landfill, Council is to be provided with a minimum of 24hrs notice. To arrange for disposal contact Inverell Waste Depot phone number is (02) 67213546.

7. All waste associated with the development is to be transported and disposed of at a Licence waste management facility. Waste generated as part of the development is to be sorted into the following waste streams as far as practicable for disposal;
 - i. Concrete/Bricks/Tiles,
 - ii. Clean fill,
 - iii. Steel,
 - iv. Timber,
 - v. Asbestos Containing Material, and
 - vi. Mixed waste.

Prior to Occupation

8. Prior to occupation of the dwelling, 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 is to be constructed in accordance with the BAL-29 requirements of Australian Standard 3959 Construction of buildings in bushfire prone areas.
11. Prior to issue of an Occupation Certificate a distance of 12 metres must be provided around the dwelling and maintained in perpetuity as an Asset Protection Zone in accordance with Section 4.1.3 and Appendix 5 of Planning For Bush Fire Protection 2019 and the NSW Rural Fire Service document 'Standards for Asset Protection Zones'.
12. Prior to issue of an Occupation Certificate gas and electricity are to comply with Section 4.1.3 (2) of Planning for Bushfire Protection 2019.
- ~~13. Prior to issue of an Occupation Certificate a 10,000 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. Water tanks used for storing the dedicated water supply is to be of non-combustible material (e.g. metal or concrete).~~

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.

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