

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

*Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979*

<b>Application Number</b>	<b>DA-78/2023</b>
<b>Applicant</b>	The Donnelly Bell Family Trust and The S&E Doodson
<b>Land to be developed</b>	Lot 1 DP 795251, Lot 2 DP 795251 59 Wynne Street, Inverell NSW 2360
<b>Approved development</b>	Subdivision - 2 Lots into 9 Lots
<b>Building Code of Australia Classification</b>	Not Applicable.
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	25 July 2023
<b>Consent is to operate from</b>	25 July 2023
<b>Consent will lapse on</b>	25 July 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 subdivision of Lot 1 DP 795251 and Lot 2 DP 795251 into nine (9) lots.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plan 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. Lots 1 to 9 (9 lots) must be serviced by:
  - Council's reticulated water service;
  - Council's reticulated sewerage service;
  - Electricity in accordance with the relevant energy provider; and
  - National Broadband Network.

The services must be provided/constructed prior to the issue of a Subdivision Certificate.

4. In relation to the connection of Council's reticulated water:
- Lots 1 and 2 are to be connected via water main in Wynne Street;
  - Lot 9 is to be connected via the water main in John Street;
  - Lots 3, 4, 5, 6, 7 and 8 are to be connected via:
    - A water main extension, from Wynne Street to John Street, in the William Street footpath fronting the subdivision; or
    - By under-bored road crossings from the opposite side of William Street, to be split services for two (2) lots (i.e. three (3) crossings).
5. In relation to the connection of Council's reticulated sewer:
- Lots 1, 2, 4, 5, 6, 7, 8 and 9 are to utilise existing sewer junctions;
  - A new sewer junction is to be provided to Lot 3.

*Note: Council records show there are two sewer junctions available for Lot 2.*

6. All Council fees and contributions will be adjusted in accordance with Council's fees and charges applicable at the time of payment.

#### ***Prior to Commencement of any Works***

7. Prior to the commencement of any subdivision works, including earthworks, a Subdivision Works Certificate must be obtained.

#### ***Prior to the Issue of a Subdivision Works Certificate***

8. Prior to the issue of a Subdivision Works Certificate, detailed engineering design plans and specifications must be submitted to and approved by Council. The detailed design plans and specifications must be in accordance with the following:

#### **NATSPEC Specifications**

- Group 0 – Planning and Design;
- Group 01 – General;
- Group 11 – Construction – Roadways; and
- Group 13 – Construction – Public Utilities.

#### **Water Supply Code of Australia**

- WSA 02 – Sewerage Code of Australia; and
- WSA 03 – Water Supply Code of Australia.

The detailed engineering design plans and specifications must be prepared by a practising civil engineer and must include but are not limited to the following detail:

- The construction of upright kerb and gutter in Wynne Street fronting Lots 1 and 2, which is to include:
  - The kerb return into William Street; and
  - Appropriate treatment/connection to the access crossing for Lot 1 DP 745442 to ensure that this access is not impacted/restricted;
- The proposed inter-allotment drainage through Lot 2 in favour of Lot 1. The inter-allotment drainage must comprise boundary kerbs, pits and/or underground pipes;
- The connection of water to Lots 3, 4, 5, 6, 7 and 8 by either:
  - A water main extension, from Wynne Street to John Street, in the William Street footpath fronting the subdivision; or
  - By under-bored road crossings from the opposite side of William Street, to be split services for two (2) lots (i.e. three (3) crossings).

- Erosion and sediment control measures;
- Location of all service conduits (NBN, electricity);
- Identify all easements for infrastructure (e.g. sewer, stormwater drainage) and the intended beneficiary; and
- Inspection requirements for the subdivision works.

*Note: Prior to preparation of any engineering design plans, it is recommended that the consultant(s) preparing the design plans contact Council's Civil and Environmental Services division to confirm the extent and scope of all works and detail required on the design plans and specifications.*

9. Prior to the issue of a Construction Certificate(s) separate approval(s) from Council under Section 138 of the *Roads Act 1993* is required for any works within Council's road reserve.

#### ***During Construction***

10. During construction the applicant must ensure that arrangements are made for Council to carry out the inspections identified within the approved engineering plans and specifications. Request for Council inspections may be made either by telephone or in person. Forty eight (48) hours notice must be given for inspections.

Inspections are required to be carried out in order to ensure that a Subdivision Certificate can be issued for the relevant stage. In the event that any inspection is not carried out, a Subdivision Certificate cannot be issued.

It should be noted that Council charges fees for inspections. These inspection fees must be paid prior to release of the Subdivision Certificate associated with the development consent. Inspection fees will be adjusted in accordance with Council's fees and charges operating at the time of inspection. In the event additional inspections are required, those inspections will attract inspection fees at the rate applicable at the time the inspections are carried out.

11. During construction all work must be carried out under the supervision of a project manager, with qualifications and/or experience in civil engineering or civil works. The details and qualifications of the Project Manager must be provided to and approved by Council prior to commencing any works at the site.
12. During construction any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.
13. During construction, 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 must not interfere with the amenity of the surrounding lands.
14. During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.
15. During construction, waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
16. The hours of construction for all stages of the subdivision, including the delivery of materials or equipment to the site are restricted to between 7:00 a.m. and 5:00 p.m., Mondays to Saturdays inclusive and no work on Sundays and public holidays. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable.
17. During construction works sediment and erosion control measures are to be implemented in accordance with the approved engineering plans and maintained until the site is fully stabilized.

18. Any required fill material must be Virgin Excavated Natural Material as defined under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

***Prior to Issue of Subdivision Certificate***

19. Prior to the issue of a Subdivision Certificate, an application for a Subdivision Certificate must be submitted. A Subdivision Certificate will not be issued nor the final plan signed by Council until all relevant conditions have been complied with.
20. Prior to the issue of a Subdivision Certificate, any pavement damage or structural deterioration caused to Council's roads by the use of roads as haulage routes for materials used in construction of the subdivision must either be repaired to the satisfaction of Council, or a payment made of the costs incurred by Council to undertake the repairs.
21. Prior to the issue of a Subdivision Certificate, electricity and National Broadband services are to be provided to all lots. The proponent is required to submit to Council, certificates from:
- An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision; and
  - An approved National Broadband Network service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.
22. Prior to the issue of a Subdivision Certificate, all subdivision works including kerb and gutter, water connections and inter-allotment drainage, are to be completed in accordance with the approved Subdivision Works Certificate, engineering plans and specifications. The works are to have had all necessary inspections.
23. Prior to the issue of a Subdivision Certificate, the proponent is to enter a Defects Liability Period contract with Council, guaranteeing performance of work of any contractors on Council infrastructure for a period of twelve (12) months from the date of the issue of a Subdivision Certificate.
24. Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be submitted to and accepted by Council. The plans are to be endorsed by a suitably qualified and practicing civil engineer or Registered Surveyor certifying that the plans accurately reflect the Works as Executed.
25. Prior to the issue of a Subdivision Certificate, a Community Services Contribution for Lots 3, 4, 5, 6, 7, 8 and 9 (7 lots) must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act 1979*.
26. Prior to the issue of a Subdivision Certificate, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the *Water Management Act*, a Certificate of Compliance must be issued by Council for Lots 1 to 9 (9 lots) and complied with by the applicant.

***Note:***

- *This will require payment to Council of a Contribution (for water) for Lots 2 to 9 (8 lots) under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement per lot; and*
  - *This will require payment to Council of a Contribution (for sewer) for Lots 2 to 9 (8 lots) under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement per lot.*
27. Prior to the issue of a Subdivision Certificate, water connection fees for Lots 1 to 9 (9 lots) must be paid in accordance with Council's fees and charges.

28. Prior to issue of a Subdivision Certificate, a sewer junction fee for Lot 3 (1 lot) must be paid in accordance with Council's fees and charges.
29. Prior to issue of a Subdivision Certificate, an easement over Lot 2 in favour of Lot 1 is to be created for the inter-allotment drainage.

### **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 AND COMMUNITY CONSULTATION**

1. The development, subject to conditions, is consistent with the objectives of the R1 General Residential zone.
2. The subdivision complies with the minimum lot size requirements of the Inverell Local Environmental Plan 2012.
3. Subject to conditions, the proposed lots will be provided with essential services.
4. The proposed subdivision complies with the controls of the Inverell Development Control Plan 2013.

### **COMMUNITY CONSULTATION**

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

### **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



**ANTHONY ALLISTON**  
**MANAGER DEVELOPMENT SERVICES**