

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

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

Application No.	DA-7/2023/A
Applicant	Abode Building Design
Land to be developed	Lot 42 DP 1262135 77 Mather Street, INVERELL NSW 2360
Approved development	Dwelling with attached garage, earthworks, fence and retaining wall
Building Code of Australia Classification	Class 1a
Determination	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
Original date of determination	27 February 2023
Modification determination date	5 December 2023
Consent will lapse on	27 February 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 house.

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. No vehicle access is to be permitted off Onus Avenue.

Note: Landscaping was undertaken along Onus Avenue at the rear of the lot as a condition of approval on Parklands Estate (DA-245/2004/A). The owner of Lot 42 DP 1232135 is responsible for maintaining this landscaping.

Prior to Construction

4. 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.

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. Prior to occupation of the dwelling house, 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.*
8. Prior to issue of an Occupation Certificate, where applicable, the following works are to be completed:
- All adjacent public and private land must be cleared of obstructions such as stockpiles of topsoil, building material, waste and other material associated with construction.
 - The applicant will repair/restore, or pay the full costs associated with repairing/restoring, any footpath, public reserve and infrastructure that is damaged by the development.
 - Any unused layback in the kerb and gutter is to be capped to Council's satisfaction.
 - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
9. Prior to issue of an Occupation Certificate, the access crossing and driveway is to:
- Be concreted in accordance with Council's residential access specifications;
 - Have the sewer manhole raised and "angled" to be flush with the concrete driveway;
 - Incorporate a "trafficable" lid on the sewer manhole;
 - Incorporate a kerb;
 - Incorporate a barrier/protection on top of the kerb where the fall is 1 metre or greater; and
 - Comply with the applicable approval under Section 138 of the Roads Act 1993.

The following hold points and inspections must be undertaken for the construction of the access crossing and driveway:

- Prior to undertaking any works on the manhole and/or driveway - A joint inspection by the builder and Council to determine the levels of the access and sewer manhole;
- Prior to pouring of the concrete access and driveway – A final inspection of the raised and "angled" manhole, including trafficable lid, is to be undertaken by Council;
- Prior to pouring of the concrete access and driveway – A pre-pour steel inspection of the access and driveway by Council engineers; and
- A final inspection – By Council engineers.

All work, including the rectification of any defects, is to be completed to the standard approved by Council, at the applicant's expense.

10. Prior to issue of an Occupation Certificate, the landscaping in Onus Avenue at the rear of Lot 42 DP 1262135 installed at the time of subdivision under DA-245/2004/A must be in place. This includes the replacement of any plants that have been removed or have died. A copy of the landscaping plan approved under DA-245/2004/A has been included with this consent.
11. Prior to issue of an Occupation Certificate, all roof water, surface water and/or tank overflows are to be discharged to Mather Street in accordance with *Australian Standard 3500.3 Plumbing and drainage* and to Council's satisfaction. This includes installation of a surface inlet pit at the front boundary to capture water from the boundary kerb and pipe it to Mather Street.

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.

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



ANTHONY ALLISTON
MANAGER DEVELOPMENT SERVICES