



INVERELL SHIRE COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-55/2024 PAN-433947
Applicant	ABODE Building Design
Description of development	Installation of a pre-manufactured dwelling with a carport and approval for dual-occupancy.
Property	5 GRANVILLE STREET INVERELL 2360 2/-/DP565490
Determination	Approved Consent Authority - Council
Date of determination	14/08/24
Date from which the consent operates	14/08/24
Date on which the consent lapses	14/08/29
Building Code of Australia building classification	1a, 10a

Under section 4.18(1) of the EP&A Act, notice is given that the above development

application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

1. The development, subject to conditions, is consistent with the objectives of the R1 General Residential zone.
2. The built form and design of the pre-manufactured dwelling and carport, subject to conditions is consistent with the streetscape and development in the area.
3. In consideration the controls of the Inverell Development Control Plan 2013, the development is considered appropriate within the locality.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Mark Lyndon
Manager Development Services
Person on behalf of the consent authority

Terms and Reasons for Conditions

Under section 88(1)(c) of the *EP&A Regulation*, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the *EP&A Act*. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Compliance with <i>Building Code of Australia</i> and insurance requirements under <i>Home Building Act 1989</i></p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>. 4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the <i>Building Code of Australia</i> as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the <i>Building Code of Australia</i> as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>
2	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

	<ul style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. <p>3. The sign must be—</p> <ul style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.
	<p>Condition reason: Prescribed condition under section 70 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>
3	<p>Notification of <i>Home Building Act 1989</i> requirements</p> <ul style="list-style-type: none"> 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ul style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ul style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the <i>Home Building Act 1989</i>, Part 6, b. for work to be carried out by an owner-builder— <ul style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the <i>Home Building Act 1989</i>—the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.
	<p>Condition reason: Prescribed condition under section 71 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>
4	<p>Approved plans and supporting documentation</p> <p>Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>

	<p>Consent is granted for a detached dual occupancy development including the installation of a pre-manufactured dwelling and construction of a carport and ancillary site works.</p> <p>To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and documentation, unless modified by any conditions of consent.</p> <p>Any deviation from the plans or conditions will require the consent of Council.</p> <p>Condition reason: To ensure compliance with approved plans and supporting documentation.</p>
5	<p>Section 68 - Approvals</p> <p>Approval under Section 68 of the <i>Local Government Act 1993</i> is to be obtained for the installation of the Pre-Manufactured Dwelling.</p> <p>Condition reason: To ensure that the necessary <i>Local Government Act 1993</i> approvals are obtained for this development.</p>
6	<p>Section 7.11 Contributions</p> <p>Prior to issue of a Construction Certificate, a single contribution must be paid to Council pursuant to Section 7.11 (previously Section 94) of the <i>Environmental Planning and Assessment Act 1979</i> for Community Services.</p> <p>Condition reason: To confirm that all fees and charges are calculated at the date of payment.</p>

Before issue of a construction certificate

No additional conditions have been applied to this stage of development.

Before building work commences

7	<p>Construction Certificate</p> <p>Prior to the commencement of any works on the site, a Construction Certificate must be issued for the carport, piers and decking in accordance with the <i>Environmental Planning and Assessment Act 1979</i>. The application for a Construction Certificate must include plans and specifications demonstrating full compliance with the <i>Building Code of Australia</i> and associated standards.</p> <p>Condition reason: To ensure compliance with the <i>Building Code of Australia</i>.</p>
8	<p>Erosion and sediment control</p>

	<p>Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Council:</p> <p>i. Council's <i>Development Control Plan</i>,</p> <p>ii. The guidelines set out in '<i>Managing Urban Stormwater: Soils and Construction</i>' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways</p>
9	<p>Erosion and sediment control</p> <p>Before any site work commences, Council must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with '<i>Managing Urban Stormwater: Soils and Construction</i>' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways</p>
10	<p>Water and sewer - Development Servicing Plan</p> <p>Prior to the issue of an approval under Section 68 of the <i>Local Government Act 1993</i>, in reliance upon Section 64 of the <i>Local Government Act 1993</i> and Division 5 of Part 2 of Chapter 6 of the <i>Water Management Act 2000</i>, a Certificate of Compliance must be issued by Council for the development and complied with by the applicant.</p> <p>Note:</p> <ul style="list-style-type: none"> This will require payment to Council of a Contribution for water under Council's <i>Development Servicing Plan No. 1</i> for 0.8 equivalent tenements. This will require payment to Council of a Contribution for sewer under Council's <i>Development Servicing Plan No. 1</i> for 1.00 equivalent tenements. <p>Condition reason: To confirm the contributions and fees payable for the connection of water and sewer to the development.</p>
11	<p>Section 68 - Stormwater, water supply and sewerage works</p> <p>Prior to the installation of the Pre-Manufactured Dwelling, approval under Section 68 of the <i>Local Government Act 1993</i> is to be obtained for stormwater drainage work, water supply work and sewerage works.</p> <p>Condition reason: To ensure that the necessary <i>Local Government Act 1993</i> approvals are obtained for this development.</p>
12	<p>Driveway crossings</p>

	<p>Prior to an approval under Section 68 of the <i>Local Government Act 1993</i>, approval under Section 138 of the <i>Roads Act 1993</i> is to be obtained for all works within Granville Street, including construction of concrete access crossings for both dwellings in Granville Street.</p> <p>The application for approval under Section 138 of the <i>Roads Act 1993</i> must be accompanied by detailed plans of all work in the road reserve.</p> <p>Condition reason: To ensure all necessary approvals under the <i>Roads Act 1993</i> are obtained for the development.</p>
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During building work

13	<p>Erosion and sediment control</p> <p>During construction, erosion and sediment control measures are to be implemented and maintained in accordance with the approved Civil Drawings.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
14	<p>Hours of construction</p> <p>Construction may only be carried out between:</p> <ul style="list-style-type: none"> · 7.00am and 6.00pm on Monday to Friday; and · 8.00am to 1.00pm on Saturday. <p>No construction is to be carried out at any time on a Sunday or a public holiday.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
15	<p>Neighbourhood amenity</p> <p>Works on site are to be carried out in accordance with the <i>Protection of the Environment Operations Act 1997</i> in relation to noise, dust and associated nuisances from the site. The carrying out of works must not interfere with the quiet enjoyment of the surrounding neighbourhood.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
16	<p>Construction waste</p> <p>All waste must be contained and removed to the Inverell Waste Depot located at 55 Burtenshaw Road, Inverell.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
17	<p>Approved plans and supporting documentation</p>

	For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of development consent and construction certificate on site.
	Condition reason: To ensure compliance with the approved plans and supporting documentation.
18	Cut and fill
	Any fill brought to the site must be: <ul style="list-style-type: none"> • Virgin excavated natural material as defined in the <i>Protection of the Environment Operations Act 1997</i>; and/or • Comprise materials covered by a resource recovery exemption under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i>.
	Condition reason: To ensure soil imported to the site is not contaminated and is safe for future occupants.
19	Earthworks
	The existing bank/drain levels in Granville Lane across the rear boundary of the site are not to be altered or impacted during or post-construction.
	Condition reason: To minimise stormwater runoff to neighbouring properties.

Before issue of an occupation certificate

20	Occupation certificate
	In accordance with Section 6.9 of the <i>Environmental Planning and Assessment Act 1979</i> , an application for an Occupation Certificate, must be made on completion of the works for the deck and carport. All works specified in the development consent and approved Construction Certificate plans must be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.
	Note: Prior to issue of the Occupation Certificate, the Accredited Certifier is required to be satisfied, amongst other things, that: <ul style="list-style-type: none"> • 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.
	Condition reason: To ensure all inspections have been carried out.
	Plumbing and drainage

2 1	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.		
	Condition reason: To ensure stormwater is disposed without causing a nuisance to adjoining properties		
2 2	Driveway access		
	Prior to issue of an Occupation Certificate access crossings to each dwelling are to be constructed from the edge of Granville Street to the boundary of the property. The proposed locations of the access crossings are to be approved by Council and all work is to be completed to the standard approved by Council, at the applicant's expense. Prior to the commencement of this work the applicant is required to:		
	<ul style="list-style-type: none"> • Apply to Council for approval under Section 138 of the <i>Roads Act 1993</i> to install a paved vehicular access across the footpath (a copy of the application form is enclosed); and • Contact Council for footpath levels so that the driveway can be constructed to provide vehicle access onto the site. 		
	The installation of the vehicular access crossings must be carried out under the supervision of Council and the applicant must give Council two (2) working days' notice to inspect the formwork prior to pouring any concrete.		
Condition reason: To ensure a suitable access crossing is constructed for the development in accordance with Council's standards			
2 3	Landscaping		
	Prior to occupation of the pre-manufactured dwelling, all landscaping (including vegetated screening along the side boundaries where identified on the approved plans) is to be completed in accordance with the approved plans.		
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).		
2 4	Damage to infrastructure and adjoining properties		
	Prior to occupation of the pre-manufactured dwelling, any damage to adjoining properties or infrastructure is to be repaired at no cost to the relevant property owner or authority.		
	Condition reason: To ensure any damage to adjoining properties and public infrastructure is rectified.		
2 5	Property addressing		
	The units shall be numbered as follows:		
	Primary Address	Sub-address 1	Sub-address 2

	5 Granville Street, Inverell	1/5 Granville Street, Inverell	2/5 Granville Street, Inverell
	Whole - Lot 2 DP 565490	Dwelling located at front of lot	Dwelling located at rear of lot
	Condition reason: To provide a street number for formal addressing of the units.		
2 6	Inspection of dwelling		
	Prior to the occupation of the pre-manufactured dwelling, a final inspection is to be undertaken and a notice must be issued by Council confirming its suitability for occupation.		
	Condition reason: To ensure the development is suitable for occupation.		
2 7	Compliance plates		
	Prior to the occupation of the pre-manufactured dwelling, compliance plates are to be attached to the pre-manufactured dwelling in accordance with the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> , certifying that the applicable home complies with the <i>Building Code of Australia</i> .		
	Condition reason: To ensure compliance with the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> .		
2 8	Notice of installation		
	Prior to the occupation of the pre-manufactured dwelling, Council must be given written notice of the installation of the pre-manufactured dwelling within 7 days after completion of the installation. The notice must include: <ul style="list-style-type: none"> • The site identifier of the dwelling site on which the pre-manufactured home or associated structure has been installed; • The particulars contained on each compliance plate relating to the pre-manufactured home or associated structure. <p>The notice must also be accompanied by:</p> <ul style="list-style-type: none"> • A copy of the engineer's certificate for the pre-manufactured home or associated structure; • A fully dimensioned diagram of the dwelling site on which the pre-manufactured home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of the Part have been complied with; • A plumbing and drainage Certificate of Compliance; • An electrical Compliance Certificate; • A water proofing Compliance Certificate; 		

	<ul style="list-style-type: none"> • A glazing Compliance Certificate; and • A termite protection Compliance Certificate.
	<p>Condition reason: To comply with the requirements of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>.</p>

Occupation and ongoing use

29	<p>Car parking</p> <p>All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.</p> <p>Condition reason: To require the surface of the car parking spaces and driveways to comply with Chapter 5 of the <i>Inverell Development Control Plan 2013</i>.</p>
30	<p>Landscaping</p> <p>All landscaping is to be maintained in perpetuity in a reasonable manner to protect the privacy and amenity of neighbouring properties.</p> <p>Condition reason: To protect the amenity of adjoining properties.</p>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the

conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means INVERELL SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Northern Regional Planning Panel.