

## **NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION**

**Issued under the *Environmental Planning & Assessment Act, 1979* Section 81(1)(a)**

TO: **Ms Kay Lavina Wotherspoon**  
OF: **35A Panonia Road**  
**Wyong NSW 2259**

being the applicant in respect of **Application No DA-64/2018**

Notice is hereby given of the determination by Council of **Application No. DA-64/2018** relating to the land owned by **Ms Kay Lavina Wotherspoon, of 35A Panonia Road, Wyong NSW 2259** and is described as follows:

**Lot 186 DP 753638**  
**700 Old Bundarra Road, INVERELL 2360**

The development proposal is: **Single Dwelling Use Only**

The Determination is **consent granted subject to conditions described below** made on **2 August 2018**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

### ***Preliminary***

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for a single dwelling use only on Lot 186 DP 753638.

### ***Advice Only***

2. The following matters are not conditions of consent, but will require consideration in the design of any proposed dwelling:
  - A separate application is to be approved for the actual construction of a dwelling.
  - Any new dwelling is to comply with the provisions of *Planning for Bush Fire Protection 2006*.
  - Approval is required under Sec. 68 of the *Local Government Act 1993* for the installation and operation of an onsite sewage management system.
  - No native vegetation should be removed as a result of the construction of a dwelling without the approval of Council.
  - The external colours of the dwelling should be sympathetic with the surrounding rural landscape.

### **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 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A 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. This application was subject to a request under Clause 4.6 of the Inverell Local Environmental Plan 2012 (ILEP) to vary the minimum lot size required under Clause 4.2A (3) (a) of the ILEP.

Strict compliance with the Minimum Lot Size was considered unnecessary and the variation has been supported due to:

- Consistency with the surrounding lot pattern;
- Consistency with the approved subdivision to the south; and
- Limited agricultural viability of the site.

2. Concurrence has been received from the NSW Department of Planning and Environment.

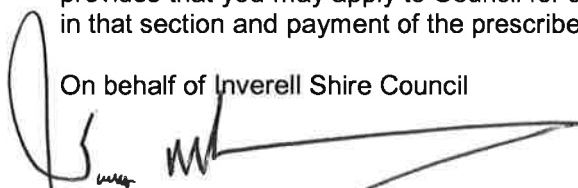
### **Community Consultation**

DA-64/2018 was notified to adjoining/adjacent property owners and advertised within the Inverell Times for a period of 14 days in accordance with the Inverell Development Control Plan 2013. No submissions were received.

If you are dissatisfied with this decision section 97 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 section 82A 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



**BRETT McINNES**  
**DIRECTOR CIVIL AND ENVIRONMENTAL SERVICES**  
**DATE : 3 August 2018**