

**NOTICE TO APPLICANT OF DETERMINATION
OF AN AMENDED DEVELOPMENT APPLICATION**

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

TO: J I Noad & Co
OF: PO Box 349
Inverell NSW 2360

being the applicant in respect of **Application No DA-79/2014/A**

Notice is hereby given of the determination by Council of **Application No. DA-79/2014/A** relating to the land owned by **Mr John Mathew Albert Williamson and Mrs Denise Gail Williamson, of 'Lindoran', 793 Copeton Dam Road, Gum Flat NSW 2360** and is described as follows:

**Lot 15 DP 754840, Lot 172 DP 754840, Lot 175 DP 754840, Lot 221 DP 754840
793 Copeton Dam Road, GUM FLAT 2360**

The development proposal is:

Boundary adjustment and consolidation

The determination is amended in accordance with s.96(1A) of the Environmental Planning and Assessment Act 1979 on 13 February 2019.

This consent expires five (5) years from **8 July 2014** 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:

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 boundary adjustment and consolidation.

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the stamped and approved plans and accompanying supportive documentation.

Any deviation from this will require the prior consent of Council.

2. Prior to issue of a Subdivision Certificate a General Rural Road Section 94 Contribution of \$2,175.00 is to be paid to Council for proposed Lot 2. This is to go towards maintenance of rural roads due to increased traffic generation. This contribution will be linked to the CPI rate and will be increased up to the nearest \$5.00 at the date of payment.
3. Prior to issue of a Subdivision Certificate a Section 94 Contribution of \$100.00 is to be paid to Council for proposed lot 2. This is to go towards community services.
4. A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the *Environmental Planning and Assessment Act 1979*. The applicant must submit a completed Subdivision Certificate application form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.

5. Prior to issue of a Subdivision Certificate an access crossing is to be constructed from the edge of Krauses Road, to the boundary of Lot 2 in the location shown on the stamped and approved plan. Construction of the access 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 apply to Council for approval under Section 138 of the Roads Act 1993 to install a rural vehicular access.

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



CHRIS FALEY
DEVELOPMENT PLANNER
DATE : 12 February 2019

Annexure

Prescribed Conditions Summary

As per condition 2 of this consent, the following matters prescribed under Division 8A of the *Environmental Planning & Assessment Regulation 2000* must be complied with, where relevant:

1. All work must be carried out in accordance with the requirements of the *Building Code of Australia*.
1. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
2. Prior to commencement of building work, subdivision work or demolition work a sign must be erected in a prominent position on the site. The sign must:
 - show the name, address and telephone number of the principal certifying authority for the work;
 - show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - state that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

3. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - in the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of that Act; and
 - in the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified as required above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

4. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this consent, must at the person's own expense:
 - protect and support the building, structure or work from possible damage from the excavation; and
 - where necessary, underpin the building, structure or work to prevent any such damage.