

**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-58/2017/A**

Notice is hereby given of the determination by Council of **Application No. DA-58/2017/A** relating to the land owned by **Mr William John Irvine and Mrs Elizabeth Anne Irvine, of 1 Moore Street, Inverell NSW 2360** and is described as follows:

Lot 1 DP 541493
1 Moore Street, INVERELL 2360

The development proposal is: **Subdivision**

The determination is amended in accordance with s.96(1A) of the Environmental Planning and Assessment Act 1979 on 11 June 2019.

This consent expires five (5) years from **16 June 2017** 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 the subdivision of Lot 1 DP 541493 into two (2) lots.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved amended plan, 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 Division 8A of the *Environmental Planning & Assessment Regulation 2000* (as detailed at the end of this consent).
3. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during subdivision works:
 - 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;
 - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; 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.

Prior to Issue of Subdivision Certificate

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, the water service to proposed Lot 2 is to be relocated from Brewery Street to the water main in Moore Street, with the new meter located adjacent the existing water meter servicing proposed Lot 1.

A 3m wide easement for water supply is to be created over Lot 1 in favour of Lot 2 along the frontage to Moore Street.

Note: The applicant will be responsible for plumbing costs associated with new water lines between the dwelling on Lot 2 and the new water meter.

6. ~~Prior to issue of a Subdivision Certificate, a new bitumen sealed access crossing is to be constructed from the end of the existing sealed road in Moore Street to the access handle of proposed Lot 2.~~

~~This will involve:~~

- ~~• Extending Moore Street with a 6m wide gravel formation and 4m wide seal to a point where a sealed entrance can be constructed into the ROW serving Lot 2; and~~
- ~~• A 450mm diameter concrete culvert of minimum 7.2m length, fitted with headwall is to be installed under the sealed entrance access.~~

~~Design plans for the extension of Moore Street and access culvert are to be approved by Council prior to commencement of construction.~~

7. ~~Prior to issue of a Subdivision Certificate, a new internal gravel access driveway is to be constructed along the length of the access handle of Lot 2.~~
8. ~~Prior to issue of a Subdivision Certificate, easements are to be created over the access handle of Lot 2 in favour of Lot 1 for access and septic drainage lines.~~

~~*Note: During the survey and preparation of the Plan of Subdivision, the application the Surveyor should investigate the location of service lines (power, telephone, etc.) and the need for any additional easements.*~~

9. Prior to issue of a Subdivision Certificate, the septic system for the dwelling on Lot 1 must be upgraded to an aerated waste water system (or similar) located entirely within the Lot 1 boundaries.

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 : 13 June 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.