NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

TO: **Ms Denise Anne Loft**
OF: **977 Aberdeen Road**
Stanborough NSW 2360

being the applicant in respect of **Application No DA-81/2020**

Notice is hereby given of the determination by Council of **Application No. DA-81/2020** relating to the land owned by **Ms Denise Anne Loft, of 977 Aberdeen Road, Stanborough NSW 2360** and is described as follows:

Lot 11 DP 1174640, Lot 2 DP 1212697
771 Aberdeen Road, STANBOROUGH 2360

The development proposal is: **Subdivision**

The Determination is **consent granted subject to conditions described below** made on **30 October 2020.**

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 4.17 of the *Environmental Planning and Assessment Act 1979*.

   Consent is granted for a subdivision

   To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plan 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 Division 8A of the *Environmental Planning & Assessment Regulation 2000* (as detailed at the end of this consent).

Prior to Issue of a Subdivision Certificate

3. 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.

4. Prior to issue of a Subdivision Certificate, a 'Restriction as to User' under Section 88b of the *Conveyancing Act 1919* is to clearly state that no dwelling is to constructed on Lot 2 without Council being satisfied of a suitable power supply.

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. The development, subject to conditions, is consistent with the objectives of the RU1 Primary Production zone.

2. The subdivision complies with the minimum lot size of the Guyra Local Environmental Plan 2012.

Community Consultation

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. 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

CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR

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*.

2. 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.

3. 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.

4. 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.

5. 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.