

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

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

TO: **Mr Barry William Clibborn and Mrs Lesley Ellen Clibborn**
OF: **7a Surrey Park Court**
Stonehenge NSW 2370

being the applicant in respect of **Application No DA-10/2021**

Notice is hereby given of the determination by Council of **Application No. DA-10/2021** relating to the land owned by **Mr Barry William Clibborn and Mrs Lesley Ellen Clibborn, of 7a Surrey Park Court, Stonehenge NSW 2370** and is described as follows:

Lot 153 DP 46407
3112 Gwydir Highway, SWAN VALE 2370

The development proposal is: **Concept DA - Construction of Dwelling**

The Determination is **consent granted subject to conditions described below** made on **5 February 2021**.

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 grants consent for a Concept Development Application pursuant to Division 4.4 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the concept development being the construction of a single dwelling;

- Stage 1 works only - comprising a single dwelling use only; and
- Remaining stage/s comprising the actual carrying out works.

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 Commencement of Works – Remaining Stage/s

3. Prior to commencement of works for the remaining stage/s (the actual carrying out of works), separate Development Consent and Construction Certificate are to be obtained.

An application for Development Consent must be accompanied by detailed plans and specifications of the dwelling.

Advice Only

4. The following matters are not conditions of consent, but will require consideration in the design of any proposed dwelling:
 - The design of the dwelling is to comply with the provisions of Planning for Bush Fire Protection;

- The design of the dwelling, including boundary setbacks, is to comply with the Inverell Development Control Plan 2013;
- 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; and
- Any future dwelling will located in the locality of Wind Farms. The siting of any future dwelling should be undertaken in consideration of potential impacts of the proposed Wind Farm on the future amenity of the new dwelling.

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. It is currently permissible to construct a dwelling on Lot 153 DP 46407 under Clause 4.2A (3) (b) of the Inverell Local Environmental Plan 2012.
2. Further development consent will be required for the actual carrying out works. Consideration of design and impacts can be undertaken in this future development application; however, the site is considered suitable for a dwelling.

Community Consultation

As per the Inverell Community Participation Plan the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

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
DATE : 5 February 2021

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.