

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

*Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979*

<b>Application No.</b>	<b>DA-158/2021</b>
<b>Applicant</b>	Mrs Maria Rita Varcoe
<b>Land to be developed</b>	Lot 1 DP 854022 Bukkulla Road, ASHFORD 2361
<b>Approved development</b>	Concept Development Application - Construction of a Dwelling
<b>Building Code of Australia Classification</b>	1a
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	28 September 2021
<b>Consent is to operate from</b>	28 September 2021
<b>Consent will lapse on</b>	28 September 2026
	Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979.

### CONDITIONS OF CONSENT

#### *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 erection of a single dwelling on Lot 1 DP 854022 as follows:

- 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*.
  3. The dwelling must be located above the 1 in 100 year flood level as detailed in the Flood Report (stamped and approved) included with 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.

### **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 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 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 assessment of DA-158/2021 has determined that it is permissible to construct a dwelling on Lot 1 DP 854022 under Clause 4.2A of the *Inverell Local Environmental Plan 2012*.
2. The applicant has provided a flood report demonstrating a suitable building envelope is available above the 1 in 100 flood level for the site.
3. 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.

### **RIGHT OF APPEAL**

If you are dissatisfied with this decision, Division 8.3 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 Division 8.2 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**