

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Application Number	DA-52/2022
Applicant	The Trustee for Tenterfield Surveys Unit Trust
Land to be developed	Lot 2 DP 1064358 122 Cooks Road, Newstead NSW 2360
Approved development	2 Lot Rural Subdivision
Building Code of Australia Classification	Not Applicable
Determination	The determination is consent granted subject to conditions.
Determination date	26 October 2022
Consent is to operate from	26 October 2022
Consent will lapse on	26 October 2027 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 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 one (1) into two (2) lot subdivision.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans 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 Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.
3. A Subdivision Certificate must be obtained from Council in accordance with the *Environmental Planning and Assessment Act 1979*. The application for the Subdivision Certificate must be accompanied by documentary evidence demonstrating compliance with the conditions of this development consent.

Prior to Issue of a Subdivision Certificate

4. Prior to the issue of a Subdivision Certificate, a General Roads Contribution for Lot 22 must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act 1979*.
5. Prior to the issue of a Subdivision Certificate, electricity and telecommunications services are to be provided to all lots. The proponent is required to submit to Council, certificates from:

- An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision.
 - An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.
6. The subdivision must be undertaken in accordance with the conditions specified in the Bush Fire Safety Authority under Section 100B Of the *Rural Fires Act 1997* issued by the New South Wales Rural Fire Service on 18 October 2022 (stamped and attached).

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 development, subject to conditions, is consistent with the objectives of the RU1 Primary Production zone.
2. The subdivision complies with the minimum lot size requirements of the *Inverell Local Environmental Plan 2012* and is not inconsistent with the controls of the *Inverell Development Control Plan 2013*.
3. Concurrence has been granted by the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997.

COMMUNITY CONSULTATION

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

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