

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-63/2022
Applicant	The Trustee for S M K Unit Trust
Land to be developed	Lot 12 DP 739494, Lot 1 DP 1200491 974 Limestone Road, LIMESTONE 2361
Approved development	Subdivision
Building Code of Australia Classification	Not Applicable
Determination	The determination is consent granted subject to conditions.
Determination date	16 December 2022
Consent is to operate from	16 December 2022
Consent will lapse on	16 December 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 the subdivision of Lot 12 DP 739494 and Lot 1 DP 1200491.

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 Proposed Lot 1 must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act 1979*.

Note: At the date of this consent, the General Roads Contribution is \$2,700.00. This contribution is subject to quarterly CPI adjustment and the final amount will be calculated at the date of payment.

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:

Administration Centre, 144 Otho Street (PO Box 138), Inverell NSW 2360

Ph: 02 6728 8288 Fax: 02 6728 8277 DX 6159

council@inverell.nsw.gov.au

- 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. Prior to issue of a Subdivision Certificate, a right of carriageway (or similar) is to be registered or included on the plan of subdivision, over the existing track within Proposed Lot 1 and dedicated in favour of Lot 4 DP 750104.
 7. 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 28 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 proposed subdivision complies with the minimum lot size requirements of Clause 4.1 of the Inverell local Environmental Plan 2012 and is not inconsistent with the surrounding rural area.
2. No native vegetation clearing is proposed as part of the subdivision and a Biodiversity Development Assessment Report is not required.
3. A bush fire safety authority has been issued by the NSW Rural Fire Service for the subdivision.

COMMUNITY CONSULTATION

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. One submission was received and considered as part of the assessment of the application.

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