

## 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 Number</b>	<b>DA-67/2023</b>
<b>Applicant</b>	Barber Management Services Pty Ltd
<b>Land to be developed</b>	Lot 68 DP 750064, Lot 99 DP 750064, Lot 1 DP 811632, Lot 1 DP 1202334, Lot 2 DP 1202334 Emmaville Road, ASHFORD NSW 2361
<b>Approved development</b>	Rural Subdivision
<b>Building Code of Australia Classification</b>	Not Applicable
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	22 June 2023
<b>Consent is to operate from</b>	22 June 2023
<b>Consent will lapse on</b>	22 June 2028
	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

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 rural 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 lots shall be addressed as follows:
  - Lot 10 – 501 South Valley Road, Ashford;
  - Lot 11 – South Valley Road, Ashford; and
  - Lot 12 – South Valley Road, Ashford.
3. The applicant must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.
4. 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.
5. Prior to the issue of a Subdivision Certificate, a General Roads Contribution for Proposed Lot 11 and Proposed Lot 12 (two lots) 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 \$2,805.00 per lot (total \$5,610.00 for two lots). This contribution is subject to quarterly CPI adjustment and the final amount will be calculated at the date of payment.*

6. Prior to issue of a Subdivision Certificate, a 'Restriction as to User' under Section 88b of the *Conveyancing Act 1919* is to clearly state "No dwelling is to constructed on Lot 11 or Lot 12 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 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 subdivision complies with the minimum lot size provisions of the Inverell Local Environmental Plan 2012 and is not inconsistent with the RU1 Primary Production zone.

### **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**