

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under Clause 122 of the Environmental Planning and Assessment Regulation 2000.

Application No.	DA-76/2023/A
Applicant	The Donnelly Bell Family Trust and The S&e Doodson
Land to be developed	Lot 1 DP 736130, Lot 79 DP 754861, Lot 82 DP 754861 - 495 Onus Road, Copeton NSW 2360 Part Lot 502 DP 1255338 – Part 2140 Copeton Dam Road, Copeton NSW 2360
Approved development	Four lots into two - boundary adjustment
Building Code of Australia Classification	Not Applicable
Determination	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
Original date of determination	22 June 2023
Modification determination date	4 October 2023
Consent will lapse on	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

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 fur (4) into two (2) lot boundary adjustment.

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*.

Prior to issue of a Subdivision Certificate

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.
4. Prior to the issue of a Subdivision Certificate, a General Roads Contribution for Proposed Lot 101 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. This contribution is subject to quarterly CPI adjustment and the final amount will be calculated at the date of payment.

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 - 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 'Restriction as to User' under Section 88b of the Conveyancing Act 1919 is to clearly state:
 - No dwelling is to constructed on Lot 101 or 102 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 AND COMMUNITY CONSULTATION

1. The development, subject to conditions, is consistent with the objectives of the RU1 Primary Production zone.
2. The proposed lots exceed the minimum lot size requirements of the Inverell Local Environmental Plan 2012 and are considered to comply with the subdivision controls of the Inverell Development Control Plan 2013.
3. The modification is considered to result in substantially the same development and have minimal environmental impact.

COMMUNITY CONSULTATION

Neighbour notification was undertaken for DA-76/2023 in accordance with the Inverell Community Participation Plan. No submissions were received. The modification was considered minor under the Inverell Community Participation Plan and further notification was not considered 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