

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

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

Application No.	DA-31/2024/A
Applicant	Mr Thomas John Kilner
Land to be developed	Lot 55 DP 751089 329 Pickfords Road, YETMAN 2410
Approved development	Subdivision
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	20 August 2024
Modification determination date	27 November 2024
Consent will lapse on	20 August 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

General Conditions

1	Approved plans and supporting documentation			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	Approved plans			
	Plan number	Revision number	Plan title	Drawn by
241416C		Proposed Subdivision of Lot 55 in DP 751089	Croft Surveying & Mapping	3/07/2024
Approved documents				
Document title		Version number	Prepared by	Date of document

	RFS Letter Subdivision 329 Pickfords Road Yetman 2410, 55/ /DP751089	CNR67544	RFS	24/06/2024
	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.			
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			
2	Obtaining Subdivision Certificate			
	A Subdivision Certificate must be obtained from Council in accordance with the <i>Environmental Planning and Assessment Act 1979</i> . The applicant must submit documentary evidence demonstrating compliance with the conditions of this development consent.			
	Condition reason: To ensure a subdivision is obtained.			
3	Section 7.11 - General Road Contribution			
	Prior to the issue of a Subdivision Certificate, a General Roads Contribution for Proposed lot must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the <i>Environmental Planning and Assessment Act 1979</i> .			
	<i>Note: At the date of this consent, the General Roads Contribution is \$2,955.00. This contribution is subject to quarterly CPI adjustment and the final amount will be calculated at the date of payment.</i>			
	Condition reason: To ensure the Section 7.11 contributions are paid for the additional lot.			

Subdivision Work

Before issue of a subdivision works certificate

4	NSW Rural Fire Service Letter			
	Prior to issue of a Subdivision Certificate the conditions specified in the Bush Fire Safety Authority under Section 100B Of the <i>Rural Fires Act 1997</i> issued by the New South Wales Rural Fire Service on 24 June 2024 (stamped and attached) must be satisfied.			
	Condition reason: To comply with Planning for Bush Fire Protection.			
5	Rural addressing			
	Prior to the issue of a Subdivision Certificate, a rural addressing fee in accordance with Council's fees and charges is to be paid to Council for each new lot/access.			
	Condition reason: To provide a road number for formal addressing of the new lots.			

Before subdivision work commences

No additional conditions have been applied to this stage of development.

During subdivision work

No additional conditions have been applied to this stage of development.

Before issue of a subdivision certificate

6	<p>Subdivision Certificate – Electricity and telecommunications services</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>Condition reason: To require electricity and telecommunications to be provided to the subdivision.</p>
7	<p>Subdivision – Right of Carriage Way</p> <p>Prior to issue of a Subdivision Certificate, the reciprocal Right of Carriageway benefiting Lots 551 and 550 within 550 is to be gravel. The access is to be constructed within the Right of Carriageway.</p> <p>Condition reason: To ensure that both lots can use the shared access in perpetuity.</p>
8	<p>Restriction of User</p> <p>Prior to issue of a Subdivision Certificate, a 'Restriction as to User' under Section 88b of the <i>Conveyancing Act 1919</i> is to clearly state "No dwelling is to be constructed on Lot 551 without Council being satisfied of a suitable telecommunication and power supply to the lot".</p> <p>Condition reason: To ensure that no dwelling is constructed without access to services.</p>

Ongoing use for subdivision work

No additional conditions have been applied to this stage of development.

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.

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

A handwritten signature in black ink, appearing to read 'Liam Spalding', written over a horizontal line.

LIAM SPALDING
DEVELOPMENT OFFICER