



Birthplace of Our Nation

5 April 2022
Our Ref: IN22/11713657
Your Ref: TE210794

Tenterfield Surveys
Survey Manager
Mr Ken Cockburn
PO Box 549
TENTERFIELD NSW 2372

Dear Mr Cockburn,

**Re: Development Application No. 2022.015
89 & 163 Geyers Road TENTERFIELD
Lot 1, DP 800446, Lot 4, DP 818762 & Lot 14, DP 1238030**

Please find attached Council's formal development approval for the *Nine (9) Lot Staged Rural Subdivision* in relation to the abovementioned properties.

Your attention is drawn to your rights of appeal should you be dissatisfied with Council's determination of your application.

Please note: Prior to issue of the subdivision certificate, all conditions of consent shall be complied with.

Should you require further information please do not hesitate in contacting Council's Planning & Development Services Department on 02 6736 6002.

Yours sincerely,

Tamai Davidson
**Manager Planning &
Development Services**
Encl.

All correspondence should be addressed to:

**Chief Executive
Tenterfield Shire Council**
247 Rouse Street (PO Box 214) TENTERFIELD NSW 2372

Telephone: (02) 6736 6000 email: council@tenterfield.nsw.gov.au website: www.tenterfield.nsw.gov.au

ABN: 85 010 810 083



Tenterfield Shire Council

247 Rouse Street (PO Box 214)
TENTERFIELD NSW 2372

Ph: (02) 6736 6000

e-mail: council@tenterfield.nsw.gov.au

Notice of Determination of a Development Application

issued under Section 4.16 of the *Environmental Planning and Assessment Act 1979*

Development Application No.

2022.015

NSW Planning Portal Ref No.:

PAN-191220

Development Application

Applicant Name: Tenterfield Surveys Pty Ltd
Applicant Address: PO Box 549
TENTERFIELD NSW 2372
Owner of the Land: SCOTT Steven Bourke & STAAL Rosemary Nell
Land to be Developed: Lot 1, DP 800446, Lot 4, DP 818762 & Lot 14, DP 1238030
Address: 89 & 163 Geyers Road TENTERFIELD
Nine (9) Lot Staged Rural Subdivision
Proposed Development: Stage 1 - lots 40, 41 & residue
Stage 2 - lot 42 & residue
Stage 3 - lot 43 & residue
Stage 4 - lot 44 & residue
Stage 5 - lot 45 & residue
Stage 6 - lot 46 & residue
Stage 7 - lot 47 & 48

Determination

made on (date): 5 April 2022

Determination: ~~Consent granted unconditionally~~
Consent granted subject to conditions described below
~~Application refused~~

Consent to Operate from (date) 5 April 2022

Consent to Lapse on (date) 5 April 2027

Conditions:

Please read the conditions carefully as failure to comply with all conditions could result in the Subdivision Certificate not being endorsed by Council

Other Approvals:

list *Local Government Act 1993* Nil.

INFORMATION ABOUT THE DECISION

RIGHTS OF REVIEW AND APPEAL

Under Section 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979, **any applicant** who is dissatisfied with Council's determination of their application may request the Council to **review** its determination; such a request can be made within 6 months or after an appeal to the Land and Environment Court has been lodged, but before it has been disposed of in the Land & Environment Court. A review cannot be made on designated or integrated development.

If the applicant is dissatisfied with this decision, Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court within 6 months after the date on which the applicant received the 'Notice of Determination' under Section 4.19 of the *Environmental Planning and Assessment Act 1979*.

If the applicant appeals, Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives any person who made a submission in relation to designated development the right to be given notice of the appeal, and to be heard at the hearing of the appeal (you need to apply to the court within 28 days of the notice of the appeal).

If you are an objector to designated development, and are dissatisfied with a decision to grant consent (either unconditionally or subject to conditions), Section 8.8 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 28 days of the date of the notice of determination.

Your appeal may be made by lodging an application to the Court in accordance with the Rules of Court.

PERIOD OF APPROVAL

This approval remains valid for a period of 5 years from the date of this notice, or as otherwise identified in the consent.

(Under Section 4.53 of the Environmental Planning and Assessment Act 1979 and Section 103 of the Local Government Act 1993, the approval does not lapse if building, engineering or construction work on the land to which the approval relates is physically commenced before the date on which this approval would otherwise lapse).

DEFERRED COMMENCEMENT

In the case of an approval which is granted subject to a condition that the approval cannot operate until the applicant satisfies the Council as to any matter specified in the condition (a "deferred commencement"), the date from which the approval operates will not be endorsed on this notice. A separate notice will be issued in the event that the Council is satisfied that the applicant has satisfied such conditions.

1. The subdivision is to be carried out generally in accordance with the layout plan submitted with the development application, titled TE210794-SV1, dated 31/01/2022, or as varied by any conditions listed herein. Any minor modification to the approved subdivision plan will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

Reason: To ensure that the subdivision is in agreement with that approved in the development consent.

2. A final plan of survey, administration sheet and any relevant S88b instrument shall be submitted to Council for approval and endorsement.

Reason: To ensure that the subdivision is in agreement with the approved plans.

3. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the plan of survey can be registered with the Land & Property Information Service.

Note: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges (Application for Subdivision Certificate attached).

An application for a Subdivision Certificate must be made through the NSW Planning Portal at <https://pp.planningportal.nsw.gov.au/>.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979 and Council's terms of consent.

4. Prior to the issue of a Subdivision Certificate:
 - a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - b) an agreement be made between the developer and Council;
 - (i) as to the security to be given to Council that the works will be completed or the contribution paid, and
 - (ii) as to when the work will be completed or the contribution paid.

Reason: It is in the public interest that works are completed and fees are paid in accordance with Council's Management Plan in a timely manner.

5. The lots shall have an area within 10% of than shown on the approved plan.

Reason: To confirm that details of the application approved by Council.

6. Payment to Council of the following contributions for each lot pursuant to *Section 7.11* of the Environmental Planning and Assessment Act, 1979 prior to the release of subdivision certificate for each stage;

Plan preparation and administration	\$ 251.00
Roads	\$7,031.00
Emergency Services	\$ 473.00
Community & Civic Facilities	\$ 220.00
Open Space, Sporting & Recreation	\$ 83.00
Waste Management	\$ 858.00
TOTAL Per Lot Created	\$8,916.00

Contributions are reviewed in July of each year and the amount payable is the amount shown in Council’s Management Plan at the time of payment.

Reason: To comply with Council’s Development Contributions Plan

7. If the Subdivision Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

Reason: Because it is in the public interest that the timing of charges coincides with the delivery of services.

8. The applicant is required to make application to Council for a Rural Address Number (RAN) for each lot in accordance with Councils Road Asset Management Plan in order to provide identifiable addresses for emergency and other services.

All RANS are to be installed prior to release of the subdivision certificate for each stage.

Reason: To comply with Council’s requirements.

9. All lots shall be provided with an approved access in accordance with Council's requirements at full cost to the applicant. The owner shall make application to Council in accordance with Section 138 Roads Act 1993 and in accordance with Councils Road Asset Management Plan.

All accesses are to be completed prior to release of the subdivision certificate for each stage.

Reason: To comply with Council's 'Construction and Maintenance of Property Access from Council Roads' Policy, the Road Network Management Plan and the Roads Act 1993.

10. The unnamed section of Crown road west of Geyers Road bounding proposed lots 41, 46 and 47 is to be constructed prior to the issue of the subdivision certificate for Stage 2. The road shall be formed as 6m wide and bitumen sealed and be subject to an application to Council under Section 138 of the Roads Act.

Reason: To comply with Council's 'Construction and Maintenance of Property Access from Council Roads' Policy, the Road Network Management Plan and the Roads Act 1993.

11. The Right of Carriageway to Lot 3 DP 800446 and the proposed Lots 42, 43 and 44 is to be formed as a 6.0m wide road and bitumen sealed in respect to the existing use and to mitigate any impacts to new lots adjoin the access. The existing Right of Carriageway benefitting Lot 3 DP 800446 is to be extinguished and replaced with a Right of Carriageway as indicated on the proposed plan over the southernmost existing access.

Reason: To comply with Council's 'Construction and Maintenance of Property Access from Council Roads' Policy, the Road Network Management Plan and the Roads Act 1993.



The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

12. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the site around the existing building on lot 48 must be managed as an inner protection area (IPA), in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019, for a distance of 20 metres. When establishing and maintaining an IPA the following requirements apply:
 - a) tree canopy cover should be less than 15% at maturity;
 - b) trees at maturity should not touch or overhang the building;
 - c) lower limbs should be removed up to a height of 2m above the ground;
 - d) tree canopies should be separated by 2 to 5m;
 - e) preference should be given to smooth barked and evergreen trees;
 - f) large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
 - g) shrubs should not be located under trees;
 - h) shrubs should not form more than 10% ground cover;
 - i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
 - j) grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
 - k) leaves and vegetation debris should be removed

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

13. The existing building on lot 48 must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

General Advice

Future development applications lodged on lots created within this subdivision may be subject to further assessment in relation to the relevant version of Planning for Bush Fire Protection 2019 or its equivalent.

Signed on behalf of the consent authority



Tamai Davidson
**Manager Planning &
Development Services**

5 April 2022
Date

Note *This approval does not guarantee compliance with any Act, Regulation or Standard (other than the Environmental Planning and Assessment Act, 1979, as amended) and builders/developers should make their own enquiry as to their legal responsibilities in this regard. Without limiting the generality of the above, approval does not guarantee compliance with the Disability Discrimination Act 1992 to which builders/developers are specifically referred.*



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision - Subdivision

89 Geyers Road Tenterfield NSW 2372, 1//DP800446, 4//DP818762, 14//DP1238030

RFS Reference: DA20220202002274-Original-1

Your Reference: (CNR-34880) 2022.015

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Wayne Sketchley

**Supervisor Development Assessment & Plan
Built & Natural Environment**

Monday 4 April 2022