

**NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

**Issued under the *Environmental Planning & Assessment Act, 1979* Section 81(1)(a)**

TO: **Mr Rex William Daley and Ms Vanessa Ann Bloxsome**  
OF: **PO Box 364**  
**Inverell NSW 2360**

being the applicant in respect of **Application No DA-67/2020**

Notice is hereby given of the determination by Council of **Application No. DA-67/2020** relating to the land owned by **Mr Rex William Daley and Ms Vanessa Ann Bloxsome, of PO Box 364, Inverell NSW 2360** and is described as follows:

**Lot 1 DP 1261930**  
**496 Yetman Road, INVERELL 2360**

The development proposal is: **Subdivision**

The Determination is **consent granted subject to conditions described below** made on **3 August 2020**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

**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 subdivision of Lot 1 DP 1261930 into six (6) rural residential lots.

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. Lots may be released together or individually in separate stages subject to the satisfactory completion of the conditions of consent applicable to the relevant allotment(s).
3. 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 27 July 2020 (stamped and attached).
4. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000* (as detailed at the end of this consent).

**PRIOR TO COMMENCEMENT OF ANY SUBDIVISION WORK**

5. Prior to the commencement of any subdivision works, including earthworks, a Subdivision Works Certificate must be obtained.

6. Prior to issue of a Subdivision Works Certificate, detailed engineering survey and design must be submitted to and approved by Council for:
- The two shared access crossings off Yetman Road to serve proposed Lots 2, 3, 4, 5 and 6. The shared access crossings are to:
    - Be bitumen sealed;
    - Include drainage structures where necessary;
    - Be designed in accordance with Austroads Guidelines; and
    - Include a layby to be used as a school bus stop / mail service shelter / garbage bin collection point.
  - The access handle of proposed Lot 5, which is to be bitumen sealed 4 metres wide on 6 metre gravel pavement for a distance of twenty (20) metres to serve Lots 4 and 6;
  - Site drainage and erosion/sediment controls measures; and
  - Water service connections (to cross Yetman Road) for proposed Lots 2, 3, 4, 5 and 6.

#### **DURING SUBDIVISION WORKS**

7. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the carrying out of subdivision works:
- Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
  - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
  - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;
  - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
  - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;
  - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and
  - Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

#### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

8. A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the *Environmental Planning and Assessment Act 1979*. The applicant must submit a completed Subdivision Certificate application form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.
9. Prior to the issue of a Subdivision Certificate, electricity and telecommunications services are to be provided to Lots 2, 3, 4, 5 and 6. The proponent is required to submit to Council, certificates from:

- An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to proposed Lots 2, 3, 4, 5 and 6.
  - An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to proposed Lots 2, 3, 4, 5 and 6.
10. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lots 2 to 6 inclusive (5 lots) for water supply and water connections. This will require payment to Council of:
    - A Contribution per lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
    - A water connection fee per lot in accordance with Council's fees and charges.
  11. Prior to the issue of a Subdivision Certificate, a contribution for Lots 2 to 6 inclusive (5 lots) must be paid to Council pursuant to Section 7.11 (previously s94) of the *Environmental Planning and Assessment Act 1979* for:
    - General Rural Roads; and
    - Community Services.
  12. Prior to issue of a Subdivision Certificate, the shared access crossing and access handle for proposed Lots 4, 5 and 6 must be constructed in accordance with the approved engineering survey and design.
  13. Prior to issue of a Subdivision Certificate, the shared access crossing for proposed Lots 2 and 3 must be constructed in accordance with the approved engineering survey and design.
  14. Prior to issue of a Subdivision Certificate, a 'Restriction as to User' under Section 88b of the *Conveyancing Act 1919* is to clearly state any new dwelling on proposed Lots 2 to 6 inclusive is to be serviced by an aerated waste water treatment system or similar system approved by the NSW Department of Health.

**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 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A 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 development, subject to conditions, is consistent with the objectives of the R5 Large Lot Residential zone.
2. The request to vary the minimum lot size from 4 hectares to 3.9 hectares for Lot 6 is consistent with the provisions of Clause 4.6 of the *Inverell Local Environmental Plan 2012*, objectives of the zone and mixed rural residential land size in the locality.
3. In consideration of subdivision controls of the *Inverell Development Control Plan 2013*, the development is considered appropriate within the context and setting.
4. The development has been assessed by the NSW Rural Fire Service under a s100B *Rural Fires Act 1997* integrated referral and a Bushfire Safety Authority Issued for the subdivision.

## Community Consultation

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

If you are dissatisfied with this decision section 97 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 section 82A 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**  
**DATE: 3 August 2020**

## Annexure

### Prescribed Conditions Summary

As per condition 2 of this consent, the following matters prescribed under Division 8A of the *Environmental Planning & Assessment Regulation 2000* must be complied with, where relevant:

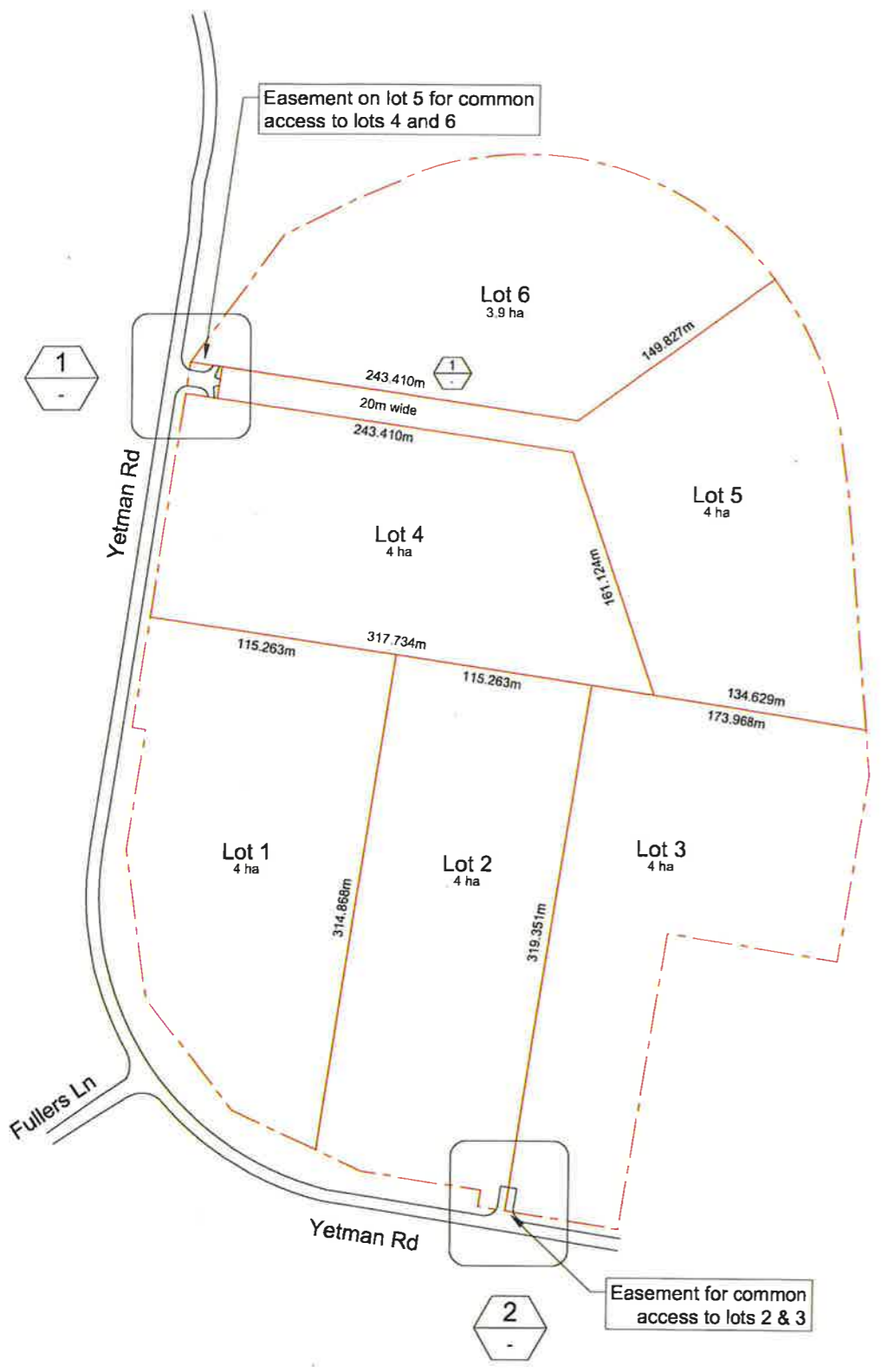
1. All work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. Prior to commencement of building work, subdivision work or demolition work a sign must be erected in a prominent position on the site. The sign must:
  - show the name, address and telephone number of the principal certifying authority for the work;
  - show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - state that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

4. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - in the case of work for which a principal contractor is required to be appointed:
    - the name and licence number of the principal contractor; and
    - the name of the insurer by which the work is insured under Part 6 of that Act; and
  - in the case of work to be done by an owner-builder:
    - the name of the owner-builder; and
    - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified as required above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

5. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this consent, must at the person's own expense:
  - protect and support the building, structure or work from possible damage from the excavation; and
  - where necessary, underpin the building, structure or work to prevent any such damage.



Lot Layout Plan  
Scale 1:4000

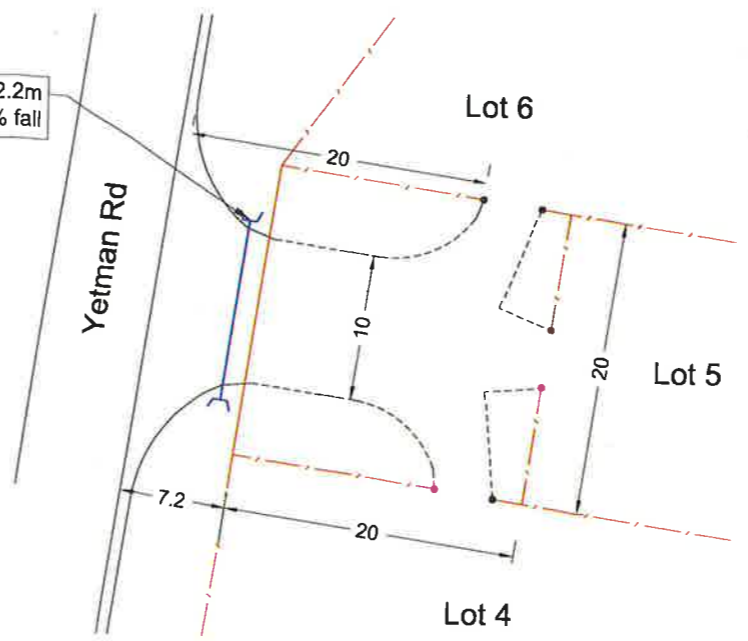


Legend:

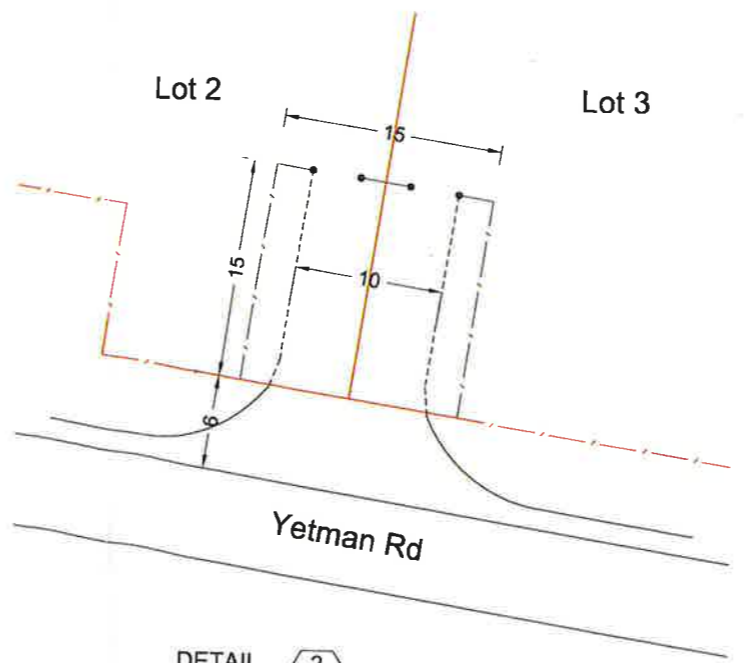
- EXISTING BOUNDARY
- PROPOSED BOUNDARY
- PROPOSED EASEMENT

REFER TO DP1261930 FOR EXISTING BOUNDARY DIMENSIONS

Min Ø375 RCP class 4. 12.2m long with headwalls at 1% fall



DETAIL 1  
SCALE 1:500



DETAIL 2  
SCALE 1:500

**INVERELL SHIRE COUNCIL**  
**DEVELOPMENT APPROVAL**

Approved subject to the provisions of the E.P. & A. Act 1979 and any conditions contained in the attached written approval.

Development Approval No: DA-67/2020

Date: 3 August 2020

Council Officer: [Signature]

This is a development approval only and a Construction Certificate must still be obtained for any building work.

A	Issued for Council Approval	ASD	16/06/2020
No.	AMENDMENT	AUTH	DATE
Pty Ltd ABN 64 055 099 557 Web: www.legs.com.au			
Port Macquarie 71 Lord St, Port Macquarie NSW 2444 Ph: 02-65843888 Email: john@legs.com.au		Inverell 17 Byron Street, Inverell NSW 2360 Ph: 02-67225110 Email: andrew@legs.com.au	
CLIENT	<b>REX DALEY</b>		
PROJECT	<b>PROPOSED SUBDIVISION OF                  LOT 1 DP1261930                  496 YETMAN RD                  INVERELL NSE 2360</b>		
SCALE	AS SHOWN	A3 ORIGINAL	
DESIGNED:	A. DEKKERS	SHEET No:	<b>S01</b>
DRAWN:	J. WILSON	FILE No.:	
APPROVED:	A. DEKKERS		
FIRST ISSUED:	16/06/2020		<b>IV3395</b>



## NSW RURAL FIRE SERVICE

INVERELL SHIRE COUNCIL DEVELOPMENT APPROVAL	
Approved subject to the provisions of the E.P. & A. Act 1979 and any conditions contained in the attached written approval.	
Development Approval No:	DA-67/2020
Date:	2 AUGUST 2020
Council Officer:	
This is a development approval only and a Construction Certificate must still be obtained for any building work.	

Inverell Shire Council  
PO Box 138  
INVERELL NSW 2360

Your reference: (CNR-9275) DA-67/2020  
Our reference: DA20200629002273-Original-1

**ATTENTION:** Elsie Short

Date: Monday 27 July 2020

Dear Sir/Madam,

**Integrated Development Application**  
**s100B - Subdivision - Rural Subdivision**  
**496 Yetman Road Inverell NSW 2360, 1//DP1261930**

I refer to your correspondence dated 26/06/2020 seeking general terms of approval for the above Integrated Development Application.

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 minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:***

1. 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 dwelling on Lot 1 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 23 metres (or to the boundary, whichever is less). When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 metres above the ground;
- tree canopies should be separated by 2 to 5 metres;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;

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#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed

#### **Access – Public Roads**

***The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:***

2. Public access roads must comply with the following requirements of Planning for Bush Fire Protection 2019:
  - minimum 5.5 metre carriageway width;
  - hydrants are located clear of parking areas;
  - the road crossfall does not exceed 3 degrees;
  - a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
  - traffic management devices are constructed to not prohibit access by emergency services vehicles;
  - the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);

#### **Water and Utility Services**

***The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:***

3. The provision of electricity must comply the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:
  - where practicable, electrical transmission lines are underground;
  - where overhead, electrical transmission lines are installed with:
    - short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
    - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

#### **General Advice – Consent Authority to Note**

- Development Applications lodged on lots created within this subdivision may be subject to further assessment under the Environmental Planning & Assessment Act 1979.
- It is noted that the proposed lots contain grassland that may present a bushfire hazard. Where these lots are not mapped as bush fire prone land, Council should consider assessment of future development applications against the requirements of section 4.15 of the *Environmental Planning and Assessment Act, 1979* and AS3959 - *Construction of building in bush fire prone areas*.

For any queries regarding this correspondence, please contact Paul Creenaune on 1300 NSW RFS.

Yours sincerely,

Alan Bawden  
 Team Leader, Dev. Assessment & Planning  
 Planning and Environment Services





NSW RURAL FIRE SERVICE

# BUSH FIRE SAFETY AUTHORITY

Subdivision – Rural Subdivision  
496 Yetman Road Inverell NSW 2360, 1//DP1261930  
RFS Reference: DA20200629002273-Original-1  
Your Reference: (CNR-9275) DA-67/2020

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*.

**Alan Bawden**

Team Leader, Dev. Assessment & Planning  
Planning and Environment Services

Monday 27 July 2020