

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Application No.	DA-30/2021
Applicant	Local Government Engineering Services
Land to be developed	Lot 9 Sec 6 DP 17137 40 King Street, INVERELL 2360
Approved development	1 into 2 Lot Subdivision
Building Code of Australia Classification	Class 1a
Determination	The determination is consent granted subject to conditions.
Determination date	31 March 2021
Consent is to operate from	31 March 2021
Consent will lapse on	31 March 2026
	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 1 into 2 Lot 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 applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000*.

Prior to Issue of Subdivision Certificate

3. 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.
4. Prior to issue of Subdivision Certificate, a concrete driveway is to be constructed from the edge off King Street, to the existing dwelling on the property. The proposed location of the access is to be approved by Council. Prior to the commencement of this work the applicant is required to:
 - Apply to Council for approval under Section 138 of the *Roads Act 1993* to install a paved vehicular access across the footpath (a copy of the application form is enclosed); and
 - Contact Council for footpath levels so that the driveway can be constructed to provide vehicle access onto the site.

The installation of the vehicular access crossing must be carried out under the supervision of Council and the applicant must give Council two (2) working days' notice to inspect the formwork prior to pouring any concrete.

All work is to be completed to the standard approved by Council, at the applicant's expense.

5. Prior to issue of Subdivision Certificate, a concrete access crossing is to be constructed from the edge of O'Connor Street, to the boundary of proposed Lot 2. The proposed location of the access is to be as per the approved plan. Prior to the commencement of this work the applicant is required to:
 - Apply to Council for approval under Section 138 of the *Roads Act 1993* to install a paved vehicular access across the footpath (a copy of the application form is enclosed); and
 - Contact Council for footpath levels so that the driveway can be constructed to provide vehicle access onto the site.

The installation of the vehicular access crossing must be carried out under the supervision of Council and the applicant must give Council two (2) working days' notice to inspect the formwork prior to pouring any concrete.

All work is to be completed to the standard approved by Council, at the applicant's expense.

6. 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:
 - 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.
7. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lot 2 for water supply and water connection. This will require payment to Council of:
 - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A water connection fee in accordance with Council's fees and charges.
8. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lot 2 for sewer supply and sewer connections. This will require payment to Council of:
 - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A sewer junction fee in accordance with Council's fees and charges.
9. Prior to the issue of a Subdivision Certificate, a contribution for Lot 2 inclusive must be paid to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*:
 - Community Services.

10. Prior to issue of a Subdivision Certificate, inter-allotment drainage is to be constructed between the two proposed lots. This will require a 150mm kerb and gutter to be constructed on, or in close proximity to, the common boundary between the proposed lots and drain to a surface inlet pit constructed in the north eastern corner, which is then piped underground to Council's kerb and gutter on O'Connor Street.

An inter-allotment drainage plan for the site is to be submitted to and approved by Council prior to undertaking this work. The plan shall show existing contour levels, inter-allotment drainage levels of the kerb and gutter, pit and drainage line.

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 development, subject to conditions, is consistent with the objectives of the R1 General Residential zone.
2. The subdivision complies with the minimum lot size requirements of the Inverell Local Environmental Plan 2012.
3. The design of the subdivision, subject to conditions is consistent with the streetscape and development in the locality.
4. In consideration of subdivision controls of the Inverell Development Control Plan 2013, the development is considered appropriate within the neighbourhood.

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