

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-69/2021
Applicant	New England Surveying & Engineering
Land to be developed	Lot 8 DP 37620 4 Hindmarsh Street, INVERELL 2360
Approved development	One (1) into Two (2) Lot Subdivision
Building Code of Australia Classification	Class 1a
Determination	The determination is consent granted subject to conditions.
Determination date	16 June 2021
Consent is to operate from	16 June 2021
Consent will lapse on	16 June 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 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*.
3. No additional surface water can be directed to the natural drainage channel on the northern end of Lot 2.

Prior to Commencement of any Subdivision Works

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

5. Prior to issue of a Subdivision Works Certificate, detailed design plans prepared by a suitably qualified engineer, surveyor and/or draftsman must be submitted to and approved by Council for:
 - The concrete access crossing from Hindmarsh Street to the boundary of proposed Lot 2;
 - The concrete access handle of proposed Lot 2, which is to:
 - Be concreted 5 metres wide;
 - Include a 1 metre landscaping strip along the southern boundary. Plant species and location of plantings are to be shown on plan; and
 - Include a 150mm kerb on the southern side of the driveway that directs stormwater to an internal pit at the front boundary, which is connected to the kerb in Hindmarsh Street.

Prior to Issue of Subdivision Certificate

6. 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.
7. 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.
8. Prior to issue of Subdivision Certificate, the existing access crossing to proposed Lot 1 is to be bitumen sealed or concreted from the edge of Hindmarsh Street to the boundary. All work is to be completed to the standard approved by Council, at the applicant's expense.
9. Prior to issue of Subdivision Certificate, the access crossing, access handle and landscaping for proposed lot 2 is to be completed in accordance with the Subdivision Works Certificate. All work is to be completed to the standard approved by Council, at the applicant's expense.
10. 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.
11. 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.
12. 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.

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