

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

<b>Application No.</b>	<b>DA-127/2021</b>
<b>Applicant</b>	Mr Jonathon Bourne
<b>Land to be developed</b>	Lot C DP 159597, Lot 1 DP 525815 1-3 Albert Street, INVERELL 2360
<b>Approved development</b>	Two (2) into Four (4) Lot Subdivision
<b>Building Code of Australia Classification</b>	Class 1a
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	5 November 2021
<b>Consent is to operate from</b>	5 November 2021
<b>Consent will lapse on</b>	5 November 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 Two (2) into Four (4) Lot Subdivision.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plan (as amended in red) 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. The water and sewer connections to proposed Lots 3 and 4 are to be achieved via the extension of:
  - The water main from Albert Street to the southern boundary of Lot 4. This includes the provision of a water hydrant; and
  - The sewer main from the bottom of Victoria Street to Lot 3.

*Note: Lot 1 is to be serviced by existing junction located approximately 8.5m upstream of manhole M1/23 (located in Victoria Street footpath). Lot 2 is to be serviced by existing junction located approximately 23.3m upstream of manhole M1/23 (from WAE drawings).*

### **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 engineering survey and design for the extension of the water and sewer mains to serve Lots 3 and 4 must be submitted to and approved by Council. To ensure the long-term orderly development of the area, the water main design is to include:
  - The extension of the water main from Albert Street to the southern boundary of Lot 4 (to be constricted by the developer); and
  - The extension of the water main from Lot 4 to the southern end of Victoria (this section of water main is not required to be constructed by the developer).

### **Prior to Issue of Subdivision Certificate**

6. A Subdivision Certificate must be obtained from Council in accordance with 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 a Subdivision Certificate, the water main extension and sewer main extension to service Lots 3 and 4 is to be completed in accordance with the Subdivision Works Certificate. This includes the provision of works-as-executed drawings to Council for the completed works.
9. Prior to issue of a Subdivision Certificate, inter-allotment drainage comprising kerbs and pits is to be constructed along the southern boundary of Lots 1 and 2 in accordance with the approved plan (as amended in red). This will require the installation of a pit in the south-west corner of Lot 2, which is to discharge to Victoria Street via an easement over Lot 1.
10. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lots 2, 3 and 4 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 must be paid to Council for Lots 2, 3 and 4 (3 lots) for sewer supply. This will require payment to Council of a Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement per lot.
12. Prior to the issue of a Subdivision Certificate, a Community Services Contribution for Lots 3 and 4 (2 lots) must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act 1979*.
13. A three (3) metre easement is to be created over the sewer main and junction to Lot 2. This easement is to be dedicated in favour of Council.

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 building and structure constructed on the Lots are to comply with the document Building in the Vicinity of Sewer and Trunk Water Mains Guidelines - Part 2 Building in the Vicinity of Sewer Main Guidelines (NSW Water Directorate February 2019), or any revisions to this document; and
  - That no dwelling is to be constructed on Lot 4 unless the length of the access handle of Lot 4 is bitumen sealed or concreted.

### **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**