

## 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 Number</b>	<b>DA-84/2022</b>
<b>Applicant</b>	Mr Jonathon Bourne
<b>Land to be developed</b>	Lot 1 DP 261480 5 Brissett Street, INVERELL 2360
<b>Approved development</b>	One (1) into Three (3) Lot Subdivision
<b>Building Code of Australia Classification</b>	Not Applicable
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	22 August 2022
<b>Consent is to operate from</b>	22 August 2022
<b>Consent will lapse on</b>	22 August 2027 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 one (1) into three (3) 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 Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.
3. Lots 1, 2 and 3 must be serviced by:
  - Council's reticulated water service;
  - Council's reticulated sewerage service;
  - Electricity in accordance with the relevant energy provider; and
  - National Broadband Network.

These services must be provided/constructed prior to issue of a Subdivision Certificate.

*Note: There is an existing water service, running across Evans Street, approximately 48m south of the Brissett Street property boundary, which will need to be abandoned and a new service connected in the north west corner of proposed lot 2.*

4. Kerb and gutter, underground stormwater drainage and a water main extension must be constructed/provided along Evans Street for the entire frontage of the development site, at the developer's expense.

5. Inter-allotment drainage is to be provided along the southern boundary of Lot 3 and be designed to capture overland runoff from the development site and adjoining lots, which is to be conveyed to Evans Street.

**Prior to Commencement of Any Subdivision Works**

6. Prior to the commencement of any subdivision works (including earthworks) on the site, a Subdivision Works Certificate must be obtained in accordance with the *Environmental Planning and Assessment Act 1979*.
7. Prior to the issue of a Subdivision Works Certificate, detailed engineering survey and design plans and specifications prepared by a practising civil engineer must be submitted to and approved by Council. These plans and specifications must include but are not limited to the following detail:
  - Kerb and gutter in Evans Street fronting the whole length of the development site;
  - Underground stormwater drainage in Evans Street fronting the whole length of the development site, including surface inlet pits between driveways (where necessary);
  - Water main extension, including installation of two hydrants, along Evans Street for the whole frontage of the development site;
  - Concrete access crossings to each lot;
  - Inter-allotment drainage along the southern boundary of Lot 3;
  - Erosion and sediment control measures; and
  - Location of all service conduits (telephone, electricity).

The detailed design must be in accordance with the following:

**NATSPEC Specifications**

- Group 0 – Planning and Design;
- Group 01 – General;
- Group 11 – Construction – Roadways; and
- Group 13 – Construction – Public Utilities.

**Water Supply Code of Australia**

- WSA 02 – Sewerage Code of Australia; and
- WSA 03 – Water Supply Code of Australia.

*Note: Prior to preparation of any engineering design plans, it is recommended that the consultant(s) preparing the design plans contact Council's Civil and Environmental Services division to confirm the extent and scope of all works and detail required on the design plans and specifications.*

8. Prior to issue of a Subdivision Works Certificate, approval under Section 138 of the *Roads Act 1993* is to be obtained to undertake works within the road reserve.

**Prior to Issue of a Subdivision Certificate**

9. Prior to the issue of a Subdivision Certificate an application for a Subdivision Certificate must be submitted to and approved by Council. A Subdivision Certificate will not be issued nor the final plan signed by Council until all relevant conditions have been complied with.
10. Prior to the issue of a Subdivision Certificate, any pavement damage or structural deterioration caused to Council's roads by the use of roads as haulage routes for materials used in construction of the subdivision must either be repaired to the satisfaction of Council, or a payment made of the costs incurred by Council to undertake the repairs.
11. Prior to the issue of a Subdivision Certificate, electricity and a telecommunications service 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.
12. Prior to the issue of a Subdivision Certificate, all civil works are to be completed in accordance with the approved Subdivision Works Certificate, engineering plans and specifications. This includes kerb and gutter, stormwater drainage, inter-allotment drainage, water main extension and concrete accesses. The works are to have had all necessary inspections.
  13. Prior to the issue of a Subdivision Certificate, the proponent is to enter a Defects Liability Period contract with Council, guaranteeing performance of work of any contractors for a period of twelve (12) months from the date of the issue of a Subdivision Certificate.
  14. Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be submitted to and accepted by Council. The plans are to be endorsed by a suitably qualified and practising civil engineer certifying that the plans accurately reflect the Works as Executed.
  15. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for water supply and water connections. This will require payment to Council of:
    - A Contribution for Lot 2 and Lot 3 (2 lots) under Council's Development Servicing Plan No. 1 for 1 equivalent tenement per lot; and
    - A water connection fee for Lots 1, 2 and 3 in accordance with Council's fees and charges.
  16. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for sewer supply and sewer connections. This will require payment to Council of:
    - A Contribution for Lot 2 and Lot 3 (2 Lots) under Council's Development Servicing Plan No. 1 for 1 equivalent tenement per lot; and
    - A sewer junction fee for Lots 1, 2 and 3 in accordance with Council's fees and charges.
  17. Prior to issue of a Subdivision Certificate, a three (3) metre easement for drainage of water is to be created over the inter-allotment drainage along the southern boundary of Lot 3. The terms of the easement must specify that maintenance of the easement is the responsibility of the lot owner and the easement is to be dedicated in favour of Council.

## **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 IN1 General Industrial zone. No minimum lot size for subdivision applies to the land.
2. In consideration of the controls of the Inverell Development Control Plan 2013, it is considered that any future development of the lots can achieve compliance with the relevant development controls including industrial, flooding and parking standards.

## **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

A handwritten signature in black ink, appearing to read 'Chris Faley', with a long horizontal stroke extending to the right.

**CHRIS FALEY**  
**DEVELOPMENT SERVICES COORDINATOR**