

## 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-33/2022</b>
<b>Applicant</b>	Mr James Innes Noad
<b>Land to be developed</b>	Lot 6 DP 238696 27 Alsace Road, Inverell NSW 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>	29 July 2022
<b>Consent is to operate from</b>	29 July 2022
<b>Consent will lapse on</b>	29 July 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. If the 2 lot subdivision of Lot 6 DP 238696 is completed under D-38/1993, the creation of Lots 2 and 3 of this consent may be still be undertaken subject to completion of the conditions of this consent.

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

3. A Subdivision Certificate must be obtained from Council in accordance with the *Environmental Planning and Assessment Act 1979*.
4. 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.

5. Prior to issue of Subdivision Certificate, a bitumen sealed access crossing must be constructed to Lot 2 and Lot 3 in accordance with Council's *Access Crossing Concrete Dish and Culvert Crossing Residential, Commercial and Rural Premises*. The proposed location of the accesses 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.

6. Prior to issue of a Subdivision Certificate, the existing access crossing to Lot 1 is to be bitumen sealed from the edge of Alsace Road, to the boundary. All work is to be completed to the standard approved by Council, at the applicant's expense.
7. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for Lot 2 and 3 (2 lots) for water supply and water connection. This will require payment to Council of:
- Contributions under Council's Development Servicing Plan No. 1 for 1 equivalent tenement per lot; and
  - A water connection fee per lot in accordance with Council's fees and charges.
8. Prior to the issue of a Subdivision Certificate, contributions for Lots 2 and 3 (2 lots) must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act 1979*:
- General Rural Roads; and
  - Community Services.
9. Prior to issue of a Subdivision Certificate, a 'Restriction as to User' under Section 88b of the *Conveyancing Act 1919* is to clearly state:
- All land below the contour system (taken from 5 metres on the uphill side of the top of contour) on Lots 2 and 3 be excluded for buildings, structures and septic disposal. See attached mark-up below;
  - No changes to the contour system on Lots 1, 2 and 3 can be undertaken without the prior consent of Council; and
  - Any new dwelling on Lot 2 and Lot 3 is to be serviced by an aerated waste water treatment system or similar system approved by the NSW Department of Health.
10. Prior to issue of a Subdivision certificate, a rural addressing fee for Lot 2 and Lot 3 (2 lots) is to be paid to Council in accordance with Council's fees and charges.

## **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 R5 Large Lot Residential zone.
2. The subdivision complies with the minimum lot size requirements of the Inverell Local Environmental Plan 2012.
3. In consideration of subdivision controls of the Inverell Development Control Plan 2013, the development is considered appropriate within the neighbourhood
4. The subject land has been contoured for the retention of soils and to slow down run off. A 'Restriction as to User' under Section 88b of the Conveyancing Act 1919 has been imposed in relation to the retention of these contours.

## **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**