

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Application Number	DA-81/2023
Applicant	The Donnelly Bell Family Trust and The S&E Doodson
Land to be developed	Lot 101 DP 1287360 342 Swanbrook Road, Inverell NSW 2360
Approved development	Subdivision - 1 Lot into 3 Lots
Building Code of Australia Classification	Not Applicable
Determination	The determination is consent granted subject to conditions.
Determination date	26 July 2023
Consent is to operate from	26 July 2023
Consent will lapse on	26 July 2028 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.

1. Lots may be released together or individually in separate stages subject to the satisfactory completion of the conditions of consent applicable to the relevant allotment(s).
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. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the carrying out of subdivision works:
 - Works on site are to be carried out in accordance with the *Protection of the Environment Operations Act 1997* in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
 - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;

- Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;
- Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
- Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot; and
- Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the *Surveying and Spatial Information Act 2002*. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

Prior to Issue of a Subdivision Certificate

4. A Subdivision Certificate must be obtained from Council in accordance with the *Environmental Planning and Assessment Act 1979*.
5. Prior to the issue of a Subdivision Certificate for Lot 101 and/or Lot 103, electricity and telecommunications services are to be provided to these 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.

Note: Should a shed or other building be constructed on a lot prior to issue of the Subdivision Certificate, which incorporates a solar system energy suitable for a dwelling, Council will not require the provision of electricity for that lot.
6. Prior to the issue of a Subdivision Certificate for Lots 101 and/or 103, contributions/fees must be paid to Council 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.
7. Prior to the issue of a Subdivision Certificate for Lots 101 and/or 103, contributions for Lots 101 and/or 103 (2 lots) must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act 1979* for:
 - General Rural Roads; and
 - Community Services.
8. Prior to issue of Subdivision Certificate for Lot 101 and/or 103, a bitumen sealed access crossing must be constructed to Lot 101 and Lot 103 in accordance with Council's *Access Crossing Concrete Dish and Culvert Crossing Residential, Commercial and Rural Premises*. 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.

9. Prior to issue of a Subdivision certificate for Lots 101 and/or 103, a rural addressing fee for Lots 101 and 103 (2 lots) is to be paid to Council in accordance with Council's fees and charges.
10. Prior to issue of a Subdivision Certificate for Lot 101, a Restriction on the Use Land pursuant to Section 88b of the Conveyancing Act 1919 is to clearly state that "Any dwelling constructed on Lot 101 is to be serviced by an aerated waste water treatment system or similar system approved by the NSW Department of Health".
11. Prior to issue of a Subdivision Certificate for Lot 102, the existing access crossing to Lot 102 is to be bitumen sealed from the edge of Swanbrook Road, to the boundary or for a distance of 10 metres, whichever is the lesser. All work is to be completed to the standard approved by Council, at the applicant's expense.
12. Prior to issue of a Subdivision Certificate for Lot 103, the gravel driveway with contour crossings, within the access handle of Lot 103, is to be constructed in accordance with the approved plan.

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 provisions of the Inverell Local Environmental Plan 2012.
3. Subject to conditions, the proposed lots will be provided will be provided with essential services.
4. The subdivision complies with the controls of the Inverell Development Control Plan 2013.

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