



# INVERELL SHIRE COUNCIL

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application number</b>	DA-3/2024 PAN-400314
<b>Applicant</b>	Elizabeth Cumming
<b>Description of development</b>	Subdivision - 1 into 3 Lots
<b>Property</b>	160 SHORT STREET INVERELL 2360 121/-/DP1287223
<b>Determination</b>	Approved Consent Authority - Council
<b>Date of determination</b>	23/01/24
<b>Date from which the consent operates</b>	23/01/24
<b>Date on which the consent lapses</b>	23/01/29
<b>Approval bodies that have given general terms of approval</b>	NA

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### Reasons for approval

- <sup>1</sup> The development, subject to conditions, is consistent with the objectives of the R5 Large Lot Residential zone.
- <sup>2</sup> The subdivision complies with the minimum lot size and servicing requirements of the Inverell Local Environmental Plan 2012.

### Right of appeal / review of determination

If you are dissatisfied with this determination:

### **Request a review**

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

### **Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Anthony Alliston  
Manager Development Services  
Person on behalf of the consent authority

**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**General Conditions**

1	<b>Approved plans and supporting documentation</b>			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	Approved plans			
	Plan number	Revision number	Plan title	Date of plan
	231377		Proposed Subdivision of Lot 121 DP 1287223	Croft Surveying and Mapping 16.8.2023
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
<b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				

**Subdivision Work**

**Before issue of a subdivision works certificate**

No additional conditions have been applied to this stage of development.

**Before subdivision work commences**

No additional conditions have been applied to this stage of development.

**During subdivision work**

No additional conditions have been applied to this stage of development.

**Before issue of a subdivision certificate**

2	<b>Subdivision Certificate – Electricity and telecommunications services</b>
	<p>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:</p> <ul style="list-style-type: none"> <li>• An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision.</li> <li>An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in</li> </ul>

	the subdivision.
	<b>Condition reason:</b> To require electricity and telecommunications to be provided to the subdivision.
3	<b>Water Connections</b>
	Water is to be connected to Lots 11 and 12 (2 lots). Before issue of a Subdivision Certificate, contributions/fees must be paid to Council for water supply and water connection for each lot. This will require payment to Council of: <ul style="list-style-type: none"> <li>• Contributions under Council's Development Servicing Plan No. 1 for 1 equivalent tenement per lot; and</li> <li>• A water connection fee per lot in accordance with Council's fees and charges.</li> </ul>
	<b>Condition reason:</b> The lots must be connected to town water in accordance with Chapter 2 of the Inverell Development Control Plan 2013.
4	<b>Section 7.11 Contributions</b>
	Before 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 for: <ul style="list-style-type: none"> <li>• General Rural Roads; and</li> <li>• Community Services.</li> </ul>
	<b>Condition reason:</b> The subdivision requires payment of contributions in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 Plan.
5	<b>88b Restrictions</b>
	Before issue of a Subdivision Certificate, a Restriction on the Use Land pursuant to Section 88b of the Conveyancing Act 1919 is to clearly state that: <ul style="list-style-type: none"> <li>• Any dwelling constructed on Lots 11 and 12 are to be serviced by an aerated waste water treatment system or similar system approved by the NSW Department of Health.</li> </ul>
	<b>Condition reason:</b> To protect the environment and amenity of the area.
6	<b>Obtaining Subdivision Certificate</b>
	A Subdivision Certificate must be obtained from Council in accordance with the <i>Environmental Planning and Assessment Act 1979</i> . The applicant must submit documentary evidence demonstrating compliance with the conditions of this development consent.
	<b>Condition reason:</b>

### Ongoing use for subdivision work

No additional conditions have been applied to this stage of development.

### General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means INVERELL SHIRE COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision work certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Northern Regional Planning Panel.