



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-83/2024 PAN-455655
Applicant	Ken Cockburn
Description of development	Three lot rural subdivision
Property	1986 PINDARI DAM ROAD PINDAROI 2361 10/-/DP869840
Determination	Approved Consent Authority - Council staff under delegated authority
Date of determination	11/10/24
Date from which the consent operates	11/10/24
Date on which the consent lapses	11/10/29
Approval bodies that have given general terms of approval	NSW Rural Fire Service

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

1. The development, subject to conditions, is consistent with the objectives of the RU1 Primary Production zone.
2. The proposed subdivision complies with the controls of the Inverell Development Control Plan 2013.

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.



Mark Lyndon
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	Approved plans and supporting documentation			
	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	Drawn by
	TE241113-1 DA	N/A	Plan of Subdivision	Tenterfield Surveys
	Date of plan			
	03/06/2024			
	Approved documents			
	Document title	Version number	Prepared by	Date of document
	Statement of Environmental Effects	N/A	Ken Cockburn (Tenterfield Surveys)	24 July 2024
In the event of any inconsistency between the approved plans and documents, the approved < Plans / Documents > prevail.				
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
Condition reason: 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

2	NSW Rural Fire Service Letter
	Prior to issue of a Subdivision Certificate the conditions specified in the Bush Fire Safety

	Authority under Section 100B Of the <i>Rural Fires Act 1997</i> issued by the New South Wales Rural Fire Service (RFS Reference DA20240805003183-Original-1) on 23 September 2024 (stamped and attached) must be satisfied.
	Condition reason: To comply with Planning for Bush Fire Protection.
3	Rural addressing
	Prior to the issue of a Subdivision Certificate, a rural addressing fee in accordance with Council's fees and charges is to be paid to Council for each new lot/access.
	Condition reason: To provide a road number for formal addressing of the new lots.
4	Section 94 - Subdivision Contributions
	Prior to the issue of a Subdivision Certificate, a General Rural Roads contribution for 2 additional lots must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the <i>Environmental Planning and Assessment Act 1979</i> .
	<i>Note: at the date of this consent, the General Rural Roads contribution is \$2,925.00 per additional lot. This contribution is subject to quarterly CPI adjustment and the final amount will be calculated at the date of payment.</i>
	Condition reason: To require payment of contributions in accordance with Council's Section 94 Plan.

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

5	Obtaining Subdivision Certificate
	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.
	Condition reason:

Ongoing use for subdivision work

6	Electricity Supply – Restriction as to User
	Prior to the issue of a Subdivision Certificate, a 'Restriction as to User' under Section 88b of the <i>Conveyancing Act 1919</i> is to clearly state "No dwelling is to be constructed on Lot 101 or 102 without Council being satisfied of a suitable electricity supply.
	Condition reason: To ensure that any future dwelling is serviced by a suitable electricity supply.

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.