



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-31-2024 PAN-448155
Applicant	Ambrose Hallman [REDACTED]
Description of development	One (1) into Two (2) Lot Subdivision Demolition
Property	10 WARWICK STREET URALLA 2358 270/-/DP778487
Determination	Approved Consent Authority - Council staff under delegated authority
Date of determination	15/10/24
Date from which the consent operates	16/10/24
Date on which the consent lapses	16/10/29

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.

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.



Simon Vivers
Interim Manager Development & Planning
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	Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>. 4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— a. to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
2	Erection of signs 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— a. showing the name, address and telephone number of the principal certifier for the work, and

	b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to— a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6. Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.								
3	Approved plans and supporting documentation Development must be carried out in accordance with the following approved plan, except where the conditions of this consent expressly require otherwise. <table border="1"> <tr> <td colspan="2">Approved plan</td></tr> <tr> <td>Drawn by</td><td>Date of plan</td></tr> <tr> <td>Croft Surveying and Mapping</td><td>30.05.2024</td></tr> <tr> <td>Ref: 241427</td><td></td></tr> </table> In the event of any inconsistency with the approved plan 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.	Approved plan		Drawn by	Date of plan	Croft Surveying and Mapping	30.05.2024	Ref: 241427	
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4	Application for Subdivision Certificate An Application for a Subdivision Certificate is to be submitted via the NSW Planning Portal, with all relevant documentation and plans, including a statement of how each of the conditions has been satisfied. Details of compliance with relevant consent conditions, and any required easements, positive covenants and restrictions as to user are to be included on the documentation submitted for a Subdivision Certificate for the subject lots. Condition reason: To ensure the development has complied with conditions of consent.								
5	Fencing Before the construction of any form of residential accommodation within Lot 71, boundary fencing shall be provided as follows: • At side and rear boundaries of Lot 70. In addition: The side fence height shall reduce to 1.2m in height, where forward of the building line								

	within Lot 70; • The side fence shall allow for splay corners, should access to the dwelling within Lot 70 be provided via the access handle; and • Fencing shall also accord with other requirements of Part 2, Division 1, Subdivision 17 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
	Condition reason: To ensure an acceptable level of amenity and privacy between each lot.

Subdivision Work

Before issue of a subdivision works certificate

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

Before subdivision work commences

6	Erosion and sediment controls in place Before any site work commences, Council must be satisfied suitable erosion and sediment controls are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
7	Work on Council's Land (Section 138 Approval) For all construction work on Council land, the developer is required to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority, which will incorporate seeking any necessary approvals for work in road reserves under the Roads Act 1993. The relevant work required under this consent includes: • Provision of upgraded driveway crossover to the satisfaction of Council; • Stormwater drainage connection work; and • Provision of additional driveway crossover to existing dwelling within Lot 70, if required. Details shall be approved prior to the commencement of any work on Council's land. ADVISING: The existing dwelling located within Lot 70 is required to be provided with an off-street car parking space. Should this not be accessed directly from Warwick Street, suitable provision for access shall be made via the access handle within Lot 71. Condition reason: In the interests of vehicular and pedestrian safety and to ensure practical access to each lot.
8	Stormwater Drainage Before the commencement of work, details for all proposed stormwater drainage works required for the development are to be submitted for approval by Councils Development Engineer. Designs are to comply with Councils relevant Engineering Standards. For the avoidance of doubt, all stormwater must drain to a lawful point (including that associated with the existing dwelling and any retained outbuilding within Lot 70).

	ADVISING: It is recommended that any infrastructure suitably manages stormwater dispersal within Lot 71, and this work undertaken during internal driveway work. Condition reason: To prevent flooding of the subject lots or adjoining lots.				
9	Local Government Act 1993 (Section 68 Approval) Before commencement of subdivision work, approval is required under Section 68 of the Local Government Act 1993 for the works described below. <table border="1"> <tr> <th>Part</th><th>Summary</th></tr> <tr> <td>Part B Water supply, sewerage and stormwater drainage work</td><td> • Water and sewerage connection(s); • Stormwater drainage work Please be advised that additional fees are applicable for these works. This may include extension or relocation of reticulated services and installation of new water meter(s) </td></tr> </table> For the avoidance of doubt, the sewer line traversing Lot 71 may: • be relocated; or • protected by a restriction (easement). ADVISING: At the time of determination, the following estimates are provided in connection with work which may be required under this condition: • Relocation of Sewer – \$24,417.40 to relocate the sewer line to a more ‘perimeter’ location. Please note that this would also be required to be supported by designs from a Surveyor and Engineer. • New Water Service – Estimate under \$3,000.00 Condition reason: To ensure that work meets relevant standards.	Part	Summary	Part B Water supply, sewerage and stormwater drainage work	• Water and sewerage connection(s); • Stormwater drainage work Please be advised that additional fees are applicable for these works. This may include extension or relocation of reticulated services and installation of new water meter(s)
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During subdivision work

10	Discovery of relics and Aboriginal objects While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: 1. the work in the area of the discovery must cease immediately; 2. the following must be notified 1. for a relic – the Heritage Council; or 2. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: 1. for a relic – the Heritage Council; or - for an Aboriginal object – the person who is the authority for the protection of
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	Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Condition reason: To ensure the protection of objects of potential significance during works.
11	Noise and Vibration requirements Unless with the prior approval of Council, while site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at a lot boundary of the site. Condition reason: To protect the amenity of the neighbourhood during construction.
12	Soil management While site work is being carried out, Council must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a. Any excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to Council. b. Any fill material imported to the site must be: a. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or b. a material identified as being subject to a resource recovery exemption by the NSW EPA; or c. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
13	Topsoil The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Stockpiles are to be limited in height to 3 metres and located in a position not visually prominent from public places. Condition reason: To maintain an acceptable level of amenity during construction.
14	Demolition Any demolition is to be carried out in accordance with AS2601 – Demolition of Structures. Condition reason: To ensure the work is undertaken safely and as required pursuant to the Environmental Planning and Assessment Regulation 2000 and Work Health and Safety (WHS) Regulation 2011.
15	Engineering Work All Engineering works to be designed by a competent person to ensure that these works are of a sustainable and safe standard. Condition reason: To ensure that work meets relevant standards.

Before issue of a subdivision certificate

16	Repair of infrastructure
	Before the issue of a Subdivision Certificate, any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council.
	Condition reason: To ensure any damage to public infrastructure is rectified.
17	Section 88B Instrument
	Appropriate covenants/restrictions are to be included in the Title Plan/s88b documentation for the following: • Easement(s) to drain water (if required); • Easement(s) for drainage of sewage (if required); • Easement(s) for protection of sewer line; and • Access and ongoing maintenance of access (if required). Details are to be included on relevant title documentation to the satisfaction of Council before the issue of a Subdivision Certificate for the development.
	Condition reason: To ensure infrastructure and access are properly safeguarded.
18	Telecommunications and Electricity Supply
	Written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to the development, are to be submitted to Council before the issue of a Subdivision Certificate.
	The location of any new pole or ground mounted substation for the development is to be confirmed with and approved by Council, to ensure that this does not unreasonably interfere with the aesthetics or functionality of the development or adjoining public road/s.
19	ADVISORY NOTE: Such infrastructure shall be located within the property where feasible and positioned such that it does not impede the movement of pedestrians with vision impairment.
	Condition reason: To ensure the development is provided with essential services.
	Infrastructure Location
20	Before the issue of Subdivision Certificate, the surveyor shall confirm that any existing drainage or service lines affecting Lot 70 are fully contained within that lot.
	Condition reason: To ensure that the proposal does not impede services to the existing dwelling.
	Development Standards - Access
	<u>Surfacing of Access Handle:</u>
	The access handle must: • be either concreted or sealed, for the length of the handle; and • have a 3m wide driveway/pavement width, and extending to the rear point of access for Lot 70, if required. If sealed, the driveway/pavement shall be provided with a compacted 150mm base and have a minimum 2 coat seal finish.
	<u>Driveway Crossover(s):</u>

	The driveway crossover(s) shall be sealed from the property boundary to the road edgeline, in accordance with relevant engineering standards. <u>Rear Access to Lot 70 (if required)</u> Should the off-street parking space required for Lot 70 be provided at the rear of the dwelling (via the access handle), splay corners must be provided a minimum 1.5m at the access junction with the access handle.
	Condition reason: To ensure the development complies with relevant acceptable solutions within the DCP.

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 URALLA 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.