



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-46-2024 PAN-481281
Applicant	Neil O'Toole [REDACTED]
Description of development	Subdivision - 1 Lot into 2 (Rural Subdivision pursuant to Clause 4.2 of Uralla LEP 2012)
Property	75 ROSE HILL ROAD ARDING 2358 3/-/DP1096564 4/-/DP1096564
Determination	Approved Consent Authority - Council staff under delegated authority
Date of determination	22/11/24
Date from which the consent operates	22/11/24
Date on which the consent lapses	22/11/29

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.

Reasons for approval

- The approved development accords with Clause 4.2 of the Uralla Local Environmental Plan 2012 (a dwelling is not permissible on Lot 1); and
- The approved development is satisfactory in relation to matters for consideration as specified under Clause 4.15 of the Environmental Planning & Assessment Act 1979

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	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. Approved plans <table><tr><td>Plan title</td><td>Revision number</td><td>Drawn by</td><td>Date of plan</td></tr><tr><td>Plan of Subdivision</td><td>-</td><td>Timothy James Youman ref: 23203</td><td>26.09.2024</td></tr></table> Approved documents No approved documents. 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.	Plan title	Revision number	Drawn by	Date of plan	Plan of Subdivision	-	Timothy James Youman ref: 23203	26.09.2024
Plan title	Revision number	Drawn by	Date of plan						
Plan of Subdivision	-	Timothy James Youman ref: 23203	26.09.2024						
2	Limitations This consent does not authorise: - Dwelling Permissibility within Lot 1; or - Intensification or Expansion of the existing development within Lot 1. ADVISING: Unless further planning permission is obtained, the use within Lot 1 must remain in accordance with conditions granted under Development Application 2697, approved by Council 30 October 1995. ADVISING: It is desireable for an annotation to be placed on the plan of subdivision which clarifies that no dwelling may be erected on Lot 1 / the subdivison complies with Clause 4.2 of the Uralla Local Environmental Plan. It is not considered necessary to warrant a restriction on the land. Condition reason: For the avoidance of doubt and to ensure the development complies with Clause 4.2 of the Uralla Local Environmental Plan 2012								
3	Fencing Any fencing as a result of the approved development shall accord with exempt development								

limitations, as prescribed in Part 2, Division 1, Subdivision 18 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
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Condition reason: In the interests of preventing incongruous fencing for the zone.

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

4	Apply 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.
	Condition reason: To specify the further consent required.

Ongoing use for subdivision work

5	Stormwater Management
	Stormwater within each lot shall be managed in a controlled manner which does not give rise to flooding impacts on an adjoining lot.
	Condition reason: To ensure that the proposed new boundary does not compromise existing drainage patterns.

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.