



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-19-2024 PAN-433087
Applicant	Paul Covell [REDACTED]
Description of development	One (1) into Two (2) Lot Subdivision
Property	152 STACES ROAD URALLA 2358 385/-/DP755846
Determination	Approved Consent Authority - Council staff under delegated authority
Date of determination	26/07/24
Date from which the consent operates	1/08/24
Date on which the consent lapses	1/08/29

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	Approved Plans and Supporting Documentation												
	Development must be carried out in accordance with the following approved plans except where the conditions of this consent expressly require otherwise.												
	<table><tr><td>Plan/Sheet No.</td><td>Revision No.</td><td>Drawn By</td><td>Dated</td></tr><tr><td>1 of 1</td><td>A</td><td>SMK Consultants</td><td>06-05-2024</td></tr><tr><td></td><td></td><td>Job ref: 24-20</td><td></td></tr></table>	Plan/Sheet No.	Revision No.	Drawn By	Dated	1 of 1	A	SMK Consultants	06-05-2024			Job ref: 24-20	
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	1 of 1	A	SMK Consultants	06-05-2024									
		Job ref: 24-20											
In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.													
Condition reason: To ensure the development proceeds in accordance with the approved plans and supporting documentation.													
2	ADVICE - Soil Management												
	Any soil removed from or imported to Proposed Lot 1 is to be managed in accordance with the following requirements:												
	- 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 the principal certifier. - Any fill material imported to the site must be: Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997; or - a material identified as being subject to a resource recovery exemption by the NSW EPA; or - a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.												
	This advice has been included given it is expected that at some point, filling of part of the land may occur. Please also be advised that Development Consent may be required for this work.												
	Condition reason: N/A Advice Only												
3	ADVICE - Preliminary Site Investigation												
	Any future development application for a new use and/or construction located on Proposed Lot 1 shall be supported by a current Preliminary Site Investigation.												

	Condition reason: N/A Advice
4	ADVICE - Infrastructure Any future development application for a new use and/or construction on either lots would require: • Extension of access roads and provision of driveway crossovers (including any consents required under the Roads Act 1993 or from Crown Lands) • Satisfactory provision of water, sewerage and stormwater management systems. This may include connection to a reticulated system, should such infrastructure be located in vicinity of the subject site. This advice has been included for the avoidance of doubt, given the subject application itself constitutes a unique circumstance which does not warrant the requirement of the provision of usual infrastructure. Condition reason: N/A Advice

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

5	Telecommunications/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. ADVISORY NOTE 1: 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. ADVISORY NOTE 2: The telecommunications aspect applies unless the development is deemed exempt from fibre-ready facilities through the following mechanism(s): • Telecommunications (Fibre-ready Facilities – Exempt Real Estate Development Projects) Instrument 2023 (exemptions are published on the register maintained by the Department of Infrastructure, Transport, Regional Development and Communications);
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	• Where the development is exempted by the Federal Minister for Communications by legislative instrument under the exemptions provisions in Part 20A of the Telecommunications Act; • Clause 5, 7 and 8 of Telecommunications (Fibre-Ready Facilities in Real Estate Development Projects and Other Matters) Instrument 2022, • Where the development is a minor subdivision as defined in the Environmental Planning and Assessment Regulation 2021 Details of any exemption shall be demonstrated as part of application for Subdivision Certificate. Condition reason:
6	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 any staging, compliance with relevant consent conditions, and all 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, to ensure that the relevant consent requirements are addressed. Condition reason: To ensure that a Subdivision Certificate may be assessed.

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.