



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-14-2025 PAN-512966
Applicant	Ambrose Building Development Solutions [REDACTED]
Description of development	Subdivision - 1 Lot into 2
Property	15 MCGREGOR STREET URALLA 2358 34/-/DP2662
Determination	Approved Consent Authority - Council staff under delegated authority
Date of determination	16/04/25
Date from which the consent operates	25/04/25
Date on which the consent lapses	25/04/30

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
Senior Planner
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 plan		
	Plan number/ref	Drawn by	Date of plan
	251474D, Sheet 1 of 1	Croft Surveying and Mapping	14.04.2025
	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.		
2	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 is applied for.		
3	Building Code of Australia Compliance		
	A minimum 900mm setback shall be provided from the existing garage to the new boundary. Minor changes to the lot areas may occur as a result of this condition.		
	Condition reason: To comply with relevant standards.		
4	ADVICE - Retaining Wall		
	Please be advised that this consent does not authorise the retaining wall located at the eastern side of Lot 342. Please ensure that that this retaining wall is within the limits of "exempt development", unless separate planning permission (and any other related permit) is obtained. See Part 2, Division 1, Subdivision 15 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .		
	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

5	Erosion and sediment controls in place
	Before any site work commences, the principal certifier must be satisfied suitable erosion and sediment controls are in place. These controls must remain in place until any bare earth has been restabilised.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
6	Section 138 Approval - Driveway
	For all construction work on Council's 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. Therelevant work required under this consent includes: • Construction of a driveway from the bitumen seal / street edge in McKenzie Street to the boundary of Lot 342 (newly created lot) Details shall be approved prior to the commencement of any work on Council's land and shall be in accordance with relevant adopted standard drawings.
	Condition reason: To ensure safe and practical access is provided to the new lot.

During subdivision work

7	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 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.
	Condition reason: To ensure the protection of objects of potential significance during works.
8	Hours of work
	Site work must only be carried out between the following times –

	• 7.00am and 6.00pm on Monday to Friday • 8.00am to 1.00pm on Saturdays Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To protect the amenity of the surrounding area.
9	Noise and Vibration requirements 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.
10	Responsibility for changes to public infrastructure While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure must be paid as directed by the consent authority. Condition reason: To ensure payment of approved changes to public infrastructure.

Before issue of a subdivision certificate

11	Removal of waste upon completion Before the issue of a Subdivision Certificate: 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of lawfully. Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
12	Repair of infrastructure Before the issue of a Subdivision Certificate: 1. 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.
13	Services - Telecommunications and Electricity 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. ADVISING: 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 new lot is appropriately serviced.
14	Services - Water and Sewer (Section 68 Approval) Before the issue of a Subdivision Certificate, the following work shall be approved by Council and carried out to the satisfaction of Council:

	<table><tr><th>Part of Act</th><th>Item</th><th>Details of required work</th></tr><tr><td rowspan="2">B - Water supply, sewerage and stormwater drainage work</td><td>1. Install, alter, disconnect or remove a meter connected to a service pipe</td><td>Extension of water supply to Lot 342 including provision of meter. (may include/require underboring)</td></tr><tr><td>2. Carry out sewerage work</td><td>Extension of sewer main to Lot 342 (may also require pump-out solution or other similar alternative solution at construction stage for a new dwelling, unless built to sufficient floor level)</td></tr></table>	Part of Act	Item	Details of required work	B - Water supply, sewerage and stormwater drainage work	1. Install, alter, disconnect or remove a meter connected to a service pipe	Extension of water supply to Lot 342 including provision of meter. (may include/require underboring)	2. Carry out sewerage work	Extension of sewer main to Lot 342 (may also require pump-out solution or other similar alternative solution at construction stage for a new dwelling, unless built to sufficient floor level)
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	Application(s) pursuant to Section 68 of the Local Government Act 1993 shall be submitted via the NSW Planning Portal.								
	ADVICE: Additional fees are likely to be payable for the carrying out of this work.								
	Condition reason: To ensure appropriate services are available to the new Lot.								
15	Drainage and Service Lines								
	Evidence shall be provided from a surveyor that the any existing drainage or service lines are contained within Lot 341.								
	Condition reason: To ensure that services are protected.								
16	Restrictions								
	The application for Subdivision Certificate and supporting material shall demonstrate the following restrictions:								
	• Provision of Easement for any extended sewer infrastructure (minimum width 3m); and • Covenant to ensure that any future dwelling(s) within Lot 342 are of a sufficient floor level to allow sewer to drain naturally to the sewer manhole, unless a pump-out septic system is provided.								
	Both restrictions are to be to the benefit of Uralla Shire Council.								
	Condition reason: To ensure the new lot is appropriately serviced.								

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.