



**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

<b>Application number</b>	DA-14-2024 PAN-432420
<b>Applicant</b>	Sean Doodson [REDACTED]
<b>Description of development</b>	Subdivision - One (1) Lot into Two (2) Lots
<b>Property</b>	38 QUEEN STREET URALLA 2358 7/-/DP1136988
<b>Determination</b>	Approved Consent Authority - Council
<b>Date of determination</b>	25/06/24
<b>Date from which the consent operates</b>	26/06/24
<b>Date on which the consent lapses</b>	26/06/29

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	<p><b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <ol style="list-style-type: none"> <li>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>.</li> <li>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.</li> <li>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>.</li> <li>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.</li> <li>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.</li> <li>6. This section does not apply—             <ol style="list-style-type: none"> <li>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</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol> <p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p><b>Erection of signs</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>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—             <ol style="list-style-type: none"> <li>a. showing the name, address and telephone number of the principal certifier for the work, and</li> </ol> </li> </ol>

- 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 *Building Code of Australia* under the Act, Part 6.

**Condition reason:** Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

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**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/Sheet No.	Revision No.	Title	Drawn By	Dated
Sheet 1 of 1	B	Driveway & Servicing Plan	New England Surveying & Engineering	31.05.2024
		Plan of Proposed Subdivision	Job ref: 20240212	

In the event of any inconsistency with 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.

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**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.

## 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	<p><b>Erosion and sediment controls in place</b></p> <p>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).</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>				
6	<p><b>Work on Council's Land (Section 138 Approval)</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>• Provision of upgraded driveway crossover to the satisfaction of Council; and</li> <li>• Stormwater drainage connection work.</li> </ul> <p>Details shall be approved prior to the commencement of any work on Council's land. The details shall demonstrate:</p> <ul style="list-style-type: none"> <li>• Extension of the existing driveway crossover northward to ensure a minimum span of 5.18m (level with northern edge of access handle driveway), in a form which matches existing; and</li> <li>• Method for kerb work for installation of any new stormwater piping. The method shall demonstrate minimal harm to the kerb fabric, and include details of mortar colour, to the satisfaction of Council.</li> </ul> <p><b>Condition reason:</b> In the interests of vehicular and pedestrian safety and to reduce harm to the historic kerb.</p>				
7	<p><b>Stormwater Drainage</b></p> <p>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.</p> <p>For the avoidance of doubt, all stormwater must drain to a lawful point.</p> <p>ADVISING: It is recommended that any infrastructure suitably manages stormwater impacts for Lot 2, when developed.</p> <p><b>Condition reason:</b> To prevent flooding of the subject lots or adjoining lots.</p>				
8	<p><b>Local Government Act 1993 Section 68 Approval</b></p> <p>Before commencement of subdivision work, approval is required under Section 68 of the Local Government Act 1993 for the works described below.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 20%;">Part</th> <th>Summary</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"> </td> <td> </td> </tr> </tbody> </table>	Part	Summary		
Part	Summary				

<p>Part B</p> <p>Water supply, sewerage and stormwater drainage work</p>	<ul style="list-style-type: none"> <li>• Water and sewerage connection(s);</li> <li>• Stormwater drainage work</li> </ul> <p>Any application for stormwater drainage work shall be supported by:</p> <ul style="list-style-type: none"> <li>• detailed plan(s) to Council's satisfaction, showing the method of stormwater disposal to lawful point from a collection point within access handle.</li> </ul> <p><i>Please be advised that additional fees are applicable for these works. This may include extension of reticulated services and installation of new water meter(s)</i></p>
<p><b>Condition reason:</b> To ensure that work meets relevant standards</p>	

### During subdivision work

9	<p><b>Discovery of relics and Aboriginal objects</b></p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ol style="list-style-type: none"> <li>1. the work in the area of the discovery must cease immediately;</li> <li>2. the following must be notified             <ol style="list-style-type: none"> <li>1. for a relic – the Heritage Council; or</li> <li>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.</li> </ol> </li> </ol> <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> <li>1. for a relic – the Heritage Council; or</li> <li>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.</li> </ol>
<p><b>Condition reason:</b> To ensure the protection of objects of potential significance during works.</p>	
10	<p><b>Hours of work</b></p> <p>Site work must only be carried out between the following times –</p> <ul style="list-style-type: none"> <li>• 7.00am and 6.00pm on Monday to Friday</li> <li>• 8.00am to 1.00pm on Saturdays</li> </ul> <p>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.</p>
<p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>	
11	<p><b>Noise and Vibration requirements</b></p> <p>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.</p>

	<b>Condition reason:</b> To protect the amenity of the neighbourhood during construction.
12	<p><b>Responsibility for changes to public infrastructure</b></p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p><b>Condition reason:</b> To ensure payment of approved changes to public infrastructure.</p>
13	<p><b>Dust Control</b></p> <p>Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.</p> <p>ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.</p> <p><b>Condition reason:</b> To ensure an acceptable level of amenity is maintained during construction.</p>
14	<p><b>Topsoil</b></p> <p>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.</p> <p>Stockpiles are to be limited in height to 3 metres and located in a position not visually prominent from public places.</p> <p><b>Condition reason:</b> To maintain an acceptable level of amenity during construction.</p>
15	<p><b>Demolition</b></p> <p>Any demolition is to be carried out in accordance with <i>AS2601 – Demolition of Structures</i>.</p> <p><b>Condition reason:</b> 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.</p>
16	<p><b>Engineering Work</b></p> <p>All Engineering works to be designed by a competent person to ensure that these works are of a sustainable and safe standard.</p> <p><b>Condition reason:</b> To ensure that work meets relevant standards.</p>

**Before issue of a subdivision certificate**

17	<p><b>Repair of infrastructure</b></p> <p>Before the issue of a Subdivision Certificate:</p> <ol style="list-style-type: none"> <li>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; or</li> <li>2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.</li> </ol> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.</p>
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18	<p><b>Telecommunications/Electricity Supply</b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>ADVISORY NOTE 2: The telecommunications aspect applies unless the development is deemed exempt from fibre-ready facilities through the following mechanism(s):</p> <ul style="list-style-type: none"> <li>• Telecommunications (Fibre-ready Facilities – Exempt Real Estate Development Projects) Instrument 2021 (exemptions are published on the register maintained by the Department of Infrastructure, Transport, Regional Development and Communications).</li> <li>• 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.</li> <li>• Clause 5, 7 and 8 of Telecommunications (Fibre-Ready Facilities in Real Estate Development Projects and Other Matters) Instrument 2011,</li> <li>• Where the development is a minor subdivision as defined in the Environmental Planning and Assessment Regulation 2021</li> </ul> <p>Details of any exemption shall be demonstrated as part of application for Subdivision Certificate.</p> <p><b>Condition reason:</b></p>
19	<p><b>Section 88B Instrument</b></p> <p>Appropriate covenants/restrictions are to be included in the Title Plan/s88b documentation for the following:</p> <ul style="list-style-type: none"> <li>• Easement(s) to drain water (variable width);</li> <li>• Easement(s) for drainage of sewage (variable width);</li> <li>• Access over Lot 1 benefitting Lot 2; and</li> <li>• Ongoing maintenance of access.</li> </ul> <p>Details are to be included on relevant title documentation to the satisfaction of Council before the issue of a Subdivision Certificate for the development.</p> <p><b>Condition reason:</b> To ensure infrastructure and access are properly safeguarded.</p>
20	<p><b>Landscaping</b></p> <p>Details of landscaping within the access handle shall be provided for Council's approval. Details shall include (but is not limited to):</p> <ul style="list-style-type: none"> <li>• Species selection, including details of maximum height, spread and root characteristics;</li> <li>• Pot size;</li> <li>• Preparation of land including mulching; and</li> </ul>

	<ul style="list-style-type: none"> <li>• Maintenance during establishment.</li> </ul> <p>The landscaping shall be planted before issue of Subdivision Certificate.</p> <p><b>Condition reason:</b> To ensure an acceptable level of amenity between the site and neighbouring occupiers.</p>
21	<p><b>Completion of Works</b></p> <p>For the avoidance of doubt, conditions of this consent requiring any of the following to be carried out:</p> <ul style="list-style-type: none"> <li>• Earthwork;</li> <li>• Stormwater drainage;</li> <li>• Erosion and sedimentation control;</li> <li>• Hydraulic work;</li> <li>• Work associated with surfacing of internal driveway;</li> <li>• Vehicular crossover;</li> <li>• Fencing;</li> <li>• Demolition;</li> <li>• Construction of Carport; and</li> <li>• Landscaping</li> </ul> <p>are to be completed and inspected by the relevant Certifying Authority prior to issue of a Subdivision Certificate.</p> <p><b>Condition reason:</b> To ensure that the development is carried out to a satisfactory standard and for the avoidance of doubt.</p>
22	<p><b>Carport</b></p> <p>Unless separate planning permission is obtained, the Carport shall be constructed in accordance with Part 2, Division 1, Subdivision 10 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>ADVISING: A Construction Certificate would also be required if the Carport is not within exempt development limits.</p> <p><b>Condition reason:</b> To ensure appropriate approvals are captured if required for construction of the carport.</p>
23	<p><b>Fencing</b></p> <p>Internal boundary fencing shall be in accordance with the approved plans, with exception that:</p> <ul style="list-style-type: none"> <li>• The fence height shall reduce to 1.2m in height, where forward of the building line; and</li> <li>• Material shall be timber.</li> </ul> <p>Boundary fencing at the front of the site is permitted to be removed where identified in approved plans or for driveway crossover widening. The fence shall be repaired to Council's satisfaction where remaining, unless a new fence is constructed. Any new front fence shall be in accordance with Part 2, Division 1, Subdivision 17 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Condition reason:</b> In order to ensure an acceptable level of on-site amenity and to ensure the development has an acceptable impact on the streetscape.</p>
24	<p><b>Infrastructure</b></p> <p>Before the issue of Subdivision Certificate, the surveyor shall confirm that any existing</p>

	drainage or service lines affecting Lot 1 are fully contained within that lot.
	<b>Condition reason:</b> To ensure that the proposal does not impede services to the existing dwelling.

**Ongoing use for subdivision work**

25	<b>Maintenance of Landscaping</b>
	Any approved landscaped area shall be adequately maintained, including removal and replacement of any dead or dying species.
	<b>Condition reason:</b> To ensure the amenity enhancements secured by landscaping are maintained over time.

**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.