



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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| Application number | DA-23-2024 PAN-444660 |
| Applicant | Ambrose Hallman [REDACTED] |
| Description of development | Three (3) Lot into Two (2) Lot Subdivision (Boundary Realignment) |
| Property | 542 HAWTHORNE DRIVE ARDING 2358 1/-/DP739872 26 WILKINSONS ROAD ARDING 2358 5/-/DP539180 102 WILKINSONS ROAD ARDING 2358 1/-/DP530575 5/-/DP713009 |
| Determination | Approved Consent Authority - Council |
| Date of determination | 23/07/24 |
| Date from which the consent operates | 25/07/24 |
| Date on which the consent lapses | 25/07/24 |

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 proposal would result in a lot layout which is not inconsistent with the surrounding pattern of development; and

The proposal when considered as a whole would cause no significant impact on the achievement of relevant considerations under Clause 4.2C of the Uralla LEP 2012 RU1 (Primary Production) zone, given:

- No new lots or dwelling entitlement opportunities are created by the proposal;
- The existing lot at 542 Hawthorne Drive is already significantly below the minimum lot size, therefore experiencing compromised viability at the outset and not significantly affected by the proposal; and
- Potential conflicts between the lots are inherently minimised by virtue of the land being utilised for grazing purposes and provision of an acceptable buffer between the existing dwelling at 542 Hawthorne Drive (located within the smaller lot) and the balance lot.

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

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| 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 | | | |
| | Drawing Ref: | Revision | Drawn by: | Date: |
| | 241437B, Sheet 1 of 1 | No B | Croft Surveying and Mapping | 11.06.2024 |
| In the event of any inconsistency with the approved plan 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. | | | | |

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

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| 2 | 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. ADVISING: Please contact Council should you require any assistance with the limitations. |
| | Condition reason: For the avoidance of doubt regarding exempt fencing limitations. |
| 3 | Discovery of relics and Aboriginal objects |
| | While surveying or associated 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; |

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| | <p>2. the following must be notified</p> <ul style="list-style-type: none"> • for a relic – the Heritage Council; or • 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. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> • for a relic – the Heritage Council; or • 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. <p>Condition reason: To ensure the protection of objects of potential significance during works.</p> |
| 4 | <p>Vegetation Management (ADVICE)</p> <p>Should any vegetation be cleared to facilitate the proposal (such as clearing of boundary lines), please consult with Local Land Services to ensure that the work is within 'allowable activity' limits.</p> <p>Condition reason: -</p> |

Before issue of a subdivision certificate

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| 5 | <p>Subdivision Certificate</p> <p>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.</p> <p>Condition reason: To ensure the requirement for a subdivision certificate is specified.</p> |
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Ongoing use for subdivision work

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| 6 | <p>Asset Protection Zone</p> <p>An Asset Protection Zone (APZ) with the following standards:</p> <ul style="list-style-type: none"> • minimum 20m in all directions of the dwelling • comprising minimum 10m inner protection area and 10m minimum outer protection area <p>shall be maintained around the existing dwelling within Lot 51 (lot identified as 542 Hawthorne Drive). The APZ must be managed in accordance with Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's Standards for Asset Protection Zones.</p> <p>ADVISING: It is recommended that a larger APZ around the subject dwelling is provided, noting the proposed new boundary will fall within an area of mapped bushfire hazard (with the part in Lot 50 having some potential to become unmanaged vegetation).</p> <p>Condition reason: Given the site is subject to bushfire hazard and to ensure the existing dwelling is not subject to additional risk as a result of the proposal and in the interests of proper planning given the existing dwelling may pre-date current bushfire legislation.</p> |
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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.