



**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

<b>Application number</b>	DA-28-2024 PAN-452235
<b>Applicant</b>	Ambrose Hallman [REDACTED]
<b>Description of development</b>	Two (2) Lot into Two (2) Lot Subdivision (Boundary Realignment) Clause 4.6 Variation (Exception to Development Standards 4.1 and 4.2A[3]) of Uralla LEP 2012)
<b>Property</b>	313 MIHI ROAD MIHI 2358 2/-/DP229953 1/-/DP1172391
<b>Determination</b>	Approved Consent Authority - Council staff under delegated authority
<b>Date of determination</b>	8/08/24
<b>Date from which the consent operates</b>	9/08/24
<b>Date on which the consent lapses</b>	9/08/29

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	<b>Approved plans and supporting documentation</b>			
	Development must be carried out in accordance with the following approved plan except where the conditions of this consent expressly require otherwise.			
	Approved plan			
	Sheet number	Revision number	Drawn by	Date of plan
	1 of 1	A	New England Surveying & Engineering  Job ref: 20240512	28.05.2024
In the event of any inconsistency with the approved plan and a condition of this consent, the condition prevails.				
<b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
2	<b>Asset Protection Zone (ADVICE)</b>			
	The proposal does not warrant the imposition of any bushfire management conditions to the existing dwelling within Lot 1. Notwithstanding, it is recommended that the curtilage of this dwelling is managed as an Asset Protection Zone in accordance with Planning for Bushfire Protection 2019 and the NSW Rural Fire Service’s Standards for Asset Protection Zones.			
	<b>Condition reason:</b> N/A			

**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**

3	<b>Discovery of relics and Aboriginal objects</b>		
	While any work is being carried out, if a person reasonably suspects a relic or Aboriginal		

	<p>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</li> </ol> <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>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>
4	<p><b>Fencing</b></p> <p>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.</p> <p>ADVISING: Please contact Council should you require any assistance with the limitations.</p> <p><b>Condition reason:</b> For the avoidance of doubt regarding exempt fencing limitations.</p>
5	<p><b>Vegetation Management (ADVICE)</b></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><b>Condition reason:</b> N/A</p>

**Before issue of a subdivision certificate**

6	<p><b>Subdivision Certificate Application</b></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><b>Condition reason:</b> For the avoidance of doubt over Subdivision Certificate requirement.</p>
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**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.