



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-6-2025 PAN-505908	
Applicant	Malcolm Donnelly [REDACTED]	
Description of development	Subdivision (Boundary Realignment - 3 Lots into 3 Lots, Staged)	
Property	18 PLANE AVENUE URALLA 2358 1/-/DP570314	
	16A PLANE AVENUE URALLA 2358 11/-/DP1242478	20 PLANE AVENUE URALLA 2358 2/-/DP570314
Determination	Approved Consent Authority - Council staff under delegated authority	
Date of determination	14/02/25	
Date from which the consent operates	14/02/25	
Date on which the consent lapses	14/02/30	

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
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 and documents, except where the conditions of this consent expressly require otherwise.		
	Approved plans		
	Plan title, Revision	Drawn by	Date of plan
	Stage 1, Rev A	New England Surveying and Engineering	30.01.2025
	Stage 2, Rev A		
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.			
For the avoidance of doubt, this approval relates to 16A, 18 & 20 Plane Avenue, Uralla NSW 2358.			
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			
2	Staging		
	This consent is permitted to be staged in accordance with approved plans.		
	Condition reason: For the avoidance of doubt.		

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	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:		

	<ol style="list-style-type: none"> 1. the work in the area of the discovery must cease immediately; 2. the following must be notified <ol style="list-style-type: none"> 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. <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> 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.

Before issue of a subdivision certificate

4	<p>Repair of infrastructure</p> <p>Before the issue of a Subdivision Certificate:</p> <ul style="list-style-type: none"> • any public infrastructure damaged as a result of the carrying out of work approved under this consent must be fully repaired to the written satisfaction of Council, and at no cost to Council <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
5	<p>Section 88B Instrument</p> <p>Appropriate covenants/restrictions are to be included in the Title Plan/s88b documentation for the following:</p> <p><u>Stage 1:</u></p> <ul style="list-style-type: none"> • No requirements (existing restrictions maintained). <p><u>Stage 2:</u></p> <ul style="list-style-type: none"> • Easement for drainage of water 2m wide, benefitting Lot 2 and burdening Lot 1, should a suitable (to Council's satisfaction) downstream network be available (location generally in accordance with approved plans). • Should the above not be achievable, restriction to prevent construction (unless deemed exempt) on Lot 1, unless documentary evidence is produced to Uralla Shire Council of appropriate drainage management within Lot 1 and 2, to reduce peak flows to the east and to prevent nuisance between each lot. <p>ADVISORY NOTE:</p> <p>Council would have no objection to release of Building Envelope affecting existing Lot 11 / Proposed Lot 1, subject to suitable alternative networks being available for drainage of sewerage.</p> <p>Condition reason: In the interests of ensuring future development may be adequately serviced.</p>
6	<p>Infrastructure Location</p>

Before the issue of Subdivision Certificate for either stage, the surveyor shall confirm that any existing drainage or service lines are fully contained within each lot.
Condition reason: To ensure that the proposal does not impede services to an existing dwelling.

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.