



Portal Application Number: PAN-285256
Council Application Number: SUB2022/0053

Application No:	SUB2022/0053
Applicant:	O'Donohue Hanna & Associates Pty Ltd PO Box 1034 GRAFTON NSW 2460
Property:	Lot 9 DP 1182334 51 Nottingham Drive GLENREAGH NSW 2450
Development Description:	Two (2) Lot subdivision
Determination:	Approved
Authority:	Delegated Authority
Determination Date:	28 November 2023
Consent to operate from:	28 November 2023
Consent to lapse on:	28 November 2028

Under section 4.18(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), notice is given that the above development application has been determined by granting of consent using the power in Section 4.16(1)(a) of the EP&A Act 1979, subject to the conditions specified in this notice:

James Hamilton
Coordinator Development Services

27 November 2023
Date

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Definitions

Applicant means O'Donohue Hanna & Associates Pty Ltd or any party acting upon this consent.

Advice to Applicant

Council in determining the subject application requests you to take note of the following advice and where pertinent to convey the advice to future owners or tenants:

1. If the premise requires or requests a larger water meter then the appropriate fee in Council's Fees and Charges will be applicable, less any capital contributions paid to date.
2. The following approvals are required for this development and are to be issued by Council and/or accredited private certifier as applicable to the development.

a Local Government Act Section 68 - drainage, water & sewer approval;

Application to Council for public and/or private property works requires payment in accordance with the Council's adopted 'Fees and Charges'. The application form may be downloaded from Council's website.

3. To obtain a Certificate of Compliance for water and or sewer works, Council requires completion of any works on Council's water or sewer infrastructure specified as a condition of this consent and payment of contributions in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000. The application form for a Certificate of Compliance is available on Council's website.

The proposed development has been assessed as contributing an additional 1.2 ET demand on Council's water supply. The headworks charges at 2023/24 financial year rates are:

Water Headworks \$5,565.00 x 1.2 additional ET = \$ 6,678.00

The contribution(s), as assessed, will hold for a period of 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this determination will be indexed in accordance with Consumer Price Index (CPI) current at the time of payment.

Where any works are required on Councils water infrastructure, as a condition of this consent, they must be completed in accordance with the conditions of consent prior to the release of the Certificate of Compliance.

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4. A Subdivision Certificate fee is charged for the endorsement of subdivision plans. Fees for the 2023/24 financial year are \$271.85 plus \$32.00 per additional lot (minimum \$271.85). An additional fee of \$123.45 is payable if the Subdivision Certificate requires the signing of an 88B instrument by Council.

Conditions of Consent

General

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following plan(s) as amended in red, or where modified by any conditions of this consent.

Drawing No	Drawn by	Plan Date
13323-04	O'Donohue Hanna and Associates Pty Ltd	25 April 2023

2. The developer must bear any costs relating to alterations and extensions of existing services for the purposes of the development.

Prior to issue of Subdivision Certificate

3. Payment to Council of the contributions pursuant to Section 7.11 of the Environmental Planning and Assessment Act:

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Isolated Coastal and Rural \$4,292.40 x 1 additional lot = \$4,292.40 GL S94CVCOSRuralCoas

Clarence Valley Contributions Plan 2011 Community Facilities

Grafton and surrounds \$4,292.40 x 1 additional lot = \$ 4,292.40 GL S94CVCCFGrafton

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Lot \$82.20 x 1 additional lot = \$82.20 GL S94CVCPoMDwell

Section 94 Contributions Plan for Ulmarra Shire Council 1993 - Arterial Roads Upgrading

Rural Residential Areas \$10,713.70 x 1 additional lot = \$10,713.70 GL S94 RdWksUlmarra

N.B.

The contribution(s) as assessed will apply for 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this notice **will be adjusted** in accordance with the adopted Schedule of

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Fees and Charges current at the time of payment.

The contributions are to be paid to Council prior to issue of the Subdivision Certificate.

In the event of any subsequent amendment to the approved Development Plans, the calculated contribution amounts may vary and if so will become the contribution payable.

All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and 2 Prince Street, Grafton.

4. A Certificate of Compliance for Water must be obtained from Council prior to release of the Subdivision Certificate. This may require payment of a fee.
5. Prior to the issue of the Subdivision Certificate, Council will require satisfactory evidence that all requirements of the relevant telecommunications and power authorities have been complied with and all required contributions have been lodged.
6. Prior to issue of the Subdivision Certificate, the applicant is to provide water supply infrastructure to service all lots in the subdivision, in accordance with the requirements and specifications of the Clarence Valley Council Sewer and Water Connection Policy and **NRDC**.
7. Prior to the issue of a Subdivision Certificate, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (including services, access ways and drainage paths) are contained within the respective lots or easements for the lands to be subdivided.
8. Where internal access passes through lots other than those being developed, a right of way for access must be created to ensure legal access is provided to each lot.
9. The development is to comply with the Integrated Development Approval granted under Section 4.47 of the Environmental Planning and Assessment Act 1979 as contained in the correspondence from the NSW Rural Fire Service, reference DA20221129011982-CL55-1, letter dated 26 May 2023, consisting of five (5) pages. A suitably qualified person/s is to certify compliance with any General Terms of Approval or Permit or License by an approval body and provide copies of any approvals, permit or license to Council prior to issue of the Subdivision Certificate.

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10. Pursuant to section 7.4 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the developer is to execute and deliver to the Council the Planning Agreement, in accordance with Subdivision 2, Division 7.1 of Part 7 of the EP&A Act, which the developer has offered to enter into, prior to issue of the Subdivision Certificate.

The vegetation removal requirements have been identified as 2,000m². In accordance with Clarence Valley Council's Biodiversity Offset Policy a contribution of \$5,000.00 is to be made to Council's Biodiversity Offset Fund through a Planning Agreement (PA).

Any contribution amounts that form part of a Planning Agreement are required to be paid prior to the issue of the Subdivision Certificate.

Please note the developer is required to pay Council's current Planning Agreement Preparation Fee of \$614.35 plus an Advertising Fee of \$260.00.

11. Prior to release of the Subdivision Certificate, a designated Primary and Reserve Land Application Area (LAA) is to be identified on proposed Lot 92 that shall be subject to a restriction-as-to-user registered on the title of the lot to the effect that:
 - a No development other than for the land application of effluent shall take place on the proposed primary and reserve disposal areas for Lot 92.
 - b All effluent generated on Lot 92 must be treated by an Aerated Wastewater treatment System (AWTS) approved by the NSW Ministry of Health with a current Certificate of accreditation.
 - c All effluent generated on Lot 92 must be disposed of by means of Sub-Surface Irrigation (or otherwise approved by Council) within the Land Application Area.
 - d Any variation to the restriction shall be with prior written consent of Clarence Valley Council.
12. The submission of the 88B Instrument to Council for approval prior to release of the Subdivision Certificate.

Reasons

1. To ensure that the development complies with the *Clarence Valley Local Environmental Plan 2011* and relevant Development Control Plan that is applicable to the proposed development.
2. To ensure that the surrounding environment is not detrimentally affected as a result of the development.
3. To comply with legislative requirements.

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4. To ensure works are completed to an appropriate standard and documented.
5. To comply with Council's Section 7.11 Contribution Plans.
6. To comply with Council's Sewer and Water Development Services Plans.
7. To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for development.
8. To ensure the development complies with "Planning for Bushfire Protection".
9. To minimise the potential hazards associated with bushfires.
10. To ensure compliance with Council's On-site Sewage Management Strategy.

Review of Determination

- You have the right to request a review of this determination under the Section 8.2 of the EP&A Act 1979 provided that this determination is not made in respect of designated or crown development. Any application for a review of a determination must be submitted on the NSW planning portal no later than 6 months after the determination, or no later than 28 days after the determination of a modification application.

Rights Of Appeal

- If you are dissatisfied with the determination of Council (including a determination on a review under the EP&A Act 1979) you may appeal to the Land and Environment Court within 6 months after the date on which you receive notice of the determination of the application or review. Otherwise, the right to appeal is exercisable in accordance with the rules of the Land and Environment Court.
- The EP&A Act 1979 does not give a right of appeal against this determination to an objector.

If you are considering exercising your rights of appeal or lodging a request for a review, it is advisable to obtain legal advice regarding the interpretation of your rights in relation to the matter.

Validity of Consent

- Consent becomes effective from consent operation date. Section 4.53 of the EP&A Act 1979 provides for the period of validity of consent, and it is the applicant's responsibility to ensure that physical commencement of the development is carried out within the prescribed period. The consent period for this application is five (5) years.

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