



6 May 2024

Mr H D Carlon

Dear Mr Carlon,

Development Application

Proposed Activity:	3 LOT SUBDIVISION
Application No.:	DA-10-2022-3 MODIFICATION
Address:	8 FAULKNER STREET URALLA

I am pleased to advise that consent has been granted for the above Modified Development Application. The consent documents are enclosed.

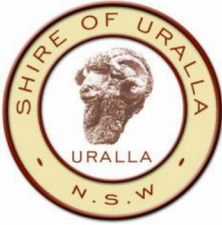
It is your responsibility to be aware of all covenants affecting the property, and to ensure that this approval does not contravene them in any way.

Should you have further enquiries, please do not hesitate to contact the Council Officer listed below or Council's offices by telephoning (02) 6778 6300.

Yours sincerely,

Simon Vivers
INTERIM MANAGER DEVELOPMENT AND PLANNING

Council Officer: Simon Vivers – Interim Manager Development & Planning
Telephone: (02) 6778 6300
Email: council@uralla.nsw.gov.au



Uralla Shire Council

Address correspondence to:
General Manager
32 Salisbury Street
URALLA NSW 2358

Phone: (02) 6778 6300
Fax: (02) 6778 6349
Email: council@uralla.nsw.gov.au
ABN 55 868 272 018

NOTICE OF DETERMINATION MODIFICATION OF CONSENT

Issued under *Environmental Planning and Assessment Act 1979* Section 96(1A)

DEVELOPMENT APPLICATION

APPLICANT		Application No: DA-10-2022-3 (Modification)			
Applicant Name:	Mr H D Carlon				
Applicant Address:	[REDACTED]				
OWNER					
Owner Name:	Mr H D Carlon				
Owner Address:	[REDACTED]				
LAND TO BE DEVELOPED					
Property Details:	8 Faulkner Street URALLA				
Legal Description:	Lot: 25 DP: 755846				
Land Use Zone:	R1 – General Residential				
DEVELOPMENT					
Description:	3 Lot Subdivision Modification				
DETERMINATION – APPROVAL					
Decision Date:	19 April 2024	Operational Date:	30 March 2022	Lapse Date:	N/A – Physically Commenced
CONDITIONS (including 7.12 Contribution Condition)					
Please read all conditions carefully. The applicant/developer may arrange to meet with Council to clarify, if necessary, the precise requirements of the conditions of this consent.					
Please Note: A copy of all conditions contained in this consent are to be provided to contractors and subcontractors working on the site, to ensure all work is carried out in accordance with this consent.					
Approved Plans: Croft Surveying & Mapping – reference 211278 REV C, 1 Sheet, dated 6 March 2024					

Uralla Shire Council – Development Application Determination

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Compliance with National Construction Code & insurance requirements under the Home Building Act 1989

Please Note: A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.

Erection of signs

Please Note: This does not apply in relation to:

- (a) building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (c) a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
3. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

GENERAL CONDITIONS

4. The development shall be implemented in accordance with:
 - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
 - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

5. The owner of the property is to ensure that any structure is installed:
 - (a) to meet the setback requirements of the approved plans,
 - (b) to be located within the confines of the lot, and;
 - (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any structures being erected in a location where it would be inappropriate.

Uralla Shire Council – Development Application Determination

6. **DELETED**

7. The responsible person for plumbing and drainage work must ensure that the responsible person has given Council a notice of work in an approved form that specifies the work to be carried out and the responsible person for the work.

The notice of work must be provided no later than 20 business days before the work concerned is carried out in the case of work that involves a proposed alternative solution, or no later than 2 business days before the work concerned is carried out in any other case.

Reason: Statutory requirement.

8. The responsible person for plumbing and drainage work must provide Council, and the person for whom the work is carried out, with a certificate of compliance within 2 business days after the work is completed.

Reason: Statutory requirement.

Note: A certificate of compliance is a written document, in an approved form, that certifies that the plumbing and drainage work to which it relates is code compliant.

9. On completion of plumbing and drainage work that consists of or includes carrying out work on a sanitary drainage system, the responsible person for the work must supply a plan of the work, in the approved form, to the following persons:

- (a) The owner of the land or the owner's agent,
- (b) The Council.

Reason: Statutory requirement.

10. For all construction work required on Council land (e.g. storm water, footpaths, kerb and gutter etc.) the applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority. The application must be approved prior to the issue of a Construction Certificate.

Reason: To ensure pedestrian and vehicular safety during construction.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

11. **DELETED**

12. **DELETED**

13. **DELETED**

14. The applicant must pay for the connection of Uralla Shire Council's water main and sewerage / effluent main to service the new lots created by the subdivision.

Uralla Shire Council applies the Armidale Regional Council Engineering Code for roads, drainage, water and sewer infrastructure design and specifications. Please refer to link below.

<https://www.armidaleregional.nsw.gov.au/development/planning-controls-guidelines/engineering-code>

Uralla shire Council requires that all road crossings be constructed by way of under boring with an outer conduit provided.

Reason: To ensure that costs associated with establishing the subdivision are borne by the developer

15. The developer is to provide new kerb and channel and bitumen seal extension to the proposed lots, to the satisfaction of Council, at their own expense.

Reason: To ensure that costs associated with establishing the subdivision is borne by the developer.

Uralla Shire Council – Development Application Determination

16. A surveyor's plan must be submitted to Uralla Shire Council prior to the expiry date of this development consent so that the subdivision certificate on the plan can be signed by an authorised officer.

Reason: The subdivision cannot be registered with the Land Titles Office, and be finalised, until the subdivision certificate on the surveyors plan is signed by an authorised officer of Uralla Shire Council.

17. The development must be provided with reticulated electricity. The applicant shall provide a letter from the relevant electricity energy provider stating that satisfactory arrangements have been made for the supply of electricity.

Reason: To ensure that development is adequately serviced by utilities

18. Prior to the issue of a subdivision certificate, the applicants shall provide evidence to the effect that all utility services, i.e water, sewer, electricity, telecommunications, connected to or used in each of the buildings within the development site is wholly contained within each of the proposed allotments. That is, no internal servicing of the sites is permitted to be wholly or partially on the adjoining allotment.

Reason: To ensure that subdivision is adequately serviced by utilities.

19. Prior to the issue of a subdivision certificate, an application for a subdivision certificate is to be submitted to Council with three (3) copies of the Title Plan and appropriate fees. The applicant/developer is to ensure that a summary of compliance with all conditions of consent is completed and lodged with the application.

Reason: To ensure provision of appropriate documentation.

20. **AMENDED**

Prior to the issue of the Subdivision or Construction Certificate in connection with the development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifier that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The developer must demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a development project demonstrated through an agreement with a carrier.

Reason: To ensure that development is adequately serviced by utilities.

ADVISORY NOTE: The condition applies unless the development is deemed exempt from fibre-ready facilities through the following mechanism(s):

- ***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)
- 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***.
- ***Clause 5, 7 and 8 of Telecommunications (Fibre-Ready Facilities in Real Estate Development Projects and Other Matters) Instrument 2011***
- where the development is a minor subdivision as defined in the ***Environmental Planning and Assessment Regulation 2021***

Details shall be provided before issue of a Subdivision Certificate.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

21. The owner of the property is to ensure that any building is constructed:
- (a) to meet the setback requirements of the approved plans,
 - (b) to be located within the confines of the lot, and;
 - (c) so that it does not interfere with any easements or covenants upon the land.
- Reason: To avoid any buildings being erected in a location where it would be inappropriate.*
22. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-
- | | |
|--------------------------|---|
| Monday to Saturday | 7.00 AM to 5.00 PM |
| Sunday & public Holidays | No construction activities are to take place. |
- Reason: To ensure that public amenity is not unduly affected by noise.*
23. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.
- Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.*
24. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing infrastructure, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are adopted.
- (a) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicular loadings is to be utilised,
 - (b) Create the opening in the kerb by use of either a saw cut or bored hole only – breaking out the kerb by impact methods is not permitted,
 - (c) The kerb adaptor is to be kept flush with the top and outside face of the kerb, and
 - (d) The fixing of the kerb adaptor and filling in of side gaps is to be undertaken by the use of an epoxy resin – mortar or concrete is not to be used.
- Reason: Requirement of Council as the Road Authority.*
25. Run-off and erosion controls must be implemented before construction, and maintained to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
- (a) divert uncontaminated run-off around cleared or disturbed areas,
 - (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
 - (c) prevent tracking of sediment by vehicles onto roads,
 - (d) stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.
- Reason: To prevent pollution from detrimentally affecting the public or environment.*

ADVISORY NOTES – GENERAL

26. The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
27. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.

Uralla Shire Council – Development Application Determination

28. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
29. Any alteration to the drawings and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act or a fresh development application. No works other than those approved under this consent shall be carried out without the prior approval of Council.
30. Telecommunications Act 1997 (Commonwealth): Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
31. Prior to any works being undertaken within the road reserve, (including the footpath), a Section 138 of *Roads Act 1993* approval must be obtained from Council. Please contact Council to obtain an application form.
32. Pursuant to Section 94(1)(a) of the *Local Government Act 1993 (General) Regulation 2005*, prior to any water main extension work or sewer main extension work the developer is to apply for a Section 68 Certificate approval and submit proposed plans.

REASONS FOR THE ABOVE CONDITIONS

Given Council's duty to consider the matters set out in Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 (as amended).

RIGHT OF APPEAL

If you are dissatisfied with this decision, Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice. *Note: Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.* Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a Review of Determination. Upon payment of the prescribed fees, Council will review the determination under the provisions of Sections 8.2, 8.3, 8.4 and 8.5.

Note: Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 do not apply to the determination of a Designated Development, Integrated Development or Crown Applications.



Simon Vivers
INTERIM MANAGER DEVELOPMENT & PLANNING