



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-13-2024 PAN-388007
Applicant	Clare Mailler [REDACTED]
Description of development	Vehicle Sales or Hire Premises
Property	119 BRIDGE STREET URALLA 2358 5/-/DP23306 6/-/DP23306 7/-/DP23306
Determination	Approved Consent Authority - Council
Date of determination	31/05/24
Date from which the consent operates	31/05/24
Date on which the consent lapses	31/05/29

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	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>. 4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>									
2	<p>Approved Plans and Documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents except where the conditions of this consent expressly require otherwise.</p> <table border="1" data-bbox="311 1787 1032 1953"> <thead> <tr> <th>Plan/Document Reference</th> <th>Drawer/Author</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Plans of Development, Pages 1 and 2, Rev 1</td> <td>Clare Mailler</td> <td>17 April 2024</td> </tr> <tr> <td>Operational and</td> <td></td> <td>16 April 2024</td> </tr> </tbody> </table>	Plan/Document Reference	Drawer/Author	Date	Plans of Development, Pages 1 and 2, Rev 1	Clare Mailler	17 April 2024	Operational and		16 April 2024
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	<p>In the event of any inconsistency with the approved plans and document and a condition of this consent, the condition prevails.</p>			
	<p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>			
3	<p>Approved Land Use</p> <p>The approved land use is defined as follows in accordance with the Uralla Local Environmental Plan 2012:</p> <ul style="list-style-type: none"> • vehicle sales or hire premises, including retail sales (dominant land use) • vehicle repair station (ancillary land use) • storage (ancillary land use) <p>The approved land use shall be carried out in accordance with the details and proportions identified in the approved plans and documents. The ancillary uses identified shall only occur in in conjunction with the dominant land use.</p> <p>Condition reason: For the avoidance of doubt and in the interests of proper planning.</p>			
4	<p>Access</p> <p>This consent permits access to the premises (within Lot 7 DP23306) over Lot 6 DP23306. In the event that this access arrangement expires, direct access is to be provided from Bridge Street. A Section 138 approval under the Roads Act 1993 will be required to be approved by Council before any work occurs on the road reserve.</p> <p>ADVISING: This condition has been imposed given an amalgamation of lots for protection of access is onerous, given alternative access is available.</p> <p>Condition reason: In the interests of road safety and providing lawful access to the site.</p>			
5	<p>Occupation Certificate</p> <p>An Occupation Certificate must be obtained within three (3) months of the date of this consent in accordance with the Environmental Planning & Assessment Act 1979. The Occupation Certificate shall only be issued following fire safety requirements being met.</p> <p>ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation.</p> <p>Condition reason: To ensure the health and safety of the building's occupants.</p>			
6	<p>Fire Safety</p> <p>A Fire Safety report is to be prepared by a suitably qualified person before the issue of an Occupation Certificate outlining and rectifying the non-compliance in the building in relation to Part E of the National Construction Code (NCC), and providing recommendations if necessary of any required upgrade works.</p> <p>If upgrade works are required to be undertaken, a Construction Certificate will be required to be approved before commencement of this work.</p> <p>ADVISORY NOTE:</p> <p>Based on the floor areas, it appears the following fire safety measures within the building may require upgrade:</p> <ul style="list-style-type: none"> • Emergency lighting 			

	<ul style="list-style-type: none"> • Exit signage • Fire Hydrant coverage, pressure and flow. If the street hydrant is unable to provide coverage, pressure and flow than this will result in works needing to be done on site. This will require a construction certificate for the works. • Fire Hose reel to be relocated as not located in accordance with the NCC.
	Condition reason: To ensure appropriate fire safety requirements are met.
7	<p>Erosion Sediment Controls</p> <p>The development must be carried out in accordance with Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the “Blue Book” and as in force at the date of this consent; ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.</p> <p>ADVISING: Only if construction work is required.</p> <p>Condition reason: To maintain public and environmental safety and amenity, and prevent erosion and sedimentation.</p>
8	<p>Hours of Construction Work</p> <p>The principal certifier must ensure that construction work is only carried out between:</p> <p>7am to 6pm on Monday to Friday AND 8am to 1pm on Saturday (No work on Sundays and public holidays)</p> <p>Any variation to the hours of work requires Council’s approval.</p> <p>ADVISING: Only applicable if construction work is required.</p> <p>Condition reason: In the interests of amenity.</p>
9	<p>Discovery of Relics and Aboriginal Objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ol style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified <ol style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. 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"> a. for a relic – the Heritage Council; or b. 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>ADVISING: Only applicable if construction work is required.</p> <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
10	<p>Stormwater</p> <p>Stormwater from:</p>

	<ul style="list-style-type: none"> • All roof areas; • Surface water from paved and impervious areas; and • Any overflow from tanks <p>Is to be collected, controlled, and conveyed to a lawful point.</p> <p>Condition reason: To protect the site and adjoining sites from flooding.</p>
11	<p>Construction Noise</p> <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5dB (A) above background noise, when measured at a lot boundary of the site.</p> <p>ADVISING: Only applicable if construction work is required.</p> <p>Condition reason: In the interests of amenity.</p>
12	<p>Trade Waste</p> <p>Before the issue of an Occupation Certificate, a trade waste assessment must be undertaken by Council. Subject to the findings of the assessment, a Trade Waste Approval may be required before the issue of an Occupation Certificate.</p> <p>ADVISING: Please consult with Council's engineering department for further advice.</p> <p>Condition reason: To ensure that any pollutants associated with the workshop aspect have an acceptable impact on drainage infrastructure.</p>

Change of use

Ongoing use for change of use

13	<p>Lighting</p> <p>Any lighting used on site in connection with the development is to comply with AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting (current version), to protect the amenity of the locality.</p> <p>Condition reason: In the interests of amenity.</p>
14	<p>Waste Storage</p> <p>Storage facilities for waste and recyclables sufficient for the maximum accumulation between collections shall be provided in a secure location screened from public view.</p> <p>Condition reason: In the interests of amenity.</p>
15	<p>Hours of Operation</p> <p>The hours of operation are limited to generally between:</p> <p>6:00am - 6:30pm Monday - Friday and 7:00am - 5.00pm Saturday.</p> <p>Further consent will be required to operate outside the above limits.</p> <p>Condition reason: In the interest of amenity.</p>
16	<p>Fire Safety Statement</p> <p>A Fire Safety Statement shall be provided to Council annually covering each of the essential fire and other safety measures installed on the property. A copy of the Certificate and Statements are also to be given to the Commissioner of NSW Fire Brigades and a further copy is to be prominently displayed in the building as required under Part 9 Division 3 Part 12</p>

clauses 87, 88, 89, 90, 91, 92.
Condition reason: In the interest of ensuring ongoing fire safety requirements are met

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.

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.

Sydney district or regional planning panel means Northern Regional Planning Panel.