



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-38-2024 PAN-473645
Applicant	Tara Toomey [REDACTED]
Description of development	Roadside Stall
Property	130 GOSTWYCK ROAD URALLA 2358 205/-/DP1074880
Determination	Approved Consent Authority - Council staff under delegated authority
Date of determination	30/10/24
Date from which the consent operates	31/10/24
Date on which the consent lapses	31/10/29
Building Code of Australia building classification	10a

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 document except where the conditions of this consent expressly require otherwise.			
	Approved document			
	Document title	Version number	Prepared by	Date of document
	Statement of Environmental Effects	-	-	18.09.2024
In the event of any inconsistency with the approved document and a condition of this consent, the condition prevails.				
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
2	Insurance & Liability			
	The party undertaking the approved use must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000 that covers the activity involved.			
	In relation to use of the road reserve, Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken.			
Condition reason: For the avoidance of doubt and to ensure the party is aware of requirements.				
3	Installation Standards			
	The approved structure (associated with the approved use) shall meet the relevant deemed-to-satisfy provisions of the Building Code of Australia, or if there are no such relevant provisions, must be structurally adequate.			
	The approved structure shall include suitable recesses or similar to ensure that any goods do not become projectile during periods of high wind.			
Condition reason: To ensure the structure is satisfactory in terms it's use.				
4	ADVICE - Section 138 Consent			
	Should the approved development warrant any new hardstand within Council's road reserve or upgrade of the existing driveway crossover, work must not commence before issue of an approval under Section 138 of the Roads Act 1993.			
	Condition reason: N/A - Advice			

Building Work

Before issue of a construction certificate

No additional conditions have been applied to this stage of development.

Before building work commences

No additional conditions have been applied to this stage of development.

During building work

No additional conditions have been applied to this stage of development.

Before issue of an occupation certificate

No additional conditions have been applied to this stage of development.

Occupation and ongoing use

5	<p>Operation Details</p> <p>The approved development shall accord with the following:</p> <p><u>Vehicles and Access:</u></p> <ul style="list-style-type: none">• Vehicles accessing the roadside stall shall enter and exit Gostwyck Road in a forward direction. Suitable maintained area shall be provided, and signed if required to ensure compliance.• Vehicles accessing the roadside stall shall park either:<ol style="list-style-type: none">1. within the land at 130 Gostwyck Road; or2. within the road reserve, between the table drain and front boundary of 130 Gostwyck Road. No vehicles are to park within 3m of the Gostwyck Road edgeline. <p><u>Waste:</u></p> <ul style="list-style-type: none">• Waste generated from the roadside stall shall be suitably disposed. Additionally, the on-site disposal of organic or putrescible waste must not have an adverse impact on the use of adjoining land. <p><u>Signage:</u></p> <ul style="list-style-type: none">• Signage shall accord with Part 2, Division 2, Subdivision 14 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. <p><u>Use:</u></p> <ul style="list-style-type: none">• At all times, the roadside stall shall accord with the use definition as prescribed under the Uralla Local Environmental Plan 2012, or its successor. <i>Roadside Stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.</i> <p><u>Hours of Operation:</u></p> <ul style="list-style-type: none">• Operating times shall accord with with the Approved Document. <p>Condition reason: In the interests of safety and amenity</p>
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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.

Building work means any physical activity involved in the erection of a building.

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.