



12 September 2024

Ms J Hicks



Dear Ms Hicks,

Development Application

Proposed Activity:	CHANGE OF USE - TAKE-AWAY FOOD & DRINK SHOP - MODIFICATION
Application No.:	DA-52-2021-3 MODIFICATION
Address:	164 BRIDGE STREET URALLA

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

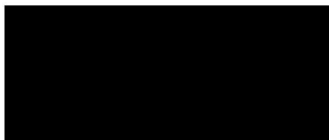
The Principal Certifying Authority is unable to complete any inspections unless the Notice of Commencement and a copy of the builder's Home Warranty Insurance or your Owner Builder permit has been provided to the Certifying Authority.

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 be carrying out any work on Council property (e.g., the nature strip) you will also need to obtain separate approval from Council's Infrastructure & Regulation Department.

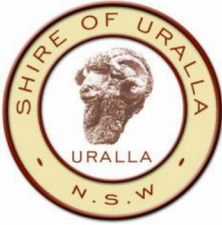
Should you have further enquiries, please do not hesitate to contact the Council Officer listed below or Council's offices by telephoning (02) 6778 6300.

Yours sincerely,



Simon Vivers
Interim Manager Development & 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 4.55

DEVELOPMENT APPLICATION

APPLICANT		Application No: DA-52-2021-3 (Modification)			
Applicant Name:	Ms J Hicks				
Applicant Address:	[REDACTED]				
OWNER					
Owner Name:	Ms J Hicks				
Owner Address:	[REDACTED]				
LAND TO BE DEVELOPED					
Property Details:	164 Bridge Street URALLA				
Legal Description:	Lot: 10 DP: 3378				
Land Use Zone:	E3 – Productivity Support				
DEVELOPMENT					
Description:	Change of Use - Take-Away Food & Drink Shop – Modification including: Site and Building Layout changes, Fencing, Pergola)				
DETERMINATION – APPROVAL					
Decision Date:	9 September 2021	Operational Date:	9 September 2021	Lapse Date:	9 September 2026
	Amended: 27 September 2023 4 September 2024				
CONDITIONS					
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.					

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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: Floor Plan (Revision 3), dated 10 April 2024, 1 page; Elevations & Signage (Revision 3), dated 10 April 2024; Site Plan plus Pavilion and Pergola Elevations, Pg 3 of 3, dated 20 April 2024, 1 page; Operational & Management Details DA-52-2021-2, undated

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*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
3. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One 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.

4. 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.
5. 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.

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GENERAL CONDITIONS

6. The development shall be implemented in accordance with:
- All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
 - 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.

7. The owner of the property is to ensure that any structure is installed:
- to meet the setback requirements of the approved plans,
 - to be located within the confines of the lot, and;
 - 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.

8. The structure is to be inspected at the following stages of construction:
- before the pouring of footings**
 - before covering drainage (under hydrostatic test)
 - before pouring any reinforced concrete structure **
 - before covering the framework for any wall, roof or other building element **
 - before covering waterproofing in any wet area**
 - before covering any stormwater drainage connections
 - when the building work is completed and all conditions of consent have been addressed**

** denotes a critical stage inspection (a mandatory inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a *development where a critical stage or other nominated inspection has not been carried out.

Council has limited capacity for inspections, which may only be on specific days. Please contact Council well in advance to arrange an inspection.

*All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer

Reason: To ensure compliance with appropriate standards.

9. A Construction Certificate must be obtained from a Certifier before work commences.

Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.

ADVICE: Please be advised that Building Information Certificate ref: BIC-7-2024 relates only to Pergola & Shade Structure and Slab Extension to Existing Building

10. Occupancy of the building is not to take place until the Principal Certifier (PC) has carried out a final inspection and an Occupation Certificate issued.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and to restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building.

- 10(a) Before the issue of an Occupation Certificate, the premises shall be inspected by an authorised officer of Council, to ensure compliance with condition 20(a).**

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11. Roof water is to be disposed in a manner that does not cause a nuisance for neighbouring properties, by one of the following methods:
- (a) By piping to the street gutter.
 - (b) By piping to a rainwater tank and then via the overflow to the street gutter.

Reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.

12. The approved hours of operation for this development are Monday to Sunday, 5:00am to 8:00pm.

Reason: To protect and preserve the amenity of the locality.

13. A minimum of six car parks must be maintained for the development.

Reason: To ensure that car park spaces are maintained at the level proposed in the application, and at a level appropriate for the nature and scale of the development.

14. The off street car parking area is to be sealed and car parking bays clearly line-marked to comply with AS2890.1-2004 (Parking Facilities – Part 1: Off-street car parking).

Reason: To ensure off street parking is maintained in an appropriate manner.

15. Parking facilities, including one disabled car park, are to comply with Part D3.5 of Building Code of Australia and the requirements of Australian Standard 2890.1 – Parking Facilities – Off-street Car Parking and Australian Standard 2890.6 – Off Street Parking for People with Disabilities.

Reason: To enable use of the car space by people with disabilities and to ensure compliance with the requirements of the Building Code of Australia.

16. 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

17. 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.

18. 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

19. 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 CONSTRUCTION COMMENCING

20. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifier (if the PC is not Council) at least two days before the proposed date of commencement.

Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000

- 20(a) Before the issue of a Construction Certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.**

The detailed plans must be prepared in accordance with the following and be approved by the principal certifier:

- **Food Standards Code (Australian Food Safety Standard 3.2.2 - Food Safety Practices and 3.2.3 – Food Premises and Equipment);**
- **Food Act 2003 and Food Regulation 2015;**
- **Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises; and**
- **Australian Standard 1668: The use of ventilation and air-conditioning in buildings, also ensuring that all generate heated air, smoke, fumes, steam or grease vapours do not cause a nuisance to persons within or nearby to the premises, or cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997.**

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. All construction materials, sheds, skip bins, spoil, temporary water closets etc. shall be kept wholly within the property and not placed on public land or in a position that may result in materials/debris being washed onto the roadway or into the stormwater drainage system.

Reason: To preserve the amenity of the locality and protect stormwater systems.

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25. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of Council or the PCA.

Reason: To ensure compliance with approved plans.

26. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, 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.

27. All demolition work to be undertaken in accordance with Australian Standard 2601 – The Demolition of Structures.

Reason: To ensure that demolition work is undertaken in a manner that is safe and minimises environmental disturbance.

28. Development involving bonded asbestos material and friable asbestos material:

- (a) work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011,
- (b) the person having the benefit of the development consent must provide the principal certifier with a copy of a signed contract with such a person before any development pursuant to the consent commences,
- (c) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
- (d) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the development consent must give the principal certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

Reason: To ensure that demolition work is undertaken in a manner that is safe and minimises environmental disturbance.

ADVISORY NOTES – GENERAL

29. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
30. 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.
31. 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

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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.

32. 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.
33. 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.
34. 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.

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).

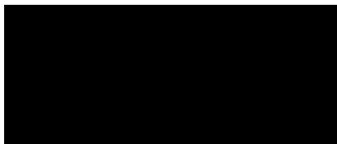
RIGHT OF APPEAL

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.

Toni Averay
GENERAL MANAGER

Per:



Date: 12 September 2024

Simon Vivers

**Interim Manager Development &
Planning**
