



## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

**Application number** DA-9-2026  
PAN-612002

**Applicant** Simon Vivers  
[REDACTED]

**Description of development** Alterations and additions (including demolition) to facilitate a change of use to create 1 x additional accommodation unit.

**Property** 39 KING STREET URALLA 2358  
4/-/DP544099  
1/-/DP512959  
3/-/DP1148576  
4/-/DP1148576  
202/-/DP1148577

**Determination** Approved  
Consent Authority - Council

**Date of determination** 28/04/26

**Date from which the consent operates** 28/04/26

**Date on which the consent lapses** 28/04/31

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.

Heather Nicholls  
Acting Manager Planning and Development  
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><b>Erection of signs</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—             <ol style="list-style-type: none"> <li>a. showing the name, address and telephone number of the principal certifier for the work, and</li> <li>b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</li> <li>c. stating that unauthorised entry to the work site is prohibited.</li> </ol> </li> <li>3. The sign must be—             <ol style="list-style-type: none"> <li>a. maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>b. removed when the work has been completed.</li> </ol> </li> <li>4. This section does not apply in relation to—             <ol style="list-style-type: none"> <li>a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</li> <li>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ol> </li> </ol> <p><b>Condition reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>																									
2	<p><b>Approved plans and supporting documentation</b></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" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5">Approved plans</th> </tr> <tr> <th>Plan number</th> <th>Revision number</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>unnumbered</td> <td>-</td> <td>Site plan</td> <td>Vivers Planning</td> <td>10 February 2026</td> </tr> <tr> <td>1 sheet</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Project No 25_007</td> <td>-</td> <td>Floor plan and elevations</td> <td>ADG architects</td> <td>29 May 2025</td> </tr> </tbody> </table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	unnumbered	-	Site plan	Vivers Planning	10 February 2026	1 sheet					Project No 25_007	-	Floor plan and elevations	ADG architects	29 May 2025
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Dwgs No: B370 to B376				
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
<b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
3	<b>National Construction Code</b>			
All building work must be carried out in accordance with the provisions of the National Construction Code.				
<b>Condition reason:</b> To ensure compliance with relevant statutory requirements.				

## Building Work

### Before issue of a construction certificate

4	<b>Construction Certificate</b>
In accordance with the provisions of Section 6.6 and 6.7 of the <i>Environmental Planning and Assessment Act 1979</i> , construction works approved by this consent must not commence until:	
<ul style="list-style-type: none"> <li>a) a Construction Certificate has been issued;</li> <li>b) the NSW Planning Portal has been advised of; <ul style="list-style-type: none"> <li>(i) the intention to commence work; and</li> <li>(ii) the specific Principal Certifying Authority (building inspector) that has been appointed to the project.</li> </ul> </li> </ul>	
Documentation required under this condition must show that the proposal complies with all relevant development consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.	
<b>Condition reason:</b>	
5	<b>Section 68 Approvals</b>
Before issue of a construction certificate, an approval is required under Section 68 of the Local Government Act for:-	
<ul style="list-style-type: none"> <li>· plumbing and drainage works (if applicable)</li> </ul>	
<b>Condition reason:</b> To ensure the appropriate section 68 approvals are in place prior to issue of a construction certificate for the development.	

### Before building work commences

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

### During building work

6	<b>Procedure for critical stage inspections</b>
While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.	

	<b>Condition reason:</b> To require approval to proceed with building work following each critical stage inspection.
7	<p><b>Hours of Work</b></p> <p>The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:</p> <ul style="list-style-type: none"> <li>• 7am to 6pm on Monday to Friday and 8am to 1pm on Saturday</li> </ul> <p>(No work on Sundays and public holidays)</p> <p>The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.</p> <p>Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.</p> <p><b>Note:</b> Any variation to the hours of work requires Council's approval.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area</p>
8	<p><b>Stormwater Disposal</b></p> <p>Stormwater from paved and impervious surfaces is to be disposed in a manner that does not cause a nuisance for neighbouring properties, by one of the following methods:</p> <ul style="list-style-type: none"> <li>a. By piping to the King Street gutter.</li> <li>b. By piping to a rainwater tank and then via the overflow to the king Street gutter.</li> </ul> <p>Stormwater infrastructure is to be installed during building work as soon as the roof is constructed.</p> <p><b>Condition reason:</b> To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.</p>

### **Before issue of an occupation certificate**

9	<p><b>Occupation Certificate</b></p> <p>The relevant Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning &amp; Assessment Act 1979 and to ensure the health and safety of the building's occupants.</p> <p>ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation</p> <p><b>Condition reason:</b> To ensure the building is suitable for occupation (in accordance with its BCA classification).</p>
10	<p><b>Plumbing and Drainage</b></p> <p>Any required plumbing and drainage work shall comply with the Plumbing and Drainage Act 2011, Plumbing and Drainage Australian Standard AS3500, Plumbing Regulations 2017 and the Plumbing Code of Australia (NCC 2016).</p> <p>Prior to issue of an occupation certificate, the principal certifier shall be provided with a copy of the Final Plumbing and Drainage Certificate confirming compliance with the <i>Plumbing and Drainage Act 2011</i>.</p>

<b>Condition reason:</b> To ensure any plumbing and drainage work complies with the relevant requirements of the Plumbing and Drainage Act 2011
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### **Occupation and ongoing use**

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

#### **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.