



15 September 2025

Notification of Modification of Consent Application No. 2022/113.002

Site Description: Lot: A DP: 393572, 152 Barber Street GUNNEDAH.

Notice is given that a Section 4.55 (1A) Modification to Consent Application has been submitted for Council's consideration regarding the Home Business (Bottling of Distilled Water) that involves the inclusion of bottling 1000 litres of untreated tap water per week.

The address of the proposed development is 152 Barber Street GUNNEDAH.

The applicant is Mr M Masige C/- Stewart Surveys Pty Ltd and Gunnedah Shire Council is the consent authority.

The Application to Modify Consent has been placed on public exhibition for a period of **14** days. The documents may be inspected at Council's office during office hours 9am-4pm or on Council's website <http://www.gunnedah.nsw.gov.au/>.

Any person may make a written submission about this application to the General Manager, Gunnedah Shire Council, PO Box 63, Gunnedah NSW 2380 or via email council@gunnedah.nsw.gov.au. The issues you raise will be included in the evaluation of the development application, along with the other matters Council must consider.

Submissions should be received no later than 5.00pm on **29 September 2025**. All submissions **must** include disclosure of any reportable political contribution or gift made in the previous two years.

If the submission includes an objection to the proposal, the grounds of objection must be given. You are advised that you may request that your name and address not be disclosed by stating prominently "OBJECTION IN CONFIDENCE" on your submission for reason that disclosure would result in detriment to you. However, Council may be obliged to release these details under the Freedom of Information Act 1989 even if these words are used in the submission. Further, submissions that do not contain the author's name and address may not be considered as Council will be unable to validate the submissions authenticity.

If you have any enquiries in relation to this Development Application, please contact Council's Duty Planner on 02 6740 2100.

Yours faithfully

Wade Hudson
MANAGER DEVELOPMENT ASSESSMENT

Contact: 02 6740 2100
Reference: 2022/113.002
ld

Development Consent Cover Sheet – Council's Use

Made under the Environmental Planning & Assessment Act.1979

LAST UPDATED 23 JULY 2021

Date: 04/09/2025

DEVELOPMENT APPLICATION NUMBER

Development Application Number: 2022/113.002

APPLICANT DETAILS

Name(s): Michael Masige C/- Stewart Surveys Pty Ltd

LAND TO BE DEVELOPED

Address: 152 Barber Street, Gunnedah

Lot Number: A DP Number: 393572 Site Area: 1069m2

BRIEF DESCRIPTION AND USE OF PROPOSED DEVELOPMENT

S4.55(1A) - Modification to home business to include bottling of 100 Liters of tap water per week.

PROPOSED DEVELOPMENT DETAILS

- ☒ Local Development
- ☐ Integrated Development (requires approval under another Act)
- ☐ Designated Development (requires an EIS to be submitted)

Total Project Value: \$5,000.00

Applicant contact details

First given name	Michael
Other given name/s	
Family name	Masige
Contact number	[REDACTED]
Email	[REDACTED]
Address	C/- Stewart Surveys, 109 Conadilly Street, Gunnedah
Application on behalf of a company, business or body corporate	No

Owner/s of the development site

Owner/s of the development site	There are one or more owners of the development site and the applicant is NOT one of them
Owner #	1
Title	
First given name	Michael
Other given name/s	
Family name	Masige
Contact number	
Email	[REDACTED]
Address	[REDACTED]
Owner #	2
Title	
First given name	Anne
Other given name/s	
Family name	Masige
Contact number	
Email	[REDACTED]
Address	[REDACTED]

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Site access details

Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc.	Yes
Provide details	Please contact Stewart Surveys or land owner for site inspection if required.

Developer details

ABN	
ACN	
Name	
Trading name	
Address	
Email Address	

Development details

Application type	Modification Application
On what date was the development application to be notified determined	12/04/2023
Type of modification requested	S4.55(1A) - Modification involving minimal environmental impact, where the development will remain substantially the same as the development that was originally approved
Development Application number of the consent to be modified	
Description of the proposed modification	Modification to development consent 2022/011 for Home Business, to include bottling of 100 liters of tap water per week. See attached letter.
Was the DA applied for via the NSW Planning Portal?	Yes
Please provide portal application number (PAN)	PAN-289226
Site address #	1
Street address	152 BARBER STREET GUNNEDAH 2380
Local government area	GUNNEDAH
Lot / Section Number / Plan	A/-/DP393572 ☒
Primary address?	Yes
Planning controls affecting property	Land Application LEP Gunnedah Local Environmental Plan 2012 Land Zoning R3: Medium Density Residential Height of Building NA Floor Space Ratio (n:1) NA Minimum Lot Size 450 m ² Heritage NA Land Reservation Acquisition NA Foreshore Building Line NA

Proposed development

Selected common application types	Hours of operation and trading
Selected development types	Home business
Description of development	Home business - bottling distilled water, change t include botting of 1000 litres of tap water per week.
Dwelling count details	
Number of dwellings / units proposed	
Number of storeys proposed	
Number of pre-existing dwellings on site	
Number of dwellings to be demolished	
Existing gross floor area (m2)	
Proposed gross floor area (m2)	0
Total site area (m2)	
Cost of development	
Estimated cost of work / development (including GST)	\$5,000.00
Capital Investment Value (CIV)	\$5,000.00
Do you have one or more BASIX certificates?	

Subdivision	
Number of existing lots	
Proposed operating details	
Number of staff/employees on the site	

Number of parking spaces

Number of loading bays	
Is a new road proposed?	No
Concept development	
Is the development to be staged?	No, this application is not for concept or staged development.
Crown development	
Is this a proposed Crown development?	No

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Is this application for biodiversity compliant development?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a Planning Agreement ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	
Tree works	
Is tree removal and/or pruning work proposed?	No
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	No
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No

Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

Sustainable Buildings

Is the development exempt from the State Environmental Policy (Sustainable Buildings) 2022 Chapter 3, relating to non-residential buildings?	Yes
Provide reason for exemption. Is the development any of the following:	A modification or a review to a development application, or a review of determination, where the original application was submitted on the NSW Planning Portal before 1 October 2023.

Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The *Environmental Planning and Assessment Regulation 2021* and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees.

Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

First name	Michael
Other given name(s)	
Family name	Masige
Contact number	
Email address	
Billing address	

Application documents

The following documents support the application.

Document type	Document file name
Other	Notice of Determination and Stamped Plans_PAN-289226 250818 Mod Ltr Owners consent form -pdf

Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes

I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes
I agree to pay any required NSW Planning Portal Service Fee/s specified under Schedule 4 of the Environmental Planning and Assessment Regulation 2021 to the Department of Planning, Housing and Infrastructure.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	

EXHIBITION COPY

Gunnedah

Shire Council



Owners Consent

Made under the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*

ABOUT THIS FORM

You can use this form to demonstrate that all owners have consented to the lodging of an application where Council is the consent authority.

LAND RELATING TO THE APPLICATION

Address: 152 Barber Street
Town/Suburb: Gunnedah State: NSW Postcode: 2380
Lot Number: A Section Number: DP Number: 393572

OWNERS DETAILS

Name(s): Michael Masige

I/WE, THE OWNER(S) GIVE CONSENT TO

Nominated Agent: Stewart Surveys

TO ACT ON MY/OUR BEHALF TO

- Lodge all relevant applications for development consent, CCs, CDCs, Subdivision Works Certificates, Subdivision Certificates, Appointment of Principal Certifier, Building Information Certificates, Occupation Certificates, Planning Proposal and Section 68 Applications.
- Have discussions with all relevant authorities.
- Do all things required to be done, or provide all information and documents necessary to obtain such approvals.
- Where applicable, withdraw the application/s and obtain a refund of relevant fees paid.

CONSENT OF ALL OWNERS

As the owner(s) of the property, I/we consent to this application to apply for approval to carry out the development described herein and state that the information contained herein is, to the best of my/our knowledge, true and correct. I/we hereby give permission for Council authorised personnel to carry out inspections of the land and buildings as necessary for the purpose of assessing this application without prior notice of entry.

Name: Michael Masige

Signature: [Signature] Date: 22/8/2025

Name: Anne Masige

Signature: [Signature] Date: 22/8/2025

Note: if ownership is under a company name, please provide evidence that the signatory on the application has the authority to sign on behalf of the company, by providing authority on company letterhead.

LGA OF GUNNEDAH
PARISH OF GUNNEDAH
COUNTY OF POTTINGER



LOT B
DP 329406

LOT A
DP 393572
1038m²

LOT A
DP 316178

OUTBUILDING

EXISTING
DWELLING

PROPOSED
HOME
BUSINESS
20m²

 **Gunnedah Shire Council**
DEVELOPMENT CONSENT

Development Consent No: 2022/113
Approval of the works on this plan is subject to the
compliance with the written consent conditions of
the above Development Consent.
Date: 12 April 2023

BARBER

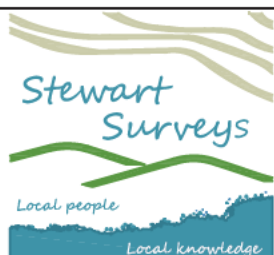
STREET

NOTES:

THIS CONCEPT PLAN IS TO ACCOMPANY A HOME
BUSINESS DEVELOPMENT APPLICATION. IT SHOULD NOT
BE USED FOR ANY OTHER PURPOSE.
THE PLAN HAS BEEN PREPARED BY INFORMATION
PROVIDED BY THE CLIENT AND AERIAL PHOTOGRAPHY.
NO SURVEY HAS BEEN CARRIED OUT IN THE
PREPARATION OF THIS PLAN.



REDUCTION RATIO
1:200



CLIENT:
LEHEM ENTERPRISES

PROJECT:
152 BARBER STREET, GUNNEDAH

Date: 28 OCT 2022

File Ref: 5804

DESCRIPTION:
SITE PLAN FOR PROPOSED SMALL
HOME BASED BUSINESS ON
LOT A DP 393572
152 BARBER STREET, GUNNEDAH

Drawn: KY/JA

Scale: 1:200

Sheet:

27 August 2025
Our Ref: 5804

The General Manager
Gunnedah Shire Council
PO Box 63
Gunnedah NSW 2380

Dear Sir,

**APPLICATION TO MODIFY DEVELOPMENT CONSENT DA 2022/113
LOT A DP 393572, 152 BARBER STREET, GUNNEDAH**

It is proposed to modify development consent DA Mod 2022/2011 for a Home Business (Bottling of Distilled Water).

This application is made under the *Environmental Planning and Assessment Act 1979, No. 203, Clause 4.55*, for a Type 1A modifications which involves minimal environmental impact. The existing approval includes the distilling and bottling of 1000 Litres of water per year, as a home business at 152 Barber Street, Gunnedah.

It is proposed to modify the consent to include the additional bottling of 1000 litres of untreated tap water per week. The new approval sought is:

- Distilling and bottling of 1000 litres of water per week.
- Bottling of 1000 litres of tap water per week.

The home business is conducted in 20m² of the residence. There is no change to the proposed business area or location within the home. The approval will allow for up to two collection vehicles being either a truck or a ute per week. There are no changes to the number of vehicle movements sought and collection will occur for both types of water at the same time.

The Gunnedah Development Control Plan part B parking requirements for a home business is 1 space in addition to the dwelling requirements plus 1 space per two staff. The proposed business is run by the home owner with no staff.

There is existing carpark for the dwelling in the detached garage and loading and unloading occurs in the driveway premises. There are no changes to the current parking, loading and unloading operation at the site. The home business is run by the homeowner. There are not any changes to the operation hours, deliveries or number of vehicles as part of this modification. As the development does not generate any additional staff or deliveries we do not believe there are any requirements for additional parking at the subject site as a result of this modification to consent.

If acceptable to council, we request the following modification to the notice of determination.

Proposed development be reworded from Home Business (Bottling of Distilled Water) to Home Business (Bottling of Water and Distilled Water)

Development Consultants - Surveying, Environmental & Landscape Architecture Services

Stewart Surveys Pty Ltd
ABN 65 002 886 508

109 Conadilly Street
PO Box 592
Gunnedah NSW 2380

T 02 6742 2966
office@stewartsurveys.com
www.stewartsurveys.com

Condition A1

Current Condition wording:

A1. The proposed development shall be carried out generally in accordance with the details set out in the following:

- *Development Application form lodged 16/12/2022*
- *Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, Ref: 5804, dated November 2022; and*
- *Submitted plans:*
 - *Prepared by Stewart Surveys Pty Ltd, dated 28 October 2022, Ref.: 5804 (Site Plan);*
 - *Prepared by Stewart Surveys Pty Ltd, dated 20 October 2022, Ref.: 5804 (Floor Plan);*

except as otherwise provided by the conditions of consent.

Modify to Include reference to this application:

- *Application to modify development consent DA2022/113, Lot ADP 393572, 152 Barber Street, Gunnedah, prepared by Stewart Surveys Pty Ltd, Ref. 5804, dated 20 August 2025.*

This modification is considered to be a type 1A modification under the *Environmental Planning and Assessment Act 1979* No 203, clause 4.55.

A 1A modification involves minimal environmental impact. This clause states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(c) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

While sales are increasing the number of vehicle movements for collection and delivery remains the same and the footprint of the home business remains the same (20m²). On this basis, it is believed that this change to development approval to include the sale of unfiltered water as part of the home business at 152 Barber Street, Gunnedah results in no increased environmental impacts and is substantially the same as the development which was originally granted consent, being the bottling and sale of water for human consumption.

With consent to this application, it is requested that condition numbers A1, and the description of the development is modified as outlined in this letter.

We enclose a completed owners consent form and a copy of the original consent. It is requested that council contact our office on (02) 6742 2966 for payment of the application fees. Note a fee lodgement quote was sought for this application, reference 3,781 (\$229.50).

If you have any queries regarding this application, please contact our office.

Yours faithfully

STEWART SURVEYS PTY LTD



Kathryn Stewart

BLArch (UNSW), MEnvMgmt (UNSW)

Registered Landscape Architect #001493

Notice of Determination of Development Application

Issued under Environmental Planning and Assessment Act 1979 section 4.18(1)(a)

DEVELOPMENT APPLICATION NUMBER

Application Number: **2022/113**

Proposed Development: **Home Business (Bottling of Distilled Water)**

APPLICANT DETAILS

Applicant Name: **LEHEM ENTERPRISES**

Mailing Address:

LAND TO BE DEVELOPED

Address: **152 BARBER STREET GUNNEDAH**

Lot No/DP/MPS: **LOT: A DP: 393572**

DETERMINATION

Made on: **12 APRIL 2023**

Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW**

Consent to Operate From: **12 APRIL 2023**

Consent to Lapse on: **12 APRIL 2028**

CONDITIONS OF CONSENT

A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

A1. The proposed development shall be carried out generally in accordance with the details set out in the following:

- Development Application form lodged 16/12/2022
- Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, Ref: 5804, dated November 2022; and
- Submitted plans:
 - Prepared by Stewart Surveys Pty Ltd, dated 28 October 2022, Ref.: 5804 (Site Plan);
 - Prepared by Stewart Surveys Pty Ltd, dated 20 October 2022, Ref.: 5804 (Floor Plan);

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

- A2.** To confirm and clarify the terms of this development determination, consent is not granted for the installation of any signage which requires consent in accordance with Part 4 of the Environmental Planning and Assessment Act 1979.

Note: This does not include any signage which may be erected as exempt development or without consent under any NSW Environmental Planning Instrument.

Reason: To clarify that the Development does not include any signage based on no information available at the time of assessment.

- A3.** To confirm and clarify the terms of this approval, consent is granted for the occupation of a Home Business for a maximum area of 50m² within the site. This includes areas used for business activities, manufacturing and warehousing of product.

Reason: To set limitation on development production to ensure compliance with application and plans.

B. PRESCRIBED CONDITIONS

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

- B1. Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)**

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work—
- (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - (b) 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 is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
- (2) This clause does not apply—
- (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the *Building Code of Australia* 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.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Reason: *To ensure compliance with the statutory requirements.*

B2. Erection of signs

- (1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (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 work 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.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: *To ensure compliance with the statutory requirements.*

B3. Notification of [Home Building Act 1989](#) requirements

- (1) For the purposes of section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information—
 - (a) in the case of work for which a principal contractor is required to be appointed—
 - (i) the name and licence number of the principal contractor, and

- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder—
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

Reason: To ensure compliance with the statutory requirements.

B4. Conditions relating to entertainment venues

For the purposes of section 4.17(11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue.

Reason: To ensure compliance with the statutory requirements.

B5. Fulfilment of BASIX Commitments

- (1) This clause applies to the following development:
 - (a) BASIX affected development,
 - (b) any BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied).
- (2) For the purposes of section 4.17 (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

Reason: To ensure compliance with the statutory requirements.

B6. Condition relating to maximum capacity signage

- (1) For the purposes of section 4.17(11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building—
 - (a) entertainment venue,
 - (b) function centre,
 - (c) pub,
 - (d) registered club,
 - (e) restaurant.

- (2) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.
- (3) Words and expressions used in this clause have the same meanings as they have in the Standard Instrument.

Reason: To ensure compliance with the statutory requirements.

B7. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense—
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with the statutory requirements.

C. GENERAL

- C1.** Compliance with the Food Act 2003 and Food Safety Standard's and "AS4674-2004 – Design, Construction and Fit-out of Food Premises" is required in respect to all aspects of this food business.

Reason: To ensure compliance.

- C2.** The filtration system used must be certified against an appropriate standard (such as AS/NZS 4348:1995 and/or NSF/ANSI 42 and 53). The filter cartridges need to be checked, maintained and replaced in accordance with the manufacturer's specifications. Filter cartridges must be free from build-up, and allow a clean, steady flow of water to pass through.

Reason: To ensure compliance.

- C3.** Records of checks and any test results must be kept for at least two years. The records be made available for review if required by the local council or Public Health Unit. Records must include: name, date and observations i.e. identify potential contamination hazards in the supply, test results, any actions taken to correct faults or prevent contamination affecting supply, equipment checks and maintenance, including any filter change or refurbishment, any adverse events, e.g. broken pipe work and repairs to the system.

Reason: To ensure compliance.

- C4.** All plumbing materials used in the water supply must be approved for use with drinking water and certified to appropriate Australian Standards. Tanks, hoses and fittings are to be made of, or lined with, a material that will not contaminate the drinking water. Applicable standards or certification include Watermark, AS/NZ 4020:2005 The testing of products for use in contact

with drinking water, AS 2070:1999 - Plastics materials for food contact use, AS/NZ 4766:2006 – Polyethylene storage tanks for water and chemicals, Australian Technical Standard ATS 5200.026: 2004 Technical Specification for Plumbing and Drainage Products and/or Cold-Water Storage Products.

Reason: To ensure compliance.

- C5.** Bottles of water for sale must be labelled to be compliant with the Food Standards Code and must contain the following information:
- a) Name and/or description of the food
 - b) Identification of the 'lot' number
 - c) Name and Australian street address of the supplier of food
 - d) List of ingredients
 - e) Date mark
 - f) Nutrition information panel (NIP)
 - g) Country of origin of the food
 - h) Warning and advisory statements and declarations. Food labels are legally required to show the name and Australian or New Zealand business address of the manufacturer or supplier (packer or vendor importer) plus the lot and batch number of the food (or date coding) to enable efficient food recalls.

Reason: To ensure compliance.

- C6.** Outdoor lighting is to comply with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Light.

Reason: To ensure compliance.

- C7.** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Driveway crossing standards and specifications.

Reason: To ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.

D. PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- D1.** Occupation of the building for the purpose of the Home Business is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

OTHER APPROVALS

Approvals granted under Section 7.11 and Section 68 Local Government Act 1993: **Nil**

RIGHT OF APPEAL

If you are dissatisfied with the decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months from the date of this notice.

REVIEW OF DETERMINATION

If you wish for a review of this decision, Section 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to lodge a Review of Determination within 6 months from the date of this notice.

SIGNED

Signature: 

Name: **WADE HUDSON**
MANAGER DEVELOPMENT ASSESSMENT

Date: **12 APRIL 2023**