



## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application number</b>	DA-34-2024 PAN-455364
<b>Applicant</b>	Sally-anne TURNER [REDACTED]
<b>Description of development</b>	Fence
<b>Property</b>	19 LEECE ROAD URALLA 2358 2/-/DP1281666
<b>Determination</b>	Approved Consent Authority - Council staff under delegated authority
<b>Date of determination</b>	26/09/24
<b>Date from which the consent operates</b>	27/09/24
<b>Date on which the consent lapses</b>	27/09/29
<b>Building Code of Australia building classification</b>	N/A

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	<b>Approved plans and supporting documentation</b>		
	Development must be carried out in accordance with the following approved plans except where the conditions of this consent expressly require otherwise.		
	Approved plans		
	Plan title	Drawn by	Date of plan
	Site Plan (Fence Marked in Purple)	-	-
	Elevation	-	-
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.			
2	<b>Repair of Infrastructure</b>		
	Any public infrastructure damaged as a result of the carrying out of work approved under this consent must be fully repaired to the written satisfaction of Council, and at no cost to Council.		
	<b>Condition reason:</b> To ensure any damage from the work is rectified.		
3	<b>Materials</b>		
	Materials shall be as described in submitted information, and have an overall appearance of:		
	<ul style="list-style-type: none"> <li>• Hardwood post and rail</li> </ul>		
<b>Condition reason:</b> To ensure the fence is satisfactory with the setting.			
4	<b>Section 138 Approval</b>		
	Should the any work be undertaken on Council's footpath or any hoarding or security fencing be required to be erected, approval under Section 138 of the Roads Act 1993 shall be granted before any work occurs.		
	<b>Condition reason:</b> To ensure the safety of pedestrians during construction.		

**Building Work**

**Before issue of a construction certificate**

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

**Before building work commences**

5	<b>Erosion and sediment controls in place</b>
	Before any site work commences, suitable erosion and sediment controls shall be in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	<b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

**During building work**

6	<b>Discovery of relics and Aboriginal objects</b>
	While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: <ul style="list-style-type: none"> <li>1. the work in the area of the discovery must cease immediately;</li> <li>2. the following must be notified <ul style="list-style-type: none"> <li>1. for a relic – the Heritage Council; or</li> <li>2. 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.</li> </ul> </li> </ul> Site work may recommence at a time confirmed in writing by: <ul style="list-style-type: none"> <li>1. for a relic – the Heritage Council; or</li> <li>2. 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.</li> </ul>
	<b>Condition reason:</b> To ensure the protection of objects of potential significance during works.
7	<b>Hours of work</b>
	Audible site work must only be carried out between the following times – <p>7am - 6pm Monday - Friday</p> <p>8am - 1pm Saturday</p> Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	<b>Condition reason:</b> To protect the amenity of the surrounding area.

**Before issue of an occupation certificate**

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

**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.