

Tamworth Regional Council  
PO Box 555  
TAMWORTH NSW 2340

Dear Sir/Madam

**Environmental Planning and Assessment Act 1979**  
**NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 4.18(1)(a) of the Act, notice is hereby given of the determination by Council of the following development application.

Development Application No. DA2022-0245 (PAN-175186)  
Subject Land: Lot 21 DP 755317, Weabonga Road, WEABONGA  
Description: Storage Shed

In the determination of this application Council considered all matters listed under Section 4.15 of the Act. The development application has been determined by the **granting of consent subject to the conditions** listed below.

**General**

- 1) Development shall take place in accordance with the attached endorsed plans:
  - a) Plan set, sheets 4 – 8, prepared by GVG , undated; and
  - b) Site plan, Reserve 15709, comprising 2 sheets, undated.
- 2) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 3) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
- 4) The development shall be constructed wholly within the confines of the property boundary. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties or upon the road reserve area.
- 5) It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

- 6) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.

#### **Prior to Commencing Works**

- 7) The approved development which is the subject of this development consent must not be commenced until:
- a) A Construction Certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and
  - b) The person having the benefit of the development consent has;
    - i) Appointed a Principal Certifying Authority for the building work, and
    - ii) Notified the Principal Certifying Authority that the person will carry out the building work as an owner-builder, if that is the case, and;
  - c) The principal certifying authority has, no later than 2 days before the building work commences;
    - i) Notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
    - ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
    - i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
    - ii) Notified the Principal Certifying Authority of any such appointment, and
    - iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
    - iv) Give at least 2 days' notice to the Council of the persons intention to commence the erection of the building.
- 8) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
- a) Must be a standard flushing toilet, and
  - b) Must be connected to a public sewer, or
  - c) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- 9) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
- a) The name, address and telephone number of the principal certifying authority for the work, and
  - b) 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) A statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 10) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book"). Such controls shall be maintained on site for the duration of works.

### **During Construction or Works**

#### *General*

- 11) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

***Monday to Friday - 7.00am to 5.00pm;***

***Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;***

***No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.***

The applicant shall be responsible to instruct and control any sub-contractors regarding the hours of work.

- 12) Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The applicant is to ensure controls are maintained for the duration of the works and is to inspect the control for this purpose at frequent intervals. Any deficiencies are to be immediately made good.
- 13) The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.
- 14) Any damage caused to Council infrastructure during building operations shall be rectified by the owner or the builder to the satisfaction of Council to ensure the integrity of Council's infrastructure is maintained to an acceptable standard.
- 15) In the event that any contamination (or potential contamination) is discovered, work must immediately cease and the Council's Senior Environmental Health Officer must be contacted to arrange an inspection.
- 16) Stormwater generated from all hard surfaces is to be directed to control the flow of roofwaters so as to prevent damage to the dwelling's footings and to restrict the likelihood of stormwater nuisance to adjoining landholders.

#### *Inspections*

- 17) It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the *Environmental Planning and Assessment Regulation 2000*. The owner may appoint either the Council or an accredited certifier to be the PCA.

### **Prior to Occupation**

- 18) The occupation or use of the whole or any part of a new building must not commence unless an occupation certificate has been issued in relation to the building or part.

**Prior to the release of an Occupation Certificate**

- 19) All conditions of consent must be satisfied prior to the release of an Occupation Certificate.

**Ongoing Requirements**

- 20) The shed approved by this development consent must not be occupied or used for residential (habitable), industrial or commercial purposes, unless development consent is obtained from Council.

The above conditions have been imposed in accordance with the Environmental Planning and Assessment Act and Council's adopted policies.

This approval became effective on **Tuesday, 25 January 2022** (Section 4.20 of the Act) and will lapse unless the proposed development is commenced within five (5) years of the approval date (Section 4.53 of the Act).

Under the provisions of Section 8.7 of the Act, you may (within six (6) months from the date of this development consent) appeal to the Land and Environment Court against conditions imposed should you feel they are unreasonable.

**All conditions imposed by Council shall be observed as non-compliance is an offence under the Act.**

Yours faithfully,



Gina Vereker

**Director, Liveable Communities**

Contact: Graeme King (02) 6767 5499 or Email: [g.king@tamworth.nsw.gov.au](mailto:g.king@tamworth.nsw.gov.au)

Reference: gk/GV/DA2022-0245

25 January 2022