

SHEEHAN

Picton Bros Spanline
1/7 Kathleen Street
SOUTH TAMWORTH NSW 2340

**DEVELOPMENT APPLICATION
NOTICE OF DETERMINATION**

Issued under the *Environmental Planning and Assessment Act 1979*
Sections 4.16, 4.17 & 4.18 (1)(a) and Schedule 1, Clause 20(2)

Tamworth Regional Council Development Consent No:	DA2025-0074
NSW Government Portal Application Number (PAN):	PAN-466628
Property Address:	Lot 15 DP 808368 29 Nancy Street SOUTH TAMWORTH NSW 2340
Description of Development:	PAN-466628 – Addition of attached Flyover Patio Roof to Existing Dwelling
Determination:	Approved – Development consent granted subject to the conditions specified in this notice and in accordance with the stamped approved plans.
Determination Date:	Wednesday, 18 September 2024
Consent to operate from:	Wednesday, 18 September 2024
Consent to lapse on: (unless physical commencement has occurred)	Tuesday, 18 September 2029

Information contained in this decision:

- Schedule 1 – Conditions of consent
- Schedule 2 – Reasons for determination and reasons for conditions
- Schedule 3 – Rights of appeal and review

SIGNED on behalf of Tamworth Regional Council



Cynthia Lambert
Senior Development Assessment Planner

18 September 2024

Contact: Cynthia Lambert Phone (02) 67675507 or Email: c.lambert@tamworth.nsw.gov.au

SCHEDULE 1 – CONDITIONS OF CONSENT

General Conditions of Consent

- 1) Development shall take place in accordance with the attached endorsed plans:

Project Ref No.	Sheet No.	Description	Rev No.	Revision Date	Prepared by:
TA6514P	01	Site Plan	A	26/08/2024	Picton Bros Panelspan
TA6514P	02	Floor Plan & Elevations	A	26/08/2024	Picton Bros Panelspan

If there is any inconsistency between the Conditions of Consent and the documents listed above, the Conditions of Consent shall prevail to the extent of the inconsistency

- 2) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents unless otherwise 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 the Commencement of 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").
- 11) Pursuant to Section 68 of the *Local Government Act 1993*, the following approvals must be obtained from Council prior to the issue the commencement of works:-
- a) Carry out stormwater work.

During Works

General

- 12) 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.

- 13) The applicant must maintain the installed 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").
- 14) To the extent that this consent permits filling of the site such fill must be virgin excavated natural material ("VENM").

VENM includes clay, gravel, sand, soil and rock that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils.

- 15) 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.
- 16) 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.
- 17) 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.

Inspections

- 18) 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 Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.

Prior to Occupation

- 19) 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 Issue of an Occupation Certificate

- 20) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.

Ongoing Use

- 21) The approved flyover roof patio must not be occupied or used for residential (habitable), industrial or commercial purposes, unless development consent is obtained from Council.

Advice Note(s)

- i) Where the batter ratio in the Building Code of Australia is unable to be met and retaining walls are proposed that do not meet the exempt development criteria under the State Environmental Planning Policy (Exempt & Complying Codes) 2008, any proposed retaining walls will require lodgement of a further development application to Council for consideration and determination.

SCHEDULE 2 – REASONS FOR DETERMINATION AND REASONS FOR CONDITIONS

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Tamworth Regional Local Environmental Plan 2010* (TRLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the aims of the *Tamworth Regional Council Development Control Plan 2010* (TRDCP).
- Subject to the recommended conditions the proposed development will be provided with

adequate essential services required under the TRLEP.

- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- The application was not required to be placed on public exhibition in accordance with Council's Community Participation Plan 2019.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The conditions in Schedule 1 are applied to:

1. Confirm and clarify the terms of Council's approval;
2. Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
3. Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
4. Set standards and performance measures for acceptable environmental performance; and,
5. Provide for the ongoing management of the development.

SCHEDULE 3 – RIGHT OF APPEAL AND REVIEW

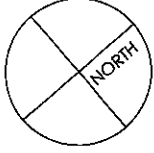
RIGHT OF REVIEW

Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the Applicant may request the Council to review the determination for a development consent or modification of a development consent, provided this application is not made in respect to designated or Crown development. The request must be made in writing (or on the review application form) within six (6) months after the date as specified in this notice of determination, together with payment of the appropriate fee. A determination or decision reviewed under this Division is not subject to a further review.

RIGHT OF APPEAL

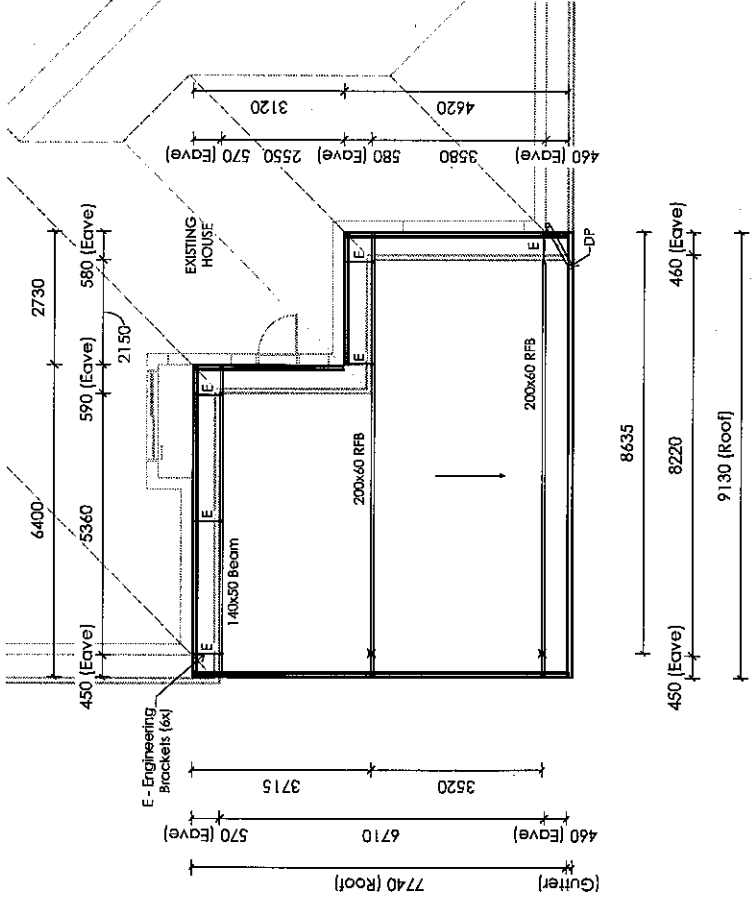
If you are dissatisfied with this decision Section 8.7 of the *Environmental Planning and Assessment Act 1979* (Act) gives you the right to appeal to the Land and Environment Court. In accordance with Section 8.10 of the Act, your appeal must be made within six (6) months after the date on which you receive this notice; or, the date on which that application is taken to have been determined under Section 8.11 of the Act.

Section 8.8 of the Act does not give a right of appeal to an objector who is dissatisfied with the determination of Council to grant consent to a Development Application, unless the application is for designated development (including designated development that is integrated development).

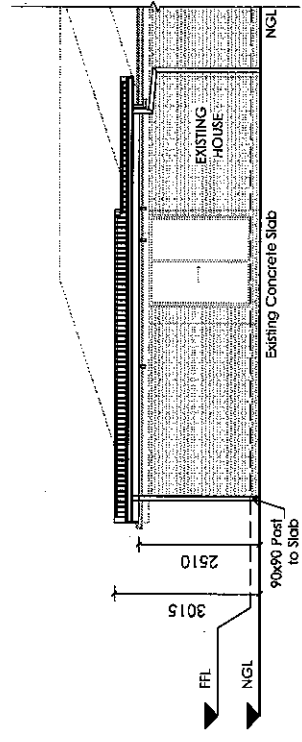


TAMWORTH REGIONAL COUNCIL

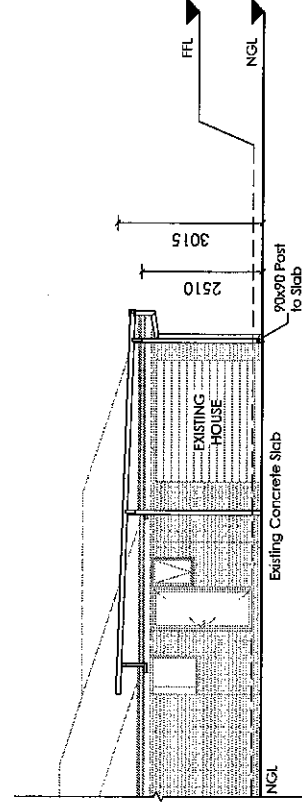
This is the Plan referred to in relation to Development Application No. DA2025-0074 Dated. 18/09/2024



FLOOR PLAN



EAST ELEVATION



SOUTH ELEVATION

PRODUCT AND MATERIALS
CONTRACT NO. TA6514P

POSTS	: CREAM
BEAMS	: CREAM
ROOFING	: DUNE
DOWNPIPE	: CREAM
GUTTER	: MAHOG. RED

- Notes:**
- Panel Lock Roof
 - Beams 140x50 and 200x60
 - Posts 90x90
 - Posts Fixing to Slab
 - DP to connect to existing stormwater pit
 - Posts to be bolted to existing slab

STORMWATER DRAINAGE GUTTERS AND DOWNPIPES TO BE INSTALLED IN ACCORDANCE WITH ASS3903.3 OR NCC HOUSING PROVISIONS 2022 PART 3.3.

This document and design is confidential and remains the copyright of Spanline Home Additions. Copyright and usage of this document is not transferable without the written consent of Spanline Home Additions. Any reproduction, copying, or distribution of this document or any portion of it is prohibited and may cause those responsible to be liable for prosecution.

REV	DESCRIPTION	BY	DATE

ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION DRAWINGS TO BE READ IN CONJUNCTION WITH RELEVANT ENGINEERING

Panelspan

Spanline Home Additions Pty Ltd
 P.O. Box 100, Dubbo, NSW 2890
 Ph: 02 6884 0199, Fax: 02 6884 0197
 www.spanlinehomeadditions.com.au

CLIENT: Dianne Sheehan
 29 Nancy Street,
 South Tamworth, NSW 2340,
 Lot 15, DP989368

BUILDER: Spanline Tamworth
 183 Talbot Street, Dubbo
 NSW 2830

SITE: 29 Nancy Street,
 South Tamworth, NSW 2340,
 Lot 15, DP989368

Floor Plan & Elevations

SCALE: AS SHOWN	DATE: 26/09/2024	DRAWN: STN	CHECKED: CCS
PROJECT NO: TA6514P	DRAWING NO: TA6514P - 02	REVISION: A	

PRODUCT AND MATERIALS
CONTRACT NO. TA6514P

POSTS	: CREAM
BEAMS	: CREAM
ROOFING	: DUNE
DOWNPIPE	: CREAM
GUTTER	: MANKOR RED

Notes:

TAMWORTH REGIONAL COUNCIL
This is the Plan referred to in relation to Development Application No. DA2025-0074 Dated. 18/09/2024

STORMWATER DRAINAGE, GUTTERS AND DOWNPIES TO BE INSTALLED IN ACCORDANCE WITH AS3300.3 OR NCC HOUSING PROVISIONS 2022 PART 3.3.
This document and design is confidential and remains the copyright of Spanline Home Additions. Copyright and usage of this document is not transferable without the written consent of Spanline Home Additions. It is prohibited to reproduce, copy, or distribute this document or any portion of it, in printed or digital form, without the prior written consent of Spanline Home Additions. Any person who does so may be liable to prosecution.

REV	DESCRIPTION	BY	DATE

WARN: ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION DRAWINGS TO BE READ IN CONJUNCTION WITH RELEVANT ENGINEERING

Panelspan
ACTION INSYS
PANELS, ROOFING, CLADDING
Picton Real Improvements Pty Ltd
p. 02 6848897, f. 02 6873730
c. 183 Taberner St, Dubbo, NSW 2890
e. info@panelspan.com.au
w. www.panelspan.com.au

OWNER: **Dianne Sheehan**
29 Nancy Street,
South Tamworth, NSW 2340,
Lot 15, DP98568

BUILDER: **Spanline Tamworth**
18 Taberner Street, Dubbo
NSW 2890

SITE: 29 Nancy Street,
South Tamworth, NSW 2340,
Lot 15, DP98568

Site Plan

SCALE: 1:200	DATE: 24/08/2024	DRAWN: STR	CHECKED: CCS
PROJECT: TA6514P	DRAWING NO: TA6514P-01	REVISION: A	



LOT AREA: 682 m²
AREA OF PROPOSED PATIO: 62.15 m²

- PROPOSED STRUCTURE

NANCY STREET

