

Picton Bross Spanline
183 Talbragar Street
DUBBO NSW 2830

SOUTHWELL

**DEVELOPMENT APPLICATION
NOTICE OF DETERMINATION**

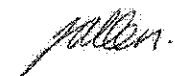
Issued under the *Environmental Planning and Assessment Act 1979*
Sections 4.16, 4.17 & 4.18 (1)(a) and Schedule 1, Clause 20(2)

Tamworth Regional Council Development Consent No:	DA2024-0413
NSW Government Portal Application Number (PAN):	PAN-446103
Property Address:	Lot 110 DP 1170614 23 Shiraz Road NORTH TAMWORTH NSW 2340
Description of Development:	Glass enclosure of existing Alfresco area
Determination:	Approved – Development consent granted subject to the conditions specified in this notice and in accordance with the stamped approved plans.
Determination Date:	Friday, 27 September 2024
Consent to operate from:	Friday, 27 September 2024
Consent to lapse on: (unless physical commencement has occurred)	Thursday, 27 September 2029

Information contained in this decision:

- Schedule 1 – Conditions of consent
- Schedule 2 – Reasons for determination and reasons for conditions
- Schedule 3 – Approvals under section 4.46 (if applicable)
- Schedule 4 – Rights of appeal and review

SIGNED on behalf of Tamworth Regional Council



Jessica Allen
Senior Development Assessment Planner

Contact: Pamela McInnes Phone (02) 67675431 or Email: p.mcinnnes@tamworth.nsw.gov.au

SCHEDULE 1 – CONDITIONS OF CONSENT

- 1) Development shall take place in accordance with the attached endorsed plans:
 - a) Plans prepared by Spanline Home Additions Project No: TA6496P Drawing No: TA6496P-01 to 02, Revision A, Sheet number 1 and 2, Plans Dated 20/06/2024.
- 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) To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282.
- 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) 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.
- 7) 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.
- 8) The Applicant shall consult with, as required:
 - (a) Essential Energy
 - (b) Natural Gas Company
 - (c) A Telecommunications carrier

Regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).

Prior to the Commencement of Works

- 9) 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 Certifier for the building work, and
 - ii) Notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case, and;

- c) The Principal Certifier 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 Certifier 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.
- 10) 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.

- 11) 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.

- 12) 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 for the duration of works.

During Works

General

- 13) 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 the 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.

- 14) 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.
- 15) 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.
- 16) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council.
- 17) Any damage caused to kerb, guttering and/or footpath during building operations shall be rectified by the owner or the builder to the satisfaction of Council to ensure the integrity of Council's road infrastructure is maintained to an acceptable standard.

Inspections

- 18) It is required that a Principal Certifying (PC) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulations, 2021. The owner may appoint either the Council or an accredited certifier to be the PC.

Prior to Issue of an Occupation Certificate

- 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.

Ongoing use

- 20) The enclosed alfresco area 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.

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 – APPROVALS UNDER SECTION 4.46

NIL

SCHEDULE 4 – RIGHT OF APPEAL AND REVIEW

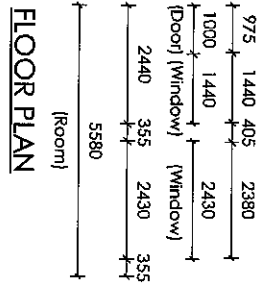
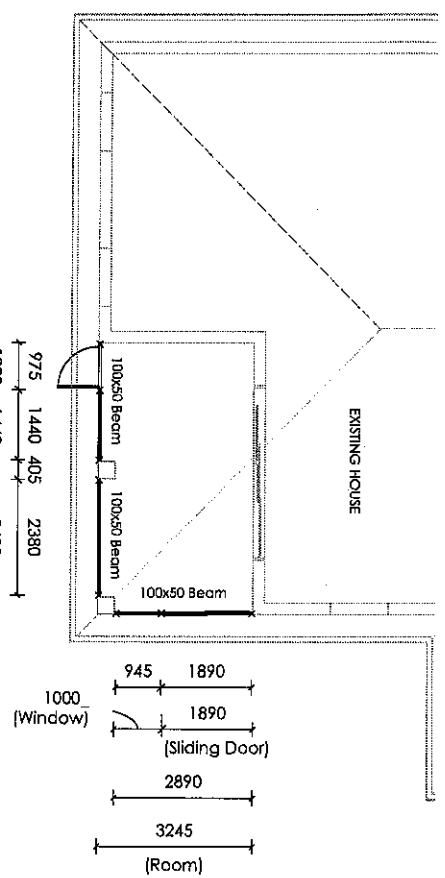
RIGHT OF REVIEW

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.

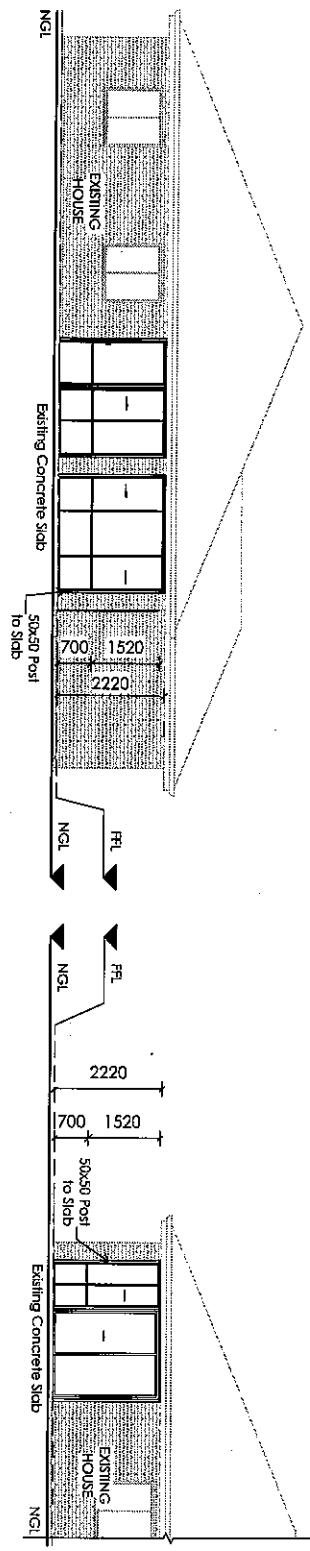
RIGHT OF APPEAL

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 an objector the right of appeal against this determination notice as the development does not constitute designated development.



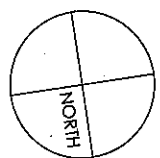
FLOOR PLAN



EAST ELEVATION

NORTH ELEVATION

TAMMORTH REGIONAL COUNCIL
 This is the Plan referred to in relation to Development Application No. DA2024-0413
 Dated: 27.09.2024



PRODUCT AND MATERIALS
 CONTRACT NO. TA6496P

POSTS	: PAPERBARK
BEAMS	: PAPERBARK
DOORS	: PAPERBARK
WINDOWS	: PAPERBARK

Notes:
 Beams 100x50
 Posts 50x50
 Posts Fixing to Slab
 STORMWATER DRAINAGE, GUTTERS AND DOWNPIPES TO BE INSTALLED IN ACCORDANCE WITH ASS500.3 OR NCC HOUSING PROVISIONS 2022 PART 3.3

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REV	DESCRIPTION	BY	DATE

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



Region Best Improvements Pty Ltd
 1/181 Tabor Road
 181 Tabor Road, Dubbo, NSW 2830
 e. admin@spanline.com.au
 w. www.spanline.com.au

CLIENT: Roy Lynn Southwell
 23 Spina Road
 North Tamworth, NSW 2340
 Lot: 101 DP 1172614

BUILDER: Spanline Tamworth
 181 Tabor Road, Dubbo
 NSW 2830

SITE: 23 Spina Road
 North Tamworth, NSW 2340
 Lot: 101 DP 1172614

Scale: 1:100

PROJECT NO: TA6496P

SCALE DRAW	DATE	DRAWN	CHECKED
1:100	20/06/2024	SN	GCS

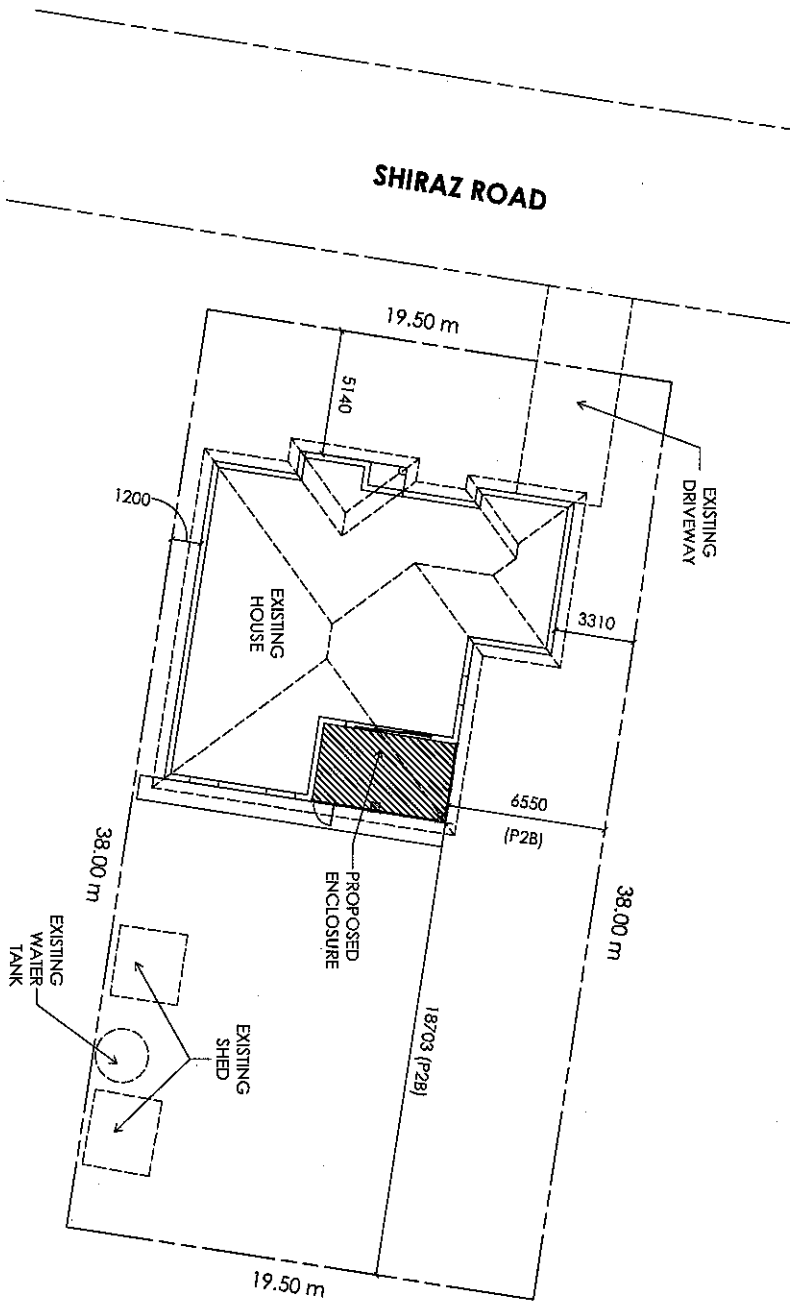
DRAWING NO: TA6496P-02

REVISION: A

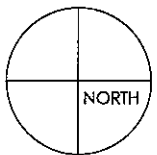
LOT AREA: 741 m²
 AREA OF PROPOSED ENCLOSURE: 18.10 m²



- PROPOSED STRUCTURE



TAMWORTH REGIONAL COUNCIL
 This is the Plan referred to in relation to Development Application No. DA2024-0413
 Dated: 27.09.2024



PRODUCT AND MATERIALS
 CONTRACT NO. TA6498P

POSTS	: PAPERBACK
BEAMS	: PAPERBACK
DOORS	: PAPERBACK
WINDOWS	: PAPERBACK

Notes:

STORMWATER DRAINAGE, GUTTERS AND DOWNPIPES TO BE INSTALLED IN ACCORDANCE WITH ASS5003.3 OR NCC HOUSING PROVISIONS 2022 PART 3.3

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 e. admin@spanline.com.au
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CLIENT
 Ezy Lynn Southwell
 251 The Esplanade
 North Tamworth, NSW 2340
 Lot: 101 DP 1172614

SUBJECT
 Spanline Tamworth
 183 Taboroad Street, Dubbo
 NSW 2830

SITE
 22 Shiraz Road
 North Tamworth, NSW 2340
 Lot: 101 DP 1172614

Site Plan

SCALE IN AS:	DATE:	DRAWING NO.:	CHECKED BY:
1:200	20/09/2024	SN	GCS
PROJECT NO.:	DRAWING NO.:	REVISION:	
TA6498P	TA6498P-01	A	