



Council Ref:KD:KT ECM:615882

11 April 2022

Colin James Crosby
Glencoe Station
8015 New England Highway
GLENCOE NSW 2365

Dear Sir,

REGARDING: NOTICE OF DETERMINATION

Application:	DA 22/20-21
Property Title:	Lot 1 DP1265106 & Lot 185 DP753282
Property Address:	205 Hunter Street, Glen Innes
Proposal:	Subdivision – 104 lots

I wish to advise that Council has approved the above application subject to conditions as outlined in the attached prescribed Notice of Determination under the *Environmental Planning and Assessment Act 1979*.

Please read the Determination Notice carefully and observe / implement any conditions of consent as outlined in the Notice.

Failure to comply with the Determination Notice may render you liable to legal proceedings under the *Environmental Planning and Assessment Act 1979*.

For further information, please contact Council's Development, Planning & Regulatory Services Department on 6730 2350.

Yours faithfully,

Kathleen Taminiau
ACTING MANAGER OF PLANNING & REGULATORY SERVICES

Kindly address all correspondence to: The General Manager PO Box 61 Glen Innes NSW 2370

Town Hall Office - 265 Grey St Glen Innes NSW 2370

Phone: (02) 6730 2300 Fax: (02) 6732 3764

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Glen Innes Severn Council

PO Box 61, GLEN INNES NSW 2370

Telephone: (02) 6730 2350

NOTICE OF DETERMINATION

Development Application

Issued under Section 4.18 of the *Environmental Planning and Assessment Act 1979*

Development Application Number: DA22/20-21

APPLICANT NAME: Colin James Crosby
APPLICANT ADDRESS: Glencoe Station
8015 New England Highway, Glencoe NSW 2365
OWNER NAME: Colin and Glenda Crosby
OWNER ADDRESS: Glencoe Station
8015 New England Highway, Glencoe NSW 2365

LAND TO BE DEVELOPED

Property Address: 205 Hunter Street, Glen Innes
Property Title: Lot 1 DP1265106 & Lot 185 DP753282

PROPOSED DEVELOPMENT

Development Description: Subdivision – 104 lots

DETERMINATION

- Consent granted unconditionally
- Consent granted subject to conditions described below
- Application refused

CONSENT TO OPERATE FROM
(SEE Note 1)

11 April 2022

CONSENT TO LAPSE ON

11 April 2027

Administrative Conditions

1. Development consent is granted only to carrying out the development described in detail below:
 - Staged Subdivision – 104 lots and associated subdivision works

The approved staging of the subdivision is as follows:

Stage 1 - Creation of lots 1 to 8 with associated subdivision works

Stage 2 - Creation of lots 9 to 24 with associated subdivision works

Stage 3 - Creation of lots 25 to 40 with associated subdivision works

Stage 4 - Creation of lots 41 to 45 with associated subdivision works

Stage 5 - Creation of lots 46 to 68 with associated subdivision works

Stage 6 - Creation of lots 69 to 83 with associated subdivision works

Stage 7 - Creation of lots 84 to 95 with associated subdivision works

Stage 8 - Creation of lots 96 to 104 with associated subdivision works

The proposed development being carried out strictly in accordance with the details set out on the application form and any other information submitted with the application.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason: To ensure that the subdivision is in agreement with that approved in the development consent.

2. Any staging of the subdivision, as foreshadowed in the submitted Application, and staging of related works/infrastructure required under this consent, is to ensure that each stage addresses all relevant conditions of this consent and is self-sufficient in terms of servicing, facilities and functionality. Details of any staging, compliance with relevant consent conditions, and all required easements, positive covenants and restrictions as to user are to be included on the documentation submitted for a Subdivision Certificate, to ensure that the relevant consent requirements are addressed.

Details of any staging plans and any proposal (ie surveyor plans) to amend the proposed lot numbering for the subdivision, are to be the subject of an application for the modification of this consent.

Reason: to ensure that the consent properly reflects the manner in which the subdivision is to be implemented.

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No. DA 22-20/21).

Plan No. / Supporting Document(s)	Prepared by	Revision	Dated
CROSBY – DA Subdivision Plans Final – WEDS 20-22- AO.1 Sheets 1-19	Whitton Engineering	C	08/08/2021
Statement of Environmental Effects	Rural Plan	Crosby	October 2021
Statement to Support Amendments to Subdivision Masterplan Layout and Staging	Rural Plan	Hunter Street URA	November 2020

In the event of any inconsistency between conditions of this development consent and the plans referred to above, the conditions of this development consent prevail. The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: To ensure compliance with the development consent.

Prescribed Conditions (under the Environmental Planning and Assessment Regulation 2000)

4. For development that involves any building work, subdivision work or demolition work, 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:
1. showing the name, address and telephone number of the principal certifying authority for the work, and
 2. showing the name of the principal contractor (if any) for any building work and telephone number on which that person may be contacted outside working hours, and
 3. stating that unauthorised entry to the work site is prohibited.

Note: 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.

Reason: To comply with the provisions of Clause 98A of the Environmental Planning & Assessment Regulation 2000.

Conditions to be Completed Prior to Commencement of Subdivision Works

5. A subdivision works certificate (SWC) must be obtained that covers the works in question. A subdivision works certificate may be obtained for the whole development or for individual stages in accordance with the approved stages of the development.

Reason: To ensure compliance with Section 6.13 of the Environmental Planning and Assessment Act 1979 (EP&A Act), a SWC is required before you can carry out subdivision work in accordance with a development consent.

6. Before works commence on the site and throughout each stage of the development, approved effective and appropriate sediment and erosion control facilities must be installed during the initial stages of construction and maintained throughout the construction period until vegetation has been established over all disturbed areas. These works must be designed and installed in accordance with current industry and regulatory guidelines as well as Council's Erosion and Sediment Control Policy.

Note: Failure to take effective action may render the developer liable to prosecution under the *Protection of the Environment Operations Act 1997*.

Reason: To prevent soil leaving the site and entering the stormwater system and to comply with the requirements of the Protection of the Environment Operations Act 1997 and protect the amenity of the local environment.

7. All native vegetation to be retained is to be appropriately marked and protected during construction works and no buildings constructed, or utility service mains installed within 3 metres of the trunks of these trees so as not to prejudice their future retention.

Reason: To ensure the remnant native vegetation to be conserved is clearly identified.

8. A public utility assessment shall be carried out on all public utility services in the vicinity of the subject site, and for any service requiring adjustment, the submission to Council of documentary evidence that the relevant utility authority's requirements have been satisfied in the engineering designs. The adjustment of any existing utility services or installation of new services is to be at the full cost of the developer.

Note: Damage caused to Council infrastructure as a result of the building activities shall be rectified by the applicant at their full expense.

Reason: To ensure infrastructure is not damaged as a result of the development and because the nature of the proposed development may have an impact on the operation of the utility services.

9. A Section 68 Local Approval must be lodged and approved prior to any plumbing or drainage works on the subject land.

Reason: To comply with the Local Government Act 1993.

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:

- (i) to a public sewer, or
- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

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

Reason: To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act 1979.

Conditions to be Completed Prior to the Issue of a Subdivision Works Certificate

11. Prior to the issue of a subdivision works certificate for a stage, a detailed engineering survey and design is to be prepared for the stage. The detailed design must be prepared by a practising civil engineer with reference to:

Council's Development Design and Construction Manual (Auspec 1 as modified)

Councils Development Control Plan

WSA 02 – Sewerage Code of Australia

WSA 03 – Water Supply Code of Australia

Notes:

- a) The engineering design shall include plans and longitudinal sections for roads, kerbs, stormwater, drainage channels and utility services; intersection design; pavement and wearing surface investigation and design; water and sewerage reticulation; stormwater drainage and overland flow paths; and a sedimentation-and-erosion control plan.
- b) For any works within adjoining lands, a copy of a letter of concurrence from the landowner shall accompany the design.
- c) The applicant is responsible for arranging environmental assessment and all necessary approvals and permits.

Reason: Because it is in the public interest that the design of that (those) aspect(s) of the development comply with Council's infrastructure guidelines and environmental legislation.

12. Proposed internal subdivision roads are to have the following minimum characteristics:
- (a) A two-coat 14/7mm sprayed bituminous seal on the carriageway;
 - (b) 60-year pavement design life;
 - (c) Integral barrier kerb and gutter, including pram laybacks at intersections, and kerb laybacks having minimum trafficable width of 2.4 metres at a suitable location on each allotment
- or
- if maintaining water sensitive urban design as proposed, incorporate a flush concrete kerb.

Reason: To ensure the proposed roadway is constructed to a standard sufficient for the volume of traffic likely to be generated by this subdivision.

13. The design is to include LED street lighting to all new roads, on-street parking areas and public spaces complying with the minimum requirements of Australian Standard 1158 - Public Lighting Code. The developer is to liaise with the local electricity supply authority (currently Essential Energy) with regard to luminaire design and location.

Reason: To ensure that all vehicle and pedestrian movement areas are adequately illuminated at night time and during times of poor visibility.

14. A detailed landscape plan is to be submitted and approved by Council. The plan must include the following details:
An entry landscape at the intersection of Hunter Street and Swan Street. The design of the entry landscape needs to reflect the character of the site and its location. The entry may include rural style fencing, stone walling and feature tree planting.

The entry landscaping must be completed as part of Stage One of the development.

Reason: To satisfy the controls listed under 10.14 of the Glen Innes Severn Development Control Plan 2014.

15. Separate approval(s) under section 138 of the Roads Act 1993 is to be obtained for any related works within the road reserve.

Reason: To ensure the development complies with the NSW Roads Act requirements.

16. The applicant is to demonstrate Level 1 supervision and certification of any proposed site filling in accordance with Australian Standard 3798 Guidelines on Earthworks for Commercial and Residential Developments.

Reason: To ensure that any fill is appropriately compacted, suitable for the intended land use

17. Proposed use of the existing dam for detention system is to be designed in accordance with Council's Stormwater Drainage Code and Engineering Code.

Details and calculations are to be provided to the relevant Certifying Authority for approval before the issue of a Subdivision Works Certificate for Stage 1 of the development. Completed works are to be inspected and approved by the relevant Certifying Authority or works secured by bond/bank guarantee for an amount approved by Council before the issue of a Subdivision Certificate for the first stage of the development.

Reason: to ensure the post-development flow from the detention basin is to be no greater than the pre-development flow from the catchment.

18. The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual *“Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004”*, shall be lodged for approval of the certifying authority with the application for a Construction Certificate(s). The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:
- Provision for the diversion of runoff around disturbed areas;
 - Location and type of proposed erosion and sediment control measures;
 - Location of and proposed means of stabilisation of site access;
 - Approximate location of site sheds and stockpiles;
 - Proposed staging of construction and ESCP measures;
 - Clearance of sediment traps on a regular basis and after major storms;
 - Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
 - Standard construction drawings for proposed erosion and sediment control measures.

Reason: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act and to comply with the requirements of AS 3500 and to minimize the effect of dust in the drinking water.

Conditions to be Completed During Subdivision Works

19. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.

Reason: To ensure that the work may be inspected for quality control.

20. Construction, demolition and associated work shall be carried out only between the times stated as follows: -

Mondays to Fridays	7.00a.m. to 6.00p.m.
Saturdays	8.00a.m. to 1.00p.m.
Sundays & Public Holidays	No construction work to take place.

Reason: To ensure that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels.

21. All vehicles servicing the site are to enter and leave the site in a forward direction.

Reason: to ensure traffic/pedestrian safety is maintained at all times during any construction work at the property.

22. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Director of Infrastructure or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.

Reason: To ensure infrastructure is not damaged as a result of the development and to maintain public safety.

General Conditions

23. Following completion of all public infrastructure works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$5,000.00, whichever is the greater, shall be lodged with Council. The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. If the applicant chooses to provide a bank guarantee, the guarantee must not specify any time limitations on the operation of the guarantee.

Reason: In order to cover the cost of any works requiring repair.

24. Following completion of each stage of the the subdivision works, one full set of work-as-executed plans, in electronic Autodesk DWF format, is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

Reason: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services.

25. The developer is to ensure that all defects in the works which become apparent within six (6) months of Council accepting the works on maintenance, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond monies to carry out rectification. Any unexpended bond money, less the cost of any outstanding works, will be returned to the developer after the infrastructure has demonstrated satisfactory performance for a period of six (6) months.

Reason: To allow for a refund of the developers bond.

Prior to the Issue of a Subdivision Certificate for Each Stage

26. The developer is to demonstrate that inspection and testing of the subdivision works has been undertaken in accordance with any requirements of the relevant subdivision works certificate.

Reason: To ensure that the work has been inspected for quality control.

27. Details of any staging, compliance with relevant consent conditions, and all required easements, positive covenants and restrictions as to user are to be included on the documentation submitted for a Subdivision Certificate.

Reason: to ensure that the relevant consent requirements are addressed

28. Areas within the developed stages (including drainage reserves) not otherwise built on are to be covered with grass and mowed.

Reason: For the protection of the environment with regard to erosion and to provide an aesthetically pleasing development that is able to be easily maintained as a future public asset.

29. An appropriate overland flow path is to be provided along the proposed Public Reserve. The overland flowpath shall be designed and constructed to allow for regular mowing by Council and shall provide for nuisance free discharge of stormwater from the development site.

Calculations and details are to be provided to Council for approval before works commence for the relevant stage of the development.

Completed works are to be inspected and approved by the Council or works secured by bond/bank guarantee for an amount approved by Council, before the issue of a Subdivision Certificate for the subject lots of the development.

Reason: to protect the adjoining lots from potential stormwater nuisance.

30. The connection of each lot to the Glen Innes reticulated water supply in a manner consistent with the WSA03-2002 Water Supply Code of Australia, including payments to Council for providing any necessary connections to active water mains.

Reason: Because this utility is necessary to service the proposed subdivision.

31. The construction of a sewer reticulation network that connects into the existing Glen Innes sewerage system, such that there is a separate and distinct sewer connection located wholly within the boundary of each allotment, in compliance with the Local Government (General) Regulation 2005 and the WSA 02-2002 Sewerage Code of Australia.

Note: Council does not permit other bodies to cut into 'live' sewer mains. Council's Infrastructure Department can provide a quotation for the construction of sewer mains upon request.

Reason: Because this utility is necessary to service the proposed subdivision.

32. The construction of an inter-allotment drainage system to drain all lots not draining naturally to a public road or other approved drainage location. The drainage system shall include a grated inlet pit at the lowest location within each allotment, having a gravity pipe connection to an underground drainage network or other approved discharge location.

Reason: To ensure that storm water runoff from all lots can be discharged by gravity to an approved location, without causing ponding or nuisance.

33. The developer will be required to arrange with Council and pay for any street naming, with signs and posts to be installed once road construction works have been completed.

Reason: To ensure that road names are provided, allowing for addressing consistent with the NSW Address Policy

34. All stormwater runoff is to be conveyed to a natural drainage system or other approved receiving waters in a manner consistent with Aus-Spec #1, as modified by Glen Innes Severn Council.

Reason: To protect against property damage and soil erosion arising from storm water runoff from the public road.

35. Trimming, filling or reshaping of the site so that no ponding or other stormwater nuisance occurs, or concentration of flow is produced onto other property.

Reason: To minimise the risk of damage or nuisance to adjoining properties.

36. Application being made to Council, as the local water and sewer authority, for a Certificate of Compliance, pursuant to s.64 of the *Local Government Act 1993*, and Chapter 6 of the *Water Management Act 2000*, and such application being approved before the issue of a Subdivision Certificate.

Note: At the time of approval, Council is the relevant water authority. A Certificate of Compliance will require the payment to Council of a contribution for water and sewer headworks. An additional cost will be incurred at the time of physical connection of any water or sewer service, depending on the meter size, in accordance with Council's Operational Plan. These amounts are subject to change in accordance with Council's advertised fees and charges for each financial year.

Reason: Because it is necessary that appropriate water and sewer services are available to service the development, in compliance with section 64 and section 501 of the Local Government Act 1993.

37. All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent or an agreement be made between the developer and Council;
- (i) as to the security to be given to Council that the works will be completed or the contribution paid, and
 - (ii) as to when the work will be completed, or the contribution paid.

Reason: Because it is in the public interest that works are completed and fees are paid in accordance with Council's Management Plan in a timely manner.

38. Under the *Environmental Planning and Assessment Act 1979* a Subdivision Certificate is required before the plan of survey can be registered with the Land Titles Office.

Note: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

Reason: Because it is in the public interest that the plan is certified in accordance with the provisions of the Environmental Planning and Assessment Act 1979 as amended.

39. If the Subdivision Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

Reason: Because it is in the public interest that the timing of charges coincides with the delivery of services.

40. The original plan of survey and three (3) copies are to be submitted to Council for approval and endorsement by the General Manager.

Reason: To ensure that the subdivision is in agreement with the approved plans.

41. The final plans of survey are to show nominal 5.0 metre corner splays on each corner allotment, to be dedicated to Council as public road reserve.

Reason: To increase the capacity of the roadway by improving sight distances at the road corner.

42. Council is to be supplied with:

- a) A certificate from an approved electrical contractor indicating that satisfactory arrangements have been made for the provision of an electricity supply to the subdivision;
- b) Final written advice from relevant telecommunications confirming that satisfactory arrangements have been made for the provision of telecommunications services for the approved subdivision;
- b) Documentary evidence of the creation of easements with associated Section 88 instruments over any access or utility services through private property, in favour of the lots which benefit from the access or utility.

Reason: To ensure that utility services are available to serve the subdivision.

43. Easements, including associated Section 88 instruments, are to be created:
- (i) in favour of Glen Innes Severn Council over any drainage systems located within private lands conveying runoff from public roads, to be a minimum of three (3) metres wide for piped systems or the width of the 1% Annual Exceedance Probability surface flows with 500mm freeboard for open channels;
 - (ii) of minimum width three (3) metres, in favour of the lots benefitted, over any inter-allotment drainage components servicing these allotments which are located within private land;
 - (iii) of minimum width three (3) metres, in favour of Council, over any new sewer reticulation mains extended within the subject land or other private lands in association with this consent;
 - (iv) over any electricity infrastructure located on private land, in a manner consistent with the relevant energy utility (currently Essential Energy) requirements;

Reason: To permit the ongoing maintenance and future renewal of utility services and infrastructure.

44. The dedication to Council of the drainage channel through the subject land as a Drainage Reserve. The reserve is to have a minimum width equal to the surface flow width in the 1% Annual Exceedance Probability storm event, based on a fully developed catchment area, plus an allowance for 500mm freeboard.

Reason: To allow Council access for maintenance of the drainage channel.

45. Title based restrictions are to be placed on the titles of the proposed lots adjoining the reserve area of the subdivision, shown on the approved plans as proposed Lot 3, 9, 23, 24, 42, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 83, 84, & 104 to prevent any non permeable fencing adjoining the reserve.

Reason: To ensure there is an appropriate interface between the public reserves and the residential allotments and to facilitate neighbourhood surveillance of the public reserve areas.

46. A 10 meter wide vegetation buffer shall be implemented along the lot boundary of any lots directly adjoining rural zoned land, identified on the proposed site plan as Lot 21, 43-45 & 89-100.

The area shall be formalised within a Restriction on Use shown on the plan of subdivision and a Positive Covenant. No habitable buildings will be permitted within the buffer area.

Reason: To maintain a barrier between the two land zones and mitigate the potential for future land use conflict.

Integrated General Terms of Approval Conditions

These conditions are in accordance with Division 4.8 of the Environmental Planning and Assessment Act 1979 by the **NSW Rural Fire Service**.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

47. At the issue of a subdivision certificate for each stage, the entire site for that stage release must be managed as an inner protection area (IPA). The IPA must comprise:
 - Minimal fine fuel at ground level;
 - Grass mowed or grazed;
 - Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
 - Trees and shrubs located far enough from buildings so that they will not ignite the building;
 - Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
 - Minimal plant species that keep dead material or drop large quantities of ground fuel;
 - Tree canopy cover not more than 15%;
 - Tree canopies not located within 2 metres of the building;
 - Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
 - Lower limbs of trees removed up to a height of 2 metres above the ground.

48. At the issue of a subdivision certificate for each stage, the residual land adjoining the residential lots for that stage release, for a distance of 20 metres, must be managed as an inner protection area (IPA). The IPA must comprise:
 - Minimal fine fuel at ground level;
 - Grass mowed or grazed;
 - Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
 - Trees and shrubs located far enough from buildings so that they will not ignite the building;
 - Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
 - Minimal plant species that keep dead material or drop large quantities of ground fuel;
 - Tree canopy cover not more than 15%;
 - Tree canopies not located within 2 metres of the building;
 - Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
 - Lower limbs of trees removed up to a height of 2 metres above the ground.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

49. Public access roads for subdivision developments must comply with the following requirements of Table 5.3b of 'Planning for Bush Fire Protection 2019':
- a. property access roads are two-wheel drive, all-weather roads;
 - b. traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - c. maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
 - d. all roads are through roads;
 - e. dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
 - f. where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
 - g. where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;
 - h. one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
 - i. the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
 - j. hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
 - k. hydrants are provided in accordance with the relevant clauses of AS2419.1:2005 - Fire hydrant installations System design, installation and commissioning;
 - l. there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
 - m. Perimeter roads are;
 - i. are two-way sealed roads;
 - ii. minimum 8m carriageway width kerb to kerb;
 - iii. parking is provided outside of the carriageway width;
 - iv. hydrants are located clear of parking areas;
 - v. are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
 - vi. curves of roads have a minimum inner radius of 6m;
 - vii. the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
 - viii. the road crossfall does not exceed 3 degrees; and
 - ix. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

See over page

- n. Non-perimeter roads are;
 - i. minimum 5.5m carriageway width kerb to kerb;
 - ii. parking is provided outside of the carriageway width;
 - iii. hydrants are located clear of parking areas;
- iv. roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;

Water and Utility Services

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply

50. Water, electricity and gas must comply with the following:
 - All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
 - Electrical transmission lines should be located underground where possible. Overhead electricity lines must have short pole spacing except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in in ISSC3 Guideline for Managing Vegetation Near Power lines.
 - Gas must be installed and maintained as set out in the relevant standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.

Public Notification

Reasons for Conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Reasons for Approval

The development satisfies the relevant aims, objectives and provisions of both the *Glen Innes Severn LEP 2012* and *Glen Innes Severn DCP 2014*.

Community Consultation

The application was required to be notified in accordance with Table 2.1 of the *Glen Innes Severn DCP 2014*.

Advisory Note

- a) A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display/erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under *State Environmental Planning Policy (Codes SEPP) 2008* for exempt development.
- b) **Dial Before You Dig**
Underground assets may exist in the area that is subject to your application. In the interests of health and safety, and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- c) **Telecommunications Act 1997 (Commonwealth)**
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

Other Approvals

Local Government Act 1993 Approvals granted under Section 78A(5)

Nil

Right of Review

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979 ("EP&A Act"), an Applicant may request Council to review the determination that has been made in respect of a development application other than:

- a) a determination to issue or refuse to issue a complying development certificate, or
- b) a determination in respect of designated development, or
- c) a determination in respect of integrated development, or
- d) a determination made by the council under Division 4 in respect of an application by the Crown.

In requesting a review, the Applicant may make amendments to the development described in the original application, provided that the development, as amended, is substantially the same development as the development described in the original application.

Any request for review of the determination under the provisions of Section 8.2 of the EP&A Act would need to be made within 6 months after the date on which the Applicant received the Council's Notice of determination of the development application because the Council has no power to conduct a review after that time. The prescribed fee must be paid in connection with an application for a review.

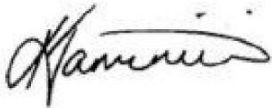
Right of Appeal

If you are dissatisfied with this decision (including a determination on a review under Section 8.2), Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months:

- a) after the date on which you receive this notice, or
- b) the date on which that application is taken to have been determined

The Environmental Planning & Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development) either unconditionally or subject to conditions, the objector may, within twenty eight (28) days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of court, appeal to the Court.

SIGNED:



Kathleen Taminiau

ACTING MANAGER OF PLANNING & REGULATORY SERVICES

On behalf of the consent authority

Date: 11 April 2022

Note 1 Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.

Note 2 Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under Sections 7.11-7.13 of the Environmental Planning and Assessment Act 1979 has been imposed.