



Council Ref:KD:NW:ECM562510

2 April 2020

McMahon Structural

REDACTION

Dear Sir/Madam

RE: Modified Notice of Determination

Application:	DA62/2019/A
Property Title:	Lot 2 DP 849279
Property Address:	161B Church Street, Glen Innes
Proposal:	Restoration and Conversion of former St Joseph's Convent into a Function Centre with Tourist and Visitor Accommodation, Manager's Residence, Demolition of Structures and Associated Works.

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

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

Yours faithfully,

Kane Duke
Manager of Planning & Regulatory Services



Glen Innes Severn Council

PO Box 61, Glen Innes, NSW, 2370

Telephone: 02 6730 2350

NOTICE OF DETERMINATION

Development Application

Issued under the *Environmental Planning and Assessment Act 1979* Section 4.18 (1) (a)

Development Application Number: DA62/2019

APPLICANT NAME: McMahon Structural Pty Ltd

APPLICANT ADDRESS: REDACTION

OWNER NAME: HFTT Pty Ltd

OWNER ADDRESS: REDACTION

LAND TO BE DEVELOPED

Property Address

Property Title

161B Church Street, Glen Innes, NSW, 2370.

Lot 2 DP 849279

PROPOSED DEVELOPMENT

Development Description:

Restoration and Conversion of former St Joseph's Convent into a Function Centre with Tourist and Visitor Accommodation, Manager's Residence, Demolition of Structures and Associated Works.

DETERMINATION

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

CONSENT TO OPERATE FROM
(SEE Note 1)

CONSENT TO LAPSE ON

20 March 2020

20 March 2025

Administrative Conditions

1. Development consent is granted only to carrying out the development described in detail below:

- Change of Use – Restoration and Conversion of former St Joseph’s Convent into a Function Centre with Tourist and Visitor Accommodation, Manager’s Residence, Demolition of Structures and Associated Works.

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 compliance with the development consent.

2. 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 62/2019).

Plan/Supporting Document(s)	Plans prepared by	Dated
Job No. IV3109 Drawing No. A001, A100, A101, A102, A103, A104, A105, A106 & A107	Local Government Engineering Services	24/10/2019
Job No. IV3109/2 Drawing No. A001, A100, A101, A102, A103 & A104	Local Government Engineering Services	26/11/2019
Basix Certificate No. 1062095S_02	Local Government Engineering Services	26/11/2019
Statement of Heritage Impact Ref: 190018	Rural Plan	December 2019
Statement of Environmental Effects Ref: 190018	Rural Plan	December 2019
Waste Management Plan Ref: 190018	Rural Plan	December 2019
Fire Safety Measures	Local Government Engineering Service	19 March 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 & Assessment Regulation 2000)*

3. All work must be carried out in accordance with the requirements of the Building Code of Australia.

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

4. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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

5. 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, such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed. The sign must include the following:

- Showing the name, address and telephone number of the principal certifying authority for the work, and
- Showing 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
- Stating that unauthorised entry to the work site is prohibited.

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

6. Residential building work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice in accordance with clause 98B Environmental Planning & Assessment Regulation 2000.

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

7. Council, in the case of being the Principal Certifying Authority, is to be given 24 hours notice of the following critical stage inspections where applicable;
- a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element; and
 - c) prior to covering of the framework for any floor, wall, roof or other building element; and
 - d) prior to covering waterproofing in any wet areas; and
 - e) prior to covering any stormwater drainage connections; and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Reason: To comply with the provisions of Clause 162A of the Environmental Planning & Assessment Regulation 2000 for Class 1 & 10 buildings.

8. Under clause 97A(2) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

Reason: To comply with Environmental Planning & Assessment Regulation 2000.

General Conditions

9. Finished floor levels must be adequate to allow overflow relief gully compliance with AS3500 and Plumbing & Drainage Code of practice. The overflow point of an overflow relief gully must protrude a minimum of 75mm above ground level to prevent stormwater ingress. It must also be a minimum 150mm below finished floor level to ensure sewage remains outside the dwelling in the event of a blocked main.

Reason: To comply with AS3500 and enable sewerage surcharge outside the building in case of a blockage in the sewer main.

10. The installation of any water, sewerage and stormwater services appropriate for the development are to be installed in accordance with the requirements of the plumbing and drainage Act 2011, AS/NZS 3500 Pt 2, National Construction Code Vol 3: Plumbing Code of Australia, Local Government (General) Regulation 2005 and Council's Development Design and Construction Manual. All costs associated with the provision of water and stormwater services to the development are to be met by the applicant.

Note: Council can provide a quotation for the installation of any new or upgraded water and stormwater services to the property upon request, once details of the required services are known.

Reason: So that the development will have adequate water, sewer and stormwater services having regard to the scale and character of the development.

11. All loading and unloading in connection with the premises shall be carried out wholly within the site.

Reason: To provide for safety and convenience of motorists and pedestrians on the public road.

12. The capping of redundant services, adjustment of any existing utility services or installation of new services is to be at the full cost of the developer.

Reason: Because the nature of the proposed development may impact on the operation of utility services.

13. No advertising structures shall be erected and no advertising material shall be affixed, painted or displayed on any building or land without the prior approval of Council other than those permitted under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Note: All signage associated with the development is to be of a maximum height of seven (7) meters.

Reason: To protect the character of the locality by controlling erection of advertising material and to ensure the proposed development is consistent with Council's Development Control Plan 2014.

14. Fencing proposed as part of this development is to be designed and constructed to provide security whilst enhancing the heritage listed building, general streetscape, and amenity of the area.

- I. Fences are to be a maximum height of three (3) meters above existing ground level
- II. The existing fencing along the site frontage is to be retained
- III. Fencing along the northern boundary of the lot is to be erected to match the existing fencing along the southern boundary

Reason: To ensure ancillary development does not detract from the amenity of the site, neighbouring properties or the streetscape.

15. Landscaping shown on the plans along the site frontage is to be maintained in perpetuity of the development.

Reason: To ensure that the development provides an adequate presentation to the street.

16. Any future change of use of any of the buildings or parts thereof addressed in this Consent resulting in a change of classification of the building within the meaning of the Building Code of Australia will require the prior consent of Council.

Reason: To ensure any changes to the current fire safety and energy efficiency requirements caused by the change of classification are properly assessed against the Building Code of Australia and incorporated into the building.

17. Any charges and contributions required in this consent will 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.

Conditions to be Completed Prior Release of Construction Certificate

18. Prior to issue of Construction Certificate, Glen Innes Severn Council is to be provided with a schedule of materials to be removed for review in terms of heritage significance.

Reason: To ensure the integrity of the original internal fabric is maintained and that there is a recognition of past building approaches and use of past materials.

19. The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed in accordance with relevant Australian Standards, such that the Austroads design for the maximum size proposed vehicle to operate at the site (14.5m bus), may perform a left turn into the site and exit the site in a forward direction without crossing the road centreline.

Reason: To provide for the safety and convenience of traffic on the state highway.

20. All vehicle and pedestrian access to the development shall occur via the existing access points in Church Street, and no other access is to be constructed without the prior consent of Council.

Note:

- i. The applicant is to obtain approval from Council for any works within the road reserve in accordance with Section 138 of the Roads Act 1993.
- ii. A Section 138 permit may require concurrent approval from NSW Roads and Maritime Services.

Reason: To provide for the safety and convenience of traffic on the state highway.

21. In accordance with *Division 7.1* of the *EP&A Act*, the applicant shall pay the following *Section 7.11* monetary contributions towards provision or improvement of amenities and services:

- a) **\$16,500**, being 1.0% of the cost of carrying out the development as determined by the Council in accordance with Act and Regulations.
- b) The contribution shall be paid in the form of eftpos, cash or bank cheque, made out to Glen Innes Severn Council. Evidence of the payment to Council shall be

submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Notes:

- i. The contributions will be adjusted in accordance with the requirements of Glen Innes Severn Council's Section 94A Development Contributions Plan 2014.
- ii. All levies paid to Council are applied towards meeting the cost of provision or augmentation of new public facilities. The levy has been set at 1% of the estimated cost of development and applies to all land within the Glen Innes Severn Local Government Area.

Reason: To comply with the requirements of Council's Section 94A contributions plan.

Conditions to be Completed Prior to Works Commencing

22. A Construction Certificate and Section 68 Local Approval must be lodged and approved prior to commencement of any building or drainage works on the subject land. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent if necessary.

Reason: To comply with the Building Code of Australia, Local Government Act 1993 and the provisions of the Environmental Planning & Assessment Act, 1979.

23. Prior to the commencement of works, construction site safety fencing and/or hoarding shall be provided in accordance with WorkCover requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.

Reason: To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.

24. Erosion and sediment control measures shall be installed prior to any works commencing and maintained in accordance with the approved plans and the applicable conditions of this consent for the duration of the development works.

To prevent soil leaving the site and entering the stormwater system and causing pollution of rivers and creeks erosion and sediment controls are to include the following:

The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. Drains, gutters, roadways etc shall be kept clean and free of sediment.

To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150 mm. The length must be a minimum of 5 m and a width of 3 m.

These measures shall be maintained throughout the course of construction and until all disturbed areas are restored by turfing, paving or revegetation.

Reason: To comply with the requirements of the Protection of the Environmental Operations Act 1997 and protect the amenity of the local environment.

25. 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 Undertaken During Construction

26. 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.

27. Any earthworks shall be designed and constructed so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

Reason: To prevent damage or nuisance to adjoining properties.

28. There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

Noise levels during construction and operation of the development must comply with the Environmental Protection Authority's Noise Control Manual and the *Protection of the Environment Operations Act 1997*.

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

29. All demolition work shall be carried out strictly in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. During construction all vehicles entering or leaving the site must have their loads covered, and must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris and the site shall be grassed or otherwise rendered erosion resistant.

Reason: To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.

30. If asbestos is encountered during construction or demolition work, even if the works are partial demolition (eg one wall), measures must be in place in accordance with WorkCover NSW guidelines and the *Occupational Health & Safety Regulations 2001 NSW*. Work shall not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by WorkCover NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing demolition of buildings containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm (see below) shall be erected in a prominent visible position on the site in accordance with AS1319 "Safety Signs for the Occupational Environment".

The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste and copies of receipts received from such disposal kept and made available for inspection by Council during normal working hours and upon the giving of reasonable notice.

Note: Council's Glen Innes Waste Management Facility can accept asbestos for a fee, provided that the material is safely secured in accordance with the relevant guidelines. At least 24 hours prior notice must be given to allow an area to be prepared for disposal.

Reason: To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.

31. All building materials, plant and equipment is to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

Reason: To ensure pedestrian and vehicular access is not restricted in public places.

32. Ensure at least one fire extinguisher to suit Class A, B, C and Electrical fires are to be located on-site and readily accessible at all times during construction.

Reason: To enable construction workers to undertake first attack firefighting in the event of fire during construction.

33. Access for people with disabilities must be provided in accordance with Australian Standard AS 1428.1.

Note: Additional legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.

The following legislation may be relevant:

- The NSW Disability Services Act 1993
- The Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

For further information please consult: - Human Rights and Equal Opportunity

Reason: To ensure compliance with the relevant legislation.

Conditions to be Completed Prior to Occupation

34. Occupation or use of premises for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and the Occupation Certificate has been issued.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979, and Council's terms of consent.

35. Prior to the use of the premises for the purposes approved by this consent and prior to the issue of an Occupation Certificate a satisfactory final inspection report from the Council must be received by the Principal Certifying Authority (PCA) verifying the associated onsite waste water disposal system has been supplied and installed in accordance with the approval under Section 68 of the Local Government Act 1993.

Reason: To ensure the associated onsite waste water disposal system has been supplied and installed in accordance with the approval prior to occupation.

36. Finished ground levels are to slope away from the managers residence at a minimum rate of 50mm in the first 1m from the building.

Surface water must be prevented from entering neighbouring properties or escaping across the footpath (where applicable). This may be achieved by the use of landscaping, grated drains and sumps or other means to the satisfaction of Council's Building Surveyor.

Reason: To keep water clear of building foundations and comply with the Environmental Planning and Assessment Act 1979 and Regulations.

37. Stormwater runoff from all roof and paved areas on the site are to be collected and conveyed to the road reserve in Church Street, in a manner consistent with Australian Standard 3500, prior to occupation or use of the proposed development.

Reason: To ensure that storm water runoff from the development can be discharged to an approved location.

38. The provision of vehicle parking and manoeuvring areas within the development in accordance with AS/NZS 2890: Parking Facilities, and the following:

- a) The provision of at least thirty-nine (39) car parking spaces on the subject land;
- b) Each car parking space is to have minimum dimensions of 5.4m x 2.5m;
- c) Disabled car parking spaces are to be provided as required by the Building Code of Australia;
- d) All parking and manoeuvring areas are to be line-marked and sealed with concrete, asphalt or other approved hard standing, all weather material and must be maintained in a satisfactory condition;
- e) Wheel stops and/or bollards shall be installed at those car spaces adjoining buildings to provide a safe pedestrian walkway;
- f) All fencing on the subject land shall not impact on vehicle parking and manoeuvring areas;
- g) All vehicles are to enter and exit the site in a forward direction at all times;
- h) All trafficable and parking areas are to be adequately illuminated.

Reason: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles associated with the development.

39. 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 Operational Plan in a timely manner.

40. The applicant is to obtain a certificate of compliance issued by the relevant water authority in respect to the development.

At the time of approval Council is the relevant water authority. A certificate of compliance will require payment to Council of a contribution for water and sewer headworks. At the time of approval this amount is:

Water Headworks \$12,554

Sewer Headworks \$19,109

Note: An additional cost will be incurred at the time of any additional physical connection of water and sewer services, depending on meter size, in accordance with Council's Management Plan. These amounts are subject to change in accordance with Council's advertised fees and charges for each financial year.

Reason: Requirement is issued in compliance with S64 Local Government Act 1993.

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

The adjustment of any existing utility services or installation of new services is to be at the full cost of the developer.

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 utility services.

42. The building is to be fully fire upgraded in accordance with the proposed fire safety measures emailed by Local Government Engineering Services dated 19 March 2020 (see below) as per section 94 of the Environmental Planning and Assessment Regulation 2000.

In seeking compliance with the BCA in regard to fire safety provisions, existing timber, plaster work or other significant features must not be removed and replaced by modern materials.

Reason: To ensure compliance with fire safety requirements.

43. Supply as executed drawings and details of all installed fire safety measures.

Reason: To comply with the requirements of relevant Australian Standards that call up the need to supply as executed drawings and details.

44. Supply Commissioning checklists, results and certificates for all procedures associated with the commissioning of fire safety equipment, including the testing of interfacing of new and existing equipment and services.

Forty-eight (48) hours' notice is to be given to Council prior to commissioning of fire safety measures so Council inspectors may be present.

Reason: To ensure fire safety measures are tested and function as per the required performance standards.

45. Prior an Occupation Certificate being issued the owner of the building shall furnish to the Principal Certifying Authority a Fire Safety Certificate with respect to each essential fire safety measure specified in the Fire Safety Schedule for the building to which the Certificate relates.

The Certificate shall state:

- That each essential fire safety measure has been assessed by a properly qualified person.
- That each essential fire safety measure was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building to which the certificate is issued.

Reason: To ensure the safety of persons in the event of a fire by verifying all essential services listed on the Fire Safety Schedule have been installed to the required standards and tested for correct operation.

On-Going Operational Conditions

46. The operating noise level of the functions and entertainment provided on the premises shall comply with the following:

The L10 noise level emitted from the premises shall not exceed the L90 background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7.00am and midnight at the boundary of any affected residential premises.

The L10 noise level emitted from the premises shall not exceed the background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) between midnight and 7.00am at the boundary of any affected residential premises.

Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

For the purpose of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the premises.

A 5dB penalty shall be provided for any noise with a low frequency tone between 31.5Hz – 250Hz.

Reason: To ensure compliance with the relevant legislation.

47. Lighting of the development shall not project glare onto adjoining properties or roadways. Any outdoor lighting on the property shall be designed and installed in accordance with the provisions of AS4282: Control of the Obtrusive Effects of Outdoor lighting. No flashing, chasing, flags or scintillating lighting or promotional material of a visually intrusive nature shall be installed or displayed on the exterior of the premises or on the site, being visible from Church Street.

Reason: To ensure that lighting of the land does not adversely affect the environmental quality of adjoining land nor create a hazard to motorists.

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 the Exempt and Complying Development State Environmental Planning Policy).

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 of impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443

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*.

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 REPEAL

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 On behalf of the consent authority



Kane Duke
Manager of Planning & Regulatory Services

Date: 2 April 2020

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 section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.