



Our Ref:KD:NW:ECM557671

6 January 2020

Mr Michael Robinson



Dear Sir,

**RE: Notice of Determination**

<b>Application:</b>	<b>DA53/2019</b>
<b>Property Title:</b>	<b>Lot 1, 2, 3 and 4 DP 883564</b>
<b>Property Address:</b>	<b>217 Grey Street, Glen Innes, NSW, 2370</b>
<b>Proposal:</b>	<b>Retail Premises – Use and fit out of bottle shop</b>

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 Regulatory & Planning 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 81 (1) (a)

Development Application Number: DA53/2019

**APPLICANT NAME:** Michael Robinson C/- Regional Centre Management P/L

**APPLICANT ADDRESS:**

**OWNER NAME:** Glen Innes Mackenzie Mall Pty Ltd

**OWNER ADDRESS:**

### LAND TO BE DEVELOPED

**Property Address**

**Property Title**

217 Grey Street, Glen Innes

Lot 1, 2, 3 & 4 DP 883564

### PROPOSED DEVELOPMENT

**Development Description:** Retail Premises – Use and fit-out of bottle shop

**National Construction Code Classification:** 6

### DETERMINATION

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

**CONSENT TO OPERATE FROM**  
(SEE Note 1)

**CONSENT TO LAPSE ON**

19 December 2019

19 December 2024

## Administrative Conditions

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

- **Retail Premises – Use and fit-out of bottle shop**

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 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 53/2019).

Plan No. / Supporting Document(s)	Prepared by	Dated
Statement of Environmental Effects	Applicant	N/A
Location Map	Applicant	N/A
Unloading Map	Applicant	N/A
Drive Thru Plan	Applicant	N/A
Floor Plan	Applicant	N/A
Elevation Plan	Applicant	N/A

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.

## General Conditions

### 3. Fire Safety

The essential fire safety measures listed in the attached Fire Safety Schedule must be installed in the building, or upgraded, as the case may be, in order to protect the building and its occupants from any fire risk resulting from the operation of the retail premises.

*Reason: To safeguard occupants from illness or injury while evacuating during a fire; and provide facilities for occupants and the fire brigade to undertake firefighting operations; and prevent the spread of fire throughout the building.*

### 4. Utility Services

The 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 affect the operation of utility services.*

### 5. Parking

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

- a) Each car parking space is to have minimum dimensions of 5.5m x 2.6m;
- b) Disabled car parking spaces are to be provided as required by the Building Code of Australia;
- c) All parking and manoeuvring areas are to be line-marked and surfaced with concrete, asphalt or other approved hard standing material, and must be maintained in a satisfactory condition;
- d) All vehicles are to enter and exit the site in a forward direction at all times;
- e) Pavement markings are to be installed and maintained to indicate to motorists the direction of travel at ingress and egress points, and within drive through aisles.
- f) All trafficable and parking areas are to be adequately illuminated, in a manner consistent with AS4282 Control of the obtrusive effects of outdoor lighting.
- g) Wheel stops and bollards are to be located so as to keep vehicles from travelling into pedestrian movement areas.

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

6. All loading and unloading in connection with the premises shall be carried out wholly within the site, by vehicles no larger than a medium rigid vehicle, and outside peak traffic periods. A Traffic Management Plan is to be developed and implemented to minimise the impact of service vehicles on the operation of site traffic and existing unloading by other premises on the site.

**Note:** The Traffic Management Plan shall include procedures for controlling traffic and pedestrians when delivery vehicles are reversing into the loading dock.

*Reason: To provide for safety and convenience of motorists and pedestrians on public roads and within the development.*

7. **Signage**

All signage associated with the premises must comply with the heritage controls listed within the Glen Innes Severn Development Control Plan 2014.

No advertising structures shall be erected and no advertising material shall be affixed, painted or displayed on the 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*.

*Reason: To protect the scenic quality and 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.*

8. **Lighting**

No flashing, chasing or scintillating lighting or promotional material of a visually intrusive nature shall be installed or displayed on the exterior of the premises.

*Reason: To protect the existing amenity of the neighbourhood.*

9. 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.

*Reason: To ensure that outdoor lighting is not obtrusive to traffic or neighbouring properties.*

10. **Painting**

The façade of the building shall be painted using one of the following heritage colour schemes:

Scheme 1 (Dulux)	Scheme 2 (Wattyl)	Scheme 3 (Wattyl)	Scheme 4 (Wattyl)
Portland Stone (Wall)	Monterey White (Wall)	Regency White (Wall)	Portland Stone (Wall)
Bath Stone (Trim)	Chalkdust (Trim)	York Stone (Trim)	York Stone (Trim)
Mid Brunswick Green (Trim)	Colorbond Paperback (Trim)	Olive Drab (Trim)	Egyptian Red (Trim)

*Reason: To ensure the heritage significance of the building is maintained.*

11. A street/shop number must be clearly displayed at the ground level frontage of the each separate retail outlet, prior to the issue of an Occupation Certificate. A separate application must be made to Council if new or amended street numbers are required. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

*Reason: Because it is in the public interest that all sites are consistently addressed based on guidelines published by the New South Wales Geographical Names Board.*

## Conditions to be Completed Prior to Occupation

12. Prior to commencement of use of the building under this Consent, the owner of the building shall furnish a Final 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.*

13. An application for a 'packaged liquor licence' must be lodged and approved by NSW Liquor and Gaming prior to the commencement of trade.

*Reason: To ensure compliance with statutory requirements for the operation of a bottle shop.*

14. **Pre Trade Inspection**

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

The premises must be inspected by a Council officer prior to commencement of operations authorised. Please contact Council on 6730 2350 to arrange an inspection.

*Reason: To ensure that the premises fit-out is complete and consistent with the stamped, approved plans.*

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

The adjustment of any existing utility 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.*

## Conditions to be Completed During Operation

16. Following commencement of occupation, the premises shall operate or trade only between the times stated as follows:

**Mondays to Fridays**                      **9.00a.m. to 8.00p.m.**

**Saturdays**                                      **9.00a.m. to 8.00p.m.**

**Sundays**                                        **9.00a.m. to 8.00p.m.**

*Reason: To protect the amenity in the area.*

17. The applicant shall ensure that the noise generated by the operations does not constitute offensive noise (5db above background noise as constituted by the Protection of the Environment Act 1997) at any private receiver.

*Reason: To protect the amenity in the area.*

18. All access crossings and driveways shall be maintained in good order for the life of the development.

*Reason: To ensure that a safe adequate all-weather access is available to the development.*

## 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](http://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 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*. No submissions were received.

## 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: 7 January 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.*