



Council Ref:KD:KT:NW ECM592112

3 May 2021

Chris Alt
C/- Glen Innes Pony Club
PO BOX 549
GLEN INNES NSW 2370

Dear Sir,

REGARDING: NOTICE OF DETERMINATION

Application:	DA63/20-21
Property Title:	Lot 156 DP 753282
Property Address:	223 Bourke Street, Glen Innes
Proposal:	Erect Storage Shed for the Glen Innes Pony Club

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
TOWN PLANNER



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: 63/20-21

APPLICANT NAME: Chris Alt - Glen Innes Pony Club
APPLICANT ADDRESS: PO BOX 549, Glen Innes, NSW, 2370
OWNER NAME: Department of Planning, Industry and Environment – Crown Lands
OWNER ADDRESS: PO BOX 2185, Dangar, NSW, 2309

LAND TO BE DEVELOPED

Property Address: 223 Bourke Street, Glen Innes
Property Title: Lot 156 DP753282

PROPOSED DEVELOPMENT

Development Description: Erect Storage Shed for the Glen Innes Pony Club

DETERMINATION

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

CONSENT TO OPERATE FROM
(SEE Note 1)

30 April 2021

CONSENT TO LAPSE ON

30 April 2026

Administrative Conditions (under the *Environmental Planning and Assessment Regulation 2000*)

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

- Erect Storage Shed for the Glen Innes Pony Club

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.

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

2. All work must be carried out in accordance with the requirements of the Building Code of Australia.
3. 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.
4. 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 and Assessment Regulation 2000* for Class 1 & 10 buildings.

General Conditions

5. Storm Water

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

All storm water (or water from tank overflow when rainwater is collected) 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. Gutter and downpipes are to be provided and connected to an approved drainage system upon installation of the roof covering.

Reason: To keep water clear of building foundations and comply with the Environmental Planning and Assessment Act 1979 and Regulations and the requirements of AS 3500.

6. Heritage Colour Scheme

The external walls of the storage shed shall be painted surfmist and the roof manor red to maintain aesthetic coherence with the existing heritage buildings.

Reason: To protect the heritage significance of the showground.

7. Maintenance

The storage shed shall be properly maintained on an on-going basis for the life of the development. The removal of all graffiti shall be done within 48 hours of its application.

Reason: To maintain the aesthetic value of the building.

8. Section 138 Approval

For all works within public roads (such as for stormwater, footpaths, kerb and gutter, tree removal etc.), the Applicant is to seek any necessary Council approvals for work in road reserves under the *Roads Act 1993*.

Reason: To ensure pedestrian and vehicular safety during construction.

9. The shed shall not be used for habitable, commercial or industrial purposes without prior development consent.

Reason: To ensure the building is used for its intended purposes.

Conditions to be Undertaken During Construction

10. Sediment and Erosion Control

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.

Notes:

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

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

11. 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. |
12. 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.

Conditions to be Completed Prior to Occupation

13. **Occupation**

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, unless otherwise specified as part of this approval.

14. **Council Infrastructure**

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.

Conditions to be Completed During Operation

15. **Amenity**

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.

These conditions are required to:

- comply with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*
- comply with the requirements of the relevant Australian Standards
- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- 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
- maintain the amenity of the area and the State Heritage listed site.
- ensure that the environmental quality of adjoining land is not adversely affected
- provide for the ongoing environmental management of the development.

Integrated General Terms of Approval Conditions

These conditions are in accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979 by the Heritage Council of NSW.

16. APPROVED DEVELOPMENT

Development must be in accordance with:

- a) Architectural Plans, prepared by Tilmac as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Proposed shed at Glen innes Pony Club			
DWGAP1	Plan	-	-
	Floor Plan, Elevations	6/11/2020	-

- b) *Heritage Impact* (HIS) prepared by Gordon Fuller, dated 7 April 2021.

EXCEPT AS AMENDED by the conditions of this approval.

17. SITE PROTECTION

Significant built and landscape elements are to be protected during site preparation and the works, including for the proposed laundry block, from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

18. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

19. ABORIGINAL OBJECTS

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

20. COMPLIANCE

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

21. **SECTION 60 APPLICATION**

An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions regarding this IDA General Terms of Approval for Glen Innes Showground, please contact Tempe Beaven, Senior Heritage Assessment Officer at the Heritage NSW, Community Engagement, Department of Premier and Cabinet, on 9873 8629 or Tempe.Beaven@environment.nsw.gov.au.

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

Integrated General Terms of Approvals as part of the consent.

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
TOWN PLANNER

On behalf of the consent authority

Date: 3 May 2021

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.