



Council Ref:KT:NW ECM600311

17 August 2021

Rural Plan Consultants
PO BOX 5
GLEN INNES NSW 2370

Dear Sir/Madam,

REGARDING: NOTICE OF DETERMINATION

Application:	DA96/20-21
Property Title:	Lot 2 DP732049, Lot 5 DP38809 and Lot 1 DP732049
Property Address:	210 Grey Street and 19 East Avenue, Glen Innes
Proposal:	Change of Use and Alterations and Additions to Existing Mixed-Use Development, Stata Subdivision, Lot Consolidation and Boundary Adjustment

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: DA96/20-21

APPLICANT NAME: Rural Plan Consultants – Riarna Sheridan

APPLICANT ADDRESS: PO BOX 5, Glen Innes

OWNER NAME: Velcich Group Pty Ltd

OWNER ADDRESS: 210 Grey Street, Glen Innes

LAND TO BE DEVELOPED

Property Address: 210 Grey Street and 19 East Avenue, Glen Innes

Property Title: Lot 2 DP732049, Lot 5 DP38809 and Lot 1 DP732049

PROPOSED DEVELOPMENT

Development Description: Change of Use and Alterations and Additions to Existing Mixed-Use Development, Stata Subdivision, Lot Consolidation and Boundary Adjustment

DETERMINATION

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

CONSENT TO OPERATE FROM
(SEE Note 1)

10 August 2021

CONSENT TO LAPSE ON

10 August 2026

Administrative Conditions

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

- Change of Use including Alterations and Additions of the short-term accommodation units to long term residential (multi-dwelling housing),
- Boundary Adjustment and Lot Consolidation
- Strata Subdivision

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 96/20-21).

Plans Prepared by: Dadley Designs

Plan/Supporting Document(s)	Drawing No.	Project	Dated
Site Layout	1	1/2020	1/5/2021
Parking and Landscaping Layout	2	1/2020	1/5/2021
Specification Summary	3	1/2020	1/5/2021
Proposed Unit 1	4-13	1/2020	1/5/2021
Proposed Unit 2	14-15	1/2020	1/5/2021
Proposed Units 3-6	16-20	1/2020	1/5/2021
Proposed Units 7-10	21-24	1/2020	1/5/2021
Proposed Units 11-15	25-28	1/2020	1/5/2021
Proposed Commercial Premises	29-31	1/2020	1/5/2021
Basix Certificate Commitments	34-37	1/2020	1/5/2021

Plans Prepared by: Partners Energy Management

Plan/Supporting Document(s)	Drawing No.	Dated
BASIX Certificate	1163821M	29/4/2021

Plans Prepared by: Sean James Doodson

Plan/Supporting Document(s)	Drawing No.	Ref No.	Dated
Plan of Subdivision	1-3	20201103	2020

Plans Prepared by: Rural Plan Consultants

Plan/Supporting Document(s)	Ref No.	Dated
Statement of Environmental Effects	Velcich	May 2021

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)

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 and 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 and 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 and 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 of the *Environmental Planning and Assessment Regulation 2000*.

Reason: To comply with the provisions of Clause 98B of the Environmental Planning and 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 and Assessment Regulation 2000 for Class 1 & 10 buildings.

8. Under clause 97A(2) of the *Environmental Planning and 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 and Assessment Regulation 2000.

General Conditions

9. The Commercial Premises is to be fully upgraded to comply with E1.4, E1.6, E4.5, E4.6, E4.8 and FP5.2 for fire hose reels, emergency lighting, exit signs and sound transmission of the National Construction Code Volume 1, Building Code of Australia 2019.

Reason: To comply with Clause 93 Fire Safety and Other Considerations of the Environmental Planning and Assessment Regulation 2000.

10. A Fire Safety Statement is to be provided annually certifying the items listed in the attached schedule (together with a copy of the Fire Safety Schedule) to be given to the Commissioner of the NSW Fire Brigade, to Council, and must cause a copy of the Certificate (together with a copy of the current Fire Safety Schedule) to be prominently displayed in the building.

Reason: To comply with the Environmental Planning and Assessment Regulation 2000.

11. 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 the buildings are used for the intended purposes and 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(s).

12. 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*.

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.

13. All storm water (or water from tank overflow when rainwater is collected) must be diverted to the allocated kerb and gutter (where applicable) or to the satisfaction of Council. Gutter and downpipes are to be provided and connected to an approved drainage system upon installation of the roof covering.

Reason: To comply with the requirements of AS 3500 and to minimize the effect of dust in the drinking water.

14. Damage caused to Council infrastructure as a result of the approved 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 the utility services.

Conditions to be Completed Prior to Issue of a Construction Certificate

15. In accordance with the provisions of Council's Section 7.12 plan, a contribution towards the provision, extension or augmentation of public amenities or services, is required to be paid prior to the issue of a Construction Certificate. The required contribution is **\$10,000** being 1% of the estimated cost of the development works.

Reason: To provide for augmentation of public amenities or services necessitated by the development.

Conditions to be Completed Prior to Works Commencing

16. No construction is to commence until a Construction Certificate is issued for the proposed works. The works are to be constructed in accordance with the plans and specifications referred to in the Construction Certificate.

Reason: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards.

17. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cls 103, 103A and 104 of the *Environmental Planning and Assessment Regulation 2000*.

Reason: To ensure compliance with the provisions of the Environmental Planning and Regulation 2000.

18. A Section 68 Local Approval must be lodged and approved prior to commencement of any plumbing or drainage works on the subject land.
Reason: To comply with the Local Government Act 1993.
19. 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.
Reason: Because it is in the public interest that utility services be protected from damage and remain operational.
20. For all construction activity 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*. The Application must have been approved prior to the issue of a Construction Certificate.
Reason: To ensure pedestrian and vehicular safety during construction.
21. 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.

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

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.

Conditions to be Undertaken During Construction

23. 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.

24. 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.

25. 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.

26. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- All materials shall be stored or stockpiled at appropriate locations;
 - The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
 - All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
 - Cleaning of footpaths and roadways shall be carried out regularly; and
 - Rubble grids being installed at access points to the site.

Reason: *To maintain the amenity of the area.*

27. 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.*

28. 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 fire fighting in the event of fire during construction.*

29. 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.*

Conditions to be Completed Prior to Subdivision Certificate being Issued

30. The payment to Council of a contribution for water headworks at the following rate:

Water Headworks - \$ NIL

Sewer Headworks - \$NIL

Note: An additional cost will be incurred at the time of physical connection of water service depending on meter size in accordance with Council's Management Plan.

Reason: *Because the development is not considered to create an increased demand for water and sewer services above the current entitlement.*

31. 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.*

32. 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.

33. 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.

34. 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.

35. 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) 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.

Conditions to be Completed Prior to Occupation

36. 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.

37. The nomination of core address components for the development and subdivision, consistent with the NSW Addressing User Manual. The addresses are to be submitted to Council at the earliest practical time during the development cycle. Final addresses will be confirmed by Council.

Reason: To provide site addresses consistent with the NSW Address Policy.

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: 17 August 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.*