



Council Ref: GB:AH:VH

13th November 2023

Riarna Sheridan
c/- RuralPlan Consultants
PO Box 5
Glen Innes NSW 2370

Dear Madam,

REGARDING: NOTICE OF DETERMINATION

Application:	DA 71/22-23 (PAN-333139)
Property Title:	Lot 1 DP732049
Property Address:	15-19 East Avenue, Glen Innes NSW
Proposal:	Change of Use to Indoor Recreation Facility (Mystery Rooms) & Internal Alterations

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 Planning and Regulatory Services Department on (02) 6730 2350.

Yours faithfully,

Gayleen Burley
DIRECTOR OF PLACE AND GROWTH

Glen Innes Severn Council acknowledges and pays respect to the Ngoorabul people as the traditional custodians of this land, their elders past, present and emerging and to Torres Strait Islander people and all First Nations people.



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: 71/22-23

APPLICANT NAME: RuralPlan Consultants
APPLICANT ADDRESS: PO Box 5, Glen Innes NSW
OWNER NAME: Velcich Group Pty Ltd
OWNER ADDRESS: 15-19 East Avenue, Glen Innes NSW

LAND TO BE DEVELOPED

Property Address: 15-19 East Avenue, Glen Innes NSW
Property Title: Lot 1 DP732049

PROPOSED DEVELOPMENT

Development Description: Change of Use to Indoor Recreation Facility (Mystery Rooms) & Internal Alterations

DETERMINATION

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

CONSENT TO OPERATE FROM
(SEE Note 1)

CONSENT TO LAPSE ON

13 November 2023

13 November 2028

Administrative Conditions

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

- **Change of Use to Indoor Recreation Facility (Mystery Rooms) & Internal Alterations**

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 71/22-23 PAN-333139).

Plans Prepared by: Efficient Building Design Services (EBDS) **Job No.:** 22-009

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Cover Page	000	3	09/05/2023
Site Plan	001	3	09/05/2023
Floor Plan	100-A	3	09/05/2023

Plans Prepared by: RuralPlan Consultants **Job No.:** Mystery Rooms

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Statement of Environmental Effects	-	1	17/05/2023

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.*

3. A separate development application for any proposed signs other than exempt or complying signs must be submitted to and approved by Council prior to the erection or display of any such signs.

Reason: *To confirm and clarify the terms of consent.*

General Conditions

4. The proponent shall comply with the prescribed conditions of development approval under clauses 69, 70, 71, 72, 73, 74, 75 of the *Environmental Planning and Assessment Regulation 2021* as are of relevance to this development.
Reason: To meet the statutory requirements.
5. The proposed development is to be 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 confirm and clarify the terms of Council's approval.
6. All storm water must be diverted to the allocated kerb and gutter 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.
7. 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 the utility services.

Conditions to be Completed Prior to Works Commencing

8. No construction work 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.
9. A Section 68 Local Approval must be lodged and approved prior to any plumbing or drainage works on the subject land.
Reason: To comply with the Local Government Act 1993.
10. 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.

11. 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

12. 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.

13. 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.

Conditions to be Completed Prior to Occupation

14. 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 an 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.

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 not required to be notified in accordance with Table 2.1 of the *Glen Innes Severn DCP 2014*. However due to Council being involved in the grant the decision was made to advertise and notify the application.

Advisory Note

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

Other Approvals

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

Nil

Right of Review

In accordance with the provisions of Section 8.2 of the *Environmental Planning and Assessment Act 1979*, 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 *Environmental Planning and Assessment Act 1979* 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:



Gayleen Burley

DIRECTOR OF PLACE AND GROWTH

On behalf of the consent authority

Date: 13th November 2023

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 89 of the Regulation contains additional particulars to be included in a notice of determination where a condition under Sections 7.11 & 7.12 of the Environmental Planning and Assessment Act 1979 has been imposed.