

Council Ref:GB:NN:VH

29 August 2024

James Knox  
c/- Railway Tavern Pty Ltd  
PO Box 1955  
Armidale NSW 2350

Dear Sir,

**REGARDING: NOTICE OF DETERMINATION**

<b>Application:</b>	<b>DA 56/23-24 (PAN-418943)</b>
<b>Property Title:</b>	Lot 1 DP802654, Lot 16 & 17 Sec 18 DP758447 and Lot 1 DP405738
<b>Property Address:</b>	80 Bourke Street and 99 Lambeth Street Glen Innes NSW 2370
<b>Proposal:</b>	Subdivision and Alterations and Additions to Existing Pub

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 and Regulatory Services Department on (02) 6730 2350.

Yours faithfully,



**Gayleen Burley**  
**DIRECTOR OF PLACE AND GROWTH**

**Phone.** (02) 6730 2300  
**Email.** council@gisc.nsw.gov.au

**Main Administration,**  
265 Grey Street Glen Innes NSW 2370

*Kindly address all correspondence to:*  
*The General Manager, PO Box 61 Glen Innes NSW 2370*



# 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: 56/23-24

APPLICANT NAME:	Railway Tavern Pty Ltd
APPLICANT ADDRESS:	PO Box 1955, Armidale NSW
OWNER NAME:	Railway Tavern Pty Ltd G R and M U Notley Pty Ltd
OWNER ADDRESS:	PO Box 1955, Armidale NSW 99 Lambeth Street, Glen Innes NSW

### LAND TO BE DEVELOPED

Property Address:	80 Bourke Street and 99 Lambeth Street Glen Innes NSW 2370
Property Title:	Lot 1 DP802654, Lot 16 & 17 Sec 18 DP758447 and Lot 1 DP405738

### PROPOSED DEVELOPMENT

Development Description:	Subdivision and Alterations and Additions to Existing Pub
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### DETERMINATION

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

CONSENT TO OPERATE FROM  
*(SEE Note 1)*

29 August 2024

CONSENT TO LAPSE ON

29 August 2029



## Administrative Conditions

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

- **Alterations and Additions to Existing Buildings and 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 56/23-24).

**Plans Prepared by:** Darren Mah Design **Job No.:** The Railway Tavern

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Cover Sheet	DA-000	A	07/03/2024
Site & Roof Plan	DA-100-1	D	17/06/2024
Ground Floor Plan	DA-101-1	B	07/03/2024
Elevations Sheet 01	DA-201-1	B	07/03/2024
Elevations Sheet 02	DA-202-1	B	07/03/2024
Elevations Sheet 03	DA-203-1	B	07/03/2024
Section	DA-301-1	A	07/03/2024

**Plans Prepared by:** Rowan Leonard Donnelly **Job No.:** 20230819

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Plan of Subdivision	20230819	-	09/09/2023



Plans Prepared by: Sue Rosen Associates Job No.: 20230819

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Heritage Impact Statement	-	-	March 2024

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.*

### Development Generally (under the Environmental Planning and Assessment Regulation 2021)

- 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 69(1) of the Environmental Planning and Assessment Regulation 2021.*

- The existing buildings, which will become the proposed new 'Function Room' and 'Bottle Shop' buildings must be brought into total conformity with the Building Code of Australia. This must be done through the Construction Certificate process. The Construction Certificate issued for the additions and alterations to these buildings must show how each building will comply with the current National Construction Code/Building Code of Australia version applicable at the time of lodging the Construction Certificate.

*Reason: To comply with the provisions of Clause 64 – 'Consent authority may require upgrade of buildings' - Environmental Planning and Assessment Regulation 2021.*

- 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 certifier 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 70 of the Environmental Planning and Assessment Regulation 2021.*

- 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.*

7. Finished floor levels must be adequate to allow overflow relief gully compliance with AS3500 and *Plumbing and Drainage Code of practice*. The 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.*

8. Finished ground levels are to slope away from the building 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.

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

9. 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.*

10. All building materials, painting or other external finishes are required be of natural tones with low reflective quality, or such other treatment as may be appropriate to ensure that the buildings are not intrusive in the residential setting.

Reason: *To maintain the amenity of the surrounding area and to comply with the Glen Innes Severn Development Control Plan 2014.*

11. In accordance with Section 4.17(1) of the Environmental Planning and Assessment Act 1979 and the Glen Innes Severn Section 94A Development Contributions Plan 2014, **\$12,870** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of \$1,287,000.

- a) The value of this contribution is current as of the date of the notice of determination. If the contributions are not paid within the same financial year, they may increase in line with the Consumer Price Index (CPI).
- b) The monetary contribution shall be paid to Council prior to the commencement of works.



*Reason: To address the increased demands on community infrastructure resulting from the approved development and comply with the Glen Innes Severn Section 94A Development Contributions Plan 2014.*

### Conditions to be Completed Prior to Issue of a Construction Certificate

12. A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) shall be submitted with the construction certificate application. The schedule shall distinguish between existing and proposed fire safety measures.

*Reason: To ensure all fire safety measures are identified to protect life and property.*

### Conditions to be Completed Prior to the Commencement of any Subdivision Works

13. Prior to the commencement of any subdivision works, a subdivision works certificate (SWC) must be obtained that covers the works in question.

*Reason: To ensure compliance with Section 6.13 of the Environmental Planning and Assessment Act 1979 (EP&A Act), a SWC is required before you can carry out subdivision work in accordance with a development consent.*

14. Prior to the issue of a subdivision works certificate, a detailed engineering survey and design is to be prepared for any civil works not undertaken by Council. The detailed design must be prepared by a suitably qualified person with reference to:
  - (i) Council's Development Design and Construction Manual (Auspec 1 as modified)
  - (ii) Councils Development Control Plan

*Reason: To ensure the development meets the standards and objectives of Council's development plans.*

### Conditions to be Completed Prior to Works Commencing

15. 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.*

16. No construction work is to commence until a Principal Certifying Authority (PCA) has been appointed for the proposed works.

Council, in the case of being the Principal Certifying Authority, is to be given 48 hours' notice of any critical stage inspections where applicable as per the issued PCA Agreement.

*Reason: To comply with the provisions of the Environmental Planning and Assessment Regulation 2021 and Building and Development Certifiers Regulation 2020.*



17. 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 the safety of the public.*

18. All earthworks and the construction or installation of retaining walls or other forms of structural support that do not comply with the exempt development standards under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* require approval prior to any building works on the subject land.

*Reason: To comply with the Building Code of Australia and the provisions of the Environmental Planning & Assessment Act 1979.*

19. 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.*

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. 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.

**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.*

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

22. 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.*

23. A safe distance of 4 metres is required to the centreline of the low voltage 400/230 volt overhead powerline(s) measured horizontally. (ie: Use a plumbob to plot conductors position to ground and measure out from there at 90 degrees to the Line)

We note the Low voltage Overhead powerline passes over the top of the verandah on the Lambeth Street side, any works in this area will require a site safety visit prior to works commencing. Request for safety advice ([essentialenergy.com.au](http://essentialenergy.com.au))

*Reason: To comply with Essential Energy requirements.*

#### Conditions to be Undertaken During Demolition and Construction

24. 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	<b>No construction work to take place.</b>

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

25. The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted, and such signposting be maintained in a way that ensures public safety at all times.

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

26. 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.*





27. The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication “Interim Construction Noise Guideline” July 2009.

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

28. To protect the surrounding environment, all demolition work must be carried out in accordance with Australian Standard AS2601-2001 - Demolition of structures and the following requirements:
- Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and
  - Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by SafeWork NSW in accordance with the Work Health and Safety Regulation 2017 and be appropriately transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014; and
  - On construction sites where any building contains asbestos material, a standard commercially manufactured sign containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

*Reason: To ensure the appropriate removal and disposal of demolition materials.*

29. While demolition or remediation work is being carried out, any work involving the removal of asbestos must comply with the following requirements:
- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling, and disposal of any asbestos material;
  - Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
  - Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

*Reason: To ensure that the removal of asbestos is undertaken safely and professionally.*

30. Access for people with disabilities must be provided from the new portion of works to kerb ramps and footpaths along the street frontage, by means of a continuous path of travel 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 comply with legislative requirements.

**Conditions to be Completed Prior to Occupation**

- 31. 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 applied for and issued.

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

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

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

**Note:** 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:

<b>Water Headworks</b> .....	<b>\$35,544.95</b>
<b>Sewer Headworks</b> .....	<b>\$62,139.39</b>

An additional cost will be incurred at the time of any 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.**

- 33. The connection to sewer mains such that there is one separate and distinct connection to mains within the boundary of each allotment,

**Note:** Council does not permit other bodies to cut into 'live' sewer mains and will provide a quotation for the construction of any necessary mains upon request.

Reason: To ensure that there is one separate and distinct reticulated sewer connection located wholly within the boundary of each allotment, in compliance with the Local Government (General) Regulation 2021.

- 34. The disconnection and capping of any utility services across proposed property boundaries such that there is one separate and distinct connection to each service within the boundary of each allotment,

Reason: To ensure that there is one separate and distinct connection located wholly within each property.

- 35. 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 impact on the operation of utility services.



36. The construction of vehicular property accesses at the proposed locations, and the restoration of any unused kerb crossings.

Reason: *Because this work is necessary to ensure compliance with Council policy.*

Note: The applicant shall obtain a road opening permit from Council prior to any works within the public road reservation. All future access to the property must be only using approved driveway crossings. The access is to be constructed of concrete or other approved treatment from the property boundary to the edge of bitumen sealed road.

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

Reason: *To ensure the development provides adequate parking for staff and customers.*

38. Stormwater runoff from all roof and paved areas on the site is to be collected or conveyed to an approved location, in a manner consistent with Australian Standard 3500 and Council's Development Design and Construction Manual.

Reason: *To ensure stormwater generated from impermeable surfaces does not cause nuisance to adjoining properties.*

39. In accordance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

Reason: *To ensure all fire safety measures are implemented to protect life and property.*

40. Should any asbestos be encountered during demolition or construction works, a licenced asbestos assessor is required to provide a Clearance Certificate to the Principal Certifier prior to the issue of an Occupation Certificate, certifying that the asbestos has been removed and appropriately disposed of, and the site is now suitable for its approved use.

Reason: *To ensure the appropriate removal and disposal of contaminated materials and the site is suitable for its approved use.*

41. Prior to the issue of any Occupation Certificate, signage is to be permanently installed in the Beer Garden and Al Fresco Dining Area in a visible location to all occupants of the area as follows:

Sign Dimensions: No less than 300mm x 400mm

**Sign Words:** 'PLEASE CONSIDER OUR NEIGHBOURS AND KEEP NOISE TO A MINIMUM WHEN USING THIS AREA – PEOPLE FOUND MAKING EXCESSIVE NOISE WILL BE ASKED TO LEAVE THE PREMISES.'

### Conditions to be Completed During Operation

42. The approved hours of operation for the **pub** are as follows:

Mondays to Saturdays	10.00am to 12.00am
Sundays & Public Holidays	10.00am to 10.00pm



The approved hours of operation for the **bottle shop** are as follows:

Mondays to Saturdays 10.00am to 10.00pm

Sundays & Public Holidays 10.00am to 8.00pm

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

43. The maximum capacity of the premises is 500 persons.

*Reason: To ensure public safety and neighbourhood amenity.*

44. On at least one occasion in every 12-month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

*Reason: To ensure fire safety measures are maintained to protect life and property.*

45. All access crossings, driveways and carparks 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*

46. Trade waste material is not to be discharged into the sewer drainage pipelines or storm water drainage systems, without first obtaining written approval from Council.

Note: This may necessitate the installation of an approved trade waste system including approved tanks, pits, sumps and arrestors.

*Reason: To ensure that environmental safeguards are appropriate for the nature and quantity of waste streams generated by the development.*

47. There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" or "offensive odour" as defined in the Protection of the Environment Operations Act 1997 (POEO Act). The development is to comply with the POEO Act at all times.

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

48. The development shall comply with the Smoke-Free Environment Act 2000 and Smoke-Free Environment Regulations 2016 (as amended).

*Reason: To comply with current legislation.*

## 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](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 1800 810 443.

### 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:** 29 August 2024

*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.*