



Birthplace of Our Nation

25 September 2023
Our Ref: IN21/6E62AF0F

**Re: Neighbour Notification of Development Application No. 2019.078/1
Bed and Breakfast Accommodation & Part Time Function Centre
Lot 1, DP 580114, 141 Miles Street, Tenterfield.**

Tenterfield Shire Council has received a Development Application for a '*Consent to Operate for a Further Two Years*' at the abovementioned property. This is not a new development and is a request for a continuation of a pre-existing development application.

As your property is in the vicinity of the proposed development, Council is providing neighbour notification. Should you wish to provide a submission which includes an objection to the proposal, the grounds of objection must be given in writing prior to close of business on Monday, 9 October 2023.

The proposal is available to be inspected on Council's website at www.tenterfield.nsw.gov.au.

Please find attached a summary of the proposed development, which is as per the original development approved by council.

Should you require any further information please do not hesitate to contact Council's Planning & Development Services Department on (02) 6736 6002.

Yours sincerely,

Tamai Davidson
**Manager Planning, Property &
Development Services**
Encl.

All correspondence should be addressed to:

Chief Executive Tenterfield Shire Council

247 Rouse Street (PO Box 214) TENTERFIELD NSW 2372

Telephone: (02) 6736 6000 email: council@tenterfield.nsw.gov.au website: www.tenterfield.nsw.gov.au

ABN: 85 010 810 083



Birthplace of Our Nation

28 October 2020

Our Ref: OUT20/6A41A9E9

Ms Kim Thompson
141 Miles Street
TENTERFIELD NSW 2372

Dear Ms Thompson,

Re: Development Application No. 2019.078
Lot 1, DP 580114, 141 Miles Street, Tenterfield

Please find attached Council's formal development approval for '*Bed and Breakfast Accommodation & Part-Time Function Centre & Related Signage*' at the abovementioned property.

Your attention is drawn to your rights of appeal should you be dissatisfied with Council's determination of your application.

Upon completion of works please complete the attached '*Application for an Occupation Certificate*' to arrange for a final inspection to be undertaken (the final inspection fee has been paid).

Should you require any further information please do not hesitate to contact Council's Community, Planning & Regulation Section on (02) 6736 6002.

Yours Sincerely,

Tamai Davidson
Manager Planning & Development Services

Encl.

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Tenterfield Shire Council

PO Box 214
TENTERFIELD NSW 2372

Ph: (02) 6736 6000

e-mail: council@tenterfield.nsw.gov.au

Notice of Determination

of a Development Application

issued under Section 4.16 of the *Environmental Planning and Assessment Act 1979*

**Development Application
Number**

2019.078

Development Application

Applicant Name: THOMPSON Kim Lynette

Applicant Address: 141 Miles Street
TENTERFIELD NSW 2372

Owner of the Land THOMPSON Kim Lynette

Land to be Developed: Lot 1, DP 580114

Property Address: 141 Miles Street, Tenterfield

Proposed Development: **Bed and Breakfast Accommodation &
Part-Time Function Centre (Limited 2 Years) &
Related Signage**

Determination

made on (date): 28 October 2020

Determination: ~~Consent granted unconditionally~~
Consent granted subject to conditions described below
~~Application refused~~

Consent to Operate from (date) 28 October 2020

Consent to Lapse on (date) 28 October 2022 (if not commenced)
Function Centre – consent lapses two (2) years from the date of
first event carried out in accordance with this consent.

Conditions:

*Please read the conditions carefully as failure to comply with the
conditions could result in Orders being served upon you.*

Other Approvals:

Local Government Act 1993

INFORMATION FOR THE APPLICANT

COUNCIL OR PRIVATE ACCREDITED CERTIFIER

On obtaining **Development Consent** you then have a choice of obtaining a construction certification from **Council or a Private Accredited Certifier**. On appointing a certifier, you **cannot** change the certifier for another person until the project has been completed, unless you seek to change through a legislative process.

CONSTRUCTION CERTIFICATE

A **Construction Certificate** must be applied for and approved by either Council or a Private Accredited Certifier prior to any building work being undertaken. It will require structural certification, specifications, survey plans or any other details to be obtained. For dwellings, this will require Certificate of Insurance under the Home Building Act or an Owner Builder Permit.

It is the responsibility of the applicant to ensure that all structural details are included in the construction plans. Failure to include all required details may result in lengthy delays in obtaining a **construction certificate** due to the fact that **conditions cannot be included on the certificate**.

INSPECTIONS

Inspections may need to be undertaken at various stages of the building (footings, frame, drainage, etc.) so as to ensure that the structural elements of the building comply with the Building Code of Australia and relevant Australian Standards. If you choose Council as your certifier, then it will be necessary for inspections to enable the issue of the necessary **compliance certificate** for a set fee.

It is the responsibility of the applicant to ensure that mandatory inspections are carried out, **48 hours notice** should be given for all inspection.

Failure to arrange for mandatory inspections to be carried out will result in Council not being able to issue an Occupation Certificate for the development.

OCCUPATION CERTIFICATE

Occupation/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. This certificate can only be issued on the satisfactory completion of the building and compliance with conditions of development consent.

APPROVED PLANS AND CONDITIONS ON SITE

During all construction work relating to this approval a copy of approved plans and associated conditions must be available on site.

INFORMATION ABOUT THE DECISION

RIGHTS OF REVIEW AND APPEAL

Under Section 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979, **any applicant** who is dissatisfied with Council's determination of their application may request the Council to **review** its determination; such a request can be made within 6 months or after an appeal to the Land and Environment Court has been lodged, but before it has been disposed of in the Land & Environment Court. A review cannot be made on designated or integrated development.

If the applicant is dissatisfied with this decision, Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court within 6 months after the date on which the applicant received the 'Notice of Determination' under Section 4.19 of the *Environmental Planning and Assessment Act 1979*.

If the applicant appeals, Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives any person who made a submission in relation to designated development the right to be given notice of the appeal, and to be heard at the hearing of the appeal (you need to apply to the court within 28 days of the notice of the appeal).

If you are an objector to designated development, and are dissatisfied with a decision to grant consent (either unconditionally or subject to conditions), Section 8.8 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 28 days of the date of the notice of determination.

Your appeal may be made by lodging an application to the Court in accordance with the Rules of Court.

PERIOD OF APPROVAL

This approval remains valid for a period of 5 years from the date of this notice, or as otherwise identified in the consent.

(Under Section 4.53 of the Environmental Planning and Assessment Act 1979 and Section 103 of the Local Government Act 1993, the approval does not lapse if building, engineering or construction work on the land to which the approval relates is physically commenced before the date on which this approval would otherwise lapse).

DEFERRED COMMENCEMENT

In the case of an approval which is granted subject to a condition that the approval cannot operate until the applicant satisfies the Council as to any matter specified in the condition (a "deferred commencement"), the date from which the approval operates will not be endorsed on this notice. A separate notice will be issued in the event that the Council is satisfied that the applicant has satisfied such conditions.

GENERAL CONDITIONS

1. The development must be undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended in red by Council, or as modified by the conditions of this Notice of Determination.

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.

2. The function centre component of the proposal is approved for a maximum of two (2) years from the date of the first event held under the provisions of this consent. Council will consider a future amendment to DA2019.078 to extend this time period based on the operational performance and impact on the amenity of the locality at the end of the two (2) year period.

Reason: to ensure the amenity of the residential character of the area is not negatively impacted.

3. The kitchen is to be provided with a Fire Extinguisher and Fire Blanket

Reason: To ensure the safety of the occupants of the accommodation.

4. Smoke alarms are to be fitted/installed within the building in accordance with the National Construction Code, Part 3.7.2.

Reason: To comply with the National Construction Code

5. Prior to the installation of any associated advertising signage, details shall be provided to Council for approval. Any approved sign shall be maintained in good order at all times to the satisfaction of Council.

Reason: To comply with Council requirements.

6. No illumination of any sign shall be permitted.

Reason: To ensure no compromise of traffic safety from glare distractions.

7. Council reserves the right to have any signs altered or removed, changed or relocated if it considered they are prejudicial to the safety of the public.

Reason: To ensure no compromise of traffic safety standards.

8. Hours of operation shall be carried out only between the times stated as follows:-

Functions 10am – 9pm

Open Gardens 8am – 4pm

And in a manner so as not to cause a nuisance (by the generation of unreasonable noise or other activity) to the owners and/or residents of adjoining and adjacent properties.

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

9. Adequate toilet facilities are to be provided.

Reason: To comply with the Environmental Planning and Assessment Act.

10. No obstruction shall be caused to pedestrian and vehicular traffic during operation unless full details are supplied to and approved by the Council.

Reason: To comply with Council requirements.

11. Provision shall be made for unrestricted pedestrian access within the footpath area across the frontage of 141 Miles Street during operation. Suitable temporary hoarding or barriers, approved by the Council, shall be erected to maintain pedestrian access during functions.

Reason: To ensure pedestrian safety and to comply with Council requirements.

12. Any damage caused to footpaths, roadways, utility installations and the like by reason by functions shall be made good and repaired to a standard equivalent to that existing prior, at full cost to the applicant.

Reason: To comply with Council requirements.

13. The lighting of the premises shall be shielded and directed so as not to cause annoyance to the owners or occupiers of adjoining premises.

Reason: To ensure that the social effects which arise from the proposed operations are of a positive character.

14. No noise emanating from the property shall exceed the levels exceed set by the Noise Control Regulations.

Reason: To ensure that the functions do not adversely affect the environment or the amenity of the surrounding area.

15. Any premises in which food is handled must be provided with a wash basin in or convenient to:

- a. each lavatory situated in the premises or vehicle; and
- b. every part of the premises in which hands are likely to be a source of contamination of food for sale.

A wash basin provided in accordance with this clause:

- a. must be provided with an adequate supply of potable water at a temperature of at least 40°C mixed from a hot and cold water supply; and
- b. must be supplied with soap or a suitable detergent and an adequate supply of single use towels or other suitable hand drying facilities, located adjacent to the hand basin.

Reason: To comply with the Food Act & Regulations.

16. Access and facilities for disabled people shall be provided in the building or portion of the building in accordance with the Building Code of Australia and to the standards set out in AS 1428.1.

Reason: To comply with the Building Code of Australia.

17. All driveways, loading areas and carpark areas shall be constructed to a suitably drained surface, clearly defined or line marked. A conspicuous sign shall be erected to direct vehicles to visitor parking areas if required.

Reason: To comply with Council Requirements.

18. Illuminated exit signs shall be installed in the building above or adjacent to every:
- i. door providing direct egress from a storey to a required exit;
 - ii. door from an enclosed stairway, passageway or ramp at every level of discharge to a road or open space;
 - iii. horizontal exit;
 - iv. door serving as, or forming part of a required exit in a storey required to be provided with emergency lighting.

Additional exit signs shall be installed in appropriate positions in corridors, hallways, lobbies, foyers and the like indicating the direction to a required exit. Design and installation of Exit signs shall comply with AS2293.1

Reason: To comply with the Building Code of Australia.

19. 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.

Signed on behalf of the consent authority

Tamai Davidson
**Manager Planning &
Development Services**

28 October 2020
Date

Note This approval does not guarantee compliance with any Act, Regulation or Standard (other than the Environmental Planning and Assessment Act, 1979, as amended) and builders/developers should make their own enquiry as to their legal responsibilities in this regard. Without limiting the generality of the above, approval does not guarantee compliance with the Disability Discrimination Act 1992 to which builders/developers are specifically referred.

Supporting Information

Lot 1, DP 580114, 141 Miles Street, Tenterfield

Expected days and hours of operation

Most events expected to fall on a Saturday or Sunday.

Events would usually be:

- Weddings – 2-4pm
- Gatherings – from 11 to 9pm
- Open Gardens - 10-4pm

Expected annual usage rates

Estimate of less than 10 per year.

Expected traffic/vehicle movement

Expected 5 to 25 vehicles per event; on-site parking for up to 8 vehicles.

Maximum number of patrons on site

Perhaps 50 on event days during prescribed times.

Social Impacts – Increased noise

Some noise may be generated during events however this will be kept to a minimum with respect to neighbours and within prescribed hours. Direct neighbours will be notified each time an event is to take place.

Economic Impacts

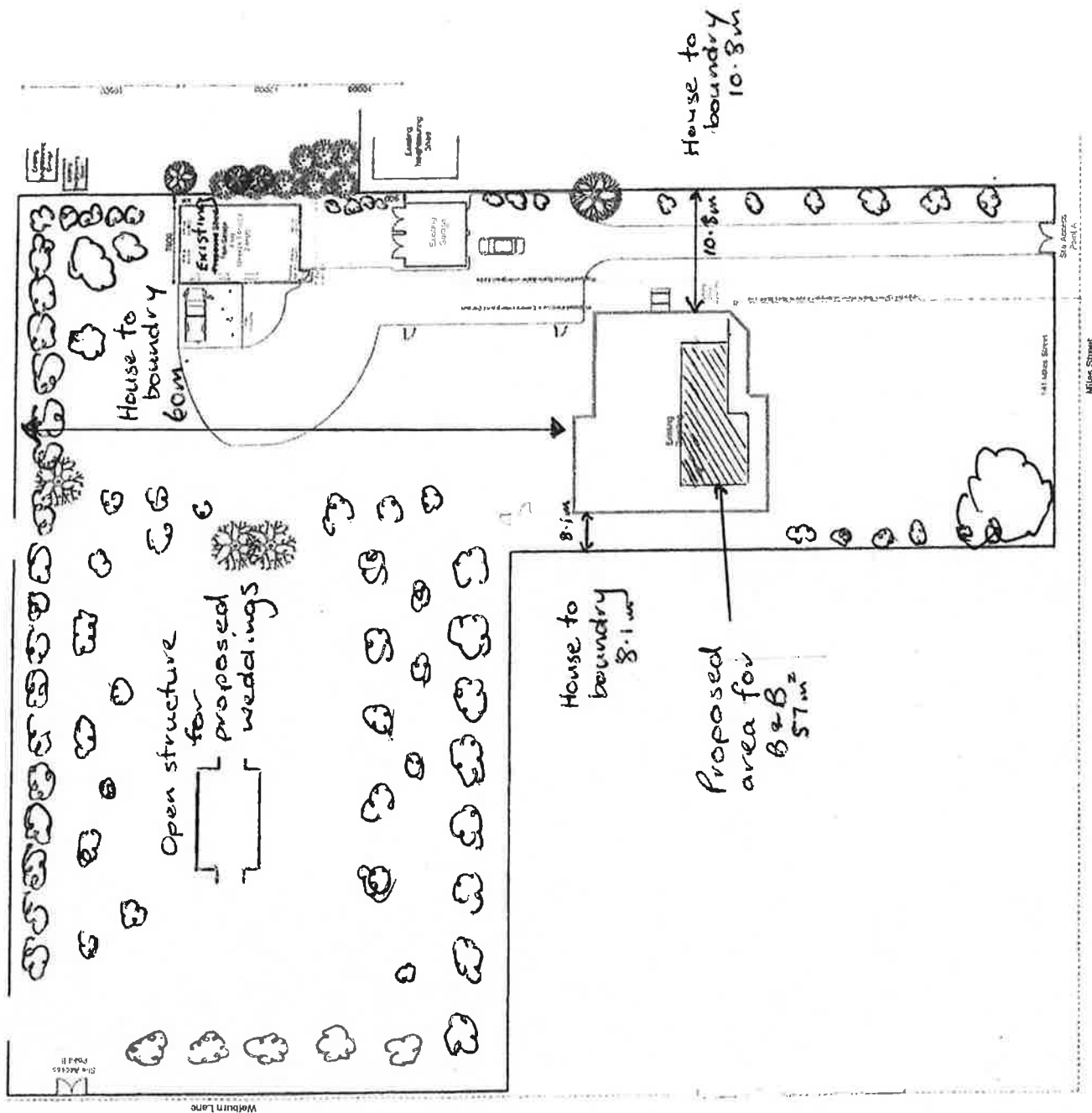
Positive economic impact includes:

- . Guests attending these events can be accommodated in other venues in town.
- . All produce and resources for catering sourced locally for events.
- . Local hire of occasional staff for events.

~~APPLICATION FOR CONSTRUCTION OF
STEEL SHED~~

SITE PLAN

Proposed Bed + Breakfast,
Weddings + Gatherings



Wilcox Street