

Council Ref:KT:VH ECM649546



21<sup>st</sup> July 2023

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

Dear Madam,

**REGARDING: NOTICE OF DETERMINATION**

<b>Application:</b>	DA 68/22-23 (PAN-330097)
<b>Property Title:</b>	Lot 1 DP610607
<b>Property Address:</b>	359 Grey Street, Glen Innes NSW 2370
<b>Proposal:</b>	Demolition of Damaged Portions of Existing Commercial Premises (Pathfinders Glen Innes)

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,

**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: 68/22-23

**APPLICANT NAME:** RuralPlan Consultants  
**APPLICANT ADDRESS:** PO Box 5, Glen Innes NSW  
**OWNER NAME:** Pathfinders Ltd  
**OWNER ADDRESS:** 359 Grey Street, Glen Innes NSW

### LAND TO BE DEVELOPED

**Property Address:** 359 Grey Street, Glen Innes NSW  
**Property Title:** Lot 1 DP610607

### PROPOSED DEVELOPMENT

**Development Description:** Demolition of Damaged Portions of Existing Commercial Premises (Pathfinders Glen Innes)

### DETERMINATION

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

**CONSENT TO OPERATE FROM**  
(SEE Note 1)

19<sup>th</sup> July 2023

**CONSENT TO LAPSE ON**

19<sup>th</sup> July 2028

## Administrative Conditions

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

- Demolition of Damaged Portions of Existing Commercial Premises (Pathfinders Glen Innes)**

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.

- 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 68/22-23 PAN-330097).

**Plans Prepared by:** Precise Designs

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Site Plan	D1	n/a	26/04/2023
Ground Floor Plan	D2	n/a	26/04/2023
First Floor Plan	D3	n/a	26/04/2023
Elevations	D4	n/a	26/04/2023

**Plans Prepared by:** RuralPlan Job No.: Pathfinders

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Statement of Environmental Effects (78 pages incl.)	n/a	1	09/05/2023

**Plans Prepared by:** Gordon Fuller Job No.: Former Royal Hotel Glen Innes

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Heritage Impact Statement (14 pages incl.)	n/a	n/a	30/04/2023

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.

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

### 3. Interpretation Panel

A heritage interpretation panel is to be prepared and installed in the entrance or foyer of the building. Details are to be supplied to Council and approved by Council's Heritage Advisor prior to installation.

*Reason: To illustrate the history of this building and its social significance.*

### 4. Building Code of Australia

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.*

### 5. Signage

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.*

### 6. Stormwater

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

All storm water (or water from tank overflow when rainwater is collected) must be 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.

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, to comply with the requirements of AS 3500 and the Environmental Planning and Assessment Act 1979 and Regulations.*

## Conditions to be Completed Prior to Works Commencing

### 7. Archival Record

No demolition work is to commence until an archival record is made of the verandah with a measured drawing of the timber elements and photographic recording submitted to Council and approved by Council's Heritage Advisor.

*Reason: to document the history of this building and its social significance.*

## 8. **Future Reconstruction of Awning and Office Building**

No demolition work is to commence until detailed plans for the proposed suspended awning and reconstruction of the office building and ornate parapet are to be submitted to Council and approved by Council's Heritage Advisor.

Research on the historic shopfront should be carried out to inform a sympathetic reconstruction of this façade. The installation of a suspended awning will also impact three sets of French Doors and details of proposed changes to sympathetic timber double hung sash windows also need to be provided. The reuse of these French Doors within the Hotel complex is recommended and should be shown on the plans.

*Reason: So that the design of the future proposed work may be assessed in detail before demolition commences and because it is in the public interest that the future development is sympathetic to the heritage significance of the site.*

## 9. **Fencing**

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 that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.*

## 10. **Earthworks**

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 works on the subject land.

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

## 11. **Local Government Act**

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.*

## 12. **Roads Act**

For all construction/demolition activity within public road reservations (such as for hoardings, security fencing, stormwater, footpaths, kerb and gutter etc.), the Applicant **shall obtain separate approval from each relevant road authority prior to any works within the public road reservation** under the *Roads Act 1993*. The Application must have been approved prior to works commencing.

### **Notes:**

- i) A road opening permit application is to be submitted to Council and approved prior to any works within a public road reservation.
- ii) A Road Occupancy Licence (ROL) will be required to be obtained from TfNSW for any works impacting the Gwydir Highway.

*Reason: Because this work is necessary to ensure compliance with S138 of the NSW Roads Act and to ensure pedestrian and vehicular safety during demolition.*

### 13. Sediment and Erosion Controls

Effective and appropriate sediment and erosion control facilities must be installed during the initial stages of demolition and maintained throughout the demolition period until **all disturbed areas are restored by turfing, paving or revegetation.**

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 Environmental Operations Act 1997* and protect the amenity of the local environment.

### 14. Toilet Facilities

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 Demolition

### 15. Demolition Works

All demolition work shall be carried out strictly in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*.

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>

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 that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels and to ensure pedestrian and vehicular access is not restricted in public places.

16. **Waste**

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a licensed waste management facility.

If asbestos is encountered during demolition work, measures must be in place in accordance with Safework NSW guidelines and the Works Health and Safety Regulations 2017. Work shall not commence or continue until all the necessary safeguards required by Safework NSW are fully in place.

During demolition 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.

*Reason: To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.*

17. **Damage**

Any damage to kerbs, pavement, or footpaths during demolition, including residual holes from existing posts, rectified to TfNSW requirements.

Damage caused to Council infrastructure as a result of the demolition 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.

All works associated with the proposed development should be carried out at full cost to the developer and at no cost to TfNSW or Council and to TfNSW and Council requirements.

*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.*

18. **Noise**

There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in *the Protection of the Environment Operations Act 1997*, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

Noise levels during demolition and operation of the development must comply with the Environmental Protection Authority's Noise Control Manual and the *Protection of the Environment Operations Act 1997*.

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

19. **Traffic**

All vehicle and pedestrian access to the development shall occur via the existing access points. No other access is to be constructed without the prior consent of Council.

All loading and unloading in connection with the development shall be carried out wholly within the site.

All vehicles servicing the site are to enter and leave the site in a forward direction.

*Reason: To provide for the safety and convenience of traffic and pedestrians*

## 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 publicly advertised in accordance with Chapter 2 of *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.
- d) ***Relics Provisions***  
(a) Attention is directed to the *NSW Heritage Act 1977* and the provisions of the Act in relation to the exposure of relics. The Act requires that if:  
i) a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed, damaged or destroyed by excavation; and/or  
ii) any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;



those responsible for the discovery must notify nominated management personnel who will in turn notify the Heritage Council of New South Wales or its delegate, Heritage NSW, and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss139, 146).

e) **Alterations Advice**

Owners are advised of the requirements of Clause 5.10 of *Glen Innes Severn LEP 2012* in relation to the need to obtain prior consent for works including 'any alterations to the fabric, finish and appearance' of a heritage item or a building in a Conservation Area. Many works can be approved through a 'no fee,' minor works and maintenance application under Clause 5.10 (3).

f) **Future Conservation and Maintenance**

The preparation of a Conservation Management Strategy for the whole building, the stables and the site is recommended to guide future conservation, planning for long term maintenance and repairs.

## 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*, 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:**



**Kathleen Taminiau**  
**TOWN PLANNER**

On behalf of the consent authority

**Date:** 19<sup>th</sup> July 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.*