



Council Ref:KT: ECM 613031

11 May 2022

Mr Phil Lynn
14 Winters Road
GLEN INNES NSW 2370

Dear Sir,

REGARDING: NOTICE OF DETERMINATION

Application:	75/21-22
Property Title:	Lot 156 DP753282
Property Address:	223 Bourke Street, Glen Innes
Proposal:	Demolition and Construction of Yarrowford Hall Amenities Building

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: 75/21-22

APPLICANT NAME: Mr Phillip Lynn
APPLICANT ADDRESS: 14 Winters Road, Glen Innes
OWNER NAME: Glen Innes Showground Trust
OWNER ADDRESS: 223 Bourke Street, Glen Innes

LAND TO BE DEVELOPED

Property Address: 223 Bourke Street, Glen Innes
Property Title: Lot 156 DP 753282

PROPOSED DEVELOPMENT

Development Description: Demolition and Construction of Yarrowford Hall Amenities Building

DETERMINATION

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

CONSENT TO OPERATE FROM
(SEE Note 1)

10 May 2022

CONSENT TO LAPSE ON

10 May 2027

Administrative Conditions

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

- Replace (Demolition and Construction of) Yarrowford Hall Amenities Building

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 75/21-22).

Plans Prepared by: Dadley Designs Project No. 4/2022 Revision 2

Plan/Supporting Document(s)	Drawing No.	Dated
Floor Plan	1	21/04/2022
Elevations	2	21/04/2022
Section A-A	3	21/04/2022
Site Plan and Inset	4-5	21/04/2022
Details of Existing Amenities	6	21/04/2022
Yarrowford Hall (Surrounding Development)	7	21/04/2022
Cattle Pavillions (Surrounding Development)	8	21/04/2022

Plans Prepared by: G.Gordon Fuller

Plan/Supporting Document(s)	Dated
Heritage Impact Statement & Disability Access Report	28/02/2022
Statement of Environmental Effects	28/02/2022

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. 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.

5. 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.

General Conditions

6. Building Materials

Building materials and painting or other external finishes are required be of neutral tones with low reflective quality, or such other treatment as may be appropriate to ensure that the buildings are not intrusive in the setting.

Reason: To maintain the amenity of the area and the sites historical value.

7. Heritage Colour Scheme

The roof of the amenities building is to be manor red to maintain aesthetic coherence with the existing heritage buildings.

Reason: To protect the heritage significance of the showground.

8. **Storm Water**

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

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

9. **Services**

The capping of redundant services, 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

10. **Construction Certificate**

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.

11. **Local Approval**

Any plumage and drainage work including sewerage, stormwater and hot and cold water must be carried out in accordance with Australian Standard 3500.

Note: A separate application is to be submitted to Council under Section 68 of the Local Government Act 1993 prior to any plumbing and drainage work commencing.

Reason: To ensure compliance with the Australian Standard.

12. **Section 138 Approval**

For all works 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*.

Reason: To ensure pedestrian and vehicular safety during construction.

13. **Sediment and Erosion Control**

To prevent soil leaving the site and entering the stormwater system and causing pollution of rivers and creeks erosion and sediment controls are to be installed prior to work commencing and include the following:

The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. Drains, gutters, roadways etc shall be kept clean and free of sediment.

To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150 mm. The length must be a minimum of 5 m and a width of 3 m.

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

Reason: To comply with the requirements of the Protection of the Environmental Operations Act 1997 and protect the amenity of the local environment.

Conditions to be Undertaken During Demolition and Construction

14. Workcover

The demolition of the building structure is to be carried out in accordance with provisions of Australian Standard AS 2601 and the NSW WorkCover regulations.

Note: Any materials suspected of containing asbestos are to be identified and removed prior to the building being demolished. All materials containing asbestos are to be removed, handled and disposed of strictly in accordance with the Safe Work Australia Code of Practice – How to Safely Remove Asbestos 2011 and disposed of in accordance with EPA guidelines.

Reason: To protect the health and safety of the community.

15. Stormwater

All storm water runoff from all roof and paved areas (or water from tank overflow when rainwater is collected) must be conveyed to the allocated gutter in Bourke Street. 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.

16. 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.

17. Hours of Work

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.

18. **Building Materials**

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 safety is maintained at all times and not restricted in public places.

19. **Construction Waste**

A container of at least one (1) cubic metre capacity shall be provided and maintained from the commencement of operations until the completion of the building for the reception and storage of waste generated by the demolition and construction of the building and associated waste.

Reason: To ensure that waste generated by the building works is contained and does not pollute the surrounding environment.

20. **Worksite Safety**

All works associated with the demolition and construction of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To ensure worksite safety.

Conditions to be Completed Prior to Occupation

21. **Occupation**

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.

22. **Developer Contributions**

In accordance with *Division 7.1* of the *EP&A Act*, the applicant shall pay the following *Section 7.11* monetary contributions towards provision or improvement of amenities and services:

- a) **\$856.55** being 0.5% of the cost of carrying out the development as determined by the Council in accordance with Act and Regulations.
- b) The contribution shall be paid in the form of eftpos, cash or bank cheque, made out to Glen Innes Severn Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Notes:

- i. The contributions will be adjusted in accordance with the requirements of Glen Innes Severn Council's Section 94A Development Contributions Plan 2014.
- ii. All levies paid to Council are applied towards meeting the cost of provision or augmentation of new public facilities.

Reason: To comply with the requirements of Council's Section 94A Contributions Plan.

23. **Council Infrastructure**

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 utility services.

24. **Waste Disposal**

All building waste, soil stockpiles and any other waste generated by the development must be removed from the site and disposed of in Council's landfill or other appropriate location. Waste must not be burned or buried on site.

Any disturbed areas are to be suitably graded and smoothed to direct surface water to natural drainage lines and ultimately, the Bourke St gutter. These areas are to be stabilised by turfing or revegetation.

Reason: To ensure the site is left in a clean and tidy state with no potentially hazardous or unsightly materials left on the property and to ensure surface water is directed to appropriate control works to prevent water ponding on the land or discharging into neighbouring properties.

Conditions to be Completed During Operation

25. **Amenity**

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.

Reason: To ensure that the environmental quality of adjoining land is not adversely affected.

26. **Outdoor lighting**

All outdoor lighting within the subject site must be designed to comply with, where relevant, with *AS1158.3.1-2005 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

Reason: To ensure that the environmental quality of adjoining land is not adversely affected.

27. **Signage**

No advertising structures shall be erected, and no advertising material shall be affixed, painted or displayed on the 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 maintain the amenity of the area and the State Heritage listed site.

Integrated General Terms of Approval Conditions

These General Terms of Approval are in accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979 by the Heritage Council of NSW.

28. APPROVED DEVELOPMENT

Development must be in accordance with:

- a) Drawings, prepared by Dadley Design as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Proposed Yarrowford Hall Amenities Block at Glen Innes Showground			
1	Floor Plan	21/04/2022	2
2	Elevations	21/04/2022	2
3	Section A-A	21/04/2022	2
4	Site Plan	21/04/2022	2
5	Inset	21/04/2022	2
6	Existing Amenities – Elevations	21/04/2022	2
7	Yarrowford Hall – Elevations	21/04/2022	2
8	Cattle Pavilions - Elevations	21/04/2022	2

b) *Statement of Environmental Effects* (HIS) prepared by Gordon Fuller, 28 February 2022

c) *Heritage Impact Statement* (HIS) prepared by Gordon Fuller, 28 February 2022

EXCEPT AS AMENDED by the conditions of this approval.

29. Siting Of Proposed Amenities Building In Line With Yarrowford Hall

The proposed amenities building and associated paths are to be relocated so that the external face of the southwestern wall of the amenities building is in line with the external face of the southwestern wall of Yarrowford Hall. The site layout is to be approved by the Heritage Consultant prior to commencement of works.

Reason: *To ensure significant views of heritage buildings are retained.*

30. Site Protection

Significant built and landscape elements are to be protected during site preparation and the works, including for the proposed laundry block, from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: *To ensure significant fabric including vegetation is protected during construction.*

31. Unexpected Historical Archaeological Relics

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: *This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.*

32. Aboriginal Objects

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and*

Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: *This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

33. COMPLIANCE

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: *To ensure that the proposed works are completed as approved.*

34. SECTION 60 APPLICATION

An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: *To meet legislative requirements.*

Advice

Section 148 of the *Heritage Act 1977* (the Act) allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions regarding this IDA General Terms of Approval for Glen Innes Showground, please contact Tempe Beaven, Senior Heritage Assessment Officer at the Heritage NSW, Community Engagement, Department of Premier and Cabinet, on 9873 8629 or Tempe.Beaven@environment.nsw.gov.au.

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: 10 May 2022

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.