

NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Issued under the *Environmental Planning & Assessment Act, 1979* Section 81(1)(a)

TO: **Armajun Aboriginal Health Services**
OF: **Rivers Street**
Inverell NSW 2360

being the applicant in respect of **Application No DA-143/2018**

Notice is hereby given of the determination by Council of **Application No. DA-143/2018** relating to the land owned by **Inverell District Family Services Incorporated, of 30-34 Campbell Street, Inverell NSW 2360** and is described as follows:

Lot 2 DP 1153393
3 Rivers Street, INVERELL 2360

The development proposal is: **Medical Centre and Offices**

The Determination is **consent granted subject to conditions described below** made on **28 February 2019**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

Preliminary

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for a medical centre and offices.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000* (as detailed at the end of this consent).
3. The following infrastructure construction is to be undertaken for this development:
 - The full length of County Lane to be upgraded to a bitumen sealed standard with kerb and gutter;
 - The construction of 9 rear-to-kerb angled car parking spaces within Rivers Street; and
 - Construction of footpaths in both Rivers Street and Campbell Street, fronting the development site.

The works are to be completed at the developer's expense, in accordance with the conditions of this consent.

4. The building is to be designed and constructed in accordance with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

Prior to Construction

5. Prior to the commencement of any works (including earthworks) on the site a Construction Certificate must be issued in accordance with Section 109C (1)(b) and 81A (2) of the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate shall include plans and specifications demonstrating full compliance with the *Building Code of Australia* and associated standards.

6. Prior to the issue of a Construction Certificate, a Water Contribution under Council's Development Servicing Plan No. 1 is to be paid to Council for 0.8 equivalent tenements.

Note: For the 2018/2019 financial year, this contribution is \$9,520.00. This contribution is subject to CPI adjustment each financial year. The final contribution payable to Council will be determined at the date of payment.

7. Prior to the issue of a Construction Certificate, a Sewer Contribution under Council's Development Servicing Plan No. 1 is to be paid to Council for 2.93 equivalent tenements

Note: For the 2018/2019 financial year, this contribution is \$11,309.80. This contribution is subject to CPI adjustment each financial year. The final contribution payable to Council will be determined at the date of payment.

8. In accordance with the *Inverell Development Control Plan 2013*, the development has a deficit of 12 car parking spaces. Prior to the issue of a Construction Certificate, a car parking contribution of \$36,420.00 (i.e. \$3,035 x 12 spaces) is to be paid to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*.

9. Prior to issue of a Construction Certificate, detailed engineering plans are to be submitted to and approved by Council for:

- The full length of County Lane to be upgraded to a bitumen sealed standard with kerb and gutter;
- The construction of 9 rear-to-kerb angled car parking spaces within Rivers Street;
- Construction of footpaths in both Rivers Street and Campbell Street, fronting the development site;
- Access crossings off Rivers Street and County Lane.

10. Prior to issue of a Construction Certificate, detailed engineering plans are to be submitted to and approved by Council for the access crossings, driveways and internal car parking area. These plans are to clearly demonstrate:

- Concrete pavement design;
- Aisle widths and car parks dimensions in compliance with Australian Standard 2890.1 Off Street Parking Facilities;
- The car parking spaces off County Lane being 60 degrees to reinforce one-way traffic flow;
- The Rivers Street access dedicated as an Entry Only;
- Provision for vehicles entering off County Lane to be able to turn around within the car park and exit into County Lane in a forward direction. Alternatively, the County Lane access is to be dedicated as an 'Exit Only'; and
- The ambulance pick up area is to comply with the *ASNSW Ambulance Access* standard (attached to this consent). Alternatively, this raised section of the driveway is to be removed and pedestrian pick up undertaken at the standard driveway/car park level via an extended ramp.

11. Prior to issue of a Construction Certificate, detailed stormwater engineering design plans are to be submitted to and approved by Council for the building, accesses, driveways, car parks, County Lane upgrade and works within Rivers Street. The engineering design plans must be accompanied by detailed pre-development and post-development stormwater calculations.
12. Prior to issue of a Construction Certificate, a suitably qualified person is to certify that the building complies with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
13. Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 is to be obtained for all works within the road reserve.
14. Prior to issue of a Construction Certificate, approval is to be obtained under the Local Government Act 1993 for:
 - The disposal of liquid trade waste to Council's sewer;
 - Storm water drainage works;
 - Water supply work; and
 - Sewerage work.

During Construction

15. A report by a registered surveyor is required to certify that the floor level of the building is at the required 587.25 AHD level. This report is to be submitted to Council prior to the work proceeding past floor level.
16. Water and sewer are to be connected to the medical centre. The costs of these services will be in accordance with Council's fees and charges.

Note: The medical centre is to be connected to a new sewer junction in Rivers Street and the applicant will need to nominate the size of the water service required for this development.
17. All sewer connections to the building(s) are to be fitted with reflux valves to prevent backflow of sewage in a flood event.
18. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - Works on site are to be carried out in accordance with the *Protection of the Environment Operations Act 1997* in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
 - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;
 - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;
 - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and
 - Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered

surveyor under the *Surveying and Spatial Information Act 2002*. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

19. All fill imported to the site must meet the criteria of 'Virgin Excavated Natural Material' as defined by the *Protection of the Environment Operations Act 1997*.
20. All precautions must be taken to prevent any damage likely to be sustained to any nearby properties. Adjacent owner's property rights must be observed at all times. Should any damage occur to a nearby property as a result of the development, all necessary repairs or suitable agreement for the necessary repairs are to be completed by the applicant in consultation with and with the consent of the affected property owner.

Prior to Occupation

21. Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with Section 109M of the *Environmental Planning and Assessment Act 1979*.

Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:

- all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
 - any preconditions to the issue of the certificate required by a development consent have been met.
22. Prior to issue of an Occupation Certificate, where applicable, the following works are to be completed:
 - All adjacent public and private land must be cleared of obstructions such as stockpiles of topsoil, building material, waste and other material associated with construction.
 - The applicant will repair/restore, or pay the full costs associated with repairing/restoring, any footpath, public reserve and infrastructure that is damaged by the development.
 - Any unused layback in the kerb and gutter is to be capped to Council's satisfaction.
 - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
 23. Prior to the issue of an Occupation Certificate, a Reduced Pressure Zone backflow prevention device is to be installed on the Council water service to the property. Approval from Council is to be obtained prior to installation of this device.
 24. Prior to the occupation of the premises, the owner of the building must provide Council with a fire safety certificate (in the form attached) with respect to each fire safety or other safety measures installed in the building.
 25. Prior to the issue of an Occupation Certificate, a flood emergency plan is to be prepared and submitted to Council.
 26. Prior to the issue of an Occupation Certificate all landscaping, fencing and bin screens are to be completed as per the approved plan(s).
 27. Prior to the issue of an Occupation Certificate, the County Lane upgrade, parking in Rivers Street and footpaths in both Rivers and Campbell Streets are to be completed in accordance with the approved engineering plans and Section 138 approval.
 28. Prior to the issue of an Occupation Certificate, the car park and accesses are to be constructed in accordance with the approved engineering details. This work is to be completed to a standard approved by Council, at the applicant's expense.

29. Prior to the issue of an Occupation Certificate, all stormwater is to be completed in accordance with the approved engineering plans, Section 68 approval and *Australian Standard 3500.3 Plumbing and drainage*.
30. Prior to the issue of an Occupation Certificate, trade waste measures are to be completed in accordance with the Section 68 approval.
31. Prior to the issue of an Occupation Certificate the development must be fully accessible in compliance with the requirements of the Disability Discrimination Act, the Building Code of Australia and Australian Standard 1428.1-2001.

Ongoing Use

32. The hours of operation are limited to 7.00am to 7.00pm, Monday to Friday.
33. The owner of the building must certify to Inverell Shire Council every year that the essential fire safety measures installed in the building have been inspected and are capable of operating to the required minimum standard.
34. The Reduced Pressure Zone backflow prevention device installed on the Council water service must be inspected by a qualified inspector annually, with a copy of the inspection report forwarded to Council within 28 days of the inspection date.
35. Separate approval must be obtained from Council prior to the installation of any advertising signs, other than signs which may be installed as 'Exempt Development' in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Schedule 2 of the Inverell Local Environmental Plan 2012.
36. The noise level emanating from any air-conditioning systems must not exceed the background level by more than 5dB (a) when measured at the worst affected property not associated with the development.
37. All new external lighting must:
 - comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and
 - be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
38. All landscaping is to be maintained in perpetuity in a reasonable manner.
39. All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.
40. Where practical, open storage areas and garbage bins are to be effectively screened and located so as to be out of sight from any public place, road or reserve

Reasons for Conditions:

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

Reasons for Approval

1. The development, subject to conditions, is consistent with the objectives of the B2 Local Centre zone.
2. The built form and design of the medical centre, subject to conditions is consistent with the streetscape and other commercial buildings in the locality.
3. A medical centre and offices is a compatible land use within the CBD and is not considered to adversely impact the amenity of the nearby residences.
4. The site is not located with the CBD Heritage Conservation zone and the significance of the nearby heritage items is not considered to be adversely impacted.
5. Flood certification has been submitted by an engineer and the building has a ground floor height 500mm above the 1991 flood level.
6. Subject to completion of works within County Lane and Rivers Street, the development is considered to have suitable access and parking.

Community Consultation

Neighbour notification and advertising was undertaken in accordance with the *Inverell Development Control Plan 2013*. One submission was received in support of the development.

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

You are also advised that section 82A of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council



ANTHONY ALLISTON
MANAGER DEVELOPMENT SERVICES
DATE : 28 February 2019

Annexure

Prescribed Conditions Summary

As per condition 2 of this consent, the following matters prescribed under Division 8A of the *Environmental Planning & Assessment Regulation 2000* must be complied with, where relevant:

1. All work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. Prior to commencement of building work, subdivision work or demolition work a sign must be erected in a prominent position on the site. The sign must:
 - show the name, address and telephone number of the principal certifying authority for the work;
 - show 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
 - state that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

4. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - in the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of that Act; and
 - in the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified as required above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

5. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this consent, must at the person's own expense:
 - protect and support the building, structure or work from possible damage from the excavation; and
 - where necessary, underpin the building, structure or work to prevent any such damage.