

NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

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

TO: **Inverell Community Youth Centre**
OF: **16-18 Vivian Street**
Inverell NSW 2360

being the applicant in respect of **Application No DA-81/2019**

Notice is hereby given of the determination by Council of **Application No. DA-81/2019** relating to the land owned by **Mr Harold Mason and Mrs Rhonda Mason and Nergowie Pty Limited, of 48 Fernhill Road, Inverell NSW 2360** and is described as follows:

Lot 1 DP 790294, Lot 4 DP 81772
16-18 Vivian Street, INVERELL 2360

The development proposal is: **Community Facility (Inverell Community Youth Centre) and Boundary Adjustment**

The Determination is **consent granted subject to conditions described below** made on **15 October 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 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for:

- A boundary adjustment between Lot 1 DP 790294 and Lot 4 DP 81772;
- Demolition of the brick outbuilding on Lot 4 DP 81772;
- Internal alterations of the steel buildings on proposed Lot 2, 16-18 Vivian Street, Inverell; and
- Use of the buildings on proposed Lot 2, 16-18 Vivian Street, Inverell for a Community Facility – Youth Centre.

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).

Advice Only

3. If the development is found to contain asbestos the applicant/builder must investigate, and carry out, their obligations as specified under WorkCover, the *Work Health and Safety Regulation 2011* and the *Protection of the Environment Operations (Waste) Regulation 1996*.

Prior to Issue of a Subdivision Certificate

4. A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the *Environmental Planning and Assessment Act 1979*. The applicant must submit a completed Subdivision Certificate application form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.
5. A Right Of Carriageway (ROW) easement must be created over Lot 1 DP 609464 and is to be shown on the plan of subdivision and dedicated in favour of Proposed Lots 1 and 2. The terms of the easement are to include Lots 1 – 3 DP 609464 and Proposed Lots 1 and 2 and state that in the event of a dispute regarding shared maintenance of the private ROW Inverell Shire Council is to be the arbitrator.
6. Prior to issue of a Subdivision Certificate, the reciprocal Right of Carriageway within Lot 1 DP 609464 is to be upgraded to be bitumen sealed, including reinstatement of the old existing sealed area. This is to be completed to a standard approved by Council at the applicant's expense.
7. Prior to issue of a Subdivision Certificate, the parking areas within proposed Lots 1 and 2 must be bitumen sealed. This is to be completed to a standard approved by Council at the applicant's expense.
8. Prior to issue of a Subdivision Certificate, and in perpetuity, the existing kerb and street parking line markings in Sweaney and Vivian Streets are to be maintained.

During Demolition

9. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.
10. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work;
 - Precautions are to be taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes; and
 - The site shall be sealed off at all times against the unauthorised entry of persons or vehicles.

Prior to Construction

11. 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.
12. Prior to issue of a Construction Certificate the Subdivision Certificate for the boundary adjustment must be issued.

During Construction

13. 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.
14. For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent and Construction Certificate on site.
15. Any new electrical wiring is to be located 1m above the 1991 flood level or be designed for continuous submergence in water.
16. To the maximum extent possible, all heating and cooling systems are to be located 1m above the 1991 flood level.
17. All sewer connections to the building(s) are to be fitted with reflux valves to prevent backflow of sewage in a flood event.

Prior to Occupation

18. 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.
19. 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.

20. Prior to issue of an Occupation Certificate a flood emergency plan is to be prepared and submitted to Council.

Ongoing Use

21. The approved hours of operation of the Community Facility are 3.00pm to 5.30pm Monday to Friday. Separate approval from Council will be required to vary these hours and for any special events proposed outside these days and hours.
22. Portable signs, commonly described as sandwich boards and the like, must not be placed on the footpath of other public areas without the prior approval of Council.
23. The advertising sign(s) is not to be illuminated, or have flashing or moving parts without the prior approval of Council.
24. All vehicles must enter and leave the site in a forward direction.
25. The noise level emanating from any air-conditioning systems, plant and/or equipment must not exceed the background level by more than 5dB(a) when measured at the worst affected property not associated with the development.

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 design of the boundary adjustment and proposed use of the sites, subject to conditions is consistent with the streetscape, land uses and will provide adaptive reuse of a building for a socially positive community development.
3. In consideration of controls of the *Inverell Development Control Plan 2013*, the development is considered appropriate within the context and setting

Community Consultation

Neighbour notification was undertaken in accordance with the *Inverell Development Control Plan 2013*. No submissions were received.

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 SERVICE
DATE : 15 October 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.