

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

TO: Inverell District Family Services Ltd
OF: PO Box 807
Inverell NSW 2360

being the applicant in respect of **Application No DA-155/2020**

Notice is hereby given of the determination by Council of **Application No. DA-155/2020** relating to the land described as follows:

**Lot 9 Sec 6 DP 18001
68 Rose Street, INVERELL 2360**

The development proposal is: **Re-development of 68 Rose Street to create a new early childhood education and care service for 0-2 year old children**

The Determination is **consent granted subject to conditions described below** made on **9 December 2020**.

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 the re-development of 68 Rose Street to create a new early childhood education and care service for 0-2 year old children

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 proposed 1.8 metre fence along the Rose Street boundary must be an open "pool fence" style.

Prior to Construction

4. Prior to the commencement of any works (including earthworks) on the site a Construction Certificate must be issued in accordance with 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

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5. Prior to issue of a Construction Certificate, a detailed access crossing and car parking plan is to be submitted to and approved by Council nominating concrete pavement design and levels.
6. Prior to issue of a Construction Certificate, a detailed stormwater drainage plan for the site, including roofwater and car parking spaces, is to be submitted to and approved by Council.
7. Access and facilities are to be provided in accordance with the requirements of the Building Code of Australia. Detailed plans shall be submitted to the Accredited Certifier with the application for a Construction Certificate clearly showing levels, ramp slopes, door widths and circulation spaces.
8. Prior to issue of a Construction Certificate, a certificate of structural adequacy is to be submitted to the Accredited Certifier certifying that the structural capacity of the building is suitable for its proposed use.
9. Prior to issue of a Construction Certificate, approvals are to be obtained under:
 - The Roads Act 1993 for the access crossings; and
 - The Local Government Act 1993 for water supply, sewerage and stormwater drainage work.

During Works

10. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction and demolition 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.
11. 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*.
12. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.

Prior to Occupation

13. Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with 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.
14. 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.
15. Prior to issue of an Occupation Certificate, the access crossings and car parking spaces are to be constructed in accordance with the approved plans and approval under Section 138 of the *Roads Act 1993*.
16. Prior to issue of an Occupation Certificate, all stormwater, including roofwater and car parking spaces, is to be completed in accordance with the approved plans.
17. Prior to occupation of the premises, the owner of the building must provide Council with a fire safety certificate with respect to each fire safety or other safety measures installed in the building.
18. Prior to issue of an Occupation Certificate, all landscaping and fencing is to be completed in accordance with the approved plans and conditions of consent.

Ongoing Use

19. The maximum number of licensed early education places must not exceed 16.
20. The hours of operation are limited to 8.00am to 5.30pm Monday to Friday.
21. 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.
22. The signs are not to be illuminated, or have flashing or moving parts.
23. All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.

24. Any food preparation undertaken on the site must comply with all applicable legislation/regulation and standards including:
- *The Food Act 2003;*
 - *Food Regulation 2004;*
 - *Food Standards Australia and New Zealand – Food Standards Code 2001;*
 - *Relevant Australian Standards for Design, Construction and Fit out of Food Premises; and*
 - *Mechanical ventilation – Australian Standard 1668.2-2002 The use of ventilation and airconditioning in buildings - Ventilation design for indoor air contaminant control.*
25. All waste bins and/or storage areas are to be located and/or screened to not be unsightly from adjacent public or private land.

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 R1 General Residential zone.
2. In consideration of commercial controls of the Inverell Development Control Plan 2013, the centre based child care facility is a permitted use within a residential zone and considered appropriate within the locality.
3. In consideration of the parking controls of the Inverell Development Control Plan 2013, the development has sufficient access and on-site parking.
4. Subject to conditions, the existing building is considered to be suitable for use and will comply with the Building Code of Australia in relation to the proposed use.

Community Consultation

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. 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


CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR
DATE : 9 December 2020

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.