

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Application No.	DA-16/2021
Applicant	Inverell District Family Services Ltd
Land to be developed	Lot 2 DP 1231314, Crown Reserve 1571 120 Ross Street, INVERELL 2360
Approved development	Community Facility
Building Code of Australia Classification	Class 9b
Determination	The determination is consent granted subject to conditions.
Determination date	9 March 2021
Consent is to operate from	9 March 2021
Consent will lapse on	9 March 2026

Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979.

CONDITIONS OF CONSENT

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 construction and operation of a 'Community Facility' to be used for:
 - Vacation Care;
 - Outside of School Hours Care;
 - Inverell Toy Library;
 - General activity hall for IDFS services and other community needs such as training, meeting and community function venue;
 - Support programs and information sessions for families; and
 - Outreach playgroup base.
- Ancillary earthworks, access, parking, servicing, landscaping and signage.

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).

Prior to Construction

3. 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.
4. Prior to issue of a Construction Certificate, detailed engineering plans are to be submitted to and approved by Council for the access crossing, driveways and car parking areas. These plans are to clearly demonstrate:
 - Bitumen and/or concrete pavement design for car parking spaces 1 to 21 (*refer Note 1 below*);
 - Gravel pavement design for the overflow parking;
 - Aisle widths and car parks dimensions in compliance with Australian Standard 2890.1 Off Street Parking Facilities;
 - Accessible parking in compliance with Australian Standard 2890.6 Off-street parking for people with disabilities; and
 - Provision for service vehicles (e.g. waste contractor vehicles) to enter and exit the site in a forward direction (*refer Note 2 below*).

Note 1: Whilst bitumen chip seal is shown on plan, Council recommends that the developer investigate the provision of a concrete car park to improve long term maintenance.

Note 2: Consideration should be given to construction of an internal driveway from the bitumen/concrete car park and a second access onto Ross Street to facilitate large vehicles entering and exiting the site in a forward direction.

5. The Community Facility must be connected to Council's sewerage via an on-site sewer pump system. This sewer connection will require a sewer main extension to service the development.

Prior to issue of a Construction Certificate, detailed engineering survey and design plans are to be submitted to and approved by Council for the sewer main extension, which will require:

- A 50mm diameter Class 12 polyethylene cream striped pressure sewer line to be constructed from the manhole in Arthur Street, along Ross Street, to the development site;
- The crossing of the drainage line to be undertaken via directional drilling;
- The sewer connection to the site to be perpendicular to the property boundary, bedded in sand at a minimum depth of 500mm below the road table drain, and covered with sewer marker tape. An above ground non return valve and ball valve are to be located within the property boundary; and
- Details of the proposed on-site pump system.

6. The Community Facility must be connected to Council's water supply. This will require a water main extension to service the development.

Prior to issue of a Construction Certificate, detailed engineering survey and design plans are to be submitted to and approved by Council for the water main extension, which will require:

- The water main to be extended approximately 40 metres from 111 Ross Street to the northern side of Murray Street;
- A water main crossing of Ross Street;
- Water connection to the site; and
- Provision for fire fighting (e.g. street hydrant or suitably sized water connection for internal fire fighting measures).

7. 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 and any redirection of the minor drainage line on the north-east side of the Community Facility building.

Any redirection of the minor drainage line on the north-east side of the Community Facility building must be contained wholly within the 'Easement to Drain Water 17 Wide' to be created under DA-43/2020.

8. Prior to issue of a Construction Certificate, a detailed erosion and sediment control plan prepared by a suitably qualified engineer is to be submitted to and approved by Council.
9. Prior to issue of a Construction Certificate, a detailed landscaping plan is to be submitted to and approved by Council.
10. Prior to the issue of a Construction Certificate, the following contributions under Council's Development Servicing Plan No. 1 are to be paid to Council:
- Water Contribution for 1.2 Equivalent Tenements; and
 - Sewer Contribution for 2 Equivalent Tenements.

Note: For the 2020/2021 financial year, the water contribution payable for this development is \$14,466.00 and the sewer contribution payable for this development is \$7,820.00.

11. Prior to the issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 is to be obtained from Council for the construction of the new access crossing/s and the mains extensions within the road reserve.
12. Prior to issue of a Construction Certificate, approval is to be obtained under the *Local Government Act 1993* for:
- The installation and operation of an on-site sewage management (pump) system;
 - Storm water drainage works;
 - Water supply work; and
 - Sewerage work.

During Construction

13. A report by a registered surveyor is required to certify that the floor level of the building is at the required 585.5 AHD level. This report is to be submitted to Council prior to the work proceeding past floor level.
14. 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; 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.
15. Run-off and erosion control measures must be implemented in accordance with the approved Erosion and Sediment Control Plan to prevent soil erosion, water pollution and the discharge of loose sediment on the surrounding land.

Run-off and erosion control measures must be in place for the duration of building work and until adequate (more than 70%) vegetation (grass) cover is established on the site to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads. In the event that the building contract is completed, it is the responsibility of the developer to maintain the run-off and erosion control measures.

16. 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*.

Prior to Occupation

17. 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.
18. 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.
19. Prior to the 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.
20. Prior to issue of an Occupation Certificate, the flood protection earthmound is to be completed in accordance with the approved plans.
- A report by a registered surveyor is required to certify that the finished height of the earthmound is at the required 585.64 AHD level. This report is to be submitted to Council prior to issue of an Occupation Certificate.
21. Prior to issue of an Occupation Certificate, the water and sewer main extensions are to be completed in accordance with the approved engineering plans. Works-as-executed drawings prepared by a suitably qualified engineer are to be submitted to and approved by Council for the mains extensions prior to issue of an Occupation Certificate.

22. Prior to the issue of an Occupation Certificate, the access crossing/s, driveways and parking areas are to be completed in accordance with the approved engineering plans and Section 138 approval.
23. 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*.
24. 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

25. The hours of operation of the 'Outside of School Hours Care' are limited to 3.30pm to 6.00pm Monday to Friday.
26. The hours of operation of the 'Vacation Care' are limited to 8.15pm to 5.15pm Monday to Friday.
27. The hours of operation of the 'Toy Library' are limited to 10am to 4pm Tuesday to Friday.
28. The maximum number of children attending 'Outside of School Hours Care' and 'Vacation Care' must not exceed forty (40).
29. 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.
30. 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.
31. 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.
32. All landscaping is to be maintained in perpetuity in a reasonable manner.
33. All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.
34. 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.
35. The signs are not to be illuminated, or have flashing or moving parts.
36. 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.*

37. The operator of the Community Facility is responsible for the ongoing maintenance of the flood protection earthmound at a finished level of 585.64 AHD. This responsibility includes, but is not limited to, vegetation maintenance, erosion control and repair of any damage (e.g. storm events).
38. No material, goods or portable signs (e.g. sandwich boards) may be placed on the footpath, road reserve or other public areas without the prior approval of Council.

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 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 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 RE1 Public Recreation zone.
2. The Community Facility is consistent with the surrounding area, including community uses (community garden, hospital) and residential neighbourhood.
3. The site is not identified as flood prone land from the Macintyre River Channel; however, the development has been suitably designed in response to localised flooding from the drainage lines.
4. The development is considered to be consistent with the flooding, commercial and parking controls of the Inverell Development Control Plan 2013.
5. Utility infrastructure is available in the area and can be readily extended to serve the development site.
6. Subject to conditions, the Community Facility is not considered to have a significant adverse impact on the amenity of the area.

COMMUNITY CONSULTATION

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Division 8.3 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 Division 8.2 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

A handwritten signature in black ink, appearing to read 'Chris Faley', written over a horizontal line.

CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR