

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-172/2021
Applicant	Mrs Lynda Grace Partridge
Land to be developed	Lot 3 DP 1124721 - 6C Brewery Street, INVERELL 2360
Approved development	Extension to Centre-Based Child Care Facility Expand Capacity of Centre-Based Child Care Facility from 30 to 60 Children
BCA Classification	9b
Determination	The determination is consent granted subject to conditions.
Determination date	6 December 2021
Consent is to operate from	6 December 2021
Consent will lapse on	6 December 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:

- Extension to the Centre-Based Child Care Facility through the construction of an additional classroom; and
- Expansion on the capacity of Centre-Based Child Care Facility from 30 to 60 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*.

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, engineering survey and design is to be submitted to and approved by Council for the:
 - Foundations of the new classroom adjacent to the natural drainage line; and
 - Any proposed treatment/modification of the natural drainage line

At minimum, this engineering survey and design must include:

- The pre-development capacity of the natural drainage line within the site;
- The proposed treatment to the natural drainage line within the site;
- The post-development capacity of the natural drainage line within the site, which must not be less than the pre-development capacity;
- Erosion and sediment control measures during construction;
- Permanent scour protection measures to protect the natural drainage line and proposed classroom addition; and
- Certification that the proposed classroom addition, including footings, can withstand the imposed loads caused by the natural drainage line.

5. Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the whole building must comply with the Building Code of Australia including:

- Provision for escape - Part D1;
- Construction of exits - Part D2;
- Access for people with disabilities - Part D3;
- Fire-fighting equipment - Part E1; and
- Visibility in an emergency, exit signs and warning systems – Part E4.

For the purposes of Volume One of the Building Code of Australia, the existing breezeways and verandahs are areas which have a use that contributes to the fire load or impacts on the safety, health or amenity of the occupants. Therefore, the existing breezeways and verandah must be considered part of the total floor area.

Prior to issue of a Construction Certificate, detailed plans and specifications are to be submitted to the Accredited Certifier demonstrating compliance with Part D1, Part D2, Part D3, Part E1 and Part E4 of the Building Code of Australia.

Note: Where Council is appointed as the Accredited Certifier and compliance with the above cannot be achieved through the deemed-to-satisfy pathway, an alternative solution in accordance with Part A2 of the BCA must be prepared and submitted to the Council illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.

6. The proposed development must be accessible in accordance with the *Building Code of Australia and Disability (Access to Premises - buildings) Standards 2010 (Premises Standard)*. This includes upgrading the "Affected Part" as defined by the Premises Standard which is defined as the principal pedestrian entrance to the existing building and the required continuous accessible path of travel from the principal pedestrian entrance to the area of new works.

Note: It is recommended that the applicant seeks advice from an accredited access consultant confirming the principal pedestrian entrance to the existing building to enable detailed design and assessment of the affected part to be undertaken.

7. The proposed bus turning bay is to be formalised as a drop off / pick up area for children. This requires:

- Parallel car parking spaces to be clearly line-marked within the bus bay along the existing kerb to provide a visual indicator of available car parks;
- The adjacent concrete footpath to be extended along the back of the kerb to service the car parking spaces.

Prior to issue of a Construction Certificate, detailed plans of the upgrades to the bus turning bay are to be submitted to and approved by Council.

During Works

8. 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;
 - 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.

9. All construction vehicles, machinery and/or stockpiles are to be stored entirely within the development site.

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.

10. The developer will:
- Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development;
 - Repair/restore, or pay the full costs associated with repairing/restoring the land between the front boundary and kerb (i.e. footpath) in front of surrounding properties that is damaged by the development; and
 - Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
11. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.

Prior to Occupation

12. 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.
13. 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.
14. Prior to issue of an Occupation Certificate, the bus turning bay is to be formalised as a drop off / pick up area for children, to Council's satisfaction in accordance with the approved plans.
 15. Prior to issue of an Occupation Certificate, the car park at the rear and disabled parking space at the front are to be rehabilitated with renewal of the bitumen seal and new line marking. All work is to be completed to Council's satisfaction.
 16. Prior to issue of an Occupation Certificate, a sign is to be installed adjacent to the southern access and bus turning bay stating that parking is available at the rear.
 17. 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.
 18. 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.

Ongoing Use

19. The maximum number of children permitted within the facility at any one time must not exceed 60.
20. The hours of operation are limited to 7.00am to 6.00pm Monday to Friday.
21. Outdoor play is limited to no more than 2 hours in the morning (9.00am to 12.00pm) and 2 hours in the afternoon (3.00pm to 6.00pm).
22. Supervision of outdoor play must be undertaken at all times, particularly in terms of noisy play and activity, and that staff intervene to control any excessively or unduly noisy activities by children. If undue noise is noted in the outdoor play area, or if complaints are received from neighbours, then appropriate action to rectify the situation is to be taken by staff.
23. 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.
24. All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.
25. 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.*

26. All waste bins and/or storage areas are to be located and/or screened to not be unsightly from adjacent public or private land.

Advice Only

As part of a development it is the responsibility of the property owners to manage stormwater drainage through the installation of contours, retaining walls, pits and pipes and the like to reduce potential stormwater nuisances, in manner which does detrimentally impact downstream properties. Council is unlikely to take any future action in relation surface water runoff that is caused by extreme rainfall events or that is deemed to be natural runoff from higher properties due to natural topography.

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 R1 General Residential zone.
2. The built form and design of the additional classroom will match the style of the existing buildings and not considered to have a significant impact on the streetscape.
3. The amount of on-site car parking complies with Chapter 5 of the Inverell Development Control Plan 2013. In addition, conditions of consent have been imposed in relation to the formalisation of the bus turning bay as pick up / drop off area and rehabilitation of the existing car park.
4. Subject to conditions of consent, the development 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. Two submissions were received, not by way of objection, which were considered as part of the development assessment.

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



CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR