

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-121/2021
Applicant	Mr Jonathon Bourne
Land to be developed	Lot 532 DP 753287, Part Lot 7 DP 1152029 35 Glen Innes Road, INVERELL 2360
Approved development	Construction of a single level outdoor dining deck, garden seating area, live music stage and playground at the rear of the Inverell Sporties
Building Code of Australia Classification	Class 9b
Determination	The determination is consent granted subject to conditions.
Determination date	24 November 2021
Consent is to operate from	24 November 2021
Consent will lapse on	24 November 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 of a single level outdoor dining deck, garden seating area, live music stage and playground at the rear of the Inverell Sporties.

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 from this 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 Commencement of Any Works

3. Prior to the commencement of any works on the site including building, demolition or earthworks; a Construction Certificate is to be obtained from Council or an Accredited Certifier. 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, a detailed car parking plan is to be submitted to and approved by Council. This car parking plan must:
 - Demonstrate a minimum of ninety-nine (99) car parking spaces between the upper and lower car parking areas;
 - Include car parking space dimensions and aisle widths in accordance with Australian Standard 2890;

- Include a concrete path from lower car park to the main entrance of the Inverell Sporties adjacent to Glen Innes Road;
- Include bitumen sealing (at minimum) and line marking of all car parking and vehicle driveways; and
- Include appropriate directional signage throughout the car park.

Note: It is recommended that the developer consult with Council's Engineering Division during the preparation of the detailed car parking design plan.

5. Prior to the issue of a Construction Certificate, a Water Contribution under Council's Development Servicing Plan No. 1 for 4.3 equivalent tenements must be paid to Council.

Note: For the 2021/2022 financial year, this contribution equates to \$51,836.50.

6. Prior to the issue of a Construction Certificate, a Sewer Contribution under Council's Development Servicing Plan No. 1 for 4.3 equivalent tenements must be paid to Council.

Note: For the 2021/2022 financial year, this contribution equates to \$16,813.00.

7. Prior to issue of a Construction Certificate, a plan of management for the control of patrons leaving the Inverell Sporties is to be submitted to and approved by Council. This plan of management must outline the measures undertaken by the Inverell Sporties to reduce instances of anti-social behaviour at closing times and as a result of the discharge of unruly/disruptive patrons from the premises.

8. A suitable barrier/fence is to be installed around the live music stage / garden area to prevent unauthorised access into these areas from the bowling greens and riverbank. Prior to issue of a Construction Certificate, details of the barrier/fence are to be submitted to and approved by Council.

9. Prior to issue of a Construction Certificate, a Controlled Activity Approval under the Water Management Act 2000 is to be obtained for the development. The development must be consistent with the General Terms of Approval issued by the Natural Resources Access Regulator (stamped and attached to this consent).

During Works

10. Construction may only be carried out between 7.00am and 6.00pm, 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.

11. The developer will:

- Repair, or pay the full costs associated with repairing any public infrastructure 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.

12. 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.

13. Run-off and erosion control measures must be implemented in accordance with Council's Erosion and Sedimentation Control Policy (2005) to prevent soil erosion, water pollution and the discharge of loose sediment on the surrounding land. Measures are to include:

- Diverting uncontaminated run-off around cleared or disturbed areas;
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties;
- Preventing the tracking of sediment by vehicles onto roads; and

- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Run-off and erosion control measures must be in place for the duration of building work and until adequate cover is established on the site.

Prior to Occupation

14. Prior to use of the outdoor dining deck, garden seating area, live music stage and/or playground, an occupation certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979.

Note: Prior to the 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.*
15. Prior to issue of an Occupation Certificate, the car park must be constructed, bitumen sealed (at minimum), line marked and signposted in accordance with the detailed car parking plan approved by Council, at the applicant's expense.
 16. Prior to issue of an Occupation Certificate, the barrier/fence around the live music stage / garden area, to prevent unauthorised access into these areas from the bowling greens and riverbank, must be installed in accordance with the approved details.
 17. The access door within the new wall at the rear of the Inverell Sporties, providing access to the car park, is to be limited to staff use only. Prior to issue of an Occupation certificate, this door must be fitted with a suitable security device (e.g. access card control) to prevent general access.
 18. Prior to an Occupation Certificate being issued; the Principal Certifier must be provided with a final/interim Fire Safety Certificate with respect to each essential fire safety measure for the building to which the Certificate relates. The Certificate shall state that each essential fire safety measure has been assessed by a properly qualified person and that each essential fire safety measure was found, when it was assessed, to be capable of performing to the required standard.

Ongoing Use

19. The hours of operation of the Inverell Sporties are limited to 7am to 12am, 7 days a week.
20. Any live music undertaken outside of the Inverell Sporties building must be contained to the live music stage located at the rear of the Inverell Sporties.
21. Noise emitted by music from the live music stage must not exceed:
 - 5dB(A) above background noise level when measured at the lot boundary of any property used for residential or tourist accommodation; and
 - The following levels when measured one (1) metre from the edge of the live music stage:
 - 95dB(A) – Between 7am and 6pm;
 - 90dB(A) – Between 6 pm and 10 pm; and
 - 85dB(A) – Between 10pm and 12am.

Council will consider an increase to the live music stage noise levels upon submission of an acoustic assessment demonstrating that suitable management and/or attenuation measures are implemented to mitigate noise impacts on the surrounding area.

22. The maximum number of seats within the bar, dining, restaurant (including deck), lounge, live music and garden areas must not exceed 350.
23. All parking and vehicle movement areas are to be maintained in a reasonable manner, in perpetuity, at the developer's expense.
24. The plan of management for reducing instances of anti-social behaviour at closing times and as a result of the discharge of unruly/disruptive patrons from the premises is to be maintained on-site and implemented in perpetuity.
25. The barrier/fence around the live music stage / garden area and the staff only access through the door in the wall are to be maintained in perpetuity.
26. All new external lighting must:
 - comply with AS/NZS 4282:2019, 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.
27. Certification must be provided 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.

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 site is zoned 'RE2 Private Recreation pursuant to the *Inverell Local Environmental Plan 2012* and the development is permissible with consent.
2. Based on an assessment of the existing Inverell Sporties and the proposed development against Chapter 6 of the *Inverell Development Control Plan 2013*, a minimum of 99 car parking spaces are required to be provided on-site. This has been reduced from 116 spaces (15% reduction) in recognition of the courtesy bus service operated by the Inverell Sporties. The plans submitted with DA-121/2021 demonstrate that this car parking can be achieved between the upper and lower car parks on the eastern side of the Inverell Sporties. The upper and lower car parks are to be upgraded, including bitumen seal, line marking, signage, lighting and access paths.
3. To mitigate potential noise impacts associated with the live music stage, noise limits at the source (live music stage) and receiver (accommodation), have been imposed on the development, consistent with NSW guidelines in relation to un-attenuated noise.
4. Subject to conditions of consent requiring the preparation and implementation of a plan of management relating to close of business and discharge of unruly or disruptive patrons, the development is not considered to have a significant adverse impact on safety or security.

COMMUNITY CONSULTATION

As a result of public exhibition of DA-121/2021, one (1) submission was received. The matters raised by the submission maker were considered in a report to the Ordinary Meeting of Council on 24 November 2021.

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



ANTHONY ALLISTON
MANAGER DEVELOPMENT SERVICES



Reference Number: IDAS-2021-10154
Issue date of GTA: 9 September 2021
Type of Approval: Controlled Activity
Location of work/activity: 35 Glen Innes Road INVERELL
Waterfront Land: Macintyre River
DA Number: DA-121/2021
LGA: Inverell

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G002	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application DA-121/2021 provided by Council to Natural Resources Access Regulator.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, must be notified in writing to determine if any variations to the GTA will be required.</p>

INVERELL SHIRE COUNCIL DEVELOPMENT APPROVAL
Approved subject to the provisions of the E.P. & A. Act 1979 and any conditions contained in the attached written approval.
Development Approval No: <u>DA-121/2021</u>
Date: <u>24 NOVEMBER 2021</u>
Council Officer: 
This is a development approval only and a Construction Certificate must still be obtained for any building work.