



Birthplace of Our Nation

22 April 2020
Our Ref: DB/696

ODA 2020 1082

Tenterfield Shire Council
Attn: Ms Anna Ferguson
PO Box 214
TENTERFIELD NSW 2372

COPY

Dear Ms Ferguson,

**Re: Development Application No. 2020.030
Lots 8 & 9, Section 19, DP 758959, 96 Molesworth Street, Tenterfield**

Please find attached Council's formal development approval and associated Construction Certificate for the construction of the 'Memorial Hall Extension (Amenities Wing)' at the abovementioned property.

Your attention is drawn to your rights of appeal should you be dissatisfied with Council's determination of your application.

Please be advised that although development approval has been granted, **construction work must not commence** until Council or an Accredited Certifier has been appointed and a Construction Certificate has been issued.

Should you require any further information please do not hesitate to contact Council's Corporate, Governance & Community Department on (02) 6736 6002.

Yours Sincerely,

Kylie Smith
Chief Corporate Officer
Encl.

All correspondence should be addressed to:

The General Manager

Tenterfield Shire Council

247 Rouse Street (PO Box 214) TENTERFIELD NSW 2372

Telephone: (02) 6736 6000 Facsimile: (02) 6736 6005 email: council@tenterfield.nsw.gov.au website: www.tenterfield.nsw.gov.au

ABN 85 010 810 083



Tenterfield Shire Council

247 Rouse Street (PO Box 214)
TENTERFIELD NSW 2372

Ph: (02) 6736 6000

e-mail: council@tenterfield.nsw.gov.au

Notice of Determination

of a Development Application

issued under Section 4.16 of the *Environmental Planning and Assessment Act 1979*

**Development Application
Number**

2020.030

Development Application

Applicant Name: Tenterfield Shire Council – Anna Ferguson
Applicant Address: PO Box 214
TENTERFIELD NSW 2372
Owner of the Land: Memorial Hall Management Committee (C/- Tenterfield Shire Council)
Land to be Developed: Lots 8 & 9, Section 19, DP 758959
Address: 96 Molesworth Street, TENTERFIELD
Proposed Development: **Memorial Hall Extension (Amenities Block)**

Determination

made on (date): 22 April 2020

Determination: ~~Consent granted unconditionally~~
Consent granted subject to conditions described below
~~Application refused~~

Consent to Operate from (date) 22 April 2020

Consent to Lapse on (date) 22 April 2025

Conditions:

Please read the conditions carefully as failure to comply with the conditions could result in Orders being served upon you.

Other Approvals:

list *Local Government Act 1993* N/A

INFORMATION FOR THE APPLICANT

COUNCIL OR PRIVATE ACCREDITED CERTIFIER

On obtaining **Development Consent** you then have a choice of obtaining a construction certification from **Council or a Private Accredited Certifier**. On appointing a certifier, you **cannot** change the certifier for another person until the project has been completed, unless you seek to change through a legislative process.

CONSTRUCTION CERTIFICATE

A **Construction Certificate** must be applied for and approved by either Council or a Private Accredited Certifier prior to any building work being undertaken. It will require structural certification, specifications, survey plans or any other details to be obtained. For dwellings, this will require Certificate of Insurance under the Home Building Act or an Owner Builder Permit.

It is the responsibility of the applicant to ensure that all structural details are included in the construction plans. Failure to include all required details may result in lengthy delays in obtaining a **construction certificate** due to the fact that **conditions cannot be included on the certificate**.

INSPECTIONS

Inspections may need to be undertaken at various stages of the building (footings, frame, drainage, etc.) so as to ensure that the structural elements of the building comply with the Building Code of Australia and relevant Australian Standards. If you choose Council as your certifier, then it will be necessary for inspections to enable the issue of the necessary **compliance certificate** for a set fee.

It is the responsibility of the applicant to ensure that mandatory inspections are carried out, **48 hours notice** should be given for all inspection.

Failure to arrange for mandatory inspections to be carried out will result in Council not being able to issue an Occupation Certificate for the development.

OCCUPATION CERTIFICATE

Occupation/use of premises for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and the **Occupation Certificate** has been issued. This certificate can only be issued on the satisfactory completion of the building and compliance with conditions of development consent.

APPROVED PLANS AND CONDITIONS ON SITE

During all construction work relating to this approval a copy of approved plans and associated conditions must be available on site.

INFORMATION ABOUT THE DECISION

RIGHTS OF REVIEW AND APPEAL

Under Section 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979, **any applicant** who is dissatisfied with Council's determination of their application may request the Council to **review** its determination; such a request can be made within 6 months or after an appeal to the Land and Environment Court has been lodged, but before it has been disposed of in the Land & Environment Court. A review cannot be made on designated or integrated development.

If the applicant is dissatisfied with this decision, Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court within 6 months after the date on which the applicant received the 'Notice of Determination' under Section 4.19 of the *Environmental Planning and Assessment Act 1979*.

If the applicant appeals, Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives any person who made a submission in relation to designated development the right to be given notice of the appeal, and to be heard at the hearing of the appeal (you need to apply to the court within 28 days of the notice of the appeal).

If you are an objector to designated development, and are dissatisfied with a decision to grant consent (either unconditionally or subject to conditions), Section 8.8 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 28 days of the date of the notice of determination.

Your appeal may be made by lodging an application to the Court in accordance with the Rules of Court.

PERIOD OF APPROVAL

This approval remains valid for a period of 5 years from the date of this notice, or as otherwise identified in the consent.

(Under Section 4.53 of the Environmental Planning and Assessment Act 1979 and Section 103 of the Local Government Act 1993, the approval does not lapse if building, engineering or construction work on the land to which the approval relates is physically commenced before the date on which this approval would otherwise lapse).

DEFERRED COMMENCEMENT

In the case of an approval which is granted subject to a condition that the approval cannot operate until the applicant satisfies the Council as to any matter specified in the condition (a "deferred commencement"), the date from which the approval operates will not be endorsed on this notice. A separate notice will be issued in the event that the Council is satisfied that the applicant has satisfied such conditions.

PRESCRIBED CONDITIONS

1. All work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: To comply with the provisions of Clause 98 of the Environmental Planning & Assessment Regulation 2000.

2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed. The sign must include the following:

- Showing the name, address and telephone number of the principal certifying authority for the work, and
- Showing 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
- Stating that unauthorised entry to the work site is prohibited.

Reason: To comply with the provisions of Clause 98A of the Environmental Planning & Assessment Regulation 2000.

3. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with, the work falling into the public place.

The works site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To comply with the Environmental Planning and Assessment Act.

4. Building 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 in accordance with clause 98B Environmental Planning & Assessment Regulation 2000.

Reason: To comply with the provisions of Clause 98B of the Environmental Planning & Assessment Regulation 2000.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

5. Prior to commencing any construction works
 1. A Construction Certificate is to be obtained.
 2. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment.
 3. Council is to be notified at least two (2) days in advance of the intention to commence building works.

Reason: To comply with the Building Code of Australia, Local Government Act 1993 and the provisions of the Environmental Planning & Assessment Act, 1979.

6. The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificate/s. Council officers can provide these services and further information can be obtained from Council by telephoning (02) 6736 6002.

Reason: To comply with Environmental Planning and Assessment Act.

7. A full schedule of external colours is to be provided with the application for the Construction Certificate, to be endorsed by Council's Heritage Advisor, prior to release of the Construction Certificate.

Reason: To ensure the external fabric, finish and appearance is in keeping with the heritage characteristic of the building.

GENERAL CONDITIONS

8. All storm water (or water from tank overflow when rainwater is collected) must be diverted to the satisfaction of Council and clear of any structures and property boundaries. Gutter and downpipes are to be provided.

Reason: To comply with Council requirements.

9. The development must be undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended in red by Council, or as modified by the conditions of this Notice of Determination.

Plan No/s.:

- Plans Provided by Tenterfield Shire Council, dated 14/10/2019
Project SCCF2-1023, described as 'Tenterfield Memorial Hall Sporting Complex Refurbishment'
 1. DD000 - Cover Sheet
 2. DD010 - Proposed Site Plan
 3. DD100 - Proposed Floor Plan
 4. DD200 - Proposed Elevations
 5. DD300 - Proposed E-W Section Typical
 6. DD301 - Proposed N-S Section Typical

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new Development Application will have to be submitted to Council.

Reason: To confirm and clarify the terms of Council's approval.

10. Any earthworks associated with the construction of the building must comply with part 3.1 and 3.2 of the BCA if they are to be maintained by means of an unprotected embankment. Alternatively a retaining wall is required to be installed to the earthworks, if you opt to use this method details of the retaining walls construction are to be provided to Council prior to its installation.

Reason: To comply with the Environmental Planning and Assessment Act and the Building Code of Australia.

11. Finished ground levels are to slope away from the building at a minimum rate of 50mm in the first 1m from the building. Surface water must be prevented from entering neighbouring properties or escaping across the footpath (where applicable). This may be achieved by the use of landscaping, grated drains and sumps or other means to the satisfaction of Council.

Reason: To keep water clear of building foundations and comply with the Environmental Planning and Assessment Act 1979 and Regulations.

12. Illuminated exit signs shall be installed in the building above or adjacent to every:
- i. door providing direct egress from a storey to a required exit;
 - ii. door from an enclosed stairway, passageway or ramp at every level of discharge to a road or open space;
 - iii. horizontal exit;
 - iv. door serving as, or forming part of a required exit in a storey required to be provided with emergency lighting.

Additional exit signs shall be installed in appropriate positions in corridors, hallways, lobbies, foyers and the like indicating the direction to a required exit. Design and installation of Exit signs shall comply with AS2293.1

Reason: To comply with the Building Code of Australia.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

13. To prevent soil leaving the site and entering the stormwater system and causing pollution of rivers and creeks erosion and sediment controls are to be installed prior to work commencing and include the following:

The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. Drains, gutters, roadways etc shall be kept clean and free of sediment. To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150 mm. The length must be a minimum of 5 m and a width of 3 these measures shall be maintained throughout the course of construction and until all disturbed areas are restored by turfing, paving or revegetation.

Reason: To comply with the requirements of the Protection of the Environmental Operations Act 1997 and protect the amenity of the local environment.

14. The site shall be suitably protected from the entry of unauthorised persons at all times prior to the completion of the works.

Reason: To protect the health and safety of the community.

DURING CONSTRUCTION

15. Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00am to 6.00pm
Saturdays	8.00am to 1.00pm

No construction work to take place On Sundays & Public Holidays

Reason: To ensure that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels.

16. All building materials, plant and equipment is to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

Reason: To ensure pedestrian and vehicular access is not restricted in public places.

17. Provision shall be made for unrestricted pedestrian access within the footpath area across the frontage of the development during construction. Suitable temporary hoarding or barriers, approved by the Council, shall be erected to maintain pedestrian access during the construction phase.

Reason: To comply with Council requirements.

18. The demolition of the building structure is to be carried out in accordance with provisions of Australian Standard AS 2601 and the NSW WorkCover regulations.

Reason: To protect the health and safety of the community.

19. Any materials suspected of containing asbestos are to be identified and removed prior to the building being demolished. All materials containing asbestos are to be removed, handled and disposed of strictly in accordance with the Safe Work Australia Code of Practice – Where more than 10 square metres of non-friable asbestos is to be removed the a NSW WorkCover licence holder (Class A Licence

– Friable Asbestos and/or Class B Licence for non-friable or Bonded Asbestos) is to carry out the identification, removal and disposal of the asbestos in compliance with NSW WorkCover legislation. NSW WorkCover notification is required 5 days prior to the removal of materials containing asbestos.

A clearance certificate is to be provided at the completion of the asbestos removal work these can be issued by a licensed asbestos assessor for friable removal work, or a competent person for non-friable (bonded) removal work

Materials containing asbestos are only to be disposed of at a facility licensed by the NSW Environmental Protection Authority.

All demolition work is to be carried out in accordance with AS/NZS2601 Demolition of structures.

Any demolition of a structure over 4 metres in height being demolished by machine or over 10 metres being demolished by any means is required to be carried out by a licenced demolition contractor.

Reason: To protect the health and safety of the community.

PRIOR TO OCCUPATION

20. All loading and unloading is to take place within the boundaries of the property.

Reason: To ensure there is no conflict between delivery vehicles and road/footpath users.

21. Damage caused to Council infrastructure as a result of the building activities shall be rectified by the applicant at their full expense. The adjustment of any existing utility services or installation of new services is to be at the full cost of the developer.

Reason: To ensure infrastructure is not damaged as a result of the development and because the nature of the proposed development may have an impact on the operation of utility services.

22. A complete 'Notice of Work', 'Certificate of Compliance' and 'Works as Executed Sewer Services Diagram', including all measurements and distances from the boundaries, dwelling and inspection openings, and must include all on-site detention facilities, surface and roof water drainage, this is to be submitted in detail to Council by a licensed plumber at the time of the external drainage/stormwater inspection.

Reason: To ensure the internal and external drainage and the stormwater systems as constructed, are recorded accurately.

23. Occupation or use of premises for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and the Occupation Certificate has been issued.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979, and Council's terms of consent.

Signed on behalf of the consent authority

Kylie Smith
Chief Corporate Officer

22 April 2020
Date

Note *This approval does not guarantee compliance with any Act, Regulation or Standard (other than the Environmental Planning and Assessment Act, 1979, as amended) and builders/developers should make their own enquiry as to their legal responsibilities in this regard. Without limiting the generality of the above, approval does not guarantee compliance with the Disability Discrimination Act 1992 to which builders/developers are specifically referred.*

ADVISORY NOTE:

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety, and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures.

(This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities. Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets.

Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may effect of impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.



Application for an Occupation Certificate

Information for the applicant

- This form may be used to apply for a **final occupation certificate** (this is required to authorise the commencement of occupation **or use** of the building as approved by the Consent Authority)
- Occupation or use of premises for the purposes approved by the consent shall not commence until all conditions of the Notice of Determination have been complied with and the Occupation Certificate has been issued.
- Once completed, submit this application form to the principal certifying authority (PCA).

SECTION A. Application Details

DA No.

2020.030

Approval Date

22 April 2020

SECTION B. Applicant Details

Mr Ms Mrs Dr Other:

First name

Family name

Company (if applicable)

ABN (if applicable)

Unit/Street No.

Street/Road Name

Suburb or town

State

Postcode

Daytime telephone

Mobile

Email

SECTION C. Location of Building

Street No.

96

Street Name

Molesworth Street

Town/Village

Tenterfield

Postcode

2372

Lot No.

8 & 9

Section No. (if applicable)

19

Deposited Plan (DP) No.

758959



Application for an Occupation Certificate

Description of the building or part of building to which the application relates

If the application relates to a new use of the building or part of the building, also describe the new use.

SECTION D. Attachments relating to the proposed development

1. Applicants must provide the documents/certificates listed below (where relevant). Please confirm that documents relating to the requirements below have been attached by placing a cross in the appropriate box(s).

<input type="checkbox"/> Termite certificate	<input type="checkbox"/> Fire safety certificate	<input type="checkbox"/> Smoke Detector installation certificate
<input type="checkbox"/> Glazing Certificate	<input type="checkbox"/> Compliance certificates	<input type="checkbox"/> Roof Truss certificate
<input type="checkbox"/> BASIX Compliance Statement	<input type="checkbox"/> Sewer Services Diagram, Notice of Work, & Compliance Certificate from Plumber	<input type="checkbox"/> Other _____

SECTION E. Delivery of the application

Applications for occupation certificates must be delivered by hand, by post or transmitted electronically to the principal office of the certifying authority. **Applications MAY NOT be sent by fax.**

SECTION F. Signature of applicant(s)

Signature of applicant(s)

Name(s)

Date

SECTION G. Date of receipt of application (office use Only)

To be completed by the certifying authority **immediately** after receiving this Application.

This Application was received by and on:

Name of Council Officer

Signature

Date



SEWER SERVICE DIAGRAM

*This form must be completed and provided to Council prior to the issue of an Occupation Certificate
Relating to any Development Application or Complying Development Certificate Application*

Property Address: **96 Molesworth Street, Tenterfield NSW 2372**

Property Description: Lots No. **8 & 9** Section: **19** Deposited Plan No. **958959**

- Rain or surface water must not be discharged into the Sewers
- All drainage and Plumbing Work Must be carried out Strictly in accordance with the provisions of the Local Government Act and requirements of the Council
- All drainage work is to be tested before covering in

Junction: _____ From: _____ Approx Depth: _____ mm

	Boundary Trap	AAV	Air Admittance Valve	BS	Sink (bar)		Chr	Chamber
	Inspection Shaft	H	Basin	(L)	Trough Laundry		Pit	Pit
	Inspection Opening	Bth.	Bath Waste	WC	Water Closet		G	Grease Interceptor
	Gully	Bid	Bidet		Vertical Pipe			Pump Unit
	FW	CO	Clean Out		Waste Stack		OTS	Onsite Treatment System
	Vertical Junction	FW	Floor waste Gully		Sewer Vent Pipe		R	Reflux Valve
	Sloped Junction	Shr	Shower		Vent Pipe		Sealed	Capped Point
	On back Junction	S	Sink (kitchen)		Induct Pipe Mica Flap		Prov	Provisional (future) drain point

NOTE Further acceptable abbreviations may be used as identified in AS/NZS 3500.2.2003 Sanitary Plumbing and Drainage