

NOTICE TO APPLICANT OF DETERMINATION OF AN AMENDED DEVELOPMENT APPLICATION

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

TO: **Jobs Australia**
OF: **17 Otho Street**
Inverell NSW 2360

being the applicant in respect of **Application No DA-2/2018/A**

Notice is hereby given of the determination by Council of **Application No. DA-2/2018/A** relating to the land owned by **Ngarabal Aboriginal Corporation, of PO Box 865, Inverell NSW 2360** and is described as follows:

Lot 6 DP 1039173
66 Ring Street, INVERELL 2360

The development proposal is:

Recreation Facility (Indoor) - Martial Arts Gym

The determination is amended in accordance with s.96(1A) of the Environmental Planning and Assessment Act 1979 on 5 July 2018.

This consent expires five (5) years from **9 February 2018** 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:

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the ~~partial~~ use of the premises for Recreation Facility (Indoor) - Martial Arts Gym.

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 owner of the building must provide Council with a fire safety certificate (in the form attached) with respect to each fire safety or other safety measures installed in the building. In addition, 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.
3. ~~The hours of operation of the Recreation Facility (Indoor) are to be limited to Monday to Friday 5pm to 8pm.~~

The hours of operation of the Recreation Facility (Indoor) are to be limited to:

- 7am to 8pm Monday to Friday; and
- 8am to 1pm on Saturdays.

4. The entire use of the site must be carried out in accordance with the *Protection of the Environment Operations Act 1997*. The use of the site shall not interfere with the quiet enjoyment of the surrounding neighbourhood through noise, dust, etc.
5. At no time may any goods/materials associated with the site be placed on the public road, public footpath, service land or external on-site parking areas and driveways.
6. All loading, unloading and storage of goods/materials associated with the entire use of the site must be carried out within the confines of the property.
7. The advertising sign(s) is not to be illuminated, or have flashing or moving parts without the prior approval of Council.
8. Separate approval is to be obtained from Council prior to the installation of any additional signage (e.g. fence signs).
9. Any provision of food from the premises must for a breakfast program (or similar) and not be undertaken for commercial/profit purposes (i.e. not as a food business).

Note: Standard food safety practices should be followed when processing, handling and storing food to keep the recipients well and healthy.

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 PLANNER
DATE : 5 July 2018

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*.
1. 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.
2. 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.

3. 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.

4. 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.