

**NOTICE TO APPLICANT OF DETERMINATION
OF AN AMENDED DEVELOPMENT APPLICATION**

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

TO: **Ms Sharon Maree Dun**
OF: **87 MacIntyre Street**
Inverell NSW 2360

being the applicant in respect of **Application No DA-119/2012/A**

Notice is hereby given of the determination by Council of **Application No. DA-119/2012/A** relating to the land owned by **Mr Danny John Bryan and Ms Sharon Maree Dun, of 87 MacIntyre Street, Inverell NSW 2360** and is described as follows:

Part Lot 11 DP 17818
39 Warialda Road, INVERELL 2360

The development proposal is:

Modification to DA-119/2012 - Change Hours of Operation

The determination is amended in accordance with s.96(1A) of the Environmental Planning and Assessment Act 1979 on 16 July 2020.

This consent expires five (5) years from **30 October 2012** 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. ***Preliminary***

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 change of use – residential to commercial (health and beauty spa).

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the stamped and approved plans and accompanying supportive documentation.

Any deviation from this will require the prior consent of Council.

2. ***Prior to Occupation***

Prior to the change of use, the owner of the building is to provide Council with a fire safety certificate (in the form attached) with respect to each fire or other safety measures installed in the building. The owner of the building shall provide Council with an annual fire safety certificate with respect to each fire safety measure installed in the building, at least once in each twelve (12) months thereafter. (*Pursuant to Clause 80A of the Environmental Planning and Assessment Regulation 1994, Clause 1 1.1 (Class 2-9) of the Building Code of Australia.*)

3. Prior to occupation a portable fire extinguisher having at least the protection effectiveness of a 4.5 kg 2A:20B(E) Extinguisher shall be provided. (*Pursuant to the Building Code of Australia Clause E1.6, (Class 2-9).*)

4. Prior to occupation an automatic fire detection and alarm system must be installed to give occupant's adequate warning for evacuation in compliance with AS 3786 or AS1603.4 or AS1670 or AS2220.2 and connected to mains and emergency power at suitable locations near the ceiling. (*Pursuant to the Building Code of Australia Clause E2.2a, (Class 2-9).*)
5. Prior to occupation an approved fire blanket shall be provided in the kitchen area. (*Pursuant Australian Standard 2444.*)
6. ~~Prior to occupation an access ramp must be installed at the front of the premises as per the approved plan.~~
7. Prior to occupation the access crossing between the footpath and the boundary is to be delineated using concrete.
8. Prior to occupation the premises must be inspected by Council to ensure compliance with the conditions of consent.

Ongoing Use

9. ~~The hours of operation are to be limited to:~~

Monday to Friday		8.30am to 5.30pm
Saturday		9.00am to 1.00pm

~~The business must not operate on Sunday or public holidays.~~
 110. The operation of the premises must 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 operation must not interfere with the quiet enjoyment of the surrounding neighbourhood.
 11. The advertising sign is not to be illuminated, have flashing or moving parts without the prior approval of Council.
 12. Portable signs, commonly described as sandwich boards and the like must not be placed on the footway of other public areas without the prior approval of Council.
- Note: The operator of an approved business must apply to Council to lease Council's property (i.e. footpaths) should it be required for use in conjunction with the approved business.
13. All vehicles must enter and leave the site in a forward direction.
 14. Any skin penetration procedures must comply with all applicable legislation/regulation and standards, including:
 - *Local Government (General) Regulation 2005;*
 - *The Building Code of Australia;*
 - *Public Health Act 1991;*
 - *Public Health (Skin Penetration) Regulation 2000;*
 - *NSW Health Department Guidelines on Skin Penetration* (pursuant to Clause 10 Public Health (Skin Penetration) Regulation 2000); and
 - *NSW Health Department Skin Penetration – Code of Best Practice 2001*

For further information, or to view these documents, visit www.health.nsw.gov.au.

15. The development must comply with the following hours of operation:

- Where the development involves the use of 39 Warialda Road, Inverell for counselling or similar service (e.g. Anglicare) – 7am to 10pm; or
- Where the development involves any other health and beauty purpose – 8.30am to 5.30pm Monday to Friday, 9.00am to 1,00pm Saturday and no operation on a Sunday or Public Holiday.

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 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

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 SERVICES COORDINATOR
DATE : 16 July 2020

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.