

**NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

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

TO: **Elise McDonald**
OF: **570 Fernhill Road
Inverell NSW 2360**

being the applicant in respect of **Application No DA-109/2020**

Notice is hereby given of the determination by Council of **Application No. DA-109/2020** relating to the land owned by **Mr Gordon Frank Bebb and Mrs Gail Margaret Bebb and Mr Robert Charles Bebb, of 158 Warral-Bithramere Road, Warral NSW 2340** and is described as follows:

**Lot B DP 373671
48-50 Otho Street, INVERELL 2360**

The development proposal is: **Partial Change of Use - Food and Drink Premises
Internal Alterations**

The Determination is **consent granted subject to conditions described below** made on **22 September 2020**.

This consent expires five (5) years from the date on which it commences to operate 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:

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:

- Partial Change of Use - Food and Drink Premises
- Internal Alterations

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 (as detailed at the end of this consent).
3. The construction and operation of the takeaway food and drink premises must comply with all applicable legislation/regulation and standards including:
 - The Food Act 2003;
 - Food Regulation 2015;
 - Food Standards Australia and New Zealand – Food Standards Code; and
 - AS 4674-2004 Design, construction and fit-out of food premises

Prior to Occupation

4. Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with Section 109M of 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.
5. Prior to issue of an Occupation Certificate the premises must be inspected by Council's Environmental Health Officer to ensure compliance with applicable food regulations.

Ongoing Use

6. A maximum of thirty (30) seats internal seats for on-site dining/consumption are permitted with the premises.
7. The hours of operation are to be limited to 6.00 am to 10.00 pm Monday to Saturday and 6.00 am to 5.00 pm on a Sunday or a public holiday.
8. Prior to any occupation of the sidewalk with tables associated with the food and drink premises use, an Application to Operate a Sidewalk Café and fee must be submitted to and approved by Council.
9. Separate development consent must be obtained from Council prior to the installation of any advertising signs, other than signs which may be installed as 'Exempt Development' in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Schedule 2 of the Inverell Local Environmental Plan 2012.
10. Portable signs, commonly described as sandwich boards and the like, must not be placed on the footpath of other public areas without the prior approval of Council.
11. At no time may any goods for sale, display or storage be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, or outside the site without the prior consent of Council.

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.

Reasons for Approval

1. The development, subject to conditions, is consistent with the objectives of the B2 Local Centre zone.
3. In consideration of the commercial, parking, flood and heritage controls of the Inverell Development Control Plan 2013, the development is considered appropriate within the Inverell CBD.

Community Consultation

As per the Inverell Community Participation Plan the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

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 : 30 September 2020