

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Application Number	DA-20/2022
Applicant	Ms Kate Davidson
Land to be developed	Lot 1 DP 745239 61-67 Otho Street, INVERELL 2360
Approved development	Demolition of part of front facade of building to install new door into new commercial premises (cafe)
Building Code of Australia Classification	Class 6 Class 3
Determination	The determination is consent granted subject to conditions.
Determination date	11 April 2022
Consent is to operate from	11 April 2022
Consent will lapse on	11 April 2027 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:

- Demolition of part of front facade of building to install new door; and
- Partial use of the building as a café.

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*.

Prior to Commencement of Works (including demolition)

3. Prior to the commencement of any works (including demolition works to the front facade) on the site, a Construction Certificate must be issued in accordance with the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate shall include plans and specifications demonstrating full compliance.
4. Prior to issue of a Construction Certificate, a detailed plan of the café kitchen fit-out is to be submitted to and approved by Council. This plan is to demonstrate compliance with Food Safety Standard 3.2.3 including but not limited to floors lining, benches, hand washing facilities.

5. Temporary construction hoarding/fencing will be required on Otho Street during demolition/construction to protect pedestrians. Prior to issue of a Construction Certificate, a pedestrian management plan is to be submitted to and approved by Council under the Roads Act 1993.

During Demolition and Construction

6. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - Works on site are to 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 carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
 - Demolition and construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no work 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;
 - 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;
 - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot; and
 - Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the *Surveying and Spatial Information Act 2002*. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.
7. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.
8. The owner of Lot 1 DP 745239 will repair/restore, or pay the full costs associated with repairing/restoring, any footpath, public reserve and infrastructure that is damaged by the development.

Prior to Operation the Cafe

9. Prior to operation of the cafe, an Occupation Certificate must be issued in accordance with 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.*
10. 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.
 11. Prior to issue of an Occupation Certificate the cafe must be inspected by Council's Environmental Health Officer to ensure compliance with applicable food regulations.

Ongoing Use of the Cafe

12. The operation of the food premises must comply with all applicable legislation/regulation and standards including:
 - *The Food Act 2003;*
 - *Food Regulation 2004;*
 - *Food Standards Australia and New Zealand – Food Standards Code 2001;*
 - *Relevant Australian Standards for Design, Construction and Fit out of Food Premises;*
and
 - *Mechanical ventilation – Australian Standard 1668.2-2002 The use of ventilation and airconditioning in buildings - Ventilation design for indoor air contaminant control.*
13. Prior to occupation of the sidewalk with tables associated with the takeaway coffee use an Application to Operate a Sidewalk Café and fee must be submitted to and approved by Council.
14. 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.
15. Separate approval 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*.
16. 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.

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 development, subject to conditions, is consistent with the objectives of the B2 Local Centre zone and compatible with the Inverell CBD.
2. In consideration of heritage controls of the Inverell Development Control Plan 2013, the development is not considered to have a significant adverse heritage impact.
3. Subject to conditions, the development is considered to comply with relevant food safety legislation.

COMMUNITY CONSULTATION

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

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

A handwritten signature in black ink, appearing to read 'Chris Faley', written over a horizontal line.

CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR