

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

<b>Application Number</b>	<b>DA-18/2023</b>
<b>Applicant</b>	B.J Campbell & J.M Ehsman & E Freebairn
<b>Land to be developed</b>	Lot 4 DP 236513, Lot 5 DP 236513 64 Otho Street, INVERELL NSW 2360 66 Otho Street, INVERELL NSW 2360
<b>Approved development</b>	Renovation of existing Chemist space (66 Otho Street), and extension of chemist into adjacent building (64 Otho Street)
<b>Building Code of Australia Classification</b>	Class 6
<b>Determination</b>	The determination is <b>consent granted subject to conditions</b> .
<b>Determination date</b>	10 March 2023
<b>Consent is to operate from</b>	10 March 2023
<b>Consent will lapse on</b>	10 March 2028  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:

- Renovation of existing Chemist space (66 Otho Street); and
- Extension of chemist into adjacent building (64 Otho Street)

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 Part4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.

#### *Prior to Construction*

3. Prior to the commencement of any works (including earthworks) 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 with the Building of Australia and associated standards.

4. Prior to issue of a Construction Certificate:
  - A Fire Engineered Performance Solution is to be submitted to the Accredited Certifier addressing the proposed openings and fire separation between Lot 4 DP and Lot 5 DP 236513; or
  - Lot 4 DP 236513 and Lot 5 DP 236513 are to be consolidated into the single allotment.
5. Prior to issue of a Construction Certificate, a certificate of structural adequacy by a structural engineering is to be submitted to the Accredited Certifier certifying that:
  - 64 Otho Street is suitable for the proposed development, including the suitability of the floor structure for the proposed "robot";
  - The proposed openings between 64 and 66 Otho Street are structurally adequate.
6. The proposed development must be accessible in accordance with the Building Code of Australia and Disability (Access to Premises — Buildings) Standards 2010. Prior to issue of a Construction Certificate detailed plans are to be submitted to the Accredited Certifier demonstrating compliance with the applicable accessibility standards.

#### ***During Construction***

7. Prior to the use of the Otho Street footpath for any construction activity (i.e. hoarding, storage) approval under Section 138 of the Roads Act 1993 is to be obtained from Council. This application for his approval must be accompanied by a pedestrian management plan, which is to be approved by Council.
8. 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;
  - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction 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.

9. Prior to commencement of works (including earthworks), run-off and erosion control measures must be implemented in accordance with Council's Erosion and Sedimentation Control Policy 2005) to prevent soil erosion, water pollution and the discharge of loose sediment on the surrounding land. Measures are to include:

- Diverting uncontaminated run-off around cleared or disturbed areas;
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties;
- Preventing the tracking of sediment by vehicles onto roads; and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Run-off and erosion control measures must be in place for the duration of building work and until adequate cover is established on the site.

10. The applicant will:

- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

#### ***Prior to Occupation***

11. An Occupation Certificate must be issued for each building 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.*

12. Prior to issue of an Occupation Certificate, a Flood Emergency Plan for both 64 Otho Street and 66 Otho Street is to be submitted to and approved by Council.
13. Prior to issue of an Occupation Certificate, the owner of the building must furnish to the Accredited Certifier a final/interim Fire Safety Certificate with respect to each essential fire safety measure for the building to which the Certificate relates. The Certificate must state that each essential fire safety measure has been assessed by a properly qualified person and that each essential fire safety measure was found, when it was assessed, to be capable of performing to the required standard.

#### ***Ongoing Use***

14. Should Lot 4 DP 236513 and Lot 5 DP 236513 be re-divided into separate lots, tenancies and/or businesses, an accessible access must be installed in the shopfront of Lot 4 DP 236513, 64 Otho Street, Inverell. This work will require a separate Development Application and Construction Certificate.
15. No exhaust vents, air conditioning ducts or units, solar panels, TV antenna or satellite dishes are permitted on the front facades or awnings of Lot 4 DP 236513 (64 Otho Street) and Lot 5 DP 236513 (66 Otho Street).
16. 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.

## **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.
2. Subject to conditions, the proposed development is considered to comply with the commercial, flood, parking and heritage controls of the Inverell Development Control Plan 2013.

## **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.

## **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



**CHRIS FALEY**  
**DEVELOPMENT SERVICES COORDINATOR**