



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-11/2023
Applicant	Perception Planning Pty Ltd
Land to be developed	Lot 1 DP 609464 7 Sweaney Street, Inverell NSW 2360
Approved development	Change of use (Laundromat), associated alterations, additions and signage
Building Code of Australia Classification	Class 4 Class 6
Determination	The determination is consent granted subject to conditions.
Determination date	20 March 2023
Consent is to operate from	20 March 2023
Consent will lapse on	20 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 a change of use (Laundromat), associated alterations, additions and signage.

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 Part 4, 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 Code of Australia.
4. Prior to issue of a Construction Certificate, approval under Section 68 of the *Local Government Act 1993* is to be obtained for the disposal of trade waste into Council's sewer.

Note: The final location and type of pre-treatment for the trade waste will be determined through the Section 68 application and may differ from the development consent.

5. Prior to the issue of a Construction Certificate, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the Water Management Act, a Certificate of Compliance must be issued by Council for the laundromat.

Note This will require payment to Council of Contributions under Council's Development Servicing Plan No. 1 for:

- *Water based on 3.6 equivalent tenements; and*
- *Sewer based on 5.68 equivalent tenements.*

During 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;
 - 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.

Prior to Occupation

7. 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.*
8. Prior to issue of an Occupation Certificate, the trade waste requirements must be installed and operational in accordance with the approval under Section 68 of the Local Government Act 1993.
9. Prior to issue of an Occupation Certificate, the four (4) car parking spaces and shared space must be:
- Bitumen sealed or concreted;
 - Clearly delineated/linemarked on-site, with the space reserved for resident parking clearly identified.

Note: Pursuant to Section D3.5 of the Building Code of Australia, where there is a total of not more than 5 carparking spaces, the disabled parking space does not need to be identified with signage so as to restrict the use of the space only for people with a disability.

10. 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.
11. Prior to issue of an Occupation Certificate, pursuant to Clause 64 of the *Environmental Planning and Assessment Regulation 2021*, the shop top residence must comply with the Building Code of Australia in relation to:
 - **Fire hazard properties** - Floor materials, floor coverings and wall and ceiling lining materials need to comply with prescribed fire hazard properties.
 - **Protection of openings in external walls** – To prevent the spread of fire from the boundary of an adjoining allotment radiant heat attenuation screens are to be installed to protect window openings which are less than 3 m from the adjoining allotment.
 - **Openings in floors and ceilings for services** – To maintain the fire performance of building elements by limiting fire spread by way of service penetrations all floor/ceiling services penetrations are to be identified and protected to resist the spread of fire.
 - **Discharge from exits** – To ensure the safe discharge from the exits, barriers (such as bollards) must be installed, to prevent vehicles blocking access to, or discharge from the exits.
 - **Rear Stairway** – To enable the safe movement of people using the rear stairway the following upgrades are required:
 - The stairway is to be relocated so it is entirely within Lot 1 DP 609464;
 - Install a landing at the bottom of the stairway;
 - Open stair riser are to be enclosed;
 - Non-slip contrast nosing strips are provided to each stair going;
 - Handrails on both sides are to be upgraded to comply with AS 1428.1-2009; and
 - Tactile ground surface indicators are to be provided at the top and bottom landings complying with AS 1428.4.1-2009.
 - **Thresholds** – To reduce the risk of a person tripping on an unseen step in a doorway, it is recommended that warning signage is provided to the upstairs unit entry door in order to provide suitable warning to occupants. The signage should read: **WARNING – STEP IN DOOR THRESHOLD.**
 - **Barriers to prevent falls** - To minimise the risk of a person falling from the rear stairway and raised balcony floor level the existing balustrades are to be replaced with a compliant continuous barrier in accordance with D2.16 of the BCA.
 - **Operation of latch** - To minimise the risk that evacuation will be delayed by the operation of a door latch the upstairs unit entry door knobs are to be upgraded so that the door can be readily openable without a key from the side that faces a person seeking egress by a single hand downward action on a single device.

A works as executed specification schedule must be submitted to and all works completed to the satisfaction of the Accredited Certifier.

Ongoing Use

12. The hours of operation of the laundromat are limited to 6.00am to 11.00pm.
13. All vehicles must enter and exit the site in a forward direction.
14. 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 and is compatible with the surrounding CBD.
2. Subject to conditions, the development complies with the parking requirements of the Inverell Development Control Plan 2013.
3. The development is not considered to impact the heritage significance of the CBD Heritage Conservation Zone or nearby Heritage Items.
4. The development is not considered to have a significant adverse impact on flood matters.

COMMUNITY CONSULTATION

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. One late submission was received, with the matters raised already addressed in the application.

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