

## NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

*Issued under Clause 122 of the Environmental Planning and Assessment Regulation 2000.*

<b>Application No.</b>	DA-93/2023/A
<b>Applicant</b>	Inverell Art Society
<b>Land to be developed</b>	Lot 2 Sec 79 DP 758536, Lot 1 Sec 79 DP 758536, Lot 3 Sec 79 DP 758536, Lot 14 Sec 79 DP 758536 5-7 Evans Street, INVERELL 2360
<b>Approved development</b>	Storage room and mezzanine floor
<b>Building Code of Australia Classification</b>	9a
<b>Determination</b>	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
<b>Original date of determination</b>	3 August 20023
<b>Modification determination date</b>	17 June 2024
<b>Consent will lapse on</b>	3 August 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

#### General Conditions

<b>1</b>	<p><b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <ol style="list-style-type: none"> <li>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</li> <li>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</li> <li>4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</li> <li>5. In subsection (3), a reference to the Building Code of Australia is a reference to the</li> </ol>
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	<p>Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>6. This section does not apply—</p> <ol style="list-style-type: none"> <li>a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol>
	<p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p><b>Erection of signs</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> <li>a. showing the name, address and telephone number of the principal certifier for the work, and</li> <li>b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</li> <li>c. stating that unauthorised entry to the work site is prohibited.</li> </ol> </li> <li>3. The sign must be— <ol style="list-style-type: none"> <li>a. maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>b. removed when the work has been completed.</li> </ol> </li> <li>4. This section does not apply in relation to— <ol style="list-style-type: none"> <li>a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</li> <li>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ol> </li> </ol>
	<p><b>Condition reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
3	<p><b>Notification of Home Building Act 1989 requirements</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</li> <li>2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ol style="list-style-type: none"> <li>a. for work that requires a principal contractor to be appointed— <ol style="list-style-type: none"> <li>i. the name and licence number of the principal contractor, and</li> <li>ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,</li> </ol> </li> <li>b. for work to be carried out by an owner-builder— <ol style="list-style-type: none"> <li>i. the name of the owner-builder, and</li> <li>ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.</li> </ol> </li> </ol> </li> <li>3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</li> <li>4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ol>

	<b>Condition reason:</b> Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.			
4	<b>Approved plans and supporting documentation</b>			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	Approved plans			
	Plan number	Revision number	Plan title	Drawn by Date of plan
	2200828		Proposed Mezzanine Floor to Butler Hall Lot 2 DP 758536 5-7 Evans Street Inverell	John Williams 3D Design 6/12/2022
	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.			
	<b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			

### Building Work

#### Before issue of a construction certificate

No additional conditions have been applied to this stage of development.

#### Before building work commences

No additional conditions have been applied to this stage of development.

#### During building work

5	<b>Hours of work</b>
	Site work must only be carried out between the following times –  From 7:00am to 5:00pm on Monday to Saturday  Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	<b>Condition reason:</b> To protect the amenity of the surrounding area.
6	<b>Construction - Local amenity, noise and environmental pollution</b>

	<p>To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> <li>• 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 <i>Surveying and Spatial Information Act 2002</i>. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.</li> </ul>
	<p><b>Condition reason:</b> To protect local amenity and survey monuments during construction.</p>

### Before issue of an occupation certificate

7	<p><b>Occupation of premise</b></p> <p>Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><i>Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:</i></p> <ul style="list-style-type: none"> <li>• <i>all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and</i></li> <li>• <i>any preconditions to the issue of the certificate required by a development consent have been met.</i></li> </ul>
	<p><b>Condition reason:</b> To ensure an Occupation Certificate is obtained prior to use of the building.</p>

### Occupation and ongoing use

No additional conditions have been applied to this stage of development.

#### 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.

#### **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



**LIAM SPALDING**  
**DEVELOPMENT OFFICER**