

NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

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

TO: **Mr Darrin Lee Lavender**
OF: **1 Stannifer Street**
Gilgai NSW 2360

being the applicant in respect of **Application No DA-139/2018**

Notice is hereby given of the determination by Council of **Application No. DA-139/2018** relating to the land owned by **Mr Darrin Lee Lavender and Mrs Deeanne Judy Lavender, of 1 Stannifer Street, Gilgai NSW 2360** and is described as follows:

Lot 1 DP 607357
20 Marsh Street, GILGAI 2360

The development proposal is: **Self-Storage Units**

The Determination is **consent granted subject to conditions described below** made on **22 February 2019**.

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 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for self-storage units.

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).

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 Section 109C (1)(b) and 81A (2) of 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* and associated standards.
4. Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 is to be obtained for the new bitumen sealed access crossings off Stannifer Street.

5. Landscaping is to be undertaken between the units and Stannifer Street, with a minimum growth height of 2 metres.

Prior to issue of a Construction Certificate, a landscaping plan is to be prepared for the site detailing the location, type and growth height of vegetation. This plan is to be submitted to and approved by Council.

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;
 - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; 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 the Use of the Units

7. Prior to use of the units, 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.
8. Prior to issue of an Occupation Certificate, where applicable, the following works are to be completed:
 - All adjacent public and private land must be cleared of obstructions such as stockpiles of topsoil, building material, waste and other material associated with construction.
 - The applicant will repair/restore, or pay the full costs associated with repairing/restoring, any footpath, public reserve and infrastructure that is damaged by the development.
 - Any unused layback in the kerb and gutter is to be capped to Council's satisfaction.
 - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.

9. Prior to issue of an Occupation Certificate, the bitumen sealed access crossings are to be constructed in accordance with the approval under Section 138 of the Roads Act 1993.
- 10 Prior to issue of an Occupation Certificate, all fencing is to be completed as per the approved plans.
- 11 Prior to issue of an Occupation Certificate, the roof over the units is to be completed in accordance with the approved plans.
- 12 Prior to issue of an Occupation Certificate, all units and fencing is to be finished in a uniform cream or green colour in accordance with the approved plans.
- 13 Prior to issue of an Occupation Certificate, all landscaping is to be completed in accordance with the approved plan.
- 14 Prior to issue of an Occupation Certificate, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with *Australian Standard 3500.3 Plumbing and drainage*.

Ongoing Use of the Units

- 15 The self-storage units are only permitted to be accessed and/or used from 7.00am to 7.00pm.
- 16 The self-storage units must not be used for manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, any goods, substances, food, products or articles.
- 17 The self-storage units must be maintained in a reasonable state of repair, including uniform colour, in perpetuity.
- 18 All vehicles accessing/utilizing the self-storage units must enter and exit the site in a forward direction.
- 19 The site is to be maintained in such a manner that it does not create unsightly conditions when viewed from adjoining land or a public place.
- 20 No storage of materials, equipment or goods is to occur outside of the units.
- 21 The prior approval of Council is to be obtained prior to the installation of any signage.
- 22 The owner of the self-storage units must certify to Inverell Shire Council every year that any essential fire safety measures have been inspected and are capable of operating to the required minimum standard.
- 23 In the event of gates being installed on the accesses, they are to be located to allow vehicles to stand clear of the road carriageway.
- 24 All new external lighting must:
 - comply with AS 4282–1997 *Control of the obtrusive effects of outdoor lighting*, and
 - be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- 25 The accesses and internal vehicles areas are to be maintained in a reasonable manner in perpetuity, including the management of surface water without causing a nuisance to adjoining owners.

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 of 'Self-Storage Units' is permissible within the RU5 Village zone and complies with the Inverell Local Environmental Plan 2012.
2. The development complies with the controls of the Inverell Development Control Plan 2013.
3. The development complies with setback requirements, being located behind the building line of the existing dwelling. The site will be fenced and the units finished/maintained in manner, which is not considered to have a significant adverse visual impact.
4. No specific parking requirements apply to this development and the accesses have been designed for vehicles to enter and exit in a forward direction.
5. The units will be for storage only (e.g. no commercial/industrial activities.) and with restricted hours of access, are not considered to adversely affect the amenity of the neighbourhood by way of noise, dust, odour, etc.

Community Consultation

Neighbour notification was undertaken in accordance with the *Inverell Development Control Plan 2013*. No submissions were received.

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 PLANNER
DATE : 22 February 2019

Annexure

Prescribed Conditions Summary

As per condition 2 of this consent, the following matters prescribed under Division 8A of the *Environmental Planning & Assessment Regulation 2000* must be complied with, where relevant:

1. All work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. Prior to commencement of building work, subdivision work or demolition work a sign must be erected in a prominent position on the site. The sign must:
 - show the name, address and telephone number of the principal certifying authority for the work;
 - show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - state that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

4. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - in the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of that Act; and
 - in the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified as required above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

5. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this consent, must at the person's own expense:
 - protect and support the building, structure or work from possible damage from the excavation; and
 - where necessary, underpin the building, structure or work to prevent any such damage.