

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

TO: **Posties Caravans Boats Small Engines Inverell**
OF: **24 Brissett Street
Inverell NSW 2360**

being the applicant in respect of **Application No DA-47/2019**

Notice is hereby given of the determination by Council of **Application No. DA-47/2019** relating to the land owned by **Jud Two Pty Ltd, of 219-225 Byron Street, Inverell NSW 2360** and is described as follows:

**Lot B DP 156870, Lot 1 DP 1222621
219-225 Byron Street, INVERELL 2360**

The development proposal is: **Use of 219-225 Byron Street for:**

- **Retail sales;**
- **Repair of caravans, boats and power equipment;**
- **Sale of boats and power equipment; and**
- **LPG gas bottle exchange.**

The Determination is **consent granted subject to conditions described below** made on **18 June 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 the use 219-225 Byron Street for:

- Retail sales;
- Repair of caravans, boats and power equipment;
- Sale of boats and power equipment; and
- LPG gas bottle exchange.

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).

Operational Conditions

3. The hours of operation of the premises are to be limited to:

- 7.00 am to 10.00 pm Monday to Friday; and
- 9.00 am to 12.00 pm on Saturday, Sunday or a public holiday.

Any work undertaken between 5.00 pm and 10.00pm on Monday to Friday must be contained wholly within the buildings.

4. The development must comply with the requirements for industrial premises contained in the Noise Policy. Noise emitted by the development:

- must not exceed an L A (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the development is being carried out; and
- must not cause the relevant amenity criteria in Table 2.1 in the Noise Policy to be exceeded.

5. 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.

6. A sign must be installed on the access crossing closest to the round-a-about clearly stating that towing vehicles (e.g. caravans, boats, etc.) exiting the site must turn right.

7. All loading and unloading (including hitching of vehicles) must be undertaken with the confines of the site.

8. All vehicles must enter and exit the site in a forward direction.

9. All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.

10. Vehicles are to be located and stored on the site in a manner which is not unsightly when viewed from adjoining public land. Vehicles with significant external damage or in disrepair are not to be stored adjacent to Byron Street or Wood Street.

11. At no time may any goods for sale, display or storage be placed on the public road, public footpath, service land, parking area, future parking area, vehicle turning areas and driveways, public or private pedestrian walkways, or outside the site without the prior consent of Council.

12. The vehicle repairs must have a current approval from Council for the disposal of liquid trade waste to Council's sewer.

13. All oils, hydraulic fluids, etc. are to be stored in secure containers within a suitably bunded area. Waste oils, hydraulic fluids, etc. are to be disposed in accordance with the *Protection of Environment Operations Act 1997*. A spill procedure is to be implemented on-site and spills are not to be hosed down sewer drains, stormwater drains, driveways or street gutters.

14. The maximum number of gas bottles stored on the site (empty or full) must not exceed 50.

15. 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 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, subject to conditions, is consistent with the objectives of the B2 Local Centre zone.
2. In consideration of the Inverell Development Control Plan 2013, the site is located within the 'Town Centre Outer Area' and the development is compatible with the surrounding commercial and industrial development.
3. Subject to conditions of consent, the proposed access and parking arrangements for the site are considered acceptable.
4. Subject to conditions of consent, the proposed development is not considered to adversely affect the amenity of the surrounding area.
5. A trade waste agreement will be issued under Section 68 of the *Local Government Act 1993* for the premises.
6. No building works are proposed which would impact on flood matters.

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 : 18 June 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.