

**NOTICE TO APPLICANT OF DETERMINATION
OF AN AMENDED DEVELOPMENT APPLICATION**

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

TO: **Superior Car Sales Pty Ltd**
OF: **325 Byron Street**
Inverell NSW 2360

being the applicant in respect of **Application No DA-102/2011/D**

Notice is hereby given of the determination by Council of **Application No. DA-102/2011/D** relating to the land owned by **Superior Car Sales Pty Ltd, of 325 Byron Street, Inverell NSW 2360** and is described as follows:

Lot 1 DP 574528
172 Ashford Road, INVERELL 2360

The development proposal is:

Motor Showroom

The determination is amended in accordance with s.96(1A) of the Environmental Planning and Assessment Act 1979 on 20 August 2019.

This consent expires five (5) years from **7 March 2011** 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 a motor showroom (truck display/sale yard), office, toilet and workshop.

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the stamped and approved plans and accompanying supportive documentation as amended.

Any deviation from this will require the prior consent of Council.

Prior to the Commencement of Works

2. Prior to the commencement of any building works on the site a Construction Certificate is to be obtained from Council or an Accredited Certifier. The application for a Construction Certificate shall include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.
3. Prior to the commencement of works on the truck display yard, details on the material for the surface treatment of the yard are to be submitted to and approved by Council.
4. Landscaping is to be incorporated along the front boundary. A landscaping plan showing location, species and growth height is to be submitted to and approved by Council.

5. Separate details or a Certificate of Structural Adequacy prepared by a practising Structural Engineer, for the following work shall be lodged with Council and accepted for construction prior to commencing the relevant work:-

- a) Reinforced concrete footings and floor slab.
- b) Structural steelwork for the shed.

Note: The name, address and qualifications of the practising Structural Engineer certifying the design is to be clearly indicated on the plans and any accompanying documentation. The design shall relate to the particular site. (*Pursuant to Clauses A2.2 (Class 2-9) or 1.2.2 (Class 1 & 10) of the Building Codes of Australia*)

6. Certification from a practicing Structural Engineer must be submitted to Council with the Construction Certificate application, certifying that the relevant structures have been designed to withstand flood waters and that there will be no detrimental affects on surrounding buildings. (*To comply with Inverell Council's DCP 5.*)
7. Provision is to be made for disabled access to the office building in accordance with Australian Standard 1429.1 and the Building Code of Australia. Details on how this is to be achieved is to be submitted to or approved by Council.
8. Details on the method of effluent disposal from the toilet are to be submitted to and approved by Council under Sec. 68 of the *Local Government Act 1993*.

Note: This may be achieved through a pump out system to a rising main, provided at the applicant's expense, or alternatively with an aerated waste water treatment system.
9. Prior to the issue of a construction certificate, a schedule of external colours and materials for the relevant structures are to be submitted to and approved by Council.
10. Prior to the commencement of any works, erosion and sediment controls measures in accordance with Council's Policy are to be implemented on site in the location shown on the approved site plan.

This is to be inspected by Council prior to commencement of any works.

During Construction

11. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - a) 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.
 - b) 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 measures in place to prevent the movement of such material off site.
 - c) 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.
 - d) 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.
 - e) 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.
12. Council, in the case of being the Principal Certifying Authority, is to be given 24 hours notice of the following critical stage inspections where applicable;

- (a) after excavation for, and prior to the placement of, any footings, and
 - (b) prior to pouring any in-situ reinforced concrete building element, and
 - (c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - (d) prior to covering waterproofing in any wet areas, and
 - (e) prior to covering any stormwater drainage connections, and
 - (f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
13. All work must be carried out in accordance with the requirements of the Building Code of Australia.
14. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed. The sign must include the following:
- showing the name, address and telephone number of the principal certifying authority for the work, and
 - showing 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
 - stating that unauthorised entry to the work site is prohibited.
15. All fill material is to be suitably retained within the allotment and all cut and fill is to be graded and drained to Council's satisfaction. *(In accordance with Part 3.1 (Class 1 & 10) or Part B1 (Class 2-9) of the Building Code of Australia.)*
16. All landscaping is to be completed as per the approved plan (s).
17. All staff and customer car parking as shown on the approved plan are to be clearly delineated on the site.
18. The access crossing bitumen seal is to be rehabilitated and extended to the property boundary. This work is to be completed to Council's satisfaction, at the applicant's expense.

Prior to Occupation

Prior to Occupation – Office, Toilet and Workshop

19. Prior an Occupation Certificate being issued the owner of the building shall furnish to the Principal Certifying Authority a final/interim Fire Safety Certificate with respect to each essential fire safety measure for the building to which the Certificate relates. The Certificate shall 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.
Reason: To ensure the safety of persons in the event of a fire.
20. All new electrical wiring is to be located one (1) metre above the 1991 flood event or designed for continuous submergence in water.
21. Any sewer connections are to be fitted with reflux valves to prevent backflow of sewage in a flood event.
22. Where possible, any heating or air conditioning systems are to be installed one (1) metre above the 1991 flood level.

Ongoing Use

23. 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.

Reason: This condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire in accordance with the Fire Safety Schedule.

24. All vehicles (including trucks for sale) utilizing the site are to enter and exit the site in a forward direction.
25. All vehicle movement areas are to be maintained in a reasonable manner, at the applicant's expense, in perpetuity.
26. All landscaping is to be maintained in a reasonable manner, at the applicant's expense, in perpetuity.
27. Hours of operation are to be limited to 8.00 a.m. to 5.30 p.m. Monday to Saturday.
28. Measures are to be installed and maintained in perpetuity to prevent material from the development entering the open storm water channel.
29. All waste generated by the development is to be disposed of at a suitably licensed landfill.
30. No automotive/machinery mechanical repairs are to occur on the site without the prior approval of Council.

Note: This does not include minor fittings such as lights, wiper blades, etc.

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 : 20 August 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*.
1. 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.
2. 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.

3. 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.

4. 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.