

**NOTICE TO APPLICANT OF DETERMINATION**  
**OF A DEVELOPMENT APPLICATION**

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

TO: **Inverell Shire Council**  
OF: **PO Box 138**  
**Inverell NSW 2360**

being the applicant in respect of **Application No DA-17/2019**

Notice is hereby given of the determination by Council of **Application No. DA-17/2019** relating to the land owned by **Inverell Shire Council, of PO Box 138, Inverell NSW 2360** and is described as follows:

**Lot 12 DP 1196708**  
**69 Rifle Range Road, INVERELL 2360**

The development proposal is: **Industrial Subdivision**

The Determination is **consent granted subject to conditions described below** made on **12 March 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 subdivision of Lot 12 DP 1196708 into:

- Twenty-Two (23) Industrial Lots;
- Residual Lot (Lot 24 - containing the National Transport Museum); and
- Construction of New Roads and Infrastructure.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plan (as amended in red) 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).
3. Lots may be released together or individually in separate stages subject to the satisfactory completion of the conditions of consent applicable to the relevant allotment(s).

4. Lots 1 to 23 within the subdivision must be serviced by:

- Council's reticulated water service;
- Council's reticulated sewerage service;
- Underground electricity in accordance with the relevant energy provider; and
- National Broadband Network.

The services must be provided/constructed prior to the issue of a Subdivision Certificate.

5. All fees and contributions will be adjusted in accordance with Council's fees and charges applicable at the time of payment.

***Prior to Commencement of any Works***

6. Prior to the commencement of any subdivision works, including earthworks, a Construction Certificate must be obtained. The Construction Certificate may be issued for the whole development or as separate Construction Certificates in accordance with the approved stages of development.

***Prior to the Issue of a Construction Certificate***

7. Prior to the issue of a Construction Certificate, a detailed engineering survey and design for the entire subdivision must be submitted to and approved by Council. The detailed design must be in accordance with the following:

**NATSPEC Specifications**

- Group 0 – Planning and Design;
- Group 01 – General;
- Group 11 – Construction – Roadways; and
- Group 13 – Construction – Public Utilities.

**Water Supply Code of Australia**

- WSA 02 – Sewerage Code of Australia; and
- WSA 03 – Water Supply Code of Australia.

The detailed engineering plans and specifications must be prepared by a practising civil engineer and must include but are not limited to the following detail:

- Road works and pavement standards;
- Stormwater drainage and inter-allotment drainage;
- Water quality measures;
- Earthwork details including cut and fill ratios, quantities and stockpiling;
- Kerb and gutter within the subdivision;
- Bulk earthworks;
- Erosion and sediment control measures;
- Water supply works including reticulation, services, valves, hydrants and markers;
- Sewer works including mains extension, reticulation, manholes and junctions;
- Street and road signs;
- Street lighting; and
- Location of all service conduits (NBN, electricity).

*Note: Prior to preparation of any engineering design plans, it is recommended that the consultant(s) preparing the design plans contact Council's Civil and Environmental Services division to confirm the extent and scope of all works and detail required on the design plans and specifications.*

### ***During Construction***

8. During construction the applicant must ensure that arrangements are made for the principal certifying authority, Council or a private certifier, to carry out inspections. Request for Council inspections may be made either by telephone or in person. Forty eight (48) hours notice must be given for inspections.

Inspections are required to be carried out in order to ensure that a Subdivision Certificate can be issued for the relevant stage. In the event that any inspection is not carried out, a Subdivision Certificate cannot be issued. Inspections will generally be required at the following stages:

- After stripping of topsoil from roads and fill areas (all erosion and sediment control devices and traffic control signs shall be installed at this stage);
- After completion and compaction of the road sub grade;
- After placement and compaction of each layer of gravel pavement material prior to sealing;
- After laying and jointing of all stormwater drainage pipelines, water pipelines and sewer pipelines, prior to backfilling;
- During application of bitumen seal or asphaltic concrete wearing surface;
- After restoration and completion of all works; and
- As otherwise required to confirm that the works are satisfactorily executed and in conformity with engineering specifications, environmental controls and conditions of development consent.

It should be noted that Council charges fees for inspections. These inspection fees must be paid prior to release of the Construction/Subdivision Certificate associated with the development consent. Inspection fees will be adjusted in accordance with Council's fees and charges operating at the time of inspection. In the event additional inspections are required, those inspections will attract inspection fees at the rate applicable at the time the inspections are carried out.

9. During construction all work must be carried out under the supervision of a suitably qualified project manager. The details and qualifications of the Project Manager must be provided to Council prior to commencing any works at the site.
10. During construction any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.
11. During construction a copy of the approved engineering plans, specifications, management plans and documents incorporating conditions of approval must be kept on site at all times and must be readily available for perusal by Council.
12. During construction, 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 must not interfere with the amenity of the surrounding lands.
13. During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.
14. During construction, waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
15. The hours of construction for all stages of the subdivision, including the delivery of materials or equipment to the site are restricted to between 7:00 a.m. and 5:00 p.m., Mondays to Saturdays inclusive and no work on Sundays and public holidays. Council

may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable.

16. During construction 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. The sign is to be maintained while work is being carried out, but must be removed when the work has been completed. The sign must:
  - include the name, address and telephone number for the principal certifying the work;
  - include the name of the principal contractor (if any) for the building work and telephone number on which that person may be contacted outside work hours; and
  - state that unauthorised entry to the work site is prohibited.
17. Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. The NSW Office of Environment and Heritage is to be contacted immediately and any direction or requirements complied with.
18. Should any relics be uncovered during excavation/construction on site, the applicant must ensure that works cease in that area and the Heritage Officer is immediately notified in accordance with Section 146 of the *Heritage Act 1977*.
19. During construction works sediment and erosion control measures are to be implemented in accordance with the approved engineering plans and maintained until the site is fully stabilised.
20. Any required fill material must be Virgin Excavated Natural Material as defined under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

#### ***Prior to Issue of Subdivision Certificate***

21. Prior to the issue of a Subdivision Certificate an application for a Subdivision Certificate must be submitted to and approved by Council for each stage of the subdivision (as applicable). The applicant must submit a completed Subdivision Certificate Application Form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the relevant conditions of this development consent. A Subdivision Certificate will not be issued nor the final plan signed by Council until all relevant conditions have been complied with.
22. Prior to the issue of a Subdivision Certificate, all necessary easements, restrictions as-to-user pursuant to Section 88B of the *Conveyancing Act 1919* must be clearly marked on the plan of subdivision. Council is to be nominated as a party empowered to release, vary or modify only those easements and/or restrictions required by the conditions of this development consent.
23. Prior to the issue of a Subdivision Certificate, any pavement damage or structural deterioration caused to Council's roads by the use of roads as haulage routes for materials used in construction of the subdivision must either be repaired to the satisfaction of Council, or a payment made of the costs incurred by Council to undertake the repairs.
24. Prior to the issue of a Subdivision Certificate, electricity and National Broadband services are to be provided to all lots. The proponent is required to submit to Council, certificates from:
  - An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision; and
  - An approved National Broadband Network service provider indicating that

satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.

25. Prior to the issue of a Subdivision Certificate, all civil works are to be completed in accordance with the approved Construction Certificate, engineering plans and specifications. The works are to have had all necessary inspections.
26. Prior to the issue of a Subdivision Certificate, the proponent is to enter a Defects Liability Period contract with Council, guaranteeing performance of work of any contractors for a period of twelve (12) months from the date of the issue of a Subdivision Certificate.
27. Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be submitted to and accepted by Council. The plans are to be endorsed by a suitably qualified and practicing civil engineer certifying that the plans accurately reflect the Works as Executed.
28. Prior to the issue of a Subdivision Certificate, the plan of subdivision must include the dedication of the public road.
29. Prior to the issue of a Subdivision 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 Lots 1 to 23 inclusive (23 Lots) and complied with by the applicant.

**Note:**

- *This will require payment to Council of a Contribution (for water) for Lots 1 to 23 (23 lots) under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement per lot.*
  - *This will require payment to Council of a Contribution (for sewer) for Lots 1 to 23 (23 lots) under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement per lot.*
30. Prior to the issue of a Subdivision Certificate for each stage of the subdivision, water connection fees for Lots 1 to 23 inclusive (23 lots) must be paid in accordance with Council's fees and charges.
  31. A Restriction as to User under Section 88b of the Conveyancing Act 1918 is to be created over Lots 1 to 12 clearly stating that no development may be undertaken on the subject lots without landscaping being undertaken along the rear boundaries and maintained in perpetuity, to Council's satisfaction.

**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. Lot 12 DP 1196708 is zoned IN1 General Industrial and the proposed subdivision is permissible and consistent with the zone.

2. No minimum lot size applies to the subdivision and the proposed design of the subdivision is considered to comply with the *Inverell Development Control Plan 2013*.
3. Preliminary engineering drawings have been submitted, which demonstrates that the subdivision will be suitably serviced and will appropriately manage stormwater.
4. The land comprising Lot 12 DP 1196708 has been historically zoned industrial and has been identified for future industrial development under the Employment Lands Strategy Accordingly, there is a reasonable expectation that the land would be developed and the subdivision does not significantly exacerbate land use conflict in the area.
5. The proposed subdivision is consistent with the previous industrial development and the desired character of the area.
6. Rifle Range Road, including the intersection with Bundarra Road, has sufficient capacity to cater for the additional traffic generated by the development.
7. Any future industrial development of the industrial lots would be subject to separate assessment, whereby operational impacts can be further assessed. At this subdivision stage, in the context of the historic zoning and identified strategy, the development is considered to have minimal impact on the surrounding area.

### **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**

## 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.