

NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

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

TO: **Jaeteg Pty Ltd**
OF: **PO Box 674**
Inverell NSW 2360

being the applicant in respect of **Application No DA-2/2020**

Notice is hereby given of the determination by Council of **Application No. DA-2/2020** relating to the land owned by **Jaeteg Pty Ltd, of PO Box 674, Inverell NSW 2360** and is described as follows:

Lot 4 DP 883048
190 Evans Street, INVERELL 2360

The development proposal is: **New Shed (Local Distribution Premises), Earthworks and Fencing**

The Determination is **consent granted subject to conditions described below** made on **21 February 2020**.

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 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the following development on Lot 4 DP 883048:

- Construction of shed;
- Use of the shed for a "Local Distribution Premises";
- Widening of the Evans Street access;
- Internal all weather all vehicle driveway, carparking and vehicle manoeuvring areas;
- Fencing along the Evans and Brissett Street boundaries and 4.5m off the western boundary behind the carpark area;
- Landscaping – including grassed areas, minor rock walls and a small native plants and rock garden on the intersection corner;
- Stormwater drainage; and
- Advertising signs.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans (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. Separate approval must be obtained from Council prior to the installation of any advertising signs, other than signs which may be installed as 'Exempt Development' in accordance with

Administration Centre, 144 Otho Street (PO Box 138), Inverell NSW 2360

Ph: 02 6728 8288 Fax: 02 6728 8277 DX 6159

council@inverell.nsw.gov.au

Prior to Construction

4. 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.
5. Prior to issue of an Construction Certificate articulation must be included on the Evans Street façade and a revised plan submitted to and approved by Council. The articulation must include an awning and windows, at minimum.

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.
7. A report by a registered surveyor is required to certify that the floor level of the building is at the required 583.37m AHD level. This report is to be submitted to Council prior to the work proceeding past floor level.
8. Storm water must be discharged to the existing open drain on the northern side of Lot 4 DP 883048.
9. Any new electrical wiring is to be located one (1) metre above the 1991 flood level or be designed for continuous submergence in water.
10. To the maximum extent possible, all heating and cooling systems are to be located one (1) metre above the 1991 flood level.
11. All sewer connections to the building(s) are to be fitted with reflux valves to prevent backflow

of sewage in a flood event.

Prior to Occupation

12. Prior to occupation of the premises, 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.
13. 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.
14. Prior to occupation of the premises, the owner of the building must provide Council with a fire safety certificate (in the form attached) with respect to each fire safety or other safety measures installed in the building.
15. Prior to issue of an Occupation Certificate the car parking and vehicle movement areas are to be constructed as follows:
- The disabled car parking space must be concrete;
 - The remaining car parking spaces, driveways and vehicle movement areas must be finished using a dust suppressant wearing surface, such as a high clay content granite or large loose aggregate; and
 - All parking spaces must be clearly delineated.

This work is to be completed to a standard approved by Council, at the applicant's expense.

16. Prior to the issue of an Occupation Certificate the development must be fully accessible in compliance with the requirements of the Disability Discrimination Act, the Building Code of Australia and Australian Standard 1428.1-2001.
17. 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*.
18. Prior to issue of an Occupation Certificate all landscaping grassed areas, minor rock walls and a small native plants and rock garden on the intersection corner and fencing are to be completed as per the approved plan(s) and accompanying documentation.
19. Prior to issue of an Occupation Certificate, the table drain at the access needs to be re-graded from the outlet of extended 375mm RCPC to adequately drain water to the open drain.
20. Prior to issue of an Occupation Certificate, the articulation elements on the Evans Street façade must be completed in accordance with the approved plan.

Ongoing Use

21. The hours of operation are limited to Monday to Friday, 7.00am to 5.30pm.
22. At no time may any goods for sale, display or storage be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, or outside the site without the prior consent of Council.
23. All loading, unloading and storage of goods must be carried out within the confines of the property.
24. All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.
25. All vehicles must enter and leave the site in a forward direction.
26. The noise level emanating from any air-conditioning systems, plant and/or equipment must not exceed the background level by more than 5dB(a) when measured at the worst affected property not associated with the development.
27. All landscaping is to be maintained in perpetuity in a reasonable manner.
28. 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.
29. 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.
30. Separate development consent is to be obtained to separate the building into two or more separate tenancies (whether physically separated or not) or to use the building for any purpose other than a local distribution premises.

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 IN1 General Industrial zone.
2. The built form and design of the development, subject to conditions is consistent with the streetscape and other industrial buildings in the locality.
3. A "Local Distribution Premises" is a compatible land use within the industrial area.
4. Flood certification has been submitted by an engineer and the development complies with the flood controls of the *Inverell Development Control Plan 2013*.
5. In consideration of the commercial and industrial controls of the *Inverell Development Control Plan 2013*, the development is considered appropriate within the context and setting.

Community Consultation

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. 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 SERVICES COORDINATOR
DATE : 21 February 2020

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.