

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

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

TO: **Mr Mathew Arthur Flitcroft**  
OF: **PO Box 1051**  
**Inverell NSW 2360**

being the applicant in respect of **Application No DA-38/2019**

Notice is hereby given of the determination by Council of **Application No. DA-38/2019** relating to the land owned by **Mr Mathew Arthur Flitcroft, of PO Box 1051, Inverell NSW 2360** and is described as follows:

**Lot 5 Sec 2 DP 4077**  
**7 Wyndham Street, INVERELL 2360**

The development proposal is: **Construct new shed and 1.8 metre security fencing**

The Determination is **consent granted subject to conditions described below** made on **3 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 construction of shed to be used as a 'storage premises'; and
- Installation of a 1.8 metre high 'spear top' security fence.

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 proposed shed is to measure 20 metres long x 12 metres wide as shown on red on the approved plans.

### ***Prior to Construction of the Shed***

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. 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).

### ***During Construction***

5. 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 Occupation***

6. 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.
7. 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.
8. 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*.
9. Prior to issue of an Occupation Certificate, the new access crossing on Wyndham Street is to be concreted in accordance with an approval under Section 138 of the *Roads Act 1993*.

10. Prior to occupation of the premises, the owner of the building must provide Council with a fire safety certificate with respect to each fire safety or other safety measures installed in the building.

### **Ongoing Use**

11. The hours of operation of the storage premises/shed are to be limited to:
  - 7.00 am to 7.00 pm Monday to Saturday; and
  - 9.00 am to 6.00 pm on a Sunday or a public holiday.
12. 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.
13. 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.
14. No waste, hazardous or offensive material is to be stored within the storage premises/shed.
15. All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.
16. Portable signs, commonly described as sandwich boards and the like, must not be placed on the footpath or other public areas without the prior approval of Council.
17. All goods, materials, plant and machinery to be stored at the storage premises are to be located entirely within the building. 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.
18. 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 *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or Schedule 2 of the *Inverell Local Environmental Plan 2012*.
19. The maximum size vehicle permitted to access the site is a 12.5 metre long vehicle.

### **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.
20. The maximum size vehicle permitted to access the site is a 12.5 metre long vehicle.

### **Reasons for Approval**

1. The development, subject to conditions, is consistent with the objectives of the IN1 General Industrial zone and controls of the Inverell Development Control Plan 2013.
2. The proposed fence is an 'open style', which is not considered to impact the streetscape.
3. The proposed shed is located at the rear of the site and will be utilized for storage purposes. It is considered to have minimal impact on the amenity of the neighbourhood.

### **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 : 3 June 2019**