

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

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

TO: **Bindaree Beef**
OF: **7307 Gwydir Highway**
Inverell NSW 2360

being the applicant in respect of **Application No DA-58/2020**

Notice is hereby given of the determination by Council of **Application No. DA-58/2020** relating to the land owned by **Yolarno Pty Ltd, of C/- Bindaree Beef Pty Ltd, PO Box 405, Inverell NSW 2360** and is described as follows:

Lot 2 DP 1028323, Lot 1 DP 1028323, Lot 83 DP 753638
7307 Gwydir Highway, INVERELL 2360

The development proposal is: **Livestock Processing Industry - Fire Services Upgrade:**

- **Extension of existing hydrant ring main;**
- **Installation of emergency responder room and fireproof IT Data centre;**
- **Civil earthworks;**
- **Installation of a sprinkler supply main;**
- **Isolation of the fire water reservoirs; and**
- **Vegetation screening along Gwydir Highway.**

The Determination is **consent granted subject to conditions described below** made on **5 June 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 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for Fire Services Upgrade to the existing livestock processing facility, consisting of:

- Extension of existing hydrant ring main;
- Installation of emergency responder room and fireproof IT Data centre;
- Civil earthworks;
- Installation of a sprinkler supply main;
- Isolation of the fire water reservoirs; and
- Vegetation screening along Gwydir Highway.

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

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

2. The development must not involve:
 - Penetration of the ground within 2 metres of the electricity poles; or
 - Work carried out within 5 metres of an exposed overhead power line.

Prior to Construction

3. 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.
4. Prior to issue of a Construction Certificate, a detailed stormwater management plan is to be submitted to and approved by Council.

During Construction

5. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution, during construction, demolition or subdivision:
 - 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 implement measures to prevent the movement of such material off site.
 - c) 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) 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.
 - f) Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a Surveyor registered under the Surveyors Act. A plan showing the relocated marks 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 Sec. 109M of the *Environmental Planning and Assessment Act 1979*.

Note: Prior to the 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, the owner shall furnish to the Principal Certifying Authority a final/interim Fire Safety Certificate with respect to each essential fire safety measure 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

8. Prior to issue of an Occupation Certificate, all stormwater is to be completed in accordance with the approved plans.
9. Prior to issue of an Occupation Certificate, the vegetation screening is to be completed in accordance with the approved plans.

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 is fire services upgrade only and is not considered to alter the operation or impacts associated with the Livestock Processing Facility (abattoir).
2. With the proposed vegetation screening, the proposed water tanks and pump room are not considered to have a visual impact in the locality.

Community Consultation

As per the Inverell Community Participation Plan the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

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 : 5 June 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.