

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

*Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979*

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| <b>Application No.</b>                           | <b>DA-128/2021</b>  |
| <b>Applicant</b>                                 | Symes Superannuation Fund   |
| <b>Land to be developed</b>                      | Lot 7 DP 1245239<br>18 Brissett Street, INVERELL 2360   |
| <b>Approved development</b>                      | Industrial Building   |
| <b>Building Code of Australia Classification</b> | 7b / 8  |
| <b>Determination</b>                             | The determination is <b>consent granted subject to conditions.</b>  |
| <b>Determination date</b>                        | 24 September 2021   |
| <b>Consent is to operate from</b>                | 24 September 2021   |
| <b>Consent will lapse on</b>                     | 24 September 2026<br>Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979. |

### CONDITIONS OF CONSENT

#### *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 (but not use) of an industrial building.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

2. **This approval does not include the 'use' of the industrial building. Separate development consent is to be obtained for the 'first use' of the building and/or separate tenancies.**
3. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000*.

#### *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 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. Articulation (e.g. windows, doors, different materials, awnings, etc.) and a customer entrance must be provided on the front elevation of the building. Prior to issue of a Construction Certificate, details and plans of the articulation are to be submitted to and approved by Council.
6. Five (5) car parking spaces, inclusive of one (1) disabled parking space must be provided at the front of, and adjacent to, the new industrial building. Prior to issue of a Construction Certificate, detailed plans are to be submitted to and approved by Council showing:
  - The five (5) parking spaces, inclusive of one (1) disabled parking, and demonstrating the ability for vehicle to maneuver in and out of the parking spaces;
  - The surface treatment of the parking spaces; and
  - Proposed method of line marking/identification of parking spaces.
7. Sanitary facilities are to be provided to the industrial building in accordance with the Building Code of Australia. Prior to issue of a Construction Certificate, detailed plans of the sanitary facilities are to be submitted to and approved by the Principal Certifier.
8. Access and facilities are to be provided for the disabled in accordance with the requirements of the *Building Code of Australia*. Detailed plans must be submitted to the Principal Certifying Authority with the application for a Construction Certificate. The plans should detail at minimum levels, ramp slopes, door widths and circulation spaces.
9. Prior to issue of a Construction Certificate, a detailed stormwater drainage plan is to be submitted to and approved by Council.
10. Prior to issue of a Construction Certificate, the owner must surrender the consent relating to DA-64/2021 for the subdivision of Lot 7 DP 1245239, in accordance with the *Environmental Planning and Assessment Regulation 2000*.
11. Prior to issue of a Construction Certificate, separate approvals are to be obtained under Section 68 of the *Local Government Act 1993* to:
  - Carry out water supply work;
  - Carry out sewerage work; and
  - Carry out stormwater drainage work.

#### ***During Construction***

12. 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***

13. Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with 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.
14. 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.
  15. Prior to issue of an Occupation Certificate, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with the approved plans and *Australian Standard 3500.3 Plumbing and drainage*.
  16. Prior to issue of an Occupation Certificate, all parking is to be constructed in accordance with the approved plans.
  17. Prior to issue of an Occupation Certificate, the articulation in the front elevation is to be constructed in accordance with the approved plans.
  18. Prior to issue of an Occupation Certificate, 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.

#### ***Conditions Relating to the Use of the Building***

19. Separate development consent is to be obtained for the 'first use' of the building and/or separate tenancies.
20. All landscaping is to be maintained in perpetuity in a reasonable manner.
21. All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.
22. The maximum size vehicle permitted to access the site is a 12.5 metre long vehicle.
23. All loading, unloading and storage of goods must be carried out within the confines of the property.

24. All vehicles must enter and leave the site in a forward direction.
25. 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.
26. 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.
27. All waste/skip bins are to be screened from public view.
28. 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*.
29. 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.

### **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 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 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. Subject to the provision of articulation, the built form and design of the industrial building is consistent with the streetscape and development in the locality.
3. Subject to conditions, the development is considered to have sufficient access and car parking.
4. There are no sensitive receptors in close proximity to the development site. 'First Use Approval/s' will be required for the industrial building, which will consider potential amenity impacts associated with future industrial uses.

### **COMMUNITY CONSULTATION**

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

## **RIGHT OF APPEAL**

If you are dissatisfied with this decision, Division 8.3 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 Division 8.2 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

A handwritten signature in black ink, appearing to read 'C. Faley', written over a horizontal line.

**CHRIS FALEY**  
**DEVELOPMENT SERVICES COORDINATOR**