

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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| Application No. | DA-104/2021 |
| Applicant | Mr Jonathon Bourne |
| Land to be developed | Lot 8 DP 883048 170 Evans Street, INVERELL 2360 |
| Approved development | Industrial Shed and Office |
| Building Code of Australia Classification | Class 5 Class 7b |
| Determination | The determination is consent granted subject to conditions. |
| Determination date | 10 September 2021 |
| Consent is to operate from | 10 September 2021 |
| Consent will lapse on | 10 September 2026 |
| | 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 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the construction of a New Industrial Shed and Ancillary Office/Showroom.

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. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000*.

Prior to Construction

3. 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.
4. Prior to issue of Construction Certificate, a detailed stormwater drainage plan for the site including roofwater, surface water and driveway/parking spaces, is to be submitted to and approved by Council.

5. Prior to issue of Construction Certificate, an updated parking plan is to be submitted and approved to Council showing:
 - A minimum of five (5) parking spaces, inclusive of one (1) disabled parking space;
 - Proposed surface treatment for the car parking and internal movement areas; and
 - Method of line marking / delineation of the parking spaces.

During Construction

6. A report by a registered surveyor is required to certify that the floor level of the building is at least at 585.80 AHD (minimum 300mm above the 1976 flood level). This report is to be submitted to Council prior to the work proceeding past floor level.
7. 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; 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.
8. Prior to commencement of works (including earthworks), run-off and erosion control measures must be implemented in accordance with Council's Erosion and Sedimentation Control Policy (2005) to prevent soil erosion, water pollution and the discharge of loose sediment on the surrounding land. Measures are to include:
 - Diverting uncontaminated run-off around cleared or disturbed areas;
 - Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties;
 - Preventing the tracking of sediment by vehicles onto roads; and
 - Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Run-off and erosion control measures must be in place for the duration of building work and until adequate cover is established on the site.

9. Any new electrical wiring is to be located 1m 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 1m 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.
12. To allow the free flow of flood water, fence panels are to be designed with hinge points at the bottom corners and lockable supports at their top corners where exposed within the floodway to allow them to be lowered in the event of a flood.

Prior to Occupation

13. Prior to issue of an Occupation Certificate a flood emergency plan is to be prepared and submitted to Council.
14. Prior to occupation of the new Industrial shed and office, an Occupation Certificate must be issued for each building 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.*
15. Prior to issue of an Occupation Certificate the car parking and vehicle movement areas are to be constructed in accordance with the approved plans with car parking spaces clearly delineated. This work is to be completed to a standard approved by Council, at the applicant's expense.
 16. Prior to issue of an Occupation Certificate a heavy duty commercial concrete piped culvert access crossing is to be constructed from the kerb of Evans Street, to the boundary of the site in accordance with the approval under Section 138 of the *Roads Act 1993*. All work is to be completed to the standard approved by Council, at the applicant's expense. This will not include any required upgrades/adjustments to the water hydrant at the front of the property.
 17. 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*.
 18. Prior to issue of an Occupation Certificate all landscaping is to be completed as per the approved plan(s).
 19. 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.
 20. 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.

Ongoing Use

21. The hours of operation are limited to 7.00am to 5.00pm Monday to Friday.
22. 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.

23. 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.
24. Portable signs, commonly described as sandwich boards and the like, must not be placed on the footpath of other public areas without the prior approval of Council.
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 loading, unloading and storage of goods must be carried out within the confines of the property.
27. All waste/skip bins are to be screened from public view.
28. 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.
29. 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.

Advice Only

The subdivision of this property (shown on plan) does not form part of this consent. The following aspects regarding sewer services should be considered when lodging any future subdivision for this lot:

- The sewer main will need to be extended south to service the parcel of land the shed will be located on;
- This would involve a 150mm sewer main extension including a manhole, plus an easement at the time of subdivision; and
- That it would be best to not burden the northern part of the land with a sewer service that would need to be relocated in the future to connect into the extended sewer main.

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. The built form and design of the new Industrial shed and office, subject to conditions is consistent with the streetscape and development in the locality.
3. Flood certification has been submitted by an engineer and the development complies with the flood controls of the *Inverell Development Control Plan 2013*.

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



CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR