

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

<b>Application No.</b>	<b>DA-109/2021</b>
<b>Applicant</b>	Burey Superannuation Pty Ltd
<b>Land to be developed</b>	Lot 2 DP 626685 8 Swanbrook Road, INVERELL 2360
<b>Approved development</b>	Infilling covered display area with shopfront glass windows to create showroom and display area. Construct offices to the western side of the showroom.
<b>Building Code of Australia Classification</b>	Not Applicable
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	3 December 2021
<b>Consent is to operate from</b>	3 December 2021
<b>Consent will lapse on</b>	3 December 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 enclosure of an existing Showroom; and
- The construction of new Offices.

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*.
3. It is confirmed that pole 30801636 is a private pole. The pole is the point of attachment for the property and this must remain accessible to Essential Energy at all times. No structures are to be built under this.

### **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.
5. Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the BCA including:
  - Provision for escape - Part D1;
  - Construction of exits - Part D2;
  - Access for people with disabilities - Part D3;
  - Fire-fighting equipment - Part E1; and
  - Visibility in an emergency, exit signs and warning systems – Part E4.

Prior to issue of a Construction Certificate, detailed plans and specifications are to be submitted to the Principal Certifying Authority.

*Note: Where Council is appointed as the Principal Certifying Authority and compliance with the above cannot be achieved through the deemed-to-satisfy pathway, an alternative solution in accordance with Part A2 of the BCA must be prepared and submitted to the Council illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.*

### **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; 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. 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.

8. Any new electrical wiring is to be located 1m above the 1991 flood level or be designed for continuous submergence in water.
9. To the maximum extent possible, all heating and cooling systems are to be located 1m above the 1991 flood level.
10. All sewer connections to the building(s) are to be fitted with reflux valves to prevent backflow of sewage in a flood event.
11. 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***

12. Prior to issue of an Occupation Certificate a flood emergency plan is to be prepared and submitted to Council.
13. Prior to occupation of the showroom and offices, 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.*

14. Prior to issue of an Occupation Certificate, the existing overhead service will need to comply with the NSW Service and Installation Rules, both in relation to the clearances and access to the point of attachment, no roofed area is to be underneath the point of attachment. This may mean that the existing service will need to be re-located, at the Applicant's expense. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.
15. 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*.
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 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.

### **Advice Only**

- a) Any works around powerlines must meet the clearance requirements of SafeWork NSW.
- b) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- c) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- d) In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- e) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- f) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

### **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 proposed showroom and offices, 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*.
4. DA-109/2021 was referred to Essential Energy in accordance with Clause 45 of *State Environmental Planning Policy (Infrastructure) 2007*. Following a redesign of the development, Essential Energy have no further safety concerns which would preclude issuing of development consent.

## **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.

## **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**