

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Application Number	DA-15/2022
Applicant	Mr Jonathon Bourne
Land to be developed	Lot 4 DP 786907 107 Oswald Street, INVERELL 2360
Approved development	Construction of a New Storage Premises (15 Self-Storage Units)
Building Code of Australia Classification	7b
Determination	The determination is consent granted subject to conditions.
Determination date	12 April 2022
Consent is to operate from	12 April 2022
Consent will lapse on	12 April 2027
	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 39 metre x 6 metre storage building to be divided into fifteen (15) self-storage units.

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 applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000*.
3. The existing landscaping along the boundary with Oswald Terrace is to be retained, or if removed as part of the development it must be replaced with a species of similar size.

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.

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 the Use of the Units

6. Prior to use of the units, 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.*
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 landscaping is to be completed in accordance with the approved plan. This includes landscaping along the contour bank and any replacement plantings along the Oswald Terrace boundary as required by the condition 3 of this consent.

9. 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*.

Ongoing Use of the Units

10. The self-storage units must not be used for manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, any goods, substances, food, products or articles.
11. The site is to be maintained in such a manner that it does not create unsightly conditions when viewed from adjoining land or a public place.
12. No storage of materials, equipment or goods is to occur outside of the units.
13. The prior approval of Council is to be obtained prior to the installation of any signage.
14. The owner of the self-storage units must certify to Inverell Shire Council every year that any essential fire safety measures have been inspected and are capable of operating to the required minimum standard.
15. 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.
16. All landscaping on the contour bank and along the Oswald Terrace boundary (existing and new) must be maintained in perpetuity. Where a planting is lost, a replacement planting of similar size must be undertaken.

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 site has previously been approved for storage units. Alterations and additions to the storage units is permissible under Part 5 of the *Environmental Planning and Assessment Regulation 2000*.
2. The site is located at the interface between the R1 General Residential and IN General Industrial zones. The proposed storage development is considered a suitable use for this zone interface and the built form of the building is out of character with the area.
3. Subject to conditions, the development is not considered to have a significant adverse impact on the amenity of the surrounding area.
4. Access to the site is considered suitable for the development with Oswald Terrace being previously upgraded for the storage units under DA-23/2014.

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