

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-110/2022
Applicant	Inverell Shire Council
Land to be developed	Lot 427 DP 753287 55 Burtenshaw Road, Inverell NSW 2360
Approved development	Community Facility - The construction and operation of a companion animal impounding facility (Council Pound)
Building Code of Australia Classification	Class 5
Determination	The determination is consent granted subject to conditions.
Determination date	4 October 2022
Consent is to operate from	4 October 2022
Consent will lapse on	4 October 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 development of a Community Facility, being the construction and operation of a companion animal impounding facility.

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 Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.

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 with the Building Code of Australia.

4. Prior to the issue of a Construction Certificate, a detailed engineering design and specifications, prepared by a practising civil engineer, must be submitted to and approved by Council for:
- Car parking;
 - Access and driveways;
 - Road works and pavement standards;
 - Stormwater drainage;
 - Earthwork details including cut and fill ratios, quantities and stockpiling;
 - Kerb and gutter within Burtenshaw Road; and
 - Any adjustments to utilities (e.g. water and sewer mains).

The detailed design must be in accordance with the following:

NATSPEC Specifications

- Group 0 – Planning and Design;
- Group 01 – General;
- Group 11 – Construction – Roadways; and
- Group 13 – Construction – Public Utilities.

Water Supply Code of Australia

- WSA 02 – Sewerage Code of Australia; and
- WSA 03 – Water Supply Code of Australia.

Note: Prior to preparation of any engineering design plans, it is recommended that the consultant(s) preparing the design plans contact Council's Civil and Environmental Services division to confirm the extent and scope of all works and detail required on the design plans and specifications.

5. Prior to the issue of a Construction Certificate, approval under Section 138 of the *Roads Act 1993* is to be obtained for works in the road reserve. For any such works, design plans must be submitted to Council for approval prior to issue of the Construction Certificate.
6. Prior to issue of a Construction Certificate, approval under Section 68 of the *Local Government Act 1993* is to be obtained for water supply works, sewerage work, stormwater drainage work and disposal of liquid trade waste. The application for this approval is to be accompanied by details of the trade waste system and hydraulic water design for the facility addressing backflow prevention requirements.

During Construction

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.

Prior to Occupation

9. 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.*
10. 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 engineering plans, engineering specifications and *Australian Standard 3500.3 Plumbing and drainage*.
11. Prior to issue of an Occupation Certificate, the following works are to be completed to Council's satisfaction in accordance with the approved engineering plans and specifications:
- Car parking;
 - Access and driveways;
 - Road works and pavement standards;
 - Stormwater drainage;
 - Kerb and gutter within Burtenshaw Road; and
 - Any adjustments to utilities (e.g. water and sewer mains).
12. Prior to issue of an Occupation Certificate, a trade waste system is to be installed and operational in accordance with the approval under Section 68 of the Local Government Act 1993.
13. Prior to issue of an Occupation Certificate, the Pollution Incident Response Plan and associated engineering monitoring for the Inverell Waste Management Facility must be updated to include the companion animal impounding facility.
14. Prior to issue of an Occupation Certificate, the owner of the building must provide a fire safety certificate with respect to each fire safety or other safety measures installed in the building.

Ongoing

15. The operation of the companion animal impounding facility is to be carried out in accordance with the *NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments*.
16. The owner of the building must certify 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.

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 is permissible within the RU1 Primary Production zone under the Inverell Local Environmental Plan 2012.
2. Council's existing pound facility is located in Burtenshaw Road and will be decommissioned. The proposed companion animal impounding facility is considered to be consistent with the Burtenshaw Road area.
3. The development has been designed in accordance with *NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments* and a condition of consent has been imposed enforcing the ongoing compliance with this standard.
4. The development does not alter the operation of the Inverell Waste Management Facility and DA-110/2022 is not "Integrated Development" with the NSW Environment Protection Authority. There is no evidence that landfilling activities have been undertaken with the development footprint and subject to conditions, the site is not considered unsuitable for the development.
5. The companion animal impounding facility is separated from sensitive receivers and has been designed to mitigate noise impacts in the locality. The development is not considered to have a significant adverse impact on the amenity of surrounding properties.

COMMUNITY CONSULTATION

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. One submission was received, which was not by way of objection. The planning matters raised by the submission maker have been considered by Council as part of the development assessment.

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 'Chris Faley', written in a cursive style.

CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR