

## 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 Number</b>	<b>DA-140/2022</b>
<b>Applicant</b>	The Trustee for McGavin Family Trust
<b>Land to be developed</b>	Lots 18, 19 and 20 of DA-17/2019 (Sierra Drive, Inverell), Part 69 Rifle Range Road, Inverell
<b>Approved development</b>	Warehouse and Offices
<b>Building Code of Australia Classification</b>	Class 7b
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	22 November 2022
<b>Consent is to operate from</b>	22 November 2022
<b>Consent will lapse on</b>	22 November 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:

- Boundary adjustment between proposed Lots 18, 19 and 20 of DA-17/2019 (Sierra Drive, Inverell) and Lot 6 DP 1093451, 41 Rifle Range Road, Inverell;
- Temporary storage of fill material prior to construction; and
- Construction and operation of a warehouse and associated offices on proposed Lots 18, 19 and 20 of DA-17/2019 (Sierra Drive, Inverell), Part 69 Rifle Range Road, Inverell.

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 "delivery and loading ramp" nominated on the approved plan is not approved. This access may be used as an exit only from shed, with "No Entry" and "Exit Only" clearly marked/signposted on-site.
3. The applicant must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.

#### CONDITIONS RELATING TO THE BOUNDARY ADJUSTMENT

4. A Subdivision Certificate must be obtained from Council in accordance with the *Environmental Planning and Assessment Act 1979*.

*Note: As an alternative to the boundary adjustment, the developer could consider the creation of a right of carriageway in favour of Lot 6 DP 1093451, 41 Rifle Range Road, Inverell.*

### **CONDITIONS RELATING TO TEMPORARY STORAGE OF FILL MATERIAL**

5. The temporary storage shall be contained wholly to the area defined as "Stockpile Area" on the plan titled "Site Plan of Temporary Storage of Fill Material" stamped and attached to this consent.
6. 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.

### **CONDITIONS RELATING TO CONSTRUCTION AND OPERATION OF WAREHOUSE AND ASSOCIATED OFFICES**

#### ***Prior to Construction***

7. 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.

*Note: Construction and use of the warehouse may be undertaken in stages, subject to submission of a detailed staging plan and separate Construction Certificates to the Accredited Certifier.*

8. Prior to issue of a Construction Certificate, detailed engineering plans of the retaining walls are to be submitted to and approved by Council clearly demonstrating:
  - The entirety of the walls, including footing and drainage are located wholly within the development site;
  - Where they encroach into any sewer easement proposed under DA-17/2019, compliance with *Building in the Vicinity of Sewer & Trunk Water Mains Guidelines (Part 2,)* NSW Water Directorate, February 2019, or any revisions to this document.
9. Prior to issue of a Construction Certificate, engineering plans for the access crossing, parking, internal driveway, vehicles maneuvering areas and stormwater are to be submitted to and approved by Council. These plans must be consistent with the approved site plans (as amended in red) and show (at minimum):
  - Concrete access crossings, including specifications and gradients, which must be designed for a minimum 19 metre length vehicle;
  - The extent of all parking (minimum 18 spaces), driveway and vehicle turning areas, with truck movement areas designed for a minimum 19 metre length vehicle;
  - The surface treatment, including specifications, for the parking, driveway and vehicle turning areas. The surface treatment of these areas must be concrete;
  - Where concrete is located is over Council's sewer main, compliance with *Building in the Vicinity of Sewer & Trunk Water Mains Guidelines (Part 2,)* NSW Water Directorate, February 2019, or any revisions to this document;
  - Proposed method of line marking/identification of parking spaces (minimum 18 spaces); and

- All stormwater drainage, including roof water, surface water, pits, pipe and retaining wall "ag lines".

*Note: It is likely that Sierra Drive will be gazetted for a B-Double in the future. It is recommended that the developer consider constructing the access crossings and driveways for B-Double access.*

10. Prior to issue of a Construction Certificate, a detailed landscaping plan is to be submitted to and approved by Council. This landscaping plan must be consistent with the approved site plans (as amended in red) and nominate (at minimum):
  - Proposed species;
  - Location of plantings;
  - Minimum growth height and width to the species; and
  - Proposed size at the time of planting.
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.
12. Prior to issue of a Construction Certificate, approval is to be obtained under Section 138 of the *Roads Act 1993* for the access crossing works within the road reserve.

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

13. 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.
14. 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.

15. The applicant will:

- Repair, or pay the full costs associated with repairing, any adjoining property that is damaged by the development;
- Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

#### ***Prior to Occupation***

16. 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.*

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 engineering plans and *Australian Standard 3500.3 Plumbing and drainage*.
18. Prior to issue of an Occupation Certificate, the access crossings are to be constructed in accordance with the approved engineering plans.
19. Prior to issue of an Occupation Certificate, all parking, driveways and vehicle movement areas are to be constructed in accordance with the approved engineering plans.
20. 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.

#### ***Ongoing Use***

21. The hours of operation are to be limited to:

- 7.00 am to 7.00 pm Monday to Saturday; and
- no operation on a Sunday or a public holiday

22. The building must be used for warehousing and ancillary offices only. No manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or recycling is permitted within the building.

23. All external lighting must:

- comply with AS/NZS 4282:2019, *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. All loading, unloading and storage of goods must be carried out within the confines of the property.

25. All vehicles must enter and leave the site in a forward direction.
26. 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.
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 *NSW Noise Policy for Industry*. 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.
30. All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.
31. All landscaping is to be maintained in perpetuity in a reasonable manner.

#### **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 proposed development is consistent with the industrial subdivision approved and constructed under DA-17/2019.
3. In consideration of the industrial controls of the Inverell Development Control Plan 2013 and subject to conditions, the design of the development is considered to comply with setbacks, articulation and landscaping requirements. It is not considered to have a significant adverse impact on the streetscape.
4. In consideration of the parking and traffic controls of the Inverell Development Control Plan 2013 and subject to conditions, the development is considered to have sufficient car parking and suitable design for access and vehicle movements.
5. Subject to conditions, the warehouse and associated offices are not considered to have a significant adverse impact on the amenity of the surrounding area.

## **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 'Chris Faley', with a long horizontal stroke extending to the right.

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