

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under Clause 122 of the Environmental Planning and Assessment Regulation 2000.

Application No.	DA-172/2022/A
Applicant	Boss Engineering
Land to be developed	Lot 9 DP 1123056 40 Taylor Avenue, INVERELL NSW 2360
Approved development	Excavation for a building pad and emergency vehicle access & construction of a 78.5m x 25m prefabricated steel shed.
Building Code of Australia Classification	Class 7b
Determination	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
Original date of determination	21 January 2023
Modification determination date	16 March 2023
Consent will lapse on	21 January 2028 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 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for:

- Excavation for a building pad and emergency vehicle access; and
- Construction of a ~~78.5m~~ 102.5m x 25m prefabricated steel storage shed to be used for large assemblies for the purpose of housing fabricated steel assemblies prior to sandblasting and finishing.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved amended 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* and associated standards.

During Construction

4. 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, vibration, 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 Occupation

5. Prior to occupation of the premises, 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.*
6. 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.
7. 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 to Council's satisfaction.

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 and the existing Boss Engineering operations undertaken on 10 and 40 Taylor Avenue, Inverell.
2. The storage shed will match the colours and materials of the existing buildings and is obscured by existing Boss Engineering buildings and landscaping when viewed from Taylor Avenue and Yetman Road. The storage shed is not considered to have a significant adverse visual impact.
3. The proposed shed will be used for storage only. Subject to conditions of consent, including restriction on any assembly, manufacture or production, the development is not considered to have a significant adverse amenity impact.
4. The proposed modification (DA-172/2022/A) is considered to result in minor environmental impact and substantially the same development.

COMMUNITY CONSULTATION

Neighbour notification of DA-172/2022 was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received. The modification (DA-172/2022/A) is considered "minor" and further notification was not considered 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

A handwritten signature in black ink, appearing to read 'C. Faley', with a long horizontal stroke extending to the right.

CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR