

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-39/2023
Applicant	Mr Luke Charles Holder
Land to be developed	Lot 11 DP 1089350, Lot 3 Sec 2 DP 17137 94 Ring Street, Inverell NSW 2360
Approved development	New Store Building for High Style Furniture
Building Code of Australia Classification	Class 7b
Determination	The determination is consent granted subject to conditions.
Determination date	1 May 2023
Consent is to operate from	1 May 2023
Consent will lapse on	1 May 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 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the construction of a New Store Building for High Style Furniture.

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 proposed development may be undertaken in following stages, subject to compliance with the relevant conditions:
 - Stage 1 – Completion of earthworks; and
 - Remaining Stage/s – All remaining works including the store building, concrete driveways and retaining walls.
3. The new store building just be located a minimum of five (5) metres from the powerlines in Ring Street.
4. The applicant must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.

STAGE 1 CONDITIONS – COMPLETION OF EARTHWORKS

5. Prior to commencement of 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.

6. All cut and fill is to be suitably battered, with erosion and scour protection, until such time that any proposed retaining walls are installed in accordance with a relevant Construction Certificate/s for the remaining stage/s.
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.

CONDITIONS RELATING TO THE REMAINING STAGE/S

Prior to Construction

8. Prior to the commencement of any works 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: Separate Construction Certificates may be obtained for the remaining works subject to completion of the relevant conditions of consent.

9. Prior to issue of a Construction Certificate, plans are to be provided to the Accredited Certifier demonstrating that the new store building is located a minimum of five (5) metres from the powerlines in Ring Street.
10. Prior to issue of a Construction Certificate, engineering plans are to be submitted to and approved by Council for the concrete driveways and retaining walls (where required).
11. Prior to issue of a Construction Certificate, approval under Section 138 of the *Roads Act 1993* is to be obtained for the construction of the new concrete access crossing. The application for this approval must be accompanied by a long-section of the access crossing (from centerline of Ring Street to the boundary) and concrete detail.
12. Prior to issue of a Construction Certificate, approval under Section 68 of the *Local Government Act 1993* is to be obtained for stormwater drainage works. The application for this approval must be accompanied by the detailed stormwater drainage plan, which addresses:
 - Discharge of roofwater;
 - Discharge of surface water, including batters and driveways; and
 - Capture, conveyance and discharge of natural overland off Prince Lane.

During Construction

13. A survey report for the boundaries of Lot 3 Section 2 DP 17137 is required to ensure that the proposed development is located on the correct allotment, at the approved distance from the boundary and five (5) metres off the powerlines. The survey report is to be prepared by a registered land surveyor and be provided to the Principal Certifying Authority prior to works proceeding past floor level. This report is to be verified:
 - by the pegging of the site prior to the commencement of work; and
 - on completion of footings.
14. 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.
15. Prior to commencement of works, 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

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 shall be drained in accordance with the approval under Section 68 of the Local Government Act 1993 and accordance with *Australian Standard 3500.3 Plumbing and drainage*.
18. Prior to issue of an Occupation Certificate, all internal driveways are to be concreted in accordance with the approved engineering plans a minimum of twenty-four (24) parking spaces marked on-site.
19. Prior to issue of an Occupation Certificate, the new access crossing off Ring Street is to be constructed in accordance with the approval under Section 138 of the *Roads Act 1993*.
20. Prior to issue of an Occupation Certificate, all landscaping along the Ring Street frontage (store room and existing High Style building) is to be completed in accordance with the approved plan.
21. Prior to issue of an Occupation Certificate, Lot 11 DP 1089350 and Lot 3 Section 2 DP 17137 are to be consolidated into a single allotment, with a plan of consolidation registered with the NSW Registry Office.
22. 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

23. The store building must used for storage only. No manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, painting, cleaning, washing, dismantling, transforming, processing or recycling is permitted within the building.
24. 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.
25. 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*.

26. 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.
27. 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.
28. All vehicles must enter and leave the site in a forward direction.
29. All loading, unloading and storage of goods must be carried out within the confines of the property.
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.

Advice Only

As part of the construction of a dwelling, outbuildings and/or other development it is the responsibility of the property owners to manage stormwater drainage through the installation of contours, retaining walls, pits and pipes and the like to reduce potential stormwater nuisances, in manner which does detrimentally impact downstream properties. Council is unlikely to take any future action in relation surface water runoff that is caused by extreme rainfall events or that is deemed to be natural runoff from higher properties due to natural topography.

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 E4 General Industrial zone and complies with the *Inverell Local Environmental Plan 2012*.
2. The new building will be used for storage only. Subject to conditions, the development is not considered to have a significant adverse impact on the amenity of the area.
3. The built form and design of the development is consistent with the High Style Furniture building and not considered to have a sufficient adverse impact on the street.
4. The development is considered to comply with the industrial, parking and traffic provisions *Inverell Development Control Plan 2013*.

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