

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-30/2023
Applicant	Abode Building Design
Land to be developed	Lot 1 DP 64342, Lot 1 DP 320994 33 Oliver Street, Inverell NSW 2360
Approved development	Skillion and enclosed addition to existing shed and associated signage
Building Code of Australia Classification	Class 6
Determination	The determination is consent granted subject to conditions.
Determination date	31 May 2023
Consent is to operate from	31 May 2023
Consent will lapse on	31 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:

- Construction of an open steel skillion on an existing concrete slab on the north eastern side of the existing building;
- Construction of an enclosed skillion addition at the rear of the existing building; and
- Installation of a new business sign at the front of the lot.

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 development may be undertaken as separate or combined Construction Certificates subject to compliance with the relevant conditions for each component of the development.
3. The applicant must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.
4. The hours of operation of the entire business are limited to:
 - Monday to Friday – 7.30am to 5.30pm;
 - Saturday – 7.30am to 12.00pm; and
 - No operation on Sundays or Public Holidays.

5. 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 nearby residence.
6. Any 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.

CONDITIONS RELATING TO THE CONSTRUCTION OF THE OPEN STEEL SKILLION ON THE SIDE OF THE EXISTING BUILDING

Prior to Construction

7. Prior to the commencement of any works (including earthworks) for the open steel skillion on the side of the building, a Construction Certificate must be issued in accordance with the *Environmental Planning and Assessment Act 1979*.

During Construction

8. 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.

Prior to Occupation

9. An Occupation Certificate must be 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 for the open steel skillion on the side of the building, Lot 1 DP 64342 and Lot 1 DP 320994 are to be consolidated into a single allotment, with a plan of consolidation registered with the NSW Registry Office.
11. Prior to issue of an Occupation Certificate for the open steel skillion on the side of the building, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with *Australian Standard 3500.3 Plumbing and drainage*.

**CONDITIONS RELATING TO THE CONSTRUCTION OF THE ENCLOSED SKILLION
ADDITION AT THE REAR OF THE EXISTING BUILDING**

Prior to Construction

12. Prior to the commencement of any works (including earthworks) for the open steel skillion on the side of the building, a Construction Certificate must be issued in accordance with the *Environmental Planning and Assessment Act 1979*.
13. Prior to issue of a Construction Certificate for the enclosed skillion addition at the rear of the building, a car parking plan must be submitted to and approved by Council showing:
 - The provision of eight (8) on-site parking spaces, inclusive of one (1) disabled space;
 - The bitumen sealing or concreting of the parking spaces and associated access/driveways; and
 - Stormwater drainage for the parking area.

Note: The eight (8) parking spaces are comprised of the six (6) parking spaces required under the original tyre service approval (DA-58) and two (2) spaces generated by this development.

During Construction

14. A survey report is required to ensure that the proposed development is located on the correct allotment and at the approved distance from the boundary. 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.
15. 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.

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 for the enclosed skillion addition at the rear of the building, the eight (8) on-site car parking spaces are to be bitumen sealed and line marked in accordance with the approved car parking plan.
 18. Prior to issue of an Occupation Certificate for the enclosed skillion addition at the rear of the building, 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.
 19. Prior to issue of an Occupation Certificate for the enclosed skillion addition at the rear of the building, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with *Australian Standard 3500.3 Plumbing and drainage*.

CONDITIONS RELATING TO THE INSTALLATION OF A NEW BUSINESS SIGN

20. Prior to the commencement of any works (including earthworks) for installation of the new business sign, a Construction Certificate must be issued in accordance with the *Environmental Planning and Assessment Act 1979*.
21. The sign must not be illuminated without the prior approval of Council.

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 E2 Commercial Centre zone.
2. In consideration of the commercial control of the Inverell Development Control Plan 2013 and subject to conditions, the development is not considered to have a significant adverse impact on the streetscape or amenity of surrounding properties.
3. Flood certification by an engineer has been submitted for the development in accordance with the flood controls of the Inverell Development Control Plan 2013.
4. Subject to conditions, the development is considered to comply with the parking controls of the 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