



INVERELL SHIRE COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-88/2023 PAN-348106
Applicant	ABODE Building Design
Description of development	<ul style="list-style-type: none">• Construction of a new 24m x 12m Steel frame shed.• Installation of an additional fire hose reel.• Upgrades to existing sanitary facilities• Installation of a spray booth & low bake oven• Commercial display area for appliances and trade supplies• Upgrade accessible ramp and steps throughout the building.
Property	10C SWANBROOK ROAD INVERELL 2360 2/-/DP1197076
Determination	Approved Consent Authority - Council
Date of determination	26/09/23
Date from which the consent operates	26/09/23
Date on which the consent lapses	26/09/28
Building Code of Australia building classification	8

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

The development, subject to conditions, is consistent with the objectives of the E4 General Industrial

zone.

2. Flood certification has been submitted for the development in accordance with the Inverell Development Control Plan 2013.
3. In consideration of industrial and parking controls of the Inverell Development Control Plan 2013, the proposed development is considered suitable for the locality.
4. Subject to conditions, the development is not considered to have a significant adverse impact on the amenity of the area.

Community Consultation

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Chris Faley
Development Services Coordinator
Person on behalf of the consent authority

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none">1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.6. This section does not apply—<ol style="list-style-type: none">a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, orb. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p>Erection of signs</p> <ol style="list-style-type: none">1. This section applies to a development consent for development involving building work, subdivision work or demolition work.2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—<ol style="list-style-type: none">a. showing the name, address and telephone number of the principal certifier for the work, and

- d. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
- a. maintained while the building work, subdivision work or demolition work is being carried out, and
 - b. removed when the work has been completed.
4. This section does not apply in relation to—
- a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

3

Shoring and adequacy of adjoining property

1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 - a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
3. This section does not apply if—
 - a. the person having the benefit of the development consent owns the adjoining land, or
 - b. the owner of the adjoining land gives written consent to the condition not applying.

Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

4

Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans (as amended in red) and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
233011 (Sheets 1 to 9)	-	Proposed New Industrial Sheds	Abode Building Design	27/06/2023

Condition reason: To ensure all parties are aware of the approved plans and supporting

	documentation that applies to the development.
5	<p>Accessible Parking and Wheel Stops</p> <p>The accessible parking spaces and wheel stops are not permitted to be installed at the front of the building (as shown in red on the approved plan). The nominated Staff Parking 5 and 6 are to be dedicated for accessible parking, with the required bollard installed on, or within, the property boundary as shown in red on the approved plan.</p> <p>Condition reason: Wheel stops and bollards for private developments are not permitted within public land or the road reserve.</p>

Building Work

Before issue of a construction certificate

No additional conditions have been applied to this stage of development.

Before building work commences

No additional conditions have been applied to this stage of development.

During building work

6	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>From 7.00am to 5.00pm Monday to Friday.</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
7	<p>Construction - Local amenity, noise and environmental pollution</p> <p>To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:</p> <ul style="list-style-type: none"> • 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; • 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; • 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 <i>Surveying and Spatial Information Act 2002</i>. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

	Condition reason: To protect local amenity and survey monuments during construction.
8	Flooding - electrical works
	Any new electrical wiring is to be located 1m above the 1991 flood level or be designed for continuous submergence in water.
	Condition reason: To comply with Chapter 6 of the Inverell Development Control Plan 2013.
9	Flooding - heating and cooling systems
	To the maximum extent possible, all heating and cooling systems are to be located 1m above the 1991 flood level
	Condition reason: To comply with Chapter 6 of the Inverell Development Control Plan 2013.

Before issue of an occupation certificate

10	Occupation of premise
	Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with <i>Environmental Planning and Assessment Act 1979</i> .
	<p><i>Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:</i></p> <ul style="list-style-type: none"> * <i>all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and</i> * <i>any preconditions to the issue of the certificate required by a development consent have been met.</i>
	Condition reason: To ensure an Occupation Certificate is obtained prior to use of the building.
11	Stormwater drainage
	Prior to issue of an Occupation Certificate, all stormwater (i.e. roof water and/or surface water) shall be drained in accordance with <i>Australian Standard 3500.3 Plumbing and drainage</i> .
	Condition reason: To ensure stormwater is disposed without causing a nuisance to adjoining properties
12	Accessible Parking Space
	Prior to issue of an Occupation Certificate, the accessible parking space, as shown in red on the approved plans, is to be clearly delineated. The required bollard is to be installed on, or within, the property boundary.
	Condition reason: To comply with the parking requirements of the Inverell Development Control Plan 2013 and the Building Code of Australia.
13	Flood Emergency Plan
	Prior to issue of an Occupation Certificate a flood emergency plan is to be prepared and submitted to Council.
	Condition reason: To comply with Chapter 6 of the Inverell Development Control Plan 2013.
14	Fire Safety Measures
	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.
	Condition reason: To ensure essential fire safety measures are installed in accordance with the Building Code of Australia.

Occupation and ongoing use

15	Hours of Operation
	The hours of operation are limited to 7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday.
	Condition reason: To protect the amenity of the area.
16	External lighting
	External lighting must: <ul style="list-style-type: none"> • 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.
	Condition reason:
17	Loading and storage
	All loading, unloading and storage of goods must be carried out within the confines of the property.
	Condition reason: To comply with Council's DCP and prevent loading or unloading on public land.
18	Portable advertising signs
	Portable signs, commonly described as sandwich boards and the like, must not be placed on the footpath of other public areas without the prior approval of Council.
	Condition reason: Separate approval from Council is required for the use of public land for portable signs.
19	Storage and sale of goods
	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.
	Condition reason: To prevent the unauthorised use of public land.
20	Neighbourhood Amenity
	Operations 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.
	Condition reason: To protect the amenity of the neighbourhood.
21	Acoustic constraints
	The noise level emanating from any air-conditioning systems, plant and/or equipment must not exceed the background level by more than 5dB(a) when measured at the worst affected property not associated with the development.
	Condition reason: To protect the amenity of the surrounding area.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A

Regulation and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means INVERELL SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Northern Regional Planning Panel.