

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-1/2023
Applicant	Bunnings Group Limited
Land to be developed	Lot 1 DP 825894 60 Jardine Road, Inverell NSW 2360
Approved development	2 lot subdivision. earthworks, Bunnings Warehouse, pylon sign, landscaping and car parking
Determination	The determination is consent granted subject to conditions.
Determination date	1 October 2023
Consent is to operate from	1 October 2023
Consent will lapse on	1 October 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

GENERAL CONDITIONS

- 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:

- Stage 1 – Two (2) lot subdivision being:
 - Lot 11 – Approximate 2.496 hectare lot; and
 - Lot 12 – Approximate 11.38 hectare lot.
- Stage 2 – Construction of a Bunnings Warehouse, including earthworks, roadworks, car parking, service infrastructure, landscaping, tree removal and widening of Jardine Road and upgrade to the intersection of Gwydir Highway and Jardine Road.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the following stamped and approved plans and accompanying documentation, unless modified by any following condition:

Plans/Document	Author	Date	Revision
Development Application Plans – Sheets HD00 to HD14	High Definition Design Pty Ltd	21/06/2023	31

Development Application (Civil Plans) – Sheets DAC00 to DAC20	High Definition Design Pty Ltd	20/06/2023	31
Landscape Plans – Sheets 1 to 4	John Locke and Associates Landscape Architecture	14/11/2022	3
Statement of Environmental Effects	Insite Planning Services Pty Ltd	29/11/2022	4
Traffic and Parking Assessment	Transport and Traffic Planning Associates	March 2023	E
Economic Assessment	Ethos Urban	15/11/2022	-
Preliminary Site Investigation	Valley Civilab	19/12/2018	1
Revised Noise Impact Assessment	Reverb Acoustics	Oct. 2022	-
Tree Impact Assessment Report	Mark Bury Consulting	3/11/2022	-
Stormwater Drainage Strategy	High Definition Design Pty Ltd	24/10/2022	B
Preliminary Services Infrastructure Strategy	High Definition Design Pty Ltd	28/10/2022	-
Aboriginal Due Diligence Assessment	Ecological Australia	28/03/2019	D1
Biodiversity Development Assessment Report	Ecological Australia	25/11/2022	V3

Any deviation from this will require the consent of Council.

2. As per Section 69 of the *Environmental Planning and Assessment Regulation 2021*:

- (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—
 - 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, or
 - b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

3. As per Section 70 of the *Environmental Planning and Assessment Regulation 2021*:
 - (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—
 - a. showing the name, address and telephone number of the principal certifier for the work, and
 - b. 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.
4. As per Section 74 of the *Environmental Planning and Assessment Regulation 2021*:
 - (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.
5. The existing 100mm water main along Gwydir Highway is to be extended along the highway frontage of the site from Lot A DP 413777 to Jardine Road. This water main extension may be located within the existing 3 metre easement for water supply or alternate location determined in consultation with Council.
6. The existing water main along Jardine Road is to be reconstructed, from Gwydir Highway to the northern boundary of Lot 11, at the developer's expense. This water main is to be:
 - A minimum 100mm diameter pipe size with a temporary connection to the existing 40mm main within the 3 metre easement retained within Lot 12;
 - Within the Jardine road reserve (subject to road widening); and
 - Outside of the batters associated with roadworks, detention basin and the Bunnings Warehouse.
7. The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Controlled Activity Approval (as amended), issued by the Department of Planning and Environment - Water.

STAGE 1 CONDITIONS

SUBDIVISION

Prior to Issue of a Subdivision Certificate

8. Prior to issue of a Subdivision Certificate, the existing water meter for the dwelling is to be relocated, at the developer's expense, from the south-east corner of the existing site (adjacent to service station) to within proposed Lot 12.
9. Provision is to be made for the connection of sewer to proposed Lot 11. Prior to issue of a Subdivision Certificate:
 - Detailed engineering survey and design plans and specifications are to be submitted to and approved by Council for the extension of Council's sewer main, from sewer manhole 164/4 (located at the rear of Lot 8 DP 830076, 30 Miles Street, Inverell) to proposed Lot 11; and
 - The plan of subdivision is to include an easement for sewer dedicated in favour of Council. The location and width of the easement is to be determined in accordance with the approved engineering survey and design for the sewer main extension.

The detailed engineering survey and design plans, including specifications, are to be prepared in accordance with WSA 02: 2014-3.1 Gravity Sewerage Code of Australia (Regional New South Wales Edition) Version 1.0 or any subsequent revisions of this document.

Note: The construction of this sewer main is to be completed in accordance with Stage 2 conditions below.

10. Prior to issue of a Subdivision Certificate, the proponent is required to submit to Council a certificate from an approved electricity service provider confirming that satisfactory arrangements have been made for the provision of electricity to proposed Lot 12.
11. Prior to issue of a Subdivision Certificate, the terms of the "Easement for Support and Drainage" are to be submitted and approved by Council. Council is to be included as a beneficiary/authority for this easement, for the redirection of Jardine Road drainage
12. Prior to issue of a Subdivision Certificate, the Easement to Drain Water (shown CC on the approved plan) is to be created over Lot 12 in favour of Council, for the discharge of stormwater from the service station on Lots A and B DP 413777 to the natural watercourse within Lot 12.

STAGE 2 CONDITIONS

EARTHWORKS, BUNNINGS WAREHOUSE, PYLON SIGN, LANDSCAPING AND CAR PARKING

Prior to Issue of a Construction Certificate

13. Prior to issue of a Construction Certificate, the developer must have lodged an application for a "works-authorisation-deed" (WAD) with Transport for NSW for:
 - The upgrade to the intersection of Jardine Road and Gwydir Highway; and
 - Any other works along the Gwydir Highway.

The application for the WAD must be accompanied by detailed engineering plans and specifications of the work, which must be:

- Prepared in accordance with AUSTRROADS, Australian Standards including supplements and Transport for NSW requirements; and
- Consistent, and integrate with, the intersection design shown on the concept plan included as "Attachment A" to the Transport for NSW letter dated 8 August 2023 (included as **Appendix 2** to this consent), unless otherwise agreed by Transport for NSW.

14. Prior to issue of a Construction Certificate, an application for approval under Section 138 of the *Roads Act 1993* must be obtained from Council for all works along Jardine Road, including shoulder widening and access crossings.

The application for this approval must be accompanied by detailed engineering plans and specifications prepared in accordance with AUSTROADS, Australian Standards including supplements and Council requirements.

15. Prior to issue of a Construction Certificate, hydraulic engineering details and specifications of the proposed stormwater drainage and detention basin for the development must be submitted to and approved by Council. The design must be consistent with the approved Stormwater Drainage Strategy, dated 24 October 2022 and prepared by High Definition Design Pty Ltd.

16. Prior to issue of a Construction Certificate, detailed engineering and survey design plans and specifications are to be submitted to and approved by Council for:

- The extension of the 100mm water main along the highway frontage of the site; and
- The reconstruction of the water main along Jardine Road.

The detailed engineering survey and design plans, including specifications, are to:

- Be prepared in accordance with WSA 03 2011-3.1 Water Supply Code of Australia (Regional New South Wales Edition) Version 1.0 or any subsequent revisions of this document;
- Demonstrate clearance requirements of Section 5.12.5.2 of WSA 03 2011-3.1; and
- Demonstrate clearance from batters and zones of influence.

17. All buildings must be located a minimum distance of 10 metres (measured horizontally) from Essential Energy's 22KV High Voltage Overhead Infrastructure. Prior to issue of a Construction Certificate, the Accredited Certifier is to be provided with:

- Revised plans demonstrating the 10 metre clearance; or
- A copy of an approval from Essential Energy for the relocation/replacement of the 22KV High Voltage Overhead Infrastructure; or
- A copy of the certification is to be provided from Essential Energy that the proposed development does not pose a safety risk to the existing 22KV High Voltage Overhead Infrastructure.

18. Prior to issue of a Construction Certificate, the Accredited Certifier is to be provided with certification from a suitably qualified acoustic consultant that:

- The construction details of the acoustic fence along part of the north and east site boundaries adjacent to the dock and Timber Trade Sales are consistent with the approved Revised Noise Impact Assessment, dated October 2022 and prepared by Reverb Acoustics;
- The mechanical plant, including fan discharge at exhaust, fusion units and air conditioning:
 - Will not exceed the limits specified in Section 4.4 of the approved Revised Noise Impact Assessment, dated October 2022 and prepared by Reverb Acoustics; or
 - Suitable acoustic barriers are proposed to ensure that the plant will not exceed the limits specified in Section 4.4 of the approved Revised Noise Impact Assessment, dated October 2022 and prepared by Reverb Acoustics.

19. Prior to issue of a Construction Certificate, detailed engineering plans and specifications are to be submitted to the Accredited Certifier for the car parking and internal vehicle movement areas. These plans and specification must:

- Nominate a total of 189 parking spaces, inclusive of 6 accessible parking spaces, consistent with the approved architectural plans;

- Demonstrate compliance with the relevant Parts of Australian Standard AS 2890.1 Parking Facilities – Off-Street Carparking; and
 - Nominate a finished surface treatment of asphalt or concrete.
20. Prior to issue of a Construction Certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

If the provisions apply, the detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to an Authorised Officer of **Inverell Shire Council** under the *Food Act 2003*:

- Food Standards Code (Australia and Food Safety Standard 3.2.3 – Food Premises and Equipment;
 - *Food Act 2003* and *Food Regulation 2015*;
 - Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises; and
 - Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage.
21. Prior to issue of a Construction Certificate, a Construction Environmental Management Plan is to be submitted and approved by Council. At the minimum, the Construction Environmental Management Plan must address:
- Noise mitigation;
 - Protection of the Aboriginal Scarred Tree during construction;
 - Dust and vibration management;
 - Crane locations and lift paths to minimise lifting;
 - Site storage;
 - Temporary servicing and service relocations;
 - Construction waste management;
 - Traffic management, including site accesses, primary haul routes and public safety in the use of roads adjoining the development; and
 - Sanitary amenities and ablutions proposed.
22. Prior to issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom.
23. Prior to issue of a Construction Certificate, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than two (2) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the Principal Certifier) on the same day.

24. Prior to issue of a Construction Certificate, in reliance upon Section 64 of the *Local Government Act 1993* and Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*, a Certificate of Compliance must be issued by Council for the development and complied with by the developer.

Note 1: This will require payment to Council of a Contribution (for water) for Stage 2 under

Council's Development Servicing Plan No. 1.

Note 2: As the development is located entirely outside the Development Servicing Zone for sewer, as defined in Appendix A of the Inverell Shire Council Development Servicing Plan No 1, the developer is responsible for the preparation cost of a separate Development Servicing Plan (DSP) for sewer that is applicable to the development. The separate DSP must be approved by Inverell Shire Council and registered by the NSW Office of Water prior to issue of a Construction Certificate for Stage 2 of the development.

25. Prior to issue of a Construction Certificate, approval under Section 68 of the *Local Government Act 1993* is to be obtained for:
- Sewerage works;
 - Water supply works;
 - Stormwater drainage works.
26. Prior to issue of a Construction Certificate, approval under Section 68 of the *Local Government Act 1993* is to be obtained for the discharge of liquid trade waste to Council's sewer system (e.g. café, nursery, etc.). The application for this approval must be accompanied by detailed plans of the areas to be discharged to sewer and nominate appropriate pre-treatment in accordance with the *Liquid Trade Waste Management Guidelines for Council's in regional NSW, 2021* (or any subsequent revision of this document) published by NSW Department of Planning, Industry and Environment.

During Works

27. Site work must only be carried out between the following times:
- 7.00am till 5.00pm Monday to Friday;
 - 8.00am to 1.00pm Saturdays;
 - 8.00am to 4.00pm on Saturdays if work is internal and inaudible (no power tools permitted); and
 - No work on Sundays or public holidays.

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.

28. Run-off and erosion control measures must be implemented in accordance with the approved Erosion and Sediment Control to prevent soil erosion, water pollution and the discharge of loose sediment on the surrounding land.

Run-off and erosion control measures must be in place for the duration of building work and until adequate vegetation (grass) cover is established on the site to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads. In the event that the building contract is completed, it is the responsibility of the owner to maintain the run-off and erosion control measures.

29. During construction, a copy of the approved Construction Management Plan (CMP) is to be maintained on-site and all commitments of the CMP implemented.
30. 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.
31. Any fill brought to the demolition site must be:
- Virgin excavated natural material as defined in the *Protection of the Environment Operations Act 1997*; and/or
 - Comprise materials covered by a resource recovery exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*.
32. 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.
33. While site work is being carried out, if a person reasonably suspects a relic of Aboriginal

object is discovered:

- The work in the area of the discovery must cease immediately;
- The following must be notified
 - for a relic – the Heritage Council; or
 - for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- for a relic – the Heritage Council; or
- for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Prior to Occupation

34. 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 the issue of the Occupation Certificate, the Accredited Certifier 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.

35. Prior to issue of an Occupation Certificate, the following work is to be completed in accordance with the 'works-authorisation-deed' issued by Transport for NSW, approval under Section 138 of the Roads Act 1993 and approved engineering plans and specifications:

- The upgrade to the intersection of Jardine Road and Gwydir Highway;
- Any other works along the Gwydir Highway that are required by TfNSW as reflected in the 'early concept design plan' at Appendix 2 to this consent; and
- Works along Jardine Road, including shoulder widening and access crossings.

All relevant inspections and conditions of the works-authorisation-deed' issued by Transport for NSW and approval under Section 138 of the Roads Act 1993 must be completed.

36. Prior to issue of an Occupation Certificate, the road widening along Jardine Road and the intersection of Gwydir Highway and Jardine Road must be dedicated (at not cost) to Council, consistent with the approval under Section 138 of the *Roads Act 1993*.

37. Prior to issue of an Occupation Certificate, proposed stormwater drainage and the detention basin for the development is to be completed at the developer's expense, in accordance with the approved engineering plans and specifications.

38. Prior to issue of an Occupation Certificate, the water main extension along Gwydir Highway and reconstruction along Jardine Road are to be completed at the developer's expense, in accordance with the approved engineering plans and specifications.

Inverell Shire Council is to be engaged, at the developer's expense, to complete the "cut in" of the new water mains into the existing water mains. This work will be completed by Council, once Council has been supplied with evidence of the pressure test and super-chlorination of the new water mains.

39. Prior to issue of an Occupation Certificate, the sewer main extension from sewer manhole 164/4 (located at the rear of Lot 8 DP 830076, 30 Miles Street, Inverell) to proposed Lot 11, is to be completed at the developer's expense, in accordance with the approved engineering plans and specifications.

Inverell Shire Council is to be engaged, at the developer's expense, to complete the "cut in" of the new sewer main into sewer manhole 164/4. This work will be completed by Council, once Council has been supplied with CCTV footage and CCTV report of the new sewer main and manholes demonstrating no defects.

40. Prior to issue of an Occupation Certificate, works-as-executed drawings prepared by a civil engineer and/or registered surveyor are to be submitted to and approved by Council for the sewer main extension, water mains works, stormwater and Jardine Road works.
41. Prior to issue of an Occupation Certificate, the Developer must enter into a Defects Liability Agreement (to be supplied by Council) guaranteeing the performance of the work of any contractors on Council's infrastructure, including sewer mains, water mains, stormwater and Jardine Road works. The Defects Liability Period will be twelve (12) months from the date of issue of an Occupation Certificate.
42. Prior to issue of an Occupation Certificate, the car parking and internal vehicle movement areas are to be constructed in accordance with the approved engineering plans specifications.
43. Prior to issue of an Occupation Certificate, all pre-treatment devices for the disposal of liquid trade waste to Council's sewer, are to be installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.
44. Prior to issue of an Occupation Certificate, the acoustic fence along part of the north and east site boundaries adjacent to the dock and Timber Trade Sales is to be constructed in accordance with:
 - The Revised Noise Impact Assessment, dated October 2022 and prepared by Reverb Acoustics; and
 - The certification and details provided for the Construction Certificate.
45. Prior to issue of an Occupation Certificate, the mechanical plant is to be located and screened (where necessary) in accordance with:
 - The Revised Noise Impact Assessment, dated October 2022 and prepared by Reverb Acoustics; and
 - The certification and details provided for the Construction Certificate.
46. Prior to issue of an occupation certificate, a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Principal Certifier, detailing whether:
 - After comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any damage to any adjoining buildings, structures or works and public land;
 - Where there has been damage to any adjoining buildings structures or works and public land, that it is a result of the work approved under this development consent.

A copy of the post-construction dilapidation report must be provided to council and to the relevant adjoining property owner(s).

47. Prior to issue of an Occupation Certificate, the developer must repair, or pay the full costs associated with repairing any damage to any adjoining buildings, structures or works and public, where that damage has been identified within the post-construction dilapidation report as a result of the work approved under this development consent.
48. Prior to issue of an Occupation Certificate, the Principal Certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
49. Prior to issue of an Occupation Certificate, a permanent barrier/fence is to be installed

around the Aboriginal Scarred Tree with a minimum curtilage distance of 17 metres.

50. Prior to issue of an Occupation Certificate the cafe must be inspected by Council's Environmental Health Officer to ensure compliance with applicable food regulations.
51. Prior to issue of an Occupation Certificate, the café must be registered as a food premises with Council.
52. Prior to issue of an Occupation Certificate, the owner of the building must furnish to the Accredited Certifier a final/interim Fire Safety Certificate with respect to each essential fire safety measure for the building to which the Certificate relates. The Certificate must state that each essential fire safety measure has been assessed by a properly qualified person and that each essential fire safety measure was found, when it was assessed, to be capable of performing to the required standard.

Ongoing Use

53. The trading hours and dock operating hours are restricted to:
 - Monday to Friday – 6am-10pm; and
 - Saturday, Sunday, Public Holidays – 6am-7pm.
54. Waste collection is only permitted between 7am and 6pm, Monday to Friday.
55. The noise barriers and acoustic treatment of mechanical plant are to be maintained in a reasonable manner in perpetuity to retain its transmission loss quality. Where the barrier no longer complies with the relevant acoustic standards it is to be replaced at the owner's expense.
56. 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 residential property not associated with the development.
57. All illuminated signage must comply with the luminance levels contained with Section 3.3.3 of Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017).
58. 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.
59. Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development.

If any vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and be of similar maturity as the vegetation which has died or was removed; within three (3) months of the vegetation dying or being removed.
60. Portable signs, commonly described as sandwich boards and the like must not be placed on the footway of other public areas without the prior approval of Council.

Note: The operator of an approved business must apply to Council to lease Council's property (i.e. footpaths) should it be required for use in conjunction with the approved business.

61. All loading, unloading and storage of goods must be carried out within the confines of the property. No loading or unloading of goods on the public roadway system is permitted.
62. All parking and vehicle movement areas are to be maintained in a reasonable manner, in perpetuity, at the operator's expense.
63. The owner of the building must certify to Inverell Shire Council every year that the essential fire safety measures installed in the building have been inspected and are capable of operating to the required minimum standard.
64. A total of 189 parking spaces, inclusive of 6 accessible parking spaces, are to be provided on the site in perpetuity.
65. The 17 metre curtilage and barrier/fence is to be maintained around the Aboriginal Scarred Tree in perpetuity.

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 is consistent with Council's Employment Lands Strategy and the *Inverell Local Environmental Plan 2012*.
2. The subdivision complies with Clause 4.1 of the *Inverell Local Environmental Plan 2012* and is consistent with the subdivision controls of the *Inverell Development Control Plan 2013*.
3. The Bunnings Warehouse is consistent with the commercial and parking controls of the *Inverell Development Control Plan 2013*.
4. General Terms of Approval have been issued by the Department of Planning and Environment – Water.
5. Consultation was undertaken with Transport for NSW and conditions of consent imposed in relation to traffic matters.
6. Consultation was undertaken with Essential Energy and conditions of consent imposed in relation to the proximity of the development to electrical infrastructure.
7. Subject to conditions, the development is not considered to have a significant adverse impact in relation to biodiversity and Aboriginal Cultural Heritage.
8. Subject to conditions, the development is not considered to have a significant adverse amenity impact on 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



CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR