



INVERELL SHIRE COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-57/2024 PAN-428855
Applicant	Michael Grills
Description of development	Warehouse
Property	10 TAYLOR AVENUE INVERELL 2360 6/-/DP867523
Determination	Approved Consent Authority - Council
Date of determination	27/09/24
Date from which the consent operates	27/09/24
Date on which the consent lapses	27/09/29
Building Code of Australia building classification	7b

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

1. The development, subject to conditions, is consistent with the objectives of the IN1 General Industrial zone.
2. The built form and design of the warehouse, subject to conditions is consistent with the streetscape and development in the area.
3. In consideration of the controls of the Inverell Development Control Plan 2013, the development is considered appropriate within the locality.

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.



Liam Spalding
Development Officer
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>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 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— <ol style="list-style-type: none"> 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— <ol style="list-style-type: none"> 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. 																				
	<p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>																				
2	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" data-bbox="322 1668 1260 1966"> <thead> <tr> <th colspan="5">Approved plans</th> </tr> <tr> <th>Plan number</th> <th>Revision number</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>D1 - D7</td> <td>C</td> <td>Proposed Warehouse No. 10 Taylor Avenue, Inverell NSW 2360 Lot 6 DP 867523</td> <td>BOSS Engineering Pty Ltd</td> <td>26/09/2024</td> </tr> <tr> <td>2/012/23</td> <td></td> <td>Proposed Building Taylor</td> <td>Telfords</td> <td>18/04/2023</td> </tr> </tbody> </table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	D1 - D7	C	Proposed Warehouse No. 10 Taylor Avenue, Inverell NSW 2360 Lot 6 DP 867523	BOSS Engineering Pty Ltd	26/09/2024	2/012/23		Proposed Building Taylor	Telfords	18/04/2023
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Sheets 1 - 6	Avenue Partnership #1 at 40 Taylor Avenue Inverell NSW	Building Systems	
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.			
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			
3	Construction Certificate required prior to commencement of works on site		
No activity is to be carried out on site until a Construction Certificate has been issued, other than:			
<ul style="list-style-type: none"> • site investigation for the preparation of the construction; and/or • implementation of environmental protection measures, such as erosion control etc. that are required by this consent. 			
Condition reason: To ensure no works commence until a Construction Certificate has been issued and any pre-construction conditions have been satisfied.			
4	Fire safety annual inspection requirements		
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.			
Condition reason: To require essential fire safety measures to be maintained to protect people and property.			
5	Section 68 - Approvals		
Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 is to be obtained for:			
<ul style="list-style-type: none"> • Sewerage works; • Water supply works; and • Stormwater drainage works. 			
Condition reason: To ensure that the necessary Local Government Act 1993 approvals are obtained for this development.			
6	Relocation of Pipework		
The existing DN150 supply line and portable water service located under the proposed warehouse shown on plan D4 Site - Services are to be relocated to ensure that both services do not cross under the proposed development.			
Condition reason: To ensure that the water services are clear from the proposed development.			

Building Work

Before issue of a construction certificate

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

Before building work commences

7	Construction -Erosion and Sediment Control
Prior to commencement of works (including earthworks), run-off and erosion control measures	

must be implemented 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 (more than 70%) 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.

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

During building work

8	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>From 7:00 am to 5:00pm on 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>
9	<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; <p>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</p>

at the Lands Titles Office.

Condition reason: To protect local amenity and survey monuments during construction.

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> .
	<i>Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:</i> <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	Fire Safety
	Prior to the 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 measure installed within the building.
	Condition reason: To ensure the building complies with the necessary fire safety measures

Occupation and ongoing use

13	Fire Safety
	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 minimum required standard.
	Condition reason: To ensure the building complies with the necessary fire safety measures.
14	Hours of Use
	The use of the warehouse is to be between the hours of 7:00am - 5:00pm Monday to Friday.
	Condition reason: To limit hours of operation of the warehouse.
15	Deliveries to and from warehouse
	External deliveries to and from the storage shed are only to occur within the hours of 7:00am to 5:00pm Monday to Friday.
	Condition reason: To limit hours of deliveries to the warehouse.
16	External Lighting
	External lighting must be located and shielded to not be a nuisance to adjoining properties or public places.
	Condition reason: To limit impacts from lighting.

17	Storage
	The storage of materials, goods, parts and partially constructed machinery must be wholly undertaken within the building.
	Condition reason: To ensure all items are stored within the warehouse.
18	Landscaping
	All landscaping is to be maintained in perpetuity in a reasonable manner.
	Condition reason: To ensure landscaping is maintained in perpetuity.

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.