



# INVERELL SHIRE COUNCIL

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application number</b>	DA-101/2023 PAN-350635
<b>Applicant</b>	Danny Everingham
<b>Description of development</b>	Inverell Mighty Men, repeat of annual event held previously in 2022
<b>Property</b>	8075 GWYDIR HIGHWAY LITTLE PLAIN 2360 22/-/DP1218113
<b>Determination</b>	Approved Consent Authority - Council
<b>Date of determination</b>	31/07/23
<b>Date from which the consent operates</b>	31/07/23
<b>Date on which the consent lapses</b>	31/07/28

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 is for a temporary one-off event only and is permissible pursuant to Clause 2.8 of the Inverell Environmental Plan 2012

### 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.

Anthony Ansturn

Manager Development Services



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	<b>Signage</b> One week prior to the Inverell Mighty Men event, advanced warning and directional signage may be installed on the Gwydir Highway. Signs are to be located in consultation with Council and in such a manner to not impact the safety of the road network. The signs must be removed within one (1) week after the event. <b>Condition reason:</b> To ensure signage does not impact road safety and is removed after the event.
2	<b>Toilet Facilities</b> Adequate toilet facilities are to be provided for patrons. All temporary toilet facilities are to be self-contained style toilets (e.g. port-a-loo). No effluent from the toilets is to be disposed on-site. <b>Condition reason:</b> To ensure adequate toilet facilities and that effluent is not disposed of on-site.
3	<b>Operating Hours of Sound Systems</b> Amplified music and public speaking sound systems must not be used between the hours of 10:00pm and 9:00am. <b>Condition reason:</b> To protect local amenity
4	<b>Waste Disposal</b> Garbage and/or recycling bins are to be installed around the site during the event. All waste from these bins must be disposed of at the Inverell landfill located at Burtenshaw Road, Inverell. <b>Condition reason:</b> To ensure proper waste disposal
5	<b>Maintenance of Access Roads</b> All access roads must be maintained in a reasonable manner at the applicant's expense. <b>Condition reason:</b> To ensure access roads are maintained to an acceptable standard.
6	<b>Food Preparation and Handling</b> Any food preparation and handling must comply with all applicable legislation/regulation and standards include: <ul style="list-style-type: none"><li>• <i>The Food Act 2003;</i></li><li>• <i>Food Regulation 2004; and</i></li><li>• <i>Food Standards Australia and New Zealand - Food Standards Code 2001.</i></li></ul> <b>Condition reason:</b> To ensure that food handling and preparation standards are met.
7	<b>Preparation of Emergency Evacuation Plan</b> An emergency evacuation plan must be prepared for the event. <b>Condition reason:</b> To protect attendees in the event of an emergency.

#### 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.

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.

**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 .

**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.