



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-89/2023 PAN-338911
Applicant	Barry Francis Rodgers OAM 2000 emmaville Rd
Description of development	Addition of a Dining/General purpose room
Property	2000 Emmaville Rd Ashford 2361
Determination	Approved Consent Authority -
Date of determination	1/11/23
Date from which the consent operates	1/11/23
Date on which the consent lapses	1/11/28
Building Code of Australia building classification	9b

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 RU1 Primary Production zone.
- ² The development is ancillary to the Pindari Adventures Camp approved under D-178/2002.

Community Consultation

As per the Inverell Community Participation Plan the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You do not have the right to request a review of the determination under section 8.3 of the EP&A Act.

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.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

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, or b. 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

	<ul style="list-style-type: none"> 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. <p>3. The sign must be—</p> <ul 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. <p>4. This section does not apply in relation to—</p> <ul 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.
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

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

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

Before issue of an occupation certificate

3	<p>Structural Adequacy</p> <p>Before the issue of a Construction Certificate, a certificate of structural adequacy is to be provided to Council certifying the overall building, including footings and connections between the structures, is suitable for use as Class 9b dining / general purpose room.</p> <p>Condition reason: To ensure the building is structurally adequate for its proposed use.</p>
4	<p>Accessibility</p> <p>Before the issue of a Construction Certificate, the dining / general purpose room must be accessible in accordance with the Building Code of Australia and Disability (Access to Premises — Buildings) Standards 2010.</p> <p>Condition reason: To require the building to be accessible.</p>
5	<p>Fire Safety Measures</p> <p>Before the issue of a Construction Certificate, essential fire safety measures (with suitable water supply where necessary) are to be installed within the building in accordance with Part E of the Building Code of Australia. A fire safety schedule specifying the fire safety measures installed within the building is to be supplied to Council in accordance with Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p> <p>Condition reason: To ensure essential fire safety measures are installed within the building.</p>

6	Septic
	Before the issue of a Construction Certificate, the building is to be connected to an on-site sewage management system approved under Section 68 of the Local Government Act 1993.
	Condition reason: To require the building to be connected to an approved septic system.
7	Internal Access Road
	Before issue of an Occupation, Certificate the internal driveway is to be an all weather access 4m wide with a vertical clearance of 4m. If the driveway exceeds 200m in length, than a passing bay measuring 20m long by 2m wide is to be provided every 200m.
	Condition reason: To ensure suitable access in accordance with Planning for Bush Fire Protection 2019 in the event of an emergency.
8	Bush Fire Emergency Management and Evacuation Plan
	Before issue of an Occupation Certificate, a Bush Fire Emergency Management Evacuation Plan is to be prepared in accordance with the <i>NSW Rural Fire Service Guide to Developing a Bush Fire Emergtency Management Plan</i> and submitted to Council.
	Condition reason: To protect occupants in the event of a bush fire.

Occupation and ongoing use

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

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.