



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-162/2023 PAN-389376
Applicant	Andrew Blake
Description of development	Alterations and Additions - Inverell Power Farm showroom, office space and warehouse.
Property	297 BYRON STREET INVERELL 2360 3/-/DP808185
Determination	Approved Consent Authority - Council
Date of determination	18/01/24
Date from which the consent operates	18/01/24
Date on which the consent lapses	18/01/29

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 E4 General Industrial Zone.
2. The development is considered to comply with the controls of the *Inverell Development Control Plan 2013*.

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 Alliston

Manager Development Service

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 <i>Building Code of Australia</i>. 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 <i>Home Building Act 1989</i>, 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 <i>Building Code of Australia</i>. 4. In subsection (1), a reference to the <i>Building Code of Australia</i> 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 <i>Building Code of Australia</i> 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 <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, 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

- 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

Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

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.

Condition reason: Prescribed condition under section 69 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 and documents, except where the conditions of this consent expressly require otherwise.

Approved documents			
Document title	Version number	Prepared by	Date of document
297 Byron Street Inverell Pages 1-8		Precise Design	6/12/2023

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.

6	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.
7	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; • Stormwater drainage works; and • Disposal of liquid trade waste to sewer.
	Condition reason: To ensure that the necessary Local Government Act 1993 approvals are obtained for this development.
8	Overhead Power Lines
	All building works associated with the proposed development must be located more than 5 metres from the overhead power lines
	Condition reason: To comply with the requirements of Essential Energy.

Demolition Work

Before demolition work commences

9	Disconnection of services before demolition work
	Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Condition reason: To protect life, infrastructure and services

During demolition work

10	Handling of asbestos during demolition
	While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: <ol style="list-style-type: none">1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.
	Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally
11	Demolition - Australian Standards
	All demolition work is to be carried out in accordance with <i>Australian Standard 2601 The demolition of structures</i> .
	Condition reason: All demolition work must comply with Australian Standard 2601.
12	Demolition - Supervision
	At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that: <ul style="list-style-type: none">• The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work;• Precautions are to be taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes; and• The site shall be sealed off at all times against the unauthorised entry of persons or vehicles.
	Condition reason: To protect adjoining properties and public safety.

On completion of demolition work

13	Repair of infrastructure
	After completion of all site work: <ol style="list-style-type: none">a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; orb. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Condition reason: To ensure any damage to public infrastructure is rectified.

Building Work

Before issue of a construction certificate

14	Disposal of stormwater
	Prior to issue of a Construction Certificate, a plan of the proposed disposal of stormwater is to be submitted to and approved by Council.
	Condition reason: To require stormwater to be disposed without causing a nuisance to adjoining properties.
15	Landscaping Plan
	Prior to issue of a Construction Certificate, a landscaping plan is to be prepared for the site detailing the location, type and maximum growth height of vegetation and any fencing proposed. This plan is to be submitted to and approved by Council.
	Condition reason: To comply with the landscaping requirements of the Inverell Development Control Plan 2013.
16	Flood Certification
	Prior to issue of a Construction Certificate (excluding Wash Down Bay) a Flood Effects Report from a suitably qualified engineer must be submitted to, and approved by Council, that the proposed development will be unlikely to: <ul style="list-style-type: none"> ▸ Significantly alter the 1991 flood levels; ▸ Significantly alter peak flood flow velocities on adjacent properties during the 1991 flood event; and ▸ suffer significant damage, as experienced during the 1991 flood.
	Note - The covered wash down bay does not require flood certification.
	Condition reason: To ensure that the proposed development does not impact adversely on adjoining properties during a flood event.
17	Flood Requirement
	The plans for the Construction Certificate must show: <ul style="list-style-type: none"> ▸ the location of incoming electrical mains, service equipment and meters to be located 1m above the 1991 flood level, and be easily disconnected from the main power supply; ▸ heating and air conditioning systems to be located 1 metre above the 1991 flood level; and ▸ sufficient shelving to allow stock to be raised to a level no lower than equal to the 1991 flood level plus 500mm.
	Condition reason: To comply with Chapter 6 of Inverell Development Control Plan 2013.

Before building work commences

18	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: <ul style="list-style-type: none"> ▸ 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

19	Construction - Local amenity, noise and environmental pollution
	To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period: <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.
20	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.
21	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.
22	Flooding - sewer reflux valves
	All sewer connections to the building(s) are to be fitted with reflux valves to prevent backflow of sewage in a flood event. Condition reason: To comply with Chapter 6 of the Inverell Development Control Plan 2013.
23	Temporary fencing or hoarding
Temporary fencing or hoarding must be erected in accordance with <i>Australian Standard 4687-2007 Temporary Fencing and Hoarding</i> during the installation of the signs to ensure the	

safety of passing pedestrians.

Condition reason: To protect pedestrians.

Before issue of an occupation certificate

24	Car parking space delineation Prior to issue of an Occupation Certificate, the accessible car parking spaces shall be constructed in accordance with the relevant Australian Standard and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. Condition reason: To require parking to be provided on-site in accordance with Chapter 5 of the Inverell Development Control Plan 2013.
25	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.
26	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> <ul style="list-style-type: none">• 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. Condition reason: To ensure an Occupation Certificate is obtained prior to use of the building.
27	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
28	Trade Waste Prior to the issue of an Occupation Certificate, the trade waste requirements must be installed and operational in accordance with the approval under Section 68 of the <i>Local Government Act 1993</i> Condition reason: To comply with the requirements of Section 68 of the Local Government Act 1993
29	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

30	Installation of advertising signs
----	--

	<p>Separate approval must be obtained from Council prior to the installation of any advertising signs, other than signs which may be installed as 'Exempt Development' in accordance with <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> or Schedule 2 of the <i>Inverell Local Environmental Plan 2012</i>.</p> <p>Condition reason: To ensure the necessary development consent is obtained for installation of signage.</p>
31	<p>Storage and sale of goods</p> <p>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.</p> <p>Condition reason: To prevent the unauthorised use of public land.</p>
32	<p>Access</p> <p>All vehicles must enter and exit the site in a forward direction.</p> <p>Condition reason:</p>
33	<p>Fire Safety</p> <p>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.</p> <p>Condition reason: To ensure that the building complies with the necessary fire safety measures.</p>

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.