



# INVERELL SHIRE COUNCIL

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application number</b>	DA-54/2024 PAN-427378
<b>Applicant</b>	Ned Skehan
<b>Description of development</b>	Change of Use (Soil Testing Laboratory).
<b>Property</b>	166 OTHO STREET INVERELL 2360 21/-/DP1126017 22/-/DP1126017
<b>Determination</b>	Approved Consent Authority - Council
<b>Date of determination</b>	26/07/24
<b>Date from which the consent operates</b>	26/07/24
<b>Date on which the consent lapses</b>	26/07/29

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

- <sup>1</sup> The development, subject to conditions, is consistent with the objectives of the E2 zone.
- <sup>2</sup> 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><b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <ol style="list-style-type: none"> <li>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>.</li> <li>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.</li> <li>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>.</li> <li>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.</li> <li>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.</li> <li>6. This section does not apply—             <ol style="list-style-type: none"> <li>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</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol> <p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>															
2	<p><b>Approved Documents</b></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="325 1783 1198 1921"> <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>-</td> <td>-</td> <td>Floor Layout Plan</td> <td>Optisoil</td> <td>12/05/2024</td> </tr> </tbody> </table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	-	-	Floor Layout Plan	Optisoil	12/05/2024
Approved plans																
Plan number	Revision number	Plan title	Drawn by	Date of plan												
-	-	Floor Layout Plan	Optisoil	12/05/2024												

	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.
	<b>Condition reason:</b> To ensure change of use undertaken as shown on plan.
3	<p><b>Occupation Certificate</b></p> <p>An Occupation Certificate must be issued for the premises in accordance with the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><i>Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:</i></p> <ul style="list-style-type: none"> <li>· <i>all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and</i></li> <li>· <i>any preconditions to the issue of the certificate required by a development consent have been met.</i></li> </ul> <p><b>Condition reason:</b> To ensure an occupation certificate is obtained.</p>
4	<p><b>Fire Safety Certificate</b></p> <p>Prior to occupation of the premises, the owner of the building must provide Council with a fire safety certificate with respect to each fire safety or other safety measures installed in the building.</p> <p><b>Condition reason:</b> To ensure a fire safety certificate showing fire safety measures is provided to Council.</p>

## Change of use

### Ongoing use for change of use

5	<p><b>Hours of Operation</b></p> <p>The hours of operation are to be limited to 8:00 am to 5:00 pm Monday to Friday.</p> <p><b>Condition reason:</b> To limit the hours of operation.</p>
6	<p><b>Annual Fire Safety Statement</b></p> <p>An annual Fire Safety Statement must be given to Council and Fire and Rescue NSW commencing within 12 months after the date on which the Fire Safety Certificate is issued or the use commencing, whichever is earlier.</p> <p><b>Condition reason:</b> To ensure annual checks on fire safety system measures.</p>
7	<p><b>Storage of Hazardous Chemicals</b></p> <p>All hazardous chemical storage and use are to be undertaken in accordance with the SafeWork NSW requirements.</p> <p><b>Condition reason:</b> to ensure hazardous chemicals are stored correctly.</p>
8	<p><b>Disposal of Waste Material</b></p> <p>All waste material is to be classified under the <i>NSW EPA Waste Classification Guidelines</i> and be disposed of at a Licence Waste Management Facility.</p> <p><i>Note: Inverell Waste Management Facility is only licenced to receive waste which has been classified under the NSW EPA Waste Classification Guidelines as General Solid Waste.</i></p> <p><b>Condition reason:</b> To ensure that waste material is classified under EPA guidelines and disposed of at a licensed facility.</p>

9	<p><b>Noise Control</b></p> <p>Noise generated from the site must not exceed an LAeq (15 min) of 5dB&gt; above background noise, when measured at a lot boundary of the site.</p> <p><b>Condition reason:</b> To ensure noise from the site doe not impact on the surrounding allotments.</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.

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 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.