



INVERELL SHIRE COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-110/2024 PAN-478704
Applicant	Riarna Sheridan
Description of development	Alterations and Additions to Existing Building
Property	12 SWANBROOK ROAD INVERELL 2360 2/-/DP705621
Determination	Approved Consent Authority - Council
Date of determination	16/01/25
Date from which the consent operates	16/01/25
Date on which the consent lapses	16/01/30

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 built form and design of the development, 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.



Mark Lyndon
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	<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.

5

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 plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
20230071	H	Proposed Extension, 12 Swanbrook Road, Inverell	WD Building Designs	11/6/2024
<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
7	Construction Certificate required prior to commencement of works on site			
	<p>No activity is to be carried out on site until a Construction Certificate has been issued, other than:</p> <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. 			
	<p>Condition reason: To ensure no works commence until a Construction Certificate has been issued and any pre-construction conditions have been satisfied.</p>			

Demolition Work

Before demolition work commences

8	Asbestos removal signage
	<p>Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.</p>
	<p>Condition reason: To alert the public to any danger arising from the removal of asbestos</p>

During demolition work

9	Hours of work
	<p>Site work must only be carried out between the following times –</p> <p>From 7:00am to 5:00pm on Monday to Saturday</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>
10	Demolition - asbestos
	<p>If the development is found to contain asbestos:</p> <p style="text-align: center;">The applicant/builder must investigate, and carry out, their obligations as specified</p>

	<p>under the <i>Work Health and Safety Regulation 2011</i>; and</p> <ul style="list-style-type: none"> • All asbestos waste must be stored, transported and disposed of in accordance with the <i>Protection of the Environment Operations (Waste) Regulation 1996</i>.
	<p>Condition reason: To require asbestos is handled, transported and disposed in accordance with the relevant legislation.</p>
11	<p>Demolition - Australian Standards</p> <p>All demolition work is to be carried out in accordance with <i>Australian Standard 2601 The demolition of structures</i>.</p> <p>Condition reason: All demolition work must comply with Australian Standard 2601.</p>
12	<p>Demolition - Supervision</p> <p>At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:</p> <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. <p>Condition reason: To protect adjoining properties and public safety.</p>

On completion of demolition work

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

Building Work

Before issue of a construction certificate

13	<p>Section 138</p> <p>A separate application shall be made to Council for approval under Section 138 of the <i>Roads Act 1993</i> to undertake any of the following:</p> <ul style="list-style-type: none"> • Erect a structure or carry out a work in, on or over a public road; or • Dig up or disturb the surface of a public road; or • Remove or interfere with a structure, work or tree on a public road; or • Pump water into a public road from any land adjoining the road; or • Connect a road (whether public or private) to a classified road. <p>Condition reason: To ensure all necessary approvals under the Roads Act 1993 are obtained for the development.</p>
14	<p>Liquid Trade Waste</p> <p>Prior to the issue of a Construction Certificate, a Liquid Trade Waste approval is to be obtained.</p> <p>Condition reason: To comply with the Local Government Act 1993</p>
15	<p>Sewer Main Relocation</p> <p>Prior to the issue of a Construction Certificate, engineering survey and design is to be submitted to and approved by Council for the sewer main relocation.</p> <p>Condition reason: To ensure the relocation of Council's sewer main is designed in accordance with Australian Standards.</p>

16	<p>NATIONAL CONSTRUCTION CODE COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF THE BUILDING IS REQUIRED</p> <p><i>Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, the whole building must comply with the Building Code of Australia through the prescribed compliance pathways addressing the following matter prior to the issuing of a construction certificate:</i></p> <ul style="list-style-type: none"> <i>a. Fire resistance - Part C1;</i> <i>b. Fire resistance and stability – Part C2;</i> <i>c. Compartmentation and separation - Part C3;</i> <i>d. Protection of openings - Part C4;</i> <i>e. Access and egress - Part D1;</i> <i>f. Provision of escape - Part D2;</i> <i>g. Construction of exits - Part D3;</i> <i>h. Access for people with disability - Part D4; (Note: Compliance with the access provisions of Part D4 may necessitate design modifications prior to a Construction Certificate being issued.)</i> <i>i. Fire fighting equipment - Part E1;</i> <i>j. Smoke hazard management (Performance Requirements) - Part E2;</i> <i>k. Visibility in an emergency, exit signs and warning systems - Part E4;</i> <p>Condition reason: To ensure the works comply with relevant regulations.</p>
17	<p>STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS</p> <p><i>A qualified practising registered structural engineer must provide structural certification to the Registered Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of the Building Code of Australia prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building.</i></p> <p>Condition reason: To ensure the existing structure can support the new loads.</p>

Before building work commences

18	<p>Construction -Erosion and Sediment Control</p> <p>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:</p> <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. <p>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</p>
----	---

	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	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>From 7:00am to 5:00pm on Monday to Saturday.</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>
20	<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; • 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. <p>Condition reason: To protect local amenity and survey monuments during construction.</p>

Before issue of an occupation certificate

21	<p>Fire Safety</p> <p>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.</p> <p>Condition reason: To ensure the building complies with the necessary fire safety measures</p>
22	<p>Occupation of premise</p> <p>Prior to occupation of the premises, an Occupation Certificate must be issued in accordance with <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"> <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>
	<p>Condition reason: To ensure an Occupation Certificate is obtained prior to use of the building.</p>
23	<p>Stormwater drainage</p> <p>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>.</p> <p>Condition reason: To ensure stormwater is disposed without causing a nuisance to adjoining properties</p>

Occupation and ongoing use

24	<p>Annual Fire Safety Statement</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 required minimum standard.</p> <p>Condition reason: To ensure annual checks on 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.