

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Application No.	DA-140/2021
Applicant	Newton Denny Chapelle
Land to be developed	Lot 6 Sec 84 DP 758536 13 Glen Innes Road, INVERELL 2360
Approved development	Temporary Service Station
Building Code of Australia Classification	6, 7b
Determination	The determination is consent granted subject to conditions.
Determination date	15 October 2021
Consent is to operate from	15 October 2021
Consent will lapse on	15 October 2026
	Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979.

CONDITIONS OF CONSENT

Preliminary

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for a temporary service station.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition.

Any deviation from this will require the consent of Council.

2. The temporary service station is limited to a period of two (2) years from the date of issue of an Occupation Certificate.

Prior to Commencement of Any Works

3. Prior to the commencement of any works on the site including building, demolition or earthworks; a Construction Certificate is to be obtained from Council or an Accredited Certifier. The application for a Construction Certificate shall include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.

During Works

4. Construction may only be carried out between 7.00am and 6.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable.

5. The developer will:
 - Repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development, and
 - Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.
6. 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.
7. All demolition work is to be carried out in accordance with Australian Standard 2601 – Demolition of Structures.
8. Alterations, modifications, etc. cannot be undertaken to any asbestos containing material (i.e. walls). Any relevant wall that requires alteration/modification must be removed and the asbestos disposed
9. Development involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the *Occupational Health and Safety Regulation 2001*.

Council is to be provided with a copy of a signed contract between the owner and with the licensed asbestos removalist before any works commence.

The contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

Prior to Occupation

10. Prior to occupation of the premises, an occupation certificate must be issued in accordance with the *Environmental Planning and Assessment Act 1979*.

Note: Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:

 - *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.*
11. Prior to issue of an Occupation Certificate, the fuel bowzers, canopy, bunding and stormwater drainage must be constructed in accordance with the approved plans.
12. Prior to issue of an occupation certificate, the "Clearmake" Oil Separator must be installed in accordance with the approved plans. The oil separator must include a "bag filter" to ensure that total petroleum hydrocarbon (TPH) discharge does not exceed 5 parts per million (ppm).
13. Prior to issue of an Occupation Certificate, a Traffic Management Plan is to be submitted to and approved by Council that addresses the following relating to delivery vehicles/waste collection vehicles:
 - Traffic guidance scheme which addresses the temporary service station ingress and egress movements;
 - Temporary traffic delineation to manage the accesses;
 - A monitoring and reporting programme which will address any overlaps with works at the Glen Innes Road-Tingha Road / Chester Street roundabout site; and

- Manage and/or restrict parking as required to ensure sightlines are maintained and provide sufficient pavement width to manoeuvre past a stationary vehicle waiting to enter the service station.
14. Prior to issue of an Occupation Certificate the following directional/traffic signage must be installed within the site:
- The eastern access must be designated as an 'Entry Only;
 - The western access must be designated as an 'Exit Only / No Entry"; and
 - Traffic exiting the site must be "Left Turn Only".
15. Prior an Occupation Certificate being issued the Principal Certifying Authority must be provided with a final/interim Fire Safety Certificate with respect to each essential fire safety measure for the building to which the Certificate relates. The Certificate shall state that each essential fire safety measure has been assessed by a properly qualified person and that each essential fire safety measure was found, when it was assessed, to be capable of performing to the required standard.

Ongoing Use

16. The hours of operation are limited to:
- Monday to Friday: from 4.30am to 8 pm; and
 - Saturday and Sunday: from 6am to 8pm.
- Despite the above, all deliveries to the site (e.g. fuel trucks, forklifts, etc.) are restricted to 7am to 6pm.
17. The discharge of stormwater from the site must not exceed a maximum allowable discharge concentration of 5-parts per million (ppm) of total petroleum hydrocarbons (TPHs).
- Monitoring for the concentration of TPHs must be done in accordance with the most current version of the publication: *Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales*
18. External lighting must be located and shielded to not be a nuisance to adjoining properties or public places.
19. Waste receptacles are to be provided around the service station site for the use of patrons.
20. The service station site is to be kept in a clean and tidy manner with any discarded waste collected and placed in a waste receptacle.
21. Portable signs, commonly described as sandwich boards and the like must not be placed on the footway of other public areas without the prior approval of Council.
- Note: The operator of an approved business must apply to Council to lease Council's property (i.e. footpaths) should it be required for use in conjunction with the approved business.*
22. All loading, unloading and storage of goods must be carried out within the confines of the property. No loading or unloading of goods on the public roadway system is permitted.
23. All servicing arrangements are to be undertaken in accordance with the approved traffic management plan.
24. All parking and vehicle movement areas are to be maintained in a reasonable manner, in perpetuity, at the operator's expense.

25. No food preparation is to be undertaken on the site without the prior approval of Council.
26. Certification must be provided 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.
27. Should any asbestos containing material (e.g. wall) be disturbed/damaged through the use of the site, this material must be removed and disposed.

REASONS FOR CONDITIONS

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

REASONS FOR APPROVAL

1. The development, subject to conditions, is consistent with the objectives of the B2 Local Centre zone.
2. The service station is temporary and is not considered to have any significant long-term adverse impacts on the site or within the locality.
3. As per *State Environmental Planning Policy (Infrastructure) 2007*, the temporary service station is 'traffic generating development'. Comments have been received from Transport for NSW, which have been considered by Council as part of this assessment. It is considered that the development will not have an adverse traffic impact.
4. The site has historically been used as a depot and given the potential noise associated with the adjacent highway, it is considered that the temporary service station will not have a significant alteration to noise levels in the area. Conditions of consent have been imposed to mitigate noise impacts.
5. In consideration of the temporary uses, distance to non-associated buildings and the applicant's preliminary hazard analysis, the development is not considered to have a significant hazard or risk.
6. The forecourt has been designed to be entirely bunded, which will discharge contaminated runoff to an oil separator.

COMMUNITY CONSULTATION

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Division 8.3 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

You are also advised that Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council

A handwritten signature in black ink, appearing to read 'C. Faley', written over a horizontal line.

CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR