

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Application Number	DA-60/2022
Applicant	QSR Pty Ltd
Land to be developed	Lot 1 DP 815730 220-222 Byron Street, Inverell NSW 2360
Approved development	Alterations and additions to existing Inverell KFC Restaurant
Building Code of Australia Classification	Class 6
Determination	The determination is consent granted subject to conditions.
Determination date	11 November 2022
Consent is to operate from	11 November 2022
Consent will lapse on	11 November 2027
	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 alterations and additions to the KFC restaurant, including:

- Addition of second drive-thru lane;
- Back-of-house extensions;
- New pay station;
- External renovation of signage including upgrading of pylon sign;
- Internal kitchen alterations;
- Upgrading of outdoor eating area with seating for thirty (30) patrons;
- Full dining room upgrade with seating for thirty five (35) patrons; and
- New external cladding and painting.

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 will require the consent of Council.

2. The applicant must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.

Prior to Construction

3. Prior to the commencement of any works (including earthworks) on the site a Construction Certificate must be issued in accordance with the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate shall include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.
4. Prior to issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the Accredited Certifier. The plan must include the following matters:
 - The location and materials for protective fencing and hoardings on the construction zone;
 - The location of site storage areas;
 - Details of construction traffic management including: and
 - Proposed truck movements to and from the site;
 - Estimated frequency of truck movements;
 - Parking of worker vehicles;
 - Measures to maintain safe pedestrian and vehicle access for KFC customers.

Note: Any use of the road reserve, including the footpath, for construction activities or storage requires approval under Section 138 of the Roads Act 1993.

5. Prior to issue of a Construction Certificate, detailed plans of the drive-thru works are to be submitted to the Accredited Certifier which identify the Easement to Drain Water 4 Wide through the development site (Lot 1 DP 815730). Any footings (i.e. kerb, posts) associated with drive-thru works encroaching into the easement must be designed and certified by a structural engineer to not impact underground stormwater pipe.

During Construction

6. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - 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;
 - Construction may only be carried out between 7.00am and 5.00pm, 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;
 - 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;
 - 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. Run-off and erosion control measures must be in place for the duration of building work and until adequate cover is established on the site; and
 - 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 *Surveying and Spatial Information Act 2002*. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.
7. All commitments of the construction site management plan are to be implemented and a copy of the plan must be kept on-site at all times while work is being carried out.

8. 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.

Prior to Occupation

9. An Occupation Certificate must be issued in accordance with the *Environmental Planning and Assessment Act 1979*.

Note: Prior to 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.*
10. Prior to issue of an Occupation Certificate, the following is to be completed in accordance with the recommendations of the Traffic Impact Assessment (Ref: 12109/2) prepared by Colston Budd Rogers & Kafes Pty Ltd dated August 2022:
- The loading dock is to be modified to cater for service vehicles up to a medium rigid truck;
 - Parking Spaces 17 and 18 are to be clearly signposted for staff vehicles; and
 - Two wait bays for the drive-thru are to be provided on-site.

Ongoing Use

11. All vehicles must enter and exit the site in a forward direction.
12. The maximum size delivery/service vehicle permitted to access the site from 10pm to 10am is 12.5 metres.
13. All vehicles must enter and exit the site in a forward direction.
14. All external lighting, including illuminated signage, must comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*.

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. A Traffic Impact Assessment was submitted for DA-60/2022 and the application was referred to Transport for NSW in accordance with State Environmental Planning Policy (Transport and Infrastructure) 2021. The advice provided by Transport for NSW was considered by Council and subject to conditions, the development is not considered to have an adverse impact in relation to access, parking and transport.
3. In consideration of the flood controls of the Inverell Development Control Plan 2013, the development is considered of a minor nature and not considered to adverse impact flood matters.

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



CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR