



# **BUSINESS PAPER**

**Civil and Environmental Services  
Committee Meeting  
Wednesday, 10 May 2023**

**INVERELL SHIRE COUNCIL****NOTICE OF CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING**

5 May, 2023

A Civil and Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 10 May, 2023, commencing at **9.00am**.

Your attendance at this Civil and Environmental Services Committee Meeting would be appreciated.

Please Note: Under the provisions of the Code of Meeting Practice the proceedings of this meeting (including presentations, deputations and debate) will be recorded. The audio recording of the meeting will be uploaded on the Council's website at a later time. Your attendance at this meeting is taken as consent to the possibility that your voice may be recorded and broadcast to the public.

**I would like to remind those present that an audio recording of the meeting will be uploaded on the Council's website at a later time and participants should be mindful not to make any defamatory or offensive statements.**

**P J HENRY PSM**

**GENERAL MANAGER**

**Agenda**

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## Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

### Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

### Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – regulated by the *Local Government Act 1993* and Office of Local Government
- **Non-pecuniary** – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

### The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

### Identifying problems

- 1st** Do I have private interests affected by a matter I am officially involved in?  
**2nd** Is my official role one of influence or perceived influence over the matter?  
**3rd** Do my private interests conflict with my official role?

### Local Government Act 1993 and Model Code of Conduct

For more detailed definitions refer to Sections 442, 448 and 459 or the *Local Government Act 1993* and Model Code of Conduct, Part 4 – conflicts of interest.

### Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Section 451(1) of the *Local Government Act 1993* (pecuniary interests) and Part 4 of the Model Code of Conduct prescribed by the Local Government (Discipline) Regulation (conflict of interests) it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

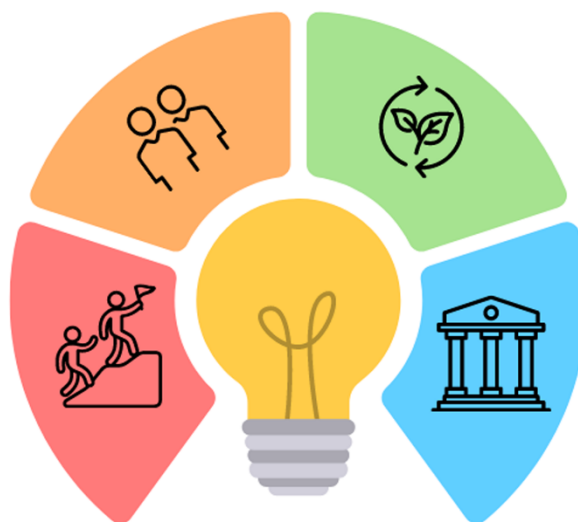
**A Declaration form should be completed and handed to the General Manager** as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Forms can be downloaded at [Disclosure of pecuniary interests form](#) or [non-pecuniary interests form](#)

## Quick Reference Guide

Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan;
- Inverell Shire Council Delivery Plan; and
- Inverell Shire Council Operational Plan.

## OUR DESTINATIONS



### 01 LEADERSHIP



We will be an accountable and responsible Council that will be involved with the community and responsibly manage public resources.

### 02 PROSPERITY



The Shire has a diverse, strong local economy that provides opportunities that contribute to the quality of life for the community.

### 03 LIVEABILITY



Our community is healthy, safe, educated and offers opportunities for people of all ages and abilities. We value our natural and built environment.

### 04 SERVICES & INFRASTRUCTURE



Our community is enhanced by the provision of civic services and infrastructure. These services are planned and financially sustainable.



**1 APOLOGIES**

**2 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

*That the Minutes of the Civil and Environmental Services Committee Meeting held on 12 April, 2023, as circulated to members, be confirmed as a true and correct record of that meeting.*

**MINUTES OF INVERELL SHIRE COUNCIL  
CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING  
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON WEDNESDAY, 12 APRIL 2023 AT 9.00AM**

**PRESENT:** Cr Stewart Berryman (Chair), Cr Paul Harmon (Mayor), Cr Di Baker, Cr Jacko Ross and Cr Wendy Wilks.

**IN ATTENDANCE:** Cr Nicky Lavender, Cr Kate Dight, Cr Paul King OAM and Cr Jo Williams.

Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Paul Pay (Director Corporate and Economic Services), Justin Pay (Manager Civil Engineering), Anthony Alliston (Manager Development Services) and Chris Faley (Development Services Coordinator).

**1 APOLOGIES**

Nil

**2 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*That the Minutes of the Civil and Environmental Services Committee Meeting held on 8 March, 2023, as circulated to members, be confirmed as a true and correct record of that meeting.*

**CARRIED**

**3 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS**

Cr Nicky Lavender declared a Pecuniary Interest in Item #5.2 "Planning Proposal - Request to Amend Inverell Local Environmental Plan 2012 - 1 Burgess Street, Inverell S18.6.34/11". The nature of the interest is Cr Lavender is the CEO of IDFS, the applicant.

Mr Anthony Alliston, Manager Development Services, declared a Pecuniary Interest in Item #5.5 "Planning Proposal - Request to Amend Inverell Local Environmental Plan 2012 - 1 Burgess Street, Inverell S18.6.34/11". The nature of the interest is Mr Alliston's wife is an employee of IDFS, the applicant. Mr Alliston has been excluded from all staff discussion and Committee decisions on this matter.

**4 PUBLIC FORUM**

Nil

## 5 DESTINATION REPORTS

### 5.1 PROPOSED GARDEN AT TINGHA S2.18.5

#### COMMITTEE RESOLUTION

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

*The Committee recommends to Council that:*

- a) *The Tingha Spirit Committee be advised that Council is prepared to receive a proposal for a garden on a portion of a road reserve in the village of Tingha, and*
- b) *The proposal to include full details of the proposal, including, but not limited to:*
  - *Fencing to be utilised to prevent access by cattle,*
  - *Subject matter for inclusion on plaques, and*
  - *How will the area be maintained?*

**CARRIED**

At 9.11 am, Cr Nicky Lavender left the meeting having previously declared a Pecuniary Interest in Item #5.2 "Planning Proposal - Request to Amend Inverell Local Environmental Plan 2012 - 1 Burgess Street, Inverell S18.6.34/11". The nature of the interest is Cr Lavender is the CEO of IDFS, the applicant.

### 5.2 PLANNING PROPOSAL - REQUEST TO AMEND INVERELL LOCAL ENVIRONMENTAL PLAN 2012 - 1 BURGESS STREET, INVERELL S18.6.34/11

#### COMMITTEE RESOLUTION

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*That the Committee recommends to Council that subject to no objections being received from the Anaiwan Local Aboriginal Land Council:*

1. *The Planning Proposal to permit a 'Centre-Based Child Care Facility' on 1 Burgess Street, Inverell as an 'Additional Permitted Use' under Schedule 1 of the Inverell Local Environmental Plan 2012 be endorsed by Council and the NSW Department of Planning and Environment be requested to finalise the Planning Proposal; and*
2. *The Director Civil and Environmental Services be authorised to undertake any administrative and procedural functions requested of Council by the NSW Department of Planning and Environment to finalise the Planning Proposal.*

**CARRIED**

S375A Record of Voting	Councillors For:	Councillors Against:
Harmon	√	
Baker	√	
Berryman	√	
Ross	√	
Wilks	√	

At 9.26 am, Cr Nicky Lavender returned to the meeting.

### 5.3 CHANGES TO REGIONAL PLANNING PANELS S18.6.11

#### COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Wendy Wilks

*That the Committee recommends to Council that the appointment of alternate members to the Northern Regional Planning Panel be considered on a case-by-case basis, if required after lodgement of a relevant planning matter.*

**CARRIED**

## 6 INFORMATION REPORTS

#### COMMITTEE RESOLUTION

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*That the following information reports be received and noted.*

**CARRIED**

### 6.1 MAINTENANCE GRADING 2020/2021 - 2021/2022 S28.21.1/16

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### 6.2 WORKS UPDATE S28.21.1/16

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### 6.3 RECENT DWELLING APPROVALS S18.6.71

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The Meeting closed at 9.48 am.

- 3 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS**
- 4 PUBLIC FORUM**

## 5 DESTINATION REPORTS

<b>5.1 DA-129/2022 - CONSTRUCTION AND OPERATION OF A SERVICE STATION, RURAL SUPPLIES AND SPECIALISED RETAIL PREMISES - 24-28 GLEN INNES ROAD AND 1-7 CHESTER STREET, INVERELL</b>
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**File Number:** DA-129/2022 / 23/12955

**Author:** Chris Faley, Development Services Coordinator

### SUMMARY:

An application (DA-129/2022) has been received for the construction and operation of a service station, rural supplies and specialised retail premises at 24 to 28 Glen Innes Road and 1 to 7 Chester Street, Inverell.

DA-129/2022 has been examined having regard to the matters for consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered to:

- Comply with the *Inverell Local Environmental Plan 2012*;
- Comply with the *Inverell Development Control Plan 2013*;
- Comply with the applicable state environmental planning policies;
- Not have a significant adverse impact on the natural and built environment;
- Not have any significant social and economic impacts;
- Be a suitable development for the site; and
- Not be prejudicial to the public interest.

Two (2) submissions were received in response to the exhibition of DA-129/2022. The matters raised by the submission makers have been discussed in this report and on balance it is considered that the matters raised are not sufficient to preclude issuing of development consent.

**RECOMMENDATION:**

*That the Committee recommends to Council that Development Application 129/2022 be approved subject to the following 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 construction and operation of a Service Station, Rural Supplies and Specialised Retail Premises, including associated civil works, signage and landscaping.*  
*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 applicant must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the Environmental Planning & Assessment Regulation 2021.*
3. *The proposed 7.2 metre high pylon sign adjacent to Glen Innes Road must be located in accordance with the stamped and approved Electrical (ISCC20) Report.*
4. *The development must include an internal concrete footpath to connect to the footpath in Glen Innes Road.*

**Prior to Commencement of Any Works**

5. *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.*
6. *Prior to issue of a Construction Certificate, details of the proposed noise barriers, as per the approved Acoustic Assessment, are to be submitted to and approved by Council.*
7. *Prior to issue of a Construction Certificate, the following mechanical plant details are to be submitted to and approved by Council:*
  - *The final location of the plant; and*
  - *Suitable acoustic screening in accordance with the approved acoustic assessment.*
8. *Prior to issue of a Construction Certificate, a Construction Environmental Management Plan is to be submitted and approved by Council. At the minimum, the Construction Environmental Management Plan must address:*
  - *Noise mitigation;*
  - *Pre-works dilapidation assessment of all adjacent buildings;*
  - *Dust and vibration management;*
  - *Crane locations and lift paths to minimise lifting;*
  - *Site storage;*
  - *Temporary servicing and service relocations;*
  - *Erosion and sediment controls;*
  - *Traffic management, including site accesses, primary haul routes and public safety in the use of roads and footpaths adjoining the development;*
  - *Continued pedestrian and vehicle access for adjoining premises; and*

- Sanitary amenities and ablutions proposed.

9. Prior to issue of a Construction Certificate, detailed engineering plans and specifications are to be submitted to and approved by Council for:
  - Concrete access crossings in Chester Street;
  - Internal driveways, parking spaces and forecourt, which must be finished with surface coatings which prevent tyre squeal (an uncoated or unpolished concrete or bitumen surface is acceptable);
  - Internal footpath connection to Glen Innes Road;
  - Retaining walls; and
  - Stormwater drainage.
10. Prior to issue of a Construction Certificate, details of the "Class 1 Separator" for the stormwater from the forecourt must be submitted to and approved by Council. This separator must ensure that stormwater discharged from the service station contains less than 5-parts per million (ppm) of total petroleum hydrocarbons (TPHs).
11. Prior to issue of a Construction Certificate, a detailed landscaping plan is to be submitted to and approved by Council. At minimum, this plan must nominate:
  - Plant species;
  - Plant location;
  - Maximum height of the plant species; and
  - Indicative height of species at the time of planting.
12. Prior to issue of a Construction Certificate, certification (or other form approval) is to be obtained from Essential Energy demonstrating that all works comply with the working clearances from electricity infrastructure. A copy of this certification is to be provided to the Accredited Certifier.
13. Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 is to be obtained from Council for all works within the road reserve.
14. Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 is to be obtained for:
  - Sewerage works;
  - Water supply works;
  - Stormwater drainage works; and
  - Disposal of liquid trade waste to sewer (food preparation areas).

#### **During Works**

15. Hours of construction and associated activities are restricted to between 7.00am and 5.00pm on Monday to Saturday and no work is to be carried out at any time on a Sunday or a public holiday.
16. All activities are to be undertaken in accordance with the approved Construction Environmental Management Plan.
17. A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
  - could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - could cause damage to adjoining lands by falling objects, or
  - involve the enclosure of a public place or part of a public place.
18. A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

*The garbage receptacle must have a tight fitting lid and be suitable for the reception of*



*food scraps and papers.*

19. *For the duration of any work on site, the principal contractor must maintain a copy of the specification, stamped approved plans, copy of development consent and construction certificate on site.*
20. *The applicant 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.*
21. *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.*
22. *Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a Surveyor registered under the Surveyors Act. A plan showing the relocated marks will then be required to be lodged as a matter of public record at the Lands Titles Office.*

#### **Prior to Occupation**

23. *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.*
24. *Prior to issue of an occupation certificate, the noise barriers are to be constructed in accordance with the approved details. Certification from a suitably qualified acoustic engineer is to certify that the barrier meets the requirements of the approved noise assessment.*
25. *Prior to issue of an Occupation Certificate, the mechanical plant is to be located and screened in accordance with the approved details. Certification from a suitably qualified acoustic engineer is to certify that the barrier meets the requirements of the approved noise assessment.*
26. *Prior to issue of an occupation certificate, the following works are to be completed in accordance with the approved engineering details:*
  - *Concrete access crossings in Chester Street;*
  - *Internal driveways, parking spaces and forecourt;*
  - *Internal footpath connection to Glen Innes Road;*
  - *Retaining walls; and*
  - *Stormwater drainage.*

*Note 1: Minimum safety clearance requirements are to be maintained at all times for the proposed driveways access and/or exit (concrete crossovers), as such driveways access will pass under Essential Energy's existing overhead powerlines located at the front of the properties. The driveways must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*

*Note 2: Any proposed driveways access and/or exit (concrete crossovers) must remain at*

*least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.*

*Note 3: Any excavation works in this area or works on the proposed driveways must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*

27. *Prior to issue of an occupation certificate, the "Class 1 Separator" is to be installed in accordance with the approved plans and details.*
28. *Prior to issue of an occupation certificate, all landscaping is to be completed in accordance with the approved plans.*
29. *The underground petroleum storage systems are not to be commissioned unless they have been appropriately designed, installed and equipped by duly qualified persons in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.*
30. *Prior to issue of an occupation certificate, "No Stopping" signs are to be installed in Chester Street between the entry and exit crossings, at the applicant's expense.*
31. *Prior to issue of an occupation certificate, a "Left Turn Only" sign must be installed on the dedicated exit from the site.*
32. *Prior to issue of an Occupation Certificate the kitchen must be inspected by Council's Environmental Health Officer to ensure compliance with applicable food regulations.*
33. *Prior an Occupation Certificate being issued the owner of the building shall furnish to the Accredited Certifier 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.*
34. *Prior to issue of an Occupation Certificate, the proposed signage:*
  - *Must have all conductive parts earthed; and*
  - *If power is connected, must have suitable protection between the signage and the power source e.g. isolating transformer.*

#### **Ongoing Use**

35. *The hours of operation for the Service Station, Rural Supplies and Specialised Retail Premises are limited to:*
  - *Monday to Friday: from 4.30am to 8pm; and*
  - *Saturday and Sunday: from 6am to 8pm.*
36. *Deliveries at the MRV loading area are only permitted between 7am and 6pm.*
37. *Waste collection is only permitted between 7am and 6pm.*
38. *On-site forklifts are restricted to electric type only.*
39. *The service station tyre pressure alarm must be a visual type (not audible) or set to a noise level less than 60 dB(A) at 1m.*
40. *The noise barriers and acoustic treatment of mechanical plant are to be maintained in a reasonable manner in perpetuity to retain its transmission loss quality. Where the barrier no longer complies with the relevant acoustic standards it is to be replaced at the applicant/owner's expense.*
41. *All illuminated signage must comply with the luminance levels contained with Section 3.3.3 of Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017).*

42. *External lighting must:*
- *Comply with AS/NZS 4282:2019, Control of the obtrusive effects of outdoor lighting, and*
  - *Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.*
43. *The use of the underground petroleum storage systems is to be in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 including provisions of an environment protection plan, procedures must also be prepared and documented for loss monitoring and detection and incident management.*
44. *Waste receptacles are to be provided around the service station site for the use of patrons.*
45. *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.*
46. *All landscaping is to be maintained in perpetuity in a reasonable manner.*
47. *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.*
48. *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.*
49. *All parking and vehicle movement areas are to be maintained in a reasonable manner, in perpetuity, at the operator's expense.*
50. *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.*
51. *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.*
52. *The sale of fertilisers must be undertaken in pre-packaged bags or containers. The storage and sale of fertiliser in bunkers or by other "open" method is not permitted.*
53. *The operation of the food premises must comply with all applicable legislation/regulation and standards including:*
- *The Food Act 2003;*
  - *Food Regulation 2004;*
  - *Food Standards Australia and New Zealand – Food Standards Code 2001;*
  - *Relevant Australian Standards for Design, Construction and Fit out of Food Premises; and*
  - *Mechanical ventilation – Australian Standard 1668.2-2002 The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control.*
54. *A maximum of fifteen (15) seats are permitted, whether inside or outside, for on-site dining.*

**Advice**

55. *Essential Energy's records indicate there is overhead electricity infrastructure located*

*within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.*

*Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*

*Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines/Underground Assets.”*

56. *Any other condition deemed appropriate by the Director Civil and Environmental Services.*

## COMMENTARY:

### EXECUTIVE SUMMARY

An application (DA-129/2022) has been received for the construction and operation of a service station, rural supplies and specialised retail premises at 24 to 28 Glen Innes Road and 1 to 7 Chester Street, Inverell.

The development site is known as:

- Lot 1 DP 1279101 and Lot 2 DP 1279101 – 24-26 Glen Innes Road, Inverell;
- Lot 1 DP 334109 – 28 Glen Innes Road, Inverell;
- Lot 2 DP 322074 – 1 Chester Street, Inverell;
- Lot 1 DP 326225 – 3 Chester Street, Inverell;
- Lot 2 DP 326225 – 5 Chester Street, Inverell; and
- Lot 3D DP 360441 – 7 Chester Street, Inverell.

The proposed development incorporates the following elements:

- Service station on the eastern side of the site comprised of:
  - Main building with a convenience shop (282m<sup>2</sup>) and display area (94m<sup>2</sup>);
  - Forecourt fuelling area with twelve (12) refuelling positions for light vehicles and two (2) refuelling positions for heavy vehicles;
  - Outdoor seating area;
  - Two (2) underground fuel tanks;
- A 432m<sup>2</sup> building on the western side of the site to be used as a rural supplies and specialised retail premises. This building is designed as a “drive-through”;
- Nine (9) on-site parking spaces, not including the refuelling areas or drive-through capacity of the rural supplies and specialised retail premises;
- Dedicated entry and exit access crossings off Chester Street; and
- Ancillary works including acoustic walls, landscaping, signage, service and loading areas.

At the time of lodgement of the Development Application, the subject lots were zoned B1 Neighbourhood Centre under the *Inverell Local Environmental Plan 2012*. A ‘service station’, ‘rural

supplies' and 'specialised retail premises' were "permitted with consent" in the B1 Neighbourhood Centre Zone.

As of 26 April 2023, the Employment Zones Reform undertaken by the Department of Planning and Environment commenced. This means that from 26 April 2023, land previously zoned B1 Neighbourhood Centre has been transitioned to the new E1 Local Centre Zone. Assessment against both the B1 Neighbourhood Centre Zone and the E1 Local Centre Zone has been undertaken within this report.

DA-129/2022 was referred to:

- Transport for NSW as 'Traffic Generating Development' pursuant to Section 2.122 and Schedule 3 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Comments were received from Transport for NSW on 6 October 2022, which have been incorporated and considered in this assessment; and
- Essential Energy pursuant to Section 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Comments were received from Essential Energy on 28 April 2023, which have been incorporated and considered in this assessment.

DA-129/2022 was notified for a period of fourteen (14) days from 14 September 2022 to 28 September 2022. As a result of the notification two (2) submissions were received. The matters raised by the submission makers have been discussed in this report and it is considered that the matters raised are not sufficient to preclude issuing of development consent.

The application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements. It is recommended that the Development Application (DA-129/2022) for the construction and operation of a service station, rural supplies and specialised retail premises at 24 to 28 Glen Innes Road and 1 to 7 Chester Street, Inverell be approved by Council subject to the conditions contained in the recommendation.

## PLANS & DOCUMENTATION

The following documents are included as Attachments to this report.

<b><u>Document submitted with DA-129/2022</u></b>	<b><u>Attachment No. to this Report</u></b>
Statement of Environmental Effects	Attachment 1
Validation Report	Attachment 2
Dial Before You Dig	Attachment 3
Transport Assessment	Attachment 4
Revised Swept Paths	Attachment 5
Preliminary Hazard Analysis	Attachment 6
Design Plans	Attachment 7
Estimated Cost of Works	Attachment 8
Acoustic Report	Superseded – see Attachment 10

Following the assessment by Inverell Shire Council and other Government agencies, the following additional information was provided and are included as Attachments to this report.

<b><u>Additional Information for DA-129/2022</u></b>	<b><u>Attachment No. to this Report</u></b>
Letter dated 27 February 2023 inclusive of a revised parking assessment	Attachment 9
Updated Acoustic Assessment	Attachment 10
Revised Swept Path	Attachment 11

Electrical (ISCC20) Report	Attachment 12
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*\*Note: Due to the size of the attachments, they have been forwarded to Councillors under separate cover. They can also be accessed via Council's website.*

## PLANS & DOCUMENTATION

<b>Applicant:</b>	Newton Denny Chapelle
<b>Owner:</b>	Leadbeatter Pastoral Pty Ltd McKinlay Properties Pty Ltd
<b>Application No:</b>	DA-129/2022
<b>Title Particulars and Address:</b>	Lot 1 DP 1279101 & Lot 2 DP 1279101 – 24-26 Glen Innes Road, Inverell Lot 1 DP 334109 – 28 Glen Innes Road, Inverell Lot 2 DP 322074 – 1 Chester Street, Inverell Lot 1 DP 326225 – 3 Chester Street, Inverell Lot 2 DP 326225 – 5 Chester Street, Inverell Lot 3D DP 360441 – 7 Chester Street, Inverell
<b>Proposed Development:</b>	Construction and operation of a Service Station, Rural Supplies and Specialised Retail Premises, including associated civil works, signage and landscaping.
<b>Site Area:</b>	Lot 1 DP 1279101 & Lot 2 DP 1279101 – 1056.5m <sup>2</sup> Lot 1 DP 334109 – 379.4m <sup>2</sup> Lot 2 DP 322074 – 284.5m <sup>2</sup> Lot 1 DP 326225 – 1012m <sup>2</sup> Lot 2 DP 326225 – 1012m <sup>2</sup> Lot 3D DP 360441 – 556.4m <sup>2</sup> <b>Total Site Area – Approximately 4309.8m<sup>2</sup></b>
<b>Zoning:</b>	At time of DA Lodgement - B1 Neighbourhood Centre As of 26 April 2023, E1 Local Centre Zone

## DA-129/2022 - APPLICATION HISTORY

Date	Comment
9 September 2022	DA-129/2022 lodged.
14 September 2022	Public exhibition period commences.
16 September 2022	DA-129/2022 referred to: <ul style="list-style-type: none"> <li>• Transport for NSW; and</li> <li>• Essential Energy.</li> </ul>
28 September 2022	Public exhibition period ends. Two (2) submissions received.
6 October 2022	Comments received from Transport for NSW and forwarded to Council's Manager Civil Engineering to review and respond.
7 October 2022	Request for further information received from Essential Energy.
9 December 2022	Comments received from Council's Manager Civil Engineering.
25 January 2023	Request for further information in relation to: <ul style="list-style-type: none"> <li>• Further justification for on-site car parking;</li> </ul>



	<ul style="list-style-type: none"> <li>• An updated acoustic assessment addressing Chester Street residences;</li> <li>• Revised swept paths as per Transport for NSW comments; and</li> <li>• Essential energy requirements.</li> </ul>
27 February 2023	<p>The following information was received from Newton Denny Chapelle:</p> <ul style="list-style-type: none"> <li>• Letter inclusive of a revised parking assessment;</li> <li>• Acoustic assessment;</li> <li>• Revised swept path as per Transport for NSW comments.</li> </ul>
14 March 2023	Assessment of additional information completed and further clarification sought by Council in relation to the acoustic assessment.
5 April 2023	<p>The following information was received from Newton Denny Chapelle:</p> <ul style="list-style-type: none"> <li>• Updated Acoustic Assessment (Revision 5 – 5 April 2023); and</li> <li>• Electrical (ISCC20) Report, which was referred to Essential Energy to review.</li> </ul>
28 April 2023	Final comments received from Essential Energy.

## SUBJECT SITE AND LOCALITY

The development comprises:

- Lot 1 DP 1279101 and Lot 2 DP 1279101 – 24-26 Glen Innes Road, Inverell – This is the site of the former Liberty Service Station located on the corner of Glen Innes Road and Chester Street. The former Liberty Service Station was demolished as part of the round-about construction works at this intersection.
- Lot 1 DP 334109 – 28 Glen Innes Road, Inverell – A vacant lot that previously contained a brick building used as a vet surgery and other business purposes. This building was demolished under DA-86/2021.
- Lot 2 DP 322074 – 1 Chester Street, Inverell – A vacant site that previously contained a single dwelling. This dwelling was demolished under DA-86/2021.
- Lot 1 DP 326225 – 3 Chester Street, Inverell – A vacant site that previously contained a single dwelling. This dwelling was demolished under DA-86/2021.
- Lot 2 DP 326225 – 5 Chester Street, Inverell – A vacant site that previously contained a single dwelling. This dwelling was demolished under DA-86/2021.
- Lot 3D DP 360441 – 7 Chester Street, Inverell – A vacant site that previously contained a single dwelling. This dwelling was demolished under DA-86/2021.

The development site is shown in **Figure 1** and **Photos 1** and **2**. The development site comprises a total area of approximately 4309.8m<sup>2</sup>

The subject land has frontage to Glen Innes Road (**Photo 3**), Chester Street (**Photo 4**) and Chester Lane (**Photo 5**). Glen Innes Road forms part of the Gwydir Highway and Chester Street is permitted for use by restricted-access-vehicles (e.g. B-Doubles) outside school bus hours and with a maximum speed of 40km/h. Chester Lane is a minor laneway providing secondary access to the rear of properties. The road network can be seen in **Figure 1**.



Figure 1 – Aerial Image of Development Site





**Photo 1 – Development Site viewed from Glen Innes Road**



**Photo 2 – Development Site viewed from Chester Street**





**Photo 3 – Glen Innes Road fronting the development site**



**Photo 4 – Chester Street fronting the development site**



**Photo 5 – Chester Lane fronting the development site**

The site is not identified as being affected by bush fire, flooding or any other natural hazard.

The surrounding area comprises a mixture of commercial and residential uses, with the development site being located at the interface between the R1 General Residential and B1 Neighbourhood Centre (now E1 Local Centre zones). Notable land uses adjoining and/or adjacent to the site of the development are:

- Sapphire City Motor Inn located at 34 Glen Innes Road (**Photo 6**);
- The mixed-use business/warehouse precinct (former Cordial factory building) at 18-22 Glen Innes Road (western corner of Chester Street and Glen Innes Road (**Photo 7**); and
- Residential properties along Chester Street and Lawrence Street (visible in **Photo 4**).





**Photo 6 – Sapphire City Motor Inn at 34 Glen Innes Road**



**Photo 7 – Mixed use precinct (former Cordial factory building) at 18-22 Glen Innes Road**

### Additional History – Planning Proposal and Demolition

Between October 2020 and February 2022, Council undertook a Planning Proposal to:

- (a) Re-zone Lot 1 DP 326225, Lot 2 DP 326225 and Lot 3D 360441 from R1 General Residential to B1 Neighbourhood Centre;
- (b) Remove the minimum lot size applicable to Lot 1 DP 326225, Lot 2 DP 326225 and Lot 3D 360441, consistent with the surrounding B1 Neighbourhood Centre zone;
- (c) Nominate 'Specialised Retail Premises' as an Additional Permitted Use, under Schedule 1 of the *Inverell Local Environmental Plan 2012*, on Lot 1 DP 322074, Lot 1 DP 666824, Lot 1 DP 334109, Lot 2 DP 322074, Lot 1 DP 326225, Lot 2 DP 326225 and Lot 3D DP 360441; and
- (d) To remove local heritage item (Item No. I096) Lot 1 DP 326225, 3 Chester Street, Inverell from Schedule 5 Environmental Heritage and the associated *Inverell Local Environmental Plan 2012* Heritage Map.

This Planning Proposal was finalised and gazetted on 27 May 2022.

Whilst the Planning Proposal was being proposed, Council also considered a Development Application (DA-86/2021) for the demolition of all structures on 1 to 7 Chester Street and 28 Glen Innes Road, Inverell. This demolition work was approved on 28 July 2021.

*Note: The demolition of the service station and remediation works on 24 to 26 Glen Innes Road were completed as part of the environmental approvals for the round-a-bout construction.*

### **PROPOSED DEVELOPMENT**

The proposed development involves:

- Construction and operation of service station;
- Construction of a rural supplies / specialised retail premises; and
- Ancillary works including accesses, car parking, signage and landscaping.

The Design Plans are included as **Attachment 7** to this report.

### Western Building (Service Station)

The western building comprises a 10 metre wide x 37.66 metre long x 5 metre high service station building with attached 6.5 metre high canopy over 14 refuelling bowsers. The internal components of the service station building include:

- Retail area;
- Product display room;
- Amenities;
- Store room;
- Freezer;
- Cool room;
- Counter display (including 'point of sales' – POS);
- Kitchen;
- Washing area/storage;
- Cleaners sink; and
- Office.

Two (2) 110,000 litre underground fuel tanks (total capacity of 220,000 litres) will be installed for the storage of unleaded petrol and diesel.

Eastern Building (Rural Supplies & Specialised Retail Premises)

The eastern building measures 14.39 metres wide x 30.06 metres long. It is a “skillion” roof structure with a maximum height of 8.091 metres. It will be setback:

- 18 metres from the Chester Street boundary;
- 1.89 metres from Chester Lane boundary; and
- 3.027 metres from the eastern property boundary, which also provides clearance from Council’s sewer main.

The building will be used for the sale of:

- Rural supplies, including stockfeed, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production; and
- Goods and materials consistent with the definition of a “Specialised Retail Premises”, including:
  - Boots, gardening supplies including mulch and potting mix;
  - Feed for all types of animals including poultry, birds, dogs, cats, horses, cows, pigs and animal supplements; and
  - Fertiliser, hay, vet products, feed containers, fishing equipment, groceries and some chemicals like rat poison.

Products will be stored within the building in the form of pallet racking. Access through the building will be provided via two (2) independent drive through lanes. Associated loading/unloading activities will be accommodated within the building. A hay storage area will be located within the south eastern corner of the building, and a trucker’s shower facility within the south western corner.

Civil and Other Works

The following civil works are proposed as part of the development:

- Earthworks across the site with a 670mm high retaining wall adjacent to Glen Innes Road (to retain car parks) and 400mm high retaining wall adjacent to Chester Lane (to retain service yard, loading area);
- Construction of a dedicated entry access crossing and dedicated exit access crossing;
- Construction of nine (9) on-site car parking spaces, which are separate to the bowser areas;
- Construction of a dedicated “Air & Water” space;
- Concreting of all driveways, car parks and vehicle movement areas; and
- Stormwater drainage, including the installation of a “Class 1 Separator” to treat runoff from the fuelling / canopy area.

Signage

The following signs are proposed:

- 2 x internally illuminated pylon price board signs:
  - The pylon sign at the Glen Innes Road frontage is designed with a 7.2m total height and is to be located in accordance with the Electrical (ISCC20) Report (**Attachment 12**);
  - The pylon sign at the Chester Street frontage is designed with a 3.3m total height;
- Fuel forecourt signs (canopy fascia signs) containing the service station logo. Some elements are to be internally illuminated;

- Various internally illuminated wall signage on the service station building containing the service station name and logo;
- Wall signage on the façade of the shed; and
- Various traffic/directional signage.

### Landscaping

The proposal incorporates areas of landscaping along part of the northern, eastern, and western property boundaries with a collective area totalling 253m<sup>2</sup>. The landscaping locations are shown on the enclosed design plans (**Attachment 7**) and are indicative only. Subject to obtaining development consent, more detailed landscape plans would need to be submitted to and approved by Council prior to issue of a Construction Certificate.

### Operating Hours

The following operating hours are proposed for the entirety of the development:

- Monday to Friday: from 4.30am to 8pm; and
- Saturday and Sunday: from 6am to 8pm.

### Staff

The following staff are proposed:

- 2 x Full-time staff; and
- 7 x Part-time staff;

The maximum number of employees rostered on at any one-time are four (4).

## **REFERRALS UNDERTAKEN**

### **External Referrals**

#### Transport for NSW

DA-129/2022 was referred to Transport for NSW as 'Traffic Generating Development' pursuant to Section 2.122 and Schedule 3 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

The following comments were received from Transport for NSW on 6 October 2022.

*"I refer to the abovementioned Development Application referred to Transport for NSW (TfNSW) on 16 September 2022 for comment in accordance with Section 2.122 / Schedule 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.*

*TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with Future Transport Strategy 2056.*

*Glen Innes Road forms part of the Gwydir Highway (HW12) is a classified (State) road and Chester Street is a local road. Council is the roads authority for all public roads in the area, in accordance with Section 7 of the Roads Act 1993.*

*TfNSW has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network. The following comments are provided for Council's consideration."*

### **TfNSW ADVICE TO COUNCIL**

1. *TfNSW encourages Council to consider the inclusion of EV charging stations as part of the development to support the objectives of Future Transport Strategy.*

Development Services Coordinator Comment: In the letter received from Newton Denny Chapelle, it is confirmed that the developer does not intend to install an EV charging station within the development.

Inverell currently has publicly available EV charging stations in Evans Street (adjacent to the Fire Station and Victoria Park) and at the Transport Museum (use restricted to museum opening hours). In this instance, it is not considered reasonable to impose a requirement on this development to provide an EV Charging Station.

2. *Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impact of construction vehicles on traffic efficiency and road safety within the vicinity.*

Development Services Coordinator Comment: A condition of consent can require the preparation and implementation of a construction traffic management plan.

3. *Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.*

Development Services Coordinator Comment: Council's Manager Civil Engineering has assessed sight line distances (discussed further below), which comply with Austroads.

4. *The site, accesses, internal manoeuvring, servicing and parking areas should be designed in accordance with the relevant sections of AS2890 and Council's requirements. Council should be satisfied that the development will provide adequate parking for the proposed development. It will need to be demonstrated that the largest design vehicle is able to enter, leave and manoeuvre around the site and service areas in a forward manner. If this is not able to be achieved alternative arrangements will be required to manage public safety.*

Development Services Coordinator Comment: Car parking has been assessed against the provisions of the *Inverell Development Control Plan 2013* further in this report. The applicant has demonstrated adequate and compliant turning circles for all vehicles accessing the site.

5. *Discharge of stormwater from the development shall not exceed the capacity of the Glen Innes Road stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise TfNSW of any adjustments to the existing system that are required prior to final approval of the development.*

Development Services Coordinator Comment: Council's Manager Civil Engineering has confirmed that, subject to detailed engineering design as part of the Construction Certificate, the capacity of the stormwater drainage system adjacent to the development is adequate for post-development stormwater volumes and flows.

6. *TfNSW highlights that in determining the application under Part 4 of the Environmental Planning & Assessment Act, 1979 it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development.*

Development Services Coordinator Comment: No traditional road works are proposed as part of this development, with road related works being access crossings and service provision within the footpaths. Impacts associated with the development, including these road related works, have been considered in the impacts section of this report.

7. *While it is acknowledged that concurrence is not required to be provided by TfNSW for the new signage proposed in the subject application under Section 3.16 of the State Environmental Planning Policy (Industry and Employment) 2021, the following advice is for Council to consider:*

- *All signs should meet the criteria contained in the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) including, but not limited to, Section 3.3.3 Illumination and reflectance.*

Development Services Coordinator Comment: Suitable conditions can be included in any consent in relation to compliance with these guidelines.



- *Council should ensure that all signs meet the requirements of Schedule 5 Assessment Criteria of the State Environmental Planning Policy (Industry and Employment) 2021.*

Development Services Coordinator Comment: An assessment of this criteria has been undertaken further in this report.

- *Please advise the applicant that TfNSW may direct the screening, modification or removal of a structure if, in the opinion of TfNSW, the structure is considered a traffic hazard under Section 104 of the Roads Act 1993.*

Development Services Coordinator Comment: The applicant and developer have been provided a copy of this advice.

8. *The regulation of parking within a public road reserve is a matter for Local Traffic Committee. Any regulatory signs and devices will require the endorsement of the Local Traffic Committee prior to Council approval. Please refer to A guide to the delegation to councils for the regulation of traffic.*

Development Services Coordinator Comment: This matter is noted.

9. *During assessment some detailed design comments were provided. TfNSW has provided these in the attached document - DA-129-2022 - TfNSW Detailed Design recommendations.pdf. (These design comments are extracted below).*

- *Appendix A of the traffic report by Ason Group shows a 20m articulated vehicle swept path. Section 2.6 of the report notes that this is the largest vehicle accessing the site. The NCPT Site Layout Plan shows a central median opposite the site egress. The swept path should be updated to confirm this movement can be executed with the median in place.*

Development Services Coordinator Comment: The applicant has provided a Revised Swept Path (**Attachment 11**) demonstrating the vehicle movement and median.

- *With regards to pedestrian safety, the semi-trailer swept paths only show partial use of the driveway, the entry and exit driveway width may be able to be reduced as the semi swept paths only show partial use of the driveway in the extent of its swept paths. Consideration of chevrons on the driveway may better guide smaller vehicles and reduce potential pedestrian conflict.*

Development Services Coordinator Comment: it is not considered necessary to reduce the width of the entry and exit driveways as the current design provides greater scope for the turning of vehicles.

- *Pedestrian access to the site from the footpath on Glen Innes Road and Chester Street should be considered.*

Development Services Coordinator Comment: Council have recently re-constructed the footpath along the Glen Innes Road and given the likely pedestrian use, it is not considered unreasonable to provide an internal link. This can be enforced as a condition of consent.

- *Consideration of extension of the centreline BB line in Chester Street to the driveway entry to enhance delineation.*

Development Services Coordinator Comment: At this point in time, this is not considered necessary. Following the recent round-a-bout construction, Council's engineering staff will continue to monitor traffic in Chester Street and adjust traffic signage and delineations if required.

- *A no stopping zone opposite the driveway entry on Chester Street should be considered to allow through vehicles in Chester Street to pass right turn vehicles waiting to turn into the service station.*

Development Services Coordinator Comment: At this point in time, this is not considered necessary. Following the recent round-a-bout construction, Council's engineering staff will continue to monitor traffic in Chester Street and adjust traffic signage and delineations if required.

- *A left only sign on the driveway exit.*

Development Services Coordinator Comment: This can be imposed as a condition of any subsequent consent.

- *Consider No stopping between the driveway entry and exit for clear sight lines on exit.*

Development Services Coordinator Comment: As per the comments from Council's Manager Civil Engineering, the area between the entry and exit will be designated as No Stopping, with signage at cost of developer. This will be enforced as a condition of consent.

### Essential Energy

DA-129/2022 was referred to Essential Energy pursuant to Section 2.48 and Schedule 3 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

*"Strictly based on the further documents / information submitted, Essential Energy makes the following comments as to potential safety risks arising from the proposed development:*

- 1. Essential Energy's records indicate overhead powerlines are located across the street frontages of the properties:*
  - a. The ASP report provided shows that clearances are achieved.*
  - b. The proposed signage:*
    - i. must have all conductive parts earthed; and*
    - ii. if power is connected, must have suitable protection between the signage and the power source e.g. isolating transformer.*
  - c. As the proposed signage is within working clearances as per SafeWork NSW, a plan of how this will be constructed must be provided to Essential Energy before any works commence. Essential Energy must confirm this is satisfactory, prior to any works commencing.*
  - d. Minimum safety clearance requirements are to be maintained at all times for the proposed driveways access and/or exit (concrete crossovers), as such driveways access will pass under Essential Energy's existing overhead powerlines located at the front of the properties. The driveways must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
  - e. Any proposed driveways access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.*
  - f. Any excavation works in this area or works on the proposed driveways must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
  - g. Any landscaping, tree planting, gardens in this area must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
- 2. Prior to any demolition works commencing, any service line/s to the properties must be disconnected.*
- 3. Satisfactory arrangements must be made with Essential Energy for the provision of power to the proposed development:*
  - a. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated*

*electrical infrastructure, such as a pad mount substation and required easement/s. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).*

- b. Minimum separation / clearances and segregation for fire risk from any substation to any building, fence, planting, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure prior to any works being carried, out in this location.*
- 4. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to all proposed buildings in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.*

*Essential Energy also makes the following general comments:*

- 1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
- 2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.*
- 3. In addition, Essential Energy's records indicate there is overhead electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.*
- 4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- 5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines/Underground Assets."*

Development Services Coordinator Comment: It is considered that Essential Energy's comments can be included as conditions and/or advice on any subsequent consent.

## **Internal Referrals**

### Manager Civil Engineering

#### **Traffic Management**

- A Traffic Management Plan for construction shall be submitted to Council for approval prior to commencement of works.

#### **Traffic**

- Sight line distance has been assessed as adequate in accordance with Austroads. Any landscaping on the road reserve between the two accesses must not impact on sight distance.
- Access, internal manoeuvring and parking is deemed to comply with AS2890.
- Left only signage must be installed at exit driveway.

- *The area between the entry and exit will be designated as No Stopping, with signage at cost of developer*

**Access cross overs**

- *Engineering detail is limited on the drawings regarding levels, pavement design and grades for the access crossings at the entry and exit driveway.*
- *Prior to CC engineering detail is to be provided and approved by Council identifying levels, pavement design and grades at these locations, at a minimum must comply with Council's access crossing across footpaths for commercial premises (concrete) specification.*
- *Note that the existing Council Reinforced Concrete Pipe culvert at this location is likely to be impacted by the access crossing. In the event that the engineering design is unable to provide an adequate pavement depth to protect the existing 1050mm/1200mm RCPC it is to be replaced with a RCBC minimum 1500mm x 600mm Class 4.*
- *Plans do not address removal/relocation of existing power, telecommunication and other underground assets in the verge. Detailed engineering plans must identify services to be removed/relocated at developers' expense.*

**Stormwater**

- *Capacity of the stormwater drainage system adjacent to the development is deemed adequate for the post development flows.*

**Construction Environmental Impact**

- *All construction works are to be undertaken in accordance with the "Blue Book" to limit environmental impacts.*
- *Suitable dust control measures are to be in place during construction works.*

**Signage**

- *As per TfNSW comments all signs must;*
  - *Meet the criteria contained in the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) including, but not limited to, Section 3.3.3 Illumination and reflectance; and*
  - *Meet the requirements of Schedule 5 Assessment Criteria of the State Environmental Planning Policy (Industry and Employment) 2021.*
- *The applicant must note that TfNSW may direct the screening, modification or removal of a structure if, in the opinion of TfNSW, the structure is considered a traffic hazard under Section 104 of the Roads Act 1993.*

**Pedestrian Management**

- *It is deemed that adequate safety will be provided for pedestrians during the operation of the facility.*
- *The traffic management plan for construction must provide adequate detail on safe management of pedestrian access during construction.*

**Section 138 Approval**

- *Prior to the issue of a Construction Certificate a separate approval from Council under Section 138 of the Roads Act 1993 is required for the works within Council's road reserve. For any such works, design plans must be submitted to Council for approval prior to issue of the Construction Certificate.*

**ASSESSMENT - STATUTORY REQUIREMENTS – S.4.15 EP&A Act 1979**

In determining a Development Application, a consent authority is to take into consideration the following matters that are of **relevance** to the development, the subject of the Development Application.

**S.4.15 (1) (a) (i) EP&A Act 1979 - Relevant State Environmental Planning Policies**State Environmental Planning Policy (Industry and Employment) 2021

Clause	Title	Comment
<b>Chapter 3 – Advertising and Signage</b>		
<b>Part 3.1 - Preliminary</b>		
3.1	Aims, objectives etc.	The proposed signage is considered to be compatible with the area and be suitable quality and finish. It is considered to be consistent with the aims and objectives of this Chapter.
<b>Part 3.2 – Signage generally</b>		
3.6	Granting of consent to signage	A consent authority must not consent to signage unless it is satisfied that the signage: <ul style="list-style-type: none"> <li>• Is consistent with the aims and objectives of this chapter – Refer above; and</li> <li>• Satisfies the assessment criteria of Schedule 5 – Assessed below.</li> </ul>
<b>Part 3.3 – Advertisements</b>		
3.11	Matters for Consideration	This part applies to the proposed pylon signs, which are characterised as “advertising structures”. A consent authority must not consent to an advertisement unless it is satisfied that the advertisement: <ul style="list-style-type: none"> <li>• Is consistent with the aims and objectives of this chapter – Refer above;</li> <li>• Satisfies the assessment criteria of Schedule 5 – Assessed below; and</li> <li>• Complies with the relevant sections of this Chapter.</li> </ul>
3.15	Advertisements with display area greater than 20 square metres or higher than 8 metres above ground	The pylon signs do not exceed 20m <sup>2</sup> in area or 8 metres in height.
3.16	Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road	Whilst Glen Innes Road is a classified road (part of the Gwydir Highway), the pylon signs do not exceed 20m <sup>2</sup> in area or 8 metres in height. Therefore, concurrence from Transport for NSW is not required under this clause.
3.21	Freestanding advertisements	The proposed pylon signs are consistent with height of the proposed development and surrounding commercial buildings. There are not considered to protrude into the skyline or adversely impact the surrounding visual catchment.
<b>Schedule 5 – Assessment Criteria</b>		
1	Character of the area	No particular theme for advertising is present in this area. The proposed signage is considered to be consistent with the commercial character at the intersection of Glen Innes Road and Chester Street.
2	Special areas	The proposed signage attached to the buildings is of suitable scale and quality to not detract from the amenity or

		<p>visual quality of the Chester Street residential area.</p> <p>The two pylons signs are not considered to detract from the amenity or visual quality of the Chester Street residential area in consideration of:</p> <ul style="list-style-type: none"> <li>• The 7.2 metre sign is located along Glen Innes Road; and</li> <li>• The pylon sign along Chester Street has a height of 3.3m, which is not considered significant.</li> </ul>
3	Views and vistas	<p>The signs are commensurate in height with the development and other commercial buildings in area. They are not considered to dominate the skyline, impact important views or reduce the quality of any vistas.</p> <p>The location of the subject site and position of the proposed signage is not considered to impede or impact upon the viewing rights of other advertisers.</p>
4	Streetscape, setting or landscape	<p>The proposed signage is considered to be consistent with the commercial streetscape on the corner of Glen Innes Road and Chester Street.</p> <p>The illuminated price board signs will not protrude above the highest building point proposed within the redevelopment of the site. The highest building point is from the eastern shed and will contain a height of 8.091 metres, whilst the highest price board sign is proposed at 7.2 metres.</p> <p>The pylon signs will be located within the landscaped areas within the perimeter of the site which will be maintained.</p>
5	Site and building	<p>The scale and proportion of the proposed signage is considered compatible with the use of the site and buildings as a service station and rural supplies / specialised retail premises.</p>
6	Associated devices and logos with advertisements and advertising structures	<p>The proposed signage incorporates the “Liberty” logo and “price boards” on the pylon signs, which are considered reasonable for the proposed service station.</p>
7	Illumination	<p>The proposed signage will be internally illuminated, which is considered acceptable subject to conditions requiring compliance with:</p> <ul style="list-style-type: none"> <li>• Australian Standard 4282:1997 Control of Obtrusive Effects of Outdoor Lighting; and</li> <li>• The luminance levels contained with Section 3.3.3 of Department of Planning’s <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (November 2017).</li> </ul>
8	Safety	<p>The proposed signage is appropriately located to not adversely impact sight lines at the intersection of Glen Innes Road and Chester Street.</p> <p>Subject to the condition in relation to illumination (refer above), the proposed signage is not considered to adverse impact the safety or pedestrians or vehicles.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause	Title	Comment
<b>Chapter 3 – Hazardous and Offensive Development</b>		
<b>Part 3 – Potentially Hazardous Industry</b>		
3.10	Development to which Part 3 applies	<p>To determine whether the development is “hazardous” a preliminary risk screening has been undertaken in accordance with the Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 (January 2011) published by the Department of Planning.</p> <p>Separate risk screenings are undertaken for on-site storage and transport of fuel.</p> <p><u>On-Site Storage</u></p> <p>The development proposes two 110,000 litre underground fuel tanks (total 220,000 litres) to be used for:</p> <ul style="list-style-type: none"> <li>• Unleaded petrol – Class 3PGII under the dangerous goods code; and</li> <li>• Diesel – Class C1 under the dangerous goods code. Class C1 however, it is treated as 3PGII for assessment purposes as it is stored in conjunction with petrol.</li> </ul> <p>As all products are stored underground, it is considered a much lower fire and explosion risk under the Applying SEPP 33 Guidelines; therefore, the total volume is divided by five (5) for the purpose of the risk screening.</p> <p>Therefore, the total volume of fuel is 44,000 litres, which based on an average density of 730kg/m<sup>3</sup> for unleaded and 830kg/m<sup>3</sup> for diesel, equates to 32 to 37 tonnes of hazardous materials.</p> <p>For the purpose of this risk screening, the higher 37 tonnes has been adopted.</p> <p>In accordance with Figure 9 (extracted below) of the Applying SEPP 33 Guidelines, based on a volume of 37 tonnes the tanks must have the following separation distances to not be considered potentially hazardous:</p> <ul style="list-style-type: none"> <li>• 10 metres from sensitive land use (i.e. dwellings, motel) – The development complies with this separation distance with the nearest sensitive land uses being greater than 30 metres from the tanks; and</li> <li>• 7 metres for other uses (i.e. road) – The development complies with this separation distance with the tanks approximately 7.5 metres from the Chester Street (nearest) boundary.</li> </ul> <p>Overall, the on-site storage of fuel is not considered “potentially hazardous” under this State policy. Whilst below the threshold, the developer has provided a Preliminary Hazard Analysis (<b>Attachment 6</b>), which provides a risk analysis and management options for hazards. This is considered to further reduce the risk of the development.</p>

		<p><b><u>Transport</u></b></p> <p>In addition to the assessment of “on-site storage above an assessment of whether or not the development may become potentially hazardous due to the number of traffic movements needs to be undertaken.</p> <p>In accordance with Table 2 of Section 7 of the Applying SEPP 33 Guidelines, the transport of Class CPGII goods are considered hazardous deliveries if they are greater than 750 cumulative per annum or 45 peak per week.</p> <p>In accordance with the Statement of Environmental Effects (<b>Attachment 1</b>), fuel deliveries are expected to occur 2-3 times per week, which equates to up to 156 times per annum.</p> <p>Overall, the transport of fuel is below the “hazardous” hazardous under this State policy.</p>
<b>Chapter 4 – Remediation of Land</b>		
4.6	Contamination and remediation to be considered in determining development application	<p>As part of the construction of the round-a-bout at the intersection of Glen Innes Road and Chester Street, the existing service station was jointly demolished by Inverell Shire Council and North Coast Petroleum. The demolition work included the removal of historic underground fuel tanks and remediation of the site.</p> <p>Following the demolition and remediation works, a Validation Report (<b>Attachment 2</b>) was prepared and submitted with DA-129/2022. The validation report concludes that <i>“the site is considered to have been successfully remediated and is deemed suitable for the proposed redevelopment as a service station”</i>.</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause	Title	Comment
<b>Chapter 2 – Infrastructure</b>		
2.48	Determination of development applications—other development	DA-129/2022 was referred to Essential Energy in accordance with this cause. The comments from Essential Energy have been considered in the “Referrals” section of this report.
2.119	Development with frontage to classified road	<p>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <p>(a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p>Access is provided from Chester Street.</p> <p>(b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p>(i) <i>the design of the vehicular access to the land, or</i></p> <p>Council’s Manager Civil Engineering has assessed sight line distances, which comply with Austroads. The preliminary</p>



		<p>design plans submitted for the access crossing are considered acceptable, with detailed engineering plans to be submitted to and approved by Council prior to issue of a Construction Certificate.</p> <p>(ii) <i>the emission of smoke or dust from the development, or</i></p> <p>The development is not considered to result in any significant emissions of smoke or dust.</p> <p>(iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p>A Transport Assessment has been submitted with DA-129/2022 (<b>Attachment 4</b>), which has been assessed by Transport for NSW and Council's Manager Civil Engineering. The nature, volume and frequency of vehicles accessing the proposed development are not considered to adversely impact the Glen Innes Road.</p> <p>(c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p> <p>The proposed development is not considered to be of type sensitive to traffic noise or vehicle emissions.</p>
2.12/2	Traffic-generating development	<p>DA-129/2022 was referred to Transport for NSW as Traffic Generating Development in accordance with this clause. The comments received from Transport for NSW have been considered in the "Referrals" section of this report.</p>

#### S.4.15 (1) (a) (i) EP&A Act 1979 – Local Environmental Plans

##### Inverell Local Environmental Plan 2012

Clause	Title	Comment
1.2	Aims of Plan	<p>The proposed development will provide economic growth and is not considered to adversely impact productive land, natural assets or heritage assets.</p> <p>The proposed development is considered to be consistent with the aims of the Inverell Local Environmental Plan 2012.</p>
Zone	B1 Neighbourhood Centre	<p><u>Background</u></p> <p>As Committee Members would be aware, as of 26 April 2023 the Employment Zones Reform undertaken by the Department of Planning commenced. This means that from 26 April 2023, land previously zoned B1 Neighbourhood Centre have been transitioned to the new E1 Local Centre Zone.</p> <p>As DA-129/2022 was lodged prior to 26 April 2023 an assessment against the B1 Neighbourhood Centre, applicable at the date of lodgement has been undertaken in this Table.</p> <p>A separate assessment against the new E1 Local Centre</p>

		<p>zone has also been undertaken further in this report.</p> <p><u>Assessment</u></p> <p>The proposed development is comprised of two (2) main components, being:</p> <ul style="list-style-type: none"> <li>• The convenience shop, bowzers and forecourt, which collectively are characterised as a “<b>Service Station</b>”; and</li> <li>• The building on the western side of the site, which is to be used for the sale of a range of goods, such as boots, gardening supplies, feed for all types of animals, animal supplements, fertiliser, hay, vet products, feed containers, fishing equipment and groceries. Based on the nature of the goods sold, these building is best characterised as both a “<b>Rural Supplies</b>” and a “<b>Specialised Retail Premises</b>”.</li> <li>• “<b>Business identification signage</b>” and ‘<b>advertising structures</b>’ (pylon signs).</li> </ul> <p>Note: Other aspects of the development such as parking, landscaping, services, etc. are considered ancillary to the “Service Station”, “Rural Supplies” and “Specialised Retail Premises”.</p> <p><b>service station</b> means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—</p> <ol style="list-style-type: none"> <li>(a) the ancillary sale by retail of spare parts and accessories for motor vehicles,</li> <li>(b) the cleaning of motor vehicles,</li> <li>(c) installation of accessories,</li> <li>(d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),</li> <li>(e) the ancillary retail selling or hiring of general merchandise or services or both.</li> </ol> <p><b>rural supplies</b> means a building or place used for the display, sale or hire of stockfeed, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.</p> <p><b>specialised retail premises</b> means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—</p> <ol style="list-style-type: none"> <li>(a) a large area for handling, display or storage, or</li> <li>(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,</li> </ol> <p>but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this</p>
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		<p><i>definition.</i></p> <p><b>business identification sign</b> means a sign—</p> <p>(a) <i>that indicates—</i></p> <p>(i) <i>the name of the person or business, and</i></p> <p>(ii) <i>the nature of the business carried on by the person at the premises or place at which the sign is displayed, and</i></p> <p>(b) <i>that may include the address of the premises or place and a logo or other symbol that identifies the business,</i></p> <p><i>but that does not contain any advertising relating to a person who does not carry on business at the premises or place.</i></p> <p><b>advertising structure</b> has the same meaning as in the Act.</p> <p><b>Note—</b> <i>The term is defined as a structure used or to be used principally for the display of an advertisement.</i></p> <p>The “Service Station”, “Rural Supplies”, “Business Identification Signage and Advertising Structures are permitted with consent in the B1 Neighbourhood Centre zone.</p> <p>The “Specialised Retail Premises” is an Additional Permitted Use on the subject land pursuant to Schedule 1 of the <i>Inverell Local Environmental Plan 2012</i>.</p> <p>The objective of the B1 Neighbourhood Centre zone is “<i>to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood</i>”.</p> <p>It is considered the proposed development will serve the needs of the surrounding neighbourhood and the broader community.</p> <p>The proposed development is not inconsistent with the zone objectives.</p> <p>Furthermore, the development is consistent with the objectives of the E1 Local Centre Zone (assessed below) applicable to the site from 26 April 2023.</p>
6.1	Earthworks	<p>In consideration of this clause:</p> <ul style="list-style-type: none"> <li>• The site is generally flat, with minor retaining walls along the car parks (670mm high) and service yard (400mm high). These earthworks are not excessive in the context of the site;</li> <li>• The site has been remediated and the soil to be excavated is not considered to result in any significant adverse impact;</li> <li>• The development is approximately 140 metres from the Macintyre River and the earthworks are not considered to impact the natural environment;</li> <li>• Conditions can be imposed on any subsequent consent to mitigate potential erosion and dust</li> </ul>

		<p>impacts associated with earthworks; and</p> <ul style="list-style-type: none"> <li>Based on the above, the earthworks are not considered to have a significant adverse impact on the amenity of the area. Note: Amenity impacts associated with the broader development (e.g. operational noise) have been discussed further in this report.</li> </ul> <p>Overall, the proposed development is considered to comply with this clause.</p>
6.6	Essential Services	<p>In accordance with this clause, the following essential services must be available:</p> <ul style="list-style-type: none"> <li><b>Water</b> – Council water mains are located in Chester Street and Glen Innes Road (<b>Figure 1</b>). These mains are available to service the development;</li> <li><b>Electricity</b> – Electricity transmission lines are located in Chester Street and Glen Innes Road. It is considered that these lines are sufficient to cater for the development, with the final connection requirements to be determined between the developer and Essential Energy;</li> <li><b>Sewer</b> – Council’s sewer main is located in Chester Street, Glen Innes Road and through Lot 3D DP 360441, 7 Chester Street, Inverell (<b>Figure 1</b>). These mains are available to the service the development;</li> <li><b>Stormwater Drainage</b> – All stormwater can be discharged to the street drainage, with Council’s Manager Civil Engineering has confirmed that, subject to detailed engineering design as part of the Construction Certificate, the capacity of the stormwater drainage system adjacent to the development is adequate for post-development stormwater volumes and flows.</li> <li><b>Suitable Vehicular Access</b> – The site has suitable vehicular access from Chester Street.</li> </ul>

#### S.4.15 (1) (a) (ii) EP&A Act 1979 – Proposed Instrument

##### Employment Zones Reform – State Environmental Planning Policy Amendment (Land Use Zones) (No 5) 2022

On 26 April 2023, *State Environmental Planning Policy Amendment (Land Use Zones) (No 5) 2022* commenced operation. Of relevance to DA-129/2022, this policy has changed the zoning of the development site from B1 Neighbourhood Centre to E1 Local Centre.

*Note: At the date of lodgement of DA-129/2022, the Employment Zones Reform had been publicly exhibited but remained a proposed instrument. Accordingly, consideration of the E1 Local Centre Zone has been undertaken under Section 4.15 (1) (a) (ii) of the Environmental Planning and Assessment Act 1979.*

The “Service Station”, “Rural Supplies”, “Business Identification Signage and Advertising Structures are permitted with consent in the E1 Local Centre Zone.

Regardless of the change in zoning, the “Specialised Retail Premises” remains an Additional Permitted Use on the subject land pursuant to Schedule 1 of the *Inverell Local Environmental Plan 2012*.

The objectives of the E1 Local Centre Zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

The proposed development is considered to be consistent with the objectives of the E1 Local Centre Zone as the development will generate employment, generate economic growth and service the needs of the people living, working and visiting in the area.

As the E1 Local Centre Zone commenced operation on 26 April 2023, it is considered that substantial weight should also be given to these zoning objectives.

#### **S.4.15 (1) (a) (iii) EP&A Act 1979 – Development Control Plans**

##### Inverell Development Control Plan 2013 – Chapter 4 Commercial and Industrial Development

CLAUSE	TITLE	COMMENT AND ASSESSMENT
4.2	Intent	<p>The site is located within a “Neighbourhood Centre”, which is one of “a range of small-scale precincts zoned B1 Neighbourhood Centre under the ILEP containing retail, business and community uses designed to serve the surrounding neighbourhood”.</p> <p>It should be noted the definition of a neighbourhood centre is not restricted to solely serving the surrounding neighbourhood. Therefore, businesses have the capacity to serve both the neighbourhood and the surrounding community.</p> <p>In this regard, it is considered that the proposed development has the capacity to serve both the surrounding neighbourhood and broader community. Therefore, the development is not inconsistent with the “neighbourhood centre”.</p>
4.3	Location	The proposed development is considered to be compatible with the current and desired character of the area, without comprising the standing of the Inverell CBD as the retail focus of the Shire.
4.4	Streetscape	It is considered that the proposed development has visual interest in the streetscape through the use of different building materials and landscaping (refer Design Plans in <b>Attachment 7</b> ).
4.5	Setbacks	<p>No specific setback dimensions apply to this development. It is considered that:</p> <ul style="list-style-type: none"> <li>• The setback of the convenience store from Glen Innes Road is consistent with nearby hotel and large commercial building on 18-22 Glen Innes Road;</li> <li>• The 18 metre front setback of the Rural Supplies / Specialised Retail Premises building is considered</li> </ul>

		<p>suitable for the Chester Street frontage;</p> <ul style="list-style-type: none"> <li>• The 3.027 metre setback of the Rural Supplies / Specialised Retail Premises building to the side boundary is suitable to provide separation from the adjoining residential properties; and</li> <li>• The 5 metre setback of the forecourt canopy is acceptable as it is an open structure.</li> </ul>
4.6	Parking and Traffic	<p>The provision of parking has been discussed against Chapter 5 of the <i>Inverell Development Plan 2013</i> below.</p> <p>In relation to pedestrian access, a concrete footpath is present along Glen Innes Road and it is recommended that Council require the provision of internal pedestrian path to connect to the street footpath. This can be enforced as a condition of any subsequent consent.</p>
4.7	Advertising Signs	<p>The proposed signs are commensurate with the development and of suitable scale to not dominate the site, buildings or neighbourhood.</p>
4.8	Amenity	<p>In accordance with the Acceptable Solutions of this clause:</p> <ul style="list-style-type: none"> <li>• An Updated Acoustic Assessment has been provided (<b>Attachment 10</b>), which has demonstrated that the cooling and heating units will not have a significant adverse noise impact. This is discussed in the “Impacts” section further in this report;</li> <li>• It is considered that the development incorporates suitable lighting to deter crime and vandalism. Suitable conditions can be imposed on any subsequent consent to mitigate impacts associated with external lighting;</li> <li>• The materials and finishes of the buildings are complementary to the surrounding area; and</li> <li>• The loading area and service yard have been suitably located, between the buildings adjacent to Chester Lane, to be substantially screened from public view.</li> </ul>
4.9	Earthworks & Stormwater Drainage	<p>The proposed earthworks are considered acceptable for the site, with the required fill and retaining walls (up to 670mm) not considered excessive.</p> <p>All stormwater can be discharged to the street drainage, with Council’s Manager Civil Engineering has confirmed that, subject to detailed engineering design as part of the Construction Certificate, the capacity of the stormwater drainage system adjacent to the development is adequate for post-development stormwater volumes and flows.</p>
4.10	Landscaping	<p>Landscaping has been proposed along the street frontages and partway along the eastern boundary (from Chester Street to the Rural Supplies / Specialised Retail Premises building). The proposed landscaped area is considered acceptable.</p> <p>Suitable conditions can be imposed on any subsequent</p>



		<p>consent in relation to:</p> <ul style="list-style-type: none"> <li>• Submission and approval of a detailed landscaping plan prior to issue of a Construction Certificate; and</li> <li>• Completion of landscaping prior to issue an Occupation Certificate.</li> </ul>
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#### Inverell Development Control Plan 2013 – Chapter 5 Parking & Traffic

In relation to car parking, the Transport Assessment (**Attachment 9**) submitted at the time of lodging the application relied upon the following “Notes”:

*“The proposal will not provide work bays or restaurant.”*

*“Based on advice provided by NDC, the proposed display and shed facilities are ancillary to the operation of the service station. Accordingly, these uses are unlikely to generate independent trips. As such, their associated commuters are mainly considered only for cross-trade purposes that have visited the service station.”*

Council’s Development Services Staff did not support the above notes and sought an updated Car Parking Assessment that addressed the following matters:

- The “shed” is characterised as a separate and independent use (i.e. rural supplies / specialised retail premises);
- The “display” forms part of the Service Station building and must be included as part of the gross floor area for the purpose of car parking calculations; and
- A commercial kitchen and outdoor tables/seating are proposed for the development. Car parking calculations (based on no. seats) are to be applied.

A Revised Parking Assessment was included in the letter supplied 27 February 2023 (**Attachment 9**). This Revised Parking Assessment has been used for the assessment against this Chapter.

CLAUSE	TITLE	COMMENT AND ASSESSMENT
5.3	Parking Space Requirements	<p><u>Service Station</u></p> <p>A Service Station requires:</p> <p><i>4 spaces per work bay, plus 5 spaces per 100m<sup>2</sup> of GFA for convenience stores, plus 15 spaces per 100m<sup>2</sup> of GFA or 1 space per 3 seats for restaurant, whichever is the greater.</i></p> <p>In relation to the “Display Area” attached to the Convenience Shop, the applicant has submitted that this should be assessed as a traditional retail shop at 1 space per 25m<sup>2</sup>.</p> <p><u>Rural Supplies / Specialised Retail Premises</u></p> <p>No parking rate is specified for Rural Supplies or Specialised Retail Premises. In this instance, this Chapter states:</p> <p><i>Where a development type is not included in the acceptable solution, the required parking provision will be determined by Council in consideration of the individual circumstances of a proposal, supporting evidence (e.g. traffic impact study, parking survey etc) and other best practice guidelines.</i></p> <p>In consultation with Council, the applicant was directed to the NSW RMS Guide to Traffic Generating Developments (Updated Traffic Surveys Published August 2013 – Ref TDT</p>

		<p>2013/04a). This guide provides the following peak parking rates per 100m<sup>2</sup> GFA for bulky good premises (now known as specialised retail premises) in non-metropolitan areas:</p> <ul style="list-style-type: none"> <li>• <u>Weekdays:</u> <ul style="list-style-type: none"> <li>– Min – 0.41</li> <li>– Max – 2.00</li> <li>– Avg – 1.03</li> </ul> </li> <li>• <u>Weekend</u> <ul style="list-style-type: none"> <li>– Min – 0.35</li> <li>– Max – 2.25</li> <li>– Avg – 1.15</li> </ul> </li> </ul> <p>The applicant was request to nominate and justify a suitable parking rate consistent with the above. In response, the minimum parking rate of 0.41 has been nominated by the applicant with the following justification provided:</p> <ul style="list-style-type: none"> <li>• <i>The specialised retail/rural supplies shed has two (2) independent drive-thru lanes, and associated loading/unloading activities will be accommodated within the building. This will reduce the need for separate on-site car parking spaces; and</i></li> <li>• <i>Some overlap will exist between the Service Station component, and the specialised retail/rural supplies component in relation to the dual use of bowser car parking spaces. In this regard, customers utilising the fuel bowser parking spaces from time to time will likely access the specialised retail/rural supplies shed to make a purchase whilst in the process of completing the fuel transaction.</i></li> </ul> <p>In this instance, it is considered that the applicant's justification for adopting the minimum parking rate is acceptable given the drive-through nature of the building compared to a traditional enclosed store.</p> <p>Therefore, it is recommended that for this particular development a parking rate of 0.41 spaces per 100m<sup>2</sup> be adopted for the Rural Supplies / Specialised Retail Premises.</p>																		
5.4	Provision of Car Parking	<p>In accordance with the above the following car parking is required.</p> <table border="1"> <thead> <tr> <th><u>Development</u></th><th><u>Rate</u></th><th><u>Parking Required</u></th></tr> </thead> <tbody> <tr> <td colspan="3"><i>Service Station</i></td></tr> <tr> <td>Convenience Shop (282m<sup>2</sup>)</td><td>5 spaces per 100m<sup>2</sup> GFA</td><td>14.1 spaces</td></tr> <tr> <td>Display Area (94m<sup>2</sup>)</td><td>1 space per 25m<sup>2</sup> GFA</td><td>3.76 spaces</td></tr> <tr> <td>Outdoor Seating (4 tables / 15 seats)</td><td>1 space per 3 seats</td><td>5 spaces</td></tr> <tr> <td colspan="2">Sub Total</td><td>22.86 spaces</td></tr> </tbody> </table>	<u>Development</u>	<u>Rate</u>	<u>Parking Required</u>	<i>Service Station</i>			Convenience Shop (282m <sup>2</sup> )	5 spaces per 100m <sup>2</sup> GFA	14.1 spaces	Display Area (94m <sup>2</sup> )	1 space per 25m <sup>2</sup> GFA	3.76 spaces	Outdoor Seating (4 tables / 15 seats)	1 space per 3 seats	5 spaces	Sub Total		22.86 spaces
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		<i>Rural Supplies / Specialised Retail Premises</i>		
		Shed (432m <sup>2</sup> )	0.41 spaces per 100m <sup>2</sup>	1.77 spaces
		<b>Total</b>		24.63 spaces
		<b>Rounded</b>		<b>25 spaces</b>
		<p>The following car parking is provided within the development:</p> <ul style="list-style-type: none"> <li>• Fourteen (14) bowser spaces;</li> <li>• Nine (9) dedicated parking spaces; and</li> <li>• Two (2) dedicated drive-thru lanes (doubling as parking areas) within the Rural Supplies / Specialised Retail Premises building.</li> </ul> <p><b>Total      25 spaces</b></p> <p>In addition to the above parking spaces, the following elements of the development will also provide additional parking in certain circumstances:</p> <ul style="list-style-type: none"> <li>• An “Air &amp; Water” space is nominated on the eastern side of the site. This space would likely be used as a parking space by customers;</li> <li>• When not in use by heavy vehicles, the heavy vehicle refuelling bowsters (counted formally as only two (2) spaces), could accommodate an additional two (2) cars; and</li> <li>• The Rural Supplies / Specialised Retail Premises building enables the stacking of vehicles, which is considered acceptable given the drive-through nature of the building.</li> </ul>		
5.5	Design	<p>The development is considered to comply with the controls of this section in consideration of:</p> <ul style="list-style-type: none"> <li>• All parking spaces comply with Australian Standards;</li> <li>• The parking spaces, driveways and Rural Supplies / Specialised Retail Premises building have been designed for vehicles to enter and exit in a forward direction;</li> <li>• The loading area has been provided at the side of the buildings;</li> <li>• The applicant has provided swept paths (<b>Attachments 5 and 11</b>), which has demonstrated manoeuvring for heavy vehicles; and</li> <li>• Suitable conditions can be imposed in relation to construction and maintenance of all parking spaces and vehicle movement areas.</li> </ul>		
5.6	Stormwater	<p>All stormwater can be discharged to the street drainage, which Council’s Manager Civil Engineering has confirmed that, subject to detailed engineering design as part of the</p>		

		Construction Certificate, the capacity of the stormwater drainage system adjacent to the development is adequate for post-development stormwater volumes and flows.
5.7	Landscaping	Landscaping has been proposed along the street frontages and partway along the eastern boundary (from Chester Street to the Rural Supplies / Specialised Retail Premises building). The proposed landscaped area is considered acceptable.
5.8	Access & Frontage to Laneways	No access is proposed from Chester Lane.

#### S.4.15 (1) (a) (iv) EP&A Act 1979 – Prescribed Matters under the EP&A Regulation 2021

It is considered that there are no prescribed matters that required detailed assessment for this application.

#### S.4.15 (1) (b) EP&A Act 1979 - The likely impacts of that development

Matters	Consideration
Context & Setting	<p>The surrounding area comprises a mixture of commercial and residential uses, with the development site being located at the interface between the R1 General Residential and B1 Neighbourhood Centre zones (now E1 Local Centre zone). The site previously contained a service station, which included the ancillary sales of rural supplies.</p> <p>It is considered that the proposed development is compatible with the mixed-use area.</p> <p><i>Note: Specific amenity impacts associated with the development (e.g. noise) have been discussed below).</i></p>
Access, Transport & Traffic	<p>The Transport Assessment (<b>Attachment 4</b>) submitted with DA-129/2022 has demonstrated that the development will not have a significant adverse impact on the road network.</p> <p>The application has provided swept paths (<b>Attachments 5 and 11</b>), which has demonstrated adequate manoeuvring into and out of the site.</p> <p>The development is considered to have sufficient parking in accordance with Chapter 5 of the <i>Inverell Development Control Plan 2013</i> (assessed above).</p> <p>Overall, the development is not considered to have a significant adverse impact in relation to access, transport or traffic.</p>
Public Domain	The development is not considered to have a significant adverse impact on the public domain (i.e. road reserves, parks, Macintyre River) in the area.
Utilities	All utilities are available to the site
Heritage	The site is not identified as a heritage item and due to historic disturbance is unlikely to contain any artefacts of Aboriginal significance.
Other Land Resources	Given the location of the site within the Inverell township it is not considered suitable for other land resources (e.g. primary production).
Water	<p><u>Stormwater Volumes and Infrastructure</u></p> <p>All stormwater from the development site can be discharged to the existing infrastructure (refer previous comments from manager Civil Engineering)</p>

	<p>without adversely impact surrounding properties.</p> <p><u>Service Station Forecourt</u></p> <p>In accordance with Section 3.2.2.6 of the <i>Liquid Trade Waste Management Guidelines – For councils in regional NSW, 2021</i>, the discharge of wastewater from new service stations, including run-off from forecourts and other refuelling points is not permitted to the sewer system. Rather wastewater from the forecourt must be discharged to in accordance with the NSW EPA Practice Note titled <i>Managing Runoff from Service Station Forecourts, June 2019</i>.</p> <p>This Practice Note allows run-off from the forecourt to be discharged to the stormwater system subject to:</p> <ul style="list-style-type: none"> <li>• Prior treatment so the water does not exceed a maximum allowable discharge concentration of 5-parts per million (ppm) of total petroleum hydrocarbons (TPHs); and</li> <li>• Monitoring for the concentration of TPHs must be done in accordance with the most current version of the publication: <i>Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales</i>.</li> </ul> <p>5-parts per million (ppm) of TPHs is consistent with good environmental practice and the industry standard. If a discharge of treated forecourt run-off contains less than 5ppm of TPH regulatory action for an offence under section 120 of the Protection of the Environment Operations Act 1997 is unlikely to be considered.</p> <p>DA-129/2022 proposed to install a “Class 1 Separator”, which should achieve the required 5ppm of TPH. This is considered sufficient for the determination of DA-129/2022 and conditions can be imposed on any subsequent consent in relation to:</p> <ul style="list-style-type: none"> <li>• Details of the separator being submitted to and approved by Council prior to issue of a Construction Certificate;</li> <li>• Installation of the approved separator prior to issue of an Occupation Certificate; and</li> <li>• Ongoing monitoring of TPHs.</li> </ul> <p>Subject to the above, it is considered that the development will not have a significant adverse impact on water.</p>
Soils	<p>The site has been remediated and validation report (<b>Attachment 2</b>) submitted with DA-129/2022. Suitable erosion controls measures can be implemented during construction.</p> <p>Overall, the development is considered to have no significant adverse impact on soils.</p>
Air Quality	<p>The site corner of Glen Innes Road and Chester Street previously contained and service station. Whilst the proposed service station is larger, given the amount of traffic on Glen Innes Road (highway) and Chester Street (informal heavy vehicle bypass), it is considered that the proposed development will not have a significant adverse impact on air quality from vehicle emissions.</p>

Flora & Fauna	The site does not contain any protection flora or fauna. A detailed assessment under the <i>Biodiversity Conservation Act 2016</i> is not required for this development.
Waste	The development proposes a service yard for refuse storage/collection, which is located on the east of the service station building which can be conveniently accessed by private contractor waste collection vehicles. This is considered acceptable and the development is not considered to have a significant adverse waste impact.
Energy	DA-129/2022 was referred to Essential Energy, with an Electrical (ISCC20) Report ( <b>Attachment 12</b> ) being prepared for the development. Based on the comments received from 28 April 2023 no electrical issues preclude issuing of development consent subject to suitable conditions.
Noise	<p>The original acoustic assessment submitted was assessed by Council and considered inadequate as it did not address:</p> <ul style="list-style-type: none"> <li>• Operational noise impacts on Chester Street residences; and</li> <li>• Road noise impacts associated with increased traffic from the development.</li> </ul> <p>Following a request for further information 25 January 2023, an Updated Acoustic Assessment (<b>Attachment 10</b>) was submitted on 5 April 2023. This updated acoustic assessment has:</p> <ul style="list-style-type: none"> <li>• Assessed noise impacts at the following locations: <ul style="list-style-type: none"> <li>– Dwelling to the north-east;</li> <li>– Dwellings to the east;</li> <li>– Motel (inside with the windows closed);</li> <li>– Dwellings to the north (inside with windows open; and</li> <li>– Dwellings to the north – rear private open space.</li> </ul> </li> </ul> <p><i>Note: The dwellings to the north are Chester Street dwellings not included in the original assessment.</i></p> <p>The acoustic assessment includes the following acoustic treatments and are required to mitigate noise impacts (i.e. reduce noise to less than 5dBA above background levels): on the surrounding area:</p> <ul style="list-style-type: none"> <li>• Installation of the following acoustic barriers: <ul style="list-style-type: none"> <li>– 2.2m high barrier along Chester Lane, between Glen Innes Road and service station building;</li> <li>– 3.5m high barrier along Chester Lane, between the service station building and rural supplies / specialised retail premises building;</li> <li>– 3.5m high barrier along the eastern boundary of the site, between the rural supplies / specialised retail premises building and Chester Street;</li> </ul> </li> <li>• Deliveries at the MRV loading area be limited to the daytime period between 7am and 6pm;</li> <li>• Waste collection be limited to the daytime period between 7am and 6pm;</li> </ul>



	<ul style="list-style-type: none"> <li>• Onsite forklifts (i.e. inside the shed) should be electric type only, not diesel;</li> <li>• The service station tyre pressure alarm should be a visual type not audible, or set to a noise level less than 60 dB(A) at 1m.</li> <li>• Driveway and car parking areas be finished with surface coatings which prevent tyre squeal (an uncoated or unpolished concrete or bitumen surface is acceptable);</li> <li>• Drainage grating over trafficable areas be well secured to prevent rattling.</li> <li>• Mechanical plant be designed and installed to comply with the noise criterion presented in Section 4 of the Acoustic Assessment. As final plant selection has not been completed, additional acoustic assessment/s should be undertaken once plant selections are finalised. Such assessments should be undertaken prior to Building Approval; and be conditioned within the Development Approval. <ul style="list-style-type: none"> <li>– To minimise noise impacts, plant should be located as far as possible from the nearest offsite receivers (i.e. the dwellings and motel to the northeast, east and southeast).</li> <li>– Based upon the preliminary noise modelling, onsite mechanical plant will likely require acoustical screens / enclosures for refrigeration compressors and air-conditioning condensers, with kitchen and toilet exhausts likely requiring acoustic attenuators / silencers.</li> </ul> </li> </ul> <p>The updated acoustic assessment has been undertaken in accordance with the NSW Noise Policy for Industry and subject to the above mitigation measures, has demonstrated that the development will not result in significant adverse operational noise impacts.</p> <p>In relation to road noise, the updated acoustic assessment also includes an assessment in accordance with the NSW Road Noise Policy. This assessment concludes that the additional traffic noise associated with the proposed development is predicted to result in a maximum 2.6dBA increase in traffic noise over the next ten (10) years. This 2.6dBA increase is not considered unreasonable, with the average person generally unable to detect a 3 dB variation in sound pressure level.</p> <p>Overall, it is considered that Updated Acoustic Assessment (<b>Attachment 10</b>):</p> <ul style="list-style-type: none"> <li>• Satisfies the requirements of the NSW Noise Policy for Industry and NSW Road Noise Policy.; and</li> <li>• Demonstrates that subject to mitigation measures, the development will not have a significant adverse impact on the surrounding area from operational noise; and</li> <li>• Demonstrate that the development will not have a significant adverse impact on the surrounding area from road noise.</li> </ul>
Natural Hazards	The site is not identified a subject to any natural hazards.
Safety, Security & Crime Prevention	<p>The development will provide suitable lighting to illuminate dark areas (subject to conditions in relation impacts) and deter crime. Given the nature of the development (service station), it is considered that suitable security measures will be incorporated into the operation.</p> <p>Overall, the development is not considered to have a significant adverse</p>

	impact in relation to safety, security or crime prevention.
Social Impacts in the Locality	<p>In the development assessment process, social impacts can be defined as a significant change or consequence experienced by people or communities as a result of a development. Such changes may include, but are not limited to a person's way of life, access to services, health and wellbeing, aesthetics and/or amenity (sunlight, views, traffic, noise impacts). Social impacts can be both positive and negative.</p> <p>When considering social impacts as part of a Development Application, the Land and Environment Court in <u>New Century Development Pty limited v Baulkham Hills Shire Council [2003] NSWLEC 154</u> has held that:</p> <p><i>“the consent authority must not blindly accept the subjective fears and concerns expressed in the public submissions. Whilst such views must be taken into consideration, there must be evidence that can be objectively assessed before a finding can be made of an adverse effect upon the amenity of the area (Dixon at [53]).</i></p> <p><i>In Broad, de Jersey J explained (at 304) that whilst the court is clearly entitled to have regard to the views of residents of the area, those views will be accorded little, if any, weight if there is no objective, specific, concrete, observable likely consequence of the establishment of the proposed use.</i></p> <p><i>A fear or concern without rational or justified foundation is not a matter which, by itself, can be considered as an amenity or social impact pursuant to s 79C(1) of the EP&amp;A Act”</i></p> <p>In the case of this Development Application, submission makers have raised a number of concerns including but not limited to amenity impacts such as traffic and noise.</p> <p>These matters have been assessed by Council technical staff and it has been determined that these possible impacts will not be significant. Accordingly, whilst submissions have been received, consistent with the Land and Environment Court findings, these submissions do not constitute evidence of a negative social impact as a result of the proposed development.</p>
Economic Impact in the Locality	The proposed development is considered to have a positive economic impact with the expansion of existing business and creation of employment opportunities.
Site Design & Internal Design	<p>The design of the development is considered to comply with Council controls and state legislation. It is considered that the buildings will readily achieve compliance with the Building Code of Australia.</p> <p>Subject to consideration of impacts throughout of this report, no specific impacts are considered to arise from the design of the development.</p>
Construction	<p>To mitigate construction, it is recommended that Council impose conditions of consent in relation to:</p> <ul style="list-style-type: none"> <li>• Hours of construction restricted to between 7.00am and 5.00pm on Monday to Saturday and no work to be carried out at any time on a Sunday or a public holiday; and</li> <li>• Prior to construction, a Construction Environmental Management Plan being submitted to and approved by Council. Amongst other matters, this plan would need to address:</li> </ul>

	<ul style="list-style-type: none"> <li>– Noise mitigation;</li> <li>– Pre-works dilapidation assessment of all adjacent buildings;</li> <li>– Dust and vibration management;</li> <li>– Crane locations and lift paths to minimise lifting;</li> <li>– Site storage and access;</li> <li>– Temporary servicing and service relocations;</li> <li>– Erosion and sediment controls;</li> <li>– Public safety in the use of roads and footpaths adjoining the development;</li> <li>– Continued pedestrian and vehicle access for adjoining premises; and</li> <li>– Sanitary amenities and ablutions proposed.</li> </ul>
Cumulative Impacts	<p>The primary cumulative impacts associated with this development relate to traffic and noise. The Transport Assessment (<b>Attachment 4</b>), Updated Acoustic Assessment (<b>Attachment 10</b>) and revised parking assessment (<b>Attachment 9</b>) are considered to suitably address the combined impacts of the development.</p> <p>Overall, the development is not considered to have a significant adverse cumulative impact.</p>
Climate Change	The development is not considered to significantly influence climate change factors.

#### **S.4.15 (1) (c) EP&A Act 1979 – Suitability of the Site**

In assessing the suitability of the site, two matters are considered:

##### *Does the proposal fit in the locality?*

The locality is comprised of a mixture of residential and commercial uses. The site was previously used as a service station with ancillary sale of rural supplies. The development is not considered to have an adverse impact on the amenity of the residential properties in the area as concluded in the impact assessment above.

Overall, the development is considered to “fit” in the locality.

##### *Are the site attributes conducive to development?*

The site has suitable access from Chester Street without comprising the Glen Innes Road or recent round-a-bout construction. All essential services (water, sewer, electricity and telecommunications) are available to the site. The site has been remediated and a Validation Report (**Attachment 2**) submitted confirming that no contamination prevents the redevelopment of the site. Lastly, the subject site is above the 1991 flood and is not subject to any other natural hazards.

Overall, the site attributes are considered conducive to the development.

#### **S.4.15 (1) (d) EP&A Act 1979 – Submissions**

DA-129/2022 was notified for a period of fourteen (14) days from 14 September 2022 to 28 September 2022. As a result of the notification two (2) submissions were received.

The submissions have been circulated separately to Committee members with the Business Paper and the issues raised by submission makers have been summarised into key issues in the Table below.

Submission Issue	Consideration
<b>Submission One</b>	
Lighting impacts on adjacent residential property	<p>Suitable conditions can be imposed on any subsequent consent requiring compliance with:</p> <ul style="list-style-type: none"> <li>• <i>Australian Standard 4282:1997 Control of Obtrusive Effects of Outdoor Lighting</i>; and</li> <li>• The luminance levels contained with Section 3.3.3 of Department of Planning's <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (November 2017).</li> </ul>
Noise impacts on Lawrence Street	<p>An acoustic assessment has been undertaken and updated (<b>Attachment 10</b>), which has demonstrated that subject to mitigation measures the development will not have a significant adverse noise impact on surrounding properties. The acoustic assessment also proposes an acoustic barrier between the buildings at the submission makers request.</p>
Use of Chester Lane	<p>The proposed development does not propose any access or use of Chester Lane.</p>
<b>Submission Two</b>	
Compatibility with the Chester Street residential properties	<p>"Compatibility" should not be confused with "sameness". Different developments are "compatible" where they are capable of co-existing in harmony.</p> <p>In this regard, Chester Street, between Glen Innes Road and Lawrence, has historically been used for a mixture of residential and commercial uses.</p> <p>Furthermore, a service station involving ancillary sales of rural supplies was previously located on the corner of Chester Street and Glen Innes Road. Historically, the commercial and residential uses in the area (which are different) have co-existed in harmony.</p> <p>In relation to the development, potential impacts on the residential area have been considered throughout in this report. On balance, it is considered that the development will not have a significant adverse impact</p>
Compatibility with the B1 Neighbourhood Centre zoning	<p>The submission maker contends that the development is not a "neighbourhood" development as described by the zoning.</p> <p>As discussed under Chapter 4 of the <i>Inverell Development Control Plan 2013</i>, the definition of a neighbourhood centre is not restricted to solely serving the surrounding neighbourhood.</p> <p>Therefore, businesses have the capacity to</p>

	<p>serve both the neighbourhood and the surrounding community. In this regard, it is considered that the proposed development has the capacity to serve both the surrounding neighbourhood and broader community. Therefore, the development is not inconsistent with the “neighbourhood centre”.</p> <p>Lastly, the B1 Neighbourhood Centre Zone transitioned to the E1 Local Centre zone on 26 April 2023 as a result of the Employment Zones Reform undertaken by the NSW Department of Planning and Environment.</p> <p>The proposed development is considered to be consistent with the E1 Local Centre zone.</p>
Noise impacts on Chester Street residences	<p>The submission maker has identified that the original acoustic assessment did to assess noise impacts on Chester Street residences.</p> <p>As discussed earlier in this report, further information was requested from applicant in relation to this matter with an updated Acoustic Assessment (<b>Attachment 10</b>) submitted that addressed operational noise and traffic noise on Chester Street residences.</p> <p>It is considered that the updated Acoustic Assessment is satisfactory and the development will not have a significant adverse noise impact on Chester Street residences.</p>
On-site parking does not comply with the <i>Inverell Development Control Plan 2013</i>	<p>The submission maker has identified that the Transport Assessment (<b>Attachment 4</b>) did not address parking requirements for the entire development.</p> <p>As discussed earlier in this report, further information was requested from applicant in relation to this matter with a Revised Parking Assessment in the letter supplied 27 February 2023 (<b>Attachment 9</b>).</p> <p>The Revised Parking Assessment is considered to comply with the requirements of Chapter 5 of the <i>Inverell Development Control Plan 2013</i> (as assessed earlier in this report).</p> <p>The use of bowser spaces as part of the car parking calculations has also been disputed by the submission maker. In this regard, it is considered that the inclusion of bowser space in the calculation of parking is acceptable on the basis that:</p> <ul style="list-style-type: none"> <li>• Council’s DCP does not mandate how the parking spaces are to be provided;</li> <li>• There is a high likelihood that customers using the convenience store will also be purchasing fuel;</li> </ul>

	<ul style="list-style-type: none"> <li>• The bowser spaces are not restricted to fuel purchases only. It is considered common practice for customers to occupy bowser spaces for short periods of time to allow in-store transactions; and</li> <li>• The development is not reliant on bowser spaces. There is a separate parking area on the western side of the site (adjacent to Glen Innes Road).</li> </ul>
Traffic impacts on Chester Street	<p>The development is not considered to result in adverse traffic impacts on Chester Street as:</p> <ul style="list-style-type: none"> <li>• The Transport Assessment (<b>Attachment 4</b>) has been reviewed by Transport for NSW and Council's Manager Civil Engineering with no significant issues identified with the road network;</li> <li>• Council's Manager Civil Engineering has assessed sight line distances (refer 'Referrals' section of this report), which comply with Austroads;</li> <li>• The applicant has provided Swept Paths (<b>Attachments 5 and 11</b>), which confirmed that vehicles can safely enter and exit the site; and</li> <li>• The Updated Acoustic Assessment (<b>Attachment 10</b>) has assessed road noise impacts, which are not considered to be unreasonable.</li> </ul>
Shadowing of residential properties by Rural Supplies / Specialised Retail Premises building	<p>The proposed Rural Supplies / Specialised Retail Premises building has a skillion roof, with the eave height on the side boundary (rear of Lawrence Street properties) being 6.9 metres (refer Design Plans as <b>Attachment 7</b>).</p> <p>This height is not considered to result in any significant adverse shadowing impact on Lawrence Street properties as:</p> <ul style="list-style-type: none"> <li>• The building is setback 3 metres from the boundary with Lawrence Street properties; and</li> <li>• The building is located to the south and west of the Lawrence Street properties, which would still enjoy access to northern sunlight.</li> </ul>
Odour Impacts	<p>The service station is not considered to result in adverse odour impacts, with the suitable separation distance between the bowzers and surrounding residences to mitigate odour associated with fuel.</p> <p>In relation to rural supplies, it is considered potential odour causing products (e.g. fertiliser)</p>



	would generally be bagged and not create an adverse odour impact. This can also be reinforced as a condition of any subsequent consent.
Equity loss of residential properties	<p>There is no empirical evidence, or expert evidence put forward to suggest the proposed development will reduce property values in the area. It is considered that possible devaluation of property values is not an impact itself but rather a result of an impact.</p> <p>Therefore, it is necessary for Council to consider the impacts behind the perception of property devaluation. As discussed throughout this report, particularly in respect to traffic and noise, the overall impact on the adjoining properties is not considered unreasonable.</p> <p>It is considered that the concerns relating to negative impacts on property values are not sufficient to warrant rejection of the application</p>
Compliance with Clause 4.4 of the Inverell Development Control Plan 2013	<p>The submission maker references Clause 4.4 and specifically that an industrial development should face the street frontage (i.e. Glen Innes Road). Whilst the development is not “industrial” in consideration of this matter:</p> <ul style="list-style-type: none"> <li>• It is considered that the primary street frontage is Chester Street;</li> <li>• The development has been designed to face Chester Street, which satisfies this clause; and</li> <li>• The development incorporates different building materials, colours and landscaping to create visual interest.</li> </ul> <p>Overall, the development is not considered to have a significant adverse impact on the Chester Street streetscape.</p>
Design of the Rural Supplies / Specialised Retail Premises Building	<p>The submission maker has highlighted the following concerns with the design of the Rural Supplies building:</p> <ul style="list-style-type: none"> <li>• Discrepancies with the roller doors shown on plan;</li> <li>• The inability for a Medium Rigid Vehicle or articulated vehicles to manoeuvre and unload within the building.</li> </ul> <p>In relation to these points:</p> <ul style="list-style-type: none"> <li>• The actual discrepancies have not been specifically identified by the submission maker. Council’s review of the Design Plans (<b>Attachment 7</b>) and Swept Paths (<b>Attachments 5 and 11</b>), have not identified any concerns with the roller</li> </ul>

	<p>doors;</p> <ul style="list-style-type: none"> <li>• The Swept Path for a Medium Rigid Vehicle (<b>Attachment 5</b>) confirm suitable loading and unloading within the rural supplies / specialised retail premises building. It is noted that an internal site reversing movement is required, which is acceptable, as the MRV can still enter and exit at the site boundary in a forward direction; and</li> <li>• The swept paths (<b>Attachments 5 and 11</b>) have demonstrated suitable circulation through the rural supplies / specialised retail premises building.</li> </ul>
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#### **S.4.15 (1) (e) EP&A Act 1979 – Public Interest**

The development is not considered to be prejudicial to the public interest.

#### **CONCLUSION**

DA-129/2022 has been lodged for the construction and operation of a service station, rural supplies and specialised retail premises at 24 to 28 Glen Innes Road and 1 to 7 Chester Street, Inverell.

The development is “permitted with consent” in both the B1 Neighbourhood Centre (current at the date of lodgement of DA-129/2022) and E1 Local Centre (current from 26 April 2023). The development has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered to be consistent with the relevant State Environmental Planning Policies, *Inverell Local Environmental Plan 2012* and *Inverell Development Control Plan 2013*.

DA-129/2022 was referred to Transport for NSW and Essential Energy in accordance with the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The comments received from these agencies have been considered as part of this assessment and do not preclude issuing of development consent.

As a result of notification of DA-129/2022, two (2) submissions were received. The matters raised by the submission makers have been considered in this report and are not considered to preclude issuing of development consent.

Following an assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, it is recommended that DA-129/2022 be approved subject to conditions.

#### **ATTACHMENTS:**

- 1. List of Attachments provided under separate cover and available on Council's website**



**5.2 PLANNING PROPOSAL - REQUEST TO AMEND INVERELL LOCAL ENVIRONMENTAL PLAN 2012 - 1 BURGESS STREET, INVERELL****File Number:** S18.6.34/11 / 23/13450**Author:** Chris Faley, Development Services Coordinator**SUMMARY:**

At the Ordinary Meeting of Council on 26 April 2023, Council resolved to request an extension from the Department of Planning and Environment to the timeframe for completion of the Planning Proposal relating to 1 Burgess Street, Inverell. The intent of the extension was to facilitate the concurrent consideration of a Development Application for the proposed use.

The purpose of this report is to brief the Committee on the status of the request made to the Department of Planning and Environment. At the time of writing, a formal response had yet to be received from the Department of Planning and Environment.

The Committee is requested to recommend that a further report on this matter be made to the Ordinary Meeting of Council on 24 May, 2023.

**RECOMMENDATION:**

*That the Committee recommends to Council that a further report be considered at the May 2023 Ordinary Meeting of Council.*

**COMMENTARY:****Introduction**

On 12 April 2023, the Civil and Environmental Services Committee (the Committee) considered a report in relation to the Planning Proposal to permit a 'Centre-Based Child Care Facility' on 1 Burgess Street, Inverell as an 'Additional Permitted Use' under Schedule 1 of the *Inverell Local Environmental Plan 2012*.

The Committee unanimously resolved the following recommendation:

*That the Committee recommends to Council that subject to no objections being received from the Anaiwan Local Aboriginal Land Council:*

- 1. The Planning Proposal to permit a 'Centre-Based Child Care Facility' on 1 Burgess Street, Inverell as an 'Additional Permitted Use' under Schedule 1 of the Inverell Local Environmental Plan 2012 be endorsed by Council and the NSW Department of Planning and Environment be requested to finalise the Planning Proposal; and*
- 2. The Director Civil and Environmental Services be authorised to undertake any administrative and procedural functions requested of Council by the NSW Department of Planning and Environment to finalise the Planning Proposal.*

At the Ordinary Meeting of Council on 26 April, 2023, the Planning Proposal was further discussed with the following resolution (Res. 2023/51) being made:

- 1. That Council request the Department of Planning and Environment to extend the timeframe for completion of the Planning Proposal; and*
- 2. Subject to an extension being granted by the Department of Planning and Environment, a Development Application for the centre-based child care facility be considered by Council in conjunction with a final determination being made on the Planning Proposal.*

It is noted that the ability for Council to consider a Development Application concurrently with a Planning Proposal is contained in Division 3.5 of the *Environmental Planning and Assessment Act 1979*.

### **Extension request to the Department of Planning and Environment**

In accordance with the Council resolution (Res. 2023/51) on 26 April, 2023, a formal request to the Department of Planning and Environment (the Department) was made on 3 May, 2023 for an extension to the timeframe for completion of the Planning Proposal.

At the date of preparing this report for inclusion in the Committee Business Paper, a formal response was still pending from the Department. However, based on preliminary discussions between Council and Department staff on 27 April, 2023, it has been indicated by the Department that an extension is unlikely to be granted as:

- The conditions of the Gateway Determination have been satisfied;
- No submissions were received following public exhibition requiring further information or consideration; and
- Under the Department's Planning Proposal categories, the Planning Proposal is considered "Standard", which has a target timeframe of 200 working days from the issuing of a Gateway Determination to Finalisation of the Planning Proposal.

The gateway determination issued to Council has a timeframe of 190 working days (9 months), which enables a minimum 10 working day extension for minor administrative matters.

An extension to enable sufficient time for the lodgement and assessment of a Development Application would extend beyond the Department's target timeframe.

It is intended to provide a further report to the Ordinary Meeting of Council on 24 May, 2023 on this matter, by which time a formal response should have been received.

### **Process if the Department of Planning and Environment refuse an extension**

Should the Department ultimately refuse a timeframe extension to finalise the Planning Proposal, at the Ordinary Meeting of Council on 24 May, 2023, Council will be required to make a final determination to either:

- Proceed with the Planning Proposal consistent with the recommendation made by the Civil and Environmental Services Committee on 12 April, 2023;
- or
- Not proceed with the Planning Proposal.

As part of Council's consideration of whether to proceed with the Planning Proposal is the question of whether the site is a suitable location for a centre-based child care facility given potential impacts associated with the Gwydir Highway, nearby businesses and a telecommunications tower. These impacts, including any necessary mitigation measures, would be considered at the Development Application stage (hence the Council Resolution on 26 April, 2023).

Whilst a Development Application has not been lodged to fully assess impacts, Council's Development Assessment staff have undertaken a high level "strategic review" of 1 Burgess Street and provided the following comments for Committee's information:

- **Telecommunications Tower** – This tower was approved under DA-2/2013, with the application accompanied by a summary report of the estimated maximum cumulative radiofrequency electromagnetic energy (EME) levels. The maximum EME level calculated for the site was estimated to be 0.098% of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Public Exposure Limit.

For context, the ARPANSA Public Exposure Limit is expressed as 100%, whereby an EME level of 1% means that the total EME level from all wireless network transmitters on the

site, all operating at their maximum power, will be no more than one hundredth (1/100) of the limit set by the ARPANSA Standard for members of the public.

Given the maximum EME levels of 0.098% from the telecommunication tower on 1 Burgess Street, it is possible for the child care centre to be directly underneath the tower and remain significantly below the public EME exposure limit.

- **Proximity to the Gwydir Highway** – The “Site Selection and Location” criteria contained within NSW Child Care Planning Guidelines does not prohibit or restrict the development of a centre-based child care centre along a highway, major road or busy road. Rather, the NSW Child Care Planning Guidelines permits a centre-based child care centre along a major or busy road subject to suitable access and specialist impact assessments being submitted with a Development Application (e.g. acoustic assessment, air quality assessment).

Of relevance for this high level “strategic review” is what constitutes a major or busy road. In this regard, the NSW Child Care Planning Guidelines do not define a “major road”; however, they do refer to *State Environmental Planning Policy (Infrastructure) 2007* for the definition of “busy road”.

*Note: State Environmental Planning Policy (Infrastructure) 2007 has since been repealed and replaced with State Environmental Planning Policy (Transport and Infrastructure) 2021.*

In accordance with *Development Near Rail Corridors and Busy Roads – Interim Guidelines* published by the NSW Department of Planning and Clause 2.120 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, a busy road is considered to be a road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW).

The annual average daily traffic volume for the Gwydir Highway in Inverell is:

- 1,358 vehicles for 2023, based on the Transport for NSW Traffic Volume Viewer on the TfNSW website (taken 940m west of Tamboura Close); and
- Approximately 3,500 at the intersection of Jardine Road and Warialda Road (based on traffic counts undertaken for the Bunnings Development under DA-1/2023).

Adopting the higher number of annual average daily traffic volume (3,500 vehicles per day), the Gwydir Highway in Inverell remains significantly lower than the 20,000 vehicles per day that constitutes a “busy road”.

In summary:

- The NSW Child Care Guidelines and state planning legislation permit centre-based child care facilities to be undertaken adjacent to highways with significantly higher traffic volumes than the Gwydir Highway in Inverell; and
  - The amount of traffic on the Gwydir Highway is significantly lower than the threshold required to undertake specialist impact assessments (e.g. acoustic assessment, air quality assessment) under the NSW Child Care Planning Guidelines.
- **Proximity to Service Station** – There is approximately 75 metres separation between the service station forecourt and the building on 1 Burgess Street intended to be used for the centre-based child care centre, with further separation to the truck parking area and truck refuelling area (diesel canopy) located to the rear and side of the service station.

The NSW Child Care Planning Guidelines do not specify setbacks or buffer distances for a centre-based child care facility from a service station.

There are separation distances applying to the service station under *State Environmental Planning Policy (Resilience and Hazards) 2021* for “potentially hazardous development”. Based on the volume of fuel stored at the service station, a minimum separation distance of 10 metres is required between the service station and proposed centre-based child care

centre. Given the separation distance of 75 metres, the service station is not considered “potentially hazardous” to the child care centre.

In relation to other impacts such as noise and air quality, given the low traffic volumes of the Gwydir Highway, it is considered that the additional emissions from traffic using the service station would remain below the threshold for a “busy road” as defined under state guidelines.

Overall, it is considered that the separation distance of 1 Burgess Street to the service station is acceptable, with further measures (e.g. fencing, landscaping) to mitigate potential impacts to be considered as part of a Development Application.

- **Proximity to Mixed Use Commercial / Light Industrial Site (108-110 Warialda Road, Inverell)** – 108-110 Warialda Road contains a rural agency, retail premises (truck parts), mechanic, auto-electrician and fabricator. This site is zoned R1 General Residential with the current uses operating under “existing use rights”. Given the residential zoning, there is limited opportunity for further development of this site.

The separation distance between the mixed use premises and building on 1 Burgess Street to be used for the centre-based child care is approximately 60 metres. It is noted that there is a number of residential properties in closer proximity to the light industrial uses and there is no evidence to suggest any amenity impacts on these dwellings.

It is considered that as part of a Development Application, further measures (e.g. fencing, landscaping) to mitigate potential impacts could be incorporated into the development.

- **Permissibility of Centre-Based Child Care Centres in the Area** – The development site immediately adjoins land zoned SP4 Enterprise Corridor (formally B5 Business Development) and R1 General Residential. A “centre-based child care facility” is permissible in both of these zones and can theoretically be undertaken on a nearby site adjoining or adjacent to the highway, service station and/or mixed use site.

## CONCLUSION

At the date of preparing this report for inclusion in the Committee Business Paper, a formal response was still pending from the Department. The Committee is requested to recommend to Council that a further report be considered at the May 2023 Ordinary Meeting of Council.

## RISK ASSESSMENT:

Nil

## POLICY IMPLICATIONS:

The planning proposal is consistent with the relevant strategic planning framework, including the Inverell Local Strategic Planning Statement 2036 and the New England and North West Regional Plan 2036.

## CHIEF FINANCIAL OFFICERS COMMENT:

Nil

## LEGAL IMPLICATIONS:

The amendment to the *Inverell Local Environmental Plan 2012* would change the planning provisions for Lot 2 DP 818029, 1 Burgess Street, Inverell.

## ATTACHMENTS:

Nil



**5.3 RESIDENTIAL LAND REVIEW****File Number: S18.6.51 / 23/13484****Author: Chris Faley, Development Services Coordinator****SUMMARY:**

In April 2022, a Residential Land Review was undertaken to update Committee Members on the residential land supply and demand in Inverell since the gazettal of the *Inverell Local Environmental Plan 2012*.

The purpose of this report is to provide Committee Members with an updated Residential Land Review. Specifically, the report seeks to broadly analyse the relationship between residential land supply and demand since April 2022. The key parameters reviewed include dwellings constructed, units constructed, number of lots approved, the number of lots developed and the amount of available land for greenfield development.

The Committee is requested to recommend to Council that:

- Staff continue to monitor and report on residential land supply and demand in Inverell; and
- A report be brought back to the Committee on a proposal to call for Expressions of Interest for Council owned land off Vernon Street.

**RECOMMENDATION:**

*The Committee recommend to Council that:*

1. *Staff continue to monitor and report on residential land supply and demand in Inverell; and*
2. *A report be brought back to the Committee on a proposal to call for Expressions of Interest for a portion of Council owned land off Vernon Street.*

**COMMENTARY:****Background**

At the Joint Committee Meeting on 14 June 2017, the matter of residential land supply and associated fees and charges was raised as part of discussions around Council's four (4) year Delivery Plan 2017-2021.

A Residential Land Review was provided to the Civil and Environmental Services Committee on 9 August, 2017. It was subsequently resolved (Res. 78/17) at the Ordinary Meeting of Council on 23 August, 2017 that:

*'A further report be presented to the October 2017 Civil and Environmental Services Committee Meeting, following a committee tour of available residential land and provision of this report to industry participants.'*

Councillors and Council staff conducted a tour of residential land in Inverell on 28 September, 2017 prior to the September 2017 Ordinary Meeting of Council.

Following the tour of residential land, a further Residential Land Review Report was considered by the Civil and Environmental Services Committee on 11 October 2017. At the Ordinary Meeting of Council on 25 October, 2017, it was resolved (Res. 105/17) that:

- i) *Council continue in a facilitating role monitoring the situation and allow normal market forces to dictate the outcome. A further evaluation of residential land supply and take up could be completed in 12 months' time;*

- ii) Council to investigate a partnership with a Community Housing Provider to possibly facilitate the release of new social housing stock options in Inverell;*
- iii) A report be brought back to the Committee for consideration on the options available in respect of possibly reducing water contributions for developers;*
- iv) A report be brought back to the Committee on a proposal to call for Expressions of Interest for the identified Vernon Street land; and*
- v) The support for Structure Plans to be prepared for new residential areas be acknowledged.*

In accordance with the October 2017 Council Resolution, a report was considered at the Ordinary Meeting of Council on 22 November, 2017 in relation to the water contribution for standard density residential subdivision. It was resolved (Res. 133/17) that:

- i) A subsidy in the amount of \$2,325 per lot is offered on the water contribution for all new standard density residential lots created and offered to the market;*
- ii) The subsidy applies for the period of the 2018 calendar year;*
- iii) The subsidy is capped at a maximum of 50 lots;*
- iv) The subsidy only applies in the R1 General Residential Zone;*
- v) The subsidy not apply to multi-unit dwelling developments;*
- vi) The subsidy only applies for lot releases of 1 into 3 lots or greater; and*
- vii) The subsidy only applies for lot releases that are considered Subdivision Certificate ready and have a marketing arrangement in place.*

On 10 October, 2018, a twelve (12) month Residential Land Review Report was provided to Civil and Environmental Services Committee for consideration. At the Ordinary Meeting of Council on 24 October, 2018, it was resolved (Res. 132/18):

*That the Water Contribution Subsidy Contribution Scheme be updated consistent with the following:*

- i) A subsidy in the amount of \$2,570 per lot is offered on the water contribution for all new standard density residential lots created and offered to the market;*
- ii) The subsidy applies for the period of the 2018 and 2019 calendar years;*
- iii) The subsidy is capped at a maximum of 75 lots;*
- iv) The subsidy only applies in the R1 General Residential Zone;*
- v) The subsidy not apply to multi-unit dwelling developments;*
- vi) The subsidy only applies for lot releases of 1 into 3 lots or greater; and*
- vii) The subsidy only applies for lot releases that are considered Subdivision Certificate ready and have a marketing arrangement in place.*

In 2018, no residential subdivisions were undertaken that qualified for the Water Contribution Subsidy Scheme. However, in 2019 two (2) subdivisions were undertaken that did qualify for the Water Contribution Subsidy Scheme. These were DA-70/2006 Stage 2 – Max Place Subdivision – 9 Standard Density Residential Lots and DA-254/2004/A Stages 2 and 3 – Inverell Parklands Estate – 32 Standard Density Residential Lots. The Water Contribution Subsidy Scheme was not available after the 2019/2020 financial year.

On 13 April 2022, a report was provided to the Civil and Environmental Services Committee, which provided a summary of the Water Contribution Subsidy Scheme and updated Residential Land Review. At the Ordinary Meeting of Council on 27 April 2022, it was resolved (Res. 2022/64):

*That staff continue to monitor and report annually on residential land supply and demand in Inverell.*

**Residential Land Review – 2023 Update**

The previous Residential Land Review (2022) analysed residential land supply and demand from the 2012/2013 financial year to the 2021/2022 financial year (up to February 2022).

The 2023 Residential Land Review builds on the 2022 review and has been updated in **Table 1** below to show residential land development between 2012/2013 and 2022/2023 – updated to the end of 31 March 2023.

The 2023 review is based on the following data and information:

- The amount of “greenfield” land zoned for residential purposes under the Inverell Local Environmental Plan 2012. **Attachment 1** includes a plan showing the location of residential land in Inverell which is considered to be “greenfield”.
- **Attachment 1** also shows the most recent developed/constructed subdivisions and approved subdivisions not yet constructed.
- The review then tabulates dwelling construction and subdivision development data (i.e. what had been developed) from 2012 to 2023 to then determine the residential land (in hectares) that is still available for subdivision development.
- The dwelling construction and subdivision development information was obtained using data extracted from Council’s property information system.

**Table 1 – Development within the R1 General Residential Zone 2012/2013 to 2022/2023 (until 31 March 2023)**

	<u>No. of Single Dwellings Constructed</u>	<u>No. of Units Constructed (includes dual occupancy development)</u>	<u>No. of Lots Approved</u>	<u>No. of Lots Developed</u>	<u>Available Land for Greenfield Development</u>
<i>Previous Reported Data in 2017 and 2018</i>					
2012/2013	11	8	26	15	198.1ha
2013/2014	9	5	42	8	197.9ha
2014/2015	25	6	33	13	197.9ha
2015/2016	8	3	11	10	197.9ha
2016/2017	9	6	21	18	197.9ha
2017/2018	11	7	28	6	195.9ha
<b>Total</b>	<b>73</b>	<b>35</b>	<b>161</b>	<b>70</b>	-
<b>Yearly avg.</b>	<b>12.2</b>	<b>5.8</b>	<b>26.8</b>	<b>11.7</b>	-
<i>Previous Date Report in April 2022 (updated to end of 2021/2022 financial year)</i>					
2018/2019	6	5	7	12	195.9ha
2019/2020	8	8	13	61	188.3ha
2020/2021	19	8	8	15	188.3ha
2021/2022	17	12	27*	24	184.9ha
<b>Updated Total</b>	<b>123</b>	<b>68</b>	<b>216</b>	<b>182</b>	
<b>Updated Average</b>	<b>12.3</b>	<b>6.8</b>	<b>21.6</b>	<b>18.2</b>	
<i>2022/2023 Financial Year (until 31 March 2023)</i>					
2022/2023	7	16	10	12	184.9ha

<b><u>Updated Total</u></b>	<b><u>130</u></b>	<b><u>84</u></b>	<b><u>226</u></b>	<b><u>194</u></b>	
<b><u>Updated Average</u></b>	<b><u>11.8</u></b>	<b><u>7.6</u></b>	<b><u>20.5</u></b>	<b><u>17.6</u></b>	

\* This figure excludes 25 lots approved under DA-126/2021, which relates to re-approval of the lapsed Panorama Estate (off Moore Street), which was originally approved and reported for 2014/2015 financial year.

Based on **Table 1**, the following general trends can be observed:

- Between 2012/2013 to 2021/2022, the number of single dwellings constructed generally exceeded the number of units constructed. However, in 2022/2023 (until 31 March 2023), the number of units constructed (**16**) significantly exceeded the number of single dwellings constructed (**7**). This indicates an increased trend of higher density residential development; specifically, dual occupancy development.
- At the end of 2021/2022, the average number of single dwellings and units constructed (**19.1 – 12.3 + 6.8**) slightly exceed the average number of lots developed (**18.2**).
- For 2022/2023 (until 31 March 2023), whilst the average number of single dwellings and units have slightly increased (**19.4 – 11.8 + 7.6**), the average number of lots developed (**17.6**) has decreased. This reinforces the previous trend in 2022.
- The figures also indicate that in 2022/2023 residential construction has been predominately infill development with no new greenfield subdivisions constructed. i.e. the total available land for greenfield development has not been reduced between 2021/2022 and 2022/2023 despite there being approved subdivisions (refer **Attachment 1**). There still 184.9 hectares of available greenfield residential land.

## **Discussion**

As shown above there is clearly an adequate supply of greenfield residential land in Inverell, however there appears to be little appetite for landowners or developers to bring developed residential land to the housing market.

In an attempt to stimulate residential land development Council endorsed Structure Plans for New Residential Areas in February 2022. Despite this, anecdotal evidence from developers suggests land within the New Residential Areas is still not being developed due to the significant costs associated with lead-in infrastructure provision including water, sewer and stormwater drainage.

In past Residential Land Reviews, consideration has been given to possible Council intervention strategies to attempt to accelerate the development of residential land.

One such intervention was to consider the sale of Council land to developer(s). At the Ordinary Meeting of Council on 25 October, 2017, it was resolved (Res. 105/17) that:

- *A report be brought back to the Committee on a proposal to call for Expressions of Interest for the identified Vernon Street land.*

This resolution has not been acted on. This was primarily due to the release of 39 standard residential lots in 2019 comprising 9 lots in Max Place and 32 lots within Inverell Parklands Estate. It was also considered that Council should not provide additional competition with these developments.

**Attachment 1** shows the identified parcel of R1 General Residential land bounded by Vernon Street and Jardine Road. The parcel currently forms part of Council's land bank. There are approximately 18 hectares of greenfield undeveloped land contained within the site.

Whilst there are some constraints impacting on the parcel such as the presence of a Grassy White Box Woodland and the proximity of a heavy vehicle bypass (Jardine Road), subject to appropriate design a 70% plus lot yield would not be an unrealistic outcome. This would equate to approximately 100 lots and therefore approximately eight (8) years supply based on current average development rates. Another advantage of the Council owned parcel at Vernon Street is that it is within reasonable proximity to reticulated water and sewer infrastructure.

It is considered that the opportunity exists to offer the parcel via the open market (expression of interest process) to determine if there is any private entity interested in developing/subdividing the site. Council could complete necessary site investigations and suggest an overall master plan which removes a range of unknowns for any future developer.

The option would also exist to incorporate a number of lots to facilitate affordable housing in a partnership arrangement. Any decision to treat on the parcel would obviously be subject to conditions ensuring reasonable lot release to the market.

Council did receive an approach from a developer in 2013 regarding the subject site. At the completion of negotiations an agreed outcome could not be reached.

### **Conclusion**

At this point in time, the issue of residential land demand exceeding supply still remains at an early stage and there are a number of residential subdivisions approved by Council that may be encouraged to be developed based on this demand. It is considered that staff should continue to monitor and report on residential land supply and demand in Inverell.

It is also considered that Council should act on the 2017 Resolution (Res. 105/17) to call for Expressions of Interest for the parcel of R1 General Residential land bounded by Vernon Street and Jardine Road which currently forms part of Council's land bank.

Based on the 2023 Residential Land Review, the Committee is requested to recommend to Council that:

- Staff continue to monitor and report on residential land supply and demand in Inverell; and
- A report be brought back to the Committee on a proposal to call for Expressions of Interest for Council owned land off Vernon Street.

### **RISK ASSESSMENT:**

Nil

### **POLICY IMPLICATIONS:**

Nil

### **CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

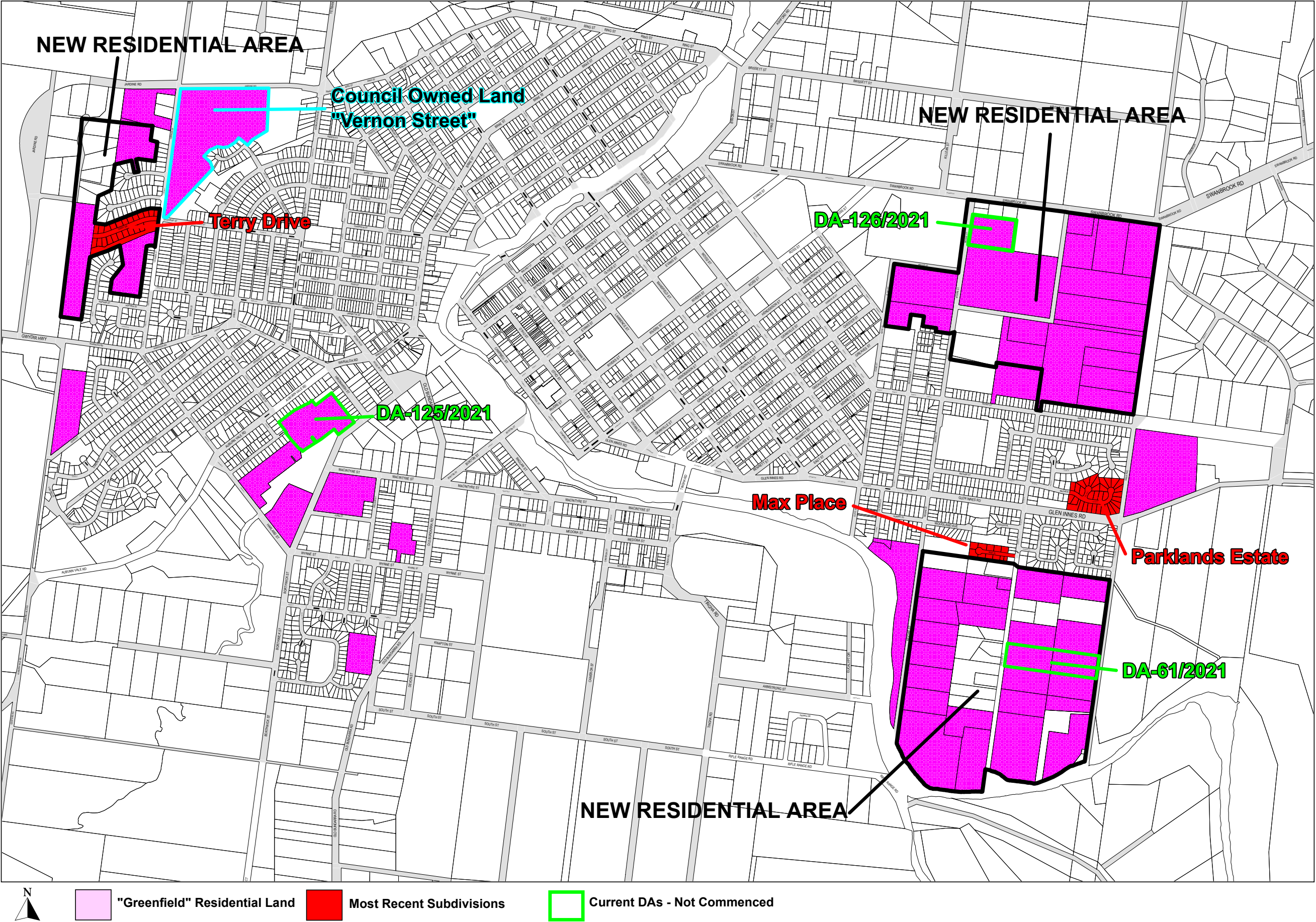
### **LEGAL IMPLICATIONS:**

Nil

### **ATTACHMENTS:**

1. **Map of Residential Land and Subdivisions in Inverell** [↓](#)





**5.4 FUNDING ALLOCATION - RURAL ROAD CAUSEWAY REPLACEMENT****File Number:** S28.9.12 / 23/13871**Author:** Justin Pay, Manager Civil Engineering**SUMMARY:**

Council has funding in the budget for Culvert and Causeway repair and replacement. Staff have compiled a priority list of causeway slabs on rural local roads that require replacement. Council is requested to endorse the Causeway Replacement Program and to approve the allocation of 2022/2023 financial year funds to individual projects.

**RECOMMENDATION:**

*That the Committee recommend to Council that the Causeway Replacement Program be endorsed and that the following slab replacements be funded under the \$243,180, 2022/2023 budget allocation for Culvert/Causeway replacement:*

- **SR 54 Emmaville Road - Segment 110 - Coffin Creek**
- **SR 68 Amaroo Road - Segment 20 - Cucumber Creek**
- **SR 234 Kings Plains Road - Segment 630 - West of roadside pit**

**COMMENTARY:**

Council has over 690 concrete slab causeway crossings (flood ways) on the rural sealed and unsealed road network. These causeways provide cost efficient crossing points on roads that cross minor and major waterways. These locations often have significant waterflow during rain events and are unsuitable for standard pipe culvert crossings. They are constructed where costs associated with construction of a large bridge structure are prohibitive.

A number of these types of assets were constructed more than 50 - 75 years ago and are now reaching the end of their useful lives. Each causeway slab (flood way) is recorded in Council's asset register along with associated condition data. Council works and asset management staff continually monitor the condition of these assets during routine and unscheduled inspections and maintain up to date condition information. In recent years with significant rainfall events, works staff have had reason to be onsite at a number of these slabs frequently to monitor flood waters and remove flood debris. During these site visits staff also record and report data associated with the condition of the slabs. Customer requests associated with the condition of causeway slabs are also recorded and subsequent inspections by staff undertaken to ensure any required maintenance is addressed and deterioration in condition is recorded in the asset management system.

Costs associated with replacing concrete slab causeway crossings vary from \$50,000 to \$150,000 depending on the slab size, location, waterway characteristics and traffic management requirements. On average a "standard" slab replacement on a low traffic local road would be expected to cost \$70,000.

Council has a recurrent funding allocation in the budget in the Financial Assistance Grants/ACRD component for Culvert/Causeway replacement. In recent years the combination of wet weather and Council's high workload and limited access to contractors has meant that works to replace causeway slabs has been limited. During this period the relevant budget funds have been directed towards smaller projects that were achievable with available resources, such as small pipe culvert replacement.

With the completion of the Gwydir highway roundabout, Council staff will become available to complete other concreting works. Council has also had expressions of interest from a number of local concreting contractors, indicating that they will have availability over the following 12-18 months to supplement Council's works crews in completing concrete works.



In order to prioritise the recurrent funding allocation staff have compiled a list of priority works, titled Causeway Replacement Program included in Attachment 1. The process to compile the program included a desktop analysis of the condition data included in the asset management system, review and assessment of customer requests and infield assessment by qualified and experienced staff to ensure that the data accurately reflected the priorities in the field. It is requested that the Committee recommend to Council that the Program be endorsed and that the annual recurrent funding allocation in the Financial Assistance Grants/ACRD component for Culvert/Causeway replacement allocated to the program.

The funding allocation in the 2022/2023 budget for Culvert/Causeway replacement is \$243,180. It is anticipated that this quantum of funding will be sufficient to complete the replacement of the first three slabs on the program, being:

- **SR 54 Emmaville Road - Segment 110 - Coffin Creek**
- **SR 68 Amaroo Road - Segment 20 - Cucumber Creek**
- **SR 234 Kings Plains Road - Segment 630 – West of roadside pit**

The Committee is requested to recommend to Council that the above projects be funded under the 2022/2023 budget allocation for Culvert/Causeway replacement.

It is intended that these works will commence in June 2023 with any unexpended funds re-voted and works completed in 2023/2024 financial year.



Amaroo Slab to be replaced

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. Causeway Replacement Program [↓](#)

Causeway Replacement Program			
<b>Road Name</b>	<b>Segment Number</b>	<b>Description</b>	<b>Comments</b>
<i>SR 54 Emmaville Road</i>	<i>Segment 110</i>	<i>Coffin Creek</i>	<i>Exposed Mesh/Poor Condition</i>
<i>SR 68 Amaroo Road</i>	<i>Segment 20</i>	<i>Cucumber Creek</i>	<i>Exposed Mesh/Poor Condition</i>
<i>SR 234 Kingsplains Road</i>	<i>Segment 630</i>	<i>West Of Roadside Pit</i>	<i>Exposed Mesh/Poor Condition</i>
<i>SR 234 Kingsplains Road</i>	<i>Segment 650</i>	<i>West Of Roadside Pit</i>	<i>Exposed Mesh/Poor Condition</i>
<i>SR 234 Kingsplains Road</i>	<i>Segment 610</i>	<i>West Of Roadside Pit</i>	<i>Slab In Extremely Poor Condition</i>
<i>SR 234 Kingsplains Road</i>	<i>Segment 590</i>	<i>West Of Roadside Pit</i>	<i>Slab In Extremely Poor Condition</i>
<i>SR 060 Nullamanna Road</i>	<i>Segment 360</i>	<i>Brooklyn - Two mile Creek</i>	<i>Slab In Extremely Poor Condition</i>
<i>SR 060 Nullamanna Road</i>	<i>Segment 430</i>	<i>Bistonvale</i>	<i>Slab In Extremely Poor Condition</i>
<i>SR 244 Western Feeder Road</i>	<i>Segment 630</i>	<i>South Of Wean</i>	<i>Slab In Extremely Poor Condition</i>
<i>SR 244 Western Feeder Road</i>	<i>Segment 650</i>	<i>North Of Lochlea- Deere Farm</i>	<i>Slab In Extremely Poor Condition</i>
<i>SR 244 Western Feeder Road</i>	<i>Segment 610</i>	<i>South Of Wean</i>	<i>Slab In Extremely Poor Condition</i>

**5.5 THE WELDERS DOG - REQUEST TO AMEND ALCOHOL FREE ZONE****File Number:** S18.8.1 / 23/14104**Author:** Paul Henry, General Manager**SUMMARY:**

Council is asked to consider its attitude to the consumption of alcohol on the footpath of Otho Street, Inverell.

**RECOMMENDATION:**

*That the applicant be advised that Council is not prepared to endorse an application to vary the Alcohol Free Zone.*

**COMMENTARY:****A. Background**

In November, 2022 the occupier of The Welders Dog, Mr James Croft, was granted approval to operate a Sidewalk Café by installing three (3) tables and 10 chairs on the footpath of Otho Street.

The approval was subject to the following conditions:

1. Suitable layout is to be such that it does not interfere with pedestrian traffic on the footpath or approaches to the road crossing.
2. The number of tables and chairs shall not exceed that stated on this approval.
3. The provisions of Council's "Guidelines for the Use of Footpaths as Sidewalks Cafes" are to be adhered to at all times.
4. The area being maintained in a clean and tidy condition by the proprietors.
5. The proprietors of the restaurant are to maintain a public liability insurance policy of \$10M indemnifying Council against any claim arising out of the use of the area. Council's name is to be endorsed on the policy.
6. The approval is subject to annual renewal.
7. Patron use of the Side Walk Cafe Seating must be done so in accordance with the current Alcohol Free Zone located along Otho Street.

**B. Guidelines for Use of Footways**

Council has established guidelines for use of footways as side walk cafes. These guidelines are attached for your information.

The following extracts from the guidelines are highlighted:

- Cl. 3 Approval will only be given where Council is of the opinion that the proposed use will not compromise the free passage of pedestrians.
- Cl. 5 Except on road corners or where paved blisters are provided, which widen the footpath, the tables are to be so positioned that they do not encroach more than 1 metre onto the footway from the property front boundary.

- Cl. 10 Proprietors are requested to ensure that when chairs are not in use that they are kept in as close to tables as possible to ensure that the footway is not obstructed any more than is absolutely necessary.
- Cl. 14 Whilst Council has agreed to the use of the footways in the Inverell Central Business District for restaurant purposes, it should be understood that any such approval is issued on the basis that the primary use of the footway is for the passage of pedestrians and goods. Any use of the footway in such manner that impinges unduly on that primary purpose may lead to an approval to use the footway for restaurant purposes being rescinded.

### C. The Request

Mr James and Mrs Phoebe Croft ('the applicants') have now written to Council to seek Council's endorsement to amend the Alcohol Free Zone, they would then seek amendment to The Welders Dog Liquor Licence to extend the licence boundary to include the sidewalk café.

In support of their approach, the applicants advise:

- Our primary business at The Welders Dog Inverell is serving a range of quality locally brewed beers, wines and cocktails in a unique, social and safe environment. This is supported by a small food offering from our built-in food truck.
- We acknowledge that alcohol in the community, if not managed responsibly can have a negative social impact. We believe our business aims to further strengthen the fabric of our society, bringing people together, supporting local sport and community activities and organisations, offering great value dining and entertainment.
- We believe the addition of on-street dining to our premises will further enhance Otho Street and the Inverell CBD, providing locals and tourists a unique and enjoyable hospitality experience in a vibrant setting.

The applicants have also indicated they are prepared to meet with Council to discuss measures to ensure the sidewalk café is managed in a safe and controlled manner.

### D. Commentary

At the moment, the approval to place tables and chairs on the footpath is not being utilised. Also, the 'food van' located at the rear of the build is not operating.

The footpath adjacent to the 'Oxford' is of a 'standard width'; it is consistent with the width of pathways in the rest of the CBD. The footpath in this area does not contain any features that would permit a 'special area' to be set aside for the consumption of alcohol while at the same time keeping patrons and users of the footway adequately separate.

Council has not varied the Alcohol Free Zone except for one-off events, and on these occasions the venues have been parklands or the cultural precinct and not footpaths.

When considering the removal of the Alcohol Free Zones, Council has tended to increase the prohibition area rather than reduce the zone. This approach to the footprint of the zone and the explicit inclusion of 'no alcohol' in the footways guidelines has indicated a general opposition to drinking in public places.

It is suggested that Council not endorse an application to vary the 'Alcohol Free Zone' as requested.

**RISK ASSESSMENT:**

Nil.

**POLICY IMPLICATIONS:**

Council's Alcohol Free Zones were re-established in March 2021.

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil.

**LEGAL IMPLICATIONS:**

Nil.

**ATTACHMENTS:**

1. Inverell Shire Guidelines for use of Footways as Sidewalk Cafes [↓](#)

**INVERELL SHIRE COUNCIL  
GUIDELINES FOR USE OF FOOTWAYS AS SIDEWALK CAFES**

1. Council has agreed that in particular circumstances it may issue approvals to use footways in Inverell for restaurant purposes. This approval, when issued, will be pursuant to Council's powers under *Section 125 of the Roads Act 1993*.
2. Individual approval, in writing, must be obtained from Council by the proprietor, of each premises, who wishes to use a part of the footway for restaurant purposes.
3. Approval will only be given where Council is of the opinion that the proposed use will not compromise the free passage of pedestrians.
4. Any person proposing to use the footway for restaurant purposes is required to hold a current public liability insurance policy of a minimum of \$10m indemnifying Council against any claim arising out of their use of the area. A copy of such policy is to be provided to Council before occupation of the area. This policy should have Council's interest noted on the policy.
5. Except on road corners or where paved blisters are provided, which widen the footpath, the tables are to be so positioned that they do not encroach more than 1 metre onto the footway from the property front boundary.
6. The area is to be maintained in a clean and tidy condition by the proprietor of the premises.
7. The tables may only be located outside the actual street frontage occupied by the proprietor.
8. Council reserves the right to require tables and chairs to be re-located or removed if particular circumstances related to a premises causes problems related to access through the footway by pedestrians.
9. Council will levy a charge for the use of the footway. Such charge will be levied annually and must be paid in advance. Failure to pay the amount required will result in the approval being withdrawn. Tables and chairs left unattended on the footway without approval may be taken into possession under the provisions of the *Public Spaces (Unattended Property) Act 2021*.
10. Proprietors are requested to ensure that when chairs are not in use that they are kept in as close to tables as possible to ensure that the footway is not obstructed any more than is absolutely necessary.
11. It is the proprietor's responsibility to ensure that the requirements of the Food Act and related regulations are complied with at all times.
12. Approvals are subject to annual approval and commence on the first day of each year and expire on the common expiry date of 31<sup>st</sup> December each year.
13. Renewal notices will be sent out to all proprietors early in December each year so that fees owing can be paid by the due date.
14. Whilst Council has agreed to the use of footways in the Inverell and Ashford CBD for restaurant purposes it should be understood that any such approval is issued on the basis that the primary use of the footway is for the passage of pedestrians and goods. Any use of the footway in such a manner that impinges unduly on that primary purpose may lead to an approval to use the footway for restaurant purposes being rescinded.
15. The lowest part of the canopy of any umbrella used in conjunction with tables are to be a minimum of 2m above the footpath level to remove the potential risk to the sight impaired pedestrians.



**5.6 ORCHARD PLACE****File Number:** S28.10.SR235 / 23/13895**Author:** Justin Pay, Manager Civil Engineering**SUMMARY:**

Over the past 15 years Council has considered numerous reports relating to Orchard Place. As a result of a petition from residents in the area in 2017, Council resolved a position to address the issues raised. Community consultation has subsequently been undertaken regarding the proposed solution. This report is intended to update the Committee on the progress of the matter.

**RECOMMENDATION:**

*The Committee recommend to Council that:*

- 1) *Council not proceed with erecting physical barriers on Orchard Place to create a no through road effect.*
- 2) *Council allocate funding in the 2023/24 budget for enhanced Reduce Speed and Advanced Warning Hazard Signage.*
- 3) *Council seek external grant funding opportunities for the staged upgrading of Orchard Place as the opportunity arises.*

**COMMENTARY:**

Over the past 15 years Council has considered numerous reports relating to Orchard Place. Orchard Place is a 1.77km long unsealed through road that links the Gwydir Highway (SH12) and Swanbrook Road. In accordance with Council's Shire Road Classification system it is classified as a 'Rural Collector' road, a locality map of Orchard Place is presented in **Attachment 1** for the information of the Committee.

As a result of a petition from residents in the area in 2017, Council resolved a position to address the issues raised. A copy of the report from September 2017 and the associated petition is included in **Attachment 2**.

The petition from 2017 raised a number of issues relating to Orchard Place:

- Increased Traffic volume.
- Dust Nuisance.
- Impacts from Garbage Truck.
- Road Safety.

The petition requested work be undertaken on the road to overcome the above issues, the works requested include:

- Bitumen sealing the road.
- Reduction of speed limit.
- Intersection upgrade works.
- Traffic calming.

In response to the above Council resolved RES 91/17:

*That:*

- a) *Council allocate \$20,000 from existing road maintenance votes for the implementation of low cost improvement options at the intersection of Swanbrook Road;*

- b) *Council request that Roads and Maritime Services undertake a speed zone review of the road network in the Orchard Place area;*
- c) *That Council give notice of an intention to erect physical barriers at an appropriate point on Orchard Place to create a 'no through road' effect;*
- d) *Council advise all emergency services of the changed road condition when the barriers are being installed;*
- f) *Consideration be given to the renaming of the two (2) created segments of Orchard Place, as 'Orchard Place - North' and 'Orchard Place – South'.*
- g) *That the residents of Orchard Place be advised:*
  - i) *of the proposed change to the operation of Orchard Place;*
  - ii) *the intention of Council to prepare a 'Freight and Transport Strategy; and*
  - iii) *that any further treatment of the two (2) segments of Orchard Place will be determined once the Strategy is completed.*

*Note – there was no point e) in original motion.*

Items a, b, c, d and g of the resolution have since been completed with the exception of the Freight and Transport Strategy. This project was overtaken by a Regional Transport Strategy completed by the New England Joint Organisation of Councils (NEJO). Council has identified the desire to complete a Local Transport Strategy at a future date, however this will have little relevance to Orchard Place which is essentially a local access road. In order to carry out item f and to complete the physical works to erect physical barriers at an appropriate point to create a 'no through road' effect, it was necessary to undergo a process to transfer ownership of the road from the Crown to Council.

This process required many procedural steps to be followed, including:

- Consulting with NSW Aboriginal Land Council and seeking their concurrence to open a road through land acquisition.
- Pre-acquisition checks to identify all interests in the land.
- Scoping and surveying the land area required to accommodate Orchard Place.
- Issuing Proposed Acquisition Notices on all interested parties after having obtained approval to do so from the Minister for Local Government and His Excellency the Governor.
- Gazettal of the Proposed Acquisition Notice.
- Registration of the Plan.
- Obtaining a Valuation Report to determine the amount of compensation payable by Council to the Crown.

The compulsory acquisition is now complete.

Given the amount of time that had lapsed since the 2017 Resolution, Council at its June 2022 Ordinary meeting resolved *inter alia* that (Resolution 2022/1):

- *Further community consultation take place prior to completing items in Council Resolution 91/17; and*
- *A further report be presented to Council on the outcome of the community consultation.*

The letter provided in **Attachment 3** was sent to all residents adjoining Orchard Place and those on adjacent roads that are in close proximity to Orchard Place, in accordance with the resolution. As a result, 14 written responses were received and a further 3 submissions were made verbally over the counter at the Council Administration Centre or via telephone. The written submissions will be provided to Councillors under separate cover. A brief summary of the responses is provided below:

	Written Submissions	Verbal Submissions	Total
Against Proposal	13	2	15
Support Proposal	1	1	2
Total	14	3	17

These formal submissions were in addition to an informal onsite meeting between the Manager of Civil Engineering and 11 residents/road users on 2 November, 2022. This meeting was organised by the residents and all in attendance held very strong views that the road should not be changed to “No Through Road” and were very passionate in presenting their arguments.

Main points of concern/issues raised in the submissions against making the road no through are listed below:

- Impacts on Bushfire Escape
- Emergency Services issues
- Carer access
- Access to place of business/job
- Impacts on bicycle riders
- Impacts on future development/subdivision
- Medical emergencies
- Impacts to access for Smash Repair business including large agricultural machinery
- Potential to increase traffic movements on Runnymede Drive
- Cul-de-sac treatment leading to enhanced “hoon driver” activity

Several submissions against the proposal were made by parties that signed the original petition. A number of attendees at the onsite meeting indicated that they had signed the petition, however given the outcome, they would now rescind their support for the petition.

Whilst the intention of Resolution 2022/2 was that the feedback from the community consultation would be used to finalise plans for the most appropriate location and method of physical closure of the road, the significant volume of negative feedback may be cause for Council to reconsider the matter.

Options that Council may wish to consider:

- Do not proceed with erecting physical barriers on Orchard Place to create a ‘no through road’ effect. As the other items in RES 91/17 are now completed, if this option were implemented Orchard Place would remain in its current configuration and continue to be maintained as a ‘Rural Collector’ road.
- Do not proceed with erecting physical barriers on Orchard Place to create a ‘no through road’ effect *and* allocate funding to install a range of enhanced Reduce Speed and Advanced Warning Hazard signage. Whilst the existing signage has been assessed as acceptable, enhanced signage may have some impact on road user behaviour that would go some way towards reducing the impact of the issues noted in the original petition. In addition, Council could seek funding opportunities to facilitate a staged upgrade of Orchard Place. Given the function of the existing road funding opportunities would be considered limited.
- Proceed with erecting physical barriers on Orchard Place to create a ‘no through road’ effect.

**Conclusion**

Whilst the intent of the 2017 resolution was to improve road conditions for users and nearby residents it is clear the installation of barriers and creation of a no through road has little support from these living adjacent and key users of the road.

Given the function and associated classification of the road, as well other road asset priorities, any significant upgrades would not be considered a technical priority for Council's own source road funding. Certainly, enhanced signage could be provided in an attempt to ameliorate resident concerns and actions taken to obtain any possible grant funding for the future staged upgrade of the road.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

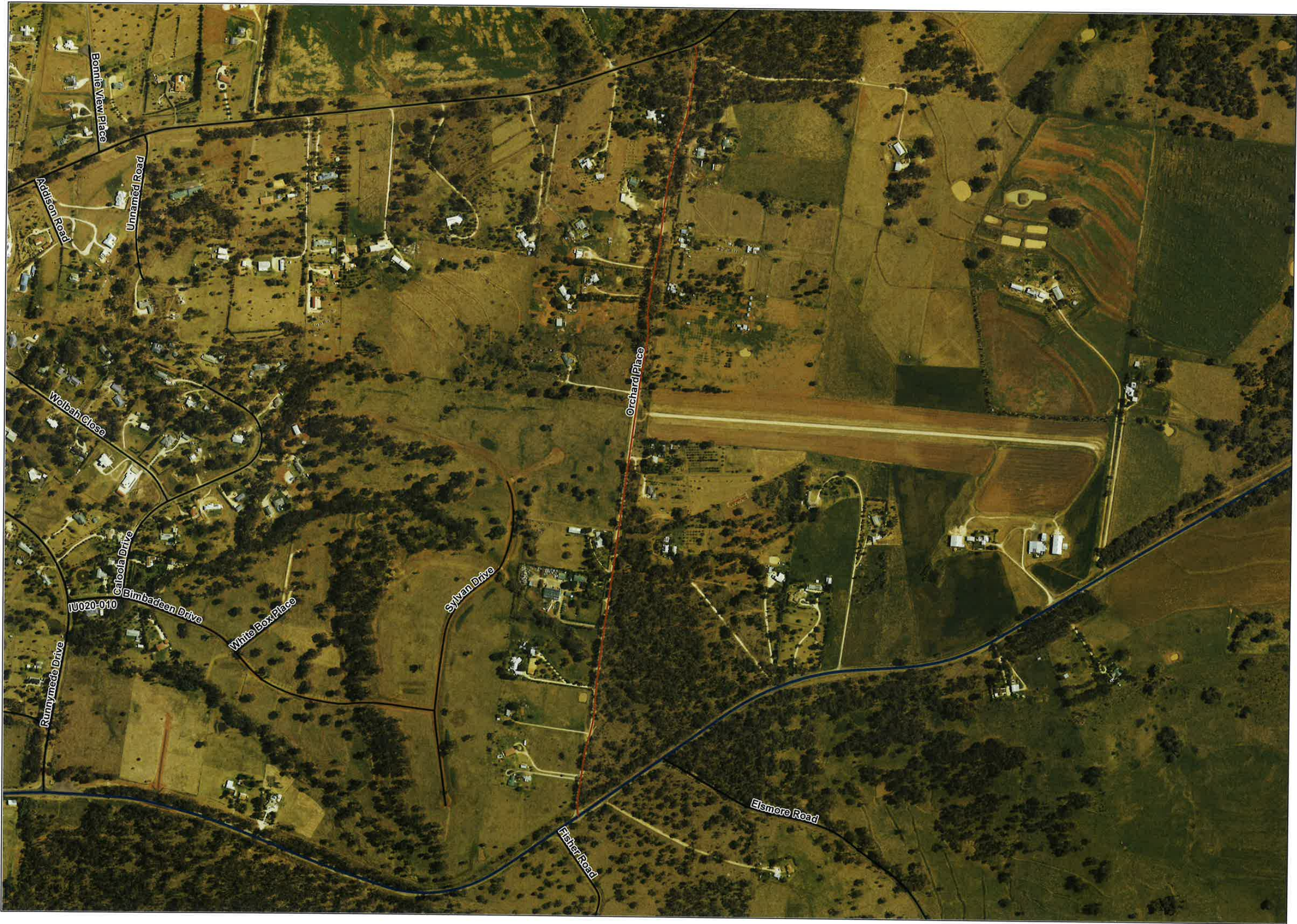
**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. Locality Map of Orchard Place [↓](#)
2. Orchard Place Report and Petition - September 2017 [↓](#)
3. Copy of Letter to Orchard Place Property Owners [↓](#)







MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON WEDNESDAY, 27 SEPTEMBER, 2017, COMMENCING AT 3 PM.

**SECTION C  
COMMITTEE REPORTS**

2. CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING MINUTES – 13 SEPTEMBER 2017 S4.11.16/09

**91/17 RESOLVED** (Baker/Berryman) that:

- i) the Minutes of the Civil & Environmental Services Committee Meeting held on Wednesday, 13 September, 2017, be received and noted; and
- ii) the following recommendations of the Civil & Environmental Services Committee be adopted by Council:

6. ORCHARD PLACE S28.10.SR235

That:

- a) Council allocate \$20,000 from existing road maintenance votes for the implementation of low cost improvement options at the intersection of Swanbrook Road;
- b) Council request that Roads and Maritime Services undertake a speed zone review of the road network in the Orchard Place area;
- c) That Council give notice of an intention to erect physical barriers at an appropriate point on Orchard Place to create a 'no through road' effect;
- d) Council advise all emergency services of the changed road condition when the barriers are being installed;
- f) Consideration be given to the renaming of the two (2) created segments of Orchard Place, as 'Orchard Place - North' and 'Orchard Place – South'.
- g) That the residents of Orchard Place be advised;
- i) of the proposed change to the operation of Orchard Place;
- ii) the intention of Council to prepare a 'Freight and Transport Strategy'; and
- iii) that any further treatment of the two (2) segments of Orchard Place will be determined once the Strategy is completed.

MINUTES OF THE CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD IN THE COMMITTEE ROOM, 144 OTHO STREET, INVERELL ON WEDNESDAY, 13 SEPTEMBER, 2017, COMMENCING AT 9.55 AM.

**SECTION D  
DESTINATION REPORTS**

7. ORCHARD PLACE S28.10.SR235

MCE-A **RESOLVED** (Berryman/McCosker) that the Committee recommend to Council that:

- a) Council allocate \$20,000 from existing road maintenance votes for the implementation of low cost improvement options at the intersection of Swanbrook Road;

- b) Council request that Roads and Maritime Services undertake a speed zone review of the road network in the Orchard Place area;
- c) That Council give notice of an intention to erect physical barriers at an appropriate point on Orchard Place to create a 'no through road' effect;
- d) Council advise all emergency services of the changed road condition when the barriers are being installed;
- f) Consideration be given to the renaming of the two (2) created segments of Orchard Place, as 'Orchard Place - North' and 'Orchard Place – South'.
- g) That the residents of Orchard Place be advised;
- i) of the proposed change to the operation of Orchard Place;
- ii) the intention of Council to prepare a 'Freight and Transport Strategy; and
- iii) that any further treatment of the two (2) segments of Orchard Place will be determined once the Strategy is completed.

<b>ITEM NO:</b>	7.	<b>FILE NO:</b> S28.10.SR235
<b>DESTINATION 5:</b>	The communities are served by sustainable services and infrastructure	<b>S</b>
<b>SUBJECT:</b>	<b>ORCHARD PLACE</b>	
<b>PREPARED BY:</b>	Justin Pay, Manager Civil Engineering	

**SUMMARY:**

Council is in receipt of a petition from a number of residents from the Orchard Place area concerning the level of service provided by Orchard Place and specifically noting several safety concerns. The committee was made aware of this petition and provided a copy at the August 2017 Committee Meeting. The committee is being requested to determine a course of action in response to the petition.

**COMMENTARY:**

Council is in receipt of a petition from a number of residents in the Orchard Place area concerning the level of service provided by Orchard Place and specifically noting several safety concerns. The committee was made aware of this petition and provided a copy at the August 2017 Committee Meeting. A copy of the petition is provided in Appendix 6 (D61-D69)

**Background**

Orchard Place is a 1.77km long through road that links the Gwydir Highway (SH12) and Swanbrook Road. In accordance with Council's Shire Road Classification system it is classified as a 'Rural Collector' road.

Council has received numerous representations over the years from residents of the area. In response a number of detailed reports regarding treatment options for Orchard Place has been presented to Council.



Council's most recent resolution regarding Orchard Place occurred at the 26 April 2017 Ordinary meeting of Council and is reproduced below:

*That:*

- i) Orchard Place continue to be maintained in accordance with its classification as a 'Rural Collector' road;*
- ii) Council continue to monitor the level of service provided to road users on Orchard Place; and*
- iii) Council formally advise residents who have made previous representations of their decision.*

The other most recent resolution from Council regarding Orchard Place is (RES-216/10) from the November 2010 meeting, where it was resolved that:

- i) Orchard Place is reclassified from a 'local' to a 'collector' road in accordance with Council's road classification system,*
- ii) \$40,000 be provided from this years Urban Works Program for the purpose of improvements on Orchard Place; and*
- iii) Council continue to monitor the level of service provided to road users on Orchard Place particularly in relation to future development.*

A copy of the detailed reports that lead to the above resolutions are supplied in Appendix 7 (D70-D79). They outline the relevant history, issues and proposed solutions that Council has considered in the past.

Subsequent to the 2010 resolution, Orchard Place has been maintained in accordance with its classification as a Rural Collector road and the prescribed technical performance measures have been met.

#### **Issues Raised in Petition**

The most recent petition raises a number of concerns, many of which have been addressed in previous reports. Each item raised in the petition is addressed below.

#### **Issue: Traffic Volume**

It is stated that there is a "surprisingly large amount of traffic on this road". This matter has been addressed in a number of previous reports where it was noted that the traffic usage pattern for Orchard Place is generally consistent with traffic generation from local residences. Traffic counts from the years 2010, 2016 and 2017 have yielded results of 118 vehicles per day (VPD), 113 VPD and 100 VPD respectively. High traffic speeds are also noted as a concern and residents have previously criticised Council for locating traffic classifiers in locations that do not collect representative information. As a result of the petition, classifiers were placed on the 1.77km stretch of Orchard Place at four separate locations during August 2017. The recorded average speed was relatively unchanged from previous surveys and was not more than 50km/h. Less than 15 percent of traffic on the road were recorded travelling at greater than 60km/h, these results indicate that generally traffic are travelling to the conditions of the road.

#### **Issue: Dust Nuisance**

Impacts from road associated dust form a large part of the current and previous dissatisfaction from residents residing on Orchard Place. Dust creation and road surface defects (potholing and corrugation) are issues that are experienced throughout Council's unsealed road network. As noted in previous reports, inspections and assessments undertaken by Council's engineering staff over recent times have not indicated that these issues are any more significant on Orchard Place than other roads of the same classification.

Council has investigated dust mitigation options and a separate report is being presented to the September 2017 committee meeting, where the committee are being requested to determine a policy position on this matter.

**Issue: Route of Garbage Truck**

The petition notes that Council garbage trucks have previously utilised Orchard Place as a short cut, leading to further dust and safety concerns. This is a historic practise and Council staff operating garbage collection vehicles have been directed that the only time it is acceptable to travel along Orchard Place is when completing garbage collection activities.

**Issue: Intersection Design**

The intersection of Orchard Place and Swanbrook Road is claimed by the petition to be "dangerous". There are several issues with this intersection including the vertical and horizontal alignment of each road leading to visibility concerns. Whilst upgrade works to meet current green field road construction standards would be extremely cost prohibitive, there are several low cost options available that will improve safety at this intersection. It is considered that \$20,000 would enable line marking, signage upgrade and vegetation management works to improve safety at this intersection. These low cost options would have a low impact on the native vegetation community in the area and as such could proceed without the need for significant environmental impact assessment.

**Issue: Road Safety**

Concerns regarding road safety in the northern section of the road have again been raised in this petition. As previously noted in the April 2017 report, the alignment and narrow road width combined with the proximity of mature vegetation creates a potential hazard. Given the low recorded average vehicle speed of 50km/h and the road usage pattern (predominantly local traffic) the risk associated with this hazard is low. Advisory signage is located at the site which is sufficient to make road users aware of the potential hazard.

It was also noted in the April 2017 report that options to remove any hazard would be relatively expensive given the site constraints, such as existence of native vegetation community and poor alignment at the Swanbrook Road intersection. Any proposed upgrade works in the area would require the completion of a Review of Environmental Factors and potentially an Environmental Impact Statement. It is estimated that the cost for such environmental assessment would be in excess of \$20,000. Given that the Benefit/Cost analysis of the project would likely see it as a low priority when compared to other projects on Council's works program, it is difficult to justify significant expenditure on environmental assessment.

**Requested Works Proposed in Petition**

A number of activities are requested by the petition, an analysis of these proposals is provided below.

**Request: Seal Orchard Place**

It is noted that upgrading the entire length of the road would come at considerable cost. A solution proposed in the petition is to seal the majority of the road and leave the intersection and approach to the Gwydir highway unsealed and not upgraded. This option is highly undesirable as it would promote higher vehicle speed on Orchard Place, leading to an intersection that has notable safety concerns in. This would create a potential safety problem that Council would have a higher level of liability given the decision to upgrade only a section of the road.

**Request: Speed Limit Reduction**

Reducing speed limits on both approaching roads is proposed in the submission. Roads and Maritime Services are the authority responsible for speed limits and as such any application would need to be directed to them. It should be noted that both Swanbrook Road (Kings Plains Road) and the Gwydir Highway have been the subject of speed zone reviews over the last five years. During those reviews it was not recommended to reduce the speed limit in these locations. There has been no significant

change in land use or transport patterns in these areas since the previous review. It is not considered that these sections of road meet the warrant for a reduction in speed limit and as such RMS are unlikely to approve a reduction in speed limit. Further to this, it is highly unlikely that RMS would approve a reduction of speed limit on Orchard Place to 40km/h, however it may be a worth while exercise to request RMS undertake a speed zone review to determine the most appropriate speed limits in the area.

**Request: Intersection Works**

As previously noted several low cost options are available to improve safety at the intersection of Swanbrook Road. Whilst clearing all trees and vegetation may not be allowable under environmental legislation, it is proposed that vegetation management be utilised to improve sight distance and safety. Line marking on Swanbrook Road adjacent to the intersection is also a low cost improvement option that should be considered by Council.

**Request: Traffic Calming**

Speed humps or traffic calming devices may help to alleviate dust and road safety issues. The current recorded average speed is 50km/h, representing that existing road characteristics are acting to reduce the speed of traffic that currently operate on this route.

**Conclusion**

As noted in previous reports, a review of the level of service associated with Orchard Place has indicated no significant change in surrounding land use or any change in traffic levels or composition over the last 7 years. Over this period Orchard Place has received maintenance at a level that is commensurate with its classification. Given that there has been no significant change to the usage pattern of Orchard Place over recent years it would be difficult to sustain a technical case to justify significant expenditure to upgrade the road at this point in time.

Several low cost options exist that would improve safety at the intersection with Swanbrook Road, it is recommended that Council allocate \$20,000 for existing maintenance votes to complete these works.

Whilst it is unlikely that RMS will recommend a change in the current speed zoning in the area, it would be prudent to request a formal review so that the residents in the area may have their concerns considered by the appropriate authority.

**RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:**

**Strategy:** S.08 Civil infrastructure is secured, maintained and used to optimum benefit.

**Term Achievement:** S.08.01 An asset management strategy is in operation for civil infrastructure that optimises its use and maintains it to agreed standards fit for its contemporary purpose.

**Operational Objective:** S.08.01.01 An Asset Management Strategy for Civil assets is developed, maintained and implemented.

**POLICY IMPLICATIONS:**

Nil.

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil.

**LEGAL IMPLICATIONS:**

Nil.



**RECOMMENDATION:**

*That the Committee recommend to Council that;*

- i) Orchard Place continue to be maintained in accordance with its classification as a 'Rural Collector' road;*
- ii) Council continue to monitor the level of service provided to road users on Orchard Place;*
- iii) Council allocate \$20,000 from existing road maintenance votes for the implementation of low cost improvement options at the intersection of Swanbrook Road;*
- iv) Council request that Roads and Maritime Services undertake a speed zone review of the road network in the Orchard Place area; and,*
- v) Council formally advise the author of the petition of their decision.*

**Appendix 6**

Cr Paul King  
PO Box 507  
INVERELL. 2360



Dear Paul,

Following your recent meeting with the residents of Orchard Place Inverell, we have attached a list of our safety concerns, and possible solutions, as you requested. Also attached are photos of some of the areas of concern.

The issues of Orchard Place have been pushed aside into the "too hard basket" for far too long and it is now time for some action.

We thank you in anticipation of your assistance in resolving these issues before something serious occurs.

Regards,

Orchard Place Residents/ neighbours  
04/07/2017

NAME

SIGNATURE

JEFFA SUE LOWE	<i>Shane Lowe</i>	
DONALDA & DEBBIE HARRICK	<i>Debbie Harrick</i>	
NANCY STEWART	<i>Nancy Stewart</i>	
Richard Donaldson	<i>Ronaldson</i>	
	<i>richd846@gmail.com</i>	
BRENDA & LEN STEEL	<i>B. Steel</i>	
Caryn Steel	<i>Caryn Steel</i>	
Wendy Amant	<i>Wendy Amant</i>	

Page 2 of Orchard Place residents/neighbours signatures

NAMESIGNATURECAROLYN  
PROSSER

Carolyn Prosser

STEPHEN  
PROSSERClint  
McSpedden

Matthew Cathie

Matthew Cathie

KANE BERGER

PERRY BERGER

Dave Alexander



Cathy Alexander

Cathy Alexander

SIMPSON FAMILY



Karen Dergate



Leslie Morris

mar & maryanne morris - s  
Kim morris d

IAN &amp; JULIE JAH



**ORCHARD PLACE RESIDENTS - GROUP NOTES**

We the residents of Orchard Place request the Inverell Shire Council make urgent safety upgrades to Orchard Place for the following reasons

**PROBLEMS**

Orchard Place services 18 residences and a commercial business (Simpson's Smash Repairs). A small number of these residences do not have an Orchard Place address, however, are still affected by the dust problem. There is a surprisingly large amount of traffic on this road, many of them travelling at a speed too high for the road conditions, resulting in:-

A large quantity of dust both on the road and drifting into residences -

- Contamination of roofs, gutters and rainwater drinking supplies. The town water supply is only trickle feed and therefore residents rely on rainwater for drinking
- Visibility danger to road users – there has been a number of accidents over the past few years due to both poor visibility and narrow road winding through trees. Within this winding section there are three driveways which add to the danger. It is only a matter of time until something more serious occurs
- Health issues for a number of residents who have respiratory problems
- Dust damage to computers, printers etc

Shire garbage trucks which use Orchard Place as a short cut to and from other outlying garbage runs and driving at an unsuitable speed are a contributor to the dust and safety problems

Orchard Place is only 0.5km from the town speed limits on the northern end and 1.1km on the southern end (Gwydir Highway) with an unsealed length of 1.7km with a speed limit of 100km which is extremely unsafe and unfair to long term rate paying residents

Entering and exiting Orchard Place on the Swanbrook Road end is extremely dangerous due to the poor visibility over the crest, bends and traffic approaching from the east cannot be seen due to the trees on the side of Swanbrook Rd blocking visibility.

The single lane road winding through large trees in the middle section of Orchard Place has very poor to no visibility and is a serious accident waiting to happen. Large limbs regularly fall from these trees which is also a safety concern. In the past few months there has been three accidents (probably not reported) that we know of, in the middle section of road through the trees, the most recent taking out a section of fence and leaving the barbed wire on the road. Also at least two on the Swanbrook Rd end that we are aware of.

Potholes, corrugations and poor drainage, particularly on the Glen Innes Road end is unacceptable for both a school bus route and road users in general

Legal ramifications for Inverell Shire Council WHEN, not IF, a serious accident happens and Council has ignored requests for safety upgrades for many years.

In the past the airstrip which adjoins Orchard Place was a safety concern, this airstrip is no longer in use.



We would appreciate being given the reasons for Council not addressing our requests when there has been a number of sealing jobs done on roads and lanes less used and further from town than Orchard Place, e.g. Short St extension that is now sealed and limited to 50 km/h

We have concerns over the previous positioning of traffic counters/ speed indicators on Orchard Place. These have been placed at the end of the road near the intersections, and thus give a false indication of the speeds being travelled along the other sections of the road. The most recent traffic count showed 119 cars per day which could not have been accurate as it was only on the Swanbrook Road end and very close to the intersection, making Orchard Place one of the busiest unsealed roads in the Shire

#### POSSIBLE SOLUTIONS

Given that sealing Orchard Place would involve considerable work and cost with the involvement of RTA construction of the Glen Innes Road intersection, could sealing finish just short of the intersection so as the intersection work would not be necessary

Extend the town speed limits on Swanbrook Road to **beyond** the Orchard Place intersection. On the Glen Innes Road, move the town speed limit to **beyond the Elsmore Road** intersection as traffic now approaches both the Orchard Place intersections at high speed. This would be similar to what was done on the Gwydir Highway making the Copeton Dam Road and Kookaburra Lane intersections safer.

Clear the trees and vegetation from both sides of Swanbrook Road at the Orchard Place intersection thus allowing clear views of oncoming traffic.

A central line be placed 500 metres both east and west of the Orchard Place / Swanbrook Road intersection to prevent vehicles veering to the incorrect side of the road both on the crest of the hill and through the bends where visibility is poor.

Speed limits of 40km on Orchard Place as at present the speed limit is 100km

Speed humps or some other form of traffic calming device

Regular grading and watering. Dust retardant was applied some years ago with very little benefit, however, newer retardants **may** be more effective in the interim.

Any future traffic monitoring devices be placed so that a representative speed record will be possible.

D 11

DESTINATION REPORTS  
TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 13/9/2017

D 11



Looking South

CENTRAL SECTION  
OF ORCHARD PLANE  
SHOWING LACK OF  
VISIBILITY AND  
ROUGH SURFACE.  
3 DRIVE WAYS  
IN THIS SECTION

SPEED LIMIT  
100 km/h NOA  
111

D 12

DESTINATION REPORTS  
TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 13/9/2017

D 12



Looking North.

CENTRAL SECTION  
OF ORCHARD PLACE  
SHOWING LACK  
OF VISIBILITY  
WINDING THROUGH  
TREES

3 DRIVEWAYS IN  
THIS SECTION

SPEED LIMIT  
100km/hr !!!  
!!



D 13

DESTINATION REPORTS  
TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 13/9/2017

D 13



Looking South

CENTRAL SECTION  
OF ORCHARD PLACE  
WINDING THROUGH  
TREES WITH  
3 DRIVEWAYS  
WHICH CAN'T BE  
SEEN

THIS IS A 100KM  
SPEED LIMIT !!!

D 14

DESTINATION REPORTS  
TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 13/9/2017

D 14



Susand Brook Road  
Orchard Place  
Intersection  
showing lack  
of visibility  
to east  
to oncoming  
traffic



D 15

DESTINATION REPORTS  
TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 13/9/2017

D 15



overgrown  
Vegetation  
SWANBROOK ROAD  
& ORCHARD PLACE  
INTERSECTION

Our Reference: S28.10.SR235

20 October 2022

Inverell NSW 2360

Dear,

**ORCHARD PLACE – CREATION OF NO THROUGH ROAD  
122 ORCHARD PLACE INVERELL 2360**

At it's Ordinary meeting in September 2017 Inverell Shire Council resolved to install physical barriers in the middle of Orchard Place to create a "No Through Road". This resolution was made in response to ongoing complaints and lobbying as well as a petition from numerous residents in the area which outlined multiple concerns, such as:

- Increased Traffic volume.
- Dust Nuisance.
- Impacts from Garbage Truck.
- Road Safety.

In order to carry out this action and erect physical barriers at an appropriate point to create a 'no through road' effect, it was necessary to undergo a process to transfer ownership of the road from the Crown to Council.

This process required many procedural steps to be followed, including:

- Consulting with NSW Aboriginal Land Council and seeking their concurrence to open a road through land acquisition.
- Pre-acquisition checks to identify all interests in the land.
- Scoping and surveying the land area required to accommodate Orchard Place.
- Issuing Proposed Acquisition Notices on all interested parties after having obtained approval to do so from the Minister for Local Government and His Excellency the Governor.
- Gazettal of the Proposed Acquisition Notice.
- Registration of the Plan.
- Obtaining a Valuation Report to determine the amount of compensation payable by Council to the Crown.

The above processes are now completed and Council is in a position to carry out the physical works. Given the amount of time that has lapsed since the 2017 resolution Council has decided to undertake community consultation with residents of Orchard Place and the local area and to consider feedback on the proposed solution.



Attached is a copy of the plan that outlines the proposed physical works and the proposed location. Residents are requested to review the plan and provide any feedback to Council as soon as possible.

It is intended that a report be presented to the November 2022 Council meeting in order for Council to consider any community comments or concerns prior to the physical works taking place.

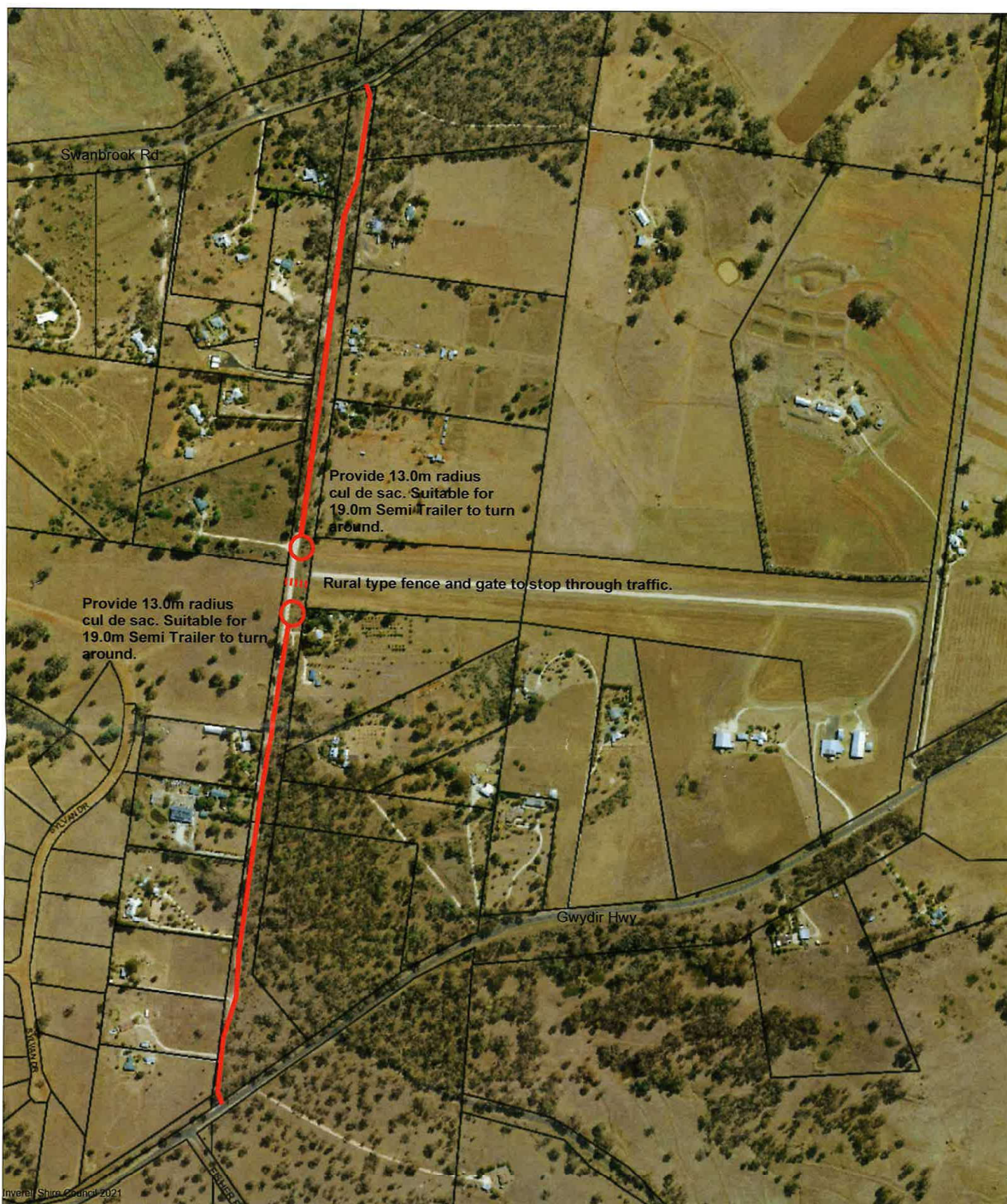
Feedback can be provided by emailing [council@inverell.nsw.gov.au](mailto:council@inverell.nsw.gov.au) or by phoning myself to discuss on 0267288200.

Yours faithfully,



**JUSTIN PAY**  
**MANAGER CIVIL ENGINEERING**

12-August-2022



### ORCHARD PLACE - INVERELL DISCONTINUATION OF THROUGH TRAFFIC.

**IMPORTANT:** This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Inverell Shire Council nor the Department of Lands makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © The State of New South Wales (Department of Lands) 2008, © Inverell Shire Council 2008. This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

## 6 INFORMATION REPORTS

### 6.1 WORKS UPDATE

**File Number:** S28.21.1/16 / 23/13134

**Author:** Justin Pay, Manager Civil Engineering

#### **SUMMARY:**

This report is intended to keep Council updated on the capital works and maintenance programs.

#### **COMMENTARY:**

##### **Fixing Country Roads Funding Grant**

Council has been successful in obtaining \$3.685M from the Fixing Country Roads Funding Grant to complete works on Yetman Road between Palaroo Lane and Oakwood.

An additional private contribution of \$20K from an industry beneficiary brings the total funding to \$3.705M. This grant will allow Council to upgrade this section of road to allow road train access. This will result in improved freight access and efficiency. Currently, road train access on Yetman Road terminates at the Inverell Regional Livestock Exchange however, once this project is complete, a further 12km along Yetman Road will have road train access.

This project includes the following works:

- Construction of a new two-lane bridge on a new and improved alignment crossing at Rob Roy Creek to replace the old narrow bridge at Moseley Dene
- Construction of 400m of approaches for the new bridge alignment
- Full reconstruction and widening of 2km of road from Hunts Gully to approx. 300m past Stewarts Grain Trading
- Widening and drainage works to 3.6km of road to bring the existing road up to standard for road train access
- Drainage works for 1.2km to clean out and restore table drains
- Replacement of 9 pipe sets between Palaroo Lane and Stewart's Grain Trading

Works commenced in January 2022 and the following have been completed to date:

- Full construction and widening from Hunts Gully to Stewarts Grain Trading
- 1.2km of drainage works
- Pipe replacements along the route
- Design of the new bridge at Moseley Dene
- Review of Environmental Factors completed for the works
- Fisheries permit obtained for construction of the bridge
- Construction of the bridge piers
- Preliminary earthworks for the new road alignment
- Bridge abutments and wingwalls
- Bridge planks installed

The remaining works include:

- Installing the guardrail, batter protection and AC wearing surface on the bridge
- Construction of the new bridge approaches on the new alignment

The bridge planks were installed after Easter and the road approaches are commencing the week of writing this report. Once the road approaches are completed, the relieving slabs on either side of the bridge will be constructed. The concrete/bridge construction crew are continuing to work on the



bridge with works consisting of grouting between the planks ready for post-tensioning, forming up and pouring the bridge kerb and preparing the bridge for installation of the guardrail.



Moseley Dene Bridge Replacement – Lifting bridge planks into place



Moseley Dene Bridge Replacement – Bridge decks in place ready for post-tensioning

**Roundabout Construction – Intersection of Gwydir Highway, Bundarra Road and Chester Street**

Project work is nearing completion on the construction of a roundabout at the intersection of Gwydir Highway, Bundarra Road and Chester Street. A construction budget of \$5,882,000 has been provided which includes contributions from the State Government of \$2.2M and the Federal Government of \$1.5M. The key budget components include:

- Design & Legal - \$660,000
- Works Authority Deed (TfNSW) - \$172,446
- Demolition/Rehabilitation - \$203,062
- Roundabout Construction - \$4,156,302
- Contingency - \$690,190

The project includes the following:

- Earthworks
- Vegetation clearing and grubbing
- Significant storm water drainage works
- Realignment of underground services including power, Telstra, NBN, water and sewer
- Realignment of the intersection
- Construction of a concrete pavement and roundabout
- Flexible pavement construction on roundabout approaches
- Kerb and gutter construction
- Footpath works
- Traffic management at multiple intersections in Inverell township

The roadworks portion of the project has reached practical completion. The concrete pavement was constructed during February. The final Asphalt was laid during the last week of February with the road opened to traffic on Friday, 3 March, 2023.

Street lighting has now been finalised.

Contractors relocating telecommunication services have been delayed. This portion of the project no longer has any impact on finalising other works at the site. Whilst Council staff have been urging the contractors to finalise the works, unfortunately we have limited means to compel them to do so.

Council staff have landscaping, footpath works to be completed which will be finalised in May.





Landscaping and footpath underway



Roundabout construction completed

**Moore Street Upgrade – Hospital Entrance**

Council has secured funding to complete upgrade works on Moore Street at the Inverell Hospital entrance. The project cost is \$1,349,000 funded by the State Government's Fixing Local Roads Program (\$911,654), contribution from NSW Health Infrastructure (\$337,250) and Council contribution (\$100,096).

The recent redevelopment of the Inverell Hospital resulted in the 'main entrance' for this facility being moved to Moore Street. Council has received grant funding from the State Government to undertake upgrade works to Moore Street to meet subsequent demand.

The project includes works along a 1000 metre section of Moore Street and includes pavement rehabilitation, widening, a turning lane into the hospital and drainage upgrades including construction of kerb and gutter. The key aim of the project is to improve sight distance impacting safe access to the new hospital.

In order to meet the milestones of the funding deed for the project, Council commenced construction during April 2022 to meet the project commencement milestone. Recently, Council received notification of an extension to the grant funding start of construction and completion milestones due to Transport for NSW recognising the challenges of delivering the project on time as a result from the COVID-19 pandemic and natural disaster events. The new start of construction and completion milestone has been extended by Transport for NSW as follows:

Start of Construction – 12-month extension from May 2022 to May 2023.

Project Completion – 6-month extension from June 2023 to December 2023.

The underground drainage works were commencing the week of writing this report. The Hospital, Ambulance Service and Bus Services have been notified of this commencement of works and are comfortable with the proposed traffic management measures for the project. There will be no significant interruptions to traffic in the early stages of the project until such time that Council needs to close a lane to begin works on the road rehabilitation. However, there will be some short periods where the road will be under traffic control to complete the underground drainage links across Moore Street. Council will continue to liaise with the services throughout the project.

**Playground and Amenities Upgrades and Repairs – Inverell and Delungra**

Council has been successful in receiving \$300,000 under the Local Roads and Community Infrastructure Program Phase 3 to complete upgrade and repair works to Victoria Park, Lions Park, Campbell Park and Lake Inverell Reserve. Council was also successful in receiving \$50,000 under the 2021/2022 Black Summer Bushfire Grants Program for the replacement of playground equipment at Delungra Park.

The following works are included as part of the grant funding.

**Victoria Park**

- Drainage works inside the playground
- Repair soft floor
- New ropes on climbing web and cradle swing

**Lions Park**

- Replace netting inside playground

**Campbell Park**

- Remove existing climbing frame playground at the end of the amphitheatre

- Install new larger climbing frame with attached covered slide at a new site north of the existing children's fenced playground
- Install new soft fall and fencing
- Install additional play equipment if funds allow

### **Lake Inverell Reserve**

- Install blocks around playground to stop the soft fall bark chips washing out
- Levelling of the playground area

### **Delungra Park**

- Remove old playground equipment
- Install new playground equipment including dual swing, slide including landing, fire engine rocker and Geo-climber
- Replace soft fall bark chips

Works have been completed at Victoria Park and Delungra Park. The works at Lions Park will be completed when the netting arrives.

Site suitability at Campbell Park has been confirmed, and the playground equipment has been ordered. Manufacture time for this equipment is expected to take three (3) months. The works at Lake Inverell Reserve have commenced and the playground area has been completed.

### **Road Maintenance**

#### **Maintenance Grading**

The following maintenance grading works were undertaken during April 2023.

Road Number	Road Name	Length Graded (km)
SR198	Gowrie Road	1.10km
SR196	Onus Road	5.55km
SR236	Long Plain Lane	4.95km
SR239	Inverell Estate Road	1.55km
SR248	Loves Lane	2.65km
SR254	Stannifer Road	8.60km
SR255	Silvermans Road	7.25km
SR243	Waterloo Road	9.00km
SR244	Western Feeder	8.35km
SR245	Eastern Feeder	9.35km
SR173	Delungra Bypass Road	8.30km
SR108	Kerri Road	0.80km
SR217	Beaulieu Lane	1.30km
SR188	Eddy Park Lane	5.15km
SR 10	Tarwoona Road	22.80km
SR 59	Graman Road	23.30km



SR 32	Coalmine Road	9.80km
	<b>TOTAL</b>	<b>129.80km</b>

**Reactive Spot Grading**

The following reactive spot grading works were undertaken during April 2023.

Road Number	Road Name	Length Graded (km)
SR054	Emmaville Road	5.50km
	<b>TOTAL</b>	<b>5.50km</b>

**Gravel Patching**

The following gravel patching works were undertaken during April 2023.

Road Number	Road Name	Area Patched (m2)
SR256	Grants Road	600m2
SR252	McLachlans Lane	400m2
SR267	Spring Mountain Road	1,200m2
SR019	Yetman West Road	21,000m2
	<b>TOTAL</b>	<b>23,200m2</b>

**Gravel Re-sheeting**

The following gravel re-sheeting works were completed in April 2023.

Road Number	Road Name	Area Re-sheeted (m2)
SR 246	Elsmore Road	70,570m2
	<b>TOTAL</b>	<b>70,570m2</b>

**Heavy Patching**

The following heavy patching works were undertaken during April 2023.

Road Number	Road Name	Area Patched (m2)
SR060	Nullamanna Road	12,435m2
	<b>TOTAL</b>	<b>12,435m2</b>

**Other Maintenance Activities**

Council's State, Regional and Local Roads, Urban and Village Street maintenance activities, such as bitumen patching, drainage and shoulder repairs as well as vegetation control, are continuing as required. Town maintenance will continue as programmed.

**ATTACHMENTS:**

Nil

**6.2 EMPLOYMENT ZONES REFORM UPDATE**

**File Number:** S18.6.49 / 23/13388

**Author:** Chris Faley, Development Services Coordinator

**SUMMARY:**

The purpose of this report is to inform the Civil and Environmental Services Committee of the employment zones reform changes by the NSW Department of Planning and Environment which commenced on 26 April, 2023.

The Committee is requested to note this information.

**COMMENTARY:**

During 2020 and 2021, the NSW Department of Planning and Environment (the Department) reviewed the business (B1–B8) and industrial (IN1–IN4) zones across the state. The Department considered that reforms to business and industrial zones were required to better accommodate the changing needs of businesses, support state and local strategic planning, increase investment, and boost jobs growth.

As part of the employment zones reforms the Department of Planning and Environment proposed the following zone changes to the *Inverell Local Environmental Plan 2012*;

- **E1 Local Centre zone** - to replace the B1 Neighbourhood Centre zone;
- **E2 Commercial Centre zone** - to replace the B2 Local Centre zone;
- **SP4 Enterprise zone** - to replace the B5 Business Development zone; and
- **E4 General Industrial zone** - to replace the IN1 General Industrial zone.

At the Ordinary Meeting of Council on 28 September, 2022, Council endorsed the '*Translation of the employment zones land use tables*' (Res. 2022/50) for the purpose of public exhibition as part of the Department of Planning and Environment's reforms.

The Department undertook public exhibition of the proposed reforms from 31 May, 2022 to 12 July, 2022 with only one (1) submission received in relation to Inverell. This submission requested consideration be given to the inclusion of a "*recreation facility (outdoor)*" in the E4 General Industrial Zone.

The submission was considered at the Civil and Environmental Committee Meeting on 14 September, 2022 with the following recommendation resolved at the Ordinary Meeting of Council on 28 September, 2023 (Res. 2022/123):

*That:*

- (i) A "*recreation facility (outdoor)*" be included as a permitted land use in the E4 General Industrial Zone and to advise the Department Planning and Environment's employment zones reform team; and
- (ii) The Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the employment zones reform, including any changes and minor amendments consistent with the intent of the reforms.

To implement the reforms, on 16 December, 2022 the Department published six (6) self-repealing 'State Environmental Planning Policy (Land Use Zones)' amendments with a deferred commencement date of 26 April, 2023. A "*recreation facility (outdoor)*" was included as a permitted land use within E4 General Industrial Zone of the *Inverell Local Environmental Plan 2012*.

As part of the Employment Zones Reforms, the land zoning map of the Inverell Local Environmental Plan 2012 was also transitioned from a PDF format to a digital format on the Department's ePlanning Spatial Viewer. At this point in time, all other LEP maps remain in PDF format.

The new business and industrial zones, and digital zoning maps commenced operation on 26 April, 2023 and will be applicable to any development applications lodged after this date.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

Nil