

Planning Environment and Development Committee Meeting Minutes

4:04pm Wednesday 1 February 2017

COUNCILLOR	PRESENT	LEAVE	APOLOGY	ABSENT
J CHAFFEY (Chair)	X			
RG SWAIN	X			
JR CAMPBELL	X			
C FULLER	X			
OC HASLER	X			
R HOOKE	X			
A LUKE	X			
D MOSES	X			
M O'KEEFE	X			
SENIOR STAFF				
General Manager (E Groth)	X			
Executive Manager Business Systems and Governance (C Formann)			X	
Director Planning and Environmental Services (A Johns)	X			
Director Infrastructure Services (W Kerr)	X			

DECLARATION OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	NSNP	RC	REASON
D MOSES	1	Development Application 2016/096.002 – 209-211 Bloomfield Street, Gunnedah	X				Friends with the property owner and works for the applicant.
STAFF	ITEM	REPORT	P	SNP	NSNP	RC	REASON
NIL							

P – Pecuniary

SNP – Significant Non Pecuniary

NSNP – Not Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

ITEM 1 **Development Application No. 2016/096.002 – Modification to Payment Timing of Developer Contributions – Lots A and B, DP408280 – 209-211 Bloomfield Street, Gunnedah**

MEETING Planning, Environment & Development – 1 February 2017

DIRECTORATE Planning and Environmental Services

AUTHOR Town Planner

POLICY Nil

LEGAL Environmental Planning & Assessment Act, 1979

 Gunnedah Local Environmental Plan, 2012

 Gunnedah Development Control Plan, 2012

FINANCIAL Nil

STRATEGIC LINK Community Strategic Plan

1.2.2 Implement a fully integrated planning framework that aligns to Council plans and guides the development of Gunnedah area.

2.2.8 Implement and maintain developer contribution plans which require appropriate contributions for development impact upon infrastructure so as not to unfairly burden existing ratepayers or future developers.

4.1.3 Ensure that green spaces support and encourage our valuable Koala population to traverse the area and encourage animal health and breeding.

Operational Plan

- 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act.
- 2.2.8.1 Implement Council's Section 94A Contributions Plan where applicable.
- 4.1.3.1 Consideration of inclusion of suitable koala habitat during assessment of major developments

ATTACHMENTS Nil

1.01/17P COUNCIL RESOLUTIONS:

1. That the Modification of Consent No. 2016/096.002, for the modification of payment timing of developer contributions, at 209-211 Bloomfield Street, Gunnedah, Lot A and B DP408280, be approved subject to the following (amended conditions underlined):

A. That development consent be granted subject to the following conditions:

- A1. The proposed development shall be carried out strictly in accordance with the details set out in the following

- Development Application form lodged 05/11/16;
- Statement of Environmental Effects, prepared by D&C Projects, dated 04/10/2016;
- Further Information, provided D & C Projects, dated 19 October 2016;
- Further Information, provided by Richard Patriquin, 4 November 2016; and
- Submitted plans:
 - Prepared by Stewart Surveys Pty Ltd, dated 3/11/2016, ref: 4758, Drawing No. 1 of 1 (Plan & Elevations for Proposed Storage Shed); & dated 14 October 2016, Job No. 4758, Drawing No. 1 of 1 (Landscape Plan); & dated 4 October 2016, Ref: 4758, Drawing No. 1 of 1 (Play Areas Landscape Plan);
 - Prepared by D & C Projects, dated 2/12/2016, ref: 16090, Sheet No. 1 of 3 (Site Plans & Perspectives), Sheet No. 2 of 3 (Proposed Floor Plan & Elevations);
- Supporting Documentation:
 - Traffic Impact Assessment prepared by Kathryn Yigman, dated October 2016, ref: 4758;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

- A2. To confirm and clarify the terms of this approval, consent is granted for a childcare centre with a maximum of 80 children.

Reason: To ensure compliance with development controls.

B. Prescribed Conditions (Section 80A(11) of the Act)

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

- B1. **Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: To ensure compliance with the statutory requirements.

C. Prior to Commencement of Building Works

- C1.** Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the dwelling. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

Reason: To meet statutory requirements.

- C2.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

Reason: To ensure erosion and sediment control on the development site.

Traffic and Parking

- C3.** Parking areas must comply with AS 2890 – *Parking Facilities*. Driveway and parking areas are to be bitumen sealed, paved or constructed of other dust suppressant method. Details of surfacing must be provided to Council and approved prior to the issue of a Construction Certificate.

Reason: To ensure compliance with relevant Australian Standards.

D. Prior to the Issue of a Construction Certificate

- D1.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

Reason: To comply with statutory requirements.

- D2.** Prior to the commencement of building works, the name, address and contact details of the Principal Building contractor shall be provided to Council

Reason: To ensure compliance.

- D3.** Prior to the issuing of a Construction certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 94A of the Environmental Planning and Assessment Act 1979. The current levy payable is \$3,600.

Note: The Gunnedah Shire Council's Section 94A Contributions Plan 2013 can be viewed on Council's web site at: <http://www.gunnedah.nsw.gov.au>

Reason: To make provision for public amenities and services within the community.

D4. Deleted

D5. Deleted

- D6.** Prior to issue of a Construction Certificate construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance.

- D7.** Prior to the issuing of a Construction certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:
- (a) Carry out water supply works
 - (b) Carry out sewerage works
 - (c) Carry out stormwater drainage works

Note: All works are to be carried out by an appropriately licensed contractor in accordance with NSW Code of Practice for Plumbing and Drainage-2006.

Reason: To ensure environmental health standards are met.

E. General

- E1.** Roof water caught and drainage from the sealed car parking area is to be discharged directly to the street gutter sealed stormwater pipes or to existing internal stormwater infrastructure servicing the site so long as the internal stormwater system is connected to Council's reticulated stormwater system.

Reason: To ensure stormwater is appropriately disposed of.

- E2.** Compliance with the Food Act 2003 and Food Safety Standard's and "AS4674-2004 – Design, Construction and Fit-out of Food Premises" is required in respect to all aspects of this food business.

Reason: To ensure compliance.

Outdoor Lighting

- E3.** Outdoor lighting is to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS4282 Control of Obtrusive Effects of Outdoor Light*.

Reason: To ensure compliance.

Traffic and Parking

- E4.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with *AS 2890 – Parking Facilities* and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

Reason: To ensure compliance with relevant Australian Standards and to facilitate the use of vehicular access and parking facilities.

- E5.** Onsite car parking accommodation shall be provided for a minimum of sixteen (16) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.

Reason: To ensure adequate on site car parking is provided.

- E6.** Exit only signage is to be provided in a prominent position at the new Bloomfield Street vehicle access, being clearly visible from the street. A designated left turn only sign is to be placed in a prominent position within the property boundary at the driveway exit onto Bloomfield Street. A left turn only directional arrow shall be painted on the car park pavement within the property boundary.

Reason: To ensure adequate information is provided to Council.

Sewer

- E7.** The developer is to remove all existing sewer boundary traps and provide the installation of a new boundary shaft at the property boundary. All works associated with the installation of the new boundary shaft are to be undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

- E8.** Entry only signage is to be provided in a prominent position at the current Carroll Street vehicle access, being clearly visible from the street. Internal signage is also to be erected marking the vehicle access as being "no exit".

Reason: To minimise impacts on the amenity of the adjoining residential property.

- E9.** The developer is to provide a privacy screen, along the property boundary between the development site and the residence on, Lot C DP 342233, 50B Carroll Street, to a height not exceeding 2.5 metres.

Reason: To minimise impacts on the amenity of the adjoining residential property.

F. During Demolition Works

- F1.** The dwelling shall only be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures" and the requirements of the Workcover Authority of New South Wales including but not limited to:

- (a) Protection of site works and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos and lead based paints handling and disposal where applicable.

The disposal of demolition materials is to be to an approved licensed waste disposal depot so determined by the NSW Environment Protection Authority.

Reason: To ensure compliance and safety of workers.

- F2.** Prior to the commencement of demolition works, all water and sewerage connections to Council's infrastructure are to be capped off by a licensed plumber so as to prevent any contamination of Council's reticulation systems.

Reason: To ensure the integrity of Council's sewerage and water systems.

- F3.** All work on the demolition is to be carried out strictly in accordance with current Workcover requirements and only between the hours of 7.00am and 5.00pm on weekdays and 8.00am and 4.00pm on Saturdays. No demolition work shall occur on Sundays or Public Holidays.

Reason: To ensure compliance and protect amenity of area.

- F4.** The developer shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere from the onsite and from vehicles transporting material off-site.

Reason: To ensure compliance and safety of workers and general public.

- F5.** The deliberate burning of the building and/or demolition material shall not be permitted.

Reason: To ensure compliance and safety of workers and general public.

- F6.** All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and they must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To ensure compliance and safety of workers and general public.

G. During Construction Works

G1. Inspections by the Principal Certifying Authority – Mandatory Critical Stage Inspections

48 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 81(2)(b) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspections in **bold type** are mandatory critical stage inspections under the Act and **MUST** be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued).

- (a) **Piers (if any) prior to pouring of concrete**
- (b) **Footing trenches with reinforcement prior to pouring of concrete**
- (c) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (d) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (e) **Wet area, damp proofing and flashing before lining**
- (f) **Bearers and joist inspection, including tie down requirements and ant capping. When completed and prior to the laying of the floor.**
- (g) **Final inspection prior to use of the building.**

The above listed works may not be covered until approval is obtained from the Principal Certifying Authority or his/her duly appointed delegate.

Reason: To ensure compliance before, during and after construction.

- G2.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

Reason: To ensure compliance with approved application and plans.

- G3.** No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

- G4.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- G5.** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Driveway crossing standards and specifications.

Reason: To ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.

- G6.** Before erection of any permanent structure such as fences, concrete car drives, garages etc. adjacent to street boundaries, correct street levels must be ascertained from the Council's Infrastructure Services Section.

Reason: To ensure compliance efficient construction.

- G7.** Any redundant driveway layback and footpath crossing located along either of the road frontages is to be removed. Kerb and guttering and level footpath is to be constructed where the layback is removed to match existing footpath crossover and gutter levels.

Reason: To ensure safety and amenity of council footpath and road reserve.

- G8.** Lighting and Ventilation in the building shall comply with the requirements of the Building Code of Australia Part F4.

Reason: To ensure compliance.

- G9.** Any portion of the development that contains a Food Premises or have areas used for the preparation, storage and serving of food must comply with "AS4674-2004 Design, construction and fit-out of food premises".

Reason: To ensure compliance.

G10. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

G11. Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday - 7.00am to 5.00pm;
Saturday - 8.00am to 1.00pm if audible on other residential premises,
otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

Reason: To ensure amenity of the neighbourhood is maintained.

Sewer Main Installations

G12. Prior to the back filling all mains, a visual inspection is to be undertaken by Council.

Reason: To ensure compliance.

G13. All back fill over sewer mains shall be a of 3-5 mm granular grit.

Reason: To ensure compliance.

H. Prior to the issue of an Occupation Certificate

H1. Occupation of the building is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

H2. Prior to issue of an Occupation Certificate all statutory fire safety measures listed in the fire safety schedule (attached to the Construction Certificate) are to be installed in accordance with the standards detailed and the owner of the property shall provide a fire safety certificate for each statutory fire safety measure to the Principal Certifying Authority.

Reason: To ensure compliance and fire safety of building.

- H3.** Prior to the issue of an Occupation Certificate, Lot A DP 408280 and Lot B DP 408280 shall be consolidated into one Lot. A copy of the registered plan of consolidation shall be provided to Council.

Reason: To ensure compliance.

- H4.** One set of approved construction drawings shall be amended to show the “work-as-executed”. These drawings in both hard copy and electronic form shall be provided prior to issue of the subdivision certificate. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer.

Reason: To ensure compliance with Council’s requirements.

- H5.** A Compliance Certificate for each stage under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority).

Note: Council requires the following contributions to be paid prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

- \$5,400 for Water headworks
- \$4,488 for Sewer headworks

The contributions for the works shall be paid prior to the issue of an Occupation Certificate.

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council’s 2016/2017 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council’s Development Services Plans.

- H6.** Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:

- Stormwater Drainage

Pursuant to Section 64 of the Local Government Act, 1993 Council requires the payment of a monetary contribution of \$3,339.40. The contributions shall be paid prior to issue of an Occupation Certificate.

Note: The contributions required by this condition are determined in accordance with the Gunnedah Shire Council Section 64 Development Services Plan – Stormwater commencing on 17 January 2013, a copy of which may be inspected at the office of the Council.

The above contributions have been adopted under the 2016/2017 Council Operational Plan. Revised rates adopted by Council in subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council’s Developer Services Plans.

I. Continued Operations

- 11.** The owner of the building shall submit to Council at least once in each period of twelve (12) months following the building's completion, an Annual Fire Safety Statement with respect to each essential fire safety measure associated with the building.

Reason: To ensure compliance and fire safety of the building.

- 12.** The development operating hours are limited to the operation of the premises between the following hours:
 - Monday – Friday: 7.00am until 6.00pm
 - Saturday – Sundays: Closed

Reason: To ensure compliance with application and plans.

- 13.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- 14.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- 2. That Councillors be advised when the Section 64 payments are made in full via email.**

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor C FULLER*

COUNCIL RESOLUTION				
COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
JR Campbell	X			
J Chaffey	X			
C Fuller	X			
OC Hasler	X			
R Hooke	X			
A Luke	X			
D Moses				X
M O'Keefe	X			
RG Swain	X			

Note: This item was dealt with under delegated authority in accordance with the Instrument of Delegation – Planning Environment and Development Committee.

PURPOSE

The Modification of Consent Application is being referred to Council as the original development consent No. 2016/096 was previously determined by Council and the application involves a variation of Council's Development Services Plan – Water and Sewer and Developer Services Plan - Stormwater.

Applicant: R Patriquin
Owner: R and B Patriquin
Property Description: Lots A and B DP408280,
209-211 Bloomfield Street, Gunnedah

Proposed Development

The modification of consent is seeking a variation to the timing of the payment of the developer contributions that have been conditioned in accordance with Council's Development Services Plans for Water and Sewer and Developer Services Plan - Stormwater. The Plans require the payment of the contributions prior to the issue of a Construction Certificate (ie. before works commence). The developer is seeking a variation to this requirement, to enable these charges to be paid prior to the issue of an Occupation Certificate (ie. once the works have been completed and prior to occupying the building).

BACKGROUND

Council approved Development Consent No. 2016/096, for the demolition of the existing dwelling located on 209 Bloomfield Street (Lot A DP 408280) and the construction of a new childcare centre to complement the existing childcare centre approved on 211 Bloomfield Street (Lot B DP 408280).

COMMENTARY

Issues

S79C(1)(a)(i) the provisions of any environmental planning instrument

Gunnedah LEP, 2012

The development site is zoned R3 Medium Density Residential under the provision of the Gunnedah Local Environmental Plan, 2012. The use of the site as Child Care Centre is permitted subject to development consent within the R3 zoning. The proposed development is consistent within the objectives of the zone as the development will encourage employment opportunities. The following clauses of the Gunnedah Local Environmental Plan 2012 are applicable to the development.

4.4 – Floor Space Ratio

The modification of consent will not affect or alter the floor layout of the proposed development. Hence, there will be no change to the floor space ratio on the site.

6.5 – Essential Services

The development site is currently serviced by Council's water, sewer and stormwater services and suitable vehicle access. The proposed modification of consent will not impact on provision of essential services.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The development site is not regarded as being potential Koala habitat. The development site is less than 1 hectare in size and hence SEPP 44 does not apply to the development site. Hence, no further investigation is required.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed modification will not change the provision of signage for the proposed development.

S79C(1)(a)(iii) provisions of any development control plan

Gunnedah Development Control Plan 2012

1.8 – Consultation

The modification of consent is a minor modification to the original determination and did not require notification to the adjoining land holders.

6.2 – Parking

The number of children accommodated by the proposed development is unchanged and there will be no alteration to the parking demand created onsite.

S79C(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality

Context and Setting

The development site is currently two allotments one of which contains the existing childcare centre and the other contains an existing dwelling house and associated outbuilding. The surrounding area is primarily made up of residential dwelling houses and a motel in close proximity.

Access, transport and traffic

The development site will not alter the provision of vehicle access to the site or the onsite vehicle parking spaces. The modification will not change the expected number of vehicle movements to or from the property.

Water, Sewer & Stormwater

The development site has provision of Council's water supply, sewer service and stormwater drainage. The service demand created by the proposed development is to be unchanged.

The application is seeking a variation to the payment timing of the contribution to enable payment prior to the issue of an Occupation Certificate rather than the issue of a Construction Certificate. This is to enable the developer to allocate initial funds to the commencement of the project, but has stated that the funding for the contributions will be available at the end of the project. Hence, the variation to the payment of contributions prior to the issue of an Occupation is supported in this circumstance.

Waste

The proposed modification of consent will not result in any change to the approved waste disposal for the development.

S79C(1)(d) any submissions made in accordance with this Act or the regulations

The Modification of Consent Application did not require notification to adjoining land holders, as it is a minor modification. The modification of consent will have no impact on the original development as approved.

S79C(1)(e) the public interest

The application did not require any referral to external public agencies. There are no relevant planning studies, strategies or management plans that are applicable to the proposed development.

The suitability of the Site for the Development

The modification of consent will not change the development proposal. The development site is consistent with the existing and future development in the locality. The development will be complimentary to the existing development conducted on the development site with the proposed new building being additional to the existing use on the site. The site is not identified as being bushfire or flood prone land and does not contain an item of heritage significance. Hence, the site is considered to be suitable for the development.

Conclusion

The development application is seeking a variation for the payment timing of the developer contribution for water, sewer and stormwater. The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The evaluation of this development application has concluded that the proposed Modification of Consent is compliant with the legislative requirements for this development.

It is recommended that the Modification of Consent Application No. 2016/096.002, for the payment timing of developer contributions, at 209-211 Bloomfield Street, be approved subject to the deletion of Conditions D4 and D5 and inclusion of Conditions H5 and H6 regarding payment timing of developer contributions.

PLANNING ENVIRONMENT AND DEVELOPMENT OBJECTIVES 2016/17

OBJECTIVE NO	MANAGEMENT PLAN REF. PAGE	OBJECTIVE	HOW WILL THIS BE ACHIEVED	TARGET DATE	STATUS	REVISED DATE
1.		Waste Management Strategy	Implementation of Waste Management and Environmental Initiative	June 2019	Project will not commence until State Government confirms that Gunnedah Shire Council will or won't be required to pay the 'Waste Levy'	
2.		Namoi Parklands Riverine Program	Biannual Review	August 2016	Stage 1 Complete Stage 2 Complete Stage 3 Work Commenced Stage 4 Work Commenced	
3.		Gunnedah Strategic Planning Review		September 2016	Draft Urban Landuse Strategy presented to Planning Environment & Development Committee May 2015 for endorsement for exhibition. Referred to June 2015 Council meeting. Draft Gunnedah Urban Landuse Strategy on exhibition- closes 28 August 2015 Councillor Workshop 3 Feb 2016 – submissions received and design of eastern gateway to be further considered at future workshop.	
4.	Koala Habitat Improvement	Adoption and implementation of Koala Management Strategy	Consideration at August 2015 Planning Environment & Development Meeting for exhibition	September 2016	Endorsed by Council at October 2015 Ordinary Meeting . Resolution No. 7.10/15	
5.	Enforcement Policy	Development and adoption of Enforcement Policy	June 2016	June 2016	Preparation of Draft Policy has commenced	
6.	Floodplain Management	Completion of Blackjack Creek Flood Mitigation Project	Property Acquisition Commenced	June 2017 Negotiations Ongoing. Compulsory Acquisition Commenced	Property Acquisition Notices under Land Acquisition (Just Terms Compensation) Act 1991	

There being no further business the meeting closed at 4:15pm.

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES