

Planning Environment and Development Committee Minutes

4:00pm Wednesday 3 June 2015

COUNCILLOR	PRESENT	LEAVE	APOLOGY	ABSENT
OC Hasler	X			
RG Swain (Chair)	X			
H Allgayer	X			
T Duddy	X			
C Fuller	X			
GA Griffen			X	
D Quince			X	
R Ryan	X			
SJ Smith	X			
SENIOR STAFF				
General Manager (E Groth)	X			
Acting Executive Manager Business Systems and Governance (D Markey)	X			
Director Planning and Environmental Services (MJ Silver)	X			
Director Infrastructure Services (W Kerr)	X			
Manager Development and Planning (C Hunt)				X

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R RYAN

DECLARATION OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	NSNP	RC	REASON
NIL							
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. 2015/011 – Additions and Alterations to Dwelling – Lot 94 DP751010, 98 Ruvigne Road, Gunnedah**

MEETING Planning Environment and Development Committee – 3 June 2015

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 Councils plans and guides the development of Gunnedah area.

Operational Plan

3.6.3 Ensure compliance with the provisions of Council's Development Control Plan

ATTACHMENTS Nil

1.06/15P COUNCIL RESOLUTIONS:

- 1. That the Development Application No. 2015/011 for the construction of additions and alterations to an existing dwelling, at 98 Ruvigne Road, Gunnedah, Lot 94 DP 751010, be approved subject to the conditions following:**

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

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

- Development Application form lodged 18/02/15
- Statement of Environmental Effects, prepared by Lisa Montgomery, dated 12/11/2014; and
- Submitted plans:
 - Prepared by Matt Davis Design, dated 13/04/2015, Project No: Montgomery_P0612, Drawing No: 100 (Plans – Cover Sheet), Drawing No: 101 (Plans – Site), Drawing No: 102 (Plans – Ground), Drawing No: 201 (Plans – Elevations), Drawing No: 202 (Elevations – Elevations), Drawing No: 301 (Sections – Sections), Drawing No: 501 (Perspectives – Images);
 - Prepared by Northwest Projects, dated 28/01/2012, Engineers Certificate; & dated 20/11/2012, Drg no: MONT01 (Proposed Foundation Layout), MONT0002 (Proposed Bracing Layout);
 - Prepared by Stewart Surveys, dated 8 April 2015, Ref: 4539, Sheet 1 (Site plan), Sheet 2 (Diagram House Site);
- Supporting Documentation:
 - Flood Survey Report, prepared by Stewart Surveys, dated 8 April 2015, Ref: 4539;
 - Specification, February 2015,
 - BASIX Certificate No: A211177, dated 10 February 2015;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. Prescribed conditions of development consent

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

B1. Compliance with Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: To ensure compliance with the statutory requirements.

B2. Compliance with Home Building Act, 1989

Residential building work within the meaning of Part 6 of the Home Building Act 1989 must not be commenced until a contract of insurance for any authorised building work to be carried out, has been entered into and be in force.

Reason: To ensure compliance with the statutory requirements.

B3. Signs to be erected on building, subdivision and demolition work sites

A sign must be erected in a prominent position on any site on which building 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.

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.

Reason: To ensure compliance with the statutory requirements.

B4. Notification of Home Building Act 1989 requirements

- (1) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (3) 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.

Reason: To ensure compliance with the statutory requirements.

B5. Fulfilment of BASIX Commitments

Prior to release of a final Occupation Certificate for the building works all commitments listed in the relevant BASIX Certificate are to be fully complied with. Where council is appointed as the PCA appropriate certification is to be provided on all matters contained in the current BASIX CERTIFICATE issued for this dwelling to prove compliance the BASIX CERTIFICATE.

Reason: To ensure compliance with the statutory requirements.

B6. Development involving bonded asbestos material and friable asbestos material

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001,

The person having the benefit of this complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences.

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

If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

In this condition, ***bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work*** have the same meanings as in clause 317 of the Occupational Health and Safety Regulation 2001.

Note 1. Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

Note 2. The effect of subclause (1) (a) is that the development will be a workplace to which the Occupational Health and Safety Regulation 2001 applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

Note 3. Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

Note 4. Demolition undertaken in relation to complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 must be carried out in accordance with Australian Standard AS 2601—2001, *Demolition of structures*.

Reason: To ensure compliance with the statutory requirements.

C. General

C1. 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.

C2. No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

C3. The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- C4.** The minimum height of the floor level for the proposed residence is to be set at RL267.94 AHD in accordance with the report by Stewart Surveys Pty Ltd, Dated 8 April 2015, Reference 4539.

Reason: To ensure compliance.

D. Prior to Commencement of Building Works

- D1.** 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.

E. During Construction Works

E1. 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) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (c) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (d) **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.

- E2.** Natural light and ventilation is to be provided to all rooms in accordance with the BCA. Part 3.8.4 and 3.8.5

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

- E3.** Smoke alarms complying with AS3786 as listed in the SSL Register of accredited products which are hard wired to the mains electricity supply and provided with a standby power supply (battery) must be installed between each area containing bedrooms and the remainder of the dwelling on or near the ceiling pursuant to Clause E.1.7 of the BCA.

Reason: To ensure compliance.

- E4.** Structural Engineer's details of timber frame design including any structural beams, tie downs and bracing for the proposed Lounge and Rumpus Room additions are to be provided.

Reason: To ensure compliance.

- E5.** The developer shall provide Council with certification from a registered Surveyor that the finished floor height has been constructed at least 500mm above the 1% AEP flood level at the following mandatory inspection stage;
- (a) Concrete slab formwork with reinforcement prior to pouring of concrete.
 - (b) Bearers and joist inspection.

Reason: To meet statutory requirements.

Water Supply - Rural

- E6.** The dwelling shall be provided with rainwater tanks having a minimum capacity of 45,000 litres of water before occupation is sought. Such tanks shall have a total of 10,000 litres of water reserved for fire fighting purposes, with a lower outlet for fire fighting purposes fitted with a 65mm storz fitting and ball or gate valve shall be located in such a position that access for fire fighting units shall be as direct as possible.

Reason: To ensure adequate supply of water for domestic and fire fighting purposes.

Access - Rural

- E7.** Vehicular access will be from Ruvigne Road and will require the construction a 4.5 metre wide gravel driveway and associated drainage structures across the verge and table drain, shall be constructed from the road should to the property boundary in accordance with Council's rural access crossing standards and specifications (RTA specification for a Typical Rural Property Access for a single unit truck). The location of the driveway is to be determined by the developer in consultation with Council.

- a) Before commencement of this work, construction levels are to be obtained from Council's Infrastructure Services. A security bond, being half of the estimated cost of the construction work is to be lodged with Council, before work on the access is commenced.
- b) Upon the satisfactory completion of the access by the developer, the security bond will be released.

Reason: To ensure access is provided and meets appropriate engineering standards.

E8. Excavations and backfilling

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 must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To ensure compliance.

- E9.** 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.

F. Prior to the issue of an Occupation Certificate

F1. 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.

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor C FULLER

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer	X			
T Duddy	X			
C Fuller	X			
GA Griffen			X	
D Quince			X	
R Ryan	X			
SJ Smith	X			

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

PURPOSE

Introduction

The development application is being referred to the Committee for determination as the proposed development will require a variation to Council's development control plan in respect of the provision requiring a gravel road to be bitumen sealed if a dwelling is constructed with a 200 metre setback from the primary road.

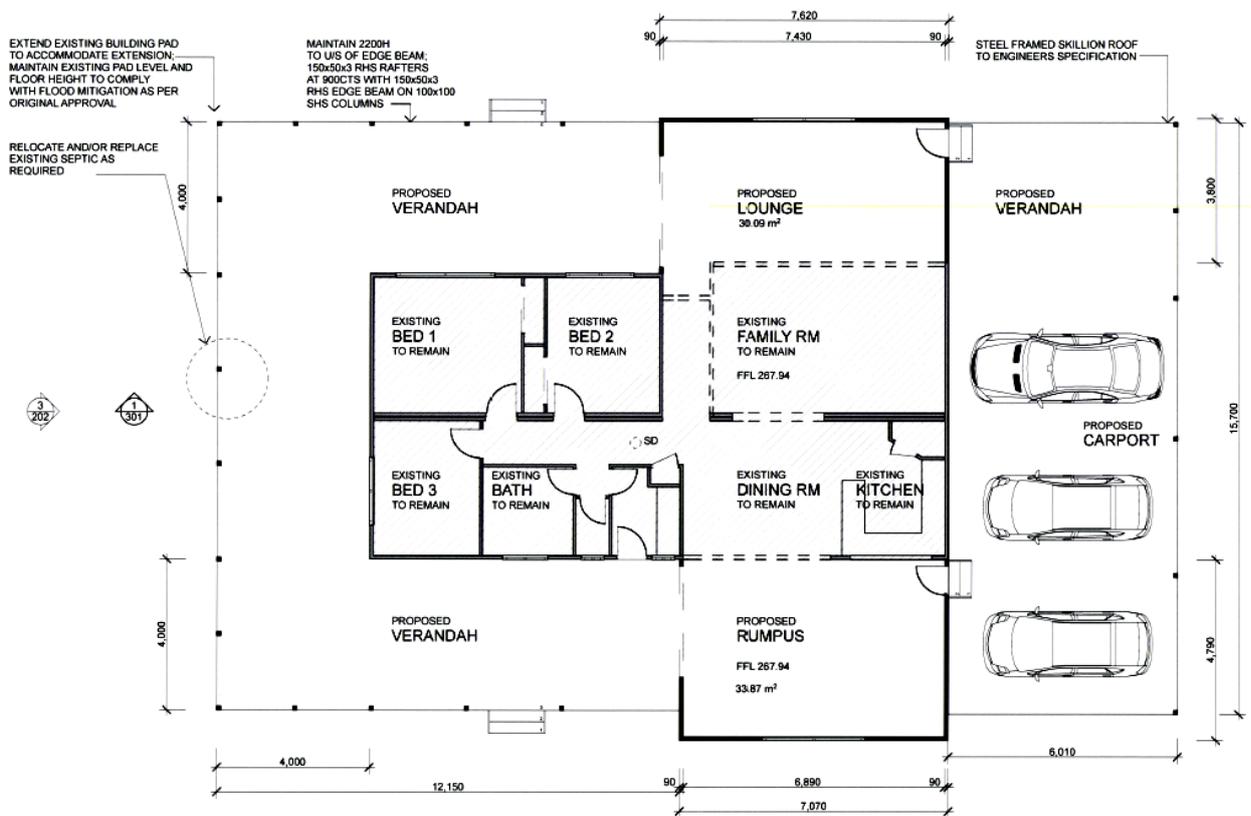
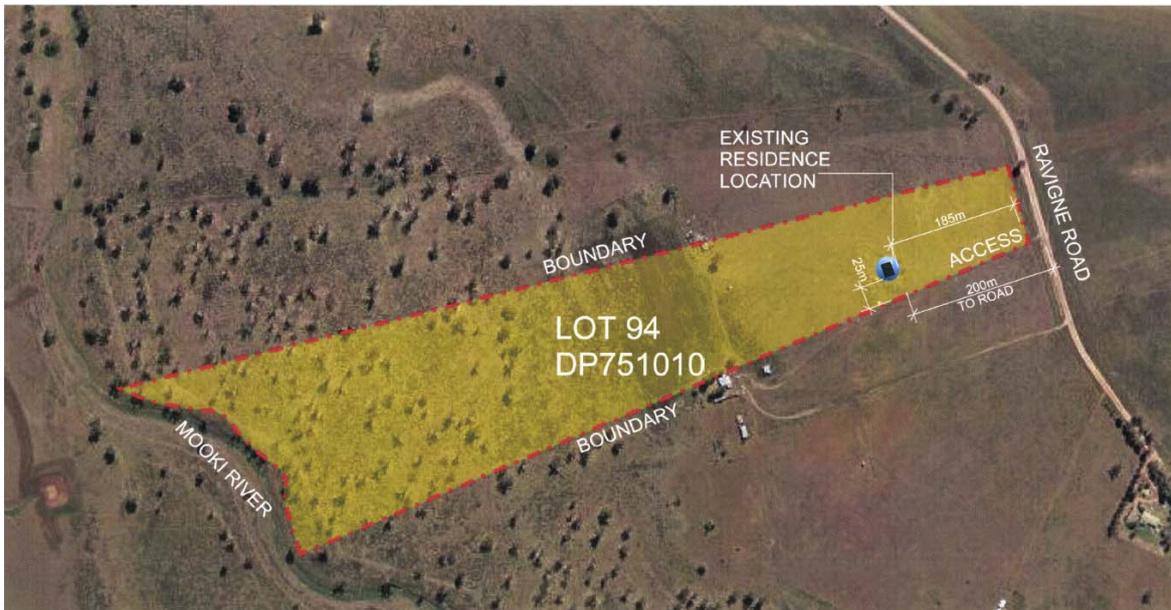
Hence, the application has been referred to Council for determination.

Applicant: Lisa Montgomery
 Owner: Mr C S Hutchins and Ms L Montgomery
 Property Description: Lot 94 DP751010,
 98 Ruvigne Road, Gunnedah

COMMENTARY

Proposed Development

The development application is seeking approval for the construction of additions and alteration to the existing dwelling house.



COMMENTARY

Issues

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

Gunnedah LEP, 2012

The development site is zoned RU1 Primary Production under the provision of the Gunnedah Local Environmental Plan, 2012. The development approval will be consistent with the land use objectives and currently approved land use. The following clauses of the Gunnedah Local Environmental Plan 2012 are applicable to the development.

4.2A – Erection of Dwelling Houses on Land in Certain Rural and Environmental Protection Zones

The development application is seeking approval for the additions to an existing dwelling house. The original dwelling was lawfully constructed on the site in approximately 1994/95 when development consent was not required at the time under the 1986 Gunnedah LEP. Council's records also confirm that the landholders at the time, approached Council requesting the requirements for the construction of a dwelling and were advised that development consent was not required.

5.9 – Tree Preservation Order

The development does not require the removal of any trees or vegetation from the site for the additions to occur. At the time the site was inspected there were no trees located in the immediate vicinity of the dwelling.

6.1 – Flood Planning

The development site is identified as being flood prone land. A flood survey report was prepared that identifies the floor level of the existing dwelling and the required floor level for the proposed additions. It was identified that the required floor level be at least RL 267.94 (flood planning level of 1 in 100 year event plus 500mm) to appropriately manage risk of life and property from flood. The floor level of the existing is constructed at this level and hence the additions are to be constructed at this level.

6.5 – Essential Services

The existing development has provision of required services to the site. The site has provision of overhead power supply and onsite retention for water and sewer services. The development site has suitable road access to Ruvigne Road which is a gravel formed public road reserve.

State Environmental Planning Policies

SEPP 44 – Koala Habitat

The development site is not regarded as being potential Koala habitat. The development will not alter the existing vegetation onsite that may impact on any potential Koala populations within the surrounding locality. Hence, it is regarded that the development application will not impact on Koala Habitat.

SEPP 55 – Remediation of Land

The development site currently contains an existing dwelling and associated outbuildings. The development will not result in a change of use on the site. Hence, no further investigation was required.

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

1.8 – Consultation

The development application did not require notification to adjoining land holders as the development proposed additions and alterations to the existing dwelling onsite and was considered to have minimal or no impact on adjoining land holders.

2.1.1 – Building Setbacks

The existing dwelling is located within the 200 metre setback (setback at approximately 175 metres) with the proposed development to further encroach on the development setback by a further 3.8 metres. Development within a rural zone is to be set 200 metres from an unsealed road due to Council's policy regarding road construction of unsealed sections of road within 200 metres of a dwelling. Due to the development already being encroached on the required development setbacks and the minor increase in encroachment, the variation is being supported.

2.1.2 – Building Height of a Dwelling

The development will not increase the height of the dwelling. The additions to the dwelling will have a roof height less than the existing roof line.

2.1.3 – Utilities

The development site does not contain any existing easements. The development has provision of required services onsite. A condition will be imposed to ensure that a minimum capacity of 45,000L is to be provided in onsite water storage.

2.1.4 – Privacy

The development is single storey dwelling and is compliant with setback requirements from side and rear lot boundaries. Due to the distance between the dwelling and lot boundaries it is expected that the development will not impact on privacy to adjoining developments.

2.1.5 – Design and Solar Access

The development will not result in any windowless facades along the primary road frontage. There will be no loss of solar access to adjoining allotments or to living areas within the existing building. Living areas are located along northern aspects and have suitable provision of windows for natural lighting.

2.1.10 – Access

The site has an existing vehicle access from Ruvigne Road. The development has a gravel internal driveway that is considered to be suitable to provide 2WD all-weather access from the property boundary to the dwelling. However, the access from the road shoulder to the property boundary will require upgrading.

6.1.6 – On-site Sewage Management within Flood Fringe

The dwelling has an existing onsite sewerage management system. Due to the development occurring in the position of this septic the development will include the relocation of the existing septic system. A condition is to be included on the development to ensure that the openings of the system are to be located at a level identified to be above the 1 in 100 year flood planning level.

6.1.7 – Residential Development within Flood Fringe

The submitted flood survey report has identified that the existing dwelling is above the flood level of the site. Development controls require that any additions to a dwelling in flood prone land are not to increase habitable floor area by more than 100m². Habitable floor area is defined as an enclosed floor space for domestic activities and hence the proposed carport and verandah are not regarded as habitable floor area.

The proposed development proposes to extend the existing family room and construct a new rumpus room as an increase in habitable floor area. These additions will have a floor area of 64m². A condition is to be imposed to ensure that all additions are constructed at a height equal or higher than the flood planning level.

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

Context & Setting

The development site currently contains a dwelling house and associated outbuildings. The existing dwelling is located on a raised earth mound pad. The surrounding locality is rural zoning and is primarily used for agricultural purposes. The proposed development is expected to be consistent with development on the site and adjoining lots.

Access, transport and traffic

The site has an existing vehicle entry from Ruvigne Road that is considered to be suitable. The development is additions to an existing use that will not result in an increased number of vehicle movements to or from the site. Hence, the existing internal vehicle access and road formation is considered to be suitable. However, the access from the road shoulder to the property boundary will require upgrading.

Other land resources

The existing dwelling is located on an earth mound pad that is to be extended as part of development works. Due to the minor increase in length of the pad it is not expected that the increase in size of the pad will not result in any additional flood liability on adjoining allotments. The extended pad will also include the relocation of the existing septic tank to ensure it is clear of the proposed development works.

Site design and internal design

The proposed additions will be constructed surrounding the existing dwelling. The existing dwelling is located within the required setback from Ruvigne Road. Due to the existing development being located within the setback requirement it is expected that the minor further encroachment to this setback will not have any additional impacts on the development.

The suitability of the Site for the Development

The development site currently contains an existing dwelling house. The development will construct detached additions to the dwelling. The location for the development appears to be suitable with no substantial trees and suitable setback from lot boundaries. The development proposal is permissible and will be complimentary to the existing land usage. Hence, the site is considered to be suitable for the development.

Conclusion

The development will construct additions to the existing dwelling on the site. The existing development is located within the 200 metre development setback. The proposed development results in a further encroachment of the setback from the primary road frontage of 3.8 metres. The dwelling, with the addition, will be approximately 171 metres from the road. The proposed development is a minor encroachment and will not materially increase the current impact of the unsealed road on the dwelling. It is not considered that the requirement to bitumen seal the road 200 metres either side of the development should be applied. Hence, the development is recommended for approval subject to conditions of consent.

ITEM 2	Development Application No. 2015/019 – Subdivision (1 lot into 8 lots) – Lot 10 DP1191255, 2 Rampadells Rise, Gunnedah
MEETING	Planning, Environment and Development Committee – 3 June 2015
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 Councils plans and guides the development of Gunnedah area. Operational Plan 3.6.3 Ensure compliance with the provisions of Council’s Development Control Plan
ATTACHMENTS	NIL

2.06/15P COUNCIL RESOLUTIONS:

1. That Council consent to the variation to the Gunnedah Development Control Plan Master Plan Map 4 – East Gunnedah (lot configuration and road width) and adopt submitted plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah) as the revised master plan layout.
2. That the Development Application No. 2015/003 for the Subdivision of 1 lot in to 8 lots at 2 Rampadells Rise, be approved subject to the following conditions of consent:

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 March 2015;
 - Statement of Environmental Effects, prepared by Neil O’Toole, dated: 4 March 2015, ref: 13/005, & Additional Information Letter dated 7 May 2015, Ref: 13/005;
 - Submitted plans:
 - Prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah), Sheet 1/1 (Stormwater Plan), Sheet 1/1 (Water & Sewer Plan), Sheet 1/1 (Stormwater Plan),

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 development approval, consent is granted for the staged Subdivision in accordance with the following:
- a) Stage 4: Lot 40 (1 Lot)
 - b) Stage 5: Lots 50-52 (3 Lots)
 - c) Stage 6: Lots 60-63 (4 Lots)

Reason: To ensure correct staging is identified.

- A3. To confirm and clarify the terms of this development approval, Development Application No. 525506 shall be surrendered.

Reason: To ensure compliance with application.

B. General Terms of Approval – NSW Rural Fire Service

- B1. The development proposal is to comply with the subdivision layout identified on the drawing titled “plan of Proposed Subdivision, Lot 10 DP 1191255, Kurrumbede Lane, Gunnedah, numbered 15/001, Sheet 1 of 1 and dated 2nd March, 2015.

Reason: To ensure compliance with Section 100B of the Rural Fires Act 1997.

Water and Utilities

- B2. Any new water service shall comply with section 4.1.3 of ‘Planning for Bush Fire Protection 2006’.

Reason: To provide adequate service of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- B3.** Any new electricity service on bushfire prone mapped land shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Reason: To provide adequate service of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Access

- B4.** New public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Reason: To provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

C. Prior to Work Commencing

Stages 4, 5 & 6

- C1.** A Construction Certificate is to be obtained prior to commencement of any identified stage of subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority must be the Council.

Reason: To ensure compliance with application and plans.

- C2.** Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

Reason: To ensure that adequate control measures are installed.

Stage 5

- C3.** Prior to works being undertaken in Stage 5 the closure of part of Kurrumbede Lane shall be completed. Physical works, including fencing, signage and access provision, are to be undertaken for the closure of part of Kurrumbede Lane in accordance with plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah).

Reason: To ensure road closure is completed.

D. Prior to Issue of a Construction Certificate

- D1.** Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plan and specification for these facilities are considered an integral part of the development and must be approved prior to the issue of a construction certificate. The approved erosion and sediment control measures are to be maintained throughout the construction of the development.

Reason: To ensure compliance with Council's requirements.

- D2.** All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's requirements.

- D3.** The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance with Council's requirements.

E. General

- E1.** All lots shall have a minimum area of not less than 3,000m².

Reason: To meet statutory requirements.

Landscaping

- E2.** All landscaping shall be planted in accordance with the approved landscaping plan.

Reason: To ensure adequate landscaping along road frontage.

Allotment Filling

- E3.** All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

Reason: To ensure compliance with Council's requirements.

- E4.** Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and also the compaction test results.

Reason: To ensure compliance with Council's requirements.

Easements

- E5.** A three (3) metre wide easement in Council's favour shall be created over all water, stormwater and sewer mains located within lot boundaries.

Reason: To ensure compliance with Council's requirements.

Electricity

- E6.** Underground electricity is to be installed throughout the development site, with all existing overhead lines to be removed and replaced with underground electricity infrastructure. All works relevant for each stage shall be completed in accordance with the approved staging plan. Each lot shall be provided with a service in accordance with Local supply authority guidelines.

Reason: To ensure adequate provision of electrical services are provided.

Street Lighting

- E7.** The developer shall extend, supply and install street lighting along all proposed Road frontages, in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. All works relevant for each stage shall be completed in accordance with the approved staging plan. All intersections shall be provided with street lighting. All works are to be undertaken in accordance with Local Supply Authority residential development standards.

Reason: To ensure compliance with Council's requirements.

Traffic and Street Signage

- E8.** The developer shall meet the cost to Council of supply and installation of all street signage (both traffic and name) relevant for each stage. The Street Name signage shall be installed by Council upon completion of Construction Works. All traffic signs are to be erected by the developer.

Note. All new street names are to be approved by Council prior to the installation of any street signage.

Reason: To ensure compliance with Council's requirements.

Stormwater Drainage

- E9.** Stormwater from the development site must not be concentrated onto adjoining land. All stormwater management measures shall be provided 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.

- E10.** Runoff from rainfall events up to, and including the 5 year ARI event must be contained with a piped system. Flows greater than the 5 year ARI event up to and including the 100 year ARI must be controlled within overland flow paths. Where flow paths are located on private property, an easement shall be provided in favour of the lots/lands that benefit.

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

Stage 5

Water Supply

- E11.** A single water supply service shall be provided to each lot in Stage 5. The water service shall be provided by extending Council's existing water main located in Kurrumbede Lane, within the road reserve to the eastern most point of proposed Lot 52 in Dorothea Place, in accordance with submitted plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah). All works are to be undertaken and inspected 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.

Sewer

- E12.** A single sewer service shall be provided to each lot in Stage 5. The sewer service shall be provided by extension of Council's sewer Main located within Kurrumbede Lane, within the road reserve to the eastern most point of proposed Lot 52 in Dorothea Place, in accordance with submitted plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah). The sewer line is to include all the necessary manholes and junctions. All works are to be undertaken and inspected 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.

Road Works

E13. The following road works shall be undertaken for Stage 5:

- a) Kurrumbede Lane (western side) shall be constructed from the current road formation to the southernmost point of Kurrumbede Lane and is to include the construction of a cul-de-sac turning area with a minimum surfaced area of 12 metres between kerbs and a 4 metre footpath reserve.
- b) Dorothea Place shall be constructed to a minimum width of 9 metres between kerbs, from the intersection of Kurrumbede Lane to the Eastern Boundary of Proposed Lots 52. The road construction shall include the construction of a temporary cul-de-sac turning area within the designated road reserve.

Kerb and guttering and full width road construction is required for the full frontage of the lots to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with Austroads Specifications and Council's current Engineering Guidelines for Subdivision and Developments, a copy of which is available from Council's offices or website.

Reason: To address traffic generation from the Subdivision and ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

E14. All signage, including guideposts, street signs and barrier boards shall be installed by the developer.

Reason: To ensure compliance with Council's requirements.

Stage 6

Water Supply

E15. A single water supply service shall be provided to each lot in Stage 6. The water service shall be provided by extending Council's existing water main located in Dorothea Place, within the road reserve and is to be looped at the cul-de-sac head and connected back into the water main in Dorothea place, in accordance with submitted plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah). Water main is to All works are to be in accordance with the Council's Engineering Guidelines for Subdivision and Development, 2013.

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

Sewer

E16. A single sewer service shall be provided to each lot in Stage 6. The sewer service shall be provided by extension of Councils' sewer Main located within Dorothea Place, within the road reserve to proposed Lot 60, in accordance with submitted plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah). The sewer line is to include all the necessary manholes and junctions. All works are to be undertaken and inspected 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.

Road Works

E17. Dorothea Place is to be extended from the current road formation to a minimum width of 9 metres between kerbs and shall include the construction of a cul-de-sac turning area with a minimum surfaced area of 13.5 metres between kerbs and a 4 metre footpath reserve.

Kerb and guttering and full width road construction is required for the full frontage of the lots to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with Austroads Specifications and Council's Engineering Guidelines for Subdivision and Developments 2013.

Reason: To address traffic generation from the Subdivision and ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

E18. The developer is to install kerbing along the Northern boundary of proposed Lot 63, from the primary road frontage for the full extent of the access handle.

Reason: To ensure suitable management of overland stormwater.

F. During Construction Works

F1. Work on the project 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 if it is audible on the residential premises.

The developer shall be responsible to instruct and control his 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 compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

F2. The approved erosion and sediment control facilities are to be provided and maintained throughout the construction of the development.

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

F3. Prior to and following backfilling of all mains, a visual inspection is to be undertaken by Council. The contractor shall provide Council with 48 hours notice that the works are ready inspection.

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

F4. The developer shall ensure that all back fill over sewer mains shall be a of 3-5 mm granular grit.

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

- F5.** Vacuum or air testing is required to all mains as per Sewer Code of Australia WSA 02-2002 clause 22.4.2

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

- F6.** A mirror inspection to gauge deflections of the sewer main is to be undertaken by Council after 14 days of the installation date on each section from manhole to manhole with full moon witnessed. The contractor shall provide Council with 48 hours notice that the works are ready inspection.

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

G. Prior to Issue of a Subdivision Certificate

- G1.** 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. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of the Subdivision Certificate.

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

- G2.** Written notification shall be provided to demonstrate that underground electricity supply connection has been provided to each lot.

Reason: To ensure that electrical services are provided.

- G3.** Written notification being provided that telecommunication cables have been provided to each lot in accordance with community expectations.

Reason: To ensure that telecommunication services are provided.

- G4.** The subdivision certificate release fee in accordance with Council's adopted fees and charges, shall be paid prior to the issue of the subdivision certificate.

Note: The above fee has been adopted under the Council's 2014/2015 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure payment of application fee.

- G5.** A Compliance Certificate for each stage of development works, 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.

- \$8,487 per each additional lot for Water headworks
- \$7,048 per each additional lot for Sewer headworks

The contributions for each stage shall be paid prior to the issue of a Subdivision Certificate for each stage.

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 2014/2015 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.

- G6.** 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 94 of the Environmental Planning and Assessment Act, 1979 Council requires the payment of a monetary contribution of:

- \$2,275 per each additional lot

The contributions for each stage shall be paid prior to issue of the Subdivision Certificate for each stage of development works.

Note: The contributions required by this condition are determined in accordance with the Gunnedah Shire Council Section 64 Developer 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 2014/2015 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.

Stage 4

- G7.** Prior to the issue of a Subdivision Certificate for Stage 4, a Stormwater Management Plan shall be provided and approved by Council. The Stormwater Management Plan is to include details of inter-allotment stormwater drainage systems to demonstrate adequate drainage facilities for each lot.

Note: Runoff from rainfall events up to and including the 5 year ARI event must be contained within a piped system. Flows greater than the 5 year ARI event up to and including the 100 year ARI must be controlled within overland flow paths.

Reason: to ensure compliance with Council's requirements.

- G8.** Prior to the issue of a Subdivision Certificate for Stage 4, an amended Landscaping Plan is to be provided to and approved by Council. The plans shall identify details of the proposed plant species, height at maturity and proposed pot size. Landscaping shall be located within the road reserve where no proposed Infrastructure is located. All landscaping shall be designed in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To provide adequate landscaping.

Stage 5

G8. The road reserve for Dorothea Place is to be dedicated to Council as public road reserve and is not be created as a separate allotment.

Reason: To ensure that public road reserves are controlled by Council.

G9. Prior to the issue of a Subdivision Certificate for Stage 5, the developer must apply and gain approval from the Trade and Investment Crown Lands for the closure of part of Kurrumbede Lane identified on submitted plan, prepared by Current Consulting & Investment Group, dated 25/03/2014, Ref: 13/003, Sheet 1/1 (Proposed Road Closure Plan Kurrumbede Lane. Evidence of this approval is to be submitted to Council together with the Subdivision Certificate for Stage 5.

Note: upon successful closure of Kurrumbede Lane the control of the resulting portion of road closed is to be vested with Council.

Reason: To ensure closure of Kurrumbede Lane in undertaken.

G10. The existing easement located over proposed Lot 51, for overhead power lines shall be extinguished prior to the issue of a Subdivision Certificate for Stage 5.

Reason: To ensure easement is lawfully extinguished.

Stage 6

G11. The road reserve for Dorothea Place is to be dedicated to Council as public road reserve and is not be created as a separate allotment.

Reason: To ensure that public road reserves are controlled by Council.

Council Resolution

Moved Councillor H ALLGAYER

Seconded Councillor OC HASLER

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer	X			
T Duddy	X			
C Fuller	X			
GA Griffen			X	
D Quince			X	
R Ryan	X			
SJ Smith	X			

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

PURPOSE

Introduction

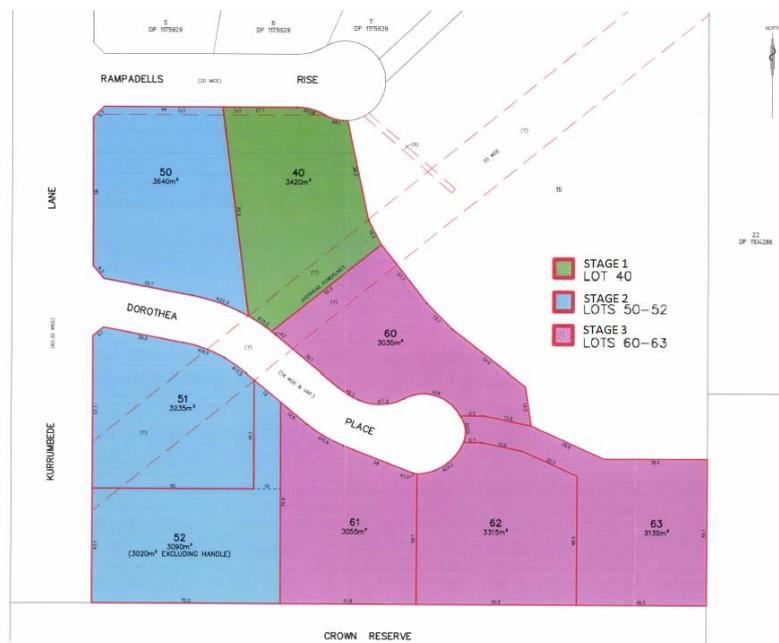
The development application is being referred to Council for the variation to the Gunnedah Development Control Plan 2012 in regards to the lot configuration and minimum widths for access handles for two battle-axe shaped allotments.

Applicant: Current Consulting & Investment Group
Owner: Mr KJ and Mrs MW Martin
Property Description: Lot 10 DP1191255,
2 Rampadells Rise, Gunnedah

COMMENTARY

Proposed Development

The development application is seeking approval for the subdivision of 1 lot into 8 lots and the construction of Dorothea Place. The proposed subdivision is to be conducted over 3 stages with development services to be constructed during each stage of development works.



COMMENTARY

Issues

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

Gunnedah LEP, 2012

The development site is zoned R5 Large Lot Residential under the provision of the Gunnedah Local Environmental Plan, 2012. The proposed development is compliant with the following applicable clauses within the Gunnedah LEP 2012.

4.1 – Minimum Subdivision lot Size

The development will create 8 lots ranging from 3,055m² in size to 3,640m². The minimum lot size for the development site is 3,000m². The proposed subdivision will not result in any of the allotments being created less than the minimum lot size. A condition will be imposed to ensure that the lot sizes created are not less than 3,000m².

5.9 – Tree Preservation Order

The development application does not identify that there will be removal of any trees from the site. The development site does not contain any tree species listed within Council's Development Control Plan as requiring approval prior to being removed.

5.10 – Heritage Conservation

The development site does not contain any items of local or state significant heritage as listed within Schedule 5 of the Gunnedah Local Environmental Plan 2012, nor are there any within the immediate vicinity of the site. The site has no known aboriginal heritage items located in the development area. The site has been highly modified with historical use for grazing and residential use.

6.5 – Essential Services

The development application has been accompanied by details of road construction, sewer, water, stormwater, telecommunication, and electrical service provision. Each lot will be provided with an individual water and sewerage services connection. Services are to be constructed during each stage of works to ensure that all works are adequate for service provision prior to the release of each stage. The development will include the construction of Kurrumbede Lane and Dorothea Place to ensure that suitable vehicle access is provided to each lot. Lot 40 created at stage 1 will have access from Rampadells Rise. Rampadells Rise is constructed with kerb and guttering for the extent of the lot boundaries.

OTHER – SEPPs

SEPP 44 – Koala Habitat

The development site is not regarded as potential Koala Habitat. The development has been largely modified and does not contain a density of identified Koala Feed Tree species in excess of 15%. Hence the site cannot be regarded as potential Koala Habitat.

SEPP 55 – Remediation of Land

The development site is currently vacant. The development will not involve the change of use on the site. A search of Council's records and information provided to Council within the submitted Statement of Environmental Effects does not identify a history of usage that could potentially lead to contamination of the sites soils. Hence, the no further investigation is required.

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

1.8 – Consultation

The development application was notified to all adjoining land holders. The application was also advertised on Council's website and in the Gunnedah local paper for a period of 14 days. No Submissions were received.

5.1 – Lot Size

The development is compliant with the required minimum lot size. Each of the lots is suitable size and dimension to allow for the adequate area for the construction of a dwelling house upon application. All lots will have adequate frontage to depth ratio to ensure that adequate public road frontage is provided.

5.2 – Servicing Strategy

The developer has submitted a servicing strategy for the development.

5.3 – Sewer

The development will include the construction of new sewer mains during each stage of development works. A condition is to be imposed that will require the provision of sewer services to each lot in relation to staging of the development. The sewer mains will connect to the existing sewer main in Kurrumbede Lane. Each lot is required to have provision of a sewer connection prior to the release of a subdivision certificate for each stage.

5.4 – Water

The development has included details of provision of water services to the development. The development is to construct a new water line extended from the existing water line within Kurrumbede Lane and is to extend through Dorothea Place and will loop around the cul-de-sac head to be constructed in Dorothea Place. Existing water services are located within Rampadells Rise.

5.5 – Stormwater Drainage

A detailed stormwater management plan is to be submitted to Council prior to the issuing of a Subdivision Certificate for Stage 4 of development works. The development application has identified that stormwater inlet pits will be installed are to be installed within the road construction to capture post development flows. Inter-allotment drainage lines are to be installed where developed water cannot be drained to a public road reserve.

A condition is to be imposed to ensure that stormwater is not to be concentrated or directed across lot boundaries from the access handle. The developer is to install kerb and guttering along the north boundary of the access handle to Lot 63 for the extent of the access handle.

5.6 – Telecommunications

Each lot is to be provided with underground telecommunication services. A condition will be imposed to ensure that service lines have adequate capacity for the increase in service demand.

5.7 - Electricity

The development requires provision of underground electrical supply to service provider's standards. Demonstration must be provided to Council to once services are provided.

5.8 – Battle-Axe Shaped Lots

The subdivision layout will include two battle-axe shaped lots (Lots 51 and 63) with access handles of approximately 41.1 and 50.85m in length. The development application will require variation to Council's Development Control Plan for access handle minimum widths to 10 metres from the 15 metres. It is highlighted that this standard applies to all R5 zoned land, which has different lot sizes up to 1.2ha. With the size of lots being 3,000m², an access handle of 15m utilises a significant parcel of land. Hence, the variation is supported.

5.10 – Road Network Design

The development will create eight allotments for residential development, with potential for up to two dwellings (dual occupancy) on each lot. The lot sizes for this development area are 3,000m² and hence the road network is to be constructed with kerb and guttering for the extent of the road formation. It was determined that the development traffic generation would be suitable for the current and proposed road networks.

5.11 – Staged Subdivision

A staging plan has been submitted for the development. Development is to occur over 3 stages (Stages 4, 5 and 6), with provision of services during each stage. Temporary gravel cul-de-sac turning areas are to be constructed at the end of each stage road construction to ensure manoeuvrability of vehicles within the road network.

5.12 – Cul-de-sac

Stage 3 will include the construction of a cul-de-sac turning area at the end of proposed Road Dorothea Place. The development will also require the construction of a cul-de-sac turning head at the end of Kurrumbede Lane and will include construction of kerb and guttering for the full extent of the formation. Cul-de-sac turning heads are to have a minimum radius of 11.5 metre to ensure waste collection vehicles can manoeuvre within the road reserve.

5.13 – Landscaping

The development application included the lodgement of a landscaping plan for landscaping along Dorothea Place and along the Kurrumbede Lane. The current landscaping plan is not considered to be suitable as unsuitable tree species are to be used and tree planting is to occur within the footpath in the same location as the proposed infrastructure. Council does not support the current submitted landscaping plan as after growth of trees over time tree roots can cause damage to Council's infrastructure and services. Hence a revised plan is requested.

It is required that an amended landscaping plan be lodged to Council and approved prior to the release of a subdivision certificate to ensure that a suitable landscaping layout is submitted. Planting of tree species is not to be located clear of any utility infrastructure.

5.14 – Site Access

Each lot will have suitable access from a dedicated public road at the completion of development works.

5.15 – Lot Orientation

Lot orientation is suitable to ensure that each lot has adequate solar access and will limit potential overshadowing from future development of each lot.

5.17 – Vegetation

The site does not contain any significant vegetation. There is limited vegetation within the site lot boundaries.

5.18 – Garbage Collection

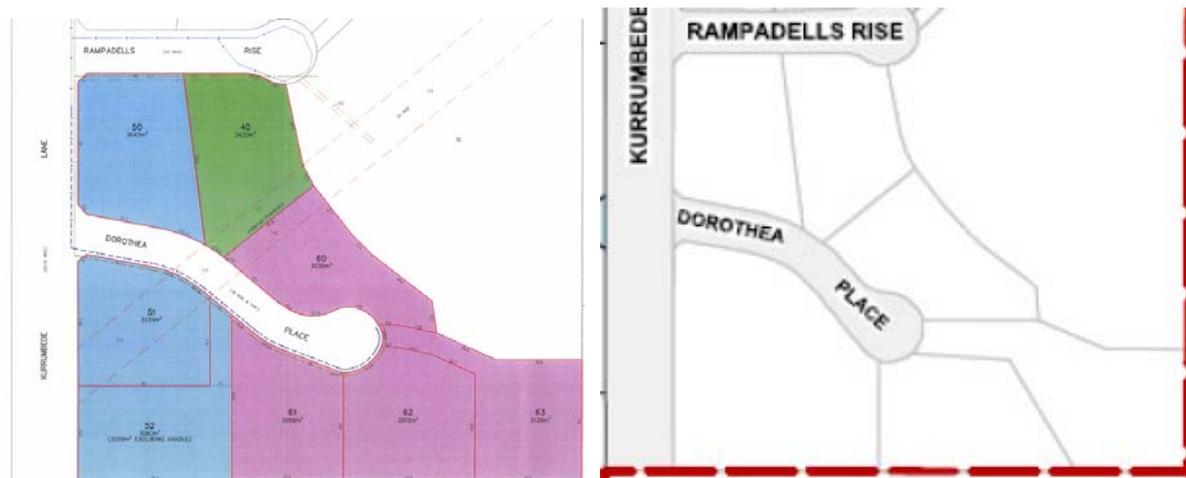
Adequate manoeuvrability of waste collection vehicles has been provided within the road reserve and provision of cul-de-sac turning areas. Each lot will have adequate frontage to allow for the placement of kerb side collection without hindrance to adjoining land holders.

5.21 – Road Widths

The road reserve for Dorothea Place is to be 18 metres in width. It will be required that Dorothea Place be constructed with a 9 metre road formation between the kerbs. The road formation and road reserve will be of adequate width for the potential number of dwelling houses that could be located within the development area with access to this road.

5.2.3 – East Gunnedah

The development application requires a minor alteration to the development Masterplan for East Gunnedah in regards to lot layout and number of lots provided. Current master plan configuration results in multiple lots that are able to be further subdivided. The resulting plan will create eight lots of suitable size consistent with minimum lot sizes as set by the Gunnedah LEP 2012. The variation to the master plan is considered to be minor and results in creation of lots that have no further subdivision potential with appropriate access, hence the variation is supported.



Proposed Lot Layout (2 additional Lots)

Current DCP Master Plan for Development Site

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

Context & Setting

The development is located within an existing large lot residential area to the south of Gunnedah adjoining the Porcupine Reserve. The surrounding area is predominately residential area and contains dwelling houses and undeveloped lots. The size and scale of the proposed lot layout will be consistent with existing lot creation and approved subdivision layouts.

Access, transport and traffic

The development is considered to result in an increase in traffic movements with the creation of an additional seven residential allotments. Due to the limited development potential of the development a detailed traffic impact assessment was not required. The current and proposed road networks structure was adequate size to cater for the expected number of residences and the expected increase in vehicle movements.

Utilities

Each lot will be provided with the relevant Council services as part of development works. It will be required that each of the sites be provision of underground Telecommunication and electrical services. Evidence of connection is to be provided to Council that an individual service has been connected to each lot prior to the release of a subdivision certificate of connection.

Water

An individual Water Service is to be provided to each lot. New water mains are to be supplied within the road reserve where required.

Noise & vibration

The development will not result in any noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during all construction works to ensure public amenity of the surrounding residence.

Natural hazards

The development site is identified as being bushfire prone land and hence is identified as being Integrated Development. A bushfire safety authority has been issued by the NSW Rural Fire Service, which included conditions.

The suitability of the Site for the Development

The development site has been identified with Council's Development Control Plan as being a potential location for residential subdivision being located within the East Gunnedah Masterplan area. The development will be a modification to this Masterplan layout, however lot layout and configuration is considered to be suitable to create lots with suitable lot sizes and suitable vehicle access to a public road access. The development will not inhibit development or existing use on the site and there will be no requirement for removal of any trees. Hence, the site is expected to be suitable for the development proposal.

Conclusion

The development application has been referred to Council as it involves a variation to the lot configuration and layout within Council's Development Control Plan and a variation to Council's Development Control Plan regarding the minimum widths for access handles for two battle-axe shaped allotments. Development configuration and layout is considered to be consistent with surrounding development, and provides for a better and more efficient subdivision of the land. Hence, the development is recommended for approval.

ITEM 3	Application to Close a Council Public Road
MEETING	Planning, Environment and Development Committee – 3 June 2015
DIRECTORATE	Planning and Environmental Services
AUTHOR	Director Planning and Environmental Services
POLICY	Nil
LEGAL	Local Government Act, 1993; Roads Act, 1993.
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 2.2.9 Develop strategies for sustainable local road network and regional transport, including options for public transport to connect with existing transport services. Operational Plan
ATTACHMENTS	2.2 Our infrastructure strategically managed. Nil

3.06/15P COUNCIL RESOLUTIONS:

1. That Council offer no objection to the closing of the unconstructed Council Public Road adjacent to Lots 12, 13 and 14 DP1104677 at Caroona.
2. That the assessment criteria for assessment of closure of Council controlled Public Roads be reviewed having regard to potential impacts on land owners other than the applicant.

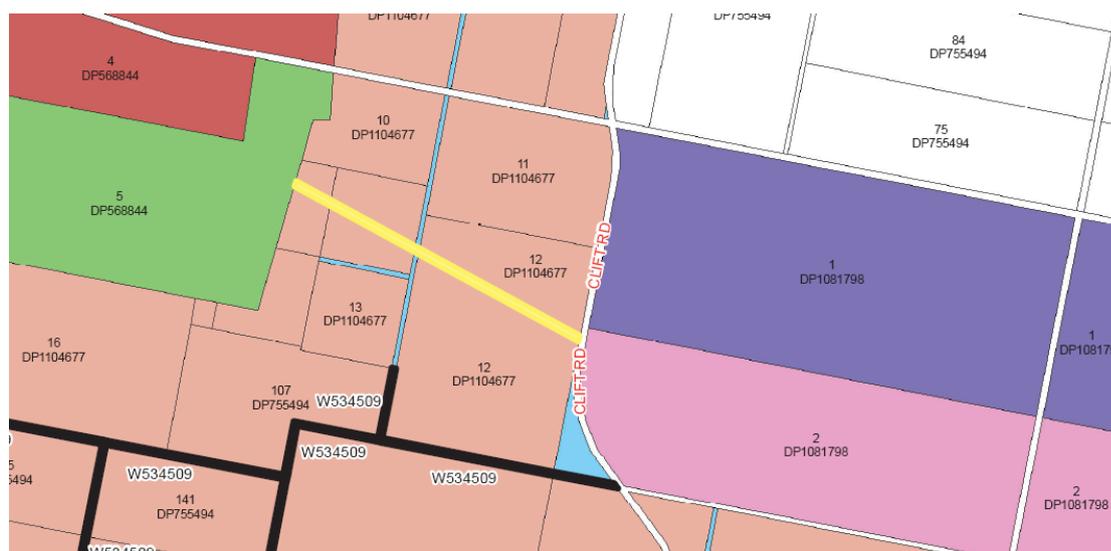
*Council Resolution
Moved Councillor T DUDDY
Seconded Councillor C FULLER*

PURPOSE

Introduction

This report relates to an application to Crown Lands to close the unconstructed Council Public Road traversing between Lots 12, 13 and 14 DP1104677 at Caroona shown in yellow below.

The Crown roads to be closed by the Crown are shown in black. The pale blue roads are already closed and are under separate ownership to the applicant for the current road closure application.



BACKGROUND

The road closure proposal was reported to Council at its May 2015 meeting when it was resolved to defer consideration of the matter and refer it to the Committee for analysis with delegation to determine approach to the application.

The content of the report to Council at the May meeting has been reviewed having regard to issues raised by Councillors at the meeting.

Council has over the last few years applied the following criteria to its assessment of applications to close Council Public Roads and Crown Roads within the Shire.

1. Whether the road or alternative alignment is in use.
2. Whether there is a foreseeable future requirement for public access.
3. Whether the closure of the road would be likely to affect Council's operations.
4. Whether the closure of the road would be detrimental to the functionality of Council's established road network.
5. Whether the closure of the road would have a positive or negative impact on the environment.

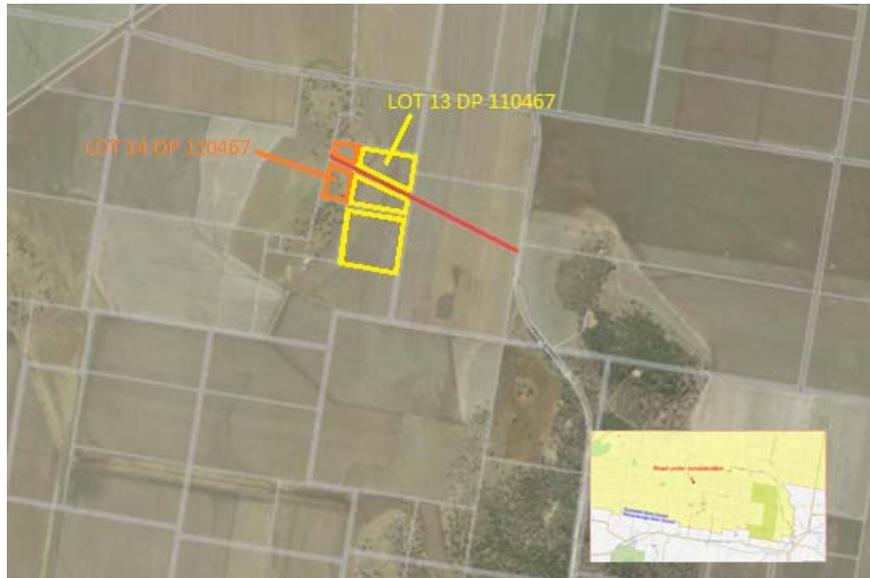
6. Whether the closure of the road will affect its possible usefulness to the state under exploration licence.
7. Whether the Department of Lands has notified affected property owners that public access to titles will be extinguished.

COMMENTARY

ISSUES AND ASSESSMENT

1. Whether the road or alternative alignment is in use

As shown below the Public Council Road indicated in red has not been formed nor is it in use.



Public road proposed to be closed shown in red

2. Whether there is a foreseeable future requirement for public access

Closure of the road will result in the removal of public road access to Lots 13 and 14 DP1104677 as shown in the image below. However, Lot 13 has an area of approximately 32 hectares and Lot 14 an area of 6.5 hectares. Accordingly neither lot has an area that would permit the erection of a dwelling without consolidation with additional land to create a lot with a minimum area of 200 hectares. In association with any consolidation, public road access would need to be provided.

The land surrounding the road proposed to be closed is owned by the applicant and no other adjoining or adjacent owner is negatively impacted by the closure – see notations to Criteria 7 below. Further any future owner would through the conveyancing process be aware of the limitations of the lots that do not have public road access.

It should also be noted that the Crown in closing Crown roads as part of this application has taken the view outlined above.

3. Whether the closure of the road would be likely to affect Council’s operations

No impact.

4. Whether the closure of the road would be detrimental to the functionality of Council’s established road network

There is no intention to extend the local road network at this time to include this Council Public Road.

5. Whether the closure of the road would have a positive or negative impact on the environment

Current use of the land within and on surrounding properties is cropping and pasture. This closure will have no impact on the environment.

6. **Whether the closure of the road will affect its possible usefulness to the state under an exploration licence**
All roads and lots in proximity of this road are under EL6505.
7. **Whether the Department of Lands has notified affected property owners that public access to titles will be extinguished**
Crown Lands has notified surrounding property owners and noted no objections to the closure of the road.

CONCLUSION

The implications of closing the road do not affect any other party apart from the applicant. There is no negative impact on Council's road network. Should development on the subject lots occur at some time in the future, issues of lot area and access will need to be addressed at that time.

Whilst Gunnedah LEP 2012 promotes aggregation of prime agricultural land into allotments with at least a minimum of 200 hectares, the closing of public roads does not in itself trigger a need to aggregate undersize lots or demand that all lots have public road access. Issues of this nature should be addressed when triggered by potential development.

Accordingly there appears to be no foundation in Council objecting to the road closure.

It is however suggested that management review the assessment criteria relative to closures to ensure that there is sufficient analysis where another land owner (or third party) will be negatively impacted by a closure proposal.

There being no further business the meeting concluded at 4.17pm.

Michael J Silver
DIRECTOR PLANNING & ENVIRONMENTAL SERVICES

PLANNING ENVIRONMENT AND DEVELOPMENT OBJECTIVES 2013/14

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		
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 Landuse Strategy presented to Planning Environment & Development Committee May 2015 for endorsement for exhibition. Referred to June 2015 Council meeting	
4.	Koala Habitat Improvement	Adoption and implementation of Koala Management Strategy	September 2016			
5.	Enforcement Policy	Development and adoption of Enforcement Policy	June 2016			
6.	Floodplain Management	Completion of Blackjack Creek Flood Mitigation Project	June 2017	Property Acquisition Commenced		