



MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING
DIRECTORATE	Planning and Environmental Services
DATE	6 July 2022
TIME	4:00pm
VENUE	Council Chambers
ATTACHMENTS	Director Planning and Environmental Services Report

AGENDA

1. Present/Apologies
2. Declarations of Interest
In accordance with Council's Code of Meeting Practice and specifically Section 451 of the Local Government Act, 1993 declarations of interest are required by Councillors and designated staff attending the meeting.
3. Report of the Director Planning and Environmental Services
 - 3.1 Development Application No. 2022/049 – Change of Use to a Medical Centre – Lot 2 DP 25217 – 90 Marquis Street, Gunnedah..... 3
 - 3.2 Development Application No. 2022/019 – Construction of double storey Dwelling House and front boundary fence – Lot 59 DP 514051 – 8 Greys Place, Gunnedah.... 14

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Apologies to: 02 6740 2115

The ordinary, extraordinary and committee open meetings of Council will be audio recorded for minute-taking purposes and may be broadcast live over the internet.

*** Local Government Act 1993 – Definition of Closed Meeting Items**

10A Which parts of a meeting can be closed to the public?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
- (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.

VISION

TO BE A FOCUSED COMMUNITY VALUING GUNNEDAH'S IDENTITY AND QUALITY LIFESTYLE.

MISSION

TO PROMOTE, ENHANCE AND SUSTAIN THE QUALITY OF LIFE IN GUNNEDAH SHIRE THROUGH BALANCED ECONOMIC, ENVIRONMENTAL AND SOCIAL MANAGEMENT IN PARTNERSHIP WITH THE PEOPLE.

ORGANISATIONAL VALUES

In partnership with the community:

- 1. EQUITY***
- 2. INTEGRITY***
- 3. LEADERSHIP***
- 4. OPENNESS & ACCOUNTABILITY***
- 5. CUSTOMER SATISFACTION***
- 6. COMMITMENT TO SAFETY***
- 7. EFFICIENT & EFFECTIVE USE OF RESOURCES***

Director Planning and Environmental Services Report

ITEM 1	Development Application No. 2022/049 – Change of Use to a Medical Centre – Lot 2 DP 25217 – 90 Marquis Street, Gunnedah
MEETING	Planning, Environment and Development Committee Meeting – 06 July 2022
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation.
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

That the Development Application No. 2022/049, for the change of use to a medical centre at Lot 2 DP 25217, 90 Marquis Street, Gunnedah, 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 generally in accordance with the details set out in the following:
- Development Application form lodged 07/06/2022
 - Statement of Environmental Effects, prepared by Stewart Surveys, dated May 2022, Reference: 5724; and
 - Submitted plans:
 - Prepared by Stewart Surveys, dated 25 May 2022, Reference: 5724, Sheet 1 (Site Plan), Sheet 2 (Floor 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 determination, consent is granted for the operation of the *Medical Centre* between the following hours:

- Monday – Friday: 7:00am – 6:00pm

Reason: To clarify approved trading hours.

B. PRESCRIBED CONDITIONS

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 4.17(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 4.17(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 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 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 venue.

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

- (1) For the purposes of section 4.17(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 certifier 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 6.28 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 certifiers 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.

B3. Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier 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.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

Reason: To ensure compliance with the statutory requirements.

B4. Conditions relating to entertainment venues

For the purposes of section 4.17(11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue.

Reason: To ensure compliance with the statutory requirements.

B5. Condition relating to maximum capacity signage

- (1) For the purposes of section 4.17(11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building—
 - (a) entertainment venue,
 - (b) function centre,
 - (c) pub,
 - (d) registered club,
 - (e) restaurant.
- (2) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.
- (3) Words and expressions used in this clause have the same meanings as they have in the Standard Instrument.

Reason: To ensure compliance with the statutory requirements.

B6. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense—
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with the statutory requirements.

C. GENERAL

- C1.** No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

Outdoor Lighting

- C2.** 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.

- C3.** A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

Note: The obligation under this subclause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent and in this clause, **Category 1 fire safety provision** has the same meaning as it has in Part 7B.

Reason: To meet statutory requirements.

- C4.** Street numbers of minimum height of 75mm are to be displayed in a prominent position so as to be legible from the street. Your street number will be 3/90 Marquis Street.

Reason: To ensure proper identification of premises in case of emergencies.

- C5.** The building shall be provided with a required exit and this single door shall swing in the direction of egress and must be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor all in accordance with BCA Part D.

Note: BCA D2.20 allows door to swing inwards if building or part has Floor area < 200sqm & door fitted with device for holding door open.

Reason: To ensure compliance and safe egress from building.

- C6.** Provide exit and emergency lighting in accordance with the BCA Part E4 and AS.2293.1.

Reason: To ensure compliance and fire safety of Building.

- C7.** The WC compartments comprising an airlock which has an area of not less than 1.1m² are to be fitted with self closing doors at all access doorways or the room containing the closet pan or urinal must be provided with mechanical exhaust ventilation and the doorway to the room adequately screened from view pursuant to Clause F.4.9 of the BCA.

Reason: To ensure compliance.

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- D1.** 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.

E. CONTINUED OPERATIONS

- E1.** 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.

- E2.** The development shall not generate noise, when measured over a 15 minute period ($L_{AEQ, 15min}$), which exceeds the following noise levels at each identified time period:
- at the most affected nearby residential receivers:
 - 60dba – Day hours (7am – 6pm) Monday to Saturday; or (8:00am to 6:00pm on Sundays and Public Holidays);
 - 50dba – Evening Hours (6pm – 10pm);
 - 45dba – Night Hours (10pm – 7am) Monday to Saturday; or (10:00pm to 8:00am on Sundays and Public Holidays);
 - at the most affected nearby Commercial receivers:
 - 65dba – at any point during the day;

Reason: To ensure amenity of the neighbourhood is maintained.

PURPOSE

This Development Application is being referred to Council for determination as the development includes a request for a variation to a development control standard within the Gunnedah Development Control Plan, pertaining to provision of onsite car parking spaces and provision of vehicle access and loading bays to the development.

Applicant: Whitehaven Coal Mining Ltd
c/- Stewart Surveys
Owner: A Capezio
Property Description: Lot 2 DP 25217
90 Marquis Street, Gunnedah

Proposed Development

The development proposes the change of use of the ground floor of the building to a *medical centre*.



Figure 1 – Site Location

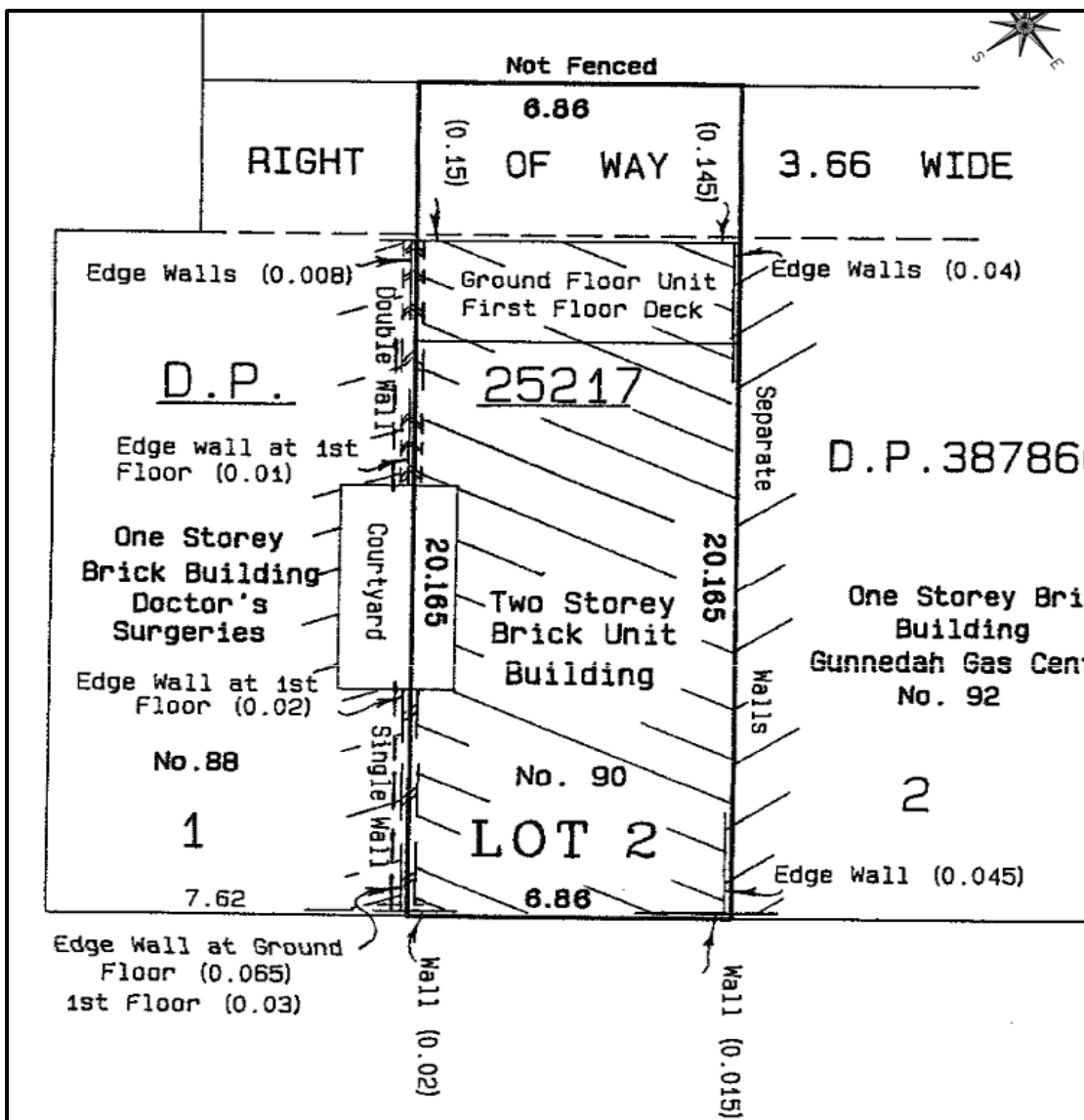


Figure 2 – Site Plan

COMMENTARY***Environmental Planning and Assessment Act 1979******S4.15(1)(a)(i) the provisions of any environmental planning instrument*****Gunnedah Local Environmental Plan, 2012*****2.3 – Zone Objectives and Land Use Table***

The development site is zoned B2 Local Centre (B2) under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). Medical Centres are permitted with consent within the B2 zone. The proposed development will provide employment opportunities and cater to community needs.

4.4 – Floor Space Ratio

The development will not result in an increase in the floor area of the premises. Hence, there will be no change to the floor space ratio. The current floor space ratio of 1.5:1 is compliant.

6.5 – Essential Services

The development site has the provision of the Council's water, stormwater and sewer services connected to the site. The subject site has provision of an electrical supply from overhead electrical transmission line. The site has frontage to Marquis Street and access from Little Barber Street, via an existing right-of-way over the adjoining property.

STATE ENVIRONMENTAL PLANNING POLICY

- ***State Environmental Planning Policy (Biodiversity Conservation) 2021***
 - ***Chapter 2 Vegetation in Non-Rural Areas***

The development site is located within the B2 Local Centre zone, which is identified within this Chapter as being a land zoning to which assessment is required under this Chapter. The development proposal does not include the removal of any trees or vegetation from the site. The site is historically modified and does not contain any vegetation or ground cover within the site.
 - ***Chapter 4 Koala Habitat Protection 2021***

The development site is not subject to an approved Koala Plan of Management. The development site has an area of less than 1 hectare. Hence, Council is not prevented from granting development consent from the development.
- ***State Environmental Planning Policy (Resilience and Hazards) 2021***
 - ***Chapter 4 Remediation of Land***

The development will result in a change of use of the site to a medical centre. A search of Council's records and supplied Statement of Environmental Effects does not identify that there has been any previous usage that could potential lead to any potential site contamination. The development does not require any construction works which would require interaction with sites soils. As the development is a change of use only and the existing building onsite covers the majority of the site, the development is expected to be consistent in its current state and no specific investigation or remediation is required.

- **State Environmental Planning Policy (Industry and Employment) 2021**

- **Chapter 3 Advertising and Signage**

- The developer proposes to install a window (decal) sign on the entrance door to the medical centre, which will have an area of 300mm x 150mm (0.045m²). The development also proposes two wall signs which will depict business operating hours. These signs will have an area of 300mm x 300mm (0.9m²). Consent for this signage is not being sort within this developments the signage appears to be compliant with Division 2, Subdivision 2 and 3 of the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, and no development consent is required. Hence, the development does not require consideration of Schedule 5 of this SEPP.

S4.15(1)(a)(iii) provisions of any development control plan

Gunnedah Development Control Plan 2012 (Gunnedah DCP)

1.6 – Developer Contributions

The proposed change of use is not identified to be subject to additional water demand in accordance with the Gunnedah Development Services Plan Water and Sewer (DSP). Hence, no development headwork contribution is required to be imposed on this development.

3.1 – Building Setbacks

The change of use does not propose any alterations to the existing building formation. Therefore, no changes to the existing setbacks will occur.

3.2 – Height

There are no height restrictions for commercial development. The development site is subject to a Floor Space Ratio under the provision of the Gunnedah Local Environmental Plan 2012. The development does not propose any new buildings works and will not result in the increase in Floor Space.

3.3 – Design

The change of use does not propose any reconfiguration to the existing building façade fronting Marquis Street. The development will not establish any large expansive walls or install any external infrastructure. The development site is not a corner allotment and does not require the incorporation of architectural elements into the façade.

3.4 – Post Supported Verandahs & Balconies

The development does not propose any post supported verandahs or balconies. Hence, there is no opportunity for the development to impact the operation or access to Council's services.

3.5 – Utilities & Services

The development site has an existing connection to Council's water, sewer and stormwater services. As previously identified the development does not require any building works and as such there will be no construction occurring over an easement or Council's infrastructure within the site where no easement exists. The change of use does not trigger the need for a Liquid Trade Waste Application as no liquid waste is to be generated by the development.

3.6 – Traffic & Access

The development site has primary frontage to Marquis Street. Marquis Street is bitumen-sealed supported by kerb and guttering. The development site has an existing access via the right-of-way from Little Barber Street to the rear of the site. The right-of-way is an unsealed access point. Pedestrian access to the site available from Marquis Street.

The development proposes a variation to this development standard pertaining to vehicles entering and exiting the site in forward direction and the sealing of the rear access way. The variation is requested as the development site and right of carriageway does not present adequate area for vehicles to manoeuvre onsite to enter and exit in a forward direction and the development does not increase the impact on existing access provisions. This is an historical deficiency of the site and as such, the variation to this development standard is supported.

3.7 – Parking

The development will result in a change of use of the development site. The resulting land use as a medical centre generates a need for 1 parking space per 25m² gross floor area OR 4 spaces per practitioner plus 1 space per employee (whichever is greater). The development proposes one health practitioner and two support staff. Therefore, six (6) car parking spaces has been determined to be required for this development, being a greater parking requirement than parking demanded by the floor area of the building.

The applicant has requested a variation to this development standard as the development site does not have any additional usable land within the lot boundaries and no additional parking spaces can be accommodated onsite. There are no existing onsite parking spaces provided.

The development is located within the Gunnedah Central Business District (CBD) with substantial pedestrian pathways, public transport links and public parking spaces provided within the immediate vicinity of the site. Council's officers in the assessment of this development and establishing the recommendations to this report have considered the historical deficiencies of parking onsite, the availability of public parking along the street and other public parking provision and the benefits to the community for the development. The development provides additional medical services to the community and support to existing medical services.

Due to the historical deficiency of parking onsite and the inability of the site to accommodate additional onsite parking, it is reasonable to determine that any future use of the building will experience a similar deficiency; any compliance with this development standard would prevent ongoing use of this building. Hence, the variation is supported based on the unique circumstances of the site and the benefit that the land use will provide to the community.

3.8 – Landscaping

The development does not require the provision of more than 10 onsite parking spaces. Hence, there is no requirement for the provision of onsite landscaping.

3.9 – Outdoor Lighting

The development proposes the installation of a security light at the rear of the property. A condition has been recommended to this determination which requires all lighting to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS 4282 Control of Obtrusive Effects of Outdoor Light*.

3.10 – Outdoor Signage

Signage has been assessed previously through this report with the signage identified by the developer considered to be exempt development not requiring a development consent.

S4.15(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 is located within the Gunnedah central-business district. Historically the site was utilised for residence purposes, with the first floor of the building still occupied for this purpose. The site has been vacant for a prolonged period of time with no known land use approved for the site. Adjoining properties and neighbouring areas are operated by business and commercial activities. The proposed change of use is expected to be consistent with the adjoining activities and unlikely to cause any land use conflict.

Access, Transport and Traffic

The proposed development has primary frontage to Marquis Street. Marquis Street is bitumen sealed supported by kerb and gutter. Pedestrian access to the site is achieved from Marquis Street. Vehicle access to the site is available via a right-of-way from Little Barber Street.

The development will create a very minor increased demand on Council's road network and is to be determined to require additional vehicle parking demand. It is anticipated that there is adequate onsite parking spaces and public parking areas provided within the vicinity of the site which can cater for the increased parking demand created by the development. As per the assessment of Clause 3.7 of the Gunnedah Development Control Plan, previously through this report, a variation to the requirement for provision of onsite parking spaces was supported based on the context of the area and the benefit the proposed land use creates to the community.

Utilities

Service provision previously addressed within *Local Environmental Plan, Clause 6.5* and *Development Control Plan, Clause 3.5*. The development will not impact on the serviceability of the site and surrounding allotments for Council's services. There will be no construction on or over any Council mains.

Public Domain

The development does not require the creation of any pedestrian linkages as these are already in place and are adequate to service the demands of the development. The development does not require the dedication of any public open space. There is no contribution applicable under Council's S94A plan which would apply to this development.

Heritage

The development site does not contain any identified items of environmental heritage, nor are there any located within the vicinity of the development, that will be impacted by the development.

Other Land Resources

Agriculture is prohibited in B2 zone. Mining and extractive resources activity is prohibited within this land zone and the lot is not located near any zoning that would allow for the use for agriculture or extractive industries. Hence, no further investigation is required.

Water

The development site has provision of Council's water services to the development site. The development does not increase the service demand on Council's water supply and the existing water services would be adequate.

Stormwater from the existing building is captured and directed to the kerb and gutter located in Marquis Street. As there is no change to the building it is expected that there will be no additional stormwater created.

Waste

The subject site has an existing connection to Council's sewer services. The proposed development is for a change of use to a medical centre and does not require any alteration to the sewer facilities on-site. The development application has not indicated how it intends to manage solid waste onsite. However, the site may be serviced by waste contractor. Alternatively the subject site is within the area which is serviced by Council's kerb side collection.

Natural Hazards

The site is not identified as being subject to flooding or bushfire prone land.

Social & Economic impact in the locality

The proposed development will have little social impact on the surrounding area. The development will be consistent with development on adjoining allotments.

S4.15(1)(c) Suitability of the Site

The proposed development is consistent with the existing and future development in the locality. The site has access from a right-of-way from Little Barber Street to the rear of the site and demonstrates adequate provisions of Council's water, sewer and stormwater facilities. The proposed development does not require any alter to the aforementioned services. The site is not subject to natural hazards and does not contain any items of environmental or cultural heritage. The change of use will be complimentary to the structures onsite and the neighbouring properties. Hence, the site is considered suitable for the intended land use.

S4.15(1)(d) any submissions made in accordance with this Act or the regulations

There was an obligation for the development application to be notified to the adjoining land holders in accordance with the Gunnedah Community Participation Plan 2020 (CPP) as the development requests a variation to Council's Development Control Plan.

Council notified adjoining land holders for a period of 17 days, with additional days included due to public holidays. During this period, Council did not receive any submissions during the exhibition period.

S4.15(1)(e) the public interest

The development application is not regarded as being Integrated or Designated Development. Council is not aware of any relevant planning studies, strategies or management plans that are applicable to the proposed development to be considered for this variation.

Conclusion

The development application is seeking consent for the change of use to a medical centre. The development application has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The evaluation of this development application has concluded that the proposed development is compliant with the legislative requirements for this development, except where the variation has been considered.

As per the recommendation of this report, it is concluded that Development Application No. 2022/049, Lot 2 DP 25217, 90 Marquis Street, Gunnedah, should be approved subject to conditions.

ITEM 1	Development Application No. 2022/019 – Construction of double storey Dwelling House and front boundary fence – Lot 59 DP 514051 – 8 Greys Place, Gunnedah
MEETING	Planning, Environment and Development Committee Meeting – 06 July 2022
DIRECTORATE	Planning and Environmental Services
AUTHOR	Senior Development Officer
POLICY	Nil
LEGAL	Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012

FINANCIAL	Nil
STRATEGIC LINK	<p>Community Strategic Plan</p> <p>2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business.</p> <p>Operational Plan</p> <p>2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation.</p>
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

That the Development Application No. 2022/019, for the construction of a new dwelling house, at Lot 59 DP 514051, 8 Greys Place, Gunnedah, be refused subject to the following reasons for refusal:

1. Pursuant to Section 4.15(b) of the *Environmental Planning and Assessment Act 1979*, the development demonstrates an unacceptable impact to the built environment as the development is inconsistent with the character of the surrounding building environment by way of bulk, scale and the number of outbuilding and ancillary structures purposed.
2. The development does not comply with Clause 2.3 'zone objectives' of the *Gunnedah Local Environmental Plan 2012*, as the positioning and design of the development is considered to be inconsistent with the surrounding locality with regards to bulk and scale and presence to the streetscape.
3. The development does not comply with Development Standard 2.1.3 or Discretionary Development Standard 2.1.3a of the *Gunnedah Development Control Plan 2012*. The development would result in development which encroaches on the Building Line Map established for residential development and would set an unreasonable precedence.

PURPOSE

This Development Application is being referred to Council for determination as the development recommendation is for refusal, which exceeds staff delegation, and the development includes a request for a variation to a development control standard within the *Gunnedah Development Control Plan*, pertaining to the primary setback.

Applicant:	M B Racz c/- Stewart Surveys
Owner:	Mr M B Racz
Property Description:	Lot 59 DP 514051 8 Greys Place, Gunnedah

Proposed Development

The development proposes the construction of a new double storey dwelling house and brick column front boundary fence.

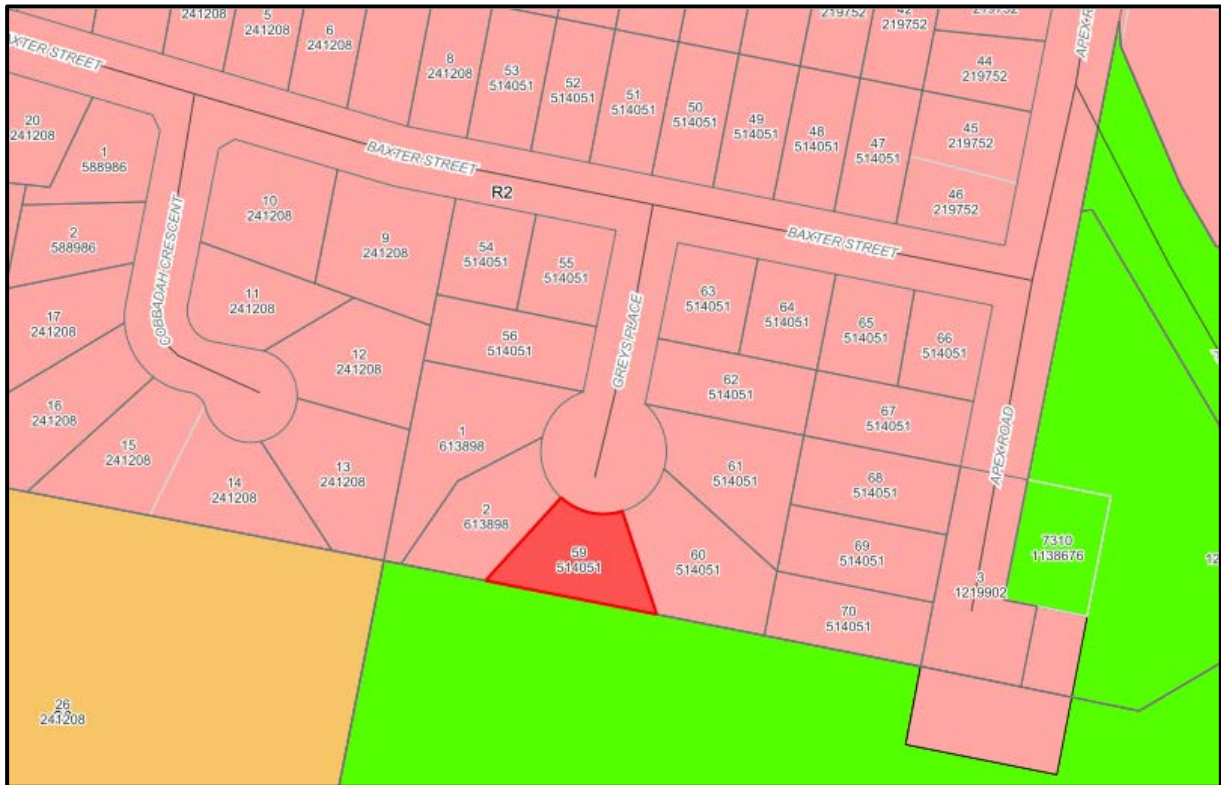


Figure 1 – Site Location

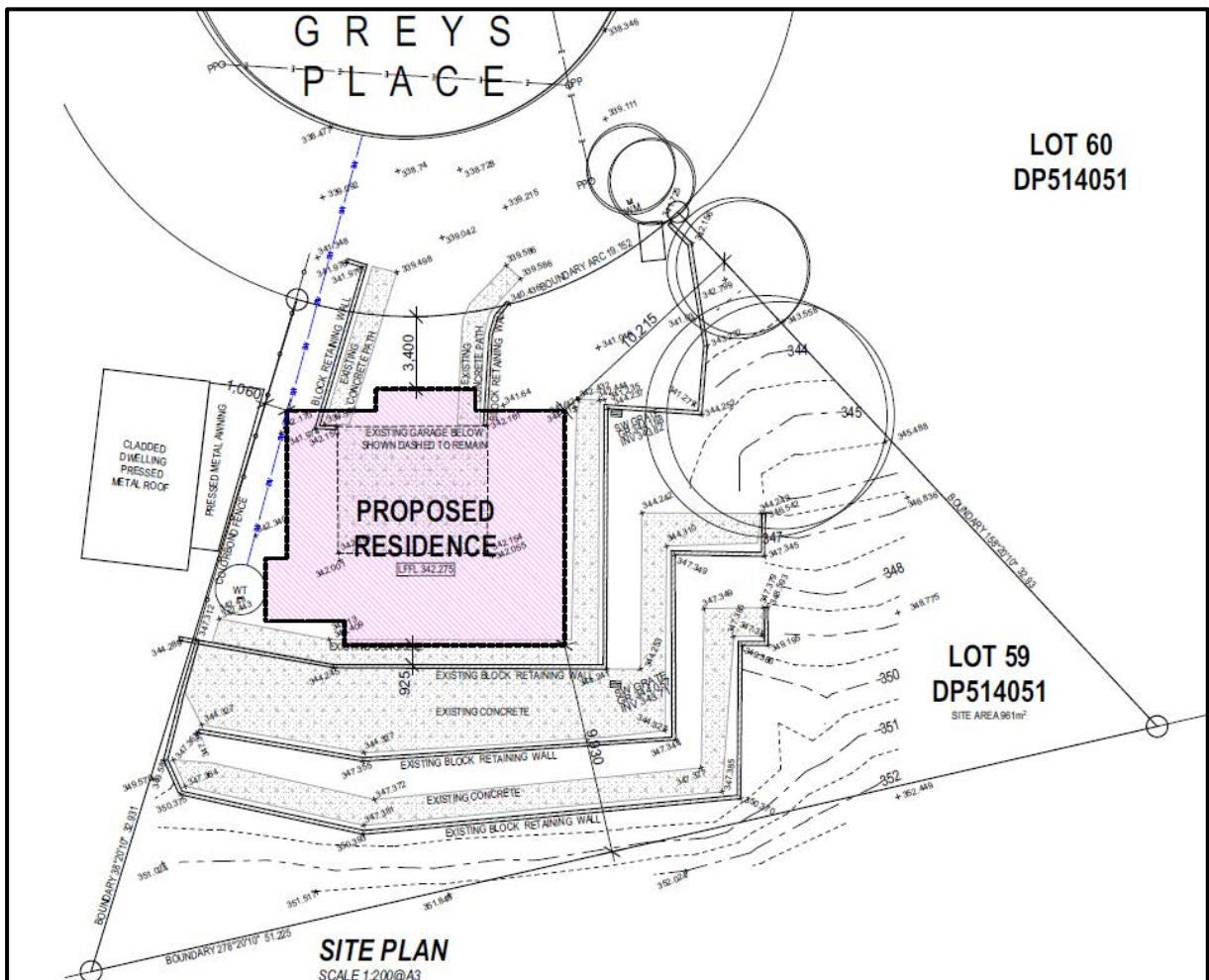


Figure 2 – Site Plan

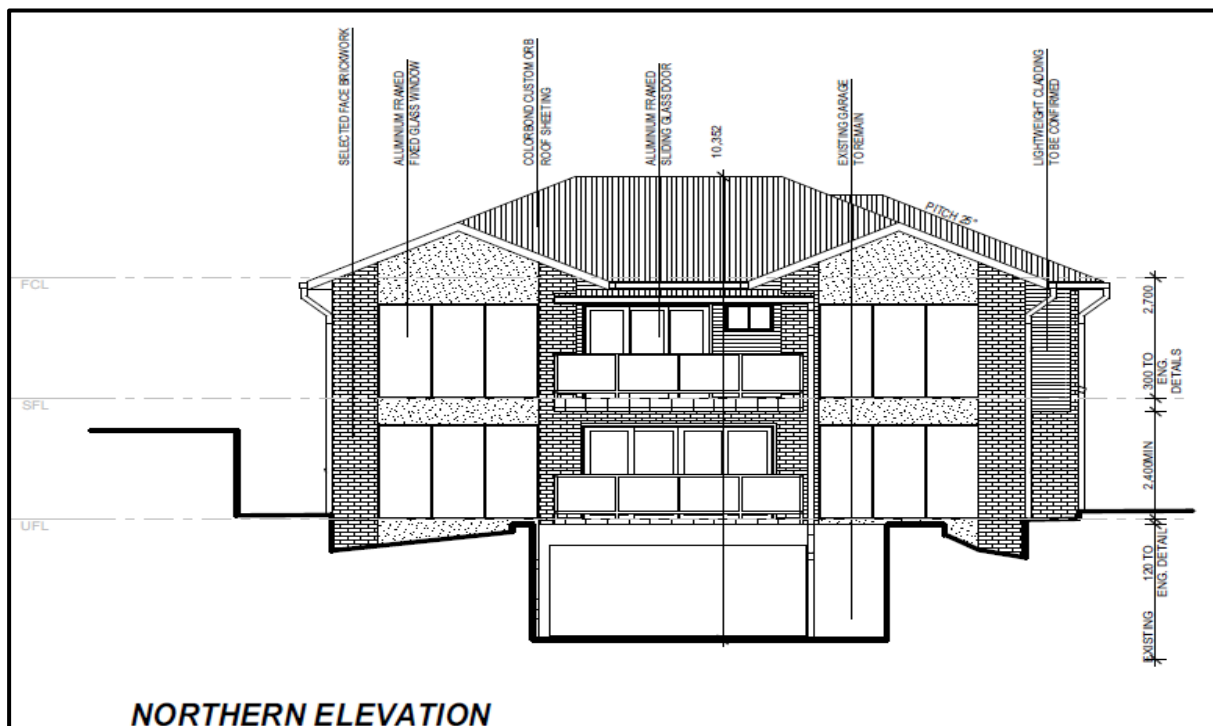


Figure 3 – Elevations Plan

BACKGROUND

Initial excavation work of the site was undertaken in 1998 without the knowledge or approval of Gunnedah Shire Council. At the time Council issued orders under the *Local Government Act 1993* which required rectification and stabilisation works to be initiated.

Council issued a Development Consent (DA 0074.1998) for the erection of a small 6 metre long retaining wall in the north west corner of the site. A Construction Certificate for these works was issued on 26 November 1998. The retaining wall referred to in this consent was from the proposed dwelling location to the front boundary of the property. No development consent was granted for the remaining earthworks, constructed retaining walls or garage.

Stormwater runoff during heavy rain around 2000-2001 resulted in the failure of the stabilisation works conducted from orders issued in 1998. Council issued further orders for works including the need for a more specific geotechnical and engineering design work to stabilise the site. In response to Council's issued orders the developer has constructed various retaining walls.

COMMENTARY

Environmental Planning and Assessment Act 1979 (EPA Act)

S4.15(1)(a)(i) the provisions of any environmental planning instrument

Gunnedah Local Environmental Plan, 2012

2.3 – Zone Objectives and Land Use Table

The development site is zoned R2 Low Density Residential (R2), under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). Dwelling Houses are permitted subject to consent within the R2 land zone.

The development will provide a single residential dwelling within a residential zone for residential occupation. The proposed development is a residential activity located within a residential area. Hence, the development would satisfy objectives of the R2 land zone. However, the positioning and design of the development is considered to be inconsistent with the surrounding locality with regards to bulk and scale and the buildings proposed appearance on the streetscape.

4.4 – Floor Space Ratio

The site has a maximum allowable Floor Space Ratio (FSR) of 0.5:1. The area of the lot is 961m². Based on the lot area and the FSR, floor space of development onsite may not exceed 480m². The proposed dwelling has an overall floor area, including each floor and the existing garage, of 339.2m². Therefore, the proposed development does not exceed the site FSR.

6.5 – Essential Services

(a) the supply of water

Council's reticulated water services are present within Greys Place and can be used to facilitate domestic water supply for any future residential development granted for the site. The site has a water connection, however, there was no water meter installed.

(b) the supply of electricity

Overhead electrical services are available within Greys Place, which can be connected to the site to service the dwelling if consent was to be granted. Connection would need to occur in consultation with the local service provider.

(c) the disposal and management of sewage

Council's sewerage network is present within Greys Place and Council's records identify an existing junction provided to the site. It is expected that this connection could facilitate future residential development on the site.

(d) stormwater drainage or on-site conservation

The frontage to the development has established kerb and gutter which forms part of Council's stormwater network.

(e) suitable road access

The development site has frontage to Greys Place with the slope of the site not inhibiting vehicle access from this public reserve. The development will require the construction of a new vehicle access to Council's standard.

STATE ENVIRONMENTAL PLANNING POLICY

▪ **State Environmental Planning Policy (Biodiversity Conservation) 2021**

▪ **Chapter 2 Vegetation in Non-Rural Areas**

The development site is located within the R2 Low Density Residential zone, which is identified within this SEPP as being a land zoning to which this SEPP applies. The development proposal does not include the removal of any trees or vegetation from the site. The site is highly modified and does not contain any vegetation or remnant nature ground cover in the position of the proposed works.

▪ **Chapter 4 Koala Habitat Protection 2021**

The development is not subject to an endorsed Koala Plan of Management, which requires that development assessments are conducted in accordance with Clause 4.9 of this Chapter. The development site has an area less than 1 hectare. Hence, this State Environmental Planning Policy does not prevent Council from issuing development consent.

- **State Environmental Planning Policy (Resilience and Hazards) 2021**

- **Chapter 4 Remediation of Land**

The development site is currently unoccupied. The development proposal would result in the development site being developed for residential activity. A search of Council's records and supplied Statement of Environmental Effects does not identify that there has been any previous usage that could possibly lead to any potential site contamination. Hence, no further investigation was required.

S4.15(1)(a)(iii) provisions of any development control plan

Gunnedah Development Control Plan 2012 (Gunnedah DCP)

2.1.1 – Building Setbacks

The proposed development does not comply with the primary street building setback of the R2 zone, with the development including a request for a variance to this development standard. The variation to the standard is a 220% variance to the development standard. It is noted that the existing garage, which forms part of the retaining wall existing onsite, is set 5.14 metres from the frontage to Greys Place. The existing garage is located within the building setback, but was illegally constructed and should not influence support for the requested variation. The proposed building setbacks are listed within Table 1.

	Required	Provided	Compliance
Primary Street (Greys Place)	7.5m	3.4m	X
Rear	*BCA	9.930m	✓
Side	*BCA	1.060m	✓

Table 1: Proposed Outbuilding Setbacks

*The structure does not include any fire resistant construction on the external elevation of the building. Hence, the required BCA compliant setback is 900mm.

The development proposes the construction of a two storey dwelling with a building line setback of 3.4 metres from the Greys Place frontage. As stated above this is set further forward than the existing garage which already exists onsite and the development requests a 220% variance to the 7.5 building setback for the site, as set on the building line map. Each floor of the dwelling has a verandah on the north elevation which extends into the building setback, creating the 3.4 metre setback, with the remainder of the building set at 4.4 metres. The entire building elevation fronting the public road reserve of Greys Place is present within the building line setback. Hence, the development does not comply with the required building setback from the primary road frontage of Greys Place.

The development is set a suitable distance from side and rear lot boundaries to comply with setbacks required by the Building Code of Conduct as the development does not include any fire rated external walls.

The proposed development is not restricted within the allotment with 9.930 metres from the back of the dwelling to the rear property boundary. The site contains existing retaining walls which present some physical limitations, however, the size of the initial retaining wall is not of a height which would prevent any development occurring further into the site if building setbacks were to be satisfied. As there is suitable building area within the site for the development to be conducted it is considered that the development is not an appropriate design for the development site and the requested variance to Council's standard is not supported. An alternate building design, more in line with these development controls, may be able to be achieved are more favourable outcome and provide a more consistent development to the surrounding locality.

2.1.1a – Discretionary Development Standard.

Council's Development Control Plan includes a number of discretionary development standards which grant flexibility to set Council's standards where unique building elements and designs are demonstrated.

This discretionary development standard enables the positioning of no greater than 50% of the building elevation at a setback of 4.5 metres from the primary road setback with the remaining elevation to be retained at the building line setback set by Council on the Building Line Map (Appendix 3). This allowance of up to 50% gives some flexibility to the development standard with the need for up to 10% of the varied elevation (section positioned within the setback) to incorporate an aesthetic architectural articulation within the building elevation. This enables the building to encroach on the building elevation with the architectural articulation to present an aesthetic feature to the building to soften the intrusion of the building elements into the established streetscape through careful presentation of the built environment into the locale.

As addressed within development standard 2.1.1 above, the development does not comply with this discretionary development standard as the development exceeds the allowed setback encroachment for the entire 100% of the building elevation and the development does not provide any significant aesthetic architectural articulation within the elevation.

2.1.2 – Building Height of a Dwelling

For the purposes of calculating the building height the measurement is made from the natural ground level. The development includes an extrapolation of where the natural ground level would have occurred prior to the illegal excavation of the hillside occurred and the retaining walls were established. The proposed dwelling will have an approximate height of 5.05 metres, when measured from the natural ground level, so the development does not exceed the maximum height of a dwelling.

It is worth noting that the dwelling will have the appearance of a total height of approximately 10.8 metres when viewed from Greys Place. This includes the existing garage and the two floors of the dwelling house, which is located below where the natural ground level would have occurred.

2.1.3 – Utilities

The development does not propose any construction occurring over any registered easements or any of Council's Infrastructure where an easement does not exist.

The development site has a connection to Council's water services with an existing connection located in the North East corner of the site. The development would be required to install a water meter to this water supply to ensure a domestic water supply to the dwelling. Hence, there is no obligation for additional onsite water storage, other than that which is required by BASIX.

2.1.4 – Privacy

The development proposes a double storey dwelling house. The development includes external windows along all elevations of the building on the second floor. This results in potential privacy issues for the adjoining allotments which requires consideration.

The allotment to the rear is bushland on the public reserve of Porcupine Hill and does not contain any dwellings or private open spaces. There are no dwellings located in close proximity to the dwelling viewed over the road reserve of Greys Place as the dwelling is positioned at the end of the cul-de-sac. Hence, there is no potential for privacy impacts to the North or South of the site.

The development is not expected to create any privacy impacts on the existing dwelling house on the eastern side (Lot 60 DP 514051) due to position and separation of the dwelling on this allotment and the existing vegetation along the common boundary. There is no expected visibility of the adjoining dwelling on Lot 60 DP 514051 from the proposed dwelling. Hence, there is no need for privacy controls on the Eastern elevation of the proposed dwelling.

The dwelling proposes to install 4 windows on the Western elevation of the dwelling. This elevation faces at the adjoining single storey residence located on the allotment directly to the west of the site. There are 3 windows present on the second floor of the dwelling which would look over the adjoining residence, with these windows servicing the Master Bedroom, Walk in Robe and Ensuite. The development has proposed privacy shutters on the ground floor window only, which services a gymnasium. There is no proposed privacy fittings to the second floor windows of the proposed dwelling.

The development proposes the planting of 10 (ten) *Mediterranean cypress* (Italian Pencil Pine) along the western boundary of the subject site as a proposed privacy screen to create privacy to the adjoining dwelling. At maturity, these trees will provide additional privacy screening to the neighbouring dwelling house. It is indicated that these trees will take approximately 4 years to reach maturity and when mature will have a height of 15 metres, with a diameter of 1 metre. At maturity it is expected that this vegetation could provide a screen between the two dwellings for privacy of the existing dwelling.

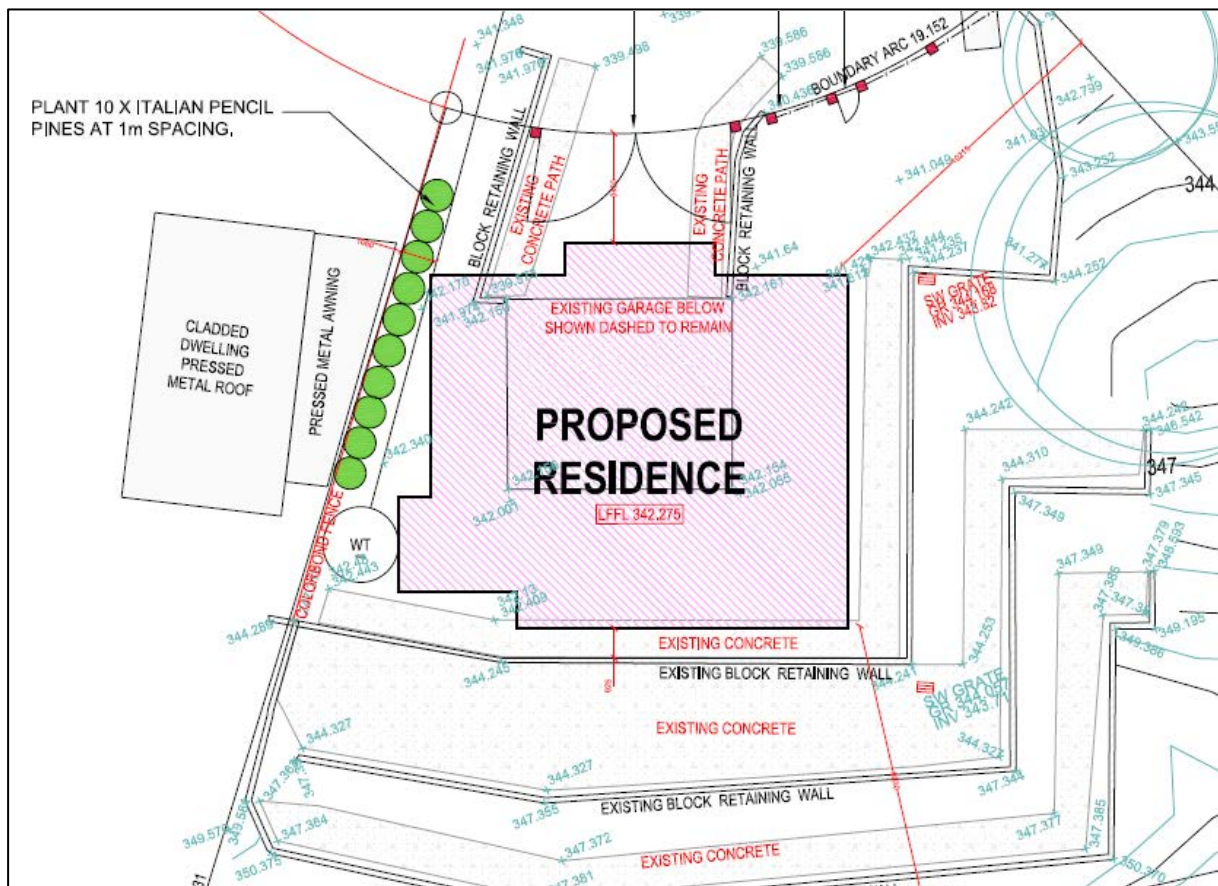


Figure 4 – Landscaping Plan

2.1.5 – Design and Solar Access

The dwelling does not propose blank walls being created along road frontages with windows presenting to Greys Place.

The dwelling is designed in such a way that living spaces are positioned with solar access from the North elevation, promoting natural light and heating.

The development is two storey and as a result the development was accompanied by the shadow diagram shown in Figure 5. This diagram indicates that the casting of shadows from the proposed dwelling would not cast unacceptable shadowing which would restrict solar access of adjoining properties as shadows are not expected to extend beyond the boundaries of the allotment.

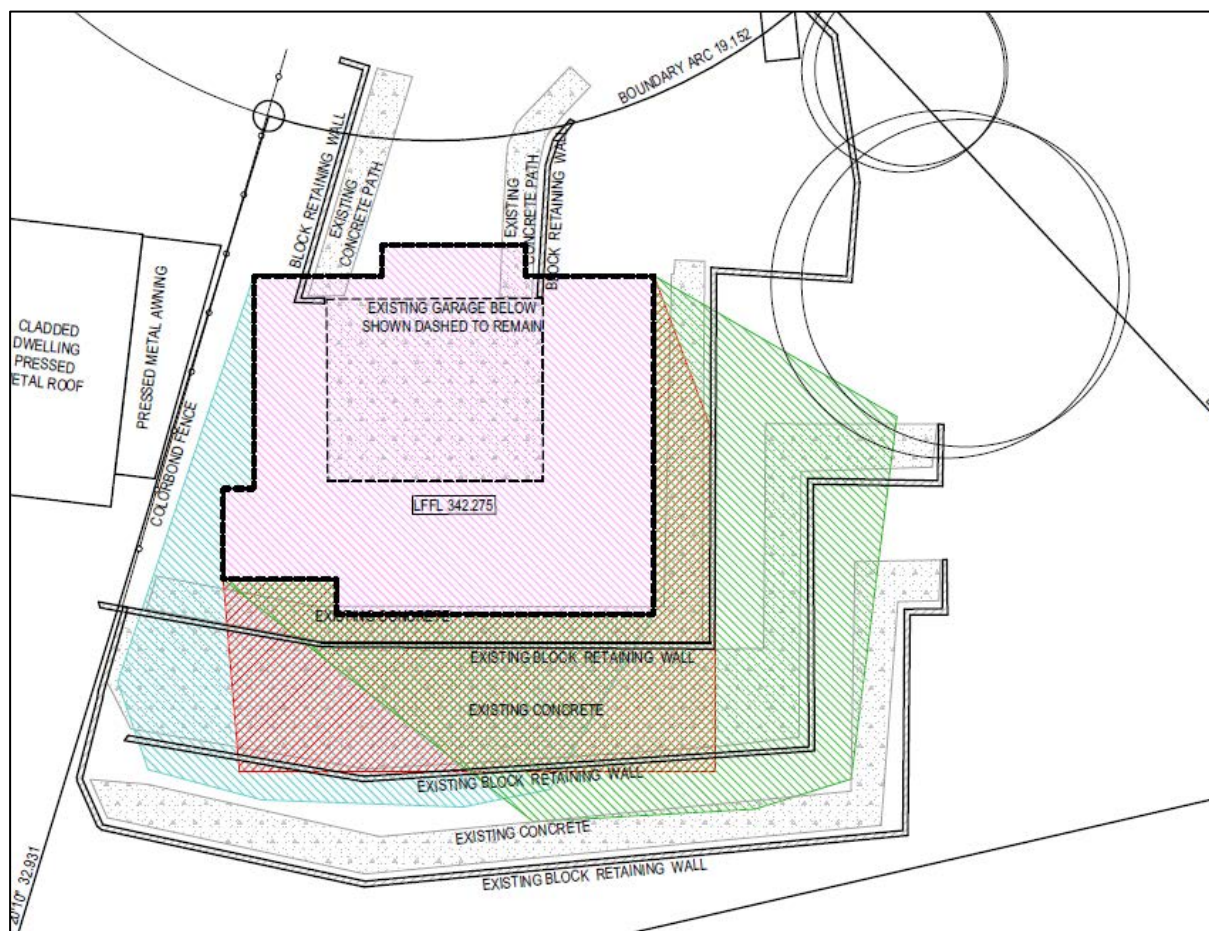


Figure 5 – Shadow Diagram

2.1.6 – Street Fencing

The development proposes the construction of a 1.65m brick column fence within the property boundary along the primary frontage to Greys Place. Steel panels are proposed to be fixed between brick columns. Development plans indicate personal and vehicle access gates which open inward. The steel panels enable visibility through the fence and do not pose any detrimental impact on the streetscape.

2.1.10 – Access

The development site has frontage to Greys Place. The vehicle access to the dwelling house from Greys Place would require an upgrade to ensure that the access was compliant with Council's urban access and footpath crossover design. It would be possible for the developer to seal from the property boundary to the existing garage to comply with this development standard.

2.1.11 – Ridgelines

The proposed dwelling house would not penetrate above the ridge line of Porcupine Reserve, located behind the dwelling house. The artist impression of the development proposal in Figure 7, indicates that the dwelling will have a height which extends above the retaining wall which exists onsite and the roofline would be consistent with the extent of vegetation present on the ridgeline behind the dwelling when viewed from Greys Place. Viewing points further from the site would see the dwelling visible below the ridgeline. It is expected that in the event that the dwelling was positioned at the building line set by Council, that the dwelling would present lower than the ridgeline and thus better fit within the ridgeline.

2.1.12 – Slope

The development site has a significant slope greater than 15%. The site is historically retained for large sections of the site. The natural slope of the development is approximately 40%.

The development application was accompanied by a Engineering Inspection Report, prepared by NorthWest Projects, which investigated the suitability of existing earthworks to support the proposed development and the condition of the existing retaining walls. This report indicates additional works which would be required in the event that the dwelling was to be approved by Council. The Engineering Inspection Report identifies that there is small settlement on the western side return walls and that there is a significant outward “bow” in the centre area of the top tier wall. The Engineering Inspection Report also indicated that existing drainage systems is in need of ongoing maintenance with drains being silted and eroded in various locations. The Engineering Inspection Report determines a formal drainage system is required for the retained slope.

The development application did not include the provision of a stormwater management plan which would include details of water drainage to manage water movement through the site including natural flow which would traverse the site from upslope areas off the public reserve to the south of the development allotment.

2.1.13 – Pools and Spas

The development proposes the installation of a pool and spa within the dwelling house. The pool and spa will not be visible from a public place or Greys Place as the systems will be installed within the dwelling house on the lower floor. The proposed pumping and filtration systems for the pool and spa are proposed to be housed within the structure. Hence, the pool and spa are not expected to generate noise issues for adjoining residences.

6.6.1 – Environmental Effects**Traffic**

The development would result in a minor increase in vehicle movement within the road network with the only expected vehicle movements being associated with the dwelling house. Traffic will access the site from Greys Place, with vehicle movements travelling either East or West along Baxter Street, depending on the destination. The road network is considered to have suitable choice for direction of movement.

Flood Liability

The development is not identified as being subject to flooding on Council’s flood prone map.

Slope

Slope provisions previously addressed within the assessment of development standard 2.1.12 of the Gunnedah Development Control Plan 2012.

Construction Impacts

The development would not be expected to have any more significant impact during construction than another other dwelling house construction. Any dwelling approval is subject to Council’s limited construction hours.

Solid and Liquid Waste

The site can be serviced by Council’s gravity fed sewerage network for effluent management. The site can be serviced by Council’s kerb side collection for general solid waste collection.

Air Quality (odour and pollution)

The proposed development is considered to have minimal impact on the existing microclimate in the area due to the nature of the development. The development will not generate any pollutants into the air or atmosphere and is not expected to create any ongoing odour which may be offensive to the surrounding locality.

Noise Emissions

The development is not expected to result in any excessive noise and vibration with the exception of the construction phase.

Water Quality

The development will not produce any pollutants or require any further excavation which could destabilise the soil and result in soil erosion which could affect water quality downstream.

Sustainability

The proposed outbuilding is unlikely to have an impact on the environmental sustainability of the development site or adjoining properties. The development is not considered to be an unsustainable land use or activity. The development proposal did not indicate the inclusion of any renewable building materials or renewable energy sources, such as solar power.

S4.15(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 is located within a prominent location along the hillside of the Porcupine Hill, below the ridgeline but visible from various locations across the Gunnedah and surrounding countryside. The site is the dominate visual feature within Greys Place, being the main location visible and is the main initial feature present when you enter the street. The site can be clearly seen in Figure 6, along Greys Place. The development allotment is located upslope of the intersection, which creates a more imposing appearance over the streetscape. Due to the location of the site any development on this allotment will become a dominant feature within the streetscape.

The development design is multi storey and although the adjoining lot to east is also multi storey, the adjoining existing development is well removed from the street and is screened by vegetation. This development is not consistent with the adjoining development. The site adjoining the development site to the east contains a single storey dwelling, which has great potential of being dwarfed by the proposed dwelling house. The proposed dwelling is much greater in size and scale to this adjoining residence with the first floor of the proposed residence being level with the topmost point of the adjoining dwelling. The proposed dwelling is inconsistent with the roof structure with the proposed dwelling having a hip roof and the existing dwelling having a flat skillion roof. The proposed dwelling is two storey and there is limited variation within the building elevation which would break up the appearance of the front faced. The current design and proximity to the street will result in the development being more visual imposing on the streetscape and result in a development inconsistent with adjoining development and the aims of the residential controls within the Gunnedah Development Control Plan.

Figure 6, illustrates that the two adjoining properties are not visible from the intersection of Baxter Street and Greys Place. Its not until the site is viewed from the cul-de-sac head of Greys Place that the adjoining residences become visible. Hence, the height, bulk and scale of the proposed development is inconsistent and the development is expected to create a built that will be detrimental to the character of the streetscape in this locale.



Figure 6 – View of Site from Intersection of Baxter Street and Greys Place.



Figure 7 – Visual Representation of Proposed Development at 3.4 metre setback.

The development overlooks the single storey dwelling house located to the West of the site. The proposed dwelling overlooks this dwelling and contains three windows from the second floor which looks over the adjoining dwelling. The development proposes landscaping within the site between the two dwellings to reduce the visual impact. The concern is that the landscaping will take a number of years to reach maturity and achieve the necessary visual screen.

The development site is located within the the R2 low density residential zone of the Gunnedah township, but is located on the edge of the residential zone. The site is located to the South of the Gunnedah CBD. The surrounding area is predominately residential allotments containing dwelling houses and ancillary outbuildings. The Porcupine Reserve is located to the South of the site, which is a heavily vegetated area.

The development does not create any overshadowing issues, despite being two storey, with the shadowing projection from the building being to the south of the allotment. Due to the site slope the shadowing projects into the slope and does not leave the site. The adjoining lot is a public reserve and is unlikely to be affected by overshadowing.

The proposed use of the site is consistent with the surrounding area. However, the size and scale of the development is expected to be detrimental to the streetscape. It is determined based on this assessment that the development should not be supported only to resolve the current visual appearance of the site if a more positive and consistent form can be achieved with an alternate building design. Hence, the development is not expected to be consistent with the context and setting of the surrounding locality and as a result the development is expected to have a negative environmental impact in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Access, Transport and Traffic

The proposed development has frontage to Greys Place. Greys Place is bitumen sealed supported by kerb and gutter. The development would not result in a significant increase in vehicle movement within the road network. The Greys Place road network is considered adequate for the proposed development. The development would require the construction of a new internal driveway.

Public Domain

The development does not require the dedication of public land and the development would have minimal impact on Council's existing public areas and parklands as the development would create an additional dwelling house for occupation within the community. The development does not require the creation of any pedestrian linkages or the dedication of any public open space. Contributions under Council's S94A plan for this development have not been paid.

Heritage

The development site does not contain any identified items of environmental heritage, nor are there any located within the vicinity of the development, that may be impacted by the development.

Other Land Resources

Agriculture is prohibited in R2 zone. Mining and extractive resources activity is prohibited within this land zone and the lot is not located near any zoning that would allow for the use for agriculture or extractive industries. Hence, the development would not result in the alienation of land or loss of natural resources.

Water

The development site has the provision of Council's water services connected to the site. There is a water main located on Greys Place with an existing water connection present onsite. This service is expected to service future development on the allotment.

Stormwater is expected to be directed to the kerb and gutter located in Greys Place.

Flora and Fauna

The development would not result in the removal of any trees from the site. hence, the development will not exceed the Biodiversity Offset Scheme thresholds under the *Biodiversity Conservation Regulation 2017*. The threshold trigger for the site is 0.2ha.

The development site is not expected to be occupied by any threatened species, contain any critical habitats or any threatened or endangered ecological communities. The lot does not appear as a lot identified as containing areas of biodiversity value on the Biodiversity Values map (See Figure 9).

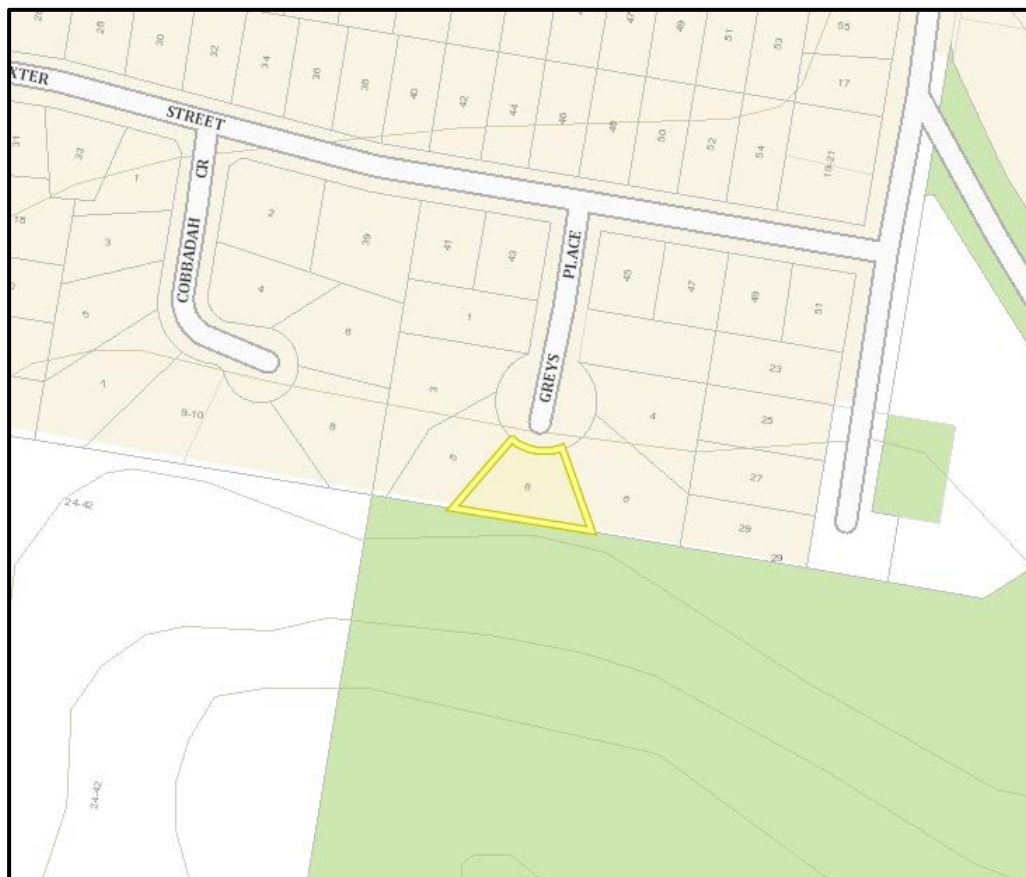


Figure 9 – Biodiversity Values Map

Waste

Effluent can be disposed to the sewer service located along the front boundary of the development site. This service is connected to Council's sewerage mains which services the Gunnedah Sewerage Treatment Plant.

Kerb side collection is available within the surrounding area for domestic waste disposal and can be applied for upon issue of an Occupation Certificate.

Natural Hazards

The site is not identified as being flood prone, identified as being subject to mine subsidence. There is no reports or mapping which identifies the development site as being subject to landslip.

The development site is entirely bushfire prone land, with the identified fire threat being located from the heavily vegetated hillside to the south of the site. Council's officers determined that the development Bushfire Attack Level (BAL) would be classified as either BAL40 or BAL Flame Zone. Hence, based on the proximity of the site to the bushfire threat and the inability for the site to be managed in a way to comply with section 7.4 and Table 7.4a of the NSW RFS 'Planning for Bushfire Protection 2019', the development was required to be referred to the NSW Rural Fire Service (RFS) under S4.14 of the EPA Act. Council is prohibited from granting consent without considering an assessment by a suitably qualified person or the commissioner of the NSW Rural Fire Service.

The referral was undertaken despite the recommendation of this report to ensure that, in the event the recommendation was overturned that legal consent and compliance with S4.14 of the EPA Act could be achieved.

The RFS issued recommended conditions to Council which were provided after assessment by the RFS for the appropriate measures which can be taken for the development to be taken with respect to the protect persons, property and the environment from danger that may arise from a bush fire. The recommendation of these conditions from the RFS should not be taken to be support for the development as the recommended conditions have not been provided with consideration of any other planning elements, developments or standards.

S4.15(1)(c) Suitability of the Site

The development site is not constrained by land use of adjoining allotments. The development would not result in unmanageable transport demand within the road network. Gunnedah has provision of adequate recreational space and public recreation spaces for use by residents. The development would not be expected to create any air emissions or impact on the surrounding microclimate.

The site is subject to bushfire and it is necessary that the development include significant threat mitigating measures to reduce threat to inhabitants. The site is not subject to any other known natural hazards. The development would not prevent the use of primary production agricultural land or access to primary resources. The development is considered to be suitable for the development of the site for a Dwelling House. However, this has no consideration of other development controls or legislation.

S4.15(1)(d) any submissions made in accordance with this Act or the regulations

The Gunnedah Community Participation Plan (CPP) requires that any development, which requires a variance to a development standard within the Gunnedah Development Control Plan, be neighbour notified to adjoining land holders.

Council notified adjoining land holders for a period of 14 days from the 17 March 2022 to 31 March 2022. Council did not receive any submissions during the exhibition period.

S4.15(1)(e) the public interest

The development application is not regarded as being Integrated or Designated Development. Council is not aware of any relevant Local, State or Federal planning studies, strategies or management plans that are applicable to the proposed development which need to be considered for this development.

Conclusion

The development application is seeking consent for the construction of a new multi storey dwelling house. The development 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 development presents significant inconsistencies with Council's Development Control Plan, presents potential bulk and scale impacts to the locality and is inconsistent with the character of the area.

As per the recommendation of this report, it is concluded that Development Application No. 2022/019, Lot 59 DP 514051, 8 Greys Place, Gunnedah, should be refused.



GunnedahShire