



MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE
DIRECTORATE	Planning and Environmental Services
DATE	Wednesday 1 November 2017
TIME	4:00pm
VENUE	Council Chambers, 63 Elgin Street, Gunnedah
ATTACHMENTS	Director Planning and Environmental Services Report

AGENDA

Present/Apologies


Declarations of Interest

Report of Director of Planning and Environmental Services

1. Modification of Consent Application No. 472876.003 – Modification to Subdivision Lot Layout for Road Widening and Reduction of Landscaping Easement Width – Lot 2 DP858991 – 110-168 Kamilaroi Highway, Gunnedah 3
2. Koala Plan of Management - Development Application 2017/094 – Lot 1 DP1229834, 221 Barlow Road, Gunnedah 12

Andrew Johns
 DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Apologies to: 6740 2120


 Gunnedah Shire Council
 63 Elgin St, PO Box 63 GUNNEDAH NSW 2380
 Administration Tel: (02) 6740 2100. Fax: (02) 6740 2119
 Planning & Environmental Services Tel: (02) 6740 2120. Fax: (02) 6740 2129
 E-mail: council@infogunnedah.com.au
 Web: www.infogunnedah.com.au

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	Modification of Consent Application No. 472876.003 – Modification to Subdivision Lot Layout for Road Widening and Reduction of Landscaping Easement Width – Lot 2 DP858991 – 110-168 Kamilaroi Highway, Gunnedah
MEETING	Planning, Environment and Development – 1 November 2017
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Council plans and guides the development of Gunnedah area. 4.1.3 Ensure that green spaces support and encourage our valuable Koala population to traverse the area and encourage animal health and breeding. 4.9.3 Investigate and act on preservation of our natural and built environment. Operational Plan 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act. 1.2.2.3 Ongoing implementation of floodplain management strategies into the development application process. 4.1.3.1 Consideration of inclusion of suitable koala habitat during assessment of major developments. 4.9.3.1 Implement the provision of the Local Environmental Plan 2012
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

That the Modification of Consent Application No. 472876.004, for the modification to subdivision lot layout for road widening and reduction of landscaping and water easements, along the Kamilaroi Highway frontages, at 110-168 Kamilaroi Hwy, Gunnedah, Lot 2 DP 858991, be approved subject to the deletion of conditions A1b, D6a and D13a, and insertion of conditions A1c, D6b and D13b. Amended conditions underlined as follows:

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

A1. Deleted

A1a. Deleted

A1b. Deleted

A1c. The development must be carried out in accordance with the details set out in the following documentation. Any amendment to the development or to these conditions will require the consent of the Council.

- Development Application form, lodged 20th May 2010.
- Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, dated 17th May 2010;
- Traffic Impact Statement, prepared by MD Design Services, dated May 2010;

- Plan of Proposed Subdivision, prepared by Stewart Surveys Pty Ltd, dated 27 September 2017, Job No. 3089, Drawing No. 1 of 1 (Plan of Proposed Subdivision of Lot 2 DP 858991, Kamilaroi Highway, Gunnedah;
- Proposed Intersection Plans, prepared by Constructive Solutions Pty Ltd, dated 17th June 2010.

Reason: To ensure compliance with application and plans.

B. Prior to Work Commencing

- B1.** A Construction Certificate is to be obtained prior to commencement of any 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 1998, the Principal Certifying Authority must be the Council.

Reason: To ensure compliance with application and plans.

- B2.** 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.

C. Prior to Issue of a Construction Certificate

- C1.** Engineering drawings and specifications for the construction and installation of all works relative to the proposed subdivision shall be submitted to Council for approval prior to the issue of a Construction Certificate. The design of all works is to be related to the adjoining infrastructure. All drawings and specifications are to be in accordance with Council's relative standards.

Reason: To ensure compliance with application and plans.

- C2.** 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 specifications and requirements. The inspection fee is applicable for all sections of the work carried out by the contractors and shall be paid prior to the issue of a Construction Certificate.

Reason: To ensure compliance.

- C3.** The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$10 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.

Stormwater Drainage

C4. A Stormwater drainage design shall be prepared for the development site and submitted to Council for approval prior to the issue of the Construction Certificate. The design shall be in accordance with the standards set out in the Australian Rainfall and Runoff publication and based on a pipe system capable of handling a frequency factor of 1 in 5 years with the 1 in 100 year event being carried by road and an open channel system. Internal drainage of the proposed development shall incorporate the installation of underground pipes, inlet pits including lintels and grates, junction pits and headwalls. Stormwater collected from south of the Kamilaroi Highway and from the internal road and lots created within the subdivision shall discharge onto the natural floodplain below the proposed development.

Reason: To ensure compliance with Council's requirements.

D. General**Intersection**

D1. The intersection of the Kamilaroi Highway and proposed internal road shall be designed and constructed in accordance with the Roads and Traffic Authority requirements as a AUSTRROADS CHR for right-turning traffic and AUSTRROADS AUL left-turn deceleration lane. The intersection design shall take into consideration right-turning traffic from the Boggabri Service Road and shall extend the return kerb along the Kamilaroi Highway to the tangent point. The alignment shall maintain a minimum footpath width of five (5) metres adjacent to the development.

Reason: To ensure compliance with the Roads and Traffic Authority and Council's requirements.

Roads

D2. The proposed internal road shall be constructed in accordance with Council's standards and specifications from the intersection of the Kamilaroi Highway to the 20 metre radius bulb at the end of the proposed cul-de-sac. The road is to be constructed to carry industrial loads and shall be a 20 metre wide formation with a bitumen seal, 150mm barrier kerb and gutter and 2 x 5.0 metre wide footpath reserves.

Reason: To ensure compliance with Council's requirements.

Access

D3. Vehicular access to each lot shall be from proposed internal road only. There shall be no individual lot access from the Kamilaroi Highway.

Note. The location of each individual driveway shall be determined by future developers in consultation with Council.

Reason: To ensure compliance with Council's requirements.

Stormwater Drainage

D4. All works identified in the approved stormwater drainage design shall be undertaken. Stormwater collected from south of the Kamilaroi Highway and from the internal road and lots created within the subdivision shall discharge onto the natural floodplain below the proposed development.

Reason: To ensure compliance with Council's requirements.

Water Supply

D5. Council's water main shall be extended to the development site in accordance with Council's standards and specifications. The 150mm ductile iron water main shall be installed from the existing main that services Lot 1 DP 858991 (90 Kamilaroi Road) through the development site and connect to the 150mm water main that is located along the Boggabri Service Road. All water mains to be placed under the Kamilaroi Highway are to be installed by under boring the formation. The water main shall include stop valves, fire hydrants, fittings and main cocks for the provision of service lines to each lot.

Reason: To ensure compliance with Council's requirements.

D6. Deleted

D6a. Deleted

D6b. A three (3) metre wide easement for water services shall be established on proposed Lots 9.

Reason: To ensure compliance with Council's requirements.

D7. A single water supply service shall be provided to each lot. The 40mm water service with a 32mm water metre shall be provided by connecting to Council's existing water main in accordance with the Council's specifications and requirements.

Note: A Water Application Form shall be submitted to Council, together with the installation costs. The installation costs adopted in the Council's 2010/2011 Management Plan are \$3,000 per each additional lot. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's requirements.

Sewer

D8. A single sewer reticulation service shall be provided to each lot, in accordance with Council's specifications and requirements.

Reason: To ensure compliance with Council's requirements.

D9. A sewer reticulation scheme shall be installed for the development to provide adequate service to the development, in accordance with Council's specifications and requirements. The scheme shall include a collection well and pumping station to deliver approved liquid waste to Council's Sewer Treatment Plant.

Reason: To ensure compliance with Council's requirements.

D10. A five (5) metre wide right-of-carriageway and 10 metre x 10 metre wide easement centred on the sewer pump station shall be established, to enable Council access for service and maintenance.

Reason: To enable Council to access the sewer pump station.

Allotment Filling

D11. The development site shall be filled to ensure that the ground level of the site is at the 1% AEP level. All allotment filling will require a submission from the applicant's Consulting Engineer and approval from the Department of Environment and Climate Change Water. The submission shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the submission shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

Reason: To ensure protection of Council's infrastructure and maintenance of services during flood events.

- D12.** 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.

- D13.** Deleted

- D13a.** Deleted

- D13b.** A three (3) metre wide easement for the purpose of landscaping, shall be established on proposed Lots 1-9 and shall be located parallel to the south-western boundary.

Reason: To ensure the visual amenity from the Kamilaroi Highway is maintained.

- D14.** Deleted

- D14a.** The proposed right-of way over proposed Lots 9 and 10 shall be removed to prevent additional access to the Kamilaroi Highway.

Reason: To prevent additional access to the Kamilaroi Highway.

- D15.** The preferred road name shall be submitted for Council's consideration and approval with the engineering drawings to ensure the road is named in accordance with the adopted guidelines.

Reason: To ensure compliance with Council's requirements.

E. During Construction

- E1.** 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 requirements.

- E2.** Dust minimisation measures shall be utilised during the construction period to prevent dust disturbance to the adjoining residence.

Reason: To ensure compliance with Council's requirements.

- E3.** 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, (a requirement prior to the commencement of work on the site). 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.

F. Prior to Issue of a Subdivision Certificate

- F1.** 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 requirements.

- F2.** Written notification being provided that an electricity supply connection has been provided to each lot.

Reason: To ensure that electrical services are provided.

- F3.** 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.

- F4.** A compliance certificate 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). Council requires the following payments to be completed prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

Water headworks contribution is \$4,375 per each additional lot
Sewer headworks contribution is \$2,050 per each additional lot

The works required to be undertaken must be completed and the applicable developer contributions paid prior to the endorsement of the plan of subdivision by the Council.

Note: The above contributions have been adopted under the Council's 2010/2011 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Contributions and Development Services Plan.

- F5.** The subdivision certificate release fee of \$260 shall be paid prior to the issue of the subdivision certificate.

Note: The above fee has been adopted under the Council's 2010/2011 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.

PURPOSE

The Modification of Consent Application is being referred to Council as the original development consent No. 472876 and subsequent modification of consent approvals, were previously determined by Council.

Applicant: Burrell Developments Pty Ltd
Owner: Burrell Developments Pty Ltd
Property Description: Lot 2 DP 858991,
110-168 Kamilaroi Hwy, Gunnedah

Proposed Development

The modification of consent request is seeking consent to reduce the width of the landscaping and water easements along the frontage of Lots 1-9 along Kamilaroi Highway from 5 metres to 3 metres. The modification is also proposing to include further road widening along the front of all lots to accommodate the construction of the intersection and to ensure that infrastructure is located wholly within the road reserve.

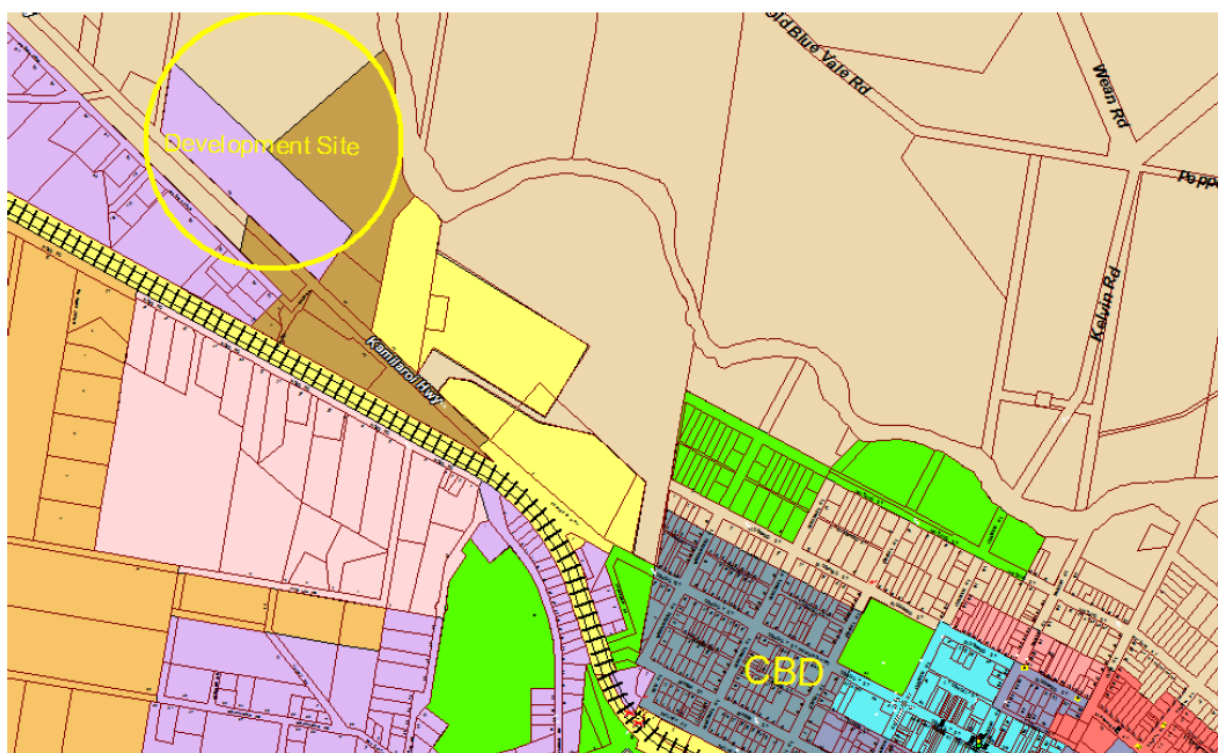
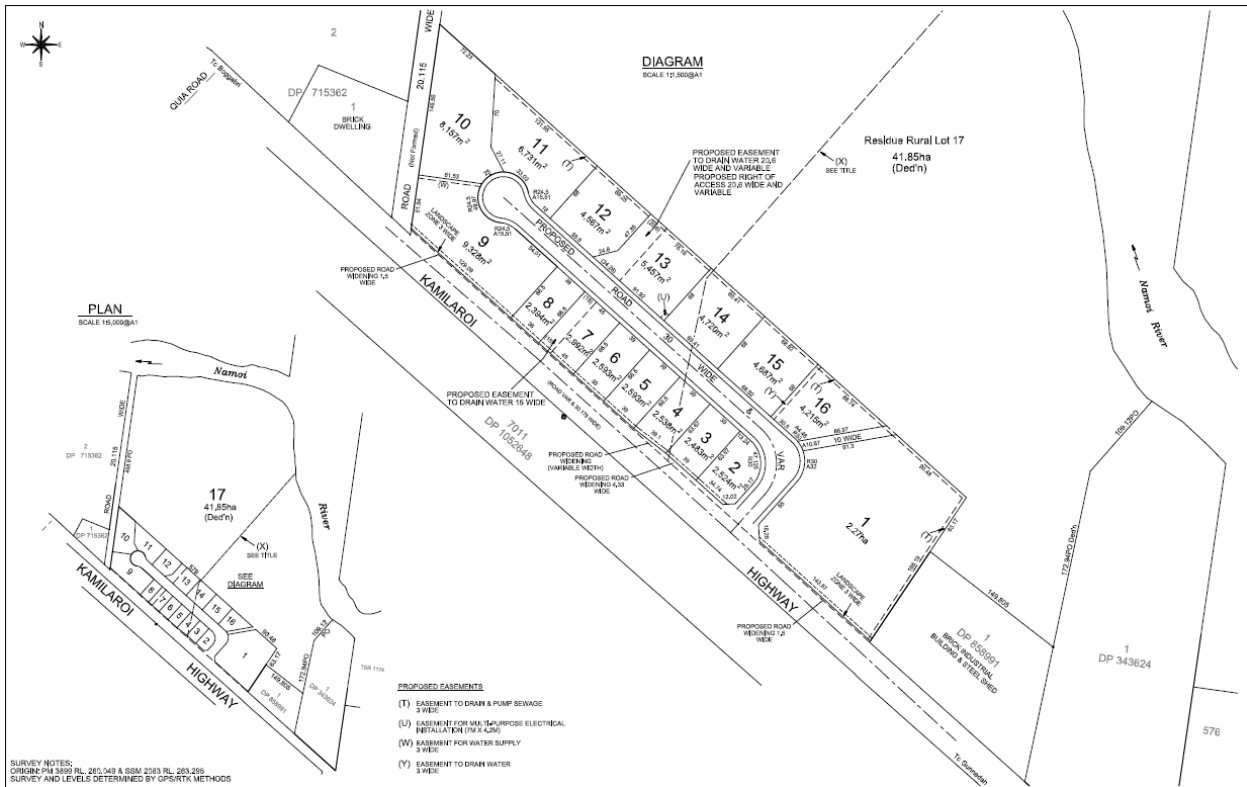


Figure 1 – Location Plan



BACKGROUND

Council previously approved Development Consent No. 472876, for the Subdivision of 1 lot into 19 lots and associated infrastructure and road works on the 17 November 2010. Council has approved Modification of Consent Application No. 472876.002, be an amendment to this original development determination for a variation to the development lot layout and a reduction from 19 lots to creation of 17 lots from the 1 pre-existing lot. Council approved a second Modification of Consent Application No. 472876.003 on the 19 July 2017 for the modification to the development lot layout to provide a deceleration lane and widen a stormwater easement on the northern side of the road corridor. Construction works for the development have commenced, but are yet to be completed.

COMMENTARY

Issues

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

Gunnedah LEP, 2012

The development site is zoned RU1 Primary Production, RU6 Transition, and IN1 General Industrial under the provision of the Gunnedah Local Environmental Plan, 2012. The proposed modification of consent is regarded as being substantially the same development and will not contravene the objectives of any of the land zonings within the property. The following clauses of the Gunnedah Local Environmental Plan 2012 are applicable to the development.

4.1 – Minimum Subdivision Lot Size

The modification of consent will alter the lot dimensions for Lots 1-9 within the approved subdivision plan. The residual Lot 17 is located within the RU1 land zoning. This is the only lot with a minimum lot size requirement under the Gunnedah LEP 2012. However, the lot area for this proposed allotment will not be impacted. Lot size requirements for the created industrial lots are addressed further through this report under, *Gunnedah Development Control Plan 2012, Section 5.9 – Industrial Lots.*

6.5 – Essential Services

The proposed modification will not impact on the provision of any services provided to any of the lots created. The provision of road frontages to each lot will not be impacted by the development. Each lot will have adequate provision of water, sewer, stormwater and electrical service provision.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The previous development approval included a SEPP No. 44 assessment. The proposed modification will not impact on the existing areas of Koala Feed trees onsite. The site was not regarded as being core Koala Habitat. The modification of consent will not impact on the provision of the original assessment. Hence, no further action was required.

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

Gunnedah Development Control Plan 2012

1.8 – Consultation

The modification of consent was notified to the adjoining land holders and placed on public exhibition for a period of 14 days. Council did not receive any submissions during the exhibition period. Hence, no further assessment was required in this manner.

5.2 – Servicing Strategy

The modification of consent will not impact on the ability for each lot to be adequately serviced with water, sewer or stormwater services.

5.9 – Industrial Lots

The resulting lots will not be less than 1,000m². Each lot will retain a minimum of 24m metre frontage to a public road. Hence, the resulting lot configuration is considered to be suitable.

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

Context and Setting

The development site is located along the highway frontage of the Kamilaroi Highway approximately 1 kilometre to the west of Gunnedah. The surrounding development consists predominately of small agricultural holdings and industrial uses, with the rear of the site adjoining the Namoi River. Construction works for the proposed subdivision have commenced with earth filling being deposited onsite, internal road, services and intersection works being undertaken as part of required subdivision works.

Access, transport and traffic

The development site will not alter the provision of vehicle access to the site or the required road and intersection construction works that provide vehicle access to each of the resulting lots.

Water

The modification of consent will not impact on the provision of water services to the site. The modification is seeking approval to reduce the width of the easement within lot 9 from 5 metres to 3 metres. The reduction will be consistent with the requirement for creation of easements over Council's Infrastructure.

Flora and fauna

The reduction in the landscaping easement along the lot frontages of Lots 1-9 from 5 metres to 3 metres will not result in the easement being inconsistent with the *Clause 4.6 – Landscaping* of the Gunnedah Development Control Plan 2012 in regards to landscaping setbacks within Industrial developments. This clause requires that any Industrial development be provided with a minimum of 3 metres of landscaping along each road frontage. The reduction of the minimum easement width to 3 metres will not reduce the landscaping easement below that of Council's development controls and hence is considered to be acceptable.

S79C(1)(c) the suitability of the Site for the Development

The Modification of Consent Application will not change the development proposal for the subdivision of 1 lot into 17 lots. The development site is consistent with the existing and future development in the locality and will not impact on the ability of the commenced development to be completed and functional. The site is not identified as being bushfire prone and does not contain an item of heritage significance. Hence, the site is considered to be suitable for the development.

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

The Modification of Consent Application is not identified as being integrated or designated development and does not require notification to external government agencies. The modification was placed on exhibition for a period of 14 days with no submission being received by Council.

S79C(1)(e) the public interest

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

Conclusion

The Modification of Consent Application is seeking consent for the alteration of road widening widths along the Kamilaroi Highway frontage and the reduction of the water within Lot 9 and the reduction of the landscaping easements required along the Kamilaroi Highway frontage of Lots 1-9, from 5 metres to 3 metres. The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Modification of Consent Application has concluded that the proposed Modification of Consent is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Modification of Consent Application No. 472876.004 be approved subject to the deletion of conditions A1b, D6a and D13a and the inclusion of conditions A1c, D6b and D13b.

ITEM 2 Koala Plan of Management - Development Application 2017/094 – Lot 1 DP1229834, 221 Barlow Road, Gunnedah

MEETING	Planning, Environment and Development – 1 November 2017
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 State Environmental Planning Policy No. 44 – Koala Habitat Protection
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan
	4.1.3 Maintain adequate green spaces that support and encourage our valuable koala population to traverse the area and encourage health and breeding.
	4.2.2 Continue to develop and implement management and rehabilitation programs with high priority to wildlife corridors, stands of remnant vegetation and significant natural landscapes and soil types.
	4.2.5 Identify, protect and nurture local populations of threatened species especially the koala population.

Operational Plan

4.1.3.1 Review and implementation of strategies to sustain the koala population across the Shire including sourcing funding opportunities for habitat construction.

4.2.5.1 Review and implementation of strategies to sustain the koala population and other threatened species across the Shire including sourcing funding opportunities for habitat construction.

ATTACHMENTS Nil

OFFICER'S RECOMMENDATION:

That Council endorse the Koala Plan of Management, prepared by Stewart Surveys Pty Ltd, dated October 2017, ref: 4885, submitted with Development Application No. 2017/094 – subdivision of one lot into five lots, at Lot 1 DP 1229834, 221 Barlow Road, Gunnedah.

PURPOSE

This report is seeking endorsement of the Koala Plan of Management that has been submitted as part of Development Application No. 2017/094, as the site has been identified as core Koala Habitat.

Applicant:	Mr G Blewitt
Owner:	Mr G and Mrs J Blewitt
Property Description:	Lot 1 DP1229834 221 Barlow Road, Gunnedah

Proposed Development

The Koala Plan of Management has been prepared for outlining of suitable management practices that will ensure preservation and enhancement of Koala habitat and protection of Koala populations within the development boundaries as well as the areas surrounding the site.

BACKGROUND

On the 8 September 2017 Council received Development Application No. 2017/094 for the subdivision of the property along Barlow Road from one lot into five lots. The development was accompanied by a Koala Plan of Management as the development application was identified as core koala habitat. Development Application No. 2017/094 is yet to be determined as this Koala Plan of Management must first be endorsed by Council and the Department of Planning prior to the determination of the Development Application.

COMMENTARY

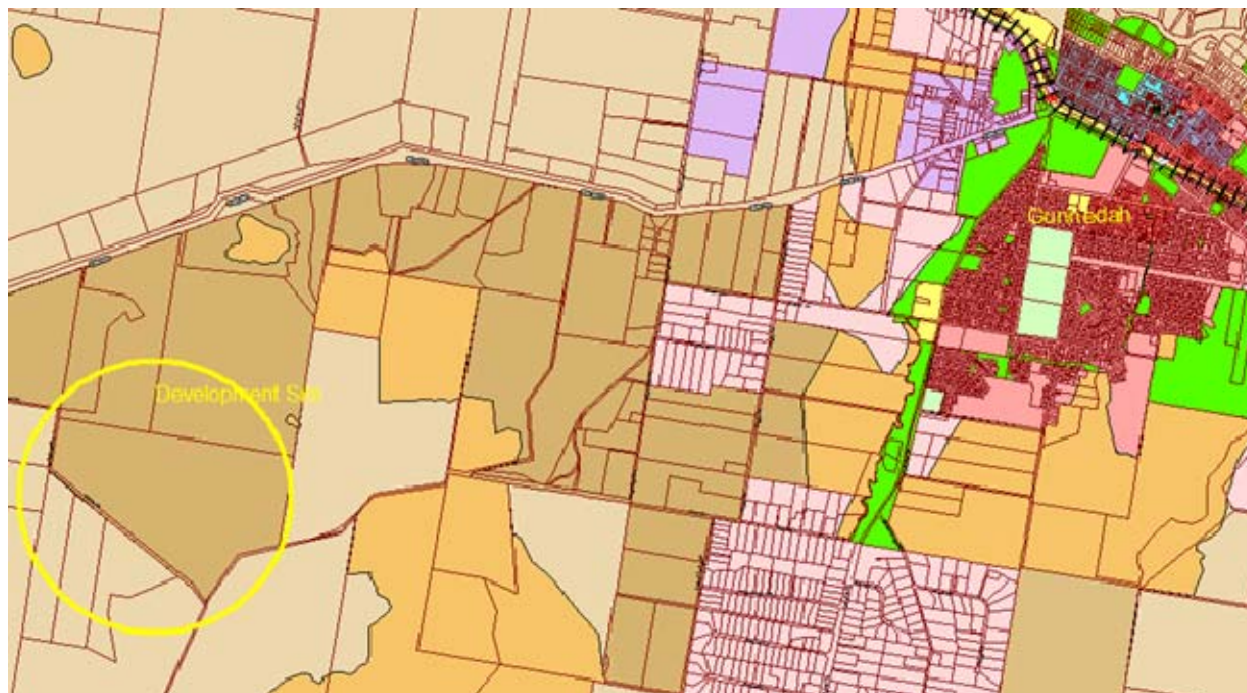
Assessment

The development application identified the site as core koala habitat as per the definition within the State Environmental Planning Policy No. 44 – Koala Habitat Protection.

“core koala habitat means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.” – SEPP 44, Koala Habitat Protection.

Due to the development site being regarded as being core koala habitat, a Koala Plan of Management (KPoM) was prepared and submitted to Council.

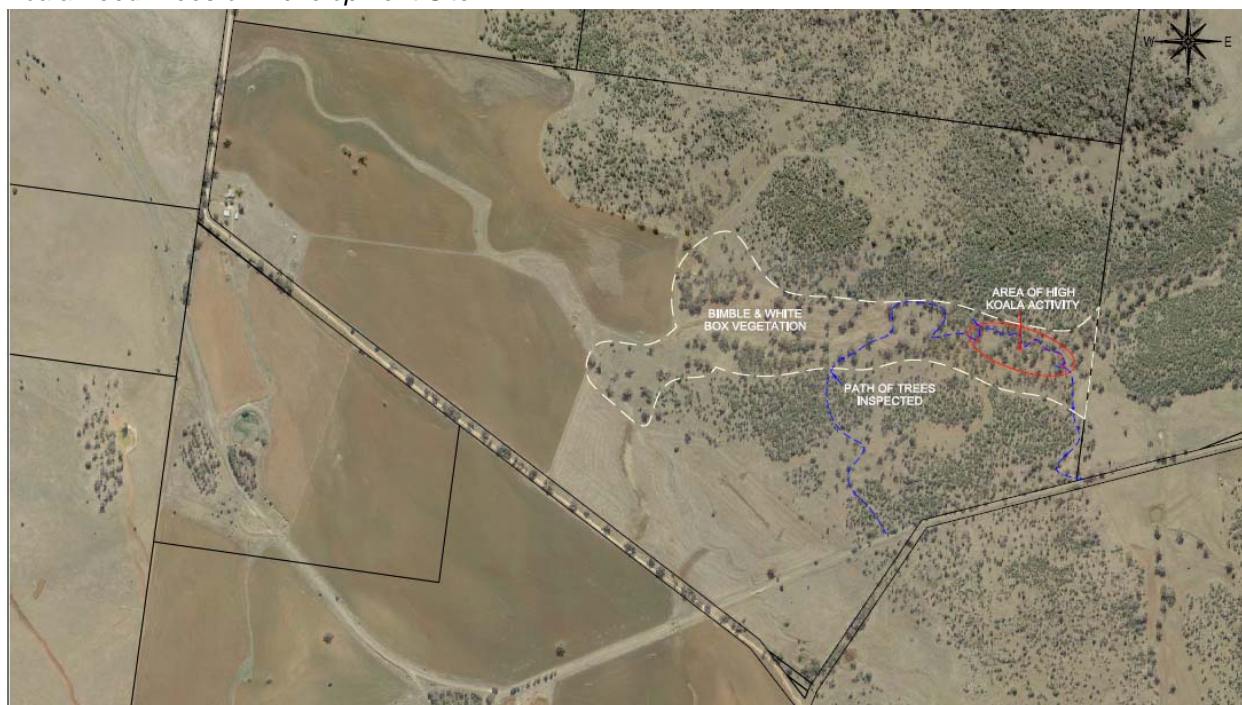
Development Site



Assessment of Proposed Koala Plan of Management

During the investigation of the development site, no Koalas were observed on the site within the surveyed area. Historical information and surveyed data of the site and the surrounding area estimated that the site could possibly support a population of Koalas anywhere from 0.1 Koalas per hectare, up to 0.75 Koalas per hectare. Previous studies of the site (Council's draft Part LGA Comprehensive Koala Plan of Management) identified an average of 0.3 Koalas per hectare in the Gunnedah region. The site contains at least 23.5 hectares of potential koala habitat and based on the approximate density of individuals across this area, the site could potentially contain anywhere between 2 and 18 individual across the site.

The development site contains two identified koala feed tree species that are listed within Schedule 2 of SEPP 44, being Bimble or Poplar Box (*Eucalyptus Populnea*) and White Box (*Eucalyptus Albens*). Across the entirety of the site, it is expected that there is approximately 21ha of identified koala feed tree species, that constitutes core Koala Habitat. Identified koala feed tree species are calculated to have a density of approximately 19% across the site. As this is greater than 15% of the trees within the upper or lower strata component, the site is identified as "potential koala habitat". These areas of high concentration of koala feed tree species are demonstrated on the below site plan.

Koala Feed Trees on Development Site

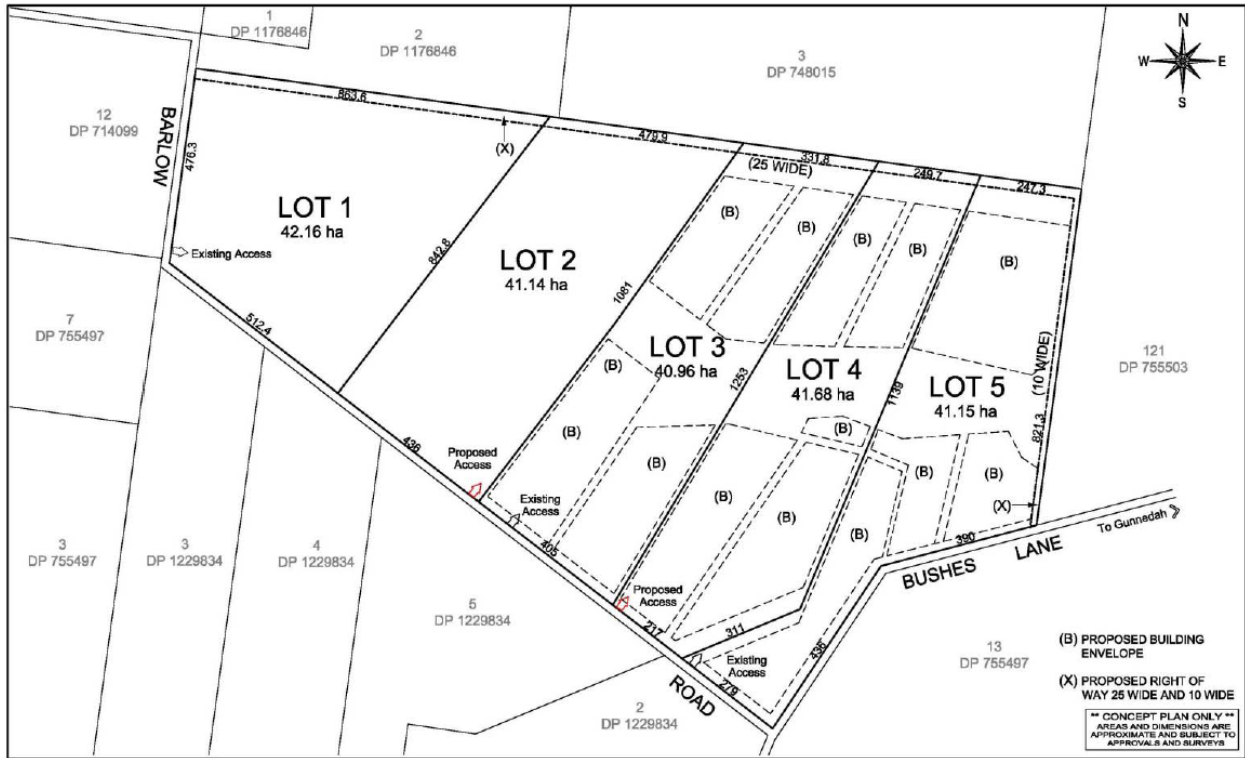
The development site contains koala habitat and borders a further 110 hectare area of native vegetation located to the east of the site. The external boundary of the property currently contains fencing between the development site and the adjoining areas of native vegetation. The Koala Plan of Management will require that dividing fences are climbable for Koalas to enable Koalas to traverse the site. It is not expected that the result of the development will affect the existing Koala corridors between the site and the adjoining areas of koala habitat.

The Koala Plan of Management identifies that the potential threats to Koala populations on the site and within the immediate area surrounding the site is from loss of habitat, vehicle collisions, dog attack, physical barriers, bushfire and disease. The Koala Plan of Management includes provisions for controls to reduce the potential for impact of these threats on any individuals located within the site.

The development is not proposing the removal of any trees from the site. Hence, no subsequent planting or monitoring is required. It is proposed to incorporate any existing trees into dividing fence construction to assist with koala movement across the site.

Building Envelope Map

A building envelope is to be created over proposed lots 3, 4 and 5 to ensure that these lots, that contain Core Koala Habitat, are protected and no development occurs in these areas that may impact and reduce the quality of the habitat in this area.



A Restriction as to User is to be registered on any lot that contains koala habitat to ensure that new boundary fences are constructed with materials that enable koalas to transverse the site, including the retention of existing trees to enable koalas to climb over the fences. The Restriction as to User will make purchasers aware of this restriction prior to purchase.

The subdivision proposal does not involve any construction works within the created lots at this time. The existing exterior boundary fences will be retained. It is expected that future development will occur on each lot. It is also proposed that a building envelope will be placed on lots that contain koala habitat.

To protect Koala populations from any potential for domestic dog attack, it is included within the Koala Plan of Management that no dogs will be allowed. It will be required that a Restriction as to User be imposed on any lot that contains Koala habitat. The Restriction as to User will be registered onto the land title to make purchasers aware of this restriction prior to purchase. This aims to remove the potential of domestic dog attacks.

To reduce the potential for vehicle collisions, it is proposed that a speed limit restriction of 20km/h will be imposed within each of the created lots. The discovery of any injured or ill Koalas onsite is to be reported to local care and rescue groups.

Any pool installed on any of the created lots, should include the installation of a compliant Koala exclusion fence around any pool yard. Alternatively, the pool could include a lagoon section level with the surrounding pavement or the installation of a rope with a floatation device with a minimum length of 2m and diameter of 5cm, secured to a point beyond the pool close to the ground. Either of these options will enable any Koala to escape the water. It is recommended that these exclusions be registered onto the lands title in a Restriction as to User registered on to the land title to ensure that all land owners are aware of the development requirements for any of the resulting lots created in compliance with this Koala Plan of Management.

The creation of the subdivision will create four (4) additional lots for future development. The development site is partly cleared and used for agricultural activities. The development is not proposing a change of use to the site. The adjoining land is agriculturally zoned and is considered as part of the same habitat area. The provisions for movement corridors under this Koala Plan of Management will include boundary fences to ensure that koalas can access habitat on this site and adjoining allotments. This will ensure that Koalas are not restricted from moving freely between areas of habitat.

The development is considered to have minimal impact on the populations of koalas on the site. The objectives of the report are to retain the majority of existing vegetation onsite, maintain koala access to the site, and ensure that koalas are not placed at increased risk. These matters are supportive of Council's Koala Strategy that has objectives to create or enhance habitat connectivity, protect remaining koala habitat through implementation of suitable development controls, and provide acceptable development standards and appropriate alternatives to these standards.

As no action is required that requires further monitoring or investigation of the site, no provisions are required within the Koala Plan of Management for ongoing subsequent reports, review or monitoring. Any action required within the Koala Plan of Management is to be registered on the land title as a Restriction as to User to ensure that ongoing implementation of these recommendations are enacted.

Conclusion

The submitted development site Koala Plan of Management is considered to be consistent with the legislation requirements as set under State Environmental Planning Policy No. 44 – Koala Habitat Protection. The proposed management strategies and performance criteria are satisfactory, with regard to the impacts of the proposed development and all monitoring and mitigation measures. The submitted Koala Plan of Management for the subdivision of one (1) lot into five (5) lots, at Lot 1 DP 1229834, 221 Barlow Road, is recommended for endorsement by Council.

Other Comments

The Koala Plan of Management has been referred to the Department of Planning and Environment for approval.

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Shire of
Gunnedah
Land of Opportunity
