



MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE
DIRECTORATE	Planning and Environmental Services
DATE	Wednesday 5 April 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. Development Application No 472876.002 – Modification to Reduce Number of Lots and Amend Lot Boundaries – Lot 2 DP858991 – 110-168 Kamilaroi Highway, Gunnedah..... 3

Objectives

Andrew Johns
 DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Apologies to: 6740 2120


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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. 472876.002 – Modification to Reduce Number of Lots and Amend Lot Boundaries – Lot 2 DP858991 – 110-168 Kamilaroi Highway, Gunnedah
MEETING	Planning, Environment and Development – 5 April 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. Operational Plan 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act.
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

That the Modification of Consent No. 472876.002 for the reduction of number of lots created and amend lot boundaries at 110-168 Kamilaroi Highway, Gunnedah, Lot 2 DP858991, be approved subject to the following amended conditions:

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

A1. Deleted

A1a. The development shall 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;
- Modification of Consent Application, lodged 30th January 2017;
- 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 8 March 2017, Job No. 3089, Drawing No. 1 of 1;
- Industrial Subdivision Intersection Plans, prepared by ACOR Consultants (NNSW) Pty Ltd, dated 09/02/2017, Project No. NE140069, Issue 2, Drawing No. C01.01 (Existing Features and Services Plan), Drawing No. C02.01 (Intersection Geometry Plan Layout), Drawing No. C03.01 (Road Control Alignment Plan), Drawing No. C04.01 (General Arrangement Plan), Drawing No. C13.01 (Pavement Plan), Drawing No. C14.01 (Subsoil Drainage Plan), Drawing No. C15.01 (Pavement Marking and Signposting), Drawing No. C16.01 (Erosion and Sediment Control Plan, Notes and Legend), Drawing No. C17.01 (Swept Paths Plan 19m Semi-Articulated Vehicle), Drawing No. C17.02 (Swept Paths Plan 26m B-Double);

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. A five (5) metre wide easement for water services shall be established on proposed Lot 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.** A five (5) 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

- 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 is have 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.

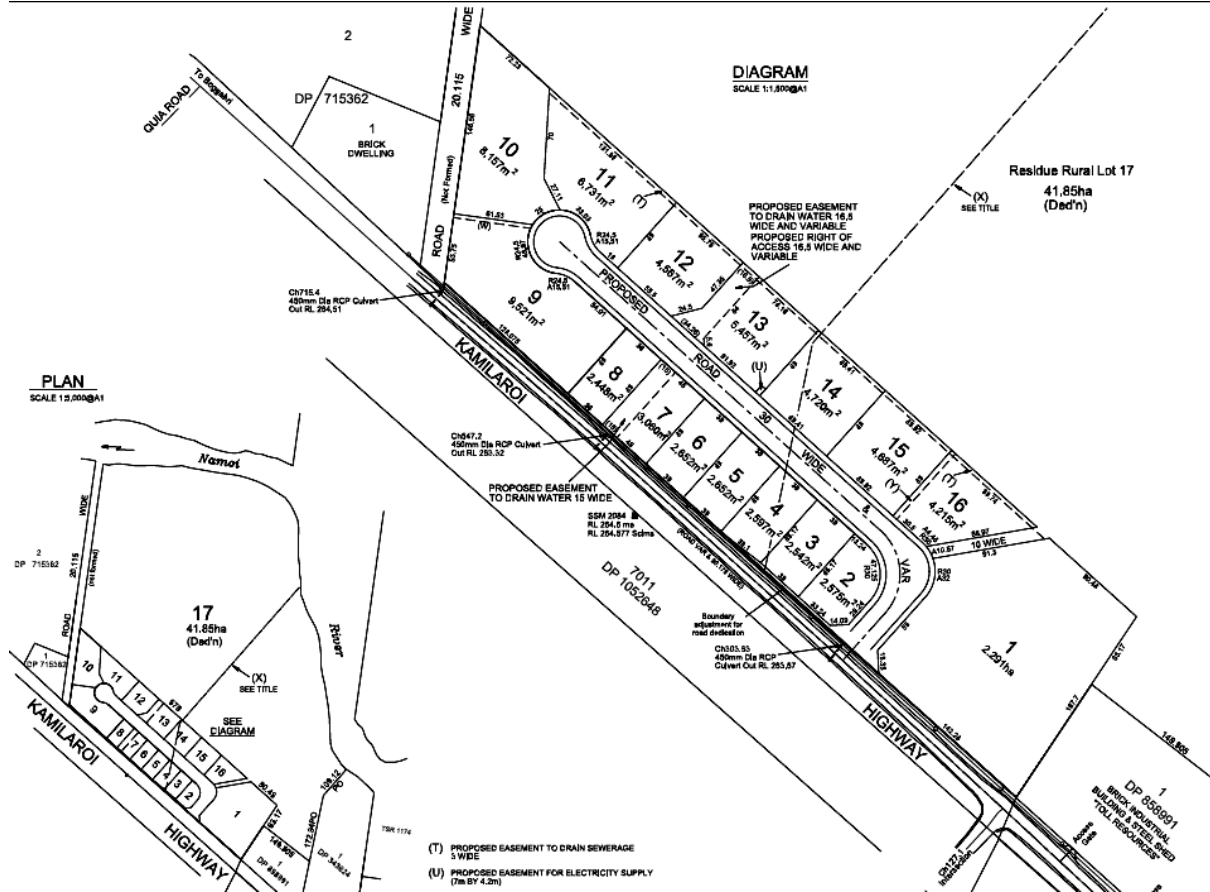
Reason: To ensure payment of application fee.**PURPOSE**

The Modification of Consent Application is being referred to Council as the original development consent No. 472876 was previously determined by Council.

Applicant:	Burrell Developments Pty Ltd
Owner:	Mayderi Pty Ltd
Property Description:	Lot 2 DP858991, 110-168 Kamilaroi Hwy, Gunnedah

Proposed Development

The modification of consent request is seeking to amend development plans to reduce the number of lots created from 19 lots to 17 lots, and alter position of boundaries between lot 10 and 11.



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. Construction works for the development have since 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 either 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 development site has a minimum lot size of 200ha towards the rear of the site within the rural zoning. There is no minimum lot size requirement for within the Industrial zoned area of the lot. The creation of the lots will be conducted entirely within the industrial zoned area. As there is no minimum lot size requirement the alteration to the lot sizes is not required to meet minimum lot size requirements.

6.5 – Essential Services

The proposed modification will not impact on the provision of any services provided to any of the lots created. Road frontages and lengths are to be unchanged and all extension of Council’s infrastructure will be unchanged. 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 is a minor modification to the original determination and hence did not require notification to the adjoining land holders.

5.2 – Servicing Strategy

The amendment to conditions D6 and D13 are to ensure that these conditions reflect the resulting lot numbers on the amended subdivision development plan. D14 is no longer required as the right of way is no longer on development plans. The amendment to these conditions does not reduce or relocate the necessary provision easements with the development.

5.9 – Industrial Lots

The modification of consent will not result in any of the lots having a frontage of 24 metres or less. The modification will widen the frontage of Lot 10. The modification will not result in any of the lots to be created having a lot area of less than 1,000m². The lot positions and layout will ensure that the lots created are viable for future developments.

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 is predominately small agricultural holdings and industrial uses, with the rear of the site adjoins the Namoi River. Construction works for the proposed subdivision have commenced with earth filling being deposited onsite 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.

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

The modification is considered to be a minor modification and did not require notification to the adjoining land holders. The nature of the modification of consent would ensure that there would be no impact on the adjoining land holders as a result of the proposal.

S79C(1)(e) the public interest

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

The suitability of the Site for the Development

The modification of consent will not change the development proposal. The development site is consistent with the existing and future development in the locality and will not impact on the ability of the commenced development to be completed and functional. The site is not identified as being bushfire and does not contain an item of heritage significance. Hence, the site is considered to be suitable for the development.

Conclusion

The Modification of Consent Application is seeking consent for the modification to the subdivision plan to enable the reduction of lots from 19 lots to 17 lots and the realignment of lot boundaries. 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 Development Application No. 472876.002, for the reduction of number of lots and amendment to lot boundaries, at 110-168 Kamilaroi Highway, Gunnedah, Lot 2 DP858991, be approved.

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Shire of
Gunnedah
Land of Opportunity
