

PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES
of Gunnedah Shire Council held on Wednesday 4 September 2019 in the
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:00pm

1.

COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	ABSENT
J Chaffey		X	
JR Campbell		X	
C Fuller	X		
OC Hasler	X		
R Hooke (in the Chair)	X		
A Luke	X		
D Moses	X		
M O'Keefe		X	
RG Swain	X		
STAFF			
General Manager (E Groth)	X		
Director Corporate and Community Services (C Formann)	X		
Director Planning and Environmental Services (A Johns)	X		
Director Infrastructure Services (J Bartlett)		X	
Chief Engineer (D Noble)	X		
Chief Financial Officer (D Connor)		X	

*MOTION Moved Councillor A LUKE
Seconded Councillor D MOSES*

2. **DECLARATIONS OF INTEREST**

COUNCILLOR	ITEM	REPORT	P	SNP	LSNP	RC	REASON
D MOSES	3.1	Development Application 2019/031 – 205-207 and 209-211 Bloomfield Street, Gunnedah	X				Friend and work for the proponent and will be leaving the Chamber.
RG SWAIN	3.2	Development Application 2019/052 – 113-131 Gunnedah Street, Carroll			x		Proponents friends of the family will be leaving the Chamber
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
NIL							

P – Pecuniary
 SNP – Significant Non Pecuniary
 LSNP – Less than Significant Non Pecuniary
 RC – Remain in Chamber during consideration/discussion of item

Councillor D Moses declared an interest, left the Chamber and took no part in discussion or consideration of this item.

ITEM 1 **Development Application No. 2019/031 – Demolition (relocation) of existing dwelling, demolition of outbuildings, construction of extensions to the existing child care facility and consolidation of lots into one lot – Lot 1 DP1229687 and Lot 7 Sec 33 DP758492 – 205-207 and 209-211 Bloomfield Street**

MEETING **Planning, Environment and Development Committee – 4 September 2019**
DIRECTORATE **Planning and Environmental Services**

AUTHOR	Acting Manager Development and Planning
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

1.09/19P **COUNCIL RESOLUTIONS:**

That the Development Application No. 2019/031, for the relocation of the existing dwelling house, demolition (relocation) of existing outbuildings, construction of an extension to the existing Centre-based Child Care Facility to accommodate an additional 48 children and the consolidation of two lots into one lot, at Lot 1 DP1229687 and Lot 7 Sec 33 DP758492 – 205-207 and 209-211 Bloomfield 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 strictly in accordance with the details set out in the following:

- Development Application form lodged 12/04/19;
- Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, dated 10 April 2019, ref: 5161;
- Further Information, provided Stewart Surveys Pty Ltd, dated 15 May 2019, Ref: 5161;
- Submitted plans:
 - Prepared by Alto Architects Pty Ltd, dated 22/08/2019, Ref: 181202BLO, Drawing No. SD-100, Issue B (Site Plan – Ex/Dem), Drawing No. SD-101, Issue B (Site Plan - Proposed), Drawing No. SD-200, Issue B (Ground Level), Drawing No. SD-201, Issue B (Roof Level), Drawing No. SD-400, Issue B (Building North & South Elevation), Drawing No. SD-401, Issue B (Building East & West Elevation);
 - Prepared by Stewart Surveys Pty Ltd, dated 22 August 2019, Ref: 5161, Plan of Proposed Consolidation; & dated 14 May 2019, Ref: 5161, Landscape Plan; & dated 22 August 2019, Ref: 5161, Drawing No. 1, Rev C (Site Servicing Strategy);
- Supporting Documentation:
 - Site Servicing Strategy Report, prepared by Stewart Surveys Pty Ltd, dated 10 April 2019, Ref: 5161;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

A2. To confirm and clarify the terms of this approval, consent is granted for a childcare centre with a maximum of 128 children.

Reason: To ensure compliance with development controls.

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 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

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

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

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- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
 - (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
 - (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
 - (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

Reason: To ensure compliance with the statutory requirements.

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 certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (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 certifying authority 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. 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. Prior to Commencement of Building Works

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

Reason: To meet statutory requirements.

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

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

Building Works

- C3.** Prior to building works for the centre-based childcare facility, Council's sewer main is to be reconstructed in accordance with the submitted Servicing Strategy, prepared by Stewart Surveys Pty Ltd, dated 10 April 2019, Ref: 5161, and the amended services plan, prepared by Stewart Surveys Pty Ltd, dated 14 June 2019, Ref: 5161, Drawing No. 1, Issue B.

Reason: To ensure no construction works occur over Council's Infrastructure.

D. Prior to the Issue of a Construction Certificate

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

Reason: To comply with statutory requirements.

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

Reason: To ensure compliance.

- D3.** Prior to the issuing of a Construction certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 94A of the Environmental Planning and Assessment Act 1979. The current calculated levy payable is \$4,000, revised construction cost may incur a varied levy fee.

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

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

- D4.** In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000 plans are to be submitted with the Construction Certificate demonstrating how the building will fully conform to fire and spread of fire requirements of the Building Code of Australia.

Reason: To ensure fire safety.

- D5.** Prior to the issuing of a Construction Certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:

- (a) Carry out water supply works
- (b) Carry out sewerage works
- (c) Carry out stormwater drainage works

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

Reason: To ensure environmental health standards are met.

Infrastructure Works

- D6.** 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 infrastructure works commencing. 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 Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with application and plans.

E. General

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

Reason: To ensure stormwater is appropriately disposed of.

Outdoor Lighting

- E2.** Outdoor lighting is to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS4282 Control of Obtrusive Effects of Outdoor Light*.

Reason: To ensure compliance.

Traffic and Parking

- E3.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with *AS 2890 – Parking Facilities* and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

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

- E4.** Onsite car parking accommodation shall be provided for a minimum of twenty six (26) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.

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

- E5.** Exit only signage is to be provided in a prominent position at the new Bloomfield Street vehicle access, being clearly visible from the street. A designated left turn only sign is to be placed in a prominent position within the property boundary at the driveway exit onto Bloomfield Street. A left turn only directional arrow shall be painted on the car park pavement within the property boundary.

Reason: To ensure adequate information is provided to Council.

- E6.** The developer is to provide a privacy screen, consistent with the existing privacy screen, along the south property boundary between the development site and Lot C DP 342233, 50B Carroll Street, to a height not exceeding 2.5 metres.

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

Infrastructure Works

- E7.** All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's requirements.

- E8.** The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance with Council's requirements.

Easements

- E9.** A three (3) metre wide easement in Council's favour shall be created over all water, stormwater and sewer mains located within lot boundaries.

Reason: To ensure compliance with Council's requirements.

F. During Demolition Works

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

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

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

Reason: To ensure compliance and safety of workers.

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

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

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

Reason: To ensure compliance and protect amenity of area.

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

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

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

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

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

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

G. During Construction Works

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

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

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

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

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

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

Reason: To ensure compliance with approved application and plans.

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

Reason: To ensure legal requirements.

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

Reason: *To ensure site safety.*

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

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

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

Reason: *To ensure compliance efficient construction.*

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

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

G8. The removal of the single silky-oak tree in front of Lot 7 Sec 33 DP 75849, from the footpath of Bloomfield Street is to be removed at the developers cost by a suitably licensed contractor.

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

G9. Toilet facilities

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

Each toilet provided:

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

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

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

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

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

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

Reason: To ensure environmental health standards are met.

- G10.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

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

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

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

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

Reason: To ensure amenity of the neighbourhood is maintained.

- G11.** The developer shall install to Bloomfield Street a full width concrete kerb layback and concrete driveway crossing across the footpath to give access to the development site in accordance with the approved site plan, Prepared by Alto Architects Pty Ltd, dated 22/08/2019, Ref: 181202BLO, Drawing No. SD-101, Issue B. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at: <http://www.gunnedah.nsw.gov.au>

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2%. Internal driveway grades shall be in accordance with AS 2890 – 2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

Reason: To ensure access is maintained and to implement Council's policy

Water Supply

- G12.** A single water service shall be provided to the development site in accordance with the approved servicing strategy, prepared by Stewart Surveys Pty Ltd, dated 22 August 2019, Job No. 5161, Drawing No. 1, Rev C. All redundant sewer junctions are to be decommissioned. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Note: A Water Application Form shall be submitted to Council, together with the installation costs. The installation costs are adopted in the Council's 2019/2020 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 requirements.

Sewer

- G13.** A single sewer service shall be provided to the development site in accordance with the approved servicing strategy, prepared by Stewart Surveys Pty Ltd, dated 22 August 2019, Job No. 5161, Drawing No. 1, Rev C. The sewer service shall be provided by installing a sewer junction in the existing sewer main located in Bloomfield Street. All redundant sewer junctions are to be decommissioned. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's requirements.

- G14.** Prior to the back filling all mains, a visual inspection is to be undertaken by Council.

Reason: To ensure compliance.

- G15.** All back fill over sewer mains shall be a 3-5 mm granular grit.

Reason: To ensure compliance.

- G16.** Vacuum or air testing is required to all mains as per Sewer Code of Australia WSA 02-2002 clause 22.4.2

Reason: To ensure compliance.

- G17.** A mirror inspection to gauge deflections of the sewer main is to be undertaken by Council after 14 days of the installation date on each section from manhole to manhole with full moon witnessed.

Reason: To ensure compliance.

H. Prior to the issue of a Subdivision Certificate

- H1.** The subdivision certificate release fee in accordance with Council's adopted fees and charges, shall be paid prior to the issue of the subdivision certificate.

Note: The above fee is applicable under Council's 2019/2020 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.

- H2.** 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 for each stage. 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.

I. Prior to the issue of an Occupation Certificate

- I1.** 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.

- I2.** Prior to the issue of an Occupation Certificate the subdivision certificate for the consolidation of Lots 7 Sec 33 DP 758492 and Lot 1 DP 1229687 into one lot, is to be registered with the land and property information and notice of the registration provided to Council.

Reason: To ensure no structures are positioned over lot boundaries.

- I3.** Prior to issue of an Occupation Certificate all statutory fire safety measures listed in the fire safety schedule (attached to the Construction Certificate) are to be installed in accordance with the standards detailed and the owner of the property shall provide a fire safety certificate for each statutory fire safety measure to the Principal Certifying Authority.

Reason: To ensure compliance and fire safety of building.

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

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

- \$7,868 for Water headworks
- \$20,437.50 for Sewer headworks

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

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2019/2020 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

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

J. Continued Operations

- J1. 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.

- J2. The development operating hours are limited to the operation of the premises between the following hours:

- Monday – Friday: 7.00am until 6.00pm
- Saturday – Sundays: Closed

Reason: To ensure compliance with application and plans.

- J3. All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- J4. The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

MOTION Moved Councillor C FULLER
 Seconded Councillor A LUKE

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

PURPOSE

This Development Application is being referred to Council for determination as the development application includes a request for the variation to a development standard contained within the Gunnedah Development Control Plan 2012.

Applicant: Mr R Patriquin,
Owner: Mrs B and Mr R Patriquin,
Property Description: Lot 1 DP1229687 and Lot 7 Sec 33 DP758492,
205-207 and 209-211 Bloomfield Street, Gunnedah

Proposed Development

The development proposes the relocation of the existing dwelling house, demolition of existing outbuildings, construction of an extension to the existing Centre-based Child Care Facility (childcare centre) to accommodate an additional 48 children, resulting in a total of 128 children accommodated onsite and consolidation of the two land parcels into one lot.

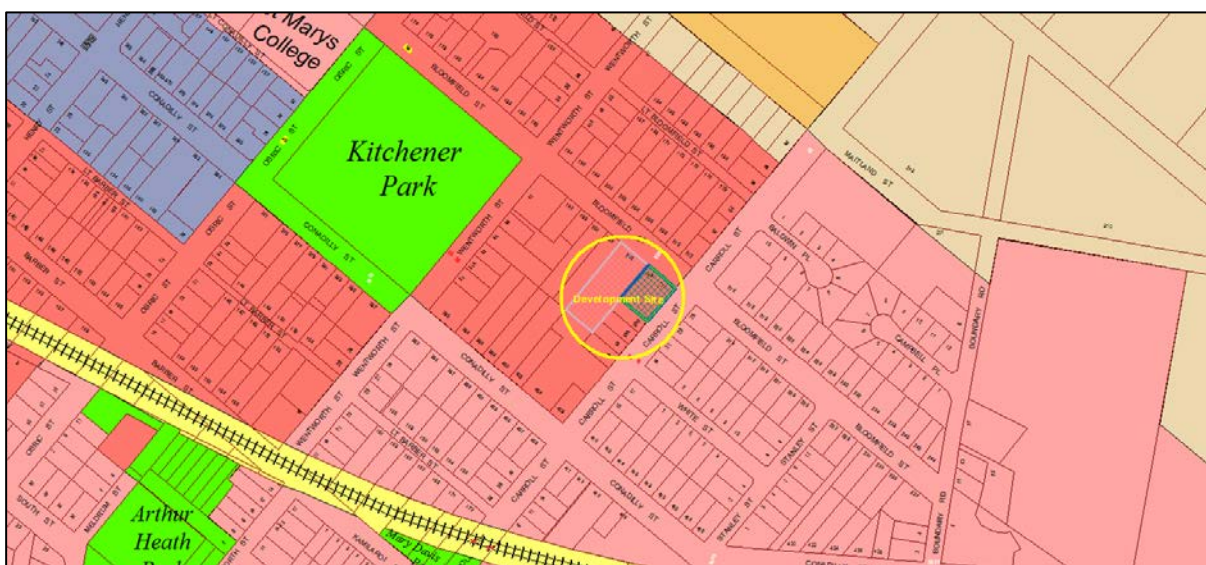


Figure 1 – Site Location

BACKGROUND

In August 2014 Council granted conditional development consent (No. 2014/065), for the operation of the site as a Childcare Centre with an original capacity of 25 children. In February 2017, Council approved an extension to the existing Childcare Centre (Development Consent No. 2016/096) for the construction of a new building for the purposes of childcare, with an increase in capacity to 80 children. Council has also issued development consent on two separate occasions (DA No. 2015/024 and DA No. 2018/083) for the installation of shade sail structures within the building setback.

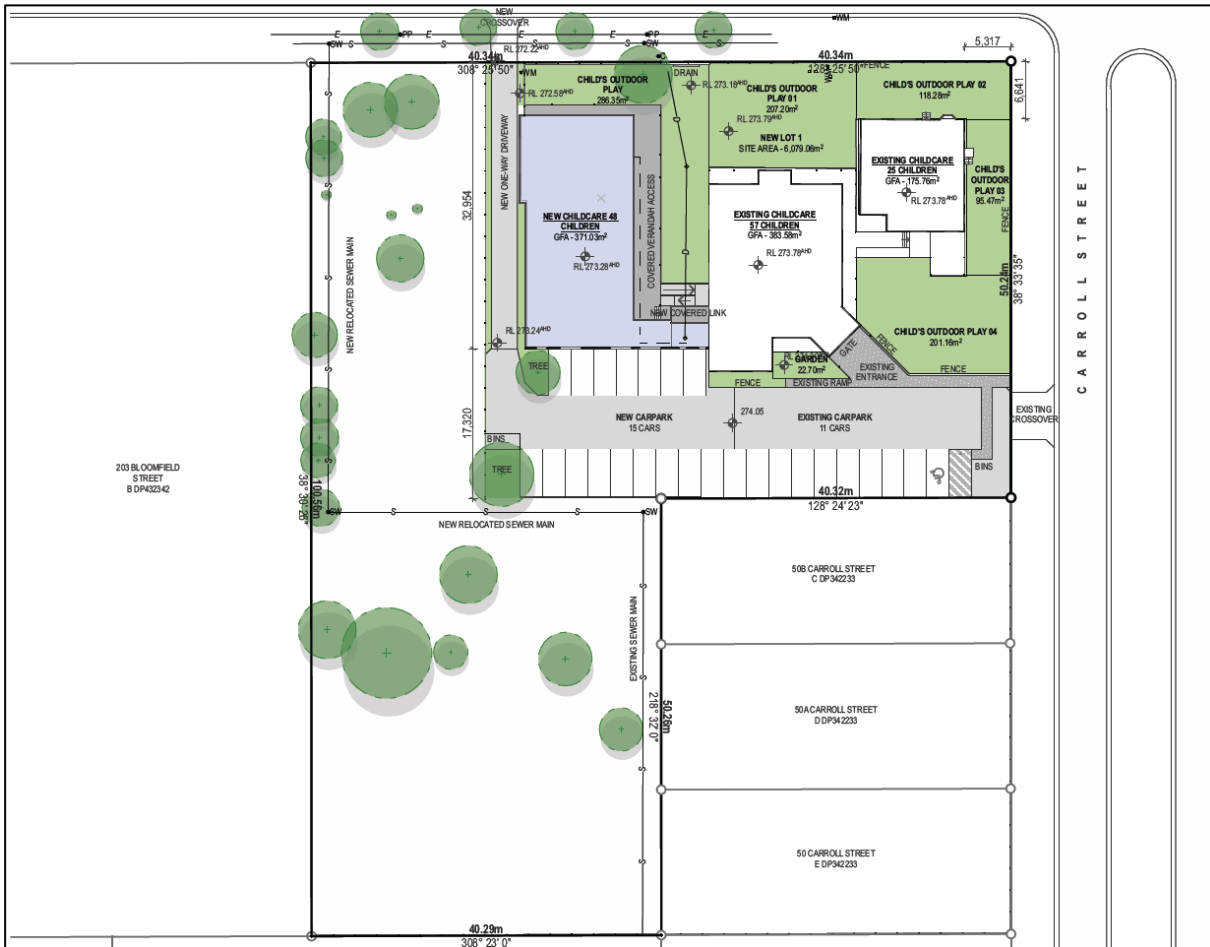


Figure 2 – Site Plan

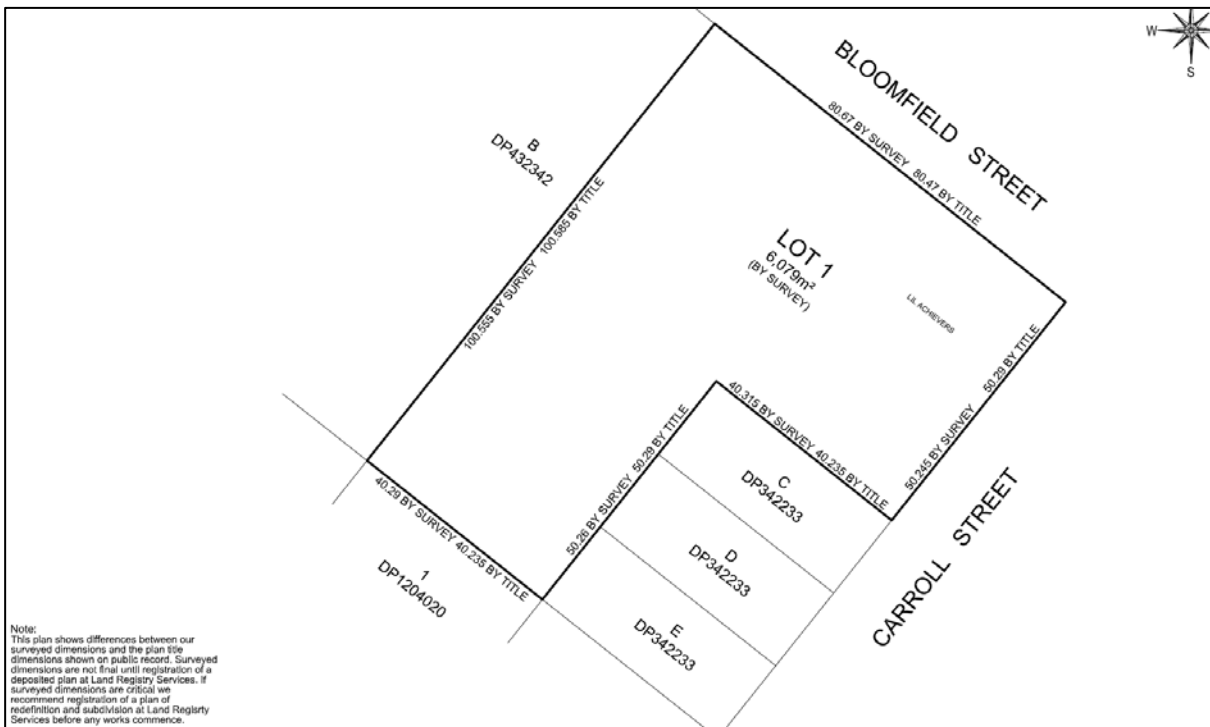


Figure 3 – Plan of Subdivision Boundary Adjustment

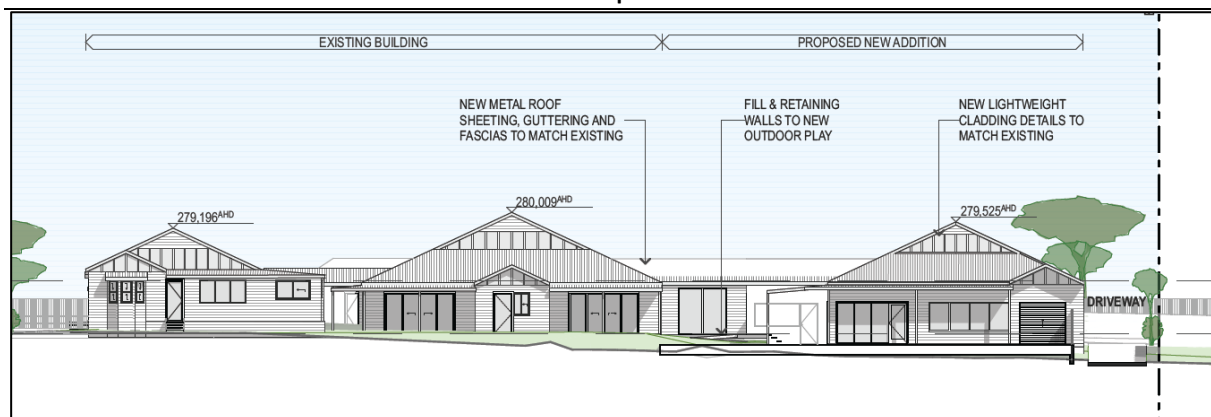


Figure 3

– Elevation Plan

COMMENTARY

Issues

4.15(1)(a)(i) the provisions of any environmental planning instrument

Gunnedah LEP, 2012

The development site is zoned R2 Low Density Residential, under the provisions of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The occupation of the site as a child-care centre is permitted within the R2 zone subject to development consent. The following GLEP 2012 clauses are applicable to the development:

4.1 – Minimum Subdivision Lot Size

The development will result in the consolidation of the two land parcels into one lot. The minimum lot size for the development site is 650m². The resulting lot will have an area of 6,079m². Hence, the development will comply with minimum lot size requirements.

4.4 – Floor Space Ratio

The development site has a maximum Floor Space Ratio (FSR) of 0.5:1. The development site has an existing childcare centre that will be retained. The resulting floor area at the completion of the additions to the childcare centre will be 930.37m² and with the lot having an area of 6,079m². The resulting floor space ratio, post development, will be 0.153:1. Hence, the proposed development will not exceed the site FSR.

6.5 – Essential Services

The development site has provision of Council’s relevant services. All services provided to the existing dwelling on Lot 7 Sec 33 DP 758492 are to be capped off prior to the house being removed. The development proposes to divert the existing sewer main around the new extension to the childcare facility to ensure that the building is not constructed over Council’s sewer main.

The development is expected to have an increase on Council’s services demand, development headworks charges have been imposed as per Council’s Section 64 Development Servicing Plans. The development site has an existing vehicle entry from Carroll Street that will be retained, with a new one way exit to be provided onto Bloomfield Street.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

The development site is less than 1 hectare in size. Hence, the development proposal does not require an assessment of the site under the provision of SEPP 44.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The proposed development will not result in a change of use. A search of Council’s records did not identify any historical use of the site that could potentially have led to contamination of the sites soil profile. The proposed works are not expected to increase the potential risk of site contamination onsite or within the immediate area surrounding the site.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

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 includes the removal of 8 trees from within the building allotment and one tree from within the Bloomfield Street footpath. Refer to *S4.15(1)(b) – Flora and fauna*, further through this report for further details. The removal of these trees is required to enable the extension of onsite parking areas, realignment of lot boundaries and construction of the additions to the existing childcare centre. The vegetation to be removed is identified as being a number of exotic introduced species. The area is highly modified and the vegetation appeared to be part of developed landscaping. As a result it is not expected that these planted vegetation constitutes critical habitat nor would it provide habitat for endangered ecological communities. Council's Development Control Plan does not identify any vegetation for which approval is required and the removal of the vegetation onsite did not exceed Biodiversity Offset thresholds. Hence, Part 3 of the SEPP does not apply to the clearing of this vegetation and no approval is required under Part 3 of the SEPP. The vegetation is not identified as being a heritage item and the site is not within a heritage conservation area. The vegetation was not an item of Aboriginal heritage or an Aboriginal object. Hence, the removal of the vegetation is considered appropriate for the development.

SEPP (Infrastructure) 2007

The proposed development is not expected to increase the existing level of traffic generation to exceed 200 vehicle movements per day. Hence, Council is considered to be the roads authority for the proposed development and no concurrence is required.

4.15(1)(a)(iii) provisions of any development control plan**Gunnedah Development Control Plan 2012 (Gunnedah DCP)****1.7.1 – Notified Development Applications**

The development application is requesting a variation to an adopted development standard to vary council's building line setback. Hence, the application was required to be notified to adjoining land holders. The development application was notified to adjoining land holders for a period of 14 days. Council received one submission during the exhibition period. The matters contained within this submission are addressed further through this report.

2.1.1 – Building Setbacks

Council's building line map positions Council's building line 7.5 metres from Bloomfield Street as the primary property frontage. The development has requested a variation to Council's development standard, seeking consent for the construction of the new additions to the childcare centre 6.036 metres from the Bloomfield property frontage. The development proposes to construct the additions to the childcare centre 6.062 metres from the Bloomfield Street road frontage. The section of the building within the building setback will consist of 30% of the entire development elevation.

Council's Development Control Plan 2012, contains a discretionary development standard that enables residential development, consisting of 50% of the dwelling elevation, to be positioned within the building line setback to a distance of 4.5 metres from the front property boundary. The development site is located within a residential area, where this discretionary development standard would apply, although this is not a residential development. The portion of the building located within the building setback incorporates a verandah along the front of the building which will help to create a variation in the elevation appearance and provide a positive visual articulation of the building structure, being consistent with the aforementioned discretionary development standard. Due to the position of the property within a residential zone is reasonable to apply the same consistency with required development setbacks.

Council has previously approved variations to Council's development standard for building setback to enable the construction of shade sales 500mm from the Bloomfield Street setback at this site. Based on the above assessment the proposed variation is supported as the visual impacts will be consistent with residential development that has and can occur within the surrounding locality, and would have been possible on this site if this development has been a residential development.

5.1 – Lot Size

The lot to be created by the consolidation of the two lots will comply with the minimum lot size as specified by Clause 4.1 of the Gunnedah Local Environmental Plan. The lot is compliant with the frontage to depth ratio of 1 to 5.

5.2 – Servicing Strategy

The development application was accompanied by a servicing strategy that ensured that all suitable services are able to be provided to service the site. Individual service requirements and compliance with service provision is addressed in the following sections.

4 September 2019

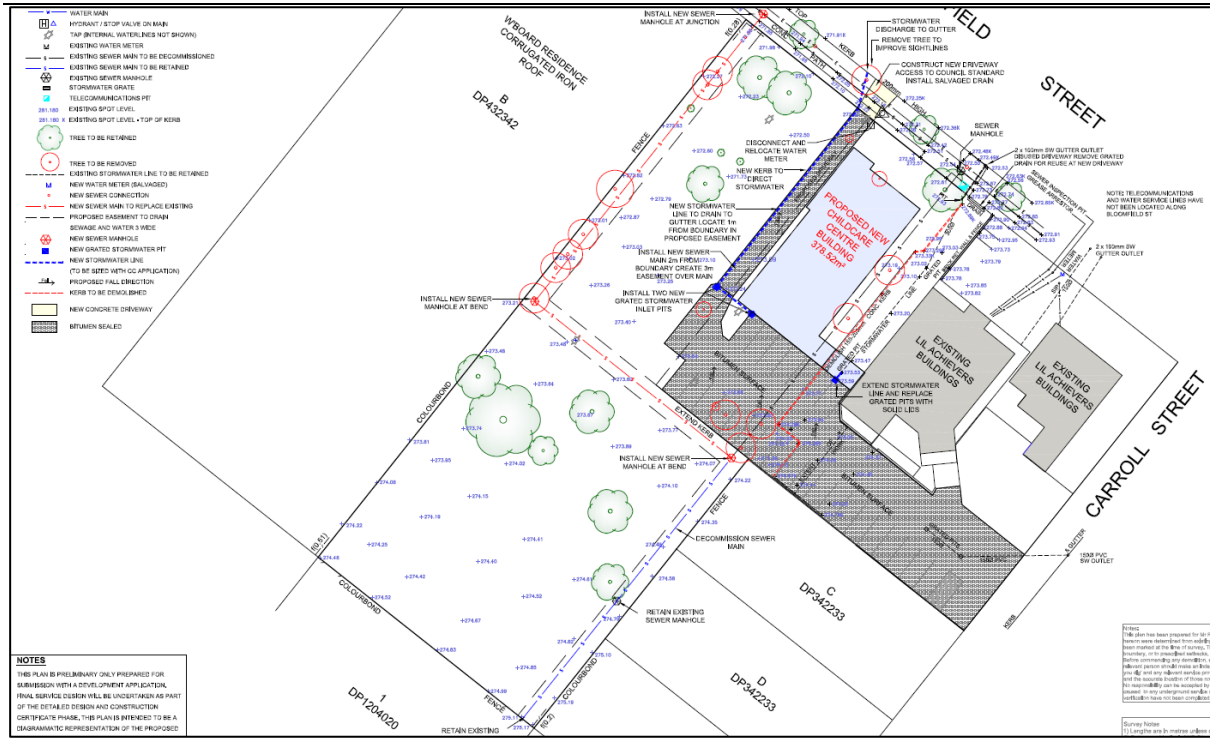


Figure 4 – Servicing Strategy

5.3 – Sewer

There is an existing sewer main located along the frontage to the site within Bloomfield Street. There is also an existing sewer main that drains along the east boundary of the existing Lot 7 Sec 33 DP 758492. The proposed extension to the childcare centre would have been constructed over this sewer main. Hence, the developer has proposed to relocate the sewer main to the western boundary of the resulting lot, as shown in figure 4 above, to ensure that sewer services are unaffected. The alteration of the sewer main will require the creation of a 3 metre wide easement over the entire main. The existing sewer connection to Lot 7 Sec 33 DP 758492 will be removed and a new connection made from the existing sewer main located in Bloomfield Street.

5.4 – Water

Council’s water main is located within the road reserve of Carroll Street and Bloomfield Street. Each of the current development allotments has individual connections to Council’s service. The development will consolidate the two existing lots into one with any redundant water connections are to be removed. The developer has indicated that the existing water meter to Lot 7 Sec 33 DP 758492 is to be removed. The existing water connection that services the childcare centre will be retained to service the site with Council’s water services.

5.5 – Stormwater

Stormwater from the development will be directed to the Council’s stormwater network through discharge to kerb and guttering in Bloomfield and Carroll Streets. There are no inter-allotment drainage lines located within the development site or easement that Council is aware of that drain stormwater through the site.

5.6 – Telecommunications

The existing telecommunication service will be retained as part of the development. No new telecommunication service is required as the lots will be consolidated into one lot.

5.7 – Electricity

No new electrical service connection is required as the lots will be consolidated into one lot. Overhead electrical transmission lines are present within the road frontage to the site and can be connected, if required, in consultation with the local service provider.

5.14 – Site Access

Access to the site will be retained by the existing access from Carroll Street. A new access from Bloomfield Street will be created for exit of vehicles directly onto Bloomfield Street, creating the flow of traffic through the site.

5.17 – Vegetation

The development will retain vegetation within the lot area where possible. Identified vegetation removal is necessary to accommodate the extension to the existing childcare centre. All remaining existing vegetation will be retained.

5.18 – Garbage Collection

The development site has suitable road frontage to enable for kerb side collection. There is adequate area within the existing road reserve to enable the movement of waste collection vehicles.

5.20 – Contamination

An assessment of the potential for the site to be contaminated from historical land use has been completed and previously mentioned through this report (assessment under SEPP 55).

6.2 – Parking Requirements

Council's development control plan requires for the provision of one onsite parking spaces per 5 children accommodated at the site. The proposed extension to the childcare centre will result in a total capacity of 128 children onsite. The development proposes to extend the existing onsite parking area to provide an additional 15 onsite parking spaces, resulting in a total of 26 onsite parking spaces provided onsite, including one accessible parking space (disability parking space). The proposed parking layout complies with AS 2890. The resulting number of onsite parking spaces is acceptable for the development.

6.3 – Landscaping

As the onsite parking requirement exceeds 10 parking spaces, the development requires landscaping in and around the parking areas that reduces the visual impact on the presence of hard sealed areas on the site. The developer has provided a landscaping plan that identifies the planting of vegetation between the parking area and the boundary along Carroll Street and surrounding the newly created parking spaces. It is expected that the proposed planting will shade the parking area. Landscaping around the remainder of the facility will be unaffected.

6.4 Outdoor Lighting

All new external lighting is to be installed in accordance with *AS 4282 Control of Obtrusive Effects of Outdoor Lighting* to reduce the potential impacts from light spill on the surrounding area.

6.6.1 – Environmental Effects

- *Traffic*

The development is expected to result in an increase in traffic generation within the surrounding area. The development includes a traffic impact assessment that identifies the current level of traffic volumes within the immediate surrounding road network.

Traffic is expected to continue entering the site from Carroll Street with internal driveways providing access to the onsite parking areas. Traffic will turn left into the site from vehicle traveling north along Carroll Street due to the presence of a median island that inhibits the ability of vehicles to turn across traffic along Carroll Street to enter the site. Traffic will flow in one direction through the site to exit the site from Bloomfield Street. Exit from the onsite parking areas will be to Bloomfield Street. The Traffic Impact Assessment identified that all traffic exiting onto Bloomfield Street should be directed to turn left only to avoid turning across traffic due to the levels of current traffic along Bloomfield Street. The existing vehicle access to Bloomfield Street is to be made redundant and is to be removed as part of the proposed development works and a new access point to Bloomfield Street be created.

Due to the nature of the development it is expected that the development will have peak times for traffic. Peak traffic times are expected to be during 7am until 9am for children being dropped off and 4pm until 6pm for child collection. The development is expected to increase staff and children numbers which will in turn increase levels of movements to and from the site.

The increase in traffic levels along the road network is expected to be marginal with an expected increase of average vehicles from the current 170 movements per day to 193 movements per day based on the increase to support an additional 48 children and subsequent staff increases, being a 12% increase on current traffic volumes. The intersection of Carroll and Bloomfield Street will be marginally unaffected by the development due to the flow of traffic through the site to exit onto Bloomfield directly. The only activity to this intersection from the development will be patrons that elect to use on street parking spaces along Carroll Street. There is no upgrade to the surrounding road network required as a result of the proposed development.

- *Flood Liability*
The development site is not subject to flood inundation as mapped within the Gunnedah LEP flood mapping being the expected 1 in 100 year flood event level. Hence, there are no specific flood planning requirements.
- *Slope*
The site has a gentle slope falling from the rear of the site towards Bloomfield Street.
- *Construction Impacts*
The development will involve the demolition of the existing dwelling from the site to enable the construction of the new additions to the existing childcare centre. Restricted demolition and construction hours are to be imposed to ensure that the impact on the surrounding area is minimised. The works will include the relocation of Council's sewer main infrastructure that services properties upstream. Works for the extension of the sewer main will be conducted in consultation with Council's Infrastructure Services Department.
- *Solid and Liquid Waste*
The development will require the diversion of Council's sewer main as the proposed extension to the child-care centre will occur over the location of Council's existing main. The sewer main is to be diverted downstream of the adjoining residences connection point and will be reconnected with Council's sewer infrastructure located in Bloomfield Street. The proposed works are to be undertaken in accordance with Council's Engineering Guidelines for Subdivisions and Development, Version 2, August 2013. It has been determined that there is suitable fall across the site to achieve invert depth to drain to the sewer main located in Bloomfield Street. The development will require the creation of a 3 metre wide easement of the existing sewer main and the new sewer main were located within the development lot.

General operational waste will be collected onsite and disposed via Council's kerb side service. The development will not generate any liquid trade waste.
- *Air Quality*
The development is not expected to produce any potentially harmful pollutants. The hard sealing of the internal driveways will ensure that dust generation from vehicle movements will not become an issue.
- *Noise Emissions*
The development is not expected to result in any noise and vibration with the exception of the construction phase. Assessment has been completed further through this report.
- *Water Quality*
The development is not expected to have any impact on water quality. Stormwater is to be discharged directly to Council's stormwater network.

6.6.5 – Noise

The development is not expected to result in any substantial noise generation. The development does not propose to extend the existing operating hours that are between 7am to 6pm, Monday to Friday. Children play areas and class rooms have been located along the road frontages to Bloomfield Street away from adjoining property boundaries, to ensure that any general noise that is generated from these areas will have little impact on adjoining land holders. Car parking areas and driveways positioned around rear and side property boundaries will ensure that this creates a buffer zone between the operations and neighbours. As a result the levels of noise are not expected to have any impact or become a nuisance to the amenity of the surrounding area. The expected noise levels generated from a childcare centre are expected to be minimal. Noise generation during constructed will be limited to Council's standard operation hours.

4.15(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality

Context and Setting

The development site is currently two allotments. One lot contains the existing childcare centre and the other contains an existing dwelling house and associated outbuildings. The surrounding area is primarily made up of residential dwelling houses and a motel in close proximity. The development will involve the removal of the existing dwelling to enable the extension of the childcare centre. The proposed development is not similar to adjoining development but is considered to be a suitable land use that will not have any significant impact on adjoining land holders.

Access, Transport and Traffic

The development site has frontage to Carroll Street and Bloomfield Street. The development has provision of 26 onsite parking spaces which are considered to be acceptable to provide onsite parking spaces for staff and patrons based on the parking assessment completed previously and outlined elsewhere within this report. The internal driveway and onsite parking areas are to be hard sealed and will require the provision of a new onsite parking area. The onsite parking area is to be compliant with AS2890 for correct parking space dimensions and internal driveway widths. The development will create an increase in traffic generation within the surrounding road network. It is considered that the existing road network is suitable for the proposed development with no traffic incidences, planned road works or inadequacy identified with Carroll or Bloomfield Streets or the intersection of these roads.

Water

The development site has provision of Council's water supply with the development creating an increased demand for Council's services due to the increase in staff employed at the site and the increase in the number of children to be accommodated at the site. Current water services are suitable for the expected increase in water demand. The increase in water services will incur a Water development headworks charge as per Council's Development Servicing Plan 2011, being the Development services plan in force at the time the development application was lodged with Council. As the development will consolidate the two lots into one lot a credit of 1.5 ETs will be applied for the adjoining lot. The credit will be applied when calculating the S64 headwork contribution. The water demands calculated as being generated by the proposed extension to the child-care centre is 2.3 Equivalent Tenements (ET). With the existing credit, S64 development contributions are calculated as being 0.8 ETs. Based on the current water headwork contributions the developer is to pay a contribution of \$7,868 prior to the issue of an Occupation Certificate. The existing water service to the child-care centre will be retained to service the existing development and the proposed extensions. With the existing credit, Council's S64 Development Servicing Plan Stormwater does not trigger any headwork contributions.

Air and microclimate

The proposed development is likely to have minimal impact on the existing microclimate in the area. A condition will be imposed on any development consent that requires that all internal driveways and parking areas be hard sealed to ensure that there is no potential for dust release from the site from traffic movements. The development is not expected to create any air pollution or release of odours.

Flora and fauna

The development will involve the removal of eight trees from the site and one tree from the south side of the Bloomfield Street footpath. The single street tree that requires removal from the footpath is required to provide adequate site distances for vehicles turning from the site. Council's infrastructure Services have reviewed the request and the removal of this tree is granted in accordance with this development proposal.

The trees identified are not significant trees in relation to surrounding natural environment. The trees are not listed as tree species requiring development approval prior to removal. Hence, the removal of these trees is considered to be acceptable. Additional landscaping will be conducted onsite.

Waste

The developer has proposed to relocate Council's sewer main that currently traverses the development site. The servicing strategy ensures that sewer connections are retained to the development site and existing properties upstream. Headworks contribution charges apply to this development in accordance with the Gunnedah Development Servicing Plan Sewer 2011, which was in force at the time the development application was lodged with Council. As the development will consolidate the two lots into one lot a credit of 1.5 ETs will be applied for the adjoining lot. The credit will be applied when calculating the S64 headwork contribution. The sewer demands calculated as being generated by the proposed extension to the child-care centre is 4 ETs. With the existing credit, S64 development contributions are calculated as being 2.5 ETs. Based on the current sewer headwork contributions the developer is to pay a contribution of \$20,437.50 prior to the issue of an Occupation Certificate.

Waste generated during construction is to be maintained onsite and shall be disposed to Council's Waste Management Facility (WMF) by appropriate means. All the waste generated during the demolition of the outbuildings within the development site, is to be removed and transported to Council's Waste Management Facility. Any asbestos located is to be managed in accordance with the requirements of AS2601-2001 "The Demolition of Structures". No general waste is to be disposed of onsite. General wastes generated during everyday operations of the site will be disposed of by kerb side collection. The development site does not generate any liquid trade wastes.

Social & Economic impact in the locality

The development is expected to have only positive social and economic impacts on the Gunnedah area. The development will increase employment opportunities and child care facilities available in Gunnedah. The development will generate an increase in traffic movements within the surrounding road network, although road network is considered to be suitable to cater for the increase in vehicle movements.

Site design and internal design

The proposed car parking area will be located at the rear of the property with landscaping, boundary fencing and privacy screens reducing the visual impact of the development where visible from the public road reserve and adjoining allotments. The privacy screen has been required as part of previous development consents to preserve the privacy of the adjoining property from people viewing the rear yard from the onsite parking area. Council considers that the extension of this privacy screen should be extended to maintain this privacy with the extension of the car park along the property boundary as part of this proposal.

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

The development site is considered to be suitable for the development. The site is not identified as being bushfire or flood prone land. The development does not contain any items of heritage significance that may be impacted by the development. The development is not in compatible with the existing land use within the surrounding area. Hence, it is regarded that the development site is suitable for the development.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The Development Application was notified to adjoining land holders for a period of 14 days. Council received one submission during the exhibition period. The matters raised within the submission are outlined and addressed as per below.

- *Removal of sewer main that services properties 50A and 50B Carroll Street*
Council has contacted the developer and the realignment of Council's sewer main has been amended to divert the sewer main downstream of houses 50A and 50B Carroll Street.
- *Stormwater drainage through development site*
Council has no record of a formal easement created through either of the current development lots for the purposes of stormwater drainage.
- *Retention of native trees where possible*
The developer proposes to removal 8 trees from the site and one from Council's road reserve. The development requires the removal of the identified trees to accommodate the new onsite parking area and extension to the childcare centre. The developer has elected to retain all other existing vegetation. New tree planting will occur as part of the development around the onsite parking area.
- *Requirement for staff to park within the development site*
Council has assessed the development based on the onsite parking demand generated by the proposed activity onsite. The developer is required to provide a minimum of 26 parking spaces onsite. These parking spaces are expected to accommodate both staff parking and parents attending the site. The developer has indicated that all staff are directed to use the onsite parking provided.
- *The restriction of Saturday construction to limit the use of noise generating activities*
Council's standard construction hours are to be imposed, including a limitation of construction hours for Saturday construction. This restriction does not limit the types of activities that can be conducted during these hours.

4.15(1)(e) the public interest

The development was not regarded as being integrated or designated development and did not require referral to any external Federal or State Government agencies. There are no relevant planning studies, strategies or management plans that are applicable to the proposed development.

Conclusion

The Development Application is seeking consent for the demolition (relocation) of an of existing dwelling, demolition of outbuildings and consolidation of two lots into one lot, to enable the construction extensions to the existing child care facility. The 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.

As per the recommendation of this report, it is concluded that Development Application No. 2019/031, at 209-211 and 205-207 Bloomfield Street, Lot 1 DP 155982 and Lot 7 Sec 33 DP 758492, should be approved subject conditions.

Councillor D Moses returned to the Chamber.

Councillor RG Swain declared an interest, left the Chamber and took no part in discussion or consideration of this item.

ITEM 2	Development Application No. 2019/052 – Demolition of existing dwelling and two ancillary structures, installation of transportable dwelling and construction of shed – Lot 12, 13 and 14 Section 13 DP758234 and Lot 1 DP247370 – 113-131 Gunnedah Street, Carroll
MEETING	Planning, Environment and Development Committee – 4 September 2019
DIRECTORATE	Planning and Environmental Services
AUTHOR	Acting Manager Development and Planning
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

2.09/19P **COUNCIL RESOLUTIONS:**

That the Development Application No. 2019/052, for the demolition of an existing dwelling and two ancillary structures, installation of a transportable dwelling and construction of shed, at 113-131 Gunnedah Street, Carroll, Lot 12, 13 and 14 Section 13 DP758234 and Lot 1 DP247370, be approved subject to the following conditions:

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 09 August 2019;
 - Statement of Environmental Effects, prepared by Parker Scanlon, dated June 2019; and
 - Submitted plans:
 - Prepared by Manor Group, dated 14/04/2019, Drawing No. MG4614V1a, Sheet 1 of 7 (Site Plan & Site Locality), Sheet 2 of 7 (Site Detail & Demolition Plan), Sheet 3 of 7 (Floor Plan), Sheet 4 of 7 (Elevations – 1), Sheet 5 of 7 (Elevations – 2), Sheet 6 of 7 (Section A-A), Sheet 7 of 7 (Section A-A); & dated 08/06/2018, Drawing No. S1.01, Sheet 1 of 1 (Typical Beam and Footing Layout and Footing Details);
 - Prepared by Intrax, Footing section and Bracing Plan, & Typical Cross Bracing and Floor Joist Module Layout;
 - Supporting Documentation:
 - Request to Vary a Development Control, prepared by Parker Scanlon, dated June 2019;

- Building specifications, prepared by Manor Group NSW, dated 19 June 2019;
- Flood Level Survey Report, prepared by Monteath & Powys Pty Ltd, dated 21 December 2015, ref: Thomason;
- Engineer Report, prepared by Thitchener Consulting, dated 13 June 2019, Ref: 20190190-c-130619,

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 consent, consent is not granted for the use of earth fill to alter the natural ground level of the site.

Reason: To ensure compliance that earth fill does not impact on the dispersion of flood waters or impact on the flood characteristics of the area surrounding the development site or downstream.

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 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

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

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

-
- (1) For the purposes of section 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 certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
 - (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
 - (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
 - (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 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 certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: To ensure compliance with the statutory requirements.

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 certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (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 certifying authority 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.

C. PRIOR TO COMMENCEMENT OF BUILDING WORKS

Shed

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

Reason: To meet statutory requirements.

Dwelling House

- C2.** Prior to commencement of the building works on site in relation to the transportable dwelling, engineering certification is to be submitted to Council verifying the soil classification and that the design is capable of withstanding the loads created as a result of a major flood event.

Reason to ensure structural adequacy

On-Site Sewerage Management

- C3.** Prior to works commencing for the installation of the transportable dwelling, the Developer shall obtain from Council approval under Section 68 of the Local Government Act 1993 to:

- (d) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
- (e) Operate a system of sewerage management
- (f) Install a manufactured home, moveable dwelling or associated structure on land.

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

Reason: To ensure environmental health standards are met.

- C4.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

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

D. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Reason: To comply with statutory requirements.

- D2.** Prior to issue of a Construction Certificate construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance.

E. GENERAL

- E1.** Any Onsite Sewerage Management System being installed on the development allotment must be suitably designed to be subject to inundation by flood waters. The use of a primary treated septic system is not permitted and should not include tank and trench style system configuration.

Reason: To ensure onsite sewerage management system is compatible with potential flooding.

- E2. All materials located below the 1 in 100 year flood level used in the construction of the dwelling and shed are to utilise flood compatible materials.

Reason: To ensure appropriate materials are used where subject to flood inundation.

- E3. The floor level of the new residence is to be set at RL 282.5 meters in accordance with the Flood Level Survey Report supplied by Monteath & Powys Pty Ltd, dated 21 December 2015, ref: Thomason.

Reason: To implement Council's Policy.

Water Supply

- E4. The dwelling shall be provided with rainwater tanks having a capacity of 45,000 litres of water before occupation is sought. Such tanks shall have a total of 10,000 litres of water reserved for fire fighting purposes, with a lower outlet for fire fighting purposes fitted with a 65mm sturtz fitting and ball or gate valve shall be located in such a position that access for fire fighting units shall be as direct as possible.

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

- E5. A continuous balustrade must be provided, in accordance with the BCA, along the side of any stair, landing, balcony, verandah, floor or roof to which public access is provided if:

- (i) it is not bounded by a wall; and
- (ii) the level is more than 1m above the ground/floor level below.

Reason: To ensure compliance.

- E6. All wiring, power outlets, switches, and fixed electrical appliances to the maximum extent possible, be located 1 metre above the 1% AEP flood level. All electrical wiring installed below the flood planning level shall be suitable for continuous submergence in water and shall contain no fibrous components. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant flood level should be so installed that they will be self-draining if subjected to flooding. All structural components of walling and flooring shall be constructed of flood tolerant materials.

Reason: To ensure compliance.

- E7. The developer is to provide 2WD all-weather access from the property boundary to the dwelling house.

Reason: To ensure a suitable access is maintained within the property boundaries.

F. DURING CONSTRUCTION WORKS

F1. Inspections by Council

48 hours prior to the covering of the following works, Council shall be notified by the licensed builder, owner builder or licensed plumber/drainer that the following works are ready for inspection:

- (a) stormwater drains
- (b) internal drainage under water test
- (c) external drainage under water test
- (d) water plumbing
- (e) septic tank or aerated wastewater treatment system
- (f) Final inspection of water plumbing, sanitary drainage and stormwater drainage.

(NB) An accredited certifier may not be substituted for Council in respect of these inspections, as Council remains the sole responsible authority for these matters.

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

F2. Inspections by the Principal Certifying Authority – Mandatory Critical Stage Inspections

48 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 4.18(2) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspection in **bold type** are mandatory critical stage inspections under the Act and **MUST** be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued).

- (a) **Piers (if any) prior to pouring of concrete**
- (b) **Footing trenches with reinforcement prior to pouring of concrete**
- (c) Retaining walls and reinforcement (if any) prior to pouring of concrete
- (d) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (e) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (f) **Wet area, damp proofing and flashing before lining**
- (g) Swimming pool safety fence prior to filling the pool with water
- (h) Foundation material before installation of the swimming pool or laying of any bedding material
- (i) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves
- (j) **Bearers and joist inspection, including tie down requirements and ant capping. When completed and prior to the laying of the floor**
- (k) Insitu concrete formwork (excluding paving) with reinforcement prior to pouring of concrete
- (l) **Final inspection prior to use of the building**

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

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

- F3.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- F4.** Roof water to be discharged to the street gutters in sealed stormwater pipes. If these works necessitates the cutting of the kerb and guttering the works shall be carried out in accordance with Council's footpath, kerb and gutter construction standards. Where disposal to street gutters is not practical all roof-water is to discharge through a collection tank of at least 1000 litre capacity and the overflow is to be directed to a rubble drain 5m long, 600mm deep and 600mm wide. The drain shall be positioned across the slope of the land and so as to not direct water under the building or into adjoining property so as to cause a nuisance.

Reason: To ensure efficient dispersal of storm water.

- F5.** The connection of the rainwater tank to the buildings water supply shall be undertaken by a licensed plumber in accordance with the relevant Australian Standards and the overflow from the rainwater tank shall be piped to discharge to the street gutter or to a disposal location approved by Council.

Reason: To ensure compliance.

- F6.** The developer shall provide Council with written verification from a registered Surveyor confirming compliance with the finished floor heights required by condition E3, at the following mandatory inspection stage:

- Installation of the manufactured home, moveable dwelling or associated; and
- Bearers and joist inspection, for the proposed additions.

Reason: To meet statutory requirements.

- F7.** Prior to the installation of the relocatable home on the site, the developer shall submit a Compliance Certificate issued under the Environment Planning and Assessment Act 1979, Section 6.16 by a Private Certifier of Local Government Inspectorial Authority to Council. Such certification shall indicate the compliance of the framework and wet areas of the proposed building are in accordance with the Building Code of Australia and the approved plans of the building.

Reason: To meet statutory requirements.

F8. Excavations and backfilling

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

Reason: To ensure compliance.

F9. Protection of public places

If the work involved in the installation and construction of additions to a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To ensure site safety.

F10. Toilet facilities

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

Each toilet provided:

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

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

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

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

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

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

Reason: To ensure environmental health standards are met.

F11. Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

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

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

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

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

Reason: To ensure amenity of the neighbourhood is maintained.

Demolition Works

F12. The dwelling and ancillary structures, shall only be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures" and the requirements of the Workcover Authority of New South Wales including but not limited to:

- (d) Protection of site works and the general public.
- (e) Erection of hoardings where appropriate.
- (f) Asbestos and lead based paints handling and disposal where applicable.

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

Reason: To ensure compliance and safety of workers.

F13. The developer shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere from the onsite and from vehicles transporting material off-site.

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

F14. The deliberate burning of the building and/or demolition material shall not be permitted.

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

G. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

G1. Occupation of the shed is not to occur until all Conditions of Consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

G2. Occupation of the dwelling is not to occur until all Conditions of Consent have been satisfied and a Certificate of Completion issued.

Reason: To meet statutory requirements.

G3. Prior to the issue of a Certificate of completion for the dwelling, all Conditions of Consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

G4. Prior to the issue of a Certificate of completion for the dwelling, Lot 12 Section 13 DP 758234, Lot 13 Section 13 DP 758234, 14 Section 13 DP 758234 and Lot 1 DP 247370 shall be consolidated into one Lot. A copy of the registered plan of consolidation shall be provided to Council.

Reason: To ensure compliance.

- G5.** Prior to the issue of a Certificate of completion for the dwelling, the developer shall submit to Council a copy of the current contract with the manufacturer, his agent or approved contractor, for the quarterly servicing and maintenance of the onsite sewerage management system.

Reason: To ensure compliance with Health Department accreditation conditions.

MOTION Moved Councillor C FULLER
 Seconded Councillor A LUKE

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

PURPOSE

The Development Application is being referred to Council for determination as the development is seeking a variation to a development control standard within the Gunnedah Development Control Plan 2012.

Applicant: Parker Scanlon Pty Ltd
 Owner: Mr P and J Thomason
 Property Description: Lot 12,13 and 14 Section 13 DP758234, and Lot 1 DP247370
 113-131 Gunnedah Street, Carroll

Proposed Development

The development proposal is seeking consent for the demolition of an existing dwelling and two ancillary structures and installation of a transportable dwelling. The development will include the provision of an onsite sewerage management system and onsite water storage.

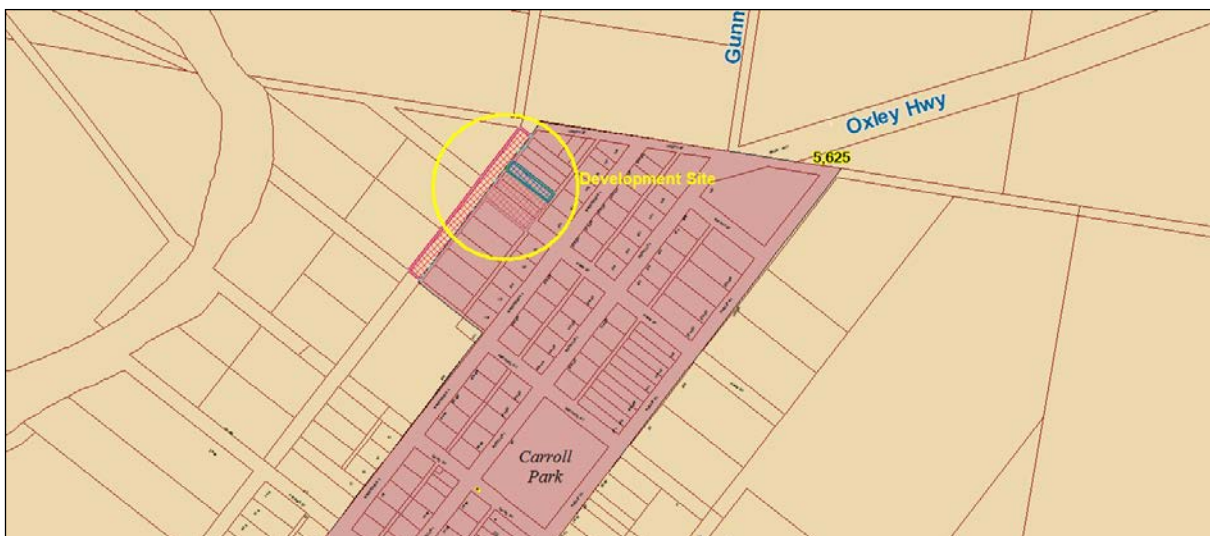


Figure 1 – Site Location



Figure 2 – Site Plan

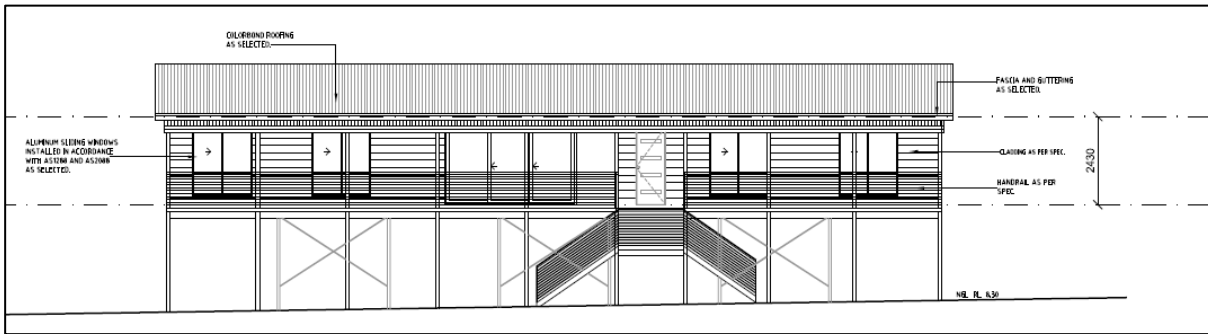


Figure 3

– Elevation Plan

COMMENTARY

Issues

54.15(1)(a)(i) the provisions of any environmental planning instrument

Gunnedah LEP, 2012

The development site is zoned RU5 Village and RU1 Primary Production, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The development site currently contains an existing dwelling house that will be demolished as part of the proposed works. The proposed use of the site as a dwelling house is permitted subject to development consent within each of the land zones. The dwelling will be positioned within area identified as being RU5 zone. Hence, Clause 4.2A does not apply to this development. The following clauses from the GLEP 2012 are applicable to the development:

6.1 – Flood Planning

The development site and surrounding area is identified as being entirely flood prone land, as demonstrated on Figure 4. A flood survey report was submitted with the development application that identifies the required floor height of the dwelling. Development drawings indicate that the dwelling will be constructed on raised piers. Due to the proximity of the site to the river, its location within the floodplain and the required height to construct the finished floor level at the flood planning level (1% ARI + 500mm), the dwelling is not to be raised by the filling of the site. There will be no floor area of the dwelling to be constructed below the flood water level that could potentially retain or divert flood water. Hence, it is regarded that the development will not affect the flow of flood water and will not intensify flood waters on adjoining allotments. As per the above consideration, it is not expected that there will be an increase risk to life or property as a result of the proposed development.

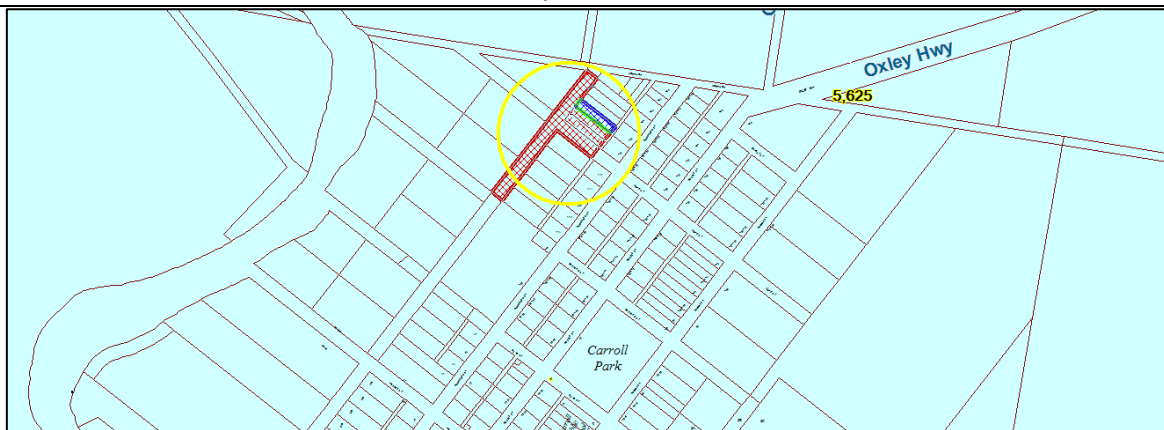


Figure 4 – Mapped extent of Flood waters during a 1 in 100 year flood event.

6.5 – Essential Services

There are no Council services located within the village of Carroll. Water, Stormwater and Sewer services are to be provided onsite with onsite retention and storage tanks. Existing electrical services are connected to the current house. These services will be retained for connection to the new dwelling. The development has frontage to Gunnedah Street, with an existing vehicle access to be retained.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

The development site contains a large percentage of introduced species that have been planted as part of current domestic landscaping. As there is limited native vegetation onsite that would not consist of more than 15% of all the vegetation onsite, Council’s staff are satisfied that the development site does not constitute potential Koala Habitat under the provisions of the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The proposed use of the site is not an activity that could potentially result in possible contamination of the site or surrounding area. The development site contains a dwelling house and there will be no change to the land use of the site as a consequence of the development. A search of Council’s records does not identify a history of usage that could potentially result in contamination of the sites soils. Hence, no further investigation was required.

State Environmental Planning Policy (*Vegetation in Non-Rural Areas*) 2017

The development site is located within the RU5 Village zone, which is identified within this SEPP as being a land zoning to which this SEPP applies. The development proposal includes the removal of vegetation from within the building allotment. The removal of this vegetation is required to enable the installation of the dwelling house, as it is located within the footprint of the location for the dwelling. The vegetation to be removed is identified as being a number of exotic introduced species. The area is highly modified and the vegetation appeared to be part of developed landscaping. As a result it is not expected that this vegetation be part of any critical habitat nor would it provide habitat for endangered ecological communities. Council’s development control plan does not identify any vegetation to which approval is required and the proposed cleared area would not exceed Biodiversity Offset thresholds. Hence, Part 3 of the SEPP does not apply to the clearing of this vegetation and no approval is required under Part 3 of the SEPP. The vegetation is not identified as being a heritage item and the site is not within a heritage conservation area. The vegetation was not an item of Aboriginal heritage or an Aboriginal object. Hence, the removal of the tree is considered appropriate for the development.

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

1.7.1 – Notified Development Applications

The development application is requesting a variation to the development standard for the prohibiting of construction of any new building within a floodway and the cumulative size of outbuildings permitted on the site. The variation to a development standard is required to be notified to adjoining land holders. The development application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

2.1.1 - Building Setbacks

The dwelling will be positioned 45 metres from the front boundary to Gunnedah Street. The dwelling is set 23.96 metres from the closest side lot boundary. The setback of the building is compliant with the building setbacks for the proposed development.

2.1.2 – Building Height of a Dwelling

The dwelling is single storey. However, due to the dwelling being located in flood affected land, the dwelling will be raised to ensure that the floor level of the dwelling will be above flood waters during a flood event. The development will result in the dwelling having an approximate height of 6.8 metres above the existing ground level. The dwelling will not exceed the height limitation of 10 metres.

2.1.3 – Utilities

The development site does not have access to any Council's services. Onsite water and sewerage services are to be provided to meet service demands. A condition is to be imposed on the development consent that requires provision of a minimum 45,000L tank storage onsite with a minimum 10,000L dedicated for firefighting purposes to meet the obligations of this clause.

2.1.4 – Privacy

Despite the dwelling being constructed as a single storey dwelling, the resulting height of the dwelling after it is raised to the flood planning level is consistent with a two storey dwelling. The distance from the side property boundary and the separation of the site from any adjoining residence will ensure that there are limited privacy issues to adjoining residences. There are no adjoining residences that are overlooked by living areas of the proposed dwelling and hence, no specific privacy controls are required to be implemented for the development.

2.1.5 – Design and Solar Access

The development provides an elevation facing a public street frontage that contains windows. Due to the distance of the dwelling from the lot boundaries, it is not anticipated that there will be any overshadowing of adjoining allotments. Living areas are positioned to ensure that there will be adequate natural lighting accessible.

2.1.8 – Outbuildings, carports and detached garages

The development includes the proposal for the construction of a new shed. The proposed shed has an area of 96m², which is in exceedance of the maximum outbuilding size and cumulative sizes, under this standard. The development site contains an existing shed with an area of 69m². The total floor area of these two structures will be 165m², which far exceeds the 72m² maximum cumulative size of outbuildings. In the circumstances of this development this development standard is considered to be unreasonable due to size of the land holding and the proximity of the site to the RU1 rural land zoning (approximately 65m), which does not have any development controls for the shed sizes or dimensions. Hence, the setting of this property is considered to be unique and should not be subject to the planning controls within this clause of the DCP.

The shed has a height of 3 metres to the eave and a topmost height of 3.7 metres. These heights comply with the maximum heights for outbuildings on the property. The proposed shed has dimensions of 16 x 6 metres, with the longest side exceeding the development standard of the maximum horizontal length of 9 metres, refer to development standard 2.1.8c as follows.

2.1.8c – Discretionary Development Standard

The property boundary that is parallel to the 16 metre elevation is in excess of 130 metres. Hence, the maximum length of this structure is less than two thirds of the length of the adjoining boundary and the development complies with this discretionary development standard.

2.1.10 – Access

The development has an existing access from Gunnedah Street. Council has reviewed the current access and determined that no upgrade works are required. The internal driveway access is to be constructed as an all-weather 2WD access from the lot boundaries to the dwelling, to ensure suitable internal vehicle access is retained.

6.1.4 – Development of Floodways

The development site is identified within the Carroll 1% AEP map as being high hazard floodway, as shown in Figure 5. The Development Control Plan restricts the ability for any new development to occur within the identified floodway. Adherence to this clause in this circumstance will prohibit any further development and investment into the village of Carroll, despite the village land zoning. The development application included a request for a variation to this development standard as the raising of the dwelling to the flood planning level, effectively reduces the risk to life and property. The property is located within the village of Carroll and the development site contains an existing dwelling. The resulting dwelling location will be positioned further from the Namoi River than the current dwelling that will be demolished, improving the risk of flood hazard for the occupants of the property. The separation between dwelling and the riparian zone will ensure that the development will have little potential to impact on the river ecosystem or cause any erosion.

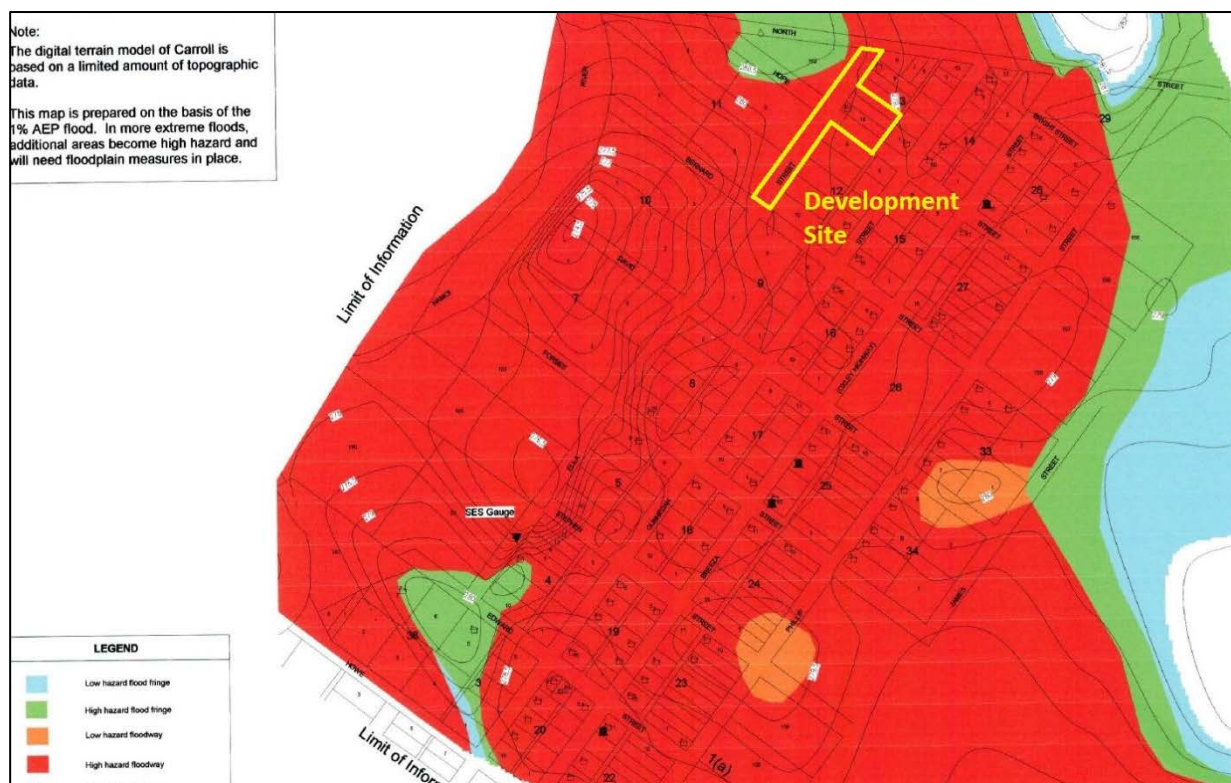


Figure 5 – Carroll 1% AEP Hazard Map

6.1.6 – On-site Sewage Management within Flood Fringe

The development does not have provision of Council sewer services and will require the installation of an on-site sewerage management system (OSSM). As the site is entirely flood prone land, a condition will be imposed on the development to ensure that no primary treated sewerage management system is installed and that any system approved is to be compatible with flood inundation.

6.1.7 – Residential development within flood fringe

The development will construct a new dwelling house on the property as a replacement to the dwelling that is being demolished. The dwelling is to be constructed on raised piers with the dwelling having a finished floor level of 500mm above the expected flood level (Flood Planning Level).

A flood survey report was provided with the development application to determine the required floor height of the 1 in 100 ARI level. The flood survey report considered data from the Department of Land and Water Conservation Flood Study Report Gunnedah and Carroll (August 1996), which indicated a 1% ARI level of 282m AHD. The report provides an estimated guage height of historical flood events, being the 1955 flood, and recommends this height as the site specific flood height for the site of 280.64m AHD. As these heights are a measured level based on a historical flood event and not a true indication of a 1% flood level, this report considers the Department of Land and Water Conservation Flood Study Report Gunnedah and Carroll (August 1996) height as the true level and a condition is to be imposed requiring the construction of a dwelling a minimum of 500mm above this level to achieve the flood planning level (1% ARI + 500mm).

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 allotment currently contains a dwelling house and associated structures. The development proposal includes the demolition of the dwelling and two of the structures to facilitate the installation of the new dwelling and construction of the new shed. The site is located on the edge of the village of Carroll, with the adjoining allotments being vacant or containing dwelling houses. The appearance and scale of the proposed dwelling and associated development is expected to be consistent with the surrounding locality.

The development proposal consists of four (4) land allotments, with the vehicle access and dwelling being present over lot boundaries. Council requires that these lots be consolidated into one lot prior to the issue of a certificate of completion for the dwelling to ensure no development occurs over lot boundaries.

Access, transport and traffic

The lot has frontage to Gunnedah Street for vehicle and pedestrian access. The development is not expected to result in any increase in vehicle movements as the development proposes to replace an existing dwelling. The road formation providing access to the property is unsealed, however, Council's Infrastructure Services Department have confirmed that the current road formation is suitably constructed and will be suitable to accommodate the proposed development.

Natural Hazards

The site is identified as being subject to flooding during a 1 in 100 year flood event. The dwelling is to be constructed on raised piers with the dwelling having a finished floor level of 500mm above the expected flood level. As the development is to be constructed on piers above the existing ground level, there will be no dispersion of flood waters and no investigation was required as to the developments effect on the dispersion of flood water flows. All materials associated with the construction of the shed or foundations of the dwelling constructed below the 1 in 100 year flood event are to be constructed of flood compatible materials, such being suitable for food inundation.

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

The development site is suitable for the development. The development will not require the removal of any trees from the site and the site is not identified as being bushfire prone land. The development is consistent and compatible with the existing use of the surrounding area. Hence, it is regarded that the development site is suitable for the development.

S4.15(1)(d)&(e) any submissions made in accordance with this Act or the regulations and the public interest

The Development Application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

Conclusion

The Development Application is seeking consent for the demolition of an existing dwelling and two ancillary structures, installation of a transportable dwelling and construction of shed. The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Development Application has concluded that the proposed development is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Development Application No. 2018/052, at 113-131 Gunnedah Street, Lot 12, 13 and 14 Section 13 DP 758234 and Lot 1 DP 247370, should be approved subject conditions.

There being no further business the meeting closed at 4:06pm.

Councillor R Hooke
CHAIR