

PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES

**of Gunnedah Shire Council held on Wednesday 5 June 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	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 C FULLER
Seconded Councillor R HOOKE*

2. DECLARATIONS OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	LSNP	RC	REASON
NIL							
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

3. COMMUNITY PRESENTATIONS/CONSULTATIONS

Mr Matt Davis was in attendance to make a presentation in relation to Item 1 of the Director Planning and Environmental Services (Agenda Item 3.1) concerning Development Application No 2019/014 – Construction of additions to existing clubhouse, extension of earth mound, four field lighting poles and installation of new septic system over 3 stages – Lot 1 DP2433125 and Lot 379 DP755503 – 49-75 Finch Street, Gunnedah.

ITEM 1	Development Application No. 2019/014 – Construction of additions to existing clubhouse, extension of earth mound, four field lighting poles and installation of new septic system over 3 stages – Lot 1 DP243325 and Lot 379 DP755503 – 49-75 Finch Street, Gunnedah.
MEETING	Planning, Environment and Development Committee – 5 June 2019
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Ensure compliance with legislation through assessment of development applications.
ATTACHMENTS	Nil

1.06/19P COUNCIL RESOLUTIONS:

1. That the Development Application No. 2019/014, for the extension of the existing clubhouse, extension of earth mound, installation of new septic system and installation of four new field lighting poles over three (3) stages, at Lot 1 DP243325 and Lot 379 DP755503 – 49-75 Finch Street, Gunnedah be approved subject to the following conditions of consent; and
2. That \$554, being 50% of the application fees, be refunded as per Council's 'Development Application Fee Refund' Policy.

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 15/02/2019;
 - Statement of Environmental Effects, prepared by Art & Science dated January 2019; and
 - Submitted plans:
 - Prepared by Art & Science, dated 02/05/2019, ref: GDSA, Drawing Nos: 101 (Plans – Site), 102 (Plans - Ground), 103 (Plans - First), 201 (Elevations, West East), 202 (Elevations, North South), 501 (Perspectives - Images);
 - Supporting Documentation:
 - Calculation of the 1% ARI Flood Level, prepared by Stewart Surveying Pty Ltd, dated: 20 December 2018, ref: 5149;
 - State Environmental Planning Policy No. 44 – Koala Habitat Assessment, prepared by Stewart Surveys Pty Ltd, dated 19 December 2018, ref: 5149;
 - Engineering Report for Floodwater Behaviour, prepared by Tahlee Consulting Services, dated 2 May 2019, Ref: 0464BM001;
- 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, the development is to be conducted in accordance with the following staging plan:
- Stage 1 –
 - Relocation of existing septic tank;
 - Installation of new Onsite Sewerage Management System;

- Extend earth mound 5.14 metres;
- Demolition of wall;
- Construction of new access WC;
- Extend concrete pathway;
- Construct new concrete stair and ramp;
- Construct steel framed storage cage;
- Construct new storeroom;
- Construct new change rooms;
- Stage 2 –
 - Installation new door and construct stairwell;
 - Construct new General Purpose Room on second floor;
- Stage 3 –
 - Install four (4) 32 metre high lighting poles with 2 x 2,000W metal Halide Flood Lights;

Reason: To clarify the approved staging plan.

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.

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 building. **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.

- C3.** Prior to the commencement of any building works associated with the proposed development, any proposed retaining wall shall be completed in its entirety and in accordance with the Council approved design. A retaining wall shall be constructed wherever the proposed site cut exceeds 600mm and shall be designed by a practicing Structural Engineer.

Reason: To ensure the structural integrity of the site.

D. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- D1.** Prior to issue of a Construction Certificate for each stage of development works, 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.

- D2.** Prior to the issuing of a Construction Certificate for each stage of development works, by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

Reason: To comply with statutory requirements.

Stage 1

- D3.** Prior to the issuing of a Construction Certificate for Stage 1, 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 7.12 of the Environmental Planning and Assessment Act 1979. The current levy payable is calculated at 1% of the development cost. The current calculated levy payable is \$775, 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.

On-Site Sewerage Management

- D4.** Prior to the issuing of a Construction Certificate for Stage 1, the Developer shall obtain from Council approval under Section 68 of the Local Government Act 1993 to:
- (a) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

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.

- 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.

- D6.** Material used as fill within the site must be free of contaminants. A report is to be submitted to Council prior to the issue of a Construction Certificate for Stage 1, providing details of fill including source of fill and potential contaminants within sourced soil.

Reason: To ensure sourced fill does not contain any potential contaminants.

E. GENERAL

- E1.** 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.

- E2.** No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

- E3. All materials located below the 1 in 100 year flood level used in the construction of additions to the clubhouse are to utilise flood compatible materials.

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

Stage 1

- E4. 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.

Earth Fill

- E5. Works relating to the extension of the earth mound are to be conducted in accordance with AS 3798.

Reason: To ensure compliance.

Stage 3

Outdoor Lighting

- E6. The proposed field lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Light and the approved Site Plan, prepared by Art & Science, dated 02/05/2019, ref: GDSA, Drawing Nos: 101. The lighting is to be directed at the playing surface and all practical measures are to be adopted to ensure that flood lights are not directed at adjoining residences or structures.

Reason: To ensure compliance.

F. DURING CONSTRUCTION WORKS

F1. 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) In situ 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.

- F2. 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.

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

Reason: To ensure site safety.

- F4. 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.

- F5. Retaining walls and drainage**

If the soil conditions require it:

- (a) Retaining walls associated with the erection or demolition of a building or other approved methods preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

Should a retaining wall be proposed to be constructed above a height of 600mm the applicant shall have the structure designed by a practicing Structural Engineer and a copy of the design plans are to be provided to council before work commences on the site. The retaining wall is to be completed in accordance with the design provided prior to any occupation or use of the building.

Reason: To ensure site stability.

- F6. Protection of public places**

If the work involved in the alterations of 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.

- F7. 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 Part 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.

F8. 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.

G. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

G1. Occupation of the building for each stage of development works, 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.

G2. Prior to occupation of the building, the following fire safety measures are to be installed in the building and the owner of the building will be required to provide a Fire Safety Certificate for each measure:

- (a) Install emergency lighting that complies with AS2293.1
- (b) Install exit signs that comply with AS2293.1
- (c) Install portable fire extinguishers to comply with AS2444

Reason: To ensure compliance and fire safety of Building.

H. CONTINUED OPERATIONS

H1. The proposed soccer clubhouse is to be utilised in accordance with the recreational (outdoor) activities associated with the surrounding sports fields and shall not be used for any commercial or industrial use without the prior written consent of Council.

Reason: To ensure compliance

H2. 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.

H3. All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure compliance with Council's requirements.

H4. 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.

Stage 3

H5. The operation of the lighting poles and flood lights is to be prohibited between the hours of 10pm and 7am.

Reason: To minimise light impacts on the surrounding area.

MOTION Moved Councillor RG SWAIN
Seconded Councillor M O'KEEFE

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 within the Gunnedah Development Control Plan 2012.

Applicant: Gunnedah & District Soccer Association,
Owner: Gunnedah & District Soccer Association,
Property Description: Lot 1 DP 243325,
49-75 Finch Street, Gunnedah

Proposed Development

The development is seeking consent for the construction of new change rooms, access ramps, accessible toilet, new general purpose room, four field lighting poles each fitted with 2 x 2,000W flood lights, extension to the raised earth mound, and installation of new onsite sewerage management system, in accordance with the submitted staging plan (3 stages).

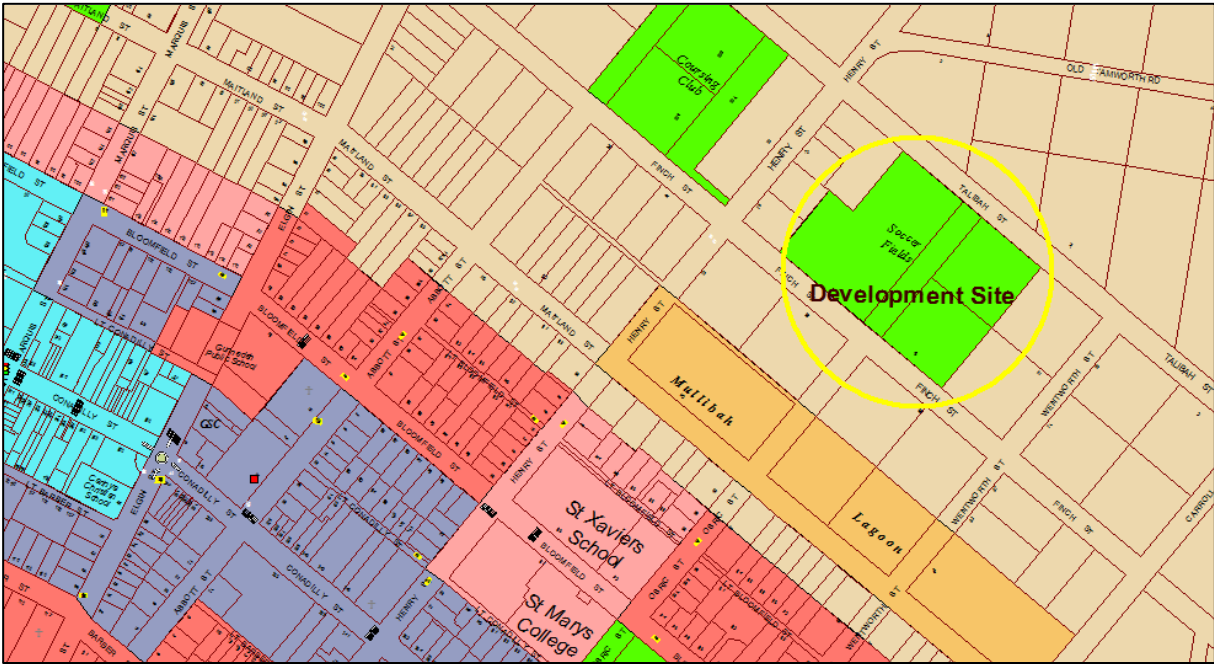


Figure 1 – Site Location

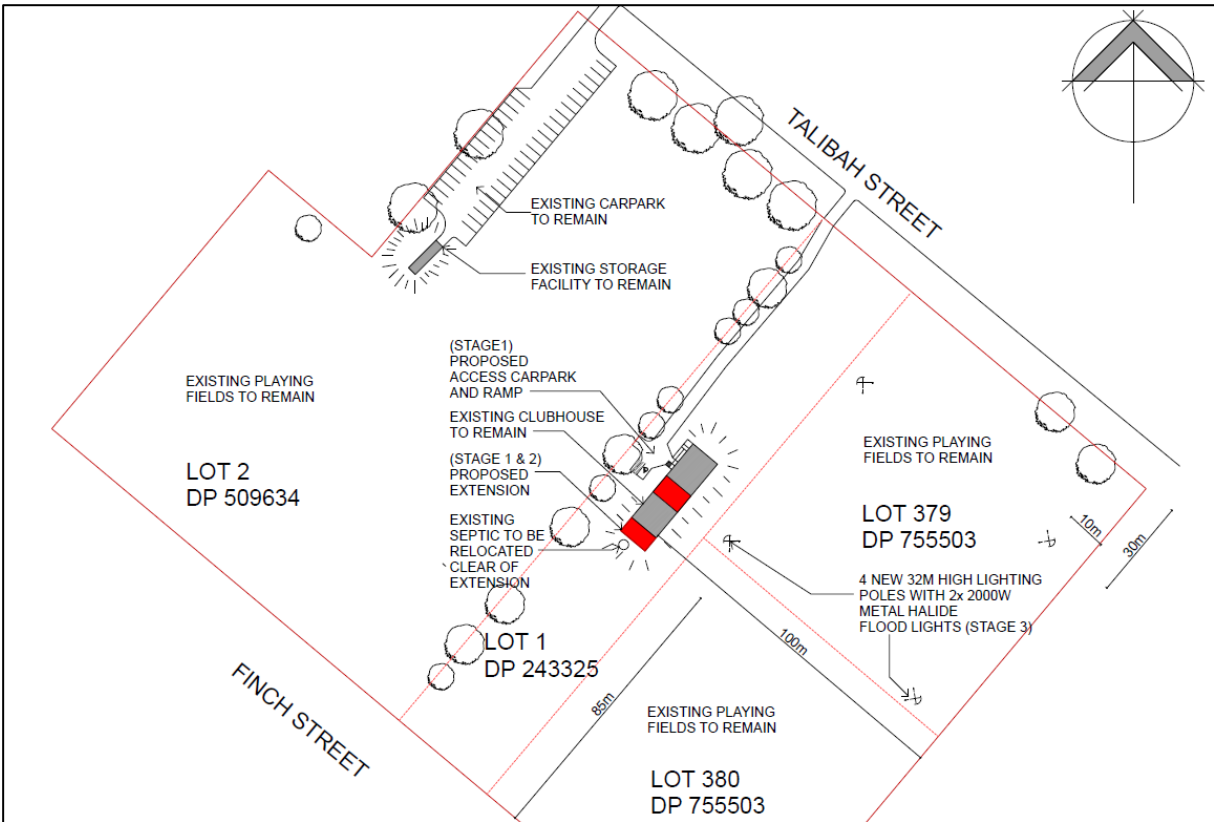


Figure 2 – Site Plan

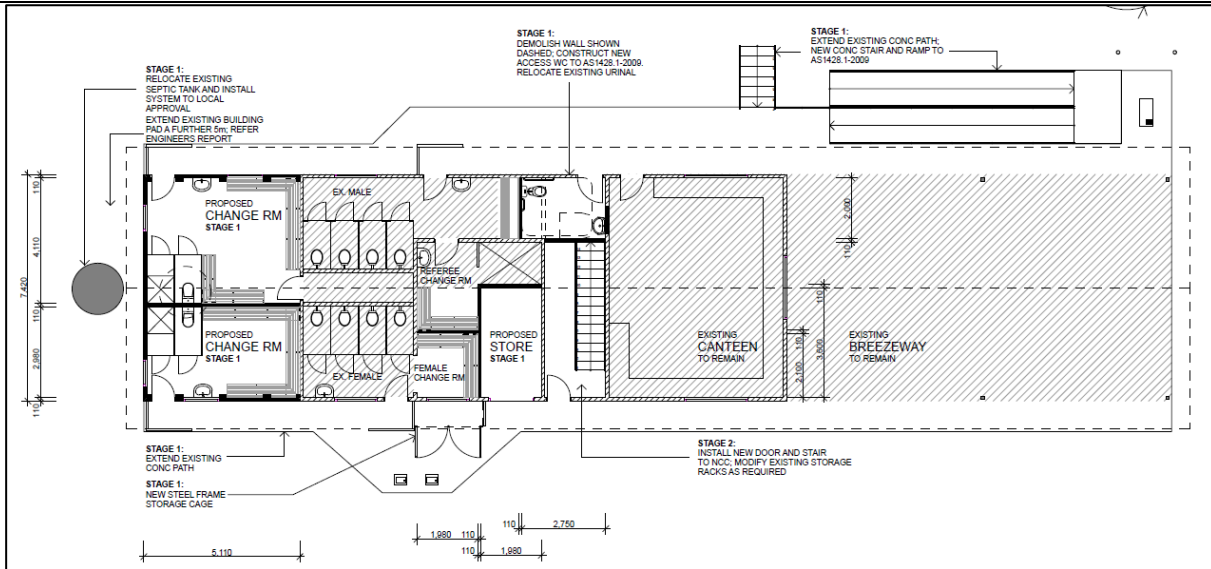


Figure 3 – Ground Floor Plan

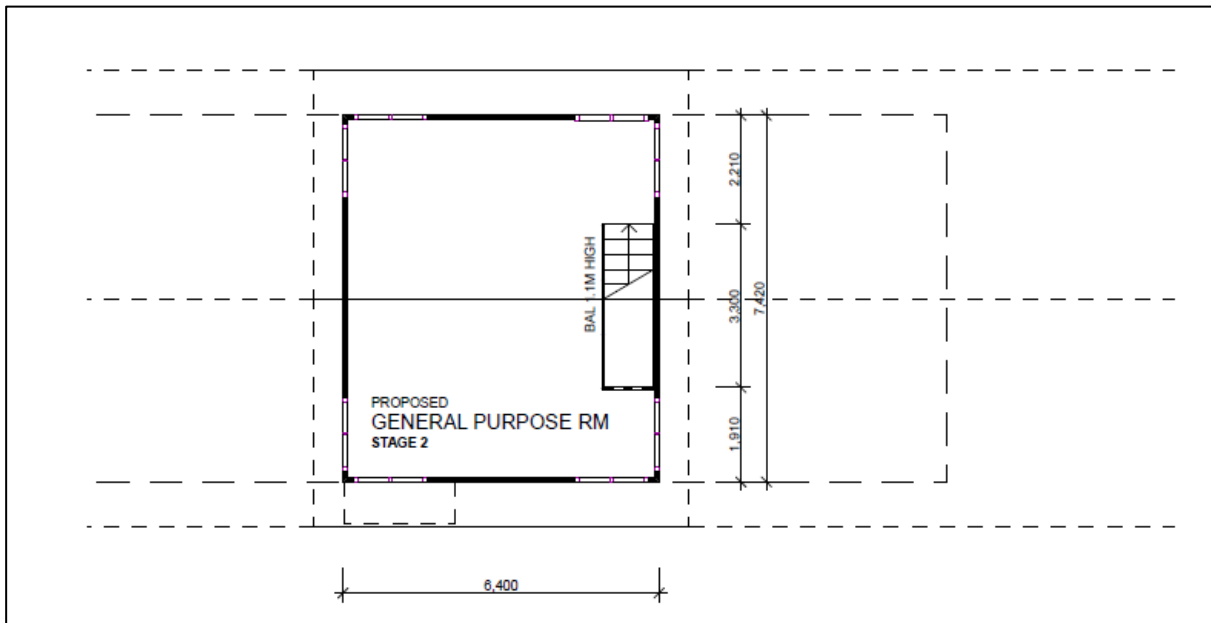


Figure 4 – Second Floor Plan

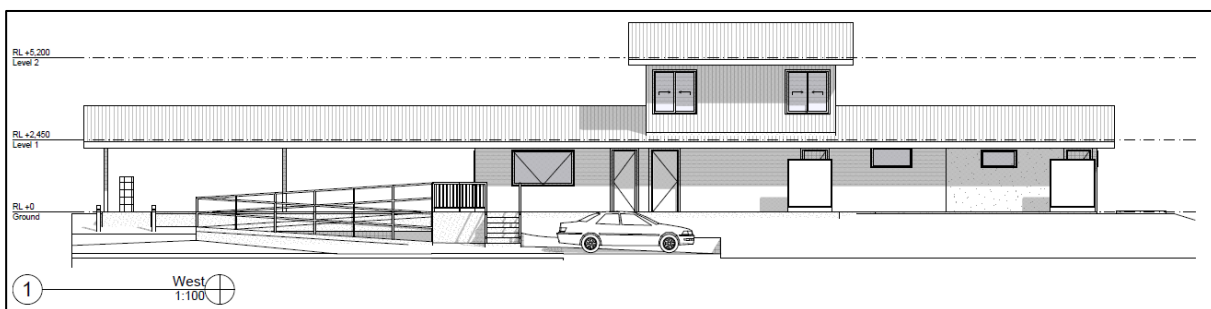


Figure 5 – Elevation Plan

COMMENTARY

Issues

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

Gunnedah LEP, 2012

The development site is zoned RE1 Public Recreation, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The development for the continuing use of the site for recreation (outdoor) is permitted subject to development consent. The following GLEP 2012 clauses are applicable to the development:

6.1 – Flood Planning

The development site is identified as being entirely flood prone land, as demonstrated on Figure 6. The proposed development includes the extension to the southern end of the existing earth mound by a further 5.14 metres, as well as the additions to the existing clubhouse. An engineer report provided within the application concluded that the extension of the earth mound would not cause any significant change to water heights, velocities or flow direction during a flood event. The activities undertaken on the site do not generate a need for persons to attend the site or be located on the site during a flood. The additions to the clubhouse are to be constructed of flood compatible materials. Hence, there will be no increase risk to life or property as a result of the proposed development.

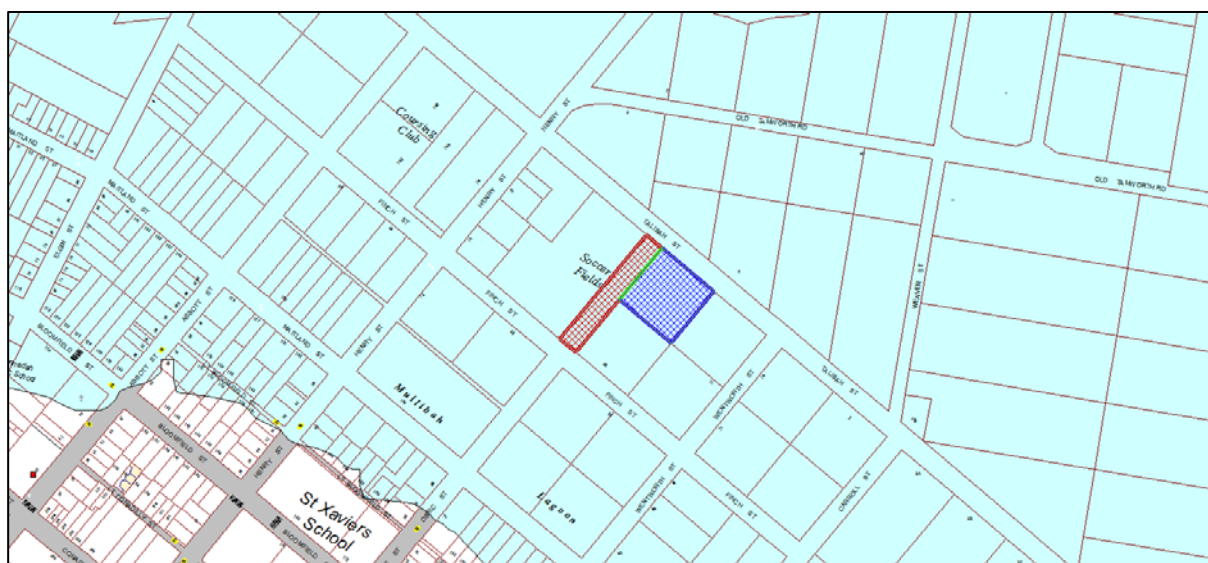


Figure 6 – 1 in 100 year flood inundation extent

6.2 – Airspace Operations

The development site is located within close proximity to the Gunnedah Airport. The site is not located directly in aircraft flight paths from the two runways. Despite the aircraft flight paths, Council's obstacle contours map identifies a maximum building height of 40 metres for any structure within close proximity to the Gunnedah Airport. The proposed clubhouse will be two storey and is located on the existing earth mound resulting in a building height of 6.78 metres above the ground level. Stage 3 of this development proposes to construct four (4) 32 metre high light poles. These poles will be constructed at ground level and will not exceed the allowable building heights with regards to aircraft contours heights.

6.5 – Essential Services

The development has provision of Council's water services, electrical services are currently connected to the site and sewerage and stormwater are managed onsite. The availability of these services will not be impacted as a result of the development, with the installation of a new onsite sewerage management system on the extended portion of the earth mound. The property has frontage to Finch Street and Talibah Street for pedestrian and vehicular access to the site.

State Environmental Planning Policies (SEPPs)

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

The development site contains 12 *Eucalyptus Camaldulenis* (River Red Gums) within the boundaries of the site being a density of 27.3%. Under the provision of SEPP 44 the site is regarded as being potential Koala habitat. Further investigation of the site did not locate any historical records of Koalas occupying the site or any evidence of the presence of a resident Koala population recently onsite. Hence, the site was not regarded as being core Koala habitat.

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. Additions to occur to the existing recreation (outdoor) facility were not expected to increase the potential risk of site contamination onsite or within the immediate area surrounding the site. Any fill deposited onsite is to be free of pollutants.

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

The development proposal does not include the removal of any trees or vegetation from the site.

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 enable the extension to the earth mound within a mapped floodway. Hence, the application 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.

6.1.1 – Development on Flood Affected Land

The development site is identified as being flood prone land as per the Gunnedah LEP 2012, flood planning maps. The site is regarded as being both within the flood way, as per Council’s Gunnedah 1% AEP Hazard Map.

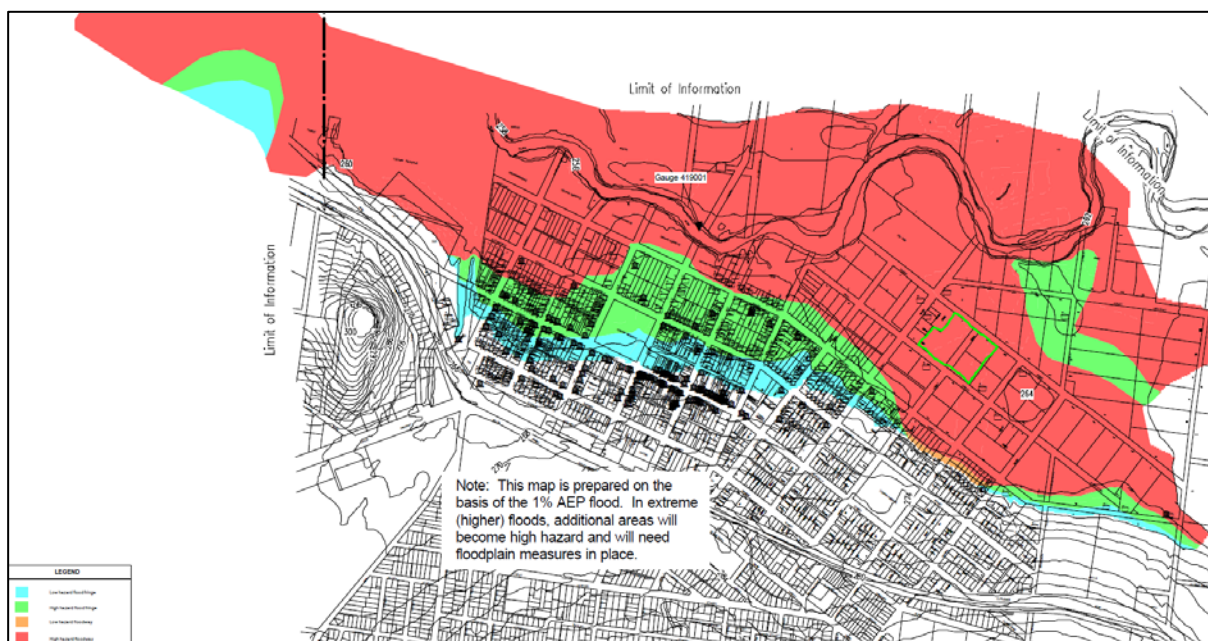


Figure 7 – Hazard Map, Gunnedah 1% AEP (red and orange areas imply “Floodway”)

6.1.3 – Development of Floodways

The developer is seeking a variation to this development standard to enable the extension to the existing earth mound. The extension of the earth mound will enable the development to be constructed at a height consistent with the existing elevation of the clubhouse, approximately 0.42 metres below the 1 in 100 year flood event level. The ability to retain this height may provide security for the clubhouse from inundation from smaller flooding events.

The extension will also enable the new onsite sewerage management system to be positioned on the earth mound, rather than being located above the ground surface, potentially resulting in a negative visual appearance when viewing the site from the south. The development will not construct any new buildings with all works being additions to the existing clubhouse.

The development does not include the construction of any fences.

6.1.6 – On-site sewage management within flood fringe

The developer proposes to install the onsite sewerage management system (OSSM) on the earth mound. Despite being raised above the nature ground level, the earth mound is not elevated to a height that would ensure that the OSSM is not inundated by flood water during a 1 in 100 year flood event. It is recommended that a condition be imposed that ensures that all fixtures and equipment for the operation of the OSSM is suitable for flood inundation.

6.1.11 – Land filling within flood fringe

As stated previously through this report, the developer has provided an engineer's report that concluded that the 5.14 metre extension to the existing earth mound will not divert or impact on flood water heights at adjoining residences or commercial properties. Works relating to the extension of the earth mound are to be conducted in accordance with AS 3798. The developer is not to source contaminated fill. A report is to be provided to Council prior to the issue of a Construction Certificate as to the source of earth fill and validation that the fill is free of contaminants.

6.2 – Parking Requirements

Parking demand for recreation lands uses are based on the number of facilities that are provided onsite. As the development does not propose the increase in the number of soccer fields that are available for use and will not increase the overall number of participants that could occupy the site, it is considered that the proposed development will not generate any additional demand for on-site parking. Hence, the provision of the one additional disabled parking space is in excess of the current parking provision and no requirement for additional parking spaces is made. The development will retain all current onsite parking spaces.

6.4 Outdoor Lighting

The proposed development involves the erection of 4 lighting poles on an existing field. Lighting will be directed onto the field. It was recommended that a condition be imposed to ensure that lighting is 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 and also to provide a limitation to operational hours.

6.6 Environmental Controls

The proposed development is considered to have minimal environmental impacts. The site is currently utilised for soccer events with the intended use of the site not proposed to change. Hence, there is no significant impact from the development in terms of traffic, land use conflict, noise or waste generation. Council's standard condition will be imposed in regard to the erection of sediment and erosion control measures during construction.

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

The development site currently contains a clubhouse, change rooms and associated structures on the site. The surrounding area is predominately open space. The proposed development is expected to be consistent with development on adjoining lots.

Natural Hazards

The site is identified as being subject to flooding. The existing structure is located on an earth-mound, however the floor level of the existing club house is approximately 450mm below the 1 in 100 year flood level. The earthen mound will need to be extended to allow for the additions and relocation of septic tanks to occur at the same level as the current clubhouse.

Technological Hazards

There is potential for the proposed lighting towers to spill over adjoining land. Lighting will be directed inward to the playing field located in the North Eastern corner of the site. There is one dwelling that adjoins the western boundary of the development site. To protect the amenity of the area it is required that the lighting structures are to be directed down onto the playing surface and are to comply with the provisions of AS 4282 *Control of Obtrusive Effects of Outdoor Lighting*. It is also a recommended condition that the operation of the lighting poles is prohibited between the hours of 10pm and 7am, to minimise light impacts on the surrounding area.

Site Design and Internal Design

The proposed additions to the Gunnedah District Soccer Association club house will not occur over lot boundaries. All services will be retained within the lot boundaries. Lighting fixtures will be located within the boundaries of the lot containing the play field which they will illuminate.

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

The development site is considered to be 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 does not contain any items of heritage significance that may be impacted by the development. The development is consistent and 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 did not receive any submissions during the exhibition period.

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 extension of the existing clubhouse, extension of earth mound, installation of new septic system and installation of four new field lighting poles over 3 stages. 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. 2019/014, at 49-75 Finch Street, Lot 1 DP 243325 and Lot 379 DP 755503, should be approved subject conditions.

ITEM 2	Development Application No. 2019/022 – Construction of Dwelling, Shed and external Amenities Block – Lot 2 DP825588 – 3745 Longarm Road, Rangari
MEETING	Planning, Environment and Development Committee – 5 June 2019
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Ensure compliance with legislation through assessment of development applications. Development applications considered in accordance with the provision of the Local Environmental Plan 2012 and Council’s Development Control Plans
ATTACHMENTS	Nil

2.06/19P **COUNCIL RESOLUTIONS:**

That the Development Application No. 2019/022, for the construction of a dwelling house, shed and external amenities block, at Lot 2 DP 825588 – 3745 Longarm Road, Rangari be approved subject to the following conditions of consent:

C. 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 20/03/2019
 - Statement of Environmental Effects, prepared by Barnsons dated 19/2/2019; and
 - Submitted plans:
 - Prepared by SAE designs, dated 5/7/2018, Drawing Nos.: A001 (Floor Plan), A002 (Elevations), A003 (Elevations & Sections), A004 (Roof plan), A005 (Site Plan), A006 (Shed Plan)
 - BASIX Certificate number: 780865S-04, Assessor Certificate No. 0003005006-01, dated 10 March 2019;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

- A2.** To clarify the terms of this development consent the Shed is to be used for residential purposes only and is not to be utilised as a farm building.

Note: farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

Reason: To ensure the building is not occupied for any prohibited land uses.

D. 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.

B5. Fulfilment of BASIX Commitments

- (1) This clause applies to the following development:
- (a) BASIX affected development,
 - (b) any BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied).
- (2) For the purposes of section 4.17 (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

Reason: To ensure compliance with the statutory requirements.

C. PRIOR TO WORKS COMMENCING

- 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 building. **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.

D. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- D1.** 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.

- D2.** 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.

- 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 7.12 Contributions Plan 2013 under Section 7.12 of the Environmental Planning and Assessment Act 1979. The current levy payable is calculated at 1% of the development cost. The current calculated levy payable is \$4,948.30, revised construction cost may incur a varied levy fee.

Note: The Gunnedah Shire Council's Section 7.12 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.

On-Site Sewerage Management

- D4.** 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:
- (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

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.

- 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:
- (f) 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.

- D6.** Prior to issuing a Construction Certificate, a Rural Addressing Application shall be lodged with Council.

Reason: To ensure the property is identified.

E. GENERAL

- E1.** General waste is to be disposed of to a licensed waste management facility. No General Waste is to be disposed of onsite.

Reason: To ensure waste is appropriately disposed.

- E2.** At the commencement of building works and in perpetuity, an Asset Protection Zone shall be managed around the proposed dwelling for a distance of at least 50 metres. As outlined in NSW RFS document 'Standards for Asset Protection Zones'.

Note: The following points are guide to APZ requirements. The APZ should comprise the following:

- Minimal Fine Fuel on the ground.
- Vegetation that does not provide a continuous path to the building for the transfer of fire.
- Shrubs and trees that do not form a continuous canopy and vegetation is planted in clumps, rather than continuous rows
- Shrubs and trees are pruned so that they do not touch or overhand the building.
- Vegetation is located far enough away from the building so that plants will not ignite the building by direct flame contact or radiant heat emission.

Reason: To provide bushfire protection to the building

F. DURING CONSTRUCTION

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) internal drainage under water test
- (b) external drainage under water test
- (c) water plumbing
- (d) septic tank or aerated wastewater treatment system
- (e) pump well and associated pump lines
- (f) absorption trenches
- (g) 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).

- (m) **Piers (if any) prior to pouring of concrete**
- (n) **Footing trenches with reinforcement prior to pouring of concrete**
- (o) Retaining walls and reinforcement (if any) prior to pouring of concrete
- (p) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (q) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (r) **Wet area, damp proofing and flashing before lining**
- (s) Swimming pool safety fence prior to filling the pool with water
- (t) Foundation material before installation of the swimming pool or laying of any bedding material
- (u) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves
- (v) **Bearers and joist inspection, including tie down requirements and ant capping. When completed and prior to the laying of the floor**
- (w) Insitu concrete formwork (excluding paving) with reinforcement prior to pouring of concrete
- (x) **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. 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.

\Water Supply - Rural

- F4.** 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 20,000 litres of water reserved for firefighting purposes, with a lower outlet for firefighting purposes fitted with a 65mm storz fitting and ball or gate valve shall be located in such a position that access for firefighting units shall be as direct as possible. This tank shall be provided with a petrol or diesel pump with a minimum 3kW (5hp) power capacity.

Reason: To ensure compliance and fire safety of Building.

F5. 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.

F6. Retaining walls and drainage

If the soil conditions require it:

- (a) Retaining walls associated with the erection or demolition of a building or other approved methods preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

Should a retaining wall be proposed to be constructed above a height of 600mm the applicant shall have the structure designed by a practicing Structural Engineer and a copy of the design plans are to be provided to council before work commences on the site. The retaining wall is to be completed in accordance with the design provided prior to any occupation or use of the building.

Reason: To ensure site stability.

F7. 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 Part 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.

- F8.** 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.

G. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- G1.** 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.

MOTION *Moved Councillor R HOOKE*
Seconded Councillor RG SWAIN

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 within the Gunnedah Development Control Plan 2012.

Applicant: Mrs C Ward
 Owner: Mr GS Ward
 Property Description: Lot 2 DP825588
 3745 Longarm Road, Rangari

Proposed Development

The development is seeking consent for the construction of a new dwelling house, an ancillary shed and detached amenities.

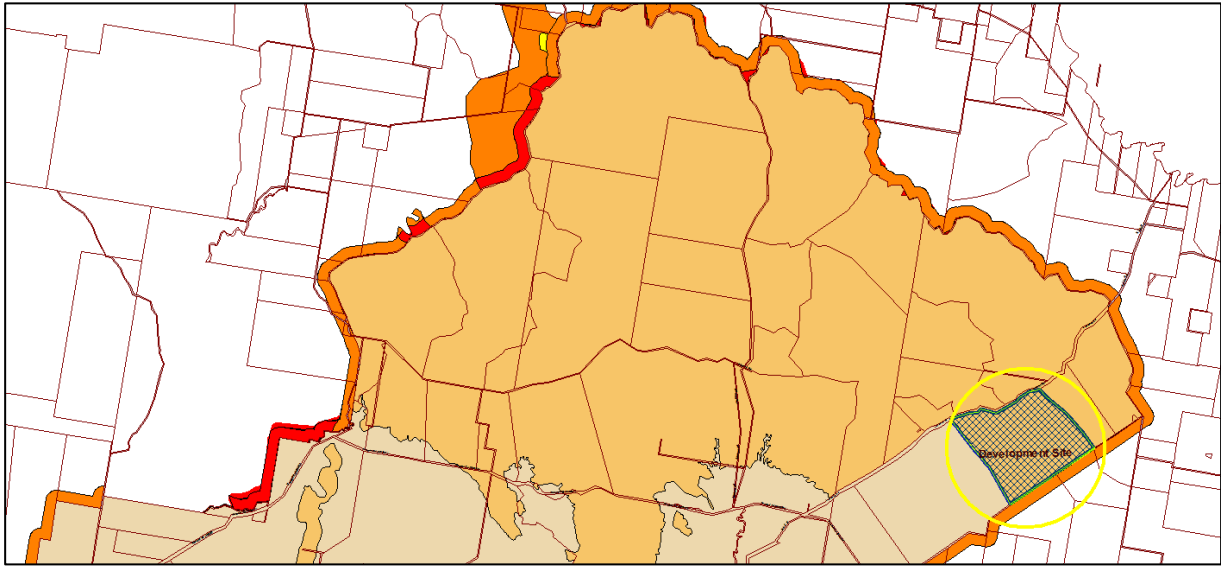


Figure 1 – Site Location

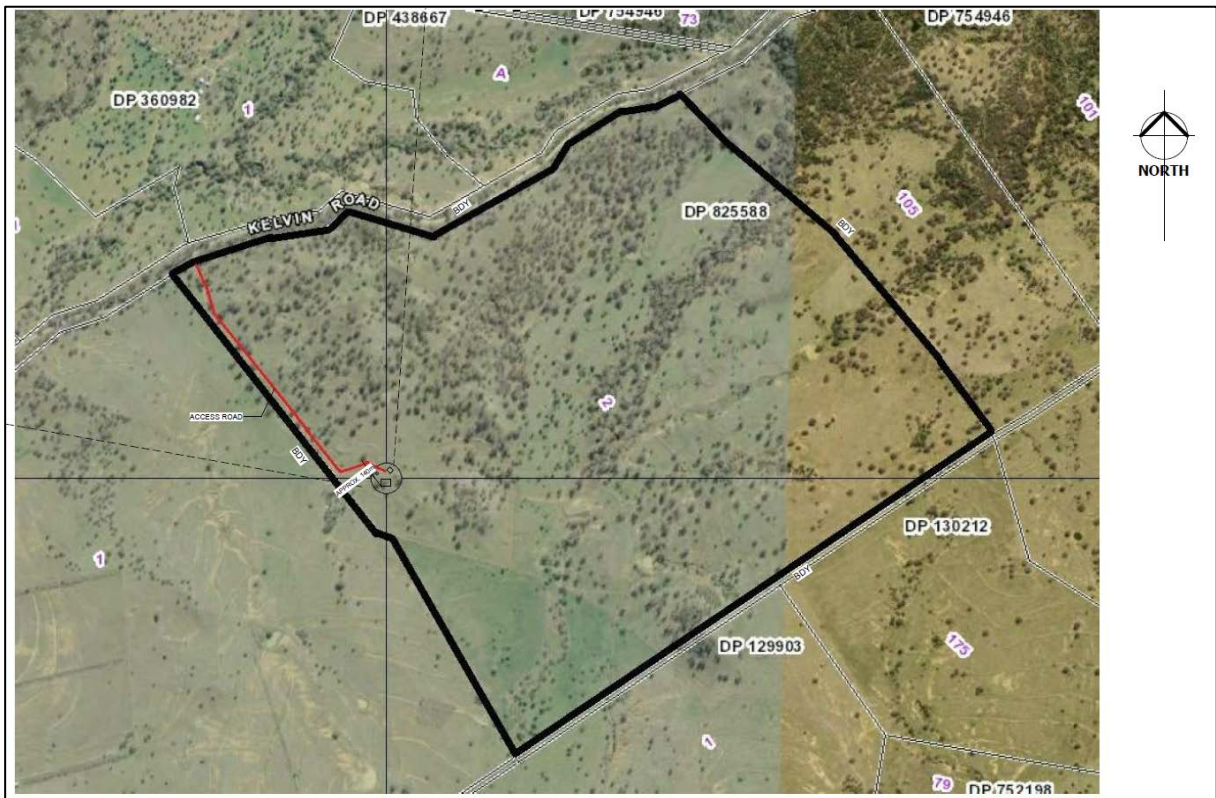


Figure 2 – Site Plan

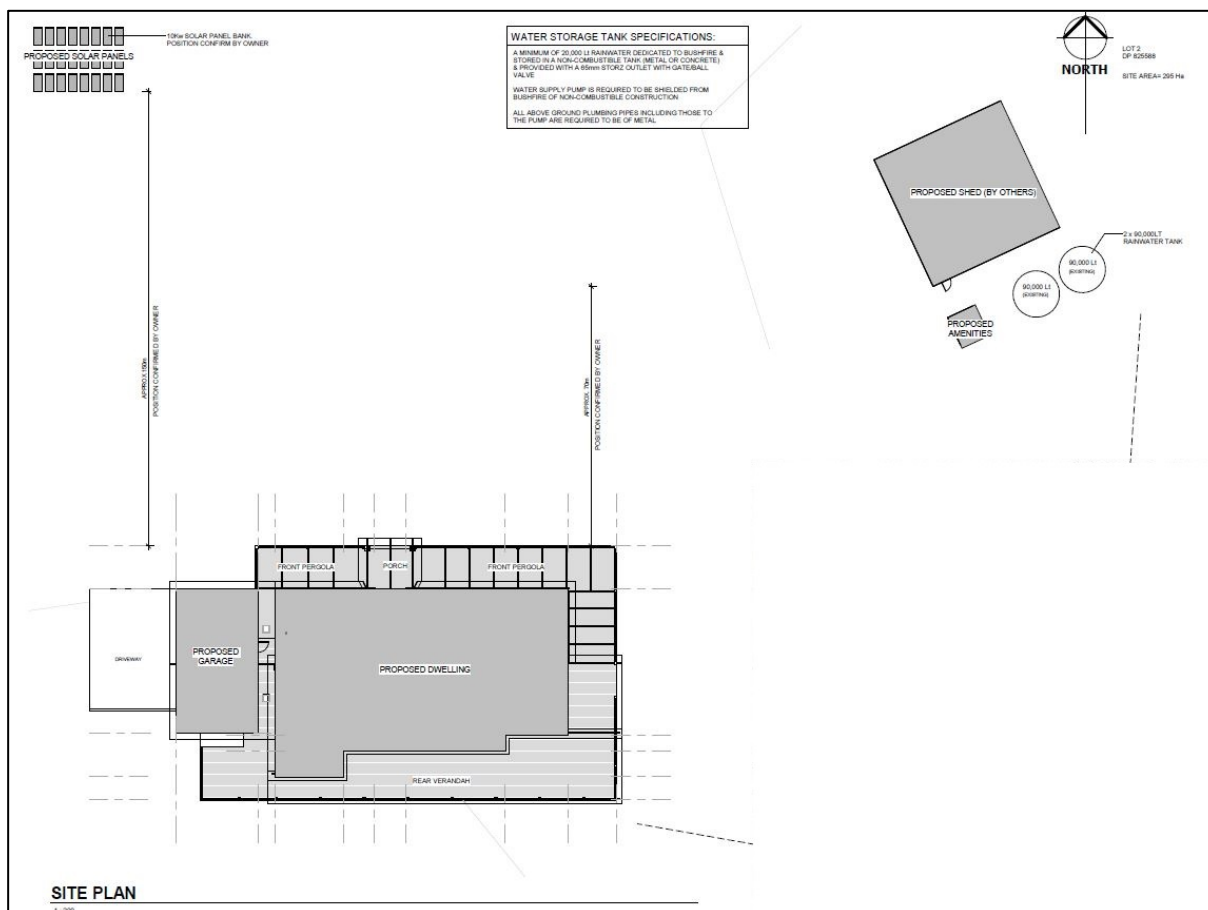


Figure 3 – Site Setout Plan

COMMENTARY

Issues

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

Gunnedah LEP, 2012

The development site is zoned *E3 Environmental Management*, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The development proposes a dwelling house and ancillary development which is a permitted land use subject to development consent. The following GLEP 2012 clauses are applicable to the development:

4.2A – Erection of dwelling houses on land in certain rural and environmental protection zones

The development is proposing the construction of a dwelling house and ancillary shed. The development site has an area of 294.3ha which is greater than the minimum lot size for the property. Hence, the construction of a dwelling house on this allotment is permitted by this clause.

5.16 – Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

There are no existing activities within the development site or on the adjoining allotments that may be negatively impacted by the construction of the proposed dwelling and associated structures. The dwelling will not limit access to natural resources or viability of the adjoining properties as agricultural holdings.

6.5 – Essential Services

The development site is a rural property and does not have provision of any Council services. Water, stormwater and sewerage are to be accommodated onsite via onsite detention and storage. Electrical services are to be provided by the installation of a ground mounted solar array and battery storage. The development has frontage to Longarm Road for access.

State Environmental Planning Policies (SEPPs)

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

The development site is not identified as potential Koala habitat as the site does not contain a density of Koala Feed trees in excess of 15% of the total trees in the upper or lower strata of the site. Hence, no further investigation was required.

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

The current use of the site is rural. A search of Council's records and supplied Statement of Environmental Effects does not identify that there has been any previous usage that could lead to any potential site contamination. No further investigation was required.

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

The development proposal does not include the removal of any trees or vegetation from the site.

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 is a single storey dwelling house and ancillary structure within a rural locality. The development includes the request for a variation to a development control pertaining to the height of the outbuilding associated with the development proposal. Hence, the development required notification to the adjoining land holders. Council notified the adjoining land holders and exhibited for 14 days. No submissions were received during the extent of the exhibition period.

2.1.1 - Building Setbacks

The development site requires a minimum setback of 200 metres from Longarm Road. The proposed development is proposed to be approximately 900 metres from the primary road frontage to Longarm Road and 140 metres from the closest side or rear lot boundary. The dwelling and ancillary structure are compliant with all development setbacks.

2.1.2 – Building Height of a Dwelling

The height of the dwelling will be approximately 6.3 metres from the natural ground level.

2.1.3 – Utilities

The development site does not contain any easement lines within the lot boundaries. The site does not have provision of Council's water services. As a result onsite storage is required. The development will require the provision of a minimum 45,000L water tank for domestic storage. The site has existing provision of 180,000L of water storage that will service the dwelling.

2.1.4 – Privacy

The proposed dwelling is single storey, conducted on a rural property and will be compliant with the required development setbacks from side boundaries. The development did not require any specific privacy controls.

2.1.5 – Design and Solar Access

The dwelling has windows along each of the elevations to address visual amenity facing towards the main road frontage. Living areas have been provided with adequate natural lighting access with the provision of windows to exterior elevations. Living areas are positioned along the northern elevation of the dwelling which will ensure the most efficient natural lighting and heating of living areas from direct solar access.

2.1.8 – Outbuildings, Carports and Detached Garages

The shed is to be located in close proximity to the dwelling house and will also include the construction of a separate amenities structure. The proposed outbuilding will have a floor area of 144m² and the amenities block has a floor area of 6m². The combined floor area of these structures will be 150m² and will not exceed the total cumulative floor for these structures onsite. The proposed length of the shed exceeds the 10 metre maximum within the E3 land zone. See Clause 2.1.8c, for compliance.

The shed has a proposed height of 6.543 metres from the natural ground level with an eave height of 5.55 metres. The proposed height exceeds the maximum height of 5 metres measured from ground level as prescribed by this clause. The developer has requested a variation to this development standard as the current development controls for the eave and maximum height of an outbuilding is overly prescriptive for the rural locality and limits the land owner from being able to achieve the desired use with the raised roof and eave height being required for the structure to be able to store vehicles, caravans and other household items. The shed is located in a rural locality and does not pose a visual impact to adjoining land holders. The site adjoins a rural locality. The variation to this standard will not result in the proposed outbuilding being inconsistent with buildings and structure permitted on adjoining lots and the surrounding rural locality.

2.1.8c – Discretionary Development Standard

The length of the proposed shed is acceptable as the two lengths of the shed, being 12metres along each elevation, is less than the length of the development boundary. Hence, the lengths of the exterior dimensions are consistent with this discretionary standard.

2.1.10 – Access

The development site has a frontage to Longarm Road. There is an existing vehicle access from Longarm Road. No upgrade to the existing access is required as the vehicle access appeared to meet Council's rural access standard. There is an existing internal driveway that provides 2WD all weather access from the property boundary to the location of the new dwelling.

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

Context & Setting

The development site is currently vacant with no structures on the site. The surrounding area is predominately rural usage with lots containing dwelling houses/farm buildings and vacant allotments. The proposed development is expected to be consistent with development on adjoining allotments.

Other Land Resources

The proposed dwelling will not detract from the agricultural viability of the development site or the development that occurs on adjoining properties. The construction of a dwelling will not impede the access to minerals or resources on the site if sort in the future.

Waste

The development is not anticipated to result in any waste generation on site apart from common household waste. Waste should be deposited at a Council Waste Management Facility, no waste should be disposed of onsite. Council's sewer services are not present within the surrounding locality. An onsite sewer management system is to be installed for effluent disposal.

Energy

The dwelling is to be constructed in compliance with the submitted BASIX certificate. A condition is to be imposed to ensure that all identified requirements within the certificate is complied with. The installation of the solar array does not require development consent under this development application, as it is a ground mounted solar system that complies with the provision of the State Environmental Planning Policy (Infrastructure) 2007.

Natural Hazards

The development site is not identified as being flood or bushfire prone land. However, due to the surrounding vegetation and the rural nature of the site, an Asset Protection Zone (APZ) shall be managed around the proposed dwelling for a distance of at least 50 metres to ensure the safety of residents and inhabitants of the dwelling, as outlined in NSW RFS document 'Standards for Asset Protection Zones'. A condition is to be imposed to ensure the APZ is appropriately managed.

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

The proposed development is consistent with the existing and future development in the locality. The development has access from a public road and Council's utility services are available to the site. The site is not identified as being subject to flood or bushfire and does not contain an item of heritage significance. The site is considered to be 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 did not receive any submissions during the exhibition period.

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 construction of a dwelling house, detached amenities and outbuilding. 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. 2019/022, at 3745 Longarm Road, Rangari, Lot 2 DP 825588, should be approved subject conditions.

There being no further business the meeting concluded at 4:15pm.

Mayor J Chaffey
CHAIRPERSON