

Shire of  
**G u n n e d a h**  
Land of Opportunity

## MEETING NOTICE

<b>COMMITTEE</b>	<b>PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE</b>
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>DATE</b>	Wednesday 3 June 2015
<b>TIME</b>	4:00pm
<b>VENUE</b>	Council Chambers, 63 Elgin Street, Gunnedah
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Planning Environment and Development Committee Meeting Minutes held on 6 May 2015</li> <li>2. Director Planning and Environmental Services Report</li> </ol>

### AGENDA

Present

Apologies

Declarations of Interest

Report of Director of Planning and Environmental Services

1. Development Application No 2015/011 – Additions and Alterations to Dwelling – Lot 94 DP751010, 98 Ruvigne Lane Gunnedah ..... 85
2. Development Application No 2015/019 – Subdivision (1 into 8 lots) – Lot 10 DP1191255, Rampadells Rise, Gunnedah ..... 94
3. Application to Close a Council Public Road ..... 108

Objectives

Michael J Silver  
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

*Apologies to: 6740 2120*

\* See Over

Gunnedah Shire Council  
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Administration Tel: (02) 6740 2100. Fax: (02) 6740 2119  
Planning & Environmental Services Tel: (02) 6740 2120. Fax: (02) 6740 2129  
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**The ordinary, extraordinary open and Committee meetings of Council will be audio recorded for minute-taking purposes, please note meetings held in the Council Chambers are recorded on tape for the purposes of verifying the accuracy of minutes and the tapes are not disclosed to any third party under section 12(6) of the Local Government Act, except as allowed under section 18(1) or section 19(1) of the PPIP Act, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.**

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

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

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

## VISION

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

## MISSION

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

## ORGANISATIONAL VALUES

***In partnership with the community:***

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

## Planning Environment and Development Committee Minutes 4:00pm Wednesday 6 May 2015

COUNCILLOR	PRESENT	LEAVE	APOLOGY	ABSENT
OC Hasler	X			
RG Swain (Chair)	X			
H Allgayer			X	
T Duddy			X	
C Fuller	X			
GA Griffen			X	
D Quince			X	
R Ryan	X			
SJ Smith	X			
<b>SENIOR STAFF</b>				
General Manager (E Groth)	X			
Executive Manager Business Systems and Governance (C Formann)	X			
Director Planning and Environmental Services (MJ Silver)	X			
Director Infrastructure Services (W Kerr)	X			
Manager Development and Planning (C Hunt)				X

### DECLARATION OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	NSNP	RC	REASON
NIL							
STAFF	ITEM	REPORT	P	SNP	NSNP	RC	REASON
NIL							

P – Pecuniary

SNP – Significant Non Pecuniary

NSNP – Not Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

## ITEM 1                      **Development Application No. 2015/024 – 3 Shade Sails – Lot B DP408280, 211 Bloomfield Street, Gunnedah**

**MEETING**                      **Planning, Environment and Development Committee – 6 May 2015**

**DIRECTORATE**              **Planning and Environmental Services**

**AUTHOR**                      **Town Planner**

**POLICY**                      **Nil**

**LEGAL**                        **Environmental Planning & Assessment Act, 1979**

**Gunnedah Local Environmental Plan, 2012**

**Gunnedah Development Control Plan, 2012**

**FINANCIAL**                 **Nil**

**STRATEGIC LINK**         **Community Strategic Plan**

**1.2.2      Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area.**

**Operational Plan**

**3.6.3      Ensure compliance with the provisions of Council’s Development Control Plan**

**ATTACHMENTS**         **Nil**

### 1.05/15P      COUNCIL RESOLUTIONS:

**That the Development Application No. 2015/024 for the construction of 3 shade sail structures at 211 Bloomfield Street, be approved subject to the following conditions of consent:**

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

**A1.** The proposed development shall be carried out generally in accordance with the details set out in the following

- Development Application form lodged 20/03/14
- Statement of Environmental Effects, prepared by Richard Patriquin, dated 20/03/2015; and
- Submitted plans:
  - Prepared by Applicant, Landscape Plan;
  - Prepared by Goodridge Industries Pty Ltd, dated 17/03/2015, Drawing No: 1430/1 (Proposed Shade Sail, Elevations & Plan), Drawing No: 1430/2 (Proposed Shade Sail, Post & Footing Details); & dated 24/08/2010, Drawing No: 1430/3 (Standard Shade, Footings, Columns and Sail Design);

except as otherwise provided by the conditions of consent.

***Reason: To ensure compliance with application and plans.***

**B. Prescribed Conditions (Section 80A(11) of the Act)**

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

**B1. Compliance with Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

***Reason: To ensure compliance with the statutory requirements.***

**B2. Compliance with Home Building Act, 1989**

Residential building work within the meaning of Part 6 of the Home Building Act 1989 must not be commenced until a contract of insurance for any authorised building work to be carried out, has been entered into and be in force.

***Reason: To ensure compliance with the statutory requirements.***

**C. Prior to Commencement of Building Works**

**C1.** 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. General**

**D1.** Colours and textures of materials of external walls, roof and ancillary structures including water tanks shall be non-reflective and as such will not conflict with the existing landscape.

***Reason: To ensure visual amenity of the area is maintained.***

**D2.** The shade sails are to be constructed of non-combustible material.

***Reason: To ensure visual amenity of the area is maintained.***

**E. During Construction Works**

**E1. 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) **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.***

- E2.** The storage of all building materials shall be confined within the boundaries of the allotment.

***Reason: To ensure site safety.***

- E3. 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.***

- E4. Protection of public places**

If the work involved in the erection of the shade sails:

- (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.***

- E5.** 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.**

Council Resolution  
 Moved Councillor C FULLER  
 Seconded Councillor R RYAN

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer			X	
T Duddy			X	
C Fuller	X			
GA Griffen			X	
D Quince			X	
R Ryan	X			
SJ Smith	X			

*Note: This is now a resolution of Council in accordance with the Committee's delegated powers.*

**PURPOSE**

**Introduction**

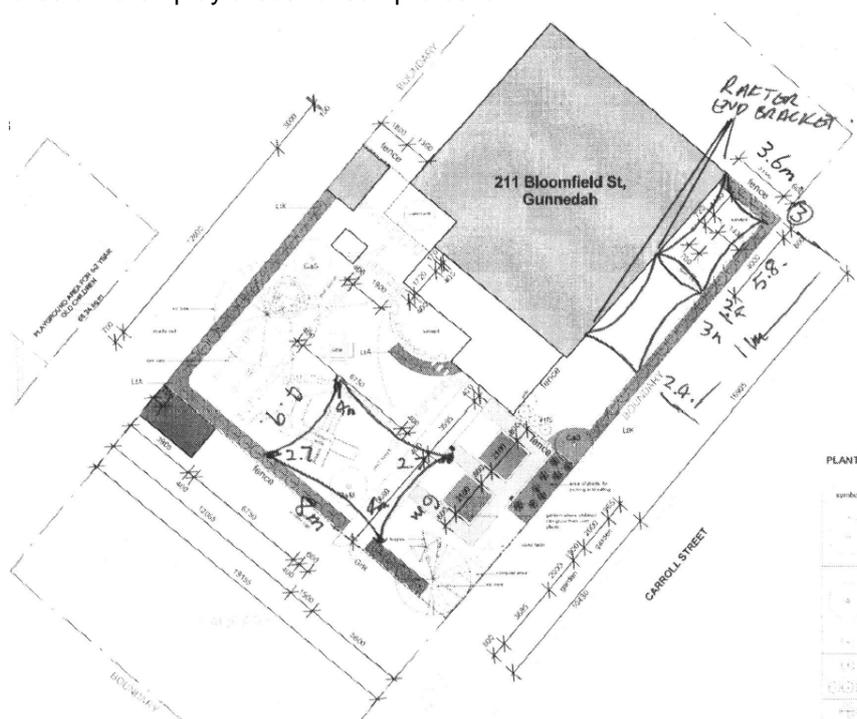
The development application is being referred to the Committee for approval as the development requires the variation to the Gunnedah Building Line Map within the Gunnedah Development Control Plan to allow for the shade structures to be constructed within the building line setback of Carroll Street.

Applicant: Richard Patriquin  
 Owner: Messers R and B Patriquin  
 Property Description: Lot B DP408280  
 211 Bloomfield Street, Gunnedah

**COMMENTARY**

*Proposed Development*

The development application is seeking approval for the construction of three (3) shade sails on the property to complement the existing child care centre on the property. The shade sails will be located over the designated children play areas for sun protection.



## COMMENTARY

### Issues

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

##### **Gunnedah LEP, 2012**

The development site is zoned R2 Low Density Residential under the provision of the Gunnedah Local Environmental Plan, 2012. The development will not alter the approved land use on the site. The proposed development is ancillary to the existing land use. The proposed development is compliant with the following applicable clauses within the Gunnedah LEP 2012:

##### *5.9 – Tree Preservation Order*

The development will not require the removal of any trees from the site.

##### *6.5 – Essential Services*

The development site has provision of Council's relevant services. The development will not create additional demand on any services as part of development works. The development will maintain current vehicle access from Carroll Street.

### **OTHER – SEPPs**

#### **SEPP 44 – Koala Habitat**

The development site is not greater than 1 hectare in size. Hence, the development site is not regarded as potential Koala Habitat.

#### **SEPP 55 – Remediation of Land**

The development site currently contains a child care centre. The proposed development will not result in a change of use of the site. Hence no further investigation is required.

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

##### *1.8 – Consultation*

The development application was not notified to adjoining land holders. The development for shade sails is expected to have little or no impact on surrounding land holders. Hence the development control plan did not require notification of the application to adjoining land holders.

##### *2.1.1 – Building Setbacks*

Two of the proposed shade structures are to be located along Carroll Street and will be located in front of the existing building lines. The development site requires setbacks in compliance with Council's Building Line Map of 7.5m from the primary road frontage being Bloomfield Street and 3.6m from the secondary frontage being Carroll Street.

The development proposes to locate the shade sails within the setback from Carroll Street, with the resulting setback being approximately 600mm from the Carroll Street boundary. The Carroll Street frontage has an existing 6ft high solid panel fence that limits the visual impact of these shade sails from the public road reserve. These sails will not be solid structures and are expected to have limited visual or structural impact on the development setback.

##### *6.2 – Parking Requirements*

The development has provision of 5 onsite parking spaces for the existing land usage. The proposed development will not increase the maximum number of children in the centre at any one time. The development does not require provision of additional parking spaces.

##### *6.6.1 – Environmental Effects*

The development will be a continuation of the existing land use onsite with the provision of shade sails over previously approved children play areas. The development is not expected to have any impact on surrounding land holders. Shade sails will be located within the rear of the yard and along the Carroll Street building setback. The sails will be located behind existing boundary fences that will limit the visual impacts from the development.

**S79C(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 contains a building that is being converted to a child care centre. The surrounding area is primarily made up of residential dwelling houses. The development will not increase the size of the building onsite. The proposed development will be ancillary to the existing land use and will provide covered and shaded play areas for children.

*Social & Economic impact in the locality*

The development is expected to have minimal social and economic impact on the Gunnedah area. The development will provide shading and screening over the existing children play areas.

*Site design and internal design*

The shade sails will be located over sections of the existing approved play areas. Two of the proposed sails will be located within the forward setback of the existing building onsite. It is expected that the sails will not be visually obtrusive due to the existing boundary fence along Carroll Street and due to the sails being connected to the existing eave and angled to be lower at toward the property boundary. The shade sails are expected to be suitable.

**The suitability of the Site for the Development**

The proposed development site is located on a corner allotment. The site is currently being utilised as a child care centre with the development being ancillary to the existing usage. The development site has no setbacks requirements for the proposed development. The development will not inhibit development or existing use on the site and there will be no requirement for removal of any trees. Hence the site is considered to be suitable for the proposed development.

**Conclusion**

The development application will not have any detrimental effects on the existing development or the development on the surrounding sites. The development will be complimentary to the existing land use and will provide shade for children play areas that are located within the setbacks of the existing building and in the rear of the yard. The development is recommended for approval with a variance to the development control plan as the proposed development will not be a solid built structure and will have little effect on the building façade within the Carroll Street Setback.

<b>ITEM 2</b>	<b>Curlewis and Environs Planning Proposal</b>
<b>MEETING</b>	Planning, Environment and Development Committee– 6 May 2015
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Manager Development and Planning
<b>POLICY</b>	Nil
<b>LEGAL</b>	Gunnedah Local Environmental Plan Environmental Planning & Assessment Act, 1979
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Council plans and guides the development of Gunnedah area. Operational Plan 2.5.4 Review Local Environmental Plan 2.5.5 Review Local Environmental Plan
<b>ATTACHMENTS</b>	Addendum to the Gunnedah Shire Rural Strategy

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**OFFICER'S RECOMMENDATION:**

That the Addendum to the Gunnedah Rural Strategy be endorsed for public exhibition for 28 days with all affected parties directly notified.

**2.05/15P COUNCIL RESOLUTIONS:**

1. **That the Addendum to the Gunnedah Rural Strategy be endorsed for public exhibition for 28 days with all affected parties directly notified.**
2. **That Council write to the holder of Consolidated Coal Lease 711 requesting expedition of the relinquishment of the Consolidated Coal Lease 711 in accordance with previous advice from the lease holder to the community.**

*Council Resolution*

*Moved Councillor OC HASLER*

*Seconded Councillor C FULLER*

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer			X	
T Duddy			X	
C Fuller	X			
GA Griffen			X	
D Quince			X	
R Ryan	X			
SJ Smith	X			

*Note: This is now a resolution of Council in accordance with the Committee's delegated powers.*

**PURPOSE****Introduction**

This report is referred to Council as it involves an Addendum to Council's Rural Strategy.

**BACKGROUND**

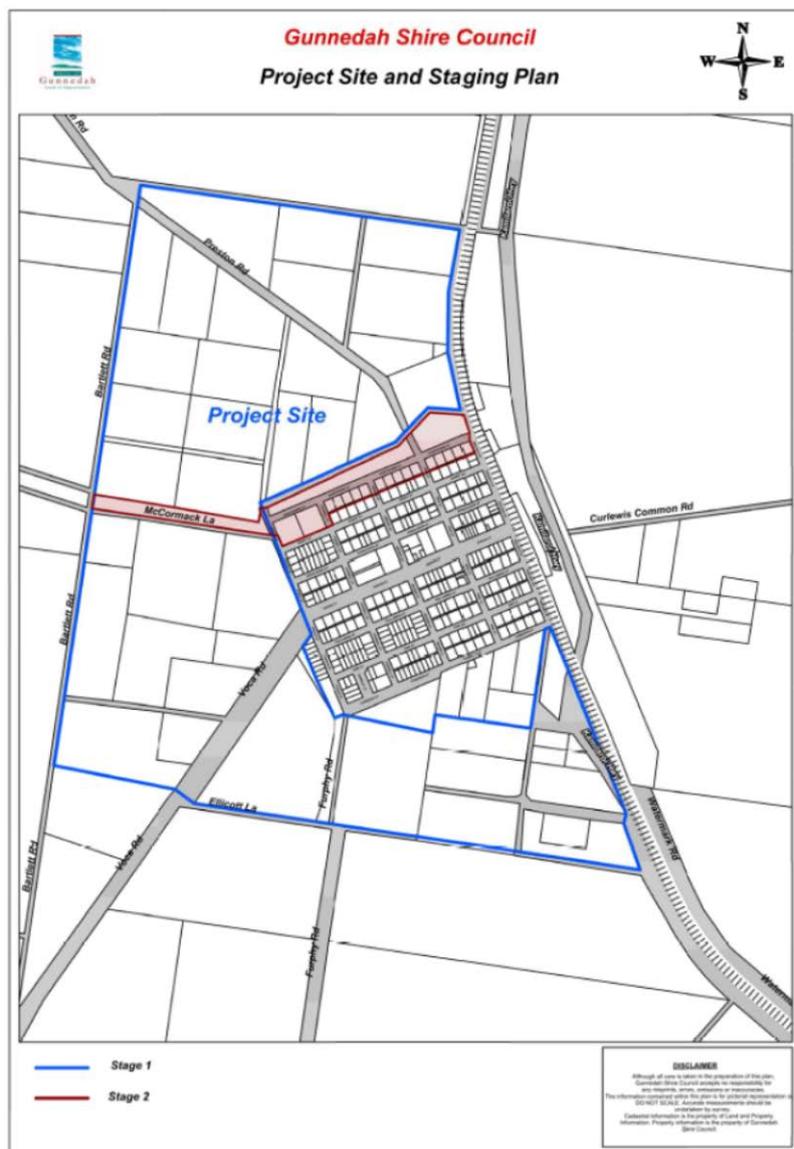
Council resolved at its December 2014 Ordinary meeting:

- 1) *That the Gunnedah Rural Strategy 2007 and Addendum to the Gunnedah Rural Strategy be reviewed, with a focus on the area surrounding the village of Curlewis.*
- 2) *That the previous allocation of \$5,000 provided from General Fund to support the preparation of the Planning Proposal be utilised in the review of the Gunnedah Rural Strategy 2007 and Addendum to the Gunnedah Rural Strategy.*

**COMMENTARY**

Council engaged The Six Hills Group to prepare an Addendum to the Gunnedah Shire Rural Strategy for Curlewis and its environs.

The project area and staging plan was identified as:



**Overview of Draft Addendum to the Rural Strategy**

The strategic analysis reviewed the current and expected population changes of Curlewies and outlined development opportunities within the statutory and planning policy framework for that area. The strategic analysis will achieved this by:

- Consideration of the current population characteristics and possible future expansion, with particular regard to major development proposals
- Analysis of the availability of residential land within Curlewies and existing infrastructure (water, sewer and stormwater)
- Recommendations for future strategic direction of the existing small rural allotments immediately surrounding Curlewies and former coal lease land adjacent to village zone, addressing:
  - Land zoning and minimum lot size
  - Subdivision potential
  - Dwelling capability
  - Provision of services (either expansion or on-site)
- Analysis of the implications for infrastructure (water, sewer and stormwater) having regard to the possible expansion of the residential/introduction of a large lot zone and the intensification of development within existing zones.

**Small Rural Allotments (Curlewis Environs) – Stage 1**

The draft Strategy considered the current planning provisions and undertook an assessment of the site attributes to determine whether an amendment to the LEP was appropriate. The draft Strategy “concluded that the subject land (identified on the Project Site Plan as Stage 1) is capable of supporting land zone/s (and corresponding minimum lot size/s) that will facilitate continuance of the existing rural land uses, deliver lifestyle needs via rural/residential development, recognise current community facilities and appropriately progress development from the village of Curlewis (zoned RU5) to the greater region (zoned RU1)”.

To achieve the recommendations, “it is considered that the rezoning of the subject land to RU4 Primary Production Small Lots would be appropriate, with the exception of the following:

- Lots 7302 and 7303 DP1140446, which should be zoned SP2 Infrastructure (community land for the purpose of a cemetery); and
- Lots 213 and 255 DP755490, which should be zoned RE1 Public Recreation in recognition of the current and historic use as community recreational land”.

“The RU4 Primary Production Small Lots zone enables the continuance of sustainable primary industry and will maintain the rural and scenic character of the land. In conjunction with this rezoning, it is recommended that a minimum lot size of 10 hectares be adopted, together with a dwelling opportunity map. This pathway will preserve existing agricultural land uses as well as provide a dwelling entitlement to existing allotments that are capable of supporting a dwelling house and associated infrastructure (including on-site sewage management systems where required), and will prevent further subdivision and fragmentation of the subject land”.

**Consolidated Coal Lease 711 and Hawthorne Street – Stage 2**

Council has previously considered the zoning along Hawthorne Street. Council noted at the September PED Committee meeting the current status of the Consolidated Coal Lease 711. Council’s Resolution No. 20.04/14 (April 2014) resulted in the landholders of the identified properties and the Curlewis community (on behalf of the Curlewis Progress Association) being notified that Council will consider the matter of rezoning the land fronting Hawthorne Street after formal notification has been received regarding the surrendered part of the mining lease.

The draft Strategy noted that a number of the subject allotments in Hawthorne Street, contain dwelling houses, with other lots being heavily vegetated. It concluded that there is insufficient information at this time to complete a comprehensive review of the zoning framework of this land. “Upon finalisation of the adjustment to Consolidated Coal Lease 711, it is recommended that Council commission an ecological investigation in order to determine the significance of vegetation pursuant to the *Environment Protection and Biodiversity Consideration Act 1999, Threatened Species Conservation Act 1995 and State Environmental Planning Policy No. 44 – Koala Habitat Protection.*”

Consequently, the land along Hawthorne Street has been considered as part of this Addendum to the Rural Strategy as Stage 2 of the draft Strategy.

A further approach has been made to the Department of Primary Industry seeking advice as to the progress and status of the adjustment to Consolidated Coal Lease 711.

**Conclusion**

It is recommended that the Addendum to the Gunnedah Shire Rural Strategy be publicly exhibited for a period of 28 days.

<b>ITEM 3</b>	<b>Modification of Consent Application No. 2014/042.002 – Alterations to Condition for Road Construction and Fire Safety Requirements – Lot 6 DP627794, 38 Marys Mount Road, Gunnedah</b>
<b>MEETING</b>	Planning, Environment and Development Committee – 6 May 2015
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area. Operational Plan 3.6.3 Ensure compliance with the provisions of Council’s Development Control Plan
<b>ATTACHMENTS</b>	Submissions (4)

### 3.05/15P COUNCIL RESOLUTIONS:

That the S96(1A) Modification of Consent No. 2014/042.002 for the alterations to conditions relating to a Construction Certificate for Road Works, fire safety measures and the amendment to the development location be approved subject to the amended conditions as follows:

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

##### A1. Deleted

##### A1a. The proposed development shall be carried out strictly in accordance with the details set out in the following:

- Development Application form lodged 09/05/14
- Statement of Environmental Effects, prepared by Geolyse, dated May 2014; and
- Additional Information, prepared by Geolyse, dated 12 June 2014; & 30 June 2014; & 04 July 2014; & Emailed correspondence, prepared by Andrew Brownlow, dated 2 July 2014, Subject: Clarification on Loading/Unloading; and
- Submitted plans:
  - Prepared by Geolyse Architecture, dated 20/02/2015, Project Number: 214069, Dwg No: 07\_A01, Sheet 01 of 03, Rev A (Site Plan), Dwg No: 07\_A02, Sheet 02 of 03, Rev A (Floor Plan), Dwg No: 07\_A03, Sheet 03 of 03, Rev A (Elevations);

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 approval, consent is given for the milling of no more than 28,000 tonnes of agricultural produce per year.**

***Reason: To clarify terms of development approval.***

**B. Prescribed Conditions (Section 80A(11) of the Act)**

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

**B1. Compliance with Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

*Reason: To ensure compliance with the statutory requirements.*

**B2. Signs to be erected on building, subdivision and demolition work sites**

A sign must be erected in a prominent position on any site on which building 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.

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.

*Reason: To ensure compliance with the statutory requirements.*

**C. Prior to the 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.** Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. 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 building works, the name, address and contact details of the Principal Building contractor shall be provided to Council

*Reason: To ensure compliance.*

**D. Prior to the Commencement of Road Works**

- D1.** Deleted

- D2.** Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

***Reason: To ensure that adequate control measures are installed.***

- D3.** The developer shall enter into a 'Works Authority Deed' (WAD) with the Roads and Maritime Services (RMS) for all road works on the Oxley Highway. A RMS Pre-Qualified contractor shall complete all road works under the WAD to practical completion, as determined by RMS. Further information on Private Developments adjacent to classified roads can be accessed on the RMS Private Developments website at:

[http://www.rta.nsw.gov.au/roadprojects/community\\_environment/private\\_developments.html](http://www.rta.nsw.gov.au/roadprojects/community_environment/private_developments.html)

***Reason: To maintain the integrity, safety and efficiency of the classified road network.***

**Road Works – Marys Mount Road**

- D4.** Engineering drawings and specifications for the construction and installation of all works relative to the proposed development for construction of Marys Mount Road, shall be submitted to Council for approval prior to the undertaking of any construction works on Council's public road network. 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 Subdivisions and Developments, Version 2.0, dated August 2013.

**Reason: To ensure compliance with the Roads Act 1993 and Council's Engineering Guidelines for Subdivisions and Development, 2013.**

- D5.** All road works undertaken by contractors in regards to construction works of Marys Mount Road, (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivisions and Developments, Version 2.0, dated August 2013. An inspection fee is applicable for each time Council is required to inspect the works carried out by the contractors and shall be paid prior to the commencement of any Road Works on Council's road network.

**Reason: To ensure compliance.**

- D6.** The contractors engaged on the development of the road works associated with construction works along Marys Mount Road, 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.**

**E. Prior to the issue of a Construction Certificate – Building Works**

- E1.** 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 Gunnedah Contributions Plan 2013 under Section 94A of the Environmental Planning and Assessment Act 1979. The current levy payable is 1% of the cost of carrying out of development.

A detailed cost report in accordance with Appendix B of the Gunnedah Contributions Plan 2013 setting out the proposed cost of carrying out the development for the purposes of Clause 25J of the Environmental Planning and Assessment Regulation, 2000, is to be prepared for the development and submitted to Council prior to the payment of the levy.

Note: The Gunnedah 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.***

- E2.** 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.***

- E3.** 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. The plans shall demonstrate how the building will fully conform to fire and spread of fire requirements of the Building Code of Australia.

***Reason: To ensure compliance.***

- E4.** Prior to the issue of a Construction Certificate, the Developer shall apply to Council for approval under Section 68 of the Local Government Act, 1993 to:

- (a) Carry out stormwater drainage works
- (b) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
- (c) Operate a system of sewage 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.***

- E5.** Details and design of the Bio-filter is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The Bio-filter must be of suitable size and operational capacity to filter all exhaust from exhaust manifold and expellers/mills.

***Reason: To ensure bio-filter details and design are sufficient.***

#### ***Landscaping Plan***

- E6.** A landscaping plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan shall illustrate a minimum five (5) metre wide landscaping buffer along the Marys Mount Road and Oxley Highway site frontages. Details of proposed tree species, height at maturity and proposed pot size are to be submitted to Council.

***Reason: To ensure adequate landscaping along road frontage.***

#### ***Fire Main and Fire Hydrant installation***

- E7.** Prior to the issue of a Construction Certificate, a Hydraulic Engineer's design and certification shall be provided to Council for the proposed water storage capacity, pump design, and hydrant installation compliant with the Building Code of Australia Parts E.1.2 and E.1.3. AS2419.1.

***Reason: To ensure compliance and fire safety of the building.***

***Hose reel system installation***

**E8.** Prior to the issue of a Construction Certificate, a Hydraulic Engineering Consultant's design shall be provided to Council, which is certified as complying with Part E.1.4 of the BCA and AS2441.

***Reason: to ensure compliance and fire safety of the building.***

***Water Supply***

**E9.** Prior to the use of water from the existing bore for the development, consultation with the NSW Office of Water shall be undertaken regarding the existing bore licence requirements. Should the licence not be available for the proposed development, on-site water storage is to be provided to service the development. Stormwater collected from the roof area of the buildings is to be directed into the onsite storage tanks.

***Reason: To ensure compliance with application and plans.***

**F. Prior to the issue of a Construction Certificate – Road Works**

**F1.** **Deleted**

**F2.** **Deleted**

**F3.** **Deleted**

**G. General**

**G1.** To confirm and clarify the terms of this approval, this development consent does not include any approval for grain storage bunkers on the site.

***Reason: To confirm the terms of this approval.***

**G2.** Colours and textures of materials of external walls, roof and ancillary structures including water tanks shall be non-reflective and as such will not conflict with the existing landscape.

***Reason: To ensure visual amenity of the area is maintained.***

***Traffic and Parking***

**G3.** 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 and of a dust suppressed material, which has been approved by Council.

***Reason: To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.***

**G4.** Onsite car parking accommodation shall be provided for a minimum of eight (8) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Adequate on-site parking shall also be provided for heavy vehicles. 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.***

**G5.** All delivery and loading/unloading areas are to be clearly signposted to be clearly visible from the driveway area.

***Reason: To ensure loading bays are adequately indicated.***

- G6.** A Roads and Maritime Services sign reference number W5-205 *Truck Turning* shall be placed a minimum distance of 250 metres from the intersection along the Oxley Highway. The location of the sign shall be determined in consultation with Council.

***Reason: To ensure adequate signage in place warning motorists of Heavy Vehicle movement.***

#### ***Haulage***

- G7.** All heavy vehicles accessing the development site shall only access the site from Marys Mount Road (southern end), via the Oxley Highway.

***Reason: To ensure compliance with application and plans.***

- G8.** The transportation of product shall be undertaken in the following heavy vehicles:
- 30% of heavy vehicles used shall be single semi-trailers (capacity of 27 tonnes); and
  - 70% of heavy vehicles used shall be B-doubles (capacity of 40 tonnes).

***Reason: To ensure compliance with application and plans.***

- G9.** To confirm and clarify the terms of this approval, consent is given for a maximum number of 20 heavy vehicle movements (includes loaded and unloaded) per day (with not more than 70 heavy vehicle movements in any one week (Monday – Sunday)).

***Reason: To regulate vehicle movements to and from the site and traffic impacts.***

#### ***Access - Rural***

- G10.** Vehicular access shall be from Marys Mount Road and will require the construction a 4.5 metre wide gravel driveway and associated drainage structures across the verge and table drain, shall be constructed from the road should to the property boundary in accordance with Council's rural access crossing standards and specifications (Roads and Maritime Services specification for a Typical Rural Property Access). The location of the driveway is to be determined by the developer in consultation with Council.

- a) Before commencement of this work, construction levels are to be obtained from Council's Infrastructure Services. A security bond, being half of the estimated cost of the construction work is to be lodged with Council, before work on the access is commenced.
- b) Upon the satisfactory completion of the access by the developer, the security bond will be released.

***Reason: To ensure access is provided and meets appropriate engineering standards.***

- G11.** The intersection of Oxley Highway and Marys Mount Road shall be constructed to a minimum standard of Austroads BAL treatment (with reference to Roads and Maritime Services supplements) with the road shoulders to be sealed. Marys Mount Road shall be sealed from the intersection edge of the sealed highway to a point 15 metres north of the intersection edge to minimise the tracking of materials onto the highway.

***Reason: To ensure adequate turning and access requirements for heavy vehicles and minimise the tracking of materials onto the Oxley Highway.***

- G12.** The gravel pavement of Marys Mount Road shall be treated with a dust suppressant approved by Council, to minimise dust from truck movements to a point 20m to the north of the development site entrance. All works to be constructed to Council's Engineering Guidelines for Subdivisions and Development, 2013 and in accordance with Roads and Maritime Services specifications.

**Reason: To ensure adequate turning and access requirements for Heavy Vehicles.**

#### **Landscaping**

- G13.** All landscaping shall be planted in accordance with the approved landscaping plan.

**Reason: To ensure adequate landscaping along road frontage.**

#### **On-site Lighting**

- G14.** Security lighting over the front entry and parking area and that located around the proposed building is to be in accordance with the principles of crime prevention and to be orientated towards the development and away from neighbouring properties. All outdoor lighting is to be in accordance with *AS 4282-Control of Obtrusive Effects of Outdoor Lighting*.

Note: Security lighting in the property surrounds of the development are to be sensor operated.

**Reason: To ensure amenity of neighbours.**

- G15.** All lighting associated with the development shall be so hooded so as to prevent glare nuisance to any premises not associated with the development or to any vehicles travelling on public roads.

**Reason: To ensure amenity of area and public safety.**

#### **Fire Protection**

- G16.** Potential fuel for bush fires including grassland at the site of actual building and its immediate surrounds for a distance of at least 50 metres from any part of the building shall be reduced to a level which is sufficient to protect the building from bushfire, and such fuel reduction shall be maintained for the life of the development (grassland is to be restricted to a height of approx. 100mm).

**Reason: To ensure compliance and fire safety of building.**

#### **Dust**

- G17.** The developer is to ensure that no dust nuisance is generated by the development. To this end, the applicant shall maintain sufficient equipment with the capacity to apply water to all trafficable areas within the site at a rate sufficient to eliminate the dust nuisance, should dust nuisance occur.

**Reason: To ensure compliance.**

#### **Noise**

- G18.** The development shall not generate noise at any neighbouring dwelling house that exceeds the noise level of 35dba at any time.

**Reason: To ensure compliance with the NSW EPA's Industrial Noise Policy.**

**Odour**

**G19.** The development shall not generate hydrogen sulphide (H<sub>2</sub>S) at any neighbouring dwelling house that exceeds the impact assessment criteria for H<sub>2</sub>S of 4.14 µg/m<sup>3</sup> at any time.

**Reason: To ensure compliance with the NSW EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW impact assessment criteria for H<sub>2</sub>S.**

**Complaints Register**

**G20.** The operator Grain Processing Plant shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

The developer shall notify all residents within a 5.0 kilometre distance of the boundary of the development site in writing of the contact details and associated information and that they may contact the Grain Processing Plant operator to complain about the operation of the Grain Processing Plant.

**Reason: To ensure amenity of area.**

**H. During Construction Works****Road Works****H1. Inspections by Council**

Council shall be notified, 48 hours prior, by the contractor that the following works are ready for inspection:

- (a) Pavement – In accordance with RMS QA Specification R71 Appendix C1 Schedule of Hold Points
- (b) Seal – In accordance with RMS QA Spec R107 Appendix C1 Schedule of Hold Points

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

**Building Works****H2. 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) stormwater absorption trenches
- (c) internal drainage under water test
- (d) external drainage under water test
- (e) water plumbing
- (f) septic tank or aerated wastewater treatment system
- (g) pump well and associated pump lines
- (h) absorption trenches
- (i) piers associated with external drainage designed to distribute weight of structure away from sewer main prior to pouring of concrete.
- (j) Sewer/water main extensions (Infrastructure Services)
- (k) 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.***

**H3. 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).

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

- H4.** 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.***

- H5.** No permanent structures are to be placed on any easement.

***Reason: To ensure legal requirements.***

- H6.** The Licensed Plumber shall, within 48 hours of having the work inspected by Council's Inspecting Officer, provide Council with plans of "AS COMPLETED SANITARY DRAINAGE" for all sewer drainage works associated with this development.

***Reason: To ensure compliance.***

- H7.** Sanitary facilities and other facilities within the building must comply with the requirements of the Building Code of Australia Part F2.

***Reason: To ensure compliance.***

- H8.** Lighting and Ventilation in the building shall comply with the requirements of the Building Code of Australia Part F4.

***Reason: To ensure compliance.***

- H9.** All ladders and walkways on elevated platforms shall be in accordance with AS1657.

***Reason: To ensure compliance.***

- H10.** All plumbing and drainage to be carried out by a licensed plumber and to be installed in accordance with the National Plumbing and Drainage Code AS 3500. In particular all fixtures used for personal hygiene are to be provided with hot water that is restricted by means of appropriate Fail Safe tempering valves to a maximum temperature of 43° C.

***Reason: To ensure compliance and hygiene.***

- H11.** The building shall be provided with a required exit and this single door shall swing in the direction of egress and must be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor all in accordance with BCA Part D.

***Reason: To ensure compliance and safe egress from building.***

- H12.** Provide exit and emergency lighting in accordance with the BCA Part E4 and AS.2293.1.

***Reason: To ensure compliance and fire safety of Building.***

- H13.** The WC compartments comprising an airlock which has an area of not less than 1.1m<sup>2</sup> are to be fitted with self closing doors at all access doorways or the room containing the closet pan or urinal must be provided with mechanical exhaust ventilation and the doorway to the room adequately screened from view pursuant to Clause F.4.9 of the BCA.

***Reason: To ensure compliance.***

**H14. 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.***

**H15. 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.***

#### **H16. Support for neighbouring buildings**

If an excavation associated with the construction of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building an approved manner, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this clause, ***allotment of land*** includes a public road and any other public place.

***Reason: To ensure site stability.***

#### **H17. Protection of public places**

If the work involved in the construction of a building:

- (c) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (d) 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.***

#### **H18. 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.***

- H19.** 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.***

## **I. Prior to the issue of an Occupation Certificate**

- 11.** 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.***

- 12.** Prior to the issue of an Occupation Certificate, a serviceable electrical supply suitable in capacity to cater for expected electrical requirements is to be provided to the site. documentation is to be provided identifying that the services is provided and is sufficient to service the proposed development.

***Reason: To ensure a suitable sufficient electrical supply is provided.***

- 13.** Prior to the issuing of an Occupation Certificate, 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 aerated effluent management system.

***Reason: To ensure compliance with Health Department accreditation conditions.***

- 14.** 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.***

- 15.** Deleted

- 15a.** 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
- (d) Install a fire hydrant system that complies with AS2419.1
- (e) Install fire hose reels to comply with AS2441

***Reason: To ensure compliance and fire safety of Building.***

#### ***Completion of Road Works***

- 16.** 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 to Council within three (3) months of completion of each stage of the road works. 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. An electronic copy of the “work-as-executed” in dwg format shall also be provided to Council with the drawings.

***Reason: To ensure compliance with Council’s requirements.***

## **J. Continued Operation**

### ***Waste Disposal***

- J1.** No general household waste or waste for either industrial premises is to be disposed of onsite. Waste is to be disposed of to Council’s land fill directly or via licensed contractor.

***Reason: To ensure waste is disposed of off-site in an appropriate manner.***

### ***Landscaping Maintenance***

- J2.** The landscaped area located along the Marys Mount Road and Oxley Highway site frontages, shall be maintained at all times in accordance with the approved landscape plan.

***Reason: To ensure maintenance of landscaping.***

### ***Dust Suppression***

- J3.** Dust suppression of all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

***Reason: To ensure maintenance of car parking areas.***

- J4.** The approved dust suppressant treatment to the gravel pavement of Marys Mount Road to a point 20m to the north of the development site entrance, shall be reapplied every 2 years from commencement of operations until such time as the development ceases to operate.

**Reason: To ensure dust suppression is maintained.**

**Vehicle Movement**

- J5.** 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 traffic safety.**

**Fire Safety**

- J6** 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.**

- J7.** The occupier shall not block paths of travel to, or around, the required fire exits and shall maintain paths of travel to have a minimum unobstructed width of 1m, all as required by Part D1 of the BCA.

**Reason: To ensure compliance.**

**Water Supply**

- J8.** The water storage (identified in Condition E7) shall be constructed on site for fire fighting purposes.

**Reason: To ensure adequate supply of water fire fighting purposes.**

*Council Resolution*

*Moved Councillor C FULLER*

*Seconded Councillor SJ SMITH*

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer			X	
T Duddy			X	
C Fuller	X			
GA Griffen			X	
D Quince			X	
R Ryan	X			
SJ Smith	X			

*Note: This is now a resolution of Council in accordance with the Committee’s delegated powers.*

**PURPOSE**

**Introduction**

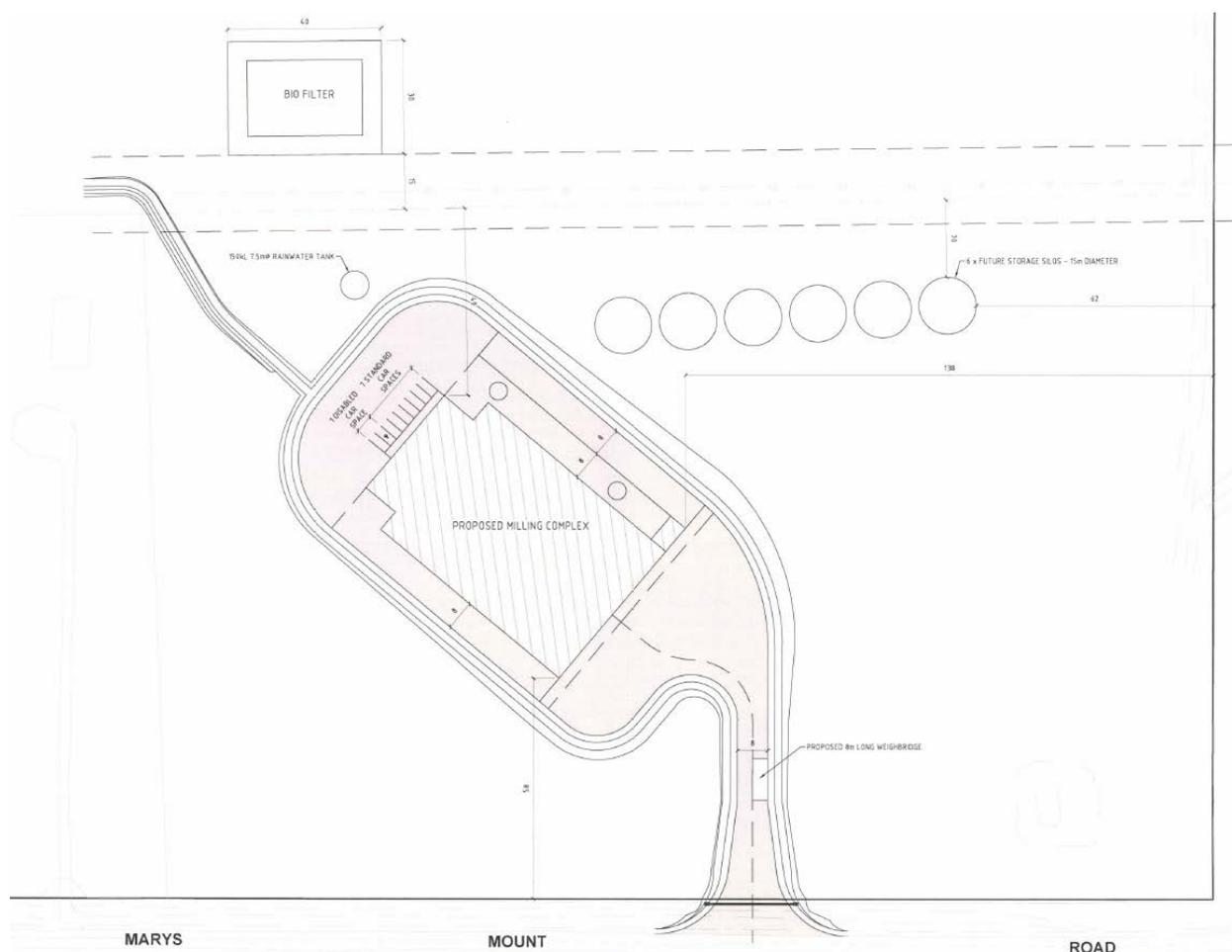
The Modification of Consent is being referred to the Committee as the original Development Application was determined by Council.

Applicant: WA and NY Foster  
 Owner: Mr W A and Mrs N Y Foster  
 Property Description: Lot 6 DP627794  
 38 Marys Mount Road, Gunnedah

## COMMENTARY

### *Proposed Development*

The Modification of Consent is seeking amendment to the approved conditions of consent relating to the requirement of a Construction Certificate for road construction works, remove the requirements for fire sprinklers within the development and a minor alteration to shed size and location.



## BACKGROUND

Council approved Development Application No. 2014/042, for an agricultural produce industry and associated developments on the 17 September 2014.

## COMMENTARY

### Issues

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

#### **Gunnedah LEP, 2012**

The current land use approval is permissible within the land zoning. The development is considered to be substantially the same with the amendment to development conditions being regulatory based and the minor amendment to development plans. The modification will be compliant with the following clauses of the Gunnedah Local Environmental Plan 2012:

### *5.9 – Preservation of Trees or Vegetation*

The modification will not require the removal of any additional trees. Existing vegetation will be maintained and requirements for landscaping along lot boundaries will be retained.

### *6.5 – Essential Services*

The modification will maintain the requirements for provision of essential services to the site with onsite water storage and effluent disposal. Suitable road access will be retained to the development with conditions proposed with regard to approval from Council prior to the works commencing on Council's road network. Conditions are proposed to be amended as subject to Sections 81A and 109C of the EP&A Act 1979. Council does not issue a Construction Certificate for road works unless the development relates to a Subdivision.

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

### *1.8 – Consultation*

The modification of consent was notified to adjoining land holders for a period of 14 days. Four (4) submissions were received during the submission period. Matters raised in the submissions are addressed later through this report.

### *6.6 – Environmental Effects*

#### *Traffic*

The modification will not have alteration to the number of vehicle movements that are permissible or the direction as to which traffic is permitted to travel to or from the site. The original development consent required road works to be undertaken to realign the intersection of Marys Mount Road and the Oxley Highway. These works remain a requirement for the proposed development. However, the modification will amend the conditions relating to issue of a Construction Certificate from Council for road construction works, as Construction Certificates for road works are only required for subdivision works.

#### *Construction Impacts*

The modification wishes to amend development conditions that relate to fire safety measures within the development. Justification has been provided by the applicant that justifies that fire sprinklers are not required as per the Building Code of Australia and AS 2778.1. Removal of this development condition has been supported by Council's Planning & Environmental Services staff.

The modification of consent also wishes to reduce the size of the development with a resulting reduction of development size by 248.5m<sup>2</sup>. The shed will also have minor alterations to orientation and setbacks of the development building from the lot boundaries to avoid overhead power lines that transect the site. The development usage does not have any specific development controls that relate to the setbacks of the development from primary road frontages. The modification will move the development approximately 17.8m closer to Marys Mount Road in comparison to the original development consent, resulting in a setback of 58 metres from Marys Mount Road. The variation to the setbacks is not expected to have any visual impacts with the reduction in size of the shed and also with the maintenance of landscaping along both road frontages.

#### *Air Quality & Noise Emissions*

With the relocation of the premises of 17.8 metres closer to Mary Mount Road and 17 Metres away from Oxley Highway frontages, the applicant has justified that the alteration to the development location would not impact on the air and noise assessments that were undertaken for the original consent. The modification will result in the development at the closest point being 24.613 metres closer to the closest residence. The original air and noise consultant identified that due to the minor movement of the development, that there would be no significant change to the results of the original assessment reports and a revised noise and air assessment would not be necessary.

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

### *Context & Setting*

The development site is located to the west of Gunnedah, adjacent to the intersection of Marys Mount Road and contains an existing dwelling house and associated outbuildings. The surrounding area is predominately small agricultural holdings utilised for cropping and grazing, with individual dwelling houses on each allotment. The development has previously been approved for the development with the location of the site being previously levelled.

### *Access, Transport and Traffic*

The development will not result in an increase in vehicle traffic to the development site. The modification will amend the location of the vehicle access to better suit the location of the development to be undertaken. Road construction requirements are currently conditioned upon lodgement of a construction certificate however due to the EP&A Act 1979 requirements preventing Council from issuing a Construction Certificate for works for a subdivision, conditions are to be amended to require approval from Council for design and compliance with Council's Engineering Guidelines for Subdivision and Development, 2013. This modification will make it possible for development works to occur in compliance with EP&A Act requirements.

### *Noise & vibration*

As noted above, the minor relocation of the development is not considered to amend the previously approved noise levels at the nearest receptors.

### **S79C(1)(d)&(e) any submissions made in accordance with this Act or the regulations and the public interest**

Council received four (4) submissions during the submission period. The submissions noted the following issues:

- **Lessening of Dust Suppression & Deferment of Road Construction Works**  
The modification does not consent to the removal of the development condition that relates to the required construction of road works along Marys Mount Road. Alterations to development conditions do not lessen the requirements for dust suppression measures and measures are to be approved by Council. The requirements for when road construction works are to occur are not to be amended. The modification relates to Council not being able issue of a Construction Certificate for road works in accordance with Sections 81A and 109C of the EP&A Act 1979.
- **Removal of Conditions for use of Non-reflective Materials & Plans show Materials of Silos as Galvanised**  
The approved plans note that the silos will be galvanised and the oil tanks will be constructed of stainless steel. The proposed modification does not amend the previously approved materials.
- **No Specified Silo Volume and Conditioning Silos to not Exceed 100 Tonne Capacity**  
Original development consent addressed size and scale of development silos. The modification of consent is not relating to any alterations to size or scale of silos.
- **Proximity of Development to Dwellings & Increased Risk from Air & Noise Impacts**  
Council requested additional information regarding the movement of the development regarding potential increase in air and noise impacts on adjoining residences. A condition is to be retained on the development conditions requiring noise levels to not exceed 35dba at the nearest receptor (being the residence at 69 Marys Mount Road). It was identified that due to the minor movement of the development, that there would be no significant change to the results of the original assessment reports and it was regarded revised noise and air assessment would not be necessary.
- **Breach of Conditions of Consent**  
Breach of development condition is not a consideration of this Modification of Consent. Breaches to conditions should be notified to Council's as a compliance issue. Any notified breach of condition has been investigated by Council.

## The suitability of the Site for the Development

The modification of consent is considered to be substantially the same development with the modification of consent. It is considered that the development will not alter the requirements of development on the site and hence, it is considered that the site is suitable for the proposed modification of consent.

### Conclusion

The modification of consent is considered to be have minimal impact on the development with conditions to be retained relating to noise and odour requirements at nearest receptors. Bio filter and conditions relating to noise level restrictions are to be retained to ensure that the impact of the development is reduced. Hence, the development was recommended for approval.

<b>ITEM 4</b>	<b>Modification of Consent Application No. 2014/073.002 – Staging Plan for Subdivision Works (2 Stages) – Lot 1 DP1106290 and Lot 14 DP826656, 27A Kamilaroi Road and 45-67 Pearson Street, Gunnedah</b>
<b>MEETING</b>	Planning, Environment and Development Committee – 6 May 2015
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area. Operational Plan 3.6.3 Ensure compliance with the provisions of Council’s Development Control Plan
<b>ATTACHMENTS</b>	Nil

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#### 4.05/15P COUNCIL RESOLUTIONS:

1. That the Modification of Consent No. 2014/073.002 for the alterations to include staging of development works into two (2) stages, at 45-67 Pearson Street & 27A Kamilaroi Road, be approved subject to the amendment and insertion of the following conditions:

#### 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 30 June 2014;
  - Statement of Environmental Effects, prepared by Civil Solutions & Outcomes (Chris Taylor), dated 30 June 2014;
  - Additional Information, prepared by Civil Solutions & Outcomes (Chris Taylor), Ref: CT:C14021 038ltr, dated 11 July 2014, & ref: CT:C14021 035ltr, dated 24 July 2014;
  - Submitted plans:
    - Prepared by Lidbury, Summers & Whiteman, dated 18/09/2012, File No: 7694, Sheet 1 of 1 (Detail and Contour Survey);

- Prepared by Civil Solutions & Outcomes, dated 12/08/2014, Job No: C14 021, Sheet 2 of 2 (Services Plan); & dated 08/09/2014, Job No: C14 021, Sheet 1 of 2, Rev C (Residential Subdivision);

except as otherwise provided by the conditions of consent.

***Reason: Compliance with application and plans.***

**A2.** To confirm and clarify the terms of this approval, consent is granted for the subdivision of land in accordance with the following stages:

- Stage 1 – Lots 1
- Stage 2 – Lots 2-11

***Reason: To ensure compliance with proposed staging plan.***

## **B. Prior to Work Commencing**

**B1.** **Deleted**

**B1a.** A Construction Certificate is to be obtained prior to commencement of each stage of subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority must be the Council.

***Reason: To ensure compliance with application and plans.***

**B2.** Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

***Reason: To ensure that adequate control measures are installed.***

## **C. Prior to Issue of a Construction Certificate**

**C1.** **Deleted**

**C1a.** Engineering drawings and specifications for the construction and installation of all works relative to the proposed subdivision shall be submitted to Council for approval prior to the issue of a Construction Certificate for each stage of development works. 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 Subdivisions and Developments, 2013.

***Reason: To ensure compliance with application and plans.***

**C2.** Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plan and specification for these facilities are considered an integral part of the development and must be approved prior to the issue of a construction certificate. The approved erosion and sediment control measures are to be maintained throughout the construction of the development.

***Reason: To ensure compliance with Council's requirements.***

**C3.** 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 Subdivisions and Developments, 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.***

- C4.** 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.***

- C5.** Prior to the issue of a Construction Certificate, a Landscaping Plan is to be provided to and approved by Council. Landscaping shall be located within the road reserve where no proposed Infrastructure is located. All landscaping shall be designed in accordance with Council's Engineering Guidelines for Subdivisions and Developments, 2013.

***Reason: To provide adequate landscaping.*****Boundary Fencing**

- C6.** Details of boundary fencing along Pearson Street Road Reserve frontage shall be provided and approved by Council prior to the issue of a Construction Certificate. Boundary fencing shall not incorporate extensive lengths of solid fencing panels, or any barbed wire within the materials of the fence construction.

***Reason: To ensure compliance.***

- C7.** Prior to the Issue of a Construction Certificate, a Stormwater Management Plan shall be provided and approved by Council. The Stormwater management Plan is to include details of inter-allotment stormwater drainage systems to demonstrate adequate drainage facilities for each lot.

Note. Runoff from rainfall events up to, and including the 10 year ARI event must be contained within a piped system. Flows greater than the 10 year ARI event up to and including the 100 year ARI must be controlled within overland flow paths.

***Reason: To ensure compliance with Council's requirements.*****D. General**

- D1.** All lots shall have a minimum area of not less than 650m<sup>2</sup>.

***Reason: To meet statutory requirements.******Allotment Filling***

- D2.** All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

***Reason: To ensure compliance with Council's requirements.***

- D3.** Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and also the compaction test results.

***Reason: To ensure compliance with Council's requirements.******Easements***

- D4.** 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.***

#### ***Electricity***

- D5.** Underground electricity is to be installed throughout the development site and completed for each stage. Each lot shall be provided with a service in accordance with Local Supply Authority guidelines.

***Reason: To ensure adequate provision of electrical services are provided.***

#### ***Street Lighting***

- D6.** The developer shall extend, supply and install street lighting along Road 1 street frontages, where required. All intersections shall be provided with street lighting. All works are to be undertaken in accordance with Local Supply Authority's residential development standards.

***Reason: To ensure compliance with Council's requirements.***

#### ***Traffic and Street Signage***

- D7.** The developer shall meet the cost to Council of supply and installation, of all street signage (both traffic and name) relevant for each stage. The signage shall be installed by Council upon completion of Construction Works.

***Reason: To ensure compliance with Council's requirements.***

#### ***Roads***

- D8.** **Deleted**

#### ***Stormwater Drainage***

- D9.** Stormwater from the development site must not be concentrated onto adjoining land. All stormwater management measures identified in the approved Stormwater Management Plan shall be implemented.

***Reason: To ensure compliance with Council's requirements.***

- D10.** **Deleted**

- D11.** **Deleted**

- D12.** **Deleted**

- D13.** Vehicle access to proposed Lot 1 shall be from the proposed Road 1. Vehicle access is not permitted from Pearson Street.

***Reason: To ensure suitable public road frontage and access is provided.***

#### **Stage 1**

- D14.** Proposed Road 1 shall be constructed for the full road width including kerb and guttering, from the existing formation on the unnamed road off Kamilaroi Road to 20 metres beyond the southern boundary of Lot 1 frontage to Proposed Road 1. Proposed Road 1 shall have a minimum road reserve width of 20 metres. Road formation is to be a minimum of 11 metres wide construction between kerbs.

The road construction shall include the construction of a temporary gravelled cul-de-sac turning area within the designated road reserve. The minimum radius required for the gravelled cul-de-sac is 10.5m. The works shall be constructed in accordance with Council's Engineering Guidelines for Subdivisions and Developments, 2013.

**Reason: To ensure compliance with Council's requirements.**

**Sewer**

**D15.** A single sewer service shall be provided to proposed Lot 1. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivisions and Developments, 2013.

**Reason: To ensure compliance with Council's requirements.**

**Water Supply**

**D16.** A single water supply service shall be provided to proposed Lot 1. The water service shall be provided by extending Council's existing water main located in Kamilaroi Road and extended throughout the development site to the southern boundary of proposed Lot 1. A stop valve and hydrant shall be installed at the end of the main on the southern boundary. All works are to be in accordance with the Council's Engineering Guidelines for Subdivisions and Developments, 2013.

Note: A Water Application Form shall be submitted to Council, together with the installation costs. The installation costs adopted in the Council's 2014/2015 Management Plan are \$1,700 per each additional lot. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

**Reason: To ensure compliance with Council's requirements.**

**D17.** The developer is to construct a 1.2m wide concrete footpath for the extent of the frontage and 20 metres past the southern boundary of proposed lot 1. The footpath is to be constructed within the road reserve and must be designed in accordance with Council's Engineering Guidelines for Subdivisions and Developments, 2013.

**Reason: To provide suitable pedestrian access to and from the site.**

**Stage 2**

**Water Supply**

**D18.** A single water supply service shall be provided to each lot. The water service shall be provided by extending Council's existing water main located in Kamilaroi Road and extended throughout the development site to the southern boundary of proposed Road 1. A stop valve and hydrant shall be installed at the end of the main on the southern boundary. All works are to be in accordance with the Council's Engineering Guidelines for Subdivisions and Developments, 2013.

Note: A Water Application Form shall be submitted to Council, together with the installation costs. The installation costs adopted in the Council's 2014/2015 Management Plan are \$1,700 per each additional lot. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

**Reason: To ensure compliance with Council's requirements.**

**Sewer**

**D19.** A single sewer service shall be provided to each lot. The sewer service shall be provided by extending Council's sewer mains located in Kamilaroi Road and Pearson Street throughout the development site to the southern boundary of the proposed road. The sewer line is to include all the necessary manholes and junctions. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivisions and Developments, 2013.

**Reason: To ensure compliance with Council's requirements.**

**D20.** Proposed Road 1 shall be constructed for the full road width including kerb and guttering, from the existing formation on the unnamed road off Kamilaroi Road to the southern boundary of proposed Lot 6. Proposed Road 1 shall have a minimum road reserve width of 20 metres. Road formation is to be a minimum of 11 metres wide construction between kerbs.

The road construction shall include the construction of a temporary gravelled cul-de-sac turning area within the designated road reserve. The minimum radius required for the gravelled cul-de-sac is 10.5m. The works shall be constructed in accordance with Council's Engineering Guidelines for Subdivisions and Developments, 2013.

**Reason: To ensure compliance with Council's requirements.**

**D17.** The developer is to construct a 1.2m wide concrete footpath for the extent of the frontage of proposed Lots 2-6. The footpath is to be constructed within the road reserve and must be designed in accordance with Council's Engineering Guidelines for Subdivisions and Developments, 2013.

**Reason: To provide suitable pedestrian access to and from the site.**

## **E. During Construction Works**

**E1.** Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

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

No work to be carried out on Sunday or Public Holidays if it is audible on the residential premises.

The developer shall be responsible to instruct and control his sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

**Reason: To ensure compliance with Council's requirements.**

**E2.** The approved erosion and sediment control facilities are to be maintained throughout the construction of the development.

**Reason: To ensure compliance with Council's requirements.**

**E3.** Prior to the back filling all mains, a visual inspection is to be undertaken by Council. The contractor shall provide Council with 48 hours notice that the works are ready inspection.

**Reason: To ensure compliance with Council's requirements.**

**E4.** The developer shall ensure that all back fill over sewer mains shall be a of 3-5 mm granular grit.

**Reason: To ensure compliance with Council's requirements.**

**E5.** 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 with Council's requirements.***

- E6.** 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. The contractor shall provide Council with 48 hours notice that the works are ready inspection.

***Reason: To ensure compliance with Council's requirements.***

**F. Prior to Issue of a Subdivision Certificate**

**F1. Deleted**

- F1a.** 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 a Subdivision Certificate for each Stage of works. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of the Subdivision Certificate.

***Reason: To ensure compliance with Council's requirements.***

- F2.** Written notification shall be provided to demonstrate that electricity supply connection has been provided to each lot in accordance with community expectations.

***Reason: To ensure that electrical services are provided.***

- F3.** Written notification is to be provided demonstrating that telecommunication cables have been provided to each lot in accordance with community expectations.

***Reason: To ensure that telecommunication services are provided.***

**F4. Deleted**

- F4a.** The subdivision certificate fee shall be paid prior to the issue of the Subdivision Certificate for either stage of works.

Note: The Subdivision Certificate fee has been adopted under the Council's 2014/2015 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.***

- F5.** A Compliance Certificate under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority).

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

- \$8,487 per each additional lot for Water Headworks
- \$7,048 per each lot for Sewer Headworks

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 2014/2015 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.***

**F6.** The following contributions shall be made for Stormwater Drainage Headworks:

- \$2,275 per each additional lot

**Note:** The contributions required by this condition are determined in accordance with the Gunnedah Shire Council Section 64 Developer Services Plan – Stormwater commencing on 17 January 2013, a copy of which may be inspected at the office of the Council.

The above contributions have been adopted under the 2014/2015 Council Operational Plan. Revised rates adopted by Council in subsequent Operational Plans will apply to lots released in later financial years.

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

**F7.** Prior to the issue of a Subdivision Certificate, the developer shall enter into a Deed of Agreement with Council for the provision of a Bank Guarantee of \$140,000.00, being the estimated cost of the construction of Road 1 and services required for Stage 1, in lieu of the provision of these services.

The Deed of Agreement shall require the works to be completed by no later than 31 December 2015 (date of works) or when further development occurs on either allotment created as part of Stage 1 whichever occurs first.

The Bank Guarantee is to be provided to Council at the time of the signing of the Deed of Agreement by both parties. The Bank Guarantee is to extend in Council's favour for a period of 2 years past the required date of works. Should the works not be completed in their entirety by the 31 December 2015, the Bank Guarantee will be utilised by Council to undertake the required road extension and servicing works.

All costs associated with the establishment of the Deed of Agreement and Bank Guarantee shall be at the developer's cost.

***Reason: To ensure payment of bond where road and services are not provided.***

**2. That the Mayor and General Manager be authorised to execute the Deed of Agreement under Seal of Council.**

*Council Resolution*  
*Moved Councillor C FULLER*  
*Seconded Councillor OC HASLER*

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer			X	
T Duddy			X	
C Fuller	X			
GA Griffen			X	
D Quince			X	
R Ryan	X			
SJ Smith	X			

*Note: This is now a resolution of Council in accordance with the Committee's delegated powers.*

## PURPOSE

### Introduction

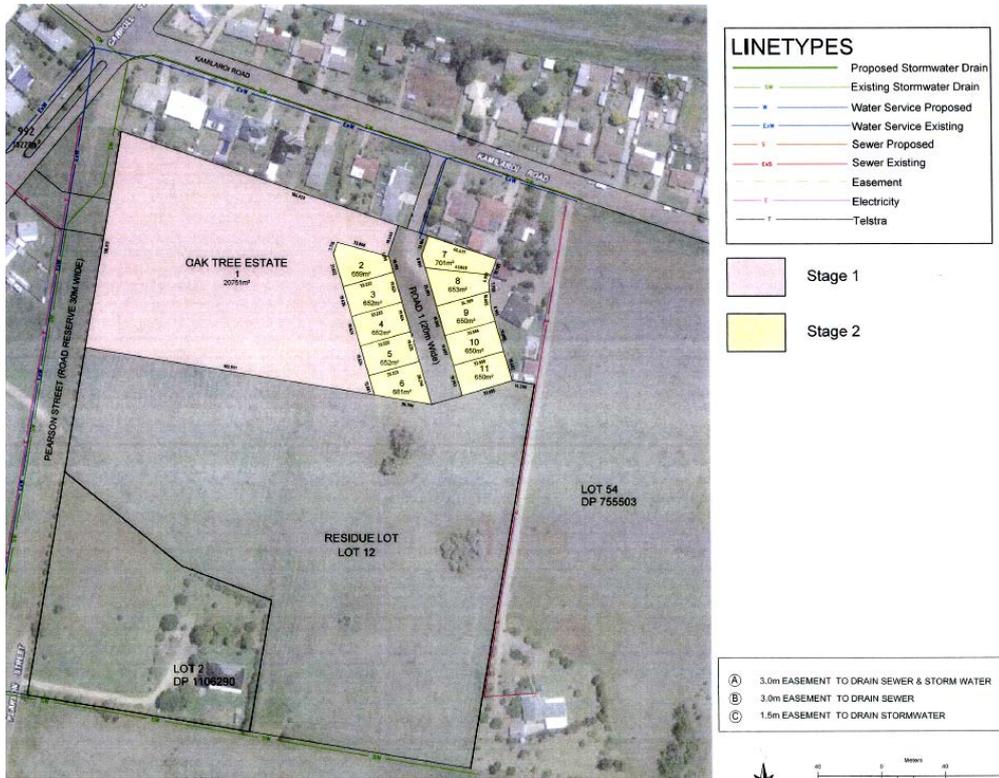
The Modification of Consent is being referred to the Committee as the Modification wishes to modify the development consent originally determined by Council. The development applicant wishes amend development conditions to include a staging plan for the development.

Applicant: Civil Solutions and Outcomes Pty Ltd  
 Owner: Tasomen Pty Ltd and Sheldad  
 Property Description: Lot 1 DP1106290 and Lot 14 DP826656,  
 27A Kamilaroi Road and 45-67 Pearson Street, Gunnedah

## COMMENTARY

### *Proposed Development*

The Modification of Consent is seeking a modification to the current development determination to allow for the undertaking of development works in two (2) stages. Stage 1 will release lot 1 where Stage 2 will create Lots 2-11. The modification will amend conditions to include the provision of services and partial construction of proposed Road 1 to ensure that the required service provision to Lot 1 occurs during stage 1. Stage 2 will involve the provision of the remainder of services to Lots 2-11.



**BACKGROUND**

Council approved Development Application No. 2014/073, for the subdivision of two (2) lots into eleven (11) lots. Council recommended the application for approval subject to conditions, on the 17 September 2014. Development determination includes provision of infrastructure with extension of Council’s sewer and water services and construction of the unnamed road located off Kamilaroi Road.

**COMMENTARY**

**Issues**

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

**Gunnedah LEP, 2012**

The development site is zoned R2 Low Density Residential under the provision of the Gunnedah Local Environmental Plan, 2012. The development application will not alter the layout or the lot sizes of any of the development allotments as part of the modification of consent. The development is considered to be substantially the same with amendment proposing to undertake development works under two (2) stages to allow for release of Lot 1 separately to Lots 2-11. The modification will be compliant with the following clauses of the Gunnedah Local Environmental Plan 2012:

**6.5 – Essential Services**

The modification to the development consent will not remove the provision of services to be provided to each lot. The modification will include staging for provision of services with a connection to be made to Lot 1 as part of Stage 1 and new sewer and water mains to be installed as per Stage 2. To ensure suitable road frontage is provided at Stage 1 the unnamed Road off Kamilaroi Road, identified as Road 1 will be constructed to 20 metres past the road frontage of Lot 1. The remainder of the road construction will be completed as part of Stage 2 works.

The developer requested that a deed of agreement pertaining to a bankers guarantee be accepted by Council in lieu of provision of services during Stage 1 of development works. The bankers guarantee will be held by Council until 31 December 2015 or until such time that development works occur on either of the development allotments. The deed of agreement will allow Council to receive the banker guarantee and undertake development works required for provision of the services that were not constructed previously. The deed of agreement is to be conducted to remove the immediate demand for the provision of services that would normally be required for development works to be completed for the subdivision allowing for the subdivision certificate to be released without works being undertaken. It has been indicated that due to time restrictions with registration of proposed Lot 1 that insufficient time is left to complete works until the lot must be registered. The bankers guarantee has been estimated as the expected cost of works for the construction of sewer, stormwater, water services and construction of the unnamed road from Kamilaroi Road. Due to the development works being captured in the event that any works occur on any of the development allotments and the limited time on the approval of the deed of agreement it is expected that the provision of a bankers guarantee will be suitable in lieu of service provision.

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

#### *1.8 – Consultation*

The modification of consent was notified to adjoining land holders for a period of 14 days. No submissions were received during this period.

#### *5.11 – Staged Subdivision*

The modification has included a staging plan that outlines the lots to be created at each stage of works. Conditions have been amended to reflect the service provision required for each stage of the subdivision works.

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

#### *Context & Setting*

The development site is located within the residential area of Gunnedah to the east of the central business district. The surrounding area is predominately residential area. The proposed lot size will be consistent with the surrounding area and is considered to be consistent with the character of the surrounding area. The modification will not amend lot configuration or lot sizes.

#### *Access, Transport and Traffic*

Proposed Road 1 is to be constructed to past the lot frontage of Lot 1 as part of Stage 1, to ensure that suitable road access is provided to this lot. Previous development approval has restricted access of Lot 1 from Pearson Street. Hence Road 1 will provide the only vehicle access to Lot 1. Stage 2 will complete the construction of Road 1 to the southern boundary of the subdivision.

### **The suitability of the Site for the Development**

The modification of consent is considered to be substantially the same development with the modification of consent wishing to include an additional stage of construction throughout works. The modification proposal will include modification to conditions regarding the provision of infrastructure and services to lots during each stage of works. The surrounding services are of suitable capacity to ensure that the extension of Council's services will be able to service the expected increase in demand. Hence it is considered that the site is suitable for the proposed modification of consent.

### **Conclusion**

The proposed modification will not alter the size, layout or number of lots proposed, there will also be no change to the level of services provided. The proposed modification will include and amend current conditions to include the staging of development works. The modification will not result in a variation to the approved development consent in regards to lot layout or service provision. Hence the Modification of Consent is recommended for approval.

<b>ITEM 5</b>	<b>Development Application No. 2015/003 – Subdivision Four (4) lots into Forty Seven (47) – Lot 100 DP1194767, Lot 599 and 609 DP755503 and Lot 25 DP1187004, 85-113 Links Road, Gunnedah</b>
<b>MEETING</b>	Planning, Environment and Development Committee – 6 May 2015
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area. Operational Plan 3.6.3 Ensure compliance with the provisions of Council’s Development Control Plan
<b>ATTACHMENTS</b>	Submission (1)

#### 5.05/15P COUNCIL RESOLUTIONS:

1. That Council consent to the variation to the Gunnedah Development Control Plan Master Plan Map 3 – South Gunnedah and adopt submitted plans prepared by Monteath & Powys Pty Ltd, dated X, Ref: 13/0352, Rev X (Concept Layout adjoining Lot 2 DP 507919, Lot 609 DP 755503, Lot 599 DP 755503) as the revised master plan layout.
2. That the Development Application No. 2015/003 for the Subdivision of 4 lots in to 47 lots at 85-113 Links Road, 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 20 January 2015;
  - Statement of Environmental Effects, prepared by Site R & D, dated: 18 December 2014;
  - Letter Re: Further Information for Development Application 2015/003; &
  - Submitted plans:
    - Prepared by Monteath & Powys Pty Ltd, dated 24/04/2015, ref: 13/0352, Sheet 1, Rev: 1 (Proposed Staging Plan); & dated 11/12/2013, Dwg No: 13/0352, Sheet 1/2, Rev: 0 (Proposed Lot Dimension and Area), Sheet 1/2, Rev: 0 (Proposed Lot Dimension and Area); &
    - Prepared by ACOR, Project No: NE130219, Figure 7, Issue: B (Staging Plan);
    - Prepared by Paramount Landscaping Pty Ltd, dated: 16/07/2014, Dwg No: L 279-1, Sheet 1 of 11 (Cover Sheet), Sheet 2 of 11 (Landscaping Masterplan Site Plan Stage 1,2,3), Sheet 3 of 11 (Links Road Streetscape Setout), Sheet 4 of 11 (Links Road Entry Feature Detail and Setout), Sheet 5 of 11 (Streetscape Setout Stage 2), Sheet 6 of 11 (Streetscape Setout Stage 3), Sheet 7 of 11 (Tree Guard Details), Sheet 8 of 11 (Links Road Cross Section), Sheet 9 of 11 (4500mm Verge with Garden Cross Section), Sheet 10 of 11 (4500mm width Verge with Street Tree Cross Section), Sheet 11 of 11 (Specification & Details);
  - Supporting Documents:

- Civil Engineering Assessment, prepared by ACOR Consultants (NNSW) Pty Ltd, dated 24/03/2015, Revision 4;
- Water & Sewer Design report, Prepared by Monteath & Powys, dated 11 September 2014, Ref: 13/352 AW; & prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 06/095, Rev 4 (Plan of Trunk Water Main), prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 13/352, Rev 1 (Plan Proposed Sewer Main);
- Additional Servicing Strategy Information, prepared by Monteath & Powys Pty Ltd, dated 09 February 2015, Ref: 13/0352 AGB:agb;
- Geotechnical Investigation, Prepared by Cardno Geotech Solutions, dated March 2014, Ref: CGS 1964;
- Bushfire Assessment Report, dated: October 2014, Ref: 4043B;
- Traffic Assessment Report, Prepared by TPK & Associates Pty Ltd, dated October 2006;

except as otherwise provided by the conditions of consent.

***Reason: Compliance with application and plans.***

- A2.** To confirm and clarify the terms of this development approval, consent is granted for the staged Subdivision in accordance with the following:

- a) Stage 1: Lots 901 – 910
- b) Stage 2: Lots 1001 – 1017
- c) Stage 3: Lots 1101 – 1120 & Lot 48

***Reason: To ensure correct staging is identified.***

## **B. General Terms of Approval – NSW Rural Fire Service**

- B1.** The development proposal is to comply with the subdivision layout identified on the undated drawing prepared by ACOR Consultants (NNSW Pty Ltd, titled 'Proposed Subdivision – Links Road, Gunnedah', Project No. NE130219, Figure No. 7, Issue B.

***Reason: To ensure compliance with Section 100B of the Rural Fires Act 1997.***

### ***Asset Protection Zones***

- B2.** At the issue of subdivision certificate for each stage, and in perpetuity, all lots shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

***Reason: To minimise the risk of bush fire attach and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

### ***Water and Utilities***

- B2.** Reticulated water supply to each stage of the subdivision shall comply with section 4. 4.1.3 of 'Planning for Bush Fire Protection 2006'.

***Reason: To provide adequate service of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.***

- B4.** Any alteration to electricity services over bushfire prone land shall comply with section 4. 4.1.3 of 'Planning for Bush Fire Protection 2006'.

***Reason: To provide adequate service of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.***

- B5.** At each stage of subdivision certificate public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

***Reason: To provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.***

**C. Prior to Work Commencing**

- C1.** A Construction Certificate is to be obtained prior to commencement of any identified stage of subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority must be the Council.

***Reason: To ensure compliance with application and plans.***

- C2.** Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

***Reason: To ensure that adequate control measures are installed.***

**D. Prior to Issue of a Construction Certificate**

- D1.** Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plan and specification for these facilities are considered an integral part of the development and must be approved prior to the issue of a construction certificate. The approved erosion and sediment control measures are to be maintained throughout the construction of the development.

***Reason: To ensure compliance with Council's requirements.***

- D2.** 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.***

- D3.** 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.***

**Stage 1**

**D4.** The existing Dual Occupancy, and all associated services on Lot 599 DP 755503 are to be located wholly within proposed Lot 907 and comply with the fire separation provisions of the Building Code of Australia. An identification survey is to be provided to Council prior to the issue of a Construction Certificate for Stage 1 of development works. The identification survey shall identify the location of the existing Dual Occupancy within Lot 599 DP 755503 and the setbacks from the resulting lot boundaries of proposed Lot 907.

**Reason: To ensure the dwelling is compliant with all development setbacks as listed within Council's Development Control Plan.**

**D5.** The existing outbuilding on Lot 609 DP 755503 is to be located wholly within proposed Lot 903 and comply with the fire separation provisions of the Building Code of Australia. An identification survey is to be provided to Council prior to the issue of a Construction Certificate for Stage 1 of development works. The identification survey shall identify the location of the existing outbuilding within Lot 609 DP 755503 and the setbacks from the resulting lot boundaries of proposed Lot 903.

**Reason: To ensure the dwelling is compliant with all development setbacks as listed within Council's Development Control Plan.**

**Stage 2**

**D6.** The existing structure on Lot 100 DP 1194767 is to be located wholly within proposed Lot 1002 or Lot 1003 and comply with the fire separation provisions of the Building Code of Australia. An identification survey is to be provided to Council prior to the issue of a Construction Certificate for Stage 2 of development works. The identification survey shall identify the location of the existing outbuilding within Lot 100 DP 1194767 and the setbacks from the resulting lot boundaries of proposed Lot 1002 and Lot 1003.

**Reason: To ensure the dwelling is compliant with all development setbacks as listed within Council's Development Control Plan.**

**Stage 3**

**D7.** The existing outbuildings on Lots 25 DP 1187004 are to be located wholly within proposed Lot 1104 and comply with the fire separation provisions of the Building Code of Australia. An identification survey is to be provided to Council prior to the issue of a Construction Certificate for Stage 3 of development works. The identification survey shall identify the location of the existing outbuilding within Lot 25 DP 1187004 and the setbacks from the resulting lot boundaries of proposed Lot 1104.

**Reason: To ensure the dwelling is compliant with all development setbacks as listed within Council's Development Control Plan.**

**E. General**

**E1.** All lots shall have a minimum area of not less than 650m<sup>2</sup>.

**Reason: To meet statutory requirements.**

**Allotment Filling**

**E2.** All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

**Reason: To ensure compliance with Council's requirements.**

- E3.** Where allotment filling has been carried out, the “Works-As-Executed” plans shall indicate the contours prior to and after filling and also the compaction test results.

***Reason: To ensure compliance with Council’s requirements.***

#### ***Easements***

- E4.** 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.***

#### ***Electricity***

- E5.** Underground electricity is to be installed throughout the development site and completed for each stage. Each lot shall be provided with a service in accordance with Local supply authority guidelines.

***Reason: To ensure adequate provision of electrical services are provided.***

#### ***Street Lighting***

- E6.** The developer shall extend, supply and install street lighting along all proposed Road frontages, in accordance with Council’s Engineering Guidelines for Subdivision and Development, 2013 in accordance with approved staging plan. All intersections shall be provided with street lighting. All works are to be undertaken in accordance with Local Supply Authority residential development standards.

***Reason: To ensure compliance with Council’s requirements.***

#### ***Traffic and Street Signage***

- E7.** The developer shall meet the cost to Council of supply and installation of all street signage (both traffic and name) relevant for each stage. The Street Name signage shall be installed by Council upon completion of Construction Works. All traffic signs are to be erected by the developer.

Note. All new street names are to be approved by Council prior to the installation of any street signage.

***Reason: To ensure compliance with Council’s requirements.***

#### ***Stormwater Drainage***

- E8.** Stormwater from the development site must not be concentrated onto adjoining land. All stormwater management measures shall be provided in accordance with Council’s Engineering Guidelines for Subdivision and Development, 2013.

***Reason: To ensure compliance with Council’s Engineering Guidelines for Subdivision and Development, 2013.***

- E9.** Inter-allotment stormwater drainage systems shall be constructed to provide adequate drainage facilities over the following lots:

- i) Lots 901-903;
- ii) Lots 904-910;
- iii) Lots 1110-1116; &
- iv) Lot 1121

If the drainage system is designed so that drainage water is discharged through adjoining privately owned properties, then easements shall be provided on each lot in which the inter-allotment drainage system is located in favour of the lots/lands that benefit. All works are to be in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013

***Reason: To ensure compliance with Council's requirements Council's Engineering Guidelines for Subdivision and Development, 2013.***

- E10.** Runoff from rainfall events up to, and including the 5 year ARI event must be contained with a piped system. Flows greater than the 5 year ARI event up to and including the 100 year ARI must be controlled within overland flow paths. Where flow paths are located on private property, an easement shall be provided in favour of the lots/lands that benefit.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- E11.** The developer is to construct a new public footpath along the eastern frontage of proposed road 2 and the southern frontage of proposed Road 1. The footpath is to be constructed within the road reserve and must be designed in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 with a minimum width of 2 metres.

***Reason: To provide suitable pedestrian access to and from the site.***

#### **Stage1**

##### **Water Supply**

- E12.** A single water supply service shall be provided to each lot. The water service shall be provided by installation of a new 300mm trunk main connected to Council's existing services along Links Road. The new main is to be extended along the Eastern side of Links Road, to the northern point of Lot 2 DP 629731 and in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 06/095, Rev 4 (Plan of Trunk Water Main). A stop valve and hydrant shall be installed at the end of the main line. All works are to be in accordance with the Council's Engineering Guidelines for Subdivision and Development, 2013.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- E13.** The developer is to decommission the existing water main located within Links road at the frontage of the development site. During decommissioning of the water main new water service connections are to be made from Council's main by under boring to Lots 4 & 5 DP 837142, Lots 1 & 2 DP 819558, & Lots 3 & 7 DP 261427.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

##### **Sewer**

- E14.** A single sewer service shall be provided to each lot in Stage 1. The sewer service shall be provided by connecting to Council's sewer mains located in Hinton Drive and extending a new main along the rear of Lots 901-910, in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 13/352, Rev 1 (Plan Proposed Sewer Main). The sewer line is to include all the necessary manholes and junctions. 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 Engineering Guidelines for Subdivision and Development, 2013.***

### **Road Works**

**E15.** The western road shoulder of Links Road for the full frontage of the development site shall be constructed, including installation of kerb and gutter, to bitumen sealed residential standard for the extent of the frontage to proposed Lots 901-910 and entire frontage to Lot 100 DP 1194767. The work shall be completed in accordance with Council's Engineering Guidelines for Subdivision and Developments, 2013.

***Reason: To ensure provision of appropriate public road facilities.***

### **Stage 2**

#### **Road Works**

**E16.** The following road works shall be undertaken for Stage 2:

- a) Proposed Road 1 shall be constructed from the intersection of Links Road and shall include the construction of a cul-de-sac turning area with a minimum surfaced area of 13.5 metres between kerbs and a 4 metre footpath reserve.
- b) Proposed Road 2 shall be constructed from the intersection of Proposed Road 1 to the Southern Boundary of Proposed Lots 1014 and 1013. The road construction will include the construction of a temporary cul-de-sac turning area within the designated road reserve.

Kerb and guttering and full width road construction is required for the full frontage of the lots to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with Austroads Specifications and Council's current Engineering Guidelines for Subdivision and Developments, a copy of which is available from Council's offices or website.

***Reason: To address traffic generation from the Subdivision and ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

#### **Water Supply**

**E17.** A single water supply service shall be provided to each lot in Stage 2. The water service shall be provided by extending Council's existing water main located in Links Road throughout the road reserve of proposed Road 1 and to the Southern Boundary of Proposed Lots 1014 and 1013 within along proposed Road 2, in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 06/095, Rev 4 (Plan of Trunk Water Main). Water main is to be looped at the cul-de-sac head and connected back into the water main in at the intersection of Proposed Roads 1 & 2. All works are to be in accordance with the Council's Engineering Guidelines for Subdivision and Development, 2013.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

#### **Sewer**

**E18.** A single sewer service shall be provided to each lot in Stage 2. The sewer service shall be provided by connecting to Council's sewer mains located in Hinton Drive in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 13/352, Rev 1 (Plan Proposed Sewer Main). The sewer line is to include all the necessary manholes and junctions. 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 Engineering Guidelines for Subdivision and Development, 2013.***

### **Stage 3**

#### **Road Works**

**E19.** The following road works shall be undertaken for Stage 3:

- a) Extension of Proposed Road 2 from the current formation at the southern boundary of proposed Lots 1014 and 1013, to the southern boundary of Lots 1110 and 1111 and is to be constructed with of a minimum width of 9 metres between kerbs. The road construction will include the construction of a temporary gravel cul-de-sac turning area within the designated road reserve at the termination of the road formation.
- b) Proposed Road 3 shall be constructed from the intersection of Proposed Road 2 to the Western Boundary of proposed Lot 1117.

Kerb and guttering and full width road construction is required for the full frontage of the lots to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with Austroads Specifications and Council's current Engineering Guidelines for Subdivision and Developments, a copy of which is available from Council's offices or website.

***Reason: To address traffic generation from the Subdivision and ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

#### **Water Supply**

**E20.** A single water supply service shall be provided to each lot in Stage 3. The water service shall be provided by extending Council's existing water main located in proposed Road 2 to the southernmost point of proposed lots 1111 and 1110 and extended from the main located in proposed Road 2 to the western boundary of proposed lot 1117 in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 06/095, Rev 4 (Plan of Trunk Water Main). All works are to be undertaken in accordance with the Council's Engineering Guidelines for Subdivision and Development, 2013.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

#### **Sewer**

**E21.** A single sewer service shall be provided to each lot in Stage 3. The sewer service shall be provided by connecting to Council's sewer mains located in Hinton Drive via extension of Council's main along the western boundary of proposed Lots 1111-1117 and Lot 1120 to Council's existing sewer main, in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 13/352, Rev 1 (Plan Proposed Sewer Main). The sewer line is to include all the necessary manholes and junctions. 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 Engineering Guidelines for Subdivision and Development, 2013.***

## **F. During Construction Works**

**F1.** Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

Monday to Friday: 7.00am to 5.00pm;

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

No work to be carried out on Sunday or Public Holidays if it is audible on the residential premises.

The developer shall be responsible to instruct and control his sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- F2.** The approved erosion and sediment control facilities are to be provided and maintained throughout the construction of the development.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- F3.** Prior to and following backfilling of all mains, a visual inspection is to be undertaken by Council. The contractor shall provide Council with 48 hours notice that the works are ready inspection.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- F4.** The developer shall ensure that all back fill over sewer mains shall be a of 3-5 mm granular grit.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- F5.** 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 with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- F6.** 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. The contractor shall provide Council with 48 hours notice that the works are ready inspection.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

**G. Prior to Issue of a Subdivision Certificate**

- G1.** One set of approved construction drawings shall be amended to show the "work-as-executed". These drawings in both hard copy and electronic form shall be provided prior to issue of the subdivision certificate. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of the Subdivision Certificate.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- G2.** Written notification shall be provided to demonstrate that underground electricity supply connection has been provided to each lot.

***Reason: To ensure that electrical services are provided.***

- G3.** Written notification being provided that telecommunication cables have been provided to each lot in accordance with community expectations.

***Reason: To ensure that telecommunication services are provided.***

- G4.** 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 has been adopted under the Council's 2014/2015 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.***

- G5.** A Compliance Certificate for each stage of development works, 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.

- \$8,487 per each additional lot for Water headworks
- \$7,048 per each additional lot for Sewer headworks

The contributions for each stage shall be paid prior to the issue of a Subdivision Certificate for each stage.

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 2014/2015 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.***

- G6.** Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:

Stormwater Drainage

Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 Council requires the payment of a monetary contribution of:

- \$2,275 per each additional lot

The contributions for each stage shall be paid prior to issue of the Subdivision Certificate for each stage of development works.

**Note:** The contributions required by this condition are determined in accordance with the Gunnedah Shire Council Section 64 Developer Services Plan – Stormwater commencing on 17 January 2013, a copy of which may be inspected at the office of the Council.

The above contributions have been adopted under the 2014/2015 Council Operational Plan. Revised rates adopted by Council in subsequent Operational Plans will apply to lots released in later financial years.

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

### Stage 1

**G7.** The road reserve for proposed Road 1 and proposed Road 2 is to be dedicated to Council as public road reserve and is not be created as a separate allotment.

**Reason: To ensure that public road reserves are controlled by Council.**

### Stage 2

**G8.** The road reserve for proposed Road 2 and proposed Road 3 is to be dedicated to Council as public road reserve and is not be created as a separate allotment.

**Reason: To ensure that public road reserves are controlled by Council.**

#### Council Resolution

Moved Councillor SJ SMITH

Seconded Councillor C FULLER

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer			X	
T Duddy			X	
C Fuller	X			
GA Griffen			X	
D Quince			X	
R Ryan	X			
SJ Smith	X			

*Note: This is now a resolution of Council in accordance with the Committee's delegated powers.*

## PURPOSE

### Introduction

The development application is being referred to Council as the development application exceeds the delegations of Council's staff. The development also requires consent from Council for the variation to the Gunnedah Development Control Plan 2012 - Map 3 – DCP Master Plan – South Gunnedah.

Applicant: Stuart Murray – Site R and D Pty Ltd  
 Owner: Mingay No. 100 Pty Limited and Mornington Estates Pty Ltd  
 Property Description: Lot 100 DP1194767, Lot 599 & 609 DP755503 & Lot 25 DP1187004, 85-113 Links Road, Gunnedah

**COMMENTARY**

*Proposed Development*

The development application is seeking approval for the subdivision of 4 lots into 47 lots and the construction of 3 new roads, cul-de-sac heads and associated infrastructure. The subdivision is to be conducted over 3 stages with Stage 1 creating 10 lots, Stage creating 17 lots and Stage 3 creating 20 lots.



**COMMENTARY**

**Issues**

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

**Gunnedah LEP, 2012**

The development site is zoned R2 Low Density Residential under the provision of the Gunnedah Local Environmental Plan, 2012. The proposed development is compliant with the following applicable clauses within the Gunnedah LEP 2012.

***4.1 – Minimum Subdivision lot Size***

The development will create 47 lots ranging from 650.2m<sup>2</sup> in size to approximately 27.474ha. The minimum lot size for the development site is 650m<sup>2</sup>. The proposed subdivision will not result in any of the allotments being created less than the minimum lot size. A condition will be imposed to ensure that the lot sizes created are not less than 650m<sup>2</sup>.

***5.9 – Tree Preservation Order***

The development will involve the removal of trees from the site. Trees and vegetation will be removed to allow for the installation of service infrastructure and road construction. The development site does not contain any tree species listed in Council’s Development Control Plan as requiring development consent prior to removal. The development has proposed planting of street trees as part of development works.

### *5.10 – Heritage Conservation*

The development site does not contain any items of local or state significant heritage as listed within Schedule 5 of the Gunnedah Local Environmental Plan 2012, nor are there any within the immediate vicinity of the site. The site has no known aboriginal heritage items located in the development area. The site has been highly modified with historical use for grazing and residential use.

### *6.5 – Essential Services*

The development application has been accompanied by details of road construction, sewer, water, stormwater, telecommunication, and electrical service provision. Each lot will be provided with an individual water and sewerage services connection. Stormwater designs have been prepared and designed in accordance with expected stormwater generation during storm events. The development will include the construction of three new roads during stages 2 and 3 of development works with temporary cul-de-sac turning heads created at the termination of each road. Lots created during stage 1 have existing access to Links Road but will require the construction of the road shoulder and kerb and guttering for the extent of the development site. Hence, it is regarded that the development will have suitable service provision.

## **OTHER – SEPPs**

### **SEPP 44 – Koala Habitat**

The development site is not regarded as potential Koala Habitat. The development site does not contain a stable population of Koala or evidence of breeding females within the site. The development will result in a maximum of 3 Koala feed tree species being expected to be removed from the site during development works and hence there will be no removal of potential Koala Habitat.

### **SEPP 55 – Remediation of Land**

The development site currently contains an existing dwelling and outbuildings. The development will not involve the change of use on the site. The development site was identified as having previous usage for agricultural/horticultural activities. A further search of historical uses identifies the site to be used for livestock grazing with no pesticides or intensive livestock activities. There is no historical sheep or cattle dip located on the site. Hence, the no further investigation is required.

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

### *1.8 – Consultation*

The development application was notified to all adjoining land holders. The application was also advertised on Council's website and in the Gunnedah local paper for a period of 14 days. One (1) submission was received during the submission period. Matters raised in the submission are addressed later in this report.

### *2.2.1 – Building Setbacks*

The development site contains an existing dual occupancy development that will be located wholly within proposed Lot 907 during Stage 1 of development works. The dual occupancy must be located suitable distance from each side and rear boundary of the allotment to ensure compliance with the Building Code of Australia.

### *5.1 – Lot Size*

The development is compliant with the required minimum lot size. Each of the lots are suitable size and dimension to allow for the adequate area for the construction of a dwelling house upon application. All lots will have adequate frontage to depth ratio to ensure that adequate public road frontage is provided.

### *5.2 – Servicing Strategy*

The developer has submitted a servicing strategy for the development.

### *5.3 – Sewer*

The development will include the construction of new sewer mains during each stage of development works. A condition is to be imposed that will require the provision of sewer services to each lot in relation to staging of the development. The sewer mains will connect to the existing sewer main in Hinton Drive. Each lot created will have provision of a sewer connection.

#### *5.4 – Water*

The development has included details of provision of water services to the development. The development proposes to replace the existing water main along the Western side of Links Road and with a trunk main and rider main. Properties (96-122 Links Road), previously connected to the water main are to be provided with new connections to ensure water services are maintained. New water lines will be extended throughout the development site within the road reserve.

#### *5.5 – Stormwater Drainage*

A Stormwater Management plan has been provided identifying expected peak rainfall amounts and stormwater flow paths. New stormwater lines will be installed throughout the development site within inter-allotment drainage provided along the rear of lots where site fall does not allow for servicing to drain to kerb and guttering at the lot front. All inter-allotment drainage lines must be provided with a minimum 5 metre easement.

#### *5.6 – Telecommunications*

Each lot is to be provided with underground telecommunication services. A condition will be imposed to ensure that service lines have adequate capacity for the increase in service demand.

#### *5.7 - Electricity*

The development requires provision of underground electrical supply to service provider's standards. Demonstration must be provided to Council to once services are provided.

#### *5.10 – Road Network Design*

A Traffic Impact Assessment has been undertaken and submitted along with the development application. This report was assessed by Council's Infrastructure staff and it was determined that the development traffic generation would be suitable for the current and proposed road networks. Road network design requires kerb and guttering along all roads within the development. The development will require the provision of pedestrian footpaths within the road reserve for pedestrian mobility.

#### *5.11 – Staged Subdivision*

A staging plan has been submitted for the development. Development is to occur over 3 stages, with provision of services during each stage. Temporary gravel cul-de-sac turning areas are to be constructed at the end of each stage road construction to ensure manoeuvrability of vehicles within the road network.

#### *5.12 – Cul-de-sac*

Stage 2 will include the construction of a cul-de-sac turning area at the end of proposed Road 1. Cul-de-sac turning heads are to have a minimum radius of 13.5 metre to ensure waste collection vehicles can manoeuvre within the road reserve.

#### *5.13 – Landscaping*

The development application includes a detailed landscaping plan that identifies landscaping to be conducted within the road reserve for the development. Estate entry signs are to be located within the boundaries of Lots 1001 & 1015 and are not to protrude into Council's road reserve.

#### *5.14 – Site Access*

Each lot will have suitable access from a dedicated public road at the completion of development works.

#### *5.15 – Lot Orientation*

Lot orientation and size along proposed Road 2 will ensure that upon development of each allotment, potential for over shadowing will be reduced.

#### *5.17 – Vegetation*

The development will retain significant vegetation.

#### *5.18 – Garbage Collection*

Adequate manoeuvrability of waste collection vehicles has been provided within the road reserve and provision of cul-de-sac turning areas. Each lot will have adequate frontage to allow for the placement of kerb side collection without hindrance to adjoining land holders.

### 5.21 – Road Widths

The development application requires a modification to the Gunnedah Development Control Plan regarding the minimum road widths. The road network is considered to be collector road requiring a minimum width of 20 metres for the road reserve and a minimum width between kerbs of 13 metres. The development application proposes a road reserve width of 18 metres and a sealed formation between kerbs of 9 metres for proposed Roads 1, 2 & 3 as a variation to the Gunnedah Development Control Plan 2012.

The proposed variation to the development road widths are supported due to the road width being consistent with approved subdivision development on adjoining allotments. The variation will allow the road networks to be the same dimensions and will not result in a varied road width after construction. Road reserve widths of 18 metre are also consistent with the resulting dimensions of the development control Master plan for South Gunnedah. Hence, the proposed road reserve widths and width between kerbs is considered to be consistent with Council's plans.

### 5.22.2 – South Gunnedah

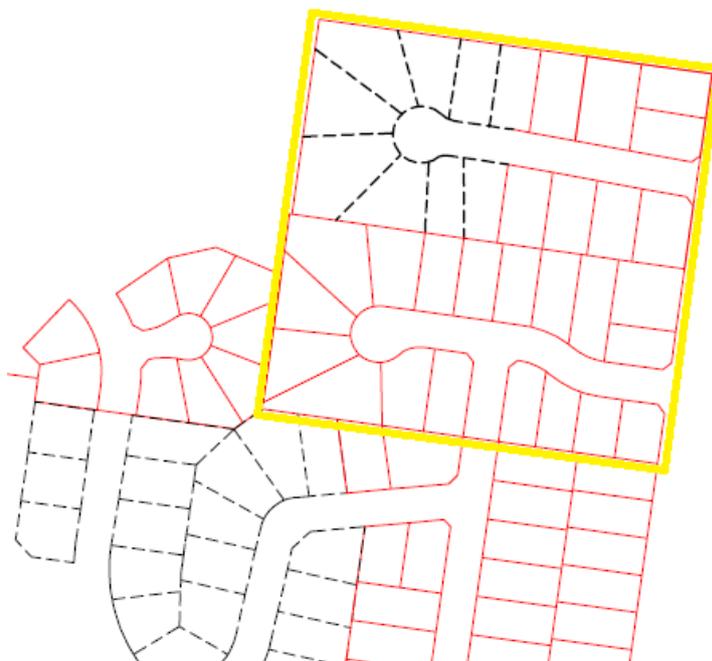
The development will result in a variation to the *Development Control Plan Map 3, DCP Master Plan – South Gunnedah* in regards to lot layout. The development will alter the lot layout and road design and will impact on the undeveloped allotment adjoining to the North of the site that is currently not developed. The development application has been accompanied by a proposed amended master plan layout for this allotment demonstrating lot provision for this development site with the proposed alterations to the master plan layout.

The master plan amendment will ensure that road construction is not required to provide vehicle access to the development site. Current with the development proposed, if construction was to reflect the master plan layout road networks would not connect to an existing public road. Stormwater, sewer, and water services have been designed independently with services extending within the development to the existing service in Hinton Drive that is of suitable size for the additional service provision. Existing sewer services are present within the adjoining property and existing stormwater easement is located along the rear of adjoining allotments to the site west for stormwater drainage to Council's easement to the North. This easement is downslope and will be adequate for stormwater capture in the event of future development.

It is considered that the proposed development layout will be suitable for future development of this site and will remove the reliance of either development sites in regards to service provision of road construction. Hence, the amendment to the Master Plan is supported.



Map 3 DCP Master Plan – South Gunnedah



Proposed Master Plan Amended Layout

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

*Context & Setting*

The development site is located over 4 allotments. One allotment currently contains an existing dual occupancy development and outbuildings, other allotments are currently vacant. The surrounding area is predominately residential land containing residential dwellings and dual occupancy developments.

*Access, transport and traffic*

The development is expected to result in a substantial increase in traffic movements within the immediate road network due to the potential for up to 90 new residential dwellings, with potential for dual occupancies on each lot. A traffic impact assessment was lodged with the application. It was determined that the current and future proposed road networks would be suitable to cater for the expected increase in vehicle movements.

*Utilities*

Each lot will be provided with the relevant Council services as part of development works. It will be required that each of the sites be provision of underground Telecommunication and electrical services. Evidence of connection is to be provided to Council that an individual service has been connected to each lot prior to the release of a subdivision certificate of connection.

*Water*

An individual Water Service is to be provided to each lot. New water mains are to be supplied within the road reserve where required.

*Noise & vibration*

The development will not result in any noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during all construction works to ensure public amenity of the surrounding residence.

*Natural hazards*

The development site is identified as being bushfire prone land and hence is identified as being Integrated Development. A bushfire safety authority has been issued by the NSW Rural Fire Service, which included conditions.

### **S79C(1)(d)&(e) any submissions made in accordance with this Act or the regulations and the public interest**

Council received one (1) submission during the submission period. The submissions noted the following issues:

- **Concerns with potential Stormwater issues from the development discharging water to existing easement.**

Upon receiving of the object to regarding disposal of stormwater via the existing easement that does not contain a stormwater pipe additional information was sort from the developer. An amended stormwater management plan was prepared. The existing easement will not be utilised for stormwater captured from the development within the road reserve. All water will be directed to existing stormwater catchment within Hinton Drive. Upon development of each lot water will be conditioned to discharge to kerb and guttering within each road network which will carry water through to this stormwater system in Hinton Drive and hence should not impact on the existing easement. Hence the object was considered to be resolved.

### **The suitability of the Site for the Development**

The development site has been identified with Council's Development Control Plan as being a potential location for residential subdivision being located within the South Gunnedah Masterplan area. The development will be a modification to this Masterplan layout, however lot layout and configuration is considered to be suitable and necessary for the proposed development to occur with the current services and development levels in the surrounding vicinity. All lots will have a minimum lot size equal to or greater than required for the development. The development will not inhibit development or existing use on the site and there will be no requirement for removal of any trees. Hence the site is expected to be suitable for the development proposal.

### **Conclusion**

The development application requires approval from Council due to the subdivision creating a total of 48 new residential allotments and exceeds Council's planning staff delegations. The development will also result in a variation to the Development Control Masterplan for South Gunnedah and a minor variation to the road network requirements due to consistency with adjoining developments. The development is considered to be suitable and the amendments to the DCP are considered necessary for the development to proceed. Hence the development is recommended for approval.

## **ITEM 6                      Development Application No. 2015/014 – Demolition of Stable Block and Removal of Seven (7) Trees – Lot 7035 DP1029310, Gunnedah Showground, View Street, Gunnedah**

<b>MEETING</b>	Planning, Environment and Development Committee – 6 May 2015
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 1.2.2    Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area. Operational Plan 3.6.3    Ensure compliance with the provisions of Council's Development Control Plan
<b>ATTACHMENTS</b>	Nil

**6.05/15P COUNCIL RESOLUTIONS:**

**That the Development Application No. 2015/014 for the demolition of an existing stable block and removal of surrounding trees at the Gunnedah Showground, View Street, be approved subject to the following conditions of consent:**

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

**A1.** The proposed development shall be carried out generally in accordance with the details set out in the following

- Development Application form lodged 02/03/2015
- Statement of Environmental Effects, prepared by Gunnedah Show Society, dated 16/12/2014; and
- Submitted plans:
  - Prepared by Applicant, dated 17 March 2015, Site Plan;

except as otherwise provided by the conditions of consent.

***Reason: To ensure compliance with application and plans.***

**A2.** To confirm and clarify the extent of this development consent, Development consent is issued for the removal of the existing stable block as identified on the submitted site plan and removal of the surrounding seven (7) trees. Any further development on the site will require the lodgement and approval of a development application.

***Reason: To outline the extent of the development consent.***

**B. Division 8A Prescribed conditions of development consent**

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. Notification of Home Building Act 1989 requirements**

- (1) For the purposes of section 80A (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 109R 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 Works Commencing**

- C1.** Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. 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. Demolition Conditions**

**D1.** The Stables 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:

- (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.***

**D2.** 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.***

**D3.** 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.***

**D4.** 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.***

**D5.** 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.***

#### **E. General**

**E1.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the Demolition site at all times during the demolition period.

***Reason: To ensure compliance with approved application and plans.***

#### **E2. Excavations and backfilling**

All excavations and backfilling associated with the demolition of the 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.***

**E3. Protection of public places**

If the work involved in the construction and demolition 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.**

**E4. 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.**

- E5.** 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.***

*Council Resolution*

*Moved Councillor SJ SMITH*

*Seconded Councillor C FULLER*

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	x			
RG Swain	x			
H Allgayer			x	
T Duddy			x	
C Fuller	x			
GA Griffen			x	
D Quince			x	
R Ryan	x			
SJ Smith	x			

*Note: This is now a resolution of Council in accordance with the Committee's delegated powers.*

## PURPOSE

### Introduction

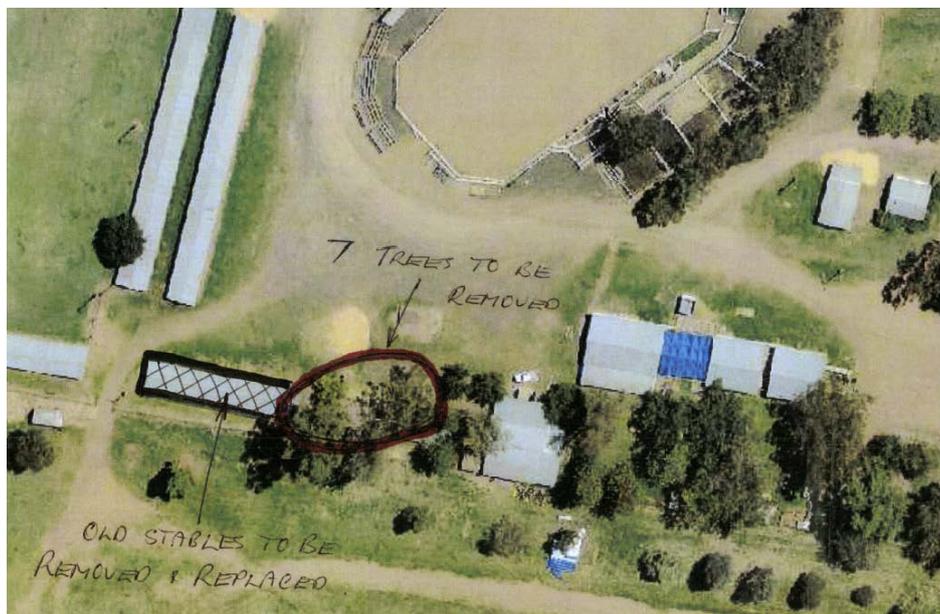
The development application is being referred to the Committee for approval as the development is to be undertaken on land for which Council is the Trust Manager and requires Council concurrence.

**Applicant:** Gunnedah Show Society  
**Owner:** NSW Trade and Investment – Crown Lands  
**Property Description:** Lot 7035 DP1029310,  
 Gunnedah Showground, View Street, Gunnedah

## COMMENTARY

### *Proposed Development*

The development application is seeking approval for the demolition of the existing stable block and the removal of 7 trees from the site. A future development application will be lodged for future stable construction.



## COMMENTARY

As the application relates to development on Crown Land, Council referred the draft development conditions to the development application in compliance with *Part 4, Division 4, Section 89(1)(b)* of the *Environmental Planning and Assessment Act 1979*. The applicant has advised of its approval of the draft conditions.

## Issues

### ***S79C(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. The development will not alter the approved land use on the site with the development to remove an existing stable block and 7 trees. The proposed development is compliant with the following applicable clause within the Gunnedah LEP 2012:

#### *5.9 – Tree Preservation Order*

The development will involve the removal of 7 trees from the development site. The letter of authority from the Crown Lands Department included permissions for the removal of these trees as part of the development application. The tree species to be removed are not identified as tree species listed in Council's Development Control Plan and hence can be removed without consent.

## OTHER – SEPPs

#### SEPP 44 – Koala Habitat

The development site is not identified as being potential Koala Habitat. Hence, no Koala Plan of Management is required.

#### SEPP 55 – Remediation of Land

The development will not result in a change of use on the site. Hence, no further investigation is required.

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

#### *1.8 – Consultation*

The development application was expected to have little or no impact on the adjoining land holders. Hence the development application did not require notification to adjoining land holders.

**6.6.1 – Environmental Effects**

The development proposes to remove one of the existing stable blocks from the development site. Standard hours of operation are to be imposed on the development during demolition to ensure that there are minimal noise impacts on the surrounding area. Standard conditions are to be imposed as to suitable demolition and disposal procedures to ensure that waste is disposed of correctly.

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

**Context & Setting**

The proposed stable block to be removed is located along the southern boundary of the Gunnedah Show Grounds. The stable block is old and infrequently used. The surrounding area on site has other stable blocks and show arenas that will not be removed during development works.

**Flora & Fauna**

The trees are to be removed during demolition works due to the future lodgement of a new stable block complex that will be located over the development area. The removal of these trees will be required for the future construction. The development applicant wishes to remove the trees at the same time the stable block is removed due to ease and inclusion in demolition works.

**The suitability of the Site for the Development**

The Gunnedah Show Grounds contains several other stable blocks within the development site and the immediate area surrounding the stable block that is to be demolished. The removal of this stable block will not impact on the functionality of the equestrian usage of the site. The demolition will create a vacant area for the future development of new stable facilities onsite. The development will not inhibit development or existing use on the site. Hence the site is considered to be suitable for the proposed development.

**Conclusion**

The development is permissible and considered to be suitable for the future development plans of the Gunnedah Showground and has been recommended for Council approval.

<b>ITEM 7</b>	<b>Draft Gunnedah Urban Land Use Strategy</b>
<b>MEETING</b>	<b>Planning, Environment and Development Committee – 6 May 2015</b>
<b>DIRECTORATE</b>	<b>Planning and Environmental Services</b>
<b>AUTHOR</b>	<b>Director Planning &amp; Environmental Services</b>
<b>POLICY</b>	<b>Nil</b>
<b>LEGAL</b>	<b>Gunnedah Local Environmental Plan Environmental Planning &amp; Assessment Act, 1979</b>
<b>FINANCIAL</b>	<b>Nil</b>
<b>STRATEGIC LINK</b>	<b>Community Strategic Plan 1.2.2     Implement a fully integrated planning framework that aligns to             Council plans and guides the development of Gunnedah area. Operational Plan 2.5.4     Review Local Environmental Plan 2.5.5     Review Local Environmental Plan</b>
<b>ATTACHMENTS</b>	<b>Draft Gunnedah Urban Land Use Strategy</b>

**OFFICER'S RECOMMENDATION:**

That the draft Gunnedah Urban Land Use Strategy be endorsed for public exhibition for a period of 40 days together with direct notification and presentations to impacted stakeholders.

**7.05/15P COUNCIL RESOLUTIONS:**

**That the draft Gunnedah Urban Land Use Strategy be deferred to the June Council meeting for further consideration.**

*Council Resolution*

*Moved Councillor OC HASLER*

*Seconded Councillor C FULLER*

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer			X	
T Duddy			X	
C Fuller	X			
GA Griffen			X	
D Quince			X	
R Ryan	X			
SJ Smith	X			

*Note: This is now a resolution of Council in accordance with the Committee's delegated powers.*

**LATE REPORT**

This report is late as recently received planning proposals having to be considered in the context of the strategy and preparation of this report.

**PURPOSE****Introduction**

This report relates to the consideration of the draft Gunnedah Urban Land Use Strategy for public exhibition.

**BACKGROUND**

Council resolved to review its urban land uses in October 2014 following the rejection of a planning proposal by the Department Planning & Environment in respect the rezoning of a portion of land and the intersection of Boundary Road and the Kamilaroi Highway in September 2014 due to inconsistencies with Council's Commercial and Industrial Strategy. At the same time Council was to embark on a review of its residential land use strategy and consequently a comprehensive review of all urban strategies was authorized with Insite Planning of Cessnock appointed to undertake the study and prepare the draft strategy.

**OVERVIEW**

The draft Gunnedah Urban Land Use Strategy is a comprehensive review of strategies dealing with residential, commercial and industrial land uses in Gunnedah. The current residential release strategy has been in place for 30 years and has worked well, whilst over the last five years Council has undertaken commercial and industrial land use strategies. However in recent times there have been several development initiatives that could be considered "game changers" to which Council should be in a position to activate where there is a community benefit.

These "game changes" may have significant implications as to how Gunnedah grows over the next decade. It is therefore essential that Council takes account of these implications and puts mechanisms in place to provide that development opportunity and at the same time ensure there is a broad and equitable community benefit.

The significant "game changers" include:

- Second rail overpass
- Realignment of the state and regional road network through the town
- Increased significance of 'west end' business area
- Satellite business development proposals
- 81% of land zoned residential carries subdivision approvals
- Demand on infrastructure service provision and extension
- Major Industrial development proposals
- Potential business and commercial development proposals at town gateway locations

## COMMENTARY

The strategic review has been comprehensive analysing all aspects of urban planning mechanisms and the outcomes that these controls will give rise to as well as the future expansion or embellishment of infrastructure to support the future expansion of Gunnedah.

An Issues report was prepared in November 2014 to highlight the areas that would be addressed in the strategic review. This issues paper followed considerable The following outline was developed.

**Volume One** - the Contextual Profile, provides a brief shire wide strategic context to support the Commercial, Industrial and Residential Strategies presented in Volumes 2,3 and 4.

**Volume Two** - the Commercial Activation & Opportunities Strategy, addresses:

- Opportunities to embellish economic activity and business development within the commercial sector and particularly the B5 Mixed Use Zone having regard for previous strategies, and
- Evaluate specific highway gateway entrance locations.

The consultant considered that the existing CBD represents a thriving and resilient town centre and it is proposed that the Strategy addresses measures to 'activate' economic activity and identify opportunities to take advantage of key strategic infrastructural transportation projects and resulting potential development growth locations.

**Volume Three** - the Industrial Development Strategy:

- Appraises the existing Industrial zoned areas within the 2012 LEP,
- Identifies land availability to service projected demand whilst having clear regard for proposed infrastructural servicing capacity and constraints, and
- Key opportunity areas already identified as focal industrial precincts within previous strategies are highlighted and discussed in order to encourage continued investment to support industry growth in particular those to support mining related services and continued agricultural sector sustainability.

**Volume Four** - the Residential Release Strategy:

- Identifies all residentially zoned land in the context the Gunnedah Local Environmental Study 1982 undertaking an appraisal of current approvals and final development (mostly within within DCP Masterplan Areas identified as Stage 1 and 2).
- The evaluation assesses current lot availability and future lot yield levels to accommodate future population projections.
- Additionally lands identified as Stage 3 and Stage 4 not already zoned residential will be reevaluated for suitability for residential development based on the sustainability assessment matrix.

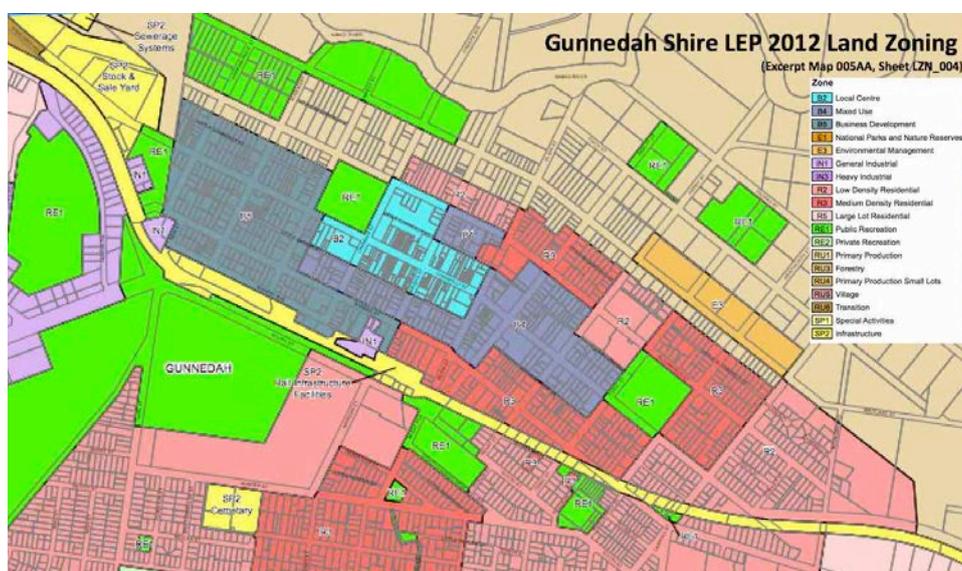
The following commentary highlights the major findings and recommendations from the review.

### **Commercial Activation and Opportunities Strategy**

The key commercial issues are summarised as follows:

- The existing CBD has already seen moderate levels of economic activity over the last decade however key opportunities exist as indicated in the 'Opportunity Sites Matrix' to enhance development potential.
- The local business community is supportive of the mandate to reinforce the viability and vitality of the CBD by not allowing 'out of centre' retail developments, particularly at gateway locations that would compromise the CBD.
- Development of gateway locations (including the corner of Boundary & Curlewis Roads) is supported so as to facilitate economic activity at these locations and provide a sense of arrival at the entry point to the town. However uses should be restricted so as to not compete with the CBD.
- Future road and rail projects, including the Oxley Highway realignment, 2<sup>nd</sup> Rail Bridge Overpass leading into Warrabungle and Barber Streets and the Bloomfield Road Regional Road designation, have implications for significant changes to and entry points into and traffic movements around the CBD. This also presents opportunities for under utilised sites adjoining these roads to redevelop to harness increased site exposure.

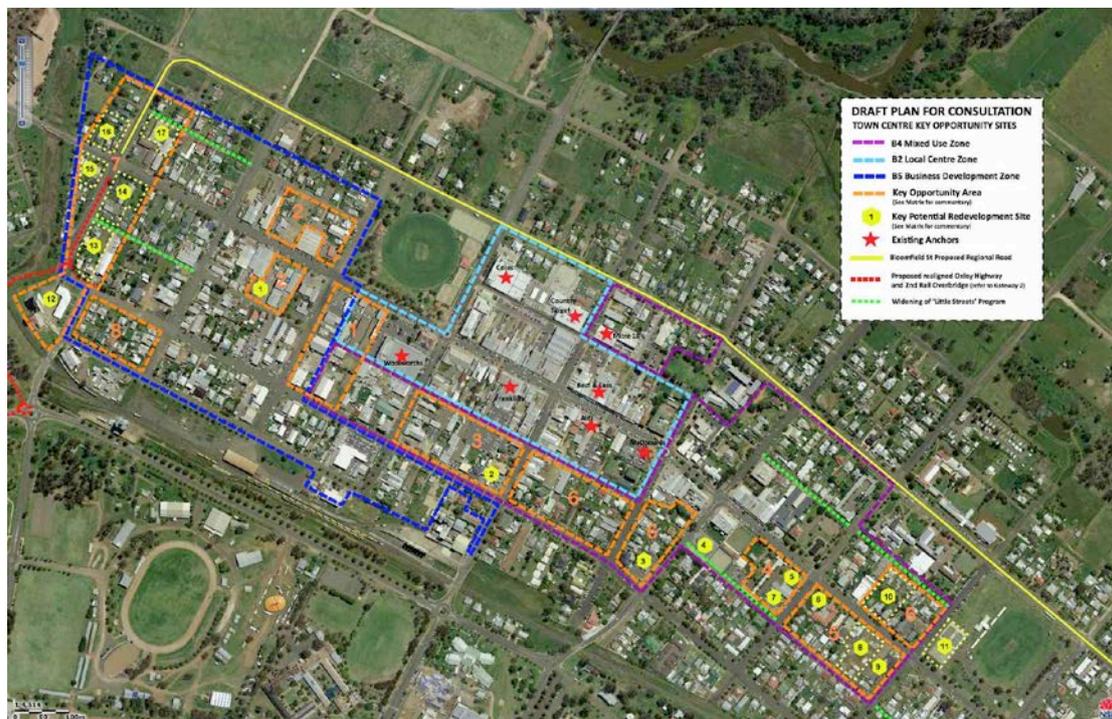
Plan 1, below, shows the Town Centre Zonings under Gunnedah LEP 2012.



Map 1 – Town Centre Zonings

▪ Key Town Centre Commercial Opportunity Sites

A Town Centre Key Opportunities Plan (Plan 2) highlights various key opportunity areas (typically street blocks containing multiple properties) and specific development sites throughout the B2 Local Centre, B4 Mixed Use and B5 Business Development Zones within the Town Centre. These sites have been identified as they have been assessed as presenting potential opportunities to embellish economic activity through future redevelopment, where individual supporting commentary is provided to draw on the current status of sites, and encourage development where possible. This plan is supported by a matrix that provides more detail on each opportunity site. It should be noted that this approach is suggesting opportunities and in no way mandates site redevelopment.



Plan 2 – Town Centre Key Opportunities Plan

▪ Key Gateway Locations

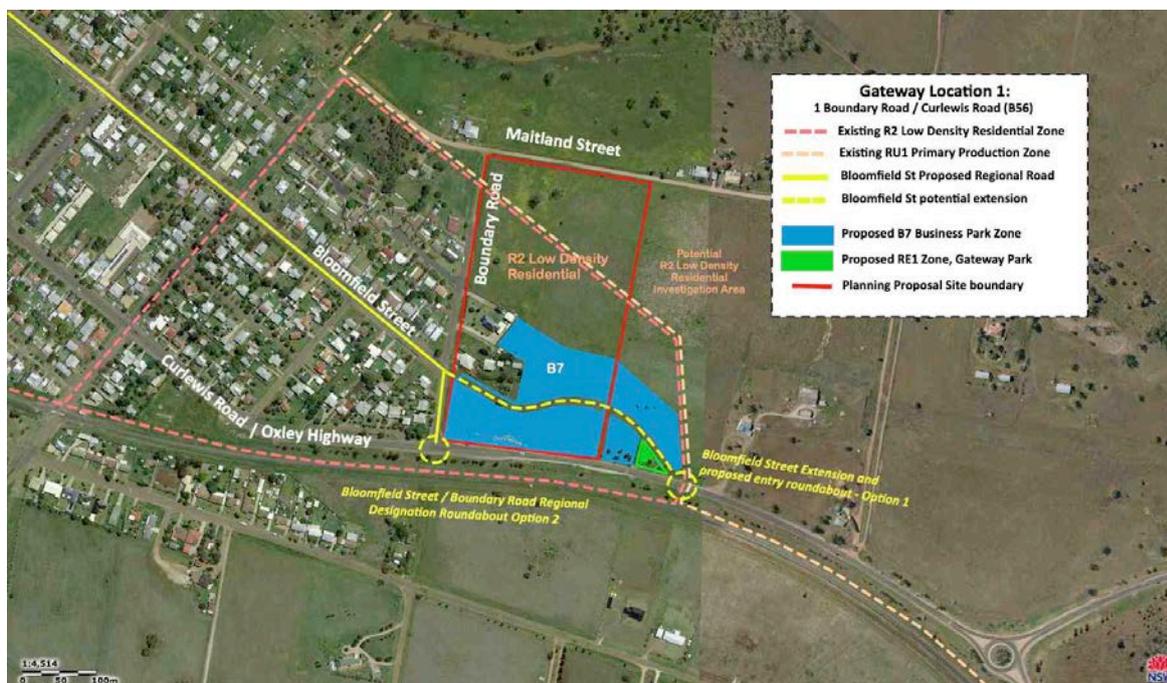
The Commercial Revitalization Strategy sets out to examine two key gateway locations with commercial potential requiring specific development guidance through the Strategic review process.

**Gateway Opportunity Site 1 - Eastern Entry**

Gateway Opportunity Site 1 is bound to the west by Boundary Road, north by Maitland Street and the rail line sits opposite the site to the south of Curlewis Road. The subject land is currently zoned RU1 Primary Production and R2 Low Density Residential, with a minimum lot size of 200ha for land zoned RU1 and 650m2 for land zoned R2.

The Eastern Entry Location Plan (Plan 3) below provides strategic recommendations with the following key aspects:

- It is recommended that a new Land Use Zoning be introduced for the site, B7 Business Park for the southern section of the site fronting Curlewis Road. This zoning enables specific landuses which will not compromise the B2 Local Centre, B4 Mixed Use and B5 Business Development Zones (Zone objectives and Permitted uses are listed below).
  - The extension of Bloomfield Street through the Planning Proposal site to provide direct regional road frontage for new B7 Business Park Zone and improved traffic management outcomes, as Option 1. Road construction of Bloomfield Street as an extension through this area from Boundary Road to its intersection with the Oxley Highway to be funded by the developer as a normal development cost. Benefits provided to developer in terms of increased road frontage and passing traffic movements from Bloomfield Street as a Regional Road and strategic rationale in more appropriate road layouts and traffic movements to facilitate gateway development.
- Option 2, construction of a roundabout at Boundary Road / Curlewis Road T-intersection as an interim safety measure until extension completed.
- R2 Low Density Residential to northern section of gateway site as extension to existing urban area, where serviceable and environmental impacts mitigated.



Plan 3 - Eastern Entry

The B7 Business Park Zone provides for the following permitted uses:

*Child care centres; Food and drink premises; Hardware and building supplies; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Respite day care centres; Rural supplies; Self-storage units; Shop top housing; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres;*

The zone permits roads without consent but prohibits the following uses:

*Agriculture; Airports; Amusement centres; Animal boarding or training establishments; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Heavy industrial storage establishments; Heavy industries; Home-based child care; Home occupations (sex services); Industrial training facilities; Information and education facilities; Marinas; Mooring pens; Moorings; Pubs; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Retail premises; Rural industries; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities*

Effectively the zone permits only the nominated uses and as such will not permit development that will negatively impact on the Town Centre.

**Western Gateway Entry**

Gateway Opportunity Site 2 represents an area within the western Commercial precinct of the Town Centre where two major proposed strategic roads and rail infrastructural projects will have major implications on the key focal entry points to the town from the west.

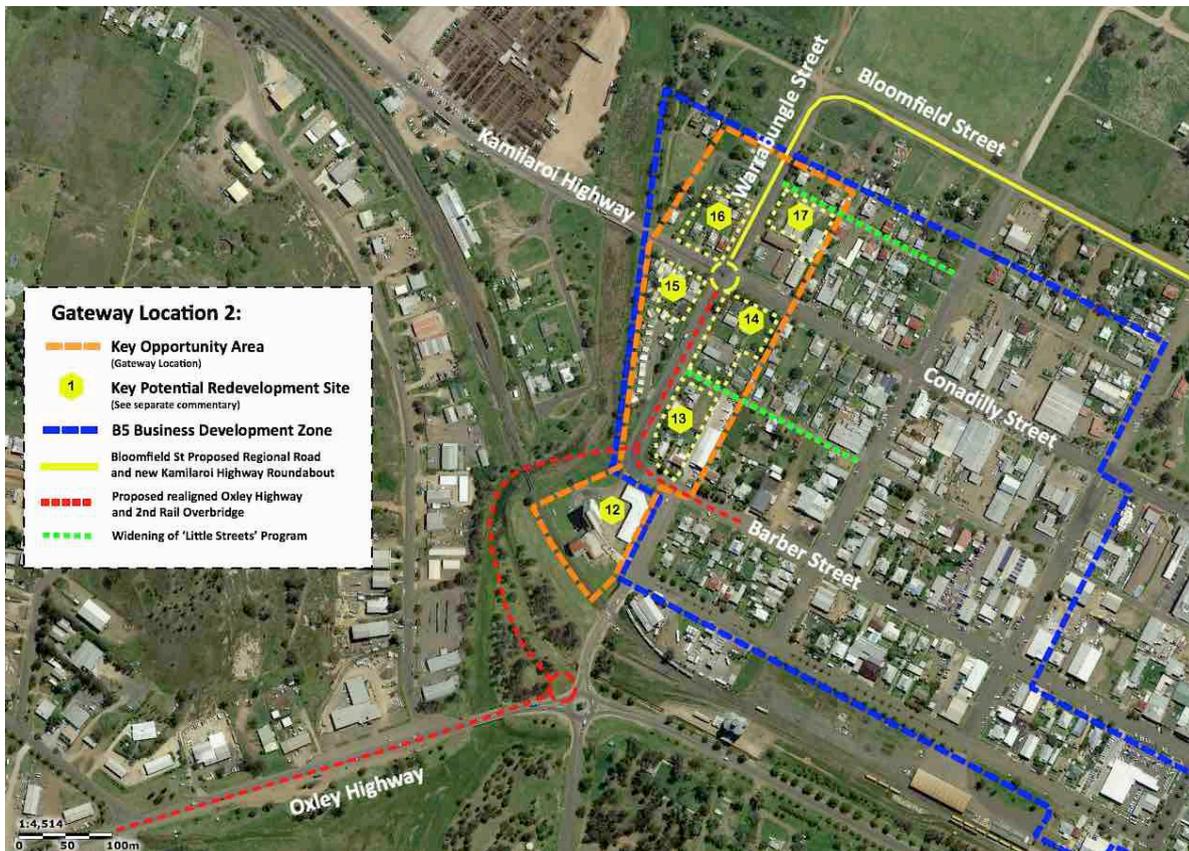
Plan 4 – Adopted Option C below shows the changes to the road network and the proposed 2<sup>nd</sup> Rail Over Bridge.



Figure S1: Recommended Option C (Refined)

*Plan 4 – Adopted Option C*

The Western Entry is shown below in Plan 5 with the key potential redevelopment sites identified.



*Plan 5 – Western Entry*

The Town Centre Redevelopment Opportunities Site Matrix in the Strategy outlines the development commentary which discusses the implications of the above road projects and the identified sites.

The most significant development potential exists at the junction of Warrabungle Street and the Kamilaroi Highway where a new roundabout will provide a focal gateway entry point in junction with the designation of Bloomfield Street as a regional road.

The existing B5 Zone is appropriate to facilitate potential development outcomes as discussed above.

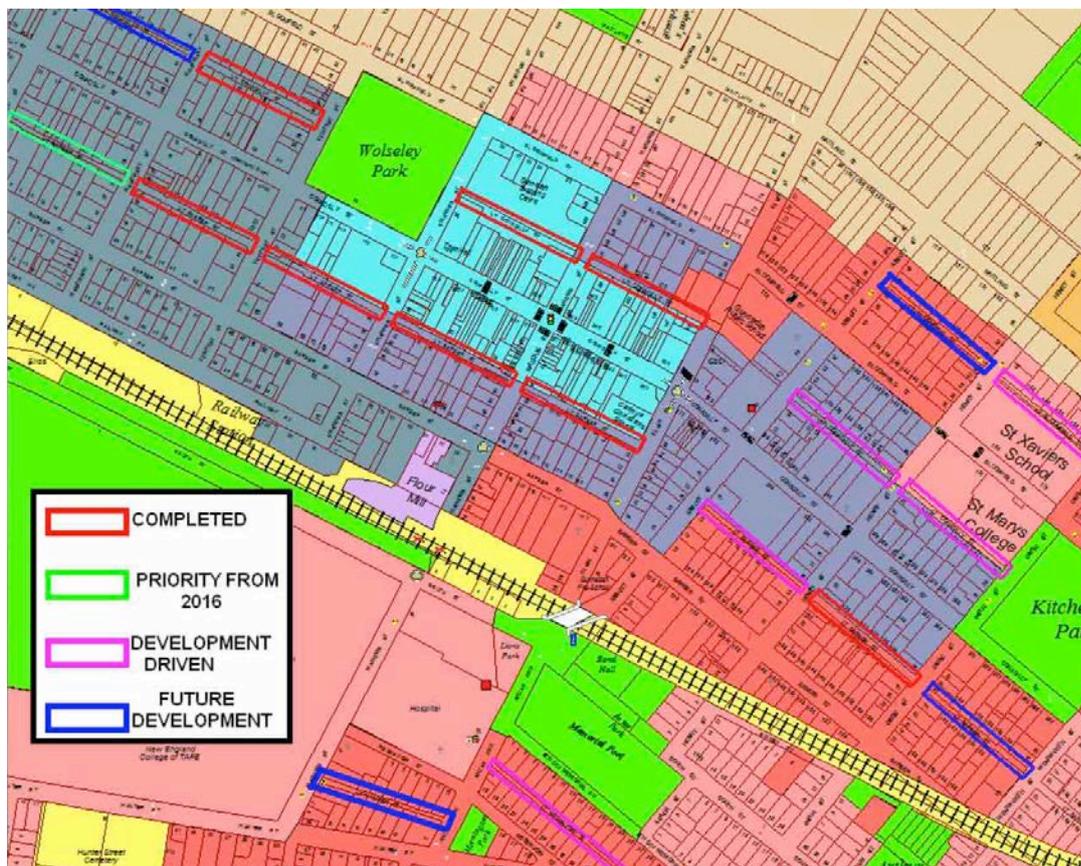
Visually the development quality of the location is paramount to ensure maximum benefit is derived from the gateway location and the aesthetic value of the Gunnedah Township on arrival is not compromised.

It should also be noted that the former Gunnedah Pig Saleyards site has recently been subject to a Planning Proposal to rezone the land to IN 1 General Industrial. This area will also require management of the development quality so as not to compromise the aesthetic value of the western entry.

**Road Widening of ‘Little Streets’**

The Town Centre Key Opportunity Sites Plan also illustrates the ‘Little Streets’ of Gunnedah that would benefit from widening and installation of improved drainage infrastructure.

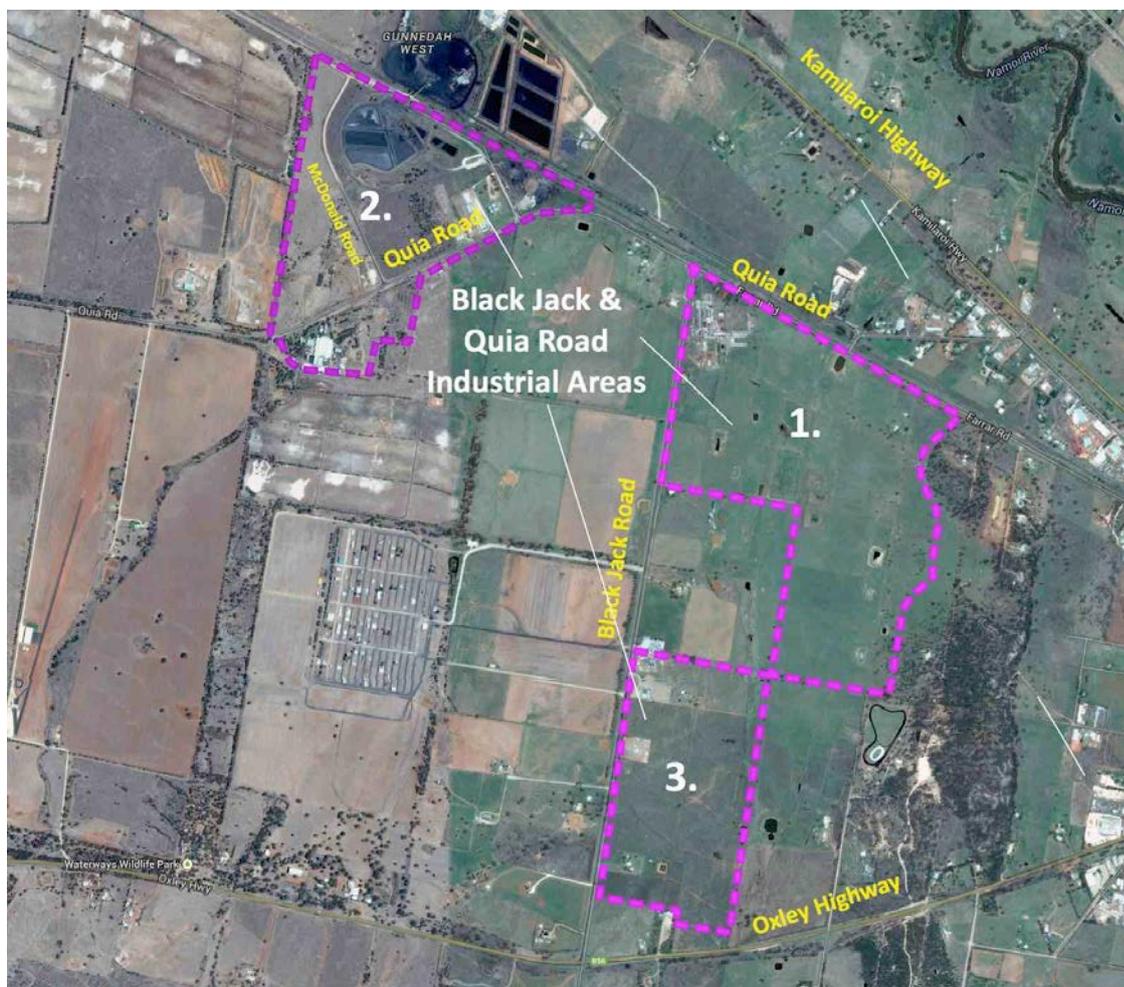
Plan 6 below shows the proposed road widening program in full categorized by: Completed, Priority from 2016, Development Driven or Future Development.



Plan 6 – Road Widening

**Industrial Development Strategy**

The Industrial Development Strategy, is to appraise the existing Industrial zoned areas within the 2012 LEP and the discussion of these sites within the Commercial Strategy documents (2008 & 2011), Economic Development Strategy (2014) and s.64 Servicing Strategy Amendment to include the western area (2014). The three Industrial Precinct Areas are shown in Plan 7 below.



Plan 7 – Industrial Precincts

- Key Industrial Issues
- Gunnedah Shire has approximately 412 Ha zoned industrial but, it is been estimated that 60% of this land is undeveloped or under-developed. This is mainly due to the lack of appropriate water and sewer infrastructure, with access to a sizeable and reliable electricity supply also an issue.
- Gunnedah is in a prime position to maximise growth opportunities delivered by a revitalised mining industry driving strong economic and population growth.
- However, future economic security is at risk due to the severe lack of water and sewer infrastructure to service medium-to-heavy industry. Access to a sizeable and reliable electricity supply is also an issue.
- An updated s.64 Servicing Strategy has seen commitments by Gunnedah Shire Council to link the three Industry Precincts (Warranuna, North Gunnedah and Black Jack and Quia Roads) into 'Western Industrial Servicing Area'.
- These infrastructural improvements include involving extension of the sewer, installation of a pump station and rising main to service the Black Jack and Quia Road precinct and construction of a water supply reservoir and reticulated system on Borthistle Road.
- Gunnedah Shire Council is not in a position to fund the entire cost of the proposed water and sewer infrastructure projects, with the estimated total cost being \$ 8,889,000. Council has committed to investing \$4million in the projects and will seek \$889,000 in contributions from private developers. This leaves a shortfall of \$4 million.
- Development within a key 'industrial' gateway site within the Warranuna Industrial Estate on the Oxley Highway is also gaining momentum with the construction of an Industrial subdivision likely to commence during 2015 with completion within one year.

▪ Key Opportunity Site – North West Business Park

The former 120ha abattoir site shown below in Plan 8, now branded ‘North West Business Park’ bordered by Quia, Ross and Black Jack Roads zoned Industrial IN1 General (originally zoned industrial in 2008) is undeveloped with a disused and derelict abattoir located on the North West corner of the site.

The recent July 2014 amendment to the Gunnedah Shire Section 64 Development Servicing Plan (DSP) saw inclusion of properties benefitting from sewerage servicing to include the area known as the Western Servicing Area to include the land along Torrens and Quia Roads, and the subject site on Farrar and Blackjack Roads.

The draft Strategy supports investment in the Black Jack and Quia Road Industrial Area through the funding of the Western Sewerage Servicing Area (s.64 Plan) whilst recognizing the necessity for Development funding through s.94 contributions. This would require Council to commit funds and recover the cost over time from developer contribution.



Plan 8 – North West Business Park

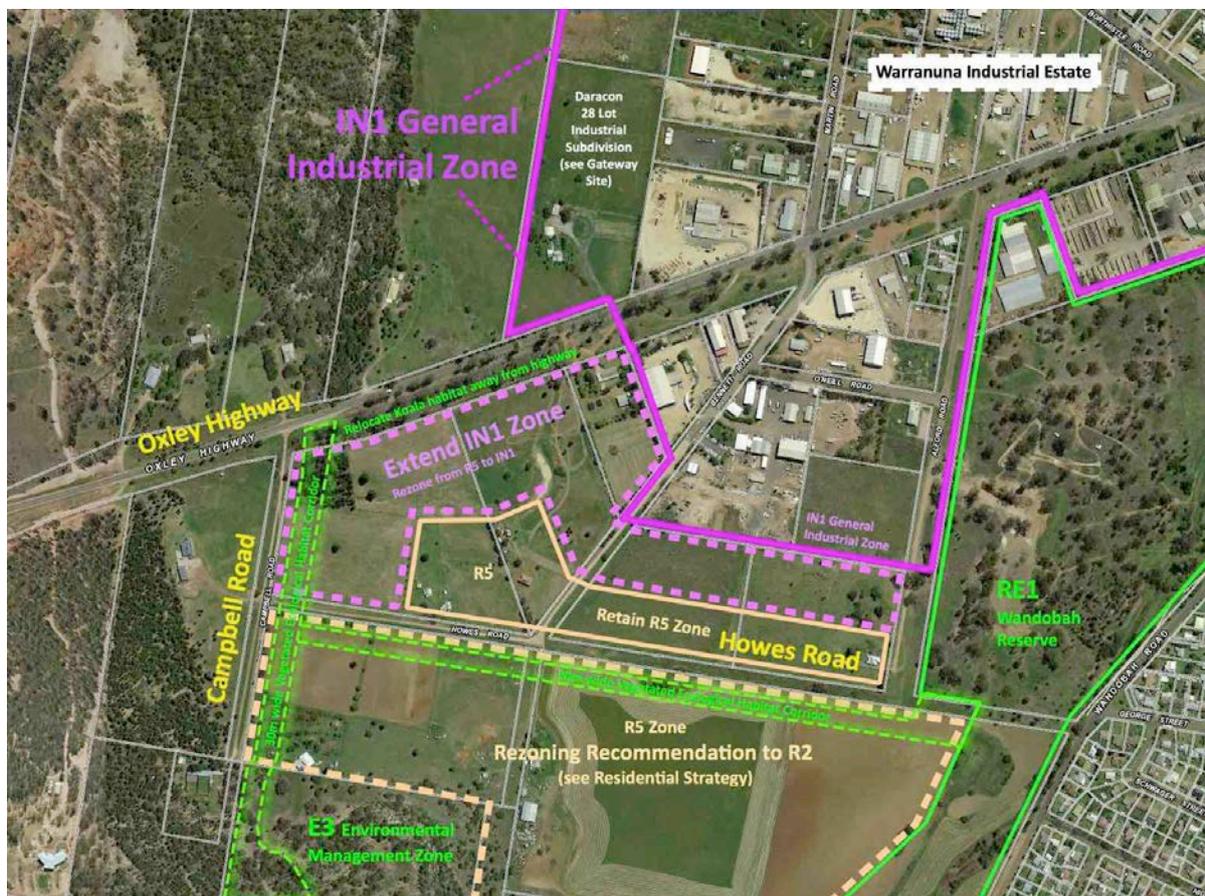
Existing Industrial Land Appraisal

Gunnedah Shire has extensive areas of Industrial Zones lands within the three main precinct areas which are under utilised for Industrial purposes or undeveloped. These areas combined total approximately 407.36 hectares. Of this zoned land 181.707 hectares is occupied with 225.88 hectares being ‘vacant’. The ‘vacant’ land is being used for a variety of purposes including rural activities (eg grazing), rural residential and storage purposes.

Accordingly there appears to be no necessity for rezoning more additional Industrial land, other than in circumstances which may act to enhance and increased the viability and vitality of existing Industrial Areas. For example, in focal gateway locations where consolidation of lands in serviced areas can be achieved, providing Industrial Areas with no development impediments such as the western Industrial Areas, there is cause to consider additional lands for Industrial Service type development.

Future Industrial Zonings

The draft strategy has identified 13.06 hectares of land suitable for rezoning to IN1 General Industrial on the south western urban fringes of the town adjoining the existing Warranuna Industrial Estate as illustrated in the plan below. This recommendation should be considered in combination with the proposed rezoning of 44.67 hectares of land zoned R5 Large Lot Residential to R2 Low Density Residential (minimum lot size 650sqm) proposed within the Residential Development Strategy. This area is shown on Plan 9 below.



Plan 9 – Future Industrial Zoning

Recently an approach has also been made from an existing Gunnedah based industrial enterprise to establish a new premise at the corner of Blackjack Road and the Oxley Highway. This would be a significant development and potentially act as “a gateway bookend” for the Blackjack Road & Quia Road Industrial Area. The subject land is zoned RU1 Primary Production and would require rezoning to IN1 General Industrial. This approach is generally supported and with a rezoning being integrated with the adjacent industrial zoned land. Plan 10 – Industrial Planning Proposal highlights the subject area.



*Plan 10 - Industrial Planning Proposal*

## **Residential Strategy**

The Residential Strategy, identifies all residentially zoned land in the context of the Gunnedah Local Environmental Study 1982, undertaking an appraisal of current approvals and final development (mostly within DCP Masterplan Areas identified as Stage 1 and 2). The evaluation assesses current lot availability and future lot yield levels to accommodate future population projections. Additionally lands identified as Stage 3 and Stage 4 not already zoned residential will be reevaluated for suitability for residential development based on the sustainability assessment matrix.

### Population Projections for Residential Growth

The Contextual Profile (Volume 1) outlined population projections released by Planning NSW in 2013 forecasting that the population of Gunnedah Shire will increase by 7.2% between 2011 and 2031 (0.3% per annum compound), to 13,400 people, an increase from the 2011 population of 900 persons.

However, this Urban Landuse Review has presented alternative population projections based on dwelling approval data from the last decade indicating a varied outcome when compared to the NSW Planning Projections. These are based on an increase in dwelling approvals per year indicating a substantial level of growth that it is reasonable to expect, which will increase or are likely to sustain current levels for a decade while the mining sector growth continues and stabilises. Accordingly an alternative population projection is presented based on a reasonable average number of dwellings to be approved (average of 2010-2014 being 75 dwelling approvals per year).

The alternative population projections presented in Volume 1 indicate that the existing 801 approved residential lots currently undeveloped will be exhausted by approximately 2025 and there may be a mandate in rezoning additional lands for residential purposes to provide for future demand.

#### ▪ Key Residential Issues

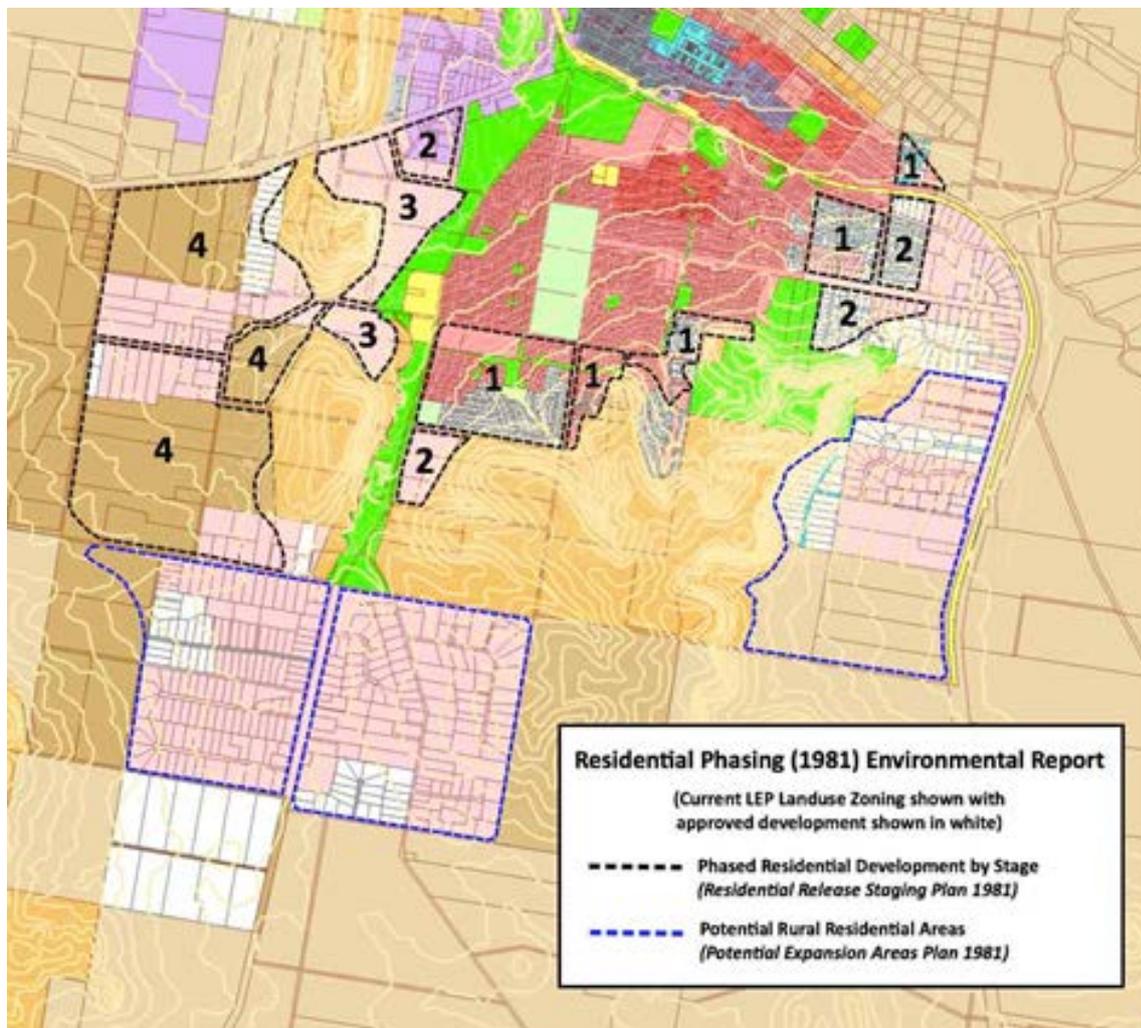
The following key issues have been identified from consultation, research and analysis of residential development data and up to date aerial photography.

- The Residential development analysis has highlighted that most DCP Masterplan areas whilst holding development approvals for subdivision have not been developed for housing with a total of 801 lots still undeveloped, averaging over 80% per Masterplan area still available for new dwellings.

- Preliminary estimates conclude that with the projected population growth figures issued by Planning NSW (2013) there is a total forecasted increase of 900 persons up to the year 2031, or 429 new households. Therefore based on Planning NSW figures it can be concluded that the existing Masterplan areas can cater well in excess of the projected demand for new housing with 801 lots remaining.
- As part of the research associated with developing the draft strategy, the Planning NSW population projections have been revised. This revision has been based on dwelling approvals over the last 5 – 10 years and is presented for comparative analysis purposes outlining an alternative projected demand of housing over the next 17 years up to 2031. This indicates the existing supply of residential lots could be extinguished by 2031 and additional R5 zoned residential lands will be required for future residential land use.
- There is merit in considering release of additional land for residential purposes primarily to retain housing location options in the market and retain property prices at affordable levels.
- According to RealEstate.com, the median house price in Gunnedah is \$375,000. The median house price in Gunnedah is marginally lower than Narrabri (\$380,000), but higher than both Tamworth (\$310,000) and Boggabri (\$157,500).
- There is a reasonably wide choice of housing options and development sites in Gunnedah. Housing affordability, both to buy and rent, has been raised as an issue. House prices have increased as a result of the increase in coal mining, however the progressive release of residential land has taken some of the heat out of the market. As the MAC Villages at Boggabri and Werris Creek become fully operational, there may be a decrease in demand for residential rental properties from the mining sector, which may also place some downward pressure on rent levels.
- Within the housing sector, there is a marked under-supply of independent living units for the aged, with a waiting list of around 86 people for units at Gunnedah Aged Care Services.

#### Current Development under 1981 'Residential Release Phasing'

Plan 11 – 1981 Residential Release Phasing below highlights lands identified within the 1981 Environmental Report 'Residential Release Staging Plan' – Stages 1 – 4 and the 'Potential Expansion Areas Plan' against the 2012 LEP zones and approved or notional development areas (white). It is evident that all lands identified in the 1981 Environmental Study as phases 1 and 2 have been absorbed by completed residential development or are subject to approvals. Areas identified as 'Potential Rural Residential Areas' in the 1981 Environmental Study on the southern borders of the town are almost all subject to established rural residential development or approvals.



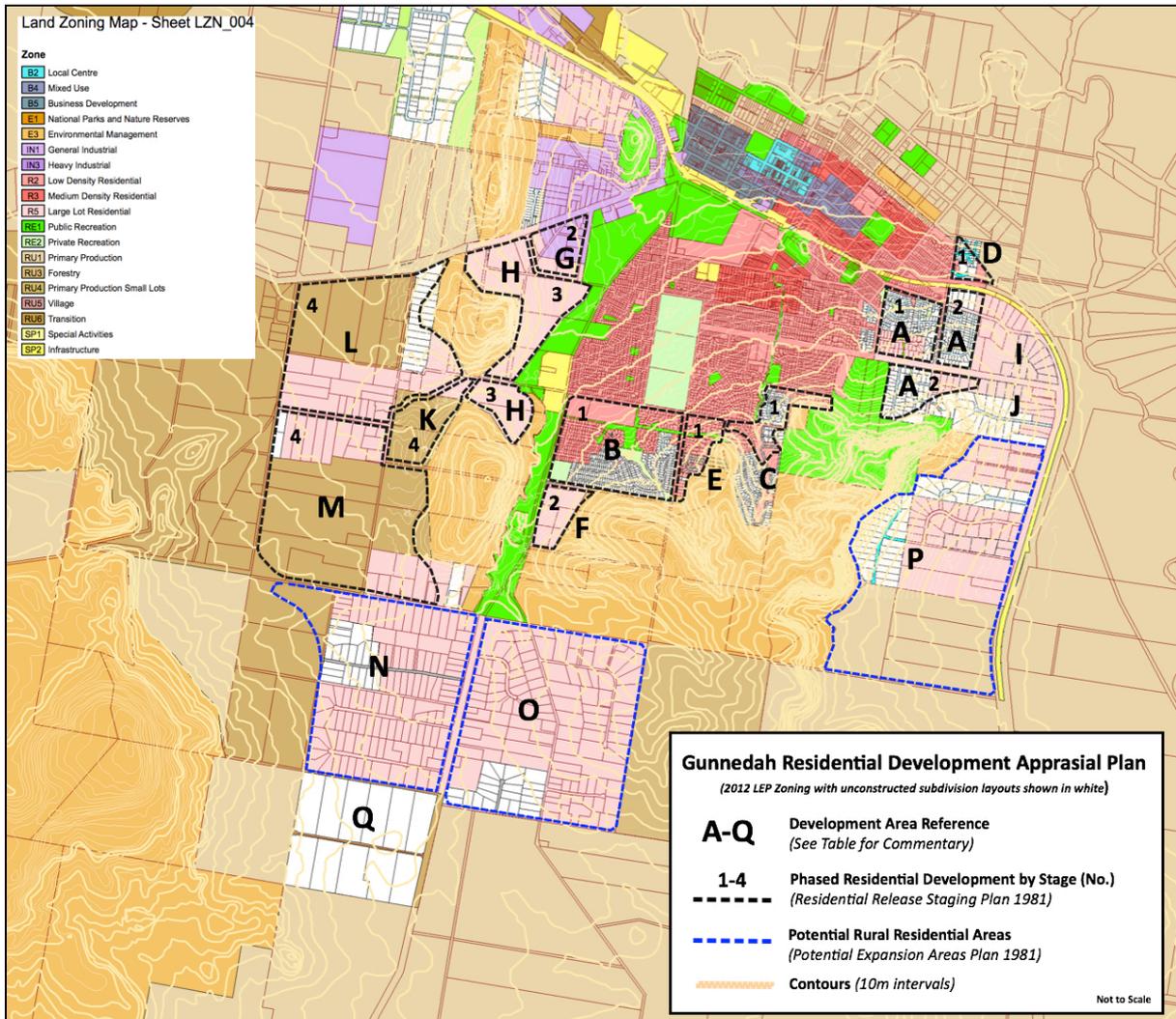
*Plan 11 – 1981 Residential Release Phasing*

*Residual Residential Zoned Lands and Stage 3 & 4 (Environmental Report 1981) Appraisal*

An assessment of residential lots for the future growth of Gunnedah within its urban limits has been undertaken. These areas are shown against the 1981 Residential Phasing Stages showing that the majority of Stage 1 and 2 are now fully subject to subdivision approvals - whilst only 20% has been developed.

Accordingly, it is appropriate to evaluate lands identified in the 1981 Environmental Report as Stages 3 and 4 in terms of their current zoning status and potential to contribute to the urban growth and consolidation of the Gunnedah urban area. Areas identified as suitable for Rural Residential Development in the 1981 Report are also referenced in relation to the greater urban context of Gunnedah.

A matrix referencing the areas identified alphabetically as shown in Plan 12 - Overall Residential Zoning Appraisal and Phasing Plan has been prepared having regard to future development timing.



Plan 12 - Overall Residential Zoning Appraisal and Phasing Plan

Future Residential Zoning Land Analysis

The following commentary highlights the analysis and strategic recommendations associated with the release of Stage 3 & 4 components of the Residential Strategy.

In releasing additional land for residential purposes by rezoning land areas to R2 Low Density Residential provision is made for additional subdivision opportunities to retain competition in the market and retain property prices at affordable levels. Identification of additional areas for residential land release must be based on principles of sustainability including:

- Proximity to existing residential development areas;
- Potential environmental constraints and opportunities including topography, ecological communities / flora or fauna, watercourses or drainage issues requiring impact assessment and mitigation;
- Ability to be integrated with the existing urban area with infrastructure extension, overcoming impediments.

Therefore three key development areas have been identified as being suitable for rezoning to R2 Low Density Residential to meet projected demand of residential growth up to 2035 and beyond.

Howes Road / Wandobah Road North – R5 to R2

The subject site is located to the south of the Warranuna Industrial Estate and is bordered by Howes Road (unformed) to the north, Wandobah Reserve to the east, straddles McCalls Road (unformed) to the south and an elevated rocky outcrop under ENV2 Environmental Management Zoning to the west.

The site is currently zoned R5 Large Lot Residential with a minimum lot size of 40ha (AB2). E3 Environmental Management Zone bounds the site to the west given the presence of the two steep rocky outcrops and vegetated knolls.

The site is within close proximity to major road networks and existing residential R5 Zoned areas and represents a logical extension to the urban area of Gunnedah within existing serviceable limits. The areas recommended to be rezoned and associated development factors are set out in Plan 13 below.

Any road construction from Wandobah Road to Howes Road will be required to facilitate a crossing of Black Jack Creek, which must also have regard for proposed Flood Mitigation works. The Blackjack Creek Flood Mitigation Project consists of Riparian Channel & Corridor Reconstruction with an estimated cost of \$3.3 million.

The northern 44.6ha site area is within the serviceable area for sewerage for Gunnedah and the southern 18.9ha directly adjoins the servicing area. Land topography appears favourable to gravity fed sewer main through extension.

The site adjoins a secondary (Class B) koala habitat within the 46% high activity contour as identified in the 2013 Gunnedah Comprehensive Koala Plan of Management Study. Management Plans shall be submitted with any Development Applications to ensure potential impacts on the adjoining vegetated outcrop areas and koala habitat are avoided.

The draft Strategy recommends:

1. Rezone the above 63.57ha from R5 Large Lot Residential to R2 Low Density Residential, minimum lot size 650sqm.
2. Prepare a s.94 Contributions Plan for the release area to fund the construction of Howes Road and McCalls Road from Wandobah Road across Black Jack Creek to the eastern sections of the urban release areas, and the construction of an intersection on the Oxley Hwy with Campbell Road. Subdivision of the land within the subdivision will provide all other roads including McCalls, Howes and Campbell Roads.



Plan 13 – Howes Road/Wandobah Road North

Maitland Street Residential Area – RU1 to R2

The site is located on the eastern entry point to Gunnedah on the Curlew Road B56 (Oxley Highway). The site is bound to the west by Boundary Road, north by Maitland Street and the rail line sits opposite the site to the south of Curlew Road. The subject land is currently zoned RU1 Primary Production and R2 Low Density Residential, with a minimum lot size of 200ha for land zoned RU1 and 650m<sup>2</sup> for land zoned R2. The site adjoins land zoned RU1 Primary Production and R2 Low Density Residential. The site is currently vacant.

This site has already been discussed in association with Gateway Site 1: 1 Boundary Road, section 4.2.1 of Volume 2: Commercial Activation and Opportunities Strategy.



Plan 14 – Maitland Street Residential Area

It is recommended that the northern area of Lot 5 DP828373 from RU1 Primary Production and R2 Low Density Residential.

South Wandobah Road – R5 to R2

This 21.21ha site is located on the southern extends of the Gunnedah Urban area along Wandobah Road, directly south of the Gunnedah Rugby Club and the Morningson Heights (South Gunnedah) Masterplan Area. The site is vacant forming a residual section of greater lots that run up the hillside to the east, being zoned E3 Environmental Management, containing a dwelling site. The site is zoned R5 Large Lot Residential and has a minimum lot size of 40ha. The site as show in Plan 15 below was identified as a Stage 2 Release within the (1981) Local Environmental Report.



Plan 15 – South Wandobah Road Residential Area

The draft Strategy recommends that Lot 1 DP740218, Lot 134 DP755503, Lot 138 DP7555032 and portions of Lot 2 DP740218, Lot 302 DP 755503 and Lot 289 DP755503 be rezoned from R5 Large Lot Residential (40ha minimum) to R2 Low Density Residential.

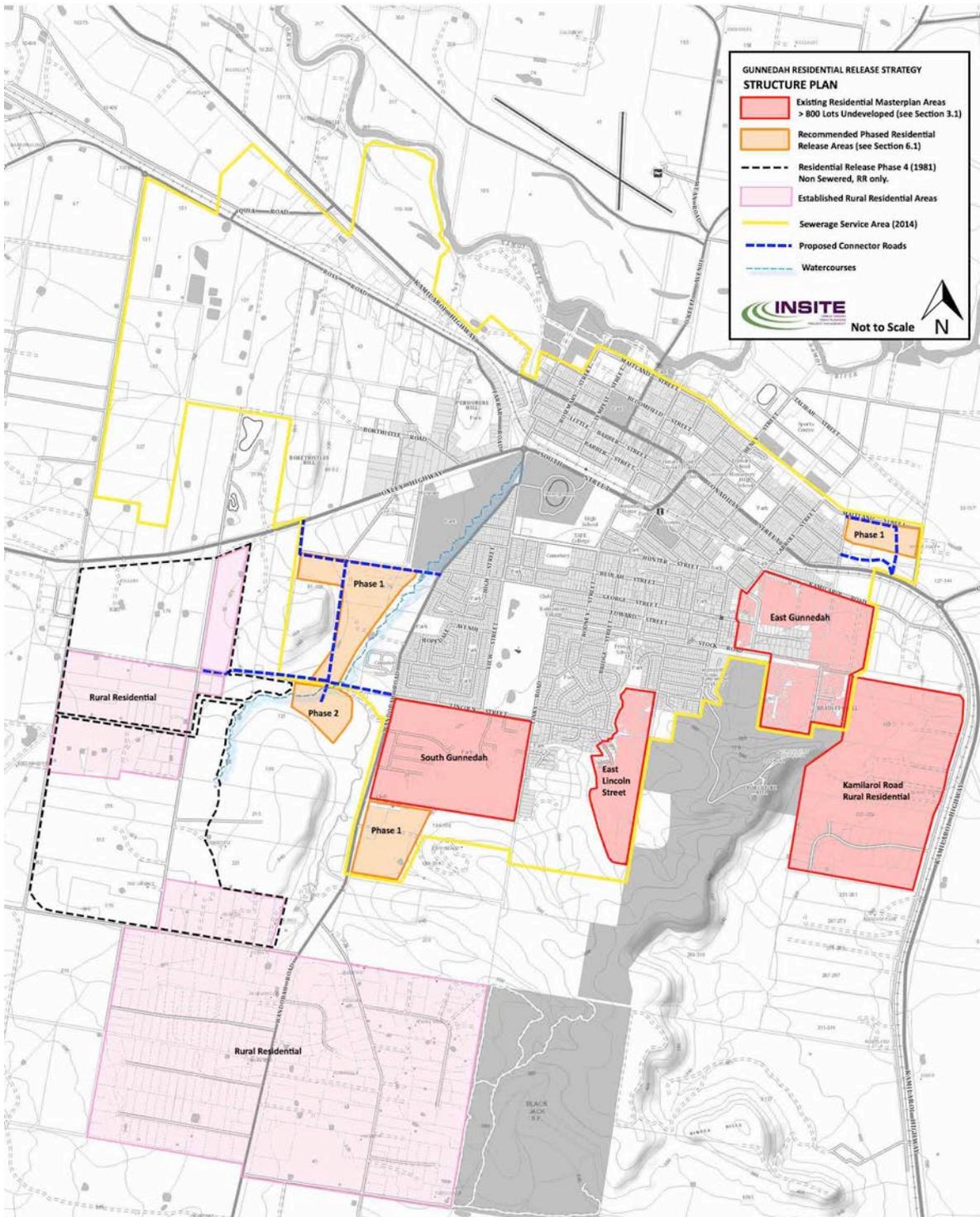
*Residential Development Structure Plan*

The Residential Masterplan Analysis undertaken concluded that the existing DCP Masterplan areas can cater well in excess of the Planning NSW projected demand for new housing (429 new dwellings required), with 801 lots undeveloped and available for housing.

However the alternative population projections provided in the draft strategy suggest that land supply is more likely to be exhausted by approximately 2025 given current growth trends and dwelling approval data, and there is strategic merit in rezoning additional lands for residential to provide for future demand in the short term.

In releasing additional land for residential purposes by rezoning land areas to R2 Low Density Residential, provision is made for additional subdivision opportunities to retain competition in the market and retain property prices at affordable levels.

This gives rise to the following Residential Development Structure Plan as shown in Plan 16.



Plan 16 – Residential Development Structure Plan

**CONCLUSION**

The draft Gunnedah Urban Land Use Strategy is the most comprehensive strategic analysis of urban development in over 30 years. The Strategy document reinforces much of the approach taken in the 1981 Local Environmental Study that has served the Gunnedah Community well over the intervening years but also assesses more current and likely future implications for the Gunnedah community from development demands and public infrastructure changes.

The draft Strategy provides direction in respect of major gateway to Gunnedah and methods by which commercial development may occur at these gateway without impacting on the Town Centre. This is particularly the case in respect of the Eastern Gateway which in many respects was the catalyst for this strategic review.

Equally, Councils approach to industrial development has been reinforced with strategic options provided which will support future industrial activity.

Whilst in respect of residential growth an alternative population has been considered and demand projects for residential land provided. Whilst generally within the context of the 1981 Environmental Study, the draft Strategy does provide detailed analysis in respect of how development should proceed on the land to the west of Blackjack Creek.

I commend the draft Gunnedah Urban Land Use Strategy to the Committee.

## 8. OBJECTIVES

For information only.

### **PLANNING ENVIRONMENT AND DEVELOPMENT OBJECTIVES 2014/15**

OBJECTIVE NO	MANAGEMENT PLAN REF. PAGE	OBJECTIVE	HOW WILL THIS BE ACHIEVED	TARGET DATE	STATUS	REVISED DATE
1.		Waste Management Strategy Implementation	Implementation of Waste Management and Environmental Programs	June 2014	LEMP Report Dec 2013. Report to June 2014 PED Committee. Completed June 2014	
2.		Street Tree Management Policy	Adoption of Policy	May 2014	Deferred to June 2014. Deferred to September 2014 Works & Services Committee	
3.		Gunnedah LEP 2012 Review	Completion of review March 2014 Making of Amendment June 2014	June 2014	Report to June 2014 PED. Completed July 2014	
4.		Namoi Parklands Riverine Program	Biannual Review	August 2016	Stage 1 Complete Stage 2 Complete Stage 3 Work Commenced Stage 4 Work Commenced	
5.		Gunnedah Strategic Planning Review	Presentation of preliminary report May 2014 Final report August 2014	August 2014	To be workshopped with Councillors. Strategy Review Commenced July 2014. Draft Landuse Strategy presented to Planning Environment & Development Committee May 2015 for endorsement for exhibition.	October 2014

There being no further business the meeting concluded at 4:38pm.

**Councillor RG Swain**  
**CHAIRPERSON**

**Shire of**  
**Gunnedah**  
Land of Opportunity

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## Director Planning and Environmental Services' Report

<b>ITEM 1</b>	<b>Development Application No. 2015/011 – Additions and Alterations to Dwelling – Lot 94 DP751010, 98 Ruvigne Road, Gunnedah</b>
<b>MEETING</b>	Planning Environment and Development Committee – 3 June 2015
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area. Operational Plan 3.6.3 Ensure compliance with the provisions of Council's Development Control Plan
<b>ATTACHMENTS</b>	Nil

### OFFICER'S RECOMMENDATION:

1. That the Development Application No. 2015/011 for the construction of additions and alterations to an existing dwelling, at 98 Ruvigne Road, Gunnedah, Lot 94 DP 751010, be approved subject to the conditions following:
  - 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 18/02/15
      - Statement of Environmental Effects, prepared by Lisa Montgomery, dated 12/11/2014; and
      - Submitted plans:
        - Prepared by Matt Davis Design, dated 13/04/2015, Project No: Montgomery\_P0612, Drawing No: 100 (Plans – Cover Sheet), Drawing No: 101 (Plans – Site), Drawing No: 102 (Plans – Ground), Drawing No: 201 (Plans – Elevations), Drawing No: 202 (Elevations – Elevations), Drawing No: 301 (Sections – Sections), Drawing No: 501 (Perspectives – Images);
        - Prepared by Northwest Projects, dated 28/01/2012, Engineers Certificate; & dated 20/11/2012, Drg no: MONT01 (Proposed Foundation Layout), MONT0002 (Proposed Bracing Layout);
        - Prepared by Stewart Surveys, dated 8 April 2015, Ref: 4539, Sheet 1 (Site plan), Sheet 2 (Diagram House Site);
      - Supporting Documentation:
        - Flood Survey Report, prepared by Stewart Surveys, dated 8 April 2015, Ref: 4539;
        - Specification, February 2015,
        - BASIX Certificate No: A211177, dated 10 February 2015;

except as otherwise provided by the conditions of consent.

***Reason: To ensure compliance with application and plans.***

**B. Prescribed conditions of development consent**

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

**B1. Compliance with Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

*Reason: To ensure compliance with the statutory requirements.*

**B2. Compliance with Home Building Act, 1989**

Residential building work within the meaning of Part 6 of the Home Building Act 1989 must not be commenced until a contract of insurance for any authorised building work to be carried out, has been entered into and be in force.

*Reason: To ensure compliance with the statutory requirements.*

**B3. Signs to be erected on building, subdivision and demolition work sites**

A sign must be erected in a prominent position on any site on which building 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.

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.

*Reason: To ensure compliance with the statutory requirements.*

**B4. Notification of Home Building Act 1989 requirements**

(1) 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.

- (2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) 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.
- (3) 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.

***Reason: To ensure compliance with the statutory requirements.***

#### **B5. Fulfilment of BASIX Commitments**

Prior to release of a final Occupation Certificate for the building works all commitments listed in the relevant BASIX Certificate are to be fully complied with. Where council is appointed as the PCA appropriate certification is to be provided on all matters contained in the current BASIX CERTIFICATE issued for this dwelling to prove compliance the BASIX CERTIFICATE.

***Reason: To ensure compliance with the statutory requirements.***

#### **B6. Development involving bonded asbestos material and friable asbestos material**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the *Occupational Health and Safety Regulation 2001*,

The person having the benefit of this complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

In this condition, ***bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work*** have the same meanings as in clause 317 of the *Occupational Health and Safety Regulation 2001*.

**Note 1.** Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

**Note 2.** The effect of subclause (1) (a) is that the development will be a workplace to which the *Occupational Health and Safety Regulation 2001* applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

**Note 3.** Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

**Note 4.** Demolition undertaken in relation to complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 must be carried out in accordance with Australian Standard AS 2601—2001, *Demolition of structures*.

**Reason: To ensure compliance with the statutory requirements.**

### C. General

**C1.** 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.**

**C2.** No permanent structures are to be placed on any easement.

**Reason: To ensure legal requirements.**

**C3.** The storage of all building materials shall be confined within the boundaries of the allotment.

**Reason: To ensure site safety.**

**C4.** The minimum height of the floor level for the proposed residence is to be set at RL267.94 AHD in accordance with the report by Stewart Surveys Pty Ltd, Dated 8 April 2015, Reference 4539.

**Reason: To ensure compliance.**

### D. Prior to Commencement of Building Works

**D1.** 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.**

### E. During Construction Works

#### **E1. 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) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (c) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (d) **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.***

- E2.** Natural light and ventilation is to be provided to all rooms in accordance with the BCA. Part 3.8.4 and 3.8.5

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

- E3.** Smoke alarms complying with AS3786 as listed in the SSL Register of accredited products which are hard wired to the mains electricity supply and provided with a standby power supply (battery) must be installed between each area containing bedrooms and the remainder of the dwelling on or near the ceiling pursuant to Clause E.1.7 of the BCA.

***Reason: To ensure compliance.***

- E4.** Structural Engineer's details of timber frame design including any structural beams, tie downs and bracing for the proposed Lounge and Rumpus Room additions are to be provided.

***Reason: To ensure compliance.***

- E5.** The developer shall provide Council with certification from a registered Surveyor that the finished floor height has been constructed at least 500mm above the 1% AEP flood level at the following mandatory inspection stage;

- (a) Concrete slab formwork with reinforcement prior to pouring of concrete.
- (b) Bearers and joist inspection.

***Reason: To meet statutory requirements.***

***Water Supply - Rural***

- E6.** The dwelling shall be provided with rainwater tanks having a minimum 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 stortz 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.***

***Access - Rural***

- E7.** Vehicular access will be from Ruvigne Road and will require the construction a 4.5 metre wide gravel driveway and associated drainage structures across the verge and table drain, shall be constructed from the road should to the property boundary in accordance with Council's rural access crossing standards and specifications (RTA specification for a Typical Rural Property Access for a single unit truck). The location of the driveway is to be determined by the developer in consultation with Council.

- a) Before commencement of this work, construction levels are to be obtained from Council's Infrastructure Services. A security bond, being half of the estimated cost of the construction work is to be lodged with Council, before work on the access is commenced.
- b) Upon the satisfactory completion of the access by the developer, the security bond will be released.

***Reason: To ensure access is provided and meets appropriate engineering standards.***

#### **E8. 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.***

#### **E9. 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.***

#### **F. Prior to the issue of an Occupation Certificate**

##### **F1. 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.***

## **PURPOSE**

### **Introduction**

The development application is being referred to the Committee for determination as the proposed development will require a variation to Council's development control plan in respect of the provision requiring a gravel road to be bitumen sealed if a dwelling is constructed with a 200 metre setback from the primary road.

Hence, the application has been referred to Council for determination.

Applicant:	Lisa Montgomery
Owner:	Mr C S Hutchins & Ms L Montgomery
Property Description:	Lot 94 DP 751010, 98 Ruvigne Road, Gunnedah



## COMMENTARY

### Issues

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

##### **Gunnedah LEP, 2012**

The development site is zoned RU1 Primary Production under the provision of the Gunnedah Local Environmental Plan, 2012. The development approval will be consistent with the land use objectives and currently approved land use. The following clauses of the Gunnedah Local Environmental Plan 2012 are applicable to the development.

##### *4.2A – Erection of Dwelling Houses on Land in Certain Rural and Environmental Protection Zones*

The development application is seeking approval for the additions to an existing dwelling house. The original dwelling was lawfully constructed on the site in approximately 1994/95 when development consent was not required at the time under the 1986 Gunnedah LEP. Council's records also confirm that the landholders at the time, approached Council requesting the requirements for the construction of a dwelling and were advised that development consent was not required.

##### *5.9 – Tree Preservation Order*

The development does not require the removal of any trees or vegetation from the site for the additions to occur. At the time the site was inspected there were no trees located in the immediate vicinity of the dwelling.

##### *6.1 – Flood Planning*

The development site is identified as being flood prone land. A flood survey report was prepared that identifies the floor level of the existing dwelling and the required floor level for the proposed additions. It was identified that the required floor level be at least RL 267.94 (flood planning level of 1 in 100 year event plus 500mm) to appropriately manage risk of life and property from flood. The floor level of the existing is constructed at this level and hence the additions are to be constructed at this level.

##### *6.5 – Essential Services*

The existing development has provision of required services to the site. The site has provision of overhead power supply and onsite retention for water and sewer services. The development site has suitable road access to Ruvigne Road which is a gravel formed public road reserve.

#### **State Environmental Planning Policies**

##### **SEPP 44 – Koala Habitat**

The development site is not regarded as being potential Koala habitat. The development will not alter the existing vegetation onsite that may impact on any potential Koala populations within the surrounding locality. Hence, it is regarded that the development application will not impact on Koala Habitat.

##### **SEPP 55 – Remediation of Land**

The development site currently contains an existing dwelling and associated outbuildings. The development will not result in a change of use on the site. Hence, no further investigation was required.

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

##### *1.8 – Consultation*

The development application did not require notification to adjoining land holders as the development proposed additions and alterations to the existing dwelling onsite and was considered to have minimal or no impact on adjoining land holders.

### *2.1.1 – Building Setbacks*

The existing dwelling is located within the 200 metre setback (setback at approximately 175 metres) with the proposed development to further encroach on the development setback by a further 3.8 metres. Development within a rural zone is to be set 200 metres from an unsealed road due to Council's policy regarding road construction of unsealed sections of road within 200 metres of a dwelling. Due to the development already being encroached on the required development setbacks and the minor increase in encroachment, the variation is being supported.

### *2.1.2 – Building Height of a Dwelling*

The development will not increase the height of the dwelling. The additions to the dwelling will have a roof height less than the existing roof line.

### *2.1.3 – Utilities*

The development site does not contain any existing easements. The development has provision of required services onsite. A condition will be imposed to ensure that a minimum capacity of 45,000L is to be provided in onsite water storage.

### *2.1.4 – Privacy*

The development is single storey dwelling and is compliant with setback requirements from side and rear lot boundaries. Due to the distance between the dwelling and lot boundaries it is expected that the development will not impact on privacy to adjoining developments.

### *2.1.5 – Design and Solar Access*

The development will not result in any windowless facades along the primary road frontage. There will be no loss of solar access to adjoining allotments or to living areas within the existing building. Living areas are located along northern aspects and have suitable provision of windows for natural lighting.

### *2.1.10 – Access*

The site has an existing vehicle access from Ruvigne Road. The development has a gravel internal driveway that is considered to be suitable to provide 2WD all-weather access from the property boundary to the dwelling. However, the access from the road shoulder to the property boundary will require upgrading.

### *6.1.6 – On-site Sewage Management within Flood Fringe*

The dwelling has an existing onsite sewerage management system. Due to the development occurring in the position of this septic the development will include the relocation of the existing septic system. A condition is to be included on the development to ensure that the openings of the system are to be located at a level identified to be above the 1 in 100 year flood planning level.

### *6.1.7 – Residential Development within Flood Fringe*

The submitted flood survey report has identified that the existing dwelling is above the flood level of the site. Development controls require that any additions to a dwelling in flood prone land are not to increase habitable floor area by more than 100m<sup>2</sup>. Habitable floor area is defined as an enclosed floor space for domestic activities and hence the proposed carport and verandah are not regarded as habitable floor area.

The proposed development proposes to extend the existing family room and construct a new rumpus room as an increase in habitable floor area. These additions will have a floor area of 64m<sup>2</sup>. A condition is to be imposed to ensure that all additions are constructed at a height equal or higher than the flood planning level.

**S79C(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 dwelling house and associated outbuildings. The existing dwelling is located on a raised earth mound pad. The surrounding locality is rural zoning and is primarily used for agricultural purposes. The proposed development is expected to be consistent with development on the site and adjoining lots.

*Access, transport and traffic*

The site has an existing vehicle entry from Ruvigne Road that is considered to be suitable. The development is additions to an existing use that will not result in an increased number of vehicle movements to or from the site. Hence, the existing internal vehicle access and road formation is considered to be suitable. However, the access from the road shoulder to the property boundary will require upgrading.

*Other land resources*

The existing dwelling is located on an earth mound pad that is to be extended as part of development works. Due to the minor increase in length of the pad it is not expected that the increase in size of the pad will not result in any additional flood liability on adjoining allotments. The extended pad will also include the relocation of the existing septic tank to ensure it is clear of the proposed development works.

*Site design and internal design*

The proposed additions will be constructed surrounding the existing dwelling. The existing dwelling is located within the required setback from Ruvigne Road. Due to the existing development being located within the setback requirement it is expected that the minor further encroachment to this setback will not have any additional impacts on the development.

**The suitability of the Site for the Development**

The development site currently contains an existing dwelling house. The development will construct detached additions to the dwelling. The location for the development appears to be suitable with no substantial trees and suitable setback from lot boundaries. The development proposal is permissible and will be complimentary to the existing land usage. Hence, the site is considered to be suitable for the development.

**Conclusion**

The development will construct additions to the existing dwelling on the site. The existing development is located within the 200 metre development setback. The proposed development results in a further encroachment of the setback from the primary road frontage of 3.8 metres. The dwelling, with the addition, will be approximately 171 metres from the road. The proposed development is a minor encroachment and will not materially increase the current impact of the unsealed road on the dwelling. It is not considered that the requirement to bitumen seal the road 200 metres either side of the development should be applied. Hence, the development is recommended for approval subject to conditions of consent.

<b>ITEM 2</b>	<b>Development Application No. 2015/019 – Subdivision (1 lot into 8 lots) – Lot 10 DP1191255, 2 Rampadells Rise, Gunnedah</b>
<b>MEETING</b>	<b>Planning, Environment and Development Committee – 3 June 2015</b>
<b>DIRECTORATE</b>	<b>Planning and Environmental Services</b>
<b>AUTHOR</b>	<b>Town Planner</b>
<b>POLICY</b>	<b>Nil</b>
<b>LEGAL</b>	<b>Environmental Planning &amp; Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012</b>

<b>FINANCIAL</b>	<b>Nil</b>
<b>STRATEGIC LINK</b>	<b>Community Strategic Plan</b> <b>1.2.2 Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area.</b> <b>Operational Plan</b> <b>3.6.3 Ensure compliance with the provisions of Council's Development Control Plan</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

**OFFICER'S RECOMMENDATIONS:**

1. That Council consent to the variation to the Gunnedah Development Control Plan Master Plan Map 4 – East Gunnedah (lot configuration and road width) and adopt submitted plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah) as the revised master plan layout.
2. That the Development Application No. 2015/003 for the Subdivision of 1 lot in to 8 lots at 2 Rampadells Rise, 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 05 March 2015;
      - Statement of Environmental Effects, prepared by Neil O'Toole, dated: 4 March 2015, ref: 13/005, & Additional Information Letter dated 7 May 2015, Ref: 13/005;
      - Submitted plans:
        - Prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah), Sheet 1/1 (Stormwater Plan), Sheet 1/1 (Water & Sewer Plan), Sheet 1/1 (Stormwater Plan),

except as otherwise provided by the conditions of consent.

***Reason: To ensure compliance with application and plans.***
    - A2. To confirm and clarify the terms of this development approval, consent is granted for the staged Subdivision in accordance with the following:
      - a) Stage 4: Lot 40 (1 Lot)
      - b) Stage 5: Lots 50-52 (3 Lots)
      - c) Stage 6: Lots 60-63 (4 Lots)

***Reason: To ensure correct staging is identified.***
    - A3. To confirm and clarify the terms of this development approval, Development Application No. 525506 shall be surrendered.

***Reason: To ensure compliance with application.***
  - B. **General Terms of Approval – NSW Rural Fire Service**
    - B1. The development proposal is to comply with the subdivision layout identified on the drawing titled "plan of Proposed Subdivision, Lot 10 DP 1191255, Kurrumbede Lane, Gunnedah, numbered 15/001, Sheet 1 of 1 and dated 2<sup>nd</sup> March, 2015.

***Reason: To ensure compliance with Section 100B of the Rural Fires Act 1997.***

**Water and Utilities**

- B2.** Any new water service shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

**Reason:** *To provide adequate service of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.*

- B3.** Any new electricity service on bushfire prone mapped land shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

**Reason:** *To provide adequate service of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.*

**Access**

- B4.** New public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

**Reason:** *To provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.*

**C. Prior to Work Commencing****Stages 4, 5 & 6**

- C1.** A Construction Certificate is to be obtained prior to commencement of any identified stage of subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority must be the Council.

**Reason:** *To ensure compliance with application and plans.*

- C2.** Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

**Reason:** *To ensure that adequate control measures are installed.*

**Stage 5**

- C3.** Prior to works being undertaken in Stage 5 the closure of part of Kurrumbede Lane shall be completed. Physical works, including fencing, signage and access provision, are to be undertaken for the closure of part of Kurrumbede Lane in accordance with plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah).

**Reason:** *To ensure road closure is completed.*

**D. Prior to Issue of a Construction Certificate**

- D1.** Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plan and specification for these facilities are considered an integral part of the development and must be approved prior to the issue of a construction certificate. The approved erosion and sediment control measures are to be maintained throughout the construction of the development.

**Reason:** *To ensure compliance with Council's requirements.*

- D2.** 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.***

- D3.** 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.***

## **E. General**

- E1.** All lots shall have a minimum area of not less than 3,000m<sup>2</sup>.

***Reason: To meet statutory requirements.***

### ***Landscaping***

- E2.** All landscaping shall be planted in accordance with the approved landscaping plan.

***Reason: To ensure adequate landscaping along road frontage.***

### ***Allotment Filling***

- E3.** All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

***Reason: To ensure compliance with Council's requirements.***

- E4.** Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and also the compaction test results.

***Reason: To ensure compliance with Council's requirements.***

### ***Easements***

- E5.** 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.***

### ***Electricity***

- E6.** Underground electricity is to be installed throughout the development site, with all existing overhead lines to be removed and replaced with underground electricity infrastructure. All works relevant for each stage shall be completed in accordance with the approved staging plan. Each lot shall be provided with a service in accordance with Local supply authority guidelines.

***Reason: To ensure adequate provision of electrical services are provided.***

**Street Lighting**

- E7.** The developer shall extend, supply and install street lighting along all proposed Road frontages, in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. All works relevant for each stage shall be completed in accordance with the approved staging plan. All intersections shall be provided with street lighting. All works are to be undertaken in accordance with Local Supply Authority residential development standards.

**Reason: To ensure compliance with Council's requirements.**

**Traffic and Street Signage**

- E8.** The developer shall meet the cost to Council of supply and installation of all street signage (both traffic and name) relevant for each stage. The Street Name signage shall be installed by Council upon completion of Construction Works. All traffic signs are to be erected by the developer.

Note. All new street names are to be approved by Council prior to the installation of any street signage.

**Reason: To ensure compliance with Council's requirements.**

**Stormwater Drainage**

- E9.** Stormwater from the development site must not be concentrated onto adjoining land. All stormwater management measures shall be provided in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

**Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.**

- E10.** Runoff from rainfall events up to, and including the 5 year ARI event must be contained with a piped system. Flows greater than the 5 year ARI event up to and including the 100 year ARI must be controlled within overland flow paths. Where flow paths are located on private property, an easement shall be provided in favour of the lots/lands that benefit.

**Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.**

**Stage 5****Water Supply**

- E11.** A single water supply service shall be provided to each lot in Stage 5. The water service shall be provided by extending Council's existing water main located in Kurrumbede Lane, within the road reserve to the eastern most point of proposed Lot 52 in Dorothea Place, in accordance with submitted plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah). 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 Engineering Guidelines for Subdivision and Development, 2013.**

**Sewer**

**E12.** A single sewer service shall be provided to each lot in Stage 5. The sewer service shall be provided by extension of Council's sewer Main located within Kurrumbede Lane, within the road reserve to the eastern most point of proposed Lot 52 in Dorothea Place, in accordance with submitted plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah). The sewer line is to include all the necessary manholes and junctions. 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 Engineering Guidelines for Subdivision and Development, 2013.**

**Road Works**

**E13.** The following road works shall be undertaken for Stage 5:

- a) Kurrumbede Lane (western side) shall be constructed from the current road formation to the southernmost point of Kurrumbede Lane and is to include the construction of a cul-de-sac turning area with a minimum surfaced area of 12 metres between kerbs and a 4 metre footpath reserve.
- b) Dorothea Place shall be constructed to a minimum width of 9 metres between kerbs, from the intersection of Kurrumbede Lane to the Eastern Boundary of Proposed Lots 52. The road construction shall include the construction of a temporary cul-de-sac turning area within the designated road reserve.

Kerb and guttering and full width road construction is required for the full frontage of the lots to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with Austroads Specifications and Council's current Engineering Guidelines for Subdivision and Developments, a copy of which is available from Council's offices or website.

**Reason: To address traffic generation from the Subdivision and ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.**

**E14.** All signage, including guideposts, street signs and barrier boards shall be installed by the developer.

**Reason: To ensure compliance with Council's requirements.**

**Stage 6****Water Supply**

**E15.** A single water supply service shall be provided to each lot in Stage 6. The water service shall be provided by extending Council's existing water main located in Dorothea Place, within the road reserve and is to be looped at the cul-de-sac head and connected back into the water main in Dorothea place, in accordance with submitted plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah). Water main is to All works are to be in accordance with the Council's Engineering Guidelines for Subdivision and Development, 2013.

**Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.**

**Sewer**

- E16.** A single sewer service shall be provided to each lot in Stage 6. The sewer service shall be provided by extension of Council's sewer Main located within Dorothea Place, within the road reserve to proposed Lot 60, in accordance with submitted plans prepared by Current Consulting & Investment Group, dated 02/03/2015, Ref: 15/001, Sheet 1/1 (Plan of Proposed Subdivision Lot 10 DP 1191255 Kurrumbede Lane, Gunnedah). The sewer line is to include all the necessary manholes and junctions. 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 Engineering Guidelines for Subdivision and Development, 2013.**

**Road Works**

- E17.** Dorothea Place is to be extended from the current road formation to a minimum width of 9 metres between kerbs and shall include the construction of a cul-de-sac turning area with a minimum surfaced area of 13.5 metres between kerbs and a 4 metre footpath reserve.

Kerb and guttering and full width road construction is required for the full frontage of the lots to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with Austroads Specifications and Council's Engineering Guidelines for Subdivision and Developments 2013.

**Reason: To address traffic generation from the Subdivision and ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.**

- E18.** The developer is to install kerbing along the Northern boundary of proposed Lot 63, from the primary road frontage for the full extent of the access handle.

**Reason: To ensure suitable management of overland stormwater.**

**F. During Construction Works**

- F1.** Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

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

No work to be carried out on Sunday or Public Holidays if it is audible on the residential premises.

The developer shall be responsible to instruct and control his sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

**Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.**

- F2.** The approved erosion and sediment control facilities are to be provided and maintained throughout the construction of the development.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- F3.** Prior to and following backfilling of all mains, a visual inspection is to be undertaken by Council. The contractor shall provide Council with 48 hours notice that the works are ready inspection.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- F4.** The developer shall ensure that all back fill over sewer mains shall be a of 3-5 mm granular grit.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- F5.** 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 with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- F6.** 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. The contractor shall provide Council with 48 hours notice that the works are ready inspection.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

**G. Prior to Issue of a Subdivision Certificate**

- G1.** One set of approved construction drawings shall be amended to show the "work-as-executed". These drawings in both hard copy and electronic form shall be provided prior to issue of the subdivision certificate. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of the Subdivision Certificate.

***Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.***

- G2.** Written notification shall be provided to demonstrate that underground electricity supply connection has been provided to each lot.

***Reason: To ensure that electrical services are provided.***

- G3.** Written notification being provided that telecommunication cables have been provided to each lot in accordance with community expectations.

***Reason: To ensure that telecommunication services are provided.***

- G4.** 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 has been adopted under the Council's 2014/2015 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.***

- G5.** A Compliance Certificate for each stage of development works, 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.

- \$8,487 per each additional lot for Water headworks
- \$7,048 per each additional lot for Sewer headworks

The contributions for each stage shall be paid prior to the issue of a Subdivision Certificate for each stage.

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 2014/2015 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.***

- G6.** Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:

Stormwater Drainage

Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 Council requires the payment of a monetary contribution of:

- \$2,275 per each additional lot

The contributions for each stage shall be paid prior to issue of the Subdivision Certificate for each stage of development works.

**Note:** The contributions required by this condition are determined in accordance with the Gunnedah Shire Council Section 64 Developer Services Plan – Stormwater commencing on 17 January 2013, a copy of which may be inspected at the office of the Council.

The above contributions have been adopted under the 2014/2015 Council Operational Plan. Revised rates adopted by Council in subsequent Operational Plans will apply to lots released in later financial years.

***Reason: To ensure compliance with Council's Developer Services Plans.*****Stage 4**

- G7.** Prior to the issue of a Subdivision Certificate for Stage 4, a Stormwater Management Plan shall be provided and approved by Council. The Stormwater Management Plan is to include details of inter-allotment stormwater drainage systems to demonstrate adequate drainage facilities for each lot.

Note: Runoff from rainfall events up to and including the 5 year ARI event must be contained within a piped system. Flows greater than the 5 year ARI event up to and including the 100 year ARI must be controlled within overland flow paths.

**Reason: to ensure compliance with Council's requirements.**

- G8.** Prior to the issue of a Subdivision Certificate for Stage 4, an amended Landscaping Plan is to be provided to and approved by Council. The plans shall identify details of the proposed plant species, height at maturity and proposed pot size. Landscaping shall be located within the road reserve where no proposed Infrastructure is located. All landscaping shall be designed in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

**Reason: To provide adequate landscaping.**

#### **Stage 5**

- G8.** The road reserve for Dorothea Place is to be dedicated to Council as public road reserve and is not be created as a separate allotment.

**Reason: To ensure that public road reserves are controlled by Council.**

- G9.** Prior to the issue of a Subdivision Certificate for Stage 5, the developer must apply and gain approval from the Trade and Investment Crown Lands for the closure of part of Kurrumbede Lane identified on submitted plan, prepared by Current Consulting & Investment Group, dated 25/03/2014, Ref: 13/003, Sheet 1/1 (Proposed Road Closure Plan Kurrumbede Lane. Evidence of this approval is to be submitted to Council together with the Subdivision Certificate for Stage 5.

Note: upon successful closure of Kurrumbede Lane the control of the resulting portion of road closed is to be vested with Council.

**Reason: To ensure closure of Kurrumbede Lane in undertaken.**

- G10.** The existing easement located over proposed Lot 51, for overhead power lines shall be extinguished prior to the issue of a Subdivision Certificate for Stage 5.

**Reason: To ensure easement is lawfully extinguished.**

#### **Stage 6**

- G11.** The road reserve for Dorothea Place is to be dedicated to Council as public road reserve and is not be created as a separate allotment.

**Reason: To ensure that public road reserves are controlled by Council.**

## **PURPOSE**

### **Introduction**

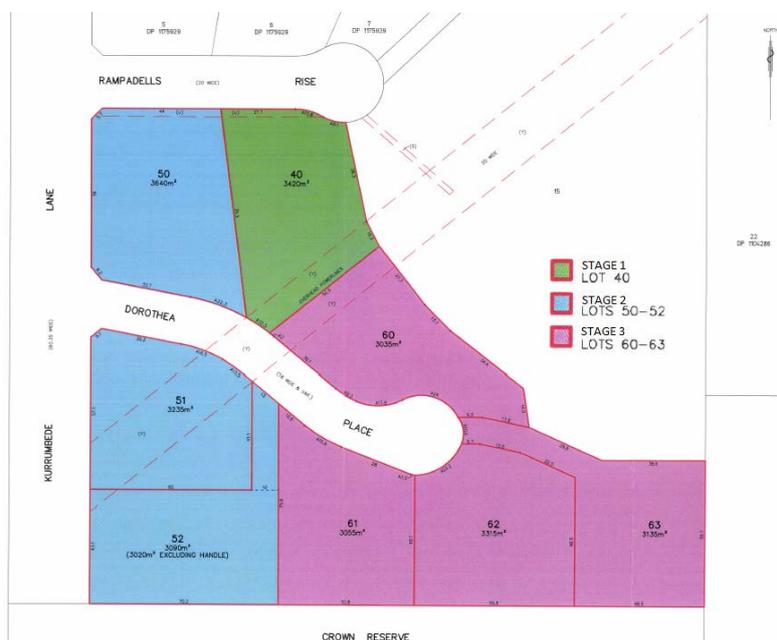
The development application is being referred to Council for the variation to the Gunnedah Development Control Plan 2012 in regards to the lot configuration and minimum widths for access handles for two battle-axe shaped allotments.

Applicant:	Current Consulting & Investment Group
Owner:	Mr KJ & Mrs MW Martin
Property Description:	Lot 10 DP1191255, 2 Rampadells Rise, Gunnedah

## COMMENTARY

### *Proposed Development*

The development application is seeking approval for the subdivision of 1 lot into 8 lots and the construction of Dorothea Place. The proposed subdivision is to be conducted over 3 stages with development services to be constructed during each stage of development works.



## COMMENTARY

### Issues

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

##### **Gunnedah LEP, 2012**

The development site is zoned R5 Large Lot Residential under the provision of the Gunnedah Local Environmental Plan, 2012. The proposed development is compliant with the following applicable clauses within the Gunnedah LEP 2012.

#### *4.1 – Minimum Subdivision lot Size*

The development will create 8 lots ranging from 3,055m<sup>2</sup> in size to 3,640m<sup>2</sup>. The minimum lot size for the development site is 3,000m<sup>2</sup>. The proposed subdivision will not result in any of the allotments being created less than the minimum lot size. A condition will be imposed to ensure that the lot sizes created are not less than 3,000m<sup>2</sup>.

#### *5.9 – Tree Preservation Order*

The development application does not identify that there will be removal of any trees from the site. The development site does not contain any tree species listed within Council's Development Control Plan as requiring approval prior to being removed.

#### *5.10 – Heritage Conservation*

The development site does not contain any items of local or state significant heritage as listed within Schedule 5 of the Gunnedah Local Environmental Plan 2012, nor are there any within the immediate vicinity of the site. The site has no known aboriginal heritage items located in the development area. The site has been highly modified with historical use for grazing and residential use.

### *6.5 – Essential Services*

The development application has been accompanied by details of road construction, sewer, water, stormwater, telecommunication, and electrical service provision. Each lot will be provided with an individual water and sewerage services connection. Services are to be constructed during each stage of works to ensure that all works are adequate for service provision prior to the release of each stage. The development will include the construction of Kurrumbede Lane and Dorothea Place to ensure that suitable vehicle access is provided to each lot. Lot 40 created at stage 1 will have access from Rampadells Rise. Rampadells Rise is constructed with kerb and guttering for the extent of the lot boundaries.

### **OTHER – SEPPs**

#### SEPP 44 – Koala Habitat

The development site is not regarded as potential Koala Habitat. The development has been largely modified and does not contain a density of identified Koala Feed Tree species in excess of 15%. Hence the site cannot be regarded as potential Koala Habitat.

#### SEPP 55 – Remediation of Land

The development site is currently vacant. The development will not involve the change of use on the site. A search of Council's records and information provided to Council within the submitted Statement of Environmental Effects does not identify a history of usage that could potentially lead to contamination of the sites soils. Hence, the no further investigation is required.

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

#### *1.8 – Consultation*

The development application was notified to all adjoining land holders. The application was also advertised on Council's website and in the Gunnedah local paper for a period of 14 days. No Submissions were received.

#### *5.1 – Lot Size*

The development is compliant with the required minimum lot size. Each of the lots is suitable size and dimension to allow for the adequate area for the construction of a dwelling house upon application. All lots will have adequate frontage to depth ratio to ensure that adequate public road frontage is provided.

#### *5.2 – Servicing Strategy*

The developer has submitted a servicing strategy for the development.

#### *5.3 – Sewer*

The development will include the construction of new sewer mains during each stage of development works. A condition is to be imposed that will require the provision of sewer services to each lot in relation to staging of the development. The sewer mains will connect to the existing sewer main in Kurrumbede Lane. Each lot is required to have provision of a sewer connection prior to the release of a subdivision certificate for each stage.

#### *5.4 – Water*

The development has included details of provision of water services to the development. The development is to construct a new water line extended from the existing water line within Kurrumbede Lane and is to extend through Dorothea Place and will loop around the cul-de-sac head to be constructed in Dorothea Place. Existing water services are located within Rampadells Rise.

#### *5.5 – Stormwater Drainage*

A detailed stormwater management plan is to be submitted to Council prior to the issuing of a Subdivision Certificate for Stage 4 of development works. The development application has identified that stormwater inlet pits will be installed are to be installed within the road construction to capture post development flows. Inter-allotment drainage lines are to be installed where developed water cannot be drained to a public road reserve.

A condition is to be imposed to ensure that stormwater is not to be concentrated or directed across lot boundaries from the access handle. The developer is to install kerb and guttering along the north boundary of the access handle to Lot 63 for the extent of the access handle.

#### *5.6 – Telecommunications*

Each lot is to be provided with underground telecommunication services. A condition will be imposed to ensure that service lines have adequate capacity for the increase in service demand.

#### *5.7 - Electricity*

The development requires provision of underground electrical supply to service provider's standards. Demonstration must be provided to Council to once services are provided.

#### *5.8 – Battle-Axe Shaped Lots*

The subdivision layout will include two battle-axe shaped lots (Lots 51 and 63) with access handles of approximately 41.1 and 50.85m in length. The development application will require variation to Council's Development Control Plan for access handle minimum widths to 10 metres from the 15 metres. It is highlighted that this standard applies to all R5 zoned land, which has different lot sizes up to 1.2ha. With the size of lots being 3,000m<sup>2</sup>, an access handle of 15m utilises a significant parcel of land. Hence, the variation is supported.

#### *5.10 – Road Network Design*

The development will create eight allotments for residential development, with potential for up to two dwellings (dual occupancy) on each lot. The lot sizes for this development area are 3,000m<sup>2</sup> and hence the road network is to be constructed with kerb and guttering for the extent of the road formation. It was determined that the development traffic generation would be suitable for the current and proposed road networks.

#### *5.11 – Staged Subdivision*

A staging plan has been submitted for the development. Development is to occur over 3 stages (Stages 4, 5 and 6), with provision of services during each stage. Temporary gravel cul-de-sac turning areas are to be constructed at the end of each stage road construction to ensure manoeuvrability of vehicles within the road network.

#### *5.12 – Cul-de-sac*

Stage 3 will include the construction of a cul-de-sac turning area at the end of proposed Road Dorothea Place. The development will also require the construction of a cul-de-sac turning head at the end of Kurrumbede Lane and will include construction of kerb and guttering for the full extent of the formation. Cul-de-sac turning heads are to have a minimum radius of 11.5 metre to ensure waste collection vehicles can manoeuvre within the road reserve.

#### *5.13 – Landscaping*

The development application included the lodgement of a landscaping plan for landscaping along Dorothea Place and along the Kurrumbede Lane. The current landscaping plan is not considered to be suitable as unsuitable tree species are to be used and tree planting is to occur within the footpath in the same location as the proposed infrastructure. Council does not support the current submitted landscaping plan as after growth of trees over time tree roots can cause damage to Council's infrastructure and services. Hence a revised plan is requested.

It is required that an amended landscaping plan be lodged to Council and approved prior to the release of a subdivision certificate to ensure that a suitable landscaping layout is submitted. Planting of tree species is not to be located clear of any utility infrastructure.

#### *5.14 – Site Access*

Each lot will have suitable access from a dedicated public road at the completion of development works.

#### *5.15 – Lot Orientation*

Lot orientation is suitable to ensure that each lot has adequate solar access and will limit potential overshadowing from future development of each lot.

### 5.17 – Vegetation

The site does not contain any significant vegetation. There is limited vegetation within the site lot boundaries.

### 5.18 – Garbage Collection

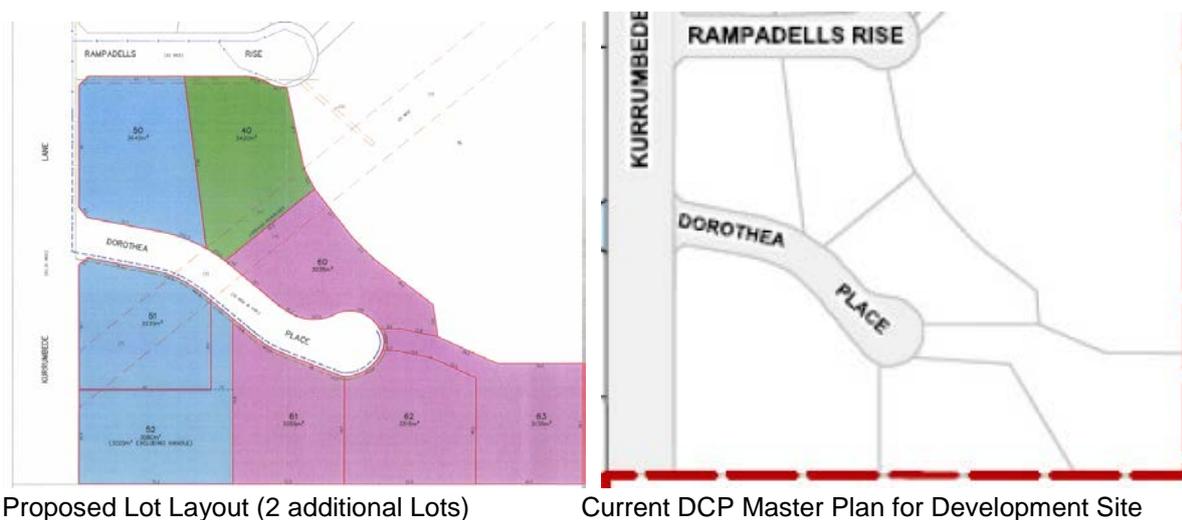
Adequate manoeuvrability of waste collection vehicles has been provided within the road reserve and provision of cul-de-sac turning areas. Each lot will have adequate frontage to allow for the placement of kerb side collection without hindrance to adjoining land holders.

### 5.21 – Road Widths

The road reserve for Dorothea Place is to be 18 metres in width. It will be required that Dorothea Place be constructed with a 9 metre road formation between the kerbs. The road formation and road reserve will be of adequate width for the potential number of dwelling houses that could be located within the development area with access to this road.

### 5.2.3 – East Gunnedah

The development application requires a minor alteration to the development Masterplan for East Gunnedah in regards to lot layout and number of lots provided. Current master plan configuration results in multiple lots that are able to be further subdivided. The resulting plan will create eight lots of suitable size consistent with minimum lot sizes as set by the Gunnedah LEP 2012. The variation to the master plan is considered to be minor and results in creation of lots that have no further subdivision potential with appropriate access, hence the variation is supported.



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

#### *Context & Setting*

The development is located within an existing large lot residential area to the south of Gunnedah adjoining the Porcupine Reserve. The surrounding area is predominately residential area and contains dwelling houses and undeveloped lots. The size and scale of the proposed lot layout will be consistent with existing lot creation and approved subdivision layouts.

#### *Access, transport and traffic*

The development is considered to result in an increase in traffic movements with the creation of an additional seven residential allotments. Due to the limited development potential of the development a detailed traffic impact assessment was not required. The current and proposed road networks structure was adequate size to cater for the expected number of residences and the expected increase in vehicle movements.

**Utilities**

Each lot will be provided with the relevant Council services as part of development works. It will be required that each of the sites be provision of underground Telecommunication and electrical services. Evidence of connection is to be provided to Council that an individual service has been connected to each lot prior to the release of a subdivision certificate of connection.

**Water**

An individual Water Service is to be provided to each lot. New water mains are to be supplied within the road reserve where required.

**Noise & vibration**

The development will not result in any noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during all construction works to ensure public amenity of the surrounding residence.

**Natural hazards**

The development site is identified as being bushfire prone land and hence is identified as being Integrated Development. A bushfire safety authority has been issued by the NSW Rural Fire Service, which included conditions.

**The suitability of the Site for the Development**

The development site has been identified with Council's Development Control Plan as being a potential location for residential subdivision being located within the East Gunnedah Masterplan area. The development will be a modification to this Masterplan layout, however lot layout and configuration is considered to be suitable to create lots with suitable lot sizes and suitable vehicle access to a public road access. The development will not inhibit development or existing use on the site and there will be no requirement for removal of any trees. Hence, the site is expected to be suitable for the development proposal.

**Conclusion**

The development application has been referred to Council as it involves a variation to the lot configuration and layout within Council's Development Control Plan and a variation to Council's Development Control Plan regarding the minimum widths for access handles for two battle-axe shaped allotments. Development configuration and layout is considered to be consistent with surrounding development, and provides for a better and more efficient subdivision of the land. Hence, the development is recommended for approval.

**ITEM 3****MEETING****DIRECTORATE****AUTHOR****POLICY****LEGAL****FINANCIAL****STRATEGIC LINK****ATTACHMENTS****Application to Close a Council Public Road**

Planning, Environment and Development Committee – 3 June 2015

Planning and Environmental Services

Director Planning and Environmental Services

Nil

Local Government Act, 1993; Roads Act, 1993.

Nil

Community Strategic Plan

2.2.9 Develop strategies for sustainable local road network and regional transport, including options for public transport to connect with existing transport services.

Operational Plan

2.2 Our infrastructure strategically managed.

Nil

**OFFICER'S RECOMMENDATIONS:**

1. That Council offer no objection to the closing of the unconstructed Council Public Road adjacent to Lots 12, 13 and 14 DP1104677 at Caroona.
2. That the assessment criteria for assessment of closure of Council controlled Public Roads be reviewed having regard to potential impacts on land owners other than the applicant.

**PURPOSE****Introduction**

This report relates to an application to Crown Lands to close the unconstructed Council Public Road traversing between Lots 12, 13 and 14 DP1104677 at Caroona shown in yellow below.

The Crown roads to be closed by the Crown are shown in black. The pale blue roads are already closed and are under separate ownership to the applicant for the current road closure application.

**BACKGROUND**

The road closure proposal was reported to Council at its May 2015 meeting when it was resolved to defer consideration of the matter and refer it to the Committee for analysis with delegation to determine approach to the application.

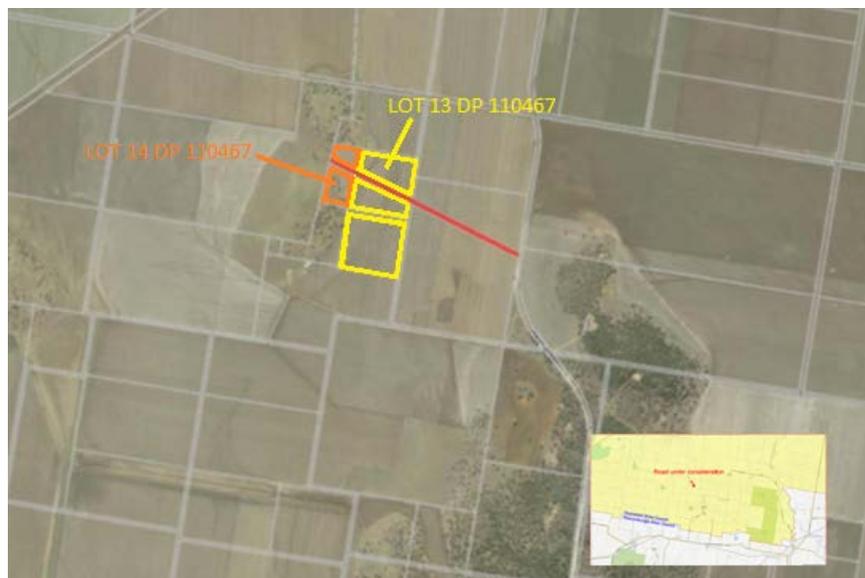
The content of the report to Council at the May meeting has been reviewed having regard to issues raised by Councillors at the meeting.

Council has over the last few years applied the following criteria to its assessment of applications to close Council Public Roads and Crown Roads within the Shire.

1. Whether the road or alternative alignment is in use.
2. Whether there is a foreseeable future requirement for public access.
3. Whether the closure of the road would be likely to affect Council's operations.
4. Whether the closure of the road would be detrimental to the functionality of Council's established road network.
5. Whether the closure of the road would have a positive or negative impact on the environment.
6. Whether the closure of the road will affect its possible usefulness to the state under exploration licence.
7. Whether the Department of Lands has notified affected property owners that public access to titles will be extinguished.

**COMMENTARY****ISSUES AND ASSESSMENT****1. Whether the road or alternative alignment is in use**

As shown below the Public Council Road indicated in red has not been formed nor is it in use.



*Public road proposed to be closed shown in red*

**2. Whether there is a foreseeable future requirement for public access**

Closure of the road will result in the removal of public road access to Lots 13 and 14 DP1104677 as shown in the image below. However, Lot 13 has an area of approximately 32 hectares and Lot 14 an area of 6.5 hectares. Accordingly neither lot has an area that would permit the erection of a dwelling without consolidation with additional land to create a lot with a minimum area of 200 hectares. In association with any consolidation, public road access would need to be provided.

The land surrounding the road proposed to be closed is owned by the applicant and no other adjoining or adjacent owner is negatively impacted by the closure – see notations to Criteria 7 below. Further any future owner would through the conveyancing process be aware of the limitations of the lots that do not have public road access.

It should also be noted that the Crown in closing Crown roads as part of this application has taken the view outlined above.

**3. Whether the closure of the road would be likely to affect Council's operations**

No impact.

**4. Whether the closure of the road would be detrimental to the functionality of Council's established road network**

There is no intention to extend the local road network at this time to include this Council Public Road.

**5. Whether the closure of the road would have a positive or negative impact on the environment**

Current use of the land within and on surrounding properties is cropping and pasture. This closure will have no impact on the environment.

6. **Whether the closure of the road will affect its possible usefulness to the state under an exploration licence**  
All roads and lots in proximity of this road are under EL6505.
7. **Whether the Department of Lands has notified affected property owners that public access to titles will be extinguished**  
Crown Lands has notified surrounding property owners and noted no objections to the closure of the road.

## **CONCLUSION**

The implications of closing the road do not affect any other party apart from the applicant. There is no negative impact on Council's road network. Should development on the subject lots occur at some time in the future, issues of lot area and access will need to be addressed at that time.

Whilst Gunnedah LEP 2012 promotes aggregation of prime agricultural land into allotments with at least a minimum of 200 hectares, the closing of public roads does not in itself trigger a need to aggregate undersize lots or demand that all lots have public road access. Issues of this nature should be addressed when triggered by potential development.

Accordingly there appears to be no foundation in Council objecting to the road closure.

It is however suggested that management review the assessment criteria relative to closures to ensure that there is sufficient analysis where another land owner (or third party) will be negatively impacted by a closure proposal.

**Michael J Silver**  
**DIRECTOR PLANNING & ENVIRONMENTAL SERVICES**

**PLANNING ENVIRONMENT AND DEVELOPMENT OBJECTIVES 2013/14**

OBJECTIVE NO	MANAGEMENT PLAN REF. PAGE	OBJECTIVE	HOW WILL THIS BE ACHIEVED	TARGET DATE	STATUS	REVISED DATE
1.		Waste Management Strategy	Implementation of Waste Management and Environmental Initiative	June 2019		
2.		Namoi Parklands Riverine Program	Biannual Review	August 2016	Stage 1 Complete Stage 2 Complete Stage 3 Work Commenced Stage 4 Work Commenced	
3.		Gunnedah Strategic Planning Review		September 2016	Draft Landuse Strategy presented to Planning Environment & Development Committee May 2015 for endorsement for exhibition. Referred to June 2015 Council meeting	
4.	Koala Habitat Improvement	Adoption and implementation of Koala Management Strategy	September 2016			
5.	Enforcement Policy	Development and adoption of Enforcement Policy	June 2016			
6.	Floodplain Management	Completion of Blackjack Creek Flood Mitigation Project	June 2017	Property Acquisition Commenced		

**Shire of**  
**Gunnedah**  
Land of Opportunity

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