

Shire of
Gunnedah
Land of Opportunity

MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE
DIRECTORATE	Planning and Environmental Services
DATE	Wednesday 2 August 2017
TIME	4:00pm
VENUE	Council Chambers, 63 Elgin Street, Gunnedah
ATTACHMENTS	Director Planning and Environmental Services Report

AGENDA

Present/Apologies

Declarations of Interest

Report of Director of Planning and Environmental Services

1. Modification of Development Consent No. 2015/062.002 – Lot 333, 334, 335, 336, 337, 338, 339 DP755503, Lot 1 DP111136, and Lots 1 and 2 DP120946 – 131 Quia Road, Gunnedah

Objectives

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Apologies to: 6740 2120

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The ordinary, extraordinary and committee open meetings of Council will be audio recorded for minute-taking purposes and may be broadcast live over the internet.

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

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

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
- (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.

VISION

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

MISSION

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

ORGANISATIONAL VALUES

In partnership with the community:

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

Director Planning and Environmental Services' Report

ITEM 1	Modification of Development Consent No. 2015/062.002 – Amend Development Conditions to enabling flexibility for compliance with Council's Engineering Guidelines for Subdivision and Development, 2013, deferring development headworks charges until Subdivision Certificate issue, alteration to Development Servicing Plan and insert the correct Section 94 contribution amount – Lot 333, 334, 335, 336, 337, 338, 339 DP755503, Lot 1 DP111136, and Lots 1 and 2 DP120946 – 131 Quia Road, Gunnedah
MEETING	Planning, Environment and Development Committee Meeting – 2 August 2017
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business. 4.1.3 Maintain adequate green spaces that support and encourage our valuable koala population to traverse the area and encourage animal health and wellbeing. Operational Plan 2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation. 4.1.3.1 Develop and review strategic plans, policy and planning instruments in accordance with community strategic outcomes including protection of threatened species, environment, aboriginal and European heritage, economic development, housing affordability, energy and water conservation.
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

That the Modification of Consent No. 2015/062.002, to amend development conditions enabling flexibility for compliance with Council's Engineering Guidelines for Subdivision and Development, 2013, deferring development headworks charges until Subdivision Certificate issue, alteration to Development Servicing Plan and insert the correct Section 94 contribution amount, at Lot 333, 334, 335, 336, 337, 338, 339 DP755503, Lot 1 DP111136, and Lot 1 and 2 DP120946 – 131 Quia Road, be approved subject to the following:

A. That development consent be granted subject to the following conditions:**A1. Deleted****A1a. The proposed development shall be carried out generally in accordance with the details set out in the following:**

- Development Application form lodged 06 July 2015
- Statement of Environmental Effects, prepared by Geolyse dated 2 July 2015, ref: 214358_SEE_001E.docx; and
- JRPP Deferral and Request for Additional Information, prepared by Geolyse, dated 17 December 2015, ref: 214358_LET_004A.docx;
- Additional Information, prepared by Geolyse, dated 10 March 2016, ref: 214358_LET_005B.docx;
- Submitted plans:
 - Prepared by Geolyse Pty Ltd, dated 19/10/2015, Ref: 214358, Drawing Nos. 01N_TP01, Rev. N (Title Sheet, Drawing List, and Site Locality), 01N_TP02, Rev N (Existing Lot Layout), 01N_TP03, Rev. N (Proposed Subdivision Plan), 01N_TP04, Rev N (Proposed Solar Module and Lot Layout), 01N_TP06, Rev N (Proposed Fencing Plan), 01N_TP07, Rev N (Proposed Landscaping Plan), 01N_TP08, Rev N (Proposed Elevation of Typical Module); & dated 25/09/2015, Ref: 214358, 01L_TP05, Rev L (Proposed Servicing Strategy Plan);
- Supporting Documentation:
 - Preliminary Contamination Report, prepared by Environ, dated: July 2007, ref: 32-0073;
 - Stormwater Management Strategy, prepared by Geolyse, dated 25 September 2015, Ref: 214358_REO_002A.docx; & dated 14 October 2015, Addendum 1: Stormwater Modelling;
 - Koala Management Plan, prepared by David C. Paull, dated 20 October 2015;
 - Traffic Assessment Report, prepared by TPK & Associates Pty Ltd, dated August 2008;
 - Sampling Plan, prepared by Geolyse, dated 27 January 2016, ref: 214358_REP_004B.docx;
 - Draft Community Management Statement, Version 2;
 - Detailed Site Investigation, prepared by Geolyse, dated 10 March 2016, ref: 214358_REP_006C.docx, Version 2-Final;
 - Asbestos Removal Control Plan;
 - Safe Works Method Statement Asbestos Removal & Metal Roofing Works, prepared by P & D Bamford Enterprises Pty Ltd, dated 14/12/2015, Issue 1;
 - Site Contamination and Characterisation Management Plan, dated 17 December 2015, ref: 214358_REP_003B.docx;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.**A2. To confirm and clarify the terms of this approval, development consent is given for the undertaking of the following works:**

- Construction of a maximum 272 solar array modules. Each module is to consist of:
 - A maximum of 330 Photovoltaic (PV) solar panels, each generating 300W;
 - Micro inverter, to convert DC current from PV modules to AC;
 - Aboveground and underground electrical conduits and cabling;
- Subdivision of 9 lots into 24 lots;

- Subdivision of proposed Lot 24 to create 272 Community internal access driveway, all internal access tracks and areas surrounding each community title lot.
- Generation of a no more than 27 megawatt (MW);
- Construction of boundary fence for proposed Lots 24 and 9;
- Remediation of the site in accordance with the Detailed Site Investigation, Version 2, Dated 10 March 2016;
- Operational life of electrical generating works of no longer than 25 years from the commencement of electrical generating operations;
- Decommissioning of all solar arrays, above and below ground infrastructure and electrical substation and any other structures or infrastructure relating to solar generation works, upon cease of operational life of solar generation works in accordance with the Statement of Environmental Effects, prepared by Geolyse dated 2 July 2015; and

Note. The developer is required to advise Council of the commencement date of operation of the electrical generation works approved under this consent. Council will then provide written confirmation of the lapsing date for electrical generation works under this development consent.

Reason: To ensure compliance with application and plans.

- A3.** To confirm and clarify the terms of approval, proposed Lot 21 is not to be dedicated to Council. The developer is responsible for the undertaking of all monitoring of Koala Habitat and Population growth in accordance with the submitted Koala Management Plan.

Reason: To clarify terms of previous development approval.

B. Prescribed conditions

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

B1. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.
- Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
 - (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
 - (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
 - (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
 - (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
 - (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.
- Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: To ensure compliance with the statutory requirements.

C. Prior to the issue of a Construction Certificate – Subdivision Works

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. The design of all works is to be related to the adjoining infrastructure. All drawings and specifications are to be in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013, except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

C2. All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council'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.

C4. The existing abattoir buildings, and all associated services on Lot 1 DP 1111136 and Lot 339 DP 755503 are to be located wholly within the boundaries of proposed Lot 10 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 subdivision works. The identification survey shall identify the location of all buildings and structures associated within the abattoir site within on Lot 1 DP 1111136 and Lot 339 DP 755503 and the setbacks from the resulting lot boundaries of proposed Lot 10.

Reason: To ensure the existing buildings are compliant with all development setbacks as listed within Building Code of Australia and Gunnedah Development Control Plan 2012.

Allotment Filling

C5. 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.

C6. Material used as fill within the site must be free of contaminants. A report is to be submitted to Council prior to the issue of a Construction Certificate, providing details of fill including source of fill and potential contaminants within sourced soil.

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

C7. 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 by Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's requirements.

- C8.** Prior to the issue of a Construction Certificate for the solar generation works details of surfacing of all internal driveways, parking areas, loading bays and vehicular turning areas.

Reason: To ensure compliance with Council's requirements.

- C9.** Deleted

D. Prior to the issue of a Construction Certificate – Solar Energy Generation Facility

- D1.** Prior to the issue of a Construction Certificate for the proposed Solar Energy Generation Facility all works associated with the subdivision are to be completed and the plan of subdivision is to be registered at the Land and Property Information (LPI) for registration.

Reason: To ensure proposed Lot 24 is created prior to solar energy generation facility being constructed.

- D2.** Prior to the issue of a Construction Certificate for the Solar Energy Generating Facility a Construction Environmental Management Plan is to be submitted to and approved by Council.

Reason: To ensure appropriate management plan is prepared and approved for implementation.

- D3.** Prior to the issue of a Construction Certificate, details of proposed fencing design and materials for the proposed to be located within the front boundary setback of proposed Lot 24 and 9, along the Blackjack Road frontage to the building setback of 10 metres are to be submitted to and approved by Council. The front boundary fence is to be of a decorative nature and must not incorporate any barbed wire within the construction.

Reason: To ensure compliance with Council's development controls.

- D4.** 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.

- D5.** Deleted

- D5a.** Prior to the issuing of a Construction certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 94A of the Environmental Planning and Assessment Act 1979. The current levy payable is \$15,000.

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

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

- D6.** Prior to the issue of a Construction Certificate for the Solar Energy Generation Facility, a detailed landscaping plan is to be submitted to and approved by Council for proposed Lot 9. Landscaping shall be located within the front 3 metres of the site along Blackjack Road.

Note: All landscaping shall comprise of low maintenance, drought and frost tolerant species.

Reason: To ensure that suitable landscaping and vegetation selection occurs onsite.

- D7.** Material used as fill within the site must be free of contaminants. A report is to be submitted to Council prior to the issue of a Construction Certificate, providing details of fill including source of fill and potential contaminants within sourced soil.

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

- D8.** Prior to the issuing of a Construction Certificate for Solar Energy Generation Facility, the Developer shall apply to Council for approval under Section 68 of the Local Government Act, 1993 to:
- (a) Carry out water supply works
 - (b) Carry out sewerage works
 - (c) Carry out stormwater drainage works

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

Reason: To ensure environmental health standards are met.

E. Prior to Commencement of Works

Subdivision Works

- E1.** A Construction Certificate is to be obtained prior to commencement of any subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority must be the Council.

Reason: To ensure compliance with application and plans.

- E2.** 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.

- E4.** Prior to the commencement of works, Development Consent No. 374181 shall be surrendered.

Reason: To ensure any other subdivision consent is surrendered.

Solar Energy Generation Facility

- E5.** 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 any structures. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

Reason: To meet statutory requirements.

- E6.** 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.

F. General***Demolition Works***

F1. The buildings 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.

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

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

F3. 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.

F4. 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.

F5. All excavations and backfilling associated with the 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.

Road Works

F6. Kerb and guttering shall be constructed along the southern side of the development site on Quia and Ross Road and the eastern side of Blackjack Road for the entirety of the site frontage to the southernmost point of proposed Lot 1. Kerb and guttering shall also be constructed for the intersection of Blackjack Road and Quia Road. Existing road formations are to be extended from the existing pavement to the kerb and guttering with full depth pavement in accordance with Austroads/RMS supplements. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure adequate road, kerb and guttering construction is undertaken.

Water Supply

F7. A single water supply service shall be provided to each lot by connecting to Council's existing water main located in Quia Road, Ross Road and Black Jack Road, as per development frontages. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Note: A Water Application Form shall be submitted to Council, together with the installation costs. The installation costs are adopted in the Council's 2015/2016 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's requirements.

F8. Deleted

Sewer

F8a. A single sewer service shall be provided to each lot. The new sewer services shall be provided by extending Council's sewer main from the existing sewer man hole located at the intersection of Torrens Road and Allgayer Drive and through the development site in accordance with submitted plans, prepared by Geolyse Pty Ltd, dated 25/09/2015, Ref: 214358, 01L TP05, Rev L (Proposed Servicing Strategy Plan).

A 375mm sewer main is to be constructed from a sewer maintenance terminal shaft at the southernmost boundary of proposed Lot 1 through to the existing sewer man hole located at the intersection of Torrens Road and Allgayer Drive. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Note: The difference in cost between purchasing and installing a 225mm gravity sewer main, as needed to service the development, and the 375mm gravity sewer main required by this consent, will be the responsibility of Gunnedah Shire.

Reason: To ensure compliance with Council's requirements.

Stormwater Drainage

F9. Deleted

F9a. Stormwater from the development site must not be concentrated onto adjoining land. Stormwater is to be discharged to Council's stormwater system in Quia Road and Ross Road, in accordance with the submitted Stormwater Management Strategy, prepared by Geolyse, dated 25 September 2015, Ref: 214358 REO_002A.docx; & dated 14 October 2015, Addendum 1: Stormwater Modelling.

Reason: To ensure compliance with Council's requirements.

F10. Inter-allotment stormwater drainage systems shall be constructed to provide adequate drainage facilities over Lots 1-10.

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.

F11. Deleted

F11a. Runoff from rainfall events up to, and including the 5 year ARI event must be contained within a piped or channelised system of adequate size to accommodate post development stormwater flows. 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.

Easements

F12. 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.

F13. An 80 metre wide easement is to be created over the proposed stormwater drainage corridor as shown on plan prepared by Geolyse, dated 19/10/2015, 01N_TP05, Rev N (Proposed Servicing Strategy Plan).

Reason: To ensure an easement is placed over the proposed drainage corridor.

Electricity

F14. Where existing overhead power services are not present, new underground electricity is to be installed throughout the development site. Each lot shall be provided with a service in accordance with local electricity supply authority supply guidelines.

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

Street Lighting

F15. The developer shall extend, supply and install street lighting for each stage along all street frontages, in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. All intersections shall be provided with street lighting. All works are to be undertaken in accordance with AS1158.

Reason: To ensure compliance with Council's requirements.

Allotment Filling

F16. 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.

F17. 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.

F18. Deleted

F18a. Excavated material from the site is not to be placed on or used to alter the level of Council's footpath, with no earth batters are to extend beyond the property boundary line. The placement of fill to support the kerb and gutter is not included in this condition.

Reason: Implementation of Council policy.

F19. Before erection of any permanent structures such as fences, etc. adjacent to street boundaries, correct street levels must be ascertained from the Council's Infrastructure Services Section.

Reason: To ensure compliance efficient construction.

Noise

F20. The development shall not generate noise, when measured over a 15 minute period ($L_{Aeq, 15min}$), which exceeds the following noise levels at the most affected nearby residential receivers:

- 65dba, during daylight hours (7:00am - 6:00pm Monday to Saturday; or 8:00am to 6:00pm on Sundays and Public Holidays) ;
- 55dba, during evening hours (6:00pm to 10:00pm);
- 50dba, during night hours (10:00pm – 7:00am Monday to Saturday, and 10:00pm – 8:00am Sundays & Public Holidays),

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

F21. Operating noise emission levels from the electrical substation must comply with the EPA's NSW Industrial Noise Policy.

Reason: To ensure compliance.

Solar Energy Generation Facility**Access**

F22. The developer shall construct the internal driveway from the western lot boundary along Blackjack Road for the full extent of the access handle. The internal driveway is to be constructed of either bitumen seal, asphaltic concrete, concrete, interlocking pavers or alternative dust-suppressant material approved by Council.

Reason: To prevent dust nuisance.

F23. The developer shall install a full width concrete kerb layback and concrete driveway crossing across the footpath to give access to Lots 9, 22 and 24. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

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

Traffic and Parking

F24. All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or alternative product must be provided to Council and approved. Parking areas must comply with AS 2890 – Parking Facilities.

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

F25. Onsite car parking accommodation shall be provided for a minimum of one (1) vehicle within proposed lot 9, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.

Reason: To ensure compliance with Council's requirements.

F26. The onsite parking space is to be clearly signposted and marked to ensure that they are clearly identified. All parking spaces are to be marked to ensure compliance with AS 2890 Off Street Parking for parking space dimensions.

Reason: To ensure onsite parking is clearly marked.

Landscaping

F27. All landscaping identified on the approved landscaping plan shall be implemented.

Reason: To ensure adequate landscaping along road frontage.

Outdoor Lighting

F28. Outdoor lighting is to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS4282 Control of Obtrusive Effects of Outdoor Light*.

Reason: To ensure compliance.

Remediation Works

F29. Any building material or waste located in identified Zone 4 that could potentially contain any asbestos or contaminated items shall be removed from the site and disposed of to a suitably licensed facility.

Reason: To ensure that contaminated material is removed from site.

F30. All recommendations identified in the submitted document, Detailed Site Investigation, prepared by Geolyse, dated 10 March 2016, ref: 214358_REP_006C.docx, Version 2-Final, are to be implemented and undertake as part of subdivision works.

Reason: To ensure that contaminated material is removed from site.

G. During Construction Works

G1. 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.

G2. The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

G3. 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 requirements.

G4. Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

G5. Prior to the back filling all mains, a visual inspection is to be undertaken by Council.

Reason: To ensure compliance.

G6. All back fill over sewer mains shall be a of 3-5 mm granular grit.

Reason: To ensure compliance.

G7. 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.

- G8.** A mirror inspection to gauge deflections of the sewer main is to be undertaken by Council after 14 days of the installation date on each section from manhole to manhole with full moon witnessed.

Reason: To ensure compliance.

- G9.** Removal of any known or suspected contaminated waste or soil is to be disposed of to a suitably licensed facility.

Reason: To ensure suitable disposal of contaminated waste.

- G10.** All excavation and operation works shall cease on site should the identification of an item of potential aboriginal or European heritage significance be discovered during excavation and operation works. The Office of Environment and Heritage shall be contacted and any required approvals are to be obtained before the re-commencement of excavation and operation works.

Reason: To ensure that any item of heritage significance uncovered is suitably managed.**G11. 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.

- G12.** 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 a Subdivision Certificate**

- 11.** An application for a Subdivision Certificate and payment of the subdivision fee applicable at the time, shall be lodged with Council.

Note: The application fee is adopted under the Council's 2015/2016 Operational Plan. Revised fees adopted in the subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure payment of application fee.

- 12.** One set of approved construction drawings shall be amended to show the "work-as-executed". WAE drawings shall identify the depth of all sewer junction/connections and the distance of each junction from the nearest downstream manhole. These drawings in both hard copy and electronic form shall be provided prior to issue of the subdivision certificate for each stage. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with Council's requirements.

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

Reason: To ensure that electrical services are provided.

- 14.** Written notification shall be provided to demonstrate that telecommunication cables have been provided to each lot.

Reason: To ensure that telecommunication services are provided.

- 15.** Prior to the issue of a Subdivision Certificate, the developer shall provide Council with a Site Validation Report to confirm that the site has been remediated.

Reason: To ensure required remediation works are conducted.

16. Prior to the issue of a Subdivision Certificate, the developer is to provide Council with a copy of the Community Management Statement.

Reason: To ensure that the Community Management Statement is prepared.

17. Prior to the issue of a Subdivision Certificate, all works required for the remediation of the site, including proposed removal of all asbestos from buildings and soil within proposed Lot 10, as indicated in the Detailed Site Investigation, Version 2 Dated 10 March 2016 and the letter dated 10 March 2016, ref: 214358_LET_005B.docx, shall be completed to the satisfaction of Council.

Reason: To ensure all contamination is removed prior to subdivision of the land.

18. 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.

- \$8,700 per each additional lot for Water headworks
- \$3,100 per each lot for Sewer headworks

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

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2015/2016 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

*Note: Headworks contributions are not applicable to lots created by Community Title.

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

J. Prior to the issue of an Occupation Certificate

- J1. Occupation of the building and operation of the solar energy generation facility 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.

K. Continued Operations

- K1. All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- K2. The sealing to all internal driveways, vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- K4.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure compliance with Council's requirements.

- K5.** The substation located on proposed Lot 9 shall not be used for any commercial use without the prior written consent of Council.

Reason: To ensure compliance

- K6.** All general household waste is to be disposed of to a licensed waste management facility.

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

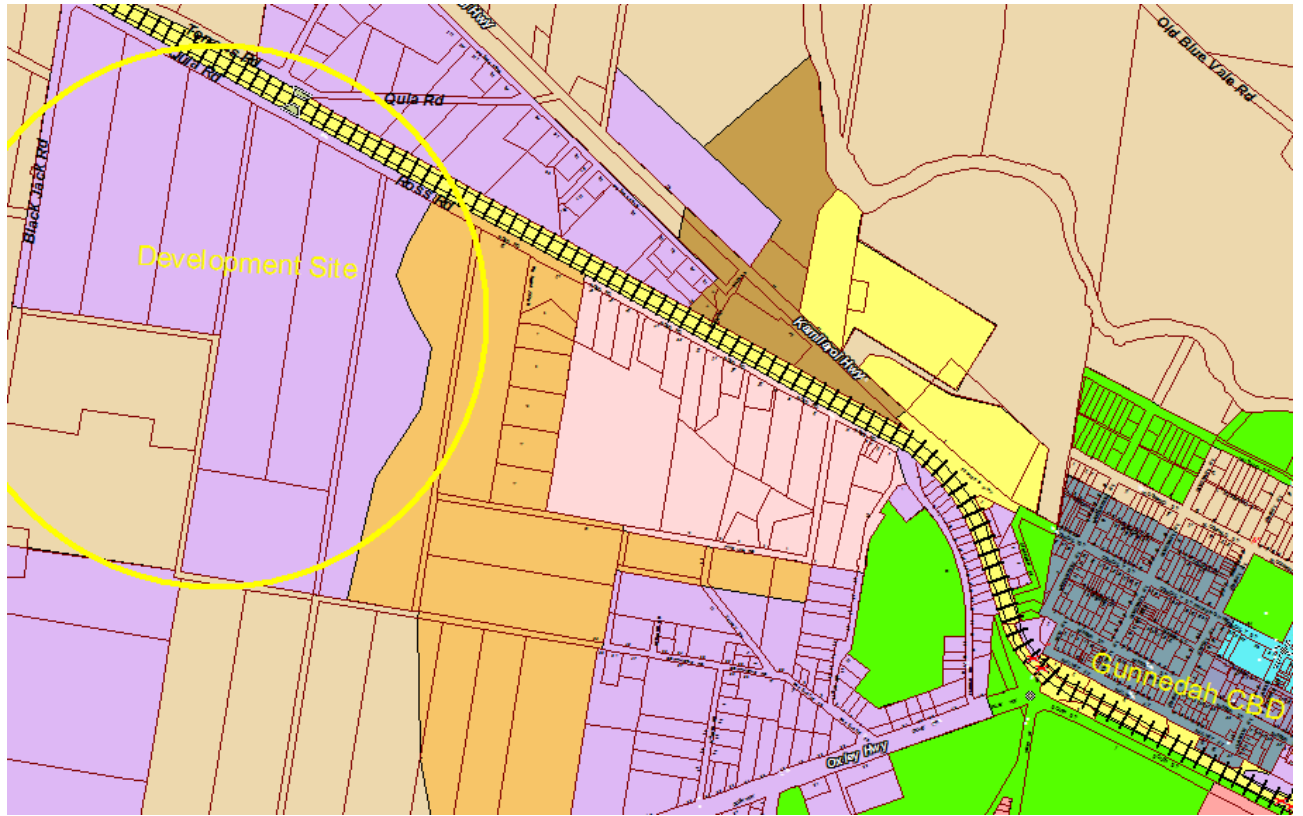
PURPOSE

The Modification of Consent Application is being referred to Council as the original development application No. 2015/062, was determined by the Joint Regional Planning Panel Northern (JRPP). The application has been lodged under S96(1A) of the Environmental Planning and Assessment Act, 1979, which enables the application to be determined by Council as it is a minor amendment.

Applicant:	Ironbark Energy Pty Ltd
Owner:	Ironbark Holdings Australia Limited
Property Description:	Lot 333, 334, 335, 336, 337, 338, 339 DP755503, Lot 1 DP111136, and Lot 1 and 2 DP120946 131 Quia Road, Gunnedah

Proposed Development

The Modification of Consent Application is seeking approval to amend wording of conditions to enable flexibility regarding compliance with Council's Engineering Guidelines for Subdivision and Development, 2013, where specified otherwise by conditions of consent. The Modification of Consent Application also proposes to correct the error in the condition relating to Section 94A contribution charge, amend the servicing strategy and enable the deferment of development headworks payment until the issue of a Subdivision Certificate.



Location Plan

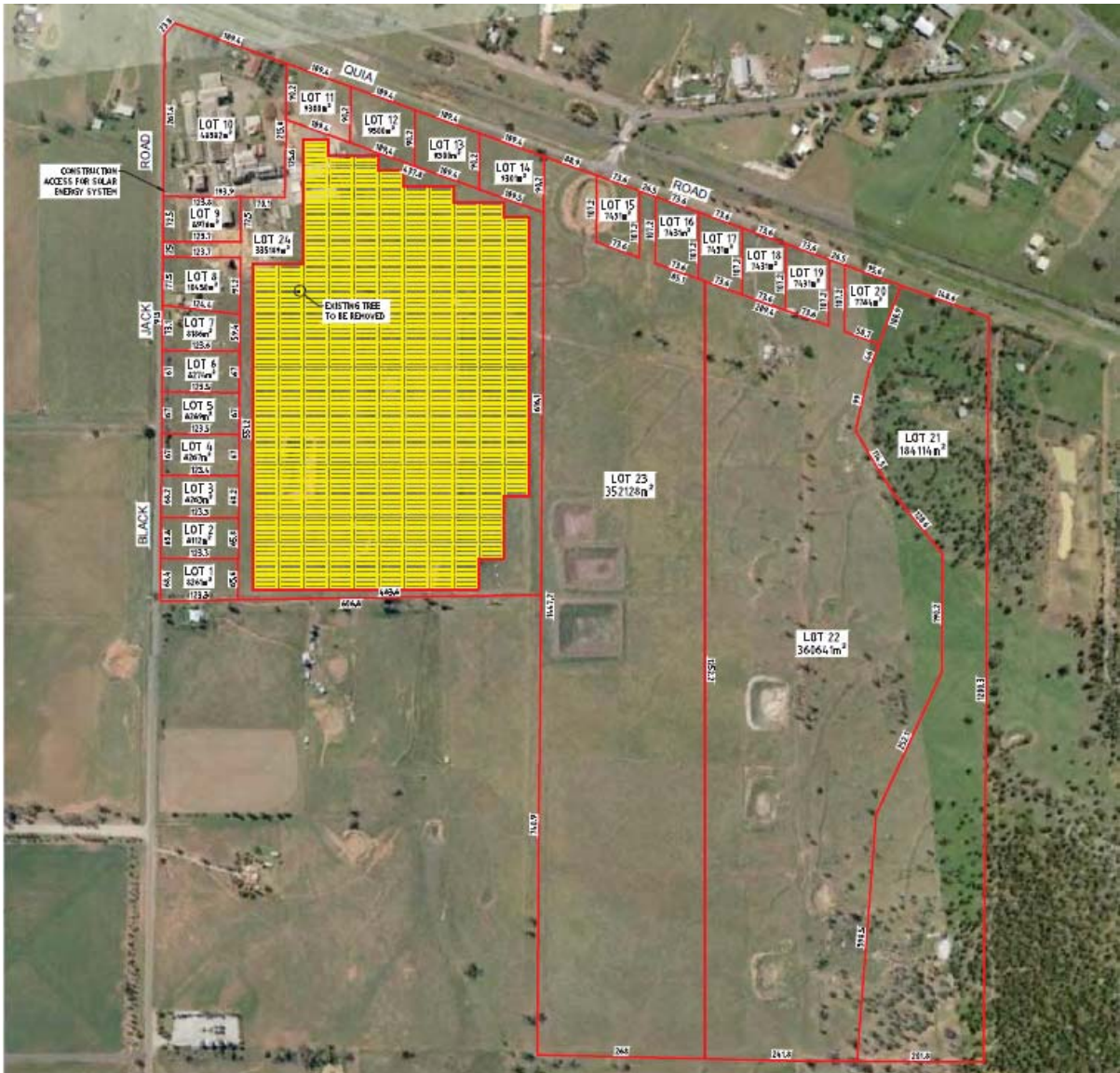


Figure 1 – Site Plan



Figure 2 – Solar Array & Community Title Layout Plan

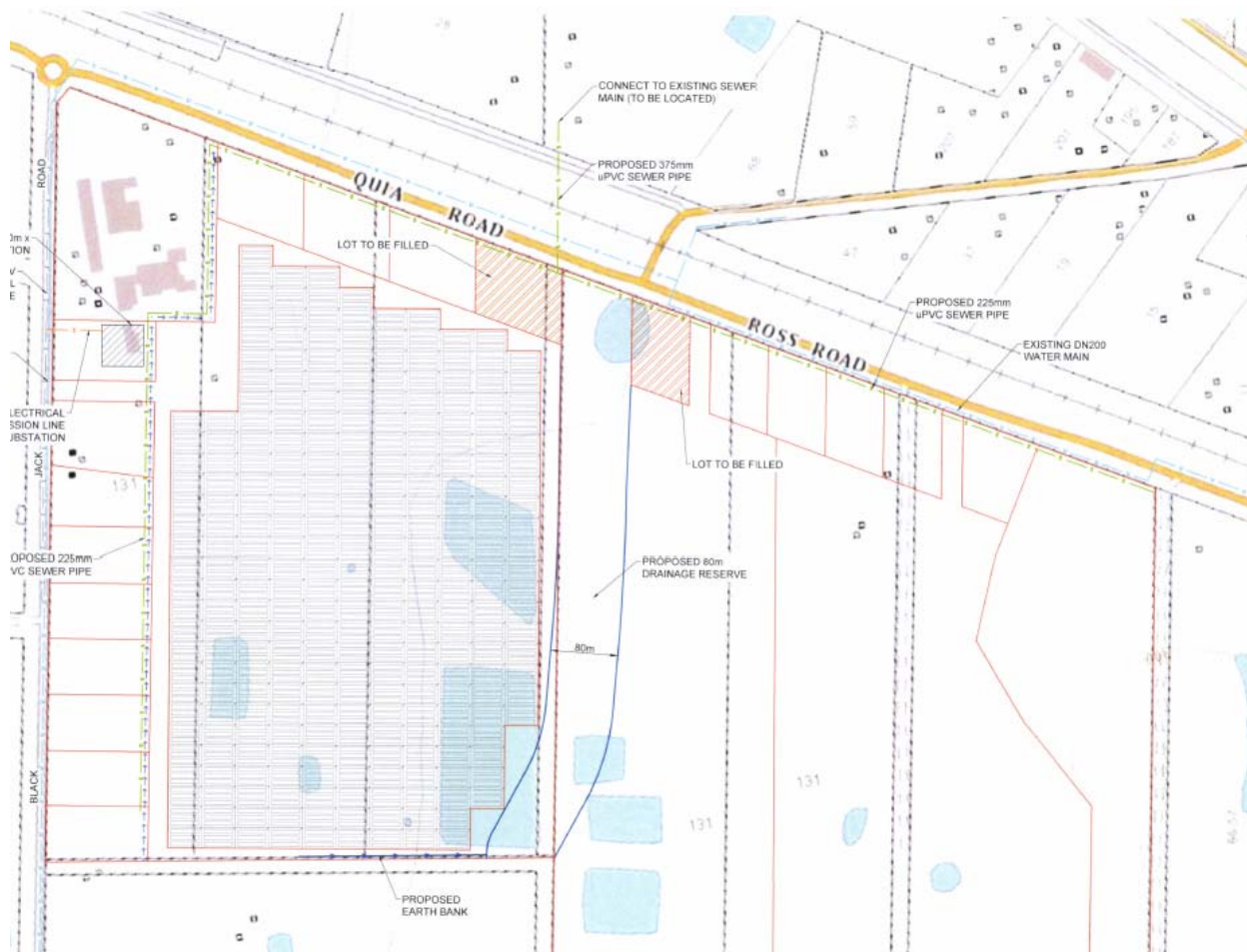


Figure 3 – Servicing Plan

BACKGROUND

The Development Application was determined by the JRPP, pursuant to *Clause 6, Schedule 4A*, of the *Environmental Planning and Assessment Act 1979*, as the development is private infrastructure works with a capital investment of more than \$5 million. The application was granted approval on the 14 April 2016 subject to the conditions of consent. Works for this development have commenced with asbestos removal works being undertaken on the site.

COMMENTARY

Issues

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

Gunnedah LEP, 2012 (GLEP12)

The development site is zoned IN1 General Industrial and E3 Environmental Management under the provision of the Gunnedah Local Environmental Plan, 2012. The Modification of Consent Application is considered to be substantially the same development and will not contravene the objectives of either of the land zonings within the property. The following clauses of the GLEP12 are applicable to the Modification of Consent Application.

4.1 – Minimum Subdivision Lot Size

The Modification of Consent Application will not change the lot configuration or the lot areas for any of the proposed lots created by the subdivision.

4.4 – Floor Space Ratio

The Floor Space Ratio will be unchanged and complies with the requirements of the GLEP12.

5.9 – Preservation of Trees and Vegetation

The Modification of Consent Application will not require the removal of any additional trees from the site.

6.5 – Essential Services

The original development determination included the approval of a servicing strategy outlining the provision of all relevant services to the development site. Individual water services connections are to be provided to each lot. Electrical service provision will be unchanged. Stormwater drainage networks and capacities will be unchanged with the exception of replacement of piped inter-allotment drainage lines being replaced with open swale drains at the rear of proposed Lots 1-10. At the completion of works, each lot will have a single sewer access provided.

The Modification of Consent Application proposes to amend the sewer servicing plan by redirecting sewer to the newly constructed sewer pump station (located off Mathias Road) which is able to cater for the proposed development. At the time this application was granted approval, this sewer pump station was not constructed and could not be included in the subject development. As a result of the proposed amendment, a second sewer pump station is not required.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The original development application included a SEPP No. 44 assessment and a Koala Plan of Management (KPoM) that was endorsed by Department of Planning. The Modification of Consent Application will not impact on the existing areas of Koala Feed trees onsite. It is not expected that the Modification of Consent Application will impact on the provision of the KPoM or the resident Koala population.

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

The Modification of Consent Application will not impact on the remediation works that are to be undertaken as part of this development consent.

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

Gunnedah Development Control Plan 2012

1.8 – Consultation

The Modification of Consent Application is a minor modification to the original determination and is not expected to have any significant impact on adjoining land owners. Hence, the Modification of Consent Application did not require notification to the adjoining land holders.

5.2 – Servicing Strategy

The Modification of Consent Application proposes an amendment to the inter-allotment drainage line that is to be installed to the rear of Lots 1-10 for stormwater drainage to enable the use of open swale drains where appropriate. It also proposes the amendment to the approved sewer servicing plan to remove the need for the construction of an additional sewer pump station.

The Modification of Consent Application is seeking consent for the deferment of the payment of development headworks charges until prior to the issue of a Subdivision Certificate. This will enable the developer to undertake the development works without the initial financial outlay.

5.3 – Sewer

Council has recently taken control of the sewer main located within Allgayer Drive and sewer pump station within Lot 7010 DP 1074926. The amended servicing strategy enables the drainage of the sewer to be redirected to this sewer network. This will remove the need for a new sewer pump station to be constructed at the intersection of Ross Road and Quia Road as per this development consent. Council is supportive of this modification as the removal of the additional sewer main infrastructure will reduce maintenance and upkeep cost associated with Council's sewer network.

The Modification of Consent Application proposes an amendment to the wording in Condition F8 that refers to the required sewer main pipe size. The original development consent imposed a condition that the sewer main should be 375mm sewer main. However, the servicing design has determined that the development is able to be serviced by a 225mm sized sewer main. Council's Infrastructure Department has requested the increase in size to accommodate future development potential upstream of the site, to ensure that the main has adequate capacity to accommodate this growth. As a result the Modification of Consent Application will include a note within condition F8 that Council will be responsible for the difference in cost between the 225mm and the 375mm and any additional installation cost.

5.5 – Stormwater Drainage

The Modification of Consent Application proposes to alter Conditions F9, which refers to the management of stormwater within the site. The modification from a piped inter-allotment drainage system to an open swale drain will have no significant impact on the development. The modification is not expected to result in any change to the stormwater drainage network that would result in the discharge of stormwater from the site exceeding the pre-development natural flows. Easement lines are to be created over each of the swale drains created as a result of the development.

5.9 – Industrial Lots

The Modification of Consent Application will not have any impact on the lots sizes being created. The subdivision layout will be unchanged by the development proposal.

S79C(1)(a)(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F,

There is no planning agreement or draft planning agreement entered into between the development applicant, relevant body or Council, under section 93F of the Act.

S79C(1)(a)(iv) the regulations

The development was not identified as Designated Development under the provisions of the Environmental Planning & Assessment Regulations - Schedule 3.

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

Context and Setting

The development site contains several partly demolished buildings that were previously utilised for the operation of the Gunnedah abattoir, including offices, two derelict dwellings and an existing dwelling that is currently being utilised as a residential dwelling.

The site is located to the west of the Gunnedah business area. The immediate surrounding land is currently being utilised for industrial and agricultural purposes and limited dwelling houses and associated buildings. Heavy industrial land use is located a small distance along Quia Road to the west of the site.

Access, transport and traffic

The Modification of Consent Application will not alter the provision of vehicle access to any of the lots created. The Modification of Consent Application will also not result in an increased generation of vehicle movements within the surrounding road network. Lot configurations, road networks design and property accesses will be unchanged.

Utilities

The Modification of Consent Application will not impact on the ability for each of the lots created to be adequately serviced by the relevant Council's and local service provider utilities. The Modification of Consent Application proposes an amendment to the approved servicing strategy to more align with Council's existing infrastructure networks as discussed previously in the report.

Waste

Waste generated during construction shall be disposed of to Council's land fill. No waste is to be disposed of onsite. Surrounding road networks are of suitable size and construction to allow for waste collection vehicles to gain access to each of the allotments.

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

The development site is consistent with the existing and future development in the locality. The site is not identified as being bushfire or flood prone and does not contain an item of heritage significance. Hence, the site is considered to be suitable for the development.

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

The Modification of Consent Application is not regarded as being integrated or designated development and does not require notification to external government agencies. The Modification of Consent Application is considered to have minimal environmental impact and hence did not require notification to the adjoining land holders or external government bodies. The nature of the modification of consent would ensure that there would be no impact on the adjoining land holders as a result of the proposal.

S79C(1)(e) *the public interest*

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

Conclusion

The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Modification of Consent Application has concluded that the proposed modification is compliant with the legislative requirements for this development.

It is recommended that Modification of Consent Application No. 2015/062.002, be approved subject to the deletion of conditions A1, C1, C9, D5, F8, F9, F11, and F18 and insertion of conditions A1a, C1a, D5a, F8a, F9a, F11a, F18a and I8.

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

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