



MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE
DIRECTORATE	Planning and Environmental Services
DATE	Wednesday 4 October 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. Application to Modify Development Consent No 2016/031.002 – Modification to Amend Staging Plan to Create Stages 1a and 1b – Lot 441 DP755503 – 11 Anzac Parade Gunnedah 3
2. Development Application No 2014/092.003 – Modification of Consent to Remove the Staging Plan – Lot 58 DP1208878 – 4 Favell Street Gunnedah 20

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	Application to Modify a Development Consent No. 2016/031.002 – Modification to amend Staging Plan, to create Stages 1a and 1b – Lot 441 DP755503 – 11 Anzac Parade, Gunnedah
MEETING	Planning Environment & Development – 4 October 2017
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Council plans and guides the development of Gunnedah area. 4.1.3 Ensure that green spaces support and encourage our valuable Koala population to traverse the area and encourage animal health and breeding. 4.9.3 Investigate and act on preservation of our natural and built environment. Operational Plan 1.2.2.1 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act. 4.1.3.1 Consideration of inclusion of suitable koala habitat during assessment of major developments. 4.9.3.1 Implement the provision of the Local Environmental Plan 2012
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

That the Modification of Consent No. 2016/031.002, for Modification to amend the staging plan to create stages 1a and 1b, at Lot 441 DP 55503 – 11 Anzac Parade, be approved subject to the deletion of conditions A1, A2, D5, E13 and F14 and insertion of conditions A1a, A2a, D5a, E13a and F14a. Amended conditions underlined as follows:

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 23/03/2016;
- Statement of Environmental Effects, prepared by GHD, dated February 2016, ref: 22/17506; and
- Additional Information Letter, dated 20 April 2016, Ref: 22/17506/112664;
- Submitted plans;

- Prepared by GHD, dated 19/02/2016, Drawing No: 22-17506-DA000, Rev: B (Development Application Cover Sheet), Drawing No: 22-17506-DA222, Rev: B (Development Application Elevations, Sections – Stage 2), Drawing No: 22-17506-DA251, Rev B (Development Application Perspectives-Stage 2); & dated 21/03/2016, Drawing No: 22-17506-DA102, Rev C (Development Application Roof and Basement Plan – Stage 1), Drawing No: 22-17506-DA121, Rev C (Development Application Elevation, Section, AXO – Stage 1), Drawing No: 22-17506-DA201, Rev G (Development Application Floor Plan – Stage 2), Drawing No: 22-17506-DA202, Rev C (Development Application Roof Plan – Stage 2), Drawing No: 22-17506-DA221, Rev C (Development Application Elevations – Stage 2); & dated 11/04/2016, Drawing No: 22-17506-DA001, Rev: C (Development Application Existing Site Plan), Drawing No: 22-17506-DA101, Rev H (Development Application Floor Plan – Stage 1); & dated Aug 2017, Drawing No. Mod 1A, Rev D (Stage 1(a)), Drawing No. Mod 1B (Stage 1(b)), Drawing No. Mod 2, Rev M (Stage 2);
- Prepared by GHD, dated 19/02/2016, Drawing No. 22-17506-C001, Rev B (Civil Works Cover Sheet – Locality Plan & Drawing Index), Drawing No. 22-17506-C002, Rev B (Civil Works General Notes & Legend), Drawing No. 22-17506-C003, Rev B (Civil Works Detail Plan – Stage 1), Drawing No. 22-17506-C004, Rev B (Civil Works Detail Plan – Stage 2), Drawing No. 22-17506-C005, Rev B (Civil Works Typical Sections – Stage 1), Drawing No. 22-17506-C006, Rev B (Civil Works Typical Sections – Stage 2), Drawing No. 22-17506-C007, Rev B (Civil Works Stormwater Plan – Stage 1), Drawing No. 22-17506-C008, Rev B (Civil Works Stormwater Plan – Stage 2), Drawing No. 22-17506-C009, Rev B (Civil Works Catchment Plan – Stage 1 & 2), Drawing No. 22-17506-C010, Rev B (Civil Works Erosion & Sediment Control Plan), Drawing No. 22-17506-C011, Rev B (Civil Works Erosion & Sediment Notes and Details);
- Prepared by Terras Landscape Architects, dated 23/12/2015, Drawing No: 10086.5 – DAL00, Rev A (Cover Page), Drawing No: 10086.5 – DAL01, Rev F (Site Plan Stage 1), Drawing No: 10086.5 – DAL02, Rev F (Site Plan Stage 2), Drawing No: 10086.5 – DAL03, Rev F (Landscape Plan Lower), Drawing No: 10086.5 – DAL04, Rev F (Landscape Plan Upper);

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

A2. Deleted

A2a. To confirm and clarify the terms of this approval, development consent is given for the undertaking of the following works in accordance with the following staging plan:

- Stage 1a:
 - Demolition of the existing 6 Lane, 50 metre pool;
 - Construction of new 8 Lane 50 metre pool;
 - Minor upgrade to 25 metre heated pool entry, treatment plant and amenities;
 - Refurbishment and extension of existing pavilion and inclusion of café;
 - Construction of new Kids wet play area;
 - Construction of Kids dry play area;
 - Construction of new pool plant room;
 - Provision of two (2) disabled parking spaces and upgrade of disabled access entries;
- Stage 1b:
 - New access ramp to 25 metre pool;
 - Construction of new roof shelter constructed over kids wet play area and western end of 50 metre pool;

- Completion of Landscaping and installation of shade structures, tables and chairs;
- Installation of 30 kW photo-voltaic solar system;
- Stage 2:
 - Construction of new indoor 25 metre heated pool;
 - Construction of new enclosure to house kids wet play area and new 25 metre heated pool;
 - Construction of tiered seating for 25 metre and 50 metre pools on Northern side of pool;
 - Completion of Landscaping of north eastern side of pool complex;
 - Decommission of existing 25 metre indoor pool upon the completion of new 25 metre pool;

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 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.

B3. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with the statutory requirements.

C. Prior to Commencement of Works

- C1.** Prior to the commencement of any building works for either stage of 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.

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

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

- C3.** Prior to the commencement of building works, the name, address and contact details of the Principal Building contractor shall be provided to Council.

Reason: To ensure compliance.

- C4.** Prior to the commencement of building works a "Peg Survey Report" indicating the location of the each pool and associated structures relative to the allotments boundaries, is to be submitted to Council.

Reason: To ensure compliance.

- C5.** Prior to the commencement of decommission works of the indoor 25 metre heated pool, appropriate security fencing is to be erected as to ensure compliance with AS1926.

Reason: To meet statutory requirements.

- C6.** 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.

- C7.** Material used as fill within the site shall be free of contaminants. A report is to be submitted to Council prior to the placement of any fill on the site, providing details of fill including source of fill and potential contaminates within sourced soil.

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

D. Prior to the issue of a Construction Certificate

- D1.** Prior to issue of a Construction Certificate construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance.

- D2.** Prior to the issue of a Construction Certificate a management plan is to be provided to and be approved by Council, detailing how public access to the existing pool, pools under construction and site will be controlled.

Reason: To ensure access to the site is adequately managed.

Stormwater

- D3.** Prior to the issue of a Construction Certificate, a certified hydraulic engineer's design and specifications for all proposed water, sewer and stormwater shall be provided to Council.

Reason: To ensure adequate management of water, sewer and stormwater within and from the site.

- D4.** Prior to the issuing of a Construction Certificate for recreation indoor and outdoor 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.

D5. Deleted

Stage 1a

D5a. The following contributions shall be made for Stormwater Drainage Headworks:

- \$8,832.25

The contributions for each stage shall be paid prior to issue of the issue of a Construction Certificate for Stage 1a of 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 2015/2016 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.

- D6.** 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.

- D7.** Prior to the issue of a Construction Certificate, an application for the discharge of liquid trade waste to Council's sewer shall be submitted to Council.

Reason: To ensure compliance.

- D8.** Prior to the issue of a Construction Certificate for Stage 1 of development works, the developer is to submit and have approved by Council, a plan for the disposal of backwash water from the existing 25 metre heated pool. The plan is to include modelling and design of the proposed method for disposing of all backwash.

Reason: to ensure adequate disposal of backwash from existing 25 metre pool upon commencement of proposed development.

Stage 2

- D9.** 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.

E. General

- E1.** 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.

- E2.** 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.

Outdoor Lighting

- E3.** 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.

- E4.** Compliance with the Food Act 2003 and Food Safety Standard's and "AS4674-2004 – Design, Construction and Fit-out of Food Premises" is required in respect to all aspects of this food business.

Reason: To ensure compliance.

- E5.** Excavated material from the lot 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.

Reason: Implementation of Council policy.

- E6.** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Driveway crossing standards and specifications.

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

- E7.** Before erection of any permanent structures such as fences, concrete car drives, garages etc. adjacent to street boundaries, correct street levels must be ascertained from the Council's Infrastructure Services Section.

Reason: To ensure compliance efficient construction.

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. The Developer shall ensure that any excavated material removed from the site is not deposited on any land affected by floodwater inundation within the Gunnedah Shire.

Reason: To meet statutory requirements.

E10. Protection of public places

If the work involved in the construction or demolition of any buildings onsite:

- (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.

E11. No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

E12. 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.

E13. Deleted

Stage 1a

E13a. Vehicle parking accommodation shall be provided for a minimum of ninety (90) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.

Reason: To ensure compliance with Council's requirements.

E14. All onsite parking spaces are 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.

E15. All landscaping identified on the approved landscaping plan shall be implemented.

Reason: To ensure adequate landscaping along road frontage.

- E16.** The premises are to be provided with access for disabled persons and disabled toilet facilities that comply with AS1428.1

Reason: To ensure compliance.

F. During Construction Works

F1. Inspections by Council

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

- (a) stormwater drains
- (b) 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.

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

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

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

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

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

- F3.** 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.

- F4.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- F5.** 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.

- F6.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- F7.** 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.

- F8.** 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.

- F9.** In the event that excavation or construction works uncovers an item of potential aboriginal or European heritage significance, operation works are to cease and the Office of Environment and Heritage are to be contacted and any required approvals are obtained.

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

- F10. Protection of public places**

If the work involved in the construction, alteration and decommission of any building onsite:

- (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.

F11. 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.

F12. 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.

- F13.** 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.

- F14.** Deleted

Stage 1

- F14.** The 50 metre pool, shade structures and any associated structures shall only be demolished in accordance with the requirements of AS2601-2001 “The Demolition of Structures” and the requirements of the Workcover Authority of New South Wales including but not limited to:

- (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.

Stage 2

- F15.** The 25 metre indoor pool and Heated Pool Complex shall only be demolished/decommissioned 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.

G. Prior to the issue of an Occupation Certificate

- G1.** Occupation of the building or use of each pool completed during stage 1 or stage 2 of works is not to occur until all work has been completed the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

- G2.** 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 Occupation 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 an Occupation Certificate.

Reason: To ensure compliance with Council’s requirements.

- G3.** 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.

H. Continued Operations

- H1.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- H2.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

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

Reason: To ensure compliance with Council’s requirements.

- H4.** All waste is to be disposed of to a licensed waste facility.

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

- H5.** 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.

PURPOSE

The Modification of Consent Application is being referred to Council as the original development determination No. 2016/031, was made by the Joint Regional Planning Panel Northern (JRPP). The Environmental Planning and Assessment Act 1979 does not require that the S96(1A) application be referred to the JRPP for determination. Hence, as the development exceeds Council’s Staff delegation the Modification of Consent Application has been referred to Council for determination.

Applicant:	Gunnedah Shire Council
Owner:	Crown Land (Gunnedah Shire Council, Land Trustee)
Property Description:	Lot 441 DP755503 11 ANZAC Parade, Gunnedah

Proposed Development

The modification of consent request is seeking consent to amend development staging plans to separate stage 1 into two separate stages, being stage 1a and stage 1b. Stage 2 will be unchanged and no additional or reductions of works are proposed.

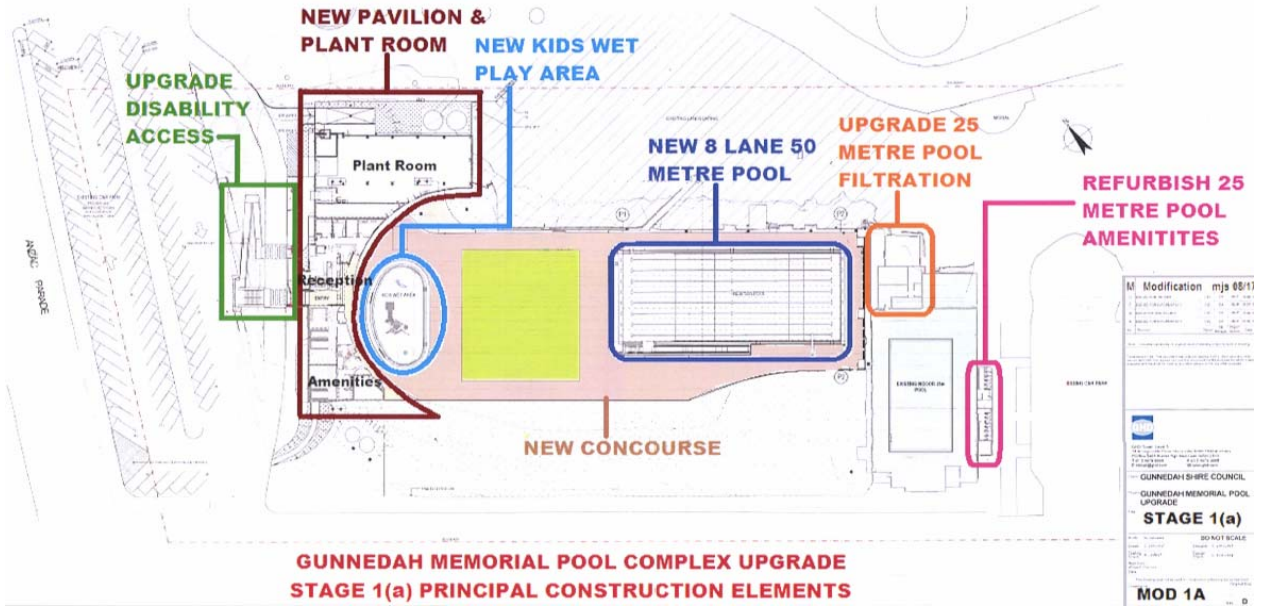


Figure 1 – Stage 1a

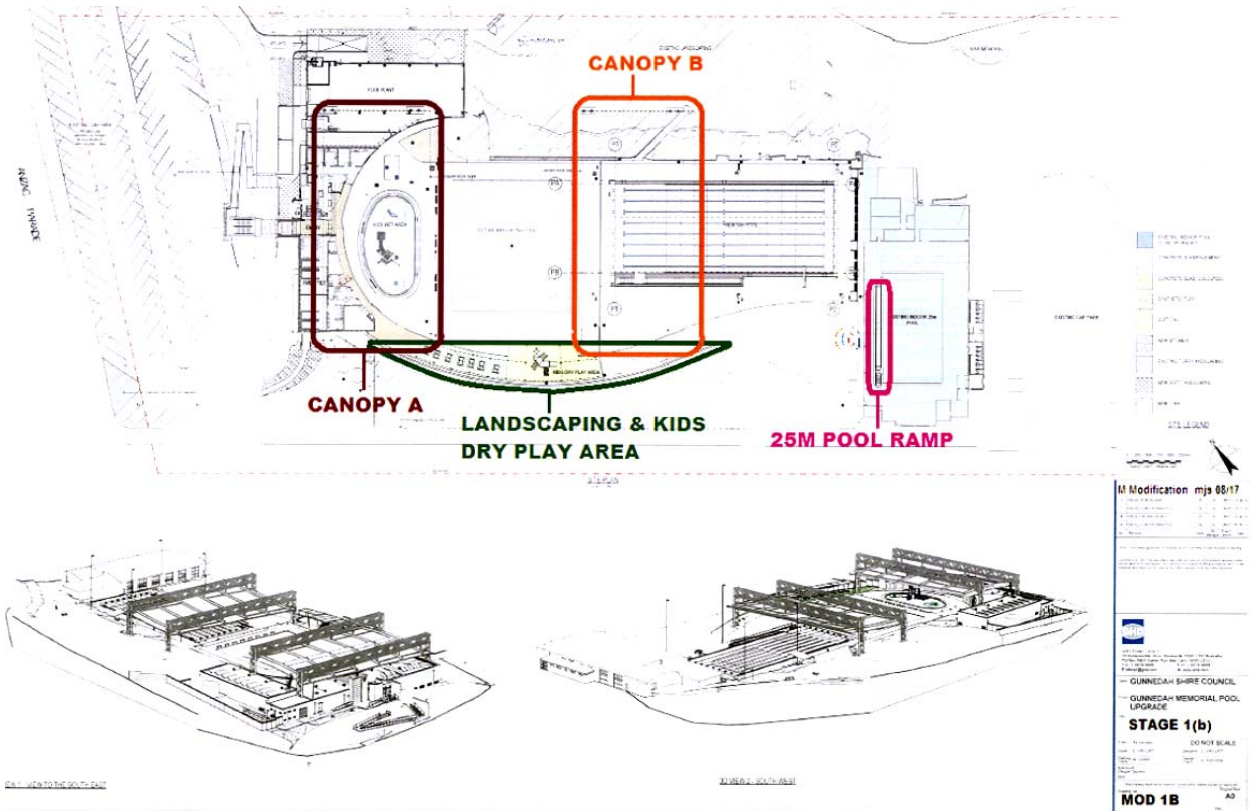


Figure 2 – Stage 1b

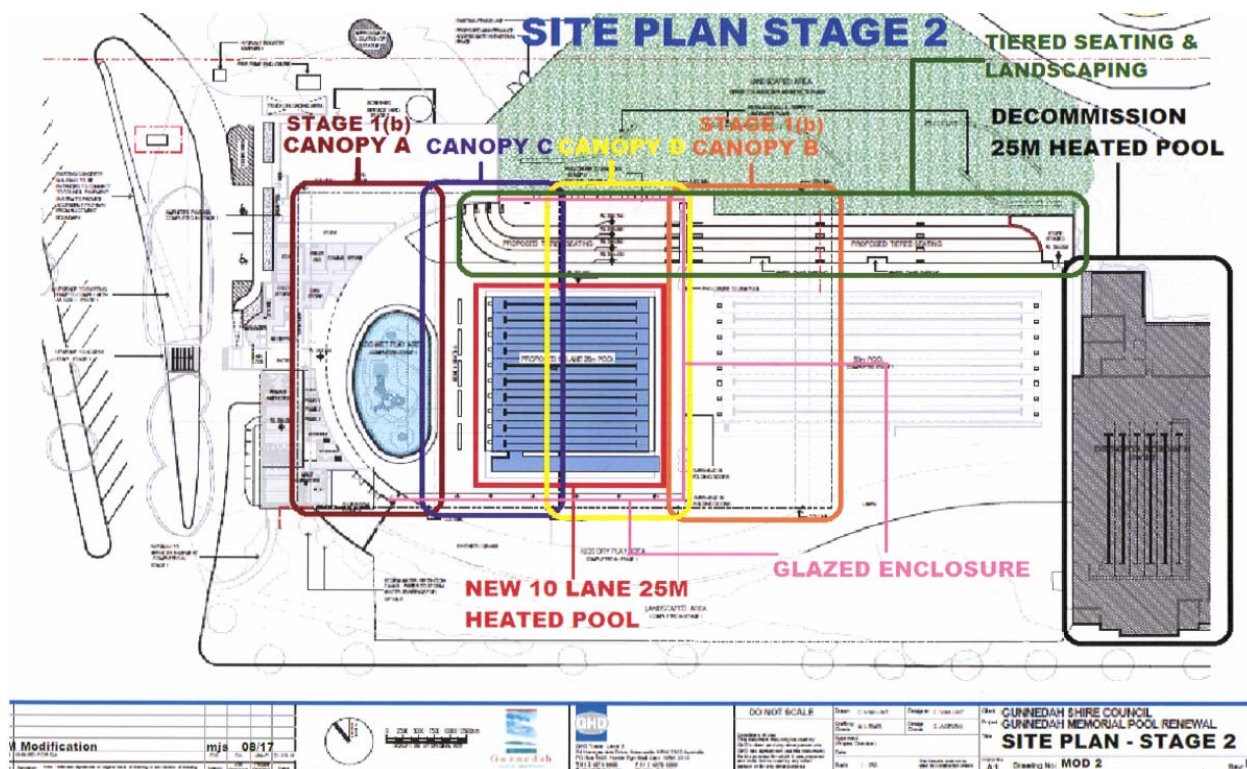


Figure 3 – Stage 2

BACKGROUND

The original Development Application was previously referred to the Joint Regional Planning Panel (JRPP) for determination, pursuant to *Clause 5, Schedule 4A*, of the *Environmental Planning and Assessment Act 1979*, as the development is a Council Development with a capital investment of more than \$5 million. The original application was referred to the JRPP on the 16 May 2016 at which time the JRPP determined that the development should be approved subject to the imposed conditions of consent.

COMMENTARY

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 proposed modification of consent is regarded as being substantially the same development and will not contravene the objectives of the land zoning. The following clauses of the Gunnedah Local Environmental Plan 2012 are applicable to the proposed modification.

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. The development will not impact on the provision of these services. The stormwater retention tanks will be installed during Stage 1b. It is expected that during Stage 1a of works that the stormwater discharge will be consistent with current stormwater discharge. The stormwater retention tanks will be required for stormwater management associated with the installation of the canopy roof over the kids wet play area conducted during stage 1b, of works. All remaining services will be unaffected.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The previous development approval included a SEPP No. 44 assessment. The previous report identified that the development site is not regarded as potential Koala Habitat. The modification will not affect the site to include any additional potential Koala habitat. Hence no further action is required.

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

The Modification of Consent proposal will not impact on the remediation works that are proposed as part of the development works for this development consent. The Modification of Consent proposal will not change any of the land use proposals for each lot parcel and areas of the site. Hence, no assessment is required of the proposed modification into the suitability of the land use to the level of contamination onsite.

S79C(1)(a)(iii) provisions of any development control plan**Gunnedah Development Control Plan 2012***1.7 – Consultation*

The Modification of Consent Application required notification and advertisement as the application is a major Council project with a capital investment value exceeding \$1m. The Modification of Consent Application was notified to the adjoining land holders for a period of 14 days and advertised in the local paper. For the extent of the submission period a copy of the modification of consent was made available at Council's Administration building and on Council webpage. No submissions were received during the submission period.

*Clause 6.6.1 – Environmental Effects**Traffic*

The Modification of Consent proposal is not expected to result in any change to traffic generation of this development. The development will require that the provision of 90 onsite parking spaces is retained as a condition for stage 1a, being the first stage of the development. As a result of the proposed modification, the traffic generation and onsite parking demand is all accommodated during the first stage of works.

Construction Impacts

The separation of stage 1 into stages 1a and 1b will not cause any additional impact on surrounding environment. The development is required to be undertaken in accordance with the relevant Australian Standards, the Building Code of Australia, and Work Health and Safety standards. The increase in staging will not result in additional works being created. It is expected that the works during each stage will have minimal impact on the surrounding locality.

Solid and Liquid Waste

The proposed staging plan will not impact on the waste generation from the development with the new plant room, upgrade of the 25m pool filtration system and upgrade of the amenities to be conducted during the first stage. This is consistent with the works approved within the original development consent. No additional waste discharge or generation is expected.

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*Environmental Planning & Assessment Regulations 2000*

The development was not identified as Designated Development under the provisions of 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 contains the existing Gunnedah swimming pool complex and the Women's Bowling Club grounds. The Women's Bowling Club is unaffected by this development. The site is located to the south of the Gunnedah CBD. The surrounding area contains residential unit complexes, dwelling houses and the Gunnedah Hospital. The site is bounded by public road reserve on all sides. The site currently contains the existing pool facility, pavilion, and 25 enclosed, heated pool and onsite parking areas.

Access, transport and traffic

The Modification of Consent Application will not alter the provision of vehicle access to the site. The modification will not change the provision of onsite parking spaces. Parking requirements will be provided during stage 1a and will ensure that onsite parking demand is accommodated during the initial stage. The Modification will also not result in an increase generation of vehicle movements within the surrounding road network.

Site Design and Internal Design

The approved development included a staging plan for works over two stages. The modification of consent will amend this staging plan to separate the first stage into two separate stages, being stage 1a and 1b. The works to be completed in Stage 2 will be unchanged. The alteration will postpone works such as, the large canopies over the kids wet play area and the western end of the new 50m pool, landscaping, dry play areas and 25m pool disabled access ramp, until stage 1b. This will enable the priority works to be completed during stage 1a, before ascertaining budget limits for the works within stage 1b.

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

The modification of consent will not change the development proposal. The development site is consistent with the existing and future development in the locality and will not impact on the ability of the development to be completed and functional. 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 was referred to the adjoining land holders and advertised within the local paper as per the requirements of the Gunnedah Development Control Plan 2012. Council did not receive any submissions during the exhibition period of this development.

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 Modification of Consent Application is seeking consent for the amendment to development conditions to enable the development works to be completed over three stages instead of the original 2 stages. The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Modification of Consent Application has concluded that the proposed Modification of Consent is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Modification of Consent Application No. 2016/031.002 be approved subject to the deletion of conditions A1, A2, D5, E13 and F14 and the inclusion of conditions A1a, A2a, D5a, E13a and F14a.

ITEM 2	Development Application No. 2014/092.003 – Modification of Consent to Remove the Staging Plan – Lot 58, DP1208878 – 4 Favell Street, Gunnedah
MEETING	Planning Environment & Development – 4 October 2017
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Council plans and guides the development of Gunnedah area. 4.1.3 Ensure that green spaces support and encourage our valuable Koala population to traverse the area and encourage animal health and breeding. 4.9.3 Investigate and act on preservation of our natural and built environment. Operational Plan 1.2.2.1 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act. 4.1.3.1 Consideration of inclusion of suitable koala habitat during assessment of major developments. 4.9.3.1 Implement the provision of the Local Environmental Plan 2012
ATTACHMENTS	Nil

OFFICER’S RECOMMENDATIONS:

That the Modification of Consent No. 2016/092.003, to remove the staging plan and subsequent alteration to conditions relating to staged works, at 4 Favell Street, Gunnedah, Lot 58 DP 1208878, be approved subject to the deletion of condition A1, A2, D2, D6, D8, D9, D11a, D12, E22, E23, E24, F10, F11, F16, G1, G5 and G6 and inclusion of condition A1, D2a, D6a, D8a, D9a, D11b, D12a, D13, D14, D15, D16, F10a, F16a, G1a, G5a and G6a. Amended conditions underlined as follows:

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 13 August 2014;
- Statement of Environmental Effects, prepared by Coastplan Consulting, dated August 2014, Ref: 13100; & Additional Information, dated 18 September 2014, Ref: 13100; &

- Submitted plans:
 - Prepared by Oak Tree Group, dated 01/09/2014, Ref: 2026, Dwg No: 00-01, Rev C (Site Plan), Dwg No: 00-03, Rev C (Site Analysis); & dated 30/07/2014, Dwg No: 01-00, Rev B (Cover Sheet), Dwg No: 01-01, Rev: B (Site Plan), Dwg No: 01-02, Rev B (Floor Plan), Dwg No: 01-05a, Rev B (Elevations), Dwg No: 01-05b, Rev B (Elevations), Dwg No: 02-00, Rev B (2Bed73 Information), Dwg No: 02-01, Rev: B (Floor Plan), Dwg No: 02-06, Rev B (Elevations), Dwg No: 02-07, Rev B (Typical Section & Entry Detail), Dwg No: 03-00, Rev B (2Bed73 Information), Dwg No: 03-01, Rev: B (Floor Plan), Dwg No: 03-06, Rev B (Elevations), Dwg No: 03-07, Rev B (Typical Section & Entry Detail), Dwg No: 04-00, Rev B (2Bed85 Information), Dwg No: 04-01, Rev: B (Floor Plan), Dwg No: 04-06, Rev B (Elevations), Dwg No: 04-07, Rev B (Typical Section & Entry Detail), Dwg No: 05-00, Rev B (2Bed85 Information), Dwg No: 05-01, Rev: B (Floor Plan), Dwg No: 05-06, Rev B (Elevations), Dwg No: 05-07, Rev B (Typical Section & Entry Detail), Dwg No: 06-00, Rev B (3Bed96 Information), Dwg No: 06-01, Rev: B (Floor Plan), Dwg No: 06-06, Rev B (Elevations), Dwg No: 06-07, Rev B (Typical Section & Entry Detail), Dwg No: 07-00, Rev B (3Bed96 Information), Dwg No: 07-01, Rev: B (Floor Plan), Dwg No: 07-06, Rev B (Elevations), Dwg No: 07-07, Rev B (Typical Section & Entry Detail);
 - Prepared by JW Concepts, dated July 2014, Page No: DA01 (Draft Landscaping Concept), Page No:DA02 (Draft Landscaping);
- Supporting Documentation:
 - Civil Engineering Services Report, prepared by Lambert & Rehbein, dated 28 July 2014, Ref: B14298CR001;
 - Stormwater Management Plan, prepared by Lambert & Rehbein, dated 28 July 2014, Ref: B14298ER001;
 - BASIX Certificate No: 561986M, dated 28 July 2014;
 - Assessor Certificate, prepared by Building Sustainability Assessments, dated 28/07/2014, Certificate No: 14910990;

except as otherwise provided by the conditions of consent.

Reason: Compliance with application and plans.

A2. Deleted

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.

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. Shoring and Adequacy of adjoining property

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with the statutory requirements.

C. Prior to Work Commencing

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

Reason: To meet statutory requirements.

- C2.** Prior to 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.

- C3.** 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.

- C4.** An identification survey shall be provided to Council showing the plan locations of the principal structures and all of the utility services and access ways required for the development. The identification plan shall include the location, extent and terms of all easements and right-of-ways required for the proper functioning of the utility services and access ways as well as property boundaries and boundaries of each stage of development works. This survey is to be completed by a Registered Surveyor and approved by Council prior to the commencement of works.

Reason: To insure compliance with stamped construction plans.

- C5.** Prior to the commencement of any building works associated with the proposed dwellings/units The proposed retaining wall shall be completed in its entirety and in accordance with the Council approved design. A retaining wall shall be constructed wherever the proposed site cut exceeds 600mm and shall be designed and certified by a practicing Structural Engineer.

Reason: To ensure the structural integrity of the site.

- C6.** Engineering Drawings and construction specifications shall be prepared in accordance with Council's Guidelines for Subdivisions and Developments 2013 are required for water supply, sewer, stormwater drainage, roads and erosion control during construction, to ensure all works are designed and constructed in accordance with recognised and accepted standards. These drawings, including stormwater drainage calculations, geotechnical test results and pavement depth calculations must be approved by Council prior to the commencement of works.

Reason: To ensure compliance with Council's requirements.

D. Prior to Issue of a Construction Certificate

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

Reason: To comply with statutory requirements.

D2. Deleted

D2a. Prior to the issue of a Construction Certificate for works, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the estimated cost of the applicable works, in accordance with the Gunnedah Section 94A 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 the development. The current calculated levy for all works is \$125,000, revised construction cost may incur a varied levy fee. The total of all the contribution payments are to equate to a minimum of \$125,000.

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.

- D3.** 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.

- D4.** 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.

- D5.** 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.

D6. Deleted

D6a. Sewer capacities required by the development shall be determined and modelled for the entire development using guidelines provided by the Sewer Code of Australia and capacities added to Council's sewer system design for comparison. A Sewer Servicing Plan shall be submitted to Council and approved by Council prior to issue a Construction Certificate.

Reason: To ensure Council's Sewer Infrastructure is adequate for the proposed development.

D7. Engineering drawings and specifications for the construction and installation of all works relative to the proposed extension of Road 1 and infrastructure construction associated with public water supply, sewer drainage and stormwater drainage extensions 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.

Reason: To ensure compliance with application and plans.

D8. Deleted

D8a. A water supply service suitable for the demands of the development shall be provided by connecting to the water main to be extended in accordance with the requirements of the Council's Guidelines for Subdivisions and Developments in Road 1. Water consumption shall be determined (including Fire requirements) in accordance with the Water Code of Australia and provided to Council for approval prior to issue of a Construction Certificate.

Note: Should the water main not be provided by virtue of Development Consent 2014/073 the extension of this main shall be the responsibility of the developer.

Reason: To ensure Councils Water Infrastructure has sufficient capacity for the development.

D9. Deleted

D9a. Prior to the issue of a Construction Certificate, details of waste collection contract and details of waste disposal are to be supplied to Council and approved.

Reason: To ensure compliance with SEPP (Housing for seniors or People with a Disability) 2004.

Dwelling/Unit Construction

D10. Prior to the issuing of a Construction Certificate for each stage the Developer shall apply to Council for approval under Section 68 of the Local Government Act 1993 to:

- i. Carry out water supply works
- ii. Carry out sewerage works
- iii. Carry out stormwater drainage works
- iv. Carry out on-site sewer 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.

D11. Deleted

D11a. Deleted

D11b. A Compliance Certificate for each stage under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority).

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

- \$3,394.80 per each 2 x bedroom unit; or
- \$5,686.29 per each 3 x bedroom unit, for water headworks

- \$2,819.20 per each 2 x bedroom unit; or
- \$4,722.16 per each 3 x bedroom unit, for sewer headworks

The contributions for each unit shall be paid prior to the issue of a Construction 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 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.

D12. Deleted

D12a. The proposed development will increase the demand for the following public amenities and public services within the area namely:

* Stormwater Drainage

Pursuant to Section 64 of the Local Government Act 1993 Council requires the payment of a monetary contribution of:

* \$1,285.88 per dwelling unit

The contribution for each unit shall be paid prior to the issue of a Construction Certificate.

The contributions required by this condition are allowed by and 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.

Note: The above contributions have been adopted under the 2014/2015 Council Management Plan. Revised rates adopted in subsequent Operational Plans will apply to an occupation certificate issued in later financial years.

Reason: To ensure compliance with Council's Contributions and Development Services Plan.

D13. Prior to the issue of a Construction Certificate for any unit, the stormwater drainage system for the development site shall be installed to connect the development to Council's drainage infrastructure in accordance with Council's Guidelines for Subdivisions and Developments. The stormwater drainage system shall be provided to and approved by Council prior to installation.

Note: The Pearson Street stormwater system is at capacity, therefore the stormwater detention system shall be designed in accordance with Council's Guidelines for Subdivisions and Developments 2013 and cater for storms up to and including a 100 year storm event.

When designing for the drainage and detention system, consideration must be given to catchment areas above the development and at a minimum cater for adjoining overland flows.

Reason: To ensure Stormwater is disposed of in accordance with Council Guidelines.

Water Supply

D14. Prior to the issue of a Construction Certificate for any unit, a water supply service capable of meeting the demands of the development shall be provided to the development site. Council's existing water main located in Road 1 shall be extended to 20 metres beyond the southern boundary of the development site. A water service shall be extended from this main extension. A stop valve and hydrant shall be installed at the end of the water main extension. The design of the water main extension shall be provided to and approved by Council prior to installation. All works are to be in accordance with Council's 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

D15. Prior to the issue of a Construction Certificate for any unit, a sewer service capable of servicing the development shall be provided to the development site. Council's sewer main is to be extended from Pearson Street, at the northwest corner of the development site, along the northern site boundary to a point in adjacent to the site entry in Favell Street and thence southerly along the eastern boundary of the development site. The sewer main is to include all the necessary manholes and junctions. The design of the sewer main extension is to be provided to and approved by Council prior to installation. All works are to be undertaken and inspected in accordance with Council's Guidelines for Subdivisions and Developments 2013.

Reason: To ensure compliance with Council's requirements.

D16. All infrastructure works, including extension of Council's water or sewer mains and connection to stormwater as well as construction of all boundary fences, is to be undertaken prior to the issue of a Construction Certificate for any unit. The extension of Council's water, sewer and stormwater mains where required, is to be undertaken in accordance with Council's Guidelines for Subdivisions and Developments 2013.

Reason: To ensure all required infrastructure works and fencing are completed as required.

E. General

- E1.** All buildings are to be positioned a minimum of 3 metres from related lot boundaries.

Reason: To ensure compliance with development plans.

- E2.** Vehicle access to the proposed development is to be from Road 1 identified on development plans. No vehicle access is to occur from Pearson Street.

Reason: To ensure suitable Public road access is provided.

Easements

- E3.** Three (3) metre wide easements shall be created in Council's favour over all public water, stormwater and sewer mains controlled and managed by Council located within the boundaries of the lots.

Reason: To ensure compliance with Council's requirements.

Landscaping

- E4.** All landscaping shall be conducted in accordance with the approved landscaping plan.

Reason: To ensure adequate landscaping along road frontage.

On-site Lighting

- E5.** All outdoor lighting is to be in accordance with AS 4282-Control of Obtrusive Effects of Outdoor Lighting.

Reason: To ensure amenity of neighbours.

Swimming Pool

- E6.** The proposed pool shall comply with the relevant parts of the Swimming Pool Act 1992, Swimming Pool Regulation 2008 and Australian Standard 1926.1.

Reason: To ensure compliance with legislation and standards.

Community Bus

- E7.** A bus service is to be provided for all occupants of the development, that complies with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Part 2, Clause 26.

Reason: To ensure compliance.

- E8.** The Developer is to ensure that the community bus has a minimum of 10 seats available for passengers, not including the driver. This bus is to operate daily at least once between the hours of 8am and 12pm and at least once between 12pm and 6pm.

Reason: To ensure compliance with the SEPP (Housing for Seniors or People with a Disability) 2004.

Allotment Filling

- E9.** 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.

- E10.** 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.

Road Works

- E11.** Proposed Road 1 shall be constructed from the existing formation to 20 metres beyond the south side of the proposed vehicle entry to the site. The road works will include the construction of a temporary gravelled cul-de-sac turning area within the road reserve. The design of the road works shall be submitted to and approved by Council prior to certification. The works shall be constructed in accordance with Council’s Engineering Guidelines for Subdivisions and Developments 2013 and Austroads Specifications.

Note: The minimum radius required for the gravelled cul-de-sac is 10.5m.

Reason: to provide vehicle turning area.

- E12.** 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.

Reason: To ensure compliance with Council’s requirements.

Traffic and Parking

- E13.** Parking areas must comply with AS 2890 – *Parking Facilities*. Driveway and parking areas are to be bitumen sealed, paved or constructed of other dust suppressant method. Details of surfacing must be provided to Council and approved prior to the issue of a Construction Certificate.

Reason: To ensure compliance with relevant Australian Standards.

- E14.** Onsite car parking accommodation shall be provided for a minimum of seventeen (17) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.

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

Traffic and Street Signage

- E15.** The developer shall meet the cost to Council of supply and installation, of all public street signage (both traffic and name) relevant for all works. The signage shall be installed by Council upon completion of Construction Works.

Reason: To ensure compliance with Council’s requirements.

Electricity

- E16.** Internal electrical services provision is to be provided in the form of an underground electrical service. Each dwelling/unit shall be provided with a service in accordance with Essential Energy’s supply guidelines.

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

Street Lighting

- E17.** 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 Essential Energy’s residential development standards.

Reason: To ensure compliance with Council's requirements.

- E18.** Stormwater trunk drainage appropriately sized is to be installed as part of the road works associated with the extension of Road 1 to make provision for stormwater management associated with the development of the subdivision under Development Consent 2014/073.

Reason: To ensure compliance with Council's requirements.

Stormwater Drainage

- E19.** Stormwater from the development site must not be concentrated onto adjoining land. All stormwater management measures shall be provided in accordance with Council's specifications and requirements.

Reason: To ensure compliance with Council's requirements.

- E20.** Runoff from rainfall events up to, and including the 10 year ARI event must be contained with 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. 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 requirements.

- E21.** Stormwater collected from the yard and roof (including overflow outlet from any rainwater tank) shall be collected and directed to the stormwater drainage system via underground pipes.

Reason: To ensure stormwater is satisfactory disposed of from the site.

E22. Deleted

E23. Deleted

E24. Deleted

- E25.** All internal sewer main drainage (exclusive of Council's sewer mains) remain the property of the owner who shall be responsible for the maintenance of the sewer main.

Reason: To ensure identify responsible parties.

Onsite Waste Storage

- E26.** Onsite Waste storage areas are to be adequately screened from view from a public place to the satisfaction of Council. The location of these areas are to be submitted to Council and approved by Council prior to installation.

Reason: To reduce impact on local amenity.

F. During Construction Works

- F1.** 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.

- F2.** No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

- F3.** Street numbers of minimum height of 75mm are to be displayed in a prominent position so as to be legible from the street.

Reason: To ensure proper identification of premises in case of emergencies.

- F4.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- F5.** 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.

Note: 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.

- F6.** 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.

- F7. 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.

- F8. Support for neighbouring buildings**

If an excavation associated with the construction of any stage of the seniors living development 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 in 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.

Access

F9. Vehicular access will be from the Road 1 and will require installation of a concrete layback and the construction of a full width concrete driveway across the footpath in accordance with Council's standards, specifications and *AS 2890.1 Parking Facilities*. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at: <http://www.gunnedah.nsw.gov.au>

- 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 driveway is commenced.
- b) Upon the satisfactory completion of the driveway by the developer, the security bond will be released.

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 implement Council's policy.

F10. Deleted

F10a. The developer is to install all letterbox facilities for all units.

Reason: To ensure compliance.

F11. Deleted

F12. Deleted

F13. Deleted

F14. Deleted

F15. Deleted

F16. Deleted

F16a. Where a staged construction certificate is issued for the proposed development, the internal road for the extent of the development works is to be extended from the existing formation servicing previously constructed units, for the extent of the frontages to each dwelling/unit. The road layout is to be constructed in accordance with the approved site plan prepared by Oak Tree Group, dated 01/09/2014, Ref: 2026, Dwg No: 00-01, Rev C (Site Plan), & dated 30/07/2014, Dwg No: 01-01, Rev: B (Site Plan).

The road construction is to include the construction of a temporary gravel, cul-de-sac turning area at the termination of each internal road. The cul-de-sac shall have a minimum radius of 10.5 metres. All works shall be conducted in accordance with Council's Engineering Guidelines for Subdivision and Developments 2013 and Austroads Specifications.

Reason: To provide adequate internal driveway and vehicle turning area onsite.

F17. 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).

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

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

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

F18. Prior to the back filling of all sewer, water and stormwater mains, a visual inspection is to be undertaken by Council.

Note: The contractor shall provide Council with 48 hours notice that the works are ready inspection.

Reason: To ensure compliance with Council's requirements.

F19. The developer shall ensure that all back fill over sewer mains shall be a minimum of 3-5 mm granular grit.

Reason: To ensure compliance with Council's requirements.

F20. Vacuum or air testing is required to all sewer mains in accordance with the Sewer Code of Australia WSA 02-2002 clause 22.4.2

Reason: To ensure compliance with Council's requirements.

- F21.** 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.

Note: The contractor shall provide Council with 48 hours' notice that the works are ready inspection.

Reason: To ensure compliance with Council's requirements.

G. Prior to Issue of an Occupation Certificate

- G1.** Deleted

- G1a.** Prior to the Issue of an Occupation Certificate, Lots 1 DP1106240 and Lot 14 DP826656 shall be consolidated into one allotment and Road 1 dedicated as public road. All public infrastructure shall have easements established over it in favour of Council.

The fee for subdivision of \$120 shall be paid to Council at the lodgement of the subdivision plan.

Reason: To ensure that the development is situated on one allotment and access to public infrastructure is made available.

- G2.** One set of approved construction drawings shall be amended to show the "work-as-executed". (WAE). These drawings in both hard copy and electronic form shall be provided prior to issue of the Occupation Certificate for each stage.

Note: The drawings shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. The electronic copy of the WAE shall be provided in dwg format.

Reason: To ensure adequate records are maintained of Council and community infrastructure.

- G3.** No access to the development is to occur from Pearson Street.

Reason: Council has resolved to close Pearson Street adjacent to the development site.

- G4.** A Restriction as to User, pursuant to Section 88E of the Conveyancing Act 1919 is to be registered against the title of the property on which this development is to be carried out, which restricts the tenants housed granted occupancy to those listed:

- a) Seniors or People who have a disability;
- b) People who live within the same household with seniors or people with have a disability;
- c) Staff employed to assist in the administration of and provision of services to housing provided under this Policy.

Note: Seniors as defined within the SEPP (Housing for Seniors or People with a Disability) 2004 are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided, or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

Reason: To ensure compliance with SEPP (Housing for Seniors or People with a Disability) 2004.

G5. Deleted

G5a. Written notification shall be provided prior to the issue of an Occupation Certificate, to demonstrate that electricity supply connection has been provided to the lot and is capable of servicing the whole development.

Reason: To ensure that electrical services are provided.

G6. Deleted

G6a. Written notification shall be provided prior to the issue of an Occupation Certificate, to demonstrate that telecommunication cables have been provided to the lot capable of servicing the whole development.

Reason: To ensure that telecommunication services are provided.

H. Continued Operation

H1. The development is to ensure compliance with the requirements of the State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004 for the extent of the life and operation of the site for seniors living.

Reason: To ensure compliance.

H2. The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

H3. The sealing to all vehicular parking, manoeuvring and internal roadways are to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

H4. No general household waste is to be disposed of onsite. All waste generated onsite is to be disposed of to Council's waste management facility via appropriate means. Appropriate onsite waste bins storage areas and disposal measures are to be maintained for the life of the development.

Reason: To ensure suitable disposal of waste.

H5. A bus service is to be provided for the life of the seniors living development.

Reason: To ensure compliance

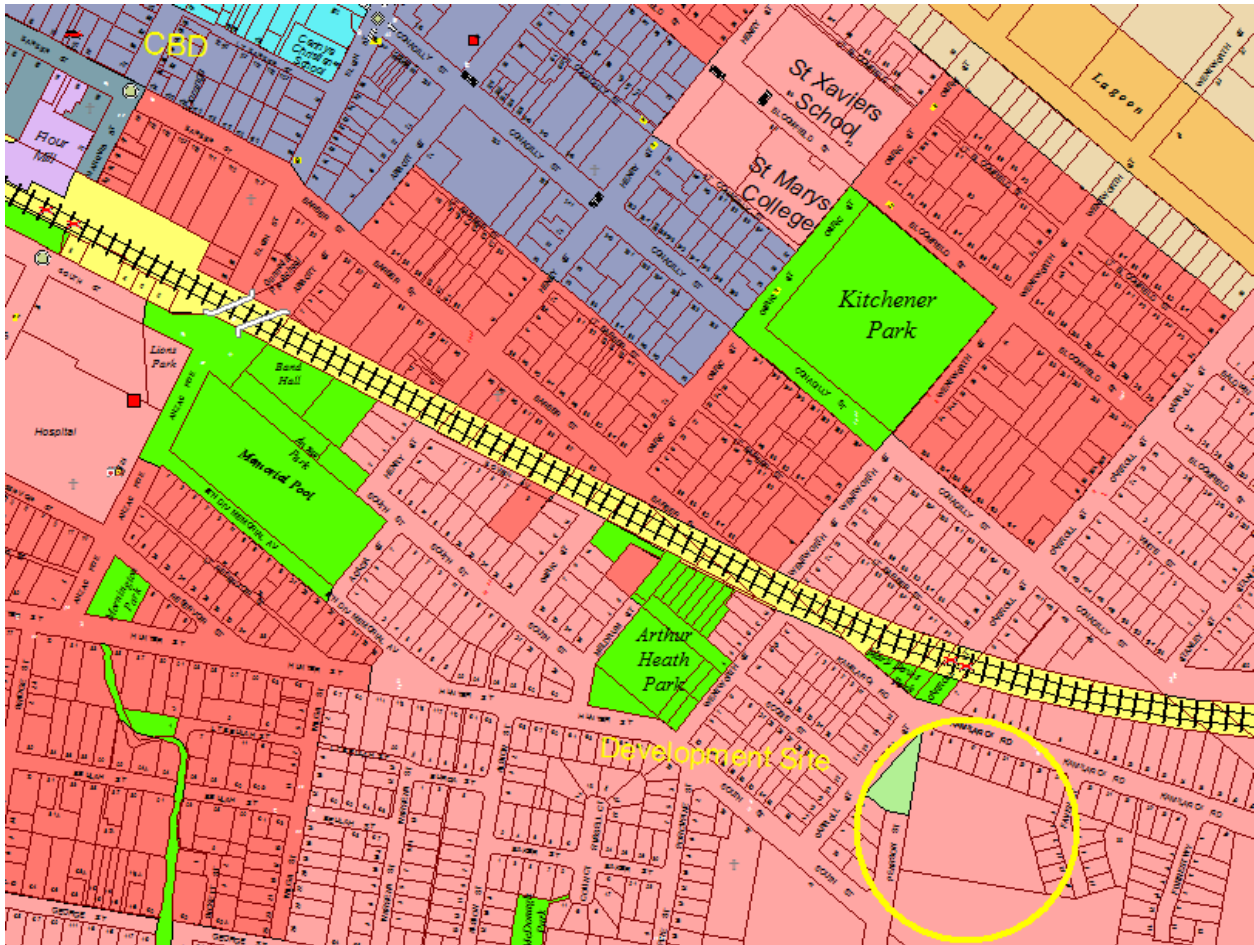
H6. Continue operation is to ensure compliance of the development with AS/NZS 2107-2000, Acoustics – Recommended design sound levels and reverberation times for building interiors.

Reason: To ensure compliance with SEPP (Housing for seniors or People with a Disability) 2004.

PURPOSE

The Modification of Consent Application is being referred to Council as the original development consent No. 2014/092 and Modification of Consent No. 2014/092.002 was previously determined by Council.

Applicant: Coastplan Consulting
 Owner: Oak Tree Retirement Village
 Property Description: Lot 58 DP1208878,
 4 Favell Street, Gunnedah



Locality Plan

Proposed Development

The Modification of Consent Application is seeking the variation to the removal of plans, conditions and references to the staging of the development consent. The current development approval is currently undertaken over 18 stages. The Modification of Consent Application will enable the development to being conducted over one stage only.

BACKGROUND

Council previously approved Development Consent No. 2014/092, for the construction of a 67 unit Senior Living Development that included community centre, swimming pool and bowling green. The development was approved to be constructed over 18 stages. On 17 December 2017, Council approved a modification to the development consent to correct a conditions relating to development headwork contributions.

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 use of the site as Senior Living is permitted subject to development consent within the R2 zoning. The proposed development is consistent within the objectives of the zone as the development will encourage employment opportunities. The following clauses of the Gunnedah Local Environmental Plan 2012 are applicable to the development.

4.4 – Floor Space Ratio

The modification of consent will not impact on the floor space of development onsite. As the original development proposal was compliant with the development site floor space ratio it is considered that the modification is also compliant.

6.5 – Essential Services

The development site is currently serviced by Council's water, sewer and stormwater services and suitable vehicle access. The proposed modification of consent will not impact on provision of essential services.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

Previous investigation determined that the development site is not regarded as being potential Koala Habitat and hence SEPP 44 does not apply to the development site. Hence, no further investigation is required.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed modification will not change the provision of signage for the proposed development.

S79C(1)(a)(iii) provisions of any development control plan**Gunnedah Development Control Plan 2012****1.8 – Consultation**

The modification of consent was notified to adjoining land holders as the original development determination was referred to adjoining land holders for comment. No submissions were received during the submission period.

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

The development site is located within the residential area of Gunnedah to the east of the central business district. The surrounding area is predominately residential usage containing dwelling house and vacant residential allotments.

Utilities

The removal of the staging will not have any impact on the provision of services, as services have already been provided to the site and any ongoing service provision will be conducted internally. Conditions relating to works to be undertaken prior to the issue of a construction certificate for Stage 1, are to be retained as consent conditions, to ensure that works are adequately completed. As there will no longer be a staging plan for this development, the completion of these works are to be conducted prior to the issue of a construction certificate

Site design and internal design

The development currently has approval for the undertaking of the development over 18 stages. The modification to remove the staging will not amend the development layout or the number of units to be created. All development setbacks will be unchanged.

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

The modification of consent will not change the development proposal. The development site is consistent with the existing and future development in the locality. The development will be complimentary to the existing development conducted within the surrounding street locality. The site is not identified as being bushfire or flood prone land 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 was notified to adjoining land holders. The modification was placed on public exhibition for a period of 14 days for which time a copy of the application was placed on Council's webpage and a hard copy was made available at the Council's administration building. No submissions were received during the exhibition period.

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 Modification of Consent Application is seeking approval to remove the approved staging plan and alter any conditions that have reference to staging of works. The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The evaluation of this development application has concluded that the proposed Modification of Consent is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Modification of Consent Application No. 2014/092.003 be approved subject to the deletion of Conditions A1, A2, D2, D6, D8, D9, D11a, D12, E22, E23, E24, F10, F11, F16, G1, G5 and G6 and insertion of Conditions A1, D2a, D6a, D8a, D9a, D11b, D12a, D13, D14, D15, D16, F10a, F16a, G1a, G5a and G6a.

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Shire of
Gunnedah
Land of Opportunity
