

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

## MEETING NOTICE

<b>COMMITTEE</b>	<b>PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE</b>
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>DATE</b>	Wednesday 3 October 2018
<b>TIME</b>	4:00pm
<b>VENUE</b>	Council Chambers, 63 Elgin Street, Gunnedah
<b>ATTACHMENTS</b>	Director Planning and Environmental Services Report

### AGENDA

1. Present/Apologies
2. Declarations of Interest
3. Report of Director of Planning and Environmental Services
  - 3.1 Application to Modify a Development Consent No. 2015/062.004 – Modification to remove staging plan, change fencing material to steel and change lot configuration – Lot 24 DP1235089 – 131 Quia Road, Gunnedah ..... 3
  - 3.2 Application to Modify a Development Consent No. 2015/054.002 – Modification to amend building envelope and Asset Protection Zone on Lot 5 – Lot 662 DP723481 and Lot 680 DP39633 – 229 Kamilaroi Road, Gunnedah..... 23

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

<b>ITEM 1</b>	<b>Application to Modify a Development Consent No. 2015/062.004 – Modification to remove staging plan, change fencing material to steel and change lot configuration – Lot 24 DP1235089 – 131 Quia Road, Gunnedah</b>
<b>MEETING</b>	Planning, Environment and Development – 3 October 2018
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamline to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Ensure compliance with legislation through assessment of development applications
<b>ATTACHMENTS</b>	Nil

### OFFICER'S RECOMMENDATIONS:

That the Modification of Consent No. 2015/062.004, to modify the lot configuration, alteration of fence material from aluminium to steel and removal of staging plan, at Lot 24 DP1235089 – 131 Quia Road, be approved subject to the deletion of conditions A1b, A4, C1b, F5a, F5b, F6, F15, F21a, F21b, I8 and I9 and insertion of conditions A1c, C1c, F6a, F10a, F13a, F15a, I8a and I9a. Amended conditions underlined as follows:

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

**A1.** Deleted

**A1a.** Deleted

**A1b.** Deleted

**A1c.** The proposed development shall be carried out generally in accordance with the details set out in the following:

- Development Application form lodged 06 July 2015
- Statement of Environmental Effects, prepared by Geolyse dated 2 July 2015, ref: 214358\_SEE\_001E.docx;
- JRPP Deferral and Request for Additional Information, prepared by Geolyse, dated 17 December 2015, ref: 214358\_LET\_004A.docx;
- Additional Information, prepared by Geolyse, dated 10 March 2016, ref: 214358\_LET\_005B.docx;
- Statement of Environmental Effects, prepared by Geolyse dated 6 December 2017, ref: 214358\_MOD\_002A.docx; and
- Submitted plans:
  - Prepared by Geolyse Pty Ltd, dated 15/08/2018, Ref: 214358, Drawing No. 14A\_TP01, Rev A (Title Sheet, Drawing List, and Site Locality), Drawing No. 01P\_TP04, Rev. A (Proposed Subdivision Plan), Drawing No. 01P\_TP06, Rev

A (Proposed Solar Module and Lot Layout), Drawing No. 01P\_TP07, Rev A (Proposed Servicing Strategy Plan), 01P\_TP08, Rev A (Proposed Fencing Plan), Drawing No. 01P\_TP09, Rev A (Proposed Landscaping Plan), Drawing No. 01P\_TP10, Rev A (Proposed Elevation of Typical Module);

- Supporting Documentation:
  - Preliminary Contamination Report, prepared by Environ, dated: July 2007, ref: 32-0073;
  - Stormwater Management Strategy, prepared by Geolyse, dated 25 September 2015, Ref: 214358\_REO\_002A.docx; & dated 14 October 2015, Addendum 1: Stormwater Modelling;
  - Koala Management Plan, prepared by David C. Paull, dated 20 October 2015;
  - Traffic Assessment Report, prepared by TPK & Associates Pty Ltd, dated August 2008;
  - Sampling Plan, prepared by Geolyse, dated 27 January 2016, ref: 214358\_REP\_004B.docx;
  - Draft Community Management Statement, Version 2;
  - Detailed Site Investigation, prepared by Geolyse, dated 10 March 2016, ref: 214358\_REP\_006C.docx, Version 2-Final;
  - Asbestos Removal Control Plan;
  - Safe Works Method Statement Asbestos Removal & Metal Roofing Works, prepared by P & D Bamford Enterprises Pty Ltd, dated 14/12/2015, Issue 1;
  - Site Contamination and Characterisation Management Plan, dated 17 December 2015, ref: 214358\_REP\_003B.docx;

except as otherwise provided by the conditions of consent.

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

**A2.** To confirm and clarify the terms of this approval, development consent is given for the undertaking of the following works:

- Construction of a maximum 272 solar array modules. Each module is to consist of:
  - A maximum of 330 Photovoltaic (PV) solar panels, each generating 300W;
  - Micro inverter, to convert DC current from PV modules to AC;
  - Aboveground and underground electrical conduits and cabling;
- Subdivision of 9 lots into 24 lots;
- Subdivision of proposed Lot 24 to create 272 Community internal access driveway, all internal access tracks and areas surrounding each community title lot.
- Generation of a no more than 27 megawatt (MW);
- Construction of boundary fence for proposed Lots 24 and 9;
- Remediation of the site in accordance with the Detailed Site Investigation, Version 2, Dated 10 March 2016;
- Operational life of electrical generating works of no longer than 25 years from the commencement of electrical generating operations;
- Decommissioning of all solar arrays, above and below ground infrastructure and electrical substation and any other structures or infrastructure relating to solar generation works, upon cease of operational life of solar generation works in accordance with the Statement of Environmental Effects, prepared by Geolyse dated 2 July 2015; and

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

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

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

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

- A4.** Deleted

**B. Prescribed conditions**

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

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

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

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
  - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

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

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

**B2. Erection of signs**

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

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

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

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

**C1.** Deleted

**C1a.** Deleted

**C1b.** Deleted

**C1c.** Engineering drawings and specifications for the construction and installation of all works relative to the proposed subdivision shall be submitted to Council for approval prior to the issue of a Construction Certificate. The design of all works is to be related to the adjoining infrastructure. All drawings and specifications are to be in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013, except as otherwise provided by the conditions of consent.

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

- C2.** All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

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

- C4.** The existing abattoir buildings, and all associated services on Lot 1 DP 1111136 and Lot 339 DP 755503 are to be located wholly within the boundaries of proposed Lot 10 and comply with the fire separation provisions of the Building Code of Australia. An identification survey is to be provided to Council prior to the issue of a Construction Certificate for subdivision works. The identification survey shall identify the location of all buildings and structures associated within the abattoir site within on Lot 1 DP 1111136 and Lot 339 DP 755503 and the setbacks from the resulting lot boundaries of proposed Lot 10.

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

#### ***Allotment Filling***

- C5.** All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

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

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

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

- C7.** Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plan and specification for these facilities are considered an integral part of the development and must be approved by Council prior to the issue of a Construction Certificate.

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

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

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

- C9.** Deleted

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

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

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

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

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

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

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

- D4.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

***Reason: To comply with statutory requirements.***

- D5.** Deleted

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

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

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

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

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

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

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

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

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



- (b) Carry out stormwater drainage works

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

***Reason: To ensure environmental health standards are met.***

## **E. Prior to Commencement of Works**

### **Subdivision Works**

- E1.** Deleted

- E1a.** A Construction Certificate is to be obtained prior to commencement of subdivision works for each stage and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority must be the Council.

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

- E2.** The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

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

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

***Reason: To ensure any other subdivision consent is surrendered.***

### **Solar Energy Generation Facility**

- E5.** Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of any structures. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

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

- E6.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

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

## **F. General**

### **Demolition Works**

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

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

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

***Reason: To ensure compliance and safety of workers.***

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

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

- F3.** The developer shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere from the onsite and from vehicles transporting material off-site.

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

- F4.** The deliberate burning of the building and/or demolition material shall not be permitted.

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

- F5.** All excavations and backfilling associated with the demolition of a building must be executed safely and in accordance with appropriate professional standards and they must be properly guarded and protected to prevent them from being dangerous to life or property.

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

**F5a.** Deleted

**F5b.** Deleted

**F6.** Deleted

#### **Road Works**

**F6a.** Kerb and guttering shall be constructed along the southern side of the development site on Quia and Ross Road and the eastern side of Blackjack Road for the entirety of the site frontage to the southernmost point of proposed Lot 1. Kerb and guttering shall also be constructed for the intersection of Blackjack Road and Quia Road. Existing road formations are to be extended from the existing pavement to the kerb and guttering with full depth pavement in accordance with Austroads/RMS supplements. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

#### **Water Supply**

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

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

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

**F8.** Deleted

**F8a.** Deleted

**Sewer**

**F8b.** A single sewer service shall be provided to each lot. The new sewer services shall be provided by extending Council's sewer main from the existing sewer located in Quia Road through the development site in accordance with submitted plans, prepared by Geolyse Pty Ltd, dated 25/09/2015, Ref: 214358, 01L\_TP05, Rev L (Proposed Servicing Strategy Plan).

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

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

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

**Stormwater Drainage**

**F9.** Deleted

**F9a.** Stormwater from the development site must not be concentrated onto adjoining land. Stormwater is to be discharged to Council's stormwater system in Quia Road and Ross Road, in accordance with the submitted Stormwater Management Strategy, prepared by Geolyse, dated 25 September 2015, Ref: 214358\_REO\_002A.docx; & dated 14 October 2015, Addendum 1: Stormwater Modelling.

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

**F10.** Deleted

**F10a.** Inter-allotment stormwater drainage systems shall be constructed to provide adequate drainage facilities over Lots 1-10.

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

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

**F11.** Deleted

**F11a.** Runoff from rainfall events up to, and including the 5 year ARI event must be contained within a piped or channelised system of adequate size to accommodate post development stormwater flows. Flows greater than the 5 year ARI event up to and including the 100 year ARI must be controlled within overland flow paths. Where flow paths are located on private property, an easement shall be provided in favour of the lots/lands that benefit.

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

#### ***Easements***

**F12.** A three (3) metre wide easement in Council's favour shall be created over all water, stormwater and sewer mains located within lot boundaries.

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

**F13.** Deleted

**F13a.** An 80 metre wide easement is to be created over the proposed stormwater drainage corridor as shown on plan prepared by Geolyse, dated 19/10/2015, 01N\_TP05, Rev N (Proposed Servicing Strategy Plan).

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

#### ***Electricity***

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

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

**F15.** Deleted

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

**F15a.** The developer shall extend, supply and install street lighting along all street frontages, in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. All intersections shall be provided with street lighting. All works are to be undertaken in accordance with AS1158.

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

#### ***Allotment Filling***

**F16.** All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

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

**F17.** Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and also the compaction test results.

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

**F18.** Deleted

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

***Reason: Implementation of Council policy.***

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

**Reason: To ensure compliance efficient construction.**

#### **Noise**

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

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

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

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

**Reason: To ensure compliance.**

**F21a.** Deleted

**F21b.** Deleted

#### **Solar Energy Generation Facility**

##### **Access**

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

**Reason: To prevent dust nuisance.**

- F22a.** The developer shall construct the internal driveway over the proposed right of way within Lot 25, from the North lot boundary along Ross Road for the full extent of the access handle as shown in the submitted plan prepared by Geolyse Pty Ltd, dated 28/11/2017, Ref: 214358, Drawing No. 01P\_TP03, Rev. Q (Proposed Subdivision Plan). The internal driveway is to be constructed of either bitumen seal, asphaltic concrete, concrete, interlocking pavers or alternative dust-suppressant material approved by Council.

**Reason: To prevent dust nuisance.**

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

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

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

**Traffic and Parking**

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

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

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

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

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

**Reason: To ensure onsite parking is clearly marked.**

**Landscaping**

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

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

**Outdoor Lighting**

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

**Reason: To ensure compliance.**

**Remediation Works**

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

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

**F30.** All recommendations identified in the submitted document, Detailed Site Investigation, prepared by Geolyse, dated 10 March 2016, ref: 214358\_REP\_006C.docx, Version 2-Final, are to be implemented and undertake as part of subdivision works.

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

**G. During Construction Works**

**G1.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

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

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

**Reason: To ensure site safety.**

- G3.** The approved erosion and sediment control facilities are to be provided and maintained throughout the construction of the development.

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

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

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

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

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

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

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

- G7.** Vacuum or air testing is required to all mains as per Sewer Code of Australia WSA 02-2002 clause 22.4.2

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

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

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

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

***Reason: To ensure suitable disposal of contaminated waste.***

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

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

**G11. Toilet facilities**

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

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
  - (i) to a public sewer, or



- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

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

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

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

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

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

***Reason: To ensure environmental health standards are met.***

- G12.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

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

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

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

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

***Reason: To ensure amenity of the neighbourhood is maintained.***

## **I. Prior to the issue of a Subdivision Certificate**

- I1.** An application for a Subdivision Certificate and payment of the subdivision fee applicable at the time shall be lodged with Council.

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

***Reason: To ensure payment of application fee.***



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

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

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

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

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

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

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

***Reason: To ensure required remediation works are conducted.***

16. Deleted

17. Prior to the issue of a Subdivision Certificate, all works required for the remediation of the site, including proposed removal of all asbestos from buildings and soil within proposed Lot 10, as indicated in the Detailed Site Investigation, Version 2 Dated 10 March 2016 and the letter dated 10 March 2016, ref: 214358\_LET\_005B.docx, shall be completed to the satisfaction of Council.

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

18. Deleted

- 18a. A Compliance Certificate under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority).

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

- \$9,548 per each additional lot for Water headworks
- \$3,405 per each lot for Sewer headworks

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

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council’s 2018/2019 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

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

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

**I9.** Deleted

**I9a.** Prior to the issue of a Subdivision Certificate for the Community Title Subdivision, the developer is to provide Council with a copy of the Community Management Statement.

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

**J. Prior to the issue of an Occupation Certificate**

**J1.** Occupation of the building and operation of the solar energy generation facility is not to occur until all work has been completed the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

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

**K. Continued Operations**

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

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

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

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

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

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

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

***Reason: To ensure compliance***

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

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

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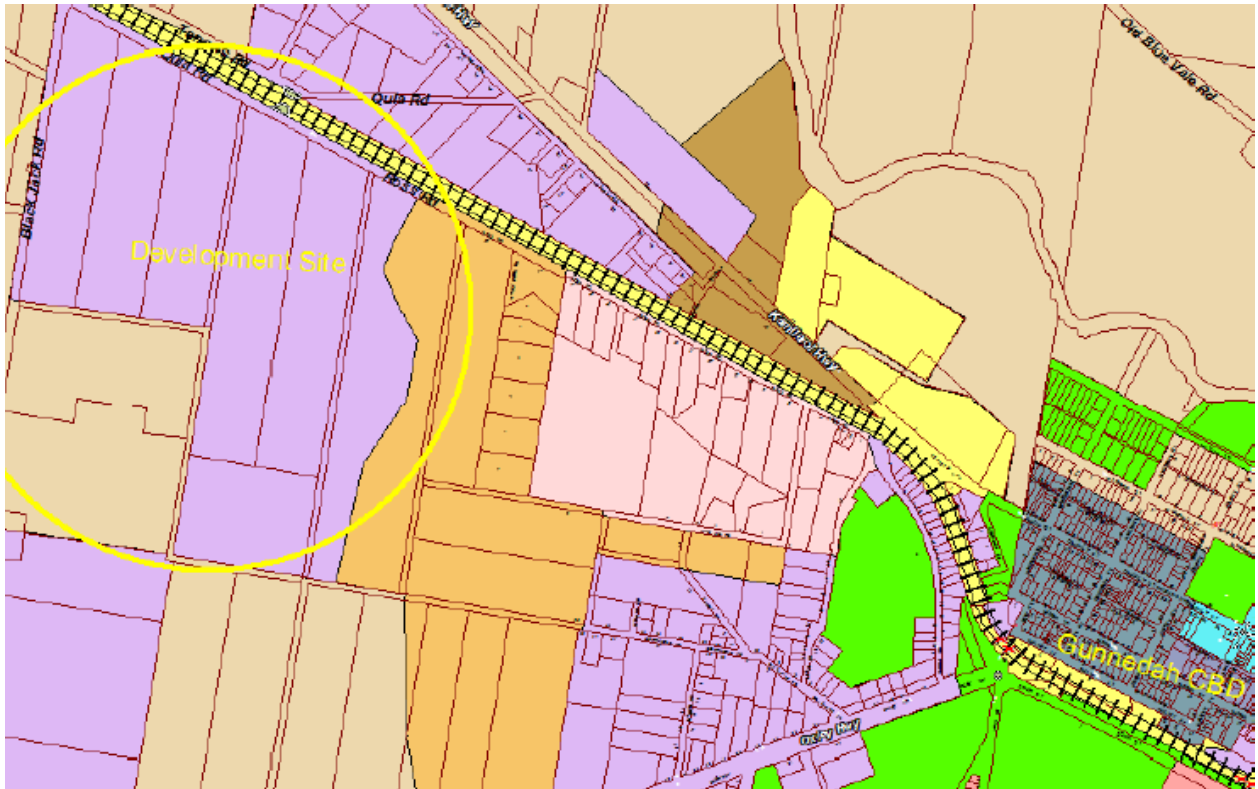
**PURPOSE**

The Modification of Consent application is being referred to Council as the original development determination No. 2015/062 was made by the Joint Regional Planning Panel (JRPP). As the application has been lodged under S4.55(1A) of the Environmental Planning and Assessment Act 1979, the application does not require referral to the JRPP and can be determined by Council.

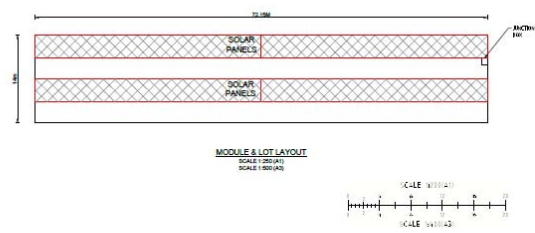
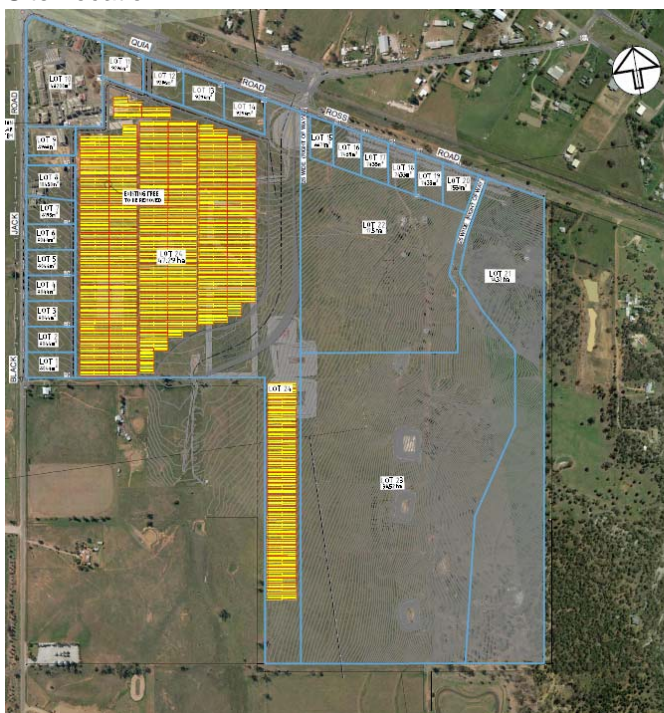
Applicant: Ironbark Energy Pty Ltd  
 Owner: Ironbark Holdings Australia Limited  
 Property Description: Lot 24 DP1235089  
 131 Quia Road, Gunnedah

**Proposed Development**

The Modification of Consent application is seeking consent to amend development plans to alter the lot layout, change the proposed fence around Lot 24 from being constructed of aluminium to steel and remove the staging plan and references to staging from conditions for the development.



Site Location



NOTE:  
 STAGE 1: EACH OF THE 272  
 COMMUNITY TITLE LOTS  
 (NUMBERED ON SHEET TPO6)  
 DIMENSIONING OF 200 X 1400 AND  
 EACH LOT CONSTITUTES A SINGLE  
 1000W MODULE.

Figure 1 – Site Plan





Figure 2 – Solar Array Set out

**BACKGROUND**

The original Development Application was referred to the JRPP for determination, pursuant to *Clause 6, Schedule 4A, of the Environmental Planning and Assessment Act 1979*, as the development is private infrastructure works with a capital investment of more than \$5 million. The original application was referred to the JRPP on the 9 December 2015 at which time the determination of the application was deferred, seeking further information. The application was later referred to the JRPP on the 14 April 2016 with an addendum report at which time the JRPP determined that the development should be approved subject to conditions of consent. Works for this development have since commenced, with demolition works being undertaken.

Council has determined previous Modification of Consent applications for this development consent that corrected wording of development conditions to enable flexibility, deferred headwork contributions under the release of a Subdivision Certificate, introduced development staging plans and altered the solar array designs, position and subdivision lot configurations. Council resolved to approved Modification of Consent No. 2015/062.002 and 2015/062.003, subject to the requested amended conditions.

**COMMENTARY**

**Issues**

***S4.15(1)(a)(i) the provisions of any environmental planning instrument***

**Gunnedah LEP, 2012**

The development site is zoned IN1 General Industrial and E3 Environmental Management under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The proposed modification is regarded as being substantially the same development and will not contravene the objectives of either of the land zonings within the property. The following clauses of the Gunnedah Local Environmental Plan 2012 are applicable to the proposed modification.

#### 4.1 – Minimum Subdivision Lot Size

The majority of the development area of the site is zoned *IN1 General Industrial* (depicted in purple in Figure 3) and does not have a minimum lot size requirement identified by GLEP 2012. Hence, there is no minimum standard under this clause for the lots created within the IN1 zoned portion of the site. The portion of the site zoned *E3 Environmental Management* (depicted in orange in Figure 3) has a minimum lot size requirement of 40ha. Proposed Lot 21 is to be created entirely over the area zoned E3. As the remainder of the site has no minimum lot size requirement, the creation of Lot 21 as an individual allotment creates the largest possible portion of the site comprising this minimum lot size requirement and achieves the minimum lot size for the remainder of the site.

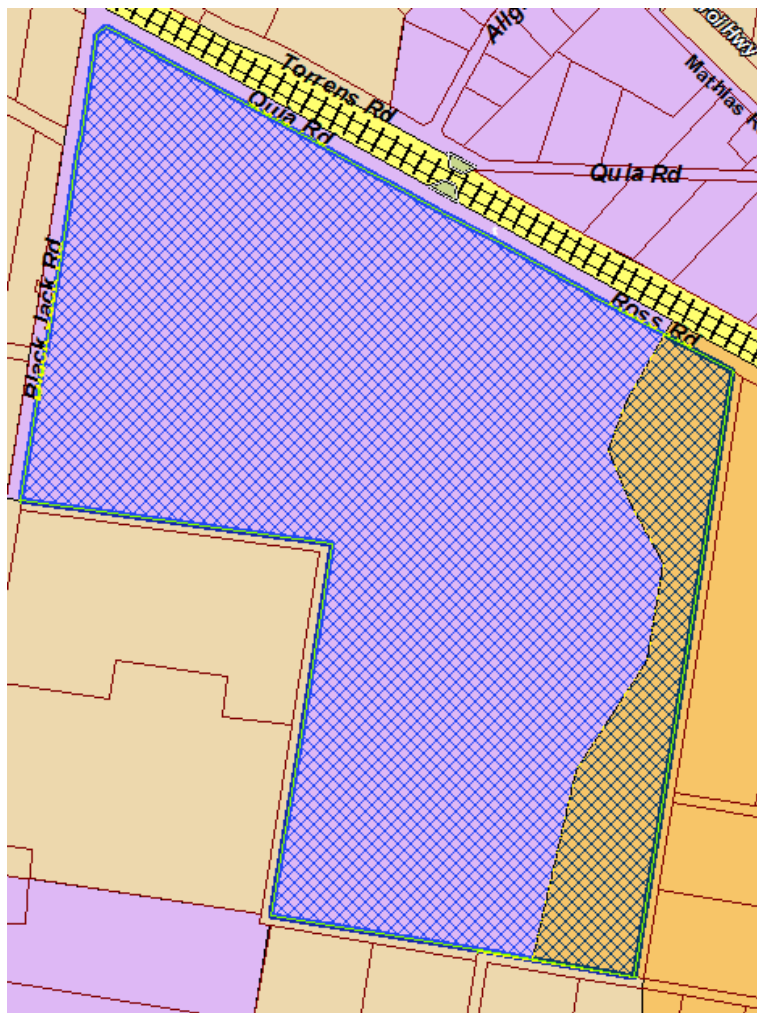


Figure 3 – land zoning of Development Site.

#### 4.4 – Floor Space Ratio

The amended lot configuration will result in a reduction in the size of proposed Lot 10 that contains the former abattoir building. The previously approved lot area was 48,382m<sup>2</sup>. The lot area for this lot will be 48,200m<sup>2</sup>. The approximate size of buildings within Lot 10 is 21,770m<sup>2</sup>. The resulting floor space ratio within this lot will be 0.452:1. The resulting floor space ratio will not exceed the floor space ratio requirement of 0.6:1 for this site.

#### 6.5 – Essential Services

The original development determination included the approval of a servicing strategy outlining the provision of all relevant services to the development site. The proposed modification will have no impact on the provision of services or suitable access to any of the properties created within the development proposal.

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

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

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

The proposed modification will not impact on the remediation works that are proposed as part of the development works for this development consent.

**S4.15(1)(a)(iii) provisions of any development control plan****Gunnedah Development Control Plan 2012***1.8 – Consultation*

The Modification of Consent application was notified and advertised for a period of 14 days. Council did not receive any submissions during the exhibition period.

*5.9 – Industrial Lots*

The proposed modification will not result in any lot areas being less than 1,000m<sup>2</sup>. Resulting lot sizes will range in size from 6,671m<sup>2</sup> up to 47.29 hectares.

**S4.15(1)(a)(iiia) any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4,**

There is no planning agreement or draft planning agreement entered into between the applicant, relevant body or Council, under Section 7.4 of the Act.

**S4.15(1)(a)(iv) the regulations***Environmental Planning & Assessment Regulations 2000*

The development was not identified as Designated Development under the provisions of Schedule 3.

**S4.15(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality***Context and Setting*

The development site contains several partly demolished buildings that were previously utilised for the operation of the Gunnedah abattoir, including offices, two former dwellings and an existing dwelling (to the east of the abattoir buildings).

The site is located to the west of the Gunnedah business area. The immediate surrounding land are currently being utilised for agricultural/rural purposes and industrial development. Some of these properties contain dwelling houses and associated buildings. An industrial precinct is located on the north side of the rail corridor along Quia and Ross Roads. Heavy industrial land use is located a small distance along Quia Road to the west of the site. The proposed modification is consistent with the surrounding land development.

*Access, transport and traffic*

The Modification of Consent application will not alter the provision of vehicle access to the lots created. The proposed modification will also not result in an increase in vehicle movements within the surrounding road network. Vehicle access to each lot will be provided to Ross Road, Quia Road or Black Jack Road, dependent on the individual lot public road frontage, as a result of the modified lot configuration.

*Utilities*

The removal of the staging plan from the development consent removes the former staged servicing. Services will now be provided to each of lot in accordance with the submitted servicing strategy.

*Site Design*

The proposed modification will change the lot configuration of Lots 1-20 and 24. Lots 22 and 23 will be amended to reduce the area of Lot 22 and increase the area of Lot 23 to accommodate expected future development on these lots. The access handle to Lot 23 will be amended to provide access to Lot 22. The access handle to Lot 23 will be relocated to between Lots 21 and 20. There will be no foreseen conflict with the relocation of these access handles. Each of the access handles to these lots will be 25 metres or wider in width. The proposed amended lot configuration is not expected to result in any conflict with adjoining allotments and there is no linkage required between the resulting lots and the adjoining land that may be jeopardised by the proposed lot layout. The proposed alteration to the fence material from aluminium to steel is considered to have minimal impact.

**S4.15(1)(c)     *the suitability of the Site for the Development***

The Modification of Consent application 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 commenced development to be completed and functional. The site is not identified as being flood prone and does not contain an item of heritage significance. Hence, the site is considered to be suitable for the development.

**S4.15(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 development was notified to the adjoining land holders and placed on public exhibition for a period of 14 days. Council did not receive any submissions during this time.

**S4.15(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 modification to the lot configuration, alteration of fence material from aluminium to steel and removal of staging plan. 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. 2015/062.004, at 131 Quia Road, Lot 24 DP 1235089, should be approved subject to the amended conditions underlined.

**ITEM 2                    Application to Modify a Development Consent No. 2015/054.002 – Modification to amend building envelope and Asset Protection Zone on Lot 5 – Lot 662 DP723481 and Lot 680 DP39633 – 229 Kamilaroi Road, Gunnedah**

<b>MEETING</b>	Planning, Environment & Development – 3 October 2018
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	<i>Environmental Planning &amp; Assessment Act, 1979</i> <i>Gunnedah Local Environmental Plan, 2012</i> <i>Gunnedah Development Control Plan, 2012</i>
<b>FINANCIAL</b>	Nil



<b>STRATEGIC LINK</b>	<b>Community Strategic Plan</b>
	<b>2.4.5 Implement and advocate for planning strategies and systems that are streamline to foster and encourage the establishment of new business</b>
	<b>Operational Plan</b>
	<b>2.4.5.1 Ensure compliance with legislation through assessment of development applications</b>
<b>ATTACHMENTS</b>	<b>Nil</b>

**OFFICER'S RECOMMENDATIONS:**

That the Modification of Consent No. 2015/054.002, for the modification to the building envelope and Asset Protection Zone on Lot 5, at Lot 662 DP723481 and Lot 680 DP39633 – 229 Kamlaroi Road, be approved subject to the deletion of conditions A1, B1 and B4 and insertion of conditions A1a, B1a and B4a. 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 22/06/2015;
- Statement of Environmental Effects, prepared by Kathryn Yigman, dated February 2015;
- Letter, dated 30 July 2015; Ref: 4214; & dated 3 September 2015, Ref: 4214;
- Letter, prepared by Stewart Surveys Pty Ltd, dated 8 August 2018, ref: 4214; &
- Submitted plans:
  - Prepared by Stewart Surveys, dated 29 January 2015, Ref: 4214, Sheet 1 (Subdivision Plan); dated: January 2015, Sheet 2 (Plan of Subdivision), Sheet 3 (Building Envelopes), Sheet 5 (Vegetation Assessment), Sheet 6 (Vegetation Assessment), Sheet 7 (Soil Assessment); & dated August 2018, Ref: 4214, Sheet 4 (Plan of Subdivision), Sheet 3 (Rural Fire Service Overlay); & dated 1 August 2018, Ref: 5068, Proposed Lot 5;
- Supporting Documents:
  - Site Services Strategy, prepared by Kathryn Yigman, dated February 2015, Ref: 4214;
  - Traffic Impact Assessment, prepared by Kathryn Yigman, dated February 2015, Ref: 4214;
  - Bushfire Assessment Report, prepared by Kathryn Yigman, dated February 2015, Ref: 4214;

except as otherwise provided by the conditions of consent.

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

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

- a) Stage 1: Lots 1-11 and associated infrastructure works;
- b) Stage 2: Lots 12-25 and associated infrastructure works;

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

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

**B1.** Deleted



**B1a.** The development proposal is to comply with the subdivision layout identified on the following drawings prepared by Stewart Surveys Pty Ltd, except as modified by the conditions of this bush fire safety authority:

- Plan of Proposed Subdivision (ref: 4214) - sheet1 dated 29 January 2015;
- Plan of Proposed Subdivision (ref: 4214) - sheet 2 dated January 2015; and
- Rural Fire Service Overlay (ref: 4214) - sheet 3 dated August 2018.

**Reason: As required under section 100B of the 'Rural Fires Act 1997'**

#### **Water and Utilities**

**B2.** The electricity supply network required to service the subdivision shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

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

**B3.** Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006', except that the dead-end roads may be greater than 200 metres in length.

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

**B4.** Deleted

**B4a.** Prior to the issue of subdivision certificate, the proposed fire trail shall be construction in accordance with section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'. The fire trail:

- shall include a link through proposed Lot 25 to the southern cul-de-sac turning circle on the proposed public road; and
- where relocated through Lot 5, shall be contained within the asset protection zone.

**Reason: To provide suitable access for fire management purposes and maintenance of APZs.**

**B5.** A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on proposed Lots 4 to 14 and 25 over the proposed fire trail requiring:

- Gunnedah Shire Council shall maintain the fire trail in accordance with section 4.1.3(3) of the 'Planning for Bush Fire Protection 2006';
- That no gates, fences or obstructions shall be placed are permitted over the fire trail for its full length through the proposed subdivision except for a gate at either end approved by the Rural Fire Service.

***Reason: To provide suitable access for fire management purposes and maintenance of APZs.***

#### **C. Prior to Work Commencing**

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

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

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

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

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

- D1.** Engineering drawings and specifications for the construction and installation of all works relative to the proposed subdivision shall be submitted to Council for approval prior to the issue of a Construction Certificate. The design of all works is to be related to the adjoining infrastructure. All drawings and specifications are to be in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

- D2.** 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.***

- D3.** 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.***

- D4.** The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

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

**E. General**

- E1.** To confirm and clarify the terms of this approval, consent is granted for Lots 1-24 shall have a minimum area of not less than 1.2ha and Lot 25 shall have a minimum lot size of not less than 40ha.

***Reason: To ensure compliance with the Gunnedah Local Environmental Plan, 2012.***

***Easements***

- E2.** A three (3) metre wide easement, in Council's favour, shall be created over all water, stormwater and Contour Banks located within any allotment as identified on development plans.

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

**Stormwater Drainage**

- E3.** Stormwater from the development site must not be concentrated onto adjoining land. Stormwater is to be discharged to existing stormwater contours and/or table drains in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

**Traffic and Street Signage**

- E4.** The preferred road name shall be submitted for Council's consideration and approval with the engineering drawings to ensure that the road is named in accordance with the adopted guidelines.

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

- E5.** The developer shall meet the cost to Council of supply and installation, of all street signage (both traffic and name) relevant for each stage. The Street Name signage shall be installed by Council upon completion of Construction Works. All traffic signs are to be erected by the developer.

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

**Allotment Filling**

- E6.** All allotment filling will require a submission from the applicant's Consulting Engineer. The submission shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the submission shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

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

- E7.** 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.**

**Telecommunications**

- E8.** Telecommunication services shall be extended throughout each stage of the development.

**Reason: To ensure adequate services are provided.**

**Stage 1****Electricity**

- E9.** Underground electricity shall be installed from the existing overhead lines and extended within the road reserve of the proposed new road. The underground service is to provide service to Lots 1-11. All services shall be in accordance with Local supply authority guidelines.

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

**Road Works**

- E12.** The following road works shall be undertaken for Stage 1:
- a) Construction of proposed Roads 1 and 2 from the existing formation of Eveleigh Road, including the Eveleigh Road and Road 1 intersection, to and including, the intersection of Road 2 and Road 3;
  - b) Proposed Road 3 shall be constructed from the southernmost boundary of Lot 11, including the intersection of the Proposed Road 2 and Proposed Road 3, to and

including the northern cul de sac turning area. The cul-de-sac turning area shall have a minimum sealed radius of 12 metres, within the designated road reserve; Road construction at the southernmost boundary of Lot 11 will require the provision of a temporary gravel turning circle within the road reserve at the termination of the bitumen seal, with a minimum radius of 12 metres;

All road formations shall be constructed with a minimum carriageway of 9 metres. The works shall be constructed in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 and Austroads Specifications.

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

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

**E10.** Vehicular access shall be provided to Lot 2-11 from the proposed Road 3 and proposed Road 2 or 3 for Lot 1 will require the construction a 4.5 metre wide concrete driveway and associated drainage structures across the verge and table drain, shall be constructed from the road should to the property boundary in accordance with Council's rural access crossing standards and specifications (RTA specification for a Typical Rural Property Access for a single unit truck). The location of the driveway shall be determined by the developer in consultation with Council.

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

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

#### ***Water Supply***

**E11.** A single water supply service shall be provided to each lot. The service shall be provided by extending Council's existing water main located in Eveleigh Road within the proposed road reserve to the southern boundary of Lot 11 and to the southern boundary of Lots 4 & 5. The water main shall be looped at the cul-de-sac head and connected back into the water main. All water service to be supplied at 90 degrees to new Water Mains. A stop valve and hydrant shall be installed at the end of the main line. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

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

#### ***Stage 2***

##### ***Electricity***

**E13.** Underground electricity shall be installed from the existing underground power supply located within the proposed road reserve and extended within the road reserve to the southern point of lot 18. The underground service is to provide services to Lots 12-25. All services shall be in accordance with Local supply authority guidelines.

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

**Access - Rural**

**E14.** Vehicular access shall be provided to Lots 12-23 and Lot 25 from the proposed Road 3 and proposed Road 2 or 3 for Lot 24 will require the construction a 4.5 metre wide concrete driveway and associated drainage structures across the verge and table drain, shall be constructed from the road should to the property boundary in accordance with Council's rural access crossing standards and specifications (RTA specification for a Typical Rural Property Access for a single unit truck). The location of the driveway shall be determined by the developer in consultation with Council.

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

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

**Road Works**

**E15.** Proposed Road 3 shall be constructed from the termination of the existing bitumen seal within the proposed road reserve to the southern boundary of the development site. The road construction will include the construction of a cul-de-sac turning area, with a minimum sealed radius of 12 metres, within the designated road reserve.

All road formations shall be constructed with a minimum carriageway of 9 metres. All works shall be completed in accordance with Council's current Engineering Guidelines for Subdivision and Developments, a copy of which is available from Council's offices or website.

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

**E16.** A Bus Stop shall be constructed on the south-eastern side of proposed Road 3 in the vicinity of Lot 23, in accordance with Austroads Guidelines and RMS supplements. The actual location is to be confirmed with Council's Infrastructure Services department.

**Reason: To make provision of future expansion and ensure compliance with Council's Requirements.**

**Water Supply**

**E17.** A single water supply service shall be provided to each lot. The service shall be provided by extending Council's existing water main located within the proposed road reserve at the southern end of proposed Lot 11 to the eastern boundary of Lot 25. The water main shall be looped at the cul-de-sac head and connected back into the water main. All water service to be supplied at 90 degrees to new Water Mains. A stop valve and hydrant shall be installed at the end of the main line. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

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

**F. During Construction**

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

Monday to Friday - 7.00am to 5.00pm;

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

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

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

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

***Reason: To ensure amenity of the neighbourhood is maintained.***

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

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

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

- G2.** The subdivision certificate release fee shall be paid prior to the issue of a subdivision certificate for each stage.

Note: The fee will be imposed under the Council's 2015/2016 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

***Reason: To ensure payment of application fee.***

- G3.** Written notification shall be provided to demonstrate that telecommunication cables have been provided to each lot.

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

- G4.** Written notification shall be provided to demonstrate that an electricity supply connection has been provided to each lot.

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

- G5.** Prior to the issue of a Subdivision Certificate, the developer shall enter into a Deed of Agreement with Council for the registration of a caveat on the title of each lot created as part of development works. The Deed of Agreement is to identify that the caveat will be placed on each allotment prior to the registration of each individual title and shall be removed once only at such a time as the required headworks charges have been paid.



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

**Reason: To ensure creation of the caveat on each allotment.**

- G6.** A caveat shall be placed on the title of each of the lots created by the subdivision of Lot 5, DP 1179687, requiring a compliance certificate under Section 306 of the Water Management Act, 2000 to be obtained, prior to the sale of the property or the commencement of any development works on the lot, whichever occurs first:

A compliance certificate under Section 306 of the Water Management Act, 2000 must be obtained from the Council (as the local water supply authority).

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

Water headworks contribution is                      \$13,050 per lot

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

All legal costs associated with the establishment and removal of the caveat shall be borne by the developer.

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

- G7.** A Restriction as to User, pursuant to Section 88B of the Conveyancing Act, 1988 is to be submitted for Lots 1-24 to locate all buildings within the building as identified on the submitted plan prepared by Stewart Surveys, dated January 2015, Ref: 4214, Sheet 3 (Building Envelopes).

**Reason: To ensure compliance with the submitted plans.**

- G8.** A Restriction as to User, pursuant to Section 88B of the Conveyancing Act, 1988 is to be submitted for Lots 1-24 to restrict the maximum height of any tank utilised for Council's rural water supply services to 350m AHD.

**Reason: To ensure compliance with the submitted plans.**

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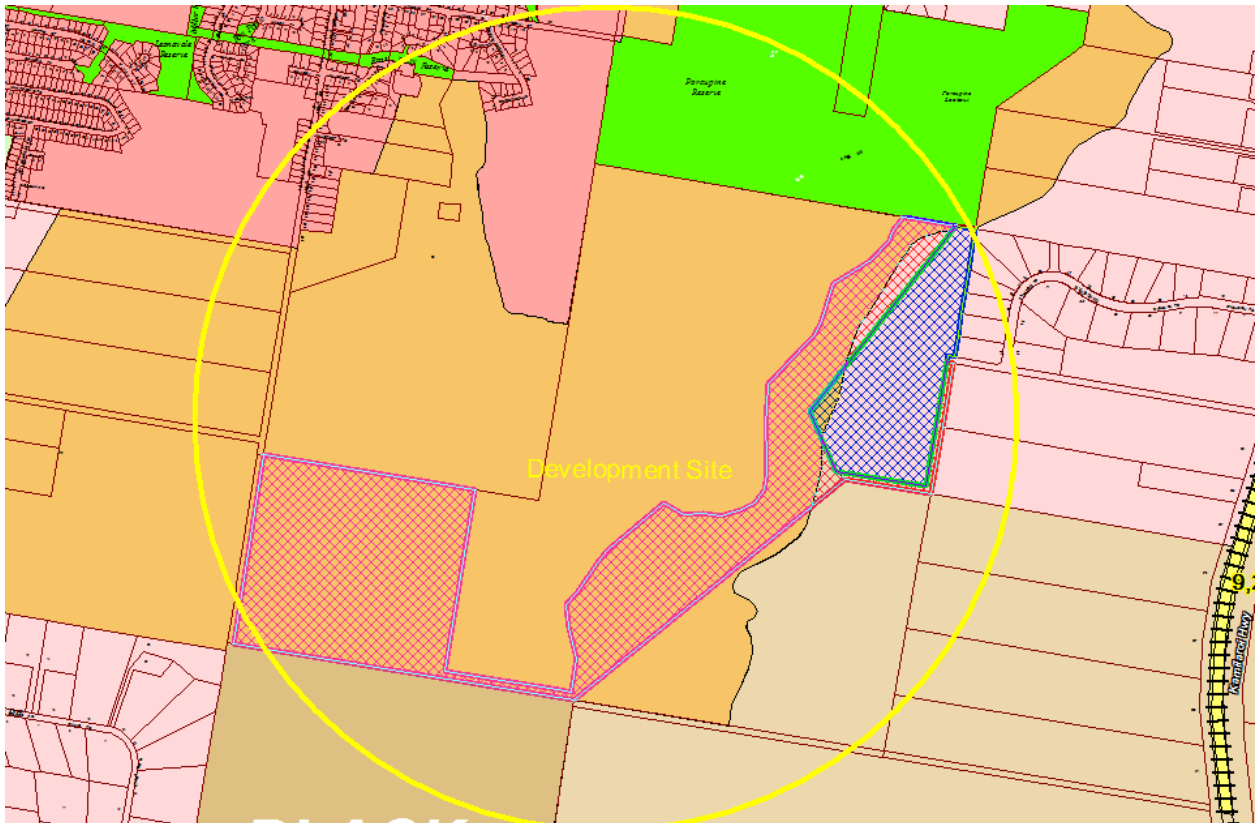
## PURPOSE

The Modification of Consent Application is being referred to Council as the original Development Application No. 2015/054, was determined by Council.

Applicant:                      George Avard  
Owner:                              Emerge Developments Pty Ltd  
Property Description:      Lot 662 DP723481 and Lot 680 DP39633  
                                         229 Kamilaroi Road, Gunnedah

*Proposed Development*

The Modification of Consent application is seeking consent to amend the building envelope and the position of Inner and Outer Protection zones within the Asset Protection Zone within Lot 5 of the approved subdivision.



Site Location

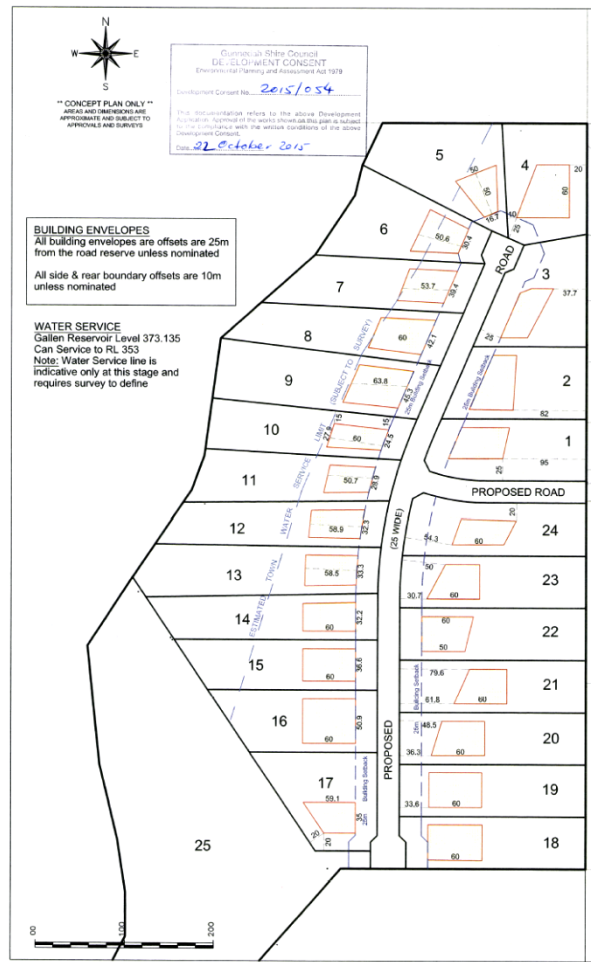
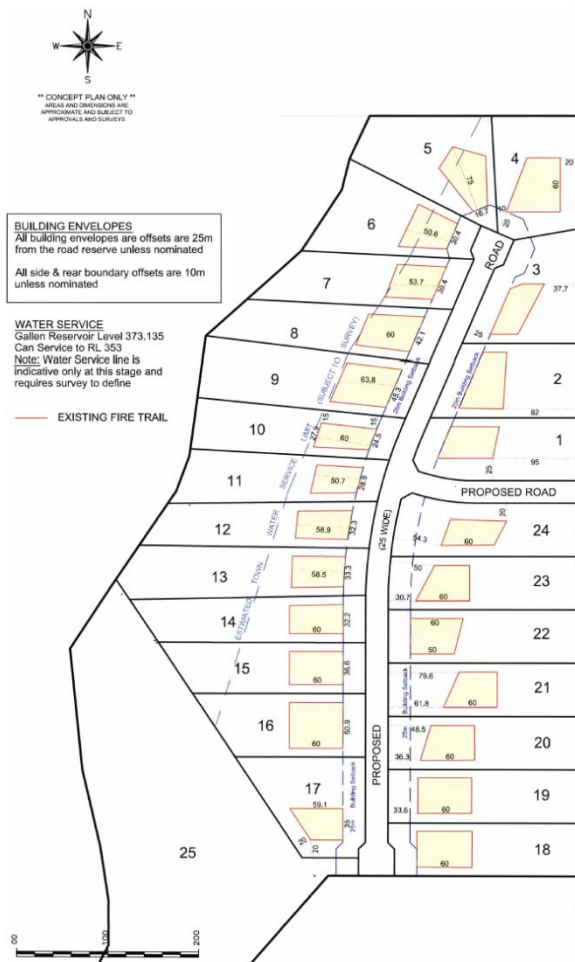




Figure 1 – Proposed building envelope plan

Figure 2 – Existing building envelope plan

## BACKGROUND

Council resolved on the 21 October 2015 (Resolution No. 5.10/15) to approve Development Application No. 2015/054 for the subdivision of Lot 662 DP 39633 and Lot 680 DP 723481 into 25 lots over 2 stages, subject to conditions of consent.

## COMMENTARY

### Issues

#### ***S4.15(1)(a)(i) the provisions of any environmental planning instrument***

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

The development site is zoned R5 Large Lot Residential, E3 Environmental Management and RU1 Primary Production under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The proposed modification is regarded as being substantially the same development. The following clauses of the Gunnedah Local Environmental Plan 2012 are applicable to the proposed modification.

##### *4.1 – Minimum Subdivision Lot Size*

The Modification of Consent application will not impact on lot configurations or lot areas. It was determined previously under the original development consent, that each of the lots created achieved the minimum lot size requirements for each of the land zonings.

##### *6.5 – Essential Services*

The original development application included the approval of a servicing strategy outlining the provision of all relevant services to the development site. The proposed modification will have no impact on the provision of services or suitable access to any of the properties created within the development proposal.

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

The original development application included a SEPP No. 44 assessment that concluded that the development site did not constitute potential Koala Habitat under the definition contained within SEPP 44. Hence, no further investigation was required under this SEPP.

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

The proposed modification will not result in the development causing potential contamination risk to the site or the surrounding locality.

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

##### **Gunnedah Development Control Plan 2012**

##### *1.8 – Consultation*

The original Development Application was publicly advertised and neighbour notified. Hence, the Modification of Consent application was notified and advertised for a period of 14 days. Council did not receive any submissions during the exhibition period.

##### *5.1 – Lot Size*

The proposed modification will not impact on the encumbrance of easements over and of the development lots. The Modification of Consent application proposes to increase the area of the building envelope within Lot 5 by an additional 430m<sup>2</sup>. This will increase the area in which the construction of a dwelling and any associated buildings can occur.

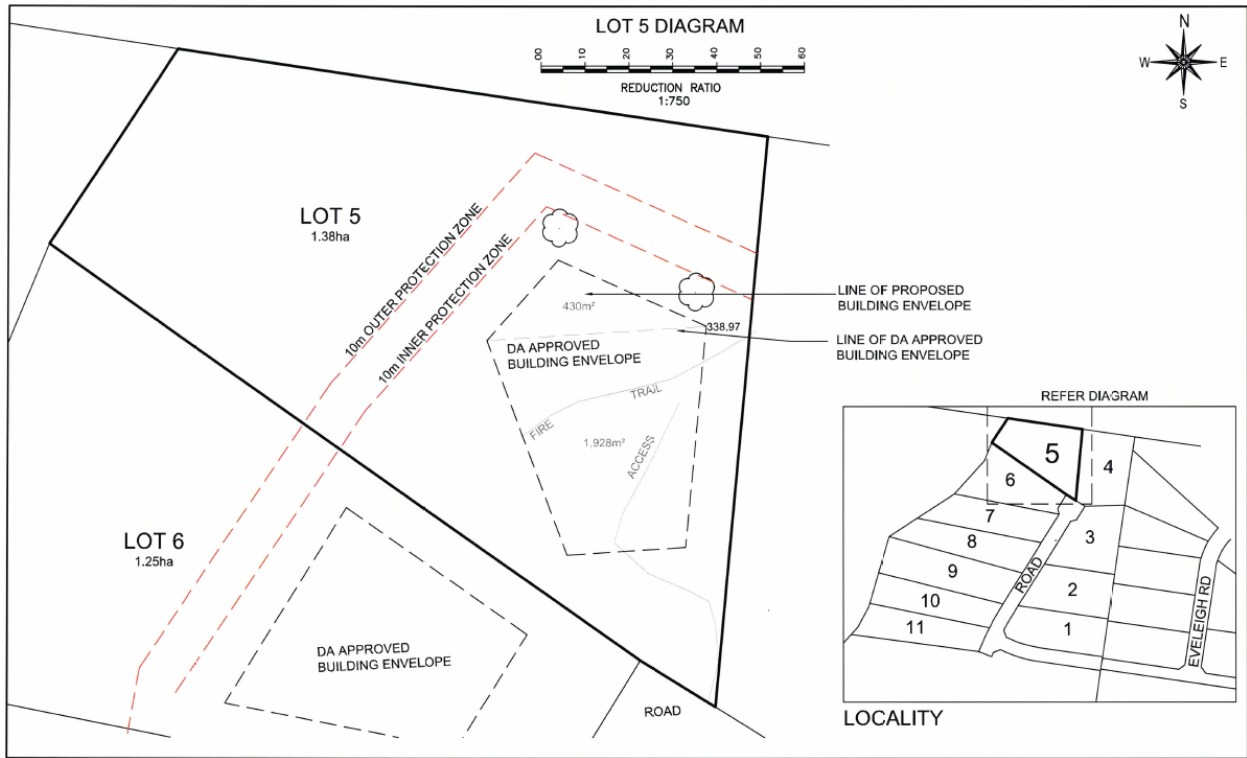


Figure 3 – revised layout Lot 5

**S4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,**

There is no planning agreement or draft planning agreement entered into between the development applicant, relevant body or Council, under Section 7.4 of the Act.

**S4.15(1)(a)(iv) the regulations**

*Environmental Planning & Assessment Regulations 2000*

The development was not identified as Designated Development under the provisions of Schedule 3.

**S4.15(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality**

*Context and Setting*

The development area adjoins the Porcupine Reserve. The surrounding development consists of large lot residential allotments and small agricultural holdings. The allotment is sloping and contains large amounts of vegetation to the western boundary as the slope increases. The proposed modification is consistent with the surrounding development.

*Natural Hazards*

The Modification of Consent application proposes to change the position of the Asset Protection Zone (APZ) around the building envelope within Lot 5 to accommodate the increase in size of the building envelope. The APZ is made up of a 10 metre Inner Protection Area (IPA) and a 10 metre Outer Protection Area (OPA) in accordance with Section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'. The relocation of the APZ will require further clearing of vegetation from the site enable the establishment of the IPA and OPA. Existing shrubs and low vegetation, such as Wilga Trees, is to be thinned out to around 30% of the current coverage to ensure compliance with Section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'. The vegetation to be cleared will not include any box trees or Koala Feed Trees. The removal of the vegetation will not detract from the ecosystem or impact on the areas of habitat. Hence, the removal of this vegetation is considered to be acceptable.

The development proposal is considered as being integrated development under the provision of Section 100B of the Rural Fires Act. Hence, the S4.55(1A) modification required referral to the Rural Fire Services for concurrence. General Terms of Approval were granted subject to conditions that are consistent with the requested amendments to the consent.

#### *Utilities*

The increase in area of the building envelope will locate a portion of the building envelope above the 350m AHD level, being the maximum level of Council's water servicing capability. The water service connection for this property will be located along the frontage to the new road, being located below the 350 AHD level. This will enable Council's water service to be provided to the property. The land holder will be required to install an internal water storage tank to service any future development.

#### *Site Design*

The building envelope will be increase by an area of 430m<sup>2</sup>. The increase will enable any future dwelling construction to occur in such a position to avoid an existing gully which passes through the building envelope in its current shape. The building envelope adheres to required building setbacks as listed by Clause 2.1.1 of the Gunnedah Development Control Plan, pertaining to building setbacks for future developments.

#### **S4.15(1)(c)     *the suitability of the Site for the Development***

The proposed modification will not significantly change the development as previously approved. The development site is consistent with the existing and future development in the locality and will not impact on the ability of the subdivision to be completed and services to be provided, in accordance with Council's servicing requirements. The site is not identified as being flood prone land and the modification will not impact on the sites ability to be protected from bushfire. The site does not contain an item of heritage significance. Hence, the site is considered to be suitable for the development.

#### **S4.15(1)(d)     *any submissions made in accordance with this Act or the regulations***

The development was notified to the adjoining land holders and placed on public exhibition for a period of 14 days. Council did not receive any submissions during this time.

#### **S4.15(1)(e)     *the public interest***

The Modification of Consent application is identified as integrated development as per the provision of Section 100B of the Rural Fires Act, 1997. The development application required referral and the granting of concurrence from the Rural Fire Service. Council received correspondence of concurrence containing amended General Terms of Approval. The amended conditions reflect the amended documents submitted with this modification of consent application.

#### **Conclusion**

The Modification of Consent application is seeking consent for the modification to the building envelope and Asset Protection Zones on Lot 5 of the approved subdivision. The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The evaluation of the 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. 2015/054.002, at 229 Kamilaroi Road, Lot 662 DP 723481 and Lot 680 DP 39633, should be approved subject to the amended conditions underlined.

**Andrew Johns**  
**DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

Shire of  
Gunnedah  
Land of Opportunity

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