



MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING
DIRECTORATE	Planning and Environmental Services
DATE	2 October 2019
TIME	4:00pm
VENUE	Council Chambers Council Administration Building 63 Elgin Street, Gunnedah NSW 2380
ATTACHMENTS	Director Planning and Environmental Services Report

AGENDA

1. Present/Apologies

2. Declarations of Interest
In accordance with Council’s Code of Meeting Practice and specifically Section 451 of the Local Government Act, 1993 declarations of interest are required by Councillors and designated staff attending the meeting.

3. Report of the Director Planning and Environmental Services
 - 3.1 Development Application 2019/048 – Torrens Title Subdivision 1 Lot into 2 Lots
Lot 6 DP262888 – 35-37 Booloocooroo Road, Gunnedah 3

 - 3.2 Development Application 2014/092.004 – Modification to Development Consent
for Senior Living Development to Amend Development Plans – Lot 58 DP1208878
4 Favell Street, Gunnedah 13

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Apologies to: 02 6740 2116

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	Development Application No. 2019/048 – Torrens Title Subdivision 1 lot into 2 lots – Lot 6 DP262888 – 35-37 Booloocooroo Road
MEETING	Planning, Environment and Development Committee – 2 October 2019
DIRECTORATE	Planning and Environmental Services
AUTHOR	Acting Manager Development and Planning
POLICY	Nil
LEGAL	Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation.
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

That the Development Application No. 2019/048, for the Torrens title subdivision of one lot into two lots, at Lot 6 DP262888 – 35-37 Booloocooroo Road, Gunnedah be approved subject to the following conditions of consent:

A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A1.** The proposed development shall be carried out strictly in accordance with the details set out in the following:
- Development Application form lodged 18/06/19;
 - Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, dated 07 January 2019, ref: 5131;
 - Letter, prepared by Stewart Surveys Pty Ltd, dated 22 August 2019, Ref: 5131;
 - Submitted plans:
 - Prepared by Stewart Surveys Pty Ltd, dated 22 August 2019, Ref: 5131, Plan of Proposed Subdivision;
 - Supporting Documentation:
 - Site Servicing Strategy Report, prepared by Stewart Surveys Pty Ltd, dated 07 January 2019, Ref: 5131;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. PRESCRIBED CONDITIONS

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

B1. 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 Commencement of Subdivision Works

- C1.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

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

D. General

- D1.** No building structures are to be positioned within 10 metres of the resulting lot boundary between proposed Lot 61 and Lot 62.

Reason: To ensure compliance with Development Control Plan 2012.

- D2.** All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's requirements.

- D3.** The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance with Council's requirements.

E. DURING WORKS***Electricity***

- E1.** A single electrical service connection is to be provided to proposed lot 61.

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

Telecommunication

- E2.** A single *Telecommunication* service connection is to be provided to proposed lot 61.

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

Water Supply

- E3.** A single water supply service shall be provided to proposed Lots 61 and 62. The service shall be provided by creating a new water connection from the existing water main located in Booloocoaroo Road. 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 2019/2020 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.

Access - Rural

E4. Vehicular access is to be provided to proposed Lot 61 from Booloocooroo Road and will require the construction a 4.5 metre wide gravel driveway and associated drainage structures across the verge and table drain, shall be constructed from the road should to the property boundary in accordance with Council's rural access crossing standards and specifications (RTA specification for a Typical Rural Property Access for a single unit truck). The location of the driveway is to be determined by the developer in consultation with Council.

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

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

E5. Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

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

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

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

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

Reason: To ensure amenity of the neighbourhood is maintained.

F. Prior to the issue of a Subdivision Certificate

F1. The subdivision certificate release fee in accordance with Council's adopted fees and charges, shall be paid prior to the issue of the subdivision certificate.

Note: The above fee is applicable under Council's 2019/2020 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.

F2. Prior to the issue of a Subdivision Certificate a "Peg Survey Report" indicating the location of the corners of the walls of all structures located within 11 metres of the resulting lot boundary between proposed Lots 61 and 62, is to be submitted to Council confirming the positioning of the external walls relative to the allotments boundaries.

Reason: To ensure compliance.

- F3.** 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.

- F4.** Written notification shall be provided to demonstrate that telecommunication cables have been provided to each lot.

Reason: To ensure that telecommunication services are provided.

- F5.** 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 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.

- F6.** 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.

- \$7,562 per each additional lot for Water 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 2019/2020 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.

PURPOSE

This Development Application is being referred to Council for determination as the development application includes a request for the variation to a development standard contained within the Gunnedah Development Control Plan 2012.

Applicant: Mr J Bush,
Owner: Mrs K and Mr J Bush,
Property Description: Lot 6 DP262888,
35-37 Booloocooroo Road, Gunnedah

Proposed Development

The development proposes to subdivide the development site into two lots, including the provision of infrastructure.

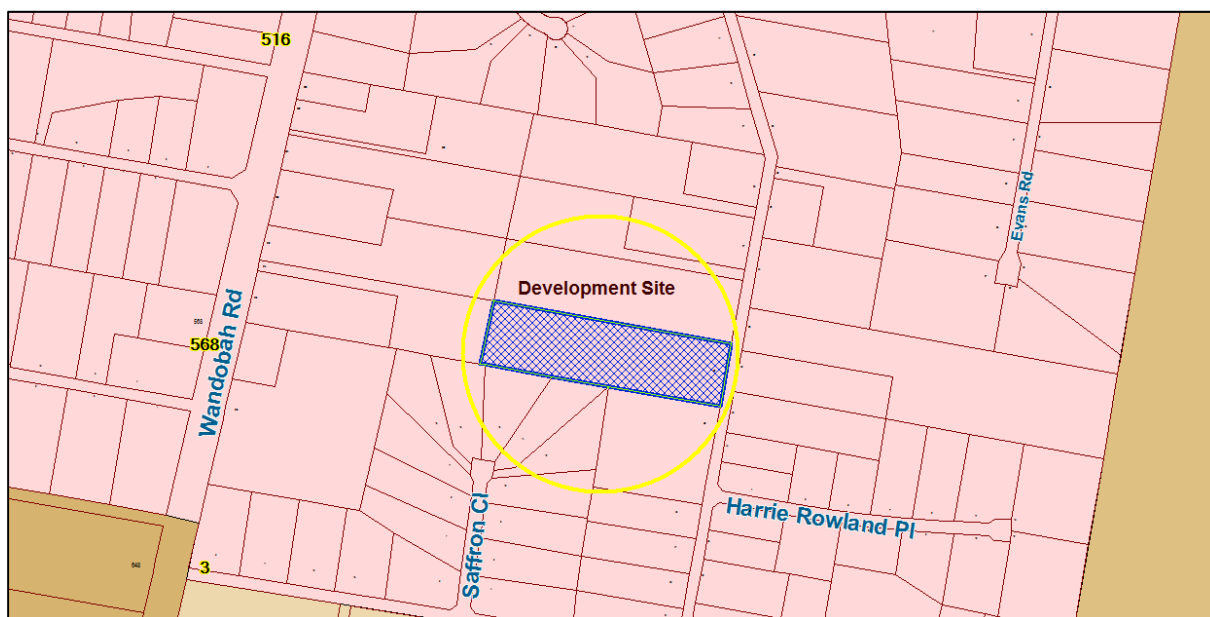


Figure 1 – Site Location

COMMENTARY

Issues

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

Gunnedah LEP, 2012

The development site is zoned R5 Large Lot Residential, under the provisions of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The subdivision of this parcel of land is permitted by Clause 2.6 within the GLEP 2012. The following GLEP 2012 clauses are applicable to assessment of this development:

4.1 – Minimum Subdivision Lot Size

The development will result in the creation of the two lots from the existing land parcel. The minimum lot size for this property is 1.2ha per allotment. The subdivision will create proposed Lot 61 with an area of 1.2ha and proposed Lot 62 with an area of 3.62ha. Hence, each of the lots created will comply with minimum the lot size.

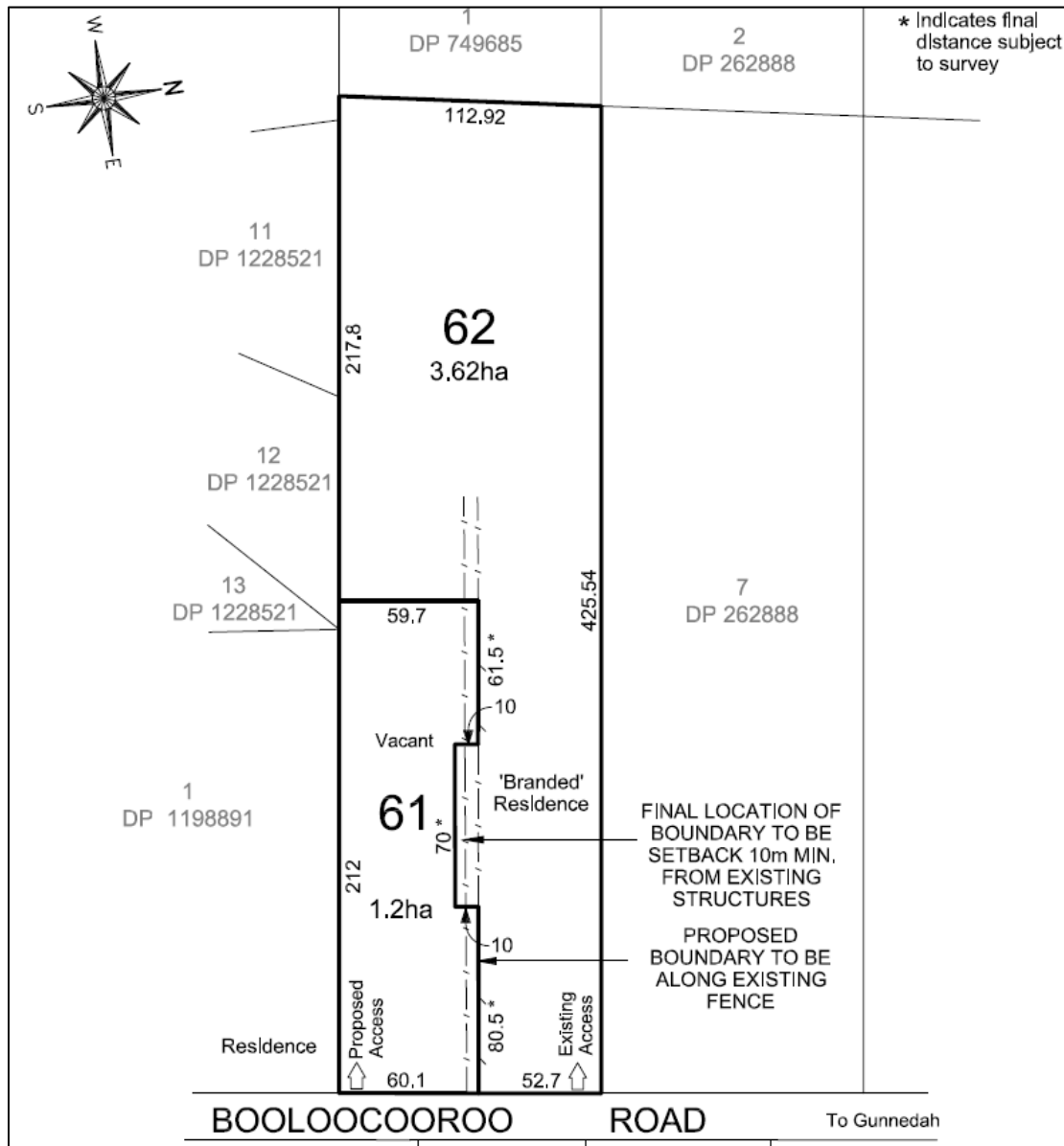


Figure 2 – Subdivision Plan

6.5 – Essential Services

Council’s water mains are present along the entire frontage of the property. There is no existing water connection to the lot. A single water service is to be provided to each lot during subdivision works. Overhead electrical services are present within Booloocooroo Road. A service connection is to be made to proposed lot 61 as part of proposed works to create a connection to each lot. Council’s sewer and stormwater services are not present within the immediate vicinity of the site. There is suitable area onsite to accommodate the installation of an onsite sewerage management system (OSSM) to service effluent disposal and management onsite as well as adequate area onsite for the management of stormwater onsite. The existing dwelling on proposed Lot 62 has an existing OSSM that will be retained within the boundaries of lot. Both lots have frontage to Booloocooroo Road for pedestrian and vehicle access.

State Environmental Planning Policies (SEPPs)

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

A report under the provisions of SEPP 44 was submitted as part of the Statement of Environmental Effects accompanying the development application. The report identified that there were 30 individual trees within the development site, of these trees 5% were identified as Koala Feed species. Hence, the development cannot be regarded as potential Koala Habitat under the provisions of this SEPP.

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

The proposed development will not result in a change of use. A search of Council's records and a review of the Statement of Environmental Effects did not identify any historical use of the site that could potentially have led to contamination of the site. The proposed works are not expected to increase the risk of site contamination onsite or within the immediate area surrounding the site.

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

The development site is located within the R5 Large Lot Residential zone, a zone to which the SEPP applies. The development does not propose the removal of any trees as part of the development proposal and there is suitable cleared area onsite for the erection of a dwelling in the future. Hence, it is not expected that the creation of the additional lot will warrant further vegetation clearing and the development does not require the submission of a Biodiversity Assessment Report.

4.15(1)(a)(iii) provisions of any development control plan**Gunnedah Development Control Plan 2012 (Gunnedah DCP)****1.7.1 – Notified Development Applications**

The development application is requesting a variation to an adopted development standard to vary the DCP's depth to frontage ratio. Hence, the application was required to be notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

5.1 – Lot Size

The development will create two allotments, each of which are greater than the minimum lot size required for the development site. Proposed Lot 62 contains the existing dwelling and proposed Lot 61 has an area within the site large enough to accommodate the construction of a dwelling. Development lots will not contain any easements. Proposed Lot 61 will have a depth to frontage ratio of 3.5:1, which complies with the required depth to frontage ratio of 5:1.

The creation of proposed Lot 62 will result in a lot frontage of 52.7m and a depth of 425.54m, which equates to a depth to frontage ratio of 8:1. In the circumstances of this development proposal compliance with the development control is considered to be unreasonable as the property has sufficient area for the development of a house, adequate frontage for provision of services and placement of kerb side collection bins and the proposed lot has an area in excess of the minimum lot size. The configuration of the lot does not preclude future development and is not inconsistent with surrounding lots. Hence, the variation to the development standard in this circumstance is supported by the assessing officer.

5.2 – Servicing Strategy

The development application was accompanied by a servicing strategy that ensured that all suitable services are able to be provided to service the site. Individual service requirements and compliance with service provision is addressed in the following sections.

5.3 – Sewer

The development site does not require the provision of Council's sewer services. Onsite management is required for development on each lot. As stated previously the size of each lot is adequate to accommodate an OSSM system for future development.

5.4 – Water

Council's water main is located within the road reserve of Booloocooroo Road. The current development allotment does not have an existing water connection. Council's development controls require that each lot be provided with an individual water connection. Development headwork contributions will apply in accordance with Council's Development Services Plan 2019, with the payment of one Equivalent Tenement (ET) per additional lot created. Contributions are to be paid prior to the release of a Subdivision Certificate.

5.5 – Stormwater

Stormwater is to be managed onsite with suitable areas within each lot to accommodate management of stormwater through natural infiltration or creation of dedicated rubble drains.

5.6 – Telecommunications

The development will require the connection of telecommunication services to each lot. Evidence of the service provision is to be provided prior to the release of a subdivision certificate.

5.7 – Electricity

An electrical service connection is to be provided to each lot. Overhead electrical lines are present within Booloocooroo Road.

5.14 – Site Access

Access to the site will be retained to proposed Lot 62 from the existing access to Booloocooroo Road. A new vehicle access, constructed to Council's rural access standard, is to be constructed from Booloocooroo Road to provide access to proposed Lot 61, granting vehicle access to this lot.

5.17 – Vegetation

The development will retain vegetation within the lot with no identified tree or vegetation removal required as part of the proposed subdivision.

5.18 – Garbage Collection

The development site has suitable road frontage to enable kerb side collection. There is adequate area within the existing road reserve to enable the movement of waste collection vehicles.

5.20 – Contamination

An assessment of the potential for the site to be contaminated from historical land use has been completed and previously mentioned through this report (assessment under SEPP 55).

4.15(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 an existing dwelling house and associated structures. The development site is located within the R5 large lot residential area of Gunnedah to the south of the town. The surrounding area is primarily made up of residential dwelling houses on larger residential holdings. The development will create an additional lot that is consistent with lot sizes within the surrounding area and will not have any significant impact on adjoining holders.

Access, Transport and Traffic

The development site has frontage to Booloocooroo Road with a new vehicle access to be created to provide access to proposed Lot 61. The existing vehicle access will be retained for access to proposed Lot 62. The development will result in a minor increase in vehicle movements within the surrounding locality. Booloocooroo Road is bitumen sealed for the entire frontage of the site. No upgrade works are required for the surrounding road network as the current formation of Booloocooroo Road is suitable for the resulting traffic levels within the immediate road network.

Water

Water services have been addressed previously through this report. A single water service is to be made available to each lot as part of the proposed development works. Development headworks contributions are applicable to the development and contributions are to be paid prior to the issue of a subdivision certificate.

Air and microclimate

The proposed development is not likely to have any impact on the existing microclimate in the area. The surrounding road network is bitumen sealed and hence, additional vehicle movements are not expected to generate dust.

Flora and fauna

The development will not involve the removal of any trees or vegetation. The development will have little or no impact on natural flora and fauna as the site is not considered to be critical habitat for endangered ecological communities.

Waste

Council's kerb side collection is available within the surrounding locality. Each of the lot frontages will have adequate area for the placement of bins for collection. There are no changes to Council's road network that may impact on the ability of waste collection vehicles to access the site.

Social & Economic impact in the locality

The development is expected to have a positive social and economic impacts on the Gunnedah area. The development will create an additional allotment for future residential development.

Site design and internal design

Each of the lots has suitable area to retain existing structures and associated services or the ability for new development to occur without obstruction. The dividing boundary has been placed to ensure that the resulting lot boundary will be a minimum of 10 metres from any existing structure, to comply with Council's Development Controls for building setbacks.

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

The development site is considered to be suitable for the development. The site is not identified as being bushfire or flood prone land. The development does not contain any items of heritage significance that may be impacted by the development. The development is compatible with the existing land use within the surrounding area. Hence, it is regarded that the development site is suitable for the development.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The Development Application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions or objections during the exhibition period.

4.15(1)(e) the public interest

The development was not regarded as being integrated or designated development and did not require referral to any external Federal or State Government agencies. There are no relevant planning studies, strategies or management plans that are applicable to the proposed development.

Conclusion

The Development Application is seeking consent for the subdivision of one lot into two lots. The application has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Development Application has concluded that the proposed development is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Development Application No. 2019/048, at 35-37 Booloocooroo Road, Lot 6 DP 262888, should be approved subject conditions.

ITEM 2	Development Application No. 2014/092.004 – Modification to Development Consent for Senior Living Development to Amend Development Plans – Lot 58 DP 1208878 – 4 Favell Street, Gunnedah
MEETING	Planning, Environment and Development Committee – 2 October 2019
DIRECTORATE	Planning and Environmental Services
AUTHOR	Acting Manager Development and Planning
POLICY	Nil
LEGAL	Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation.
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

That the Application to Modify Development Consent No. 2014/092.004, to reduce the number of dwelling units from 67 to 62, amendment to internal road layout and unit positioning on site plan, reposition of onsite vehicle parking spaces onsite, amendment to dwelling unit floor plans, amendment from attached carports to enclosed garage on development floor plans and amendment to development headworks contribution to reflect changes to development plans, at Lot 58 DP1208878 – 4 Favell Street, Gunnedah be approved subject to the deletion and insertion of the following conditions of consent:

(Modified conditions have been underlined)

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

A1. Deleted

A1a. Deleted

A1b. 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;
- Proposed S4.55 (1A) Modification of DA 2014/092.003, prepared by ADW Johnson, dated 26 July 2019, Ref: 190599P MP/AB; &
- Emailed correspondence, dated 23 August 2019, prepared by Meeka Prince; &

- Submitted plans:
 - Prepared by Oak Tree Group, dated 30/07/2014, Ref: 2026, Dwg No: 01-00, Rev B (Cover Sheet), Dwg No: 01-02, Rev B (Floor Plan), Dwg No: 01-05a, Rev B (Elevations), Dwg No: 01-05b, Rev B (Elevations), 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: 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: 06-01, Rev: B (Floor Plan), Dwg No: 06-06, Rev B (Elevations), Dwg No: 06-07, Rev B (Typical Section & Entry Detail), Dwg No: 07-01, Rev: B (Floor Plan), Dwg No: 07-06, Rev B (Elevations), Dwg No: 07-07, Rev B (Typical Section & Entry Detail); &
 - Prepared by Oak Tree Retirement Villages, dated 23/07/2019, Ref: 2029, Drawing No. 00.01, Rev D (Site Plan), Drawing No. 00.02, Rev E (Site Staging Plan);
 - Prepared by YKD Designs, dated 22/07/2019, Ref: 19008, Sheet No. DA-002 (DA Floor Plan – Type 2Aii), Sheet No. DA-003 (DA Elevations – Type 2Aii), Sheet No. DA-001 (DA Cover Sheet – Type 2Aii), Sheet No. DA-002 (DA Floor Plan – Type 3Bi), Sheet No. DA-003 (DA Elevations – Type 3Bi), Sheet No. DA-001 (DA Cover Sheet – Type 3Bi), Sheet No. DA-002 (DA Floor Plan – Type 3Bii), Sheet No. DA-003 (DA Elevations – Type 3Bii), Sheet No. DA-001 (DA Cover Sheet – Type 3Bii), Sheet No. DA-002 (DA Floor Plan – Type 3Aii), Sheet No. DA-003 (DA Elevations – Type 3Aii), Sheet No. DA-001 (DA Cover Sheet – Type 3Aii), Sheet No. DA-002 (DA Floor Plan – Type 3Aii+), Sheet No. DA-003 (DA Elevations – Type 3Aii+), Sheet No. DA-001 (DA Cover Sheet – Type 3Aii+);
 - 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;
 - Prepared by Lambert & Rehbein, dated: 18 July 2019, Ref: B14298CL004;
 - Prepared by Citicene, dated 25 July 2019;
 - Prepared by YKD Designs, dated 26 July 2019,

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.** Deleted

- D11c.** 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.

- \$3,934 per each 2 x bedroom unit; or
- \$6,589.45 per each 3 x bedroom unit, for water headworks
- \$3,270 per each 2 x bedroom unit; or
- \$5,477.25 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 2019/2020 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. Deleted

D12b. 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:

* \$1,608.85 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 2019/2020 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. Deleted

F16b. 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 Staging Plan prepared by Oak Tree Group, dated 23/07/2019, Ref: 2029, Drawing No. 00.02, Rev E.

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).

- (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.

- 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

This Development Application to modify a development consent is being referred to Council for determination as the original determination was made by Council as it exceeded Council staff delegations.

Applicant: Oaktree Group
 C/- ADW Johnson Pty Ltd
 Owner: Oak Tree Retirement Village Gunnedah Pty Ltd,
 Property Description: Lot 58 DP1208878,
 4 Favell Street, Gunnedah

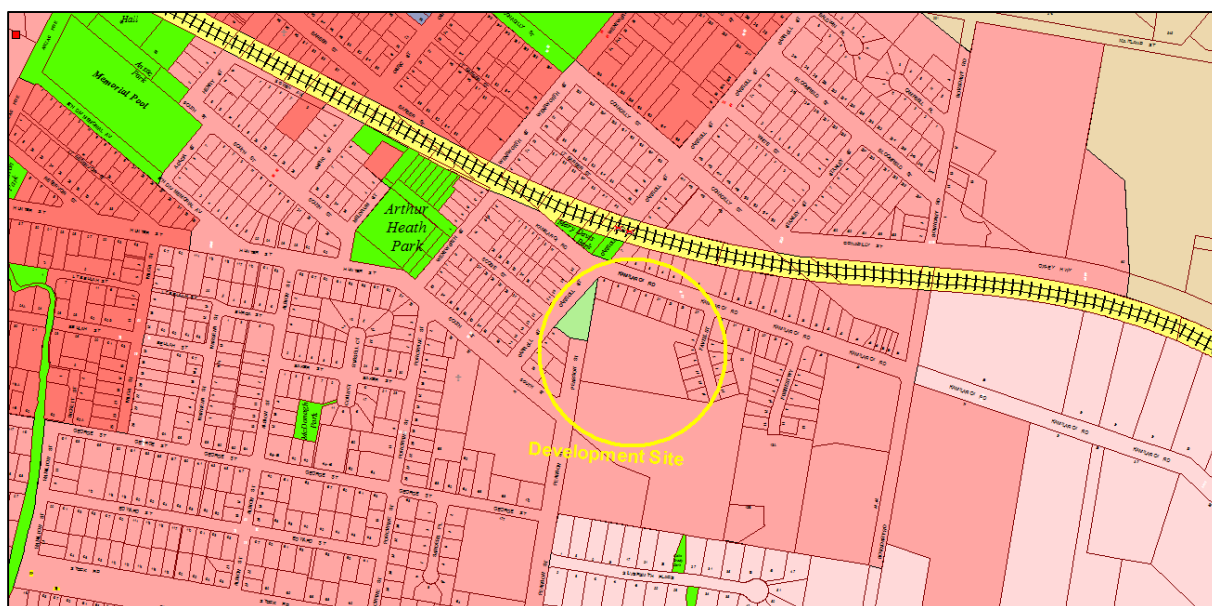


Figure 1 – Site Location

Proposed Development

The development proposes to modify development conditions and approved development plans to affect the following changes to the development proposal:

- Reduce number of dwellings from 67 to 62;
- Amendment to floor plan of dwelling units;
- Amend attached carports to attached garages;
- Reposition visitor parking spaces within development site plan;
- Amendments to private open space provision per unit;
- Amendment to internal road design;

The development will amend development conditions pertaining to S64 headwork contributions, to reflect the changes to development plans and update fees to the current fees and charges.

BACKGROUND

Council has previously approved Development Consent No. 2014/092, for the construction of a 67 unit Senior Living Development that included a community centre, swimming pool and bowling green. The development was originally approved to be constructed over 18 stages. On 17 December 2014, Council approved a modification to the development consent to correct a condition relating to development headwork contributions. On 4 October 2017, Council approved a further modification to the development consent to amend a condition to remove the reference to a staging plan. The developer has commenced construction works for this development, with the constructed portions of the development site being illustrated on Figure 2, below.

COMMENTARY

Issues

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

Gunnedah LEP, 2012

The development site is zoned R2 Low Density Residential, under the provisions of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The development will not modify the development proposal in such a way that it will be inconsistent with the approved land use as a seniors living development. The following GLEP 2012 clauses are applicable to assessment of this development:

4.4 – Floor Space Ratio

The proposed modification of consent will reduce the overall number of units created as part of the development proposal and reduce the overall floor area of buildings constructed onsite. The resulting floor space ratio will not exceed the ratio of 0.5:1 applicable to the site.



Figure 2 – Subdivision Plan

6.5 – Essential Services

The development has existing provision of essential services. There will be no amendment to this.

State Environmental Planning Policies (SEPPs)

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

Previous assessment of the development site identified that the site was not potential Koala habitat. The modification of consent does not introduce any other land parcel into the development proposal. Hence, no further investigation was required.

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

The proposed development will not result in a change of use. Hence, no further investigation was required.

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

The development site is located within the R2 Low Density Residential zone, which is identified within this SEPP as being a land zoning to which this SEPP applies. The original development did not require the removal of any trees from the site and no further vegetation is required in comparison to the original development proposal. Hence, the proposed modification of consent will not impact on areas of native vegetation and does not require the submission of a Biodiversity Assessment Report.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The original development was assessed under the provision of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Hence, the amendments to the development plans and unit layouts are to be assessed under the following provision. These development controls apply to this development in the place of any controls set within Council's Development Control Plan.

4 – Land to Which Policy Applies

The site is zoned R2 under the provision of Gunnedah LEP 2012. The modification of consent will not impact on the land use activity undertaken as part of the proposed development.

24 – Site Compatibility Certificate Required for Certain Development Applications

The development did not require a site compatibility certificate due to the land use as Seniors Living being permissible within the land zoning.

26 – Location and access to facilities

The development site is within 400 metres walk from the existing local public bus services. The modification of consent proposal did not suggest any changes to the services of a community bus and does not request the removal of the condition pertaining to the provision of a community bus.

28 – Water and Sewer

The modification of consent will not change the servicing capability of the development site. sewer and water services are already connected to the development site and S64 development services contributions are being updated to reflect amended development plans and current fees and charges.

30 – Site analysis

The original development application was accompanied by a site analysis. The modification of consent will not change the details of the site analysis or the interaction of the development site with the surrounding locality. The proposed development is suitable within the development area and will be consistent with the existing and future development of the surrounding area.

33 – Neighbourhood Amenity Streetscape

The modification is consistent with the existing development. The proposed amendments to the development plan and changes to the elevations of the individual units will not change the considered visual impact on the surrounding locality and streetscape. All units will remain as single storey buildings. The resulting amendment to the site plan will remove any approved triplexes (3 units per building) that had not been constructed, replacing them with duplex units (2 units per building). The modification will not change the approved landscaping plan.

34 – Visual and Acoustic Privacy

The modification will not amend approved landscaping plans for the development. The modification does not propose to remove any obligations for the developer to comply with *AS/NZS 2107-2000, Acoustics – Recommended design sound levels and reverberation times for building interiors*.

35 – Solar Access and Design for Climate

Proposed landscaping, dwelling orientation and internal dwelling design is adequate to ensure that there is suitable natural lighting to all habitable and living rooms for each dwelling/unit onsite. Each of the dwellings has provision of private open space to the rear of each dwelling.

36 – Stormwater

The modification does not propose any changes to stormwater management within the site. The proposed modification will reduce the total floor area of all buildings within the development site, resulting in a reduction of overall roof space. The development will amend internal access that will have a minor increase in impervious surfaces. The resulting surface area for the capture of stormwater will not be in excess of the original development and hence, the stormwater management plan provided to Council and the constructed stormwater detention basing is expected to be adequate to accommodate the amended development layout.

37 – Crime Prevention

It has been identified that all areas within the development site will be clearly visible. All entries and exits from dwellings are clearly visible from public areas and internal driveways for safety. Each dwelling, apart from one single dwelling, will have common driveways and shared carports for vehicle parking. The modification will change the development floor plans from having attached carports, for vehicle parking, to attached garages. This will give extra security with the ability for vehicle parking spaces to be secured. Internal road construction will provide vehicle entry to all parking areas and dwellings. All dwellings are provided with windows adjacent to or providing visibility of entry doors.

38 – Accessibility

The development plans have indicated internal pedestrian pathways for connectivity within the site and provision of access to community facilities. Each dwelling has been provided with individual parking spaces.

39 – Waste Management

The submitted Statement of Environmental Effects has identified that each dwelling contained within the development, will be provided with individual waste and recycling bins. The new development site plan will provide new waste bin corals in closer proximity to each of the units. The new internal vehicle driveway will allow for easier access of waste collection vehicles through the site.

40 – Development Standards – minimum sizes and building height

The development site has an area of 20,727m² and an access handle 20 metres in width. Each of the buildings will be single storey and will not be more than a 2 storey structure.

43 – Transport Services to Local Centres

Transportation services provided by the development are not a requested amendment, as part of this application to modify a development consent. It is presumed that these services will remain compliant as per the original development assessment.

4.15(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 the currently constructed stages of the Oak Tree seniors living development. The development site is located within the R2 low density residential area of Gunnedah to the east of the Gunnedah CBD. The surrounding area is predominately dwelling houses and undeveloped allotments. The modification to the development will not result in the development being inconsistent with the surrounding locality.

Access, Transport and Traffic

Entry to the site is from Favell Road. The development has an existing access and internal driveway that services the development. The modification will reduce the overall traffic movements within the road network with a reduction in number of tenements and over all dwelling units that will be constructed. The surrounding road network is suitable for the proposed development.

Water & Waste

Water services have been previously addressed through this report. Council's S64 development services contributions have been recalculated based on previous contributions (0.4 ET per 2 bedroom unit or 0.67 per 3 bedroom unit) with new contribution values based on current 2019/2020 fees and charges. All contributions were based on the original development determination, subject to revised rates based on subsequent operational plans.

Air and microclimate

Internal driveways are to remain hardsealed. There will be no unsealed vehicle movements as part of this development that may give rise to any dust impacts. The modification will not create any possible odour or emissions in comparison to the original development.

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

The modification of consent will not materially change the development proposal. The development is consistent with the existing and future development in the locality and will enhance Council's ability to provide suitable aged living accommodation within the Gunnedah community. The site is not identified as being flood or bushfire prone land. The site does not contain an item of heritage significance. Hence, the site is considered to be suitable for the proposed modification.

4.15(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.

4.15(1)(e) the public interest

The modification of consent was not regarded as being integrated or designated development and did not require referral to any external Federal or State Government agencies. There are no relevant planning studies, strategies or management plans that are applicable to the proposed development.

Conclusion

The Modification of Consent Application is seeking consent for the amendment to development plans and amendment to development conditions relating to Council's S64 development services contributions, where impacted by changes to development plans. The application has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Modification of Consent Application has concluded that the proposed development is compliant with the legislative requirements for this development and determined that the modification of consent was substantially the same development as that of the original determination.

As per the recommendation of this report, it is concluded that Modification of Consent Application No. 2014/092.004, at 4 Favell Street, Lot 6 DP 262888, should be approved subject conditions.

Andrew Johns

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES