



MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING
DIRECTORATE	Planning and Environmental Services
DATE	5 August 2020
TIME	4:00pm
VENUE	Council Chambers
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 No 2020/046 – Internal Alternations and Additions to Food and Drink Premises – Lot 189 DP612240 – 182-184 Conadilly Street
Gunnedah 3

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. 2020/046 – Internal Alterations and Additions to Food and Drink Premises – Lot 189 DP 612240 – 182-184 Conadilly Street, Gunnedah
MEETING	Planning, Environment and Development Committee – 5 August 2020
DIRECTORATE	Planning and Environmental Services
AUTHOR	Senior Development Officer
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 4.9.3 Investigate and act on preservation of our natural and built environment. 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. 2020/046, for Internal alterations and additions to Food and Drink Premises, at Lot 189 DP 612240 – 182-184 Conadilly Street, 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 generally in accordance with the details set out in the following:
- Development Application form lodged 23/06/2020;
 - Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, dated 18 June 2020, Ref: 5360; and
 - Submitted plans:
 - Prepared by Stewart Surveys Pty Ltd, dated July 2020, Ref: 5360 (Development Application Site Plan);
 - Prepared by EPK, dated 21/06/2020, Rev: 04, Proposed Ground Floor Plan;
 - Supporting Documentation:
 - Flood Response Plan, prepared by Stewart Surveys Pty Ltd, dated 18 June 2020, Ref: 5360;
 - Additional Noise Information, prepared by Stewart Surveys Pty Ltd, dated 28 July 2020, Ref: 5360;

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 determination, development consent is granted for the undertaking of development works in accordance with the following stages of work:
- Stage 1 – Enclosure of rear carport and internal alterations to building layout, and installation of new partition wall along carport;
 - Stage 2 – Construction of a new internal food preparation room within existing floor space.

Reason: To clarify the stages of development.

- A3.** To confirm and clarify the terms of this development determination, the proposed emergency backup generator is not to be located within 19 metres of any residential shop top housing.

Reason: To ensure compliance with the submitted noise assessment.

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 4.17(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 4.17(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 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 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 4.17(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 certifier 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 6.28 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 certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: To ensure compliance with the statutory requirements.

B3. Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information—
 - (a) in the case of work for which a principal contractor is required to be appointed—

- (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder—
- (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

Reason: To ensure compliance with the statutory requirements.

B4. Conditions relating to entertainment venues

For the purposes of section 4.17(11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue.

Reason: To ensure compliance with the statutory requirements.

C. PRIOR TO COMMENCEMENT OF BUILDING WORKS

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

Reason: To meet statutory requirements.

- C2.** 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. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- D1.** Prior to the issue of a Construction Certificate, an application for the discharge of liquid trade waste to Council's sewer shall be submitted to Council.

Reason: To ensure compliance.

- D2.** If required, prior to the issuing of a Construction certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:

- (a) 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. GENERAL

- E1.** No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

- E2.** Access doors to the premises are not to open outward onto adjoining properties or over Council's footpath or roadways.

Note: despite the development floor plan the primary door entry to Conadilly Street is not to swing outward onto the footpath of Conadilly Street.

Reason: To ensure that pedestrian pathways remain unobstructed during operation of the premises.

Outdoor Lighting

- E3.** Outdoor lighting is to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS4282 Control of Obtrusive Effects of Outdoor Light*.

Reason: To ensure compliance.

- E4.** Onsite car parking accommodation shall be provided for a minimum of four (4) 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. All parking spaces are to be marked to ensure compliance with *AS 2890 Off Street Parking* for parking space dimensions.

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

- E5.** All onsite parking spaces are to be clearly signposted and marked to ensure that they are clearly identified.

Reason: To ensure onsite parking is clearly marked.

- E6.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- E7.** The development operating hours are limited to the operation of the premises between the following hours:

- Monday – Sunday: 9:00am until 8:00pm

Reason: To ensure compliance with application and plans.

- E8.** Any Works undertaken that relate to the food premises is to comply with the Food Act 2003 and the Food Safety Standards.

Reason: To ensure compliance.

- E9.** Provide facilities for the storage of staff clothing and personal possessions.

Reason: To ensure compliance.

- E10.** All shelving shall be smooth, non-absorbent and capable of being easily cleaned. All racks are to be arranged so as to provide a space of at least 150mm from the walls.

Reason: To ensure compliance.

- E11.** Condensate water from the cool room and freezer is to discharge to the sewer.

Reason: To ensure compliance.

- E12.** The development is to incorporate materials consistent with *Appendix 2 – Flood Proofing Guidelines* of the Gunnedah Development Control Plan 2012.

Reason: To ensure compliance.

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

Reason: To ensure site safety.

- F3.** Prior to the commencement of building works a site specific “Flood Response Plan” must be submitted for Council’s consideration.

Reason: To ensure compliance.

- F4.** All wiring, power outlets, switches, and fixed electrical appliances to the maximum extent possible, be located 1 metre above the 1% AEP flood level. All electrical wiring installed below the flood planning level shall be suitable for continuous submergence in water and shall contain no fibrous components. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant flood level should be so installed that they will be self-draining if subjected to flooding. All structural components of walling and flooring shall be constructed of flood tolerant materials.

Reason: To ensure compliance.

- F5. Excavations and backfilling**

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

Reason: To ensure compliance.

Traffic and Parking

- F6.** 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 hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with *AS 2890 – Parking Facilities* and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

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

Access - Urban

- F7.** Vehicular access shall be from Little Conadilly Street and will require the construction of a concrete driveway across the footpath in accordance with Council's standards and specifications. 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 2-3%. 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.

F8. Support for neighbouring buildings

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

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building 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.

F9. Protection of public places

If the work involved in the alteration of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To ensure site safety.

F10. 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 Par 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.

F11. 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 AN OCCUPATION CERTIFICATE

G1. Occupation of the building is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

H. CONTINUED OPERATIONS

H1. The development shall not generate noise, when measured over a 15 minute period ($L_{AEQ, 15min}$), which exceeds the following noise levels at each identified time period at the most affected nearby:

- residential receivers:
 - 65dba – Day hours (7am – 6pm) Monday to Saturday; or (8:00am to 6:00pm on Sundays and Public Holidays);
 - 55dba – Evening Hours (6pm – 10pm);
 - 50dba – Night Hours (10pm – 7am) Monday to Saturday; or (10:00pm to 8:00am on Sundays and Public Holidays);
- Commercial receivers:
 - 70dba – Any time;

Reason: To ensure amenity of the neighbourhood is maintained.

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 within the Gunnedah Development Control Plan 2012, pertaining to entry and exit of vehicle to and from the site in a forward direction.

Applicant: Patsy Dimarchos,
C/- Stewart Surveys Pty Ltd,
Owner: Theos & Patsy Dimarchos,
Property Description: Lot 189 DP 612240,

182-184 Conadilly Street, Gunnedah

Proposed Development

The development application is seeking consent for the enclosure of the existing carport to the rear of the premises and the internal fitout of new food preparation room and freezer room over two stages.



Figure 1 – Site Location

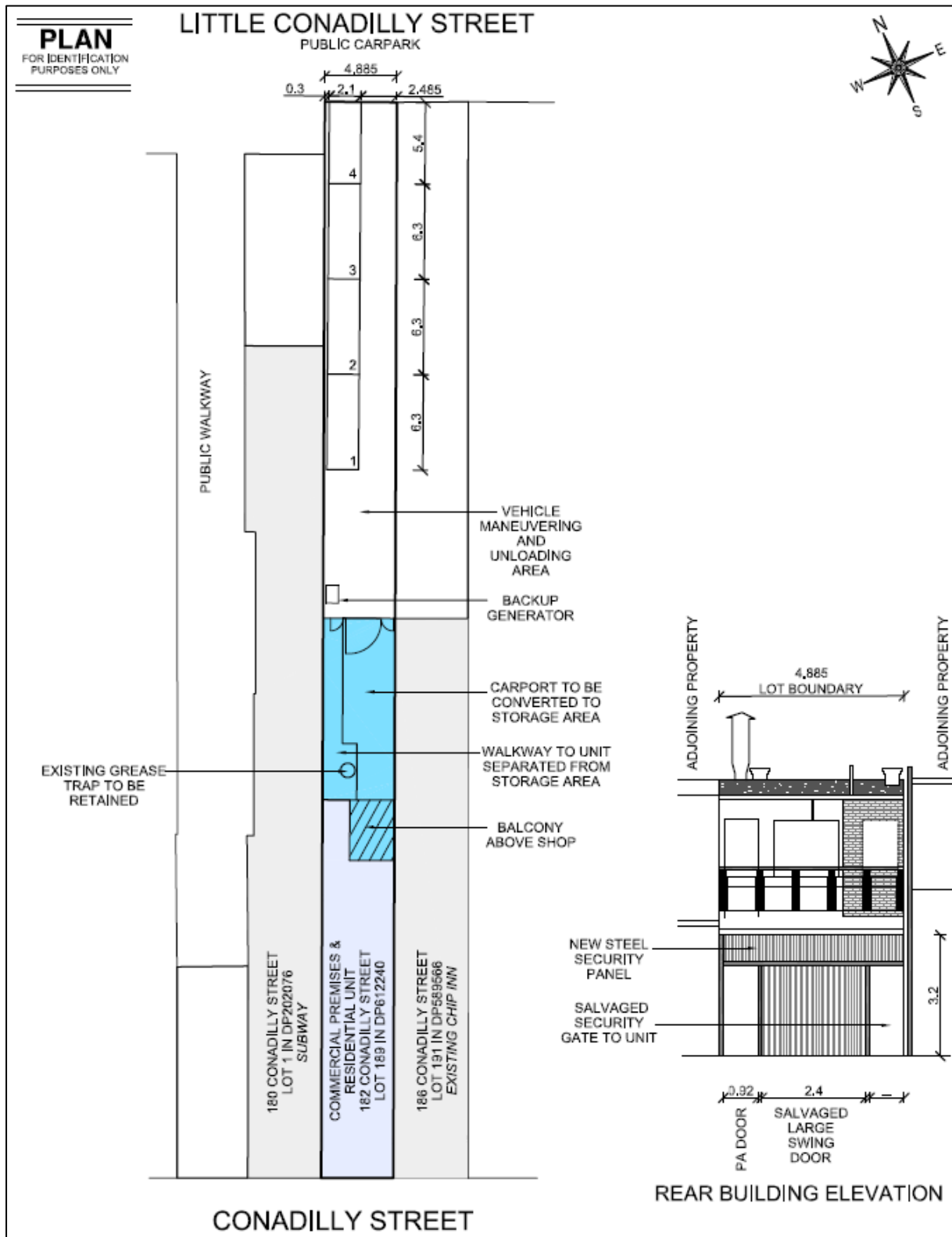


Figure 2 – Site & Rear Elevation Plan

COMMENTARY

Issues

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

Gunnedah LEP, 2012

The development site is zoned B2 Local Centre, under the provisions of the *Gunnedah Local Environmental Plan, 2012* (GLEP 2012). The following GLEP 2012 clauses are applicable to the development:

2.3 – Zone Objectives and Land Use Table

The proposed development will not change the land use, with the use of the building being retained as a food and drink premises. Food and Drink Premises are a permitted land use within the B2 land zone.

The development is consistent with the land use objectives of the Local Centre zone, being to provide a range of retail and business activities including supportive land uses within a business centre. B2 Local Centre land use objectives are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To generally conserve and enhance the business centre precincts by ensuring that new development integrates with the distinct urban scale, character, cultural heritage and landscape setting of those places.
- To enable a wide range of land uses that are associated with, ancillary to, or supportive of, the retail and service functions of a business centre.
- To provide opportunities for a compatible mix of residential living above retail, commercial, recreational, cultural and community activities at street level.
- To ensure that adequate provision is made for infrastructure that supports the viability of business centre precincts, including public car parking, traffic management facilities, public transport facilities, cyclist facilities, pedestrian access paths, amenities, facilities for older and disabled people and general public conveniences.

Hence, it is considered that the development is consistent with the land use objectives of the zone.

4.4 – Floor Space Ratio

The development site has a maximum Floor Space Ratio (FSR) of 1.5:1. The development site has an area of 344m². The existing building includes a food and drink premises with a floor space of 105.5288m² and second floor Shop Top Housing that has a floor space of 108m². The proposed development will enclose the existing carport which will result in an increase floor space of 94.788m². The resulting total floor space of the development onsite will be 303.3744m², which would result in a FSR of 0.9:1. Hence, the development does not exceed the development site FSR.

6.1 – Flood Planning

The development site is identified as being partially subject to flooding during a 1 in 100 ARI (Average Recurrent Interval) year flood event, within Council's LEP, see Figure 3 below. The proposed works will occur to the rear of the existing building which will be located within the flood prone portion of the site. The additions will occur at ground level with floor levels below the flood planning level (1 in 100 ARI level, plus 500mm freeboard). The proposed works are not expected to have any significant adverse affect on flood behaviour and is not expected to increase flooding on adjoining properties or this site. Due to the general low flooding impact on the site and the preparation and implementation of the submitted Flood Response Plan will reduce the risk to life and property. Hence, the development meets the objectives of this clause.



Figure 3 – Site & Rear Elevation Plan

6.5 – Essential Services

The development site has provision of Council’s water, sewer and stormwater services. Overhead electrical services service the site. The proposed works are not expected to impede access to any existing services. The development site has frontage to Little Conadilly Street for vehicle access to the site. Pedestrian access is provided to the site from Conadilly Street.

State Environmental Planning Policies (SEPPs)

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

The development does not result in a change of land use activity. A search of Council’s records and the submitted Statement of Environmental Effects did not identify a historical land use activity listed within Table 1 of SEPP 55 that could have been a source of potential contamination. Hence, no contamination report is required. The development is not expected to result in potential future contamination of the site or surrounding area.

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

The development site is located within the B2 Local Centre zone, which is identified within this SEPP as being a land zoning to which this SEPP applies. The development proposal does not include the removal of any trees or vegetation from the site. The site is highly modified and does not contain any native vegetation or ground cover in the position of the proposed works. No consideration of vegetation removal is required for this development.

State Environmental Planning Policy (Koala Habitat Protection) 2019

The development site does not have a Koala Plan of Management registered against the property. The development site is not identified on the Koala Development Application Map (Figure 4) and the site does not have an area of greater than 1 hectare. Hence, Clause 10 does not prevent the granting of development consent.



Figure 4 – Koala Development Application Map

State Environmental Planning Policy (Infrastructure) 2007

The development is not anticipated to generate more than 200 vehicle movements to or from the site per hour. Hence, Council is the roads authority for this development and no referral is required.

4.15(1)(a)(iii) provisions of any development control plan

Gunnedah Development Control Plan 2012 (Gunnedah DCP)

3.1 – Building Setbacks

The development site does not have any specific minimum building setbacks. The building is required to comply with the Building Code of Australia during assessment of a construction certificate.

3.2 – Height

The development will not exceed the FSR for the development site. Refer to the FSR assessment previously through this report.

3.3 – Design

The development indicates that there are no alterations that will impact on the visual appearance of the building. Development floor plan shows pedestrian access door from Conadilly Street as opening out over Council's footpath. The opening of a door onto Council's footpath is not supported as this may impede pedestrian traffic within the pedestrian zone of the CBD footpath. Council's staff have clarified with the developer and it was indicated that this was an error and the existing sliding door will not be altered. Hence, a condition is to be imposed that requires that any door access not open onto Council's footpath.

3.4 – Post Supported Verandahs and Balconies

The development does not propose any post to support the existing verandah. There are no alterations to the verandah, with the noted exception of new signage.

3.5 – Utilities and Services

The development site has existing provision of water, sewer and stormwater services. Current services are sufficient to accommodate the proposed development works. The developer will be required to enter into a liquid trade waste agreement with Council for the discharge of trade waste to Council's sewer network.

3.6 – Traffic and Access

The development site has frontage to Council's public car park located in Little Conadilly Street. The position of onsite parking spaces is not expected to interfere with customer or delivery vehicles. The majority of pedestrian access to the site is expected to occur from Conadilly Street, away from onsite parking and delivery areas.

Due to the limited space and width of the development site, vehicles are unable to enter and exist the site in a forward direction. The development application includes a request to vary this development standard. This is an historical deficiency of the site. The position of the vehicle entry point is directly to the public car park within the road reserve of Conadilly Street. As this space is not a vehicle travel route and vehicle traffic speed within the parking area is slow the reversing into this space is considered to be acceptable and not dissimilar to vehicle reversing from 90 degree parking spaces within the parking area. Hence, the variation is supported in the circumstances of this development.

A condition is to be imposed to ensure that all internal driveway, parking areas and manoeuvring areas are hardsealed. The current vehicle access from the site to the kerb is gravel and will require upgrade to a concrete access to Council's urban access standard.

3.7 – Parking

The existing land use has a development consent requiring the provision of 3 onsite parking spaces. The proposed development will not result in a change of land use which would require additional onsite parking spaces. The development will construct additional storage area which has a parking ratio requirement of 1 parking space per 300m². The increase in floor area will be 94.778m². This would equate to a single additional onsite parking space being required. Hence, the development will require a total of four (4) onsite parking spaces, being the 3 previous spaces and the 1 additional space required as a result of this development.

3.8 – Landscaping

The development does not require the provision of more than 10 onsite parking spaces. Hence, there is no obligation for landscaping of the onsite parking spaces to soften the visual appearance or provide shading of spaces.

3.9 – Outdoor Lighting

Outdoor lighting will be installed in accordance with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS 4282 Control of Obtrusive Effects of Outdoor Light*.

3.10 – Outdoor Signage

The development proposes the installation of two signs to the front façade of the building. There will be no signage to the rear of the building. The two signs to be installed is an under awning sign and a façade sign on the exterior of the verandah. The signage is not to be illuminated. The signage is compliant with the provisions of Schedule 1 of SEPP 64.

3.11 – Heritage and Streetscape

3.11.1 – Specific Site

The development site is located along Conadilly Street, between Chandos and Abbott Street. Hence, the following Clauses apply.

3.11.2 – Roofs, Parapets and Skyline

The development will not include any works to the frontage of the building. The existing façade will be retained.

3.11.3 – Awnings and Lighting

The existing verandah does not include an awning. The subject development does not propose the installation of a new awning on the verandah.

3.11.4 – Rear Development

The proposed works will be conducted to the rear of the existing development and will involve the enclosure of the existing carport. The development will not detract from the visual appearance of the front of the building facing Conadilly Street and the works will not result in the elevation facing Little Conadilly Street being the main pedestrian entry.

3.11.6 – Materials, Details and Colours

The development does not indicate a proposal to alternate the colours or materials of the building. The only alterations to the front appearance of the building will involve the installation of an under awning sign and sign on the exterior façade of the verandah.

6.1.4 – General Requirements for development of flood fringe

The development is to incorporate materials consistent with *Appendix 2 – Flood Proofing Guidelines* of the Gunnedah Development Control Plan 2012.

6.1.5 – Access to lots within flood fringe

The development does not have the ability for flood free access. The only point of vehicle access available to the site is to the rear of the site which is flood prone. The site is only partially flood prone during a 1 in 100 ARI flood and the site does not slope away quickly. Hence, it is expected that safe wading depths can be achieved to and from the site.

6.1.8 – Commercial/Retail/Industrial development within flood fringe

The proposed additions to the building will occur to the rear of the site, which is regarded as being flood prone land. The additions will occur below the 1 in 100 ARI flood level in order to retain a single floor level throughout the property. New electrical outlets installed within the development are to be installed above the 1 in 100 ARI flood level to ensure that they are not subject to flood water inundation.

As the building floor level will be located below the 1 in 100 ARI flood level a site specific flood response plan has been prepared which identifies emergency exit direction and meeting points, safety of materials, emergency alert notifications and flood responses in the event that a flood occurs. As long as the flood response plan is adhered to in the event of a flood, the works occurring below the flood level is not expected to have a negative or limiting impact on the proposed business operations.

6.6.1 – Erosion and Sediment Control

Council's standard condition will be imposed for sediment and erosion control measures to be implemented during construction.

4.15(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality**Context & Setting**

The development site is located within the Gunnedah Central Business District (CBD). The site contains an existing vacant business that has approval to operate as a food and drink premises. There is an approved shop top housing located on the second floor of the property. The adjoining properties are business, retail and office premises. The proposed development is considered to be consistent with pre-existing development within the surrounding area.

Access, Transport and Traffic

The site has frontage to Conadilly Street (pedestrian access only) and Little Conadilly Street. The development will accommodate onsite parking spaces within the parking area to the rear of the building. The development is not expected to result in any additional vehicle movements to or from the site. The surrounding road network is bitumen constructed with kerb and guttering along each frontage of the development site.

Public Domain

No negative impacts on the public domain have been identified as detailed throughout this assessment report. The proposed development is consistent with existing development in the locality.

Utilities

The development site has provision of development services. Utility services previously addressed through this report.

Other Land Resources

The proposed usage is consistent with the land use objectives of the adjoining allotment. The land is not primary agricultural land and the zone precludes the quarrying or mining of resources on this allotment. As a result the development will have no effect on natural land resources.

Waste

Waste generated during construction is to be maintained onsite and shall be disposed of to Council's land fill.

Air and Microclimate

The development is not expected to have any significant impact on air and microclimate within the surrounding area. The internal trafficable and parking areas will be hard sealed with concrete, which will limit the potential for dust generation for the site.

The development will include the installation of a backup generator that will be used during power outages to maintain the operation of cool rooms. The generator produces an approximate maximum noise level of 88.4dBA. The generator will be located to the rear of the property, and is required to be a minimum of 19 metres from the nearest shop top house. The separation of the generator and the nearby residences will result in an approximate noise level of 54.9dBA at the nearby residence. Which does not exceed the noise guidelines of 55dBA at nearby receptors during daylight hours.

To ensure that the development does not impact on the neighbouring businesses when in operation and any residential accommodation present within the CBD a condition has been imposed that the noise levels from the development are not to exceed noise levels within the NSW EPA Industrial Noise Guidelines measured at each of the nearby receptors.

Safety, security & crime prevention

The development is not expected to result in any decrease in safety, security and prevention of crime in the surrounding area. The site has an existing external boundary fence to restrict access to the property.

Social & Economic impact in the locality

The development will have little social impact on the surrounding area. The development will be constructed to compliment an existing commercial food outlet. The development of the property is considered to be complimentary to the ongoing viability of the Gunnedah CBD.

Site design and internal design

The size of the development is consistent with development within the surrounding area. The limitations of the site are able to be accommodate due to the ability for vehicle entry and egress from the site to a public car parking where vehicle movements are slower and less frequent as opposed to being directly onto a public street.

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

The proposed development is consistent with the existing and expected future development in the locality. The development has access from a public road and Council's utility services are available to the site. The site is not identified as being bushfire prone land and does not contain an item of heritage significance. However, the land is identified as being flood prone. Suitable measures have been addressed throughout this report which deem the development to be compatible with the flood prone nature of the site and surrounding environment. The site is considered to be suitable for the development.

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

The development proposes a variation to a Council's Development Control Plan. Hence, in accordance with Council's Community Participation Plan 2020 (CPP), the development was notified to adjoining land holders for a period of 14 days. A copy of the development was also placed on Council's webpage for online viewing. Council did not receive any submissions during the submission period. Hence, no matters from public consultation are required to be addressed.

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 enclosure of the existing carport to the rear of the premises and the internal fitout of new food preparation room and freezer room over two stages. 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. 2020/046, at 182-184 Conadilly Street, Gunnedah Lot 189 DP 612240, should be approved subject conditions.

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

