



MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING
DIRECTORATE	Planning and Environmental Services
DATE	6 October 2021
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 Application to Modify Consent No 2020/072.002 – Construction of Caravan Park (including Camping Ground) Construction of Carport, Garden Shed, Waste Dump Point, Water Taps, Fence and Landscaping – Lots 15, 16, 17 and 19 Sec 21 DP758492 – 107-109 Chandos Street, Gunnedah..... 3
 - 3.2 Development Application No 2021/069 – Construction of Detached Outbuilding (Shed) – Lot 75 DP732739 – 11 Kirkpatrick Close, Gunnedah..... 18

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	Application to Modify Development Consent No. 2020/072.002 – Construction of Caravan Park (Including Camping Ground), Construction of Carport, Garden Shed, Waste Dump Point, Water Taps, Fence and Landscaping – Lots 15, 16, 17 & 19 Sec 21 DP758492 – 107-109 Chandos Street, Gunnedah
MEETING	Planning Environment and Development Committee Meeting – 6 October 2021
DIRECTORATE	Planning and Environmental Services
AUTHOR	Senior Development Officer (Statutory)
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 S4.55(1A) Modification of Consent Application No. 2020/072.002, which involves the deletion of condition A2 and the redefinition of the land use to caravan park (including camping grounds), at 107-109 Chandos Street, Gunnedah, Lots 15, 16, 17 and 19 Sec 21 DP 758492, be approved subject to the deletion of conditions A2, as follows:

Amended conditions are underlined.

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 25 June 2020
 - Statement of Environmental Effects, prepared by Campervan & Motorhome Club of Australia, dated 27 August 2020; and
 - Submitted plans:
 - Prepared by CMCA, ref: CMCA RV Park Site Plan;
 - Prepared by CMCA, ref: Elevations;
 - Prepared by CMCA, Ref: Figure 23: Possible RV Parking Arrangement;
 - Prepared by Ranbuild, Drawing No, ELLN03-0304, Page 1/1 (General Arrangement); Drawing No. RSP-0304, Page 1/1 (Carport Post Location Plan);

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

A2. Deleted

A3. To confirm and clarify the terms of this development determination, the development is permitted for short-term accommodation only. No person is permitted to reside on the property for a consecutive period of 3 months or longer in any one calendar year.

Reason: To confirm the terms of this development determination.

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.

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

Reason: To ensure compliance.

- D3.** 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 water supply works
 - (b) Carry out sewerage works
 - (c) Carry out stormwater drainage works

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

Reason: To ensure environmental health standards are met.

- D4.** Prior to the issue of a Construction Certificate a Flood Emergency and Evacuation Plan for the development, is to be submitted to and be approved by Council. The flood emergency and evacuation plan is to be accompanied by evidence that the local division of the State Emergency Service has been consulted in the formulation of the plan.

The developer is to supply a copy of the final plan must be supplied to the local division of the State Emergency Service prior to the issuing of an occupation certificate.

Reason: To provide a permanent, fail-safe, and maintenance-free measure for the orderly evacuation of people from the area in the event of a flood.

- D5.** Prior to issuing a Construction Certificate, a Water Meter Application shall be lodged with Council.

Reason: To ensure a water service is provided to the site in accordance with Council's requirements.

E. GENERAL

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

Reason: To ensure legal requirements.

- E2.** Street numbers of minimum height of 75mm are to be displayed in a prominent position so as to be legible from the street. Your street number will be 107 Chandos Street.

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

- E3.** The Developer shall ensure that no fill is deposited on any land affected by floodwater inundation within the Gunnedah Shire.

Reason: To meet statutory requirements.

- E4.** The developer is to construct a screen enclosure for the storage of waste collection skip bin(s). The screen enclosure is to be positioned a minimum of 7.5 metres from Chandos Street or Maitland Street.

Reason: To reduce visual impacts of waste storage areas.

- E5.** Excavated material from the lot is not to be placed on or used to alter the level of Council's footpath, with no earth batters are to extend beyond the property boundary line.

Reason: Implementation of Council policy.

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

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

Stormwater

- E7.** Stormwater from the development site must not be concentrated onto adjoining land. Stormwater is to be discharged to Council's stormwater system in either Chandos Street or Maitland Street in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's requirements.

Outdoor Lighting

- E10.** 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.

- E11.** 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.

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

Reason: To ensure compliance efficient construction.

Access - Urban

- F4.** Vehicular access shall be from Chandos Street and will require the construction of a 10 metre wide 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.

- F5.** Any buildings shall be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding.

NOTE 1: A list of suitable materials is shown in Draft Flood Proofing Code, Table 10, State Government Floodplain Development Manual.

NOTE 2: A list of suitable materials is shown in Appendix F of the NSW Floodplain Development Manual, 1986.

Reason: To reduce the likelihood of damage from flood waters. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

Water Supply

- F6.** The developer is to ensure that a single water supply service is provided to the development site. The size of the service shall be commensurate with the proposed development. All redundant water services are to be removed and disconnected from the main. The developer will be responsible to determine the fire fighting and domestic demands and determine an appropriate water service size for the development. If fire hydrants are required, they shall be above ground installations. Works on live water mains to be undertaken by Council at full cost to the developer. 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 2020/2021 fees and charges. Revised rates adopted in the subsequent fees and charges will apply to lots released in later financial years.

Reason: To ensure compliance with Council's requirements.

Sewerage

- F7.** The developer is to utilise the existing sewer service to Lot 19 DP758492 to service the development site. Redundant sewer connections shall be capped and buried. Works shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments

Reason: To ensure compliance with Council's requirements.

F8. Protection of public places

If the work involved in the construction 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.

F9. 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.

F10. 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. Operation of the Camping Ground is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

G2. In accordance with Section 68 of the Local Government Act 1993, approval must be obtained from Council to operate a Camping Ground.

Reason: Regulatory Compliance with the local Government Act 1993.

G4. Prior to the issue of an Occupation Certificate, all landscaping consistent with the approved landscaping plan is to be undertaken.

Reason: To ensure compliance.

H. CONTINUED OPERATIONS

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

Reason: To ensure maintenance of landscaping.

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

Reason: To ensure maintenance of car parking areas.

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

Reason: To ensure compliance with Council's requirements.

H4. All onsite waste collection bins are to be emptied on a regular bases and are kept in a clean and tidy manner.

Reason: To ensure maintenance of landscaping.

Noise

H5. The development shall not generate noise, when measured over a 15 minute period ($L_{Aeq, 15min}$), which exceeds the following noise levels at the most affected nearby residential receivers:

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

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

H6. Electricity generators are to be position as far as practical from adjoining residential receivers. No operation of electricity generators is permitted on the site outside of the hours of 8am-8pm.

Reason: to ensure compliance with the Statement of Environmental Effects, which accompanied the Development Application.

PURPOSE

The Modification of Consent Application is being referred to Council for determination as the original development was determined by Council.

Applicant: Campervan & Motorhome Club of Australia,
 Owner: Gunnedah Shire Council,
 Property Description: Lot 15, 16, 17 and 19 Sec 21 DP 758492
 107-109 Chandos Street, Gunnedah

Proposed Development

The modification seeks to remove condition A2, which prohibited the occupation of the site by Caravans. This condition was previously imposed as a restriction based on land use permissibility which previously prohibited a caravan park as well as clear exclusion of caravans from the ‘Camping Ground’ definition. The development will still include the construction of an open carport, garden shed, wastewater dump point, water taps, fencing and landscaping.

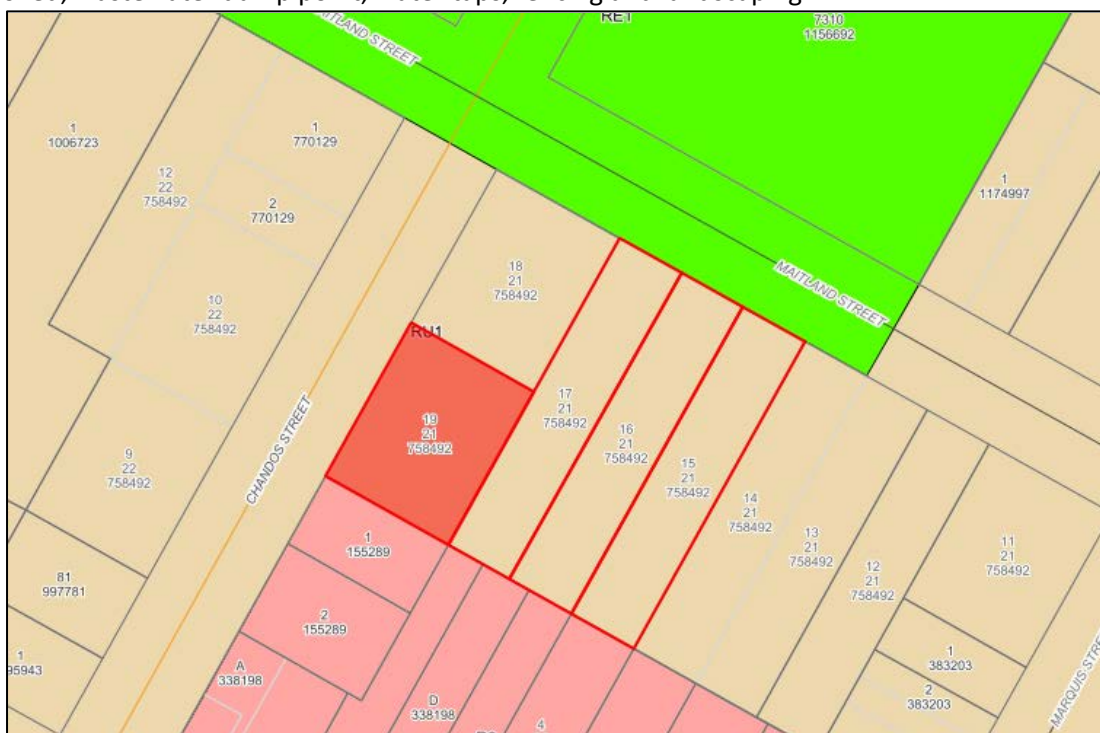


Figure 1 – Site Location



Figure 2 – Existing Site Plan (unchanged)

BACKGROUND

Council resolved (Resolution No. 19.12/20) on the 16 December 2020, to approve the construction of a camping ground, including carport, garden shed, waste dump point, water taps, fence and landscaping.

On the 27 August 2021, the Gunnedah Local Environmental Plan 2012 was amended (Amendment No. 12) to include an additional permissible use for the development site, enabling development for the purposes of Caravan Parks, subject to consent. Prior to this date Caravan Parks were prohibited. Council Staff were notified on the 1 September 2021 of the amendment.

COMMENTARY

Issues

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

Gunnedah LEP, 2012

▪ **2.3 – Zone objectives**

The modification proposes to remove the condition which prohibits the occupation of the site by Caravans. This condition was previously imposed to ensure that the developer understood the limitation of the Camping Ground activity and its exclusions as Caravan Parks are prohibited within the RU1 land zoning. See Clause 2.5, referring to additional permissible uses.

The modification is considered to be consistent with the land use objectives of the RU1 land zone, as the development in its modified form, would not erode valuable primary production land or result in fragmentation and alienation of resource lands. The land is not large enough or in a suitable position that it could be used for or be incorporated into a viable agricultural holding and the activity would not prevent agricultural pursuits on adjoining land if they current operate or are proposed in the future.

▪ **2.5 – Additional Permitted Uses for Particular Land**

The site is listed within Schedule 1 of the GLEP 2012 as being permitted subject to consent as a Caravan Park. This additional permitted use allows a caravan park despite the land use table for the RU1 land zone. Hence, the removal of condition A2 and the operation of the site as a Caravan Park, is permitted by this clause and Schedule 1, subject to consent.

▪ **5.21 – Flood Planning**

The development site is identified as being subject to flooding in a 1 in 100 year flood event in mapping contained within the GLEP 2012. The modification does not introduce any habitable floor space which could increase the potential risk to life as a result of the development.

All occupants within the site will be within self contained transportable structures such as a Motorhomes and, now caravans. As these structures can be removed from the site pending a flood event the risk to property is also expected to be minimal. The modification is not expected to change the flood characteristics or direction of flood flows which could alter the impact of flood on surrounding properties.

▪ **6.5 – Essential Services**

The modification does not impact on the provision of services. Adequate services were available or conditioned as part of the original development determination.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

State Environmental Planning Policy No. 55 – Remediation of Land

The development site is currently vacant land with no historical land use of the site, nor was there any historical uses on adjoining allotments, which could potentially have caused potential land contamination of the site. Hence, no investigation or site testing was required.

State Environmental Planning Policy No. 64 – Advertising Signage

The modification does not propose any changes to the approved signage.

State Environmental Planning Policy (Koala Habitat Protection) 2020

The development site was not subject to a Koala Plan of Management and the site did not have an area 1 hectare or greater. Hence, Council is not prevented from granting development consent for this modification under the provision of this SEPP.

State Environmental Planning Policy – Infrastructure

The modification is not anticipated to increase the number of vehicle movements to or from the site. Despite additional vehicle type (caravans) that can be accommodated onsite, the modification does not permit additional numbers of vehicle accommodation within the site. The site is not located within 90 metres of a classified road and does not result in more than 50 vehicle movements per hour with the site expected to generate a maximum of 60 vehicle movements per day. Hence, Council is the roads authority for the determination of this modification.

S4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft environmental planning instruments applicable to the proposed development.

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

6.1.2 – Is land flood affected?

The development site is identified as being subject to flooding based on the 1 in 100 year flood event mapped extent.

6.1.4 – General Requirements for development of flood fringe

The development site is located within the high hazard flood fringe as identified in Figure 4. The assessments of the original development application and the modification have considered the development in accordance with the Floodplain Management Manual. As the business activities are temporary and vehicles can be removed from the site in the event of a flood, the development has negligible risk to life and property. The modification does not change these impacts.

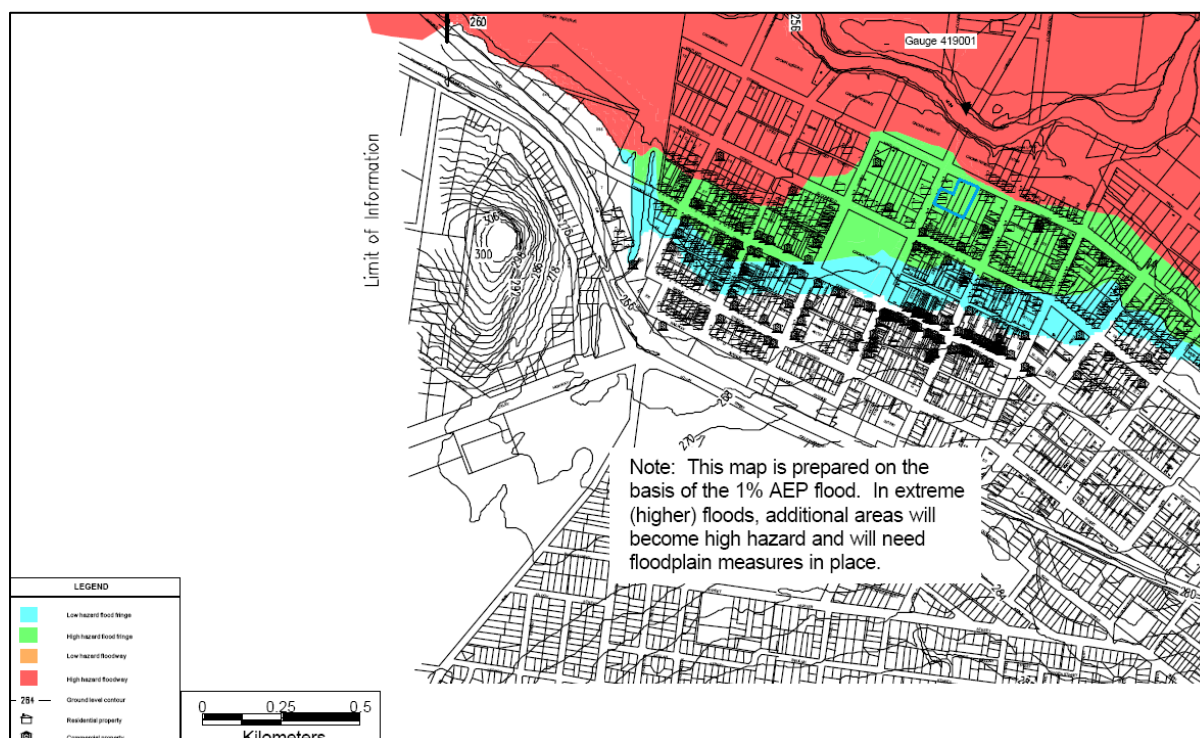


Figure 4. Hazard Flood Map, Gunnedah (SMEC)

6.1.5 – Access to lots within flood fringe

The modification will not impact on the access to the site.

6.1.8 – Commercial/Retail/Industrial development within flood fringe

The modification does not introduce any additional permanent structures or change the purpose of any proposed structure.

6.1.11 – Land filling within flood fringe

The modification does not propose any works which requires land filling within the flood fringe.

6.1.13 – Fencing of sites located within flood fringe

The modification does not change the design or placement of development fencing.

6.2 – Parking Requirements

The modification does not propose to increase the number of camping or caravan sites within the development. Hence, the development does not trigger the need for consideration of additional parking demand, noting that Council previously elected to remove recommendations from staff for onsite parking spaces, contrary to the DCP.

6.3 – Landscaping

The modification does not propose any change to landscaping requirements.

6.4 – Outdoor Lighting

Conditions pertaining to outdoor lighting installation are unaffected.

6.5 – Outdoor Advertising/Signage

The modification does not propose to change the approved signage.

6.6.1 – Environmental Effects

The requested modification will have no impact on Traffic, Flood Liability, Slope, Construction Impacts, Solid and Liquid Waste, Air Quality, Noise Emissions, Water Quality or the Sustainability of the site or the development activity.

6.6.2 – Erosion and Sediment Control

Imposed conditions regarding sediment and erosion controls will be unaffected.

6.6.4 – Waste Management

The modification will not affect waste management of the proposed development or any obligations imposed by conditions of consent.

6.6.5 – Noise

Noise impacts have been addressed previously through this report.

6.6.6 – Geology

The development site does not require a geotechnical investigation due to the low slope and grade of the site.

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

There is no planning agreement or draft planning agreement entered into between the development applicant, relevant body or Council, under Section 7.11 of the Act.

S4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The development is not identified as Designated Development under the provisions of Schedule 3, See Part 1.3 of the *Environmental Planning & Assessment Regulations 2000*.

S4.15(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 currently vacant, with no discernible historical use. The adjoining properties are also vacant or developed with residential dwellings. The development site is located within a RU1 primary production zone. The site adjoins Gunnedah Playing fields and low density residential zones. The development is considered to be a low scale development with minimal physical structures to occur onsite. The operation of the site as a caravan park and camping ground is considered to be a similar scale activity with persons occupying the site for short term accommodation consistent with the land use definition, being 3 months or less. Hence, the development is considered to be consistent within the context of the area.

Access, transport and traffic

The development will retain access from Chandos Street. As indicated previously through this report, the modification will not increase the traffic volumes to and from the development as the maximum number of sites onsite will not be increased or decreased. Hence, the modification will have no impact on the access or traffic impacts from the development.

Water

The modification does not propose any amendment to condition pertaining to water services. There will be no increase in stormwater runoff from the proposed amendments.

Waste

The modification does not propose any amendment to conditions pertaining to sewer services requirements. Effluent will be permitted to be discharged to the sewer dump point proposed to be constructed onsite.

Natural Hazards

The development site is not identified as being bushfire prone land, subject to saline soils or mine subsidence. The development site is subject to flooding. Flooding impacts have been address elsewhere through this report.

Social and Economic impact in the locality

The development will encourage members of the Campervan and Motorhome Club of Australia to visit the Gunnedah Community and spend money in the community.

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

The development site is regarded as being suitable for the proposed development. The size of the site and similar limitation of the adjoining allotments does not lend the site to being used for agricultural or other primary production activities. The development will not require the removal of any trees from the site and the site is not identified as being bushfire prone land. The modification of consent does not change the development in such a way that it would not be suitable on the site.

The development site is identified as being subject to flooding, however, the land use activity is expected to be low impact with limited permanent structures. Hence, the activity is considered to be an appropriate use within the site. The development is consistent and compatible with the existing use of the surrounding area. Hence, it is regarded that the development site is suitable for the development.

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

The modification of consent was notified to adjoining land holders and persons who previously made a submission, for a period of 14 days. Council did not receive any submissions to the modification exhibition.

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

The development application is not regarded as being Integrated or Designed Development. There are no Federal or State policy statements or relevant planning studies and strategies that apply to the development.

Conclusion

The Application to Modify Development Consent 2020/072, is seeking consent for the deletion of condition A2 and the redefinition of the land use to Caravan Park (including camping grounds). The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The modification is substantially the same development to the original development consent. The land use is similar in principal with the removal of prohibition of caravans from the site due to a recent amendment to the Gunnedah Local Environmental Plan 2012.

As per the recommendation of this report, it is concluded that the S4.55(1A) Modification of Consent Application No. 2020/072.002, at 107-109 Chandos Street, Gunnedah, Lot 15, 16, 17 and 19 Sec 21 DP 758492, should be approved subject to the deletion of condition A2.

ITEM 2	Development Application No. 2021/069 – Construction of Detached Outbuilding (Shed) – Lot 75 DP732739 – 11 Kirkpatrick Close, Gunnedah
MEETING	Planning Environment and Development Committee Meeting – 6 October 2021
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
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. 2021/069, for the construction of a detached outbuilding, at Lot 75 DP 732739, 11 Kirkpatrick Close 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 05.08.2021
 - Statement of Environmental Effects, prepared by Applicant, dated 04.08.2021; and
 - Submitted plans:
 - Prepared by M.Sheppard, Plan 1 (Site Plan);
 - Submitted plans:
 - Prepared by Best Sheds, dated 28.07.2021, Ref: 1686658340, Sheet 2 (Elevations Plan), Sheet 3 (Elevations Plan), Sheet 4 (Floor Plan), Sheet 7 (Sections Plan).

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. 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 venue.

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.

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 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.

E. GENERAL

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

Reason: To ensure legal requirements.

- E2.** The outbuilding shall not be occupied as a dwelling and is not to be used for any commercial or industrial use without the prior written consent of Council.

Reason: To ensure compliance

Stormwater Drainage

- E3.** All stormwater runoff generated by the outbuilding and associated works are to be drained to the existing stormwater drainage system servicing the existing dwelling house onsite. Stormwater is to be directed to the existing easement, dedicated for water drainage, located within Lot 74 DP 732739 (9 Kirkpatrick Close)

Note: No stormwater is to be directed as surface water onto adjoining allotments.

Reason: To ensure compliance with Council's requirements and protection of adjoining properties.

- E4.** The stormwater drainage shall be positioned across the slope of the land and so as to not direct water under the building or into adjoining property so as to cause a nuisance.

Reason: To ensure efficient dispersal of storm water

Access - Urban

- E5.** The existing vehicle access from Kirkpatrick Close is to be upgraded to 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.

F. DURING CONSTRUCTION

- 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. 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.

- F4.** 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 7am to 5.00pm;

No work to be carried out on a Sunday to 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.

PURPOSE

This Development Application is being referred to Council for determination as the development includes a request for a variation to a development control standard within the Gunnedah Development Control Plan, pertaining to cumulative size of outbuildings and maximum horizontal dimension.

Applicant:	M Sheppard & E Bishop
Owner:	M Sheppard & E Bishop
Property Description:	Lot 75 DP 732739 11 Kirkpatrick Close, Gunnedah

Proposed Development

The proposed development is for the construction of a detached outbuilding (shed) ancillary to an existing dwelling.

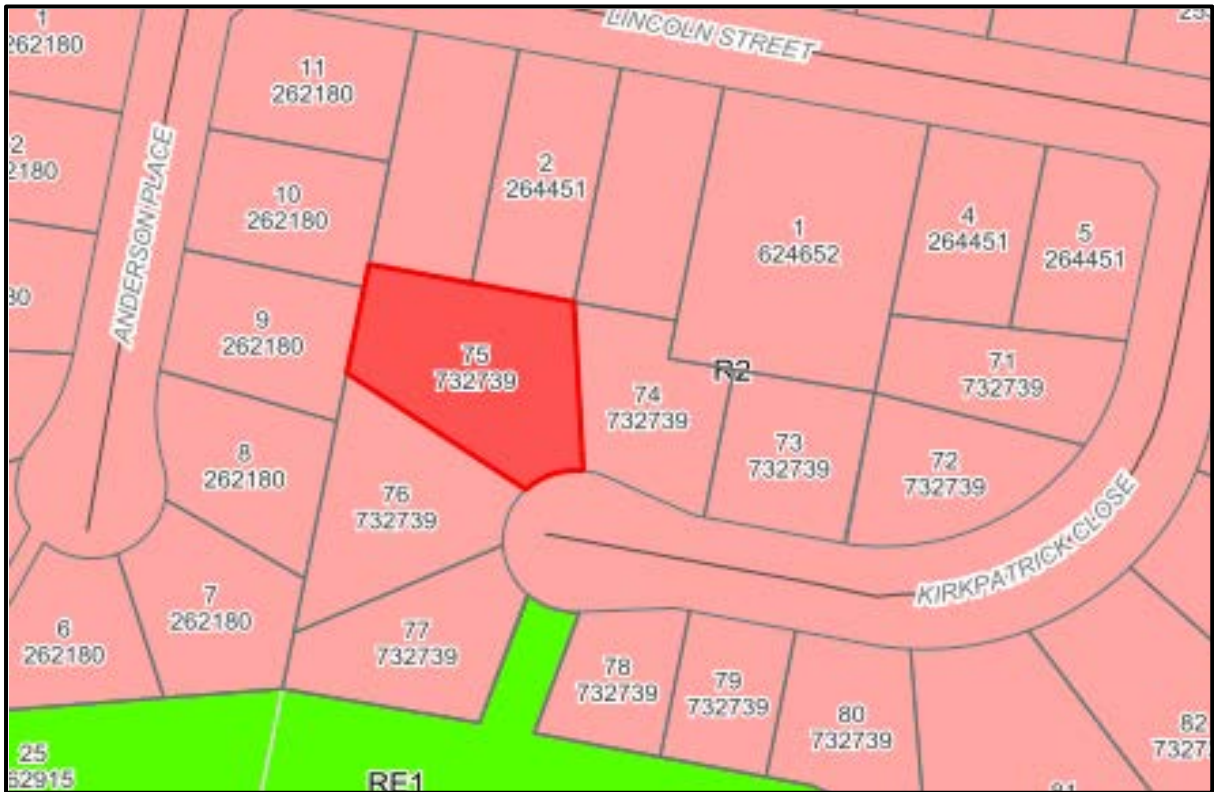


Figure 1 – Site Location

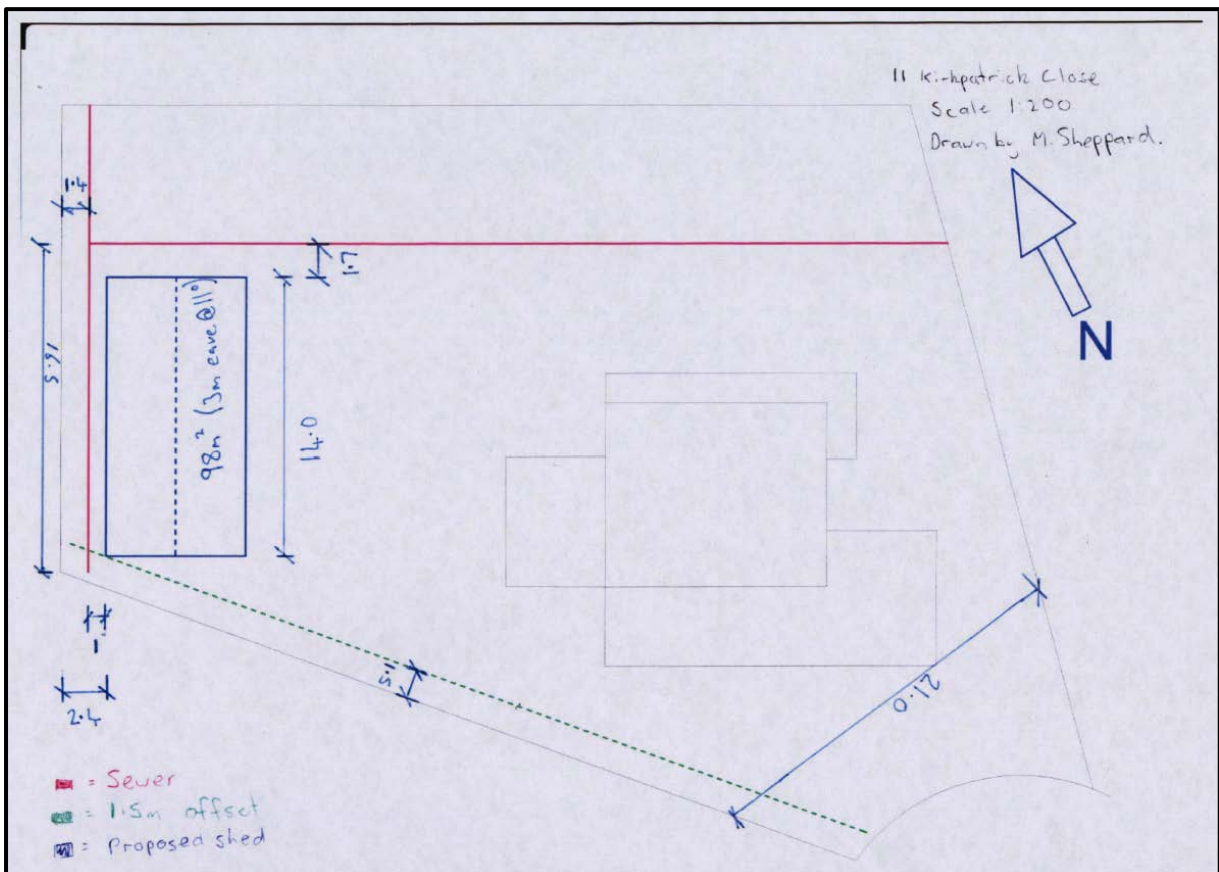


Figure 2 – Site Plan

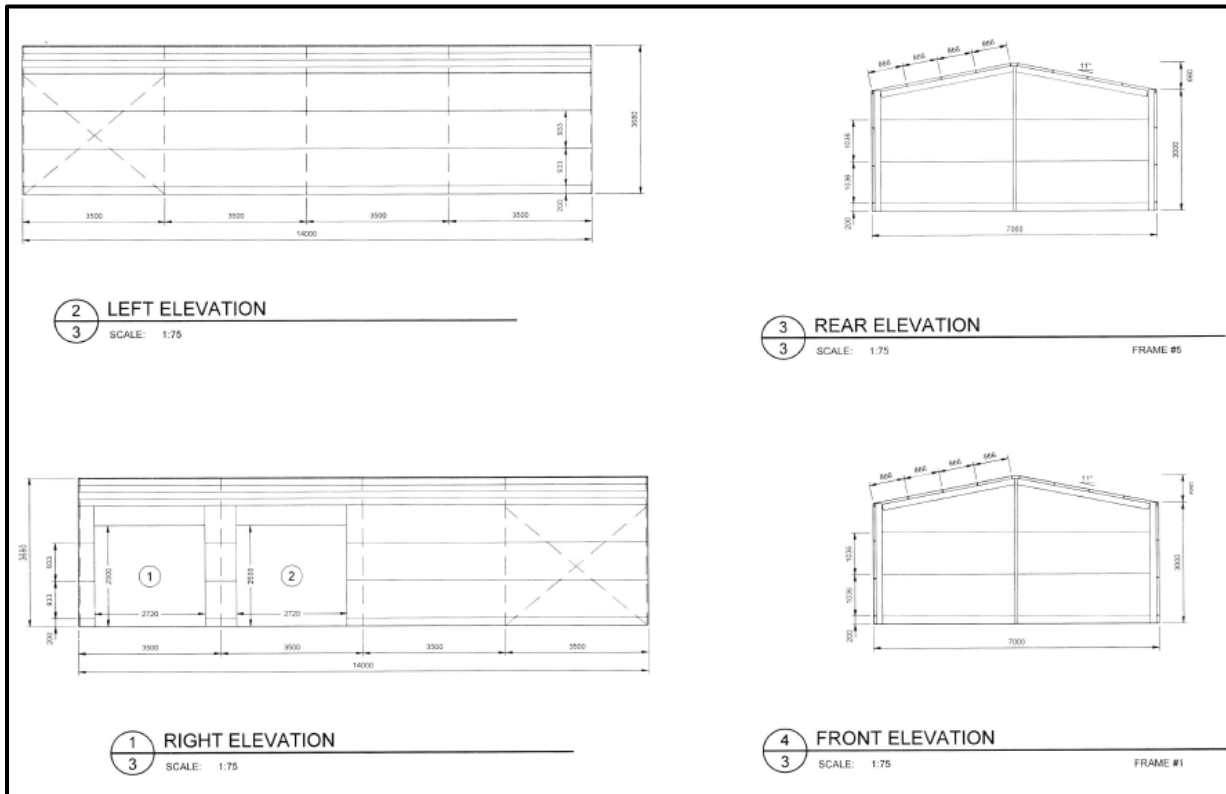


Figure 3 – Elevations Plan

COMMENTARY

Issues

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

Gunnedah Local Environmental Plan, 2012

▪ **2.3 – Zone Objectives and Land Use Table**

The development proposes the construction of a pre-fabricated shed as an ancillary structure to a Dwelling House. The development is zoned R2 Low Density Residential and Dwelling House, including any ancillary development. The objectives of this zone are below:-

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for low density housing while maintaining environmental or scenic landscape qualities of land that would not be sustainable with higher densities of development.
- To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.

The development will provide an ancillary facility for an existing dwelling house and will be compatible with development on adjoining properties.

▪ **4.4 – Floor Space Ratio**

The development site has a maximum allowable Floor Space Ratio (FSR) of 0.5:1. The site area is 1,535m² and the proposed shed will have a floor area of 98m². The existing dwelling is a two storey dwelling with an overall floor area of the dwelling is 256m². Therefore, the FSR of the site is 0.23:1. Hence, the site is compliant with the maximum allowable FSR.

▪ **6.5 – Essential Services**

The development site has the provision of Council’s water, sewer and stormwater services. The proposed development does not require connection of Council’s water or sewer services. The dwelling has an existing electrical supply. The site has an existing vehicle access from Kirkpatrick Close.

State Environmental Planning Policy No. 55 – Remediation of Land

The subject site is currently occupied by a residential dwelling house. A search of Council’s records and supplied Statement of Environmental Effects does not identify that there has been any previous usage that could possibly lead to any potential site contamination. No further investigation was required.

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

The proposed development does not require or include the removal of any trees or vegetation.

State Environmental Planning Policy (Koala Habitat Protection) 2021

The development site has an area of less than 1 hectare. Hence, this SEPP does not apply to this proposal.

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

Gunnedah Development Control Plan 2012 (Gunnedah DCP)

2.1.1 – Building Setbacks

The proposed development will be positioned with adequate setback from property boundaries to comply with Council’s Development Control Plan as per the below Table 1.

	Required	Provided	Compliance
Primary Street (Kirkpatrick Close)	7.5m	36m	✓
Rear	900mm	9m	✓
Side	900mm	2.4m	✓

Table 1: Outbuilding Setbacks

2.1.3 – Utilities

The development site is serviced by Council’s water services. The proposed development does not require a water connection.

The proposed development will not occur over any easements. There are no easements located on the subject site.

2.1.4 – Privacy

The proposed development is a detached outbuilding and is not acceptable for residential occupation. The outbuilding is to be located a suitable distance from the boundary setbacks to ensure privacy of neighbouring properties is not impeded. Therefore, the development does not require specific privacy controls.

2.1.8 – Outbuildings, Carports and Detached Garages

	Required	Proposed	Compliance
Maximum size	54m ²	98m ²	x
Cumulative	72m ²	98m ²	x
Maximum length of one horizontal dimensions	9m	14	x
Maximum wall height at eaves line	3.3m	3m	✓
Maximum Roof Pitch	24 ⁰	11 ⁰	✓
Maximum Height	4.2	3.68m	✓

The development does not comply with the maximum size or cumulative size of an outbuilding in the R2 zone.

The proposed development of an outbuilding will have a total floor area of 98m². The maximum allowable cumulative size of all outbuildings on a single allotment in the R2 zone is 72m². The development is requesting a variation to development standard 2.1.8 for a 26m² variation; this is a variation of 36.1%.

The development would typically be permissible in its scale and location to satisfy the provision of Part 3D, Subdivision 2 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP)*. However, the reviewed 88B instrument for the property was noted to prohibit the use of any other building materials than brick, stone, concrete or wood. The development is proposing to construct the shed from steel. In accordance with Clause 1.20 Council must satisfy any restrictions imposed on an 88B. However, Clause 1.9A of the Gunnedah Local Environmental Plan 2012, suspends any covenant, agreement or instrument which Council does not itself impose, enabling Council to disregard the above described covenant.

Hence, as the development is seeking a variation to Council's standards to construct a structure that would be consistent with the state set Code SEPP provisions; the variation to this standard is supported in under these circumstances.

2.1.10 – Access

The development site has an existing access from Kirkpatrick Close which is a bitumen sealed road and supported with kerb and guttering along the entire road frontage. The existing vehicle access is to be used to provide access to the proposed structure. The access is not currently constructed to Council's urban access standard and as a result is required to be upgraded. A condition has been recommended to this affect.

6.6.1 – Environmental Effects

Construction Impacts

Council's standard construction hours is recommended to be imposed on any development consent. These construction hours are 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm on Saturday. However, construction is prohibited on Sunday and public holidays. This is conditioned to avoid any noise impacts as a result of construction.

Solid and Liquid Waste

The development will not cause the generation of any solid or liquid wastes from the ongoing operation. The proposed development does not have effluent disposal facilities within the outbuilding that would require effluent management.

Air Quality

The proposed development is considered to have minimal impact on the existing microclimate in the area due to the nature of the development. The development will not generate any pollutants into the air or atmosphere.

Noise Emissions

The development is not expected to result in any noise and vibration with the exception of the construction phase. Council's standard hours of operations will be imposed during construction works.

Water Quality

The development will not produce any pollutants or require excessive excavation which could destabilise the soil and result in soil erosion which could affect water quality downstream.

S4.15(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 currently contains a dwelling house. The development application proposes the construction of a detached outbuilding. The site is located on Kirkpatrick Close, with the adjoining lots being used by residential dwellings and accompanying outbuildings. The design, shape and appearance of the proposed garage will be consistent with the existing structures within the area.

Access, Transport and Traffic

The proposed development has frontage to Kirkpatrick Close. Kirkpatrick Close is a bitumen sealed road supported by kerb and guttering. The development will not result in an increase in vehicle movement within the road network of the immediate area surrounding the site as the outbuilding will not be permitted to be used for habitation or commercial purposes.

Public Domain

The development will not require the dedication of public land and the development will have no impact on Council's existing public areas or parklands. There is no contribution under Council's S94A plan that applies to this development.

Heritage

The development site does not contain any identified items of environmental heritage, nor are there any located within the vicinity of the development, that will be impacted by the development.

Other Land Resources

The proposed development will have no impact on agricultural activity or extractive industries as the two land uses are prohibited in the R2 zone. Hence, there will be no repercussions on other land resources as a result of this development.

Water

The development site has provision of Council's water services to the development site. The existing dwelling house has an adequate water connection. The proposed development does not require water services or a supply.

Stormwater for the existing dwelling is disposed of via the stormwater line which runs through a registered easement on the adjoining property to Lincoln Street. The easement is registered for water drainage in benefit of the development site. The developer has confirmed disposal of stormwater from the proposed outbuilding will also occur to Lincoln Street.

Waste

The subject site has the provision of Council's sewer services. The proposed development is for a detached outbuilding and does not require sewer facilities. Waste generated during construction is to be maintained onsite and shall be disposed of to a suitably licenced waste facility. The existing dwelling is serviced by Council's kerb side collection, which should be suited to accommodate any general waste generated within the shed as part of a domestic waste collection service. No waste is to be disposed onsite.

Noise & vibration

The development will not result in any noise or vibration with the exception of the construction phase. Council's standard hours of operations will be imposed during construction works.

Natural Hazards

The site is not identified as being subject to flooding or bushfire activity.

Social & Economic impact in the locality

The proposed development will have little social impact on the surrounding area. The development will be consistent with development on adjoining allotments. The development will employ local tradesmen and resources for construction.

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

The proposed development is consistent with the existing and future development in the locality. The site has access from Kirkpatrick Close and demonstrates adequate provisions of Council's water, sewer and stormwater facilities. The outbuilding would be complimentary to the structures onsite and the neighbouring properties.

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

There was an obligation for the development application to be notified to the adjoining land holders in accordance with the Gunnedah Community Participation Plan 2020 (CPP) as the development requests a variation to Council's Development Control Plan.

Council elected to notify adjoining land holders from the 12 August to the 26 August 2021. During this period, Council received one submission and it is outlined below:-

Stormwater Runoff into Adjoining Properties

Submission Comment: The slope of the site restricts stormwater disposal to Kirkpatrick Close. The existing dwelling house disposes of stormwater via the main located on the adjoining property, 9 Kirkpatrick Close (Lot 74 DP 732739), which feeds to Lincoln Street at the rear.

Assessment Comment: The proposed outbuilding will connect into this system and a condition is imposed to ensure adequate stormwater disposal. Disposing of stormwater to the abovementioned location ensures neighbouring properties are not impact by overflow.

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

The development application is not regarded as being Integrated or Designated Development. Council is not aware of any relevant planning studies, strategies or management plans that are applicable to the proposed development to be considered for this variation.

Conclusion

The development application is seeking consent for the construction of a detached outbuilding. The development 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, except where variations have been considered.

As per the recommendation of this report, it is concluded that Development Application No. 2021/069 Lot 75 DP732739, 11 Kirkpatrick Close Gunnedah, should be approved subject to conditions.

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

