



MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING
DIRECTORATE	Planning and Environmental Services
DATE	4 May 2022
TIME	4:00pm
VENUE	Council Chambers
ATTACHMENTS	Acting 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 Acting Director Planning and Environmental Services
 - 3.1 Development Application No. 2022/018 – Construction of Outbuilding (Shed) – Lot 37 DP 263670 – 3 Davis Avenue, Gunnedah 3
 - 3.2 Application to Modify Development Consent No. 234396.008 – Alteration to number of allotments created from Stage 7 (From 35 to 29) and removal of obligation for staging to occur in sequential order – Lot 334 DP 1245207 – 109 Links Road, Gunnedah 15

Wade Hudson
ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Apologies to: 02 6740 2115

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***

Acting Director Planning and Environmental Services Report

ITEM 1	Development Application No. 2022/018 – Construction of Outbuilding (Shed) – Lot 37 DP 263670 – 3 Davis Avenue, Gunnedah
MEETING	Committee Meeting – 04 May 2022
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. 2022/018, for the construction of an outbuilding, at Lot 37 DP 263670, 3 Davis Avenue, 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 14/03/2022
 - Statement of Environmental Effects, prepared by Fernleigh Drafting, dated 17/02/2022; and
 - Submitted plans:
 - Prepared by Great Value Garages, dated 13/04/2022, Ref: 070222, Sheet 1 (Site Plan), Sheet 2 (Floor Plan), Sheet 3 (Cross Section Plan), Sheet 4 (Elevations Plan), Sheet 5 (Elevations Plan).

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, the outbuilding must 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

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.

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.** 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.

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 4 of Part 2 of the *Local Government (General) Regulation 2021* 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 41 of the Regulation.
- *approved by the Council* means the subject of an approval in force under Division 3 of Part 2 of the *Local Government (General) Regulation 2021*.
- *public sewer* has the same meaning as it has in the *Local Government (General) Regulation 2021*.
- *sewage management facility* has the same meaning as it has in the *Local Government (General) Regulation 2021*.

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.

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.

F6. Support for neighbouring buildings

If an excavation associated with the construction 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.

F7. 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.

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 the maximum wall height at the eaves.

Applicant: Fernleigh Drafting
 Owner: J S Manley & S M Longworth
 Property Description: Lot 37 DP 263670
 3 Davis Avenue, Gunnedah

Proposed Development

The development proposes the construction of an outbuilding (shed) ancillary to a dwelling house.



Figure 1 – Site Location

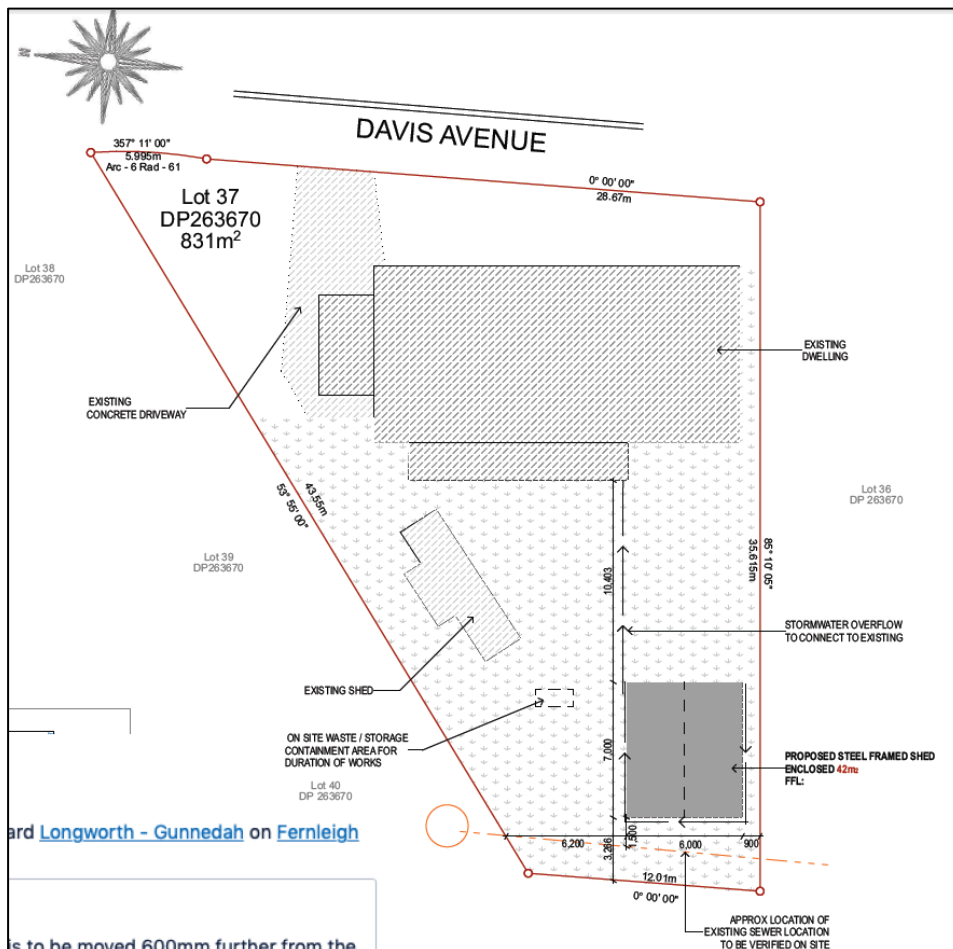


Figure 2 – Site Plan

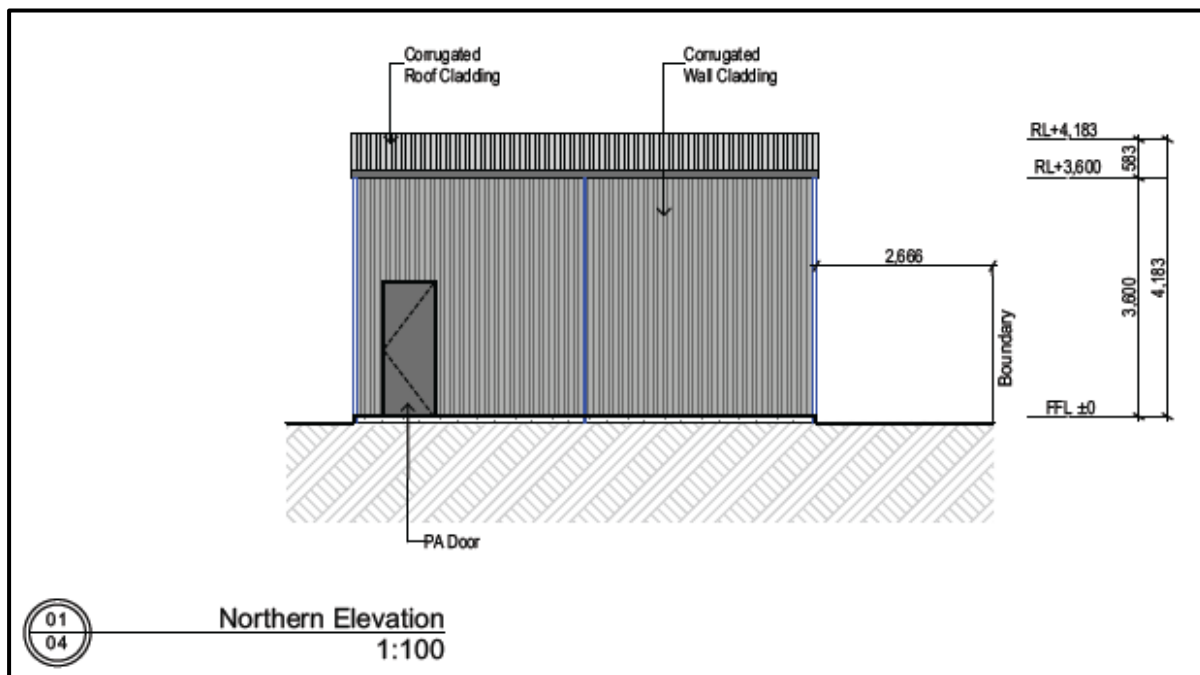


Figure 3 – Elevations Plan

COMMENTARY

Issues

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

Gunnedah Local Environmental Plan, 2012

The development site is zoned R2 Low Density Residential, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The following GLEP 2012 clauses are applicable to the development:

4.4 – Floor Space Ratio

The development site has a maximum allowable Floor Space Ratio (FSR) of 0.5:1. The site area is 831m². The dwelling and existing outbuilding have a combined floor area of 230.53m². The outbuilding has a proposed floor area of 42m². The resulting FSR of the site is 0.33:1. 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 connected to the existing dwelling house. The existing dwelling has an existing electrical supply. Vehicle access is achieved from Davis Avenue.

State Environmental Planning Policies (SEPPs)

- **State Environmental Planning Policy (Biodiversity Conservation) 2021**
 - **Chapter 2 Vegetation in Non-Rural Areas**
The proposed development does not require or include the removal of any trees or vegetation.
 - **Chapter 4 Koala Habitat Protection 2021**
The development is not subject to an endorsed Koala Plan of Management. The development site has an area less than 1 hectare; therefore, the State Environmental Planning Policy does not prevent Council from issuing development consent.

- **State Environmental Planning Policy (Resilience and Hazards) 2021**

- **Chapter 4 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. Hence, no further investigation was required.

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 building setbacks are listed within Table 1. The proposed development will be positioned with adequate setback from property boundaries to comply with Council's Development Control Plan.

	Required	Proposed	Compliance
Primary Street (Davis Avenue)	7.5m	27m	✓
Rear	BCA*	3,266mm	✓
Side	BCA*	900mm	✓

Table 1: Proposed Outbuilding Setbacks

*The structure does not include any fire resistant construction on the external elevation of the building. Hence, the required BCA compliant setback is 900mm.

2.1.3 – Utilities

The proposed development will not occur over any easements or Council infrastructure where no easement exists.

The proposed outbuilding will be constructed nearby Council's sewer mains, which has no established easement over the main. The main is located at an approximate depth of 1500mm. The outbuilding is proposed to be located 1500mm from sewer main, which is not within the zone of influence which could impact on Council's infrastructure.

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

2.1.5 – Design and Solar Access

The development will not affect current solar access to the existing dwelling or adjoining properties. The development is located to the rear of the lot on the Western side of the property, behind the building line of the dwelling. The dwelling is the dominant structure from the elevation. The outbuilding will not impede visibility of the dwelling which has adequate windows and openings along the elevation facing the public road reserve. Hence, the construction of the outbuilding will not affect the visual appearance of the property from a public reserve.

2.1.8 – Outbuildings, Carports and Detached Garages

The site contains another outbuilding with an approximate floor area of 20m², which is included in the cumulative area of all such structures onsite.

The proposed building size and other standards are listed within Table 2. The development does not comply with maximum wall height at the eaves line. A variance to this development standard has been requested to enable the outbuilding to be constructed with an eave height greater than the set standard. The development is seeking a variation to development standard 2.1.8, for an exceedance of 300mm. The maximum wall height of an outbuilding measured at the eaves line in the R2 zone is 3.3m.

	Required	Provided	Compliance
Maximum size	54m ²	42m ²	✓
Cumulative	72m ²	62m ²	✓
Maximum length of one horizontal dimension	9m	7m	✓
Maximum wall height at eaves line	3.3m	3.6m	x
Maximum Roof Pitch	24 ⁰	11 ⁰	✓
Maximum Height	4.2m	4.183m	✓

Table 2: Proposed Outbuilding development controls

The outbuilding does not exceed the overall structure height permitted by this standard. The variation to the standard would result in the exterior walls of the structure creating a more dominant façade, expected to be more prevalent from adjoining allotments and spaces. However, the increased eave height is not anticipated to be imposing or overbearing on the streetscape or to neighbouring receivers with the existing boundary fence creating a form of barrier to the external wall to adjoining allotments. Hence, the variation to this standard is supported in these unique circumstances.

2.1.10 – Access

The development site has an existing access from Davis Avenue. Davis Avenue is bitumen-sealed constructed with kerb and gutter along the frontage. The vehicle access to the dwelling house from Davis Avenue is concrete-sealed. The proposed outbuilding does not require vehicle access as it cannot be achieved due to other structures on-site. Therefore, no upgrade is required.

6.6.1 – Environmental Effects

Traffic

The development will not result in an increase in vehicle movement within the road network as the development does not create an alternate land use that could attract additional vehicle movements. Therefore, the development will not alter the existing traffic movements within the immediate area.

Flood Liability

The development site is not subject to flooding.

Slope

The development site has a minor slope which falls from West to East. The slope is not greater than 15% and did not require the submission of a detailed geotechnical investigation.

Construction Impacts

The proposed development has a time period in which construction can occur. Construction is permissible from 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 development does not have any amenities within the outbuilding that would require effluent management.

Air Quality (odour and pollution)

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 and is not expected to create any ongoing odour which may be offensive to the surrounding locality.

Noise Emissions

The development is not expected to result in any noise and vibration with the exception of the construction phase.

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.

Sustainability

The proposed outbuilding is unlikely to have an impact on the environmental sustainability of the development site or adjoining properties.

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 and a detached outbuilding. The adjoining lots are residential development and public recreation space. The residential allotments are occupied by residential dwellings and accompanying outbuildings.

The development proposes the construction of a detached outbuilding. The design, shape and appearance of the proposed development will be consistent with the existing structures onsite and the surrounding neighbourhood. Council does not allow the outbuilding to be used for habitable purposes.

Access, Transport and Traffic

The proposed development has frontage to Davis Avenue. Davis Avenue is a bitumen sealed road supported by kerb and gutter along the entire frontage. The development will not result in an increase in vehicle movement within the road network as the development does not create an alternate land use that would generate additional vehicle movements. The site has an existing kerb layback and does not require a new access.

Public Domain

Section 94A contributions are not required to be paid Council to facilitate the additional demand that will be imposed on Council's services as a result of the proposed development. The development does not require the creation of any pedestrian linkages or the dedication of any public open space.

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

Agriculture is prohibited in R2 zone. Mining and extractive resources activity is prohibited within this land zone and the lot is not located near any zoning that would allow for the use for agriculture or extractive industries.

Water

The development has the 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 an extension of Council's water services for a water supply. Stormwater can be directed to the kerb and gutter located on Davis Avenue.

Waste

The subject has an existing connection to Council's sewer services. The proposed development is for an outbuilding and does not require sewer facilities.

Waste generated during construction is to be maintained on-site and shall be disposed to Council's land fill. The subject site is serviced by Council's kerb side collection. No waste is to be disposed of on-site.

Natural Hazards

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

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.

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

The proposed development is consistent with the existing and future development in the locality. The land use activity is complimentary to the existing land use, which is permissible. The development site is not subject to flooding or bushfire activity. The development is not expected to create any ongoing noise, odour, traffic or pollution issues. Hence, the site is considered to be suitable for the development.

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

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 17 March to 31 March 2022. During this exhibition period, Council did not receive any submissions.

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 Local, State or Federal 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 an outbuilding ancillary to an existing dwelling. 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 the variation has been considered.

As per the recommendation of this report, it is concluded that Development Application No. 2022/018, Lot 37 DP 263670, 3 Davis Avenue, Gunnedah, should be approved subject to conditions.

ITEM 2	Application to Modify Development Consent No. 234396.008 – Alteration to number of allotments created from Stage 7 (From 35 to 29) and removal of obligation for staging to occur in sequential order – Lot 334 DP 1245207 – 109 Links Road, Gunnedah
MEETING	Committee Meeting – 04 May 2022
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning and Assessment Act, 1979 Rural Fires Act, 1997 Rural Fires Act, 1997 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 Modification of Development Consent No. 234396.008, for the alteration to the number of allotments created from Stage 7 (From 35 to 29) and removal of obligation for staging to occur in sequential order, at Lot 334 DP 1245207, 109 Links Road, Gunnedah, be approved subject to deletion of condition 1E, 2C, 1, 2, 3, 4, 5 and 6 and the insertion of condition 1F, 2D, 2aa, C2a, C3a, C4a, C7 and C8, as underlined below:

- 1. Deleted.
- 1A. Deleted.
- 1B. Deleted.
- 1C. Deleted.
- 1D. Deleted.
- 1E. Deleted.
- 1F. **General Conditions**

The proposed development be carried out strictly in accordance with the details set out in the following documentation, except as otherwise provided by the conditions of consent.

- Development Application form, dated 16 November 2006 and associated Letter of Authorisation detailing Mr Mark Griffin as Project Manager

- Statement of Environmental Effects, prepared by Monteath & Powys Pty Ltd, dated November 2006, which included the following reports and supporting information:
 - a. Stormwater Drainage and Engineering Assessment, prepared by Cardno Stanwill, dated November 2006.
 - b. Archaeological Investigation for sites of Indigenous Cultural Significance on the Site of the Proposed Subdivision of "Mornington Heights", prepared by John Appleton Archaeological Surveys & Reports Pty Ltd, dated September 2006.
 - c. Flora and Fauna Survey and Ecological Impacts Assessment Report, prepared by Ecotone Ecological Consultants, dated November 2006
 - d. Traffic Assessment Report, prepared by TPK & Associates Pty Ltd, dated October 2006
 - e. LPI NSW Land & Property Information (Title Searches), prepared by Dutton & Tanko Pty Ltd.
 - f. Landscape Design Report, prepared by Judy Jones Landscape Designer, dated 13 November 2006
 - g. Geotechnical Investigation Report, prepared by RCA Australia Pty Ltd, dated September 2006
 - h. Letter from the Department of Natural Resources, dated 10 November 2006.
 - i. NSW Department of Lands Cadastral Records Inquiry Report.
 - j. Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 15 November 2006.
 - k. Proposed Water Main Plan, Prepared by Monteath & Powys, dated August 2006, Sheets 1 and 2 of 2.
 - l. Preliminary Engineering Design Details (Wandobah Road shoulder & intersection treatments, Intersection Threshold Treatments, Cycle-ways and Cross-sectional details prepared by Cardno Stanwill dated 8 March 2007.
 - m. Aerial photograph of subject land.
 - n. Submitted Plans Prepared by Monteath & Powys Pty Ltd, dated 07/12/2021, Reference 06/095, Revision 11, Sheet 1 (Proposed Subdivision Plan, between Wandobah and Links Road), Sheet 2 (Proposed Subdivision Plan, between Wandobah and Links Road), Sheet 3 (Indicative Staging Plan), Sheet 4 (Indicative Staging Plan).
 - o. The amended Bushfire Protection Measures Plan prepared by Monteath and Powys Pty Ltd dated February 2012.
 - p. Water Network Analysis, Prepared by Cardno, dated 19 February 2019, Ref: 7636/30; & addendum to report titled 'Water Supply Network Review, prepared by Cardno, dated 4 April 2019, Ref: 764141:AK.

Reason: Compliance with application and plans.

2. Deleted.

2A. Deleted.

2B. Deleted.

2C. Deleted.

2D. This determination grants consent to the subdivision of 3 lots into 303 lots, comprising of the following stages:

- Stage 1 (Lots 101-148)
- Stage 2A (Lots 201-226)
- Stage 2D (Lot 24)
- Stage 2E (Lot 227-244)
- Stage 2F (Lot 245-260)
- Stage 3A (Lots 301-317)
- Stage 3B (Lots 318-333)
- Stage 3C (Lots 335-348)
- Stage 3D (Lots 351-261)
- Stage 4A (Lots 401-413)
- Stage 4B (Lots 414-447)
- Stage 5A (Lots 501-508)
- Stage 5B (Lots 509-532)
- Stage 6A (Lots 601-622)
- Stage 6B (Lots 623-635)
- Stage 7A (Lots 701-729)
- Stage 7B (Lots 708-716)

Reason: Compliance with application and plan.

2aa. Despite the provision of staging plan outlined within Condition 2D, consent is granted for the undertaking of any development stage in any order subject to the assurance that all necessary water, sewer, stormwater, electrical and telecommunication networks and road construction has been provided, or will be provided as part of the works for the release of such a stage. Service provision is to include any augmentation or works required by any other condition of this development consent.

All works associated with the extension of any services or facilities are to be undertaken by the developer and at no cost to Council, unless stated within any agreement with Council, legislation, adopted Council policy or condition of this consent.

Reason: To enable the undertaking of development stages whilst ensuring provision of utilities and services.

3. The developer shall meet all costs relative to the supply of underground electrical services and telecommunication cables and services. The developer shall provide documentary evidence that electricity and telecommunications can be supplied to the boundary of each individual allotment for each respective stage of the development.

Reason: To ensure that electrical and telecommunication services are provided.

4. The Developer is responsible for the supply of street lighting within each stage of the development including street lighting in Wandobah Road and Links Road with particular attention to the intersections of Wandobah Road and Road 1 and Links Road and Wattle Street, in accordance with Council's standards and Country Energy's development standards for residential areas.

Reason: To ensure public street lighting is provided and traffic safety is maintained at major intersections.

5. The Developer shall meet all survey and registration costs associated with the subdivision and dedicate all roads to the public, establishment all required easements for each respective stage of the development.

Reason: To ensure compliance.

6. The Developer shall ensure that all statutory requirements including but not limited to those set down in the Local Government Act 1993, Protection of the Environment Operations Act 1997, Environmental Planning and Assessment Act 1979 and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices and the requirements of the Environmental Protection Authority and Work Cover are fully met.

Reason: To ensure compliance.

7. Deleted.

8. The Developer shall prepare a Water Supply Assessment Report for the development to identify the appropriate water main design standards having particular regard to volume and pressure for each stage of the development, in order to ensure that each lot within the development can be adequately serviced by the augmented public water supply system.

Note: The Developer shall engage a qualified Water Engineer to undertake the Water Supply Assessment Report and forward a copy of the Report and the conclusive findings to Council for its consideration prior to issue of the Subdivision Construction Certificate for Stage One of the development.

Reason: To ensure adequate water supply can be provided to all stages of the development.

9. Deleted.

- 9A. Deleted.

- 9B. Deleted.

- 9C. Deleted.

- 9D. The developer is responsible for augmenting Council's existing water main to service all lots created in each respective stage of the subdivision. The augmentation of the water service shall adhere to the following conditions or as determined as a consequence of the outcomes of the Water Supply Assessment Report:

- Extension of water mains to service each respective stage of the development that extends to the next stage of development.
- Installation of a new water main from the existing 200mm water main in Wandobah Road to service Stages 1, 2A, 2D, 2E and 2F.

- Stages 1, 2A, 2D, 2E 2F, and part of 3A (Lots 301,302,311,312), part of 3B (Lots 318-325) and part of 3C (Lots 335-344) shall be connected to the Zone 2 reticulated water supply network at the intersection of Wandobah Road and Tallowood Drive. This water main shall be extended along Kurrajong Road to the southern boundary of proposed Lot 233.
- Stages 3A (Lots 303-310, 313-317), 3B (326-333), 3C(Lots 345-347), 3D, 4A, 4B, 5B,6A,6B, 7A and 7B shall be connected to the Zone 3 water supply network by extending the water main in Links Road in accordance with the approved plan Water Network Analysis, Prepared by Cardno, dated 19 February 2019, Ref: 7636/30; & addendum to report titled 'Water Supply Network Review, prepared by Cardno, dated 4 April 2019, Ref: 764141:AK and Proposed Water Main Plan, Prepared by Monteath & Powys, dated August 2006, Sheets 1 and 2 of 2.

The water main shall be extended to the Wattle Street and Links Road Intersection and then along the proposed alignment of Wattle Street to the proposed Public Reserve between Wattle Street and Kurrajong Road. The water main shall be continued through the public reserve and along Kurrajong Road, Elm Street, Redgum Road and Bottle Brush Avenue to service Stages 3A, 3B, 3C and Stages 3D, 4A and 4B. The service extension is to include the construction of a 250mm trunk water main from the intersection of Redgum Road and Bottle Brush Avenue to the intersection of Redgum Road and Wattle Street, and the construction of a 300mm trunk water main from the intersection of Redgum Road and Bottle Brush Avenue to the intersection of Wattle Street and Redgum Road.

- Upon the commencement of Stages 3A or 4B (Whichever occurs first), the water supply to the lots on the southern side of Elm Street shall be isolated from Zone 2 and augmented into works associated with Stages 3A (Lots 303-310, 313-317), 3B (Lots 326-333), 3C (Lots 345-347), and 4A by the disconnection of the interconnects to the parallel water main in Elm Street at the intersection of Kurrajong Road and Elm Street and Bottle Bruch Avenue.
- Stage 5A shall include the extension of the Zone 2 water main located at the southern boundary of proposed Lot 233 in Kurrajong Road, through the proposed Public Reserve and along the proposed alignment of Wattle Street, connecting to the existing water supply main located at the boundary of Wattle Street and the northern boundary of Stage 5A of the development. This Zone 2 water main shall service proposed Lots 501-507.
- The Developer shall connect each respective lot to the reticulated water supply.
- The Developer shall at each respective stage engage Council to make the final connection to the water supply network. The cost of this connection work is subject to annual indexation in accordance with Council's Management Plan at the time of payment.

Note 1: Upon the commencement of Stage 4 of the development, Council will disconnect the Zone 2 water supply from the booster pump station located in Wandobah Road.

Note 2: The difference in cost between the purchasing and installing a 150mm water main within Wattle Street and Redgum Road (required to service the development) and the 300mm water main in Wattle Street and 250mm water main in Redgum Road requested by Council to service future development demand, will be the responsibility of Gunnedah Shire Council.

Reason: To ensure that an adequate public water supply is provided to all lots in the development in accordance with the staging process.

10. The developer shall extend Council's existing sewer main to service each respective stage of the development, in accordance with Council's engineering requirements and specifications.

Reason: To ensure that each respective lot within the development is connected to Council's sewer system.

11. The developer shall establish a 3 metre wide easement to drain sewer in favour of Council over all sewer mains installed in the development.

Reason: To ensure protection and access to the sewer drainage system.

12. The developer shall submit to Council for approval a sewer drainage layout for the whole development prior to the issue of the Subdivision Construction Certificate for Stage One. The developer shall also submit detailed design plans to Council for approval of the sewer drainage system for each stage prior to progressing with that stage of the development. The sewerage system is subject to final design in accordance with Council's sewer drainage standards.

Reason: To ensure adequate access to each lot within the development.

13. The developer is to obtain a Section 90 consent under the National Park and Wildlife Act 1974 to destroy, with salvage, the identified single stone artefact as outlined in the Archaeological Investigation for sites of Indigenous Cultural Significance on the Site of the Proposed Subdivision of "Mornington Heights", prepared by Archaeological Surveys & Reports Pty Ltd, dated September 2006.

Note1: The Section 90 consent is required before Council will consider issue a Subdivision Construction Certificate for Stage One.

Note 2: The single site recording of a stone artefact has been identified as GL ISO1. A requirement in applying for a Section 90 consent is Aboriginal consultation with reference to the DEC Interim Consultation Guidelines.

Reason: To met the legislative requirements relative to Aboriginal artefacts of the National Parks and Wildlife Act 1974.

14. The developer shall construct all internal roadworks within the development to service each respective stage of the development, in accordance with Council's subdivision and road construction standards. The developer shall submit detailed design plans to Council for approval of the road works for each stage prior to progressing with that stage of the development.

Reason: To ensure appropriate levels of access to the allotments within the subdivision.

15. The Developer shall construct the road corridor that services all lots contained within the respective stage of the development, to the following specifications:

- a) Boronia Avenue - 20 m wide road reserve consisting of (2) 4.5 m footpaths and 11 metre sealed carriageway.
- b) Road 1 – 18 m wide road reserve consisting of (2) 4.5 m and 9 metre sealed carriageway.
- c) Road 2 - 22 m wide road reserve consisting of (2) 4.5 m footpaths and 13 metre seal carriageway converging into an 18-metre wide road reserve consisting of (2) 4.5 m footpaths and 9 metre sealed carriageway.
- d) Road 3 - 18 metre road reserve consisting of (2) 4.5 m footpaths and 9 metre sealed carriageway.

- e) Road 4 - 22 m wide road reserve consisting of (2) 4.5 m footpaths and 13 metre sealed carriageway.
- f) Road 5 –18 m wide road reserve consisting of (2) 4.5 m footpaths and 9 metre sealed carriageway.
- g) Road 6 –18 m wide road reserve consisting of (2) 4.5 m footpaths and 9 m seal carriageway
- h) Road 7 - 18 m wide road reserve consisting of (2) 4.5 m footpaths and 9 m sealed carriageway
- i) Hinton Drive —20 m wide road reserve consisting of (2) 4.5 m footpaths and 11 m sealed carriageway.
- j) Wattle Street – 22 m wide carriageway consisting of (2) 5.0 m footpaths and a 12 m sealed carriageway.
- k) Links Road - 20 m wide carriageway consisting of (2) 3.5m footpaths and a 13 m sealed carriageway. The developer is required to construct the road shoulder of the portion of Links Road fronting the subject site and the totality of the proposed intersection with Wattle Street.
- l) Wandobah Road – Extend the existing kerb and gutter to the north to create a 10 metre wide footpath to full extent of Stage One and construct and seal road shoulder 3 metres wide and the totality of the proposed intersection with Road 2.

Council is to contribute \$37,384.75 (excl GST) for the proposed road works.

Reason: To ensure a consistent road hierarchy and suitable public road access within the development.

16. The Developer shall incorporate traffic calming devices within the road carriageway where 18 metre road reserves intersect with either 20 or 22 metre road reserves for each respective stage of the development.

Note: The traffic calming devices shall be determined in conjunction with the preparation of the road design for the development having regard to the proposed threshold treatments.

Reason: To manage speed and to protect other road users.

- 16A. The developer is to contribute to the cost of construction of the treatment of the intersection of Wandobah Road and View Street to include a mountable low profile roundabout, low profile blisters on approaches and splitter islands and additional line marking. The contribution is \$52,800.00 and shall be paid prior to the issue of the Subdivision Certificate for Stage 1.

Reason: To ensure traffic safety and efficiency is maintained at the intersection of Wandobah Road and View Street as a consequence of the traffic generation from the development.

- 16B. The developer shall contribute 40% of the cost of construction for the treatment of the intersection at Links Road and Lincoln Street for a low profile roundabout and blisters, raised concrete and painted surface on approaches in accordance with Council's urban road construction specifications. The contribution shall be paid to Council prior to the release of the Subdivision Construction Certificate for Stage 6.

Reason: To ensure traffic safety and efficiency is maintained at the intersection of Links Road and Lincoln Street as a consequence of the traffic generation from the development.

- 16C.** The developer shall line mark the following intersections prior to the issue of the Subdivision Certificate for Stage 6:
- Hinton Drive and Lincoln Street
 - Lincoln Street and View Street

Reason: To ensure traffic safety and efficiency at the nominated intersections.

- 17.** The developer shall dedicate all internal roads as Public Roads in accordance with the Roads Act, 1993.

Reason: To ensure public access to roads and compliance with legislative provisions.

- 18.** The developer shall landscape each stage of the development site, as outlined in the Landscape Master Plan, dated November 2006.

Note: All streetscape trees and shrubs shall be mature specimens with trees having a minimum height of 2 metres.

Reason: To ensure an appropriate level of landscaping is maintained and that the streetscape has an advanced aesthetic value.

- 19.** The Developer shall implement a watering regime to ensure the satisfactory establishment and ongoing maintenance of all landscaped areas, as identified in the Landscape Master Plan, dated November 2006.

Note: The developer is responsible for replacing any trees and shrubs that fail to survive within the first 12 months of the issue of the Subdivision Construction Certificate for that respective stage of development, upon the request of Council.

Reason: To ensure that landscaping elements within the development are maintained.

- 20.** The Developer is to construct a 2.4 metre wide cycleway and cycleway road crossings as detailed on the approved plans, prepared by Cardo Stanwill (Ref Rev C – 8.3.07 being Plan 6280-SK101, Plan 6280-SK102, Plan 6280-SK138-151), for each respective stage in the development in accordance with Council's engineering requirements and specifications.

Reason: To ensure cycleway provision and connectivity within the development.

- 21.** Deleted.

- 21a.** Deleted.

- 21b.** The following designated bus routes shall apply for each stage of the development.
- a. Stage 1: Boronia Avenue and Tallowood Road to Wandobah Road
 - b. Stages 5A, 5B, 6A, 6B, 7A and 7B: Links Road to Wattle Street (west).

and, the developer shall install in association with the respective stage bus shelters at the following locations:

- Southern side of Tallowood Drive opposite the intersection of Boronia Avenue and Tallowood Drive.
- Western side of Wattle Street adjacent to the Public Reserve linking Kurrajong Road with Wattle Street.

Note: When further urban development occurs to the south of the subject land, Tallowood Drive and Bottle Brush Avenue will form part of a designated bus route.

Reason: To ensure that adequate provision is made for the development to be serviced by public transport.

22. The developer shall submit to Council for approval detailed design plans of stormwater drainage for each stage prior to progressing with that stage of the development. The stormwater drainage system is subject to final design in accordance with Stormwater Drainage and Engineering Assessment, dated November 2006 and Council's engineering requirements and specifications.

Note: The developer shall ensure that no stormwater runoff is diverted onto adjoining lots outside the development area. All natural flow paths are to be retained.

Reason: To ensure appropriate stormwater design.

23. The Developer shall ensure that stormwater is managed in accordance with a peak discharge and flood inundation levels for an ARI of 100 years during both predevelopment and post development phases of the development, as outlined in Stormwater Drainage and Engineering Assessment, dated November 2006 and Council's engineering requirements and specifications having regard to each respective stage of the development

Reason: To ensure an appropriate level of stormwater management is provided within the development.

24. The developer shall install inter-allotment stormwater drainage to service each identified lot within the development, as outline in the Stormwater Drainage ad Engineering Assessment, dated November 2006 and Council's engineering requirements and specifications.

Reason: To ensure provision is made for inter-allotment stormwater drainage within the development.

25. The developer shall install all minor stormwater drainage to service each respective stage of the development, as outline in the Stormwater Drainage and Engineering Assessment report, dated November 2006 and Council's Engineering requirements and specifications.

Note 1: The pipe work from the eastern portion of the site is to be directed to the gully or flow path, which runs through the site and discharges into the proposed stormwater detention basin, located within the Public Reserve.

Note 2: The western part of the site shall discharge to Wandobah Road and shall be conveyed by culvert under the road system then by open channel to Blackjack Creek. The culvert and open channel shall be constructed by Council.

Reason: To ensure integrated stormwater management.

26. The developer shall ensure that no part of any residential lot within the development will be lower than 100 year ARI flood inundation levels, as outlined in the Stormwater Drainage and Engineering Assessment, prepared by Cardno Stanwill, dated November 2006.

Reason: To ensure adequate stormwater protection.

27. The developer shall establish a 2 metre wide easement to drain water in favour of Council over all inter-allotment stormwater mains installed in the development.

Reason: To ensure protection and access to the inter-allotment stormwater drainage system.

PLANNING CONDITIONS

- 28.** The Developer is responsible for the payment of water headwork charges, in accordance with the Gunnedah Contributions and Development Services Plan, 2001. The charge is subject to annual indexation in accordance with Council's Management Plan and shall be calculated at the rate applicable at the time of payment for each stage of the development. The current charge is \$3882 per additional lot.

Note: Payment shall be made prior to the release of the Subdivision Certificate for each respective stage of the development.

Reason: The proposed development is likely to increase the demand on the water supply infrastructure in the area.

- 29.** Deleted.

- 29A.** All detention basin and associated stormwater drainage headworks contained within Lot 34 DP 811334 and associated with Lot 21 DP 786807 shall be completed by the developer in association with Stage 1 of the subdivision with Gunnedah Shire Council to make a contribution of \$30,000 towards these works. Construction will proceed in accordance with the Council approval design by Stewart Surveys titled "Lincoln Street Drainage Open Channel Drainage Design" dated June 1999.

Reason: The proposed development is likely to increase the demand on the stormwater infrastructure in the area.

- 29B.** All watercourse headworks contained within Lot 21 DP 786807 shall be completed by the developer prior to the completion of Stage 5 of the subdivision. The design shall be undertaken by the Developer and submitted to and approved by Council.

Reason: The proposed development is likely to increase the demand on the stormwater infrastructure in the area.

- 29C.** All stormwater headworks in Area 4, exclusive of a gross pollutant trap relative to discharge of stormwater to Blackjack Creek shall be completed by the developer in association with Stage 1 of the subdivision. The design shall be undertaken by the developer and submitted to and approved by Council.

Reason: The proposed development is likely to increase the demand on the stormwater infrastructure in the area.

- 29D.** The developer is responsible for the payment of stormwater headwork charges in respect of Area 4 in accordance with Gunnedah Contributions and Development Services Plan 2001 and having regard to works outlined in Condition 29C of this consent.

The charge for Area 4 is \$420.50 per additional lot.

The charge is subject to annual indexation in accordance with Environmental Planning and Assessment Regulation 2000 and shall be calculated at the rate as detailed in Council's Management Plan applicable at the time of payment for each stage of the development.

Reason: The proposed development is likely to increase the demand on the stormwater infrastructure in the area.

30. The Developer is responsible for payment of sewer headwork charges, in accordance with the Gunnedah Contributions and Development Services Plan, 2001. The charge is subject to annual indexation in accordance with Council's Management Plan and shall be calculated at the rate applicable at the time of payment, for each stage of the development. The current charge is \$1820.

Note: Payment shall be made prior to the release of the Subdivision Certificate for each stage of the development

Reason: the proposed development is likely to increase the demand on the sewer infrastructure in the area.

31. Deleted.

- 31A. The Developer is to establish Asset Protection Zones to a width of 10 metres along the southern boundary of the development are in accordance with the Bushfire Protection Measures Plan, prepared by Monteath & Powys Pty Ltd, dated 17 February 2012.

Reason: To ensure bushfire protection and met legislative requirements.

32. The Developer is responsible for constructing a 6 metre wide temporary fire trail (4 metre gravelled trail with one metre on each side cleared) within the residual lot of each stage of development in accordance with the Bushfire Protection Assessment Report, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 15 November 2006. The fire trail shall be constructed to Council's specifications and accessible to meet the requirements of the Rural Fire Service.

Reason: To ensure access for bushfire protection throughout each stage of the development.

33. The Developer shall create a right of way over the 6 metre wide temporary fire trail within the residual lot of each stage of development in favour of the NSW Rural Fire Service and Gunnedah Shire Council in accordance with the Bushfire Protection Assessment Report, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 15 November 2006.

Reason: To ensure legal access for bushfire protection.

34. The Developer shall place a legal instrument on the title of the residual lot of each stage of development to ensure that the Asset Protection Zone is established and maintained to the standards specified in Planning for Bushfire Protection Guidelines 2001 and as outlined in the Bushfire Protection Assessment, prepared by Australian Bushfire Protection planners Pty Ltd, dated 15 November 2006.

Reason: To ensure maintenance of Asset Protection Zones throughout each stage of the development.

35. Deleted.

- 35A. Deleted.

- 35B.** Notwithstanding the requirements of Condition 32 the Developer shall be required to construct a permanent fire trail in accordance with Planning for Bushfire Protection Policy 2006 in the location shown in the Bushfire Protection Measures plan prepared by Monteath and Powys Pty Ltd dated February 2012. The permanent fire trail shall have a carriage way of 4m wide with the provision of a 1m wide verge on each side of the fire trail to be clear of bushes and long grass. The fire trail is to be constructed during stages four five and six as a part of the bushfire protection of the site. The fire trail is not to exceed a grade of 10 degrees and shall be a formed gravel road. The cul-de-sac turning head shall have a minimum inner radius of 6 metres and an outer minimum radius of 12 metres.

Reason: To ensure access for bushfire protection to Stages Four, Five and Six.

- 36.** Deleted.

- 36A.** Deleted.

- 36B.** Notwithstanding the requirements of Condition 33 the developer shall create a right of way over the 6 metre wide permanent fire trail and turning head, located to the east of Lot 631as indicated on the plan prepared by Monteath & Powys Pty Ltd, reference 06/095 (revision 3), dated 17 February 2012. The right of way shall be to the NSW Rural Fire Service and Gunnedah Shire Council in accordance with the Bushfire Protection Assessment Report, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 15 November 2006.

Reason: To ensure legal access for bushfire protection.

- 37.** Deleted.

- 37A.** Deleted.

- 37b.** Notwithstanding the requirements of Condition 34 the Developer shall place a legal instrument on the title of the lots to the southern boundary of Stages 3A, 4A 4B, 5B, 6A and 6B to ensure that the Asset Protection Zone is maintained to the standards specified in Planning for Bushfire Protection Guidelines 2001 and as outlined in the Bushfire Protection Assessment, prepared by Australian Bushfire Protection planners Pty Ltd, dated 15 November 2006.

Reason: To ensure maintenance of Asset Protection Zone.

- 38.** A reticulated hydrant supply shall be installed within the proposed subdivision in accordance with A.S. 2419.2. Blue pavement markers shall be installed to identify the location of street hydrants with the markers located on the side of the centreline of the road indicating the location of the hydrant within each respective stage of the development, as outlined in the Bushfire Protection Assessment report, dated November 2006.

Reason: To ensure provision of water supply for fire fighting purposes.

PRESCRIBED CONDITIONS

- 39.** All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.

Reason: To ensure statutory compliance with the Building Code of Australia.

- 40.** Prior to the commencement of any construction works associated with the subdivision, the developer is to apply to a Principal Certifying Authority or Council for a Subdivision Construction Certificate at each respective stage of the development. All design drawings and specifications are to be in accordance with Council's relevant standards and be lodged with Council before any work is undertaken on the site.

Reason: Meet statutory requirements.

- 41.** Excavations and backfilling

All excavations and backfilling associated with the development 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: Ensure site safety.

- 42.** Retaining walls and drainage

If the soil conditions require it:

- i. Retaining walls associated with the erection or demolition of a building or other approved methods preventing movement of the soil must be provided, and
- ii. Adequate provision must be made for drainage.

Should a retaining wall be proposed to be constructed above a height of 600mm the applicant shall have the structure designed by a practicing Structural Engineer and a copy of the design plans are to be provided to council before work commences on the site. The retaining wall is to be completed in accordance with the design provided prior to any occupation or use of the building.

Reason: Ensure site stability.

- 43.** Support for neighbouring buildings

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

- (a) Must preserve and protect the building from damage, and
- (b) If necessary, must underpin and support the building in an approved manner, and
- (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this clause, allotment of land includes a public road and any other public place.

Reason: Ensure site stability.

44. Protection of public places

If the work involved in the erection or demolition 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: Ensure site safety.

45. Signs to be erected on building, subdivision and demolition work sites:

A sign must be erected in a prominent position on any site on subdivision work is being carried out:

- (a) Showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the subdivision work is being carried out, but must be removed when the work has been completed

Reason: To meet statutory requirements.

46. Inspections:

Forty Eight (48) hours' notice is to be given to enable Council as the Principal Certifying Authority to inspect the following:

- a) at the commencement of subdivision works for each stage of the development.
- b) prior to back filling of trenches after installation of water, sewer and stormwater services.
- c) at connection of services to Council's infrastructure.
- d) after excavation for road works.
- e) after installation and compaction of road base.
- f) after completion of all subdivision works.

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

47. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the subdivision development, 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 subdivision work can commence.

Reason: Ensure environmental health standards are met.

48. The Developer is to make application to Council and pay the relevant fee for the release of the Subdivision Certificate at each respective development stage, in accordance with Council's Management Plan applicable at the time.

Note: Written documentation must be supplied by the developer stating that all conditions of consent relating to each stage have been satisfied.

Reason: To ensure all conditions of consent are satisfied prior to release of the Plan of Subdivision.

49. The developer shall develop an Erosion and Sedimentation Control Plan prior to the initiation of construction works for each stage of the development, with the proposed controls designed in accordance with the Landcom Managing Urban stormwater: Soils and Construction, Volume 1, Fourth Edition, March 2004 guidelines, widely known as the 'The Blue Book'. The erosion and sediment control plan for each development stage shall be submitted to Council before a Subdivision Construction Certificate is issued.

Note: Council shall routinely inspect the erosion and sedimentation controls throughout the construction and stabilisation phase of the development.

Reason: To adhere to the Department of Environment & Conservation requirements and ensure protection of natural watercourses and Council's drainage system.

50. The developer shall fence each stage or portion of the construction site in accordance with relevant occupational health and safety legislation.

Reason: To ensure the maintenance public safely.

51. The applicant is to ensure that no dust nuisance is generated on adjoining premises during the subdivision stage. To this end the applicant shall maintain sufficient equipment with the capacity to apply water to all trafficable areas within the site at a rate sufficient to eliminate the dust nuisance.

Reason: To ensure compliance.

52. The developer shall ensure that all construction works associated with the subdivision operate during the following hours:
- Monday to Friday – 7.30 am to 5.00 pm
 - Saturdays – 7.30 am to 4.00 pm

No construction works shall occur on Sundays or public holidays.

Note: The developer shall be responsible to instruct and control his sub contractors regarding hours of work and mitigation of nuisances particularly dust control.

Reason: To maintain the amenity of the surrounding area.

53. Noise emission from the construction works associated with the subdivision shall not exceed 5dB(A) above background noise level measured at the closest premises not associated within the development site.

Reason: To ensure unreasonable disturbance and ensure amenity of the neighbourhood.

54. Any lighting associated with the subdivision construction works shall be so hooded so as to prevent glare nuisance to any premises not associated with the development or to any vehicles travelling on public roads.

Reason: To ensure amenity of area and public safety.

55. The Developer is to ensure that all earthworks involving excavation, filling or the construction of retaining walls is undertaken in accordance with the Geotechnical Investigation report, dated September 2006.

Reason: To ensure that the soil type of the subject land is suitably considered during the subdivision stage.

SPECIFIC STAGE CONDITIONS

Stage 1

56. The developer shall construct the intersection of Wandobah Road and Road 2 to a Modified Type B geometric standard for right turning and an AUSTRROADS AUL for left turning traffic to a 50kph design standard, in accordance with Austroad Requirements and Council's engineering requirements and specifications.

Note: The existing bus turn area located at the intersection of Wandobah and Wattle Street will no longer be required as Boronia Avenue will serve as the designated bus route in stage One of the development. Council will render the bus turn area redundant at its cost.

Reason: To provide appropriate and safe access to the development.

57. The developer shall ensure that driveway access to proposed lots 106 and 114 is via proposed Road 2.

Reason: To ensure safety of access.

Stage 2A

58. The developer shall dedicate the open space park as public reserve to be vested in Council, as identified on the Amended Staging Plan prepared by Monteath and Powys dated April 2007.

Reason: To ensure the reservation is made available for public use.

Stage 3B

- 59. Deleted.
- 60. Deleted.
- 61. Deleted.
- 62. Deleted.
- 63. Deleted.
- 64. Deleted.
- 65. Deleted.
- 66. Deleted.

Stage 4B

- 67. The developer shall dedicate the open space park as public reserve to be vested in Council.

Reason: To ensure the reservation is made available for public use.

Stage 5

- 67. Deleted.

- 67a. The developer shall dedicate the pedestrian way linkage off Wattle Street to the pedestrian way linkage off Road 1 as public reserve to be vested in Council.

Reason: To ensure reservation is made available for public use.

Stage 5B

- 67b. The Developer is responsible for constructing a stormwater detention basin within the public reserve that is capable of meeting a 100 year ARI event, as outlined in the Stormwater Drainage and Engineering Assessment, prepared by Cardno Stanwill, dated November 2006 and to Council's engineering requirements and specifications.

Reason: to ensure appropriate stormwater management.

- 67c. The Developer is responsible for constructing the public reserve in accordance with the approved plans, with the exemption of the southeastern corner of public road that is separated by the proposed extension of Wattle Street.

Reason: To make provision for public open space and stormwater management.

- 67d. The developer shall prepare a Flora & Fauna Management Plan that addresses the methods of protecting the biodiversity values of the woodland habitat to be retained within the public reserve. The Management Plan is to specifically address measures to protect Koalas and other identified Endangered Ecological Communities as identified within the Ecological Impacts Assessment Report, dated November 2006 and to the satisfaction of Council's Manager Environment & Development.

Reason: To meet the requirements of the DEC and protect the existing biodiversity values on the subject site.

- 67e.** The Developer shall retain all remnant vegetation and habitat trees located within the public reserve where possible and plant additional groupings of trees, scrubs and grasses within the public reserve, in accordance with the Landscaping Master Plan and Report, dated 13 November 2006 (Ref 4200-76-01) and Ecological Impacts Assessment Report dated November 2006.

Note: Should any habitat trees be removal from the Public Reserve, an experienced wildlife handler should be in attendance in order to rescue injured or displaced wildlife, as outlined in Ecological Impacts Assessment Report dated November 2006.

Note: Native vegetation along the creek line area should be allowed to regenerate. Mass planting in this area should be restricted to areas currently devoid of a natural canopy, as the existing woodland remnants retain a reasonably diversity of native vegetation.

Note: Tree removal should not take place in winter as hollow-roosting bats enter torpor at this time of year, as outlined in the Ecological Impacts Assessment report dated November 2006.

Reason: Compliance with approved plans and maintain biodiversity values within the catchment.

- 67f.** The Developer shall only plant native species currently occurring on the subject site, as identified in the Ecological Impacts Assessment Report dated November 2006 or local species listed as occurring within the 'Endangered Ecological Communities, (EEC)' according to the Final Determination (NSW Scientific Committee 2002).

Reason: To ensure that remnant vegetation is retained and protected.

- 67g.** The developer shall dedicate the detention basin and stormwater channel as public reserve to be vested in Council.

Note: This condition only relates to the section of public reserve north of the proposed extension of Wattle Street.

Reason: To ensure reservation is made available for public use.

- 67h.** The developer shall dedicate the pedestrian way linkage off Road 1 as public reserve to be vested in Council.

Reason: To ensure reservation is made available for public use.

- 67i.** The developer is responsible for establishing passive recreational facilities and cycleways within the public reserve area detailed in Condition 67b as identified on the Landscaping Master Plan and Report, dated 13 November 2006 (Ref 4200-76-01).

Reason: To ensure adequate recreational facilities are established in the public reserve.

Stage 6

- 68.** The Developer shall construct the intersection of Links Road and Wattle Street to safely manage left and right turning traffic, in accordance with AUSTRROAD requirements and Council's engineering requirements and specifications.

Note: Traffic management devices shall be incorporated into the intersection to alleviate potential short-cutting" by traffic turning right from Links Road into Wattle Street.

Reason: To ensure traffic management and safety in the locality.

69. The developer shall construct the 3 metre wide road shoulder and install kerb and gutter in the section of Links Road that fronts Stage Seven of the development and the portion that adjoins the public reserve in the south eastern corner of the development site accordance with Council's engineering requirements and specifications.

Note: The cycleway at the intersection of Links Road and Wattle Street shall discharge onto Links Road and the developer shall install cycleway line marking on the bitumen seal in Links Road for the extent of Stage Seven in accordance with the relevant Australian Standards.

Reason: To enable future development south of the proposed site.

70. The developer shall construct the remaining portion of the waterway located in the south-eastern corner of the development and dedicate the area as Public Reserve to be vested in Council.

Reason: To ensure reservation is made available for public use.

71. The Developer shall retain all remnant vegetation and habitat trees located within the public reserve where possible and plant additional groupings of trees, scrubs and grasses within the public reserve, in accordance with the Landscaping Master Plan and Report, dated 13 November 2006 (Ref 4200-76-01) and Ecological Impacts Assessment Report dated November 2006.

Note: Should any habitat trees be removal from the Public Reserve, an experienced wildlife handler should be in attendance in order to rescue injured or displaced wildlife, as outlined in Ecological Impacts Assessment Report dated November 2006.

Note: Native vegetation along the creek line area should be allowed to regenerate. Mass planting in this area should be restricted to areas currently devoid of a natural canopy, as the existing woodland remnants retain a reasonably diversity of native vegetation.

Reason: To ensure that the biodiversity values of the entire nature catchment is retained.

C. GENERAL TERMS OF APPROVAL – NSW RURAL FIRE SERVICE

1. At the issue of subdivision certificate and in perpetuity all lots within the relevant stage of release shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. Deleted.

Reason: To provide sufficient space and maintain reduced fuel loads as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

2. Deleted.

C2a. A restriction to the land use, pursuant to the section 88B of the 'Conveyancing Act 1919', shall be placed on proposed lots 408, 432-447, 609-612, 528-331 and 629-635 (previously identified as proposed lots 415, 438-453, 520-523 and 620-630) and as identified on the following plans prepared by Monteath & Powys Pty Ltd;

- Plan titled "PROPOSED SUBDIVISION PLAN, BETWEEN WANDOBDAH AND LINKS ROADS. GUNNEDAH", identified as Sheet 1/4, noted as Revision No. 11 and dated 07/12/2021, and
- Plan titled "PROPOSED SUBDIVISION PLAN, BETWEEN WANDOBDAH AND LINKS ROADS. GUNNEDAH", identified as Sheet 2/4, noted as Revision No. 11 and dated 07/12/2021.

The restriction shall require the provision of an asset protection zone (APZ) of not less than 14 metres wide along the southern boundary of the subject lots and restricting building within the APZ. The APZ shall be managed as outlined within section 4.13 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: To provide sufficient space and maintain reduced fuel loads as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

3. Deleted.

C3a. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over proposed Lot 532 (previously identified as proposed lot 631) and/or the Public Reserve to the south and east of Lot 532 and as identified on the plan prepared by Monteath & Powys Pty Ltd, titled "PROPOSED SUBDIVISION PLAN, BETWEEN WANDOBDAH AND LINKS ROAD. GUNNEDAH", identified as Sheet 2/4, noted as Revision No. 11 and dated 07/12/2021. The restriction shall require an asset protection zone (APZ), of not less than 14 metres wide, along the southern and eastern boundary of Lot 532 and restricting building within the APZ. The APZ shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: To provide sufficient space and maintain reduced fuel loads as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

4. Deleted.

C4a. A restriction to the land use, pursuant to section 88B of the 'Conveyancing Act 1919', shall be placed over proposed Lots 317, and 409-413 (previously identified as proposed lots 409-414), as identified on the plan prepared by Monteath & Powys Pty Ltd, noted as Sheet No. 1/4, Revision 11 and dated 07/12/2021, requiring the provision of an asset protection zone of not less than 10 metres wide along the southern boundary of the subject lots and restricting building within the APZ. The APZ shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: To provide sufficient space and maintain reduced fuel loads as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

5. Deleted.

6. Deleted.

C7. Any stage, of the development, that has created residential lots adjacent to a residual lot (i.e. created by the staged development) temporary Asset Protection Zones (APZs) shall be required to be provided upon the residual lot where it has an interface with the newly created residential lots. The temporary APZ will need to be 20 metres wide and be managed as an Inner Protection Zone (IPA) in accordance with the requirements of section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' and be located directly adjacent to the common boundary with the residential lots.

Reason: To provide sufficient space and maintain reduced fuel loads as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

C8. Access within the subdivision is to comply with section 4.3.1 Planning for Bushfire Protection 2001. Access throughout the staging process is to comply with section 5 of the submitted bush fire report by Australian Bushfire Protection Planners, Assessment Number B06351- 1, dated 15/11/2006, except that the proposed fire trail in Stage 4 along the southern boundary shall be replaced by a fire trail to the east of Lot 532 (was previously noted as proposed lot 631) as indicated on the plan prepared by Monteath & Powys Pty Ltd, reference 06/095 (revision 3), dated 17 February 2012.

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

PURPOSE

Council has received an application to modify Development Consent No. 234396.007. The proposed modification to development consent is being referred to Council for determination as the original application was determined by Council.

Applicant: Monteath & Powys
 Owner: Mornington Estate Pty Ltd
 Property Description: Lot 334 DP 1245207
 109 Links Road, Gunnedah

Proposed Development

The modification to the development consent is seeking consent for an amendment to Stage 7 of the subdivision resulting in a reduction in lots created in the development by 6, creating 303 rather than previously approved 309. The modification has also requested the ability for the developer to undertake development staging in non sequential order.

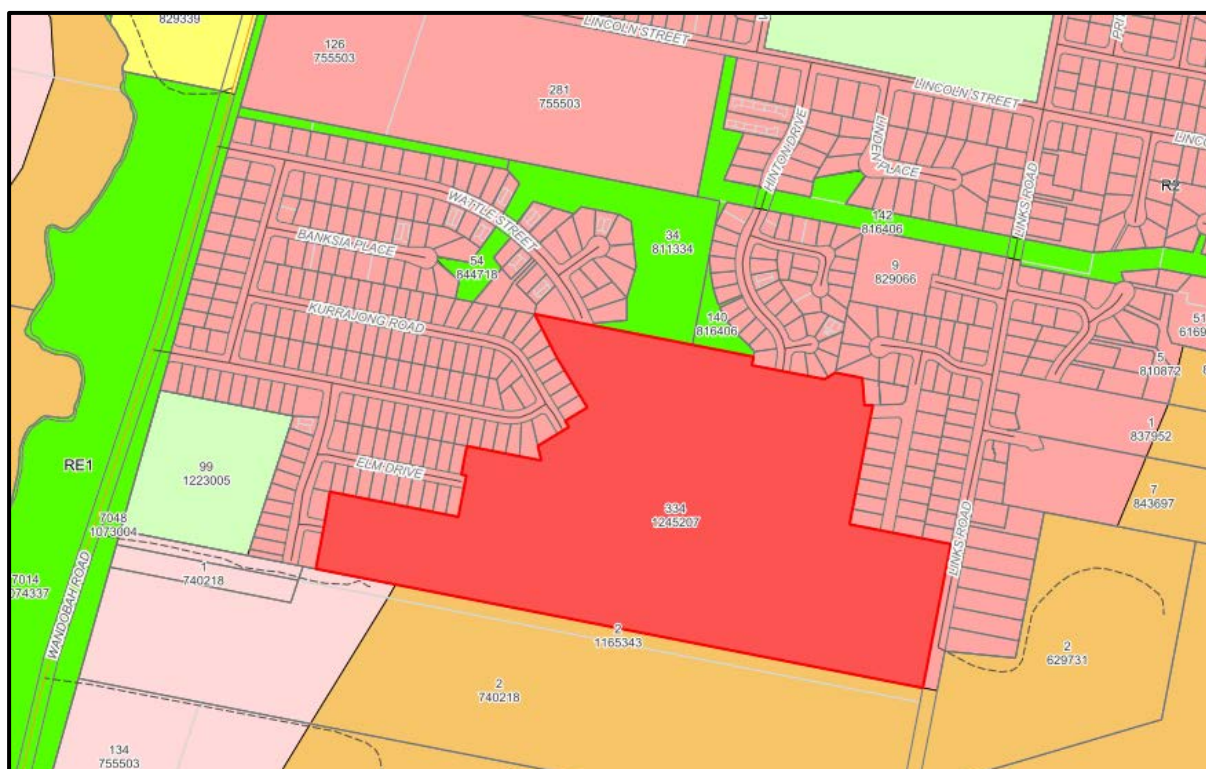


Figure 1 – Site Location

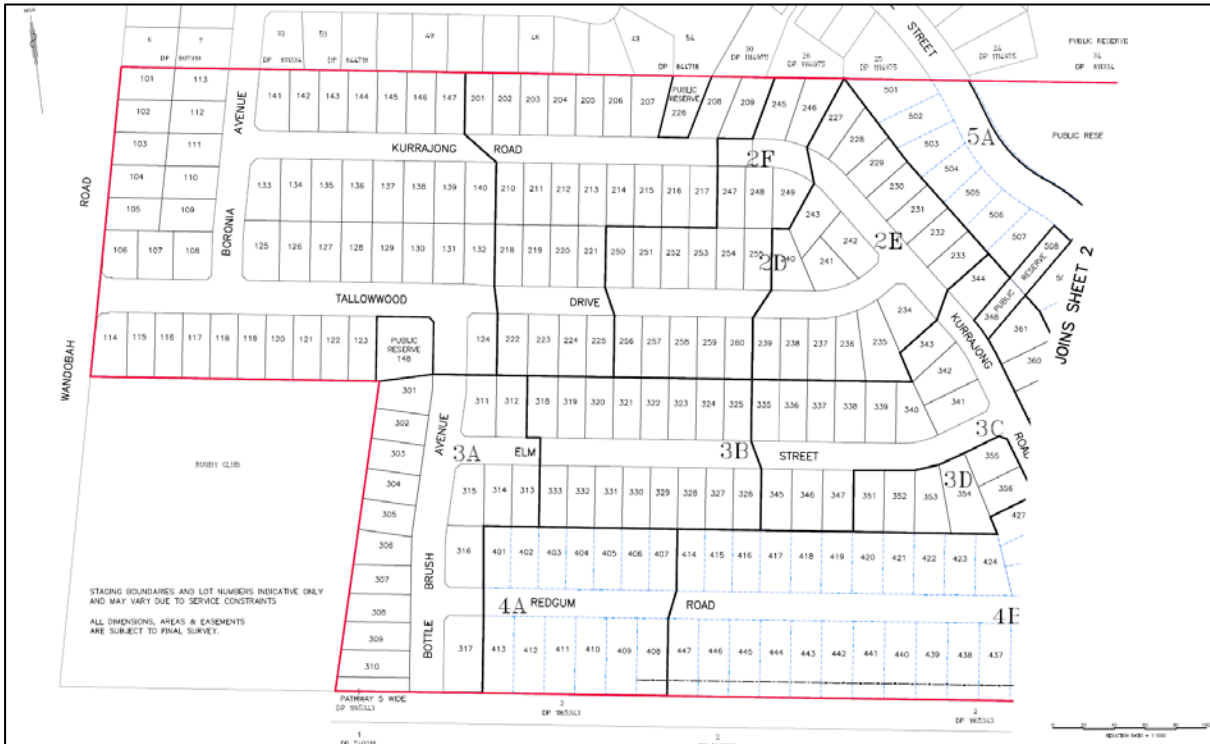


Figure 2 – proposed staging plan (stages 1-5A)

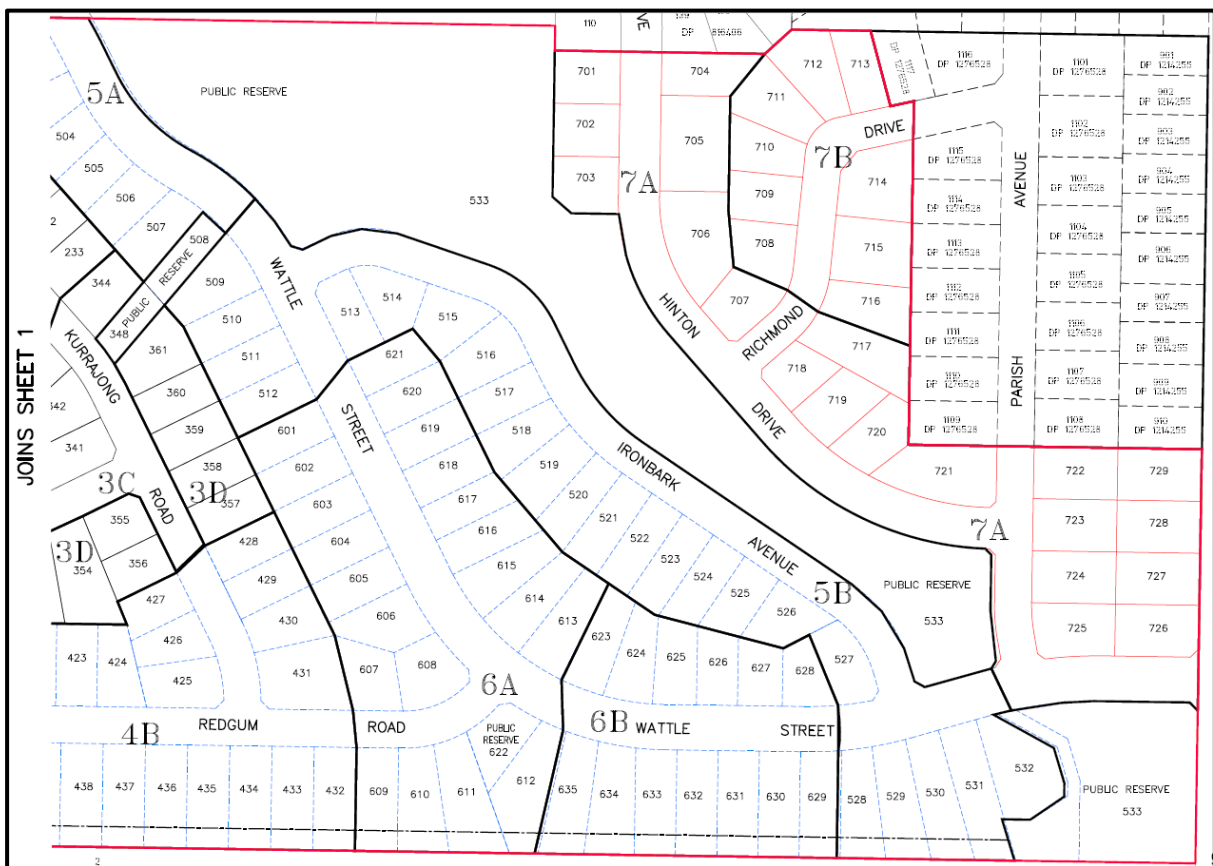


Figure 3 – proposed staging plan (stages 3C-7B)

BACKGROUND

Council resolved on 02 May 2007 to approve Development Application 234396 for a subdivision (3 Lots into 309) including the construction of associated infrastructure and new public road reserves.

Council has since resolved to approved a number of modifications to this development. The previous modifications include amendments to staging and servicing plans as well as amendments to wording and provisions within development conditions.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.55(1A)

The modification proposes to reduce the number of allotments created in Stage 7 and enable the completion of the stages of development in any order. The modification does not change the location of the subdivision or the type of allotments created. Development consent was originally given for a Torrens Title Subdivision. The modification to development consent is considered to be substantially the same as the original development consent granted.

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

Gunnedah Local Environmental Plan, 2012

The development site is zoned R2 Low Density Residential, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012).

2.3 – Zone Objectives

The development is consistent with the R2 land zone. The development creates allotments which are available for future residential activity.

2.6 – Subdivision – Consent Requirements

The subdivision requires the development consent to be retained to enable subdivision of land. The lots created are still greater than the minimum lot size.

4.1 – Minimum Subdivision Lot Size

The minimum lot size requirement for the development site is 650m². The modification to development will not result in the creation of any allotments with a lot size less 650m². Within the revised layout allotments range from 650m² to 1,559m².

6.5 – Essential Services

The development site has the availability of Council's water, sewer and stormwater facilities. The modification to development consent will not alter the provision of these services to each lot. Stages 1 to 3D of this subdivision have been completed with Council's services extended and connected to each lot.

Conditions will be retained which require the developer to extend services infrastructure to service each allotment created during each stage of the development.

The modification included a request to enable flexibility with the completion of development stages. Condition 2aa has been drafted to ensure that in the event that an unconnected stage was to be created, that services must be extended at the developers cost to ensure that no cost of infrastructure extension is born by the community.

Electrical services are available within the area. Conditions of consent requiring construction of road infrastructure to provide suitable vehicle access to each lot, will be unchanged.

State Environmental Planning Policies (SEPPs)

The original development consent was assessed under the provisions of the relevant statutory planning instrument active at the time. Statutory instruments have been repealed or amended since the time of the original assessment. The modification proposes to reduce the number of allotments created and enables flexibility with the approved staging plan. Hence, the development would not contradict any of the applicable SEPPs at the time of the determination or that are currently in force as the activity is less intensive as a result of the modification. Hence, the modification to the development would not contradict any State Environmental Planning Policy.

S4.15(1)(a)(iii) provisions of any development control plan**Gunnedah Development Control Plan 2012 (Gunnedah DCP)****5.1 – Lot Size**

The proposed modification to development indicates minor alterations to the allotments in Stage 7. Allotments within Stage 7 have been amalgamated and realigned to create 29 allotments during stage 7 rather than the previously approved 35 lots. Lot areas will increase and frontages will be widened. Each allotment of the subdivision is compliant with the Minimum Lot Size of Clause 4.1 of the Gunnedah Local Environmental Plan 2012. There will be no allotments which will have a greater encumbrance by easements than the previous approved layout.

5.2 – Service Strategy

The original development application was accompanied by a Service Strategy. The modification to development consent will not alter the provision of Council's water, sewer or stormwater facilities. A condition will be included which ensure that services are extended as required in accordance with the servicing strategy regardless of which stage was to be constructed.

5.3 – Sewer

The modification of consent does not change the provision of services as the servicing strategy will be unchanged. Hence, sewer servicing provision will be unchanged. As mentioned previously, a condition has been created, which includes sewer services, to ensure that service are constructed regardless of stage constructed.

5.4 – Water

The modification of consent does not change the provision of services as the servicing strategy will be unchanged. Hence, water servicing provision will be unchanged. As above, a condition has been created, which includes water services, to ensure that service are constructed regardless of stage constructed.

5.5 – Stormwater Drainage

The modification to development consent does not propose any alteration to the approved stormwater management services. The inclusion of condition 2aa enables flexibility in staging while ensuring that stormwater network services are retained.

5.10 – Road Network Design

The proposed modification to development consent does not propose any alteration to the approved road network design. Each of the development stages will include road construction of various road reserves. All services will need to be extended from the current road location to ensure that there is a road access to any released stage.

All road construction shall be completed in accordance with Council's Engineering Guidelines for Subdivisions and Developments, 2013. Road designs will incorporate stormwater drainage facilities.

5.11 – Staged Subdivision

The modification of consent does not propose the creation of any additional stages within the development. However, the development has requested that the staging be allowed to be conducted in any order. To ensure that any unconnected stage (at the time of the works) is appropriately serviced an additional condition (2aa) has been included to ensure that the extension of any services, through undeveloped areas of the site, occurs as part of any such stage.

5.14 – Site Access

The modification does not reduce the road frontage of lots to public road reserve. All allotments created by the subdivision will retain primary frontage from a public road.

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 located within the residential area of Gunnedah. Stages 1 to 3D of this subdivision have been completed and created lots with residential dwelling houses and associated outbuildings. The site and scale of the developments is consistent with the size and configuration of allotments within the surrounding area. The surrounding area is occupied by low density residential allotments.

Access, Transport and Traffic

The proposed modification to development consent will not result in any potential increase of traffic movements within the surrounding road network. Vehicle movements within the surrounding road networks are likely to reduce as a result of this modification due to the decreasing amount of allotments. All existing road networks within the subdivision are bitumen sealed construction with kerb and guttering along the entire road network. The modification of consent does not change the obligation for road widths, the extent of the proposed road network or the design of the road. The modification to development consent does not require any alterations to the approved road network.

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.

Water

The development site has provision of Council's water services to the development site. Council's water facilities are located within the area. The modification to development consent does not require any alteration to the provision of Council's water services.

The modification to development consent does not propose any change to the stormwater management infrastructure approved within the original consent.

Waste

The development site has provision of Council's sewer services to the development site. Council's sewer facilities are located within the area. The sewer facilities will be extended during subdivision works. The modification to development consent does not require any alteration to the provision of Council's sewer services. Condition 2aa enables flexibility of staging without the potential for stages to be released without the lots being fully serviced.

The resulting allotments will have adequate frontage area for the availability of kerb-side waste collection.

Natural Hazards

The site is not identified as being subject to flooding. The development site is mapped as bushfire prone. The original development was referred to NSW Rural Fire Service (RFS) as an integrated body for referral, to which the RFS provided General Terms of Approval (GTAs) and concurrence. The proposed modification was also referred to the RFS for consideration of the proposed amendments. In response to the requested amendments to the development consent Council has received amended GTAs and concurrence from the RFS. These amended GTAs have been accepted by the developer.

Social & Economic impact in the locality

The proposed development will have no social impact on the surrounding area. The modification will continue to provide future opportunities for residential development within the Gunnedah community.

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

The modification to development does not alter the staging plan. Alteration to lots will enlarge the size of lots created in Stage 7 of the development and result in a reduced number of lots released by the subdivision. The revised lot plan remains consistent with the completed stages of this subdivision as well as the existing and future development in the locality. The subdivision site has numerous access points and the availability of Council's water, sewer and stormwater facilities. All services and utilities will be extended during the construction of each stage of the development.

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

The proposed modification required neighbour notification and advertising in accordance with Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* as the original development was notified and advertised. The modification was publically advertised and neighbour notified in accordance with the Gunnedah Community Participation Plan (CPP).

Council elected to notify adjoining land holders and advertise from the 22 December 2021 to 31 January 2022. During this exhibition period, Council did not receive any submissions.

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

The development application is not regarded as being Designated Development. The original development was referred to NSW Rural Fire Service (RFS) as an integrated body for referral. The proposed modification was also referred to the RFS for consideration as Integrated Development, as per Section 100B of the Rural Fires Act 1997. The RFS provided amended General Terms of Approval. The RFS has granted concurrence to the proposed modification.

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 modification to development consent is seeking consent for a reduction in the number of allotments created during Stage 7 (37 lots to 34 lots), and enable flexibility in release of stages of development. The application to modify the development consent has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The evaluation of this modification to development consent has concluded that the proposed development is compliant with applicable legislative requirements.

As per the recommendation of this report, it is concluded that Modification of Development Consent No. 234396.008, Lot 334 DP 1245207, 109 Links Road, Gunnedah, should be approved subject to the deletion of condition 1E, 2C, 1, 2, 3, 4, 5 and 6 and the insertion of condition 1F, 2D, 2aa, C2a, C3a, C4a, C7 and C8.

Wade Hudson

ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES



GunnedahShire