

Planning Environment and Development Committee Minutes

4:03pm Wednesday 2 March 2016

COUNCILLOR	PRESENT	LEAVE	APOLOGY	ABSENT
OC Hasler	X			
RG Swain (Chair)	X			
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			
SENIOR STAFF				
General Manager (E Groth)	X			
Acting Executive Manager Business Systems and Governance (D Markey)	X			
Director Planning and Environmental Services (MJ Silver)	X			

*** Two casual vacancies exist due to the recent passing of the Late Hans Allgayer and the resignation of Mr Tim Duddy.*

DECLARATION OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	NSNP	RC	REASON
NIL							

STAFF	ITEM	REPORT	P	SNP	NSNP	RC	REASON
NIL							

P – Pecuniary

SNP – Significant Non Pecuniary

NSNP – Not Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

ITEM 1	Development Application No. 2016/014 – New Loading Ramp – Lot 1 DP1019843, 144-152 Conadilly Street, Gunnedah
MEETING	Planning Environment and Development – 2 March 2016
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 4.9.3 Investigate and act on preservation of our natural and built environment. Operational Plan 4.9.3.5 Implement the provisions of the Local Environmental Plan 2012.
ATTACHMENTS	Nil

COUNCIL RESOLUTIONS:

- 01.03/16P** That the Development Application No. 2016/014, for installation of a new loading ramp at Council's Creative Arts Centre, at 144-152 Conadilly Street, Gunnedah, Lot 1 DP 101943, be approved subject to the following conditions:

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

A1. The proposed development shall be carried out generally in accordance with the details set out in the following:

- Development Application form lodged 05/02/15
- Statement of Environmental Effects, prepared by Debra Hilton; and
- Submitted plans:
 - Prepared by Monteath & Powys, dated 21/01/2016, Ref: 16/0013, Sheet 1 of 1 (Site Plan & Elevation);

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. Prescribed conditions of development consent

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

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

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

(1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

(2) This clause does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

(3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

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

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

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

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

Reason: To ensure compliance with the statutory requirements.

C. During Construction Works

C1. Inspections by the Principal Certifying Authority – Mandatory Critical Stage Inspections

48 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 81(2)(b) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspections in **bold type** are mandatory critical stage inspections under the Act and **MUST** be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued).

(a) Final inspection prior to use of the building.

The above listed works may not be covered until approval is obtained from the Principal Certifying Authority or his/her duly appointed delegate.

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

C2. 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.

C3. No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

C4. The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

C5. Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

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

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

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

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

Reason: To ensure amenity of the neighbourhood is maintained.

D. Prior to the issue of an Occupation Certificate

D1. Use of the Loading Ramp 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.

Council Resolution

Moved Councillor C FULLER

Seconded Councillor GA GRIFFEN

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			

Note: This item was dealt with under delegated authority in accordance with the Instrument of Delegation – Planning Environment and Development Committee.

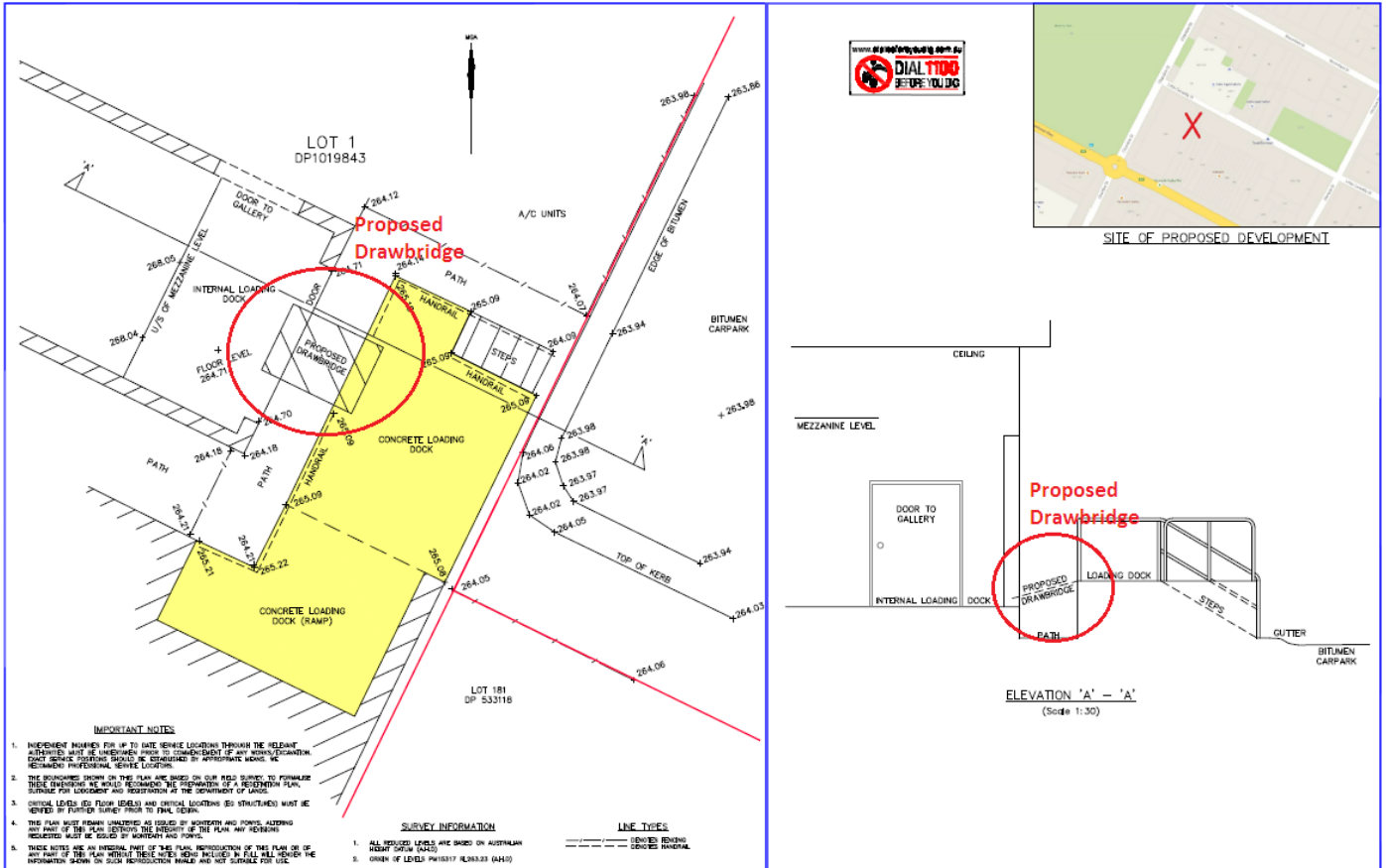
PURPOSE

The development application is being referred to Council as the development project is to be undertaken on Council land.

Applicant: Gunnedah Shire Council
 Owner: Gunnedah Shire Council
 Property Description: Lot 1 DP1019843,
 144-152 Conadilly Street, Gunnedah

Proposed Development

The development proposal is seeking consent for the installation of a loading ramp at the rear of the Creative Arts Centre. The proposal is located on Council owned land and requires development consent to be granted by Council.



COMMENTARY

Issues

S79C(1)(a)(i) the provisions of any environmental planning instrument

Gunnedah LEP, 2012

The proposed development will be ancillary to this existing land usage, being a community facility. The development will be compliant with the following clauses of the Gunnedah Local Environmental Plan 2012:

5.9 – Tree Preservation Order

The development does not require the removal of any trees from the site.

5.10 – Heritage Conservation

The adjoining premise is identified as being heritage listed for local significance. The site is identified as being listed for the Gunnedah Town Hall. The proposed development will not have any adverse impact on the heritage listing of the development and will not degrade the heritage features of the site.

6.1 – Flood Planning

A development is located within the area indicated to be subject to flooding. The development will not affect flood flows and will not intensify flood waters on adjoining allotments. There will be no increased risk to life or property as a result of the proposed development.

6.5 – Essential Services

The development site has provision of Council's water, sewer and stormwater services. The site has current electrical and telecommunication services that will be unaffected by the development. The development has frontage to Conadilly, Chandos and Little Conadilly Streets as suitable frontage to a public road.

S79C(1)(a)(iii) provisions of any development control plan

1.8 – Consultation

The development application was considered to have minimal or no impact on the adjoining land holders. Hence under the requirements of the Development Control Plan 2012, the development application did not require notification to the adjoining land holders.

3.1 – Building Setbacks

The development is to occur within the lot boundaries. There is no specific setback requirement set by the Gunnedah Development Control Plan 2012.

3.3 – Design

The ramp is to provide the ability for goods to be transported across the gap between the existing roller door at the rear of the creative arts centre and the raised concrete area (shown below) that provides access to the rear of the CIVIC Theatre & Town Hall.



6.1.4 – Commercial/Retail/Industrial Development within Flood Fringe

The development will not result in flooding impacts being increased on the development allotment or adjoining lots. The floor level of the building is to be retained. There will be no impact on financial viability of adjoining premises as a consequence of the development. The proposal will be constructed from suitable materials and at an elevated position.

S79C(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 contains Council's Town Hall, Civic Theatre, Smithurst Theatre and Creative Arts Centre, within the lot boundaries. The site is located within the Gunnedah Central Business District. The proposed development is consistent with these land uses.

Natural Hazards

The development site is identified as being subject to flooding during a 1 in 100 year. The factors for consideration have been addressed earlier in this report.

S79C(1)(d)&(e) any submissions made in accordance with this Act or the regulations and the public interest

The application did not require notification to the adjoining land holders or public exhibition.

Suitability of the Site

The development site is consistent with the existing development on the site and will not impact on any adjoining land. Hence, it is considered that the site is suitable for the proposed development.

Conclusion

The development is compliant with the relevant clauses and requirements within Council's Development Control Plan 2012 and Local Environmental Plan 2012 and the proposed development is consistent with the current land use and operation of the site. The development is expected to improve operational efficiency of Council at the site. Hence, it is recommended that the development be approved subject to conditions.

PLANNING ENVIRONMENT AND DEVELOPMENT OBJECTIVES 2015/16

OBJECTIVE NO	MANAGEMENT PLAN REF. PAGE	OBJECTIVE	HOW WILL THIS BE ACHIEVED	TARGET DATE	STATUS	REVISED DATE
1.		Waste Management Strategy	Implementation of Waste Management and Environmental Initiative	June 2019	Project will not commence until State Government confirms that Gunnedah Shire Council will or won't be required to pay the 'Waste Levy'	
2.		Namoi Parklands Riverine Program	Biannual Review	August 2016	Stage 1 Complete Stage 2 Complete Stage 3 Work Commenced Stage 4 Work Commenced	
3.		Gunnedah Strategic Planning Review		September 2016	Draft Urban Landuse Strategy presented to Planning Environment & Development Committee May 2015 for endorsement for exhibition. Referred to June 2015 Council meeting. Draft Gunnedah Urban Landuse Strategy on exhibition- closes 28 August 2015 Councillor Workshop 3 Feb 2016 – submissions received and design of eastern gateway to be further considered at future workshop.	
4.	Koala Habitat Improvement	Adoption and implementation of Koala Management Strategy	Consideration at August 2015 Planning Environment & Development Meeting for exhibition	September 2016	Endorsed by Council at October 2015 Ordinary Meeting . Resolution No. 7.10/15	
5.	Enforcement Policy	Development and adoption of Enforcement Policy	June 2016	June 2016	Preparation of Draft Policy has commenced	
6.	Floodplain Management	Completion of Blackjack Creek Flood Mitigation Project	Property Acquisition Commenced	June 2017 Negotiations Ongoing. Compulsory Acquisition Commenced	Property Acquisition Notices under Land Acquisition (Just Terms Compensation) Act 1991	

There being no further business, the meeting concluded at 4:14pm.

Councillor RG Swain
CHAIRPERSON