

Planning Environment and Development Committee Minutes 4:02pm Wednesday 3 February 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			
Executive Manager Business Systems and Governance (C Formann)	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

COMMUNITY CONSULTATION

Mr Steve Edgar was in attendance to make a presentation regarding Development Application 2015/109 – Construction of Detached Garage and Activities Room – Lot A DP382684, 144-148 George Street, Gunnedah.

CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the Planning Environment and Development Committee Meeting held on Wednesday 2 December 2015 were circulated.

Committee Recommendation

Moved Councillor GA GRIFFEN

Seconded Councillor C FULLER

**ITEM 1 Development Application No. 2015/109 –
Construction of Detached Garage and Activities
Room – Lot A DP382684, 144-148 George Street,
Gunnedah**

MEETING Planning, Environment and Development Committee – 3 February 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 1.2.2 Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area. Operational Plan 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act.
ATTACHMENTS	Nil

01.02/16P COUNCIL RESOLUTIONS:

1. That the variations to Gunnedah Development Control Plan 2012 in respect of cumulative floor area and height of the building be approved.
2. That the Development Application No. 2015/109, for the construction of a new detached garage and activities room, at 144-148 George Street, Gunnedah, Lot A DP382684, 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 strictly in accordance with the details set out in the following:

- Development Application form lodged 20 November 2015;
- Statement of Environmental Effects, prepared by Anthony Pollock, dated 05 November 2015; and
- Submitted plans:
 - Prepared by SAE Design, dated 22/12/2015, ref: 420-15, Sheet A002 (Site & Roof Plan), Sheet A001 (Floor Plan & Elevations);
 - Prepared by W.J. Bryan Engineering, dated 17/09/2015, ref: 8-15-10307, Drg No. S100 (Footing Plan), S101 (Slab Plan), S102 (Steel Plan), S103 (Details),
- Supporting Documents:
 - Building Specifications, prepared by SAE Design, dated 17 September 2015, ref: 420-15;
 - Engineers Certificate, prepared by W.J. Bryan, dated 28 September 2015, ref: 8-15-10307;
 - BASIX Certificate No: A230144;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. Prescribed Conditions (Section 80A(11) of the Act)

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

B1. Compliance with Building Code of Australia 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.

B3. Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (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 certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (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 certifying authority 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 109R of the Act, to comply with the technical provisions of the State's building laws.

Reason: To ensure compliance with the statutory requirements.

B4. Fulfilment of BASIX Commitments

- (1) This clause applies to the following development
 - (a) BASIX affected development

- (b) any BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule q for it to be so accompanied).
- (2) For the purposes of Section 80A(11) of the Act, the fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

Reason: To ensure compliance with the statutory requirements.

C. Prior to the issue of a Construction Certificate

- C1.** Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:

Stormwater Drainage

Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 Council requires the payment of a monetary contribution of \$1,346.22. The contributions shall be paid prior to issue of the Construction Certificate.

Note: The contributions required by this condition are determined in accordance with the Gunnedah Shire Council Section 64 Developer Services Plan – Stormwater commencing on 17 January 2013, a copy of which may be inspected at the office of the Council.

The above contributions have been adopted under the 2015/2016 Council Operational Plan. Revised rates adopted by Council in subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Developer Services Plans.

D. Prior to Commencement of Building Works

- D1.** 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.

E. General

Access - Urban

- E1.** Vehicular access will be from George Street and will require the construction of a concrete driveway across the footpath in accordance with Council's standards and specifications. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at: <http://www.gunnedah.nsw.gov.au>
- a) Before commencement of this work, construction levels are to be obtained from Council's Infrastructure Services. A security bond being half of the estimated cost of the construction work is to be lodged with Council, before work on the driveway is commenced.
 - b) Upon the satisfactory completion of the driveway by the developer, the security bond will be released.

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2%. Internal driveway grades shall be in accordance with AS 2890 – 2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

Reason: To implement Council's policy.

- 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 Works

F1. 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) **Footing trenches with reinforcement prior to pouring of concrete**
- (b) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (c) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (d) **Wet area, damp proofing and flashing before lining**
- (e) **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.

- F2.** 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.

- F3.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- F4.** All wet areas within the building shall be waterproofed in accordance with the requirements of AS 3740-2004. The person responsible for the installation of the waterproofing system used within the building shall provide certification to Council prior to occupation that the system used has been installed in accordance with the requirements of AS 3740-2004.

Reason: To ensure protection against water damage to structure.

- F5.** Termite protection is to be provided in accordance with AS3660.1 and certification of compliance outlining the method used is to be provided to Council prior to use or occupation of the building. A durable notice is to be placed in the meter box indicating:

- (i) the method of protection
- (ii) the date of installation of the system
- (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label
- (iv) the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Reason: To ensure compliance.

F6. 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.

F7. Retaining walls and drainage

If the soil conditions require it:

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

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

Reason: To ensure site stability.

F8. Support for neighbouring buildings

If an excavation associated with the construction of 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 an approved manner, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

Reason: To ensure site stability.

F9. Protection of public places

If the work involved in the 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.

F10. Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

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

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

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

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

Reason: To ensure amenity of the neighbourhood is maintained.

G. Prior to the issue of an Occupation Certificate

- G1.** 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.

Council Resolution

Moved Councillor SJ SMITH

Seconded Councillor C FULLER

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

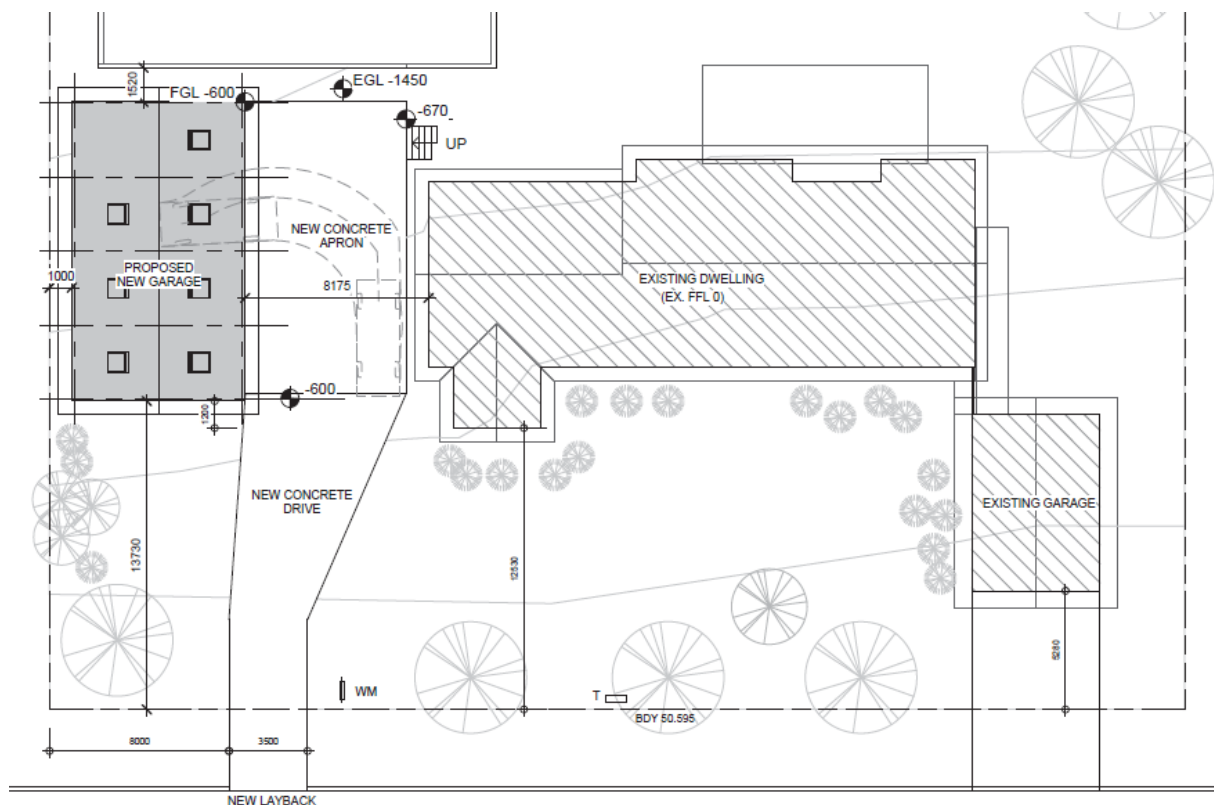
Introduction

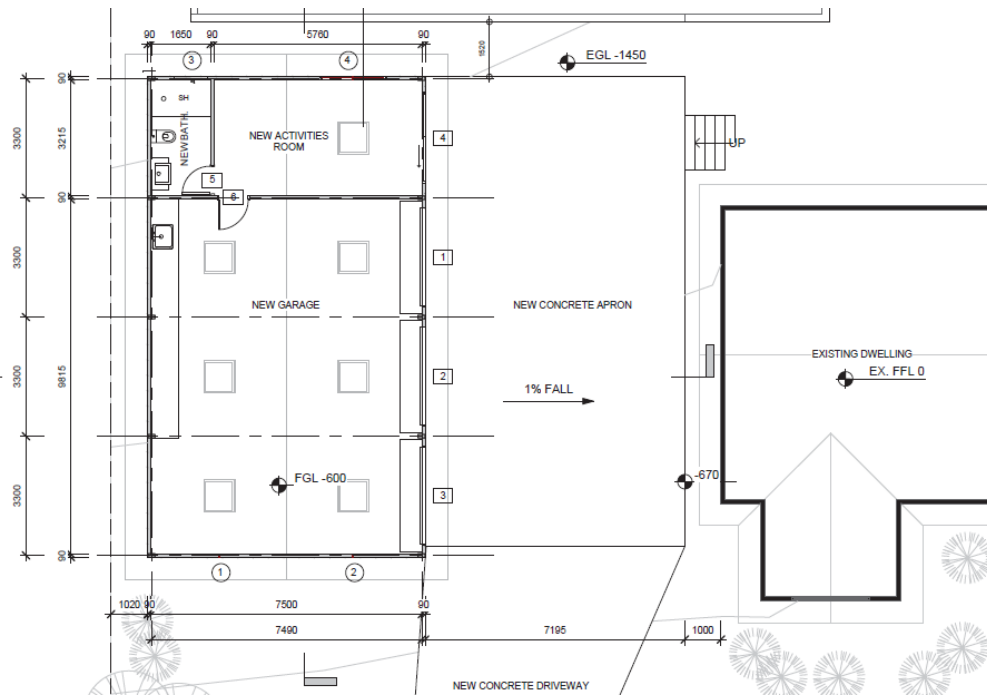
The development application is being referred to Council as the development requires a variation to the Gunnedah Development Control Plan 2012 regarding the size and height of the detached garage.

Applicant: Mr Anthony Pollock
Owner: Mr R & Mrs L Parsons
Property Description: Lot A DP382684,
144-148 George Street, Gunnedah

Proposed Development

The development proposal is seeking consent for the construction of a detached 3 bay garage and adjoining activities room and ensuite. The garage is to be located to the west of the existing dwelling in alignment with the frontage of the existing dwelling onsite. The proposed garage is non-compliant with the requirements of the Gunnedah Development Control Plan 2012 as it exceeds the maximum height requirements and marginally exceeds the maximum floor area allowable for the garage component of the development.





COMMENTARY

Issues

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

Gunnedah LEP, 2012

The site is currently the location of a dwelling house. The proposed development will be ancillary to this existing land usage. The development site is zoned for Residential land use with the proposed development not requiring a change of land use. The development will be compliant with the following clauses of the Gunnedah Local Environmental Plan 2012:

4.4 – Floor Space Ratio

The floor space ratio requirement for the site is 0.5:1 or 50% of the site. The site contains an existing dwelling house with an approximate floor area of 380m² with the proposed additions having a total floor area of 99m². The site has an approximate area of 3,755m². The resulting Floor Space Ratio is 0.13:1. Hence the resulting FSR is suitable.

5.9 – Preservation of Trees or Vegetation

The development will not require the removal of any additional trees. Existing vegetation will be maintained.

6.5 – Essential Services

The development site has provision of water, stormwater and sewer services. The site has provision of electrical service to the site. Existing services will be retained with no services being affected by the development proposal. The site has frontage to George Street for vehicle access.

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

1.8 – Consultation

The development application requires a variation to the Gunnedah Development Control Plan. Hence the development application was notified to the adjoining land holders for a period of 14 days. No submissions were received during the submission period.

2.1.1 - Building Setbacks

The proposed detached garage and activities room is to be positioned 13.7 metres from the primary road frontage. The building will be situated to align with the front of the existing dwelling. The building setback is compliant with the development controls for all lot setbacks.

2.1.3 – Utilities

The development allotment does not contain any registered easements nor is there any Council infrastructure located within the boundaries of the site that does not have an easement placed over it.

2.1.5 – Design and Solar Access

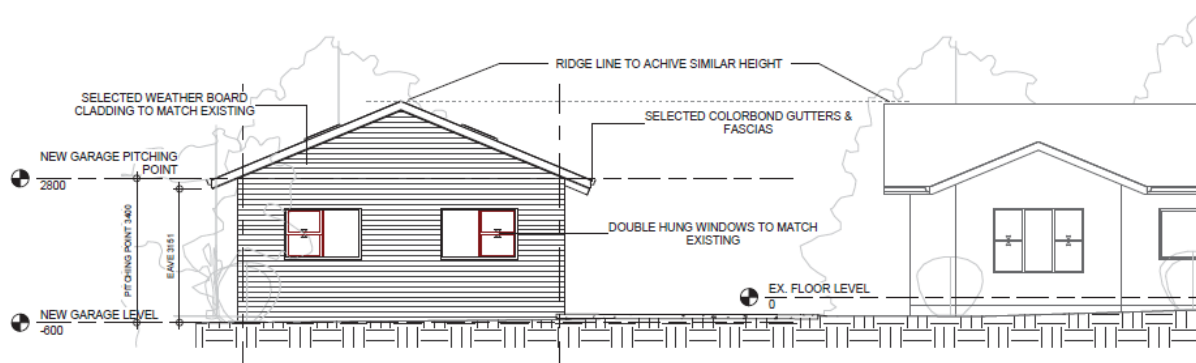
The location of the proposed garage will not result in any overshadowing of adjoining allotments. The development will not block solar access for the existing dwelling.

2.1.8 – Outbuildings, Carports and Detached Garages

The development proposes the construction of a detached garage to the side of the existing dwelling. The garage is to be constructed of weather board material and has windows facing the street frontage to ensure that the shed is consistent with the existing dwelling and that the appearance of the garage does not detract from the appearance of the site from the street frontage.

The detached garage is to be constructed at a height of 5.221 metres which is just over a metre higher than the maximum height of an outbuilding or detached garage. The building will comply with the maximum roof pitch and eave height restraints. The building is to be constructed at this height to marry with the height of the existing dwelling, so as not to detract from the appearance of the dwelling.

The detached garage section of the new building will have an area of 74.5m². This is larger than the maximum or cumulative building requirement of 72m². The area of the proposed activities room to be included in the building has not been calculated in the floor space area under this clause as it is not a detached garage or outbuilding and therefore is not a consideration under this clause of the DCP. The existing garage is attached to the dwelling. However the discretionary development standard 2.1.8b would not comply due to the exceedance of the cumulative floor area of the detached garage. Hence the development would require a variation to the Gunnedah DCP 2012 for this clause.



SOUTH

2.1.8c – Discretionary Development Standard

The detached garage and activates room will have an overall length of 13.2metres which is longer than the maximum length of one horizontal length permitted for the R2 land zoning. This discretionary development standard permits the proposed length of the detached garage to be two-thirds of the length of this boundary. Two-thirds of the lot boundary would be 49.93m metres in length. Hence the length of the shed is permissible. However as per above, the maximum floor area of the detached garage is marginally more than the maximum allowable floor area.

2.1.10 – Access

The development site has frontage to George Street. There is an existing vehicle access from George Street that is to be maintained for the development.

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 an existing dwelling house, attached garage and tennis court within the lot boundaries. The location of the proposed building has previously been cleared of any vegetation,

and no structures exist in the near vicinity. The site is located within a residential area with the surrounding allotments containing residential dwelling houses. The western boundary of the lot adjoins a pedestrian access to McDonagh Park that is located to the rear of the allotment.

Access, transport and traffic

The lot has frontage to George Street for vehicle and pedestrian access. The development will require the construction of a new vehicle access crossing to enable vehicle access to the new internal driveway. The new driveway layback and cross over shall be constructed in compliance with Council's standard urban access design. The development is expected to result in a minor increase in vehicle movements with the current road network being suitably designed for the current road construction.

Site design and internal design

The appearance and materials of the garage have been constructed to ensure that the appearance of the building will be consistent with the existing dwelling and will not detract from the visual appearance of the residence from public road frontage. The garage roller door access has been orientated to face roller door accesses into the lot. This will ensure that large blank walls are also not oriented to the road frontage.

Water

The site has an existing area of impervious surfaces that exceeds one 'Equivalent Tenancy' (ET). The additional development will incur a development headworks charge for the additional impervious area created from this development proposal. As the current impervious area is existing only the additional area will be charge as an increase in stormwater discharge. Stormwater headworks charge calculations are as follows:

Section 64 Stormwater Headworks Charge

Headworks Charge per ET	= \$2,330
Square metres per ET	= 450m ²
Detached garage/activities room	= 99m ²
Internal driveway & manoeuvring areas	= 161m ²
Calculations	= 99 + 161
	= 260/450
	= 0.57 x 2,330
	= \$1,346.22

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

The application was notified for a period of 14 days to the adjoining land holders. No submissions were received during the notification period.

Suitability of the Site

The development site is suitable for the development. Area for the new development is vacant with minimal earthworks required for the development works. The development does not require the removal of any trees from the site and the development is considered to be complimentary to the existing dwelling. Hence it is considered that the site is suitable for the proposed development.

Conclusion

The development application is seeking a variation to the Gunnedah Development Control Plan 2012, Clause 2.1.8 regarding the maximum cumulative floor area of the proposed detached garage and the overall total height of the building. The height of the garage has been proposed to ensure that the size and appearance of the structure blends in with the existing dwelling. The variation to the total floor area of the garage is 74 square metres being 2 square metres over the maximum allowable floor area of a detached garage.

Given that the size is only marginally over the cumulative size for these development types, that there are no other outbuildings onsite and the overall size of the development allotment, it is considered that the minor exceedance of the floor area should be supported. Hence, the development was recommended for approval.

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		
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	
4.	Koala Habitat Improvement	Adoption and implementation of Koala Management Strategy	Consideration at August 2015 Planning Environment & Development Meeting for exhibition	September 2016		
5.	Enforcement Policy	Development and adoption of Enforcement Policy	June 2016	June 2016		
6.	Floodplain Management	Completion of Blackjack Creek Flood Mitigation Project	Property Acquisition Commenced	June 2017 Negotiations Ongoing. Compulsory Acquisition Commenced		

There being no further business, the meeting concluded at 4:07pm.

Councillor RG Swain
CHAIRPERSON