

Planning Environment and Development Committee Minutes 4:00pm Wednesday 6 April 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)				
Director Planning and Environmental Services (MJ Silver)	X			

Council Resolution

Moved Councillor SJ SMITH

Seconded Councillor D QUINCE

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

ELECTION OF CHAIRPERSON

Mayor OC Hasler assumed the Chair in the absence of the Chairperson, Councillor RG Swain.

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 Modification of Consent Application No 2015/003.002 – 85-113 Links Road, Gunnedah

MEETING Planning, Environment and Development Meeting – 6 April 2016

DIRECTORATE Planning and Environmental Services

AUTHOR Project 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 and Planning and Assessment Act 1979.

ATTACHMENTS Nil

COUNCIL RESOLUTIONS:

1.04/16P That Modification of Consent Application No. 2015/003.002, for an amendment of the subdivision staging plan at 85-113 Links Road, Gunnedah Lot 100 DP 1194767, be approved subject to the following conditions:

A1. Deleted.

A1a. The proposed development shall be carried out strictly in accordance with the details set out in the following

- Development Application form lodged 20 January 2015;
- Statement of Environmental Effects, prepared by Site R & D, dated: 18 December 2014;
- Letter Re: Further Information for Development Application 2015/003; &
- Submitted plans:
 - Prepared by Monteath & Powys Pty Ltd, dated 11/12/2013, Dwg No: 13/0352H_01, Sheet 1/2, Rev: 0 (Proposed Lot Dimension and Area), Sheet 1/2, Rev: 0 (Proposed Lot Dimension and Area); &
 - Dated 03/08/2015; ref 13/0352H01; Rev 01; Sheet No 1 (Stage 1Plan), 2 (Stage 2 Plan), 3 (Stage 3 Plan); &
 - Prepared by ACOR, Project No: NE130219, Figure 7, Issue: B (Staging Plan);
 - Prepared by Paramount Landscaping Pty Ltd, dated: 16/07/2014, Dwg No: L 279-1, Sheet 1 of 11 (Cover Sheet), Sheet 2 of 11 (Landscaping Masterplan Site Plan Stage 1,2,3), Sheet 3 of 11 (Links Road Streetscape Setout), Sheet 4 of 11 (Links Road Entry Feature Detail and Setout), Sheet 5 of 11 (Streetscape Setout Stage 2), Sheet 6 of 11 (Streetscape Setout Stage 3), Sheet 7 of 11 (Tree Guard Details), Sheet 8 of 11 (Links Road Cross Section), Sheet 9 of 11 (4500mm Verge with Garden Cross Section), Sheet 10 of 11 (4500mm width Verge with Street Tree Cross Section), Sheet 11 of 11 (Specification & Details);
- Supporting Documents:
 - Civil Engineering Assessment, prepared by ACOR Consultants (NNSW) Pty Ltd, dated 24/03/2015, Revision 4;
 - Water & Sewer Design report, Prepared by Monteath & Powys, dated 11 September 2014, Ref: 13/352 AW; & prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 06/095, Rev 4 (Plan of Trunk Water Main), prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 13/352, Rev 1 (Plan Proposed Sewer Main);
 - Additional Servicing Strategy Information, prepared by Monteath & Powys Pty Ltd, dated 09 February 2015, Ref: 13/0352 AGB:agb;
 - Geotechnical Investigation, Prepared by Cardno Geotech Solutions, dated March 2014, Ref: CGS 1964;
 - Bushfire Assessment Report, dated: October 2014, Ref: 4043B;
 - Traffic Assessment Report, Prepared by TPK & Associates Pty Ltd, dated October 2006;
 - Amended plan of subdivision of Lot 25 DP 1187004, prepared by Adam Ortiger, dated 24 December 2014,
 - Plan of subdivision of Lot 25 DP 1187004, prepared by Monteath & Powys, dated 24 April 2015, Sheets 1-3.

except as otherwise provided by the conditions of consent.

Reason: Compliance with application and plans.

A2. Deleted.

A2a. To confirm and clarify the terms of this development approval, consent is granted for the staged Subdivision in accordance with the following:

- a) Stage 1: Lots 900 – 911
- b) Stage 2: Lots 1000 – 1017
- c) Stage 3: Lots 1101 – 1120

Reason: To ensure correct staging is identified.

B. General Terms of Approval – NSW Rural Fire Service

B1. Deleted

B1a. The development proposal is to comply with the subdivision layout identified on the drawings prepared by Monteath & Powys Pty Ltd; dated 03/08/2015; ref 13/0352H01; Rev 01; Sheet No 1 (Stage 1Plan), 2 (Stage 2 Plan), & 3 (Stage 3 Plan).

Reason: To ensure compliance with Section 100B of the Rural Fires Act 1997.

Asset Protection Zones

B2. At the issue of subdivision certificate for each stage, and in perpetuity, all lots shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: To minimise the risk of bush fire attach and provide protection for emergency services personnel, residents and others assisting firefighting activities.

Water and Utilities

B2. Deleted

B3. Reticulated water supply to each stage of the subdivision shall comply with section 4.4.1.3 of 'Planning for Bush Fire Protection 2006'.

Reason: To provide adequate service of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contributes to the risk of fire to a building.

B4. Any alteration to electricity services over bushfire prone land shall comply with section 4.4.1.3 of 'Planning for Bush Fire Protection 2006'.

Reason: To provide adequate service of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contributes to the risk of fire to a building.

B5. At each stage of subdivision certificate public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

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

C. Prior to Work Commencing

C1. A Construction Certificate is to be obtained prior to commencement of any identified stage of subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority must be the Council.

Reason: To ensure compliance with application and plans.

- C2.** Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

Reason: To ensure that adequate control measures are installed.

D. Prior to Issue of a Construction Certificate

- D1.** Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plan and specification for these facilities are considered an integral part of the development and must be approved prior to the issue of a construction certificate. The approved erosion and sediment control measures are to be maintained throughout the construction of the development.

Reason: To ensure compliance with Council's requirements.

- D2.** All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's requirements.

- D3.** The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance with Council's requirements.

Stage 1

- D4.** The existing Dual Occupancy, and all associated services on Lot 599 DP 755503 are to be located wholly within proposed Lot 907 and comply with the fire separation provisions of the Building Code of Australia. An identification survey is to be provided to Council prior to the issue of a Construction Certificate for Stage 1 of development works. The identification survey shall identify the location of the existing Dual Occupancy within Lot 599 DP 755503 and the setbacks from the resulting lot boundaries of proposed Lot 907.

Reason: To ensure the dwelling is compliant with all development setbacks as listed within Council's Development Control Plan.

- D5.** The existing outbuilding on Lot 609 DP 755503 is to be located wholly within proposed Lot 903 and comply with the fire separation provisions of the Building Code of Australia. An identification survey is to be provided to Council prior to the issue of a Construction Certificate for Stage 1 of development works. The identification survey shall identify the location of the existing outbuilding within Lot 609 DP 755503 and the setbacks from the resulting lot boundaries of proposed Lot 903.

Reason: To ensure the dwelling is compliant with all development setbacks as listed within Council's Development Control Plan.

Stage 2

D6. The existing structure on Lot 100 DP 1194767 is to be located wholly within proposed Lot 1002 or Lot 1003 and comply with the fire separation provisions of the Building Code of Australia. An identification survey is to be provided to Council prior to the issue of a Construction Certificate for Stage 2 of development works. The identification survey shall identify the location of the existing outbuilding within Lot 100 DP 1194767 and the setbacks from the resulting lot boundaries of proposed Lot 1002 and Lot 1003.

Reason: To ensure the dwelling is compliant with all development setbacks as listed within Council's Development Control Plan.

Stage 3

D7. The existing outbuildings on Lots 25 DP 1187004 are to be located wholly within proposed Lot 1104 and comply with the fire separation provisions of the Building Code of Australia. An identification survey is to be provided to Council prior to the issue of a Construction Certificate for Stage 3 of development works. The identification survey shall identify the location of the existing outbuilding within Lot 25 DP 1187004 and the setbacks from the resulting lot boundaries of proposed Lot 1104.

Reason: To ensure the dwelling is compliant with all development setbacks as listed within Council's Development Control Plan.

E. General

E1. All lots shall have a minimum area of not less than 650m².

Reason: To meet statutory requirements.

Allotment Filling

E2. All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

Reason: To ensure compliance with Council's requirements.

E3. Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and also the compaction test results.

Reason: To ensure compliance with Council's requirements.

Easements

E4. A three (3) metre wide easement in Council's favour shall be created over all water, stormwater and sewer mains located within lot boundaries.

Reason: To ensure compliance with Council's requirements.

Electricity

E5. Underground electricity is to be installed throughout the development site and completed for each stage. Each lot shall be provided with a service in accordance with Local supply authority guidelines.

Reason: To ensure adequate provision of electrical services are provided.

Street Lighting

- E6.** The developer shall extend, supply and install street lighting along all proposed Road frontages, in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 in accordance with approved staging plan. All intersections shall be provided with street lighting. All works are to be undertaken in accordance with Local Supply Authority residential development standards.

Reason: To ensure compliance with Council's requirements.

Traffic and Street Signage

- E7.** The developer shall meet the cost to Council of supply and installation of all street signage (both traffic and name) relevant for each stage. The Street Name signage shall be installed by Council upon completion of Construction Works. All traffic signs are to be erected by the developer.

Note. All new street names are to be approved by Council prior to the installation of any street signage.

Reason: To ensure compliance with Council's requirements.

Stormwater Drainage

- E8.** Stormwater from the development site must not be concentrated onto adjoining land. All stormwater management measures shall be provided in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

- E9.** Deleted.

- E9a.** Inter-allotment stormwater drainage systems shall be constructed in accordance with the stormwater management plans prepared by Accor Consultants (NSW) Pty Ltd.

Reason: To ensure compliance with Council's requirements Council's Engineering Guidelines for Subdivision and Development, 2013.

- E10.** Runoff from rainfall events up to, and including the 5 year ARI event must be contained with a piped system. Flows greater than the 5 year ARI event up to and including the 100 year ARI must be controlled within overland flow paths. Where flow paths are located on private property, an easement shall be provided in favour of the lots/lands that benefit.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

- E11.** The developer is to construct a new public footpath along the eastern frontage of proposed road 2 and the southern frontage of proposed Road 1. The footpath is to be constructed within the road reserve and must be designed in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 with a minimum width of 2 metres.

Reason: To provide suitable pedestrian access to and from the site.

Stage 1

Water Supply

E12. A single water supply service shall be provided to each lot. The water service shall be provided by installation of a new 300mm trunk main connected to Council's existing services along Links Road. The new main is to be extended along the Eastern side of Links Road, to the northern point of Lot 2 DP 629731 and in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 06/095, Rev 4 (Plan of Trunk Water Main). A stop valve and hydrant shall be installed at the end of the main line. All works are to be in accordance with the Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

E13. The developer is to decommission the existing water main located within Links road at the frontage of the development site. During decommissioning of the water main new water service connections are to be made from Council's main by under boring to Lots 4 & 5 DP 837142, Lots 1 & 2 DP 819558, & Lots 3 & 7 DP 261427.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Sewer

E14. A single sewer service shall be provided to each lot in Stage 1. The sewer service shall be provided by connecting to Council's sewer mains located in Hinton Drive and extending a new main along the rear of Lots 901-910, in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 13/352, Rev 1 (Plan Proposed Sewer Main). The sewer line is to include all the necessary manholes and junctions. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Road Works

E15. The western road shoulder of Links Road for the full frontage of the development site shall be constructed, including installation of kerb and gutter, to bitumen sealed residential standard for the extent of the frontage to proposed Lots 901-910 and entire frontage to Lot 100 DP 1194767. The work shall be completed in accordance with Council's Engineering Guidelines for Subdivision and Developments, 2013.

Reason: To ensure provision of appropriate public road facilities.

Stage 2

Road Works

E16. The following road works shall be undertaken for Stage 2:

- a) Proposed Road 1 shall be constructed from the intersection of Links Road and shall include the construction of a cul-de-sac turning area with a minimum surfaced area of 13.5 metres between kerbs and a 4 metre footpath reserve.
- b) Proposed Road 2 shall be constructed from the intersection of Proposed Road 1 to the Southern Boundary of Proposed Lots 1014 and 1013. The road construction will include the construction of a temporary cul-de-sac turning area within the designated road reserve.

Kerb and guttering and full width road construction is required for the full frontage of the lots to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with Austroads Specifications and Council's current Engineering Guidelines for Subdivision and Developments, a copy of which is available from Council's offices or website.

Reason: To address traffic generation from the Subdivision and ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Water Supply

E17. A single water supply service shall be provided to each lot in Stage 2. The water service shall be provided by extending Council's existing water main located in Links Road throughout the road reserve of proposed Road 1 and to the Southern Boundary of Proposed Lots 1014 and 1013 within along proposed Road 2, in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 06/095, Rev 4 (Plan of Trunk Water Main). Water main is to be looped at the cul-de-sac head and connected back into the water main in at the intersection of Proposed Roads 1 & 2. All works are to be in accordance with the Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Sewer

E18. A single sewer service shall be provided to each lot in Stage 2. The sewer service shall be provided by connecting to Council's sewer mains located in Hinton Drive in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 13/352, Rev 1 (Plan Proposed Sewer Main). The sewer line is to include all the necessary manholes and junctions. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Stage 3

Road Works

E19. The following road works shall be undertaken for Stage 3:

- a) Extension of Proposed Road 2 from the current formation at the southern boundary of proposed Lots 1014 and 1013, to the southern boundary of Lots 1110 and 1111 and is to be constructed with of a minimum width of 9 metres between kerbs. The road construction will include the construction of a temporary gravel cul-de-sac turning area within the designated road reserve at the termination of the road formation.
- b) Proposed Road 3 shall be constructed from the intersection of Proposed Road 2 to the Western Boundary of proposed Lot 1117.

Kerb and guttering and full width road construction is required for the full frontage of the lots to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with Austroads Specifications and Council's current Engineering Guidelines for Subdivision and Developments, a copy of which is available from Council's offices or website.

Reason: To address traffic generation from the Subdivision and ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Water Supply

E20. A single water supply service shall be provided to each lot in Stage 3. The water service shall be provided by extending Council's existing water main located in proposed Road 2 to the southernmost point of proposed lots 1111 and 1110 and extended from the main located in proposed Road 2 to the western boundary of proposed lot 1117 in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 06/095, Rev 4 (Plan of Trunk Water Main). All works are to be undertaken in accordance with the Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Sewer

E21. A single sewer service shall be provided to each lot in Stage 3. The sewer service shall be provided by connecting to Council's sewer mains located in Hinton Drive via extension of Council's main along the western boundary of proposed Lots 1111-1117 and Lot 1120 to Council's existing sewer main, in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 15/09/2014, Ref: 13/352, Rev 1 (Plan Proposed Sewer Main). The sewer line is to include all the necessary manholes and junctions. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

F. During Construction Works

F1. Work on the project 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 if it is audible on the residential premises.

The developer shall be responsible to instruct and control his 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 compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

F2. The approved erosion and sediment control facilities are to be provided and maintained throughout the construction of the development.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

- F3.** Prior to and following backfilling of all mains, a visual inspection is to be undertaken by Council. The contractor shall provide Council with 48 hours notice that the works are ready inspection.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

- F4.** The developer shall ensure that all back fill over sewer mains shall be a of 3-5 mm granular grit.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

- F5.** Vacuum or air testing is required to all mains as per Sewer Code of Australia WSA 02-2002 clause 22.4.2

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

- F6.** A mirror inspection to gauge deflections of the sewer main is to be undertaken by Council after 14 days of the installation date on each section from manhole to manhole with full moon witnessed. The contractor shall provide Council with 48 hours notice that the works are ready inspection.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

G. Prior to Issue of a Subdivision Certificate

- G1.** One set of approved construction drawings shall be amended to show the "work-as-executed". These drawings in both hard copy and electronic form shall be provided prior to issue of the subdivision certificate. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

- G2.** Written notification shall be provided to demonstrate that underground electricity supply connection has been provided to each lot.

Reason: To ensure that electrical services are provided.

- G3.** Written notification being provided that telecommunication cables have been provided to each lot in accordance with community expectations.

Reason: To ensure that telecommunication services are provided.

- G4.** The subdivision certificate release fee in accordance with Council's adopted fees and charges, shall be paid prior to the issue of the subdivision certificate.

Note: The above fee has been adopted under the Council's 2014/2015 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure payment of application fee.

- G5.** A Compliance Certificate for each stage of development works, under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority).

Note: Council requires the following contributions to be paid prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

- \$8,487 per each additional lot for Water headworks
- \$7,048 per each additional lot for Sewer headworks

The contributions for each stage shall be paid prior to the issue of a Subdivision Certificate for each stage.

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2014/2015 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

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

- G6.** 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:

- \$2,275 per each additional lot

The contributions for each stage shall be paid prior to issue of the Subdivision Certificate for each stage of development works.

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 2014/2015 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.

Stage 1

- G7.** The road reserve for proposed Road 1 and proposed Road 2 is to be dedicated to Council as public road reserve and is not to be created as a separate allotment.

Reason: To ensure that public road reserves are controlled by Council.

Stage 2

- G8.** The road reserve for proposed Road 2 and proposed Road 3 is to be dedicated to Council as public road reserve and is not to be created as a separate allotment.

Reason: To ensure that public road reserves are controlled by Council.

Council Resolution
Moved Councillor GA GRIFFEN
Seconded Councillor R RYAN

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

This modification of consent application is being referred to the Committee as the original development application (DA) was determined by the Planning Environment and Development Committee in May 2015 as it exceeded planning staff delegations. The original DA also required Council determination for a variation to the Gunnedah Development Control Plan 2012.

Applicant: Site R and D Pty Ltd
Owner: Mingay No 100 Pty Ltd
Property Description: Lot 100 DP1194767, Lots 599 and 609 DP755503 and Lot 25 DP1187004
85-113 Links Road, Gunnedah

Proposed Development

The development proposal is seeking to modify the subdivision staging plan. The proposed staging plan will consist of three stages, as follows:

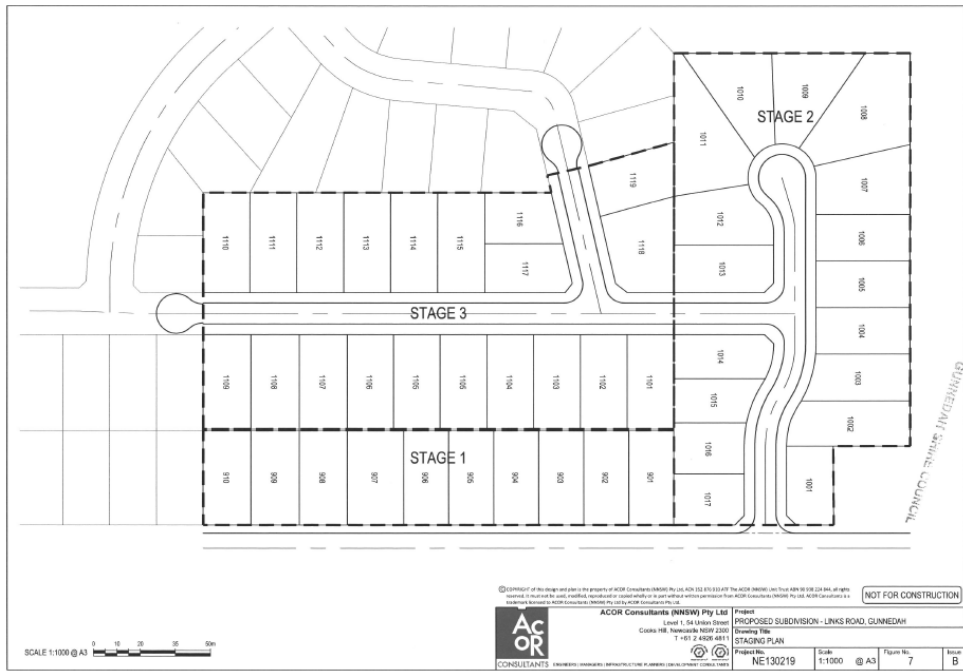
- a) Stage 1: Lots 900 – 911,
- b) Stage 2: Lots 1000 – 1017 plus road construction, and
- c) Stage 3: Lots 1101 – 1120 plus road construction.

The proposed modification of the subdivision staging plan will not result in any alteration to the final lot dimensions, layout, yield, or road location or design of that previously approved. The proposed modification only aims to modify the staging of the subdivision. The proposed amendment is required to clarify the creation of the residual lots as separate companies will be undertaking the different stages of the subdivision.

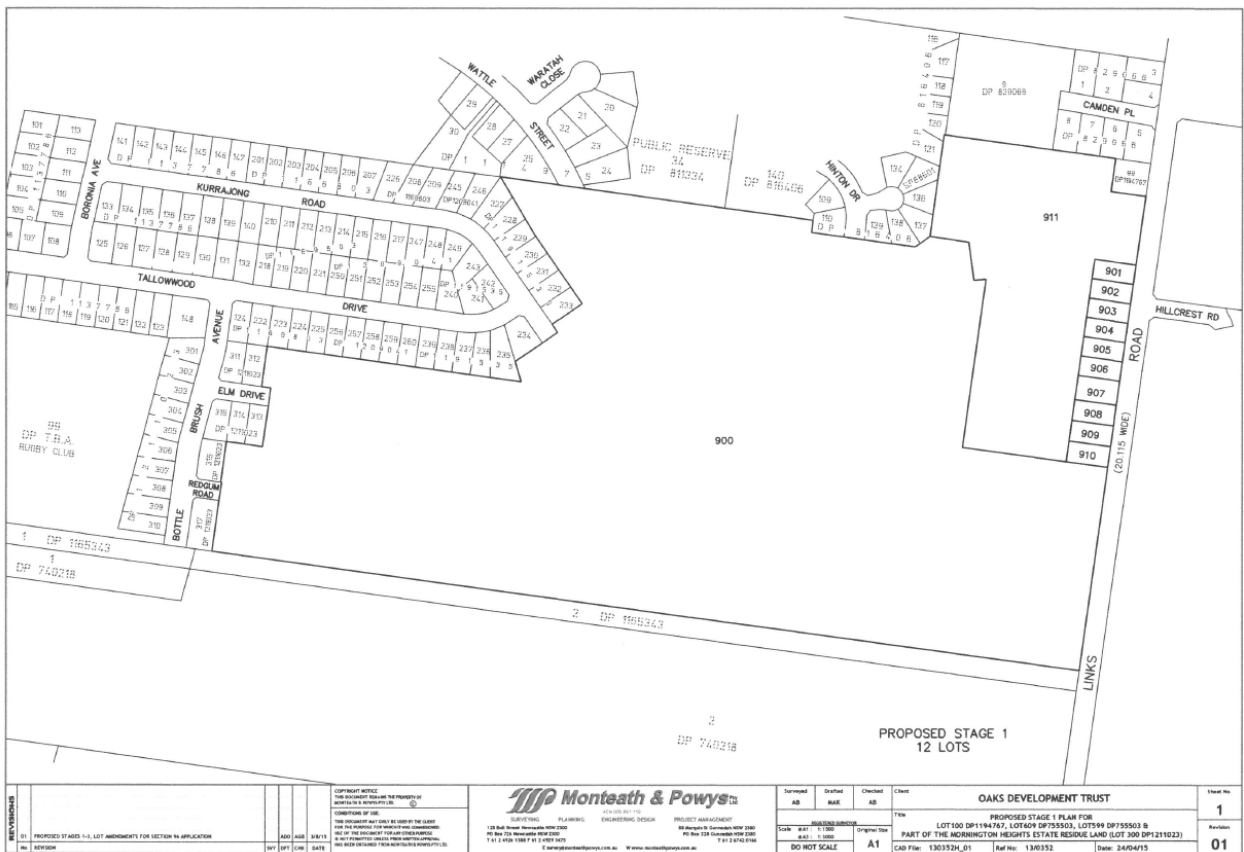
Approved Subdivision Staging Plan

Stage 1 of the approved staging plan does not allow for the creation of Lots 900 or 911 (being the residual lot for Mornington Heights Estate and Stages 2 and 3). In addition, Stage 2 of the approved subdivision staging plan did not allow for the creation of Lot 1000 (being the residual lot for Stage 3) which is proposed in the amending Stage 2 subdivision staging plan.

Approved subdivision staging plan



Proposed Stage One Subdivision Plan



Proposed Stage Two Subdivision Plan



Proposed Stage three Subdivision Plan



COMMENTARY

Issues

CONSIDERATIONS UNDER SECTION 79C & 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

(a)(i) The provisions of any environmental planning instrument

Development Application (DA) 2015/003 was approved by Council for the Subdivision (4 into 47 lots) and construction of two associated public roads at the land known as 85-113 Links Road, Gunnedah, NSW. DA 2015/003 was approved under the provisions of the Gunnedah *Local Environmental Plan* (LEP) 2012. The application complied with the relevant sections of the Gunnedah LEP 2012 and all relevant sections of applicable Environmental Planning Instruments (EPI).

Gunnedah LEP 2012

The following sections of the LEP are relative to the proposed amendment.

4.1 – Minimum subdivision lot size

The proposed modification will not result in an alteration of the allotment layout, dimensions or yield of the previous development consent, of which were compliant with the minimum allotment size allowable for the development site.

6.5 – Essential services

Essential services as proposed and required under the original development consent will not be affected by the proposed modification. All servicing to the development will be the same as originally planned.

Development Control Plan – Principles of Development

The following sections of the Development Control Plan – Principles of Development are relative to the proposed modification.

1.8 – Consultation

The proposed modification was publicly exhibited and notified to adjoining landowners for a period of not less than 14 (fourteen) days. No submissions were received during this period.

2.2.1 Building setbacks

The proposed modification will not result in an alteration of the allotment layout, dimensions or yield of the previous development consent. It is therefore expected that all existing development will contain adequate setback distances from proposed site boundaries.

5.1 – Lot size

Previously addressed in section 4.1 of the LEP.

5.2 – Servicing Strategy

The provision of services as required by the previous development consent will not be affected by the proposed staging.

5.11 – Staged subdivision

The proposed modification aims to amend the approved staging plan of DA 2015/003. The proposed staging will still consist of three stages:

- a) Stage 1: Lots 900 – 911,
- b) Stage 2: Lots 1000 – 1017 plus road construction, and
- c) Stage 3: Lots 1101 – 1120 plus road construction

5.14 – Site access

All allotments will have public road access at the completion of the subdivision.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

Context & setting

The development site is located within the R2 *Low Density Residential* zone of Gunnedah. The development site consists of four allotments, one of which contains an existing dual occupancy development, one an existing outbuilding, and one a structure. These developments will be contained within respective allotments at the completion of the subdivision. The surrounding area is predominately residential zoned land, containing residential and ancillary development.

(c) The suitability of the Site for the Development

As stated previously, the proposed modification will not result in an alteration of the allotment layout, dimensions, yield, or road design or layout of the previous development consent. The proposed modification is therefore considered suitable for the development site.

(d) Any submissions made in accordance with the Act or Regulations

There were no submissions received during the public exhibition period.

(e) Public interest

N/A

To achieve the desired modification to the consent the conditions A1, B1, B2 and E9 are to be deleted and new conditions A1a, B1a, B3 and E9a are to be inserted.

CONCLUSION

The proposed modification to amend the previously approved staging plan will not result in an alteration to the final lot layout, dimensions, yield or road design of that previously approved. The proposed modification is compliant with the relevant sections of Council's *LEP* and *DCP*. The proposed modification is expected to result in minimal environmental impact and is considered to be substantially the same development for which consent was originally granted. The proposed modification is recommended for approval.

ITEM 2 Development Application No. 2016/016 – Subdivision 1 Lot into 2 – Lot 7308 DP1138676 – 80 Stock Road, Gunnedah

MEETING Planning Environment and Development Committee – 6 April 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 Council plans and guides the development of Gunnedah area.

4.3.3 Provide the Shire with strategies to protect and nurture the koala population.

4.9.3 Investigate and act on preservation of our natural and built environment.

Operational Plan

1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act.

4.3.3.1 Creating and implementation of strategies to sustain the koala population across the Shire.

- 4.9.3.1 Ensure that the community is provided with a high quality built environment that meets regulatory standards and community expectations.

ATTACHMENTS Nil

COUNCIL RESOLUTIONS:

2.04/16P That the Development Application No. 2016/016, for the subdivision of 1 lot in to two lots, at 80 Stock Road, Gunnedah, Lot 7308 DP1138676, 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 05/02/2016
- Statement of Environmental Effects, prepared by Kathryn Yigman, dated January 2016, Ref: 4512; and
- Submitted plans:
 - Prepared by Stewart Surveys, dated 19 march 2015, Ref: 4512, Sheet 1 of 1 (Plan of Acquisition of Part of Lot 7308 in DP 1138676);
- Koala Plan of Management Prepared by Kathryn Yigman, dated January 2016, Ref: 4512

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 approval, the entirety of proposed lot 3 is to be dedicated as public road reserve.

Reason: To ensure compliance with development proposal.

B. Prior to Issue of a Subdivision Certificate

C1. The subdivision certificate release fee in accordance with Council's adopted fees and charges, shall be paid prior to the issue of the subdivision certificate.

Note: The above fee is applicable under Council's 2015/2016 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure payment of application fee.

Council Resolution

Moved Councillor D QUINCE

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

The Development Application is being referred to Council as it is a Council project.

BACKGROUND

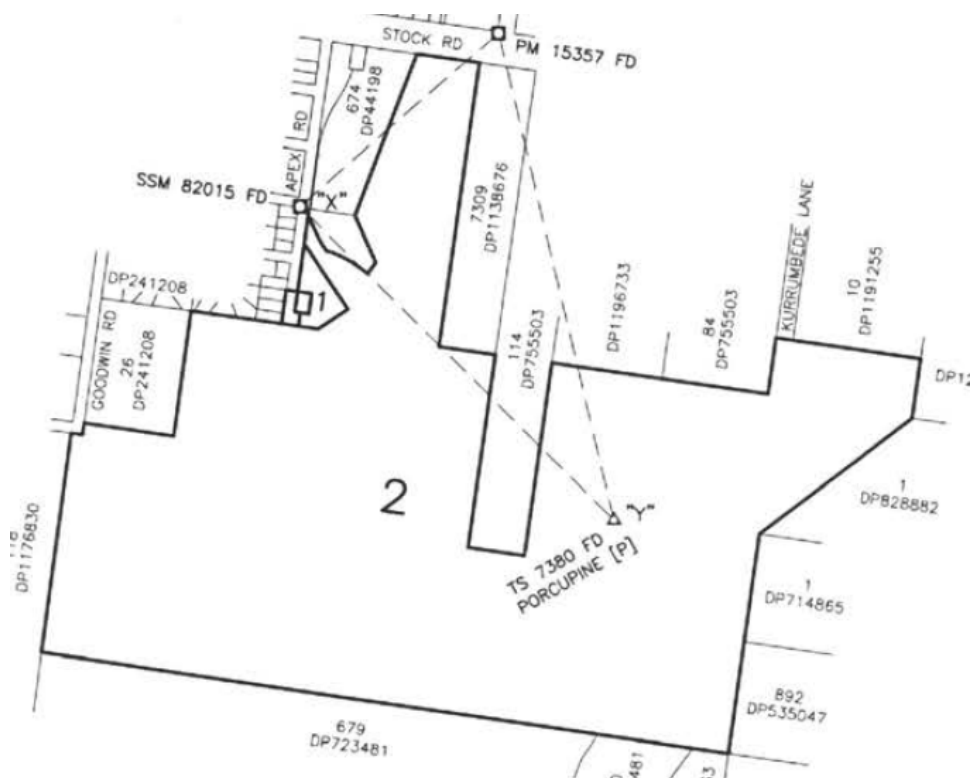
The Koala Plan of Management was endorsed by Council at the 2016 February Ordinary Meeting.

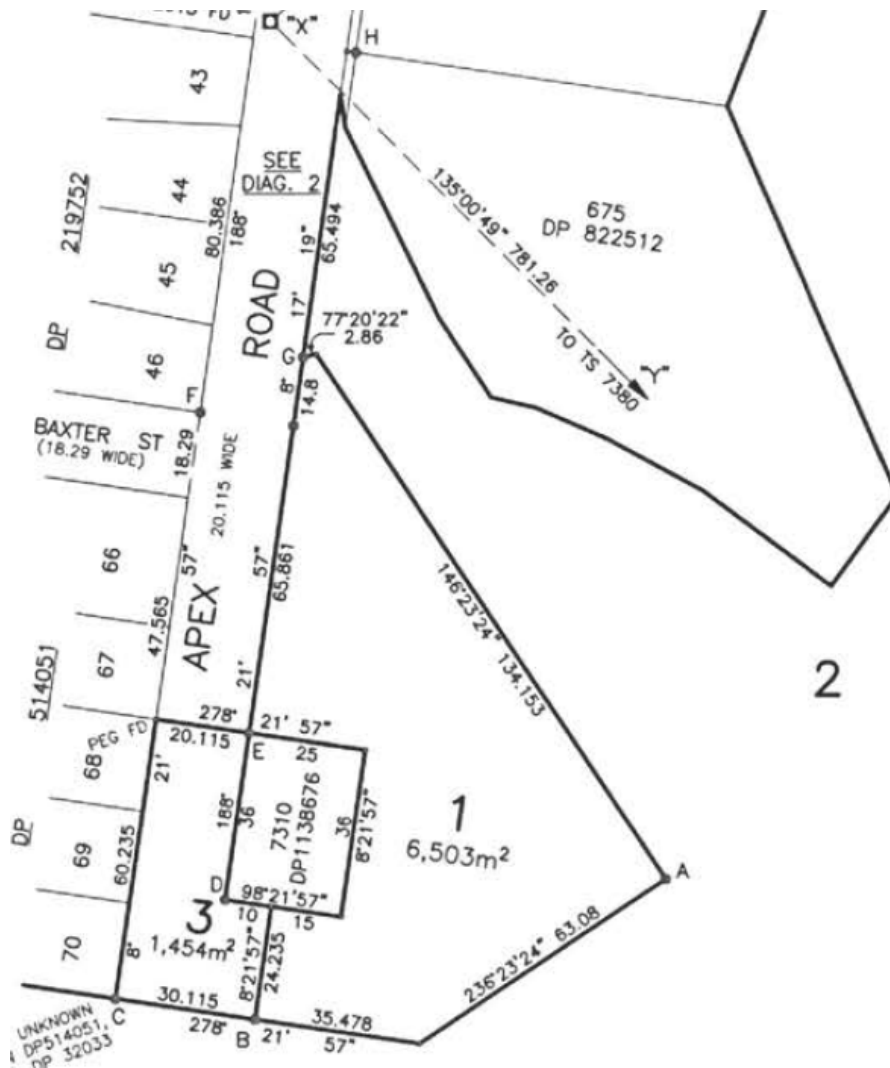
COMMENTARY

Proposed Development

The development application is seeking approval for the subdivision of one lot into two lots.

Applicant: Gunnedah Shire Council
Owner: Gunnedah Shire Council
Property Description: Lot 7308 DP1138676,
80 Stock Road, Gunnedah





Issues

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

Gunnedah LEP, 2012

The development site is zoned RE1 Public Recreation under the provision of the Gunnedah Local Environmental Plan, 2012. The development proposes to subdivide the existing allotment into three lots. Proposed Lot 3 will be dedicated as a public road with bitumen constructed road and cul-de-sac head already existing on this lot. Proposed Lot 1 is to be the site of Council’s new water reservoir. The residual lot will be retained as the Porcupine Reserve.

There is no minimum lot size required for the development site. The development does not require provision of any development services as the allotment is not permissible for residential or commercial development that would require the provision of these services. Hence, it is regarded that the development is compliant with the Gunnedah Local Environmental Plan 2012.

SEPP 44 – Koala Habitat Protection

The development allotment was identified as being “core” Koala Habitat with a presence of breeding Koalas within the site. A Koala Plan of Management accompanied the development application. SEPP 44 requires that any Koala Plan of Management be approved by Council and the Director (Department of Planning and Environment). The Koala Plan of Management had been approved by Department of Planning and Environment, subject to the implementation of the ‘Threat Mitigation Action Plan’ in Part 12 of the Management Plan. Hence, requirements of SEPP 44 have been satisfied.

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

Gunnedah Development Control Plan 2012

1.8 – Consultation

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

5.10 – Road Network Design

The development proposes the dedication of the existing Apex Road, as Lot 3. Proposed Lot 2 has existing access, being Apex Drive. Lot 1 has existing access. Hence, no additional accesses are required as part of the development.

5.14 – Site Access

Each of the lots have adequate frontage to a public road for vehicle and pedestrian access.

5.17 – Vegetation

The development will not require the removal of any trees. The Koala Plan of Management requires that in the event trees are removed from the site they are to be replaced at a ratio of 4:1 with a minimum pot size of 25 litres, to ensure higher chance of plants reaching maturity.

S79C(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality

Context and Setting

The development site, being Porcupine Reserve, is highly vegetated across the majority of the site. The development proposes to create an additional allotment to enable the construction of a future road dedication and water reservoir (adjacent to the existing reservoir). The proposed development is considered to consistent with the existing development in the locality.

Access, transport and traffic

The development site has frontage to Apex Road and Stock Road for vehicle access. Apex Road and Stock Road are both of bitumen construction, with the site frontage to Apex Road having kerb and guttering. Proposed Lot 3 contains a constructed cul-de-sac head and will be dedicated as road reserve. It is considered that the surrounding road network is suitable for the development.

Utilities

As indicated previously the development does not require the provision of any services to the lot as the lot is zoned for recreational land use only.

Natural hazards

The development site is regarded as being bushfire prone land. However, the development is not regarded as being integrated development as *Clause 100B* of the *Rural Fires Act 1997* does not apply to this development.

S79C(1)(d) any submissions made in accordance with this Act or the regulations

The development application was notified to adjoining land holders and placed on public exhibition for 14 days. No submissions were received during the exhibition period.

S79C(1)(c) the suitability of the site for the development

The site is suitable as the creation of proposed Lot 1 is clear of any development structures and major vegetation and will enable the separation of this lot from Porcupine Reserve. Also, Apex Road is currently formed within the development allotment and dedication of Lot 3 as public road reserve. Hence, the site is suitable for the development.

CONCLUSION

The planning assessment provides consideration to all relevant matters listed under Section 79C(1) of the Environmental Planning and Assessment Act, 1979. The proposed development application enables the creation of a lot for a future water reservoir and road dedication. Hence, the development application is supported and recommended for approval.

PLANNING ENVIRONMENT AND DEVELOPMENT OBJECTIVES 2015/16

OBJECTIVE NO	OPERATIONAL PLAN REF	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 4:08pm.

**Mayor OC Hasler
CHAIR**