

# Planning Environment and Development Committee Meeting Minutes

## 4:00pm Wednesday 6 March 2019

COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	ABSENT
J CHAFFEY (Chair)	X		
J CAMPBELL	X		
C FULLER	X		
OC HASLER	X		
R HOOKE		X	
A LUKE		X	
D MOSES	X		
M O'KEEFE		X	
RG SWAIN		X	
<b>SENIOR STAFF</b>			
General Manager (E Groth)	X		
Director Corporate and Community Services (C Formann)			X
Director Planning and Environmental Services (A Johns)	X		
Director Infrastructure Services (J Bartlett)			X
Chief Engineer (D Noble)			X
Chief Financial Officer (D Connor)			X

### Council Resolution

Moved Councillor C FULLER

Seconded Councillor D MOSES

### DECLARATION OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	LSNP	RC	REASON
NIL							
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
NIL							

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

## ITEM 1 Development Application No. 2018/099 – Demolition of a garage, the raising of the existing dwelling and additions to the dwelling – Lot 7 DP758492 – 60-62 Osric Street, Gunnedah

**MEETING** Planning, Environment and Development – 6 March 2018

**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

2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business.

Operational Plan

2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation.

**ATTACHMENTS** Nil

**1.03/19P COUNCIL RESOLUTIONS:**

**That the Development Application No. 2018/099, for the demolition of a garage, the raising of the existing dwelling and additions to the dwelling, at Lot 7 DP758492 – 60-62 Osric Street, Gunnedah be approved subject to the following conditions of consent:**

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

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

- Development Application form lodged 14 December 2018;
- Statement of Environmental Effects, prepared by Art Plus Science, dated October 2018; and
- Submitted plans:
  - Prepared by Art Plus Science, dated 01/02/2019, ref: Schofiled\_L0918, Drawing Nos. 100 (Plans – Cover Sheet), Drawing No. 101 (Plans – Site), Drawing No. 102 (Plans – Ground), Drawing No. 201 (Elevations – Elevations), Drawing No. 202 (Elevations – Elevations), Drawing No. 501 (Perspectives – Images);
- Supporting Documentation:
  - Flood Survey Report, prepared by Stewart Surveys Pty Ltd, dated 29 November 2018, Ref: 5124; & Dated 8 November 2018, ref: 512;

except as otherwise provided by the conditions of consent.

***Reason: To ensure compliance with application and plans.***

**B. Prescribed conditions**

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

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

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

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
  - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17 (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
  - (a) to the extent to which an exemption is in force under clause 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 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal 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 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal 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 4.17 (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for

development that involves any residential building work within the meaning of the Home Building Act 1989.

- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal 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 6.28 of the Act, to comply with the technical provisions of the State's building laws.

***Reason: To ensure compliance with the statutory requirements.***

#### **C. Prior to Commencement of Building Works**

- C1.** Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the building. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

***Reason: To meet statutory requirements.***

- C1.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

***Reason: To ensure erosion and sediment control on the development site.***

#### **D. Prior to the issue of a Construction Certificate**

- D1.** Prior to the issue of a Construction Certificate the developer is to provide to the Principal Certifying Authority, a copy of details, structural designs and engineering certificate for the proposed method of raising the residence and any other structural works associated with the house raising.

***Reason: To ensure suitable engineering documents are provided for assessment.***

#### **E. General**

- E1.** All stormwater and surface water runoff from the development shall be collected within the property boundary and directed into the kerb and gutter in Osric Street.

***Reason: To ensure satisfactory drainage whilst ensuring that the surface water is not diverted onto adjoining properties.***

**Access - Urban**

- E2.** The existing vehicle access from Osric Street is to be upgraded 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 2-3%. Internal driveway grades shall be in accordance with AS 2890 – 2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

***Reason: To implement Council's policy.***

- E3.** The developer shall provide Council with certification from a registered Surveyor that the ground level of the pedestrian access from the property boundary to the dwelling has been raised to a minimum level of RL264.8 AHD, in accordance with the report by Stewart Surveys Pty Ltd, Dated 29 November 2018, ref: 5124.

***Reason: To ensure that safe wading depth is able to be achieved from the dwelling to the property boundary.***

- E4.** The developer shall provide Council with certification from a registered Surveyor that the finished floor height of the entire dwelling has been constructed and raised to a height of at least 500mm above the 1% AEP flood level (being RL265.85 AHD in accordance with the report by Stewart Surveys Pty Ltd, dated 8 November 2018, ref: 5124) at the following mandatory inspection stage;
- (a) Bearers and joist inspection.

***Reason: To ensure minimum flood level of the dwelling achieves the flood planning level.***

**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 4.18(2) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspection 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) **Piers (if any) 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) **Bearers and joist inspection, including tie down requirements and ant capping. When completed and prior to the laying of the floor**
- (f) **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.** Smoke alarms complying with AS3786 as listed in the SSL Register of accredited products which are hard wired to the mains electricity supply and provided with a standby power supply (battery) must be installed between each area containing bedrooms and the remainder of the dwelling on or near the ceiling pursuant to Clause E.1.7 of the BCA.

***Reason: To ensure compliance.***

- F4.** A continuous balustrade must be provided, in accordance with the BCA, along the side of any stair, landing, balcony, verandah, floor or roof to which public access is provided if:
- (i) it is not bounded by a wall; and
  - (ii) the level is more than 1m above the ground/floor level below.

***Reason: To ensure compliance.***

- F5.** All plumbing and drainage is to be carried out by a licensed plumber and to be installed in accordance with the National Plumbing and Drainage Code AS 3500. In particular all fixtures used for personal hygiene are to be provided with hot water that is restricted by means of appropriate tempering valves to a maximum temperature of 50° C.

***Reason: To ensure compliance.***

- F6.** The garage shall be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures" and the requirements of the Workcover Authority of New South Wales including but not limited to:
- (a) Protection of site works and the general public.
  - (b) Erection of hoardings where appropriate.
  - (c) Asbestos and lead based paints handling and disposal where applicable.

The disposal of demolition materials is to be to an approved licensed waste disposal depot so determined by the NSW Environment Protection Authority.

***Reason: To ensure compliance and safety of workers.***

- F7. 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.***

- F8. Support for neighbouring buildings**

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

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

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

**Reason: To ensure site stability.**

#### **F9. Protection of public places**

If the work involved in the construction of additions to 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. Toilet facilities**

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

*accredited sewage management facility* means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

*approved by the Council* means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.



*public sewer* has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

*sewage management facility* has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

**Reason: To ensure environmental health standards are met.**

- F11.** 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 J CAMPBELL*

*Seconded Councillor D MOSES*

<i>COUNCIL RESOLUTION</i>				
<i>COUNCILLOR</i>	<i>COUNCILLORS FOR</i>	<i>COUNCILLORS AGAINST</i>	<i>COUNCILLORS ABSENT</i>	<i>COUNCILLORS DECLARING AN INTEREST</i>
JR Campbell	X			
J Chaffey	X			
C Fuller	X			
OC Hasler	X			
R Hooke			X	
A Luke			X	
D Moses	X			
M O'Keefe			X	
RG Swain			X	

**PURPOSE**

The Development Application is being referred to Council for determination as the development includes a request for the variation to a development standard within the Gunnedah Development Control Plan 2012.



Applicant: L Schofield,  
Owner: L Schofield  
Property Description: Lot 7 Sec 17 DP758492,  
60-62 Osric Street, Gunnedah

*Proposed Development*

The development is seeking consent for the demolition of a detached garage, the raising of the existing dwelling and additions to the dwelling, including a new bedroom, laundry, walk in pantry and verandah.

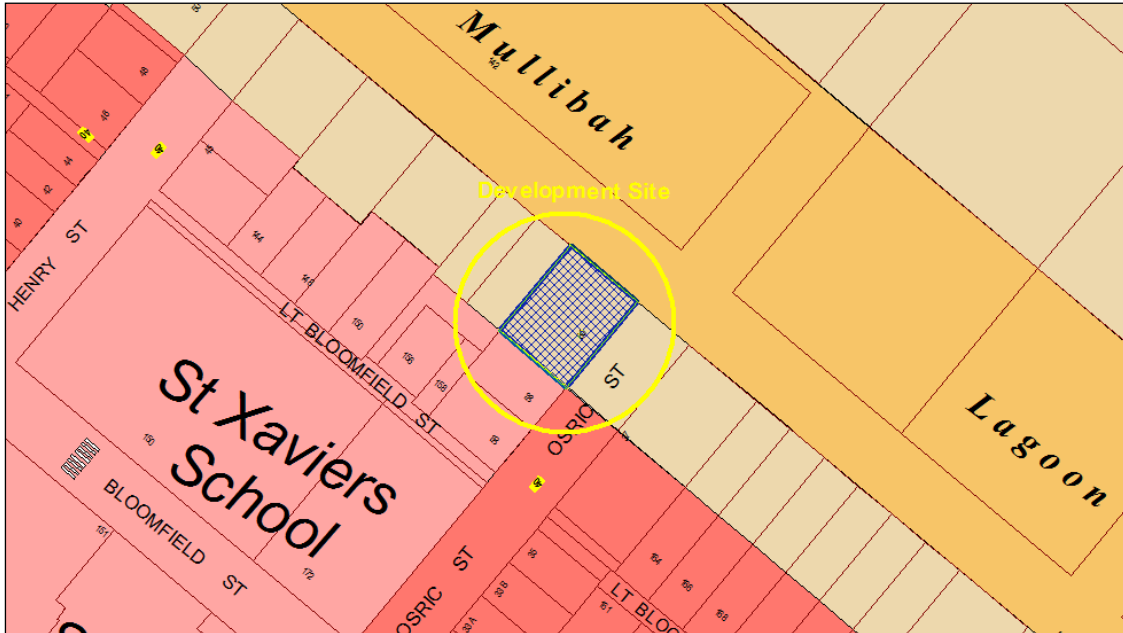


Figure 1 – Site Location

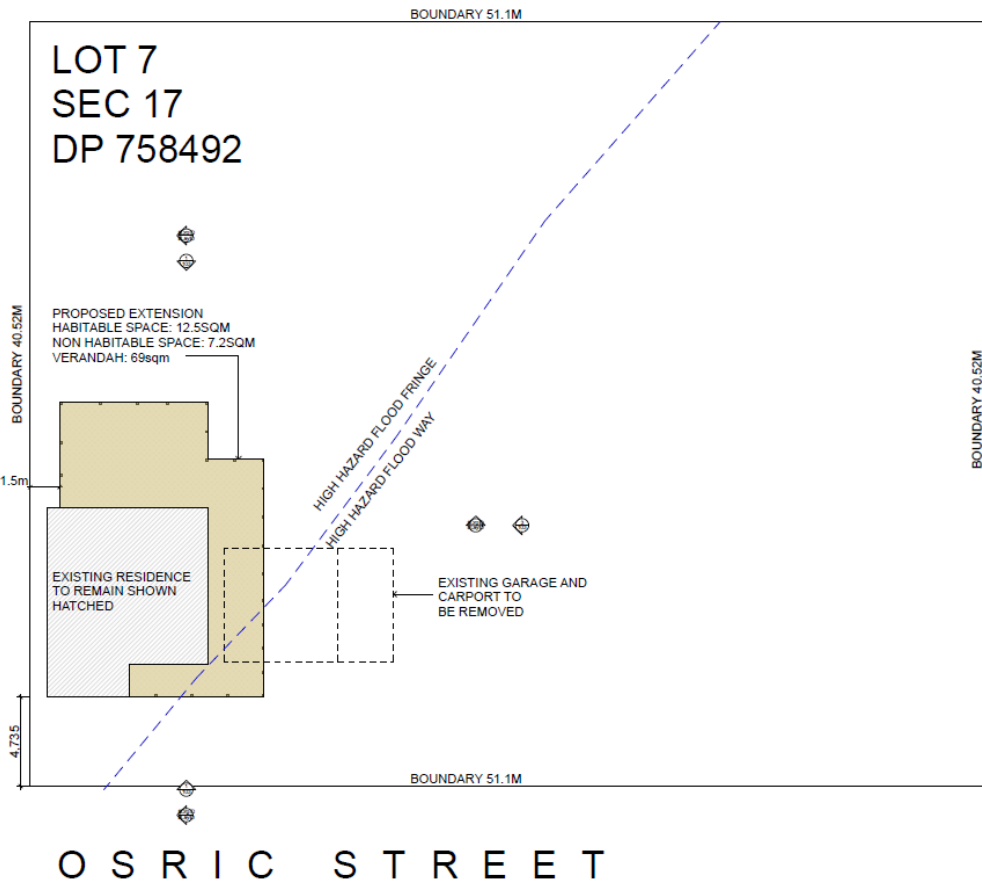


Figure 2 – Site Plan

## COMMENTARY

### Issues

#### 4.15(1)(a)(i) the provisions of any environmental planning instrument

##### **Gunnedah LEP, 2012**

The development site is zoned RU1 Primary Production, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The following GLEP 2012 clauses are applicable to the development:

##### **6.1 – Flood Planning**

The development site is identified as being entirely flood prone land, as demonstrated on Figure 3. The development proposes to raise the existing dwelling to a height that is above the flood planning level (1 in 100 year flood level plus 500mm free board). As there will be no floor area proposed below the flood planning level, it is regarded that the development will not affect the flow of flood water 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.

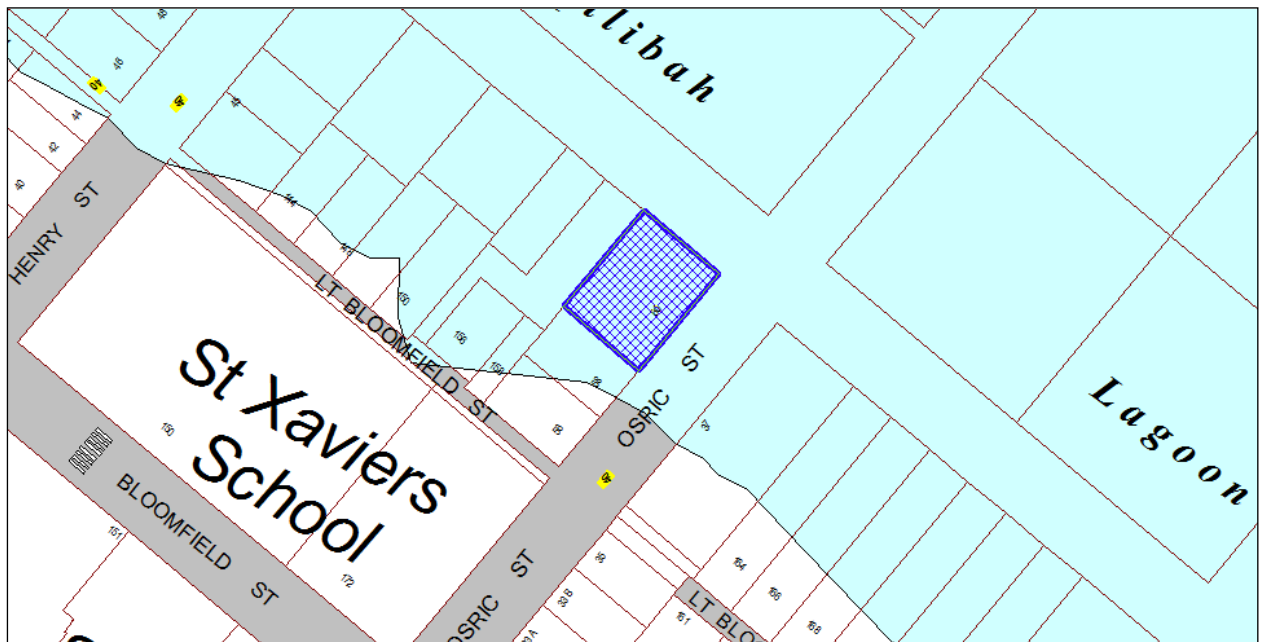


Figure 3 – 1 in 100 year flood inundation extent

##### **6.5 – Essential Services**

Council's water, sewer and stormwater services are connected to the site. The proposed development will not require the provision of any additional service. The site has an existing electrical service provided from overhead electrical transmission lines located in Osric St. The property has frontage to Osric Street for pedestrian and vehicle access.

##### **State Environmental Planning Policies (SEPPs)**

##### **State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)**

The development site is not greater than 1 hectare in size. Hence, the development is not regarded as Potential Koala Habitat.

##### **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

The proposed development will not result in a change of use. A search of Council's records did not identify any historical use of the site that could potentially have led to contamination of the sites soil profile. Additions to occur to the dwelling or the demolition of the garage are not expected to increase the potential risk of site contamination onsite or within the immediate area surrounding the site.

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

The development proposal does not include the removal of any trees or vegetation from the site.

### **4.15(1)(a)(iii) provisions of any development control plan**

#### **Gunnedah Development Control Plan 2012 (Gunnedah DCP)**

##### **1.7.1 – Notified Development Applications**

The development application is requesting a variation to an adopted development standard for building setbacks within a rural land zoning. The application is required to be notified to adjoining land holders. The development application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

##### **2.1.1 - Building Setbacks**

As the land is zoned RU1 Primary Production, the minimum setback from Osric Street is 25 metres. The required side setback from the side property boundaries is 10 metres. These building setbacks are based on the land zoning, not on the locality. The proposed additions to the dwelling are proposed to be undertaken with a setback of 4.735 metres, to be consistent with the existing setback of the dwelling. The additions are proposed to be positioned 1.5 metres from the closest side property boundary.

The applicant has requested a variation to this development standard as the proposed additions are to be located within the building setback area. The development site is located within a rural land zoning, however the site adjoins a residential zone (refer to Figure 1). The proposed building setbacks will not encroach further on the building setbacks with additions along the primary road frontage to be consistent with the existing residence. Side setbacks will be further from the side boundary than that of the existing residence. Current building setbacks on this lot are consistent with the setbacks of adjoining residential development within the immediate area. The adherence with the development standard in this circumstance is considered to be unnecessary. The proposed variation is supported in this case.

##### **2.1.2 – Building Height of a Dwelling**

The development will raise the dwelling to enable the floor levels to be positioned above the flood planning level. The resulting topmost ridge height of the dwelling after raising, will be 6 metres above the natural ground level. This will not exceed the maximum dwelling height of 10 metres.

##### **2.1.3 – Utilities**

The development site has provision of Council's reticulated water supply and the proposed works will not impact on the provision of these services to the dwelling. Hence, no alternate water supply is required. The development does not propose any construction to occur over a registered easement or any of Council's Infrastructure if no easement exists.

##### **2.1.4 – Privacy**

The proposed additions to the dwelling are single storey and will not result in any living spaces being placed in a location that would overlook adjoining residences or private areas. The adjoining land downslope is agricultural land and does not contain any residences. Hence, the development does not require any specific privacy controls.

##### **2.1.5 – Design and Solar Access**

The development will not affect solar access of adjoining residences. The additions will not impact on the visual appearance of the building with the additions not resulting in any blank walls being created along a road frontage.

##### **2.1.10 – Access**

The development site has a frontage to Osric Street with an existing vehicle layback provided. The current access does not comply with Council's urban access standard and will require upgrading to ensure a suitable access is constructed in accordance with this standard.

### **6.1.1 – Development on Flood Affected Land**

The development site is identified as being flood prone land as per the Gunnedah LEP 2012, flood planning maps. The site is regarded as being both within the flood fringe and partially within the flood way.

### **6.1.3 – Development of Floodways**

As illustrated in Figure 2, the additions of the verandah to the dwelling will partially be located within the floodway is a minor addition to the existing residence. Also the demolition of the garage will occur within floodway. Hence, the proposed works within the floodway are not considered to be an intensification of building within the floodway.

### **6.1.5 – Access to lots within Flood Fringe**

The provision of safe wading depth to the property boundary can be achieved by filling 0.09m from the residence to the property boundary. It is expected that the minor amount of fill required is achievable and will not impact on flood flows or velocities within the surrounding area. A condition is to be imposed to ensure safe wading depths can be achieved.

### **6.1.7 – Residential Development within Flood Fringe**

With the raising of the existing dwelling, the proposed additions to the dwelling will occur above the 1% ARI flood event level. A condition is to be imposed that requires confirmation that the finished floor level of the existing dwelling and the proposed additions, are completed above the flood planning level. The development will increase the habitable floor space by 12.5m<sup>2</sup>, with the additions of a bedroom. The remainder of the additions will include a verandah, pantry and laundry. These areas are not regarded as being habitable floor space under the definition of habitable floor space within the Building Code of Australia. The proposed works are permitted as the additions will occur above the flood planning level and the habitable floor space does not exceed 100m<sup>2</sup>.

## **4.15(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality**

### *Context & Setting*

The development site is located to the north-east of the Gunnedah CBD and is located in between the residential area and Mullibah Lagoon. The development site contains an existing dwelling house and garage. The surrounding area contains residential properties, schools, wetland areas and rural land. The proposed additions to the dwelling are considered to be complimentary to the existing residence and will be consistent with development in the surrounding area.

### *Natural Hazards*

The site is not identified as being bushfire prone land. The entirety of the development site is identified as being flood prone land. Compliance with flood planning requirements has been addressed previously throughout the report.

### *Site Design and Internal Design*

The proposed additions to the dwelling area are not considered as being an over development of the site. The variation of Council's development setbacks will enable the additions to be constructed level with current dwelling setbacks. This will ensure that the building additions are consistent with existing development onsite. The additions will not be dominating or overbearing where visible from the streetscape. The additions result in the dwelling being consistent with the scale and positioning of other dwellings along the street frontage.

## **S4.15(1)(c) the suitability of the site**

The development site is considered to be suitable for the development. The development will not require the removal of any trees from the site and the site is not identified as being bushfire prone land. Flooding controls have been implemented to ensure minimal impact on the residence during a flooding event. The development is consistent and compatible with the existing land use within the surrounding area. Hence, it is regarded that the development site is suitable for the development.

**4.15(1)(d) any submissions made in accordance with this Act or the regulations**

The Development Application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

**4.15(1)(e) the public interest**

The development was not regarded as being integrated or designated development and did not require referral to any external Federal or State Government agencies. There are no relevant planning studies, strategies or management plans that are applicable to the proposed development.

**Conclusion**

The Development Application is seeking consent for the demolition of a garage, the raising of the dwelling and construction of additions to the dwelling. The application has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Development Application has concluded that the proposed development is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Development Application No. 2018/099, at 60-62 Osric St, Lot 7 DP 758492, should be approved subject to conditions.

**ITEM 2 Development Application No. 2019/003 – Construction of two bunkers for collection of recycling materials at Council’s Waste Management Facility – Lot 12 DP1020147 – 418 Quia Road, Gunnedah**

<b>MEETING</b>	Planning, Environment and Development – 6 March 2018
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business. 4.6.2 Identify opportunities for increasing community recycling both volume and type of waste. Operational Plan 2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation. 4.6.2.1 Investigate and implement strategies to increase recycling and reduce waste produced by households and industry in the Shire.
<b>ATTACHMENTS</b>	Nil

---

**2.03/19P COUNCIL RESOLUTIONS:**

That the Development Application No. 2019/003, for the construction of two bunkers for collection of recycling materials at Council’s Waste Management Facility, at Lot 12 DP1020147 – 418 Quia Road, Gunnedah be approved subject to the following conditions of consent:

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

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

- Development Application form lodged 08 January 2019;
- Statement of Environmental Effects, prepared by S Cameron, dated 6 February 2019 and dated 4 December 2018;
- SEPP 44 Assessment, prepared by Stewart Surveys Pty Ltd, dated 18 December 2018, ref: 5141; and
- Submitted plans:
  - Prepared by North West Projects, Drg No. NWP-Recyclit-002 (Storage Bay Steel Partitions),
  - Prepared by Stewart Surveys, Ref: 4618, dated April 2018, Sheet 3 of 3 (Existing Site Survey);
  - Prepared by Applicant, Detailed Site Plan;

except as otherwise provided by the conditions of consent.

***Reason: To ensure compliance with application and plans.***

**C. Prescribed conditions**

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

**B1. Erection of signs**

- (1) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal 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 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal 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. Prior to Commencement of Building Works**

**C1.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

***Reason: To ensure erosion and sediment control on the development site.***

**D. During Construction Works**

**D1. 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 4.18(2) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspection 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).

(g) **Concrete slab formwork with reinforcement prior to pouring of concrete**

(h) **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.***

**D2. 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.***

**D3. Protection of public places**

If the work involved in the construction of additions to a building:

(c) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(d) 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.***



**D4.** 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.**

**E. Prior to the issue of an Occupation Certificate**

**E1.** 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 OC HASLER*

*Seconded Councillor C FULLER*

<i>COUNCIL RESOLUTION</i>				
<i>COUNCILLOR</i>	<i>COUNCILLORS FOR</i>	<i>COUNCILLORS AGAINST</i>	<i>COUNCILLORS ABSENT</i>	<i>COUNCILLORS DECLARING AN INTEREST</i>
JR Campbell	X			
J Chaffey	X			
C Fuller	X			
OC Hasler	X			
R Hooke			X	
A Luke			X	
D Moses	X			
M O'Keefe			X	
RG Swain			X	

**PURPOSE**

The Development Application is being referred to Council for determination as the development is a Council development.

Applicant: Gunnedah Shire Council,  
Owner: Gunnedah Shire Council,  
Property Description: Lot 12 DP1020147,  
418 Quia Road, Gunnedah

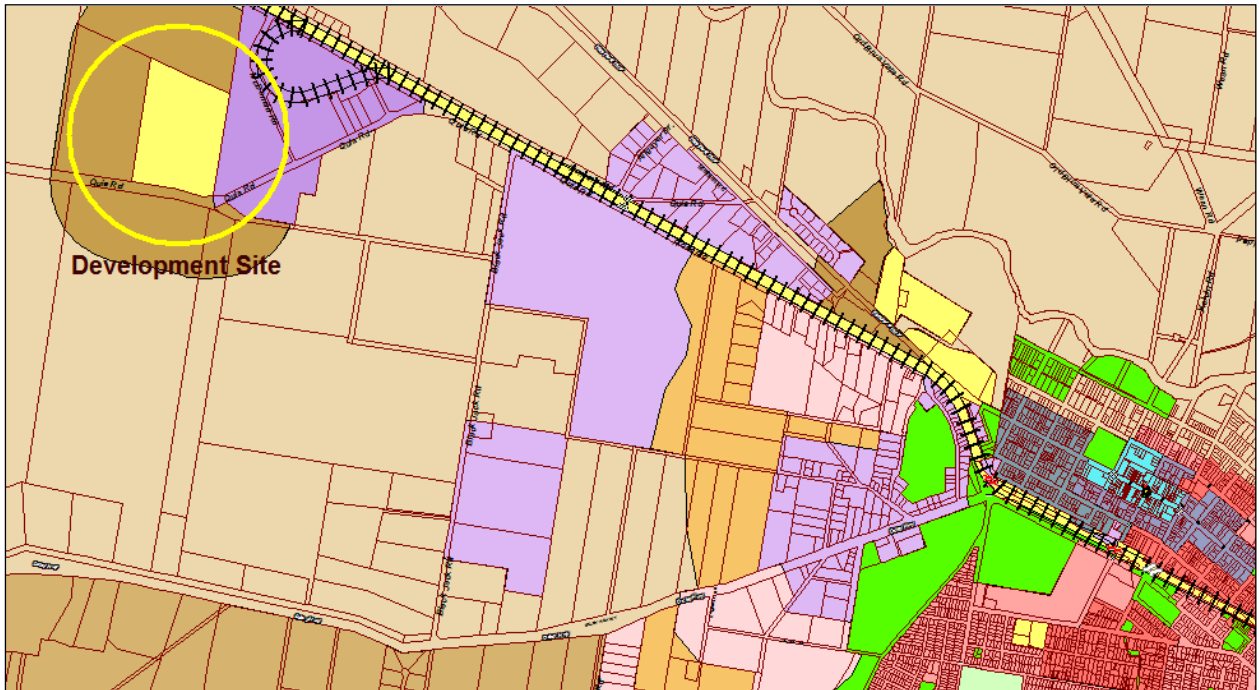


Figure 1 – Site Location

**COMMENTARY**

*Proposed Development*

The development is seeking consent for the construction of two steel bay bunkers with concrete pads. The pads are to be used in conjunction with the existing Recyclit facility for the storage and management of collected recyclable resources.

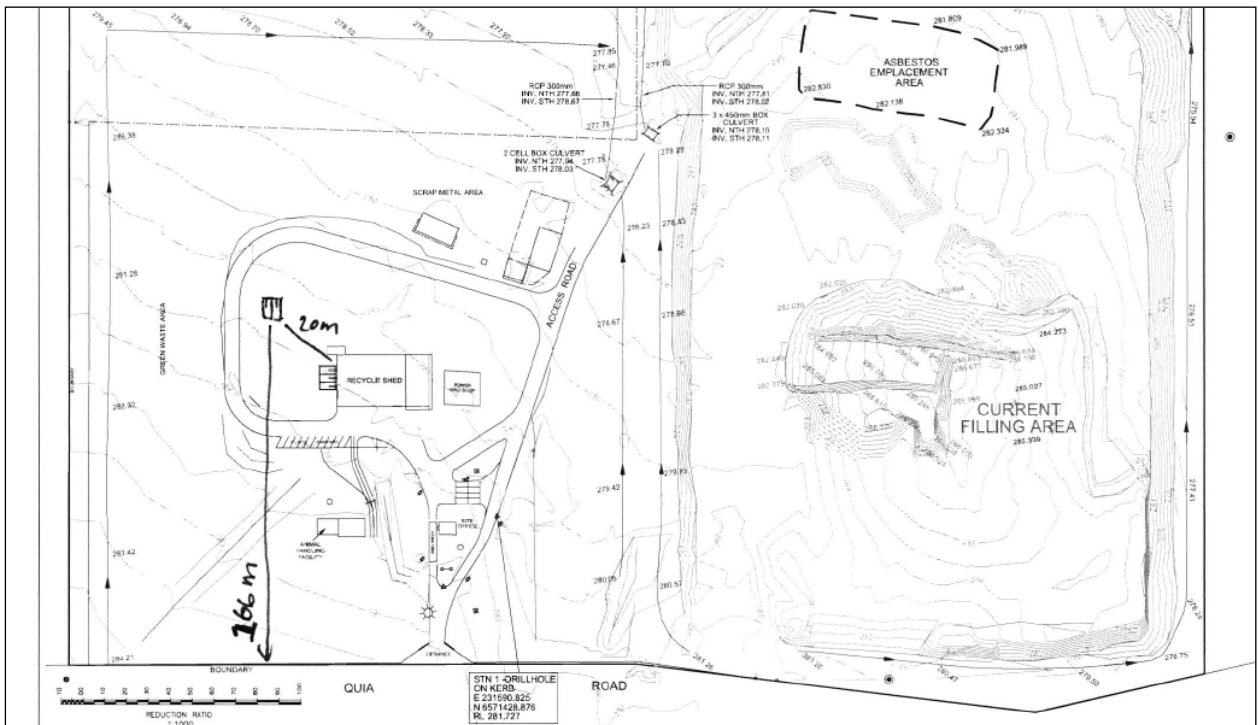
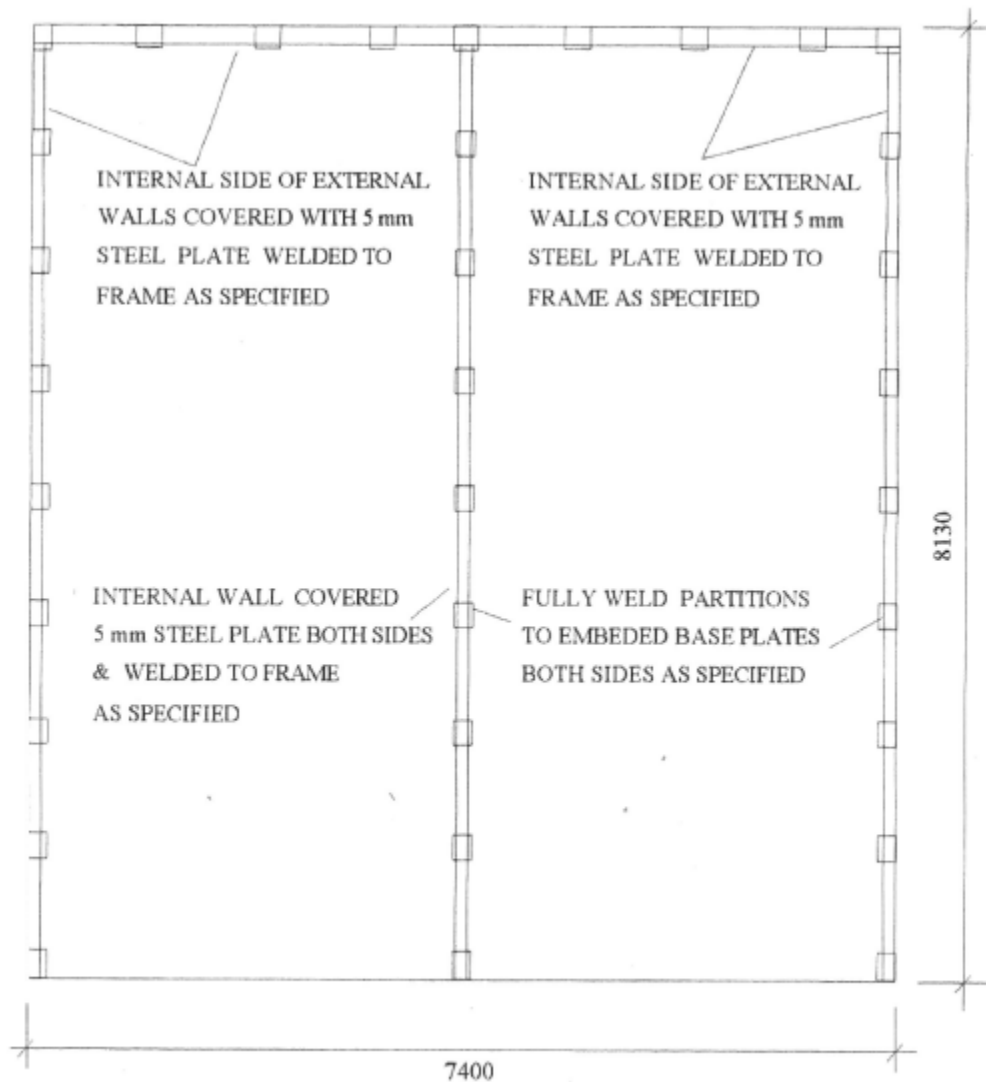


Figure 2 – Site Plan



### STEEL DIVIDING PANEL LAYOUT

Figure 3 – Floor Plan

#### Issues

#### **4.15(1)(a)(i) the provisions of any environmental planning instrument**

##### **Gunnedah LEP, 2012**

The development site is zoned SP2 Special Activities (Waste Management Facility), under the provisions of the Gunnedah Local Environmental Plan, 2012 (GLEP). The site is currently operated as a waste management facility which is specifically permitted for this site within the GLEP. The proposed development will be consistent with this existing land use. The following clauses from the GLEP are applicable to the development:

##### **6.5 – Essential Services**

The development site has provision of Council's water service. Sewage and stormwater are currently managed onsite. The proposed development does not generate any additional sewage or stormwater that will require management. The site has provision of electrical services that will be retained. The site has frontage to Quia Road and provision of an existing vehicle access.

##### **State Environmental Planning Policies (SEPPs)**

### **State Environmental Planning Policy No. 33 – Hazardous and Offensive Development**

Council's Waste Management Facility currently operates from the site, which has an existing Environmental Protection Licence (EPL). The proposed bunkers are not regarded as being an offensive or hazardous industry and will not require a variation to the EPL. No special provisions are required to manage this development.

### **State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)**

A SEPP 44 assessment accompanied the development application. This report determined that 10% of the density of the trees on the site are Koala feed trees. As the site does not contain a density of Koala feed trees in excess of 15%, the site is not regarded as potential Koala Habitat and no further investigation was required.

### **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

The proposed development will not result in a change of use. It is considered that the development site is suitable for the proposed development in its currently contaminated state. The proposed development will not increase the potential for site contamination to the site or the surrounding area.

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

The development proposal does not include the removal of any trees or vegetation from the site.

## **4.15(1)(a)(iii) provisions of any development control plan**

### **Gunnedah Development Control Plan 2012 (Gunnedah DCP)**

#### **1.7.1 – Notified Development Applications**

The development was considered to have minimal or no impact on adjoining land holders or the operation of the existing waste management facility. Hence, the development did not require any notification to adjoining land holders.

#### **6.2 – Parking Requirements**

The proposed development will not generate an increase in vehicle or the number of patrons that will attend the site. Hence, the development is not expected to generate an increase in required onsite vehicle parking spaces.

#### **6.6.4 – Outdoor Lighting**

The development proposal does not include the provision of any new outdoor lighting.

#### **6.6.1 – Environmental Effects**

The bunkers will be used to for additional storage of recyclable materials collected from kerb side collections. The development will not generate any additional vehicle movements to the site or within the surrounding road network as the development involves the permanent construction of the bunkers, where temporary options have been historically been used. The development site is not identified as being flood prone land. Stormwater captured within the hardstand surface of the bunker will be directed to existing onsite stormwater drainage which is capable of accommodating the increased stormwater discharge. The construction of the bunkers will not generate any emissions or odour. The sealing of the internal surface of the bunker will limit the potential for dust release and infiltration of stored materials into the ground surface.

#### **6.6.5 - Noise**

The proposed development will not result in any increased noise levels on the site. Council's standard condition will be imposed to ensure that satisfactory work hours are conducted during construction on the subject site.

## **4.15(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality**

### *Context & Setting*

The development site is located to the west of Gunnedah and is the location of Council's Waste Management Facility. The site contains buildings and structures ancillary to the waste management facility, Recyclit centre and animal handling facility. The surrounding area is predominately agricultural land with heavy industrial land located to the east of the site. The proposed development is considered to be complimentary to the existing development onsite and will not impact on the development in the surrounding area.

### *Site Design and Internal Design*

The proposed bunkers are to be located within the area currently used for the handling and sorting of recyclable materials. The bunkers will be positioned approximately 166 metres from the front property boundary. The size and scale of the proposed development and existing structures and landscaping will result in the development being not clearly visible from a public road reserve. The position of the bunkers will not impede access to the existing onsite parking facilities or essential services.

### **S4.15(1)(c) the suitability of the site**

The development site is considered to be suitable for the development. The development will not require the removal of any trees from the site. The site is not identified as being bushfire prone or flood prone land. The development is consistent and complimentary to the existing land use on the site. Hence, it is regarded that the development site is suitable for the development.

### **4.15(1)(d) any submissions made in accordance with this Act or the regulations**

The development did not require notification to adjoining land holders or any public agencies.

### **4.15(1)(e) the public interest**

The development was not regarded as being integrated or designated development and did not require referral to any external Federal or State Government agencies. There are no relevant planning studies, strategies or management plans that are applicable to the proposed development.

### **Conclusion**

The Development Application is seeking consent for the construction of two bunkers for collection of recycling materials at the Waste Management Facility. The application has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Development Application has concluded that the proposed development is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Development Application No. 2019/003, at 418 Quia Road, Lot 12 DP1020147, should be approved subject to conditions.

There being no further business the meeting concluded at 4:05pm.

**Mayor J Chaffey**  
**CHAIRMAN**