

**PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES**  
of Gunnedah Shire Council held on Wednesday 3 June 2020 in the  
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:00pm

1.	COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	ABSENT
	J Chaffey	X		
	JR 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>STAFF</b>			
	General Manager (E Groth)	X		
	Acting Director Corporate and Community Services (T Muldoon)	X		
	Director Planning and Environmental Services (A Johns)	X		
	Director Infrastructure Services (J Bartlett)			X
	Chief Financial Officer (D Connor)			X

**2. DECLARATIONS 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

**3. DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES' REPORT**

<b>ITEM 1</b>	<b>Development Application No. 2019/087 – Construction of Warehouse – Lot 1 DP 873025 – 1-3 Talbot Road, Gunnedah</b>
<b>MEETING</b>	<b>Planning, Environment and Development Committee – 3 June 2020</b>
<b>DIRECTORATE</b>	<b>Planning and Environmental Services</b>
<b>AUTHOR</b>	<b>Senior Development Officer</b>
<b>POLICY</b>	<b>Nil</b>
<b>LEGAL</b>	<b>Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012</b>
<b>FINANCIAL</b>	<b>Nil</b>
<b>STRATEGIC LINK</b>	<b>Community Strategic Plan 4.9.3 Investigate and act on preservation of our natural and built environment. Operational Plan 2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation.</b>
<b>ATTACHMENTS</b>	<b>Nil</b>

**COUNCIL RESOLUTIONS:**

**1.06/20P** That the Development Application No. 2019/087, Construction of Warehouse, at Lot 1 DP 873025 – 1-3 Talbot 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 05/12/2019;
- Statement of Environmental Effects, prepared by Six Hills Group, dated 31/03/2020; and
- Submitted plans:
  - Prepared by SAE Design, dated 05/05/2020, ref: 632-19, Sheet A000 (Site Information), Sheet A005 (Floor Plan), Sheet A007 (Elevations), Sheet A008 (Elevations), Sheet A009 (Sections), A010 (Sections);
  - Prepared by SAE Design, dated 26/03/2020, ref: 632-19, Sheet A001 (Site Analysis), Sheet A002 (Site Plan), Sheet A003 (Site Area), Sheet A004 (Concept Drainage Plan), Sheet A006 (Schedules), Sheet A011 (Section J Details), Sheet A012 (Sediment Erosion Control), Sheet A013 (26/03/2020);
- Supporting Documentation:
  - Proposed Industrial Building – Stormwater/sewer Service, prepared by Northwest Projects Pty Ltd, dated March 2020;

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. Condition relating to shoring and adequacy of adjoining property**

- (1) For the purposes of section 4.17 (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

**C. PRIOR TO COMMENCEMENT OF BUILDING WORKS**

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

*Reason: To meet statutory requirements.*

- C2.** Prior to the commencement of building works, the name, address and contact details of the Principal Building contractor shall be provided to Council

*Reason: To ensure compliance.*

- C3.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

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

**D. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

- D1.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

*Reason: To comply with statutory requirements.*

- D2.** Prior to the issuing of a Construction certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 7.12 of the Environmental Planning and Assessment Act 1979. The current levy payable is calculated at 1% of the development cost. The current calculated levy payable is \$3,300, revised construction cost may incur a varied levy fee.

Note: The Gunnedah Shire Council's Section 94A Contributions Plan 2013 can be viewed on Council's web site at: <http://www.gunnedah.nsw.gov.au>

*Reason: To make provision for public amenities and services within the community.*

- D3.** Prior to the issuing of a Construction certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:

- (a) Carry out water supply works
- (b) Carry out sewerage works
- (c) Carry out stormwater drainage works

Note: All works are to be carried out by an appropriately licensed contractor in accordance with NSW Code of Practice for Plumbing and Drainage-2006.

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

- D4.** A detailed landscaping plan is to be submitted to Council and be approved, prior to the issue of a Construction Certificate. The landscaping plan is to indicate the location of number of plant species and is to include species type and pot sizes. All landscape species should be frost and drought tolerant species.

*Reason: To comply with statutory requirements.*

**E. GENERAL**

- E1.** No permanent structures are to be placed on any easement.

***Reason: To ensure legal requirements.***

- E2.** Street numbers of minimum height of 75mm are to be displayed in a prominent position so as to be legible from the street. Your street number will be 1-3 Talbot Road.

***Reason: To ensure proper identification of premises in case of emergencies.***

- E3.** Onsite car parking accommodation shall be provided for a minimum of two (2) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking spaces are to be marked to ensure compliance with AS 2890 *Off Street Parking* for parking space dimensions.

***Reason: To ensure adequate on site car parking is provided.***

- E4.** Appropriate signage is to be erected to clearly demonstrate designated entry and exit locations clearly demonstrating, 'no exit' at the vehicle access point along Borthistle Road. This signs shall be visible from the road to ensure that adequate sighting of entry and exit positions is provided. Ingress and Egress shall be clearly signposted in accordance with Austroads and Australian standards.

***Reason: To ensure the provision of appropriate traffic signage.***

- E5.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

***Reason: To ensure compliance with Council's requirements.***

- E6.** Outdoor lighting is to comply with AS/NZS 11583.1 *Pedestrian Area (Category P) Lighting* and AS4282 *Control of Obtrusive Effects of Outdoor Light*.

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

**F. DURING CONSTRUCTION WORKS**

- F1.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

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

- F2.** The storage of all building materials shall be confined within the boundaries of the allotment.

***Reason: To ensure site safety.***

- F3.** Excavated material from the lot is not to be placed on or used to alter the level of Council's footpath, with no earth batters are to extend beyond the property boundary line.

***Reason: Implementation of Council policy.***

- F4.** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Driveway crossing standards and specifications.

***Reason: To ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.***

- F5.** Before erection of any permanent structures such as fences, concrete car drives, garages etc. adjacent to street boundaries, correct street levels must be ascertained from the Council's Infrastructure Services Section.

*Reason: To ensure compliance efficient construction.*

**Access - Urban**

- F6.** Vehicular access shall be from Talbot Road and Borthistle Road and will require the construction of concrete driveways, with a minimum 6 metre width, 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.*

**Traffic and Parking**

- F7.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with AS 2890 – Parking Facilities and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

*Reason: To ensure compliance with relevant Australian Standards and to facilitate the use of vehicular access and parking facilities.*

- F8.** An onsite water storage tank is to be positioned behind the building line. Stormwater capture from the building is to be directed to the tank and water from the tank is to be utilised for watering of landscaping undertaken onsite.

*Reason: To ensure compliance with the Gunnedah Development Control Plan 2012.*

- F9. Retaining walls and drainage**

If the soil conditions require it:

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

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

*Reason: To ensure site stability.*

- F10. Support for neighbouring buildings**

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

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building an approved manner, and

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

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

**Reason: To ensure site stability.**

#### **F11. Protection of public places**

If the work involved in the Construction of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

**Reason: To ensure site safety.**

#### **F12. 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 Par 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.**



- F13.** 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.***

- G2.** Prior to issue of an Occupation Certificate all statutory fire safety measures listed in the fire safety schedule (attached to the Construction Certificate) are to be installed in accordance with the standards detailed and the owner of the property shall provide a fire safety certificate for each statutory fire safety measure to the Principal Certifying Authority.

***Reason: To ensure compliance and fire safety of building.***

- G3.** All landscaping identified on the approved landscaping plan is to be conducted prior to the issue of an Occupation Certificate.

***Reason: To ensure appropriate landscaping is conducted for reduced visual impact of the development.***

**H. CONTINUED OPERATIONS**

- H1.** The owner of the building shall submit to Council at least once in each period of twelve (12) months following the building's completion, an Annual Fire Safety Statement with respect to each essential fire safety measure associated with the building.

***Reason: To ensure compliance and fire safety of the building.***

- H2.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

***Reason: To ensure maintenance of landscaping.***

- H3.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

***Reason: To ensure maintenance of car parking areas.***

- H4.** The development operating hours are limited to the operation of the premises between the following hours:

- Monday – Saturday: 8:00am until 5:00pm
- Sunday: Closed

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



**H5.** The development shall not generate noise, when measured over a 15 minute period ( $L_{AEQ,15min}$ ), which exceeds the following noise levels at each identified time period at the most affected nearby residential receivers:

- 60dba – Day hours (7am – 6pm) Monday to Saturday; or (8:00am to 6:00pm on Sundays and Public Holidays);
- 50dba – Evening Hours (6pm – 10pm);
- 45dba – Night Hours (10pm – 7am) Monday to Saturday; or (10:00pm to 8:00am on Sundays and Public Holidays);

**Reason:** To ensure amenity of the neighbourhood is maintained.

**MOTION** Moved Councillor RG SWAIN  
 Seconded Councillor D MOSES

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
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**

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

Applicant: Craig Neale,  
 C/- Six Hills Group  
 Owner: Craig Neale  
 Property Description: Lot 2 DP 873025,  
 1-3 Talbot Road, Gunnedah

*Proposed Development*

The development application is seeking consent for the construction of an industrial warehouse building and ancillary office and amenities space.

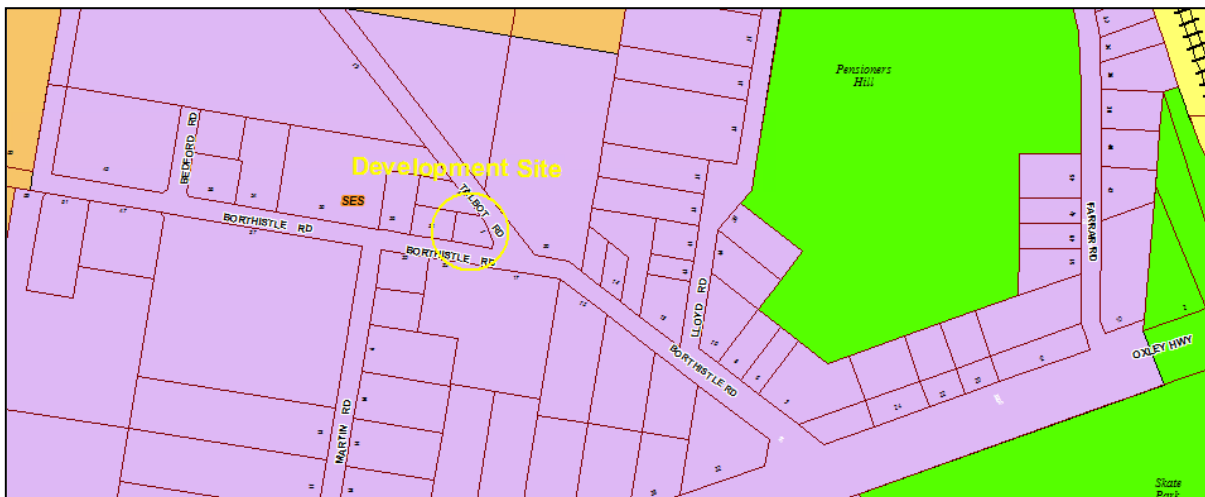


Figure 1 – Site Location

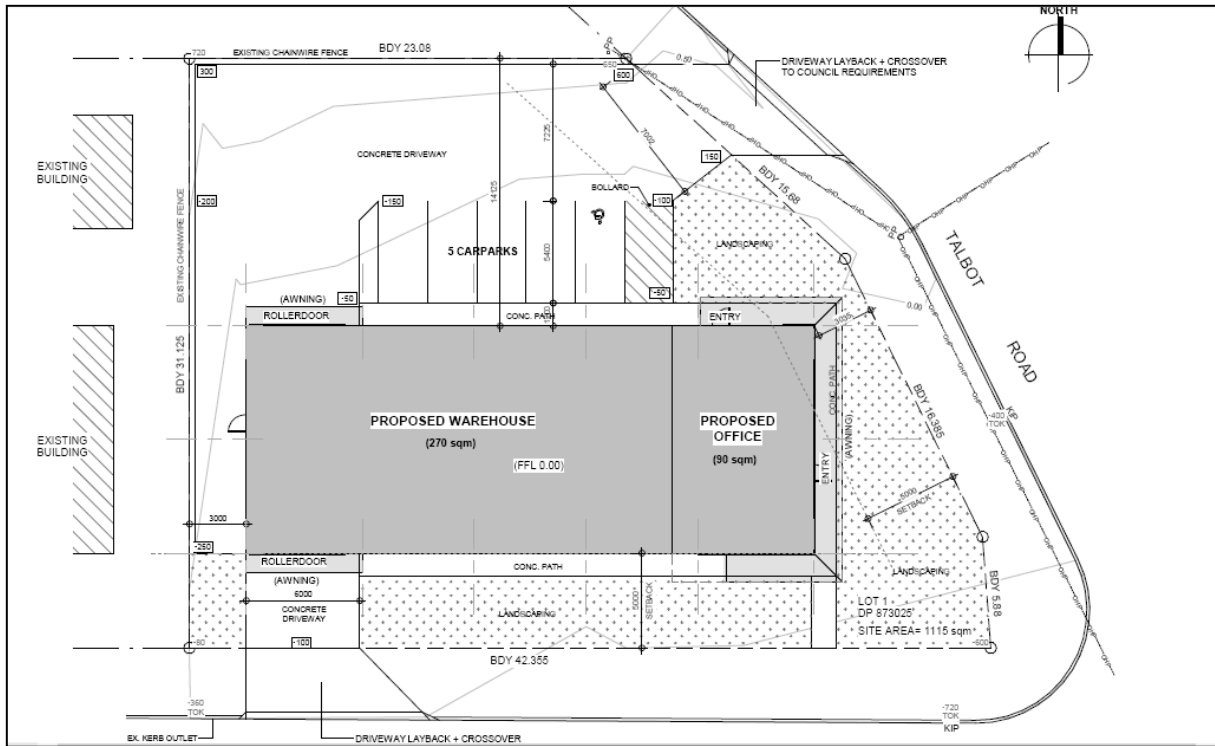


Figure 2 – Site Plan

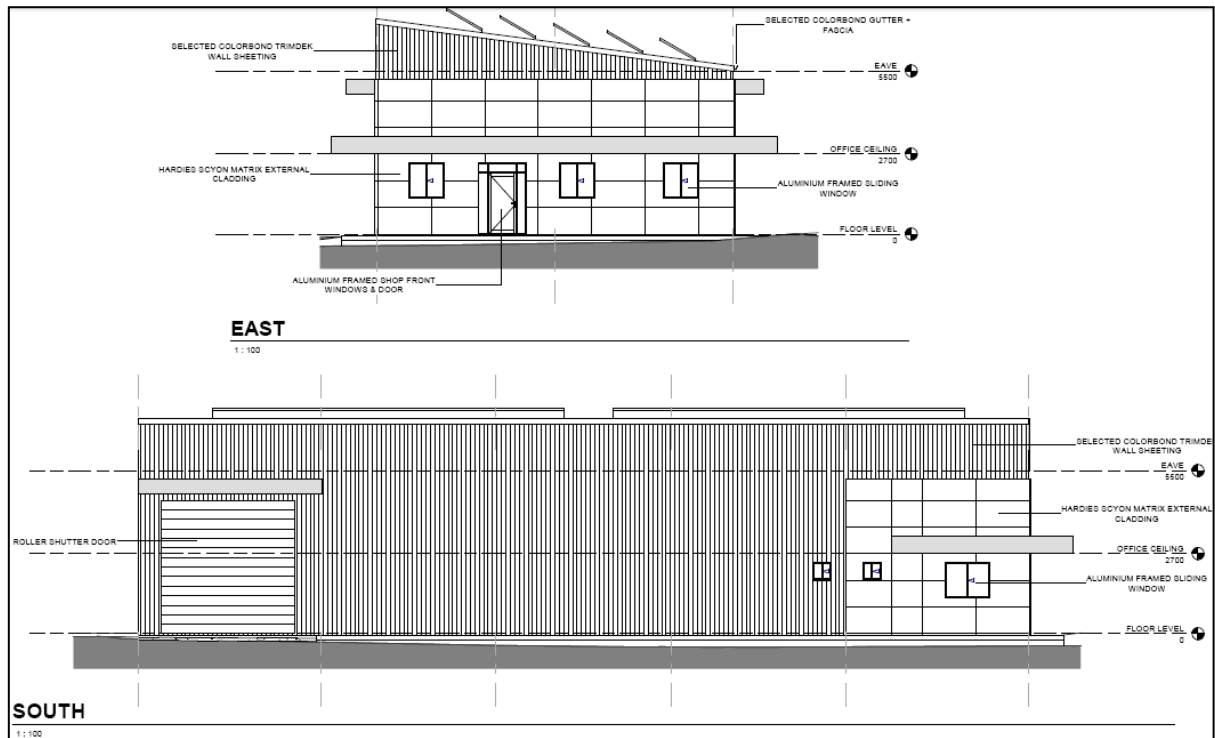


Figure 3 – Elevation Plan,

**COMMENTARY**

*Issues*

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

**Gunnedah LEP, 2012**

The development site is zoned IN1 General Industrial, under the provisions of the *Gunnedah Local Environmental Plan, 2012* (GLEP 2012). The proposed development land use is Warehouse or Distribution Centre and is a permitted land use subject to development consent. The following GLEP 2012 clauses are applicable to the development:

**2.3 – Zone Objectives and Land Use Table**

The development is consistent with the land use objectives of the General Industrial zone, being to provide a wide range of industrial land uses and also being complimentary to an existing industrial activity located within the site. IN1 General Industrial land use objectives are as follows:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable development that is associated with, ancillary to, or supportive of industry or industrial employees.

Hence, it is considered that the development is consistent with the land use objectives of the zone.

**4.4 – Floor Space Ratio**

The development site has a maximum Floor Space Ratio (FSR) of 0.6:1. The development site has an area of 1,114m<sup>2</sup>. Based on the site area the development FSR is not to exceed an area of 668.4m<sup>2</sup> to comply with the FSR for the area. The proposed Warehouse will have a total floor area of 360.1m<sup>2</sup>. Hence, the development does not exceed the development site FSR.

**6.5 – Essential Services**

The development site has provision of Council's water, sewer and stormwater services. Overhead electrical services are present within the surrounding area, with availability to be connected to the site. Any required upgrades of electrical services, to accommodate the development, are to be undertaken in consultation with the local service provider. The site has frontage to Talbot and Borthistle Road as suitable access to a public road for vehicle and pedestrian access.

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

The development site is vacant with no recorded land use activities listed within Table 1 of SEPP as being sources of potential land contamination. Hence, no contamination report is required. The development is not expected to result in potential future contamination of the site or surrounding area.

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

The development site is located within the IN1 General Industrial zone, which is identified within this SEPP as being a land zoning to which this SEPP applies. The development proposal does not include the removal of any trees or vegetation from the site. The site is highly modified and does not contain any native vegetation or ground cover in the position of the proposed works. No consideration of vegetation removal is required for this development.

**State Environmental Planning Policy (Koala Habitat Protection) 2019**

The development site does not have a Koala Plan of Management registered against the property. The development site is not identified on the Koala Development Application Map (Figure 5) and the site does not have an area of greater than 1 hectare. Hence, Clause 10 does not prevent the granting of development consent.



Figure 4 – Koala Development Application Map

**State Environmental Planning Policy (Infrastructure) 2007**

The development is not anticipated to generate more than 200 vehicle movements to or from the site per hour. Hence, Council is the roads authority for this development and no referral is required.

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

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

**4.1 – Building Setbacks**

Setback	Required Setback	Proposed Setback	Complies
Borthistle Road	7.5 metres	5 metres	X
Talbot Road	7.5 metres	3.035 metres	X
Side	3 metres	3 metres	✓
Rear	3 metres	14.125 metres	✓

The development complies with development setbacks from the side and rear boundaries of the site. The development does not comply with the development setback from either Talbot Road or Borthistle Road. The developer has requested a variation to Council’s Development Control Plan regarding these development controls.

The development site does not only have two road frontages with 7.5 metre setbacks, but the site is also an irregular shape with the lot frontage narrowing into the site along Talbot Road. Due to the site constraints, compliance with building setbacks would result in large amounts of unusable area within the site. The development site is a small industrial lot being just 114m<sup>2</sup> larger than the minimum lot size set by the Development Control Plan. Hence, the sterilisation of either frontage through compliance with building setbacks would severely reduce the usable area and capacity of the site.

The development has been designed in such a way to have frontage be visually appealing with the use of building variation and building elements of amenities and office spaces being utilised in conjunction with landscaped areas along each road frontage. Hence, the compliance with building design standards will alleviate the visual impacts of the development on the streetscape and will ensure that the development does not detract from the streetscape.

#### **4.2 – Design**

The development proposes to position low scale building elements of office, staff and amenities on the Eastern elevation of the building, located on the intersection of Borthistle and Talbot Road frontages, being the most prominent portion of the building. These areas are to be complimented via the use of Hardies Scyon Matrix External Cladding (illustrated in Figure 3) above and below the proposed awning. This product is not a concrete or brick finish, as required by this clause. However, this material is considered to give the same visual appeal as brick or finished concrete and the variation is supported. The low scale elements are highlighted and complimented by the use of external awning along the elevations along this elevation. There will be no infrastructure located on the front elevation that could detract from the appearance of the building appearance.

#### **4.3 – Utilities and Services**

The development site has access to Council's water, sewer and stormwater services. The development application was accompanied by a Stormwater servicing strategy to accommodate the increased stormwater onsite through increased areas of impervious surface area. There is no construction occurring over any Council's infrastructure mains or over any registered easements.

The development is not expected to generate any trade waste. Hence, no liquid trade waste application is required. A condition is to be imposed that onsite water storage tanks are to be provided for capture of roof water with the ability for use of this water on landscaped areas.

#### **4.4 – Traffic and Access**

The development proposes to have separate entry and exit to the site, with vehicle entry to the site from Talbot Road and exist from the site to Borthistle Road. The vehicle footpath crossovers are positioned at the furthest practical point from the intersection of Talbot and Borthistle Road to reduce potential for vehicle collisions. Kerb laybacks and access driveways are to be constructed to Council's urban access standard with a minimum width of 6 metres. All internal parking and manoeuvring areas are to be hard sealed, with development plans indicating concrete construction.

The submitted Statement of Environmental Effects identifies that the maximum size vehicle expected to access the site would be a heavy rigid vehicle. The development plans have indicated the vehicles of this size and smaller would be able to manoeuvre within the site and enter and exit in a forward direction. The development is not expected to be a large traffic volume generating development with an expectation of 6-8 vehicle movements per day. It is considered that the surrounding road network and the project site layout are suitable to the traffic generation of the development in their current formation.

#### **4.5 – Parking**

The development is to be used as a warehouse. Council's Development Control Plan requires a minimum of 1 onsite parking space per 300m<sup>2</sup> of floor area for this land use. The building has an area of 360.1m<sup>2</sup>. Hence, the development requires a minimum of two (2) onsite parking spaces. The development plans indicate a minimum of five (5) parking spaces provided including one (1) accessible parking space.

#### **4.6 – Landscaping**

The development site plan indicates landscaping along each of the road frontages within the first 3 metres of the development setback. This will assist with reducing the visual appearance of the building and improving the streetscape. A detailed landscaping plan is to be submitted prior to the issue of a Construction Certificate, including species type and pot sizes. All landscape species should be frost and drought tolerant species. No landscaping is required to provide shading to onsite parking spaces as there is not a need for more than 10 onsite parking spaces.

#### **4.7 – Fencing**

The development site does not have any existing fencing along the two road frontages. The development will include the installation of new 2.1m high Commercial and Industrial Steel Spear top security fencing. There are no open workshop bays that will be visible from road reserves that require screening from view.

#### **4.8 – Loading/Unloading Facilities**

Loading and unloading of vehicles will occur within the warehouse. This will reduce the conflict between delivery vehicles, staff and customer vehicles and pedestrians. Unloading/loading within the building will also reduce the potential impacts of noise.

#### **4.9 – Outdoor Lighting**

Outdoor lighting will be installed in accordance with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS 4282 Control of Obtrusive Effects of Outdoor Light*.

#### **4.10 – Outdoor Signage**

The development does not propose the installation of any signage.

#### **4.11 - Noise**

The development site is approximately 380m from the nearest Residential zone and approximately 420m from the nearest residential receiver. Given the distance that the development is setback from dwellings within the surrounding locality, it is considered that noise associated with the proposed warehouse will have negligible impact. There are no open work bays for this development and any openings are not directed at any nearby dwellings. The development operating hours are proposed from 8am-5pm Monday to Saturday. This will also reduce the potential impact of noise on adjoining development and also nearby residential receivers. It is expected that the development design and trading hours will ensure that no specific mitigation controls around noise are required.

#### **6.6.1 – Erosion and Sediment Control**

Council's standard condition will be imposed for sediment and erosion control measures to be implemented during construction.

#### **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 currently a vacant allotment within the Warranuna Industrial Area. The surrounding area predominately consists of Industrial developments. The proposed development is considered to be consistent with development within the surrounding area.

##### *Access, Transport and Traffic*

The site has frontage to Talbot Road and Borthistle Road. The development will generate a marginal increase in vehicle movements within the surrounding road network with an expected 6-8 additional traffic movements per day created from the development site. The surrounding road network is bitumen constructed with kerb and guttering along each frontage of the development site. The development is not expected to generate any public transport need. The development has adequate provision of onsite parking spaces for customer and staff parking.

##### *Public Domain*

No negative impacts on the public domain have been identified as detailed throughout this assessment report. The proposed development is consistent with existing development in the locality.

##### *Utilities*

The development site has provision of utilities services. Utility services previously addressed within this report.

##### *Other Land Resources*

The proposed usage is consistent with the land use objectives of the adjoining allotment. The land is not primary agricultural land and the zone precludes the quarrying or mining of resources on this allotment. As a result the development will have no effect on natural land resources.

##### *Air and Microclimate*

The development is not expected to have any significant impact on air and microclimate within the surrounding area. The development is not a pollution producing industry. The use of the building will be for storage of products only and as a result the development is not expected to produce any polluting particulates, gasses or fumes. The internal trafficable and parking areas will be hard sealed with concrete, which will limit the potential for dust generation for the site.

##### *Waste*

Waste generated during construction is to be maintained onsite and shall be disposed to Council's land fill.

##### *Safety, security & crime prevention*

The development is not expected to result in any decrease in safety, security and prevention of crime in the surrounding area. The site will be fitted with an external boundary fence to restrict access to the property.

##### *Social & Economic impact in the locality*

The development will have little social impact on the surrounding area. The development will be constructed to compliment an existing industrial industry located within the Gunnedah Industrial area.

*Site design and internal design*

The size of the development is consistent with development within the surrounding area. The positioning of the proposed building within the site is considered to be appropriate despite the required variation to building setback lines for the site. The building design and landscaping will result in an appropriate development for the allotment and surrounding area.

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

The proposed development is consistent with the existing development in the locality. The development has access from a public road and Council's utility services are available to the site. The site is not identified as being bushfire prone land or being subject to flooding and does not contain an item of heritage significance. The site is considered to be suitable for the development.

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

The development proposes a variation to a Council's Development Control Plan. Hence, in accordance with Council's Community Participation Plan 2020 (CPP), the development was notified to adjoining land holders for a period of 14 days. A copy of the development was also placed on Council's webpage for online viewing. 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 construction of a new industrial development for use as a Warehouse. 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. 2019/087, at 1-3 Talbot Road, Gunnedah Lot 1 DP 873025, should be approved subject conditions.

There being no further business, the meeting closed at 4:06pm.

**Councillor J Chaffey**

**MAYOR**