

**PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES**

**of Gunnedah Shire Council held on Wednesday 4 March 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
	Project Manager (C Formann)	X		

*MOTION Moved Councillor R HOOKE  
Seconded Councillor C FULLER*

**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

<b>ITEM 1</b>	<b>Development Application No. 2020/001 – Construction of new above ground Water Storage Tank (247,478 Litres) – Lot 7035 DP1029310 – 2 View Street, Gunnedah</b>
<b>MEETING</b>	<b>Planning, Environment and Development Committee – 4 March 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>

STRATEGIC LINK	<b>Community Strategic Plan</b> <b>2.4.5 Implement and advocate planning strategies and systems that are streamlined to foster and encourage the establishment of new business.</b> <b>Operational Plan</b> <b>2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation.</b>
ATTACHMENTS	Nil

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**1.03/20P COUNCIL RESOLUTIONS:**

**That the Development Application No. 2020/001, for the construction of a 247,478 Litre above ground Water Storage Tank, at Lot 7035 DP1029310 – 2 View 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 15/01/2020;
  - Statement of Environmental Effects, prepared by George Avard, dated 18/12/2019; and
  - Submitted plans:
    - Prepared by Stewart Surveys Pty Ltd, Gunnedah Showground Site Plan;
  - Supporting Documentation:
    - Water Tank Brochure, prepared by Pioneer Water Tanks;

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.*

**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 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, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:
- (a) 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.*

**E. GENERAL**

- E1.** Colours and textures of materials of the water tank shall be non-reflective and as such will not conflict with the existing landscape.

*Reason: To ensure visual amenity of the area is maintained.*

- E2.** No permanent structures are to be placed on any easement.

*Reason: To ensure legal requirements.*

**F. DURING CONSTRUCTION WORKS**

**F1. Inspections by Council**

48 hours prior to the covering of the following works, Council shall be notified by the licensed builder, owner builder or licensed plumber/drainer that the following works are ready for inspection:

- (a) stormwater drains  
(b) stormwater absorption trenches  
(c) Final inspection of water plumbing, sanitary drainage and stormwater drainage.

(NB) *An accredited certifier may not be substituted for Council in respect of these inspections, as Council remains the sole responsible authority for these matters.*

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

- F2.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

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

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

*Reason: To ensure site safety.*

- F4.** It is the responsibility of the developer to provide the water allocation for the 'minimum water fill required after build', required during developer works. No water for the purposes of this construction requirement is to be sourced from Council's water supply services onsite.

*Reason: To ensure legal requirements.*

- F5.** The stormwater overflow from the proposed tank is to:
- be drained through an adequately sized underground, piped system to the kerb and gutter in View Street. Drainage lines are to be contained within the boundaries of the development lot; OR
  - be discharged to the kerb and gutter in View Street, via an open vegetated, earth channel of adequate size to the property boundary and a piped system across the footpath, into the kerb.
- Council's Infrastructure Services Department are to be notified of the selected method of drainage as well as be consulted and approve an appropriate sizing for either stormwater piped or earth channel.

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

**F6. Excavations and backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

**Reason: To ensure compliance.**

**F7. Protection of public places**

If the work involved in the construction of the tank:

- (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.**

- F8.** 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.** Use of the tank 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.**

**MOTION**    *Moved Councillor A LUKE*  
                   *Seconded Councillor R HOOKE*

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 occurs on Crown Land managed by Gunnedah Shire Council.

Applicant:                    Gunnedah Show Society,  
 Owner:                        Department of Lands (Gunnedah Shire Council, as Trust Managers),  
 Property Description:      Lot 7035 DP 1029310,  
                                       2 View Street, Gunnedah

*Proposed Development*

The development application is seeking consent for the construction of a 247,478 Litre above ground water storage tank, which will capture stormwater runoff from previously constructed stables, at the Gunnedah Showgrounds.

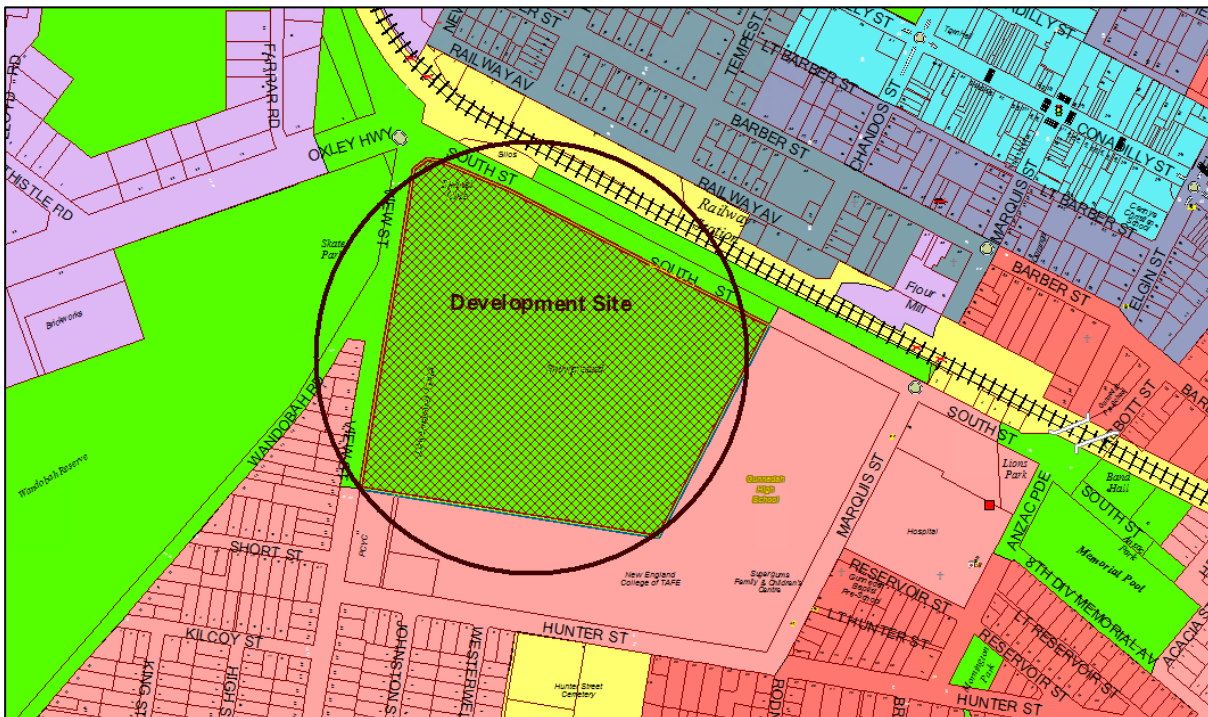


Figure 1 – Site Location



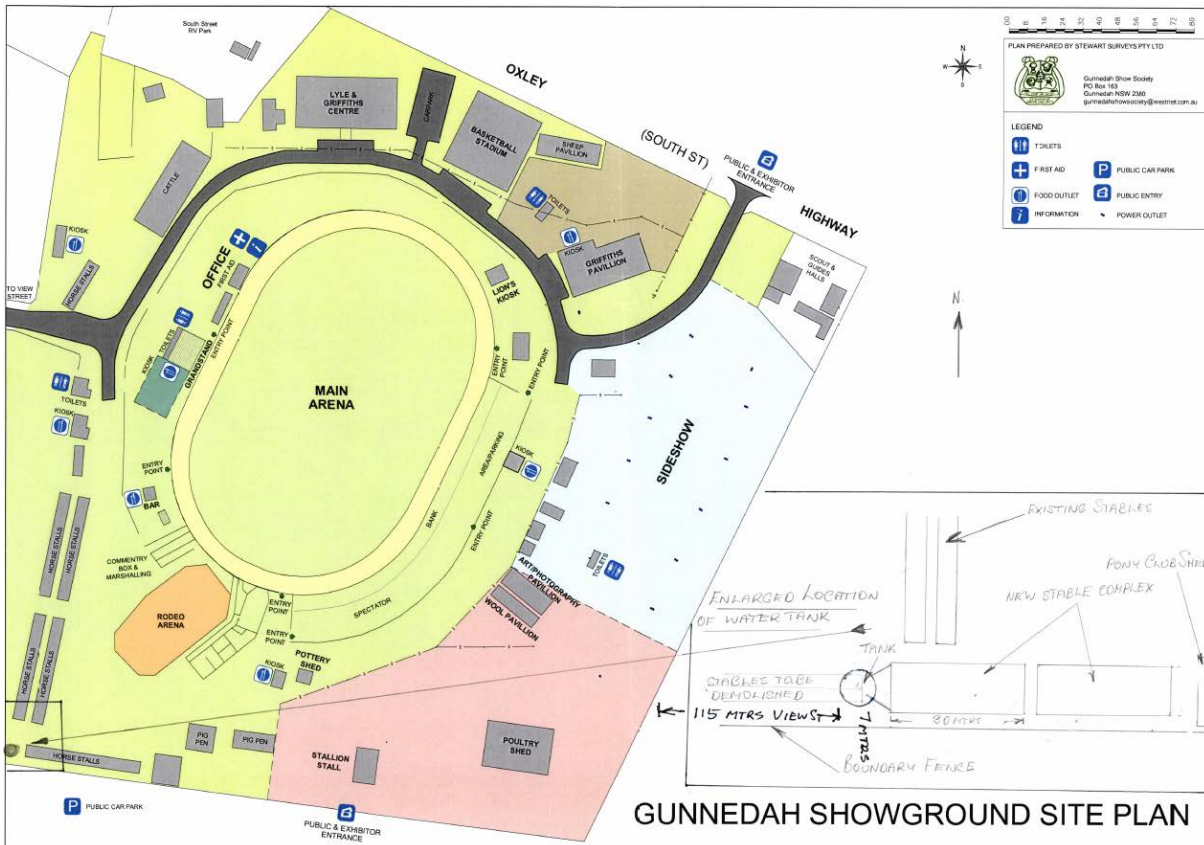


Figure 2 – Site Plan

## COMMENTARY

### Issues

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

##### Gunnedah LEP, 2012

The development site is zoned RE1 Public Recreation, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The following GLEP 2012 clauses are applicable to the development:

##### 6.5 – Essential Services

The development site has provision of Council's water, sewer and stormwater services. There is an electrical service connection to the site. However, the development is not expected to require electrical services. The site has frontage to View Street and South Street as suitable access to a public road for vehicle and pedestrian access.

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

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

The development site has previously been assessed under the provision of SEPP 44. The site has not been identified as being potential or core Koala Habitat.

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

The site is currently operated as the Gunnedah Show Grounds. The proposed development does not propose a change to land use of the site. Hence, no further investigation was required.

##### 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.

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

The development will require the demolition of two existing stables as they are located within the footprint of the proposed tank. These stables are to be demolished as exempt development, under the provisions of the *State Environmental Planning Policy (Infrastructure) 2007*, as the demolition works are set to be undertaken on behalf of Council. Hence, the demolition works was not required to form part of this development.

**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 minor or nil impact on the adjoining land holders due to the distance from adjoining residential developments and the activities on adjoining land. Hence, the development application did not require notification to the adjoining land holders.

**6.2 – Parking Requirements**

The development does not generate any additional demand for onsite parking space with no additional vehicle movements to or from the site.

**6.3 – Landscaping**

There is no obligation for landscaping around the tank. The tank will be located over 110 metres from the nearest public frontage, with limited visual impact. The tank is not to be constructed of reflective material to limit its visual impact on adjoining land holders.

**6.6.1 – Environmental Effects**

The development is expected to have little environmental impacts with the tank storing water captured from the roof of adjoining stables. The tank will have no ongoing noise generation, waste generation and will not create any odours or emissions. There are no ongoing environmental impacts that need to be mitigated.

**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 Council's showground precinct. The development site contains, show arenas, playing fields, pavilions, amenities blocks, horse stables, recreation facilities and caravan parks. The adjoining allotments contains the Gunnedah High School, PCYC and TAFE campuses and there are a number of dwellings along the Western boundary of the site. Due to the size of the site and the position of the tank within the site, it is not expected that the development will have a negative impact on the surrounding locality.

**Water**

Stormwater overflow from the water storage tank will need to be disposed of to kerb and gutter in View Street via an open earth drain or piped system. The developer is to make an application under S68 of the *Local Government Act 1993*, for consent and required method of disposal.

**Noise & vibration**

The development will not result in any noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during construction works.



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

The proposed development is consistent with the existing and future 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 subject to flood or bushfire 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 Application did not require notification under the provisions of the Gunnedah Development Control Plan 2012.

Council's Community Participation Plan 2020 (CPP) had not been adopted at the time this development application was received. However, there is no obligation within this plan that required for the notification or advertisement of this project.

**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 water storage tank with a capacity of 247,478 Litres, which will capture stormwater from the existing stable roof. The application has been assessed under the provision 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. 2020/001, at 2 View Street, Gunnedah Lot 7035 DP 1029310, should be approved subject conditions.

There being no further business the meeting concluded at 4:02pm.

**Councillor J Chaffey**  
**MAYOR**