

PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES
of Gunnedah Shire Council held on Wednesday 4 November 2020 in the
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:03pm

1.

COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	ABSENT
J Chaffey	X		
JR Campbell	X		
C Fuller	X		
OC Hasler	X		
R Hooke (Chair)	X		
A Luke	X		
D Moses	X		
M O'Keefe	X		
RG Swain		X	
STAFF			
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 Financial Officer (D Connor)			X

Council Resolution

Moved Councillor C FULLER

Seconded Councillor D MOSES

2. **DECLARATIONS OF INTEREST**

COUNCILLOR	ITEM	REPORT	P	SNP	LSNP	RC	REASON
J CHAFFEY	3.1	Application to Modify Development Consent No. 2019/052.002 – Amendment to development plans (enlargement of Outbuilding from 120m ² to 165m ²) and additional of demolition of outbuilding – Lot 12, 13 and 14 Sec 13 DP 758234 and Lot 1 DP 247370 – 113-131 Gunnedah Street, Carroll			X		I am a joint Councillor on the Gunnedah Anglican Church Parish Council with the proponent LSNP and will leave the Chamber during consideration of this item.
RG SWAIN	3.1	Application to Modify Development Consent No. 2019/052.002 – Amendment to development plans (enlargement of Outbuilding from 120m ² to 165m ²) and additional of demolition of outbuilding – Lot 12, 13 and 14 Sec 13 DP 758234 and Lot 1 DP 247370 – 113-131 Gunnedah Street, Carroll			X		I am a joint Councillor on the Gunnedah Anglican Church Parish Council with the proponent LSNP and will leave the Chamber during consideration of this item.
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

Mayor J Chaffey and Councillor RG Swain declared an interest, left the meeting and took no part in discussion or consideration of this item.

ITEM 1	Application to Modify Development Consent No. 2019/052.002 – Amendment to development plans (enlargement of Outbuilding from 120m ² to 165m ²) and additional of demolition of outbuilding – Lot 12, 13 and 14 Sec 13 DP 758234 and Lot 1 DP 247370 – 113-131 Gunnedah Street, Carroll
MEETING	Planning, Environment and Development Committee – 4 November 2020
DIRECTORATE	Planning and Environmental Services
AUTHOR	Senior Development Officer
POLICY	Nil
LEGAL	Environmental Planning and 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

1.11/20P COUNCIL RESOLUTIONS:

That the Application to Modify Development Consent No. 2019/052.002, for the amendment to development plans and inclusion of demolition of additional outbuilding, at 113-131 Gunnedah Street, Carroll, Lot 12, 13 and 14 Sec 13 DP 758234 and Lot 1 DP 247370, be approved subject to deletion of condition A1 and insertion of condition A1a and G6, as underlined:

A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

A1. Deleted

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

- Development Application form lodged 09 August 2019;
- Application to Modify Development Consent, lodged 12/08/2020;
- Statement of Environmental Effects, prepared by Parker Scanlon, dated June 2019; and
- Submitted plans:
 - Prepared by Manor Group, dated 14/04/2019, Drawing No. MG4614V1a, Sheet 1 of 7 (Site Plan & Site Locality), Sheet 2 of 7 (Site Detail & Demolition Plan), Sheet 3 of 7 (Floor Plan), Sheet 4 of 7 (Elevations – 1), Sheet 5 of 7 (Elevations – 2), Sheet 6 of 7 (Section A-A); & dated 08/06/2018, Drawing No. S1.01, Sheet 1 of 1 (Typical Beam and Footing Layout and Footing Details);
 - Prepared by Intrax, Footing section and Bracing Plan, & Typical Cross Bracing and Floor Joist Module Layout;
 - Best Sheds, dated 27/06/2020, Ref: 782666885, Sheet 2 of 8 (Elevations), Sheet 3 of 8 (Elevations), Sheet 4 of 8 (Elevations), Sheet 5 of 8 (Floor Plan), Sheet 6 of 8 (Roof Framing Plan);

- Supporting Documentation:
 - Request to Vary a Development Control, prepared by Parker Scanlon, dated June 2019;
 - Building specifications, prepared by Manor Group NSW, dated 19 June 2019;
 - Flood Level Survey Report, prepared by Monteath & Powys Pty Ltd, dated 21 December 2015, ref: Thomason;
 - Engineer Report, prepared by Thitchener Consulting, dated 13 June 2019, Ref: 20190190-c-130619.

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

- A2.** To confirm and clarify the terms of this development consent, consent is not granted for the use of earth fill to alter the natural ground level of the site.

Reason: To ensure compliance that earth fill does not impact on the dispersion of flood waters or impact on the flood characteristics of the area surrounding the development site or downstream.

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

Shed

- C1.** Prior to the commencement of any building works for the construction of the shed, 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.

Dwelling House

- C2.** Prior to commencement of the building works on site in relation to the transportable dwelling, engineering certification is to be submitted to Council verifying the soil classification and that the design is capable of withstanding the loads created as a result of a major flood event.

Reason to ensure structural adequacy

On-Site Sewerage Management

- C3.** Prior to works commencing for the installation of the transportable dwelling, the Developer shall obtain from Council approval under Section 68 of the Local Government Act 1993 to:
- (a) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
 - (b) Operate a system of sewage management
 - (c) Install a manufactured home, moveable dwelling or associated structure on land.

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.

- C4.** 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 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 issue of a Construction Certificate construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance.

E. GENERAL

- E1.** Any Onsite Sewerage Management System being installed on the development allotment must be suitably designed to be subject to inundation by flood waters. The use of a primary treated septic system is not permitted and should not include tank and trench style system configuration.

Reason: To ensure onsite sewerage management system is compatible with potential flooding.

- E2.** All materials located below the 1 in 100 year flood level used in the construction of the dwelling and shed are to utilise flood compatible materials.

Reason: To ensure appropriate materials are used where subject to flood inundation.

- E3. The floor level of the new residence is to be set at RL 282.5 meters in accordance with the Flood Level Survey Report supplied by Monteath & Powys Pty Ltd, dated 21 December 2015, ref: Thomason.

Reason: To implement Council's Policy.

Water Supply

- E4. The dwelling shall be provided with rainwater tanks having a capacity of 45,000 litres of water before occupation is sought. Such tanks shall have a total of 10,000 litres of water reserved for fire fighting purposes, with a lower outlet for fire fighting purposes fitted with a 65mm storz fitting and ball or gate valve shall be located in such a position that access for fire fighting units shall be as direct as possible.

Reason: To ensure adequate supply of water for domestic and fire fighting purposes.

- E5. 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.

- E6. All wiring, power outlets, switches, and fixed electrical appliances to the maximum extent possible, be located 1 metre above the 1% AEP flood level. All electrical wiring installed below the flood planning level shall be suitable for continuous submergence in water and shall contain no fibrous components. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant flood level should be so installed that they will be self-draining if subjected to flooding. All structural components of walling and flooring shall be constructed of flood tolerant materials.

Reason: To ensure compliance.

- E7. The developer is to provide 2WD all-weather access from the property boundary to the dwelling house.

Reason: To ensure a suitable access is maintained within the property boundaries.

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) internal drainage under water test
- (c) external drainage under water test
- (d) water plumbing
- (e) septic tank or aerated wastewater treatment system
- (f) 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. 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) **Footing trenches with reinforcement prior to pouring of concrete**
- (c) Retaining walls and reinforcement (if any) prior to pouring of concrete

- (d) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (e) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (f) **Wet area, damp proofing and flashing before lining**
- (g) Swimming pool safety fence prior to filling the pool with water
- (h) Foundation material before installation of the swimming pool or laying of any bedding material
- (i) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves
- (j) **Bearers and joist inspection, including tie down requirements and ant capping. When completed and prior to the laying of the floor**
- (k) Insitu concrete formwork (excluding paving) with reinforcement prior to pouring of concrete
- (l) **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.

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

Reason: To ensure site safety.

- F4.** Roof water to be discharged to the street gutters in sealed stormwater pipes. If these works necessitates the cutting of the kerb and guttering the works shall be carried out in accordance with Council's footpath, kerb and gutter construction standards. Where disposal to street gutters is not practical all roof-water is to discharge through a collection tank of at least 1000 litre capacity and the overflow is to be directed to a rubble drain 5m long, 600mm deep and 600mm wide. The drain shall be positioned across the slope of the land and so as to not direct water under the building or into adjoining property so as to cause a nuisance.

Reason: To ensure efficient dispersal of storm water.

- F5.** The connection of the rainwater tank to the buildings water supply shall be undertaken by a licensed plumber in accordance with the relevant Australian Standards and the overflow from the rainwater tank shall be piped to discharge to the street gutter or to a disposal location approved by Council.

Reason: To ensure compliance.

- F6.** The developer shall provide Council with written verification from a registered Surveyor confirming compliance with the finished floor heights required by condition E3, at the following mandatory inspection stage:

- Installation of the manufactured home, moveable dwelling or associated; and
- Bearers and joist inspection, for the proposed additions.

Reason: To meet statutory requirements.

- F7.** Prior to the installation of the relocatable home on the site, the developer shall submit a Compliance Certificate issued under the Environment Planning and Assessment Act 1979, Section 6.16 by a Private Certifier of Local Government Inspectorial Authority to Council. Such certification shall indicate the compliance of the framework and wet areas of the proposed building are in accordance with the Building Code of Australia and the approved plans of the building.

Reason: To meet statutory requirements.

- F8. 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.

F9. Protection of public places

If the work involved in the installation and 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.

Demolition Works

- F12.** The dwelling and ancillary structures, shall only 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.

- F13.** The developer shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere from the onsite and from vehicles transporting material off-site.

Reason: To ensure compliance and safety of workers and general public.

- F14.** The deliberate burning of the building and/or demolition material shall not be permitted.

Reason: To ensure compliance and safety of workers and general public.

G. PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- G1.** Occupation of the shed is not to occur until all Conditions of Consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

- G2.** Occupation of the dwelling is not to occur until all Conditions of Consent have been satisfied and a Certificate of Completion issued.

Reason: To meet statutory requirements.

- G3.** Prior to the issue of a Certificate of completion for the dwelling, all Conditions of Consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

- G4.** Prior to the issue of a Certificate of completion for the dwelling, Lot 12 Section 13 DP 758234, Lot 13 Section 13 DP 758234, 14 Section 13 DP 758234 and Lot 1 DP 247370 shall be consolidated into one Lot. A copy of the registered plan of consolidation shall be provided to Council.

Reason: To ensure compliance.

- G5.** Prior to the issue of a Certificate of completion for the dwelling, the developer shall submit to Council a copy of the current contract with the manufacturer, his agent or approved contractor, for the quarterly servicing and maintenance of the onsite sewerage management system.

Reason: To ensure compliance with Health Department accreditation

- G6.** Prior to the issue of an Occupation Certificate for the Shed all existing outbuilding, sheds identified by this development as being demolished, are to have been demolished.

Reason: To meet statutory requirements.

PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES
4 November 2020

MOTION Moved Councillor OC HASLER
Seconded Councillor A LUKE

<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 Modification of Consent Application is being referred to Council as the original development evaluation was forwarded to Council for determination.

Applicant: P & J Thomason,
Owner: Mr PN & Mrs JA Thomason,
Property Description: Lot 12, 13 and 14 Sec 13 DP 758234 and Lot 1 DP 247370,
113-131 Gunnedah Street, Carroll

Proposed Development

The modification to the development consent is seeking consent for the enlargement of the shed to be constructed as part of the approved development. This application includes the demolition of an additional outbuilding present on the site that was being retained as part of the original proposal.

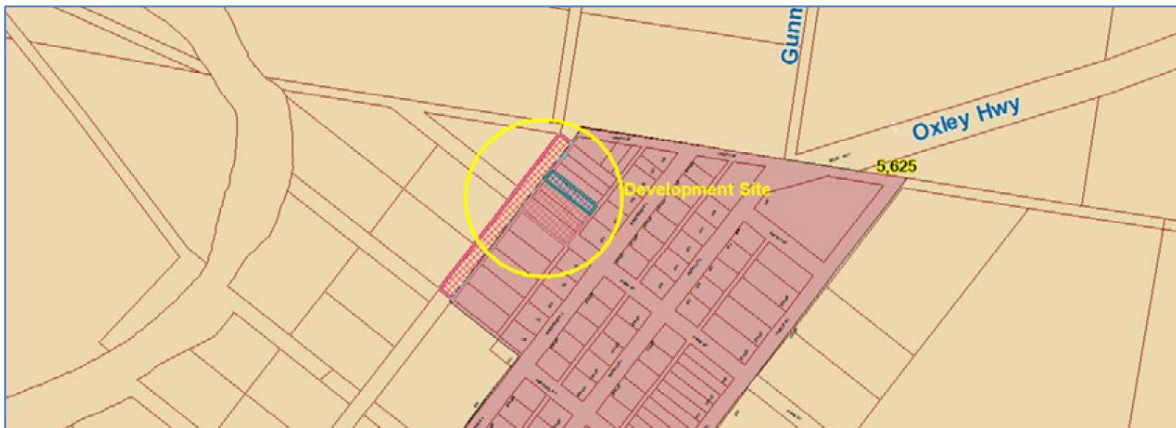


Figure 1 – Site Location

PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES
4 November 2020

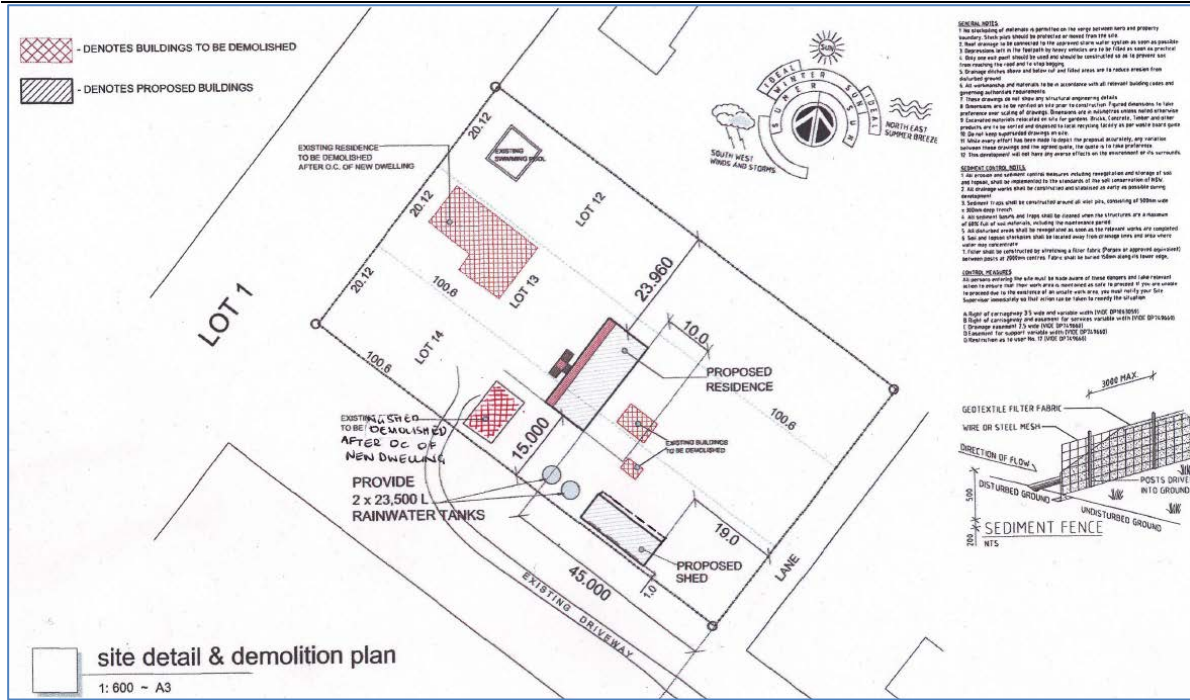


Figure 2 – Site Plan

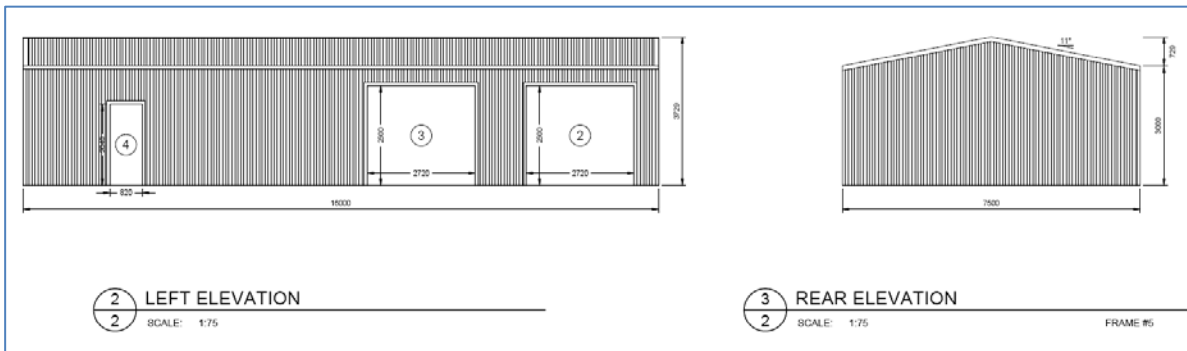


Figure 3 – Elevation Plans

BACKGROUND

Council resolved on 4 September 2019 (Resolution No. 2.09/19P) to approved Development Application No. 2019/052 for the demolition of a dwelling and two ancillary structures, installation of a transportable dwelling and construction of a shed. Works for the installation of the new dwelling has occurred. However, no further works have been completed for demolition of the demolition of existing buildings onsite or construction of the new shed.

COMMENTARY

Issues

Environmental Planning and Assessment Act 1979

S4.55(1A) Modification Involving Minimal Environmental Impact

The proposed development is considered to be substantially the same development as the development to which development consent was originally granted. The application was not considered as a S4.55(1) as the development was not a misdescription or minor error within the development documentation or plans and the application is not regarded as a S4.55(2) as the development will have minimal environmental impacts.

The S4.55(1A) modification proposes an amendment alteration to the development plans to include the demolition of the existing shed that was initially to be retained and enlargement of the proposed shed that is to be constructed as part of the proposed development. The development is considered to be substantially the same development. The development was notified as per the notification of the original development.

S4.15(1)(a)(i) the provisions of any environmental planning instrument

Gunnedah LEP, 2012

The development site is zoned *RU5 Village*, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). It was determined during the evaluation of the original development assessment that the land use as Dwelling House is permissible within the land zone. The modification does not propose any change to the approved land use.

6.1 – Flood Planning

The development site is identified as being entirely flood prone land. The original development assessment included consideration of a Flood Survey Report which determined the required finished floor level of the dwelling in order to reduce the potential for the development to affect flood water or increase risk to life or property. As the development does not propose any changes to the dwelling it is considered that the modification will not result in any further increase in risk to life or property.

6.5 – Essential Services

The modification of consent will not affect the provision of services provided as part of the development proposal.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

State Environmental Planning Policy No. 55 – Remediation of Land

The original development determination did not require any remediation works. The proposed modification would not result in the development creating any contamination risks or move the development into an area where no investigation was undertaken.

State Environmental Planning Policy No. 44 – Koala Habitat

The previous development assessment determined that the development site was not regarded as being Potential or Core Koala Habitat and no Koala Plan of Management was required for the development. Hence, no further investigation was required for the modification to this development consent.

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

The modification will not require the removal of any vegetation from the site.

S4.15(1)(a)(iii) provisions of any development control plan

2.1.1 – Building Setbacks

The amended site plan will not change the position of the proposed dwelling. The proposed shed that is being amended as part of this modification application will have a 1 metre setback from side property boundaries and a 19 metre setback from the laneway fronting the site. Required building setbacks for the shed as the only structure being amended as part of this modification, is assessed in the following table.

Setback	Required	Proposed	Complies?
Primary Road	7.5m	19m	Yes
Side	900mm	1m	Yes
Rear	900mm	65m	Yes

Building setbacks are compliant for the modified outbuilding.

2.1.3 – Utilities

The proposed amended outbuilding design does not result in the proposed shed being located over any registered easements. Water services have been addressed previous during the assessment of the original assessment. Water services will be unaffected.

2.1.8 – Outbuildings, Carports and Detached Garages

The modification of consent proposes to increase the floor area of the proposed shed from 125m² to 165m². The modification will not amend the height of the proposed shed. The increase in size of the shed will increase the width of the shed from 6 metres to 7.5 metres. Outbuilding development controls are addressed as follows.

Control	Required	Proposed	Complies?
Maximum Size	54m ²	165m ²	No
Cumulative buildings	72m ²	165m ²	No
Maximum length	9m	16m*	No
Maximum height to eave	3m	3m	Yes
Maximum Roof Pitch	24°	11°	Yes
Maximum Height	4.2m	3.729m	Yes

*refer to Clause 2.1.8c – Discretionary Development Standard

Council's original assessment of the development application identified that the cumulative size of the 165m². At the time and under the circumstances of the development the variation to the development control plan was supported. The proposed modification to the development plans includes the additional demolition of the last remaining outbuilding that was to be retained onsite as part of the original proposal. With the demolition of this structure the cumulative size of the buildings onsite does not increase as this will be the only outbuilding, shed or detached garage to be constructed onsite as part of this development. As the cumulative building area will not increase the modification is considered to achieve the same intent as the original application and the variance to the DCP in the modified manor is supported.

2.1.8c – Discretionary Development Standard

The modification does not propose an alteration to the longest elevation of the proposed outbuilding. The 16 metre elevation is less than two thirds of the length of the boundary, which is 130 metres in length. Hence, the proposed shed complies with this discretionary development standard.

6.1.3 – Development of Floodways

The modification does not propose any further intensification of the floodway through the development with the alterations to the proposed outbuilding not increasing the floor area of the dwelling or the total cumulative floor area of all outbuildings, sheds and detached garages on the site.

6.1.6 – Onsite sewage management within flood fringe

The modification will not result in any change to the location of the proposed replaced Onsite Sewerage Management System.

6.1.7 – Residential Development within Flood Fringe

The modification of consent does not alter the proposed dwelling onsite. The dwelling will be constructed at the flood planning level.

6.1.11 – Land filling within flood fringe

The modification does not propose any land filling as a result of the modification proposal.

6.6 – Environmental Controls

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

S4.15(1)(b) *the likely environmental impacts on the natural and built environments and social and economic impacts in the locality*

Context & Setting

The development allotment currently contains a dwelling house and associated structures. The development proposal includes the demolition of the dwelling and all existing structures to facilitate the installation of the new dwelling and construction of the new shed. The site is located on the edge of the village of Carroll, with the adjoining allotments being vacant or containing dwelling houses. The appearance and scale of the proposed dwelling and associated development is expected to be consistent with the surrounding locality.

The development proposal consists of four (4) land allotments, with the vehicle access and dwelling being present over lot boundaries. Council requires that these lots be consolidated into one lot prior to the issue of a certificate of completion for the dwelling to ensure no development occurs over lot boundaries.

Access, transport and traffic

The lot has frontage to Gunnedah Street for vehicle and pedestrian access. The modification will not impact on the provision of accesses or the vehicle movement numbers.

Natural Hazards

The site is identified as being subject to flooding during a 1 in 100 year flood event. The dwelling is to be constructed on raised piers with the dwelling having a finished floor level of 500mm above the expected flood level.

The proposed outbuilding is to be constructed below the flood level at natural ground level. The building is to be an uninhabitable structure and does not have an obligation to be constructed above flood levels.

S4.15(1)(c) 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. The development does not contain any items of heritage significance that may be impacted by the development. 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.

S4.15(1)(d)&(e) any submissions made in accordance with this Act or the regulations and the public interest

There was an obligation for the modification proposal to be notified to the adjoining land holders as per the requirements of the Gunnedah Community Participation Plan 2020 (CPP) and Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, as the original development proposal was notified and advertised. Council did not receive any submissions during the notification and exhibition period.

Conclusion

The Application to Modify a Development Consent is seeking consent for the amendment to development plans and inclusion of demolition of additional outbuilding. The modification was considered to be substantially the same development under the provisions of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Application has concluded that the proposed modification is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that the Application to Modify Development Consent No. 2019/052.002, at 113-131 Gunnedah Street, Carroll, Lot 12, 13 and 14 Sec 13 DP 758234 and Lot 1 DP 247370, be approved subject to the deletion of condition A1 and the insertion of condition A1a and G6, as underlined.

Mayor J Chaffey and Councillor RG Swain returned to the meeting.

ITEM 2	Application to Modify Development Consent No. 2015/003.003 – Reduction of Lots in Stage 3 from 20 to 17 – Lot 1000 DP 1256717 – 3 Parish Avenue, Gunnedah
MEETING	Planning, Environment and Development Committee – 4 November 2020
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning and 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

2.11/20P COUNCIL RESOLUTIONS:

That the Application to Modify Development Consent No. 2015/003.003, for the alteration to the approved subdivision to reduce the number lots from 20 to 17 created in Stage 3, at 3 Parish Avenue, Gunnedah, Lot 1000 DP 1256717, be approved subject to deletion of condition A1 and insertion of condition A1a, as underlined:

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

A1. Deleted.

A1a. Deleted.

A1b. The proposed development shall be carried out strictly in accordance with the details set out in the following:

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

except as otherwise provided by the conditions of consent.

Reason: Compliance with application and plans.

A2. Deleted.

A2a. Deleted.

A2b. To confirm and clarify the terms of this development approval, consent is granted for the staged

Subdivision in accordance with the following:

- a) Stage 1: Lots 900 – 911
- b) Stage 2: Lots 1000 – 1017
- c) Stage 3: Lots 1101 – 1117

Reason: To ensure correct staging is identified.

B. General Terms of Approval – NSW Rural Fire Service

B1. Deleted

B1a. Deleted

B1b. The development proposal is to comply with the plan titled, ‘Proposed Modification to Subdivision of Stage 3 (Revision 2), Parish Avenue Gunnedah’, reference: 13/0352 version 1; dated 18 August 2020

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

B2. Deleted

Asset Protection Zones.

B2a. At the issue of subdivision certificate for each stage, and in perpetuity, all lots shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bushfire Protection 2019’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.

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

Water and Utilities

B2. Deleted

B3. Deleted

B3a. Water supply , electricity and gas are to comply with section 4. 4.1.3 of ‘Planning for Bush Fire Protection 2006’.

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

B4. Deleted

B5. Deleted

C. Prior to Work Commencing

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

Reason: To ensure compliance with application and plans.

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

Reason: To ensure that adequate control measures are installed.

D. Prior to Issue of a Construction Certificate

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

Reason: To ensure compliance with Council's requirements.

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

Reason: To ensure compliance with Council's requirements.

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

Reason: To ensure compliance with Council's requirements.

Stage 1

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

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

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

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

Stage 2

- D6.** The existing structure on Lot 100 DP 1194767 is to be located wholly within proposed Lot 1002 or Lot 1003 and comply with the fire separation provisions of the Building Code of Australia.

An identification survey is to be provided to Council prior to the issue of a Construction Certificate for Stage 2 of development works.

The identification survey shall identify the location of the existing outbuilding within Lot 100 DP 1194767 and the setbacks from the resulting lot boundaries of proposed Lot 1002 and Lot 1003.

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

Stage 3

- D7.** Deleted.

E. General

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

Reason: To meet statutory requirements.

Allotment Filling

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

Reason: To ensure compliance with Council's requirements.

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

Reason: To ensure compliance with Council's requirements.

Easements

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

Reason: To ensure compliance with Council's requirements.

Electricity

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

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

Street Lighting

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

Reason: To ensure compliance with Council's requirements.

Traffic and Street Signage

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

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

Reason: To ensure compliance with Council's requirements.

Stormwater Drainage

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

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

- E9. Deleted.

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

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

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

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

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

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

Stage 1

Water Supply

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

All works are to be in accordance with the Council's Engineering Guidelines for Subdivision and Development, 2013.

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

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

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

Sewer

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

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

Road Works

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

Reason: To ensure provision of appropriate public road facilities.

Stage 2

Road Works

- E16.** The following road works shall be undertaken for Stage 2:
- a) Proposed Road 1 shall be constructed from the intersection of Links Road and shall include the construction of a cul-de-sac turning area with a minimum surfaced area of 13.5 metres between kerbs and a 4 metre footpath reserve.
 - b) Proposed Road 2 shall be constructed from the intersection of Proposed Road 1 to the Southern Boundary of Proposed Lots 1014 and 1013. The road construction will include the construction of a temporary cul-de-sac turning area within the designated road reserve. Kerb and guttering and full width road construction is required for the full frontage of the lots to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with Austroads Specifications and Council's current Engineering Guidelines for Subdivision and Developments, a copy of which is available from Council's offices or website.

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

Water Supply

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

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

Sewer

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

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

- E19.** Deleted

Stage 3

Road Works

E19a. The following road works shall be undertaken for Stage 3:

- a) Extension of Proposed Road 2 from the current formation at the southern boundary of proposed Lots 1014 and 1013, to the southern boundary of Lots 1109 and 1108 and is to be constructed with of a minimum width of 9 metres between kerbs. The road construction will include the construction of a temporary gravel cul-de-sac turning area within the designated road reserve at the termination of the road formation.
- b) Proposed Road 3 shall be constructed from the intersection of Proposed Road 2 to the Western Boundary of proposed Lot 1115. Kerb and guttering and full width road construction is required for the full frontage of the lots to ensure that public road facilities are established at an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with Austroads Specifications and Council's current Engineering Guidelines for Subdivision and Developments, a copy of which is available from Council's offices or website.

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

E20. Deleted

Water Supply

E20a. A single water supply service shall be provided to each lot in Stage 3. The water service shall be provided by extending Council's existing water main located in proposed Road 2 to the southernmost point of proposed lots 1108 and 1109 and extended from the main located in proposed Road 2 to the western boundary of proposed lot 1115 in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 07/08/2020, Ref: 13/0352, Stage 3 – Revision 2. All works are to be undertaken in accordance with the Council's Engineering Guidelines for Subdivision and Development, 2013.

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

Sewer

E21. Deleted

E21a. A single sewer service shall be provided to each lot in Stage 3. The sewer service shall be provided by connecting to Council's sewer mains located in Hinton Drive via extension of Council's main along the western boundary of proposed Lots 1109-1115 and Lot 1117 to Council's existing sewer main, in accordance with submitted plans prepared by Monteath & Powys Pty Ltd, dated 07/08/2020, Ref: 13/0352, Stage 3 – Revision 2. The sewer line is to include all the necessary manholes and junctions. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

F. During Construction Works

F1. Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

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

No work to be carried out on Sunday or Public Holidays if it is audible on the residential premises.

The developer shall be responsible to instruct and control his sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

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

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

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

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

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

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

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

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

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

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

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

G. Prior to Issue of a Subdivision Certificate

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

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

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

Reason: To ensure that electrical services are provided.

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

Reason: To ensure that telecommunication services are provided.

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

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

Reason: To ensure payment of application fee.

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

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

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

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

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

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

- G6.** Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:

- Stormwater Drainage

Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 Council requires the payment of a monetary contribution of:

- \$2,275 per each additional lot

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

Note: The contributions required by this condition are determined in accordance with the Gunnedah Shire Council Section 64 Developer Services Plan – Stormwater commencing on 17 January 2013, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the 2014/2015 Council Operational Plan. Revised rates adopted by Council in subsequent Operational Plans will apply to lots released in later financial years.

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

Stage 1

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

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

Stage 2

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

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

PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES
4 November 2020

MOTION Moved Councillor OC HASLER
Seconded Councillor D MOSES

<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 Application to Modify Development Consent is being referred to Council as the original development determination was forwarded to Council for determination.

Applicant: Monteath & Powys Pty Ltd,
Owner: Mingay No. 11 Pty Ltd,
Property Description: Lot 1000 DP 1256717,
 3 Parish Avenue, Gunnedah

Proposed Development

The Modification of Consent is seeking an amendment to plans which will reduce the number of lots created in Stage 3 from 20 lots to 17.



Figure 1 – Site Location

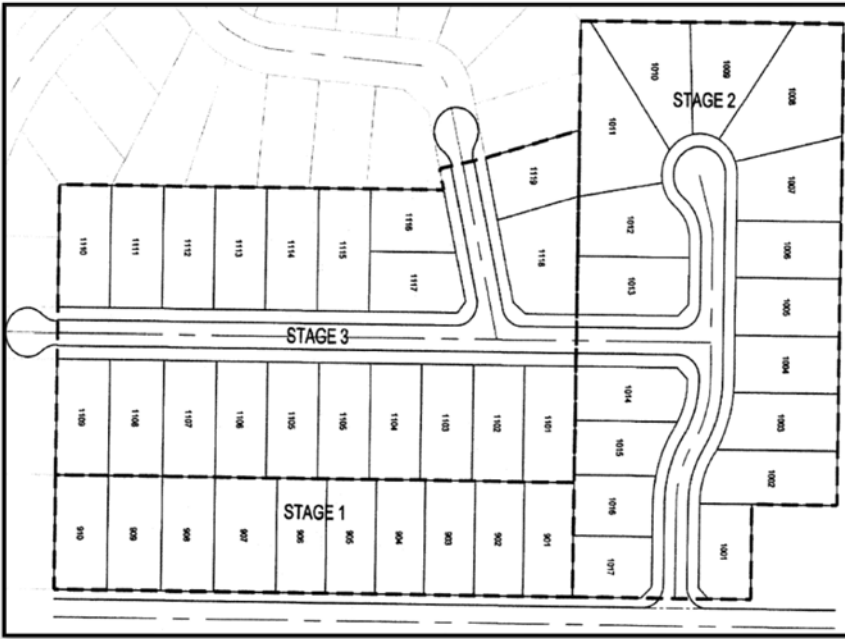


Figure 2 – Original Subdivision Plan (Approved)

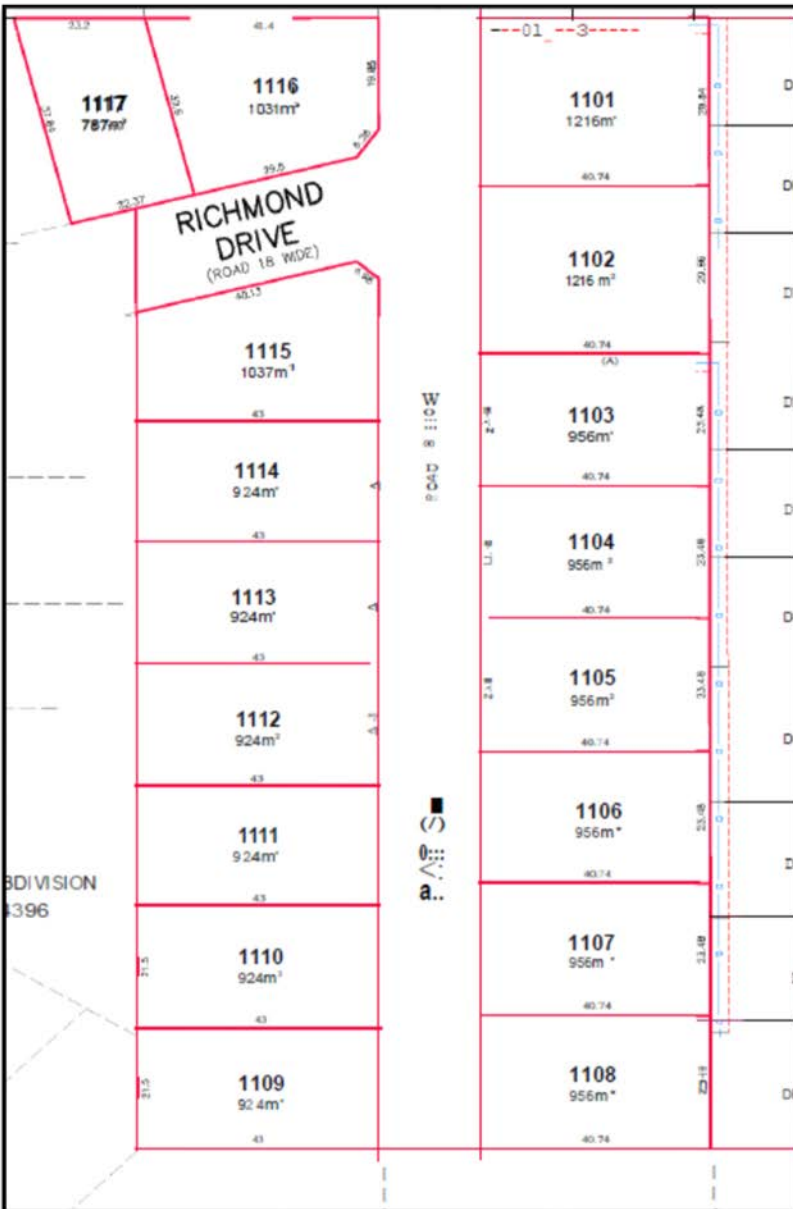


Figure 3 – Revised Stage 3 of the Subdivision

BACKGROUND

Council Approved Development Consent No. 2015/003, 7 July 2015 (Resolution No. 5.05/15P) for the subdivision of 4 lots into 46 Lots including extension of services, over 3 stages. Council approved development consent for the application to modify consent no. 2015.003.002 (Resolution No. 1.04/16P) on 7 May 2020 to amend the approved staging plan.

Works have been completed on stages 1 and 2 of the approved subdivision with subdivision certificates released for each of these stages.

COMMENTARY

Proposed Development

The proposed modification to development consent is considered to be minor under Section 4.55(1A). It is believed reducing the number of lots for stage 3 of the subdivision will have minimal to no impact on the environment. The modifications will not alter the provision of services.

COMMENTARY

ISSUES

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

Gunnedah LEP, 2012

The development site is zoned R2 Low Density Residential under the provision of the Gunnedah Local Environmental Plan, 2012. The proposed development is compliant with the following applicable clauses within the Gunnedah LEP 2012.

4.1 – Minimum Subdivision lot Size

The modification to the development application will uphold the minimum lot size for subdivision. The modification will reduce the number of lots with the additional space to be redistributed. The resulting size of each lot in Stage 3 will vary from 787m² to 1216m².

6.5 – Essential Services

The development application was accompanied by details of road construction, sewer, water, stormwater, telecommunications and appropriate electrical service provision. The conditions and provisions of services will remain for each lot.

OTHER – SEPPs

State Environmental Planning Policy – (Koala Habitat Protection) 2019

The original development site is not regarded as potential Koala Habitat. The development site does not contain a stable population of Koalas or evidence of breeding females within the site. The reduction in the number of lots is not expected to impact the koala habitat or species itself.

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

Following original investigations the site was not contaminated from previous land uses. Therefore, the reducing of the number of lots in stage 3 will not impact the area or change the use of the site.

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

5.1 – Lot Size

The development is compliant with the required minimum lot size. Each of the lots are of suitable size and dimension to allow for the adequate area for the construction of a dwelling house upon application. All lots will have appropriate frontage to depth ratio to ensure that adequate public road frontage is provided. The modification for this development will change the number of lots in stage 3 of the subdivision. The modification will not result in the reduction in area of any of the lots created in Stage 3. The lot size will range from 787m² to 1216m².

5.2 – Servicing Strategy

The developer has submitted a servicing strategy for the development. The provision of services to each lot will not change as a result of the stage 3 modification.

5.3 – Sewer

The original development required the construction of new sewer mains during each stage of the development of works to provide sewer services to each lot. Conditions for sewer servicing of each lot will be retained. The sewer services will not be changed as a result of the modification.

5.4 – Water

The development has included details of provision of water services to the development. The water services and connections will not be altered due to the modification of stage 3.

5.5 – Stormwater Drainage

A Stormwater Management plan was provided with the initial development application identifying expected peak rainfall amounts and stormwater flow paths. The proposed modification will not alter the provision of stormwater drainage services.

5.6 – Telecommunications

Each lot is to be provided with underground telecommunication services. Telecommunication provisions will not be affected by the modification.

5.7 - Electricity

The development requires provision of underground electrical supply to service the provider standards. The electrical supply for the development will not be impacted by the reduction of the number of lots in stage 3.

5.10 – Road Network Design

A Traffic Impact Assessment was undertaken and submitted with the original development application. This report was assessed by Council's Infrastructure staff and it was determined that the development traffic generation would be suitable for the current and proposed road networks. Road network design requires kerb and guttering along all roads within the development. The development will require the provision of pedestrian footpaths within the road reserve for pedestrian mobility.

5.11 – Staged Subdivision

A staging plan was submitted with the original development application. The staging is to be altered to reflect the reduction of lots from 20 to 17 in Stage 3.

5.14 – Site Access

Each lot will have suitable access from a dedicated public road at the completion of development works.

5.15 – Lot Orientation

The modification will not impact on lot orientation.

5.17 – Vegetation

The development will retain significant vegetation, nor will it remove any.

5.18 – Garbage Collection

Adequate maneuverability of waste collection vehicles has been provided within the road reserve and provision of cul-de-sac turning areas. Adequate frontage will allow for the placement of kerb side collection without hindrance to adjoining land holders to be retained with the proposed amended lot layout.

5.21 – Road Widths

The original development required a modification to the Gunnedah Development Control Plan 2012 regarding the minimum road widths. The proposed variation to the development road widths was supported due to the road width being consistent with the approved subdivision development on adjoining lots. The modification of consent does not propose the alteration of road widths nor will it impact on the road structure.

5.22.2 – South Gunnedah Masterplan

The development originally resulted in a variation to the *Development Control Plan Map 3, DCP Master Plan – South Gunnedah* in regards to lot layout. The amended subdivision layout will slightly alter the approval layout to reposition the lot boundary in stage 3 to reduce the number of lots provided from 20 to 17. The road layout is not to be affected.

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

Context & Setting

The development site was located over 4 allotments. One allotment contained an existing dual occupancy development and outbuildings, which was subdivided into its own allotment during stage 1. The surrounding area is predominately residential land containing residential dwellings and dual occupancy developments.

Access, transport and traffic

There will be no alteration to the traffic activity as a result of the modification of consent.

Utilities

Each lot will be provided with the relevant Council services as part of development works. The modification does not alter the requirement of utilities for each lot. Each lot is to be provisioned with underground telecommunication and electrical services. The obligation to provide evidence of the connection must be provided to Council, that each individual service has been connected to each lot prior to the release of a subdivision certificate of connection. The modification reinforces this notion.

Water

An individual Water Service is to be provided to each lot. New water services are to be supplied within the road reserve where required.

Natural hazards

The modification to development consent will not impact the site's susceptibility to a bush fire hazard. The development site is mapped as being bushfire prone. Conditions were provided by the Rural Fire Service regarding the modification of consent. The development is still required to comply the 'Planning for Bushfire Protection 2006'.

S4.15C(1)(c) The Suitably of the Site for the Development

The development site has been identified with Council's Development Control Plan as being a potential location for residential subdivision being located within the South Gunnedah Masterplan area. The modification reducing the number of lots in stage 3 will not disrupt the subject sites suitability for development.

S4.15C(1)(d) Any Submissions Made in Accordance with this Act or Regulations

The modification was publically advertised and neighbour notified. The notification and advertising period opened on 07.09.2020 and closed 21.09.2020 (14 Days). During this period Council received no submissions. The modification was also referred to the NSW Rural Fire Service as integrated development.

S4.15C(1)(e) The Public Interest

The development site is identified as being bushfire prone land and hence, the application is identified as being Integrated Development. General terms of approval have been issued by the NSW Rural Fire Service, which included conditions. The development is not regarded as being designated development and there are no relevant planning strategies, management plans or studies that Council is aware of which apply to the proposed development.

Conclusion

The modification of DA 2015.003.003 requires approval from Council. The modification of development is seeking consent to reduce the number of lots from 20 to 17 in stage 3. The modification has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*.

As per the recommendation of this report, it is concluded the Modification of Development Consent No. 2015/003.003, at Lot 1000 DP 1256717, 3 Parish Avenue, Gunnedah, should be approved subject to conditions.

ITEM 3	Development Application No. 2020.061 – Erection of Dwelling House, Installation of In-ground Swimming Pool and Conversion of Existing Dwelling House to Garage and Storage Area Over Two Stages – Lot 1 DP 754938 – 2490 Orange Grove Road, Orange Grove
MEETING	Planning, Environment and Development Committee – 4 November 2020
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning and 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

3.11/20P COUNCIL RESOLUTIONS:

That the That the Development Application No. 2020/061, for the erection of a dwelling house, installation of an in-ground swimming pool and conversion of the existing dwelling to a detached garage and storage area over two (2) stages, at Lot 1 DP 754938 – 2490 Orange Grove Road, Orange Grove 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 20.07.2020
 - Statement of Environmental Effects, prepared by K Coss Homes, dated 20.07.2020; and
 - Submitted plans:
 - Prepared by Classic Kit Homes; dated 01.06.2020; Reference 2005, PR-02 (Site Plan); PR-03 (Floor Framing); PR-04 (Floor Plan); PR-05 (Elevations 1-2); PR-06 (Elevations 3-4), PR-08 (Sections)
 - SEPP (Koala Habitat Protection) 2019 Assessment Report, Prepared by Stewart Surveys Pty Ltd, 10 July 2020, Ref: 4993;
 - Flood Height Report, Prepared by Stewart Surveys Pty Ltd, dated 21 November 2019, Ref: 4993;
 - BASIX Certificate number: 1119918S;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

- A2. To confirm and clarify the terms of this development determination, works are to be conducted in accordance with the following staging plan:
- Stage 1 – Erection of New Dwelling House and Installation of In-ground Swimming Pool
 - Stage 2 – Decommission of Current Dwelling House and Change of Use into a Garage/Storage Area

Reason: To ensure compliance.

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 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 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 certifier 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 certifiers 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 certifier 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 certifier 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.

B4. Fulfilment of BASIX Commitments

- (1) This clause applies to the following development:
 - (a) BASIX affected development,
 - (b) any BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied).
- (2) For the purposes of section 4.17 (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

Reason: To ensure compliance with the statutory requirements.

B5. 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 for each stage of development works, the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the building to stage one and two. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

- C2.** Prior to work commencing for each stage of the development, 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 for each stage of the development by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

Reason: To comply with statutory requirements.

Stage 1

On-Site Sewerage Management

- D2.** Prior to the issuing of a Construction Certificate for stage 1, the Developer shall obtain from Council approval under Section 68 of the Local Government Act 1993 to:

- (a) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
- (b) Operate a system of sewage management

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.

- D3.** Prior to the issuing of a Construction Certificate for stage 1, 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.** No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

- E2.** The dwelling shall be provided with rainwater tanks having a capacity of 45,000 litres of water before occupation is sought for Stage 1. Such tanks shall have a total of 10,000 litres of water reserved for fire fighting purposes, with a lower outlet for fire fighting purposes fitted with a 65mm storz fitting and ball or gate valve shall be located in such a position that access for fire fighting units shall be as direct as possible.

Reason: To ensure adequate supply of water for domestic and fire fighting purposes.

- E3.** The development is to be undertaken strictly in accordance with the Table 2 of SEPP (Koala Habitat Protection) 2019 Assessment Report, prepared by Stewart Surveys Pty Ltd, 10 July 2020, Ref: 4993, to minimise and avoid potential impacts on Koalas and Koala Habitat or individuals located within the site.

Reason: To ensure compliance with State Environmental Planning Policy Koala Habitat Protection 2019 and Koala Habitat Protection Guideline.

- E4.** The minimum height of the floor level for the proposed dwelling house is to be set at RL 286.41 AHD in accordance with the report by Cliff Stewart of Stewarts Surveys Pty Ltd, dated 21 November 2019, reference 4993.

Reason: To ensure compliance.

- E5. All wiring, power outlets, switches, and fixed electrical appliances to the maximum extent possible, be located 1 metre above the 1% AEP flood level. All electrical wiring installed below the flood planning level shall be suitable for continuous submergence in water and shall contain no fibrous components. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant flood level should be so installed that they will be self-draining if subjected to flooding. All structural components of walling and flooring shall be constructed of flood tolerant materials.

Reason: To ensure compliance.

- E6. Forty eight hours' notice is to be given to enable inspection of:

- (a) Steel reinforcing before pouring of concrete.
- (b) Drains before backfilling of the pool.
- (c) Pool fence upon completion and before pool is used.

Reason: To meet statutory requirements.

- E7. All pool Fencing is to comply with the Swimming Pools Act 1992, Regulations and AS 1926 - 2007. The fencing is to provide an effective barrier to young children to prevent them entering the pool area unsupervised.

Reason: To meet statutory requirements.

- E10. An approved resuscitation sign in accordance with the Regulations is to be provided in a prominent position within close proximity of the pool.

Reason: To meet statutory requirements.

- E11. Approved fencing is to be erected immediately the pool is filled with water.

Reason: To meet statutory requirements.

- E12. The occupier of the premises is to maintain the pool and pool fencing in a good state of repair at all times.

Reason: To meet statutory requirements.

- E14. The proposed pool pump and filtration system is to be either located within the compliant pool fencing or located outside the compliant pool fencing a minimum of 1.2m all in accordance with clause 2.3.1 of AS1926.1-2007.

Reason: To meet statutory requirements.

- E15. The developer is to provide an all weather 2WD vehicle access from the existing property access to the proposed Dwelling House during Stage 1 of development works.

Reason: To ensure that an appropriate access is provided from the public road reserve to the resulting dwelling.

- E16. No household or building waste is to be disposed of onsite. Waste is to be stored onsite and disposed of to an appropriate waste management facility.

Reason: To ensure that any waste generated is disposed of to an appropriate waste facility.

F. DURING CONSTRUCTION

- 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. 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 if it is audible on the residential premises.

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.

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

Reason: To ensure site safety.

- F4. **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).

- (m) **Piers (if any) prior to pouring of concrete**
- (n) **Footing trenches with reinforcement prior to pouring of concrete**
- (o) Retaining walls and reinforcement (if any) prior to pouring of concrete
- (p) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (q) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (r) **Wet area, damp proofing and flashing before lining**
- (s) Swimming pool safety fence prior to filling the pool with water
- (t) Foundation material before installation of the swimming pool or laying of any bedding material
- (u) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves
- (v) **Bearers and joist inspection, including tie down requirements and ant capping. When completed and prior to the laying of the floor**
- (w) Insitu concrete formwork (excluding paving) with reinforcement prior to pouring of concrete
- (x) **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.

- F5. At the commencement of building works and in perpetuity, an Asset Protection Zone shall be managed around the proposed dwelling for a distance of at least 50 metres. As outlined in NSW RFS document 'Standards for Asset Protection Zones'.

Note: The following points are guide to APZ requirements. The APZ should comprise the following:

- Minimal Fine Fuel on the ground.
- Vegetation that does not provide a continuous path to the building for the transfer of fire.
- Shrubs and trees that do not form a continuous canopy and vegetation is planted in clumps, rather than continuous rows
- Shrubs and trees are pruned so that they do not touch or overhand the building.

- Vegetation is located far enough away from the building so that plants will not ignite the building by direct flame contact or radiant heat emission.

Reason: To provide bushfire protection to the building

- F6.** Temporary fencing is to be provided during the installation of the pool and prior to filling the pool with water.

Reason: To meet statutory requirements.

- F7.** It must be ensured the formation of an all-weather 2WD vehicle access be created to connect the existing entrance to the proposed dwelling during Stage 1.

Reason: To ensure compliance.

- F8.** Any Onsite Sewerage Management System being installed on the development allotment must be suitably designed to be subject to inundation by flood waters where located below RL 286.41 AHD. The use of a primary treated septic system is not permitted and should not include tank and trench style system configuration.

Reason: To ensure onsite sewerage management system is compatible with potential flooding.

- F9.** All materials located below the 1 in 100 year flood level used in the construction of the dwelling are to utilise flood compatible materials.

Reason: To ensure appropriate materials are used where subject to flood inundation.

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.** The existing Dwelling House is to be decommissioned, prior to the issuance of an Occupation Certificate for Stage 1 of development work and is not to be used for any habitable use. This is to be interpreted that at the completion of the development works, only one (1) Dwelling House is to be positioned on Lot 1 DP 754938. This is to be achieved by undertaking the following works to the existing dwelling:

- Remove all kitchen fixtures (including but not limited to all tapware servicing any kitchen sinks and/or food preparation areas in addition to the removal of any built-in cooking facilities (including built stoves and the like) and the related gas and/or power connections to service such cooking facilities; or
- Remove all bathroom fixtures (including but not limited to all tapware servicing any basins, shower cubicles and/or baths).

Reason: To ensure compliance with the application and plans submitted and that only one (1) dwelling is located on the site at any one time.

MOTION *Moved Councillor OC HASLER
Seconded Councillor C FULLER*

PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES
4 November 2020

<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

This Development Application is being referred to Council for determination as the development includes a request for the variation to a development control standard within the Gunnedah Development Control Plan pertaining to the setback of residential development from an unsealed road reserve.

Applicant: Karen Coss,
Owner: Mrs K Coss,
Property Description: Lot 1 DP 754938
2490 Orange Grove Road, Orange Grove
86.19ha

Proposed Development

The proposed development is a two (2) Stage development. Stage 1 involves the construction of a new dwelling house, installation of a new in-ground swimming pool and the decommissioning of the existing dwelling. Stage 2 proposes a change of use for the existing dwelling into a garage/storage shed.

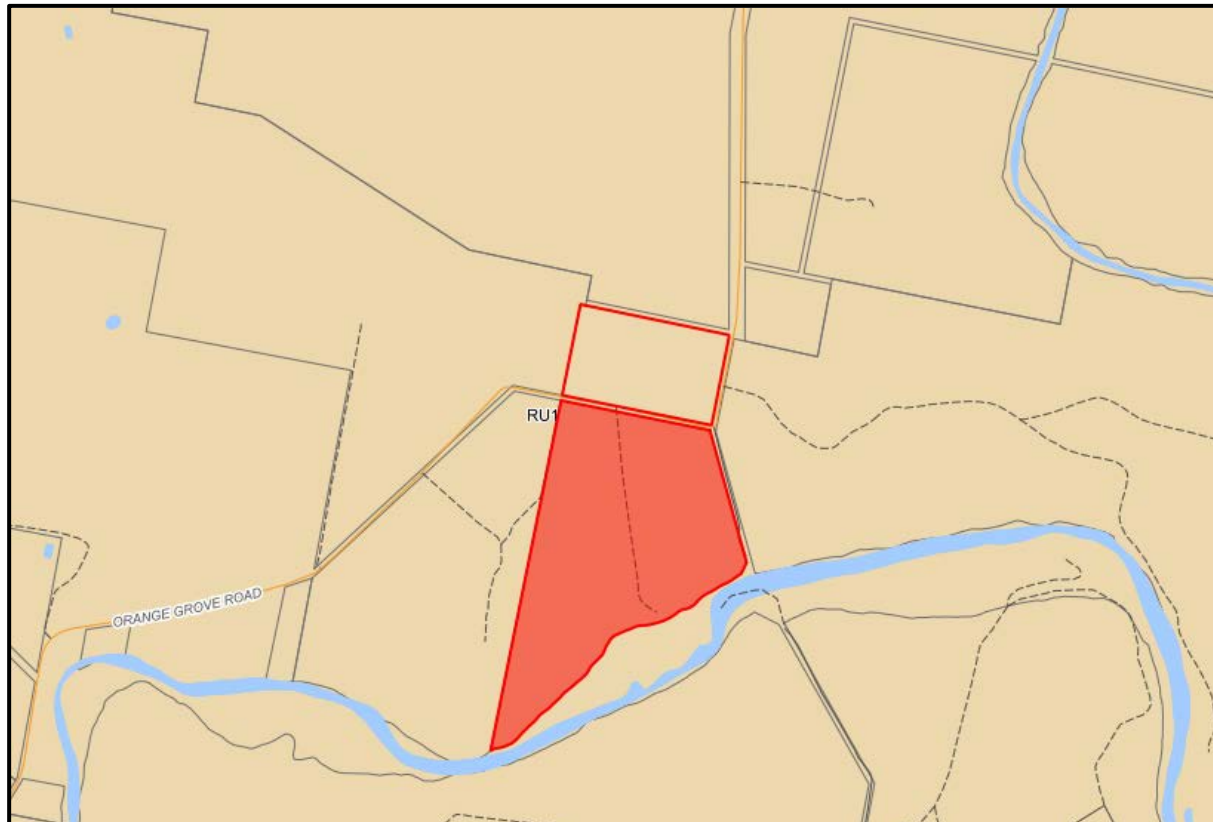


Figure 1 – Site Location

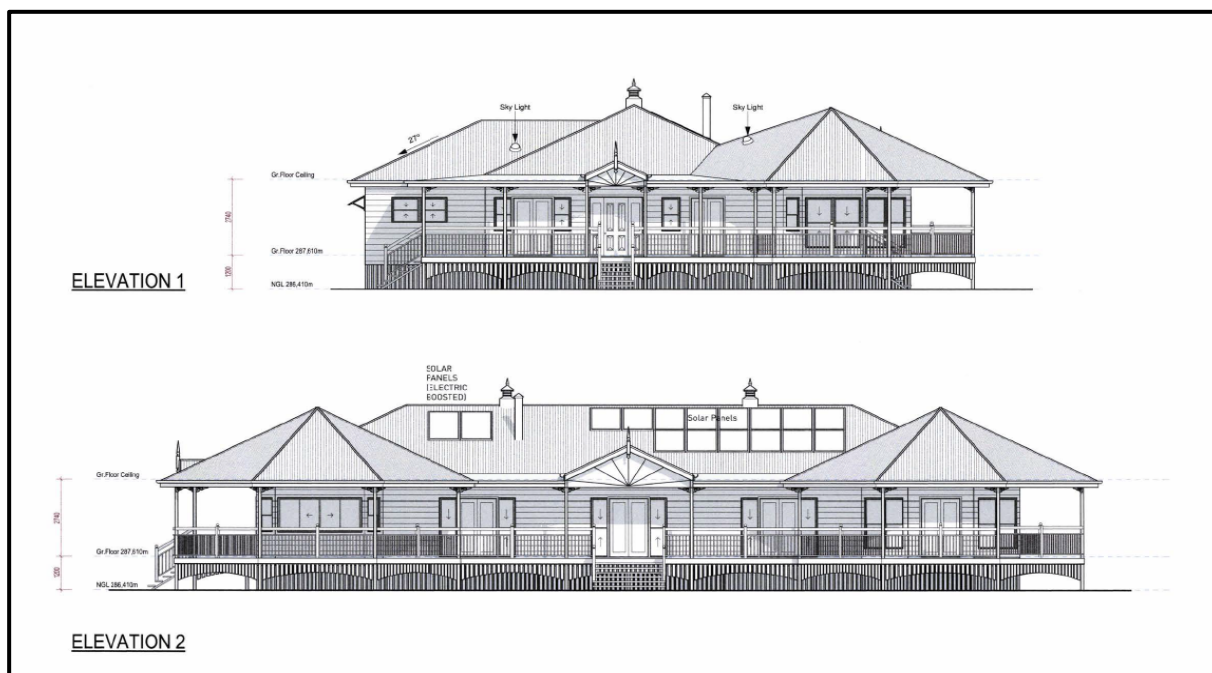


Figure 2 – Elevation Plan

COMMENTARY

Issues

54.15(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:

2.3 – Zone Objectives and Land Use Table

The development proposes the construction of a Dwelling House and ancillary structures (Swimming Pool and Detached Garage). The development site is zoned RU1 and the development of a Dwelling House on this property is permitted subject to Development Consent. Council requires that the existing Dwelling House be decommissioned during Stage 1, as its retention until Stage 2, would result in the allotment containing a Dual Occupancy (Detached), as the site would contain two Dwellings simultaneously. Hence, a condition of consent has been imposed that prior to the issue of an Occupation Certificate for Stage 1 the existing dwelling is to be decommissioned.

4.1 – Minimum Subdivision Lot Size

The minimum lot requirement for the development site is 200 hectares. The existing lot is approximately 86.19 hectares, which is less than the minimum lot size identified.

4.2A – Erection of dwelling houses on land in certain rural and environment protection zones

The proposed development occurs within the RU1 Primary Production zone. The development allotment does not meet the minimum lot size of 200ha, was not a lot created in accordance with the Gunnedah Local Environmental Plan 1998, was not a lot resulting from subdivision prior to the creation of the Gunnedah LEP 2012 or is not identified on the dwelling opportunity map. Hence, the construction of a dwelling was not permitted by part 3 of this clause.

The proposed development will replace the decommissioned dwelling and render it uninhabitable and effectively removing the legal use as the Dwelling House from the site. Council is unable to defer the decommissioning of the existing Dwelling House until Stage 2, as requested by the developer, as this would not satisfy the provisions of Clause 4.2A(5)(c) of the Gunnedah LEP 2012 and consent would not be able to be granted for the new Dwelling House. Hence, Council may grant the consent for a Dwelling House as the development will replace a lawfully erected dwelling being removed as part of these works.

6.1 – Flood Planning

The development site and surrounding area is identified as being entirely flood prone land, as demonstrated on Figure 4. A flood survey report was submitted with the development application that identifies the required floor height of the dwelling. The proposed location for the dwelling is located at a height above the flood planning level (1 in 100 year flood level + 500mm). As there will be no floor area of the dwelling to be constructed below the flood water level that could potentially retain or divert flood water, 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, due to the proposed elevation of the dwelling.



Figure 4: Mapped extent of Flood waters during a 1 in 100 year flood event

6.5 – Essential Services

The development site is serviced by water via a rainwater system and bore. Stormwater is to be disposed of onsite. Sewer will be managed onsite with the installation of a new onsite sewer management system and retention of the existing facility. There are electrical services provided to the existing dwelling house that can be extended for the new development. Any required upgrade is to be undertaken in consultation with the service provider. The development site has frontage to Orange Grove Road and Old Gunnenbeme Lane each being public road reserves, available as a suitable vehicle access to the site.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 55 – Remediation of Land

The proposed development does not propose a change to land use of the site. Hence, no further investigation was required.

State Environmental Planning Policy (Koala Habitat Protection) 2019

The development site is subject to a Koala Plan of Management. The site has a total area greater than 1 hectare. Clause 9, Part 2 (a) triggers the development assessment considering koala habitat. The application was accompanied by a Protection Assessment Report which found the development is expected to have low to no direct impacts on Koalas or their habitat. The development does not involve the clearing of any vegetation or the impeding any Koala movements. Finally, the development complies as the project is considered to be below the biodiversity offset scheme clearing threshold while implementing mitigation measures.

S4.15(1)(a)(iii) provisions of any development control plan

Gunnedah Development Control Plan 2012 (Gunnedah DCP)

2.1.1 – Building Setbacks

The proposed Dwelling House will be positioned with adequate setback from property boundaries to comply with Council's Development Control Plan as per the below Table 1.

	Required	Provided	Compliance
Primary street (unsealed)	200m	214m	Yes
Rear	10m	550m	Yes
Side	10m	402m	Yes

Table 1: Dwelling House Building Setbacks

	Required	Provided	Compliance
Primary street (unsealed)	200m	190m	No
Rear	10m	410m	Yes
Side	10m	27m	Yes

Table 2: Existing Dwelling House to be Proposed Garage Building Setback

The existing dwelling is to be converted to a Garage and Storage area as part of Stage 2 of development works. This existing building is located within the building setback and as a result is unable to achieve the required development setback of 200 metres from an unsealed road. The frontage is not located close to any other portion of sealed road. Hence, it is unreasonable to seal the road fronting the site and variation to this development standard is supported in this occurrence.

The proposed Dwelling House will be positioned adequate setback from property boundaries to comply with Council's Development Control Plan as per the below Table 1.

2.1.2 – Building Height of a Dwelling

The proposed development of a new dwelling house will have a building height of 6.6m, measured from natural ground level. The maximum allowable height of a building is 10m. Therefore, the proposed building height is compliant.

2.1.3 – Utilities

The proposed development will not occur over any easements as there are none located within the development allotment. The development site is not serviced by Council's water services. The development is required to provide a minimum of 45,000L water storage for domestic purposes.

2.1.4 – Privacy

The proposed development is a single storey dwelling and compliant with the required development setbacks from side boundaries. Hence, the development does not require specific privacy controls.

2.1.5 – Design and Solar Access

The development will not affect current solar access. The dwelling will not result in any blank walls being created along road frontages, with windows being provided on each elevation of the building.

2.1.8 – Outbuildings, Carports and Detached Garages

The development proposal includes the conversion of the existing dwelling house to a Detached Garage and storage area. There are no specific development controls for detached garages within the RU1 land zone and as such no objection is provided to this conversion.

2.1.10 – Access

The development will utilise the existing driveway from Old Gunnembene Lane. The existing dwelling will be converted to a detached garage to support the proposed dwelling until Stage 2 of the development. However, the dwelling will be decommissioned. The developer is to provide an all weather vehicle access from the vehicle access to the Dwelling House during Stage 1 of works.

2.1.13 – Pool

The in-ground swimming pool is proposed in front of the dwelling within the 200 metre required building setback. The development site is a rural locality and the pool is not expected to be clearly visible from public road reserves adjoining the site. The pool is located over 150 metres from the closest side property boundary. Hence, the variation to this development standard requirement for swimming pools to be located behind the building line is supported. The pool pump for the pool will not be located within 15 metres of any adjoining dwellings.

6.1.2 – Flood Affected Land

The development is mapped as land prone to flood activity. The development has an estimated finished flood level of RL 286.41 to achieve the required flood planning level. The existing dwelling satisfies the development requirements in relation to flood planning. The proposed dwelling house complies with the flood planning requirements.

6.1.3 – Development of Floodways

The development site is not identified as being located within the Floodway and as a result is considered as being flood fringe.

6.1.4 – Development of Flood Fringe

The development is not expected to increase the overall risk of flood activity. The construction of the dwelling will incorporate the minimum flood level requirement with the existing ground level being above the 1 in 100 year level.

6.1.5 – Access to the Flood Fringe

The subject site has existing vehicle access. As the development access is existing and the use of the development site is unchanged the continued use of the existing access is considered to be acceptable regardless of the ability to achieve safe wading depths.

6.1.6 – On-site Sewage Management within flood fringe

The development does not have provision of Council sewer services and will require the installation of an on-site sewerage management system (OSSM). As the site is entirely flood prone land, a condition will be imposed on the development to ensure that no primary treated sewerage management system is installed and that any system approved is to be compatible with flood inundation.

6.1.7 – Residential development within flood fringe

The proposed dwelling house will be positioned on a ground level that has been identified as being above flood waters and is considered as being able to achieve the flood planning level. The existing ground level for the development is considered to be RL 286.5 AHD. The required floor level for the proposed development based on the Flood Planning Level (1 in 100 year flood level + 500mm) is RL 286.41 AHD. The dwelling is to be constructed at or above this level. Hence, the construction of a new dwelling above flood level is considered appropriate.

The conversion of the existing dwelling house to an uninhabitable detached garage as Stage 2 of the proposed works will not increase potential risk to life. Hence, these works are not applicable to this clause.

6.6.1 – Environmental Effects

Construction Impacts

The proposed development has a time period in which construction can occur. Construction is permissible from 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm on Saturday. However, construction is prohibited on Sunday and public holidays.

Solid and Liquid Waste

There is no previous history of usage on the site that could potentially lead to a risk in site contamination. It is considered that the sites soils are adequate for the development

Air Quality

The proposed development is considered to have minimal impact on the existing microclimate in the area.

Noise Emissions

The development is not expected to result in any noise and vibration with the exception of the construction phase.

Water Quality

The development site water source is established by stormwater retention and existing rainwater facilities. The site is also sourced by an existing bore.

S4.15(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 occupied by a residential dwelling. Agricultural activity is prominent throughout the surrounding area as it is zoned RU1, primary production. Livestock grazing occurs onsite from an adequate distance so it does not influence the proposed development. The subject site backs onto the Namoi River. The proposed dwelling house will be suitably located within the allotment.

Access, Transport and Traffic

The proposed development has frontage to Orange Grove Road and Old Gunnembene Lane. The development is not expected to result in any increase in vehicle movements. The development involves the construction of a new existing dwelling and decommission of the existing dwelling. The current road network is considered to be suitably designed for expected vehicle volumes.

Other Land Resources

The development site is currently occupied by an existing dwelling house. The development site and the surrounding allotments are operated for agricultural activities. The proposed development does not intensify residential activity with the area and does not result in further rural fragmentation. Hence, the development is considered to be compatible with the existing agricultural activities within the immediate area.

Water

The development has viable water sources. The new dwelling house is facilitated by an onsite water bore and stormwater retention. A number of water tanks are located onsite with a 22,500 litre tank proposed for the development. A condition is to be imposed that a minimum of 45,000L water storage tank supply be provided to ensure compliance with Council's Development Control Plan 2012.

Flora and fauna

The proposed development does not involve the removal of any additional vegetation.

Waste

Disposal of sewer is to occur via onsite sewer facilities. An onsite sewerage management system will be implemented which the proposed dwelling will connect to. Waste generated during construction is to be maintained onsite and shall be disposed of to Council's land fill which is adequate for the development. The subject site is not serviced by Council's kerb side collection. Household waste is to be stored onsite and transported to an appropriate waste facility. No waste is to be disposed onsite.

Noise & vibration

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

Social & Economic impact in the locality

The proposed development will have little social impact on the surrounding area. The development will be consistent with development on adjoining allotments. The development will employ local tradesmen and resources for construction.

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

The proposed development is consistent with the existing and future development in the locality. The site has access from Orange Grove Road and demonstrates adequate provisions of sewer, stormwater and water services onsite. The site is not bushfire prone and does not contain any recognised items of heritage significance.

S4.15(1)(d) any submissions made in accordance with this Act or the regulations

There was an obligation for the development application to be notified to the adjoining land holders in accordance with the Gunnedah Community Participation Plan 2020 (CPP) as the development requests a variation to Council's Development Control Plan.

Council elected to notify adjoining land holders from the 2 September to 16 September 2020.

Council received one submission during the exhibition period. Matters raised within this submission are detailed and addressed as per the following:

- *Types of Vehicles and Vehicle Movement*
The development does not propose the movement of large vehicles. The construction of the dwelling house will employ local tradesmen and their resources. Therefore, no serious impacts are expected to arise as a result of vehicle movement during construction.
- *Time of Construction*
Council's standard construction hours are to be applied to any development consent.
- *Dust and Visibility*
Orange Grove is not going to be upgraded as a result of the development. The proposed development is planned to occur 214m from Orange Grove Road. It is expected the construction and vehicle movement onsite will not have a significant impact on the dust generation or visibility.
- *Road Upgrade*
There are no requirements from Council for Orange Grove Road to be upgraded due to the development application. It is considered the entrance to the development from Orange Grove Road is considered adequate.
- *Gravel Pit*
The development does not propose the operation of any gravel pit.
- *River Flow and River Gravel*
The development is not expected to impact on river flows or natural resources within the river system.

S4.15(1)(e) the public interest

The original development was not regarded as being Integrated or Designated Development. Council is not aware of any relevant planning studies, strategies or management plans that are applicable to the proposed development to be considered for this variation.

Conclusion

The development application is seeking consent for the construction of a new dwelling house, installation of an in-ground swimming pool and conversion of the existing dwelling to a detached garage and storage area over two (2) stages. The development 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, except where variations have been considered.

As per the recommendation of this report, it is concluded that Development Application No. 2020/061, at Lot 1 DP 754938, 2490 Orange Grove Road, Orange Grove, should be approved subject to conditions.

There being no further business the meeting concluded at 4:09pm.

Deputy Mayor R Hooke
CHAIRPERSON