

PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES

**of Gunnedah Shire Council held on Wednesday 1 September 2021 in the
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:00pm**

1.

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

Council Resolution

Moved Councillor D MOSES

Seconded Councillor C FULLER

2. DECLARATIONS OF INTEREST

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

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

3. DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES' REPORT

| | |
|-----------------------|---|
| ITEM 1 | Development Application No. 2021/065 – Construction of Aircraft Hangar – Lot 5 DP111327 – 41 Wean Road, Gunnedah |
| MEETING | Planning Environment and Development Committee - 1 September 2021 |
| 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 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

1.09/21P COUNCIL RESOLUTIONS:

That the Development Application No. 2021/065, for the construction of an airport hangar, Lot 5 DP 111327 – 41 Wean Road, Gunnedah, be approved subject to the following conditions of consent:

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

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged 27.07.2021
 - Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, dated 31.05.2021; and
 - Submitted plans:
 - Prepared by Stewart Surveys Pty Ltd, dated 25 May 2021, Ref: 5529, Plan 1 (Site Plan)
 - Prepared by ar design, dated 24 May 2021, Ref: 1015, Drawing 1 (Site Plan), Drawing 2 (Floor Plan), Drawing 3 (Elevations & Sections).
 - Supporting Documentation:
 - Koala Habitat Assessment Report, prepared by Stewart Surveys Pty Ltd, dated 25 May 2021, Ref: 5529
 - Floor Level Report, prepared by Stewart Surveys Pty Ltd, dated 28 May 2021, Ref: 5529

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, consent is not granted for the occupation of the structure for any residential, industrial or commercial activity. The structure is permitted only permitted to be used for the parking, maintenance or repair of aircraft.

Reason: To clarify that the use of the building.

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 venue.

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.

C. PRIOR TO COMMENCEMENT OF BUILDING WORKS

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

Reason: To meet statutory requirements.

- C2.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

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

- C3.** Prior to the commencement of building works, the name, address and contact details of the Principal Building contractor shall be provided to Council.

Reason: To ensure compliance.

- C4.** The contractors engaged on the development of the hangar 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.

D. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Reason: To comply with statutory requirements.

- D2.** Prior to 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.

On-Site Sewerage Management

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

- (a) 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 sewerage 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.

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 minimum height of the floor level for the proposed structure is to be set at RL264.2 AHD in accordance with the report by Stewart Surveys Pty Ltd, Dated 28 May 2021, Reference 5529.

Reason: To ensure compliance.

F. DURING CONSTRUCTION

- F1.** 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
7am to 5.00pm;

No work to be carried out on a Sunday to 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.

- F2. 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.

- F3.** All roof-water is to discharge through the proposed 5,000L rainwater collection tank. 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 builds or into adjoining property so as to cause a nuisance.

Reason: To ensure efficient dispersal of storm water.

- F4.** Any construction waste is to be removed from site and disposed to the Gunnedah Waste Management Facility or another suitably licensed waste facility.

Reason: To ensure waste is not left onsite.

- F5.** General Waste, excluding effluent discharged to an approved Onsite Sewerage Management System, are not permitted to be disposed of onsite or be retained onsite. All waste is to be collected and removed from site by the occupier of the approved structure or by a licensed waste contractor.

Reason: To ensure appropriate management of ongoing waste.

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.

MOTION Moved Councillor R HOOKE
Seconded Councillor A LUKE

| COUNCILLOR | COUNCILLORS FOR | COUNCILLORS AGAINST | COUNCILLORS ABSENT | COUNCILLORS DECLARING AN INTEREST |
|-------------|-----------------|---------------------|--------------------|-----------------------------------|
| JR Campbell | X | | | |
| J Chaffey | X | | | |
| C Fuller | X | | | |
| OC Hasler | X | | | |
| R Hooke | X | | | |
| A Luke | X | | | |
| D Moses | X | | | |
| M O'Keefe | X | | | |
| RG Swain | X | | | |

PURPOSE

This Development Application is being referred to Council as the proposed development is to be constructed on Council-owned land at the Gunnedah Airport.

Applicant: M Ovenden,
c/- Stewart Surveys
Owner: Gunnedah Shire Council
Property Description: Lot 5 DP 111327
41 Wean Road, Gunnedah

Proposed Development

The proposed development is for the construction of an airport hangar at the Gunnedah Airport.



Figure 1 – Site Location

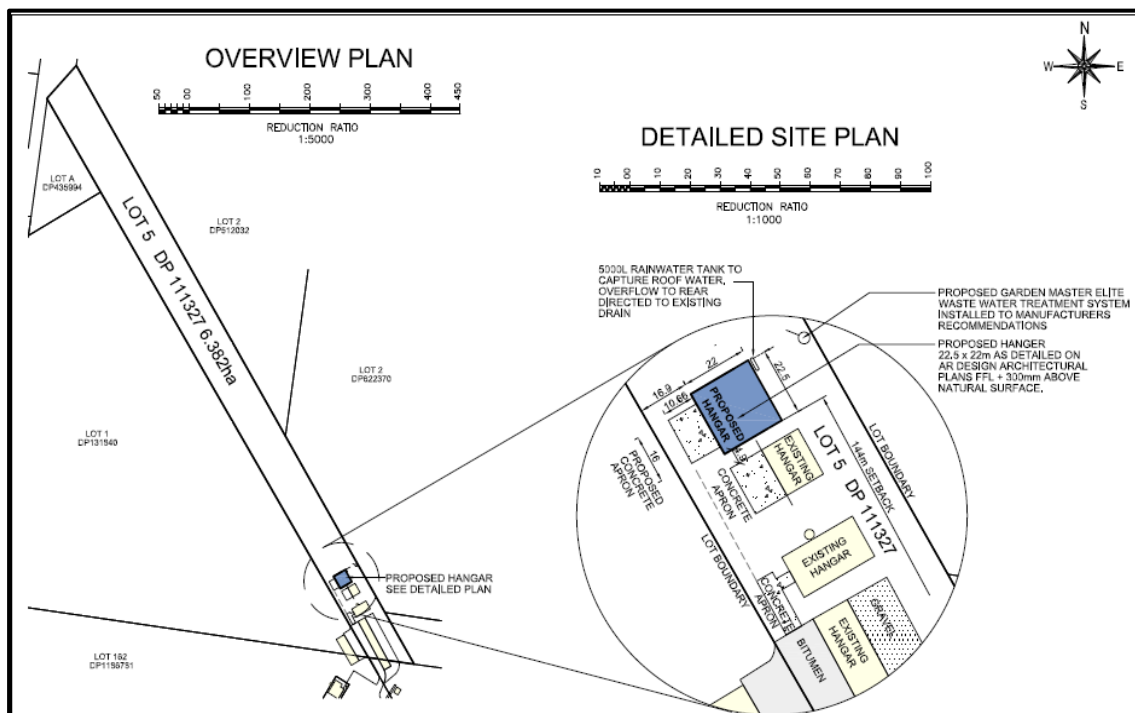


Figure 2 – Overview Plan

BACKGROUND

The development site is currently occupied by a number of privately-owned airport hangars and the Gunnedah Airport. The subject site has recently obtained development consent for the construction of various hangars. The proposed development is expected to be complimentary to the other structures on site.

COMMENTARY

S4.15(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 pre-manufactured airport hangar ancillary to an **Airport**. The development is zoned RU1 Primary Production and Airports, including any ancillary development, are permitted subject to Development Consent within the RU1 zone. The development is consistent with the zone objectives, with the development supporting the existing facility which Council operates and the proposed development is not expected to cause land use conflict with any adjoining primary production land.

6.1 – Flood Planning

The development site is entirely flood prone (see Figure 4). A flood survey report was submitted with the development application that identifies the required floor height of the hangar. The proposed location for the hangar is located at a height above the flood planning level (1 in 100 year flood level + 500mm). The flood report evaluated historical flood activity and discovered the location of the development is distanced 150m from the 1998 flood mark level. The report estimated the 1% AEP flood height of the subject site at the proposed development to be RL 264.2 AHD.

Therefore, to ensure safety during flood activity, the minimum recommended floor level is RL 264.2.00 which is 1.2m above the surrounding ground level. This level was established from the existing survey reference PM188425. The construction of the hangar involves flood compatible materials. It is anticipated there will be no increased risk to life or property as a result of the proposed development, due to the proposed elevation of the hangar.



Figure 4 – 1 in 100 Year Flood Map

6.2 – Airspace Operations

The development site is located within the Gunnedah Airport complex. Council's obstacle contours map identifies a maximum building height of 35m at the location of the proposed development. The proposed hangar has a height of 5.66m to the highest point from the natural ground level. Therefore, the hangar will not exceed the allowable building height relating to aircraft contours heights.

6.5 – Essential Services

The development site does not have provision of Council's water, sewer and stormwater services. The development proposes the installation of a new onsite sewerage management system for effluent disposal and erection of a rainwater tank for water service purposes. The proposed poly rainwater tank is 5,000L in volume. The hangar will connect to the existing electrical supply. The site has an existing vehicle access from 41 Wean Road.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 55 – Remediation of Land

The subject site is currently occupied by eight (8) privately owned airport hangars. A search of Council's records and supplied Statement of Environmental Effects does not identify that there has been any previous usage that could possibly lead to any potential site contamination. No further investigation was required.

State Environmental Planning Policy (Koala Habitat Protection) 2020

The development site is not subject to a Koala Plan of Management. The development site does have an overall area greater than one hectare. Stewart Surveys conducted a site inspection on May 10 2021. The site inspection discovered there is no vegetation or potential Koala feed tree species located on the subject site. The site cannot be considered potential koala habitat. Therefore, no further investigation is required.

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

Gunnedah Development Control Plan 2012 (Gunnedah DCP)

6.1.1 – Development of Flood Affected Land

The development site is identified as being flood prone established by the Gunnedah Local Environmental Plan 2012, flood planning maps. The development was accompanied by a flood survey report addressing the flood impacts of the development.

6.1.3 – Development of Floodways

The development site is not regarded as being located within the floodway. The location of the aircraft hangar is not determined to be within a naturally defined channel which would experience a significant discharge of water during a flood. The site is located across the floodplain in an area expected to be Flood Fringe due to the flat terrain of the site and its distance from the Namoi River.

6.1.6 – On-site Sewage Management within Flood Fringe

An onsite sewer management system is proposed with the development to dispose of sewer. The onsite sewer management system is to be structurally-sound to withstand any flood activity and will be constructed in accordance with the floor level of RL 264.2 AHD.

6.1.12 – Non-Residential rural buildings within the flood fringe

The proposed development site is prone to flood activity. A flood survey report was submitted with the development application that identifies the required floor height of the hangar. The proposed location for the hangar is located at a height above the flood planning level (1 in 100 year flood level + 500mm). The report estimates the 1% AEP flood height of the subject site at the proposed development to be RL 264.2 AHD.

6.2 – Parking Requirements

The proposed hangar is not expected to increase traffic volumes in the area or vehicle activity onsite. The hangar is privately owned and will not result in a regular increase in vehicle trips to and from the site. Clause 3.9 of the *RTA Traffic Generating Developments 2002* states that vehicle trip numbers are comparative to the gross floor area of the transport terminal. As the development will have no impact on the transport terminal the development does not require any additional onsite parking spaces.

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 occupied by the Gunnedah Airport and contains a number of aircraft hangars. The hangars location on the subject site are utilised for commercial and domestic purposes. Adjoining properties are used for agricultural activity such as livestock grazing and cropping. The development is consistent with the activities in the area.

Access, Transport and Traffic

The development site has access via Wean Road. Wean road is a bitumen-sealed road network not supported by kerb and guttering. Vehicle access to Gunnedah's Airport facilities is restricted to authorised personnel only and access to the hangars is achieved by the way of pedestrian movements. There is no requirement for the sealing of the internal driveway as the road system is sealed and access is considered adequate. The development is not expected to increase vehicle movements within the area.

Water

The development site does not have the provision of Council's water services. The hangar will obtain a water source via a proposed 5,000L rainwater tank. The hangar is not to be permanently occupied for any purpose and will only be used for the storage of aircraft. Due to the periodic usage it is expected that the water storage is sufficient for the purposes of the development.

Flora and fauna

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

Waste

The subject site does not have the provision of Council's sewer services. The proposed development proposed the installation of an onsite sewerage management system for disposal of effluent. 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. No waste including domestic waste is to be disposed of onsite. Hence, any waste is to be removed by the occupier of the hangar or licensed waste contractor.

Noise & vibration

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

Natural Hazards

The site is not identified as being bushfire prone. However, the development site is recognised as flood prone. Flood planning measures and standards have been previously addressed throughout this report.

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

The proposed development is consistent with the existing and future development in the locality. The development site is currently occupied by an array of hangars and structures ancillary to the Gunnedah Airport. The hangar will compliment the site.

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

There was no obligation for the development application to be notified to the adjoining land holders in accordance with the Gunnedah Community Participation Plan 2020 (CPP).

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

The development application is 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.

Conclusion

The development application is seeking consent for the construction of an aircraft hangar. 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.

As per the recommendation of this report, it is concluded that Development Application No. 2021/065 Lot 5 DP 111327, 41 Wean Road, should be approved subject to conditions.

There being no further business the meeting concluded at 4:03pm.

Mayor J Chaffey
CHAIRPERSON