

**PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES**

**of Gunnedah Shire Council held on Wednesday 7 April 2021 2020 in the  
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:05pm**

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		
<b>STAFF</b>			
General Manager (E Groth)	X		
Director Corporate and Community Services (C Formann)		X	
Director Planning and Environmental Services (A Johns)	X		
Director Infrastructure Services (J Bartlett)		X	

*Council Resolution*

*Moved Councillor D MOSES*

*Seconded Councillor RG SWAIN*

**2. DECLARATIONS OF INTEREST**

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

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

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

<b>ITEM 1</b>	<b>Application to Modify Development Consent No. 2020/087.002 – Amendment to Development Plans to Create Four Tenancies within the Approved Hardware and Building Supplies Building, Amended Vegetation within Approved Landscaping Plan, Amended Extent of Internal Bitumen and Concrete Seal behind Building and Introduce Staging Plan (3 Stages) – Lot 459 DP755503 and Lot 2 DP700684 – 125-147 Mathias Road, Gunnedah</b>
<b>MEETING</b>	<b>Planning Environment Development Committee Meeting – 7 April 2021</b>
<b>DIRECTORATE</b>	<b>Planning and Environmental Services</b>
<b>AUTHOR</b>	<b>Senior Development Officer</b>
<b>POLICY</b>	<b>Nil</b>
<b>LEGAL</b>	<b>Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012</b>

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

#### 1.04/21P COUNCIL RESOLUTIONS:

That the Application to Modify Development Consent No. 2020/087.002, for the amendment to development plans to create four tenancies within the approved Hardware and Building Supplies building, amend vegetation within approved landscaping plan, amend extent of internal bitumen and concrete seal behind building and introduce staging plan (3 Stages), at 125-147 Mathias Road, Gunnedah, Lot 459 DP 758234 and Lot 21 DP 700684, be approved subject to deletion of condition A1, E1, F6, F12, F13, F17, G1 and G2 and insertion of condition A1a, A2, E1a, E1b, E1c, F6a, F12a, F13a, F13b, F13c, F17a, G1a and G2a, 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 30 October 2020
- Application to Modify a Development Consent lodged 26 February 2021;
- Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd dated October 2020;
- Additional Information Letter, dated 23 December 2020 ref: 5298
- Additional Information Letter, dated 3 February 2021 ref: 5298
- Site Servicing Strategy Report, prepared by Stewart Surveys Pty Ltd, dated December 2020 ref: 5298
- Proposed Commercial Development Carpark – Stormwater Design, prepared by Northwest Projects dated December 2020
- Updated Landscape Plan Letter, prepared by Stewart Surveys Pty Ltd, dated 19 January 2021 ref: 5298 and
- Submitted plans:
  - Proposed Retail Outlet & Warehouse Development Overall Site Plan, prepared by Stewart Surveys Pty Ltd, dated 3 February 2021, Drawing No. 1 Issue D ref: 5298
  - Proposed Retail Outlet & Warehouse Development Stormwater Plan, prepared by Stewart Surveys Pty Ltd, dated 23 December 2020, Drawing No. 2 Issue D ref: 5298
  - Proposed Retail Outlet & Warehouse Development Traffic Management Plan, prepared by Stewart Surveys Pty Ltd, dated 14 December 2020, Drawing No. 3 Issue C ref: 5298
  - Proposed Retail Outlet & Warehouse Development Landscape Plan, prepared by Stewart Surveys Pty Ltd, dated 19 January 2021, Drawing No.: 4 Issue C ref: 5298
  - Proposed Carport Structure Plan, prepared by Stewart Surveys Pty Ltd, dated 16 December 2020, Sheet: 5 ref: 5298
  - Proposed Carport Structure Section, prepared by Stewart Surveys Pty Ltd, dated 16 December 2020, Sheet: 6 ref: 5298
  - Proposed Refurbishment of Existing Building Plans, prepared by W.J. Bryan Engineering, dated 23 February 2021, Ref 11-18-11403, Drawing No. A001 Rev 9 (Site Information), A002 Rev 9 (Site Plan), A003 Rev 9 (Concept Stormwater), A004 Rev 9 (Floor Plan), A005 Rev 9 (Elevations), A006 Rev 9

(Elevations), A007 Rev 9 (Sections) and A008 Rev 9 (Sediment Erosion Control)

- Proposed Warehouse Floor and Elevations Plan, prepared by Great Value Garages, dated 4 August 2020
- Supporting Documentation:
  - Impression of Proposed 15m High Signage Pylon Prepared by Stewart Surveys, dated: 14 December 2020;

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 granted for the undertaking of the development in accordance with the following stage(s):

- Stage 1 – Demolition of the existing weatherboard building, landscaping, consolidation of lots and construction of a new warehouse building;
- Stage 2 – Construction of tenancy 4, construction of car park, seal to internal ring road, and associated drainage works; &
- Stage 3 – Construction of tenancy 1, 2 and 3 of Hardware and Building Supplies building.

**Reason: To outline provision of approved staging plan for timing of works.**

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

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

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

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

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

*Reason: To meet statutory requirements.*

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

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

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

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

*Reason: To comply with statutory requirements.*

- D2.** Prior to the issuing of a Construction certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 7.12 of the Environmental Planning and Assessment Act 1979. The current levy payable is calculated at 1% of the development cost. The current calculated levy payable is \$6,500.00, revised construction cost may incur a varied levy fee.

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

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

- D3.** Engage the services of a professional structural engineer to carry out an assessment of the structural adequacy of all existing structural elements to be retained. The assessment shall consider, but not be limited to, the existing footings, existing columns, existing roof beams/rafters, wall bracing and provide certification, including recommendations, prior to issue of any Construction Certificate.

*Reason: To confirm the existing structure is suitable for the proposed new use and is adequate to support proposed infill walls and extended roof structures.*

- D4.** All stormwater and surface water runoff from the development shall be collected within the property boundary. The onsite detention system shall be prepared by a suitably qualified and experience engineer or registered surveyor and shall be designed in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The method of onsite stormwater detention shall be approved by Council prior to the issue of a construction certificate.

Note: All stormwater from the development is to be diverted to an approved detention system to ensure stormwater is discharged at pre-development flows. Hydraulic calculations are to be provided for 1 in 10 year events with models indicating 1 in 100 year flow paths.

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

- D5.** Prior to the issuing of a Construction certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:

- (a) Carry out water supply works
- (b) Carry out sewerage works

- (c) Carry out stormwater drainage works

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

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

## E. GENERAL

### E1. Deleted

E1a. Onsite car parking accommodation shall be provided for an additional one (1) vehicle in addition to existing onsite parking demand generate by other development onsite at Stage 1, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. The current total parking spaces required onsite is (21). All parking spaces are to be marked to ensure compliance with AS 2890 Off Street Parking for parking space dimensions.

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

E1b. Onsite car parking accommodation shall be provided for an additional eighteen (18) vehicle in addition to existing onsite parking demand generate by other development onsite at Stage 2, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. The current total parking spaces required onsite is (39). All parking spaces are to be marked to ensure compliance with AS 2890 Off Street Parking for parking space dimensions.

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

E1c. Onsite car parking accommodation shall be provided for an additional twenty eight (28) vehicle in addition to existing onsite parking demand generate by other development onsite at Stage 3, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. The current total parking spaces required is sixty seven (67). All parking spaces are to be marked to ensure compliance with AS 2890 Off Street Parking for parking space dimensions.

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

E2. Appropriate signage is to be erected to clearly demonstrate designated entry and exit locations. Signage is to be erected identifying 'Entry Only' at the western most existing vehicle access and 'Exit Only' at the Eastern most existing vehicle access from Mathias Road. These signs are to be clearly visible from the public road reserve to ensure that adequate sighting of entry and exit positions is provided. Ingress and Egress shall be clearly signposted in accordance with Austroads and Australian standards.

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

E3. All delivery vehicle loading and unloading is to be undertaken entirely within the site. No loading is to occur within the public road reserve.

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

**Traffic**

- E4.** The proposed Traffic Management Plan shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times.

***Reason: To ensure suitable traffic movement on the site.***

**Stormwater**

- E5.** Stormwater from the development site must not be concentrated onto adjoining land.

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

- E6.** Easements shall be created over onsite detention systems to ensure that they are maintained and operational with Gunnedah Shire Council to be named a beneficiary.

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

- E7.** Any underground storage tanks shall have suitable access for maintenance and comply with the Work Health and Safety Act 2011 and Confined Spaces Code of Practice (2019).

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

- E8.** The onsite stormwater systems shall be maintained at all times so as to ensure their effective operations for their intended purpose.

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

**Outdoor Lighting**

- E9.** Outdoor lighting is to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS4282 Control of Obtrusive Effects of Outdoor Light*.

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

**F. DURING CONSTRUCTION WORKS**

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

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

- F2.** No permanent structures are to be placed on any easement.

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

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

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

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

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

**Traffic and Parking**

- F5.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with AS 2890 – *Parking Facilities* and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

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

- F6.** Deleted

**F6a.** Stage 2  
Retaining walls and drainage

If the soil conditions require it:

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

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

**Reason: To ensure site stability.**

**F7. Support for neighbouring buildings**

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

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

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

**Reason: To ensure site stability.**

**F8. Protection of public places**

If the work involved in the construction of a building or undertaking of site works:

- (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.***

- F9.** 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.***

- 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 Par 3 of the *Local Government (Approvals) Regulation 1993*.

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

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

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

***Access - Urban***

**F11.** All internal driveways and parking areas to be constructed with a base course of adequate depth to accommodate heavy vehicle loading, being sealed with either asphaltic concrete, bitumen, concrete or interlocking pavers. The existing western most access to Mathias Road will require the construction of a minimum 12.5m wide concrete driveway across the footpath in accordance with Council's Standards and specifications. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at: <http://www.gunnedah.nsw.gov.au>

- a) Before commencement of this work, construction levels are to be obtained from Council's Infrastructure Services. A security bond being half of the estimated cost of the construction work is to be lodged with Council, before work on the driveway is commenced.
- b) Upon the satisfactory completion of the driveway by the developer, the security bond will be released.

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2%. Internal driveway grades shall be in accordance with AS 289-2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

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

**F12.** Deleted

***Water Servicing***

**F12a.** The developer is responsible to engage a hydraulic engineer to determine the fire fighting and commercial demands and determine an appropriate water service size for the development for each stage of development works, in accordance with condition A2 (Staging Plan). If fire hydrants are required, they shall be above ground installations.

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

**F13.** Deleted

**F13a.** All redundant water services created during Stage 1, are to be removed and disconnected from the main.

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

**F13b.** All redundant water services created during Stage 2, are to be removed and disconnected from the main.

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

**F13c.** All redundant water services created during Stage 3, are to be removed and disconnected from the main.

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

**F14.** Works shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments.

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

**F15.** Work on live water mains is to be undertaken by, or under the direct supervision of, Council at the full cost to the developer.

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

***Sewer Servicing***

**F16.** The existing Sewer Junction to the lot is to be utilised to service the proposed development. All internal sanitary drainage shall be directed to this sewer junction.

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

**F17.** Deleted

**F17a.** The existing septic tank and pump out, as indicated on Proposed Retail Outlet & Warehouse Development Overall Site Plan, prepared by Stewart Surveys Pty Ltd, dated 3 February 2021, Drawing No. 1 Issue C ref: 5298, shall be decommissioned and removed during Stage 1 works.

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

**F18.** Works shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments.

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

**G. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**G1.** Deleted

**G1a.** Occupation of the building for each stage of works in accordance with Condition A2, 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.** Deleted

**G2a.** Prior to issue of an Occupation Certificate, for each stage of works, all statutory fire safety measures listed in the fire safety schedule (attached to the Construction Certificate) are to be installed in accordance with the standards detailed and the owner of the property shall provide a fire safety certificate for each statutory fire safety measure to the Principal Certifying Authority.

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

**G3.** All landscaping identified on the approved landscaping plan, prepared by Stewart Surveys Pty Ltd, dated 19 January 2021, Drawing No.: 4 Issue B ref: 5298, is to be conducted prior to the issue of an Occupation Certificate.

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

**G4.** Prior to the issue of an Occupation Certificate, Lot 459 DP 755503 and Lot 2 DP 700684 shall be consolidated into one Lot. A copy of the registered plan of consolidation shall be provided to Council.

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 is applicable under Council's 2020/2021 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

***Reason: To ensure compliance and payment of application fee.***

**H. CONTINUED OPERATIONS**

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

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

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

*Reason: To ensure maintenance of landscaping.*

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

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

**H4.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

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

**H5.** The development operating hours are limited to the operation of the premises between the following hours:

- Monday – Friday: 7:00am until 5:00pm
- Saturday: 8:00am until 1:00pm
- Sunday: Closed

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

**MOTION** *Moved Councillor OC HASLER  
Seconded Councillor RG SWAIN*

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**

The Modification of Consent Application is being referred to Council as the original development evaluation was determined by Council as it required a variation to Council’s Development Control Plan 2012.

Applicant: Jack Chaffey,  
C/- Stewart Surveys Pty Ltd,  
Owner: Mr J & Mrs J Chaffey,  
Property Description: Lot 459 DP 700684,  
125-147 Mathias Road, Gunnedah

**Proposed Development**

The modification to the development consent is seeking consent for amendment to development plans to create four tenancies within the approved Hardware and Building Supplies building (as apposed to three), amend vegetation within approved landscaping plan, amend extent of internal bitumen and concrete seal behind building and introduce staging plan (3 Stages).

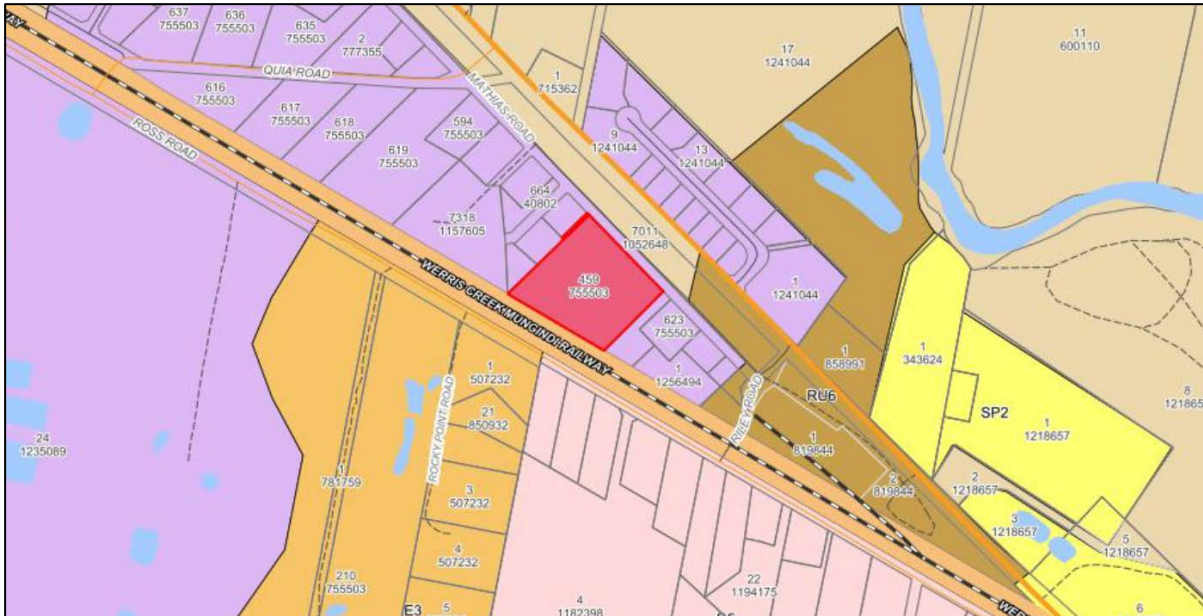


Figure 1 – Site Location

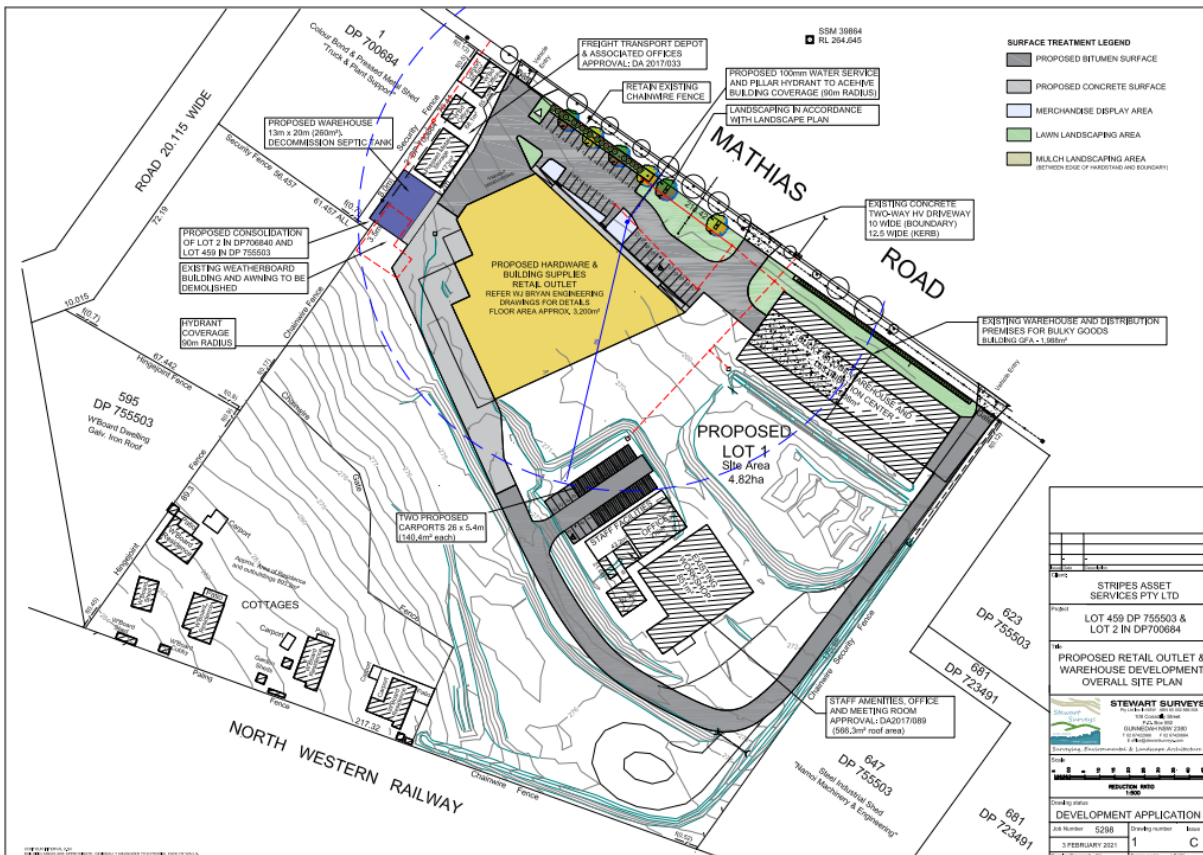


Figure 2 – Existing approved Site Plan



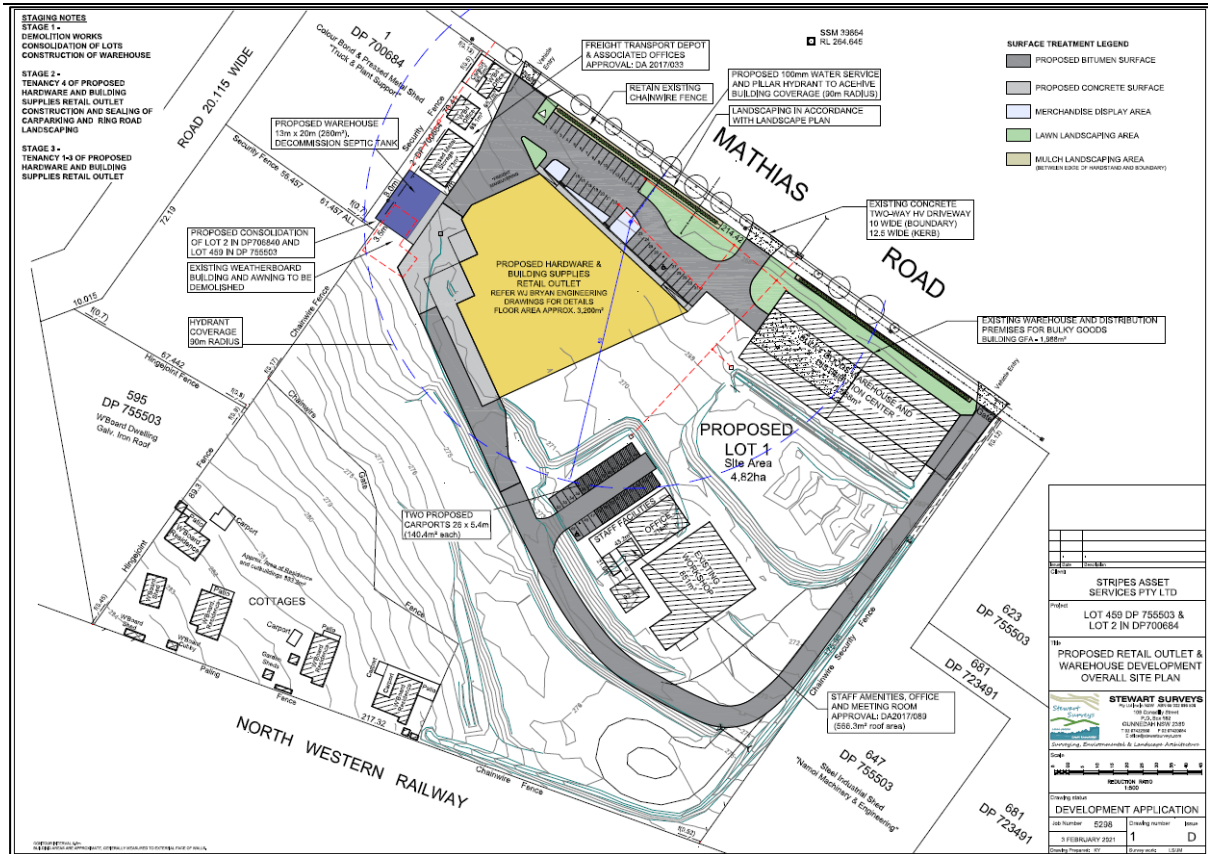


Figure 3 – Proposed Modified Site Plan

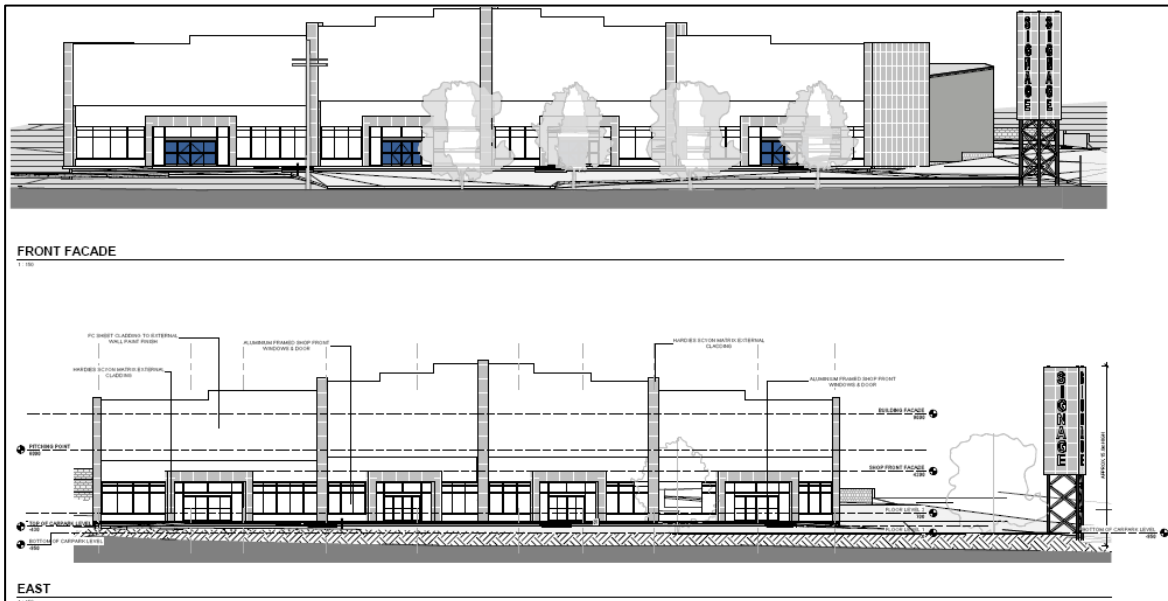


Figure 4 – Elevation Plans (unchanged)

**BACKGROUND**

Council resolved on 17 February 2021 (Resolution No. 16.02/21) to approved Development Application No. 2020/087 for the change of use to Hardware and Building Supplies and Alterations and Additions to Existing Building, Erection of New Warehouse and Two Carports, Consolidation of Lots and Erection of New Pylon Sign.

**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 the following amendments:

- A minor internal amendment to the floor plan of the Hardware and Building Supplies;
- Change to vegetation species within landscaping plan, as hedging is considered to be a more appropriate vegetation due to the proximity to overhead electrical transmission lines;
- Change to internal driveway construction to replace areas of concrete seal with bitumen; and
- Introduction of staging plan (3 Stages).

The development is considered to be substantially the same development and hence is regarded as being a suitable application under S4.55(1A). 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 *IN1 General Industrial*, 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 'Warehouse or Distribution Centre' and 'Hardware and Building Supplies' is permissible within the land zone. The modification does not propose any change to the approved land use.

**4.4 – Floor Space Ratio**

The modification will not result in any increase in floor space. Hence, as the development was compliant with the site Floor Space Ratio (FSR) at the time of the original development assessment it is concluded that the proposed modification does not exceed the site FSR.

**6.5 – Essential Services**

The modification of consent will not affect the provision of services provided as part of the development proposal. Suitable services were determined as part of the original development assessment.

**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 (Koala Habitat Protection) 2019**

The original development assessment did not identify any potential impacts on Koala habitat. The modification will not result in the development encroaching into areas of known Koala Habitat.

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

The modification will not result in additional traffic generation to the site or change the location of the vehicle accesses to or from the site. Hence, Council is the roads authority and the application does not require referral to Transport NSW.

**State Environmental Planning Policy No. 64 – Advertising and Signage**

The modification will not result in any changes to the proposed signage. The assessment under this SEPP determined that signage involved in the development will comply with the provisions of Schedule 1 of the SEPP.

**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**

#### 4.1 – Building Setbacks

The modification will not change the building position or setbacks to side, rear or road boundaries. The development complies with development setbacks.

#### 4.2 – Design

The modification does not propose changes to the building elevation to the street or the type of material proposed, with a variation to the approved façade treatment considered during the original development determination.

#### 4.3 – Utilities and Services

The modification will not impact on the servicing of the site during the development or increase the service demand created by the development. The modification will not place any structures over Council infrastructure or registered easement. Conditions have been modified to ensure that appropriate services are provided to each stage of development.

#### 4.4 – Traffic and Access

The modification will retain the three existing driveways from Mathias Road. It was proposed that vehicle manoeuvring areas on the site will be bitumen or concrete sealed, meeting Council’s requirements. The modification of consent proposes a minor change to the extent of the concrete surface behind the Hardware and Building supplies Building, with the alternate surface being bitumen. The internal trafficable areas will remain hard sealed for reduced dust generation from traffic.

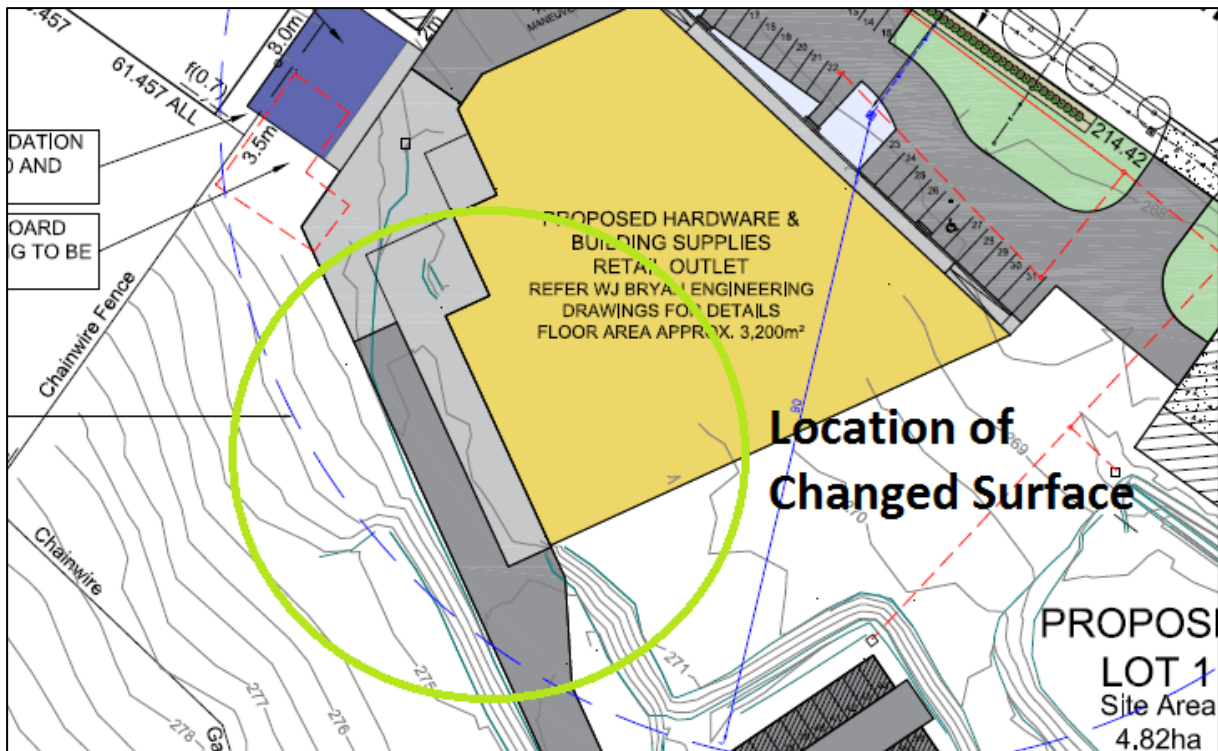


Figure 5 – Location of Change Surface treatment

The modification does not change the direction or flow of traffic through the site, the position of onsite parking area or vehicle loading/unloading. All traffic is still able to enter and exit the site in a forward direction.

#### 4.5 – Parking

The modification will result in the development occurring over 3 stages. The total floor area of development will not change, resulting in no change to the final number of onsite parking spaces. However, as certain parts of the development will be completed during different stages of the development, obligation for parking spaces is only triggered during the resulting stage. The following table outlines the staging construction, floor areas and parking space requirements in accordance with the *Gunnedah Development Control Plan 2012*:



Building Name	Floor Area	Parking Ratio	Parking Requirement
<b>Stage 1 – Warehouse</b>	260m <sup>2</sup>	1/300m <sup>2</sup>	<b>1 space</b>
<b>Stage 2 – Tenancy 4</b>	TOTAL 1,223m <sup>2</sup> Showroom – 672m <sup>2</sup> Warehouse – 496.2m <sup>2</sup> Office - 54.84m <sup>2</sup>	1/45m <sup>2</sup> 1/300m <sup>2</sup> 1/75m <sup>2</sup>	14.93 1.65 0.73 TOTAL 17.31 or <b>18 spaces</b>
<b>Stage 3 – Tenancy 1, 2 &amp; 3</b>	510+649+777 = 1,936m <sup>2</sup> Showroom – 1,047.6m <sup>2</sup> Warehouse – 788.8m <sup>2</sup> Office – 138.96	1/45m <sup>2</sup> 1/300m <sup>2</sup> 1/75m <sup>2</sup>	23.28 2.63 1.85 TOTAL – 27.76 or <b>28 spaces</b>
<b>TOTAL</b>			<b>47 Spaces</b>

The total number of parking spaces required for the development as outlined in the above table remains 47 spaces, over all 3 stages. The current approval required a total of 20 spaces to be provided onsite. Therefore, in accordance with the above table, 1 additional parking space is required for Stage 1, a further 18 additional parking space is required for Stage 3 and the remaining 28 additional parking space is required for Stage 3, creating the total of 67 spaces required for the entire development onsite. The applicant has advised that the parking spaces will be designed in accordance with AS2890 *Parking Facilities* and two accessible parking spaces in both designated parking areas onsite which will be designed in accordance with AS1428 *Design for Access and Mobility*.

#### **4.6 – Landscaping**

The modification to the development consent proposes to amend the development landscaping plan that was considered and approved as part of the original development determination. The modification will remove the proposed tree planting that will occur along the frontage to Mathias Road with the vegetation to be replaced with hedging (*Photinia*) maintained to a height of 1.5m. The hedging is suggested as being more appropriate due to the proximity to over head electrical distribution lines. The modified landscaping plan satisfies the requirements for landscaping under this clause.

There will be no change to the provision of covered parking spaces as part of the modification proposal.

#### **4.7 – Fencing**

Existing boundary fence around the property is to be maintained.

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

Loading and unloading of vehicles will be retained to occur within the bulky goods warehouse and in the rear covered loading area of the hardware and building supplies building. This was considered appropriate to reduce the conflict between delivery vehicles, staff and customer vehicles and pedestrians when the development was originally determined.

#### **4.9 – Outdoor Lighting**

Obligations for lighting to be installed in accordance with AS/NZS 11583.1 *Pedestrian Area (Category P) Lighting* and AS 4282 *Control of Obtrusive Effects of Outdoor Light* is not to be removed as part of this request.

#### **4.10 – Outdoor Signage**

The proposed signage approved as part of this development will be unchanged.

#### **4.11 - Noise**

The modification of consent does not propose to change the type of activities undertaken on the site or the location on which approved activities will occur. The proposed trading hours are to be retained as per the original development consent. Hence, the noise impacts are not expected to be amended.

The development site is approximately 220m from the nearest residential receivers not on the current site. Given the distance that the development is setback from dwellings within the surrounding locality, it is considered that noise associated with the proposed hardware and building supplies industry will have negligible impact.

**5.1 – Lot Size**

The modification will not change the proposed consolidation of development allotments. The proposed consolidation of Lot 459 in DP 755503 (4.15 ha) and Lot 2 DP: 700684 (357.95m<sup>2</sup>) will result in a total area of approximately 4.186ha. As there is no minimum lot size for the site the proposed consolidation complies with this clause.

**6.6 – Environmental Controls**

Council's standard condition has been imposed for sediment and erosion control measures to be implemented during construction. Although there is a change to the internal seal material, as previously stated through this report, the obligation of the development will retain all vehicle manoeuvring areas as being hardsealed sealed.

**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 subject land is located within one of Gunnedah's Industrial zones and is surrounded by industrial land uses and buildings. It is considered that the proposed development fits within the locality and the potential for land use conflict is minimal. The development is expected to be consistent with development on adjoining lots.

***Access, transport and traffic***

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

***Site design and internal design***

The modification will introduce a staging plan that will result in the development occurring over 3 stages. The staging plan will identify the development works to occur over the following stages:

1. Demolition of the existing weatherboard building, consolidation of lots and construction of a new warehouse building;
2. Construction of tenancy 4, construction of car park, seal to internal ring road, landscaping and associated drainage works; and
3. Construction of tenancy 1, 2 and 3 of Hardware and Building Supplies building.

The proposed modification will not result in any change to the internal position of buildings within the site. The affected staging plan will allow for completion of portions of the proposed construction works to effect the operation of the premises while further works occur.

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

The proposed development is consistent with the existing and future development in the locality. The development has access from a public road and Council's utility services are available to the site. The site is not identified as being bushfire prone land or being subject to bushfire or flooding and does not contain an item of heritage significance. The site is considered to be 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 to create four tenancies within the approved Hardware and Building Supplies building, amend vegetation within approved landscaping plan, amend extent of internal bitumen and concrete seal behind building and introduce staging plan (3 Stages). 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. 2020/087.002, at 125-147 Mathias Road, Gunnedah, Lot 459 DP 755503 and Lot 2 DP 700684, be approved subject to the deletion of condition A1, E1, F6, F12, F13, F17, G1 and G2 and insertion of condition A1a, A2, E1a, E1b, E1c, F6a, F12a, F13a, F13b, F13c, F17a, G1a and G2a.

There being no further business the meeting concluded at 4:11pm.

**Councillor R Hooke**  
**CHAIRPERSON**