

Shire of
Gunnedah
 Land of Opportunity

MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE
DIRECTORATE	Planning and Environmental Services
DATE	Wednesday 2 December 2015
TIME	4:00pm
VENUE	Council Chambers, 63 Elgin Street, Gunnedah
ATTACHMENTS	<ol style="list-style-type: none"> 1. Planning Environment and Development Committee Meeting Minutes – 7 October 2015 2. Acting Director Planning and Environmental Services Report 3. Submissions (Under Separate Cover)

AGENDA

Present

Apologies

Declarations of Interest

Confirmation of Previous Minutes – 7 October 2015

Report of Acting Director of Planning and Environmental Services

1. Modification of Consent No. 2014/042.003 –Modification for minor physical changes to layout, minor wording changes to conditions G7 and G18 and three month initial commissioning phase for the seed mill (maximum of 500 tonne) – Lot 6 DP627794, 38 Marys Mount Road, Gunnedah..... 22

Objectives

Donna Ausling
 ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Apologies to: 02 6740 2120

** See Over*

Gunnedah Shire Council
 63 Elgin St, PO Box 63 GUNNEDAH NSW 2380
 Administration Tel: (02) 6740 2100. Fax: (02) 6740 2119
 Planning & Environmental Services Tel: (02) 6740 2120. Fax: (02) 6740 2129
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The ordinary, extraordinary and committee open meetings of Council will be audio recorded for minute-taking purposes and may be broadcast live over the internet.

*** Local Government Act 1993 – Definition of Closed Meeting Items**

10A Which parts of a meeting can be closed to the public?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
- (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.

VISION

**TO BE A FOCUSED COMMUNITY VALUING GUNNEDAH'S IDENTITY
AND QUALITY LIFESTYLE.**

MISSION

**TO PROMOTE, ENHANCE AND SUSTAIN THE QUALITY OF LIFE IN GUNNEDAH SHIRE
THROUGH BALANCED ECONOMIC, ENVIRONMENTAL
AND SOCIAL MANAGEMENT IN PARTNERSHIP WITH THE PEOPLE.**

ORGANISATIONAL VALUES

In partnership with the community:

- 1. EQUITY**
- 2. INTEGRITY**
- 3. LEADERSHIP**
- 4. OPENNESS & ACCOUNTABILITY**
- 5. CUSTOMER SATISFACTION**
- 6. COMMITMENT TO SAFETY**
- 7. EFFICIENT & EFFECTIVE USE OF RESOURCES**

Planning Environment and Development Committee Minutes

4:00pm Wednesday 7 October 2015

COUNCILLOR	PRESENT	LEAVE	APOLOGY	ABSENT
OC Hasler	X			
RG Swain (Chair)	X			
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			
SENIOR STAFF				
General Manager (E Groth)	X			
Executive Manager Business Systems and Governance (C Formann)			X	
Acting Director Planning and Environmental Services (D Ausling)			X	
Manager Development and Planning (C Hunt)	X			

*** Two casual vacancies exist due to the recent passing of the Late Hans Allgayer and the resignation of Mr Tim Duddy.*

ELECTION OF CHAIRPERSON

Councillor RG Swain vacated the Chair of the Planning Environment and Development Committee.

The General Manager called for nominations for the position of Chair.

Councillor RG Swain was nominated by Councillor OC Hasler, seconded Councillor GA Griffen.

The General Manager declared Councillor RG Swain elected Chair of the Planning Environment and Development Committee for the ensuing 12 month period.

CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the Planning Environment and Development Committee Meeting held on Wednesday 2 September 2015 were circulated.

*Committee Recommendation
Moved Councillor C FULLER
Seconded Councillor GA GRIFFEN*

DECLARATION OF INTEREST

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

P – Pecuniary

SNP – Significant Non Pecuniary

NSNP – Not Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

COMMUNITY CONSULTATION

Mr George Avar, representing the Gunnedah Show Society, will be in attendance to make a presentation in relation to Development Application No. 2015/071 – Construction of New Horse Stables – Lot 7035 DP1029310, Gunnedah Showground, View Street, Gunnedah.

ITEM 1	Planning Proposal – Lot 1 DP 825588, ‘Glenbrae’, 3935 Longarm Road, Rangari; Lot 2 DP178083, “Fourways”, 4000 Kelvin Road, Rangari; Lot 87 DP754946, “The Meadows”, 2670 Rangari Road, Rangari; Lots 96-98 DP754955, Lots 9 and 11 DP114885, Lot 1 DP1089276 and Lot 18 DP114885, Kelvin Road, Rangari; Lot 1 DP190411, “Rangari”, 3103 Kelvin Road, Rangari; Lot 99 DP1140224, Rangari Road, Rangari; Lots 7001 and 7002 DP1073061, Lot 2 DP1172836
MEETING	Planning, Environment and Development – 7 October 2015
DIRECTORATE	Planning and Environmental Services
AUTHOR	Project Town Planner
POLICY	Nil
LEGAL	Gunnedah Local Environmental Plan, 2012 Environmental Planning & Assessment Act, 1979
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Council plans and guides the development of Gunnedah area. Operational Plan 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act.
ATTACHMENTS	Planning Proposal – Gateway Application

COMMITTEE RECOMMENDATIONS:**That Council:**

1. Prepare a draft planning proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979, for the amendment of the Gunnedah Local Environmental Plan 2012, to amend the ‘Land Zoning Map’ for all of Lot 1 DP825588, “Glenbrae” 3935 Longarm Road, Gunnedah, and part of the following lots - Lot 2 DP178083, “Fourways”, 4000 Kelvin Road, Rangari; Lot 87 DP754946, “The Meadows”, 2670 Rangari Road, Rangari; Lots 96-98 DP754955, Lots 9 and 11 DP114885, Lot 1 DP1089276 and Lot 18 DP114885, Kelvin Road, Rangari; Lot 1 DP190411, “Rangari”, 3103 Kelvin Road, Rangari; Lot 99 DP1140224, Rangari Road, Rangari; Lots 7001 and 7002 DP1073061, Lot 2 DP1172836 from E3 *Environmental Management* to RU1 *Primary Production*;
2. Forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56-58 of the Act; and
3. Request that the Director General of the Department of Planning and Infrastructure issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.

*Committee Recommendation
Moved Councillor OC Hasler
Seconded Councillor GA Griffen*

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			

Note: This item will be dealt with at the Council Ordinary Meeting to be held on Wednesday 21 October 2015 as it outside the Planning Environment and Development Committee's delegated powers.

PURPOSE

This report is seeking the Council's determination of a Planning Proposal to amend the *Gunnedah Local Environmental Plan (LEP) 2012*.

Background

Council resolved at the September Extraordinary meeting to give favourable consideration to a Planning Proposal to rezone Lot 1 DP 825588, 'Glenbrae', 3935 Longarm Road, Gunnedah. The report also noted that adjacent land, which is of similar characteristics, should also be investigated for possible rezoning.

COMMENTARY

Council has received a planning proposal to rezone Lot 1 DP 825588, 'Glenbrae', 3935 Longarm Road, Rangari from E3 Environmental Management to RU1 Primary Production. The land is located on Longarm Road, approximately 40 kilometres north, north-east of Gunnedah.

Figure 1. Location Plan

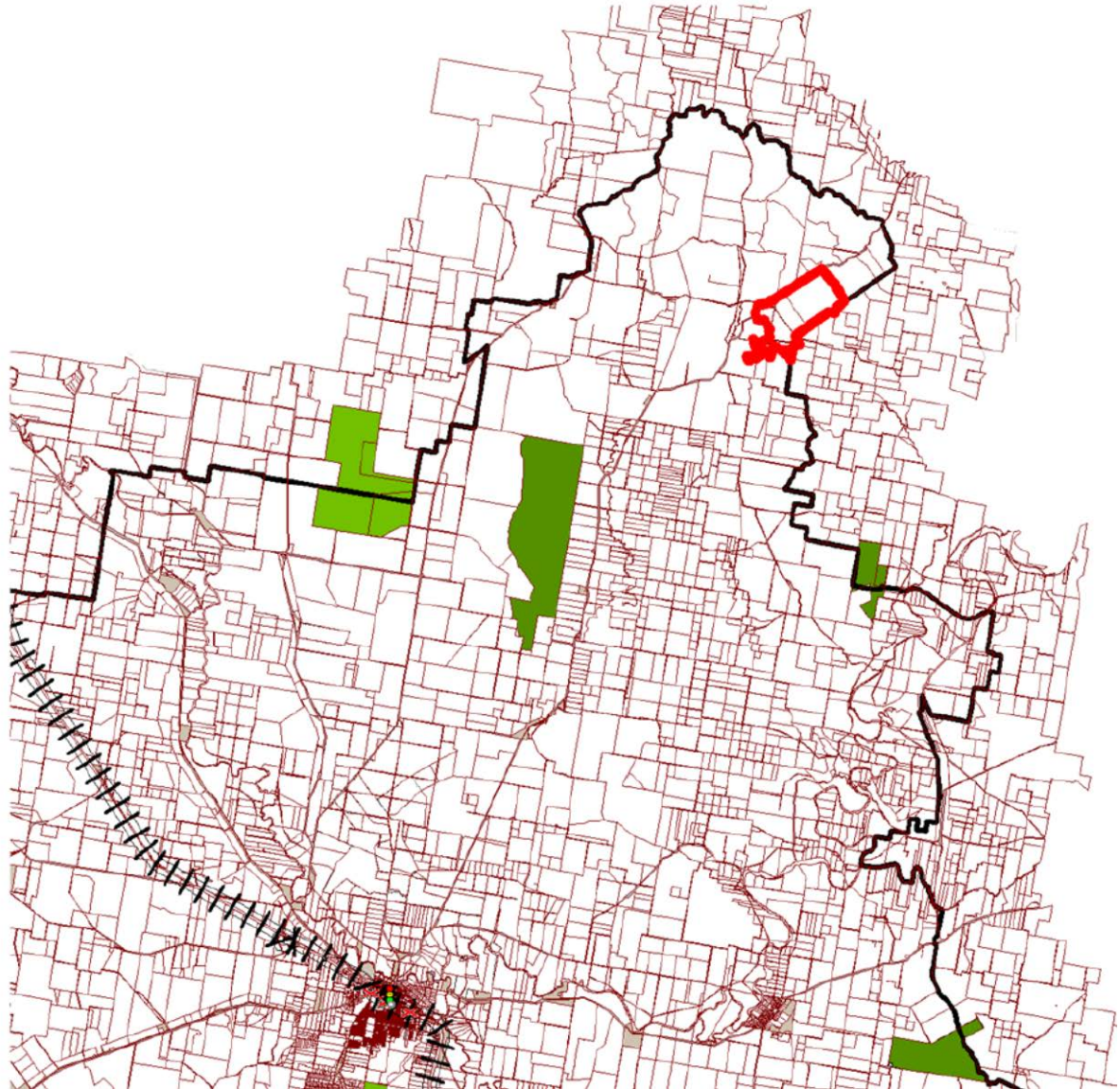


Figure 2. Subject land illustrating current land zoning map

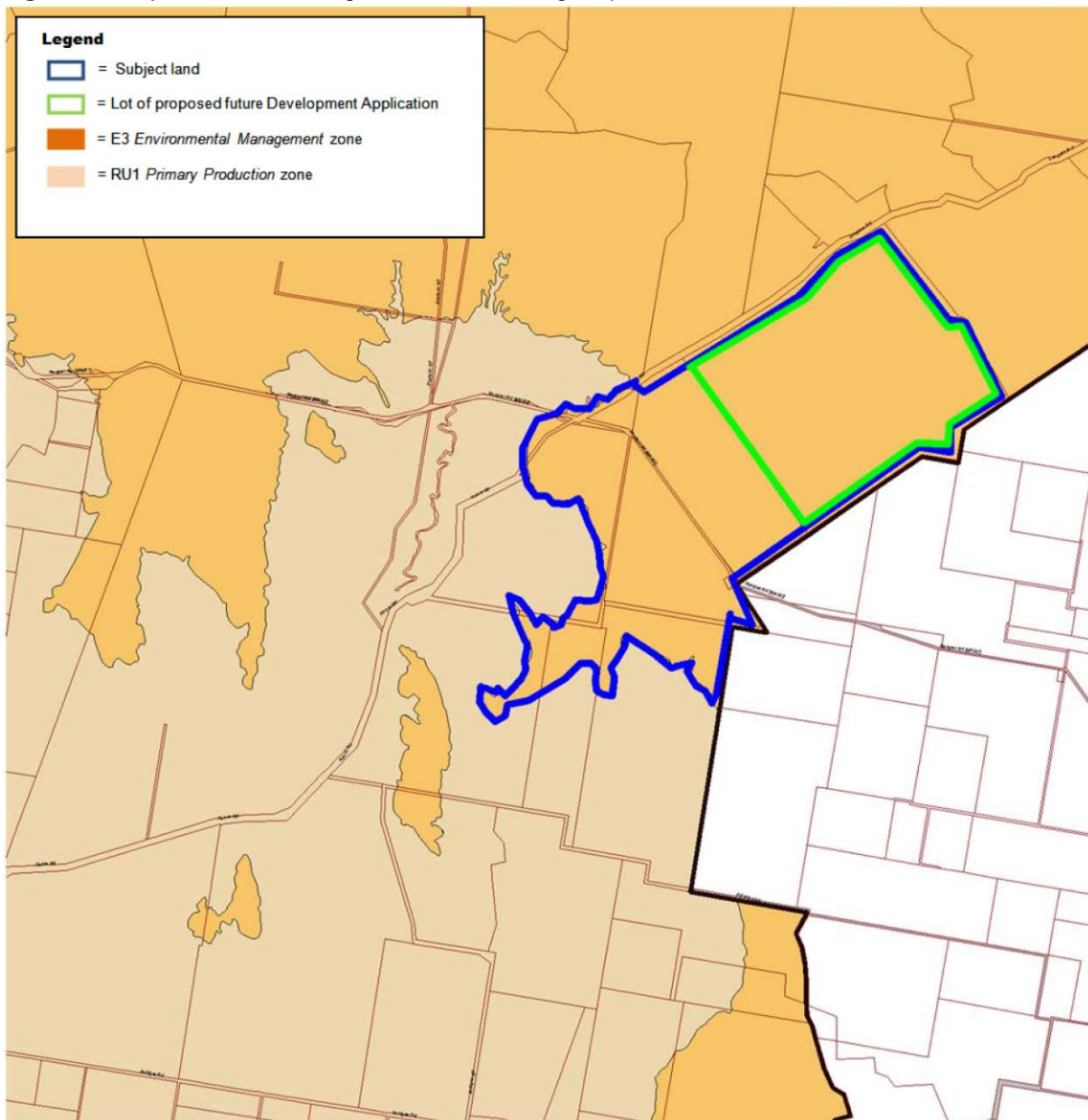
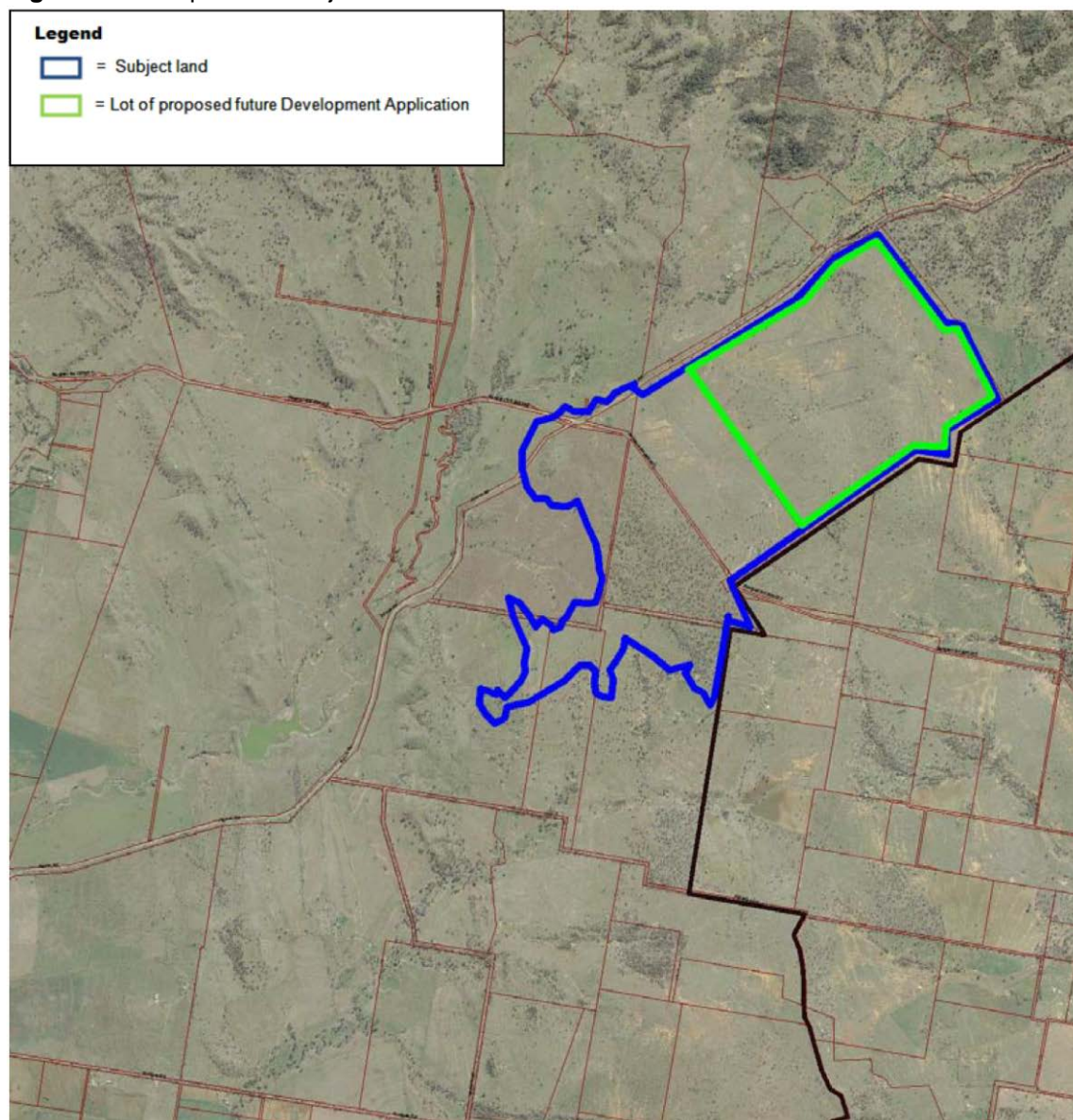


Figure 3. Aerial photo of subject land

Current Zoning

The subject land is currently zoned E3 *Environmental Management* under the provisions of the *Gunnedah LEP (2012)*. The delineation of E3 *Environmental Management* and RU1 *Primary Production* zones was determined by topographic mapping, with land greater than 450 metres Australian Height Datum (AHD) in elevation being zoned E3 *Environmental Management*. The environmental management zone generally contains land which has undulating topography and large areas of remnant vegetation. The objective of this zone is to:

- *Protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *Provide for a limited range of development that does not have an adverse effect on those values.*

Planning Proposal

The planning proposal aims to rezone the subject land from E3 *Environmental Management* to RU1 *Primary Production* under the *Gunnedah LEP (2012)*. The purpose of the rezoning is to enable future development of the site for an '*intensive livestock agriculture*' operation. '*Intensive livestock agriculture*' operations are prohibited within the E3 *Environmental Management* zone, but are a permitted use within the RU1 *Primary Production* zone.

The subject land has a long history of agricultural use and has been extensively cleared for agricultural use. It does not present qualities such as special ecological, scientific or aesthetic value, which are a feature of the E3 Environmental Management zone. It was identified in the 1983 topographic mapping as having large areas of eroded ground. However, much of this eroded ground has improved with the installation of contour banks and tree planting to manage runoff. The land is fairly evenly graded with low relief over the site. The land is not dissimilar in character or land-use to other surrounding land which is zoned RU1 *Primary Production*.

As noted in the report to the August Planning, Environment and Development Committee, that adjacent land should also be included in the proposed rezoning to ensure that there is not an isolated parcel of RU1 *Primary Production* land within the E3 *Environmental Management* zone. The identified land is also consistent with the characteristics of the subject site. Consequently, it is recommended that the following land (as illustrated in Figure 2) also be included in the planning proposal as:

- part of Lot 2 DP178083, "Fourways", 4000 Kelvin Road, Rangari;
- Lot 87 DP754946, "The Meadows", 2670 Rangari Road, Rangari;
- part of Lots 96-98 DP754955, Lots 9 and 11 DP114885, Lot 1 DP1089276 and Lot 18 DP114885, Kelvin Road, Rangari;
- part of Lot 1 DP190411, "Rangari", 3103 Kelvin Road, Rangari;
- Lot 99 DP1140224, Rangari Road, Rangari;
- Lots 7001 and 7002 DP1073061,
- Lot 2 DP1172836

Conclusion

It is recommended that the Planning Proposal to amend the *Gunnedah LEP 2012* 'Land Zoning Map' for the identified lands from E3 *Environmental Management* to RU1 *Primary Production* under the *Gunnedah Local Environmental Plan (2012)*, be supported.

ITEM 2 **Development Application No. 2015/071 – Construction of New Horse Stables – Lot 7035 DP1029310, Gunnedah Showground, View Street, Gunnedah**

MEETING	Planning Environment and Development – 7 October 2015
DIRECTORATE	Planning and Environmental Services
AUTHOR	Project Town Planner
POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area. Operational Plan 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

1. That Development Application No. 2015/071 involving the construction of two new stable blocks, removal of one tree and vehicle loading ramp, alteration of existing light pole, at Lot 7035 DP 1029310, Gunnedah Showground, View Street, Gunnedah, be approved subject to the following conditions of consent:

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

A1. The proposed development shall be carried out generally in accordance with the details set out in the following

- Development Application form lodged 23 July 2015
- Statement of Environmental Effects, prepared by, Robert Witts; dated 1 April 2015; and
- Submitted plans:
 - Prepared by, State Wide Sheds; dated Dec 2007; Rev. B; Drawing No, 12108-S01 (Elevation & Structural Details),
 - Prepared by, State Wide Sheds; dated, March 06; Rev, H; Drawing No. 9734-H (Engineering)
 - Prepared by, State Wide Sheds; dated, 07/09/2015; Quote, 020745; Rev, 07/09/2015 (Floor Plan),
 - Prepared by, applicant; Drawing Ref, (Site Plan), and
 - Prepared by, applicant; Drawing Ref, (Proposed Stable Layout).
- Supporting Documentation:
 - Prepared by, Barson Design; dated, 10 September 2015; Drawing Ref, (Structural Design Certification).

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. Prior to Commencement of Building Works

B1. Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. 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.

B2. 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.

C. General

C1. All stormwater and surface water runoff from the development and any future or proposed rain water tank shall be collected within the property boundary and directed into the kerb and gutter in View Street.

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

C2. Colours and textures of materials of external walls, roof and ancillary structures including water tanks shall be non-reflective and as such will not conflict with the existing landscape.

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

C3. All electrical work, must be carried out by a licensed electrician, in accordance with Australian Standard 3000 - 2000.

Reason: To ensure compliance.

C4. 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.

D. During Construction Works

D1. 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 81(2)(b) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspections 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) 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.

D2. 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.

D3. Protection of public places

If the work involved in the construction of a building:

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

Reason: To ensure site safety.

D4. 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.

- D5. 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.

- E. Prior to the issue of an Occupation Certificate
 - E1. 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.

- F. That the Development Application be amended to remove C2 and include C1A.

1.10/15P COUNCIL RESOLUTIONS

1. That Development Application No. 2015/071 involving the construction of two new stable blocks, removal of one tree and vehicle loading ramp, alteration of existing light pole, at Lot 7035 DP 1029310, Gunnedah Showground, View Street, Gunnedah, be approved subject to the following conditions of consent;

2. That Condition C1 be amended as follows:

C1 Stormwater from the roof (including overflow pipes from proposed rainwater tanks) is permitted to be discharged within the subject land, a minimum of three metres clear of any building foundations and any adjoining owner and subject to the provision of appropriate erosion and sedimentation devices at the outlet/s.

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

3. That Condition C2 be removed.

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 23 July 2015
- Statement of Environmental Effects, prepared by, Robert Witts; dated 1 April 2015; and
- Submitted plans:
 - Prepared by, State Wide Sheds; dated Dec 2007; Rev. B; Drawing No, 12108-S01 (Elevation & Structural Details),
 - Prepared by, State Wide Sheds; dated, March 06; Rev, H; Drawing No. 9734-H (Engineering)
 - Prepared by, State Wide Sheds; dated, 07/09/2015; Quote, 020745; Rev, 07/09/2015 (Floor Plan),
 - Prepared by, applicant; Drawing Ref, (Site Plan), and
 - Prepared by, applicant; Drawing Ref, (Proposed Stable Layout).
- Supporting Documentation:
 - Prepared by, Barson Design; dated, 10 September 2015; Drawing Ref, (Structural Design Certification).

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. Prior to Commencement of Building Works

B1. Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. 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.

B2. 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.

C. General

- C1.** Stormwater from the roof (including overflow pipes from proposed rainwater tanks) is permitted to be discharged within the subject land, a minimum of three metres clear of any building foundations and any adjoining owner and subject to the provision of appropriate erosion and sedimentation devices at the outlet/s.

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

- C2.** All electrical work, must be carried out by a licensed electrician, in accordance with Australian Standard 3000 - 2000.

Reason: To ensure compliance.

C3. 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.

D. During Construction Works

D1. 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 81(2)(b) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspections 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).

- (c) **Piers (if any) prior to pouring of concrete**
- (d) **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.

- D2.** 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.

D3. Protection of public places

If the work involved in the construction of a building:

- (c) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (d) 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.

D4. 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.

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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.

D5. 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.

E. Prior to the issue of an Occupation Certificate

- E1.** 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.

F. That the Development Application be amended to remove C2 and include C1A.*Council Resolution*

Moved Councillor OC Hasler

Seconded Councillor C Fuller

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			

Note: This item was dealt with under delegated authority in accordance with the Instrument of Delegation – Planning Environment and Development Committee.

PURPOSE

This development application is being referred to Council for determination as the proposed development site is a Crown Licence, of which Gunnedah Shire Council is the Trustee.

Applicant: Gunnedah Show Society
 Owner: Gunnedah Shire Council
 Property Description: Lot 7305 DP1029310,
 Gunnedah Showground, View Street, Gunnedah

BACKGROUND

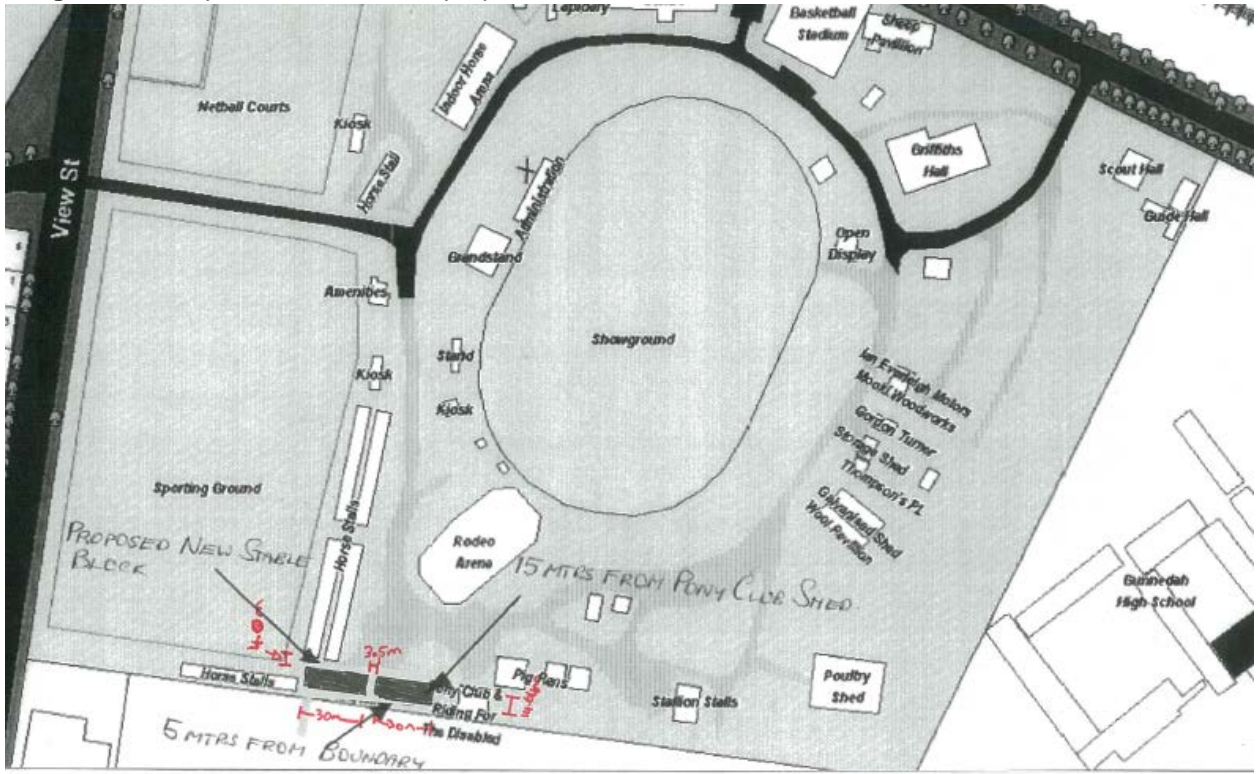
The applicant has previously been granted development consent for the demolition and replacement of stable blocks at the Gunnedah Showground (DA 2013/105). However, upon receipt of the determination by Council, the applicant requested to relinquish their development consent and apply for two separate development consents, one for the demolition of the existing stable block, and one for the construction of a new stable block. The applicant has since submitted a development application for the demolition of the existing stable block (DA 2015/014), which was determined by Council at the February 2015 Ordinary Meeting, with development consent being granted.

The applicant has now lodged a Development Application involving the construction of a new stable block, removal of existing tree and loading ramp, and modification to an existing light pole.

Proposed Development

The proposed development involves the construction of two new stable blocks of 30m x 14.64m x 6.50m, removal of an existing loading ramp and tree, and the alteration of an existing light pole at the Gunnedah Showground.

Image one: Site plan and location of proposed new stables



Gunnedah Shire Council
Gunnedah Showground Layout

DISCLAIMER:
Although no care is taken in the preparation of this plan, Gunnedah Shire Council is not responsible for any reprinting or misquoting of information or technical notes.

Image two: Floor Plan

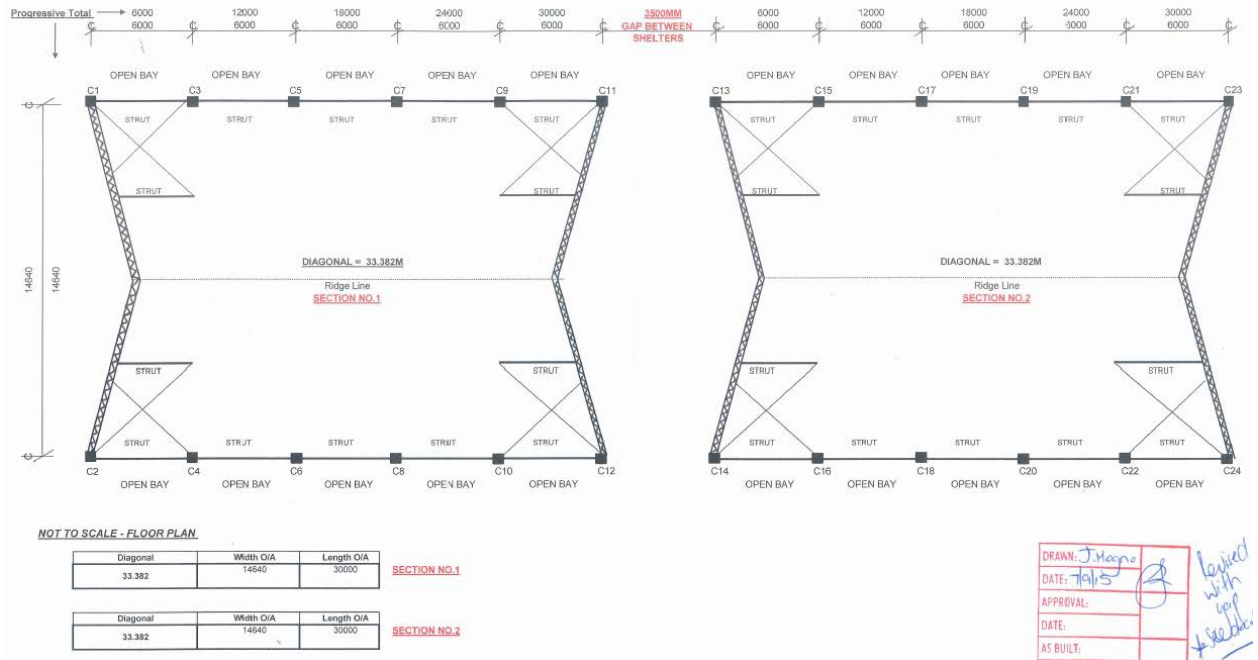
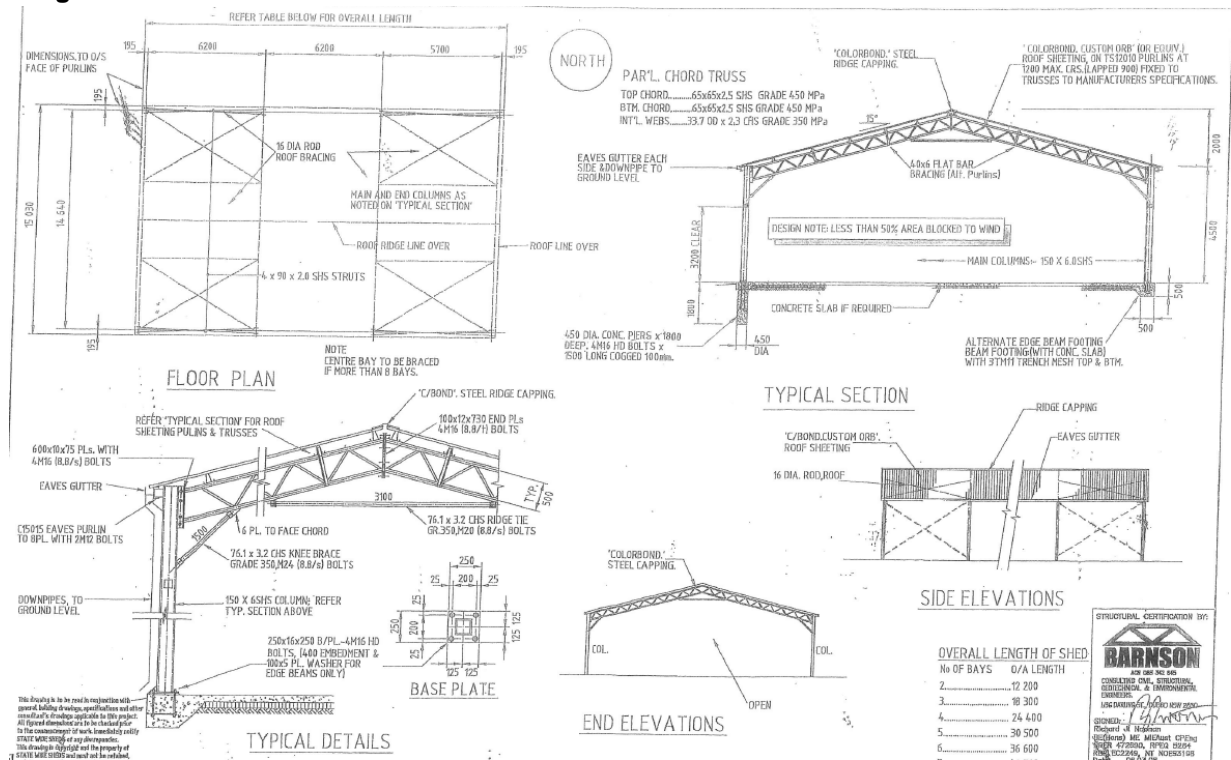


Image Three: Elevations



COMMENTARY

Issues

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

The development site is zoned RE1 *Public Recreation* under the *Gunnedah Local Environmental Plan 2012*. The proposed development is to be utilised for outdoor recreation activities and is complimentary to existing development located on the site. The proposed development is a permissible land use within the site zoning.

Gunnedah Local Environmental Plan 2012

5.9 Tree Preservation Order.

The proposed development will require the removal of one 'Mille Tree' from the development site. Council's DCP do3s not contain any provisions pertaining to the protection of trees.

OTHER – SEPP

State Environmental Planning Policy No. 44 – Koala Habitat

The development site has previously been highly modified and does not contain greater than 15% koala feed trees.

State Environmental Planning Policy No. 55 – Remediation of Land

An assessment of Council records and documents submitted with the development application do not indicate any past uses of the development site that may have led to site contamination.

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

1.7 – Consultation

The development application is considered consistent with existing land uses and is considered to have nil to minor impact on adjoining allotments. Hence, notification of the application was not deemed necessary.

6.6.1 – *Environmental Effects*

A condition will be imposed that control measures for erosion and sediment runoff be put in place during construction of the proposed development. The proposed development is to replace existing stables located on the development site, with the footprint of the existing building to be slightly increased. The proposed development is not expected to result in increased noise generation above acceptable levels.

S79C91)(b) *the likely environmental impacts on the natural and built environment and social and economic impacts in the locality*

Context and setting

The development site is located within the Gunnedah Showground, which is zoned RE1 *Public Recreation* under the *Gunnedah Local Environmental Plan 2012*. The development site contains existing stables and various other recreational developments. The proposed development will not result in a change of use of the locality. The proposed development is considered complimentary to existing site development.

Access, transport and traffic

The development site contains existing access and vehicle parking which are considered sufficient and capable of supporting the volume of traffic that will be associated with the use of the proposed development. The proposed development will therefore not require the provision of extra vehicle access or parking.

Site design and internal design

The proposed development will result in an increase in building footprint; however it is to be located in a similar position to the existing stable block (which has been previously granted demolition consent), reducing the likelihood of any adverse environmental impacts associated with the development. The proposed development is to be located with adequate setback between the adjoining site boundary (5m), pony club shed (15m), existing horse stalls (4.0m), with a separation of 3.5m between the proposed stable blocks.

The suitability of the Site for the Development

The proposed development is to be located in a similar position to the existing stable block, minimising any adverse environmental impacts on the site. The proposed development is to be located with adequate setbacks from existing site infrastructure and boundaries. The proposed development is considered suitable for the development site.

Conclusion

The proposed development is considered to be appropriate for the development site and complimentary to existing development on the subject site. It is recommended that the development application be granted consent, subject to conditions.

PLANNING ENVIRONMENT AND DEVELOPMENT OBJECTIVES 2015/16

OBJECTIVE NO	MANAGEMENT PLAN REF. PAGE	OBJECTIVE	HOW WILL THIS BE ACHIEVED	TARGET DATE	STATUS	REVISED DATE
1.		Waste Management Strategy	Implementation of Waste Management and Environmental Initiative	June 2019		
2.		Namoi Parklands Riverine Program	Biannual Review	August 2016	Stage 1 Complete Stage 2 Complete Stage 3 Work Commenced Stage 4 Work Commenced	
3.		Gunnedah Strategic Planning Review		September 2016	Draft Urban Landuse Strategy presented to Planning Environment & Development Committee May 2015 for endorsement for exhibition. Referred to June 2015 Council meeting. Draft Gunnedah Urban Landuse Strategy on exhibition- closes 28 August 2015	
4.	Koala Habitat Improvement	Adoption and implementation of Koala Management Strategy	Consideration at August 2015 Planning Environment & Development Meeting for exhibition	September 2016		
5.	Enforcement Policy	Development and adoption of Enforcement Policy	June 2016	June 2016		
6.	Floodplain Management	Completion of Blackjack Creek Flood Mitigation Project	Property Acquisition Commenced	June 2017 Negotiations Ongoing. Compulsory Acquisition Commenced		

There being no further business the meeting closed at 4.32pm

Councillor RG Swain
CHAIRPERSON

Shire of
Gunnedah
Land of Opportunity

Acting Director Planning and Environmental Services' Report

ITEM 1	Modification of Consent No. 2014/042.003 – Modification for minor physical changes to layout, minor wording changes to conditions G7 and G18 and three month initial commissioning phase for the seed mill (maximum of 500 tonne) – Lot 6 DP627794, 38 Marys Mount Road, Gunnedah
MEETING	Planning Environment and Development – 2 December 2015
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area. Operational Plan 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act.
	ATTACHMENTS Six Submissions (Under Separate Cover)

OFFICER'S RECOMMENDATION:

1. That the Modification of Consent No. 2014/042.003 for minor physical changes to layout, minor wording changes to Conditions G7 and G18 and three month commissioning period for the seed mill (maximum of 500 tonne), at 38 Marys Mount Road, Gunnedah, Lot 6 DP627794, be approved subject to the amendment and insertion of the following conditions:
 - 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 09/05/14
 - Statement of Environmental Effects, prepared by Geolyse, dated May 2014; and
 - Additional Information, prepared by Geolyse, dated 12 June 2014; & 30 June 2014; & 04 July 2014; & Emailed correspondence, prepared by Andrew Brownlow, dated 2 July 2014, Subject: Clarification on Loading/Unloading; and
 - Modification of Consent Application information letter, dated 31 July 2015, ref: 214069 LET 017A.docx; & additional information, dated 07 October 2015, Ref: 214069 LET 0019E.docx;
 - Noise and Air Quality Impact Assessments, dated 29 March 2015, ref: 14094 Ltr 290315 NH;
 - Submitted plans:
 - Prepared by Geolyse Architecture, dated 21/10/2015, Project Number: 214069, Dwg No: 07 A01, Sheet 01 of 03, Rev D (Site Plan), Dwg No: 07 A02, Sheet 02 of 03, Rev A (Floor Plan), Dwg No: 07 A03, Sheet 03 of 03, Rev A (Elevations);

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 approval, consent is given for the milling of no more than 28,000 tonnes of agricultural produce per year.

Reason: To clarify terms of development approval.

- A3.** To confirm and clarify the terms of approval, consent is given for an initial commissioning phase for the seed mill. The initial commissioning phase is not to exceed the following restrictions:

- Hours of operation are only to be conducted between the hours of:
 - 7am until 5pm, 7 days per week;
 - Deliveries are only permitted between the hours of 7.00am -7:30am, 8.00am – 3:45pm, and 4:15pm – 5.00pm;
- The initial commissioning of the seed mill is permitted for a period of no longer than three months from the commencement of haulage;
- Maximum limit of 500 tonne of grain delivered to the site during the initial commissioning phase for the seed mill;
- Initial commissioning phase for the seed mill is permitted prior to the commencement of the required road construction works at the Marys Mount Road and Oxley Highway intersection; and
- Haulage is limited to a maximum of 20 heavy vehicles (40 movements) over the three month period;

Reason: To clarify terms of development approval.

- A4.** To confirm and clarify the terms of approval, the developer is to notify Council and nearby affected residents a minimum of 14 days prior to commencing the initial commissioning phase for the seed mill.

Reason: To clarify terms of development approval.

B. Prescribed Conditions (Section 80A(11) of the Act)

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

B1. Compliance with Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: To ensure compliance with the statutory requirements.

B2. Signs to be erected on building, subdivision and demolition work sites

A sign must be erected in a prominent position on any site on which building 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.

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.

Reason: To ensure compliance with the statutory requirements.

C. Prior to the 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.** Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. 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.

D. Prior to the Commencement of Road Works

- D1.** Deleted

- D2.** 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.

- D3.** The developer shall enter into a 'Works Authority Deed' (WAD) with the Roads and Maritime Services (RMS) for all road works on the Oxley Highway. A RMS Pre-Qualified contractor shall complete all road works under the WAD to practical completion, as determined by RMS. Further information on Private Developments adjacent to classified roads can be accessed on the RMS Private Developments website at:

http://www.rta.nsw.gov.au/roadprojects/community_environment/private_developments.html

Reason: To maintain the integrity, safety and efficiency of the classified road network.

Road Works – Marys Mount Road

- D4.** Engineering drawings and specifications for the construction and installation of all works relative to the proposed development for construction of Marys Mount Road, shall be submitted to Council for approval prior to the undertaking of any construction works on Council's public road network. The design of all works is to be related to the adjoining infrastructure. All drawings and specifications are to be in accordance with Council's Engineering Guidelines for Subdivisions and Developments, Version 2.0, dated August 2013.

Reason: To ensure compliance with the Roads Act 1993 and Council's Engineering Guidelines for Subdivisions and Development, 2013.

- D5.** All road works undertaken by contractors in regards to construction works of Marys Mount Road, (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivisions and Developments, Version 2.0, dated August 2013. An inspection fee is applicable for each time Council is required to inspect the works carried out by the contractors and shall be paid prior to the commencement of any Road Works on Council's road network.

Reason: To ensure compliance.

- D6.** The contractors engaged on the development of the road works associated with construction works along Marys Mount Road, 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.

E. Prior to the issue of a Construction Certificate – Building Works

- E1.** 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 Gunnedah Contributions Plan 2013 under Section 94A of the Environmental Planning and Assessment Act 1979. The current levy payable is 1% of the cost of carrying out of development.

A detailed cost report in accordance with Appendix B of the Gunnedah Contributions Plan 2013 setting out the proposed cost of carrying out the development for the purposes of Clause 25J of the Environmental Planning and Assessment Regulation, 2000, is to be prepared for the development and submitted to Council prior to the payment of the levy.

Note: The Gunnedah 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.

- E2.** 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.

- E3.** 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. The plans shall demonstrate how the building will fully conform to fire and spread of fire requirements of the Building Code of Australia.

Reason: To ensure compliance.

- E4.** Prior to the issue of a Construction Certificate, the Developer shall apply to Council for approval under Section 68 of the Local Government Act, 1993 to:

- (a) Carry out stormwater drainage works

- (b) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
- (c) 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.

- E5.** Details and design of the Bio-filter is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The Bio-filter must be of suitable size and operational capacity to filter all exhaust from exhaust manifold and expellers/mills.

Reason: To ensure bio-filter details and design are sufficient.

Landscaping Plan

- E6.** A landscaping plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan shall illustrate a minimum five (5) metre wide landscaping buffer along the Marys Mount Road and Oxley Highway site frontages. Details of proposed tree species, height at maturity and proposed pot size are to be submitted to Council.

Reason: To ensure adequate landscaping along road frontage.

Fire Main and Fire Hydrant installation

- E7.** Prior to the issue of a Construction Certificate, a Hydraulic Engineer's design and certification shall be provided to Council for the proposed water storage capacity, pump design, and hydrant installation compliant with the Building Code of Australia Parts E.1.2 and E.1.3. AS2419.1.

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

Hose reel system installation

- E8.** Prior to the issue of a Construction Certificate, a Hydraulic Engineering Consultant's design shall be provided to Council, which is certified as complying with Part E.1.4 of the BCA and AS2441.

Reason: to ensure compliance and fire safety of the building.

Water Supply

- E9.** Prior to the use of water from the existing bore for the development, consultation with the NSW Office of Water shall be undertaken regarding the existing bore licence requirements. Should the licence not be available for the proposed development, on-site water storage is to be provided to service the development. Stormwater collected from the roof area of the buildings is to be directed into the onsite storage tanks.

Reason: To ensure compliance with application and plans.

F. Prior to the issue of a Construction Certificate – Road Works

F1. Deleted

F2. Deleted

F3. Deleted

G. General

- G1.** To confirm and clarify the terms of this approval, this development consent does not include any approval for grain storage bunkers on the site.

Reason: To confirm the terms of this approval.

- G2.** Colours and textures of materials of external walls, roof and ancillary structures including water tanks shall be non-reflective and as such will not conflict with the existing landscape.

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

Traffic and Parking

- G3.** 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 and of a dust suppressed material, which has been approved by Council.

Reason: To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

- G4.** Onsite car parking accommodation shall be provided for a minimum of eight (8) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Adequate on-site parking shall also be provided for heavy vehicles. 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.

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

- G5.** All delivery and loading/unloading areas are to be clearly signposted to be clearly visible from the driveway area.

Reason: To ensure loading bays are adequately indicated.

- G6.** A Roads and Maritime Services sign reference number W5-205 *Truck Turning* shall be placed a minimum distance of 250 metres from the intersection along the Oxley Highway. The location of the sign shall be determined in consultation with Council.

Reason: To ensure adequate signage in place warning motorists of Heavy Vehicle movement.

- G7.** Deleted

Haulage

- G7a.** All heavy vehicles accessing the development site, other than local traffic, shall only access the site from Marys Mount Road (southern end), via the Oxley Highway.

Note: Local traffic is defined as being any traffic originating from within a fifteen (15) kilometre radius of the site.

Reason: To ensure compliance with application and plans.

- G8.** The transportation of product shall be undertaken in the following heavy vehicles:
- 30% of heavy vehicles used shall be single semi-trailers (capacity of 27 tonnes); and
 - 70% of heavy vehicles used shall be B-doubles (capacity of 40 tonnes).

Reason: To ensure compliance with application and plans.

- G9.** To confirm and clarify the terms of this approval, consent is given for a maximum number of 20 heavy vehicle movements (includes loaded and unloaded) per day (with not more than 70 heavy vehicle movements in any one week (Monday – Sunday).

Reason: To regulate vehicle movements to and from the site and traffic impacts.

Access - Rural

- G10.** Vehicular access shall be from Marys Mount Road and will require the construction a 4.5 metre wide gravel driveway and associated drainage structures across the verge and table drain, shall be constructed from the road should to the property boundary in accordance with Council's rural access crossing standards and specifications (Roads and Maritime Services specification for a Typical Rural Property Access). The location of the driveway is to be determined by the developer in consultation with Council.

- 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 access is commenced.
- b) Upon the satisfactory completion of the access by the developer, the security bond will be released.

Reason: To ensure access is provided and meets appropriate engineering standards.

- G11.** The intersection of Oxley Highway and Marys Mount Road shall be constructed to a minimum standard of Austroads BAL treatment (with reference to Roads and Maritime Services supplements) with the road shoulders to be sealed. Marys Mount Road shall be sealed from the intersection edge of the sealed highway to a point 15 metres north of the intersection edge to minimise the tracking of materials onto the highway.

Reason: To ensure adequate turning and access requirements for heavy vehicles and minimise the tracking of materials onto the Oxley Highway.

- G12.** The gravel pavement of Marys Mount Road shall be treated with a dust suppressant approved by Council, to minimise dust from truck movements to a point 20m to the north of the development site entrance. All works to be constructed to Council's Engineering Guidelines for Subdivisions and Development, 2013 and in accordance with Roads and Maritime Services specifications.

Reason: To ensure adequate turning and access requirements for Heavy Vehicles.

Landscaping

- G13.** All landscaping shall be planted in accordance with the approved landscaping plan.

Reason: To ensure adequate landscaping along road frontage.

On-site Lighting

- G14.** Security lighting over the front entry and parking area and that located around the proposed building is to be in accordance with the principles of crime prevention and to be orientated towards the development and away from neighbouring properties. All outdoor lighting is to be in accordance with *AS 4282-Control of Obtrusive Effects of Outdoor Lighting*.

Note: Security lighting in the property surrounds of the development are to be sensor operated.

Reason: To ensure amenity of neighbours.

- G15.** All lighting associated with the development shall be so hooded so as to prevent glare nuisance to any premises not associated with the development or to any vehicles travelling on public roads.

Reason: To ensure amenity of area and public safety.

Fire Protection

- G16.** Potential fuel for bush fires including grassland at the site of actual building and its immediate surrounds for a distance of at least 50 metres from any part of the building shall be reduced to a level which is sufficient to protect the building from bushfire, and such fuel reduction shall be maintained for the life of the development (grassland is to be restricted to a height of approx. 100mm).

Reason: To ensure compliance and fire safety of building.

Dust

- G17.** The developer is to ensure that no dust nuisance is generated by the development. To this end, the applicant shall maintain sufficient equipment with the capacity to apply water to all trafficable areas within the site at a rate sufficient to eliminate the dust nuisance, should dust nuisance occur.

Reason: To ensure compliance.

Noise

- G18.** Deleted

- G18a.** The development shall not generate noise, when measured over a 15 minute period ($L_{AEQ\ 15min}$), which exceeds 35dbs at the most affected nearby residential receivers.

Reason: To ensure compliance with the NSW EPA's Industrial Noise Policy.

Odour

- G19.** The development shall not generate hydrogen sulphide (H_2S) at any neighbouring dwelling house that exceeds the impact assessment criteria for H_2S of $4.14\ \mu g/m^3$ at any time.

Reason: To ensure compliance with the NSW EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW impact assessment criteria for H_2S .

Complaints Register

- G20.** The operator Grain Processing Plant shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

The developer shall notify all residents within a 5.0 kilometre distance of the boundary of the development site in writing of the contact details and associated information and that they may contact the Grain Processing Plant operator to complain about the operation of the Grain Processing Plant.

Reason: To ensure amenity of area.

H. During Construction Works

Road Works

H1. Inspections by Council

Council shall be notified, 48 hours prior, by the contractor that the following works are ready for inspection:

- (a) Pavement – In accordance with RMS QA Specification R71 Appendix C1 Schedule of Hold Points
- (b) Seal – In accordance with RMS QA Spec R107 Appendix C1 Schedule of Hold Points

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

Building Works

H2. Inspections by Council

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

- (a) stormwater drains
- (b) stormwater absorption trenches
- (c) internal drainage under water test
- (d) external drainage under water test
- (e) water plumbing
- (f) septic tank or aerated wastewater treatment system
- (g) pump well and associated pump lines
- (h) absorption trenches
- (i) piers associated with external drainage designed to distribute weight of structure away from sewer main prior to pouring of concrete.
- (j) Sewer/water main extensions (Infrastructure Services)
- (k) 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.

H3. 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 81(2)(b) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspections 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.

H4. 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.

H5. No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

H6. The Licensed Plumber shall, within 48 hours of having the work inspected by Council's Inspecting Officer, provide Council with plans of "AS COMPLETED SANITARY DRAINAGE" for all sewer drainage works associated with this development.

Reason: To ensure compliance.

H7. Sanitary facilities and other facilities within the building must comply with the requirements of the Building Code of Australia Part F2.

Reason: To ensure compliance.

H8. Lighting and Ventilation in the building shall comply with the requirements of the Building Code of Australia Part F4.

Reason: To ensure compliance.

H9. All ladders and walkways on elevated platforms shall be in accordance with AS1657.

Reason: To ensure compliance.

H10. All plumbing and drainage to be carried out by a licensed plumber and to be installed in accordance with the National Plumbing and Drainage Code AS 3500. In particular all fixtures used for personal hygiene are to be provided with hot water that is restricted by means of appropriate Fail Safe tempering valves to a maximum temperature of 43° C.

Reason: To ensure compliance and hygiene.

H11. The building shall be provided with a required exit and this single door shall swing in the direction of egress and must be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor all in accordance with BCA Part D.

Reason: To ensure compliance and safe egress from building.

H12. Provide exit and emergency lighting in accordance with the BCA Part E4 and AS.2293.1.

Reason: To ensure compliance and fire safety of Building.

- H13.** The WC compartments comprising an airlock which has an area of not less than 1.1m² are to be fitted with self closing doors at all access doorways or the room containing the closet pan or urinal must be provided with mechanical exhaust ventilation and the doorway to the room adequately screened from view pursuant to Clause F.4.9 of the BCA.

Reason: To ensure compliance.

H14. 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.

H15. 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.

H16. Support for neighbouring buildings

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

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

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

Reason: To ensure site stability.

H17. Protection of public places

If the work involved in the construction of a building:

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

Reason: To ensure site safety.

H18. 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.

H19. 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.

I. Prior to the issue of an Occupation Certificate

- 11.** 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.

- 12.** Prior to the issue of an Occupation Certificate, a serviceable electrical supply suitable in capacity to cater for expected electrical requirements is to be provided to the site. documentation is to be provided identifying that the services is provided and is sufficient to service the proposed development.

Reason: To ensure a suitable sufficient electrical supply is provided.

- 13.** Prior to the issuing of an Occupation Certificate, 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 aerated effluent management system.

Reason: To ensure compliance with Health Department accreditation conditions.

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

Reason: To ensure compliance and fire safety of building.

- 15.** Deleted

- 15a.** Prior to occupation of the building the following fire safety measures are to be installed in the building and the owner of the building will be required to provide a Fire Safety Certificate for each measure:

- (a) Install emergency lighting that complies with AS2293.1
- (b) Install exit signs that comply with AS2293.1
- (c) Install portable fire extinguishers to comply with AS2444
- (d) Install a fire hydrant system that complies with AS2419.1
- (e) Install fire hose reels to comply with AS2441

Reason: To ensure compliance and fire safety of Building.

Completion of Road Works

- I6.** 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 to Council within three (3) months of completion of each stage of the road works. 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. An electronic copy of the “work-as-executed” in dwg format shall also be provided to Council with the drawings.

Reason: To ensure compliance with Council’s requirements.

J. Continued Operation**Waste Disposal**

- J1.** No general household waste or waste for either industrial premises is to be disposed of onsite. Waste is to be disposed of to Council’s land fill directly or via licensed contractor.

Reason: To ensure waste is disposed of off-site in an appropriate manner.

Landscaping Maintenance

- J2.** The landscaped area located along the Marys Mount Road and Oxley Highway site frontages, shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

Dust Suppression

- J3.** Dust suppression of all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- J4.** The approved dust suppressant treatment to the gravel pavement of Marys Mount Road to a point 20m to the north of the development site entrance, shall be reapplied every 2 years from commencement of operations until such time as the development ceases to operate.

Reason: To ensure dust suppression is maintained.

Vehicle Movement

- J5.** 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 traffic safety.

Fire Safety

- J6** 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.

- J7.** The occupier shall not block paths of travel to, or around, the required fire exits and shall maintain paths of travel to have a minimum unobstructed width of 1m, all as required by Part D1 of the BCA.

Reason: To ensure compliance.

Water Supply

J8. The water storage (identified in Condition E7) shall be constructed on site for fire fighting purposes.

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

PURPOSE

Introduction

The Modification of Consent is being referred to Council for determination as the original development determination was made by Council.

Applicant:	WA & NY Foster
Owner:	Mr W A & Mrs N Y Foster
Property Description:	Lot 6 DP627794, 38 Marys Mount Road, Gunnedah

COMMENTARY

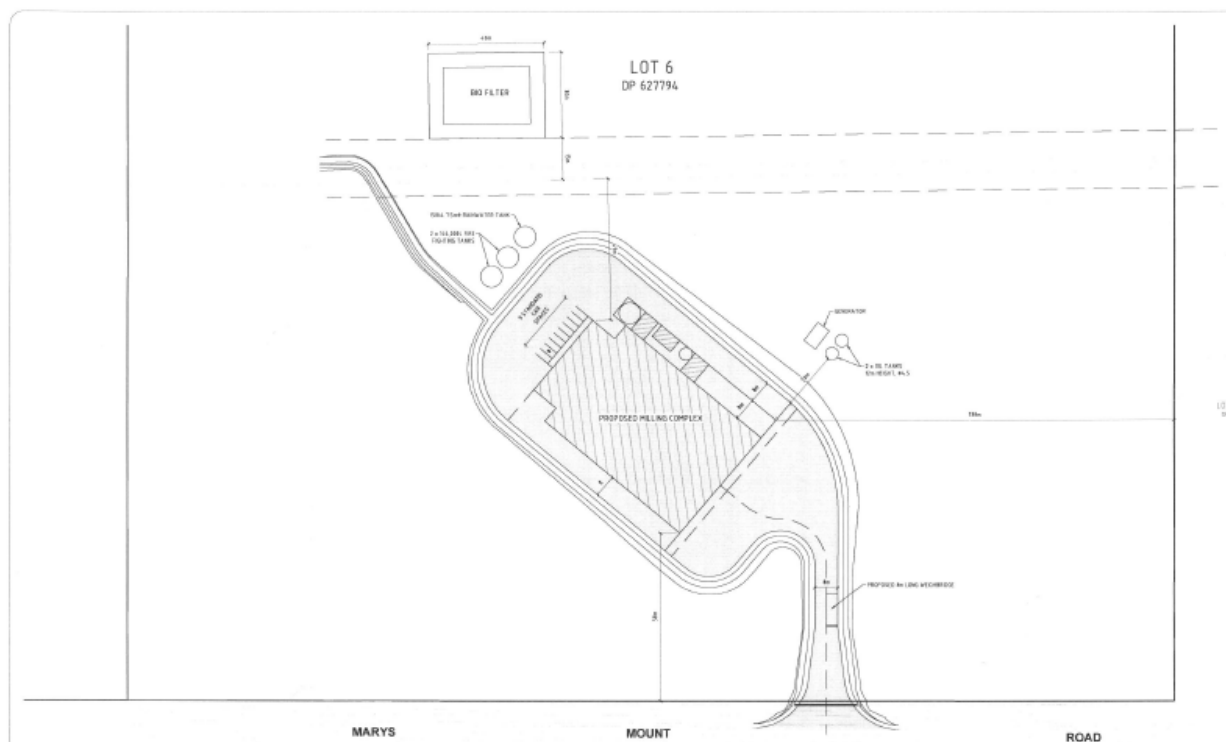
Proposed Development

The Modification of Consent is seeking a modification to:

- incorporate an initial commissioning phase for the seed mill.
 - delivery of a maximum limit of 500 tonne of grain;
 - operation of the grain processing facility for a period of no more than three (3) months;
 - hours of operation of the initial commissioning phase - 7.00am to 5.00pm, 7 days per week.
 - Maximum of 20 heavy vehicles (40 movements) over the three month period.
 - Deliveries would not occur during the operation of the school bus (7.30am – 8.00am and 3.45pm – 4.15pm);
 - Initial commissioning phase to occur prior to the construction works at the Marys Mount Road and Oxley Highway; and
 - 14 days' notice would be given to Council and nearby affected residents prior to the commencement of the initial commission phase.

- amend to conditions relating to minor physical changes to the layout of ancillary features as outlined below:
 - Replace and relocate an approved 100 tonne silo with a 300 tonne silo;
 - Relocate an approved 100 tonne silo;
 - Relocate boiler shed;
 - Construction of two lean-to extensions to an approved shed;
 - Relocation of two oil tanks; and
 - Provision of location of Generator

- minor wording changes to Conditions G7 and G18.
 - Condition G7 - to enable local traffic to access the site from Marys Mount Road.
 - Condition G18 - to clarify the requirements of the noise criteria in regard to the EPA's Industrial Noise Policy.



BACKGROUND

Council previously approved Development Application No. 2014/042, (Resolution No. 27.08/14) for the construction of a grain processing facility and Modification of Consent No. 2014/042.002, (Resolution No. 3.05/P), to amend approved development plans.

COMMENTARY

Issues

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

Gunnedah LEP, 2012

The current land use approval is permissible within the land zoning. The development is considered to be substantially the same with the amendment to development conditions being regulatory based and the minor amendments to development plans. The modification will be compliant with the following clauses of the Gunnedah Local Environmental Plan 2012:

5.9 – Preservation of Trees or Vegetation

The modification will not require the removal of any additional trees. Existing vegetation will be maintained and requirements for landscaping along lot boundaries will be retained.

6.5 – Essential Services

The modification will maintain the requirements for provision of essential services to the site with onsite water storage and effluent disposal. The development modification will not affect the provision of vehicle access to the site.

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

1.8 – Consultation

The modification of consent was notified to adjoining land holders for a period of 14 days. Council received seven (7) submissions during the submission period. Matters raised within the submissions are addressed further through this report.

6.6 – Environmental Effects

Traffic

The modification of consent application proposes to amend Condition G7, which currently restricts the movements of delivery vehicles to the site via Marys Mount from Oxley Highway only. The modification proposes to access for local traffic to travel south along Marys Mount directly to the site.

The modification also proposes an initial commissioning phase, which would include the delivery of grain by a maximum of 20 heavy vehicles, prior to the construction of the required road and intersection works. Movements would be restricted to the maximum 40 movements over the three month period.

The initial commissioning phase is to ensure that all operations can be undertaken as proposed, before further outlay of significant finances required for the construction of the required road works.

Air Quality & Noise Emissions

The modification of consent also proposes an amendment to Condition G18, which relates to noise level restrictions. The amendment is proposed to clarify the assessment of the noise level criteria in accordance with the EPA's Industrial Noise Policy. The conditions relating to noise generation levels will not enable noise levels to exceed the current condition requirements. The amendment to the condition will include the specified assessment time frames, outlining the noise level sampling assessment being undertaken over a 15 minute period, which was not previously specified.

The initial commissioning period would have limited traffic movements and restricted hours of operation to ensure that there are no additional noise impacts above the approved operation of the mill.

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 is located to the west of Gunnedah, adjacent to the intersection of Marys Mount Road and contains an existing dwelling house and associated outbuildings. The surrounding area is predominately small agricultural holdings utilised for cropping and grazing, with individual dwelling houses on each allotment. The development has previously been approved for the development with the location of the site being previously levelled.

S79C(1)(c) *the suitability of the site for the development*

The modification of consent is considered to be substantially the same development with the modification of consent. It is considered that the development will not alter the requirements of development on the site and hence, it is considered that the site is suitable for the proposed modification of consent.

S79C(1)(d)&(e) *any submissions made in accordance with this Act or the regulations and the public interest*

Council received seven (7) submissions during the submission period. The submissions noted the following issues:

- *Alteration to traffic movements and effect on maintenance and contributions to road surface*
There is no development condition on the original development regarding maintenance contributions or voluntary planning agreements. The modification is not proposing to alter the number of vehicle movements permitted as part of the development.

The modification will grant permission for an initial commissioning phase that will have a restricted level of traffic movements prior to all works being required. With the maximum number of heavy vehicles being restricted to 20 during the initial commissioning phase, it is considered that construction works at the intersection of the Oxley Highway and Marys Mount Road are able to be constructed prior to the commencement of the full operations of the grain mill.

- *Alteration to noise levels*
Noise limits are imposed on development consent. The required noise levels are not being amended as part of the development application. The modification will clarify the assessment criteria and testing utilised for ascertaining noise level generation at nearby receptors. The approved noise level restrictions are less than the levels requested in the submission.
- *Alteration to emission levels*
The modification request to amend condition G19 has been removed by the applicant. No modification to conditions relating to emission levels is proposed.
- *Further amendment to conditions of consent*
Any further amendments to development conditions of consent will require further modification of consent applications. Future application would be assessed on their merits and are required to be substantially the same as the original application.
- *Breach and imposing of condition G2*
Breach of conditions is not a consideration of this Modification of Consent. Council has acted on all customer requests regarding the existing approvals on the site.
- *Provide bunding around oil and fuel storage areas*
Storage of fuel onsite was assessed as part of the original development application. Bunding of oil and fuel storage areas is not a consideration of this modification of consent.
- *Reduction in operation out & hours of operation*
Hours of operation were determined as a condition of consent for the original development determination. The modification of consent does not propose any alteration to hours of operation.
- *No definition of local traffic*
Council has included a definition of local traffic to on the condition relating to traffic movements along Mary Mount Road. The inclusion of a definition will clearly indicate and restrict traffic that is to be directed along Marys Mount Road. 'Local traffic' is to be restricted to traffic originating within a 15 kilometre radius of the site to allow possible movements from along Marys Mount Road without the need for circulating around to enter from the Oxley Highway entry.
- *Impact of realignment and road usage on environment including flora and fauna*
The minor realignment of Marys Mount Road intersection to Oxley Highway is part of the original development approval and is not a matter or consideration for this modification to the development consent. The modification will not require any further removal of trees from within the road reserve.
- *Lack of notification to affected land holders*
The modification of consent was notified to all immediate adjoining land holders and any person who made a submission to the previous development application. Notification was undertaken in accordance with Clause 79A of the Environmental Planning & Assessment Act 1979. Council was not required to notify all land holders within the broader community.
- *Applicants' confirmation of contracts and agreements with local producers of Marys Mount Road that requires use of Marys Mount Road*
There is no development obligations from the developer that they are required to have any contracts with the local producers. The proposed amendment to the condition relating to directions of travel is to allow movements of vehicles for 'local traffic' only along Marys Mount Road.
- *Applicant operates similar developments elsewhere and should understand development start-up cost*

The operation of other similar developments, regardless of their development type, is not a consideration for this application. Each development can only be assessed on the individual merits of each case.

Conclusion

The modification of consent is considered to have minimal impact on the development with conditions being amended to clarify existing conditions. The inclusion of the initial commissioning phase will be restricted in its usage and operations to ensure that operations cease after the finalisation of the three month period. Conditions are considered to be substantially the same to the currently imposed conditions with the inclusion of the initial commissioning phase is not expected to result in any significant impact on the surrounding area. Hence, the modification to the development consent is recommended for approval.

Donna Ausling
ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

PLANNING ENVIRONMENT AND DEVELOPMENT OBJECTIVES 2015/16

OBJECTIVE NO	MANAGEMENT PLAN REF. PAGE	OBJECTIVE	HOW WILL THIS BE ACHIEVED	TARGET DATE	STATUS	REVISED DATE
1.		Waste Management Strategy	Implementation of Waste Management and Environmental Initiative	June 2019		
2.		Namoi Parklands Riverine Program	Biannual Review	August 2016	Stage 1 Complete Stage 2 Complete Stage 3 Work Commenced Stage 4 Work Commenced	
3.		Gunnedah Strategic Planning Review		September 2016	Draft Urban Landuse Strategy presented to Planning Environment & Development Committee May 2015 for endorsement for exhibition. Referred to June 2015 Council meeting. Draft Gunnedah Urban Landuse Strategy on exhibition- closes 28 August 2015	
4.	Koala Habitat Improvement	Adoption and implementation of Koala Management Strategy	Consideration at August 2015 Planning Environment & Development Meeting for exhibition	September 2016		
5.	Enforcement Policy	Development and adoption of Enforcement Policy	June 2016	June 2016		
6.	Floodplain Management	Completion of Blackjack Creek Flood Mitigation Project	Property Acquisition Commenced	June 2017 Negotiations Ongoing. Compulsory Acquisition Commenced		

SCANNED

17 NOV 2015

Allan Hanlen

This submission is written and sent without prejudice.

The Wilgas

This submission is not in favour of allowing any changes to the
current consent conditions allocated toward Consent
Application#2014/042

Marys Mt Rd

Gunnedah

Dear Ms Hunt,

It is most unfortunate, that we as landholders and ratepayers, have had to learn of a proposal to modify a Consent Application #2014/042 by a third party.

As we have an approximate road frontage to Marys Mt Rd of some 8 kilometres, it would have been reasonable to expect that council would have notified us of such a dramatic proposed change to its usage, especially for the convenience of a private developer.

The current development consent, as we understand, had fair and reasonable conditions attached to it by council after careful and considered investigation by that party. These conditions were obviously drawn up against the information provided by the applicant and upon appropriate investigation by council.

It seems extraordinary, after such approval was granted with said conditions attached; that the applicant has at such a late stage of said development, undertaken what appears to be a total review and assessment of the business plan associated with the project.

It could be argued that, the information which council was originally provided with by the applicant for considered approval at the initial granting of development consent, was either incomplete in its offerings or indicated a lack of due diligence of financial costs and constraints by the applicant. Neither which can or should be a justification for the diminishment or abrogation of conditional responsibility by the applicant as conditions now stand.

As, we are reliably informed, the said applicant has in the past been involved in the running of a similar operation in the Hillston area, it would have, or should have, either by firsthand knowledge or by due diligence, known clearly the issues and costs involved in setting up an operation of the size the applicant envisages on the site that party has chosen to develop.

We would, at this stage, like to comment on the suggestion made by the applicant that such a change to the usage of Marys Mt Road would allow delivery of product to the development by local Marys Mt producers. We have never spoken too, nor been approached by the applicant for the purpose of supply to his development. As one of only two growers of canola on Marys Mt Rd, we strongly refute any proposed changes to said conditions on that misnomer. It has been clearly stated by the other grower on Marys Mt Rd that they have no agreement with the applicant either.

It is apparent to us, from our investigation of "local", that there is no identifiable distance attached to it, either under development consent terms or even under law. Therefore, it would follow, this vague terminology allows product to be sourced from anywhere the applicant choose's but to have such product identified as 'local'. More concise information would need to be provided in written statement form to allow both council and the public to appreciate just what it is that the applicant is attempting to first identify and then, in turn, apply for.

We appreciate that council must consider any change to Consent that the applicant may choose to submit. However, any Conditional Consent modification must also be balanced against the impacts such modification may have upon the natural and social environment that currently exists along the Marys Mt Rd.

The road is not one that could justify heavier usage than it is already subjected too. In our 10 year tenure of the properties we own that front the road, These being "Karinya" "The Wilgas" "Marys Mt",, we have witnessed times when the road was made almost unusable by vehicles in wet times Even in dry times when financial constraints have meant council could not afford, obviously, to maintain the road in a reasonable condition even with normal traffic. We have been also informed that the owner of a hard rock quarry, in our vicinity, was denied the usage of this very road for the transportation of his product, for similar reasons now being proposed as acceptable by the developer of the project under discussion. It would appear any reasoning to deny the previous suggested usage of the road would still be valid as an argument against the current proposal.

As council would obviously be aware, at least 45% of all crashes occur on Council managed roads. This is borne out in "Road Safety Challengers Associated with Management of Local Council Roads in Country Areas" (email -Michel de roos@rta.nsw.gov.au) If, by some chance the Council should agree to modify the consent conditions for the purpose of acquiescing to the developer's request, it would obviously have to consider Road Design Guidelines as may be available from RTA and any supplements attached thereto. It could be argued that any abrogation of responsibility in this area could be considered a non feassance on behalf of Council. The amenity that we currently enjoy as landholders would be greatly diminished by any increase in traffic flow to the Marys Mount Road. We fully appreciate during harvest time the road is subject to increased traffic flow. As farmers, we are aware that this puts considerable pressure on the road surface and it deteriorates quite quickly. Especially if it is a "wet "harvest period and the road is in poor condition as harvest starts. It was only several months' back, as council will be aware, that the road was impassable to vehicles, other than 4 wheel drive vehicles at the eastern approach of the Road to the property "Karinya" and Collygra Lane.

We have homes on our properties which even now are subject to dusty conditions. To consider a proposal to allow such an issue to exacerbate to a continual problem for us, as rate payers and landholders to endure, for the gratification of a private developer, seems totally unreasonable.

There is also the issue of Road widening and realignment, which would have to occur as a matter of course, should any modification be granted. As the mature box trees and other species which border the Road in many places form habitat for many birds and koalas, there is the real prospect that many more of these animals will become unwitting road kill. Local users of the road are aware of such a problem and drive accordingly to avoid potential impact with the native fauna. However, increased road usage, especially by heavy vehicles, will be a recipe for disaster for an already threatened species. Heavy vehicles, when driven by

I have also moved or guided many koalas off the road as they sit or amble along in their euphoric state. Even to contemplate putting these creatures in further peril and jeopardy should not be a matter for serious consideration.

It would be apparent by reading the previous text, that we are entirely against the granting to the applicant for the Development Consent #2014/042, any concessions or abrogation of responsibilities, beyond those allowed for under the current conditions attached to the aforesaid project.

If issues have become apparent to the applicant, which may preclude various undertakings envisaged by that party for the development of said project to proceed to the level hoped, that is a matter entirely for that party. If any potentially misleading statements or assertions have been made in the first instance, with the granting of the original consent, have been knowingly or unwittingly been made, then that is a matter for the applicant to deal with, and as a matter of course, for council to seriously consider.

To consider a change to the current Conditions of consent on the basis of the statements and information provided by the applicant for that purpose, would appear to be unjustified and implausible.

We again state we are against the granting of any consent modification of any nature for Development Consent #2014/042


To suggest also that some of the changes to the current consent conditions are only minor changes, is displaying a level of contempt to the surrounding landowners and other affected ratepayers that cannot be tolerated. Such suggested "minor word changes" have wide ranging effects on surrounding landowner's environmental amenity and healthy wellbeing.

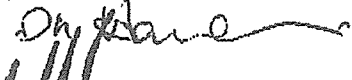
The Council has a duty of care to its rate paying constituents, and also the broader public, in maintaining a safe environment in which they may live and operate. That is the base function of Council. Any abrogation of responsibilities to that end would be seen as favouring a single party over the majority. A situation that is unacceptable.


Yours faithfully


Allan Hanlen

For and on behalf of Allan, Donna, Larn and Luke Hanlen

Allan Hanlen 

Donna Hanlen 

Larn Hanlen 

Luke Hanlen 

16/11/2015

17 NOV 2015

Marys Mount Road
Gunnedah, 2380
14/11/2015**Objection to Modification of Consent Application No. 2014/042**

To whom it may concern,

We as residents of the Marys Mount area are writing to you to object to the following modifications to Consent Application N.2014/042, these are:

- Marys Mount and Collygra roads do not meet the proposed AS or RMS standards for the truck movements as proposed by the developer. Council will have to upgrade all road bends, corners and intersections as required before any permission is granted.
- Residents ask that council confirm in writing that the delay in upgrading the intersection of the Oxley Highway and Marys Mount road will have no safety issues or affect Councils Duty of Care in any way. This intersection is still used daily as the School bus stop by residents and their children. There have already been near misses with school children and concrete trucks delivering directly onto the Mill site. By delaying the upgrade at this intersection an accident is more likely, regardless of traffic volumes. The community is concerned that should an accident occur involving Property, Injury or Fatalities and not enforcing this section of the DA that council could be potentially liable.
- The developer seeks to defer the costs of the Marys Mount / Oxley highway intersection due to high upfront costs of the intersection upgrade. Council should have the community and its duty of care foremost in these matters regardless of the number of heavy vehicles moving on or off this development 24 hours a day, 7 days a week.
- As ratepayers we ask that any increased maintenance or upgrade costs be paid in full by the developer for the additional Heavy Vehicle movements on Marys Mount and surrounding Roads.
- The Marys Mount route as proposed by the developer only saves 400m travelling distance when coming from Boggabri Canola growers or any points further North, this was calculated using Google maps, yet will have a large impact on local residents and costs incurred to council maintained roads. There are increased dust hazard issues and safety issues as a significant percentage of local roads are of gravel construction, the Boggabri /Gunnedah route is all Bitumen. Please see attached maps. Council has a Duty of care to ensure the safest routes are used.
- Marys Mount Road is a Koala corridor. There have been Koala fatalities in the past on this road and any increase in traffic on Marys Mount road will kill more Koalas.
- We ask council to confirm with the developer that he has contracts in place for the supply of Canola from the Canola growers of Marys Mount Road that specifically requires the use of Marys Mount Road.
- The 300t silo proposed has already been built and has been for approx 2 months now. The silo is bright silver with highly reflective surface. This is clearly in breach of section G2 of DA 2014/042. We ask council to make it a condition that this structure be painted and maintained with a natural colour and non reflective surface.
- Residents ask council to have appropriate bunding around proposed oil tanks and associated loading areas of an appropriate type, size and construction to avoid contamination of

neighbouring public and private lands. These 2 tanks have a combined capacity of approx 380000 litres. Any leaks could be significant with such large volumes involved. We ask council to confirm that the tanks and pumping facilities are of a suitable standard to contain such large volumes of oil.

- Residents ask council that the proposed Diesel Generator and oil tanks comply with section G2 of DA 2014/042 and be of a natural and non reflective surface.
- Residents ask council to make it a condition of consent that the proposed Diesel generator be surrounded on 4 sides by earth bunding, 4 meters in height to minimise noise impacts due to Generator and Mill having permission to operate 24/7. Developer to ensure and provide design specifications of the exhaust system and design specifications to council that the Generator will not exceed 35 Dba under operational loads.
- Modification of Section G18 – Residents ask that this be approved subject to the hours of 9am – 5pm, Monday to Friday. We ask that a maximum noise limit at any time of 55Dba be imposed due to the 24 /7 approvals given in DA 2014/042 and to comply with the NSW EPA Industrial noise policy.
- Given the location of the development residents ask that there is no change to this section as requested. As Hydrogen Sulphide is a heavier than air gas and the development is in a shallow valley with frequent inversion events, any increase will have a major effect on residents. At present this complies with the NSW EPA's approved methods for the modelling and assessment of Air Pollutants in NSW impact assessment criteria for Hydrogen Sulphide, the developer seeks to exceed this.
- Residents ask council to consider that the developer now wishes to only process 14000t per annum, and that at this level of throughput 24/7 operation is no longer required. 8am-6pm weekday operations would greatly reduce the impacts upon the community yet still provide adequate time for the developer to operate his business.

The developer has already operated an Oilseed Mill at Hillston and having gone through the process before would be well aware of the setup costs.

The developer while trading as Riverina Milling contributed to the QLD government study on the setup and construction costs of a central QLD Oilseed mill. This document has been given to Mike Silver previously; a copy of the document is online here: <http://www.chdc.com.au/media/2013/03/130606-Final-Oilseed-Processing-Project-Report.pdf>

As such residents would question the need to defer upgrading of the Marys Mount - Oxley Highway intersection.

Residents are concerned that this is not the first modification of Consent regarding this development. Council worked together with residents to achieve the original DA, with the additional and repeated modifications it is concerning to residents that when this development finally commences operation the DA they are operating under will bear little resemblance to the original with local residents health and safety the losers.

Regards

Simone Bram

0421 964 137

S C A N N E D

1 7 NOV 2015

"Bunker Hill"
Marys Mount Road
Gunnedah, 2380
14/11/2015

Objection to Modification of Consent Application No. 2014/042

To Whom it may concern,

We as residents of the Marys Mount area are writing to you to object to the following modifications to Consent Application N.2014/042, these are:

- Marys Mount and Collygra roads do not meet the proposed AS or RMS standards for the truck movements as proposed by the developer. Council will have to upgrade all road bends, corners and intersections as required before any permission is granted.
- Residents ask that council confirm in writing that the delay in upgrading the intersection of the Oxley Highway and Marys Mount road will have no safety issues or affect Councils Duty of Care in any way. This intersection is still used daily as the School bus stop by residents and their children. There have already been near misses with school children and concrete trucks delivering directly onto the Mill site. By delaying the upgrade at this intersection an accident is more likely, regardless of traffic volumes. The community is concerned that should an accident occur involving Property, Injury or Fatalities and not enforcing this section of the DA that council could be potentially liable.
- The developer seeks to defer the costs of the Marys Mount / Oxley highway intersection due to high upfront costs of the intersection upgrade. Council should have the community and it's duty of care foremost in these matters regardless of the number of heavy vehicles moving on or off this development 24 hours a day, 7 days a week.
- As ratepayers we ask that any increased maintenance or upgrade costs be paid in full by the developer for the additional Heavy Vehicle movements on Marys Mount and surrounding Roads.
- The Marys Mount route as proposed by the developer only saves 400m travelling distance when coming from Boggabri Canola growers or any points further North, this was calculated using Google maps, yet will have a large impact on local residents and costs incurred to council maintained roads. There are increased dust hazard issues and safety issues as a significant percentage of local roads are of gravel construction, the Boggabri /Gunnedah route is all Bitumen. Please see attached maps. Council has a Duty of care to ensure the safest routes are used.
- Marys Mount Road is a Koala corridor. There have been Koala fatalities in the past on this road and any increase in traffic on Marys Mount road will kill more Koalas.
- We ask council to confirm with the developer that he has contracts in place for the supply of Canola from the Canola growers of Marys Mount Road that specifically requires the use of Marys Mount Road.
- The 300t silo proposed has already been built and has been for approx 2 months now. The silo is a bright silver with highly reflective surface. This is clearly in breach of section G2 of DA 2014/042. We ask council to make it a condition that this structure be painted and maintained with a natural colour and non reflective surface.
- Residents ask council to have appropriate bunding around proposed oil tanks and associated

loading areas of an appropriate type, size and construction to avoid contamination of neighbouring public and private lands. These 2 tanks have a combined capacity of approx 380000 litres. Any leaks could be significant with such large volumes involved. We ask council to confirm that the tanks and pumping facilities are of a suitable standard to contain such large volumes of oil.

- Residents ask council that the proposed Diesel Generator and oil tanks comply with section G2 of DA 2014/042 and be of a natural and non reflective surface.
- Residents ask council to make it a condition of consent that the proposed Diesel generator be surrounded on 4 sides by earth bunding, 4 meters in height to minimise noise impacts due to Generator and Mill having permission to operate 24/7. Developer to ensure and provide design specifications of the exhaust system and design specifications to council that the Generator will not exceed 35 Dba under operational loads.
- Modification of Section G18 – Residents ask that this be approved subject to the hours of 9am – 5pm, Monday to Friday. We ask that a maximum noise limit at any time of 55Dba be imposed due to the 24 /7 approvals given in DA 2014/042 and to comply with the NSW EPA Industrial noise policy.
- Given the location of the development residents ask that there be no change to this section as requested. As Hydrogen Sulphide is a heavier than air gas and the development is in a shallow valley with frequent inversion events, any increase will have a major effect on residents. At present complies this complies with the NSW EPA's approved methods for the modelling and assessment of Air Pollutants in NSW impact assessment criteria for Hydrogen Sulphide, the developer seeks to exceed this.
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The developer while trading as Riverina Milling, contributed to the QLD government study on the setup and construction costs of a central QLD Oilseed mill. This document has been given to Mike Silver previously, a copy of the document is online here:

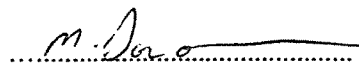
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As such residents would question the need to defer upgrading of the Marys Mount - Oxley Highway intersection.

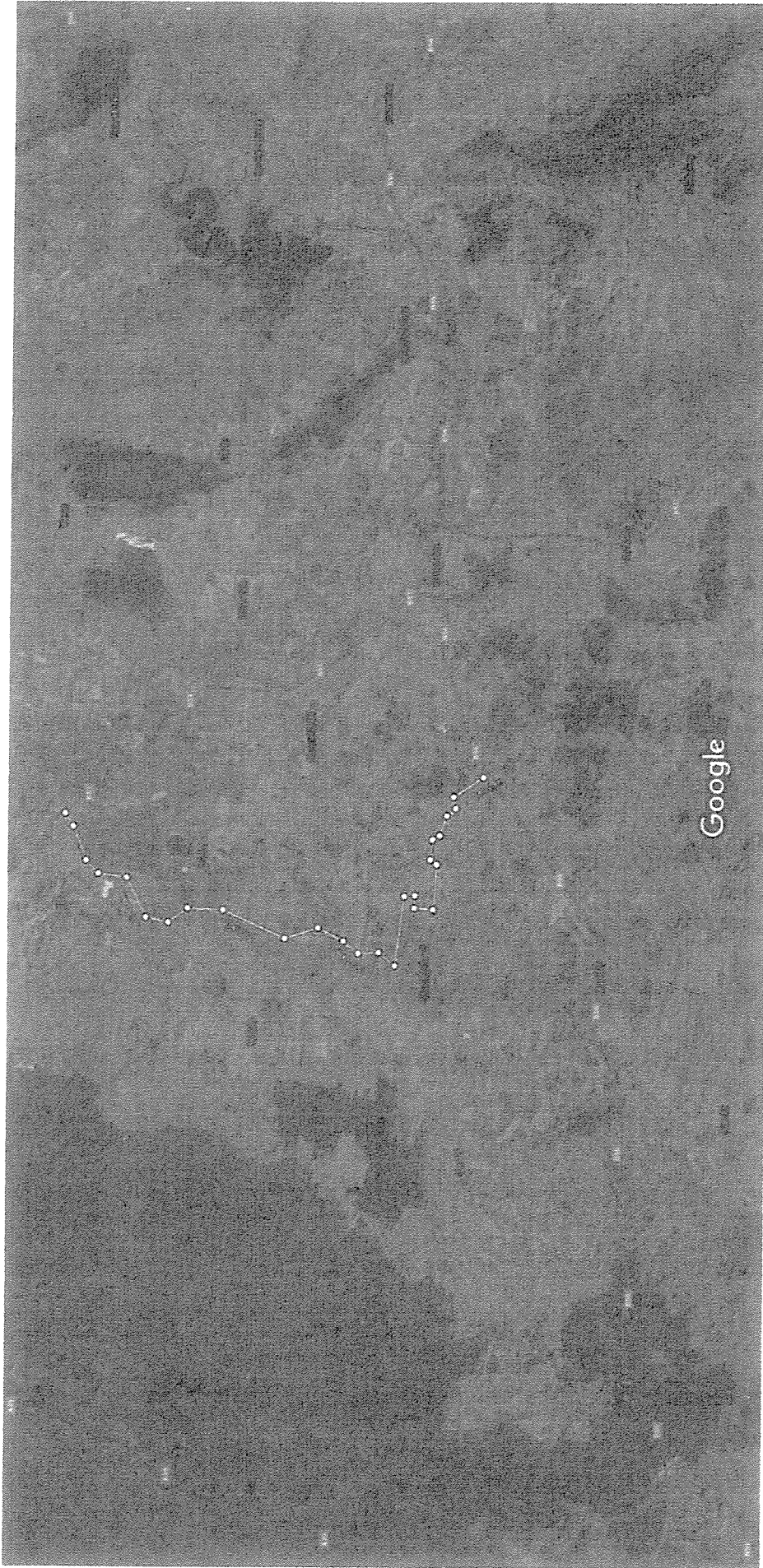
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Regards

Mark Donaldson



Google Maps Bogabri to Marys Mount Oilseed Mill Via Mullaley Stockrodite



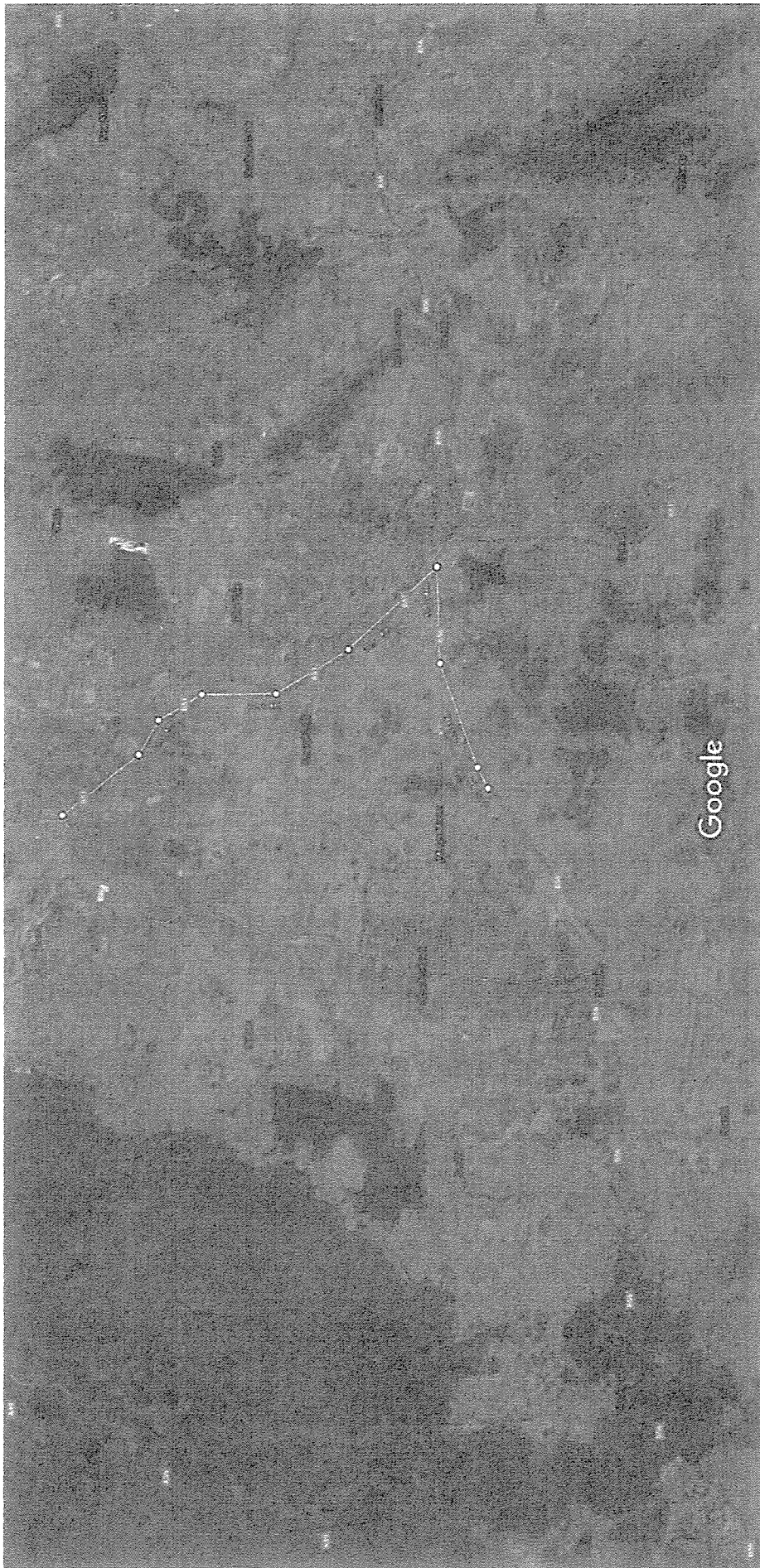
Imagery ©2015 TerraMetrics, Map data ©2015 Google 5 km

Measure distance

Total distance: 55.32 km (34.37 mi)

<https://www.google.com.au/maps/@-30.9434489,150.0684307,61032m/data=!3m1!1e3>

Google Maps Boggabri to Marys Mount Oilseed Mill via Gunnedah



Imagery ©2015 TerraMetrics, Map data ©2015 Google 5 km

Measure distance

Total distance: 55.71 km (34.62 mi)

S C A N N E D

17 NOV 2015

"Bunker Hill"
Marys Mount Road
Gunnedah, 2380
14/11/2015

Objection to Modification of Consent Application No. 2014/042

To Whom it may concern,

We as residents of the Marys Mount area are writing to you to object to the following modifications to Consent Application N.2014/042, these are:

- Marys Mount and Collygra roads do not meet the proposed AS or RMS standards for the truck movements as proposed by the developer. Council will have to upgrade all road bends, corners and intersections as required before any permission is granted.
- Residents ask that council confirm in writing that the delay in upgrading the intersection of the Oxley Highway and Marys Mount road will have no safety issues or affect Councils Duty of Care in any way. This intersection is still used daily as the School bus stop by residents and their children. There have already been near misses with school children and concrete trucks delivering directly onto the Mill site. By delaying the upgrade at this intersection an accident is more likely, regardless of traffic volumes. The community is concerned that should an accident occur involving Property, Injury or Fatalities and not enforcing this section of the DA that council could be potentially liable.
- The developer seeks to defer the costs of the Marys Mount / Oxley highway intersection due to high upfront costs of the intersection upgrade. Council should have the community and it's duty of care foremost in these matters regardless of the number of heavy vehicles moving on or off this development 24 hours a day, 7 days a week.
- As ratepayers we ask that any increased maintenance or upgrade costs be paid in full by the developer for the additional Heavy Vehicle movements on Marys Mount and surrounding Roads.
- The Marys Mount route as proposed by the developer only saves 400m travelling distance when coming from Boggabri Canola growers or any points further North, this was calculated using Google maps, yet will have a large impact on local residents and costs incurred to council maintained roads. There are increased dust hazard issues and safety issues as a significant percentage of local roads are of gravel construction, the Boggabri /Gunnedah route is all Bitumen. Please see attached maps. Council has a Duty of care to ensure the safest routes are used.
- Marys Mount Road is a Koala corridor. There have been Koala fatalities in the past on this road and any increase in traffic on Marys Mount road will kill more Koalas.
- We ask council to confirm with the developer that he has contracts in place for the supply of Canola from the Canola growers of Marys Mount Road that specifically requires the use of Marys Mount Road.
- The 300t silo proposed has already been built and has been for approx 2 months now. The silo is a bright silver with highly reflective surface. This is clearly in breach of section section G2 of DA 2014/042. We ask council to make it a condition that this structure be painted and maintained with a natural colour and non reflective surface.
- Residents ask council to have appropriate bunding around proposed oil tanks and associated

loading areas of an appropriate type, size and construction to avoid contamination of neighbouring public and private lands. These 2 tanks have a combined capacity of approx 380000 litres. Any leaks could be significant with such large volumes involved. We ask council to confirm that the tanks and pumping facilities are of a suitable standard to contain such large volumes of oil.

- Residents ask council that the proposed Diesel Generator and oil tanks comply with section G2 of DA 2014/042 and be of a natural and non reflective surface.
- Residents ask council to make it a condition of consent that the proposed Diesel generator be surrounded on 4 sides by earth bunding, 4 meters in height to minimise noise impacts due to Generator and Mill having permission to operate 24/7. Developer to ensure and provide design specifications of the exhaust system and design specifications to council that the Generator will not exceed 35 Dba under operational loads.
- Modification of Section G18 – Residents ask that this be approved subject to the hours of 9am – 5pm, Monday to Friday. We ask that a maximum noise limit at any time of 55Dba be imposed due to the 24 /7 approvals given in DA 2014/042 and to comply with the NSW EPA Industrial noise policy.
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- Residents ask council to consider that the developer now wishes to only process 14000t per annum, and that at this level of throughput 24/7 operation is no longer required. 8am-6pm weekday operations would greatly reduce the impacts upon the community yet still provide adequate time for the developer to operate his business.

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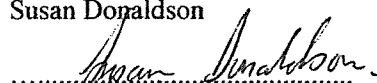
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Regards

Susan Donaldson



Google Maps Boggabri to Marys Mount Oilseed Mill via Gunnedah



Imagery ©2015 TerraMetrics, Map data ©2015 Google 5 km

Measure distance

Total distance: 55.71 km (34.62 mi)

Google Maps Boggabri to Marys Mount Oilseed Mill Via Mullaley Stockroute



Imagery ©2015 TerraMetrics, Map data ©2015 Google 5 km

Measure distance

Total distance: 55.32 km (34.37 mi)

SCANNED

17 NOV 2015

Marys Mount Road
Gunnedah, 2380
14/11/2015**Objection to Modification of Consent Application No. 2014/042**

To whom it may concern,

We as residents of the Marys Mount area are writing to you to object to the following modifications to Consent Application N.2014/042, these are:

- Marys Mount and Collygra roads do not meet the proposed AS or RMS standards for the truck movements as proposed by the developer. Council will have to upgrade all road bends, corners and intersections as required before any permission is granted.
- Residents ask that council confirm in writing that the delay in upgrading the intersection of the Oxley Highway and Marys Mount road will have no safety issues or affect Councils Duty of Care in any way. This intersection is still used daily as the School bus stop by residents and their children. There have already been near misses with school children and concrete trucks delivering directly onto the Mill site. By delaying the upgrade at this intersection an accident is more likely, regardless of traffic volumes. The community is concerned that should an accident occur involving Property, Injury or Fatalities and not enforcing this section of the DA that council could be potentially liable.
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- Residents ask council to have appropriate bunding around proposed oil tanks and associated loading areas of an appropriate type, size and construction to avoid contamination of

neighbouring public and private lands. These 2 tanks have a combined capacity of approx 380000 litres. Any leaks could be significant with such large volumes involved. We ask council to confirm that the tanks and pumping facilities are of a suitable standard to contain such large volumes of oil.

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- Residents ask council to consider that the developer now wishes to only process 14000t per annum, and that at this level of throughput 24/7 operation is no longer required. 8am-6pm weekday operations would greatly reduce the impacts upon the community yet still provide adequate time for the developer to operate his business.

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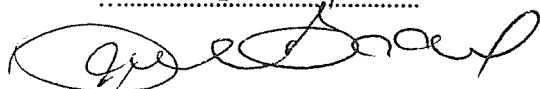
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Regards

PAUL BRADY



0409 935 513

Mr Joe Newbery
69 Marys Mount Road
GUNNEDAH, NSW 2380
Tel: 02 6743 7180
Mob: 0407 297 160

16th November 2015

Carolyn Hunt
Manager Development & Planning
Gunnedah Shire Council
63 Elgin Street
Gunnedah NSW 2380

Ref: 16112015Newbery

Subject: Letter – Notification of Development Application No. 2014/042, 38 Marys Mount Rd
Gunnedah NSW

Dear Carolyn

We as residents of the Marys Mount area are writing to you to object to the following modifications to Consent Application N.2014/042, these are:

Marys Mount and Collygra roads do not meet the proposed AS or RMS standards for the truck movements as proposed by the developer. Council will have to upgrade all road bends, corners and intersections as required before any permission is granted.

Residents ask that council confirm in writing that the delay in upgrading the intersection of the Oxley Highway and Marys Mount road will have no safety issues or affect Councils Duty of Care in any way. This intersection is still used daily as the School bus stop by residents and their children. There have already been near misses with school children and concrete trucks delivering directly onto the Mill site. By delaying the upgrade at this intersection an accident is more likely, regardless of traffic volumes. The community is concerned that should an accident occur involving Property, Injury or Fatalities and not enforcing this section of the DA that council could be potentially liable.

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As ratepayers we ask that any increased maintenance or upgrade costs be paid in full by the developer for the additional Heavy Vehicle movements on Marys Mount and

Page 1 of 4

Monday, 16 November 2015

surrounding Roads.

The Marys Mount route as proposed by the developer only saves 400m travelling distance when coming from Boggabri Canola growers or any points further North, this was calculated using Google maps, yet will have a large impact on local residents and costs incurred to council maintained roads. There are increased dust hazard issues and safety issues as a significant percentage of local roads are of gravel construction, the Boggabri /Gunnedah route is all Bitumen. Please see attached maps. Council has a Duty of care to ensure the safest routes are used.

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Joseph Newbery
69 Marys Mount Rd
Gunnedah NSW 2380

Tel: 02 6743 7180

Reportable Political Donations

Have you made a reportable Political Donation in the 2 years before the 16th April 2015?

<input type="checkbox"/>	<p>Yes Please see attached the completed Disclosure of Political Donations and Gifts.</p>	<input checked="" type="checkbox"/>	<p>No No Disclosure of Political Donations and Gifts is required.</p>
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SCANNED

16 NOV 2015

W & R Nowland
102 Beeson Road
(PO Box 172)
GUNNEDAH NSW 2380

Carolyn Hunt
Manager Development & Planning
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380

15th November, 2015.

Notification Modification of Consent Application No. 2014/042

Site Description: Lot 6 DP 627794, 38 Marys Mount Road Gunnedah

We are writing to inform you of our objection to the modification to conditions contained in the above Development Application.

Condition G7: The use of the Marys Mount road for deliveries to the Mill should be restricted to use only by growers living along the Marys Mount road. As in the original DA all traffic relating to the operation of the Mill should be only permitted to access the Mill from the Oxley Highway.

REASON:

- There are three dangerous corners on the Marys Mount Road
- The extra dust created by the truck movements will be a hazard to other traffic and to the residents of Marys Mount.
- Council upkeep to the gravel surface of Marys Mount Road will be greatly increased by extra truck movements.

Condition G18: The conditions placed on the proponent by the original DA in relation to noise should not be altered.

REASON:

- To reduce impact by the Mill on nearby residents.

Condition G19: There should be no alterations to the requirement for the Mill to comply with EPA'S Approved Methods for the Modelling & Assessment of Air Pollutants in NSW Impact Assessment Criteria for H2S at any time.

REASON:

- To eliminate any possible health impacts to residents living in the area identified by the proponent as likely to be impacted by the Mill.

The conditions imposed upon the proponent by Gunnedah Shire Council in the original DA were such that the residents of Marys Mount were satisfied that Council had done a thorough job of assessing this application. There should be no watering down or changing of those conditions. Should there be any changes to the original conditions it should be mandatory that when the Mill reaches the original production figures the conditions revert back to the original DA.

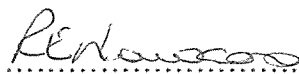
As residents of Marys Mount our concern would be that once Council starts allowing modifications to the original conditions of this DA that those modifications will never be reversed and to the contrary expanded upon with later requests by the proponent for further modifications to the DA.

The Gunnedah Shire Council's "Duty of Care" in relation to the health and safety of the residents affected by these conditions should be paramount at all times.

Yours faithfully

Wayne Nowland

Robyn Nowland

Handwritten signature of Wayne Nowland in cursive script, written over a dotted line.Handwritten signature of Robyn Nowland in cursive script, written over a dotted line.

Shire of
G u n n e d a h
Land of Opportunity
