



## MEETING NOTICE

<b>COMMITTEE</b>	<b>PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE</b>
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>DATE</b>	Wednesday 5 December 2018
<b>TIME</b>	4:00pm
<b>VENUE</b>	Council Chambers, 63 Elgin Street, Gunnedah
<b>ATTACHMENTS</b>	Director Planning and Environmental Services Report

### AGENDA

1. Present/Apologies
2. Declarations of Interest
3. Report of Director of Planning and Environmental Services
  - 3.1 Development Application No. 2018/088 – Installation of transportable dwelling and construction of additions to dwelling – Lot 2 Section 15 DP 758234, 113-115 Breeza Street, Carroll..... 3
  - 3.2 Development Application No. 2018/083 – Construction of two shade sails – Lot 1 DP 1229687 – 209-211 Bloomfield Street, Gunnedah..... 16
  - 3.3. Development Application No. 2018/090 – Demolition of an existing wash bay and construction of new vehicle wash bay – Lot 196 DP 755503 – 12 Bennett Road, Gunnedah ..... 25

Andrew Johns  
 DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

*Apologies to: 6740 2120*

***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 Meeting Report

<b>ITEM 1</b>	<b>Development Application No. 2018/088 – Installation of transportable dwelling and construction of additions to dwelling – Lot 2 Section 15 DP758234, 113-115 Breeza Street, Carroll</b>
<b>MEETING</b>	Planning, Environment and Development Committee – 5 December 2018
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamline to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Ensure compliance with legislation through assessment of development applications
<b>ATTACHMENTS</b>	Nil

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### OFFICER'S RECOMMENDATIONS:

That the Development Application No. 2018/088, for the installation of a transportable dwelling and construction of additions to the dwelling, at 113-115 Breeza Street, Carroll, Lot 2 Section 15 DP758234, be approved subject to the following conditions:

**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 25 October 2018;
  - Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, dated 10 October 2018; and
  - Submitted plans:
    - Prepared by G Burton, dated 7 June 2018, Existing Building Plans (Elevations), Existing Building Plans (Floor Plan & Window Schedule), Proposed Building Plans (Floor Plan – Existing and Proposed), Proposed Building Plans (Proposed Elevations);
    - Prepared by Northwest Projects, Drg No. NWP/LOFTUS/04 (Site Plan), Drg No. NWP/LOFTUS/03 (Layout Detail);
  - Supporting Documentation:
    - Flood Survey Report, prepared by Stewart Surveys Pty Ltd, dated: 18 June 2018, ref: 5047;

except as otherwise provided by the conditions of consent.

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

**B. Prescribed conditions**

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

**B1. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
  - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17 (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
  - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
  - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

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

**B2. Erection of signs**

- (1) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

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

### **B3. Notification of Home Building Act 1989 requirements**

- (1) For the purposes of section 4.17 (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - (a) in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

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

### **C. Prior to Commencement of Building Works**

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

***Reason: To meet statutory requirements.***

- C2.** Prior to the commencement of building works a copy of Home Owner's Warranty Insurance shall be submitted to Council.

***Reason: To ensure Home Owner's Warranty is provided.***

- C3.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

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

**D. Prior to the issue of a Construction Certificate**

- D1.** Prior to issue of a Construction Certificate construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifying Authority.

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

- D2.** 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.***

- D3.** Prior to the issuing of a Construction certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 7.12 Contributions Plan 2013 under Section 7.12 of the Environmental Planning and Assessment Act 1979. The current levy payable is calculated at 0.5% of the development cost. The current calculated levy payable is \$750, revised construction cost may incur a varied levy fee.

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

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

***On-Site Sewerage Management***

- D4.** Prior to the issuing of a Construction Certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act 1993 to:
- (a) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
  - (b) Operate a system of sewage management
  - (c) Install a manufactured home, moveable dwelling or associated structure on land.

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

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

**E. General**

- E1.** Street numbers of minimum height of 75mm are to be displayed in a prominent position so as to be legible from the street. Your street number will be 113-115 Breeza Street.

***Reason: To ensure proper identification of premises in case of emergencies.***

- E2.** Any Onsite Sewerage Management System being installed on the development allotment must be suitably designed to be subject to inundation by flood waters. The use of a primary treated septic system is not permitted and should not include tank and trench style system configuration.

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

- E3.** All materials located below the 1 in 100 year flood level used in the construction of the dwelling are to utilise flood compatible materials.

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

- E4.** The floor level of the new residence is to be set at RL 282.3 meters in accordance with the report supplied by Stewart Surveys of Gunnedah, dated the 18 June 2018, ref: 5047.

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

**Water Supply**

- E5.** The dwelling shall be provided with rainwater tanks having a capacity of 45,000 litres of water before occupation is sought. Such tanks shall have a total of 10,000 litres of water reserved for fire fighting purposes, with a lower outlet for fire fighting purposes fitted with a 65mm storz fitting and ball or gate valve shall be located in such a position that access for fire fighting units shall be as direct as possible.

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

**Access**

- E6.** Vehicular access shall be from Breeza Street 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 (RTA specification for a Typical Rural Property Access for a single unit truck). 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.***

## F. During Construction Works

### F1. Inspections by Council

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

- (a) stormwater drains
- (b) internal drainage under water test
- (c) external drainage under water test
- (d) water plumbing
- (e) septic tank or aerated wastewater treatment system
- (f) Final inspection of water plumbing, sanitary drainage and stormwater drainage.

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

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

### F2. Inspections by the Principal Certifying Authority – Mandatory Critical Stage Inspections

48 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 4.18(2) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspection in **bold type** are mandatory critical stage inspections under the Act and **MUST** be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued).

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

The above listed works may not be covered until approval is obtained from the Principal Certifying Authority or his/her duly appointed delegate.

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

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

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



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

***Reason: To ensure efficient dispersal of storm water.***

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

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

- F6.** The developer shall provide Council with written verification from a registered Surveyor confirming compliance with the finished floor heights as endorsed by the approved plans, at the following mandatory inspection stage:
- Installation of the manufactured home, moveable dwelling or associated; and
  - Bearers and joist inspection, for the proposed additions.

***Reason: To meet statutory requirements.***

**F7. 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.***

**F8. Protection of public places**

If the work involved in the installation and construction of additions to a building:

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

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

**F9. 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.***

- F10.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

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

No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

***Reason: To ensure amenity of the neighbourhood is maintained.***

**G. Prior to issue of an Occupation Certificate**

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

***Reason: To meet statutory requirements.***

- G2.** 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 onsite sewerage management system.

**Reason: To ensure compliance with Health Department accreditation conditions.**

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## PURPOSE

### Introduction

The Development Application is being referred to Council for determination as the applicant is seeking a variation to a development control standard within the Gunnedah Development Control Plan 2012.

Applicant: Darren Loftus Building and Construction  
Owner: Mr D and Mrs M Loftus  
Property Description: Lot 2 Section 15 DP758234,  
113-115 Breeza Street, Gunnedah

### *Proposed Development*

The development proposal is seeking consent for the installation of a transportable dwelling and the construction of additions to the dwelling (being two verandahs, stairs and living room). The development will include the provision of vehicle access, onsite sewerage management and onsite water storage.

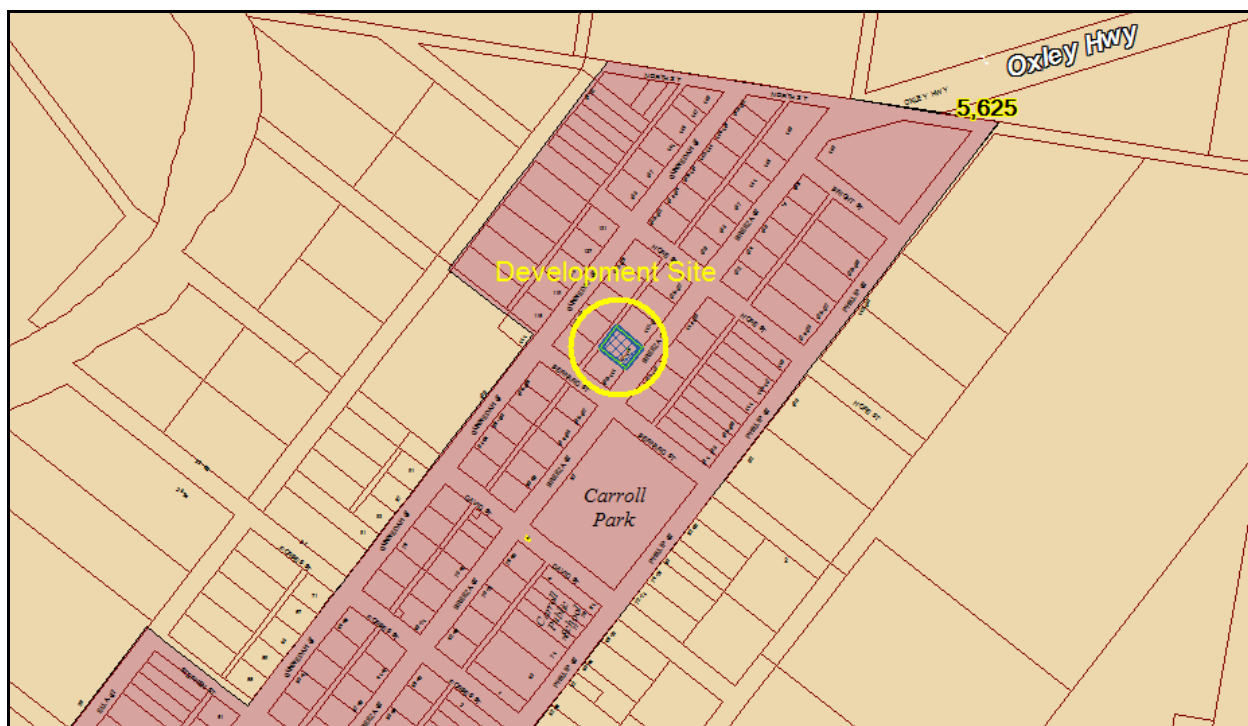


Figure 1 – Site Location



Figure 2 – Site Plan

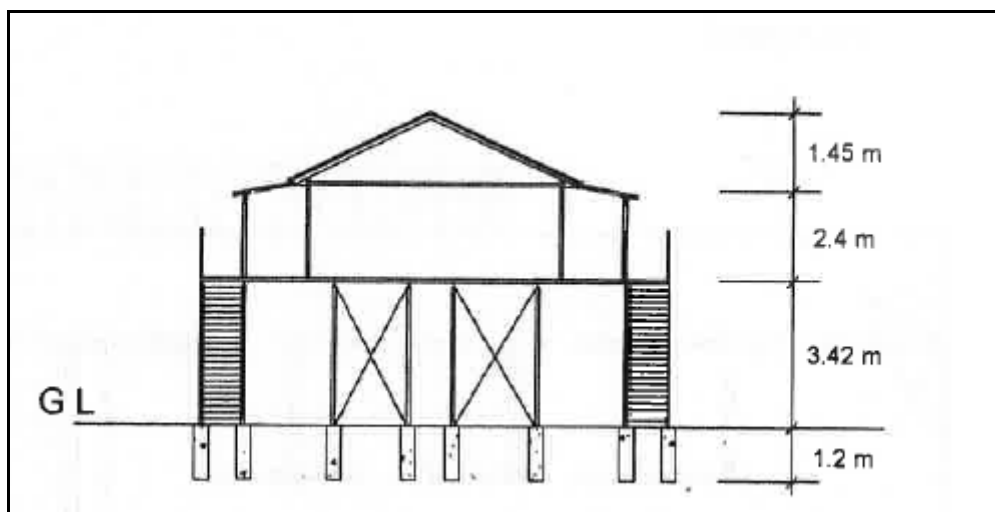


Figure 3 – Elevation Plan

**COMMENTARY**

**Issues**

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

**Gunnedah LEP, 2012**

The development site is zoned RU5 Village, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The proposed dwelling is currently being stored on the development site (on a trailer), without approval. The proposed use of the site as a dwelling house is permitted subject to development consent. The following clauses from the GLEP 2012 are applicable to the development:

**6.1 – Flood Planning**

The development site and surrounding area is identified as being entirely flood prone land, as demonstrated on Figure 4. A flood survey report was submitted with the development application that identifies the required floor height of the dwelling. The development proposes the construction of the dwelling on raised piers. As there will be no floor area of the dwelling to be constructed below the flood water level that could potentially retain or divert flood water, it is regarded that the development will not affect the flow of flood water and will not intensify flood waters on adjoining allotments. There will be no increased risk to life or property as a result of the proposed development.





Figure 4 – Mapped extent of Flood waters during a 1 in 100 year flood event. (Entire map area shown is impacted).

#### 6.5 – Essential Services

There are no Council services located within the village of Carroll. Water, Stormwater and Sewer services are to be provided onsite with onsite retention and storage tanks. Electrical services are present within the immediate area surrounding the site and can be accessed where required in consultation with the local service provider. The development has frontage to Breeza Street and will require the construction of a new vehicle access to Council and Roads and Maritime Services standards.

#### State Environmental Planning Policies (SEPPs)

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

The development site is not greater than 1 hectare in size. Hence, the development is not regarded as potential Koala Habitat.

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

The proposed use of the site is not an activity that could potentially result in possible contamination of the site or surrounding area. The proposed dwelling is currently stored on the site, without approval. A search of Council's records does not identify a history of usage that could potentially result in contamination of the sites soils. Hence, no further investigation was required.

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

The development proposal does not include the removal of any trees or vegetation from the site.

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

##### 1.7.1 – Notified Development Applications

The development application is requesting a variation to the development standard that relates to prohibiting the construction of any new building within a floodway. The variation to a development standard is required to be notified to adjoining land holders. Hence, the development application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

##### 2.1.1 - Building Setbacks

The dwelling will be positioned 20 metres from the front boundary to Breeza Street. The dwelling is set 8 metres from the closest side lot boundary. The setback of the building is compliant with the building setbacks for the proposed development.

### *2.1.2 – Building Height of a Dwelling*

The dwelling is single storey. However, as the dwelling is proposed to be located on flood affected land, the dwelling is to be raised to ensure that the floor level of the dwelling will be 500mm above the 1 in100 year flood event. The resulting height to the top of the dwelling will be 7.27 metres above the existing ground level. The dwelling will not exceed the height restriction of 10 metres.

### *2.1.3 – Utilities*

The development site does not have access to any Council's services. Onsite water and sewerage services are to be provided to meet service demands. A condition is to be imposed on the development consent that requires provision of a minimum 45,000L tank storage onsite with a minimum 10,000L dedicated for firefighting purposes to meet the obligations of this clause.

### *2.1.4 – Privacy*

Despite the dwelling being constructed as a single storey dwelling, the resulting height of the dwelling, is consistent with a two storey dwelling. The distance from the side property boundaries will ensure that there are limited privacy issues for adjoining residences. There are no adjoining residences that are overlooked from living areas of the proposed dwelling and hence no specific privacy controls are required to be implemented for the development.

### *2.1.5 – Design and Solar Access*

The development provides an elevation facing a public street frontage that contains windows. Due to the distance of the dwelling from the lot boundaries, it is not anticipated that there will be any overshadowing of adjoining allotments. Living areas are proposed to be positioned to ensure that there will be adequate natural lighting accessible.

### *2.1.10 – Access*

The development will require the construction of a new vehicle access from Breeza Street. As there is no kerb and guttering in Carroll, the access is to be consistent with Council's rural access standard. The development will also require the construction of an all-weather 2WD access from the lot boundaries to the dwelling to ensure suitable internal vehicle access is provided.

### *6.1.4 – Development of Floodways*

The development site is identified within the Carroll 1% AEP map as being high hazard floodway, as shown in Figure 5. The Development Control Plan restricts the ability for any new development to be constructed within the identified floodway. Adherence to this clause in this circumstance will prohibit any further development and investment into the village of Carroll, despite the village land zoning. The development application included a request for a variation to this development standard as the raising of the dwelling to the flood planning level, effectively reduces the risk to life and property. The property is located 450 metres from the Namoi River and the separation between dwelling and the riparian zone will ensure that the development will have little potential to impact on the river ecosystem or cause any erosion.

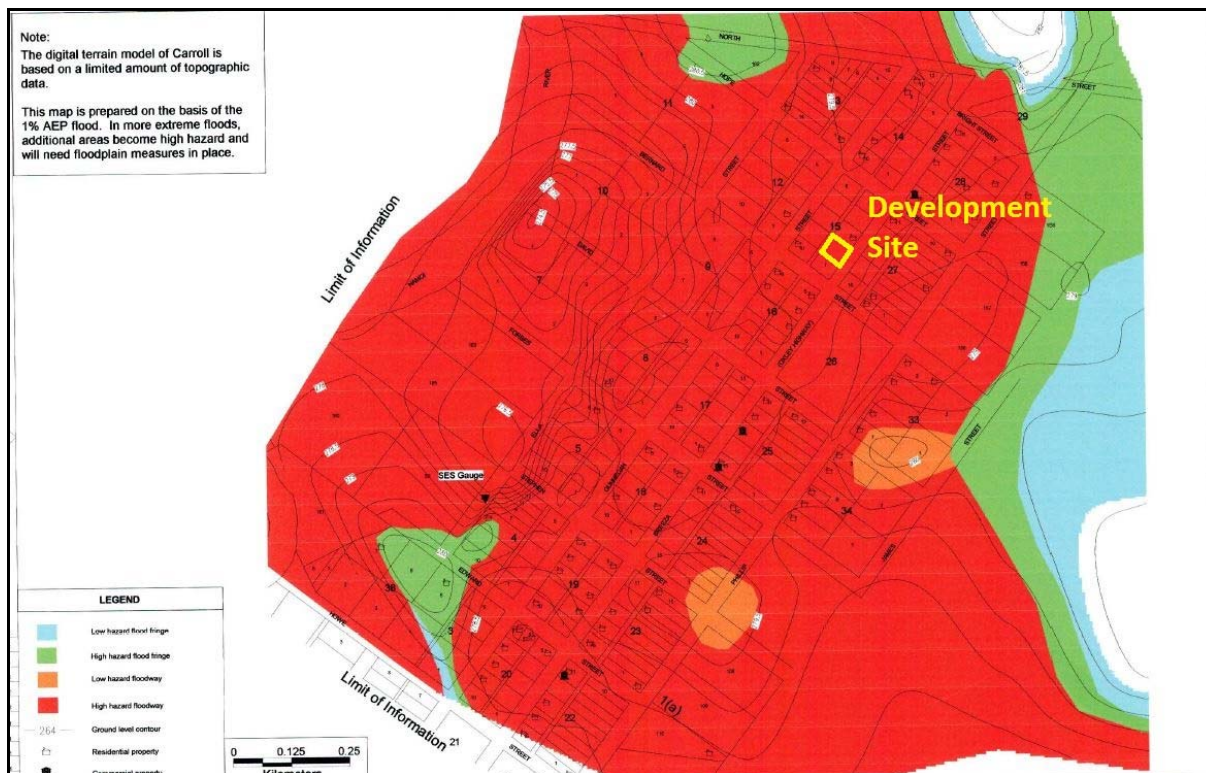


Figure 5 – Carroll 1% AEP Hazard Map

#### 6.1.6 – On-site Sewage Management within Flood Fringe

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

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

##### *Context & Setting*

The proposed dwelling is currently being stored on the development site, without approval. The piers for the proposed dwelling have not been installed. There are no other structures within the lot boundaries. The site is located within the village of Carroll, with the adjoining allotments being vacant or containing dwelling houses. The appearance and scale of the proposed dwelling is expected to be consistent with the surrounding.

##### *Access, transport and traffic*

The lot has frontage to Breeza Street (Oxley Highway) for vehicle and pedestrian access. The development is expected to result in a minor increase in vehicle movements. Breeza Street at the frontage to the site is bitumen sealed and will be suitable to accommodate the minor increase in vehicle movements resulting from the proposed development. The development will require the construction of a new vehicle access crossing to Council's standard rural access requirements, to enable vehicle access to the site.

##### *Natural Hazards*

The site is identified as being subject to flooding. The dwelling is to be constructed on raised piers with the dwelling having a finished floor level of 500mm above the 1 in 100 year flood event. As the development is to be constructed on piers 3.42m above the existing ground level, there will be no dispersion of flood waters and no investigation was required as to the development's effect on the dispersion of flood water flows.

**S4.15(1)(c) the suitability of the site**

The development site is suitable for the development. The development will not require the removal of any trees from the site and the site is not identified as being bushfire prone land. The development is consistent and compatible with the existing use of the surrounding area. Hence, it is regarded that the development site is suitable for the development.

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

The Development Application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

**Conclusion**

The Development Application is seeking consent for the installation of a transportable dwelling and construction of additions to the dwelling. The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Development Application has concluded that the proposed development is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Development Application No. 2018/088, at 113-115 Breeza Street, Lot 2 Sec 15 DP 758234, should be approved subject conditions.

<b>ITEM 2</b>	<b>Development Application No. 2018/083 – Construction of two shade sails – Lot 1 DP1229687 – 209-211 Bloomfield Street, Gunnedah</b>
<b>MEETING</b>	Planning, Environment and Development Committee – 5 December 2018
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamline to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Ensure compliance with legislation through assessment of development applications
<b>ATTACHMENTS</b>	Nil

**OFFICER'S RECOMMENDATIONS:**

That the Development Application No. 2018/072, for the construction of two shade sails, at Lot 1 DP1229687 – 209-211 Bloomfield 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 19/10/2018
  - Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, dated 16 October 2018; and



- Submitted plans:
  - Prepared by Stewart Surveys Pty Ltd, dated 17 October 2018, ref: 4758, Drawing No. 1 of 1 (Site Plan);
  - Prepared by C Goodridge, dated 24/08/2018, Drawing No. 2408-1 (Floor Plan), Drawing No. 2408-2 (Elevations);

except as otherwise provided by the conditions of consent.

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

## **B. Prescribed conditions**

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

### **B1. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
  - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17 (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
  - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
  - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

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

### **B2. Erection of signs**

- (1) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent

for development that involves any building work, subdivision work or demolition work.

- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

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

### **B3. Condition relating to shoring and adequacy of adjoining property**

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

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

**C. Prior to Commencement of Building Works**

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

*Reason: To meet statutory requirements.*

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

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

**D. General**

- D1.** No permanent structures are to be placed on any easement.

*Reason: To ensure legal requirements.*

- D2.** Colours and textures of materials of the structure shall be non-reflective and as such will not conflict with the existing landscape.

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

- D3.** The shade sails are to be constructed of non-combustible material.

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

**E. During Construction Works**

- E1. Inspections by the Principal Certifying Authority – Mandatory Critical Stage Inspections**

48 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 4.18(2) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspection in **bold type** are mandatory critical stage inspections under the Act and **MUST** be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued).

- (m) **Piers (if any) prior to pouring of concrete**
- (n) **Footing trenches with reinforcement prior to pouring of concrete**
- (o) **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.*

- E2.** 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.*

- E3.** The storage of all building materials shall be confined within the boundaries of the allotment.

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

#### **E4. 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.***

#### **E5. 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.***

**F. Prior to the issue of an Occupation Certificate**

- F1.** 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.*

**PURPOSE**

The Development Application being referred to Council for determination as the applicant is seeking a variation to a development control within the Gunnedah Development Control Plan 2012.

Applicant: R Patriquin  
 Owner: R & B Patriquin  
 Property Description: Lot 1 DP1229687  
 209-211 Bloomfield Street, Gunnedah

*Proposed Development*

The development is seeking consent for the construction of two shade sales over the existing children play area, which are proposed to be located in front of the building setback line along Bloomfield Street.

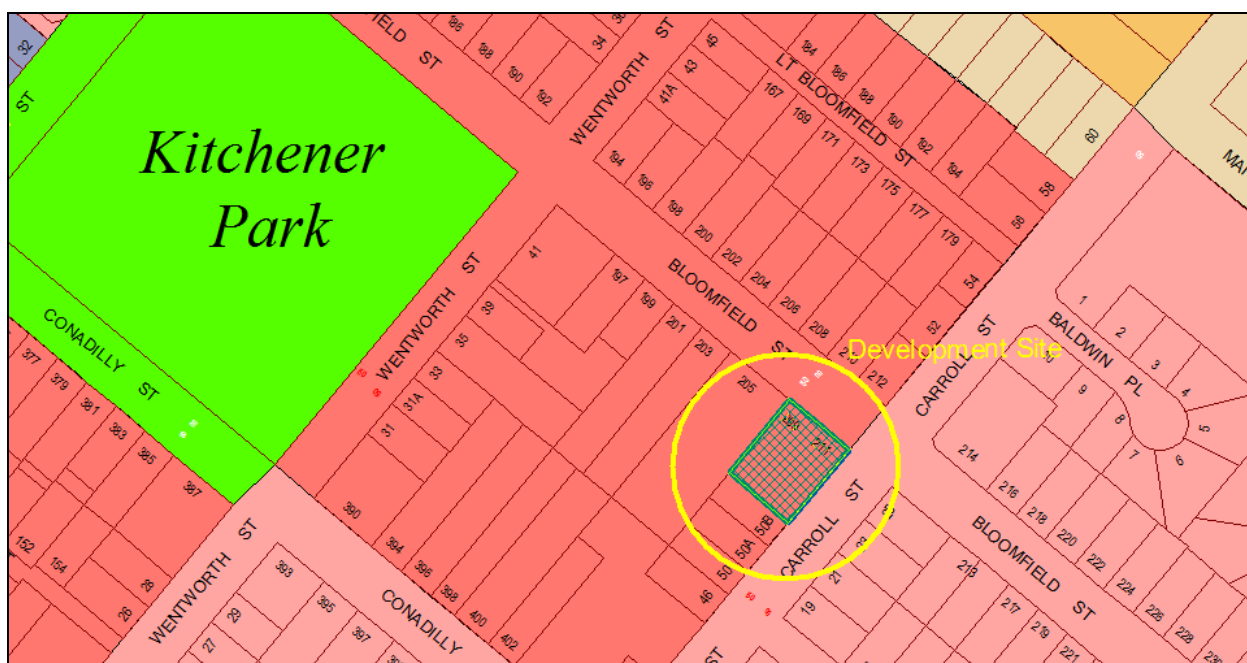


Figure 1 – Site Location





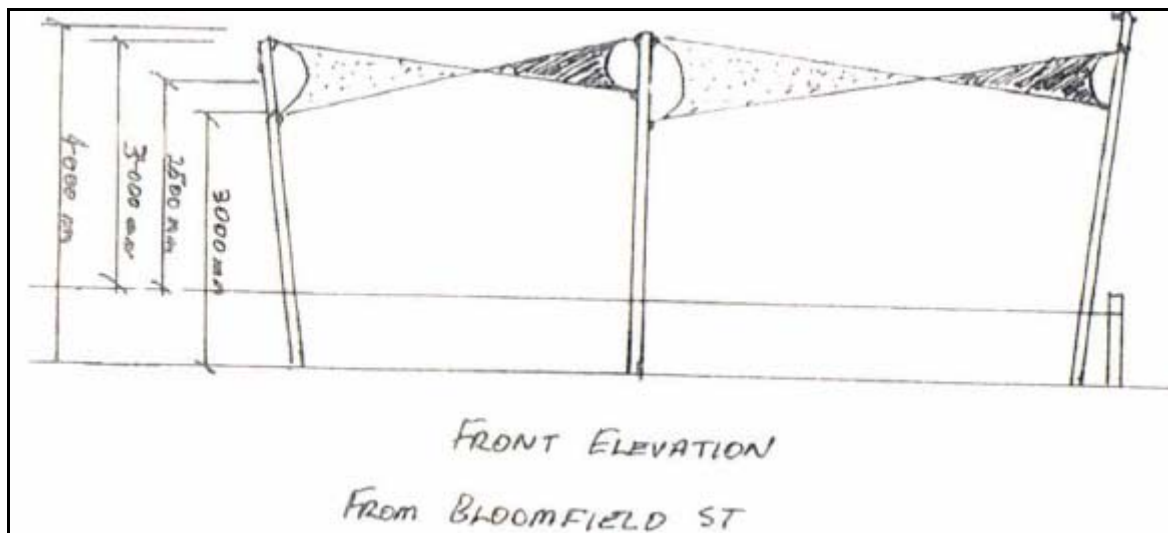


Figure 4 – Elevation Plan

## COMMENTARY

### Issues

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

##### **Gunnedah LEP, 2012**

The development site is zoned R3 Medium Density Residential, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The development is ancillary to the existing child care facilities located on the development site and is permitted subject to consent. The following clauses from the Gunnedah Local Environmental Plan are applicable to the development:

##### **4.4 – Floor Space Ratio**

The development will not increase the floor area of buildings constructed onsite. The area covered by the shade sails is not considered as floor area.

##### **6.5 – Essential Services**

The development site has provision of Council's water, sewerage and stormwater services. The development will not increase the demand from or discharge to any of these services. The site has provision of electrical services and vehicle and pedestrian access is provided to the existing childcare centre. The proposed shade sails will not impede the access or provision to any of the essential services provided onsite.

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

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

The development site is not greater than 1 hectare in size. Hence, the development site is not regarded as Potential Koala Habitat.

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

The development site currently contains a child care centre. The proposed development will not result in a change of use of the site. Information included in the submitted Statement of Environmental Effects and a search of Council's records does not identify a history of usage that could potentially result in contamination of the sites soils. Hence, no further investigation was required.

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

The development proposal does not include the removal of any trees or vegetation from the site.

#### **4.15(1)(a)(iii) provisions of any development control plan**

##### **Gunnedah Development Control Plan 2012 (Gunnedah DCP)**

### **1.7.1 – Notified Development Applications**

The development application is requesting a variation to a development standard relating to the building line identified within the Gunnedah Development Control Plan 2012, and is required to be notified to adjoining land holders. The development application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

### **2.1.1 – Building Setbacks**

The two proposed shade structures are to be located along Bloomfield Street frontage and are proposed to be located in front of the building line identified on the building line map. The building line is 7.5 metres from Bloomfield Street as the primary road frontage. The proposed structures will be located approximately 500mm from the Bloomfield Street boundary. There are no enclosed walls or fixtures within the design that may impact on the streetscape along the primary frontage. The shade structures have been designed to provide architectural articulation with the structure being constructed at varied heights (2.5m at the lowest point and 4m at the highest point) to compliment the façade along the Bloomfield Street frontage.

### **6.2 – Parking Requirements**

The development has provision of 16 onsite parking spaces for the existing land usage. The proposed development will not increase the maximum number of children in the centre at any one time. The development does not require provision of additional parking spaces. The position of the shade structures will not require the relocation of any parking spaces onsite.

### **6.6.1 – Environmental Effects**

The development will be a continuation of the existing land use onsite with the provision of shade sails over the children play areas. The development site has other existing shade structures constructed over surrounding play areas. The proposed shade sails will be similar in style and height to the existing shade structures to enable them to be complimentary to the existing appearance of the site. To avoid any potential impact on the adjoining land holders the proposed shade sails have been positioned 5.6 metres from the closest side boundary, and also separated from the adjoining residences by the existing vehicle driveway within the site. This limits the potential for overshadowing or visual impact on the adjoining dwelling.

### **6.4 – Outdoor Lighting**

The development application does not identify any required lighting as part of the project. The surrounding area and adjoining buildings have provision of external lighting.

### **4.15(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality**

#### *Context & setting*

The development site is located to the east of the Gunnedah CBD within a residential locality. The surrounding area is predominantly residential dwelling houses. The proposed shade sails will be complimentary to the existing development and will not detract from the visual amenity or character of the surrounding area. The appearance and scale of the proposed shade structures are not expected to be inconsistent with the surrounding locality and will provide covered and shaded play areas for children.

#### *Access, transport and traffic*

The site has a vehicle access to onsite parking areas to the rear of the childcare centre. The provision of single access from Carroll Street and single exit to Bloomfield Street will be unaffected by the proposed development. The development will not result in an increased number of vehicle movements. The development will not require the provision of additional onsite parking spaces.

#### *Site design and internal design*

The shade sails are proposed to be located over the forward area of the site. The shade sails are to be positioned over the play areas to provide further shading of these areas. The design of the shade sails is expected to be consistent with the visual appearance of the childcare centre. The incorporation of the variations to pole height will be visually appealing and enable the development to fit within the building form of the area and be consistent with the scale of the surrounding area.



**4.15(1)(c)      *the suitability of the Site for the Development***

The development will continue the operation of the site for a child care centre. The proposed shade sails will be complimentary to this use. The development will not require the removal of any trees from the site and the site is not identified as being bushfire or flood prone land. The development is consistent and compatible with the existing uses onsite. Hence, it is regarded that the development site is suitable for the development.

**4.15(1)(d)      *any submissions made in accordance with this Act or the regulations***

The Development Application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

**4.15(1)(e)      *the public interest***

The development was not regarded as being integrated or designated development and did not require referral to any external Federal or State Government agencies. There are no relevant planning studies, strategies or management plans that are applicable to the proposed development.

**Conclusion**

The Development Application is seeking consent for the construction of two shade sail structures, ancillary to the existing childcare centre. The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Development Application has concluded that the proposed development is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Development Application No. 2018/083, at 209-211 Bloomfield Street, Lot 1 DP 1229687, should be approved subject conditions.

### **ITEM 3                      **Development Application No. 2018/090 – Demolition of an existing wash bay and construction of new vehicle wash bay – Lot 196 DP755503 – 12 Bennett Road, Gunnedah****

<b>MEETING</b>	Planning, Environment and Development Committee – 5 December 2018
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Town Planner
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamline to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Ensure compliance with legislation through assessment of development applications
<b>ATTACHMENTS</b>	Nil

**OFFICER'S RECOMMENDATIONS:**

That the Development Application No. 2018/090, for the demolition of an existing wash bay and construction of a new vehicle wash bay, at Lot 196 DP 755503 – 12 Bennett Road, Gunnedah be approved subject to the following conditions of consent:

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

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged 05/11/2018;
  - Statement of Environmental Effects, prepared by Washbay Specialists, dated 17 October 2018; and
  - Submitted plans:
    - Prepared by Applicant, dated 02 November 2018, Site Plan;
    - Prepared by Washbay Specialists, dated 04 September 2018, Ref: AA17/2790, Sheet A01, Rev 02 (Detailed Site Plan), Sheet A02, Rev 02 (Floor Plan), Sheet A03, Rev 02 (Elevations);
    - Prepared by TNC Engineering Pty Ltd, dated 18/09/2018, Drawing No. WSS182388-3 (Layout);

except as otherwise provided by the conditions of consent.

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

**B. Prescribed conditions**

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

**B1. Erection of signs**

- (1) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

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

**C. Prior to Commencement of Building Works**

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

***Reason: To meet statutory requirements.***

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

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

**D. Prior to the issue of a Construction Certificate**

**D1.** Prior to the issue of a Construction Certificate, an application for the discharge of liquid trade waste to Council's sewer shall be submitted to Council.

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

**E. General**

***Traffic and Parking***

**E1.** All internal driveways, loading bays and vehicular turning areas in relation to the new wash bay, are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council.

***Reason: To facilitate the use of vehicular access.***

**E2.** A continuous balustrade must be provided, in accordance with the BCA, along the side of any stair, landing, balcony, verandah, floor or roof to which public access is provided if:

- (i) it is not bounded by a wall; and
- (ii) the level is more than 1m above the ground/floor level below.

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

**E3.** All ladders and walkways on elevated platforms shall be in accordance with AS1657.

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

**F. During Construction Works**

**F1. Inspections by Council**

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

- (g) stormwater drains
- (h) external drainage under water test
- (i) water plumbing
- (j) Final inspection of water plumbing, sanitary drainage and stormwater drainage.

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

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

## **F2. Inspections by the Principal Certifying Authority – Mandatory Critical Stage Inspections**

48 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 4.18(2) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspection in **bold type** are mandatory critical stage inspections under the Act and **MUST** be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued).

- (p) **Piers (if any) prior to pouring of concrete**
- (q) **Footing trenches with reinforcement prior to pouring of concrete**
- (r) Retaining walls and reinforcement (if any) prior to pouring of concrete
- (s) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (t) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (u) **Final inspection prior to use of the building**

The above listed works may not be covered until approval is obtained from the Principal Certifying Authority or his/her duly appointed delegate.

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

## **F3. 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.***

## **F4. 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.***

## **F5. Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-**

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

No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

***Reason: To ensure amenity of the neighbourhood is maintained.***

#### **Demolition Works**

**F6.** The existing wash bay shall only be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures" and the requirements of the Workcover Authority of New South Wales including but not limited to:

- (a) Protection of site works and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos and lead based paints handling and disposal where applicable.

The disposal of demolition materials is to be to an approved licensed waste disposal depot so determined by the NSW Environment Protection Authority.

***Reason: To ensure compliance and safety of workers.***

**F7.** Prior to the commencement of demolition works, all water and sewerage connections to Council's infrastructure are to be capped off by a licensed plumber so as to prevent any contamination of Council's reticulation systems.

***Reason: To ensure the integrity of Council's sewerage and water systems.***

**F8.** The developer shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere from the onsite and from vehicles transporting material off-site.

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

**F9.** The deliberate burning of the building and/or demolition material shall not be permitted.

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

**F10.** 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 they must be properly guarded and protected to prevent them from being dangerous to life or property.

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

#### **G. Prior to the issue of an Occupation Certificate**

**G1.** Occupation of the building is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

***Reason: To meet statutory requirements.***

**H. Continued Operations**

**H1.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

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

**H2.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

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

**PURPOSE**

The Development Application is being referred to Council for determination as the development is a project conducted on behalf of Council.

Applicant: Mr S Stead  
 Owner: Gunnedah Shire Council  
 Property Description: Lot 196 DP755503  
 12 Bennett Road, Gunnedah

*Proposed Development*

The development is seeking consent for the demolition of an existing wash bay and construction of a vehicle wash bay at the Council Depot. The wash bay is for Council vehicles only and will not be available to the public.

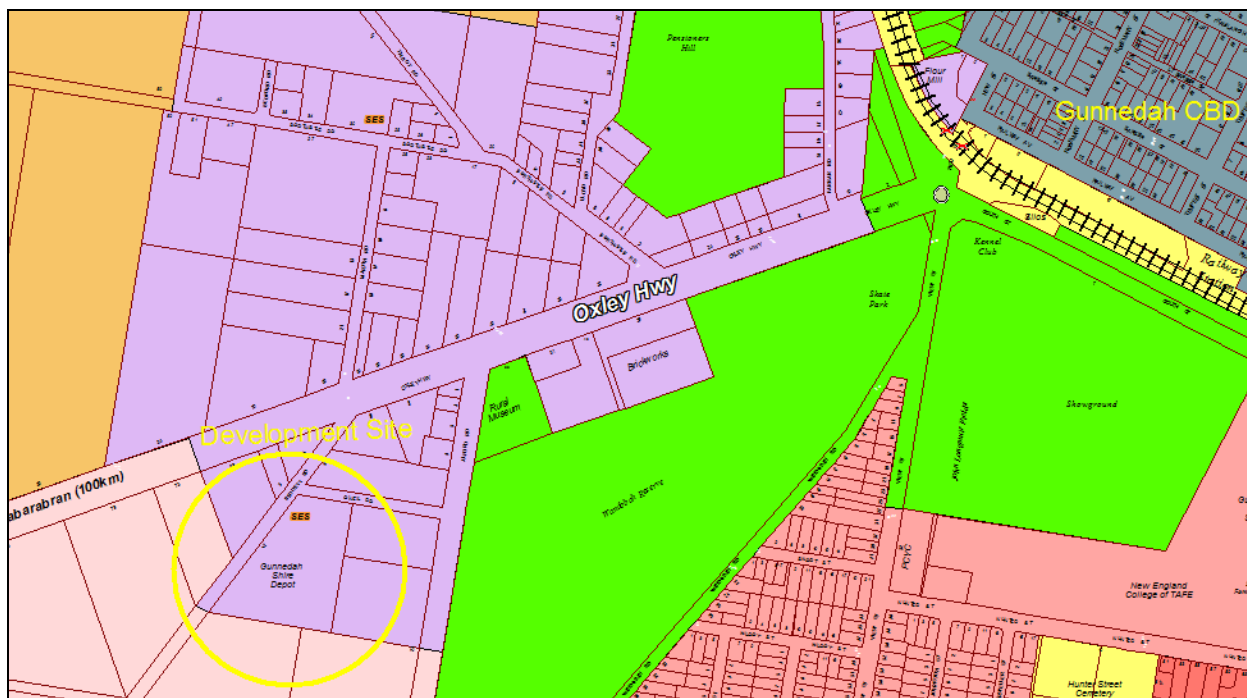


Figure 1 – Site Location

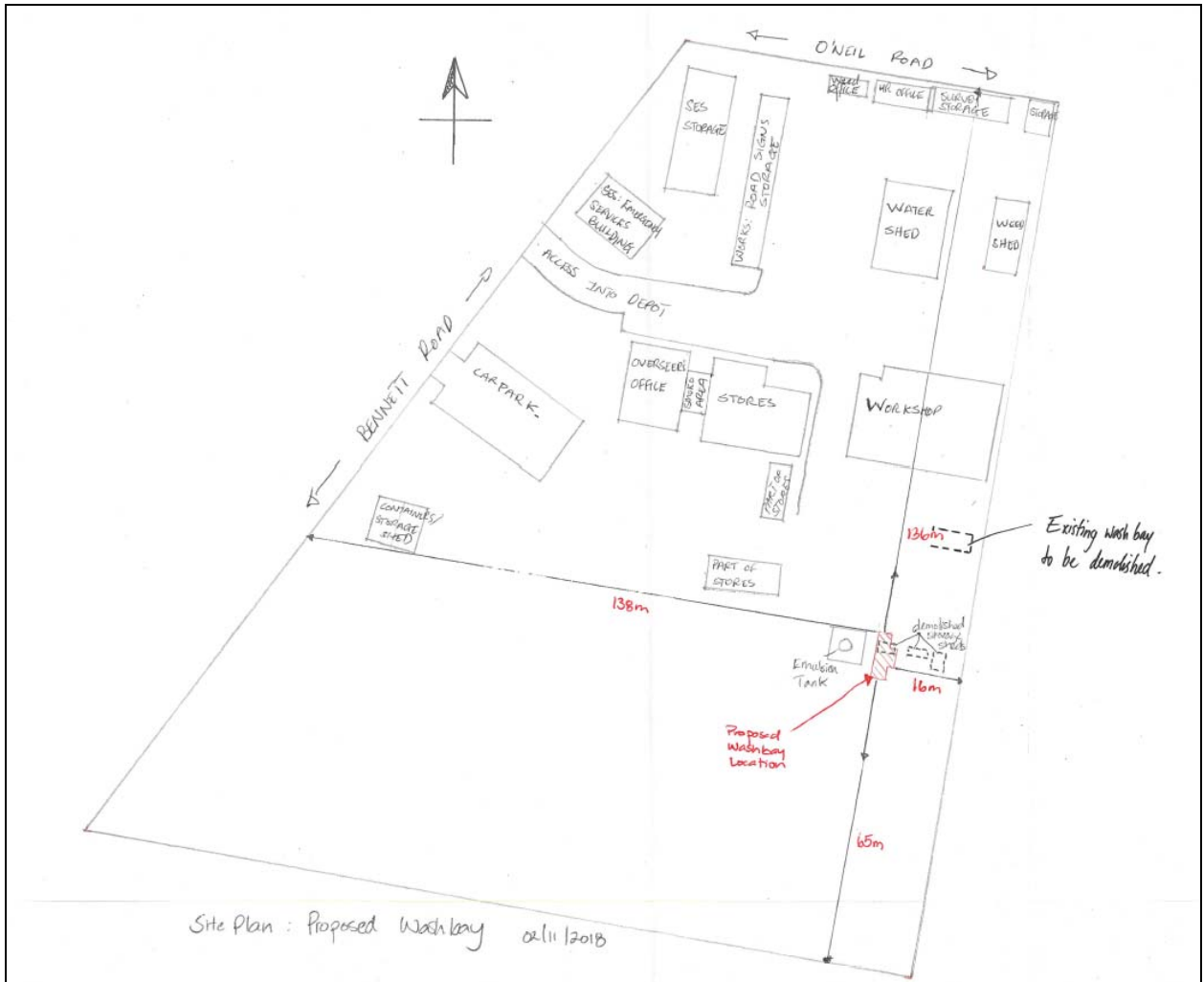
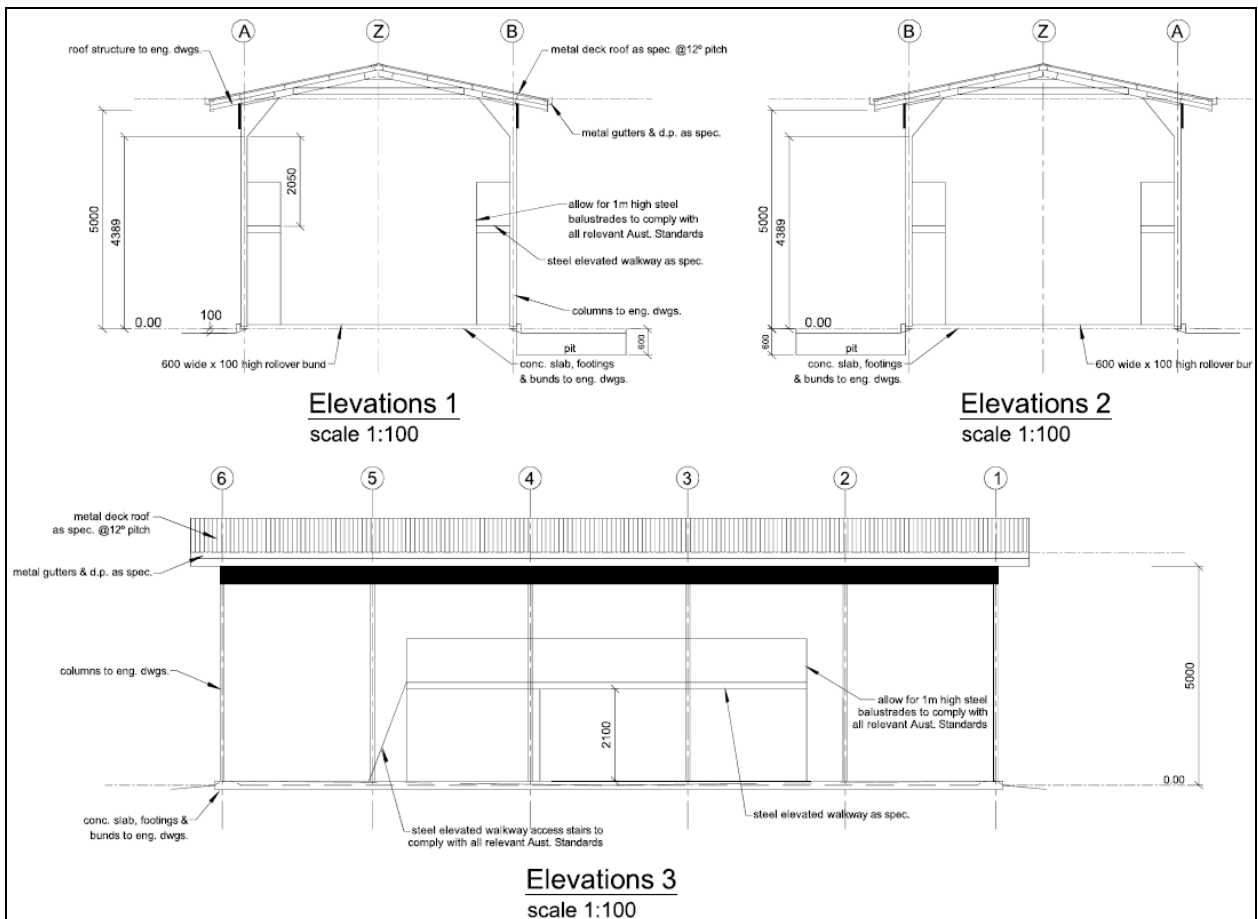


Figure 2 – Site Plan





## Figure 3 – Elevation Plan

**COMMENTARY****Issues*****4.15(1)(a)(i) the provisions of any environmental planning instrument*****Gunnedah LEP, 2012**

The development site is zoned IN1 General Industrial, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The development is ancillary to the Gunnedah Shire Depot located on the development site and is permitted subject to consent. The following clauses from the Gunnedah Local Environmental Plan are applicable to the development:

***4.4 – Floor Space Ratio***

The total floor space of all development on the development site is not to exceed a floor space ratio of 0.6:1. The resulting floor area upon construction of the wash bay will be 0.119:1. Hence, the development will not exceed the floor space ratio for the site.

***6.5 – Essential Services***

The development site has provision of Council's water, sewerage and stormwater services. The development will not increase the demand from or discharge to, any of these services as the wash bay will be replacing an existing wash bay that will be demolished as part of this development proposal. The site has provision of electrical services. The site has frontage and suitable access to Bennett Road.

**State Environmental Planning Policies (SEPPs)****State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)**

A report accompanied the development application, assessing the site under the provision of SEPP 44, to determine if the development site is regarded as potential Koala habitat. It was determined that the site contained Koala feed tree species in a density of 11% and as a result, did not constitute potential Koala habitat.

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

The development site currently operates as the Gunnedah Shire Depot and the proposed development will not result in a change of use of the site. The proposed use is not expected to increase the potential risk of site contamination onsite or within the immediate area surrounding the site.

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

The development proposal does not include the removal of any trees or vegetation from the site.

***4.15(1)(a)(iii) provisions of any development control plan*****Gunnedah Development Control Plan 2012 (Gunnedah DCP)*****1.7.1 – Notified Development Applications***

The development application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

***4.1 – Building Setbacks***

The proposed wash bay will be positioned 138 metres from the Bennett Road frontage and 136 metres from the O'Neil Road frontage. The wash bay will be 16 metres from the closest side boundary. Building setbacks are compliant with industrial building setback requirements.



**4.2 – Design**

The wash bay is positioned within the property in such a position that it will not be clearly visible from public road reserves. Hence, the development will not require any specific building articulation to reduce visual impact on the amenity of the surrounding streetscape or visual appearance of the industrial precinct.

**4.3 – Utilities and Services**

The development will generate liquid waste that will be disposed of to Council sewer services. Prior to the discharge, waste will be treated via an oil/water separator. The application will also require the lodgement of a liquid trade waste application prior to the issue of a Construction Certificate. The proposed wash bay will not be located over any Council infrastructure or impact on the ability of Council's infrastructure to be provided to the site or the surrounding area.

**4.4 Traffic and Access**

The development will not result in the generation of additional vehicle movements with the wash bay proposed to service the vehicles already utilising the site. The site has an existing vehicle access from Bennett Road that will be utilised to provide access to the wash bay. No new access or upgrade of this access is required and the existing access complies with Council's access requirements. The internal driveway surface providing access to and from the wash bay is to be hard sealed of suitable material to alleviate any potential environmental management impacts.

**4.5 – Parking**

The development site has existing provision of onsite parking spaces and no additional parking demand is created by this development. The development will not generate any additional demand for onsite parking spaces.

**4.6 – Landscaping**

The development does not require the provision of additional onsite parking and there is existing landscaping provided along the property boundary. No additional landscaping is required.

**4.7 – Fencing**

The development site has an existing boundary fence.

**4.8 – Loading/unloading Facilities**

The development site has existing loading and unloading facilities. The provision of the new wash bay does not require construction of its own loading/unloading facility.

**4.9 – Outdoor Lighting**

The development application does not identify any required lighting as part of the project. The area onsite and adjoining buildings have provision of external lighting.

**4.10 – Outdoor Signage**

The development does not include any new signage.

**4.11 – Noise**

The development is not expected to generate any excessive noise. The development site currently operates a similar wash bay that will be decommissioned, within close proximity to the proposed development with minimal noise during operation. The construction of a new wash bay is not expected to increase noise generation through cumulative impacts from existing activities operating in unison onsite. Hence, the development is not expected to cause any noise impacts on the surrounding area.

**4.15(1)(b)      *the likely environmental impacts on the natural and built environments and social and economic impacts in the locality***

### *Context & setting*

The development site is located to the west of the Gunnedah CBD within the industrial area. The development site contains the Gunnedah Shire Depot as well as the depot for the Gunnedah SES. The site contains buildings and structures consistent with these operations. The surrounding area is primarily made up of industrial uses with some houses on larger lots. The appearance and scale of the proposed wash bay is not expected to be inconsistent with the surrounding locality and the position of the structure within the site will limit the visual impact on the surrounding locality.

### *Utilities*

The development will not result in an increase in service demand or Council's water and sewer infrastructure as it will replace the existing wash bay. It is expected that the water and sewer usage demands from the new wash bay will be consistent with the existing wash bay that will be demolished.

### **S4.15(1)(c) the suitability of the Site**

The development site is suitable for the proposed development. The development will not require the removal of any trees and the site is not identified as being bushfire prone land. The development is consistent and compatible with the existing uses in the surrounding area.

### **4.15(1)(d) any submissions made in accordance with this Act or the regulations**

The Development Application was notified to adjoining land holders for a period of 14 days. Council did not receive any submissions during the exhibition period.

### **4.15(1)(e) the public interest**

The development was not regarded as being integrated or designated development and did not require referral to any external Federal or State Government agencies. There are no relevant planning studies, strategies or management plans that are applicable to the proposed development.

### **Conclusion**

The Development Application is seeking consent for the demolition of an existing wash bay and the construction of a vehicle wash bay. The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979*. The evaluation of this Development Application has concluded that the proposed development is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Development Application No. 2018/090, at 12 Bennett Road, Lot 196 DP 75503, should be approved subject conditions.

**Andrew Johns**  
**DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

**Shire of**  
**Gunnedah**  
Land of Opportunity

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