



## MEETING NOTICE

<b>COMMITTEE</b>	<b>PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING</b>
<b>DIRECTORATE</b>	<b>Planning and Environmental Services</b>
<b>DATE</b>	<b>5 October 2022</b>
<b>TIME</b>	<b>4:00pm</b>
<b>VENUE</b>	<b>Council Chambers</b>
<b>ATTACHMENTS</b>	<b>Director Planning and Environmental Services Report</b>

### AGENDA

1. Present/Apologies
  
2. Declarations of Interest  
*In accordance with Council’s Code of Meeting Practice and specifically Section 451 of the Local Government Act, 1993 declarations of interest are required by Councillors and designated staff attending the meeting.*
  
3. Report of the Director Planning and Environmental Services
  - 3.1 Development Application No. 2021/101 – Construction of new General Industrial Workshop – Lot 100 DP1214752 – 17-23 Borthistle Road, Gunnedah..... 3

Andrew Johns  
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

*Apologies to: 02 6740 2115*

***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***

## Director Planning and Environmental Services Report

<b>ITEM 1</b>	<b>Development Application No. 2021/101 – Construction of new General Industrial Workshop – Lot 100 DP1214752 – 17-23 Borthistle Road, Gunnedah</b>
<b>MEETING</b>	Planning Environment Development Committee Meeting – 5 October 2021
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Senior Development Officer
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 4.1.2 Ensure Development does not negatively impact on flooding. Operational Plan 4.1.2.2 Implement Council’s Development Control Plan.
<b>ATTACHMENTS</b>	Nil

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### OFFICER’S RECOMMENDATIONS:

That the Development Application No. 2021/101, construction of a new General Industrial Workshop, ancillary to existing agricultural produce facility at Lot 100 DP 1214752, 17-23 Borthistle 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 08/11/2021
  - Statement of Environmental Effects, prepared SixHills Group Pty Ltd, dated 13/09/2022, Reference: 15041B;
  - Submitted plans:
    - Prepared by SAE Design, dated 01/06/2022, Reference: 892-21, Revision 5, Sheet A000 (Site Information), Sheet A001 (Site Plan), Sheet A002 (Roof Plan), Sheet A003 (New Roof Plan), Sheet A004 (Mezzanine Plan), Sheet A005 (Schedules), Sheet A006 (Elevations), Sheet A007 (Elevations), Sheet A008 (Sediment Erosion Control), Sheet A009 (Sediment Erosion Control);
    - Prepared by Applicant, Wholegrain Milling Workshop Plan, Floor Plan and Elevation Plan;

except as otherwise provided by the conditions of consent.

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

- A2.** To confirm and clarify the terms of this development consent, the proposed building awning structure is to be constructed a minimum of 3.2 metres from the allotment boundary to Borthistle Road. The north elevation of the building is to be positioned a minimum of 5 metres from the allotment boundary to Borthistle Road.

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

- A3.** The development is to include a 1.8 metre wide 3.2 metre high awning along the full width of the northern elevation of the building facing Borthistle Road.

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

- A4.** To confirm and clarify the terms of this development determination, consent is not granted for the construction or installation of any signage or advertising structure, including a business identification sign. Signage may only be permitted subject to a separate development consent or if the works is established to be exempt development.

**Reason: To clarify that signage does not form part of this determination.**

## **B. PRESCRIBED CONDITIONS**

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

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

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

- (1) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work—
- (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
  - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
- (2) This clause does not apply—
- (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

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

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

**B2. Erection of signs**

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

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

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

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

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

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

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

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

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

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

- C4.** Prior to the commencement of building works a "Peg Survey Report" indicating the location of the corners of the walls and exterior of the awning, of the proposed General Industrial Building (Workshop), is to be submitted to Council confirming the positioning of the building and attached awning relative to the allotments boundaries.

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

- C5.** A Compliance Certificate for each stage under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority).

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

- \$3,388 for Water headworks
- \$5,181 for Sewer headworks

The contributions paid prior to the issue of a Construction Certificate.

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2022/23 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

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

#### **D. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

- D1.** Prior to the issuing of a Construction certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:

- (a) Carry out water supply works
- (b) Carry out sewerage works
- (c) Carry out stormwater drainage works

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

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

- 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.** A detailed Landscaping Plan is to be submitted to and be approved by Council, prior to the issue of a Construction Certificate. The detailed landscaping plan is to include landscaping along the North lot boundary for a minimum distance of 3.2m setback from Borthislte Road.

The landscaping plan is to indicate the location of number of plant species and is to include species type and pot sizes. All landscape species should be frost and drought tolerant species.

***Reason: To comply with statutory requirements.***

#### ***Stormwater***

- D4.** Prior to the issue of a Construction Certificate a Stormwater Management Plan prepared by a suitably qualified and experienced engineer or registered surveyor is to be submitted to Council for assessment and approval.

The Stormwater Management Plan (SMP) is to include detailed calculations and supporting drawings/documentation, which demonstrate that stormwater release from the site post development, does not exceed predevelopment flows. This may require some form of onsite detention basin, with the position, size and capacity to be included within the SMP. The SMP is also to demonstrate that stormwater can be intercepted, drained and lawfully discharged for the purpose of preventing stormwater from entering the building in the designed storm event and not create nuisance to any downstream neighbours.

Any proposed works (e.g. diversion banks, drains etc) must be designed in accordance with Australian Rainfall and Runoff to cater for the 1 in 20 year storm.

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

#### **E. GENERAL**

- E1.** No permanent structures are to be placed on any easement.

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

#### ***Traffic and Parking***

- E2.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with AS 2890 – *Parking Facilities* and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

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

- E3.** On-site car parking accommodation shall be provided for a minimum of four (4) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking spaces are to be marked to ensure compliance with AS 2890 *Off Street Parking* for parking space dimensions.

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



- E4.** All on-site parking spaces are to be clearly signposted and marked to ensure that they are clearly identified. All parking spaces are to be marked to ensure compliance with *AS 2890 Off Street Parking* for parking space dimensions.

***Reason: To ensure on-site parking is clearly marked.***

- E5.** 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.***

#### ***Outdoor Lighting***

- E6.** Outdoor lighting is to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS4282 Control of Obtrusive Effects of Outdoor Light*.

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

- E7.** All loading and unloading facilities are to be clearly signposted and marked to ensure that they are clearly identified.

***Reason: To ensure demonstrate compliance with Clause 4.8 of the Gunnedah Development Control Plan 2012.***

- E8.** Appropriate signage is to be erected to clearly identify designated entry and exit locations clearly demonstrating, 'entry/no exit' at the easternmost access and 'exit/no entry' signs at the westernmost access to Borthistle Road. These signs shall be visible from the road to ensure that adequate sighting of entry and exit positions is provided.

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

- E9.** All stormwater from the roof area of the new office and amenities is to be directed to a rainwater tank for storage and use on onsite landscaping areas. The rainwater tank is to be positioned as to be located behind the building line and screened from view from the Allgayer Drive road reserve.

***Reason: To ensure compliance with the Gunnedah Development Control Plan 2012.***

#### **F. DURING CONSTRUCTION**

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

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

- F2.** Excavated material from the lot is not to be placed on or used to alter the level of Council's footpath, with no earth batters to extend beyond the property boundary line.

***Reason: Implementation of Council policy.***



- F3.** Before erection of any permanent structures such as fences, concrete car drives, garages etc. adjacent to street boundaries, correct street levels must be ascertained from the Council's Infrastructure Services Section.

***Reason: To ensure compliance efficient construction.***

- F4.** The storage of all building materials shall be confined within the boundaries of the allotment.

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

**F5. Toilet facilities**

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

*accredited sewage management facility* means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

*approved by the Council* means the subject of an approval in force under Division 1 of Par 3 of the *Local Government (Approvals) Regulation 1993*.

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

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

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

- F6.** 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.***

#### **F7. 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.***

#### **F8. Excavations and backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

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

#### **F9. 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.***

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

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

*Reason: To meet statutory requirements.*

- G2.** All landscaping identified on the Detailed Landscaping Plan required by Condition F3, is to be conducted prior to the issue of an Occupation Certificate.

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

**H. CONTINUED OPERATIONS**

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

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

- H2.** All landscaping shall be maintained at all times in accordance with the approved landscape plan in Condition F3.

*Reason: To ensure maintenance of landscaping.*

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

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

- H4.** Disposal of waste is not permitted on-site. Any domestic waste associated with the development is to be removed from site and disposed to the Gunnedah Waste Management Facility or another suitably licensed waste facility.

*Reason: To ensure waste is not left on-site.*

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

- Monday – Saturday: 7:00am until 6:00pm
- Sunday and public holidays: 8:00am until 6:00pm

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

- H6.** The development shall not generate noise, when measured over a 15 minute period ( $L_{Aeq,15min}$ ), which exceeds the following noise levels at each identified time period at:

- Residential/Rural receivers not associated with industrial activity - 43dba  $L_{Aeq(15min)}$
- Industrial Developments - 68dba  $L_{Aeq(15min)}$

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

**PURPOSE**

This Development Application is being referred to Council for determination as the development includes a request for variation to a development control standard within the Gunnedah Development Control Plan 2012, pertaining to the primary setback from the primary public road frontage.

Applicant: C Neale  
 Owner: Mr C A Neale  
 Property Description: Lot 100 DP 1214752  
 17-23 Borthistle Road, Gunnedah

*Proposed Development*

The development proposes the construction of a General Industrial Workshop, ancillary to an existing Agricultural Produce Industry.

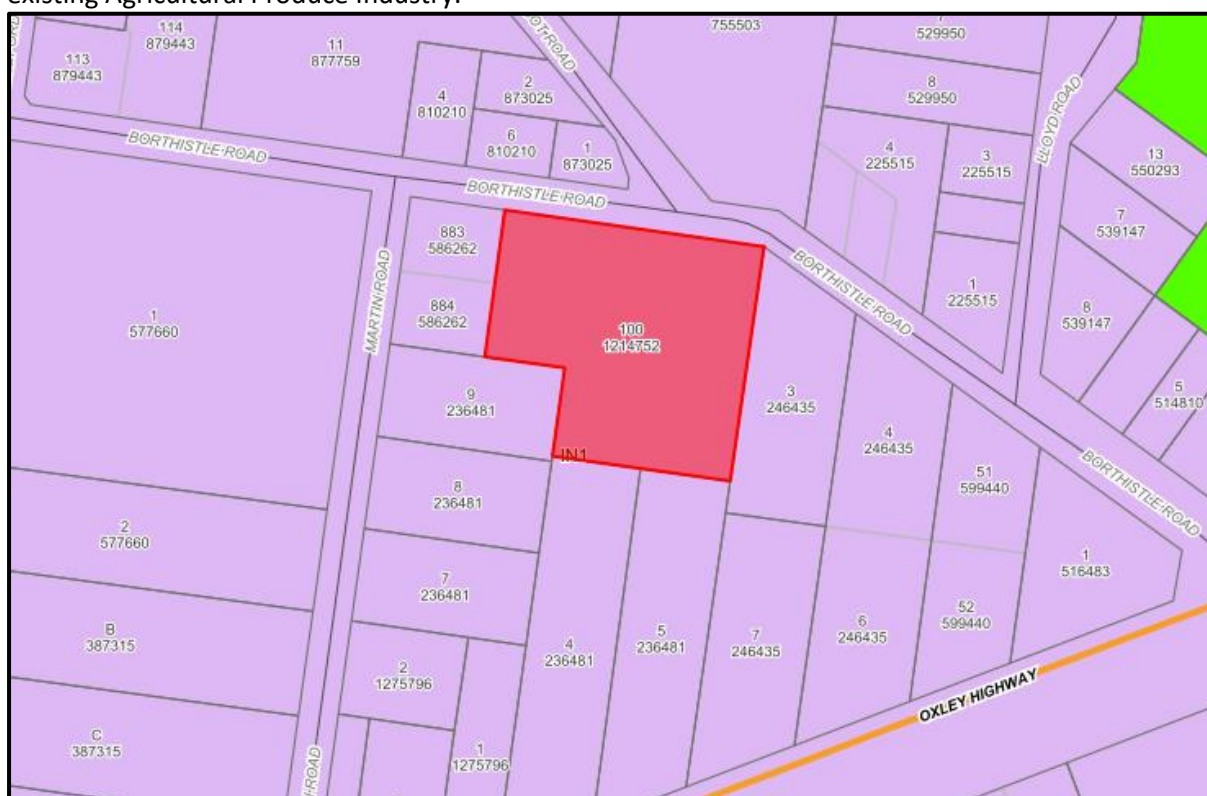


Figure 1 – Site Location

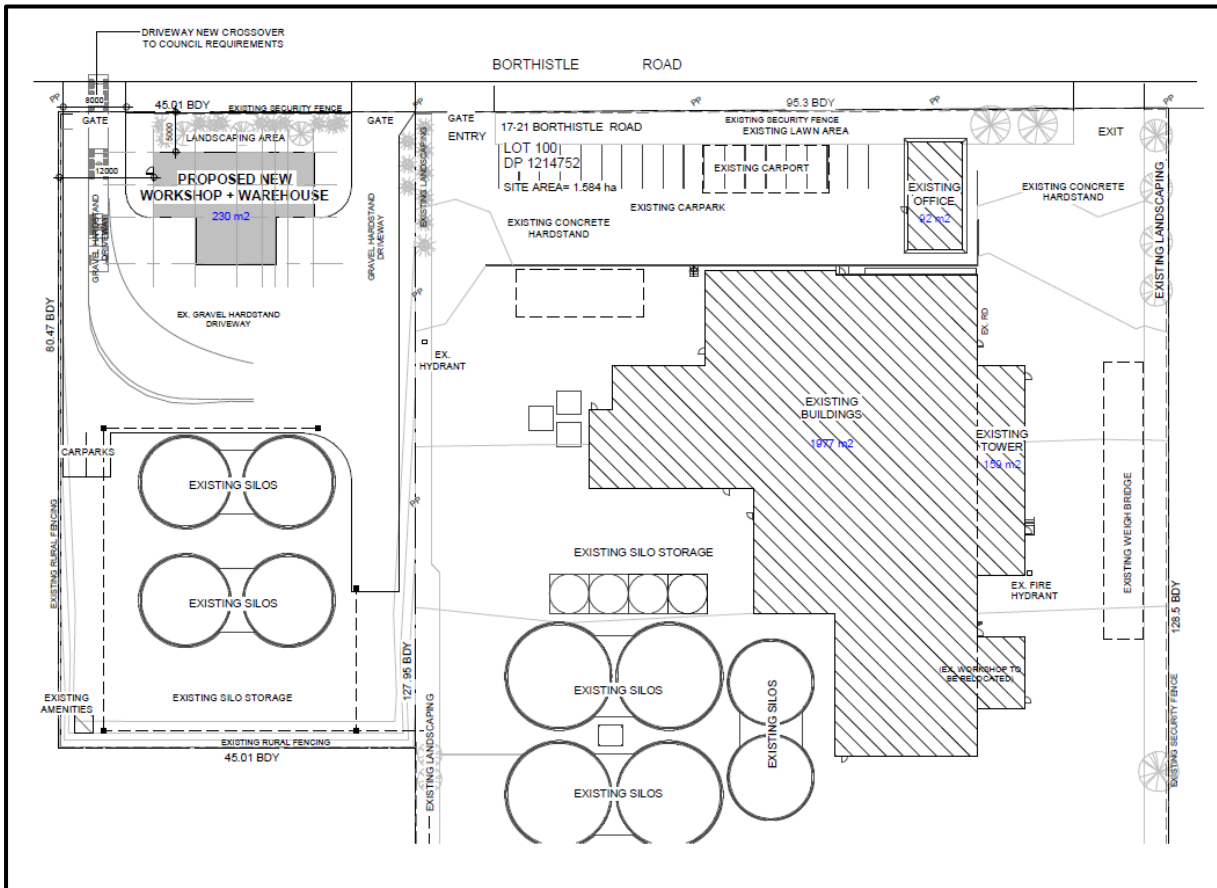


Figure 2 – Site Plan

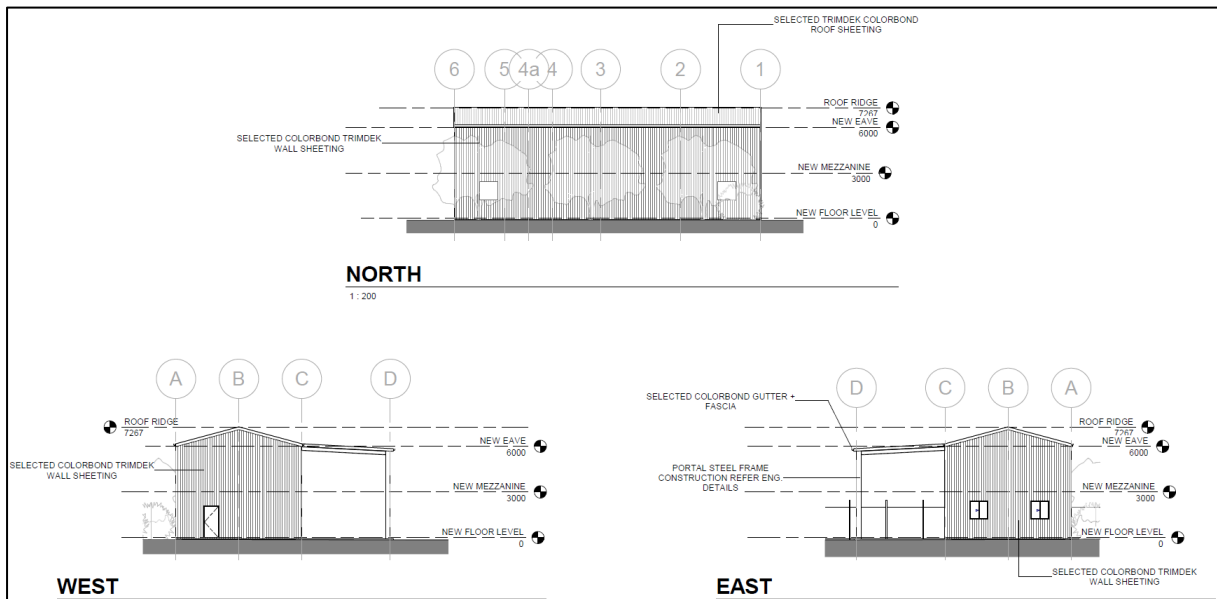


Figure 3 – Elevations

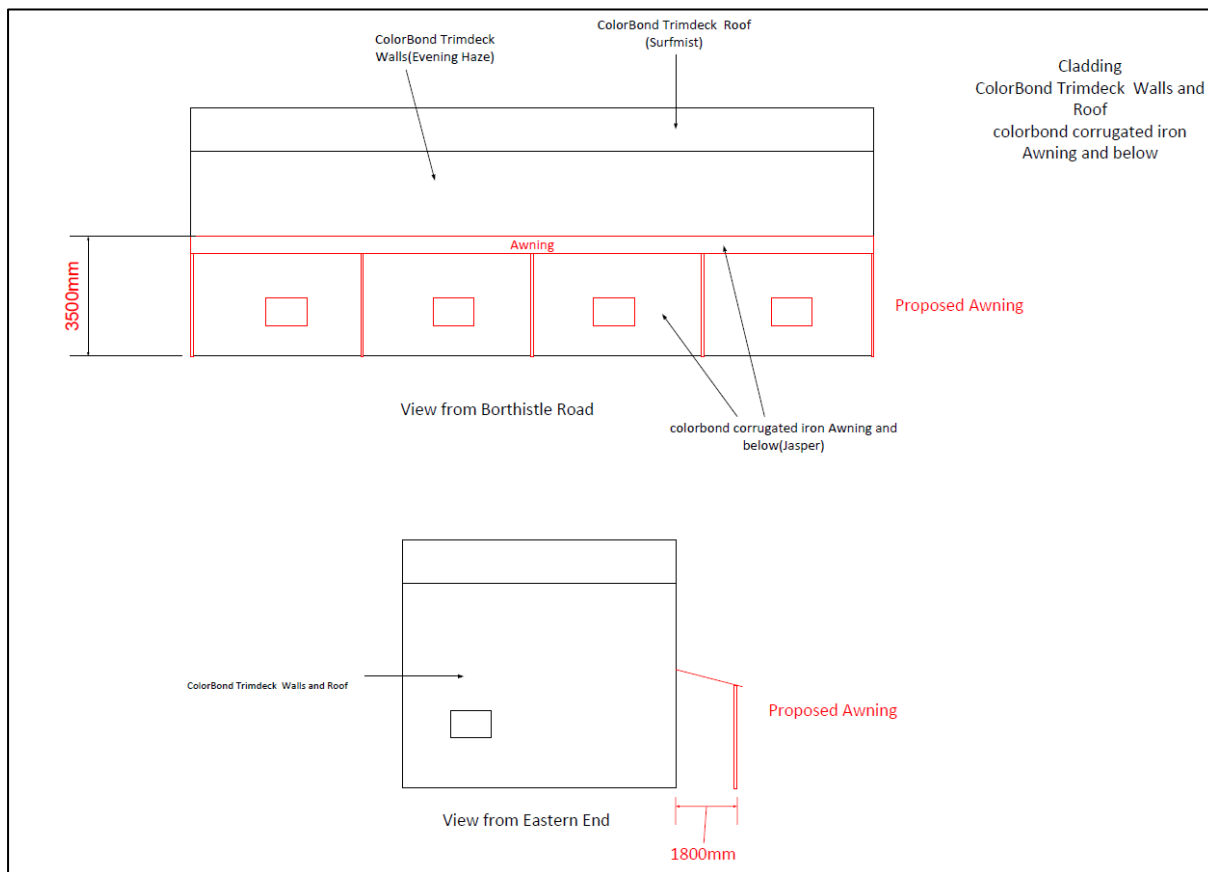


Figure 4 – Elevations, including awning facing Borthistle Road

**BACKGROUND**

**COMMENTARY**

***Environmental Planning and Assessment Act 1979***

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

**Gunnedah Local Environmental Plan, 2012**

***2.3 – Zone Objectives and Land Use Table***

The development site is zoned IN1 General Industrial (IN1), under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). It is believed that the intended use is consistent with the definition of General Industry within the GLEP 2012.

The development is consistent with the land use objectives of the IN1 General Industrial land zone as the development will provide an ancillary structure to an existing industrial use and encourages ongoing employment potential within the Gunnedah community.

***4.4 – Floor Space Ratio***

The site has a maximum allowable Floor Space Ratio (FSR) of 0.6:1. The development site has a land area of 1.584ha. Existing buildings on-site have a combined floor area of 2,228m<sup>2</sup>. The proposed industrial development will have a floor area of 280.7m<sup>2</sup>. The resulting FSR from the development is 0.16:1. Hence, the proposed development is not considered to result in a potential exceedance of the site FSR.

### **6.5 – Essential Services**

The development has provision of the following development services:

- a) Council's water services are located within Borthistle Road. The site is serviced by an existing water connection. The proposed development does not require a connection into Council's reticulated water service as any required services will be extended internally within the site.
- b) The development site is serviced by overhead electrical supply along Borthistle Road. As Council is not the regulatory authority for the electrical network, any required upgrade is to be conducted in consultation with the local service provider.
- c) The development site is serviced by Council's sewer main network, which is located within Borthistle Road. The development does not propose any amenities and hence no extension of Council's sewer network is not required.
- d) Council has a limited stormwater network within the vicinity of the development site. Stormwater is to be retained on-site via a retention tank to be managed onsite, with overflow of detention tanks directed to Council's network.
- e) Vehicle access to the subject site will be achieved from Borthistle Road, which is a public road reserve.

### **STATE ENVIRONMENTAL PLANNING POLICY**

- ***State Environmental Planning Policy (Biodiversity and Conservation) 2021***

- ***Chapter 4) Koala Habitat Protection 2021***

Gunnedah is a Local Government Area listed within Schedule 2 of this SEPP and hence, this chapter is to be considered as part of a Development Application. The development site is not subject to an approved Koala Plan of Management. However, the site has an area greater than 1 hectare.

A site inspection completed by the applicant determined there is no vegetation located within the vicinity of the proposed development and there is limited vegetation at the rear of the site and along the primary frontage. The development site is highly modified the proposed development does not require the removal of vegetation.

Previous assessments of the development site discovered there is not a concentration of listed Koala use tree species listed in Schedule 3 of the SEPP. Therefore, in accordance with Clause 4.9 (3), Council is satisfied the development is likely to have low or no impact on koalas of koala habitat. Hence, Council is not prevented from granting development consent.

- ***State Environmental Planning Policy (Resilience and Hazards) 2021***

- ***Chapter 4) Remediation of Land***

The development site is currently occupied by an agricultural produce industry in the form of Wholegrain Milling. The development will not result in a change of use of the site. The site has been identified as historically containing a concrete block factory. Council acknowledges the previous location of the concrete block factory is not in close proximity to the proposed general industrial development. The concrete block factory was located on former Lot 10 DP236481 which is where the agricultural produce facility operates.

A search of Council's records and supplied Statement of Environmental Effects does not indicate any evidence of contamination within the site from previous land uses. Previous assessments of the site do not indicate any contamination issues.

The site was not known to have any historical contamination and the previous land uses did not trigger a more intensive site investigation. Hence, in the event that the site contains natural or trace levels of contamination it is concluded that the site is suitable in its contaminated state for the proposed development. Hence, Council is not prevented from granting consent for the development.



- **State Environmental Planning Policy (Transport and Infrastructure) 2021**

- **Chapter 2) Infrastructure**

General Industry is not a specific activity within Column 1 of Schedule 3. The development site is not located within 90 metres of a classified road. It is not identified that the development will generate more than 200 vehicle movements per hour during operation. In accordance with Clause 2.122 of this SEPP, this proposal does not align with the definition of a development of *relevant size or capacity*. Therefore, the proposed development is not considered traffic-generating development and does not require referral to Transport for NSW (TfNSW) in accordance with the guidelines of Schedule 3 within this SEPP. Therefore, Council is the roads authority for this development.

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

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

**1.6 – Developer Contributions**

The development site is to be serviced by Council’s Water and Sewer services. Council has determined that in accordance with Council’s current Section 64 water and sewer Development Services Plan the development and resulting floor area generates an increase in Equivalent Tenements (ETs) by 0.42ETs for both water and sewer. The development results in the payment of development services contributions in the amount of \$5,181 for sewer headworks and \$3,388 for water. These contributions are to be paid to Council prior to the issue of a Construction Certificate.

The development site is not identified within the applicable mapped area of the Gunnedah S64 Development Services Plan Stormwater 2013. Hence, no stormwater headwork contributions are applicable to the development.

**4.1 – Building Setbacks**

The development site has primary frontage to Alford Road. The proposed workshop does comply with the required setbacks within the Gunnedah Development Control Plan 2012 as outlined below.

Setback	Required	Provided	Compliance
<b>Primary Frontage (Borthistle Road)</b>	7.5m	3.2m	X
<b>Rear</b>	Compliance with BCA*	60m	✓
<b>Side</b>	Compliance with BCA*	12m	✓

The development proposes a setback from the primary frontage to Borthistle Road of 3.2m, which requires a variation from the required setback of 7.5m. The developer has indicated that the requested variation is needed as the required setback is unachievable as existing structures restrict heavy-rigid vehicles to manoeuvre throughout the site if it was to be positioned any further into the property.

The variation includes an awning along the northern elevation of the building. This awning results in further encroachment into the building setback. However, the variation enables the awning to create a more favourable building elevation presented to Borthistle Road. Without this variation the bulk and scale of the development would be inconsistent with Council’s desired character of the industrial area, as the elevation has a height of 7.267 metres and would be imposing to the streetscape. The main portion of the building will be positioned 5 metres from the Borthistle Road property boundary.

The undertaking landscaping between the proposed structure and the primary road frontage will assist in alleviating some of the visual impost on the streetscape resulting from the building encroachment. A condition has been recommended to ensure that appropriate levels of landscaping is conducted and suitable species are selected.

There are other developments within the vicinity of the development site which has achieved support from Council in the past to achieve a similar building line setback to that proposed for this development. Hence, the variation to this development standard is supported under these circumstances.

#### **4.2 – Design**

The development proposes a building elevation fronting Borthistle Road incorporating varied roof lines and building materials to establish a low-scale design. However, the development design and materials do not comply with the design requirements of this clause and thus a variation to this standard has been sought.

The development elevation facing Borthistle Road includes an awning structure which breaks up the elevation of the structure and includes varied materials and colours above and below the awning. The varied building materials and elevation design is not consistent with the development control, however, the use of varied building materials and inclusion of the awning within the elevation breaks up the large expansive external façade of the building and ensure that its appearance and domination on the public space is reduced.

The roof of the main building is to be constructed with a maximum pitch of 15°. The appearance of the development is visually compatible with the industrial development surrounding the subject site.

The development site is located close to a number of non-industrial uses within the surrounding environment. The proposed building is screened from visibility of adjoining non-residential receivers due to its position within the development site and the position of existing structures within the development site or adjoining industrial development.

#### **4.3 – Utilities and Services**

The development site has the availability of Council's water and sewer services present within Borthistle Road. The proposed development has existing water or sewer connections. Stormwater from the proposed development will be captured on-site and directed to an appropriate stormwater network. Onsite stormwater detention is required to ensure that post-development stormwater discharge does not exceed pre-development discharge.

No structures are proposed to be constructed over an easement or over Council's infrastructure where no easement exists. The development is unlikely to discharge any trade waste based on the proposed use of the structure.

#### **4.4 – Traffic and Access**

The development site has primary frontage to Borthistle Road which is bitumen-sealed with kerb and gutter along the entire frontage to the site. The road network is expected to be suitably designed to accommodate the likely increase in vehicle movements within the surrounding road network.

The development site supported by two separate vehicle concrete laybacks within the kerb and gutter of Borthistle Road, which already provides individual vehicle ingress and egress. This allows vehicles to safely and adequately enter and exit the site in a forward direction. There is no requirement for the development to upgrade the existing vehicle access points.

The development site is located an appropriate distance from major road networks, large-scale developments and roundabout systems. The subject site is located approximately 320m from the Oxley Highway, a classified road and will not generate any potential traffic hazards to the road network.

The site is currently occupied by Wholegrain Milling including office spaces, silos and existing amenities. A condition is recommended to be imposed to ensure the hardseal of all manoeuvring areas, parking spaces and loading/unloading facilities. The road network is suitably constructed for the current activity on-site.

#### **4.5 – Parking**

The development includes a workshop/warehouse area, an office space and covered area. The development indicates that the intended use of the covered area is for storage of plant for the site operation. Hence, the area of this portion of the building is also considered when determining Gross Floor Area (GFA). The resulting floor area of the building is 269.38m<sup>2</sup>.

The development is subject to a parking ratio of 1 space per 75m<sup>2</sup> GFA OR 1 space per 2 employees, whichever is greater. The development does not require any additional staff. Hence, car parking spaces based on the GFA will be the greater. The calculations are outline the as follows:

Industrial Office  
277.834/75  
**= 3.7 spaces**

Total required spaces  
**= 4 spaces**

Hence, as per the calculation above the development is required to provide a minimum of four (4) parking spaces on-site based on the floor area of the building.

#### **4.6 – Landscaping**

The development requires four (4) car parking spaces based on the calculations above. Therefore, the development does not trigger additional landscaping for shading to soften the visual impact of hard surfaces as such areas will not be created by the development.

The development proposes landscaping within the initial 3m primary setback of the property from Borthistle Road. The development was not accompanied by a detailed landscaping plan, which can be relied upon for the purposes of determination of the development. Hence, a condition is recommended to ensure the developer provides to Council a Detailed Landscaping Plan which indicates the location and number of plant species and is to include species type planted within the 3.2m primary setback and side setbacks, being the primary building setback for this development. All landscape species should be frost and drought tolerant species. Furthermore, the development site does not neighbour a residential area. Hence, no additional landscaping is required along either boundary.

#### **4.7 – Fencing**

The development site is supported by an existing chain-linked security-style fence which surrounds the entire site. The development does not propose any new fencing.

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

Loading and unloading facilities for the proposed development will occur either under the proposed covered area, part of this development or as part of the operation of the existing agricultural produce industry onsite. Internal driveways are expected to be created from the vehicle access to the loading/unloading areas with adequate area expected for vehicles to manoeuvre within the site, so that deliveries can be made entirely on-site.

#### **4.9 – Outdoor Lighting**

The development does not propose any additional outdoor lighting. However, any future outdoor lighting is to be installed in accordance with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS 4282 Control of Obtrusive Effects of Outdoor Light*.

#### **4.10 – Outdoor Signage**

The development does not propose the installation of any additional signage.

#### **4.11 – Noise**

The development site is not located within 400m of a residential zone. External plant is not required to be enclosed as the development site does not neighbour a residential area.

#### **6.6.1 – Environmental Effects**

##### **Traffic**

The proposed development is ancillary to the existing agricultural produce facility on-site. The development is unlikely to significantly increase traffic movements on-site or within the surrounding road network. A minor increase in vehicle movements is anticipated as a result of the development. However, the road network is considered adequate the additional vehicle activity.

##### **Flood Liability**

The development is not identified as being subject to flooding on Council's flood prone map.

##### **Slope**

The development site has a minor slope with fall from North West towards the South East of the site. The slope is of a low grade and does not require the lodgement of a geotechnical investigation to investigate potential for landslip.

##### **Construction Impacts**

In the event that the development was to be approved it is recommended that standard construction hours be imposed to reduce the potential for noise pollution during construction works.

##### **Solid and Liquid Waste**

The site is serviced by Council's gravity fed sewerage network for effluent management. The proposed development does not require a connection into Council's sewer infrastructure. Kerb side collection is available within the area of the development site. The development site has existing waste management practices which are expected to continue to be occupied for the development.

##### **Air Quality (odour and pollution)**

The proposed development is considered to have minimal impact on the existing microclimate in the area due to the nature of the development. The development is not expected to generate any pollutants or create any ongoing odour which may be offensive to the surrounding locality.

##### **Noise Emissions**

The development is not expected to result in any excessive noise and vibration with the exception of the construction phase. The development application has not indicated any specific noise generation impacts. Based on the expected noise which may be generated from the development it is presumed that the development would generate typical industrial noise impacts. The development also does not address proposed trading hours for the development. In lieu of identified trading hours and in absence of clear noise impact from the development it is recommended that a condition of consent be imposed restricting the operating hours of the new General Industrial Workshop to those of daytime hours, as set by the NSW EPA Industrial Noise Guideline. In the event that these hours are not suited to the proposed business activity, the applicant has the ability to modify this consent condition.

**Water Quality**

The development is not expected to produce any pollutants or require any excessive excavation which could destabilise the soil and result in soil erosion which could affect water quality downstream.

**Sustainability**

The proposed development is unlikely to have an impact on the environmental sustainability of the development site or adjoining properties. The development is not considered to be an unsustainable land use or activity. The development proposal did not indicate the inclusion of any renewable building materials or renewable energy sources, such as solar power.

**6.6.2 – Erosion and Sediment Control**

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

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

The development site is located within an General Industrial zone with the immediate area surrounding the site also consistent with this land use. The adjoining development allotments contain a variety of industrial activities. The is large lot residential land to the north of the site. However, these lots are located some distance from the site and are not greatly impacted by visual impacts and the proposed land use is not expected to result in any significant impact than the other development in the surrounding area.

The development site currently contains buildings and structures for the operation of an Agricultural Produce Industry. The site is occupied by operational plant and industrial premises and includes ancillary activities such as metal fabricated silos, office spaces and associated storage facilities. The proposed development is similar in design to the main shed utilised for the operation of the Agricultural Produce Industry. However, the proposed development is located closer to the public spaces adjoining the site. The proposed development incorporates building designs that reduce the visual impact of the structure on the streetscape based on bulk and scale.

The development is considered to be consistent with the development in the surrounding area considering the bulk and scale of the development.

**Access, Transport and Traffic**

The proposed development has primary frontage to Borthistle Road. Borthistle Road is bitumen sealed supported by kerb and gutter along the entire frontage. The development site has existing individual entry and exit vehicle points, which are suited to the continued use for the proposed development. The increase in vehicle movement within the road network is expected to be able to be accommodated within the current road construction. Borthistle Road is considered adequate for the proposed development.

**Public Domain**

The development does not require the dedication of public land and the development would have minimal impact on Council's existing public areas or parklands. The development does not require the creation of any pedestrian linkages or the dedication of any public open space. Contributions under Council's S94A plan for this development have been paid.

**Heritage**

The development site does not contain any identified items of environmental heritage, nor are there any located within the vicinity of the development, that may be impacted by the development.

**Other Land Resources**

The development site is located within an industrial zone. The land is not primary agricultural land and the zone precludes the quarrying or mining of resources on this allotment. As a result the development will have no effect on natural land resources. Hence, the development is considered compatible with activities within the immediate area and will not impact the land use.

**Water**

The development site has the provision of Council’s water services connected to the site. There is a water main located within Borthistle Road. The development can be serviced from the connection of internal water lines if required. Council has not identified any capacity restrictions within the Council network.

Stormwater is to be retained on-site with overflow discharged to Council’s infrastructure. There are internal stormwater inlet pits located towards the rear of the site. The development is to submit to Council a Stormwater Management Plan which addresses the use of onsite detention to ensure that post development stormwater discharge from the site, as a consequence of the development, does not exceed pre-development flows. This ensures that there is no further impost on Council’s limited stormwater network within the area.

**Flora and Fauna**

The development will not result in the removal of any trees from the site. The development site is not known to be occupied by any threatened species, critical habitats and threatened or endangered ecological communities. The lot does not appear as a lot identified as containing areas of biodiversity value on the NSW biodiversity values map.

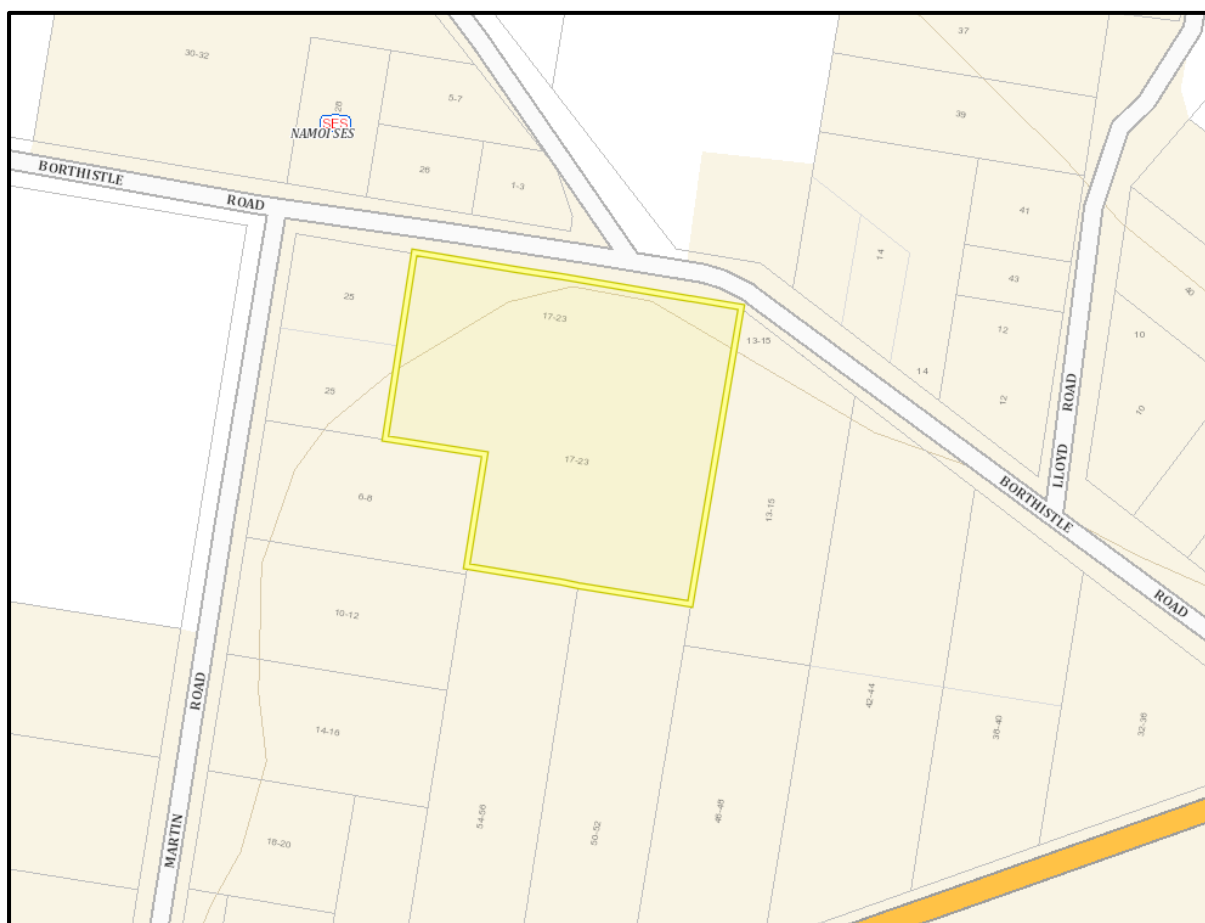


Figure 5 – Biodiversity Values Map

**Waste**

The subject site has the availability of Council's sewer services. Council's sewer services are located within the Borthistle Road reserve and a sewer main is present at the rear of the site. The proposed workshop does not require a connection into Council's sewer services. However, there is an existing connection made to the site which may possibly be extended internally within the site.

Waste generated during construction is to be maintained on-site and shall be disposed of to a suitable Waste Management Facility. No waste including general waste is permitted to be disposed of on-site. It is expected that current waste management practices will be continued onsite. The development is constructed in such a way that it is most likely that waste storage onsite will occur to the rear of the building out of site of adjoining public reserves.

**Natural Hazards**

The site is not identified as being flood prone to subject to bushfire activity.

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

The proposed development is consistent with the existing and future development in the locality. The site has access from Borthistle Road for vehicle access and Council's water, sewer and stormwater facilities are present to the site. The development site is not identified as being bushfire prone or subject to flooding activity and does not contain an item of heritage significance. The site is considered suitable for the development and the proposed development ancillary to the existing agricultural produce facility will compliment the existing land use activity on-site.

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

The development application was notified to adjoining land holders in accordance with the Gunnedah Community Participation Plan 2020 (CPP) as the development requests a variation to a development standard prescribed within the Gunnedah Development Control Plan 2012.

Council notified adjoining land owners for a period of 21 days as the public exhibition occurred during public and school holiday periods. Council did not receive any submissions during the public exhibition period.

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

The development application is not regarded as being Integrated or Designated Development. Council is not aware of any relevant Local, State or Federal planning studies, strategies or management plans that are applicable to the proposed development which need to be considered for this development.

**Conclusion**

The development application is seeking consent for a general industrial development. The development application has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The evaluation of this development application has concluded that the proposed development is compliant with the legislative requirements for this development, except where variations have been considered.

As per the recommendation of this report, it is concluded that Development Application No. 2021/101, Lot 100 DP 1214752, 17-23 Borthistle Road, Gunnedah, should be approved subject to conditions.

**Andrew Johns**

**DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**





**Gunnedah**Shire