

**PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING MINUTES**

**of Gunnedah Shire Council held on Wednesday 7 July 2021 in the  
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:00pm**

1.

COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	ABSENT
J Chaffey (Chair)	X		
JR Campbell	X		
C Fuller	X		
OC Hasler	X		
R Hooke		X	
A Luke	X		
D Moses	X		
M O'Keefe	X		
RG Swain		X	
<b>STAFF</b>			
General Manager (E Groth)	X		
Director Corporate and Community Services (C Formann)		X	
Director Planning and Environmental Services (A Johns)	X		
Director Infrastructure Services (J Bartlett)		X	

*Council Resolution*

*Moved Councillor D MOSES*

*Seconded Councillor C FULLER*

**2. DECLARATIONS OF INTEREST**

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

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

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

<b>ITEM 1</b>	<b>Development Application No. 2021/049 – Construction of Detached Outbuilding (Shed) – Lot 4 DP841393 – 220 Wandobah Road, Gunnedah</b>
<b>MEETING</b>	<b>Planning Environment Development Committee Meeting – 7 July 2021</b>
<b>DIRECTORATE</b>	<b>Planning and Environmental Services</b>
<b>AUTHOR</b>	<b>Town Planner</b>
<b>POLICY</b>	<b>Nil</b>
<b>LEGAL</b>	<b>Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012</b>
<b>FINANCIAL</b>	<b>Nil</b>
<b>STRATEGIC LINK</b>	<b>Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business. Operational Plan</b>

**2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation.**

**ATTACHMENTS**

**Nil**

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**1.07/21P COUNCIL RESOLUTIONS:**

**That the Development Application No. 2021/049, for the construction of a detached outbuilding, at Lot 4 DP 841393, 220 Wandobah 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 11.06.2021
  - Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, dated 17.05.2021; and
  - Submitted plans:
    - Prepared by Stewart Surveys Pty Ltd, dated May 2021, Ref: 5537, Plan 1 (Site Plan);
    - Submitted plans:
      - Prepared by Best Sheds, dated 11.06.2021, Ref: 0814474812, Sheet 2 (Elevations Plan), Sheet 3 (Left/Rear Elevations), Sheet 4 (Front/Rear Elevations), Sheet 5 (Floor Plan), Sheet 9 (Section Plan).
  - State Environmental Planning Policy (Koala Habitat Protection) 2021 Assessment Report, prepared by Stewart Surveys Pty Ltd, dated 17 May 2021. Reference: 5537.

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 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
  - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

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

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

## **B2. Erection of signs**

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

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

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

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

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

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

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

- (a) 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.

#### **E. GENERAL**

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

*Reason: To ensure legal requirements.*

- E2.** The developer is to provide an all-weather 2WD access from the property boundary to Wandobah Road to the proposed outbuilding.

*Reason: To ensure suitable vehicle access from access to the outbuilding.*

- E3.** The outbuilding shall not be occupied as a dwelling and is not to be used for any commercial or industrial use without the prior written consent of Council.

*Reason: To ensure compliance*

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

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

**F3. 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.***

**F4.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday – 7.00am to 5.00pm;

Saturday – 8.00am to 1.00pm if audible on other residential premises, otherwise 7am to 5.00pm;

No work to be carried out on a Sunday to Public Holidays

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

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

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

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

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

**Reason: To meet statutory requirements.**

**MOTION** Moved Councillor OC HASLER  
Seconded Councillor C FULLER

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

**PURPOSE**

This Development Application is being referred to Council for determination as the development includes a request for a variation to a development control standard within the Gunnedah Development Control Plan, pertaining to the maximum height of an outbuilding.

Applicant: C Howes c/- Stewart Surveys  
Owner: Mr C Howes,  
Property Description: Lot 4 DP841393  
220 Wandobah Road, Gunnedah

*Proposed Development*

The proposed development is for the construction of a detached outbuilding (shed) ancillary to an existing dwelling.

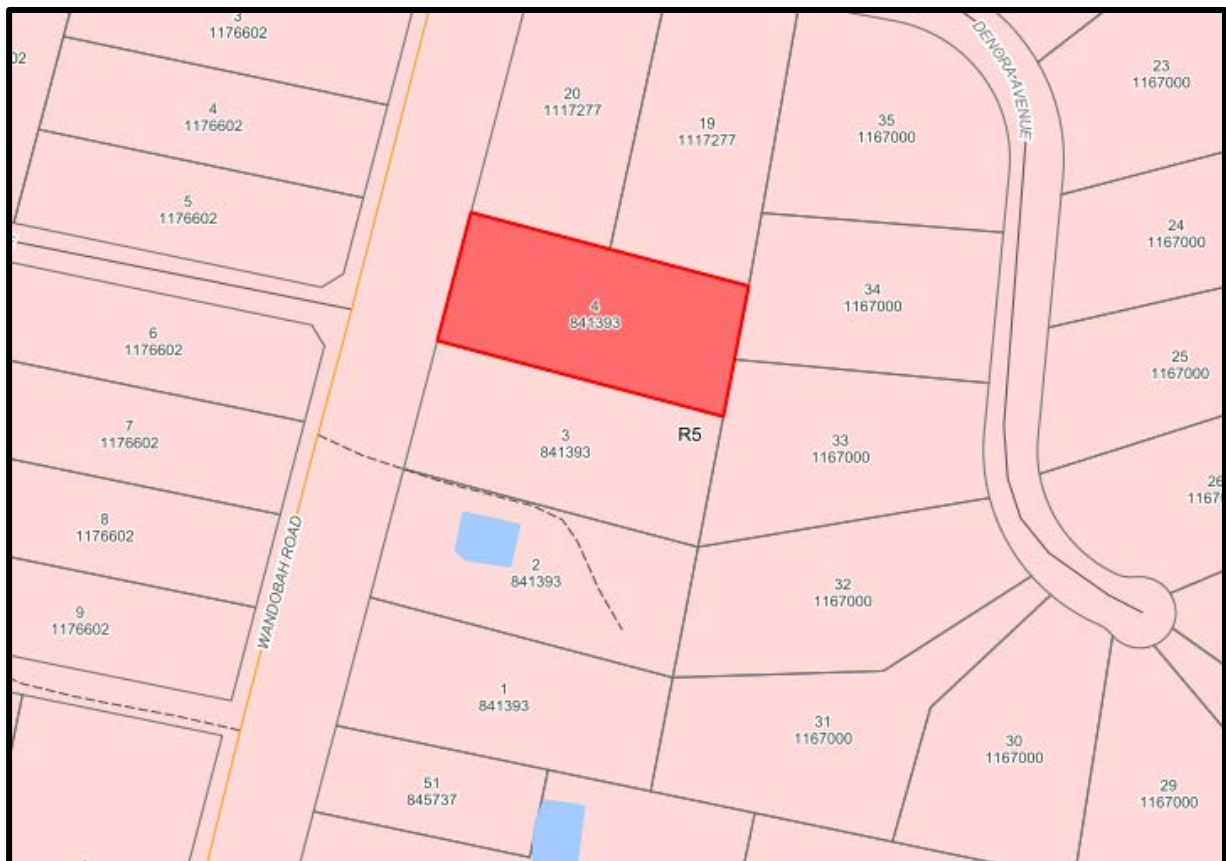


Figure 1 – Site Location

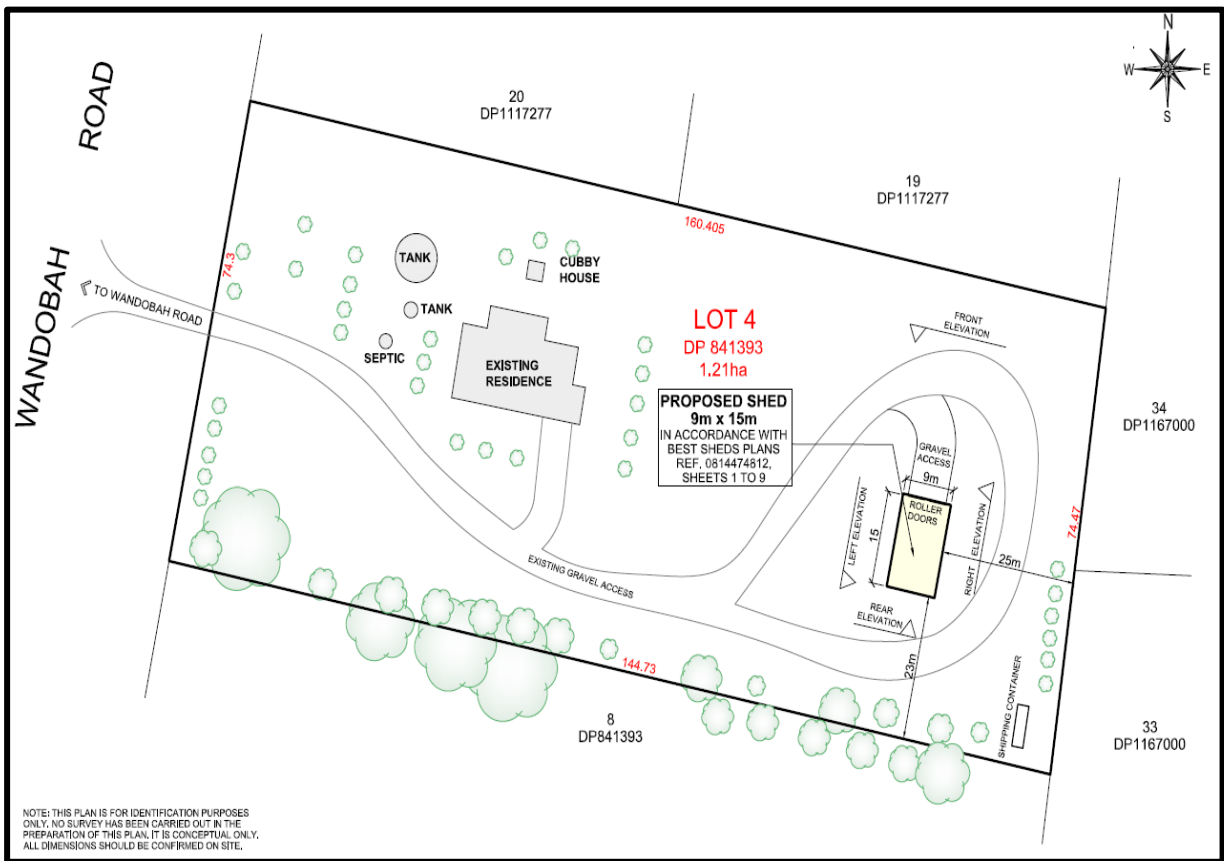


Figure 2 – Site Plan

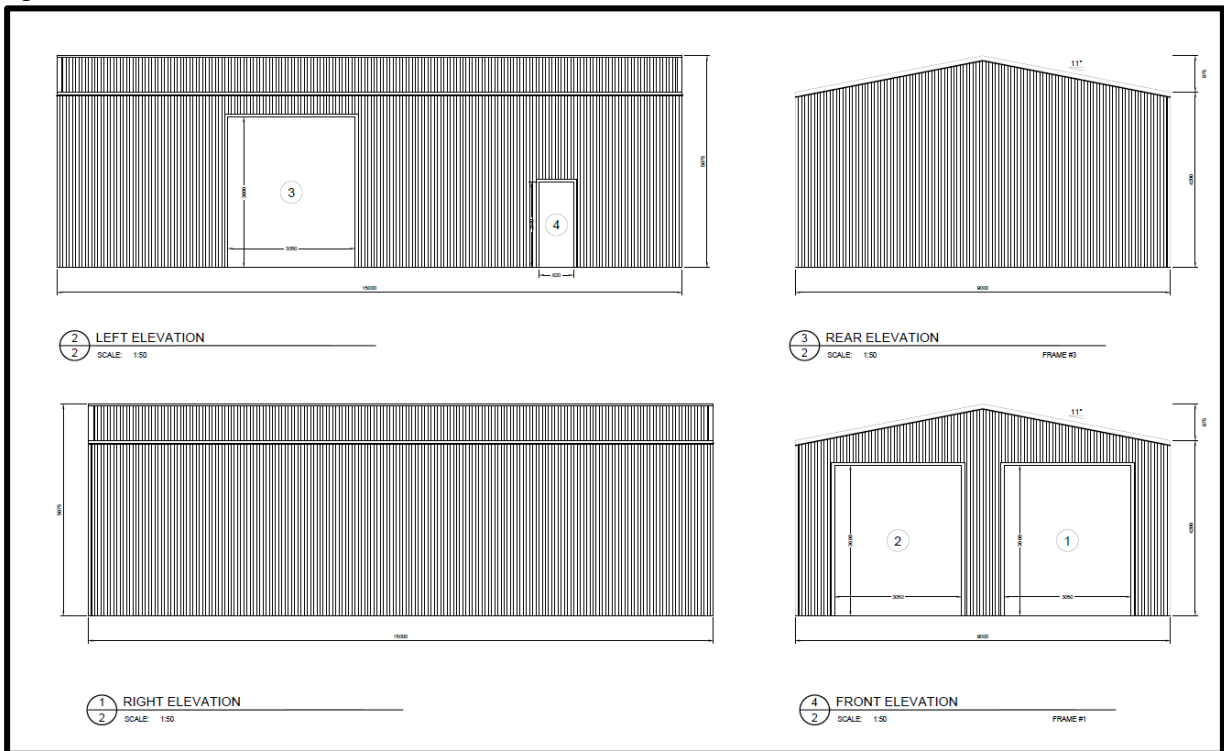


Figure 3 – Elevations Plan

## COMMENTARY

### Issues

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

#### **Gunnedah Local Environmental Plan, 2012**

The development site is zoned R5 Large Lot Residential, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The following GLEP 2012 clauses are applicable to the development:

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

The development proposes the construction of a pre-manufactured shed ancillary to an existing Dwelling House. The development is zoned R5 Large Lot Residential and Dwelling Houses, including any ancillary development, are permitted subject to Development Consent under the objectives of the R5 zone.

### **6.5 – Essential Services**

The development site has the provision of the Council’s water services. Sewer is disposed of via an existing onsite sewer management and stormwater is retained onsite through onsite management. There is adequate area onsite for these services to be adequately managed. The dwelling has an existing electrical supply. The site has an existing vehicle access from Wandobah Road.

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

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

The subject site is currently occupied by a residential dwelling house. A search of Council’s records and supplied Statement of Environmental Effects does not identify that there has been any previous usage that could possibly lead to any potential site contamination. No further investigation was required.

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

The proposed development does not require or include the removal of any trees or vegetation.

#### **State Environmental Planning Policy (Koala Habitat Protection) 2021**

The site has an area greater than 1 hectare. The client has prepared a Koala Habitat Protection Assessment Report. The site does not have a Koala Plan of Management; therefore, clause 11 of this SEPP applies. A site inspection completed by Stewart Surveys identified one (1) Koala feed species within the development site. The development does not propose the removal of any vegetation. A desktop review has no record of Koala sightings in the area. The site inspection did not observe any Koalas onsite nor did it identify any evidence of Koala activity. Therefore, the development site does not meet the definition of Core Koala Habitat under this SEPP. The proposed development is unlikely to impact the Koala habitat or population and Council may grant consent to the development.

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

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

##### **2.1.1 – Building Setbacks**

The proposed development will be positioned with adequate setback from property boundaries to comply with Council’s Development Control Plan as per the below Table 1.

	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
<b>Primary Street (Wandobah Road)</b>	25m	110m	✓
<b>Rear</b>	10m	25m	✓
<b>Side</b>	10m	23m	✓

Table 1: Outbuilding Setbacks

##### **2.1.3 – Utilities**

The proposed development will not occur over any easements. There is an easement located along the southern boundary for the subject site. The proposed development will not be constructed near the easement. The development site is serviced by Council’s water services. The proposed development does not require a water connection.

##### **2.1.4 – Privacy**

The proposed development is a detached outbuilding. The outbuilding is to be located a suitable distance from the boundary setbacks to ensure privacy of neighbouring properties is not impeded. Therefore, the development does not require specific privacy controls.



### **2.1.8 – Outbuildings, Carports and Detached Garages**

	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Maximum size	100m <sup>2</sup>	135m <sup>2</sup>	x
Cumulative	150m <sup>2</sup>	135m <sup>2</sup>	✓
Maximum wall height at eaves line	4.2m	4.2m	✓
Maximum Height	5m	5.075m	x

The development does not comply with the maximum size of an outbuilding. Refer to 2.1.8b – Discretionary Development Standard further through this report.

The proposed development of an outbuilding will have a total building height of 5.075m, measured from natural ground level. The maximum allowable height of an outbuilding in the R5 zone is 5m. The development is requesting a variation to development standard 2.1.8 for the 75mm variation. The variation is negligible, with the additional height unlikely to be noticed from Wandobah Road or neighbouring properties. Hence, the variation to this standard is supported in under these circumstances.

#### **2.1.8b – Discretionary Development Standard**

There are no other outbuildings, carports or detached garages on the lot. Hence, in accordance with this discretionary development standard the development is able to exceed the maximum size as the proposed shed is compliant with the cumulative size.

#### **2.1.10 – Access**

The development site has an existing access from Wandobah Road which is a bitumen sealed road. The internal driveway is dust suppression gravel which is adequate for the subject site. The driveway already extends to the rear of the site where the proposed shed is anticipated to be constructed. There is adequate space for the development to be accessed via a vehicle access with the development proposing to extend the gravel driveway to the structure.

### **6.6.1 – Environmental Effects**

#### **Construction Impacts**

The proposed development has a time period in which construction can occur. Construction is permissible from 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm on Saturday. However, construction is prohibited on Sunday and public holidays. This is conditioned to avoid any noise impacts as a result of construction.

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

The development will not cause the generation of any solid or liquid wastes from the ongoing operation. The development does not have effluent disposal facility within the outbuilding that would require effluent management.

#### **Air Quality**

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 will not generate any pollutants into the air or atmosphere.

#### **Noise Emissions**

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

#### **Water Quality**

The development will not produce any pollutants or require excessive excavation which could destabilise the soil and result in soil erosion which could effect water quality downstream.

**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 currently contains a dwelling house and two rainwater tanks. The development application proposes the construction of a detached outbuilding. The site is located on Wandobah Road, with the adjoining lots being used by residential dwellings and accompanying outbuildings. The design, shape and appearance of the proposed garage will be consistent with the existing structures onsite and the surrounding neighbourhood.

**Access, Transport and Traffic**

The proposed development has frontage to Wandobah Road. Wandobah Road is a bitumen sealed road. The development will be complimentary to the existing dwelling. Council does not allow the outbuilding to be used for habitation purposes. Furthermore, the development will not result in an increase in vehicle movement within the road network of the immediate area surrounding the site. The internal gravel driveway extends to the rear of the site to the location of the proposed development.

**Public Domain**

The development will not require the dedication of public land and the development will have no impact on Council's existing public areas or parklands. There is no contribution under Council's S94A plan that applies to this development.

**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 will be impacted by the development.

**Other Land Resources**

Agriculture is prohibited in R5 zone. Mining and extractive resources activity is prohibited within this land zone and the lot is not located near any zoning that would allow for the use for agriculture or extractive industries. Hence, no other land resources are impacted by the proposed development.

**Water**

The development site has provision of Council's water services to the development site. The existing dwelling house has an adequate water connection. The proposed development does not require water services or a supply.

**Waste**

The subject site does not have the provision or availability of Council's sewer services. The proposed development is for a detached outbuilding and does not require sewer facilities. Waste generated during construction is to be maintained onsite and shall be disposed of to Council's land fill which is adequate for the development. The subject site is serviced by Council's kerb side collection. No waste is to be disposed onsite.

**Noise & vibration**

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

**Natural Hazards**

The site is not identified as being subject to flooding. The site is bushfire prone. The subject site has existing rainwater tanks, one of which has adequate size for water storage for fire fighting purposes. The proposed development is to be located 10m from the existing dwelling house, demonstrating compliance with *Planning for Bushfire Protection* guidelines. Therefore, no further investigation is required.

**Social & Economic impact in the locality**

The proposed development will have little social impact on the surrounding area. The development will be consistent with development on adjoining allotments. The development will employ local tradesmen and resources for construction.

**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 Wandobah Road and demonstrates adequate provisions of Council's water facilities. The existing dwelling is serviced by an onsite septic system and retains stormwater. The outbuilding would be complimentary to the structures onsite and the neighbouring properties.

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

There was an obligation for the development application to be notified to the adjoining land holders in accordance with the Gunnedah Community Participation Plan 2020 (CPP) as the development requests a variation to Council's Development Control Plan.

Council elected to notify adjoining land holders from the 17 June to the 1 July 2021. During this period, Council received no submissions.

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

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

**Conclusion**

The development application is seeking consent for the construction of a detached outbuilding. 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. 2021/049 Lot 4 DP 841393, 220 Wandobah Road Gunnedah, should be approved subject to conditions.

<b>ITEM 2</b>	<b>Development Application No. 2021/044 – Demolition and Construction of Detached Outbuilding (Shed) – Lot 1 DP514462 – 9 Ross Road, Gunnedah</b>
<b>MEETING</b>	<b>Planning and Environmental Services Meeting – 7 July 2021</b>
<b>DIRECTORATE</b>	<b>Planning and Environmental Services</b>
<b>AUTHOR</b>	<b>Town Planner</b>
<b>POLICY</b>	<b>Nil</b>
<b>LEGAL</b>	<b>Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012</b>
<b>FINANCIAL</b>	<b>Nil</b>
<b>STRATEGIC LINK</b>	<b>Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation.</b>
<b>ATTACHMENTS</b>	<b>Nil</b>

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**2.07/21P COUNCIL RESOLUTIONS:**

**That the Development Application No. 2021/044, for the construction of a detached outbuilding, Lot 1 DP514462 – 9 Ross 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 28.05.2021
  - Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, dated 26.05.2021; and
  - Submitted plans:
    - Prepared by Stewart Surveys Pty Ltd, dated May 2021, Ref: 5539, Plan 1 (Demolition Plan), Plan 2 (Site Plan).
  - Submitted plans:

- Prepared by Best Sheds, dated 17.06.2021, Ref: 08144276782, Sheet 2 (Elevations Plan), Sheet 3 (Elevations), Sheet 4 (Floor Plan and Roof Plan).

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 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
  - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

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

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

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

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

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

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

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

### **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 certifier 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 certifier 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 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.**

#### **D. PRIOR TO THE ISSUE OF A 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:

(b) Carry out stormwater drainage works

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

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

#### **E. GENERAL**

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

**Reason: To ensure legal requirements.**

**E2.** The developer is to provide an all-weather 2WD access from the property boundary to Ross Road to the proposed outbuilding.

**Reason: To ensure suitable vehicle access from access to the outbuilding.**

**E3.** The outbuilding shall not be occupied as a dwelling and is not to be used for any commercial or industrial use without the prior written consent of Council.

**Reason: To ensure compliance**

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

**Reason: To ensure site safety.**

#### **F3. 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.***

- F4.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday – 7.00am to 5.00pm;

Saturday – 8.00am to 1.00pm if audible on other residential premises, otherwise 7am to 5.00pm;

No work to be carried out on a Sunday to Public Holidays

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

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

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

- F5.** The existing outbuilding 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.***

- F6.** 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.***

- F7.** 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.***

- F8.** 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.*

**F9. 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.*

**F10. Support for neighbouring buildings**

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

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

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

*Reason: To ensure site stability.*

**F11. 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.*

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

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

*Reason: To meet statutory requirements.*



**MOTION** Moved Councillor J CAMPBELL  
 Seconded Councillor D MOSES

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

**PURPOSE**

This Development Application is being referred to Council for determination as the development includes a request for the variation to a development control standard within the Gunnedah Development Control Plan pertaining to the side and rear setback.

Applicant: M Agostino c/- Stewart Surveys  
 Owner: Mr M Agostino & C Callaghan,  
 Property Description: Lot 1 DP514462  
 9 Ross Road, Gunnedah

*Proposed Development*

The proposed development is for the demolition and construction of an outbuilding (shed).

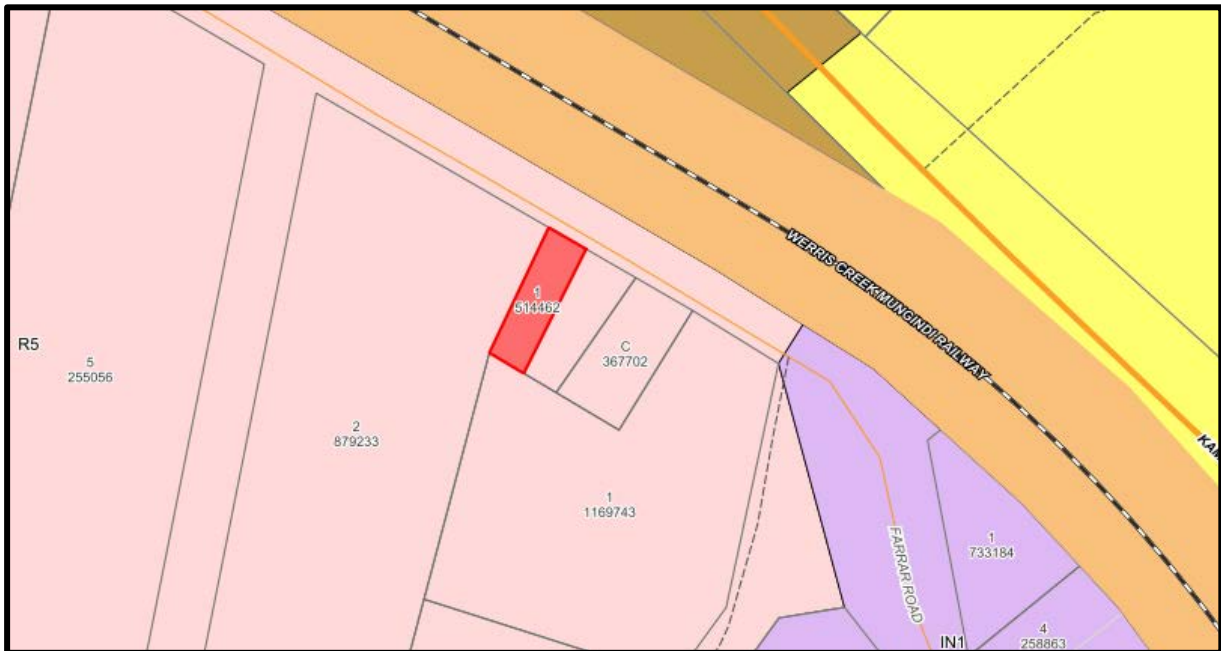


Figure 1 – Site Location

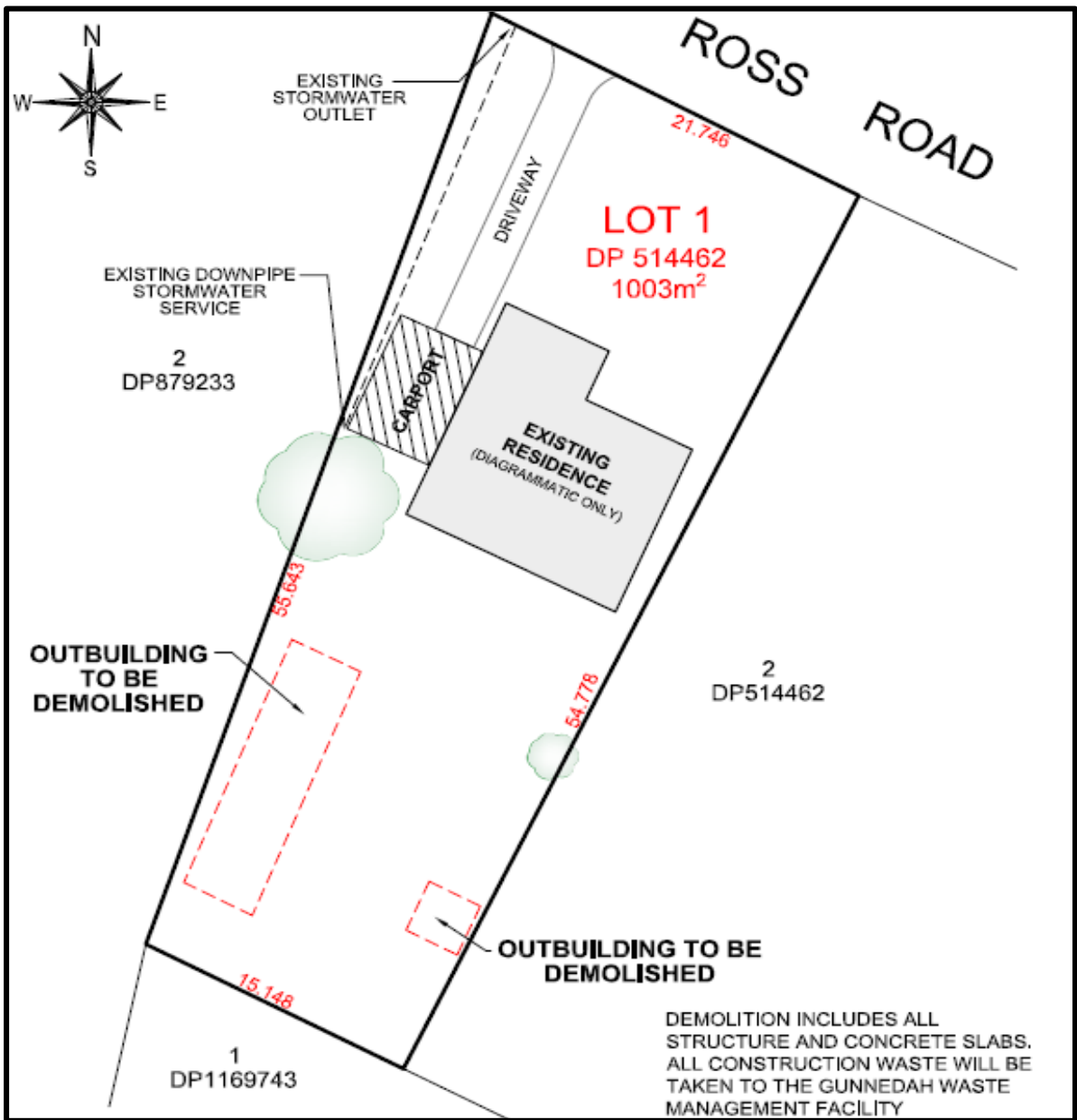


Figure 2 – Demolish Plan

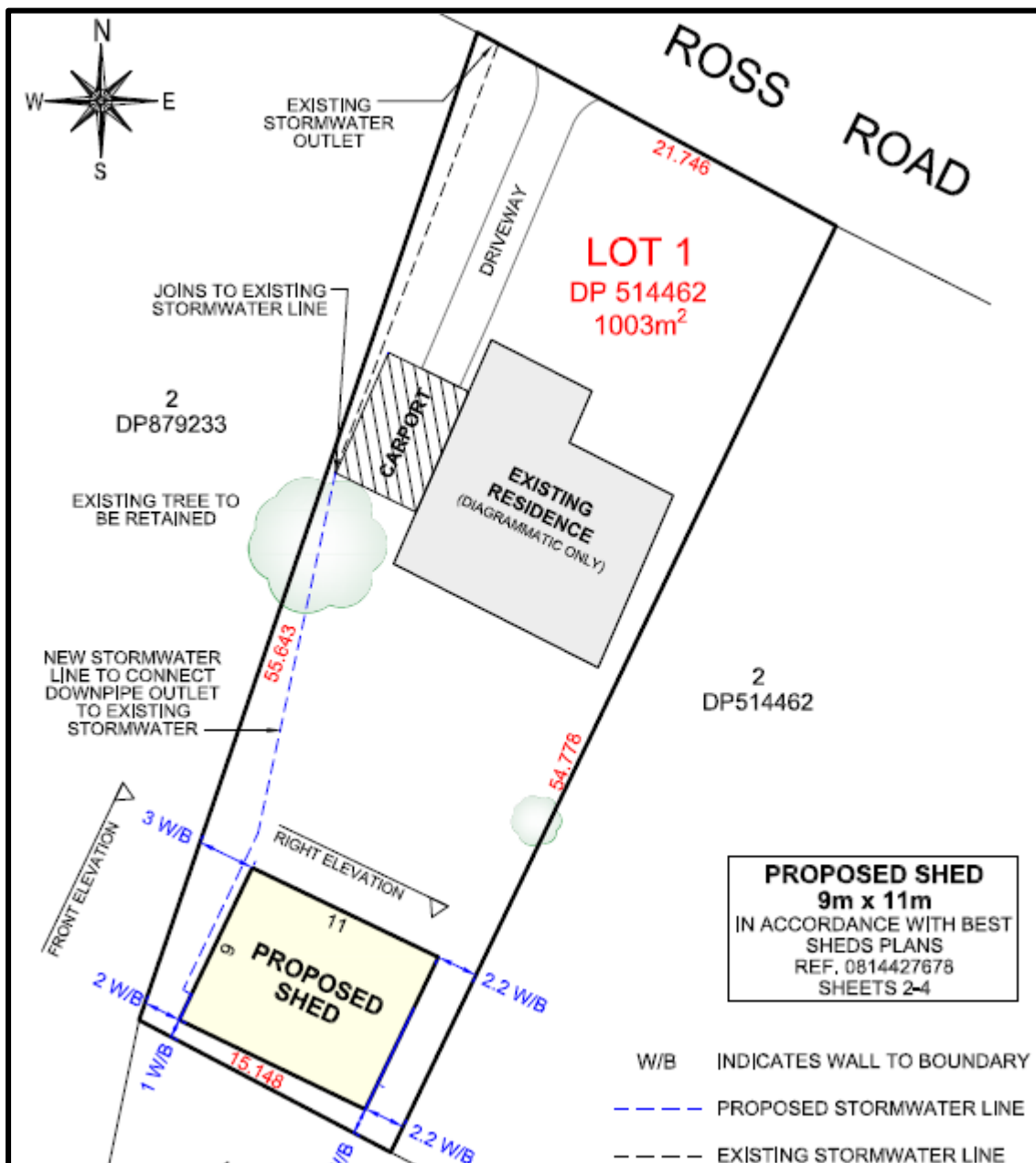


Figure 3 – New Site Plan

## COMMENTARY

### Issues

#### **54.15(1)(a)(i) the provisions of any environmental planning instrument**

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

The development site is zoned R5 Large Lot Residential, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The following GLEP 2012 clauses are applicable to the development:

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

The development proposes the construction of a pre-manufactured shed ancillary to an existing **Dwelling House**. The development is zoned R5 Large Lot Residential and Dwelling Houses, including any ancillary development, are permitted subject to Development Consent under the objectives of the R5 zone.

##### **6.5 – Essential Services**

The development site has the provision of the Council's water, sewer and stormwater services. The dwelling has an existing electrical supply. The site has an existing vehicle access from Ross Road.

## State Environmental Planning Policies (SEPPs)

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

The subject site is currently occupied by a residential dwelling house. A search of Council's records and supplied Statement of Environmental Effects does not identify that there has been any previous usage that could possibly lead to any potential site contamination. No further investigation was required.

### State Environmental Planning Policy (Koala Habitat Protection) 2020

The development site is not subject to a Koala Plan of Management. The development site does not have an overall area greater than one hectare. Therefore, no further investigation is required.

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

The proposed development does not require or include the removal of any trees or vegetation.

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

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

#### 2.1.1 – Building Setbacks

Setback	Required	Provided	Compliance
Primary Street (Ross Road)	25m	148m	✓
Rear	10m	2m	X
Side	10m	1m	X

Table 1: Outbuilding Setbacks

The development is requesting a variation to the Gunnedah Development Control Plan. The development site is zoned R5 Large Lot Residential and mapped as having a required minimum Lot Size of 1.2ha. Under this land zoning within the Gunnedah DCP the building structure is required to have a setback of 10 metres from all side and rear setbacks. As the rear of this lot has a total width of 15.148 metres, there is no ability to achieve compliance with building setbacks.

The subject site has an overall lot size of 1003m<sup>2</sup>. The required setbacks were developed to cater larger lots. The proposed setback would achieve the setback requirement of the R2 zone but are also consistent with the National Construction Code (NCC) requirements. Hence, due to the historical lot configuration the variation to Council's Development Standard for building setbacks is supported for this unique circumstance.

#### 2.1.3 – Utilities

The proposed development will not occur over any easements. There are no registered easements located on the subject site. The development site is serviced by Council's water services. The proposed development does not require a new water connection.

#### 2.1.8 – Outbuildings, Carports and Detached Garages

	Required	Provided	Compliance
Maximum size	100m <sup>2</sup>	99m <sup>2</sup>	✓
Cumulative	150m <sup>2</sup>	99m <sup>2</sup>	✓
Maximum wall height at eaves line	4.2m	4.0m	✓
Maximum Height	5m	4.875	✓

#### 2.1.10 – Access

The development site has an existing access from Ross Road which is a bitumen sealed road supported by a kerb and guttering system. The existing access has a concrete crossover layback and extends to the carport on the western side of the dwelling house. The development is require to provide an all-weather 2WD access from the property boundary to the proposed outbuilding.

## 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 currently contains a dwelling house, carport and detached outbuilding. The existing outbuilding is proposed to be demolished. The development application proposes the reconstruction of a detached outbuilding. The site is located on Ross Road, with the adjoining lots being used by residential dwellings and accompanying outbuilding or completely vacant. The design, shape and appearance of the proposed outbuilding will be consistent with the existing structures onsite and the surrounding neighbourhood.

### ***Access, Transport and Traffic***

The proposed development has frontage to Ross Road. Ross Road is a bitumen sealed road supported with kerb and guttering along the entire frontage of the site. The development will be complimentary to the existing dwelling. Council does not allow the outbuilding to be used for habitation purposes. Furthermore, the development will not result in an increase in vehicle movement within the road network of the immediate area surrounding the site.

### ***Other Land Resources***

Agriculture is prohibited in R5 zone. Mining and extractive resources activity is prohibited within this land zone and the lot is not located near any zoning that would allow for the use for agriculture or extractive industries. Hence, no other land resources are impact by the proposed development.

### ***Water***

The development site has provision of Council's water services to the development site. The existing dwelling house has an adequate water connection. The proposed development does not require water services or a supply. Stormwater overflow from the outbuilding will be piped to the stormwater facilities located on Ross Road.

### ***Flora and fauna***

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

### ***Waste***

The subject site has the provision of Council's sewer services. The proposed development is for a detached outbuilding and does not require sewer facilities. Waste generated during construction is to be maintained onsite and shall be disposed of to Council's land fill which is adequate for the development. The subject site is serviced by Council's kerb side collection. No waste is to be disposed of onsite.

### ***Noise & vibration***

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

### ***Natural Hazards***

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

### ***Social & Economic impact in the locality***

The proposed development will have little social impact on the surrounding area. The development will be consistent with development on adjoining allotments. The development will employ local tradesmen and resources for construction.

### **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 Ross Road and demonstrates adequate provisions of Council's water, sewer and stormwater services. The outbuilding is complimentary to the structures onsite and the neighbouring properties.

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

There was an obligation for the development application to be notified to the adjoining land holders in accordance with the Gunnedah Community Participation Plan 2020 (CPP) as the development requests a variation to Council's Development Control Plan.

Council elected to notify adjoining land holders from the 02 June 2021 to the 19 June 2021. During this period, Council received no submissions.

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

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

#### **Conclusion**

The development application is seeking consent for demolition and reconstruction of a detached outbuilding. 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 the variation has been considered.

As per the recommendation of this report, it is concluded that Development Application No. 2021/044 Lot 1 DP 514462, 9 Ross Road, should be approved subject to conditions.

<b>ITEM 3</b>	<b>Development Application No. 2021/045 – Construction of Detached Outbuilding (Shed) – Lot 136 DP238018 – 12 Ashford Street, Gunnedah</b>
<b>MEETING</b>	<b>Planning and Environmental Services Committee Meeting – 7 July 2021</b>
<b>DIRECTORATE</b>	<b>Planning and Environmental Services</b>
<b>AUTHOR</b>	<b>Town Planner</b>
<b>POLICY</b>	<b>Nil</b>
<b>LEGAL</b>	<b>Environmental Planning and Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012</b>
<b>FINANCIAL</b>	<b>Nil</b>
<b>STRATEGIC LINK</b>	<b>Community Strategic Plan 2.4.5 Implement and advocate for planning strategies and systems that are streamlined to foster and encourage the establishment of new business. Operational Plan 2.4.5.1 Provide efficient and effective application, assessment and certification services in accordance with relevant legislation policy and regulation.</b>
<b>ATTACHMENTS</b>	<b>Nil</b>

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#### **3.07/21P COUNCIL RESOLUTIONS:**

**That the Development Application No. 2021/045, for the construction of a detached outbuilding, Lot 136 DP238018 – 12 Ashford 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 18.05.2021
  - Statement of Environmental Effects, prepared by L Ross, dated 18.05.2021; and
  - Submitted plans:
    - Prepared by L Ross, Plan 1 (Site Plan).
    - Prepared by Great Value Garages, dated 12.04.2021, Job No: GRVG5576, Sheet 2 (Elevations Plan), Sheet 3 (Sections Plan), Sheet 6 (Interior Elevations Plan).
    - Prepared by Great Value Garages, Ref: 55776, Sheet 1 (Flood Plan).
- except as otherwise provided by the conditions of consent.

***Reason: To ensure compliance with Development 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 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- 3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
  - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

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

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

**B2. Erection of signs**

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

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

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

**B3. 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 certifier 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 certifier 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 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.***

**E. GENERAL**

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

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

- E2. 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.***

**E3. 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:

- (d) must preserve and protect the building from damage, and
- (e) if necessary, must underpin and support the building in an approved manner, and
- (f) 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.***

- E4.** Roof water is to be discharged to the street gutters in sealed stormwater pipes. If these works necessitate the cutting of the kerb and guttering the works shall be carried out in accordance with Council's footpath, kerb and guttering construction standards.

***Reason: To ensure efficient dispersal of stormwater.***

**F. DURING CONSTRUCTION WORKS**

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

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

- F2.** 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.***

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

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

**F4. 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.**

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

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

**Reason: To meet statutory requirements.**

*MOTION Moved Councillor OC HASLER  
Seconded Councillor C FULLER*

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

**PURPOSE**

This Development Application is being referred to Council for determination as the development includes a request for the variation to a development control standard within the Gunnedah Development Control Plan pertaining to cumulative size of all outbuildings and the maximum height.

Applicant: L & T Ross,  
 Owner: Mr L and Mrs T Ross,  
 Property Description: Lot 136 DP238018  
 12 Ashford Street, Gunnedah

*Proposed Development*

The development is seeking consent for the construction of a detached outbuilding (shed) ancillary to an existing dwelling house.



Figure 1 – Site Location

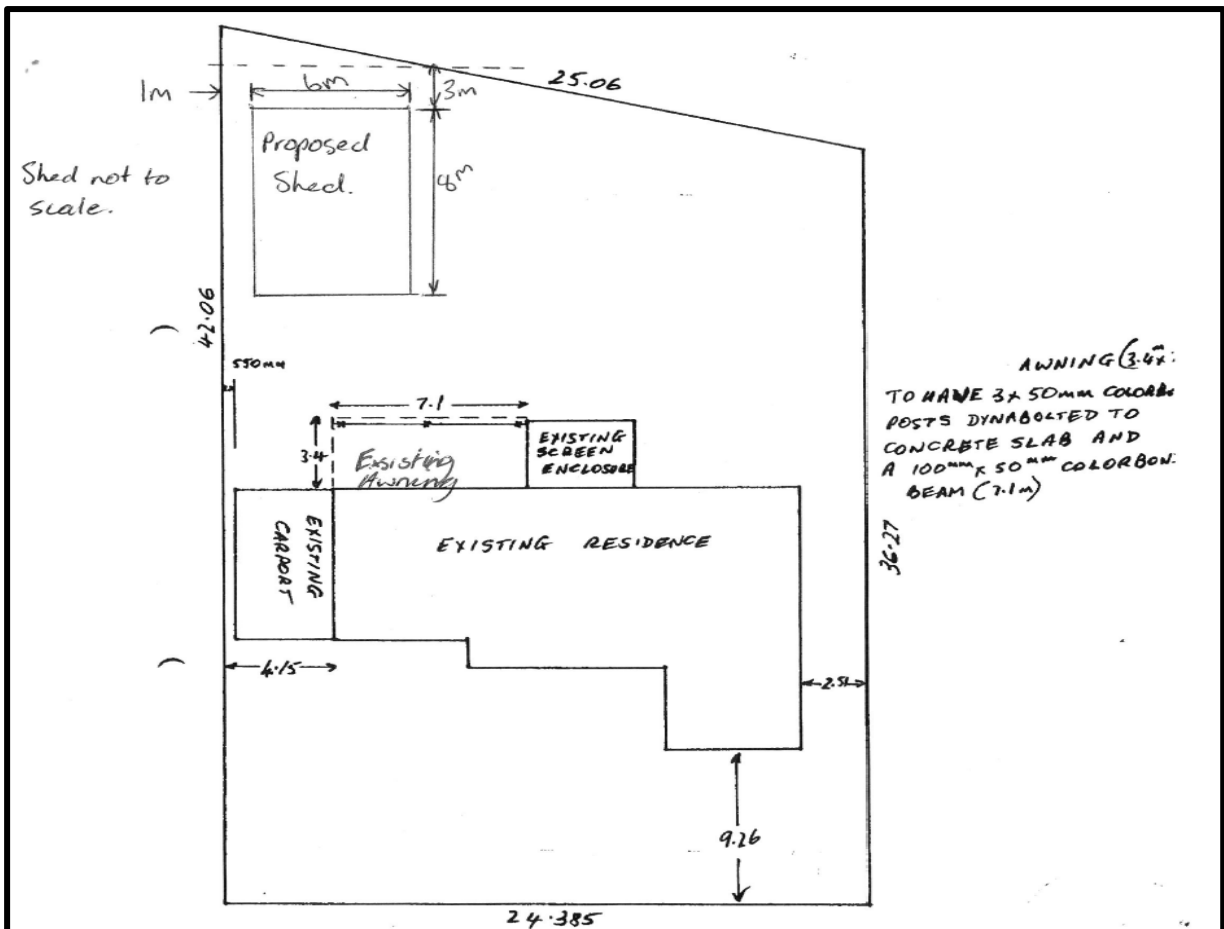


Figure 2 – Site Plan

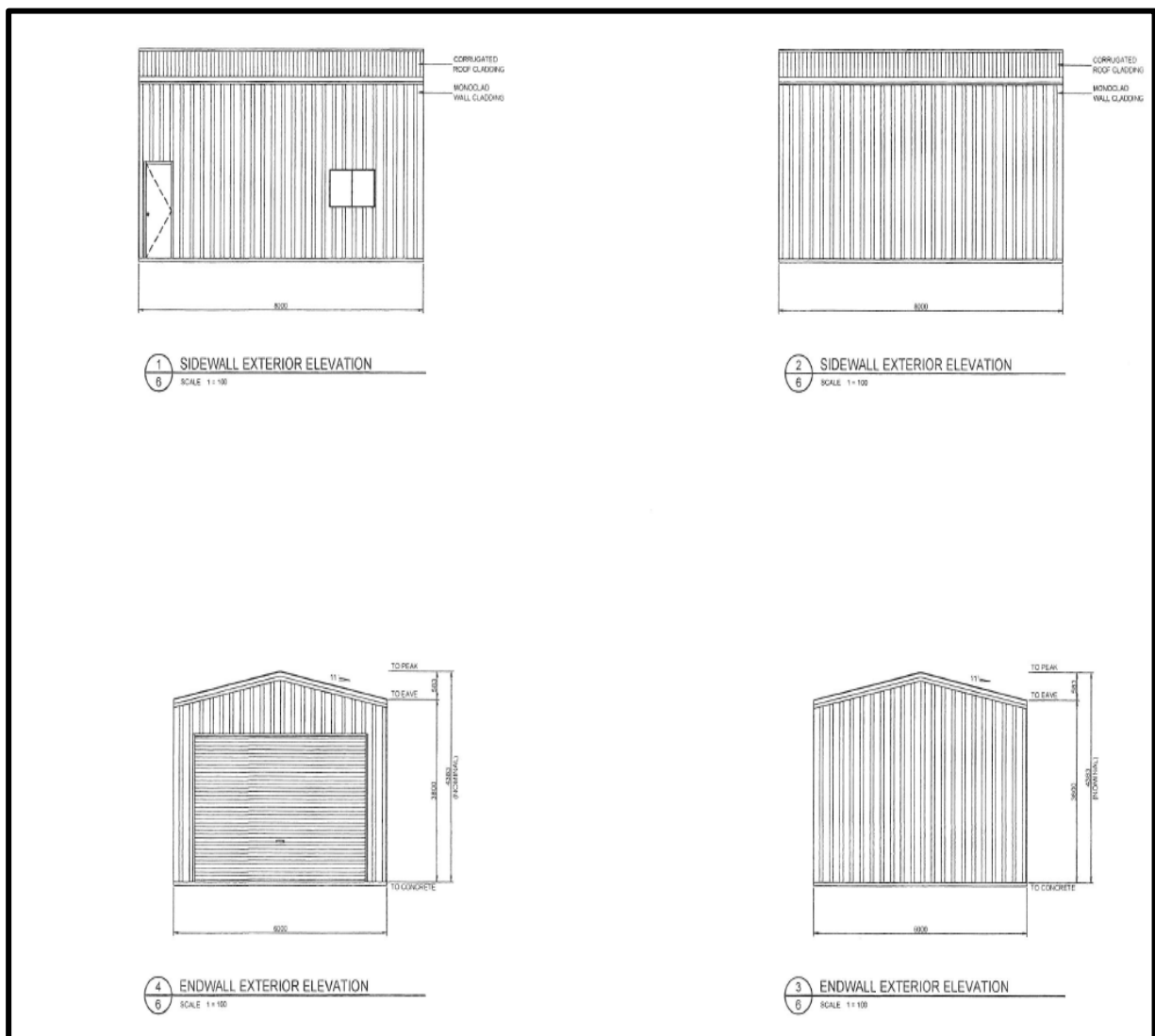


Figure 3 – Elevations Plan

## COMMENTARY

### Issues

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

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

The development site is zoned R2 Low Density Residential zone, under the provision of the Gunnedah Local Environmental Plan, 2012 (GLEP 2012). The following GLEP 2012 clauses are applicable to the development:

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

The development proposes the construction of a pre-manufactured shed ancillary to an existing Dwelling House. The development is zoned R2 Low Density Residential and Dwelling Houses, including any ancillary development, are permitted subject to Development Consent under the objectives of the R2 zone.

##### ***4.4 – Floor Space Ratio***

The development site has a maximum allowable Floor Space Ratio (FSR) of 0.5:1. The existing dwelling and carport have a combined floor area of 325.2m<sup>2</sup> with the site having an area of 955m<sup>2</sup>. Based on the site area and the FSR the maximum allowable floor space would be 477.5m<sup>2</sup>. As the proposed floor area does not exceed the maximum allowable floor space it is determined that the development is compliant with the maximum allowable FSR.

##### ***6.5 – Essential Services***

The development site has the provision of Council's water, stormwater and sewer services connected to the site. The dwelling has an existing electrical supply. The development does not inhibit the provision of these existing services. The site has an existing vehicle access from Ashford Street.

## State Environmental Planning Policies (SEPPs)

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

The subject site is currently occupied by a residential dwelling house. A search of Council's records and supplied Statement of Environmental Effects does not identify that there has been any previous usage that could possibly lead to any potential site contamination. No further investigation was required.

### State Environmental Planning Policy (Koala Habitat Protection) 2020

The development site is not subject to a Koala Plan of Management. The development site does not have an overall area greater than one (1) hectare. Therefore, no further investigation is required.

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

The proposed development does not require or include the removal of any trees or vegetation.

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

## Gunnedah Development Control Plan 2012 (Gunnedah DCP)

### 2.1.1 – Building Setbacks

The proposed development will be positioned with adequate setback from property boundaries to comply with Council's Development Control Plan as per the below Table 1.

	Required	Provided	Compliance
Primary Street (Ashford Street)	7.5m	80m	✓
Rear	900mm	3m	✓
Side	900mm	1m	✓

Table 1: Dwelling House Building Setbacks

### 2.1.3 – Utilities

The proposed development will not occur over any easements. The development is going to avoid construction over the sewer main located to the rear of the site. The proposed outbuilding is going to be constructed an adequate distance from the main. The sewer main is 1.4m deep. Council's infrastructure services have confirmed the depth of the main and distance from the rear boundary which is 500mm. The shed is to be constructed 3m from the rear boundary. Therefore, the development is expected to avoid the sewer main by a considerable amount. It is unlikely the proposed development will impact Council's sewer main located at the rear of the site. The development site is serviced by Council's water services.

### 2.1.4 – Privacy

The proposed development is a detached outbuilding. The outbuilding is to be located a suitable distance from the boundary setbacks to ensure the privacy of neighbouring properties is not impeded. Therefore, the development does not require specific privacy controls.

### 2.1.8 – Outbuildings, Carports and Detached Garages

	Required	Provided	Compliance
Maximum size	54m <sup>2</sup>	48m <sup>2</sup>	✓
Cumulative	72m <sup>2</sup>	74.2m <sup>2</sup>	x
Maximum length of one horizontal dimension	9m	8m	✓
Maximum wall height at eaves line	3.3m	3.8m	x
Maximum Roof Pitch	24°	11°	✓
Maximum Height	4.2m	4.383m	x

The development application included a request to vary this development standard for both the cumulative floor area and the maximum height of the structure. The proposed garage has a floor area of 48m<sup>2</sup>, which is compliant with the maximum floor size provision for the R2 Zone. However, the site contains an existing carport, which is proposed to be retained, with a floor area of 26.2m<sup>2</sup>. Therefore, combining the two floor areas of the structures exceeds the cumulative size of outbuildings under this standard. The resulting cumulative floor area is 74.2m<sup>2</sup>, which exceeds the cumulative size by 2.2m<sup>2</sup>. Due to the minor nature of the variation, the carport is attached to the dwelling and provides the only weatherproof vehicle storage and as the outbuilding will not exceed the maximum size limit under this standard Council supports the varying of the development standard.

The proposed development of a new outbuilding will have a height of 4.383m, measured from the natural ground level. The maximum allowable height of an outbuilding in the R2 zone is 4.2m. The development is requesting a variation to development standard 2.1.2 based on the exceedance of this standard by 183mm. The variation is considered minimal with the additional height unlikely to be noticed from Ashford Street or neighbouring properties.

#### **2.1.10 – Access**

The development site has an existing access from Ashford Street which is a bitumen sealed road supported by kerb and guttering along the entire site frontage. The development site has an existing vehicle access which will be retained.

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

##### **Construction Impacts**

The proposed development has a time period in which construction can occur. Construction is permissible from 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm on Saturday. However, construction is prohibited on Sunday and public holidays. This is conditioned to avoid any noise impacts as a result of construction.

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

The development will not cause the generation of any solid or liquid wastes from the ongoing operation. The development does not have effluent disposal facility within the outbuilding that would require effluent management.

##### **Air Quality**

The proposed development is considered to have minimal impact on the existing microclimate in the area due to the nature of the development.

##### **Noise Emissions**

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

##### **Water Quality**

The development will not produce any pollutants or require excessive excavation which could destabilise the soil and result in soil erosion which could effect water quality downstream.

#### **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 currently contains a dwelling house and attached carport. The development application proposes the construction of a detached shed. The site is located on Ashford Street, with the adjoining lots being used by residential dwellings. The design, shape and appearance of the proposed garage will be consistent with the existing structures onsite and the surrounding neighbourhood. The development is considered consistent with the surrounding locality.

##### **Access, Transport and Traffic**

The proposed development has frontage to Ashford Street. Ashford Street is a bitumen sealed road constructed with a kerb and gutter system. The dwelling house has an existing vehicle access from Ashford Street. The development is not expected to create any additional vehicle movements to or from the site. Furthermore, the development will not result in an increase in vehicle movement within the road network of the immediate area surrounding the site.

##### **Public Domain**

The development will not require the dedication of public land and the development will have no impact on Council's existing public areas or parklands. There is no contribution under Council's S94A contribution plan that applies to this development due to the cost of development works.

##### **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 will be impact by the development.

**Other Land Resources**

The proposed development will have no impact on agriculture or mining as the two land uses are prohibited in this zone. Hence, there will be no impact on other land resources as a result of development.

**Water**

The development site has provision of Council's water services to the existing dwelling house. The proposed development does not require water services.

**Flora and fauna**

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

**Waste**

The subject site has an existing connection to Council's sewer line located at the rear of the site. The proposed development is for a detached outbuilding and does not require sewer facilities. Waste generated during construction is to be maintained onsite and shall be disposed of to Council's land fill which is adequate for the development. The subject site is serviced by Council's kerb side collection. No waste is to be disposed onsite.

**Noise & vibration**

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

**Natural Hazards**

The site is not identified as being subject to flooding or bushfire prone land.

**Social & Economic impact in the locality**

The proposed development will have little social impact on the surrounding area. The development will be consistent with development on adjoining allotments. The development will employ local tradesmen and resources for construction.

**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 Ashford Street and demonstrates adequate provisions of Council's sewer, stormwater and water services. The outbuilding is complimentary to the structures onsite and is expected to be used for storage of domestic machinery and tools.

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

There was an obligation for the development application to be notified to the adjoining land holders in accordance with the Gunnedah Community Participation Plan 2020 (CPP) as the development requests a variation to Council's Development Control Plan.

Council elected to notify adjoining land holders from 10 June 2021 to the 25 June 2021. During this period, Council received no submissions.

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

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

**Conclusion**

The development application is seeking consent for the construction of a detached outbuilding. 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. 2020/045 Lot 136 DP 238018, 12 Ashford Street, Gunnedah, should be approved subject to conditions.

There being no further business the meeting concluded at 4:06pm.

**Mayor J Chaffey**  
**CHAIRPERSON**