



MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE
DIRECTORATE	Planning and Environmental Services
DATE	Wednesday 3 February 2016
TIME	4:00pm
VENUE	Council Chambers, 63 Elgin Street, Gunnedah
ATTACHMENTS	<ol style="list-style-type: none"> 1. Planning Environment and Development Committee Meeting Minutes – 2 December 2015 2. Director Planning and Environmental Services Report

AGENDA

Present

Apologies

Declarations of Interest

Confirmation of Previous Minutes – 2 December 2015

Report of Acting Director of Planning and Environmental Services


1. Development Application No. 2015/109 – Construction of Detached Garage and Activities Room – Lot A DP 382684, 144-148 George Street, Gunnedah 24

Objectives

Michael J Silver
 DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Apologies to: 02 6740 2120

* See Ov


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The ordinary, extraordinary and committee open meetings of Council will be audio recorded for minute-taking purposes and may be broadcast live over the internet.

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

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

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

VISION

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

MISSION

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

ORGANISATIONAL VALUES

In partnership with the community:

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

Planning Environment and Development Committee Minutes 4:03pm Wednesday 2 December 2015

COUNCILLOR	PRESENT	LEAVE	APOLOGY	ABSENT
OC Hasler	X			
RG Swain (Chair)	X			
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan		X		
SJ Smith	X			
SENIOR STAFF				
General Manager (E Groth)	X			
Executive Manager Business Systems and Governance (C Formann)				
Town Planner (W Hudson)	X			

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor GA GRIFFEN

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

DECLARATION OF INTEREST

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

P – Pecuniary

SNP – Significant Non Pecuniary

NSNP – Not Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the Planning Environment and Development Committee Meeting held on Wednesday 7 October 2015 were circulated.

Committee Recommendation

Moved Councillor GA GRIFFEN

Seconded Councillor OC HASLER

COMMUNITY CONSULTATION

Nil.

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

MEETING Planning Environment and Development – 2 December 2015
DIRECTORATE Planning and Environmental Services
AUTHOR Town Planner

POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area. Operational Plan 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act.
ATTACHMENTS	Six Submissions (Under Separate Cover)

01.12/15P COUNCIL RESOLUTIONS:

That the Modification of Consent No. 2014/042.003 for minor physical changes to layout, minor wording changes to Conditions G7 and G18 and three month commissioning period for the seed mill (maximum of 500 tonne), at 38 Marys Mount Road, Gunnedah, Lot 6 DP627794, be approved subject to the amendment and insertion of the following conditions:

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

A1. Deleted

A1a. Deleted

A1b. The proposed development shall be carried out strictly in accordance with the details set out in the following:

- Development Application form lodged 09/05/14
- Statement of Environmental Effects, prepared by Geolyse, dated May 2014; and
- Additional Information, prepared by Geolyse, dated 12 June 2014; & 30 June 2014; & 04 July 2014; & Emailed correspondence, prepared by Andrew Brownlow, dated 2 July 2014, Subject: Clarification on Loading/Unloading; and
- Modification of Consent Application information letter, dated 31 July 2015, ref: 214069 LET_017A.docx; & additional information, dated 07 October 2015, Ref: 214069 LET_0019E.docx;
- Noise and Air Quality Impact Assessments, dated 29 March 2015, ref: 14094 Ltr 290315 NH;
- Submitted plans:
 - Prepared by Geolyse Architecture, dated 21/10/2015, Project Number: 214069, Dwg No: 07D_A01, Sheet 01 of 03, Rev D (Site Plan), Dwg No: 07D_A02, Sheet 02 of 03, Rev A (Floor Plan), Dwg No: 07D_A03, Sheet 03 of 03, Rev A (Elevations);

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

A2. To confirm and clarify the terms of approval, consent is given for the milling of no more than 28,000 tonnes of agricultural produce per year.

Reason: To clarify terms of development approval.

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

- Hours of operation are only to be conducted between the hours of:

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

Reason: To clarify terms of development approval.

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

Reason: To clarify terms of development approval.

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

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

B1. Compliance with Building Code of Australia

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

Reason: To ensure compliance with the statutory requirements.

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

A sign must be erected in a prominent position on any site on which building work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: To ensure compliance with the statutory requirements.

C. Prior to the Commencement of Building Works

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

Reason: To meet statutory requirements.

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

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

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

Reason: To ensure compliance.

D. Prior to the Commencement of Road Works

- D1.** Deleted

- D2.** Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

Reason: To ensure that adequate control measures are installed.

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

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

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

Road Works – Marys Mount Road

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

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

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

Reason: To ensure compliance.

- D6.** The contractors engaged on the development of the road works associated with construction works along Marys Mount Road, must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance.

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

- E1.** Prior to the issuing of a Construction Certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Gunnedah Contributions Plan 2013 under Section 94A of the Environmental Planning and Assessment Act 1979. The current levy payable is 1% of the cost of carrying out of development.

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

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

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

- E2.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

Reason: To comply with statutory requirements.

- E3.** Prior to issue of a Construction Certificate, construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifying Authority. The plans shall demonstrate how the building will fully conform to fire and spread of fire requirements of the Building Code of Australia.

Reason: To ensure compliance.

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

- (a) Carry out stormwater drainage works
- (b) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
- (c) Operate a system of sewage management

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

Reason: To ensure environmental health standards are met.

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

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

Landscaping Plan

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

Reason: To ensure adequate landscaping along road frontage.

Fire Main and Fire Hydrant installation

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

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

Hose reel system installation

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

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

Water Supply

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

Reason: To ensure compliance with application and plans.

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

F1. Deleted

F2. Deleted

F3. Deleted

G. General

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

Reason: To confirm the terms of this approval.

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

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

Traffic and Parking

- G3.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic and of a dust suppressed material, which has been approved by Council.

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

- G4.** Onsite car parking accommodation shall be provided for a minimum of eight (8) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Adequate on-site parking shall also be provided for heavy vehicles. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.

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

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

Reason: To ensure loading bays are adequately indicated.

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

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

- G7.** Deleted

Haulage

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

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

Reason: To ensure compliance with application and plans.

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

Reason: To ensure compliance with application and plans.

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

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

Access - Rural

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

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

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

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

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

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

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

Landscaping

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

Reason: To ensure adequate landscaping along road frontage.

On-site Lighting

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

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

Reason: To ensure amenity of neighbours.

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

Reason: To ensure amenity of area and public safety.

Fire Protection

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

Reason: To ensure compliance and fire safety of building.

Dust

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

Reason: To ensure compliance.

Noise

G18. Deleted

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

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

Odour

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

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

Complaints Register

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

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

Reason: To ensure amenity of area.

H. During Construction Works

Road Works

H1. Inspections by Council

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

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

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

Building Works

H2. Inspections by Council

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

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

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

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

H3. Inspections by the Principal Certifying Authority – Mandatory Critical Stage Inspections

48 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 81(2)(b) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspections in **bold type** are mandatory critical stage inspections under the Act and **MUST** be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued).

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

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

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

H4. A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

Reason: To ensure compliance with approved application and plans.

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

Reason: To ensure legal requirements.

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

Reason: To ensure compliance.

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

Reason: To ensure compliance.

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

Reason: To ensure compliance.

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

Reason: To ensure compliance.

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

Reason: To ensure compliance and hygiene.

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

Reason: To ensure compliance and safe egress from building.

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

Reason: To ensure compliance and fire safety of Building.

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

Reason: To ensure compliance.

H14. Excavations and backfilling

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

Reason: To ensure compliance.

H15. Retaining walls and drainage

If the soil conditions require it:

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

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

Reason: To ensure site stability.

H16. Support for neighbouring buildings

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

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

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

Reason: To ensure site stability.

H17. Protection of public places

If the work involved in the construction of a building:

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

Reason: To ensure site safety.

H18. Toilet facilities

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

Each toilet provided:

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

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

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

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

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

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

Reason: To ensure environmental health standards are met.

H19. Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday - 7.00am to 5.00pm;

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

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

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

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

Reason: To ensure amenity of the neighbourhood is maintained.

I. Prior to the issue of an Occupation Certificate

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

Reason: To meet statutory requirements.

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

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

13. Prior to the issuing of an Occupation Certificate, the developer shall submit to Council a copy of the current contract with the manufacturer, his agent or approved contractor, for the quarterly servicing and maintenance of the aerated effluent management system.

Reason: To ensure compliance with Health Department accreditation conditions.

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

Reason: To ensure compliance and fire safety of building.

15. Deleted

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

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

Reason: To ensure compliance and fire safety of Building.

Completion of Road Works

16. One set of approved construction drawings shall be amended to show the "work-as-executed". These drawings in both hard copy and electronic form shall be provided to Council within three (3) months of completion of each stage of the road works. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. An electronic copy of the "work-as-executed" in dwg format shall also be provided to Council with the drawings.

Reason: To ensure compliance with Council's requirements.

J. Continued Operation***Waste Disposal***

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

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

Landscaping Maintenance

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

Reason: To ensure maintenance of landscaping.

Dust Suppression

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

Reason: To ensure maintenance of car parking areas.

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

Reason: To ensure dust suppression is maintained.

Vehicle Movement

- J5.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure traffic safety.

Fire Safety

- J6.** The owner of the building shall submit to Council at least once in each period of twelve (12) months following the building's completion, an Annual Fire Safety Statement with respect to each essential fire safety measure associated with the building.

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

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

Reason: To ensure compliance.

Water Supply

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

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

*Council Resolution**Moved Councillor OC HASLER**Seconded Councillor C FULLER*

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

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

PURPOSE**Introduction**

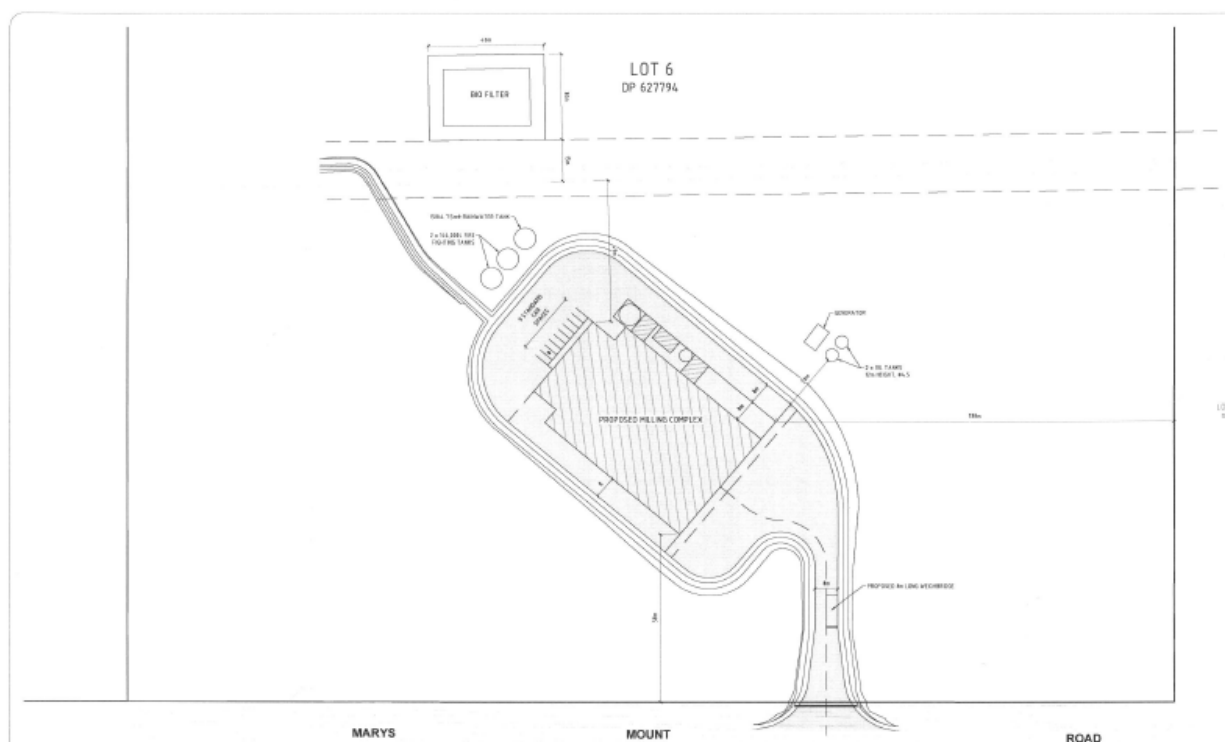
The Modification of Consent is being referred to Council for determination as the original development determination was made by Council.

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

COMMENTARY*Proposed Development*

The Modification of Consent is seeking a modification to:

- incorporate an initial commissioning phase for the seed mill.
 - delivery of a maximum limit of 500 tonne of grain;
 - operation of the grain processing facility for a period of no more than three (3) months;
 - hours of operation of the initial commissioning phase - 7.00am to 5.00pm, 7 days per week.
 - Maximum of 20 heavy vehicles (40 movements) over the three month period.
 - Deliveries would not occur during the operation of the school bus (7.30am – 8.00am and 3.45pm – 4.15pm);
 - Initial commissioning phase to occur prior to the construction works at the Marys Mount Road and Oxley Highway; and
 - 14 days' notice would be given to Council and nearby affected residents prior to the commencement of the initial commission phase.
- amend to conditions relating to minor physical changes to the layout of ancillary features as outlined below:
 - Replace and relocate an approved 100 tonne silo with a 300 tonne silo;
 - Relocate an approved 100 tonne silo;
 - Relocate boiler shed;
 - Construction of two lean-to extensions to an approved shed;
 - Relocation of two oil tanks; and
 - Provision of location of Generator
- minor wording changes to Conditions G7 and G18.
 - Condition G7 - to enable local traffic to access the site from Marys Mount Road.
 - Condition G18 - to clarify the requirements of the noise criteria in regard to the EPA's Industrial Noise Policy.



BACKGROUND

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

COMMENTARY

Issues

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

Gunnedah LEP, 2012

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

5.9 – Preservation of Trees or Vegetation

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

6.5 – Essential Services

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

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

1.8 – Consultation

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

6.6 – Environmental Effects

Traffic

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

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

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

Air Quality & Noise Emissions

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

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

S79C(1)(b) *the likely environmental impacts on the natural and built environments and social and economic impacts in the locality*

Context & Setting

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

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

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

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

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

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

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

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

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

Conclusion

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

PLANNING ENVIRONMENT AND DEVELOPMENT OBJECTIVES 2015/16

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

There being no further business the meeting concluded at 4:16pm.

Councillor RG Swain
CHAIRPERSON

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

Director Planning and Environmental Services' Report

ITEM 1	Development Application No. 2015/109 – Construction of Detached Garage and Activities Room – Lot A DP382684, 144-148 George Street, Gunnedah
MEETING	Planning, Environment and Development Committee – 3 February 2016
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Councils plans and guides the development of Gunnedah area. Operational Plan 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act.
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

1. That the variations to Gunnedah Development Control Plan 2012 in respect of cumulative floor area and height of the building be approved.
2. That the Development Application No. 2015/109, for the construction of a new detached garage and activities room, at 144-148 George Street, Gunnedah, Lot A DP382684, be approved subject to the following conditions:
 - A. That development consent be granted subject to the following conditions:
 - A1. The proposed development shall be carried out strictly in accordance with the details set out in the following:
 - Development Application form lodged 20 November 2015;
 - Statement of Environmental Effects, prepared by Anthony Pollock, dated 05 November 2015; and
 - Submitted plans:
 - Prepared by SAE Design, dated 22/12/2015, ref: 420-15, Sheet A002 (Site & Roof Plan), Sheet A001 (Floor Plan & Elevations);
 - Prepared by W.J. Bryan Engineering, dated 17/09/2015, ref: 8-15-10307, Drg No. S100 (Footing Plan), S101 (Slab Plan), S102 (Steel Plan), S103 (Details),
 - Supporting Documents:
 - Building Specifications, prepared by SAE Design, dated 17 September 2015, ref: 420-15;
 - Engineers Certificate, prepared by W.J. Bryan, dated 28 September 2015, ref: 8-15-10307;
 - BASIX Certificate No: A230144;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

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

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

B1. Compliance with Building Code of Australia 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 80A (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 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

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

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
 - (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
 - (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
 - (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

Reason: To ensure compliance with the statutory requirements.

B3. Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Reason: To ensure compliance with the statutory requirements.

B4. Fulfilment of BASIX Commitments

- (1) This clause applies to the following development
- (a) BASIX affected development
 - (b) any BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule q for it to be so accompanied).
- (2) For the purposes of Section 80A(11) of the Act, the fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

Reason: To ensure compliance with the statutory requirements.

C. Prior to the issue of a Construction Certificate

- C1.** Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:

Stormwater Drainage

Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 Council requires the payment of a monetary contribution of \$1,346.22. The contributions shall be paid prior to issue of the Construction Certificate.

Note: The contributions required by this condition are determined in accordance with the Gunnedah Shire Council Section 64 Developer Services Plan – Stormwater commencing on 17 January 2013, a copy of which may be inspected at the office of the Council.

The above contributions have been adopted under the 2015/2016 Council Operational Plan. Revised rates adopted by Council in subsequent Operational Plans will apply to lots released in later financial years.

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

D. Prior to Commencement of Building Works

- D1.** 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**Access - Urban**

E1. Vehicular access will be from George Street and will require the construction of a concrete driveway across the footpath in accordance with Council's standards and specifications. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at: <http://www.gunnedah.nsw.gov.au>

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

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2%. Internal driveway grades shall be in accordance with AS 2890 – 2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

Reason: To implement Council's policy.

E2. Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Driveway crossing standards and specifications.

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

F. During Construction Works**F1. Inspections by the Principal Certifying Authority – Mandatory Critical Stage Inspections**

48 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 81(2)(b) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspections in **bold type** are mandatory critical stage inspections under the Act and **MUST** be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued).

- (a) **Footing trenches with reinforcement prior to pouring of concrete**
- (b) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (c) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (d) **Wet area, damp proofing and flashing before lining**
- (e) **Final inspection prior to use of the building.**

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

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

F2. 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.

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

Reason: To ensure site safety.

- F4.** All wet areas within the building shall be waterproofed in accordance with the requirements of AS 3740-2004. The person responsible for the installation of the waterproofing system used within the building shall provide certification to Council prior to occupation that the system used has been installed in accordance with the requirements of AS 3740-2004.

Reason: To ensure protection against water damage to structure.

- F5.** Termite protection is to be provided in accordance with AS3660.1 and certification of compliance outlining the method used is to be provided to Council prior to use or occupation of the building. A durable notice is to be placed in the meter box indicating:

- (i) the method of protection
- (ii) the date of installation of the system
- (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label
- (iv) the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Reason: To ensure compliance.

- F6. 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.

- F7. Retaining walls and drainage**

If the soil conditions require it:

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

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

Reason: To ensure site stability.

- F8. Support for neighbouring buildings**

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

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

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

Reason: To ensure site stability.

F9. 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.

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

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

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

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

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

Reason: To ensure amenity of the neighbourhood is maintained.

G. Prior to 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.

PURPOSE

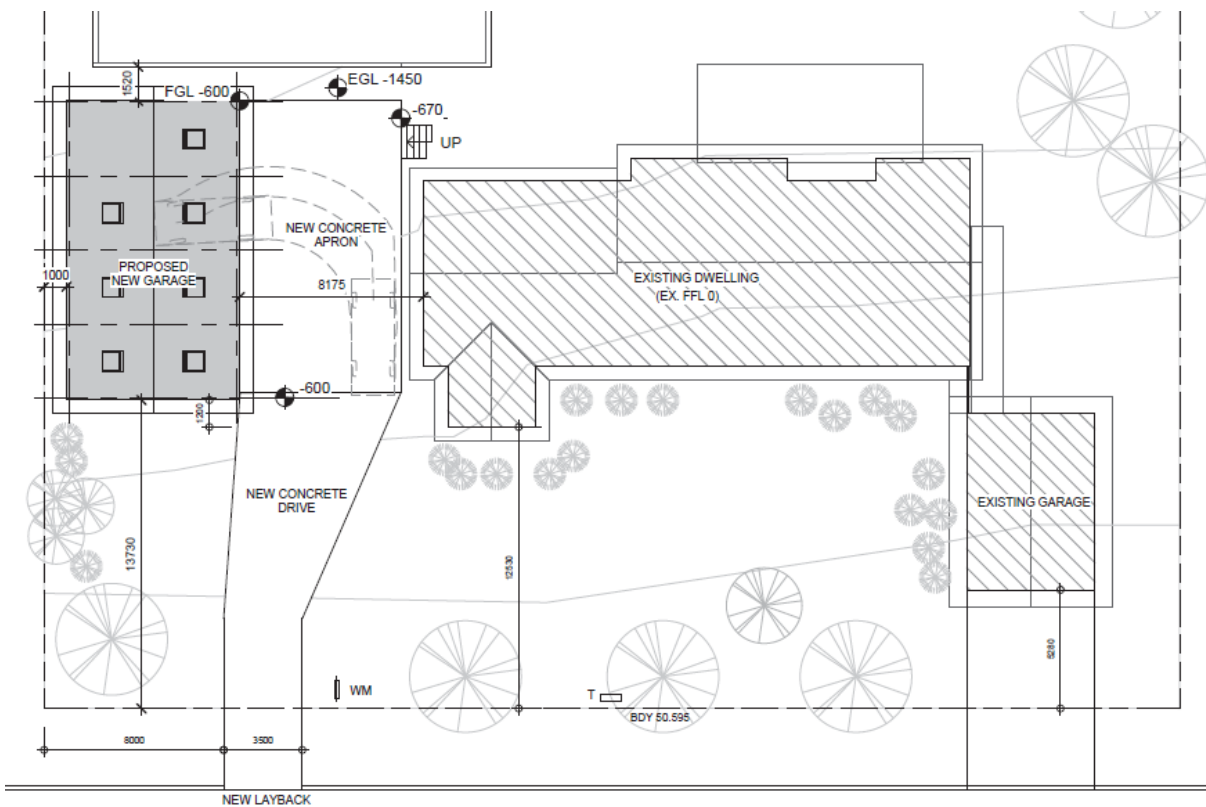
Introduction

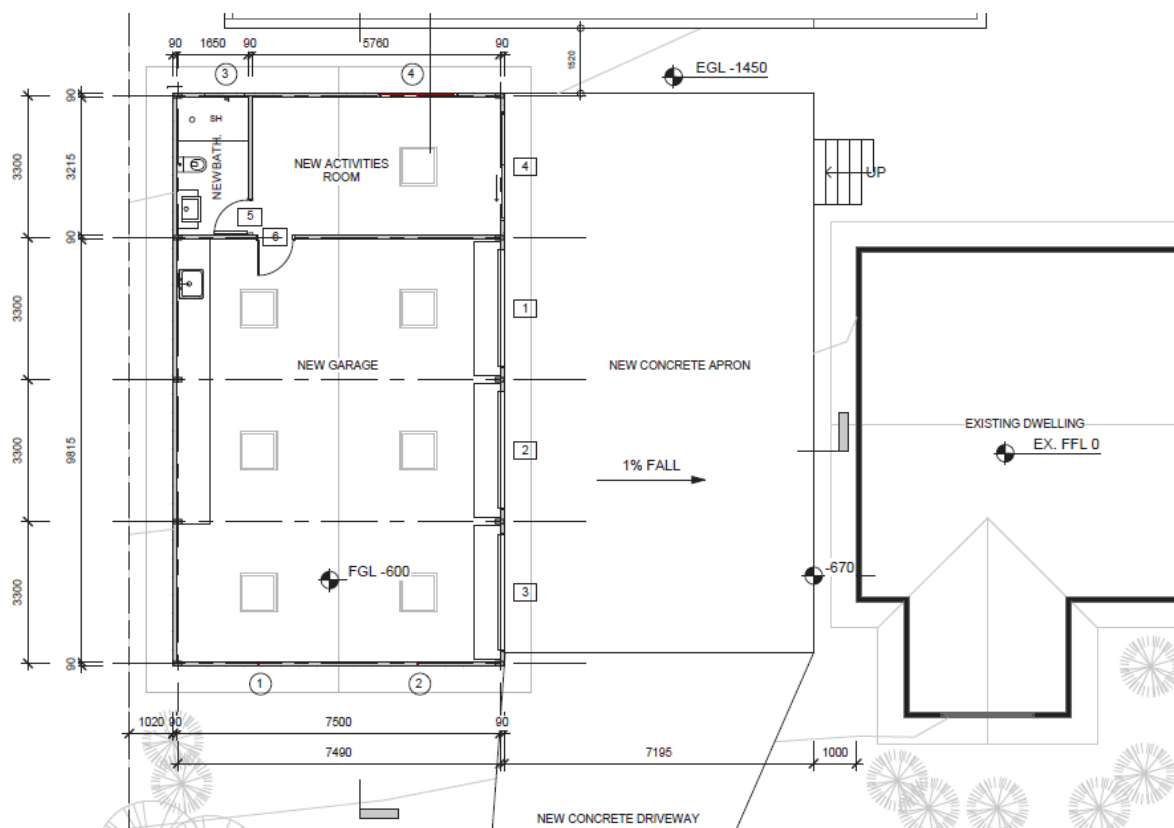
The development application is being referred to Council as the development requires a variation to the Gunnedah Development Control Plan 2012 regarding the size and height of the detached garage.

Applicant: Mr Anthony Pollock
 Owner: Mr R & Mrs L Parsons
 Property Description: Lot A DP382684,
 144-148 George Street, Gunnedah

Proposed Development

The development proposal is seeking consent for the construction of a detached 3 bay garage and adjoining activities room and ensuite. The garage is to be located to the west of the existing dwelling in alignment with the frontage of the existing dwelling onsite. The proposed garage is non-compliant with the requirements of the Gunnedah Development Control Plan 2012 as it exceeds the maximum height requirements and marginally exceeds the maximum floor area allowable for the garage component of the development.





COMMENTARY

Issues

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

Gunnedah LEP, 2012

The site is currently the location of a dwelling house. The proposed development will be ancillary to this existing land usage. The development site is zoned for Residential land use with the proposed development not requiring a change of land use. The development will be compliant with the following clauses of the Gunnedah Local Environmental Plan 2012:

4.4 – Floor Space Ratio

The floor space ratio requirement for the site is 0.5:1 or 50% of the site. The site contains an existing dwelling house with an approximate floor area of 380m² with the proposed additions having a total floor area of 99m². The site has an approximate area of 3,755m². The resulting Floor Space Ratio is 0.13:1. Hence the resulting FSR is suitable.

5.9 – Preservation of Trees or Vegetation

The development will not require the removal of any additional trees. Existing vegetation will be maintained.

6.5 – Essential Services

The development site has provision of water, stormwater and sewer services. The site has provision of electrical service to the site. Existing services will be retained with no services being affected by the development proposal. The site has frontage to George Street for vehicle access.

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

1.8 – Consultation

The development application requires a variation to the Gunnedah Development Control Plan. Hence the development application was notified to the adjoining land holders for a period of 14 days. No submissions were received during the submission period.

2.1.1 - Building Setbacks

The proposed detached garage and activities room is to be positioned 13.7 metres from the primary road frontage. The building will be situated to align with the front of the existing dwelling. The building setback is compliant with the development controls for all lot setbacks.

2.1.3 – Utilities

The development allotment does not contain any registered easements nor is there any Council infrastructure located within the boundaries of the site that does not have an easement placed over it.

2.1.5 – Design and Solar Access

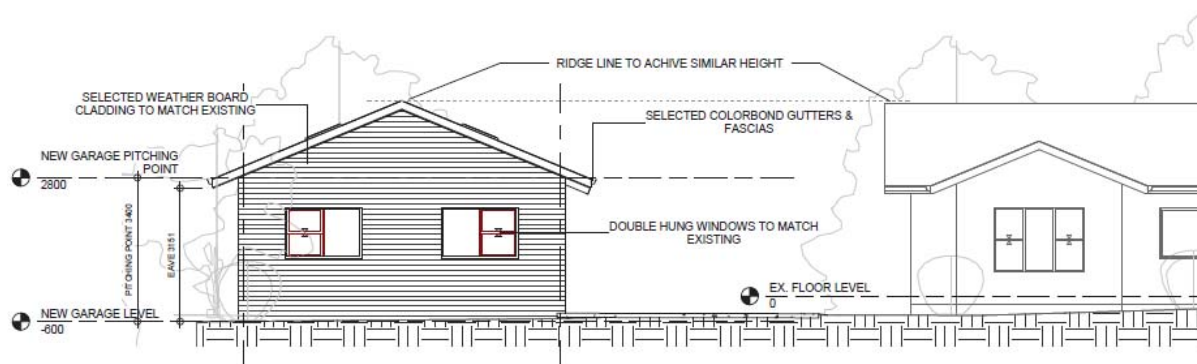
The location of the proposed garage will not result in any overshadowing of adjoining allotments. The development will not block solar access for the existing dwelling.

2.1.8 – Outbuildings, Carports and Detached Garages

The development proposes the construction of a detached garage to the side of the existing dwelling. The garage is to be constructed of weather board material and has windows facing the street frontage to ensure that the shed is consistent with the existing dwelling and that the appearance of the garage does not detract from the appearance of the site from the street frontage.

The detached garage is to be constructed at a height of 5.221 metres which is just over a metre higher than the maximum height of an outbuilding or detached garage. The building will comply with the maximum roof pitch and eave height restraints. The building is to be constructed at this height to marry with the height of the existing dwelling, so as not to detract from the appearance of the dwelling.

The detached garage section of the new building will have an area of 74.5m². This is larger than the maximum or cumulative building requirement of 72m². The area of the proposed activities room to be included in the building has not been calculated in the floor space area under this clause as it is not a detached garage or outbuilding and therefore is not a consideration under this clause of the DCP. The existing garage is attached to the dwelling. However the discretionary development standard 2.1.8b would not comply due to the exceedance of the cumulative floor area of the detached garage. Hence the development would require a variation to the Gunnedah DCP 2012 for this clause.



SOUTH

2.1.8c – Discretionary Development Standard

The detached garage and activities room will have an overall length of 13.2 metres which is longer than the maximum length of one horizontal length permitted for the R2 land zoning. This discretionary development standard permits the proposed length of the detached garage to be two-thirds of the length of this boundary. Two-thirds of the lot boundary would be 49.93 metres in length. Hence the length of the shed is permissible. However as per above, the maximum floor area of the detached garage is marginally more than the maximum allowable floor area.

2.1.10 – Access

The development site has frontage to George Street. There is an existing vehicle access from George Street that is to be maintained for the development.

S79C(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality

Context & Setting

The development site contains an existing dwelling house, attached garage and tennis court within the lot boundaries. The location of the proposed building has previously been cleared of any vegetation, and no structures exist in the near vicinity. The site is located within a residential area with the surrounding allotments containing residential dwelling houses. The western boundary of the lot adjoins a pedestrian access to McDonagh Park that is located to the rear of the allotment.

Access, transport and traffic

The lot has frontage to George Street for vehicle and pedestrian access. The development will require the construction of a new vehicle access crossing to enable vehicle access to the new internal driveway. The new driveway layback and cross over shall be constructed in compliance with Council's standard urban access design. The development is expected to result in a minor increase in vehicle movements with the current road network being suitably designed for the current road construction.

Site design and internal design

The appearance and materials of the garage have been constructed to ensure that the appearance of the building will be consistent with the existing dwelling and will not detract from the visual appearance of the residence from public road frontage. The garage roller door access has been orientated to face roller door accesses into the lot. This will ensure that large blank walls are also not oriented to the road frontage.

Water

The site has an existing area of impervious surfaces that exceeds one 'Equivalent Tenancy' (ET). The additional development will incur a development headworks charge for the additional impervious area created from this development proposal. As the current impervious area is existing only the additional area will be charge as an increase in stormwater discharge. Stormwater headworks charge calculations are as follows:

Section 64 Stormwater Headworks Charge

Headworks Charge per ET	= \$2,330
Square metres per ET	= 450m ²
Detached garage/activities room	= 99m ²
Internal driveway & manoeuvring areas	= 161m ²
Calculations	= 99 + 161
	= 260/450
	= 0.57 x 2,330
	= \$1,346.22

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

The application was notified for a period of 14 days to the adjoining land holders. No submissions were received during the notification period.

Suitability of the Site

The development site is suitable for the development. Area for the new development is vacant with minimal earthworks required for the development works. The development does not require the removal of any trees from the site and the development is considered to be complimentary to the existing dwelling. Hence it is considered that the site is suitable for the proposed development.

Conclusion

The development application is seeking a variation to the Gunnedah Development Control Plan 2012, Clause 2.1.8 regarding the maximum cumulative floor area of the proposed detached garage and the overall total height of the building. The height of the garage has been proposed to ensure that the size and appearance of the structure blends in with the existing dwelling. The variation to the total floor area of the garage is 74 square metres being 2 square metres over the maximum allowable floor area of a detached garage. Given that the size is only marginally over the cumulative size for these development types, that there are no other outbuildings onsite and the overall size of the development allotment, it is considered that the minor exceedance of the floor area should be supported. Hence, the development was recommended for approval.

Michael J Silver
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

PLANNING ENVIRONMENT AND DEVELOPMENT OBJECTIVES 2015/16

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

Shire of
Gunnedah
Land of Opportunity
