

DEVELOPMENT ASSESSMENT REPORT – FILLING & LEVELING OF LAND – 18, 20, 22, 24 EDITH ROAD & 67 DUDLEY STREET, OBERON

PROPOSAL

Council is in receipt of DA 10.2012.71.1 and CC 11.2011.71.1 seeking consent for the filling and levelling of land within the Oberon Village, being described as Lots 3,4,11-13 Section 43 DP 758805 being known as 18, 20, 22, 24 Edith Road & 67 Dudley Street, Oberon.

The application seeks approval for the filling of 5 Village allotments currently owned by Council for the purpose of creating level blocks for future sale. The request for development consent is required due the work being undertaken requires consent under the Environmental Planning & Assessment Act, 1979.

SUMMARY

To assess and recommend determination of DA 10.2011.71.1 and CC 11.2011.71.1 Recommendation will be for approval subject to conditions.

LOCATION OF THE PROPOSAL

Legal Description :	Lots 3,4,11-13 Section 43 DP 758805
Property Address :	18, 20, 22, 24 Edith Road & 67 Dudley Street, Oberon

ZONING: The land is zoned Village 2(v) in accordance with Oberon Local Environmental Plan 1998.

PERMISSIBILITY:

The development is permissible in the zone subject to development consent

POLICY IMPLICATIONS (OTHER THAN DCP's)

Nil.

FINANCIAL IMPLICATIONS (eg Section 94)

Nil.

LEGAL IMPLICATIONS

Any Environmental Planning Instrument

Consider SEPPs, REPs & LEPs. RELEVANT Provisions of LEP (eg permissibility, development standards, heritage listing, advertising requirements of another authority who administers a SEPP or REP). Is a SEPP1 objection required?

Local Environmental Plan

Zone No 2 (v) (Village Zone)

1 Objectives of Zone

The objectives of this zone are:

- (a) to promote sustainable development of existing villages in a manner which is compatible with their urban function, and
- (b) to maintain the rural atmosphere of the villages, and
- (c) to prevent pollution of water supply catchments, water quality in water storage and all streams.

2 Without development consent

No development.

3 Only with Development Consent

Development not included in item 4.

4 Prohibited

Development for the purpose of:

extractive industries; intensive livestock keeping establishments; junk yards; mines; offensive or hazardous industries.

It is considered that the proposed development complies with the objectives of the zone.

2 Without Development Consent

Development for the purpose of:

agriculture (other than building work and intensive livestock keeping establishments); forestry.

3 Only with Development Consent

Development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

bulk stores; commercial premises; motor showrooms; residential flat buildings; sales rooms or showrooms; shops (other than general stores).

The proposal is considered to be consistent with the aims and objectives of the 2(v) zone and complies with the provisions of Clause 9 of councils current LEP

Regional Environmental Plan

Nil.

State Environmental Planning Policy

Nil.

Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

If applicable, is the development consistent with the objectives of the draft instrument?

Nil.

Any Development Control Plan

Is the proposal consistent with the DCP? If not, is a variance warranted and has it been justified?

Councils DCP 2001 applies to the land. The application complies with the provisions of the DCP.

Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

Nil.

Any matters prescribed by the regulations that apply to the land

Refer to clause 92, 93, & 94 of the Regulation. If a DA for demolition, the provisions of AS 2601-1991; The Demolition of Structures. Fire Safety considerations – DA that does not seek the rebuilding, alteration, enlargement or extension of the building. Consent Authority may require buildings to be upgraded – DA comprising the rebuilding, alteration enlargement or extension, take into consideration whether it is appropriate to require the building to be brought into conformity with the BCA.

Nil.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The relevant matters are up to assessment and merit. **As a guide only**, the following may be considered if they are considered to be of relevance to the proposal. Amenity, streetscape, scenic quality, bulk, scale character, density, design, adjacent land use compatibility, solar access, noise, access & traffic, utility services, heritage, water, soils, air, flora & fauna, wastes, safety, security, crime prevention, natural hazards, social, economic & cumulative impacts.

Amenity – the applicant has indicated that the development proposes to remove any undulations within the property that could potentially give a better outcome should Council seek to sell the land in the future. This application has now been furnished with Council so as determination can be recommended.

Access – access to the site is off both Edith Road and Dudley Streets. Access will be required to be established so as fill can be deposited on site and machinery can stabilise the fill across the site. It is considered that prior to a construction certificate can be lodged an access management plan will be required to be prepared to the satisfaction of the Director of Engineering that will allow for easy access to the site. Should approval be recommended conditions of consent will be required to be implemented requiring a full site management plan to be prepared and outlining all practices proposed onsite to minimise the effect of the development on existing residences, given the location of the development.

Soil & Sedimentation – any approval documentation will need to detail requirements indicating that no air borne pollutant leaves the site and that all sedimentation and sediment controls are undertaken in accordance with an approved soil and sedimentation plan in accordance with Landcoms Blue Book. This will need to be incorporated into the site management plan.

The Suitability of the site for the development

Does the proposal suit the site? Bulk/Scale/Sensitivity? Are there any natural or man made hazards?

The site is considered to be suitable for the development. The development is permissible in the zone and is consistent with the aims and objectives of the 2(v) Village zone. There are no human or natural hazards that would consider the proposal to not be considered. As such the applicant is considered to be suitable for the site.

Any submissions made in accordance with this Act or the Regulations

If relevant, consider public and authority submissions. Do submissions relate to valid Planning issues?

The application was notified to the adjoining neighbours for a period of 14 days with notification closing on 20 January 2012. Through the submission period Council received no submissions objecting to the proposal. However, as part of the notification period Council received questions relating to the project from 1 adjoining landowner. Those questions related to the following:

- What will the profile of the land be on completion of the project?
- Will the proposed stormwater branch lines, into our land, be terminated in a grated pit?

These questions were referred to the applicant for clarification. The responses were:

1. The profile levels will not exceed 6.36% across the site
2. Council will provide a branch line and pit into the north eastern corner of the adjoining blocks. As a result the owners of adjoining land can connect existing stormwater into the pit.

The public interest

Have any genuine Planning issues been raised in by the wider public? Is there genuine irrefutable concerns relating to public health & safety?

Other than was has been previously discussed above it is considered that no additional public interest is perceived.

DISCUSSION AND CONCLUSIONS

The application is permissible in the zone and is consistent with the aims and objectives of that zone. Any perceived impacts can be minimised by onsite techniques in place or through

conditions of consent. As such it is considered that the application can be supported in this instance.

ATTACHMENTS

1. Nil.

RECOMMENDATION

THAT the information is received and Council approve the application subject to the following conditions:

Administrative Conditions

1. The development is to be carried out in accordance with the approved stamped plans prepared by Oberon Council, dated 15 November 2010, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgment and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

Site Management Plan

2. A full Site Management Plan is to be prepared for the site prior to the issue of a Construction Certificate. The Site Management Plan is to be prepared for the site and contain but not limited to instruction for the site in terms of, engineering detail, how the fill will be spread and treated upon delivery, how the site will be accessed, how standard engineering practices will be put in place to minimize air borne dust impacts, an appropriate soil and sedimentation in accordance with Landcoms Blue Book. This plan is to be lodged and approved by Councils Director of Engineering prior to any fill being accepted at the site.

Reason – To comply with relevant statutory requirements

Environmental Management

3. Only Raw Excavated Material (REM) will be permitted on the land. This will be detailed within the site management plan to prohibit the dumping of contaminated fill.

Reason:- so that the development does not reduce the amenity of the area.

Construction Certificate

4. Prior to a Construction Certificate being issued by Council the site management plan will be required to be lodged and approved by Council.

Reason:- to comply with the provisions of Section 81A of the Environmental Planning & Assessment Act 1979.

Noise

- 5. All effort is to be made to minimize noise from the site. The applicant is to provide adjoining landowners with notification of a contact number (complaints line) in times of excess noise emanating from the development. The landowner is to respond to all relevant concerns received on the line. This will be incorporated into the site management plan

Reason:- so that the development does not reduce the amenity of the area.

Waste Management

- 6. No waste is to be left onsite at any time.

Reason:- to comply with Local Government (General) Regulation 2005 and to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended.

Report prepared by:..... Supervisor:.....

Dated:..... Dated:.....