

# Statement of Environmental Effects

37 Annie Pyers Dr, Gundagai  
The DOTT Developments Pty Limited



### 'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

|  |                      |  |  |
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# 1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to Cootamundra-Gundagai Regional Council (Council) in support of a Development Application (DA) for the first stage of works related to the development of the Dog on the Tuckerbox Site located at 37 Annie Pyers Dr, Gundagai. These works are the first which are associated with the Master Plan adopted by Council at its meeting of 29 June 2021.

This application seeks approval for the development of seven tenancies surrounding the relocated Dog on the Tuckerbox memorial, along with associated footpaths, service connections, landscaping and car parking.

The proposal seeks consent for works in three stages, known as Stages 1A, 1B and 1C, as per the following:

## **Stage 1A:**

- Construction of Buildings B01 and B03 including new publicly accessible toilets;
- Minor tree removal works to provide for the footprint of the new buildings;
- Installation of a pump out sewerage management system; and
- Repair works as required to the existing car park.

## **Stage 1B:**

- Demolition of the existing kiosk building;
- Construction of Building B02;
- New publicly accessible toilets;
- Relocation of the Dog on the Tuckerbox sculpture; and
- Installation of seating and footpath areas, stand and courtyard area and associated landscaped works.

## **Stage 1C:**

- Additional minor tree removal works to provide for the footprint of the new buildings;
- Construction of Buildings B04, B05, B06 and B07 including new publicly accessible toilets;
- Installation of children's play area and dog play area to the north of B04;
- Any required conservation works to the Joseph Limestone/Joseph Carberry Inn site;
- Construction of new car parking and bus parking area, including associated speed humps, pedestrian crossings, crossings to Annie Pyers Drive and landscaping;
- Installation of the balance of the seating and footpath areas, stands and courtyard area and associated landscaped works.

Consent for the subdivision of the site, as demonstrated on the submitted Site Subdivision Plan is also sought.

It is noted that separate Construction and Occupation Certificates are intended to be sought for each Stage of work. It is also noted that consent is sought only for the proposed structures. The use and operational details of each tenancy will be subject to separate approval processes.

This SEE has been prepared by Ethos Urban on behalf of The DOTT Developments Pty Limited, and is based on the Architectural Plans provided by DDP Projects (see **Appendix A**) and other supporting technical information appended to the report (see Table of Contents).

This report describes the site, its environs, and the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment. The application is recommended for approval given the following reasons:

- The proposed development is consistent with the aims and objectives of the Gundagai LEP 2011 and Five Mile DCP as well as the relevant State Environmental Planning Policies;
- The proposal is consistent with the adopted Masterplan for the subject site, and the requirements of the Expression of Interest relating to the development of the site.
- The proposal seeks consent for works which will allow for the continued conservation of the Dog on the Tuckerbox memorial and Joseph Carberry/Limestone Inn site.
- Supporting technical studies which accompany this DA confirm that the environmental impacts associated with the proposal are generally positive and will not give rise to any adverse impacts; and
- The proposed development is suitable for the site and is in the public interest.



## 2.0 Background

### 2.1 Historic Approvals and Context

There are no recent development applications that apply to the Site.

Historically, the Joseph Carberry's Limestone Inn was built on the site in 1851 (referenced throughout this report as the Limestone/Joseph Carberry Inn). The Inn operated from 1851-1876 and consisted of 12 rooms, a cellar, detached kitchen, storeroom and stables. The Inn is significant for both its stone construction and its association with a robbery committed in 1861 by John Malloy (also known as 'Jack in the boots'). The remains of the Inn are located to the north of the Site.

The Dog on the Tuckerbox entered Australian folklore after being referenced in an anonymous teamsters song which appeared in the Gundagai Times in the 1880's. A second version of the song in poem form was written in the 1920's, and the popularity inspired the commissioning of the The Dog on the Tuckerbox monument as part of the 'Back to Gundagai' celebration in 1932.

Annie and Andy Pyers also opened a kiosk at the site in 1932 and constructed at the wishing well which surrounds the Dog statue to collect donations for the hospital. The service road providing access to the site from the Hume Highway was named after Annie, being known as Annie Pyers Drive today.

In 1950, after the kiosk's sale, the monument was relocated to the west to set it back from the highway. It is also likely that the wishing well, adjoining kiosk and surrounding landscaping were constructed in the 1950's to align with the relocation of the monument.

In 1982, to celebrate the 50<sup>th</sup> anniversary of the Dog on the Tuckerbox, an additional plaque was unveiled at the site by Sir James Rowland, Governor of NSW. This coincided with the release of a further song referring to the monument, being the Howie Brothers song, 'Hes Been There for Fifty Years'.

Today, the Site is owned by Council, which in addition to the monument and fountain, also includes a small kiosk, toilet block, former service station, car parking area and the remains of the Limestone/Joseph Carberry Inn.

### 2.2 Expression of Interest

In 2018, Council released an Expressions of Interest (EOI) application process in relation to the Dog on the Tuckerbox site. The EOI sought interest from property developers, tourism operators and/or associated tourism industry members to develop the iconic site, capitalising on the strategic location being the gateway of both the Snowy Mountains and Riverina region, and the Dog on the Tuckerbox being one of the most visited tourist attractions in the Riverina region.

As part of the Expression of Interest, it was noted that Council had funded the installation of a potable water supply which, at that time, was to be installed in 2019. We note that those works now form part of the 23/24 Annual Operational Plan. Council has provided a copy of the plans for the provision of the Water Supply as provided at **Appendix P**. The proposal has been designed on the basis of these plans.

Our client was the successful bidder in relation to the EOI and entered into a Call Option Deed with Council which, amongst other matters, entitles them to purchase the property on the terms and conditions of the Deed and attached contract. Terms of the deed require the preparation of Master Plan which addresses:

- Preservation and enhancement of the Dog on the Tuckerbox (DoTT) Memorial;
- Preservation of the Limestone/Joseph Carberry Inn historic ruins (Limestone Inn);
  - including the subdivision of an area to be determined on which the DoTT and the Limestone Inn are located, with Council to remain the registered owner of this site/s;
- Provide and maintain Public Amenity Facilities; and
- The development meeting the objectives of the Gundagai Local Environmental Plan (LEP) 2001.

## 2.3 Master Plan

A Master Plan study was undertaken through 2020 and 2021 to provide an initial development framework for the site by COX architecture, with input from Ethos Urban. Council endorsed the exhibition of the Master Plan at its meeting of 30 March 2021 and adopted the Plan as exhibited on 29 June 2021. An extract from the adopted Master Plan is provided in **Figure 1** below.

Works within the Master Plan have been envisaged as being undertaken in 3 main stages, as per the following:

### Stage 1:

- Relocation of the Dog on the Tuckerbox statue to a centrally located, publicly accessible space that will provide ample opportunity for photos while passing by shops to visit;
- The preservation of the Limestone/Joseph Carberry Inn, allowing the celebration of the historic site.
- The implementation of loading/services dock for tenancies, as well as an amenity building for accessible public toilets;
- A boutique retail store that will support the sale of local produce and arts/crafts;
- A café/bakery tenancy with the opportunity for deli, local produce, coffee, retail or florist uses;
- A general store;
- A restaurant that will provide medium/high end offerings;
- A park/playground that will provide an outdoor space for children to play and pets to roam; and
- Provide a garden/courtyard that can support local farmers/producers' markets.

### Stage 2:

- A restaurant that will provide medium/high end food offerings; and
- Multiple gardens and court yards that will promote space for local farmers markets, whilst providing an outdoor space for relaxation.

### Stage 3:

- Providing a series of tourist and visitor accommodation dwellings, divided between boutique hotel accommodation (approximately 60 rooms) and cabins accommodation (approximately 8 rooms). Both accommodation options will be supported by a food and beverage offering associated with the hotel, as well as a small conference & function centre; and
- A southern car park and service area to cater for hotel parking and minor loading services.

**Figure 1** below illustrates the proposed development associated within each stage of development. The adopted Master Plan also notes that sub-stages are assumed.





**Figure 1 Master Plan Extract**

Source/Notes: COX Architecture

The subject proposal responds to the requirements within the Call Option Deed and generally aligns with the development outcomes for the Site as demonstrated within the adopted Masterplan.

## 2.4 Pre-Lodgement consultation

A pre-lodgement meeting held on the 1 February 2023 with The DOTT Developments Pty Ltd and representatives from Cootamundra-Gundagai Regional Council. Ethos Urban, on behalf of The Price Group presented the Masterplan process and the intended progression of development at the site. Council's comments on these matters have been incorporated into the development application where relevant.

## 3.0 Site Analysis

### 3.1 Site Location and Context

The Site is located at 37 Annie Pyers Dr, Gundagai, within the Cootamundra-Gundagai Regional Council Local Government Area.

The site is situated adjacent to the Hume Highway, a key freight and transport corridor connecting Sydney and Melbourne, as well as a host of regional centres including Goulburn and Wagga Wagga and Albury-Wodonga.

The main feature of the Site is the Dog on the Tuckerbox Memorial. The monument was unveiled by Right Hon JA Lyons, Prime Minister, at the Celebration in 1932.

The site was previously a camping ground known as 'Five Mile' and the Dog on the Tuckerbox statue was dedicated to the pioneers to who were known to have a good dog friend. The site gained further popularity in Australian culture through reference in the song by Lazy Harry, 'Five Miles from Gundagai'. A photograph of The Dog on the Tuckerbox, surrounding fountain and adjoining kiosk is provided at **Figure 2**.



**Figure 2** *The Dog on the Tuckerbox Memorial and adjoining Kiosk*

Source: Ethos Urban

The site also includes the ruins of Joseph Carberry's Limestone or 'Five Mile' Inn built in 1851, located to the north of the kiosk and Dog on the Tuckerbox monument.

The Site is located approximately 7.5km north of Gundagai town centre. The subject site is currently a key rest/stop off area, with the Dog on the Tuckerbox being one of the most visited tourist attractions in the Riverina region.

The site is located within the Cootamundra-Gundagai Regional Council LGA, benefitting from proximity to the Hume Highway.

In addition, the LGA's commitment in fostering opportunities for agritourism growth can also constitute greater potential demand for visitors to the site. With proximity to Gundagai and Cootamundra town centres, the subject site is also located near major agricultural, manufacturing, retail, and employment facilities. The site's locational context is shown at **Figure 3**.



**Figure 3** Locational Context Map

Source: Nearmap and Ethos Urban

## 3.2 Site Description

The site comprises of two allotments, legally described as Lot 2 DP 160191 (7835sqm) and Lot 529B DP 203601 (1.89ha).

The site is owned by Cootamundra-Gundagai Regional Council, with the existing development on the site comprising of the Dog on the Tuckerbox monument with a surrounding fountain, a small kiosk and toilet block, former service station car parking area and the remains of the Limestone/Joseph Carberry Inn. The land has an area of 2.66 hectares and is contained within the 'Five Mile precinct' which includes the Dog on the Tuckerbox site, an 'Oliver's' fast-food restaurant and a Shell Express service station with other food and drink offerings including KFC, subway and 'Monty's Diner'.

The subject site maintains a largely rectangular shape, with all structures facing East towards the Hume Highway. Lot 529B represents a substantial portion of the site area within an 'L' shape, with Lot 2 adjacent contributing to the remainder of the site. A survey plan is provided at **Appendix C**.

The 'Dog on the Tuckerbox' monument is currently listed as a local heritage item under Schedule 4 of the *Gundagai Local Environmental Plan 2011*. Whilst the Limestone/Joseph Carberry Inn on the site is not listed as a heritage item, it is understood that it has historical significance.

The site has a primary frontage to Annie Pyers Drive, which directly connects to the Hume Highway to the east.

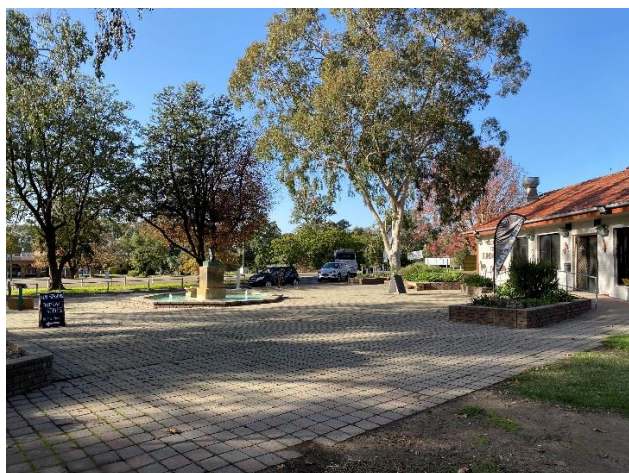
An aerial map is provided at **Figure 4** with existing development photos provided at **Figure 5** and **Figure 6** below.





**Figure 4** Aerial Map

Source: Nearmap/Ethos Urban



**Figure 5** Existing Development

Source: Ethos Urban



**Figure 6** Existing Carpark

Source: Ethos Urban

### 3.3 Surrounding Development

The following development surrounds the site:

- **North:** To the north of the site, along Annie Pyers Drive is an antiques store and residential property with an 'apple shed'. Further north lies the intersection of Annie Pyers Drive and the Hume Highway, with Five Mile Creek Road attached. Immediately adjacent lies a consistent tract of cleared rural land, which lies next to the Hume Highway. Development north of the site is demonstrated within **Figure 7** and **Figure 8** below.





**Figure 7** Antique Store north of the site

Source: Ethos Urban



**Figure 8** Antique store north of the site

Source: Ethos Urban

- **East:** Annie Pyers Drive lies to the immediate east of the site, with a dilapidated service station located to the on the space between the Annie Pyers Road Reserve and the Hume Highway. Further east lies the Hume Highway, Five Mile Creek running underneath into the large expand of primary rural land continuing further beyond. Development east of the site is demonstrated within **Figure 9** and **Figure 10**.

**Figure 10**



**Figure 9** Hume Highway interchange

Source: Ethos Urban



**Figure 10** Dilapidated service station

Source: Ethos Urban

- **South:** Immediately south of the site lies with 'Olivers', 6 x Tesla Super chargers and the Shell service station (which includes a subway and KFC). Further beyond lies an expanse of rural land, which runs adjacent to the Hume Highway. Development south of the site is demonstrated within **Figure 11** and **Figure 12** below.



**Figure 11** 'Oliver's' which lies directly south of the site

Source: Ethos Urban



**Figure 12** Shell service station, with a subway and KFC tenancy adjacent

Source: Ethos Urban

- **West:** Directly west of the site lies a significant plain of farmland and native vegetation, with scattered dwelling houses throughout. Further beyond lies an access road, which connects with the west running Five Mile Creek Road.



## 4.0 Description of Proposed Development

This application seeks approval for the development of seven tenancies surrounding the relocated Dog on the Tuckerbox memorial, along with associated footpaths, service connections, landscaping and car parking.

The proposal seeks consent for works in three stages, known as Stages 1A, 1B and 1C, as per the following:

### Stage 1A:

- Construction of Buildings B01 and B03 including new publicly accessible toilets;
- Minor tree removal works to provide for the footprint of the new buildings;
- Installation of a pump out sewerage management system; and
- Repair works as required to the existing car park.

### Stage 1B:

- Demolition of the existing kiosk building;
- Construction of Building B02;
- New publicly accessible toilets;
- Relocation of the Dog on the Tuckerbox sculpture; and
- Installation of seating and footpath areas, stand and courtyard area and associated landscaped works.

### Stage 1C:

- Additional minor tree removal works to provide for the footprint of the new buildings;
- Construction of Buildings B04, B05, B06 and B07 including new publicly accessible toilets;
- Installation of children's play area and dog play area to the north of B04;
- Any required conservation works to the Joseph Limestone/Joseph Carberry Inn site;
- Construction of new car parking and bus parking area, including associated speed humps, pedestrian crossings, crossings to Annie Pyers Drive and landscaping;
- Installation of the balance of the seating and footpath areas, stands and courtyard area and associated landscaped works.

Consent for the subdivision of the site, as demonstrated on the submitted Site Subdivision Plan is also sought.

It is noted that separate Construction and Occupation Certificates are intended to be sought for each Stage of work. It is also noted that consent is sought only for the proposed structures. The use and operational details of each tenancy will be subject to separate approval processes.

Architectural drawings illustrating the proposed development are included at within the Architectural Plans at **Appendix A**. A photomontage of the proposed development is shown in **Figure 13** **Figure 18**.



**Figure 13 3D Building View**

Source: SN Architects



**Figure 14 Building 01**

Source: SN Architects



**Figure 15 Building 02**

Source: SN Architects



**Figure 16 Building 03**

Source: SN Architects



**Figure 17 Building 04 & 05**

Source: SN Architects



**Figure 18    Building 06 & 07**

Source: SN Architects


### 4.1    External Material and Finishes


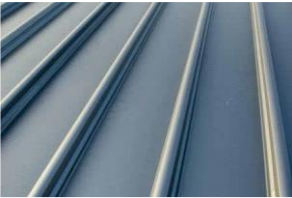


To integrating with the surrounding rural landscape, external materials and finishes have been selected to align with the rustic nature of the site, whilst adding visual interest through introducing a contemporary, dark design. This is executed through the following materials, summarised below:

- Dark grey aluminium door and window;
- Dark grey powdered coated steel sheets and columns;
- Metal roofing and walling with high quality colorbond monument, ensuring durability;
- Louvered roof and large glazing, allowing for efficient integration of cross ventilation and solar access throughout the internal spaces of the buildings;
- Dark non-combustible timber look cladding; and
- Sandstone cladding, commensurate to the original structures which were present on the site.

A full list of materials is provided in **Appendix A** and are summarised in **Table 1** below.

**Table 1        Proposed Material Schedule**

| Material Reference  | Material TAG | Material Description                         |
|---|--------------|--|
|  | AWD          | Aluminium framed door and window -Dark Grey. |

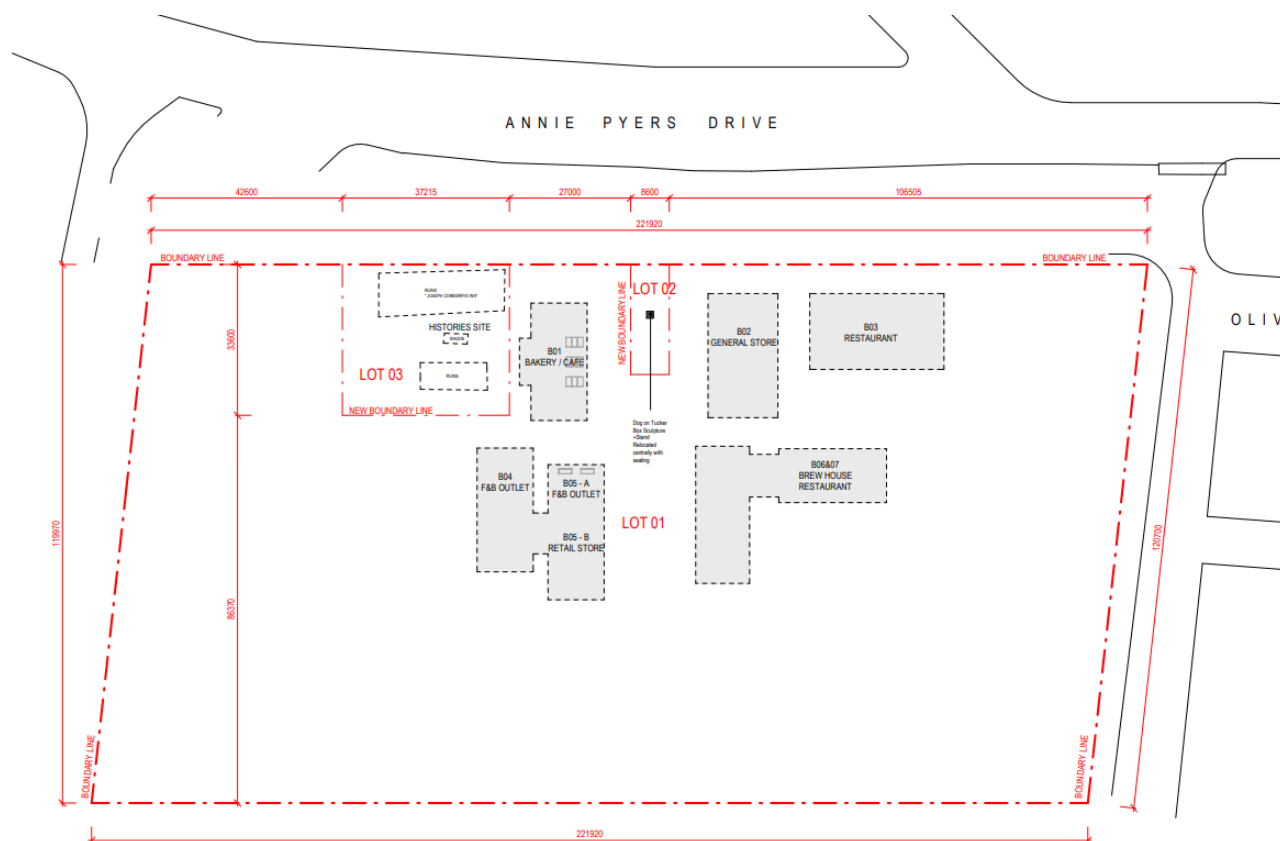
| Material Reference  | Material TAG | Material Description                              |
|---|--------------|---|
|    | PCM          | Dark grey powder coated steel sheets and columns. |
|    | RC1          | Metal roofing and walling colorbond monument.     |
|   | RC2          | Louvered roof.                                    |
|  | WC1          | Non-combustible timber look cladding – dark grey. |

## 4.2 Subdivision

Consent for the subdivision of the site is also proposed. An extract from the subdivision plan is provided at Figure 19 below. The subdivision has been designed to align with the requirements of the Deed entered into with Council, which requires that the Dog on the Tuckerbox and the Limestone/Joseph Carberry Inn (to be located on proposed Lot 02 and 03) be dedicated to Council.

It is understood that the remainder of the land, to be known as Lot 1 will be purchased by the DOTT Developments Pty Ltd.





**Figure 19 Draft Subdivision Plan**

Source: SN Architects

### 4.3 Built Form

Single storey pavilion style structures are proposed, with interconnecting footpaths and landscaped beds. Tree removal has been kept to a minimum, with the building footprints being selected to allow for the retention of key trees across the site.

### 4.4 Development Contributions

It is noted that the Cootamundra Gundagai Regional Council Section 7-12 Fixed Development Consent Levy Contributions Plan 2018 applies to the Site and will require the payment of a developer contribution prior to the issue of a Construction Certificate.

A Quantity Surveyors Report is provided at **Appendix O** and indicates a cost of works of \$4,915,919, resulting in a contribution of approximately \$49,159. It is noted that a condition of consent will be imposed in this regard.



## 5.0 Planning Assessment

Under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), in determining a development application the consent authority must take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts of the built and natural environment, the social and economic impacts of the development, the suitability of the site; and whether the public interest would be served by the development.

The assessment includes only those matters under Section 4.15(1) that are relevant to the proposal. The planning issues associated with the proposed development are assessed below.

### 5.1 Consistency with Strategic Policies and Framework

This section considers the relevant local strategic plans that apply to the site. The assessment in **Table 2** below demonstrates that the proposal is consistent with the relevant strategic planning frameworks and will deliver on the broader strategic vision for the Cootamundra-Gundagai Regional Council LGA.

**Table 2** *Compliance with Key Strategic Policies and Framework*

| Plan  | Comment   |
|---|---|
| Riverina Murray Regional Plan 2041                      | <p>The Riverina Murray Regional Plan was finalised in January 2023 as an update to the Riverina Murray Regional Plan 2036. The Plan provides a 20-year land use plan with targeted delivery focus areas within the next 5 years.</p> <p>The proposal is generally consistent with the Plan, in particular:</p> <ul style="list-style-type: none"><li>• Objective 9: Plan for resilient places that respect local character; and</li><li>• Objective 16: supporting the visitor economy, including employment in that sector.</li></ul> <p>The proposal will:</p> <ul style="list-style-type: none"><li>• Ensure the preservation of the Dog on the Tuckerbox memorial and Limestone/Joseph Carberry Inn site.</li><li>• Support the respectful development of the precinct surrounding the memorial.</li><li>• Respond to the surrounding natural environment through building design and material selection.</li><li>• Provide an activated precinct that supports the adaptive reuse of a local heritage item for commercial and community purposes.</li></ul>                |
| Cootamundra-Gundagai Local Strategic Planning Statement | <p>The Local Strategic Planning Statement (LSPS) was prepared by Cootamundra-Gundagai Regional Council and represents a 20-year vision and strategy for the Cootamundra-Gundagai LGA's future land use. It will underpin any changes to Council's Local Environmental Plan in the future. The proposed development aligns closely with Planning Priority 2. 'Opportunities to celebrate and protect our heritage' of the Cootamundra-Gundagai LSPS as it:</p> <ul style="list-style-type: none"><li>• Provides an activated precinct that supports the adaptive reuse of a local heritage item for commercial and community purposes.</li><li>• Established adequate measures to ensure the heritage value of the 'Dog on the Tucker Box' monument is retained and integrated throughout the design of the precinct.</li><li>• Develops a precinct that will foster place making to recognise the unique character of the 'Dog on the Tucker Box' monument and Limestone/Joseph Carberry Inn, whilst providing capacity to cater for growing regional tourism demand.</li></ul> |

### 5.2 Environmental Planning Instruments

The DA's consistency and compliance with the relevant environmental planning instruments is considered in the sections below. We note that there are no variations sought to, or non-compliance with, the key standards and guidelines.

#### 5.2.1 Environmental Planning Acts

**Table 3** *Summary of consistency with relevant Acts*

| Plan  | Comments  |
|---|---|
| <i>Environmental Planning and Assessment Act 1979</i> | This Statement of Environmental Effects addresses the proposals compliance with the relevant Sections of the Environmental Planning and Assessment Act, Section 4.15.   |
| <i>Biodiversity Conservation Act 2016</i>             | The requirements of the BC Act and Biodiversity Conservation Regulation 2017 are mandatory for all Development Applications (DA) assessed pursuant to Part 4 of the EP&A Act submitted in the Cootamundra-Gundagai LGA. A Flora and Fauna Assessment is provided at <b>Appendix K</b> and demonstrates that the proposal would not trigger any offsetting requirements pursuant to the BC Act 2016. |

## 5.2.2 State Environmental Planning Policies

The relevant state environmental planning policies are assessed in **Table 4** below.

**Table 4** Summary of consistency with State Environmental Planning Policies

| Plan   | Comments  |
|--|---|
| <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>       | <p>Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 details an assessment framework for potentially contaminated land. Specifically, Clause 4.6 of the SPP requires that the consent authority be satisfied that the land is suitable for the proposed use.</p> <p>A Preliminary Site Investigation prepared by Environmental Consulting Services (see <b>Appendix E</b>) identifies the service station on the site as a potential source of soil and groundwater contamination. The Report notes that the site will be suitable for the proposed use, subject to remediation works occurring within the footprint of the service station. Consistent with Clause 4.11 of this SEPP, the remediation of the service station will be undertaken as Category 2 remediation works, not requiring development consent. It is assumed that Council will impose a condition of consent which requires that no works occur within this area of the site until such time as those works have been completed.</p> <p>With the exception of the area of the site immediately surrounding the service station, the Report recommends that a Hazardous Building Materials Survey be undertaken prior to the demolition of any structures on the subject site. It is assumed that this will also be dealt with via a condition of consent.</p> <p>Therefore, subject to the decommissioning and remediation of the service station as Category 2 Remediation Works and the completion of a Hazardous Materials Survey, the Site will be suitable for the proposed development.</p>  |
| <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> | <p>Chapter 2 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> applies to facilitating the effective delivery of infrastructure across NSW. The following Divisions and Clauses apply to the subject development:</p> <p><b>Division 5 Electricity transmission or distribution networks</b><br/> <b>2.48 Determination of development applications – other development</b><br/> This Clause applies to development which includes:</p> <ul style="list-style-type: none"> <li>- Penetration of ground within 2m of an underground line or transmission pole or 10m of a tower</li> <li>- Immediately adjacent to an easement for electricity purposes</li> <li>- Immediately adjacent to a substation</li> <li>- Within 5m of an overhead power line</li> </ul> <p>Works are proposed within 5m of an overhead power line, and it is understood that Council will refer the proposal to the electricity service provider for comment during the assessment. <b>Appendix J</b> to this Statement also demonstrates that a Design Information Application has been made to Essential Energy as the provider in the area.</p> <p><b>Division 17 Roads and Traffic</b><br/> <b>2.120 Impact of road noise or vibration on non-road development</b><br/> The subject site does not have direct frontage to the Hume Highway, being a classified road, however is located within approximately 200m of the road, and seeks to rely on access to and from the Highway to the immediate east of the site. No sensitive uses as listed within part (1) of this clause are proposed as part of the development.</p> <p><b>2.122 Traffic Generating Development</b></p> |

| Plan  | Comments   |
|---|--|
|   | <p>The subject site is located approximately 200m from the connection of Annie Pyers Drive to the Hume Highway. A GFA of less than 2,500sqm is proposed, and less than 200 car parking spaces are proposed. Therefore, the proposal would not trigger a requirement to refer the development to Transport for NSW in accordance with this clause.</p> <p>Notwithstanding the above, a Transport Assessment is provided at <b>Appendix M</b> which confirms that the nature and scale of the proposed uses, quantum of car parking proposed and future vehicle access arrangements proposed would not result in any unreasonable traffic and transport issues have that would preclude the development from satisfactorily proceeding</p> |
| <i>State Environmental Planning Policy (Planning Systems) 2021</i>        | A QS Statement has been prepared by WT Partnership and is provided at <b>Appendix O</b> . The proposal has a capital investment value of \$4,915,919. Despite Council being the current landowner of the site, the development would not meet the thresholds to be declared Regionally Significant Development pursuant to Clause 3 of Schedule 6 and Clause 2.19 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> . Therefore, the relevant consent authority will remain Council.   |
| <i>State Environmental Planning Policy (Industry and Employment) 2021</i> | No signage is proposed as part of the subject Development Application. Should any signage be proposed which does not meet the requirements to be exempt or complying development pursuant to the <i>SEPP (Exempt and Complying Development Codes) 2008</i> . It is confirmed that separate Development Applications to this proposal will be pursued if this option is sought.   |

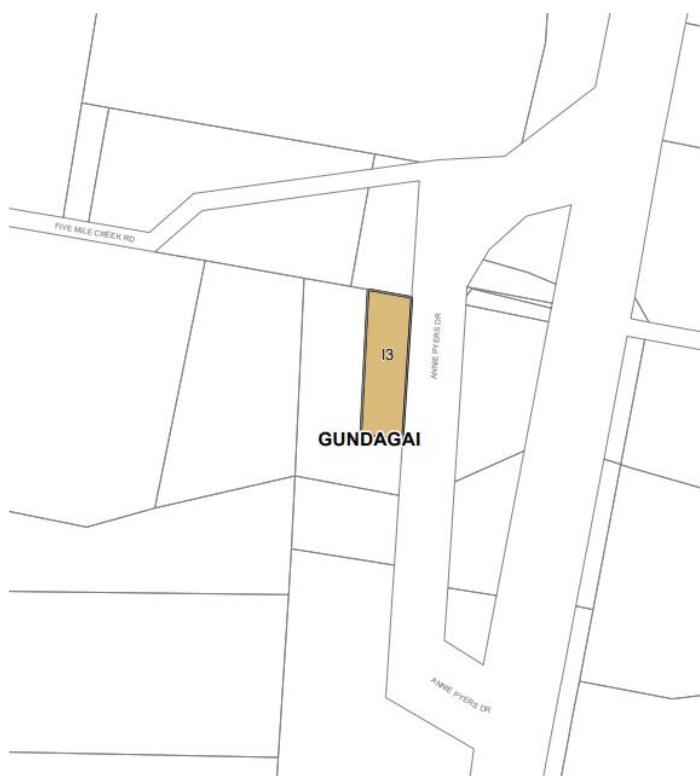
### 5.2.3 Local Environmental Plan

The *Gundagai Local Environmental Plan 2011* (GLEP 2011) applies to the site. The relevant clauses that apply within this environmental planning instrument are summarised within **Table 5** below.

**Table 5 Assessment against Gundagai Local Environmental Plan 2011**

| Clause  | Provision / Standard | Comments   |
|---|----------------------|--|
| Clause 2.3 Zone Objectives and Land Use Table | SP3 Tourist          | <p>The subject site is zoned SP3 Tourist land use under GLEP 2012. The potential site uses for tourism, community facilities and food and drink premises are permissible with consent within the SP3 zone.</p> <p>Furthermore, the proposed development achieves the objectives of the SP3 zone as it will:</p> <ul style="list-style-type: none"> <li>• Contribute to the enhancement and redevelopment of the variety of tourist-oriented development uses currently existing on the site; and</li> <li>• Actively recognise and promote the cultural significance of the “Dog on the Tuckerbox” installation, restoring the monument as the central feature of the precinct.</li> </ul> <p>The structures are proposed as a mix of ‘shops’ and ‘food and drink premises’, defined below, however the fit out and final use of each of the tenancies will be subject to separate approval processes. Food and drink premises and shops are both permissible within the SP3 zone with consent. The areas surrounding the structures would be best defined as ‘recreation facilities (outdoor)’ which are also permissible with consent.</p> <p><b>food and drink premises</b> means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—</p> <ol style="list-style-type: none"> <li>a restaurant or cafe,</li> <li>take away food and drink premises,</li> <li>a pub,</li> <li>a small bar.</li> </ol> <p><b>shop</b> means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.</p> |

| Clause                                    | Provision / Standard         | Comments  |
|---|------------------------------|---|
| Clause 4.1 – Minimum Subdivision Lot Size | N/A                          | There is no Minimum Subdivision Lot size applicable to the subject site.  |
| Clause 4.3 – Height of Buildings          | N/A                          | There is no Maximum Height of Building or Floor Space controls applicable to the subject site.  |
| Clause 4.4 – Floor Space Ratio            |                              | The proposed development will continue deliver a built form outcome that is commensurate to the surrounding rural landscape.  |
| Clause 5.10 – Heritage Conservation       | Development Consent Required | The Dog on the Tuckerbox is identified as a Local Heritage Item, reference I3. Figure 19 below demonstrates the extent of the heritage listing at the subject site. |



**Figure 20 GLEP Heritage Map extract**

Source: Gundagai LEP 2011

It is noted that the subject listing relates to the entirety of Lot 2 DP 160191 where the monument relates to a small area only. It is noted that despite the I3 listing applying to the entirety of Lot 2, it does not make reference to the Limestone/Joseph Carberry Inn.

Due to the proposed works seeking the relocation of the 'Dog on the Tuckerbox', the proposal must comply with subclauses (2) and (5) of this clause, extracted below. In accordance with each of these subclauses, a Statement of Heritage Impact has been prepared by Heritage 21 (**Appendix G**), which concludes that the proposal is consistent with the requirements of this clause and would respect the heritage significance of the site through:

- Ensuring that the heritage significance of the relocated Dog on the Tucker Box memorial is maintained, with the new location ensuring the visual focus remains on the memorial;
- maintaining a sympathetic design that would be of modest scale and design, visually relating to the surrounding rural character;
- retain the ruins of the Limestone/Joseph Carberry Inn;

| Clause                               | Provision / Standard         | Comments   |
|--------------------------------------|------------------------------|--|
|                                      |                              | <ul style="list-style-type: none"> <li>confirmation that the demolition of later-addition buildings constructed in the mid-twentieth century are necessary in improving the amenity of the site and will not result in a significant impact to the existing heritage fabric.</li> </ul> <p>It is noted that no works are proposed within the footprint of the Joseph Limestone/Joseph Carberry Inn site.</p> <p>Furthermore, an Aboriginal Heritage Due Diligence Report (<b>Appendix L</b>) prepared by Access Archaeology confirms that the proposed development may 'proceed with caution', with no recorded Aboriginal Objects located within the development footprint, as well as no areas of high archaeological potential on undisturbed land. It is noted that there is an Aboriginal Object Site recorded within the site, on the northern boundary. No works are proposed within the vicinity of this item and adequate measures isolating the this site will take place during construction.</p>   |
| Clause 6.1 – Biodiversity Protection | Development Consent Required | <p>The northern portion of the subject site is identified as environmentally sensitive land under the Natural Resources Sensitivity Biodiversity Map, therefore the conditions within Clause 6.1 apply to the proposed development.</p> <p>In accordance with Clause 6.1, a Flora and Fauna Assessment (<b>Appendix K</b>) prepared by East Coast Ecology confirmed that the proposed development will include measures to protect and enhance the natural environment on the site for protection purposes through environmentally sensitive design.</p>   |
| Clause 6.3 – Water Protection        | Development Consent Required | <p>The northern and eastern sections of the subject site are identified as sensitive land under the Natural Resources Sensitivity Water Protection Map, therefore the conditions within Clause 6.3 apply to the proposed development. The development will not result in adverse impacts on water quality, the natural flow regime or natural flow paths of waterways or the stability or hydrology of any existing system. A Civil and Drainage Infrastructure Report and Plan is provided at <b>Appendix I</b>.</p>  |
| Clause 6.5 – Excavation              | Development Consent Required | <p>The proposed development seeks consent for earthworks to provide for the required building platforms. A Civil and Drainage Infrastructure Report and Plan is provided at <b>Appendix I</b>.</p>   |
| Clause 6.6 – Essential Services      |                              | <p>This clause requires that consent not be granted unless the development has demonstrated that the following services are either available or adequate arrangements have been made to ensure that the services will be available when required:</p> <ul style="list-style-type: none"> <li>(a) the supply of water</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable road access.</li> </ul> <p>In response to each:</p> <ul style="list-style-type: none"> <li>(a) Refer to <b>Appendix P</b>. Council has committed to providing a water connection to the subject site.</li> <li>(b) Refer to <b>Appendix J</b>. A Design Information Application has been made to Essential Energy for upgrades to the existing electricity infrastructure to service the development.</li> <li>(c) Refer to <b>Appendix N</b>. There is currently no sewer connection or plans for a sewer connection to the subject site. A pump out system has been recommended and is provided for as part of the proposed works.</li> <li>(d) Refer to <b>Appendix I</b>.</li> <li>(e) Road access via Annie Pyers Drive and the Hume highway is existing and suitable for the proposed development.</li> </ul> |

## 5.3 Development Control Plans

The proposed development is consistent with the objectives of the Five Mile Precinct Development Control Plan (FMPDCP) 2007 and the relevant development controls. As required under Section 4.15(3A) of the EP&A Act, a consent authority is required to apply DCP provisions flexibly and allow reasonable alternative solutions that achieve the objects of those standards. **Table 6** demonstrates the proposals consistency with the DCP and directs the reader to where the relevant matters are discussed in other sections of this Statement.

**Table 6 DCP Assessment**

| Control   | Comments / references   |
|---|---|
| <b>3. Aims and Objectives</b>   | <p>The aims of the plan are to ensure that the future development of the site:</p> <ul style="list-style-type: none"> <li>• Is of a high design standard commensurate with the site's prominent location on a national highway;</li> <li>• Is designed having regard to the site's heritage and tourism significance;</li> <li>• Is consistent with Council's adopted planning strategy and LEP.</li> </ul> |
| <b>4. Land to which this Plan applies</b>   | The subject site is located within the Five Mile precinct as demonstrated at Figure 2 to the DCP, and therefore this DCP applies to the Site.   |
| <b>5. Relationship with other local plans</b>   | This section notes that until the gazettal of the Gundagai LEP, that this document will stand as the sole planning instrument governing development at Five Mile. The Gundagai LEP has since been gazetted and the proposals consistency with the LEP is demonstrated at <b>Section 5.2.3</b> above.  |
| <b>6. Requirements applying to applications for subdivision and development</b>         | <p>This part requires the submission of:</p> <ol style="list-style-type: none"> <li>A site analysis</li> <li>Statement of Environmental Effects</li> <li>Plans</li> </ol> <p>This application is accompanied by all documents required by this Part of the DCP.</p>   |
| <b>7. Matters to be considered by the Council in assessing development applications</b> |   |
| i. Environmental and heritage context   | Refer to <b>Section 5.4.1</b> and <b>5.4.3</b> of this Statement, and <b>Appendices G, K and L</b> .  |
| ii. Land use and consistency with Councils planning strategies                          | Refer to <b>Section 5.1</b> and <b>5.2</b> .  |
| iii. Access and Parking Arrangements  | Refer to <b>Appendix M</b> .  |
| iv. Architectural and landscape design quality  | Refer to <b>Section 4.0</b> and <b>Appendix A</b> .   |
| v. Water  | Refer to <b>Section 5.2.3</b> and <b>Appendix P</b> .   |
| v. Utility services   | Refer to <b>Section 5.2.3</b> and <b>Appendices I, J, N and P</b> .   |
| vi. Flora, fauna; noxious weeds   | Refer to <b>Section 5.4.3</b> and <b>Appendix K</b> .   |
| vii. Waste Management   | It is expected that a condition of consent will be imposed in relation to waste management.   |
| viii. Signage   | Refer to <b>Section 5.2.2</b> .   |
| ix. Relationship to neighbouring properties and Hume Highway                            | Refer to <b>Section 3.0</b> .   |
| x. Contaminated Land  | Refer to <b>Section 5.2.1</b> and <b>Appendix E</b> .   |
| xi. Subdivision   | Refer to <b>Section 4.2</b> and <b>Appendix A</b> .   |
| xii. Existing Development   | Refer to <b>Section 3.0</b> .   |

It is noted that with the exception of the above, there is no Development control plan (DCP) applying to the subject site.



## 5.4 Key Issues

### 5.4.1 Heritage

#### Nineteenth – Twentieth Century Heritage

A Statement of Heritage Impact has been prepared by Heritage 21 and is provided at **Appendix G**. Overall, Heritage 21 are confident that the proposed development complies with the relevant heritage requirements and would result in a neutral impact on the heritage significance of the site.

**Appendix G** highlights that the 'Dog on the Tucker Box Memorial' is identified as a locally significant heritage item (Item No. I3) within schedule 5 of the GLEP 2011, emphasising its previous relocation in 1950 further setback from the Hume Highway. It also notes the location of the Limestone/Joseph Carberry Inn ruins to the north of the monument and that they are not currently subject to a local or state heritage listing. The HIA notes that the proposed development will not involve any alterations to the Limestone/Joseph Carberry Inn site or its significant archaeological remains.

The report concludes that the arrangements associated with the relocation of the Dog on the Tuckerbox Memorial will not result in any erosion of its heritage fabric. Rather, the transfer of the memorial slightly north from its existing location to a central courtyard, would ensure that it remains the focus of the subject site, encouraging public engagement.

Furthermore, the remaining buildings on the site are utilitarian, mid-century structures, which despite being in good condition, are not considered to possess heritage significance. Therefore, the proposed demolition of these structures will not compromise the sensitive heritage character of the site. Further, Heritage 21 notes that the proposed buildings are considered sympathetic to the heritage significance of the site as it would clearly distinguish the newly constructed fabric from the original heritage composition, especially the Limestone/Joseph Carberry Inn ruins. Additionally, the incorporation of traditional building forms in a contemporary manner would ensure the proposed development remains recessive to the visual setting of the heritage items and the surrounding rural landscape.

#### Aboriginal Heritage

An Aboriginal Heritage Due Diligence Assessment has been prepared by Access Archaeology and is provided at **Appendix L**. It highlights that whilst there are no recorded Aboriginal Objects within the subject site, there is one valid site recorded on the adjacent northern boundary (DTB4). It is recommended that the proposed development proceed with caution, with an Aboriginal Heritage Impact Permit not required. A series of recommendations were also suggested to ensure the protection of DTB4, as well as directing a formalised process in the event of the discovery of an Aboriginal object within the due diligence assessment.

### 5.4.2 Bushfire

A Bushfire Assessment Report has been prepared by CAF Building and Town Planning Consulting and provided at **Appendix F**. It identifies that the Site of the works is not identified as bushfire prone land, although it is in proximity to portions of category 1, 2, 3 and buffer zone mapped bushfire prone land. **Figure 21** below demonstrates the extent of the Bushfire Prone land mapping in the area.



**Figure 21 Bushfire Prone Land Map extract**

Source: NSW Planning

Furthermore, it is also emphasised that the surrounding land use context predominately comprising of managed agricultural land to the north and west, a service station precinct to the south and roadway to the east which compromise of the existing roadway, carparking area and cleared land, act as adequate asset protection zones. Therefore, it is considered that no asset protection zone is required within the proposed development.

Consideration of surrounding vegetation was also prioritised. This determined that vegetation that may be loosely considered a bushfire hazard was found to be allocated within 140 metres from the development site. Therefore the bushfire threat was considered low, with the identified vegetation classed as woodland/managed grassland.

Overall, the report summarises that the proposed landscaping, slope (both existing and proposed excavated levels), vegetation and asset protection zones associated the proposed development can achieve the required specifications of the *NSW Planning for Bushfire Protection* (2019) through the use of acceptable solutions which ensure that each bush fire protection measures are met.

### 5.4.3 Tree Removal and Ecological Impacts

The proposal seeks consent for the removal of 24 trees from the subject site, with the development being designed around the retention of select trees with identified significance, including the Lemon Scented Gum which is proposed to be retained above the relocated Dog on the Tuckerbox. The extent of tree removals proposed is considered within the Arborists Report provided at **Appendix D**, and the Flora and Fauna Report at **Appendix K**. The Report concludes that the proposal would not trigger any offsetting requirements pursuant to the Biodiversity Conservation Act 2016 (see also **Section 5.2.1** above), and would not have a significant impact to any threatened ecological community or species.

#### 5.4.4 Sewerage Management

A Land Capability Assessment for an On Site Sewerage Management System is provided at **Appendix N** to this Statement. The report concludes that in the case of the subject site and noting the anecdotal evidence of previous contamination issues resulting from an Aerated Wastewater Treatment System and the potential for future development as informed by the adopted masterplan, that the pump out system be pursued in relation to the proposed works. The Report notes that the area of the site which would be required to be designated to the drip or low-pressure spray irrigation would be significant and would hinder the future development potential at the site, and therefore recommends that a pump out system with at least 52,500 litres capacity be pursued. The footprint for such system is demonstrated on the Architectural Plans at **Appendix A**.

#### 5.4.5 Contamination

A Preliminary Site Investigation (PSI) is provided at **Appendix E**. As discussed at **Section 5.2.2**, the PSI identified the existing Underground Petroleum Storage System (as located at **Figure 22** below) was a significant source of potential contamination.



**Figure 22 Site Layout**

Source: Environmental Consulting Services

The Report notes that the site will be suitable for the proposed use, subject to remediation works occurring within the footprint of the service station and UPSS'. Consistent with Clause 4.11 of the Resilience and Hazards SEPP, the remediation of the service station is proposed to be undertaken as Category 2 remediation works, not requiring development consent. It is assumed that Council will impose a condition of consent which requires that no works occur within this area of the site until such time as those works have been completed.

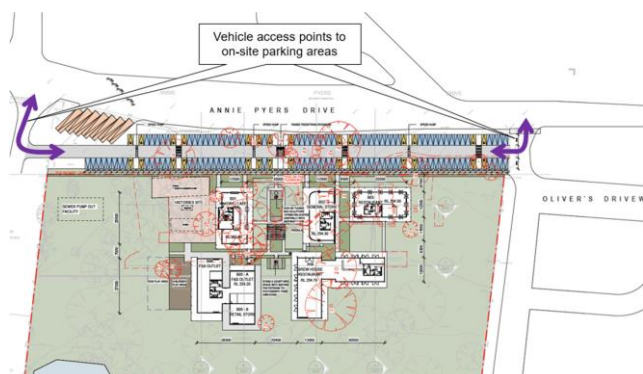
With the exception of the area of the site immediately surrounding the service station, the Report recommends that a Hazardous Building Materials Survey be undertaken prior to the demolition of any structures on the subject site. It is assumed that this will also be dealt with via a condition of consent.

Therefore, subject to the decommissioning and remediation of the service station as Category 2 Remediation Works and the completion of a Hazardous Materials Survey, the Site will be suitable for the proposed development.

#### 5.4.6 Transport and Parking

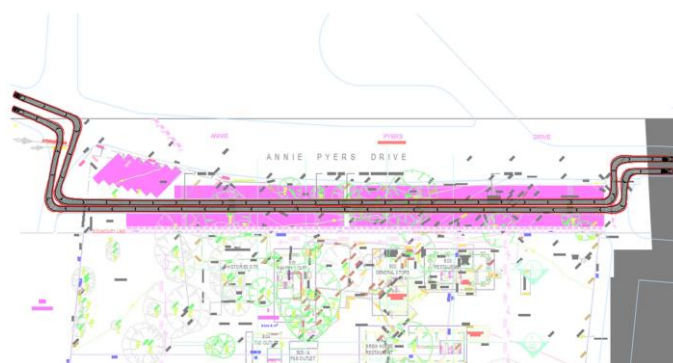
A Transport Assessment has been prepared by JMT Consulting and is provided at **Appendix M**, which concludes that there are no traffic and transport issues that would arise subject to the proposed development.

Currently, there are two connection points provided on Annie Pyers Drive to the Hume Highway, to the north and south of the subject site. The proposed car park has also been designed with two access points to Annie Pyers Drive, resulting in vehicles being able to access the proposed on-site car parking from both ends of Annie Pyers Drive, ensuring a good level of flexibility to disperse traffic movements. As illustrated at **Figure 23** and **Figure 24** below, this arrangement enables vehicles to access the site from the north and south, with the ability for cars to travel in opposing directions to pass one another at all times.



**Figure 23 Vehicle Access to proposed on-site car parking**

Source/Notes: JMT Consulting



**Figure 24 Vehicle swept paths through car parking area**

Source/Notes: JMT Consulting

Furthermore, the provision of 110 on-site car parking spaces is consistent with the minimum provisions within the *RMS Guide to Traffic Generating Developments* document (assessed in absence of Council controls). Accordingly, based on the 2,224m<sup>2</sup> of GFA proposed, the Guide recommends the provision of a minimum of 102 parking spaces (4.58 spaces per 100m<sup>2</sup> GFA). Ultimately, the proposed development exceeds this minimum and is therefore considered suitable to meet anticipated demand. The provision of parking for up to seven buses or coaches is also proposed, with these spaces directly from Annie Pyers Drive to minimise interactions with other vehicles and pedestrians within the dedicated on-site parking.

Overall, the nature of the proposed development supporting multi-purpose trips to the site is anticipated to distribute visitation across all hours of the day and evening, and not be concentrated during peak hours. Thus, the parking provisions and vehicle access arrangements are anticipated to easily accommodate these levels of traffic movements throughout the site.

#### 5.4.7 Noise

An Acoustic Report has been prepared by Harwood Acoustics and provided at **Appendix H**. A noise model related to the proposed redevelopment of the site was prepared as part of this report and considered mechanical plant, adult and children voice noise, background music, motor vehicles and delivery vehicles as main acoustical impacts.

Calculations associated from this modelling illustrated that the level of noise emission from the potential operation of the proposed redevelopment can readily satisfy the EPA's and Councils standard noise goals for commercial developments at all nearby receptor locations. Therefore, there is no reason acoustically that the proposed development could not operate at full capacity and be easily controlled, if required, to meet all relevant noise criteria. It is further noted that the subject proposal relates to the construction of the structures only, with the use of each tenancy to be subject to a separate approval process. Noise resulting from the operation of the tenancies can therefore be subject to future assessment as required.

## 5.5 Other Impacts of the Development

An assessment of the other impacts of the development have been undertaken by the relevant specialist consultants and are appended to this SEE as set out in **Table 7** below.

**Table 7** Other Impacts

| Consideration                            | Consultant                 | Summary  | Reference  |
|--|----------------------------|--|------------|
| Construction Impacts                     | -                          | The proposed construction works for the development are not expected to give rise to any unacceptable impacts. A detailed Construction Management Plan (CMP) will be prepared prior to the commencement of works. Generally, demolition and construction activities will be contained within the site.<br><br>Standard construction hours and noise mitigation measures will be applied to the development to minimise impacts to the surrounding sensitive receivers. | -          |
| Civil and Drainage Infrastructure Report | Spiire                     | The report demonstrates that all runoff from the development will be readily captured and piped to the existing system within Annie Pyers Drive. The development will not result in any unreasonable impacts on surrounding developments in relation to stormwater or civil works proposed.  | Appendix I |
| Water Information Plans                  | Moloney & Sons Engineering |  | Appendix P |

## 5.6 Site Suitability and Public Interest

The proposed development is suitable and appropriate for the site and will be in the public interest given the significant benefits of its proposed use. The proposal will result in the continued promotion of tourism in the area and the Dog on the Tuckerbox memorial. The proposal will significantly improve the amenity of the precinct through providing improved facilities for people to stop and visit the monument, as well as amenities which are now generally expected as part of a heritage related tourism destination.

More specifically, the site is suitable for the proposed development as it will ensure the continued conservation of both the Dog on the Tuckerbox and Joseph Carberry/Limestone Inn site, through the provision of improved amenities and associated services.

The proposed development is in the public interest for the following reasons:

- The proposal is consistent with the objectives of the SP3 Tourist zone and complies with all applicable provisions within the GLEP 2011.
- The proposal is consistent with the desired future character of the area, in particular by responding to and complementing the heritage context of the Five Mile Precinct and the development anticipated by the adopted Masterplan for the Site.
- The proposal compromises of the construction buildings which are permissible within the site's SP3 Tourist land use zone, consistent with the heritage and rural site context and will complement the Dog on the Tuckerbox memorial.
- Allows provision for the future development of further stages of the site in line with the adopted Masterplan.
- It is capable of being appropriately serviced.
- The character of the surrounding rural landscape area, including the existing heritage built form, and the likely future character, is compatible with and enhanced by the proposed development.
- The proposal adequately responds to the site context and relevant environmental constraints.



## 6.0 Conclusion

The proposed development seeks approval for the development of seven tenancies surrounding the relocated Dog on the Tuckerbox memorial, along with associated footpaths, service connections, landscaping and car parking. Works are proposed across 3 distinct Stages, all proposed to have their own Construction and Occupation Certificate processes.

This SEE has provided a detailed assessment of the proposal against the relevant matters under section 4.15(1) of the EP&A Act. The application is recommended for approval given the following reasons:

- The proposed development is consistent with the aims and objectives of the Gundagai LEP 2011 and Five Mile DCP as well as the relevant State Environmental Planning Policies;
- The proposal is consistent with the adopted Masterplan for the subject site, and the requirements of the Expression of Interest relating to the development of the site.
- The proposal seeks consent for works which will allow for the continued conservation of the Dog on the Tuckerbox memorial and Joseph Carberry/Limestone Inn site.
- Supporting technical studies which accompany this DA confirm that the environmental impacts associate with the proposal are generally positive and will not give rise to any adverse impacts; and
- The proposed development is suitable for the site and is in the public interest.