

## Evaluation of Modification of Consent Application

### MODIFICATION OF CONSENT NUMBER

Modification of Consent Number: **2021/016.002**

Modification Proposal: **S4.55(2) Amend development plans to:**

- Remove the aviary within the 'Wildlife Centre and Hospital' building to enclose more space to accommodate a larger café and seating area;
- Reconfigure the internal spaces within the 'Wildlife Centre and Hospital' and alteration of some window and stair positions;
- Change the landscape adjacent to main building, which includes the stormwater design ponds;
- Remove the inner koala fence located within the external rehabilitation enclosure; and
- Partially alter the proposed 'Petting Zoo' building to convert the smaller indoor and outdoor pens (i.e. pens 3-11 to a covered outdoor learning area (COLA).

### DEVELOPMENT APPLICATION NUMBER

Application Number: **2021/016**

### APPLICANT DETAILS

Applicant Name: **The Trustee for The SJB Planning (NSW) Unit Trust**

Owner: **Gunnedah Shire Council**

### LAND TO BE DEVELOPED:

Address: **9 Hunts Road, Gunnedah**

Lot No/DP/MPS: **Lot: 1 DP: 1273331**

Land Use Zone: **RU1 Primary Production & C3 Environmental Management  
Gunnedah Local Environmental Plan, 2012**

## 1. DEVELOPMENT PROPOSAL

### 1.1 The Site

- Single Allotment (Lot 1 DP 1273331), 9 Hunts Road, Gunnedah.
- Site Area = 35.31 Hectares.
- 429 metre frontage to Oxley Highway and 1,009 metre frontage to Hunts Road.
- As per the *Gunnedah Local Environmental Plan 2012* Map LZN\_005AA, the land is partly zoned RU1 Primary Production and C3 Environmental Management. Refer to Figure 1.
- Site is identified as being bushfire prone.
- Site has previously been utilised as a Council Quarry.
- Site contains identified items of Aboriginal Heritage. No European Heritage listed in *Gunnedah Local Environmental Plan 2012*, Schedule 5.
- Construction Works as per Development Consent No. 2021/016 has commenced.

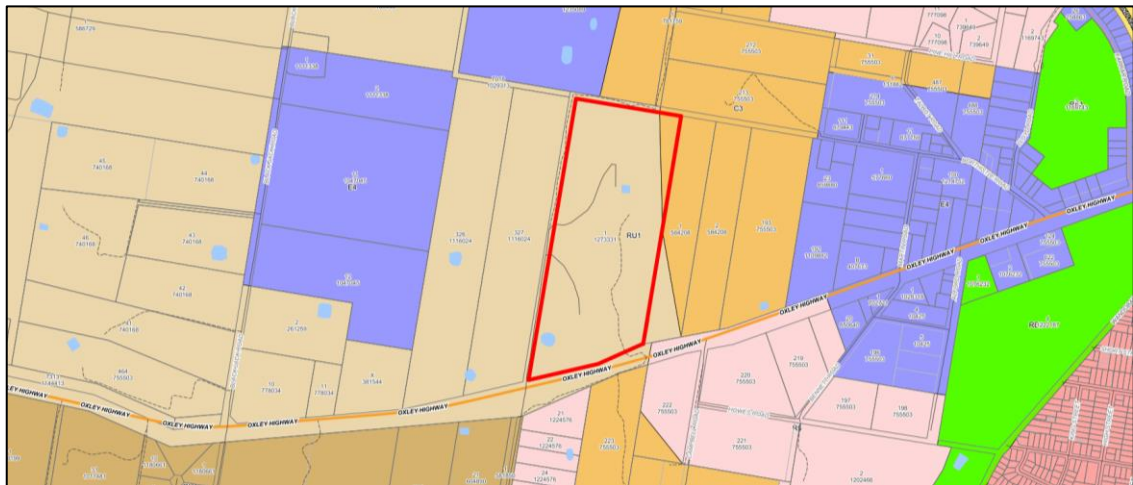


Figure 1 – Land Zoning Map (Subject Site in Red)

## 1.2 The Locality

- Site is vegetated and located on hillside to the West of the Gunnedah Industrial zoned land.
- The site adjoining properties are rural land, large lot residential land and industrial land. Adjoining land is grazing, industrial land uses, with some Dwellings being located on site.
- Vehicle access to the site occurs from Hunts Road, off the intersection of Hunts Road and Oxley Highway.



Figure 2 – Satellite Imagery of locality

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The proposal has granted consent for the construction and operation of the following:

- Veterinary Hospital(Koala Sanctuary)
- Information and Education Facility
- Environmental Facility
- Camping Grounds and Caravan Site
- Food and Drink Premises
- Recreation Facility(Outdoor)(Putt Putt Course and Zip line)
- Dwelling House
- Business Identification Signage

The Modification to Development Consent sort consent for the following amendments to conditions and development plans:

- Modify Condition A1 to amend approved Architectural Drawings Package prepared by Dunn & Hiram Architects within Development Application 2021/016. The following modifications to the approved architectural plans include:
  - Removal of an aviary within the 'Wildlife Centre and Hospital' building to enclose more space to accommodate a larger café and seating area;
  - Reconfiguration of internal spaces within the 'Wildlife Centre and Hospital' and alteration of some window and stair positions;
  - Changes to landscape adjacent to main building, which includes the storm water design ponds;
  - Removal of the inner koala fence located within the external rehabilitation enclosure and;
  - Partial alteration of the proposed 'Petting Zoo' building to convert the smaller indoor and outdoor pens (i.e. pens 3-11 to a covered outdoor learning area (COLA);
- Amend Condition C7 to amend development plan reference to include amended plan set;
- Delete Condition D6 relating to the provision of a Stormwater Management Plan;
- Amend Condition E13 to amend development plan reference to include amended plan set;

The application included a request to amend condition A2 to include the COLA structure within the construction of the Petting Zoo within this condition.

The key development data is provided in **Table 1**.

**Table 1: Key Development Data**

Control	Proposal
Site area	35.31ha (no change to original Site Area)
GFA	971.64m <sup>2</sup> (no increase to original GFA)
Clause 4.6 Requests	No However, original Development Determination included approval granted under Clause 4.6 of the Gunnedah LEP 2012. No alteration to matters approved under 4.6 in previous determination are proposed.
Max Height	10.13m (Koala Sanctuary)
Car Parking spaces	50 Proposed Car Parking Spaces on Site Plan. Additional informal parking area also available
Setbacks	50.98m to closest structure from Oxley Highway. 16 metres to closest side or rear setback.



Figure 3 – Satellite Imagery of locality

## 2.2 Background

On the 3 December 2021 the Northern Regional Planning Panel granted development consent to Development Application No. 2021/016, subject to conditions, for the 'Construction or operation of a Veterinary Hospital (Koala Sanctuary), Information and Education Facility, Environmental Facility, Camping and Caravan Grounds, Food and Drink Premises, Outdoor Recreation Facility (Putt Putt and Zipline), Dwelling House, Residential Accommodation and Business Identification Sign. During the determination of the development the panel included the amendment or inclusion of conditions C7, D3, D7, D10, E3, E11, E12, E14, E15 and E17 to the development determination.



The Application to Modify a Development Consent was lodged on **14 August 2023**. A chronology of the development application since lodgement is outlined in **Table 2**.

**Table 2: Chronology of the Modification to DA**

Date	Event
<b>14 August 2023</b>	Application to Modify Development Consent was lodged
<b>9 October 2023</b>	Council referred the modification to Water New South Wales and New South Wales Rural Fire Service via the NSW Planning Portal.
<b>10 October 2023</b>	Water New South Wales Rejected the referral application, stating they were not a concurrence body.
<b>12 October 2023</b>	Council referred the modification to NRAR for concurrence via the NSW Planning Portal. Council commenced Public exhibition of the Modification Application.
<b>18 October 2023</b>	Northern Regional Planning Panel Briefing

### 2.3 Site History

- The site is occupied by a Recreation Facility (Outdoor), (Go Kart Track and Motorcycle Raceway).
- The location of the proposed development has been historically used as a Council Quarry/gravel pit. As per the previous consent a site validation report was provided to ensure no contamination of the site had occurred in accordance with *State Environmental Planning Policy (Resilience and Hazards) 2021*.
- There are no other records of development consents for the pre-existing development not associated within this development consent.
- Works associated with Stage 1 Construction Certificate (internal access road and parking areas) issued for the development works has been conducted.
- A Construction Certificate for the Veterinary Hospital has been issued and works are partly completed, no final inspection and Occupation Certificate have been issued for these works as the works are pending the amendment to design requested in this modification of consent application.
- Development Consent No. 2021/016 is an active consent, having been activated by the works listed above. This consent is the focus of this Application to modify a Development Consent.

## CONSIDERATIONS UNDER SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The application has been made under Section 4.55(2) to modify the consent. The proposed modification is minor in nature and does not result in a change to land use or the introduction of any development activity or structure that was not part of the original consent. Hence, the assessment officer considers that the modification is substantially the same development as the development for which the original development consent was granted.

The proponent is seeking modification to the architectural plans from the previous development consent. The modification does not request any amendments to the approved operational aspects of the development with specific reference to the approved hours of operation and maximum capacities for land use activities within the development.

The modification proposes:

- Removal of an aviary within the 'Wildlife Centre and Hospital' building to enclose more space to accommodate a larger café and seating area.
- Reconfiguration of internal spaces within the 'Wildlife Centre and Hospital' and alteration of some window and stair positions.
- Changes to landscape adjacent to main building, which includes the stormwater design ponds.
- Removal of the inner koala fence located within the external rehabilitation enclosure;

- Partial alteration of the proposed 'Petting Zoo' building to convert the smaller indoor and outdoor pens (i.e. pens 3-11 to a covered outdoor learning area (COLA);
- Amend references to conditions which are amended by this development consent;
- Amend property addressing requirements to reflect changes to postal address made by Council; and
- Include condition requested by Panel to ensure that the Café is unable to be operated as its own entity should the veterinary hospital and education facility cease to operate.

## CONSIDERATIONS UNDER SECTION 4.15 & 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

### (a)(i) The provisions of any environmental planning instrument

#### GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012

##### Clause 1.3 – Land to Which Plan applies

The development is located within the Gunnedah Shire Council LGA and is subject to the Gunnedah Local Environmental Plan 2012. The original development assessment was undertaken against the provisions of the Gunnedah Local Environmental Plan 2012.

##### Clause 2.3 – Zone objectives and Land Use Table

The development site is located within the RU1 Primary Production and C3 Environment Management Land Zone. The land uses granted consent within the original Development Consent (DA No. 2021/016) were determined to be permissible subject to consent. The modification does not amend the land uses which were granted consent or propose any additional land use.

As per the original development consent 2021/016, approval was given for the following land uses:

- Veterinary Hospital;
- Information and Education Facility;
- Camping Ground;
- Dwelling House;
- Recreation Facility(Outdoor);
- Business Identification Signage.

All land uses above are permissible, are ancillary land use or alternatively have been approved in the previous development consent in the *RU1 Primary Production* and *C3 Environmental Management* as per the *Gunnedah Local Environmental Plan 2012*.

In addition to the approved land uses there was additional land uses which were considered to be ancillary to the original development which were dependent on the dominant land uses listed above:

- Food and Drink Premises
- Caravan Park
- Residential Accommodation

#### OTHER - STATE ENVIRONMENTAL PLANNING POLICY

##### State Environmental Planning Policy (Planning Systems) 2021

###### Chapter 2

In accordance with Section 2.19 of this SEPP, the original development was listed within Schedule 6, Clause 3 as being Regionally Significant Development as the development had a capital investment value of more than \$5M. Hence, the Northern Regional Planning Panel was the consent authority for the original development. The modification of consent does not reduce the CIV to being less than \$5M.

The modification is proposed to be a Section 4.55(2) modification that will amend conditions C7, E3 and E14 which were amended by the NRPP at the time the development was originally determined.

Hence, under Sydney District & Regional Planning Panels Operational Procedures the Regional Planning Panel remains the Consent Authority.

▪ **State Environmental Planning Policy (Biodiversity Conservation) 2021**

▪ *Chapter 2 – Vegetation in non – rural areas*

The modification does not change the development location or size and the application does not identify any additional vegetation removal proposed. Hence, it is assumed that the modification does not introduce any additional vegetation impacts that would require further assessment.

▪ *Chapter 3 – Koala Habit Protection 2020*

The modification does not change the land use or development configuration. The modification was assumed to not change the previous assessment of Koala or Koala Habitat impacts.

▪ **State Environmental Planning Policy (Industry and Employment) 2021**

▪ *Chapter 3 – Advertising and Signage*

The modification of consent proposal does not affect the approved signage nor does the modification propose to introduce any new signage or advertisements. Hence, as there are no changes to the signage structures it is assumed that the development would remain consistent with the assessment criteria within Schedule 5 and no reassessment of this SEPP would be required.

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

▪ *Chapter 4 – Remediation of Land*

The original development assessment considered the previous land use and soil testing which identified that the site had low levels of contamination from the deposited soil, Building Debris and alternate material. The previous assessment determined that Category 2 remediation work were undertaken to remove contaminated materials from the site and no further remediation was required. The modification does not change the land use or the location of any building structures onsite. Hence, no further assessment or investigation is required for this modification.

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

*Clause 2.120 – Impact of Road Noise or Vibration on Non – Road Development*

The development does not propose a change to the location of any buildings onsite. The change to the internal building footprint is unlikely to increase any noise susceptibility from noise generated the Oxley Highway road corridor adjoining the site. Hence, no further assessment is deemed to be required for noise generated from road noise.

*Clause 2.122 – Traffic Generating Development*

The development is not regarded as being traffic generating development. Documents submitted with the application to modify the development consent have indicated that the modifications to the development plans are not expected to change the patronage to the site. However, there may be a minor increase in deliveries or service vehicles attending the site.

▪ **State Environmental Planning Policy (Sustainable Buildings) 2021**

A BASIX Certificate was approved within the previous development consent. There is no change proposed to the building subject to BASIX and no change to the BASIX Certificate.

The original development determination was made prior to this SEPP coming into force. The development also occurs within RU1 and C3 zone and would not have applied under Clause 3.1(2).

**(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

There are no draft environmental planning instruments applicable to the proposed development or the development site.

**(1)(a)(iii) any development control plan****GUNNEDAH DEVELOPMENT CONTROL PLAN 2012***2.1.1 – Building Setbacks*

The modification does not propose any alteration to the position of any building structures within the development. Hence, as the original development determined that all building setbacks were compliant the modification of consent would not result in any variations to building setbacks or fire separation considerations in accordance with the NCC BCA.

*2.1.2 – Building Height of a Dwelling*

The modification does not propose any alteration to building height, including increases in height measured from natural ground level. Hence, no consideration of height was deemed to be necessary.

*2.1.3 – Utilities*

As previously stated, the development does not propose to reposition any of the building structure. Hence, there is no risk of structures being relocated to occur over any infrastructure or easements. The modification does not propose to remove water service connections or onsite water storage capacities.

*2.1.4 – Privacy*

As previously stated the dwelling house is not repositioned as part of the modification. Hence, there are no foreseen changes to privacy from the development.

*2.1.5 – Design and Solar Access*

There are no proposed changes to the elevations of the dwelling approved by the development. The modification to the Koala Sanctuary and the Petting Zoo will not result in the creation of any blank elevations along any of the road frontages which could promote unsocial behaviours or defacement. Hence, the modified building design will remain compliant with this development control.

*2.1.10 – Access*

The modification does not propose any alteration to the vehicle access. Vehicle access to the site will remain from Hunts Road. The new access and internal driveway has been constructed as part of commenced construction works.

*2.1.11 – Ridgeline*

As the modification does not affect the placement of any structures or overall height, the development will not affect the previous assessment regarding impacts to ridgelines. The previous assessment determined that the development would not protrude above surrounding ridgelines.

*2.1.12 – Slope*

The modification does not amend the location of the development and the previous development was not located on an area of the site which had a slope greater than 15°. No further consideration was deemed to be necessary.

*2.1.14 – Water Tanks*

The modification does not introduce any water tanks to the development that would not have been considered under Subdivision 32 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2007 as being exempt development. Hence, no consideration of this clause was required.

*6.2 – Parking Requirements*

The previous development assessment determined that the development would require a total of 61 onsite parking spaces for each of the varied land uses proposed. The development plans providing formal and informal parking arrangements for 75 onsite vehicle parking spaces, which is in excess of the required number of parking spaces calculated. Condition E13 will be amended only to amend the plan reference to the new site



plan. The amended site plan does not reduce the number of provided parking spaces, either in the formal or informal parking layout.

The modification of consent application does not propose to change the provided onsite parking spaces. However, the amendments to the development design will change the floor space available for the café built within the Koala Veterinary hospital. The change to floor area is equated to enable an increase in patronage to the café from 40 persons to 100 persons. Previously the Café and gift shop was calculated to require  $(87.5+97/25)$  8 parking spaces. However, with the changes to the floor area this calculation would increase to  $(265.57/25)$  11 parking spaces. This is an increase in parking demand of 3 parking spaces.

The original development assessment determined that the parking layout within the approved development plans, containing 75 parking spaces, was in excess of the required 61 parking spaces for the development land uses. The modification would result in an expectation of 64 parking space demand, based on the ratio within Appendix 1 of the Gunnedah Development Control Plan. Hence, it is concluded that there is adequate available within the current parking layout for the proposed modification to the floor layout of the Koala Sanctuary and Café.

#### *6.3 – Landscaping*

The modification does not request any changes to the number of parking spaces that require shade structures in accordance with Condition E14. Condition E14 is being amended to ensure that the condition references correct conditions regarding parking layout and numbers.

#### *6.4 – Outdoor Lighting*

The modification does not propose any change to obligations for external lighting to comply with AS4282.

#### *6.5 – Outdoor Advertising/Signage*

As indicated previously through this report, the modification does not propose any changes to business identification signage.

#### *6.6 – Environmental Controls*

The development is not expected to result in any changes to noise generation and impacts, erosion and sediment control and conflicting land uses.

The modification is unlikely to impact on the previous assessment of waste management considerations as the development will install an onsite sewerage management system (OSSM) for the management of sewerage onsite. The capacity and adequacy of the OSSM will be determined during the assessment of the Section 68 assessment.

The modification consent is not expected to impact on waste generation and management of handling of solid and liquid waste from the ongoing operation. The increase in café size may result in additional generation solid waste from the operation of the café. This waste is required to be management onsite and disposed of to a suitably licensed waste management facility. The increase in capacities may require an increase in bin storage or water collection vehicle trips. However, the Traffic Impact Assessment (TIA) provided has estimated that the small increase will not affect the internal road, intersections or public road network.

#### ***S4.15(1)(a)(iii) any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4***

There is no planning agreement or draft planning agreement entered into between the development applicant, relevant body or Council, under Section 7.11 of the Act for this development.

#### ***S4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)***

##### *Joint Regional Planning Panels Order 2009*

Gunnedah Shire Council is identified as being located within the Northern Region Joint Planning Panel.

**(b) *The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality***

*Context & Setting*

The development site is a vegetated site located within a rural setting, located to the West of the Warranuna Industrial Area. The site currently occupied by the Motorcycle racetrack and Go-Kart racetrack and a rehabilitated historical Council quarry. The site is zoned rural and the surrounding area is predominately agricultural use and rural residential development. The scale of the buildings within the development are single storey and will be suitably positioned within the vegetation to have a low visual impact on the area. It is expected that the development is compatible with the scale and setting of the surrounding locality.

*Access, Transport and Traffic*

The modification does not propose any alteration to the point of access to the site or the internal driveway and parking areas. The modification has included an addendum to the Traffic Impact Assessment lodged with the original development application. The addendum indicates that the development would not generate any additional capacity for total number of patrons within the site which is based on the number of daily visitors to the site. The modification creates an increase in floor area available for the Café which is ancillary to the primary use of the site. However, the addendum indicates that the modification will have a 'slight increase in the number of deliveries associated with the increase capacity of the Café', believing that there would be no change to the road network and intersections surrounding the site. Review by Council's Infrastructure Services team and Transport for NSW, has supported this assumption. Hence, no change to road work and intersection obligations under this development area required.

*Public Domain*

The modification of consent does not change any required works to or creation of any public accepts.

*Utilities*

The original development determination required the provision of all necessary utilities and services to the site in adequate capacity to service the site. The modification will not amend the proposed method of provision of services to the site. Hence, the development will remain serviced by utilities.

*Heritage*

The development site does not contain any items of heritage significance as listed within the Schedule 5 of the *Gunnedah Local Environmental Plan 2012*, nor are there any on the surrounding allotments which may be impacted by the development. There are known items of aboriginal heritage within the site. However, the modification does not propose to reposition any buildings that would result in the development occurring within the areas of the site where known artefacts are located which could damage or displace the artefacts.

*Other Land Resources*

The development site is zoned for primary production and environmental management. Agricultural and extraction/mining activities are permissible within the land zoning. However, the proximity of the development site to residential and urban areas means that it is highly unlikely that the development site or adjoining lots would be used for extractive or intensive agricultural activities. The development will not occupy areas of high-quality agricultural grazing or cropping land, which would be more suited to agricultural pursuits. The development does not prohibit the surrounding area to be used for agricultural grazing or cropping.

*Water*

The modification does not propose a change to the provision of water services to the development site. The development proposed to remove the provision of condition D6, requiring a Stormwater Management Plan as a plan has previously been submitted and approved by Council and the Stormwater Plan has been included within condition A1a as a documents relied upon for the issue of consent.

*Soils*

The original development concluded that historical remediation works have removed contamination from the site to an acceptable level. The modification does not alter the position of any development onsite and does

not propose alter the land use for each building or within the development. Hence, it is assumed that the development remains satisfactory as per the previous development assessment.

#### *Air and microclimate*

The modification is not expected to increase any chance of impact to local climatic conditions. The modification does not request the removal of any additional trees to those that were proposed to be removed as part of the original development determination.

#### *Flora and fauna*

The modification does not require the extension of or creation of any new Accept Protection Zone (APZ). The modification does not require the removal of any further vegetation from the site which would have required the preparation of a further Biodiversity Assessment Report (BDAR). The modification does not affect existing areas of vegetation on the site, with the exception of any impacts from the original development.

#### *Waste*

Waste has been assessed previously through this report. Refer to 6.6 of the Gunnedah Development Control Plan. The development does not propose to affect waste storage or management provisions of the original development application or determination.

#### *Energy*

The modification of consent does not propose to amend the BASIX Certificate and does not amend the buildings and structures which required a BASIX Certificate.

#### *Noise & vibration*

Noise impacts have been addressed previously through this report. The development is expected to generate minimal noise levels with low chance of diminished amenity to the surrounding area from the ongoing operation of the development. Condition restricting operating hours of the Information and Education Facility, Indigenous Cultural Centre, Recreation outdoor activities, gift store and café is to be retained to ensure no change to noise impacts assessed previously.

#### *Natural hazards*

The site is not identified as being subject to mine subsidence, landslip or as being flood prone land. The site is elevated and is not expected to be impacted from flash flooding.

The site is identified as being partially Bushfire Prone land on Council's Bushfire mapping. The location of the mapped fire threat is to the East and South of the site and is located upslope from the development site. There are no changes to the bushfire safety provisions proposed.

#### *Technological hazards*

The development does not present any technological hazards.

#### *Safety, security & crime prevention*

The modification does not reduce the ability for natural surveillance. The land use activity does not encourage unsocial behaviour based on the predominate land use. The operator of the facility has the opportunity to provide additional security to the site if they deem it to be necessary. The development application does not include any external security fencing.

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

The modification application did not include a Social Impact Assessment. The modification is not anticipated to have any impact on the structure of the community or its beliefs. The modification does not change the development impact on community facilities. Any impacts to Council's road network are to be rectified as part of development works. The development will not result in any social displacement with no removal of residential accommodation or rezoning of residential land required.

*Site design and internal design*

The development site is not subject to a floor spaces ratio. The density of development onsite the site is low with significant separation between each of the building elements within the development. The size and scale of the development is considered to be consistent with that of surrounding development. Buildings are single storey and position within the site and such are not visually imposing on the surrounding locality or road network. The residential accommodation within the development proposal is located away from the public areas of the development and has sufficient area around the buildings for Private Open Space provisions.

The original development was accompanied by a landscaping plan which provides levels of landscaping within the site and around onsite parking areas.

All buildings are separated onsite and do not give rise to fire risk from adjoining buildings. All buildings are to be constructed in accordance with the requirements of the National Code of Construction and the applicable building class.

*Construction*

The modification does not change any obligations for the construction works to comply with the National Code of Construction Building Code of Australia. Suitable hoarding is to be erected to prevent entry to areas of the site subject to construction and sediment and erosion controls are to be implemented for the extent of the construction works, reducing likelihood of surface erosion of disturbed areas of the site.

*Cumulative impacts*

The modification is not expected to introduce any cumulative impacts as there is no adjoining land uses within the immediate area which could create a cumulative impact, exasperating any of the impacts from this development.

**(c) The suitability of the Site for the Development**

The proposed modification of consent application will not result in the development contradicting land use objectives. The development will remain consistent with the existing and future development in the locality. The development site is suitable for the development as the modification is considered to be substantially the same as the original development approval. Hence, the site is considered to be suitable for the modification to the development.

**(d) Any submissions made in accordance with the Act or Regulations**

The original development application was notified and advertised. The modification was notified to adjoining land holders for a period of 21 days in accordance with Schedule 1 of the EPA Act 1979 and the Gunnedah Community Participation Plan. No submissions were received during the exhibition period.

**(e) Public interest**

The original application was not regarded as being 'designated development' in accordance with the provision of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*, being the instrument in force at the time of the original assessment. The modification of consent does not result in the development being designated development under the provision of Schedule 3 of the *Environmental Planning and Assessment Regulation 2021*.

The development proposal was identified as being 'integrated development' under the provisions of Section 100B of the *Rural Fires Act 1997*. Council referred the modification to the RFS. RFS provided concurrence for the modification with GTAs. These GTAs will be attached to the modification determination and will be enforce by Condition I1.

The modification application had been submitted including an application as 'integrated development' under the provisions of Section 90(2) and 91 of the *Water Management Act 2000*. After discussions with the applicant and on review of the *Water Management Act 2000*, the application was amended to remove the request for

General Terms of Approval under this Act as Condition E25 was retained and unchanged and no further alteration to the development where proposed which could make the development 'integrated development'. Condition E25 limited the onsite water storage limits to ensure that the total onsite storage capacity did not exceed the harvesting rights within Section 53 of the *Water Management Act 2000*, and thus the development would not be integrated development. Hence, the request for General Terms of Approval was removed and no approval is required from NSW Water.

The modification of consent does not reposition any of the building structures or land uses within the site. Hence, the modification cannot impact on any heritage items within the site. Hence, the modification does not result in the development being integrated development under Section 90 of the National Parks and Wildlife Act 1974.

**Based on the economic, educational, cultural and social benefit of the development to Gunnedah and surrounding communities, the development is considered to be in the public interest.**  
**RECOMMENDATION**

*Development Consent No. 2021/016 was issued for the Construction or Operation of a Veterinary Hospital (Koala Sanctuary), Information and Education Facility, Environmental Facility, Camping and Caravan Grounds, Food and Drink Premises, Outdoor Recreation Facility (Putt Putt and Zipline), Dwelling House, Residential Accommodation, and Business Identification Signage. The modification to the development proposes to amend conditions relating to the plans to allow for the internal reconfiguration of the Koala Sanctuary and Petting Zoo. The modification also amends condition references to plans and other amended conditions. It is regarded that the proposed modification will be substantially the same development and will not increase impacts on surrounding developments. It has been determined that the modification be recommended for approval subject to the deletion and insertion of the following conditions.*

- (i) Delete Conditions A1, A2, C7, D6, E3, E13 and E14; and
- (ii) Insert Conditions A1a, A2a, C7a, E3a, E13a and E14a;

**Wade Hudson**  
**Manager Development Assessment**  
**Date: 16 January 2024**



## ANNEXURE A – CONDITIONS OF CONSENT

### MODIFICATION OF CONSENT APPLICATION NO. 2021/016.002

#### A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

##### A1. Deleted

##### A1a. The proposed development shall be carried out generally in accordance with the details set out in the following:

- Development Application form lodged on 09 March 2021;
- Modification of Consent Application form lodged on 14 August 2023;
- Statement of Environmental Effects, prepared by SJB Planning dated February 2021;
- Statement of Support for Section 4.55(2) Modification Application, prepared by SJB, dated 1 August 2023; and
- Submitted plans:
  - Prepared by Dunn & Hillam Architects, dated 25 July 2023, Drawing Nos.: DA02-00 (Cover Sheet), DA02-05 (Volunteer Accommodation & Caretaker Residence), DA02-06 (Caretaker's Residence), Drawing No.s DA02-03 (Wildlife Centre & Hospital), DA02-04 (Petting Zoo & Animal Enclosures), DA02-07 (Maintenance Shed & Amenities Building), Drawing No. DA02-02 (Site Plans), Drawing No. DA02-08 (Indigenous Cultural Centre).
  - Prepared by Stewart Surveys, Drawing Nos.: 1 of 5 (Landscape Plan 1), 2 of 5 (Landscape Plan 2), 3 of 5 (Landscape Plan 3), 4 of 5 (Landscape Precedents), 5 of 5 (Landscape Planting).
- Supporting Documentation:
  - Prepared by Ardill Payne & Partners, dated: December 2020 (Water and Sewer Design Report).
  - Prepared by Ardill Payne & Partners, dated: November 2020 (Traffic Impact Assessment).
  - Prepared by Ardill Payne & Partners, dated 11 July 2023, Reference: 10401 (Traffic Impact Statement);
  - Prepared by Stewart Surveys, dated: January 2024, Reference: 5284 (Stormwater Management Plan).
  - Prepared by Wilkinson Murray Pty Ltd, dated: November 2020, Reference: 19501 (Noise Impact Assessment).
  - Prepared by Building Sustainability Assessments, dated: 17 December 2020 Reference: 16482 (Assessors Certificate).
  - BCA Capability Statement, prepared by Design Confidence, dated 26 July 2023, Reference: P220-443-4;
  - Prepared by Lindsay Perry Access, dated: 25 July 2023, Reference: LP 20266 (Disability Access Report).
  - Prepared by Integrated Consulting, dated: January 2021, Reference: 19038 (Bush Fire Assessment Report).
  - Prepared by Area Environmental Consultants & Communication, dated January 2021 (Biodiversity Development Assessment Report).
  - Prepared by SJB Planning, dated: June 2021 (Clause 4.6 – Exceptions to Development Standards).
  - Prepared by Area Environmental Consultants & Communication, dated May 2021 (Aboriginal Heritage Due Diligence Assessment).
  - Prepared by Stewart Surveys, dated: 15 April 2021, Reference: 5284 (SEPP (Koala Habitat Protection) 2020 Assessment Report)
  - State Environmental Planning Policy (Koala Habitat Protection) 2021 Chapters 3 & 4 – Gunnedah Koala Sanctuary, prepared by Stewart Surveys Pty Ltd, dated 26 July 2023, Ref: 5284;

- Prepared by Area Environmental Consultants & Communication, dated 19 May 2021 (Cover Letter for Aboriginal Heritage Due Diligence Assessment).
- Prepared by SJB Planning (Gunnedah Development Control Plan 2012 – Assessment Table).
- Prepared by Mitchell Brandtman, dated: 07 December 2020 (5D Cost planning).
- Prepared by SMK Consultants, dated: November 2020 (Asbestos Contamination and Remediation Works).
- Prepared by SJB Planning, dated: 02 June 2021 (Response to Request for Additional Information).
- Prepared by Stewart Surveys, dated 31 March 2021 (Proposed Signage Letter).
- Prepared by Stewart Surveys, dated: March 2021, Drawing Nos.: 1 (Signage Style Guide), 2 (Signage Hierarchy and Location Plan).
- BASIX Certificate number: 1159957M
- Assessors Certificate No. 0005521260, dated 17 December 2020.

except as otherwise provided by the conditions of consent.

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

**A2.** Deleted

**A2a.** To confirm and clarify the terms of this approval, development consent is given for the undertaking of the following works:

- Construction of a main building accommodating a Koala (Veterinary Hospital) and part of the Wildlife Centre (Information and Education Facility, shop and café);
- Construction of external koala rehabilitation enclosures;
- Construction of Volunteer Staff Accommodation;
- Construction of Landscaping;
- Creation of wildlife sanctuary with bushwalking path and interpretive signage;
- Creation of accessible 'wildlife park walk' through part of the wildlife sanctuary with native animal enclosures;
- Construction of petting zoo and covered outdoor learning area (COLA);
- Creation of Indigenous Cultural Centre;
- Construction of Maintenance Shed;
- Construction of an internal access road;
- Construction of car parking, hospital 'Drop-off' zone and bus set-down area;
- Installation of Business Identification Sign;
- Construction and operation of 14 powered and 10 unpowered caravan and camping site and 5 eco-tourism tents;
- Construction of amenities block, laundry, BBQ area with deck and picnic tables;
- Construction of mini-golf course and 'zip line'; &
- Construction of Dwelling House (Caretakers Residence).

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

**A3.** To confirm and clarify the terms of this development consent, the Volunteer Staff Accommodation building shall not be used on or for any commercial or industrial use without the prior written consent of Council.

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

**A4.** A restriction as to user is to be registered onto the land title which requires any occupier of a caravan which is placed or installed onsite is to have purchased an entry ticket to the Information and Education Facility (Koala Sanctuary) for the period of their stay.

***Reason: To ensure that the caravan use of the site is ancillary to the primary use of the site.***

- A5. The vehicle access directly to the Oxley Highway is only to be used for the purposes of emergency access.

*Reason: To ensure that vehicle access directly to a classified road is minimised.*

## B. PRESCRIBED CONDITIONS

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

### B1. Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

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

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

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

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

### B2. Erection of signs

- (1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

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

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

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

**B3. Notification of [Home Building Act 1989](#) requirements**

- (1) For the purposes of section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information—
  - (a) in the case of work for which a principal contractor is required to be appointed—
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder—
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

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

**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 1 for it to be so accompanied).
- (2) For the purposes of section 4.17 (11) of the Act, 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.***

**B5. Condition relating to maximum capacity signage**

- (1) For the purposes of section 4.17(11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building—
- (a) entertainment venue,
  - (b) function centre,
  - (c) pub,
  - (d) registered club,
  - (e) restaurant.
- (2) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.
- (3) Words and expressions used in this clause have the same meanings as they have in the Standard Instrument.

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

**B6. Condition relating to shoring and adequacy of adjoining property**

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense—
- (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.



- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

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

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

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

- C2.** Prior to 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.***

- C3.** Prior to the issue of a Construction Certificate the developer is to submit to Council's Planning and Environmental Services Department, and have approved a Construction Traffic Management Plan (CTMP). The CTMP should identify the construction schedule and all temporary measures to be implemented on surrounding roads during construction. The CTMP should include, but not be limited to, the following:
- Details of Traffic Guidance Schemes prepared and implemented by certified persons in accordance with AS 1742.3-2009 and the Traffic Control at Work Sites Technical Manual.
  - Details of procedures for working safely around roads, addressing any relevant requirements under the Work Health and Safety Regulation 2017, and the process of communicating the requirements of the CTMP to contractors and drivers.

***Reason: To ensure that appropriate safety measures are employed during construction works to the road network.***

- C4.** Prior to the commencement of building works the approved Clearing limits and Tree preservation zones are to be clearly delineated with temporary fencing or similar prior to construction commencing.

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

- C5.** Prior to the commencement of any works to the intersection of Hunts Road and Oxley Highway or works within the Highway corridor the developer shall enter into a 'Works Authority Deed' (WAD) with the Transport for NSW (TfNSW) for all road works on the Kamilaroi Highway. A TfNSW Pre-Qualified contractor shall complete all road works under the WAD to practical completion, as determined by TfNSW. Further information on Private Developments adjacent to classified roads can be accessed on the TfNSW website. A copy of the road works construction plans shall also be provided to Council.

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

- C6.** 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.***

- C7.** Deleted

- C7a.** Prior to the commencement of any works for the construction of the dwelling house, caravan park/camping ground/eco-tourism tents or the volunteer accommodation, an environmental consultant is to be engaged to:

- (a) Undertake testing of the soil within the location of the dwelling and the area within a minimum 20 metres surrounding the intended location of these building structures, as indicated on the Site Plans, by Dunn & Hillman Architects, dated 25 July 2023, job No. 20\_301, Drawing No. DA02-02, and a copy of the report provided to Council. Should the testing results confirm that the soil contamination exceeds National Environment Protection Measures (NEPM) Health Investigation Level (HIL) 'A', the identified location of the exceedance is to be remediated to a level compliant with NEPM Guideline HIL 'A' and a site validation report provided to Gunnedah Shire Council, prior to the issue of any works commencing; OR
- (b) Provide a letter which clarifies the results and conclusions of the Asbestos Contamination and Remediation Works prepared by SMK Consultants, dated: November 2020, and confirm that all the testing results confirm that the site satisfies the National Environment Protection Measures (NEPM) Health Investigation Level (HIL) 'A' for residential activity.

***Reason: To meet health and safety requirements and comply with the legislative requirements of the NSW Environment Protection Authority (EPA).***

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

- D1.** 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.

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

- D2.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

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

- D3.** Prior to the issuing of a Construction Certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:

- (a) Carry out water supply works
- (b) Carry out stormwater drainage works
- (c) Operate a caravan park or camping ground

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.***

**On-Site Sewerage Management**

**D4.** Prior to the issuing of a Construction Certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act 1993 to:

- (a) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
- (b) Operate a system of sewerage management

The Section 68 application must include the method, device and confirmation of its service capacity for each of the buildings which will be serviced by an On-site Sewerage Management System.

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.**

**D5.** Prior to issuing a Construction Certificate, a Rural Addressing Application shall be lodged with Council.

**Reason: To ensure the property is identified.**

**Stormwater**

**D6.** Deleted

**D7.** Prior to the issue of a Construction Certificate the developer is to submit to Council amended landscape plans indicating existing or new trees which will provide tree canopy cover to a minimum of fifteen (15) onsite parking spaces for the Koala Sanctuary.

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

**D8. Species Credit Retirement Conditions**

- (a) Prior to issue of Construction Certificate, the class and number of species credits in Table 1 must be retired to offset the residual biodiversity impacts of the development in accordance with the submitted Biodiversity Assessment Report (BDAR), prepared by AREA Environmental Consultants and Communication, dated January 2021.
- (b) The requirement to retire credits outlined in condition (a) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.
- (c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the consent authority prior to issue of Construction Certification.

Table 1 Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Phascolarctos cinereus</i> (Koala)	11	Anywhere in NSW
<i>Tyto Novaehollandiae</i> (Masked Owl)	11	Anywhere in NSW

Narrow-leaved Ironbark – Cypress Pine – White Box Shrubby open forest in the Briglow Belt South Bioregion and Nandewar Bioregion (PCT 592)	32	Anywhere in NSW
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**Reason: To meet statutory requirements.**

- D9.** A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority).

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

- \$272,232 for Water headworks

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

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2021/2022 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

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

- D10.** Prior to the issue of a Construction Certificate, the developer is to submit to and have approved by Council, an Operations Environment Management Plan (OEMP). The OEMP, shall address at a minimum, the following issues:

- i) General maintenance and operation of the site, including contact details of the site manager/maintenance staff;
- ii) Noise control and mitigation measures;
- iii) Dust control and mitigation measures;
- iv) Weed and vermin control and mitigation measures;
- v) Animal welfare and biosecurity;
- vi) Emergency, safety and security;
- vii) Bushfire and land management;
- viii) Site drainage and management;
- ix) Access arrangements to the site;
- x) Risk management and pedestrian safety on the site;
- xi) Complaints management relating to the operation of the site; and
- xii) Reviews, amendments and updates to the plan.

**Reason: To ensure the preparation of an Operations Environment Management Plan for the site.**

## **E. GENERAL**

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

**Reason: To ensure legal requirements.**

- E2.** The storage of all building materials shall be confined within the boundaries of the allotment.

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

- E3.** Deleted

- E3a.** Street numbers of minimum height of 75mm are to be displayed in a prominent position so as to be legible from the street. Your street number will be 9 Hunts Road.

***Reason: To ensure proper identification of premises in case of emergencies.***

- E4.** 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.***

- E5.** The contractors engaged on the development of the subdivision 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 with Council's requirements.***

***Traffic and Street Signage***

- E6.** The developer shall meet the cost to Council of supply and installation, of all street signage (both traffic and name) relevant for each stage. The signage shall be installed by Council upon completion of each stage.

***Reason: To ensure compliance with Council's requirements.***

***Access - Rural***

- E7.** The existing vehicle access from Hunts Road is to be upgraded to 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 (RTA specification for a Typical Rural Property Access for a single unit truck). 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.***

- E8.** 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.***



- E9.** Before erection of any permanent structures such as fences, concrete car drives, garages etc. adjacent to street boundaries, correct street levels must be ascertained from the Council's Infrastructure Services Section.

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

- E10.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

***Reason: To ensure compliance with Council's requirements.***

- E11.** The developer is to construct an all-weather 2WD from the new entry off Hunts Road to the dwelling house and volunteer accommodation and caravan and campsites.

***Reason: To ensure that internal driveways are constructed to reduce dust generation in accordance with the Gunnedah Development Control Plan 2012 requirements.***

- E12.** All internal driveways and manoeuvring areas from Hunts Road to the onsite parking areas, loading/unloading bays are to be hardsealed. The internal driveways are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with AS 2890 – *Parking Facilities* and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

***Reason: To ensure that internal driveways are constructed to reduce dust generation in accordance with the Gunnedah Development Control Plan 2012 requirements.***

- E13.** Deleted

- E13a.** Onsite car parking accommodation shall be provided in accordance with the approved Site Plans, prepared by Dunn & Hillam Architects, dated 25 July 2023, Job No. 20\_301, Drawing No. DA02-02, for the Koala Sanctuary, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking spaces are to be marked to ensure compliance with AS 2890 Off Street Parking for parking space dimensions.

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

- E14.** Deleted

- E14a.** The developer is to provide landscaping in accordance with the amended landscape plans required by condition D7. The shade provided by tree canopy is to cover a minimum of 30% of required parking spaces as set out in condition E13a.

***Reason: To ensure that necessary landscaping is conducted in accordance with the Gunnedah Development Control Plan 2012 requirements.***

- E15.** The developer is to provide a minimum of two (2) parking spaces for the proposed dwelling (Caretakers Residence). These parking spaces are to be provided adjacent to the proposed dwelling house. The spaces are to be a minimum dimension compliant with AS 2809.1.

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

- E16.** The developer is to provide one (1) parking spaces per camping/caravan/tent/eco-tent site. The parking space is to be provided in close proximity to the site which it is servicing. The spaces are to be a minimum dimension compliant with AS 2809.1.

***Reason: To ensure that parking spaces are appropriately positioned.***

- E17.** The developer will be responsible to engage a hydraulic engineer to determine the fire fighting and domestic demands and determine an appropriate water service size for the development. If fire hydrants are required, they shall be above ground installations.

***Reason: To ensure adequate fire fighting service can be provided.***

#### ***Water Supply - Rural***

- E18.** The dwelling house shall be provided with rainwater tanks having a capacity of 45,000 litres of water before occupation is sought. Such tanks shall have a total of 10,000 litres of water reserved for fire fighting purposes, with a lower outlet for fire fighting purposes fitted with a 65mm storz fitting and ball or gate valve shall be located in such a position that access for fire fighting units shall be as direct as possible.

***Reason: To ensure adequate supply of water for domestic and fire fighting purposes.***

- E19.** The Volunteer Staff Accommodation shall be provided with rainwater tanks having a capacity of 45,000 litres of water before occupation is sought. Such tanks shall have a total of 10,000 litres of water reserved for fire fighting purposes, with a lower outlet for fire fighting purposes fitted with a 65mm storz fitting and ball or gate valve shall be located in such a position that access for fire fighting units shall be as direct as possible.

***Reason: To ensure adequate supply of water for domestic and fire fighting purposes.***

- E20.** All building structures which emit the discharge effluent or liquid waste are to be serviced by an appropriately positioned and sized On-site Sewerage Management System.

***Reason: To ensure that sewer is adequately managed.***

- E21.** Runoff from all hardstand areas shall be captured on site and piped to the approved point of discharge in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments

***Reason: To ensure appropriate management of stormwater.***

- E22.** Stormwater from the development site must not be concentrated onto adjoining land.

***Reason: To ensure appropriate management of stormwater.***

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

- E23.** Outdoor lighting is to comply with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Light.

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

#### ***Easements***

- E24.** A three (3) metre wide easement in Council's favour shall be created over all water, stormwater and sewer mains located within lot boundaries.

***Reason: To ensure compliance with Council's requirements.***

- E25.** The total capacity of dams onsite must not exceed 2.2926 Megalitres (ML).

***Reason: To comply with Section 53 of the Water Management Act 2000.***

- E26.** All air-conditioner units and plant rooms constructed as part of any new structure, building or outbuilding are not permitted to be located on the elevation facing towards the closest residential receiver external to the development.

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

- E27.** Any required upgrade to electrical or telecommunication services are to be conducted in consultation with the local service provider.

***Reason: To ensure relevant authorities are consulted regarding service upgrades.***

- E28.** Any portion of the development that contains a Food Premises or have areas used for the preparation, storage and serving of food must comply with "AS4674-2004 Design, construction and fit-out of food premises".

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

- E29.** The development is to be constructed and maintained in perpetuity, in accordance with Table 22 and Appendix E of the Bushfire Assessment Report, prepared by Integrated Consulting, dated January 2021.

***Reason: To ensure reduced threat from bushfire.***

## **F. DURING CONSTRUCTION WORKS**

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

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

- F2.** The approved Construction Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans and the Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times.

***Reason: To ensure implementation of the approved Construction Traffic Management Plan.***

- F3.** Any damage caused to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.

***Reason: To ensure any damage to public infrastructure is rectified***

- F4.** Vehicles shall be loaded or unloaded, standing wholly within the development site and within loading zones designated on the submitted plans with the development application, or as otherwise provided in accordance with the conditions of this consent, to ensure that the proposed development does not give rise to street loading or unloading operations with consequential accident potential and reduction in road efficiency. Under no circumstances are vehicles to be loaded or unloaded at the kerb side or across the public footpath.

***Reason: To minimise impacts on road infrastructure.***

**Road Works**

- F5.** Hunts Road is to be upgraded to a bitumen constructed road from the intersection of Hunts Road and Oxley Highway to a point a minimum of 20 metres past the proposed new entry to the site. The road works are to be constructed to the relevant Ausroad standard. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

***Reason: To ensure adequate road, kerb and guttering construction is undertaken.***

- F6.** The intersection of the Hunts Road and the Oxley Highway, shall be constructed to a minimum standard of Austroads Basic Left Turn (BAL) and Channelised Right Turn (CHR) intersection treatment (with reference to the Roads and Maritime Services supplements. The road shoulder is to be sealed.

***Reason: To ensure safe access to the site for patrons and motorists within the road network.***

- F7.** All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

***Reason: To ensure compliance with Council's requirements.***

**Water Supply**

- F8.** Council's water main infrastructure is to be extended from its current location in Oxley Highway to a point within the site. A minimum of one water service connection is to be installed within the site. The position and number is to be determined in consultation with Council's Infrastructure Services Department. The extension of mains is to include the installation of any fire hydrants. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Note: A Water Application Form shall be submitted to Council, together with the installation costs. The installation costs are adopted in the Council's 2021/2022 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

***Reason: To ensure compliance with Council's requirements.***

- F9.** Works on live water mains are to be undertaken by Council at full cost to the developer.

***Reason: To ensure appropriate undertaking of works on Council's water infrastructure.***

- F10.** This risk of asbestos must be managed into the future with an appropriate and scheduled monitoring plan as outlined in Appendix 1, Action 2, of the Site Remediation and Validation Report, prepared by SMK Consultants, dated November 2020.

***Reason: To ensure ongoing risk from Asbestos is managed appropriately.***

- F11.** 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.***

**F12. 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.**

**F13. 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.**

**F14. 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.**

**F15. 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.**



- F16.** 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.***

**F17. 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.***

- F18.** Any items of potential Aboriginal or European heritage that are uncovered during construction works, excavation or any demolition works undertaken as part of the development will require the immediate cessation of operations and the appropriate department within the Department Industry, Planning and Environment are to be contacted.

***Reason: To ensure site stability.***

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

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

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

- G2.** 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.***

- G3.** 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
- (f) Install fire sprinkler system to comply with AS2778.1

***Reason: To ensure compliance and fire safety of Building.***

- G4.** Prior to the issue of an Occupation Certificate a Events Management Plan (EMP) is to be submitted and approved by Council. The EMP is to include but not be limited to:

- measures to be implemented to manage regular, special and/or concurrent events;
- mitigation measures for the impact on the road network and vehicle movement within the highway corridor; and
- dust mitigation for unsealed events parking area.

Documentary evidence is to be provided to the Certifying Authority demonstrating that this plan has been submitted and approved by Council in writing prior to the issue of a Construction Certificate.

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

- G5.** 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 prior to issue of the subdivision certificate for each stage. 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. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of the Subdivision Certificate.

***Reason: To ensure compliance with Council’s requirements.***

- G6.** Prior to the issue of an Occupation Certificate, a Rural Addressing number and post shall be erected.

***Reason: To ensure compliance and to ensure the correct property identification.***

***Landscaping***

- G7.** All landscaping identified on the approved landscaping plan shall be implemented prior to the issue of an Occupation Certificate.

***Reason: To ensure adequate landscaping along road frontage.***

- G6.** Prior to the issue of an Occupation Certificate, a Final Bushfire Emergency Management and Evacuation Plan is to be submitted to and be approved by Gunnedah Shire Council.

***Reason: To ensure appropriate management plan to minimise bushfire risk is developed.***

## **H. CONTINUED OPERATIONS**

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

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

- H2.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

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

- H3.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

***Reason: To ensure maintenance of landscaping.***

- H4.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

***Reason: To ensure compliance with Council's requirements.***

- H5.** The public opening hours of the Information and Education Facility, shop and café (Wildlife Centre) is to be limited to the following operating hours:

- Monday – Sunday: 8.00am until 6:30pm

Note: These operating hours do not limit the provision of veterinary care to sick or injured animals being cared for at the facility or regular maintenance and/or care of housed animals.

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

- H6.** To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking area, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for their intended purpose. Under no circumstances are such areas to be used for the storage of goods or waste material.

***Reason: To ensure provision of necessary onsite parking spaces.***

**I. General Terms of Approval – NSW Rural Fire Service**

- I1.** The development shall be carried out in accordance with the General Terms of Approval issued by the NSW Rural Fire Service, attached in Annexure B to this consent.

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