

**COUNCIL ASSESSMENT REPORT**

Panel Reference	PPSNTH-94
DA Number	2021/016
LGA	Gunnedah
Proposed Development	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.
Street Address	3130 Oxley Highway, Gunnedah
Applicant/Owner	Applicant: Mr D Noble Owner: Gunnedah Shire Council
Date of DA lodgement	09 March 2021
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> <li>One (1)</li> </ul>
Recommendation	Approval – Subject to Conditions (Annexure A)
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Clause 5 – Private Infrastructure and Community Facilities over \$5million  Clause 7 – Particular Designated Development ((c)Waste Management facilities or works)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>Environmental Planning and Assessment Regulation 2000</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX)</li> <li>State Environmental Planning Policy (Koala Habitat Protection) 2020</li> <li>State Environmental Planning Policy (Koala Habitat Protection) 2021</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Gunnedah Local Environmental Plan 2012</li> <li>Gunnedah Development Control Plan 2012</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>Statement of Environmental Effects</li> <li>Water and Sewer Design Report</li> <li>Traffic Impact Assessment</li> <li>Stormwater Management Plan</li> <li>Noise Impact Assessment</li> <li>Assessors Certificate</li> <li>Disability Access Report</li> <li>Biodiversity Development Assessment Report</li> <li>Clause 4.6 – Exceptions to Development Standards</li> <li>Aboriginal Heritage Due Diligence Assessment</li> <li>Koala Habitat Protection 2020 Assessment Report</li> <li>Cover Letter for Aboriginal Heritage Due Diligence Assessment</li> <li>Gunnedah Development Control Plan 2012 – Assessment Table</li> <li>5D Cost planning</li> <li>Asbestos Contamination and Remediation Works</li> <li>Response to Request for Additional Information</li> <li>Proposed Signage Letter</li> <li>Signage Style Guide, 2 (Signage Hierarchy and Location Plan)</li> </ul>
Clause 4.6 requests	Yes, exception to development standard Clause 4.2A(3)(a) of the Gunnedah Local Environmental Plan 2012.
Summary of key submissions (Excluding Late Submissions)	<ul style="list-style-type: none"> <li><i>Provision of adequate quarantine facility between Veterinary Hospital and public areas or staff who are not involved with animals.</i></li> <li><i>Vehicle accommodation for Caretakers Residence</i></li> </ul>
Report prepared by	Wade Hudson (Senior Development Officer)
Report date	17 November 2021

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

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**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Yes**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**No**

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**Conditions**

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**Yes**

## 1. Executive Summary

### 1.1 Reason for consideration by Regional Planning Panel

The Development Application has been referred to the Northern Regional Planning Panel (NRPP) for determination pursuant to Clause 3 of *Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011*, as the development is a Council related development with a capital investment of more than \$5 million.

### 1.2 Description of Proposed Development

The development application is seeking consent 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.



Figure 1. Detailed Site Plan (Veterinary Hospital)

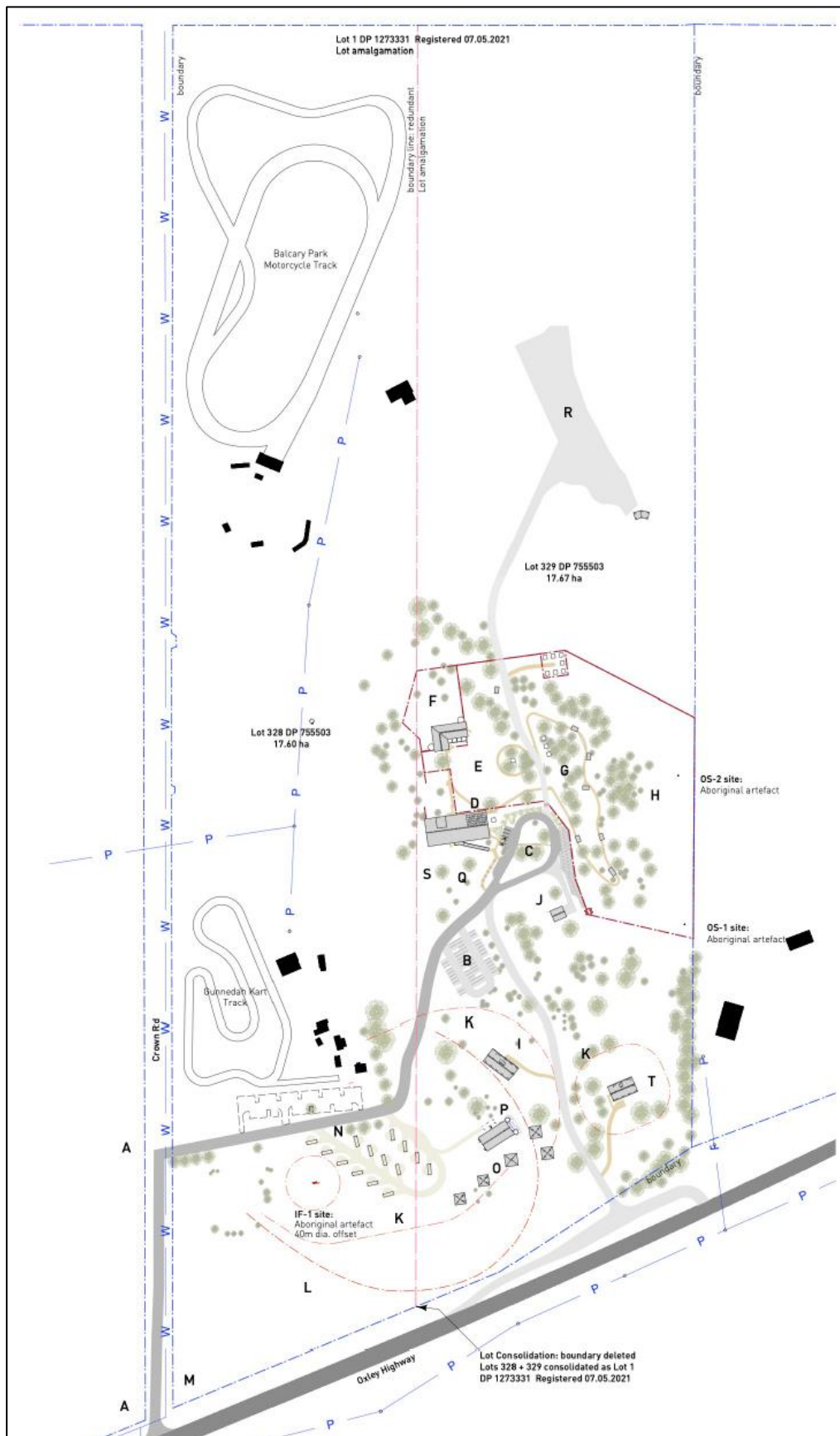


Figure 2. Proposed Site Plan

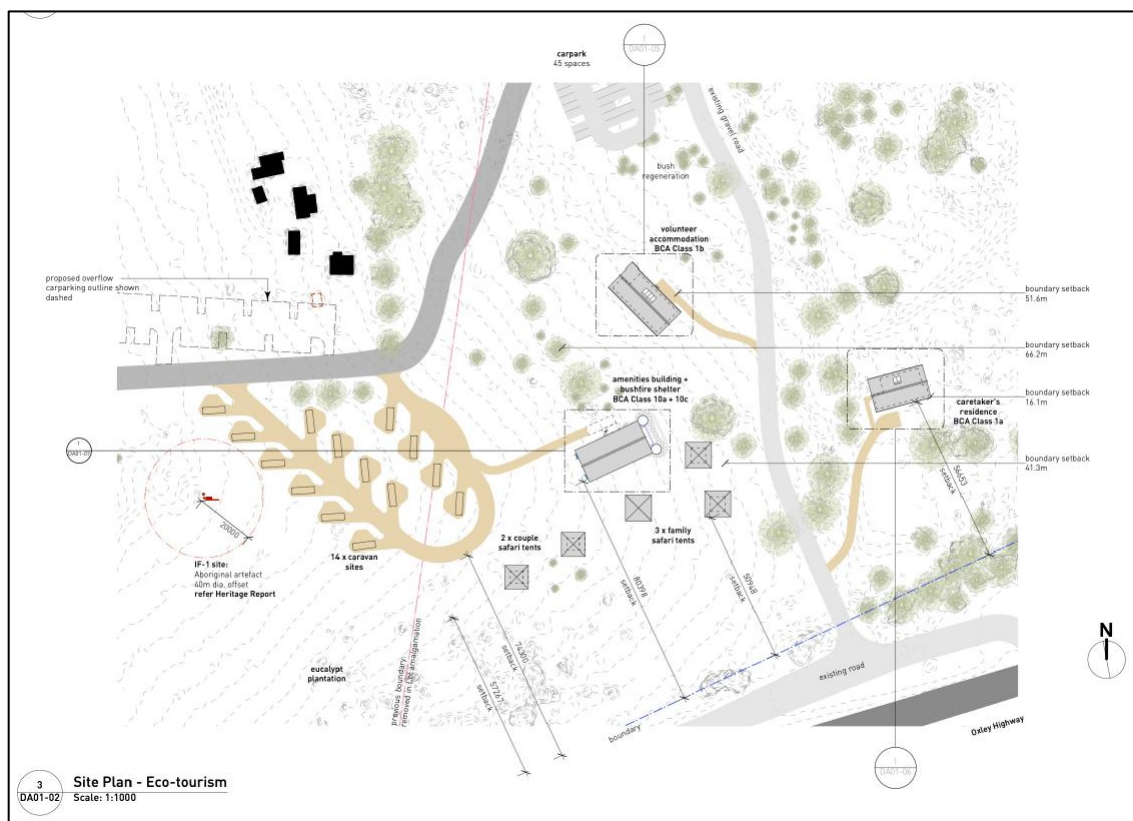


Figure 3. Detailed Site Plan (residential accommodation and camping ground)

### 1.3 Compliance with Planning Controls

The development is not regarded as being state significant development as the land use activity is not identified within *Schedule 1* of the *State Environmental Planning Policy (State and Regional Development) 2011*. The development also does not trigger State Significant Development under *Schedule 3* of the *State Environmental Planning Policy (State and Regional Development) 2011*, as the development is a development on behalf of the Gunnedah Shire Council, within the Gunnedah Local Government area and the development did not require the lodgement of an Environmental Impact Statement.

The development proposal is not listed as being a land use activity which is regarded as 'Designated Development' under *Schedule 3* of the *Environmental Planning Regulation 2000*.

### 1.4 Consultation

The development application was exhibited and notified in accordance with *Division 2* of *Schedule 1* of the *Environmental Planning and Assessment Act 1979*. The Gunnedah Community Participation Plan required that the application be notified to adjoining and surrounding neighbours and advertised in the local paper for a minimum period of 21 days, due to the advertisement occurring over the school holiday period. Council received one (1) submission during the exhibition period.

### 1.5 Recommendation

It is recommended that Development Application DA2021/016 be approved, subject to conditions of consent contained in Annexure A.



**1.6**     *Annexures*

Annexure A     Draft Conditions of Consent

Annexure B     General Terms of Approval (NSW Rural Fire Service)

## 2. Evaluation of Development Application

### 2.1 Proposed Development

The development application is seeking consent for the construction or operation of a Veterinary Hospital (Koala Sanctuary), an 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.

### 2.2 Site Description

The development is to be located within the boundaries of Lot 1 DP1273331, 3130 Oxley Highway. At the time the development application was first lodged to Council the development was two separate lots (Lots 328 DP 755503 and Lots 329 DP 755503). However, since the application has been lodged these two lots have been consolidated into one allotment. The resulting lot area is 35.31ha. The lot has frontage to Oxley Highway and Hunts Road with multiple existing historical accesses of these road frontage.



Figure 4. Areal Image (source: Google)

### 2.3 Background

The development site currently operates two motorsport tracks on the western area of the site. The area of the development has historically been used for a quarry. Council has recently performed rehabilitation works to this area. There is no approved use or historical development consent over the area of the proposed development work that has not been surrendered for the site.

Council staff presented a Breifing Report to the NRPP on the 26 August 2021, presenting the proposed development and inviting any questions about the proposal prior to the preparation of this assessment report. The breifing report outlined the development proposal and the components of the development. The breifing report identified concerns

around permissible land uses of caravan park and volunteer accommodation. The panel members indicated that the assessment should demonstrate how each of these uses are ancillary to the primary use the prohibited land uses could be included within the development.

#### 2.4 *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*

Evaluation of the development application has been undertaken in compliance with Section 4.15 of the EPA Act.

##### ***S4.15(1)(a)(i) any environmental planning instrument (EPI)***

##### ➤ State Environmental Planning Policy (Infrastructure) 2007

###### *Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network*

The development is not located within 10 metres of an overhead power distribution line or 2 metres of a below-ground distribution line. The development does not adjoin an easement for electricity purposes or a electricity substation. Hence, the provisions of Clause 45 of the ISEPP did not require referral of the development to the electricity supply authority for the Gunnedah area (Essential Energy).

###### *Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations*

The development has frontage to Oxley Highway, which is a classified road. Hence, the development requires consideration under Clause 101 of this SEPP. Despite the frontage to the Oxley Highway and existing access from this point, the development is proposing vehicular access from Hunts Road with the access point being approximately 180 metres from the intersection of Hunts Road and Oxley Highway.

It is considered that this location provides better access to the property rather than direct access from the highway. Access via Hunts Road is more appropriate as the existing access point is located on the crest of a hill with limited visibility in either direction. The Hunts Road intersection is located further west and has greater sight lines for vehicle safety. The existing access point is requested to be retained; however, a condition is recommended to be included that no public access is permitted from this access, with this access only available for emergencies.

The development is not expected to generate a capacity of 50 vehicle trips per hour or greater. Hence, the development is not regarded as Traffic-generating development in accordance with Clause 104 of this SEPP. Hence, Council is regarded as the roads authority.

Despite Council being regarded as the road authority for the purposes of the determination of this development, Council referred the development to Transport for NSW (TfNSW) for comment due to works proposed on the classified road. Comments are addressed further through this report.

The ongoing safety and efficiency of the highway will be achieved by the upgrade of the intersection of Oxley Highway and Hunts Road to a minimum design of a Channelised Right-Turn (CHR) treatment for the opposing right turns and Basic Left-Turn (BAL) treatment for both major and minor approaches. The upgrade to this intersection is expected to allow for



access to Hunts Road for patrons of the site, while facilitating ongoing, unimpeded vehicle movement along the highway corridor. The development is not expected to generate any smoke or dust from the site which could block visibility within the highway road corridor.

To ensure safety during construction of the development TfNSW requests that a Construction Traffic Management Plan (CTMP) be provided as a condition of consent. It was suggested that the CTMP should include, but not be limited to, details of Traffic Schemes and details of procedures for working safely around road and process of communicating the requirements of the CTMP to contractors and drivers.

It was also suggested that, to minimise impacts of infrequent events at the site on the road network, that an Events Management Plan (EMP) be prepared which identified the measures to be implemented to manage regular, special and/or concurrent events and the impact on the road network and vehicle movement within the highway corridor.

The development has been suitably designed and appropriate measures recommended to be implemented to ensure that new development does not compromise the effective and ongoing operation and function of the Oxley Highway and other local road networks and the development does not increase the potential impact on development adjoining the highway.

➤ State Environmental Planning Policy (Koala Habitat Protection) 2020

The development is required to be considered in accordance with the provisions of *State Environmental Planning Policy (Koala Habitat Protection) 2020* as the development site is mostly zoned RU1 Primary Production, for which the 2020 SEPP applies, and the development site has an area greater than 1 hectare.

An investigation of the site was conducted identifying that there were two dominant Plant Community Types (PCTs) across the site. These PCTs were PCT 592 'Narrow-leaved Ironbark – Cypress Pine – White Box shrubby open forest' and PCT 101 'Popular Box – Yellow Box – Western Grey Box grassy woodland'. Of these two PCTs the site contained two Koala Feed Trees, as identified within this SEPP, these being *Eucalyptus Albens* (White Box) and *Eucalyptus Populnea* (Bimble Box or Poplar Box). An inspection of the site determined that the distribution of the Koala Feed trees within the site is approximately 5% of the total number of trees within the upper and lower strata of the development site. Hence, the development site is not regarded as Potential Koala Habitat and no further investigation was required as the possible presence of a Koala population. Hence, Council is not prevented from granting development consent.

➤ State Environmental Planning Policy (Koala Habitat Protection) 2021

A small portion of the development site is zone E3 Environmental Management. Hence, the assessment of this development also requires consideration under this SEPP.

The development is partially required to be considered in accordance with the provisions of *State Environmental Planning Policy (Koala Habitat Protection) 2020* as Gunnedah Shire is listed within Schedule 1 of this SEPP and the development site has an area greater than 1 hectare. The development site has no registered Koala Plan of Management (KPoM).

The development was determined to have a low impact on Koalas and their habitat within the E3 zoned area of the site as no development works are expected to occur within this portion of the site or within proximity to the zone boundary. Consideration has been made

for the Koala habitat impacts within the Koala SEPP 2020 assessment above. Hence, Council is not prevented from granting development consent.

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

A small portion of the development site is zoned E3 Environmental Management. Hence, this SEPP is to be considered as part of this development assessment.

The proposed development includes the removal of vegetation from the site. The vegetation to be removed is not being removed as the vegetation presents a risk to human life or property. Hence, the removal of any vegetation within the RU1 would require consent.

Council's Development Control Plan does not declare any vegetation to which Part 3 of the abovementioned SEPP applies and there is no construction works which occurs within the E3 zone of the site. Hence, the vegetation removal is not triggered by this clause and no further assessment is required.

➤ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The development site had been historically used as a extractive industry which could potentially have resulted in potential contamination of the site and warranted investigation of the site for levels of contamination. The site contained disposed material which was discovered to contain asbestos material and other illegal disposed waste such as old tires and non-putrescible wastes. Remediation works were conducted in 2019. The remediation work involved the following general steps:

- Collection, wrapping and disposal of all visible surface asbestos material at the local landfill;
- Sieving of all stockpiled waste material to separate concrete, steel, timber, asbestos, other foreign materials, including spreading of stockpiles to enable hand picking of smaller pieces of asbestos;
- Separation of all concrete and removal to the open quarry area for further processing;
- Site inspection by a Licensed Asbestos Assessor to review work procedures and asbestos management actions including separation of asbestos, risk of asbestos exposure/disturbance and review of general remediation process;
- Excavation and scraping of older fill areas;
- Daily emu bobbing and raking of work areas to collect any asbestos exposed in surface materials; and
- Collection and removal of all other waste (tyres, timber, household materials) for disposal at local landfill.

Approximately 3.2 tonnes of asbestos material was removed from the site.

A Validation Report was prepared for the site to confirm if the site was suitable for the proposed land use either based on the site not being contaminated or being suitable in its contaminated state. The Validation Report was measured against the National Environmental Protection Measures 2013 (NPEM), *HIL C (Recreational)* Table 1A (1) of Schedule B1 – Guideline to Investigating Levels for Soil and Groundwater, National Environment Protection (Assessment of Site Contamination) Measure 2013.

Analytes		Depth	Moisture Content	Lead	Zinc	Benzo(a)pyrene
Unit		mm	%	mg/kg	mg/kg	mg/kg
LOR <sup>1</sup>		1	1	5	5	0.5
HIL C Recreational		-	-	600	30,000	3
Sample	SP5	0-100	12.2	10	66	-
	SP7	0-100	8.7	-	-	<0.5
	SP8	0-100	4.2	13	-	-
	SP10	0-100	3.7	-	-	<0.5
	SP11	0-100	8.5	15	-	<0.5
	SP16	0-100	5.5			1.6
	SP25	0-100	9.8			2.2
	SP27	0-100	6.8	-	-	<0.5

Figure 5 – Soil Remediation Validation Results

Remediation testing occurred in areas of heavy metal and hydrocarbon contamination. The results in Figure 5, indicated no exceedances of Lead, Zinc or Benzo(a)pyrene in the samples analysed. Detectable concentrations of Benzo(a)pyrene were found in SP16 and SP27. Both locations were the only two sample locations not covered by clean fill. Each location is also located immediately off the main access track. This suggests the detectable levels are a result of the runoff from the access track which is likely to have been covered in treated gravels in the past. Sample SP16 and SP25 were both below 'HIL C' Recreational Criteria and are therefore not considered to pose a risk to human health.

Eight stockpile samples were taken across the two crushed concrete stockpiles. Samples were screened for asbestos fibres and fines. No asbestos fibres were detected in any of the eight composite samples taken across the stockpile surface. The investigation detected no visible suspected asbestos containing materials. The stockpile consisted of gravel, sand, concrete and some small amounts of household plastics and PVC pipe.

The report identified that the complete removal of contaminants from the site would not be feasible due to the need to remove all trees from the site. This validation investigation has determined that the level of contamination remaining is considered below threshold levels for the most stringent use of the site which would involve residential use. The report indicated that there was potential for contamination to be still present onsite. However, the likelihood that local community, site visitors and service workers would be exposed to heavy metals and hydrocarbons in the soil is low, as direct ingestion would be required to cause concern. This is deemed unlikely considering the site use. The report did suggest that future management of the risk from asbestos could be mitigated by a monitoring program, which was included within the report. This has been recommended as a condition of consent.

The above assessment has considered the suitability of the development site for the future use of the Koala Park. As the development also includes the construction of a dwelling house, accommodation building and camping ground, which has a higher risk of soil interaction, a

condition has been recommended that further soil testing be conducted across these sections of the site and results be compared to the National Environment Protection Measures (NEPM) Health Investigation Level (HIL) 'D', levels, being appropriate for residential development. In the event that contamination investigation levels exceed this criteria than this would trigger the need for remediation works to occur within the vicinity of these sites. This will ensure that the site will be suitable for the intended land use with the remainder of the site determined as being satisfactory under National Environment Protection Measures (NEPM) Health Investigation Level (HIL) 'C', based on its use.

➤ State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

The development proposes the erection of one business entry sign at the entry to the property from Hunts Road (5.5m high) as well as one site identification sign on the corner of Hunts Road and Oxley Highway (7.95m) and plus internal directional signs (max 1.7m). The proposed signage uses natural and metal materials which will assist with blending the structures into the rural landscape. The development will not detract from any environmentally sensitive areas and there are no heritage, conservation, public recreation, or waterway areas within proximity of the site.

The signs are not of a height that they will be present or visible above tree canopies or be prominent within the skyline. The signage which will be the most prominent from a public place will be the main entry sign and the site identification sign. These signs are visually compatible within the surrounding environment and streetscape and they do not require any ongoing vegetation maintenance obligations.

The proposed signage is free standing, and will not protrude over any public road, pedestrian walkway or cycleway. The signage does not require any safety devices, platforms or lighting devices. None of the proposed signage will be illuminated. Hence, the development is considered compatible with the objectives of SEPP 64.

➤ State Environmental Planning Policy (State and Regional Development) 2011

The development is not regarded as being state significant development as the development does not have a capital investment value of more than \$30 million. Hence, the development of the site as a veterinary hospital and information and education facility is not considered to be State Significant Development for the purposes of the *EPA Act 1979*.

The development is Regional Development as the development is a Council related development with a capital investment value in excess of \$5 million, for which Council is the application and the landowner. Hence, the Northern Joint Regional Planning Panel (NRPP) is the consent authority for this application.

➤ State Environmental Planning Policy (Building Sustainability Index: BASIX) SEPP BASIX

A BASIX Certificate has been prepared and submitted demonstrating that the proposed dwelling satisfies the requirements of the BASIX SEPP.

➤ Regional Environmental Plans (REP)

There is no Regional Environmental Plan (REP) which applies to the development site.

➤ Gunnedah Local Environmental Plan 2012 (GLEP 2012)

Clauses of the GLEP 2012 applicable to the development are addressed as follows.



### 2.3 – Zone Objectives and Land Use Table

The development site is zoned as being RU1 Primary Production and partially E3 Environmental Management. The development will be conducted exclusively within the RU1 land zoned area of the site. The following primary land uses of the development are permitted with consent:

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

In addition to the permissible land uses above the following land uses are considered ancillary to the operation of the primary land use of the site being the Veterinary Hospital and Information and Education Facility. The following uses are considered ancillary as their activity is dependent on the ongoing operation of the Veterinary Hospital and will be conditioned as to be unable to operate independently to the greater facility. These ancillary uses include:

- Food and Drink Premises
- Caravan park\*
- Residential accommodation\*\*

The patrons of the caravan park are required to have entry tickets to the Koala Sanctuary to stay onsite. It is proposed that a restriction as to user be registered on to the title which triggers this as a legal requirement. This is to ensure that the caravan park will operate as an ancillary development to the Koala Sanctuary and will not provide accommodation for caravans on a separate adhoc basis.

*\*Caravan Park permits the placement of a Caravan on the site, in additional Campervans and Tents by the Camping Ground.*

*\*\*volunteer accommodation is not regarded as a boarding house as the accommodation is not required for 3 months or more. The occupant stay depends on the length of their volunteer term at the veterinary hospital or greater facility.*

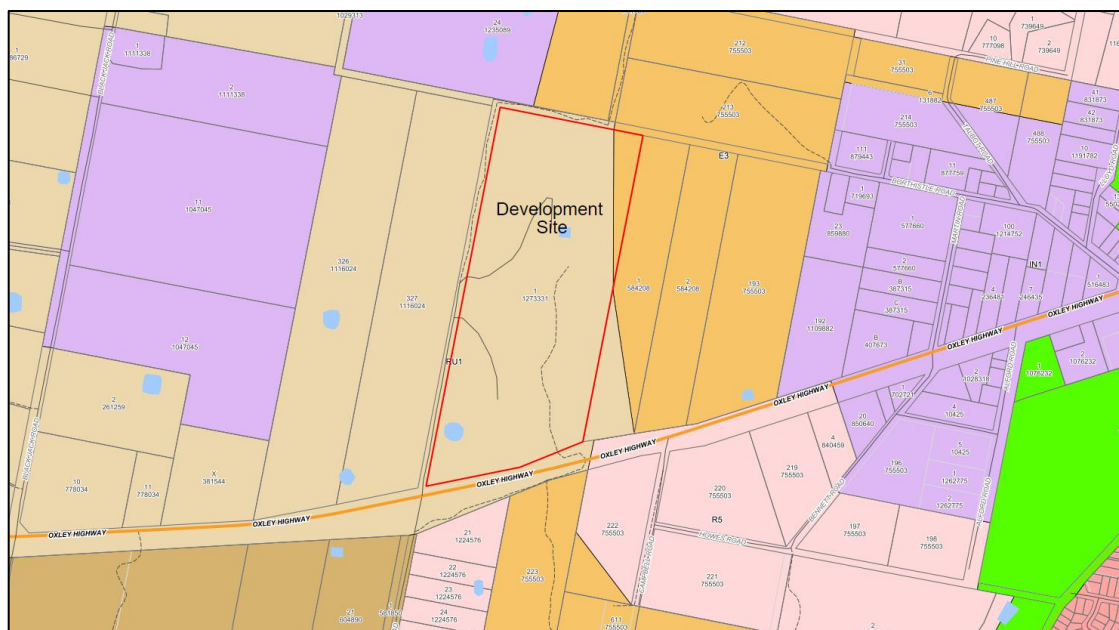


Figure 6. Gunnedah LEP 2012 Land Zone Map

The RU1 Primary Production Objectives are outlined as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

The development is considered consistent with the land use objectives as the development will help to maintain and enhance the natural resource base within the Gunnedah community by providing a dedicated veterinary service for sick and injured Koalas as well as conducting research on Koala species. The development also promotes to educate people about Koalas, the environment and local cultural heritage.

The development does not alienate primary resources and does not result in the sterilisation of adjoining primary resources or agricultural land. Hence, the development is considered consistent with the land zone objectives.

#### *4.1 – Minimum Subdivision Size*

The minimum lot size for the development site indicated on the minimum lot size map is 200ha. The consolidated allotments have a total lot area of 35.27ha. No subdivision is proposed as part of this development.

#### *4.2A – Erection of Dwelling Houses on Land in Certain Rural and Environmental Protection Zones*

The development includes the construction of a dwelling house for the purposes of providing ongoing accommodation to the manager or caretaker of the facility, who is required to be in close contact in the event of an emergency with any of the animals within the park. This clause applies to the development as the dwelling will be constructed within the RU1 zoned area of the site. RU1 is listed as a land zone which applies to this clause.

The development does not propose the replacement of any existing dwelling and the land does not meet the minimum lot size for the property. The lot was not created via subdivision under the Gunnedah Local Environmental Plan 1998 or any other previous instrument and the site does not appear on the Dwelling Opportunity Map. Hence, under this clause Council is unable to grant consent for the erection of a Dwelling House.

The application included a request for a Clause 4.6 Exception to this development standard. Refer to the following.

#### *4.6 – Exceptions to Development Standards*

The development application was accompanied by a request for an exception to development standard 4.2A(3)(a) of the Gunnedah Local Environmental Plan 2012, pertaining to the minimum lot size for the construction of a dwelling house. Clause 4.2A(3)(a) currently requires the lot to have a minimum area of 200ha for Council to be able to grant consent for the construction of a dwelling house. The development lot has an area of 33.95ha. Hence, the proposal would result in a variation of the minimum lot area by 83%.

The construction of a dwelling house is permissible within both land zoning of the property (RU1 and E3). The development is ancillary to a greater land use on the development site, with the dwelling being constructed to provide onsite accommodation by the site caretaker (manager). The manager is required to reside onsite to provide and organise maintenance of the facility and oversee the operation and care of animals housed at the facility. The Koala Sanctuary will house Koala, both healthy and injured, wallabies, kangaroo and emus as well as other domestic animals. There is a duty of care involved with the animals and the proposed erection of a dwelling will enable a responsible person to be accommodated on-site to oversee this care during periods when the koala sanctuary is closed to the public.

The proposed dwelling will not result in adverse bulk and scale impacts. The bulk and scale of the dwelling is sympathetic in its architectural design to the rural character of the locality. The proposed dwelling will have no adverse impacts on the amenity of any residential dwellings at adjacent properties in terms of views, overshadowing, visual massing, acoustic or privacy impacts.

It would be unreasonable for strict compliance with the “Erection of dwelling houses on land in certain rural and environment protection zones” control to be enforced as development for the purposes of residential accommodation within the surrounding locality is consistent with that of the proposed development.

The proposal does not represent unplanned rural residential development. Rather, the purpose of the proposed dwelling at the site is to facilitate and assist with the successful operation of a permitted land use.

Despite the non-compliance with the lot area the development is still considered to be consistent with the land use objectives of the RU1 zone within which the dwelling house will be entirely located. As noted the dwelling is ancillary to the primary use of the site, being a koala sanctuary. This use is an appropriate use for the site and the RU1 zone and the inclusion of a caretaker or manager's dwelling on the site to support that land use is a reasonable and rational element of the proposed development. The proposal will enhance and improve the natural attributes of the site and will significantly contribute to the value to Gunnedah's longer-term economic sustainability. Hence, the development is considered to be in the public interest.

Concurrence has been provided by the Planning Secretary for the exception to the development standard on the basis that the development does not raise matters of state or regional significance and there is minimal public benefit in maintaining the minimum lot size development standard considering the existing and likely future use of the site.

The development is acceptable under the CI4.6 assessment and is recommended that the exception be supported on the unique circumstances of the development.

#### 6.5 – Essential Services

The development will be serviced by Council's water services. The development is not currently serviced by Council's water services. Hence, the development will be required to extend existing infrastructure mains located along Oxley Highway to the property. The developer has indicated that they intend to extend the water main throughout the site with individual water meters per development within the site.

The development will be serviced by overhead electrical services which are located within the road reserve adjoining the site. In the event that electrical services are required to be upgraded, this is to be conducted in consultation with the local service provider.

The development proposes to manage sewer and stormwater onsite through onsite detention. The method of detention is subject to approval by S68 of the Local Government Act 1993. There is considered to be sufficient area on site to enable for multiple onsite sewerage management systems and onsite detention for stormwater.

The development will be provided with vehicle from Hunts Road. The development will construct a new vehicle access with sealed vehicle entry.

***S4.15(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)***

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

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

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

#### ➤ 6. General Development Specifications

##### • 2.1.1 – Building Setbacks

The development has frontage to Oxley Highway as the primary road frontage and Hunts Road as the secondary frontage. Oxley Highway is sealed, and Hunts Road is required to be sealed as part of the development works. The dwelling house setbacks are addressed within Table 1, as follows.

<b>Table 1. Building Setbacks Dwelling House</b>			
Setback	Required	Proposed	Complies
Primary Road (Oxley Highway)	25m	Approximately 56m	✓
Secondary Road Frontage (Hunts Road)	25m	Approximately 250m	✓
Side	10m	Approximately	✓



		40m	
Rear	10m	Approximately 730m	✓

As per Table 1, the development complies with the building setbacks for the proposed *Dwelling House* (Caretakers Dwelling).

- **2.1.2 – Building Height of a Dwelling**

The dwelling house will have a height of approximately 5.2 metres, when measured from natural ground level. Hence, the development complies with the maximum building height.

- **2.1.3 – Utilities**

The construction of the dwelling does not occur over an easement or any Council infrastructure where no easement exists. Hence, the position of the dwelling within the site is appropriate.

The development site will be provided with a connection to Council's water services, via the extension of Council's water mains network.

- **2.1.4 – Privacy**

The proposed dwelling house is single storey and complies with all building setbacks. Hence, no specific privacy controls are required. Due to the rural nature of the site, the distance to the nearest receiver and the level of vegetation between the proposed dwelling and dwellings on adjoining properties, no privacy measures are warranted.

- **2.1.5 – Design and Solar Access**

The elevations of the dwelling fronting Oxley Highway and Hunts Road are provided with windows along the building elevation. All living areas are provided with exterior facing windows with appropriate orientation for solar access.

- **2.1.10 – Access**

The development is to provide all weather 2WD access from Hunts Road to the dwelling house and parking facilities attached to the dwelling, as the access from Oxley Highway is not to be used for vehicle access to the site.

- **2.1.11 – Ridgeline**

The proposed development and dwelling house are located on the hillside of the surrounding terrain imbedded within existing vegetation. The proposed development will not be clearly visible from public areas by protruding above the ridgeline of the hill. Hence, the development will respect the visual amenity of the landscape.

- **2.1.12 – Slope**

The location of the dwelling does not have a natural slope greater than 15°. Hence, a detailed geotechnical investigation is not required.

- **2.1.14 – Water Tanks**

The water tank position and size are considered to satisfy the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2007* for exempt development under Subdivision 32 for the installation of an above ground

rainwater tank as exempt development. Hence, there is no requirement for consideration of the tanks marked on development plans as part of the S4.15 assessment.

- 6.2 – Parking Requirements

The development includes multiple development uses and activities, which each create a traffic demand. Council has taken into considered that people attending the site will do so to access multiple activities within the site. Hence, consideration has been made for parking demand for activities which might be complimentary to the wider use and should allow for shared spaces.

Parking demand controls within this clause of the GDCP 2012 have been calculated within the follows table.

Table 2. – Parking Requirement			
Land Use	Ratio based on Council's DCP	Parking Calculation	Number of Spaces Required
<b>Koala Park</b>			
Veterinary Hospital	1 space per practitioner plus 1 per employee, up to 10 staff	1 x 10	10
Information and Education Facility, Indigenous Cultural Centre, Recreation outdoor, gift store and café	Café & Gift Shop = 1 per 25m <sup>2</sup>	Café & Gift Shop = (87.5 + 97/25)	7.38
		<b>TOTAL</b>	<b>17.38</b>
<b>Accommodation</b>			
Dwelling House	2 spaces per dwelling house	1 Dwelling x 2	2
Volunteer Accommodation	1 space per bedroom	5 bedrooms	5
Camping Ground and Caravan park	1 space per site (visitor spaces are not require or would be absorbed into general parking).	24 camping sites and 5 eco-tourism tents (24 + 5)	29
		<b>TOTAL</b>	<b>36</b>

The Koala Sanctuary is required to have a minimum of 18 onsite car parking spaces, in accordance with the Gunnedah DCP parking ratios calculated above. The above values may not be a true representation of the likely parking demand that the development will create as the Gunnedah DCP 2012 did not include parking ratios for the land use

activities of the Information and Education Facility, Indigenous Cultural Centre or the recreation facilities which are being included with the development.

The Traffic Impact Assessment has identified that the premises will be expected to receive up to 50 visitors per day or up to 135 during peak times. During events this number is expected to be up to 200 per day. The Traffic Impact Assessment has indicated that attendees to the site are expected to arrive within vehicles at a ratio of 2.2 persons per vehicle.

There are no public transport routes that could provide public transport to the site and the location of the property is outside of walking distance from the Gunnedah CBD or residential areas. Hence, based on the expected peak number of attendees to the site (excluding events) and when applying the 2.2 person ratio the expected number of parking spaces required for the Information and Education Facility, Gift Store and Café would be 61 onsite parking spaces. A car park including 45 car parking spaces is proposed near the veterinary hospital with an additional unsealed overflow car park for 30 cars near the camping area. In this regard a total of 75 car parking spaces are provided which satisfies this requirement.

As the number of parking spaces determined by the likely peak number of patrons to the site is greater than the number of spaces determined by the DCP ratios, the development is to adopt the greater of these values to ensure that the development has adequate spaces available. Hence, a condition has been recommended that a minimum of 61 spaces should be provided onsite for the Koala Sanctuary.

Additional parking spaces would be required for the camping grounds, dwelling house and residential accommodation, which is part of the development. Parking provided for the dwelling house and volunteer accommodation and each campsite should be made available adjoining the dwelling, accommodation building and each camp/caravan/tent site.

- **6.3 – Landscaping**

The Koala Sanctuary will require the provision of a total of 61 onsite parking spaces (refer to DCP Clause 6.2 – Parking). As the development will require the provision of more than 30 onsite parking spaces, in accordance with this clause the development is required to provide shade structures to a minimum of 30% of all parking spaces required. Hence, the Koala Sanctuary is required to provide shade structures over a minimum of 19 parking spaces.

The development plans do not include any provision of covered parking spaces. It is recommended that a condition be imposed that shade structures must be constructed over a minimum of 19 car parking spaces dedicated to staff and patrons of the Koala Sanctuary.

No other aspects of the development trigger the need for more than 30 parking spaces for each individual use. Hence, it is considered acceptable that the development for the camping grounds and other accommodation is not required to provide covered parking spaces.

- **6.4 – Outdoor Lighting**

The business identification signs are not proposed to be illuminated. The development does not include any search lights or sweeping lasers. A condition is recommended to be included which requires that all lighting be installed to comply with *AS4282 Control of Obtrusive Effects of Outdoor Lighting*.

- **6.5 – Outdoor Advertising/Signage**

The signage satisfies the provision of SEPP 64. Refer to previous assessment. The signage is not defined as an advertising structure as they are business identification signs. The site identification sign on the corner of Hunts Road and Oxley Highway is 7.95 metres in height. None of the signage is proposed to be illuminated.

- **6.6 – Environmental Controls**

- **6.6.1 – Environmental Effects**

Environmental Effects have been addressed elsewhere throughout this report.

- **6.6.2 – Erosion and Sediment Control**

Council's standard conditions will be imposed for sediment and erosion control measures to be implemented during construction and ongoing operation of the development.

- **6.6.3 – Conflicting Land Uses**

The development is not considered to be incompatible with the adjoining land uses and does not create any conflicting land uses within the locality.

- **6.6.4 – Waste Management**

Council's kerb side collection is not available with the vicinity of the site. Waste is to be collected onsite and removed to a suitably licensed waste facility by the operator of the site or by a licensed waste contractor.

- **6.6.5 – Noise**

The development application was accompanied by a Noise Impact Assessment (NIA), which addresses the noise impacts of the development. The NIA established noise assessment criteria for the background noise levels and the resulting maximum Noise Trigger Level of 52 dBA. The NIA also established that noise levels in excess of 40dBA may cause potential sleep disturbance at nearby residential receivers.

The development proposes public access to the site between the hours of 8:00am and 6:30pm Monday-Sunday. Noise modelling was conducted for both the worst case scenario of 200 persons attending the site during an event and maximum hourly traffic of 40 vehicle movements per hour. Noise modelling has determined that noise levels will be acceptable at all receivers, see Figure 6 below. The



development does not include large noise sources which may not have been considered within the everyday activities of the facility. Hence, the modelling is expected to be acceptable.

Receiver ID	Receiver	Predicted level (dBA)	Day period criteria (dBA)	Compliance
R1	98-100 Oxley Highway	34	40	Yes
R2	103-107 Oxley Highway	28	40	Yes
R3	31 Hunts Road	28	40	Yes
R4	24 Hunts Road	27	40	Yes
R5	263 Black Jacks Road	23	40	Yes
R6	179 Black Jacks Road	23	40	Yes
R7	50-106 Borthistle Road	22	40	Yes

Figure 7 – Predicted Noise Level (Source Wilkinson Murray: Noise Assessment Report)

Despite the main facility only operating during daylight hours, the development does include components that will be required to operate 24 hours, such as the campgrounds. The noise assessment has considered the noise impacts of these activities. The maximum noise event is expected to be triggered by the slamming of vehicle doors or people shouting. The modelled noise level for these events is modelled as 97-98dBA. The terrain of the site and the distance of camping areas from nearby receivers results in these noise levels dissipating to an acceptable level at all nearby receivers, see Figure 7 below.

Receiver ID	Receiver	Predicted L <sub>Amax</sub> level (dBA)	L <sub>Amax</sub> criteria (dBA)	Compliance
R1	98-100 Oxley Highway	42	50	Yes
R2	103-107 Oxley Highway	34	50	Yes
R3	31 Hunts Road	27	50	Yes
R4	24 Hunts Road	27	50	Yes
R5	263 Black Jacks Road	23	50	Yes
R6	179 Black Jacks Road	23	50	Yes
R7	50-106 Borthistle Road	24	50	Yes

Figure 8 – Predicted Noise Level, Night (Source Wilkinson Murray: Noise Assessment Report)

It is expected that the most significant noise impacts will be created during the construction works on the site. Council's standard construction hours are recommended to be imposed, to restrict construction to daytime periods and hence, reducing the likelihood of invasive noises impacting on nearby receivers.

A condition is recommended to be imposed that require air-conditioner and plant rooms to be located in such a position not to be directed at the nearest residential receivers.

➤ 6.6.6 – Geology

The slope and soil conditions of the development site have been addressed further through this report.

***S4.15(1)(a)(iia) 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.

***S4.15(1)(b) the likely impacts of that development, including 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 development is expecting daily traffic up to 205 trips per day on peak days and an estimated 85 trips on regular days. Refer to Figure 8. This is in addition to the current activity onsite from the Motorcycle racetrack and Go-Kart racetrack which generate around 40-50 movements on event days. It was estimated that 75% of visitors and 100% of staff will arrive to the site from the East (Gunnedah). The remaining 25% of visitors are expected to arrive from the West along the Oxley Highway.

Traffic Generation Unit	Number	Calculation	Daily Vehicle Trips (vpd)	Traffic Generation Unit	Number	Calculation	Daily Vehicle Trips (vpd)
Day Visitors	135	2.2 persons/veh.	124	Day Visitors	50	2.2 persons/veh.	45
Overnight Stays	60	24 sites. Would likely arrive after 2pm, depart before 10am	48	Overnight Stays	24	24 sites, 40% occupancy Would likely arrive after 2pm, depart before 10am	19
Day Staff	10	Arrive and depart outside of visiting times	20	Day Staff	6	Arrive and depart outside of visiting times	12
Long Term Volunteers	16	Arrive by bus and stay on site for 6 weeks	<1	Long Term Volunteers	8	Arrive by bus and stay on site for 6 weeks	<1
Day Volunteers	2-3	Arrive and depart outside of visiting times	4	Day Volunteers	1-2	Arrive and depart outside of visiting times	2
Deliveries	3-4	Arrive and depart outside of visiting times	8	Deliveries	2-3	Arrive and depart outside of visiting times	6
<b>TOTAL</b>			<b>205</b>	<b>TOTAL</b>			<b>85</b>

Figure 9 – Predicted traffic generation (Left Peak, Right Regular)

The development site has frontage to Oxley Highway and Hunts Road. Due to the safety of the existing vehicle access from Oxley Highway this access is not suitable for the high volume of traffic being generated by the development. The development is required to provide vehicle access from Hunts Road, having greater sight lines. Sight distances for the vehicle access to Hunts Road is around 300m in either direction (East & West). As indicated previously through this report, the development was referred to TfNSW and the intersection was recommended to be upgraded to a a CHR/BAL. The existing vehicle access from Oxley Highway is not to be used due to its position. The access is being retained. However, a condition will be imposed to ensure that this access is only used in the event of an emergency to ensure that the development does not give rise to the potential traffic incidences with visitors or delivery vehicles using this access. There is currently no activity that uses this entry, as all current activity onsite uses entries off Hunts Road, so any vehicle movements directed through this access would be an increased usage.

The vehicle access via Hunts Road provides vehicle access to onsite parking spaces. Parking has been addressed previously through this report. Additional temporary parking area will be provided onsite for events. It is indicated that an additional 50 parking spaces will be provided. This area will be an unsealed informal parking area. There is no issue with this area being unsealed as there is only expected to be around 2 events per year and the Events Management Plan is required to include method of dust suppression to ensure that there is no impacts from dust creation of unsealed movements. There is adequate space onsite for vehicles to enter and exit the site in a forward direction. All deliveries will be made within the site.

- *Public domain*

The development does not propose to include the dedication of any public reserves or pedestrian links to public areas. This is due in part to the location of the development, the nature of surrounding areas and the distance of the development site from key active public spaces within Gunnedah. The development does not require any pedestrian linkages between the development and public spaces based on the rural nature of the development.

The visual impact of the development from public spaces has been considered previously throughout this report. The development will be partially visible from public road reserves. The business identification sign proposed at the frontage of the property to the Oxley Highway is not expected to be distracting to motorists.

- *Utilities*

The development proposes the extension of Council's water services to satisfy the water demands of the development. The development has been considered in accordance with Council's Development Services Plan 2019 and it has been estimated that the development will generate an increased water demand in the value of 35.29 Equivalent Tenements (ETs), based on the various land uses and the water demand that each of these land use activities could generate. Hence, a condition is recommended to be imposed that Development Services Contributions in the value of \$272,232 be paid for the development prior to the issue of a Construction Certificate to facilitate the increase in demand of this service.

There are no local gas service lines within the Gunnedah Community which could service the development site. Any necessary gas utilities will need to be onsite storage and would require the installation of gas bottles or onsite storage as necessary. The development does not include indication that a gas storage of sufficient size to cause a potential hazard or danger to adjoining land would be required as part of the development. Such storage would require development consent.

Sewer and stormwater services are proposed to be accommodated onsite. See further through this report for details. Method of onsite storage is subject to consent under Section 68 of the *Local Government Act 1993* at which time the adequacy of these services would be considered.

- *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, there will be no development occurring within these areas of the site that could damage or displace the artefacts.

Any items of potential Aboriginal or European heritage that are uncovered during construction works 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.

The development site does not contain any land identified as being within a wetland of international significance declared under the Ramsar Convention on Wetlands or lands within a World Heritage area declared under the World Heritage Convention.

- *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 development is not located within a drinking water catchment, nor is there any large natural water bodies located within the development allotment which may otherwise be affected by the development. The development is not located along a shoreline, nor subject to tidal influences.

- *Soils*

Neither the Statement of Environmental Effects, nor Council's records, identify any known history of salinity, acidity or naturally occurring contaminants within the proposed development site, or elsewhere within the wider development site, that could be impacted by the development.

Historical contamination which may have inhibited the development from occurring has been previously addressed through this report, refer to the previous SEPP 55 assessment.

- *Air and microclimate*

The development is not expected to have an impact on the local climatic conditions. The development will not remove sufficient trees which currently prevent prevailing winds and the scale of the development does not create extensive areas of overshadowing which could prevent natural light access. The development will not result in a change of topography to the site.

The area surrounding the development site does not have a history of air quality or pollution problems that could be exacerbated by the proposed development. The development is not expected to generate any pollution impacts, with no intense emissions expected to be generated by any of the land use activities.

The main entry driveway, manoeuvring areas, loading/unloading facilities and formal onsite parking areas are to be hard sealed to ensure that ongoing activities do not give rise to dust generation. The development has indicated that during infrequent events, where onsite parking capacity will be exceeded, there will be an informal onsite parking area established to accommodate the additional traffic. Council has recommended that a condition be imposed that requires the creation of a Events Management Plan, which would include the method of dust suppression for these events, to ensure that these activities do not generate dust.

- *Flora and fauna*

The development results in the disturbance of 10.79 hectares of the vegetation onsite. 6.32 hectares of the impacted vegetation is regarded as being native vegetation. The impact on vegetation includes the establishment of APZ areas around each of the buildings to be constructed.

The development site is not mapped as containing areas of high biodiversity value on the Biodiversity Values Map as per the extract below.



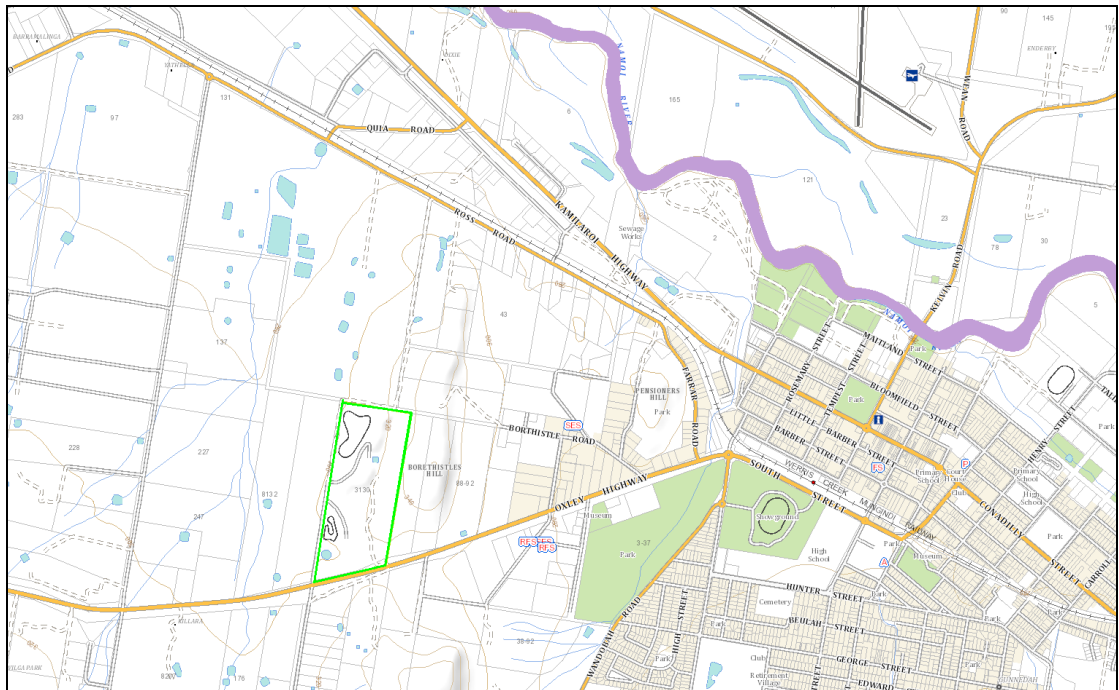


Figure 10. Biodiversity Values Map (Development Site outline in green)

Under Section 7.2(2)(b) of the *Biodiversity Conservation Regulation 2017*, the clearing would exceed the clearing threshold of 1 hectares, based on the minimum lot size of 200ha. Hence, the development was required to prepare a Biodiversity Assessment Report (BDAR) in accordance with the Biodiversity Assessment Method (BAM). A BDAR prepared by AREA, was submitted with the development application.

The development site is covered by approximately 26% of vegetation within 1500m of the site, with the remaining area being cleared agricultural vegetation. The vegetation onsite has been established to contain one Plant Community Type (PCT) based on an investigation of the site. The PCT on the site is regarded as being PCT 592 'Narrow-leaved Ironbark – Cypress Pine – White Box Shrubby open forest in the Briglow Belt South Bioregion and Nandewar Bioregion'. This PCT is not associated within any threatened Ecological Communities. The development and the resulting clearing is not considered to create Serious and Irreversible Impact.

The BAM Credit Calculator (BAMCC) for the development has identified the proposal would impact on 28 ecosystem credits. Three credits are excluded based on habitat constraints of the development. The development has identified the proposal would impact on 21 species credits. Seven credits were excluded based on habitat or geographic constraints and surveys undertaken by the consultant in July/Aug 2019 and March 2020. Two species could not be excluded, being the *Phascolarctos cinereus* (Koala) and *Tyto novaehollandiae* (Masked Owl). As a result if the survey applied to the BAMCC the development is required to retire the following credits:

- Ecosystem credits, PCT592 – 32 Credits
- Species credits:
  - Koala – 11 Credits
  - Masked Owl – 11 Credits

A condition is to be imposed that these species credit be retired prior to the issue of a Construction Certificate.

- *Waste*

All general solid waste created from the onsite operation of the facility and the occupation of the dwelling house, accommodation and camping ground is to be stored onsite and removed by the operator or licensed waste contractor. The waste is to be removed from site and disposed to a suitably licensed waste management facility. The development does not give permission for the disposal of general solids waste onsite. There are no kerb side collection services available to the site.

Effluent is to be disposed of onsite through an Onsite Sewerage Management System. It is expected that individual systems will be installed to managed effluent from each of the development buildings. The site has an area over 35ha in size, and hence, it is expected that there is sufficient area onsite for onsite effluent management and disposal.

- *Energy*

The Dwelling House (Caretakers Residence) is subject to a BASIX Certificate. A condition is to be imposed that requires the Dwelling House be built in accordance with the BASIX Certificate. The development does not propose any energy saving provisions or renewable energy sources such as solar or wind energy built into the development.

- *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. A condition is to be imposed which restricts operating hours of the Information and Education Facility, Indigenous Cultural Centre, Recreation outdoor activities, gift store and café. The remaining activities onsite such as the veterinary hospital and camping areas will not be subject to operating hours as these will provide accommodation to guests and will allow for the ongoing monitoring of welfare of Koala's and other animals being cared for at the facility.

- *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. The fire threat is shown in Figure 11 below. The development site is vegetated and there is risk of the site being subject to bushfires from the adjoining land.

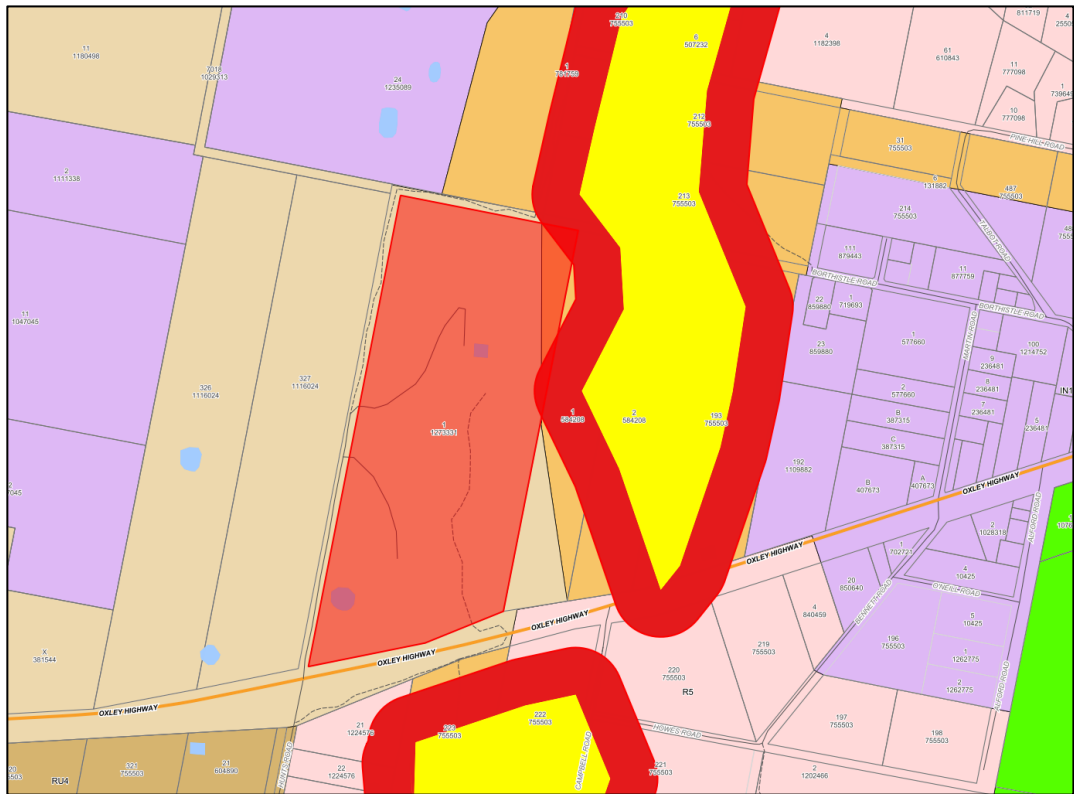


Figure 11. – Bushfire Prone land mapping

The development was accompanied by a Bushfire Assessment Report, which considered the fire risk, and the Planning for Bushfire Protection 2019 (PFBP 2019). The report determined that the development is required to maintain Asset Protection Zones (APZ) around each of the building elements. They are to be established and maintained in perpetuity.

Internal access roads are to be constructed to the standards of the PFBP 2019 for property access roads, as the development does not include a perimeter or non-perimeter road as part of the development. The suitable construction of internal access will ensure that suitable manoeuvrability of emergency service vehicles throughout the site in the event of a bushfire. The recommendations for internal access roads include, minimum carriageway widths of 4 metres, minimal gradients and minimum clearance of overhanging branches.

The development will require the creation and endorsement of a Bush Fire Emergency Management and Evacuation Plan consistent with Section 6.8.4 of the PBP. A draft version of this document was included within the Bushfire Assessment Report. A final version will be required prior to the issue of an Occupation Certificate.



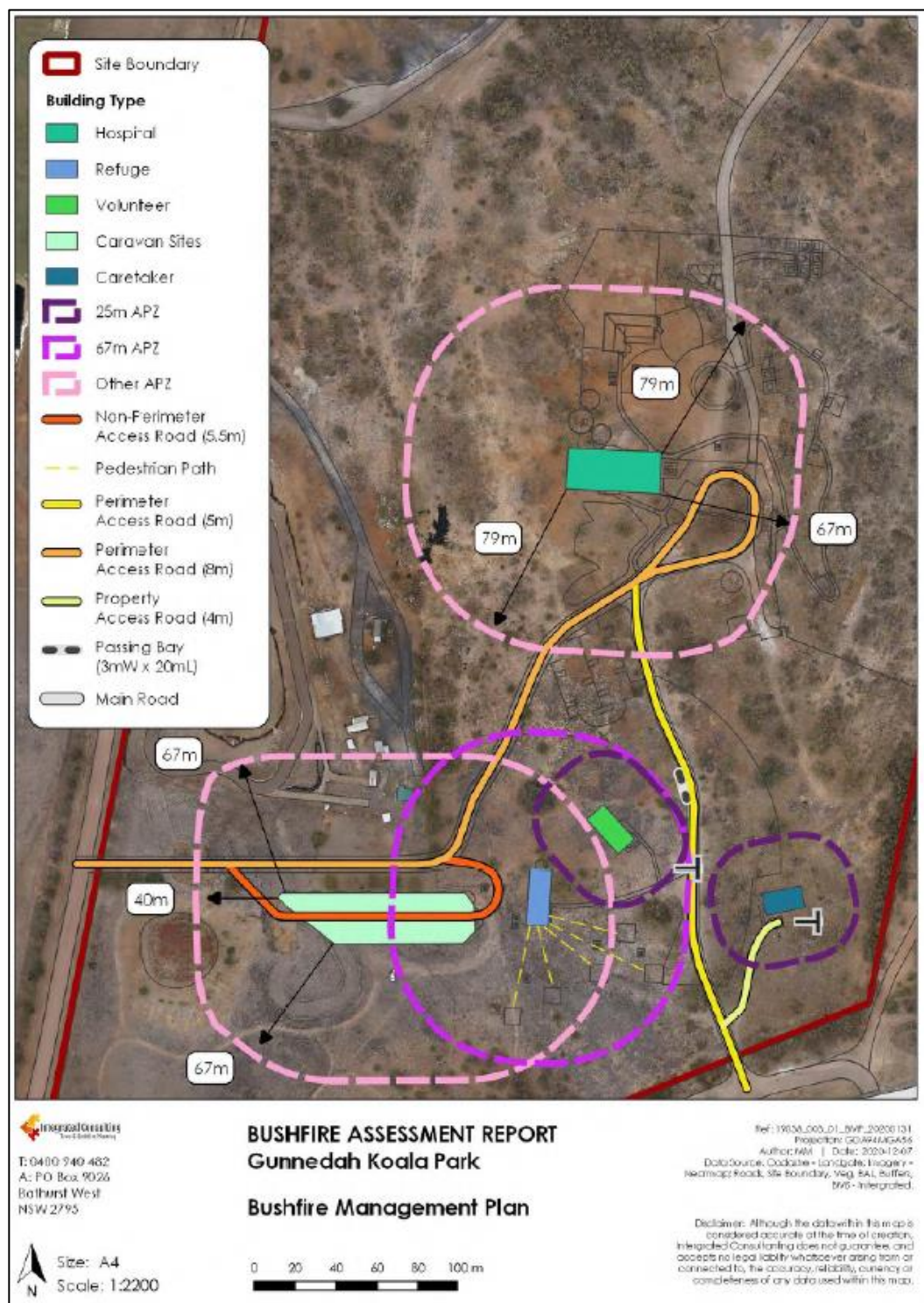


Figure 12. – Asset Protection Zones

The development was integrated development under Section 100B of the Rural Fires Act 1997, as the development includes residential accommodation and tourist accommodation. The NSW Rural Fire Service (NSW RFS) has provided General Terms of Approval for the development.

- *Technological hazards*

The development does not present any technological hazards.

- *Safety, security & crime prevention*

The development does not reduce the ability for natural surveillance. The inclusion of onsite camping areas and the dwelling house and accommodation onsite provide a facet of passive 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 development application did not include a Social Impact Assessment. The development is not anticipated to have any impact on the structure of the community or its beliefs. The development has no 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 ration. 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 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*

Any construction works is to occur as 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 development is not expected to create any cumulative impacts with no additional uses within the immediate area which could create a cumulative impact, esaserpating any of the impacts from this development.

#### ***S4.15(1)(c) the suitability of the site for the development***

The development is in a rural locality on the periphery of the Gunnedah Township. The site is located to the West of the Gunnedah Industrial area and the distance to the nearest



residential area is adequate. The development is compatible with the surrounding agricultural use and will not impede the continuation of the existing surrounding uses.

The development site is not subject to flooding and does not require any specific flooding controls. The site is identified as being bushfire prone however, the bushfire risk has been assessed and appropriate mitigation measures imposed to reduce the likelihood of impacts. The development site does contain discovered items of Aboriginal heritage. However, the development proposal was amended to ensure that these artefacts remain undisturbed and retained onsite. The development site does not contain any items of European Heritage. The development is considered compatible with the surrounding area and its position close to the Gunnedah Town and key areas of Koala habitat enable interaction with the built and natural environments. Hence, the site is considered suitable for the proposed Koala Sanctuary.

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

*Community Participation Plan 2020 – Consultation*

The development of the 'Koala Sanctuary' is a major Council project and was specifically identified by the *Gunnedah Community Participation Plan 2020*, as requiring notification and advertising to the public. The development was exhibited for a period of twenty one (21) days. During this time Council received one (1) submissions to the development. The matters contained within the submission are addressed as follows:

- *Provision of adequate quarantine facility between Veterinary hospital and public areas or staff who are not involved with animals.*  
Council is not responsible for determining quarantine standards. Any specific industry standards would be the responsibility of the operator of the facility to manage compliance.
- *Vehicle storage for Caretakers Residence*  
Council's Development Control Plan requires the provision of 2 parking spaces per dwelling. Refer to Clause 6.2 assessment of the Gunnedah Development Control Plan 2012, for full details. The development is required to provide these parking spaces as part of the development. Council's assessment cannot require that these parking spaces be provided within an enclosed garage. These spaces should be provided adjoining the dwelling house.

Council received comment from TfNSW which have been considered within the assessment report and conditions have been imposed where recommended by TfNSW.

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

The application is not regarded as being 'designated development' in accordance with the provisions of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

The development proposal was identified as being 'integrated development' under the provisions of Section 100B of the *Rural Fires Act 1997*. General Terms of Approval have been received from the Rural Fire Service and included as Annexure B of this report. A condition has been included in the draft conditions that the development is to be undertaken in accordance with the General Terms of Approval issued by the NSW RFS.

The development proposal was identified as being 'integrated development' under the provisions of Section 90(2) and 91 of the *Water Management Act 2000*. Correspondence from the Water NSW indicated that no water supply work approval or water use approval is required to be administered by Water NSW for the development. This correspondence indicated that the total capacity of dams onsite must not exceed 2.2926 Megalitres (ML) to comply with Section 53 of the *Water Management Act 2000*. Hence, a condition has been recommended to this effect.

The development was also initially identified as being integrated development under Section 90 of the National Parks and Wildlife Act 1974. However, in response to additional information requested by Heritage NSW, the development proposal was amended to relocate developed portions of the site away from discovered items of aboriginal heritage. As these sites would not be disturbed the development was no longer regarded as being integrated development and no concurrence was required from Heritage NSW.

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.

### 3. Conclusion

The development application is seeking consent for the development of a Koala Hospital (Veterinary Hospital), information and education facility, environmental facility, camping ground, food and drink premises, recreation facility (outdoor), dwelling house, residential accommodation, and business identification signage.

The application has been assessed pursuant to the requirements of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and any other applicable legislation triggered by this assessment. The evaluation of the application has demonstrated that the proposed development is satisfactory in terms of the matters for consideration as identified by the legislation.

It is recommended that, in relation to Development Application No. 2021/016 at Lot 1 DP1273331, 3130 Oxley Highway, Gunnedah be approved subject to the listed conditions of consent identified within Annexure A.

## ANNEXURE A – DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 2021/016

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

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged on 09 March 2021.
  - Statement of Environmental Effects, prepared by SJB Planning dated February 2021; and
  - Submitted plans:
  - Prepared by Dunn & Hillam Architects, dated 16 December 2021, Drawing Nos.: DA01-00 (Cover Sheet), DA01-05 (Volunteer Accommodation & Caretaker Residence), DA01-06 (Caretaker's Residence), and dated 18 December 2020, Drawing No.s DA01-03 (Wildlife Centre & Hospital), DA01-04 (Petting Zoo & Animal Enclosures), DA01-07 (Maintenance Shed & Amentities Building), and dated: 12 May 2021, Drawing No. DA01-02 (Site Plans), and dated: 13 April 2021, Drawing No. DA01-08 (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 Stewart Surveys, dated: 07 December 2020, 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).
    - Prepared by Lindsay Perry Access, dated: 04 December 2021, 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)
    - 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.** 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;
- 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.** 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 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, job No. 20\_301, Drawing No. DA01-02, Rev D 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) 'D', the identified location of the exceedance is to be remediated to a level compliant with NEPM Guideline HIL 'D' and a site validation report provided to Gunnedah Shire Council, prior to the issue of any works commencing.

***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

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:

- (c) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
- (d) 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.** Prior to the issue of a Construction Certificate a Stormwater Management Plan prepared by a suitably qualified and experienced engineer or registered surveyor is to be submitted to Council for assessment and approval.

The Stormwater Management Plan is to include detailed calculations and supporting drawings/documentation, which demonstrate that stormwater can be intercepted, drained and lawfully discharged for the purpose of preventing stormwater from entering the building in the designed storm event and not create nuisance to any downstream neighbours.

Any proposed works (e.g. diversion banks, drains etc) must be designed in accordance with Australian Rainfall and Runoff to cater for the 1 in 20 year storm.

**Reason: To ensure satisfactory drainage whilst ensuring that the surface water is not diverted onto adjoining properties.**

- D7.** Prior to the issue of a Construction Certificate the developer is to submit to Council and have approved development plans indicating the method or structure which will provide cover to a minimum of nineteen (19) onsite parking spaces for the Koala Sanctuary.

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

**D8. Species Credit Retirement Conditions**

- 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.
- 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.
- 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 Brigalow Belt South Bioregion and Nandewar Bioregion (PCT 592)	32	Anywhere in NSW

**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.***

## **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.** 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 3130 Kamilaroi Highway.

***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.

***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 camping sites 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.***

***Traffic and Parking***

- E13.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, 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 compliance with relevant Australian Standards and to facilitate the use of vehicular access and parking facilities.***

- E14.** Onsite car parking accommodation shall be provided for a minimum of sixty one (61) vehicles 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.***

- E15.** The developer is to construct the covered parking structure provided on development plans required by condition D9. The roof structure is to cover a minimum of nineteen (19) parking spaces.

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

- E16.** 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.***

- E17.** The developer is to provide one (1) parking spaces per camping/caravan/tent/eco-tent site. The parking space is to be provided adjacent 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.***

- E18.** 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***

- E19.** 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 stortz 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.** 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 stortz 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.***

- E21.** 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.***

- E22.** 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.***

- E23.** Stormwater from the development site must not be concentrated onto adjoining land.

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

***Outdoor Lighting***

- E24.** 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***

- E25.** 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.***

- E26.** 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.***

- E27.** 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.***

- E28.** 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.***

- E29.** 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.***

- E30.** 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.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

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

- F3.** The 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.***

- F4.** 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***

- F5.** 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**

- F6.** 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.***

- F7.** 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.***

- F8.** 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**



- F9.** 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.**

- F10.** 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.**

- F11.** 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.**

- F12.** 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.**

- F13. 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.**

- F14. 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.**

- F15. 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.**

**F16. 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.**

**F17. 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.**

**F18. 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.***

- F19.** 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 building is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

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

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

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

- 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.***