



Gunnedah Koala Sanctuary, 3130 Oxley Highway, Gunnedah

Statement of Environmental Effects for Development Application

Contact Details:

SJB Planning
Level 2, 490 Crown Street
Surry Hills NSW 2010
Australia

T: 61 2 9380 9911
planning@sjb.com.au
www.sjb.com.au

SJB Planning (NSW) Pty Ltd
ABN 47 927 618 527
ACN 112 509 501

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Executive Summary

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application (DA) made to Gunnedah Shire Council ('the Council') under Part 4 of the *Environmental Planning and Assessment (EP&A) Act 1979*. The application is Integrated Development for the following reasons:

- The site is bushfire prone land and requires a Bush Fire Safety Authority (BFS) from the NSW Rural Fire Service (RFS);
- The application includes water use/water supply work approvals from the Natural Resource Access Regulator (NRAR); and
- Site investigations have revealed the presence of items/areas of Aboriginal significance which may require an Aboriginal Heritage Impact Permit (AHIP).

The DA seeks consent to for the development of a Koala Sanctuary which will include the following aspects:

- Veterinary hospital;
- Information and education facility;
- Environmental facility;
- Camping ground, caravan sites and eco-tourist facility;
- Food and drink premises;
- Recreation facility (outdoor);
- Dwelling house; and
- Business identification signage.

The Koala Sanctuary will include ancillary and incidental development and activities such as a café and gift shop, caravan and camping spaces and some recreation facilities. The proposal includes accommodation for volunteer workers associated with the veterinary hospital. The ancillary and incidental activities and facilities are to be provided in support of the core function and purpose of the Koala Sanctuary which is the medical care, rehabilitation and research of koalas.

The Sanctuary is to be constructed and operated on land owned by Gunnedah Shire Council at 3130 Oxley Highway, Gunnedah. The NSW Government has provided a grant for the construction of the Sanctuary and it is envisaged that the Koala Sanctuary will, upon construction, be leased to and operated by independent operators.

The Sanctuary will be serviced by fulltime and part time staff and it is also proposed that volunteer workers will assist with the operations of the hospital, in particular the day to day care of the koalas and implementation of the rehabilitation programs. Onsite, temporary accommodation is proposed for the volunteer koala hospital workers.

Notwithstanding that consent is sought for the entire Sanctuary under this Development Application, it is anticipated that the overall development of the Koala Sanctuary will occur in several stages of construction and it is therefore proposed that any development consent issued be structured in a manner that allows for multiple Construction Certificates to be issued for the various aspects of the development.

The DA and this SEE have been prepared in accordance with the *EP&A Act 1979* and the Environmental Planning and Assessment (EP&A) Regulation 2000.

This SEE addresses the relevant heads of consideration listed under Section 4.15(1) of the *EP&A Act 1979*, and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site and to the proposal.

The key planning controls are included within:

- Gunnedah Local Environmental Plan (GLEP) 2012; and
- Gunnedah Development Control Plan (GDCP) 2012.

The site is predominantly zoned RU1 Primary Production with a small portion of the north eastern corner of the site zoned E3 Environmental Management under the GLEP.

All of the development proposed, with the exception of the Indigenous Cultural Centre and parts of the Wildlife Sanctuary are located within the RU1 zoned area.

The proposed development is permissible with consent and is consistent with the broad objectives of the zones.

Based on the assessment undertaken, approval of the DA is sought.

1.0 Introduction

1.1 Overview

This SEE has been prepared in support of a DA for consent to construct and operate a Koala Sanctuary at 3130 Oxley Highway, Gunnedah ("the site"). The land is owned by the Gunnedah Shire Council and Council is the applicant for the development.

The works include:

- Construction of a main building accommodating a Koala (veterinary) Hospital and part of the Wildlife Centre (i.e. the information and educational facility including a reception area, gift store and café);
- Construction of external koala rehabilitation enclosures;
- Construction of volunteer staff accommodation building;
- Construction and landscaping of a picnic area and pond zone;
- Creation of a wildlife sanctuary with a bushwalking path and interpretive signage;
- Creation of an accessible 'Wildlife Park Walk' through part of the wildlife sanctuary with native animal enclosures;
- Construction of a petting zoo for domestic animals;
- Creation of an Indigenous Cultural Centre;
- Construction of a maintenance shed;
- Construction of an internal sealed road from the site entry to the main building (i.e. the Hospital and Wildlife Centre);
- Construction of a car park (with minimum 30 car spaces), a hospital 'Drop-off' zone and a bus set-down area;
- Creation of a 2.8 hectare Eucalyptus plantation;
- Installation of business identification signage;
- Construction and operation of 14 powered caravan sites, 5 eco-tourism tents and 10 unpowered tent/camping sites;
- Construction of an amenities block, laundry, BBQ area with deck and picnic tables;
- Construction of a mini-golf course;
- Construction of a 'zip line' installation; and
- Construction of a caretakers dwelling.

1.2 Scope and Format of the Statement of Environmental Effects

This statement has been prepared in accordance with the requirements of Schedule 1, Part 1, of the EP&A Regulation 2000, and provides an assessment consistent with the heads of consideration under Section 4.15(1) of the *EP&A Act 1979*, which are relevant to the consent authority's assessment of the DA.

Accordingly, the SEE is structured into sections as follows:

- Section 1 - provides an overview of the project and of this SEE;
- Section 2 - describes the site, locality and surrounding development;
- Section 3 - describes the proposed development and provides details of all of the proposed works;
- Section 4 - identifies the applicable statutory controls and policies, and provides an evaluation of the proposed development against the relevant controls;
- Section 5 - provides an assessment of the proposal and its likely impacts on the environment, and in particular the potential impacts on adjoining properties and the surrounding area; and
- Section 6 - provides a conclusion on the proposal.

1.3 Supporting Plans and Documentation

The technical documents supporting this statement and the DA as Attachments are identified in Table 1.

Document Name	Prepared by
Architectural Drawing Package	Dunn and Hillam Architects
Disability Access Report	Lindsay Perry Access
Stormwater Management Plan	Stewart Surveys
Bushfire Assessment Report	Integrated Consulting
Aboriginal Cultural Heritage Assessment	AREA Environmental Consultants and Communication
Biodiversity Development Assessment Report	AREA Environmental Consultants and Communication
SEPP (Koala Habitat Protection) 2019 Assessment Report	Stewart Surveys
BASIX Certificate & House Energy Ratings & Thermal Performance Assessment	Building Sustainability Assessments
Traffic Impact Assessment	Ardill Payne and Partners
Water and Sewer Design Report	Ardill Payne and Partners
Gunnedah DCP Assessment Table	SJB Planning
Noise Impact Assessment	Wilkinson Murray
Landscape Plans	Stewart Surveys
Survey Plans	Stewart Surveys
Quantity Surveyors Report / Cost Estimate	Mitchell Bradtman
BCA Capability Statement	Design Confidence

Table 1: Plans and documents prepared to accompany this statement

2.0 Site Description and Context

2.1 Site Description

The site is known as 3130 Oxley Highway, Gunnedah. It is located to the west of Gunnedah on the northern side of the Oxley Highway as shown in Figure 1.

The site is comprised of two allotments being Lot 328 and Lot 329 in DP 755503. The lots are 17.6 ha and 17.67 ha in area respectively and therefore the site has a total area of 35.27 ha.



Figure 1: Aerial view of site (Source: Six Maps)

The site is owned by Gunnedah Shire Council.

Lot 328 DP 755503, being the western lot making up the site, accommodates the Balcarry Park Motorcycle Track and Gunnedah Kart Track and the associated facilities, sheds, shelters and clubhouses. This part of the site is leased by Council to the respective organisations. It is noted that the proposed development is clear of these elements and does not involve any works to these two existing tracks as demonstrated on the Site Plan submitted with the DA (refer to extract below in Figure 2).



Figure 2: Extract from Site Plan (Source: Dunn and Hillam)

2.2 Context and Locality

The site is on the western outskirts of Gunnedah, approximately 2.7km from the centre (refer to Figure 3).

The site has vehicle access from Oxley Highway and also from Hunts Road which runs along the western boundary of the site.

The topography of the site is characterised by a ridge line running along the eastern boundary. The land slopes down to the west and south. Elevation varies from 300 metres to 340 metres AHD across the development site.

The north east section of the site previously accommodated a quarry.

The site is quite rocky. There is some remnant bushland and revegetated areas existing, as well as cleared and disturbed areas associated with the former quarry. There are vehicle tracks running over sections of the site.

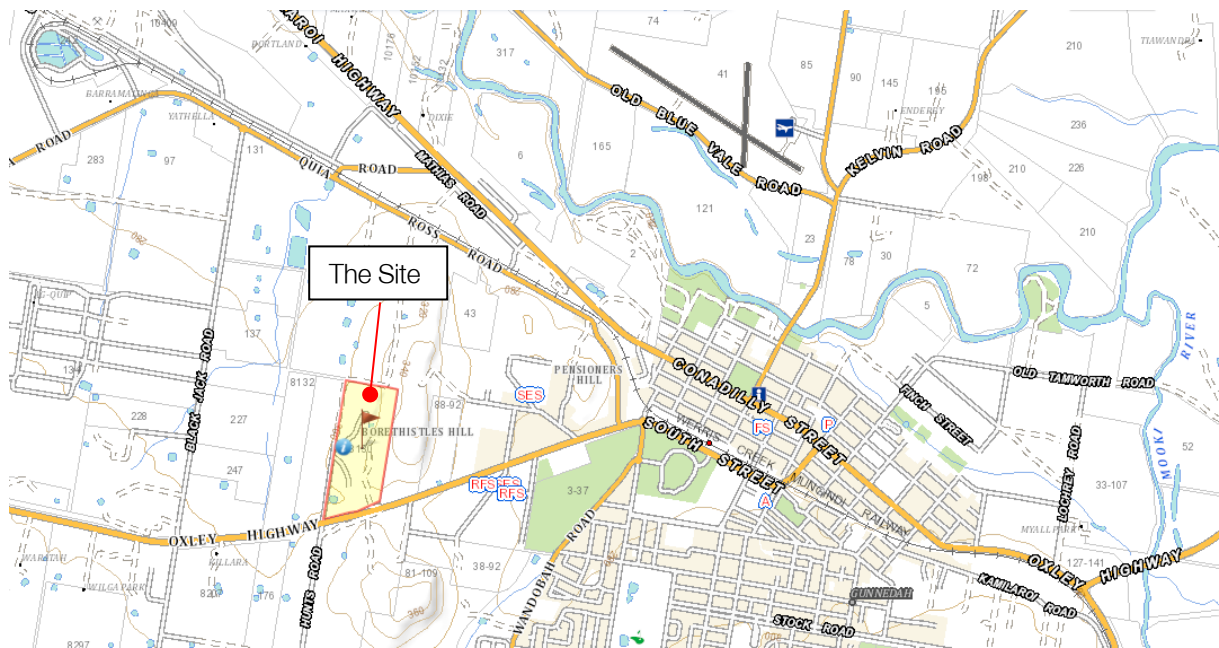


Figure 3: Location plan (Source: Six Maps)

2.3 Surrounding Development and Land Uses

Adjacent sites are generally agricultural in nature accommodating unimproved pastures, hobby farms, and stands of native timber.

2.4 Existing Development on the Site and Site History

The site was formerly used as a quarry for the removal of gravel.

As mentioned, the western side of the Lot 328 DP 755503, accommodates the Balcarly Park Motorcycle Track and Gunnedah Kart Track and the associated sheds, clubhouses and facilities.

The site sits on the western side of a ridge facing away from Gunnedah and is adjacent to the Oxley Highway.

The site accommodates some remnant bushland and revegetated areas, along with cleared and disturbed areas associated with the former quarry.

Photographs of the site are shown in Figures 4 - 9.



Figure 4: Site of proposed main building



Figure 5: Existing loop road on the site



Figure 6: Old quarry site



Figure 7: Old quarry site



Figure 8: Existing go-kart track



Figure 9: View of the site (and go-kart track) from Hunts Road

3.0 Proposed Development

3.1 Development Description

The DA seeks consent to construct and operate a Koala Sanctuary at 3130 Oxley Highway, Gunnedah ("the site"). The land is owned by the Gunnedah Shire Council and Council is the applicant for the development.

The proposed works include:

- Construction of a main building accommodating a Koala (veterinary) Hospital and part of the Wildlife Centre Hospital (i.e. the information and educational facility including a reception area, gift store and café);
- Construction of external koala rehabilitation enclosures;
- Construction of volunteer staff accommodation building;
- Construction and landscaping of a picnic area and pond zone;
- Creation of a wildlife sanctuary with a bushwalking path and interpretive signage;
- Creation of an accessible 'Wildlife Park Walk' through part of the wildlife sanctuary with native animal enclosures;
- Construction of a petting zoo for domestic animals;
- Creation of an Indigenous Cultural Centre;
- Construction of a maintenance shed;
- Construction of an internal sealed road from the site entry to the main building (i.e. the Hospital and Wildlife Centre);
- Construction of a car park (with minimum 50 car spaces), a hospital 'Drop-off' zone and a bus set-down area;
- Creation of a 2.8 hectare Eucalyptus plantation;
- Installation of business identification signage;
- Construction and operation of 14 powered caravan sites, 5 eco-tourism tents and 10 unpowered tent/camping sites;
- Construction of an amenities block, laundry, BBQ area with deck and picnic tables;
- Construction of a mini-golf course;
- Construction of a 'zip line' installation; and
- Construction of a caretakers dwelling.

The proposal is detailed in the architectural drawing package prepared by Dunn and Hiram Architects submitted with included at Attachment 1 and is described in the following sections of this SEE.

3.2 Land Use

The proposed development is for the purpose of a Koala Sanctuary.

Such that the principle, or core, purpose of the development is to create a place where sick and injured koalas are able to be taken to for medical treatment and rehabilitation. Upon rehabilitation, the aim is to be able to release the koalas back into the wild. If the koalas are so injured or incapacitated that they are unable to return to the wild, then the koalas will be accommodated and cared for at the sanctuary indefinitely. This is the core purpose of the proposed development.

It is expected that sick and injured koalas will be brought to the sanctuary from locations through NSW, and possibly interstate.

At the core of the Sanctuary will be the veterinary hospital and the enclosures and areas in which the koalas will be rehabilitating and cared for. Attached to the veterinary hospital will be an information and educational facility allowing visitors to view and learn about the koalas.

There are various other aspects to the Koala Sanctuary, including a petting zoo with domestic animals, a broader wildlife sanctuary (with kangaroos, wallabies, emus and other native fauna and flora), an indigenous cultural centre, camping and caravan spaces, eco-tourist facilities, care-takers dwelling, volunteers workers accommodation and recreational activities such as zip lining and miniature golf. These aspects are all subordinate to the core purpose of the development which is the Koala Sanctuary (i.e. the medical care and rehabilitation of koalas). They will provide a broader offering to the educational facets to the Sanctuary, as well as activities that will generate revenue to assist with covering the day to day operating and maintenance costs of the Koala Sanctuary (i.e. the costs of the medical care, accommodation, feeding and rehabilitation of the koalas).

The table below explains the various aspects and activities of the proposed development and appropriately categorises them against the LEP definitions.

Description of development	LEP definition / categorisation	Permissibility
Construction of a main Koala Sanctuary building accommodating a veterinary hospital and an information / education centre.		
The veterinary hospital includes the following: <ul style="list-style-type: none"> - 7 intensive care unit rooms (ICUs) and a preparation area; - Hospital reception; - A medical clinic; - Administrative rooms; - Staff room (with kitchenette, etc); and - Storage rooms. 	- <i>veterinary hospital</i>	Yes – Permissible in the RU1 zone
The information / education centre includes:	- <i>information and education facility</i>	Yes- Permissible in both RU1 and E3 zones
- Entry foyer including reception and gift shop;	- The reception and gift shop are part of the <i>information and education facility</i> .	Yes- Permissible in both RU1 and E3 zones –
- Education space including auditoria. This space will allow for temporary and permanent physical koala and wildlife exhibitions;	- <i>information and education facility</i>	Yes - Permissible in both RU1 and E3 zones

<ul style="list-style-type: none"> - Viewing windows and platform into the clinic within the veterinary hospital; - small café and dining deck (and associated kitchen and storage); 	<ul style="list-style-type: none"> - The café is a food and drink premises which is ancillary and incidental to the information and education facility. 	<p>Yes – Permissible as an ancillary and incidental component of the information and education facility</p>
<ul style="list-style-type: none"> - A covered outdoor enclosure/aviary (attached to the main building adjacent the education auditoria and café via an air lock). The covered enclosure will accommodate koalas and birds; and 	<ul style="list-style-type: none"> - The covered outdoor enclosure is part of the information and education facility, and is also a type of environmental facility 	<p>Yes – Permissible in both RU1 and E3 zones</p>
<ul style="list-style-type: none"> - Construction of external koala rehabilitation enclosures; 	<ul style="list-style-type: none"> - veterinary hospital 	<p>Yes – Permissible in the RU1 zone</p>
<ul style="list-style-type: none"> - Construction of volunteer staff accommodation building; 	<ul style="list-style-type: none"> - Ancillary to the veterinary hospital 	<p>Yes – Permissible in the RU1 zone</p>
<ul style="list-style-type: none"> - Construction and landscaping of a picnic area and pond zone; 	<ul style="list-style-type: none"> - Part of the information and education facility 	<p>Yes – Permissible in both RU1 and E3 zones</p>
<ul style="list-style-type: none"> - Creation of a wildlife sanctuary with a bushwalking path and interpretive signage 	<ul style="list-style-type: none"> - Part of the information and education facility and is also a type of environmental facility 	<p>Yes – Permissible in both RU1 and E3 zones</p>
<ul style="list-style-type: none"> - Creation of an accessible 'Wildlife Park Walk' through part of the wildlife sanctuary with native animal enclosures; 	<ul style="list-style-type: none"> - Part of the information and education facility and is also a type of environmental facility 	<p>Yes – Permissible in both RU1 and E3 zones</p>
<ul style="list-style-type: none"> - Construction of a petting zoo for domestic animals; 	<ul style="list-style-type: none"> - Part of the information and education facility 	<p>Yes – Permissible in both RU1 and E3 zones</p>
<ul style="list-style-type: none"> - Creation of an Indigenous Cultural Centre; 	<ul style="list-style-type: none"> - Part of the information and education facility 	<p>Yes – Permissible in both RU1 and E3 zones</p>
<ul style="list-style-type: none"> - Construction of a maintenance shed; 	<ul style="list-style-type: none"> - Part of the veterinary hospital and information and education facility 	<p>Yes – Permissible in both RU1 and E3 zones</p>
<ul style="list-style-type: none"> - Construction of an internal sealed road from the site entry to the main 	<ul style="list-style-type: none"> - Part of the veterinary hospital and information and education facility 	<p>Yes – Permissible in both RU1 and E3 zones</p>

building (i.e. the Hospital and Wildlife Centre);		
- Construction of a car park (with minimum 30 car spaces), a hospital 'Drop-off' zone and a bus set-down area;	- Part of the <i>veterinary hospital and information and education facility</i>	Yes – Permissible in both RU1 and E3 zones
- Creation of a 2.8 hectare Eucalyptus plantation;	- Food production for the koalas and is part of the <i>veterinary hospital</i> and also a form of <i>agriculture</i>	Yes – Permissible in the RU1 zone
- Installation of business identification signage;	- <i>Business identification signage</i>	Yes – Permissible in the RU1 zone
- Construction and operation of 14 powered caravan sites, 5 eco-tourism tents and 10 unpowered tent/camping sites and construction of an amenities block, laundry, BBQ area with deck and picnic tables;	- <i>Caravan park, camping ground and eco-tourist facility.</i> All these facilities are ancillary and incidental to the <i>veterinary hospital and information and education facility</i>	Yes – Eco-tourist facility permissible in RU1 zone. The caravan park and camping ground permissible as ancillary and incidental to the veterinary hospital and information and education centre.
- Construction of a mini-golf course;	- The mini-golf course is a <i>recreation facility (outdoor)</i> and is also ancillary and incidental to the <i>veterinary hospital and information and education facility</i>	Yes – Permissible in the RU1 zone
- Construction of a 'zip line' installation;	- The zip line installation is a <i>recreation facility (outdoor)</i> and is also ancillary and incidental to the <i>veterinary hospital and information and education facility</i>	Yes – Permissible in the RU1 zone
- Construction of a caretakers house.	- <i>Dwelling house</i>	Yes – Permissible in the RU1 zone

Table 2: Land Use Table

3.3 External Materials and Finishes

External materials and finishes are included on the Architectural Drawings (refer Attachment 1). Materials proposed to be used include:

- Non-combustible profiled metal sheet cladding walls and roofing;
- Painted structural steel;
- Steel mesh (for aviary) and metal fencing;

- Anodised aluminium door and window framing;
- Timber flooring; and
- Ceramic tile flooring.

3.4 Landscaping

The proposal includes various areas of landscaping and bush regeneration including the proposed picnic and pond zone and wildlife sanctuary. A Landscape Plan has been prepared by Stewart Surveys and is included with the application.

3.5 Accessibility

The proposed development incorporates accessible design including:

- 1:20 gradient accessible paths within the Wildlife Park Walk, main building accommodating the veterinary hospital and Wildlife Centre and around the picnic area and through the petting zoo;
- Hand rails along paths where required;
- Accessible entry points;
- Accessible parking; and
- Accessible toilets.

A detailed Disability Access Report has been prepared and is included at Attachment 2.

3.6 Operational Details

Hours of Operation

It is proposed that the Koala Sanctuary will be open to the public for the following hours:

Monday to Sunday – 8.00am to 6.30pm

It is noted that staff are likely to attend the koala sanctuary and be required to implement and maintain medical rehabilitation activities beyond the “public operation” hours. Specifically, activities such as feeding, cleaning animal enclosures, medical procedures, and the general care of the animals within the Koala Sanctuary will be ongoing as would be expected with any facility involving the care of animals and livestock.

Staff

It is anticipated that there will be up to 10 fulltime staff on the premises at any one time during the public operating hours. It is also anticipated that there may be an additional 16 volunteer staff at the site at any given time. The fulltime staff will be involved in all aspects of the Koala Sanctuary operations, while the volunteer staff will only be involved with the care and rehabilitation of the koalas and bush regeneration activities.

3.7 Car Parking

The proposal includes the following elements with respect to parking and vehicular services:

- 45 spaces in the main (sealed) car park, plus 5 spaces near the main building entrance, which includes 2 accessible spaces – total of 50 (sealed) spaces provided
- 1 bus/coach parking space is provided on the eastern side of the ring road.
- A bus drop-off space is provided near the main building entrance.
- On event days (once or twice per year), up to an additional 30 parking spaces could be required. An overflow area (unsealed) with space for approx. 50 cars will be provided near the site entrance.

3.8 Services and Infrastructure

The development includes the augmentation of essential services and infrastructure to provide for adequate arrangements and capacity for the following:

- The supply of water;
- The supply of electricity;
- The disposal and management of sewage;
- Stormwater drainage or on-site conservation; and
- Suitable road access.

The application is supported with a Water and Sewer Report prepared by Ardill Payne and Partners at Attachment 3 and a Stormwater Management Plan at Attachment 4 which confirms the capacity and or proposed augmentation required of those services.

3.9 Proposed road works

It proposed than a sealed (bitumen) internal road will be constructed to provide access from Hunts Road to the Koala Sanctuary. It is also proposed that upgrade works are undertaken (widen and bitumen seal) Hunts Road from the highway to the site entrance in order to meet Austroad design standards.

The proposed road works are described in the Traffic Impact Assessment and on the architectural drawings. Civil engineering drawings will be provided prior to the issue of a Construction Certificate.

3.10 Stormwater

A detailed Stormwater Management Plan has been prepared by Stewart Surveys in support of the application (refer to Attachment 3).

4.0 Statutory Assessment

4.1 Integrated Development - Section 4.46 of EP&A Act 1979

Section 4.46 of the EP&A Act states that development that requires both development consent and another approval listed under that section is 'Integrated Development'. The proposed development is Integrated Development for the purposes of S4.46 of the EP&A Act as set out below.

4.1.1 Rural Fires Act 1997

The site is identified as bushfire prone land in accordance with Section 10.3 of the EP&A Act and the proposal includes a dwelling, volunteers workers accommodation and tourist accommodation as defined by the *Rural Fires Act 1997* (RF Act).

Therefore, the proposal includes development for the purpose of Special Fire Protection Purposes (SFPP) and SPFF developments within a bush fire prone area require a Bush Fire Safety Authority (BFSA) to be obtained under section 100B of the RF Act.

The application is supported with a Bushfire Assessment Report (refer to Attachment 5).

The Bushfire Assessment identifies the Bush Fire Protection Measures required for the various aspects of the development which include Asset Protection Zones amongst other measures.

The Bushfire Assessment Report concludes the following:

"On completion, the proposed development will ensure that all habitable development is located in an area that has an acceptable bushfire hazard level. With the implementation of the recommendations, as outlined in Sections 3 to 5 and as shown on Figure 9 and Figure 10 in Appendix E, the proposed development is considered to be appropriately protected from bushfire and complies with the requirements of PBP. The proposed development is not expected to increase the bushfire risk".

4.1.2 Water Management Act

The proposal includes the use and augmentation of the supply of water and subsequently requires a water use/water supply work approvals from the Natural Resource Access Regulator (NRAR) in accordance with s89, 90 and 91 of the *Water Management Act 2000*.

The proposal is supported with a detailed Water and Sewer Design Report at Attachment 3 which details (amongst other matters) the water demands of the development the site water source and site network particulars, hydraulic modelling and components for a boosted system.

4.1.3 National Parks and Wildlife Act 1979

Initial site investigations at the site have revealed the presence of items/areas of Aboriginal significance which may require an Aboriginal Heritage Impact Permit (AHIP) in accordance with s90 of the *National Parks and Wildlife Act 1979*.

The application is supported with an Aboriginal Cultural Heritage Assessment (refer to Attachment 6). The Assessment outlines that three sites The

attendees recorded three sites of Aboriginal cultural heritage were recorded during a survey undertaken of the site development site. All were stone artefact sites with fewer than five artefacts each.

The Assessment concludes that two of the sites (Gunnedah Koala Sanctuary OS1 and OS2) would not be impacted by the proposal as it is designed. However, unintentional impact during construction is possible and some management is recommended to avoid this. Specifically, it is recommended that the sites should be temporarily fenced using high-visibility fencing with a five-metre buffer. Their locations and legislative protection under the NPW Act should be made known to the work crews.

The third site, Gunnedah Koala Sanctuary IF1 is within the proposed Asset Protection Zone and would likely be impacted under the current design of the proposal.

The Aboriginal Cultural Heritage Assessment provides the following recommendations:

"1. Should any sites be impacted by the proposal (i.e. Gunnedah Koala Sanctuary IF1), formal consultation with the Aboriginal community should be initiated and an AHIP will be required for their removal.

2. The consultation process should be undertaken according to the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010. This process will identify the relevant Registered Aboriginal Parties (RAPs). This report should be sent to those parties for comment.

3. Should the consent for the removal of any Aboriginal objects be given, the following mitigation measures are recommended:

- a. The Registered Aboriginal Parties (RAPs) should be consulted over the process of removing and relocating Aboriginal objects.*
- b. Removal includes salvage and relocation of impacted items to a suitable location in accordance with the Code of Practice of Archaeological Investigation of Aboriginal Objects in NSW.*
- c. Any AHIP conditions that accompany the consent for the removal of Aboriginal objects must be followed.*
- d. An Aboriginal Site Impact Recording form will need to be submitted for each site damaged or destroyed.*
- e. Once the conditions of the permit are fulfilled the regulator must be notified.*

4. Any sites not likely to be impacted by the proposal should be managed as follows:

- a. The location of the sites will be provided to the relevant supervisors responsible for the construction phase of the proposal. They will be informed cultural heritage sites are protected sites under the NPW Act and no harm is to come to them. The presence of cultural heritage sites will be made clear to the workforce as part of an induction.*
- b. The sites should be fenced off during construction with a highly visible, 10- meter buffer.*

5. Should any previously-unrecorded sites be encountered during the construction or operation of the proposal, the unanticipated finds protocol in Appendix B should be followed."

It is therefore proposed that, consistent with the recommendations of the Aboriginal Cultural Heritage Assessment, a consultation process should be undertaken according to the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 and that an application for an Aboriginal Heritage Impact Permit (AHIP) be made to relocate the artefact to a location agreed upon by the Aboriginal community.

4.2 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) contains a number of matters that are required to be considered as part of a DA. The application is supported with a detailed Biodiversity Development Assessment Report - BDAR (refer to Attachment 7).

In accordance with the BC Act 2016 the BDAR sets out a full site-based assessment of the proposal using the Biodiversity Assessment Methodology 2020 (BAM).

This proposal will affect up to 10.79 hectares, of which approximately 6.32 hectares is native vegetation. This includes areas identified as bushfire asset protection zones (AZP's). In most cases the tree and shrub canopy density in the asset protection areas is less than the required Rural Fire Service management thresholds, and creation of these protection zones does not significantly increase the impact to native vegetation.

The BDAR includes an assessment of landscape values in the development site and surrounding areas, the vegetation communities present in the development site and their condition, the known or potential presence of threatened flora or fauna species and populations as well as potential matters of Serious and Irreversible Impact (SII) listed in NSW under the BC Act and/or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The BDAR found that one Plant Community Type (PCT) was recorded in the development site based on vegetation assessment plot results and landscape features matched against the VIS classification database. The PCT is PCT592 Narrow-leaved Ironbark - cypress pine - White Box shrubby open forest in the Brigalow Belt South Bioregion and Nandewar Bioregion. It is noted that this PCT is not associated with any threatened Ecological Community.

The BDAR concludes that there are no Serious and Irreversible Impact (SII) candidates identified by the BAMC.

The BDAR also outlines the prescribed impacts which may be associated with the proposal within Section 5 of the Report.

BAMC outputs area provided in Appendix D of the Report. A summary of the Vegetation Scores and the Credits required for Biodiversity Offsetting is outlined in Section 6 of the Report and an extract of the required credits is provided in Figure 10 overleaf.

The Report demonstrates that Biodiversity Offsetting for impact to PCT592, as well as two species credit species is triggered by the proposed development.

Subject to the offsetting of the prescribed impacts as identified within the BDAR and the implementation of the recommended 'mitigation measures' set out in Section 5.2 of the BDAR, the proposal is considered to be satisfactory with respect to the provisions of the *BC Act*.

6.1 Vegetation scores

Table 6-1: Current vegetation integrity scores

Zone	BAM item number	Area (ha)	Composition condition score	Structure condition score	Function condition score	Vegetation integrity (VI) score
1	1	3.23	43.9	23.3	11	22.4
2	2	0.67	22.7	13	0.8	6.2
3	3	2.42	69	15.6	73.7	43

6.2 Credits required

Table 6-2: Ecosystem credit summary from BAMC

Zone	BAM item number	Matter requiring offsetting	Number of credits
1	1	PCT592	9
2	2	PCT592	0
3	3	PCT592	23
		Total	32

Table 6-3: Species credit summary from BAMCC

Species	Common Name	Number of credits
<i>Phascolarctos cinereus</i>	Koala (Breeding)	11
<i>Tyto novaehollandiae</i>	Masked Owl (Breeding)	11
	Total	22

Figure 10: Extract from Section 6 of BDAR

4.3 Section 4.15

Section 4.15 of the *EP&A Act 1979* sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

“(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) 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, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

- that apply to the land to which the development application relates,*
- (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,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.”*

The matters for consideration identified in S4.15(1)(a) of the *EP&A Act 1979* are addressed in the following section. Subsections (b) to (e) of S4.15(1) of the *EP&A Act 1979* are addressed in Section 5 of this SEE.

4.4 Overview of Statutory and Policy Controls

The EPIs and other statutory planning documents and policies which are relevant to the assessment of the proposed development pursuant to S4.15(1)(a) are identified as follows.

4.4.1 State Environmental Planning Policies

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).
- State Environmental Planning Policy (Koala Habitat Protection) 2020
- State Environmental Planning Policy No.64 Advertising & Signage
- State Environmental Planning Policy (Building Sustainability Index: BASIX) (BASIX SEPP) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State & Regional Development) 2011

4.4.2 Local Environmental Plans

- Gunnedah Local Environmental Plan (GLEP) 2012.

4.4.3 Development Control Plans

- Gunnedah Development Control Plan (GDGP) 2012.

4.5 State Environmental Planning Policies

4.5.1 State Environmental Planning Policy No. 55 – Site Remediation (SEPP 55)

SEPP 55 prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Clause 7 of SEPP 55 provides the following:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The site previously contained some areas which had been deposited with soil, building debris and the like. Some of these deposited substances included low levels of contamination as outlined in the report titled "Contaminated Site Investigation Check" East West Enviroag Pty Ltd, dated 06/09/2019.

The removal of the deposited soil and debris from the site was subsequently undertaken as Category 2 remediation works in accordance with the provisions of SEPP 55 and "Managing Land Contamination - Planning Guidelines SEPP 55–Remediation of Land."

It is understood that a Site Audit Statement has been issued to Council with respect to the completion of the Category 2 remediation works demonstrating that the site is now consistent with the requirements of SEPP 55 and is suitable for the proposed land use.

4.5.2 State Environmental Planning Policy (Koala Habitat Protection) 2020

This SEPP prescribes a statutory process associated with the conservation and management of areas of natural vegetation that provide habitat for Koalas with the aim to support a permanent free-living population over their present range and reverse the current trend of Koala population decline.

The Development Application is supported with a detailed SEPP (Koala Habitat Protection) 2020 Assessment Report prepared by Stewart Surveys which was prepared in accordance with the SEPP and the Koala Habitat Protection Guideline prepared by the Department of Planning, Industry and Environment. (Refer to Attachment 8)

The SEPP applies to all development applications in the Gunnedah Shire, which have a lot area of greater than 1 hectare. The subject site has an area of 35.27 hectares.

The SEPP outlines development control for Koala habitat based on Koala Plans of Management. Gunnedah Shire Council does not have an approved Koala Plan of Management therefore Clause 9 of the SEPP applies to the proposed development. Clause 9 states the following:

- "9 Development assessment process—no approved koala plan of management for land*
- (1) This clause applies to land to which this Policy applies if the land—*
 - (a) repealed*
 - (b) has an area of at least 1 hectare (including adjoining land within the same ownership), and*
 - (c) does not have an approved koala plan of management applying to the land.*
 - (2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess, in accordance with the Guideline, whether the development is likely to have any impact on koalas or koala habitat.*
 - (3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*
 - (4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.*
 - (5) However, despite subclauses (3) and (4), the council may grant development consent if the applicant provides to the council—*
 - (a) information, prepared by a suitably qualified and experienced person in accordance with the Guideline, the council is satisfied demonstrates that the land subject of the development application—*
 - (i) does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, or*
 - (ii) is not core koala habitat, or*
 - (b) information, prepared in accordance with the Guideline, the council is satisfied demonstrates that the land subject of the development application—*

- (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or
(ii) includes only horticultural or agricultural plantations.”

In accordance with the guideline the proposed development is considered to be a ‘Tier 2’ impact which applies to development that will impact Koala’s or their habitat. Therefore cl9 (4) and (5) apply to the development application and a Tier 2 assessment report is required to be prepared by a suitably qualified person under the SEPP Guideline.

The SEPP (Koala Habitat Protection) 2020 Assessment Report prepared by Stewart Surveys (prepared by Kathryn Yigman of Stewart Surveys, utilizing field survey data from ecologist Phillip Cameron of Area Environmental Consultants and Communications) has been prepared in accordance with the SEPP Guidelines by suitably qualified persons.

The report addresses all relevant provisions and under Section 7 sets out the following conclusions:

“Our tier two assessment of the development on Lots 328 and 329 in DP755503 concludes that the subject site is core Koala habitat as defined by State Environmental Planning Policy (Koala Habitat Protection) 2020.

The site is appropriate for this type of development and impacts on the local koala population, as a result of this development are likely to be positive with potential for the proposed Koala hospital to improve koala populations through treatment of disease, raise awareness on threats of Koalas and provide a rehabilitation centre for injured animals. We have analysed the potential impacts of the development on Koala habitats and populations and prepared a plan to manage and protect Koala populations and habitat at this site. This assessment includes an implementation plan with monitoring, adapting management and reporting against key outcomes and performance target requirements.

And

“We believe the development has been assessed for its impact on Koala populations and their habitats and with the implementation of the mitigation measures proposed will not result in any long-term impacts on the viability of the local Koala population. Further this development is likely to improve the viability of the Koala population through the establishment of a Koala hospital. The proposed development meets the seven principles of the SEPP and the thirteen criteria outlined in the SEPP.”

The proposed development is considered to satisfy the aims and relevant provisions of the SEPP.

4.5.3 State Environmental Planning Policy No.64 Advertising & Signage

The proposal includes business identification signage to be positioned in the south west corner of the site, addressing the Oxley Highway. The signage is proposed to be a ‘pillar’ style, to be read from both directions. It is proposed to be 12-15m high, up to 1200mm wide and will have a power supply for lighting at night.

The sign will identify the site as the Gunnedah Koala Sanctuary.

SEPP 64 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

Clause 6 indicates that SEPP 64 applies to signage (other than signage that is exempt development) that can be displayed with, or without, development consent, and is visible from any public place or public reserve.

The SEPP therefore applies to the proposed signage.

Part 2 of SEPP 64 applies to signage generally, while Part 3 of the SEPP applies only to advertisements which are defined under Clauses 4 and 9 of the SEPP, to include all signage other than the following:

- “(a) business identification signs,*
- (b) building identification signs,*
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,*
- (d) signage on vehicles.”*

The definition for a business identification sign is as follows:

- “business identification sign means a sign —*
- (a) that indicates —*
 - (i) the name of the person or business, and*
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and*
 - (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.*

The proposal incorporates one (1) business identification sign. The sign will comprise a logo and business name associated with the Gunnedah Koala Sanctuary. It will identify the nature of the business being the Koala hospital, wildlife sanctuary, education and information centre, mini-golf and the like.

The proposed sign falls within the definition of building identification signage as it will comprise the name and logo of the major tenant of the development and will not include any advertising of products, goods or services.

On this basis, the proposed signage is permissible and Part 2 of the SEPP 64 is relevant to building identification signage.

Part 2 – Signage Generally

Part 2, Clause 8 of the SEPP states:

“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1”.*

The objectives of Clause 3(1)(a) are:

- “(a) to ensure that signage (including advertising):*
- (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish, and”.*

The proposed signage is consistent with the above objectives in that:

- The proposed sign is consistent with the existing character of the locality which incorporates other business identifications signs along sporadically along the Oxley Highway;

- The proposed signage is suitably located, facilitating the provision of effective communication to the public; and
- The design and finish of the proposed signage will be durable and high quality and integrated into the overall architecture of the approved Koala Sanctuary.

Part 3, Clause 15 relates to advertisements on rural or non-urban land and outlines the circumstances in which the consent authority is not able to grant consent to display an advertisement on rural land.

The proposal is consistent with the provisions of Clause 15 2(b) such that the proposed sign relates to the land on which the advertisement is to be displayed and will specify the purpose for which the land or premises is to be used and a description of the business. The consent authority is therefore able to grant consent for the proposed sign.

Part 3 Clause 17 relates to signs with a display area greater than 20 square metres or higher than 8 metres above ground. The proposed sign will be up to 15m high and therefore the clause applies.

Clause 17 requires a statement that addresses the assessment criteria in Schedule 1. As such an assessment of the proposed signage against the criteria in Schedule 1 of the SEPP is provided below in Table 3.

Objective	Response	Compliance
1. Character of Area		
<i>Is proposal compatible with existing or desired future character?</i>	The proposed Koala Sanctuary is well suited to the site which is located within the RU1 and E3 zones. The development is permissible with consent in these zones.	Yes
<i>Is proposal consistent with particular theme for outdoor advertising?</i>	There is now specific desired character or particular theme required for outdoor signage in this location, notwithstanding the proposal provides signage that will be suitable to the agricultural setting, yet appropriately support the identification and activation of the Gunnedah Koala Sanctuary	
2. Special Areas		
<i>Does proposal detract from amenity or visual quality of any special areas such as heritage, environmentally sensitive areas, open space, waterways, rural landscapes, natural or other conservation areas?</i>	No. The proposed signage sits comfortably at the front of a very large site in a rural setting. The sign will not detract from the visual amenity of the locality.	Yes
3. Views and Vistas		
<i>Does proposal obscure or compromise important views?</i>	No. The signage does not impede important views, dominate the skyline or impede the viewing rights of any other advertisers.	Yes
<i>Does proposal dominate the skyline and reduce quality of vistas?</i>		

Objective	Response	Compliance
<i>Does the proposal respect the viewing rights of other advertisers?</i>		
4. Streetscape, setting or landscape		
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	Yes. The proposed signage responds to the scale and form of the proposed structures for the site.	Yes
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	The proposed signage will have a positive visual impact in both daylight and evening hours.	
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	The proposed sign does not protrude above the proposed building at the site or the tree canopies in the area or locality.	Yes
<i>Does the proposal screen unsightliness?</i>		
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>		
5. Siting and building		
<i>Is the proposal compatible with scale, proportion and other characteristics of the building on which signage is proposed?</i>	Yes. The signage is of a scale and proportions that will not adversely impact upon the characteristics and architectural style of the proposed Koala Sanctuary.	Yes
<i>Does the proposal respect important features of the site and/or building?</i>		
<i>Does the proposal show innovation and imagination in its relationship to the building?</i>		
6. Associated devices and logos		
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral party of the signage or structure?</i>	Yes. Illumination is proposed. Access for maintenance will be relatively simple and possible from within the site.	Yes
7. Illumination		
<i>Would illumination result in unacceptable glare?</i>	No. The rural location of the site and the position of the sign towards the Oxley Highway will not result in glare for any dwellings.	Yes
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>		
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	Illumination control functions are proposed to allow illumination to be dimmed, if required.	
<i>Can the intensity of the illumination be adjusted, if necessary?</i>		

Objective	Response	Compliance
<i>Is the illumination subject to curfew?</i>		
8. Safety		
<i>Would the proposal reduce the safety for any public road?</i>	No. The signage is well setback from the highway and will not create a distraction to users of the Highway or any other public road. There will be no impacts on safety for pedestrians or other persons in nearby public areas.	Yes
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>		
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>		

Table 3: Assessment against criteria in Schedule 1 of SEPP 64

The proposal is satisfactory with respect to the provisions of SEPP 64.

4.5.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) (BASIX SEPP) 2004

This SEPP operates in conjunction with EP&A Regulation 2000 to ensure the effective introduction of BASIX in NSW.

In accordance with Clause 6(1) of the SEPP, BASIX applies to BASIX affected development as defined by the Regulation. The proposed development is defined as a BASIX affected development as it involves construction activities with a value over \$50,000 and includes a dwelling house.

A BASIX Certificate has been prepared and submitted with the proposed development and demonstrates that the building satisfies the requirements of the BASIX SEPP. Refer to Attachment 9.

4.5.5 State Environmental Planning Policy (Infrastructure) 2007

The aim of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) is to facilitate the effective delivery of infrastructure across NSW. The ISEPP provides for both provisions relating to permissibility of land uses as well as development controls. The relevant provisions of the ISEPP are outlined below.

Development with frontage to Classified Road

The Oxley Highway is a classified road. Clause 101 of the ISEPP requires a consent authority to consider the following when a development site has frontage to a classified road.

- “(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
- (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land,*
- and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

A detailed Traffic Impact Assessment (TIA) has been prepared by Ardill Payne and Partners and submitted with the Development Application. Refer to Attachment 10.

The TIA and the detailed architectural plans demonstrate the following:

- Safe vehicular access to the Gunnedah Koala Sanctuary will be provided by a road other than the classified road (i.e. access will be via the adjacent crown road – Hunts Road - to the west of the site);
- Subject to the implementation of the recommendations of the TIA and in accordance with the proposed civil engineering drawings (for construction of the access) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development.

The development is of a type that is not sensitive to traffic noise or vehicle emissions and the site is located and designed so that potential traffic noise or vehicle emissions from within the site and from the adjacent classified will not result in adverse impacts to users of the site and or residents of properties within the vicinity of the site.

Traffic Generating Development

Clause 104 of the ISEPP applies to traffic generating developments, which are listed in Schedule 3 of the ISEPP. The development is not considered to be traffic generating development. Specifically, vehicular access to the Koala Sanctuary will be via Hunts Road. The distance from the entry to the site off Hunts Road to the intersection with the Oxley Highway will be in the order of approximately 175m, which is significantly greater than the minimum threshold of 90m to a classified Road as set out in the provisions of Clause 104.

4.5.6 State Environmental Planning Policy (State & Regional Development) 2011

State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP) identifies development that are of regional and state significance and infrastructure that is of state and critical state significance.

The SEPP identifies that development that has a capital investment of more than \$5 million and:

- A council for the area in which the development is to be carried out is the applicant for development consent, or
- The council is the owner of any land on which the development is to be carried out, or
- The development is to be carried out by the council, or
- The council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council),

Becomes regionally significant development. The development has a capital investment exceeding \$5 million (refer to the Cost Planning Report at Attachment 11)

In this regard, the Northern Regional Planning Panel is the consent authority for the development.

4.6 Gunnedah Local Environmental Plan 2012

4.6.1 Land Use and Permissibility

The majority of the site is located within the RU1 Primary Production with a small portion of the north eastern corner of the site zoned E3 Environmental Management (refer to Figure 12).

All of the development proposed, with the exception of part of the environmental facility and part of the information and education facility will be located within the RU1 zoned area. The proposed activities and uses can be correctly categorised as follows:

- Veterinary hospital;

- Information and education facility;
- Environmental facility;
- Food and drink premises;
- Agriculture;
- Camping ground;
- Recreation facility (outdoor);
- Dwelling house;
- Business identification signage.

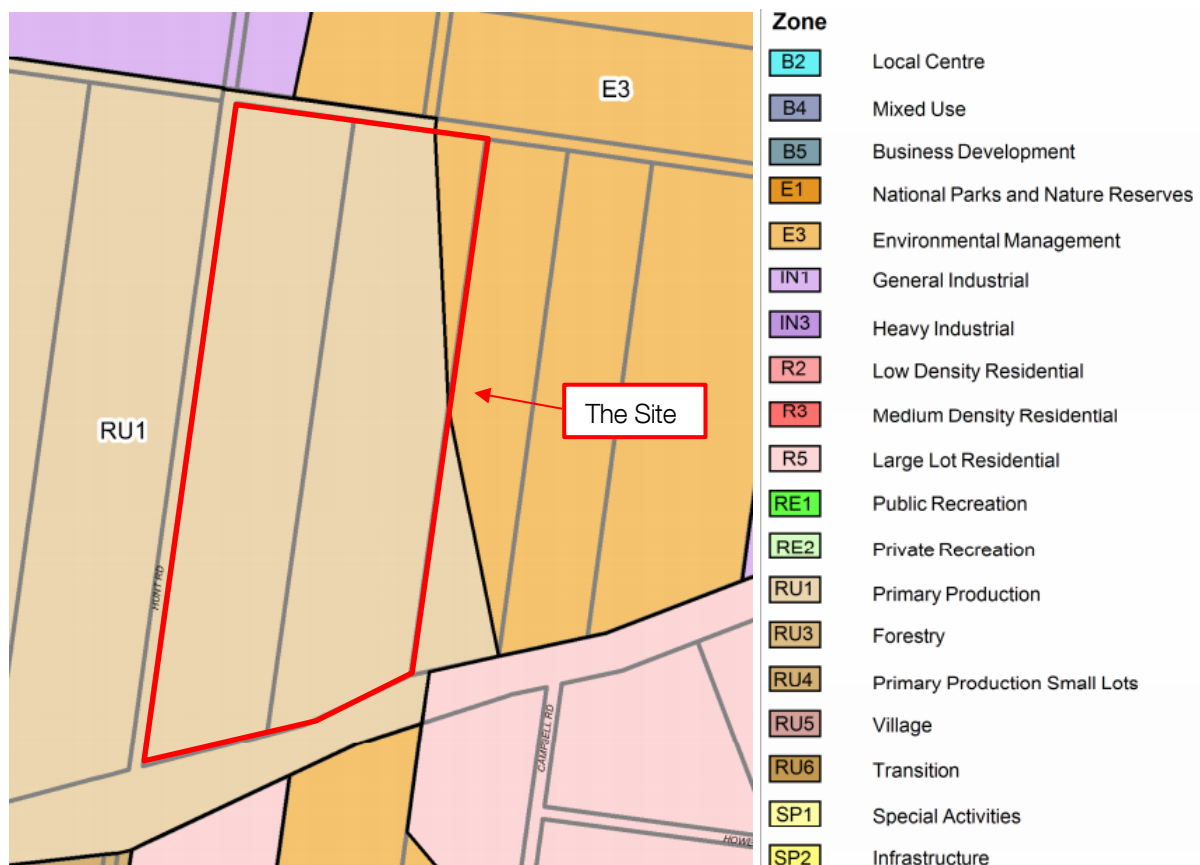


Figure 11: Extract from GLEP 2012 Land Zoning Map

In accordance with the DPIE Planning Circular PS 13-001, development is considered to be for a particular purpose if that purpose is the dominant purpose of the development. This purpose is the reason for which the development is to be undertaken or the end to which the development serves. In the circumstances of the proposed development the particular purpose is that of a koala sanctuary.

Such that the principle or core purpose is to create a place where sick and or injured koalas are able to be taken to for medical treatment and rehabilitation. Upon rehabilitation, the aim is to be able to release the koalas back into the wild. If the koalas are so injured or incapacitated that they are unable to return to the wild, then the koalas will be accommodated and cared for at the sanctuary indefinitely. This is the core purpose of the proposed development.

It is expected that sick and injured koalas will be brought to the sanctuary from locations through NSW, and possibly interstate.

It is anticipated that the koala sanctuary will be operated by independent specialist operators. It is possible that there may be some future linkages with government agencies or bodies but that is not proposed as part of this application.

At the core of the sanctuary will be the veterinary hospital and the enclosures and areas in which the koalas will be rehabilitating and cared for. Day to day running of the veterinary hospital, daily care of the koalas and the rehabilitation programs will be undertaken by 10 full time staff. In addition to the fulltime staff, the care and rehabilitation programs will be supplemented with support from public volunteers. Such that the public will be able to apply to carryout volunteer work at the Koala Sanctuary for an agreed timeframe. It is expected that the volunteer workers will become an integral part of the care and rehabilitation programs of the koalas if and when the number of koalas increase over time.

It is planned that in addition to the volunteers, members of the public will be able to visit the koala sanctuary to witness and learn about koalas and their rehabilitation. The educational aspect of the Koala Sanctuary is considered to be a considerable community benefit of the development.

There are various other aspects to the Koala Sanctuary, including a petting zoo with domestic animals, a broader wildlife sanctuary (with kangaroos, wallabies, emus and other native fauna and flora), an indigenous cultural centre and recreational activities such as zip lining and miniature golf. These aspects are all subordinate to the core purpose of the development which is the Koala Sanctuary (i.e. the medical care and rehabilitation of koalas). They will provide a broader offering to the educational facets to the Sanctuary, as well as activities that will generate revenue to assist with covering the day to day operating and maintenance costs of the Koala Sanctuary (i.e. the costs of the medical care, accommodation, feeding and rehabilitation of the koalas).

The ancillary and incidental elements of the proposal will not operate separately to the Koala Sanctuary. They will only operate as ancillary or incidentally to the veterinary hospital and information and education facility. They are not stand-alone aspects and will only be open to the public for use at times when the Koala Sanctuary (veterinary hospital and information and educational facility) is open.

It is reasonably anticipated that the Koala Sanctuary will become an important wildlife sanctuary and the information and educational aspect of the Sanctuary is expected to attract visitors from all over Australia. The caravan spaces and camping ground, will provide a temporary space for people attending the Koala Sanctuary, noting that only those people who have pre-purchased a ticket to the Koala Sanctuary will be permitted to use the camping ground and or caravan spaces. In this regard the caravan spaces are clearly ancillary to the core land use of the Koala Sanctuary and are therefore permissible.

With respect to the proposed café and gift shop, it is noted that these components are ancillary and incidental to the information and education facility. Such that they are a minor component of the core land use (being the information and education facility) and are therefore permitted with consent.

In seeking to formally categorise the principle purpose of the development, it is considered that the activities and infrastructure directly associated with the care and rehabilitation of the koalas falls within three separately defined land uses.

Specifically, it is considered that the principle purpose of the proposed Koala Sanctuary development can be correctly categorised as a veterinary hospital, an information and education facility and an environmental facility.

These uses are all permissible with consent within the RU1 zone. Information and education facilities and environmental facilities are also forms of development permissible with consent within the E3 Environmental Management zone

The proposed development is also consistent with the objectives of the RU1 Primary Production zone and the E3 Environmental Management zone as detailed in Tables 4 and 5.

Objective	Comment
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	<p>A portion of the site was previously used as a quarry, but that use has ceased. The land is not currently used for primary industry production and is in a reasonably disturbed condition in terms of its value as productive agricultural land. The proposed development will help in some ways with the rehabilitation of the land and the proposed use will not inhibit its future use for the purpose of sustainable agricultural production. It is noted that an element of the proposal is to include a eucalyptus plantation as a food source for the koalas to be accommodated within the Sanctuary. This element of the proposal is considered a form of agricultural.</p> <p>Overall it is considered that the proposal will enhance the natural resource base of the site.</p>
<i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	The core proposed uses of the Koala Sanctuary are permissible with consent at the site and represent a diverse enterprise for the site and the locality.
<i>To minimise the fragmentation and alienation of resource lands.</i>	The proposal does not seek subdivision and will not fragment the land or alienate resource lands.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	<p>The site is well suited to accommodate the proposed Koala Sanctuary. The site is of an appropriate size and topography to accommodate the Koala Sanctuary.</p> <p>Adjacent land uses and zones, which are predominantly agricultural and environmental management lands, are unlikely to be adversely impacted by the proposed land use.</p> <p>The multiple detailed technical reports supporting the application including traffic and parking, acoustic, biodiversity, bushfire, aboriginal cultural and koala habitat assessments demonstrate that the site is suitable for the proposed land uses.</p>
<i>To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.</i>	The subject land is considered in relatively poor condition in terms of its current prospects for meaningful agricultural primary production. Notwithstanding, the proposed uses are well suited to the rural setting of the site and the proposal will not inhibit the future use of the land for different ecologically sustainable agricultural pursuits.
<i>To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.</i>	The subject land is considered in relatively poor condition in terms of its current prospects for meaningful agricultural primary production. Notwithstanding, the proposed uses are well suited to the rural setting of the site and the proposal will not inhibit the future use of the land for different ecologically sustainable agricultural pursuits in the future.
<i>To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land,</i>	The site is in relatively poor condition in terms of its agricultural productivity prospects. Notwithstanding the construction of various new structures at the site, the development of the site for the purpose of a Koala Sanctuary will result in the enhancement of the environmental assets of the site and will

Objective	Comment
wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use	provide a significant contribution to the wider region in terms of valuable environmental assets.

Table 4: RU1 Zone Objectives Assessment Table

Objective	Comment
<i>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</i>	The proposed development includes the general improvement and enhancement of the E3 zoned portion of the land through additional plantings and rehabilitation for the purpose of wildlife and an indigenous cultural centre. The proposal will result in the management, enhancement and or restoration of ecological, cultural and aesthetic values of the land.
<i>To provide for a limited range of development that does not have an adverse effect on those values.</i>	The proposed development is permissible with consent on the E3 zoned land and will not result in adverse impacts on the ecological, scientific, cultural or aesthetic values of the land. Instead, the proposal will enhance and restore the values of the land.

Table 5: E3 Zone Objectives Assessment Table

4.6.2 Clause 4.2A Erection of dwelling houses on land in certain rural and environment protection zones

The proposal seeks consent for the construction of a dwelling house for the purpose to accommodate the caretaker or manager of the Koala Sanctuary. The proposed dwelling is to be located on the RU1 zoned portion of the site.

Clause 4.2A of the GLEP 2012 allows for the erection of dwelling houses in RU1 Zoned land under certain circumstances.

In this regard the lot on which the dwelling is proposed (i.e. Lot 329 DP 755503) is a lot that was created before the commencement of GLEP 2012 and on which the erection of a dwelling house would have been permissible before the commencement of GLEP 2012.

The erection of a dwelling at the site is therefore permissible with consent in accordance with the provisions of Clause 4.2A of the LEP.

4.6.3 Clause 5.11 Bush fire hazard reduction

The provisions of Clause 5.11 allow for bush fire hazard reduction work authorised by the Rural Fires Act 1997 to be carried out on any land without development consent.

Bushfire hazard reduction works are not proposed under this clause notwithstanding that the site is bushfire prone land and the proposal is Integrated Development in accordance with the provisions of Clause 100B of the *Rural Fires Act*. A detailed Bushfire Assessment Report has been prepared and is included at Attachment 5.

4.6.4 Clause 5.13 Eco-tourist facilities

The proposal includes a small element of eco-tourist facilities in the form of 5 permanent 'eco-tents'. The tents are proposed within the RU1 zone and are permissible with consent.

The eco-tents are to be sensitively located within a forested section of the site and adjacent to the eucalypt plantation and will support the ecological, cultural and environmental sustainability values to be employed and disseminated as part of the information and educational component of the Koala Sanctuary.

The eco-tents will be located and constructed so as to minimise impacts on the natural environment and they will enhance the appreciation of visitors to the Koala Sanctuary of the environmental and cultural values of the Sanctuary.

The eco- tents will not adversely impact on watercourses, soil quality, heritage and native flora and fauna.

Waste generated during construction and operation will be minimised wherever possible and all waste will be appropriately removed. The eco-tents will be located so that they avoid visibility above ridgelines and against escarpments and from watercourses and their visual intrusion will be minimised within the landscaped setting through the proposed design, colours, and materials.

Infrastructure services to the eco-tents site will be provided without significant modification to the environment.

The eco-tents will have a relatively minor footprint and will not adversely affect the agricultural productivity of adjoining land.

The tents are minor structures and their construction will not result in any irreversible environmental damage to the site or the locality. The tents will not result in the removal of any habitat, rather the overall proposal will result in the maintenance and regeneration of habitats at the site.

The proposed eco-tents, in and of themselves, will result in minimal energy and water use consumption and waste output and the operators of the Koala Sanctuary will as a matter of ongoing land care and general management will undertake monitoring and review of the effects of the tents on the site and the natural environment and will initiate improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

4.6.5 Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

Clause 5.16 of the GLEP 2012 requires the consent authority to take into account certain matters when determining whether to grant development consent to development on land to which the clause applies (including RU1 and E3 zoned land) for the erection of a dwelling and or subdivision.

The proposal seeks consent for a dwelling on RU1 land and therefore Clause 5.16 applies.

The site is within the vicinity of land that is zoned RU1, RU4, RU5, IN1 and E3.

The Koala Sanctuary and the ancillary and incidental uses proposed for the site are unlikely to adversely impact on the existing uses and approved uses of land in the vicinity of the development in terms of traffic and parking impacts, visual amenity, acoustic amenity and privacy, view loss, overshadowing, loss of agricultural productivity and or adverse ecological impacts.

The proposal is consistent with the provisions of Clause 5.16 and the proposed land uses (including the proposed dwelling) will not result in significant land use conflict between existing and proposed development on land in the rural, residential or environment protection zones adjacent to the site.

4.6.6 Clause 6.5 Essential services

The proposal is supported with technical reports demonstrating that the site and the development will be suitably provided for in terms of essential services. Specifically, the site will be accessed by a suitable access

road, will include stormwater drainage infrastructure appropriate to the scale of development proposed, will have an appropriate water and electricity supply and will include a required sewage disposal system.

A detailed Water and Sewer Design Report has been prepared and is included at Attachment 3 and a Stormwater Management Plan is provide at Attachment 4.

4.7 Gunnedah Development Control Plan 2012

GDCP 2012 is the primary development control plan applicable to development within the Gunnedah local government area (LGA). An assessment of the proposed development against the provisions of GDCP 2012 is provided at Attachment 12.

5.0 Impacts of the Development

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under S4.15(1)(b) to (e) of the *EP&A Act 1979*.

5.1 Construction Impacts

The proposed development is not expected to create an adverse impact during the construction stage. There is sufficient space to accommodate construction vehicles and materials onsite without impacting adjacent properties and streets.

A detailed Construction Management Plan will be prepared prior to the Construction Certificate stage of the application.

5.2 Amenity Impacts on Neighbouring Properties

The construction of the Koala Sanctuary is not expected to have an adverse impact on neighbouring properties. The Sanctuary will be commensurate with the immediate natural environment and will not impact adjoining residential or agricultural properties. The setting of the Sanctuary within the landscape will buffer it from adjacent properties. The inclusion of significant new plantings, combined with the topography of the site will minimise privacy and view impacts to neighbouring properties.

5.3 Acoustic Impacts

The use of the site as a Koala Sanctuary is not expected to create adverse acoustic impacts. The site has an established history of being used for recreation purposes and the proposed use of the site will not generate an acoustic impact that will disrupt or disturb adjacent rural and industrial zoned land users. A detailed Noise Impact Assessment has been prepared and is included at Attachment 13.

The Noise Impact Assessment considered noise from operation of the site, vehicles movements on site and traffic noise on generated on Oxley Highway. The assessment was conducted in accordance with the Noise Policy for Industry (NPI) and Road Noise Policy (RNP). The acoustic assessment concluded that the predicted noise levels comply with all relevant criteria and no adverse impact on surrounding residential receivers is expected as a result of the proposed development.

5.4 Built Environment

The proposed buildings have been skilfully designed to sit within the landscape. The buildings are of a low scale and profile and adopt neutral (if not sympathetic) colours and material palette, that when set amongst the existing and proposed vegetation, will result in visually pleasing built form, consistent with the rural setting of the land and the ecologically important use of the site.

5.5 Natural Environment

The proposed works is sympathetic to the topography and the natural environment setting of the site. The development includes significant new facilities that will provide for an improved natural environment of the site through the careful placement of substantial new plantings and rehabilitation of the land for the purposes of a wildlife sanctuary. Specifically bushcare and regeneration are planned throughout the site generally, as well as landscape work using endemic species

Importantly, the proposal is aimed at caring for and rehabilitating an endangered species. Koalas are an important species both ecologically and culturally. The proposed sanctuary is a significant move to assist with the longer term care and protection of the species and on that basis represents considerable positive environmental outcome. Detailed Landscape Plans have been prepared and are included at Attachment 14.

5.6 Social Impacts and Economic Impacts

The proposed Koala Sanctuary will make a positive contribution to the Gunnedah locality culturally and economically. It is a facility that will provide an immensely important public benefit through the medical care and ongoing rehabilitation of endangered species and will provide an invaluable research and educational component for specialists and the general public.

The Sanctuary will encourage cultural activities and promote positive social interactions particularly through the operation and use of the proposed information and education facilities and the indigenous cultural centre. The proposal has the potential to provide long term social and cultural benefits to the entire Gunnedah community.

Additionally, the proposal will result in positive economic impacts through the employment of short and medium term workers for construction phases of the development, as well as long term employment opportunities as part of the ongoing operation of the significant new facility.

5.7 The Suitability of the Site for the Development

The site has previously been used for rural and recreation purposes and is considered well suited for the proposed Koala Sanctuary. The site's rural setting and zoning, the size of the land, the topography and its proximity to the township of Gunnedah combine to provide a location that is well suited for the Sanctuary.

As such, the site is considered suitable for the proposed development.

5.8 The Public Interest

The provision of a Koala Sanctuary and associated facilities are beneficial to the wider community and it is considered this development is in the public interest. The proposal is unlikely to result in significant adverse impacts upon neighbouring properties or the public domain, while providing significant cultural, economic and environmental benefits to the region of Gunnedah.

6.0 Conclusion

This SEE has been prepared in support of a DA for consent the development of a Koala Sanctuary.

The proposed works will provide a new facility that is consistent with the existing zone objectives of the land.

The DA and this SEE have been prepared in accordance with the *EP&A Act 1979* and the Environmental EP&A Regulation 2000.

The Koala Sanctuary will include ancillary and incidental development that is in support of the core function and purpose being the medical care, rehabilitation and research of koalas.

The Sanctuary is to be constructed and operated on land owned by Gunnedah Shire Council at 3130 Oxley Highway, Gunnedah and will be managed and run by independent operators.

The Sanctuary will be serviced by fulltime and part time staff and it is also proposed that volunteer workers will assist with the operations of the hospital, in particular the day to day care of the koalas and implementation of the rehabilitation programs. Onsite, temporary accommodation is proposed for the volunteer koala hospital workers.

Great attention has gone into the design of the proposed facility and the proposal addresses the characteristics of the surrounding natural and built environment. The proposal has the potential to become a landmark facility for Gunnedah and also the NSW. The proposal will result in short, medium and long term employment opportunities and represents a significant economic benefit to the region.

Importantly the proposal will also result in substantial social and cultural benefits through the development and operation of the information and education facilities, wildlife sanctuary and the indigenous cultural centre.

The proposal has the potential to attract state wide and interstate visitors as well as specialists in the care and research of kolas from across the country. The proposed sanctuary is a significant move to assist with the longer term care and protection of the species and on that basis represents considerable positive environmental outcome.

Based on the assessment undertaken approval of the DA is warranted.



Attachments

Attachment 1: Architectural Package prepared by Dunn and Hillam Architects

Attachment 2: Disability Access Report prepared by Lindsay Perry
Access

Attachment 3: Water and Sewer Design Report prepared by Ardill
Payne and Partners

Attachment 4: Stormwater Management Plan prepared by Stewart Surveys

Attachment 5: Bushfire Assessment Report prepared by Integrated Consulting

Attachment 6: Aboriginal Cultural Heritage Assessment prepared by
AREA Environmental Consultants and Communication

Attachment 7: Biodiversity Development Assessment Report prepared
by AREA Environmental Consultants and
Communication

Attachment 8: SEPP (Koala Habitat Protection) 2019 Assessment
Report prepared by Stewart Surveys

Attachment 9: BASIX Certificate & House Energy Ratings & Thermal Performance Assessment

Attachment 10: Traffic Impact Assessment prepared by Ardill Payne and Partners

Attachment 11: Quantity Surveyors Report / Cost Estimate prepared by
Mitchell Bradtman

Attachment 12: Gunnedah DCP Assessment Table prepared by SJB Planning

Attachment 13: Noise Impact Assessment prepared by Wilkinson Murray

Attachment 14: Landscape Plans prepared by Stewart Surveys

Attachment 15: Survey Plans prepared by Stewart Surveys

Attachment 16: BCA Capability Statement prepared by Design
Confidence