

DATE OF DETERMINATION	3 December 2021
DATE OF PANEL DECISION	3 December 2021
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Donna Ausling
APOLOGIES	None
DECLARATIONS OF INTEREST	Jamie Chaffey and Ann Luke declared conflicts of interest as they have been involved with this Council application as councillors.

Papers circulated electronically on 17 November 2021.

MATTER DETERMINED

PPSNTH-94 – Gunnedah – DA2021/016 at 3130 Oxley Highway, Gunnedah – koala sanctuary (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Gunnedah Local Environmental Plan 2012 (LEP), that has demonstrated that:

- a) compliance with cl. 4.2A (Erection of dwelling houses on land in certain rural and environment protection zones) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.2A (Erection of dwelling houses on land in certain rural and environment protection zones) of the LEP and the objectives for development in the RU1 zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the following reasons:

1. The primary proposed uses are permissible in the RU1 zone on which the development footprint is located. Three of the proposed support uses – caravan park, food premises and residential accommodation – are not permissible but are all subsidiary to the primary uses and so are ancillary

development making the overall proposal permissible. The proposal is also consistent with relevant zone objectives.

2. The proposal is consistent with and/or satisfies relevant provisions of all applicable SEPPs.
3. The site of proposed development is suitable for the intended use. Much of it is a former quarry that has been remediated and contains no significant environmental constraints. The site has good road access, will be provided with all essential services and will not be incompatible with any neighbouring use.
4. The proposal will be environmentally beneficial by providing habitat and support facilities for protected fauna. It will also be socially beneficial because it will stimulate tourist visitation and provide additional local employment.
5. The Panel has carefully considered the issues raised in the objection received on the proposal and believes the issues raised have been resolved either by the design of the proposal and/or conditions imposed and that no residual issues warrant refusal of the application.
6. For the reasons given above approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Amend Condition C7 to add a part (b) with an alternate method to satisfactorily address asbestos contamination.
- Add a part to Condition D3 to require separate DA approval for stormwater drainage works.
- Amend Condition D7 to require that the cover to the parking spaces be from tree canopy.
- Insert Condition D10 to require an Operations Environment Management Plan.
- Correct street address in Condition E3
- To Condition E11, add 'and caravan and campsites'.
- To Condition E12, remove reference to camping sites
- Deleted Condition E13, as a duplicate
- Amend Condition E14 to require that the car parking be in accordance with the approved site plans.
- Amend Condition E15 to require that the landscaping plan from Condition D7 be provided.
- Amend Condition E17 to require the parking spaces to be in close proximity, rather than adjacent
- Delete Condition F2, as it is a duplicate of Condition F1.
- Update all condition numbering accordingly



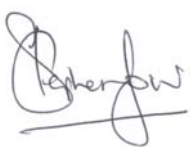

The approved conditions are attached at Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Provision of adequate quarantine facility between Veterinary Hospital and public areas or staff who are not involved with animals.
- Vehicle accommodation for Caretakers Residence

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Paul Mitchell (Chair)	 Penny Holloway
 Stephen Gow	 Donna Ausling

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-94 – Gunnedah – DA2021/016
2	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.
3	STREET ADDRESS	3130 Oxley Highway, Gunnedah
4	APPLICANT/OWNER	Applicant: Mr D Noble Owner: Gunnedah Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 64 – Advertising and Signage ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) ○ State Environmental Planning Policy (Koala Habitat Protection) 2020 ○ State Environmental Planning Policy (Koala Habitat Protection) 2021 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Gunnedah Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Gunnedah Development Control Plan 2012 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 17 November 2021 • Clause 4.6 variation request from June 2021, as amended on 23 November 2021 • Written submissions during public exhibition: one (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 26 August 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway and Stephen Gow

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Wade Hudson, Andrew Johns and Jack Morrissey ○ <u>Department staff</u>: Carolyn Hunt <ul style="list-style-type: none"> • Site inspection: <ul style="list-style-type: none"> ○ <u>Stephen Gow</u>: 24 June 2021 • Final briefing to discuss council's recommendation: 24 November 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Donna Ausling ○ <u>Council assessment staff</u>: Wade Hudson and Jeremy Bartlett ○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley • Applicant Briefing: 24 November 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Donna Ausling ○ <u>Council assessment staff</u>: Wade Hudson and Jeremy Bartlett ○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley ○ <u>Applicant representatives</u>: Phillip Lindfield, Lee Hillam, Stuart Gordon and Jonathan Temple <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

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 & Amenities 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:
- (a) Undertake testing of the soil within the location of the dwelling and the area within a minimum 20 metres surrounding the intended location of these building structures, as indicated on the Site Plans, by Dunn & Hillman Architects, 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) 'A', the identified location of the exceedance is to be remediated to a level compliant with NEPM Guideline HIL 'A' and a site validation report provided to Gunnedah Shire Council, prior to the issue of any works commencing; OR
 - (b) Provide a letter which clarifies the results and conclusions of the Asbestos Contamination and Remediation Works prepared by SMK Consultants, dated: November 2020, and confirm that all the testing results confirm that the site satisfies the National Environment Protection Measures (NEPM) Health Investigation Level (HIL) 'A' for residential activity.

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

D. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- D1.** Prior to issue of a Construction Certificate construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance.

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

Reason: To comply with statutory requirements.

- D3.** Prior to the issuing of a Construction Certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:
- (a) Carry out water supply works
 - (b) Carry out stormwater drainage works
 - (c) Operate a caravan park or camping ground

Note: All works are to be carried out by an appropriately licensed contractor in accordance with NSW Code of Practice for Plumbing and Drainage-2006.

Reason: To ensure environmental health standards are met.

On-Site Sewerage Management

- D4.** Prior to the issuing of a Construction Certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act 1993 to:
- (a) Install, construct a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
 - (b) Operate a system of sewage 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 amended landscape plans indicating existing or new trees which will provide tree canopy cover to a minimum of fifteen (15) onsite parking spaces for the Koala Sanctuary.

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

D8. Species Credit Retirement Conditions

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

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

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Phascolarctos cinereus</i> (Koala)	11	Anywhere in NSW
<i>Tyto Novaehollandiae</i> (Masked Owl)	11	Anywhere in NSW
<i>Narrow-leaved Ironbark – Cypress Pine – White Box Shrubby open forest in the Briglow Belt South Bioregion and Nandewar Bioregion</i> (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.

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

- i) General maintenance and operation of the site, including contact details of the site manager/maintenance staff;
- ii) Noise control and mitigation measures;
- iii) Dust control and mitigation measures;
- iv) Weed and vermin control and mitigation measures;
- v) Animal welfare and biosecurity;
- vi) Emergency, safety and security;

- vii) Bushfire and land management;
- viii) Site drainage and management;
- ix) Access arrangements to the site;
- x) Risk management and pedestrian safety on the site;
- xi) Complaints management relating to the operation of the site; and
- xii) Reviews, amendments and updates to the plan.

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

E. GENERAL

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

Reason: To ensure legal requirements.

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

Reason: To ensure site safety.

- E3.** 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 Oxley 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 and caravan and campsites.

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

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

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

- E13. Onsite car parking accommodation shall be provided in accordance with the approved Site Plans, prepared by Dunn & Hiram Architects, dated 12 May 2021, Job No. 20_301, Drawing No. DA01-02, Rev D, for the Koala Sanctuary, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking spaces are to be marked to ensure compliance with AS 2890 *Off Street Parking* for parking space dimensions.

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

- E14. The developer is to provide landscaping in accordance with the amended landscape plans required by condition D7. The shade provided by tree canopy is to cover a minimum of 30% of required parking spaces as set out in condition E13.

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

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

Reason: To meet statutory requirements.

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

Reason: To ensure that parking spaces are appropriately positioned.

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

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

Water Supply - Rural

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

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

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

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

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

Reason: To ensure that sewer is adequately managed.

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

Reason: To ensure appropriate management of stormwater.

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

Reason: To ensure appropriate management of stormwater.

Outdoor Lighting

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

Reason: To ensure compliance.

Easements

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

Reason: To ensure compliance with Council's requirements.

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

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

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

Reason: To meet statutory requirements.

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

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

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

Reason: To ensure compliance.

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

Reason: To ensure reduced threat from bushfire.

F. DURING CONSTRUCTION WORKS

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

Reason: To ensure compliance with approved application and plans.

F2.

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

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

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

Reason: To ensure any damage to public infrastructure is rectified

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

Reason: To minimise impacts on road infrastructure.

Road Works

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

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

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

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

- F7.** All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and

Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's requirements.

Water Supply

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

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

Reason: To ensure compliance with Council's requirements.

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

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

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

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

- F11.** The Licensed Plumber shall, within 48 hours of having the work inspected by Council's Inspecting Officer, provide Council with plans of "AS COMPLETED SANITARY DRAINAGE" for all sewer drainage works associated with this development.

Reason: To ensure compliance.

- F12. Excavations and backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To ensure compliance.

- F13. Retaining walls and drainage**

If the soil conditions require it:

- (a) Retaining walls associated with the erection or demolition of a building or other approved methods preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

Should a retaining wall be proposed to be constructed above a height of 600mm the applicant shall have the structure designed by a practicing Structural Engineer and a copy of the design plans are to be provided to council before work commences on the site. The retaining wall is to be completed in accordance with the design provided prior to any occupation or use of the building.

Reason: To ensure site stability.

- F14. Support for neighbouring buildings**

If an excavation associated with the construction of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and

- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this clause, **allotment of land** includes a public road and any other public place.

Reason: To ensure site stability.

F15. Protection of public places

If the work involved in the construction of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To ensure site safety.

F16. Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday - 7.00am to 5.00pm;
 Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

Reason: To ensure amenity of the neighbourhood is maintained.

F17. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

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

Reason: To ensure site stability.

G. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

Reason: To meet statutory requirements.

- G2.** Prior to the issuing of an Occupation Certificate, the developer shall submit to Council a copy of the current contract with the manufacturer, his agent or approved contractor, for the quarterly servicing and maintenance of the aerated effluent management system.

Reason: To ensure compliance with Health Department accreditation conditions.

- G3.** Prior to occupation of the building the following fire safety measures are to be installed in the building and the owner of the building will be required to provide a Fire Safety Certificate for each measure:

- (a) Install emergency lighting that complies with AS2293.1
- (b) Install exit signs that comply with AS2293.1
- (c) Install portable fire extinguishers to comply with AS2444
- (d) Install a fire hydrant system that complies with AS2419.1
- (e) Install fire hose reels to comply with AS2441
- (f) Install fire sprinkler system to comply with AS2778.1

Reason: To ensure compliance and fire safety of Building.

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

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

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

Reason: To ensure compliance with approved application and plans.

- G5.** One set of approved construction drawings shall be amended to show the “work-as-executed”. These drawings in both hard copy and electronic form shall be provided prior to issue of the subdivision certificate for each stage. The drawings are required to ensure that adequate records are maintained

of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with Council's requirements.

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

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

Landscaping

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

Reason: To ensure adequate landscaping along road frontage.

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

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

H. CONTINUED OPERATIONS

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

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

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

Reason: To ensure maintenance of car parking areas.

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

Reason: To ensure maintenance of landscaping.

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

Reason: To ensure compliance with Council's requirements.

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

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

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

Reason: To ensure compliance with application and plans.

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

Reason: To ensure provision of necessary onsite parking spaces.

I. General Terms of Approval – NSW Rural Fire Service

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

Reason: To ensure compliance with statutory requirements.