

19 August 2021

The General Manager
Gunnedah Shire Council
PO Box 83
GUNNEDAH NSW 2380

Attention: Wade Hudson, Senior Town Planner

Peer Review of Planning Assessment Report

I refer to the instructions from Council to undertake a peer review of the draft Planning Assessment Report for Development Application No. 2021/018 (PPSNTH-95) – proposed redevelopment of the Gunnedah Sale Yards at Lots 3, 6 and 7 in DP1218657, 2-42 Kamilaroi Highway, Gunnedah. The purpose of this peer review is to consider and advise whether the Council assessment of the proposal has addressed and satisfied the relevant statutory requirements.

Due to unforeseen COVID-19 restrictions, prevailing determination deadlines, and overarching grant funding obligations, additional assistance was also provided to Council's planning team in finalising the requisite planning assessment report.

The Development Assessment Report

For the purposes of this peer review, the following information has been relied upon:

- Northern Regional Planning Panel (NRPP) draft planning assessment report for DA 2021/018 received on 14 August 2021.

A review of the documentation submitted in support of the development application was also undertaken.

The Table below details the outcomes of the review process:

Consideration	Comment
Consistency of development with relevant legislation	<p>The development has been correctly classified by Council's assessing officer as being Regionally Significant Development in accordance with clause 3 Schedule 7 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i>, as the development is a Council-related development of more than \$5 million.</p> <p>In addition to being regionally-significant development, Council's assessing officer has correctly identified the development as being non-designated development pursuant to clause 35 of Schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>:</p>

Consideration	Comment
<p>Consistency of development with relevant legislation – cont.</p>	<p>35 Is there a significant increase in the environmental impacts of the total development?</p> <p><i>Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.</i></p> <p>As a result, a statement of environmental effects (SoEE) was prepared. The adequacy of the submitted SoEE, in addition to responses to requests for information (RFIs) were also reviewed.</p> <p>The development has also been correctly classified as integrated development in accordance with clause 4.46 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act), under the following legislation:</p> <ul style="list-style-type: none"> • <i>Protection of the Environment Operations Act 1997</i> <p>General Terms of Approval (GTAs) have been sought from the NSW Environment Protection Authority (NSW EPA). The GTAs for this project were unavailable at the time of writing this Report.</p>
<p>Consistency with strategic planning framework</p>	<p>The <i>Gunnedah Community Strategic Plan 2012-2022</i> is the major strategic document that has been developed to guide the efficient and effective delivery of services and facilities over the next decade, and outlines the goals of the elected Council. The Plan identifies actions that Council will undertake to achieve those goals and deliver successful, measured outcomes.</p> <p>The proposal is considered consistent with the strategic plan, in particular with the objectives pertaining to asset management planning and the efficient use of resources. It is acknowledged that the proposal will result in significantly improved environmental outcomes.</p> <p>Council’s assessment of the proposal did not specifically address the Community Strategic Plan, however, the proposal is considered consistent and no further analysis is required.</p> <p>A detailed Master Plan for this facility was also prepared in 2019. It is considered that the proposal is consistent with the adopted Master Plan.</p> <p>The adopted Gunnedah Local Strategic Planning Statement (LSPS) <i>Future 2040</i> sets out a clear vision and strategic framework with themes and planning priorities to guide growth. The four themes form the basis of the community’s vision of Gunnedah Shire, as follows:</p>



Consideration	Comment
	<ol style="list-style-type: none"> 1. Gunnedah Shire already has a robust economy fuelled by natural resources and strong connections to national and international markets. Pairing this boundless opportunity will help grow jobs and investment. 2. Gunnedah Shire has a strong community and character. Ensuring liveable places for people in areas such as housing, community and neighbourhood spaces will continue to be the Shire's strength. 3. Gunnedah Shire is connected and accessible not only to national and global markets but also at the local level to provide opportunities for movement. 4. A sustainable and resilient environment will ensure the shire is ready for the impact of climate change and able to preserve its biodiversity. <p>The proposal is considered consistent with Local Planning Priority 2: Develop industrial, commercial and agricultural land, aligning to theme 1 above.</p>
<p>Consistency with section 4.15 of the <i>Environmental Planning & Assessment Act 1979</i></p>	<p>Council's assessment of the proposal against the <i>Biodiversity Conservation Act 2016</i> is deemed to be adequate.</p> <p>The subject site is zoned SP2 Infrastructure, with the development type being nominated as being for Stock and Sale Yard. Council's assessment of proposal against the LEP and the objectives of the SP2 Zone are considered adequate. The development as proposed is permissible within this zone.</p> <p>Council's assessment against the range of State of Environmental Planning Policies (SEPPs) is considered adequate. No inconsistencies with relevant SEPP provisions have been identified.</p> <p>The <i>Gunnedah Development Control Plan (DCP) 2012</i> has also been reviewed. The assessment against the DCP provisions is considered appropriate. The minor building line variation identified for the shade structures is considered warranted, and the rationale and justification for this variation is appropriate.</p>
<p>The provisions of any planning agreement or draft planning agreement</p>	<p>No planning agreement, or draft planning agreement is applicable to this site or the proposal.</p>
<p>The Regulations</p>	<p>The documentation provided in support of the proposal is considered to be generally satisfactory with the exception of site stormwater management. The condition of development consent to address this identified deficiency is considered appropriate in the context of this development.</p>

Consideration	Comment
The likely impacts of the development	<p>Council's assessment of the likely impacts of the development, including impacts on the natural and built environment, in addition to the social and economic impacts in the locality, is considered satisfactory. Refer commentary above regarding site stormwater management.</p> <p>It is noted that the project will be progressively delivered over three (3) discrete stages. It is considered that the commensurate alignment of environmental upgrades and infrastructure improvements prescribed under the draft conditions is appropriate. The recommended reduction in construction hours by the assessing officer is also supported.</p>
The suitability of the site for development	Council's assessment for the suitability of the site for the development is considered adequate. It is acknowledged that the subject use is well established at this site and its operations have been largely unproblematic from a community viewpoint.
Any submissions with the Act or the Regulations	<p>The application was advertised and notified to surrounding landholders in accordance with the requirements of Council's Community Participation Plan (CPP). It is considered that the notification arrangements were appropriate and consistent with both legislative requirements and the CPP.</p> <p>No public submissions were received in response to this proposal.</p>
External referrals	<p>External referrals were conducted with:</p> <ul style="list-style-type: none"> • Transport for NSW (TfNSW) • NSW Environment Protection Authority (NSW EPA) • NSW Natural Resources Access Regulator (NRAR) <p>Responses were received from TfNSW, and at the time of the writing of this report, the NSW EPA response was pending.</p> <p>Council's consideration of each of the referral responses is considered generally adequate and is reflected in their assessment and recommended conditions of consent. Given that the NSW EPA referral was not available at the time of submission of the assessment report to the Panel, careful review of the NSW EPAs will be required to ensure that no inconsistency or duplication of conditions occurs.</p>



Consideration	Comment
External referrals – cont.	<p>The proposal may have benefited from more detailed engagement with the NSW Department of Primary Industries (NSW DPI) and NSW Local Land Services (LLS). It is considered that future engagement opportunities will be available in the preparation of documentation to support the development of the ongoing environmental management framework, for example, in the preparation of requisite Biosecurity and Sale Yards Management Plans.</p>
The public interest	<p>Council’s assessment of the public interest is deemed to be adequate based on the following:</p> <ul style="list-style-type: none"> • Council’s assessing officer has coordinated a satisfactory exhibition process in accordance with the relevant legislation. No administrative deficiencies have been identified; • Council’s review and response to the Agency representations is considered generally adequate; • Council’s assessment of the likely impacts of the proposal, including potential impacts on both the natural and built environments, in addition to the social and economic impacts in the locality, is deemed to be satisfactory. <p>Subject to the provision of additional information from the proponent to address outstanding stormwater management issues, and any matters subsequently raised by the NRPP, the proposal can be deemed to be in the public interest.</p>
Review of conditions of consent	<p>The review has found that the recommended conditions of consent are generally satisfactory.</p> <p>The condition pertaining to the requirement for provision of a Sale Yards Management Plan could be further articulated to incorporate the following:</p> <p><i>The Sale Yards Management Plan shall be prepared in accordance with the mitigation and management measures recommended in the endorsed supporting documents and implemented throughout the construction phase and operation of the facility:</i></p> <ol style="list-style-type: none"> a) <i>Construction Environmental Management Plan</i> b) <i>Operational Management Plan;</i> c) <i>Noise Management Plan;</i> d) <i>Waste Management Plan;</i> e) <i>Pest and Weed Management Plan;</i> f) <i>Biosecurity Management Plan;</i> g) <i>Soil and Water Management Plan.</i>



Conclusion

Ausplan has been engaged by Gunnedah Shire Council to undertake a peer review of their assessment of the Development Application DA 2021/018 (PPSNTH-95) for redevelopment of the Gunnedah Sale Yards facility at Lots 3, 6 & 7 DP1218657, 2-42 Kamilaroi Highway, Gunnedah.

The following matters were taken into consideration as part of this peer review:

- The relevant matters listed under section 4.15 of the *Environmental Planning and Assessment Act 1979*;
- The prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- The findings and recommendations of Council's Assessment Report;
- The submissions received from external Agencies; and
- The recommended conditions of consent.

The peer review has established the following:

- The application was correctly classified as regionally significant and integrated development, which is not designated for the purposes of Schedule 3 of the Regulation, and was referred to the relevant Authorities for review and concurrence;
- Council's assessing officer undertook a satisfactory exhibition process in accordance with the relevant legislation and acceptable due process;
- Council has undertaken a satisfactory assessment of the proposal against the relevant matters for consideration under section 4.15 of the EP&A Act;
- Council's review and response to the Agency submissions received is generally considered adequate; and
- Council's assessment of the likely impacts of the proposal, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality, is deemed to be satisfactory.

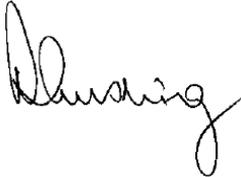
The following matters were identified as requiring further consideration and review:

- The need to ensure that the NSW EPA conditional requirements are consistent, and are not contrary to the current draft terms of consent;
- Consideration of opportunities to engage with the NSW Department of Primary Industries (NSW DPI) and NSW Local Land Services (LLS) in the preparation of site-specific environmental management plans; and
- Minor amendments to the terms of the consent in relation to the future environmental management framework.



I trust that the above information provides the necessary assistance. Should you require any additional information in this regard you are invited to contact the undersigned.

Yours faithfully



Donna Ausling
Managing Director
AUSPLAN

