

Statement of Environment Effects

Dog on the Tuckerbox

Tourist Precinct Development

37 Annie Pyers Drive Gundagai



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Disclaimer

This Statement of Environmental Effects has been prepared for the sole purpose of supporting a development application for the redevelopment of the Dog on the Tuckerbox Tourist Precinct at 37 Annie Pyers Drive, Gundagai and is reliant upon the information supplied by the applicant. The information has been prepared using electronic resources publicly available provided by the NSW Government. The use of any information contained herein without the expressed written consent of the Author is unauthorised.

Introduction and Background

This Statement of Environmental Effect (SEE) provides an assessment of information to support the Development Application (DA) for the redevelopment of the Dog on the Tuckerbox Tourist Precinct at Gundagai. This statement describes the site, its surrounds and the proposed development. It provides an assessment of the potential environmental impacts and identifies measures to be taken to mitigate and manage those potential impacts.

The Dog on the Tuckerbox redevelopment is to be conducted in a series of three stages and is generally consistent with the Masterplan for the site adopted by Cootamundra Gundagai Regional Council at its meeting of 29 June 2021. The application seeks to demolish existing structures on site to allow for the construction of tourist-oriented redevelopment of the site. The proposed development involves the construction of seven new buildings including food and drink premises, shop premises and a new water feature to replace the existing wishing well. The proposal also involves the removal of 24 trees, relocation of the Dog on the Tuckerbox Memorial and the realignment of allotment boundaries to enable Council to retain ownership of the heritage listed items existing on site, being the Dog on the Tuckerbox Memorial and the Limestone Inn ruins, as separate Torrens Title allotments.

The proposed redevelopment will be undertaken in three stages:

- | | |
|---------|---|
| Stage 1 | Buildings B01 and B03 – food and drink premises;
Demolition of service station;
Installation of sewer system;
Carpark works |
| Stage 2 | Building B02 – shop premises and relocation of Dog on the Tuckerbox Memorial;
Demolition of kiosk;
Landscaping works |
| Stage 3 | Buildings B04 – B07 – Future shop premises and pub;
Provision of play area;
Carparking;
Landscaping;
Reconfiguration of lot boundaries via subdivision to create three allotments of 25,162m ² , 210m ² and 1,250m ² . |

Consent is sought for the demolition and construction of the buildings. Indicative internal layouts have been provided to assist Council in assessing the application. It is noted that these are indicative only and first use fit out development applications will be lodged upon completion of construction and prior to the use of the buildings. Accordingly, a worst-case scenario has been adopted in order to demonstrate that appropriate management and mitigation measures have been proposed to enable the redevelopment of the site to be undertaken in a responsible manner having regard for all potential and perceived impacts.

In 2018 Gundagai Cootamundra Council sought expressions of interest to redevelop the site. It was envisaged that the redevelopment of the site would capitalise on its strategic location

on the Hume Highway and the iconic dog as a tourist attraction. As part of that expression of interest Council indicated that funding for the installation of a potable water supply had been secured with installation to occur in 2019. The construction of a potable water supply to the site is included in Council's 2023/24 Operational Plan. The plans for the construction of the water supply have been provided to enable the proposed redevelopment of the site to be designed in accordance with Council's intent to provide potable water.

The applicant was successful in the expression of interest process and has entered into the necessary arrangements to commence redevelopment of the site. Of particular relevance to this development application is the preparation of a masterplan, which was adopted by Council in 2021 and contained the following elements:

- Preservation and enhancement of the Dog on the Tuckerbox Memorial;
- Preservation of the Limestone Inn ruins;
- Provision of public amenities;
- Subdivision of the heritage elements; being Limestone Inn and Dog on the Tuckerbox Memorial, to enable Council to hold freehold ownership of the site/s containing these elements

This redevelopment proposal contains these elements in accordance with the requirements of the expression of interest documents and the masterplan as adopted by Council.

A development application was lodged on 20 September 2023 after consultation with the applicant, their representatives and Council staff in February 2023. Council requested additional information on 16 November 2023. This statement and the supporting documentation address the concerns of Council in the request for additional information.

The Proposal

It is proposed to redevelop the Dog on the Tuckerbox into a tourist-oriented precinct containing food and drink premises, shops, pub and supporting ancillary development including public amenities, children's play area, car and bus parking and EV charging. The proposal also includes the demolition of structures on site in order to facilitate construction as well as the relocation of the Dog on the Tuckerbox Memorial. The realignment and subdivision of the site to enable the existing heritage items to be contained on land separate to the commercial aspects of the site also forms part of the proposal. The site/s containing the heritage elements will remain in the ownership of Council. The proposal is to be undertaken in three stages and is generally consistent with the masterplan as adopted by Council.

- | | |
|---------|--|
| Stage 1 | Buildings B01 and B03 – food and drink premises;
Demolition of service station;
Installation of sewer system;
Carpark works |
| Stage 2 | Building B02 – Shop premises and relocation of Dog on the Tuckerbox Memorial; |

Demolition of kiosk;
Landscaping works

Stage 3 Buildings B04 – B07 – Future shop premises and pub;
Provision of play area;
Carparking;
Landscaping;
Reconfiguration of lot boundaries via subdivision to create three allotments of 25,162m², 210m² and 1,250m².

Removal of 24 trees is required to facilitate the proposal and a full assessment of the removal of the trees and impact upon the heritage items, the environs overall and flora and fauna has been undertaken by East Coast Ecology. This reports also forms part of the documentation supporting this application.

Consent is sought for approval to construct the buildings, install the on-site effluent system, provide carparking and resubdivision of the site. Internal layouts of the buildings have been provided as indicative only and demonstrate a worst-case scenario to enable assessment of the full potential impacts of the proposed redevelopment of the site. First use fit out applications will be lodged prior to the occupation and fit out the proposed buildings.

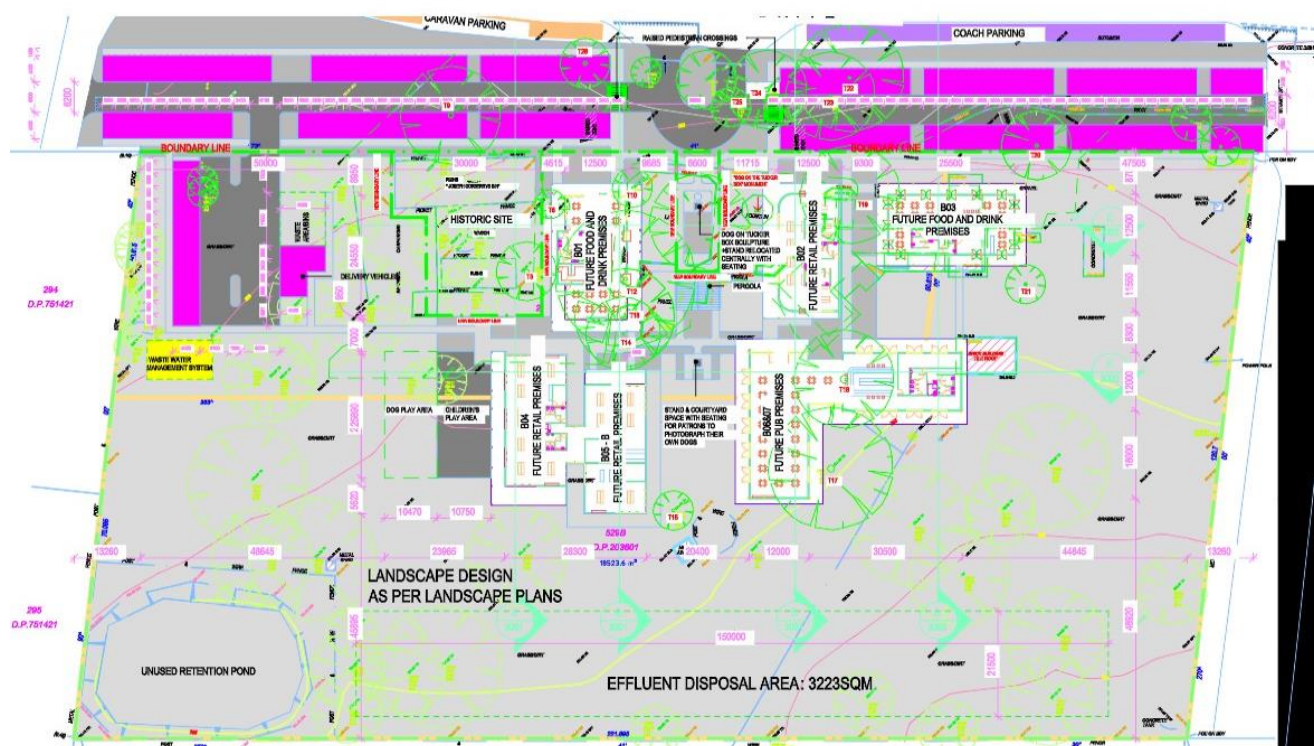


Figure 1 – proposed redevelopment site plan

[illegible]

Figure 3—subdivision (lots 2 and 3 containing heritage items to remain in Council ownership)

The Site

The site is known as 37 Annie Pyers Drive, Gundagai and is situated on the western side of the Hume Highway some 8km north of the Gundagai CBD. The site has an area of approximately 2 ha and is rectangular in shape. Access to the site is directly from Annie Pyers Drive via two access points. Annie Pyers connects directly to the Hume Highway at two points north and south of the site.

The site is contained within an area containing a highway service centre consisting of fuel outlet and fast food outlets (KFC, Subway) and café, disused service station, takeaway food and drink premises (Olivers) and antique centre. The site consists of two allotments, being Lot 2 DP 160191 and Lot 5298 DP203601. A lot reconfiguration and resubdivision is proposed as part of the redevelopment to enable the heritage items of Limestone Inn Ruins and Dog on the Tuckerbox Memorial to be contained on individual allotments of proposed lots 2 and 3 respectively. Council will retain freehold title to proposed lots 2 and 3 containing the heritage items. An assessment of the proposed subdivision and the overall development on the heritage significance of the items has been undertaken by Heritage 21, the report is included with the documentation supporting this application.

The site has not been subject to any developments in recent past and is somewhat in need of redevelopment, particularly given the significance of the Dog on the Tuckerbox and its place in national psyche. The dog entered into Australian vernacular folklore as part of a teamsters' song, having been published in the local newspaper in the late 19th century. A memorial to the dog was erected in 1932 as part of the "Back to Gundagai" celebrations. In the mid part of the 20th century the dog was relocated to its present location, set back from the highway.



Figure 4 – site in context of surrounding environs

Evaluation

Council, as the consent authority, requires consideration of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* relevant to the development application. Within Section 4.15 the items for consideration are:

- (a) (i) any environmental planning instrument, and

The following State Environmental Planning Policies (SEPPs) are applicable to the development:

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of this SEPP applies to the whole of the State and relates specifically to signage and advertising. Of note is the provision that this part of the SEPP applies to all signage and advertising except:

- (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.

No signage is proposed as part of this application. Future signage which does not meet the requirements of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* will be the subject of further development applications to council.

State Environmental Planning Policy (Planning Systems) 2021

An amended quantity surveys statement has been prepared for submission with the revised documentation in accordance with Council's request for additional information dated November 2023. Given that Council is the landholder and will retain two allotments post development an assessment against the requirements of Clause 3 of Schedule 6 was undertaken together with an assessment of the criteria of Clause 2.19 *State Environmental Planning Policy (Planning Systems) 2021* where it is deemed that the development does not meet the thresholds for Regionally Significant Development. Accordingly, Council would be the determining authority. However, it is felt that due to Council's ownership that for probity and transparency that the assessment of this development be undertaken by a suitably qualified professional not associated with Cootamundra Gundagai Regional Council.

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 prescribes that a consent authority must not consent to the carrying out of any development on land, unless it has considered whether the land is contaminated. A preliminary Site Investigation Report prepared by Environmental Consulting Services was submitted in September 2023 as part of the original application to Council.

This report identified that the former service station on the site as potential source of contamination of soil and groundwater. The investigation found that, subject to remediation works occurring within the footprint of the former service station, the site will be suitable for the development as proposed. Clause 4.11 allows category 2 remediation works to be undertaken without development consent. It is intended to undertake the category 2 remediation works of the former service station site under this clause without the need for additional development consent.

Due to the age of the buildings on site, the report recommends that a hazardous building material survey be undertaken prior to the demolition of the structures on site. Should hazardous materials be discovered protocols for their removal in accordance with industry best practice and Australian Standards will be followed. Nonetheless demolition of the structures will be undertaken in accordance with the provisions of Australian Standard 2601 and SafeWork NSW Code of Practice for Demolition Works.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter two aims to facilitate the effective delivery of infrastructure across all of NSW. The following Clauses are applicable as they apply to this proposed development.

Division 5 Electricity transmission or distribution networks

As works are proposed within 5m of an overhead power line, comments from the electricity provider are to be sought as part of the assessment process.

Division 17 Roads and Traffic

Clause 2.120 Road noise

The site, whilst not having direct frontage to a classified road, is within 200m and relies on the Hume Highway for access to Annie Pyers Drive which provides access to the site. The proposal does not contain any sensitive users as listed in part (1) of the clause.

Clause 2.122 Traffic generating development

Access to the site is via Annie Pyers Drive approximately 200m from the intersection with the Hume Highway. Whilst the proposal does not meet the threshold of gross floor area or maximum car parking spaces, it is noted that referral to Transport for NSW has been undertaken and that authority had concerns with the proposed development. A revised traffic impact study has been undertaken by JMT Consulting addressing the matters raised in Council's request for additional information of November 2023.

Gundagai Local Environmental Plan 2011 (GLEP) is the applicable environmental planning instrument for this proposal. The aims of this plan, as relevant to this proposal, are:

- (d) to protect, conserve and enhance Gundagai's rich indigenous and non-indigenous cultural heritage*

The proposal actively seeks to protect, conserve and enhance one of Gundagai most iconic heritage items, being the Dog on the Tuckerbox. The proposal aims to elevate the prominence of the memorial and the folklore surrounding this iconic memorial. The proposal actively respects and protects the heritage items located on the site and seeks to enhance the prominence, as agreed by Council in the masterplan.

Furthermore, the proposal is not inconsistent with the remaining aims of the Gundagai Local Environmental Plan 2011.

The proposal does not seek the suspension of any covenants, agreements or instruments as prescribed by clause 1.9A.

The site is zoned SP3 Tourist under GLEP. The objectives of this zone applicable to this proposal are:

- *To provide for a variety of tourist-oriented development and related uses*
- *To recognise and promote the cultural significance of the “Dog on the Tuckerbox” installation at the Five Mile*

The proposal can be characterised as a tourist-oriented development containing shops, food and drink premises and pub (a sub term of food and drink premises) all of which are permissible in this zone. The plans and supporting documentation refer to the shops as the generic term of “retail premises” for ease of reference. It is noted that shops are a sub category of retail premises as are food and drink premises which are the only sub categories of retail premises that are proposed as part of, and appropriate for, this development.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

The proposal involves the redevelopment of a site that is currently used for food and drink premises along with other disused buildings. The proposal is a tourist-oriented facility highlighting the iconic Dog on the Tuckerbox. The proposal is designed to give visitors a reason to stay longer at the historic site and will assist in generating economic activity in the area. The buildings are arranged around the relocated Dog on the Tuckerbox (to be located in a central courtyard) to establish visual focus.

The proposal involves parking for coaches and longer vehicles, such as caravans and trailers, electric vehicle charging and general carparking. It also provides a children’s play area, landscaped areas as well as food and drink premises and shops.

Furthermore, the proposal does not alter the activities that are currently undertaken on site, rather proposes to provide additional amenities and enhance the prominence of the Dog on the Tuckerbox. Additionally, the proposal is not inconsistent with the with remaining zone objectives.

Clauses 2.4 – 2.6 of GLEP are not applicable to this proposal as it does not involve any matter prescribed by these clauses.

Clause 2.5 is not applicable as the application is not seeking any additional permitted uses aside from those permitted within the zone.

Clause 2.6 – Subdivision and realignment of boundaries does form part of this application and consent is sought to reconfigure the existing allotments and create an additional allotment from the existing two allotments. Two of the three allotments will remain in Council ownership and contain the heritage items currently existing on site. Lot 2 will contain the Dog on the Tuckerbox Memorial and will have a size of 210m²; Lot 3 will contain the Limestone Inn ruins and curtilage with a lot size of 1,250m². The third allotment will contain the buildings and associated infrastructure as outlined in this proposal and will have a lot size of 25,162m².

Clause 2.7 Demolition of buildings does form part of this proposal and consent is sought for the demolition of the structures on site as outlined in the proposal section of this report.

Clauses 2.8 – 2.9 are not applicable to this proposal.

The proposal does not include any matter contained with Parts 3 and 4 of GLEP. Similarly, the matters contained within Clauses 5.1-5.9 are not relevant to this proposal.

There are two heritage items on site being the Dog on the Tuckerbox Memorial and the Limestone Inn Ruins. An assessment of heritage impact has been undertaken by Heritage 21 and includes an assessment of how the proposed buildings, associated infrastructure, demolition and subdivision will impact upon the heritage items.

The design and extra appearance of the building is a mix of contemporary and traditional style and material. This design is a deliberate attempt to demonstrate the former uses of the site through history. The use of a mix of styles indicates a previous use and is reflective of the type of construction of the former limestone inn and the more modern developments previously on the site. It is not proposed to retain any of the existing buildings on the site and the contemporary construction points to the modern developments of the site and the area. The Limestone Inn ruins are respective with a more historic type design and construction to acknowledge that former use of the site. This is further explored in the heritage assessment undertaken by Heritage 21 whose conclusion is that the mix of styles and construction materials does not detract from the heritage significance of the site overall nor the heritage items on the site.

Similarly, the subdivision proposal is respectful of the heritage items and provides sufficient curtilage to allow maintenance appreciation of the items without the

distinct feeling that they are totally separate from, but contributory to, the surrounding development.

The site is in an area that is mapped as being prone to bushfire. A bushfire assessment has been undertaken by CAF Building and Town Planning Consulting which is contained within the suite of supporting documents with this application. This assessment found that the proposed development is suitable for the site and there are no specific bushfire attack level construction materials or techniques that are required to enable the development to occur.

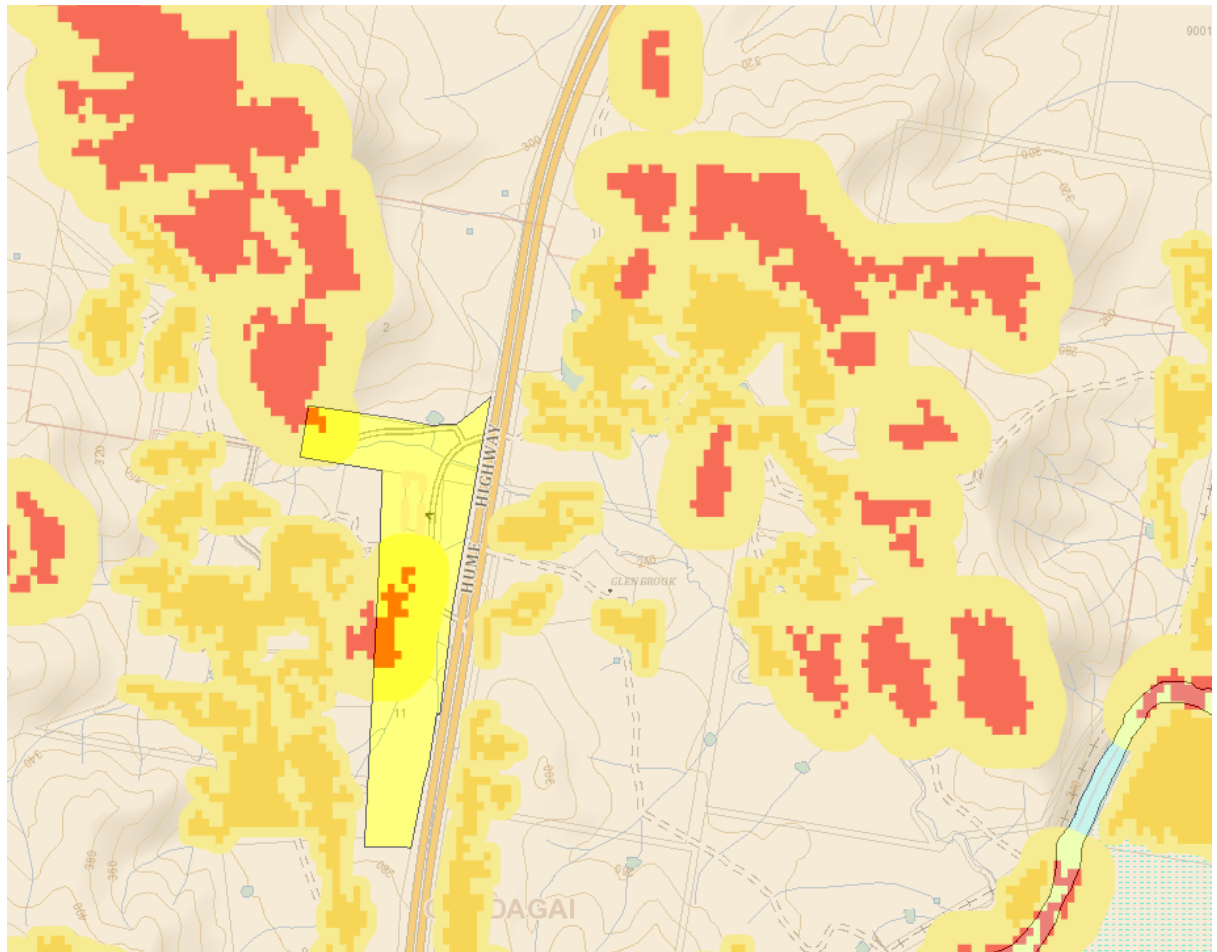


Figure 5 - Bushfire Prone Land Map (source: NSW Planning Portal Spatial Viewer)

Clauses 5.12 – 5.25 are not applicable to this proposal as it does not contain matters to which these clauses apply and the site is not subject to flooding.

Clauses 6.1 This clause applies to land identified as “sensitive land” on the Natural Resources Sensitivity Biodiversity Map of Gundagai Local Environmental Plan 2011. A review of the protection layers on NSW Planning Portal Spatial Viewer indicates that the subject land is not mapped as sensitive land (the map associated with Gundagai Local Environmental Plan on the Legislation Website has wording directly over the site and is unclear). Similarly, the site is not mapped by the Biodiversity Values Map (Non-EPI).

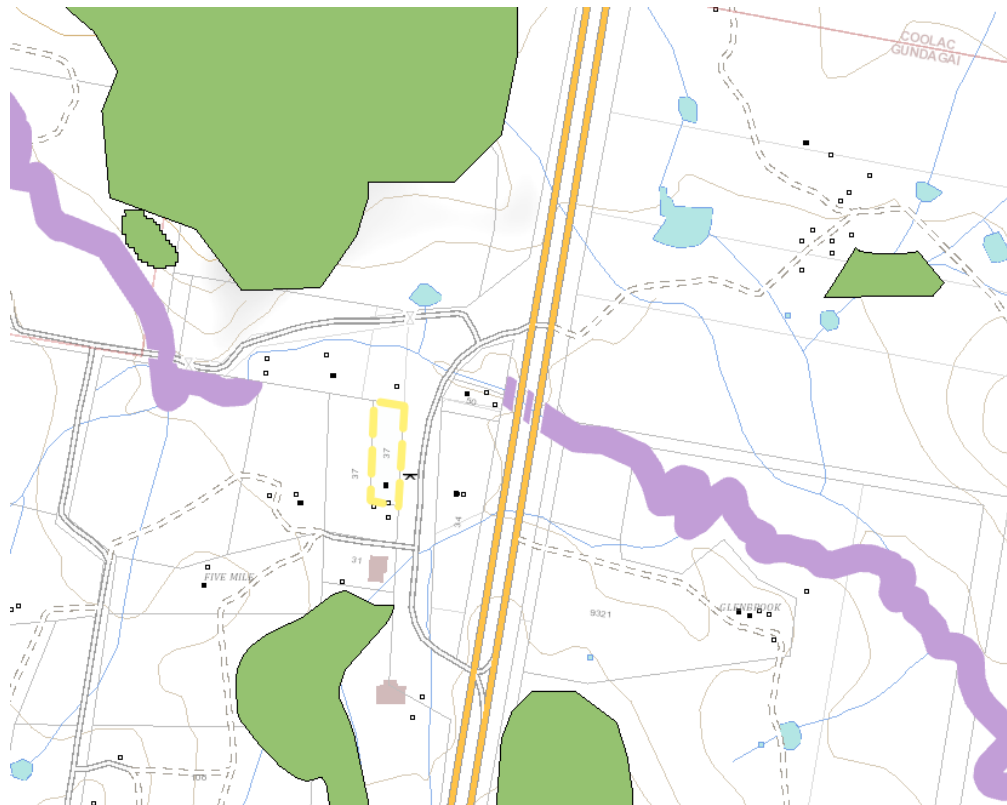


Figure 6 – Biodiversity Layers (Source: NSW Planning Portal Spatial Viewer)

Nonetheless Council’s request for additional information indicated that they were not satisfied with the assessment of vegetation submitted with the original application. A further assessment was carried out by East Coast Ecology and is forms part of the documentation supporting this application. This additional assessment found that due to the location of the site and the state of the vegetation on site compared to the surrounding areas containing superior habitat it is unlikely that threatened fauna occupy the site.



Figure 7 - GLEP Natural Resources Sensitivity Map - Biodiversity (source: NSW Legislation)

The report recommends a series of actions to be undertaken during construction and occupation to avoid and minimise impact on biodiversity values. The proponent is willing to undertake the actions contained in the recommendation and anticipates that such would form part of Council’s conditions of consent.

Clause 6.2 Land Protection relates to land that is mapped as “sensitive land” on the Natural Resources Sensitivity Land Map. The extract of GLEP Map 3500_COM_NRL_007_080_20110712 does not show the land mapped as sensitive land.



Figure 8 - GLEP Natural Resources Sensitivity Map - Land (source: NSW Legislation)

Clause 6.3 Water Protection applies to the proposal as the site is mapped as “sensitive land” on the Natural Resources Sensitivity Water Map. This clause aims to maintain the hydrological functions of riparian land, waterways and aquifers. Consideration must be given to any adverse impacts that a proposal may have on receiving waters including flow, quality, stability and groundwater systems. The proposal is to be carried out on a site which previously contained a potentially contaminating activity, being a service station. A contamination report has been prepared to deal with potential contamination and remediation.

The proposed redevelopment of the site has the potential to impact groundwater systems and nearby waterways via effluent and overland flow containing sediment and contaminants. To this end an effluent assessment report has been prepared which calculates potential disposal, loading and discharge. This report found that negligible impact on groundwater systems would result from effective and efficient use of an adequately designed and appropriately location disposal field.

Similarly, a revised stormwater design is contained within the suite of supporting documentation. Given the demolition of structures on site and the placement of new buildings the overall increase in impervious area is expected to be around 10%. The revised plans demonstrate capture of stormwater from the carparking area including pit schedule and driveable end wall with steel bars to prevent access. The stormwater assessment and design indicate that stormwater is able to be adequately captured on site and can be discharged without contaminants or causing erosion and sedimentation.

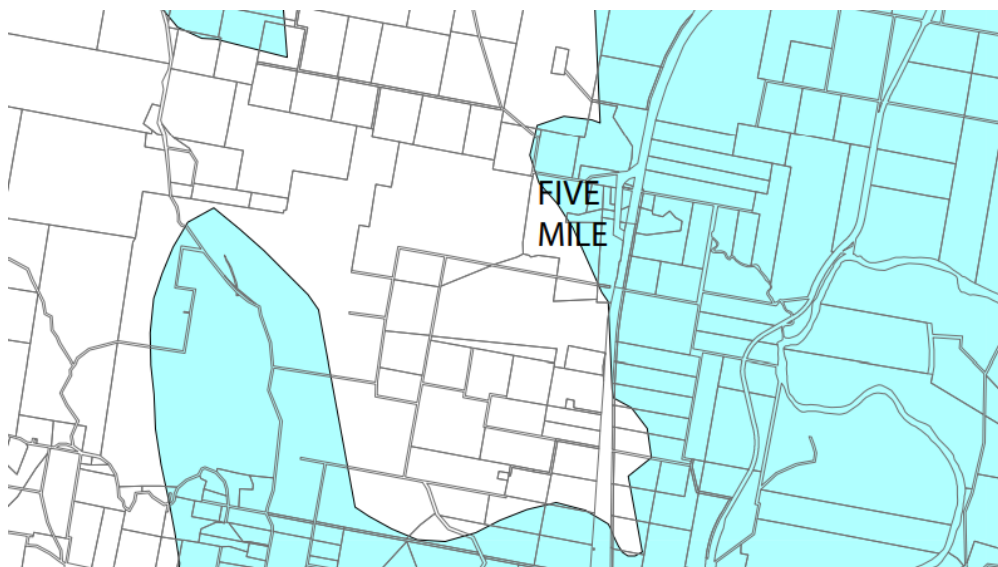


Figure 9 - GLEP Natural Resources Sensitivity Map - Water (source: NSW Legislation)

Clause 6.5 Earthworks will be required for both buildings' placement and for remediation of the former service station site. Category 2 remediation works are able to be carried out without development consent where contaminated soil is discovered it is to be classified and disposed to an appropriately licensed facility.

The site is relatively flat, with land distant to the west rising to a hill and the site draining generally to the north west. The site has a slope of approximately 2m from 255AHD at the west boundary to 253AHD at the road edge of Annie Pyers Drive. Accordingly, clearing and levelling for the placement of concrete for footings and slabs will be required. It is anticipated that cut earth will be utilised on site for filling and shaping where required. Levels are to be confirmed prior to construction as part of the package of materials for a construction certificate.

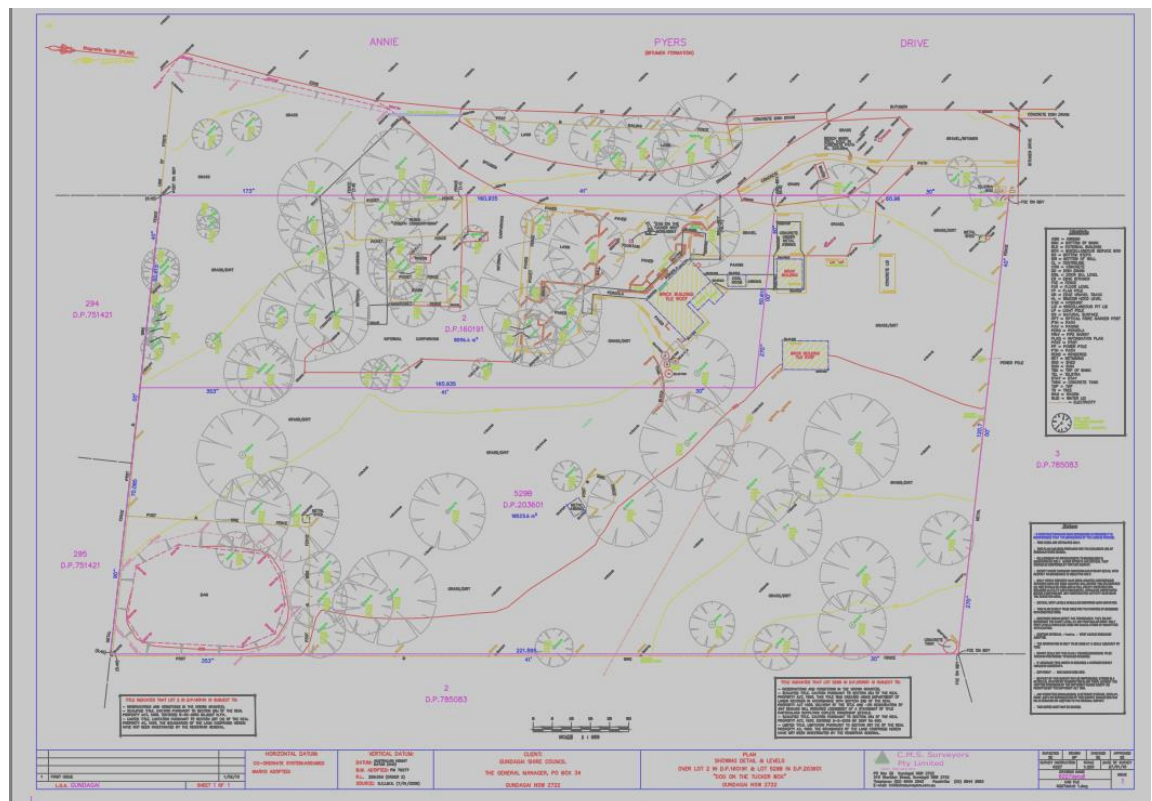


Figure 10 - Survey Plan (Source: CMS Surveyors)

Clause 6.6 Essential Services are required to be provided to the site to ensure that the development can be adequately serviced by reticulated services or other means. Council has funded a reticulated water supply to the site the 2023/24 Operational Plan. The development has been designed in accordance with the design plans prepared by Maloney's and provided by Council.

An adequately designed, located and constructed on site effluent system is proposed to service the site. The site area allocated for disposal of effluent by irrigation is shown on the site plans in accordance with the report prepared by

McMahon Earth Sciences. The report has taken account of the proposed future uses of the buildings on site in calculating and adequate area for effluent disposal.

Electricity is available to the site and connections currently exist. Advice from essential energy has not indicated that there is inadequate surplus for the redevelopment of the site as proposed.

A revised traffic report has been provided that indicates with the proposed works on Annie Pyers Drive required to facilitate the development that the road network is able to cater for the volume of traffic expected to be generated by this development.

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

The site or the development is not subject to any notified proposed instruments.

- (iii) any development control plan, and

5 Mile Precinct Development Control Plan 2007 applies to the site. The proposal is assessed against the criteria of the DCP below:

Environmental and heritage context

The proposal involves the relocation of the Dog on the Tuckerbox Memorial into a more visually prominent position. The buildings of the proposed development look toward the memorial in a central courtyard. In this manner the dog is elevated to the central feature of the site and encourages the public to engage with the history of the site.

The buildings themselves are a mix of traditional and contemporary construction and style incorporating dark colours so as to not dominate the environment in which they are located and replica sandstone as representative of the former buildings on the site. The central courtyard and open space beyond do not detract from the rural vistas to and from the site.

Land Use and consistency with Councils planning strategy

The Cootamundra Gundagai Local Strategy Planning Statement contains priorities with respect to the development of land within the Local Government Area. This proposal directly relates to priority two *“Opportunities to celebrate and protect our heritage”*. The proposal provides for an activated tourist-oriented development at the iconic Dog on the Tuckerbox Memorial site that actively encourages engagement with the heritage items of the memorial and Limestone Inn ruins. The proposal ensures that the Dog on the Tuckerbox Memorial is retained and becomes

a focal point of the development. The proposal develops a precinct in which the history of the site is prominent and celebrated.

Access and parking arrangements

Access to the site is currently via two access points off Annie Pyers Drive, these access points are to be retained with additional pedestrian linkages provided throughout the site to ensure the safe movement of pedestrians around the site and connecting to the Dog on the Tuckerbox Memorial Trail. Adequate provision has been made for the parking of coaches, electric vehicles, long vehicles and passenger vehicles. The number and location of carparking is adequate for the intended proposed uses of the buildings to be constructed on the site. The traffic assessment (original and revised) has found that the current access arrangements to the site and the Hume Highway are adequate for the proposed development.

Architectural and landscape design quality

The buildings contain a mix of contemporary and traditional design and form using sympathetic materials and colours including timber look and replica sandstone to complement the heritage values of the site. The style of the buildings, whilst sympathetic to the heritage items in close proximity, are easily distinguishable from the heritage aspects of the site. The central courtyard, children's play area, open spaces as well as curtilage of the heritage items provides a pleasant landscape environment in which visitors can enjoy the attributes of the site and the surrounding area.

Water

Council has agreed to supply potable water to the site. A stormwater treatment design and assessment has been undertaken which demonstrates a 10% increase in impervious area and that such would not negatively impact upon receiving water systems. An assessment of the impact of the development on groundwater has also been deemed to be negligible.

Utility Services

Electricity services are available to the site. On site effluent disposal has been assessed and designed with a view to irrigation of treated effluent on site. The assessment has indicated that the receiving soil is capable of accepting effluent irrigation without negative impacts.

Flora, fauna and noxious weeds

A flora and fauna assessment has been carried out and the report contains recommendations for actions to be undertaken during and post construction to ensure any negative impacts are avoided or mitigated. It is anticipated that Council would include these recommendations as conditions of consent in any approval. As the site is actively used and a tourist destination and economic activity hub the

maintenance of landscaped areas is paramount. To this end the applicant will prepare ongoing management plans to ensure such maintenance.

Waste management

Waste is expected to be generated during construction and upon operation. Demolition waste is to be removed off site to an appropriate licensed facility. Should contaminated material (soil or building) be discovered during demolition appropriate measures, in accordance with Australian Standards, Resilience and Hazardous SEPP and SafeWork NSW, are to be implemented to ensure no additional contamination occurs and the material is handled and treated appropriately.

During construction dedicated containers are to be located on site to contain waste and shall be lidded to ensure that no material is blown from site.

Operational waste is determined on the final occupation of the buildings, which at this stage is unknown. The disposal of operational waste is to be subject to further assessment when such development applications are lodged for occupation.

Signage

At this stage there is no signage proposed as part of the development. Any signage that does not meet the requirements of the Codes SEPP will be subject to a further development application prior to installation.

Relationship to the Hume Highway and neighbouring properties

The proposed buildings are clustered around a central courtyard to provide visual focus to the iconic Dog on the Tuckerbox Memorial. The chosen colours would contrast against the colours of the surrounding areas but not be such that they detract from the rural vistas. The location and clustering of the buildings make them visible from the Hume Highway, north and south bound and elevate the significance of the Dog on the Tuckerbox Memorial enticing visitors to exit the highway and visit the site.

The facilities provided by the proposed redevelopment are attractive to the travelling public and at the same time raise the historic profile of the site. The preservation of the heritage items on the site and the relocation of the Dog on the Tuckerbox Memorial to a central location provide learning and engagement opportunities that at present are not fully realised.

Contaminated Land

A preliminary contaminated assessment report indicates that the former service station is the site of potential contamination. Remediation works of the site are able to be carried out as Category 2 remediations works without development consent. Should contaminated material be discovered it will be removed from site.

in accordance with the contaminated land management protocols, Resilience and Hazardous SEPP and SafeWork NSW.

Subdivision

The site is currently two allotments. It is proposed that a reconfiguration of allotment boundaries occur and an additional allotment be created. Proposed Lots 1 and 2 would contain the heritage items of Limestone Ruins and the Dog on the Tuckerbox Memorial (respectively). These allotments would remain in the ownership of Council. A plan of subdivision has been included in the suite of supporting documents.

The subdivision plan indicates that lot 2 containing the Dog on the Tuckerbox Memorial will be 210m², Lot 3 containing the Limestone Inn Ruins will be 1,250m² with the residual allotment being 25,162m². These allotment sizes are approximate at present and will be confirmed on site prior to commencement. Lots 2 and 3 have are the minimum necessary to protect the heritage items and curtilage to minimise maintenance costs for Council. Nonetheless the sizes have been determined so as not to negatively impact upon the heritage significance of the items and curtilage. The report by Heritage 21 confirms the allotment sizes as suitable to protect the integrity of the heritage items and their curtilage.

Existing Development

The proposal does not involve the reuse or adaption of any of the buildings currently on site. However, the Dog on the Tuckerbox Memorial will be relocated to increase visual prominence and the Limestone Inn ruins will be preserved. With increased visitation it envisaged that greater knowledge and engagement with both Limestone Inn ruins and the Dog on the Tuckerbox Memorial is likely to occur.

- (iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No planning agreement has been entered into, nor is any planning agreement proposed as part of this development.

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

The provisions Part 4, Division 1 (with the exception of clause 3) of the *Environmental Planning and Assessment Regulation 2021* are applicable to this development as there is demolition. Demolition is to be undertaken in accordance with industry best practice, Australian Standards and WorkSafe NSW guidelines. All material is to be removed off site. Where asbestos containing material is discovered it is to be removed by a licensed contractor to an appropriately licensed facility. To ensure this occurs a hazardous building materials assessment is to be undertaken prior to any work commencing on site.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Context and Setting

The proposal is situated in close proximity to the Hume Highway in an area that has been identified since at least 2007 by Council as needing improvement to realise its potential as a tourist-oriented destination. This proposal realises that vision. It meets the requirements of Council's development control plan.

The construction proposes a mix of contemporary and traditional styles and finishes to complement and enhance the rural and historic area in which it is located. The proposal will not negatively impact upon the surrounding developments, rather enhance their viability with similar development providing additional choice for the travelling public. The location of the development close to the highway and associated with the iconic Dog on the Tuckerbox provides incidental opportunities for engagement with, and learning of, local and national heritage.

The proposal is not dissimilar to other highway service centres that contain iconic features such as the "big" items of the Big Merino, Big Banana and the like. Such features are also located close to major highways with additional activities provided in close proximity. The proposal aims to realise that potential for the Dog on the Tuckerbox Memorial. It seeks to highlight and celebrate the heritage of the site whilst providing additional activities.

The landscaping and low built form of the buildings nestle within the rural setting and whilst contrasting with the rural colours, do not negatively detract from the rural vistas to and from the site. The operation of the development and future occupation of the buildings will not negatively impact upon the operational activities of surrounding land.

Access Traffic and Transport

The number and type of vehicles entering and leaving the site will increase as a result of the development. A traffic study (revised and original) has examined existing and proposed traffic movement, intersection crash history and traffic numbers. It concludes that whilst the proposal will increase traffic to the site via Annie Pyers Drive the proposed works associated with the development are adequate to manage the traffic on Annie Pyers Drive. Similarly, the report found that the traffic generated by the development will not necessitate in additional works on the Hume Highway nor the intersections of Annie Pyers Drive and the Hume Highway.

There has been provision made as part of the proposed development for the parking of coaches, long vehicles such as caravans and trailers, electric vehicles as well as passenger vehicles. The parking has been designed to limit pedestrian and traffic conflict with pedestrian areas clearly marked on site. Traffic movement through the site is to be clearly marked and parking spaces delineated. Provision has been made for service vehicles to access the site in a separate area to that of visitor traffic.

There are no public transport services to the site, however as indicated provision has been made for the parking of tourist coaches.

Public Domain

The public domain is likely to be enhanced by the provision of separate allotments dedicated to the heritage items currently existing on site. Increased activity and interest will generate additional economic activity with the relocated wishing well likely to increase its takings. Whilst the public domain is seamlessly incorporated in the development, it will remain in the ownership of Council and access to the heritage items will not be otherwise restricted.

Other Land Resources

The proposal does not involve giving over any productive farm land to the development. The proposal utilises the existing site which contains unused and deteriorated buildings for the redevelopment of a tourist-oriented precinct which celebrates and enhances the visibility of the Dog on the Tuckerbox Memorial.

Soil

The site is not subject to salinity or at high risk of erosion. The proposal will not impact on soil structure, permeability, cropping ability nor erosion of productive farming land. Earthworks required for the development have been assessed above under the requirements of the GLEP and demonstrate that there is unlikely to be any impact on soil quality through compaction, erosion, decline in soil structure or soil biota.

Air and Microclimate

The proposed development and its use will not give rise to any air or microclimatic adverse conditions. There may be dust generation during construction, however this can be mitigated by the implementation of management controls. The occupation and operation of the final development will not give rise to dust or air particulates.

Flora and Fauna

It is expected that 24 trees will be removed to facilitate the proposal. An assessment of flora and fauna has found that due to the location of the site in close proximity to the Hume Highway, the presence of superior habitat on adjoining sites and the high visitation of traffic and people the development is unlikely to negatively impact upon any threatened species. The report found that the site does not form part of a connective corridor nor is it important for foraging or nesting. The report contains recommendations which, if implemented, will minimise impact upon the vegetation on site.

Landscaping plans have been provided for the development which include the planting of additional vegetation which will be actively managed.

Noise and Vibration

The development itself will not result in any additional noise or vibration over and above that already exists as part of the existing operation. During construction there may be

some construction noise, however this will be short term and unlikely to result in any offsite impacts given the current use of the site and the surrounding land uses.

Natural and Technical Hazards

There are no known risks to people, property or the environment as a result of this proposal.

Safety, security and crime prevention

The proposal will not increase safety, security or crime on the site or area overall.

Cumulative Impact

The likely cumulative impact with this proposal includes increase in hardstand areas resulting in an increase in run off albeit to a minor extent and traffic generation. The stormwater assessment report indicates that the stormwater is able to be disposed of without causing nuisance or environmental impact. Similarly, the traffic report found that no additional works are required above those proposed to accommodate the traffic likely to be generated by this proposal.

The additional volume of people visiting the area together with the exiting developments in the area, whilst in keeping with the desire of Council, is a cumulative impact. However, it is not anticipated that additional visitation to the site will result in negative impacts, rather are likely to result in cumulative positive economic impacts for businesses in close proximity.

(c) the suitability of the site for the development,

The site, being in a tourist destination zone is proposed to be used for tourist-oriented purposes, is suitable for the proposal. There is no site, nor area, constraints that would prohibit the proposed being constructed on the site.

(d) any submissions made in accordance with this Act or the regulations,

In accordance with the provisions of Cootamundra Gundagai Regional Council's Community Participation Plan the proposal will be required to be notified. Any submissions made in response to this notification will be considered by the applicant should Council consider it appropriate to do so.

(e) the public interest

There are no public interest matters that would preclude this proposal from receiving development consent.

Councils Request for Additional Information

Inconsistencies between application, statement of environmental effects and supporting documents have been addressed or explained as part of this report. Notably the use of retail premises in plans and technical reports is to be interpreted as shops for the purposes of planning legislation. The proponent acknowledges this inconsistency; however, the generic term of retail premises has been used for ease of interpretation by laypeople. The proposed uses have been clarified with approval sought only for the construction with final fit out and use to be determined by the submission of additional development applications.

Compliance with Gundagai Local Environmental Plan and Development Control Plan has now been demonstrated by this statement of environmental effects which individually assesses each part of the development control plan and each relevant part of the Gundagai Local Environmental Plan 2011.

Key details and information missing from submitted plans have now been rectified with a fresh set of plans provided where necessary.

A revised traffic report has been submitted which addresses the matters raised in regard to traffic matters, including predictions, crash data and traffic movement.

Proposed sewer pump out system has been revised with an additional report prepared by McMahon Earth Sciences to demonstrate onsite effluent disposal by irrigation. The appropriate area has been set aside on the plans for this to occur.

A revised quantity surveyors report has been provided in accordance with the matters raised in Council's correspondence.

Stormwater management plans have been updated to demonstrate that the stormwater is able to be adequately managed without negative environmental impact.

A revised heritage assessment has been provided which assesses the removal of the trees, the impact of the proposed subdivision and the location of the wishing well.

The flora and fauna assessment has been revised in accordance with the comments from the Department of Biodiversity and Conservation. The report provides recommendations that, if followed, will minimise and avoid negative environmental impact. It is anticipated that Council would include such recommendations as conditions in any consent granted.

Pedestrian and cycleway movements have been clarified on the revised plans and within this report.

Conclusion

This Statement of Environmental effects has examined the pertinent matters as outlined in the legislation and has demonstrated that the proposal is suitable for the site. The proposed development is consistent with the aims and objectives of the Gundagai LEP 2011 and Five Mile DCP as well as the relevant State Environmental Planning Policies. The proposal is consistent with the adopted Masterplan for the subject site, and the requirements of the Expression of Interest relating to the development of the site.

The proposal seeks consent for works which will allow for the continued conservation of the Dog on the Tuckerbox Memorial and the Limestone Inn site. Revised supporting technical studies which accompany this application address Council's request for additional information and confirm that the environmental impacts associate with the proposal are generally positive and will not give rise to any adverse impacts. The proposed development is suitable for the site and is in the public interest. There is no matter that precludes the construction and use of the shed as proposed.