

SOUTHERN REGIONAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-416
DA Number	24/1432 (PAN-435426)
LGA	Wingecarribee Shire Council
Proposed Development	Eco-Tourist Facility to include an Arrival Village consisting of parking areas and arrivals buildings, Community 1 consisting of a refurbished homestead building and cabins, and Community 2 consisting of amenities building and glamping
Street Address	1551 Joadja Road, Joadja Lot 202 DP 861816
Applicant/Owner	Applicant – Churches of Christ Community Care c/- David Hanrahan Owner – The Churches of Christ Property Trust
Date of DA lodgement	5 June 2024
Number of Submissions	Public Notification <ul style="list-style-type: none"> Notification: 8 July 2024 – 7 August 2024 <ul style="list-style-type: none"> 25 submissions
Recommendation	Refusal
Regional Development Criteria (Schedule 6, Clause 2 of State Environmental Planning Policy (Planning Systems) 2021)	Section 6, Schedule 6 of the SEPP (Planning Systems) 2021 6 Eco-tourist facilities over \$5 million Development for the purpose of eco-tourist facilities that has an estimated development cost of more than \$5 million. The cost of the proposal is \$11,135,997 Ex. GST
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <i>Environmental Planning and Assessment Act 1979;</i> <i>Environmental Planning and Assessment Regulation 2021;</i> <i>State Environmental Planning Policy (Planning Systems) 2021;</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022;</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</i> <i>Wingecarribee Local Environmental Plan 2010; and</i> <i>Rural Lands Development Control Plan.</i>
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> Draft Reasons for Refusal Noise Impact Assessment Arboricultural Impact Assessment & Tree Protection Plan Architectural Plans Archaeological Survey Report Concept Design Report Biodiversity Assessment Report Bushfire Protection Assessment Concept Civil Design Plans Flood Assessment Landscape Plans Concept Water Cycle Management Study Sustainability Management Plan

	14. Plan of Management 15. Statement of Environmental Effects 16. Traffic Impact and Parking Assessment 17. Onsite Wastewater Management Assessment 18. Demolition and Construction Waste Management Plan 19. Operational Waste Management Plan
Report prepared by	Andre Vernez – Senior Development Assessment Planner
Report date	28 July 2025

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

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

Conditions

Have draft conditions been provided to the applicant for comment? **N/A**

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

EXECUTIVE SUMMARY

Council is in receipt of a development application for an eco-tourist facility to include an Arrival Village consisting of parking areas and arrivals buildings, Community 1 consisting of a refurbished homestead building and cabins, and Community 2 consisting of amenities building and glamping at 1551 Joadja Road, Joadja, legally described as Lot 202 in DP 861816 and Lots 157, 158 and 181 in DP 751276. Works the subject of this application are only proposed on Lot 202 in DP 861816.

The cost of the proposal is \$11,135,997 Ex. GST in accordance with the submitted cost estimate report by Northcroft.

Under Wingecarribee Local Environmental Plan 2010 (WLEP 2010), “eco-tourist facilities” are permissible in the C3 zone. However, given Council’s Ecologist is not supportive of the proposed development in its current form based on the information submitted to date, Council is not satisfied that the land use definition has been met. It is unclear as to whether the development has been sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

In terms of the objectives of the zone, Council is not satisfied the proposed development would protect, manage and restore any areas within the site with special ecological value or that the development would not have an adverse effect on those values.

The application was publicly notified from 8 July 2024 to 7 August 2024 (30 days). Twenty-five (25) submissions were received in objection to a number of matters relating to the proposed development, including characterisation, consistency with zone objectives and environmental impacts.

An assessment of the development application has been undertaken against the following relevant planning instruments:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2021*;
- *State Environmental Planning Policy (Planning Systems) 2021*;
- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
- *State Environmental Planning Policy (Sustainable Buildings) 2022*;
- *Wingecarribee Local Environmental Plan 2010*; and
- *Rural Lands Development Control Plan*.

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, including likely impacts, the suitability of the site for the development, and the public interest.

The proposed development is ‘nominated integrated development’ as controlled activity approval is required for the development under section 91 of the Water Management Act 2000 and authorisation is required for the development under section 100B of the Rural Fires Act 1997 in respect of bush fire safety of development of land for special fire protection purposes.

The assessment has found that insufficient information has been provided to confirm that the proposed development is consistent with the objectives and provisions of the relevant environmental planning instruments. The application has not demonstrated the site is suitable for the proposed development. The proposal may result in adverse impacts on the built and natural environment. The development is therefore not considered to be in the public interest.

Considering the above, it is recommended that the Southern Regional Planning Panel determine the development application pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by way of refusal in line with the recommended reasons outlined in this report and Attachment 1 Recommended Reasons for Refusal.

BACKGROUND

Pre-Lodgement Meeting Application

The proposed development was subject to a pre-lodgement meeting with Council on 13 December 2022 under reference DCU23/0015. It is acknowledged that the subject development application has been prepared with consideration to Council's pre-lodgement advice dated 19 December 2022, which outlined the relevant planning legislation and policy to be considered.

Development Application Background

The application was lodged with Council on 5 June 2024.

A site inspection and briefing with the Southern Regional Planning Panel (SRPP) was undertaken on 20 August 2024. During the briefing the following matters were discussed in detail:

- Proposed upgrades beyond internal road upgrades. The Panel queried the capacity of Joadja Road and the need for upgrades particularly given the use of buses to and from the site.
- Crown Lands and consent for its use.
- Aboriginal cultural heritage requirements.
- Biodiversity and the requirements for an updated BDAR.
- Consideration of Ecotourism definitions in the WLEP.
- Waste minimisation with regard to the proposed prefabrication of buildings.
- Wastewater management, potable water source and treatment. The existing water licence to be drawn via creek pump and filtered for use. Contingency for water to be trucked in if no water available in creek.
- Waste and wastewater disposal during operation.
- Maximum occupancy. The applicant indicated the maximum occupancy based on available beds is 170 persons with an average anticipated of 100 occupants plus day patrons.

These matters have been addressed during the assessment of the application and detailed in this report.

SITE DESCRIPTION

General

The subject site is legally described as Lot 202 in DP 861816, 1551 Joadja Road, Joadja.

The site is located approximately 30km west of the Mittagong town centre. The site is irregular in shape with an area of 187.31 hectares. The Wingecarribee River generally forms the western boundary of the site. There are a number of smaller watercourses and walking trails through the site.

The site consists entirely of C3 Environmental Management land zoning.

The current land use is rural / residential with the site containing a two-bedroom homestead, shed, riverside cottage and cattle yards.

The site includes moderate to steep vegetated slopes and areas of flat or gently sloping cleared ground. Topography of the site ranges from elevations of approximately 47m AHD in the west to 560m AHD to the east and south.

Vehicular access to the site is provided from Joadja Road (a public road) and Joadja Road runs through the northeastern portion of the site. The existing traffic volumes on Joadja Road are low. Given the remote rural setting of the locality, the site is not currently serviced by public transport. Moss Vale Station, Bowral Station and several bus stops are located approximately 30km from the site.

The bed of the Wingecarribee River is Crown Land and Crown Roads exist within the site. Crown Reserves also exist in the vicinity of the site (being Lots 157, 158 and 181 in DP 751276).

The Crown Roads are unformed although there are internal vehicle tracks that partly follow the alignment of the Crown Road reserves. It is noted that Section 5 of the *Roads Act 1993* requires that the Crown Road reserves remain unobstructed and available for access. Section 108 of the *Roads Act 1993* requires that the roads remain the ownership of the Crown and road maintenance is the responsibility of those persons who use the road. Parts of the existing access tracks are used by neighbouring properties to access private land from Joadja Road.

The site is burdened by a high voltage electricity easement for transmission line 60.96 metres wide affecting the southern portion of the site and an easement for electrical purposes 10 metres wide. No works are proposed within or adjoining the easement.

The site is identified as bush fire prone land and being affected by overland flooding from the Wingecarribee River. However, the locations where the cabins and community arrival are proposed are unaffected by 1%AEP and PMF flood.

The site also contains areas mapped on the NSW Biodiversity Map as 'biodiversity value'.

Character of the Locality

The locality is a mix of cleared, low intensity grazing land and remnant native vegetation. The land directly adjoins land in Zone C2 Environmental Conservation and Zone C1 National Parks and Nature Reserves to the east, identified as Bangadilly National Park, which contains koala habitat registered as an Asset of Intergenerational Significance and subject to a Conservation Action Plan prepared and implemented by NSW National Parks and Wildlife Service. Although there are no mapped walking trails through the Bangadilly National Park, there is public access via fire trails and unmarked tracks.

The site is located within proximity to the State Register Heritage curtilage of Joadja kerosene oil shale mining and refining site and former Joadja Creek township (I384 and I205). Several heritage items are located within proximity to the site including Joadja Cemetery, Winding Machine, Joadja Schoolhouse and Joadja Conservation Area.

The submitted Statement of Environmental Effects confirms that the site of the former kerosene mine included a township which operated in the late 19th Century. The mine and town are now historic relics. The mining infrastructure on the site is listed in the National Trust and is the only example of this form of mine remaining world-wide.



Figure 1: Aerial Image

DESCRIPTION OF THE DEVELOPMENT

The subject development application seeks consent for an eco-tourist facility.

Per the applicant's Statement of Environment of Effects by LK Planning dated 13 May 2024, the eco-tourist facility includes the following:

- *Arrival Village consisting of parking areas and arrival building.*
- *Community 1 consisting of a refurbished homestead building and cabins.*
- *Community 2 consisting of amenities building and glamping.*

The proposal includes specifically the following:

Arrival Village

- *30 car parking area*
- *3 bus bay parking area*
- *Turning circle*
- *Asset protection zones extending up to 40m surrounding the building footprint*
- *Lower ground floor containing:*
 - o *waste management infrastructure, 20kL rainwater tank for static water supply and re-use*
 - o *Raingarden base planter bed (with capacity to grow through upper level)*
- *Colours and materials to include steel vertical screen, corrugated metal walls and roof, timber deck and amphitheatre, timber interiors and landscaped forecourt.*
- *Ground floor containing:*
 - o *Commercial kitchen*
 - o *Storage / cooler / freezer*
 - o *Servery and indoor dining area with capacity for 50 people and outdoor dining deck*
 - o *Staff amenities*
 - o *Amphitheatre covered space and terraced garden*
 - o *Reception desk and lounge*
 - o *Staff office, lunchroom and meeting room*
 - o *Laundry, utilities, storage and loading bay*
- *Wrap-around verandah and external stairs with slatted screening*
- *Rooftop solar array*

Community 1

- *Remove existing driveway*
- *Refurbish existing swimming pool and ancillary fencing*
- *Vehicle turning area*
- *Asset protection zones extending up to 50m surrounding the building footprint*
- *Alterations and additions to existing homestead building to create a building which contains:*
 - o *2 bedrooms in the main building with kitchen, lounge and two bathrooms*
 - o *Multi-function wing for meetings, dining etc. fitted with AV equipment*
 - o *Accommodation wing with 3 x 'motel-style' units (bedroom, bathroom and minibar)*
 - o *Rooftop solar array*
- *Outdoor gathering area*
- *10 cabins each with bathroom, bedrooms and kitchenette*
- *Colours and materials to includes stone paving, timber interiors, timber deck, corrugated metal walls and roof and landscaped forecourt.*

Community 2

- *22 x glamping platforms*
- *Communal building containing:*
 - *Subfloor 16kL rainwater storage tank and Static Water Supply*
 - *Subfloor level Amenities, toilets and showers*
- *Ground floor level multi-purpose communal space for dining, meeting / gathering space and toilets, showers and changerooms*

- Colours and materials to include stone gable walls, timber interiors, timber deck and amphitheatre, corrugated metal walks and roof, landscaping.

Greenstead Valley Activities

As indicated in the submitted Statement of Environmental Effects, activities envisioned for the proposed development are centred around experiencing the outdoors water, land and sky.

The Wingecarribee River and onsite dams provide opportunities for unique engagement in a variety of ways, including water contact, water craft and passive seating and picnics.

The landscape of rolling hills and surrounding cliff lines provide opportunities for unique engagement in a variety of ways, including:

- Mountain bike skills park and downhill trails
- Trails bikes skills park
- Large group tribal obstacle course challenges
- Encounter trail

Road Upgrades

The proposal includes upgrades to the internal road located within the site and accessed directly off Joadja Road. The works include:

- Proposed 20m long passing bay for “woodland” areas
- Existing track to be retained – existing track has sufficient width to accommodate a passing movement. No works required.
- Modification of road crossfall to direct flows to proposed swale
- Regrading to widen existing track from 2m to 4m
- Minor regrading to crest to accommodate coach vehicles without scraping
- Provision of dedicated accessible space at Arrival Village
- Widening of accessway around bend to accommodate for 2-way roadway
- Carpark to be constructed in accordance with AS 2890.1
- Re-alignment of existing track
- Access track to be narrowed to a minimum width of 3.5m, for a total length of 15m, to minimise impact on existing trees
- Turning circle with minimum 12m radius to comply with bushfire requirements
- Permeable paving system to be used to create a minimum 4m wide carriageway for emergency vehicles
- Retention of existing 3-3.5m wide carriageway within archaeological area
- Minor regrading to widen existing track from 3m to 4m wide. Levels and cross-fall to be as per existing track.
- Bus turning circle
- Minimum 15m radius turning bay located to avoid impact on existing trees, Telstra pits and significant regrading.

The details of internal road upgrades have been set out in the submitted civil plans. Works are also proposed to be undertaken which include upgrades to sections of Joadja Road to improve the safe operating capacity of the road within the constraints of the existing road environment.

The internal road upgrades and works to Joadja Road include vegetation clearing and earthworks.

The submitted Plan of Management (dated 15 October 2024) indicates the following in relation to the operations of the proposed development:

3.1 HOURS OF OPERATION

The hours of operation proposed for the eco-tourist facility are as follows:

3.1.1 Reception Desk – Arrivals Building

The following hours are proposed for the reception desk: 8am to 6pm weekdays. Typically closed on weekends. In certain circumstances depending on group bookings there may be limited, group-specific services on weekends.

3.1.2 Kitchen and Dining Area in Arrivals Building

The following are regular hours for the kitchen and dining areas in the arrivals building:

- Dining areas 10am to 2pm weekdays and weekends. Some limited evening dining activity may occur between 6pm and 8pm based on group-specific bookings*
- Kitchen 6am to 8pm Monday to Saturday and 6am to 2pm Sundays and public holidays*

3.1.3 After Hours Support

The facility will have staff allocated on a roster to support guests after the daily closure of the Reception office. This will be via a Duty supervisor available to follow up any enquiries and to deal with emergencies or other key operational matters. Fresh Hope Communities currently operates an effective 24 hour support system which will incorporate these premises.

3.3 GUEST CAPACITY

The eco-tourist facility will have an overnight stay capacity as follows:

- Community 1: 33 Persons (max) (Cabins: 3 cabins max 3 people per cabin and 7 cabins max 2 people per cabin)*
- Community 2: 132 Persons (max) 22 Glamping tents 6 Persons per tent (max)*

Total residential occupancy Max – 165

The capacity will be monitored by pre-booking and registration of guest contact details prior to arrival, confirmation on arrival and regular monitoring by staff.

3.4 STAFFING

a) The premises will typically include the following staff:

- Duty Manager - 1*
- Reception - 3 staff*
- Maintenance – 2 staff*
- Kitchen and Dining – 3 kitchen staff, up to 2 floor staff*
- Program Team – 3 staff*
- Guest Services - 2 staff*
- Cleaning – 2 staff*

The submitted Arboricultural Impact Assessment & Tree Protection Plan outlines that 49 trees are required to be removed, and 128 trees would be retained as part of the proposal.

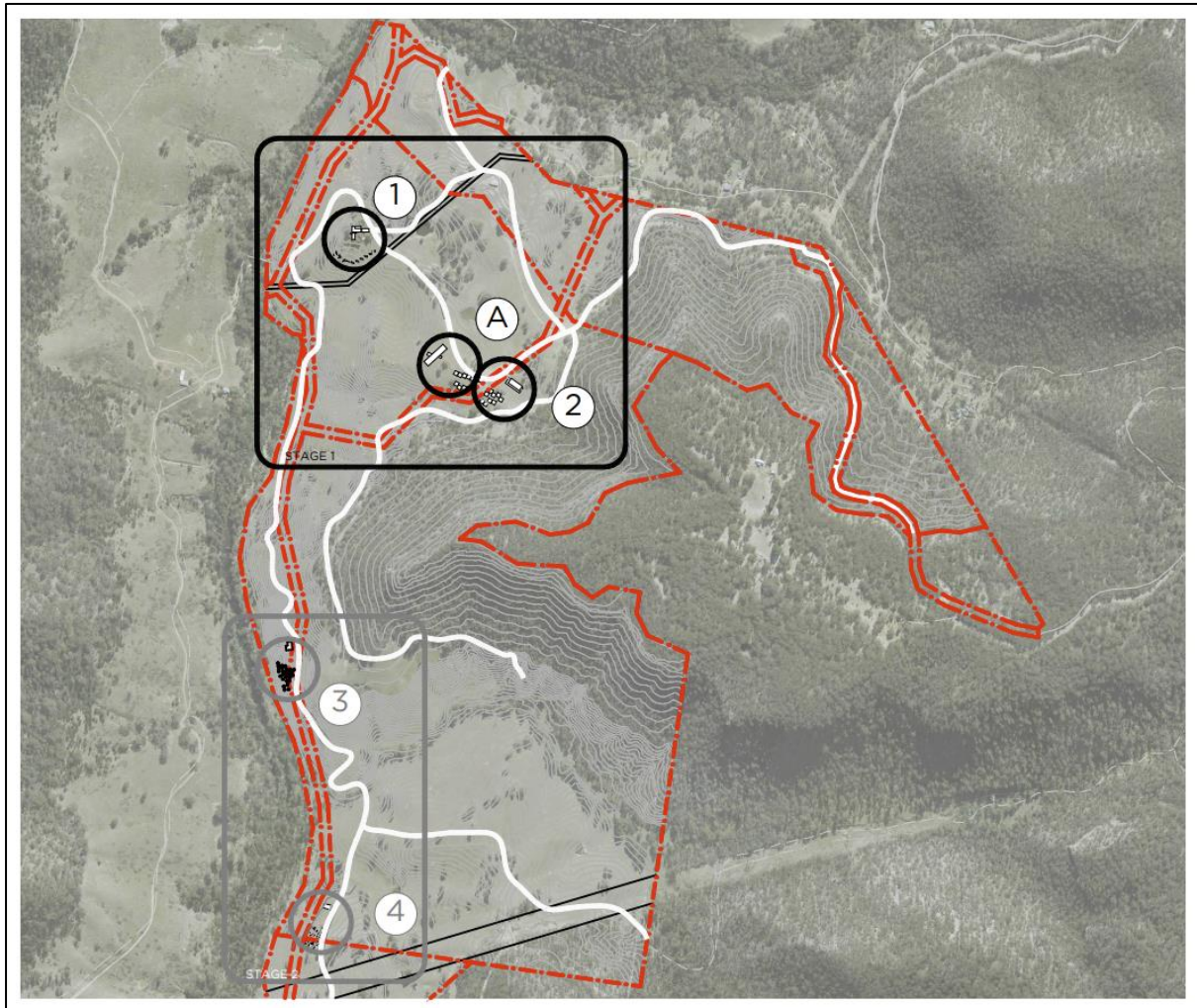


Figure 2. Location / Master Plan

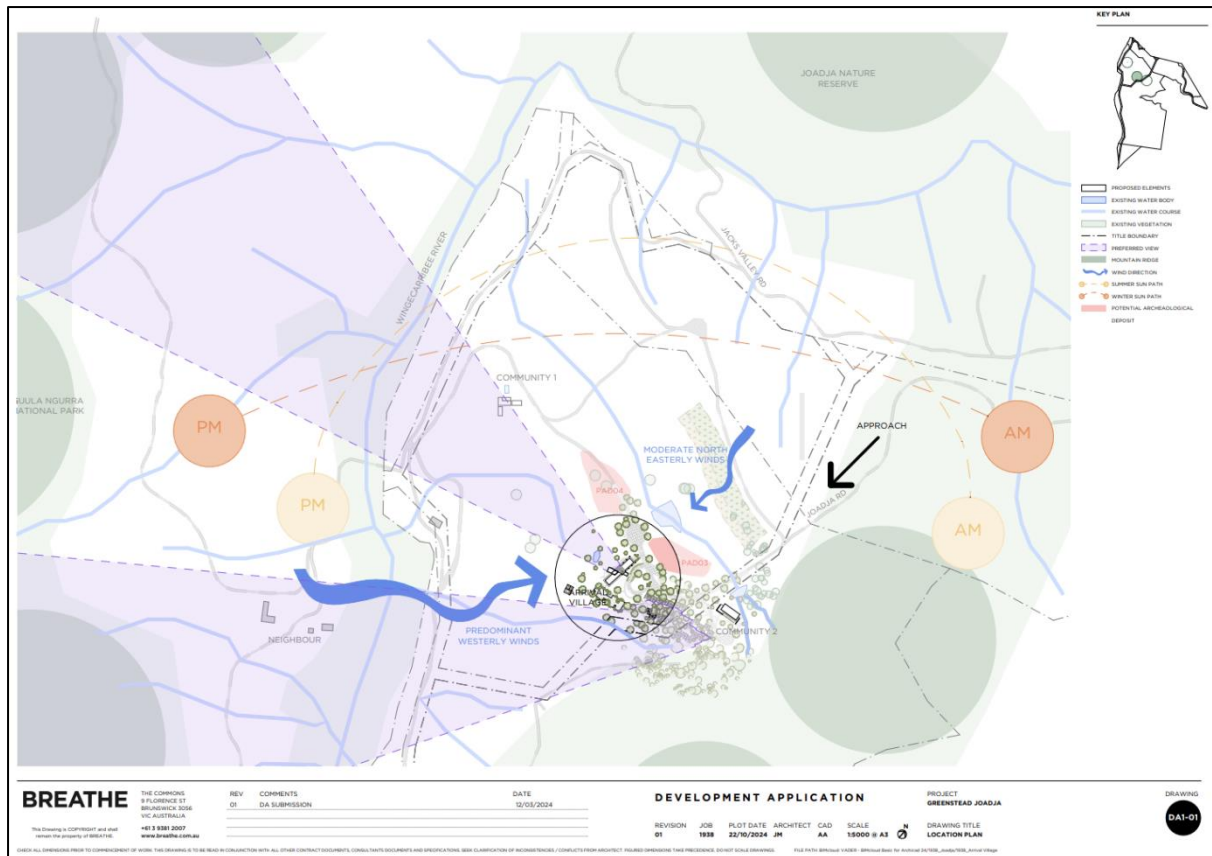


Figure 3. Detailed Location Plan

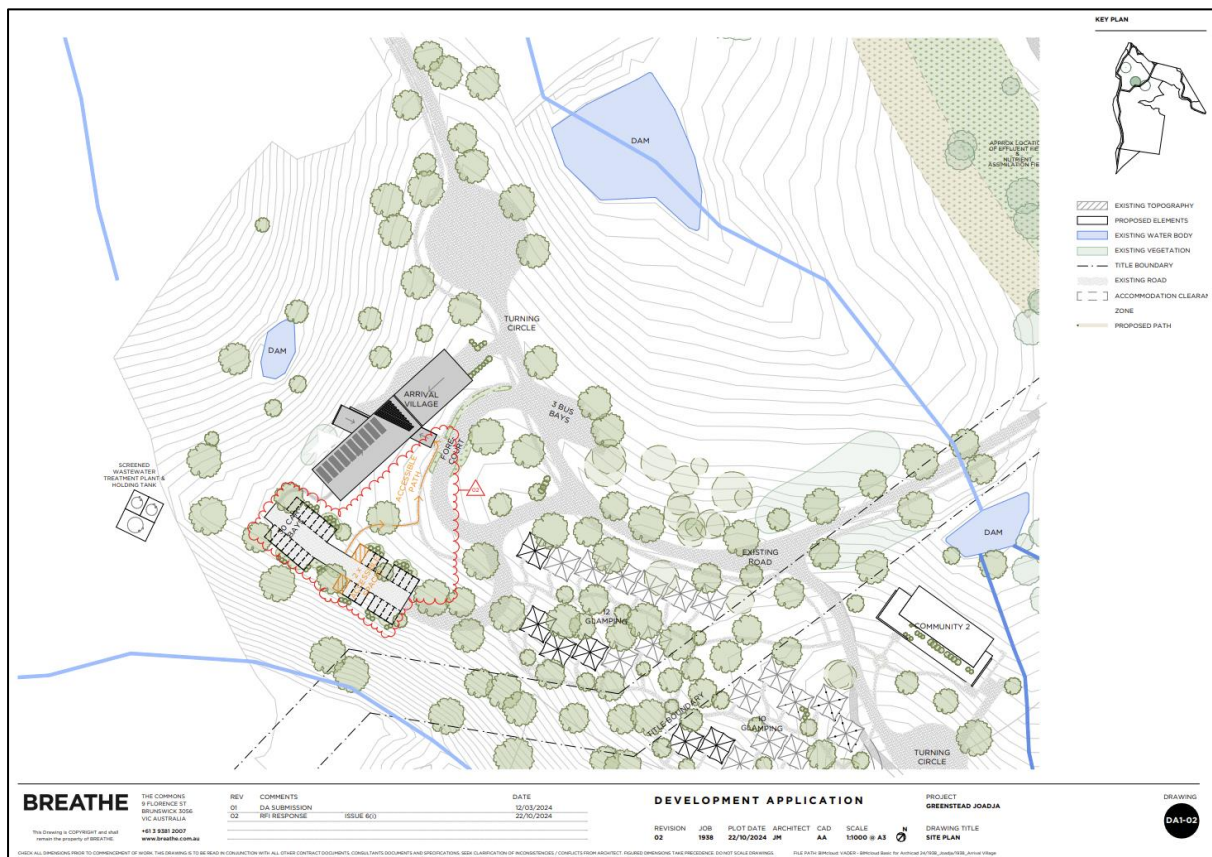


Figure 4. Site Plan – Arrival Village

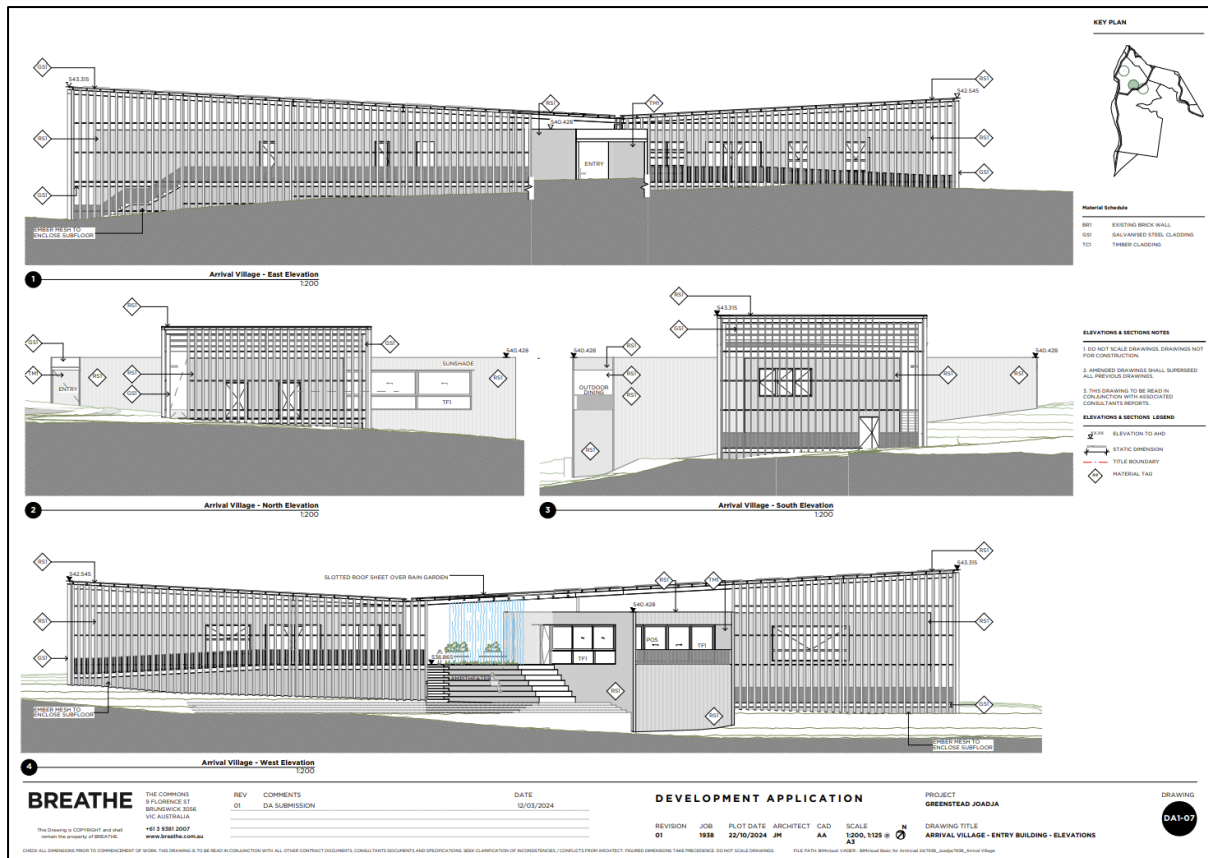


Figure 5. Elevations – Arrival Village

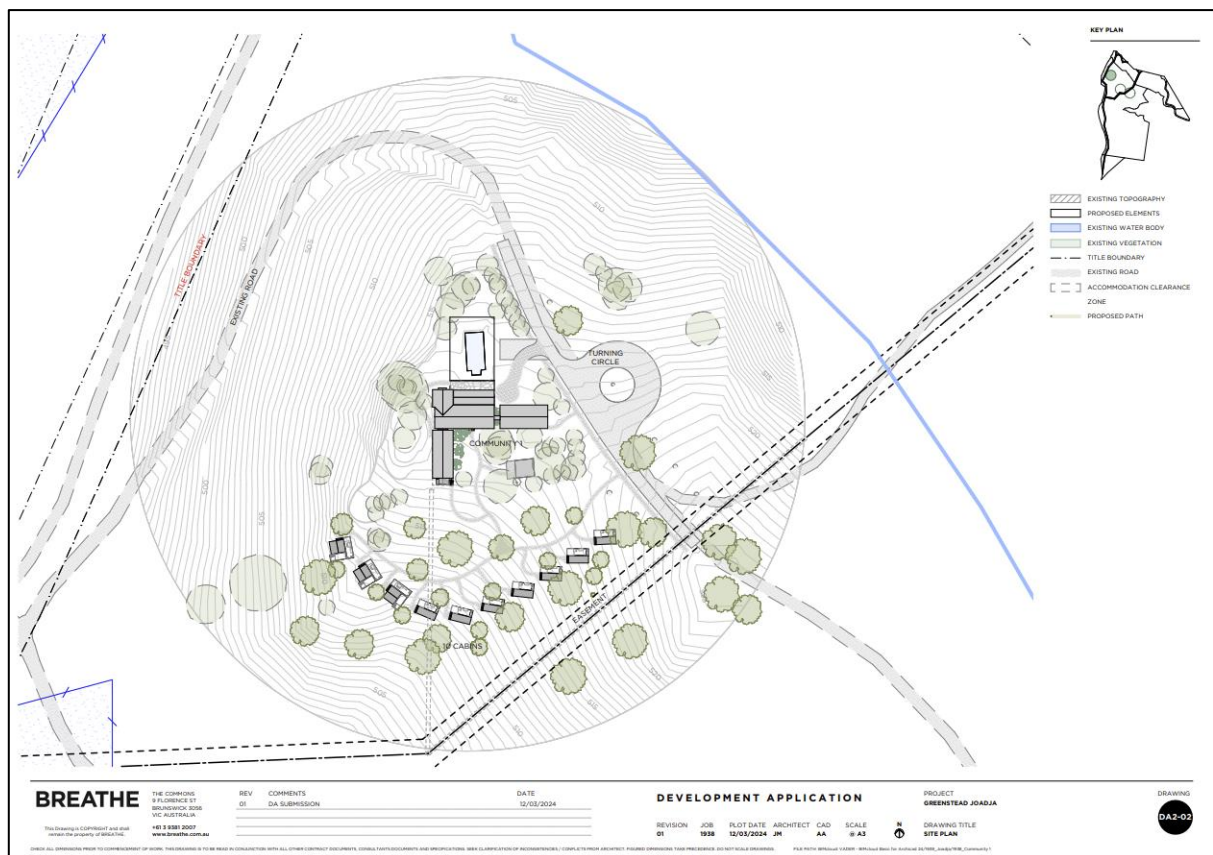


Figure 6. Site Plan – Community 1

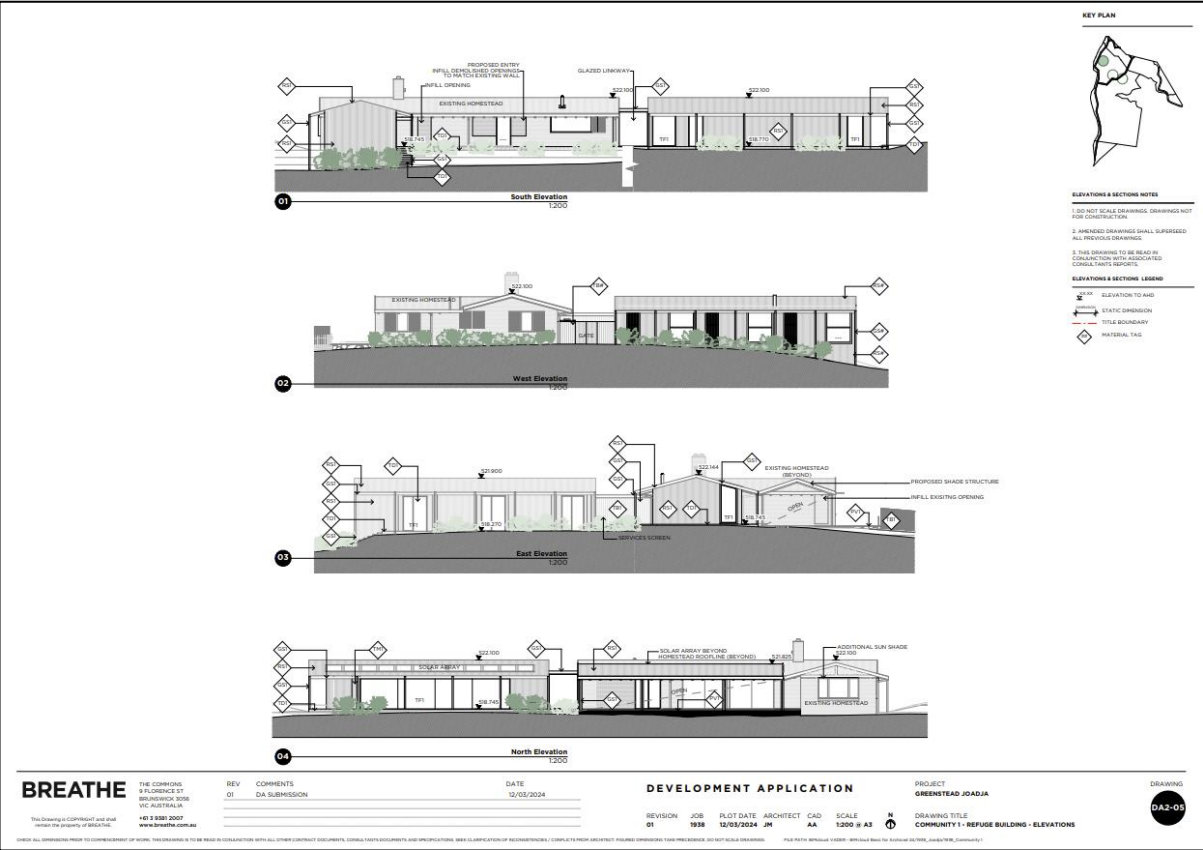


Figure 7. Elevations (Refuge Building) – Community 1

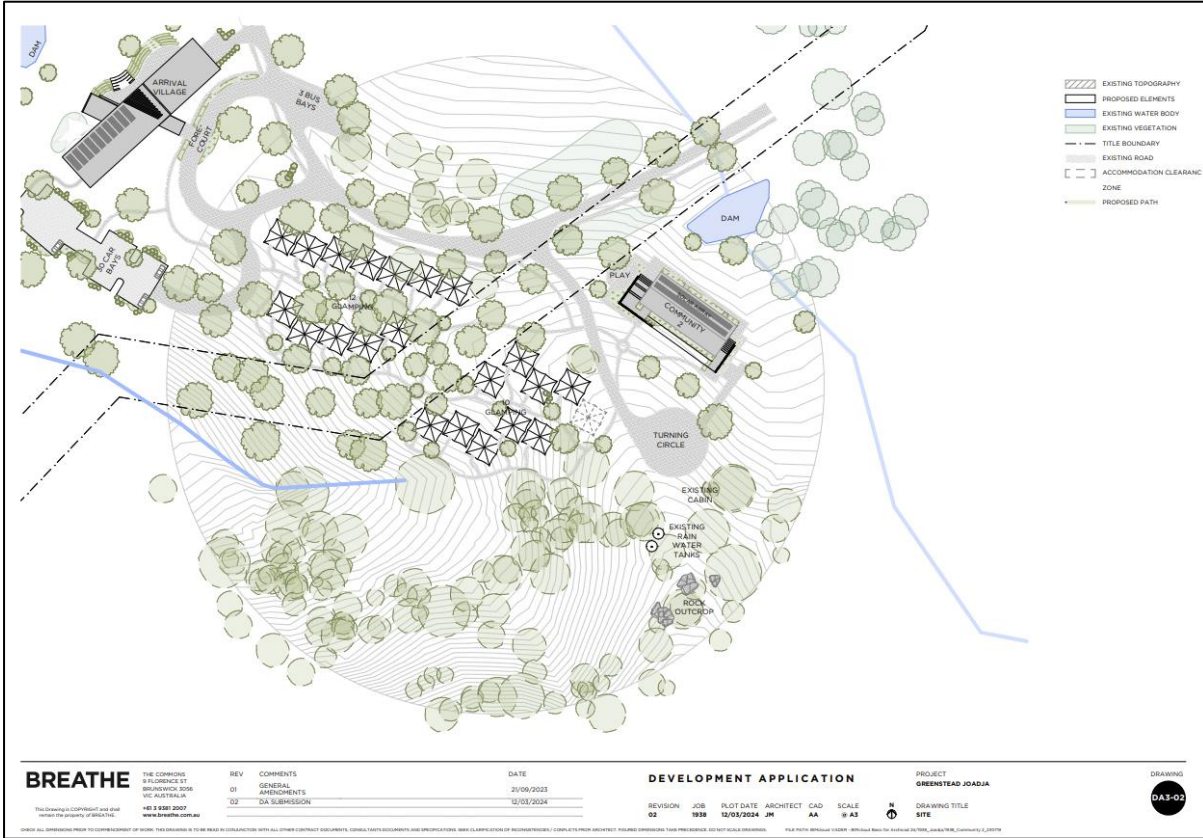


Figure 8. Site Plan – Community 2



Figure 9. Elevations (Refuge Building) – Community 2

Referral Comments:

The development application was referred to a number of internal and external technical experts as follows:

Building Certification: Has raised no objection to the proposal subject to conditions (dated 11 December 2024).

Assessment Officer's Comment: These conditions would be included as part of any consent granted.

Environmental Health Officer: Has raised no objection to the proposal subject to conditions relating to contaminated land, demolition works (asbestos), noise and food premises (dated 1 August 2024).

Assessment Officer's Comment: These conditions would be included as part of any consent granted.

Environmental Health Officer (OSSM): Has raised no objection to the proposal subject to conditions (dated 3 October 2024).

Assessment Officer's Comment: These conditions would be included as part of any consent granted.

Development Engineer: Has raised no objection to the proposal subject to conditions (dated 14 February 2024).

Assessment Officer's Comment: These conditions would be included as part of any consent granted.

Water / Sewer Development Engineer: Has raised no objection to the proposal with no conditions (dated 8 July 2024).

Assessment Officer's Comment: Noted.

Floodplain Engineer: Refer to the requirements of Council's Development Engineer above.

Assessment Officer's Comment: Noted.

Ecologist: Has requested additional information (dated 1 August 2024), particularly a Biodiversity Development Assessment Report (BDAR).

Assessment Officer's Comment: Insufficient information has been provided to address this.

Department of Planning and Environment-Water (external referral): Has raised no objection to the proposal subject to compliance with general terms of approval (dated 16 September 2024).

Assessment Officer's Comment: A condition would be included as part of any consent granted.

NSW Rural Fire Service (external referral): Has raised no objection to the proposal subject to compliance with general terms of approval (dated 14 August 2024).

Assessment Officer's Comment: A condition would be included as part of any consent granted.

Water NSW (external referral): Has raised no objection to the proposal subject to compliance with concurrence (dated 6 September 2024).

Assessment Officer's Comment: A condition would be included as part of any consent granted.

ASSESSMENT UNDER SECTION 4.15 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*

The provisions of any EPI, draft EPI; DCP; and the regulations [s4.15(1)(a)]

Water Management Act 2000

A controlled activity approval is required for the development under section 91 of the Water Management Act 2000.

The Department of Planning and Environment-Water has raised no objection to the proposal subject to compliance with the issued general terms of approval (dated 16 September 2024).

Rural Fires Act 1997

Authorisation is required for the development under section 100B of the Rural Fires Act 1997 in respect of bush fire safety of development of land for special fire protection purposes.

The NSW Rural Fire Service has raised no objection to the proposal subject to compliance with the issued general terms of approval (dated 14 August 2024).

The approval has noted that establishment of asset protection zones may require the clearing of vegetation. The bush fire safety authority does not authorise the clearing of any vegetation, nor does it include an assessment of potential ecological impacts of clearing vegetation for the purpose of establishing asset protection zones. Approvals necessary for the clearing of vegetation should be obtained prior to the establishment of any asset protection zones.

National Parks and Wildlife Act 1974

An Aboriginal heritage impact permit was originally sought for the development under section 90 of the National Parks and Wildlife Act 1974.

However, Heritage NSW did not accept the referral of the application as it did not include the information required for heritage assessment. An Aboriginal Cultural Heritage Assessment Report (ACHAR) is required as an archaeological survey report is not sufficient for heritage assessment.

The applicant sought clarification from Heritage NSW on this matter.

In summary Heritage NSW has advised in email advice dated 8 October 2024:

- *The risk of harm to Aboriginal objects and places needs to be considered in the assessment of the development application;*
- *The submitted documentation demonstrates that measures have been undertaken in the design and location of proposed works and activities to avoid harm to Aboriginal objects and places as identified by the Due Diligence and Archaeological Survey report by Artefact Heritage (dated 22 April 2024) submitted with the application; and*
- *The Archaeological Survey Report by Artefact Heritage identified six (6) sites containing Aboriginal stone artefacts (Aboriginal objects) and three (3) areas of Potential Archaeological Deposit (PAD). These findings suggest that Aboriginal objects may be present across this landscape.*

The applicant noted that the presence of PADs indicates there is a risk that works may disturb Aboriginal objects. To address this risk they anticipate, and support, Council imposing conditions of consent requiring a Due Diligence and Unexpected Finds Protocol to be part of Construction Certificate documentation. This protocol would detail the responsibilities of the site manager and construction workers to identify risks and the appropriate procedures in accordance with the Due Diligence Code of Practice including stop work procedures, notification and reporting.

Therefore, for assessment and determination purposes, an ACHAR is not required and approval from Heritage NSW is not required. It is agreed that the matter can be suitably addressed by conditions of any consent granted.

SEPPs

State Environmental Planning Policy (Planning Systems) 2021

In accordance with section 6 under Schedule 6 Regionally significant development of the SEPP, the proposed development is for the purpose of eco-tourist facilities that has an estimated development cost of more than \$5 million (\$11,135,997).

. Therefore, the consent authority is the Southern Regional Planning Panel.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Chapter 4 of SEPP (Resilience and Hazards) 2021 (section 4.6) requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use.

Council's Environmental Health Officer reviewed the proposal and considered the following information:

- The submitted Statement of Environmental Effects reads (in Chapter 4.2.2):

'Based on an investigation of application history, perusal of historic aerial imagery and the current rural and residential use of the site, it is unlikely that the site has previously been used for any potentially contaminating land uses, and is, therefore, unlikely to be contaminated. No further action is required in relation to contamination.'

- There is no contaminated land notation recorded against the subject site.

Accordingly, they suggested that taking into account that there is no indication that the site in question may be contaminated, Council can be satisfied that the site is suitable for the proposed development from a land contamination perspective.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of SEPP (Biodiversity and Conservation) 2021 contains provisions replacing the former SEPP (Vegetation in Non-Rural Areas), and the aims are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

This Chapter includes Parts relating to Clearing Vegetation in Non-Rural Areas (Part 2.2); Council Permits for Clearing Vegetation in Non-Rural Areas (Part 2.3); and Approval of Native Vegetation Panel for Clearing Native Vegetation in Non-Rural Areas (Part 2.4).

Council's appointed Ecologist reviewed the submitted Biodiversity Assessment Report along with the other supporting documentation, and raised the following matters in relation to their assessment:

The Biodiversity Assessment Report that has been submitted with the development application is only a preliminary biodiversity assessment. As outlined in the report 'the proposal is exceeding the 0.5 ha native vegetation clearance threshold, a Biodiversity Development assessment Report will be required for the proposed DA. A BDAR must be prepared to accompany the application.

The Biodiversity Assessment Report concludes that the Study Area does not fit the requirements for Core Koala Habitat based on significant clearing within the site. The main areas of impact appear to have sparse canopy cover but are directly connected to areas of consolidated bushland containing many Koala records.

The definition of core koala habitat under this SEPP includes a reference to highly suitable habitat. Highly suitable habitat is where 15% or greater of the total number of trees within any Plant Community Type (PCT) are the regionally relevant species of those listed in Schedule 2 of the SEPP. An area of land is defined as – including both the development footprint and the surrounding area that may have indirect impacts from the development (that is contained within the subject lot and adjoining land within the same ownership). The Koala SEPP 2021 applies to both direct and indirect impacts to habitat on the site area, therefore all habitat on the landholding should be considered even if no vegetation is to be cleared, however this does not mean all habitat must be surveyed.

The BDAR is to provide more justification as to why the Study Area does not fit the above definition for Core Koala Habitat. If the Study Area is considered Core Koala Habitat, further Koala surveys are required including the preparation of a Koala Assessment Report.

As outlined in the preliminary Biodiversity Assessment, the following information is required prior to determination:

- A BDAR is required for impacts on native vegetation. The BDAR is to assess all associated elements of the proposal including but not limited to building envelopes, driveways, APZs, parking bays and outdoor facilities.*
- Provide evidence of consolidating facilities to minimise impacts on native pasture and remnant trees. It is a requirement of the BAM to demonstrate avoidance and minimising impacts to native vegetation. The BDAR is required to justify how the project employs the avoid/minimise/offset principal.*

- *Native pasture mapping and biometric plots are required to determine the quality of native pasture and determine whether its calculated vegetation integrity score (VIS) will cause biodiversity offsets.*
- *Seasonal survey for flora and fauna is to be undertaken to assess presence or absence of candidate threatened species associated with the PCT's on site.*
- *The BDAR is to provide more justification as to why the Study Area does not fit the above definition for Core Koala Habitat. If the Study Area is considered Core Koala Habitat, further Koala surveys are required including the preparation of a Koala Assessment Report.*
- *The BDAR should provide evidence of impacts surrounding riparian areas including impacts from APZs. If impacts are within 40m of any riparian area a Controlled Activity Approval through NRAR will be required, as per the Water Management Act. A Vegetation Management plan would also be required.*
- *Justification should be provided to demonstrate the appropriateness of the development within C3 Environmental Management zoning. Reference should be made to the objectives of the zone.*

The above information was requested from the applicant by Council on 19 August 2024, with the information to be provided by 9 September 2024.

The applicant sought an extension from Council until 25 October 2024, stating in advice dated 9 September 2024 that *'this time frame will allow for a thorough BDAR to be completed in the month of September, (and) any updates and changes made to documentation as a result of the BDAR findings'*.

Given the circumstances, Council granted an extension on 12 September 2024 to provide the additional information as requested in Council's letter by 25 October 2024. This was further extended to 5 November 2024 given further additional information was sought in relation to vehicular access to / from the site.

The applicant submitted RFI responses on 25 October 2024 and 14 November 2024 with an indication that an expected completion date for the BDAR and associated Vegetation and Habitat Management Plan would be December 2024. A Vegetation Survey was completed by the applicant in September 2024 to inform a BDAR and VMP. A BDAR was expected to be submitted to Council in December 2024.

In advice dated 31 October 2024, the applicant confirmed that a BDAR required a number of months coordination, site inspections and that their response to the RFI indicates an anticipated completion of the end of December 2024.

However, the applicant indicated that finalisation of the report would be completed later in January / February 2025 and requested that the completion of the BDAR and its report findings be implemented as a condition of any consent granted.

If this was not able to be done, the applicant would seek further extension until the end of February 2025.

Given the circumstances, Council generously granted a further extension on 4 November 2024 to provide the additional information as requested in Council's correspondence by 6 December 2024. It was advised that if the requested additional information could not be provided within this timeframe, the application would need to be withdrawn.

On 20 January 2025, Council advised the applicant it was still yet to receive the requested BDAR and associated Vegetation and Habitat Management Plan and noted that Council had only granted an extension until 6 December 2024. The applicant was requested to confirm how they wished to proceed with the matter.

The applicant advised on 3 February 2025 that whilst they tried to have the BDAR completed by December 2024, they were only able to complete the mandatory Spring flora component as detailed in

their previous RFI response to Council. They decided to pause the BDAR engagement in view of further discussing with Council and the Southern Region Planning Panel. They advised they would not be withdrawing the application and sought to have it determined by the Panel once internal referrals and reviews as part of the assessment had been completed.

Noting a request from the applicant to further extend the timeframe to allow the BDAR to be submitted in October 2025, Council discussed this (along with the reasoning provided) with the Panel and it was confirmed that the request could not be supported. As such, Council invited the applicant to again withdraw the application, this time by 22 April 2025 or the application would be determined by the Panel, based on the information provided with the application to date. The Panel advised they would not defer the matter.

In response, on 22 April 2025 and 7 July 2025 the applicant confirmed to Council they would not be withdrawing the application.

Chapter 4 Koala habitat protection 2021

Chapter 4 of this SEPP requires consideration of the proposed development's potential impacts to koala habitats. According to Schedule 2, the entirety of Wingecarribee Shire Council is listed as land that applies to Chapter 4. There is no Koala Plan of Management for Wingecarribee Shire Council, and the site is greater than one (1) hectare in area. The site therefore must address section 4.9 of the SEPP.

Section 4.9(2) states:

(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.

Given insufficient information has been provided to address the above requirements of Council's Ecologist, Council cannot be satisfied as to the impact of the development on koalas or koala habitat (noting sections 4.9(3) and (4)). Further to this consent is unable to be granted as the requirements of section 4.9(5) have not been satisfied.

Chapter 6 Water catchments

The site is also within the Sydney Catchment and therefore this SEPP is applicable to the assessment of the application. The application is a Module 5 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore required referral for Water NSW concurrence.

Based on a site inspection and the information provided, Water NSW considers that the proposed development presents a high-water quality risk during operations given the anticipated high volumes of domestic wastewater and proximity to the Wingecarribee River. Water NSW therefore considers the proposed development can achieve NorBE on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW noted the following from its assessment of the application:

- detailed design of the commercial wastewater treatment system is yet to be finalised and should be prepared in consultation with Water NSW. In particular, selection of a suitable commercial wastewater treatment system that can demonstrably achieve the design parameters outlined in the Onsite Wastewater Management Assessment is essential*
- given the nature of the facility, intermittent occupancy, and use of the site, Water NSW generally does not consider a commercial wastewater treatment system suitable for this type of development as they may struggle to effectively manage variable loads, especially during the low occupancy periods. Upfront balance tanks and monitoring of wastewater loads is therefore required to equalise the wastewater load entering the treatment system to ensure continued performance*

- *continual long-term operational management and maintenance of the proposed commercial wastewater treatment and effluent irrigation system for the development is essential. This shall include an Operational Environmental Management Plan to ensure the system can be maintained in the long term with clear pathways in the event that the nominated agent / authority is no longer able to manage the system*

- *biofiltration basins / raingardens are not considered suitable for rural developments given potential for sediment build-up, as per Table 5.1 of Water NSW's Current Recommended Practice "Using MUSIC in the Sydney Drinking Water Catchment" (Water NSW, 2023). An appropriately sized sediment trap is therefore required prior to the inlet of the proposed biofiltration basin for the Arrival Village area, to manage sediment from these unsealed surfaces. In this instance Water NSW considers the proposed grassed swales and an inlet sediment trap upstream will ensure a neutral or beneficial effect (NorBE) on water quality, provided careful maintenance is undertaken.*

As such, Water NSW issued concurrence on 6 September 2024 subject to conditions.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 Standards for non-residential development

The SEPP stipulates sustainability standards for residential and non-residential development. Section 35BA of the *Environmental Planning and Assessment Regulation 2021* stipulates that a development application for non-residential development under the SEPP must:

- (a) disclose the amount of embodied emissions attributable to the development, and*
- (b) describe the use of low emissions construction technologies in the development.*

Considerations for non-residential development

As the proposed development exceeds the estimated development cost (EDC) threshold specified in section 3.1 of the SEPP (EDC of \$5 million for a new building, and \$10 million for alterations, enlargement or extension of an existing building), the matters for consideration specified under section 3.2(1) must be considered by the consent authority. These matters have been addressed by the applicant in the submitted Statement of Environmental Effects and are summarised as follows:

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*

The application is supported by a Waste Management Plan by UFD, dated 5 October 2023, which outlined several waste minimisation recommendations and requirements, outlining practises and procedures to ensure successful and sustainable waste operations.

- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*

The application is supported by a Sustainability Management Plan (SMP) by Aspire Sustainability Consulting, dated 22 March 2023, and includes various passive design initiatives to be utilised for the reduction in peak demand for electricity, use of energy efficient technology, reduction in the reliance on artificial lighting and mechanical heating and cooling, including:

- *A light external colour scheme that reduces the sites contribution to the urban heat island effect, also lowering internal temperatures by minimising the heat being transferred through the building fabric;*
- *Increased openings to occupied spaces allowing mixed mode operation that significantly reduces reliance on artificial cooling or heating to maintain comfort conditions;*
- *Consideration of ceiling fans to further improve comfort and reduce use of HVAC;*

- *Shading incorporated on the north along with vertical shading on east and west facades throughout the site, minimising peak HVAC loads whilst allowing winter daylight penetration (Figure 2);*
- *Suitably performing glazing for each facade, protecting from hot ambient air during summer whilst allowing heat to be kept inside during winter;*
- *Vegetation incorporated throughout site to provide shade and places of respite (Figure 3);*
- *Thermal mass utilised where possible, helping to smooth out daily temperature peaks and troughs;*
- *Thermal zoning of HVAC systems to improve operating efficiency; &*
- *Exceed minimum envelope performance by 10%.*
- *Metering in line with minimum performance standards to track and monitor energy consumption;*
- *Efficient, air-cooled HVAC systems that eliminate water consumption associated with heat rejection;*
- *High energy efficient systems such as Heat Pumps for Domestic Hot Water heating;*
- *No use of gas throughout site with 100% electrification;*
- *Exceeding minimum energy efficiency provisions within NCC 2022 Volume 1;*
- *Use of energy efficient appliances;*
- *Solar PV systems installed throughout site to provide a portion of the sites power, whilst reducing peak power demands;*
- *Consideration of battery storage systems to reduce peak demand and avoid reliance on centralised grid infrastructure;*
- *Net zero emission targets; &*
- *Energy efficient LED lighting throughout with appropriate motion & daylight controls.*

Additionally, the SMP outlined various shading techniques to be incorporated into the building design. The submitted Architectural Plans prepared by Breathe show the existing vegetation surrounding the proposed location of the buildings and detail the offering place of respite during extreme heat events.

(d) the generation and storage of renewable energy,

The proposal will include the installation of solar PV system throughout the site to provide a portion of the sites power, whilst reducing peak power demands as outlined in the SMP.

(e) the metering and monitoring of energy consumption,

The proposal will incorporate metering in line with minimum performance standards to track and monitor energy consumption as outlined in the SMP.

(f) the minimisation of the consumption of potable water.

The proposal will include the reduction of water consumption as outlined in the SMP by incorporating the following water saving measures into the design:

- *Installing fixtures and fittings in line with best practice requirements*
- *Ensuring a large portion of landscape comprises native or low-water use plant species;*
- *Exploring other water storage methods such as pool, heat sink, habitat creation etc;*
- *Inclusion of rainwater reuse tanks to be used for landscape irrigation and WCs of communal facilities;*
- *Installation of an on-site sewer and stormwater treatment system; and*
- *Air cooled HVAC systems, reducing water associated with heat rejection.*

Section 3.2(2) of the SEPP requires the quantification of embodied emissions attributable to the development, prior to the granting of any development consent. Council is satisfied that this has been quantified based on the applicant's response above.

LEPs

Wingecarribee Local Environmental Plan 2010

The proposed development is subject to a number of sections under Wingecarribee LEP 2010, and these are discussed as follows

Section	Control	Assessment	Compliance
2.3 Zone Objectives and land use table	<i>Prescribes zone objectives and gives details on permissible and prohibited landuses for each zone.</i>	<p>The site is zoned C3 Environmental Management under WLEP 2010.</p> <p>'Eco-tourist facilities' are a permissible form of development in the zone.</p> <p>However, given Council's Ecologist is not supportive of the proposed development in its current form based on the information submitted to date, Council is not satisfied that the land use definition has been met. It is unclear as to whether the development has been sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.</p> <p>In terms of the objectives of the zone, Council is not satisfied the proposed development would protect, manage and restore any areas within the site with special ecological value or that the development would not have an adverse effect on those values.</p>	No
2.7 Demolition requires development consent	<i>The demolition of a building or work may be carried out only with development consent.</i>	Demolition works are proposed as part of this application and outlined in the submitted Demolition and Construction Waste Management Plan. This	Yes

Section	Control	Assessment	Compliance
		relates to the redevelopment of the existing homestead for use as part of the Community Refuge Building No 1.	
5.10 Heritage conservation	<p>(4) Effect of proposed development on heritage significance <i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p> <p>(10) Conservation incentives <i>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</i></p> <p><i>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</i></p> <p><i>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</i></p> <p><i>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</i></p> <p><i>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage</i></p>	<p>The subject site is not identified as being a heritage item or being within a conservation area. The site is located within proximity to the State Register Heritage Curtilage of Joadja kerosene oil shale mining and refining site. Several heritage items are also located within proximity to the site including Joadja Cemetery, Winding Machine, Joadja Schoolhouse and Joadja Conservation Area. No proposed works would adversely affect the nearby heritage items.</p> <p>The application is also supported by an Archaeological Survey Report. Additionally, an extensive search of the Aboriginal Heritage information Management System (AHIMS) has been undertaken to determine the location of Aboriginal sites in relation to the study area. The search determined that there are 33 registered Aboriginal sites within the search area. There are no registered archaeological sites within the study area.</p>	Yes

Section	Control	Assessment	Compliance
	<p>significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>		
5.13 Eco-tourist facilities	<p>(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—</p> <p>(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and</p> <p>(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and</p> <p>(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and</p> <p>(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and</p> <p>(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and</p> <p>(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and</p> <p>(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and</p>	<p>As detailed earlier in this report, it is unclear whether the proposal is permissible as it has not met the land use definition for an 'eco-tourist facility'.</p> <p>Regardless, the proposed development is considered to satisfy some of the points of consideration as per this section.</p> <p>The applicant has indicated that the eco-tourist facility would have a demonstrated connection with the ecological, environmental and cultural values of the area and site in the following ways:</p> <ul style="list-style-type: none"> • the construction demonstrates a minimal disturbance footprint with buildings and works sited on previously disturbed footprints and in locations optimising passive design opportunities; • the design of buildings optimises passive design incorporating natural ventilation and light capture and re-use of water for landscaping and building cooling for low emissions and low impact operation; • the design includes the re-use of existing buildings; • the ongoing management of the site in accordance with the updated Plan of Management (attached) includes environmentally-focussed activities and education; 	No

Section	Control	Assessment	Compliance
	<p>(h) any infrastructure services to the site will be provided without significant modification to the environment, and</p> <p>(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and</p> <p>(j) the development will not adversely affect the agricultural productivity of adjoining land, and</p> <p>(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—</p> <p>(i) measures to remove any threat of serious or irreversible environmental damage,</p> <p>(ii) the maintenance (or regeneration where necessary) of habitats,</p> <p>(iii) efficient and minimal energy and water use and waste output,</p> <p>(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,</p> <p>(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.</p>	<ul style="list-style-type: none"> • all design detail has been integrated with the natural catchment and there are no works within riparian corridors other than vegetation management and enhancement the details of which will be recommended in the Vegetation and Habitat Management Plans (VMP and HMP) (to be completed with the Biodiversity Development Assessment Report); • the Specified NSW Government September Survey for identified flora has been completed. Data files identify no specific flora species were detected and this data will be provided as part of the Biodiversity Development Assessment Report (BDAR); • The (BDAR) will identify the ecological impacts are minimal and, combined with the VMP and HMP, will have positive long term ecological outcomes and will help educate staff and guests on the appropriate care of the site; • building materials selection, preparation and assembly will be detailed in a Construction Management Plan to be included in Construction Certificate documentation to demonstrate minimisation of construction traffic and construction waste. Council may impose conditions of consent to ensure this is achieved satisfactorily. As the development consent and construction certificate must be finalised prior to the commencement of any construction – such a condition will ensure compliance with this requirement; • the Operational Waste Management Plan in 	

Section	Control	Assessment	Compliance
		<p>conjunction with the Plan of Management will minimise waste and optimise recycling and reuse with education and facilities available for use by guests and staff. All guest induction will include education and expectations regarding recycling and waste; and</p> <p>• with regard to matters listed in (i) to (v) of subsection (3)(k).</p> <p>(i) measures to remove any threat of serious or irreversible environmental damage,</p> <p>The proposal will not introduce or create any threat of serious or irreversible harm as anticipated from the BDAR report and associated VMP and HMP.</p> <p>There are no current threats of serious or irreversible environmental damage at the site. The site has a long history of partial clearing and grazing and this low intensity activity will be retained along with effective weed management which has continued to be implemented.</p> <p>(ii) the maintenance (or regeneration where necessary) of habitats,</p> <p>The BDAR will identify the opportunity to protect and regenerate vegetation and habitat and this will be achieved with the implementation of the VMP and HMP which are anticipated to be referenced in conditions of consent for ongoing implementation and reporting on progress.</p> <p>(iii) efficient and minimal energy and water use and waste output,</p> <p>Energy, water and waste efficiency are detailed in the</p>	

Section	Control	Assessment	Compliance
		<p>Sustainability Management Plan by Aspire dated 22/03/2024 submitted with the development application.</p> <p>(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,</p> <p>These matters are detailed in the Sustainability Management Plan by Aspire dated 22/03/2024 submitted with the development application.</p> <p>(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control</p> <p>These matters are detailed in the Sustainability Management Plan by Aspire dated 22/03/2024 submitted with the development application. It is anticipated that conditions of consent will require ongoing reporting of the implementation of the Sustainability Management Plan and it is anticipated that the Biodiversity Development Assessment Report (BDAR) and associated management recommendations will include ongoing monitoring and reporting by a suitably qualified and experienced bush regeneration expert or ecologist.</p> <p>In the absence of the additional information requested by Council's Ecologist, Council is not satisfied that:</p> <ul style="list-style-type: none"> the development would be located, constructed, managed and maintained so as to minimise any impact on, and to 	

Section	Control	Assessment	Compliance
		<p>conserve, the natural environment,</p> <ul style="list-style-type: none"> the development will promote positive environmental outcomes and any impact on native flora and fauna will be minimal, and the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment— <ul style="list-style-type: none"> (i) measures to remove any threat of serious or irreversible environmental damage, (ii) the maintenance (or regeneration where necessary) of habitats, (iii) mechanisms for monitoring and reviewing the effect of the development on the natural environment, <p>As such, in accordance with sub-section (3), the consent authority must not grant consent to carry out the proposed development.</p>	
5.21 planning	Flood	<p><i>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development meets the requirements of subsection (2).</i></p> <p>The proposed development is partially affected by flooding from the Wingecarribee River. However, the locations where the cabins and community arrival are proposed along with access to and from the site are unaffected by 1%AEP and PMF flood.</p> <p>Council's Development Engineer has considered the submitted flood report, and the matters listed under sub-clause (3) and is satisfied the development meets the listed requirements of sub-clause (2).</p> <p>The proposed development is safe in relation to the relevant flooding matters. The evacuation and other matters</p>	Yes

Section	Control	Assessment	Compliance
		are to be addressed in accordance with the flood report.	
7.3 Earthworks	<i>Development consent is required for earthworks that alter the ground level (existing) by more than 600 millimetres.</i>	<p>The matters listed under sub-section (3) have been considered in relation to the proposed earthworks.</p> <p>The proposed earthworks required in order to accommodate the proposal and ensure its ongoing operations are outlined in the supporting civil plans by Martens & Associates P/L. The earthworks range from an approximate 1.5m in cut and 2m in fill, noting this is predominately required to enable suitable vehicular access within the site and to achieve sight distance compliance (in relation to the road upgrade works).</p> <p>Whilst the building footprints, in comparison to the site area and natural features, are considered to be modest, sufficient details have not been provided regarding the proposed earthworks in relation to the development and its impact on the site in relation to the listed items (noting the additional information requested by Council's Ecologist has not been provided).</p> <p>Council has been unable to confirm proximity to and potential for adverse impacts on any environmentally sensitive area within the site.</p> <p>Council is also not satisfied that the objectives of this section have been met, given it has not been confirmed that the proposed earthworks would not have a detrimental impact on existing environmental functions and processes.</p>	No

Section	Control	Assessment	Compliance
7.4 Natural resources sensitivity—biodiversity	<i>Provides objectives and controls regarding land identified as a “Regional Wildlife Habitat Corridor”</i>	<p>The subject site is located within a “Regional Wildlife Habitat Corridor” and contains significant vegetation.</p> <p>It is noted that the Bangadilly National Park (adjacent to the site) has particular conservation value making a significant contribution to the conservation of the Northeastern Tablelands Gully Fern Forest ecosystem and the presence of Endangered Ecological Community (EEC) with stands of yellow box (<i>E. melliodora</i>) - apple box (<i>E. bridgesiana</i>) which fall within the ambit of the threatened White Box – Yellow Box – Blakely’s Red Gum Woodland community. Threatened native animal species are also recorded within Bangadilly National Park.</p> <p>In the absence of the additional information requested by Council’s Ecologist, Council has been unable to properly consider any potential adverse impact on the native ecological community, habitat of any threatened species, population or ecological community, any regionally significant species of fauna, flora or habitat, and habitat elements providing connectivity.</p> <p>As such, in accordance with sub-section (4), given the environmental impact is unclear, the consent authority must not grant consent to carry out the proposed development.</p>	No
7.5 Natural Resources Sensitivity – Water	<i>Provides objectives and controls regarding riparian land or land identified as a “natural waterbody”</i>	The site is identified as riparian land as it contains numerous watercourses (including Schotts Creek) connected to the Wingecarribee River to the west of the site. The	Yes

Section	Control	Assessment	Compliance
		<p>watercourses are identified as Category 1, 2 and 3 watercourses with associated riparian margins from 10m to 50m.</p> <p>The application is supported by a Sustainability Management Plan (SMP). Additionally, the site is located within the Sydney Drinking Water Catchment and would require compliance with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 to ensure works being undertaken have a 'neutral or beneficial effect' (NorBE) on water quality. The application is supported by an Onsite Wastewater Management Assessment and a Water Cycle Management Study.</p> <p>The Department of Planning and Environment-Water has raised no objection to the proposal subject to compliance with general terms of approval (dated 16 September 2024), requiring a Controlled Activity approval under the <i>Water Management Act 2000</i>.</p> <p>Council is satisfied that the development is designed, sited and managed to mitigate any potential adverse environmental impact.</p>	

DCP's

Rural Lands Development Control Plan

The proposed development is subject to the Rural Lands Development Control Plan (Rural Lands DCP).

An assessment of the applicable provisions in the Rural Lands DCP is undertaken as follows:

Part	Control	Assessment	Compliance
A3.2 Development in Sydney's Drinking Water Catchments	<i>Contains a range of controls for development in Sydney's drinking water catchment.</i>	The proposal is satisfactory in terms of development in the Sydney Drinking Water Catchment subject to the conditions of Water NSW.	Yes
A3.3 Protection of Watercourses	<i>Contains a range of controls for development potentially</i>	As detailed earlier in this report, the site is identified as	Yes

Part	Control	Assessment	Compliance
and Riparian Lands	<i>affected by watercourses or riparian lands.</i>	<p>riparian land as it contains numerous watercourses (including Schotts Creek) connected to the Wingecarribee River to the west of the site. The watercourses are identified as Category 1, 2 and 3 watercourses with associated riparian margins from 10m to 50m.</p> <p>The application is supported by a Sustainability Management Plan (SMP). Additionally, the site is located within the Sydney Drinking Water Catchment and would require compliance with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 to ensure works being undertaken have a 'neutral or beneficial effect' (NorBE) on water quality. The application is supported by an Onsite Wastewater Management Assessment and a Water Cycle Management Study.</p> <p>The Department of Planning and Environment-Water has raised no objection to the proposal subject to compliance with general terms of approval (dated 16 September 2024), requiring a Controlled Activity approval under the <i>Water Management Act 2000</i>.</p>	
A3.6 Cut and Fill	<i>Contains a range of controls regarding cut and fill.</i>	<p>The application is supported by civil plans outlining the cut and fill required in order to accommodate the proposed development.</p> <p>The earthworks range from an approximate 1.5m in cut and 2m in fill, noting this is predominately required to enable suitable vehicular access within the site and to achieve sight distance compliance (in relation to the road upgrade works).</p>	No

Part	Control	Assessment	Compliance
		<p>Whilst the building footprints, in comparison to the site area and natural features, are considered to be modest, sufficient details have not been provided regarding the proposed earthworks in relation to the development and its impact on the site (noting the additional information requested by Council's Ecologist has not been provided).</p> <p>Council has been unable to confirm whether there would be minimum disturbance to the existing landform to satisfy the objectives of this control.</p> <p>As detailed earlier in this report, Council is also not satisfied that the objectives of section 7.3 of WLEP 2010 have been met, given it has not been confirmed that the proposed earthworks would not have a detrimental impact on existing environmental functions and processes.</p>	
A3.7 Siting of Rural Buildings	<p><i>(a) The maximum height of any non-residential building shall be determined by Council staff with reference to the objectives of the zone, the location of the proposed development and any relevant environmental and amenity considerations.</i></p> <p><i>(b) No single rural building or structure shall generally occupy a ground level building footprint of more than 600 square metres (except as permitted in Section B6.5.2 – Equine Facilities). The building footprint excludes any area on which works or structures are carried out or constructed beneath the natural ground level, provided disturbance of the natural ground surface is kept to a minimum and there is no adverse visual or environmental impact.</i></p> <p><i>(c) The total area of all land occupied by the ground level</i></p>	<p>The proposed buildings and associated structures are sited to ensure the existing natural environment is preserved, mitigating potential impacts along ridge lines.</p> <p>No single building or structures occupies more than 600sqm in area.</p> <p>The building footprints are well separated and sited on previously cleared land as well as to be linked to the existing internal roadways and crown road reserves.</p> <p>The proposed development is made up of an arrivals village and two (2) communities, which are located in excess of 30m away.</p> <p>No proposed building or structure is located within 20m from a public road.</p>	Yes

Part	Control	Assessment	Compliance
	<p><i>building footprint of all rural buildings and other structures shall not generally exceed a total ground level footprint of 1000 square metres (except as permitted in Section B6.5.2 – Equine Facilities), excluding any area on which works or structures are carried out or constructed beneath the natural ground level.</i></p> <p><i>(d) All rural buildings are generally to be within building envelopes that are separated from each other by a distance of not more than 30 metres and not less than 5 metres.</i></p> <p><i>(e) No rural building or structure is to be located closer than 20 metres from any public road, unless assessed by Council as appropriate due to site constraints.</i></p> <p><i>(f) Rural buildings and structures shall be constructed from non-reflective materials. Zincolume is not permissible.</i></p> <p><i>(g) Have regard to applicable Landscape Conservation controls</i></p>		
A4.5 Landform and Vegetation Modification	<p><i>In assessing a development application Council will consider the extent to which the applicant intends to modify the natural landform and vegetation cover of the site. Because, in a rural environment, earthworks on one property can have a significant impact on adjoining land owners, Council will seek to ensure that any such modifications are justified in terms of making best use of the site and that any impacts are managed on site. Wherever possible, Council would prefer that development make use of existing landform to minimise the extent of earthworks required. Applicants are reminded that earthworks not associated with any other development is also a form of land use permissible with consent in the three zones to</i></p>	<p>All proposed earthworks are detailed in the submitted civil plans, which provide details on the required cut and fill works needed in order to accommodate the proposed development.</p> <p>As detailed earlier in this report, the earthworks range from an approximate 1.5m in cut and 2m in fill, noting this is predominately required to enable suitable vehicular access within the site and to achieve sight distance compliance (in relation to the road upgrade works).</p> <p>Whilst the building footprints, in comparison to the site area and natural features, are considered to be modest, sufficient details have not been provided regarding the</p>	No

Part	Control	Assessment	Compliance
	<i>which this Plan applies and therefore a Development Application needs to be lodged. Please see the relevant clauses below.</i>	<p>proposed earthworks in relation to the development and its impact on the site and adjoining properties (noting the additional information requested by Council's Ecologist has not been provided).</p> <p>Council has been unable to confirm whether there would be minimum disturbance to the existing landform to satisfy the objectives of this control.</p>	
A4.6 Earthworks	<p><i>(a) The origin and composition of any fill brought into the rural areas must be documented.</i></p> <p><i>(b) No contaminated fill, including any building waste fill of unknown origin, must be brought into the Rural Areas.</i></p> <p><i>(c) No fill containing materials that may cause harm to a site or persons using a site may be brought into the rural areas.</i></p> <p><i>(d) Any excavation works must take into consideration the following:</i></p> <ul style="list-style-type: none"> <i>- possible wildlife habitat,</i> <i>- The need and purpose of the excavation</i> <i>- The scenic impact (both on and off site)</i> <i>- Erosion mitigation measures</i> 	<p>Noted. Conditions would be imposed as part of any consent granted.</p>	Yes
A4.7 Protection of Trees, Bushland and Vegetation during Construction	<p><i>(a) All works and services associated with construction of rural development (development location, stock piles, rubbish, site sheds services access and egress of all vehicles etc) must be sited to ensure they will have no negative impact on trees, vegetation and bush land that is to be retained on site. This will require these to be located clear of any Tree Protection Zones.</i></p> <p><i>(b) Best practice methodologies must be employed to maintain Tree Protection Zones. This will include the size of the zone,</i></p>	<p>The proposal requires the removal of trees and vegetation in order to accommodate the proposed development.</p> <p>The application is supported by an Arboricultural Impact Assessment & Tree Protection Plan. A total of 177 trees were assessed in accordance with a visual tree assessment (VTA) and the proposal impacts on encroachment within the tree protection zone (TPZ). A summary of trees impacted directly by the proposed construction footprint shows that a total of 100 trees will be</p>	No

Part	Control	Assessment	Compliance
	<p><i>appropriate fencing/buffering etc</i></p> <p><i>(c) Best practice methodologies must be employed in the design and installation of any services to the site to ensure the long term viability of trees, vegetation and bush land. This needs to include no interruption to flow paths of surface water.</i></p> <p><i>(d) Siltation control fences and measures must be provided to protected vegetation trees, bush land and riparian zones.</i></p> <p><i>(e) No clearing of vegetation on land with slopes of 18 degrees or greater.</i></p> <p><i>(f) An Arborist or qualified horticultural may be required to supervise works on site to ensure the retention of nominated trees, vegetation or bush land.</i></p> <p><i>(g) No removal of trees or other vegetation from an Item of Heritage or from a property within a Landscape or Heritage Conservation Area shall occur without the consent of Council under the provisions of Section A4.11 below.</i></p>	<p>subject to nil encroachment within the TPZ, 19 will be subject to minor encroachment, and 58 trees will be subject to major encroachment. The report outlines that 49 trees are required to be removed, and 128 trees will be retained as part of the proposal.</p> <p>Recommendations and a tree protection plan (TPP) have been included as part of the report.</p> <p>However, in the absence of the additional information requested by Council's Ecologist, Council has been unable to properly consider whether or not the siting of the development would have a negative impact on trees, vegetation and bushland that is to be retained onsite.</p>	

DRAFT INSTRUMENTS

There are no draft Environmental Planning Instruments relevant to the site or proposed development.

REGULATIONS

Building Demolition

Demolition work is proposed and subject to conditions of any consent granted. This relates to the redevelopment of the existing homestead for use as part of the Community Refuge Building No 1.

Fire Safety

Subject to conditions of any consent granted.

Upgrading of Buildings

Not applicable to this proposal.

Temporary Structures

Not applicable to this proposal.

Deferred Commencement Consent

Not applicable to this proposal.

Modification or Surrender of Development Consent or Existing Use

Not applicable to this proposal.

Ancillary Development

Not applicable to this proposal.

BASIX

Not applicable to this proposal.

Designated Development

Not applicable to this proposal.

PLANNING AGREEMENTS

No planning agreement or draft planning agreement has been entered into or offered.

CONTRIBUTIONS

Developer contributions are payable on the proposed development, however, given the recommendation of this report is for refusal, these have not been prepared at this time.

Impacts of the Development [s4.15(1)(b)]

Context & Setting

As detailed earlier in this report, the site is located approximately 30km west of the Mittagong town centre. The site is irregular in shape with an area of 187.31 hectares. The Wingecarribee River generally forms the western boundary of the site. There are a number of smaller watercourses and walking trails through the site.

The proposal is not compatible with the surrounding area (considering the objectives of the relevant land use zoning) in the absence of the additional information requested by Council's Ecologist. Council is not satisfied that the proposed development would protect, manage and restore any areas within the site with special ecological value or that the development would not have an adverse effect on those values.

Access, Transport and Traffic

The proposal will include the upgrading of Joadja Road at certain critical locations. Council would require a Road Safety Audit to be submitted prior to the issue of a Construction Certificate for the proposed development to determine the most appropriate actions to improve safety along the road.

Council's Development Engineer has considered the impact of the proposed development on traffic and access arrangements and raised no objection subject to compliance with recommended conditions of consent.

Public Domain

It is considered that the proposal will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

Utilities

The site would have adequate utility services to cater for the proposal.

Heritage

The subject site is not identified as being a heritage item or being within a conservation area. The site is located within proximity to the State Register Heritage Curtilage of Joadja kerosene oil shale mining and refining site. Several heritage items are also located within proximity to the site including Joadja Cemetery, Winding Machine, Joadja Schoolhouse and Joadja Conservation Area. No proposed works would adversely affect the nearby heritage items.

Other Land Resources

The proposal will not have any negative impact on:

- Productive agricultural land.
- Mineral or extractive resources.
- Water supply catchments.

Flora and Fauna

The subject site contains trees and other vegetation.

Council's appointed Ecologist reviewed the submitted Biodiversity Assessment Report along with the other supporting documentation and requested the following information be provided prior to determination:

- *A BDAR is required for impacts on native vegetation. The BDAR is to assess all associated elements of the proposal including but not limited to building envelopes, driveways, APZs, parking bays and outdoor facilities.*
- *Provide evidence of consolidating facilities to minimise impacts on native pasture and remnant trees. It is a requirement of the BAM to demonstrate avoidance and minimising impacts to native vegetation. The BDAR is required to justify how the project employs the avoid/minimise/offset principal.*
- *Native pasture mapping and biometric plots are required to determine the quality of native pasture and determine whether its calculated vegetation integrity score (VIS) will cause biodiversity offsets.*
- *Seasonal survey for flora and fauna is to be undertaken to assess presence or absence of candidate threatened species associated with the PCT's on site.*
- *The BDAR is to provide more justification as to why the Study Area does not fit the above definition for Core Koala Habitat. If the Study Area is considered Core Koala Habitat, further Koala surveys are required including the preparation of a Koala Assessment Report.*
- *The BDAR should provide evidence of impacts surrounding riparian areas including impacts from APZs. If impacts are within 40m of any riparian area a Controlled Activity Approval through NRAR will be required, as per the Water Management Act. A Vegetation Management plan would also be required.*
- *Justification should be provided to demonstrate the appropriateness of the development within C3 Environmental Management zoning. Reference should be made to the objectives of the zone.*

This information has not been provided as requested on a number of occasions.

Noise and Vibration

It is considered that the proposal would have a negligible impact in terms of noise and vibration, subject to compliance with recommended conditions of any consent granted.

Natural Hazards

The subject site is identified as bush fire prone land and the proposal subject to the general terms of approval of the NSW Rural Fire Service.

The site is also partially affected by flooding from the Wingecarribee River. However, the locations where the cabins and community arrival are proposed along with access to and from the site are unaffected by 1%AEP and PMF flood.

Technological Hazards

There is no existing contamination on the subject site.

Social and Economic Impacts in the Locality

There are likely to be positive social and economic impacts of the proposal associated with the future use.

However, based on the information provided to date, there would be potential negative impacts as well, including land use conflict, possible environmental degradation and the impact this has on the community and wider economic region, etc.

Cumulative Impacts

In the absence of the additional information requested by Council's Ecologist, it is unclear as to the cumulative impacts as a result of the proposal.

Waste and Operational Management

It is considered suitable arrangements are proposed in relation to waste management.

The Operational Waste Management Plan in conjunction with the Plan of Management will minimise waste and optimise recycling and reuse with education and facilities available for use by guests and staff. All guest induction will include education and expectations regarding recycling and waste.

This new development's waste holding / management area would be in the Arrival Village building, being located below the main kitchen and adjacent to the loading dock for ease of access and waste removal. The nominated waste collector specialist is to remove collected general and co-mingled waste, periodically. The waste management area would be managed by the Fresh Hope Communities Staff Maintenance Caretaker / Manager. Fresh Hope Communities Facility Staff would be required to maintain and manage all bin holding / collection areas and bin movements.

Suitability of the Site [S4.15(1)(c)]

Whilst the relevant planning matters related to the proposed use across the site have been considered and addressed throughout the assessment of this application, the site is not currently considered to be suitable for the development given the additional information requested by Council's Ecologist has not been provided and as such the environmental impacts are unclear. Council is not satisfied that the land use definition and objectives of the C3 Environmental Management zone have been met.

Submissions [S4.15(1)(d)]

The application was notified between 8 July 2024 to 7 August 2024.

A total of twenty-five (25) submissions were received in objection. Below is summary of the issue and comment from the applicant and Council's assessment officer:

Issue	Comment
<p>The proposed development is to be amended to remove any impact on Crown land or landowner's consent is required from the Department of Planning, Housing and Infrastructure – Crown Lands.</p>	<p><u>Applicant</u></p> <p>In July the applicant initiated correspondence with Crown Lands regarding these requirements. Crown Lands confirmed on 19 September that Crown Lands landowner's consent was not required and no other authorisations from the NSW Aboriginal Land Council were required. This confirmation has been communicated to Council by email dated 20 September 2024.</p> <p>Specifically, the advice from Crown Lands notes <i>"if the Crown roads and the Licence area are not part of your development, please have them removed from the Development Application for us to not be required to given Landowners consent"</i>.</p> <p>It is clear from DA documentation that all proposed works are confined to Lot 202 DP751276. The works do not impact any area the subject of a license agreement with Crown lands and do not impact any Crown land reserves or Crown Roads. There will be no change to the current uses of Crown Lands (for grazing purposes) or roads. This is also documented in the SEE on pages 10 and 11. Subsequently there is no requirement for Crown Lands to make comment on, or provide concurrence to, the development application.</p> <p>For absolutely clarity, as requested by Crown Lands, we confirm that Lot 157 DP 751276, Lot 158 DP 751276 and Lot 181 DP 751276 should be removed from the Development Application. We request that Council administer this when referring to the site, to be Lot 202 DP 861816 only. Whilst it should not be necessary, noting there is no work proposed on those lots in any event, we are making enquiries with the planning portal helpdesk to further formalise removing these Lots from being related to this application within the Planning Portal.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>
<p>Compliance with the definition of Eco-tourist facility</p>	<p><u>Applicant</u></p> <p>This has been addressed in the submitted Statement of Environmental Effects and in response to the above issue.</p> <p><u>Council</u></p>

	<p>It is noted that part of the land use definition relates to 'sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.' Council is not satisfied that the application has adequately demonstrated compliance with the 'eco-tourist facility' definition, in the absence of the additional information requested by Council's Ecologist.</p>
More fitting with the Definition of 'Function Centre'	<p><u>Applicant</u></p> <p>It has been clearly demonstrated that the proposal fits the definition of an eco-tourist facility. The definition of 'function centre' is:</p> <p><i>"function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility."</i></p> <p>The primary purpose of a function centre is a place for events. This is not the primary purpose of the proposal.</p> <p>The primary purpose of the proposal is to provide accommodation for guests in a nature-based setting as described throughout the DA documentation. Whilst events and functions may be conducted at the site this is a subservient and ancillary use. People who will attend the eco tourist facility do so primarily for the environment-focussed accommodation experience, not to attend events and functions.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this. The proposed use / operations would need to be managed appropriately through a Plan of Management.</p>
Consistency with the Objectives for Zone C3	<p><u>Applicant</u></p> <p>Section 4 and Appendix A of the submitted Statement of Environmental Effects demonstrates the proposal is consistent with the objectives of the zone.</p> <p>The scale of buildings is not excessive in the context and setting of the site size and capabilities. The design and siting has given detailed consideration to the features of the site and to minimising the disturbance footprint having regard to confining works to areas previously disturbed.</p>

	<p>The documents submitted with the application demonstrate the variety of specific measures to be implemented which will ensure the works and the ongoing operations are sensitive to the special ecological and aesthetic features of the site and surrounds.</p> <p><u>Council</u></p> <p>The applicant's response has addressed this. However, as detailed earlier in this report, in the absence of the additional information requested by Council's Ecologist, Council is not satisfied that the proposed development would protect, manage and restore any areas within the site with special ecological value or that the development would not have an adverse effect on those values.</p>
Road Infrastructure and Traffic Data	<p><u>Applicant</u></p> <p>We are awaiting specific information from Council's Development Engineer to inform our response to this matter.</p> <p><u>Council</u></p> <p>The applicant's response has addressed this. Council's Development Engineer has raised no objection to the proposal subject to conditions of any consent granted.</p> <p>The following has been noted:</p> <ul style="list-style-type: none"> ▪ The applicant has stated that the bus arrivals are averaged at 70% for guests where weekend attendance will be largely by cars and weekday patronage will be comprised of bus transport and drop off by parents. ▪ Council's position remains firm that upgrades are required at certain critical locations. Joadja Road is not required to be upgraded for the entire length. A Road Safety Audit is to be submitted prior to the issue of a Construction Certificate to determine the most appropriate actions to improve safety along Joadja Road. ▪ Council's scheduled gravel re-sheeting program should be independent of the road upgrade responsibility. The road upgrade requirement is as a result of the development; therefore, it is the applicant's responsibility to ensure adequate and safe access could be provided for the development site. <p>The recommended conditions would include the requirement for the provision of detailed designs</p>

	<p>for upgrade of Joadja Road to be prepared in accordance with Council's Design Standards. The design would include:</p> <ul style="list-style-type: none"> a) A Design Road Safety Audit (RSA) along Joadja Road from Lot 1 DP 1033546 to the site entrance, conducted by a suitably qualified and accredited road safety auditor. The RSA shall: <ul style="list-style-type: none"> a. Identify potential safety concerns to improve overall safety of the road. b. Provide recommendations on road sealing to improve road safety and driving conditions. b) The final design shall incorporate and implement any safety recommendations from the Road Safety Audit. c) Sealing of Joadja Road from Lot 1 DP 1033546 to the site entrance where the longitudinal grade exceeds 10%, in addition to any recommendations regarding sealing from the RSA.
Bushfire Risk and Emergency Services Capacity	<p><u>Applicant</u></p> <p>The management of bushfire risk and measures to protect safety are detailed in the Bushfire Risk Assessment submitted with the development application. This information has been considered by the NSW Rural Fire Service, with General Terms of Approval received and provided to Council on 14 August 2024.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p> <p>It is noted that the NSW Rural Fire Service has requested that a Bush Fire Emergency Management and Evacuation Plan be prepared in accordance with Table 6.8d of <i>Planning for Bush Fire Protection 2019</i> and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.</p> <p>The plan must also:</p> <ul style="list-style-type: none"> ● be consistent with Recommendation 4 of the submitted bush fire assessment prepared by Travers Bushfire & Ecology, dated 19 April 2024; ● include contact details for the local Rural Fire Service office;

	<ul style="list-style-type: none"> ● outline procedures for coordinated evacuation of the site in consultation with local emergency services. <p>A copy of the Bush Fire Emergency Management and Evacuation Plan would be provided to the Local Emergency Management Committee for its information prior to any occupation of the development.</p>
Impacts on Ecology	<p><u>Applicant</u></p> <p>As stated above, further information on the management and protection of the ecology of the site will be addressed in the BDAR and VMP. Following Council's assessment of the BDAR, we request that conditions of consent are utilised to implement the recommendations of the Report.</p> <p><u>Council</u></p> <p>As detailed earlier in this report, in the absence of the additional information requested by Council's Ecologist, it is uncertain as to the impacts on ecology. The impacts would need to be determined as part of the assessment of the application and cannot be deferred to post-determination (i.e. conditioned).</p>
Scale of Development	<p><u>Applicant</u></p> <p>It is clear from the DA documentation that this application relates only to the arrivals village and Communities 1 and 2.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p> <p>It is noted that the submitted Statement of Environmental Effects indicated that the Pre-DA discussion included the presentation of a masterplan for the site. However, the scale of development is proposed to be limited to the details submitted in this current development application. Any additional works would be the subject of future DAs.</p>
Impacts to Water Quality	<p><u>Applicant</u></p> <p>The Water Cycle Management Plan prepared by Martens and Associates submitted with the development application demonstrates that the proposal can be managed to have neutral or beneficial impacts to water quality and quantity</p>

	<p>for the site and the catchment. This is expected to be verified from the concurrence response from WaterNSW.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this. Water NSW has issued concurrence.</p>
Waste Servicing and Management	<p><u>Applicant</u></p> <p>Details of the waste management and servicing have been included in the DA. The proposed road upgrade works would allow a waste vehicle to access the site. A suitable commercial contracting arrangement can be set up which will be compatible with the operations and the accessibility of the site. Storage and management of composting materials will be rodent-proof and details can be included in the Construction Certificate documentation.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>
Water and Power	<p><u>Applicant</u></p> <p>As detailed in the Sustainability Report submitted with the application – power will be generated on site with PV cells and rainwater reuse will provide a source of water supply. Ongoing sustainability reporting will need to demonstrate that operations are appropriately using solar power and re-using water.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this. As outlined in the submitted Sustainability Management Plan, the provision of water and power to the site would meet the requirements of section 5.13 of WLEP 2010 (i.e. through the use of passive heating and cooling, renewable energy sources and water efficient design).</p>
Character of the Joadja Valley and Compatibility with Neighbours	<p><u>Applicant</u></p> <p>Eco-tourist facilities are a type of land use specifically suited to locations with special ecological, environmental, cultural and aesthetic attributes such as those which characterise the Joadja Valley.</p> <p>The Statement of Environmental Effects identifies these special features and explains the ways in which the eco-tourist facility will be</p>

	<p>compatible with the appreciation of, and enhancement of these features.</p> <p>The Plan of Management demonstrates the ways in which the facility is proposed to be operated to protect the amenity of neighbours and the qualities of the locality.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p> <p>The submitted Plan of Management (dated 15 October 2024) provides guidelines and controls for the operation and management of the proposed development, particularly including hours of operation and noise minimisation.</p> <p>The proposed operating hours (as detailed earlier in this report) are considered appropriate for the development. All guests visiting and staying at the facility would receive an orientation briefing by a trained staff member.</p> <p>In relation to the management of noise impact, the following is noted in the Plan of Management:</p> <p>5.1 GENERAL OPERATIONAL PROCEDURES</p> <p><i>a) All guests are obliged to obey reasonable directions from staff at all times regarding noise generation. Where excessive noise occurs, staff will be directed to manage the cause of the noise as required. This could result in the removal of guests who repeatedly ignore warnings to limit noise and disturbance. A noise curfew after 10.30pm will be enforced.</i></p> <p><i>b) A contact number shall be installed at the entry door to the Arrivals Village reception space so that any complaints regarding operations can be made 24/7 to staff.</i></p> <p>5.2 NOISE CONTROL MEASURES</p> <p><i>The noise control measures specified in the Noise Impact Assessment by Acoustic Logic dated 1 November 2023 are to be implemented at all times as follows:</i></p> <p><i>(i) Buses to limit the use of air brakes</i></p> <p><i>(ii) Maximum vehicle movements in any 15 minute period (day or night) is:</i></p> <p><i>o 30 passenger vehicles (in and out)</i></p> <p><i>o 3 buses (in and out)</i></p>
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	<p><i>Such movement would likely occur 3 times per week. The facility will utilise a public address (PA) system for group communication within nominated times. These announcements will be within the confines of the buildings and only made by staff. There will be no amplified music and no PA systems outside the buildings at any time. There will be no use of motorised trail bikes or motorcross bikes or quad bikes by guests at any time.</i></p>
Tiny Homes	<p><u>Applicant</u></p> <p>Tiny homes are not proposed as part of this development application.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>
Visual Amenity and Privacy	<p><u>Applicant</u></p> <p>The siting, orientation, design and scale of the proposed buildings has been selected such that they will have minimal visual impact in the landscape and no overlooking or lines of sight that would be detrimental to the privacy of neighbouring and nearby dwellings.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>
Noise	<p><u>Applicant</u></p> <p>As specified in the amended Plan of Management, there will be no amplified noise and no public address system operated outside the proposed buildings.</p> <p>The Plan of Management confirms there will be no use of motorised bikes, trail bikes or quad bikes. Council's assessment process to date has not identified any inadequacies in the Acoustic Assessment submitted with the DA.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this. Council's Environmental Health Officer has raised no objection to the proposal subject to conditions of any consent granted.</p>
Lack of Connectivity / Contribution to the Community	<p><u>Applicant</u></p> <p>The proposal includes measures to monitor, manage and enhance the ecological attributes of the site. The Plan of Management includes measures to educate and inform guests and staff</p>

	<p>as to their responsibilities to contribute to the sustainability of the operations and to appreciate the natural assets of the site and surrounds.</p> <p>The operation will generate local employment and local spending by visitors. The applicant has demonstrated an ongoing commitment to engage with neighbours separate to the standard DA assessment processes and remains open to working with the community throughout the life of the project.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>
Compliance with the Rural lands Development Control Plan	<p><u>Applicant</u></p> <p>This is addressed in full in Appendix B to the Statement of Environmental Effects. Specifically, the controls that relate to the scale and separation of buildings refer to "rural buildings". The buildings proposed are not rural buildings.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>
Compatibility with Bangadilly National Park	<p><u>Applicant</u></p> <p>See the response to Issue 4 above and the revised Plan of Management submitted with this letter.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>
Potential for visitor trespass onto neighbouring properties	<p><u>Applicant</u></p> <p>See the revised Plan of Management submitted with this letter which includes orientation for all arriving guests regarding 'no-go' areas and the protection of neighbour privacy and amenity.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>
No Domestic Animals	<p><u>Applicant</u></p> <p>See the revised Plan of Management which does not allow domestic animals on site other than the existing animals associated with the ongoing use of part of the site for rural purposes.</p>

	<p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>
Light Pollution	<p><u>Applicant</u></p> <p>See the revised Plan of Management which does not allow spotlighting. All fixed lighting is designed to be contained within the clusters of proposed buildings.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>
Clarification of Details on Architectural Plans	<p><u>Applicant</u></p> <p>See revised architectural plans submitted with this letter. Given there are no new or increased impacts arising from the additional information, no further notification should be required.</p> <p><u>Council</u></p> <p>The applicant's response has adequately addressed this.</p>

The Public Interest

[S4.15(1)(e)]

Given that detailed in this report, the proposal does not satisfy the prevailing planning controls in order to facilitate the '*orderly and economic use and development of land*' which is one of the objects of the *Environmental Planning and Assessment Act 1979*.

Accordingly, it is considered that approval of this application is not in the public interest.

Conclusion and Recommendation

Following assessment of the development application, it is considered that all relevant matters have been addressed (excepting ecology).

The development application has been assessed in accordance with the matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, and all relevant environmental planning instruments and Council policies, and is not considered to comply with all of the relevant items.

It is recommended that the Southern Regional Planning Panel determine the development application pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by way of refusal in line with the recommended reasons outlined in Attachment 1 to this report.