

Statement of Environmental Effects

Development of an eco-tourist facility for both short term stay and day trips.

This includes:

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

1551 Joadja Road,

Joadja

Prepared for: Fresh Hope Communities

DATE: 13 May 2024

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1. Introduction

This Statement of Environmental Effects has been prepared by LK Planning on behalf of Fresh Hope Communities, the applicant for, and future operator of, the proposed development. It accompanies a Development Application to Wingecarribee Council seeking consent for an eco-tourist facility identified as Greenstead Valley. The site address is No. 1551 Joadja Road, Joadja.

For clarification purposes, the following owner and beneficiary details of the site are noted:

- The Churches of Christ Property Trust – Legal Owners of the Land
- Churches of Christ Community Care – Beneficial Owners of the land
- Fresh Hope Communities – Business/Service Delivery arm and developer

Fresh Hope Communities is the developer for the proposed development. Fresh Hope Communities Outdoor Adventure, Conferencing and Group Accommodation Services Stream will manage daily operations.

The Churches of Christ Property Trust is the legal owner of the land and Churches of Christ Community Care (operating as Fresh Hope Communities) is the beneficial owner of the land. Fresh Hope Communities exists to create spaces that cultivate belonging and places that feel like home. Fresh Hope Communities is the welfare arm and Public Benevolent Institution entity of the Churches of Christ in NSW and the ACT. For almost 90 years Fresh Hope Communities have been providing quality support and lifestyle choices across retirement, residential and respite settings for the community as well as conference and outdoor adventure experiences for schools and groups. Most recently Fresh Hope Communities is also providing affordable housing.

This proposal is an eco-tourist facility which will offer programmed activities and various types of accommodation designed and operated for minimal and positive environmental impacts and linking personal experiences with environmentally sustainable activities. Accommodation options are tent platforms, cabins, homestead and serviced accommodation. The arrival village includes a reception area, commercial kitchen and dining, staff amenities and 'back-of-house' functions. There are indoor and outdoor recreational experiences, food gardens, off-grid energy generation and storage and systems to capture and re-use rainwater for reticulation and for cooling buildings.

The various buildings are connected with walking paths. Activities are focussed on social engagement and learning experiences in outdoor settings.

The objective is to create opportunities to step away from day-to-day urban lifestyles and deeply connect socially and with the environment. The destination is rooted in the experience of sustainable living practises and education particularly around food, water, waste and power management for everyday living practices that are environmentally sustainable and improve wellbeing.

The site is located in Zone C3 – Environmental Management in which eco-tourist facilities are permitted with development consent under the Wingecarribee Local Environmental Plan 2010 (WLEP 2010). The proposal complies with the relevant provisions of WLEP 2010 (as detailed in Annexure A). The proposal is compliant with the relevant provisions of the Wingecarribee Development Control Plan 2011, as

detailed at Annexure B of this report. The proposal is considered to be a suitable form of development within the site context and has regard for the characteristics of the site and surrounding area.

The development proposal was subject to a Pre-DA meeting with Council in November 2022 under reference: DCU23/0015 and this development application has been prepared with consideration to Council's pre-lodgement feedback.

Preliminary engagement with surrounding residents and property owners has also been conducted by Fresh Hope Communities and details are included in this SEE.

Table 1 below provides a summary of the supporting documents submitted with this application.

Table 1 Supporting Documents	
Document	Author
Architectural Package	Breathe Architecture
Arboricultural Report	Tree Survey
BCA Report	Formiga1
Biodiversity Assessment Report	Travers Bushfire & Ecology
Civil Plans	Martens and Associates
Demolition and Construction Waste Management Plan	UFD
Operational Waste Management Plan	UFD
Flood Assessment	Martens and Associates
Archaeological Survey Report	Artefact
Landscape Plan	Taylor Brammer
Structural Engineering Design	Birzulis Associates P/L
Sustainability Management Plan	Aspire Sustainability Consulting
Traffic Impact and Parking Assessment	Jones Nicholson P/L
Onsite Wastewater Management Assessment	Martens and Associates
Water Cycle Management	Martens and Associates

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of Section 4.15 of the Environmental Planning & Assessment (EP&A) Act, 1979.

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.

2. Site Analysis and Context

2.1 THE SITE

The subject site has the address No. 1551 Joadja Road, Joadja, and is legally identified as Lot 157 DP751276, Lot 158 DP751276, Lot 181 DP751276 and Lot 202 DP751276. The location of the site is illustrated in the map Figure 1 (outlined in yellow) and an aerial photos of the site are included in Figures 2 and 3.

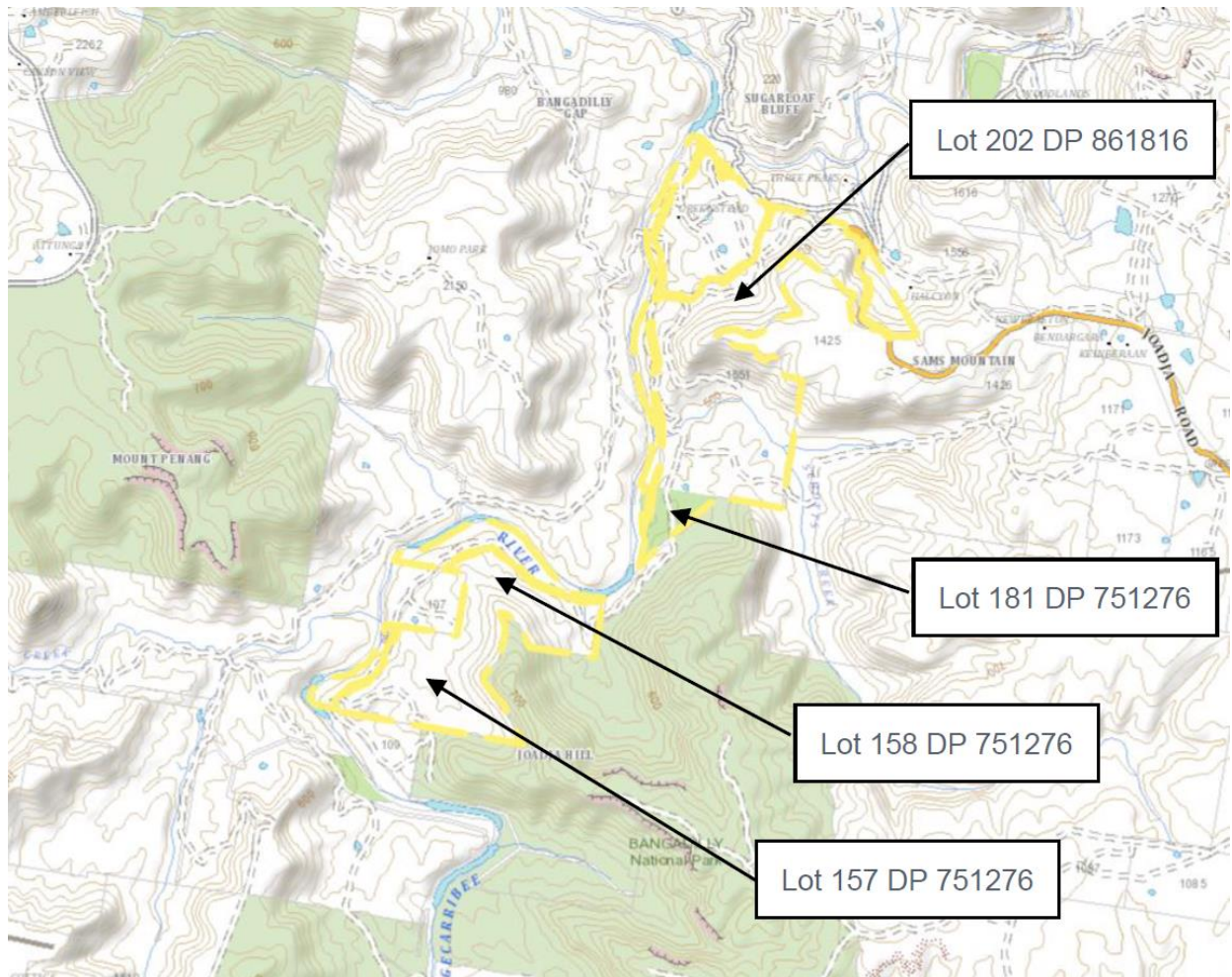
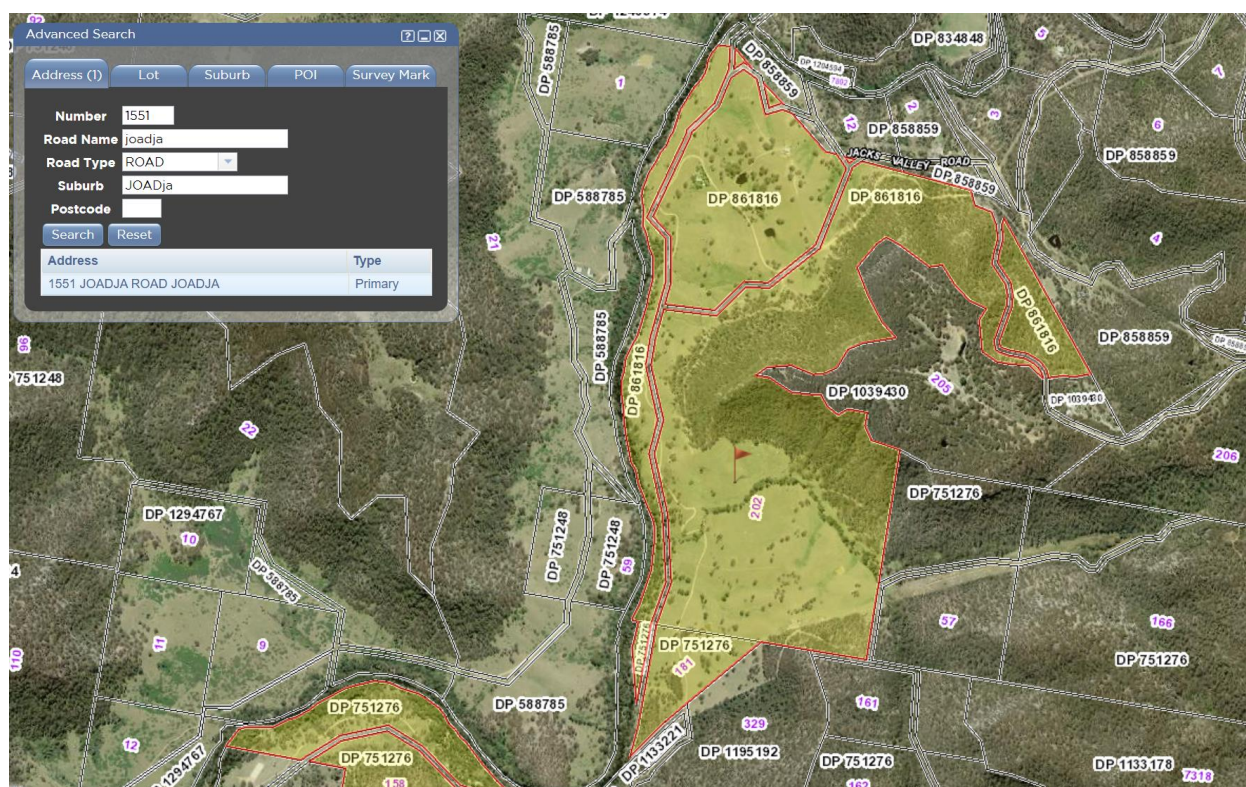


Figure 1 Map of the subject site and surrounds (Source: www.maps.six.nsw.gov.au)



The site is located 30km west of Mittagong, within the Wingecarribee Shire local government area. The site is irregular in shape with an overall area of approximately 200 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 current land use is rural/residential with the site accommodating a two-bedroom homestead, shed, riverside cottage and cattle yards. An aerial photo of the existing structures and internal vehicle tracks in the northern portion of the site is included in **Figure 4**.



Figure 4 Aerial photo showing the existing structures and internal access tracks in the northern part of the site (Source: Nearmap)

The site includes moderate to steep vegetated slopes and areas of flat or gently sloping cleared ground. Most of the northern portion of the site has been cleared over many years and the proposed works are limited to these cleared areas.

Vehicular access to the site is provided from Joadja Road and Joadja Road runs through the north eastern portion of the site as shown in **Figure 5**. Joadja Road is a public road owned and maintained by Wingecarribee Shire Council.

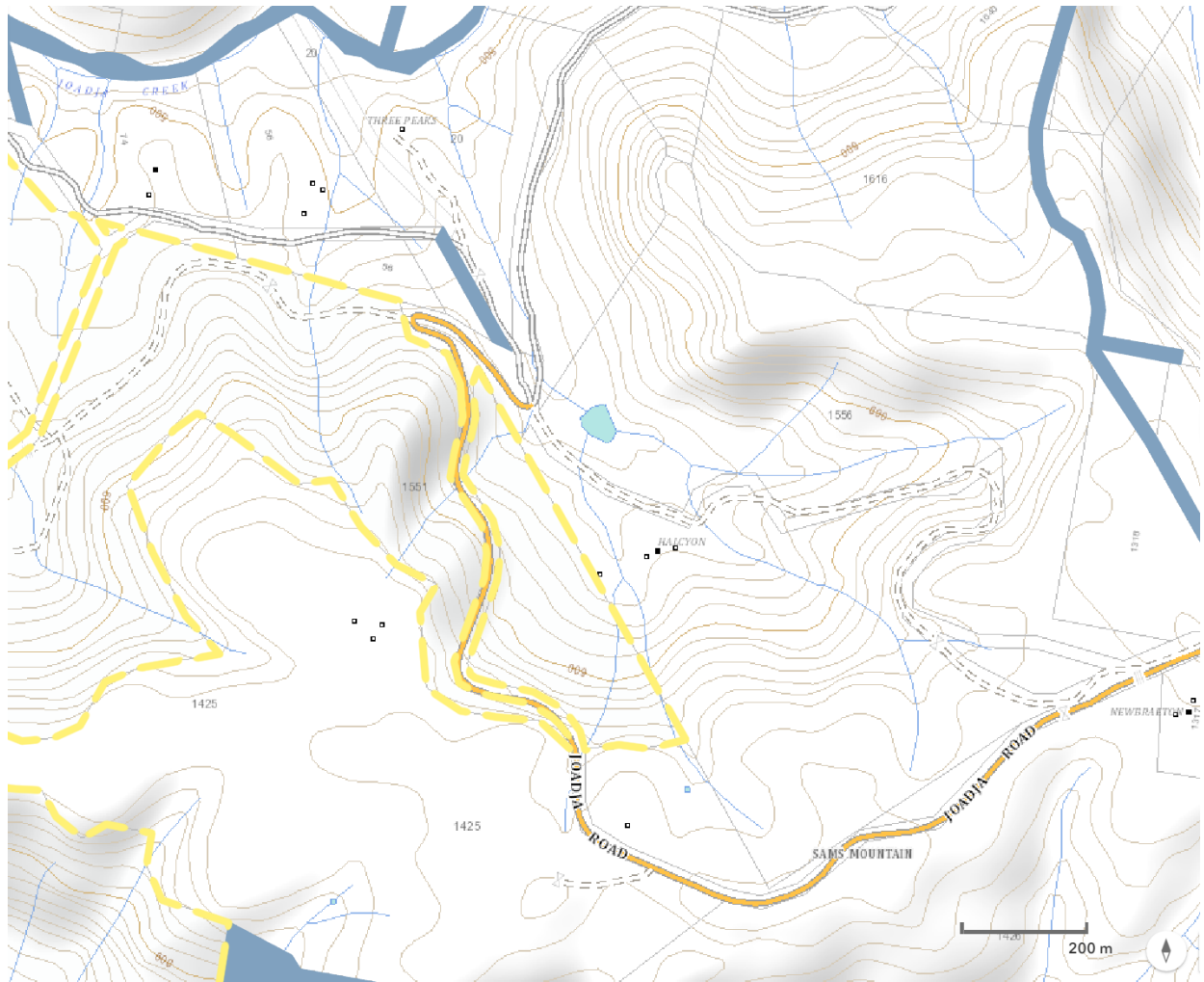


Figure 5 Extract from NSW Spatial Viewer showing Joadja Road (coloured orange) running through the north east portion of the site (site outlined dashed yellow)

Crown Roads, Land and Licenses

The bed of the Wingecarribee River is Crown Land and Crown Road Reserves exist within the site as shown in **Figures 7, 8, and 9**. The Crown Roads are unformed although there are internal vehicle tracks that partly follow the alignment of the crown road reserves.

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 submitted civil plans prepared by Martens, dated 21.02.2024, shows unrestricted site access which is able to be utilised by neighbouring properties to gain access to private land.

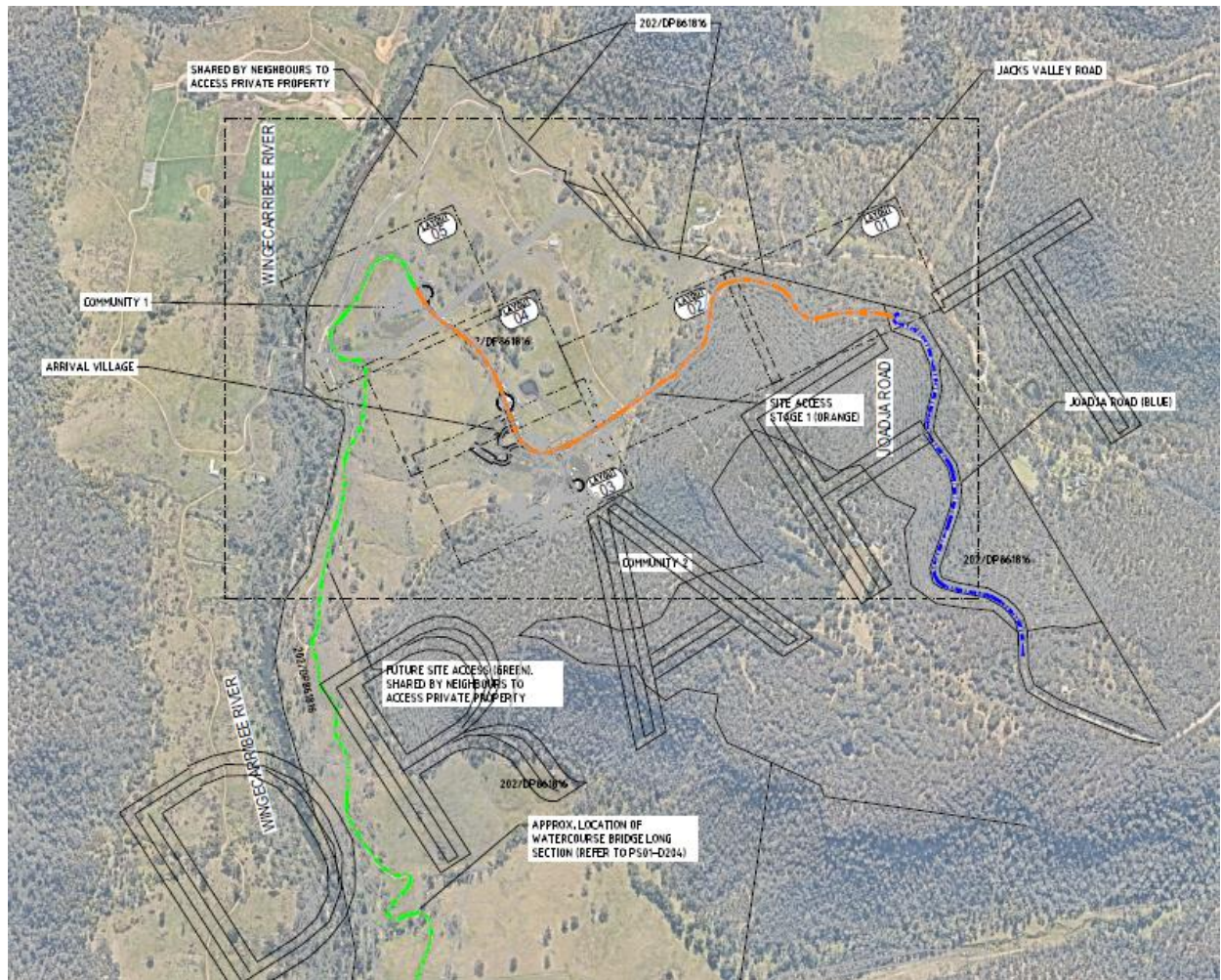


Figure 6 Extract from submitted civil plans showing unrestricted site access shared by neighbours to access private property

This Development Application does not propose to change the alignment of the Crown Road Reserves in their physical form or in their registered alignment nor the ways in which the Crown Road Reserves are currently used. All proposed works detailed in this development application do not overlap with the location of Crown Land or Crown Road reserves.

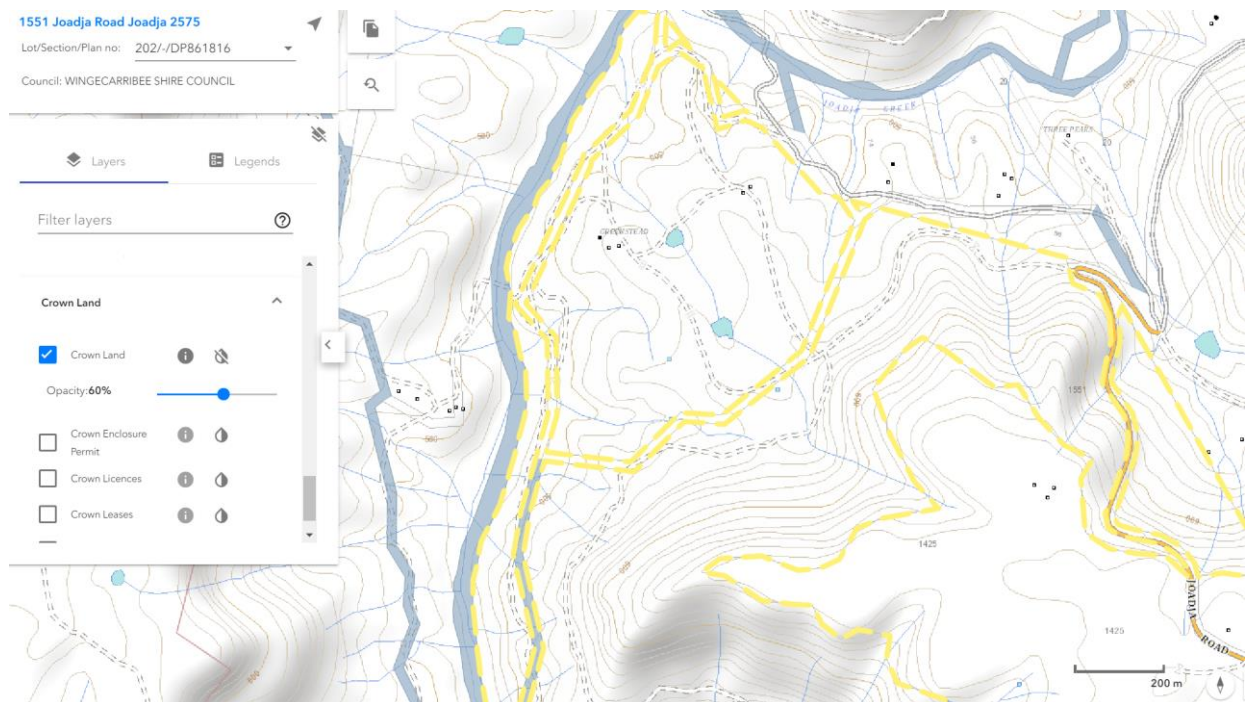


Figure 7 Northern portion of the site. Blue coloured areas indicating the bed of the Wingecarribee River and Crown Road Reserves (site outlined dashed yellow) (Source: *NSW Spatial Viewer* accessed December 2023)

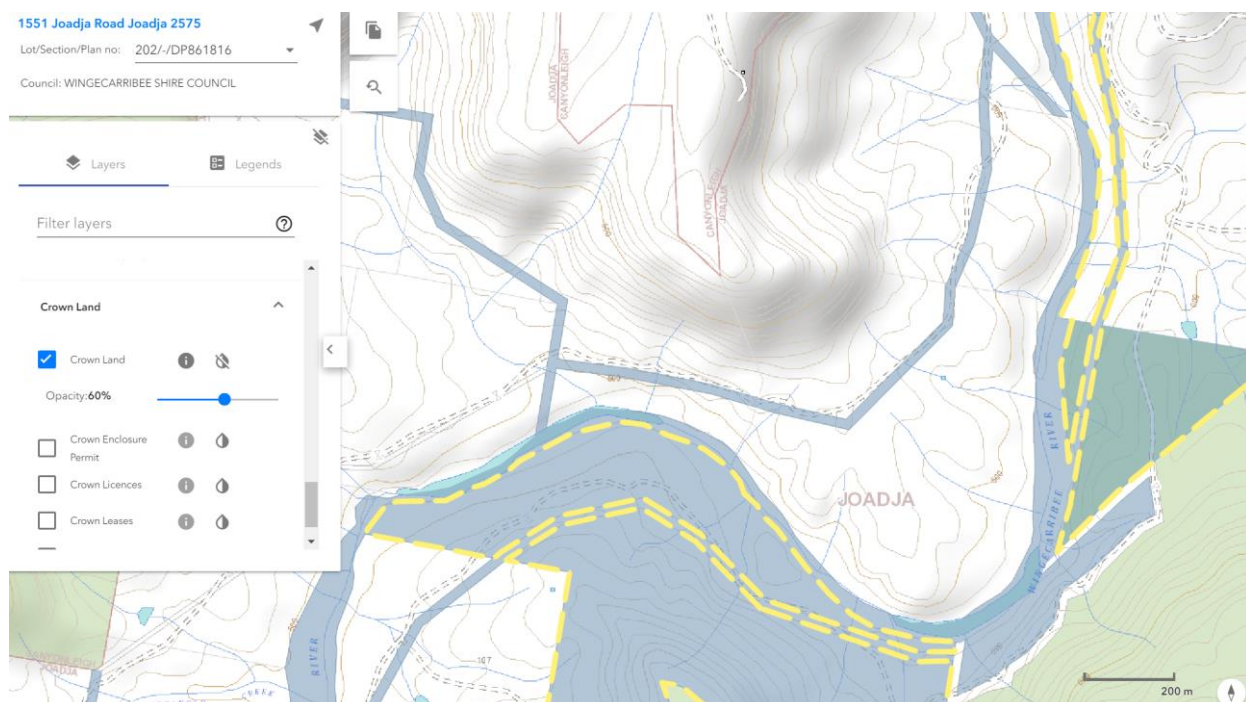


Figure 8 Middle portion of the site. Blue coloured areas indicating the bed of the Wingecarribee River and Crown Road Reserves (site outlined dashed yellow) (Source: *NSW Spatial Viewer* accessed December 2023)

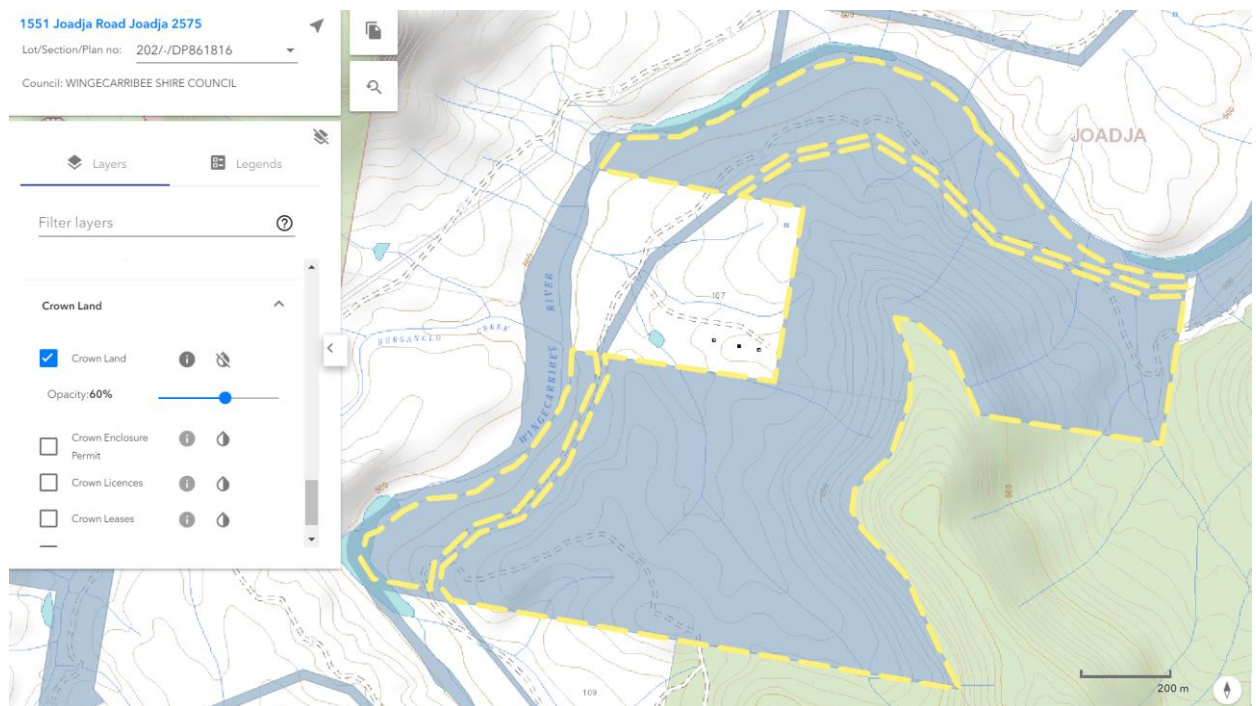


Figure 9 Southern portion of the site. Blue coloured areas indicating the bed of the Wingecarribee River and Crown Road Reserves (site outlined dashed yellow) (Source: NSW Spatial Viewer accessed December 2023)

The southern part of the site (Lot 157 DP751276, Lot 158 DP751276 and Lot 181 DP751276) is identified in the NSW Spatial Viewer as a Crown lands subject to licenses as shown in **Figures 10 and 11**. The areas within the site are subject to Crown License 307404. This license has been issued for the purpose of grazing. This development application will have no impact on the status of, access to, or use of Crown lands and does not conflict with the purpose and interests of Crown License 307404.

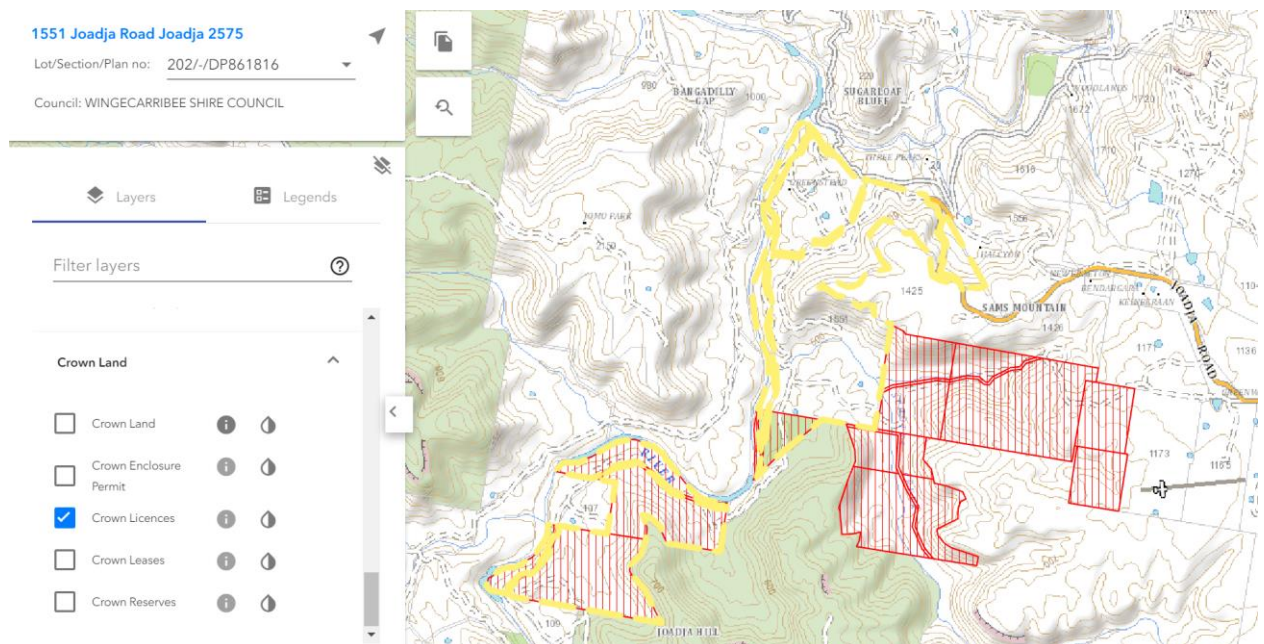


Figure 10 Map showing location of land subject to Crown Licenses (hatched red) both adjoining the site and within the site (site outlined dashed yellow) (Source: NSW Spatial Viewer accessed December 2023)

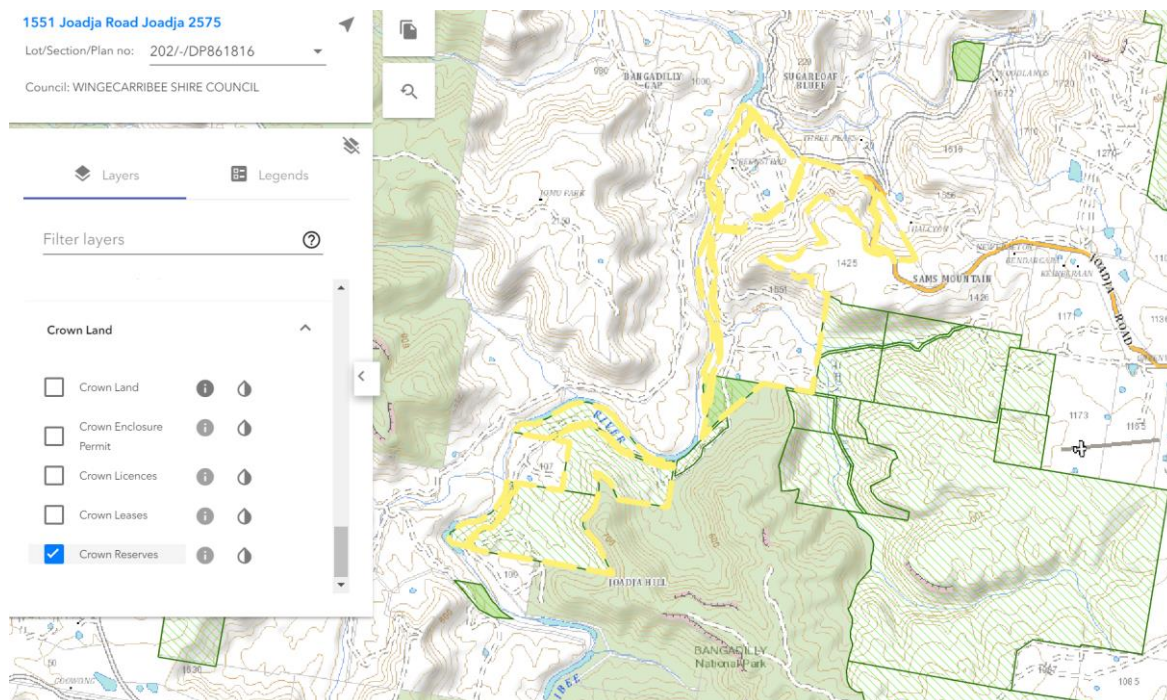


Figure 11 Map showing location of Crown Reserves (hatched green) both adjoining the site and within the site (site outlined dashed yellow) (Source: *NSW Spatial Viewer* accessed December 2023)

Easements

The subject 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.

Risks and Hazards

The site is affected by bush fire prone land, overland flooding and riparian watercourses. Further discussion of these hazards and affectations is provided in section 4.

2.2 CHARACTER OF THE LOCALITY

The locality is a mix of cleared, low intensity grazing land and remnant native vegetation. The land was traditionally the locality of the Gundungarra Aboriginal Community with the Wingecarribee and Wollondilly Rivers being important permanent water sources.

The site is within Zone C3 – Environmental Management. It directly adjoins land in Zone C2 – Environmental Conservation land and Zone C1 – National Parks and Nature Reserves to the east identified as Bangadilly National Park. Bangadilly National Park contains koala habitat which is registered as an Asset of Intergenerational Significance and is subject to a Conservation Action Plan prepared and implemented by NSW National Parks and Wildlife Service (see <https://ais-map-dot-npws-ais-portal.ts.r.appspot.com/map>). Although there are no mapped walking trails through the Bangadilly National Park, there is public access via fire trails and unmarked tracks.

The site and adjoining private properties are characterised by a remote rural setting with a combination of cleared grazing land remnant vegetation on steeper slopes and minor tributaries feeding into the Wingecarribee River. The Wingecarribee River runs south to north along the western edge the site. The river has cultural, ecological, aesthetic, agricultural and social significance.

Topography of the site ranges from elevations of approximately 47m AHD in the west to 560m AHD to the east and south, with adjoining sites in the immediate locality following a similar pattern of elevated slopes and areas of flatter ground.

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 (see **Figure 12**). Several heritage items are located within proximity to the site including Joadja Cemetery, Winding Machine, Joadja Schoolhouse and Joadja Conservation Area (see **Figure 13**).

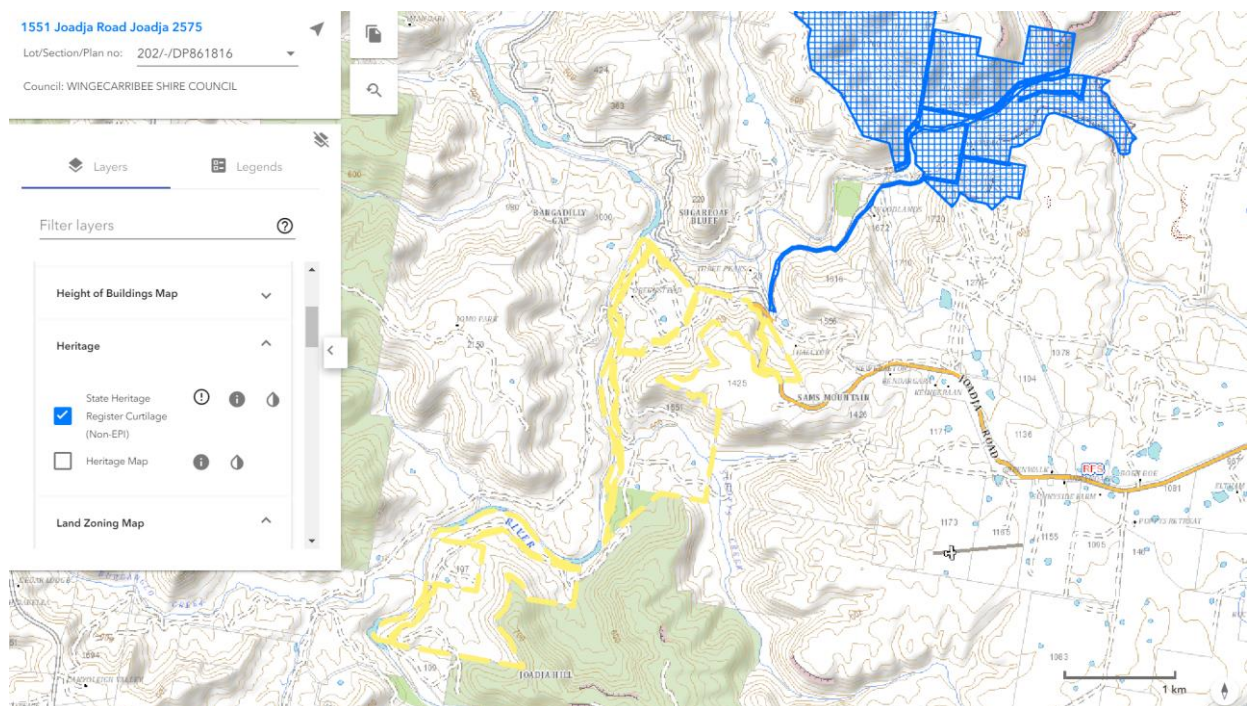


Figure 12 Map showing location of the subject site (outlined yellow) relative to the State Heritage listed property containing the Joadja Shale Kerosene oil mining site (Source: *NSW Spatial Viewer* accessed December 2023)

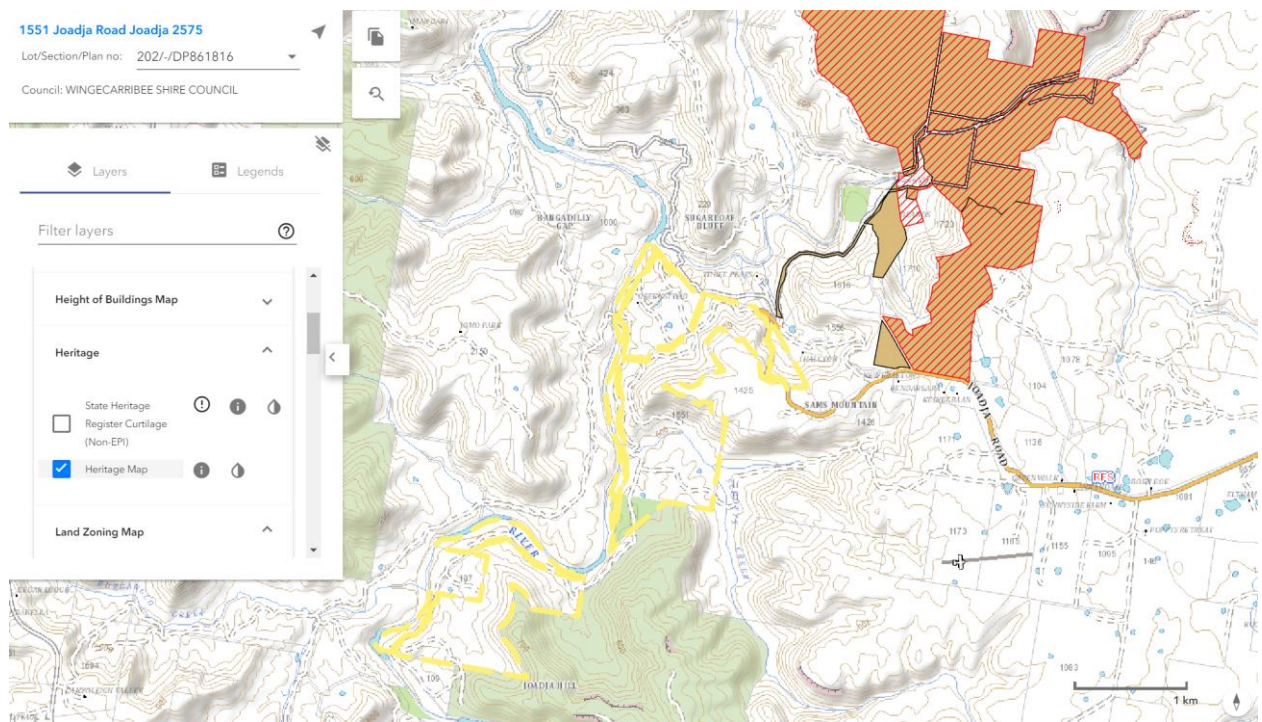


Figure 13 Map showing location of the subject site (outlined yellow) relative to the heritage items listed in Wingecarribee Local Environmental Plan 2010 (Source: *NSW Spatial Viewer* accessed December 2023)

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 (see image in **Figure 14**).

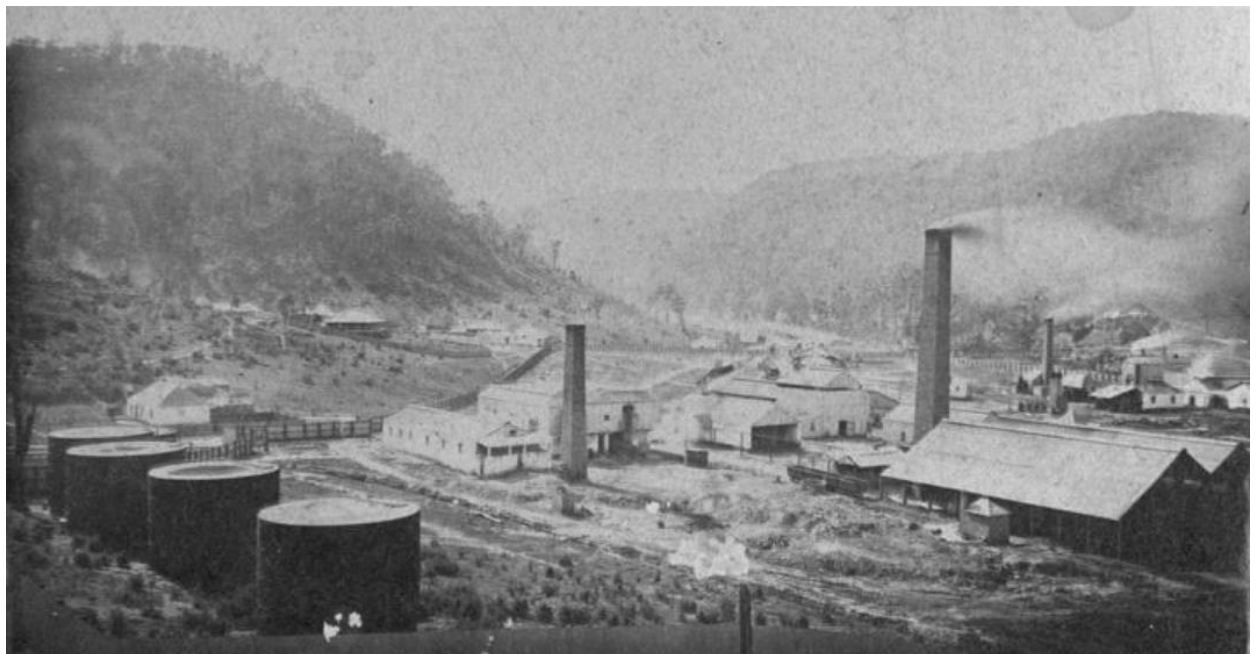


Figure 14 Image of former Joadja Creek township and mine (Source: <https://www.visitsouthernhighlands.com.au/operator/joadja/>)

There is a distillery located at 1760 Joadja Road which includes tours and tastings at the distillery as well as guided tours of the heritage buildings in Joadja township approved with Development Consent DA0063/98. DA0063/98 includes conditions that:

- limit the number of visitor vehicles to 100 per day
- limit guided tours to 5 days per week 10am to 3pm
- limit special events to 4 per year subject to prior approval of a Management Plan
- require upgrade works to access road
- requires car parking for 50 vehicles and 7 buses
- requires supervision of tourists onsite and monitoring of the condition of the site and heritage items.

The distillery also hosts weddings and special events.

2.3 CONNECTIVITY AND ACCESS TO PUBLIC TRANSPORT

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 location of the proposed arrival village. The existing traffic volumes on Joadja Road are low.

The main vehicular access to the site is provided through the existing access point off Joadja Road. From the main entry off Joadja Road, the proposal seeks to largely follow the existing internal access road.

3. Description of the proposal

3.1 BACKGROUND

3.1.1 Pre-lodgement Application

A Pre-DA meeting was held with Council staff in November 2022 with formal minutes being provided on 19 December 2022. The Pre-DA discussion included the presentation of the masterplan for the site as set out in **Figure 15**. However, the scale of development is to be limited to the details submitted in this DA at this time. Any additional works will be the subject of future DAs.

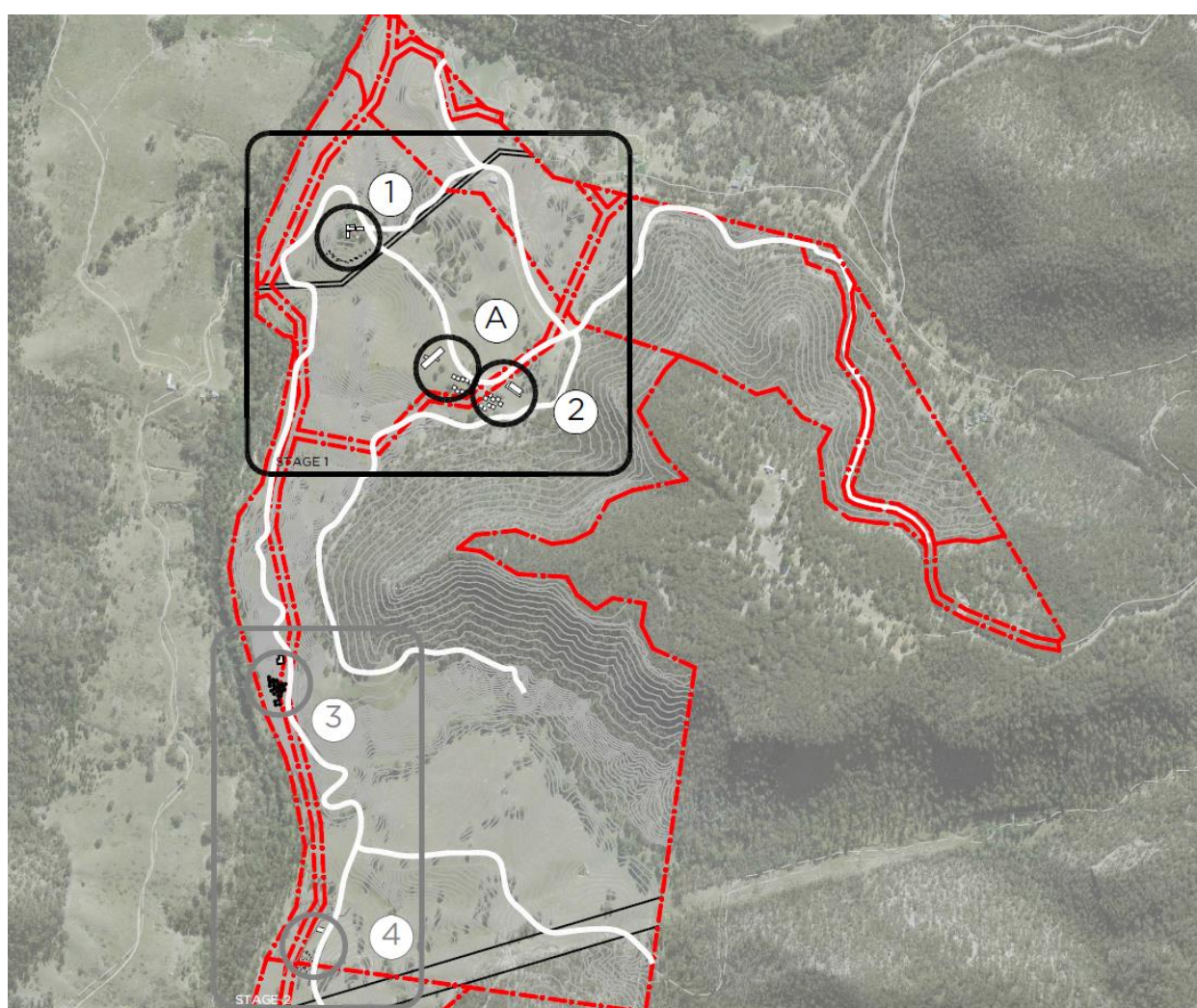


Figure 15 Location Plan showing location of proposed works

Table 2 addresses each of the points raised in the letter and demonstrates the ways in which the development application has responded to the matters in Council's Pre-lodgement advice.

Table 2 Pre DA Response

Comment	Response
Detailed proof of the special ecological or cultural features of the site, and proof of compliance with the requirements of Clause 5.13 Eco-tourist facilities as per Wingecarribee Local Environmental Plan 2010 will be a key consideration in the assessment of a development application for an eco-tourist facility. Council's mapping system does not reveal that the site contains any endangered ecological communities, however the site's ecological value may lie in its location as part of the Regional Wildlife Corridor and potential koala habitat - this will need to be detailed in your development application, including any measures to enhance wildlife corridor connectivity through the site, and this will be taken into consideration in the assessment of the application under s.4.15 of the Environmental Planning and Assessment Act 1979 to determine whether the proposed development warrants approval or refusal. Each criteria within Clause 5.13 will need to be addressed in detail. Broad statements of compliance have proven insufficient and inadequate in previous development applications for eco-tourist facilities at other properties in Wingecarribee Shire.	Refer to comments addressing Clause 5.13 in Annexure A.
State Environmental Planning Policy (Biodiversity & Conservation) 2021 – Ch 8 Sydney Drinking Water Catchment) The site is within the Sydney Drinking Water Catchment; therefore, the proposed development must address the requirements of the SEPP to prove the development achieves a neutral or beneficial effect on water quality.	See Section 4.2.1. The application is supported by an Onsite Wastewater Management Assessment prepared by: Martens, dated: March 2024. The acceptable solution is detailed in Map 11 of the report. The proposed EMA is sized to satisfy the requirements of NorBE.
State Environmental Planning Policy (Biodiversity & Conservation) 2021 - Koala Habitat Protection A development application will need to be accompanied by a Flora and Fauna Assessment report, or possibly a Biodiversity Development Assessment Report, addressing the provisions of the SEPP.	See Section 4.2.1 and see the Biodiversity Assessment Report (BAR) by Travers Bushfire and Ecology dated 2 May 2024. The BAR identifies that a Biodiversity Development Assessment Report (BDAR) and Biodiversity Offset Scheme (BOS) participation is anticipated. Seasonally-dependent surveys are currently being conducted to inform the BDAR and BOS calculations. The BDAR and BOS outcomes will be reported with this DA imminently. The BAR includes identified avoidance, mitigation and management strategies which demonstrate consistency with the Biodiversity Conservation Act, 2016 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.
State Environmental Planning Policy (Resilience & Hazards) 2021 – Ch 4 Remediation of Land The proposed development must address the requirements of the SEPP.	See Section 4.2.2. The site is not known to have been used for any potentially contaminating activities and there is no evidence to suggest any potential site contamination. Therefore, the provisions of Chapter 4 are considered to be satisfied and there is no need for further investigation.
Rural Lands Development Control Plan The DCP sets numerous controls which must be addressed by the proposed development.	Refer to Annexure B for detailed assessment against relevant DCP controls.

Table 2 Pre DA Response

Of particular importance is Section A3.7 Siting of Rural Buildings which requires that buildings are not sited on ridgelines. Buildings which are recessive in colour, and sited so that the building is not sited on the ridgeline, nor silhouetted above the horizon line, are required.

Section A3.7 Siting of Rural Buildings also requires rural buildings to be clustered within building envelopes that are not separated from each other by a distance of not more than 30 metres and not less than 5 metres. As it is a 187 hectare site, and four clusters of buildings are proposed, separated by between approximately 400 – 500 metres between proposed Areas 1, 2 and 3, and separated by approximately 1 km between Areas 3 and 4, your development application will need to be accompanied by a request for variation to the this DCP requirement, including a justification demonstrating that compliance with the DCP requirement is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient grounds to justify contravening the DCP control. This will be considered by Council in the assessment of the development application.

Integrated Development

Rural Fires Act 1997 – s.100B approval required.

Water Management Act 2000 – s.91 approval required, as works such as internal roads are proposed within 40 metres of a defined watercourse.

Aboriginal Heritage

As the site adjoins the Wingecarribee River, there is an increased likelihood of the site containing areas of Aboriginal Heritage. It is suggested that you contact Heritage NSW, search the Aboriginal Heritage Information Management System (AHIMS) and undertake any necessary studies to accompany your Development Application. The site's cultural value may lie in Aboriginal Heritage - this will need to be detailed in your development application, including any measures to protect such heritage, and measures to enhance an appreciation of the cultural values of the site, and this will be taken into consideration in the assessment of the application under s.4.15 of the Environmental Planning and Assessment Act 1979 to determine whether the proposed development warrants approval or refusal.

Acoustics

Details of possible noise impacts, and any necessary measures to ameliorate impacts upon adjoining properties will need to be submitted with the development application.

Buildings are not sited on ridgelines. Works are generally in the location of existing structures. New buildings are clustered into three areas.

Noted. The DA has been lodged as Integrated, Regionally Significant development and concurrences are sought from NSW RFS and Water NSW.

The application is supported by an Archaeological Survey Report prepared by: Artefact Heritage Services, dated: 22/04/2024.

The application is supported by a Noise Impact Assessment prepared by: Acoustic Logic, dated: 1/11/2023. The recommendations of the Acoustic Report have also been included in the Plan of Management.

Table 2 Pre DA Response**Dust**

Details of possible dust impacts due to increased traffic on roads accessing the property, and any necessary measures to ameliorate impacts upon adjoining properties will need to be submitted with the development application.

Recommendations for upgrades to Joadja Road commensurate with additional traffic and within the constraints of the current road alignment are detailed in Section 4.5.2 and 4.5.3.

Development Engineering**Access**

Please provide a clear layout access track for the proposed Eco-Tourist facility including the access track for proposed Communities (Community 1, Community 2, Community 3 and Community 4) and Arrival Village.

The proposed access on unformed road (Joadja Road) located on east side of the lot must be upgraded (refer to Section A9.17.2) as per the policy for upgrading of Unformed Roads (refer to Standard Drawing no SD121 and SD164). For steep grades (exceeds 5% grade) must provide sealing of the road and lining of table drains in accordance with engineering standards.

The application has been supported by detailed road access plans and sections prepared by: Martens and Associates P/L, dated: 22/12/2023 this application outlining the proposed upgrades to the existing internal road located within the site and accessed directly off Joadja Road. No works will be undertaken on the existing internal access tracks other than those indicated by Martens and Associates submitted with this DA.

Traffic Issues

Traffic Impact Assessment report must be provided stating the traffic generation potential of the development site and requirement of upgrade of the proposed internal access to Joadja Road and design vehicle manoeuvring for entry and exit of the development site in a forward direction with no more than three points turning. Traffic Impact Assessment Report must include the justification for the parking rates of the proposed development site for both Stage 1 and Stage 2.

Must provide Traffic Management Plan and Traffic Control/Safety prior to any work commencing which affects council road (refer to section A9.17.1).

The application is supported by a Traffic Impact and Parking Assessment prepared by: JN, dated: 18/03/2024.

Detailed road access plans and sections prepared by: Martens and Associates P/L, dated: 19/04/2024 accompanying this application outline the proposed upgrades to the existing internal road and upgrades to Joadja Road.

A Construction Traffic Management Plan will be prepared prior to the issue of a Construction Certificate. It is intended that construction vehicles will mostly remain on-site during the construction phase to minimise traffic to and from the site during construction. Conditions of consent may be imposed to require the CTMP prior to the issue of a Construction Certificate.

Flooding and Stormwater

As the proposed development site does not cover the council's flood study, an appropriate Flood Study report prepared by professional engineer must be provided demonstrating that the proposed development will not adversely impact the location adjacent to Wingecarribee River (Riparian Category 1 and Category 3) and must address the council's flooding controls for assessment at DA stage.

Provide engineering details for the proposed access (along council road reserve) and access track (private access) crossing the existing mapped watercourse traversing the site. Provide engineering justification that the proposed cross over the mapped water course will not adversely impact the up stream and down stream capacity of the water course and neighbour development.

The application is supported by a Flood Assessment prepared by Martens and Associates P/L, dated: 15/12/2023.

The application is also supported by engineering details regarding access and roads prepared by: Martens and Associates P/L dated 19/04/2024.

All works are above the 1% AEP and above the Probable Maximum Flood level.

Table 2 Pre DA Response

Provide Stormwater Management Plans to meet or exceed the Neutral or Beneficial Effect (NorBE) test and the water quality objectives using Current Recommended Practices (CPR) contained in State Environmental Planning Policy (Biodiversity & Conservation) 2021 – Ch 8 Sydney Drinking Water Catchment) (Refer to Section A5.5 under Rural Lands DCP).

Provide engineering details that the stormwater disposal from the development site must comply with section A9.8 under Rural Lands DCP.

Sewer and Water (non-Reticulated)

Provide appropriate engineering details and operation and maintenance plan for the on-site waste water disposal system for the development site to comply with council standard and policy (Section A5.4 under Rural Lands DCP) and State Environmental Planning Policy (Biodiversity & Conservation) 2021 – Ch 8 Sydney Drinking Water Catchment).

The application is also supported by engineering details prepared by: Martens and Associates P/L dated 19/04/2024 and an Onsite Wastewater Management Assessment prepared by: Martens and Associates, dated: 14/03/2024.

Accredited Certifier

Noted. Addressed in the BCA Report by Formiga1.

The proposed development will need to comply with the provisions of the Building Code of Australia.

Referrals / Advertising

Noted.

Should a Development Application be submitted, the application will be referred:

Internally

- Development Engineer
- Accredited Certifier
- Environmental Health Officer
- Ecologist
- Contributions Planner

Externally

- Water NSW
- Natural Resources Access Regulator (NRAR)
- NSW Rural Fire Service
- Crown Lands
- Heritage NSW (Aboriginal Heritage)

A development application seeking integrated approval under s.91 of the Water Management Act 2000 is nominated integrated development, therefore will also be notified and advertised, for a minimum period of 28 days.

Noted.

Reports to accompany development application

Noted.

Reports to accompany the development application shall address the particulars of the site, including its constraints, and shall include:

- Statement of Environmental Effects
- Traffic Report

Table 2 Pre DA Response

- On Site Wastewater Management Report and Water Quality Management Report
- Conceptual soil and water management plan
- Flora and Fauna Assessment report / possibly a Biodiversity Development Assessment Report
- Acoustic Report
- Flood Report
- Aboriginal Heritage Report

3.1.2 Community Consultation

Fresh Hope Communities has provided pre-lodgement communication with neighbours by providing details of the proposed development and providing project information including the mission of Fresh Hope Communities and purpose of Greenstead Valley via direct neighbour email communications. Fresh Hope Communities has provided a *Frequently Asked Questions* document answering questions relating to the proposal, the planning process, potential impacts of the proposed development on the local community, and an opportunity for the community to provide feedback and get into contact.

The consultation has been supported by a scope of the works proposed through plans and visual aids, and an anticipated timeline of events ranging from the master plan concept design through to determination. Again, information, links and contact details have been provided giving opportunity to the local community to engage with Fresh Hope Communities.

This information can be provided to Council if required.

Initial responses have mainly been in the form of questions regarding traffic, acoustics and operational details which Fresh Hope Communities anticipates will be further resolved during the DA assessment process.

3.2 PROPOSED DEVELOPMENT

The proposal is an eco-tourist facility. This DA seeks consent for an Arrival village and Community 1 and 2 and ancillary activities and works). A variety of accommodation will be used for short-term stay and day trip guests will have access to the arrivals village and activity areas.

The eco-tourist facility includes:

- 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 is well described in the submitted plans prepared by Breathe Architects and is described below.

3.3 BUILDINGS, ROADS AND USE OF SPACE

The proposal consists of an Arrival Village and two (2) communities. Each community contains its own various options for accommodation and programmed activities. 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:
 - waste management infrastructure, 20kL rainwater tank for static water supply and re-use
 - 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:
 - Commercial kitchen
 - Storage / cooler / freezer
 - Served and indoor dining area with capacity for 50 people and outdoor dining deck
 - Staff amenities
 - Amphitheatre covered space and terraced garden
 - Reception desk and lounge
 - Staff office, lunchroom and meeting room
 - 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:
 - 2 bedrooms in the main building with kitchen, lounge and two bathrooms
 - Multi-function wing for meetings, dining etc. fitted with AV equipment
 - Accommodation wing with 3 x 'motel-style' units (bedroom, bathroom and minibar)
 - Rooftop solar array
- Outdoor gathering area
- 10 cabins each with bathroom, bedrooms and kitchenette
- Colours and materials to include 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 walls and roof, landscaping.

Greenstead Valley Activities

Activities envisioned for the proposed development are centred around experiencing the outdoors water, land and sky, and are detailed below.

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

Greenstead Valley boast a number of spectacular views and offers opportunity to experience these vistas through a variety of outdoor adventure activities.

Common area

Each community proposes to offer communal areas as detailed in **Figures 16 & 17** below.

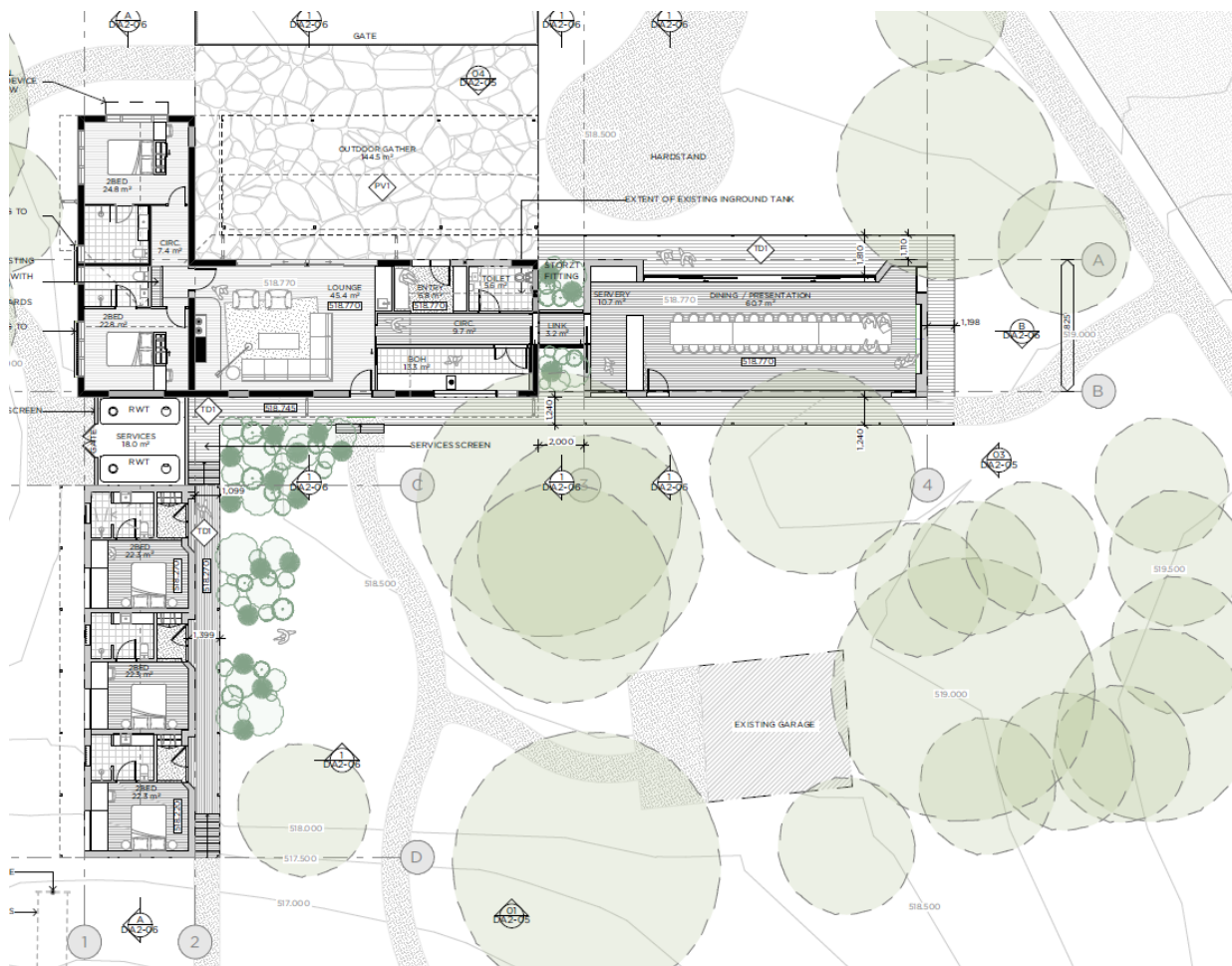


Figure 16 Floor Plan of Community 1 showing outdoor gathering area, dining and lounge space



Figure 17 Floor Plan of Community 2 showing common seating, bathrooms and toilet spaces

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 civil plans prepared by *Martens and Associates P/L* dated 19 April 2024. An extract roadworks to Layout 03, incorporating Arrival Village and Community 2, is included in **Figure 18**. 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. Details of the proposed upgrades are included in **Figure 19**.

The internal road upgrades and works to Joadja Road include vegetation clearing and earthworks. These have been considered in the Biodiversity Assessment Report by Travers, dated 2 May 2024.

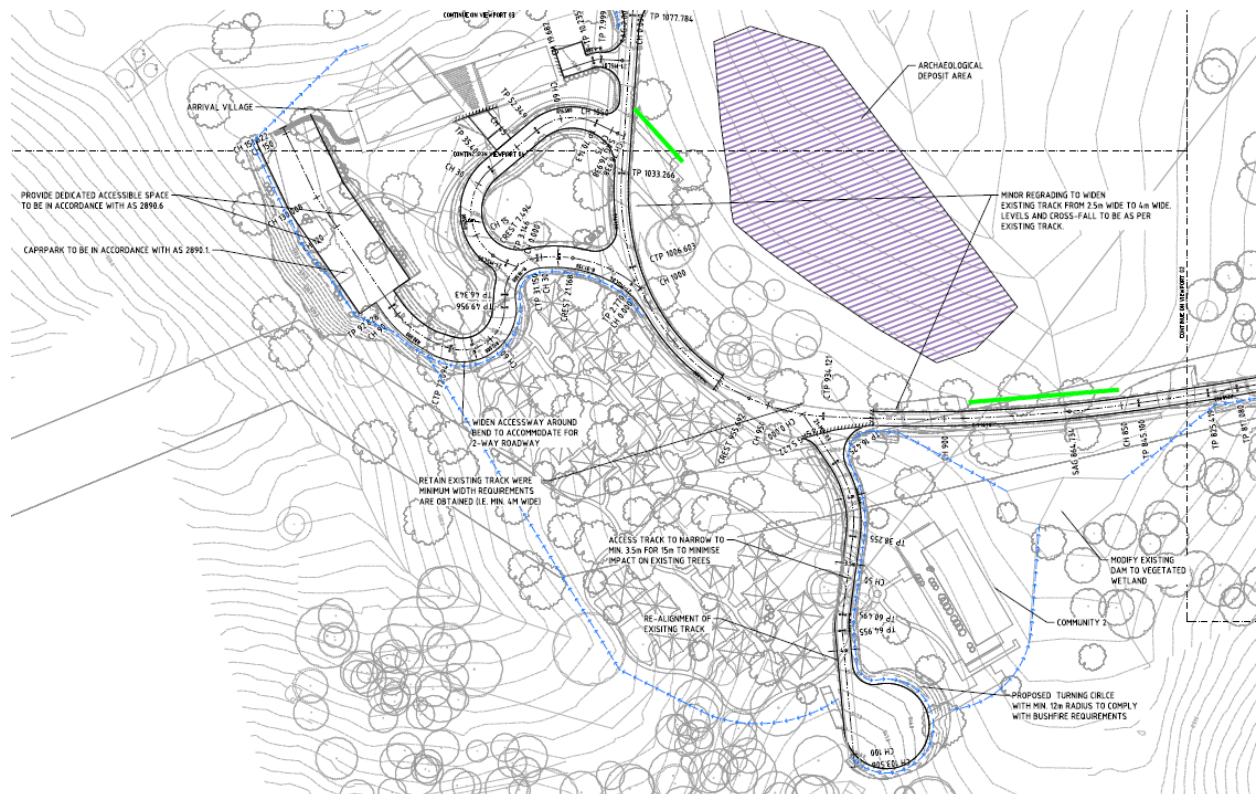


Figure 18 Proposed roadworks as per Layout 03 incorporating changes within Arrival Village and Community

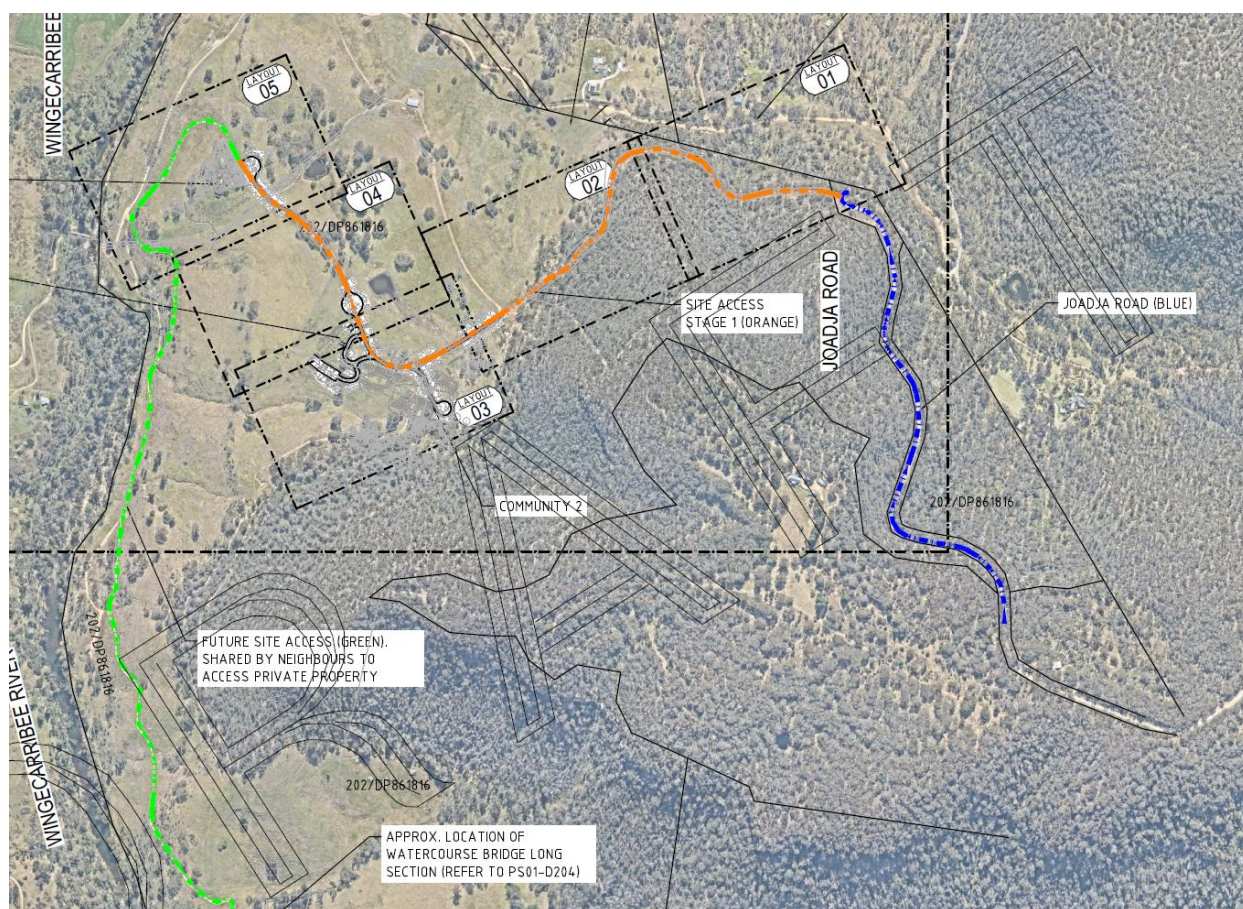


Figure 19 Proposed overview of internal road upgrades

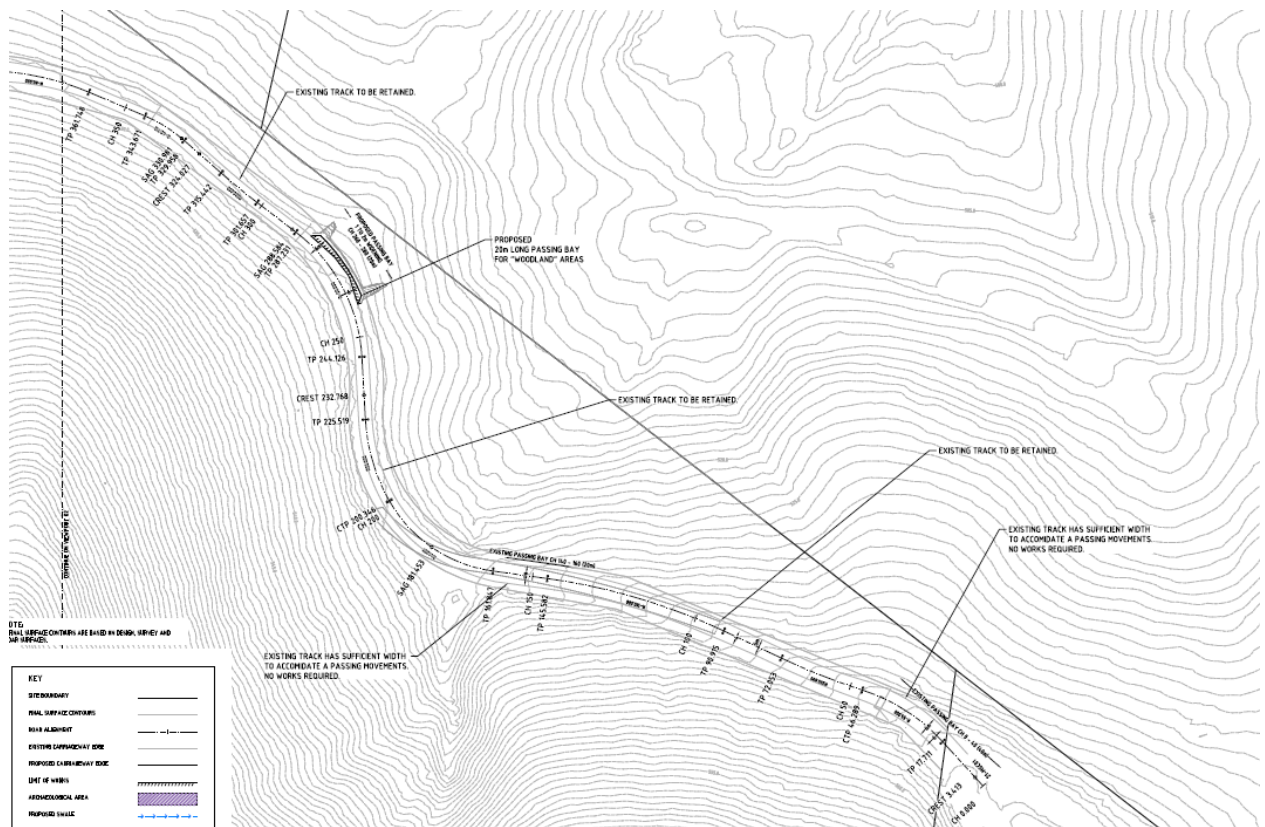


Figure 20 Joadja Road upgrades including 20m long passing bay for “woodlands” area

3.4 LANDSCAPING

Details of the landscaping treatment for the subject site are shown in the Landscape Development Package prepared by Taylor Brammer Landscape Architects, dated 7 March 2024. The landscaping details incorporate the natural topography, re-use rainwater and include species compatible with the bushfire risk and the ecological values of the site.

Food gardens are proposed adjacent to the Arrivals Village building with the intention to create direct physical, visual and experiential connectivity between the dining areas, the food gardens and kitchen.

3.5 WASTE MANAGEMENT

Details of the waste management and operational waste management of the site is provided in the Operational Waste Management plan prepared by UFD, dated 14 March 2024. The plan identifies that majority of the waste shall be generated from the following areas:

- Arrivals building which includes the waste management area
- Community building No. 1
- Community building No. 2
- Twenty-two glamping tents

A dedicated waste holding and management area will be located in the Arrival Village building, which is located below the main kitchen, within easy access to the loading dock and waste removal area. A dedicated waste collection area and vehicle access pick up point will be provided in accordance with the

relevant Australian and Local Standards. A waste collector will be required to collect all waste on a regular basis.

It is noted that green waste will be generated on site, with compost, worm farms, community gardens and orchard being utilised in order to reduce landfill and ensure sustainable management of green waste and recycling.

The size of this development will influence the responsibility for ongoing management and the maintenance of all waste bins, bin areas and associated waste streams. All waste bin and waste equipment movements in and around all the Greenstead Valley Communities are always to be managed by the Fresh Hope Communities maintenance staff.

Fresh Hope Communities maintenance staff duties will include the following:

- Organising, maintaining, and cleaning the general and recycled waste in the holding area (frequency will be dependent upon waste generation rates and will be determined based upon the Fresh Hope Communities operations).
- Organising and coordinating both general waste and recycled waste pick-ups with Fresh Hope Communities waste collection agency. Maintenance staff shall ensure that bin movements from the waste management area to the waste collection area shall be done in accordance with current WH&S requirements and EPA regulations relating to travel distance from the bin holding area to the collection point.
- Staff shall be required to collect all generated waste from the Arrivals building, Community 1 and 2, glamping tents and site garden areas.
- Staff shall be responsible for the dispersion of compost material to herb and vegetable gardens.
- The collection of all waste generated through the spaces nominated above will be carried out on a regular basis, with all generated waste being removed from the noted areas and transferred to the BOH waste management area by staff.
- Different waste streams will require different coloured bins. Maintenance and Cleaning staff shall be responsible for training staff and guests on the correct placement of generated waste into the correct bin type.

The Waste Management Report has included several waste minimisation recommendations and requirements, outlining practises and procedures to ensure successful and sustainable waste operations.

The Sustainability Report prepared by Aspire, dated 22 March 2024, makes the recommendations included in the Plan of Management which link the visitor experience with sustainable practices and choices related to waste management.

4. Environmental Planning Assessment

4.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

4.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15 (1)(a) of the EP&A Act, 1979, are identified in **Table 3**.

Table 3 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	SEPP (Biodiversity and Conservation) 2021	✓	✓	
"	SEPP (Resilience and Hazards) 2021	✓	✓	
"	SEPP (Planning Systems) 2021	✓	✓	
"	SEPP (Sustainable Buildings) 2022	✓	✓	
"	Wingecarribee LEP 2010	✓	✓	
S.4.15(1)(a)(iii)	Wingecarribee DCP 2010	✓	✓	
S.4.15(1)(a)(iv)	Any other prescribed matter:- AS 2601-1991: Demolition of structures.	✓	✓	

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory document that relates to the subject site and the proposed development is the *Wingecarribee Local Environmental Plan (LEP) 2010*. Pursuant to Section 4.15(1)(a)(iii), the primary non-statutory document relating to the subject site and proposed development is *Wingecarribee Rural Lands Development Control Plan (DCP) 2010*. The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.

4.2.1 SEPP (Biodiversity and Conservation) 2021 and Biodiversity Conservation Act, 2016

This SEPP commenced on 1 March 2022. The SEPP consolidated the provisions of eleven other SEPPs. Each of the repealed SEPPs is included as a separate chapter in this policy. The Policy consolidated several similar SEPPs that were in force into a single instrument.

Vegetation Clearing and Biodiversity

The proposal requires the removal of vegetation in order to accommodate for the proposed development works including buildings, internal roadways and asset protection zones.

The application is supported by an Arboricultural Impact Assessment & Tree Protection Plan prepared by *Tree Survey*. 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 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.

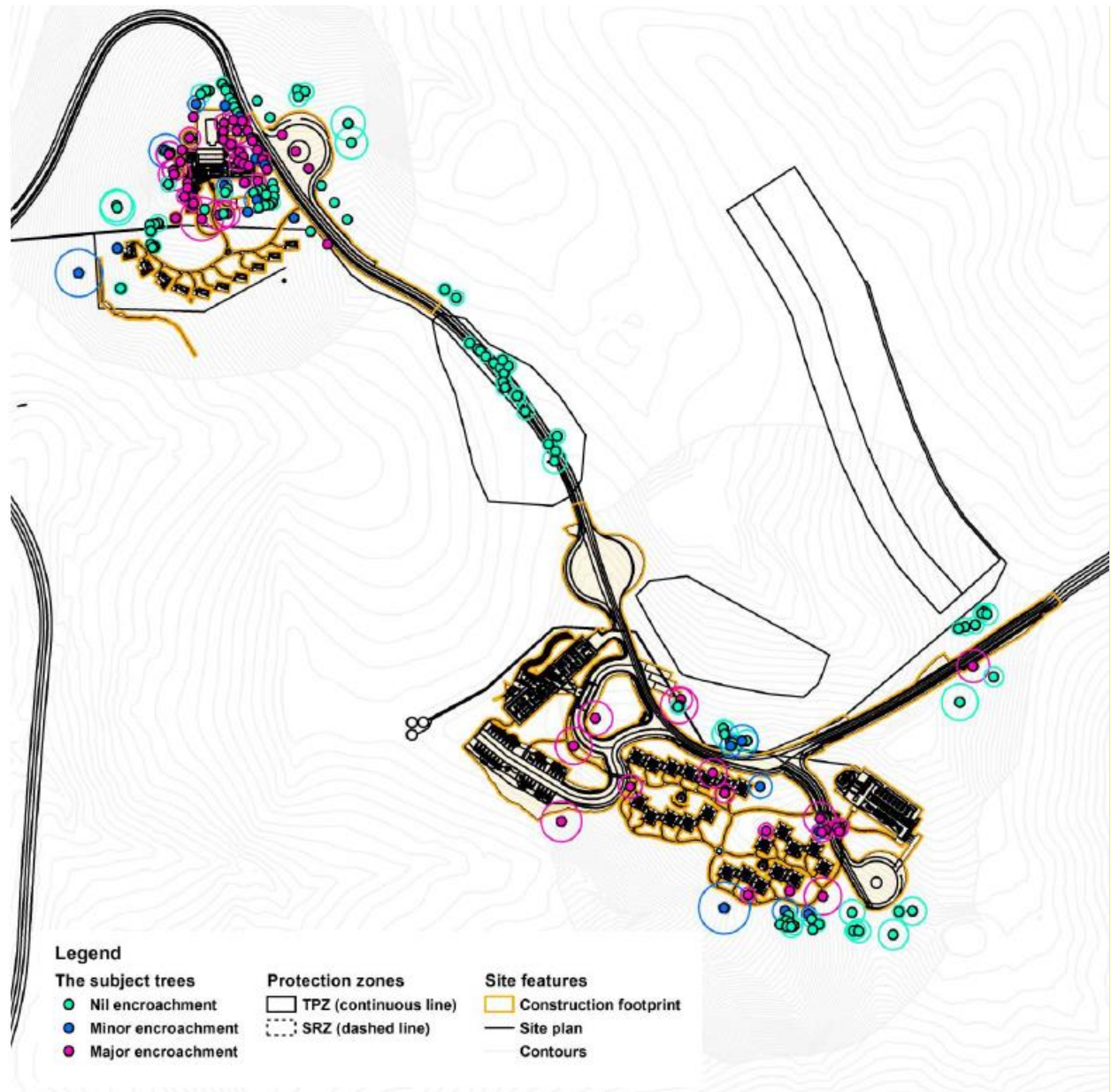


Figure 21 Map outlining tree protection zones (TPZ) and encroachments of varying degrees

Recommendations and tree protection methods have been included in the Tree Protection Plan prepared by *Tree Survey*.

The Biodiversity Assessment Report (BAR) by Travers Bushfire and Ecology dated 2 May 2024 provides an overview of a Master planned scheme as well as detailed consideration of the works proposed with the current DA. The current DA will result in direct clearing of 0.71 hectares of Plant Community Type (PCT) 3483 Central Gorges Box-Red Gum Grassy Forest and 4.16 hectares of cleared pasture/non-native grassland. The BAR notes that this amount of clearing will trigger the requirement for a Biodiversity

Development Assessment Report (BDAR) and likely require contributions to the Biodiversity Offset Scheme (BOS). The BDAR is currently underway because the timing is dependent upon seasonal-sensitive field survey work. Once the BDAR is complete and offsets have been calculated, these will be included with DA documentation to progress the assessment process.

The initial BAR notes that the development is aligned with the purpose of the Biodiversity Conservation Act, 2016 Act, 2016) following the framework to avoid, minimise and offset the impacts of the development on biodiversity.

Avoidance of impacts has been demonstrated by:

- (i) the initial set out of the development which sites building works, internal roadways and ancillary features (including Asset Protection Zones) on land that has a history of clearing;
- (ii) Asset Protection Zones (APZs) which nominate retention of specific remnant canopy trees and trees of ecological significance;
- (iii) Avoiding works within 40m of all watercourses to protect the integrity of riparian corridors and connectivity of habitats.

Minimisation of impacts has been demonstrated by the site management details listed in Section 5.3 and Section 5.5.1 of the BAR. These impacts and specific minimisation and management strategies are analysed further in Section 4.3.4 of this SEE.

SEPP Biodiversity and Conservation 2021 Chapter 3 – Koala Habitat

The BAR notes there is currently no approved Koala Plan of Management (KPoM) for the Wingecarribee LGA. Therefore, before council may grant consent to this development application, the council must assess whether the development is likely to have any impact on Koalas or Koala habitat.

The BAR reports that as of January 2022, the nearest Koala record to the study area was a rehabilitation record in 2017, approximately 2.5 km southeast of site. Within a 10 km radius, Koala populations are significant with 1,393 observations of Koala, with the highest concentration of records within the Bangadilly National Park to the southeast.. To the west of the study area, the Guula Ngurra NP was recently established to protect vital koala habitat. Guula Ngarra means 'koala country' in the Gundungurra language. (NPWS 2022).

Under the SEPP, Wingecarribee falls within the Central and Southern Tablelands Koala Management Area. At a minimum, five (5) tree species were recorded in the study area which are considered to be Koala use tree species within this Management Area under Schedule 2 of Koala SEPP 2021. These species are *Eucalyptus bosistoana*, *E. eugenioides*, *E. macrorhyncha*, *E. punctata* and *E. tereticornis*. It is considered that this study area does not comprise Core Koala Habitat as there has been significant clearing. However, vegetation patches within the vast study area that provide remnant Koala use trees may be used as a stepping-stone for koalas moving through the landscape between core habitats.

The works proposed with this DA will not remove vegetation which constitutes koala feed trees or use trees. Works are mostly within existing cleared areas and koala movement will continue to be facilitated through trees to be retained and existing habitat connectivity.

Mitigation and management measures recommended in the BAR include:

- planting of species which support and enhance the use of the site by koalas, including koala feed trees;
- temporary fencing to secure and separate the disturbance footprint from all other areas of the site;
- a Vegetation Management Plan (VMP) for APZs, riparian areas and areas outside the disturbance footprint;
- propagation from the existing mint bush and enhancement and protection of its microhabitat;
- inspection of all trees by a qualified ecologist prior to trimming or felling;
- augmenting and enhancing tree hollow and nest box availability.

Chapter 6 – Water Catchments

Chapter 6 of the Biodiversity and Conservation SEPP generally aims to improve water quality and river flows, protect and enhance the environmental quality of water catchments and ensure consistency with local environmental plans and principles of ecologically sustainable development. The subject site is identified as being within the Sydney Drinking Water Catchment.

The application is supported by civil plans by Martens & Associates P/L, dated 21 February 2024. Additionally, an Onsite Wastewater Management Assessment prepared by Martens, dated March 2024, which includes a subsurface Effluent Management Area (EMA) with a minimum area of 7,050sqm and is sized to satisfy the requirements of NorBE.

The Onsite Wastewater Management Assessment provides the following recommendations regarding onsite wastewater management.

The Proposed onsite wastewater management system is to include:

- a. Wastewater reticulation system to transfer sewage from point of generation to the WTP.
- b. Wastewater Treatment Plant – WTP including all treatment, transfer, control, alarm, disinfection and telemetry systems, capable of treating a minimum of 20 kL/day and producing effluent quality as per Table 9.
- c. Effluent Storage Tank – EST to provide temporary wet weather storage of treated effluent prior to transfer to EMA, specified EST capacity is 50 kL.
- d. Effluent Management Area – Subsurface EMA with minimum area of 7,050 m² and dedicated, downslope nutrient assimilation area of 4,195 m². Acceptable solution is shown on Map 11. The EMA is sized to satisfy the requirements of NorBE as detailed in WNSW OSW (2023).

4.2.2 SEPP (Resilience and Hazards) 2021

This State Environmental Planning Policy (Resilience and Hazards) 2021 commenced on 1st of March 2022, repealing and replacing three former SEPPs related to coastal management, hazardous and offensive development and remediation of land. Of relevance is Chapter 4 which introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

Chapter 4 – Remediation of Land

“Clause 4.6 of the SEPP states:

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

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.

4.2.3 SEPP (Sustainable Buildings) 2022

SEPP (Sustainable Buildings) 2022 commenced on 1 October 2023 and aims to encourage the design and delivery of sustainable buildings.

Chapter 2 Standards for non-residential development

Clause 3.2 of the SEPP states:

- (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*
- (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 prepared 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) prepared 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.

4.2.4 Wingecarribee Local Environmental Plan 2010

The site is zoned C3 – Environmental Management as per the Wingecarribee LEP 2010 (WLEP 2010). The proposed development is best described as an “eco-tourist facility”, which is a permissible form of development in the C3 zone, and is defined under the LEP as:

Eco-Tourist Facility means a place or building that:

- (a) Provides temporary or short-term accommodation to visitors on a commercial basis; and
- (b) Is located in or adjacent to an area with special ecological or cultural features; and
- (c) Is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

The objectives of the C3 zone are as follows:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.
- To minimise the proliferation of buildings and other structures in these sensitive landscape areas.
- To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee’s longer term economic sustainability.

The development is consistent with the zone objectives as the proposed eco-tourist facility maintains principles centred around the protection, management and restoration of areas within the site of special ecological, cultural and aesthetic values. The proposal retains, as much as practical, the significant landscape of the site, minimising the proliferation of buildings and other structures in the sensitive landscape. The proposal aims to provide for a commercial development which protects the existing significant agricultural resources in recognitions of their value to Wingecarribee’s long term economic sustainability.

Provided at Annexure A to this Statement is a compliance table which addresses the relevant provisions of WLEP 2010.

Riparian Lands and Watercourses

The site is identified as riparian land under the Wingecarribee LEP 2010, containing 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. The development is designed, sited and managed to avoid any potential adverse environmental impacts to the existing riparian land. The BAR notes there are no groundwater dependent ecosystems within the site that will be impacted by the proposal.

Figure 22 below demonstrates that the proposed development is not located within 40m of the existing watercourses intervening the site where the proposed Arrival village, Community 1 and 2 will be located. The watercourses are identified as Water A, B, C and D on the map below.

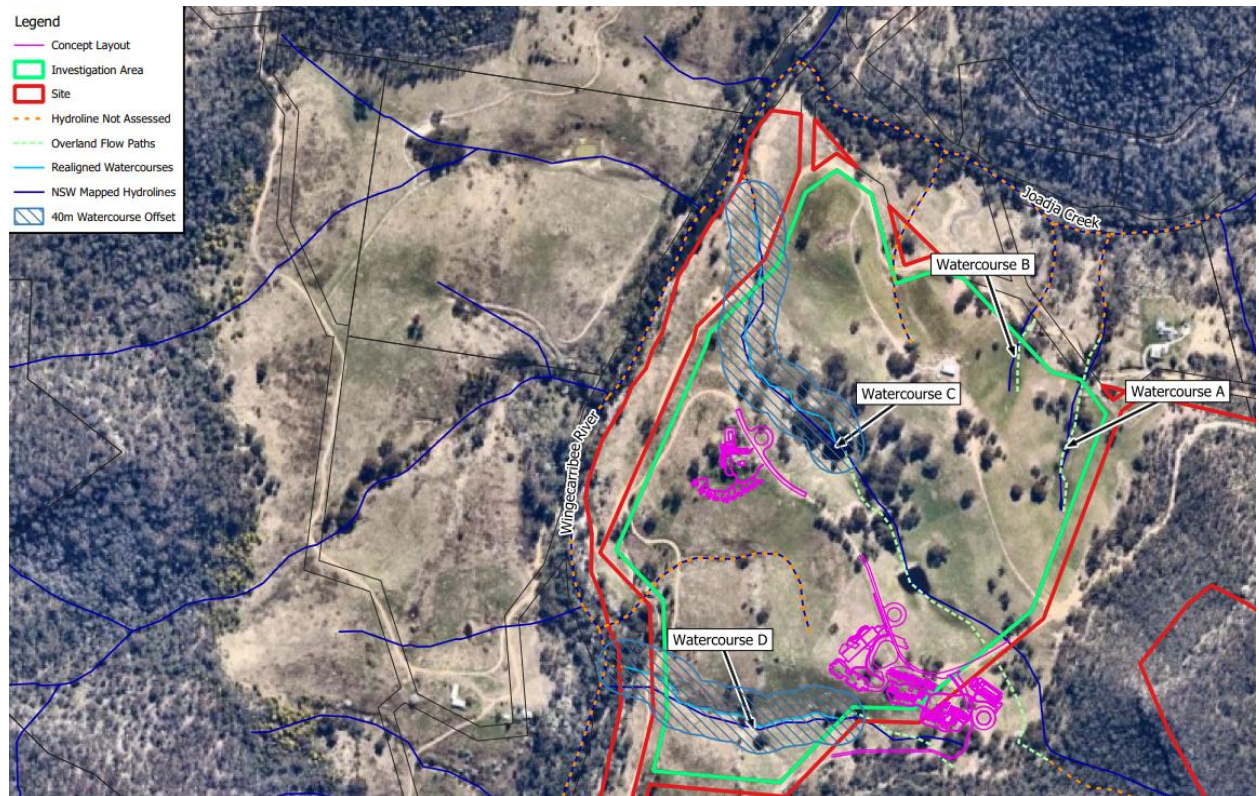


Figure 22 showing existing watercourses on the site and identification of 40m watercourse offset buffer

Terrestrial Biodiversity

The BAR identifies that the site is located within a “Regional Wildlife Habitat Corridor” mapped by the Wingecarribee LEP 2010 (refer to **Figure 6**), and contains significant vegetation. The design process ensured no works were proposed on land mapped as having biodiversity value and the location of all disturbance footprints and APZs ensures continued connectivity of vegetation and habitat.

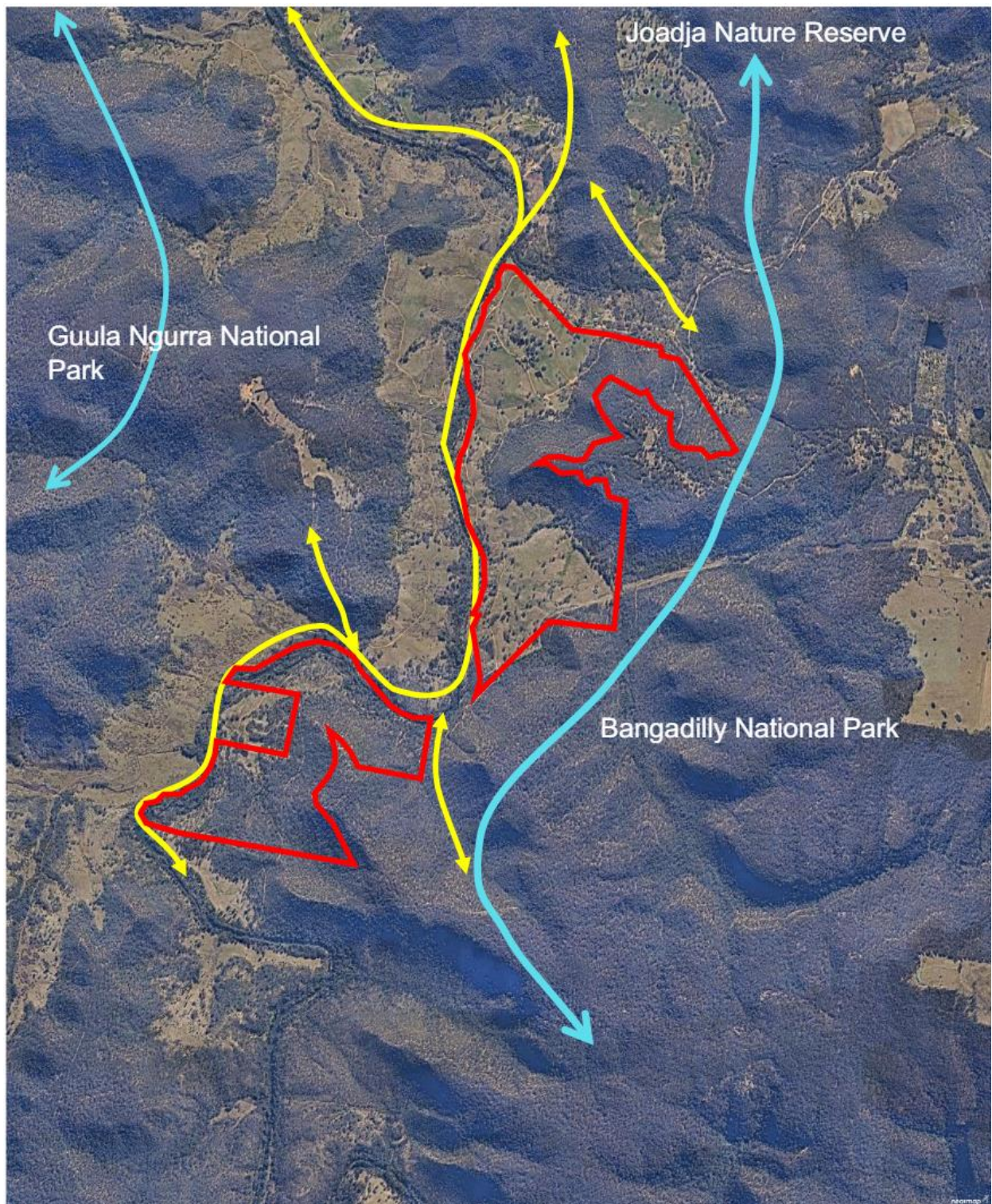


Figure 23 Connectivity maintained in and near the subject site (Source: *Biodiversity Assessment Report by Travers Ecology and Bushfire* 2 May 2024)

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 North-eastern Tablelands Gully Fern Forest ecosystem and the presence of Endangered Ecological Community (EEC) with stands of yellow box (*E melliodora*) and apple box (*E. bridgesiana*) which fall within the ambit of the threatened White Box –

Yellow Box – Blakely’s Red Gum Woodland community (Source: Bangadilly National Park Plan of Management (2009)). Threatened native animal species are also recorded within Bangadilly National Park.

The BAR makes reference to field survey work completed to date. Notwithstanding updates that may be made to this DA as a result of targeted survey work for the imminent BDAR, the BAR notes that no threatened flora or ecological populations have yet been recorded on the site in the vicinity of the disturbance footprints. Two (2) threatened fauna species; Southern Myotis and Large Bent-wing Bat have been recorded as present and impact significance will be further evaluated with current field work and the BDAR.

As stated above, a VMP will be prepared for the management of vegetation outside the disturbance footprints.

4.2.5 Wingecarribee Development Control Plan 2010

The *Wingecarribee Development Control Plan 2010* (WDCP 2010) provides objectives and development controls that establish clear guidelines for development and protection of the environment.

Provided at **Annexure B** to this Statement is a compliance table which considers the proposal in relation to the relevant provisions of the WDCP 2010, where any minor variations are discussed.

4.2.6 Contributions Plan

A letter has been included with this DA requesting an exemption from contributions in accordance with the following provisions of Council’s adopted Contributions Plan:

4.2.6.1 Exemptions

As per Wingecarribee Contributions Plan, Council has the authority to consider exemptions for some forms of development, or components of development from the requirements of contributions. The following types of development may be exempt at Councils discretion by the adopted Contributions Plan:

4.2.6.2 Development by Non-profit Organisations

Development by not-for-profit organisations may be exempt from the payment of development contributions, provided that the Council determines that the development is for an essential community service.

4.2.6.3 Other Development

Any other development that may be exempt from the payment of contributions as Directed by the Minister of Planning under the provisions of the EP&A Act, and the following:

- a. **Non-residential land uses** (except for the Northern Gateway Local Contribution Catchment); or
- b. existing vacant residential lots currently rated for water and sewer (except where development involves subdivision or an increase in population density).
- c. a change of land use not involving the creation of additional lots, dwellings or increased population; or
- d. rural farming enterprises, which do not result in an increase in the demand for roads and traffic facilities; or

- e. for granny flats, where the floor space is equal to or less than 60m²; or
- f. for the purpose of home based child care; or
- g. for the purpose of home business; or
- h. for the purpose of home industry; or
- i. for the purpose of home occupation; or
- j. for the purpose of home occupation (sex services)
- k. From time to time, any other development for which contributions may not be imposed in accordance with the direction by the Minister.

The proposal is identified as a non-residential land use in accordance with the above criteria, exempting the need for payment of contributions.

4.2.6.4 Determination of Applications for Exemption

For claims for exemption to be considered for development referred to in Sections 3.12.1 to 3.12.3 the development application should include a comprehensive submission arguing the case for exemption and including details of the following matters:

- For not-for-profit organisations – evidence from the Australian Tax Office demonstrating their not-for-profit status.
- For Seniors Living (SEPP 2004) – evidence that the Applicant is a ‘social housing provider’ as defined, for the purposes of satisfying Ministerial Directions.
- Any other information Council request due to the particular circumstances of the case.

The application includes supporting information confirming the land owner’s not-for-profit status, including an extract of the Australian Business Register detailing that the Churches of Christ Community Care is registered with the Australian Charities and Not-for-Profit Commission (ACNC) since 3 December 2012.

Churches of Christ Community Care delivers community services activities within aged care, welfare and community extension care and support to the frail, ageing, disadvantaged and underprivileged individuals across the Fresh Hope networks. The charity assists the following demographic:

- Adults – aged 65 and over
- Children – aged 6 to under 15
- Financially disadvantaged people
- General community in Australia
- People at risk of homelessness and people experiencing homelessness
- Victims of crime (including family violence)
- Youth – 15 to under 25

The approach of Churches of Christ Community Care is grounded in unwavering dignity and respect, ensuring every individual receives the care they deserve.

4.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

4.3.1 Topography & Scenic Impacts

The proposed development is considered to respond to the natural topography of the land with minor excavations proposed to provide the foundation for the buildings, which will generally be located at natural ground level.

The application is supported by civil plans prepared by Martens & Associates P.L, and provides details regarding earthworks and grading, and cut and fill required in order to accommodate for the proposed development.

The proposed size, bulk and location of the Arrival Village and Communities 1 and 2, respect the topography of the site and its location within the natural landscape. The building footprints, in comparison to the site area and natural features, are considered to be modest, with the proposed building materials reflective of the natural surroundings. The proposal is not considered to create visual impacts, rather incorporates a built form which contributes to the conservation of the scenic and heritage landscape. The proposal is considered to display a design which protects the scenic and cultural heritage values of the existing, adjoining and nearby natural water bodies, riparian land and significant vegetation. The built form is located so as to minimise potential detrimental impacts to existing wildlife habitats and corridors, whilst protecting and preserving the immediate wider setting.

Additionally, the proposal will ensure the preservation of existing landscape features, such as prominent ridge lines, hill tops, horizons, slope and topographic features. Dominant scenic character and quality is maintained by ensuring the development is located, designed, coloured and landscaped in a way which compliments the existing landscaped area of the subject site and immediate locality.

4.3.2 Micro-climate Impacts

The site is identified as riparian land under the Wingecarribee LEP 2010, containing 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. The proposed development has been designed, sites and will be managed to avoid, minimise and manage any potential adverse environmental impacts on the riparian land.

The proposed development will have no significant adverse impact on surface or ground water regimes. Therefore, no significant impact on local micro-climate is anticipated. The retention of a number of mature trees across the site will contribute towards maintaining the urban tree canopy and assist in climate control throughout the site.

4.3.3 Water & Air Quality Impacts

The site is identified as riparian land under the Wingecarribee LEP 2010 as it contains numerous watercolours (including Schotts Creek) connected to the Wingecarribee River to the west of the site (refer to Figure 3). The watercourses are identified as Category 1, 2 and 3 watercourses with associated riparian margins from 10m to 50m.

The application is supported by a Sustainability Management Plan (SMP) prepared by: Aspire Sustainability Consulting, dated: 29 September 2023.

Additionally, the site is located within the Sydney Drinking Water Catchment and will require compliance with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 to ensure works being undertaken will have a “neutral or beneficial effect” (NorBE) on water quality. The application is supported by an Onsite Wastewater Management Assessment prepared by: Martens & Associates P/L, dated 14 March 2024.

4.3.4 Flora & Fauna Impacts

The site is located within a “Regional Wildlife Habitat Corridor” identified under the Wingecarribee LEP 2010 and contains native vegetation. The works have been sited to minimise tree removal and clearing of native vegetation.

Direct Impact of the development have been identified in Section 5.5.1 of the BAR as:

- Clearing for building and ancillary works
- Management of vegetation in perpetuity to maintain APZs
- Ongoing activity and use of the eco-tourist facility.

Direct impacts will be managed by the implementation of a Plan of Management, VMP, compliance with conditions of consent and the recommendations of the various specialist studies which form part of the DA.

Indirect impacts have been identified in the BAR as:

- Edge effects (weeds, lighting, noise, scent, movement, microclimate changes)
- Stormwater and on-site wastewater management
- Connectivity of habitat
- Human presence

The indirect impacts are proposed to be managed by the same measures as those mentioned above for direct impacts as well as screens and directional control of lighting, NorBE assessments by Martens and Associates submitted with this DA with regard to stormwater management and management of the OSWWMS in accordance with the recommendations of the report submitted with the DA.

Details of vegetation treatment have been identified in the Arboricultural Impact Assessment & Tree Protection Plan prepared by *Tree Survey*.

4.3.5 Noise

The application is supported by a Noise Impact Assessment prepared by Acoustic Logic, dated 1 November 2023, which addresses the noise impacts associated with noise emissions as a result of vehicle movements within the proposed car park and bus bays, and noise emissions associated with the mechanical plant and equipment servicing the development. The report includes recommendations and concludes that operational noise emissions will satisfy the requirements of WDCP 2010 and NSW Environmental Protection Authority (EPA) – ‘Noise Policy for Industry’ 2017.

4.3.6 External Appearance & Design

The proposed development represents an excellent response to the site constraints and existing significant natural landscape. The proposed built form is considered to be modest and respectful of the immediate environment, utilising a design which contributes to the conservation of the scenic and heritage landscape. The built design is formed and connected through a series of circulating pathways and covered gathering areas, which offer views and connection to the adjoining landscape. The proposal includes the integration of the existing homestead, internal gathering spaces, framed views from internal areas, connection through landscape and low maintenance outdoor gathering spaces.

The proposal, between the Arrival Village and Communities 1 and 2, incorporates a materials palette utilising steel vertical screens, corrugated metal walls and roof, timber deck and amphitheatres, warm

timber interiors, stone paving, stone gable walls and landscaped forecourts. The varied material composition provides a high quality contemporary finish to accurately relate to the existing natural landscape.

The external appearance is designed to be reflective of the immediate natural environment, creating a soft and gentle balance between the existing natural features and the built form. The design incorporates various values and principles as outlined in the submitted Ecologically Sustainable Design document prepared by Breathe, dated 6 October 2020.

4.3.7 Solar Access

Given the remote location of the subject site, the proposal will not create detrimental solar access impacts within the subject site or cause adverse overshadowing impacts on adjoining properties.

4.3.8 Views

The proposal will ensure the protection and ongoing preservation of the significant views of the existing natural landscape and topography. The proposal is designed to be integrated with the terrain, whilst maintaining compliance with APZ and no built areas.

The scale of the proposal is designed in response to the site's topography and natural features. Due to the remote location of the proposal, the development will not create adverse impacts in regard to loss of views or outlook from adjoining properties.

4.3.9 Aural & Visual Privacy

Given the remote nature of the subject site, visual privacy will be maintained to adjoining properties.

The application is supported by a Noise Impact Assessment which addresses potential noise impacts associated with noise emissions as a result of vehicle movements within the proposed car park and bus bays, and from mechanical plant and equipment servicing the development.

The report concludes that operational noise emissions will satisfy the requirements of the Wingecarribee DCP 2010 and NSW Environmental Protection Authority (EPA) – 'Noise Policy for Industry' 2017.

4.4 ECONOMIC & SOCIAL IMPACTS

The proposal will have no adverse economic impacts. Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. The operation of the proposed eco-tourist facility is considered to generate positive economic and social impacts.

4.4.1 Crime Prevention through Environmental Design

Part B of the Department of Urban Affairs and Planning's (now Department of Planning and Environment) Crime Prevention and the Assessment of Development Applications: Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979 identify four Crime Prevention through Environmental Design (CPTED) principles (**Table 7**). Each of the principles seeks to reduce opportunities for crime and have been used to inform the NSW Police Safer by Design Guidelines for Crime Prevention.

The principles are:

- Surveillance;
- Access control;
- Territorial reinforcement; and
- Space management.

The subject development is considered to perform suitably with regards to the CEPTD Principles.

4.5 THE SUITABILITY OF THE SITE

4.5.1 Access to Services

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 location of the proposed arrival village. Additionally, as the site is remotely located and does not sit on a haulage route or main transport corridor, the existing traffic volumes are low, with only local traffic accessing the area. The main vehicular access to the site is provided through the existing access point off Joadja Road. The site is located within a 30km distance of the nearest township being Mittagong and Bowral.

The site does not have access to sewer disposal and requires that all site wastewater is to be managed by an appropriately sized onsite wastewater reticulation and treatment system.

4.5.2 Parking and Access

The main vehicular access to the site is provided through the existing access point off Joadja Road. From the main entry off Joadja Road, the proposal seeks to largely follow the existing access road which connects to the Arrival Village. All vehicles are proposed to be parked at the arrivals area and are designed to enter and exist Joadja Road in a forward direction.

Onsite car parking is provided with consideration to the operations, anticipated guests and staff numbers, which includes the following:

Arrivals Village

- Staff: 15
- Patrons: 25

Community 1

- Staff: 5
- Average Patrons/Capacity: 22/33

Community 2

- Staff: 5
- Average Patrons/Capacity: 80/132

Indicative day trip patrons

- 40 patrons twice a week

The Rural Living DCP is silent about the required car parking needed to support the Eco-Tourist Facility. The supporting Traffic Impact and Parking Assessment prepared by JN incorporated a parking provision calculation based on the Industrial Land DCP, which is considered to be a more intensive land use and often located within a denser land zoning.

Table 4 Proposed Car & Bus Spaces	
Council Requirement	Proposal
Staff: 1 space per 2 staff	$25 \times 0.5 = 12.5$ (13) car spaces
Visitor: 1 space per 10 persons	$165 \times 0.1 = 16.5$ (17) car spaces
Bus: 2 bus parking spaces	3 bus spaces
Total required: 30 car parking spaces, 2 bus spaces	Proposed: 30 car parking spaces, 3 bus spaces

The report states that due to the rural nature of the site and limited alternative transport options, at least 1 car parking space should be provided per staff member. This equates to providing 25 car parking spaces for staff. Due to the nature of the site, these additional spaces, should they be required, will be provided in the form of an informal unsealed staff overflow carpark area. This arrangement is considered to be the best practise for the proposed development

4.5.3 Traffic Impacts

The application is supported by a Traffic Impact and Parking Assessment Report prepared by JN, which provides an assessment using the RMS guidelines to calculate weekly peak hour vehicle trips and the inclusion of approximate additional vehicle movements that would occur in the peak hour period as a result of the proposed development. The proposal is expected to generate 64 daily vehicle trips whilst having a very minor impact on the traffic network of Joadja Road. The proposed development generally complies with the parking demand requirements set out in the most relevant DCP and that traffic generation from the proposed development will have a minimal impact on the existing local traffic network.

A Construction Traffic Management Plan will be prepared prior to the issue of a Construction Certificate, with the intention that construction vehicles will mostly remain on-site during the construction phase, minimising traffic to and from the site during construction and reducing waste generation.

Road Upgrades

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

- Widening of road to 6m at entrance to allow for vehicle passing
- Blocking of wall to minimise earthworks
- Addition of 20m long passing bay
- Addition of drainage crossing (culvert)
- Addition of concrete drain in steep/narrow sections of the road
- Transition from 4m wide to 5.5m wide carriageway
- 2m of cut required at crest to achieve sight distance compliance
- Addition of 22m DIA turning circle
- Carpark to be constructed in accordance with AS 2890.1

- Alternative accessway alignment around potential archaeological deposit area

Note: due to the required road upgrades, the proposal may be required to include vegetation clearing and possible impact to existing trees due to earthwork requirements.

Detailed access road sections have been provided in the road plans prepared by: Martens accompanying this application.

4.5.4 Hazards and Risks

Bushfire

The site is mapped as being affected by bushfire prone land and is identified as containing “Vegetation Category 1” and “Vegetation Buffer”, as shown in **Figure 24**.

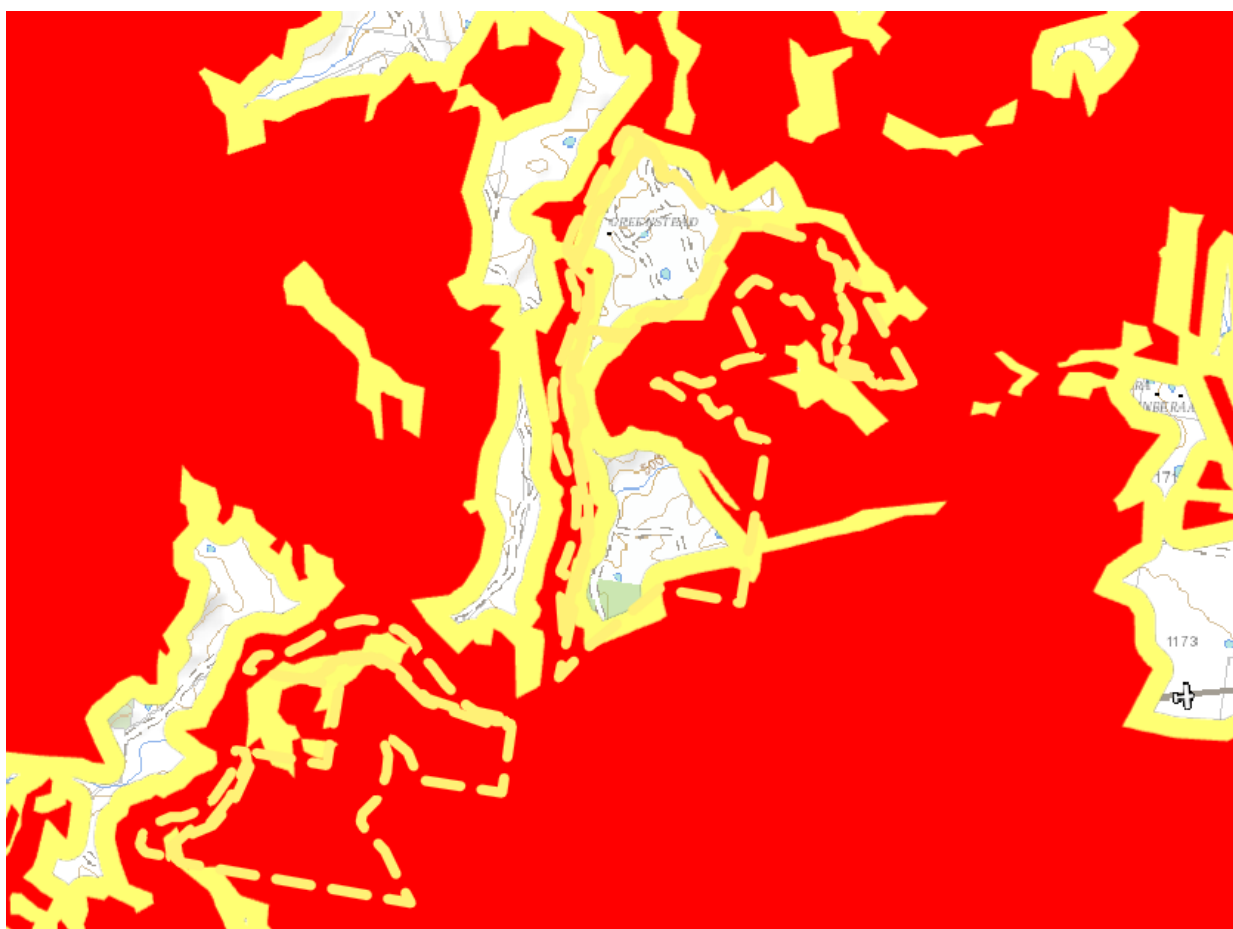


Figure 24 Site identified as being located on bushfire prone land (outlined in yellow dash) (Source: *DoP Spatial Viewer*)

Bushfire advice has been sought for the proposed development and has been prepared by: *Travers Bushfire & Ecology*. The report identifies the proposal as being Special Fire Protection Purposes (SFPP) development under s100B of the Rural Fires Act and is located on land identified as bushfire prone on the Wingecarribee Shire Council bushfire prone land map. This triggers a formal assessment by Council in respect to the NSW Rural Fire Service (RFS) policy against the provisions of Planning for Bushfire Protection 2019 (PBP).

Eco-tourism is considered an SFPP development because it can be occupied by at-risk members of the community such as children, the elderly and those with a disability. Due to their vulnerable nature, occupants of SFPP developments are considered to be more at-risk during a bushfire attack.

As a result, SFPP developments involve more reliance on the provision of an APZ and emergency management. Ecotourism developments are required to provide a refuge building within 100m walking distance from accommodation and facilities. The refuge building must have a minimum APZ setback that ensures the radiant heat exposure does not exceed 10kW/m². In the context of the Greenstead Valley development, a refuge building of this nature needs to be provided to the arrival village, as well as communities 1 and 2.

In recognition of the bushfire risk posed to the site by the surrounding bushland, Travers bushfire & ecology propose the following combination of bushfire measures:

- APZ setbacks for the arrival village, as well as Communities 1 and 2 in accordance with PBP and as indicated within section 2.4 and Schedule 1.
- Provision of access in accordance with the acceptable solutions outlined in PBP and section 3.3 of this report;
- Water and electricity supply in compliance with the acceptable solutions outlined in PBP and sections 3.6 of this report;
- Future building construction of village building to be in compliance with BAL-12.5 or greater construction standards as indicated within AS3959-2018, and section 7.5.2 of PBP.
- Upgrade the existing building to meet ember protection as described in section 3.6 of AS3959-2018 and 7.5.2 of PBP.
- Preparation of a Bushfire Emergency Evacuation Plan (BEEP), regular updates and ongoing training of staff.

The refuge building must be able to withstand bushfire attack in the form of embers, radiant heat and flame contact. The proposed Greenstead Valley development will have refuge buildings built to these standards within the arrival village, as well as communities 1 and 2. The existing building at the Arrivals Village will need to be upgraded to provide enhanced ember protection. Refuge buildings shall therefore incorporate non-combustible sarking in roofs and walls, as well as non-combustible gutter guards and valley guards to be installed and architecturally integrated to facilitate the flush of debris from the roof and gutters. Refuge buildings need to be within 100m of camping sites and/or cabins. Pedestrian pathways from cabins and/or camping sites are to be provided and are to be signposted. Vehicular access is to be provided to refuge buildings via the internal roads and connect to the public road system to the north, and the emergency access to the south of the site.

The report provides recommendations which ensure that the development is in accordance with, or greater than, the requirements of PBP.

Flooding

The application is supported by a Flood Assessment prepared by Martens and Associates P/L, dated 15 December 2023.

The report identifies the site as being located within the Wingecarribee River Catchment, with upstream catchment being composed of primarily rural land including farmland with stands of remnant and regrowth vegetation, including the townships of Moss Vale, Robertson, Bowral and Berrima. There are also several minor catchments which originate on the site, or just outside of the site, which flow through the site. These are predominantly forested with some rural lands present.

The report states that the site is likely affected by overland flows from the site itself and the local upstream catchment, and flood overbank flows from Wingecarribee River and Schotts Creek. Several hydrology and hydraulic modelling methodologies were undertaken. Although the site is likely affected by long duration and large-scale flooding from the Wingecarribee River, none of the development areas will be impacted by flooding in any flood event with all proposed works and all buildings above the 1% AEP and above the Probable Maximum Flood levels. A detailed site flood emergency response plan (FERP) is not considered necessary for this site because there is a flood free evacuation route and it would be safe to shelter in place within the proposed structures which are flood free.

The report recommends on-site management staff maintain flood emergency kits and monitor specific broadcasts and warnings in heavy and prolonged rainfall events and flood events.

The Plan of Management will require that management staff prevent visitors from accessing the areas below the PMF in flood events and during prolonged and heavy rainfall.

Water

The site is identified as riparian land under the Wingecarribee LEP 2010, containing numerous watercourses (including Schotts Creek) connected to the Wingecarribee River to the west of the site (refer to **Figure 25**). The watercourses are identified as Category 1, 2 and 3 watercourses with associated riparian margins from 10m to 50m. The proposed development has been designed, sites and will be managed to avoid, minimise and manage any potential adverse environmental impacts on the riparian land.

Additionally, the site is also within the Sydney drinking water catchment, which has been addressed under section 4.2.1. The application has been supported by an Onsite Wastewater Management Assessment prepared by: Martens, dated: March 2024, which includes a subsurface Effluent Management Area (EMA) with a minimum area of 7,050sqm and is sized to satisfy the requirements of NorBE.

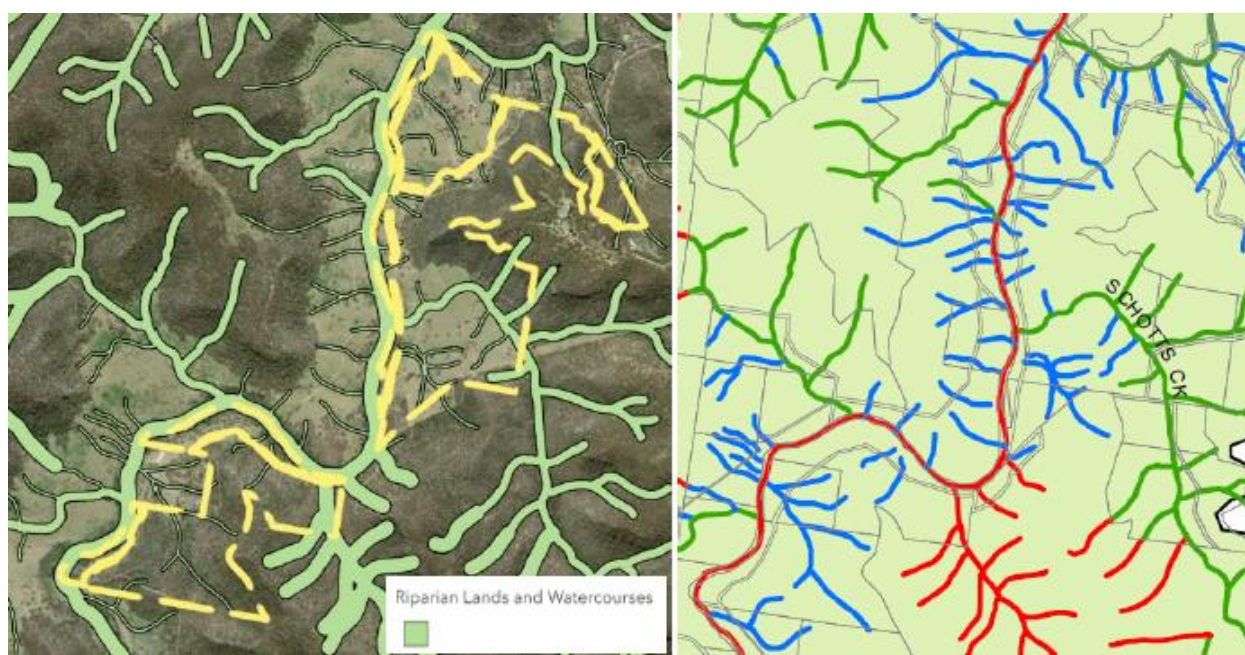


Figure 25 Site is identified as riparian land (site outlined in yellow dash to the left) and LEP mapping on right – red lines = Category 1, green lines = Category 2, blue lines = Category 3 watercourses (Source: *NSW Planning Portal & WLEP 2010*)

Easements / Restrictions on Property Title

A title search of the subject site indicates provision of S. 235A Crown Lands Consolidation Act 1913 as to boundaries to rivers and no works are proposed within 40m of the top of bank to all watercourses and will provide clearance to all Crown Land reserves over the Wingecarribee River.

No works are proposed within or adjacent to the existing electricity easement in the southern portion of the site.

4.6 THE PUBLIC INTEREST

The proposed development has been designed to relate to the configuration, constraints and context of the site and has been designed to achieve compatibility with the existing significant landscape and character of the area, as anticipated by the existing environmental provisions.

The proposal will contribute to the existing natural landscape by providing a development which will mould alongside the natural features of the site and incorporate a built form and daily activities which seek to bring appreciation of the existing surroundings. The proposal is careful in ensuring it responds appropriately to the sites environmental constraints and hazards.

The proposal is consistent with the planning provisions as per WLEP 2010. The proposal is considered to have largely positive social and economic impacts, and manageable impacts on the natural environment. Ultimately, the proposal represents a positive development of the site and is considered to be in the public interest.

5. Conclusion

This Statement accompanies a development application to Wingecarribee Shire Council seeking consent for the development of an eco-tourist facility identified as Greenstead Valley, comprising of an Arrival Village and two (2) communities at No. 1551 Joadja Road, Joadja. The proposed development has been assessed in light of Section 4.15 of the Environmental Planning & Assessment Act, 1979 and Council's planning provisions, Guidelines and Policies.

This proposed eco-tourist facility which will offer programmed activities and various types of accommodation designed and operated for minimal and positive environmental impacts and linking personal experiences with environmentally sustainable activities. Accommodation options are tent platforms, cabins, homestead and ancillary internal and external gathering spaces. The arrival village includes a reception area, commercial kitchen and dining, staff amenities and 'back-of-house' functions. Proposed activities include indoor and outdoor recreational experiences, food gardens, off-grid energy generation and storage and systems to capture and re-use rainwater for reticulation and for cooling buildings.

The proposal will have long term positive economic impacts through employment generation, both direct employment and multiplier effects. The proposal will generate the employment of 25 staff on the premises, servicing the proposed Arrival Village, Community 1 and Community 2, and will aid in generating business for the local community.

The operation of the proposed eco-tourist facility is considered to generate positive social impacts. The objective is to create opportunities to step away from day-to-day urban lifestyles and deeply connect socially and with the environment. The destination is rooted in the experience of sustainable living practises and education particularly around food, water, waste and power management.

This Statement establishes that the proposal aligns with the objectives of the C3 – Environmental Management zone and complies with the relevant provisions of WLEP 2010, and adequately satisfies the controls of WDCP 2010.

The siting, design and external appearance of the proposal is considered to be appropriate and consistent with the character of the locality. The proposal is not likely to result in any significant loss of privacy to any adjoining or nearby residents and will implement measures to avoid, mitigate and manage impacts to the environment.

The proposed works will have no unreasonable impact on the views or solar access to nearby residential properties and will not change the topography, micro-climate, air or water quality of the locality. The implementation of the Plan of Management, a future VMP and the potential for offsets under the BOS will make positive ongoing impacts to the environmental assets of the site and locality.

This Statement demonstrates that the proposal will have acceptable social and cultural influences and positive economic impacts through job creation. The eco-tourist facility will be operated by Fresh Hope Communities to enhance the quality of life for guests experiencing the social, recreational and educational opportunities to be made available at the site with the overarching intention to share understanding and experiences of more sustainable day to day activities.

Accordingly, the proposal is considered to be in the public interest and worthy of Council's support.



LK PLANNING

ANNEXURE A

Wingecarribee LEP 2010 – Compliance Table

Wingecarribee LEP 2010

Clause / Control	Requirement	Proposal	Compliance
2.3 Zone Objectives & Land Use Table	Zone C3 – Environmental Management The specific objectives of the zone are stated as follows: - To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. - To provide for a limited range of development that does not have an adverse effect on those values. - To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns. - To minimise the proliferation of buildings and other structures in these sensitive landscape areas. - To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas. - To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.	Eco-tourist facilities are a permissible form of development in the C3 – Environmental Management zone. The proposal is considered to protect and manage the existing special ecological, scientific, cultural and aesthetic values of the site and provide for an intensity of development, which comparative to the site area and landscape, is considered to be minimal and well incorporated into the existing landscape. The proposal will ensure the retention of significant historic values expressed in the existing landscape, particularly that of Aboriginal heritage significance, keeping to a minimum the building footprint and associated evo-tourist structures. The development will incorporate into its function a focus on special ecological and cultural features, providing for a sensitively designed and located facility with a minimal physical footprint and visual impact. The proposal will incorporate the existing soil, water and vegetation into its design, protecting and preserving Wingecarribee's longer term economic sustainability.	Yes
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Noted. The application includes demolition and is supported by a Demolition and Construction Waste Management Plan prepared by: UFD, dated: 14 March 2024.	Yes
4.1 Minimum subdivision lot size	This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	The proposal does not include the subdivision of land.	N/A
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map – no height controls apply.	Not applicable.	N/A

Wingecarribee LEP 2010

4.4 Floor space ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map – no floor space ratio conditions apply	Not applicable.	N/A
5.10 Heritage conservation	(2) Requirement for consent Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,	The subject site is not mapped 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 located within proximity to the site including Joadja Cemetery, Winding Machine, Joadja Schoolhouse and Joadja Conservation Area. No works proposed are considered to adversely affect the nearby heritage items. The application is supported by an Archaeological Survey Report prepared by: Artefact Heritage Services, dated: 13 March 2023. Additionally, an extensive search of the Aboriginal Heritage information Management System (AHIMS) was undertaken on 1 December 2021 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.	Yes
5.11 Bush fire hazard reduction	Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.	The site is mapped as being affected by bushfire prone land and is identified as containing “Vegetation Category 1” and “Vegetation Buffer”. Bushfire advice has been sought for the proposed development and has been prepared by: Travers Bushfire & Ecology, dated: 23 November 2023. The report concludes that compliance with the requirements of PBP 2019 for the proposal are achievable and recommendations have been provided.	Yes
5.13 Eco-tourist facilities	(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— (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and	The proposed eco-tourist facility is considered to satisfy the points of consideration as per Clause 5.13. The proposal is designed with a primary focus on embracing the natural surrounding environment, which is evident in the proposed location of the buildings, cabins, glamping lodges and array of activities for guests to enjoy. In contrast to a conventional hotel, motel or tourist accommodation, which	Yes

Wingecarribee LEP 2010

- (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
- (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
- (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
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (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
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (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
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

sells rooms, Greenstead Valley provides for accommodation and experiences. Activities are concentrated around the natural features available on the site and include rope swings, swimming, watercraft, raft building water sliding, rock skipping, stick boat racing, ziplines, treeline ropes, suspension bridges, jump swings, abseiling, relax and reflect time, and rustic casual seating. The advantage of this approach is that the guests come for a particular purpose and will typically stay at the property to enjoy the daily experiences focused on integrating both environmental and cultural values.

The main connections between the development and its surrounds are:

- The site is located in a picturesque rural setting where visitors can immerse themselves in nature through passive and active recreational activities
- The proposed buildings and accommodation is located within land adjoining Wingecarribee River and other waterways
- The site recognises the presence and value of the localities indigenous origins
- The proposed built form and nature of accommodation is of minimal impact and respects the natural environment

The design and siting of the development ensures minimal impact on the natural environment, whilst promoting the positive outcomes associated with the nearby watercourses, heritage and native flora and fauna. The operations of the site will ensure the continued protection and enhancement of the natural environment, making effort to respond to the topography of the site and provide for a built form and articulation which is appropriate regarding colours, materials and landscaping.

The provision of water, sewer and electricity will be acquired and maintained without significant modification to the environment.

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5.21 Flood planning	(2) 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— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	The site is identified as being likely affected by overland flows from the site itself and the local upstream catchment, and flood overbank flows from Wingecarribee River and Schotts Creek. The application is supported by a Flood Assessment prepared by: Martens, dated: 22/09/2023, which concludes that none of the development areas will be impacted by flooding in any flood event. A detailed site flood emergency response plan (FERP) is not considered necessary for this site, however preliminary comments have been provided to mitigate risks associated with flooding.	Yes
7.2 Earthworks	(3) Before granting development consent for earthworks, the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).	The proposed earthworks required in order to accommodate for the proposal and ensure its ongoing operations are outlined in the supporting civil plans prepared by <i>Martens & Associates P/L</i>, dated: 19/04/2024. The building footprints, in comparison to the site area and natural features, are considered to be modest, with the proposed building materials reflective of the natural surroundings. The proposal is not considered to create visual impacts, rather incorporates a built form which contributes to the conservation of the scenic and heritage landscape. The built form is located so as to minimise potential detrimental impacts to existing wildlife habitats and corridors, whilst protecting and preserving the immediate environment. The application is supported by an Onsite Wastewater Management Assessment and Water Cycle Management Study prepared by Martens & Associates P/L. The proposal will achieve a neutral or beneficial effect on water quality. The proposal is supported by an Archaeological Survey Report prepared by Artefact which provides a list of recommendations in order to minimise detrimental impacts to existing areas with archaeological significance.	Yes

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		The BAR by Travers Ecology and Bushfire dated 2 May 2024 provides details of measures to minimise and mitigate impacts. A BDAR and BOS will follow imminently.	
7.4 Natural resources sensitivity – biodiversity	Before granting development consent for development on land to which this clause applies, the consent authority must consider any potential adverse impact of the proposed development on the following— (a) the native ecological community, (b) the habitat of any threatened species, population or ecological community, (c) any regionally significant species of fauna, flora or habitat, (d) habitat elements providing connectivity. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	The site is located within a “Regional Wildlife Habitat Corridor” under the Wingecarribee LEP 2010 and contains significant vegetation. 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 North-eastern 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 (Source: Bangadilly National Park Plan of Management (2009). Threatened native animal species are also recorded within Bangadilly National Park. The BAR demonstrates achievement of avoidance, management, minimisation of impacts for the lifetime of the operations of the eco-tourist facility. The BDAR and BOS are expected to recommend further mitigation measures specific to offsetting the impacts of vegetation clearing.	
7.5 Natural resources sensitivity – water	(3) Before granting development consent for development on land to which this clause applies, the consent authority must consider any potential adverse impact of the proposed development on the following— (a) the natural flow regime, (b) the water quality of receiving waters, (c) the waterway’s natural flow paths, (d) the stability of the waterway’s bed, shore and banks, (e) the flow, capacity and quality of groundwater systems. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	The site is identified as riparian land under the Wingecarribee LEP 2010 as it contains numerous watercolours (including Schotts Creek) connected to the Wingecarribee River to the west of the site (refer to Figure 3). The watercourses are identified as Category 1, 2 and 3 watercourses with associated riparian margins from 10m to 50m. The application is supported by a Sustainability Management Plan (SMP) prepared by: Aspire Sustainability Consulting, dated: 29 September 2023. Additionally, the site is located within the Sydney Drinking Water Catchment and will require compliance with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 to ensure works being undertaken will have a “neutral or beneficial effect” (NorBE) on water quality. The application is supported by an Onsite Wastewater Management Assessment prepared by: Martens & Associates P/L, dated: 14/03/2024 and a Water Cycle Management Study prepared Martens, dated: 19/04/2024.	Yes



LK PLANNING

ANNEXURE B

Wingecarribee DCP 2010 – Compliance Table

Wingecarribee DCP 2010			
Clause / Control	Requirement	Proposal	Compliance
Rural Lands Development Control Plan			
Section 3: Ecologically Sustainable Development			
A3.2 Development in Sydney's Drinking Water Catchments	Council cannot grant development consent unless it is satisfied the development will have a neutral or beneficial effect on water quality. In assessing whether a proposed development has a neutral or beneficial effect on water quality, Council must be satisfied that: i. the development has no identifiable potential impact on water quality; or ii. will contain any such impact on the site of the development and prevent it from reaching any watercourse, water body or drainage depression on the site; or iii. will transfer any such impact outside the site by treatment in a facility to the required standard and disposal approved by the consent authority; and	The application is supported by an Onsite Wastewater Management Assessment and Water Cycle Management Study prepared by Martens & Associates P/L. The proposal will achieve a neutral or beneficial effect on water quality.	Yes
A3.3 Protection of Watercourses and Riparian Lands	Clause 7.4 of Wingecarribee LEP 2010 addresses objectives and controls for the protection, enhancement and management of the ecological, scientific, cultural and aesthetic values of regional wildlife habitat corridors, natural water bodies and riparian land within the Shire. This clause applies to land identified on the Natural Resources Sensitivity Map as regional wildlife habitat corridor, or natural waterbodies and riparian land.	The site is located within a "Regional Wildlife Habitat Corridor" under the Wingecarribee LEP 2010 and contains significant vegetation. The Application is supported by a Biodiversity Assessment Report prepared by: Travers Bushfire & Ecology, dated: 2 May 2024 which identifies all direct and indirect impacts and measures to be implemented by the proposal which avoid, manage and mitigate those impacts. See Section 5.3 and 5.5.1 of the BAR in particular. The site is identified as riparian land under the Wingecarribee LEP 2010 as it contains numerous watercolours (including Schotts Creek) connected to the Wingecarribee River to the west of the site (refer to Figure 3). The watercourses are identified as Category 1, 2 and 3 watercourses with associated riparian margins from 10m to 50m. The application is supported by a Sustainability Management Plan (SMP) prepared by: Aspire Sustainability Consulting, dated: 29 September 2023. Additionally, the site is located within the Sydney Drinking Water Catchment and will require compliance with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 to ensure works being undertaken will have a "neutral or beneficial effect" (NorBE) on water quality. The application is supported by an Onsite Wastewater Management Assessment prepared by: Martens & Associates	Yes

Wingecarribee DCP 2010			
		P/L, dated: 14/03/2024 and a Water Cycle Management Study prepared Martens, dated: 19/04/2024.	
A3.5 Site Analysis	Site Analysis is the process of identifying the main opportunities and constraints of the site as well as identifying the existing patterns and design styles of surrounding development. Every land use application which involves significant alteration to the site whether through development of currently vacant land, extensive renovation of an existing building, or demolition, must be accompanied by an appropriate Site Analysis Report.	The application is supported by architectural plans prepared by <i>Breathe</i> .	Yes
A3.6 Cut and Fill	Where the cut and fill objectives cannot be met, the development must be stepped in order to accommodate the contours of the site. b) Any cut and fill required shall comply with the maximum controls set out in Clause 7.3 (Earthworks) of Wingecarribee Local Environmental Plan 2010.	The application is supported by civil plans prepared by <i>Martens & Associates P/L</i> outlining the cut and fill required in order to accommodate for the proposed development.	Yes
A3.7 Siting of Rural Buildings	(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. (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. (c) The total area of all land occupied by the ground level 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. (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. (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.	The proposed buildings and associated structures are sited to ensure the existing natural environment is preserved, mitigating potential impacts along ridge lines. No single building or structures occupies more than 600sqm in area. 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. The proposed development is made up of an arrivals village and two (2) communities, which are located in excess of 30m away. No proposed building or structure is located within 20m from a public road.	

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	(f) Rural buildings and structures shall be constructed from non-reflective materials. Zincalume is not permissible. (g) Have regard to applicable Landscape Conservation controls.		
Section 4: Vegetation Management			
A4.5 Landform and Vegetation Modification	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 which this Plan applies and therefore a Development Application needs to be lodged. Please see the relevant clauses below.	All proposed earthworks are detailed in the submitted civil plans prepared by Martens & Associates P/L. The plans provide details on the required cut and fill works needed in order to accommodate for the proposed development. Due to the remote location of the site, the proposal is not considered to create significant adverse impacts to adjoining or nearby properties. The development is designed to respond to the natural topography of the site and includes earthworks where absolutely necessary to ensure the efficient construction and operations of the site.	Yes
A4.6 Earthworks	(a) The origin and composition of any fill brought into the rural areas must be documented. (b) No contaminated fill, including any building waste fill of unknown origin, must be brought into the Rural Areas. (c) No fill containing materials that may cause harm to a site or persons using a site may be brought into the rural areas. (d) Any excavation works must take into consideration the following: - possible wildlife habitat, - The need and purpose of the excavation - The scenic impact (both on and off site) - Erosion mitigation measures	Noted. Conditions of consent to be imposed.	-
A4.7 Protection of Trees, Bushland and Vegetation during Construction	(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.	The proposal requires the removal of trees and vegetation in order to accommodate for the proposed development. The application is supported by an Arboricultural Impact Assessment & Tree Protection Plan prepared by Tree Survey. 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	Yes

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	(b) Best practice methodologies must be employed to maintain Tree Protection Zones. This will include the size of the zone, appropriate fencing/buffering etc (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. (d) Siltation control fences and measures must be provided to protected vegetation trees, bush land and riparian zones. (e) No clearing of vegetation on land with slopes of 18 degrees or greater. (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. (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.	directly by the proposed construction footprint shows that a total of 100 trees will be 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. Recommendations and a tree protection plan (TPP) have been included as part of the report.	
A4.11 Preservation of Trees and Other Vegetation	Sub-clause 5.9 (3) of WLEP 2010 applies to all Rural Land except that which is an Item of Heritage or is located within a Heritage Conservation Area (which is addressed in sub-clause 5.9 (7) below) which states that: "A person must not ringbark, cut down, top, lop, remove, injure, or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by (a) development consent, or (b) a permit granted by Council."	Noted.	-
Section 5: Water Management			
A5.2 Development within Sydney's Drinking Water Catchments	Under the REP, Council cannot grant development consent unless it is satisfied the development will have a neutral or beneficial effect on water quality. In assessing whether a proposed development has a neutral or beneficial effect on water quality, Council must be satisfied that: (i) the development has no identifiable potential impact on water quality; or (ii) will contain any such impact on the site of the development and prevent it from reaching any watercourse, water body or drainage depression on the site; or (iii) will transfer any such impact outside the site by treatment in a facility to the required standard and disposal approved by the consent authority; and	The subject site is identified as being within the Sydney Drinking Water Catchment. The application is supported by civil plans by Martens & Associates P/L, dated: 21/02/2024. Additionally, an Onsite Wastewater Management Assessment prepared by: Martens & Associates P/L includes a subsurface Effluent Management Area (EMA) with a minimum area of 7,050sqm and is sized to satisfy the requirements of NorBE. The application is further supported by a Water Cycle Management Study prepared by Martens & Associates P/L, which concludes that the proposed stormwater treatment measures achieve the minimum NorBE assessment objectives.	Yes

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	(iv) the development incorporates the SCA's current recommended practices (or equivalent standards and practices) which represent best industry or development practice in terms of maintaining water quality. To enable Council and the SCA to assess whether a development will have a neutral or beneficial effect on water quality, all development applications in the drinking water catchments must be accompanied by a Water Cycle Management Study. The contents of a Water Cycle Management Study, including the information, reports and modelling required, will vary according to the type of development and the risks it poses to water quality, with more indepth studies required for developments that pose a higher risk. The SCA has published the Neutral or Beneficial Effect on Water Quality Assessment Guidelines to assist councils and applicants (available on the SCA's website which categorises developments into five modules according to complexity and the risk to water quality, as identified in the table below.		
A5.4 On-Site Waste Water Disposal Systems	On-site Waste Water Disposal Plans and their specified systems on unsewered land must meet or exceed the Neutral or Beneficial Effect (NorBE) test and the water quality objectives contained in the Drinking Water Catchment Regional Environmental Plan No1. Council staff can provide further assistance in this regard.	The application is supported by civil plans by Martens & Associates P/L, dated: 21/02/2024. Additionally, an Onsite Wastewater Management Assessment prepared by: Martens & Associates P/L includes a subsurface Effluent Management Area (EMA) with a minimum area of 7,050sqm and is sized to satisfy the requirements of NorBE.	Yes
A5.5 Stormwater Management Plans	All Stormwater Management Plans requested by Council or the Sydney Catchment Authority must meet or exceed the Neutral or Beneficial Effect (NorBE) test and the water quality objectives using current Recommended Practices (CPR) contained in the Drinking Water Catchment Regional Environmental Plan No1.	The application is further supported by a Water Cycle Management Study prepared by Martens & Associates P/L, which concludes that the proposed stormwater treatment measures achieve the minimum NorBE assessment objectives. Additionally, results of the MUSIC model demonstrate that the objectives of the NorBE guidelines are achieved for all pollutant parameters. Proposed SQID's are sized to ensure compliance with NorBE and WSUD water quality objectives.	Yes
A5.6 Erosion and Sediment Control	Where building or earthworks are proposed, Council may request an Erosion and Sediment Control (E&SC) Plan. All E&SC Plans and all associated works must meet or exceed the Neutral or Beneficial Effect (NorBE) test and the water quality objectives using Current Recommended Practices contained in the Drinking Water Catchment Regional Environmental Plan No1.	An Erosion and Sediment Control Plan is provided in the supporting civil plans prepared by <i>Martens & Associates P/L</i> .	Yes

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A5.7 Protection of Watercourses, Water Bodies and Riparian Lands	Preserving and maintaining natural water bodies and riparian lands is an important element in protecting and enhancing the biodiversity of the Shire and clause 7.4 of WLEP 2010 addresses objectives and controls for the protection, enhancement and management of the ecological, scientific, cultural and aesthetic values of regional wildlife habitat corridors, natural water bodies and riparian land within the Shire. This clause applies to land identified on the Natural Resources Sensitivity Map as regional wildlife habitat corridor, or natural water bodies and riparian land. The extent of the riparian land corridor required depends on the classification of the associated water body: Category 1 – Environmental Corridor Category 1, marked red on the WLEP 2010 Natural Resources Sensitivity Map, requires a riparian corridor of 50m from the top of bank. The purpose of this waterway classification is to protect and enhance ecological connectivity between key remnant native vegetation within and between catchments and achieving all four key objectives for riparian corridors. This objective is achieved by multiple management outcomes (that recognise the key management zones) including the provision of a 40m wide core riparian zone (CRZ) each side (measured from top of bank), 10m vegetated buffer (VB) to the CRZ's outer edge and a bushfire asset protection zone (APZ) between the outer edge of the VB and development.	No works are proposed within 40m of a watercourse and a VMP is recommended for the ongoing management of riparian vegetation.	Yes
A5.9 Flood Liable Land		The application is supported by a Flood Assessment prepared by Martens & Associates P/L. The report concludes: - The existing flood model is largely consistent with the adopted WSC flood studies parameters. - The entire proposed development, including the buildings, glamping and cabin area, is above the 1% AEP and PMF event. - The site can be safely evacuated in all flood events if necessary. - Alternatively, since the site is unaffected by the PMF and suitable accommodation facilities will be available on the site, shelter-in-place is also an acceptable flood emergency response. - Compliance with Council development control plan requirements relating to flooding for rural land is achieved.	Yes
Section 6: Additional Controls			

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A6.2 Bushfire Prone Land	If the proposed development is within a designated bushfire prone area, the following controls shall apply: (a) All rural development (including the upgrade of existing buildings/structures, dwellings, industry) must comply with the requirements of the Building Code of Australia and associated Australian Standards. (b) Council may consult with the NSW Rural Fire Service to determine bushfire safety requirements. In some instances a bush fire safety analysis may be required to be prepared by a suitable qualified person (for more information in this regard please contact Council), and submitted with the land use application. (c) Compliance is required with the most recent version of the document Planning for Bushfire Protection produced by the NSW Rural Fire Service. (Further information is available from Council).	The application is supported by a Bushfire Protection Assessment prepared BY Travers Bushfire & Ecology.	Yes
6.3 Contaminated or Potentially Contaminated Land	Where there are indications that contamination is, or may be present, Council may require the applicant to undertake a site-specific Contamination Study.	Noted.	-
A6.5 Regional Wildlife Corridors	Regional Wildlife Corridors are nominated and mapped within the Illawarra Regional Environmental Plan No 1 and also included on the Natural Resources Sensitivity maps which form part of the WLEP 2010. Development proposed within these corridors may be subject to additional consultation to ensure the ongoing viability of the wildlife corridor. Applications for development of land within or within close proximity of an identified Regional Wildlife Corridor may be required to restrict the range and nature of their development. Each case will be assessed on its merits.	The BAR by Travers Bushfire and Ecology dated 2 May 2024 demonstrates that the proposal will maintain and enhance connectivity.	Yes
A6.6 Development in the vicinity of a National Park or Nature Reserve	The Council shall not grant consent to an application for development on land that is located immediately adjacent to or within 500 metres of land that is a National Park or Nature Reserve, unless the Council has considered any comments from the Department of Environment and Conservation in relation to the likely effect of the proposed development, if any, on the National Park or Nature Reserve	Noted.	-

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A6.7 Sites Requiring Geotechnical Reports	A Geotechnical Report, prepared and certified by a Council-accepted Geotechnical Engineer will need to be provided with all applications for development located within an area identified or potentially subject to geotechnical constraints, including land subject to instability, filling, or with a slope greater than 18 degrees. Geotechnical reports may also be required in other instances depending on the nature of the proposed development and the particular circumstances and conditions of the site.	Geotechnical information is included in the on-site wastewater management report by Martens and Associates.	Yes
A6.8 Minimisation of External Impacts – Noise	(a) All applications for rural development shall indicate what machinery is required and clearly identify where such machinery will be located and what measures will be undertaken to ensure that constant noise does not exceed 5dB(A) above background noise levels when measured at the boundary with any adjoining property or public road. (b) All potential noise sources are to be sited as far away as possible from common property boundaries and sensitive areas such as neighbouring dwellings. (c) In the event that Council considers it likely that the proposed development could result in a noise nuisance being caused to neighbouring properties, an acoustic report, prepared by a qualified acoustic consultant, must be lodged with the application. (d) The acoustic report must include (but is not limited) to the following information: (i) Sample Methodology utilised including placement and location of sampling equipment, Details of Equipment used, times sampled (ii) Conclusions from the study including a set of raw data obtained from sampling, details of any consultations / discussions with interested parties. (iii) Full details of noise abatement measures recommended.	The development proposes the construction of an eco-tourist facility. The application is supported by a Noise Impact Assessment prepared by <i>Acoustic Logic</i> .	Yes
A6.9 Minimisation of External Impacts – Odour	(a) All applications for rural development shall indicate how odour-producing materials are to be managed to ensure that the impacts of such odours on neighbouring properties are minimised. (b) Storage facilities for materials which may generate odours are to be sited as far away as possible from common property boundaries and sensitive areas such as neighbouring dwellings.	The application does not seek consent for odour-producing materials.	N/A

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A6.10 Minimisation of External Impacts – Outdoor Lighting	(a) Outdoor lighting must be a “full cutoff light fixture”, i.e. a type of fixture with no light emitted above the horizontal and no light dispersion or direct glare to shine above a 90-degree, horizontal plane from the base of the fixture. (b) All outdoor lighting fixtures shall be designed, installed, located and maintained to avoid glare on to adjacent properties or streets (c) All direct illumination shall be kept within the boundaries of the subject property. (d) Accent lighting, when so approved, shall be directed downward on to the building or object and not toward the sky or on to adjacent properties. Direct light emissions shall not be visible above the roof line or beyond the building edge. (e) Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent. The lamp shall be shielded and not create disabling or nuisance glare. (f) Timers shall be accurately set to ensure that lighting is used only when natural light is insufficient.	Noted. Conditions of consent are anticipated.	Yes
A6.11 Construction of Private Roads	The construction of a private road needs to take into consideration a number of factors to ensure a practical and sustainable end result. Road construction can have a detrimental impact on the environment if inappropriately sited, and can have ongoing costs to the property owner if not constructed to a sufficiently high quality. All road construction should aim to obtain the most environmentally sustainable option. Council and the State government have best practice methodologies for road construction and it strongly advised that these are consulted before planning and construction phases. Materials used should blend in with the landscape with ‘soft’ edges to enhance rural character.	The proposal does not include the construction of new roads. Upgrade works are proposed to the internal roads located within the site and accessed off Joadja Road. The details of internal road upgrades have been set out in the civil plans prepared by <i>Martens and Associates P/L</i> dated: 19/04/2024. An extract of roadworks to Layout 03, incorporating Arrival Village and Community 2, is included in Figure 17. 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. Details of the proposed upgrades are included in Figure 18.	Yes

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A6.12 Property Entrances and Front Fencing	(a) Front entrances shall be designed to the satisfaction of Council with regard to width, degree of splay and surface materials to ensure that vehicles may access the site in all weather without adversely impacting on the road surface or traffic flows. (b) Gates are to be setback a minimum of 20m from the road frontage. Where Council believes that over-long vehicles will access the site on a regular basis, a setback greater than 20 metres may be required. (c) Gates are to be of a design appropriate to a rural landscape. (d) Fencing is to be constructed of traditional rural materials such as timber post and rail, or timber and wire, depending on whether the primary objective is visual, or to effectively contain stock. (e) Solid front fences are not permitted except for short distances as gate supports on either side of the front entrance. (f) Timber paling fencing is not permissible on any rural property. (g) Fencing must not impede view lines accessed from the public domain, including roads. (h) Fencing must not prevent the natural flow of overland water, such as stormwater and runoff.	Noted.	-
Section 8: Heritage and Landscape Conservation			
A8.8 Joadja Conservation Area	Council is committed to ensuring that all future development on heritage items and within conservation areas is appropriate with regard to the following objectives: - Preserve and protect buildings, areas and vistas of heritage and cultural value. - To ensure that all new development within the Heritage Conservation Areas is compatible with the existing visual, built and landscape character of the area by setting standards which will ensure this. - To encourage increased community awareness of the intrinsic heritage, visual and environmental qualities of the heritage and landscape conservation areas within the rural zones and the need for	The subject site is not mapped 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 located within proximity to the site including Joadja Cemetery, Winding Machine, Joadja Schoolhouse and Joadja Conservation Area. No works proposed are considered to adversely affect the nearby heritage items. The application is supported by an Archaeological Survey Report prepared by: Artefact Heritage Services, dated: 22/04/24.	Yes

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	conservation measures. In particular, the need to ensure that owners are aware of the responsibilities associated with the ownership and maintenance of heritage listed properties. d. Ensure that redevelopment immediately adjacent to buildings of heritage or cultural value in no way detracts from the visual quality or amenity of heritage buildings. e. Ensure that redevelopment within or immediately adjacent to conservation areas reflects the high heritage value and visual setting of the area and contributes to that value. <u>Development in the vicinity of Heritage Items</u> a. Development applications on properties containing or adjoining locally listed items or draft heritage items shall be referred to the Council Heritage Adviser for comment prior to lodgement of the development application. b. Development applications adjoining or in the vicinity of a property on the NSW State Heritage Register or National Heritage Register shall be referred to the NSW Heritage Council for comment prior to lodgement of the development application. Details of any comments provided shall be included in the statement of environmental effects submitted with the development application to Council. c. Development applications on properties adjoining listed heritage items or draft heritage items shall contain a Heritage Impact Statement (or Heritage Conservation Strategy or Heritage Conservation Plan as requested by Council). d. Development applications on properties in the vicinity of any heritage listed item or draft heritage item, including within sight of and adjacent to any heritage item or draft heritage item, should be referred to Council's Heritage Adviser for comment. e. All development applications on properties in the vicinity of any listed heritage item or draft heritage item should be notified by Council to Council's Heritage Advisory Working Group for comment.	Additionally, an extensive search of the Aboriginal Heritage information Management System (AHIMS) was undertaken on 1 December 2021 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.	
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