

DATE OF DETERMINATION	11 August 2025
DATE OF PANEL DECISION	11 August 2025
DATE OF PANEL MEETING	5 August 2025
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Heather Warton, Stephen Leathley
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 5 August 2025, opened at 10am and closed at 10.45am.
Papers circulated electronically on 29 July 2025.

MATTER DETERMINED

PPSSTH-416 – Wingecarribee Shire– DA24/1432 at 1551 Joadja Road, Joadja – Eco-Tourist Facility to include an Arrival Village consisting of parking areas and arrivals buildings, Community 1 consisting of a refurbished homestead building and cabins, and Community 2 consisting of amenities building and glamping (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

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

The decision was unanimous.

DEVELOPMENT APPLICATION

The Panel has had the benefit of an inspection of the site and has been briefed by Council.

A Public Determination meeting was held on 5 August 2025 where members of the community, stakeholders and the applicant were given the opportunity to address the Panel. The applicant did not attend the Public Determination meeting.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the reasons outlined in the Council Assessment Report and as follows.

The Panel was not satisfied that the proposal met the definition of an ‘eco-tourist facility’ under the Wingecarribee LEP 2010. In particular, the Panel noted that the scale and footprint of the development, the number of anticipated visitors, along with the ancillary activities proposed, is antipathetic to the characterisation of the proposed eco-tourist facility use and is not consistent with a low impact use. Further, the application did not clearly distinguish how the proposal differed from otherwise non-permissible uses.

The Panel was also of the view that the applicant had failed to address its statutory obligations under the *Biodiversity Conservation Act* (2016) and SEPP (Biodiversity and Conservation) 2021. In its own Biodiversity

Assessment Report submitted with the application, the applicant acknowledged the proposal exceeds the 0.5 ha native vegetation threshold and that a Biodiversity Development Assessment Report (BDAR) was required. This was identified prior to lodgement of the DA.

Early in the assessment process, and at various points during the course of the assessment, the applicant was provided with opportunities to submit a BDAR to support its application. As a BDAR has not been provided, the Panel cannot be satisfied that any impacts on the native ecological community and the habitat of any threatened species as a result of the proposed development would be acceptable.

Furthermore, taking into consideration the scale, footprint and intensity of use of the proposal, the uncertainty surrounding proposed activities and their locations, and the lack of information in relation to ecological impacts, the Panel could not be satisfied that the proposed development meets the land use definition for an 'eco-tourist facility'.

The General Terms of Approval (GTAs) issued by the NSW Rural Fire Service were provided on the basis that the Bush Fire Protection Assessment supporting the application relied on the characterisation of the land use as an eco-tourist facility. However, the Panel is of the view that it cannot rely on the current NSW RFS GTAs and that appropriate bush fire protection measures, including APZs, road access (on and off site) and construction standards are unknown.

Overall, the Panel is of the view that there is a general lack of information supporting the application and its use as an eco-tourist facility. In particular, the Panel notes the lack of information relating:

- Required road upgrades and road safety arrangements
- The cost of any required upgrades and ongoing maintenance requirements
- Environmental impacts associated with any road upgrades
- Building footprints, size and scale
- Proposed activities and their locations
- The accuracy of the Bush Fire Protection Assessment
- Ecological impacts in general.

The Panel agrees with the Council's conclusion that the application in its current form is not consistent with a low impact facility anticipated as an eco-tourist development.

The Panels reasons for refusal are contained in Schedule 2.

CONDITIONS

Council recommended refusal and therefore no conditions of consent were prepared.

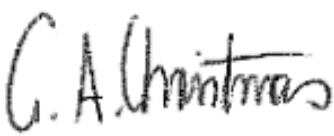
CONSIDERATION OF COMMUNITY VIEWS

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

- Compliance with the definition of eco-tourist facility
- The development is more fitting with the definition of 'function centre'
- Consistency with the objectives of the C3 zone
- Road infrastructure and traffic data
- Bushfire risk and emergency services capacity
- Impacts on ecology
- Scale of development
- Impacts to water quality
- Waste servicing and management
- Water and power
- Character of the Joadja Valley and compatibility with neighbours
- Visual amenity and privacy
- Noise
- Lack of connectivity / contribution to the community

- Compliance with the Rural Lands Development Control Plan
- Compatibility with Bangadilly National Park
- Potential for visitor trespass onto neighbouring properties
- No domestic animals
- Light pollution
- Clarification of details on architectural plans

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

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	 Stephen Leathley
 Heather Warton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-416 – Wingecarribee Shire– DA24/1432
2	PROPOSED DEVELOPMENT	Eco-Tourist Facility to include an Arrival Village consisting of parking areas and arrivals buildings, Community 1 consisting of a refurbished homestead building and cabins, and Community 2 consisting of amenities building and glamping
3	STREET ADDRESS	1551 Joadja Road, Joadja Lot 202 DP 861816
4	APPLICANT/OWNER	Applicant – Churches of Christ Community Care c/- David Hanrahan Owner – The Churches of Christ Property Trust
5	TYPE OF REGIONAL DEVELOPMENT	Eco-tourist facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021; - State Environmental Planning Policy (Resilience and Hazards) 2021; - State Environmental Planning Policy (Sustainable Buildings) 2022; - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Wingecarribee Local Environmental Plan 2010 - Draft environmental planning instruments: Nil - Development control plans: - Rural Lands Development Control Plan - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 28 July 2025 - Written submissions during public exhibition: 25 - Late written submission received from Valero Jimenez (apology at public meeting) dated 6.08.25 - Verbal submissions at the public meeting: - Lauren Magraith, Matthew Waldren, Frances Borg, Brian White, Matt Magraith, Chris Young, David Feetham, Caroline Feetham - Council assessment officer – Andre Vernez - Total number of unique submissions received by way of objection: 25
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 20 August 2024 <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Stephen Leathley <u>Council assessment staff</u>: Andre Vernez <u>Applicant representatives</u>: David Hanrahan (Fresh Hope Communities), David Tolman (Fresh Hope Communities), Scott Griffiths (Fresh Hope Communities), Jeremy McCloud (Breathe Architecture) / Shannon Furness (Breathe Architecture), Li Ming (Fresh Hope Communities) <u>DPHI</u>: Amanda Moylan, Tracey Gillett

		• Site inspection: 20 August 2024 ○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, Stephen Leathley ○ <u>Council assessment staff</u>: Andre Vernez ○ <u>Applicant Representatives</u>: David Hanrahan (Fresh Hope Communities), David Tolman (Fresh Hope Communities), Scott Griffiths • Final briefing to discuss Council’s recommendation: 5 August 2025 ○ <u>Panel Members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Heather Warton, Stephen Leathley ○ <u>Council assessment staff</u>: Andre Vernez, John Shillito, Bruce Koop ○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A

SCHEDULE 2 – REASONS FOR REFUSAL

1. Insufficient information has been provided for the consent authority to be satisfied as to the impact of the development on koalas or koala habitat, in accordance with the provisions of section 4.9, *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (s4.15(1)(a)(i) of the EPA Act).
2. Taking into consideration the scale, footprint and intensity of use of the proposal, the uncertainty surrounding proposed activities and their locations, and the lack of information in relation to ecological impacts, the consent authority cannot be satisfied that the proposed development meets the land use definition for an 'eco-tourist facility' in section 2.3, *Wingecarribee Local Environmental Plan 2010*. This has implications for bush fire risk and mitigation measures. (s4.15(1)(a)(i) of the EPA Act).
3. The proposed development is inconsistent with the objectives for Zone C3 Environmental Management in section 2.3, *Wingecarribee Local Environmental Plan 2010*, because insufficient information has been provided for the consent authority to be satisfied that the proposed development would protect, manage and restore any areas within the site with special ecological value or that the development would not have an adverse effect on those values. (s4.15(1)(a)(i) of the EPA Act).
4. The consent authority cannot be satisfied that the:
 - development would be located, constructed, managed and maintained to minimise any impact on, and to conserve, the natural environment,
 - development would promote positive environmental outcomes and any impact on native flora and fauna would be minimal, and
 - following matters have been adequately addressed or provided for in a management strategy to minimise 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) mechanisms for monitoring and reviewing the effect of the development on the natural environment.

in accordance with the provisions of clause 5.13, *Wingecarribee Local Environmental Plan 2010* (s4.15(1)(a)(i) of the EPA Act).
5. The consent authority cannot be satisfied that the development is designed to ensure that the proposed earthworks would not have a detrimental impact on environmental functions and processes, in accordance with the provisions of clause 7.3, *Wingecarribee Local Environmental Plan 2010* (s4.15(1)(a)(i) of the EPA Act).
6. The consent authority cannot be satisfied that there will acceptable impacts on the native ecological community, habitat of any threatened species, population or ecological community, any regionally significant species of fauna, flora or habitat, and habitat elements providing connectivity, in accordance with the provisions of clause 7.4, *Wingecarribee Local Environmental Plan 2010* (s4.15(1)(a)(i) of the EPA Act).

7. The proposed development is inconsistent with the Objectives and Controls as they relate to the following provisions of the Rural Lands Development Control Plan (s4.15(1)(a)(iii) of the EPA Act):
 - (a) A3.6 Cut and Fill
 - (b) A3.7 Siting of Rural Buildings
 - (c) A4.5 Landform and Vegetation Modification
 - (d) A4.7 Protection of Trees, Bushland and Vegetation during Construction.
8. The consent authority cannot be satisfied that the traffic generated by the proposal can be safely accommodated on the existing public road (Joadja Road). Insufficient information has been provided in terms of the extent of work required to upgrade the road (including initial cost of upgrades and ongoing maintenance) to deliver appropriate engineering and safety standards. Given the lack of information relating to potential upgrades there remains uncertainty relating to additional environmental impacts that may occur. (s4.15(1)(b) of the EPA Act).
9. Given the above, the
 - a. development is likely to have adverse impact on the natural and built environments in the locality (s4.15(1)(b) of the EPA Act).
 - b. consent authority cannot be satisfied that the site is suitable for the development as proposed (s4.15(1)(c) of the EPA Act).
 - c. development is not in the public interest (s4.15(1)(e) of the EPA Act).