

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-161 – DA0111/2023
PROPOSAL	Sports Training and Accommodation Facility and associated works
ADDRESS	Lot 2 DP1252505 62 Putta Bucca Road, PUTTA BUCCA (also identified as 58 Pitts Lane, PUTTA BUCCA)
APPLICANT	Mid-Western Regional Council
OWNER	Mid-Western Regional Council
DA LODGEMENT DATE	28 September 2022
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 3, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : <i>Council development with a capital investment value exceeding \$5,000,000</i>
CIV	\$7,257,484 (inclusive of GST) \$6,597,713 (excluding GST)
CLAUSE 4.6 REQUESTS	Not applicable
KEY SEPP/LEP	• <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Mid-Western Regional Local Environmental Plan 2012</i>
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	Two (2) submissions were received.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<u>Architectural Plans</u> • <i>Cover Sheet</i> Barnson, Drawing Number 38046-A00, Revision D • <i>Perspective Views</i> Barnson, Drawing Number 38046-A01, Revision D • <i>Site Plan</i>

	Barnson, Drawing Number 38046-A02, Version G • <i>Part Site Plan</i> Barnson, Drawing Number 38046-A03, Version E • <i>Building A – Floor Plan</i> Barnson, Drawing Number 38046-A04, Version E • <i>Building A - Elevations</i> Barnson, Drawing Number 38046-A05, Version D • <i>Building A – Sections</i> Barnson, Drawing Number 38046-A06, Version B • <i>Building B & C – Floor Plan</i> Barnson, Drawing Number 38046-A07, Version E • <i>Building B & C - Elevations</i> Barnson, Drawing Number 38046-A08, Version D • <i>Buildings B & C - Sections</i> Barnson, Drawing Number 38046-A09, Version B <u>Landscaping Plans</u> • <i>Concept Landscape Master Plan</i> 50601_LA01, Revision B Sheet 01 of 05 • <i>Car Park Landscape Master Plan</i> 50601_LA02, Revision B Sheet 02 of 05 • <i>Central Courtyard Landscape Plan</i> 50601_LA03, Revision B Sheet 02 of 03 • <i>Rear Landscape Plan</i> 50601_LA04, Revision B Sheet 04 of 05 • <i>Preliminary Planting Schedule</i> 50601_LA05, Revision B Sheet 05 of 05 <u>Civil Construction Documentation – Car park Extension Bulk Earthworks</u> • <i>Cover Sheet and Drawing Schedule</i> Barnson, 38046-C10, Revision A • <i>Existing Site Plan</i> Barnson, 38046-C11, Revision A • <i>Proposed Site Plan</i> Barnson, 38046-C12, Revision D • <i>Proposed Bulk Earthworks Plan</i> Barnson, 38046-C13, Revision E • <i>Proposed Bulk Earthworks Specifications</i> Barnson, 38046-C14, Revision C • <i>Proposed Cut / Fill Plan</i> Barnson, 38046-C15, Revision D • <i>Proposed Earthworks Sections</i> Barnson, 38046-C16, Revision D • <i>Proposed 3m High Retaining Wall Details</i> Barnson, 38046-C17, Revision C • <i>Proposed 4m High Retaining Wall Details</i> Barnson, 38046-C18, Revision C <u>Servicing Diagram</u> • <i>Sewerage Servicing Diagram, Site Plan</i> Dated October 2022 <u>Stormwater Management Plan</u> • <i>Cover Sheet</i> C1.00 Rev 0 • <i>General Notes</i> C1.01 Rev 0 • <i>Access Plan</i>
--	---

	C2.00 Rev B • <i>Stormwater Management Plan</i> C5.00 Rev 0 • <i>Overland Flow Path Plan</i> C5.01 Rev 0 <u>Glen Willow Master Plan</u> • <i>Glen Willow Regional Sports Complex Stage 3 Plan</i> Dated 29/10/2022 <u>Documents</u> • <i>Statement of Environmental Effects</i> <i>Sports Training and Accommodation Facility</i> Navigate Planning, 10 November 2022, Version 2 • <i>Geotechnical Investigation Report</i> Barnson, 17.12.2021 Revision A • <i>Aboriginal Due Diligence Assessment</i> <i>Proposed Lawson Creek Road Bridge, Mudgee NSW.</i> Apex Archaeology, May 2021, Revision 2 • <i>Odour Assessment Putta Bucca Rd Pump Station</i> GHD, 21 February 2022, Revision 0 • <i>Traffic and Parking Assessment</i> Transport and Traffic Planning Associates, September 2022 Issue E • <i>Acoustic Assessment for Zoning, Lot 2 DP1252505 – Putta Bucca</i> Acoustik, 25 November 2021, Revision 0 • <i>Addendum – Training Facility DA</i> Acoustik, 17 April 2023
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Not applicable
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	9 May 2023
PLAN VERSION	Various
PREPARED BY	Sarah Hopkins
DATE OF REPORT	21 April 2023

EXECUTIVE SUMMARY

The development application (DA0111/2023) seeks consent for Sports Training and Accommodation Facility ancillary to the adjoining recreational facility known as Glen Willow Sporting Complex. The facility will consist of three buildings, one building to contain the

training facility accommodating lecture rooms, gymnasium, prayer room and kitchen / dining area, and two buildings to the rear which will be used for accommodation sleeping up to 96 people. The existing dwelling onsite will be utilised as a manager's residence. It is also proposed to consolidate the subject lot with Lot 1 DP1252505 that contains components of the Glen Willow Regional Sporting Complex.

The subject site is known as 62 Putta Bucca Road, Putta Bucca (and legally described as Lot 2 DP1252505) ('the site'). The site is also known as 58 Pitts Lane, Putta Bucca as it is part of the broader property comprising a number of lots forming the Glen Willow Regional Sporting Complex. The site has a total area of 7.149 hectares and is bounded by the Cudgegong River on its west side and Lawson Creek on its south side. The site is flat where it is within the flood plain of the Cudgegong River and Lawson Creek and rises gently to the north. Existing development on the site consists of a pedestrian / cycle pathway and an existing dwelling. Earthworks have commenced on the site in accordance with a previous development consent which will be part of the building pad for the proposed development. Construction is also underway for a new road which will provide through access from Putta Bucca Road to the Glen Willow Regional Sporting Complex and Pitts Lane/Ulan Road.

The site is located in semi-rural area on the outskirts of the Mudgee township. Glen Willow Regional Sporting Complex, Heritage Item Putta Bucca House, the Putta Bucca Wetlands and a concrete batching plant are located in the vicinity of the site.

The site is located in the RE1 Public Recreation zone pursuant to Clause 2.2 of the *Mid Western Regional Local Environmental Plan 2012* ('MWRLEP 2012'). The proposal is considered to be ancillary to the existing recreational facility (known as Glen Willow Regional Sporting Complex) as it will be an ancillary building that will complement the existing sporting fields and facilities at the sporting complex. The development will be physically and legally connected to the Glen Willow Sporting Complex as existing lots will be consolidated so that the facility is on the same lot as the Glen Willow Sporting Complex and physically connected given its proximity to the Sporting Complex and connecting walking and access tracks.

The principle planning controls relevant to the proposal include the *Mid Western Regional Local Environmental Plan 2012* ('MWRLEP 2012') and the *Mid-Western Regional Development Control Plan 2013* ('DCP'). The application is considered to be consistent with all of the relevant controls.

A referral to Essential Energy pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') raised no objections and general comments were provided.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Section 4.6 of *State Environmental Planning Policy (Resilience and Hazard) 2021* for consideration of whether the land is contaminated;
- Section 2.48(2) of the *Transport and Infrastructure SEPP* in relation to electricity power lines.
- Section 4.9 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* in relation to koalas and koala habitat

The application was placed on public exhibition from 14 October 2022 to 28 October 2022 with two (2) submissions being received. These submissions raised issues relating to noise impacts to and from the proposed development. This issue is considered further in this report.

The application is referred to the Western Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to with a CIV over \$5 million.

A site inspection and briefing was held with the Panel on 21 March 2023 where key matters were discussed, including an overview of the proposal, surrounding land uses, submission concerns, noise impacts to adjoining properties and likely flood impacts.

The key issues associated with the proposal included:

1. *Acoustic Impacts* – The acoustic assessment submitted with the application was prepared for the rezoning of the land. As the proposed plans have been updated since this time an addendum to the acoustic assessment was required to be provided to address potential noise impacts from the proposed development to the adjoining residential property. As such an addendum to the noise report was submitted. Noise sources identified in the addendum that may impact on the adjoining neighbour included external mechanical plant, traffic noise and potential noise from use of the outdoor area. The report addendum found that the development can be managed to minimise noise impacts within the recommended parameters. Recommendations were included in the report addendum and will be included as recommended conditions.
2. *Flooding impacts* – The site is partially flood prone which will impact ingress/egress to the site and the need to require preparation of flood evacuation plan. A suitable condition has been recommended.
3. *Disposal of stormwater* – The site is identified as groundwater vulnerable. Suitable conditions have been recommended requiring the preparation of a groundwater and stormwater management plan.

Other issues included the updating of plans to show bus parking spaces and provision of a colour and material schedule. The applicant has submitted amended plans showing these details as required and will be included in the recommended condition set.

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State Environmental Planning Policies, the MWRLEP 2012 and the DCP, the proposal able to be supported.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA0111/2023 is recommended for approval subject to the conditions of consent contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject land comprises one allotment, legally identified as Lot 2 DP1252505 at 62 Putta Bucca Road, Putta Bucca. The allotment is part of the property known as the Glen Willow Regional Complex which includes some eight lots with the address of 58 Pitts Lane, Putta Bucca.

The subject lot is located to the north west of the existing Glen Willow Regional Sporting Complex which is located on the outskirts of Mudgee, approximately 1.5 kilometres from the Mudgee Post Office. The site is accessed off Putta Bucca Road, approximately 500 metres north of Castlereagh Highway. A new road is currently been constructed through the subject lot which will provide through access from Putta Bucca Road to the Glen Willow Regional Sporting Complex and Pitts Lane/Ulan Road. A Location Map is provided below in Figure 1.

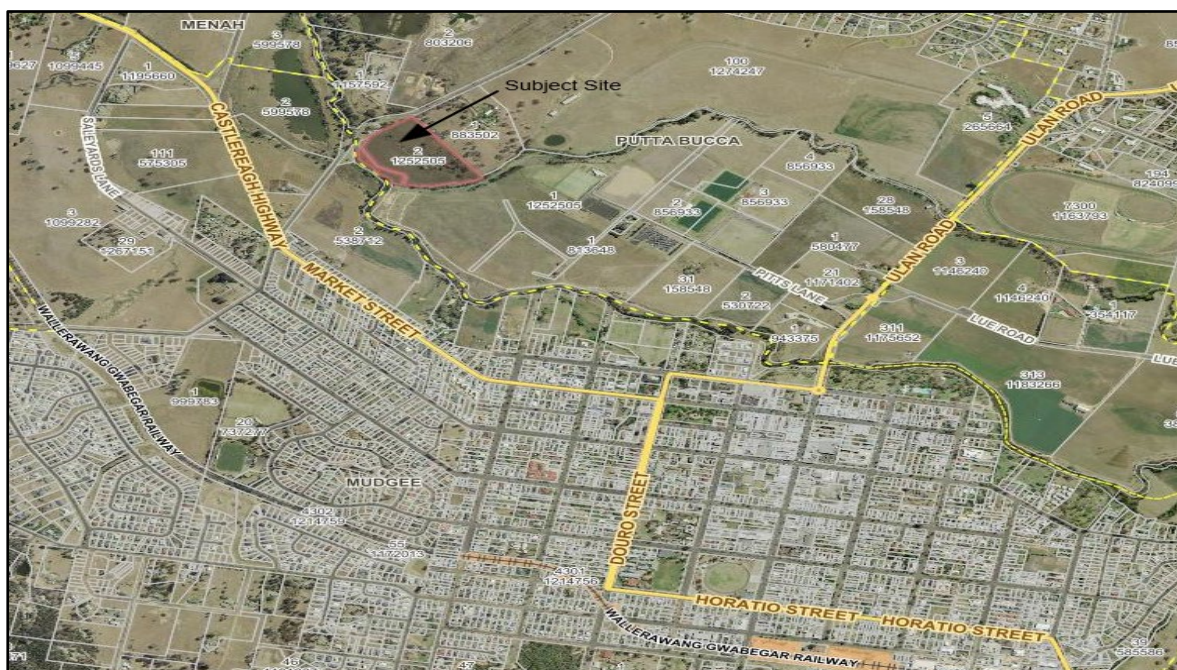


Figure 1: Location Map

The subject lot has a total area of 7.149 hectares and is bounded by the Cudgong River on its west side and Lawson Creek on its south side. The site is flat where it is within the flood plain of the Cudgong River and Lawson Creek and rises gently to the north. The elevation of the land ranges from 446m AHD on the floodplain to 457m AHD at the highest point on the northern boundary with a change in elevation of 11m across the site. An aerial photo of the subject site is in Figure 2 below.



Figure 2: Aerial image of the site and surrounds

The site is constrained by electricity easements (15m wide) for overhead power lines generally along its north-east and north-west boundaries. The site is not mapped as being bushfire

prone although unmanaged grassland in the vicinity of the proposed development could be seen as a bushfire risk.

A partially constructed pedestrian / cycle pathway adjacent to the Cudgegong River cuts through part of the site. An existing dwelling is located within the site with a number of sheds recently removed. Earthworks have commenced on the site in accordance with a previous development consent which will be part of the building pad for the proposed development. Photos of the site showing the earthworks and existing dwelling are provided in Photos 1, 2 and 3 below.



Photo 1: Subject site looking toward the northern boundary showing current earthworks being undertaken and approved under DA0233/2022



Photo 2: Subject site (further west from Photo1) looking toward the northern boundary showing current earthworks being undertaken and approved under DA0233/2022



Photo 3: Subject site (further west from Photo 1 and 2) showing extent of current earthworks and the existing dwelling to be used as a managers residence

1.2 The Locality

The surrounding land is semi-rural in nature and characterised by the following key features:

To the south and east the lot is bounded by the Cudgegong River and Lawson Creek. Across the Cudgegong River is farm land and to the east across Lawson Creek is the Glen Willow Regional Sports Complex. The Glen Willow Regional Sporting Complex is a sporting complex which hosts a number of local and regional sporting events and provides facilities for a range of different sports and codes and includes a stadium field with grandstand, multiple multi-purpose fields, netball courts, clubhouses and other associated amenity buildings. It is proposed to consolidate the subject lot with Lot 1 DP1252505 which contains part of the existing sporting complex.

To the north of the site is a rural residential property containing a heritage item, being Putta Bucca House. This site also contains an existing dwelling and marquee that has been used for functions. It should be noted however, that a search of Council records was unable to locate any development consent for functions undertaken on this site. This is further discussed in the body of this report.

Adjoining the site to the south-west within the Putta Bucca road reserve is the Putta Bucca sewer pumping station. The sewer pumping station is owned and operated by Mid-Western Regional Council. Across Putta Bucca Road is a concrete batching plant and the Putta Bucca Wetlands.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the construction of a Sports Training and Accommodation Facility ancillary to the existing recreational facility. Specifically, the proposal involves:

- The consolidation of the subject lot (being Lot 2 DP1252505) with Lot 1 DP1252505 containing the existing Glen Willow Regional Sporting Complex (refer Figure 3 for the location of these proposed lots).
- Extension of earthworks and retaining walls approved under DA0233/2022 to include the car parking area.
- The construction of a Sports Training and Accommodation Facility, over three buildings and associated access, bus parking and car parking (refer Figures 4 and 5 for extracts of site plans and perspectives, a full copy of the architectural plans is available in Attachment B).
- The provision of a building identification sign to the front of Building A as shown on the architectural plans.
- Conversion of the existing dwelling to a manager's residence. This relates to the use only with any upgrade works to be the subject of a separate development application.
- Construction of a driveway to the manager's residence from the link road and provision of one car parking space.
- The connection of the facility to new water and sewer mains and connection to existing electricity and communication services.
- The provision of two 120,000L concrete water tanks for stormwater detention.
- No trees are required to be removed to accommodate the development.



Figure 3: Subject lot (Lot 2 DP1252505) to be consolidated with Lot 1 DP1252505 containing part of the Glen Willow Regional Sporting Complex.

Details of the Sports Training and Accommodation Facility over three buildings are as follows:

Building A (closest to the car park) will contain a training camp facility that accommodates:

- A gym
- 2 seminar rooms (with retractable doors)
- Kitchen/dining/lounge area (with retractable doors)
- Games room

- Medical room
- Prayer room
- Laundry room
- Office
- Toilet facilities and
- Store rooms

To the rear of the training camp facility building will be an outdoor seating/barbeque area, fire pit and recovery area. Two further buildings (identified as Building B and C) will be constructed to the rear and will be used for accommodation that will sleep up to 96 people over the two buildings.

Table 1 below provides an overview of the Development Data and Figures 4, 5 and 6 give extracts of the proposed site plans and perspectives of the proposed development. A complete set of plans is available in Attachment B. Figure 7 shows the Glen Willow Master Plan showing how the proposal will be integrated with existing / future development of the Glen Willow Sporting Complex.

Table 1: Development Data

Control	Proposal
Site area	7.149 hectares
GFA	The total development footprint, including car parking is approximately 7,500m ² , the total building footprint is 2,695m ² .
FSR (retail/residential)	Not applicable – no FSR controls under the MWRLEP
Clause 4.6 Requests	No
No of apartments	Not applicable. The proposed accommodation consists of 32 rooms which will sleep up to 96 people.
Max Height	6.15m
Landscaped area	Within the development footprint area and along the western edge of the development footprint area as shown on the submitted landscape plans.
Car Parking spaces	34 car spaces and 2 bus parking bays.
Setbacks	Front setback - ~138m South and rear setback ~100m North setback – 17m

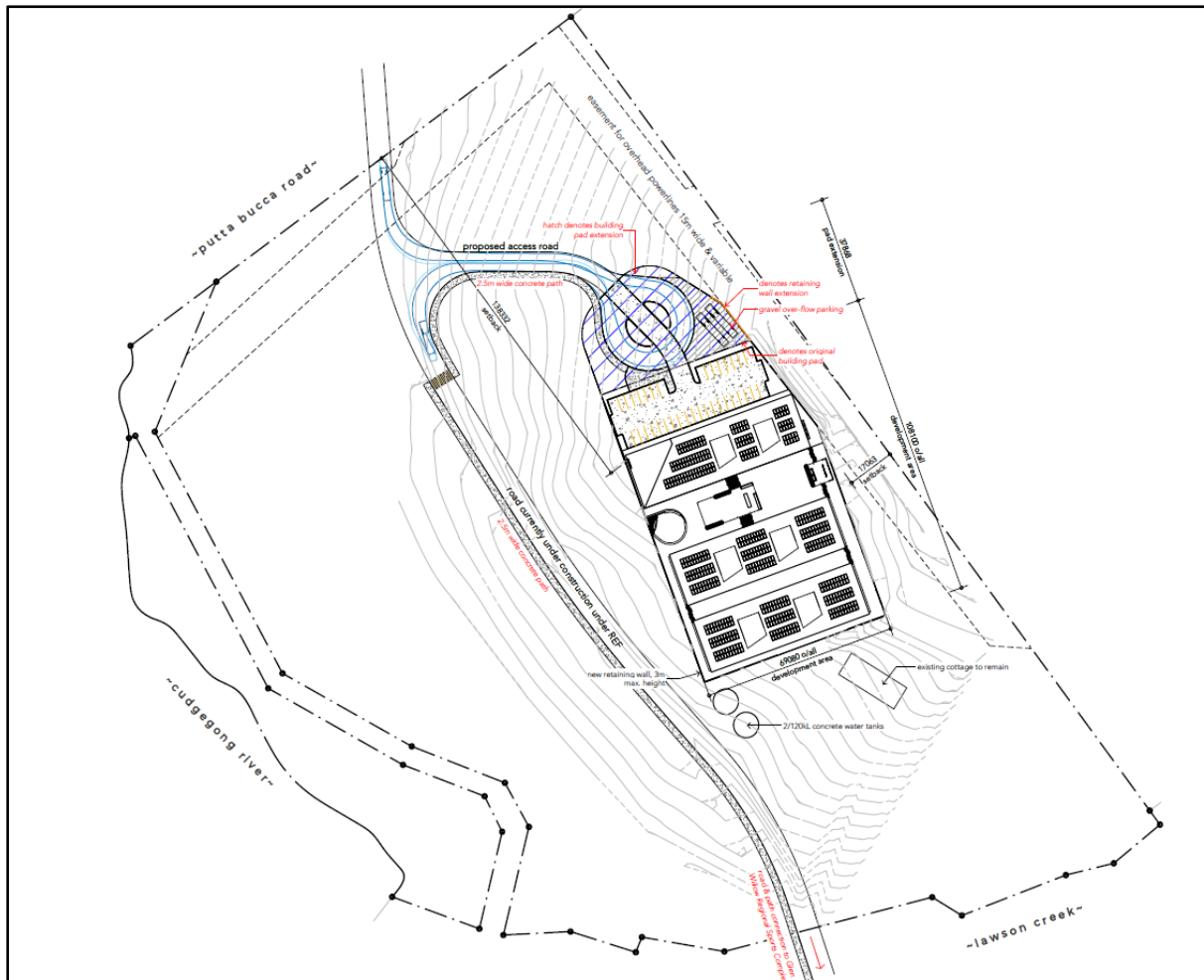


Figure 4: Extract from Architectural Plans, Proposed Site Plan



Figure 5: Extract from Architectural Plans - Entry Perspective

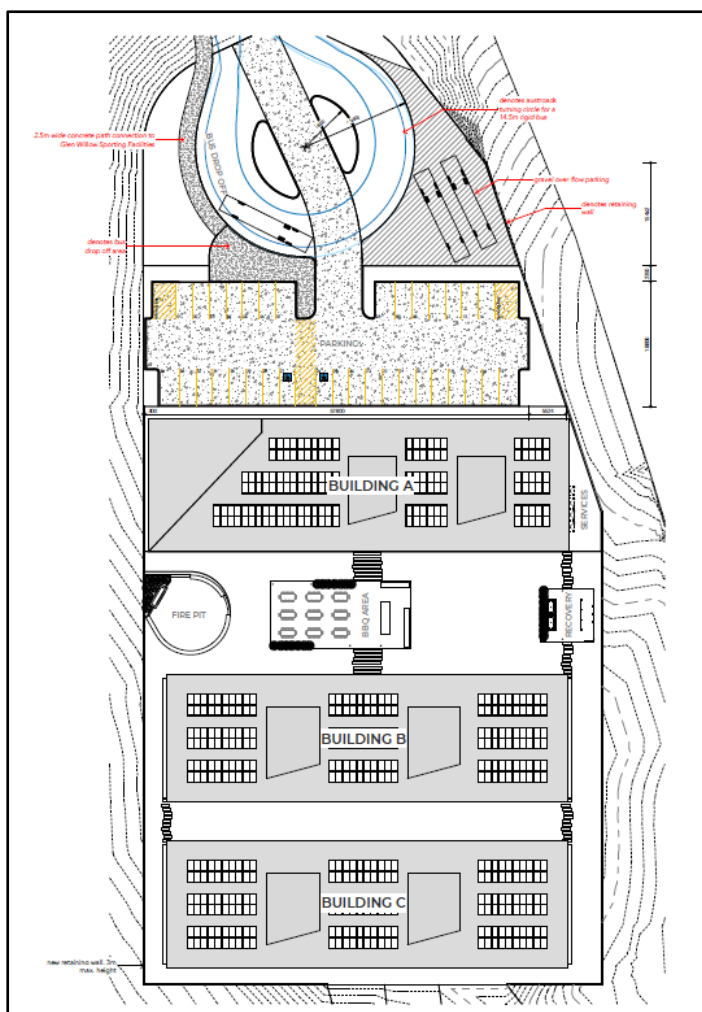


Figure 6: Extract from Architectural Plans - Proposed Part Site Plan



Figure 7: Glen Willow Master Plan

2.2 Background

The development application was lodged on **28 September 2022**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
28 September 2022	DA lodged
7 October 2022	Application referred internally to Council Departments, Health and Building, Development Engineer and Environmental Health Officer.
12 October 2022	Application referred to Essential Energy over the Planning Portal.
14 October 2022	Exhibition of the application.
21 October 2022	Request for additional information from Council to applicant.
28 October 2022	Close of exhibition of the application, two submissions received.
31 October 2022	Response received from Essential Energy.
15 November 2022	Applicant provided response to request for additional information resulting in the lodgement of the following documents: • Access Plan (prepared by Triaxial Consulting Drawing No. C2.00 Issue B) • Civil Construction Documentation Carpark Extension Bulk Earthworks (prepared by Barnson Drawing Numbers 38046-C10 to 38046-C18) • Sewerage Servicing Diagram / Site Plan (prepared by Mid-Western Regional Council dated October 2022) • Glen Willow Master Plan (dated 29/10/2022) • Site Plan (prepared by Barnson Pty Ltd Drawing no. 38046-A02 Revision E) • Statement of Environmental Effects (v2) prepared by Navigate Planning and dated 10 November 2022.
1 December 2022	Applicant lodged letter requesting Sunday work to be considered as a condition of consent.
24 January 2023	All referral responses by internal Council departments received.
21 March 2023	Panel briefing and Site Inspection

19 April 2023	The following information was lodged on the Planning Portal: • Addendum to acoustic report • External Colour and Materials Schedule • Amended plans showing - Bus parking on all relevant plans - “Pop-up” windows on the roof of all three buildings removed. - Internal modifications to the Kitchen area in Building A. - Internal modifications to the bathrooms within accommodation buildings (Building B and C).
----------------------	--

2.3 Site History

Council purchased the subject lot and adjoining lot to facilitate additional recreation development and public open space including the proposed training and accommodation camp. A planning proposal was lodged for the rezoning of the land from RU4 Small Lot Primary Production to RE1 Public Recreation. This rezoning anticipated the use of the site for the training and accommodation camp subject to future development consent. This rezoning has now been completed, gazetted on 22 July 2022.

Development Application DA0233/2022 was issued on 8 June 2022 for demolition, earthworks and retaining walls on the subject site. The earthworks and retaining walls under this existing approval will be utilised by the proposed development for the training and accommodation camp. An extract from the approved plans is shown in Figure 8 below. Additional earthworks and retaining walls will be required to accommodate the proposed car parking area and are included in this application. Works in relation to DA0233/2022 have commenced under Construction Certificate CCP0039/2023.

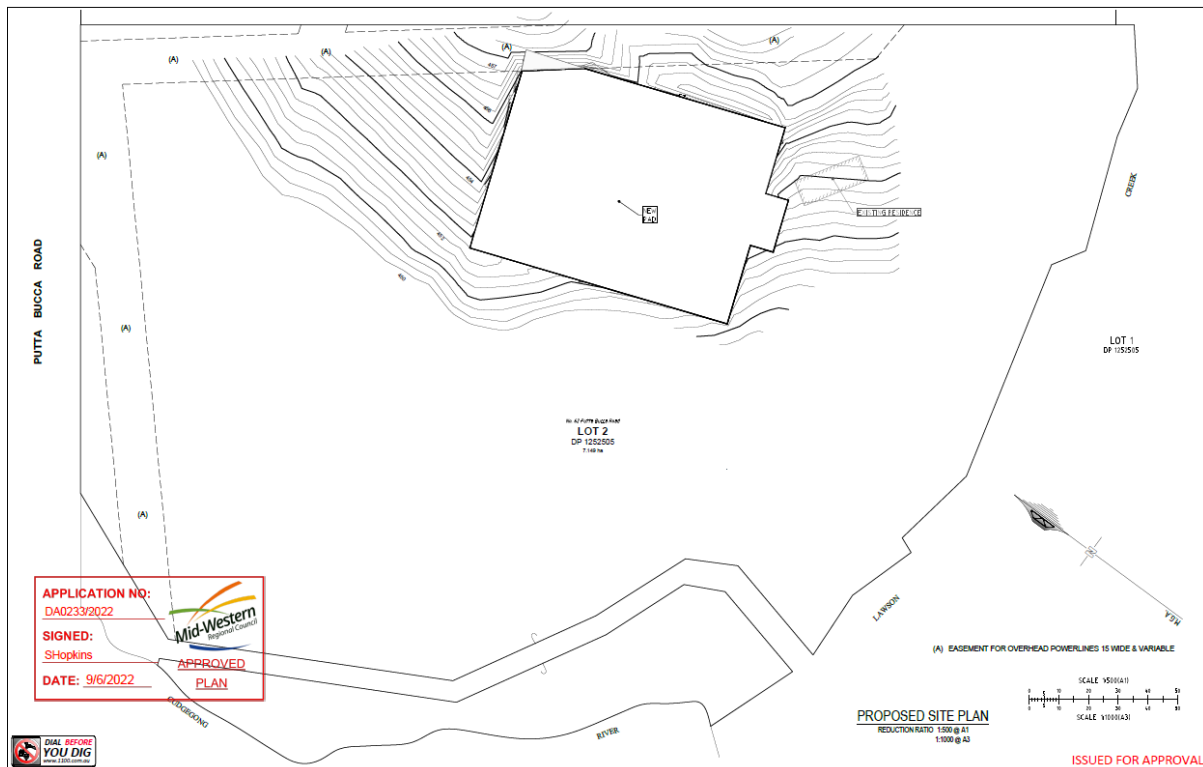


Figure 8: Approved plan under DA0233/2022 for earthworks and retaining wall

A new road from Putta Bucca Road, through the site to the Glen Willow Regional Sporting Complex is being undertaken under Part 5 of the Environmental Planning and Assessment Act 1979. This involves the construction of a new road from Putta Bucca Road, through the subject site and across Lawson Creek to connect Glen Willow to Putta Bucca Road. This road will provide alternate access to Glen Willow Sporting Complex which is currently accessed from Pitts Lane and also connects the proposed development to Putta Bucca Road and Glen Willow Sporting Complex. The location of the road is shown on the site plan provided in Figure 4 (previously in this report) and is currently under construction.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46);

- Designated Development (s4.10); or
- Crown DA (s4.33)

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazard) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Mid-Western Regional Local Environmental Plan 2012*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	<u>Chapter 2: State and Regional Development</u> Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 3 of Schedule 6.	Y
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<u>Chapter 4 Koala Habitat Protection 2021</u> There is no koala plan of management applying to the land and the land is not identified as core koala habitat. No trees are proposed to be removed and therefore no impact is identified on koalas or koala habitat	Y
State Environmental Planning Policy (Resilience and Hazards) 2021	<u>Chapter 4: Remediation of Land</u> Section 4.6 – Contamination and remediation has been addressed including review of the history of the site. As detailed in the SEE the site has historically been used for both grazing and milking purposes. There is no evidence of any previous uses that is likely to have caused contamination of the site. The proposal is satisfactory.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure</u> Section 2.48(2) (Determination of development applications—other development) – electricity transmission.	Y

	Electricity easements and overhead lines impact the site. The application has been referred to Essential Energy. Essential Energy has provided general comments. The proposal is satisfactory.	
Mid-Western Regional Local Environmental Plan 2012	Section 2.3 – Permissibility and zone objectives Section 5.21 – Flood Planning Section 6.3 – Earthworks Section 6.4 – Groundwater vulnerability Section 6.5 – Terrestrial biodiversity Section 6.8 – Airspace operations Section 6.9 - Essential Services	Y

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) applies to the proposal as it identifies if development is regionally significant development. Pursuant to Section 2.19(1) of the Planning Systems SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 3 of Schedule 6 of the Planning Systems SEPP as the proposal is *Council related development* with a CIV over \$5 million as Mid-Western Regional Council is applicant for development consent and the owner of the land for which the development is to be carried out. Accordingly, the Western Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala Habitat Protection 2021

Chapter 4 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity SEPP) applies to the proposal as the development site is greater than 1 hectare and Mid-Western Regional Council is listed within Schedule 2 of the Biodiversity SEPP. The subject land is not identified as potential or core koala habitat and no koala plan of management exists for the area.

The proposed development will not require the removal of any trees or koala habitat under this Policy. Therefore, no further consideration of the Biodiversity SEPP is considered necessary.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 requires consent authorities to consider whether the land is contaminated, and 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.

As detailed in the Statement of Environmental Effects submitted with the application, the site has historically been used for both grazing and milking purposes. On further review of available Council records and aerial imagery, there is no evidence of any previous uses that are likely to have caused contamination of the site. The subject site is therefore not considered to be contaminated land and is therefore suitable for the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Division 5 Electricity transmission or distribution

Section 2.48 Determination of development applications—other development

Electricity easements and overhead lines impact the site. Pursuant to Section 2.48(2) the application has been referred to the electricity supply authority for the area, Essential Energy for comment about potential safety risks. Essential Energy has provided general comments in relation to the application. The proposal is satisfactory.

Mid-Western Regional Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Mid-Western Regional Local Environmental Plan 2012* ('the LEP'). The relevant aims of the LEP are as follows:

- (b) to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—*
 - (i) land of significance to agricultural production, and*
 - (ii) soil, water, minerals and other natural resources, and*
 - (iii) native plants and animals, and*
 - (iv) places and buildings of heritage significance, and*
 - (v) scenic values,*
- (d) to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,*

The proposal is considered to remain consistent with the relevant aims of the LEP as the proposal will contribute to the economy while supporting and celebrating the rural and natural attributes of the surrounding area. The development has been appropriately designed and located to minimise impacts to the surrounding natural environment and conserves existing scenic values.

Zoning and Permissibility (Part 2)

The site is located within the RE1 Public Recreation Zone pursuant to Clause 2.2 of the LEP. A copy of the zoning map is provided in Figure 9.

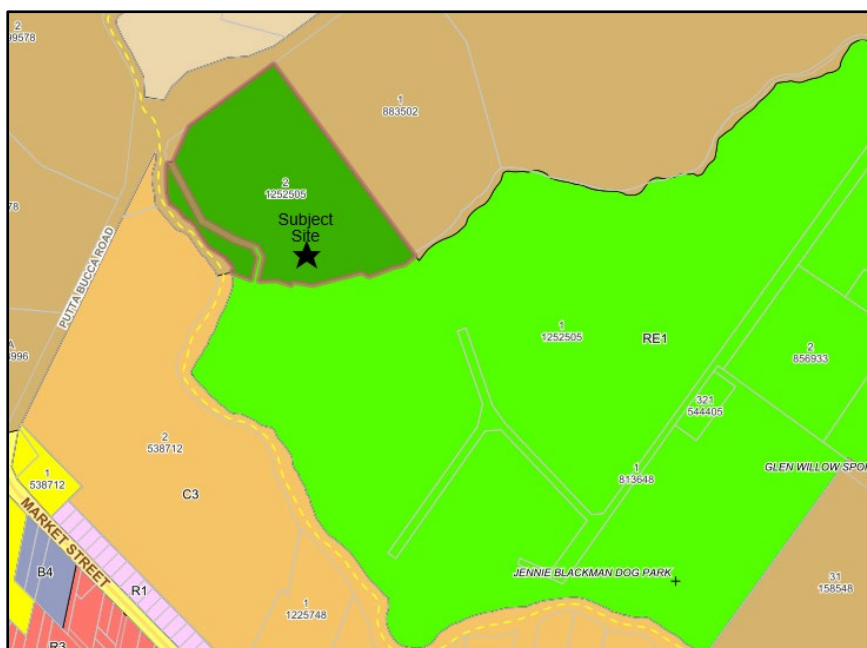


Figure 9: Mid-Western Regional LEP 2012 Zoning Map

According to the definitions in Clause 4 (contained in the Dictionary), the proposed development is defined as **ancillary** to the Glen Willow Regional Sports Complex which is defined as a **recreational facility (major)** and **recreation area**.

A **recreational facility (major)** and **recreation area** are permissible with consent in the Land Use Table in Clause 2.3 and defined as follows under the MWLEP 2012:

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

The objectives of the RE1 Public Recreation Zone include the following (pursuant to the Land Use Table in Clause 2.3):

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The proposal is considered to be consistent with these zone objectives as the proposal will ensure that the land is continued to be used recreational purposes and compatible land uses. The proposal is also sufficiently sited so that it does not impact on the adjoining riparian

corridor with further landscaping proposed to contribute to the enhancement of the natural environment.

Ancillary nature of development

The applicant has provided a full assessment and justification of the ancillary nature of the development in the submitted Statement of Environmental Effects (SEE) using the Department of Planning, Industry and Environment Planning Circular PS13-001 *How to characterise development* as a guide. The following is an extract from the SEE, justifying the ancillary nature of the proposal:

At the Glen Willow Regional Sports Complex, the dominant purpose is the undertaking of various sporting activities being defined as recreation facility (major) and recreation area. The Sports Training and Accommodation facility as it provides an opportunity for sports teams to train and stay overnight on the subject land.

The proposed development is solely for the use of sports teams and sports persons who are engaged in sporting activities at Glen Willow. The purpose of the proposed development is therefore recreation facility (major) and recreation area.

The proposed development, if it were not ancillary to the Glen Willow Regional Sports Complex, would best fit the definition of tourist and visitor accommodation. However, the development does not serve this purpose separately from Glen Willow. Its only use is in conjunction with Glen Willow. Therefore, the sports training and accommodation facility does not serve its own purpose.

Further to the above, it is considered that the following features of the proposal further justify its ancillary function:

- Physically, the centre is located close to the Glen Willow Sporting Complex and will be connected through a proposed new link road and footpath / cycleway.
- Legally, the development will be connected through the zoning of the land and consolidation of lots containing the proposed training and accommodation facility and the Glen Willow Sporting complex.

The Training and Accommodation Facility will be used only by teams and other people undertaking sporting activities at Glen Willow and will meet the dominant purpose of *recreation facility (major)* and *recreation area* by being an ancillary building that will complement the existing sporting fields and facilities at the sporting complex. The development will be physically and legally connected to the Glen Willow Sporting Complex and the internal layout of the centre itself is specifically designed to accommodate these persons including training areas (gym, lecture rooms etc), relaxation areas and accommodation buildings to the rear. For these reasons, it is considered that the development is appropriately characterised as ancillary to the existing Glen Willow Sporting Complex use.

Recommended conditions of consent as outlined in **Attachment A** have been included to ensure the ancillary nature of the development.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Section 5.10 Heritage Conservation	<i>To conserve the environmental heritage of Mid-Western Regional; to conserve the heritage significant of heritage items and heritage conservation areas, including associated fabric, settings and views, to conserve archaeological sites; to conserve Aboriginal objects and Aboriginal places of heritage significance.</i>	The subject site is not located within a heritage conservation area nor is it identified as a Heritage Item. The development is located adjacent to Heritage Item I371 described as Loneragan homestead (Putta Bucca) in Schedule 5 of the MWRC LEP. The item is also known informally as "Putta Bucca House". The proposal is sufficiently set back from the boundaries and sited so as not to impact the surrounds/setting of the heritage item or views to the heritage item from public areas. No aboriginal objects or aboriginal places of heritage significance known to be located on the site. Notwithstanding this, a condition will be included in case any expected finds are uncovered during construction works.	Yes
Section 5.21 - Flood Planning	<i>To minimise the flood risk to life and property associated with the used of the land, to allow development on land that is compatible with the flood function and behaviour on the land, to avoid adverse or cumulative impacts on flood behaviour and the environment, to enable the safe occupation and efficient evacuation of people in the event of a flood.</i>	The development will be located well above the 1% AEP flood event. Conditions will be imposed to ensure safe evacuation of the site. A full assessment against the provisions of this clause is provided at the end of this table.	Yes

Section 6.3 - Earthworks	<i>To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i>	No significant impacts identified. Earthworks are proposed to accommodate the car parking area (with all other earthworks approved under separate development consent). The earthworks have been assessed to cause minimal impacts to the adjoining properties and the environment, subject to the inclusion of conditions.	Yes
Section 6.4 - Groundwater Vulnerability	<i>Maintain the hydrological functions of key groundwater systems and protect vulnerable groundwater resources from depletion and contamination as a result of development.</i>	The site is identified as groundwater vulnerable in accordance with Council's mapping. It is not expected that the development would cause groundwater contamination, adversely affect any ground water dependent ecosystems, will not cumulatively impact potable water supply and therefore no special measures are required. Notwithstanding this a condition will be imposed requiring a storm water and groundwater management plan to be provided to ensure no adverse impacts.	Yes
Section 6.5 - Terrestrial Biodiversity	<i>Protect native fauna and flora, protect the ecological processes necessary for their continued existence, and encourage the conservation and recovery of native fauna and flora and their habitats.</i>	The site is partially mapped as high biodiversity sensitivity located in the vicinity of Cudgegong River. The proposed works are not located in any area identified as having moderate or high biodiversity. Furthermore, no trees are required to be removed as part of the proposal. No further consideration is necessary.	Yes
Section 6.8 - Airspace Operations	<i>Provide for the effective and ongoing operation of the Mudgee Airport and protect the community from undue risk from that operation.</i>	The proposal will not penetrate the relevant height limits for safe operation of the Mudgee Airport.	Yes

Section 6.9 - Essential Services	<i>To ensure that water, electricity, sewer, storm water and road access is available or that adequate arrangements have been made to make them available for the development.</i>	All essential services that are relevant to the proposal are available or will be available as a result of the development as follows: (a) Reticulated water is proposed to be extended to the development (b) Electricity is available to the site. (c) Reticulated sewer is proposed to be extended to the development. (d) Adequate stormwater drainage including on-site detention has been proposed as discussed throughout this report. Suitable conditions are recommended. (e) Road access to the development will be provided from the new road currently under construction. This road will connect Putta Bucca Road to Glen Willow Sporting Complex and Pitts Lane.	Yes
--	--	---	-----

Given the above, the proposal is considered to be generally consistent with the LEP. Further consideration of MWRLEP Sections (as relevant) is provided below.

Section 5.21 – Flood Planning

Mudgee Flood Study 2021 mapping indicates that the site is affected by riverine flooding during the 1% AEP flood event and PMF flood event as shown in Figure 10 below. Accordingly the requirements of this Section apply to the proposal.



Figure 10: Mudgee Flood Study 2021

Part 2 of this Section requires the following:

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 building footprint and car parking area will not be located within the 1 in 100 flood and PMF flood mapped areas. Flooding impacts are limited to evacuation routes during the PMF Flood event.

Given the development is not located within the mapped 1 in 100 flood event or the PMF flood event, the development is unlikely to adversely affect flood behaviour and no particular measures are required to the building fabric or car parking area to mitigate the impact of flooding.

Evacuation of the site is impacted by PMF flood events but is possible in events up to and including the 1% AEP flood. In the PMF flood event the external access road currently under construction will be impacted. Walk out evacuation to the north east is available by a rising failsafe evacuation route is possible and sheltering in the facility is also possible (although not desirable) given the proposed building floor levels are well above both the 1% AEP and PMF flood events. In order to effectively manage early evacuation of the site suitable conditions

have been recommended in relation to the preparation of a Flood Evacuation Management Plan for the safe evacuation of the site prior to levels reaching the 1% AEP flood level.

Given the location of the development outside of the flood mapping events, adverse impacts to the environment, avoidable erosion, siltation or other impacts to riparian vegetation / environment are considered unlikely to be significantly increased as a result of the development. Notwithstanding this, standard conditions to ensure appropriate erosion and siltation controls are implemented during construction until earthworks have been stabilised are recommended.

Given the above, the proposal is considered to be consistent with the requirements of Section 5.21 subject to the inclusion of recommended conditions.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no draft instruments that have been the subject of public consultation under the EP&A Act, and are relevant to the proposal.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Mid-Western Regional Development Control Plan 2013 (Amendment No. 5)* ('the DCP')

An assessment is made of the relevant chapters and section of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 4.4 Signs

It is proposed to display a building identification sign to the front of the building which reads "Glen Willow Centre of Excellence" as shown on the architectural plans submitted with the application.

The proposed size, location and design of the signage will complement the proposed building. The sign will not be illuminated and will be well set back from Putta Bucca Road. As such, the proposed signage is considered to be appropriate to the building and semi-rural setting of area.

Part 5.1 Car Parking

The plans provided show provision for 34 car parking spaces (including two disabled spaces), parking for two bus parking spaces and two turning bays at each end of the car parking area.

Part 5.1 Car Parking does not specify a numerical car parking rate for Recreation Facilities, stating the requirement "As determined by Council, but generally a minimum of 20 spaces plus spectator parking". Given that there are no spectators associated with this facility, car parking is only required for the facility itself.

The facility is proposed to be used by visiting sporting teams who will most likely travel by bus as a group or through shared travel / carpooling. Assuming a bus seating capacity of 45 to 50 seats per bus, the entire facility could easily be filled by two teams travelling in buses. Should users of the facility instead travel by groups in cars, a rate of 3 to 4 people per vehicle would be appropriate. Assuming the facility was fully booked, this would equate the need for between

24 to 32 car parking spaces. While this scenario is considered unlikely, the provision of 34 dedicated car parking spaces will cater for such an occurrence.

Accordingly, the provision of 34 car parking spaces and 2 bus parking spaces is considered acceptable and to comply with the requirements of Council's Car Parking DCP.

Part 5.2 Flooding

The site is partially affected by Mudgee Flood Study 2021, however the building development and car parking area are both located outside the mapped area with only evacuation routes impacted by the PMF event. This can be addressed by the inclusion of suitable conditions as discussed previously in this report. Given the building footprint and car parking area are outside the 1 in 100 event and the PMF event no particular mitigation measures to the building or car parking area are required.

Part 5.3 Stormwater Management

Stormwater drainage from the proposed hardstand areas are being directed to two 120,000 litre rainwater tanks for reuse. Overflow from the tanks will be directed to the drainage system within the new link road. The majority of the access road will grade towards the link road however, the maneuvering area, and car parking areas will require a separate drainage system, further details of the system will be required. Conditions of consent will be included requiring full drainage details including on-site detention and water quality water measures being provided prior to the issue of the Construction Certificate.

The development is affected by overland flow from an external catchment on the eastern boundary of the site. The external catchment is approximately 1ha in area and flows from a ridgeline contained within the adjoining Putta Bucca House. The stormwater management plan prepared by Triaxial Consulting proposes the provision of a swale drain above the retaining wall on the sites eastern boundary with flows being directed around the facility and discharged to a vegetated gully at the rear of the site. While this arrangement is considered generally acceptable, the plans are silent on the lining / treatment of the swales. A suitable condition has been included in relation to this.

Part 5.4 Environmental Controls

- *Protection of Aboriginal Archaeological Items*
The subject site is located adjacent to the Cudgegong Rivers and Lawson Creek. An Aboriginal Heritage Due Diligence Assessment was undertaken by Apex Archaeology in May 2021 to inform the planning of the new road connection through the site which is also useful for the proposed development as it relates to the same land. The report identified that the area to be developed is already significantly disturbed and did not identify any items of significance in the vicinity of the proposed development. Recommended conditions have been included for any unexpected finds.
- *Bushfire Management*
The subject site is not mapped as bushfire prone. The applicant has undertaken an assessment in their SEE of the bushfire risk in the area, noting that "The only significant stands of vegetation in close proximity to the site are along the Cudgegong River and Lawson Creek including at Putta Bucca Wetlands. Other land around the subject site is mostly managed land, such as Putta Bucca House, the Glen Willow Regional Sports Complex, the concrete batching plant and managed farmland. However, there are patches of unmanaged grassland around the site that could present a risk to the proposed development." As a bushfire risk has been identified appropriate measures should be considered to protect users of the facility in the event of a bush fire. The applicant has

undertaken an assessment against the provisions of Planning for Bushfire Protection (PfBP 2019) in the SEE and the conclusions / recommendations are supported which will require the following to be implemented:

- Buildings to be constructed to BAL29
- Minimum Asset Protection Zone (APZ) of 17 metres in all directions to be provided.
- Access to meet the relevant requirements of PfBP
- Utilities (Water, Electricity etc) to be provided in accordance with the requirement of PfBP 2019.
- Emergency Management Planning with Evacuation Plan to be prepared.

Suitable conditions have been recommended in Attachment A.

- *Riparian and Drainage Line Environments*
The footprint of the proposed facility is not located within or in close proximity to any riparian lands or drainage line.
- *Pollution and Waste Management*
Waste management during construction and operation of the facility is able to be managed through recommended conditions of consent.
- *Threatened Species and Vegetation Management*
No native vegetation / trees are proposed to be removed to facilitate the development. The proposed development will be located on the part of the site, well separated from vegetation located in the along and in the vicinity of Cudgegong River and Lawson Creek. No adverse impacts to threatened species have been identified.
- *Building in Saline Environments*
The subject land is not considered to have high levels of salinity.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions:

- *Mid-Western Regional Contributions Plan 2019*

This Mid-Western Regional Contributions Plan 2019 (Contributions Plan) has been considered. Part 2.7 of the Contributions Plan specifies that the plan does not apply to:

Public infrastructure to be carried out by or on behalf of any public authority including Council.

The development is considered to be public infrastructure as the development will be carried out by Council on Council owned land. Any profits generated from the development are directed to Council as *unrestricted cash*, and spent for the benefit of the wider community. Accordingly, no contributions are levied under the Contributions Plan.

- *Developer Servicing Plans for Water and Sewer (August 2008)*

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will be required to obtain a Certificate of Compliance under the Water Management Act 2000, this will require the payment of DC headworks charges calculated as follows:

Water Headworks = 7.430464 ET/units @ \$9,023 per ET/unit = \$67,045.08

Sewer Headworks = 9.150464 ET/units @ \$4,119 per ET/unit = \$37,690.76

Total Headworks = \$104,735.84

A recommended condition has been included in Attachment A.

3.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

These provisions have been considered and addressed in the draft conditions (where necessary).

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the locality. The surrounding area is semi-rural in nature with the facility appropriately located within the site to complement its immediate surroundings and the larger context. The facility is well set back from the Putta Bucca frontage and cut into the site so that it does not adversely impact the existing streetscape as a result of scale and massing. Its siting on the site also minimises impacts to existing views and vistas from both public areas and adjoining properties including to the mountains surrounding Mudgee.

The siting of the proposal has also considered impacts from adjoining uses including noise from surrounding uses (concrete batching plant, Putta Bucca House, Glen Willow Sporting Complex) which is further discussed in the body of this report, as well as potential odour impacts from the Putta Bucca sewer pumping station (SPS) located to the south-west of the site within the Putta Bucca road reserve (also discussed in the body of this report).

Given the above, the proposal is considered to be generally consistent with the context and setting of the site.

- Access and traffic – The application is supported by a Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates and has also been considered by Council's Development Engineer.

Access

Access to the site will be from Putta Bucca Road via an internal road network which links the site to Putta Bucca Road and existing Glen Willow Sporting Complex site. This internal road has already been approved under Part 5 of the EP&A Act and does not form part of this application. It is noted that these works are already under construction. Access works associated with this application are limited to the connection of the proposed car parking, bus parking and maneuvering area to the abovementioned link

road and the construction of a driveway access from the link road to the manager's residence.

The access road and turning head have both been designed to accommodate the swept path of a 14.5m bus. The access road is shown as 8 metres wide on the plans, this width is considered acceptable and will be included a condition of consent.

The driveway for the proposed manager's residence is only required to be 3 metres in width, this will also be included as a condition of consent.

Car Parking

The proposed facility will provide accommodation for up to 96 people in 32 rooms. The proposal seeks to provide onsite parking for 34 cars (including 2 disabled spaces) and parking for 2 buses. The provision of parking is considered acceptable based on the facility being used by visiting sporting teams who will most likely travel by bus as a group or through shared travel / carpooling.

Traffic

The traffic and parking assessment prepared by Transport and Traffic Planning Associates (TTPA) provided an assessment with respect to traffic generation, concluding that the training camp would generate no more than some 10-15vtp/h and whether these arrive/depart via the Castlereagh Highway/ Putta Bucca Road or Ulan Road/Pitts Lane/Lue Road there will not be any perceptible adverse traffic impact (capacity or road safety). Given the facility will be used concurrently with the Glen Willow Sporting Complex, it is considered that the majority of the traffic associated with the facility would already be occurring as result of the various sporting events held on site.

Additional vehicle movements would be minimal and in line with that estimated by TTPA above. A peak of 10 to 15 peak hour vehicle trips equates to one trip every 4 to 6 minutes, which is unlikely to be perceptible or reduce existing levels of service on the surrounding road network. It is also likely that teams staying at the facility will utilise the proposed link road and pedestrian pathways to get to the nearby sporting fields, that is, vehicle movements are likely to be internalised and not impact on the external road network. This arrangement is considered acceptable.

- Public Domain – The proposed development will not impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces. The proposed development improves on the existing public domain and adjoining open space areas and will contribute to facilitating pedestrian and cycle linkages to and around the Glen Willow Sporting Complex.
- Utilities – All relevant utilities that are relevant to the proposal are available or will be available as a result of the development. Reticulated water and sewer services will be extended to service the development. Electricity is also already available within the site.
- Heritage – The subject site is located adjacent to a heritage item, Putta Bucca House, however no impacts on the heritage integrity of this item and its surrounds are envisaged given its significant separation from the development.

No aboriginal heritage items have been identified on the site or immediate surrounds, notwithstanding this a condition will be included for unexpected finds.

- Other land resources – No impact expected on the conserving and the use of valuable land, such as productive agricultural land, mineral or extractive resources, or water supply catchments.
- Water/Air/Soil impacts - No significant impact expected. The operation of the development is not expected to impact water / air quality or microclimatic conditions, recommended conditions are included to minimise dust during construction. The land is not known to be affected by subsidence, slip or mass movement, subject to contamination, and will not result in significant soil erosion or degradation.
- Flora and fauna impacts - No native vegetation / trees are proposed to be removed to facilitate the development. The proposed development will be located on the part of the site, well separated from vegetation located in the along and in the vicinity of Cudgegong River and Lawson Creek. No adverse impacts to threatened species have been identified.
- Natural environment – Earthworks will be undertaken to accommodate the car parking area in addition to the bulk earthworks already undertaken under DA0233/2022 which will alter the natural contours of the land. Earthworks will be managed with retaining walls and conditions of approval will be included to manage erosion and sediment impacts during construction. Natural stormwater drainage will be managed through diversion to Cudgegong River and Lawson Creek with suitable recommended conditions included.
- Noise and vibration – The application was supported by a Noise Assessment which was prepared for the rezoning of the land. This report included a preliminary assessment for the proposed Glen Willow Centre of Excellence. An addendum to the report was requested and submitted which addressed the updated plans for the proposed Training Centre and addressed any adverse impacts of noise from the Training Centre to Putta Bucca House as the closest residential receiver.

The original acoustic report prepared for the rezoning of the land included an assessment of likely noise impacts from adjoining land uses, including the concrete batching plant, sewer pumping station and Glen Willow Sporting Complex and events at Putta Bucca House. No significant impacts were identified that warrant further consideration other than potential noise from events held at the marquee at Putta Bucca House which adjoins the site to the north.

The addendum to the noise assessment, date 17 April 2023 noted the following in relation to noise generation from Putta Bucca House stating that:

The excavation for the training site allow for the land to the north of the training centre to act as a natural noise barrier reducing the noise levels that will affect both the common areas and the residential building B and C in the training centre. The Northern ends of the residential buildings do not include any external windows opening into habitable rooms of the accommodation.

...

Accommodation rooms on the side of buildings B facing the BBQ area would experience noise levels outside their windows of up to 49dBA when an event was on at Putta Bucca House event tent was in progress. Allowing for a 10dB via a partially open window the guest in these rooms would need to close the external windows to achieve a room noise level of 35 dBA inside the room.

It is noted that 35dBA is identified as the intrusive trigger level for the night period between 10pm and 7am.

Noise impacts as a result of the development to the adjoining Putta Bucca House were also considered in the addendum report. Noise sources identified included mechanical plant such as air conditioning units and kitchen exhaust fans, the outdoor area between Building A and B and traffic noise from the car parking area. These items are considered individually below:

Mechanical Plant

The addendum report recommends the placement of external plant as follows to minimise noise impacts:

1. Kitchen Exhaust Fan to be located no more than 5 m from the southern edge of the roof of Building A.
2. Any external air-conditioning condensing unit for Building A should be placed at the northern end of Building A. This allows for the raised land to the north of the training centre to protect noise to Putta Bucca house as a natural noise barrier.
3. Any, external air-conditioning condensing units used for the accommodation buildings (Building B and C) are to be located close to the northern or southern ends of the building. On the northern end the raised land to Putta Bucca House will act as a noise barrier and the southern end of the building the accommodation unit will be the noise barrier.

Outdoor BBQ Area

The addendum report recommends that events using amplified music and voice should be completed by 10pm, after 10pm any gatherings should be small and with groups notified to reduce noise from conversations and music. If required patron noise in the Firepit/BBQ area can be controlled by staff at the centre.

Traffic Noise

Recommends that signage should be used to advise patrons leaving and arriving at the centre to reduce noise generation that could impact neighbouring residents.

Overall, the total predicted noise levels at Putta Bucca House as a result of the proposed development were identified to be below the relevant trigger levels subject to the recommendations of the addendum being implemented.

Recommended conditions have been included in Attachment A.

- Natural hazards – The site is not mapped as bushfire prone land however the land is identified as having bushfire risk from unmanaged grassland. A bushfire assessment has been undertaken in accordance with the principles set out in Planning for Bushfire Protection 2019 (PFBP) which has been discussed previously in this report. Suitable conditions to minimise bushfire risk have been included in Attachment A.

As discussed previously in this report, the site is also mapped as being partially flood prone in the 1 in 100 and PMF flood events. The footprint of the buildings and car parking areas are located outside of the mapped areas. Evacuation of the site during a PMF flood event may be impacted. Suitable conditions have been recommended in Attachment A for the preparation of a flood evacuation and management plan for the facility.

- Safety, security and crime prevention – The development is considered to be generally consistent with principles of Crime Prevention through Environmental Design. The

proposal will result in increased passive / natural surveillance as result of the layout of the proposed building and surrounds including landscaping. Appropriate landscaping and lighting have also been incorporated into the design.

- Social impact – The proposal is considered to have a positive social impact on the locality.
- Economic impact – The proposal will have a positive economic impact on the locality through employment opportunities and the attraction of a variety of visitors to the region.
- Site design and internal design – The internal design and layout of the facility has carefully considered the end users of the building and their requirements including training facilities, recovery areas and layout of accommodation. Its proximity to the playing fields of Glen Willow and appropriate transport linkages (vehicle, cycling and pedestrian) will make this a user friendly development to benefit the whole community. The development has been designed to mitigate potential impacts through flooding, views, odour and impact on waterways whilst achieving on-site amenity. The siting of the development means that impacts to existing views are generally avoided.

The site and internal design are considered to be appropriate.

- Construction – All construction, including roads and buildings must comply with the applicable Australian Standards, Council Policies and Building Code of Australia (BCA) where relevant.

A condition will be included regarding the suppression and mitigation of dust to be employed during works on the site, and the implementation of erosion and sedimentation control measures.

It is noted that the applicant has requested extended construction hours to enable work on Sundays due to the restricted timeframes to build the facility. Council's standard construction hours generally restrict construction noise that is audible at other premises to Monday and Saturday between 7.00am to 5.00pm. The applicant has justified the proposed extension that the works will not be noisy and will not impact on neighbouring properties with the closest (Putta Bucca House) being 150m away.

Council's standard condition restricts construction work that is audible to other premises, but does not restrict work being undertaken which is not noisy. Notwithstanding this, it is recommended that the standard condition is amended to permit construction work to be undertaken on Sundays between 10.00am and 4.00pm subject to no power tools or heavy machinery being operated during this time. No construction work noise would be permitted on Public Holidays. A recommended condition is included in Attachment A.

- Cumulative impacts – The proposal is generally consistent with all relevant planning controls and an assessment of potential cumulative impacts has not generated any significant concerns. There are no known impacts that have the potential to act in unison, in terms of space or time, or owing to their repetitive nature, that would produce an effect greater or different than the sum of the separate parts.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.7 Section 4.15(1)(c) - Suitability of the site

(a) Does the proposal fit in the locality?

The proposal is considered to be appropriate for the locality. There are no hazardous land uses or activities nearby that would impact the operations of development in the future.

An assessment of the potential odour impact on the proposed development from the Sewer Pump Station (SPS) was lodged with the application which shows that the development is sufficiently set back from the SPS so that it is not expected to cause significant odour impacts to the training camp.

There are no constraints posed by adjacent developments and there are adequate utilities and transport facilities in the area available for the development.

(b) Are the Site Attributes conducive to Development?

The sites attributes are not considered to adversely affect the development proceeding. The site is not subjected to any significant natural hazards that cannot be managed appropriately through design methods, and the project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

3.8 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.9 Section 4.15(1)(e) - Public interest

The proposed development is considered to be within the public interest as a result of the significant economic and social benefits of the proposal, with minimal environmental impacts that can be appropriately mitigated.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy &	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	N/A	N/A

Science Group within DPIE)			
Rail authority for the rail corridor	CI 86(3) - <i>State Environmental Planning Policy (Infrastructure) 2007</i>	N/A	N/A
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	N/A	N/A
Electricity supply authority	CI 45 – Infrastructure SEPP Development near electrical infrastructure	General comments provided from Essential Energy.	Y
Rail authority	CI 85 – Infrastructure SEPP Development land that is in or adjacent to a rail corridor.	N/A	N/A
Transport for NSW	CI 104 – Infrastructure SEPP Development that is deemed to be traffic generating development in Schedule 3.	N/A	N/A
Transport for NSW	CI 18 - SEPP 64 Advertisement within 250m of classified road any part of which is visible from the classified road and subject to CI 17.	N/A	N/A
Design Review Panel	CI 28(2)(a) – SEPP 65 Advice of the Design Review Panel ('DRP')	N/A	N/A
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A	N/A
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	N/A	N/A

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Development Engineering	Council's Engineering Officer reviewed the submitted application information including: - Storm water Management Plan; - Civil Construction Documentation; - Traffic and Parking Assessment; - Servicing Diagram, - Architectural Plans / Site plan; and - Statement of Environmental Effects No objections raised subject to the inclusion of recommended conditions.	Y
Building Surveyor	No objections subject to the inclusion of recommended conditions	Y
Environmental Health Officer	Council's Environmental Health Officer has reviewed the application including the submitted noise report and addendum. No objections raised subject to recommended conditions	Y
Water and Sewer (Trade Waste)	Council's Water and Sewer department have reviewed the application and advised that a Liquid Trade Waste (LTW) approval will be required for the kitchen, laundry and medical room. The requirements of the grease arrestor, cooling pit and pre-treatment for the medical room will be assessed and determined once an application has been lodged. A condition has been recommended to require a LTW application to be lodged and approved.	Y

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 14 October 2022 until 28 October 2022. The notification included the following:

- Advertisement in the Mudgee Guardian
- Notification on Council's website; and
- Notification letters sent to adjoining and adjacent properties.

A total of two (2) unique submissions were received, and comprised of one enquiry and one

submission raising concerns with the development. The planning issues raised in these submissions included the following:

Table 7: Community Submissions

Issue	No of submissions	Council Comments
Noise One submission raised concern the development will result in new noise complaints to them as a result of functions that are been held on their site.	1	An addendum to the Accoustic Report has been received which addresses the likely impact of noise generated by Putta Bucca House on the proposed facility. It identifies that the excavation of the training site allows for the land to the north of the training centre to act as natural noise barrier reducing the noise levels that will affect both the common areas and the residential accommodation buildings. It does identify that noise levels during the loudest stages of events at Putta Bucca house (during speeches etc) are not predicted to exceed 50dBA in the residential area of the training centre. Noise in accommodation rooms on the side of Building B facing the BBQ area would experience the highest noise levels which can be reduced to 35dBA when external windows are closed. Table 1 of the Addendum Report sets out the noise trigger levels. A noise trigger level of 35dBA is identified during the Night period (10pm to 7am). Given the above, actions may be undertaken by the proposed training facility to mitigate noise impacts as a result of peak noise from events/ functions undertaken at Putta Bucca House. Notwithstanding this, noise complaints may be lodged in the future as a result of events or functions in the vicinity of the site which will each be investigated on their merits and is beyond the scope of assessment of the application. No further consideration is necessary. Outcome: No further action required.
Loss of views should noise attenuation wall be installed	1	As set out in the Addendum acoustic assessment, a noise attenuation wall will not be necessary given the excavation for the training site allows for the land to the north of the raining centre to act as natural noise barrier. Further the applicant has also undertaken a visual analysis within the SEE which demonstrates that existing views to the mountains would not be impacted as a result of the development subject site. Outcome: Issue has been addressed through the submission of the addendum to the acoustic assessment - No further action required.

The submissions also raised other concerns which are not planning considerations including how the development was being funded and the like. Given the issues raised do not relate to planning matters no further consideration is warranted.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Acoustic impacts

The potential for noise impacts from the development to the adjoining residence to the North (known as Putta Bucca House) was considered. The Acoustic Assessment submitted with the application (prepared by Akoustic and dated 21 November 2021) was produced for the purpose of the rezoning of the land and only contained a preliminary assessment for the proposed development. An addendum to the noise assessment was provided (also prepared by Akoustic and dated 17 April 2023) in order to assess the proposed development based on the updated plans and any adverse impacts to Putta Bucca House.

The addendum considered noise from external plant such as Kitchen Exhaust fans and air conditioning condensers. Noise from the use of the outdoor area between Building A and B and noise generated from traffic. The following recommendations were made and will be incorporated as recommended conditions of consent:

- The Kitchen Exhaust Fan is to be located no more than 5m from the southern end of the roof edge on building A.
- Any external condenser(s) for air-conditioning in building A must be located at the Northern end of building A.
- Any external condensers for air conditioning in the accommodation building are to be located at the northern or southern ends of the building a maximum of 2 units is assumed on any one end of the accommodation blocks.
- The assumed sound power levels for HVAC items are listed in Table 2 of the report
- The list HVAC items does not include smaller fan for toilet exhausts or other ventilation fans and mechanical plant which will need to be allowed for the final design for mechanical plant noise emissions.
- For compliance checking and design the combined noise levels due to mechanical plant must not exceed 49dBA when measure at any point along the northern property boundary with Putta Bucca House.

The following comment was included in relation to the outdoor area:

Events using amplified music and voice should be completed by 10pm, after 10pm any gatherings should be small and with groups notified to reduce noise from conversations and music. If required patron noise in the Firepit/BBQ area can be controlled by staff at the centre.

A suitable condition will be included in relation to the above.

The following comment was included in relation to traffic noise:

Signage should be used to advise patrons leaving and arriving at the centre to reduce noise generation that could impact neighbouring residents.

A suitable condition will be included in relation to the above.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

5.2 Flooding impacts

The site is partially affected by the 1 in 100 and the PMF flood event as discussed throughout this report. The buildings and car parking area are located outside of the area mapped as being flood prone. Vehicular ingress and egress to the site may be impacted during the PMF event and accordingly a flood evacuation plan will be required to be prepared as a recommended condition of approval.

Resolution: The issue has been resolved through the provision of a recommended condition of consent as outlined in **Attachment A**.

5.3 Disposal of stormwater

The briefing notes specified that conditions are required regarding the groundwater vulnerability issue and preparation of a groundwater and stormwater management plan.

Resolution: A recommended condition of consent as outlined in **Attachment A**.

5.4 Building materials

The briefing notes specified that building materials to be specified in the plans. A schedule of finishes has now been lodged and will be included in the approved plans set out in the recommended conditions of consent outlined in **Attachment A**

Resolution: The schedule of materials will be approved through recommended conditions of consent as outlined in **Attachment A**.

5.5 Submission of amended plans

The briefing notes specified that parking spaces for buses are to be included in all plans. Amended plans have been submitted since the briefing that show the bus parking on all relevant plans.

In addition to the bus parking the amended plans also included the following modifications:

- Deletion of the “pop-up” roof windows on Buildings A, B and C
- Modification to the kitchen area in Building A
- Modification to the layout of the bathrooms in the accommodation buildings B and C.

Consideration was given as to whether re-notification was required as a result of the modifications to the plans, however, given the minor nature of the changes which will not result in any additional adverse impacts to the surrounding area, re-notification was not considered necessary.

The submitted amended plans will be included in the recommended conditions of consent outlined in **Attachment A**

Resolution: Amended plans have been submitted which will be included in the recommended conditions of consent as outlined in **Attachment A**.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported, subject to conditions.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA0111/2023 for Sports Training and Accommodation Facility and associated works at Lot 2 DP1252505 62 Putta Bucca Road, Putta Bucca (also identified as 58 Pitts Lane, Putta Bucca) be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Architectural Plans and finishes schedule
- Attachment C: Landscape Plans
- Attachment D Civil Plans