

Statement of Environmental Effects

Proposed Recreation Facility

63 Lowes Mount Road, Oberon



December 2020

Revision History

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1 Introduction

This Statement of Environmental Effects (SoEE) has been prepared to accompany a Development Application to Oberon Council for proposed new recreational sporting facility on Lot 2 DP 1073827 and Lot 5 DP 2364, 63 Lowes Mount Road, Oberon NSW.

This SoEE provides details about the site and proposed development, as well as making an assessment of the proposed development pursuant to the relevant matters under Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*.

1.1 Overview of the Proposed Development

The proposed development is for the construction and operation of a recreation facility outdoor, the proposed development includes:

- Sports Clubhouse, including an ancillary registered club, tiered seating, change rooms and amenities
- 2 x Rectangular fields for rugby league, rugby, soccer
- 3 x Netball courts
- 1x Hockey Field
- Children's Playground area
- Associated roads and car parking
- Pedestrian footpath loop around the site with fitness stations
- Earthworks, stormwater drainage, landscaping and lighting

1.2 Background and consultation

Borg Manufacturing own the subject vacant land at 63 Lowes Mount Road, which is effectively rural in nature, that has always provided a physical separation of the Oberon township and residential area to the existing industrial activities within the Oberon Timber Complex land to the north. This separation or buffer of land uses is embedded in Oberon LEP 2013 by way of land zoning being RU6 Transition.

Oberon Council and Borg Manufacturing have discussed in the past looking at the possibility, issues and viability of a new public sporting facility at the subject lands. To inform this idea and to explore the possibilities and associated issues with such a proposition, Council and Borg together engaged architectural and civil engineering consultants in 2018 to prepare concept plans of a modern sporting facility, along with costs estimates. The concept plans were publicly exhibited by the Council in December 2018 through to January 2019.

During this period of consultation, Council received three (3) public submissions in writing which are enclosed as Appendix D. No further review or assessment of the submissions or the concept plans has occurred since January 2019.

In late 2020, Council and Borg agreed to progress the concept plans and prepare a Development Application to formally commence public exhibition and assessment of

the proposal in detail, particularly in terms of *Environmental Planning and Assessment Act 1979*.

2 Site Description

2.1 Location and Context

The subject land is located within the Oberon Council Local Government Area (LGA), approximately 800 metres north-west of Oberon Township and 190 kilometres west of Sydney.

The site is identified as Lot 2 DP 1073837 and Lot 5 DP 2364, 63 Lowes Mount Road, Oberon.

The site adjoins residential land to the south along Scotia Avenue, with vacant land located immediately the east. The site is bordered by Albion Street to the north, with the Highland Pine Products facility located beyond that which forms part of the Oberon Timber Complex. To the west of the site is predominantly rural land.

The subject land is currently used for low scale grazing and horse agistment.

Figure 1 shows the location of the subject site in relation to Oberon township.



Figure 1: Location of the Subject Site (Base Map: SixMaps)

2.2 Existing Site Conditions

2.2.1 Topography and Drainage

The subject site gently falls approximately 8m from the high side at O'Connell Road/Albion Street to the southern side near Herborn Street. The site contains four small sized dams that capture water across the site. Any overflow ultimately follows natural drainage lines into Lake Oberon about 1.8km to the south.

2.2.2 Soils and Geology

Soils of the site are classified as being the Oberon Soil Landscape. This landscape covers an extensive area of undulating to rolling low hills in the Oberon-Shooters Hill-Black Springs area. Red earths dominate on mid to upper slopes, and yellow podzolic soils and yellow earths appear on mid to lower slopes.

The geology of the site is Rockley Volcanics and Triangle Group, comprising parent rock andesite, tuff, grey slate, quartz and feldspathic greywacke, with parent material comprising in situ and alluvial-colluvial materials derived from the parent rocks.

2.2.3 Vegetation

The subject site is predominantly pasture grasses with broad leaved weeds. The site is cleared of any significant native vegetation.

2.2.4 Aboriginal Archaeology

A search of the Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) database was carried out on 29 July 2020. The AHIMS search found zero (0) Aboriginal Sites recorded in close proximity to the subject land, and zero (0) Aboriginal Places.

The subject land has no recorded Aboriginal sites and has been heavily disturbed decreasing the likelihood of any Aboriginal artefacts or items of cultural heritage being located on the site.

2.2.5 Non-Indigenous Heritage

A desktop search of the NSW State Heritage Inventory and Oberon Council's Heritage Register was undertaken. This concluded that no State or Council heritage items are found within the subject site. The former Tarana – Oberon railway line and station to the east is the closest heritage item.

2.2.6 Bushfire

Oberon Council's Bushfire Prone Land Map dated 13 August 2003 identifies the land as not being bush fire prone. And whilst the surrounding lands to the east, north and north west

may be subject to potential grass fires, the proposed recreation facility is considered to be sufficiently separated and of low risk in respect to any possible threat to property or life. The proposed site plan enables both pedestrian and vehicular exits to the south in the event of any grass fires. A bushfire hazard assessment is not required for the proposal.

2.2.7 Flooding

Based upon Oberon Council records the subject site is not within a flood prone area. The site does have localised drainage running through part of the property, and any proposal will require appropriate site stormwater and runoff management. Preliminary stormwater plans have been submitted with the development application in this regard for assessment.

2.2.8 Contaminated Land

A search of the NSW Environment Protection Authority *Contaminated Land Record of Notices* and *List of NSW contaminated sites notified to EPA* did not identify any records, notices or orders issued under the *Contaminated Land Management Act 1997* for the subject site.

Oberon Council records also indicate the land is not significantly contaminated land, not subject to a management order, not subject to a voluntary management proposal, not subject to an ongoing maintenance order, and not subject to a site audit statement.

A preliminary site investigation was carried out by *Envirowest Consulting* (dated December 2018). The report concludes that the site is suitable for the proposed development and use. The report is included as Appendix A.

2.2.9 Utility Services

Sewer, water, electrical and telecommunications services are all available to service the proposed development.

3 Proposed Development

The proposed development is for a new recreation facility - outdoor, being sporting fields. The new sports facility would be of a standard suitable for use by the general public and compliment existing sporting grounds and facilities in Oberon.

The proposed development includes:

- Sports clubhouse, including an ancillary registered club, tiered seating, change rooms, amenities and external lighting of fields
- 2 x Rectangular fields for rugby league, rugby, soccer
- 3 x Netball courts
- 1x Hockey Field
- Children's Playground
- Associated internal driveways, car parking and lighting
- Pedestrian footpaths
- Earthworks, stormwater drainage, landscaping and lighting
- The proposed trading hours for the registered club are 8am – 12am



Figure 2 Proposed sports facility layout. Prepared Crawford Architects 21/9/2018

The full set of plans showing the design of the proposed development are submitted with this development application.

4 Statutory Considerations

4.1 Environmental Planning and Assessment Act 1979

Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979* states the following:

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (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.*

Section 4.15 (1) plays an important role in the development assessment process and in managing change in an environmentally responsible way. It sets broad categories, each of which covers a range of issues that arise when preparing and assessing development applications.

The following matters are of relevance to this development application and have been taken into consideration with the preparation of the proposal.

4.2 State Environmental Planning Policies

The following State Environmental Planning Policies (SEPPs) are specified as applying to the land within Oberon Council LGA, including the subject land.

State Environmental Planning Policy No.55 (Remediation of Land)

This policy requires consideration to be given to previous uses on the site and whether it needs to be remediated for potential future uses. Clause 7(1) (b) and (c) of SEPP No.55 require that where land is contaminated, Council must be 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.

Council records indicate that the subject site is unlikely to be contaminated, given that it is a heavily vegetated vacant site. In addition, Council records do not show any record of contamination or of potentially contaminating activities occurring at the subject site.

A preliminary contamination investigation was carried out by *Envirowest Consulting* (dated December 2018, Appendix A). The report is attached and concludes that the site is suitable for the proposed land. The development is consistent with the provisions of SEPP 55.

4.3 Oberon Local Environmental Plan 2013

4.3.1 OLEP Part 2 – Permitted or Prohibited Development

Under the Oberon Local Environmental Plan 2013 the subject site is zoned RU6 Transition (Figure 2).

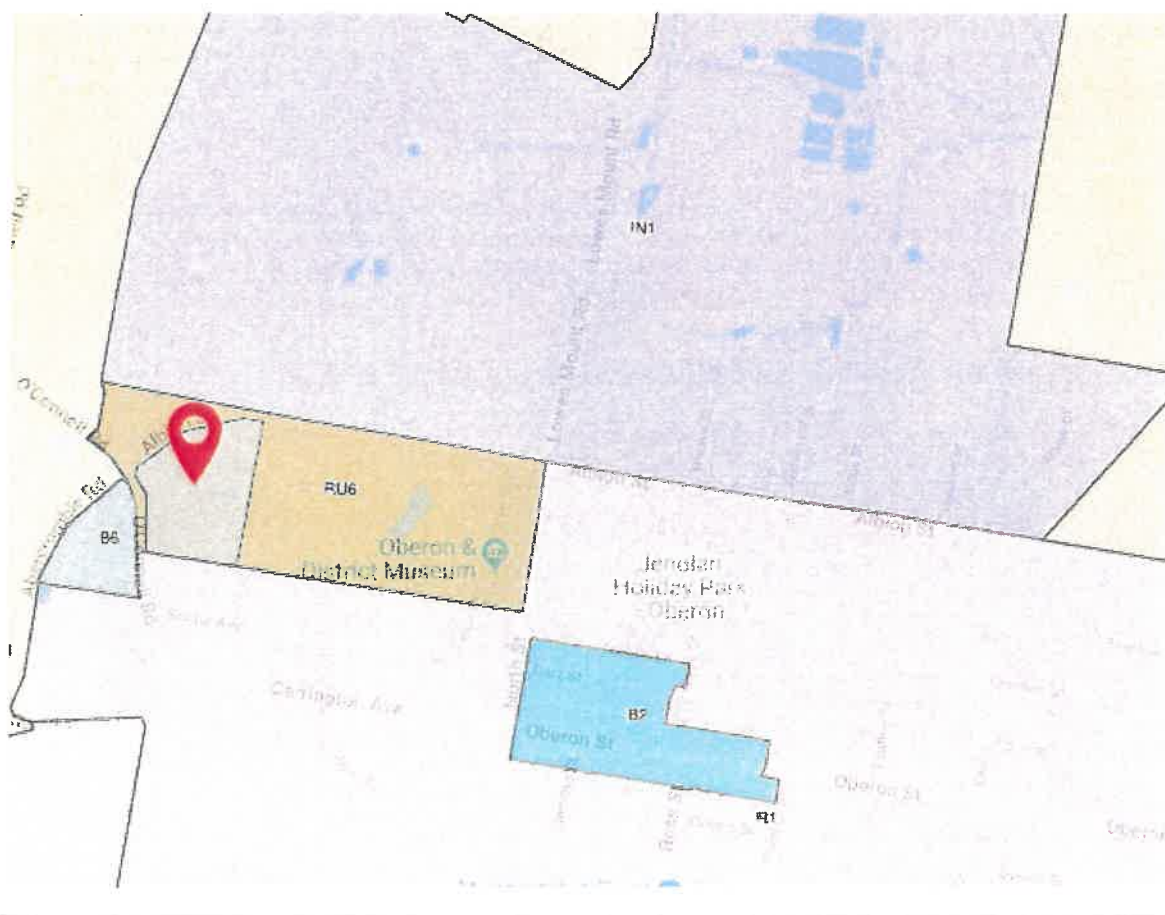


Figure 2: Land Zoning (Base Map: Oberon LEP 2013 Land Zoning Map-NSW Planning Portal)

The proposal's compliance with the objectives of zone RU6 is outlined in **Table 2** and the prescribed development types in zone RU6 are detailed in **Table 3**.

Table 2 – Compliance with the Zone Objectives

| Objective | Compliance | Comment |
|--|------------|--|
| To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities. | Yes | The proposed development is considered to provide a suitable transition between rural, industrial and industrial land. The proposal will result in the protection of the existing open space between the residential and industrial areas. |
| To minimise conflict between land uses within this zone and land uses within adjoining zones. | Yes | No conflict is expected between adjoining uses, the proposed sporting facility maintains the existing buffer lands between the residential and industrial lands, effectively as active open space. Minimal impact on the residential properties to the south is expected. The proposal could enhance the surrounding amenity. |
| To protect and maintain land that provides a transition between the Oberon Timber Complex and adjoining residential land. | Yes | The proposed development is a land use that maintains the separation between the existing Oberon Timber Complex and residential housing uses to the south. The proposed sporting facility provides a buffer to the industrial uses, which provides usable open space for the community and encourages healthy and active lifestyles. The proposal will effectively continue to provide the buffer or separation of land uses and is likely to have minimal impact on the nearby residential properties to the south. |

Table 3 – Prescribed Development Types in Zone RU6 Transition

| | |
|------------------------------------|--|
| 2 Permitted Without Consent | Home Occupations |
| 3 Permitted with Consent | Building identification signs; Camping grounds; Car parks; Caravan parks; Community facilities; Correctional centres; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Funeral homes; Home industries; Information and education facilities; Kiosks; Markets; Mortuaries; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor) ; Roads; Water recreation structures; Water recycling facilities; Water supply systems |
| 4 Prohibited | Pond-based aquaculture; Any other development not specified in item 2 or 3 |

The *Oberon Local Environmental Plan 2013* provides the following land use definition that best describes this proposal:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

The proposal is for an outdoor sporting facility consisting multiple sporting fields, recreation and associated amenities. The proposal incorporates a registered club which is ancillary to predominant permitted uses with consent in the relevant RU6 zone.

4.3.2 OLEP Part 6.6 – Development within a Designated Buffer Area

The subject site is identified as being within the Oberon Timber Complex industrial buffer area, as shown on the Industrial Buffer Map in the OLEP 2013.

The objectives of *Clause 6.6 Development within a Designated Buffer Area* of the OLEP 2013 are:

- a) to protect the operational environment of industries operating within the Oberon Timber Complex,
- b) to control development near the Oberon Timber Complex and waste disposal facilities to minimise land use conflict.

Before granting development consent to development on land to which this clause applies, the consent authority must consider the following:

- a) the impact that any noise, odour or other emissions associated with existing land uses may have on the development,
- b) any proposed measures incorporated into the development that limit the impact of such noise and other emissions associated with the existing land use,
- c) any opportunities to relocate the development outside the land to which this clause applies,
- d) whether the development is likely to adversely affect the operational environment of any existing development on the land to which this clause applies.

The proposed development for a sports facility/recreation facility (outdoor) is considered to maintain a suitable buffer to the industrial area to adjoining land uses. The sporting facility are unlikely to impact on any operational requirements of the Oberon Timber Complex, and any land use conflict is considered unlikely.

Given the likely intermittent use of the sporting fields, any impacts from the existing Oberon Timber Complex would be minor. The proposed use of the site is considered suitable in relation to the Oberon Timber Complex, and consistent with the objectives contained in part 6.6 of the Oberon LEP 2013.

4.4 Oberon Development Control Plan 2001

An assessment of the proposed developments compliance with development controls within the Oberon Development Control Plan 2001 (ODCP 2001) is provided below.

There are no specific planning controls within the DCP in relation to recreation facilities. The proposed buildings will be located in the centre of the subject site and are of a suitable scale in relation to surrounding development. Landscaping will be planted around the proposed recreation area to soften and screen facility from the road and adjoining residential neighbours. Ample car parking and access have been provided to accommodate for the site's activities. The site has suitable access from O'Connell Road, with pedestrian access provided to Herborn Street and Albion Road.

4.4.1 DCP Part F - Vehicle Circulation and Parking

The parking development control referred to in part F.5.9 requires that development for recreational facilities be assessed or "determined on merit".

The proposal includes marked parking spaces for approximately 146 cars, including accessible/disabled spaces. Provisions have also been made for an unmarked overflow parking area to accommodate around 100 cars for any larger events that may be held at the site from time to time. The total available parking would be 246 spaces. This overflow parking arrangement is quite common for sporting and recreation facilities, which typically are only busy on Saturdays. The remainder of the week sees traffic and parking spread out with training and practice.

For this proposal, it is expected that the peak parking demand will be during weekend sporting events, which will potentially see the football fields, netball courts and hockey field used concurrently. This combined usage is unlikely in the initial years of establishment, but over time it is envisaged that the overflow parking will be used at peak times.

Based on its merits, and the number of current users and sports known in the Oberon LGA, this proposal is considered to provide ample parking for the sporting facilities requirements. Due to the large size of the subject property, there is space to expand informal parking should demand require in the future.

The proposed driveway and access will comply with relevant standards to the satisfaction of Council. It is expected suitable conditions of consent will be applied to any development consent contemplated for such access/design. Ample areas have been provided for servicing and loading.

Please also refer to the accompanying traffic and parking report prepared by BRS dated 26th November 2020 that provides a detailed assessment of parking and traffic. The report is attached as Appendix C.

5 Environmental Impact Assessment

This Section assesses the environmental impacts and risks of both construction and operation of the proposed recreational sporting facility. Given the proposed layout and use, the environmental impacts are expected to be minor.

5.1 Erosion and Sediment Control

It is proposed to grade the majority of the site to be generally flat for the proposal, to create flat/even playing surfaces for the proposed fields and courts and car parking. This will require both cutting and filling of the site. The earthworks will be refined to ensure as best as possible a balanced cut and fill plan for the site. A preliminary cut and fill plan has been prepared with this development application to show the extent of the earthworks. This will be developed into a detailed cut and fill plan with any future Construction Certificate.

During construction of the proposed development, erosion and sediment control measures will be required to limit any runoff from the site into the existing downstream stormwater drainage system. Erosion and sediment controls such as sediment fence, pit inlet filters and stabilized site access will be adopted to control the runoff of sediment from site until the development is sufficiently stabilised.

A detailed Sediment and Erosion Control Plan will be prepared with any Construction Certificate to ensure control measures will be generally in accordance with the relevant requirements of Council and *Managing Urban Stormwater: Soils and Construction Guideline* (Landcom, 2004).

5.2 Stormwater Management

A Stormwater Drainage Plan has been prepared and is provided with the Development Application drawings. All roof water and runoff from the carpark and hardstand areas will drain to Council's stormwater system through proposed detention areas. There is also potential for the captured water to be re-used to water playing surfaces, landscape areas and toilets.

It is expected suitable conditions of consent will be applied to any development consent to ensure detailed stormwater drainage, water quantity and quality measures are implemented as part of the proposal to the satisfaction of Council and any other authority. The subject land is not flood prone.

5.3 Waste Management

Minimal waste is expected to be generated on site during construction, particularly as no buildings or structures are to be demolished.

As the majority of works will be earthworks initially, all soils and vegetation can be used onsite as part of the landscaping and stormwater works. Very little general waste is likely to be generated by the proposal during construction phases, with waste bins to be supplied onsite by contractors doing the works. In this regard general waste will be separated by materials that can be recycled.

Once operational, the proposed sporting facility will have many waste bins and measures in place to handle typical rubbish, that is transferred by garbage trucks or contractors to Council's municipal waste facility at Oberon. Any material able to be recycled will be disposed of in separate bins and sent to suitable recycling facilities.

A Waste Management Plan will be prepared and submitted as part of any Construction Certificate.

The specific objectives of the Waste Management Plan will include:

- Reduce waste generation associated with site construction and operational activities;
- Where waste generation is unavoidable, promote reuse and recycling;
- Where on-site reuse or recycling is not practicable, appropriate off-site recycling or disposal facilities should be employed, ensuring the responsible treatment of all waste streams; and
- Ensuring all waste disposal is undertaken lawfully.

5.4 Noise

There will be some noise generated from the construction and operation of the proposed sporting and recreational facility. The adjoining properties near the subject site to the south are residential, so there may be some short-term impacts in terms of noise during construction.

Construction and operational noise can represent an impact on the amenity of sensitive receivers such as dwellings and residents. This assessment focuses on applying work practices most suited to minimising noise impacts. The aim is to protect the majority of residences and other sensitive land uses from noise pollution where practicable.

The nearest noise sensitive receptors are dwellings in Scotia Avenue, located adjacent and approximately 100 metres to the south of the proposed recreational sporting facility.

Construction work will only be undertaken during recommended standard hours for construction as shown in **Table 9**.

Table 9 – Recommended Standard Hours for Construction Work

| Work Type | Recommended Standard Hours of Work |
|---------------------|--|
| Normal construction | Monday to Friday 7am to 6pm Saturday 8am to 1 pm No work on Sundays or public holidays |

The above hours may be reviewed and refined depending upon weather conditions to ensure minimal impacts to nearby neighbours during construction.

In terms of day to day operations of the recreational sporting facility, it is not expected to have a detrimental impact on the nearest sensitive receivers, particularly as most sporting activities and recreation is during daylight hours. The typical noise generated by people

playing sport or training is unlikely to have any significant acoustic effect, including night time training is typically ended before 10pm. The only use of the development that would cause any noise beyond 10pm is the ancillary licensed club. Suitable conditions of consent may be applied to any approvals to limit night time activities, including the ancillary club.

Please refer to the accompanying noise impact report prepared by Spectrum Acoustics dated November 2020 that provides a detailed acoustic assessment for the current proposal. The report is attached as Appendix B.

5.5 Air Quality

There is the potential for dust to be generated during the construction phase of the proposed development. Dust management measures will be implemented to control, to the maximum extent practicable the generation of any dust onsite and the migration of dust offsite.

Management measures proposed to minimise dust generation during construction of the development include:

- Continual evaluation of prevailing weather conditions. Excavation/fill works to cease or be modified if dust observed leaving the site;
- Stabilise exposed areas as soon as practicable;
- Spray water on unsealed areas if dust being generated and observed leaving the site;
- Minimise the height from which dust-generating material is dropped;
- Minimise the surface area of a work zone;
- Construction plant and equipment are to be maintained and serviced regularly.
- Efficient use of plant and equipment, e.g. turning off idling plant and equipment when not in use;
- Covering of truck loads before leaving the site; and
- Removal of dirt and debris from the tyres and underside of trucks prior to leaving the site.

It is considered conditions of consent can be applied to any development consent to ensure such measures, site management and operational practices are implemented at all times for the proposed recreational sporting facility project.

5.6 Traffic and Transport

The subject site is located off O'Connell Road, Albion and Herborn Streets, Oberon. The main access to the site will be located on O'Connell Road, which is a local road.

O'Connell Road has a speed limit of 50km/h past the proposed site.

It is considered that the proposed development will have a low overall impact upon the road network in the general vicinity of the subject site. The access to the site is located on a section of road offering good visibility for drivers entering and exiting the site, with very good sight distances.

As outlined in section 4.4.1 above, the 246 parking spaces proposed for the development is considered satisfactory given the lands use predominantly for recreation, club and sporting activities.

5.7 Socio Economic

The proposed development is estimated to generate approximately 20-30 jobs during construction.

This will have a positive economic impact and flow on effect to the local workforce for and residents of Oberon and the surrounding areas. This will have overall enhancements to the local businesses and spending in the local or regional economy.

There will also be a positive social impact in the region through such economic growth.

The facility itself will have a tremendous benefit for the Oberon community, as the recreation facility potentially may become a community and Council asset. The facility will provide the community with modern sporting fields, play areas and amenities that will encourage people to be active and healthy. The facilities will also provide a venue that will encourage social interaction and engagement within the community.

This proposal is seen as an alternative to the existing main sporting fields in Oberon and considered to be an improved location relative to the industrial activities in the Oberon Timber Complex.

5.8 Flora & Fauna

The subject site is predominantly cleared of any significant vegetation, and in the circumstances no flora and fauna assessment is considered necessary. The State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP 44) applies to the subject land as it encompasses an area larger than 1 hectare, however no Schedule 2 – Feed tree species are known to exist within the property. Therefore, no suitable foraging or breeding habitat will be lost due to the proposal, and no further assessment is required.

5.9 Lighting

Lighting will be required for night games and training and surrounding the Club and car park. Any external lighting will be designed to ensure minimal overspill to nearby residential areas, and to comply with relevant Australian Standards for sporting grounds and the like. Specific details of any lighting must be submitted to Council for approval prior to the issue of relevant construction certificates that include external lighting.

6 Conclusion

This SoEE is to accompany a Development Application to Oberon Council for a proposed recreational sports facility on Lot 2 DP 1073827 and Lot 5 DP 2364, 63 Lowes Mount Road, Oberon.

The proposed development is permissible under the OLEP 2013 and is compliant with the relevant Oberon LEP 2013 and Oberon DCP 2001 provisions. The proposal provides socio-economic benefits to the community. The environmental impact of the proposed development is considered to be minor and acceptable, subject to conditions of consent.

This proposal is seen as the basis of a potential opportunity for Council and the community to achieve a logical location for a new main outdoor sporting facility, which is not directly impacted by established industrial uses, consistent with the objectives of the RU6 Transition zone, and compatible with the adjoining residential areas to the south.

**APPENDIX A - Preliminary Contamination Investigation prepared
Envirowest Consulting**