

STATEMENT OF ENVIRONMENTAL EFFECTS

**STAGE 2 OF THE APPROVED RECREATION FACILITY
(OUTDOOR), COMPRISING CONSTRUCTION OF
BUILDING, TEMPORARY ACCESS, AND PARKING**

**31 O'CONNELL ROAD, OBERON, NSW 2787
(LOT: 2 DP1073827 & LOT: 5 DP2364)**



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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Oberon Council (**'the client'**) to prepare a Statement of Environmental Effects (**SoEE**) for Stage 2a of the approved Recreation Facility (Outdoor), comprising construction of building, temporary access, and parking at 31 O'Connell Road, Oberon, NSW 2787 (Lot: 2 DP1073827 & Lot: 5 DP2364).

The characteristics of the proposed concept development include:

1. Construction of Building comprising:
 - Ground Floor: dressing rooms, amenities, storage and referee room.
 - First Floor: Registered Club comprising bar, restaurant, kitchen and gaming area, canteen, amenities, office, and storage areas. Tiered spectator seating.
2. Construction of stormwater infrastructure to support the building.
3. Use of temporary access and car parking (in the same area intended for future permanent parking). Earthworks for access and parking were approved under 10.2023.64.1.

The next stage of the development (Stage 2b) aims to incorporate construction of the rugby fields, lighting, formalised parking areas and access, to enable completion of Stage 1, 2 & 3 of the Concept DA as approved.

The Western Regional Planning Panel granted consent under DA 10.2021.19.1 to the Oberon Sporting Complex (Recreation Facility) on 19 April 2023, as a Concept Development under Division 4.4, Section 4.22(3) *Concept development applications* of the *Environmental Planning and Assessment Act 1979*. The Stages approved as part of the Concept DA included the following (noting it was specific that they may be subject to change at the relevant time):

- **Stage 1** – construction of the sporting fields and lighting, site access road and associated intersection, earthworks (including site drainage and on-site detention), temporary car park (including 146 spaces), temporary amenities and change rooms, sewer, and pump room.
- **Stage 2** – construction of the registered club.
- **Stage 3** – construction of the permanent carpark (and overflow) and landscaping.
- **Stage 4** – construction of netball courts.
- **Stage 5** – construction of hockey fields and formalised field access.
- **Stage 6** – construction of playground facilities, pathways, and fitness stations

Condition 3A of DA 10.2021.19.1 was however imposed, stating that Stage 2 of the development shall not be granted until a 'Registered Club' is permitted on the land. A Gateway Determination was issued on 17 August 2023 under PP-2023-1166, for an amendment to the Oberon Local Environmental Plan 2013 to amend Schedule 1 to include 'registered club' as an additional permitted use. Email correspondence from the Department of Planning, Housing and Infrastructure was received on 12 March 2024, confirming that the

amendment is imminent and certain. To this extent, the proposed DA is capable of lodgement and assessment.

Oberon Council granted consent to Stage 1A for Early Earthworks under 10.2023.64.1 on 19 December 2023. The approved earthworks related to sub-grade level only, and include cut and fill for future roadworks, car parking areas, playing fields, drainage, and on-site detention, and building areas. No servicing of the land was approved under this application.

The key reasons why the proposed development is appropriate are as follows;

- The proposed development is generally consistent with the approved Staging under the Concept DA 10.2021.19.1, noting that the next stage of the development will comprise permanent parking and access, along with the construction of rugby fields and lighting.
- The proposed development is permissible on the site with consent under the LEP (noting registered club is imminent and certain via PP-2023-1166).
- No adverse impact on the existing character or amenity of the area will result, subject to the incorporation of management plans as recommended within the specialist reports supporting this application.
- The proposed development maintains a suitable buffer between the residential zone and Oberon Timber Complex.
- The facility will provide the community with a modern sporting facility and associated 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.
- The proposal is considered to enhance the amenity of the area through the incorporation of substantial landscaping and contributes to a sense of community.
- Sufficient detail has been provided to demonstrate how the proposed land uses will function and provide a cohesive development throughout the proposed six stages of the development.

The SoEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposal development.

The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result. This application details the design, compliance, and associated impacts.

TERMS & ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
ASS	Acid Sulphate Soils
BAR	Bushfire Assessment Report
BPL	Bushfire Prone Land
DA	Development Application
DCP	Development Control Plan
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
SEE	State Environmental Planning Policies
SoEE	Statement of Environmental Effects

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PLANS AND SUPPORTING DOCUMENTATION

This SoEE is supported by the following plans and documentation:

Appendix	Document	Prepared By	Reference
1	Architectural Plans	Space Urban	JMPI-0010, Dwg A001 – A700, Rev: A and dated 08/04/2024
2	Civil Plans	Calare Civil	2023.0913, Rev E and dated 16/01/24
3	Hydraulic Plan	Triaxial Consulting	TX17822.00, Issue: A and dated 06.03.2024
4	Preliminary Contamination Investigation	Envirowest Consulting	R10390c and dated 6 December 2018
5	Additional Contamination Investigation	Envirowest Consulting	R10390c and dated 26 July 2021
6	CPTED Report	Perception Planning	J004271
7	Traffic and Parking Impact Assessment	Barker Ryan Stewart	200367, V4 and dated 23/06/2022
8	Flora and Fauna Assessment Report	Narla Environmental	Spur1, V1.0 and dated November 2021
9	Noise Impact Assessment	Spectrum Acoustics	201993R and dated November 2020
10	AHIMs Search Results	Heritage NSW	9 February 2023
11	Deposited Plans	NSW Land Registry Services	DP1073827 & DP2364
12	Concept Approval Conditions Review	Perception Planning	J004271 and dated 08/04/2024
13	Owners Consent		
14	Preliminary Cost Estimate	Napier & Blakeley	2787071048/AA and dated 4 April 2024
15	Draft LEP Amendment	N/A	N/A
16	Construction and Environmental Management Plan	Cross Muller	Rev 1 and dated 7 December 2023
17	BCA Report	Credwell	240021-BCA Report-r1 and dated 9/02/2024

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1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by Oberon Council (**'the client'**) to prepare a Statement of Environmental Effects (**SoEE**) for a Stage 2b of the approved Recreation Facility (Outdoor), comprising construction of building, temporary access, and parking at 31 O'Connell Road, Oberon, NSW 2787 (Lot: 2 DP1073827 & Lot: 5 DP2364).

This SoEE has been prepared to demonstrate the relevant matters associated with the proposed development. The SoEE examines the existing development and site location, how the development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulation, and other requirements.

The SoEE examines the applicable site attributes and the specifics of the development that are appropriate to the proposed development application and staging outlined previously. The SoEE seeks to provide all the relevant data to give certainty to the consent authority that the proposal will have a positive impact on the immediate area and the wider surrounds. It also seeks to demonstrate the applicant's commitment to implement the whole of the concept development and any conditions of consent the Joint Regional Planning Panel considers justified.

1.1 PURPOSE OF THE STATEMENT

This SoEE has been prepared in accordance with best practice principles applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure's (now DPE) guide to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) (s4.15). This SoEE has been prepared pursuant to the EP&A Act 1979 (s4.12 (9)) and accompanying regulation. The objectives of this SoEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s;
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies, and guidelines.

1.2 SITE DETAILS AND ANALYSIS

The following information describes the site, location, and context.

Site Characteristics	
Lot/DP	Lot: 2 DP1073827 & Lot: 5 DP2364
Address	31 O'Connell Road, Oberon NSW 2787 ('the site')
Area	Lot: 2 – 6.409 ha Lot: 5 – 6.372 ha Total – 12.781 ha
Zoning	RU6 – Transition
Consent Authority	Oberon Council
Current Use	Vacant Land used for low scale grazing and horse agistment
Site Constraints	Bushfire prone land – vegetation category 3 and buffer.

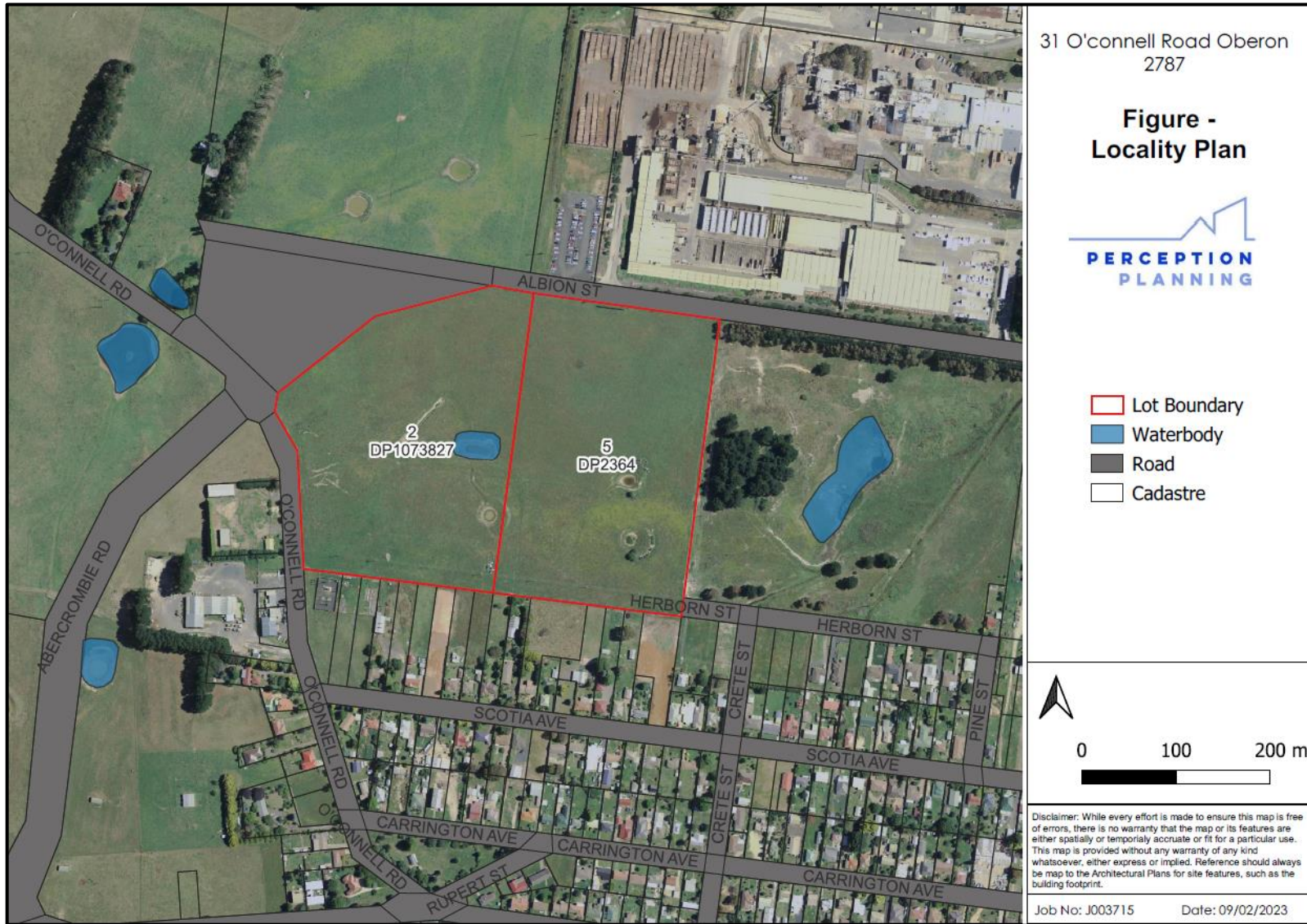
The site is located at 31 O'Connell Road, Oberon NSW 2787 as shown in **FIGURE 1**, within the Oberon Local Government Area (LGA). The site comprises two Lots for the purpose of this application. The site particulars are summarised in the table above, with site constraints obtained from the NSW Planning Portal.

The site is currently zoned RU6 - Transition under the Oberon Local Environmental Plan 2013 ('the LEP') and is located approximately 1.3 kilometres north-west of Oberon Township. The site adjoins R1 General Residential land to the south along Scotia Avenue, with vacant land located immediately to the east, zoned RU6 under the same ownership. The site is bordered by O'Connell Road (State Road) to the west and Albion Street (Regional Road) to the north. The Highland Pine Products facility is located immediately to the north of the site which forms part of the Oberon Timber Complex. To the west of the site is zoned B6 Enterprise Corridor and comprises Oberon Earthmoving, bulk haulage transport depot and a vehicle repair station.

The site is relatively flat in topography ranging from approximately 1019m ASL in the west to 1009m ASL in the east (Google Earth, 2023). The site primarily comprises grassland with scattered vegetation. No hydro lines traverse the site.

From review of the Deposited Plans (**APPENDIX 11**), the site is unencumbered by any covenants or easements however the site is located adjacent to an Essential Energy 11kva substation to the south on O'Connell Street. Power lines are located around the site and parallel and 20 metres inside the southern boundary.

Figure 1: Locality Plan (Perception Planning, 2023)



1.3 BACKGROUND AND SITE HISTORY

The site is owned by Oberon Council. Oberon Council and Borg Manufacturing commenced discussions in 2018 regarding the development of the land for recreational purposes, providing much needed facilities to the town of Oberon.

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 the *Environmental Planning and Assessment Act 1979*.

The Western Regional Planning Panel granted consent under DA 10.2021.19.1 to the Oberon Sporting Complex (Recreation Facility) on 19 April 2023, as a Concept Development under Division 4.4, Section 4.22(3) *Concept development applications* of the *Environmental Planning and Assessment Act 1979*. The Stages approved as part of the Concept DA included the following (noting it was specific that they may be subject to change at the relevant time):

- **Stage 1** – construction of the sporting fields and lighting, site access road and associated intersection, earthworks (including site drainage and on-site detention), temporary car park (including 146 spaces), temporary amenities and change rooms, sewer, and pump room.
- **Stage 2** – construction of the registered club.
- **Stage 3** – construction of the permanent carpark (and overflow) and landscaping.
- **Stage 4** – construction of netball courts.
- **Stage 5** – construction of hockey fields and formalised field access.
- **Stage 6** – construction of playground facilities, pathways, and fitness stations

Condition 3A of DA 10.2021.19.1 was however imposed, stating that Stage 2 of the development shall not be granted until a 'Registered Club' is permitted on the land. A review of the Concept Approval Conditions and associated DA consistency is provided at **APPENDIX 12**.

A Gateway Determination was issued on 17 August 2023 under PP-2023-1166, for an amendment to the Oberon Local Environmental Plan 2013 to amend Schedule 1 to include 'registered club' as an additional permitted use. Email correspondence from the Department of Planning, Housing and Infrastructure was received on 12 March 2024, confirming that the amendment is imminent and certain. To this extent, the proposed DA is capable of lodgement and assessment.

Oberon Council granted consent to Stage 1A for Early Earthworks under 10.2023.64.1 on 19 December 2023.

2.0 THE DEVELOPMENT

2.1 DESCRIPTION OF THE DEVELOPMENT

The characteristics of the proposed Stage 2a development include:

1. Construction of Building comprising:
 - Ground Floor: dressing rooms, amenities, storage and referee room.
 - First Floor: Registered Club comprising bar, restaurant, kitchen and gaming area, canteen, amenities, office, and storage areas. Tiered spectator seating.
2. Construction of stormwater infrastructure to support the building.
3. Use of temporary access and car parking (in the same area intended for future permanent parking). Earthworks for access and parking were approved under 10.2023.64.1.

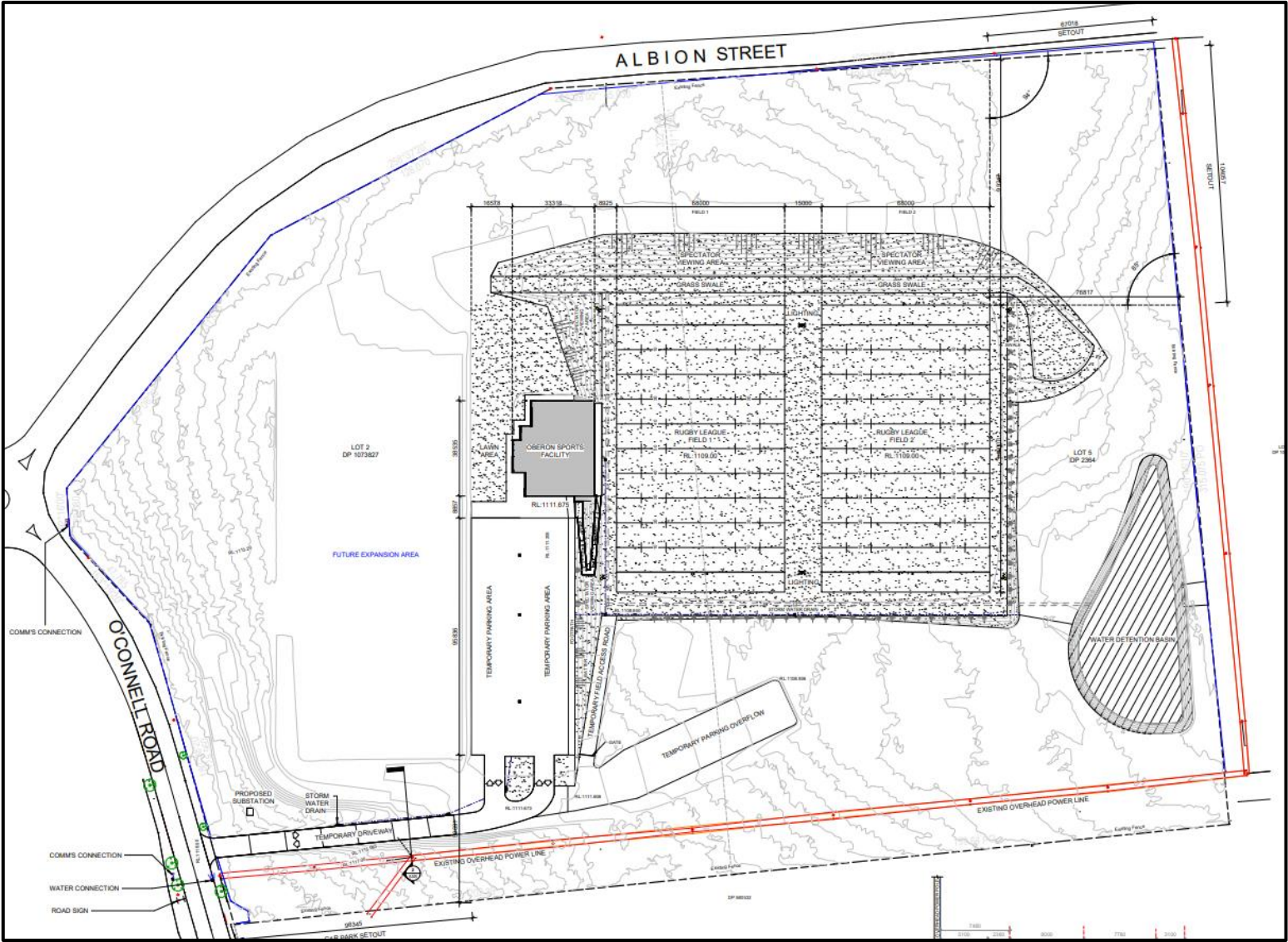
The next stage of the development (Stage 2b) aims to incorporate construction of the rugby fields, lighting, formalised parking areas and access, to enable completion of Stage 1, 2 & 3 of the Concept DA as approved.

The proposed development is generally consistent with the approved Staging under DA 10.2021.19.1, noting that the next stage of the development will comprise permanent parking and access, along with the construction of sporting fields and lighting. The location and size of the proposed building is generally the same as approved by the Concept DA, and identical to that shown within the early earthworks DA under 10.2023.64.1.

The proposed building incorporating the registered club includes the following characteristics:

Hours of operation	8am – 12am (midnight)
Use	Food, drink, management offices, first aid and physio, maintenance, storage and change rooms. Meetings, team building, presentations or social events relating to the use of the site as a recreational facility.

Figure 2: Proposed Development Concept (Space Urban, 2024)



3.0 PLANNING CONTROLS

3.1 ACTS

The following Acts and planning instruments are considered relevant to the proposal.

3.1.1 BIODIVERSITY CONSERVATION ACT 2016

A Flora and Fauna Assessment (FFA) Report is provided at **APPENDIX 8**, which details the requirement to remove 7.38 ha of Exotic Dominant Vegetation as part of the development. The FFA concludes that the proposed development is not anticipated to significantly impact any BC Act threatened species. No BC Act listed threatened species or communities were identified within the site during the site assessment.

The proposed Landscape Plan, provided within the architectural plan set shows the inclusion of turf around the building constructed as part of this stage. Future stages will incorporate the planting of native species, which will significantly increase the biodiversity value of the site, providing foraging and future breeding habitat for many threatened species in the locality.

Impact mitigation and minimisation measures, as outlined in the FFA will be implemented to reduce impacts to native vegetation and fauna where possible.

3.1.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this SoEE below.

- **Section 4.46 – What is integrated development?**

Integrated development is development (not being State significant development or complying development) that, for it to be carried out, requires development consent and one or more of the approvals listed within **Table 1** below.

Table 1: Integrated development triggers

Integrated development	Proposed Development	
Fisheries Management Act 1994	<ul style="list-style-type: none">▪ s 144▪ s 201▪ s 205▪ s 219	N/A
Heritage Act 1977	<ul style="list-style-type: none">▪ s 58	N/A

Coal Mine Subsidence Compensation Act 2017	<ul style="list-style-type: none"> ▪ s 22 	N/A – The land is not located within a Mine Subsidence Area.
Mining Act 1992	<ul style="list-style-type: none"> ▪ s 63, 64 	N/A
National Parks & Wildlife Act 1974	<ul style="list-style-type: none"> ▪ s 90 	N/A
Protection of the Environment Operations Act 1997	<ul style="list-style-type: none"> ▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122 	N/A
Roads Act 1993	<ul style="list-style-type: none"> ▪ s 138 	N/A
Rural Fires Act 1997	<ul style="list-style-type: none"> ▪ s100B 	<p>N/A – whilst the site is mapped bushfire prone land, the proposed use of the land for the purpose of a sporting complex and maintenance of the site would identify the development is being low threat, as per A1.10 of Planning for Bushfire Protection 2019, which states the following:</p> <p><i>Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load, including grassland managed in a minimal fuel condition, mangroves, and other saline wetlands, maintained lawns, golf courses such as playing areas and fairways, maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens and other non-curing crops, cultivated gardens, arboretums, commercial nurseries, nature strips and windbreaks</i></p>
Water Management Act 2000	<ul style="list-style-type: none"> ▪ ss 89, 90, 91 	N/A – no natural watercourses or streams traverse the site.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and discussed in further detail below.

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
 - *Chapter 3 – Koala Habitat Protection 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
 - *Chapter 4 – Remediation of Land*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
 - *Chapter 2 – Infrastructure*

3.2.1 SEPP (BIODIVERSITY AND CONSERVATION) 2021

Chapter 4 – Koala Habitat Protection 2021

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 4.4 and Schedule 2 of the SEPP identifies the Oberon Local Government Area as land to which the policy applies and subject to the Central and Southern Tablelands Koala Management Area. The key threats within this Area have been identified as:

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;
- Bushfire;
- Invasive plant species;
- Disease;
- Reduction in feed trees; and
- Sea level rise.

The site has an area of over 1 ha; thus, the requirements of Chapter 3 apply. Oberon Council does not have an endorsed koala plan of management. A Flora and Fauna Assessment Report is provided at **APPENDIX 8**, detailing that the site does not include any trees listed as koala use tree species listed in Schedule 2 of the SEPP and is also not identified as core koala habitat. To this extent, no further assessment against the requirements of the Chapter is required.

3.2.2 SEPP (PLANNING SYSTEMS) 2021 (PLANNING SYSTEMS SEPP)

The application is not regionally significant development under Part 2.4 Regionally significant development and Schedule 6 – clause 3 of the SEPP as Oberon Council is the applicant for the development and the capital investment value of the development does not exceed \$5 million (refer to Cost Summary provided at **APPENDIX 14**).

Accordingly, Oberon Council is the consent authority for the subject application.

3.2.3 SEPP (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land

The object of this Chapter is to provide a State-wide planning approach to the remediation of contaminated land. Section 4.6 of this Chapter provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The site is currently vacant, however historic records indicate a potential historic land use associated to a cattle/sheep dip site on the property. To this extent, preliminary site investigation reports have been prepared and is provided at **APPENDIX 4 and 5**. As part of the investigation, the following was carried out:

- Construction of ten boreholes to confirm absence of fill materials. Following review, no fill material was identified.
- Collection of two samples from within the pit adjacent to the derelict structure on-site. Results showed high levels of zinc above background levels, although under the adopted health investigation levels for recreational land use. The elevated levels are expected to be associated with the degrading corrugated iron at this sampling location.
- Collection of soil samples from nine locations around the suspected sheep dip area, at 0-100mm and 200-300mm depths. Results confirmed there was no elevated levels of heavy metals, organochlorine pesticides (OCP) or organophosphate pesticides (OPP). All soil sampling data indicated analytes were near environmental background levels and less than health and ecological thresholds.

Overall, soils on-site are of suitable condition in their current state, with levels below the recreational land-use thresholds and do not require any remediation. As such, the site is suitable for the proposed development and the objectives of this Chapter have been satisfied.

3.2.4 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 - Infrastructure

The purpose of this Chapter is to facilitate the effective delivery of infrastructure across the state and to identify matters to be considered in the assessment of developments adjacent to particular types of infrastructure.

Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network

Section 2.48 – Determination of development applications – Other development

Overhead and underground powerlines exist within the vicinity of the site. Penetration of the ground within 2m of underground electrical infrastructure triggers referral to the electricity supply authority pursuant to Section 2.48(1)(a). It is anticipated that referral to the electricity authority is warranted in this instance.

Essential Energy advised on 27 February 2023 relating to the Concept DA, subject to detailed design drawing being provided, they see no impediment to the access being provided at that location. Drawing A101 of the Architectural Plans shows the access to the site clear of Essential Energy Assets.

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

Section 2.76 – Determination of development applications

The proposed development is not in the vicinity of a 'licenced' pipeline corridor as defined under Section 2.76(2). Accordingly, the proposed development does not trigger referral to any pipeline operator pursuant to Section 2.76.

Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations

The site maintains frontage to a classified road (O'Connell Road). As such, referral to Transport for NSW (TfNSW) for development on or adjacent to a classified road is triggered under Sections 2.117, 2.118 and 2.119.

Section 2.122 – Traffic Generating Development

In accordance with Section 2.122, development listed in Schedule 3 is identified as traffic-generating development. The proposed development is identified under Schedule 3 and therefore requires referral to TfNSW as the car park associated with the development has a capacity greater than 50 vehicles and is within 90m of a classified road. The car park will also generate greater than 50 vehicles per hour during peak usage. To this extent, a Traffic Impact Assessment (TIA) has been prepared and is provided at **APPENDIX 7**. The TIA provides the following key conclusions relating to parking and traffic movements:

- All vehicular access will be provided off O'Connell Road at the south-western corner of the site. This access will be used by visitors, waste collection vehicles and emergency vehicles. The proposed access is in the same location as approved under the Concept and early earthworks DA under 10.2023.64.1.
- In accordance with Austroads 'Guide to Road Design Part 4, a BAR/BAL type intersection is required to be constructed in O'Connell Road at the entry/exit to the site. This would include the provision of 'No Stopping' signage and potentially an upgrade to the pavement depth in the road shoulders (subject to a Geotechnical Report) within the existing road formation in O'Connell Road. The intersection will be formalised under a subsequent DA.
- A minimum on-site entry width of 6 metres and a separate exit of between 4 to 6 metres would be required.
- It is proposed to provide a total of 146 car parking spaces in an at-grade parking area. This will include 4 accessible spaces. The parking area will also include a bus park /drop off area adjacent to the forecourt that will provide pedestrian access from the carpark into the facility. A temporary parking area is provided adjoining the building as part of the DA, within the sub-grade area completed under DA 10.2023.64.1. The parking area will be formalised under a subsequent DA.
- An overflow parking area will also be provided immediately west of the main carpark. This overflow area will have a capacity of around 100 vehicles, providing a total of

246 spaces. The main parking area is adequate for the anticipated parking demand at the site. However, should specific situations require additional parking, the overflow parking area of 100 spaces will be sufficient without impacting on the local streets.

- The additional traffic volumes that will be generated by the proposed Sports Complex on a typical weekend will have minimal impact on Albion Street and O'Connell Road as they will both continue to operate at the highest level of Service (LoS A) with spare capacity of 700 to 800 vehicles per hour.

In summary, the additional traffic movements generated by the development will have an acceptable impact on the surrounding road network and site access can operate with minimal delay or congestion. It is considered that the development is consistent with the requirements of the Development Control Plan in relation to traffic, parking and access. To this extent, the proposed development is not identified to have an adverse impact on road infrastructure, subject to the implementation of the recommendations made within the report, including:

- The preparation of a detailed Construction Traffic Management Plan, including Traffic Control Plans (TCPs), Vehicle Movement Plans and swept paths of construction vehicles.
- The preparation of a specific Traffic Management Plan for "Special Events". The TMP must be tailored to the event and may require provision for increased public transport use, the use of the overflow parking area and ride shuttles and suitable accredited traffic controllers.

It should be noted that the classification of the road is historically based on it being trafficable to B-Double Semitrailers. TfNSW acknowledges that this classification is an historic anomaly.

3.3 OBERON LOCAL ENVIRONMENTAL PLAN 2013

The controls relevant to the proposal are considered in **TABLE 2** below.

Table 2: LEP control consideration

LEP Control	Requirement	Proposal Comment	Compliance
Zone objectives and land use table (cl 2.3)	Permissibility and compliance with objectives	Refer to assessment below.	Yes
Minimum subdivision lot size (cl 4.1)	Nil requirements	N/A – no subdivision is proposed.	N/A
Height of buildings (cl 4.3(2))	Nil requirements	N/A – no height of buildings is applicable to the land.	N/A
Floor space ratio (cl 4.4(2))	Nil requirements	N/A – no FSR is applicable to the land.	N/A
Land acquisition (cl 5.1)	Nil requirements	N/A – no acquisition is proposed.	N/A
Heritage (cl 5.10)	Consideration of heritage items and conservation areas	<p>The site does not contain any item listed in Schedule 5 and is not within or near the vicinity of a heritage conservation area.</p> <p>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 near 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.</p>	N/A

Flood planning (cl 5.21)	Flood prone land	The site is not mapped as flood prone.	N/A
Earthworks (cl 6.1)	Considerations for cut and fill	Refer to assessment below.	Yes
Riparian land (cl 6.3)	Development within 40m of a watercourse	The site is not mapped as containing any watercourses. An existing dam on-site will be filled.	Yes
Essential services (cl 6.4)	Connection of all essential services	Refer to assessment below.	Yes
Development within a designated buffer (cl 6.6)	Acoustic attenuation measures	Refer to assessment below	Yes

- **Clause 2.3 – Zone Objectives and Land Use Table**

Zone objectives

The subject land is zoned RU6 - Transition. The objectives of the RU6 Zone include:

- *To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect and maintain land that provides a transition between the Oberon Timber Complex and adjoining residential land.*

The proposed development is considered to provide a suitable transition between rural, residential, and industrial land. The proposal will result in the protection of the existing open space between the residential and industrial areas.

No conflict is expected between adjoining uses given the proposed sporting facility maintains the existing buffer between the residential and industrial lands, effectively as active open space, rather than vacant paddocks which are underutilised in their current form. Minimal impact on the residential properties to the south is expected, through the implementation of management plans and suitable setbacks.

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.

To this extent, the proposed development is consistent with the objectives of the zone.

Land use table

A recreation facility (outdoor) is permitted with consent in the RU6 zone, defined as follows:

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).

A registered club is defined as follows:

registered club means a club that holds a club licence under the [Liquor Act 2007](#).

Under the *Liquor Act 2007*, a club licence authorises the licensee to sell liquor by retail on the licensed premises to a member of the club (or a guest of a member of the club) for consumption on or away from the licensed premises.

Schedule 1 of the LEP is in the process of being amended to incorporate a registered club as an additional permitted use. Email correspondence from the Department of Planning, Housing and Infrastructure was received on 12 March 2024, confirming that the amendment is imminent and certain. To this extent, the proposed DA is capable of lodgement and assessment. The registered club aspect of the development will provide an additional use to support the various sports clubs using the site (fields and courts), through provision of food and drink, and open seating spaces.

Like many sponsorship businesses / venues for sporting clubs, this area will be utilised for presentations, meetings, post-game social events and the like. It is unlikely that people outside of the recreation facility itself will attend the club, given other alternative uses of a similar kind are available in the area. Per the definition, patrons must be members, or a guest of the members to attend the club. Patronage of the proposed club is anticipated to be cohort of spectators of the sporting fields being over the age of 18. That is many attendees to the site will not have their drivers' licenses and RSA guidelines aside will not be of legal age for the consumption of alcohol.

- **Clause 6.1 – Earthworks**

The objective of this clause is *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.*

No additional earthworks beyond the extent approved under DA 10.2023.64.1 is proposed under this application. It is understood that completion of the earthworks is imminent.

- **Clause 6.4 – Essential Services**

This clause specifies that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the

development are available or that adequate arrangements have been made to make them available when required.

Essential services including electricity, water and sewer adjoin the site and can be connected to service the development in accordance with the relevant authorities' requirements. Discussion are being held regarding encroachment onto Essential Energy land. Services will be designed, constructed, and formalised under a subsequent DA.

Access to the site will be via the temporary access created under DA 10.2023.64.1. Formalisation of this access will occur under a subsequent staged DA.

To this extent, the development is adequately serviced and meets the requirements of Clause 6.4.

- **Clause 6.6 – Development within a designated buffer**

The objectives of this clause are to protect the operational environment of industries operating within the Oberon Timber Complex, and to control development near the Oberon Timber Complex and waste disposal facilities to minimise land use conflict.

The subject site is located to the south of the complex. The proposed development is considered to maintain a suitable buffer to the industrial area to adjoining land uses. The development is unlikely to impact on any operational requirements of the Oberon Timber Complex, and any land use conflict is considered unlikely due to the proposed landscaping buffer and associated setbacks of elements proposed within the development.

3.4 OBERON DEVELOPMENT CONTROL PLAN 2001

The following parts of the Oberon Development Control Plan 2001 (the DCP) are considered relevant to the proposed development. Planning comment on the applicable objectives and requirements are listed below under the relevant headings.

There are no specific planning controls within the DCP in relation to recreation facilities. The proposed buildings will be 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.

Part D – Commercial and Industrial Development

D.4.1 Building Setback

- The proposed development is located further than 6 metres from both O'Connell Road and Albion Street and therefore complies.

D.4.2 Building Façade

- The proposed development is located greater than 30m from the front boundary and will be set below the road elevation along O'Connell Road to remove any dominant impacts to the public domain and existing streetscape.

D.4.5 Access Driveways

- The development allows for both cars and trucks to enter and exit the site from a public road in a forward direction. Detailed plans relating to these elements will be provided as part of the development application package relating to the relevant stage.

D.4.7 Signs

- This application does not include any proposed building or business identification signage.

Part F – Vehicle Circulation and Parking

The proposed development incorporates a 146-space carpark and overflow area for 100 car parking spaces. In accordance with the DCP, a Licenced Club, requires a minimum parking requirement, as follows:

- 1 space per 6m² public area in Bars and Lounges;
- plus 1 space per 10m² public area in Dining Rooms;
- plus 1 space per 3 seats in Auditorium;
- plus 1 space per 2 employees.

The proposed Club will not include an auditorium and the number of employees is unknown at this stage, however, a staff of 10 would be a reasonable number to assume for assessment purposes.

A traffic and parking assessment has been prepared and is provided at **APPENDIX 7**. The assessment concludes that the main parking area is adequate for the proposed parking demand at the site. However, should specific situations require additional parking, the overflow parking area of 100 spaces should be sufficient without impacting on the local streets. A temporary parking area is provided adjoining the building as part of the DA, within the sub-grade area completed under DA 10.2023.64.1. The parking area will be formalised under a subsequent DA.

F.7 Design, Access and Construction

- **Materials:** The car parking is a hardstand space within the front setback area. At this stage, the overflow parking area will be compressed gravel in nature.
- **Disabled:** 4 accessible parking spaces are provided.
- **Landscaping:** A landscaping plan has been provided which will enhance the overall site. The inclusion of turf and a vegetated area within the front setback will screen the car parking area from the streetscape.
- **Signs:** Traffic signage plans will be provided within the development application package for the relevant stage.

3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTION PLAN

The *Oberon Development Contributions & Water Management Works Plan (Amendment) 2004* is relevant pursuant to section 7.18 of the EP&A Act.

The Plan requires that commercial and/or industrial development pay developer contributions at either 0.25% of the Capital Investment Cost or 4 x ET (whichever is greater).

4.0 LIKELY IMPACTS OF THE DEVELOPMENT

Section 4.15 – (1) Matters for consideration – general of the *Environmental Planning and Assessment Act 1979* states:

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*
 - iv. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - vi. 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.*

4.1 BUILT AND VISUAL IMPACTS

Context and setting

The proposed development does not result in any adverse impacts to the built environment from a visual perspective, rather contributes to the aesthetics and physical layout of the site. Amenity impacts relate to the surrounding residential land.

The site comprises two parcels of land, zoned RU6 Transition under the LEP. The site is on the periphery of the Oberon industrial area to the north and R1 General Residential zone to the south. The site is predominantly cleared of vegetation and has historic use relating to agricultural grazing.

The site has been zoned for the purpose of maintaining a “buffer” between the Oberon Timber Complex and Oberon residential township to minimise conflict between land uses within this zone. The zoning of the subject site provides an appropriate transitional area between the Oberon Timber Complex and adjoining residential land. The proposed development contributes to this transitional area through providing an activated use with appropriate setbacks, built form and landscaping to integrate with the industrial, commercial, and residential uses surrounding the site.

The existing industrial buildings in the vicinity of the site vary in scale and density. The timber complex area to the north of the subject site has numerous multistorey buildings and highly visible structure. Given the anticipated nature of the proposed recreation facility in this locality, the development remains compatible with the context and setting. Landscaping of the completed site will enhance visual amenity of the area and contribute to a sense of place.

4.2 NATURAL IMPACTS

Soils

Soil testing as part of the Preliminary Contamination Investigation concluded that the site is suitable for the proposed use with no remediation required.

Vegetation and landscaping

The proposed Landscape Plan, provided within the architectural plan set shows the inclusion of turf around the building constructed as part of this stage. Future stages will incorporate the planting of native species, which will significantly increase the biodiversity value of the site, providing foraging and future breeding habitat for many threatened species in the locality.

Stormwater and erosion

Detailed stormwater plans that manage stormwater in accordance with Councils quantity and quality requirements will be provided at Stage 1 and with additional details to be provided for each development application for the relevant stage. In addition, the installation and maintenance of erosion and sedimentation controls will occur for the duration of construction works. To this extent, no negative impact on the natural environment is anticipated as part of the development.

Acoustic

All construction will be carried out in accordance with the standard regulations (including hours and weekdays), to ensure noise impacts are mitigated and any consent will be conditioned accordingly.

Regarding the 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. Suitable conditions of consent may be applied to any approvals to limit night-time activities, including the ancillary club.

A Noise and Vibration Impact Assessment has been prepared and is provided at **APPENDIX 9**, addressing potential operational impacts. The modelling undertaken as part of the report concluded that:

“A noise Impact assessment has been undertaken into the operation of the proposed Oberon Sports Complex, located of O'Connell Road, Oberon, NSW has been conducted.

The assessment has considered noise emissions from typical and worst-case noise generation at the sports complex and licensed club. The report contains a number of recommendations in relation to sirens and PA. systems which are aimed at minimising noise emissions.

The assessment has found there will be no adverse noise Impacts from the operation of the facility or associated traffic.”

A construction management plan may be conditioned as part of any consent, to ensure mitigation of construction noise and vibration impacts.

Air Quality and Dust

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.

Waste Management

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

4.3 SOCIAL AND ECONOMIC IMPACT ON THE LOCALITY

Safety, Security and Crime Prevention

A Crime Prevention through Environmental Design (CPTED) Report has been prepared and is provided at **APPENDIX 6**. The Report concludes that the proposal has been designed in accordance with the CPTED principles and can be managed to minimise the potential risk of crime. Several recommendations have been made and will be complied with, relating to surveillance, access control, territorial reinforcement, and space management, to ensure ongoing protection of safety and security into the future.

Social Impacts

The proposed development will result in a positive social impact on the Oberon community, as the recreation facility will 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. Through the implementation of management plans, potential impacts relating to noise, dust and odour will be mitigated to reduce impacts on the adjoining residents.

Economic Impacts

The development will have a positive economic impact on the locality. The development will result in the creation of jobs, to operate the facility. Construction jobs will also be created. The development will have positive economic impacts.

Cumulative Impacts

No cumulative impacts will result, given the development will be the first on the site. To ensure mitigation of cumulative impacts on the surrounds, conditions relating to noise and stormwater are acceptable.

The proposed development will be serviced by suitable facilities and services without burdening the existing supply available within the area. The construction of the proposed development will provide employment opportunities in the locality and support the local building and development industries. This will have direct monetary input to the local economy. The additional facilities proposed will encourage increased sporting memberships, which will in turn provide improved social and economic cohesion. There are no anticipated adverse social or economic impacts because of the proposed development.

5.0 SUITABILITY OF THE SITE AND PUBLIC INTEREST

The subject site is located within an existing transition area and is relatively clear of vegetation and riparian buffers. The site has access to all relevant services and the proposed development makes good use of the available land within Oberon. The application design includes all elements required under the relevant planning instruments and policies, and there are no anticipated negative impacts on the locality as a result of the development, through the implementation of management plans and associated monitoring. To this extent, the site is suitable for development.

The proposal represents additional recreational facilities in the locality to service the needs of the community, whilst not anticipated to have any significant adverse impacts on surrounding properties or the amenity of the locality. The proposed development reinforces the transitional nature of the land and is in keeping with the character of surrounding developments. The proposed development is in the public interest.

6.0 CONCLUSION

The key reasons why the proposed development is appropriate are as follows;

- The proposed development is generally consistent with the approved Staging under the Concept DA 10.2021.19.1, noting that the next stage of the development will comprise permanent parking and access, along with the construction of rugby fields and lighting.
- The proposed development is permissible on the site with consent under the LEP (noting registered club is imminent and certain via PP-2023-1166).
- No adverse impact on the existing character or amenity of the area will result, subject to the incorporation of management plans as recommended within the specialist reports supporting this application.
- The proposed development maintains a suitable buffer between the residential zone and Oberon Timber Complex.
- The facility will provide the community with a modern sporting facility and associated 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.
- The proposal is considered to enhance the amenity of the area through the incorporation of substantial landscaping and contributes to a sense of community.

- Sufficient detail has been provided to demonstrate how the proposed land uses will function and provide a cohesive development throughout the proposed six stages of the development.

It is considered that the proposal will have no significant impact on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to Councils determination of this matter. If we can provide any further information or clarity, please don't hesitate to contact us.



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