

# AGENDA

of the  
**Local Planning Panel**  
held in  
**Council Chambers,**  
**Wingecarribee Shire Council Civic Centre,**  
**68 Elizabeth Street, Moss Vale**  
on

**Wednesday 22 November 2023**

The meeting will commence at **2:00 pm**

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 NOVEMBER 2023**

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**Our Mission, Our Vision, Our Values**

**OUR MISSION**

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

**OUR VISION**

**Leadership:** *'An innovative and effective organisation with strong leadership'*

**People:** *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

**Places:** *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

**Environment:** *'A community that values and protects the natural environment enhancing its health and diversity'*

**Economy:** *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

**OUR VALUES**

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

### **Recording and Webcasting of Local Planning Panel Meetings**

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Individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting under the Council's Code of Meeting Practice.

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The meeting must not be recorded by others.

Please ensure that all electronic devices including mobile phones are switched to silent.

**The Council Chamber has 24 Hour Video Surveillance.**

## **1 OPENING OF THE MEETING**

The Chairperson opened the meeting and welcomed members of the public and the press.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

The Chairperson acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

## **3 APOLOGIES**

Nil at time of print.

## **4 DECLARATIONS OF INTEREST**

The provisions of Chapter 14 of the Local Government Act 1993 regulate the way in which nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the meeting.

Council’s Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

## **5 PLANNING PROPOSALS**

## **6 DEVELOPMENT APPLICATIONS**

### **6.1 DA23/0503 - Development Application for Construction of a covered multi-purpose equestrian arena at Lot 1 DP618233, No 145 Quarry Rd Bundanoon**

**Report Author:** Consultant Town Planner – Jennie Askin, aSquare Planning  
**Authoriser:** Jon Shillito - Manager Development Assessment & Regulation

#### **PURPOSE**

The purpose of this report is to consider Development Application DA23/0503 for the Panel's consideration and recommends determination by approval of consent for the reasons specified in Attachment 1.

<b>Consultants</b>	Nil (Applicant: Southern Highlands Carriage Club Inc)
<b>Notification Period</b>	24 Nov – 8 Dec 2022
<b>Number of Submissions</b>	One – submission in SUPPORT
<b>Zoning</b>	RE1 – Public Recreation under Wingecarribee LEP 2010
<b>Political Donations</b>	None disclosed
<b>Reason for Referral to Panel</b>	Council is the owner of the subject land.

#### **OFFICER'S RECOMMENDATION**

**THAT the Local Planning Panel determines DA23/0503 for construction of a covered multi-purpose equestrian arena at Lot 1 DP618233, No 145 Quarry Rd Bundanoon by APPROVAL for the reasons specified in Attachment 1 to this report.**

#### **EXECUTIVE SUMMARY**

##### **1. Executive summary**

Development Application (DA) 23/0503 seeks consent for the construction of a cover over an existing multi-purpose equestrian arena – measuring 105metres x 45metres. The structure is of metal-sheet construction, with walls to the southern and western sides (open to the northern and eastern sides), and primarily used by the Southern Highlands Pony and Carriage Club, that occupies the existing clubhouse on the subject site.

The subject site is located within the RE1 Public Recreation zone under Wingecarribee LEP 2010. The proposed development is best defined as a *recreation facility (outdoor)* which is listed as permitted with consent within this zoning.

The DA has been referred to officers within and external to Council, and no objections have been raised subject to appropriate conditions. The DA has also been notified to neighbours in accordance with Council's Community Participation Plan – and one (1) submission was received, in support of the proposal.

The DA has been assessed under the heads of consideration listed in Section 4.15(1) of the Environmental Planning & Assessment Act 1979 and is recommended for approval, subject to the

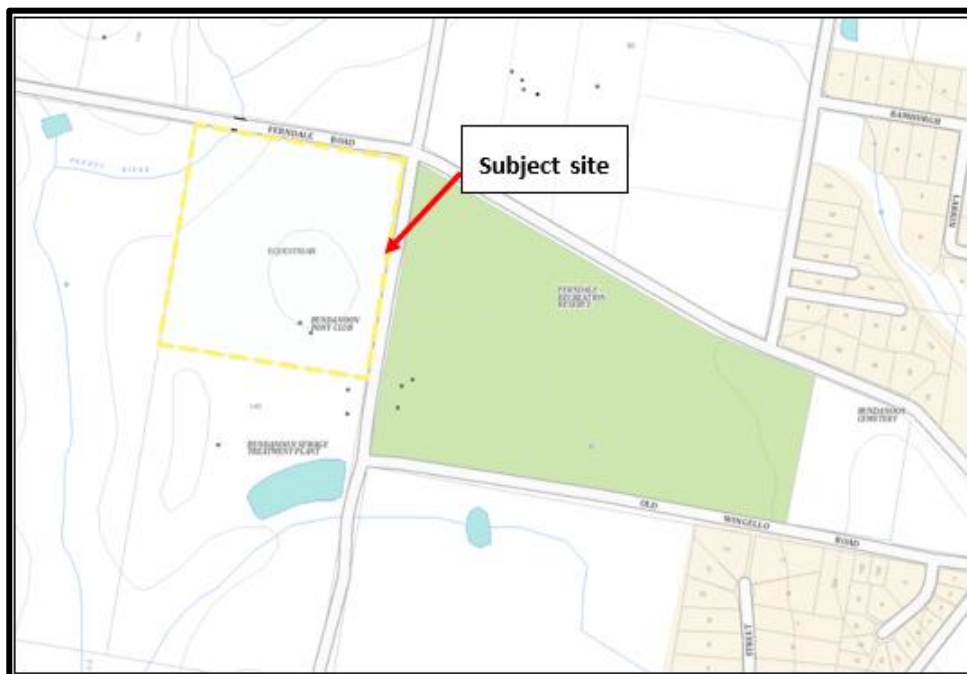
conditions listed in **Attachment 1**. The proposal is permissible in the zoning of the property, and is consistent with the current and future use of the site.

Approval is recommended subject to the conditions listed in **Attachment 1**.

**2. Site Description and Locality.**

The site is known as 145 Quarry Road, Bundanoon and is legally described as Lot 1 in DP 618233. The site is 74,630sqm in area and is bound by Paddy's River to the west and Quarry Road to the east and Ferndale Road to the north. Paddy's River also cuts through the north-western corner of the site and therefore the site also contains riparian land.

The site is located directly to the west of Ferndale Reserve and is approximately 1km north-west of Bundanoon train station. The site is currently home to the Bundanoon Pony Club. Council's sewerage treatment plant is located to the south of the subject site.



**Locality Plan – 145 Quarry Road Bundanoon**





**Aerial Photograph – 145 Quarry Road Bundanoon (nearmap.com.au 5 Sept 2023)**



**Existing equestrian arena and existing club house in the background  
145 Quarry Road, Bundanoon**

### **3. Description of the Proposed Development**

DA23/0503 seeks consent for the construction of a covered multi-purpose equestrian arena – measuring 105metres x 45metres. The structure is of metal-sheet construction, with walls to the

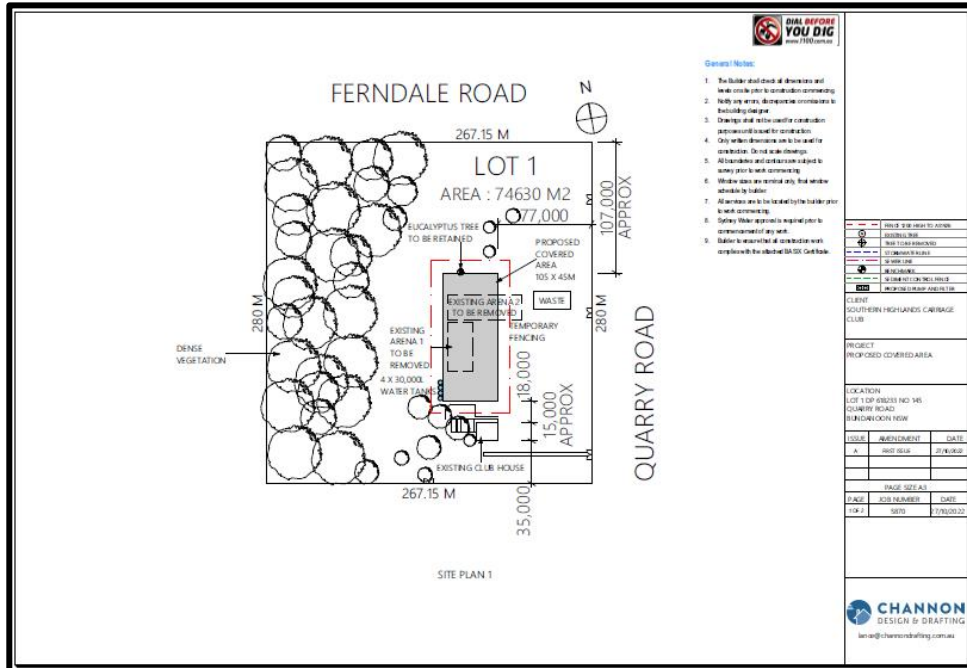


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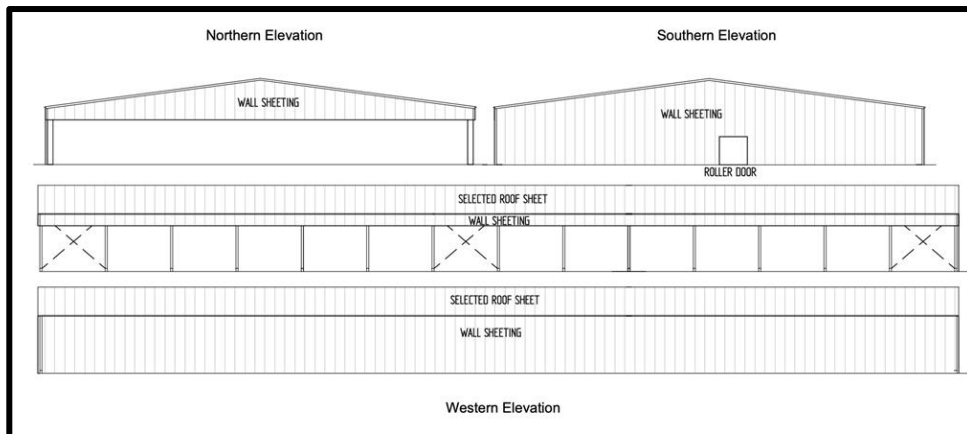
southern and western sides (open to the northern and eastern sides), and primarily used by the Southern Highlands Pony and Carriage Club which occupies the subject site.

The proposed arena is to be generally located in the centre of the site, with a setback of 77metres from Quarry Road (107metres from Ferndale Rd) and 53metre from the southern boundary.

Extracts from the DA plans are provided below (site plans and elevation):



**Site Plan – Proposed Equestrian Arena 145 Quarry Rd Bundanoon**



**Elevations - Proposed Equestrian Arena 145 Quarry Rd Bundanoon**

**4. Neighbour Notification**

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with Council's Community Participation Plan for a period from 24 November to 8 December 2022.

One submission was received – in **support** for the proposal.

This submission of support is noted.

## **5. PLANNING ASSESSMENT**

The DA has been assessed using the heads of consideration listed in Section 4.15 of the Environmental Planning & Assessment Act 1979, as detailed below.

### **Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument that apply to the land**

Assessment against the provisions of the various environmental planning instruments applicable to the site / proposed development is undertaken in the following section.

#### ***South East and Tablelands Regional Plan 2036***

The *South East and Tablelands Regional Plan 2036* provides a framework to guide the NSW Government's land use planning priorities and decisions over the next 20 years.

The proposal is consistent with the Directions within the Plan. In particular, it is consistent with the conditions as listed within the table below.

<b>Direction No.</b>	<b>Comments</b>
8 – Protect important agricultural land	The proposal does not impact upon important agricultural land and no agricultural land is lost as a result of the development.
9 – Grow tourism in the region	The proposal will enhance the vibrancy, social cohesion and recreational activities of the region by providing community events that increase the attractiveness of the area and its appeal to tourists.
14 – Protect important environmental assets	The proposal involves the construction of a covered equestrian arena which is separated from vegetation and riparian land to the west and north-west of the site. Important environmental assets will not be affected by the development.

#### ***Draft State Environmental Planning Policies***

There are no draft SEPPs that would preclude the use / works as proposed.

#### ***State Environmental Planning Policy (Biodiversity & Conservation) 2021***

##### Chapter 4 – Koala Habitat Protection 2021

Wingecarribee Shire Council is identified in Schedule 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 as a Local Government Area which is subject to the provisions of Chapter 4 Koala habitat protection 2021.

To date Wingecarribee Shire Council does not have a Koala Plan of Management that has been approved in accordance with Part 4.3 of the Biodiversity and Conservation SEPP 2021, and therefore this development application must be assessed in accordance with Section 4.9(1) of the Biodiversity and Conservation SEPP 2021.

Section 4.9 - Development assessment process — no approved koala plan of management for land.

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4.9(1) - This section applies to land to which this Chapter applies if the land —

- a. has an area of at least 1 hectare (10,000sqm) (including adjoining land within the same ownership), and
- b. does not have an approved koala plan of management applying to the land.

The site has an area of 7.463ha and does not have an approved koala plan of management applying to the land, therefore the proposal must be assessed in accordance with Clause 4.9(1) of the Biodiversity and Conservation SEPP 2021.

In accordance with subclause (2) Council has undertaken an assessment of the proposal, which has identified that the proposal does not seek to remove any trees from the site.

There is a large stand of trees (western side of the site), however none of these are proposed for removal.

The specific part of the subject site where the covered arena is proposed, is cleared of most vegetation and would therefore be satisfactory under this Part of the SEPP.

Chapter 6 – Water Catchments

The site is within the Warragamba Catchment and therefore Chapter 6 Water Catchments of the Biodiversity and Conservation SEPP 2021 applies. The application is a Module 1 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore Council has delegated authority to determine water quality.

A Neutral or Beneficial Effect (NorBE) assessment has been undertaken for the development, which concludes that the proposal could achieve a neutral or beneficial effect, and therefore Chapter 6 of the SEPP is satisfied.

If it is decided to approve the development, appropriate sediment and erosion conditions could be imposed to assist the development to achieve neutral or beneficial effects in terms of water quality.

**State Environmental Planning Policy (Resilience & Hazards) 2021**

Chapter 4 – Site Contamination

Chapter 4 of SEPP Resilience and Hazards 2021 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. Council is satisfied that the land is not a site of possible contamination and therefore no further assessment of contamination is required.

**Wingecarribee Local Environmental Plan 2010**

The site is zoned RE1 Public Recreation under Wingecarribee LEP 2010; and in this zone it is proposed to construct a multipurpose covered equestrian arena which is permissible with development consent. The proposed covered equestrian arena is categorized as a *recreation facility (outdoor)*, the definition of which includes equestrian centre, used predominantly for outdoor recreation.

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Objectives of the Zone:

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The following are the objectives of the RE1 Public Recreation zone:

- *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.*
- *To enable ancillary development that will encourage the enjoyment of land zoned for open space.*

The proposed development is consistent with these objectives. The arena structure will facilitate the continued use of the land by the Southern Highlands Carriage & Pony Club and for public open space and recreation purposes. The proposal is considered to be an ancillary development that will encourage the enjoyment of land for open space purposes.

Compliance Assessment

<b>WLEP 2010 Clause</b>	<b>Compliance with Requirements</b>
Clause 4.3 Height of buildings	<i>Unspecified</i>
Clause 4.4 Floor space ratio	<i>Unspecified</i>
Clause 4.6 Exceptions to development standards	n/a
Clause 5.10 Heritage conservation	n/a
Clause 5.21 Flood planning	n/a
Clause 7.3 Earthworks	Yes – The proposal includes excavation works to accommodate the pier footings for the equestrian shed. The earthworks are not likely to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land.
Clause 7.4 Natural resources sensitivity – biodiversity	The site is partly affected by Category 1 – Environmental Corridor at its north-western corner as detailed in the map from the Natural Resources Sensitivity LEP Map Sheet NRS_008.  The proposed development for a covered equestrian arena is located further to the southern side of the site and therefore any works are unlikely to impact water quality and flows or any native flora and fauna.

**Draft Local Environmental Plans**

There are no draft EPI's that would preclude the development as proposed.

**Bushfire Prone Land – Section 4.14 Consultation and Development – Certain Bush Fire Prone Land**

The subject land is identified to be affected by Bush Fire risk. The DA has been referred to the NSW Rural Fire Service, and they have provided concurrence subject to appropriate consent conditions (included in **Attachment 1**).

**Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan that applies to the land**

***Rural Lands Development Control Plan***

The Rural Lands Development Control Plan applies to land zoned RU1, RU2, C2, C3 and SP3. The site is zoned RE1 and therefore the provisions of the DCP do not apply.

***Bundanoon Township Development Control Plan***

The Bundanoon Township Development Control Plan does not include the subject site.

**Section 4.15 (1) (a) (iiia)—Any planning agreement that has been entered into under section 7.4**

No planning agreement has been entered into or proposed under section 7.4 of the Environmental Planning and Assessment Act 1979 in relation to the land.

**Section 4.15 (1) (a) (iv)—The provisions of the regulations that apply to the land**

All relevant provisions of the Environmental Planning and Assessment Regulation 2021 have been considered and satisfied in the assessment of this DA.

**Section 4.15 (1) (b)—The likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the Locality**

The likely impacts of the proposed development have been discussed throughout this report. The proposed development would have minimal adverse impact on the natural or built environment. It is considered to be an ancillary structure that will facilitate the continued use of the site for equestrian purposes.

**Section 4.15 (1) (c)—The suitability of the site for the proposed development**

The subject site is not affected by any natural constraints which would render the site as unsuitable for the proposed development.

The site is affected by bushfire, however the NSW Rural Fire Service have provided their concurrence to the development subject to suitable conditions of consent.

Although the site is partly affected by a defined watercourse – this is generally located along the western side of the site, which is not in the area for the proposed equestrian arena structure.

In terms of potential flooding risk – in respect of this location in the Shire, Council does not have sufficient information to determine whether (or the extent to which) the site is affected by flooding.

**Section 4.15 (1) (d)—Any submissions made in accordance with the Act or the regulations**

The neighbour notification of this development has resulted in one (1) submission – in support of the proposal. Refer to the Community Consultation section of this report, above.

**Section 4.15 (1) (e)—The Public Interest**

Having regard to the circumstances of the case, approval of the proposed development is generally in the public interest. The design of the structure would generally have no significant adverse impacts, and the structure itself would facilitate the continued use of the land for recreation purposes.

**6. Referral Comments**

The DA was referred to the following officers within and external to Council:

Internal Comments:

*Accredited Certifier:* Has raised no objection subject to appropriate conditions of consent.

External Comments:

*NSW Rural Fire Service:* Has advised that the proposed development is satisfactory, and provided conditions which are included in **Attachment 1**.

*Water NSW:* Has advised that the proposed development is satisfactory, and provided conditions which are included in **Attachment 1**.

## **7. Conclusion**

The proposed development has been assessed using the heads of consideration listed in Section 4.15 of the Environmental Planning & Assessment Act 1979.

The proposal is permissible within the RE1 zoning of the property, and is generally satisfactory in terms of impacts on the natural and built environment.

The proposed equestrian arena is of a standard design, and will be consistent with the use of the property, which for a long time has been for the Southern Highlands Carriage & Pony Club.

One submission in support of the development has been received following neighbour notification under Council's Community Participation Plan.

Approval is recommended subject to the conditions in **Attachment 1** of this report.

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## **ATTACHMENTS**

1. DA 23 0503 Conditions of Consent [**6.1.1** - 13 pages]
2. DA Site Plan Issue A A I-629063 [**6.1.2** - 2 pages]
3. DA Site Plan PA N-266231 [**6.1.3** - 1 page]
4. DA Set ABC Sheds PA N-266231 [**6.1.4** - 3 pages]
5. STATEMENT OF ENVIRONMENTAL EFFECTS - SHCC COVERED ARENA A I-627579 [**6.1.5** - 15 pages]

**SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT**

**ADMINISTRATION CONDITIONS**

**1. Development Description**

Development consent has been granted in accordance with this notice of determination for the purposes of a multi-purpose equestrian arena.

**Reason:** To confirm the use of the approved development.

**2. Development in Accordance with Plans and Documents**

Except where otherwise specified by conditions of consent, the development shall be carried out in accordance with the information accompanying the development application, and the stamped consent drawings set out in the following table including any notations or amendments made by Council.

<b>Plan Title / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	5870	Channon Design & Drafting	27/10/2022
Elevations	Sheets 1, 2 and 3	ABC Sheds Global Pty Ltd	21/09/2022

**Reason:** To ensure the development is carried out in accordance with the approved plans and documentation.

**3. Inconsistency between documents**

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

**Reason:** To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).

**4. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

- (a) That the work must be carried out in accordance with the requirements of the National Construction Code.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**Reason:** *Prescribed Condition under the Environmental Planning and Assessment Regulation 2021*

**5. Erection of Signs**

A sign must be erected in a prominent position on any site on which building work, is being carried out:

- (a) Showing the name, address and telephone number of the Principal Certifier (PC) for the work, and
- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.



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*Reason: Prescribed Condition under the Environmental Planning and Assessment Regulation 2021*

### 6. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) In the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the Principal Certifier (PC) for the development to which the work relates (not being the council) has given the council written notice of the updated information.

*Reason: Prescribed Condition under the Environmental Planning and Assessment Regulation 2021.*

### 7. Compliance with Disability Discrimination Act 1992

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act.

*Reason: To inform of relevant access requirements for persons with a disability.*

*Note: Disability (Access to Premises - Buildings) Standards 2010 -As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### 8. Application for a Construction Certificate (Building Works)

The applicant must apply for the Construction Certificate through the NSW Planning Portal to carry out the relevant building works in accordance with this consent

The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private registered certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a

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certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

- (c) Essential services plan outlining the existing and proposed fire safety measures.
- (d) Plans detailing the layout, extent and location of key components of any required Hydraulic Fire Safety System/s (Fire Hydrant and Fire Hose Reels) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by a competent fire safety practitioner (CFSP) as complying with the relevant provisions of the Building Code of Australia (BCA).
- (e) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (f) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:
  - Performance requirements that the alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

**Reason:** A requirement under the provisions of the Environmental Planning and Assessment Act 1979.

**Note:** Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.

### 9. Appointment of Principal Certifier (PC)

No work shall commence in connection with this Development Consent until:

- (a) A Construction Certificate for the building work has been issued by:
  - (i) the consent authority; or
  - (ii) a Principal Certifier (PC); and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a Principal Certifier (PC) for the building work, and
  - (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the Principal Certifier (PC) has, no later than 2 days before the building work commences:
  - (i) notified the Council of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:

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- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the Principal Certifier (PC) of such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

**Reason:** *To ensure that there is certainty as to the consent applying to the land.*

### 10. Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

**Note:** *Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

**Reason:** *To inform of relevant access requirements for persons with a disability.*

### 11. Developer to provide photos of damage to Council property

The developer must provide Council and the Principal Certifier (PC) with photos of any damage of Council property adjoining the development prior to the issue of the Subdivision Works Certificate.

Photos should include any damage to footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter and road pavement and the like.

Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property.

Repairs to damaged Council property are to be carried out by the contractor/builder to Council's specification and supervision prior to issue of the Subdivision Certificate.

**Reason:** *To ensure that Councils assets are protected.*

### 12. Long Service Levy Payments

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Subdivision Works Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Councils Office.

**Reason:** *Statutory requirement*

### 13. Building within Vicinity of Sewer Main

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Where a building is constructed within the zone of influence of the sewer main, the weight of the building shall be distributed away from the sewer main by pier and beam construction. The piers shall be designed by a suitably qualified experienced professional and chartered Engineer and shall be embedded on firm foundation at least 300mm below the zone of influence with a minimum horizontal clearance from the pipe of 600mm.

The area of influence of the sewer main is considered that area within the angle of repose of 45° for normal loam/clay/sand foundations, or 60° for rock foundations measured 600mm from the outside of the pipe from the trench bottom.

Notwithstanding the above, a building shall not be erected within 1.2m of the outside edge of a sewer manhole and unobstructed personal access of minimum width of 900mm shall be provided to any manhole located upon private property.

**Reason:** To protect public infrastructure.

### 14. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

**Reason:** To minimise the amount of waste going to landfill.

## CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

### 15. Notice of Commencement

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from Council's website), giving the Principal Certifier (PC):

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifier (PC) (either Wingecarribee Council or another Principal Certifier).
- (c) Details of the Principal Contractor or Owner Builder:
  - Name
  - Builders Licence Number or Owner Builder Permit Number
  - Principal Contractor Company Name
  - Principal Contractor ABN
  - Address of Principal Contractor or Owner Builder
  - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit.
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

**Reason:** Statutory requirement.

**Advice:** Attached Notice of Commencement form to be completed.

## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 NOVEMBER 2023**

### **16. Principal Certifier (PC) Sign**

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifier (PC) by showing the name, address and telephone number of the Principal Certifier (PC);
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

*Advice: Where Council is the PCA, signage is available from Council.*

*Reason: Statutory requirement.*

### **17. Construction Certificate**

No work shall commence until a:

- (a) Construction Certificate is obtained from either the Wingecarribee Shire Council or an Accredited Certifier; and
- (b) Construction Certificate lodged with Council obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.

*Reason Statutory requirement.*

### **18. Fencing of the Construction Site**

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

*Reason: To ensure that the safety of the public is not compromised.*

### **19. Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan shall be prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and approved by Council prior to issue of the Section 68 Certificate.

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be referred to onsite by project management staff or project construction supervisor. Items to be shown on the Plan shall include:

- (a) Locality of the site, a north point and scale.
- (b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- (c) Location of and basic description of existing vegetation.

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 NOVEMBER 2023

- (d) Diversion of uncontaminated up-slope run-off around the disturbed sites.
- (e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.
- (f) Nature and extent of earthworks, including cut and fill roadworks.
- (g) Location of all soil and material stockpiles.
- (h) Location of site access, proposed roads and other impervious areas.
- (i) Existing and proposed drainage patterns.
- (j) Location and type of proposed erosion and sediment control measures.
- (k) Site rehabilitation proposals, including final contours.
- (l) Time of placement of sediment controls.
- (m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (n) Maintenance schedule.

**Reason:** To minimise soil erosion and sediment movement during construction.

### 20. **Set Out Survey**

The development shall be set out by a Registered Land Surveyor to ensure the correct location on the site in accordance with the approved site plan prior to the commencement of works.

**Reason:** To ensure compliance with the approved plans.

## CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

### 21. **Structure not to be built over easements/infrastructure**

No portion of any structure shall be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

**Reason:** To protect infrastructure.

### 22. **Ground Levels**

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to an approved storm water drainage system.

**Reason:** To ensure that natural drainage of the property and adjoining properties is not affected.

### 23. **Vehicular Access Point - Construction and Delivery Vehicles**

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 NOVEMBER 2023**

property is minimised during construction. The access point shall be surfaced with all-weather materials.

Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

**Reason:** *To reduce the possibility of damage to public property.*

**24. Approved hours of Construction/Demolition**

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

**Reason:** *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

**Note:** *Any variation to these hours shall require Council consent via the lodgment of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

**25. Building Operations**

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the storm water drainage system.

**Reason:** *To ensure that building materials are not washed into storm water drains.*

**26. Maintenance of the site**

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

**Reason:** *Environmental amenity.*

**27. Site requirements during demolition and construction**

All of the following shall be satisfied/complied with during demolition, construction and any other site works:

- (a) All demolition shall be carried out in accordance with Australian Standards AS 2601-2001.



## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 NOVEMBER 2023

- (b) Demolition shall be carried out by a registered demolition contractor.
- (c) A single entrance shall service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting shall be carried out at any time during construction of the building.
- (e) Care shall be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission shall be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials shall be recycled wherever practicable.

**Reason:** *To ensure that the works are carried out in accordance with the approval and relevant legislation and to ensure that there is no disturbance to neighbouring properties.*

### 28. Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*,  
or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

**Reason:** *To ensure that there are appropriate facilities on-site for construction workers.*

### 29. Waste Management

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

**Reason:** *To ensure that all wastes generated from the construction of the development are contained on the site.*

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

### 30. Occupation Certificate

In accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979*, an application for an Occupation Certificate, shall be made on completion of the works and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

The Principal Certifier (PC) is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

**Reason:** *To comply with the provisions of the Environmental Planning and Assessment Act 1979.*

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 NOVEMBER 2023

*Note: A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of Section 6.10 of the Environmental Planning and Assessment Act 1979 unless an Occupation Certificate has been issued in relation to the building or part.*

*Note: The applicant is to ensure that works associated with the Section 138 (Roads Act) approval and Section 68 (Local Government Act) approval are completed and inspected by Council.*

### 31. Completion Requirements

All of the conditions of this consent shall be at no cost to Council and shall be completed prior to the issuing of any Occupation Certificate in relation to the development (unless stated otherwise).

*Reason: To ensure that the development is completed as per this consent and the approved plans.*

### 32. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the *Environmental Planning and Assessment (Amendment) Regulation 2000*, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Wingecarribee Shire Council;
- Forwarded to the Fire Commissioner; and
- Prominently displayed in the building.

*Reason: To ensure the safety of the building.*

## CONDITIONS TO BE DURING THE OPERATION AND USE OF THE DEVELOPMENT

### 33. Amenity

The approved use on the site shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of noise, smoke, smell, vibration, gases, vapours, dust, particulate matter or other impurities from the premises.

*Reason: To ensure that the amenity of neighbouring properties is not compromised.*

### 34. Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:

- (a) shall deal with each essential fire safety measure in the building premises; and
- (b) shall be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:

- (a) shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and

## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 NOVEMBER 2023**

- (b) shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.

*Reason: To ensure compliance with fire safety requirements.*

### **35. WATER NSW GENERAL TERMS OF APPROVAL**

#### **General**

1. The works and site layout shall be as specified in the Statement of Environmental Effects (dated September 2022) prepared by the Executive & Committee of the Southern Highlands Carriage Club Inc and shown on the Site Plans (Job Number: 5870: pages 1 and 2; dated 27/10/2022) both prepared by Channon Design & Drafting. No revisions to site layout, staging or external works that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Conditions 1 - Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.

#### **Manure Management**

2. All manure generated on the site shall be collected. The collected manure shall be stockpiled in dedicated bins or in a covered area, underlain by a sealed floor, before being removed from the site as soon as practicable.

Reason for Condition 2 - To ensure that an appropriate manure management system is in place on the site to minimise pollution of creeks and have an overall sustainable neutral or beneficial effect on water quality over the long term.

#### **Stormwater Management**

3. Rainwater tanks, as shown on the Site Plans (Job Number: 5870: pages 1 and 2; dated 27/10/2022) both prepared by Channon Design & Drafting, shall be installed prior to the issuance of an Occupation Certificate.
4. Rainwater captured in the rainwater tanks shall be used to wet down the arena area.
5. Overflow from the rainwater tanks shall be directed to an infiltration trench in a manner that does not cause erosion. The infiltration trench shall have a minimum area of 2 square metres.
6. No variation to stormwater treatment and management that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Conditions 3 to 6 - To ensure appropriate stormwater management and quality control measures are installed and managed to ensure a sustainable neutral or beneficial impact on water quality particularly during wet weather over the longer term.

#### **Construction Activities**

7. A Soil & Water Management Plan shall be prepared for all site works required as part of the development. The Plan shall:
- be prepared by a person with knowledge and experience in the preparation of such plans meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual
  - be prepared prior to the issuance of a Construction Certificate and be to the satisfaction of Council, and
  - include controls to prevent sediment leaving the construction site and entering any natural drainage system or stormwater drain.

## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 NOVEMBER 2023**

8. The Soil & Water Management Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed and implemented. The controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.

Reason for Conditions 7 & 8 – To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

### **36. RFS GENERAL TERMS OF APPROVAL**

#### **General**

1. The development proposal is to generally comply with the following plans/documents except where amended by recommendations below.
  - The plan titled "Site Plan 2, Drawn by Channing Design & Drafting, Job No: 5870, Page 1 of 1, dated 27/10/2022"

Council is advised that where a minor amendment to the above-noted documents is proposed, Council may use its discretion to determine whether the minor amendment warrants further assessment by the NSW RFS.

#### **Emergency Management**

2. A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The plan must also include the following:
  - identify permissible activities that may occur within the site on days of forecasted catastrophic or extreme fire weather;
  - a mechanism for the relocation of occupants on days with an 'extreme' or 'catastrophic' fire danger rating or days declared as a total fire ban;
  - contact details for the local Rural Fire Service office;
  - procedures for coordinated evacuation of the site in consultation with local emergency services.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

#### **Asset Protection Zones**

3. Prior to the use of the new equestrian arena facility and in perpetuity, the whole lot (excluding the unmanaged forest vegetation to the north-west, west and south west areas) shall be maintained as an Asset Protection Zone.

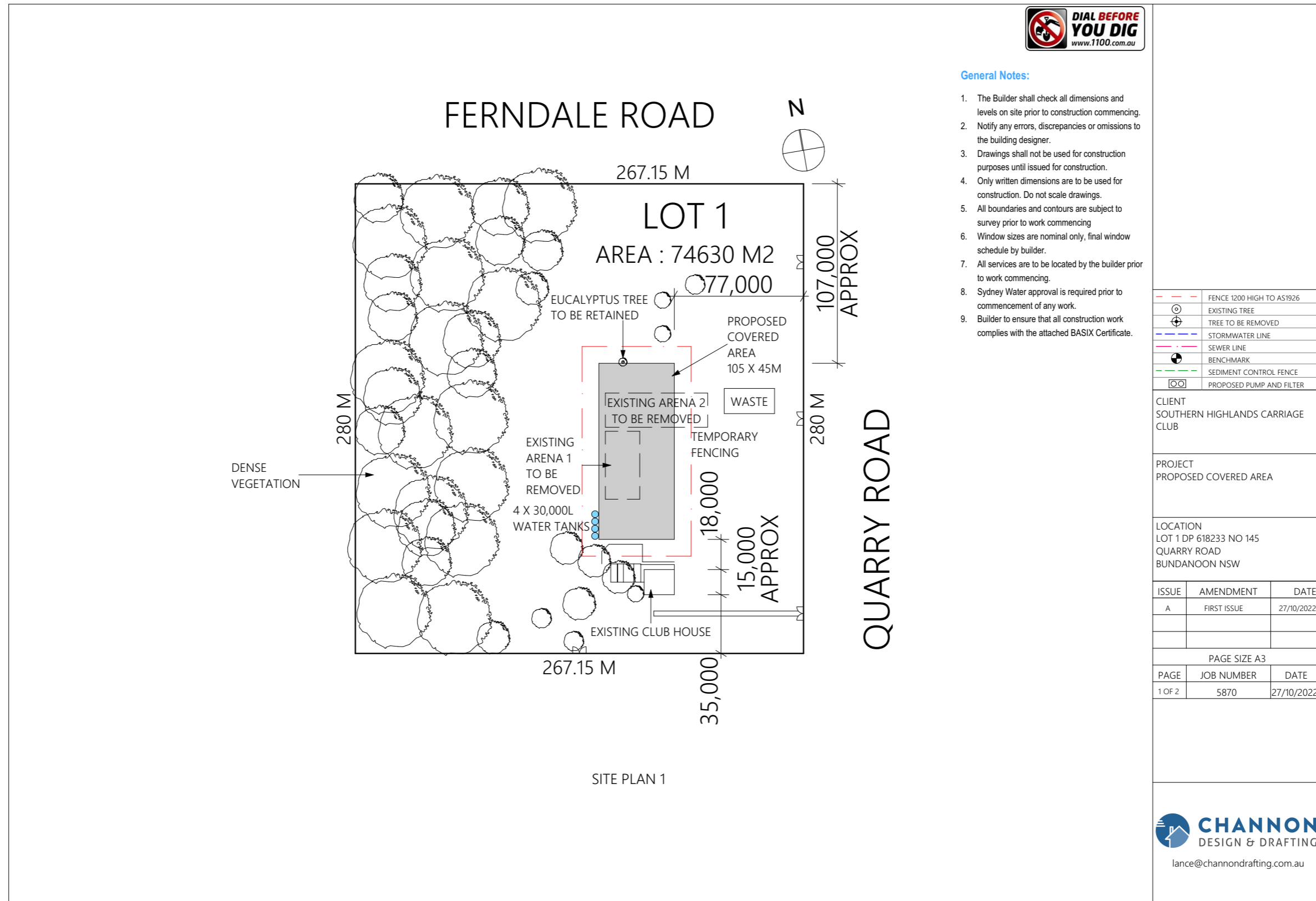
#### **Water and Utility Standards**

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. The provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:
  - a 10,000 litre static water supply, tank, pool, dam or the like, must be provided on-site,

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 NOVEMBER 2023

- an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure
- 65mm Storz connection with a ball valve is fitted to the outlet,
- the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- above-ground tanks are manufactured from concrete or metal,
- raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- unobstructed access can be provided at all times,
- underground tanks are clearly marked,
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- all exposed water pipes external to the building are metal, including any fittings,
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
- any hose and reel for firefighting connected to the pump must be 19mm internal diameter,
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
  - Markers must be fixed in a suitable location to be highly visible, and
  - Markers should be positioned adjacent to the most appropriate access for the water supply.
- where practicable, electrical transmission lines are underground,
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
- connections to and from gas cylinders are metal,
- polymer-sheathed flexible gas supply lines are not used, and
- above-ground gas service pipes are metal, including and up to any outlets.



**General Notes:**

1. The Builder shall check all dimensions and levels on site prior to construction commencing.
2. Notify any errors, discrepancies or omissions to the building designer.
3. Drawings shall not be used for construction purposes until issued for construction.
4. Only written dimensions are to be used for construction. Do not scale drawings.
5. All boundaries and contours are subject to survey prior to work commencing
6. Window sizes are nominal only, final window schedule by builder.
7. All services are to be located by the builder prior to work commencing.
8. Sydney Water approval is required prior to commencement of any work.
9. Builder to ensure that all construction work complies with the attached BASIX Certificate.

	FENCE 1200 HIGH TO AS1926
	EXISTING TREE
	TREE TO BE REMOVED
	STORMWATER LINE
	SEWER LINE
	BENCHMARK
	SEDIMENT CONTROL FENCE
	PROPOSED PUMP AND FILTER

CLIENT  
SOUTHERN HIGHLANDS CARRIAGE CLUB

PROJECT  
PROPOSED COVERED AREA

LOCATION  
LOT 1 DP 618233 NO 145  
QUARRY ROAD  
BUNDANOON NSW

ISSUE	AMENDMENT	DATE
A	FIRST ISSUE	27/10/2022

PAGE SIZE A3

PAGE	JOB NUMBER	DATE
1 OF 2	5870	27/10/2022

**CHANNON**  
DESIGN & DRAFTING  
lance@channondrafting.com.au



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CLIENT  
SOUTHERN HIGHLANDS CARRIAGE CLUB

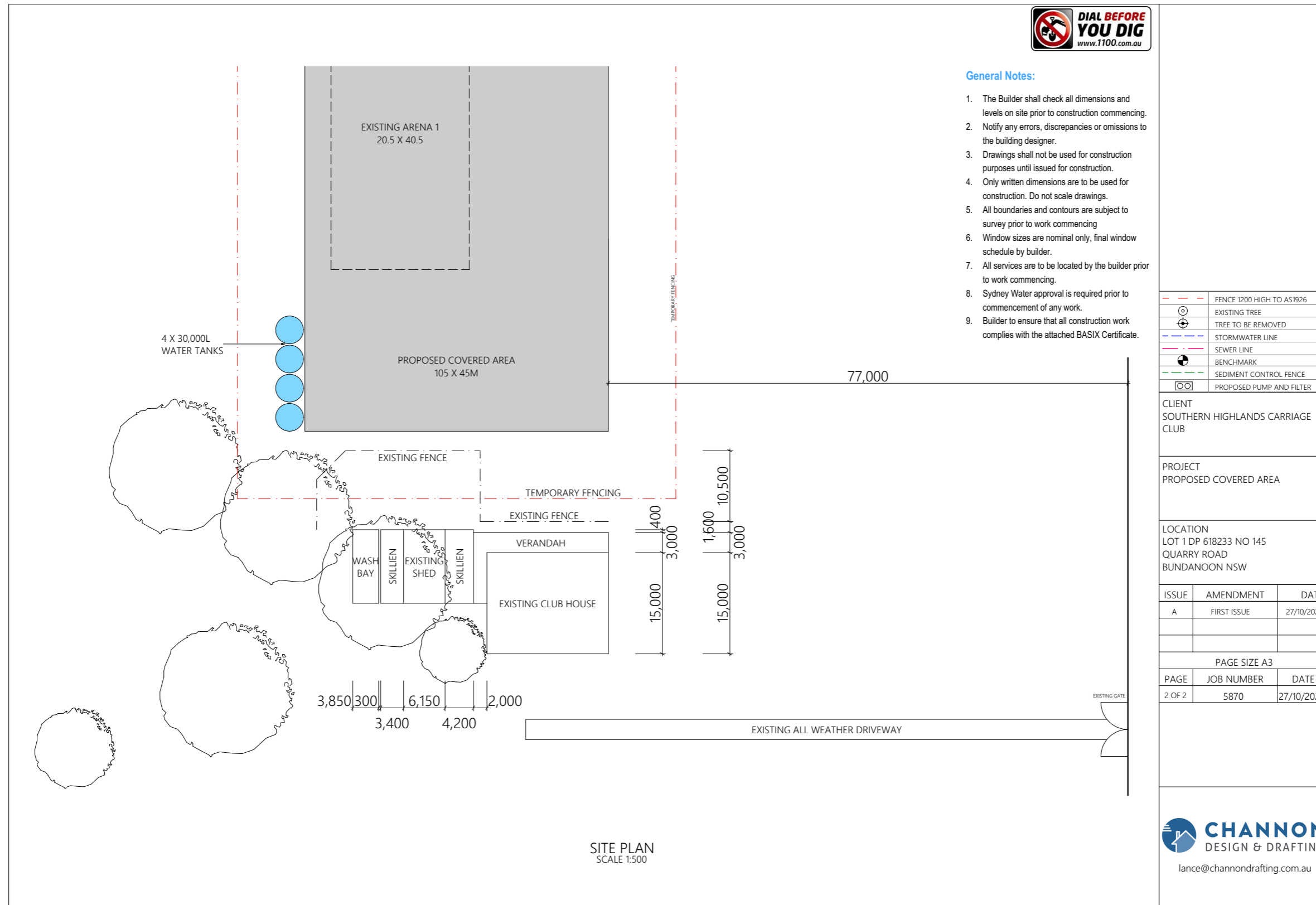
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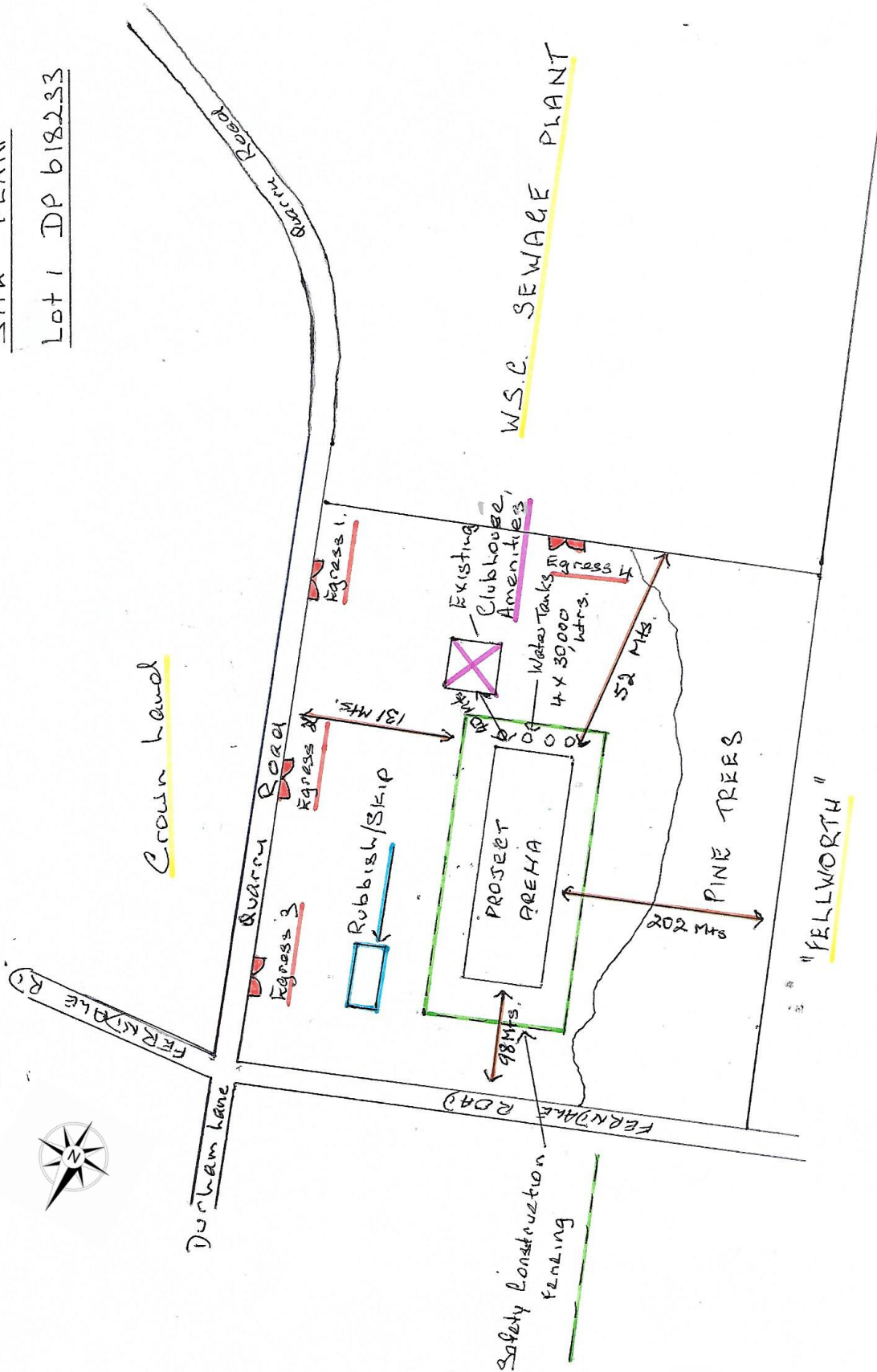
PAGE	JOB NUMBER	DATE
2 OF 2	5870	27/10/2022



SITE PLAN  
SCALE 1:500



SITE PLAN  
Lot 1 DP 618233





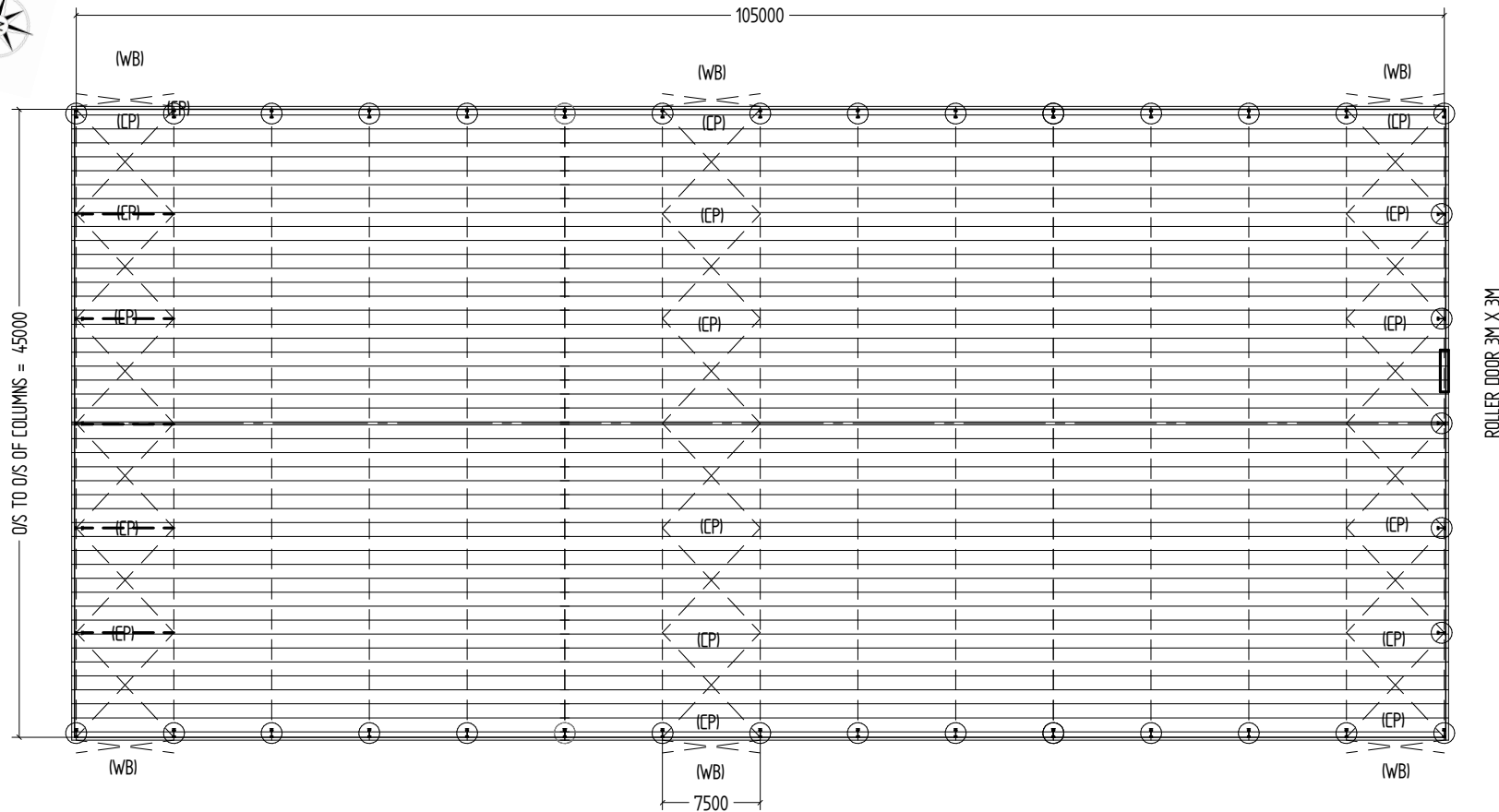
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**ABC SHEDS GLOBAL PTY LTD**

NAME	DATE	CLIENT	SOUTHERN HIGHLANDS CARRIAGE CLUB	
DRAWN: JACKSON RENDELL	28/08/2019	DRAWING	FLOOR PLAN	
MODIFIED: KH	21/09/2022	SCALE: 1:280	SHEET 1 OF 3	SHEET SIZE: A4
CHECKED:				

(WB) DENOTES WIND BRACING  
14mm WIRE WALL BRACING  
14mm WIRE ROOF BRACING

(CP) DENOTES COMPRESSION PURLIN  
Z200/24 PURLINS  
+ 1 ROW BRIDGING



ROLLER DOOR 3M X 3M

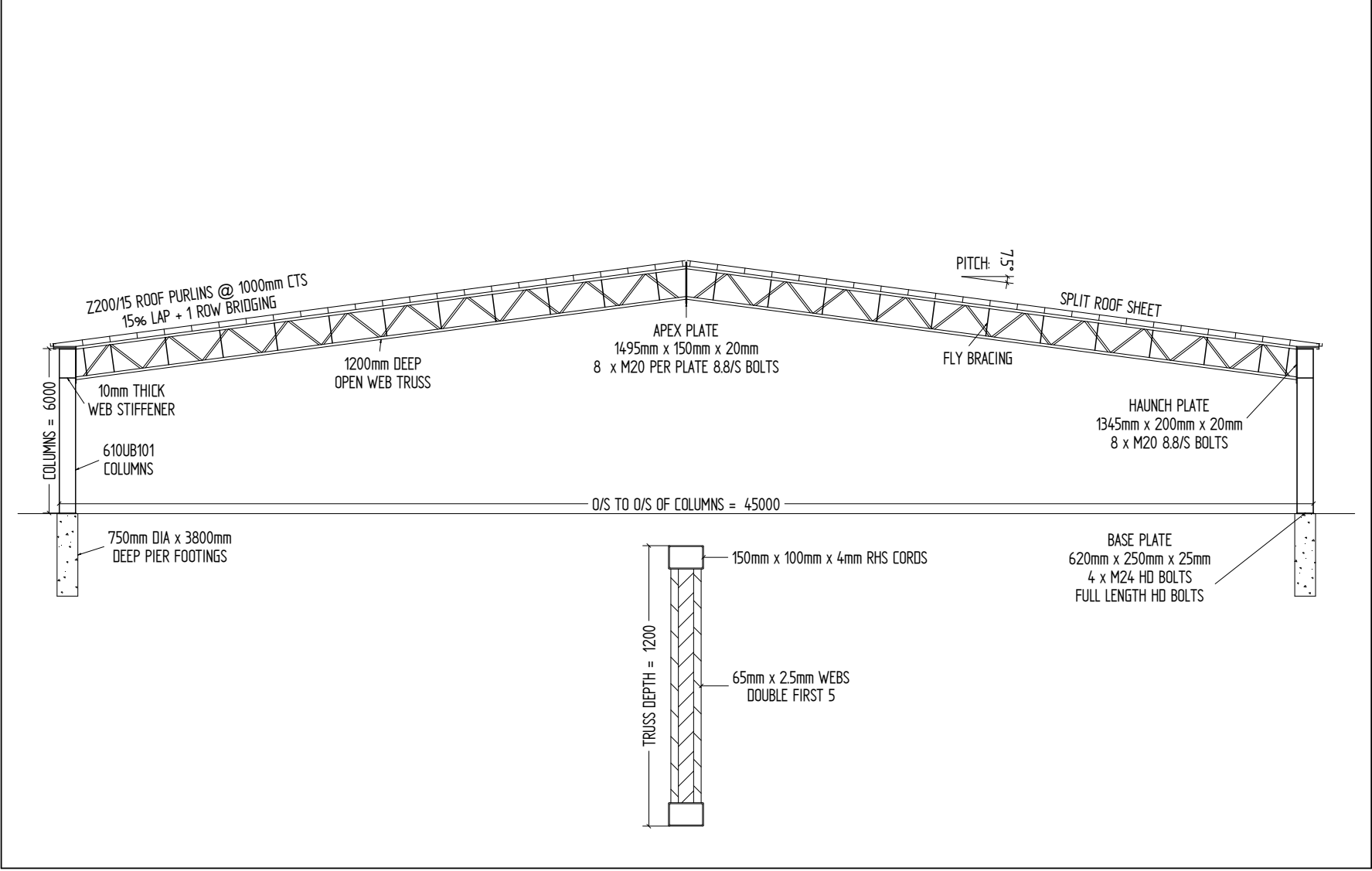
**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 NOVEMBER 2023**



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**ABC SHEDS GLOBAL PTY LTD**

NAME	DATE	CLIENT	SOUTHERN HIGHLANDS CARRIAGE CLUB	
DRAWN: JACKSON RENDELL	28/08/2019	DRAWING	SECTION VIEW	
MODIFIED: KH	21/09/2022	SCALE: 1:170	SHEET 2 OF 3	SHEET SIZE: A4
CHECKED:				



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 NOVEMBER 2023**

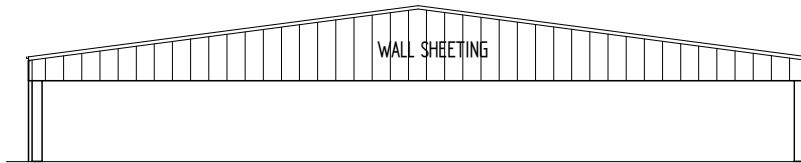


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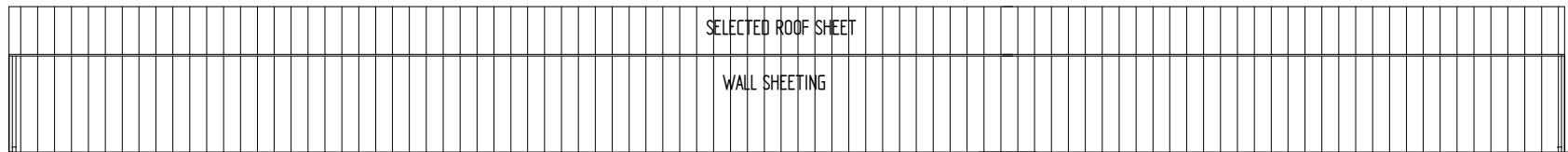
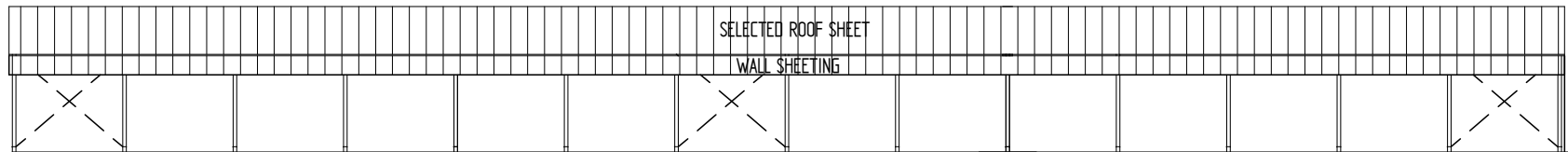
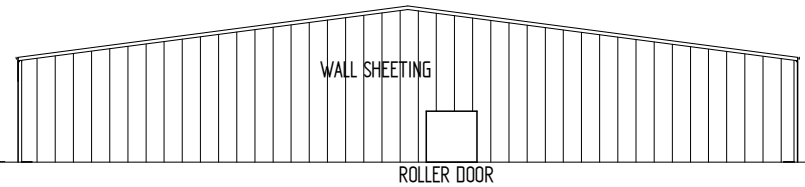
**ABC SHEDS GLOBAL PTY LTD**

	NAME	DATE	CLIENT		
DRAWN	JACKSON RENDELL	28/08/2019	SOUTHERN HIGHLANDS CARRIAGE CLUB		
MODIFIED	KH	21/09/2022	DRAWING	ELEVATION PLAN	
CHECKED			SCALE: 1:220	SHEET 3 OF 3	SHEET SIZE: A4

Northern Elevation



Southern Elevation



Western Elevation



**STATEMENT OF ENVIRONMENTAL EFFECTS**

Prepared in consultation with "Hogan Planning", Town Planning Consultants.

**LOT 1 IN DEPOSITED PLAN No. 618233  
"SOUTHERN HIGHLANDS CARRIAGE CLUB INC." – CORNER QUARRY & FERNDALE ROADS,  
BUNDANOON**

**SEPTEMBER 2022**

**Prepared By:**

**Executive & Committee of  
SOUTHERN HIGHLANDS CARRIAGE CLUB INC.**

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 NOVEMBER 2023**

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE CONSTRUCTION OF A STEEL COVERED MULTI- PURPOSE (Driving/Riding) ARENA -  
105mts. X 45mts. IN SIZE ON**

**LOT 1 IN DEPOSITED PLAN No. 618233  
"SOUTHERN HIGHLANDS CARRIAGE CLUB INC." – CORNER QUARRY AND FERNDALE  
ROADS, BUNDANOON.**

**PREPARED BY COMMITTEE/EXECUTIVE of SOUTHERN HIGHLANDS CARRIAGE CLUB INC. in  
consultation with HOGAN PLANNING – Town Planning Consultants, Bowral.**

*Y. Wood*

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**Yvonne Wood – Secretary – SHCC**

**SEPTEMBER, 2022**

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# **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 NOVEMBER 2023**

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### EXECUTIVE SUMMARY

This application is being made to Wingecarribee Shire Council for consideration of the construction of a Steel Covered Multi-Purpose (Driving/Riding) Arena – 105mts. x 45mts. in size.

The Southern Highlands Carriage Club Inc. (SHCC) is a not-for-profit organisation that has been operating within the Wingecarribee Shire for the purpose of promoting equine activities since its inception on 8<sup>th</sup> August, 1979 (40+ years). In 2007, the subject site became the home of the SHCC with the establishment of a User Agreement with Council, but as of 20<sup>th</sup> October, 2020, the WSC granted a Twenty-One (21) Year Lease of the said property.

In 2008, the SHCC constructed a clubhouse with suitable amenities and to this date currently share these facilities with Moss Vale Pony Club.

Due to the nature and scale of the proposal, it can be considered as local development with Council as the consent authority. The Development Application has been lodged under the provisions of the **Wingecarribee Local Environmental Plan 2010 (WLEP 2010)** where the development is permissible with consent within the RE1 Public Recreation zoning of the subject site.



Figure 1 Aerial View of the subject site (source – Dept. Lands SIX Maps).



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The property is located with the Southern Highlands rural – residential district of Bundanoon, found to the northwest of the township of Bundanoon. The location is characterised by residential growth with alternations of agricultural pastoral lands interspersed with stands of native woodland vegetation.

### **1. INTRODUCTION**

This Statement of Environmental Effects provides the following:

- A description of the subject site and of the surrounding area.
- A description of the proposed development.
- A summary and description of the main planning controls that apply to the land and the proposed development.
- Identification and discussion of the key assessment issues.
- An assessment of the proposal in accordance with Part 4, Division 4.3 and Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposed development generally satisfies Council’s relevant planning controls and policies and is satisfactory when considered against the objectives of those controls and policies. No unreasonable impacts would be anticipated to arise from the proposed development.

### **2. SITE AND SURROUNDS**

#### **2.1 The Subject Site**

The subject site is located on the south-western corner of Ferndale and Quarry Roads at Bundanoon.

The details of the site are as follows:

- The site is described as Lot 1 in Deposited Plan No. 618233 and maintains an area of approximately 7.5 hectares.
- The subject site is regular in shape, with a frontage to Ferndale Road along its northern boundary and Quarry Road along its eastern boundary. The Bundanoon Sewage Treatment Plant site adjoins to the southern rear property boundary.
- Formal access to the development property is from Quarry Road with an access gate located in the south-eastern portion of the site.

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- The site maintains improvements and infrastructure including a number of outbuildings, one (1) Arena Surface, horse carriage driving/riding obstacles and associated yards and fencing. The existing carriage club facilities contain shower and toilet amenities along with outdoor power outlets.
- The site is relatively level with a minor slope away in the north-western corner.
- The site maintains a number of ornamental trees, however is predominantly vegetated with native species with a significant stand adjacent to the western boundary acting as a wind protection.
- There are no known easements or encumbrances affecting the site.
- Electricity, town water and a reticulated sewerage system are all available to the site. Water is harvested from the roof of the existing clubhouse building.
- The site is zoned RE1 Public Recreation under the provisions of Wingecarribee Local Environmental Plan 2010.

### **2.2 The Surrounding Area**

The property is located within the primarily rural district of Bundanoon, found to the north-west of the township of Bundanoon. The location is characterised by a growth in residential development, alternations of agricultural pastoral lands and interspersed with stands of native woodland vegetation.

Immediately to the south of the site is the WSC Sewer Treatment Plant. Beyond that the land is Zoned RU2. Adjacent to the site to the north is land zoned E3 and adjacent to the site to the east is land zoned RE1, primarily used as soccer fields.

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*Figure 2: Cadastral view of the subject site (Dept. of Lands SIX Maps).*



*Figure 3: Aerial view of the subject site to the locality (Dept. of Lands SIX Maps).*

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### **3. PROPOSAL**

The development proposal is for the construction of a **Steel Covered Multi-Purpose (Driving/Riding) Arena – 105mts. x 45mts. in size.**

This proposed Arena would be constructed over the top of an already existing Fenced Arena Surface – 100mts. x 40mts. in size.

Therefore, no ground works are required other than Pier Holes for construction of Arena Framework.

The Southern Highlands Carriage Club Inc. (SHCC) is a not-for-profit organisation and has been operating within the Wingecarribee Shire for the purpose of promoting equine activities since its inception on 8<sup>th</sup> August, 1979 (40 + years). In 2007, the subject site became the home of the SHCC with the establishment of a User Agreement with Council, but as of 20<sup>th</sup> October, 2020, the WSC granted a Twenty-One (21) Year Lease of the said property to SHCC.

In 2008, the SHCC constructed a clubhouse with suitable amenities and to this date currently share these facilities with Moss Vale Pony Club.

An ACDS (Australian Carriage Driving Society) Risk Assessment document is always prepared for every activity on site.

National ACDS – 24/7 & Personal Liability Ins. - \$20,000,000.

### **4. PLANNING CONTROLS**

#### **4.1 Overview**

The primary planning control applying to the land and the proposed development is Wingecarribee Local Environmental Plan 2010 (WLEP 2010).

Other relevant planning instruments and controls that apply to the land and the development proposal, which are discussed in this report, are:

- State Environmental Planning Policy – Sydney Drinking Water Catchment 2011;

#### **4.2 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

The objectives of the governing SEPP are:

- a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal;

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- b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality;
- c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

4.2.1 Recommended practices and performance standards of Water NSW:

- 1) Any development or activity proposed to be carried out on land to which this Policy applies should incorporate the Authority's current recommended practices and standards.
- 2) If any development or activity does not incorporate the Authority's current recommended practices and standards, the development or activity should demonstrate to the satisfaction of the consent authority or determining authority how the practices and performance standards proposed to be adopted will achieve outcomes not less than those achieved by the Authority's current recommended practices and standards.

4.2.2 Development consent cannot be granted unless neutral or beneficial effect on water quality;

- 1) A consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney Drinking Water Catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.
- 2) For the purposes of determining whether the carrying out of the proposed development on land in the Sydney Drinking Water Catchment would have a neutral or beneficial effect on water quality, the consent authority must, if the proposed development is one to which the NorBE Tool applies, undertake an assessment using that Tool.

A neutral or beneficial effect on water quality is satisfied if the development:

- a) has no identifiable potential impact on water quality; or
- b) will contain any water quality impact on the development site and prevent it from reaching any watercourse, water body or drainage depression on the site; or
- c) will transfer any water quality impact outside the site where it is treated and disposed of to the standards approved by the consent authority.

The proposal does not require any earthworks other than Pier Holes for construction of the development, with all Rain Roof Water to be collected and stored in Four (4) only 30,000ltr. Rainwater Tanks, to be placed at the southern rear end of the development.

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Such rainwater is then to be used for watering of the existing Multi-Discipline (Driving/Riding) Surface Arena area, by either a topical or underground system.  
All rubbish will be collected and removed from the site.  
All manure will be collected and taken away from the site.

It is concluded that the proposed development would satisfy the “Neutral or Beneficial Effect (NorBE) test with regard to water quality.

**4.3 Wingecarribee Local Environmental Plan 2010 (WLEP 2010)**

Under the provisions of WLEP 2010 the site is zoned RE1 Public Recreation.

The objectives of the RE1 zone are:

- 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.
- To enable ancillary development that will encourage the enjoyment of land zoned for open space.

The development proposal is regarded as consistent with the objectives of the RE1 zone, given that:

- The proposed development would be used as public open space and for recreational purposes.
- The proposed Arena is compatible with the intended equine uses.
- The proposed development is permitted under the provisions of WLEP (2010) and would be compatible with surrounding rural land uses and other rural lands within the locality.
- The proposal would not require the removal of any significant remnant vegetation and can be enjoyed by a number of user groups within the WSC community and abroad.

Compliance with the relevant WLEP 2010 Clauses are detailed within the following table:

WLEP 2010 Applicable Clause	Compliance
Clause 1.2 Aims of Plan	The proposed development is an appropriate form of development for the zoning and is permissible with consent.
Clause 2.2 Zoning of the land to which the plan applies.	The land is zoned RE1 Public Recreation under the WLEP 2010.
Clause 2.3 Zone objectives and the	The proposed development is

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Land Use Table.	consistent with the zone objectives for the RE1 zone.
.....	.....
Clause 4.6 Exceptions to Development Standards	No consideration by Council for an exception to any development standard is required.
.....	.....
Clause 5.10 Heritage Conservation	The subject property is not located within any Heritage Conservation Area and is not identified as an Item of Heritage under Schedule 5 of the WLEP 2010.
.....	.....
Clause 7.3 Earthworks	The proposed development requires only Pier Holes.
.....	.....
Clause 7.4 Natural Resources Sensitivity: Biodiversity	The proposal has no detrimental Biodiversity impacts.
.....	.....
Clause 7.5 Natural Resources Sensitivity: Water	The subject development location is not anticipated to impact on any riparian corridor or designated watercourse.
.....	.....
Clause 7.6 Extractive Mineral resources	The subject site is not mapped by Council as containing any potential extractive material and is not located within any potential extractive material buffer zone.
.....	.....
Clause 7.9 Flood Planning	The subject property is not mapped as being flood affected.
.....	.....
Clause 7.10 Public Utility Infrastructure	The site is connected to a reticulated town water and sewerage system.
.....	.....

**5. KEY ASSESSMENT ISSUES**

**5.1 Permissibility**

Under the provisions of WLEP (2010) the site is zoned RE1 Public Recreation. Items 2, 3 and 4 of the land-use table for the RE1 zone contain the following matters:-

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2 Permitted without consent

Environmental protection works

3 Permitted with consent

Acquaculture; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Function centres; Kiosks; Markets; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation.

### **5.6 Traffic Generation**

The proposed development will not generate any significant increase in traffic movements as the proposal is relatively low scale. The proposed development will not generate a significant increase in vehicular movements from that already utilising the site for equestrian activities.

### **5.7 Heritage Impacts**

The subject property is not located within any Heritage Conservation Area and is not associated with any item of Heritage.

## **6. ENVIRONMENTAL EFFECTS**

### **6.1 Environmental Planning Instruments**

The development proposal is affected by the provisions of the SEPP (Sydney Drinking Water Catchment) 2011. As addressed in Chapter 4.2 of this report, the development proposal would have a neutral or beneficial impact on water quality.

The subject site is zoned RE1 Public Recreation under the provisions of WLEP 2010. The proposed development is a permissible form of development with Council consent.

### **6.2 Draft Environmental Planning Instruments**

There are no Draft Local Environment Plans that apply to the proposal.

### **6.3 Development Control Plans**

The Development Control Plan for Bundanoon does not include the subject site.



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### **6.4 Planning Agreements under Part 7 of the EP&A Act 1979**

There are no Planning Agreements in place or that are offered to be entered into by the developer pursuant to Part 7, Division 7.1, Subdivision 2, Section 7.4 of the EP&A Act.

### **6.5 Matters Prescribed by the Regulations**

There are no relevant matters prescribed by the Regulations that affect the development proposal.

### **6.6 Likely Impacts of the Development**

#### **6.6.1 Natural Environment**

The proposed development will not require the removal of any native vegetation.

There would be a neutral or beneficial impact on water quality as there are no physical works proposed and manure will be collected as is the current arrangement.

#### **6.6.2 Built Environment**

The proposal calls for the continued use of the site for the purpose of Equine activities, with only a build upgrade to the already existing Equine facilities.

#### **6.6.3 Social Impacts**

The proposed development is anticipated to have beneficial social impacts. The site will be utilised for public recreation purposes giving visitors an opportunity to appreciate the rural setting.

#### **6.6.4 Economic Impacts**

The proposed development would be expected to have a positive economic impact in attracting tourists to the Wingecarribee Shire, which is consistent with Council's Economic agenda for the Shire.

### **6.7 Suitability of the Site**

The site is located within the RE1 zone wherein the proposed development is permissible activity with Council consent.

There are no constraints affecting the subject site or on adjacent properties that would render the proposed development unsuitable or inappropriate for the type of development.

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### **6.8 Public Submissions**

Any public submissions received in response to the development proposal are required to be considered in the light of Part 4, Division 4.3 and Section 4.15 of the Environmental Planning and Assessment Act 1979, having particular regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and
- The acceptable nature of the proposal when considering the wider public interest.

### **6.9 The Public Interest**

Having regard to the contents of this report, it is considered there are no matters that warrant refusal of the development proposal on grounds of it being contrary to the public interest.

## **7. CONCLUSION**

The proposed development has been assessed against the provisions of Part 4, Division 4.3 and Section 4.15 of the Environmental Planning and Assessment Act 1979.

On balance and having regard to the following, it is concluded that the development is satisfactory and warrants development consent:

- The proposed development is permitted in the RE1 Public Recreation zone and is consistent with relevant provisions of **Wingecarribee Local Environmental Plan 2010**, particularly the objectives for land zoned RE1.
- The proposed development would have a neutral or beneficial impact on water quality. The proposal is therefore consistent with the SEPP (Sydney Drinking Water Catchment) 2011.
- No unreasonable environmental impacts are anticipated to arise from the proposed development. The proposal has been specifically planned and designed to address all potential impacts, including management of water quality.
- There are no constraints on the site, or adjoining sites, that render the proposal unsuitable for this site.
- It is considered there are no matters that warrant refusal of the proposal on grounds of it being contrary to the public interest. The proposal is consistent with the provisions of **Wingecarribee Local Environmental Plan 2010** and is therefore considered to promote the public interest.

**7 MEETING CLOSURE**