

# AGENDA

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

**Wednesday 4 May 2022**

The meeting will commence at **1:30 pm**

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

---

<b>1 OPENING OF THE MEETING .....</b>	<b>5</b>
<b>2 ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>5</b>
<b>3 APOLOGIES.....</b>	<b>5</b>
<b>4 DECLARATIONS OF INTEREST.....</b>	<b>5</b>
<b>5 PLANNING PROPOSALS.....</b>	<b>6</b>
5.1 Planning Proposal - Farm Stay Accommodation.....	6
<b>6 DEVELOPMENT APPLICATIONS .....</b>	<b>29</b>
6.1 DA22/0583 – Construction Of A New Community Hall And Associated Works At Lots 145 – 152 In DP 751259, Lot 1 In DP 327438, Lot 155 – 157 & 163 In DP 751259 And Lot 154 In DP 1144429, 300 Kareela Road, Penrose .....	29
<b>7 MEETING CLOSURE .....</b>	<b>103</b>

**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

**{meeting-room}**

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

This meeting is being recorded and webcast via Council's website and a person's image and/or voice may be publicly broadcast. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast. Any part of the meeting that is held in closed session will not be webcast.

Council requests that everyone in attendance is respectful and uses appropriate language. All speakers should refrain from making any defamatory, discriminatory or offensive comments or releasing any personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory, discriminatory or offensive comments made by persons attending meetings – all liability will rest with the individual who made the comments.

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

The recording will be available for viewing on the internet for 12 months and retained as a Council record. The recording is subject to copyright.

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**

### **5.1 Planning Proposal - Farm Stay Accommodation**

<b>Report Author:</b>	<b>Senior Strategic Land Use Planner</b>
-----------------------	--

**Authoriser: Executive Manager Strategic Outcomes**

#### **PURPOSE**

The purpose of this report is to seek support for a Planning Proposal to amend WLEP 2010 to include *clause 5.23 Farm stay accommodation* and amend the RU4 Primary Production Small Lots land use table to permit farm stay accommodation with consent.

<b>Applicant / Proponent</b>	Wingecarribee Shire Council
<b>Owner</b>	N/A
<b>Consultants</b>	N/A
<b>Notification</b>	N/A
<b>Number Advised</b>	N/A
<b>Number of Submissions</b>	N/A
<b>Current Zoning</b>	N/A
<b>Proposed Amendment/s</b>	<b>LEP</b> To include clause 5.23 Farm stay accommodation & include farm stay accommodation as permitted with consent in the RU4 Primary Production Small lots zone
<b>Political Donations</b>	N/A
<b>Recommendation</b>	THAT the Planning Proposal to amend WLEP 2010 to include clause 5.23 farm stay accommodation into WLEP 2010 and that farm stay accommodation be permitted with consent in the RU4 Primary Production Small Lots zone of WLEP 2010 be SUPPORTED for submission to the Department of Planning & Environment for a Gateway Determination.

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

**THAT the Planning Proposal (Attachment 1) to amend WLEP 2010 to include clause 5.23 farm stay accommodation into WLEP 2010 and permit with consent farm stay accommodation in the RU4 Primary Production Small Lots zone of WLEP 2010 be SUPPORTED for submission to the Department of Planning & Environment for a Gateway Determination.**

**REPORT**

**BACKGROUND**

At its Ordinary Meeting of 6 April 2022 the Wingecarribee Local Planning Panel considered a report on Council's nominations to the draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 (the draft Order) released by the NSW Department of Planning & Environment (the Department) in December 2021.

The report noted that there had been insufficient time between the release of the draft Order and the deadline for nominations to be provided to the Department for Council to undertake any community consultation with regard to these nominations.

The Panel's advice with regard to this report expressed concern with this lack of opportunity for community consultation and its advice included the following.

*The Panel considers that it is regrettable that the timetable provided by the Department of Planning does not enable appropriate community consultation in respect of the proposed changes to Wingecarribee LEP 2010 as a consequence of the proposed changes to the standard instrument.*

The matter was subsequently reported to the Ordinary Meeting of Council of 20 April 2022. In considering both the Panel's advice and staff recommendation, the Interim Administrator resolved, *inter alia*, THAT:

*In relation to Farm Stay Accommodation Council maintain the existing development standards by:*

- a. Continuing to allow Farm Stay Accommodation in the RU1, RU2, C3, C4 and SP3 Zones*
- b. Continuing to prohibit Farm Stay Accommodation in the RU4 Zone*
- c. Not adopting the optional Clause 5.23 – Farm Stay Accommodation*

*And that Council prepare a Planning Proposal to nominate additional development standards for Farm Stay Accommodation, in consultation with the community and industry.*

Because the Resolution of 24 March 2021 to establish a Local Planning Panel requires that any Planning Proposal be considered by the Panel, this report has been prepared with the draft Planning Proposal forming ATTACHMENT 1.

**PLANNING PROPOSAL**

The purpose of this report is to present a draft Planning Proposal to:

1. include *clause 5.23 Farm stay accommodation* in WLEP 2010, as contained in the draft Order, with nominated development standards as indicated below.
2. Propose the inclusion of *Farm stay accommodation* as permitted with consent in the RU4 Primary Production Small Lots.

It is noted that the draft Order includes an amendment to the definition of *farm stay accommodation* under the Standard Instrument. The current definition follows, with the maximum number of bedrooms under clause 5.4 of WLEP 2010 set at 8.

***farm stay accommodation*** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

**Note—**

*See clause 5.4 for controls relating to the number of bedrooms.*

The amended definition of *Farm stay accommodation* as proposed within the draft Order follows.

*Farm stay accommodation means a building or place –*

1. *On a farm –*
  - (i) *that is a primary production business, or*
  - (ii) *on land categorised as farmland under the Local Government Act 1995, section 515, and*
2. *Used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings*

Therefore, the provisions of clause 5.23, if adopted, would apply only to land which met the amended definition.

### **Proposed Clause 5.23 Farm Stay Accommodation**

The proposed Clause 5.23 includes the following:

- Heads of consideration for the assessment of *Farm stay accommodation* which particularly focus on seeking to ensure that such development does not result in adverse amenity or environmental impacts.
- Nominated numerical standards for the maximum number of guests and the maximum size of farm stay accommodation.
  - o These could enable Council to assess any Development Application for Farm stay accommodation on a site-specific basis on the basis of potential impacts and enabling approval for a reduced number of guests or building size where appropriate.

It is further noted that the draft clause provides for *other objectives which may result from community consultation* at clause 5.23(1)(c). This enables any additional matters raised during consultation to be included in the clause.

The proposed clause with nominated development standards (highlighted) is shown below, and reflect previous extensive consultation which occurred during the preparation of Amendment 57 to WLEP 2010 made on 4 December 2020 and include setting the maximum number of bedrooms for farm stay accommodation under clause 5.4 of WLEP 2010 at 8.

#### **5.23 Farm stay accommodation**

*(1) The objectives of this clause are—*

*(a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and*

*(b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.*

*(2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—*

*(a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—*

*(i) 3 times the number of bedrooms permitted under clause 5.4(5), or*

*(ii) 20 guests, and*

*(b) the gross floor area of a building used to accommodate guests will not be more than 200 square metres, and*

*(c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than 20 at any 1 time, and*

*(d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than 6, and*

*(e) all buildings or moveable dwellings used to accommodate guests will be—*

*1. on the same lot as an existing lawful dwelling house, or*

*ii) on a lot—*

*(A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and*

*(B) the size of which is not less than the minimum size shown.*

*(3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.*

*(4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—*

*(a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—*

*(i) residential accommodation,*

*(ii) primary production operations,*

*(iii) other land uses, and*

*(b) whether the development will have significant adverse impact on the following on or near the land—*

*(i) the visual amenity, heritage or scenic values,*

*(ii) native or significant flora or fauna,*

*(iii) water quality,*

*(iv) traffic,*

*(v) the safety of persons, and*

*(c) whether the development is on bush fire prone land or flood prone land, and*

*(d) the suitability of the land for the proposed development, and*

*(e) the compatibility of the development with nearby land uses.*

The inclusion of *Farm stay accommodation* as permitted with consent in the RU4 Primary Production Small Lots is based on the following considerations:

- *Extensive agriculture* is currently permitted without consent in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management, C4 Environmental Living and SP3 Tourist zones under WLEP 2010
- *Farm stay accommodation* is currently permitted with consent in all of the above zones except for the RU4 Primary Production Small Lots zone.
- In view of the current permissibility of *farm stay accommodation* in other zones, particularly the C4 Environmental Living zone with its emphasis on residential development, it would seem reasonable to at least consider its inclusion in the RU4 Primary Production Small Lots zone.

- It is noted that the objectives of the RU4 Primary Production Small Lots zone include the following and that *farm stay accommodation* could be compatible with these objectives would be:
  - o To enable sustainable primary industry and other compatible land uses.
  - o To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
  - o To provide for a restricted range of employment-generating development opportunities that are compatible with adjacent or nearby residential and agricultural development.
- Other RU4 Primary Production Small Lots zone objectives could also be managed through *clause 5.23* as they would be in other zones, including the C4 Environmental Living zone.
- The draft clause 5.23 provides 'heads of consideration' which afford additional protections to the assessment of *farm stay accommodation* within the RU4 Primary Production Small Lots zone.

---

#### **SUSTAINABILITY ASSESSMENT**

- **Environment**

The proposed new definitions and amendments to current definitions and development standards provide necessary environmental and amenity protections.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

The proposed amendments offer opportunities for a broader agritourism base.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Planning Proposal has been prepared in accordance with the Local Environmental Plan Making Guideline published by the NSW Department of Planning & Environment in December 2021.

---

#### **RELATIONSHIP TO CORPORATE PLANS**

No Corporate Plans are affected by this Report.

---

#### **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications associated with this report.

---

#### **RELATED COUNCIL POLICY**

The Wingecarribee Rural Tourism Policy was adopted by Council on 13 November 2019 and is due for review. Community and industry feedback would help inform the review of this Policy.

**CONCLUSION**

The proposed amendments to current definition of farm stay accommodation and consideration of draft clause 5.23 reflect Council's ongoing consultation with both agritourism stakeholders across the Shire, including the broader community. They also reflect Council's involvement with ongoing consultation and feedback provided to the Explanation of Intended Effects and other consultation. Council has made many requests to the Department since WLEP 2010 was originally introduced seeking to enable forms of agritourism which provide both opportunities for economic development together with environmental and amenity protections. These provisions will also provide a strong context within which to review the Rural Tourism Policy.

**ATTACHMENTS**

1. Attachment 1 - Planning Proposal - Farm stay accommodation [5.1.1 - 17 pages]

# Planning Proposal

to amend Wingecarribee Local Environmental Plan  
2010 to insert clause 5.23 Farm stay  
accommodation and permit Farm stay  
accommodation with consent in the RU4 Primary  
Production Small Lots zone

Prepared in accordance with the Local Environmental Plan Making Guideline (December 2021)  
Version 1 for Consideration by the Local Planning Advisory Panel prior to Gateway lodgement

Prepared by Wingecarribee Shire Council

The Planning Proposal is categorised as *Standard*

May 2022

*Working with you*

WSC.NSW.GOV.AU







## Appendices to the main Planning Proposal report

1	Report to the Ordinary Council Meeting of 18 May 2022
2	Resolution from the Ordinary Council Meeting of 18 May 2022
3	Delegation Request Form

## Part 1 - Objectives & Intended Outcomes of the Planning Proposal

The intentions of this Planning Proposal are to enable Council to implement certain amendments to Wingecarribee Local Environmental Plan (WLEP) 2010 with regard to farm stay accommodation through the introduction of clause 5.23 of the draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 (the draft Order) and the amendment to the RU4 Primary Production Small Lots zone to permit *farm stay accommodation* with consent.

## Part 2 - Explanation of the Provisions

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

- Adopt the optional clause 5.23 Farm stay accommodation as follows with Council nominations **highlighted**:

### **5.23 Farm stay accommodation**

(1) The objectives of this clause are—

(a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and

(b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.

(c) **other objectives which may result from community consultation (to be confirmed during consultation)**

(2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—

(a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—

- (i) 3 times the number of bedrooms permitted under clause 5.4(5), or
- (ii) 20 guests, and



*(b) the gross floor area of a building used to accommodate guests will not be more than 200 square metres, and*

*(c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than 20 at any 1 time, and*

*(d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than 6, and*

*(e) all buildings or moveable dwellings used to accommodate guests will be—*

*(i) on the same lot as an existing lawful dwelling house, or*

*ii) on a lot—*

*(A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and*

*(B) the size of which is not less than the minimum size shown.*

*(3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.*

*(4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—*

*(a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—*

*(i) residential accommodation,*

*(ii) primary production operations,*

*(iii) other land uses, and*

*(b) whether the development will have significant adverse impact on the following on or near the land—*

*(i) the visual amenity, heritage or scenic values,*

*(ii) native or significant flora or fauna,*

*(iii) water quality,*

*(iv) traffic,*

*(v) the safety of persons, and*

*(c) whether the development is on bush fire prone land or flood prone land, and*

*(d) the suitability of the land for the proposed development, and*

*(e) the compatibility of the development with nearby land uses.*

*o Amend the RU4 Primary Production Small Lots zone land use table to permit Farm stay accommodation with consent:*

• Insert *farm stay accommodation* as permitted with consent in the RU4 Primary Production Small Lots zone.

• No amendments to WLEP 2010 maps will be required.



## Part 3 - Justification of Strategic & Site-specific Merit

### Strategic Merit

The Planning Proposal is the result of proposed amendments to the Standard Instrument with regard to agritourism land uses and development standards as set out in the draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 (the draft Order) released by the NSW Department of Planning & Environment (the Department) in December 2021. The draft Order itself is in response to submissions received following the exhibition throughout March and April 2021 of an Explanation of Intended Effects (EIE) with regard to new agritourism definitions and draft clauses. This process has established a state-wide strategic approach to the development of appropriate definitions and development standards for agritourism land uses. It is noted that Wingecarribee Shire Council made a submission in response to the EIE. It is also noted that the Planning Proposal is consistent with Council's Rural Tourism Policy, adopted on 13 November 2019 with exhibition of and feedback on the Planning Proposal informing the scheduled review of this Policy.

### Site-specific Merit

The Planning Proposal relates to a new Shire wide clause regarding *farm stay accommodation* and including *farm stay accommodation*. In the RU4 Primary production Small Lots zone. Both are Shire-wide proposals and so no site-specific merit assessment is required at this stage, but would occur at any future Development Application stage.

### Section A – Need for the Planning Proposal

#### 1 - Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is the result of the drafting of Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 and the inclusion of draft clause 5.23 *Farm stay accommodation*.

#### 2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The intention of this Planning Proposal is to enable Council to implement certain amendments to Wingecarribee Local Environmental Plan (WLEP) 2010 with regard to agritourism land uses and development standards as proposed in the draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 (the draft Order) released by the NSW Department of Planning & Environment (the Department) in December 2021. The draft Order is in response to submissions received following the exhibition throughout March and April 2021 of an Explanation of



Intended Effects (EIE) with regard to new agritourism definitions and draft clauses. It is noted that Wingecarribee Shire Council made a submission in response to the EIE and Council did make nominations in accordance with the draft Order.

It is acknowledged that Council could have avoided a Council initiated Planning Proposal by utilising the provisions of the proposed 'enabling' State Environmental Planning Policy (SEPP) to amend all relevant Local Environmental Plans to implement Council's nominations. However, the Wingecarribee Local Planning Panel (the Panel), which considered the matter at its meeting of 6 April 2022, was concerned that this would not provide any opportunity for community consultation with regard to new definitions and proposal development standards. Consequently, the Panel provided the following advice to Council:

1. *The Panel considers that it is regrettable that the timetable provided by the Department of Planning does not enable appropriate community consultation in respect of the proposed changes to Wingecarribee LEP 2010 as a consequence of the proposed changes to the standard instrument.*
2. *The Panel does not support the introduction of additional permissible uses of "Farmgate Premises" and "Farm Experience Premises" in the RU4, C3 and C4 zones and the additional permitted use of "Farm Stay Accommodation" in the RU4 zone in the absence of a formal Planning Proposal with appropriate community engagement.*
3. *The Panel does not support the full extent of nominations and changes as set out in the Council Officer's report.*
4. *The Panel recommends a Planning Proposal be prepared to nominate alternative maxima controls for these land uses and additional zones where such land uses may be considered appropriate to be permitted.*

At its Ordinary Meeting of 20 April 2022, Council resolved, *inter alia*,

*THAT, in relation to the draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021, Council prepare a Planning Proposal to nominate additional development standards for Farm Stay Accommodation, in consultation with the community and industry.*

The Planning Proposal also seeks to include *Farm stay accommodation* as permitted with consent in the RU4 Primary Production Small Lots is based on the following considerations:

- *Extensive agriculture* is currently permitted without consent in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management, C4 Environmental Living and SP3 Tourist zones under WLEP 2010
- *Farm stay accommodation* is currently permitted with consent in all of the above zones except for the RU4 Primary Production Small Lots zone.
- In view of the current permissibility of *farm stay accommodation* in other zones, particularly the C4 Environmental Living zone with its emphasis on residential development, it would seem reasonable to at least consider its inclusion in the RU4 Primary Production Small Lots zone.



- It is noted that the objectives of the RU4 Primary Production Small Lots zone include the following and that *farm stay accommodation* could be compatible with these objectives would be:
  - To enable sustainable primary industry and other compatible land uses.
  - To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
  - To provide for a restricted range of employment-generating development opportunities that are compatible with adjacent or nearby residential and agricultural development.
- Other RU4 Primary Production Small Lots zone objectives could also be managed through *clause 5.23* as they would be in other zones, including the C4 Environmental Living zone.
- The draft *clause 5.23* provides 'heads of consideration' which afford additional protections to the assessment of *farm stay accommodation* within the RU4 Primary Production Small Lots zone.

## Section B – Relationship to the Strategic Planning Framework

### 3 - Will the Planning Proposal give effect to the objectives and actions of the SE & Tablelands Regional Plan (including any draft plans or strategies)?

The inclusion of optional *clause 5.23* will give effect to several aspects of the SE & Tablelands Regional Plan, specifically:

Direction 5 - Promote agricultural innovation, sustainability and value-add opportunities

Direction 8 – protect important agricultural land

Direction 9 – grow tourism in the region

Direction 14 – protect important environmental assets

Direction 23 – protect the region's heritage

Direction 28 – manage rural lifestyles

Each of these Directions addresses the need for the region to protect and enhance its agricultural, environmental and heritage assets through activities and business which attract tourist and local visitation and thereby seek to value-add to their business. The Planning Proposal provides opportunities to achieve measurable performance against each objective while implementing state led policy and initiatives.

As the Department's Agritourism and Agriculture Explanation of Intended Effects (EIE) states:

*Agritourism is a tourism-related experience or product that connects agricultural products, people or places with visitors on a farm or rural land for enjoyment, education, or to participate in activities and events. Agritourism activities enable farmers to diversify their income from farming businesses while maintaining primary production on the land as the principal use.*

*The NSW Government is seeking comment on proposals recommended by stakeholders to:*



- broaden the types of agritourism activities that can be undertaken and provide approval pathways tailored to the scale and types of activities,
- support farmers during times of hardship or following natural disaster events,
- reduce land use conflict by providing clearer rules and better managing environmental and social impacts, and
- clarify current planning controls and expand approval pathways for certain agricultural activities. The proposed amendments are underpinned by the principle of no or low environmental impact.

**4 - Is the Planning Proposal consistent with Council's adopted and endorsed Local Strategic Planning Statement and Local Housing Strategy?**

The Planning Proposal supports Council's adopted and endorsed Local Strategic Planning Statement. The LSPS notes that:

*Almost 20% of the Shire is covered by rural land. The Wingecarribee community values its agricultural lands for their economic and environmental values, recognising that these values benefit both residents and visitors. Due to Wingecarribee's soil and climate advantages the Shire is traditionally associated with a diverse agricultural base, principally dairy and beef cattle and crops such as potatoes. However, traditional farming practices alone rarely provide the economic viability primary producers need. High rural land values present a significant challenge for the agricultural industry in the Shire, creating a financial barrier for new agricultural uses and proving an incentive for existing farming operations to 'cash out' of the farm.*

*Fortunately, technological advances can offer increased opportunities to support boutique agribusiness initiatives providing greater flexibility to value-add, both at the farm gate and throughout the broader community. The development of a strong cool climate wine industry with associated cellar door premises is an example of improving economic viability through a broader agri-business base. Wingecarribee's proximity to road, rail and air networks provides further opportunity to strengthen and grow existing and potential rural produce markets.*

The Planning Proposal provides a solid base for the development of these priorities.

**5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?**

No other state or regional studies or strategies are relevant to this Planning Proposal. However, the Planning Proposal is consistent with Council's adopted Rural Tourism Policy which was adopted on 13 November 2019. The outcome of the Planning Proposal will inform the review of this Policy.



**6 - Is the Planning Proposal consistent with applicable SEPPs?**

<b>SEPP (Housing) 2021</b>	<i>to deliver a sufficient supply of safe, diverse and affordable housing</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714</a>
----------------------------	--

**Assessment – Consistent**  
The provisions of this SEPP are not directly relevant to this Planning Proposal.

<b>SEPP (Transport and Infrastructure) 2021</b>	<i>to provide well-designed and located transport and infrastructure integrated with land use</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732</a>
---	--

**Assessment – Consistent**  
The provisions of this SEPP are not directly relevant to this Planning Proposal.

<b>SEPP (Primary Production)</b>	<i>To support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729</a>
----------------------------------	--

**Assessment – Consistent**  
The Planning Proposal will support this SEPP by enhancing rural and regional economies through sustainable land uses which complement and supplement traditional agricultural activities.

<b>SEPP (Biodiversity and Conservation) 2021</b>	<i>to preserve, conserve and manage NSW's natural environment &amp; heritage</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722</a>
--	---

**Assessment – Consistent**  
The Planning Proposal would support the biodiversity and conservation protection by enabling additional land uses which support rural activities and thereby reduce pressure of land clearing.

<b>SEPP (Resilience and Hazards) 2021</b>	<i>to manage risks and building resilience in the face of hazards</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730</a>
---	--

**Assessment – Consistent**  
The provisions of Chapter 3 (Hazardous and Offensive Development) and Chapter 4 (Remediation of Land) SEPP are the only part of this SEPP applicable to Wingecarribee Shire. It is not considered that the Proposal would compromise the relevant parts of this SEPP.

<b>SEPP (Industry and Employment) 2021 –</b>	<i>to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723</a>
--	--

**Assessment – Consistent**  
The provisions of Chapter 3 (Advertising & Signage) are the only part of this SEPP applicable to land in Wingecarribee Shire. Signage would be addressed as part of any Development



Application and it is not anticipated that the proposal would contravene these provisions of the SEPP.

<b>SEPP (Resources and Energy) 2021</b>	<i>to promote the sustainable use of NSW's resources and transitioning to renewable energy</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731</a>
---	---

**Assessment – Consistent**  
The provisions of this SEPP are not directly relevant to this Planning Proposal.

<b>SEPP (Planning Systems) 2021</b>	<i>to provide a strategic and inclusive planning system for the community &amp; the environment</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724</a>
-------------------------------------	--

**Assessment – Consistent**  
The Planning Proposal seeks to provide a clear and consistent approach to the permissibility and development of farm stay accommodation within the Shire.

<b>SEPP (Regional Precincts) 2021</b>	<i>relates to State significant precincts, Activation precincts and other specific precincts including the Southern Highlands Regional Shooting Complex</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727</a>
---------------------------------------	--

**Assessment – Consistent**  
The provisions of this SEPP are not directly relevant to this Planning Proposal.

**7 - Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?**

<b>1-Planning Systems</b>	<i>The Principles for Planning Systems support the broader NSW planning framework, including its processes and collaborative approaches to strategic and land use planning and decision making. They seek to achieve long-term, evidence-based, strategically led planning that is inclusive, democratic, responsive to the community and the environment, and ensures decisions are transparent and prompt.</i>
---------------------------	--

**1.1 Implementation of the Minister's Planning Principles**

Repealed

**1.2 Implementation of Regional Plans (previously 5.10)**

*The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.*

**Assessment – Consistent**  
The Planning Proposal supports the SE & Tablelands Regional Plan by supporting both agriculture and tourism initiatives.

**1.3 Development of Aboriginal Land Council land (previously 5.11)**

*The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.*

**Assessment – Consistent**





The provisions of this Direction are not directly applicable to this Planning Proposal.
<b>1.4 Approval and Referral Requirements</b> (previously 6.1)
<i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>
<b>Assessment – Consistent</b> The Planning Proposal seeks to provide a clear and consistent approach to the permissibility and development of farm stay accommodation within the Shire. This enhanced strategic framework should also improve the efficiency of the development assessment process.
<b>1.5 Site Specific Provisions</b> (previously 6.3)
<i>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</i>
<b>Assessment – Consistent</b> The Planning Proposal seeks to provide a clear and consistent strategic approach to the permissibility and development of farm stay accommodation within the Shire. This enhanced strategic framework should reduce the need for any further site-specific planning controls.
<b>1.6 Parramatta Road Corridor Urban Transformation Strategy</b>
<b>1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>
<b>1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>
<b>1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation</b>
<b>1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>
<b>1.11 Implementation of the Western Sydney Aerotropolis Plan</b>
<b>1.12 Implementation of Bayside West Precincts 2036 Plan</b>
<b>1.13 Implementation of Planning Principles for the Cooks Cove Precinct</b>
<b>1.14 Implementation of St Leonards and Crows Nest 2036 Plan</b>
<b>1.15 Implementation of Greater Macarthur 2040</b>
<b>1.16 Implementation of the Pyrmont Peninsula Place Strategy</b>
<b>1.17 North West Rail Link Corridor Strategy</b>
None of these place-based Directions apply to Wingecarribee Shire

<b>2- Design &amp; Place</b>	<i>The Principles for Well-designed Places establish quality design approaches for new development, public spaces and the environment. They promote the design of places that are healthy, sustainable, prosperous, and supportive of people, the community and Country.</i>
<b>Repealed</b>	

<b>3- Biodiversity &amp; Conservation</b>	<i>The Principles for Natural Environment &amp; Heritage recognise the fundamental importance of protecting, conserving and managing NSW's natural environment and heritage. They help balance the needs of built and natural environments, respecting both the innate and economic value of the state's biodiversity and natural assets.</i>
---	---



<b>3.1 Conservation Zones</b> (previously 2.1 Environment Protection Zones)	
<i>The objective of this direction is to protect and conserve environmentally sensitive areas.</i>	
<b>Assessment – Consistent</b> The Planning Proposal seeks to provide a clear and consistent approach to the permissibility and development of farm stay accommodation within the Shire. This enhanced strategic framework should also improve the protection of environmentally sensitive lands.	
<b>3.2 Heritage Conservation</b> (previously 2.3)	
<i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i>	
<b>Assessment – Consistent</b> The Planning Proposal seeks to provide a clear and consistent approach to the permissibility and development of farm stay accommodation within the Shire. This enhanced strategic framework should also improve the protection of high heritage value lands.	
<b>3.3 Sydney Drinking Water Catchments</b> (previously 5.2)	
<i>The objective of this direction is to protect water quality in the Sydney drinking water catchment.</i>	
<b>Assessment – Consistent</b> Most of Wingecarribee Shire is within the area covered by the Policy. Should a Gateway Determination be received, referral to WaterNSW would occur as required under this Ministerial Direction. Should the Planning Proposal proceed to public exhibition, the WaterNSW response would be included and this Assessment updated accordingly. At this stage it is not anticipated that any significant water quality issues would arise and any future DA would need to demonstrate compliance with NORBE standards.	
<b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b>	
<i>Not applicable to Wingecarribee Shire</i>	
<b>3.5 Recreation Vehicle Areas</b> (previously 2.4)	
<i>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</i>	
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.	
<b>4- Resilience &amp; Hazards</b>	<i>The Principles for resilience &amp; Hazards aim to improve responses to natural and development-related hazards, and climate change. They support methods to consider and reduce risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments.</i>
<b>4.1 Flooding</b> (previously 4.3)	
<i>The objectives of this direction are to:</i> <i>(a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i> <i>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the</i>	



<i>subject land.</i>
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.
<b>4.2 Coastal Management</b> (previously 2.2)
<i>Not applicable to Wingecarribee Shire</i>
<b>4.3 Planning for Bushfire Protection</b> (previously 4.4)
<i>The objectives of this direction are to:</i> <i>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i> <i>(b) encourage sound management of bush fire prone areas.</i>
<b>Assessment – Consistent</b> Referral to NSW Rural Fire Service would occur in accordance with any Gateway Determination and this assessment would be updated to reflect the RFS response prior to exhibition.
<b>4.4 Remediation of Contaminated Land</b> (previously 2.6)
<i>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i>
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.
<b>4.5 Acid Sulphate Soils</b>
<i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i>
<b>Assessment – Consistent</b> There currently appear to be no mapped acid sulphate soils within Wingecarribee Shire.
<b>4.6 Mine Subsidence &amp; Unstable Land</b>
<i>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i>
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.

<b>5- Transport &amp; Infrastructure</b>	<i>The Principles for Transport &amp; Infrastructure support innovative, integrated and coordinated transport and infrastructure, that is well-designed, accessible and enduring. They seek to optimise public benefit and value by planning for modern transport and infrastructure in the right location and at the right time.</i>
<b>5.1 Integrating Land Use and Transport</b> (previously 3.4)	<i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i> <i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i> <i>(b) increasing the choice of available transport and reducing dependence on cars, and</i> <i>(c) reducing travel demand including the number of trips generated by development and the</i>



<i>distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.</i>	
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.	
<b>5.2 Reserving Land for Public Purposes</b> (previously 6.2)	
<i>The objectives of this direction are to: (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservation</i>	
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.	
<b>5.3 Development Near Regulated Airports and Defence Airfields</b> (previously 3.5)	
<i>The objectives of this direction are to: (a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i>	
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.	
<b>5.4 Shooting Ranges</b> (previously 3.6)	
<i>The objectives are to: (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</i>	
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.	
<b>6- Housing</b>	<i>The Principles for Housing foster long-term, strategic-led and evidence-based approaches to guide a strong supply of well-located homes. They support the delivery of safe, diverse, affordable and quality designed housing that meets the needs of Aboriginal and local communities.</i>
<b>6.1 Residential Zones</b> (previously 3.1)	
<i>The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.</i>	
<b>Assessment – Consistent</b>	



The provisions of this Direction are not directly applicable to this Planning Proposal.
<b>6.2 Caravan Parks and Manufactured Home Estates</b> (previously 3.2)
<i>The objectives of this direction are to:</i> <i>(a) provide for a variety of housing types, and</i> <i>(b) provide opportunities for caravan parks and manufactured home estates.</i>
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.

<b>7- Resilient Economies</b>	<i>The Principles for Resilient Economies support diverse, inclusive and productive employment opportunities across the state to make NSW more economically competitive. They promote the supply of strategic employment lands, innovative industries and centres as a focus for activity and accessibility.</i>
<b>7.1 Business and Industrial Zones</b> (previously 1.1)	
<i>The objectives of this direction are to:</i> <i>(a) encourage employment growth in suitable locations,</i> <i>(b) protect employment land in business and industrial zones, and</i> <i>(c) support the viability of identified centres.</i>	
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.	
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>	
<i>Not applicable to Wingecarribee Shire</i>	
<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<i>Not applicable to Wingecarribee Shire</i>	

<b>8- Resources &amp; Energy</b>	<i>The Principles for Resources &amp; Energy promote the sustainable development of resources in strategic areas and a transition to low carbon industries and energy. They support positive environmental outcomes and work towards the net zero emissions target and continued energy security, while also promoting diversified activity in regional economies.</i>
<b>8.1 Mining, Petroleum Production &amp; Extractive Industries</b>	
<i>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</i>	
<b>Assessment – Consistent</b> The provisions of this Direction are not directly applicable to this Planning Proposal.	

<b>9- Primary Production</b>	<i>The Principles for Primary Production support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i>
------------------------------	--



<b>9.1 Rural Zones</b> (previously 1.2)
<i>The objective of this direction is to protect the agricultural production value of rural land.</i>
<b>Assessment – Consistent</b> The Planning Proposal will support this Direction by enhancing rural and regional economies through sustainable land uses which complement and supplement traditional agricultural activities.
<b>9.2 Rural Lands</b> (previously 1.5)
<i>The objectives of this direction are to:</i> <i>(a) protect the agricultural production value of rural land,</i> <i>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</i> <i>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</i> <i>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</i> <i>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</i> <i>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</i>
<b>Assessment – Consistent</b> The Planning Proposal will support this Direction by enhancing rural and regional economies through sustainable land uses which complement and supplement traditional agricultural activities.
<b>9.3 Oyster Aquaculture</b> (previously 1.4)
<i>The objectives of this direction are to:</i> <i>(a) ensure that ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and</i> <i>(b) protect ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i>
<b>Assessment – Consistent</b> The Planning Proposal will support this Direction by enhancing rural and regional economies through sustainable land uses which complement and supplement traditional agricultural activities.
<b>9.4 Farmland of State &amp; Regional Significance on the NSW Far North Coast</b>
<i>Not applicable to Wingecarribee Shire</i>

**Section C – Environmental, Social & Economic Impacts**

**8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal?**



It is unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected by the Proposal.

**9 - Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

It is unlikely that the Proposal would result in any other environmental effects.

**10 - Has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal seeks to enable land use activities which would support existing farm businesses thereby providing both economic and social benefits to those businesses and the broader community.

**Section D – Infrastructure (Local, State & Commonwealth)**

**11- Is there adequate public infrastructure for the Planning Proposal?**

The Planning proposal is not site specific and future development applications arising from it would be need to be assessed to determine site suitability and infrastructure.

**Section E – State and Commonwealth Interests**

**12 - What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?**

No consultation has been undertaken at this stage, but should the Planning proposal be supported, referral to at least WaterNSW, NSW Rural Fire Service and Transport for NSW.

## **Part 4 - Maps**

No map amendments will result from the Planning Proposal.

## **Part 5 - Community Consultation**

Council will undertake community consultation in accordance with the Gateway Determination.



## Part 6 - Project Timeline

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	May 2022
Agency Consultation	June 2022
Public Exhibition	July 2022
Post exhibition Report to Panel & Council	August 2022
Drafting Request	August 2022
Notification Request & approximate completion date	September 2022

**END OF PLANNING PROPOSAL**



## **6 DEVELOPMENT APPLICATIONS**

### **6.1 DA22/0583 – Construction of a New Community Hall and Associated Works at Lots 145 – 152 in DP 751259, Lot 1 in DP 327438, Lot 155 – 157 & 163 in DP 751259 and Lot 154 in DP 1144429, 300 Kareela Road, Penrose**

**Report Author:** Executive Assistant to Director Communities and Place  
**Authoriser:** Nancy Sample, Geoff King

#### **PURPOSE**

The purpose of this report is to consider a Development Application 22/0583 which seeks development consent for the construction of a New Community Hall and associated works at Lots 145 – 152 in DP 751259, Lot 1 in DP 327438, Lot 155 – 157 & 163 in DP 751259 and Lot 154 in DP 1144429, 300 Kareela Road, Penrose.

<b>Consultants:</b>	Simon Bathgate – PSA Architects Paul Johnson – Sowdes Penrose Community Association Inc. Katherine Harris - Harris Environmental
<b>Applicant:</b>	Simon Bathgate
<b>Land owner:</b>	Wingecarribee Shire Council
<b>Land zoning:</b>	RE1
<b>Applicant's estimated cost of proposed development:</b>	\$1,942,866.00
<b>Notification period:</b>	20 October to 24 November 2021
<b>Number of submissions:</b>	0
<b>Political donations:</b>	None identified
<b>Reason for referral to Panel:</b>	Council is the land owner

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

**THAT** the Local Planning Panel determines DA 22/0583 – Proposed Construction of a new Community Hall and associated works at Lots 145 – 152 in DP 751259, Lot 1 in DP 327438, Lot 155 – 157 & 163 in DP 751259 and Lot 154 in DP 1144429, 300 Kareela Road, Penrose by APPROVAL, subject to the conditions in Attachment 1 to the report.

#### **EXECUTIVE SUMMARY**

- 1. Executive summary**

The application is referred to the Wingecarribee Local Planning Panel (WLPP) as the land is owned by Wingecarribee Shire Council. Development Application 22/0583 seeks development consent for the construction of a community centre hall and associated works at 300 Kareela Road, Penrose.

The DA was notified to neighbours in accordance with Council's Community Participation Plan, and nil submissions were received.

The DA has been considered under the 'Matters for consideration' listed in Section 4.15(1) of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory. Approval is recommended subject to conditions.

## **2. Site Description and Locality.**

The subject site (**the site**) is known as 300 Kareela Road, Penrose and is legally known as the following collective of lots:

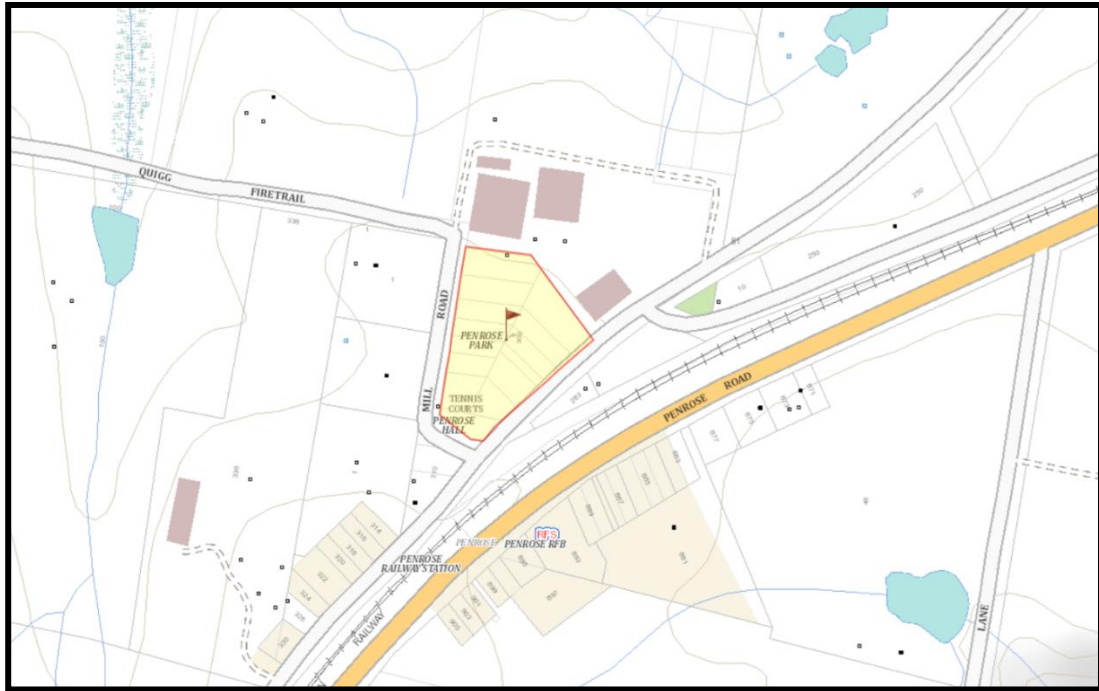
- Lot 145 DP 751259
- Lot 146 DP 751259
- Lot 147 DP 751259
- Lot 148 DP 751259
- Lot 149 DP 751259
- Lot 150 DP 751259
- Lot 151 DP 751259
- Lot 152 DP 751259
- Lot 1 DP 327438
- Lot 155 DP 751259
- Lot 156 DP 751259
- Lot 157 DP 751259
- Lot 163 DP 751259
- Lot 154 DP 1144429

The site is a corner block located at the intersection of Mill Road and Kareela Road and consists of an existing Community Hall built in 1954, older style Public Toilets, two tennis courts, and a small playground.

Penrose Pine Products timber mill is north of the site, and to the west sits a single storey dwelling along Mill Road. Situated on the east along Kareela Road is an incomplete single storey dwelling and the Penrose RFS fire shed. Adjacent to Kareela Road is the main Sydney- Melbourne train line, which dissects the village.

The land is zoned RE1 Public Recreation under the provisions of the Wingecarribee Local Environmental Plan (LEP) 2010. The surrounding landform slopes very gently to the north. The site has an area of approximately 19,918m<sup>2</sup> with a frontage of approximately 157m to Kareela Road and a frontage of approximately 179m to Mill Road.

**Figures 1 and 2** illustrate the site's location and context.



**Figure 1: Locality Map**

**Figure 1: Locality Map (Source: Six Maps)**



**Figure 2: Aerial Photo of Subject Site (Source: Nearmap)**



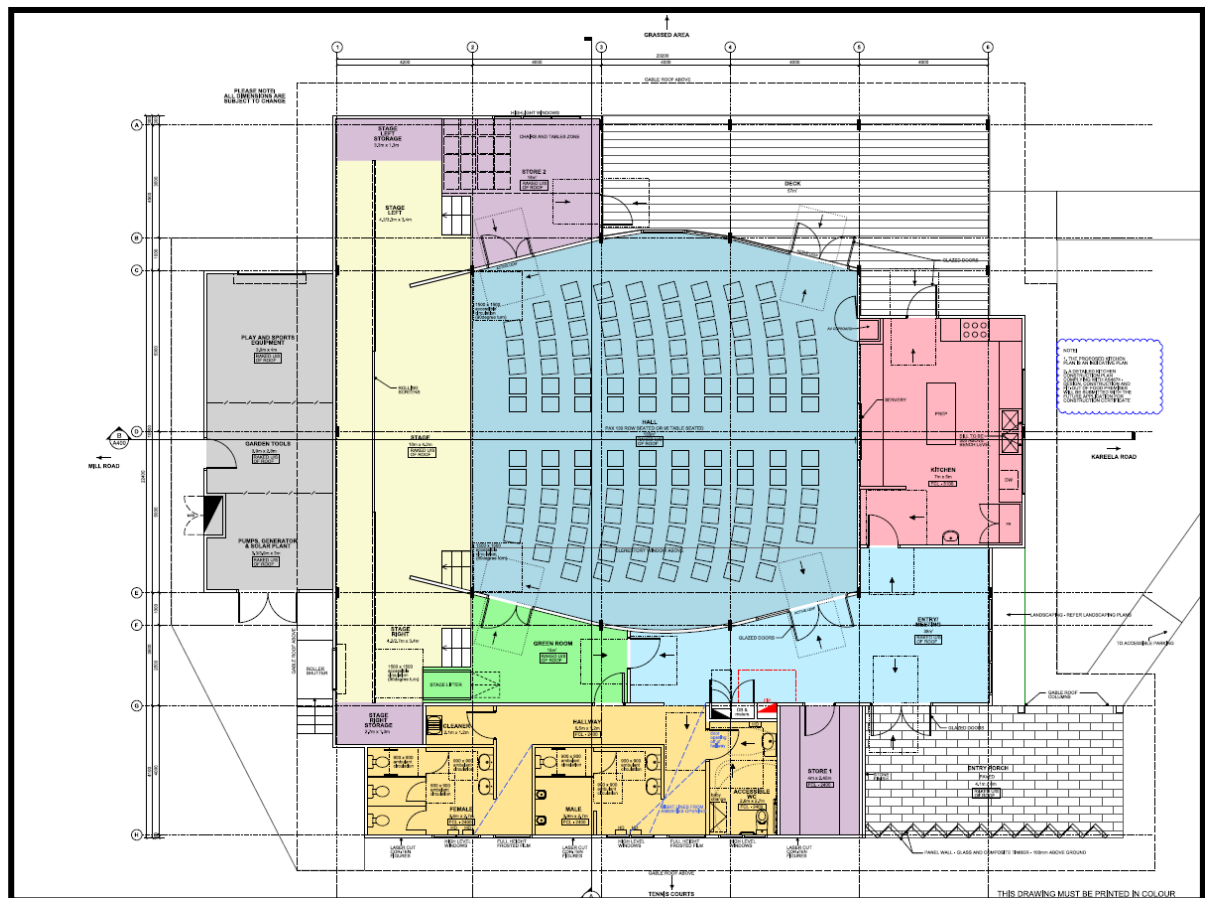
### **3. Description of Proposed Development**

The development application seeks consent for the construction of a new purpose-built community hall and associated works. The proposed hall is proposed to be used for a range of activities including art, craft and drama classes, minor indoor sports, classes and competitions, diverse musical events, and community and club meetings. Specifically, the works will consist of the following:

- Construction of the community hall, comprising of –
  - Stage, and Hall with capacity of 130 row seating or 95 table seating
  - Green room
  - Indoor storage rooms
  - Toilet amenities
  - Entry and meeting area
  - Kitchen
  - Outdoor storage rooms for garden tools and play and sports equipment
  - Pump, generator, and solar plant room
  - Entry porch
  - Outdoor deck
- Car parking for 37 vehicles including 2 accessible spots
- Provision of landscaping and associated site works.



**Figure 3: Proposed Site Plan (Source: PSA Architects)**



**Figure 4: Proposed Floor Plan (Source: PSA Architects)**

The building is a purpose built community hall and is proposed to be used for the following purposes:

- Arts, craft and drama classes;
- Table tennis and other minor sports;
- Pilates, yoga and dance classes;
- Club meetings including Men’s shed meetings; and
- Musical events.

The building will be used on an as needs basis and will not have any permanent staff.

The hours of operation are 8am – 10pm, 7 days a week with all visitors to have left the site by 11pm.

The maximum number of people seated is 125 persons and 100 in a table seated arrangement.

#### **4. Assessment**

The application has been considered with regard to the matters for consideration specified by section 4.15 (1) of the Environmental Planning and Assessment Act 1979, as detailed below.

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

###### State Environmental Planning Policy No 55—Remediation of Land

Clause 7 of SEPP 55 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.

The subject site is not identified as contaminated land within the Wingecarribee Shire Council's mapping and has continued public recreation use. It is therefore considered that the land is suitable for the proposed use without further investigation and the application has satisfied SEPP 55.

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

The catchment SEPP aims:

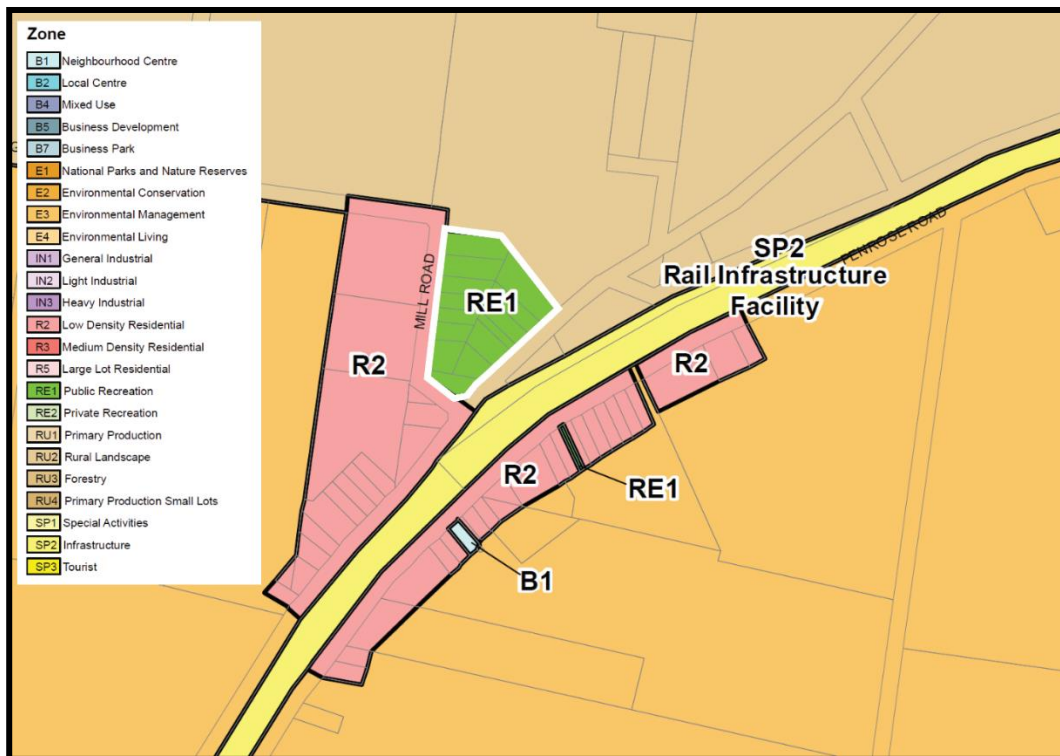
- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.
- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have 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.

The application was referred to Water NSW as the site is located within the Sydney Drinking Water catchment as identified in State Environmental Planning Policy (Sydney Region Drinking Water Catchment) 2011.

Water NSW detailed that based on the information provided, Water NSW is satisfied that the proposed development can achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. Water NSW concurs with Council granting consent to the application subject to the conditions outlined in their referral.

###### Wingecarribee Local Environmental Plan (LEP) 2010

The subject site is zoned RE1 Public Recreation under the provisions of the Wingecarribee LEP, refer to **Figure 5** below. Community and recreation facilities (indoor) are permitted with consent in the RE1 zone.



**Figure 5: Zoning Map with the site outlined in White (Source: NSW Legislation)**

The relevant provisions of the LEP are addressed in the table below.

Wingecarribee Local Environmental Plan (LEP) 2010			
Clause	Control	Discussion	Compliance
1.2 – Aims of Plan	Subclause (2) sets out the LEP’s particular aims.	The proposed development is considered satisfactory with respect to the LEP’s particular aims.	Yes.
2.3 – Zone objectives and Land Use Table	<p>The land is zoned RE1 Public Recreation, and the objectives of the zone are:</p> <ul style="list-style-type: none"> <li>To enable land to be used for public open space or recreational purposes.</li> <li>To provide a range of recreational settings and activities and compatible land uses.</li> <li>To protect and enhance the natural environment for recreational purposes.</li> <li>To enable ancillary development that will encourage the enjoyment of land zoned for open space.</li> </ul>	The proposed development is generally consistent with the objectives of the zone as it provides for public open space and recreational purposes, and a range of recreational settings and activities, whilst protecting and enhancing the natural environment.	Yes.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

<p>5.10 - Heritage Conservation</p>	<p>(2) Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(f) subdividing land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(4) The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>(5) The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>The site does not contain a heritage item and is not located within a heritage conservation area.</p>	<p>Yes</p>
<p>5.21 – Flood Planning</p>	<p>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>a) is compatible with the flood function and behaviour on the land, and</p> <p>b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>d) incorporates appropriate measures to manage risk to life in the event of a</p>	<p>The site is not flood affected.</p>	<p>Yes</p>



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

---

	<p>flood, and</p> <p>e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>		
7.3 Earthworks	<p>Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>c) the quality of the fill or of the soil to be excavated, or both,</p> <p>d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>e) the source of any fill material or the destination of any excavated material,</p> <p>f) the likelihood of disturbing Aboriginal objects or other relics,</p> <p>g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	No earthworks proposed.	Yes.

**Section 4.15 (1) (a) (ii)—The provisions of any proposed instrument that apply to the land**

No draft instrument is relevant to the proposed development.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

**Section 4.15 (1) (a) (iii)—The provisions of any development control plan that apply to the land**

**Rural Lands Development Control Plan (DCP)**

As the subject site is zoned RE1 Public Recreation and sits outside of the Penrose and Wingello Village boundary, the proposed development will be subject to the Rural Lands DCP. Assessment against the applicable provisions of this DCP is made in the following table:

Rural Lands Development Control Plan			
Section	Control	Assessment	Compliance
Part A – Managing Our Rural Lands			
Section 4 Vegetation Management			
A4.5 Landform and Vegetation Modification	<p>All new development shall:</p> <p>(a) seek to use the existing natural topography of the site.</p> <p>(b) not require the clearing of native vegetation or established cultural plantings if this results in an increase in the prominence or visibility of the building from a public place or Heritage Conservation Zone.</p> <p>(c) where cut and fill of the area of the building footprint is required, that a limit of 750mm cut and 750mm fill apply.</p>	<p>There are no earthworks proposed, the development has been designed to accommodate the natural topography of the site.</p> <p>There is no proposed clearing of native vegetation or established cultural plantings.</p>	Yes.
A4.6 Earth Works	<p>The origin and composition of any fill brought into the rural areas must be documented.</p> <p>No contaminated fill, including any building waste fill of unknown origin, must be brought into the Rural Areas.</p> <p>No fill containing materials that may cause harm to a site or persons using a site may be brought into the rural areas.</p> <p>Any excavation works must take into consideration the following:</p> <p>(i) possible wildlife habitat,</p> <p>(ii) The need and purpose of the excavation</p> <p>(iii) The scenic impact (both on and off site)</p>	No earthworks proposed.	Yes

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

	(iv) Erosion mitigation measures		
A4.7 Protection of Trees, Bushland and Vegetation during Construction and Development	<p>(a) All works and services associated with construction of rural development (development location, stock piles, rubbish, site sheds services access and egress of all vehicles etc) must be sited to ensure they will have no negative impact on trees, vegetation and bush land that is to be retained on site. This will require these to be located clear of any Tree Protection Zones.</p> <p>(b) Best practice methodologies must be employed to maintain Tree Protection Zones. This will include the size of the zone, appropriate fencing/buffering etc</p> <p>(c) Best practice methodologies must be employed in the design and installation of any services to the site to ensure the long-term viability of trees, vegetation and bush land. This needs to include no interruption to flow paths of surface water.</p> <p>(d) Siltation control fences and measures must be provided to protected vegetation trees, bush land and riparian zones.</p> <p>(e) No clearing of vegetation on land with slopes of 18 degrees or greater.</p> <p>(f) An Arborist or qualified horticultural may be required to supervise works on site to ensure the retention of nominated trees, vegetation or bush land.</p> <p>(g) No removal of trees or other vegetation from an Item of Heritage or from a property within a Landscape or Heritage</p>	<p>The development does not affect existing native vegetation flora and fauna habitat and riparian zones. Tree Report detailing proposed works and management has been provided.</p> <p>Tree protection will be provided for trees surrounding the construction zone.</p> <p>The subject site is not and does not contain an Item of Heritage is not from a property within a Landscape or Heritage Conservation Area.</p> <p>The DA was referred to Council's tree expert who raised no objections subject to conditions.</p>	Yes.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

	Conservation Area shall occur without the consent of Council under the provisions of Section A4.11 below.		
A4.9 Arborist's Report	<p>To ensure that any development is compatible with the physical constraints and existing character of the area.</p> <p>To ensure that any development does not compromise the integrity and viability of existing native vegetation, flora and fauna habitat and riparian zones.</p>	<p>Tree Report detailing proposed works and management plan has been provided. Proposed works include the removal of six trees.</p> <p>There are no threatened species identified on the site.</p> <p>The DA was also referred to Council's tree expert who raised no objections subject to conditions.</p>	Yes.
<b>Section 5 Water Management</b>			
A5.2 Development within Sydney's Drinking Water Catchments	<p>Under the REP, Council cannot grant development consent unless it is satisfied the development will have a neutral or beneficial effect on water quality.</p> <p>All development applications in the drinking water catchments must be accompanied by a Water Cycle Management Study</p>	<p>Development has been referred to Water NSW who is satisfied that the development can achieve a neutral or beneficial effect on water quality. Water NSW concurs with Council granting consent to the application subject to the attached conditions.</p> <p>A Water Cycle Management Study has been submitted with this Application.</p>	<p>Yes.</p> <p>Yes.</p>
<b>Section 6 Additional Controls</b>			
A6.2 Bushfire Prone Land	A report may be required if the subject property is subject to Bush Fire Risk under the Rural Fire Service's document "Planning for Bushfire Protection"	The subject site is bushfire prone, and a Bushfire Report has been submitted with this Application. The DA is not integrated development but was referred to the RFS who raised no objections subject to conditions.	Yes.
A6.3 Contaminated or Potentially Contaminated Land	Council will require a Contamination / Remediation report to be prepared for all land that is known to be, or reasonably suspected of being contaminated.	The subject site is not identified as contaminated land.	Yes.
A6.4 Demolition of Existing Structures	Any development application that seeks approval for the	There is not demolition proposed in this Application.	Yes.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

---

	demolition of an existing structure (including partial demolition of an existing structure) must prepare and submit a Demolition Work Plan.		
A6.5 Regional Wildlife Corridors	Development proposed within these corridors may be subject to additional consultation to ensure the ongoing viability of the wildlife corridor.	The subject site is not identified as being within regional wildlife corridors.	Yes.
A6.6 Development in the vicinity of a National Park or Nature Reserve	The Council shall not grant consent to an application for development on land that is located immediately adjacent to or within 500 metres of land that is a National Park or Nature Reserve, unless the Council has considered any comments from the Department of Environment and Conservation in relation to the likely effect of the proposed development, if any, on the National Park or Nature Reserve.	The subject site is not in the vicinity of a National Park or Nature Reserve.	Yes.
A6.7 Sites Requiring Geotechnical Reports	A Geotechnical Report, prepared and certified by a Council-accepted Geotechnical Engineer will need to be provided with all applications for development located within an area identified or potentially subject to geotechnical constraints, including land subject to instability, filling, or with a slope greater than 18 degrees.	The subject site is not identified as being or potentially subject to geotechnical constraints, including land subject to instability, filling, or with a slope greater than 18 degrees.	Yes.
A6.8 Minimisation of External Impacts - Noise	To reduce the potential for noise-generated land use conflict by appropriately locating and designing rural development in relation to neighbouring developments.  To require the provision of noise attenuation measures in the design, construction and operation phase of any rural development or practice.	Conditions have been recommended to ensure that the development will not cause an adverse noise impact on adjoining properties.	Yes

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

	To ensure that best practice guidelines are met in the implementation of noise-generating activity.		
A6.9 Minimisation of External Impacts - Odour	All applications for rural development shall indicate how odour-producing materials are to be managed to ensure that the impacts of such odours on neighbouring properties are minimised.	Proposed used of site is not anticipated to generate odour.	Yes.
A6.10 Minimisation of External Impacts - Outdoor Lighting	<p>(a) Outdoor lighting must be a “full cut-off light fixture”</p> <p>(b) All outdoor lighting fixtures shall be designed, installed, located, and maintained to avoid glare on to adjacent properties or streets</p> <p>(c) All direct illumination shall be kept within the boundaries of the subject property.</p> <p>(d) Accent lighting, when so approved, shall be directed downward on to the building or object and not toward the sky or on to adjacent properties.</p> <p>(e) Direct light emissions shall not be visible above the roof line or beyond the building edge.</p> <p>(f) Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent. The lamp shall be shielded and not create disabling or nuisance glare.</p> <p>(g) Timers shall be accurately set to ensure that lighting is used only when natural light is insufficient.</p>	<p>Proposed outdoor lighting will be restricted to security and public space lighting when there are no events in the hall. During night-time use access and carpark lighting will be used.</p> <p>Lighting provisions are to be conditioned.</p>	Yes.
<b>Section 9 Construction Standards and Procedures</b>			
A9.2 Surveys and Reports	<u>A9.2.3 Hydraulic Details</u> Hydraulic details, prepared by a	Stormwater drainage and	Yes.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

	<p>suitably qualified hydraulic consultant, shall be provided for:</p> <ul style="list-style-type: none"> <li>(a) Stormwater service</li> <li>(b) Water supply service (including fire services)</li> <li>(c) Sewerage service</li> <li>(d) Trade Waste discharges to sewer for all buildings except a single dwelling house and associated outbuilding(s). These details are to be submitted with a development application if deemed necessary or with the Section 68 application to Council.</li> </ul> <p><u>A9.2.4 Site Survey Reports</u></p> <p>During construction, Council may require the submission of a survey report prior to the pouring of concrete and then upon completion of the building works (prior to occupation), in the following circumstances: -</p> <ul style="list-style-type: none"> <li>(a) Where a Class 1-9 building is located within 300mm of the minimum side boundary setbacks, (including distance to wall and distance to eaves/gutter)</li> <li>(b) Where a structure is located within 300mm of a registered easement</li> <li>(c) At floor level stage, prior to the pouring of concrete or fixing flooring material, where the property is within an area affected by flooding inundation.</li> </ul>	<p>wastewater plans have been provided by a suitably qualified hydraulic consultant. A wastewater management report and water cycle management cycle report accompany the provided plans.</p> <p>A site survey is provided along with this Application.</p>	<p>Yes.</p>
<p>A9.3 Building near or over Council Mains and Easements</p>	<p>Structures are to be erected clear of Council's water, sewer and drainage mains by a minimum of one (1) metre and 1.2 metres for a sewer manhole and shall be clear of any easement over such a main.</p>	<p>The building is not located over Council mains or easements.</p>	<p>Yes.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

A9.4 Building over two or more Allotment	If building work is proposed over two or more allotments, Council may require the consolidation of these lots.	The proposed building will span several of the allotments in the Penrose Village Park. The applicant has undertaken to complete Lot consolidation.	Yes.
A9.6 Exhaust Fans	Any exhaust fan provided in the kitchen ceilings and walls shall be ducted directly outside to prevent the build-up of condensation, fats, and the like.	Exhaust fans have not been proposed for the kitchen.	Yes.
A9.7 Water Storage in Non-reticulated Areas	A minimum of 40,000 litres Water Storage capacity must be provided for domestic purposes unless supplemented by supplies from an approved bore.	Two x 50,000L tanks have been proposed for water storage.  A Council owned bore is also within proximity to the proposed hall.	Yes.
A9.8 Stormwater Disposal	Final means of disposal of stormwater to Council's stormwater system must be approved by Council.	Onsite bioretention systems are proposed on site to dispose of stormwater.  Council's engineer has reviewed the DA and raises no objections subject to conditions.	Yes.
A9.10 Site Access Standards During Construction	All Council assets (eg sewer manholes, stormwater systems etc.) shall be protected from damage.	To be conditioned.	Yes.
<b>PART B DEVELOPMENT SPECIFIC CONTROLS</b>			
<b>Section 6 Other Commercial and Community Development</b>			
B6.1 Site Suitability for Particular Development	In assessing an application for any commercial or community use of land in a rural setting Council will give careful consideration to the appropriateness of the site for the type of activity proposed	Since 1922, the subject site, Penrose Village Park, has been employed as a community hall. The existing current hall was built in 1954 and will remain ancillary to the proposed new community hall. The site has had ongoing continued use as a community hall and is therefore regarded as appropriate for the proposed development.	Yes.
B6.2 Objectives for all Commercial Development	In permitting commercial development in any rural setting, Council seeks to ensure that such development is:		



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

	<p>(a) Sited and designed to respect the rural environment within which the development is located.</p> <p>(b) Appropriately located to ensure no detrimental impacts on neighbouring development.</p> <p>(c) Constructed from materials which respect the rural landscape.</p> <p>(d) Complements the style of any existing development within the vicinity.</p> <p>(e) Designed to provide adequate car parking, located to be accessible to users of the development without detracting from the rural landscape in which the development is located.</p>	<p>The proposed structure has been sited and designed in respect to the surrounding rural environment of which the development is located.</p> <p>The proposed development is appropriately located and not considered to result in detrimental impacts on neighbouring development.</p> <p>A schedule of materials and colours has been provided along with the application. Proposed materials include a combination of colourbond cladding and timber finishes, and powder coated aluminium framing and louvres. Thus, the development is considered to be constructed of materials that respect the rural landscape.</p> <p>The proposed materials complement existing development within vicinity.</p> <p>A Traffic and Parking Report has been provided along with this Application. A new driveway crossover and internal roadway has been proposed to provide access to proposed new carpark. The carpark and driveway are adequately screened by existing vegetation and proposed landscaping, and therefore does not detract from the rural landscape in which the development is located. The car park provides 37 car parking spots and 2 accessible car parking spots. The size of each proposed car spot has been enlarged to accommodate elderly visitors.</p> <p>The car park is located off Kareela Road. This road has existing access to Penrose Forest Road and The Highland Way.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
--	--	---	---

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

---

	(f) Appropriately located in terms of accessibility from regional access roads.		
--	---	--	--

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

Penrose and Wingello Villages Development Control Plan (DCP)

The proposed development site adjoins the Penrose village boundary and where the Rural Lands DCP does not highlight on specific concerns that may impact the Penrose village, an assessment against the applicable provisions of the Penrose and Wingello Villages DCP is made in the following table:

Penrose and Wingello Villages Development Control Plan			
Section	Control	Assessment	Compliance
Part A – All Land			
Section 2 General Objectives			
A2.2.6 Visual Amenity	<p>(a) Demonstrate an appreciation of the existing streetscape.</p> <p>(b) Enhance the character of individual streets within the villages through appropriate built form design.</p> <p>(c) Provide areas of private open space which can make a positive contribution to the overall visual amenity of the locality.</p>	<p>Proposed development complements the existing streetscape and enhances the character of the village whilst improving the visual amenity of the land and surrounding lands.</p> <p>The proposed building will contribute to the community character of the locality and continue to provide well landscaped open space.</p>	Yes.
A2.2.7 Public Views and Vistas	In assessing a land use application, Council will consider the extent to which the proposal contributes to the protection of public views and vistas.	Development is not situated in an area where there is substantial public view or vista	Yes.
Section 3 Biodiversity			
A3.2 Flora and Fauna Assessment Report	A Flora and Fauna Assessment Report is required to be lodged with a Development Application under the following circumstances and must address the requirements in the Wingecarribee Shire Council Flora and Fauna Assessment Guidelines for Development Applications.	<p>The subject site consists of remnant native trees and vegetation. However, there are no identified native trees or vegetation located where the new structures or carpark development are proposed.</p> <p>A Tree Report has been provided along with this Application which details that Wingecarribee Shire Council have inspected and documented the existing trees and informed which trees are able to be removed. As such, a Flora and Fauna Assessment Report is not required.</p>	Yes.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

<b>Section 4 Water Management</b>			
A4.1 Protection of Watercourses and Riparian Lands	These clauses apply to land identified on the Natural Resources Sensitivity Maps as a regional wildlife habitat corridor, or natural waterbodies and riparian land.	Subject site is not identified as being regional wildlife habitat corridor, or natural waterbodies and riparian land.	Yes.
A4.2 Vegetation Management Plan for Riparian Corridors	When a development proposal will disturb or substantially modify the riparian corridor, its restoration or rehabilitation will be required. Details of proposed rehabilitation /restoration must be documented in a Vegetation Management Plan (VMP) submitted with the development application.	As above.	Yes.
A4.3 Development in Sydney's Drinking Water Catchments	<p>All development shall incorporate WaterNSW's current recommended practices (or equivalent standards and practices) which represent best industry or development practice in terms of maintaining water quality.</p> <p>All development shall address water quality to achieve one of the following alternative outcomes as appropriate to the development:</p> <p>(a) The development shall have no identifiable potential impact on water quality,</p> <p>(b) If (a) above is not viable, any identified impact shall be contained on the site to prevent it from reaching any watercourse, water body or drainage depression.</p> <p>(c) If (a) or (b) above are not viable, any identified impact beyond the site shall be managed by transfer to an appropriate facility for treatment and disposal to</p>	<p>A NorBE Module 5 Report has been provided along with the Application to demonstrate that the development has no identifiable potential impact on water quality.</p> <p>WaterNSW have approved of the development subject to the conditions outlined in their referral letter.</p>	Yes.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

---

	the required standard approved by Council.		
A4.4 Water Cycle Management Study	All development applications in a drinking water catchment must be accompanied by a Water Cycle Management Study	A Water Cycle Management Study has been provided along with the Application.	Yes.
A4.5 Stormwater Management Plan	A Stormwater Management Plan report will be required by Council for all development that will result in:  a) An increase in the impervious area of the site, or  b) A change in the direction of overland flow	A Stormwater Management Plan report has been provided along with this Application.	Yes.
A4.6 Erosion and Sediment Control Plans	Where building or earthworks are proposed, an Erosion & Sediment Control Plan must be provided to Council. Plans and all associated works must meet the Neutral or Beneficial Effect test and the water quality objectives using Current Recommended Practices contained in the State Environmental Planning Policy (Sydney Drinking Water Catchment 2011).	Erosion and Sediment Control Plans has been provided along with this Application.	Yes.

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

No planning agreement or draft planning agreement applies to the land.

**Section 4.15 (1) (a) (v)—The provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land**

No provisions of Division 8 of Part 6 of the Environmental Planning and Assessment Regulation 2000 are relevant to the proposed development.

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

The environmental impacts of the proposed development on the natural and built environment have been addressed in this report and is considered to be consistent with the dominant character of the Penrose locality.

The proposal will result in favourable social or economic impacts on the locality. The proposed new community hall and ancillary car park will allow the subject site to be rejuvenated and will provide a place for community and recreational activities and events.

The proposal will also have an appreciable economic impact generated from construction and employment activity.

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

The site is located in close proximity to local services. The site has sufficient area to accommodate the proposed land-use and associated structure. Therefore, the site is considered suitable for the proposed development.

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

There were Nil submissions received in regard to the Development Application

Refer to the Community Consultation section of this report, below.

**Section 4.15 (1) (e)—The public interest**

The proposal promotes the objectives of the RE1 Public Recreation zone and will not result in any significant adverse environmental, social, or economic impacts on the locality. The proposed community hall is a public facility that will accommodate social activities and encourage social interaction within the local community. Accordingly, the proposal has significant merit and is considered to be in the public interest.

**5. Public Notification**

The development application was publicly notified in accordance with Council’s Community Participation Plan from 20 October to 24 November 2021. Council received nil submissions.

**6. Internal Referrals**

<b>Trees / Arborist</b>	The application was referred to Council’s external arborist who raised no objections to the proposed development subject to conditions.
<b>Engineering including traffic</b>	The application was referred to Council’s engineering section who raised no objections to the proposed development subject to conditions.
<b>Environmental Health</b>	The application was referred to Council’s environmental health officer who raised no objections to the proposed development subject to conditions.

**7. External Referrals**

<b>Water NSW</b>	<p>The application was referred to Water NSW as the site is located within the Sydney Drinking Water catchment as identified in State Environmental Planning Policy (Sydney Region Drinking Water Catchment) 2011.</p> <p>Water NSW concurs with Council granting consent to the application subject to the conditions outlined in their referral letter.</p>
<b>RFS</b>	<p>The application is not considered integrated development however was referred to RFS for their comment.</p> <p>RFS consider the proposed development acceptable subject to conditions.</p>

---

**CONCLUSION**

DA33/0583 for the proposed Construction of a new Community Hall and associated works at Lots 145 – 152 in DP 751259, Lot 1 in DP 327438, Lot 155 – 157 & 163 in DP 751259 and Lot 154 in DP 1144429, 300 Kareela Road, Penrose is considered satisfactory with respect to the matters for consideration specified by section 4.15 of the Environmental Planning and Assessment Act 1979. It is recommended that the proposal be approved subject to draft conditions of consent specified in **Attachment 1**.

---

**ATTACHMENTS**

1. Attachment 1 - Draft Conditions of Consent - 300 Kareela Rd, Penrose [6.1.1 - 32 pages]
2. Attachment 2 - Proposed Plans [6.1.2 - 7 pages]
3. Attachment 3 - Statement of Environmental Effects [6.1.3 - 12 pages]

**Attachment 1 – Draft Conditions**

**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 construction of a new Community Hall and associated works at Lots 145 – 152 in DP 751259, Lot 1 in DP 327438, Lot 155 – 157 & 163 in DP 751259 and Lot 154 in DP 1144429, 300 Kareela Road, Penrose.

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

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

<b>Plan Title / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	Issue B	PSA Architects	1/9/21
Floor Plan	Issue D	PSA Architects	28/10/21
Elevation – Sheet 1	Issue B	PSA Architects	2/9/21
Elevation – Sheet 2	Issue B	PSA Architects	2/9/21
Sections – Sheet 1	Issue A	PSA Architects	2/9/21
Site Analysis Plan	Issue A	PSA Architects	2/9/21
Egress Plan	Issue C	PSA Architects	2/9/21
External Finishes Schedule	-	-	-
Bushfire Hazard Assessment	Ref 3945BF	Harris Environmental	15 June 2021
Wastewater Management Report	-	Sowdes	25/9/21
Water Cycle Management Study report	-	Sowdes	25/9/21
Stormwater Drainage Management Plan	Issue A	Sowdes	25/9/21
Parking & Traffic Report	-	Penrose Community Association	20/9/21
Tree report	-	Penrose Community Association	20/9/21
SEE	-	Penrose Community Association	3/9/21

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

**3. Inconsistency between Documents**



DA18/0530

---

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:** *The condition is prescribed under clause 98 of the Environmental Planning and Assessment Regulation 2000.*

**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 certifying authority 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.

**Reason:** *The condition is prescribed under clause 98A of the Environmental Planning and Assessment Regulation 2000.*

**6. 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.*

**7. Shoring and Adequacy of adjoining property**

DA18/0530

---

- (1) If any excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the applicant must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

**Reason:** *To ensure the structural integrity of the building is not compromised.*

#### **8. Food Premises – General**

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- The *Food Act 2003*
- *Food Regulation 2010*
- *Food Standards Code*
- Australian Standard AS4674 – 2004 Design, Construction and Fit Out of Food Premises;  
and
- Australian Standard AS 1668.2-2012 The use of ventilation and air-conditioning in buildings  
– Mechanical ventilation in buildings

*In the event that the design, construction and/or fit out of food handling areas is inadequate for the food handling activities carried out on the premises, the Applicant will be required to undertake such works as is necessary to remedy any non-compliance with the above-mentioned legislation and Standards within a period determined by Council, for which separate prior development consent may be required.*

**Reason:** Compliance legislation and standards.

#### **9. Noise Control**

The use of the premises shall not give rise to the transmission of offensive noise to any place of different occupancy .

**Reason:** *To prevent loss of amenity to the area.*

DA18/0530

---

**10. Appointment of Project Arborist**

A project arborist who conforms to the requirements of the AS 4970 (i.e. Level 5, Arboriculture) is required to be nominated as part of the conditions for the Construction Certificate, and they are to be provided with all related site documents.

**11. Additional tree impacts including pruning**

Pruning has been nominated in the Tree Report, and may be required for some trees. This will be limited to;

- o Mitigating risk
- o Removal of deadwood
- o Allowing sufficient clearance to conform to the Planning for Bushfire Protection 2019 and Bush fire assessment report by Harris Environmental (dated 15 June 2021, Reference 3945BF)
- o Design conflict.

The curved roadway servicing the facility offers encroachment to some trees. The grades and surfaces employed shall be reviewed by the project arborist as part of the construction certificate and recommendations included for reducing the impacts on the tree roots that form the encroachment. This may require elevating the road grade, and/or modifying road surfaces to reduce root impacts.

Any design changes, impacts on the trees nominated for retention or excessive risk by trees, must require the project arborist to assess and document the incidence and related mitigation. Additional tree works required for risk/design impacts must be documented and issued to Wingecarribee Shire Council.

**12. Tree removal permitted**

*Based on the assigned tree numbering contained in the Tree Report by the Penrose Community Association Inc., dated 20 September 2021. The following trees are permitted for removal; No. 3, 9, 18, 19 and 20.*

**13. Tree retention**

*Trees No. 1, 2, 4-8 and 10-17, and other site trees not included in the Arborist Report that are not exempt or have consent for removal must be retained and protected from any site works.*

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

**14. Application for a Construction Certificate (Building Works)**

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate 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.

DA18/0530

---

- (b) If Council or a private accredited 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 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) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (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.*

**Note:** *Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.*

#### **15. Appointment of Principal Certifying Authority**

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 an accredited certifier; and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:

DA18/0530

---

- (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:

- (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 certifying authority 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 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.*

#### **16. Food Premises compliance to be assessed prior to the issue of the Construction Certificate**

Prior to the issue of the construction certificate, detailed drawings of the design, construction and fit-out of any proposed commercial food premises (as defined above) shall be submitted to either Council or the nominated Accredited Certifier to be assessed for compliance with the following standards:

- Food Standards Code, Food Standard 3.2.3
- Australian Standard AS4674-2004 Design, Construction and Fit Out of Food Premises; and
- Australian Standard AS 1668.2-2012 The use of ventilation and air-conditioning in buildings: Mechanical ventilation in buildings.

**Reason:** Compliance with legislation and standards.

#### **17. Tree protection**

Arboricultural Method Statement

As a requirement for the construction certificate, an Arboricultural Method Statement, Tree management plan (completed by the assigned project arborist ; minimum Level 5 arborist) must be presented and accepted to Wingecarribee Shire Council before works proceed. This report should incorporate discussion with the building contractors to ensure practical means for construction. This report is to detail although is not limited to;

- Zones of protection, being the Tree Protection Zone, and Structural Root Zone.
- Protection specifications and measures (fencing/ground protection) in relation to the zones of protection.
- Hold points for the works procedure
- Methods of work and means for reducing tree impact
- Tree protection measures and plan

Trees No. 1, 2, 4-8 and 10-17 require protection and these shall not be impacted during the construction/development of the site. The Tree Protection Zones (TPZ) for these trees as nominated in the Tree Report is required to be observed and utilised for the protection and in relation to the Australian Standard, AS 4970.

DA18/0530

---

#### **18. 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.*

#### **19. Dilapidation Report**

A Dilapidation Report shall be undertaken on all properties, which in the opinion of a suitably experienced professional and chartered qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out taking into account civil infrastructure and submitted to Council prior to the issue of the Construction Certificate.

The Report shall cover structural and geotechnical factors likely to arise from the development.

The person having the benefit of the development consent shall, at their own cost, rectify any damage caused to other properties during the construction of the project to the satisfaction of Council.

**Reason:** *To ensure the structural stability of neighbouring buildings.*

#### **20. Construction Management Plan**

A Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety, and convenience. The CMP must include the following:

- (a) Details of site security
- (b) Off-street parking for employees, contractors, and sub-contractors.
- (c) Site access for construction vehicles and equipment purposes.
- (d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- (e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.

DA18/0530

---

- (f) Storage of all building materials and equipment wholly within the construction site.
- (g) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- (h) External lighting and security alarms proposed for the construction site.
- (i) Firefighting measures to be available on-site during development and construction.
- (j) Sanitary amenities proposed on site during development and construction.
- (k) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.
- (l) Details of management of storm water run-off and the proposed sediment and erosion control measures including the location of any rubble grids;
- (m) Details of any air and dust management;
- (n) Details of noise and vibration controls;
- (o) Anticipated staging and duration of works
- (p) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP)

**Reason:** *To ensure the safety, amenity and protection of public infrastructure and the environment*

#### **21. Section 68 Local Government Act 1993 Approvals**

Prior to the issue of a Construction Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Wingecarribee Shire Council, for the following approvals:

- Stormwater Constructions Works

**Reason:** *A requirement under the provisions of the Local Government Act 1993.*

#### **22. Section 138 Roads Act 1993 Approval**

Where works are proposed within the road reserve, the developer must obtain approval from Council (as the Roads Authority and/or as required under Section 138 of the *Roads Act 1993*) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

The following details must be submitted to Council in order to obtain the Section 138 approval:

DA18/0530

---

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

**Advice:** *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Maritime Services for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

**Reason:** *Statutory requirement.*

### **23. Carpark Design - Site Servicing**

The car park shall be designed to accommodate the turning movements of the largest vehicle servicing the development. The car park design shall incorporate the following:

- (a) The site shall accommodate the turning movements of (how many) m service vehicle.
- (b) Service vehicles shall manoeuvre into and out of the site in a forward direction.
- (c) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- (d) The vehicle swept path shall be reflected on the engineering design plans.
- (e) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- (f) The footpath crossing shall be splayed from the property boundary to the kerb line to accommodate the swept path made by the service vehicle.

**Reason:** To ensure that the car parking area is constructed to Council requirements.

### **24. Accessible Car Parking Spaces**

2 of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons.



DA18/0530

---

These spaces shall be constructed and identified in accordance with Volume 1 of the National Construction Code (NCC) and AS/NZS 2890.6 - Parking Facilities; Off-street parking for people with disabilities.

Details to demonstrate compliance shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

#### **25. Off Street Parking Provision - General**

37 off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2890.1 Off Street Car Parking.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

**Reason:** To ensure adequate parking and access.

#### **26. Stormwater – Control of Peak Discharge**

Adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Policies. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with the application for a Construction Certificate.

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the Construction Certificate documentation.

**Reason:** *To ensure the peak discharge from the site is no greater than the pre-developed peak discharge.*

#### **27. Detailed Stormwater Drainage System Design**

Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council's Design Standards shall be submitted and approved by Council's Development Engineer together with a Section 68 Certificate approval.

In this regard Council accepts in principle the concept stormwater design plan drawings and Water Cycle Management Study prepared by Sowdes dated 27 February 2019.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

**Note:** *Construction Certificate Approval does not include approval for works external to the property or civil works.*

DA18/0530

---

Where the proposed design extends beyond the property boundary, separate approval under section 135 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 of the Roads Act 1993 applies.

**Reason:** *To ensure adequate storm water management.*

#### **28. Energy Service Provider Requirements**

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Occupation Certificate.

**Reason:** *To ensure appropriate infrastructure is provided to the development.*

#### **29. Electricity Substation**

Any required electricity substation shall be located within the boundaries of the site and covered by an appropriate Section 88B instrument or easement under the Conveyancing Act 1919.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier prior to the issue of a Construction Certificate detailing the energy authority's requirements.

**Reason:** *To ensure appropriate access to utility is provided to the development.*

#### **30. 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.*

#### **31. 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 Construction 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.

DA18/0530

---

- (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.
- (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.*

### **32. Tree Retention**

Road design and construction shall ensure preservation of existing roadside vegetation. All trees proposed to be removed within the road reservation shall be clearly identified by survey and submitted to Council for approval prior to issue of Construction Certificate.

All trees shown on the development consent as being retained shall be appropriately marked and protected during construction works with fencing that shall be maintained throughout construction activities.

**Reason:** *To ensure retention and preservation of local vegetation.*

### **33. Developer to provide photos of damage to Council property**

The developer must provide Council and the PCA with photos of any damage of Council property adjoining the development prior to the issue of the Construction 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

DA18/0530

---

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 any Occupation Certificate or Subdivision Certificate (as applicable).

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

#### **34. Application for a Construction Certificate (Building Works)**

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate 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 accredited 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 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) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) 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).
- (f) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (g) If an alternative solution to the "deemed to satisfy" provisions of National Construction Code is proposed, the following details must be lodged:
- (h) Performance requirements that the alternative solution intends to meet.
- (i) 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
- (j) 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.*

DA18/0530

---

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

**Note:** *Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.*

### **35. Water NSW Conditions**

#### **General**

1. The site layout and works shall be as specified in the Statement of Environmental Effects (dated 03/09/2021) prepared by Penrose Community Association and shown on the Site Plan (Dwg. No. 20:028\_A100, Rev. B, dated 01 Sep 21) prepared by psa architects. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

**Reason:** *To ensure that the holding of the event will not adversely affect water quality and to ensure a sustainable neutral or beneficial effect on water quality.*

#### **Wastewater**

2. The wastewater treatment system and effluent management areas shall be located and installed in accordance with the recommendations in the following documents prepared by SOWDES and *Designing and Installing On-Site Wastewater Systems* (WaterNSW, 2019):
  - the Wastewater Management Report (dated 25 September 2021) except that
    - a. the septic tank is to be a minimum capacity of 4500L
    - b. the final design of the absorption beds shall be done in consultation with Water NSW
    - c. the absorption beds shall be fenced off/protected from livestock and vehicle
    - d. ensure all run-on and stormwater collected from roofs, access roads and other hard surface areas is diverted away from the trench or bed area, e.g. by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.
  - the Wastewater Management Site Plan (Drawing Reference Number: 0090722-04A; Sheet 4 of 7 Issue A; dated 25/09/2021)
  - the Set-out Details for Septic Tank and Absorption Disposal System (Drawing Reference Number: 0090722-04A(C); Sheet 3 of 3; Issue A; dated 25/09/2021), and
  - the Conventional Absorption Disposal Bed – Site Specific Details (Drawing Reference Number: 0090722-04A(b); Sheet 2 of 3; Issue A; dated 25/09/2021).
3. No changes to the wastewater treatment and effluent management systems that may impact on water quality, shall be permitted without the agreement of Water NSW.
4. Portable toilets shall be provided if the site is to be used for an event with more than 130 people.
5. Appliances and fixtures with at least a four star ratings shall be installed in the outbuilding to minimise the volume of wastewater produced.

DA18/0530

---

6. These conditions of consent relating to wastewater management shall be provided to the installers of the wastewater treatment and effluent management systems.
7. The installers of the wastewater treatment and effluent management systems shall certify to Council in writing that the systems have been:
  - constructed and installed as per these conditions of consent and in accordance with *Designing and Installing On-Site Wastewater Systems (WaterNSW, 2019)*, and
  - tested and are functioning properly.
8. The on-site wastewater management system shall be maintained according to Section 5 of the Department of Local Government's guidelines *On-site Sewage Management for Single Households (1998)*, *AS/NZS 1547:2012 On-site Domestic Wastewater Management*, and the manufacturer's specifications.
9. Council shall not issue an Occupation Certificate until Council has received the certification from the installers and approved the onsite wastewater management system under the *Local Government Act 1993* as being consistent with these conditions.

**Reason:** *To ensure that the on-site wastewater management system is appropriately designed, located, and constructed to have a sustainable neutral or beneficial effect on water quality over the longer term.*

#### **Stormwater Management**

10. All stormwater treatment and management measures shall be implemented as shown on the Stormwater Drainage and Management Site Plan (Drawing Reference Number: 0090722-03A; Sheet 3 of 7 Issue A; dated 25/09/2021) all prepared by SOWDES and with following additions:
  - the grass buffer strips separating the unsealed accessways from the biofiltration raingardens shall have a minimum width of 2 metre
  - biofiltration raingardens shall be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
  - all discharge and overflow points shall be armoured to prevent erosion
  - be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
  - be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface stabilised.
11. No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without the agreement of Water NSW.
12. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

**Reason:** *To ensure appropriate stormwater treatment and quality control measures are designed, implemented, and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.*

DA18/0530

---

#### **Operational Environmental Management Plan**

13. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- be prepared prior to the issuance of an Occupation Certificate
  - include the details on the location and nature of all:
    - on-site wastewater management structures such as pits, pipes, inspection points, tanks, distribution system and absorption beds
    - stormwater management structures such as pits, pipes, buffer strips, swales, biofiltration raingardens, discharge points and rainwater collection system
  - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all on-site wastewater management and stormwater management structures, including the frequency of such activities
  - identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
  - include checklists for recording inspections and maintenance activities.
14. All on-site wastewater management and stormwater treatment devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan.

**Reason:** *To ensure appropriate stormwater treatment and quality control measures are designed, implemented, and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.*

#### **Construction Activities**

15. An Erosion and Sediment Control Plan, based on the Conceptual Erosion & Sediment Control Site Plan (Drawing Reference Number: 0090722-07A; Sheet 7 of 7 Issue A; dated 25/09/2021) prepared by SOWDES, shall be prepared for all works required as part of the development by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual
  - be prepared prior to Council issue a Construction Certificate; and be to the satisfaction of Council, and
  - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain.
16. The Erosion and Sediment Control Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.

**Reason:** *To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.*

DA18/0530

---

### **36. Bushfire**

The development must comply with all bushfire conditions specified in the NSW Rural Fire Service advice dated 25 March 2022 and located at the rear of this consent.

**Reason:** *Bushfire safety.*

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

#### **37. 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:
  - (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 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.*

#### **38. 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):



DA18/0530

---

- (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.*

#### **39. 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.*

#### **40. Developers Representative during Construction of Works**

A minimum of 48 hours prior to commencement of any construction works on site the Developer shall nominate to Council in writing their representative (Construction Supervisor) who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:

- Name of Representative: Company:
- Position: Contact phone: Contact fax:
- After Hours Contact: Signature of Representative:
- Signature & Acceptance of representative by the Developer:
- Council requires that the nominated "Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

DA18/0530

---

Prior to commencing any works on site, the representative shall:

- Inform Council in writing of their intention 7 days before entering the site.
- Submit to Council a proposed Schedule of Works.

The Developer may be required to arrange for Council to peruse all other contract documentation prior to the contractor arriving on site to commence work (Schedule of Works, Specifications Bill of Quantity, traffic control plan and Soil and water management plan).

Failure to comply with the requirements as set out above will result in an immediate stop work order.

**Reason:** *Statutory Requirement.*

#### **41. Section 138 Roads Act 1993 Approval**

Where works are proposed within the road reserve, the developer must obtain approval from Council (as the Roads Authority and/or as required under Section 138 of the Roads Act 1993) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove, or interfere with a structure, or any other activities as defined within the Roads Act 1993.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Plans and adequate documentation which validate that the required works are in accordance with Councils Engineering Plans and Specifications and relevant standards.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

**Advice:** *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

**Reason:** *Statutory requirement.*

#### **42. 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:

DA18/0530

---

- (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.*

#### **43. Tree Retention (Marking)**

All trees shown on the development consent to be “retained” shall be appropriately marked and protected prior to the commencement of construction works.

**Reason:** *To ensure that trees are retained without damage.*

#### **44. Traffic Control Plan**

A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Maritime Services (RMS) document “Traffic Control at Work Sites”. This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan (s) is to be kept on site at all times.

**Reason:** *To ensure public safety.*

#### **45. Erosion and Sediment Control**

Erosion and sediment control measures (as per the approved Erosion and Sediment Control Plan) shall be installed prior to the commencement of works.

**Reason:** *To ensure that sediment does not leave the site as a result of the construction of the development.*

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

### **CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE**

#### **46. Approved Plans to be available on site**

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

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

#### **47. Imported ‘Waste-Derived’ Fill Material**

The only waste derived fill material that may be received at the development site is:

DA18/0530

---

- Virgin excavated natural material (VENM) within the meaning of the Protection of the Environment Operations Act 1997 (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material

**Note:** *Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.*

The application of waste-derived material to land is an activity that may require a licence under the Protection of the Environment Operations Act 1997. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the Protection of the Environment Operations (Waste) Regulation 2014.

Resource recovery exemptions are available on the NSW EPA website at <http://www.epa.nsw.gov.au/waste/>.

**Reason:** *To ensure that imported fill is of an acceptable standard for environmental protection purposes.*

#### **48. 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 property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of 40 mm in size. 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.*

#### **49. Engineering Inspections by Council**

24 hours prior to the covering of the following works, Council shall be notified by the licensed builder, owner builder or licensed plumber/drainer that the following works are ready for inspection:

- (a) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves;
- (b) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

**Note:** *The subject building is not to be occupied until an Interim or Final Occupation Certificate is issued.*

**Note:** *An accredited certifier may not be substituted for Council in respect of these inspections, as Council remains the sole responsible authority for these matters.*

**Reason:** *Statutory requirement.*

DA18/0530

---

**50. Stormwater – Construction**

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e., provision of drainage easements).

**Reason:** *To assist in the prevention of erosion of the site from storm water.*

**51. Stormwater – Discharge**

All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

**Reason:** *To ensure that stormwater is appropriately disposed of.*

**52. Earthworks, retaining walls and structural support**

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
- (d) that is excavated soil to be removed from the site -must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste)Regulation 2005*

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

**Reason:** *Structural safety.*

**53. Erosion and Sediment Control Plan Compliance**

All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate qualification and experience in erosion and sediment control.

**Note:** *In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/ or orders.*

DA18/0530

---

**Reason:** *To ensure that the environment is protected.*

#### **54. Prevention of Nuisance**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the carrying out of works in the development.

**Reason:** *Health and amenity.*

#### **55. Noise and Vibration**

The construction of the development and preparation of the site, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions shall be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises shall, when instructed by an authorised officer of Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriately qualified acoustical engineer or qualified and experienced professional consultant and submit the results to Council. The person in charge of the site shall implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

**Reason:** *Health and amenity.*

#### **56. Dust Control**

Major Works

The following measures must be taken to control the emission of dust on site:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

**Reason:** *Environmental amenity.*

#### **57. Tree Removal / Tree Preservation**

No trees shall be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by

DA18/0530

---

Council in accordance with the provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

**Advice:** *Tree removal should be carried out by a level 3 and above professional arborist to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

**Reason:** *To comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.*

#### **58. Approved hours of Construction**

Construction activities shall be limited to the following hours:

<b>DAY</b>	<b>HOURS</b>
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.*

#### **59. Construction Management Plan**

All development activities and traffic movements shall be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

**Reason:** *Compliance with condition of consent.*

#### **60. 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

DA18/0530

---

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.*

#### **61. Tree Protection Measures, Certification**

The following hold points and certifications are required for trees that are retained during construction. This includes

- Pre-construction: Assessment and certification. Installation of tree protection measures. These must conform to the AS 4970 and be nominated by the project arborist. This is a requirement for the issue of the construction certificate.
- Works within the SRZ: Assessment and certification. The project arborist must be on-site during any work within the SRZ. This work must be documented and photographed and form a document to be included in the final certification.
- Pruning Schedule: If pruning is required, then it shall be under instruction of the project arborist and conform to the AS 4373. No more than 10% of the crown mass can be removed. A pruning schedule outlining, the reason for pruning, specific branches to be removed (diameter/length, type), proportions of crown mass, pruning code, and photos illustrating the part of the tree to be pruned is required before pruning proceeds. This must be submitted to Wingecarribee Shire Council for approval before pruning proceeds.
- Final assessment of tree. To ensure the trees provide for the same condition and vitality as before construction and if not, implement mitigation to ensure long-term retention. This is a requirement for the issue of the occupation certificate.

#### **62. Sub-surface utilities**

The proposed route of sub-surface utilities, including stormwater, electricity, communications, water, and gas will require avoiding the Tree Protection Zone of any tree nominated for retention. Any trenching, other than what has been allowed for should be avoided within the area of the TPZ's for any tree nominated for retention. Any proposed route shall be re-routed outside of the TPZ. Under boring may be required if a limitation for the route of service is restricted to an area that falls within the TPZ from any tree. Any excavation in the area of a TPZ must be authorised and conditioned by the project arborist.

#### **63. 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.*

#### **64. Excavations and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.



DA18/0530

---

**Reason:** *To ensure the safety of life and property.*

#### **65. 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.*

#### **66. 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*

#### **67. 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.*

#### **68. 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

DA18/0530

---

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.*

#### **69. Council Property**

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

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

#### **70. Civil Engineering Works and Services**

All civil engineering works and services are to be constructed in accordance with the Wingecarribee Shire Council Engineering Plans and Specifications, relevant Standards and approved engineering plans prior to the issue of the Occupation Certificate.

**Reason:** *To ensure that the works and services are constructed in accordance with the approved plans.*

#### **71. Certification of Engineering Works**

Prior to issue of the Occupation Certificate, the following documents shall be submitted to the Principal Certifying Authority. These documents are:

- (a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and
- (b) A "Work - As - Executed" (WAE) plans of the engineering and/or drainage works. The abovementioned Certificate shall certify that:
  - (i) the stormwater drainage system, and/or
  - (ii) the car parking arrangement and area, and/or
  - (iii) any related footpath crossing works, and/or
  - (iv) the proposed driveway and layback, and/or
  - (v) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with appropriate SAA Codes relevant Standards and Councils Policies and Specifications.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate. These documents are to be retained on Council's Construction Certificate file.

**Reason:** *Asset Management*

#### **72. Vehicle Maneuvering**

DA18/0530

---

All vehicles shall enter and leave the site in a forward direction to ensure traffic/pedestrian safety. A sign worded "No Reversing Across Footpath" is to be provided adjacent to the vehicular entry and clearly visible to users of the car park to inform drivers of this requirement prior to the issue of the Occupation Certificate. Sign to be to the satisfaction of the Group Manager Planning, Development and Regulatory Services and of approximate dimensions 0.3m x 0.6m.

**Reason:** *To comply with Engineering Standards.*

### **73. Maintenance and Bond for Public Assets – Civil Works**

The developer shall at their own expense maintain all building works constructed by them and which will fall into Councils care with respect to the development for a period of 12 months after the date of issue of the Occupation Certificate. Prior to the issue of any Occupation Certificate the developer shall lodge a cash bond with regard to maintenance of the public assets constructed in an amount equal to 5% of the total building works with a minimum bond value of \$1,000. The bond shall be assessed by Council for release after the 12 month period on request by the developer.

**Reason:** *To ensure appropriate warranty periods apply for defect liability.*

### **74. National Plumbing and Drainage Code**

All plumbing and drainage shall comply with the requirements of Australian Standard AS3500 "National Plumbing and Drainage Code" and the relevant New South Wales Amendments.

**Reason:** *To comply with legislation.*

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

### **75. 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 Certifying Authority 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*

**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*

DA18/0530

---

*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.*

**76. Food Premises compliance to be assessed prior to the issue of the Occupation Certificate**

Prior to the issue of the Occupation Certificate, the premise shall be set up and operated in accordance with the

- *Food Act 2003,*
- *Food Regulation 2000,*
- *Food Standards Code*
- *Australian Standard AS4674-2004 Design, Construction and Fit Out of Food Premises; and*
- *Australian Standard AS 1688.2-2012 The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings.*
- *, the Food Regulations and the Food Safety Standards. The premise shall be fitted out in accordance with the Australian Standard AS4674 - 2004.*

**Reason:** *Compliance with legislation and standards*

DA18/0530

---

**77. Council Property**

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

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

**78. Civil Engineering Works and Services**

All approved civil engineering works and services as per the approved engineering plans are to be constructed prior to the issue of the Occupation Certificate.

**Reason:** *To ensure that the works and services are constructed in accordance with the approved plan.*

**79. Section 138 Roads Act Final**

The applicant is to ensure that the works associated with the Section 138 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

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

**80. Section 68 Local Government Act Final**

The applicant is to ensure that the works associated with the Section 68 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

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

**81. Certification of Internal Civil Works**

On completion of the works and prior to the issue of the Occupation Certificate, certification from a practicing appropriately qualified engineer, shall be submitted to Council detailing that all the internal civil works (i.e. internal driveways, paths and stormwater drainage system, including any onsite detention) are in accordance with the approved plans and specifications.

**Reason:** *Asset management.*

**82. Vehicle Access (Rural)**

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing No SD110 and SD123 and approved by Council prior to the issue of the Occupation Certificate. A copy of the Standard Drawing No SD110 is to be obtained from

DA18/0530

---

Council before work commences.

**Reason:** *To ensure that the driveway is constructed to Councils standard specification.*

**83. Vehicle Maneuvering**

All vehicles shall enter and leave the site in a forward direction to ensure traffic/pedestrian safety. A sign worded "No Reversing Across Footpath" is to be provided adjacent to the vehicular entry and clearly visible to users of the car park to inform drivers of this requirement prior to the issue of the Occupation Certificate. Sign to be to the satisfaction of the Group Manager Planning, Development and Regulatory Services and of approximate dimensions 0.3m x 0.6m.

**Reason:** *To comply with Engineering Standards.*

**84. Construction of Internal Road**

Internal driveway minimum of 5.5m wide surfaced with reinforced concrete shall be in accordance with Council's Engineering Standard and to the satisfaction of the Group Manager Planning, Development and Regulatory Services, prior to the issue of the Occupation Certificate. Note: Where the subdivision is staged and required roadworks are incomplete, Council may require the construction of temporary cul-de-sacs or turning facilities for large vehicles such as garbage trucks. These works are to be constructed to the requirements of Council.

**Reason:** *To ensure that adequate access is provided.*

**CONDITIONS TO BE SATISFIED ON AN ONGOING BASIS**

**85. Hours of Operation**

The hours of use are restricted to between 8am – 10pm 7 days a week with all visitors having left the site by 11pm.

**Reason:** *To ensure that the development complies with the hours of use on an ongoing basis.*

**86. Maximum number of persons**

The maximum number of persons using the facility at any one time is 125 persons.

**Reason:** *To ensure that the development complies with the maximum number of persons.*

**87. Lighting**

All external lighting shall:

- (a) Comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting,
- and

DA18/0530

---

- (b) Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set: 2010 Lighting for roads and public spaces Set.

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





project north

**LEGEND**

- ORANGE AREA DENOTES GRAVEL
- GREEN AREA DENOTES LANDSCAPING
- GREY AREA DENOTES CONCRETE
- PINK AREA DENOTES BUILDING
- WHITE HATCHING DENOTES TREE INFILTRATION AREA

CURRENT DOCUMENT ISSUE			
B	01 Sep 21	For Approval	SG
A	08 Aug 21	For Approval	SG
P12	17 Jun 21	Preliminary	MC
P11	17 Jun 21	Preliminary	MC
P10	10 Dec 20	Preliminary	MC
P9	09 Dec 20	Preliminary	MC
P8	09 Dec 20	Preliminary	MC
P7	07 Dec 20	Preliminary	MC
P6	04 Dec 20	Preliminary	MC
P5	03 Dec 20	Preliminary	MC
P4	02 Dec 20	Preliminary	MC
P3	27 Nov 20	Preliminary	MC
No.	Date	Revision	By

CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS BY CHECKING MEASUREMENTS ON SITE. CONTRACTORS AND SUBCONTRACTORS SHALL NOT SCALE DRAWING

project:  
**Penrose Hall**  
300 Kareela Road, Penrose 2579

client:  
**PENROSE COMMUNITY ASSOCIATION + PENROSE HALL COMMITTEE**

drawing title:  
**Site Plan**

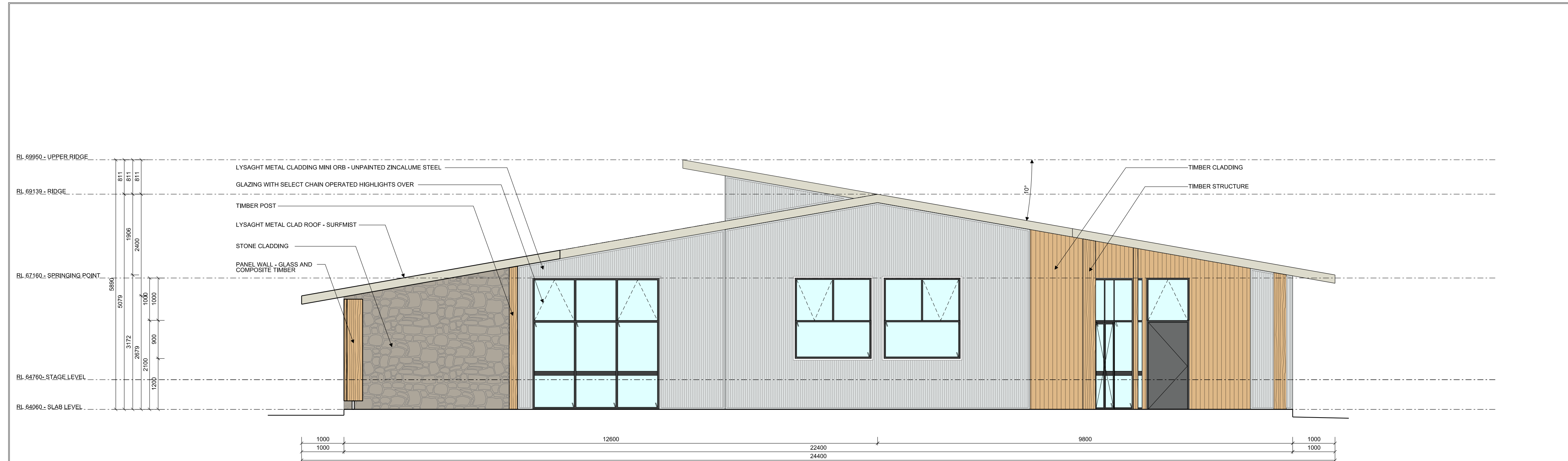
www.psoarchitects.com.au  
61 Eamer Road Eamer NSW 2579  
Nominated Architect (NSWS) Simon Battaglin 4287  
081 47 42 923 925

scale	size	date	drawn by
1:250	A0	17 Nov 20	MC
drawing number	location	revision	
20:028_A100	NSW	B	

© Projects Sites Architecture Pty Ltd 2021







East Elevation - Kareela Rd  
Scale 1:50



South Elevation - Tennis Courts  
Scale 1:50

**LEGEND**

- MINIMUM TO UNDERSIDE OF LVL = 2400
- MINIMUM TO UNDERSIDE OF CEILING = 2700
- \*\*\* MINIMUM HEIGHT OF BATHROOM = 2100

PLEASE NOTE ALL HEIGHTS ARE SUBJECT TO THE DEPTH OF LVL AND TO THE REQUIRED DEPTH OF CEILING

**CURRENT DOCUMENT ISSUE**

No.	Date	Revision	By
B	02 Sep 21	For Approval	SG
A	08 Aug 21	For Approval	SG
P5	16 Jun 21	Preliminary	MC
P4	14 Dec 20	Preliminary	MC
P3	02 Dec 20	Preliminary	MC
P2	27 Nov 20	Preliminary	MC
P1	24 Nov 20	Preliminary	MC

CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS BY CHECKING MEASUREMENTS ON SITE. CONTRACTORS AND SUBCONTRACTORS SHALL NOT SCALE DRAWING

project:  
Penrose Hall  
300 Kareela Road, Penrose 2579

client:  
PENROSE COMMUNITY ASSOCIATION + PENROSE HALL COMMITTEE

drawing title:  
Elevations - Sheet 1

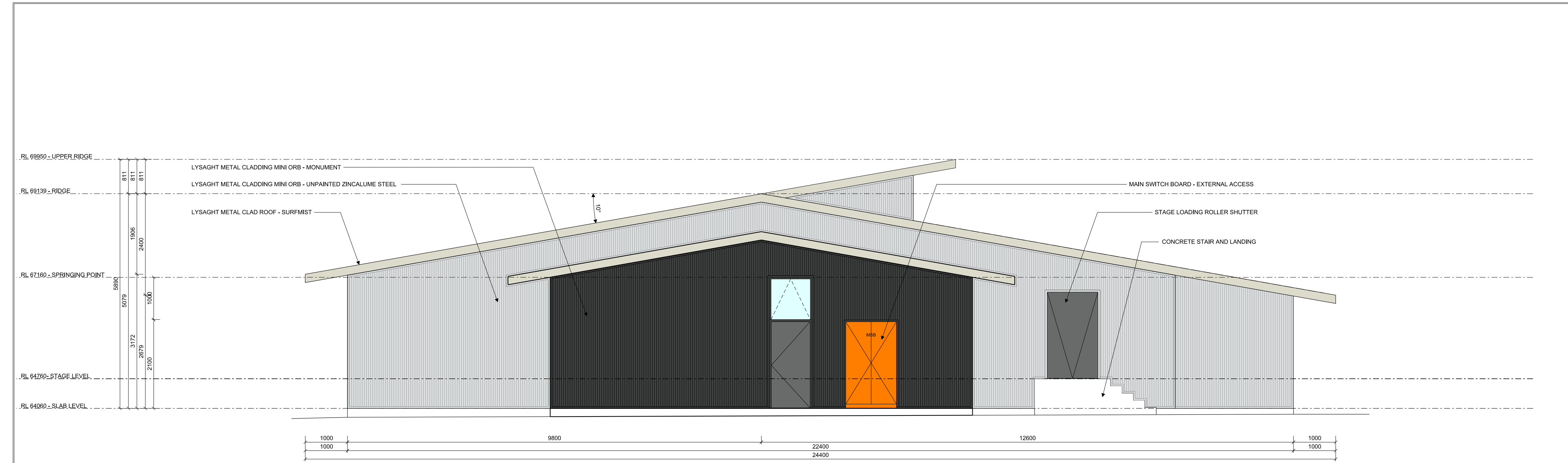


scale	size	date	drawn by
1:50	A1	24 Nov 20	MC
drawing number	location	revision	
20:028_A300	NSW	B	

© Projects Sites Architecture Pty Ltd 2021

PRELIMINARY





West Elevation - Mill Rd  
Scale 1:50



North Elevation - Oval  
Scale 1:50

**LEGEND**

- MINIMUM TO UNDERSIDE OF LVL = 2400
- MINIMUM TO UNDERSIDE OF CEILING = 2700
- MINIMUM HEIGHT OF BATHROOM = 2100

PLEASE NOTE ALL HEIGHTS ARE SUBJECT TO THE DEPTH OF LVL AND TO THE REQUIRED DEPTH OF CEILING

**CURRENT DOCUMENT ISSUE**

No.	Date	Revision	By
B	02 Sep 21	For Approval	SG
A	08 Aug 21	For Approval	SG
P4	16 Jun 21	Preliminary	MC
P3	14 Dec 20	Preliminary	MC
P2	02 Dec 20	Preliminary	MC
P1	27 Nov 20	Preliminary	MC

CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS BY CHECKING MEASUREMENTS ON SITE. CONTRACTORS AND SUBCONTRACTORS SHALL NOT SCALE DRAWING

project:  
Penrose Hall  
300 Kareela Road, Penrose 2579

client:  
PENROSE COMMUNITY ASSOCIATION + PENROSE HALL COMMITTEE

drawing title:  
Elevations - Sheet 2

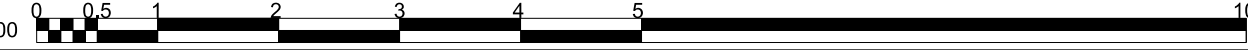


www.psaarchitects.com.au  
61 Ester Road Ester NSW 2579  
Nominated Architect (NSW) Simon Inglis 4287  
ANZ 67 814 935 905

scale	size	date	drawn by
1:50	A1	27 Nov 20	MC
drawing number	location	revision	
20:028_A301	NSW	B	

© Projects Sites Architecture Pty Ltd 2021

SCALE mm x 1000

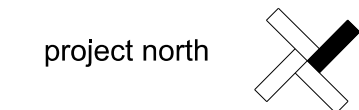


PRELIMINARY









CURRENT DOCUMENT ISSUE

No.	Date	Revision	By
A	02 Sep 21	For Approval	SG

CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS BY CHECKING MEASUREMENTS ON SITE. CONTRACTORS AND SUBCONTRACTORS SHALL NOT SCALE DRAWING

project:  
Penrose Hall  
300 Kareela Road, Penrose 2579

client:  
PENROSE COMMUNITY ASSOCIATION + PENROSE HALL COMMITTEE

drawing title:  
Site Analysis Plan

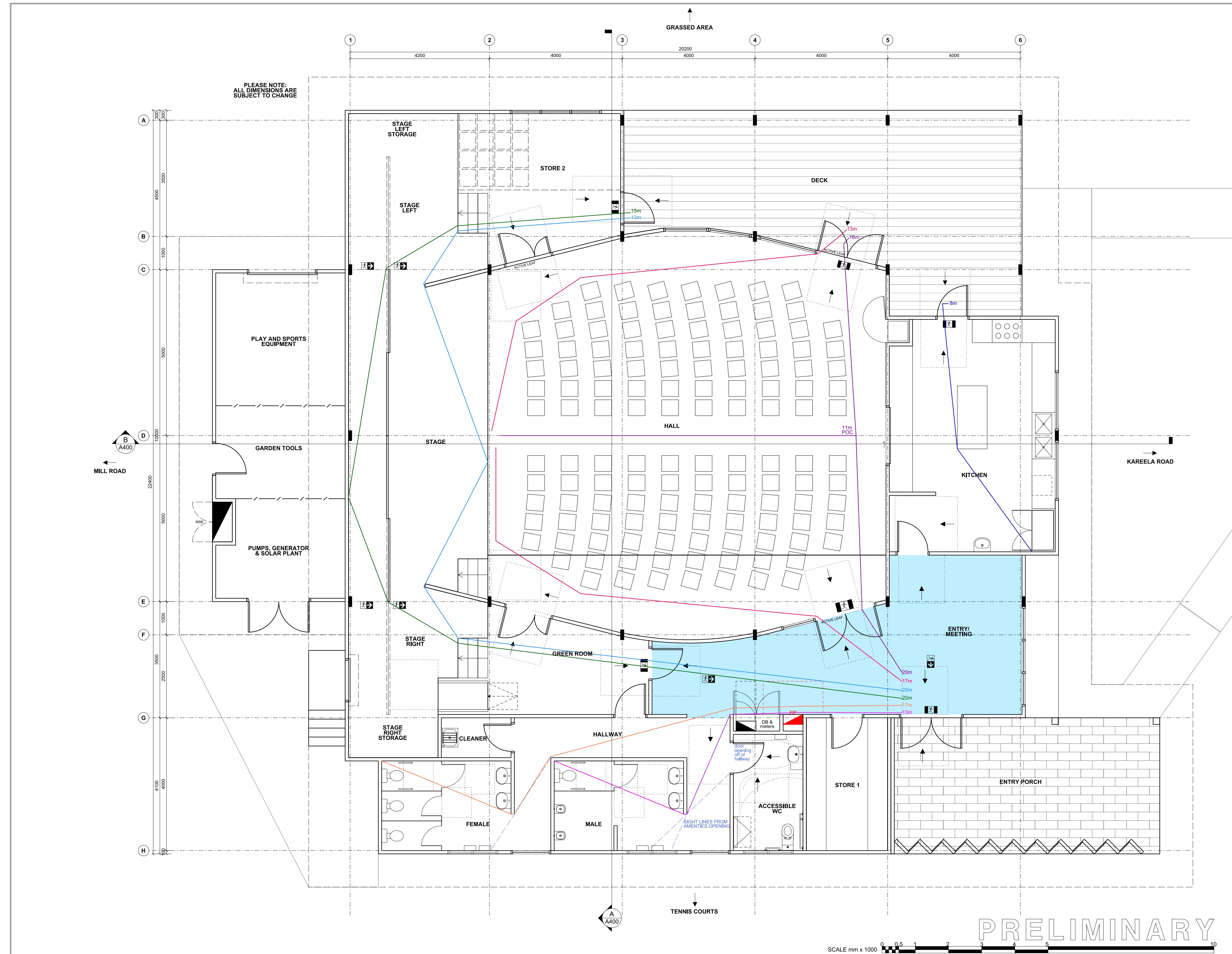


scale size date drawn by  
1:250 A0 10 Mar 21 MC

drawing number location revision  
20:028\_A900 NSW A

© Projects Sites Architecture Pty Ltd 2021





project north

LEGEND

EXIT LIGHT

CURRENT DOCUMENT ISSUE

No.	Date	Revision	By
C	02 Sep 21	Preliminary	SG
B	08 Aug 21	Preliminary	SG
A	30 Jul 21	Preliminary	SG
P1	20 May 21	Preliminary	MC

CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS BY CHECKING MEASUREMENTS ON SITE. CONTRACTORS AND SUBCONTRACTORS SHALL NOT SCALE DRAWING

project:  
Penrose Hall  
300 Kareela Road, Penrose 2579

client:  
PENROSE COMMUNITY ASSOCIATION + PENROSE HALL COMMITTEE

drawing title:  
Egress Plan

psa ARCHITECTS

www.psaarchitects.com.au  
63 Easter Road, Easter NSW 2579  
Nominated Architect (NSW), Simon Inglis 4287  
ABN 47 814 925 905

scale	size	date	drawn by
1:50	A1	20 May 21	MC
drawing number	location	revision	
20:028_A910	NSW	C	

© Projects Sites Architecture Pty Ltd 2021

**Statement of Environmental Effects**

**Penrose Community Hall**

Wingecarribee Shire Council  
Proposed New Penrose Community Hall  
At 300 Kareela Road Penrose NSW

Lots 145 to 152, 154 – 157 and Lot 163 in Deposited Plan 751259

Lot 1 in DP 327438

Lot 154 in DP 1144429

**Statement of Environmental Effects**

Prepared by:

**Penrose Community Association Inc.**

Date: 03 / 09 / 2021

**Statement of Environmental Effects**

**Penrose Community Hall**

Contents

**Contents**

2.	LOCALITY and SITE ANALYSIS.....	4
3.	DEVELOPMENT PROPOSAL.....	5
4.	STATE PLANNING CONTROLS .....	5
4.1	Environmental Planning and Assessment Act.....	5
4.1.1	Designated Development .....	5
4.1.2	Integrated Development .....	5
4.2	Environmental Planning and Assessment Regulation 2000 .....	5
4.3	State Environmental Planning Policy No. 55 – (Remediation of Land) .....	5
4.4	State Environmental Planning Policy (Infrastructure) 2007 .. Error! Bookmark not defined.	
4.5	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 .....	6
5.	LOCAL PLANNING CONTROLS.....	6
5.1	Wingecarribee Local Environmental Plan 2010 (WLEP 2010).....	6
5.1.1	ZONE OBJECTIVES .....	6
5.1.2	COMPLYING DEVELOPMENT.....	6
5.1.3	SERVICES .....	6
5.2	Rural Lands Development Control Plan 2010 (RLDCP).....	6
5.2.1	Part A Section 4 – Vegetation Management .....	7
5.2.2	Part A Section 5 – Water Management .....	7
5.2.3	Part A Section 6 – Additional Controls.....	7
5.2.4	Part A Section 9- Construction standards & Procedures .....	7
5.2.5	Part B Section 6- Commercial and Community Development.....	8
5.3	Penrose and Wingello Village Development Control Plan (PWVDCP).....	9
5.3.1	Part A – All Land.....	9
5.4	Plan of Management.....	10
6.	OTHER MATTERS FOR CONSIDERATION.....	10
6.1	Matters Prescribed by the Regulation.....	10
6.2	Likely Impacts.....	10
6.2.1	Context and Setting .....	10
	Potential impacts on adjacent properties and the locality have been addressed and the use of the proposed building will be compatible with the existing and likely future land uses on the remainder of the site and in the locality. ....	10
6.2.2	Access, Transport & Traffic.....	10
6.2.3	Heritage .....	10
6.2.4	Soils.....	10
6.2.5	Flora and Fauna .....	10



**Statement of Environmental Effects**

**Penrose Community Hall**

6.2.6	Energy .....	10
6.2.7	Natural Hazards .....	11
6.2.8	Bushfire.....	11
6.2.9	Safety, Security & Crime Prevention.....	11
6.2.10	Social Impact .....	11
6.2.11	Economic Impact .....	11
6.2.12	Construction .....	11
6.2.13	Cumulative Impacts .....	11
6.3	Suitability of the Site .....	11
6.4	Public Interest .....	11
7.	CONCLUSION .....	11
8.	ANNEXURES.....	12
8.1	Annexure A - Penrose Community Association – Objectives .....	12
8.2	Annexure B - Schedule of External Building materials	
8.3	Annexure C - Document Register	

## **Statement of Environmental Effects**

### **Penrose Community Hall**

#### **1. INTRODUCTION**

Penrose Community Association Inc. (PCA) is incorporated as a not-for-profit entity whose objectives are presented Annexure A. The PCA in conjunction the Penrose Hall and Recreation Area Management (PHMC) have prepared this Development Application to fill a community need that has been recognised for over 10 years.

This Statement of Environmental Effects accompanies a development application (DA) for the erection of a building and its use a community hall.

**The building proposed** is a single story LVL timber framed hall with timber and steel walls and steel roof and associated infrastructure. The hall is 450 SQM designed for 110 seat capacity with appropriate stage, kitchen, green room, and storage.

The hall is in the Penrose Village Park at 300 Kareela Road Penrose, NSW, 2579 as shown in the following drawings prepared by PSA Consulting: Refer to attached Document Register.

The Statement addresses the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act (the Act) as well as matters relating to environmental impacts required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000 and should be read in conjunction with the following documents that accompany the application:

- a. Survey plan ref. 2110 dated 8 February 2021 prepared by Richard Cox Surveyors.
- b. Bushfire Hazard Assessment – dated 11 June 2021 prepared by Harris Environmental consulting - Report version 1.0
- c. Water cycle Management study: Prepared by Sowdes
- d. Stormwater Management Plan: Prepared by Sowdes
- e. BCA Section J Report dated 8/9/21: Prepared by Certified Energy
- f. Landscape Plan: Prepared by Native Grace Nursery and Design Studio
- g. Traffic Report: Prepared by Penrose Community Association
- h. Tree Report: Prepared by Penrose Community Association in conjunction with Council

#### **2. LOCALITY and SITE ANALYSIS**

**The area the subject of the application is located across Lots 149, 150, Deposited Plan 751259, Lot 1 in DP 327438 and Lot 154 in DP 1144429 which is a portion of Wingecarribee Shire Council owned property in Penrose NSW (see Locality Plan annexed at A).**

The site has frontages to Kareela Road and to Mill Road and contains an existing Community Hall built in 1954, older style Public Toilets, two tennis courts, and a small playground. There is an existing water bore located near the north-west corner of the tennis court.

The surrounding landform slopes very gently to the north. The site of the proposed building has about a 500mm slope to the north and is presently a covered in grass.

Surrounding development is the Penrose Pine Products timber mill to the north, a single-storey dwelling on Mill Road to the west, an incomplete single-storey dwelling and the Penrose RFS fire shed to the east on Kareela Road. Adjacent to Kareela Road is the main Sydney- Melbourne train line, which dissects the village.

The photographs annexed at B give an indication of the appearance of the site and its surroundings.

## **Statement of Environmental Effects**

### **Penrose Community Hall**

#### **3. DEVELOPMENT PROPOSAL**

The proposal is to construct a new purpose-built Community Hall to be used for the following purposes:

Art, craft and drama classes, competition standard table tennis other minor indoor sports, Pilates, yoga and dance classes, diverse musical events, club meetings, and Men's Shed meetings

As shown in the application drawings, the building will have overall dimensions of 26200 x 22400, a wall height of 3200m and a pitched roof height of 5900m. It will be constructed using composite LVL-framed structure clad in colorbond steel with a 12 degree pitch roof with a maximum height of 5900 above slab height.

The building will contain a hall, foyer, storage, kitchen, toilets and back stage areas.

The building will also include works related to park and play area and storage.

The building will be operated on a as needs basis, with no permanent staff.

The Kareela Road vehicular accessway will be located. Separate vehicular access will be provided for maintenance and entertainment crew access from Mill Road. These works will provide capacity of the Kareela Road parking area of 39 parking spaces.

#### **4. STATE PLANNING CONTROLS**

##### **4.1 Environmental Planning and Assessment Act**

###### **4.1.1 Designated Development**

The proposed development of the community hall is not high impact, likely to cause pollution, not located in an environmentally sensitive area.

The proposal is therefore not designated development on this account.

###### **4.1.2 Integrated Development**

The proposed development of the Community Hall is not proposed to be used as a bush fire refuge, approved by the NSW RFS Commissioner.

The proposal therefore does not require approval the Rural Fires Act, or any other public authority and is therefore not an integrated development under section 4.46 of the Environmental Planning and Assessment Act.

##### **4.2 Environmental Planning and Assessment Regulation 2000**

The following information additional to that on the development application form is provided in accordance with clause 50 and Schedule 1 of the Environmental Planning and Assessment Regulation:

The land the subject of the application is not critical habitat or part of critical habitat. The site is within a built-up locality and no threatened species, populations or ecological communities or their habitats are likely to be significantly affected by the proposed development.

The proposed development is not subject to the concurrence of any authority but requires the approval of the Department of Water and Energy under section 91(1) of the Environmental Planning and Assessment Act as referred to in part 4.1.2 above. The application is accompanied by this Statement of Environmental Effects and the additional documents listed under 1.

##### **4.3 State Environmental Planning Policy No. 55 – (Remediation of Land)**

## **Statement of Environmental Effects**

### **Penrose Community Hall**

The Penrose Village Park is not identified on Wingecarribee Shire Council's mapping as being contaminated land.

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

The site is within the Sydney Drinking Water Catchment; therefore, the proposed development must address the requirements of SEPP (Sydney Drinking Water Catchment) 2011 to prove the development achieves a neutral or beneficial effect on water quality

### **5. LOCAL PLANNING CONTROLS**

#### **5.1 Wingecarribee Local Environmental Plan 2010 (WLEP 2010)**

Under Wingecarribee Local Environmental Plan 2010 (WLEP 2010) the site is zoned RE1 Public Recreation, in which development of Community facilities and Entertainment Facilities are permissible with consent. The Proposed development meets both definitions.

##### **5.1.1 ZONE OBJECTIVES**

- i. The objectives of the RE1 zone are:
- ii. 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.

##### **5.1.2 COMPLYING DEVELOPMENT**

- i. The Proposed Development is a complying Development under clause 3.2 of WLEP 2010 and is permissible with consent in the zone. The development will satisfy the Building Code of Australia and have approval from Council for on-site effluent disposal.
- ii. The land is not an Environmentally Sensitive area under clause 3.3.

##### **5.1.3 SERVICES**

- i. Clause 15 requires the Council not to grant consent to development of land unless
- ii. satisfactory arrangements have been made for the provision of water, sewerage,
- iii. drainage and electricity services to the land. Water supply, sewerage, drainage and
- iv. electricity services are available to the site.

#### **5.2 Rural Lands Development Control Plan 2010 (RLDCP)**

The land is zoned RE1 and is outside the Penrose village boundary. We are advised the land is subject to Council's Rural Lands DCP 2010 being adjacent to rural land. (and not the Penrose and Wingello Village Development Control Plan).

Note: As the site adjoins the "Village" the Penrose and Wingello Village Development Control Plan (PWVDCP) will be referred to where the RLDCP is silent on matters that effect the character of the area.

## **Statement of Environmental Effects**

### **Penrose Community Hall**

The following sections are relevant and addressed:

#### 5.2.1 Part A Section 4 – Vegetation Management

A4.5 Landform and Vegetation Modification - This development makes use of the existing landform to minimise the extent of earthworks required and does not modify the natural landform and vegetation cover of the site

A4.5.1 Objectives - The development will meet council's objectives.

(a) will use the existing natural topography of the site.

(b) will not require the clearing of native vegetation (Except the removal of two trees 3 & 9)

(c) limit the cut and fill of the area of the building footprint to approximately limit of 200 mm cut and 200 mm fill.

A4.6 Earthworks – the development will require no external fill.

A4.7 Protection of Trees, Bushland and Vegetation during Construction and Development – The development does not impinge on existing native vegetation flora and fauna habitat and riparian zones. Tree protection will be provided for trees surrounding the construction zone.

A4.9 Arborists report. Wingecarribee shire council have provided an assessment and report on the location, species and the trees to be retained on site. This recommendation is the removal of trees including 3, 9, 17-20. This is documented in the site plan.

- There are no threatened species on the site.
- The area the subject of the application contains a portion of remnant bushland (Approx 800SQM)
- Two trees are proposed to be removed to allow for the access driveway to the car parking area.

#### 5.2.2 Part A Section 5 – Water Management

A Water Cycle Management Study has been submitted with this Application 'Water cycle Management study - Prepared by Sowdes.

#### 5.2.3 Part A Section 6 – Additional Controls

A6.2 Bushfire Prone Land - A Bushfire Assessment Report has been submitted with this Application "Bushfire Hazzard Assessment – dated 11 June 2021 prepared by Harris Environmental consulting - Report version 1.0"

A6.4 Demolition of Existing Structure – No demolition is proposed in this application.

A6.10 Outdoor Lighting - Outdoor lighting will be restricted to security and public space lighting when there are no events in the hall. During night-time use access and carpark lighting will be used.

A6.17 Signage – Minimal signage will be used to provide guidance to patrons and to comply with the requirements of the NCC.

#### 5.2.4 Part A Section 9- Construction standards & Procedures

## **Statement of Environmental Effects**

### **Penrose Community Hall**

#### A9.2 Surveys and Reports –

A9.2.1 The area is not geotechnically sensitive

A9.2.2 Geotechnical report – site sampling was conducted by Sowdes

A9.2.3 Hydraulic details are presented in Sowdes Report

A9.3 Building over Council Mains and Easements – The building is not located over Council mains or easements

A9.4 Building over two or more Allotments – The proposed building will span several of the allotments in the Penrose Village Park. Wingecarribee Shire Council have undertaken to complete Lot consolidation.

A9.7 Water Storage in Non-reticulated Areas - Water storage is proposed in 2 x 50,000L tanks. There is also a Council owned bore within proximity to the proposed hall.

A9.8 Stormwater Disposal - Refer to SOWDES Report

A9.12 Waste Management and Disposal Refer to SOWDES Report

#### 5.2.5 Part B Section 6- Commercial and Community Development

B6.1 Site Suitability for Particular Development – The Penrose Village Park area has been the site of a community hall since around 1922. The Current Hall built in 1954 was the second community hall built on this site.

B6.2 Objectives for all Commercial Development – The proposed development meets all the Councils objectives pertaining to development in any rural setting as listed.

- (a) Sited and designed to respect the rural environment within which the development is located.

The proposed building is to be set back 15 metres from Kareela Road. The application includes a Landscape Plan showing planting of trees, shrubs and ground covers to the front setback of the proposed building and changes to the planting required to accommodate the amended car parking layout and access.

- (b) Appropriately located to ensure no detrimental impacts on neighbouring development. The proposed building is located towards the centre of the park, the car park is located on Kareela Road, away from residential development.

- (c) Constructed from materials which respect the rural landscape.

#### Building materials

The application is accompanied by a schedule of external building materials and finishes. The external wall material will be a combination of colorbond cladding and timber finishes. Door frames, window frames and louvres will be Powder Coated Aluminium.

In its designed form and with the scheduled materials, the proposal will be harmonious with the area but will also add visual interest

- (d) Complements the style of any existing development within the vicinity.

## **Statement of Environmental Effects**

### **Penrose Community Hall**

- (e) Designed to provide adequate car parking, located to be accessible to users of the development without detracting from the rural landscape in which the development is located.

#### **Car Parking, Vehicle & Access Management**

The DCP sets out quantitative parking requirements for different types of development and design guidelines for dimensions of spaces, access, manoeuvring and layout, landscaping, signage and lighting and provision for wheelchair users.

Please refer to the accompanying Traffic Report

#### **Parking Design**

The dimensions of the car parking spaces in the RLDCP (B2 10.7) requires a minimum parking size 5.5m x 2.5 m. In this proposal the size has been increased to 5.8m x 2.5m to allow comfortable parking for elderly residents.

Manoeuvring aisles are proposed to be 7.0m width to exceed with the requirements of Australian Standard AS 2890 – Parking Facilities.

The proposed additional entry/exit point for the Kareela Road car parking area will be clearly identified and will not have a significant impact on the streetscape. The driveway width of 6m will be sufficient for two-way car movement.

Two spaces with accessible facilities will be provided.

- (f) Appropriately located in terms of accessibility from regional access roads.

The car park is located off Kareela Road. This road has ready access to Penrose Forest Road and The Highland Way.

- (g) Appropriately located in terms of the suitability of the surrounding road network to support the level and type of traffic expected to be generated by the proposed development.

### **5.3 Penrose and Wingello Village Development Control Plan (PWVDCP)**

The land adjoining the Penrose Village Park is zoned R2 and subject to the PWVDCP. This report will address elements such as landscaping, and parking that could be applied to this the development in the RE1 zone

#### **5.3.1 Part A – All Land**

A2.2.7 Public Views and Vistas – this Development is not situated in an area where there is a substantial public view or vista. The impact of this development will be benign.

A3.2 Flora and Fauna Assessment Report - The site does include some remnant native trees and vegetation. A Flora and Fauna Assessment Report is not required with this Development Application. WSC have inspected the site, documented the existing trees and advised which trees can be removed. No native trees or vegetation are situated in the building, or carpark development areas.

#### **A4.3 Development in Sydney's Drinking Water Catchments**

This site falls within the Sydney drinking water catchment. Under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

## **Statement of Environmental Effects**

### **Penrose Community Hall**

Attached to this Development Application is a NorBE Module 5 Report written by Sowdes which shows the development will have a neutral effect on water quality in the Sydney Drinking water Catchment.

A4.4 Water Cycle Management Study – This development application is accompanied by a Water Cycle Management Study written by Sowdes.

A4.5 Stormwater Management Plan - A Stormwater Management Plan report written by Sowdes is attached.

A4.6 Erosion and Sediment Control Plans – Sediment Control is included in the Water Cycle Management Study written by Sowdes

#### 5.4 Plan of Management

WSC Plan of Management was reviewed in 2021 and the whole of Penrose Village Park is to be re classified to allow the proposed development of the Penrose Community Hall.

### 6. OTHER MATTERS FOR CONSIDERATION

#### 6.1 Matters Prescribed by the Regulation

There are no relevant matters prescribed by the Regulation.

#### 6.2 Likely Impacts

##### 6.2.1 Context and Setting

Potential impacts on adjacent properties and the locality have been addressed and the use of the proposed building will be compatible with the existing and likely future land uses on the remainder of the site and in the locality.

##### 6.2.2 Access, Transport & Traffic

The proposal has made provision for access by persons with limited mobility or other disability.

##### 6.2.3 Heritage

There are no identified heritage items on or near the site.

##### 6.2.4 Soils

The proposed building is sited on an existing grassed area and, as it will be constructed in accordance with current best practice and Council's standard conditions of approval, will have no adverse impact on the conservation of soil.

##### 6.2.5 Flora and Fauna

The proposed development will have no impact on native plants or animals. Landscaping of the site setback will incorporate low-maintenance materials and plant species.

##### 6.2.6 Energy

The proposal will incorporate energy-efficient systems including gas hot water heating, reverse-cycle air conditioning and energy-efficient lighting control. The proposed building is designed to comply with Section J of the Building Code of Australia (BCA). A Section J Report is attached.



## **Statement of Environmental Effects**

### **Penrose Community Hall**

#### 6.2.7 Natural Hazards

The site is not subject to risk from geotechnical instability, flooding

#### 6.2.8 Bushfire

This Development is in a Bushfire prone area and has been designed to comply with BAL 29

#### 6.2.9 Safety, Security & Crime Prevention

The proposed development will incorporate appropriate security fittings to the new building and landscaping is designed to maintain good visibility across the site.

#### 6.2.10 Social Impact

The proposal is expected to have an appreciable social impact within the community as a place for community members to gather XXXXXXx

#### 6.2.11 Economic Impact

The proposal will have a positive economic impact through the generation of construction and employment activity.

#### 6.2.12 Construction

Construction in accordance with Council's standard conditions of approval will incorporate appropriate safety measures and will have no unreasonable impacts on the local environment.

#### 6.2.13 Cumulative Impacts

Visual, traffic, parking and hazard impacts are addressed elsewhere in this Statement and the proposed development will not generate any other cumulative impacts.

#### 6.3 Suitability of the Site

There are no physical, locational, environmental, heritage or service utility constraints that would make the site unsuitable for the proposed development.

#### 6.4 Public Interest

The applicant is not aware of any Government policy statements, planning studies or strategies, management plans, planning guidelines, advisory documents, research findings, covenants, easements or agreements, issues raised in public meetings or inquiries or public health and safety issues relevant to the proposal that are not referred to elsewhere in this Statement.

## **7. CONCLUSION**

The proposed development, to erect a Community Hall is permissible under the Wingecarribee Local Environmental Plan 2010 and is consistent with the relevant planning objective of the Public Recreation zone RE1. The proposal is not an integrated development under section 4.46 of the Environmental Planning and Assessment Act. The proposal generally complies with the relevant objectives and controls in the Rural Lands Development Control Plan 2010, and the Penrose and Wingello Village Development Control Plan.

The proposed building and use will be compatible with the existing and likely future land uses on the remainder of the site and in the locality. In summary, the site is a suitable location for the proposed development, which will have no appreciable adverse impacts and is consistent with the objectives of the relevant planning controls. It is therefore suitable for approval.

**Statement of Environmental Effects**

**Penrose Community Hall**

**8. ANNEXURES**

**8.1 Annexure A - Penrose Community Association – Objectives**

To take practical measures to protect the character and facilities of the village of Penrose.

To look at ways to improve the sustainability of the village in terms of transport, bushfire protection power supply, recreational, educational, community support and communication facilities

To stay informed about and respond to any local government or State Government plans which may affect the village.

To raise with Wingecarribee Council or the State Government any issues that affect Penrose including road and wildlife safety.

To promote the village to ensure it remains a viable community

To organise community events and raise funds for the benefit of Penrose community groups

\*To apply for grants to improve the village facilities

To participate in the Southern Villages Group in order to network, share information and discuss common issues with other Southern villages.

**8.2 Annexure B - Schedule of external building materials**

**8.3 Annexure C - Document Register**

**7 MEETING CLOSURE**