



OBERON COUNCIL

Oberon Council
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Statement of Environmental Effects

Early Stage Earthworks (Stage 1a)

Development Application and Construction

Certificate Application for

Recreation Facility with

Concept Approval (DA10.2021.19.1)

already in place

31 O'Connell Road, Oberon

30 October 2023

Table of Contents

1	Introduction	1
1.1	Overview of the Proposed Development	2
2	Site Description	2
2.1	Location and Context	2
2.2	Existing Site Conditions	3
2.2.1	Topography and Drainage	3
2.2.2	Soils and Geology	3
2.2.3	Vegetation	3
2.2.4	Aboriginal Archaeology	4
2.2.5	Non-Indigenous Heritage	4
2.2.6	Bushfire	4
2.2.7	Flooding	4
2.2.8	Contaminated Land	4
2.2.9	Utility Services	4
3	Proposed Development	5
4	Statutory and Concept Approval Considerations	7
4.1	Environmental Planning and Assessment Act 1979	7
4.2	State Environmental Planning Policies	7
4.3	Oberon Local Environmental Plan 2013	8
4.3.1	OLEP Part 2 – Permitted or Prohibited Development	8
4.3.2	OLEP Part 6.6 – Development within a Designated Buffer Area	10
4.4	Oberon Development Control Plan 2001	10
4.5	Submissions	10
4.6	Guidance from the Concept Approval	11
5	Environmental Impact Assessment	11
5.1	Erosion and Sediment Control	11
5.2	Stormwater Management	12
5.3	Waste Management	12
5.4	Noise	12
5.5	Air Quality	13
5.6	Traffic and Transport	14
5.7	Socio Economic	14
5.8	Flora & Fauna	14
6	Other Matters	14
7	Conclusion	15
	Attachments	16

1 Introduction

This Statement of Environmental Effects (SoEE) has been prepared to accompany a Development Application and Construction Certificate Application to Oberon Council for early stage earthworks (including site drainage and on site detention system) to coincide with the approved Concept Plan previously approved by the Western Joint Regional Planning Panel (JRPP) for a new recreational sporting facility on Lot 2 DP 1073827 and Lot 5 DP 2364 located at 31 O’Connell Road, Oberon NSW.

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

Given the detail of information provided by the applicant for the application for the Concept Assessment and Approval, much of the relevant heads of consideration for the earthworks has been dealt with at the Concept Approval stage. This application provides detailed engineering plans for the Planning Consent and Construction Certificate Application, and, draws out the relevant guidance from the JRPP Determination and Conditions of Consent insofar as the earthworks is relevant to the Concept Approval conditions, and, suggests a range of consent conditions relevant to the earthworks activity only (Stage 1a).

The analysis of the Concept Approval guidance and conditions suggested by the applicant is shown in Attachment 1.

The earthworks activity referred to as Stage 1a is a relatively smaller component of the Stage 1 of the overall project and is identified in the following figure. This figure is the same arrangement as that provided to the JRPP and upon which the Concept Approval was granted.

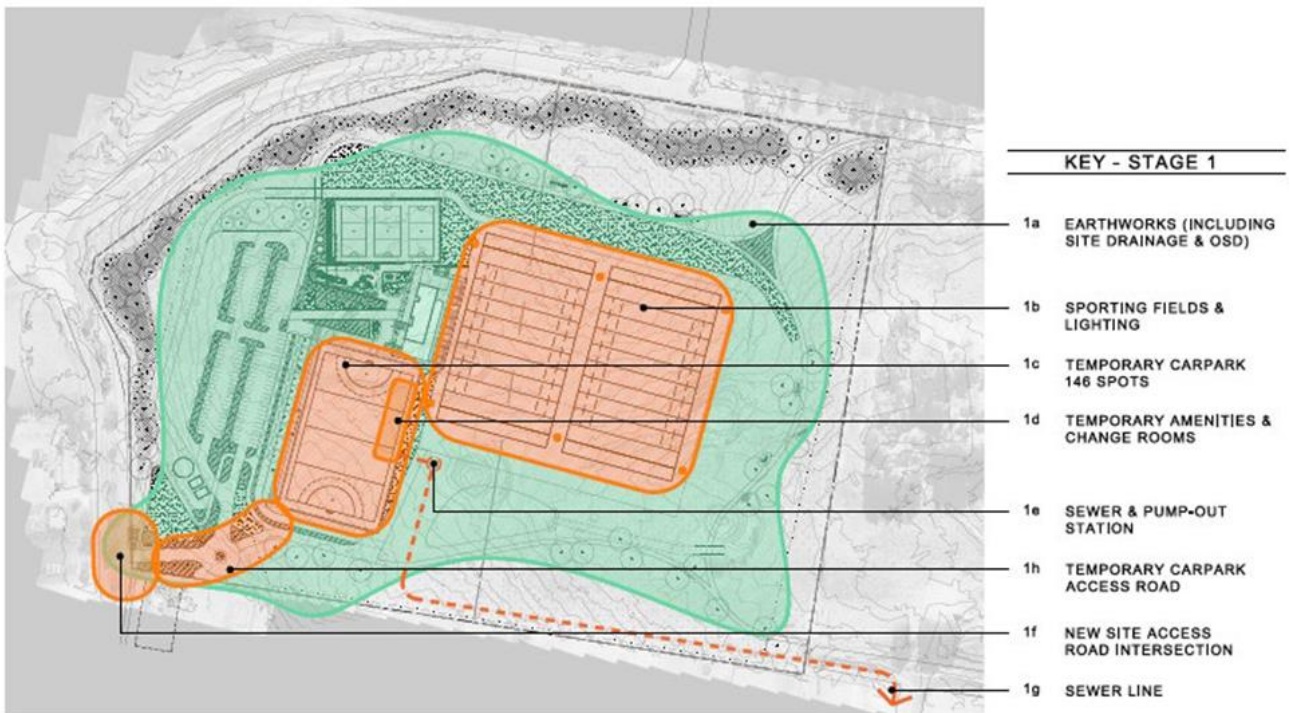


Figure 1 Extract from the proposed staging plan (Stage 1), Crawford Architects

1.1 Overview of the Proposed Development

The proposed development is for earthworks to prepare the site for the construction and operation of an outdoor recreation facility. The current concept approval includes:

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

As mentioned this application is for Stage 1a of the development, earthworks (including site drainage and on site detention works), with subsequent stages to be the subject of further Developments Applications as facilitated under the concept approval framework.

2 Site Description

2.1 Location and Context

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

The site is identified as Lot 2 DP 1073837 and Lot 5 DP 2364, 31 O’Connell Road, Oberon.

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

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

Figure 2 shows the location of the subject site in relation to Oberon township.



Figure 2: Location of the Subject Site (Base Map: SixMaps)

2.2 Existing Site Conditions

2.2.1 Topography and Drainage

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

2.2.2 Soils and Geology

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

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

2.2.3 Vegetation

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

2.2.4 Aboriginal Archaeology

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

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

2.2.5 Non-Indigenous Heritage

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

2.2.6 Bushfire

Oberon Council’s Bushfire Prone Land Map dated 13 August 2003 identifies the land as not being bush fire prone.

2.2.7 Flooding

Oberon Council records identify the site as not being within a flood prone area.

2.2.8 Contaminated Land

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

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

A preliminary site investigation was carried out by *Envirowest Consulting* (dated December 2018). The report concludes that the site is suitable for the proposed development and use. (attachment 2)

2.2.9 Utility Services

Sewer, water, electrical and telecommunications services are all available to service the proposed development. The connection of these services is not submitted as part of the Stage 1a works and will be included in subsequent applications. The engineering drawings provided with this application highlight the extent of works. Please see attachment 1 which provides a review of the Concept Approval conditions in relation to Utility Services.

3 Proposed Development

The proposed development is for early stage earthworks referred to as Stage 1a Earthworks to support a new recreation facility. The new sports facility would be of a standard suitable for use by the general public and compliment existing sporting grounds and facilities in Oberon.

The approved concept approval relates to:

- Earthworks and Stormwater Drainage – Stage 1a
- Sports Clubhouse, including an ancillary registered club, tiered seating, change rooms and amenities
- 2 x Rectangular fields for rugby league, rugby, soccer
- Landscaping and lighting
- Associated roads and car parking
- 3 x Netball courts
- 1 x Hockey Field
- Children’s Playground area
- Pedestrian footpath loop around the site with fitness stations
- The proposed trading hours for the registered club are 8am – 12am



Figure 3 Sports facility layout. Prepared Crawford Architects 21/9/2018 as presented in the JRPP Approval.

Oberon Council has received grant funding towards the project and an offer from a suitably capable company to deliver some stages of the project. Council has been working with project partners to optimise the design and layout for the project through a detailed design process to deliver a number of stages of the project. This has resulted in a more advantageous arrangement of the various components of the project while retaining all of the scale and function of the project.

Figure 4 below shows the now refined layout for the project. This is more abundantly identified in the drawings for this development application on the General Arrangements Plan (pGo2). (attachment 3)



Figure 4 General Arrangement Site Plan

The site arrangement is considered as equivalent to the original concept plan considered by the JRPP and as appropriate for being viewed as substantially similar for the purposes of consideration of this application.

The plans which accompany this application describe the final surface levels to be achieved and the extent of and balance of cut and fill proposed to be undertaken on the site to provide a site which appropriately meets the plans for further stages of the development. Suggested consent conditions provide for appropriate control and assurance and are aligned with the guidance provided by the Concept Approval (see attachment 1).

4 Statutory and Concept Approval Considerations

4.1 Environmental Planning and Assessment Act 1979

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

(1) Matters for consideration—general

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

(a) the provisions of:

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

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

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

The following matters are of relevance to this development application.

4.2 State Environmental Planning Policies

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

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

This policy requires consideration to be given to previous uses on the site and whether it needs to be remediated for potential future uses. Clause 7(1) (b) and (c) of SEPP No.55 require that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.

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

A preliminary contamination investigation was carried out by *Envirowest Consulting* (dated December 2018). The report is attached (attachment 2) and concludes that the site is suitable for the proposed land. The development is consistent with the provisions of SEPP 55.

4.3 Oberon Local Environmental Plan 2013

4.3.1 OLEP Part 2 – Permitted or Prohibited Development

Under the Oberon Local Environmental Plan 2013 the subject site is zoned RU6 Transition (**Figure 5**).

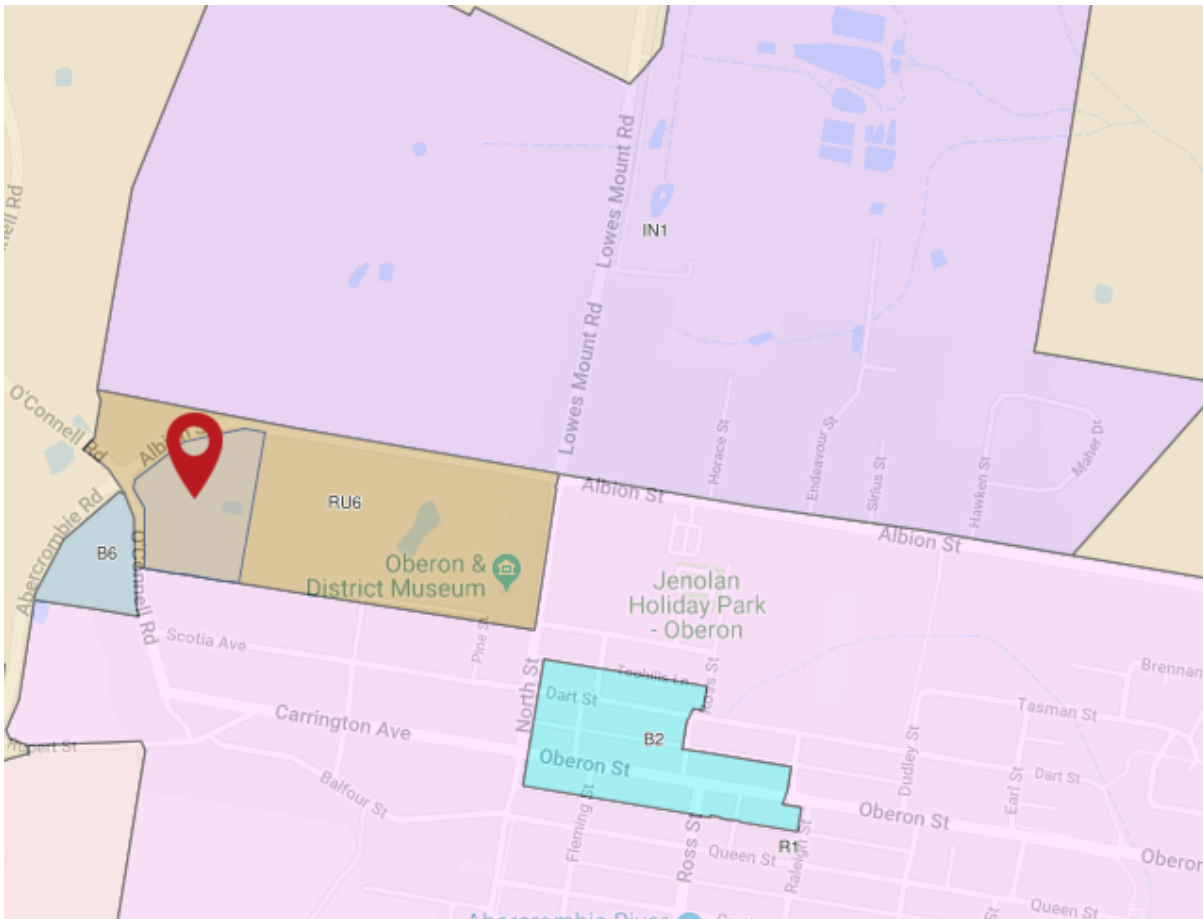


Figure 5: Land Zoning (Base Map: Oberon LEP 2013 Land Zoning Map-NSW Planning Portal)

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

Table 2 – Compliance with the Zone Objectives

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

Table 3 – Prescribed Development Types in Zone RU6 Transition

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

The proposal is for early stage earthworks to support the outdoor sporting facility consisting of multiple sporting fields, recreation and associated amenities.

4.3.2 OLEP Part 6.6 – Development within a Designated Buffer Area

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

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

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

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

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

The proposed development for early stage earthworks is considered to maintain a suitable buffer to the industrial area to adjoining land uses. The sporting facility are unlikely to impact on any operational requirements of the Oberon Timber Complex, and any land use conflict is considered unlikely.

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

4.4 Oberon Development Control Plan 2001

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

There are no specific planning controls within the DCP in relation to recreation facilities. The proposed works will be located The site has suitable access from O’Connell Road, with pedestrian access provided to Herborn Street and Albion Road.

4.5 Submissions

Submissions were received and dealt with under the Concept Plan assessment. Further seeking and consideration of submissions is not needed.

4.6 Guidance from the Concept Approval

This section reviews the guidance from the consideration of and the consent conditions arising from the Concept Approval from the determination of the matter by the JRPP. Due to the file size a link to the JRPP documents can be provided to the application assessment team.

The Concept Approval provides the framework under which further staging Development Applications can be determined and the Approval makes clear the applicability of the approval conditions to the subsequent staging approvals. As such this guidance is used in this application.

As mentioned the Concept Application, Assessment and Approval considered the Heads of Consideration of this development and given the strong detail of the application much of the detail and assessment needed for this Stage 1a Earthworks DA/CC application is largely covered.

To integrate this information Attachment 1 tabulates the Concept Approval conditions drawing out those relevant to this Stage 1a Earthworks and suggests what is considered by the applicant to be appropriate conditions to place on a consent for the earthworks activity.

Given the detail of the information which is provided with this SoEE, this application is for both the Planning Consent and Construction Certificate with some operative elements to be conditioned for provision to the Consent Authority prior to the commencement of construction.

It is acknowledged that these suggested conditions in attachment 1 are not intended to cover all the conditions that the Council Planning assessment of this application may identify, but rather to cover the key operative conditions.

5 Environmental Impact Assessment

This Section assesses the environmental impacts and risks of both construction and operation of the proposed earthworks. Given the proposed layout and use, along with the suggested conditions of consent, the environmental impacts are expected to be minor.

As mentioned the Concept Application, Assessment and Approval has similarly assessed the development.

5.1 Erosion and Sediment Control

It is proposed to grade the majority of the site to be generally flat for the proposal, to create flat/even playing surfaces for the proposed fields and courts and car parking. This will require both cutting and filling of the site.

The cut and fill plan has been prepared with this application to show the extent of the earthworks with the aim to minimise any surplus materials and achieve a fit for purpose base surface and levels to seamlessly meet the rest of the Sports facility. A detailed construction management plan and earthworks plan will be prepared and provided to the Consent Authority prior to construction. See suggested conditions – attachment 1.

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

A detailed Sediment and Erosion Control Plan will be prepared prior to construction and provided to the Consent Authority to ensure control measures in accordance with the relevant requirements of “*Council and Managing Urban Stormwater: Soils and Construction Guideline (Landcom, 2004)*”. See suggested conditions – attachment 1

5.2 Stormwater Management

A Stormwater Drainage Plan with calculations also shown on the plan has been prepared and is provided with this application drawings.

All roof water and runoff from the carpark and hardstand areas will drain to Council’s stormwater system through proposed detention areas. There is also potential for the captured water to be re-used to water playing surfaces, landscape areas and toilets. The assessment of water re-use will be detailed in further Development Applications/Construction Certificate Applications (DA/CCs) under the Concept Approval. See also suggested conditions – Attachment 1.

The subject land is not flood prone.

5.3 Waste Management

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

As the majority of works will be earthworks initially, all of the topsoil and much of the cut earth can be used onsite as part of the earth shaping, the landscaping and stormwater works

See suggested conditions in relation to Erosion and Sediment Plan, Construction Plan and Earthworks Plan which will demonstrate appropriate waste management for this Stage 1a Earthworks application.

5.4 Noise

There will be some noise generated from the earthworks. The adjoining properties near the subject site to the south are residential, so there may be some short-term impacts in terms of noise during works.

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

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

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

Table 9 – Recommended Standard Hours for Construction Work

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

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

The operation of the finished facility is outside the scope of this application for Stage 1a Earthworks, however as covered in the Concept application, assessment and approval in terms of day to day operations of the recreational sporting facility, it is not expected to have a detrimental impact on the nearest sensitive receivers, particularly as most sporting activities and recreation is during daylight hours. The typical noise generated by people playing sport or training is unlikely to have any significant acoustic effect, including night time training which is typically finished before 10pm. The only use of the development that would cause any noise beyond 10pm is the licensed club which will be considered in later staging DA/CCs

Please refer to the accompanying noise impact report prepared by Spectrum Acoustics dated November 2020 that provides a detailed acoustic assessment for the current proposal.(attachment 3) and the assessment of Concept Approval conditions and suggested conditions for this application (attachment 1)

5.5 Air Quality

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

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

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

It is considered with these mitigation measures the development can progress with minimal impacts. Please see also suggested conditions – attachment 1, particularly regarding the Construction Management Plan and the Earthworks Plan which are relevant to the scope of this application.

5.6 Traffic and Transport

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

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

All plant for the Stage 1a Earthworks will access the site via this entrance and all plant will be housed onsite. All worker and visitor vehicles will access the site similarly and will park on site daily.

The extent of works is only internal earthworks and excludes the construction of the pavements and the intersection within the road reserve on O’Connell Road.

It is considered that the proposed development will have a low overall impact upon the road network in the general vicinity of the subject site. Please also see suggested condition for construction access.

5.7 Socio Economic

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

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

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

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

This proposal is seen as an alternative and significant uplift and amplification to the existing main sporting fields in Oberon and is considered to be in an improved location relative to the existing facilities.

5.8 Flora & Fauna

The subject site is predominantly cleared of any significant vegetation, and in the circumstances no flora and fauna assessment is considered necessary, particularly given the Concept Assessment which considered this head of consideration.

6 Other Matters

6.1 Suitability of the Site

The suitability of the site was considered also for the Concept Approval.

Briefly the site and the development is suitable given;

- it is of sufficient size for the development
- it is well located and superior to existing sports fields which it replaces
- it reinforces the buffer land function between the industrial and other land uses
- it is permissible in the zone
- the development is not inconsistent with zone objectives or the DCP
- it results in no significant impacts
- the remaining minor impacts can be managed
- it positively adds to the socio economic fabric of Oberon
- the author is not aware of the site being affected by any physical, natural or technological hazards that have not been identified within this report or its references.

6.2 Public Interest

The proposed development is a positive action in the Public Interest in providing recreational facilities for the well being and socio economic interests of the community

7 Conclusion

This SoEE is to accompany a Development Application / Construction Certificate Application to Oberon Council for proposed Stage 1a Earthworks for the Recreational Sports facility on Lot 2 DP 1073827 and Lot 5 DP 2364, 31 O’Connell Road, Oberon under the already in place Concept Approval for the overall Sports Facility. Stage 1a is one of several sub-stagings under the Concept Approval broadly referred to in Stage 1.

The proposed development is permissible under the OLEP 2013 and is compliant with the relevant Oberon LEP 2013 and Oberon DCP 2001 provisions. The proposed development is consistent with the Concept Approval particularly upon proper analysis of the sub-stagings within the overall Stage 1 of the Concept Approval.

The proposal provides socio-economic benefits to the community. The environmental impact of the proposed development is considered to be minor and acceptable, subject to suggested operative conditions.

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

In summary the development is satisfactory with regard to Section 4.15 of the Environmental Planning and Assessment Act and presents significant benefits to the Oberon Community.

In light of the merit of the proposal and given the acceptable level of impact the development is supported.

Garry Styles
Oberon Council

Attachments

Attachment 1 - Analysis and Translation of Concept Approval Conditions relevant to Earthworks and Suggested Conditions for Stage 1a Earthworks DA/CC application

Attachment 2 – Contaminated Land Assessment

Attachment 3 – Noise Impact Report