

SUPPLEMENTARY STATEMENT OF ENVIRONMENTAL EFFECTS

for

LAND USE APPLICATION FOR THE PURPOSES OF  
A RECREATION FACILITY (OUTDOOR) – PAINTBALL CENTRE

At

312 LONDONDERRY ROAD

LONDONDERRY

Dated June 2016

Prepared by

Prepared by  
Rebecca Zerk Dip TP  
11a/40 Bowman Street  
RICHMOND NSW 2753  
Ph: 4578 8844  
Fax: 4578 8833

## CONTENTS.

1.0 Introduction.....	3
1.2 Modifications to previous application.....	3
1.2 Overview of previous application.....	3
1.3 Annexures.....	28
1.3 Council Issues and responses.....	4
2.0 <u>Site Description</u> .....	28
2.1 Legal Description.....	28
2.2 Site location.....	28
2.3 Zoning.....	29
2.4 Physical Description.....	30
2.5 Access.....	30
3.0 <u>Existing Development</u> .....	32
4.0 <u>Proposed Development</u> .....	32
5.0 <u>Development Controls</u> .....	36
5.1 <u>Pennrith Local Environmental Plan 2010</u> .....	36
5.2 <u>Pennrith Development Control Plan 2010</u> .....	42
5.3 <u>State Environmental Planning Policy No. 64 Advertising and Signage</u> .....	43
5.4 <u>Disability (Access to Premises – Buildings) Standards 2010</u> .....	46
5.5 <u>Environmental Planning and Assessment Act 1979</u> .....	46
6.0 <u>Conclusion</u> .....	47

## 1.0 INTRODUCTION.

This report constitutes a supplementary Statement of Environmental Effects and has been prepared on behalf of Delta Force Paintball to accompany the submission of a Development Application to Pennrith City Council made under the *Environmental Planning and Assessment Act 1979*.

A previous application was lodged with Pennrith City Council on 16 October 2014 (DA14/1313). In response to correspondence and various discussions with Council officers, including site meetings and round table discussions, the previous application was withdrawn on 12 February 2016. The purpose of the withdrawal was to enable the preparation of amended plans and supplementary reports to respond to Councils issues and to correlate with the amended location of the facility on the site.

### 1.1 Overview of previous application

The previous application proposed the establishment of a recreation facility (outdoors) – Paintball facility, and construction of associated amenities.

The works required to facilitate the proposal included:

- ▶ the construction of a homebase building,
- ▶ installation of an ablution block,
- ▶ upgrading of an existing carpark,
- ▶ establishment of 6 game zones plus 2 rejuvenation rotational fields,
- ▶ use of an existing structure for marker storage; and
- ▶ Associated signage.

### 1.2 Modifications to previous proposal

Primarily in response to concerns regarding Flora and Fauna, the location of the Paintball Facility has been relocated within the site. All areas associated with the use are now located to the east of the drainage path. The result of relocating the game zones is that the nominated areas are predominantly clear of the area constrained by the 88B instrument, and that the previously proposed bridge crossing of the drainage path has been eliminated. Further, the relocation reduces the extent of additional hardstand areas required to facilitate the development. Patrons and employees of the facility will now utilize an existing carparking area to the west of the clubhouse.

No changes to the operational details are proposed.

Each game zone is approximately 440m<sup>2</sup>

### 1.3 Council issues and responses

Throughout the assessment process numerous issues were raised by Council regarding the submission and accompanying documentation. For clarity and assurance that each of these issues has now been sufficiently addressed, we have identified each issue raised during the previous assessment process (Council correspondence of 14 November 2014, 11 February 2015 and 29 June 2015, as well as email of 30 July 2015 from Mahboub Alam, and email correspondence dated 11 February 2015 from Hannah Van De Werff) and provided a response below.

#### Biodiversity matters

##### *Council correspondence dated 14 November 2014*

- *The proposal contradicts the 88B restriction to conserve the natural values of the site*

The area to be utilised for the facility has been relocated to the east of the drainage path, thus minimizing the area nominated by the 88B instrument which will be impacted. As a result of the relocation, Council officers have advised that they have the ability to modify the 88B instrument, without the need for the proposal to be referred to a full Council meeting.

- *A Flora and Fauna Assessment Report has been prepared for the proposal by Envirotech (7/10/2014). The report identifies the site as containing Castlereagh Ironbark Forest and Castlereagh Scribbly Gum Woodland. However a recent site inspection by Council Officers has confirmed the Castlereagh Scribbly Gum Woodland is more representative of River Flat Eucalypt Forest. Both Castlereagh Ironbark Forest and River Flat Eucalypt Forest are Endangered Ecological Communities listed under the NSW Threatened Species Conservation Act 1995.*

The amended Flora and Fauna Assessment Report (attached) issued 4 January 2016 confirms Councils assessment above. A site inspection was undertaken on 8 December 2015 by Shane Maloney, Ecologist. The updated Flora and Fauna Assessment Report, confirms the presence 4 Endangered Ecological Communities being Cooks River Castlereagh Ironbark Forest, Castlereagh Scribbly Gum Woodland, Shale Gravel Transitional Forest and Shale Plains Woodland. Clause 2.3 of the Report confirms vegetation communities of Cooks River Castlereagh Ironbark Forest, Shale Gravel Transitional Forest and Shale Plains Woodland are not located within the amended game-zones locations and will not be impacted by the proposal. However, Castlereagh Scribbly Gum

Woodland (classified as River Flat Eucalypt Forest) is located in Game Zones 3 and 4.

- *The bushland across the site varies in condition and disturbance level however the remaining bushland is in fairly good condition with vegetation strata present, few weeds (except near the edges) and habitat features present, particularly logs and large, mature, hollow bearing trees.*

Clause 2.3 of the supplementary Flora and Fauna Assessment Report dated 4 January 2016 provides an assessment of the vegetation within the newly proposed footprint. Vegetation within the amended location is described as being predominantly cleared and disturbed to poor, with the exception being in the new footprint area for game zones 3 and 4 which contains the RFEF community. This vegetation is classified as poor to moderate. Relocation of the proposal is considered to address Council's comment above.

- *The Flora and Fauna Assessment Report identified the presence of *Dillwynia tenuifolia* in the disturbed area around the dam. This was confirmed by the site inspection. *Dillwynia tenuifolia* is listed as Vulnerable under the NSW Threatened Species Conservation Act 1995. It is likely that some *Dillwynia tenuifolia* individuals are located in other areas of the bushland.*

A site inspection of the proposed new location was undertaken by Shane Maloney on 8 December 2016. The supplementary Flora and Fauna Assessment dated 4 January 2016 states that no threatened species, including *Dillwynia tenuifolia* were recorded. The Report does identify that *Dillwynia tenuifolia* were previously recorded on the western side of the Lake, however notes that this area is not included in or near the new layout.

- *The habitat value of the creekline and in-stream habitat is not assessed and Council does not support the provision of access to the creekline.*

The amended proposal provides for a 10m buffer from the creekline, which is to be defined by the erection of appropriate fencing. Further, the previously proposed crossing has been deleted from the proposal.

- *Two "rejuvenation rotation" fields are identified in the Flora and Fauna Assessment report. It is unclear if these are part of the fields that will be rotated or if they are permanent protection zones.*

In accordance with the supplementary Environmental Management Plan dated 4 January 2016 prepared by Envirotech (page 18), game zones 3 and 4 are to be rotated and rested every 2 years. That is, only one of GZ 3 or 4 will be in use at any one time. These two game zones are to be rotated and rested for a period of 2 years.

- *It is assumed that the entire area for the playing fields will be cleared of all undergrowth. This impact has not been foreseen or assessed in the Flora and Fauna Assessment. This will impact on over 3.5ha of endangered vegetation.*

The amended location of the game zones significantly reduces the area of vegetation which will be impacted. With the exception of game zones 3 and 4 the footprint of the game zones are described as cleared and disturbed to poor (refer Flora and Fauna Assessment Report clause 2.3). Vegetation within game zones 3 and 4 is described as 'scattered and would be described as sparse'. Ground covering is described as 'grass covering which is thick for the most part except where building waste has been dumped'. Rotation of fields 3 and 4 as prescribed by the Environmental Management Plan will assist in the rejuvenation of this undergrowth.

- *The level and type of biodiversity impacts that have been identified are minimal and are not comprehensive. Impacts identified are.....*
  - *Other impacts that must be considered include:*
    - *Loss of all undergrowth and ground covers across the site as ongoing use and depending on the level of site preparation required to fields*
    - *Compaction of soil throughout the ongoing operation of the facility associated impact on hydrology and damage to root zone of trees*
    - *Erosion as a result of ongoing activities at the site and removal of trees*
    - *Impacts on fauna movement as a result of the proposed fencing*
    - *Impacts on fauna movement from noise and high levels of activities in bushland*
    - *Impacts on creek line from activity along banks and in surrounding areas, erosion, loss of bank stability etc.*

The reduced impacts to biodiversity are highlighted in the supplementary Flora and Fauna Assessment. Overall, the cumulative impacts of the proposal have been significantly reduced, with only 2 of the 6 game zones containing native vegetation. Further the water crossing has been deleted from the proposal.

*Council correspondence dated 14 November 2014*

- *It is my understanding that no revised Flora and Fauna report to address the biodiversity concerns raised in Councils letter dated 14 November 2014 have been submitted and therefore the concerns raised in that letter remain outstanding.*

Please refer comments above. Further we advise that an amended Flora and Fauna Assessment was submitted to Council on 27 March

2015 which addressed the concerns relative to the previous location.

*Council correspondence dated 29 June 2015*

- *Further detail is required on the obstacles proposed in the activity fields. This includes the size and the footprint required for the obstacles. It should also be clearly outlined if vegetation will be required to be removed to accommodate these obstacles.*

We have attached details of obstacles for the game zones. The details include size, heights and forms. We advise that the application does not seek nor proposal the removal of any trees, associated with the proposal, works or operation.

- *Further detail on the field rotation is to be submitted. The rotation period is not clearly outlined within the information submitted to date. It is not clear if the playing fields will be given suitable rest and recovery times between uses, or if the period of use will be too long. It is also not clear if the "dismountable or natural barriers" will be rotated as well. As such you are requested to clearly outline how the rotation will operate and how the vegetation will be expected to recover and regenerate.*

In accordance with the supplementary Environmental Management Plan dated 4 January 2016, game zones 3 and 4 are to be rotated every two years, ie only one of game zones 3 and 4 will be in use at any one time. Due to the relocation of the facility, and the lack of vegetation within the remaining game zones, it is not considered necessary to rotate or "rest" the remaining game zones.

We further advise that as the game zones are rotated, all obstacles within the resting field will be removed and relocated to the game zone which come off rotation.

- *You are requested to propose methods for offsetting the biodiversity impacts of the proposal. These may include the purchase of suitable type and amount of Bio banking Credits (as identified using the BBAM and Bio Banking credit calculator), the provision of other mitigation measures such as the establishment of a conservation covenant on the remainder of the lot and the restoration of the remainder of the site within the BB restriction area including the areas around the lake and to the north of the lake.*

Relocation of the game zones results in significant reduction on the impact on the vegetation communities on the site. As a

result, the provision of offsetting the biodiversity impacts is no longer considered necessary. The majority of the area covered by the 88B restriction will not be affected by the proposal.

- *A vegetation Management Plan (VMP) is to be prepared for all land located within the existing 88B restriction area within Lot 1 DP 1084891 that: .....*

Vegetation impact and utilization of the area within the 88b restriction has been significantly reduced as a result of the relocation of the game zones. The proposal supplementary Environmental Management Plan dated 4 January 2016 provides a number of provisions to be complied with to conserve and protect vegetation within the newly proposed areas.

- *As it has been outlined that there will be no impact on the vegetation of the site through the proposed activities, a site inspection is requested at an equivalent site such as their paintball facility at Appin or Helensburg to determine the potential impact on the vegetation. This is to be arranged within the assessing officer (Mahboub Alam) as soon as possible.*

A site inspection of the Delta Force Appin facility was undertaken by Council officers on 14 July 2015. A response to the issues raised as result of that site inspection is provided below under 'Council email of 30 July 2015'.

Email of 11 February 2015 from Hanna Van De Werff

- *It is my understanding that no revised Flora and Fauna report to address the biodiversity concerns raised in Councils letter dated 14 November 2014 have been submitted and therefore the concerns raised in that letter remain outstanding.*

Please refer comments above. Further we advise that an amended Flora and Fauna Assessment was submitted to Council on 27 March 2015 which addressed the concerns relative to the previous location.

email 30 July 2015 from Mahboub Alam

- *EEC: Almost the entire area allocated for the paintball game zones is vegetated with bushland. A Flora and Fauna Assessment Report has been prepared and updated for the proposed by Envirotech (26/3/2015). The report identifies the site as containing Castlereagh Iron bark Forest and River Flat Eucalypt Forest. Both Castlereagh Iron bark Forest and River Flat Eucalypt Forest are Endangered Ecological Communities listed under the NSW Threatened Species*



*Conservation Act 1995. Castlereagh Ironbark Forest is listed as Critically Endangered under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999.*

A site inspection was undertaken on 8 December 2015 by Shane Maloney, Ecologist. The updated Flora and Fauna Assessment Report, confirms the presence 4 Endangered Ecological Communities being Cooks River Castlereagh Ironbark Forest, Castlereagh Scribbly Gum Woodland, Shale Gravel Transitional Forest and Shale Plains Woodland. Clause 2.3 of the Report confirms vegetation communities of Cooks River Castlereagh Ironbark Forest, Shale Gravel Transitional Forest and Shale Plains Woodland are not located within the amended game-zones locations and will not be impacted by the proposal. However, Castlereagh Scribbly Gum Woodland (classified as River Flat Eucalypt Forest) is located in Game Zones 3 and 4.

- *Good condition bushland: Apart from the cleared section and isolated dumping, the remaining bushland is in good condition with all vegetation strata present, few weeds (except near the edges) and with habitat features present throughout, particularly logs and some large, mature, hollow-bearing trees. There is extensive ground cover including a good amount of lichen across the bushland areas. The majority of game zones are located within the good quality and regenerating bushland. My site visit to the existing paintball facility at Appin, which has been in operation for 5 years, showed that the ongoing activities associated with the site will result in significant biodiversity impacts across the site including:*
  - *Compaction of soil;*
  - *Loss of all groundcover – leaf litter, woody debris, lichens, moss, herbs and grasses;*
  - *Removal/loss of all shrub and understorey layers within the gamezones;*
  - *Damage to tree root zones through compaction and erosion;*
  - *Damage to trees through paint balls and by participants using trees for shelter and protection;*
  - *Accumulation of paintball casing across the site – it is likely that these remain in the environment for a while, at least several months going by the fading of colour.*

The relocation of the facility from the primary bushland area, assists to reduce the impacts associated with the use on this vegetation. We advise that of the newly located game zones, only 2 are contain significant vegetation, of which these are to be rotated for use on a 2 yearly basis. The supplementary Flora and Fauna Assessment Report classifies the vegetation within these game zones as being cleared and disturbed to poor.

- *Priority Conservation Lands: The bushland on the site is identified as part of the Cumberland Plain Priority Conservation Lands in the Cumberland Plain Recovery Plan. Council is required to consider the Recovery Plan in its assessment of any proposal. The current proposal is in contrast to Objective 1 and 2 of the recovery Plan.*

Relocation of the facility ensure the majority of the gamezones do not contain native vegetation as prescribed. Game zones 3 and 4 are an exception, and vegetation within these areas has been classified as being 'cleared and disturbed to poor'. Whilst rotation of these fields will assist in their rejuvenation, the cumulative impacts of the proposal on native vegetation have been significantly reduced through the relocation.

- *Natural Resource Sensitive Lands: The site is mapped as Natural Resource Sensitive Lands under the 2010 LEP. The proposal does not demonstrate that it can meet the objectives of NRSL overlay in the LEP and DCP.*

See comments above in relation to vegetation condition and reduced impacts as a result of the relocation of the game zones.

- *88B Restriction: As part of a previous Subdivision (DAO4/1 290), the bushland on the site was protected under an 88B Restriction. All proposed Paintball game zones, except one, are located within the 8B restricted area. The 88B instrument states that:.....*

Relocation of the facility significantly reduces the area restricted by the 88B instrument which will be utilized. Discussions with Council officers has confirmed that they are able to vary the 88b restriction without the need for the application to be referred to Councillors.

- *Dumping: The site inspections showed that there has been dumping across the fringes of the bushland. However from a biodiversity perspective, the dumping impacts are isolated and do not affect the overall health and condition of the bushland.*

Council comments are noted. Further the previously provided Phase I (Preliminary) contamination assessment addressed the issue of previous dumping.

- *Vegetation clearing: A significant amount of clearing of all undergrowth and small trees (-1.095ha) occurred to the south and southwest of the site. This clearing occurred without approval from Council and contravenes the 88B restriction as well as being an activity that requires consent from Council. My site inspections showed that this area is regenerated extremely well, with all strata levels present or regrowing and little if any weeds present.*

The above comments are noted. We advise that this clearing was not undertaken by Delta Force. We further advise that relocation of the game zones well clear of this area, ensures regeneration will continue without impact from the proposal.

- *Creekline: Several game zones will be immediately adjacent to the creek and a footbridge is proposed to span the creekline. An "Environmental Protection Zone" is proposed along the creek, however the width is not identified. The B&B Restrictions identify a 40m protection zone along the creek. The NSW Office of Water confirms that the installation of a foot bridge and any activity within 40m of the creek line is a Controlled Activity. The applicant must therefore meet all the requirements of the General Terms of Approval (GTA's) issued by the NSW Office of Water.*

Council's comments above are noted, however we further advise that as a result of the relocation of the game zones, the previously proposed footbridge has been eliminated from the proposal. We further advise that the new location will provide a 10m exclusion zone from the creek line. This boundary is to be defined by appropriate fencing. Whilst the Office of Water has previously issued GTA's for the proposal, the new location will require notification of the amendments to the proposal as per the GTA's issued 12 November 2014.

- *Litter/waste: it is expected that paintball casings will accumulate in and around the creekline and throughout the bushland as shown by the Appin site. Although they may be non-toxic, my site inspection at Appin showed that the casing remain in the environment for a while, at least several months going by their faded colour. These may then wash down the creek in the rain. I am also unsure of the impact on wildlife should they consume the casings.*

In accordance with the supplementary EMP, the fence which is to be installed along the creekline will be covered with shade cloth to prevent the casings entering the watercourse.

### Traffic Matters

*Council correspondence dated 14 November 2014*

No matters relating to traffic were raised in this correspondence.

*Council correspondence dated 11 February 2015*

- *Access driveway arrangements at the two driveways (approximately 50 metre apart) fronting Londonderry Road. This includes management of right turn and left turn movements in and out of the site in accordance*

*with Roads and Maritime Services and Austroads technical directions and guidelines.*

A Traffic and Parking Impact Report – Supplementary Report dated December 2015 specifically addresses this issue.

- *Potential for right turn treatment and left turn treatment at the development access to Londonderry Road in accordance with Roads and Maritime Services and Austroads technical directions and guidelines. This assessment includes amendment to the note that the speed zone in Londonderry Rd fronting the site is 80km/hr no 60km/hr and a review and adjustment of the traffic turning movement volumes and types.*

A Traffic and Parking Impact Report – Supplementary Report dated December 2015 specifically addresses this issue.

- *The Traffic Report, Section 3 states that in part, that “operating times 9AM to 4PM – 7 days”, majority of activity would be expected to occur on weekends”, “traffic generation is highly peaked, with a significant majority arriving between 8:30AM and 9:30AM on the weekend and a significant majority departing between 3PM and 4PM”. It suggests that there would be approximately 50 or more vehicles generated by the proposed development in/out per day which would give a more likely:....*

A Traffic and Parking Impact Report – Supplementary Report dated December 2015 specifically addresses this issue.

*Council correspondence dated 29 June 2015*

*This development fronts Londonderry Road which is an RMS classified road requiring comments from RMS. The RMS have provided further comments that require the works to be included in the application:*

- *Right turn treatments and left turn treatments at the development access to Londonderry Road have not been addressed in accordance with Roads and Maritime Services and Austroads technical directions and guidelines. Therefore a Rural Basic Right Turn Treatment (BAR) is required at this location, with reference to Austroads – Guide to Road Design Part 4A: Unsignalised and Signalised Intersection – Figure 4.9(b) and Figure 4.1 Associated with the installation of a BAR treatment, civil works including road widening of the road formation, adjustments to the embankment able drain and pavement seal will be required.*
- *Concurrence from Roads and Maritime Services under Section 138(2) of the Roads Act 1993 is required for the abovementioned BAR treatment and associated civil works.*

A Traffic and Parking Impact Report – Supplementary Report dated December 2015 specifically addresses this issue. The application also includes a concept BAR design as discussed with Council staff. A detailed civil works design will be provided following approval of the application. The provision of this information can be conditioned in the associated approval.

- *The updated traffic report suggests that the southern driveway is the entry driveway and the northern driveway is the exit driveway. However, the two driveways are set approximately 50m apart and have no signposting or pavement arrows. Observations of the site indicate that at times during the week, only the northern driveway had a gate open and so it is used for entry and exit. Furthermore, if the two driveways were signposted and pavement marked as entry and exit driveways the traffic report should assess possible conflicts between vehicles turning right out of the exit driveway and vehicles stopping to turn right from Londonderry Road into the entry.*

A Traffic and Parking Impact Report – Supplementary Report dated December 2015 has been prepared, revising traffic volumes and confirming single entry and exit points.

- *The updated traffic report states that the traffic efficiency is Level of Service A and the updated traffic report estimates that there will be about 26 vehicles turning left and 14 vehicles turning right from Londonderry Road into the entry driveway in Sunday AM peak hour with through traffic along Londonderry Road being 219 northbound and 145 southbound. However, the updated traffic report has not addressed the requirements for right turn treatments and left turn treatments at the development access to Londonderry Road in accordance with Roads and Maritime Services and Austroads technical direction and guidelines. In particular Austroads – Guide to Road Design Part 4A: Unsignalised and Signalised Intersections – Figure 4.9(b). This figure shows that for a right turn traffic volume (QR) of 14 and conflicting vehicle volumes ( $QM = QT(145) + QT(219) + QL(26)$ ) of 390, there is a warrant for a Basic Right Turn Treatment (BAR). A BAR treatment would require a sealed through/right hand road shoulder that is a minimum of 6.5m wide from centre line to edge of seal. The attached aerial photo "Londonderry Greyhound Paintball Aerial" and the attached Nearmap streetview photo "Londonderry Rd Greyhound Paintball" show that the existing road shoulder is only about 1m wide and does not allow width for through vehicles to pass a vehicle waiting to turn right. Widening of the seal here to provide a BAR would require significant civil works including widening of the road formation, adjustments to the embankment/table drain and pavement seal.*

The above works are proposed to be undertaken facilitating the BAR treatment. A concept BAR treatment is attached, as discussed with Council.

*email correspondence dated 11 February 2015 from Hannah Van De Wenff*

- *Councils Traffic Engineers have considered the submitted traffic report and it appears there are some discrepancies in the report and therefore Council officers do not accept the finding of the report nor support the application in regard to vehicular movement and access arrangements from Londonderry Road. A letter as been posted (electronic copy attached) today highlighting these concerns. In addition, Council traffic engineers are currently liaising with RMS regarding the proposed facility. It is noted Londonderry Road is a classified Road and therefore concurrence from the relevant road authority (RMS) is required for the proposed development to proceed.*

We have addressed the issues raised in this letter above.

#### Environmental Management Requirements

*Council correspondence dated 14 November 2014*

- *As requested in the prelodgement advise dated 14 August 2014 an Environmental Management Plan is required to consider the ongoing operations for the site and address ongoing management and protection of the natural creekline.*

An initial Environmental Management Plan dated 26 March 2016 was submitted on 27 March 2015 in response to this request. Further issues raised by Council relating to Environmental Management are provided are addressed below.

*Council correspondence dated 11 February 2015*

No Environmental Management issues were raised in this correspondence.

*Council correspondence dated 29 June 2015*

- *The Environmental Management Plan (EMP) submitted to Council prepared by Envirotech dated 26 March ref: REP195615 has not adequately addressed Pest Management or Vegetation and weed management as outlined within Council's previous correspondence.*

A supplementary Environmental Management Plan dated 4 January 2016 has been prepared. Section 5.2.1, 5.2.2 and 5.2.3 specifically address the above concerns.

- *The EMP states groups will play 2 games on each game zone before returning to base camp. This is contradictory to the information submitted in the cover letter dated 27 March 2015 which states 'that each of the 5 game zones are accessed once daily'. You are requested to confirm the number of games played on each field per day.*

To clarify the above, we confirm that two teams enter the field and play a game as attack and then a game as defense.

- *Section 5.2.7 of the EMP states that 'erosion and sedimentation controls are to be implemented to minimize any impact to water quality management. The proposal is unlikely to influence water quality other than during the construction phase and as such no procedures are required for general operations.' No information has been provided regarding the distance between the game zones and the dam and watercourse, for this reason it is not accepted that there will not be an impact to the water quality. Operational Erosion and Sedimentation controls are required to be submitted to Council for review; this information should be included in an amended Environmental Management Plan. It is also requested that a revised site plan be provided indicating the distance between the proposed game zone boundaries and the dam and water course.*

Section 5.2.12 of the supplementary Environmental Management Plan dated 4 January 2016 provides further details of erosion and sediment control. Further we advise the game zones have been relocated to the area to the east of the watercourse. As a result, the new game zones will be located a minimum 30m from the dam and 10m from the watercourse.

- *The plan attached as Appendix II – Environmental Control Map in the Environmental Management Plan indicates an ephemeral watercourse in the area designated for 'base camp' and rejuvenation rotation 1. Further clarification is required regarding how it is proposed to manage water through this area, so as to minimize impact on the environmental exclusion zone.*

We now attached a stormwater management details prepared by Sparks and Partners.

- *Section 4.1 refers to an Environmental Emergency Plan. This plan has not been included as part of the Environmental Management Plan. This is required to be submitted to Council for review.*

Section 4.5 of the supplementary Environmental Management Plan dated 4 January 2016 provides further details of Emergency Contacts and Response should an Environmental Emergency occur.

- *Section 5.1 section 2 spreading of soil on site if deemed appropriate does not include the Effluent Management Area (EMA) as part of the mitigation measures. The table is to be amended to consider EMA. NO fill or other material is to be stored, deposited or spread on the EMA area.*

The above details have been included in the supplementary Environmental Management Plan dated 4 January 2016.

- *Section 5.1 States risk assessments are to be undertaken for the proposed activities as outlined in Table 4. No information is provided regarding the type of risk assessment and who is responsible for the risk assessment. These details are to be provided to Council in an amended Environmental Management Plan.*

The initial EMP is now supported by supplementary Environmental Management Plan dated 4 January 2016. Details of risk assessment responsibilities and tasks has been included in the supplementary report at 4.1.

- *It is the understanding of Council that only non-hazardous chemicals will be stored on site. Table 3 in section 4.2 of the Environmental Management Plan states that hazardous chemicals will be stored at base camp. Details of any hazardous chemicals to be stored on site, including the Australian Safety Data Sheets and the quantities of the chemicals are to be provided to Council.*

No hazardous materials are to be stored on site in association with the Paintball facility. The EMP has been amended to reflect this.

- *A Wastewater Assessment Report was not provided however correspondence provided by Kerry Flanagan Wastewater states that 'The total weekly process capability is 61,600lts on the present timer setting of the system. The absolute maximum combined amount of user's for the OWMS would be 36,130 lts/week using a 7 day week for Delta Force Paintball; however this is unlikely for the week days. Based on the information provided the existing OSSM system will have sufficient capacity to manage the additional waste water load generated by the Paintball facility. It is requested that the current site plan be amended to show buffer distances from*



*the Effluent Disposal Area to the Paintball Facility and associated car park.*

The location of the waste water disposal area has been identified on the attached aerial view dated 12 April 2010 by Kerry Flanagan Wastewater, the installer and maintainer of the system. Additionally we have attached a copy of correspondence received from the General Manager of the Greyhound Racing facility at Richmond confirming there have been no issues with the existing system.

- *A Phase 1 (Preliminary) Environmental Site assessment prepared by Environtech Ref: REP 172915 dated 25 March 2015 has been submitted to Council. The report states "it is apparent that significant illegal dumping has occurred in the area as well as the importation of a number of stockpiles and some areas of fill. A number of the rubbish piles and stockpiles were mixed with building waste. Contaminants of concern associated with these materials include asbestos, metals, TPH, BTEX and PAMs."*

*Furthermore the report states that a WorkCover Dangerous Goods search indicated that a 1000L fuel tank was formally contained on the site. No details in regards to the removal of the tank are available to be sourced. An investigation is required to be undertaken to locate the fuel tank, remove and remediated the area if required. As outlined in the conclusions and recommendations of the Phase 1 (Preliminary) Environmental Site Assessment, a Phase II detailed site contamination investigation is required to be undertaken and a report prepared by a suitably qualified person as defined in the Pennrith Contaminated Land Development Control Plan is to be submitted to Council (with consideration of all relevant guidelines (eg EPA, ANZECC, NH & NRC) standards and planning instruments.*

A supplementary Phase 1 Environmental Site Assessment dated 15 February 2016 has been prepared and is attached to the application.

- *Details regarding how each game zone will be accessed have not been provided. Obstacles and structures will consist of non-permanent and moveable and include:*

*As detailed on the amended site plan accompanying the application, gravel pathways are provided from basecamp to allow access between the game zones. These pathways are*

impervious and are not located to the area which currently contains native tree species.

*Various timber structures, shad cloth barricades, fiberglass structures and speed ball barrels.*

*As previously mentioned The EMP states that 'groups will play 2 games on each games zone before returning to base camp.' This is contradictory to the information submitted in the cover letter dated 27 March 2015 by Rebecca Zerk that states 'that each of the 5 game zones is accessed once daily'. Confirmation is required to confirm the number of games on each field per day and the documentation submitted to Council is required to be amended to reflect this information.*

To clarify the above, we confirm that two teams enter the field and play a game as attack and then a game as defense.

*email correspondence dated 11 February 2015 from Hannah Van De Wenff*

- *The additional information provided contains a "Draft Management Plan". The Draft Management Plan covers details regarding traffic, watercourse, base camp, marker storage, acoustic report, flora and fauna, effluent disposal, waste management – consumables, bush fire, emergency evacuation plan, fire and security.*

*The details provided do not satisfactory respond to Council letter dated 14 November 2014 and therefore further detail is required.*

*A comprehensive EMP is still required.*

A previously updated EMP was submitted to Council on 27 March 2015 addressing the concerns above. Further, a supplementary EMP has been prepared and is submitted with the current submission. The supplementary EMP dated 4 January 2016 has been prepared by Envirotech to respond to the changes in the application with regards to the amended location.

- *As per the letter submitted by the application dated 1 December 2014 – 'an assessment under the provisions of SEPP 55 will be provided under separate cover'. These details have not yet been submitted to Council and you are therefore required to provide the requested information.*

A Phase 1 (Preliminary) Environmental Site Assessment was previously submitted to Council on 27 March 2015. A supplementary report has dated 15 February 2016 is attached to the subject application.

*email correspondence dated 30 July 2015 from Mahboub Alam*

- *The vegetation management recommendations included in the Environmental Management Plan (Envirotech 26/3/2015) are insufficient and do not meet the requirements of the NSW Office of Water GTS's. Nor do they adequately show how the vegetation will be protected.*

Protection of the majority of the native vegetation on the site has been improved by relocating the game zones. Further, the supplementary EMP dated 4 January 2016 now addresses the Office of Water's General Terms of Approval as issued 12 November 2014, however as part of the re-lodgment process, the application will again require referral to the Office of Water.

- *The Statement of Environmental Effects (Prepared by Rebecca Zerk, October 2014) states that the fields will be used on a rotational basis and the latter dated 27/3/2015 states that the game zones will be rotated on a 2 year rotational period. However, in reality, the fields will not be able to be used on a 2 year on/2 year off schedule as this would require more rest fields. 5 game zones and 2 rest fields could mean that each field is used for up to 10 years before a 2 year rest period. This will not allow sufficient time to recover from the impacts before being rotated to a game zone again. The site at Appin has only been used for 5 years and showed extensive impacts.*

Relocation of the game zones to an area of minimal native vegetation will assist to alleviate Councils concerns. Of the new game zones, only 2 are affected by native vegetation.

In accordance with the supplementary Environmental Management Plan dated 4 January 2016 prepared by Envirotech (page 18), game zones 3 and 4 are to be rotated and rested every 2 years. That is, only one of GZ 3 or 4 will be in use at any one time. These two game zones are to be rotated and rested for a period of 2 years.

- *The proposal states that the fields will have obstacles. Page 5 of the Environmental Management Plan (Envirotech, 26/3/2015) states that 'each game zone will have different demountable or natural barriers'. These structure have not been specified so it is therefore not known how much area they*

*will take up and therefore how much cleared space will be required for them. It is understood that the applicant is trying to locate the structures within the existing clearings, however the 'clearings' are generally areas that have good ground cover, logs and other habitat features. Alternatively they are attempting to locate them in areas that have existing dumping.*

The application proposes the relocation of the game zones to areas which are predominantly clear of native vegetation (with the exception of game zones 3 and 4) which contain limited vegetation. We have attached details of obstacles for the game zones. The details include size, heights and forms. To address Council concerns, we advise that the application does not seek nor proposal the removal of any trees, associated with the proposal, works or operation.

#### **Acoustic Assessment**

*Council correspondence dated 14 November 2014*

- *The noise report prepared by Day Design (dated 5 December 2005) is not relevant to the proposed development and therefore cannot be considered to determine acoustic impacts.*

A new acoustic report was prepared by Day Design and dated 26 March 2015. This report was forwarded to Council on 27 March 2015 via email.

*Council correspondence dated 11 February 2015*

Councils correspondence of 29 June 2015 did not identify any issues or concerns in relation to the previously submitted Acoustic Assessment dated 26 March 2015. However, we have included in our submission an amended report (dated 22 April 2016) which addresses the proposal based on the new location.

*Council correspondence dated 29 June 2015*

Councils correspondence of 29 June 2015 did not identify any issues or concerns in relation to the previously submitted Acoustic Assessment dated 26 March 2015. However, we have included in our submission an amended report which addresses the proposal based on the new location.

*email correspondence dated 11 February 2015 from Hannah Van De Werff*

- *The Acoustic report submitted was not satisfactory. A revised noise is still required as per Council's letter dated 14 November 2014.....*

A new acoustic report was prepared by Day Design and dated 26 March 2015. This report was forwarded to Council on 27 March 2015 via email.

*email correspondence dated 30 July 2015 from Mahboub Alam*

Mahboub Alams' email of 30 July 2015 did not identify any further acoustic issues which required addressing.

## **Waste Water**

*Council correspondence dated 14 November 2014*

- *A wastewater Report has not been submitted with the application. A wastewater report is required in order for Council to consider the additional load the proposed use will have on the existing wastewater system for the site.*

A commercial on-site wastewater Management Assessment was previously prepared by Kerry Flanagan Wastewater. The assessment was previously submitted to Council on 27 March 2015 via email addressing the above issue.

*Council correspondence dated 11 February 2015*

Council correspondence of 11 February 2015 did not identify any issues relating to wastewater treatment or disposal in relation to the proposal.

*Council correspondence dated 29 June 2015*

Council correspondence of 29 June 2015 did not identify any issues relating to wastewater treatment or disposal in relation to the proposal.

*email correspondence dated 11 February 2015 from Hannah Van De Werff*

- *The wastewater issues are still outstanding. The information requested in Council's letter of 14 November 2014 remains outstanding.*

A commercial on-site wastewater Management Assessment was previously prepared by Kerry Flanagan Wastewater. The assessment was previously submitted to Council on 27 March 2015 via email addressing the above issue.

*email correspondence dated 30 July 2015 from Mahboub Alam*

- *A Wastewater Assessment Report was not provided however correspondence provided by Kerry Flanagan Wastewater states that 'The total weekly process capability is 61,600lts on the present timer setting of the system. The absolute maximum combined amount of user's for the OWMS would be 36,130 lts/week using a 7 day week for Delta Force Paintball; however this is unlikely for the week days. Based on the information provided the existing OSSM system will have sufficient capacity to manage the additional waste water load generated by the Paintball facility. It is requested that the current site plan be amended to show buffer distances from the Effluent Disposal Area to the Paintball Facility and associated car park.*

The location of the waste water disposal area has been identified on the attached aerial view dated 12 April 2010 by Kerry Flanagan Wastewater, the installer and maintainer of the system. Additionally we have attached a copy of correspondence received from the General Manager of the Greyhound Racing facility at Richmond confirming there have been no issues with the existing system.

## Stormwater

*Council correspondence dated 14 November 2014*

- *The application does not include any detail on proposed stormwater drainage fro the development. As such a concept drainage plan is required and should include full details of the footbridge, demonstrating three will be no impact to overland flow.*

Sparks and Partners Consulting Engineers have undertaken a review of the stormwater management of the site and of the proposed development. A copy of the assessment dated 11 May 2016 is attached to the submission.

*Council correspondence dated 11 February 2015*

No stormwater issues were raised in this correspondence.

*Council correspondence dated 29 June 2015*

- *Stormwater disposal for the proposed works has not been addressed in the application. A stormwater concept plan demonstrating compliance with WSUD policy is required to be submitted in order to demonstrate stormwater treatment, with particular emphasis in the proposed carpark and driveway.*

Correspondence has been prepared by Sparks and Partners Consulting Engineers in response to these issues raised with Council.

- *The additional information is to include a WSUD Strategy with supporting MUSIC Modelling demonstrating compliance with Council's WSUD Policy and Technical guidelines.*

The assessment prepared by Sparks and Partners Consulting Engineers, confirms that due to the minimal increase in impervious areas, modeling is not required in accordance with Penrith City DCP 2014.

*email correspondence dated 11 February 2015 from Hannah Van De Werff*

No stormwater issues were raised in this correspondence.

*email correspondence dated 30 July 2015 from Mahboub Alam*

No stormwater issues were raised in this email.

#### Other issues raised

*Council correspondence dated 14 November 2014*

- *The Waste Management Plan conflicts with the Statement of Environmental Effects in regard to the types of non-recyclable waste, noting the plan does not account for the proposed sale of food and drink from the premises.*

As per email dated 11 February 2015 from Hanna Van De Werff

*"The waste management plan submitted with the additional information now addresses management of waste generated by food scraps and other non-recyclables. The location of the waste storage areas is unknown, however Council will consider addressing these matters through conditions of consent which will require commercial waste agreements."*

- *The application has not addressed the provisions of SEPP 55. Noting a recent site inspection has revealed there are a number of stockpiles located in the proposed game play areas.*

A Phase 1 (Preliminary) Environmental Site assessment prepared by Envrontech Ref: REP 172915 dated 25 March 2015 was submitted to Council on 26 June 2016. A supplementary report dated 15 February 2016 is attached to the amended submission.

- *The application lacks detail in regard to the types of obstacles and structures which will occupy the land, the rotation of the course/zones and access arrangements for each zone (including any fencing detail proposed to delineate each zone)*

As per email dated 11 February 2015 from Hanna Van De Werff

*"General operational information was requested. Information relating to the type of game zone obstacles has been provided. Structures to be used are non-permanent and moveable and include: various timber structures, shade cloth barricades, fiberglass structures and speed ball barrels. Information relating to the use of each game zone (i.e. how often they will be changed and accessed) was not provided. This information should still be provided as requested in Councils letter dated 14 November 2014."*

Details of field rotations have been provided above and in the attached EMP.

- *The referenced Material Data Sheet (in the submitted Statement of Environmental Effects) has not been provided to Council.*

For completeness, a copy of the Material Data Sheet has been attached to the current submission.

- *The submitted site plan references a toilet facility however no detail is provided as to its location and layout. As such, Council cannot be satisfied the provision of accessible toilets have been considered (in accordance with AS1428.01).*

*Further detail such as an internal floor plan for the proposed head quarter building is required in order to demonstrate floor area allocation for reception/meeting areas, office, first aid room and any shower and toilet facilities to service the development.*

An updated floor plan is provided with the subject application.

- *The application does not demonstrate compliance with AS1428.01 in regard to accessibility (for stabilized access, carparking, grades, toilet facilities etc). In this regard, an access report would be required.*



The attached plans provide details of carparking facilities specifically dedicated to persons with a disability. The two spaces provided are to be of a sealed surfaced compliant with AS2890. Further we advise the location of these parking bays and associated access has been designed to prevent pedestrian/vehicle conflict between players.

Additionally, the ablution block to be installed includes provision for an accessible toilet. The facility will include separate male, female and accessible amenities as per the attached floor plan. Access to the facility will also comply with AS1428.

Discussions with Council have confirmed that where these details are noted on the plans provided, the provision of an Access Report would not be necessary.

- *The application does not include any detail on the proposed pedestrian bridge (type of construction and relevant section plans)*

As a result of the relocation of the facilities, the application no longer requires nor seeks the provision of a crossing of the watercourse, therefore the pedestrian bridge has been deleted from the application.

- *The application does not include any detail on proposed stormwater drainage for the development. As such a concept drainage plan is required and should include full details of the footbridge, demonstrating there would be no impact to overland flow.*

Sparks and Partner have prepared a response in relation Council's comments on Drainage. The advice, dated 11 May 2016 is attached to the application. Further we advise stormwater from the new structures will be diverted to rainwater storage tanks for reuse on-site and in the development generally.

- *No detail on the proposed signage has been provided. An elevation plan demonstrating colour and material selections as well as the location of the proposed sign is required. In addition, the application is required to address SEPP 64 – Advertising and Signage.*

Details of signage including size, height and content were provided to Hanna Van De Werff via email dated 5 December 2014. No modifications to these previously provided details are proposed. Further, an assessment of SEPP No. 64 was provided at page 19 of the Statement of Environmental Effects.

*Council correspondence dated 11 February 2015*

No other matters were raised in Council correspondence of 11 February 2015.

*Council correspondence dated 29 June 2015*

- *The plans demonstrate a toilet facility however, the toilet facility is not located on the site plan. It is unclear whether this facility is proposed to be located within the headquarters building. This is required to be clarified.*

As per the attached site plan, a separate ablution block is to be installed to service the facility. The ablution block is to be 8.4m x 3.0m and will be a portable structure, which is to be permanently installed on the site. The ablution block includes provision for 3 female toilet, two male toilets plus urinals as well as an individual toilet which complies with AS 1428. The toilet is to be located directly adjacent to (south of) home base.

- *The toilet facility plan submitted is required to detail accessible facilities having regard to the BCA and Premises Standard requirements.*

The attached ablution block plan and layout provides details of compliance with the above.

- *Given the nature of the proposal, it is considered appropriate that shower facilities be provided.*

The provision of shower facilities has been discussed with Council staff. The result of those discussions was that the provision of showers is not a requirement. Therefore the application does not propose the inclusion of these amenities.

- *A floor plan layout is to be submitted to Council for the "headquarters" building that details features such as a reception area, office and first aid room.*

The attached floor plan provides details of the internal layout of the proposed "headquarters".

- *No accessible details have been provided and no documentation has been provided to support the proposal. You are required to submit plans detailing accessible design or an Access Consultants Report is to be submitted.*

See comments above.

- *The carpark area is proposed as gravel however, this is deemed insufficient for the accessible car spaces. You are required to provide a hard surface for the carparking area such as concrete or hot mix.*

The 2 accessible carparking bays located adjacent to the headquarters building are to be of a concrete surface to ensure accessibility between spaces.

- *Details on the pedestrian bridge are required to be submitted to Council.*

See previous comments in relation to the deletion of the bridge from the proposal.

*email correspondence dated 11 February 2015 from Hannah Van De Werff*

- *The waste management plan submitted with the additional information now addresses management of waste generated by food scraps and other non-perishables. The location of the waste storage areas is unknown, however Council will consider addressing these matters through conditions of consent which will require commercial waste agreements.*

Council's comments above are noted.

- *General operational information was requested. Information relating to the type of game zone obstacles has been provided. Structure to be used are non-permanent and moveable and include: various timber structures, shade cloth barricades, fiberglass structures and speed ball barrels. Information relating to the use of each game zone (ie how often they will be changed and accessed) was not provided. This information should still be provided as requested in Council's letter dated 14 November 2014.*

Modifications to the game zones will occur every two years in accordance with the rotation of the playing fields.

*email correspondence dated 30 July 2015 from Mahboub Alam*

No other matters were raised in Council email correspondence of 30 June 2015.

#### 1.4 Annexures.

This submission is to be read in conjunction with the following accompanying material:

- ❑ Amended Site plan dated 20 June 2016
- ❑ Supplementary Flora and Fauna Report prepared by Envirotech dated 4 January 2016
- ❑ Supplementary Environmental Management Plan prepared by Envirotech dated 4 January 2016
- ❑ Supplementary Traffic Report prepared by ML Traffic dated December 2015
- ❑ Concept BAR design
- ❑ Drainage Statement from Sparks and Partners
- ❑ Wastewater disposal area by Kerry Flanagan
- ❑ Correspondence from Richmond Greyhound Racing Club dated 3 June 2016 regarding waste water
- ❑ Material Data Sheet
- ❑ Basecamp floor plan
- ❑ Ablution Block layout and details
- ❑ Supplementary Environmental Noise Assessment Dated 22 April 2016
- ❑ Details of obstacles
- ❑ Supplementary Phase I (Preliminary) Environmental Site Assessment prepared by Envirotech dated 15 February 2016

#### 2.0 CONCLUSION.

As a result of numerous discussions with Council, the application has been amended to relocate the game zones to the eastern side of the natural watercourse which dissects the property. The proposal is still capable of compliance with Councils planning and development controls as well as state government policies.

As a result, the previous impacts which were highlighted by Council have been effectively resolved, and the native vegetation, the subject of the 88B instrument, predominantly retained and unaffected.

The amended plans, documentation and supplementary reports have been prepared at the request of Council and are now attached to the current re-submission. As a result, we anticipate Council will expedite the assessment process and consent to the amendments in a timely manner.