

## PARKLAND RESORT

Statement of Environmental Effects – Modification Application s4.55 1(A)



PR146748-3  
121 Ulan Road, Putta Bucca  
2850 –Parklands Resort

V1  
11 November 2022

## REPORT

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### Document status

#### Document status

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Simon Pollock



10 November 2022

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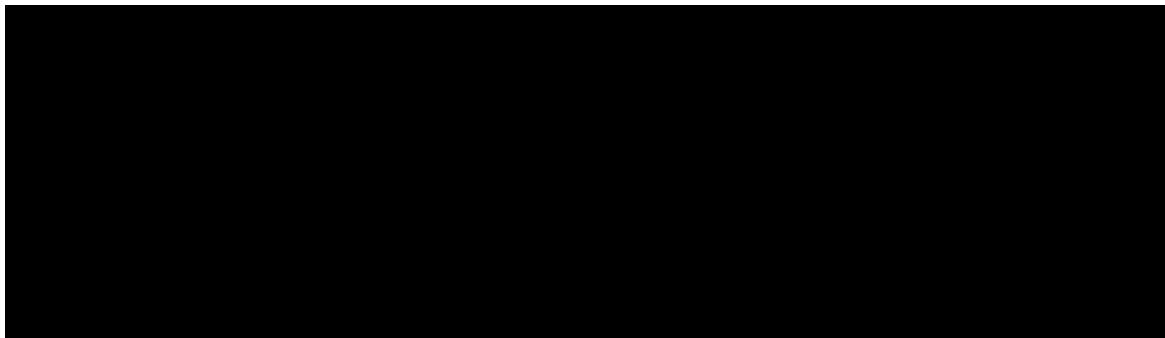
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Prepared by:

Prepared for:

**RPS**

**Wing Hing Chong**



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# 1 SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by RPS AAP Consulting Pty Ltd on behalf of Wing Hing Chong in support of modification application under Section 4.55 1(A) over land at 121 Ulan Road, Putta Bucca (Lot 5 DP265664) (“the site”) seeking approval for modification to the approval for hotel motel accommodation land use including glamping facilities.

Council approved the application for the installation of 15 x glamping tents on 18 September 2020 (Council ref: DA0131/2020).

The details of the proposed amendments are limited to the following:



- Relocation of 16 car parks from an area in the north west of the site, where there is an existing tennis court, to an area adjacent the existing accommodation and associated car parks in the north of the site.

(Refer **Appendix B** – Floor Plans and Elevations)

The proposed changes to the car parking arrangement have been without compromising the existing car parking requirements or manoeuvring on-site.

This SEE has been prepared in accordance with Clause 2(1)(c) of Schedule 1 of the *Environmental Planning & Assessment Regulation 2000*, having regard to Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

**Table 1: Summary**

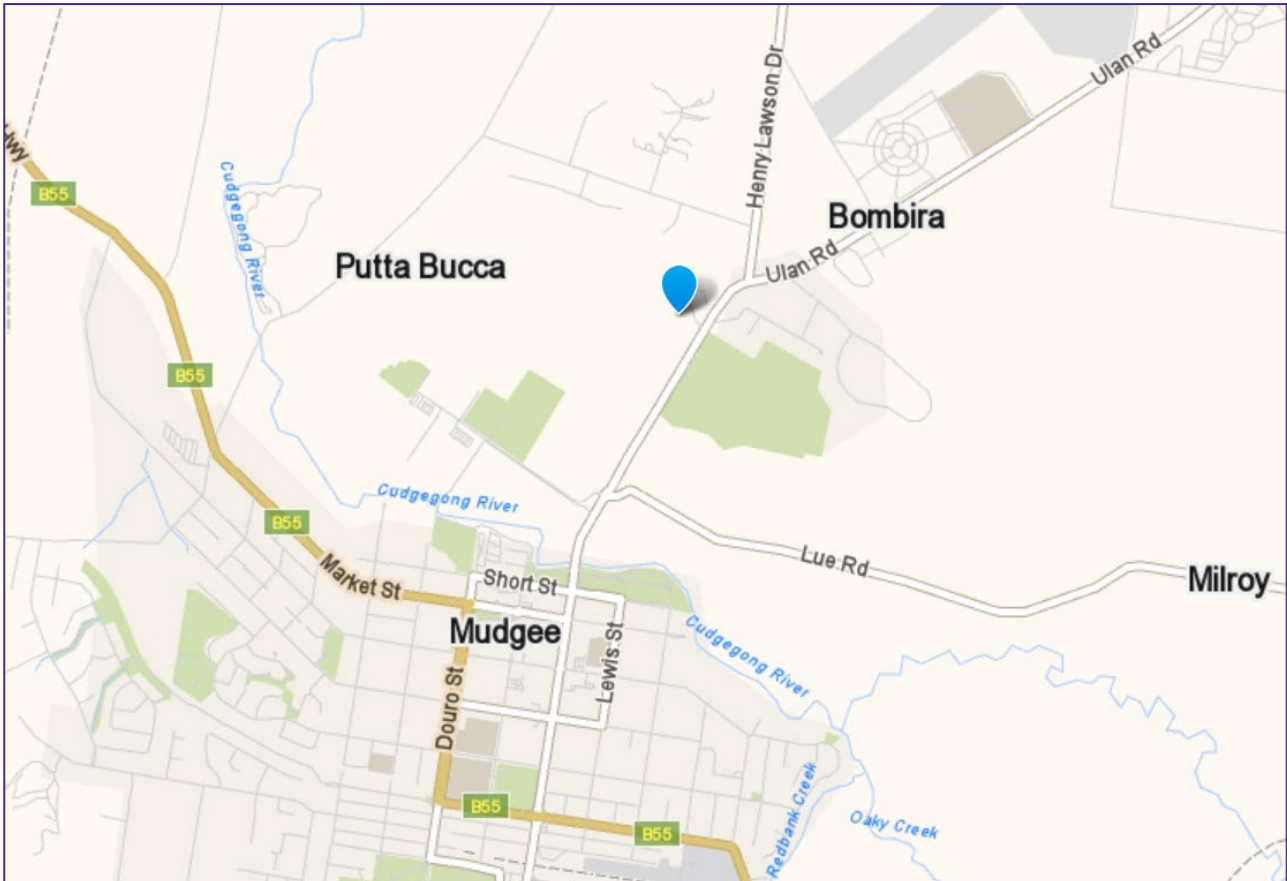
<b>Details</b>		
Site Address:	121 Ulan Road, Putta Bucca, NSW 2850	
Real Property Description:	Lot 5 DP265664	
Site Area:	15.83ha	
Zone	RU4: Primary Production Small Lots Zone	
Local Environmental Plan (LEP):	Mid-Western Regional Local Environmental Plan 2012	
Owner(s):	Elanor Funds Management Limited as trustee for Parklands Resort Property Trust	
<b>Proposal</b>		
Brief Description/ Purpose of Proposal	Amendments to the existing approval <ul style="list-style-type: none"> <li>Relocation of 16 existing car parks to a new location on site.</li> </ul>	
<b>Application Details</b>		
Defined Land Use	Hotel or Motel Accommodation including 15 x Glamping Tents	
Consent Authority	Mid-Western Regional Council	
<b>Pre-lodgement / Consultation</b>		
Entity	Date	Contact Name
Mid-Western Regional Council	Various	Hannah Draper
<b>Applicant's contact person</b>		

## 2 SITE INFORMATION

### 2.1 Site particulars

The subject site is located north of Mudgee at Putta Bucca on the western side of Ulan Road. The Parklands Resort and Conference Centre operates from the site. The resort consists of a golf course, hotel/motel accommodation and conference centre with associated buildings situated in a garden landscape.

The site location and its extent are shown in **Figure 1** and **Figure 2** below respectively. More detail is provided below.



**Figure 1 Site Location**

Source: WhereIS





**Figure 2 Aerial Photo**

Source: Planning Portal NSW

## 2.2 Site characteristics

Site inspection and searches of local and state government records indicate that key site characteristics include:

**Table 2: Site characteristics**

Site Features	Details
Existing use of site	Hotel/motel accommodation – containing the Parklands Resort and Conference Centre and 15 x Glamping tents
Topography	The site rises gently from Lawsons Creek in the south.
Vegetation	The site is sparsely vegetated. The planting on site is limited to planting around the car park edges, entry boulevard and resort of ornamental palm and tree species.
Road Frontages and Length	Ulan Road: Approximately 480 metres
Services	The subject site is fully serviced by all urban services.
Flooding	The site is mapped in a flood planning area.
Waterways	There are no drainage lines mapped or located on the subject site.
Heritage Values	There are no significant heritage features on the subject site.



## 2.3 Surrounding land uses

Immediately surrounding land uses comprise the following.

**Table 3: Surrounding uses**

Direction	Commentary
North	R2 zoned land consisting of large residential lots (typically 4,000m <sup>2</sup> and greater)
East	R2 zoned residential lots and RE2 land which contains the Mudgee Racecourse.
South	RU4 zoned land which appears to be used for grazing and other primary production uses.
West	RU4 zoned land which appears to be used for grazing and other primary production uses.

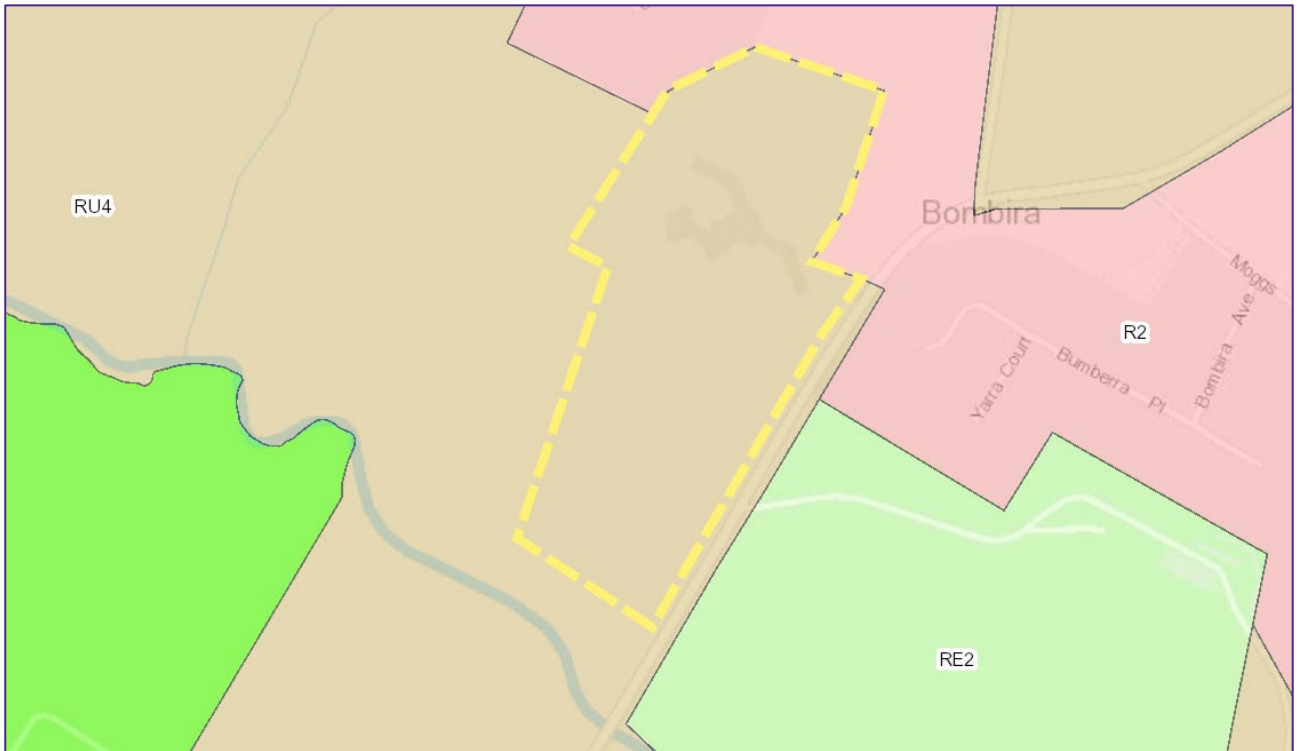
## 2.4 Planning context

The planning context of the site includes the following:

**Table 4: Planning context**

Instrument	Designation
<b>Mid-Western Regional Environment Plan 2012</b>	
Zoning	RU4 – Primary Production Small Lots
Height of Building	8.5m maximum
Flood Planning	Flood Planning Area
Applicable State Environmental Planning Policies	Not Applicable
Mid-Western Regional DCP 2013 (Amendment 2 – 17 December 2014)	Part 5.1 – Car Parking Part 5.2 – Flooding Part 6.1 – Dwellings in Rural Areas Part 6.4 – Tourist and Visitor Accommodation

Zoning of the subject site and surrounding lands is shown on **Figure 3**.



**Figure 3 Zoning**

Source: Planning Portal NSW

## 3 BACKGROUND

### 3.1 Previous approvals

The development consent was originally approved on the 17 November 1986 for a Hotel-Motel Tourist Resort with modifications to the original consent since that date. The chronology of the development approvals available at the time of writing is provided as follows:

- 17 November 1986: Development Consent for Hotel-Motel Tourist Resort Complex (DA 192/896)
- 7 October 1987: Amended Development Consent for Hotel-Motel Tourist Complex (DA 192/86)
- 6 January 1988: Building Permit issue by Council for Hotel-Motel Tourist Complex
- 21 November 1990: Amendment to Development Consent for Hotel-Motel Tourist Complex (DA 192/86)
- 7 April 2008: Development Consent for Managers Residence (DA0233/2008)
- 16 June 2008: Development Approval - Place of Public Entertainment (DA0427/2008)
- 18 September 2020: Development Consent – Hotel or Motel Accommodation and installation of 15 x glamping tents (DA0131/2020)

As noted, the most recent consent permitted the installation of glamping tents and additional car parking. This application relates to the relocation of the car parking and seeks to modify the most recent consent.

## 4 PROPOSED AMENDMENTS

Initially it was proposed to construct car parking at the northern end of the existing resort over an area occupied by the existing tennis court. It is now proposed to relocate 16 car parks into the main car parking area in two (2) locations and provide an alternative driveway and vehicle turnaround run around that will allow for guests to drop off luggage to glamping tents located away from the main car parking area.

The majority of the car parking will occur in the southern car park in an area that is currently grassed, with one (1) ACROD car space being located in the northern car park to limit the distance of travel to the northern glamping tents.

In relocating the car parks away from the northern extent of the site, it will remove any concerns raised by residents previously (to the north) around potential noise and headlight impacts associated with visitor/guest car parking. This will be a better outcome.

The proposal will also include the construction of two (2) new pedestrian paths

### 4.1 Car parking

The existing approval provides car parking that is sufficient to cater for the existing accommodation, conference, restaurant facilities and 15 x glamping tents. The parking is provided on the site as follows:

- Accommodation: Parking is provided in front of the east and western accommodation wings
- Large car park is provided to the south of the reception for the conference centre and restaurant.
- New car park will provide car parking for the sole use of the glamping tent patrons.

The car park itself will contain car parking spaces that are 5.4m x 2.6m adjacent to a 6.0m wide aisle that will facilitate manoeuvring so that cars can leave the parking area in a forward gear.

This car park is to be exclusively for the guests using the glamping tents and will be signed appropriately.

The proposed car parking is located in close proximity to the walking path that leads the visitors to the glamping tents.

Service vehicles will continue to operate as per normal, so there is no requirement for additional service vehicles.

#### 4.1.1 Access, egress, parking, and traffic impact assessment

A traffic impact assessment report has not been provided on the bases the changes are inconsequential.

## 4.2 Civil Services

We provide the following commentary with respect to the proposed development:

### 4.2.1 Earthworks

No cut and fill is proposed to achieve the proposed finished floor levels. As the site is identified as having Ground Water Vulnerability, the proposed siting of the eco-tents on stumps or at ground level will not impact the ground water table.

### 4.2.2 Engineering Construction

No alteration to the engineering construction requirements outlined in Condition 25 of the approval is required as per extract below. Additionally, the proposed car parking arrangement will exceed this requirement as it will provide 16 car parking spaces plus 1 disable car parking space.

25. A total of 15 car parking spaces, including 1 disabled parking spaces, are to be provided within the site of the development and must comply with AS 2890.1:2004 and the following requirements:

- a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
- b) Each disabled car parking space is to be in accordance with the provisions of AS2890.6:2009;
- c) All car parking spaces are to be line-marked and provided with hard-standing, all weather gravel surface and must be maintained in a satisfactory condition at all times;
- d) Off-street parking is to be encouraged by the placement of prominent signs indicating the availability of parking; and
- e) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 1993.

### 4.2.3 Roadworks

The proposed relocation of car parking does not necessitate roadworks external to the site. All existing internal carparking and circulation will comply with relevant Australian Standards.

## 4.3 Flooding

A Flood Impact Assessment addressing flood risk, prepared by Molino Stewart is included at **Appendix C**.

The assessment concludes that the proposed development poses a low flood risk and is able to be designed and constructed to satisfy all of the applicable flood related development controls in the Mid-Western Regional DCP 2012.

### 4.3.1 Flood Risk

The image below, extracted from the Molino Stewart report, illustrates the relevant flood risk precincts and how they apply to the subject site and proposed development. It should be noted that:

- No car parks will be located in the high-risk flood precinct and will be above the reach of the PMF
- All new car parks will be located in the low risk flood precinct



Figure 4 Development layout and flood risk precincts

## 5 PLANNING CONTROLS

### 5.1 State Environmental Planning Policies

No SEPPs have been identified as relevant to the subject site and the proposed development.

### 5.2 Mid-Western Regional Local Environmental Plan 2012

The *Mid-Western Regional Council Local Environmental Plan 2012* (LEP 2012) is the applicable LEP for the site. The relevant parts of the LEP are discussed below.

#### 5.2.1 Zoning and Permissibility

The site is zoned RU4 Primary Production Small Lots pursuant to Mid-Western Regional LEP 2012 as illustrated in the extract contained in Figure 3. The subject site is currently operating as hotel motel accommodation in the form of Parklands Resort and Conference Centre and 15 glamping tents. The proposed amendments are a modification to an existing approval (DA0131/2020).

#### 5.2.2 Part 4 - Principal Development Standards

Part 4 of the Mid-Western Regional LEP 2012 identifies the principal development standards that apply to the development of the subject site. The proposed development does not trigger a response to any of these standards.

#### 5.2.3 Miscellaneous Provisions

The proposed development does not trigger a response to any of these clauses.

#### 5.2.4 Additional Local Provisions

Part 6 of the LEP contains additional local provisions for consideration. Of relevance to this application are the following clauses:

##### Clause 6.2 - Flood Planning

A Flood Impact Assessment addressing flood risk, prepared by Molino Stewart was included as part of the original application. The assessment concludes that the current development poses a low flood risk and is able to be designed and constructed to satisfy all of the applicable flood related development controls in the Mid-Western Regional DCP 2012.

The proposed relocation of 16 car parks to an area of low flood risk does not warrant any additional flood impact assessment.

##### Clause 6.3 - Earthworks

The proposed car parking spaces will require minimum earthworks associated only with the construction of the parks and subsequent asphalt.

##### Clause 6.4 – Groundwater Vulnerability

The entire Mudgee/ Putta Bucca area is mapped on the Groundwater Vulnerability Map. To demonstrate that there will be no adverse impacts to groundwater we provide:

- It is unlikely that the proposed relocation of 16 car parks would have the potential to cause any groundwater contamination.



## 5.3 Mid-Western Regional Development Control Plan 2013

The Mid-Western Regional Development Control Plan (DCP 2013) contains provisions and standards that relate to development that are site responsive, innovative and provide guidelines to achieve the most appropriate development outcomes. The provisions in development control plans are intended to be flexible guidelines and allow alternative solutions where reasonable. Any alternative solution must achieve the objects of the standards for that aspect of the development. We provide an assessment of the proposed development against the relevant provisions.

### 5.3.1 Car Parking

Part 5.1 of DCP 2013 outlines the car parking rates prescribed for the proposed land use are listed in the below table.

<p>Tourist and Visitor Accommodation</p>	<p>1 space per unit, plus 2 spaces per 3 employees plus if restaurant included:                      1 space per 7 m<sup>2</sup> gfa or 1 space per 3 seats whichever is the greater (Restaurant).                       1 space per 4m<sup>2</sup> for licensed floor including outdoor seating or dining</p>
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As part of the original application the 15 eco-tents would generate a demand for an additional 15 spaces. This additional car parking was catered for through the provision of an additional 16 car spaces on that part of the subject site currently used for a tennis court.

The relocation of the 16 car parks from the tennis court area to an area adjacent to the new eco-tents remains to satisfy Council’s requirement for additional car parking arising from the extension to the existing use.

### 5.3.2 Flooding

A Flood Impact Assessment addressing flood risk was undertaken by Molino Stewart was included as part of the original application. The assessment concluded that the proposed development poses a low flood risk and is able to be designed and constructed to satisfy all of the applicable flood related development controls in the Mid-Western Regional DCP 2012.

- The proposed location of the 16 car parks does not warrant any further flood impact assessment.

### 5.3.3 Dwellings in Rural Areas

Part 6.1 of DCP 2013 states:

*“Dwellings on land within the Primary Production Small lots zone will only be approved where it can be demonstrated that the dwelling is required to support the agricultural use of the land.*

*The agricultural use of the land for the purposes of the RU4 zone means intensive plant agriculture (defined in LEP) or the irrigation of pasture and fodder crops.”*

We contend that this section of the DCP is not applicable to this application as it is simply a modification to an existing development consent.

Nevertheless, in a design sense, the application has adopted the setbacks as prescribed in this section being:

- 100m street (front) setback – being located on a Classified Road such as Ulan Road
- 20m side/rear setback

The proposed new car parking location abides by the setbacks outlined above.

### 5.3.4 Tourist and Visitor Accommodation

Pat 6.4 of DCP 2013 has been considered on the basis the proposed land use is a type of *tourist and visitor accommodation*. We have addressed the provisions as follows:

- **Design and layout** – The proposed location of the 16 x car parks has addressed the constraints of the site, namely flooding overlay, distance to adjoining lots, existing vegetation, views and vistas, wind direction and distance from existing hotel motel accommodation buildings.
- **Water Cycle Management** – Connection to existing sewer reticulation is proposed.
- **Electricity** – The development will be connected to the grid. Electricity currently connected to the existing use.
- **Parking** – refer to response in Section 5.3.1 above
- **Signage** – To be confirmed with client. It is likely that the 16 car parks will have signage clearly stating that the car parks are for the sole use of the glamping tent visitors.

## 6 ASSESSMENT OF ENVIRONMENTAL EFFECTS

### 6.1 Section 4.15 (1)(a) – Statutory Planning Considerations

In determining the subject DA, Council is required to consider those relevant matters listed in Section 4.15 (1) of the EP&A Act. Each of the relevant matters is addressed below:

Section 4.15 (1) (a) requires the consent authority to take into consideration:

*“(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 Planning 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 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

These matters (and others) are addressed in Sections 4 & 5 of this report, and below.

### 6.2 Section 4.15 (1) (b) – Environmental, Social and Economic Impacts

Section 4.15 (1) (b) requires the consent authority to consider:

*“(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.”*

The relevant matters are addressed below:

#### 6.2.1 Impacts on the Natural Environment

The proposed relocation of the 16 x car parks has been considered in the context of the natural environment. It is not anticipated that the proposed car parking location will have any significant impact on the existing natural context. The subject site is an extensively disturbed area with limited natural values. The existing landscaping on site has been introduced as part of the resort complex development. The removal of some grass to be replaced with car parks is a minor impact on the environment.

#### 6.2.2 Impacts on the Built Environment

The proposal is generally consistent with the objectives and development controls contained within relevant environmental planning instruments that apply to the site (see Section 5). For these reasons it is considered that the development will not significantly impact on the character of the locality. Rather the location of the car parks will not impact on the visual amenity of adjoining lots.

The proposed location of the car parks mean that it will not generate noise or emissions to adjoining properties. The views to and from the site will not be significantly impacted given that the car parks will be sited at ground level.

#### 6.2.3 Social and Economic Impacts

No social or economic impacts have been identified that would require a response.

### 6.3 Section 4.15 (1) (c) – Suitability of the Site

The site is suitable for the proposed development for the reasons outlined throughout this report and as demonstrated previously, that allowed for the previous consent permitting the 15 glamping tents and associated car parking.

The proposed change represents an improvement by relocating the car parking away from the northern boundary of the site, being further away from adjacent residences.

### 6.4 Section 4.15 (1) (d) – Submissions (past)

The original application had been notified. It is understood that Council has received a number of objections to the proposal raising concerns regarding visual amenity and noise impacts. A response to each of these is provided below.

#### Visual Impact

The proposed re-location of the 16 car parks should satisfy adjoining neighbours as the car parks will be screened by the existing structures on site and therefore will have minimal impact upon view lines and will be less dominate than the previous location was perceived to be.

#### Acoustic Matters

It is acknowledged a number of objections raised concerns regarding the potential for noise impacts to come from tents and associated car parking.

It is submitted to Council that the proposed location of the 16 car parks is expected to generate no acoustic concerns as they will be located an additional 100m south of their approved location.

### 6.5 Section 4.15 (1) (e) – Public Interest

The proposal is in the public interest in that it will continue to provide alternative tourist accommodation to an existing tourist and conference facility that will provide economic benefits to the community good. The small-scale nature of the modification of the approved land uses will provide appropriate amenity, consistent with planning controls and with minimal environmental impact.

### 6.6 Section 4.55 (1) (A) – Modification involving minimal environmental impact

We submit that the proposed minor amendments satisfy the (1A) requirements as outlined below:

*(1A) **Modifications involving minimal environmental impact** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with—*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

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*(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1), (2) and (5) do not apply to such a modification.*

## 7 CONCLUSION

This development application seeks to relocate 16 approved car parks further to the south to integrate with the existing car parking area and to an area that satisfies Council's requirements.

The assessment of the application against the relevant provision has concluded that the proposed modification is consistent with the objectives, planning strategies and detailed controls of these planning documents.

The modification to the existing approval is suitable for the following reasons:

- The relocation of the 16 car space parking area is provided to service the 15 new glamping tents. There are also no traffic engineering matters that prevent the application from being supported.
- The car parks will be designed and constructed in accordance with Council engineering requirements.
- The proposed location of the car parking area will have no negative impacts on adjoining landowners as the car parking will be located approximately 100m further south from the approved location and therefore further away from these sensitive receptors.
- The car parking will continue to be provided in a low flood risk portion of the site.
- The design will still include a driveway and turnaround that will allow guests to drive closer to their glamping tent to drop off luggage and before parking in main car parking area.
- The inclusion of additional pathways will improve pedestrian connectivity.
- The development comprises the orderly economic development of the land and will not have any negative social or economic impacts.

The proposal is reasonable and appropriate when considered under the relevant heads of consideration in Section 4.15(1) of the EP&A Act and therefore we recommend the approval of the application subject to any necessary, relevant, and appropriate condition of consent.