

STATEMENT OF ENVIRONMENTAL EFFECTS

**ALTERATIONS TO MUDGEES VALLEY
TOURIST PARK**

8 Bell Street, Mudgee

CLIENT: Mid-Western Regional Council



Navigate Planning

23 March 2023

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1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for alterations to the Mudgee Valley Tourist Park at 8 Bell Street, Mudgee (Lot 22 DP585777).

The subject land is zoned SP3 Tourist and contains an existing caravan park, approved to operate with 80 long-term sites, 44 short-term sites and 40 camping sites (total 164 sites). The caravan park currently operates at a much lower capacity than the approval to operate, with 57 long-term sites, 30 short-term sites and no camping sites currently on site.

The construction of the caravan park was inconsistent with the originally approved plan. The plan in Appendix 1 overlays the approved plan with the constructed layout.

This development application seeks to rectify existing anomalies with the caravan park layout and to expand the caravan park on the subject land with additional cabins and a new camping area. However, the overall number of sites is proposed to be reduced to 144.

This development application also seeks, where possible, to bring the caravan park up to the current standards outlined in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. It is important to note that the caravan park was originally built and extended prior to the introduction of regulations for caravan parks in 1986, and that savings provisions in the current regulations have the effect of allowing existing approved caravan parks to continue to operate despite non-compliance with current standards.

The upgrading of the caravan park will potentially take up to 30 years to complete. Many of the current long-term residents have leases over their sites and in these cases the proposed upgrades will not be undertaken until those cabins come up for sale due to residents relocating or passing away. While the proposed development will be staged over time, it is difficult at this time to outline a specific staging plan for the life of the development.

The land is zoned SP3 Tourist and a caravan park is permitted with consent in this zone.

The development is not “State significant development”, “regionally significant development”, or “designated development”. The development is not “integrated development” or “nominated integrated development” despite works being proposed within 40m of a watercourse as clause 41 of the *Water Management Regulation 2018* provides an exemption to public authorities from the need to obtain a Controlled Activity Approval.

The development is sited, designed and will be managed to avoid adverse environmental impacts. No endangered ecological communities will be affected and the adjoining riparian corridor will be protected. There are no significant contamination issues with the site.

The development will not increase traffic movements to and within the site above what was originally approved for the site, as the total number of sites now proposed is less than originally approved.

The proposal will have significant social and economic benefits to the community. The development is permissible with consent and is consistent with all relevant legislation and policy. There is no impediment to the granting of development consent subject to conditions.

2 PROPOSED DEVELOPMENT

The development consists of the following:

1. Rectification of existing anomalies in the approved road and lot layout.
2. Demolition of existing relocatable homes (over time) where there are anomalies with the proposed lot layout and construction of new relocatable homes in compliance with current standards.
3. The construction of new internal roads providing access to new cabin sites and the proposed camping area.
4. Demolition of an existing dwelling adjoining the site office, identification of a location for a new shop and provision of 8 new visitor parking spaces (including two car and caravan spaces).
5. The provision of new cabin and camping sites.
6. The demolition of an existing amenities block (to be realigned and reconstructed).
7. The relocation of an existing playground.
8. Upgrading of infrastructure, including water, sewer, power, stormwater and fire services.
9. The provision of a new car wash facility.

The existing caravan park contains a mix of caravan sites, short-term tourist sites, long-term sites and some sites are privately leased for permanent accommodation. Over time, Council intends to purchase all of the privately owned sites (when the existing owners choose to sell) so that there is no longer any permanent occupation of the caravan park.

Development consent is sought for the ultimate development outcome (in terms of layout and sites) as part of this development application, however the implementation will be undertaken over time.

Development consent is not sought for the installation of any cabins on the proposed lots. Section 131 (4A) of *State Environmental Planning Policy (Housing) 2021* states that development consent is not required for the installation of a moveable dwelling in an approved caravan park.

Development consent is also not sought for the construction of the new amenities block or the new shop at this time, as detailed plans for these buildings have not yet been prepared. The construction of these buildings will be the subject of a separate development application.

The upgrading of the caravan park will also involve the removal of some vegetation and the replacement of existing signage. Neither of these activities require development consent and do not form part of this development application.

With regard to the clearing of vegetation, Council has advised as follows:

“Because the site is not within the heritage conservation area, consent to remove the trees are not required. The site does not have any vegetation identified on the Biodiversity Values Map or Terrestrial Biodiversity.

Based on the arborist report provided, Council is also satisfied the vegetation to be cleared is a risk to human life or property, and therefore a permit under the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 is not required. If the Council satisfied the vegetation to be cleared is dead or dying and not required as habitat for native animals, a permit or approval under the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 is not required.”

The above advice remains applicable with respect to the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 which incorporates the provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

Under clause 2.96 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the replacement of existing signage is exempt development.

3 SITE ANALYSIS

3.1.1 Existing development

The subject land contains a caravan park with the following features:

- 57 long-term sites
- 30 short term sites
- 9 caravan sites
- 2 amenities buildings
- A pool and a playground
- A manager's residence and maintenance sheds



While the total number of sites is currently 96, approval has been granted for a total of 164 sites (80 long-term, 44 short-term and 40 camping sites).

3.1.2 Topography

The site is generally flat where the existing caravan park sites and dwellings are located and slopes down to the north-east where the camping sites are proposed. The elevation of the land ranges from 449.25 AHD near the south-western boundary to 445m AHD at the north-eastern boundary, a change in elevation of 4.25m across the site.

3.1.3 Flora and Fauna

The subject land is mostly cleared of vegetation. All existing vegetation is likely to have been planted as part of the development of the caravan park over the years.

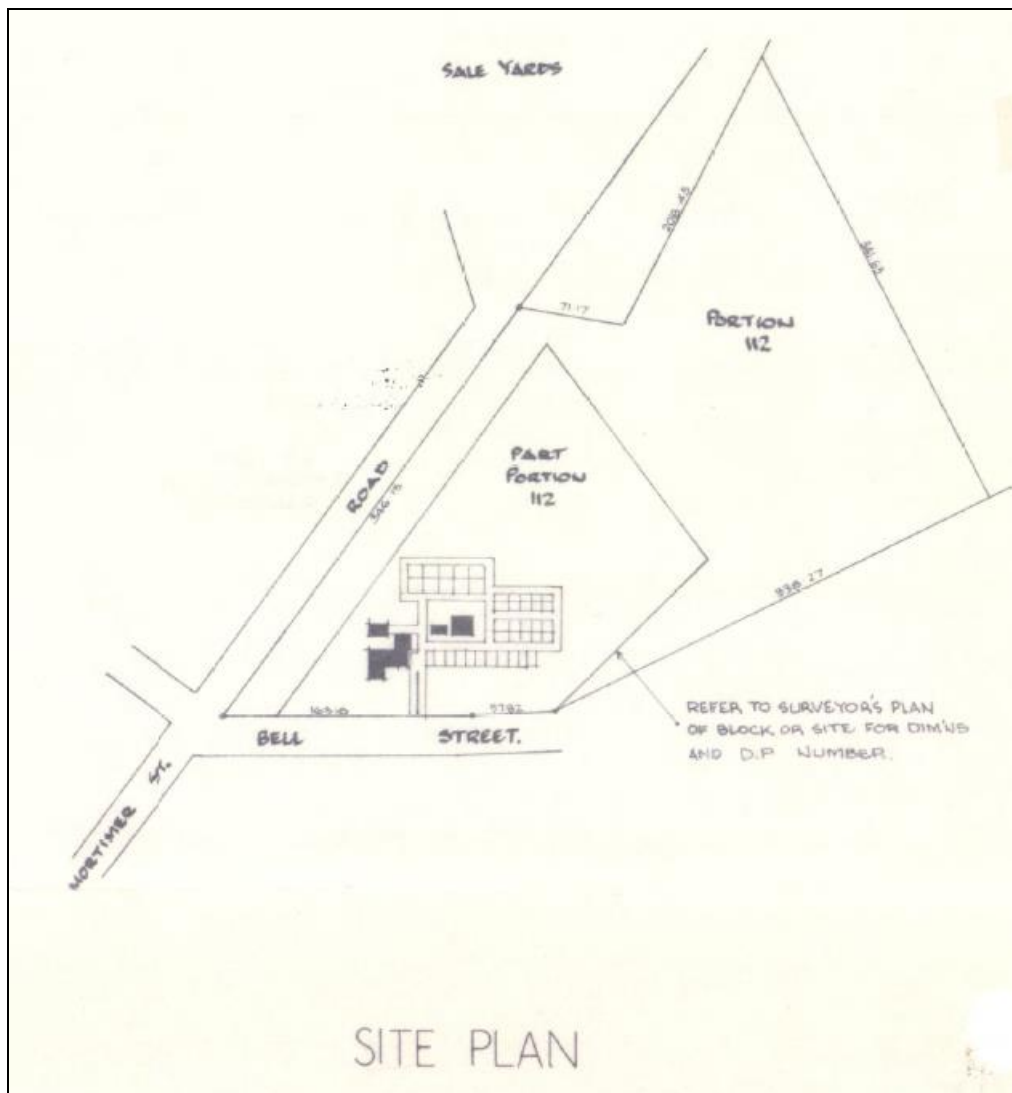
The upgrading of the caravan park will involve the removal of some vegetation, however development consent is not required for this clearing. The land is not included on the Biodiversity Values Map or Terrestrial Biodiversity Map. Council has also advised that it is satisfied the vegetation to be cleared meets the requirements of clause 2.7 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 to be clearing that does not require a permit or approval.

The proposed development will have no significant impact on flora and fauna.

3.1.4 History, Heritage and Archaeology

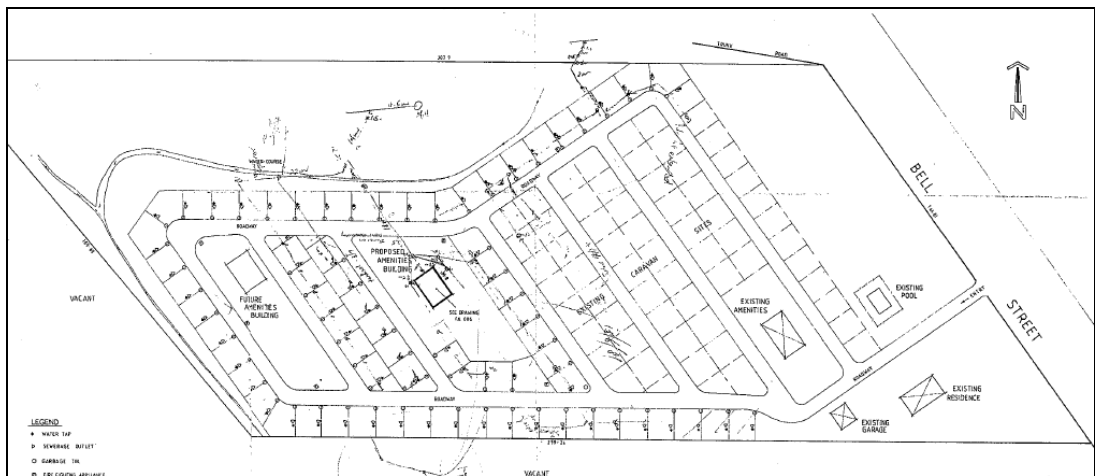
The subject land has been used for the last 47 years as a caravan park. Under DA39/76, Council granted development consent (with the concurrence of the Planning and Assessment Commission) under the Interim Development Order for a two lot subdivision and erection of a caravan park on the then proposed lot 1. The first buildings approved on the site were an amenities building and a garage/workshop, approved under Building Permit 166/76.

The following site plan shows the first stages of the approved caravan park and the subdivision, demonstrating how the subject lot was created.



The swimming pool on site was granted development consent in 1978 (DA4.9/78). Various other approvals were granted for amenities buildings, carports, storerooms, etc.

In 1980, a major extension to the originally approved caravan park was granted development consent (DA104.12/80). The following plan shows the approved layout.



Prior to the commencement of the development of the caravan park, the land was part of Portion 112, which is understood to have been used for pasture and grazing purposes.

The site does not contain any item of environmental heritage and is unlikely to contain any important archaeological deposits.

Given the extensive development of the land and the minimal site disturbance required for the development, it is considered unlikely that any significant Aboriginal archaeology will be uncovered by the development. A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land.

3.1.5 Services (Water, Sewer, Stormwater, Power)

The site is connected to all necessary services, including water, sewer, electricity and telecommunications. Stormwater from the proposed development is currently partly managed on site and partly discharged to the watercourse along the western boundary of the site.

3.1.6 Surrounding Development

The subject land is bordered to the south-west by residential land on which dwellings have recently been erected. To the north and east is rural land within the floodplain of the Cudgegong River and its tributaries and the Castlereagh Highway. The south-eastern boundary is Bell Street with vacant residentially zoned land across the street.

4 COMPLIANCE WITH RELEVANT LEGISLATION

4.1 Environmental Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), a person must not take an action that has, will have or is likely to have a significant impact on any of the matters of national environmental significance without the approval of the Federal Environment Minister. This includes any impacts on threatened species or endangered ecological communities (EEC) listed under the EPBC Act.

The subject land is mostly cleared of vegetation. All existing vegetation is likely to have been planted as part of the development of the caravan park over the years.

The upgrading of the caravan park will involve the removal of some vegetation, however development consent is not required for this clearing. The land is not included on the Biodiversity Values Map or Terrestrial Biodiversity Map. Council has also advised that it is satisfied the vegetation to be cleared meets the requirements of clause 2.7 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 to be clearing that does not require a permit or approval.

The proposal will have no significant impact on any matter of national environmental significance.

4.2 Disability Discrimination Act 1992

The *Disability Discrimination Act 1992* (DDA Act) prohibits discrimination against people with a disability in a range of areas, including in relation to access to premises.

The proposed development has been designed to ensure access for all throughout the communal areas of the site. While existing and proposed new cabins are to be installed on piers, ramps will be provided to enable access to cabins (and also to any communal buildings on piers) for persons with a disability. The development will comply with the DDA Act.

4.3 Environmental Planning and Assessment Act 1979

4.3.1 Section 4.5 – Designation of consent authority

Pursuant to clause 4.5 (d), Mid-Western Regional Council is the consent authority.

4.3.2 Section 4.10 – Designated development

Clause 4.10 defines designated development as development that is declared by an environmental planning instrument or the regulations as designated development. The development is not declared by any environmental planning instrument as designated development.

4.3.3 Section 4.12 – Application

Section 4.12 (3) of the EPA Act states that:

If the consent authority is a council, a person (other than the Crown or a person acting on behalf of the Crown) may, in the same development application, apply for development consent and approval for anything that requires approval under the following provisions of the Table to section 68 of the Local Government Act 1993, namely:

paragraph 1 of Part A

paragraph 1–6 of Part B

paragraph 1–5 of Part C

paragraph 1 of Part E

paragraph 1–5 or 10 of Part F.

Section 4.12 (6A) states that the reference to a council in sub-section (3) includes a reference to a regional planning panel.

This provision allows for certain LG Act approvals to be addressed within a development consent. The only approval required for the development is for the disposal of liquid trade waste from the car wash area into Council's sewer under paragraph 4 of Part C of the Table to Section 68 of the LG Act.

No other approvals under the LG Act are required for the development. Refer to Section 7.3 of this SEE for further information.

4.3.4 *Section 4.13 – Consultation and concurrence*

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. There are no consultation or concurrence requirements for the development under any relevant environmental planning instrument.

4.3.5 *Section 4.15 – Evaluation*

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 5 of this SEE.

State Environmental Planning Policies

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Housing) 2021*

Local Environmental Plans

- *Mid-Western Regional Local Environmental Plan 2012*

Draft Environmental Planning Instruments

Nil.

Development Control Plans

Mid-Western Regional Development Control Plan 2013

Planning Agreements

Nil

Environmental Planning and Assessment Regulation

Nil

Impacts on the built environment

The development will have a positive impact on the built environment. The existing caravan park, when viewed from Bell Street and the Castlereagh Highway is somewhat unsightly. The proposed redevelopment will remove (over time) some unsightly elements of the existing caravan park and new cabins will be modern in design with interesting and varied roof forms. An existing fence and landscaping along the Bell Street frontage will provide some screening of the development.

Impacts on the natural environment

The subject land is mostly cleared of vegetation. All existing vegetation is likely to have been planted as part of the development of the caravan park over the years.

The upgrading of the caravan park will involve the removal of some vegetation, however development consent is not required for this clearing. The land is not included on the Biodiversity Values Map or Terrestrial Biodiversity Map.

Works are proposed in close proximity to the watercourse along the western edge of the site. Appropriate erosion and sediment control measures will be in place to ensure there are no detrimental impacts on the watercourse.

It is considered that the proposed development will have no significant impact on the natural environment.

Social and economic impacts

The proposed development will have significant positive social and economic impacts for Mudgee and the wider Mid-Western community. While the proposal is in direct competition with other tourist accommodation, the proposal is considered an overall benefit to the local economy by providing additional short-term accommodation for tourists, mine workers and others in close proximity to the town of Mudgee.

Suitability of the site

The subject land is owned by Council and contains an existing caravan park. While the land is partly flood prone and some native vegetation is located on the land, the proposed development will have minimal impacts on surrounding land. The site is therefore considered suitable for the proposed development.

The Public Interest

The proposed development aims to add to the availability of tourist and worker accommodation in the Mid-Western region. The proposal will therefore provide economic benefits to the Mid-Western community through additional spending in local businesses and additional accommodation for tourists and itinerant workers. The proposal is therefore considered to be in the public interest.

4.3.6 Section 4.46 – Integrated Development

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. Despite works being proposed within 40m of a watercourse, the development is not “integrated development” as clause 41 of the *Water Management Regulation 2018* provides an exemption to public authorities from the need to require a Controlled Activity Approval. This section therefore does not apply.

4.3.7 Schedule 1 – Community Participation Requirements

Clause 8A of Division 2 of Part 1 of Schedule 1 identifies certain integrated development as “nominated integrated development”. This includes works within 40m of a watercourse that requires a Controlled Activity Approval under the *Water Management Act 2000*. As noted above, as an exemption is provided to public authorities from the need to obtain a Controlled Activity Approval, the proposal is not “nominated integrated development”.

4.4 Local Government Act 1993

The subject land is operational land owned by Council.

Section 68 Approvals

Section 68 of the LG Act provides for the regulations or a local policy adopted by the Council to allow certain activities to be carried out without an approval under the LG Act.

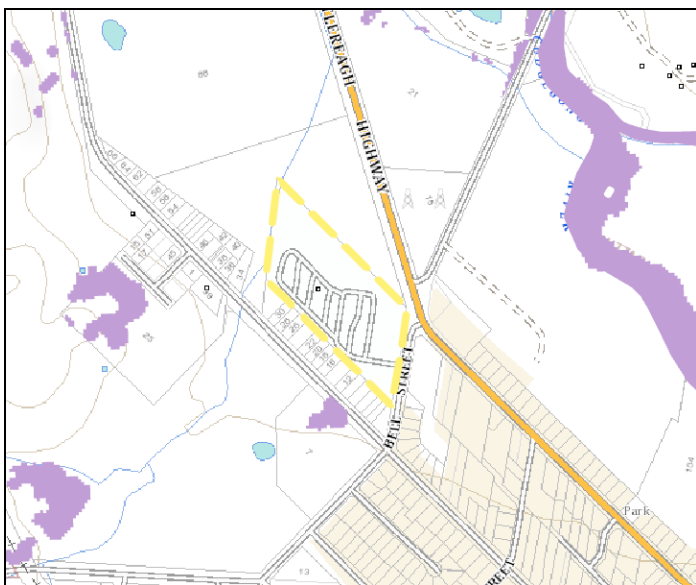
Part B of the Table to S68 of the LG Act relates to the carrying out of water supply, sewerage and stormwater drainage work. Paragraphs 1 to 4 and 6 do not apply to an activity carried out by a water supply authority. As Council is the water supply authority for Mid-Western Region, no approvals are required.

Part C of the Table refers to the management of waste and paragraph 4 “Dispose of waste into a sewer of the council” is applicable for the development, with respect to the disposal of trade waste from the car wash area.

No other part of the Table to S68 of the LG Act is relevant to the development.

4.5 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) outlines the processes for biodiversity assessments, approvals and offsets where required. The BC Act also defines biodiversity values, and these are shown as the purple areas on the Biodiversity Values Map (see map below).



No part of the subject land is mapped as having biodiversity values.

While there is some vegetation to be removed from the site, this does not require development consent and therefore does not form part of this development application. Therefore, the proposal does not exceed the Biodiversity Offset Scheme threshold.

Notwithstanding the above, consideration must be given to potential direct and indirect impacts on threatened ecological communities as a result of the development. The development application does not include any clearing of native vegetation. Some clearing of vegetation is proposed, however this can be undertaken without approval. Therefore, the development application involves no works that would have a direct impact on threatened ecological communities. Indirect impacts from the proposed development, such as stormwater discharge will be managed appropriately. The proposal will have no significant impact on biodiversity.

4.6 National Parks and Wildlife Act 1974

Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) states that it is an offence to harm or desecrate an Aboriginal object unless authorised by an Aboriginal heritage impact permit.

A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land.

The site has been extensively developed and disturbed over a long period of time, from previous pasture and grazing activities to the development of the caravan park. New works associated with this development application will involve minimal disturbance of the ground for roadworks, service extensions and footings for new cabins.

It is considered that there is minimal potential for disturbance of Aboriginal archaeology and that no further detailed Aboriginal cultural heritage assessment is warranted. However, the development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during construction.

4.7 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

The proposed development is subject to the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

Appendix 2 provides an assessment of the proposal against the relevant sections of the Regulation.

5 COMPLIANCE WITH PLANNING CONTROLS

5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* outlines the approval requirements for the removal of vegetation in non-rural areas including on land zoned SP3 Tourist.

While there is some vegetation to be removed from the site, this does not require development consent and therefore does not form part of this development application. The proposal therefore does not trigger any approval requirements under the SEPP.

5.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* aims to promote the remediation of contaminated land to reduce risk to human health and the environment. SEPP 55 requires consideration of the potential contamination of land and the need for remediation of that land before development consent is granted. To assist in the assessment of potential contamination, SEPP 55 the following land as being subject to consideration:

- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

There are no relevant consultation or concurrence requirements for the development under SEPP 55.

The development site is not in an investigation area. The subject land has been used for the last 47 years as a caravan park with the previous use being pasture and grazing of livestock. There is no evidence of any previous use that is likely to have caused contamination of the site.

A Phase One Soil Assessment of the land was undertaken in 2016 for a previous development proposal. This report found no evidence of any contamination in the soil. Nothing has happened since 2016 to change this outcome. It is therefore considered that no further contamination assessment is warranted as part of this development application.

There is potential for asbestos to be found in existing cabins proposed for demolition. Any demolition will be undertaken in compliance with safe work practices.

Given the above, and that the proposal does not involve a change of use, the site is considered suitable for the development.

5.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP) provides for certain infrastructure developments to be exempt development, complying development or development that is permitted with consent. Division 17 of Part 2.3 of the TI SEPP applies to roads and traffic.

Clause 2.119 relates to development with frontage to classified road. The Castlereagh Highway is a classified road. The subject land has a single point of frontage to the Castlereagh Highway, but the site's practical frontage is to Bell Street. Sub-clause (2) states that:

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
 - (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed development will comply with this clause as access is obtained from Bell Street, not from the Castlereagh Highway. The proposed development will not adversely affect the operation of the classified road as there is no change to the existing site access, the total number of sites proposed is less than previously approved and there will be no smoke or dust emissions.

The proposed development involves the provision of new short-term dwelling and camping sites in closer proximity to the Castlereagh Highway than existing sites. It is considered that short-term sites are less sensitive to traffic noise or vehicle emissions than long-term sites. Also, given the speed limit on the Castlereagh Highway in the vicinity of the site is 50km/h, it is considered that the proposal is acceptable in relation to noise impacts. Landscaping along the Bell Street frontage of the site and along the north-eastern boundary of the site from Bell Street to the proposed new road will be undertaken to assist in ameliorating any noise impacts.

Clause 2.112 relates to traffic generating development and applies to certain new developments or the enlargement or extension of certain existing developments. Schedule 3 identifies traffic generating development, including any development that generates more than 50 vehicles per hour on a site with access to classified road or to road that connects to classified road (if access is within 90m of the connection). Access to the caravan park is located on Bell Street approximately 80m from the intersection with the Castlereagh Highway.

Sub-clause (4) states that:

(4) Before determining a development application for development to which this section applies, the consent authority must—

(a) give written notice of the application to TfNSW within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

There is no traffic generation data for caravan parks in the RTA Guide to Traffic Generating Developments, however it is reasonable to apply the rate for motels, given the use of caravan parks for tourist accommodation is similar to that of a motel. The peak hourly rate for motels is 0.4 vehicles per unit. Applying this rate to the total number of sites in the proposed redevelopment (144) results in a peak hourly traffic generation of 58 vehicles.

While this exceeds the numerical trigger for referral to Transport for NSW, it is important to note that the total number of sites proposed in the redevelopment (145) is less than in the current approval to operate the caravan park (164). On this basis, the proposed redevelopment is not considered to be an enlargement or extension of the existing premises and is therefore not defined as traffic generating development. Referral of the development application to Transport for NSW is not required.

5.4 State Environmental Planning Policy (Housing) 2021

Part 9 of Chapter 3 of this State Environmental Planning Policy (Housing) 2021 relates to caravan parks and Section 131 of this part requires:

- development consent for caravan parks,
- consideration of the number of sites suitable or unsuitable for long-term use and the imposition of a condition specifying the maximum number of long-term sites (if any), and
- the holder of an approval to operate a caravan park to meet certain requirements relating to short-term and long-term occupation of sites.

The development application seeks development consent for alterations and additions to an existing caravan park. The ultimate aim is for all sites to be short-term, however this requires the gradual conversion of existing long-term sites to short-term sites as leases expire. This process may take up to 30 years. It is therefore suggested that the development consent identify that existing long-term sites will remain until those cabins come up for sale due to residents relocating or passing away. The development consent could also state that upon the purchase of the existing long-term sites, that consent is granted to the use of the site for short-term occupation.

Sub-clause 4A states that *“nothing in this Part or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out”*.

Development consent is therefore not being sought for the installation of movable dwellings on the proposed new or reconfigured lots. Section 132 provides for the subdivision of caravan parks for lease purposes with the consent of Council. This allows for long-term sites to be leased, subject to the requirements of the regulations. The existing caravan park contains sites that are leased and these leases will continue. However, no new lease arrangements are proposed to be entered into. This section is therefore not relevant to the development application.

Section 133 outlined a number of matters to be considered by Council when assessing a development application for a caravan park, including:

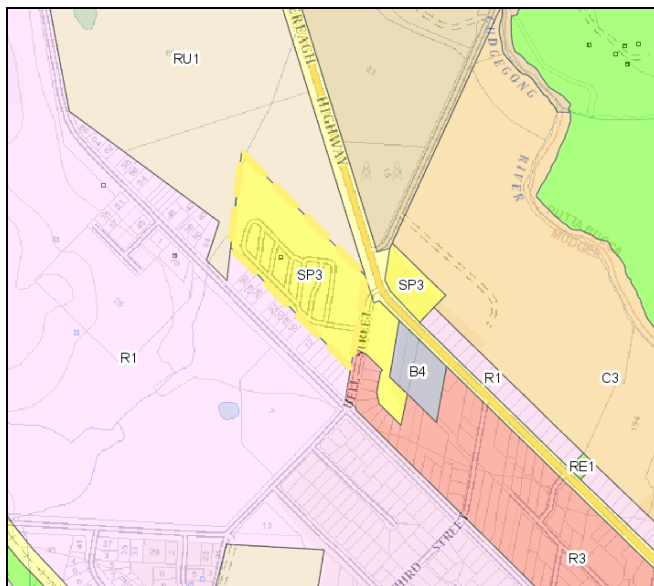
- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*
- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*
- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*
- (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*
- (e) any relevant guidelines issued by the Director, and*
- (f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

The subject land is an existing approved caravan park (and is zoned appropriately for this use) that contain a mix of short-term tourist sites and long-term sites for permanent residents. It is the intention to phase out the long-term sites when leases expire to facilitate additional tourist accommodation. There are other caravan parks in the Mudgee area that provide for long-term occupation for any residents who may be displaced at the end of their lease. The existing caravan park contains a number of community facilities and additional facilities are proposed as part of this development application to meet the needs of existing and future occupants. The current Local Government Regulations are addressed in Appendix 2 of this report.

5.5 Mid-Western Regional Local Environmental Plan 2012

5.5.1 Zoning and zone objectives

The development is proposed on land zoned SP3 Tourist, as shown on the map below.



The objective of the SP3 zone is:

- To provide for a variety of tourist-oriented development and related uses.

The development is consistent with the objective of the SP3 zone as it ensures that the land continues to be used for tourist accommodation purposes.

5.5.2 Land Use Permissibility

The proposed development is defined as a caravan park. The definition of caravan park is as follows:

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

Caravan parks are permitted with consent in the SP3 zone.

5.5.3 Lot Size

There is no minimum lot size in MWRLEP 2012 for the subject land.

5.5.4 Building height

There is no maximum building height in MWRLEP 2012 for the subject land.

5.5.5 Heritage

The site does not contain a heritage item, is not in a heritage conservation area and is not in the vicinity of a heritage item.

In relation to Aboriginal Heritage, a basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land. Given the extensive history of site disturbance, it is considered unlikely that the proposed redevelopment will uncover any Aboriginal archaeology. Therefore, no further Aboriginal cultural heritage assessment is warranted for the proposed development. It is considered that the proposed development will have no detrimental impact on Aboriginal cultural heritage.

5.5.6 Flood planning

Clause 5.21 (2) of the MWRLEP 2012 states that “development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

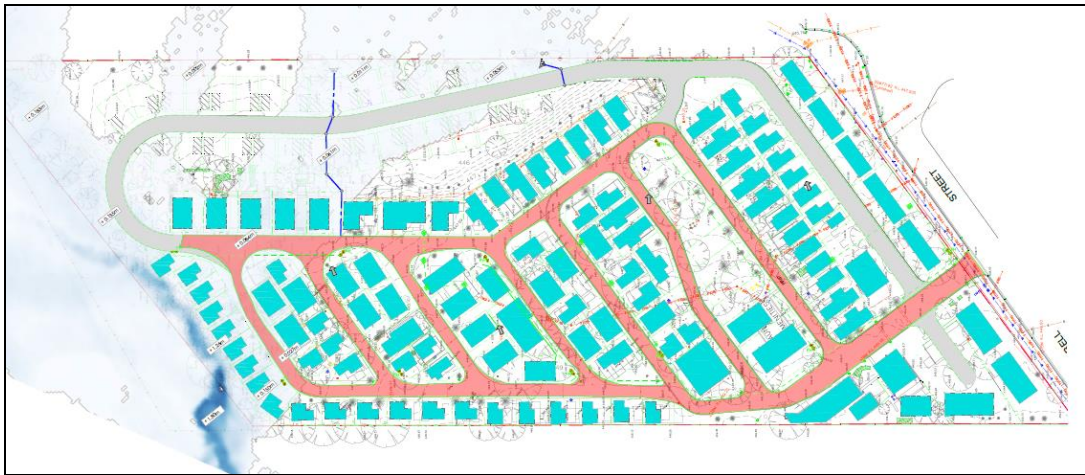
- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.”

The Mudgee Flood Study completed in February 2021 identifies the land within the flood planning area, as shown on the following map.



As indicated by the light blue colouring, the depth of flood waters in a 1% AEP flood event are less than 0.2m (less than 20cm).

A detailed analysis of the flood impact on the property was undertaken for the development application. This analysis shows only the northern and western portions of the site affected by flooding, as shown below.



Clause 5.21 (3) of the MWRLEP 2012 states that “in deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.”*

The proposed redevelopment does not change ground levels to an extent that would have any affect on flood behaviour. Further, new cabins will be constructed on piers (similar to existing cabins) allowing any overland flow of water to be unobstructed. In relation to the potential impacts of climate change, the Mudgee Flood Study also modelled the probable maximum flood, which shows more serious potential flood impacts only on the lower parts of the site where the proposed camping sites are located.

Given the detailed flood mapping prepared for the site, it is considered that there is adequate capacity to safely evacuate occupants when flood waters are predicted to enter the site. A safe evacuation route exists away from the hazard heading south along Bell Street. All of the existing and proposed cabins are relocatable should it be required.

The proposed development is considered satisfactory having regard to clause 5.21 (2) and (3) of the MWRLEP 2012.

5.5.7 Earthworks

Clause 6.3 of MWLEP 2012 requires separate development consent for earthworks unless the earthworks are ancillary to other development for which development consent has been given.

The development will require minor earthworks for road construction, extension and upgrading of services. The scale and impact of the earthworks have been considered as part of this development application and therefore separate development consent will not be required.

The following considerations in clause 6.3 (3) are relevant:

Before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*
- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material and the destination of any excavated material,*
- (f) *the likelihood of disturbing relics,*
- (g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,*
- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

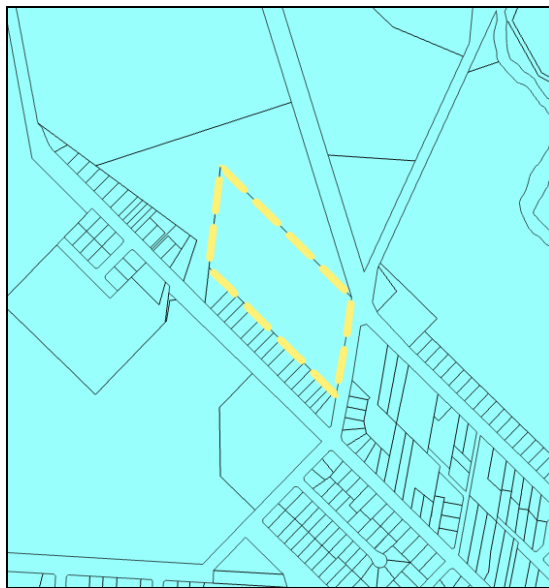
The extent of earthworks is minor and will not disrupt any existing drainage lines or soil stability. The earthworks are necessary to facilitate the proposed redevelopment. The earthworks will have no detrimental impacts on adjoining properties or the environment.

There is some potential for disturbing sub-surface relics however the likelihood is considered low. The proposed development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during construction.

Based on the above, it is considered that the development satisfactorily addresses the considerations in clause 6.3 of MWLEP 2012.

5.5.8 Groundwater vulnerability

The whole of the land is mapped as groundwater vulnerable on the Groundwater Vulnerability Map in MWLEP 2012, as shown on the map below.



Clause 6.4 requires the consent authority to consider:

- (a) *the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- (b) *any adverse impacts the development may have on groundwater dependent ecosystems,*
- (c) *the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),*
- (d) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed development is unlikely to have detrimental impacts on groundwater. The extent of earthworks is minor and the use is unlikely to cause groundwater contamination. Trade waste from the proposed car wash will be appropriately collected and disposed into the sewer system subject to a trade waste approval. The site is connected to the reticulated sewer and water systems and stormwater from the development will be appropriately managed.

Given the above, the development can be granted consent as it is designed, sited and will be managed to avoid any adverse environmental impact.

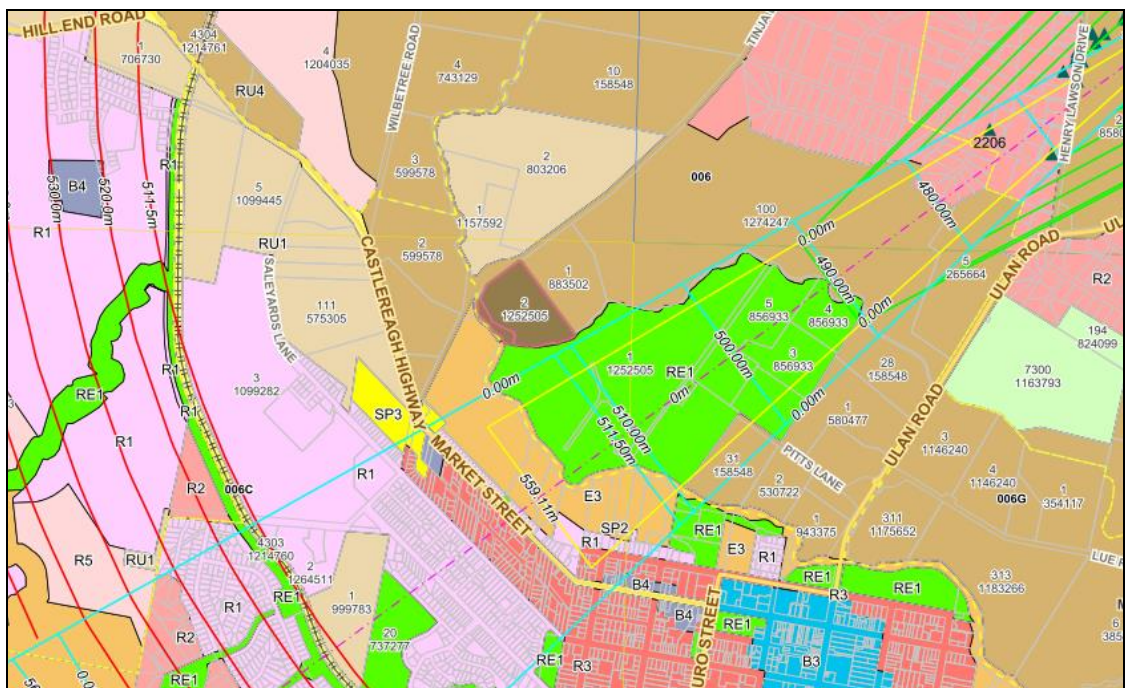
5.5.9 Terrestrial Biodiversity

The subject land does not contain any areas mapped as having terrestrial biodiversity.

5.5.10 Airspace Operation – Mudgee Airport

Clause 6.8 of MWRLEP 2012 states that “if a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.”

As shown in the following map, the obstacle surface limitation height for the subject land is 511.5m AHD.



The subject land in the vicinity of the proposed development has ground levels between 449.25 AHD and 445m. Single-storey cabins on the land will therefore not exceed the obstacle surface limit.

5.5.11 Essential Services

Clause 6.9 of MWRLEP 2012 states that “development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,

- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access."*

The site is connected to reticulated water, sewer, power and telecommunications services. All new cabins will be appropriately connected. Stormwater from the proposed development will be managed appropriately.

5.6 Mid-Western Regional Development Control Plan 2013

5.6.1 Section 5.1 Car Parking

The proposed development is not specifically identified in the car parking requirement table in Section 5.1 of the DCP.

The DCP does contain parking rates for tourist and visitor accommodation. While a caravan park is not defined in the MWRLEP 2012 as tourist and visitor accommodation, the following parking rates can be used as a guide:

- 1 space per unit, plus 2 spaces per 3 employees plus if restaurant included:*
- 1 space per 7 m2 gfa or 1 space per 3 seats whichever is the greater (Restaurant).*
- 1 space per 4m2 for licensed floor including outdoor seating or dining*

The *RTA Guide to Traffic Generating Development* also does not include specific parking rates for caravan parks.

The proposed development provides one parking space per site and therefore complies with the DCP requirement, as no restaurant is proposed or exists on site. An additional eight visitor parking spaces (including two car and caravan sites) are also proposed to be provided.

5.6.2 Section 5.2 Flooding

The site is partly affected by flooding from the Cudgegong River. A detailed analysis of the flood impact on the property was undertaken for the development application. This analysis shows only the northern and western portions of the site affected by flooding.

The proposed redevelopment does not change ground levels to an extent that would have any affect on flood behaviour. Further, new cabins will be constructed on piers (similar to existing cabins) allowing any overland flow of water to be unobstructed.

Given the detailed flood mapping prepared for the site, it is considered that there is adequate capacity to safely evacuate occupants when flood waters are predicted to enter the site. A safe evacuation route exists away from the hazard heading south along Bell Street. All of the existing and proposed cabins are relocatable should it be required.

The proposed development is considered satisfactory having regard to Section 5.2 of the DCP.

5.6.3 Section 5.3 Stormwater Management

The development increases the amount of roof space and hard stand car parking areas on the site. As a result, the level of stormwater generated from the development will be greater than from existing development on site. The proposal involves the extension of the existing piped stormwater system to discharge near the north-eastern boundary of the site. As the adjoining site to the north and east is rural and within the floodplain, the proposed discharge of stormwater towards the adjoining land is considered an appropriate management of stormwater generated from the site.

5.6.4 Section 5.4 Environmental Controls

Protection of Aboriginal Archaeological Items

A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land. Given the extensive history of site disturbance, it is considered unlikely that the proposed redevelopment will uncover any Aboriginal archaeology. Therefore, no further Aboriginal cultural heritage assessment is warranted for the proposed development. It is considered that the proposed development will have no detrimental impact on Aboriginal cultural heritage.

Bushfire Management

The subject land is not mapped as bushfire prone land. There are no significant stands of vegetation in the vicinity of the site that create a bush fire risk.

Riparian and Drainage Line Environments

The western boundary of the caravan park site contains a watercourse. The proposed development will involve the construction of a new road in close proximity to the watercourse.

The development is not “integrated development” or “nominated integrated development” despite works being proposed within 40m of a watercourse as clause 41 of the *Water Management Regulation 2018* provides an exemption to public authorities from the need to obtain a Controlled Activity Approval.

Appropriate erosion and sediment control measures will be in place prior to and during construction to ensure there are no detrimental impacts on the watercourse.

Pollution and Waste Management

The development will generate waste as a result of the following:

- Construction of the development
- Operation of the facility.

Construction waste will be minimised and managed on site and disposed of by way of Council’s waste management facilities. Erosion and sediment control measures will be implemented during construction to avoid potential pollution of watercourses.

The development will be connected to reticulated sewer to ensure waste from the operation of the development is appropriately treated off site. Trade waste from the car wash facility will be the subject of a Section 68 approval.

Waste bins will be provided throughout the facility to encourage recycling and minimise general waste. Council will manage the collection of waste as the operator of the facility.

Threatened Species and Vegetation Management

The subject land is mostly cleared of vegetation. All existing vegetation is likely to have been planted as part of the development of the caravan park over the years.

The upgrading of the caravan park will involve the removal of some vegetation, however development consent is not required for this clearing. The land is not included on the Biodiversity Values Map or Terrestrial Biodiversity Map. Council has also advised that it is satisfied the vegetation to be cleared meets the requirements of clause 2.7 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 to be clearing that does not require a permit or approval.

The proposed development will have no significant impact on threatened species or vegetation.

Building in Saline Environments

The subject land is not considered to have high levels of salinity. The extent of earthworks is minimal and new cabins will be installed on piers. The proposed development is unlikely to be affected by saline soils.

6 CONCLUSION

This Statement of Environmental Effects (SEE) supports a development application for expansion of and changes to the Mudgee Valley Tourist Park at 8 Bell Street, Mudgee (Lot 22 DP585777).

The subject land is zoned SP3 Tourist and contains an existing caravan park, approved to operate with 80 long-term sites, 44 short-term sites and 40 camping sites (total 164 sites). The caravan park currently operates at a much lower capacity than the approval to operate, with 57 long-term sites, 30 short-term sites and no camping sites currently on site.

This development application seeks to rectify existing anomalies with the caravan park layout and to expand the caravan park on the subject land with additional cabins and a new camping area. However, the overall number of sites is proposed to be reduced to 144.

The development is not “State significant development”, “regionally significant development”, or “designated development”. The development is not “integrated development” or “nominated integrated development”.

This development application jointly seeks approval for the disposal of liquid trade waste under S68 of the *Local Government Act 1993* (LG Act) for disposal of car wash water.

The development is sited, designed and will be managed to avoid adverse environmental impacts. No endangered ecological communities will be affected and the adjoining riparian corridors will be protected. There are no significant contamination issues with the site.

The development will not increase traffic movements to and within the site above what was originally approved for the site, as the total number of sites now proposed is less than originally approved.

The proposal will have significant social and economic benefits to the community. The development is permissible with consent and is consistent with all relevant legislation and policy. There is no impediment to the granting of development consent subject to conditions.

APPENDIX 1 Existing Approved and Constructed Site Plan



APPENDIX 2 Local Government Regulation Assessment

Provision	Compliance
Part 3 Caravan Parks, camping grounds and moveable dwellings	
Division 1 Application of Part	
<p>70 Application of Part This Part applies to—</p> <ul style="list-style-type: none"> (a) the operation of caravan parks and camping grounds, and (b) the installation of moveable dwellings, including manufactured homes, in caravan parks, camping grounds and a place other than a manufactured home estate. 	The proposal relates to the operation of a caravan park. This Part therefore applies.
Division 2 Approvals and exemptions	
Subdivision 1 Operation of caravan parks and camping grounds	
<p>71 Factors for consideration before approval is granted</p> <ul style="list-style-type: none"> (1) The council must not grant an approval unless satisfied it will be designed, constructed, maintained and operated— <ul style="list-style-type: none"> (a) in accordance with Division 3, Subdivisions 1–8, or (b) for a primitive camping ground—in accordance with Division 3, Subdivision 9. (2) In deciding whether or not the approval allows the installation of a relocatable home, rigid annexe or associated structure on flood liable land, the council must consider the principles contained in the Floodplain Development Manual. 	<p>Division 3, Subdivisions 1 to 8 apply and are addressed below.</p> <p>Not applicable.</p> <p>The caravan park is located on flood liable land. This SEE addresses the issue of flooding.</p>
<p>72 Matters to be specified in approval</p> <ul style="list-style-type: none"> (1) An approval must specify the following— <ul style="list-style-type: none"> (a) whether the approval allows— <ul style="list-style-type: none"> (i) the operation of a caravan park only, or (ii) the operation of a camping ground only, or (iii) the operation of both a caravan park and a camping ground, 	Approval will be sought for the operation of a caravan park and camping ground.
<ul style="list-style-type: none"> (b) for an approval allowing the operation of a caravan park— <ul style="list-style-type: none"> (i) the number, size and location of long-term sites allowed by the approval, and (ii) the number, size and location of short-term sites allowed by the approval, and (iii) the number, size and location of dwelling sites, whether long-term or short-term, to be reserved for self-contained moveable dwellings, and (iv) the location of off-site parking spaces, if any, for dwelling sites, 	<p>The existing caravan park approval is proposed to be modified to provide for 144 short term sites, consisting of 9 caravan sites and 103 dwelling sites.</p> <p>Existing long-term sites will be retained until those cabins come up for sale due to residents relocating or passing away.</p> <p>In addition, 32 camp sites are proposed.</p> <p>The location of off-site parking spaces are shown on the site plan.</p>
<ul style="list-style-type: none"> (c) for an approval allowing the operation of a camping ground— 	The camping ground is not proposed to be a primitive camping ground.

(i) whether the camping ground is a primitive camping ground, and	
(ii) for an approval for the operation of a primitive camping ground that designates camp sites—the number, size and location of the camp sites allowed by the approval, and	Not applicable.
(iii) for an approval for the operation of a primitive camping ground that does not designate camp sites—the maximum number of caravans, campervans and tents permitted to use the camping ground at the same time, and	Not applicable.
(iv) the location of off-site parking spaces, if any, for camp sites,	No off-site parking spaces are proposed for the camp sites. A parking space will be provided on each site.
(d) the location of flood liable land, if any, in the caravan park or camping ground.	The SEE identifies the extent of flood prone land on the site.
(2) The numbers, sizes and locations must be specified by reference to a community map.	Noted.
(3) In calculating the number of tents permitted to use a camping ground, 2 or more tents occupied by a group of no more than 12 persons camping together must be counted as 1 tent.	Noted.
73 Conditions of approval to operate caravan park or camping ground (1) An approval is subject to the following conditions— (a) the caravan park or camping ground must be designed, constructed, maintained and operated— (i) in accordance with Division 3, Subdivisions 1–8, or (ii) for a primitive camping ground—in accordance with Division 3, Subdivision 9, (b) a visitor must not be permitted to stay in a moveable dwelling occupying a short-term site or camp site for more than 150 days in a 12 month period, unless— (i) the moveable dwelling is a holiday van, and (ii) the visitor is the owner of the holiday van, (c) a visitor who is the owner of a holiday van occupying a short-term site or camp site must not be permitted to stay in the holiday van for more than 180 days in a 12 month period, (d) a visitor must not be permitted to stay in a moveable dwelling in a primitive camping ground for more than 50 days in a 12 month period. (2) In calculating the number of days a visitor stays in a moveable dwelling, only overnight stays must be counted. (3) This section does not apply to the operation of a caravan park or camping ground if the caravan park or camping ground is being operated—	Noted.

<p>(a) solely in connection with the use of the land for a sporting, recreational or cultural event, and (b) for a period of no more than 6 weeks. (4) The manager of a caravan park or camping ground may authorise a person to stay in the caravan park or camping ground for a period not exceeding 2 years if the manager is reasonably satisfied that the person has been displaced as a result of— (a) a natural disaster, or (b) a pandemic.</p>	
<p>73A Operation of caravan parks or camping grounds for which approval not required (1) For the Act, section 68, the approval of the council is not required— (a) to install a moveable dwelling or associated structure on land used for the purposes of a caravan park or camping ground that is permitted without development consent under State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 10, or (b) to operate the caravan park or camping ground. (2) To avoid doubt, Division 3 does not apply to development that is permitted without development consent under State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 10.</p>	<p>Not applicable to the proposed development.</p>
<p>74 Installations for which approval not required (1) The approval of the council is not required for the installation of the following— (a) a relocatable home or associated structure on a dwelling site within a caravan park if it is designed, constructed and installed in accordance with Division 4, (b) a caravan, tent or annexe on a dwelling site within a caravan park if it is designed, constructed and installed in accordance with the Division 5, (c) a tent on a camp site within a camping ground, (d) a campervan— (i) on a dwelling site within a caravan park, or (ii) on a camp site within a camping ground, (e) a moveable dwelling or associated structure on a dwelling site within a caravan park or a camp site within a camping ground if— (i) the manager of the caravan park or camping ground is reasonably satisfied the installation is necessary to accommodate a displaced person, and (ii) the moveable dwelling or associated structure is designed, constructed and installed in accordance with Division 4 or 5. (2) The installation of the relocatable home, annexe, associated structure, caravan, campervan</p>	<p>Noted. The approval of Council will be required for the installation of relocatable homes on any sites that are flood liable.</p>

<p>or tent must be carried out by, or with the consent of, the holder of the approval to operate the caravan park or camping ground.</p> <p>(3) This section does not apply to the installation of a relocatable home, rigid annexe or associated structure—</p> <p>(a) on flood liable land if the council has given written notice to the holder of the approval that the land is flood liable land, or</p> <p>(b) with more than 1 storey.</p>	
<p>75 Installation on flood liable land</p> <p>(1) In deciding whether to approve the installation of a relocatable home, rigid annexe or associated structure on flood liable land in a caravan park or camping ground, the council must consider the principles set out in the Floodplain Development Manual.</p> <p>(2) It is a condition of an approval to install a relocatable home or associated structure on flood liable land that the relocatable home and associated structure is designed, constructed and installed in accordance with Division 4.</p> <p>(3) It is a condition of an approval to install a rigid annexe on flood liable land that the rigid annexe is designed, constructed and installed in accordance with Division 5.</p>	Noted.
<p>76 Installation of relocatable home, rigid annexe or associated structure of more than 1 storey</p> <p>In deciding whether to approve the installation in a caravan park or camping ground of a relocatable home, rigid annexe or associated structure with more than 1 storey, the council must consider the likely impact on the amenity of the occupiers of—</p> <p>(a) an adjoining relocatable home, if any, and</p> <p>(b) land adjoining the caravan park or camping ground.</p>	Noted. No structure more than 1 storey is proposed.
Subdivision 3 Installation of moveable dwellings on land other than land in caravan parks or camping grounds	
77 to 82	Not applicable
Division 3 Caravan Parks and Camping Grounds	
Subdivision 1 Land and Site Requirements	
<p>83 Minimum size of caravan park or camping ground</p> <p>(1) A caravan park must not have an area of less than one hectare or, if a lesser area is prescribed by a relevant environmental planning instrument, that lesser area.</p>	Site is larger than one hectare, therefore the proposal complies.
<p>84 Community amenities</p> <p>(1) Of the total land area of a caravan park or camping ground—</p> <p>(a) at least 10 per cent, or</p> <p>(b) such lesser proportion (but not less than 6 per</p>	<p>The following communal spaces are provided at the caravan park:</p> <ul style="list-style-type: none"> • Office, Residence, Shop and Sheds – 1030m² • Camp kitchen – 413m²

<p>cent) as the approval for the caravan park or camping ground may allow, must be reserved for recreation or other communal activities.</p>	<ul style="list-style-type: none"> • Amenities sites (x2) – 650m² • New playground – 165.6m² • Pool area – 135m² • Car Washing Area – 72m² • Open Space area – 1650m². <p>Total – 4115.6m²</p> <p>The lot area of 39785m². Ten present of the lot area is 3,978.5m². The proposal exceeds the 10% requirement.</p>
<p>85 Size of dwelling sites and camp sites (2) A short-term site must have an area of at least 65 square metres.</p>	<p>All dwelling and camp sites are larger than 65m², therefore the proposal complies.</p>
<p>86 Site identification (1) A dwelling site or camp site must be numbered or identified and its site boundaries clearly delineated. (2) The site identification must be conspicuous.</p>	<p>Can be complied with.</p>
<p>Subdivision 2 Setbacks</p>	
<p>87 Dwelling sites to have road frontage A dwelling site must have vehicular access to an access road.</p>	<p>Each site will have vehicular access. Proposal complies.</p>
<p>88 Setbacks of community buildings (1) A community building must not be located closer than 10 metres to the boundary of a caravan park or camping ground, or to the boundary of a dwelling site or camp site, unless the approval for the caravan park or camping ground so allows. (2) The approval for a caravan park or camping ground must not allow a lesser distance than 10 metres unless the council is satisfied that the community building has been or will be properly screened, fenced, enclosed or otherwise treated. (3) A community building must not in any case be located closer than 3 metres to the boundary of a caravan park or camping ground or 5 metres to the boundary of a dwelling site or camp site.</p>	<p>The location of the proposed new shop is 3m from the southern site boundary. This boundary already has a solid 6 foot timber fence and landscaping will be provided between the shop and the boundary to provide additional screening. The camp kitchen and the new amenities will be located 5m from adjoining dwelling sites. The existing amenities building is located closer than 5m to the nearest existing dwelling that is to be retained. This is the only non-compliance, which is considered acceptable given it is a legacy of previous development that does not require upgrading at this time. Overall, the proposal is considered satisfactory in relation to the location of community buildings in relation to site boundaries.</p>
<p>Provision</p>	<p>Compliance</p>
<p>89 Setbacks of dwelling sites and camp sites from road frontages (1) A dwelling site or camp site must not be located closer than— (a) 10 metres to a public road, or (b) 3 metres to another boundary of the caravan park or camping ground. (2) The council may allow a lesser distance if</p>	<p>The new sites will facilitate cabins that are more than 10m to the road edge of Bell Street, however the setback to the property boundary along Bell Street ranges from approximately 5.25m to 7.65m. Along the full length of Bell Street, both within the subject property and on the street verge, there is</p>

<p>satisfied the dwelling site or camp site has been or will be properly screened, fenced, enclosed or otherwise treated.</p>	<p>adequate room for landscaping to screen future relocatable homes on the dwelling sites from the street.</p> <p>Most new dwellings and all camp sites will be located at least 3m from adjoining property boundaries. Some existing dwellings along the southern boundary are 2.5m off the boundary and these will be retained. Other dwellings along the southern boundary are currently closer to the boundary and these will be demolished and replaced with new cabins with a 2.5m setback, consistent with the dwellings to be retained. The entire length of this boundary already contains a solid timber 6 foot fence, providing adequate screening. The proposed cabins contain only high level windows facing this boundary.</p> <p>While there are some non-compliances in relation to this control, Council has the discretion to approve the development. It is considered that overall, the proposal has adequate setbacks to Bell Street and to side boundaries.</p>
<p>90 Use of buffer zones Nothing in this Regulation prevents land within a buffer zone arising from the setbacks required by this Division from being used— (a) for community amenities, access roads, car parking spaces, footpaths or landscaping, or (b) for any similar purpose allowed by the approval for the caravan park or camping ground.</p>	<p>Noted</p>
<p>91 Separation distances (1) A moveable dwelling must not be installed closer to any other moveable dwelling than— (b) 2.5 metres, if it is situated on a short-term site or camp site. (2) This section does not prohibit the installation of semi-detached relocatable homes on adjoining dwelling sites if they are separated by construction complying with the fire safety and sound insulation provisions in the Building Code of Australia, Volume Two, section 3.7.1 and 3.8.6 for class 1 buildings.</p>	<p>2.5m provided throughout.</p> <p>Not applicable.</p>
<p>Subdivision 3 Roads</p>	
<p>92 Entrance and exit roads (1) A road that forms an entrance to or exit from a caravan park or camping ground must be at least 7 metres wide.</p>	<p>The existing entrance road is 8m wide. Proposal complies.</p>

<p>(2) In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.</p> <p>(3) The arrangement for the width of an entrance or exit road to taper into or meet the width of the sealed portion of the access roads leading to the entrance or exit must be as specified in the approval for the caravan park or camping ground.</p>	
<p>93 Forecourt</p> <p>A caravan park must have a forecourt, measuring at least 4 metres by 20 metres, to accommodate incoming vehicles.</p>	<p>The proposed redevelopment includes six new car parking spaces adjacent to the site office near the front entrance to the site. This parking area is considered a suitable forecourt and measures 6.1m wide by 20m long. In addition, two car and caravan spaces will be line-marked on the entrance road adjacent to the site office. The proposal is considered to be compliant with this requirement.</p>
<p>94 Width of roads</p> <p>(1) The width of an access road must be—</p> <p>(a) at least 6 metres for a two-way access road, and</p> <p>(b) at least 4 metres for a one-way access road.</p> <p>(2) The direction of travel for a one-way access road must be indicated by means of conspicuous signs.</p>	<p>Complies. All new roads are two-way and are 6.0m wide.</p>
<p>95 Speed limits</p> <p>The speed limit applicable to an access road—</p> <p>(a) must not exceed 15 kilometres per hour, and</p> <p>(b) must be indicated by means of conspicuous signs.</p>	<p>Can be complied with.</p>
<p>96 Resident parking</p> <p>(1) A caravan park or camping ground must contain at least one resident parking space for each dwelling site or camp site.</p> <p>(2) The parking space for a dwelling site or camp site may be on-site (that is, forming part of the site) or off-site (that is, not forming part of the site).</p> <p>(3) An off-site space must be marked (for example, by means of line marking, marker pegs or similar means) to identify the particular dwelling site or camp site to which it relates.</p> <p>(4) An off-site parking space for a dwelling site or camp site must be situated in the location specified in the approval for the caravan park or camping ground.</p> <p>(5) Each off-site parking space is to have, at minimum, dimensions of—</p> <p>(a) 5.4 metres by 2.5 metres, in the case of angle parking, and</p> <p>(b) 6.1 metres by 2.5 metres, in any other case.</p>	<p>Complies. Car parking is provided for all sites. Most sites have on-site car parking. Where parking spaces are not wholly on the site, they are immediately adjacent to the site.</p>
<p>97 Visitor parking</p>	<p>In the long-term, all sites will be short -</p>

<p>(1) A caravan park or camping ground must contain no fewer visitor parking spaces than the following—</p> <p>(b) one visitor parking space for each 20 (and any remaining fraction of 20) short-term sites in the caravan park or camping ground,</p> <p>(2) The minimum number of visitor parking spaces to be provided is 4.</p> <p>(3) Each parking space is to have, at minimum, dimensions of—</p> <p>(a) 5.4 metres by 2.5 metres, in the case of angle parking, and</p> <p>(b) 6.1 metres by 2.5 metres, in any other case.</p> <p>(4) Visitor parking spaces must be clearly identified as such.</p>	<p>term sites. With a total of 144 sites, 8 visitor parking spaces are required. The proposal provides 8 visitor parking spaces (including 2 car and caravan parking spaces) and therefore complies.</p>
<p>98 Visitor parking for people with disabilities</p> <p>(1) A caravan park or camping ground must contain at least one visitor parking space for people with disabilities.</p> <p>(3) Such parking is to be provided in accordance with AS/NZS 2890.1:2004 Parking facilities—Off street parking.</p> <p>(4) Visitor parking spaces for people with disabilities must be clearly identified as such.</p> <p>(5) Visitor parking spaces provided under this clause may be counted for the purposes of clause 97.</p>	<p>One disabled parking spaces will be provided in the visitor car park. Proposal complies.</p>
<p>99 Road surfaces</p> <p>All access roads, including all passing and parking bays, must have an all-weather sealed or other surface finish specified in the approval for the caravan park or camping ground, and must be adapted to the topography to allow for adequate drainage and to eliminate excessive grades.</p>	<p>Can be complied with.</p>
<p>100 Lighting</p> <p>All access roads must be adequately lit between sunset and sunrise.</p>	<p>Can be complied with.</p>
<p>Subdivision 4 Utility Services</p>	
<p>101 Water supply</p> <p>(1) A caravan park or camping ground—</p> <p>(b) must be provided with an alternative water supply service as specified in the approval for the caravan park or camping ground.</p> <p>(2) A dwelling site must be connected to the water supply service for the caravan park or camping ground.</p> <p>(4) The water supply connections must include a standpipe and hose tap.</p> <p>(5) The water supply service must comply with—</p> <p>(a) the Plumbing and Drainage Act 2011 and any regulations under that Act, and</p> <p>(b) the requirements of any relevant statutory</p>	<p>The site is connected to town water. A tap will be provided at each site.</p>

<p>body.</p> <p>(6) The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines published in 2004 by the National Health and Medical Research Council.</p>	
<p>102 Sewerage</p> <p>(1) A caravan park or camping ground—</p> <p>(b) must be provided with an alternative sewage disposal system as specified in the approval for the caravan park or camping ground.</p> <p>(4) A short-term site must be provided with a disposal point, as specified in the approval, for the disposal of sullage (that is, domestic waste from baths, basins, showers, laundries and kitchens, including floor wastes from those sources) from any moveable dwelling installed on the site. More than one short-term site may be provided with the same disposal point.</p> <p>(5) The sewage disposal system must comply with—</p> <p>(a) the Plumbing and Drainage Act 2011 and any regulations under that Act, and</p> <p>(b) the requirements of any relevant statutory body.</p>	<p>The site is connected to town sewer.</p> <p>All sites will be connected to the sewer system.</p>
<p>103 Drainage</p> <p>(1) A caravan park or camping ground must be provided with a stormwater drainage system.</p> <p>(2) All dwelling sites and camp sites must be adequately drained.</p>	<p>A piped stormwater drainage system will be provided with each site connected.</p>
<p>104 Electricity supply</p> <p>(1) A dwelling site must be supplied with electricity from a reticulated electricity service.</p> <p>(2) In the case of a long-term site, the electricity must be supplied by means of an electrical circuit connected to a separate electricity meter.</p> <p>(3) Any such electrical circuit must be installed in accordance with the requirements of—</p> <p>(a) the Electricity Code of Practice, in the case of a long-term site, and</p> <p>(b) AS/NZS 3001:2001, Electrical installations—Relocatable premises (including caravans and tents) and their site installations, as in force on 1 September 2005, in the case of a short-term site.</p> <p>(4) If a dwelling site is provided with electricity otherwise than by way of direct connection to the local electricity supply authority's electricity main, the maximum amount that may be charged for the supply of electricity during a particular period is the amount that the standard retail electricity supplier for the relevant district would have charged under a standard form customer supply contract for that supply during that period.</p>	<p>All sites will be connected to existing reticulated electricity supply.</p>

<p>105 Common trenches A common trench may be used for the installation of services in accordance with guidelines set out in AMCORD.</p>	<p>Noted</p>
<p>Subdivision 5 Shower and toilet facilities</p>	
<p>106 Modification of calculations under this Subdivision In calculating the facilities to be provided in accordance with this Subdivision— (a) 2 camp sites are taken to be equivalent to 1 dwelling site, and (b) dwelling sites reserved for use by self-contained moveable dwellings, and dwelling sites provided with ensuite facilities, are to be disregarded.</p>	<p>Note: Subclause (b) means that clauses 107 to 111 are not applicable where cabins are self-contained with shower and toilet facilities. Clauses 107 to 111 therefore only apply to the camp and caravan sites. With 32 camping sites, the requirements apply to 16 sites, plus 9 caravan sites (total 25).</p>
<p>107 Number of showers and toilets to be provided (1) A caravan park or camping ground with less than 200 dwelling sites must be provided with the facilities specified in the Table to this section. (2) A caravan park or camping ground with at least 200 dwelling sites must be provided with the facilities specified in the approval. (3) In considering the facilities to specify in the approval, the council must consider the quantities specified in the Table to this section. (4) In this section, a requirement for— (a) a shower may be fulfilled by providing a bathtub, and (b) a urinal may be fulfilled by providing— (i) a urinal intended to be used by 1 person, or (ii) a 600 millimetre length of a urinal facility.</p>	<p>For 25 sites, the Table to this clause requires: 3 female water closets 2 male water closets 1 urinal 2 female showers 2 male showers 2 female handbasins 2 male handbasins The existing and proposed amenities on site will exceed these requirements. Not applicable. Noted. Noted.</p>
<p>108 Facilities for people with disabilities (1) A caravan park or camping ground with at least 1, but less than 100 dwelling sites must have— (a) at least 1 disabled bathroom for each sex, or (b) at least 1 unisex disabled bathroom. (2) A caravan park or camping ground with at least 100 dwelling sites must have— (a) 2 disabled bathrooms for each sex, or (b) 2 unisex disabled bathrooms, or (c) 1 disabled bathroom for each sex and 1 unisex disabled bathroom. (3) A disabled bathroom may be counted towards the required facilities for the caravan park or camping ground.</p>	<p>One unisex disabled bathroom is currently provided. A second one is likely to be included in the new amenities building. Not applicable. Noted.</p>

<p>109 Other facilities</p> <p>(1) All showers and handbasins required by this Subdivision must be supplied with hot and cold running water.</p> <p>(2) A mirror must be provided—</p> <p>(a) for each handbasin, or</p> <p>(b) if 2 or more handbasins are provided together—for each pair of handbasins.</p> <p>(3) The following must be provided in a facility containing toilets for the use of females—</p> <p>(a) at least 1 sanitary napkin disposal unit, or</p> <p>(b) for a facility containing at least 10 toilets for the use of females—at least 1 additional sanitary napkin disposal unit for—</p> <p>(i) every 10 toilets, and</p> <p>(ii) a remaining part, if any, of 10 toilets.</p>	<p>The existing amenities buildings comply.</p>
<p>110 Construction of shower blocks and toilet blocks</p> <p>(1) Except as otherwise provided in an approval, the shower and toilet facilities in a caravan park or camping ground must be contained in a shower or toilet block—</p> <p>(a) constructed of brick or concrete masonry block, and</p> <p>(b) with a non-slip floor of tile or other impervious material adequately drained to outlets, and</p> <p>(c) with smooth, hard, durable and water-resistant interior finishes, and</p> <p>(d) containing shower recesses with tile or other impervious finishes to a height of at least 1.8 metres, and</p> <p>(e) with tile or other impervious skirtings around water closet cubicle walls, and</p> <p>(f) with tile or other impervious finish around handbasins, and</p> <p>(g) with adequate lighting, both inside and outside, and adequate ventilation at all times, and</p> <p>(h) with all walls, ceilings and floors, fixtures, fittings and appliances maintained in a clean and sanitary condition.</p> <p>(2) A building containing both male and female facilities must be divided for the private use of each sex.</p> <p>(3) Toilets must be provided in individual cubicles having a minimum floor area of 1.1 square metres and a minimum width of 0.8 metre.</p>	<p>The existing amenities building is constructed of steel frame and colorbond cladding. The proposed new amenities building is likely to be constructed of similar materials.</p> <p>Internal materials and lighting comply with the requirements.</p> <p>While the amenities buildings are not constructed of brick, Council has the discretion to approve alternative construction materials. The amenities buildings will safety all health and safety requirements.</p> <p>Proposal complies.</p> <p>Toilet cubicles are 1.44m² with a width of 900mm. Proposal complies.</p>
<p>111 Proximity of dwelling sites to shower blocks and toilet blocks</p> <p>(1) A long-term site must be located within 75 metres, measured in a straight line, of a shower or toilet block.</p> <p>(2) A short-term site or camp site must be located within 100 metres, measured in a straight line, from a shower or toilet block.</p>	<p>All dwelling sites are for self-contained moveable dwellings, therefore this clause is not applicable to dwelling sites.</p> <p>This clause applies only to caravan sites and camp sites. All caravan sites are within 100m of an amenities building.</p> <p>The majority of camp sites are located within 100m of an amenities building. Six</p>

<p>(3) This section does not apply to a dwelling site— (a) reserved for use by self-contained moveable dwellings, or (b) provided with ensuite facilities.</p>	<p>are located wholly or partly more than 100m from the existing amenities building. The non-compliance is minor in nature.</p>
<p>Subdivision 6 Laundry Facilities</p>	
<p>112 Modification of calculations under this Subdivision In calculating the facilities to be provided in accordance with this Subdivision, 2 camp sites are taken to be the equivalent of one short-term site.</p>	<p>Noted. These provisions apply to a total of 128 sites.</p>
<p>113 Washing machines (1) A caravan park or camping ground must be provided with— (a) at least one washing machine for each 25 (and any remaining fraction of 25 greater than 12) long-term sites, and (b) at least one washing machine for each 30 (and any remaining fraction of 30 greater than 15) short-term sites. (2) The minimum number of washing machines to be provided is 2.</p>	<p>In the long-term all sites will be short-term, therefore this provision is ultimately not applicable. However, while existing long-term sites remain, washing machines will be provided. There are currently 57 long terms sites, requiring 3 washing machines. Eight washing machines are currently provided on site. Four washing machines are required. Eight washing machines are provided on site. Proposal complies.</p>
<p>114 Laundry tubs (1) A caravan park or camping ground must be provided with— (a) at least one laundry tub for each 50 (and any remaining fraction of 50) long-term sites, and (b) at least one laundry tub for each 60 (and any remaining fraction of 60) short-term sites. (2) The minimum number of laundry tubs to be provided is one.</p>	<p>Three tubs are required for the long-term sites and three tubs are required for the short-term sites. Seven tubs are provided on site. Proposal complies.</p>
<p>115 Clothes dryers (1) A caravan park or camping ground must be provided with— (a) at least one mechanical clothes dryer for each 60 (and any remaining fraction of 60 greater than 30) long-term sites, and (b) at least one mechanical clothes dryer for each 80 (and any remaining fraction of 80 greater than 40) short-term sites. (2) The minimum number of mechanical clothes dryers to be provided is one.</p>	<p>Three dryers are required for the long-term sites and two dryers are required for the short-term sites. Six dryers are provided on site. Proposal complies.</p>
<p>116 Drying areas (1) A caravan park or camping ground must be provided with clothes line space at the rate of 2 metres of line for each dwelling site. (2) The minimum length of clothes line space to</p>	<p>258m of drying space is required. Two new communal clothes lines will be provided on site, providing 80m of drying space. In addition, all cabins will be provided with a folding clothes line, each providing 15m of line. Proposal complies.</p>

be provided is 50 metres.	
117 Water supply Washing machines and laundry tubs required by this Subdivision must be supplied with both hot and cold water.	Laundry facilities will be connected to hot and cold water supply.
118 Ironing facilities A caravan park or camping ground must be provided with ironing boards, electric irons and power points available for connection to electric irons at the rate of one for every 60 (or remaining fraction of 60) short-term sites.	Can be complied with.
119 Construction of laundry blocks Except as otherwise provided by the approval for the caravan park or camping ground, the laundry facilities provided for a caravan park or camping ground must be housed in a laundry block— (a) that is constructed of brick or concrete masonry block, and (b) that has a non-slip floor of tile or other impervious material adequately drained to outlets, and (c) that has smooth, hard, durable and water-resistant interior finishes, and (d) that has adequate lighting (both inside and outside) and adequate ventilation at all times, and (e) that has all its walls, ceilings and floors, fixtures, fittings and appliances maintained in a clean and sanitary condition at all times.	The existing laundry facilities (and the proposed new facilities) are in buildings constructed of steel frame and colorbond cladding. Internal materials and lighting comply with the requirements. While the amenities buildings are not constructed of brick, Council has the discretion to approve alternative construction materials. The amenities buildings will safety all health and safety requirements.
120 Maintenance The laundry facilities required by this Subdivision that are housed in a laundry block must be maintained in a serviceable and safe condition.	Can be complied with.
Subdivision 7 Management	
121 Maximum number of persons per dwelling site or camp site (1) No more than 12 persons may be allowed to stay overnight at a dwelling site or camp site at any one time.	Can be complied with.
122 Register of occupiers (1) A register of occupiers must be kept for a caravan park or camping ground. (4) The register must include the following particulars in relation to a person whose occupation of a site is registered under this clause— (a) the person's name and address, (b) the dates of arrival and departure of the person, (c) the site identification of the site occupied by the person, (d) the registration number (if any) of the moveable dwelling, in the case of a caravan or	Can be complied with.

<p>campervan, (e) particulars of the relevant compliance plate, in the case of a relocatable home. (5) The register must be available for inspection by any authorised person without cost during normal working hours.</p>	
<p>123 Information to be given to prospective occupiers (1) Before the holder of the approval for a caravan park or camping ground enters into an agreement with a person relating to the person's occupation of a dwelling site or camp site, the holder of the approval must ensure that the person is given written notice of the conditions of occupation.</p>	Can be complied with.
<p>124 Use of caravan parks and camping grounds (1) A caravan park or camping ground must not be used— (a) for any commercial purpose other than a caravan park or camping ground or an associated purpose, or (b) for the manufacture, construction or reconstruction of moveable dwellings. (2) This clause does not prevent the carrying out of work on a moveable dwelling that is installed in a caravan park or camping ground for the purpose of its renovation, maintenance or repair (such as painting, replacement of wall cladding or roof sheeting and the like).</p>	Complies.
<p>125 Community map The council must be given a copy of the current community map— (a) as soon as practicable after any amendment is made to the map, and (b) at such other times as the council may reasonably require.</p>	Can be complied with.
<p>126 Access to approval and community map (1) The holder of an approval to operate a caravan park or camping ground must ensure that copies of the following documents are readily available for inspection without cost in a location in the caravan park or camping ground specified in the approval for the caravan park or camping ground— (a) the approval for the caravan park or camping ground, (b) the current community map, (c) this Regulation. (2) A copy of the current community map must also be displayed in a prominent position in the caravan park or camping ground.</p>	Can be complied with.
Subdivision 8 General	
127 Garbage removal	Can be complied with.

<p>Arrangements specified in the approval for the caravan park or camping ground must be instituted and maintained for the removal of garbage and for the maintenance of garbage receptacles in a clean and sanitary condition.</p>	
<p>128 Fire hydrants (1) No part of a dwelling site, camp site or community building within a caravan park or camping ground may be situated more than 90 metres from a fire hydrant. (2) Any fire hydrant located within a caravan park or camping ground must— (a) be a double-headed pillar-type fire hydrant, and (b) be maintained to the standard specified in the approval for the caravan park or camping ground.</p>	<p>Proposal complies.</p>
<p>129 Fire hose reels (1) Fire hose reels must be installed so that each dwelling site or camp site in the caravan park or camping ground can be reached by a fire hose. (2) The fire hose reels must be constructed in accordance with AS/NZS 1221:1997, Fire hose reels and installed in accordance with AS 2441—1988, Installation of fire hose reels, as in force on 1 September 2005. (3) The holder of the approval for the caravan park or camping ground must cause the council to be given a certificate (a fire hose reel certificate) in relation to the fire hose reels once every calendar year. If a fire hose reel is newly installed, the certificate must be provided within 7 days of the completion of its installation. (4) A fire hose reel certificate is to state, in relation to each fire hose reel installed in the caravan park or camping ground— (a) that the fire hose reel has been inspected and tested by a person (chosen by the holder of the approval) who is properly qualified to carry out such an inspection and test, and (b) that, as at the date on which the fire hose reel was inspected and tested, the fire hose reel was found to have been capable of performing to a standard not less than that required by this Regulation.</p>	<p>Proposal complies.</p>
<p>130 Car washing bay A caravan park must be provided with an area for use for washing vehicles.</p>	<p>A car wash areas is proposed to be provided. Proposal complies.</p>
<p>131 Buildings (1) A building must not be erected in a caravan park or camping ground unless the approval for the caravan park or camping ground so allows. (2) The approval for a caravan park or camping</p>	<p>Noted.</p>

<p>ground is to allow community buildings to be erected only in the caravan park or camping ground.</p> <p>(3) The approval for a caravan park or camping ground is not to allow the erection of a community building (other than an ensuite facility) on a dwelling site or camp site.</p>	
<p>Subdivision 9 Primitive camping grounds Not relevant.</p>	

