



13367  
29 October 2013

Mr R S Van Katwyk  
Director Environmental Services  
Liverpool Plains Shire Council  
PO Box 153

QUIRINDI NSW 2343

Attention: Ron Van Katwyk

Dear Ron

**DEVELOPMENT APPLICATION/STATEMENT OF ENVIRONMENTAL EFFECTS  
DEVELOPMENT APPLICATION 2013/50**

This letter has been prepared to address aspects of Council's request for additional information dated 19 September 2013 in relation to Development Application 2013/50 submitted for to Council for assessment by The MAC Services Group Pty Limited ("The MAC"). Specifically, this letter responds to the following items contained in Council's request for additional information:

*It is understood that you are seeking a staged development consent in order to construct the proposed development in ten (10) stages. Please advise at which stage the following components are to be completed:*

- *Full extent of the main entry/exit road and site access;*
- *Landscaped mounds along the Gap Road frontage, supplementary clumps of native trees located between the property boundary and Gap Road as well as the plantings adjacent to the eastern and western boundaries;*
- *The Sewerage Treatment Plant and accompanying network changes;*
- *The Water Treatment Plant and accompanying network changes;*
- ***Caravan Park.***

**Response**

This response deals with the Caravan Park only. The other elements of the development application nominated by Council will be addressed under separate cover.

The MAC understands the importance for Council and the local community of the certainty around the timing of the provision of the Caravan Park which forms part of this development application. However, this also needs to be balanced with the financial considerations of the proposed development and the feasibility of providing the Caravan Park at a time when sufficient cash flow is generated by the proposed development to enable the works for the Caravan Park to be completed without impacting on the feasibility, staging and operation of the overall development.

Accordingly, The MAC invites Council to impose a condition of consent whereby the Caravan Park is constructed and completed prior to the issue of an Occupation Certificate for Stage 2 of the project. This will enable the development to be operational with a total of 360 accommodation units, along with the Central Precinct and enabling associated works.

*It is noted that due to the scale of the proposed development, as well as the relative isolation of the subject land, that temporary construction workers' accommodation is to be provided on site during construction. Please advise whether you are seeking consent for this use pursuant to Clause 2.8 or Clause 7.8 of the Liverpool Plains Local Environmental Plan 2011.*

## Response

As noted in Council's letter, temporary construction workers' accommodation is to be provided on site during the construction of the development due to the isolation of the Werris Creek site. The MAC does not seek to rely on either clause 2.8 or clause 7.8 of the Liverpool Plains Local Environmental Plan 2011 9 (LPLEP) for the following reasons:

- a) With respect to clause 2.8 of the LPLEP, subclause (2) permits Council to grant consent to a proposed temporary use of land in any zone but only where that temporary use is carried out for a maximum of 30 days in a 12 month period. The MAC intends to carry out the temporary use on the land for more than 30 days and accordingly, this clause does not apply; and
- b) With respect to clause 7.8 of the LPLEP, as the construction workers accommodation is not "temporary or short term workers accommodation for persons working in the energy or resources sector" (see definition of temporary workers' accommodation), The MAC does not consider that this clause applies either as the accommodation is intended for construction workers.

Council is empowered to grant consent to the temporary construction workers' accommodation on the site as it is a permissible "residential accommodation" use under the R1 General Residential zone and meets the objects of the relevant zone. The MAC invites Council to impose a condition of consent whereby approval for the temporary construction workers accommodation ceases upon the issue of the last Occupation Certificate for the substantive development (i.e. Stage 10).

Further, paragraph 3.1.9 of the Liverpool Plains Development Control Plan 2012 is not engaged as the proposed temporary accommodation is for construction workers only and for a large and significant development. Clause 3.1.9 is intended to apply to smaller residential dwellings and to owners or immediate family that require temporary accommodation during construction of a family dwelling. If Council is of the opinion that clause 3.1.9 of the DCP is engaged, then Council may vary the control which does not permit temporary accommodation in the R1 General Residential Zone on the following bases:

- The temporary workers accommodation is necessary due to the significant size of the proposed development and its isolation from appropriate temporary accommodation; and
- The temporary accommodation will be provided on site for a limited period of time and Council can impose a condition of consent (as suggested above) which provides comfort to Council that the accommodation will be provided on a temporary basis.

*Please be advised that pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 and Section 100B of the Rural Fires Act the proposed caravan park is considered to be a special fire protection purpose (as it comprises tourist accommodation). The application is therefore classified as integrated development and is required to be referred to the NSW RFS for issue of a bushfire safety authority. The Bushfire Assessment Report completed by Eco Logical Australia, attached as Appendix M to the Statement of Environmental Effects, does not assess the proposed caravan park development against the provisions of the Planning for Bushfire Protection 2006. Therefore, please forward an amended Bushfire Report, together with a \$320 cheque made out to the NSW RFS.*

#### **Response**

Eco Logical Australia has provided advice regarding the design and location of the proposed caravan park against the provisions of the *Planning for Bushfire Protection 2006*. A copy of an updated Bushfire Assessment Report, completed by Eco Logical Australia, is enclosed for consideration by Council and for referral to the NSW RFS, along with a cheque to the amount of \$320.

In response to this assessment by Eco Logical Australia, the design and location of the proposed caravan park has been modified to incorporate a 50 metre managed area around the facility (see attached updated Staging Plan DA03a). This is considered to provide a sufficient defendable area for fire-fighters to operate within in the case of a fire threatening the facility. In addition, visitors utilising the caravan park will be able to seek refuge with residents if the village, if necessary, during a fire event.

*Please demonstrate compliance of the proposed caravan park against the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

#### **Response**

Whilst the current Development Application is being assessed under the provisions of the *Environmental Planning and Assessment Act 1979*, Section 68 of the *Local Government Act 1993* prohibits a person from operating a caravan park or camping ground without the prior approval of the Council. We understand that Council is seeking confirmation regarding compliance with the relevant provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* in order to ensure that, if approved, the current Development Application will not need to be subject to formal modification under the *Environmental Planning and Assessment Act 1979* to facilitate the approval to operate the proposed caravan park in accordance with the provisions of Section 68 of the *Local Government Act 1993*.

The proposal incorporates the provision of 23 caravan sites in two contiguous precincts. As noted above, the location of these sites has been amended from that shown in the original plans submitted to Council due to the need to relocate them away from the Asset Protection Zone identified by Eco Logical Australia. A copy of the amended Staging Plan (DA03a) has been included with this submission for Council's consideration.

The following table provides an assessment of the revised caravan park location and design against the relevant provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Relevant Provision	Requirements	Assessment
Clause 83 – Minimum size of caravan park	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.	Complies. The subject site has an area of 80.84 hectares.
Clause 84 – Community amenities	Of the total land area of a caravan park: a) at least 10 per cent, or b) such lesser proportion (but not less than 6 per cent) as the approval for the caravan park or camping ground may allow, must be reserved for recreation or other communal activities. In deciding whether to allow a lesser proportion, the Council must have regard to the type and range of amenities to be provided and to other such matters as it considers relevant.	Does not comply. Given the overall site area, 10 per cent would equate to approximately 8 hectares. This is considered excessive given the relatively small area of land being dedicated to the proposed caravan park (i.e. 23 caravan sites). Notwithstanding, the proposed development includes a broad range of amenities available for future users of the caravan park which are considered adequate, including: – Amenities building and laundry; – Recreation pavilions incorporating BBQ facilities; – Communal facilities within the Central precinct, including kitchen, dining and recreation facilities, gymnasium, swimming pool and multi-purpose courts.
Clause 85 – Size of dwelling sites and camp sites	A short term site must have an area of 65 square metres.	Complies. Each of the sites nominated in the proposed caravan park have dimensions in the order of 12m x 10m and a total area of 120m <sup>2</sup> .
Clause 86 – Site identification	A dwelling site or camp site must be numbered or identified and its site boundaries clearly delineated.	Complies. Each site will be numbered as shown on the proposal plans and the site boundaries will be clearly delineated.
Clause 87 – Dwelling sites to have road frontage	A dwelling site must have vehicular access to an access road.	Complies. Each caravan site is provided with direct vehicular access to an internal access road.
Clause 88 – Setbacks of community buildings	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.	Complies. The minimum setback for the proposed community building is as follows: – Site Boundary – 100m (approx.) – Dwelling Site – 23.425m
Clause 89 – Setbacks of dwelling sites and camp sites from road frontages	A dwelling or camp site must not be located closer than 10 metres to a public road or 3 metres to any other boundary of the caravan park or camping ground.	Complies. The minimum setback for the proposed dwelling sites is as follows: – Public Road – 245m – Site Boundary – 235.54m
Clause 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.	Complies. All ancillary facilities are located outside of the buffer zones prescribed by the Regulation.
Clause 91 – Separation	A moveable dwelling must not be installed	Complies.

distances	<p>closer to any other moveable dwelling than:</p> <p>a) 3 metres, if it is situated on a long-term site; or</p> <p>b) 2.5 metres, if it is situated on a short-term site or camp site.</p>	All caravan sites are short-term sites. The size of the dwelling sites allows a minimum separation of 2.5 metres between caravans.
Clause 92 – Entrance and exit roads	A road that forms an entrance to or exit from a caravan park or camping ground must be at least 7 metres wide.	<p>Complies.</p> <p>The internal site layout will provide for acceptable manoeuvre of all vehicle classifications to ensure all traffic enters and exits the site in a forward direction.</p>
Clause 93 – Forecourt	A caravan park must have a forecourt, measuring at least 4 metres by 20 metres, to accommodate incoming vehicles.	<p>Complies.</p> <p>The proposal incorporates a forecourt area adjacent to the guest services and administration building in the Central Precinct to accommodate parking of vehicles and caravans upon arrival for check-in.</p>
Clause 94 – Width of roads	<p>The width of an access road must be:</p> <p>a) 6 metres for a two-way access road; and</p> <p>b) 4 metres for a one-way access road.</p>	<p>Complies.</p> <p>All internal cess roads exceed the minimum width prescribed by the Regulation.</p>
Clause 95 – Speed limits	<p>The speed limit applicable to an access road:</p> <p>a) must not exceed 15 kilometres per hours; and</p> <p>b) must be indicated by means of conspicuous signs.</p>	<p>Can be conditioned to comply.</p> <p>The proponent is willing to accept conditions of approval that require compliance with the provisions of Clause 95.</p>
Clause 96 – Resident parking	A caravan park and camping area must contain at least one resident parking space for each dwelling site or camp site.	<p>Complies.</p> <p>Each of the caravan park dwelling sites has been designed to be able to accommodate a caravan and associated car.</p>
Clause 97 – Visitor parking	<p>A caravan park or camping ground must contain no fewer visitor parking spaces than one visitor space for each 20 (and any remaining fraction of 20) short-term sites in the caravan park or camping ground.</p> <p>The minimum number of visitor parking spaces to be provided is 4.</p>	<p>Can be conditioned to comply.</p> <p>A total of 23 sites short-term sites are proposed within the current development, thereby requiring a minimum of 4 visitor parking spaces. The caravan park component of the proposed development includes sufficient space to accommodate the 4 visitor parking spaces. It is requested that Council impose a condition in this regard.</p>
Clause 98 – Visitor parking for people with disabilities	A caravan park or camping ground must contain at least one visitor space for people with disabilities.	<p>Can be conditioned to comply.</p> <p>The caravan park component of the proposed development includes sufficient space to accommodate a disabled visitor parking space. It is requested that Council impose a condition in this regard.</p>
Clause 99 – Road surfaces	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>Complies.</p> <p>All access and internal circulation roads will be constructed with all-weather sealed surfaces.</p>
Clause 100 – Lighting	All access roads must be adequately lit between sunrise and sunset.	<p>Complies.</p> <p>It is intended to provide lighting to all access and internal circulation roads.</p>
Clause 101 – Water supply	<p>A caravan park or camping ground:</p> <p>a) must be connected to mains water supply;</p>	<p>Complies.</p> <p>Hunter Water Australia has undertaken a Water</p>

	<p>or</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>Supply Investigation which has identified a number of servicing options to reduce impacts on the existing water supply system to ensure adequate capacity to meet peak day demands and fire fighting requirements. The preferred option is to duplicate the trunk mains connecting directly to the town supply.</p>
<p>Clause 102 – Sewerage</p>	<p>The caravan park or camping ground:</p> <p>a) must be connected to a main sewer; or</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>A caravan park or camping ground that includes any short-term sites or camp sites must be provided with at least one common soil waste dump point for the disposal of closet waste from caravan holding tanks and the like. The common soil waste dump points must be located so as to permit adequate access by caravans and campervans.</p> <p>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>Complies/Can be conditioned to comply.</p> <p>Hunter Water Australia has been engaged to prepare a sewage capacity assessment. The preferred option for the development proposes an onsite gravity fed sewerage collection system with sewerage treatment to be conducted at the existing Werris Creek STP. A gravity fed sewerage collection system is preferred for the site due to low maintenance and risk of breakdown. The collection system and internal reticulation mains will be owned and maintained by The MAC.</p> <p>It is requested that Council condition the approval in respect of providing a communal dump point for caravans and campervans, and the provision of sullage disposal points for each short-term site.</p>
<p>Clause 107 – Number of showers and toilets to be provided</p>	<p>The caravan park component of the proposed development will require the following shower and toilet facilities:</p> <ul style="list-style-type: none"> <li>– 5 Water closets (3 female and 2 male)</li> <li>– 1 Urinal</li> <li>– 4 Showers (2 female and 2 male)</li> <li>– 4 hand basins (2 female and 2 male)</li> </ul>	<p>Can be conditioned to comply.</p> <p>It is requested that Council condition the approval in respect of shower and toilet facilities for the caravan park component of the proposed development.</p>

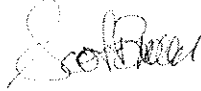
*Appendix L (LEP and DCP Compliance Table) of the submitted Statement of Environmental Effects indicates that details of outdoor signage are to be determined at the relevant Construction Certificate stage. Please be advised that signage that does not meet the criteria detailed in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 requires development consent. It is therefore recommended that should signage be proposed that is outside the provisions of the SEPP, that it is included as part of the subject development application.*

Please be advised that any signage that does not meet the criteria detailed in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* will be submitted to Council for approval under a separate Development Application subsequent to the approval of the subject application.

We hope that the above information is satisfactory to allow Council to proceed with the assessment of the current development application.

Should you have any queries about this matter, please do not hesitate to contact me on 02 4927 0980 or [sbrown@jbaplanning.com.au](mailto:sbrown@jbaplanning.com.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Scot Brown', written over a faint, dotted grid background.

Scot Brown  
*Associate*

CC     Todd Perry  
         The MAC Services Group