



Item: 6.3 **Ref:** WO/2019/01360
Title: Development Application – John Oxley Oval – Primitive Camping – 10.2019.47
Author: Contract Town Planner
Previous Items: Not Applicable
Attachment: No. 1 – Site Plan – WINT/2019/01008
 No. 2 – Development Assessment – WINT/2019/03690
 No. 3 – Aboriginal Heritage Information Management Search – WINT/2019/03686

Community Strategic Plan References:

- Strategy 6.1.2 - Promote sustainable development and protection of our natural resources through the planning system.*
- Strategy 6.6.1 – Maintain the character of the Walcha Local Government Area through orderly development of the natural and built environment.*
- Strategy 6.6.2 – Ensure that sufficient land is available to meet the demand for appropriate land uses.*
- Strategy 6.6.3 – Prevent agricultural land from being developed in ways that reduce its productivity.*
- Strategy 6.6.4 - Enhance the Walcha Local Government Area so that it continues to be an attractive place to live, work and visit.*

Introduction:

This report is submitted to determine Development Application 10.2019.44 submitted by J O’Hara for Festival being Lot 8 DP 1167213 being the John Oxley Sports Field. The application is for a primitive camping ground to be used for events.

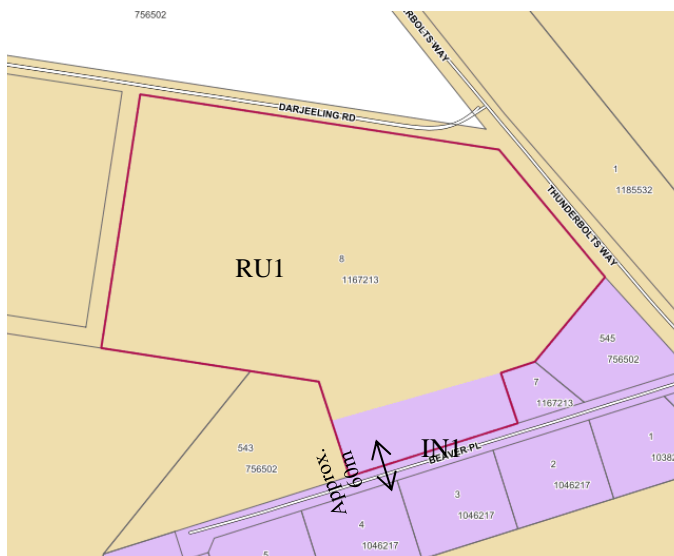
The zoning of the land is RU1 Primary Production and IN1 General Industrial. Camping Grounds are a landuse that is permitted with consent within the RU1 Zone but is prohibited development within the IN1 Zone. Clause 5.3 of the *Walcha Local Environmental Plan 2012* over rides the prohibited use provisions, as it allows landuse permitted within the RU1 Zone to cross into 100 metres of the adjoining IN1 Zone.

Neighbour notification for a period of 14 days from Friday 30 May 2019 until Thursday 13 June 2019 was carried out with no submissions being received.

Report:

On occasion in the past, requests have been made to use Council land for camping for events. To explore and encourage more of this in the future, John Oxley Sports Field has been identified as being in a suitable location with facilities which could support such events. To formalise this, a development application has been submitted to Council to utilise John Oxley Sports Field as a primitive camping ground for events.

The zoning of the land is RU1 Primary Production and IN1 General Industrial.



Submitted to Council: 26 June 2019

..... General Manager Mayor



Camping Grounds are a landuse that is permitted with consent within the RU1 Zone but is prohibited development within the IN1 Zone. Clause 5.3 of the *Walcha Local Environmental Plan 2012* over rides the prohibited use provisions, as it allows landuse permitted within the RU1 Zone to cross into 100 metres of the adjoining IN1 Zone. This enables the use of camp grounds on the Industrial zoned land to be considered permissible.

The Development Assessment (Attachment 2) details out the recommended development consent conditions. There are no factors that would prevent Council from approving the use of primitive camping ground.

It is recommended that Council establish a special fund to improve the facilities at the Grounds. This would include but not limited to items such as sewer, water and tree planting. This would be included in the fee charged for the use of the grounds. It is proposed to put a future report to Council to detail how it would work and to prioritise where funds would be directed.

Conclusion:

There is no planning constraint which would prevent this development from gaining development approval subject to appropriate conditioning as per the attached development assessment.

Legal Issues:

Compliance with *Walcha Local Environmental Plan 2012* is to be ensured in accordance to the *Environmental Planning and Assessment Act 1979* and associated Regulations.

Financial Implications:

Each individual commercial agreement will recover the associated cost.
The John Oxley Sports Fields Improvement Fund will be established and a levy charged.

Sustainability Implications:

Nil

Policy Implications:

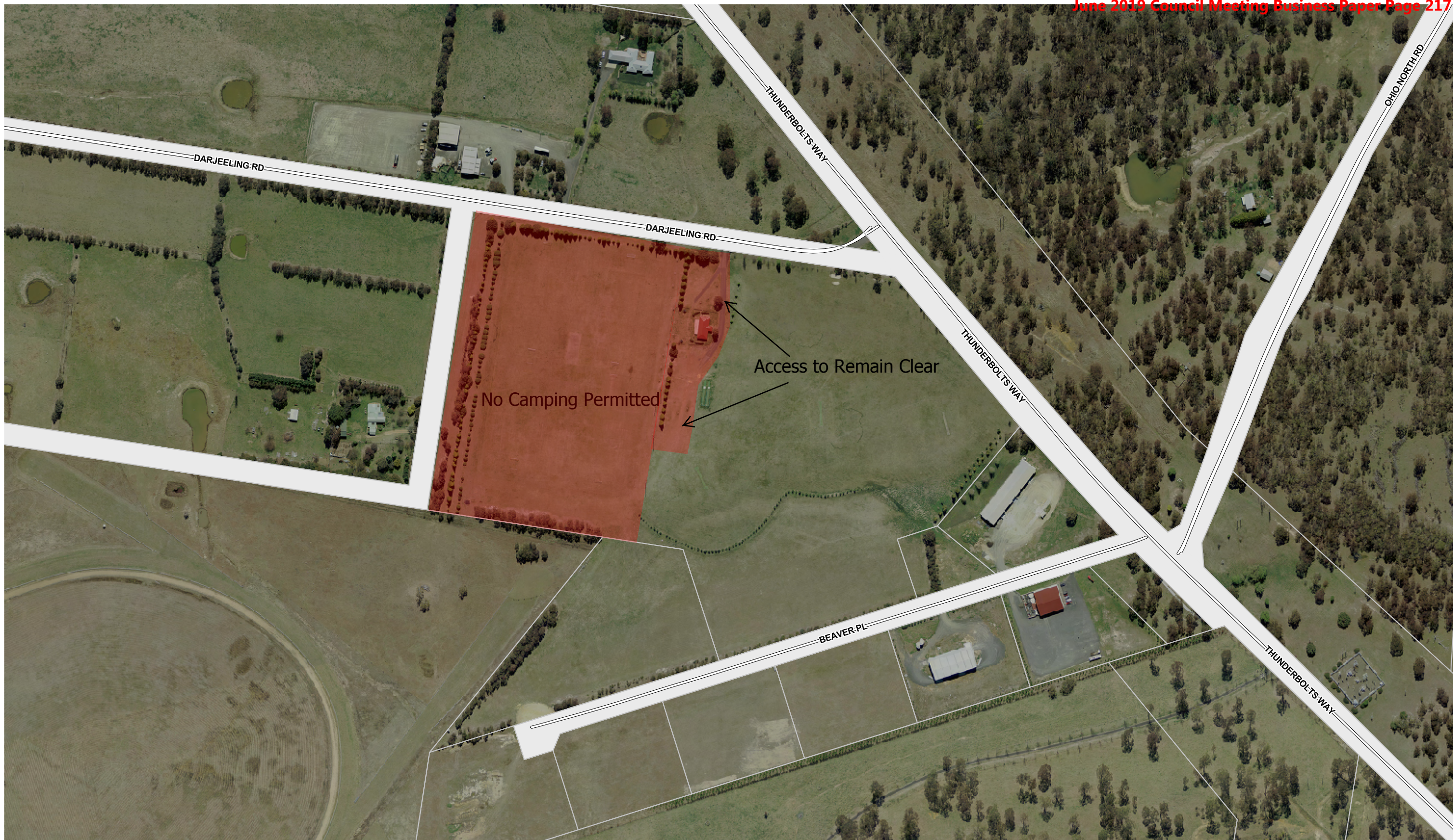
Nil

RECOMMENDATION: That Council:

- a) Approve Development Application 10.2019.47 being Lot 8 DP 1167213 John Oxley Sports Field for primitive camping subject to the following conditions of consent contained within the attached Development Assessment, and
- b) Given delegation to the General Manager to prepare a commercial agreement tailored as per the individual requirements of each event, to be utilised for each event booking.

Submitted to Council: 26 June 2019

..... General Manager Mayor



2W Hamilton Street
 PO Box 2
 Walcha NSW 2354
 Phone: (02) 6238 8111
www.walcha.nsw.gov.au

Important Notice!
 This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

Projection: GDA94 / MGA zone 56

Date: 20/05/2019

Drawn By: Walcha Council

Map Scale: 1:3396 at A3



Development Assessment Report

DA Number: DA 10.2019.47

Council: Walcha Council

Location: John Oxley Sports Fields, Darjeeling Road, Walcha

Development Description: Primitive Camping Ground

Title Details: Lot 8 DP 1167213

Proposal Overview

It is proposed to utilise John Oxley Sports Fields for primitive camping during large events only. These may be sporting events, festivals, concerts, or large groups travelling through. Each event would be booked through Council. Camping would not be permissible on the sports fields themselves.

A single booking would be made by the event organiser, with all facilities, security and ground restoration their responsibility.

Property Details/History

	Checked	Comments
Land History	Yes	
Title Plan	Yes	
Check Ownership	Yes	

Is there any other issue that requires notation?

No

Application Type

Is this application an Integrated Development Application?

No

Is this application a Designated Development Application?

No

Is this application for State Significant Development?

No

Is this application submitted by/on behalf of a Local Authority?

Yes

Is this application a section 96 amendment?

No

Comment: The operator of the primitive camping ground will be Walcha Council.

Concurrence/Referral

Section 4.13 – EP & A Act

Does this application require concurrence referral?

No

Does this application require courtesy comment?

No

Is there any other issue that requires notation?

No

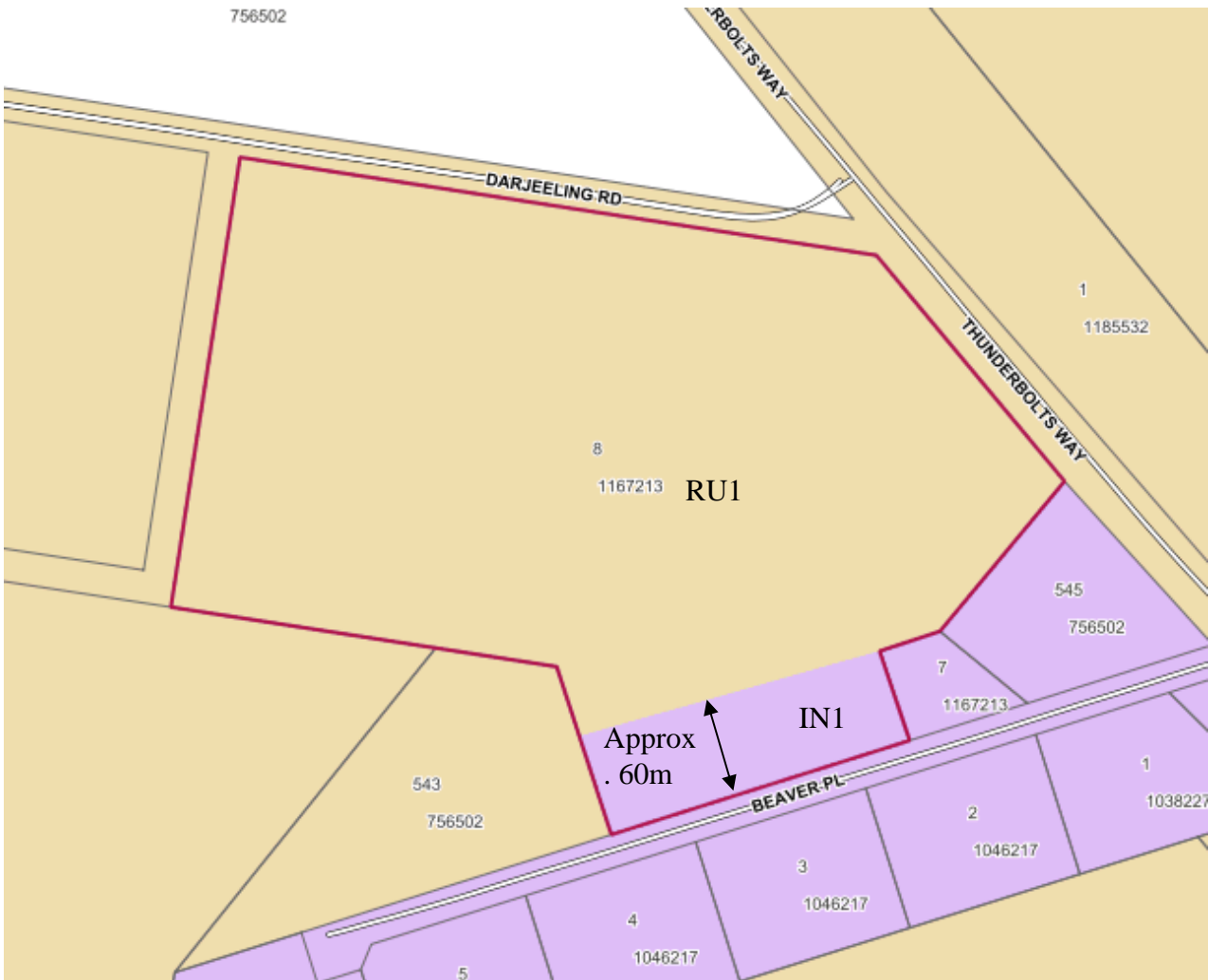
Does this application require referral for decision by Council based on the above referral response?

No

Local Environmental Plan

Section 4.15(1)(a)(i) – EP & A Act

This land is zoned: **RU1 & IN1**



List the relevant clause/clauses applicable under the LEP		
Clause	Compliance	Comment
Landuse Table RU1	Yes	Is a permissible use with consent and complies with the zone objectives.
Landuse Table IN1	No	Is a prohibited development.
5.3	Yes	Over rides the prohibited use provisions, as it allows landuse permitted within the RU1 Zone to cross into 100 metres of the adjoining IN1 Zone.

Is there a draft LEP or draft LEP amendment which may affect this proposal?

No

Is there any other issue/feature that requires notation?

No

Do 'existing use' provisions apply to this development?

No

Development Control Plan

Section 4.15(1)(a)(iii) – EP & A Act

- Is there a DCP which applies to this land/proposal? No
- Is there a draft DCP which may affect this proposal? No
- Is there any other issue that requires notation? No

Regional Environmental Plan

There is no REP applicable to this area.

State Environmental Planning Policy

Is this proposal affected by a SEPP? Yes

<u>List all relevant SEPPs</u>		
SEPP	Compliance	Comment
No. 44 Koala Habitat	Yes	The land is 14.66ha. As such this SEPP applies. However as there is no koala habitat present onsite, nor is there potential habitat, a Koala Plan of Management is not required.
SEPP 55 - Remediation of Land	Yes	The property does not require an assessment for identification of contaminated sites, as the land-use would not significantly alter. The site has no history of use that would have involved chemical application or use.
SEPP Primary Production & Rural Development	Yes	The development would meet the aims of this SEPP particularly (b) in that the site is located where there will be minimal land use conflict or sterilisation of primary production land.

Is there any other issue that requires notation? N

Planning Agreement

Section 4.15(1)(a)(iiiia) – EP & A Act

Is there a Planning Agreement in force under section 93F of the EP&A Act? No

Planning Strategies/Local Policy

- Is there a Planning Strategy or Local Policy that requires notation? No
- Is there any other issue/feature that requires notation? No

Subdivision

Is this application for subdivision? No

Environmental Impacts

Section 4.15(1)(b) – EP & A Act

Does this proposal have any potential impact on?

	Impact	Comment
Social	Yes	This would be a positive impact, as it would allow for more visitors to the ground and Walcha itself. Neighbouring properties were notified but no

		submissions were made.
Economical	Yes	This would be a positive impact, as it would allow for more visitors to the ground and Walcha itself.
Siting & Configuration	No	Camping would not be allowed on the sports fields itself. There are facilities on the grounds which can be utilised as required.
Setbacks	No	
Privacy	No	
Overshadowing	No	
Solar Access	No	
Visual	Yes	This is a minimal impact and would only be when in use. The grounds would be restored after use.
Significant Views	No	
Amenity	No	
Water	Yes	A mains supply is available. A hydrant is also available at the lower end. To ensure a suitable water supply is available for fire fighting, a condition of development approval will be that a fire fighting unit is to be available on ground 24/7.
Air	No	
Noise & Vibration	Yes	Yes there will be noise. The purpose is for camping only, and the noise is not considered to be unacceptable.
Land Degradation	Yes	There may be some minimal impact, but this will be managed through a commercial agreement for each event where by any damage will be repaired. This is not a matter to be placed in development consent.
Tree Loss	No	
Flora & Fauna	No	

Environmental Impacts – Threatened Species

Section 4.15(1)(b) – EP & A Act

Has a Threatened Species Impact Assessment been prepared?	No
Are there any species/communities listed under the TSC Act?	No
Does the proposed development require a Biodiversity Development Assessment Report?	No

Environmental Impacts – Heritage

Section 4.15(1)(b) – EP & A Act

Does this proposal have any potential impact on?

Heritage	Impact	Comment
European	No	No items of European heritage value were identified during this assessment.

<p>Aboriginal</p>	<p>No</p>	<p>An Aboriginal Heritage Information Management System Search was carried out. No Aboriginal sites are recorded on or near the above location, neither have any sites been declared. A copy of the search is attached to this assessment.</p> <p>It will be conditioned to ensure compliance with the requirements of the <i>National Parks and Wildlife Act, 1974</i> if Aboriginal relics are found.</p>
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- Is this land classified as containing an item of environmental heritage? No
- Is there an impact on and adjoining or in close vicinity to an item of environmental heritage? No
- Is this proposal in a heritage conservation Zone? No
- Is this proposal in an adjoining or in close vicinity to a conservation zone? No
- Has a Heritage Impact Statement been prepared for this proposal? No
- Has an Archaeological Survey been prepared for this proposal? No
- Is there any other issue/feature/impact that requires notation? No

Flooding
Section 4.15(1)(b) – EP & A Act

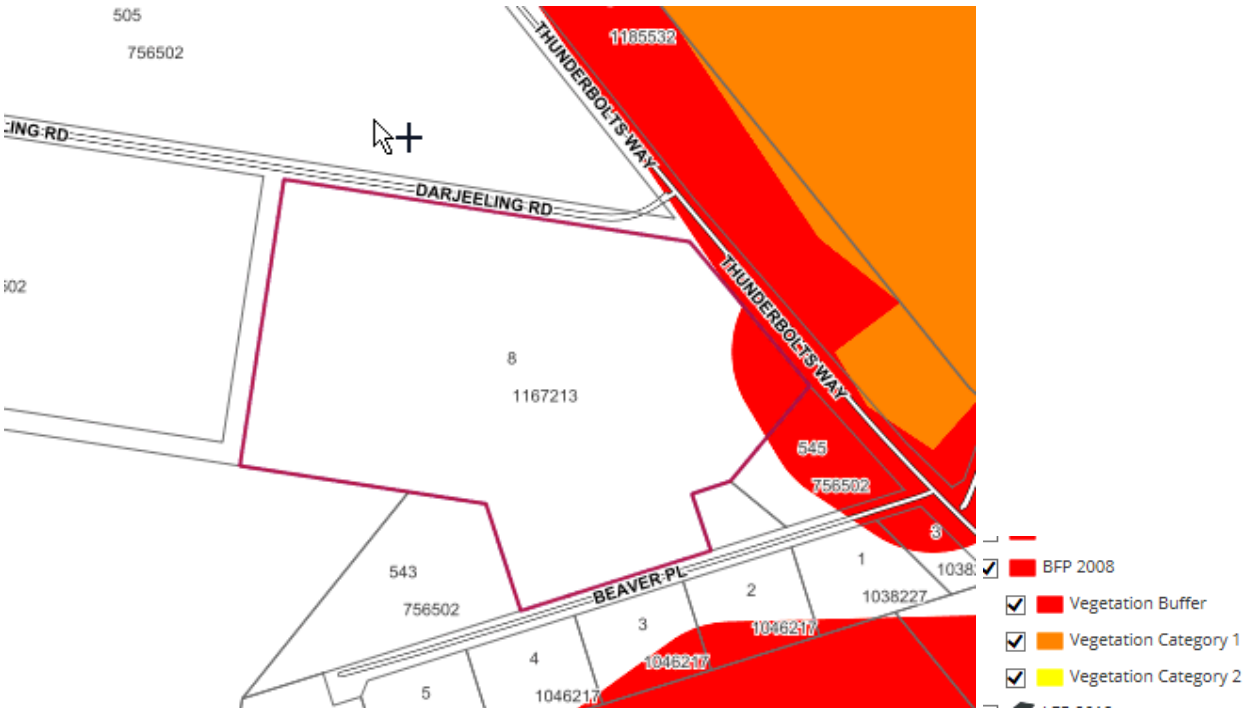
Is this property flood affected? No

Bush Fire Prone Land
Section 4.15(1)(b) – EP & A Act

Is this property bush fire prone as per the Bush Fire Prone Map? Yes

Category: Buffer

Comment: The land is impacted y bushfire buffer on the south eastern corner. It is considered to have minimal impact. A condition of development consent will be to have a fire fighting tanker onsite 24/7.



Contaminated Land
Section 4.15(1)(b) – EP & A Act

Has this land been identified as being contaminated land by Council? No

Is it a possibility this land may be contaminated?	No
Has a Contaminated Land Site Investigation been completed?	No
Is this land in the close vicinity or adjoining a known contaminated site?	No

Infrastructure

Has an engineering assessment been completed?	Yes
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Comment: An engineering assessment has been undertaken.

Construction Assessment

Is a construction assessment required?	No
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Section 68 Assessment
Section 68 – LGA Act

Is a section 68 assessment required?	Yes
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Has an a section 68 assessment been completed?	Yes
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Comment: An assessment has been undertaken. There are no issues preventing an approval being issued. This will be conditioned.

Developer Contributions
Section 7.11 & 7.12 – EP & A Act

Does this proposal require any Developer Contribution?	No
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Signage

Has this application included signage?	No
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Comment: Signage will be required throughout the event. This will be part of the commercial agreement.

Notification
Section 4.15(1)(d) – EP & A Act

Is this application an advertised development application?	Yes
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Was this application notified as per the provisions of Council’s Notification Policy?	Yes
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Were there any written submissions received?	No
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Is there any other issue/feature that requires notation?	No
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Section 88b Instrument

Does Council require a Section 88b instrument to be prepared?	No
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Public Interest
Section 4.15(1)(e) – EP & A Act

Does this proposal have any construction or safety issues?	No
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Is there any public health issues?	No
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Are there any other public interest issues?	No
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Site Suitability

Section 4.15(1)(c) – EP & A Act

Is this a suitable site for this proposal

Yes

Assessing Officer General Comment

Comment: The Development

- is permissible and complies with the relevant provisions of the Walcha LEP 2012, relevant Acts and planning policies.
- has convenient and economic access.
- is positioned away from the Walcha urban residential area and incompatible land uses.
- would provide both direct and indirect social and economic benefits is in the public interest and the site is suitable for the Project.
- will not have any significant negative environmental impact as long as the identified mitigation measures are implemented.

There are no issues that cannot be dealt with by the use of appropriate conditioning.

Recommendation

This development application be approved subject to the following conditions, including any necessary engineering or construction conditions that result from the conclusion of the engineering and construction assessment.

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Nil

GENERAL CONDITIONS

1. The proposed development is to be carried out strictly in accordance with the details set out on the application form and any other information submitted with the application.
Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.
2. There is to be no camping on the sports fields.
3. There is to be no parking outside of the grounds. All parking is to be contained within the camping area.
4. Each event is to have a site plan clearly marking and numbering each site.
5. Each site is to be clearly marked, individually numbered, outlined, and signposted.
6. A plan is to be provided for each event clearly marking Emergency Service Vehicle access through and around the camping area.
7. A register is to be kept of all occupants by booking group.
8. The entry and exit location, and bus and taxi pick up and set down point, is to be approved per event.

9. Signage is to be erected on ground in a clear location, indicating the nearest RV Dump point.
10. A grey water disposal point is to be clearly indicated and signposted for each event.
11. Potable water is to be provided onsite, and is to be clearly sign posted.
12. Provision is to be made for fire fighting during each event.
13. Pedestrian safety lanes are to be provided as required.
14. Security is to be provided onsite 24 hours a day.
15. No generators are to be utilised onsite.
16. An application is to be made under Section 68 of the *Local Government Act 1993* for a primitive camping ground.

REASONS FOR CONDITIONS

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and appropriately controlled. Section 19 (1) (b) of the *Environmental Planning and Assessment Regulation 2000*, as amended.
4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To minimise the impact of the development on the natural environment.

Conclusion

I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

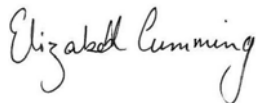
I certify that I have no pecuniary or non-pecuniary interest in this application.

Additional Notes Attached:

Yes

- Aboriginal Heritage Information System Search – 20 June 2019

Signed:



Date: 20 June 2019

6.3 Attachment 3 AHIMS

Elizabeth Cumming
7 Vernon Street
Inverell New South Wales 2360
Attention: Elizabeth Cumming
Email: nenwplanningservices@outlook.com

Date: 20 June 2019

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 8, DP:DP1167213 with a Buffer of 50 meters, conducted by Elizabeth Cumming on 20 June 2019.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.