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Council Reference: DA20/1621

Our Ref: L103689

Shoalhaven City Council

PO Box 42

NOWRA NSW 2541

Dear Shoalhaven City Council

RE: DA20/1621 – Proposed Camping Grounds and a Communal Camp Kitchen - 260 Mount Hay Road (Priv), Broughton Vale

We refer to Councils determination of DA20/1621 by way of refusal dated 13 July 2021. This letter and supporting documents submitted with this letter for the purposes of a review under Division 8.2 of the EP&A Act 1979. This letter has been prepared on behalf of the applicant to support the review request of the development application at 260 Mount Hay Road, Broughton Vale. The development is for a proposed Camping Grounds consisting of Six (6) Tent Sites and a Communal Camp Kitchen.

Division 8.2, Clause 8.3(3) of the EP&A Act 1979 states:

(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.

The proposed development which forms part of this review is substantially the same as that originally assessed by Council. Minor changes are proposed to the development application in response to address Councils Reasons for Refusal. This letter goes on to outline the four (4) reasons for refusal, with comment provided demonstrating how each are addressed by the amended application.

1. The development application does not meet the definition of camping ground and has not provide sufficient information to demonstrate the development meets the planning requirements of tourist and visitor accommodation (Section 4.15(1)(a)(i) of Environmental Planning and Assessment Act, 1979.)

This proposed development has been amended to better satisfy the definition of Camping grounds under the Shoalhaven Local Environmental Plan (SLEP) 2014; rather than the primitive camping grounds definition under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005. The definition of camp ground under the SLEP

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

Figure 1 shows an extract of the amended Site Plan prepared by SET Consultants. The plan shows the location of the proposed Camp ground, camp kitchen and parking. The area annotated in green shows the proposed camp ground area, which will be restricted to a maximum of six (6) tent sites.

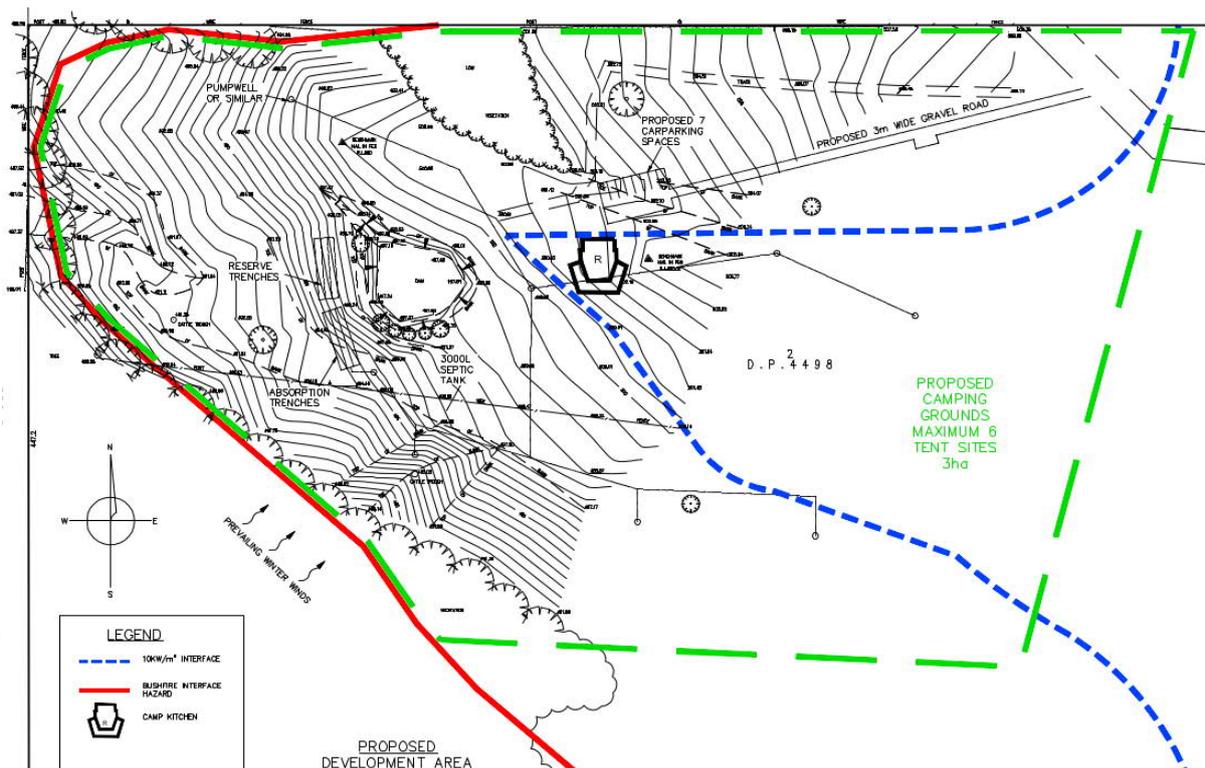


Figure 1 Extract of the amended Site Plan showing the proposed development.

A common camp kitchen is provided centrally to the camp ground. The Camp Kitchen includes a bathroom, kitchen and dining area. The structure is designed with a secondary function as a refuge building in the event of a bushfire were evacuation of the site is not feasible.

The fixed tent decks and amenities originally provided to each tent site have been removed. Traditional portable lightweight temporary tents will be used to accommodate guests. Ensuite

amenities will still be provided to guests, however they too will be portable and lightweight. The portable amenities will be stored in an existing storage shed located onsite, indicated in Figure 2. Figure 3 shows examples of portable ensuites which will be provided to tent sites.

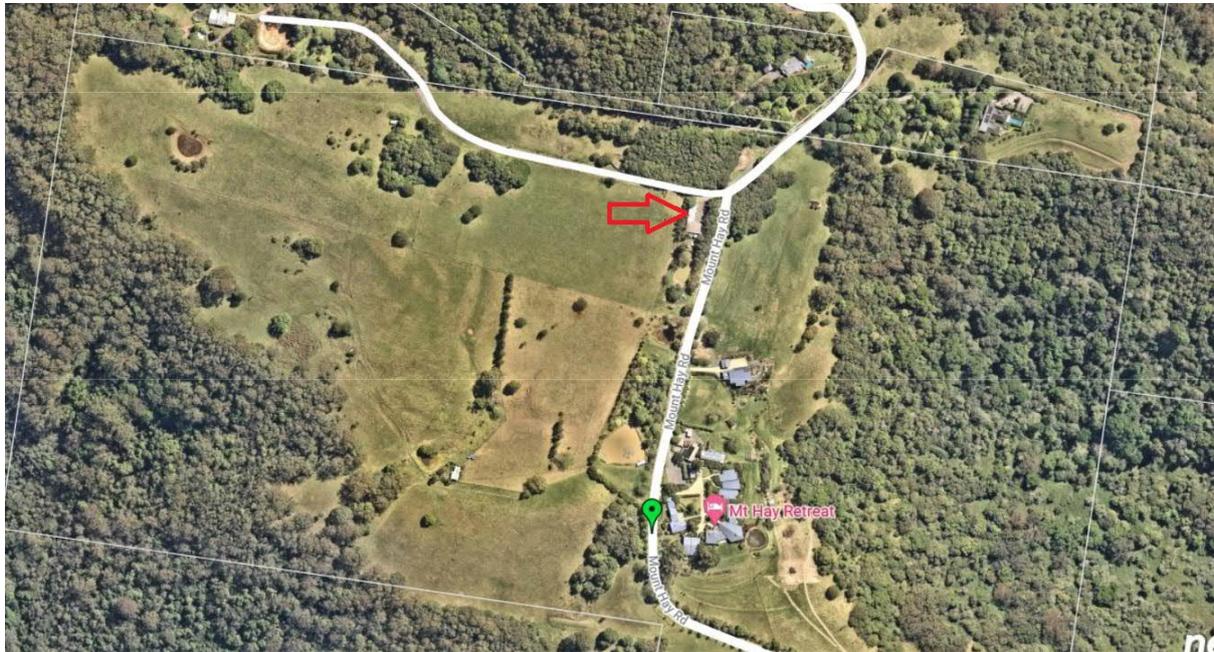


Figure 2 Location of existing storage shed to be used as storage of portable amenities.



Figure 3 Indicative images of ensuite amenities.

Onsite wastewater disposal is proposed, with a Soil & Site Assessment for Onsite Wastewater Disposal prepared by Harris Environmental accompanying the application. The wastewater will be collected in a septic tank connected to soil absorption trenches. The camp kitchen and six service connection points will be provided (water and proposed onsite waste disposal). The services connection points will utilise valve systems to allow the temporary amenities to be connected and disconnected when not in use.

2. The development application has not been made with the consent of relevant landowners in relation to the items/works proposed within Mount Hay (private) Road, in accordance with clause 49(1) of Environmental Planning and Assessment Regulation 2000. (Section 4.15(1)(a)(iv) of Environmental Planning and Assessment Act, 1979.)

The development application as refused by Council has now been amended to exclude all work previously proposed within the right of carriageway. Proposed work is now limited to the subject site. Refer to the supporting Legal Advice regarding owners consent prepared by Planning Law Solutions.

3. Having regard to the number of submissions received objecting to the proposal and the issues raised, it is considered that the site is not suitable for the proposed development and approval would not be in the public interest. (Section 4.15(1)(d) of Environmental Planning and Assessment Act, 1979.)

Below is a summary table of the key issues raised during the exhibition period of the original application. Changes made to the application further address concerns raised in previous submissions.

Response to Public Submissions	
Issue	Response
Bushfire	The NSW RFS provided General Terms of Approval which provided Conditions suitable for the proposed development.
Vegetation Removal	The camp ground does not propose any vegetation removal, with the development being sited in the existing cleared and managed portion of the site.
Size of camp kitchen and fabricated use for functions	<p>Submissions referred to the proposed size of the camp kitchen as being 220m<sup>2</sup>. Submissions also incorrectly elude to the development being used for functions.</p> <p>The proposed camp kitchen includes a kitchen, indoor and outdoor seating areas. The camp kitchen has an area of approximately 87m<sup>2</sup>. An accessible bathroom and games room is provided, along with a store room. The structure provides amenities and will be shared by guests staying at the camp ground. The seating areas provide the opportunity for guests to use the areas concurrently, while providing a level of individual privacy through separation of seating areas.</p> <p>The Local Government Regulations do not provide restrictions as to the size of amenities buildings or support structures. The proposed structures are considered appropriately sized for the scale of the site and proposed use.</p> <p>The proposed decks, amenities structures and camp kitchen have been positioned to minimise the visual impact and hidden from view due to the existing topography and vegetation that surrounds the site.</p> <p>The application does not propose functions on the property, and to do so would be in breach of the consent.</p>

Visual Amenity	<p>The only fixed structure proposed is the camp kitchen. The proposed development will have no significant impacts on the public domain, or views currently experienced throughout the surrounding area. The proposed location of the camp ground is advantageous as the area is hidden from view due to the existing topography and vegetation that surrounds the site. The development site slopes to the south-west, with existing vegetation surrounding the site in all directions. The camp kitchen's position takes advantage of the slope and vegetation to ensure visibility from adjoining properties and views towards the site would not be impacted.</p>
Description as Primitive Camp ground used to circumvent legislation	<p>The amended application has been modified to satisfy the SLEP 2014 definition of 'camp ground'. The original application included fixed decks and ensuites which have now been removed from the application.</p> <p>The proposed development satisfies the SLEP 2014 definition for 'camping ground', and capable of satisfying the Local Government Regulations definition requirements for 'primitive camping grounds', as demonstrated in the attached compliance table.</p>
Traffic and Access	<p>The proposed camping ground will increase the accommodation capacity by providing six-two person tent sites. Under the RTA (2002) Traffic Generating Development the proposed use, camping ground is not defined. DCP Chapter G15: Tourist and Visitor Accommodation does provide estimated traffic movements generated by tourist cabins (cabins for up to 4 people). DCP Chapter G15 does not apply to camp ground facilities, however in the instance of traffic generation is applicable.</p> <p>The DCP estimates 3 traffic movements per day, per cabin based on cabins capable of supporting four persons. The proposed camp ground development is comparable to a tourist development, the difference between the rates outlined by Council being movements associated with accommodation for up to four people, whilst the proposed use consisting of two person tents.</p> <p>Therefore, the 3 traffic movements per day based on a 4 person cabin would be considered as an overestimate for the development. Regardless, when these rates are applied to the proposed development, the primitive camping ground would generate 18 daily vehicle movements. The additional traffic generated by the development will not significantly impact on the existing private roads which provide access to the site and surrounding properties. The appropriateness of the application was detailed in the comprehensive traffic report submitted in the original application.</p>

4. Having regard to the issue of owner's consent, the granting of development consent is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979.)

As mentioned above, the development application as refused by Council has now been amended to exclude all work previously proposed within the right of carriageway. Proposed work is now limited to the subject site. The issues regarding the owners consent has been resolved. Refer to the supporting Legal Advice regarding owners consent prepared by Planning Law Solutions.

We would be pleased for Council to give consideration to the matters outlined in this letter, and review the assessment of the application as soon as possible.

Yours faithfully

SET CONSULTANTS PTY LIMITED



Nicholas Reddy

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