



**CURRAJONG**

PLANNING, PROPERTY + PROJECT MANAGEMENT

**DOCUMENT TITLE**

Statement of Environmental Effects

**CLIENT**

Canowindra International Challenge Inc

**PROJECT**

Temporary Use of Land (Caravan Park and Camping Ground) on Lot 64 DP750147, Tilga Street, Canowindra

**REVISION**


A

# DOCUMENT CONTROL

## PROJECT REPORT DETAILS

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# 01. INTRODUCTION

## 1.1. Project Overview

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of the Canowindra International Challenge Inc to support a Development Application and Section 68 Approval for the temporary use of land for the operation of a temporary caravan park and camping ground during the Canowindra International Balloon Challenge (CIBC) on part of Lot 64 DP 750147, Tilga Street, Canowindra.

The CIBC is a hot air ballooning event held in the town of Canowindra over a two-week period. The Balloon Challenge is regarded by many as the most important event on the tourism calendar for the Canowindra community, with over 20,000 visitors attending the event each year. With continued high numbers of visitors expected to attend the event in the coming years, there is a need to provide additional temporary accommodation facilities for those people wishing to camp overnight or for several days in Canowindra to attend the CIBC.

Lot 64 DP 750147 is Crown land (Reservice 76654) managed by Cabonne Council for public recreation, conservation and public baths. The Canowindra Swimming Pool and Canowindra Caravan Park are located towards the northern part of the site with frontage to Gaskill Street and Tilga Street.

The proposal is for the temporary use of the southern part of Lot 64 DP 750147 for the operation of a temporary caravan park and camping ground for up to 10 days during the CIBC, for a period of five (5) years. The temporary caravan park is proposed to comprise up to 100 short-term unpowered caravan and camping sites, amenities and an ancillary car parking area.

Lot 64 DP 750147 is considered ideal for the temporary caravan park and camping ground, given there is existing commercial caravan park facilities towards the northern part of the site, support has been indicated by both Cabonne Council (as the land manager) and the current lessee of the caravan park for the temporary use, existing access being available from Tilga Street and the site being cleared / level open space.

This SEE aims to provide all relevant information to Cabonne Council for the proper assessment of the proposed development.

## 1.2. Approvals Required

The proposal requires development consent under Part 4 of the Environmental Planning and Assessment Act (EP&A Act) 1979. The proposal is local development, as it does not trigger any of the provisions listed below:

- The proposal is not 'designated development' pursuant to Part 1 of Schedule 3 of the EP&A Regulation 2021 and an Environmental Impact Statement is not required.
- The proposal does not trigger 'State significant development' or 'regionally significant development' because it is not designated development and is general development less than \$30 million, pursuant to State Environmental Planning Policy (Planning Systems) 2021.
- The proposal does not trigger 'integrated development' because it does not require any other approval listed under Section 4.46 of the EP&A Act 1979.
- The proposal does not trigger the Biodiversity Offsets Scheme threshold, because it does not involve the removal of native vegetation under the Biodiversity Conservation Act 2016.

A Development Application (DA) is to be lodged with Cabonne Council via the NSW Planning Portal along with an SEE (this report) and various plans in support of the proposal.

### 1.3. Application Details

The key details of the application are presented in Table 1.

**Table 1 - Application Details**

Detail	Description
Applicant	Canowindra International Challenge Inc
Landowner	Crown Lands NSW
Proposed Site	Lot 64 DP 750147, Tilga Street, Canowindra
Proposal	Temporary Use of Land (Caravan Park and Camping Ground)
Zoning	RE2 Private Recreation
Consent Authority	Cabonne Council

### 1.4. Format of this Report

The information presented in this SEE covers all aspects of the proposal as specified under the EP&A Regulation 2021. The SEE has been prepared as a single document as described in Table 2.

**Table 2 - Report Format**

Detail	Description
Section 1	Introduces the proposal and the main project drivers
Section 2	Describes the main features of the site and surrounds
Section 3	Provides a description of the proposal
Section 4	Reviews the proposal against the relevant legislative requirements
Section 5	Assesses the potential environmental impacts of the temporary event and documents the mitigation and management strategies proposed to minimise impacts
Section 6	Reviews the proposal against the environmental, economic and social considerations
Section 7	Provides the conclusion for the SEE

### 1.5. Schedule of Plans and Drawings

The information presented in this SEE is supported by a number of plans and reports which are included as separate attachments to the SEE. A brief description of these documents is presented in Table 3.

**Table 3 - Schedule of Plans and Drawings**

Prepared by	Description	Date
Currajong	Statement of Environmental Effects	15/10/2024
Currajong	Site Plan	14/10/2024
Canowindra International Balloon Challenge Inc	Event Risk Assessment	26/11/2024
Canowindra International Balloon Challenge Inc	Plan of Management	26/11/2024
Canowindra International Balloon Challenge Inc	A Bush Fire Emergency Management and Evacuation Plan	26/11/2024

## 02. DESCRIPTION OF THE SITE

### 2.1. Site Description

The land, the subject of the DA, is formally described as Lot 64 DP 750147, Tilga Street, Canowindra.

Key features of the site are as follows:

- Cabonne Council are the Crown Land Managers for the Canowindra Caravan Park Reserve 76654 and Charles McCarron Baths Reserve 66072. The reserve purposes are public recreation, conservation and public baths.
- The site has an area of approximately 4ha and comprises of the Canowindra Caravan Park, Canowindra Swimming Pool and an open space area. The Canowindra Swimming Pool is located on the corner of Tilga Street and Gaskill Street and contains 2 swimming pools, a splash pool, office, amenities and a club house building. The Canowindra Caravan Park is located south of the swimming pool and contains powered and unpowered sites, amenities and office buildings. The open space area is located below the caravan park and is vacant of any buildings or infrastructure.
- Lot 64 DP 750147 has frontage to Gaskill Street on its northern boundary and Tilga Street on its western boundary. Street lighting is provided along Tilga Street. The primary vehicle access to the site is from Tilga Street via an existing access location that services the Canowindra Caravan Park. A secondary vehicle access to the site is from Gaskill Street, towards the corner of Gaskill and Rodd Streets. Pedestrian access to the site can be accessed via Gaskill and Tilga Streets. A shared pathway is located on the western side of Tilga Street, which connects to the Canowindra town centre, Canowindra Sports Oval and other attractors.
- The site has frontage to the Belubula River on its southern boundary.
- The site is connected to reticulated sewer and water, electricity and NBN telecommunication services.
- The site is generally cleared of native vegetation, except for established trees and landscaped areas surrounding the Canowindra Caravan Park, Canowindra Swimming Pool and native vegetation along the Belubula River.

Figure 1 show the location of the sites in relation to the immediate and wider locality.

Figure 1 - Locality Map – Lot 64 DP750147, Tilga Street, Canowindra



Photographs 1 - 6 show key aspects of the site.



**Photograph 1 - Site looking south**



**Photograph 2 - Site looking east**



**Photograph 3 - Site looking south-west**



**Photograph 4 - Site looking west**



**Photograph 5 - Gaskill Street existing access**



**Photograph 6 - Tilga Street existing access**



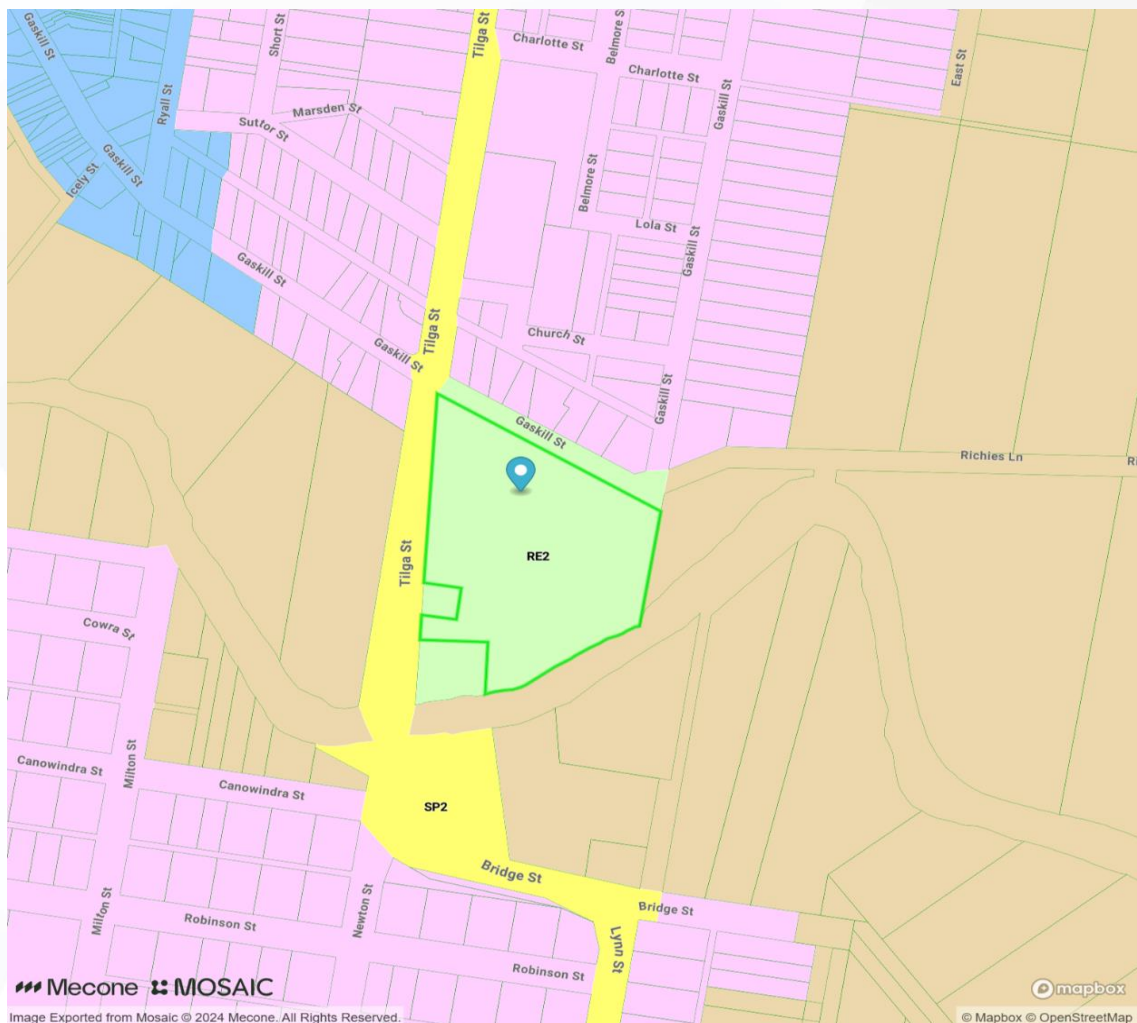
## 2.2. Surrounding Land-use

The site of the temporary caravan park and camping ground is bounded by a commercial caravan to the north. The Canowindra Swimming Pool is located further north on the corner of Gaskill Street and Tilga Street. Land-use further afield to the north, north-west and north-east is predominantly residential development. Farmland is located west, east and south of the site. The Belubula River bounds the southern boundary of the site.

## 2.3. Land Zoning

The site is zoned RE2 Private Recreation under the Cabonne LEP 2012. Pursuant to the Land Use Table of the Cabonne LEP 2012, the proposed temporary use of land zoned RE2 Private Recreation is permitted with consent. Figure 2 includes a map showing the zoning framework for site.

Figure 2 - Zoning Map - Tilga Street, Canowindra



**LEGEND - LAND USE ZONES**

<span style="background-color: #ADD8E6; border: 1px solid black; padding: 2px;">E1</span> E1 Local Centre	<span style="background-color: #90EE90; border: 1px solid black; padding: 2px;">RE1</span> RE1 Public Recreation
<span style="background-color: #ADD8E6; border: 1px solid black; padding: 2px;">E3</span> E3 Productivity Support	<span style="background-color: #90EE90; border: 1px solid black; padding: 2px;">RE2</span> RE2 Private Recreation
<span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">C1</span> C1 National Parks and Nature Reserves	<span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">RU1</span> RU1 Primary Production
<span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">C2</span> C2 Environmental Conservation	<span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">RU3</span> RU3 Forestry
<span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">C3</span> C3 Environmental Management	<span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">RU4</span> RU4 Primary Production Small Lots
<span style="background-color: #ADD8E6; border: 1px solid black; padding: 2px;">E4</span> E4 General Industrial	<span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">RU5</span> RU5 Village
<span style="background-color: #FFB6C1; border: 1px solid black; padding: 2px;">R1</span> R1 General Residential	<span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">SP2</span> SP2 Infrastructure
<span style="background-color: #FFB6C1; border: 1px solid black; padding: 2px;">R2</span> R2 Low Density Residential	<span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">SP3</span> SP3 Tourist
<span style="background-color: #FFB6C1; border: 1px solid black; padding: 2px;">R5</span> R5 Large Lot Residential	<span style="background-color: #ADD8E6; border: 1px solid black; padding: 2px;">W2</span> W2 Recreational Waterways

## 03. DESCRIPTION OF THE PROPOSAL

### 3.1. Objectives of the Project

The objective of the project is to obtain approval from Cabonne Council for the temporary use of land for the operation of a caravan park and camping ground at Lot 64 DP 750147, Tilga Street, Canowindra for a 5-year period.

### 3.2. The Proposal

#### 3.2.1. Temporary Use of Land (Carvan Park and Camping Ground)

Approval is sought for the temporary use of the land for the operation of a caravan park and camping ground for up to 10 days during the CIBC, for a period of 5 years. The proposal includes 100 short-term unpowered caravan and camping sites, amenities and an ancillary car parking area.

A breakdown of the proposed site layout and operations of the proposed temporary caravan park and campground is as follows:

#### Temporary Use

The DA is seeking development consent for the temporary use of Lot 64 DP 750147, Tilga Street, Canowindra for the temporary use of land for a caravan park and camping ground, for a period of 5 years.

#### Campground Layout and Amenities

The following proposed unpowered sites include:

- Caravan/motorhome sites - A total of 66 short-term caravan sites (dimensions 6m x 15m).
- Camping sites (tents) - A total of 34 short term camping sites (dimensions 5m x 5m).
- Carparking area - A carparking area adjoins the camping sites and will provide 34 vehicle spaces for people camping. No vehicles will be parked in the camping (tent) site area.
- Toilet and Shower facilities - 8 portable toilets and 8 showers will be provided on-site when the temporary caravan park and campground is in use. At least 1 accessible toilet / shower facility will be provided at the site. The amenities will be positioned centrally on the site. Additionally, individual caravans and motorhomes typically have their own toilet and shower facilities. A public waste dump point is located at the Canowindra Caravan Park directly adjoining the temporary caravan site.

#### Access, Traffic and Parking

Vehicle access to the site is via existing accesses at Gaskill Street and Tilga Street. Existing internal roads will be used to service the proposed temporary caravan park and camping ground. Temporary fencing and signage will be installed throughout the site directing vehicles to designated sites and parking areas. A speed limit of 10km/hr will also be sign-posted near the site entrances and along internal roads (where required). A temporary on-site parking area is proposed at a central location for 34 car parking spaces. No vehicles will be permitted to be parked in the camping ground (tent sites) area.

#### Utilities, Services and Security

The following utilities and services are proposed to be used during the operation of the proposed temporary caravan park and camping ground:

- Amenities will be provided during the temporary use of the land and positioned centrally on the site. A total of 8 portable toilets and 8 showers will be provided, including 1 accessible toilet / shower facility. The proposed amenities will be serviced and cleaned by a contractor employed by the organisers of the CIBC.
- 240 litre waste and recycling bins (as required) and 1 skip bin will be provided to accommodate the waste generated during the temporary operation of the caravan park and campground.

Representatives of the CIBC will monitor the site and remove full waste bins to the Canowindra Waste Facility (as required).

- During the operation of the temporary caravan park and camping ground, the operations at the site will be managed by the CIBC.

## 04. PLANNING AND LEGISLATIVE CONTEXT

The following section of the report describes the applicable local planning policies, State and Federal legislation and guidelines. The applicable documents are summarised in this section, followed by a statement outlining how the development will address and / or comply with the legislation or policy.

### 4.1. Commonwealth Legislation

Section 4.1 describes the applicable Federal legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

#### 4.1.1. Environment Protection and Biodiversity Conservation Act 1999

Under the Federal Environment Protection and Biodiversity Conservation (EPBC) Act 1999, referral is required to the Australian Government for proposed actions that have the potential to significantly impact on Matters of National Environmental Significance (MNES) or the environment of Commonwealth land. The EPBC Act 1999 identifies the following as MNES for which Ministerial approval is required:

- World heritage properties.
- Wetlands of international significance.
- Listed threatened species and communities.
- Listed migratory species protected under international agreements.
- National Heritage Places.
- Protection of the environment from nuclear actions.
- Commonwealth Marine environments.

Assessment of the proposal confirms there is unlikely to be a significant impact on relevant MNES or on Commonwealth land. The proposal would not warrant referral under the EPBC Act 1999.

### 4.2. New South Wales Legislation

Section 4.2 describes the applicable state legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

#### 4.2.1. Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment (EP&A) 1979 forms the legal and policy platform for development assessment and approvals process in NSW. The objectives of the Act are:

- To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.
- To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- To promote the orderly and economic use and development of land.
- To promote the delivery and maintenance of affordable housing.
- To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.
- To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).

- To promote good design and amenity of the built environment.
- To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.
- To provide increased opportunity for community participation in environmental planning and assessment.

Under the EP&A Act 1979, environmental planning instruments are made to specify planning controls for specific parcels of land and / or land-use. Applicable environmental planning instruments are discussed in later parts of this SEE. In general, development consent is required for the proposed temporary use of the land pursuant to the requirements of Cabonne LEP 2012.

#### 4.2.2. Local Government Act 1993

Caravan parks, camping grounds and manufactured home estates in NSW are regulated under the Local Government Act (LG) 1993 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The LG Act 1993 prohibits a person from operating a caravan park or camping ground without the prior approval of the Council. Part 1 of Chapter 7 of the LG Act 1993 deals generally with the granting, amendment, extension, renewal, revocation and modification of approvals. Section 68 of the LG Act 1993 also specifies the activities that require approval, which includes an approval to operate a caravan park.

Section 89 of the LG Act 1993 specifies the matters for consideration in determining an approval under Section 68 of the Act. Section 89(l) states the Council:

- Must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation.
- Must take into consideration any criteria in a local policy adopted under Part 3 by the council which are relevant to the subject-matter of the application.
- Must take into consideration the principles of ecologically sustainable development.

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 sets standards for the design, construction, maintenance and operation of manufactured homes estates, caravan parks and camping grounds. It also specifies the health, safety and amenity standards to be provided for the occupiers of those dwellings.

Clause 73 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 details the conditions of approval to operate a caravan park or camping ground. Clause 73(3) of the LG Regulation 2005 states:

*'This clause does not apply to the operation of a caravan park or camping ground for a period of not more than 6 weeks if the caravan park or camping ground is being operated solely in connection with the use of the land for a sporting, recreational or cultural event.'*

The effect of Clause 73(3) means that short-term or temporary caravan parks and camping grounds associated with cultural events, such as the CIBC, are not required to comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

To fulfil the provisions of the LG Act 1993 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, an approval for a temporary caravan park and campground is being requested from Cabonne Council in accordance with Part F Other Activities of Section 68 of the LG Act 1993.

### 4.2.3. National Parks and Wildlife Act 1974

The National Parks and Wildlife (NPW) Act 1974 is administered by the Office of Environment and Heritage and provides the basis for the legal protection of flora and fauna in NSW.

Unless a licence is obtained under the NPW Act 1974 (or the Threatened Species Conservation Act 1995), it is an offence to harm any animal that is protected or is a threatened species, population or ecological community. It is also an offence to pick any plant that is protected or is a threatened species, population or ecological community. In addition, a person must not, by act or omission, damage any critical habitat.

The NPW Act 1974 also provides the basis for the legal protection and management of Aboriginal sites within NSW. Sections 86, 90 and 91 of the NPW Act 1974 provide statutory protection for any physical / material evidence of Aboriginal occupation of NSW and places of cultural significance to the Aboriginal community.

The sites comprise 'disturbed land', as defined under The NPW Regulation 2019. A search of the Aboriginal Heritage Information Management System (AHIMS) has been completed and there are no Aboriginal Sites or Places identified to be located within close proximity of the sites. No heritage issues / impacts have been identified and approvals under the Heritage Act 1977 or NPW Act 1974 are not required to be obtained for the proposal.

### 4.2.4. Biodiversity Conservation Act 2016

The Biodiversity Conservation (BC) Act 2016 provides the framework for the management of flora and fauna on lands within NSW. Under the BC Act 2016 the principles of ecologically sustainable development are used to achieve the conservation and protection of biodiversity values. Clause 7.2 of the BC Act 2016 identifies the following circumstances where a development is likely to significantly affect threatened species:

- It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3.
- The development exceeds the biodiversity offsets scheme threshold if the biodiversity offset scheme applies to the impacts of the development on biodiversity values.
- It is carried out in a declared area of outstanding biodiversity value.

The proposal does not require existing native vegetation to be disturbed or removed. The Biodiversity Offset Scheme (BOS) is not triggered, and the proposal does not require the preparation of a Biodiversity Assessment Report (BDAR) or Biodiversity Development Assessment Report (BAR). The potential for the proposed development to impact on matters that are of biodiversity significance is low.

Section 7.3 of the BC Act 2016 specifies the assessment criteria to test impacts, as follows:

- In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.
- In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
- Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
  - Is likely to substantially and adversely modify the composition of the ecological community such that its occurrence is likely to be placed at risk of extinction.
  - In relation to the habitat of a threatened species or ecological community:
- The extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
  - Whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
  - The importance of the habitat to be removed, modified, fragmented, or isolated to the long-term survival of the species or ecological community in the locality.

- Whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly).
- Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

In conjunction with the BC Act 2016, the Biodiversity Assessment Method (BAM) is used as the model for undertaking biodiversity assessments on developments that require consent under the EP&A Act 1979. The BAM provides a classification and credit system to ensure that there is no net loss of biodiversity values across the State. In circumstances where the clearing of native vegetation is proposed, the BC Act 2016 makes provision for the retirement of biodiversity offsets (credit payments) under the Biodiversity Offset Scheme (BOS) as part of the determination of a DA for a proposal under the EP&A Act 1979. In this case no clearing of native vegetation is proposed.

Assessment of the impacts of the proposal on biodiversity values is undertaken in Section 5 of this SEE. Tests of significance completed for the site conclude the proposal is unlikely to cause significant impacts on any threatened species and does not trigger entry into the BOS. There is consequently no requirement for the proponent to offset biodiversity impacts associated with this proposal or to prepare a Biodiversity Assessment Report (BAR) or a Biodiversity Development Assessment Report (BDAR).

#### 4.2.5. Water Management Act 2000

The objective of the Water Management (WM) Act 2000 is the sustainable and integrated management of the State's water sources for the benefit of both present and future generations by applying the principles of ecologically sustainable development to protect, enhance and restore water sources and their associated ecosystems, ecological processes and biological diversity and their water quality.

No specific approvals are required under the WM Act 2000, due to the temporary use of the land and no physical construction works being undertaken within 40m of the Belubula River.

#### 4.2.6. Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts of State or local heritage significance which are at least 50 years old. The Heritage Act 1977 applies to non-Aboriginal relics only, as Aboriginal relics are protected under the NPW Act 1974. The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act. No built heritage issues / impacts have been identified. No separate approvals are required under the Heritage Act 1977.

#### 4.2.7. Protection of the Environment Operations Act 1997

The Protection of the Environment Operations (POEO) 1997 regulates air, noise, land and water pollution. The proposal would not operate under an Environment Protection Licence (EPL) and Cabonne Council is the Appropriate Regulatory Authority (ARA) for general pollution control matters on the sites.

#### 4.2.8. Roads Act 1993

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate road authority. The proposed temporary use of the land will be accessed from existing access on Gaskill Street and Tilga Street. No works are proposed to existing accesses for the proposed development that will require a Section 138 Permit to be obtained.

#### 4.2.9. Contaminated Land Management Act 1997

Cabonne Council is required to notify the EPA if contamination is discovered that presents a significant risk of harm. Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 are available on the EPA website. Site inspection has not identified any current uses of the land, or evidence of historic uses of the land which give rise to concerns about potential land contamination.

#### 4.2.10. Rural Fires Act 1997

The Rural Fires (RF) Act 1997 requires approval of development on bushfire prone land as identified by a bushfire prone land map prepared under Section 146 of the EP&A Act 1979. According to the mapping



prepared by the NSW Rural Fire Service (RFS), the site of the proposed temporary caravan park and campground is shown as being bushfire prone land, Vegetation Category 3 and Vegetation Buffer.

Under Section 100B of the RF Act 1997 dealing with tourist accommodation, caravan parks and camping grounds are identified as Special Fire Protection Purpose (SFPP) developments which require assessment against the NSW RFS Planning for Bushfire Protection Guideline 2019.

An assessment has been carried out against Chapter 6 of the Planning for Bushfire Protection Guideline 2019 dealing with SFPP developments. The proposal is considered to comprise a short-term Specific Tourism Use as per Section 6.3.1 of the Bushfire Protection Guideline 2019 as it meets the varied performance criteria in Tables 6.8a to 6.8d. A summary of the assessment findings against Tables 6.8a to 6.8d is provided in Table 4 (below).

**Table 4 - PBP 2019 Review of Table 6.8a and 6.8d**

<b>Table 6.8a APZ and Building Construction</b>	<b>Compliance</b>
Asset Protection Zones	Camping and primitive camping: no performance criteria or acceptable solution applicable.
Landscaping	No landscaping or fencing is proposed, due to the temporary use of the development site.
Construction Standards	Camping and primitive camping: no performance criteria or acceptable solution applicable.
<b>Table 6.8b Access</b>	
Access	Vehicle access to the site is via existing accesses at Gaskill Street and Tilga Street. The site also has direct access to Tilga Street access is via a two-wheel drive, all weather road.  The site is connected to Central Tablelands reticulated water supply system.
<b>Table 6. bc Water Supply</b>	
	The site is connected to Central Tablelands reticulated water supply system.
<b>Table 6.8d</b>	
Emergency Management	A Bush Fire Emergency Management and Evacuation Plan accompanies the application and has been prepared to be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan, and AS 3745:2010.

The risk of significant bushfire impacts is assessed as low for the following reasons:

- The application is seeking approval for the temporary use of part Lot 64 DP 750147 for a temporary caravan park and camping ground for a period of 10 days during the Canowindra International Challenge Inc. The event is held annually in April – May, for a 10-day duration, which is outside the statutory bushfire danger period for the Canowindra Rural Fire District.
- Lot 64 DP 750147 is Crown Land managed by Cabonne Council with a reserve purpose for public recreation, conservation and public baths. The site of the proposed temporary caravan park and camping ground is vacant of any built form and is managed as an open grassed paddock.
- The site is surrounded by urban development to the north, east and west and a mix of residential and agricultural land-uses to the south. The site forms part of the town of Canowindra and is in walking distance to the Canowindra town centre.

- The Belubula River bounds the southern boundary of the site and there is riparian vegetation along both sides of the river.
- Tilga Street and Gaskill Street are bitumen sealed roads surrounding the site to the north and west. Vehicle and pedestrian access are via Tilga and Gaskill Streets.
- The existing grass cover on the site will be mowed and maintained at a level that is short and considered to be a low fire risk hazard during the temporary use of the land.
- The site is connected to reticulated water supply.
- A Bush Fire Emergency Management and Evacuation Plan accompanies the application and has been prepared to be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan, and AS 3745:2010.

### 4.3. State Environmental Planning Policies (SEPP)

A high-level assessment of the applicability of each SEPP to the proposed development is included in Table 5, with further assessment work completed in Section 4.3.1 as necessary.

**Table 5 - SEPP Overview**

Name of SEPP	Specific Assessment Required?
SEPP (Exempt and Complying Development Codes) 2008	No. The proposed development is neither exempt or complying development and a DA is to be lodged
SEPP (Planning Systems) 2021	Yes. See Section 4.3.2
SEPP (Biodiversity and Conservation) 2021	Yes. See Section 4.3.2
SEPP (Sustainable Buildings) 2022	No
SEPP (Housing) 2021	No
SEPP (Industry and Employment) 2021	No
SEPP (Primary Production) 2021	No
SEPP (Precincts - Central River City) 2021	No
SEPP (Precincts - Eastern Harbour City) 2021	No
SEPP (Precincts - Western Parkland City) 2021	No
SEPP (Precincts - Regional) 2021	No
SEPP (Resilience and Hazards) 2021	Yes. See Section 4.3.2
SEPP (Resources and Energy) 2021	No
SEPP (Transport and Infrastructure) 2021	Yes. See Section 4.3.2

#### 4.3.1. SEPP Assessment

##### **SEPP (Planning Systems) 2021**

The Planning Systems SEPP 2021 identifies significant development and infrastructure and confers functions on Regional Planning Panels to determine development applications. The proposal is not classified as 'State significant development' or 'regionally significant development' and will be assessed and determined by Cabonne Council as 'local development'.

##### **SEPP Biodiversity and Conservation 2021**

The site is generally cleared of native vegetation. Tests of significance completed for the sites conclude the proposal is unlikely to cause significant impacts to any threatened species and does not trigger entry

into the BOS. There is no requirement for the proponent to offset biodiversity impacts associated with this proposal or to prepare a BAR or BDAR.

#### **SEPP (Resilience and Hazards) 2021**

Clause 4.6(1) of the Resilience and Hazards SEPP 2021 requires that a consent authority must not consent to the carrying out of any development on land unless:

- It has considered whether the land is contaminated, and
- If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Clause 4.6(4) requires a preliminary site investigation to be carried out if the land concerned is:

- Within an investigation area.
- 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.
- 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 - in relation to which there is no knowledge as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge.

The following background information has been established in order to determine the level of assessment required in relation to the issue of potential land contamination at the subject land:

- The land is not declared to be a significantly contaminated site within the meaning of the Contaminated Land Management Act 1997.
- The land is not and has not been regulated by the EPA or other regulatory authority in relation to land contamination.
- There are no other features of the sites that give rise to concern about potential land contamination.
- Site inspection did not reveal any physical evidence of contamination.

In the circumstances a Preliminary Site Investigation is not warranted.

#### **SEPP – Transport and Infrastructure 2021**

There are provisions contained within the Transport and Infrastructure SEPP 2021 which are triggers for the referral of the DA to certain authorities prior to a council being able to grant consent. With particular regard to the nature of the development proposed by this DA, the potential triggers for referral are summarised as follows:

##### Development Likely to affect an electricity transmission or distribution network

Clause 2.48 of the Transport and Infrastructure SEPP 2021 requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves:

- The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.
- Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5m of an exposed overhead electricity power line.
- Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- Development involving or requiring the placement of power lines underground.

A review of the plans prepared in support of the DA do not identify any triggers for referral of the application to Essential Energy.

#### Development in or adjacent to road corridors and road reservations

Clause 2.122 of the Transport and Infrastructure SEPP 2021 requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP.

The nature and scale of the proposed development does not trigger referral of the DA to Transport for NSW.

## 4.4. Local Environmental Plans

### 4.4.1. Cabonne Local Environmental Plan 2012

The Cabonne LEP 2012 applies to the land. The site is zoned RE2 P Recreation under the Cabonne LEP 2012.

An assessment has been completed to determine the potential applicability of key clauses in the Cabonne LEP 2012 to the proposed development. This work is presented in Table 6. Where it is identified that a clause of Cabonne LEP 2012 applies to the proposed development, this assessment work is presented in Section 4.4.2.

**Table 6 - Preliminary LEP Assessment**

LEP Clause	Clause Name	Applicability
1.9A	Suspension of covenants, agreements & instruments	N/A
2.3	Zone objectives	Applicable. See Section 4.4.2
2.5	Additional permitted uses for particular land	N/A
2.6	Subdivision - consent requirements	N/A
2.7	Demolition requires development consent	N/A
2.8	Temporary use of land	Applicable. See Section 4.4.2
	Land-use Table	Applicable. See Section 4.4.2
4.1-4.1A	Minimum Lot Size Standards	N/A
4.1D	Boundary changes between lots in certain rural, residential and environmental zones	N/A
4.2	Rural Subdivision	N/A
4.2A	Erection of a dual occupancies and dwelling houses on land in certain rural zones	N/A
4.2B	Boundary adjustments in certain rural zones	N/A
5.1	Relevant acquisition authority	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
5.4	Controls relating to miscellaneous uses	N/A
5.5	Controls relating to secondary dwellings on land in a rural zone	N/A
5.8	Conversion of fire alarms	N/A
5.10	Heritage Conservation	N/A
5.11	Bushfire Hazard Reduction	N/A

LEP Clause	Clause Name	Applicability
5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
5.16	Subdivision of, or dwellings on, land in certain rural, residential and conservation zones	N/A
5.18	Intensive livestock agriculture	N/A
5.19	Pond-based, tank based and oyster aquaculture	N/A
5.20	Standards that cannot be used to refuse consent - playing music	N/A
5.21	Flood planning	N/A
5.22	Special flood considerations	N/A
6.2	Stormwater management	N/A
6.3	Terrestrial biodiversity	N/A
6.4	Groundwater vulnerability	Applicable. See Section 4.4.2
6.5	Drinking water catchments	N/A
6.6	Riparian land and watercourses	Applicable. See Section 4.4.2
6.7	Land affected by karst	N/A
6.8	Essential Energy	Applicable. See Section 4.4.2
6.9	Location of sex services premises	N/A

#### 4.4.2. Assessment of LEP Provisions

##### Clause 2.3 - Zone Objectives

Clause 2.3 of Cabonne LEP 2012 states that Council must have regard to the objectives for development in a zone when determining a DA in respect of land within the zone.

The objectives of the RE2 Private Recreation zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The proposed development is not inconsistent with the objectives for the RE2 Private Recreation zone. The proposed temporary use of the site will support the land being used for recreational purposes and will not impact the natural environment of the site.

##### Land-use Table – R1 General Residential zone

The proposed development relates to the temporary use of the land for the operation of a caravan park and camping ground. The development is permissible in the RE2 Private Recreation zone with the consent of Council.

##### Clause 2.8 – Temporary Use of Land

The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

Despite any other provision of the Cabonne LEP 2012, Clause 2.8(2) states that development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

Clause 2.8(3) states that development consent must not be granted unless the consent authority is satisfied that:

- a) The temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
- b) The temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
- c) The temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
- d) At the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Having regard to the above, the proposed temporary caravan park and camping ground is considered to be consistent with Clause 2.8, as detailed below:

- The proposal will not compromise future development of the land or have detrimental effects on the land.
- The proposed development, being the temporary use of the land will be for a 10-day period each year, during the CIBC event.
- The proposed development, being the temporary use of the land will not prejudice the subsequent carrying out of development on the land in accordance with this plan and any other applicable environmental planning instrument.
- The proposed development will not adversely impact adjoining land or the amenity of the neighbourhood due to the proposal operating for a 10-day period during the CIBC event and adjoining the existing Canowindra Caravan Park, located on the edge of the town and distanced from adjoining residential development.
- The proposed development will not adversely impact on environmental attributes or features of the land or increase the risk of natural hazards that may affect the land.
- At the end of the temporary use period of the land, the site will be restored to the condition in which it was before the commencement of the use.

#### **Clause 6.4 Groundwater Vulnerability**

Clause 7.6 applies to land that has been identified as 'Groundwater Vulnerable' on the Groundwater Vulnerability Map. The subject land is mapped in Cabonne LEP 2012 as containing vulnerable groundwater and therefore consideration of Clause 7.6 is required.

The objectives of the Clause are:

- To maintain the hydrological functions of key groundwater systems.
- To protect vulnerable groundwater resources from depletion and contamination as a result of development.

In accordance with Clause 6.4(3), before determining a development on land to which the clause applies, Council must consider the following:

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

In accordance with Clause 6.4(4), Council must not grant consent to development unless:

- The development is designed, sited and will be managed to avoid any significant adverse environmental impact.
- If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact.
- If that impact cannot be minimised—the development will be managed to mitigate that impact.

To assist in the Council's assessment of groundwater issues above, the proposed development is unlikely to result in significant impacts on groundwater resources for the following reasons:

- The site is connected to reticulated water supply, with connections to amenities during the temporary use of the land. No groundwater or surface water from the Belubula River will be taken.
- Portable amenities will be provided on the site during the temporary use of the land to capture all domestic wastes. The temporary amenities will be serviced and cleaned by a contractor employed by the organisers of the Canowindra International Balloon Challenge Inc.

#### **Clause 6.6 Riparian Land and Watercourses**

Clause 7.4 applies to land that has been identified 'Watercourse' on the Riparian Lands and Watercourses Map, or land that is within 40m of the top of the bank of each mapped watercourse. Parts of the site is mapped as containing Watercourse and therefore consideration of Clause 7.4 is required. The mapped Watercourse is the Lachlan River which adjoins the southern boundaries of the land.

The objective of the Clause is to protect and maintain the following:

- Water quality within watercourses.
- The stability of the bed and banks of watercourses.
- Aquatic and riparian habitats.
- Ecological processes within watercourses and riparian areas.

Before determining a development on land to which the clause applies, Clause 7.4(3) requires that Council must consider the following:

- Whether or not the development is likely to have any adverse impact on the following:
  - The water quality and flows within the watercourse.
  - Aquatic and riparian species, habitats and ecosystems of the watercourse.
  - The stability of the bed and banks of the watercourse.
  - The free passage of fish and other aquatic organisms within or along the watercourse.
  - Any future rehabilitation of the watercourse and riparian areas.
- Whether or not the development is likely to increase water extraction from the watercourse.
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

In accordance with Clause 7.4(4) Council must not grant consent to development unless:

- The development is designed, sited and will be managed to avoid any significant adverse environmental impact.
- If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact.
- If that impact cannot be minimised—the development will be managed to mitigate that impact.

To assist in the Council's assessment of riparian land and watercourse issues above, the proposed development is unlikely to result in significant impacts on riparian lands and watercourses for the following reasons:

- The proposal is for a temporary use of the land (caravan park and camping ground) and is well separated from the Belubula River.

- The proposal does not include any construction work with 40m of the Belubula River and its riparian environment.
- There is no proposal to remove or disturb riparian vegetation.
- The site is connected to reticulated water supply and not surface water from the Belubula River will be taken.
- Portable amenities will be provided on the site during the temporary use of the land and will be serviced and cleaned by a contractor employed by the organisers of the CIBC.

#### **Clause 6.8 - Essential Services**

Clause 6.8 requires that consent must not be granted to development unless the Council is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- The supply of water.
- The supply of electricity.
- The disposal and management of sewage.
- Stormwater drainage or on-site conservation.
- Suitable vehicle access.

An assessment of the essential servicing requirements of the proposal is as follows:

- The Cabonne Council reticulated water supply is connected and available to the site.
- The Cabonne Council reticulated sewerage system is connected and available to the site.
- Electricity is connected and available to the site.
- Stormwater will be managed on-site and or diverted to the surrounding stormwater systems in Tilga Street.
- The site will be accessed from an existing crossing on the corner of Gaskill and Rodd Streets. The location of the access is shown on the site plan submitted with the DA.

The proposed development is capable of being connected to essential services in accordance with the requirements of Clause 6.8.

## **4.5. Development Control Plans**

An assessment has been completed in Table 7 to determine the potential applicability of each Development Control Plan in the Cabonne LGA to determine whether they are applicable to the proposed temporary use.

**Table 7 - Preliminary DCP Assessment**

<b>Name</b>	<b>Statement of Applicability</b>
DCP 2 – West Canowindra Rural Small Holdings	N/A
DCP 3 – Weemelah Rural Small Holdings	N/A
DCP 4 – Long Corner Road Rural Small Holdings	N/A
DCP 5 – General Rural Zones	N/A
DCP 6 – Rural Small Holdings	N/A
DCP 7 – North Street Canowindra Industrial	N/A
DCP 8 – North Molong Industrial	N/A
DCP 9 – Stathnook Lane Rural Small Holdings	N/A



DCP 10 – Flood Prone Land in Molong	N/A
DCP 13 – Advertising Signage in Conservation Areas (Molong & Canowindra)	N/A
DCP 15 – Relocatable and Transportable Homes – Amendment 1	N/A
DCP 16 – Interim Guidelines for Development of Flood Prone Land in Eugowra – Amendment 1	N/A

## 05. ASSESSMENT OF ENVIRONMENTAL ISSUES

The main environmental issues that have been raised and investigated as part of the design process for the proposed development have been documented in this section. Each issue is investigated by way of documenting existing conditions, assessing impacts and proposing management and mitigation measures.

### 5.1. Site Design

#### 5.1.1. Assessment of Existing Conditions

The site has an area of approximately 4ha and comprises the Canowindra Caravan Park, Canowindra Swimming Pool and an open space area. The site has frontage to Gaskill Street on its northern boundary and Tilga Street on its western boundary. The Belubula River is located on the southern boundary.

#### 5.1.2. Assessment of Potential Impact

The design of the temporary caravan park and camping ground has involved a Risk Review by the Canowindra International Challenge Inc to ensure that all aspects of the proposal are safe and will not cause significant risks. The Currajong Site Plan represents the outcome of the Risk Review and associated engagement with Cabonne Council, Crown Land and other government authorities. Key features of the site design are as follows:

- The proposed temporary caravan park and camping ground complies with the LG Act 1993, the National Construction Code of Australia 2022 (NCC), NSW RFS Planning for Bushfire Protection Guideline 2019 as well as other relevant Australian Standards and Council Policies.
- Existing accesses from Tilga Street and Gaskill Street will be used to access the proposed temporary caravan park and camping ground.
- The proposal is consistent with requirements of the Cabonne LEP 2012 without variation.

#### 5.1.3. Management and Mitigation

No additional mitigation measures are proposed other than to operate the temporary caravan park and camping ground in accordance with the plans submitted in support of the DA and Section 68 Approval.

### 5.2. Access and Traffic

#### 5.2.1. Assessment of Existing Conditions

The site has frontage to Gaskill Street on its northern boundary and Tilga Street on its western boundary. Existing accesses are available in both Gaskill and Tilga Streets. Pedestrian access to the site is available from an existing shared path on the western side of Tilga Street. A concrete footpath is also available along the first 100m of Gaskill Street adjoining the Canowindra Swimming Pool.

#### 5.2.2. Assessment of Potential Impact

During the operation of the temporary caravan park and camping ground the site will be managed by the Canowindra International Balloon Challenge Inc.

Proposed access and traffic management arrangements are as follows:

- Vehicular access is to be provided from existing accesses on Gaskill and Tilga Streets.
- Existing internal roads will be used to service the proposed temporary caravan park and camping ground.
- Caravan sites have been dimensioned to generally accommodate caravan / camper vans and towing vehicle within their designated site.

- A car parking area adjoins the camping ground for 34 vehicle spaces. No vehicles will be permitted to park in the camping ground (tent sites) area.
- Temporary fencing and signage will be installed throughout the site directing vehicles to designated sites and parking areas.
- A speed limit of 10km/hr will be sign-posted near the site entrances and along internal roads (where required).

On the basis of the above, it is assessed that adequate arrangements will be made to accommodate the access and parking needs of the temporary use of the land.

### 5.2.3. Management and Mitigation

No specific transport or traffic mitigation measures have been identified as being necessary.

## 5.3. Soil and Water Quality

### 5.3.1. Assessment of Existing Conditions

The subject site is mapped in Cabonne LEP 2012 as being located in an area that contains vulnerable groundwater, riparian lands or watercourses and there are no soil related impacts observed to be causing a problem at the site.

### 5.3.2. Assessment of Potential Impact

The proposed temporary caravan park and camping ground is likely to cause some levels of soil disturbance, due to the numbers of people, traffic and activity in and around caravan, campervan and tent sites. In general, impacts are assessed to be minor and temporary in nature. Clean-up and repairs are generally carried out immediately following the temporary use of the land so as to avoid longer-term impacts. The proposal is unlikely to significantly impact on soil and water quality issues given no substantive / long-term changes to landform are proposed.

### 5.3.3. Management and Mitigation

No additional mitigation measures are proposed other than general clean-up of the area and surrounds immediately after temporary use of the land.

## 5.4. Air Quality

### 5.4.1. Assessment of Existing Conditions

There are no significant air quality impacts created by existing site conditions.

### 5.4.2. Assessment of Potential Impact

The POEO Act 1997 sets and the statutory framework for managing air quality in NSW and the POEO (Clean Air) Regulation 2022 sets standards of concentration for emissions to air from both scheduled and non-scheduled activities, including odour, dust, emissions and excessive motor vehicle air impurities.

There is low potential for odour emissions to air resulting from the temporary use of the land. Assessment of the proposal against the NSW EPA Technical Framework for the Assessment and Management of Odour from Stationary Sources in NSW 2006 is not considered to be necessary.

Air quality assessment has focused on the potential for dust emissions to air from vehicle movements as the main cause of potential air quality impacts. The specific pollutant of interest associated with dust is the total suspended particulate (TSP). Due to the temporary nature of the proposal during April - May, dust impacts are unlikely to be significant and / or experienced at nearby sensitive receivers.

### 5.4.3. Management and Mitigation

No specific air quality mitigation measures have been identified as being necessary.

## 5.5. Noise and Vibration

### 5.5.1. Assessment of Existing Conditions

There are no significant noise quality impacts created by existing site conditions. The main sources of noise in the area are from traffic travelling along public roads.

### 5.5.2. Assessment of Potential Impact

Noise and vibration impacts will be created as a result of the proposed temporary caravan park and camping ground to some extent. Noise sources will generally be from vehicle movements and general noise from people staying at the temporary caravan park and camping ground.

Noise impacts experienced by campers from other campers at night are assessed to comprise the greatest potential for noise nuisance complaints. To safeguard against noise nuisance, the site will be signposted as a quiet zone from 10.00pm to 7.00am. The Canowindra International Challenge Inc will generally manage these operational limits through its check-in process and appropriate signage.

Subject to the above, noise impacts are expected to be minor / temporary in nature.

### 5.5.3. Management and Mitigation

No additional mitigation measures are proposed, other than alerting Cabonne Council and NSW Police Force of the temporary use of the land for monitoring and regulatory purposes.

## 5.6. Heritage

### 5.6.1. Assessment of Existing Conditions

A search of the Aboriginal Heritage Information System (AHIMS) has been completed for the subject land parcels. The search was completed to determine whether there are any items of cultural heritage significance either on the subject land or within 200m of the subject land. The search result found that:

- There are 0 Aboriginal sites recorded in or near the subject land.
- There are 0 Aboriginal places that have been declared in or near the above location.

The subject site is not listed as a heritage item under the Cabonne LEP 2012 or State Heritage Register. There are no features of the site that are particularly rare or have significant heritage value.

### 5.6.2. Assessment of Potential Impact

#### Aboriginal Cultural Heritage

Whilst a search of AHIMS has not identified the presence of any recorded sites or places, there is a need to consider whether the proposal will impact on potential items of Aboriginal cultural heritage significance. Based on the framework in the Due Diligence Code of Practice (DDCP) for the Protection of Aboriginal Objects in NSW, the following assessment statements are true:

- The proposal does not represent an activity that is a declared project under Part 3A of the EP&A Act 1979.
- The proposal is not an activity that is an exempt activity listed in the NPW Act 1974 or other legislation.
- The proposal will not involve harm to an Aboriginal object that is trivial or negligible under Section 86 of the NPW Act 1974.
- The proposal is not on land that is known to be in an Aboriginal Place declared by the Minister under Section 84 of the NPW Act 1974.
- The proposal is not a low impact activity for which there is a defence in the NPW Regulation 2019.

Having regard to the above, the correct procedure is to follow the generic due diligence process as per Section 8 of the DDCP. An assessment of the due diligence process is included in Table 8.

**Table 8 - The Generic Due Diligence Process**

Step	Question	Response
1	Will the activity disturb the ground surface or any culturally modified trees?	Yes. Proceed to Step 2.
2	Are there any: a) relevant confirmed site records or other associated landscape feature information on AHIMS? and/or b) any other sources of information of which a person is already aware? and/or c) landscape features that are likely to indicate presence of Aboriginal objects?	No. According to the DDCP, an AHIP application not necessary and it is possible to proceed with caution. If any Aboriginal objects are found, stop work and notify DECCW. If human remains are found, stop work, secure the site and notify the NSW Police and DECCW.  Consideration of Steps 3, 4 and 5 (below) not necessary.
3	Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape features be avoided?	N/A
4	Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?	N/A
5.	Further investigation and impact assessment	N/A

### Built Heritage

Assessment of historic and built heritage is open for assessment, based on the matters for consideration under Section 4.15 of the EP&A Act 1979. This assessment reveals no impacts on heritage items. No heritage items / issues are particularly relevant due to the site separation from heritage sites / areas. Consequently, a Heritage Impact Assessment is not required.

### 5.6.3. Management and Mitigation

No additional mitigation measures are proposed, other than implementation of the unexpected finds procedure under the DDCP for the Protection of Aboriginal Objects in NSW.

## 5.7. Hazards and Safety

### 5.7.1. Assessment of Existing Conditions

The site adjoins the Belubula River and is impacted by flooding during moderate to large flood events.

According to the mapping prepared by the NSW Rural Fire Service, the site is identified as being within a bushfire prone area.

A site inspection of the land has not identified any activities that are being carried out on the land which are likely to be direct sources of potential land contamination.

## 5.7.2. Assessment of Potential Impact

### Flooding

Flooding hazards have been considered as part of the Risk Assessment carried out by the Canowindra International Challenge Inc. The risk of significant flooding impacts is assessed as low as the proposal is temporary in nature and sufficient flood risk warning generally being available for event organisers to plan and implement evacuation of the site well before a flood event.

### Bushfire

Bushfire hazards have been considered as part of the Risk Assessment carried out by the Canowindra International Challenge Inc, including assessment against Chapter 6 of the Planning for Bushfire Protection Guideline 2019 dealing with SFPP developments. The risk of significant bushfire impacts is assessed as low for the following reasons:

- The application is seeking approval for the temporary use of part Lot 64 DP 750147 for a temporary caravan park and camping ground for a period of 10 days during the Canowindra International Challenge Inc. The event is held annually in April – May, for a 10-day duration, which is outside the statutory bushfire danger period for the Canowindra Rural Fire District.
- Lot 64 DP 750147 is Crown Land managed by Cabonne Council with a reserve purpose for public recreation, conservation and public baths. The site of the proposed temporary caravan park and camping ground is vacant of any built form and is managed as an open grassed paddock.
- The site is surrounded by urban development to the north, east and west and a mix of residential and agricultural land-uses to the south. The site forms part of the town of Canowindra and is in walking distance to the Canowindra town centre.
- The Belubula River bounds the southern boundary of the site and there is riparian vegetation along both sides of the river.
- Tilga Street and Gaskill Street are bitumen sealed roads surrounding the site to the north and west. Vehicle and pedestrian access are via Tilga and Gaskill Streets.
- The existing grass cover on the site will be mowed and maintained at a level that is short and considered to be a low fire risk hazard during the temporary use of the land.
- The site is connected to reticulated water supply.
- A Bush Fire Emergency Management and Evacuation Plan accompanies the application and has been prepared to be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan, and AS 3745:2010.

### Site Contamination

Site contamination issues have been considered as part of the Risk Assessment carried out by the Canowindra International Challenge Inc. Site contamination is considered to be low risk for the following reasons:

- The land is not declared to be a significantly contaminated site within the meaning of the Contaminated Land Management Act 1997.
- The land is not and has not been regulated by the EPA or other regulatory authority in relation to land contamination.
- There are no other features of the sites that give rise to concern about potential land contamination.
- Site inspection did not reveal any physical evidence of contamination.

### Traffic

Traffic safety issues have been considered as part of the Risk Assessment carried out by the Canowindra International Challenge Inc. Traffic issues are assessed to be low risk / manageable, subject to the implementation of accesses and internal roads and the installation of speed limit and traffic control signage.

### 5.7.3. Management and Mitigation

Procedures have been developed by the Canowindra International Balloon Challenge Inc to manage all identified hazards, including evacuation procedures in the event of a flood, bushfire or other emergency situation.

## 5.8. Biodiversity

### 5.8.1. Assessment of Existing Conditions

The site is mapped as being Terrestrial Biodiversity Map in Cabonne LEP 2012. Generally, the site is clear of any other significant vegetation.

### 5.8.2. Assessment of Potential Impact

A significance assessment under Section 1.7 of the EP&A Act 1979 which takes into consideration Part 7 of the BC Act 2016 has been undertaken to determine whether the proposal is likely to significantly affect threatened species and / triggers the Biodiversity Offsets Scheme. This assessment is provided in Table 9.

**Table 9 - BC Significance Assessment**

Test	Assessment
Section 7.3(1)(a) - likely adverse effect on the life cycle of threatened species	The potential for the site to significantly affect threatened species is assessed to be low, due to the absence of required habitat. There is no proposal to disturb any roadside vegetation or land that is mapped as containing terrestrial biodiversity. The proposal is unlikely to have an adverse effect on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.
Section 7.3(1)(b) - likely adverse effect on the extent or composition of an endangered ecological community	The potential for the site to significantly affect an endangered ecological community is assessed to be low. The site is not observed to contain the necessary habitat for endangered ecological communities.
Section 7.3(1)(c) - likely adverse effects on habitat of threatened species or ecological community	As above.
Section 7.3(1)(d) - likely adverse effect on declared area of outstanding biodiversity value	The site is not a declared area of outstanding biodiversity value.
Section 7.3(1)(e) - potential for the development to be part of a key threatening / impact process	The proposal would not significantly increase the prevalence or risk of key threatening process. The site is not observed to contain the necessary habitat for endangered ecological communities. The potential for foraging over the site is already severely restricted given the context and setting of the site.

The potential impacts on the condition, ecological value and significance of the fauna and flora on the land are considered to be low and will not change as a result of the proposed development.

### 5.8.3. Mitigation and Management

No additional mitigation measures are proposed.

## 5.9. Services and Utilities

### 5.9.1. Assessment of Existing Conditions

The site is connected to reticulated water supply, sewerage and grid electricity.

### 5.9.2. Assessment of Potential Impact

Portable amenities will be provided at the site during the temporary use of the land:

- Amenities, including 8 portable toilets and 8 showers will be provided during the temporary use of the land and positioned centrally on the site; this will include 1 accessible toilet/shower facilities.
- The proposed amenities will be serviced and cleaned by a contractor employed by the organisers of the Canowindra International Balloon Challenge Inc.
- 240 litre waste bins and skip bins (as required) will be provided to accommodate the waste generated during the temporary operation of the caravan park and campground. The Canowindra International Balloon Challenge Inc will be responsible for the management of waste at the temporary caravan park and camping ground for the duration of the temporary event.
- A dump camp for caravan and motorhome waste is available to the public in the Canowindra Caravan Park.

### 5.9.3. Mitigation and Management

No additional mitigation measures are proposed.

## 5.10. Social and Economic Impacts

### 5.10.1. Assessment of Existing Conditions

There are no significant social and economic impacts created by existing site conditions.

### 5.10.2. Assessment of Potential Impact

An assessment of potential impacts of the proposed development has been undertaken with regards to scoping methodology outlined in the Social Impact Assessment (SIA) Guideline 2017 published by the Department of Planning and Environment. Table 10 provides an assessment of the proposed development against the criteria in the SIA Guideline.

Table 10 - Social Impact Assessment

Matters	Key Links to Social Impacts	Risk of Impact without Mitigation	Nature of Impact	Assessment Findings
<b>Amenity</b>				
Acoustic	Way of life;	Likely	Negative	The development will generate additional noise during the 10-day period.
Visual	Surroundings	Likely	Negative	The site design is likely to have an acceptable impact in terms of visual amenity.
Odour	Surroundings	Unlikely	Negative	The proposal will not produce odour.
Micro-climate	Surroundings	N/A	Nil	The proposal will not significantly impact microclimate.
<b>Access</b>				
Access to property	Way of life;	Likely	Negative	The proposal will impact on access to neighbouring



Matters	Key Links to Social Impacts	Risk of Impact without Mitigation	Nature of Impact	Assessment Findings
				properties during the 10-day period.
Utilities and public transport	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to available services and utilities will be completed to requirements of relevant authorities.
Road and rail	Personal and property rights.	Likely	Negative	The proposed development is within the capacity of local road conditions.
<b>Built Environment</b>				
Public domain	Community;	Likely	Negative	The proposal will impact the public domain as the temporary use of the land will be located on recreational land.
Public infrastructure	Access to infrastructure, services and facilities;	Unlikely	Negative	The proposed land-use is capable of proceeding without connection to public utilities and infrastructure.
Other built assets	Surroundings; Personal and property rights	Unlikely	Nil.	The proposal will not preclude public access to built assets.
<b>Heritage</b>				
Natural	Way of life;	N/A	Nil	Natural heritage of the site is not compromised by the proposed development.
Cultural	Community;	Unlikely	Negative	The proposal will not impact on cultural values in the public domain.
Aboriginal culture	Culture;	Unlikely	Negative	The proposal has considered the likelihood that the proposal will impact on items of known Aboriginal cultural significance.
Built	Surroundings.	Unlikely	Negative	There are no built heritage items registered on the site.
<b>Community</b>				
Health	Health and wellbeing;	Unlikely	Negative	The proposal does not create any health risks.
Safety	Surroundings	Unlikely	Negative	The proposal has been assessed as not increasing a known safety risk.
Services and facilities	Way of life, Access to infrastructure, services and facilities;	Unlikely	Negative	The proposal does not impact access to public services or facilities.
Cohesion, capital and resilience	Way of life; Community; Culture	Unlikely	Negative	The proposal is unlikely to generate impacts.

Matters	Key Links to Social Impacts	Risk of Impact without Mitigation	Nature of Impact	Assessment Findings
Housing	Way of life, Personal and property rights.	N/A	Nil	The proposal does not create a new housing opportunity.
<b>Economic</b>				
Natural resource area	Way of life;	Unlikely	Negative	The proposal will utilise available natural resources in a sustainable manner.
Livelihood	Surroundings;	N/A	Nil	The proposal is unlikely to generate impacts.
Opportunity cost	Personal and property rights	N/A	Nil	The proposal is unlikely to generate impacts.
<b>Air</b>				
Air emissions	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.
<b>Biodiversity</b>				
Native vegetation and fauna	Surroundings	Unlikely	Negative	Vegetation clearing is not proposed on site.
<b>Land</b>				
Structural stability, land capability, topography	Surroundings	Unlikely	Negative	The proposal will not result in significant disturbance to the receiving environment.
<b>Water</b>				
Quality, availability, hydrological flows	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.

Considering the proposal in the context of surrounding land-use as well as the previously addressed issues related to water, soil and air quality, noise, traffic, heritage, hazards, servicing and utilities, the proposal would be unlikely to have an unacceptable impact on the environment within or surrounding the site. The social and economic impacts of the proposal are determined to be acceptable.

### 5.10.3. Management and Mitigation

No additional mitigation measures are proposed.

## 06. EVALUATION AND JUSTIFICATION FOR THE PROPOSAL

### 6.1. Objectives of the EP&A Act 1979

Development consent is being sought under Section 4.16 of the EP&A Act 1979 and must therefore satisfy the objectives of the Act. The objectives of the Act are:

- To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.
- To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- To promote the orderly and economic use and development of land.
- To promote the delivery and maintenance of affordable housing.
- To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.
- To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).
- To promote good design and amenity of the built environment.
- To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.
- To provide increased opportunity for community participation in environmental planning and assessment.

The proposal is considered to be consistent with the above objectives. An objective of the EP&A Act 1979 is for the encouragement of ecologically sustainable development (ESD), which is assessed in the next section.

### 6.2. Ecological Sustainable Development

ESD is a long-standing and internationally recognised concept. The concept has been affirmed by the 2002 World Summit for Sustainable Development and has been included in multiple pieces of Federal and State legislation. Australia's National Strategy for Ecologically Sustainable Development (1992) defines ecologically sustainable development as:

*'Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.'*

The proposal has endeavoured to address long established ESD principles, as follows:

- The precautionary principle - No serious environmental threats have been identified. No delays to the final design investigations or assessment process are recommended to allow for additional information / studies / surveys to take place under different climatic or seasonal conditions.
- Inter-generational (social) equity - Social equity provides a notion of preservation of environmental aspects that cannot be replaced for the enjoyment of future generations. Generally, such aspects relate to biodiversity, cultural heritage, land-use and the transformation of the locality as a result of the development. The proposal has considered such aspects and the SEE assessment concludes that environmental impacts will be minimal. By adopting the recommendations in this SEE for the operational phases and temporary use of the land, intergenerational equity can be maintained.

- Conservation of biological and ecological integrity - Given the highly disturbed / modified nature of the site, no significant flora or fauna issues have been identified. Procedures will be implemented during operational and the temporary use of the land to minimise potential risks on the environment.
- Improved valuation, pricing and incentive mechanisms - The volumes of waste generated from the proposal will be appropriately managed to minimise impacts on common public areas, the appropriate pricing mechanism are used to reflect the user pays approach to environmental management.

### **6.3. Other Relevant Considerations**

#### **6.3.1. Safety, Security and Crime Prevention**

During the operation of the temporary caravan park and camping ground, a representative of the Canowindra International Balloon Challenge Inc will be available to manage check-in /check-out processes and respond to any management issues.

#### **6.3.2. Cumulative Impacts**

The potential environmental impacts of the proposal have been detailed in the relevant sections of the SEE. The proposal will not generate unacceptable environmental impacts. Overall, the proposal makes a neutral contribution to the environment.

#### **6.3.3. Suitability of the Site for the Development**

The environmental assessment work completed and detailed in this SEE demonstrates that the subject land is suitable for the proposed development. The development has been designed to be consistent with the Cabonne LEP 2012.

#### **6.3.4. Public Interest**

Due to the nature and scale of the proposed temporary use development, the public interest in the matter is assessed to be low, with the likely impacts concentrated on nearby land-use. Relevant State Government planning policies and guidelines have been identified and considered as part of the preparation of the project design and assessed in this report. Compliance can be achieved. The proposal is assessed to pose no significant detrimental impacts on the public interest.

## 07. CONCLUSION

This Statement of Environmental Effects has been prepared by Currajong Pty Ltd on behalf of the Canowindra International Challenge Inc to support a Development Application and Section 68 Approval for a temporary caravan park and camping ground on Lot 64 DP 750147, Tilga Street, Canowindra during the Canowindra International Balloon Challenge.

Lot 64 DP 750147 is considered ideal for the temporary caravan park and camping ground, given there is existing commercial caravan park facilities towards the northern part of the site, support has been indicated by both Cabonne Council (as the land manager), existing access being available from Tilga Street and the site being cleared / level open space.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021. The assessment also extends to other legislation, including the Local Government Act 1993. The assessment concludes the proposed temporary caravan park and camping ground is permissible in the RE2 Private Recreation and is consistent with the Cabonne Local Environmental Plan 2012.

It is recommended that sufficient information has been submitted with the Development Application to allow Cabonne Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development is capable of being supported by Council.



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