



MAJOR PROJECT ASSESSMENT:

**Department of Planning Reference Pottsville North Holiday Park
File 9041328**

**Report on the Assessment of Development Application DA06/0808 under Part 3A
of the Environmental Planning and Assessment Act, 1979.**

**Application prepared by Darryl Anderson Consulting on behalf of Tweed Coast
holiday Parks Reserve Trust, for the proposed alteration and additions to Pottsville
North Holiday Park, Tweed Shire Local Government Area.**

*Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979*

Prepared By Tweed Shire Council

November 2006

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EXECUTIVE SUMMARY

Tweed Coast holiday Parks Reserve Trust (applicant) has lodged an application seeking approval for the alteration and additions to the Pottsville North Holiday Park, Pottsville, Tweed Shire Local Government Area.

The proposed development seeks to rationalise the existing layout of the site and to assist in achieving compliance with the Local Government Caravan Parks Regulation, 2005. The proposal will optimise the site and provide additional long-term accommodation to the site. The development will generally result in an additional 20 long term (LT) sites and the deletion of 8 short term (ST) sites resulting in a total of 61 LT and 88 ST sites. Eighteen (18) of the twenty (20) LT sites will revert to ST sites once the initial tenants vacate the sites (the 18 sites are described as Area 'G').

Pottsville North Holiday Park is located between the Tweed Coast Road and Cudgera Creek, north of the intersection between Coronation Avenue and Tweed Coast Road and south of the intersection between Centennial Drive and Tweed Coast Road, Pottsville, northern New South Wales.

To the south and east, the site adjoins primarily detached one and two storey residential dwellings and residential flat buildings. To the north is the Pottsville Bowling Club and associated car parking.

Key Issues relating to the proposal are;

Bush fire

The subject site is identified as Bush Fire Prone Land as detailed within the Bush Fire Prone Land Map Dated February 2004, therefore the development is required to comply with the "Planning for Bushfire Protection" (Rural Fire Service, 2001). Accordingly two Bushfire Threat Assessments have been prepared as part of the Environmental Assessment. One assessment covers Areas A to F and the second assessment covers Area G.

The proposed development is considered to comply with Planning for Bushfire Protection subject to asset protection zones being provided.

Flora and Fauna (Vegetation management)

The Department of Natural Resources raised concerns about the potential impact of the development on the existing vegetation, in particular the requirement of Asset Protection Zones (APZ). Section 6.2 of Annexure B of the report recommends amelioration measures such as 'all other native vegetation within Area A to G to be retained where possible', 'an ecological restoration program is implemented for the vegetation communities occurring at the site in proximity of Cudgera Creek' and 'any future landscape planting at the site to include food tree species for the Koala and Glossy Black-Cockatoo'.

Creek Buffer

The proposed development is located adjacent to Cudgera Creek, as such the Estuary Management Plan is required to be taken into consideration. Part of the plan requires a minimum 50-metre buffer zone of riparian vegetation to remain in tact on new development sites. A balance between the buffer and bushfire asset protection zone has been established and reinforced with conditions.

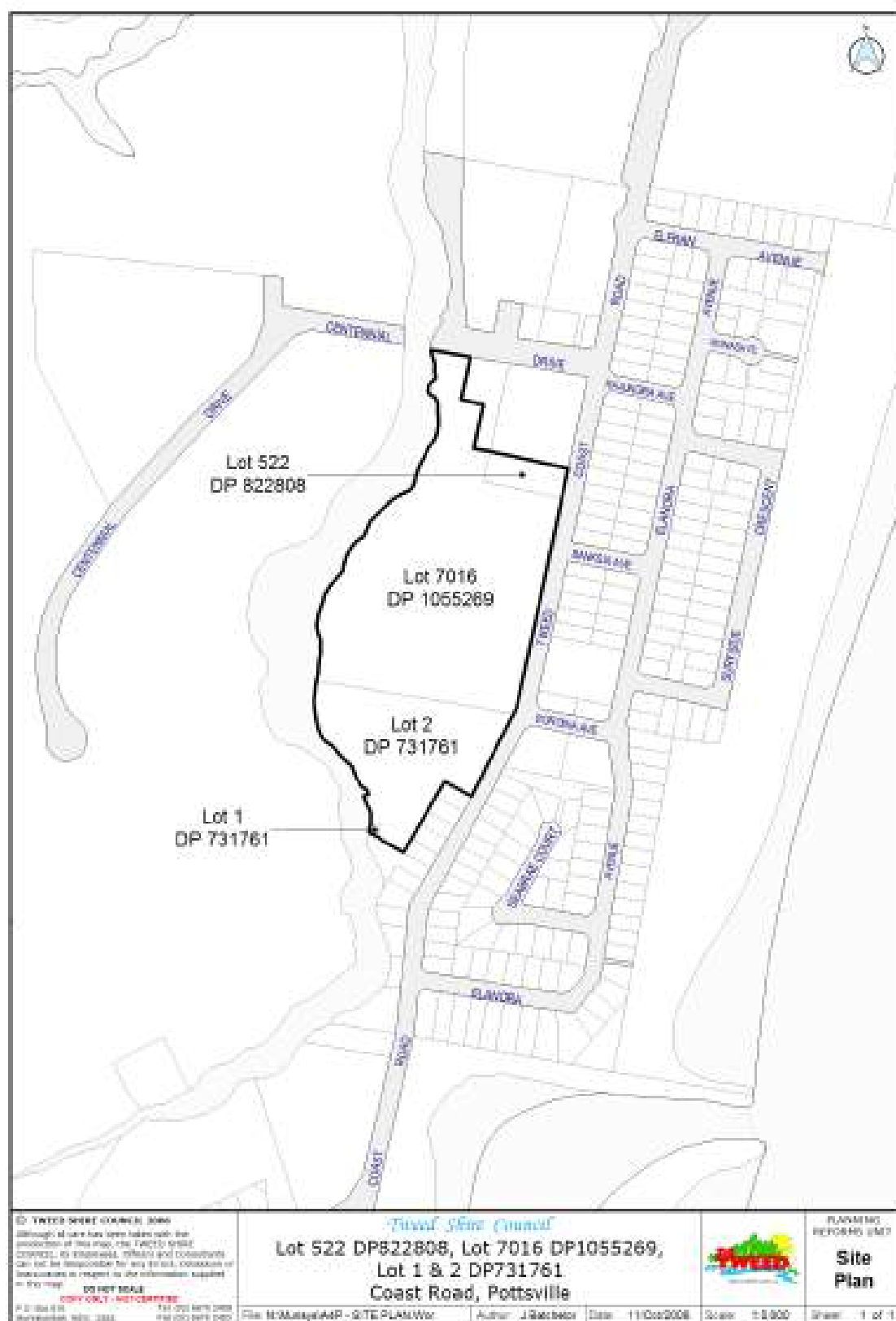
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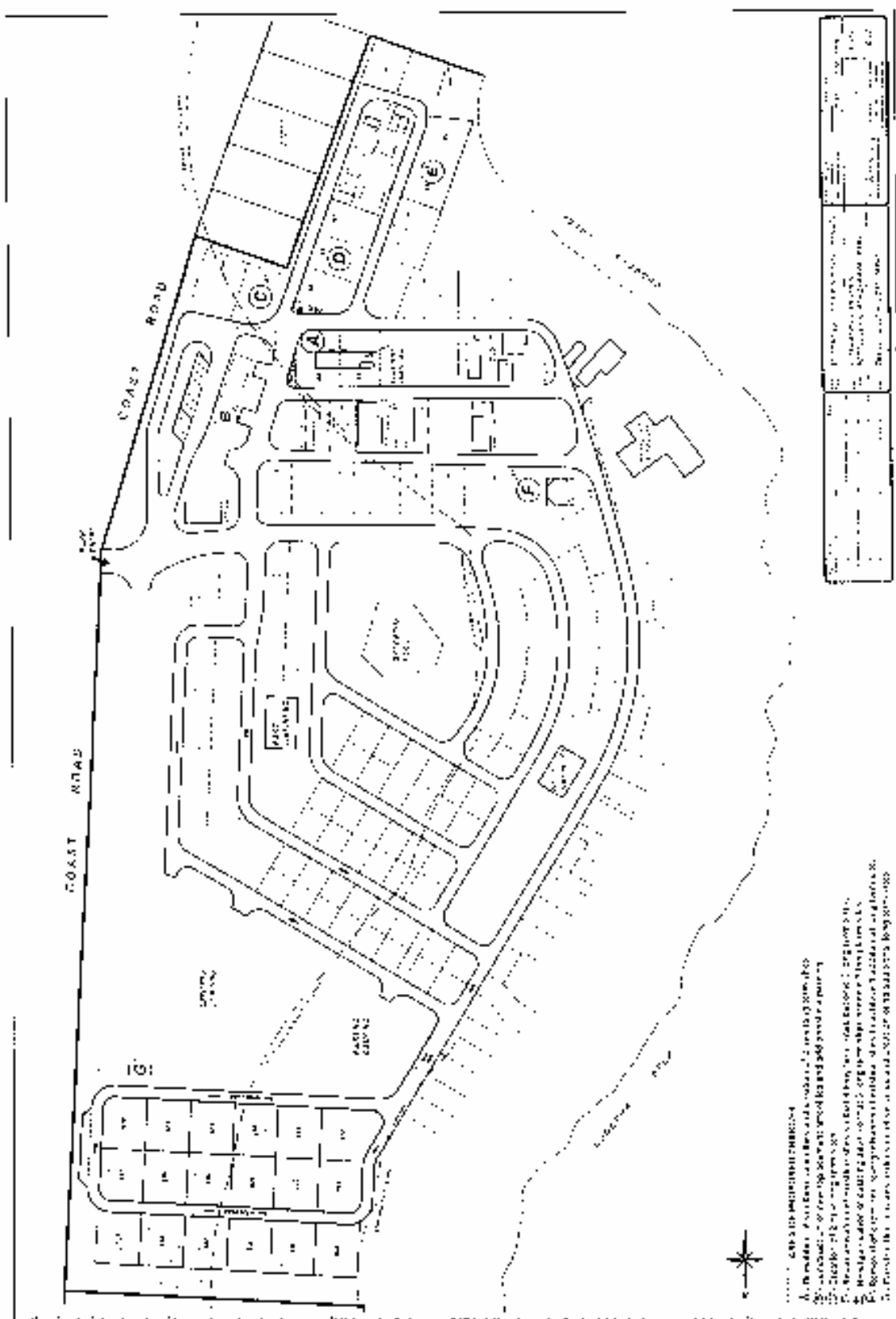
Tweed Coast Holiday Parks Trust lodged an application for alterations and additions to the Pottsville North Caravan Park located at Tweed Coast Road, Pottsville. The application is a Major Project and is required to be assessed in accordance with Part 3A of the EP&A Act. The Minister has delegated the assessment to Council.

The park currently comprises a number of sites and is used for both short term and long term accommodation. A current Section 68 approval exists to operate the park for some 41 long term and 96 short term sites and 35 camp sites.

The application proposes to rationalise the site layout and numbers of several existing sites within the park. The application also seeks to demolish an existing amenities building and construct a new one and to create an additional eighteen new sites at the northern end of the site. These sites are initially for long term use and are to revert to short term sites once they are vacated by the initial tenants.

SITE DIAGRAM:





PROPOSED DEVELOPMENT

Approval Sought

Council is receipt of an application requesting approval to create an additional 20 long term (LT) sites and the deletion of 8 short term (ST) sites resulting in a total of 61 LT and 88 ST sites. Eighteen (18) of the twenty (20) LT sites will revert to ST sites once the initial tenants vacate the sites (the 18 sites are described as Area 'G'). Council has been granted all assessment powers in relation to the assessment of the project application from the Director-General of the Department of Planning.

The site currently comprises accommodation used for both short-term and long-term accommodation. This application seeks to rationalise the existing sites located at the southern end of the park so that the park can operate more efficiently and compliance with the current Caravan Parks Regulation can be achieved.

In addition to the rationalisation of the existing sites, the application seeks to create eighteen sites located at the northern end of the park. The new sites are to be initially utilised for long-term accommodation up until the initial long-term tenants vacate the sites, then the sites become short-term.

The proposal involves the following:

- Area A: This area currently contains an amenities block, this block is to be demolished and replaced by two (2) new long term (LT) sites.
- Area B: This area currently is vacant, with the site proposed for the location of the new amenities building. Parallel to the proposed amenities building to the east adjacent to Tweed Coast Road is the proposed location of ten (10) visitor car spaces to accommodate for the increase in sites.
- Area C: This area is currently vacant, two (2) new LT sites are proposed in the area.
- Area D: This area currently contains four (4) LT sites, a reconfiguration of the area proposes a net yield of three (3) sites. This is a reduction of one (1) LT site.
- Area E: This area currently contains two (2) existing structures over three (3) sites, a reconfiguration of these sites is proposed to conform to the two existing structures therefore a loss of one (1) LT site.
- Area F: This area currently contains one (1) large cabin, which accommodates three (3) units for ST accommodation. The proposal seeks to remove the cabin and create two (2) new LT sites.
- Area G: This area is generally underdeveloped land apart for a sealed, fenced off area to the north adjacent to the Bowling Club for the storage of caravans. This area proposes eighteen (18) LT sites all serviced by road, water, power and sewer.

STATUTORY CONTEXT

Major Project

On the 8 March 2006, the Director General of the Department of Planning issued an Instrument of Delegation to Tweed Shire Council. All assessment powers in relation to the assessment of the project application under Part 3A of the Environmental Planning and Assessment Act, 1979 and Part 1A of the Environmental Planning and Assessment Regulations 2000 have been delegated to Council. The Minister retains the consent authority role.

Permissibility Tweed Local Environmental Plan 2000

Clause 11 zones

The subject sites are zoned 6(b) – Recreation within the Tweed Local Environmental Plan 2000 (Tweed LEP 2000). The development is defined as “Caravan Park” being an item 3 matter being allowed only with consent and must satisfy the provisions of clause 8(2) – consent considerations.

Clause 8(2) – consent considerations

- (2) (a) The proposal is identified as an urgent community need as the proposed additions are to cater for other caravan park residents at parks elsewhere in the Tweed Shire who are being displaced as a result of closure of those sites, and
- (b) The proposal is best suited to the subject site and locality in which it is proposed due to the existing function of the site and the significant undeveloped portion located to the north of the site, and
- (c) The proposed development is to provide an additional 20 long-term sites resulting in a total of 61 LT and 88 ST sites. The development will be generally consistent with the scale and character of existing and future development in the immediate area, and
- (d) The development is consistent with the aims of this plan and the objectives of the zone in which it is proposed, as the development is compatible with the primary function of the zone.
- (3) Development referred to in subclause (2) is identified as advertised development. The application was advertised for a period of 30 days from 16 August 2006 until 15 September 2006.

The proposal is consistent with the provisions of this clause.

Clause 15 – Essential Services

The subject property is serviced by water supply and facilities for the removal or disposal of sewage and drainage, power and telecommunications are available.

The proposal is consistent with the provisions of this clause.

Clause 16 – Height of Buildings

The subject sites are affected by a two-storey height limit. The objectives of clause 16 are to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.

The proposal is for additional sites and not for the structures at this stage, the structures are subject to separate approval. However, an amenities block would be constructed as part of the proposal. The amenities block would be less than 5m high.

The proposal is therefore considered to comply with the provisions of Clause 16.

Clause 17 – Social Impact Assessment

The objectives of clause 17 are to ensure proper consideration of development that may have a significant social or economical impact. The proposal seeks to reorganise the existing layout of sites A to F to achieve more efficient layouts and achieve compliance with the current Caravan Park Regulations. The reconfiguration of the sites does not result in the displacement of any existing long-term tenants and therefore is unlikely to create any significant adverse social impacts.

Area G is proposed to be utilised initially as long term accommodation for residents that have been displaced by closure of other caravan sites within the Tweed Shire. These sites will revert to short-term accommodation once the displaced tenants vacate the sites. The use of these sites will help meet an urgent social need in the Tweed community.

Clause 22 – Development near designated roads

The subject site has frontage to the Tweed Coast Road, which is identified as a Council designated road. The application was referred to Council's Traffic Engineer and the Local Traffic Committee and no issues were raised with the local road network considered adequate to cope with the increase from the proposal. The proposed additions will utilise the existing entrance, with a second entrance on to Tweed Coast Road considered an option for emergency vehicles only.

The proposal is consistent with the provisions of this clause.

Clause 28 – Development in zone 7 (I) Environmental Protection (Habitat and on adjacent land

The proposal is considered to consistent with the provisions of this clause as the application includes a Flora and Fauna Assessment by Aspect North, which identifies any likely potential impacts to Flora and Fauna and provides appropriate amelioration measures.

Clause 31 – Development adjoining waterbodies

The proposal is considered to be consistent with the provisions of this clause as the application includes a Flora and Fauna Assessment by Aspect North, which identifies any likely potential impacts to the vegetation within the site in particular within the riparian zone. The report also provides for appropriate amelioration measures to be carried out.

Clause 34 – Flooding

Councils Infrastructure Engineer provided the following comments:

“Design Flood Level = 2.4m AHD

Minimum habitable floor level = 2.7m AHD

All new sites need to be filled to DFL to comply with DCP5. This will require up to 1m of fill on Sites 58 and 59 (Area E). This additional fill is not expected to cause any adverse impacts on flooding behaviour. All other new sites within the development are well above flood level.”

Clause 35 – Acid Sulphate Soils

The site is affected by Class 1, 2 and 3 acid sulphate soils as such the report contains a preliminary acid sulphate soil assessment prepared by HMC Environmental Consulting Pty Ltd. The report concludes that acid sulphate soils are unlikely to be disturbed by the development.

The proposal is consistent with the provisions of this clause.

Clause 39A – Bushfire Protection

The subject site is identified as Bush Fire Prone Land as detailed within the Bush Fire Prone Land Map Dated February 2004. As such a Bushfire Threat Assessment has been prepared pursuant Section 79BA of the Environmental Planning and Assessment Act, 1979 in regards to Sites A to F. A Bushfire Threat Assessment under Section 100B of the Rural Fires Act of 1997 regarding Area G has also been undertaken. The proposed development complies with Planning for Bushfire Protection requirements subject to an asset protection area being provided.

The proposal is consistent with the provisions of this clause.

North Coast Regional Environmental Plan 1988

Clause 15 – Wetland or Fishery Habitat

The proposed development is considered not to contravene the objectives of Clause 15 or create any significant adverse effects to the water quality or fishery habitat, as the development proposes water quality control measures.

Clause 32B Development control—coastal lands

The details of this Clause are addressed in the assessment comments below.

NSW Coastal Policy, 1997

Assessed below;

Stormwater quality – The application proposes adequate stormwater management.

Coastal Hazards – The subject site is not subject to coastal hazards.

Development adjacent to estuaries must minimise potential impact – The application consists of a Flora and Fauna Assessment by Aspect North, which identifies any likely potential impacts to the vegetation within the site in particular within the riparian zone. The report also provides appropriate amelioration measures.

Acid Sulphate Soils - The site is affected by Class 1, 2 and 3 acid sulphate soils as such the report contains a preliminary acid sulphate soil assessment prepared by HMC Environmental Consulting Pty Ltd. The report concludes that acid sulphate soils are unlikely to be disturbed by the development.

North Coast Design Guidelines – Addressed below.

Design and Location Principles – The proposal will not over shadow the beach or foreshore open space. The height of the building is consistent with the planning controls and strategies relating to the site.

Provisions of public facilities and equitable access to estuary foreshores – The proposal will not alter the existing arrangements regarding access to the foreshore.

Coastline Management Manual, 1990

The site is not located in the coastal erosion zone and is not visible from any beach, accordingly the Coastline Management Manual is considered not relevant to this proposal.

North Coast Design Guidelines

The design, construction materials and landscaping of the proposed alterations and additions to the caravan park are considered consistent with the North Coast Design Guidelines.

Overshadowing

The proposed development is considered not to contravene the objectives of Clause 32B by creating any significant adverse effects to the public access to the foreshore, create overshadowing to beaches, waterfront open space before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).

Clause 33 – Coastal Hazard Areas

See comments relating Clause 32B above.

Clause 43 – Residential Development

The proposed development is considered to comply with the requirements of the clause, as each of the requirements have been addressed within the report and considered satisfactory.

Clause 66 – Adequacy of community and welfare services

This clause applies to subdivision of land intended for residential or rural residential purposes.

Clause 81 – Development adjacent to the ocean or a waterway

The proposal is located within 100 metres of the ocean or waterway, but it is considered that there is no foreshore open space accessible to the public. The development will not detract from the amenity of the waterway and the development is consistent with the foreshore management plan applying to the area.

State Environmental Planning Policy No. 11 – Traffic Generating Developments

The application is not listed within either schedule one or two of SEPP No. 11 however, the application was referred to the Local Traffic Committee. No issues were raised as it was mentioned that the development is serviced by an existing roundabout which has adequate capacity to cater with the additional traffic generated by the proposal.

State Environmental Planning Policy No. 14 – Coastal Wetlands

The site is not affected by SEPP No.14 Coastal Wetlands.

State Environmental Planning Policy No. 21 – Caravan Parks

Clause 10 Matters to be considered by Council.

A Council may grant a development consent required by this Policy only after it has considered the following:

- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*

The existing caravan park is already catering for both short term and long term accommodation and it is evident from the long-term success of the operation that its location and character are well suited to this purpose.

- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*

The existing tourist accommodation within the park is to be retained and forms an essential element of the park's operation. In the longer term, the new long term dwelling sites created by the proposal in the area adjoining the bowling club are to revert to short-term dwellings sites consistent with the requirements of the Director General of the Department of Lands. In the short term the proposed additional long term sites will not displace potential tourist accommodation.

- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*

Low-cost housing, or land available for low-cost housing is not readily available in Pottsville. The proposal represents a good response to this issue.

(d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,

The park is well located with respect to facilities and services. Local facilities are readily accessible by foot. Neighbourhood and regional facilities are readily accessible by car and bus.

(e) any relevant guidelines issued by the Director, and

There are no specific guidelines by the Director General of Planning. The requirements of the Director General of the Lands Department have been sought and form part of the proposal.

(f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.

The proposal complies with the requirements of the current Caravan Parks Regulations.

This proposal is considered to satisfy the aims and objectives of SEPP No.21.

State Environmental Planning Policy No. – 26 Littoral Rainforests

The site is not affected by SEPP No.26. Littoral Rainforests.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The subject land does not contain Koala food trees and therefore the provisions of this Policy do not apply.

State Environmental Planning Policy No. 55 – Remediation of Land

A contaminated land assessment has been undertaken and that assessment concluded that the land was not contaminated.

State Environmental Planning Policy No. 71 – Coastal Protection

The site is located within the area to which the policy applies. The proposed development is within 100m of the mean high water mark of the sea, a bay or an estuary. The proposal is considered not to adversely affect the access to and along the coastal foreshore, limit overshadowing of foreshore areas and that the type, bulk, scale and size of the development is appropriate within the SEPP 71 zone.

Minister's power to approve

Under the Environmental Planning and Assessment Act, 1979 the proposal is classified as a major project and is accompanied by an Environmental Assessment (EA). The Minister for Planning is the approval authority for the application. The Minister has delegated the assessment of the application to Tweed Shire Council.

The Director-General's Environmental Assessment Requirements ("DGRs"), issued on 16 March 2006, required the following key issues to be addressed:

- **Strategic and Statutory Planning** – including an assessment of the proposal against all relevant legislation and planning provisions which apply to the site. Justification for any non compliances or inconsistencies is required. In particular include consideration of the Local Government (Manufactured Homes estates, Caravan Parks and Camping Grounds and Moveable Dwellings) Regulations 2005.
- **Access** – including consideration of access to the site, within the site and to required services such as shops, medical etc.
- **Flooding** - an assessment of any flood risk that may occur on site due to proximity to the Cudgen Creek. Consideration of the provisions of the Floodplain Development Manual (NSW Government, April 2005).
- **Water** – including consideration of any impacts on Cudgen Creek, any requirements of the Tweed Coast Estuaries Management Plan 2004-2008 and measures for stormwater management. If necessary, measures for Acid Sulfate Soils management need to be addressed.
- **Riparian Corridor** – including measures to protect the riparian corridor.
- **Natural Heritage** – including assessment of any impacts on flora and fauna or European and Aboriginal heritage. In particular, appropriate assessment of any threatened species or impacts to native vegetation.
- **Bushfire Protection** – demonstrate compliance with the relevant provisions of Planning for Bushfire Protection 2001.

The initial Environmental Assessment lodged by the Proponent on 25 July 2006 was considered by Council to satisfactorily address the DGRs.

EA Exhibition

The Environmental Assessment (EA) was exhibited from 16 August 2006 until 15 September 2006.

CONSULTATION and issues raised

Public Submissions

No public submissions were received during the advertising period.

Government Authority Submissions Received

Traffic committee

The application was referred to Local Traffic Committee on the 11 August 2006. The application is not listed within Schedule 2 of SEPP No.11 – Traffic Generating Developments however, the Local Traffic Committee comments on the application were invited. The Traffic Committee raised no issues, the existing road network is considered to cater for the additional traffic generated by the proposal.

NSW Rural Fire Service

The application was referred to the NSW Rural Fire Service on the 10 August 2006. The NSW Rural Fire Service assessed the application and set out a number of conditions that need to be complied with to ensure bushfire risk is minimised. The issues raised by RFS are discussed below.

NSW Department of Primary Industry (DPI)

The application was referred to the NSW Department of Primary Industry (Fisheries) on the 22 August 2006. The Department provided the following comments.

Buffer Zones

A 50 metres buffer consistent with the policy “Policy and Guidelines Aquatic Habitat Management and Fish Conservation 1999” is recommended for areas adjacent to SEPP 14 Wetlands and waterways such as Cudgera Creek.

The proposed changes to Area E being the consolidation of three sites into two is purely administrative with no structural works proposed to the existing dwellings. Therefore, the 50 metre buffer adjacent to Area E is not recommended by the Department.

Department of Natural Resources

The application was referred to the Department of Natural Resources on the 22 August 2006. The Department made the following comments;

Acid Sulphate Soils

The Preliminary Acid Sulphate Soils Assessment and Management Plan is considered to adequately address any likely risk from the proposal with the measures to be detailed in the Draft Statement of Commitments.

Estuary Management Plan – Cudgen, Cudgera and Mooball Creeks

The plan aims for development that is ecologically sensitive and has limited impact on the estuary, its aesthetics and health. To achieve these aims the following actions are required;

1. Continue water sensitive urban design approach for stormwater management;
2. Best management practices for sediment control during construction to be regularly monitored;
3. Adhere to minimum 50 m buffer zone of riparian vegetation to remain intact on new development sites;
4. Ensure development application have access to terrestrial and aquatic vegetation mapping from all sources;
5. Wherever possible, encourage dedication and rehabilitation of riparian zones with development application and
6. Develop and implement a strategy to combat illegal clearing of vegetation.

Natural Heritage

The Department raised the issue that by the application not considering the Native Vegetation Act, 2003 and the Environmental Assessment has not adequately addressed all relevant statutory provisions applying to the site. In addition the proposed bushfire hazard reduction and Flora and Fauna Assessment requirements appear unlikely to prevent broad scale clearing or adequately protect the riparian corridor. As such the Department provided the following matters;

1. Management of the riparian vegetation as part of an Asset Protection Zone is in conflict with its protection for riparian values and functions;
2. Council as manager and owner of the land to undertake rehabilitation work to enhance the function of this vegetation;
3. The proposed vegetation clearing, if not undertaken according to an approval under Part 3A of the EP&A Act, would be required according to the Environmental Outcomes Assessment Methodology of the Native Vegetation Regulation, 2005.
4. There appears to be no offsets to compensate for vegetation losses in proposed Area G or in the Asset Protection Zone;
5. No plan appears to be provided for future management of native vegetation of the site;
6. Any Asset Protection Zone should be provided within the development area and should not be extended into adjoining land, especially across Cudgen Creek;
7. There appears to be inconsistencies within the EA regarding the fire prone status of the land.

Department of Environment and Conservation

The application was referred to the Department of Environment and Conservation on the 22 August 2006. The Department did not review the application but rather provided general comments which are recommended to be satisfied prior to determination.

Department of Lands

The application was referred to the Department of Lands on the 22 August 2006. The Department has not provided a response.

Assessment

The proposed development has been assessed in accordance with the Environmental Planning and Assessment Act, 1979. Any significant issues raised are outlined below under “environmental impacts”. The subject site is considered suitable for the proposed development. The proposal is considered in the public’s interest.

Environmental Impacts

Aquatic Habitats

Key Issue: A 50 metre buffer is recommended for areas adjacent to SEPP 14 Wetlands and waterways such as Cudgera Creek.

Raised By: NSW Department of Primary Industry (Fisheries) (DPI)

Consideration A 50 metres buffer consistent with the policy “*Policy and Guidelines Aquatic Habitat Management and Fish Conservation 1999*” is recommended for areas adjacent to SEPP 14 Wetlands and waterways such as Cudgera Creek.

Resolution The existing sites in Areas E and F will be reduced from three to two sites as a result of the proposal. Both these areas are within 50m of Cudgera Creek, therefore the required buffer cannot be provided. As the proposal would reduce the impact within both these areas, it is considered that the proposal is acceptable.

Acid Sulphate Soils

Key Issue: The Preliminary Acid Sulphate Soils Assessment and Management Plan are to be detailed in the Draft Statement of the Commitments.

Raised By: Department of Natural Resources

Consideration An Acid Sulphate Soils Assessment has been provided by HMC Environmental Consulting Pty Ltd. The report indicated that ASS is unlikely to be present on the subject land. The Preliminary Acid Sulphate Soils Assessment and Management Plan is considered to adequately address any likely risk from the proposal with the measures to be detailed in the Draft Statement of Commitments. A full Acid Sulphate Soils Management Plan is considered not to be required.

Resolution Clause 9 of the Preliminary Acid Sulphate Soils plan proposes a suitable management method during activities.

Estuary Management Plan – Cudgen, Cudgera and Mooball Creeks

Key Issue: The development is ecologically sensitive and has the potential to impact on the estuary, its aesthetics and health.

Raised By: Department of Natural Resources

Consideration 1. *Continue water sensitive urban design approach for stormwater management;*

2. *Best management practices for sediment control during construction to be regularly monitored;*
3. *Adhere to minimum 50 m buffer zone of riparian vegetation to remain intact on new development sites;*
4. *Ensure development application have access to terrestrial and aquatic vegetation mapping from all sources;*
5. *Wherever possible, encourage dedication and rehabilitation of riparian zones with development application and*
6. *Develop and implement a strategy to combat illegal clearing of vegetation.*

Resolution

The Estuary Management Plan requires a 50m buffer adjacent to Cudgera Creek for all new development while the NSW RFS require a 40m APZ to Area 'G' and a 30m APZ to Areas 'E' & 'F'.

Area 'G' provides for the 50m buffer requirement with all 18 sites greater than 50m from Cudgera Creek.

However, Area 'G' requires a 40m APZ as outlined within Section 4.2.2 in 'Planning for Bushfire Protection 2001'.

Contained within the 40m APZ as a small portion of low value regrowth revegetation containing predominantly lantana and Bitou bush with no mature native vegetation. This portion of vegetation is located east of the Osprey nesting pole and is requested to be removed to provide an adequate APZ. A condition has been added to the draft consent to ensure an adequate APZ is provided for whilst reducing the amount of works within the 50m buffer to ensure the continuation of the estuary's aesthetics and health.

Area 'E' is located within the 50m buffer and is required to provide a 30m APZ as per Section 4.2.2 in 'Planning for Bushfire Protection 2001'.

However, Area 'E' currently contains two existing long term dwellings which are situated over three long term sites. The proposal seeks to rationalise the existing dwelling site configuration by reducing the number of sites located within this area. No physical structural works are proposed, rather the reduction in sites are purely administrative and therefore it is considered that due to the existing dwellings, reduction in the number of site and therefore reduction in potential environmental impact on the sensitive area, that existing conditions should remain. In regards to the APZ a condition has been imposed requiring the application to liaise with the NSW Rural Fire Service regarding suitable bushfire protection measures.

Area 'F' contains a small portion within the 50m buffer and is required to provide a 30m APZ as per Section 4.2.2 in 'Planning for Bushfire Protection 2001'. However, the proposal seeks to rationalise the existing sites within Area 'F' which, currently contains one large cabin that accommodates three units for short-term accommodation. The rationalisation proposed seeks to remove the cabin and create two long term sites at the cost of three short term sites, being a net loss of one

site. It is considered as the site currently contains an existing dwelling and given the location of the existing 'managers residence' between the subject sites and Cudgera Creek, and the overall reduction in sites, that the minor encroachment into the 50m buffer is acceptable. With regards to the APZ a condition has been imposed requiring the applicant to liaise with the NSW Rural Fire Service regarding suitable bushfire protection measures.

It is recommended that Points 1-6 be resolved by appropriate conditions of consent.

Flora and Fauna

Key Issue: No consideration of the Native Vegetation Act, 2003 and the proposed bushfire hazard reduction and Flora and Fauna Assessment requirements appear unlikely to prevent broad scale clearing or adequately protect the riparian corridor.

Raised By: Department of Natural Resources

- Consideration**
1. Management of the riparian vegetation as part of an Asset Protection Zone is in conflict with its protection for riparian values and functions;
 2. Council as manager and owner of the land to undertake rehabilitation work to enhance the function of this vegetation;
 3. The proposed vegetation clearing, if not undertaken according to an approval under Part 3A of the EP&A Act, would be required according to the Environmental Outcomes Assessment Methodology of the Native Vegetation Regulation, 2005.
 4. There appears to be no offsets to compensate for vegetation losses in proposed Area G or in the Asset Protection Zone;
 5. No plan appears to be provided for future management of native vegetation of the site;
 6. Any Asset Protection Zone should be provided within the development area and should not be extended into adjoining land, especially across Cudgen Creek;
 7. there appears to be inconsistencies within the EA regarding the fire prone status of the land.

Resolution No clearing of vegetation west of the Osprey nesting pole. The pole is located at the top of the high bank of Cudgera Creek. The vegetation east of the pole is lantana and bitou bush with no mature native vegetation. Some minor adjustment to the Area 'G' sites might be necessary to maintain the 40 metre Inner Asset Protection Zone (IAPZ) without extending vegetation removal west of the Osprey Nest Pole.

The report recommends amelioration measures in Annexure B Section 6.2 of the report be implemented as conditions of consent. Section 6.2 of Annexure B of the report recommends amelioration measures such as 'all other native vegetation within Area A to G to be retained where possible', 'an ecological restoration program is implemented for the vegetation communities occurring at the site in proximity of Cudgera

Creek’ and ‘any future landscape planting at the site to include food tree species for the Koala and Glossy Black-Cockatoo’.

It is recommended that this Point 5 be resolved by appropriate conditions of consent.

Traffic, Access and Parking

Key Issue: The proposed visitor car park is set up to encourage anti clock wise traffic movement. The proposed access and parking may not be adequate for the proposed development.

Raised By: Council’s Traffic Engineer

Consideration The location of the proposed visitor car parking is currently setup as one-way access in an anti clockwise direction, which is not encouraged. The direction should be changed to a clockwise direction with the angle of the proposed visitor car parking to reflect the clockwise traffic flow.

Councils Traffic Engineer provided the following comments:

“I have reviewed the DA and advise that as the proposal is accessed via the existing roundabout on the Coast Road, access is not an issue.

Similarly, traffic volumes on the Coast Road have decreased since the Motorway opened and adequate capacity exists to absorb the traffic generated by this development.

My only concern is that the “teardrop” one-way access road near the entry sets up traffic flow in an anti-clockwise direction which is not encouraged as standard convention is for “clockwise” circulation. This should be changed along with the angle of the car park spaces to reflect clockwise traffic flow.

Standard conditions including TRCP should be applied.”

Parking

The proposed development will provide ten (10) new visitor car spaces adjacent to the new amenities building identified as Area B and Tweed Coast Road. Under Clause 97 of the Regulations 3 new car spaces are required for the twenty (20) new sites, in addition to the visitor spaces, each site is to provide for one car space on site. The parking spaces proposed also exceed the requirements of DCP No. 2 – Site Access and Parking Code.

Resolution It is recommended that this be resolved by appropriate condition of consent.

Wastewater Management

Key Issue: The proposed development would result in a minor increase in runoff from the site which has the potential to impact Cudgera Creek.

Raised By: Council

Consideration Councils Infrastructure Engineer provided the following comments in this regard:

“The site discharges to Cudgera Creek and has highly permeable sandy soil. Site stormwater is currently dispersed overland towards the creek, maximising infiltration during small events, and providing surcharge flow paths to the creek in larger storms. Lawns and other landscaping provide adequate filtration of contaminants prior to entering the creek. There are no SEPP14 wetlands identified within the section of creek adjoining the site.

The new caravan sites will continue to discharge their stormwater in this manner. Minor increases in stormwater runoff are expected due to new roof and road areas, however these should be readily accommodated by the existing drainage system for the site.”

Resolution The existing stormwater regime has the capacity to cope with the additional runoff generated by the proposed development. No condition of consent is required.

Infrastructure

Key Issue: The proposed development will increase the demand on infrastructure such as water supply, effluent disposal, electricity and telecommunications.

Raised By: Council

Consideration Water Supply / Effluent disposal

Councils Senior Water/Sewerage Design Engineer provided the following comments:

“I have reviewed the DA and advise that the water supply and sewerage services are available and have adequate capacity to service the proposed alterations and additions. Standard conditions should apply.”

No work is required to extend Council's water or sewer infrastructure. Standard Section 64 charges are to be imposed.

Electricity / Telecommunication

Services are available for connection.

Resolution: A condition of consent requires the imposition of standard Section 64 charges for the provision of water or sewer infrastructure to the subject site.

Flooding

Key Issue: Part of the subject site is below the design flood level. The proposal has the potential to impact on flooding behaviour.

Raised By: Council

Consideration: Ground levels within the Park vary between 1.4m AHD to 5.5m AHD. The design flood level identified within DCP No. 5 – Development of Flood Liable Land for the subject sites is 2.4m AHD with a minimum floor level of 2.7m AHD.

All the new proposed sites meet the required minimum flood levels except for Area E. Area E currently contains two (2) existing structures (dwellings) over three (3) sites, a reconfiguration of these sites is proposed to conform to the two existing structures therefore a loss of one (1) LT site. No structural alterations or additions are proposed with the reconfiguration of these sites. Up to 1m of fill on Sites 58 and 59 (Area E) will be required to ensure these sites are at DFL. This additional fill is not expected to cause any adverse impacts on flooding behaviour. All other new sites within the development are well above flood level.

Resolution: A condition of consent has been included that requires all sites to be at the flood design level for the site of 2.4m AHD.

Noise and Amenity

Key Issue: The proposed development has the potential to increase noise and decrease amenity for surrounding land uses.

Raised By: Council

Consideration: The Park has been operational for a number of decades with no noise or amenity related complaints being recorded by the Environment Unit or Council.

The northern extension identified as Area G, which proposes eighteen new sites, is located adjacent to the Pottsville Bowling Club's car parking and servicing area. A ten (10)-metre buffer will exist between the rear of the site boundary and the property boundary, this complies with Clause 89 of the Regulations.

Two (2) new sites are proposed in the southeast corner adjacent to Tweed Coast Road identified as Area C. A three (3)-metre setback is proposed between the rear site boundary and the property boundary this complies with Clause 89 of the Regulations. The Regulations require a ten (10) metre set back from sites to roads. A five (5) metre landscaped

setback to Tweed Coast Road is proposed from site 4 in Area C, this is considered adequate.

Contamination

Key Issue: The subject site has the potential to be contaminated from prior land use.

Raised By: Council

Consideration: A preliminary Site Investigation was prepared by HMC Environmental Consulting Pty Ltd. The report concluded that it is unlikely that the sites are impacted by soil contamination.

Resolution: It has been recommended that a post earthworks surface radiation survey of Area G, be conducted and submission of a validation statement to Council prior to the commencement of use. This contamination request has been made a condition of the draft consent.

Compliance with the Regulation

Key Issue: *The proposed changes to the existing caravan park must comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

Raised By: Council

Consideration Amenities – Area A currently contains the southern amenities building which is proposed to be demolished to create two new sites. As a result, a new amenities building is proposed in Area B. The proposal is considered to comply with the minimum requirement under the Regulations for the number of amenities to be provided.

Street Lighting – The proposal is considered to comply with Clause 100 of the Regulation with regards to street lighting.

Fire hydrant and Hose Reels – The proposal is considered to comply with Clause 128 and 129 of the Regulation with regards to Fire hydrant and Hose Reels.

Resolution Conditions have been added to ensure compliance with the Regulation.

Suitability of the Site

The subject site is considered suitable for the proposed development, as the site currently comprises accommodation used for both short-term and long-term accommodation. This application seeks to rationalise the existing sites located at the southern end of the park so that the park can operate more efficiently and compliance with the current Caravan Parks Regulation can be achieved.

In addition to the rationalisation of the existing sites, the application seeks to create eighteen sites located at the northern end of the park. The new sites are to be initially

utilised for long-term accommodation until the initial tenant vacates the sites, then the sites will revert to short-term accommodation.

CONCLUSION

The proposal has been assessed against all relevant plans and policies and is considered suitable for the site and is not likely to create any significant adverse impacts on either the built or natural environments in the locality.

RECOMMENDATION

That Development Application DA06/0808 (Department of Planning reference MP 05_0192) alterations and additions to the Pottsville North Caravan Park be approved subject to the following draft conditions.