



Ref: OUT10/15936

A/Director Regional Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001

20 October 2010

Attention: Mr Sebastian Tauni

Dear Mr Tauni

Re: MP08- 0005 Environmental Assessment – Proposed extension to existing caravan park at Lot 2 DP1031068 and Lot 2 DP1031968 – The Pines, 8 Hearn's Lake Road, Woolgoolga, COFFS LGA

Thank you for your letter seeking comment from Industry & Investment NSW (I&I NSW) on the Environmental Assessment (EA) for the above mentioned major project.

I&I NSW is responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. I&I NSW has reviewed the EA and has identified the following matters for your consideration prior to determination.

Buffers to Hearn's Lake

Intermittently closed and open lakes and lagoons (ICOLLS) such as Hearn's Lake, including the periodically inundated foreshore, are key fish habitats. Hearn's Lake is also identified as a Habitat Protection Zone within the Solitary Islands Marine Park. While it is noted that the existing van park and the development site are located on a higher part of the Hearn's Lake foreshore the development does not provide a sufficient buffer to the Lake to address riparian zone management, run-off and sea level rise.

Holistic consideration of a proposal for expansion and redevelopment of the park requires consideration of possibilities to minimise impacts arising from the existing park footprint by developing a buffer.

The current footprint for the park has 23 lots wholly or partially within the 7A zone. When lots such as these immediately abut buffer zones or public reserve foreshore those areas can gradually degrade and loss of community space can occur due to confusion about the boundaries between private and public space.

It should be noted that the Hearn's Lake / Sandy Beach Development Control Plan adopted by Council on 7 December 2005 proposes expansion of buffers around Hearn's Lake to achieve 50 metres from the 3.5 AHD contour. This position, which would substantially expand the buffer zone, is contained within Draft Local Environment Plan No. 29 Hearn's Lake / Sandy Beach.

Cognisant of the strategic approach being adopted for the sustainable management of Hearn's Lake, and the Hearn's Lake Estuary Management Plan, I&I NSW recommend that, at a minimum, expansion of the park be contingent upon removing the approximately 23 lots from the existing 7A zone. Achieving this outcome would be consistent with best management practice which seeks to incorporate a road / pathway between privately used sites and buffer zones.

Furthermore, I&I NSW would recommend that the Hearn's Lake buffers be, in part, rehabilitated with native endemic vegetation and appropriately managed to maintain their habitat values.

These modifications would ensure that the proponent was able to protect the site's ecological attributes as proposed by the ecological statement of commitments.

Water Sensitive Urban Design

Holistic consideration of the proposed expansion and redevelopment of the park should consider the impacts arising from the existing park footprint. This could be done by retrofitting water sensitive urban design features into existing van sites.

Conclusion

It is acknowledged that successful rehabilitation of the area used for the effluent disposal ponds and irrigation, and connection to the reticulated sewer network, will considerably reduce one of the impacts on key fish habitats within Hearn's Lake ICOLL. Beyond this matter, the EA proposes expansion of the existing van park without assessing cumulative impacts arising from both the existing and proposed sections of the van park. Incorporating some actions to minimise impacts on fish, fish habitat and recreational fishing opportunities from the existing development can substantially reduce the overall impact of the proposed expansion.

A proposal that better addresses the key areas of appropriate buffer zones, and retrofitting water sensitive urban design features into the existing sites, would have greater likelihood of mitigating other impacts of the development and satisfy the Department's "no net loss" of aquatic habitat policy.

Should you require further information please contact Mr Patrick Dwyer, Fisheries Conservation Manager (North), on (02) 6626 1397.

Yours sincerely



Bill Talbot
Director, Fisheries Conservation & Aquaculture

Major Projects Assessment
Department of Planning
GPO Box 39,
SYDNEY NSW 2001

Attention: Mr. Sebastian Tauni
Environmental Planner

Dear Sir

Re: Proposed extension to existing Caravan Park at Lot 2 DP 1031068 & Lot 2 DP1031968 – 'The Pines' 8 Hearn's Lake Road, Woolgoolga Mp08_0005

I refer to the Department of Planning's (DOP) letter dated 13th September 2010 seeking comments from Housing NSW in regard to the proposed extension (60 sites) to the existing Caravan Park at Lot 2 DP1031068 & Lot 2 DP1031968 – 'The Pines' 8 Hearn's Lake Road, Woolgoolga (the Proposal).

Background

Housing NSW provides housing to low income households unable to obtain affordable and appropriate housing in the private sector. Assistance provided by Housing NSW is targeted to people in greatest need. Many clients are single person and single parent households and many have additional support needs.

Within the Coffs Harbour LGA there is strong and growing demand for a range of housing types, particularly for one and two bedroom dwellings, both within the broader community and amongst social housing clients. A Housing Market Analysis is provided at Attachment 1 which provides an analysis of the housing issues in the LGA.

Housing NSW has a direct interest in development of caravan parks since their provision can have an impact on the demand for housing assistance and on its asset planning (investment and divestment strategies). The successful targeting of this proposal to low income households could reduce demand for housing assistance.

According to the 2006 Census, there are 865 households living in caravans or manufactured homes in Coffs Harbour (not necessarily all in caravan parks¹). Centrelink

¹ Prior to the 2006 Census, occupied caravans at roadside parking areas or on open land were classified as sleepers-out for the variable Dwelling Structure. For the 2006 Census, Caravans on roadsides/open land are treated as same as caravans in caravan parks.

data from 2006 shows that 624 residents living in caravans in Coffs Harbour were in receipt of a pension or benefit. Additional information about caravan park accommodation and residents is included in the Housing Market Analysis Explanatory Notes (Attachment 2). In the Explanatory Notes questions are raised about the long term suitability of this kind of accommodation generally for older residents, particularly those who are frail, people with mobility problems and a range of disabilities.

The ABS report entitled "Counting the Homeless 2001" notes that caravan parks fall into four groups:

1. High quality caravan parks used exclusively for tourist accommodation, or that cater for niche markets, such as retired people who own their caravans and parks that have a mixture of tourists and owners. There are no marginal caravan dwellers in these parks.
2. Parks providing tourist accommodation in summer and in winter park owners generally rent out vans to people on lower incomes.
3. Caravan parks with a mixed clientele all year – tourists, owners and renters – generally with more tourists in summer.
4. Parks that are used as permanent accommodation for people on low incomes and as crisis accommodation. These parks are often overcrowded with vans in poor condition. Most residents were unemployed or outside of the labour force.

Housing NSW is concerned about the marketing of the new development which targets retirees who want the freedom to travel without the burden (financial or otherwise) of a large house (Group 1 indicated above). The purchasers of the leases would be able to utilise their own relocatable homes on the sites, however they would be required to follow the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Movable Dwellings) Regulations 2005 as a minimum standard for the design and construction of new homes. In general, across Coffs Harbour LGA caravan park residents are low income and elderly indicating a lack of finances for travel. This household demographic requires access to specialised health services, community facilities and are heavily reliant on public transport. Housing NSW acknowledges that residents would have access to health and community facilities in Woolgoolga and Coffs Harbour Town Centre but it is requested that further social impact assessment focusing on the lack of high frequency public transport connections linking these areas should be undertaken to ensure the ready availability of these services prior to the application progressing.

Housing NSW supports the proposed development's provision of low cost, low maintenance housing compared to a typical housing development and commends the retention of the existing 115 long term sites. Housing NSW requests that provisions be incorporated to ensure there is no displacement of current residents, particularly long term low income residents with well established links to the local community. As the Explanatory Notes explain those that are evicted from caravan parks are at a high risk of becoming homeless.

Housing NSW would also like to offer the assistance of its Centre for Affordable Housing. The Centre is a business unit within Housing NSW whose purpose is to facilitate increased affordable housing opportunities across NSW. The unit can provide expert advice and assistance in developing affordable housing responses and brokering

partnerships between private developers, Local Government and the non-profit sector. Michael Oelofse, the Centre's Senior Project and Policy Officer can be contacted on ph 8753 8431.

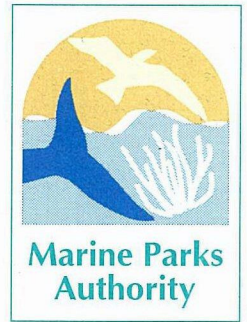
Should you have any further queries please do not hesitate to contact Deb Kuhn, Manager Asset Planning, Northern NSW Division on ph 6659 2551 or Sue Brown, Principal Planner, Portfolio Strategy and Planning on ph 8753 8529.

Yours sincerely

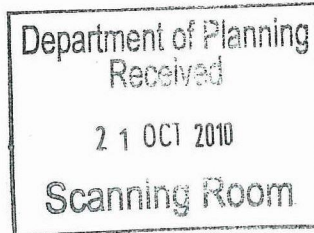
A handwritten signature in black ink, appearing to read 'Pauline McKenzie', with a stylized, flowing script.

Pauline McKenzie
General Manager Housing Services
Northern NSW Division

Your reference: MPO8_0005
Our reference: DOC10/42459



Sebastian Tauni
Department of Planning
GPO Box 39
Sydney NSW 2001



Solitary Islands Marine Park
PO Box J297
Coffs Harbour Jetty
NSW 2450

Telephone: 02 6652 3977
Facsimile: 02 6651 1440

18 October 2010

Dear Mr Tauni

PROPOSED EXTENSION TO 'THE PINES' – MP08_0005

Thank you for the opportunity to comment on the Environmental Assessment (EA) for the proposed extension to The Pines Estate (Pines). On review of the EA and its supporting documents, the Marine Parks Authority (MPA) has identified some areas of concern and the following points details those concerns.

DEVELOPMENT TYPE

The proposal is for additional sites in an existing caravan park. While the Pines may fit the definition for caravan park under planning legislation, the actual character of the Pines is that of a residential development bringing with it the same types of issues and pressures associated with a residential development. This is important when assessing the impact that the proposal is likely to have on the Solitary Islands Marine Park (SIMP).

Currently, and under the proposal, there are only 5 sites available for short term use. The remainder are for long term or permanent residents. The EA states that the extra sites planned in the proposal will provide for "additional permanent residents". The company advertises the sites at The Pines Estate as permanent and as a retirement village. The following link takes you to the Pines web site.

http://www.livingsmart.com.au//Content_Common/pg-The-Pines-Home.seo

Accommodating long term and permanent residents in a caravan style development allows more people to be accommodated in an area which serves to concentrate the pressures associated with residential development. Issues that concern the MPA include an increase in access to the riparian areas of Hearn's Lake and also an increase in fishing effort. Concentrated development also increases the stormwater generated on the site and creates treatment and handling issues that will be discussed later.

The Department of Environment and Climate Change NSW is now known as the Department of Environment, Climate Change and Water

PO Box 4297 Coffs Harbour NSW 2450
32 Marine Drive, Coffs Harbour NSW
Tel: (02) 6652 0900 Fax: (02) 6651 9525
ABN 30 841 387 271
www.environment.nsw.gov.au

COMPLIANCE WITH DEVELOPMENT CONTROL PLAN (DCP)

The proposal is not consistent with Coffs Harbour City Council's (CHCC) Hearnese Lake/Sandy Beach Development Control Plan (DCP) requirements for buffers. The DCP requires a minimum environmental buffer width of 50m from the 3.5m AHD. Bush fire asset protection zones are not to encroach on the environmental buffer. The proposal does not comply with this requirement, particularly in regards to the area close to Double Crossing Creek.

The DCP's target dwelling density for the site is 46 dwellings. CHCC, as indicated in the EA, states that each camp/caravan or cabin site is equivalent to 0.45 permanent dwellings. A reason for using the equivalent tenement figure, is that if the Pines were to be operated as a traditional caravan park, each camp/caravan site is not likely to be fully occupied throughout the year. The caravan park currently has 120 sites (115 of the sites are for long term or permanent residents) which equates to an equivalent tenement of 54 dwellings. This already exceeds the DCP target by 8 dwellings.

An additional 60 sites, using the equivalent tenement formula, will result in an additional 27 permanent dwellings. If the proposal goes ahead the site will exceed the DCP dwelling target by 35 dwellings or 43%.

WATER QUALITY

Sewage Treatment

A major point that the EA raises to support the proposal is that it will result in a net improvement in the water quality of Hearnese Lake. The improvement is linked to the entire site, as a direct result of the proposal, being connected to CHCC's reticulated sewage system and as a result the Pines will no longer use the inadequate oxidation ponds.

While connection to the CHCC sewer system is likely to result in an improvement of water quality in Hearnese Lake, connection to the sewer is not dependent on the proposal. It is the understanding of the MPA that a sewer main will be built as part of a nearby development and the main will pass near the Pines. The Pines would then be required by CHCC to connect to the sewer regardless. In addition, the EA does not show that the Pines is actually polluting Hearnese Lake and if so to what extent. Connection to the CHCC sewer system should not therefore be used as a justification for the proposal.

The EA indicates that a sewer pump station may be constructed as a part of the proposal. As the pump station would be located very close to Hearnese Lake, it is essential that a high level of safety be built into the pump station to prevent effluent reaching Hearnese Lake should the pump station fail to cope with inflows. As a minimum the pump station should meet DECCW requirements.

Stormwater

Caravan parks or parks for relocatable homes are not required to meet the water saving targets set by BASIX. These apply to residential dwellings and play a role in not only conserving water as resource but also in reducing polluted runoff from urban developments. Tanks therefore play an important role in maintaining and improving the quality of receiving waters.

The MUSIC model presented in the EA shows that that the proposed stormwater treatment devices would be effective in removing approximately 91.5% of Total Suspended Solids, 75.5% of Total Phosphorus, 47% of Total Nitrogen and 100% of Gross Pollutants from the mean annual load. These figures do not really mean anything unless the total amount of pollutants is known. Once they are known, it is then possible to quantify the actual level of pollutants that will be discharged to the Lake and to determine if the pollutant removal percentages above, are adequate for maintaining healthy ecosystems in Hearnese Lake.

Nutrient runoff from the site is likely to be high due to the use of fertilisers on the small gardens on each residential site. Gardens and manicured lawns are a common feature on the existing sites.

Hearnes Lake is already under significant pressure from both adjacent landuses and those within the catchment. The lake has been closed in recent years due to poor water quality and algal blooms have been recorded. The EA states that stormwater discharges to Hearnes Lake will meet CHCC's Water Sensitive Urban Design Policy. The limits used in this document may not be suitable for Hearnes Lake. Being an ICOLL it is a small closed system and tighter controls may be relevant to provide a suitable level of protection to the Lake.

The EA also states that that the proposal will increase the generation of stormwater and that "due to the location of the site outlet (so close to Hearnes Lake and the Pacific Ocean) there are no issues with downstream capacity and Council have indicated that there will not be a requirement for Onsite Detention (OSD)".

There may not be issues with the downstream capacity to handle increased stormwater volume but it is likely that increased stormwater in a closed system such as Hearnes Lake will impact on the salinity of the Lake. This may inturn adversely impact the way the Lake ecosystems function. The EA does not address the issue of increased freshwater input to the lake. As mentioned above, onsite detention and reuse can be provided by tanks and this can reduce the quantity of pollutants that enter Hearnes Lake.

HAZARDS

The EA states that the coastal hazard and 100 year flood line are likely to be around 3.9m AHD by 2100 and that this is not likely to be a problem as the dwellings are located around 8m AHD. This does not take into account the importance of riparian vegetation and the fact that rising lake levels will require the recession of riparian vegetation. The development should provide for the likely recession of riparian vegetation, to ensure adequate riparian vegetation will be present in the future. It should not concentrate solely on flooding of dwellings.

RIPARIAN VEGETATION

The MPA is pleased to see that management of the existing riparian vegetation is planned as part of the proposal. As mentioned above riparian vegetation plays an important role in the health of Hearnes Lake and needs to be protected and enhanced wherever possible.

As indicated above riparian vegetation is important for providing a buffer to Hearnes Lake from the pressures associated with development. These pressures include :

- Polluted runoff;
- Increased access to foreshore areas;
- Reduction of pathways for species to move;
- Natural functioning of estuarine ecosystems.

It is therefore very important that an adequate and healthy riparian zone is present both now and into the future to provide the necessary conditions for Hearnes Lake to function in a natural way. In relation to this development an adequate buffer needs to:

- Plan for the impacts of climate change;
- As a minimum fully reflect the buffer distances as set out in the DCP;
- Re-establishment and enhancement of the riparian zone where it has been cleared and mown;
- Provide formal access points to Hearnes Lake for the residents of the Pines.

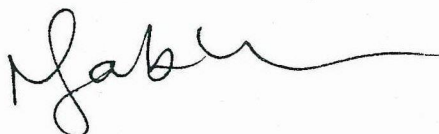
While the MPA understands the need for affordable housing and the important role that permanent sites in caravan parks can play, it is our opinion that the proposed extension to the Pines is not suitable for this site. This opinion has been formed by taking into consideration the following:

- The objects of the Marine Parks Act;
- The objects of the Habitat Protection Zone;

- The role Hearn's Lake plays as a nursery and breeding ground for many marine and estuarine species;
- The context of other development in the catchment;
- Climate change;
- The currently high availability of this type of accommodation in the vicinity of the Pines.

If you would like to discuss any issues regarding this letter please contact David Greenhalgh on 6652 0915.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N Johnstone', with a long horizontal flourish extending to the right.

NICOLA JOHNSTONE
Marine Park Manager
Solitary Islands Marine Park

Your Reference : MP08_0005
Our reference : FIL07/2233-05 DOC10/42718
Contact : Biodiversity: Adrian Deville, 66402511
Aboriginal Cultural Heritage: Nick Pulver, 6659 8225

Alan Bright
A/Director, Regional Projects
NSW Department of Planning
GPO Box 39
SYDNEY, NSW 2001

22 OCT 2010.

Attn: Sebastian Tauni

Dear Mr Bright

RE: Proposed Extension to Existing Caravan Park, The Pines, Hearnese Lake Road, Woolgoolga, Environmental Assessment, MP08_0005

I refer to the Project Application, Environmental Assessment, and accompanying information provided for the proposed extension to the Pines Caravan Park at Hearnese Lake Road Woolgoolga, received by the Department of Environment, Climate Change and Water (DECCW) on 17 September 2010.

DECCW has reviewed the information provided and has determined that it is able to support the proposal subject to the applicant providing the Department of Planning (DoP) with additional supporting information on a number of issues and DoP attaching a number of conditions to any approval issued, as identified in Attachment 1. Attachment 2 contains DECCW's assessment of the proposal, including justification for the amendments.

It is expected that DECCW will be given an opportunity to review the draft Director-General's Environmental Assessment Report for this proposal. If the amendments to the draft Statement of Commitments are not included to the satisfaction of DECCW, we will be recommending that they are included as Conditions of Approval, if approval is recommended by the Department of Planning. It should be noted that these amendments are important for DECCW's ongoing support of the proposal.



ATTACHMENT 1: RECOMMENDED ADDITIONAL INFORMATION REQUIREMENTS AND CONDITIONS OF APPROVAL

Biodiversity

1. Prior to approval for this project, a detailed, accurate and objective understanding of the impacts of the proposal on the Squirrel Glider needs to be provided by a suitably qualified ecologist, with particular regard to the significance of the proposed loss of the 'high conservation value' vegetation in the north western corner of the proposed extension.
2. In the absence of such information (in 1), DECCW recommends that the proposal be redesigned in such a manner as to avoid, protect, buffer and enhance all mapped high conservation value vegetation.
3. Appropriate steps must be taken to identify, protect and enhance all Endangered Ecological Communities (EECs) on the site or affected by this proposal, with evidence of relevant Coffs Harbour City Council agreement where needed, before approval is granted.
4. Remnant swamp EEC elements currently proposed for clearing in the centre of the site should be selectively incorporated into the design of the proposal to further prevent cumulative impacts on remnant EECs and the potential habitat and forage resources they provide.
5. No development and associated vegetation clearing is to be allowed within any areas currently mapped as either secondary or tertiary Koala habitat in the Coffs Harbour Koala Plan of Management.
6. Further assessment of the habitat value of the subject site and the potential for impact on the Swift Parrot is to be determined by an independent and suitably qualified ecologist, before any approval is granted.
7. All domestic dogs and cats should be banned from the site.
8. Any vegetation management strategies proposed must be approved by Coffs Harbour City Council and be consistent with Council's Biodiversity Guidelines.
9. The proponent should be required to further demonstrate the appropriateness of their proposal in terms of use of Council owned land to offset proposed vegetation losses in terms of it providing suitable habitat to allow for like for like losses, and in terms of relevant permissions.

Aboriginal Cultural Heritage

1. The applicant must continue to consult with and involve all of the registered local Aboriginal representatives for the project, in the ongoing management of all Aboriginal Cultural Heritage matters. Evidence of this consultation must be collated and provided to the consent authority upon request.
2. In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by DECCW) and the management outcome for the site included in the information provided to the AHIMS. The proponent will consult with the Aboriginal community representatives the archaeologist and DECCW to develop and implement management strategies for all objects/sites.
3. If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until Police provide written notification to the proponent. If the

ATTACHMENT 2 – DECCW'S ASSESSMENT OF THE PROPOSAL

1. Biodiversity Assessment

Existing Vegetation on the Site

The proponents have described the existing vegetation on south western part of the site in terms of two communities:

1. Disturbed Dry Blackbutt Open Forest (Map Unit 1a), including a canopy of Blackbutt, Northern Grey Ironbark, Forest Red Gum, Swamp Turpentine and Red Mahogany; and,
2. Blackbutt Open Forest with a Riparian understorey (Map Unit 1b), including a canopy of Blackbutt, Forest Red Gum, Swamp Turpentine and Broad-leaved Paperbark.

DECCW notes that in mapping the vegetation within the proposed development footprint, the proponents are at odds with mapping by Coffs Harbour City Council (CHCC) in the Vegetation Conservation Development Control Plan (DCP), where two main polygons represent *high to very high* conservation value Dry Blackbutt and Swamp Mahogany dominated eucalypt communities, these polygons therefore also largely being mapped as Secondary Koala habitat (1999). As argued in the Environmental Assessment (EA), the southern Swamp Mahogany community as mapped by CHCC is not present, although could readily support such a community, and is proposed to be conserved in any case.

However, the north-western corner of the footprint which is proposed to be cleared, does contain significant mature open eucalypt forest comprising a range of species that would provide a variety of important local resources for biodiversity, including threatened fauna. DECCW notes in this regard that a Squirrel Glider sighting in the north western corner of the proposed footprint indicates that this vegetation provides important current forage and future hollow bearing trees for this species. The loss of this vegetation (0.3 hectares considered as secondary Koala habitat and *high conservation value* vegetation in the CHCC Vegetation DCP), and all other winter flowering eucalypts and mid story trees in the northern part of the site generally, is likely to have significant impact upon this species, despite its degraded nature.

DECCW notes that the proponent disputes the accuracy and value of this mapping of vegetation and its habitat values and its implications in respect of the areas proposed to be cleared. They argue further that its degradation, isolation and barrier effects for fauna due to the Pacific Highway, its upgrading and other development to the north, are factors that allow for dismissal of the mapping and intent of the CHCC Vegetation DCP. In DECCW's view, however, none of this reduces the need to be precautionary about habitat value assessments as suggested by the proponents, but rather increases the need for precaution and thus, maintenance and enhancement of such existing habitat and the tenuous connectivity it may provide. Therefore, DECCW does not support removal of mapped high value vegetation in the north western corner of the proposed extension, and further, recommends that no approval be granted to the current proposal until more detailed, accurate and objective understanding of its uses by the Squirrel Glider is provided. In the absence of such information, DECCW recommends that the proposal be redesigned in such a manner as to avoid, protect, buffer and enhance mapped high conservation value vegetation.

In terms of the proposal to retain other vegetation in the south and east in conservation zones and to offset the above losses proposed, DECCW notes that the offset requirement within the CHCC Vegetation DCP, albeit disputed by the proponents, would require an offset of 4:1 for the mature eucalypts in the north

greater significance for this (and other) species than the EA acknowledges. DECCW notes that the CHCC vegetation and KPOM mapping are both under review and that the proponent's interpretation of potential habitat may be more accurate. However, DECCW is concerned at the view taken in the EA that the draft (ie most recent but not yet adopted by CHCC or approved by DoP) area of mapped *tertiary* habitat, proposed to be largely cleared, should not be considered to be such tertiary Koala habitat:

"... none of the vegetation on the subject site represents relevant "*Koala habitat*", given the absence of any records of the Koala from the subject land or the subject site. Further, that area identified in the KPOM as *Tertiary Koala Habitat* does not represent likely Koala habitat, and is not representative of the distribution of potential Koala food trees on the land or the site. There will be no relevant impacts upon any *Tertiary Koala Habitat*, because none of the vegetation on the subject site is of relevance for the Koala." p36.

DECCW does not agree that detectable presence is a relevant criteria in determining potential tertiary Koala habitat, and the absence of Koalas at the time of assessment or lack of current occupancy does not mean that otherwise important habitat areas can be discounted and thus removed from consideration as a constraint to development. The above statement in the EA also appears to be at odds with the statement that:

"The proposed development will involve only limited removal of preferred Koala food tree species (the Tallow-wood, Swamp Mahogany, Flooded Gum, Forest Red Gum and Small-fruited Grey Gum)" p38.

The discussion that follows indicates an intention to undertake "supplementary planting of those tree species within the conservation areas in the southern and eastern parts of the subject site and/or on the adjoining Council Reserve (as agreed) to replace any potential Koala food trees lost as a result of the proposal." Not only does this seem to contradict the view that there is no habitat value for Koalas to be lost from the clearing area, but DECCW cannot confirm evidence of any such agreement by Council to such a proposal. In addition, DECCW notes that the intention to replant Koala food trees in areas already described as secondary Koala habitat in the current CHKPOM, and/or upon Council owned riparian land to the south and east, appears to be of questionable appropriateness and limited value given:

- pre-existing requirements to protect such lands and their habitat values;
- the time taken to re-establish meaningful habitat to be lost; and
- the lack of any clear improvement offset ratio.

Further, the discussion about the impacts on any potential that does exist for Koala (or other) habitat on the areas of native vegetation to be removed as part of the Pacific Highway upgrade, does not reduce the need to be precautionary about habitat value assessments as suggested by the proponents, but in DECCW's view, increases the need for precaution and thus, maintenance and enhancement of such existing habitat.

Finally, DECCW is aware of the detection of Koala prints in a sand trap set up in relation to vertebrate pest monitoring for the Little Tern nesting site to the north of the development, suggesting that there is some Koala habitation and movement at some location within proximity of the site.

redgums and blackbutts and an abundance of hollows for refuge and nesting. The proposition in the Part 5A test of significance provided is that the retained vegetation to the south would ensure that any family group or population that does inhabit the site, would viably remain. There does not appear to be any evidence provided to support this statement and DECCW is further concerned at the argument that the marginal nature of the available habitat is reason to disregard its importance. DECCW's view is that more detailed and well supported information about the impacts of the proposal on this species needs to be provided, including in relation to the issue of connectivity and protection and enhancement of this habitat. In the absence of such information, there is need for a precautionary position which would require a redesign of the proposal to avoid the loss of known and potential vegetation of significance to this species, as well as its protection and enhancement.

Insectivorous bats

At least four threatened microbat species appear to have been recorded from the site, although limited assessment has been made about the impact of the proposal on these species. The loss of native vegetation and dams from the northern half of this proposed extension will impact on forage opportunities for most of these species, although perhaps not significantly. Nevertheless, this reinforces the recommendation above regarding selective incorporation of mid-storey and low canopy native remnant EEC vegetation in the central portions of the site to further prevent cumulative impacts on remnant EECs and the potential habitat and forage resources they provide.

Vegetation Management Plan (VMP)

The VMP has not been assessed in detail, but given the intent to offset some of the proposed vegetation losses and simultaneously rehabilitate areas of private and Council owned land as 'conservation zones', DECCW recommends that any vegetation management strategies proposed must be approved by Coffs Harbour City Council and be consistent with the following Council Biodiversity Guidelines:

1. Preparing Vegetation Management Plans;
4. Compensatory Planting Advice; and,
6. Protection of Vegetation During Development and Construction.

Use of Council owned Land to Offset and Revegetate

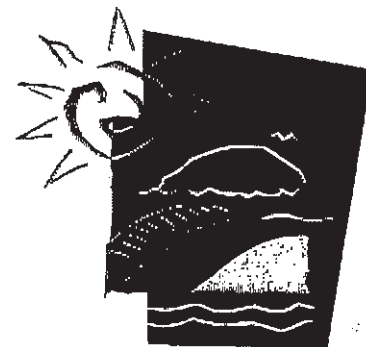
DECCW understands that the intention to offset native vegetation lost from the proposed development site is proposed to be partly undertaken upon Council owned riparian land. However:

1. the vegetation to be removed in part is reasonably regarded as high value vegetation (CHCC Veg DCP) and at minimum as tertiary Koala habitat (in the draft 2009 CHKPOM 2009), which, if its removal can be justified, implies the need for replacement with like for like, at a ratio of at least 4:1.
2. it is not clear how native vegetation to be removed from the proposed development site can be appropriately offset in the riparian zone, which is likely to support significantly different vegetation communities.
3. It is not clear that Council is supportive of this proposal in any case. DECCW is unaware that relevant discussions have been had and agreement reached to authorise this proposal, which is already a separate land management responsibility of Council.

DECCW recommends that the proponents be required to further demonstrate the appropriateness of their proposal in terms of uncertainties about use of Council owned land to offset proposed vegetation losses.

- The applicant must continue to consult with and involve all of the registered local Aboriginal representatives for the project, in the ongoing management of all Aboriginal Cultural Heritage matters. Evidence of this consultation must be collated and provided to the consent authority upon request.
- In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by DECCW) and the management outcome for the site included in the information provided to the AHIMS. The proponent will consult with the Aboriginal community representatives the archaeologist and DECCW to develop and implement management strategies for all objects/sites.
- If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until Police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact DECCW's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until DECCW provide written notification to the proponent.
- All reasonable efforts must be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and DECCW.
- An Aboriginal Cultural Education Program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed and implemented in collaboration with the Aboriginal community.

COFFS HARBOUR CITY COUNCIL



Our ref: 2635131 (DA 260/11)

28 October 2010

Mr Sebastian Tauni
NSW Planning
GPO Box 39
SYDNEY NSW 2000

Dear Mr Tauni

**MP 08-0005, The Pines Caravan Park
Lot 106, DP 1144462, No. 8 Hearnese Lake Road, Woolgoolga**

Council refers to the above Major Project Application and to the Department's request for comments on the Environmental Assessment.

Council is not in a position to issue draft conditions on the application until a number of matters are resolved, including:

- Clarification of the "land to be developed", ie. does the proposal include the adjoining public reserve? Has Council's formal agreement to the use of this area been issued?
- Has the Department of Lands imposed any requirements relating to Hearnese Lake Road?
- Clarification of land title details.
- Agreement from the proponent to resolve outstanding matters relating to Development Consent 207/76 modification of 7 August 2008.
- Further review of acoustic impacts on the whole of the site, and not just the extension.
- Further review of the ecological impacts of the proposal including buffers to the waterway to conform to the requirements of the Hearnese Lake / Sandy Beach DCP, the Ecological Issues Assessment Report, the Ecological Assessment and the Vegetation Management Plan.

Please find attached Council's further detailed comments on the Environmental Assessment.

For further information please contact Mark Hannon on (02) 6648 4631.

Yours faithfully


Mark Hannon
Project Manager Development

njj

• Communications to: The General Manager, Locked Bag 155, Coffs Harbour 2450 • Administration Building,
2 Castle Street, Coffs Harbour • Tel: (02) 6648 4000
• Fax: (02) 6648 4199 • DX: 7559 • ABN 79 126 214 487
• Email: coffs.council@chcc.nsw.gov.au
• Website: www.coffsharbour.nsw.gov.au

Major Project MP 08-0005 The Pines Caravan Park

Owners Consent and the land the subject of the proposed development:

The proposal relies upon offsetting within the adjacent Council public reserve. No formal approval has been provided for this arrangement from Council. The proponent should consult with Council's Recreation Services Section on this aspect and amend the application accordingly.

Access – Highway:

The site is in the immediate vicinity of current Pacific Highway upgrading works. The requirements of the Roads & Traffic Authority for interim and long term access to the site is a relevant consideration.

Services:

The Environmental Assessment is acceptable to Council in terms of proposed services and may be conditioned accordingly.

Acid Sulfate Soils:

The Acid Sulfate Soils report is considered satisfactory. The consent may be conditioned accordingly.

Phase 1 Environmental Site Assessment:

The Phase 1 Environmental Site Assessment report is considered satisfactory. The consent may be conditioned accordingly.

Hearnes Lake Road:

Hearnes Lake Road is a Crown Road and is not a "Council public road". It is likely that the Department of Lands will require transfer of this road to Council as "public road". Council is agreeable to this arrangement subject to certain conditions.

Further, upgrade of the Hearnes Lake Road frontage of the site is warranted. The consent may be conditioned accordingly.

Pedestrian and Public Transport Arrangements:

The Environmental Assessment makes an erroneous presumption that most residents would be using their cars, and further that no persons are catching a bus from the existing bus shelter so is therefore not required. In fact school students and other local residents do catch the bus at the Highway intersection. The proposal should provide for a cycleway along Hearnes Lake Road from the caravan park to the future collector road intersection and should provide an accessible bus stop/shelter on Hearnes Lake Road.

The consent may be conditioned accordingly.

Consolidation Requirement and Title Details:

The Environmental Assessment describes the site as Lot 2, DP 1031068 and Lot 2, DP 1031968. It is understood that part of the site has been acquired by the RTA for the Pacific Highway upgrade. Consequently the title has changed to effect this acquisition.

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The development should be contained to the one lot (note, this may have occurred as part of the RTA acquisition process).

The Environmental Assessment needs amendment to reflect current property title arrangements. Note the previous comments concerning the adjoining public reserve forming part of this Major Project Application.

Fire Safety:

The whole of the caravan park (including existing sites) should be upgraded to satisfy the fire safety provisions of the NSW Rural Fire Service and the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005. The consent may be conditioned accordingly.

Modification of Development Consent 207/76 dated 7 August 2008:

13 manufactured home sites were established at this caravan park without a requisite approval having issued beforehand. 4 of those sites were located on land zoned Environmental Protection 7A Habitat and Catchment. Council issued a modification to the 1976 consent to regularise the unlawful activity. The terms of the modification determination have not been satisfied to date.

Any consent to the current Major Project Application should include the terms of the modification determination (copy attached) of 7 August 2008.

Acoustic:

The proponent should address acoustic impacts for the total site, not just the extension. The acoustic report should determine and specify the location, height and construction of the acoustic barrier for the western site boundary and **not** for just a part of this boundary.

Further, any replacement manufactured home proposed for the existing 115 long term sites should conform to the construction requirements of the Reverb Acoustics report. The Environmental Assessment should detail the above requirements and also detail the methodology to ensure that "attenuated" manufactured homes are established at the caravan park post this Major Project approval.

Developer Contributions (Section 94) and Developer Services Charges (Water Management Act 2000):

The new development is subject to the application of developer contributions and developer services charges as a result of additional demands for services and infrastructure. As the existing sites are to be connected to reticulated services the existing sites are also subject to payment of developer services charges. The consent may be conditioned accordingly.

Ecological Issues:

1. The proponent needs to clarify the proposed location of the caravan park expansion relative to the Hearn Lake / Sandy Beach DCP in terms of adherence to a buffer to the waterway of 50 meters measured from contour 3.5m AHD, this buffer excluding any Asset Protection Zone. This buffer requirement is likely to impact on sites 49, 50, 59 and 60.

/3...

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2. The following issues are raised with respect to the **Ecological Issues and Assessment Report and the Ecological Assessment.**

- No clear strategy exists for the treatment or protection of hollows (tree 234-7 hollows & unidentified tree 2 near incised channel). Information supplied is inconclusive and not inbuilt into the VMP, no plan from a qualified arborist as per Australian Standards has been supplied or evidence of negotiations with the RTA.
- No clear amelioration strategy or discussion has been presented of the impacts of clearing resources on site, including:
 - Time lapse in resources being available for threatened species onsite from removal to maturity of offset.
 - Increased habitat viability e.g. hollow dependant species on site.
 - Seasonal resources availability or proposed lack of, with removal of swamp sclerophyll components as part of the proposal. This is not part of the threatened species considerations.
 - The description of vegetation as sub-optimal habitat...but the presence of the fauna would indicate activity.
 - fauna activity level is not considered in a reasonable scientific based argument, or
 - on the restricted viable habitat (noted in the report), or
 - linkages to large tracts of land on the eastern sector, or
 - the availability of resources extending off site...not just those to be impacted by the RTA Pacific Highway upgrade.
 - Advice that the site contains little to no resources including hollows – the discussion should be reviewed due to the fact that the squirrel glider (one detected – does a family group occupy the area?) was located just after dusk on a tree containing a hollow onsite – is the area being used as denning? The assessment of impacts for habitat tree removal needs review.
 - The “use of the site by microbats” has limited consideration.
 - Removal of seasonal flowering resources present on site is not discussed or presented within the VMP.
- A nomination of what is a reasonable offset; level of retention of recruitment trees is not considered with the reports. Offsets considered in the current design include currently forested areas of the adjoining CHCC reserve or areas of retained canopy.
- Advice that trees will be retained within the development site with little information on location, assessment including arborists report, future protection and management.
- The application fails to maintain resourcing levels present on site or present viable offsets under the current design.
- The removal of resources present on site is likely to result in irreversible impacts on the threatened species on site.
- The role and function of current & future habitat corridors / connections should be more comprehensively addressed.

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The following issues are raised with respect to the Vegetation Management Plan:

- The plan fails to note the level of tree removal, provision of offsets under Council's planning documents including the KPOM, Draft Vegetation DCP etc.
- Limited species lists have been presented in the VMP with no discussion on the plant community targets.
- Design of isolated clump plantings may allow encroachment in the outer APZ if canopy separation complies with Planning for Bushfire Protection Guidelines 2006.
- Improvement programs will only account for a small % of offset with no replacement of canopy trees.
- Any APZ arrangement to inclusion in the Council reserve is to be determined in consultation with Council's Recreation Services Section.

3. The following issues are raised as recommended amendments to the Vegetation Management Plan (VMP):

- Two VMP's are required – one to cover works on private land and a separate VMP to cover works in the public reserve.
- Zone 4 works proposed must be consistent with Council's current APZ requirements in relation the Public Reserve.
- If offsets occur in Reserve, VMP would need to clearly delineate all works within the reserve, in terms of initial works, maintenance works and costing.
- The report notes retention of some trees within the landscape (inside the development area) these are to be included within the Vegetation Management Plan.
- The developer would need to pay to Council the cost of the outstanding maintenance works identified within the VMP that relate to the public reserve. This would be required prior to occupation of any of the new sites.
- Notation of replacement plants in case of deaths should be covered within the budget applied to CHCC as a bond.

Further information is required to be provided with the Environmental Assessment prior to Council being satisfied that the proposal is acceptable on ecological considerations; two Vegetation Management Plans are necessary (a private land VMP and a public reserve VMP).

Caravan Park / Public Reserve Interface:

The proponent should detail fencing arrangements to delineate the caravan park / public reserve boundary, fencing type and location to be determined in consultation with Council's Recreation Services Section. The consent may be conditioned accordingly.

Our Ref: 1620409 (P/N 2203875; DA 207/76)

7 August 2008

The Secretary
Coastplan Consulting
PO Box 6179
KINCUMBER NSW 2251

Dear Sir/Madam

**Approval to variation of Development Consent No. 207/76
Lot 2, DP 1031968, Hearn's Lake Road, Woolgoolga**

Reference is made to your application dated 7 December 2006 in respect of the above matter.

In accordance with Section 96 of the Environmental Planning and Assessment Act, (1979), Development Consent No. 207/76 is amended by the following:

Sites 25, 27, 29 and 31

- A. The existing relocatable homes and associated outbuildings, structures, services, parking, etc located on Sites 25, 27, 29 and 31 as shown on drawing 09-11-06 "The Pines and Waterside Cabins Community Plan" being removed by no later than 1 April 2011. These sites shall revert to an environmental buffer area.
- B. Where the relocatable homes are relocated to within this caravan park notice of the installation of the homes and/or associated structures being submitted to Council in accordance with Clause 160 of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995.
- C. Submission to Council for approval of a Vegetation Management Plan (VMP) covering Sites 25, 27, 29 and 31 by no later than 1 January 2011. The VMP shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration and who are members of the Australian Association of Bush Regenerators (AABR). The VMP must:
 - (i) Include a site plan at basic scale identifying the rehabilitation area.
 - (ii) Include a plan showing contours, perimeter roads, Asset Protection Zones, identify and map all native vegetation, including abundance codes and outline the methodology for removal and ongoing management of all noxious weeds.

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- (iii) Detail plantings, to include local provenance species, densities, zonation of plantings, quantities.
- (iv) Include costing in table format of initial works required and required maintenance works required for rehabilitation for 5 years.
- (v) Include information regarding the timing of the works.

The approved VMP works (initial works) must be completed by no later than 3 months following site vacation. Where the sites are vacated on a staged basis the VMP works are to be undertaken on a site by site basis (the initial works to be completed for each site within 3 months of site vacation).

A certificate of satisfactory compliance detailing accordance with the VMP of the initial works is to be submitted to Council by the bush regeneration consultant within one month of the completion of the initial VMP works for all sites.

Bushfire Risk

- D. Sites 8 – 24 and 25, 27, 29, 31 (up until the removal of relocatable homes from sites 25, 27, 29 and 31) shall be managed as an *"Inner Protection Area"* as outlined in *"Planning for Bushfire Protection 2006"*.
- E. The relocatable homes on sites 8 – 24 and 25, 27, 29, 31 are to fully comply with the requirements of Level 1 construction as required by Australian Standard AS 3959-1999 *"Construction of Buildings in Bushfire Prone Areas"*. Particular attention to the use of exposed timbers, understorey protection against ember attack and outward opening doors/windows that cannot be screened on the outside is required.
- F. Roofing of relocatable homes on sites 8 – 24 and 25, 27, 29 and 31 shall be gutterless or have leafless guttering and valleys which are to be screened with non-corrosive mesh to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5.
- G. Internal access roads (from the main entry to the southern part of the site) shall comply with Section 4.2.7 of *"Planning for Bushfire Protection 2006"*.
- H. Hydrants shall be installed in accordance with Australian Standard AS 2419-2005. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.

Where the existing reticulated water supply is not compliant or is considered unreliable, then a 5000 litre dedicated water supply tank (non-flammable or shielded from the threat) shall be provided for each existing dwelling for fire fighting purposes. A 65mm Storz outlet with a gate or ball valve shall also be provided to each tank.

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Separate approval shall be obtained from Coffs Harbour Water prior to installation/amendment to the existing hydrant system or for the installation of the "dedicated water supply tank(s)".

- I. Works specified in conditions D, E, F, G and H, above, being completed within 180 days of the date of this determination, with the Bushfire Assessment Planning Consultant providing a report to Council confirming compliance with the terms of these conditions (D – H) within one month of the completion of the works.
- J. A Bush Fire Management Plan (BFMP) is to be prepared for the site. The BFMP is to address the following requirements and be prepared by the Bushfire Assessment Planning Consultant.
 - a) Contact person/department and details.
 - b) Schedule and description of works for the construction of Asset Protection Zones and their continued maintenance.
 - c) Management strategies, proposed schedule and description of works of any remnant bushland within the property boundary.
 - d) Details of access through any gate/fire trail system for remnant bushland areas.
 - e) Review period and reporting changes of contact details.
 - f) Reporting of works completed.

A copy of the BFMP is to be submitted to Council within 180 days of the date of this determination.

- K. An Emergency Evacuation Plan is to be submitted to the NSW Rural Fire Service - Local District Office. The evacuation plan is to detail the following:
 - a) Under what circumstances will the complex be evacuated.
 - b) Where will all persons be evacuated to.
 - c) Roles and responsibilities of persons co-ordinating the evacuation.
 - d) Roles and responsibilities of persons remaining with the complex after evacuation.
 - e) A procedure to contact the NSW Rural Fire Service District Office/NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

This Plan is to be submitted to the Rural Fire Service Local District Office within 180 days of the date of this determination.

Sites 8, 10, 12, 14, 16, 18, 20, 22, 24

- L. Notice of installation of relocatable homes and/or associated structures being submitted to Council in accordance with Clause 160 of the Local Government (Manufactured Homes Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 for the above sites (except where already received by Council).

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Community Map

- M. Submission of an amended "*Community Map*" to Council in accordance with Clause 125 under the Local Government (Manufactured Homes Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Stormwater Management

- N. Removal of all stormwater drainage pipes from Council's reserve within 180 days of the date of this determination, with the submission of details to Council for approval of an alternate drainage/dispersal system for road runoff prior to works commencing. New drainage works are to comply with the approved plans. The drainage works are in the vicinity of the Managers Residence (installed by previous owner without Council approval).

Development Consent 207/76

- O. This conditional approval to the application for modification of Development Consent 207/76 shall be read in conjunction with the terms and conditions of Development Consent 207/76 dated 26 May 1977.

Modification application

- P. This application for modification of Development Consent 207/76 references:
- Statement of Environmental Effects December 2006 prepared by Coastplan Consulting.
 - Plan 09-11-06 "*The Pines and Waterside Cabins Community Plan*".
 - Bushfire Assessment November 2006 prepared by Australian Bushfire Consultants.
 - Correspondence from Coastplan Consulting dated 22 January 2008.
 - Correspondence from NSW Rural Fire Service dated 14 May 2007.

Section 96(6) of the Environmental Planning and Assessment Act (1979) confers a right of appeal to the Land and Environment Court on any applicant dissatisfied with a decision of Council under that Section. Appeal forms are available from any Court House.

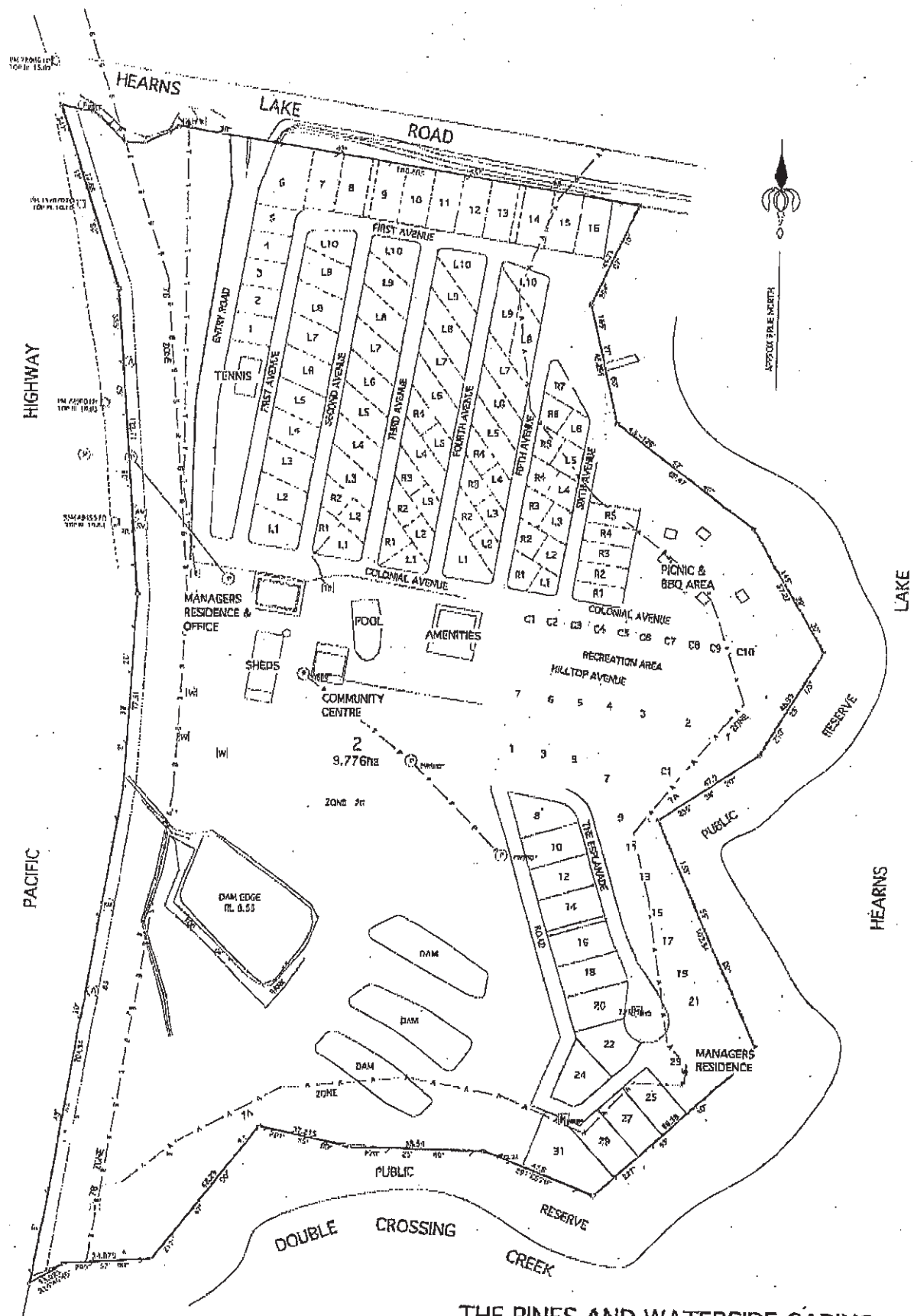
For further information please contact Mark Hannon on (02) 6648 4631.

Yours faithfully

PM Salter
Director
Land Use, Health and Development

per:

MSH:njj



THE PINES AND WATERSIDE CABINS
COMMUNITY PLAN (09-11-06)



Your Ref: MP08_0005
Our Ref: OUT10/188

A/Director Coastal Projects
Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Sebastin Tauni

Dear Sebastin,

Re: Proposed Extension to existing Caravan Park at Lot 2 DP 1031068 & Lot 2 DP 1031968 – “The Pines” Caravan Park – No 8 Hearnese Lake Road, Woolgoolga

Thank you for the opportunity to respond to the environmental assessment for the above project.

The NRCMA has reviewed the information provided. It appears key issues important to the NRCMA have been covered in the Environmental Assessment Appendix 3 and 4, and Appendix 9 (a-e) Environmental Assessment and Final Environmental Assessment (Aug 2010)

If you require further information or clarification of our comments please contact Simon Proust, Catchment Coordinator based in our Coffs Harbour office on phone 02 6653 0111 or email simon.proust@cma.nsw.gov.au

Yours sincerely,

Deb Tkachenko
General Manager
15 October 2010