



Planning &
Infrastructure

**MAJOR PROJECT ASSESSMENT:
*Expansion of the “The Pines” Caravan
Park, 8 Hearn’s Lake Road, Woolgoolga
(08_0005)***



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

May 2012

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	AWP Holdings Pty Ltd
RtS	Response to Submissions

Cover Photograph: Aerial view of Hearnese Lake (Source: National Marine and Science Centre)

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EXECUTIVE SUMMARY

The Proponent (AWP Holdings Pty Ltd) proposes to extend the existing caravan park referred to as 'The Pines' at 8 Hearn's Lake Road, Woolgoolga on land in the Coffs Harbour local government area.

The proposal comprises the provision of an additional 53 caravan sites to the existing 120 site caravan park. The proposed new long-term sites will be leased under a caravan park lease suitable for the placement of relocatable homes/moveable dwellings. The project includes removal of existing vegetation within the development layout, the revegetation of areas along Hearn's Lake and Double Crossing Creek and the removal of three effluent storage ponds and a water storage dam.

The proposal is a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applied by virtue of it being development of a kind that was described in Schedule 2 of *State Environmental Planning Policy (Major Projects) 2005* as in force at the time namely Schedule 2 clause 1(1)(f)(i) - tourist facilities wholly or partly in a sensitive coastal location for any number of persons.

During the exhibition period, the department received a total of 10 submissions from public authorities. No submissions were received from the general public. Public authority submissions did not object to the proposal although issues of concern were raised and further information was sought.

Key issues considered in the department's assessment included:

- water quality impacts;
- flora and fauna impacts;
- upgrade of Hearn's Lake Road; and
- acoustic attenuation & infrastructure.

The department has considered all relevant documents in accordance with the objects of the *Environmental Planning and Assessment Act 1979* and ecologically sustainable development. The department has assessed the merits of the project and is satisfied that the potential impacts of the proposed development have been addressed via the Proponent's Statement of Commitments and the department's recommended conditions of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance.

On these grounds, the department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

The department recommends that the project be **approved**, subject to conditions.

1. BACKGROUND

1.1 Location

The Proponent proposes to extend an existing caravan park, 'The Pines Estate' at 8 Hearn's Lake Road, Woolgoolga on land described as Lot 106 DP1144462. The project location is shown in **Figure 1**.

Figure 1: Project Location



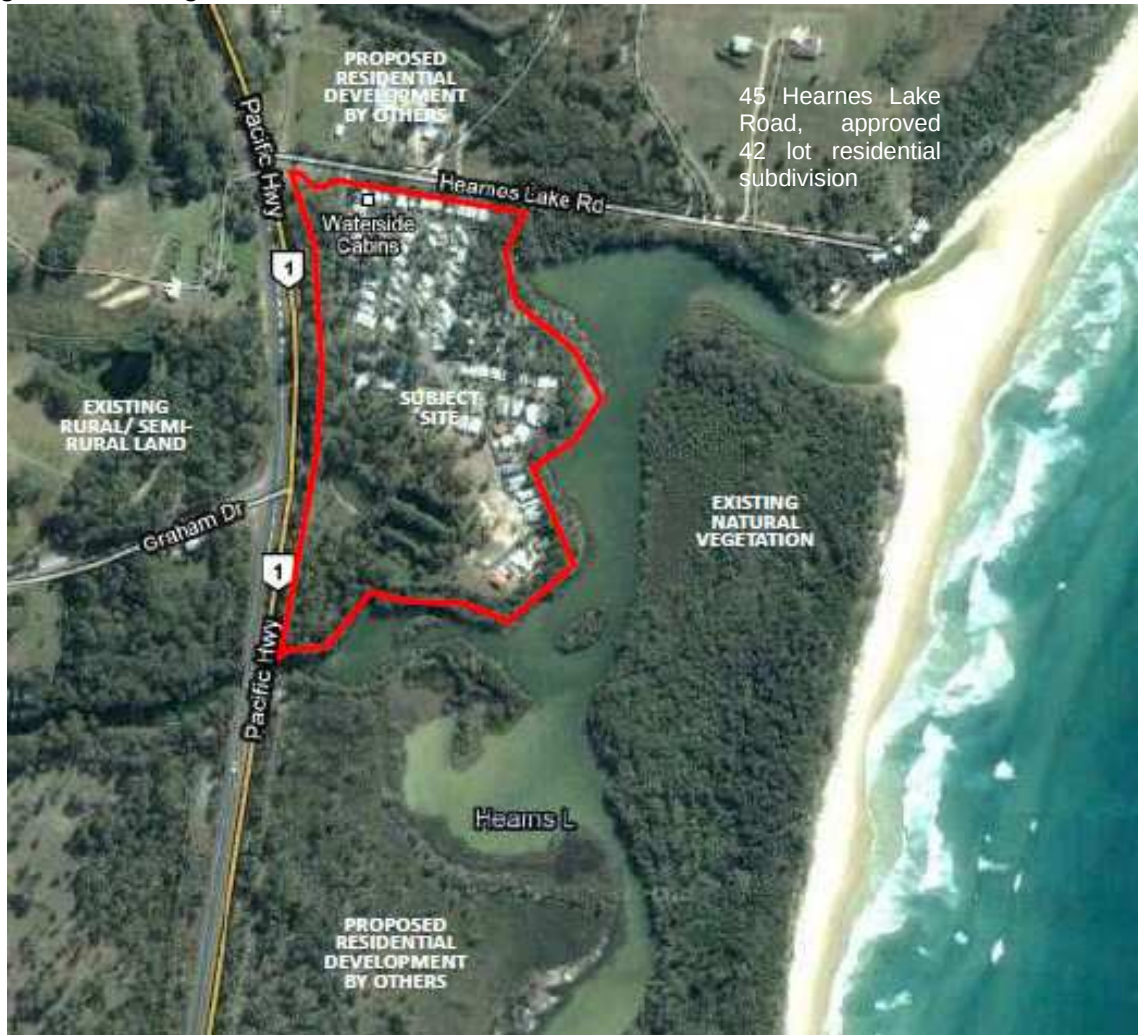
The site is located on the eastern side of the Pacific Highway approximately 1.5 km south of the township of Woolgoolga and 26 km north of Coffs Harbour in the Coffs Harbour local government area on the Mid North Coast (**Figure 2**).

Site topography consists of a low central ridge towards the middle of the site with the land falling north-east, south-east and south with elevation ranging from a high point of approximately 19.19m AHD down to approximately 3.5m AHD along the Hearn's Lake foreshore.

The caravan park consists of 115 permanent residential cabin sites and 5 tourist cabins as well as associated features including a swimming pool, manager's residence, amenities block, a maintenance facility and a community hall. Site access is gained via an entry road that extends southward from Hearn's Lake Road.

Three sewage effluent ponds and a water storage dam associated with the operation of the existing development are located in the southern portion of the site. The remainder of the site is undeveloped and vegetated with mature eucalypt trees with a managed understorey.

Figure 2: Existing Caravan Park



1.2 Surrounding Land Uses

The site is bordered to the south and east by Hearn's Lake, an Intermittent Closed and Open Lake or Lagoon (ICOLL). A narrow strip of council owned Public Reserve containing native vegetation separates the site from the ICOLL. The site is bordered by Hearn's Lake Road to the north. The road is a crown road and is unsealed. To the west the site is bordered by the Pacific Highway. The Highway is currently undergoing significant construction as part of the approved Sapphire to Woolgoolga Pacific Highway upgrade project. Native vegetation adjacent to the western portion of the site has recently been cleared as part of the upgrade and construction of the South Woolgoolga Interchange at the junction of Hearn's Lake Road.

Land west of the Pacific Highway is zoned for rural purposes and has extensive tracts of native vegetation. To the east of the site is a strip of coastal Crown Land incorporating vegetated dunes, a SEPP 26 littoral rainforest and Sandy Beach. This coastal area is designated a 'Habitat Protection Zone' as part of the Solitary Islands Marine Park (SIMP).

Further east at the end of Hearn's Lake Road, is an approved but as yet undeveloped 42 lot subdivision (MP07_0075) and three privately owned residential lots with access to Hearn's Lake Road via separate driveways. To the north is an estuarine wetland system and land zoned for industrial purposes followed by the residential development of the township of Woolgoolga. The land to the south of Hearn's Lake is grazing land, which has concept approval for residential subdivision of up to 200 lots (MP05_0083). Further south is the suburb of Sandy Beach.

1.3 Site History

On 7 August 2008, Coffs Harbour City Council issued a modification to council consent 207/76 under part 4 of the EP&A Act for the operation of the existing caravan park in order to regularise unlawful construction that had occurred. The modification required the Proponent to remove 4 moveable dwelling sites from the south eastern portion of the caravan park as the dwellings are located in an area zoned Environmental Protection 7A Habitat and Catchment under the Coffs Harbour Local Environment Plan 2000. The modification also required the existing caravan park to upgrade to relevant bushfire safety standards.

The Proponent has sought to amend the requirements of the council modification through the current project application. Council through its submission on the EA sought to have all requirements under their modification approval included as conditions of any approval for this project. The department is not able to consider these issues as the requirements of the council modification do not relate to any part of the site considered by this project application.

2. PROPOSED PROJECT

2.1 Project Description

The project comprises an expansion of the existing caravan park into the south western portion of the site by adding 53 additional 'dwelling' sites, which range from 165m² to 310m² in size. The proposed new long-term sites will be leased under a caravan park lease suitable for the placement of moveable dwellings. The project does not include the installation of moveable dwellings at the caravan park sites. In accordance with State Environmental Planning Policy No. 21 – Caravan Parks moveable dwellings can be installed in caravan parks without development consent. Design, construction, installation, modification and extension of moveable dwellings are regulated by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Under the *Local Government Act 1993* 'moveable dwelling' means:

- a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- b) a manufactured home, or
- c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

'Manufactured home' means:

a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- a) that comprises one or more major sections, and
- b) that is not a registrable vehicle within the meaning of the [Road Transport \(Vehicle Registration\) Act 1997](#), and includes any associated structures that form part of the dwelling.

An indicative illustration of future moveable dwellings likely to be installed at the site is shown at **Figure 3**. Key project components are explained in **Table 1** and illustrated in **Figure 4** and **Figure 5**.

Table 1: Key Project Components

Aspect	Description
Project Summary	• Proposal to extend existing 115 site caravan park, with an additional 53 sites ranging in size from 165m² and 310m². • Associated road and pedestrian traffic routes. • Removal of existing water storage dam and decommissioning of three existing effluent ponds. • Connect caravan park to Council's reticulated sewer system. • Removal of 0.94 Ha of existing site vegetation. • Vegetation, rehabilitation works and landscaping. • Provision of a noise attenuation barrier in the south western portion of the site. • Provision of Water Sensitive Urban Design measures in the proposed stormwater management system.

Figure 3: Indicative future streetscape of new sites



2.3 Project Need and Justification

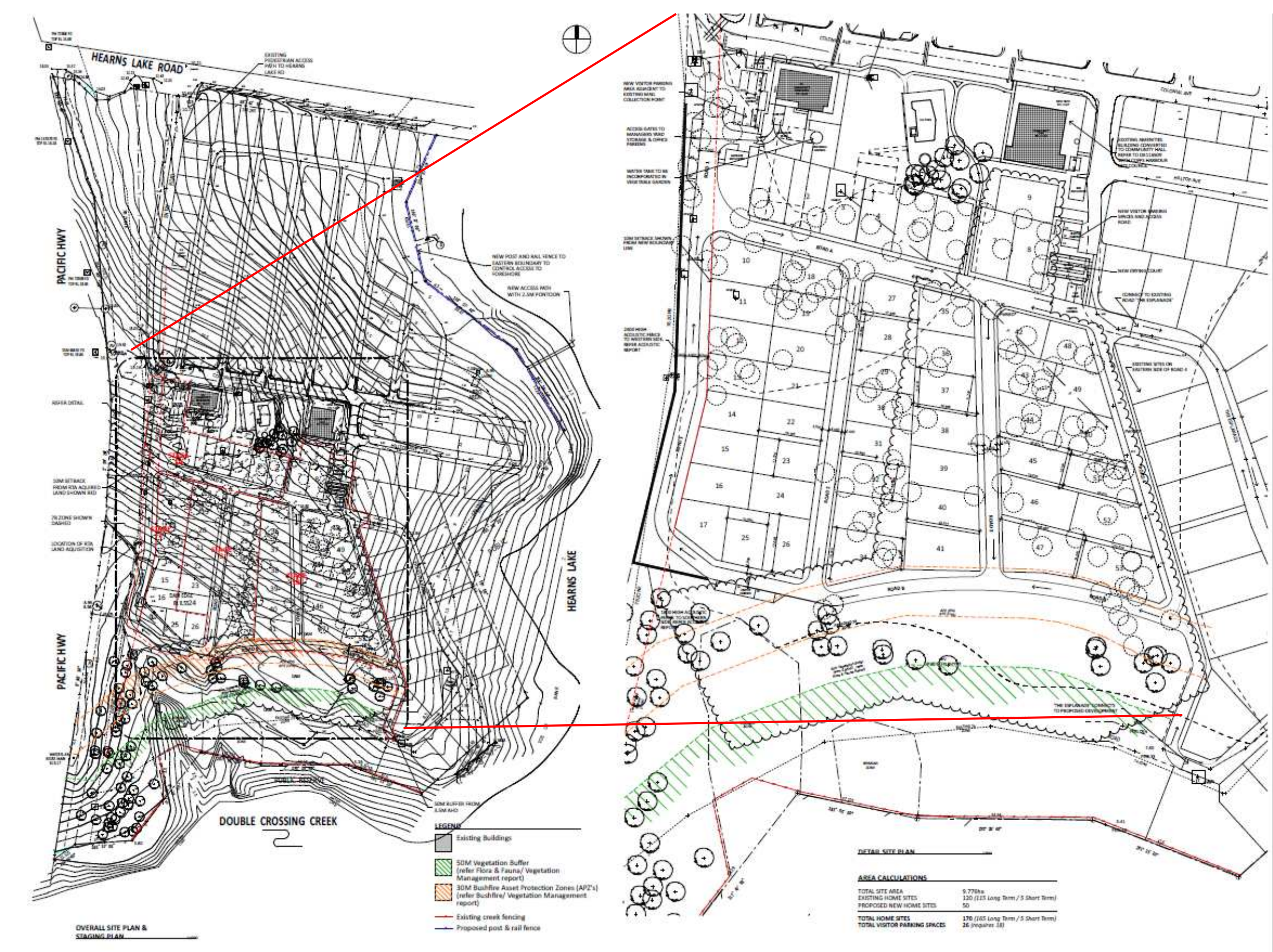
NSW 2021 provides a strategy for the future of NSW. Goal three of the Plan seeks to drive economic growth in regional NSW. The project is consistent with this aim, as it will create 5 construction jobs.

Goal 22 of the Plan seeks to protect the natural environment. The project proposes to remove the three existing effluent ponds on site and connect to council's sewer network. These ponds have been identified as significant contributors of water pollution within Hearn Lake ICOLL by the Lake Estuary Management Study and Plan 2009 (Coffs Harbour City Council). The project also aims to offset the clearance of native vegetation within the site by proposing re-vegetation of other parts of the site at a ratio of 4:1. The proposal is therefore considered consistent with this goal.

Figure 4: Subject Site



Figure 5: Site Plan



3. STATUTORY CONTEXT

3.1 Major Project

The proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) being development for the purpose of a tourist facility within a sensitive coastal location for any number of persons in the NSW Coastal Zone under clause 1(1)(f) of Schedule 2 of State Environmental Planning Policy (Major Projects) 2005 (as in force at the time). Therefore the Minister for Planning and Infrastructure is the approval authority.

On 1 October 2011, Part 3A of the EP&A Act was repealed. Despite this, Part 3A continues to apply to certain projects subject to the transitional provisions identified in Schedule 6A of the Act. Part 3A continues to apply to this project as the Director-General's Environmental Assessment Requirements (DGRs) were issued before 8 April 2011 and a current major project declaration remains in force. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister for Planning and Infrastructure (or his delegate) may approve or disapprove of the carrying out of the project application under Section 75J of the EP&A Act.

On 14 September 2011, the Minister for Planning and Infrastructure delegated responsibility for the determination of project applications under Part 3A of the EP&A Act to the Deputy Director-General, Development Assessment and Systems Performance where:

- a) the relevant local council has not made an objection, and
- b) a political disclosure statement has not been made, and
- c) there are less than 25 public submissions in the nature of objections.

Council has not objected to the project, the proponent has declared that no reportable political donations have been made and the project received fewer than 25 submissions in the nature of objections. The Deputy Director-General can therefore determine the project under delegated authority.

3.2 Permissibility

Under the Coffs Harbour Local Environmental Plan 2000 the majority of the site is zoned as 2E Tourism Zone with portions of the riparian creek edge located within the Environmental Protection 7A Habitat and Catchment Zone and 7B Scenic Buffer Zone.

The Objectives of the 2E zone are:

- to enable tourist development and other development that is compatible with the surrounding environment
- to provide for development that is within the environmental capacity of a high density residential environment and can be adequately serviced.

Caravan parks are listed as permissible with consent in the 2E Tourism Zone and therefore the project is permissible subject to the Minister's approval. Rehabilitation works compatible with the zone objectives are proposed within the 7A and 7B zones.

3.3 Environmental Planning Instruments

To satisfy the requirements of section 75I of the EP&A Act, this report includes references to the provisions of the EPIs that substantially govern the carrying out of the project and have been taken into consideration in the department's assessment of the project, the relevant EPIs for the project include:

- *State Environmental Planning Policy (Major Developments) 2005.*
- *State Environmental Planning Policy No.14 – Coastal Wetlands*
- *State Environmental Planning Policy No. 21 – Caravan Parks.*
- *State Environmental Planning Policy No. 44 – Koala Habitat.*

- *State Environmental Planning Policy No. 55 – Remediation of Land.*
- *State Environmental Planning Policy No. 71 – Coastal Protection.*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *North Coast Regional Environment Plan 2008.*
- *Coffs Harbour City Local Environment Plan 2000.*

The department's consideration of relevant SEPPs and EPIs is provided in Appendix B. The proposal is generally consistent with the objectives of these controls.

3.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The objects of the EP&A Act are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Relevant objects of the EP&A Act that pertain to this project are explained in Table 1:

Table 1: Objects of the EP&A Act

Objects of the EP&A Act	Applicability
<i>(ii) The promotion and co-ordination of the orderly and economic use and development of land.</i>	The project is an orderly and economic use of land as it seeks to expand the existing facility whilst at the same time manage amenity and environmental impacts to an acceptable level.
<i>(iii) The protection, provision and co-ordination of communication and utility services.</i>	The proposal will upgrade utility services through the decommissioning and removal of the existing on-site sewerage management system and connection with council's sewer system.
<i>(iv) The provision of land for public purposes.</i>	Public access to land at the foreshore of Hearn's Lake is being maintained through two proposed access points.
<i>(vi) The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their</i>	The project is located adjacent to the Hearn's Lake ICOLL, which is a sensitive coastal environment. The Proponent has proposed to remove three effluent ponds and the sewer management system in order to

<i>habitats.</i>	improve the water quality of Hearn's Lake. A 50m buffer from the site to Hearn's Lake is also included as part of the proposal to maintain water quality and riparian vegetation.
<i>(vii) Ecologically sustainable development (ESD).</i>	The project is considered to adhere to the principles of ESD as Water Sensitive Urban Design measures have been incorporated into the proposal to improve the quality of urban storm water runoff from the site. Native vegetation proposed to be cleared is to be offset by revegetation at ratio of 4:1. An acoustic barrier and noise reduction measures for movable dwellings are proposed to mitigate noise impacts from the adjacent Pacific Highway.
<i>(viii) The provision and maintenance of affordable housing.</i>	The proposal is considered to provide a positive social impact by providing additional affordable housing options within the local government area.

3.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *The precautionary principle.*
- (b) *Inter-generational equity.*
- (c) *Conservation of biological diversity and ecological integrity.*
- (d) *Improved valuation, pricing and incentive mechanisms.*

For the purpose of this report ESD principles are addressed in the department's assessment contained in Section 5.

3.7 Statement of Compliance

In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75H (3) of the EP&A Act, the Director-General is required to make the Environmental Assessment (EA) publicly available for at least 30 days. After accepting the EA (Appendix D), the department publicly exhibited it from 17 September 2010 until 18 October 2010 (31 days) on the department's website, and at the following locations:

- Department of Planning and Infrastructure Information Centre, Sydney.
- Coffs Harbour City Council's Administration Building at Coff & Castle Streets, Coffs Harbour.

The department also advertised the proposal in the *Coffs Harbour Advocate* and *Coffs Harbour Independent* on 16 August 2010 and notified landholders and relevant State and local government authorities in writing.

The department received 10 submissions from public authorities during the exhibition of the EA. No submissions were received from the general public. Submissions from public authorities did not object to the project, instead authorities raised issues of concern and in some instances requested further information to address outstanding issues. A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

Environment Protection Authority

The Environment Protection Authority (EPA) sought amendments in order to address:

- issues related to the protection and management of high conservation value vegetation including endangered ecological communities (EECs) and threatened species habitat
- the need for continued consultation with Aboriginal representatives in the implementation of the project and ongoing management of all Aboriginal cultural matters.

Coffs Harbour City Council

Council provided a detailed response to the public exhibition in which it, amongst other things:

- identified a number of issues requiring further clarification, such as the scope of the application and land title information
- requested the provision of items of infrastructure such as a cycleway, a bus stop and an upgrade to Hearn's Lake Road along the site frontage
- raised concerns with the acoustic impact of the Pacific Highway
- raised concerns with the biodiversity impact of the proposal and the management measures proposed
- noted that developer contributions would be required.

Department of Primary Industries- Crown Land Division

The Crown Land Division submission raised a number of issues including:

- noting that Hearn's Lake Road is currently a Crown road
- that the likely impacts of a future expanded resident population on the public recreation area and residual section of Hearn's Lake Road through increased visitation and usage needs to be further addressed
- the potential impacts of the proposal on ecological and water quality values of the local area.

Solitary Islands Marine Park Authority

The Solitary Islands Marine Park Authority (SIMPA) raised the following issues through its submission:

- the proposal is not consistent with the *Hearn's Lake/Sandy Beach Development Control Plan* (DCP), in particular in terms of environmental buffer provisions
- the EA does not address the issue of increased urban runoff into Hearn's Lake as a result of the development nor does it quantify expectant pollution loads
- it is important that an adequate and healthy riparian zone is present now and into the future.

NSW Rural Fire Service

The Rural Fire Service (RFS) reviewed the EA and provided requirements to ensure compliance with '*Planning for Bush fire Protection 2006*'.

NSW Office of Water

The NSW Office of Water (NOW):

- made recommendations about Acid Sulfate Soil management
- noted the requirement for a licence for all works that intersect groundwater
- supported removal and decommissioning of existing effluent ponds

- identified the need for a minimum 50m buffer from the 3.5m AHD contour around Hearn's Lake and Double Crossing Creek and the project site as outlined in *Council's Hearn's Lake/Sandy Beach Development Control Plan*.

Housing NSW

Housing NSW raised the following issues for consideration:

- further social impact assessment focusing on the lack of high frequency public transport connections linking the development with health and community facilities
- no displacement of current long-term residents within the caravan park occur as a result of the development
- raised concerns regarding the new development's target market.

Department of Primary Industries- Fisheries

Fisheries raised the following issues for consideration:

- the development does not provide a sufficient buffer to Hearn's Lake to address riparian zone management, run-off, and sea level rise
- recommends that expansion of the park be contingent upon removing approximately 23 lots from the existing 7A zone
- recommends buffers be rehabilitated with native endemic vegetation and be appropriately managed
- need for retrofitting water sensitive urban design features into the existing caravan sites.

Roads and Maritime Services

No issues raised.

Northern Rivers Catchment Management Authority

No issues raised.

4.3 Proponent's Response to Submissions

A Preferred Project Report (PPR) was submitted in December 2011 (Appendix C) incorporating the following amendments to the project:

- A reduction in the proposed number of movable dwelling sites from 60 to 53
- An amended project layout to provide a 50m buffer to Hearn's Lake and Double Crossing Creek separate to the APZ that complied with the requirements of the RFS
- Re-stated that the requirements contained in Modification to development consent 207/76 should be reflected in any conditions of approval and be adhered to prior to commencement of construction
- An amended ecological assessment and vegetation management plan in response to public authority concerns
- Provision of fencing around the rehabilitation site
- Offset planting is now proposed to occur entirely within the site
- A reduction in the number of trees proposed to be removed
- Deletion of the proposed tennis court
- A request to release stage 1A for construction prior to connection with Council's reticulated sewer system
- Provision of a 10 seat bus for use by occupants of the caravan park to various services within the locality
- Provision of a pedestrian path to the bus shelter at the South Woolgoolga Interchange of the Pacific highway Expansion.

Due to the nature of changes proposed, public authorities were requested to provide further comment on the project. The Roads and Maritime Service and the Northern Rivers Catchment Management Authority were not contacted since they had no issues with the development. Crown Lands did not provide a response to a request for comments. The remainder of the public authority comments are as follows:

Environment Protection Authority

The Environment Protection Authority (EPA) determined that it was able to support the proposal based on the changes included in the PPR and subject to the inclusion of the following matters in the conditions of approval:

- The final Vegetation Management Plan should be in accordance with council's Biodiversity Guidelines and be approved by council prior to its implementation
- To ensure protection of Aboriginal cultural heritage items during construction, appropriate conditions should be included in any recommended approval.

Coffs Harbour City Council

The council did not believe that the issues it had raised during its previous submission had been properly addressed and re-iterated many of its concerns. The council considers there is insufficient capacity in the existing caravan park sewage management system for its current operation and does not support the 'release' of Stage 1A for construction prior to the connection of the caravan park with council's reticulated sewage system.

NSW Office of Water (NOW)

NOW did not believe that the Proponent's revised Statement of Commitments addressed its previous issues and recommended that conditions be placed on any approval including that:

- all surface water and groundwater take is to be authorised under and in adherence to relevant NSW water legislation and regulations, including, monitoring bores, dewatering and any intersection of the aquifer due to the proposed works
- all stormwater runoff should be adequately treated by the designed stormwater treatment process prior to discharge
- a minimum 50m buffer as proposed should be maintained between the site and Hearn's Lake as consistent with the Hearn's Lake Sandy Beach Development Control Plan
- Acid sulphate soils should be treated according to the Coffey geotechnical report contained in the EA.

Department of Primary Industries (DPI)

The DPI did not raise any objection to the PPR, although it did reinforce the position of council in relation to the modification to development consent 207/76, that four sites within the Environment Protection 7A Habitat and Catchment Zone at the south eastern end of the caravan park should be relocated and the site revegetated in accordance with its zoning. The DPI also highlighted concerns made by the Solitary Islands Marine Parks Authority, regarding stormwater flows into Hearn's Lake from the proposed development.

Solitary Islands Marine Park Authority

The Authority does not support the development as it believes that approximately 500 additional residences have been approved around Hearn's Lake and the cumulative effect of these residences is likely to significantly impact the health of Hearn's Lake and its ability to function naturally. The project concentrates the impacts of a housing development without incorporating the mitigating factors for a conventional subdivision.

Housing NSW

Housing NSW raised two concerns with the PPR:

- that more flexibility be provided regarding the use of the proposed 10 seat bus such that it is not restrictive to the needs of the occupants of the caravan park
- requests that the occupants of the existing 115 long term sites are not displaced as a result of the expansion of the existing caravan park.

5. ASSESSMENT

The department considers the key issues for the project include: water quality; flora and fauna; upgrade of Hearn's Lake Road; and acoustic treatment of future moveable dwellings to mitigate against highway noise.

5.1 Water Quality

Hearn's Lake is a marine reserve of high conservation and recreational value as described by the *Hearn's Lake Estuary Management Study and Plan 2009*. Intermittently Closed and Open Lakes or Lagoons (ICOLs) such as Hearn's Lake are particularly susceptible to water quality impacts due to reduced flushing caused by the ocean entrance becoming blocked. According to the *Hearn's Lake Estuary Management Study and Plan 2009*, lake water quality is impacted by upstream agricultural activity, associated vegetation clearing as well as effluent and stormwater runoff from urban areas and roads.

The assessment considered water quality impacts of the proposal from two parameters:

- The removal of the three existing effluent ponds and on-site sewage management system and connection to council sewerage system
- The proposed expansion of 53 additional sites at the caravan park.

The removal of the three existing effluent ponds and sewage management system.

According to the *Hearn's Lake Estuary Management Study and Plan 2009* one of the primary sources of water pollution at Hearn's Lake is believed to be leachate from on-site wastewater management systems within the catchment. One of the largest wastewater management systems within the Hearn's Lake/Double Crossing Creek catchment is located at the caravan park. Recent inspections by council of the sewage management system at the caravan park revealed waste was overflowing into Double Crossing Creek and Hearn's Lake.

In order to improve water quality at Hearn's Lake, the Proponent, in the EA, committed to removing the on-site sewage management system and connecting to the council's reticulated sewage system prior to construction of the project. The system consists of three effluent ponds and associated infrastructure as well as a water storage dam on site (see **Figure 6**). Submissions from the NSW Office of Water and Department of Primary Industries supported this measure. The authorities considered that the lake's water quality as well as the quality of fish habitat would be considerably improved with the removal of the effluent ponds. Removal of the ponds would also conform to a number of the objectives of the *Hearn's Lake Estuary Management Study and Plan 2009*, in particular the objective to prevent sewage leachate (from on-site and septic systems, reticulated system overflows and land based effluent reuse) from entering Hearn's Lake and its tributaries. The department is supportive of the Proponent's commitment to remove the effluent storage ponds based on the water quality issues surrounding sewage leachate into Hearn's Lake.

In contrast to the Proponent's EA commitment, the PPR requested permission to construct 9 movable dwelling sites prior to connection of the caravan park with council's reticulated sewage system. The Proponent intended that the constructed sites would remain vacant until connection with the reticulated sewage system or unless dwellings are relocated to the new sites from other parts of the caravan park. Therefore the existing number of occupied sites would be maintained and no additional waste would be generated from the caravan park.

Council in its review of the PPR did not support this idea. Council considers the capacity of the existing on-site sewage management system is inadequate for the current operation of the park.

Figure 6: Effluent Ponds



Based on council's observations, the department does not support the request of the Proponent to construct these sites prior to connection of the caravan park with council's reticulated sewage system.

The proposed addition of 53 sites at the caravan park.

The submission from the Solitary Island Marine Park Authority raised concerns that the water quality of Hearnese Lake could be adversely impacted from untreated urban runoff, particularly as the Lake is not readily flushed. The Proponent recognised the necessity to protect the water quality of the lake and committed to incorporating Water Sensitive Urban Design (WSUD) measures in the stormwater management system.

The stormwater management system comprises a water treatment train that includes inlet pit filter baskets, gross pollutant traps, grass lined swales, grassed buffer strips and bioretention/dispersion trenches. Treated water would then flow out of the trenches as sheet flow across the 50m riparian vegetation buffer as proposed in the PPR before entering Hearnese Lake. Council indicated to the Proponent that there was no need for on-site water detention due to the proposed buffer widths.

Comments from agencies, namely the NOW and the Solitary Island Marine Park Authority raised concerns with the Proponent's stormwater modelling and discrepancies between the stormwater management measures contained in the EA and the amended layout included in the PPR. In response the Proponent provided additional information that demonstrated that the post development scenario with proposed treatment would act to improve water quality and result in a minimal increase in peak discharge flows during significant rain events compared to the pre-development scenario. The department reviewed this information and found that the proposed water treatment measures would indeed retain and effectively treat water on-site prior to entering Hearnese Lake. In order to ensure these measures are incorporated into the project, the department has recommended a stormwater management plan be included as part of the approval. The stormwater management plan should accurately reflect the amendments to the development layout as shown in the PPR and provide a maintenance program to ensure WSUD measures are maintained to their design specifications and act to effectively treat storm water into the future.

The department considers the water quality of Hearnese Lake would improve based on the removal of a significant source of sewage contaminants and application of stormwater quality mitigation measures for ongoing treatment of urban runoff in line with the recommended stormwater management plan.

5.2 Flora and Fauna

The EA identified the Dry Blackbutt Open Forest as the dominant vegetation community on-site. The EA describes the Dry Blackbutt Open Forest community as scattered canopy trees with little or no native understorey. Site visits confirmed this view with certain portions of the land north of the effluent ponds used as part of the sewage management system (wastewater sprinkler system) and evidence that the understorey was regularly slashed. Drainage lines to Double Crossing Creek are dominated by an understorey of exotic weeds owing primarily to the high nutrient loading in these areas. Vegetation within this area was considered to be secondary koala habitat under the *1999 Coffs Harbour Koala Plan of Management*.

Threatened species recorded or likely to utilise the site included the Squirrel Glider, Swift Parrot, Glossy Black Cockatoos and Insectivorous bats. The Little Tern, Black Necked Stork and Sooty Oystercatcher are known to utilise areas adjacent to the site including Hearn's Lake and Sandy Beach.

The EA stated that although threatened species and their habitats are present on the subject land, the overall characteristics of the site are not considered to be of conservation significance. The Proponent proposes to carry out the following measures to maintain the ecological value of the site:

- establishment of a vegetated 'buffer' adjacent to Hearn's Lake, inclusive of an adjoining Council Reserve and re-vegetation of primary Koala food tree species in this area, providing approximately 2ha of native vegetation
- retention and enhancement of the riparian vegetation in the southern section of the subject site, as well as on the Council Reserve to the south
- the preparation and implementation of a Vegetation Management Plan (VMP) in consultation with council for the areas of vegetation to be established and retained.

Both the EPA and council raised concerns with the Proponent's lack of justification for the clearing of vegetation on the site. The Public Authorities contended that significant mature open eucalypt forest planned for removal provides habitat for a range of species including threatened species including *Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregion Endangered Ecological Community* (EEC). Concerns were also raised regarding the width of the vegetation buffer and an overlap with the proposed Asset Protection Zone. Council also raised concerns with the offset strategy presented in the EA, which proposed to include existing forested areas on the council owned adjoining public reserve as offsets without prior council agreement.

Following the exhibition of the project, the Roads and Maritime Service commenced construction on the Pacific Highway upgrade adjacent to the site. A significant portion of vegetation, which originally separated the caravan park from the highway was cleared (**Figure 7**). This acted to further reduce the habitat connectivity of the current vegetated area of the site with that of adjoining forested land on the western side of the Pacific Highway. Known habitat features such as an observed squirrel glider nesting hollow were also removed.

As a response to submissions the Proponent in the PPR altered the development layout to include:

- a 50m buffer from the 3.5m AHD contour of Hearn's Lake/Double Crossing Creek, that is separate from the required Asset Protection Zones, in accordance with the *Hearn's Lake/Sandy Beach Development Control Plan*
- an area of 1.4ha proposed to be rehabilitated with plantings as an offset for the removal of canopy trees on site according to recommended EPA offset ratios. The revegetation area is within the site's boundary and excludes council's Reserve.

- a revised VMP that describes the amended revegetation works
- avoidance of EEC vegetation.

Subsequent to the review of the PPR, Public Authorities, including the EPA, NOW and DPI supported the changes to the project. Council also did not raise any concerns with the Proponent's flora and fauna assessment, however it did request an update to the vegetation management plan to include additional mitigation measures. The department has adopted the recommendations of council and has itself recommended the provision of an updated vegetation management plan as a recommended condition of approval.

The department has considered the inclusion of the revised 50m riparian vegetation buffer and reviewed the proposed vegetation management plan including offset planting. Based on the amendments contained in the PPR and the inclusion of recommended additional management measures within the plan, the department is satisfied that the project will avoid unacceptable impacts to the ecological values of the site.

The project is therefore considered to meet the aims of *State Environmental Planning Policy 71- Coastal Protection* namely aim g) "*to protect and preserve native coastal vegetation*" and the objectives of the EPA&A Act namely objective vi) "*the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats*".

5.3 Upgrade to Hearn's Lake Road

Hearn's Lake Road is a no-through gravel road located along the northern boundary of the site that links the Pacific Highway to Sandy Beach (**Figure 2**). Council, in its submission to the EA, as well as in comments regarding the PPR, requested that Hearn's Lake Road along the frontage of the caravan park be upgraded by the Proponent to an adequate stormwater quality, pedestrian safety and general amenity standard as it expected the expansion of the caravan park would cause significant additional use of the road.

The Proponent in the PPR disagreed with council's view that it should be required to upgrade the road. The Proponent contested that the additional number of sites did not warrant an upgrade of the road as new caravan park residents wishing to access Sandy Beach already have access via a pedestrian path from the caravan park, along Hearn's Lake to the beach. The caravan park entrance is also located at the junction of Hearn's Lake Road and the Pacific Highway. Therefore vehicles wishing to access services outside of the caravan park only use a small portion of Hearn's Lake Road to access the Pacific Highway. This portion of Hearn's Lake Road is to be upgraded by the Roads and Maritime Service in conjunction with the Pacific highway expansion. The Proponent has committed to provide a pedestrian path from the caravan park, along Hearn's Lake Road to public transport access at the interchange with the highway.

In its consideration of the issue, the department refers to the approved project application MP07_0075 at 45 Hearn's Lake Road. The consent for this application states:

Hearn's Lake Road is to be upgraded in accordance with council requirements including a 1.2m wide AC footpath along the southern mown verge extending eastwards from the Pacific Highway to the entrance of the site and the installation of new, or the upgrade of existing, stormwater drainage infrastructure.

The department considers future occupants of the caravan park are likely to utilise Hearn's Lake Road by driving to access the ocean beach and that it is reasonable to condition that the road frontage to the site be upgraded in accordance with council standards.

Figure 7: Road works adjacent to the site



5.4 Acoustic Treatment

As the proposal to expand the caravan park is located adjacent to the Pacific Highway expansion, the Proponent engaged an acoustic consultant to assess the noise impact of the upgraded Pacific Highway on the proposed sites. The noise assessment (contained in the EA) by Reverb Acoustics recommended the Proponent install an acoustic fence 2.4m high along the western boundary of the proposed extension and an acoustic fence 1.8m high along part of the southern boundary. It was also recommended that caravans incorporate noise mitigation measures in their construction, including specialised glazing, walls, mechanical ventilation, external swinging doors and roofs to achieve compliance with noise level criteria included in AS/NZS 2107-2000 "Acoustics-Recommended Design Sound Levels and Reverberation Times for Building Interiors".

The EPA did not raise any noise impact issues in its submission on the EA. Council in its submission raised concerns that the existing caravan park should be upgraded to a similar standard as that described by the noise assessment. The PPR stated that the Roads and Maritime Service had undertaken an adequate noise assessment of the existing caravan park during the approval process for the expansion of the Pacific Highway, MP06_0293 (Connell Wagner Pty Ltd (2008). *Coffs Harbour Highway Planning. Sapphire to Woolgoolga Section. Report No.00086 Version G. Appendices D and F*). This noise assessment found that the existing caravan park did not require any remediation to mitigate against noise impacts from the operation of the expanded Pacific Highway as noise emissions from the expanded highway would be within relevant noise criteria.

For that part of the site subject to this application the department considers that the recommendations of the proponent's noise assessment should be implemented. Recommended conditions have been proposed in this regard.

5.5 Other Issues Raised by Submissions

The department has recommended conditions of approval incorporating the following issues as raised by submissions: bushfire mitigation, protection of indigenous heritage issues, tree protection and fencing, Pacific Highway bus shelter access from the caravan park, provision of a bus for use by occupants of the caravan park, regulation of access to Hearn's Lake and appropriate conditions to manage construction works including traffic, dust and noise.

The department is satisfied that all other matters have been adequately addressed in the Proponent's Preferred Project Report and/or final Statement of Commitments or by regulation contained in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005*.

5.6 Developer Contributions

Developer contributions will be required to be paid in accordance with council's Hearn's Lake/Sandy Beach Release Area Developer Contributions Plan 2008. Recommended conditions of approval have been provided.

6. RECOMMENDATION

A comprehensive merit assessment of the project has taken into consideration the Proponent's Environmental Assessment, Preferred Project Report and issues raised in authority submissions. No public submissions were received. The department has reviewed all relevant documents in accordance with the objects of the EP&A Act and considered the principles of Ecologically Sustainable Development.

Key issues considered in the assessment include the following:

- water quality impacts to Hearn's Lake
- impacts to flora and fauna
- upgrade to Hearn's Lake Road
- noise impacts from the adjacent Pacific Highway expansion.

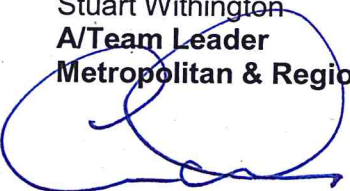
The Proponent has responded to the issues by proposing to remove the existing effluent ponds, reducing the scale of the development and maintaining an adequate 50m riparian buffer between the development and Hearn's Lake. The Proponent has also committed to offset vegetation clearing as well as provide noise mitigation measures for the expanded site. The department has reviewed these measures and recommended a number of conditions to ensure that water quality, flora and fauna and acoustic impacts are satisfactorily addressed. The department is satisfied that it is appropriate that Hearn's Lake Road along the frontage of the site be upgraded to council specifications and that no additional noise amelioration measures are required.

The department is satisfied that the application is consistent with the objects of the EP&A Act. On these grounds, the department considers the site is suitable for the proposed expansion of the "the Pines" Caravan Park at 8 Hearn's Lake Road, Woolgoolga. Consequently, the department considers the proposal in the public interest and recommends the project be approved, subject to the conditions of approval and the Proponent's Statement of Commitments.

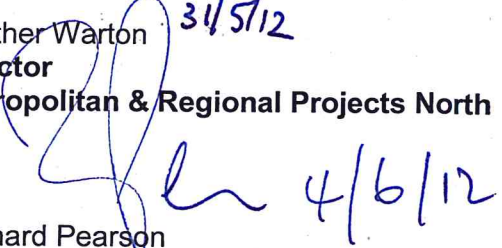
It is the recommendation of this report that the Deputy Director-General:

- (a) **Consider** the findings and recommendations of this report;
- (b) **Approve** the Project, subject to conditions;
- (c) **Signs** this report; and
- (d) **Signs** the attached Instrument of Approval.


Stuart Withington
A/Team Leader
Metropolitan & Regional Projects North


Chris Wilson
Executive Director
Major Projects Assessment


Heather Warton
Director
Metropolitan & Regional Projects North


Richard Pearson
Deputy Director-General
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APPENDIX A INSTRUMENT OF APPROVAL

APPENDIX B COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Major Projects) 2005

The proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by virtue of it being development of a kind described in Schedule 2 of State Environmental Planning Policy (Major Projects) 2005 namely clause 1(1)(f)(i) – tourist facilities wholly or partly in a sensitive coastal location for any number of persons (as in force at the time the proposal was declared a major project). Therefore the Minister for Planning and Infrastructure is the approval authority.

State Environmental Planning Policy No.14 – Coastal Wetlands (SEPP 14)

SEPP 14 aims to ensure that identified coastal wetlands are preserved and protected in the environmental and economic interests of the state. The site does not contain any wetlands listed under SEPP 14 and there are no SEPP 14 listed sites immediately downstream of the proposed development. Therefore the project is considered to be consistent with this policy.

State Environmental Planning Policy No. 21 – Caravan Parks (SEPP21)

SEPP 21 requires consent authorities to consider a range of social, economic and environmental matters in deciding whether to provide consent for development of caravan parks and campgrounds. The aims of this Policy and to encourage:

(a) The orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both,

Response

The project would be an orderly and economic use and development of land already used as a caravan park and impacts would be acceptably managed as described in section 5 of the report. The expansion would cater to long-term residents.

(b) The proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community,

Response

The *Coffs Harbour Council Social and Community Strategic Plan 2006- 2010* has identified the need to increase the supply of affordable housing. The proposed development will provide additional affordable housing by providing additional long-term sites within the caravan park. And will promote the social and economic welfare of the community.

(c) The provision of community facilities for land so used,

Response

A small shop is provided within the caravan park and adequate transport is proposed in the form of a 10 seat bus access to medical, recreational, shopping, educational and support services provided in Woolgoolga (approximately 1km to the north) and Coffs Harbour (20km to the South). Therefore, it is considered that there is adequate provision of community facilities.

(d) The protection of the environment of, and in the vicinity of, land so use.

Response

The project proposes to remove the three existing effluent ponds and provide stormwater mitigation measures for the sites. A 50m riparian buffer is also proposed as part of the proposal. A vegetation management plan also aims to revegetate the riparian buffer to a ratio of 4:1. Therefore it is considered that the proposal is in accordance with this aim for the reasons set out in section 5 of the report.

State Environmental Planning Policy No. 44 – Koala Habitat (SEPP 44)

SEPP 44 aims to encourage the proper conservation of and management of areas of native vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The Coffs Harbour Koala Plan of Management 1999 categories part of the site as secondary habitat. No koala sightings have been recorded at the site. The nearest were previous paw prints found north of the site

along the north eastern end of Sandy Beach. The Pacific Highway expansion has significantly reduced connectivity with adjacent habitat and isolated the site from known koala communities. As an offset to some secondary vegetation removal, the Proponent proposes to re-vegetate koala habitat within the riparian buffer at a ratio of 4:1. Due to these measures being incorporated into the project the department considers the project to be consistent with this policy.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. SEPP 55 requires the consent authority to take into consideration possible site contamination prior to granting consent. The Proponent submitted a geotechnical and contamination report prepared by Coffey Geosciences with the Environmental Assessment. This report found that the effluent sedimentation ponds and sprinkler irrigation systems which are planned to be decommissioned to allow the proposed future use of the site presented a localized source of faecal contamination. However this contamination will quickly degrade once the ponds and sprinkler system are decommissioned and additional Phase 2 contamination investigations are not required for the site. The department is satisfied that this issue of site contamination has been adequately addressed and the objectives of SEPP 55 have been met.

State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

State Environmental Planning Policy 71 - Coastal Protection ("SEPP 71") applies to the site as it is located within the coastal zone of NSW. The relevant clauses of SEPP 71 are addressed below:

Aims of Policy (Clause 2) – This Policy aims:

- (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and
- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and
- (e) to ensure that the visual amenity of the coast is protected, and
- (f) to protect and preserve beach environments and beach amenity, and
- (g) to protect and preserve native coastal vegetation, and
- (h) to protect and preserve the marine environment of New South Wales, and
- (i) to protect and preserve rock platforms, and
- (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the [Protection of the Environment Administration Act 1991](#)), and
- (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
- (l) to encourage a strategic approach to coastal management.

The project is consistent with the aims as it provides access to the foreshore. It protects Aboriginal heritage items, native coastal vegetation as well as the marine environment of Hearn's Lake due to the removal of effluent ponds. The department considers there will be no adverse impact on public access to the foreshore and there will be no adverse impacts to the coastal zone. The project is considered to accord with the principles of Ecologically Sustainable Development for the reasons set out in section 5 of this report.

Matters for Consideration (Clause 8) - The matters for consideration include:

- Aims of the policy.
- Public access.
- Suitability of the development given its type, location and design and its relationship with the surrounding area.
- Potential impacts on the amenity of the coastal foreshore including overshadowing and view loss of public places.

- Scenic qualities of the coast.
- Measures to conserve animals and fish, wildlife corridors.
- Measures to reduce the potential for conflict between land-based and water-based coastal activities.
- Protection of Aboriginal cultural heritage.
- Likely impacts on water quality of coastal water bodies.
- Cumulative impacts of the proposed development on the environment.
- Energy efficiency of development.

It is considered that the project is consistent with relevant matters as outlined in Section 5 of the report and the recommended conditions of approval. The project is therefore considered to be consistent with the requirements of SEPP 71.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP requires the consent authority to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and to also prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. The project will not impact on the expansion of the adjacent Pacific Highway. The Proponent has proposed noise mitigation measures including an acoustic barrier and building construction requirements to ensure that no adverse noise impacts occur to the proposed movable dwellings. The department considers the potential impact of traffic noise has been adequately considered within section 5 of this report.

North Coast Regional Environment Plan 2008 (NCREP)

The assessment of the project has adequately considered the relevant provisions of the NCREP including the protection of coastal water quality, the enhancement of the natural environment, provide affordable housing for the region, avoid bushfire hazard, facilitate maintenance and improvement of transport in the region, provide the economic and timely provision of utility services to residential areas and to prevent environmental degradation caused by excessive or inappropriate recreational use. The development as proposed would be consistent with these objectives for reasons as set out in section 4 and 5 of this report.

Coffs Harbour City Local Environment Plan 2000 (Coffs LEP)

The subject land is zoned Residential 2E Tourist Zone, Environmental Protection 7A Habitat and Catchment Zone and Environmental Protection 7B Scenic Buffer Zone under the provisions of the Coffs LEP. The proposed development which is within the 2E Tourist Zone is development for the purpose of camp or caravan sites and is permitted within the zone with development consent.

The project is consistent with the objectives of the 2E zone in that the proposed development will be compatible with the surrounding environment and can be adequately serviced. Whilst the development will not occur on that part of the site that is within the 7A and 7B zoned land the development will not impact on the achievement of the objectives of these zones, due to proposed re-vegetation of the site.

In addition the proposal is considered consistent with the following clauses of the LEP:

Clause 12 Koala Habitat

Issues related to koala habitat have been adequately addressed in the consideration of SEPP 44

Clause 13 Landform Modification

The clause has been adequately addressed in the recommended conditions of approval that require the need for a sediment erosion control plan during construction and a remedial action plan for the remediation and filling of the effluent ponds and water storage dam.

Clause 14 Services

The recommended conditions of approval require the Proponent to connect to Council's reticulated sewage system prior to the commencement of any construction for reasons discussed in section 5 of this report. Therefore the proposal meets the requirements of this clause.

Clause 21 Heritage

The assessment has adequately considered heritage impacts and proposed conditions to avoid any adverse impacts to heritage items in the recommended conditions of approval.

Clause 22 Waterways

The department considers the amenity of the Hearn's Lake waterway will not be adversely impacted as a result of the project for reasons contained in section 5 of the report. The department consulted with the Solitary Island Marine Parks Authority and took into adequate consideration the views of the authority as described in section 4 and 5 of the report.

Clause 23 Environmental Hazards

The clause has been adequately considered in the consideration of SEPP 55.

APPENDIX C PREFERRED PROJECT REPORT

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

APPENDIX D ENVIRONMENTAL ASSESSMENT

See the department's website at <http://majorprojects.planning.nsw.gov.au>

