

ASSESSMENT REPORT

The Pines Caravan Park Extension, Woolgoolga MP 08_0005 MOD 1

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval (MP 08_0005) for the expansion of The Pines Caravan Park in Woolgoolga. The request has been lodged by The Pines Lifestyle Resort Pty Ltd (the Proponent), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposal seeks to amend the layout of the approved caravan park extension and reduce the total number of long-term dwelling sites from 53 to 47.

2. SUBJECT SITE

The site is legally described as Lot 106 DP 1144462 and is located at 8 Hearn's Lake Road, Woolgoolga in the City of Coffs Harbour local government area. The site is located on the eastern side of the Pacific Highway approximately 1.5-kilometre (km) south of Woolgoolga and 26 km north of Coffs Harbour. The site location in context to the surrounding locality is shown in **Figure 1**.

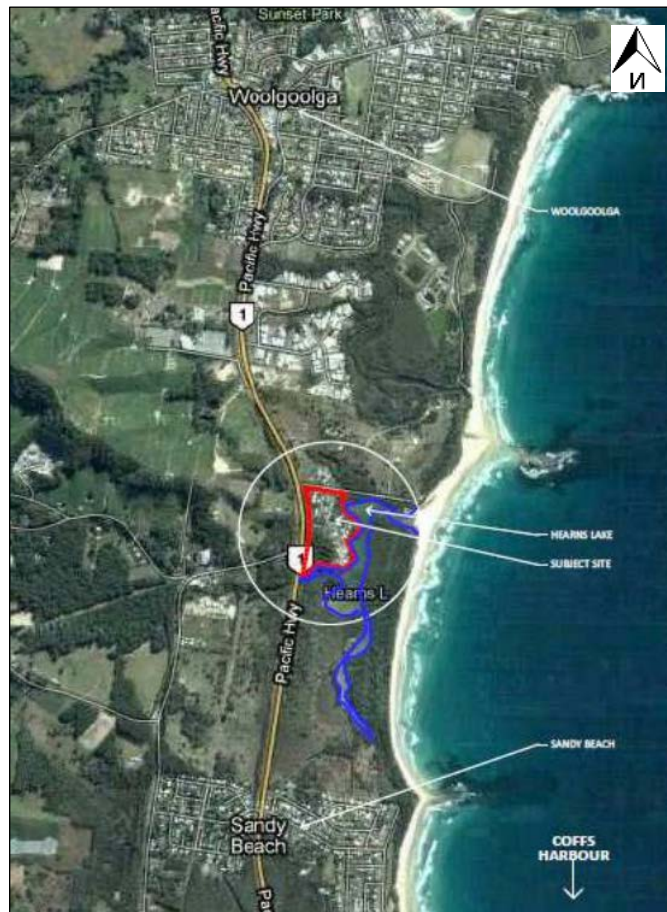


Figure 1: Regional context (source: Google Maps)

The site is bordered by Hearnese Lake Road to the north, Hearnese Lake to the east, Double Crossing Creek and vacant land to the south (proposed for future residential development) and the Pacific Highway to the west.

The site's topography consists of a low central ridge towards the middle of the site with the land falling north-east, south-east and south with an elevation ranging from approximately 19.19 m AHD down to approximately 3.5 m AHD along the Hearnese Lake foreshore. Hearnese Lake is an Intermittent Closed and Open Lake or Lagoon (ICOLL) that opens to Hearnese Lake Beach. A narrow public reserve under the ownership of the City of Coffs Harbour Council (Council) is located between the eastern site boundary and Hearnese Lake.

Three sewage effluent ponds and a water storage dam associated with the operation of the existing development are located toward the southern portion of the site. The remainder of the site is undeveloped and vegetated with mature eucalypt trees with a managed understorey. The site and surrounding features are shown in **Figure 2**.

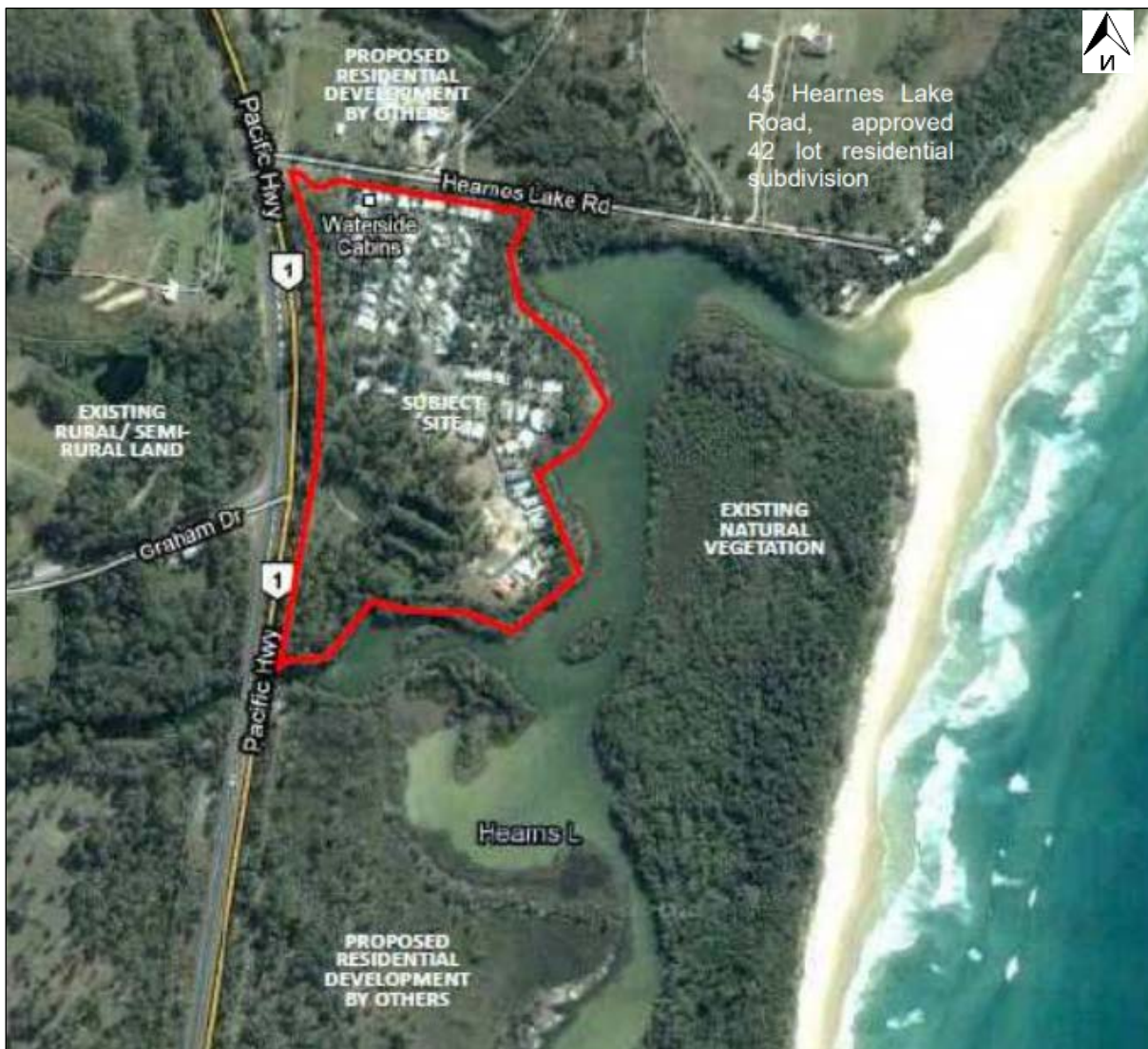


Figure 2: Site and surrounding features (source: Nearmap)

The Pines Caravan Park currently comprises 115 permanent residential cabins and five short-term tourist cabins with associated amenities and facilities including swimming pool, manager's residence, amenities block, community hall and a maintenance facility. Vehicular access to the site is provided via Hearnese Lake Road which connects with the Pacific Highway. An aerial view of the site is shown at **Figure 3**.



Figure 3: The Pines Caravan Park and approved expansion area (indicative) (base source: Nearmap)

3. APPROVAL HISTORY

On 4 June 2012, the (then) Deputy Director-General, Development Assessment & Systems Performance granted Project Approval for the extension of the existing caravan park (MP 08_0005). The development was originally approved by Council on 24 May 1977 (DA 207/76).

The extension of the existing caravan park was declared a Part 3A major project as it met the requirements of *State Environmental Planning Policy (Major Projects) 2005* (now repealed) being a tourist facility wholly or partly located in a sensitive coastal location for any number of persons. Project Approval was granted for:

- 53 additional long-term sites and associated infrastructure and amenities
- re-vegetation and rehabilitation of native vegetation on the site
- landscaping
- removal of three existing effluent storage ponds and a water storage dam.

4. PROPOSED MODIFICATION

On 27 February 2018, the Proponent lodged a modification request (MP 08_0005 MOD 1).

The modification proposes:

- a reduction in the number of long term sites from 53 to 47 in total
- removal of the two north-south internal roads (referred to as Road 2 and Road 3 on the approved plans) and creation of a new internal 'dog-leg' road
- reconfiguration of approved sites 10 to 53. The modified sites range in area between 234 m² and 336 m² with two types of sites proposed:
 - 15 custom house design (minimum 11 m x 18 m) – sites 1-9 and 35-40;
 - 32 standard house design (minimum 13 m x 18 m) – sites 10-34 and 41-74
- amendments to the approved Section 64 and Section 94 monetary contributions.

The modification seeks to:

- provide for improved spacing between future homes on the sites a including marginal increase in lot sizes (the original approval included sites between 165 m² and 310 m²)
- provide a more sensitive and cost effective bulk earthworks strategy by using existing topography and reducing the amount of approved site works
- re-orientate the internal road and site layout to meet contemporary form and function requirements.

The modification does not propose amendments to approved sites 1 to 9 or the perimeter road (referred to as Road A, Road B, Road 1 and Road 4 on the approved plans). All sites will continue to be accessible from the internal road network and will be able to connect to utilities and servicing infrastructure. The approved use would remain the same and the request does not seek approval to install dwellings on the site.

The approved layout of the site is shown in **Figure 5**. The site layout as proposed to be modified is shown in **Figure 6**.

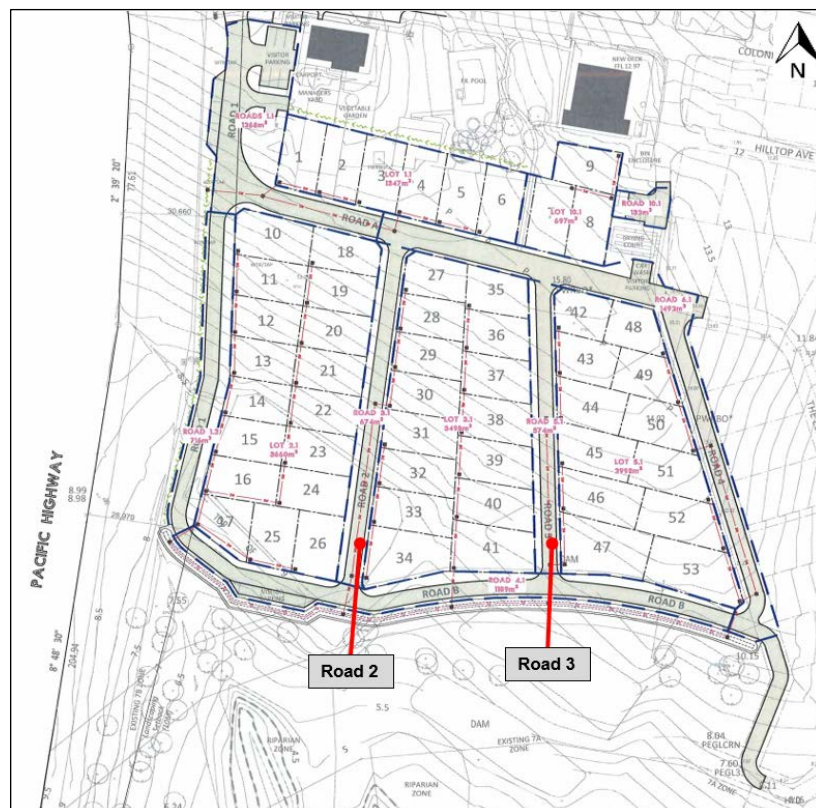


Figure 4: Approved site layout (base source: Approved plans for MP 08_0005)



Figure 5: Site layout as proposed to be modified (source: Northrop)

5. STATUTORY CONSIDERATION

5.1 Modification of existing approval

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the *Environmental Planning and Assessment Act (Savings, Transitional and Other Provisions) Regulation 2017*.

The power to modify transitional Part 3A projects under section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 ended on 1 March 2018. However, as the modification request was made prior to 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations and the Minister (or his delegate) may approve or disapprove the carrying out of the modification under section 75W of the EP&A Act.

The Department is satisfied the proposed amendments are within the scope of section 75W of the EP&A Act and that the proposal does not constitute a new application.

5.2 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy No. 21 – Caravan Parks (SEPP 21)*
- *State Environmental Planning Policy No. 44 – Koala Habitat*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *North Coast Regional Environment Plan 2008*
- *Coffs Harbour City Local Environment Plan 2000 (CHCLEP 2000)*
- *Coffs Harbour Local Environment Plan 2013 (CHLEP 2013).*

The Department undertook a comprehensive assessment of the development against the relevant EPIs as part of its original assessment of MP 08_0005. The Department considers the modification does not result in any significant changes that would alter the considerations and conclusions made as part of the original assessment. The Department also assessed the proposal against the *State Environmental Planning Policy (Coastal Management) 2018*, included in **Appendix A**.

5.3 Approval Authority

The Minister for Planning is the approval authority for the request. However, the Director – Regional Assessments, may determine the request under delegation as:

- the relevant local Council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

6. CONSULTATION

The modification request was made publicly available on the Department's website and referred to **Coffs Harbour City Council** (Council), **Office of Environment and Heritage** and **NSW Rural Fire Service** (RFS) for comment. Due to the minor nature of the proposed modification, it was not exhibited by any other means.

Council provided no specific feedback on the proposed modification and advised that the Department is responsible for the assessment and determination of the request.

Office of Environment and Heritage (OEH) raised no concerns with the proposed modification and considered there would be no new impacts on native flora and fauna species and habitat, Aboriginal cultural heritage, flooding or acid sulfate soils.

NSW Rural Fire Service (RFS) recommended the proposed modification comply with the relevant sections of *Planning for Bushfire Protection 2006* (PFBP), specifically regarding:

- asset protection zones (APZs)
- connection to services (water and electricity)
- internal access roads and arrangements for emergency and evacuation
- landscaping.

RFS further advised that new construction within long term caravan sites is to comply with Australian Standards 3959-2009 '*Construction of buildings in bushfire prone areas*' and Appendix 3 of PFBP.

No **public** submissions were received.

7. ASSESSMENT

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original project
- all submission received on the proposal
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The key issues associated with the proposed modification have been considered in **Table 1**.

Table 1: Consideration of key issues

| Issue | Consideration | Recommendation |
|---|---|---|
| <i>Permissibility and compliance with SEPP 21</i> | <ul style="list-style-type: none"> • The site is zoned a Deferred Matter under the CHLEP 2013 and is therefore subject to the provisions of the CHCLEP 2000. Under the CHCLEP 2000, the site is zoned 2E Residential Tourist Zone. • On 9 March 2017, Council resolved to request the Department adopt a Planning Proposal to rezone the site part RE2 Private Recreation and part E2 Environmental Conservation. • The caravan sites would be contained wholly within the RE2 zone and would not encroach within the E2 zone. • Caravan parks are permissible development in the RE2 zone. The proposed modification does not seek to amend the approved land use. • Clause 8(2) of SEPP 21 requires Council to determine the number of sites suitable for long-term residence, within the meaning of the <i>Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993</i>. • As the consent authority for the application, the Department is satisfied with the number of long-term sites (47) is suitable at this location and will provide improved spacing between future homes on the site. • Council did not raise any concerns regarding the permissibility of the proposal or compliance with the applicable EPIs. | No additional conditions or amendments to existing conditions are required. |
| <i>Bushfire</i> | <ul style="list-style-type: none"> • The proposed modification to the internal layout of the site will be carried out wholly within the approved building/disturbance footprint. There would be no amendments to the approved footprint or setbacks to riparian vegetation. • The perimeter road constructed around sites 10 to 53 remains unchanged and will continue to provide a bushfire buffer. • RFS did not raise any specific concerns, however recommended the requirements of PFBP be complied with regarding APZs, connection to services, landscaping and emergency access. • RFS further recommended that new construction within long term caravan sites comply with Australian Standards 3959-2009 '<i>Construction of buildings in bushfire prone areas</i>' and Appendix 3 of PFBP. • The Department notes existing Conditions C37 <i>Bushfire Safety Requirements</i> and C33 <i>Bushfire Protection Zones</i> requires the proposal to comply with the relevant Australian standards relating to construction in bushfire prone areas and the requirements of PFBP. • The Department is satisfied the modification will not increase the potential threat of bushfire. It is recommended Condition C33 <i>Bushfire Protection Zones</i> be updated to reference the revised site numbers and updated project plans and Condition C37 <i>Bushfire Safety Requirements</i> be updated to include | Condition B33 and B37 have been updated to reflect the proposed changes and RFS requirements. |

| Issue | Consideration | Recommendation |
|------------------------------------|---|---|
| | additional landscaping and emergency/evacuation requirements. | |
| <i>Traffic, access and parking</i> | <ul style="list-style-type: none"> The modification proposes to reduce the number of approved sites by 6 (from 53 to 47 in total). The reduced number of sites will result in a net reduction in traffic movements generated by the development. Site access arrangements to and from the site remain unchanged (via Hearnese Lake Road connecting to Solitary Islands Way). On-site car parking arrangements approved as part of MP 08_0005 remain unchanged. The modification will result in reduced demand for car parking given the proposed reduction in the number of sites. Council did not raise any concerns relating to traffic, site access and/or car parking. The Department is therefore satisfied the modification will not result in adverse traffic, site access or car parking impacts. | No additional conditions or amendments to existing conditions are required. |
| <i>Biodiversity</i> | <ul style="list-style-type: none"> The proposed modification to the internal layout of the site will be carried out wholly within the approved building/disturbance footprint. There would be no further tree removal or vegetation clearing, beyond that already assessed and approved as part of the original application. OEH advised in its submission that there would be no new impacts on native flora and fauna species or habitat as a result of the proposed modification. The Department is therefore satisfied the modification will not result in adverse biodiversity impacts. | No additional conditions or amendments to existing conditions are required. |
| <i>Stormwater and flooding</i> | <ul style="list-style-type: none"> The proposed modification will not increase the impervious surface area across the site. Consequently, it is anticipated there would be no adverse changes to the quality and quantity of stormwater flows from the site. No changes are proposed with regard to the removal of the effluent ponds and the requirement to connect to Council's waters and sewer services. OEH advised in its submission that there would be no new impacts to flooding as a result of the proposed modification. The Department is therefore satisfied the modification will not result in adverse impacts on stormwater quality or alter the flood regime of the site. | No additional conditions or amendments to existing conditions are required. |
| <i>Acid sulfate soils</i> | <ul style="list-style-type: none"> The site is mapped as being land classified as class 5 acid sulfate soils. Areas classified as class 5 includes land located within 500m of adjacent class 1,2,3 or 4 land. The proposed modification does not propose any works that will disturb acid sulfate soils or result in lowering of the water table below 1m AHD on adjacent land. Existing Condition C4 <i>Construction Environmental Management Plan</i> and the Statement of Commitments require acid sulfate soils to be managed in accordance with the recommendations of the Preliminary Geotechnical and Acid Sulphate Soils Assessment prepared by Coffey Geotechnical (14 September 2009), submitted as part of the original application. The Department is satisfied the modification will not result in the disturbance of acid sulfate soils. | No additional conditions or amendments to existing conditions are required. |
| <i>Heritage</i> | <ul style="list-style-type: none"> An Aboriginal heritage and archaeological assessment was undertaken by Jacqueline Collins (Consultant Archaeologist) as part of the original application. This included field surveys | No additional conditions or amendments to |

| Issue | Consideration | Recommendation |
|-------------------------------|---|--|
| | <p>of the site and consultation with the Coffs Harbour and District Local Aboriginal Land Council.</p> <ul style="list-style-type: none"> • The assessment concluded there to be no constraints to the development in respect to Aboriginal heritage. Further, OEH advised in its submission that there would be no new impacts to Aboriginal cultural heritage as a result of the proposed modification. • There are no items of heritage significance or heritage conservation areas listed under the CHLEP 2013 or State heritage register near Hearnes Lake. Consequently, there are no concerns relating to impacts on European heritage. • Existing Condition C28 <i>Aboriginal Cultural Heritage</i> requires construction works to cease should a new Aboriginal site be uncovered and for approval to be obtained from the EPA before works may recommence. • The Department is satisfied the modification will not adversely impact on Aboriginal or European heritage. | existing conditions are required. |
| <i>Monetary contributions</i> | <ul style="list-style-type: none"> • Council provided updated Section 64 and Section 94 contributions for the proposal. • The Department recommends the contributions be updated accordingly. | The Department has updated the Section 64 and Section 94 monetary contributions in Condition B7 and Condition B8 respectively. |

8. CONCLUSION

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- all physical works are proposed to be carried out wholly within the approved footprint and will not result in any significant impacts beyond those assessed as part of the original application;
- it will not increase the threat of bushfire and all future construction will be carried out in accordance with PFBP;
- it will not involve the clearing of any additional vegetation or result in adverse impacts on biodiversity;
- site access will be maintained via Hearnes Lake Road; and
- it will result in substantially the same development for which approval was originally granted.

Consequently, it is recommended the modification request be approved subject to the recommended conditions.

9. RECOMMENDATION

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report
- **determine** that the modification request falls within the scope of section 75W of the EP&A Act
- **approve** the modification (MP 08_0005 MOD 1) subject to conditions
- **sign** the attached instrument of modification (**Appendix A**).

Recommended by:

 24/7/18

Joel Herbert
Planning Officer
Regional Assessments

DECISION

Approved by:

 24/7/18

Anthony Witherdin
Director
Regional Assessments
as delegate of the Minister for Planning

APPENDIX A: STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018 ASSESSMENT

The State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP) commenced on 3 April 2018. The Coastal SEPP consolidates and replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

The Coastal Management SEPP gives effect to the objectives of the *Coastal Management Act 2016* (NSW) from a land use planning perspective. It defines four coastal management areas and specifies assessment criteria that are tailored for each coastal management area. The consent authority must apply those criteria when assessing proposals for development that fall within one or more of the mapped areas.

The Coastal SEPP identifies the site as located within the Coastal Environment Area and Coastal Use Area and therefore clauses 13 and 14 apply. Clauses 13 and 14 of the Coastal SEPP require the consent authority to be satisfied the following matters (see **Table 1**) are addressed in respect of all applications.

Table 1: Coastal SEPP, clauses 13 and 14 matters for consideration

| Coastal SEPP matters for consideration | Comment |
|---|---|
| Clause 13 – Coastal environmental area | |
| (a) is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment | The modification does not propose to change the footprint of the development and would not have any additional environmental or hydrological impacts. |
| (b) is not likely to cause adverse impacts on coastal environmental values and natural coastal processes | Refer to (a) above. |
| (c) is not likely to have an adverse impact on the water quality of the marine estate | The modification includes appropriate drainage infrastructure and would ensure effective stormwater management to ensure appropriate water quality. The Development will also be connected to Council's sewer and water system. |
| (d) is not likely to have an adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms | The approved development footprint will not change therefore the modification would not change impacts to native vegetation or fauna and will have no impacts for marine vegetation or any headlands or rock platforms. |
| (e) is not likely to have an adverse impact on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability | The proposal will not impact on open space or future public access arrangements. |
| (f) will not adversely impact Aboriginal cultural heritage and places, and | The proposal would not result in adverse heritage impacts (refer to Section 7 of the report). |
| (g) will not adversely impact on the use of the surf zone. | The proposal will not impact on the surf zone. |
| Clause 14 – Coastal use area | |
| (i) if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and | The proposal will not impact on open space or future public access arrangements. |
| (ii) minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and | The modification would not have any overshadowing, wind or view impacts from public places to the foreshore. |

| | |
|---|--|
| (iii) will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and | The proposed works would not have an adverse visual impact. |
| (iv) will not adversely impact on Aboriginal cultural heritage and places, and | Refer to (f) above. |
| (v) will not adversely impact on the cultural and built environment heritage | The proposal would not result in adverse heritage impacts (refer to Section 7 of the report). |
| (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. | The proposed works are contained within the approved development footprint and continue to be considered acceptable. |

APPENDIX B: MODIFICATION CONSENT

A copy of the notice of modification can be found on Department of Planning and Environment's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9206

APPENDIX C: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification Application

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9206

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9206