

The Pines Caravan Park Extension Modification 2

Modification to lot and internal road layout
State Significant Development Modification Assessment
(MP08_0005-Mod-2)

April 2022



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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CPP	Community Participation Plan
Council	Coffs Harbour City Council
Crown Lands	Crown Lands, DPIE
AWE	Department of Agriculture, Water and the Environment (formerly DoEE)
Department	Department of Planning and Environment
DPI	Department of Primary Industries, DPE
DRG	Division of Resources & Geoscience, DPE
EESG	Environment, Energy and Science Group, DPE
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
NPWS	National Parks & Wildlife Service, DPE

NRAR	Natural Resources Access Regulator, DPIE
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	Transport for NSW

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the Major Project Approval (**MP08_0005-Mod-02**) consent for the extension to the Pines Caravan Park, Woolgoolga, Coffs Harbour local government area (LGA).

The application seeks to modify the approved layout, including internal road modifications, moving proposed Lots 1-8 to the west and providing proposed Lot 9 frontage to 'Road 2'.

The application has been lodged on 7 October 2022 by Hometown Australia (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

1.1 Background

The Pines Caravan Park is located at 8 Hearn's Lake Road, Woolgoolga, legally described as Lot 106 DP 1144462, in the City of Coffs Harbour. The site is located on the eastern side of the Pacific Highway, approx. 2.4km south of Woolgoolga and 20km north of Coffs Harbour. The site location in context to the surrounding locality is shown in **Figure 1**.

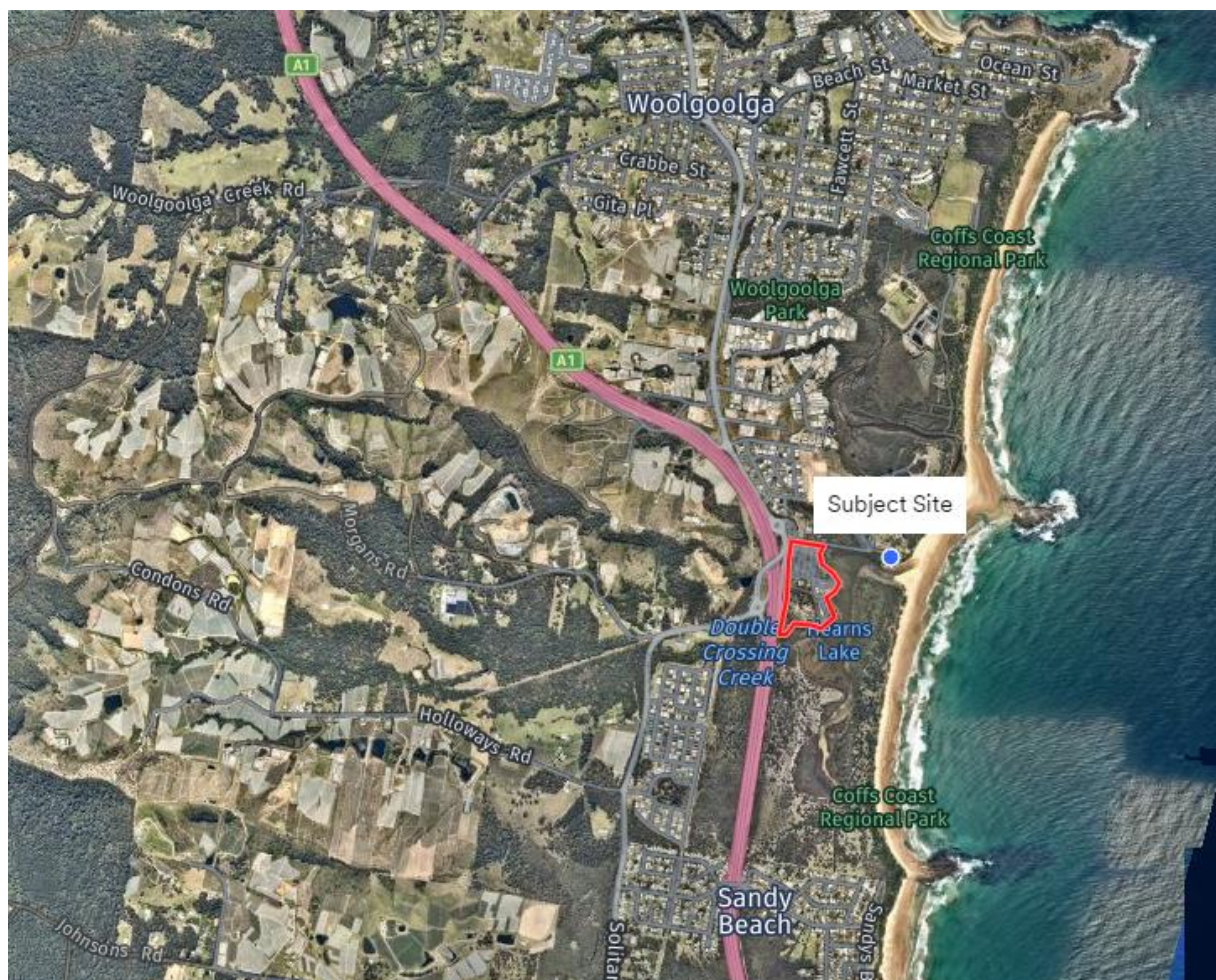


Figure 1 | Regional Context Map (Source: Nearmap, 2021)



Figure 2 | Local Context Map (Source: Nearmap, 2021)

The site is irregular in shape with an area of approx. 8.58Ha.

The site is bordered by Hearnes Lake Road to the north, Hearnes Lake to the east, Double Crossing Creek to the south 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 Hearnes Lake foreshore. Hearnes Lake is an Intermittent Closed and Open Lake or Lagoon (ICOLL) that opens to Hearnes 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 Hearnes 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. These ponds have been decommissioned with the subject site (and the existing dwellings) having been connected to reticulated sewer.

The site contains 120 permanent long-term sites, occupied with moveable dwellings, a manager's residence, communal amenities and facilities including a swimming pool, amenities block, barbeque area and visitors car parking.

1.2 Approval history

On 4 June 2012, development consent was granted by the (then) Deputy Director-General, Development Assessment & Systems Performance for the expansion of The Pines Caravan Park (**MP08_0005**). The development consent permitted the following works:

- 53 Additional Long-Term sites and associated infrastructure and amenities (as depicted in Figure 3 below)
- Re-vegetation and rehabilitation of the native vegetation on the site
- Landscaping
- Removal of three existing effluent storage ponds and a water storage dam.



Figure 3 | Lot Layout as originally determined (Source: Urban Group, 2009)

The development consent was modified on 24 July 2018 (MP08_0005-Mod-1) as follows:

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Reduction in the number of sites from 53 to 47 (Figure 4 below) Reconfiguration of lot layout including removal of 2 internal roads Amendments to the Section 64 and 94 contributions	Director	4.55(1A)	25 July 2018



Figure 4 | Modified Lot layout as per MP08_0005-Mod-1 (Source: Gateway Lifestyle, 2018)

2 Proposed modification

The modification application seeks approval for the reconfiguration of approved lots 1 to 9 to consolidate the caravan expansion footprint to reduce the impacts on the existing permanent sites and provide lot 9 direct road frontage.

The proposed modifications are as follows:

- Relocation of lots 1 to 8 approx. 10m to the west of their approved location
- Relocation of lot 9 to the eastern side of lot 8, with frontage to road 2. Lot 9 will have a north-south orientation (as opposed to the current approved east-west)
- Removal of the north-south road connection to the west of the current approved lot 1 and inclusion of a north-south connection to the east of Lot 9.
- Relocation of 3 visitor car parking spaces to the north of their approved location
- Reconfiguration of site stormwater disposal

The modification will result in changes in site areas for all nearly all lots. The overall footprint of the sites will reduce from 12,492m² to 12,218m².



Figure 5 | Proposed modified lot layout

The modifications are being sought to consolidate the extension of the caravan park to minimise impacts to the existing permanent sites as well as to provide direct road frontage to Lot 9.

3 Strategic context

3.1 North Coast Regional Plan 2036

The North Coast Regional Plan 2036 (NCRP 2036) identifies Woolgoolga as an area for increased residential development.

3.1.1 Goal 4: Great Housing Choice and Lifestyle Options

The north coast region will accommodate an additional 76,200 people, which will generate the need for 46,000 new homes. The proposal is consistent with Directions 22, 23 and 25 of the NCRP 2036 which seeks to increase housing supply, increase housing diversity and choose and deliver more opportunities for affordable housing. Whilst the proposal is for an extension to a caravan park, the proposed sites are intended to be used as permanent resident sites which will increase the housing options on the North Coast.

3.1.2 Local Government Narratives

The Local Government Narratives within NCRP 2036 sets out a number of objectives for each Local Government Area. For Council, the narrative identifies Woolgoolga as an area to accommodate an increase in residential development. The proposed development is consistent with the Local Government Narrative for Council.

3.2 Coffs Harbour Local Strategic Planning Statement

The Coffs Harbour Local Strategic Planning Statement (CLSPS) provides a 20-year land use planning vision for the Coffs Harbour Local Government Area. The CLSPS includes specific priorities around increasing housing supply:

3.2.1 Priority 5: Deliver greater housing supply, choice and diversity

The proposed development is consistent with Priority 5 of CLSPS as the modification will result in additional permanent sites for the caravan park, and in turn, increase the housing supply, choice and diversity.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2022, the Director, Regional Assessments, may determine the application.

4.3 Mandatory matters for consideration

Error! Reference source not found. identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act.

Table 2 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B and listed below.
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs at Appendix B .
(a)(iiia) any planning agreement	Not applicable.

Section 4.15(1) Evaluation	Consideration
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications and public participation procedures for SSD.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The modification report, RtS and RFI adequately demonstrate that all likely impacts of the modification can be appropriately mitigated, subject to implementation of amended conditions discussed in Section 6 .
(c) the suitability of the site for the development	The information provided adequately demonstrates that the site is suitable for the modified development, subject to additional conditions Section 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 .
(e) the public interest	The proposal is considered to be in the public interest, subject to the implementation of additional conditions as discussed in Sections 6 and 7 .

The following EPIs are applicable to the proposed modification:

- State Environmental Planning Policy No. 21 – Caravan Parks (SEPP 21)
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy (Infrastructure) 2007
- Coffs Harbour Local Environment Plan 2013 (CHLEP 2013)
- State Environmental Planning Policy (Koala Habitat Protection) 2020

Following the submission of the application, the Environmental Planning and Assessment Regulation 2000 was repealed and replaced by Environmental Planning and Assessment Regulation 2021 on 1 March 2022. Clause 3 of Part 1 of Schedule 6 of the 2021 Reg provides that assessment of an application made, but not determined before 1 March 2021 is to be undertaken under the 2000 Reg.

The consolidated State Environmental Planning Policies commenced on 1 March 2022. This repealed the majority of existing SEPPs and replaced them with 11 new consolidated EPIs based on themes or issues. The assessment of this application has been undertaken under the former EPIs under their relevant savings and transitional arrangements.

4.4 Part 3A transition to State significant development

This project was originally approved under the former section 75J of the EP&A Act and was a transitional Part 3A project under Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (ST&OP) Regulation).

Following amendments to the EP&A Act and the commencement of the associated EP&A (ST&OP) Regulation on 1 March 2018, the power to modify Part 3A project approvals under former section 75W is no longer available for modifications submitted after 1 March 2018. In order to modify a transitional Part 3A project approval, the Minister for Planning can declare the development to be SSD by order under clause 6 of Schedule 2 of the EP&A (ST&OP) Regulation. If a declaration is made the project approval becomes a development consent which can be modified under Part 4 of the EP&A Act if it meets the relevant criteria.

On 11 May 2021 the Director, Regional Assessments (as delegate of the Minister for Planning and Public Spaces), made an order under clause 6 of Schedule 2 to the EP&A (ST&OP) Regulation declaring the development the subject of project approval to be SSD. The order was published in the NSW Government Gazette on 14 May 2021 and took effect from that date.

The effect of this order is that:

- The project approval is taken to be a development consent under Part 4 of the EP&A Act for the carrying out of the development

5 Engagement

5.1 Department's engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), and the Departments Community Participation Plan (CPP) the Department exhibited the application for 14 days from 19 October 2021 to 1 November 2021 on the Department's website. Adjoining and nearby residents were notified of the development and given an opportunity to make a submission.

The modification application was also referred to:

- Coffs Harbour City Council
- NSW Rural Fire Service
- Transport for NSW
- DPI Fisheries
- Biodiversity and Conservation Division
- Natural Resource Access Regulator
- DPIE Water
- Heritage NSW – Aboriginal Cultural Heritage
- Environmental Protection Authority
- Crown Lands.

5.2 Summary of submissions

During the exhibition period, the Department received a total of seven (7) submissions on the proposal, all of which were from NSW Government agencies. All submissions provided comments only. A summary of the submissions is provided in Table 2 below, and a link to the full copy of the submissions is provided in **Appendix A**.

Table 3 | Summary of Agency Submissions

Submitter	Position
Government Agencies	
NSW Rural Fire Service	No objections raised. Recommended amendments to conditions relating to the implementation of Bushfire Protection Measures under Planning for Bushfire Protection 2019 and that existing conditions be updated to current requirements.

Biodiversity and Conservation Division	No issues raised in relation to modification. Queried whether VMP had been implemented and requested the provision of annual reports.
Natural Resource Access Regulator/DPIE Water	The proponent should update the Stormwater Management Plan prior to commencement of work.
Department of Primary Industries - Fisheries	The site adjoins the Solitary Islands Marine Park: - Advised that it is essential that this development and any changes to this development are designed and constructed to minimise any impacts to water quality and riparian habitat. - Stormwater Management is crucial. - Best Practice Erosion and Sediment Controls required. - Vegetation Management Plan should be extended for the whole of the waterfront of the site.
Transport for New South Wales	Any works in TfNSW Road Reserve require TfNSW approval. Consent Authority is to be satisfied that the development is appropriately located and designed, or includes measures to ameliorate traffic noise or vehicle emissions
Heritage NSW – Aboriginal Cultural Heritage	No comments
Crown Lands	No comments.
Total Agency submissions	6

Table 3 | Summary of Council Submission

Submitter	Position
Local councils	
Coffs Harbour City Council	No objections raised
TOTAL	1

5.3 Response to submissions

The applicant submitted a Response to Submissions (RtS) report on 6 January 2022 to address the agency comments. The applicant has accepted the recommended amended conditions resulting from the agency advice.

In response to advice received from Biodiversity Conservation Division, the applicant confirmed that the implementation of the VMP had not yet commenced and is still subject to approval by Council, however other works within the development consent have taken place. The applicant further confirmed that the development would not have any additional impacts on biodiversity values, and that entry into the Biodiversity Offset Scheme would not be triggered.

5.4 Request for Further Information

Requests for further information (RFI) was issued to the applicant on 11 November and 13 December 2021.

A response to the RFI was received by the Department on 2 March 2022 providing an addendum to the previously approved acoustic report, details of civil works and confirmation that the vegetation works does not trigger further assessment under the Biodiversity Conservation Act 2016.

The Department was satisfied with the documentation provided, and the assessment herein is based on the documents submitted with the modification application as amended by the RFI.

6 Assessment

6.1 Bushfire

The subject site is identified as being Bush Fire Prone Land under the Council's Bush Fire Prone Land Mapping. The original application and the subsequent modification were assessed under the former Planning for Bushfire Protection 2006. In March 2020, Planning for Bushfire Protection 2019 (PBP 2019) was adopted which superseded the 2006 version.

It is noted that the proposed modification is wholly within the footprint of the approved development. No new sites are proposed to be introduced with the lot layout remaining substantially unchanged, with the southern loop road providing a buffer to the bushfire hazard to the south. The distance from the sites to the fire hazard remains unchanged.

The Department notes the RFS raises no objection to the proposed modification, however recommends amendments to the conditions of consent. The Department is satisfied that the proposed development satisfies the relevant bush fire protection requirements and would meet the aims and objectives of PBP 2019, and an acceptable level of protection would be provided to the occupants of the proposed. The Department recommends amendments to conditions C33 and C37 in relation to the implementation of APZs, building construction standards, access, utilities and services and evacuation arrangements to reflect the current standards under PBP 2019.

6.2 Biodiversity and the Vegetation Management Plan

The proposed modification is wholly within the footprint previously approved under MP08_0005-Mod-1. The modification does not propose to remove any additional vegetation to what has previously been approved by the Department. The modification application was supported by a revised Vegetation Management Plan (VMP) to address the matters under C7 of the development consent. The VMP provides management strategies to be implemented on site during construction as well as during the following 5 years to remove invasive species and re-vegetate the area.

The Department notes that BCD raised no objection to the proposed modification. Notwithstanding, the Department sought comment from the applicant with respect to the VMP and the Biodiversity Conservation Act 2016. The applicant's ecologist confirmed that the development would not have any additional impacts with respect to biodiversity values, and therefore assessment under the BC Act is not triggered. The Department is satisfied that the proposed modification will not result in any additional biodiversity impacts. Conditions of consent will be amended to reflect the current VMP documentation submitted. Whilst DPI Fisheries commented that the Vegetation Management Plan should be extended for the whole of the waterfront of the site, this is outside the scope of the proposed modification.

6.3 Traffic, access and parking

The modification seeks to relocate sites 1 to 8 approx. 10m to the west and remove the approved road access along the western boundary. In addition, the existing road to the north-east of the development site (being an extension of road 4 to the north to Colonial Avenue) is to be retained. The traffic volumes

as a result of the modification will not increase (given no increase in the number of lots), however all traffic will now be required to use the retained road to access the expansion area.

The application seeks to relocate 4 previously approved visitor carparking spaces, delete a further 3 spaces and add 1 new space. The overall parking will remain compliant with the requirements for *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* that requires a minimum of 1 per 10 long-term sites (a minimum of 17 spaces) with a minimum 2 accessible spaces. Parking for residents will continue to be located within each respective site.

The Department considers that the changes to the road network and parking are satisfactory.

6.4 Noise and Acoustic Treatments

An acoustic report was submitted and approved with the initial approval that identified the need for an acoustic barrier along the western and part of the southern boundaries as well as treatments to the proposed dwellings to meet internal noise requirements. These requirements were incorporated into the conditions of consent.

The modification results in Lot 1 being setback 3.96m to the western boundary and closer than what was previously approved. The applicant provided an addendum to the acoustic report identifying the measures necessary to be implemented to ensure a future dwelling on Lot 1 would meet the required standards of *AS/NZS 2107-2016 "Acoustics-Recommended Design Sound Levels and Reverberation Times for Building Interiors"*.

The Department is satisfied that the identified requirements, if conditioned, would result in suitable treatment to the future dwellings to meet the requirements of AS/NZA 2107-2016. It is noted that the acoustic treatments recommended under the acoustic assessment by Reverb Acoustics (Report No. 08-1223-R2) was based on a previous lot layout that was not approved as part of the original

application with the requirements identified in **Figure 6**.

Table 4: Recommended Construction				
Facade	Room	Description	Required Rw	Typical Glazing System
Lots 1-32				
West	Bed	Window	26	Type B
	Liv/Din	Wind/Sl. Door	24	Type B
	Bath/WC/Lndry	Window	<20	No acoustic requirement
North/South	Bed	Window	24	Type B
	Liv/Din	Wind/Sl. Door	22	Type A or B
	Bath/WC/Lndry	Window	<20	No acoustic requirement
East	All	All	-	No acoustic requirement
Lots 33-50				
West	Bed	Window	23	Type B
	Liv/Din	Wind/Sl. Door	21	Type A or B
	Bath/WC/Lndry	Window	<20	No acoustic requirement
North/South	All	All	-	No acoustic requirement
East	All	All	-	No acoustic requirement
Lots 51-60				
All	All	All	-	No acoustic requirement

Figure 6: Acoustic treatments proposed for initial application (Source: Reverb Acoustics, Report No. 08-1223-R2)

The lot layout of the original application was amended prior to determination, with the acoustic report not updated to reflect the approved layout with both the lot locations and numbers not reflective of the proposed lot layout as part of this modification. Therefore, the requirements for the lots have been extrapolated from the original acoustic assessment to ensure that the correct treatments are undertaken on the correct lots. **Figure 7** identifies the locations of the original proposed lots with respect to their acoustic treatment requirements, with lots 1-32 outlined red, lots 33-50 outlined orange, and 51-60 in green. **Figure 8** demonstrates the same areas identified but highlighted over the new lot layout.

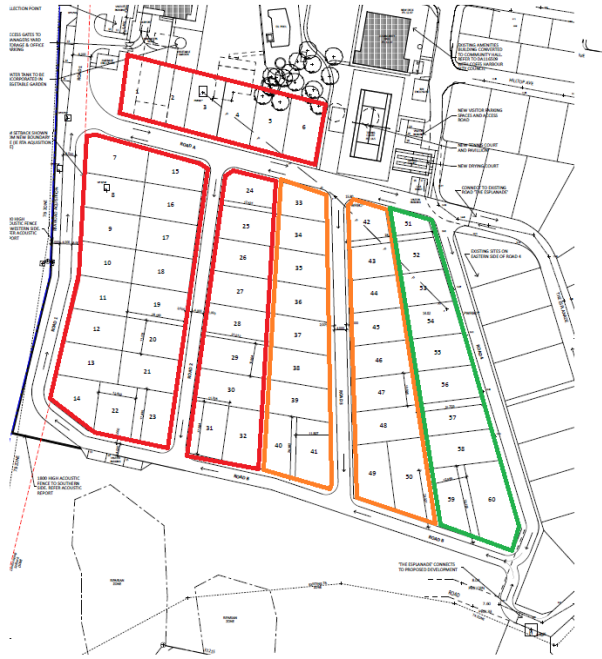


Figure 7: Acoustic Treatments as per Figure 6 for original Lot Layout (Source: Urban Group, March 2009)

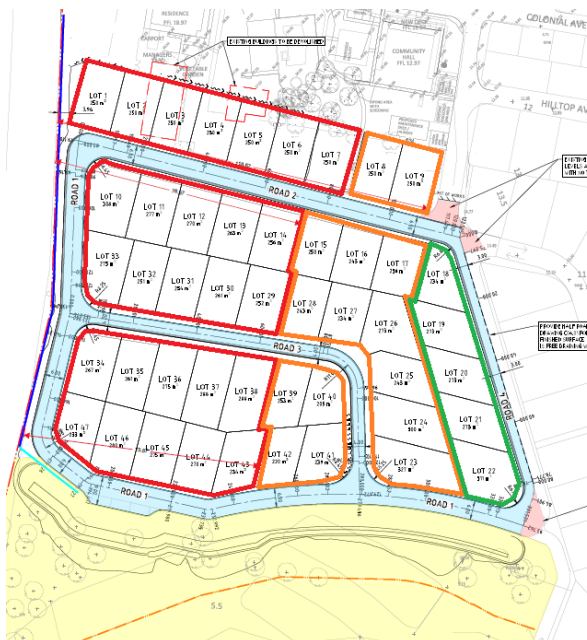


Figure 8: Acoustic Treatments as per figure 6 for the proposed lot layout (Source: Northrop, 2021)

Based on the above Figure 7 and Figure 8, the acoustic treatments outlined in Figure 6 have been updated to reflect the new layout and lot numbers within Table 4.

Table 4: Acoustic Treatments Required for proposed lot layout

Facade	Room	Description	Required Rw	Typical Glazing System
Lots 1-7, 10-14 29-38 and 43-47				
West	Bed	Window	26	Type B
	Liv/Dine	Window/Sl. Door	24	Type B
	Bath/WC/Lndry	Window	<20	No Acoustic Treatment
North/South	Bed	Window	24	Type B
	Liv/Dine	Window/Sl. Door	22	Type A or B
	Bath/WC/Lndry	Window	<20	No Acoustic Treatment
East	All	All	-	No Acoustic Treatment
Lots 8-9, 15-17 23-28 and 39-42				
West	Bed	Window	26	Type B
	Liv/Dine	Window/Sl. Door	24	Type B
	Bath/WC/Lndry	Window	<20	No Acoustic Treatment
North/South	All	All	-	No Acoustic Treatment
East	All	All	-	No Acoustic Treatment
Lots 18-22				
All	All	All	-	No Acoustic Treatment

It is recommended that Condition 38 be amended so that reference is made to the above table to ensure the appropriate acoustic treatments are undertaken on the correct lots.

6.5 Other issues

Table 5: Other Issues assessment

Issue	Findings	Recommendations
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Stormwater and Flooding	The development is wholly within the existing footprint of the approved development. No additional impervious surfaces are proposed, with a small reduction in the footprint of the lots (by approx. 274m²). Revised stormwater civil plans have been provided to detail the proposed stormwater design with a detention basin proposed to the south of the expansion area to capture and filter stormwater before it is diverted to Hearn's Lake to the immediate south of the site. A revised comprehensive stormwater management plan was recommended by DPIE – Water and will be required prior to construction.	Amendments to condition C5 to reflect the current documentation.
Earthworks	The proposed earthworks are generally consistent to what was previously approved under Mod 1 with the majority of the expansion area to be disturbed. The applicant has provided the proposed erosion and sedimentation controls It is noted that the applicant amended the design in response to an RFI to ensure that all works are within the property boundaries.	Amendments to condition C5 to reflect the current documentation.
Aboriginal Cultural Heritage	The proposed modified design is wholly within the previously approved footprint of the previously approved expansion area. Conditions of consent are in place to require consultation with relevant Aboriginal representatives prior to the commencement of works. In addition, conditions are in place in the event that aboriginal cultural heritage sites or items are uncovered during the construction works.	No changes to conditions warranted

Acid Sulphate Soils	The site is identified as class 5 on the CHLEP Acid Sulphate soils maps. Class 5 is for land within 5m of Class 1-4 soils. The modification does not propose any earthworks in excess of what has previously been considered by the Department.	No changes warranted.
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Compliance with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021	The proposed modification does not alter compliance with the LG Reg. It is noted that the applicant has amended the design of the modification to ensure that it complies with the standards with respect to setbacks and carparking. The Department is satisfied that approval could be granted under section 68 of the LG Act for the modified expansion.	No changes to existing conditions of consent.
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7 Evaluation

The proposed SSD modification application seeks approval for the expansion of the existing Caravan Park at 8 Hearn's Lake Road, Woolgoolga. The Department has reviewed the EIS, RTS and additional information and assessed the merits of the proposal, taking into consideration advice from the public authorities and all environmental issues associated with the proposal have been thoroughly addressed.

The Department's assessment of the proposal concludes:

- is substantially the same development as originally determined
- the amended lot layout is suitable for the site and improves the road access for Lot 9
- the adjustments to the road network will not adversely impact the traffic movements through the subject site
- the amended lot layout will offer both existing and future residents a suitable level of amenity
- the proposal will continue to undertake remediation works within the subject site to improve local biodiversity outcomes.

The proposal is consistent with key government strategic plans and policies, including the North Coast Regional Plan 2036 and the Coffs Harbour Local Strategic Planning Statement.

The proposal is considered to be in the public interest as it would provide public benefits, including:

- additional affordable housing for the region's population.
- additional housing diversity for the north coast region.

Based on its assessment, the Department considers that the modified project is justified and in the public interest, and that the site is suitable for the proposed development.

Recommended modified conditions of approval and the implementation of measures detailed in the Applicant's documentation would ensure that the modified project would minimise and mitigate the residual environmental impacts of the project. Consequently, the Department recommends that the State significant development for 8 Hearn's Lake Road, Woolgoolga be approved, subject to the recommended modified conditions of consent.

8 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application MP08_0005-Mod-2 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent MP08_0005-Mod-1
- **signs** the attached approval of the modification.

Recommended by:



Christopher Eldred
Senior Planning Officer
Regional Assessments

Recommended by:



Kendall Clydsdale
Team Leader
Regional Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'K T' followed by a long horizontal stroke.

Keiran Thomas

Director

Regional Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

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.

Modification Report

<https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-2-pines-caravan-park-extension>

Submissions and Agency Advice

<https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-2-pines-caravan-park-extension>

Applicant's Response to Submissions

<https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-2-pines-caravan-park-extension>

Applicant's Response to Further Information

<https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-2-pines-caravan-park-extension>

Appendix B – Statutory considerations

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The Department referred the application to TfNSW and has considered TfNSW's submissions on the proposal (Refer Section 5).

State Environmental Planning Policy No. 21 – Caravan Parks

Pursuant to clause 8(2) of SEPP 21, the Department considers that the sites are suitable for long term residences. The provision of these sites will assist in increasing housing supply for Woolgoolga and the broader Coffs Harbour region.

In reference to clause 10 of SEPP 21, the Department considers that there is adequate provision of tourist accommodation within the locality and the broader region, therefore the use of the sites for long term residences will not prejudice the provision of tourist accommodation for the area. There is an identified need to provide affordable housing for the region, a matter that is considered a priority within both the NCRP2036 and the CLSPS. A recent development consent issued by Council will improve facilities on

site for residents with a new community facility (including kitchen, library, gym and BBQ area) and amenities to be constructed on site.

The Department considers that the development is permissible with development consent and is consistent with SEPP 21.

State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The matter of the potential contamination of the subject site was considered at the time of the assessment of the original application in 2008. Whilst some localised faecal contamination was identified in the vicinity of the effluent sedimentation ponds, it was determined that the contamination would quickly breakdown upon the decommissioning of the ponds which has since occurred.

The department is satisfied that this issue of site contamination has been adequately addressed and the objectives of SEPP 55 have been met.

Draft Remediation of Land State Environmental Planning Policy

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP require all remediation work carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

State Environmental Planning Policy (Coastal Management) 2018

The Coastal SEPP aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone by managing development in the coastal zone and protecting the environmental assets of the coast, establishing a framework for land use planning to guide decision-making in the coastal zone, and mapping the 4 coastal management areas (the coastal wetlands and littoral rainforests area, the coastal vulnerability area, the coastal environment area and the coastal use area) that comprise the NSW coastal zone for the purpose of the definition in the *Coastal Management Act 2016*.

The site is identified as being located within the Coastal Environment Area and the Coastal Use Area under the SEPP.

The Department has assessed the impacts of the proposed modified development on the coastal environment area and pursuant to Clause 13, is satisfied that the proposed development would not result in adverse environmental impacts, including hydrological impacts, impacts to water quality, vegetation, fauna, open space, Aboriginal heritage, or impacts to foreshore areas.

The Department has assessed the impact of the proposed modified development on the coastal use area and pursuant to Clause 14, is satisfied that the proposed development would not result in impacts to the existing, safe access to the foreshore, overshadowing or wind funnelling, visual amenity and scenic qualities, Aboriginal cultural heritage, practices and places or known cultural and built environmental heritage.

Pursuant to clauses 15 and 16, the Department is also satisfied the development is not likely to cause increased risk of coastal hazards and notes there is no certified coastal management plan applicable to the site.

State Environmental Planning Policy (Koala Habitat Protection) 2020

The Koala SEPP 2020 essentially replicates the objectives and provisions of the former SEPP 44 in relation to the processes for preparing koala plans of management, determining whether land contains potential or core koala habitat, and determining development applications on core koala habitat.

The subject site is identified as being secondary Koala habitat under the Coffs Harbour Koala Plan of Management. The proposed modification does not seek to increase any vegetation clearing (core koala habitat or otherwise) beyond what has previously been assessed and approved in accordance with SEPP 44 where it was determined that the site is isolated by the Pacific Highway and that the recent expansion works have only exacerbated this. The VMP to be implemented will result in the replacement of koala habitat species at a ratio of 4:1. The Department is satisfied that the proposed modification would not result in the removal of additional koala habitat.

Coffs Harbour Local Environmental Plan 2013

The Department has considered all relevant provisions of the CHLEP 2013 below in **Table 7**. The Department concludes the development is consistent with the relevant provisions of the CHLEP 2013.

Table 7: Consideration of Coffs Harbour Local Environmental Plan 2013

Clause	Department Comments / Assessment
2.3 Zone Objectives and Land Use Table	The subject site is within the RE2 Private Recreation zone. A Caravan Park is permissible with development consent in the zone. The modified development is consistent with the objectives of the RE2 Zone.
7.1 Acid Sulphate Soils	The modified development does not seek to lower the water table. The extent of earthworks does not increase as a result of this modification. An Acid Sulphate Soils Assessment was conducted as part of the original application, with conditions of consent requiring that the management of Acid sulphate soils to be incorporated into the required CEMP.
7.2 Earthworks	The extent of earthworks does not increase as a result of this modification. Conditions of consent are in place requiring a sediment and

erosion control plan to be development and in place prior to the commencement of works.

7.4 Terrestrial Biodiversity	Land to the immediate south and east of the site is identified on the Terrestrial Biodiversity map. The modified application, and the submitted Vegetation Management Plan will result in rehabilitation works within the existing vegetated area on the subject site and into the identified biodiversity corridor. The development will improve biodiversity qualities for the immediate area by removing weeds, undertaking plantings and ongoing management.
7.6 Riparian land and Watercourses	Part of the subject site is within 40m of the top bank of Hearn's Lake.
7.8 Koala Habitat	This modification does not seek to remove any additional vegetation, with the modification being wholly within the previously assessed footprint. The Department considers that the modified proposal will not have any additional impacts on koala habitat.
7.11 Essential Services	The Department is satisfied that all essential services are available to the subject site.

Coffs Harbour Development Control Plan 2015

The Coffs Harbour Development Control Plan 2015 (the DCP) provides detailed planning and design guidelines that support the planning controls contained within the Coffs Harbour Local Environmental Plan 2013.

The DCP does not provide specific controls for caravan park developments located within the RE2 Private Recreation Zone. Notwithstanding, the modification does not seek to alter the footprint of the expansion area of the caravan park.

Section E of the DCP does provide considerations and controls with respect to biodiversity. The proposed modification does not seek to remove vegetation above what has previously been approved and includes a draft Vegetation Management Plan detailing the rehabilitation works and establishment of the 50m riparian buffer required under E1.3 of the DCP.

Section F provides general considerations including carparking and landscaping. The modification does not seek to increase the number of lots within the expansion area, however the parking (specifically visitor parking) has increased to beyond the minimum requirement under both this DCP and the LG Reg (see below).

Section G sets out area specific controls, generally in relation to urban release areas. The subject site is identified as being within the Hearn's Lake/Sandy Beach Master Plan precinct however it is noted that no specific controls would be applicable to the proposed modification.

The Department considers that the proposed modification is consistent with the aims and requirements of the DCP.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG Reg) provides the framework and requirements concerning the establishment and operation of caravan parks. Whilst the Department is not the consent authority for the issuing of approval under the LG Reg or the LG Act, it is prudent to ensure that the development, as approved by the Department, would be capable of achieving approval.

The Department has considered the relevant provisions of the LG Reg and concludes the development is consistent with the LG Reg.

The original application was considered against the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* which was since been replaced with the 2021 regulation. Conditions of consent were imposed on the development consent upon the determination of the original application to ensure the development met the requirements of the LG Reg. Whilst there are no changes between the 2005 and 2021 regulations likely to impact the proposal, the development consent will be amended to the 2021 document.

Appendix C – Notice of modification

The notice of modification can be found on the Department of Planning and Environment's website as follows:

<https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-2-pines-caravan-park-extension>