

ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 4.55(1A) MODIFICATION TO A CONSENT – MP08_0005 –
EXTENSION TO A CARAVAN PARK

The Pines Caravan Park
8 Hearnese Lake Drive, Woolgoolga



Date: 17 September 2021
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Declaration

Document name: *EIS – Section 4.55 (1A) Modification to a Consent – Extension to a Caravan Park*

Document Author: Joe Waugh

Occupation of document author: Planning Manager

Qualifications of document author: Bachelor of Regional & Town Planning (B RTP)
University of Queensland

Declaration: I, Joe Waugh, declare that this EIS has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (the Act).

Date: 17 September 2021

Document History and Version Control				
Version	Prepared by	Approved by	Date Approved	Brief Description
1.0	JW	JW	17/09/2021	S4.55 Mod Submission

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EXECUTIVE SUMMARY

This Environmental Impact Statement (EIS) has been prepared by Hometown Australia Management to accompany this application to modify Development Consent MP08_0005 ('the Consent') for the expansion of The Pines Caravan Park, located at 8 Hearnese Lake Road, Woolgoolga. The modification is made pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*.

The Pines is a 120-site caravan park comprising long-term sites occupied by moveable dwellings, communal facilities and on-site management. The Consent (as modified) permits the extension of the caravan park for the creation of an additional 47-sites. The proposal seeks to amend the approved internal access driveways connecting the existing caravan park to the expansion area and realign Lots 1-9.

By way of overview, the EIS confirms:

- Physical commencement of works occurred in 2017 and has been ongoing, with works including fencing the rehabilitation area, decommissioning the on-site sewer treatment system and payment of developer contributions.
- The modification:
 - enables the retention of communal amenities and internal roads for improved resident access, amenity and convenience;
 - does not result in any impacts that were not previously known and assessed when the Consent was issued;
 - will not change or remove any components that were critical to approval of the Consent;
 - maintains a high-standard of design in accordance with the Local Government Regulation and conditions of Consent.

This modification is supported by an updated Master Plan, Vegetation Management Plan, Bushfire Hazard Assessment and Civil Engineering document and a review of the conditions of Consent. As will be discussed, the proposal is substantially the same development and warrants approval.

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COMMUNITIES

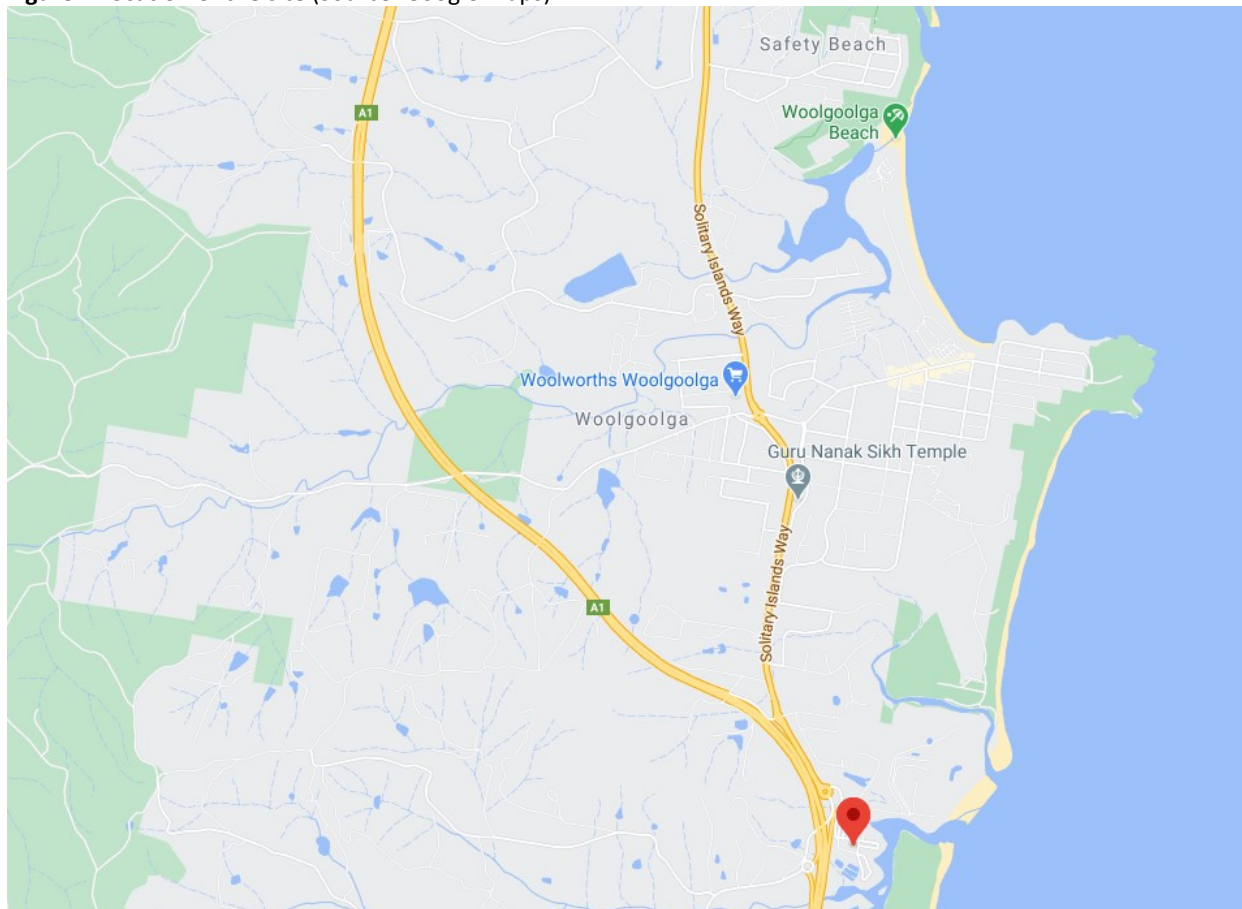
PART A – SITE AND CONTEXT

The following description of the site and relevant context is supported by images and illustrations in the Attachments.

Location

The site is located approximately 2.5 km south of the Woolgoolga central business area and on the eastern side of the A1 Motorway. See **Figure 1** below.

Figure 1 Location of the site (Source: Google Maps)



Context

The site is located on the southern side of Hearnese Lake Road, between the A1 Motorway to the west and Hearnese Lake Beach to the east. The surrounding area to the north is characterized by a mix of large-lot residential sites and detached residential housing in the R2 Zone; while to the south is open space along the edge of Hearnese Lake in the RE1 Zone. **Figure 2** below shows the surrounding context as described.

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Figure 2 Aerial (Source: ePlanning Spatial Viewer)



Site details

Table 1 Site details

Site address	8 Hearn's Lake Road, Woolgoolga
Real property description	Lot 106 on DP1144462
Site area (Total)	Approximately 8.7ha
Current use	The Pines Caravan Park
Current improvements	• Total of 120 long-term sites occupied by moveable dwellings • Manager residence and office • Maintenance shed, amenities and community building • Ancillary communal facilities, pool, landscaping, infrastructure, roads and visitor parking
Owner details	The Pines Resort Management Pty Ltd

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Local Government Area

Coffs Harbour City Council

Constraints

The **Attached** planning control maps identify the proposed development area has been identified with the following constraints:

- SEPP Coastal Management – Coastal Environment Area
- SEPP Coastal Management – Coastal Use Area
- SEPP Vegetation in Non-Rural Areas
- RMS Noise Corridor
- Acid Sulphate Soils – Class 5
- Bushfire Prone Land – Vegetation Category 2

Assessment of each element is provided herein.

Operation

The Pines Caravan Park is a residential land lease community operating in accordance with the *Residential (Land Lease) Communities Act 2013* (the Act). Residents own their home and lease the dwelling site from Hometown Australia under a 'Site Agreement'. The Site Agreement sets out the rights and obligations of both parties and protects the residents right to long-term occupation of the site. The dwelling sites are defined and reflected in the Approval to Operate a Caravan Park, which is issued by Council in accordance with the *Local Government Act 1993*.

Application & Approval history

The following is a summary of the relevant approvals for The Pines Caravan Park.

Expansion Consent

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 expansion Consent'). The Pines caravan park 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

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- landscaping
- removal of three existing effluent storage ponds and a water storage dam.

Modified Expansion Consent

The Consent was modified (MP08_0005 MOD 1) by way of Notice of Determination dated 24 July 2018 and included the following changes ('the modified expansion Consent'):

- 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.

A copy of the approved master plans for the expansion Consent and the modified expansion Consent is **Attached** to this application and shown in **Figure 4** below.

Communal amenities Consent

Council recently granted Development Consent (0808/21DA) permitting an upgrade to communal amenities ('communal amenities Consent') within the existing caravan park and adjacent to the expansion area. The communal amenities Consent applies to the development area highlighted in red in **Figure 4** below and includes the construction of a new community building, car parking, maintenance shed and resident amenities. The communal amenities Consent 'overlaps' with the expansion Consent, such that Lot 9 of the expansion Consent is now approved for a new maintenance shed, yard and drying area.

Approval to Operate a Caravan Park

Pursuant to Section 68 of the *Local Government Act* 1993, The Pines holds a current Approval to Operate ('ATO'). A copy of the ATO is attached along with the approved Community Map, which identifies 119 long-term sites; however, the site has Consent for 120-sites. Council officers identified 119-sites on the basis that one site within the caravan park is currently vacant; however, in future this site will be occupied by a dwelling. This has no material impact on the proposed modification the subject of this application.

Once this modification is approved, HTA will progress with subsequent construction approvals and update the ATO to reflect the expansion development. HTA has commenced these discussions with Council and confirms there is a clear line of site between the relevant Consents, applications and future updates to the ATO.

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Figure 4 Excerpts of approved Master Plans



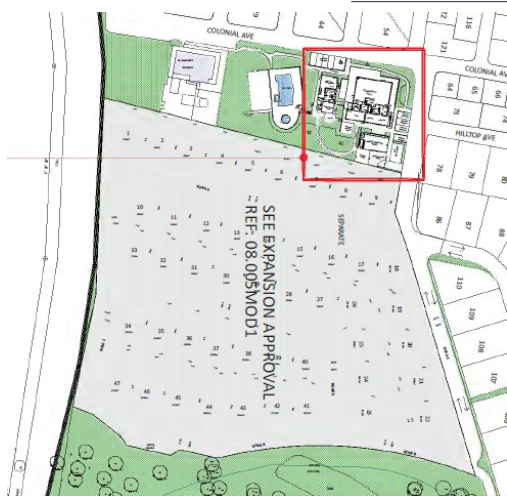
Excerpt from Approved Master Plan MP08_0005 for the expansion Consent 53-lots.



Excerpt from Approved Master Plan MP08_0005 for the modified expansion Consent, showing 47-lots and modification of internal road layout.

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Excerpt from Approved Master Plan 0808/21DA for new Communal Amenities. The highlight in red shows the location of the amenities in respect of the

As will be discussed, the proposed modification incorporates the relocation of Lot 9 to accommodate the new amenities for the benefit of residents.

Pre-lodgement advice

A Scoping Meeting was held between representatives of the Department of Planning, Industry & Environment (DPIE) and Hometown Australia on 11 June 2021 to discuss the proposed modification. **Attached** to this report is a response to the minutes provided by DPIE, confirming HTA has addressed the issues discussed in the meeting. This application to modify the Consent provides the relevant information to support the proposal, as discussed below.

Physical commencement

Physical commencement of works occurred in May 2017 with the fencing of the rehabilitation area and subsequent works and actions associated with the Consent, as outlined in **Table 2** below.

Table 2 Development works and actions associated with The Pines expansion Consent

Actions	Approximate cost
Conditions B7 & B8 - Pay developer contributions as per the conditions of Consent for MP 08_0005 MOD 1. In order to progress with construction certification for the expansion development, HTA has paid developer contributions in accordance with the conditions of Consent.	\$1,114,803.50
Conditions C9 & C42 - Upgrade of sewer pump station and internal services within The Pines. As part of the mandated connection to their sewer network, Council also required internal services within The Pines to be upgraded. This required analysis of internal plumbing to all 120-homes and upgrading services to Council's satisfaction.	\$295,000.00

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Condition C21 - Decommission on site wastewater treatment system. Hometown Australia has decommissioned the sewer ponds in accordance with Condition C21 of the Consent.	\$350,000.00
Pay a developer contribution for all 120-dwellings in The Pines to connect to Council's sewer network. While not directly conditioned in the Consent, Council required HTA to pay a developer contribution prior to connecting all 120-dwellings to their sewer network. The contribution was levied by Council in accordance with Clause 124 of the <i>Local Government Act 1993</i>	\$750,000.00
TOTAL	\$2,499,803.50

PART B – PROPOSAL

Table 3 Proposal details

Applicant details	Joe Waugh – Planning Manager, Hometown Australia
Owner details:	The Pines Resort Management Pty Limited (ABN 65 602 513 244)
Proposed development	Section 4.55(1A) Modification to Consent to modify the internal road layout and approved Lots 1-9
Assessment type	Permissible with Consent
Site access	No change to external roads or access. Minor change to private internal roads only.
Servicing arrangements	See Attached servicing plans
Value of proposed work	\$2,444,000 ex GST

Proposed modification

The modification proposes the following changes, as highlighted in **Figure 5** below:

- A. Realign Lot 1-8 to the west and remove the internal road connection between the expansion and Colonial Avenue within The Pines. The approved driveway and parking associated with the existing Managers Residence will be provided as per the approval and as shown in **Figure 5**.
- B. Relocate Lot 9 from behind the Community Hall to now have frontage to Road A, as shown in **Figure 5**.
- C. Retain the existing internal road connection between the caravan park and the expansion development. Five (5) visitor parking spaces approved in this location have been relocated to the approved Community Hall, where eight (8) new visitor parking spaces have been approved.

The modification seeks to:

- Consolidate the expansion development footprint with reduced impact on, and disruption to, the existing caravan park.

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- Create design and construction efficiencies by aligning dwelling sites, infrastructure and services in Road A.
- Retain and reuse existing infrastructure and amenities; and allow improvements to communal facilities to be delivered in accordance with recent Council approval.

The modification does not propose amendments to Lots 10 to 47 or to any other internal roads, as approved. All dwelling 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 does not change and the development is able to comply with all Regulatory and requirements of conditions of Consent, subject to modifications outlined in **Attachment_Consent Conditions Review** and summarised in **Table 4** below.

Figure 5 – Proposed modification areas



Table 4 Proposed modification to conditions

CONDITION	HTA RESPONSE
B2 Development in Accordance with Plans and Documentation	Proposed change. Amend Condition B2 to reflect the documentation submitted .

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The Proponent shall carry out the project in accordance with: a) Major Project Application 08 0005 b) The <i>Environmental Assessment for Major Project 08_0005 Proposed Extension to the Existing Caravan Park "The Pines", 8 Heames Lake Road, Woolgoolga</i> prepared by Coastplan Consulting on behalf of the AWP Holdings Pty Ltd dated June 2010 c) The <i>Preferred Project Report and Statement of Commitments in relation to Major Project 08 0005 Proposed Extension to the Existing Caravan Park "The Pines"; 8 Heames Lake Road, Woolgoolga</i> prepared by Coastplan Consulting on behalf of the AWP Holdings Pty Ltd dated December 2011 d) The <i>Northrop Engineering Report for Part JA Assessment, The Pines Hearnes Lake Road Woolgoolga</i>, NSW REF:NL080035E01. Dated 12 April 2012. REV C e) The Section 75W Application, Submission to the NSW Department of Planning & Environment to modify the terms and conditions of MP 08 0005, Lot 106 DP 1144462, 8 Hearnes Lake Road, Woolgoolga prepared by Ardill Payne & Partners dated February 2018	
C8 Landscaping The Landscape Plan prepared by Moir Landscape Architecture contained in the EA under condition B2 shall to be submitted to the satisfaction of the CA prior to the commencement of any work on site. The Plan shall also include the following: a) The Plan shall reflect amendments to the design of the proposed project contained in Drawing 01, Issue A dated 26/02/2018, The Pines Concept, prepared by Gateway Lifestyle DA 04, Revision D contained in the Preferred Project Report Section 75W Application Site and Setout Plan by Northrop, Drawing Number C04.00, Revision A, dated 28/08/20 under condition B 2 b) A planting schedule shall be included, listing all plants by botanic and common names a) Details showing the final drainage, edging, paving, surface finishes, retaining wall and any other landscape elements in sufficient detail to fully describe the proposed landscape works b) Provide smooth wire fencing to	Modification to condition required. Remove redundant plan reference (strikethrough) and replace with new plan reference (bold).

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delineate the entire boundary of the caravan park. c) Access points to Hearn's Lake and Double Crossing Creek foreshore shall be restricted in accordance with Drawing 01, Issue A dated 26/02/2018, The Pines Concept, prepared by Gateway Lifestyle DA 04, Revision D contained in the Preferred Project Report Section 75W Application contained in the Preferred Project Report Section 75W Application Site and Setout Plan by Northrop, Drawing Number C04.00, Revision A, dated 28/08/20 under condition B2 d) Paths, directional fencing, signage and provision of information to direct caravan park users to the access points described in condition C6 e) shall also be provided on the site e) Provide, manage and maintain a pontoon at Hearn's Lake foreshore to the satisfaction of Council and the Crown Lands Division f) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006' g) Details showing how all landscaping elements under the plan shall be maintained in accordance with the Plan into perpetuity h) Provide, manage and maintain a lockable canoe storage facility within the Caravan Park and in proximity to the pontoon access point.	
C14. Vegetation Buffer Prior to the commencement of works a minimum 50 metre vegetated buffer shall be delineated, fenced and maintained into perpetuity between the outer asset protection zone of the development site and the 3.5 metre Australian Height Datum contour of Hearn's Lake/Double Crossing Creek consistent with the Drawing 01, Issue A dated 26/02/2018, The Pines Concept, prepared by Gateway Lifestyle DA 04, Revision D contained in the Preferred Project Report Section 75W Application Site and Setout Plan by Northrop, Drawing Number C04.00, Revision A, dated 28/08/20 and the <i>Hearn's Lake Sandy Beach Development Control Plan 2005</i>.	Modification to condition required. Remove redundant plan reference (strikethrough) and replace with new plan reference (bold).
C33. Bushfire Protection Zones At the commencement of construction and in perpetuity, the land to the south of proposed Lots 22, 23 and 41-47 to a distance of 30 25 metres. shall be maintained as an asset protection zone (APZ) in accordance Drawing 01, Issue A dated 26/02/2018 The Pines Concept, prepared by Gateway Lifestyle contained in the Preferred Project Report under condition B2 and as outlined within section	Modification to condition required. Remove redundant plan reference (strikethrough) and replace with new document reference (bold). An updated Bushfire Hazard Assessment (Attached) has been prepared and submitted with this application. Illustration 3.1 in the Bushfire Hazard Assessment shows the alignment of a 25m APZ in relation to Lots 22, 23

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4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' with the Bushfire Hazard Assessment, by GeoLINK dated 23 August 2021 and the NSW Rural Fire Service's document 'Standards for asset protection zones'.	and 41-47.
C37. Bushfire Safety Requirements Prior to occupation or commencement of use, the project shall comply with the following bushfire safety requirements: a) New construction within the proposed long term caravan sites shall comply with Table 2.4.3 of Australian Standard 3959-2009 'Construction of buildings in bushfire prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006' b) Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006' c) Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'. 6.8.2 of 'Planning for Bushfire Protection 2019'. d) Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006' 6.8.4 of 'Planning for Bushfire Protection 2019'. e) Landscaping shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'. Appendix 4 of 'Planning for Bushfire Protection 2019'.	Modification to condition required. Remove redundant plan reference (strikethrough) and replace with new document reference (bold). An updated Bushfire Hazard Assessment (Attached) has been prepared and submitted with this application. The Recommendations of the Bushfire Hazard Assessment included updated references to the 'Planning for Bushfire Protection 2019' and Condition C37 should therefore be updated for consistency.
C43. Emergency / Evacuation Plan Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006' 6.8.4 of 'Planning for Bushfire Protection 2019'. All continuing actions which may be required (e.g. training of staff, signage requirements shall be implemented.	Modification to condition required. Remove redundant document reference (strikethrough) and replace with new document reference (bold). An updated Bushfire Hazard Assessment (Attached) has been prepared and submitted with this application. The Recommendations of the Bushfire Hazard Assessment included updated references to the 'Planning for Bushfire Protection 2019' and Condition C43 should therefore be updated for consistency.

PART C - PLANNING ASSESSMENT

The following assessment is supported by attachments containing Planning Control Maps, DCP Assessment, SEPP21 Assessment and LG Regulation Assessment.

Assessment Framework

Table 5 Assessment framework

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State Planning Controls		
State Environmental Planning Policies	SEPP21 – Caravan Parks 1992	
	SEPP – Coastal Management 2018	
	SEPP – Vegetation in Non-Rural Areas 2017	
	SEPP – Koala Habitat Protection 2019	
	SEPP55 – Remediation of Land	
Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Moveable Dwellings) 2005	Part 3 – Caravan Parks, Camping Grounds and Moveable Dwellings	
Local Environmental Plan		
Local Environmental Plan	Coffs Harbour Local Environmental Plan 2013	
Zone:	RE2 Private Recreation Zone	
Part 2: Land use table	Caravan Park is Permissible in the RE2 Zone	
Part 3: Exempt and Complying Development	NA	
Part 4: Principle development standards	NA	
Part 5: Miscellaneous provisions	NA	
Part 6: Urban release areas	NA	
Part 7: Additional local provisions	7.1 Acid sulfate soils – Class 5	
Hazards:	Bush Fire Prone Land	
Applicable codes:	NA	
Development Control Plan		
Development Control Plan:	Coffs Harbour Development Control Plan 2015	
DCP Mapping:	Setbacks – Merit Assessment – Front & Side. See Attachment Prescribed Vegetation. See Attachment	
Overview		
Overlay mapping analysis	Floor space ratio controls	Not applicable
	Height of Building controls	Applicable. 8.5m
	State Heritage Register	Not applicable
	EPI Heritage	Not applicable
	Minimum Lot Size	Applicable. 40ha
	Land Reservation Acquisition	Not applicable
	Active Street Frontages	Not applicable
	Additional Permitted Uses	Not applicable
	Urban Release Area	Not applicable
	Greenfield Housing Code Area	Not applicable
	Bushfire Prone Land	Applicable. See Attachment

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	Flood Planning	Not applicable
	Acid Sulfate Soils	Applicable
	Airport Noise	Not applicable
	Riparian Lands & Watercourses	Not applicable
	Scenic Protection Land	Not applicable
	Terrestrial Biodiversity	Not applicable
	Wetlands	Not applicable
	Environmentally Sensitive Land	Not applicable
Aboriginal heritage	Based on existing development, the land would be considered 'disturbed land' in accordance with Clause 80B of the National Parks and Wildlife Regulation.	

Permissibility

At the time of the original expansion Consent, the Coffs Harbour LEP 2000 was the relevant planning instrument and included the development area in the 2E Tourism Zone and 7A Environmental Protection Zone. The proposed caravan park extension was permissible with Consent in the 2E Zone, while proposed rehabilitation works were permissible in the 7A Zone.

Pursuant to the Coffs Harbour LEP 2013, the site is included in the RE2 Private Recreation Zone. Caravan Park is a permissible land use with Consent in the RE2 zone. As noted above, physical commencement of works has occurred; therefore, the rights and obligations conferred by the Consent preservice the permissibility of the use. **Figure 6** below shows the LEP-2000 zoning, while on the right is the current LEP-2013 zoning.

Figure 6 – LEP-2000 Zone Map and LEP-2013 Zone Map



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Environmental Planning & Assessment Act 1979 – Clause 4.15 Evaluation

Section 4.55 (1A) Modification

In accordance with Section 4.55(1A) of the Act, the proposal seeks approval as a modification involving minimal environmental impact. **Table 6** provides a response to the provisions of Section 1A:

Table 6 Modification involving minimal environmental impact

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Response: The proposed modifications retain the existing internal road layout and areas currently used for communal amenity. The modifications do not expand the development area into previously undeveloped land; nor result in any additional impacts not previously considered. The change is therefore of minimal environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	Response: The proposed modifications are internal only and rationalize existing infrastructure, access and communal amenities. The land use, density, land area and impacts are substantially the same as the development consent (as modified) and consistent .
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	Response: The proposed modifications are internal to the caravan park, have no material impact on public interest and retain existing access and facilities. On this basis, it is our opinion that public notification of the modification is not warranted in this instance.
(d) it has considered any submissions made concerning the proposed modification within any	Response: No submissions were made in respect of the original DA. The proposed modification will not impact the public understanding of the approved

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period prescribed by the regulations or provided by the development control plan, as the case may be.

development.

Part 3 of this Report provides an assessment of the proposed changes and what is consistent with previous approvals. The changes are minor and will not:

- Change the use of the site or the ability of the development to operate as intended.
- Involve a new use with different or additional impacts.
- Change the built form in terms of scale, bulk and appearance.
- Require referral to new or additional concurrence authorities.
- Remove a component that is integral to approval of the development.
- Introduce new impacts or increases the severity of known impacts.
- Impact infrastructure provision.

On this basis, we are confident that if the original application were remade, including the internal road connection and Lots 1-9 as proposed, it would have been supported.

Assessment

The key issues associated with the proposed modification are considered in **Table 7** below:

Table 7 Assessment

Issue	Assessment
Permissibility and compliance with SEPP21	• The use is permissible in the zone • The modification does not change permissibility • The Pines is approved for 100% long-term occupation and the expansion Consent has already approved the suitability for additional long-term sites, pursuant to SEPP21 • Council has not raised any concerns about the suitability of the changes
Bushfire	• The proposed modification to the internal layout of the site will be carried out wholly within the approved development footprint. • No amendments to the approved footprint or setbacks to riparian vegetation are proposed. • The perimeter road remains unchanged and will continue to provide a bushfire buffer. • The submitted Bushfire Hazard Assessment has taken into consideration the design of the approved and modified expansion, existing vegetation, effective slope, local bushfire risk conditions and Fire Danger Index detailed within Planning for Bushfire Fire Protection 2019. • Adequate and appropriate bushfire hazard protection

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	measures are available, and can be implemented, to facilitate the expansion. • The proposed development achieves the deemed-to-satisfy criteria and complies with the aims and objectives of Planning for bushfire Protection. • The modification does not limit or impact HTAs ability to comply with the RFS conditions of Consent.
Traffic, access and parking	• The modification does not change the number of dwellings. • 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 included eight (8) visitor parking spaces. The existing caravan park has six (6) spaces, creating a total of 14 spaces across the entire community. • The modification replaces five (5) visitor parking with nine (9) new visitor parking spaces at the adjacent Community Hall, approved as part of the recent Council Consent. • The total number of visitor parking spaces across the existing community and expansion therefore increases from 14 to 18.
Biodiversity	An updated Vegetation Management Plan is attached to this application and confirms the following: • The proposed modification will be carried out wholly within the approved development footprint. There would be no further tree removal or vegetation clearing, beyond that already assessed and approved as part of the original application. • Construction of The Pines expansion requires removal of approximately 152 juvenile and mature native trees (CHBRG, 2011) (refer to Section 1.5 and Illustration 1.3). The associated works (subject to this VMP) include: • Initial weed control and replacement planting in the VMA to offset trees cleared for the approved expansion. • Vegetation management and revegetation plan for a period of five years and will outline long-term management of the VMA post-rehabilitation. • Prescriptions for exclusion fencing and installation of native vegetation restoration signage. • Nest box installation requirements targeting the threatened Squirrel Glider (<i>Petaurus norfolcensis</i>).
Heritage	• An Aboriginal heritage and archaeological assessment was undertaken by Jacqueline Collins (Consultant Archaeologist) as part of the original application. This included field surveys of the site and consultation with the Coffs Harbour and District Local Aboriginal Land Council.

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	• 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 Hearn's Lake. Consequently, there are no concerns relating to impacts on European heritage. • Existing Condition C28 Aboriginal Cultural Heritage 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 proposed modification does not introduce any new or additional works that were not previously considered in the Aboriginal heritage and archaeological assessment. .
Stormwater and flooding	• 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. • The effluent disposal ponds have been decommissioned and the caravan park has been connected to Council's reticulated network. • Due to the minor nature of the change and retention of existing internal road connection to the expansion, there would be no new impacts to flooding as a result of the proposed modification. • The modification will not result in adverse impacts on stormwater quality or alter the flood regime of the site.
Developer Contributions	• All developer contributions have been paid.

State Environmental Planning Policy 21 – Caravan Parks

The aim of this policy includes (inter alia) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community. It is the strong opinion of Hometown Australia that retaining the four dwelling sites and taking practical measures to improve safety, promotes the social and economic welfare of residents and the community. Conversely, the forced removal of well-established dwelling sites without objective consideration of the proposed safety improvements and the impact on home owners may, in our opinion, cause social and economic harm.

In accordance with Clause 4, this policy applies to all land in the State that is within a local government area. Clause 10 of the SEPP provides as follows:

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10 Matters to be considered by Councils

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

- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,
- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,
- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,
- (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,
- (e) any relevant guidelines issued by the Director, and
- (f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.

The proposed modification does not alter the number of existing or approved long-term sites. HTA has secured Council Consent for new communal amenities within the caravan park to cater for existing and future residents. This modification consolidates the expansion area and ensures the upgraded facilities can be provided, as per the Council Consent.

The proposal achieves the aims and objectives of this SEPP and warrants approval.

State Environmental Planning Policy No. 55 – Remediation of Land

In accordance with the provisions of SEPP55, Council must not consent to the carrying out of development unless it has considered whether the land is contaminated and if the land requires remediation to be made suitable for the development. In accordance with the 'Planning Guidelines SEPP55 – Remediation of Land', the history of land use needs to be considered as an indicator of potential contamination.

The proposed modification to the internal road connection and the location of Lot 9 are at the northern end of the expansion area, which has a long history of the site being used as part of the caravan park. Decommissioning of the sewer ponds and associated remediation works are not directly associated with the area the subject of this modification. Conditions of Consent related to remediation will be complied with and no further investigation of land contamination is not warranted by SEPP55.

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State Environmental Planning Policy (Costal Management) 2018

As shown in **Attachmen_Planning Control Maps**, the entire caravan park (including the expansion area) is eastern portion of the site is mapped as Coastal Environment Area and Coastal Land Use Area. within the Coastal Wetlands area. A portion of the expansion area is mapped as Coastal Wetlands Proximity Area.

Clause 13 of the SPP provide as follows:

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - (b) coastal environmental values and natural coastal processes,
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - (e) 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,
 - (f) Aboriginal cultural heritage, practices and places,
 - (g) the use of the surf zone.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Clause 14 of the SEPP provides as follows:

14 Development on land within the coastal use area

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- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funneling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The proposed modification does not materially change the approved development area and will continue to be developed in accordance with conditions of Consent. The conditions of Consent include (but are not limited to) the requirement to manage sediment and erosion, rehabilitation, decontamination and infrastructure. These works will be implemented and improve coastal environmental outcomes, as required by the Consent and without modification by this proposal.

State Environmental Planning Policy (Infrastructure) 2007

Clause 102 of the SEEP applies to development for residential accommodation, place of worship, hospital or educational establishment in proximity of a freeway, tollway or transitway that may be impacted by road noise or vibration. The proposed modification does not increase the number of dwellings and will remain subject to compliance with conditions of Consent related to noise and amenity protection.

Clause 104 of the SEPP provides that any development listed within Schedule 3 is classified as “traffic generating development” and requires concurrence by Transport for New South Wales (TfNSW). As the proposed modification does not increase the number of dwellings, it does not generate additional traffic and the concurrence of TfNSW is not required.

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Proposed Environmental Planning Instruments

The Applicant is not aware of any proposed instrument relevant to the proposal, that is or has been the subject of public consultation and that has been notified to the consent authority.

Coffs Harbour Development Control Plan

An assessment of the Coffs Harbour DCP is **Attached**.

Any Planning Agreement under section 7.4

The Applicant is not aware of any planning agreement or draft planning agreement in respect of the site.

Local Government Act 1993 and Regulations

The Pines caravan park has Approval to Operate (ATO) in accordance with the provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (the Regulation). A copy of the Approval to Operate is **Attached**.

The proposed modification does not alter the ability to comply with relevant provisions of the Regulation. Prior to the installation of homes on the dwelling sites, HTA will amend the ATO to reflect the Consent master plan (as modified) and in consultation with Council.

CONCLUSION

This SEE Report has been prepared in accordance with the statutory requirements of the *Environmental Planning and Assessment Act 1979*, including assessment of relevant environmental planning instruments. The 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 Hearnese Lake Road; and
- it will result in substantially the same development for which approval was originally granted.

On this basis, the proposal is recommended for approval subject to reasonable and relevant conditions.