

01 November 2024

The General Manager
MidCoast Council

ATTENTION: DEVELOPMENT ASSESSMENT TEAM

To whom it may concern,

**RE: Proposed Section 4.56 Modification of DA/2022/1248 (MOD2024/0083)
Alterations and additions to the Palms Oasis caravan park
Lot 830 DP1297274 (Previously Lot 1 DP 862876 & Part Lot 83 DP753168)
321 Boomerang Drive Blueys Beach**

1. Introduction

Focus Town Planning is pleased to submit this Section 4.56 modification application on behalf of INA Operations Pty Limited. The application seeks to modify DA/2022/1248 (MOD2024/0083) that approved alterations and additions to an existing caravan park located at 321 Boomerang Drive Blueys Beach.

This modification application seeks to amend the staging for the delivery of public works required along Boomerang Drive in order to avoid delays to the commencement of construction works within the site. The proposed amendments require the delivery of public works prior to the granting of an Approval to Operate the 80th new long term site.

A section 138 application has been lodged relevant to the completion of the required public works along Boomerang Drive. Approval of this application is expected to take approximately 6 months. It is considered most practical to commence on site construction works concurrently with Councils assessment of this section 138 application to avoid delays to the delivery of housing and better manage construction impacts to existing residents.

This application is made in accordance with Section 4.56 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). For a modification application to be considered under section 4.56 of the EP&A Act the consent authority must be satisfied that the development to which the consent as modified is of minimal environmental impact and is substantially the same development as the development for which consent was originally granted.

There are no alterations proposed to the overall site layout and the proposed amendment will not alter the physical/built environment. On this basis, it is submitted that the proposed development is substantially the same as that originally approved.

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2. The Site

The subject site comprises land described as follows:

- Lot 830 DP1297274 with a physical address of 321 Boomerang Drive, Blueys Beach.

Lot 830 has recently been registered and comprises a consolidation of:

- Previous lot 1 DP 862876, and
- Previous part lot 83 DP753168

The site is positioned on the northern side of Boomerang Drive, Blueys Beach and has approximately 700m of frontage to Boomerang Drive. It has an area of approximately 8.55 hectares.

The site comprises an existing caravan park known as Palms Oasis and vacant adjoining land.

An aerial image of the site is provided as Figure 4.



Figure 1. Aerial image of Site

3. Proposed Modification

This application seeks to modify the following conditions set out in the Notice of Determination:

Condition 5

Existing Condition

5. Sequencing

The development may be released in any sequence subject to delivery of the following facilities and services:

Prior to the cessation of use of the existing community facility

- Temporary community facility

Prior to the commencement of civil works

- *Establishment of construction access*

Concurrent with the first stage approval to operate a caravan park

- *8 short term sites*
- *Stormwater detention control area*
- *Trunk drainage -including reinstating the watercourse*
- *Bus bay, bus shelter and concrete footpath &/or elevated walkway to the east (within road reserve)*
- *Boomerang Drive road and drainage works, including provision for the future roundabout*

Other stages

- *Release of permanent community facility prior to delivery of the 80th new long term site.*
- *Removal of temporary community facility not before delivery of the permanent community facility*
- *Release of all remaining short term sites.*

Reason: Information and to ensure compliance.

Proposed Amendment

Proposed amendments are identified in **red text** and deletions are identified in **strikethrough**.

5. Sequencing

The development may be released in any sequence subject to delivery of the following facilities and services:

Prior to the cessation of use of the existing community facility

- Temporary community facility

Prior to the commencement of civil works

- Establishment of construction access

Concurrent with the first stage approval to operate a caravan park

- 8 short term sites
- Stormwater detention control area
- Trunk drainage -including reinstating the watercourse
- ~~Bus bay, bus shelter and concrete footpath &/or elevated walkway to the east (within road reserve)~~
- ~~Boomerang Drive road and drainage works, including provision for the future roundabout~~

Prior to approval to operate the 80th new long term site

- Bus bay, bus shelter and concrete footpath &/or elevated walkway to the east (within road reserve)
- Boomerang Drive road and drainage works, including provision for the future roundabout
- Release of permanent community facility
- Removal of temporary community facility not before delivery of the permanent community facility

Other stages

- ~~Release of permanent community facility prior to delivery of the 80th new long term site.~~

- ~~Removal of temporary community facility not before delivery of the permanent community facility~~
- Release of all remaining short term sites.

Reason: Information and to ensure compliance.

4. Referrals

NSW Rural Fire Service

The proposed amendment is minor in nature and will not alter the physical/built environment. On this basis, we are of the view that the modification will not result in any increased bushfire risk and consequently, referral to Rural Fire Service is not required in this instance.

DPE - Water

The proposed modification is minor in nature and no additional impact to the nearby water body will occur. On this basis, we are of the view that referral to DPE - Water is not required in this instance.

5. Statutory Planning Context

Environmental Planning & Assessment Act 1979

This application is made in accordance with Section 4.56 of the *Environmental Planning & Assessment Act 1979*. For a modification application to be considered under section 4.56 of the Act the consent authority must be satisfied that the development to which the consent as modified is of minimal environmental impact and is substantially the same development as the development for which consent was originally granted.

The proposed amendments will not result in any additional environmental impacts. The proposed modification will not alter the physical/built environment and will remain compliant with the requirements listed under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

It is therefore considered that the proposed modification is substantially the same development as the development for which consent was originally granted.

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

The subject application is for the modification of an approved Caravan Park.

Under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (the Regulation), Council's must not grant approval to operate a caravan park unless it is satisfied that it will be designed, constructed, maintained and operated in accordance with the relevant requirements of Division 3 of Part 3 of the Regulation.

The proposed modification remains consistent with the Regulation as it will not alter the physical/built environment of the site.

State Environmental Planning Policy (Housing) 2021

Compliance with the provisions of this SEPP were assessed as part of the original development application and subsequent modification. The proposed modification is minor in nature and will not alter the

physical/built environment. Therefore, there are no matters raised in this modification that trigger further assessment of this SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Compliance with the provisions of this SEPP were assessed as part of the original development application and subsequent modification. The proposed modification is minor in nature and will not alter the physical/built environment. Therefore, there are no matters raised in this modification that trigger further assessment of this SEPP.

4.8 Great Lakes Local Environmental Plan 2014

Compliance with the provisions of the Great Lakes Local Environmental Plan 2014 (LEP) were assessed as part of the original development application and subsequent modification. The proposed modification is minor in nature and will not alter the physical/built environment. Therefore, there are no matters raised in this modification that trigger further assessment of this LEP.

The Provisions of any Draft Environmental Planning Instruments

The provisions of the Draft MidCoast Local Environmental Plan will not impact on the assessment of this application.

Great Lakes Development Control Plan

Consideration to the provisions of the Great Lakes Development Control Plan was carried out as part of the assessment of the original development application and subsequent modification. There are no matters arising from the proposed modification that trigger further assessment of the Development Control Plan.

6. The Likely Impacts of the Development

Bushfire

The proposed modification will not alter the existing building or development footprint, or result in any increased risk of bushfire threat.

Stormwater, Drainage, Water Quality and Flooding

The proposed modification will not impact on stormwater, drainage, water quality or flooding within or external to the site.

Access, Transport and Traffic

The proposed modification will not impact on access, transport or traffic within or external to the site. All required works along Boomerang Drive will be completed prior to the occupation of the 80th new long term site.

Heritage

The proposed modification will not impact on Aboriginal cultural or local heritage.

Acoustics

The proposed modification will not result in any acoustic additional acoustic impacts.

Services and Utilities

The proposed modification will not impact on access to the required services and utilities.

Social and Economic Impacts

The social and economic impact of the proposed modification will be minor and will result in a positive outcome for residents ensure by enabling the timely delivery of housing.

Waste Management

The proposed amendments will have no impact on waste management beyond that already assessed under the original application.

7. The Suitability of the Site for the Development

The site remains suitable for us as a caravan park comprising both long and short term sites.

8. Any Submissions made in Accordance with the Act or Regulations

Given the minor nature of the proposed modification, public notification of this application is not considered necessary. The proposal will not impact on the surrounding environment other than relative to the timing of public works along Boomerang Drive.

9. The Public Interest

The proposed modification is in the public interest given that it will assist in the delivery of new housing in a timely manner.

10. Conclusion

Having regard to the provisions of Section 4.56 of the *Environmental Planning and Assessment Act 1979*, it is considered that the amended proposal is substantially the same as that originally approved by Council and is of minimal environmental impact.

The site remains suitable for the proposed development and will not alter the physical/built environment of the site. It is considered the proposed amendment should be supported by Council.

Should there be any further enquiries, please do not hesitate to contact me on 0401 666 561. Alternatively, I may be contacted via email: marion@focustownplanning.com.au

Yours faithfully,

A handwritten signature in black ink, appearing to read "Marion Lourens".

Marion Lourens
Principal Town Planner
Focus Town Planning