

Addendum to Council assessment report – consideration of further matters.

Following the peer review of the report a number of matters identified in the original report have been included. The Panel can be satisfied that all matters raised by the Coffs Harbour City Council peer review have been addressed.

Environmental Planning Instruments	Compliance Status / Consideration
Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	Partially addressed. Concurrence granted by the Department on 7 April 2020 that Sections 119(a), 110(1)(a) & 130 of the Regulation do not apply to the development. Division 1 and 3 of the Regulations 2005 should be considered as required by SEPP 21.

The Regulation has been superseded by the 2021 Regulation in which only minor changes have been made. Division 1 & 3 Refer to the Operation of Caravan Parks and Camp Grounds.

SEPP 21 requires the Council to consider the provisions of the Regulation and this has been undertaken. The Calypso Caravan Park currently operates under an Approval to Operate issued under the Local Government Act 1993.

Council has considered Regulation in an attachment labelled Compliance report Calypso Caravan Park Local Government Regulation' which demonstrates that the redevelopment of the caravan park will be able to comply with the provisions of the Regulation

Conditions of consent detail Council's requirements in regard to compliance with the National Building Code. Draft conditions include a condition of consent that requires that compliance with the Regulation to be demonstrated prior to the issue of an approval to operate. This is the normal practice for caravan park approvals by Clarence Valley Council.

State Environmental Planning Policy No 21 — Caravan Parks	This has been assessed as compliant. However, there appears to be few details regarding how the proposal satisfies Clause 10 of the SEPP. Clause 10 requires the consideration of some issues when considering whether to grant consent to development for a caravan park. The assessment should adequately demonstrate that clause 10 has been considered along with the requirements set out in Division 1 and 3 of the Regulations 2005.
--	---

The Assessment Report has been amended to include an assessment under Clause 10 which was an oversight in the assessment following SEPP 21 being repealed last year and the writing of the report.

All matters required to be assessed by the consent authority have now been addressed in the assessment.

State Environmental Planning Policy No 55— Remediation of Land	Satisfactorily addressed. However, it is unclear what conditions have been imposed for remediation.
---	---

Conditions of consent have been included to require a Validation Report to confirm that the site is suitable for the proposed use) draft condition 41

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	This has been listed as an applicable SEPP. However, there is no assessment of this within the report.
---	--

Assessment has been provided in the an amended report to the Panel

Clarence Valley Local Environmental Plan 2011

<ul style="list-style-type: none"> • Clause 7.1 Acid Sulfate Soils 	Satisfactorily addressed – compliant. An acid sulfate soil management plan has been submitted with the application.
<ul style="list-style-type: none"> • Clause 7.2 Earthworks 	Satisfactorily addressed – compliant subject to conditions of consent requiring a sediment and erosion control plan.
<ul style="list-style-type: none"> • Clause 7.4 Flood Planning 	Concerns are raised that this clause has not fully been assessed, specifically the requirements of subclause 3.
<ul style="list-style-type: none"> • Clause 7.8 Essential Services 	Satisfactorily addressed.

Further considerations:

- Flooding.
It appears that the relevant flooding controls have not been considered. Clause 7.3 Flood Planning (Now repealed) or Clause 5.21 Flood Planning have not been considered. Clauses 5.1 and 7.3 of the LEP prescribe things the consent authority must consider before making a determination. At present, the assessment report does not provide the required information, which may prevent the Panel from considering the mandatory factors prescribed in the LEP.

An assessment on this clause has been included in an amended report and is attached below:

Comment:

The site is located below the 1:100 year flood level and Council's Flood Plain Management controls apply to the site. Minimum habitable floor levels apply to habitable buildings, and for other buildings, the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas applies. A Structural Engineers certificate is to be submitted prior to issue of the construction certificate to verify the buildings will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions. It is not considered likely that the proposed development will have an adverse impact on the flood characteristics of the area.

The site receives significant warning time during major flood events which generally occur in advance from upstream catchments. This enables the park to plan the evacuation of occupants well before sites are inundated by flood water. A draft condition of consent is proposed for the provision of an updated Flood Evacuation Flood Emergency Management Plan which is to be undertaken with consultation with the NSW State Emergency Service to ensure that the timely, orderly and safe evacuation of people from the park. These measures ensure that the risk to flood and flood hazards are adequately managed and if flood events exceed the flood planning level there are adequate measures in place for the safe occupation of, and evacuation from, the land.

- **Acid Sulfate Soils.**

It is noted that the assessment report references the site as potentially having class 2 and 3 acid sulfate soils. However, the Table in this section refers to class 1 and class 2 acid sulfate soils. Nevertheless, it was stated that an acid sulfate soils management plan had been submitted with the application. A condition of consent should be recommended to approve the plan and required works.

The site potentially has class 2 & 3 type acid sulfate soils. Works are to be undertaken in accordance with an acid sulfate soils management plan approved by council prior to commencement of works. (see draft condition 11)

<ul style="list-style-type: none"> • Part D – Floodplain Management Controls • Evacuation 	Details have not been provided regarding evacuation and a flood evacuation plan.
---	--

The NSW SES Clarence Valley Local Flood Plan includes the evacuation triggers for the Calypso Caravan Park (Extract attached). A draft condition of consent has been included that requires the submission of a Flood Emergency Management Plan as follows:

43. A current Flood Emergency Management Plan (FEMP) for the caravan park is to be submitted to Council prior to an issue of an Approval to Operate. The FEMP must demonstrate measures to ensure that the timely, orderly and safe evacuation of people from the park. The FEMP is to be undertaken with consultation with the NSW State Emergency Service.

Clarence Valley Local Flood Plan									
Name	Address/Location description	Town/Sector	Number of sites	Risk	Evacuation route	Evacuation route closure	Moveable dwelling relocation location	Evacuation centre	Notes
Yamba Waters Holiday Park	36 Golding Street	Yamba	217	Caravan park is affected by tidal conditions. Evacuations may occur due to King Tides. Peak season December to February	Golding Street to Yamba Road to Woolli Street	Isolation occurs at the Clover leaf at Harwood Bridge at 2.1m on the Maclean Gauge	Yamba Hill	Yamba Bowling & Recreation Centre	Early notification by Caravan Parks owners to park residences to vacate the region before isolation occurs. Which could be up to 7days.
Calypso Holiday Park	14 Harbour Street	Yamba	179	Caravan park is affected by tidal conditions. Evacuations may occur due to King Tides. Peak season December to February	Woolli Street	Isolation occurs at the Clover leaf at Harwood Bridge at 2.1m on the Maclean Gauge	Yamba Hill	Yamba Bowling & Recreation Centre	Early notification by Caravan Parks owners to park residences to vacate the region before isolation occurs. Which could be up to 7days.
Blue Dolphin Holiday Park	Yamba Road	Yamba	250	Caravan park is affected by tidal conditions	Yamba Road to Woolli Street	Isolation occurs at the Clover leaf at Harwood Bridge at	Yamba Hill	Yamba Bowling & Recreation Centre	Early notification by Caravan Parks owners to park residences to