

Planning Report & Statement of Environmental Effects

Proposed Subdivision and
Manufactured Home Estate

Lot 32 Burma Road

Client

MHE Developments

Issued

22/11/2024

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Surveying
Asset Recording
Civil Engineering
Infrastructure Engineering
Traffic & Transport Engineering
Environmental Consulting
Water Resource Engineering
Subsurface Utility Investigation (SUI)
Strata Certification (NSW)
Town Planning
Urban Design
Landscape Architecture
Project Management

Revision Table

REV	DESCRIPTION	DATE	AUTHORISED
1	Submission to Council	22/11	NJ

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1. INTRODUCTION

Beveridge Williams acts on behalf of MHE Development Tocumwal in relation to the 29-lot subdivision and construction of a manufactured home estate including communal buildings at 32 Burma Road, Tocumwal in Berrigan Shire Council. This SEE details the necessary information for the proposal to be assessed by the consent authority, including a description of the site, its surrounds, and in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (The Act), an assessment of the proposal against the relevant matters for consideration and planning controls. It has been prepared in accordance with Section 24 of the *Environmental Planning & Assessment Regulation 2021* (EP&A Reg).

This report should be read in conjunction with the following documents:

- **Appendix A:** Certificate of Title
- **Appendix B:** Architectural Plans
- **Appendix C:** Flora and Fauna Test of Significance
- **Appendix D:** Limited Environmental Site Assessment
- **Appendix E:** Infrastructure and Servicing Report
- **Appendix F:** Stormwater Management Report
- **Appendix G:** Transport Impact Assessment

The following table provides a summary of the proposal.

Application Details

Address	32 Burma Road, Tocumwal
Title Particulars	Lot 32 in Deposited Plan 778129
Title Restrictions	N/A
Current Land Use	Rural Use
Proposal	Subdivision of the land into 29 lots. The majority of the lots are of an appropriate size for residential development. A large single lot will contain a Manufactured Home Estate (MHE). In addition to the subdivision, we propose the construction of services and amenities necessary for this facility.
Zone	RU1: Primary Production RU5: Village
Special Provisions	SEPP (Sustainable Buildings) 2022 Water Use Map SEPP (Sustainable Buildings) 2022 Climate Zones for BASIX Alterations Map SEPP (Sustainable Buildings) 2022 Climate Zones for BASIX Buildings Map
Assessing Authority	Berrigan Shire Council
Applicant	MHE Development Tocumwal C/- Beveridge Williams
Applicant Contact	Nick Jay Principal Town Planner Beveridge Williams jayn@bevwill.com.au 0422 905 752

2. SITE AND SURROUNDS

Site

The property at 32 Burma Road in Tocumwal is within Berrigan Shire Council and is positioned approximately 1.8 km north-east of the Murray River. It encompasses an area of 21.9 hectares and presents a largely rectangular shape. The site is situated at the junction of Hutsons Road and Burma Road, and while it currently is devoid of any built form, it is primarily utilised for agricultural activities. A notable feature is a dam at the northern end, and the presence of vegetation along Hutsons Road, as well as towards the southern and northwestern boundaries. The zoning reflects the dual purpose of the land, which includes village land use for the majority of the site, except for primary production in the southeastern section, indicating a blend of agricultural and residential potential.

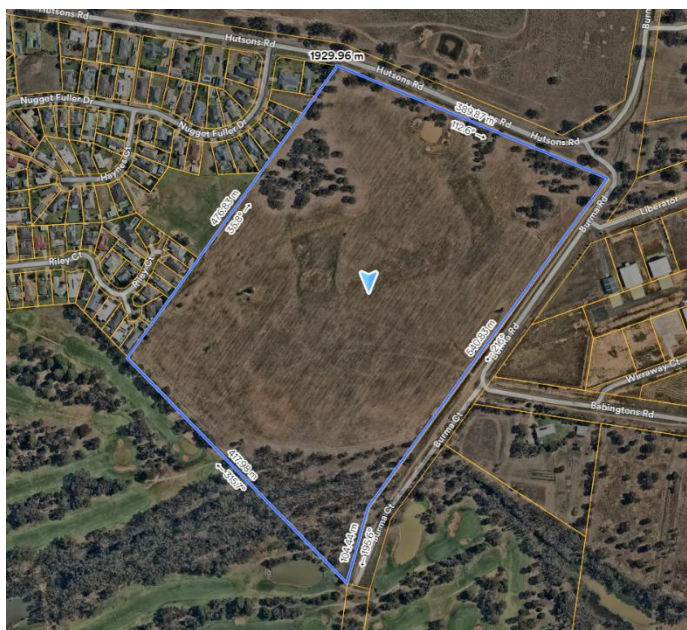


Figure 1. Subject Site

Locality

The site is surrounded by a diverse range of landscapes, services and amenities. These include:

North: farmland

South: golf course

East: Tocumwal airport

West: residential area comprising new and old developments. Further west is the Tocumwal township comprising essential services such as education institutions, a hospital, parks, shops and cafes.

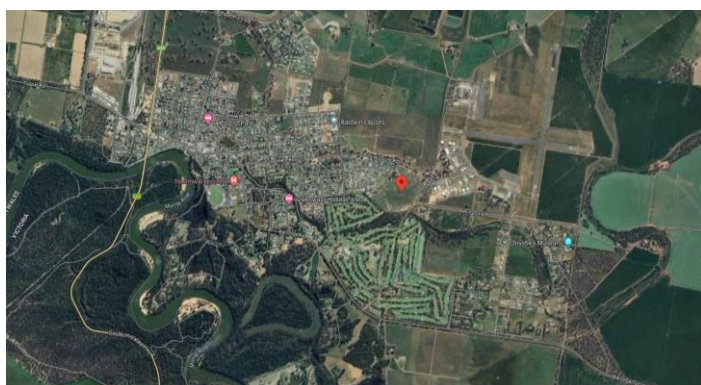


Figure 2. Site surrounds

3. PROPOSAL

It is proposed to use and develop the site at 32 Burma Road for a Manufactured Home Estate (MHE) tailored for the over-55 community, complete with communal amenities and an integrated private road network. The plan also includes the creation of 28 residential lots along the northern and northeastern edges. These lots are separate to the MHE. The subdivision of the residential lots will form the first stage of the development. All the 28 residential lots will be over 600 sqm in area. See below table which contains the lot areas for all 28 residential lots.

The MHE will comprise land lease communities which are governed by the Residential Tenancies Act. The site will remain as a single property title and homes will be classified as unregistrable manufactured homes. The homes will consist of various sizes and numbers of bedrooms with a centrally located community centre containing management facilities, lounges, activity spaces, business centre, cinemas, dining and kitchen area, sports room, aquatic centre and multi-purpose areas. Additionally, there will be outdoor activity spaces for exercise, vegetable gardens and reflection spaces. There will be a storage and cleaning/loading area for caravans and boats as well as a men's shed and village maintenance facilities.

Residential Lot No.	Lot Size
1	1,100 sqm
2	940 sqm
3	940 sqm
4	940 sqm
5	1,447 sqm
6	1,488 sqm
7	940 sqm
8	1,881 sqm
9	940 sqm
10	940 sqm
11	940 sqm
12	1,365 sqm
13	1,583 sqm
14	605 sqm
15	613 sqm
16	616 sqm
17	619 sqm
18	623 sqm
19	626 sqm
20	629 sqm
21	632 sqm
22	635 sqm
23	638 sqm
24	641 sqm
25	644 sqm
26	647 sqm
27	650 sqm
28	646 sqm

4. PLANNING CONTROLS AND ASSESSMENT

The following section considers the planning controls relevant to the application and shows that the proposal provides a high-quality response to relevant considerations.

4.1. Environmental Planning and Assessment Act 1979

In accordance with Part 4.2 of the *Environmental Planning and Assessment Act 1979*, consent is sought to construct a manufactured homes estate on a single lot, to construct community facilities associated with the MHE and to subdivide the site into 29 lots. 28 of the lots will be used for residential purposes, all exceeding 600 sqm in area, while the final lot will encompass the MHE.

The development does not require any additional approval under Acts specified in section 4.46. Accordingly, we do not propose an integrated development.

4.2. Environmental Planning and Assessment Regulation 2021

The application is not classified as 'public notification development' as it is not state significant development within either category of the definition provided within the regulation.

We note that the above regulation points to the SEPP 2021 definition of state significant development. As the manufactured homes have a cost of less than \$20 million, they are not classified as state significant development.

4.3. Land Use Classification

Division 2 Operational Requirements of the *Berrigan Local Environmental Plan 2013* (BLEP) includes a dictionary of relevant land-use terms. We define the proposal as a Manufactured Home Estate (MHE), which is in accordance with this dictionary. The dictionary refers to the Local Government Act 1999, which in turn defines a manufactured home as:

[...] a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—
(a) that comprises one or more major sections, and
(b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,

As shown in **Appendix B**, the proposed dwellings are self-contained and include sections. The homes will not be attached to a motor vehicle in any way and therefore can be considered manufactured homes. Accordingly, the estate collectively is a Manufactured Home Estate (MHE).

4.4. State Environmental Planning Policy (SEPP)

4.4.1. SEPP - Biodiversity and Conservation 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 is relevant to the site. Chapter 2 applies to non-rural areas, including land within the RU5 Village. Chapter 2.6 requires a permit to remove vegetation within a non-rural area. However, a permit is not required for vegetation that is dying or dead, as well as not of habitat for native animals.

Hamilton Environmental Services found that a BDAR is not triggered by any of the relevant policy and that there will not be any significant impacts on threatened species or community as a consequence of development (**Appendix C**). A number of avoidance and minimisation strategies are outlined within the report, including the strategic placement of the northern reserve.

4.4.2. SEPP - Housing 2021

Part 8 of the *State Environmental Planning Policy (Housing) 2021* considers manufactured home estates. It aims to *facilitate the establishment of manufactured home estates as a contemporary form of medium density residential*

development that provides an alternative to traditional housing arrangements. It will provide development opportunities to produce affordable housing in well-designed estates. It has regard to suitable locations, utilities, environmental considerations and security of tenure.

In accordance with Section 125, the manufactured home estate will be adequately provided with reticulated water, sewerage, drainage and electricity. Transport services include an internal road network, linking to Hutsons Road. Ample community facilities are provided, as shown on the provided plans. This includes a central community hub, including a number of amenities. As outlined within this report, the development does not impact conservation, heritage, waterway or significant landscape values.

The manufactured home estate will have a positive impact on the locality by providing a retirement facility to support aging within the local community and broader region. It will support the adjacent golf club by providing an additional patron base. The proposal also supports the intent of the *Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995*. We note that the 1995 regulation has been replaced by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, which is discussed in section 4.5 of this report. As the 2021 regulation is satisfied, we assume that the intent of the 1995 regulation has also been successfully met.

4.4.3. SEPP - Sustainable Buildings 2022

The manufactured homes will / will not seek BASIX Certification.

4.4.4. SEPP - Resilience and Hazards 2021

We briefly note that the site is free from land contamination, as discussed in the Limited Environmental Site Assessment (**Appendix D**). This supports Chapter 4 of the SEPP and in particular subsection 4.6.

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

The *Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995* applies to the operation of manufactured home estates, as well as the installation of manufactured homes within them.

The proposed manufactured home estate satisfies the requirements of Division 3 of the regulation, as shown in Table 1.

Table 1: Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 Requirements

SUBDIVISION NO.	COMMENTS	RESULT
<i>Subdivision 1 Land and dwelling site requirements</i>	<p>The site has an approximate area of 21.9 ha, which is well above the 1 ha minimum. As shown on the provided plans, appropriate area is dedicated to communal facilities, which will include a kitchen, indoor and outdoor dining, various games areas, a library, cinema, gym, pool and spa. Additionally, outdoor activities, such as lawn bowls, pickleball and putting greens are also provided.</p> <p>Dwelling sites will be well above the minimum requirement of 130 sqm. Type A dwelling sites typically have an area of around 220 sqm (22.0m x 10.0m), with other variations using larger sites. The boundaries and numbers of each site will be shown clearly on the constructed estate.</p>	Y
<i>Subdivision 2 Setbacks</i>	As shown on the provided plans, all dwellings are serviced by internal access roads. Community buildings are located in a central core, away from the boundaries of the property. The estate has been designed so that residential properties front the external road network. 3m setbacks are achievable to the boundaries of the estate. Various landscaping will extend to the boundaries of the site.	Y
<i>Subdivision 3 Roads</i>	<p>As shown on the Road Hierarchy and Parking drawing of (Appendix B), the major access road will have a width of 9m and a 15m road reserve width. Minor access roads will have a width of 5.5m and a road reserve width of 10m. As shown on the provided plans, a number of passing bays are included in the proposed design. Appropriate speed restrictions will be utilised within the estate.</p> <p>323 manufactured home sites are proposed within the estate. Accordingly, a total of 46 parking spaces are required (20+26=46). A total of 46 visitor parking spaces are provided within the estate, satisfying the requirement. Roads will be appropriately surfaced, and lighting will be provided.</p>	Y
<i>Subdivision 4 Utility services</i>	The subject site abuts residential land to the west and Council envisions urban use in this location. As shown in Appendix E , services can be provided to the land as specified by the regulation. Common trenching can be utilised.	Y
<i>Subdivision 5 General</i>	Appropriate arrangements will be made for garbage removal and fire hydrant placement. All buildings within the MHE, except for community facilities, will be manufactured homes. We seek approval for the community building. A community map will be provided to Council, in accordance with the regulations.	Y

4.6. Berrigan Local Environmental Plan 2013

The *Berrigan Local Environmental Plan 2013* (BLEP) aims to create local environmental planning provisions for the land in Berrigan, in accordance with the Act. It will encourage development that complements and enhances the unique and scenic values of the municipality, whilst supporting economic opportunities and rural lifestyle.

The BLEP specifies that the following other policy may be relevant to development applications:

- State Environmental Planning Policy (Housing) 2021

- State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems
- State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2
- State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3
- State Environmental Planning Policy (Industry and Employment) 2021, Chapter 3
- State Environmental Planning Policy (Primary Production) 2021, Chapter 2

Where relevant, the above were considered in the previous section.

Sections 2.1 to 2.5 of the BLEP discussed the preferred use of the land, referring to the land use zoning. As shown, in Figure 1, the land is predominately within the RU5, with a small portion towards the south within the RU1.

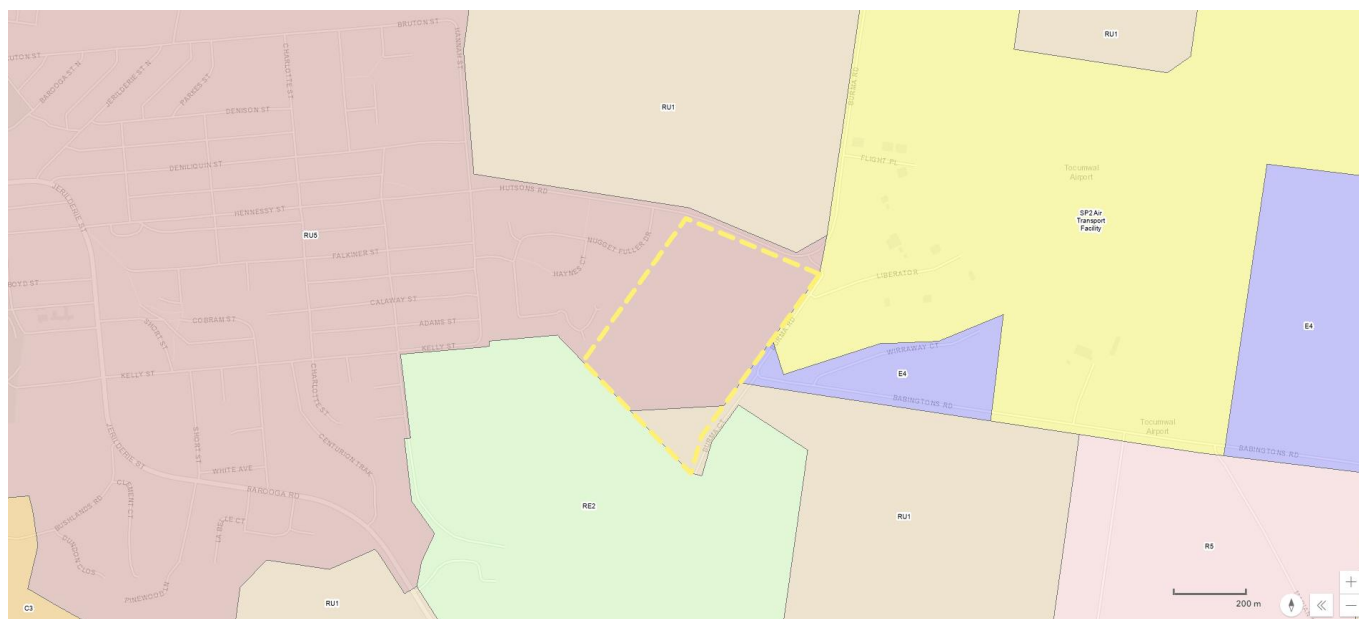


Figure 1: Land Use Zoning
Source: NSW Planning Portal Spatial Viewer 2024

4.6.1. RU1 – Primary Production (pub. 24-2-2023)

The southern portion of the land is within the RU1, which considers primary agricultural production. A permit can be granted for a MHEs within the RU1. Section 6 of the *State Environmental Planning Policy No 36—Manufactured Home Estates (1993 EPI 320)* allows MHEs to be constructed within any zone that allows a caravan park to be constructed. So, whilst Sections 2, 3 and 4 of the BLEP zoning provisions suggest that a MHE cannot be applied for under the act, the SEPP36 allows a permit to be granted, as a caravan park is within Section 3 of the BLEP. Accordingly, the use is permitted with consent, provided that SEPP Housing 2021 can be satisfied.

Table 2: SEPP 36 Schedule 2 Requirements

REQUIREMENT	COMMENTS	RESULT
1 Land which the council, after taking into account the principles set out in the <i>Coastline Management Manual</i> published by the New South Wales Government in September 1990, considers is unsuitable for residential development because of coastal erosion, tidal inundation, slip, dunal movement or any other risk of a similar nature.	The site is not within proximity to the coast.	N

2 Land which the council, after taking into account the principles set out in the Floodplain Development Manual published by the New South Wales Government in December 1986, considers is unsuitable for residential development because of flooding.	The site is not subject to flooding, as defined by the spatial map.	N
3 Land which is within a water catchment area identified by a water supply authority.	The site is not within a water supply catchment, as shown by the NSW Planning Portal Spatial Viewer.	N
4 Land which, in the opinion of the council, is affected to an unacceptable level by an offensive or hazardous industry or any form of pollution.	The site is adjacent to residential and rural land.	N
5 Land which is identified in an environmental planning instrument, or in any planning strategy of the Department or the council approved for the time being by the Director, by words which are cognate with or a description consistent with any one or more of the following— <ul style="list-style-type: none"> • extractive resources, • services corridors, • airport/industry buffer area, • habitat corridor, • containing significant remnant vegetation, • littoral rainforest, • water catchment, • wetlands. 	While the site is near the Tocumwal Airport, it is not within the amenity buffer area, as defined by the aerodrome noise forecast plan. Further discussion is provided later in this report in response to Clause 6.9 of the BLEP.	N
6 Land which under any environmental planning instrument is within an area or zone identified in that instrument by the description— <ul style="list-style-type: none"> • open space, other than open space (private recreation) • environmental protection • scenic protection • rural (where the land is not adjacent to or adjoining land zoned for urban use). 	The site is rural land adjoining an urban area.	N
7 Land that is within the following coastal local government areas, being land that is not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under the Coastal Urban Planning Strategies or Residential Strategies approved for the time being by the Director— Ballina Lake Macquarie Bega Valley Macleay Bellingen Nambucca Byron Newcastle Coffs Harbour Port Stephens Eurobodalla Richmond River Great Lakes Shellharbour Greater Taree Shoalhaven Hastings Tweed Kempsey Ulmarra	The site is within the Berrigan municipality and not near the coast.	N

Kiama Wollongong		
8 Land that is within any of the following local government areas, being land that is not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under any urban development strategy for the ACT and sub-region approved for the time being by the Director— Cooma-Monaro Yarrowlunla Gunning Yass Queanbeyan	The site is within the Berrigan municipality.	N
9 Flood liable land as defined in Murray Regional Environmental Plan No 2—Riverine Land.	We understand that this plan has been repealed and the plan itself cannot be accessed. Other parts of the scheme do not suggest that the land is liable to flooding.	N
10 Land comprising the Williams River catchment upstream of the Seaham Weir. In this item, Williams River catchment means the land shown on the map marked "Williams River Catchment Regional Environmental Plan 1997" (kept in the Newcastle office of the Department of Urban Affairs and Planning, and copies of which are kept in the offices of Dungog Shire Council and Port Stephens Council) being the land from which surface water run-off resulting from rainfall flows directly or indirectly into the Williams River.	The site is within the Berrigan municipality. It is not within the Port Stephens or Dungog municipalities.	N

As specified within the BLEP, the objectives of the RU1 are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To permit development that enhances the agricultural and horticultural production potential of land in the locality.
- To permit low-key tourist and visitor accommodation that is compatible with the scenic amenity, and promotes the character, of the area.
- To enable function centres to be developed in conjunction with agricultural uses.

Section 2.3 (2) of the BLEP notes that the objectives of the zone must be considered by the consent authority.

The proposal is in accordance with the objectives of the RU1. As shown on the zoning map, this portion of land abuts the Tocumwal Golf Club to the southeast and southwest, whilst the north is the remainder of the subject site within the RU5. Furthermore, this portion of the site is heavily treed. This area is mapped as Terrestrial Biodiversity, which should be protected where possible. Accordingly, we consider the best use of the land to be used for open space associated with the future MHE.

Using the site for open space will allow the existing vegetation to be retained and enjoyed by the community. This will support the character of the area as a rural township, as well as re-enforcing the greenery established by the golf course. This use will minimise the potential for land-use conflicts between the proposed retirement estate and existing golf course.

4.6.2. RU5 Village

The majority of the site is within the RU5 zone, which applies to rural villages. Similar to the previous section, a MHE is not specified by the zone provisions of the BLEP. However, the use is not permitted via SEPP (Housing) 2021, which allows a permit to be granted for a MEH within any zone where a caravan park is permissible. Within the RU5, a caravan park is within part 3 and is therefore permitted with consent of the responsible authority. Accordingly, a permit can be applied for a MEH, provided the relevant criteria of the SEPP Housing are met. As outlined in the previous section, the proposal meets these criteria, meaning a permit can be granted (see Table 2 and previous discussion).

As specified within the BLEP, the objectives of the RU5 are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To enhance and maintain the unique village character of Berrigan, Barooga, Finley and Tocumwal.*
- *To ensure there are opportunities for economic development.*
- *To encourage development that relates to tourists and visitors.*

Section 2.3 (2) of the BLEP notes that the objectives of the zone must be considered by the consent authority.

The proposal reflects the unique village character of Berrigan through the provision of ample open space and extensive placement of street trees. Furthermore, rural residential lots boarder the eastern and southeastern periphery of the site, ensuring that the character of larger lots is maintained from Hutsons Road and Burma Road. The proposed retirement village will support local jobs in the health industry, as well as providing additional customers to the adjacent golf course. This will ensure that the golf course will continue to thrive and will assist with drawing tourists and visitors to the township.

4.6.3. Part 3 onwards of BLEP

Part 3 of the BLEP does not include any exemptions relevant to the site.

Part 4.1 of the BLEP defines the minimum subdivision lot size, referring to the lot size map. The majority of the site has a minimum lot size of 600 sqm, excluding the south of the site, which has a minimum lot size of 120 ha. This difference reflects the application of the RU5 to the majority of the site and the RU1 to the southern remainder.

The proposal will subdivide the site into 29 lots. The residential lots (no. 1 to no. 28) are above 600 sqm, in accordance with the relevant requirement. Lot 29 is predominately within the RU5 and satisfies the 600 sqm minimum lot size requirement of the zone.

However, Lot 29 is somewhat within the RU1, which includes a minimum lot size of 120 ha. Whilst no subdivision occurs in this portion of the site, this requirement could be considered to apply to Lot 29. In order to support the proposal, we rely on Clause 5.3 of the BLEP.

As no further subdivision of the RU1 land is proposed, it is satisfactory, as in the triangle portion will remain as one lot with only the RU5 being excised out.

Clause 6.1 requires ancillary earthworks to consider the following criteria:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,

- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The topography of the land is relatively flat, minimising the need for earthworks. Any necessary cut and fill will be low in scale, and appropriately retained or battered. Drainage patterns of the site will be suitably managed, as outlined within the stormwater report (**Appendix F**). Adjoining properties, in particular to the northwest, will have a sensitive interface.

Clause 6.3 considers Terrestrial Biodiversity. This will assist with the protection of native fauna, flora and ecological processes whilst encouraging conservation and recovery of habitat. The clause applies to the area within the site shown on the below figure:



Figure 2: Terrestrial Biodiversity
Source: NSW Planning Portal 2024

The Clause includes measures to avoid significant adverse impacts on biodiversity. The proposed development achieves these measures, as set out in the Test of Significance Report **Appendix C**. In particular, we note that the placement of open space aligns well with the distribution of biodiversity shown above.

Clause 6.7 applies to land on river front areas. The river front area is defined as within 100m of the top bank of a river for land within the RU1 Primary Production zone. Accordingly, development is not possible on the southern portion of the site within the RU1. We propose to leave this part of the site as open space, satisfying the objectives of Clause 6.7.

Clause 6.8 seeks to ensure that Tocumwal Airport continues to operate effectively. The site is within the RL 157.5 area. The proposed retirement centre will be below this height.

Clause 6.9 aims to minimise the impact of aircraft noise. The subject site is not anticipated to experience significant noise, as it is outside of the ANEF forecast area, as shown in the below Figure.



Figure 3: Aircraft Noise

Subject Site: ★

Source: Rehbein AOS Airport Consulting

Clause 6.10 requires essential services to be provided to development in most circumstances. The proposal will be fully serviced, including supply of water, electricity, sewerage disposal, stormwater management and vehicle access. Further details are outlined in the servicing report (**Appendix E**).

4.7. Berrigan Development Control Plan 2014

The Berrigan Development Control Plan 2014 (DCP) seeks to support positive planning outcomes within the Shire of Berrigan. The plan applies to all development applications within the Shire.

Part 7 – Residential Subdivision applies to the 29 lot subdivision. The purpose of the chapter is:

- to encourage a diversity of lot sizes for residential, industrial and commercial development that is compatible with the character of an area and appropriate for the proposed use
- to provide lots with areas and dimensions which protect environmental features and take account of site constraints.
- to have regard to energy conservation principles in the orientation of lots where for residential subdivisions at least 70% of the lots will have favourable solar orientation.
- to ensure public open space, of appropriate quantity and quality, is provided to meet the recreational and social needs of the community.
- to ensure all public utilities for the development of new lots are adequately planned as part of subdivision.
- to ensure the provision of utilities and infrastructure meets minimum standards.
- to provide a road network that places a high priority upon vehicular and pedestrian connectivity, convenience and safety.
- to encourage the use of other transport modes as an alternative to motor vehicle transport.

The following table shows that the proposal responds well to the residential subdivision objectives (Table 3). The proposal will provide a high-quality outcome that supports the needs of the local community.

Table 3: DCP Assessment – Part 7 Objectives & Controls

OBJECTIVE	CONTROL	BEVERIDGE WILLIAMS RESPONSE
<p>7.1 Context</p> <ul style="list-style-type: none"> To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area 	<p><i>General</i></p> <ul style="list-style-type: none"> Subdivision shall be consistent with the Berrigan Shire Strategic Land Use Plan. 	<p>The proposal is consistent with strategic planning documents relevant to Berrigan Shire.</p> <p>The Berrigan Shire Local Strategic Planning Statement 2020-2040 notes that an additional 546 dwellings within the Tocumwal – Barooga & District between 2016 and 2036. The Tocumwal Town Concept Plan 2015 identifies the site as abutting residential development within the township. Existing vegetation is noted to the south of the site where we plan an open space reserve. Otherwise, the site is shown as free from encumbrances.</p> <p>Control Satisfied.</p>
<p>7.2 Neighbourhood character</p> <ul style="list-style-type: none"> To create urban places with identity and character. To design subdivisions that are consistent and compatible with existing development in the neighbourhood. Ensure a transition in density from lower to higher density residential areas. Maintain the character of average and lower density residential development in Berrigan Shire 	<p><i>General</i></p> <ul style="list-style-type: none"> Subdivision to be generally consistent with the theme and character of adjoining development relating to the same land use. <p><i>Residential</i></p> <ul style="list-style-type: none"> Where land zoned RU5 adjoins land zoned R5 Council will regard any of the following as inconsistent with the objectives for neighbourhood character: <ul style="list-style-type: none"> More than two lots in the RU5 zone adjoining a single lot in the R5 zone. A lot with an area of less than 1300m2 in the RU5 zone adjoining a lot in the R5 zone. Infill development of a higher density is to be compatible with the existing pattern and form of development in the area. 	<p>The proposal responds to the surrounding context, including providing a sensitive interface to the residential lots to the north-west. These lots will primarily view the proposal from Hutsons Road, where generously sized residential lots will present opportunities for a sense of openness characteristic of the lower densities found in the RU5. Throughout the MHE, established and new vegetation will be supported within open spaces and internal accessways. The entire development is compatible with the pattern of the area, including providing a link between the existing and proposed open space and landscaped interfaces with open space and the golf course.</p> <p>We note that the site does not adjoin the R5 zone.</p>

		Control Satisfied.
7.3 Staging <ul style="list-style-type: none"> To ensure the timely and efficient release of urban land making provision for necessary infrastructure and sequencing. 	<ul style="list-style-type: none"> Where staging of a subdivision is proposed, the lodgment of a staging plan with the development application. Consistency with Councils Strategic Land Use Plan. Council will consider any subdivision of a residential nature that is isolated from existing services and infrastructure or remote from existing urban development as inconsistent with the objective of this control. 	<p>The proposed staging is of a logical sequence, which will allow infrastructure connections to commence at the eastern and southern boundaries of the site, moving inward as the development processes. The subdivision adjoins residential development to the northwest.</p> <p>The proposed staging places a focus on the availability of services and roads. It will connect to existing residential development in a timely manner, with stage 1 to act as a screening element for later stages.</p> <p>Control Satisfied.</p>
7.4 Movement network <ul style="list-style-type: none"> To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport. To allow easy movement through and between neighbourhoods for all people. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution. 	<p>General</p> <ul style="list-style-type: none"> Compliance with the Berrigan Shire Engineering Guidelines for Subdivisions and Development. The use of cul-de-sacs in subdivision design should only be contemplated in circumstances where constraints dictate a through street cannot be accommodated. <p>Industrial</p> <ul style="list-style-type: none"> Streets and intersections to be designed to accommodate the movement and manoeuvring of heavy vehicles. 	<p>The internal road network will provide for the safe and efficient movement of residents, whilst also promoting a visually appealing streetscape. Cul-de-sacs are minimised throughout the design. Further information is included in the Traffic Impact Assessment (Appendix G).</p> <p>Control Satisfied.</p>
7.5 Activity centres & community facilities <ul style="list-style-type: none"> To provide for mixed- use activity centres, including neighbourhood activity centres, of appropriate area and location. To provide appropriately located sites for community facilities. 	<p>General</p> <ul style="list-style-type: none"> Subdivision shall be consistent with the Berrigan Shire Strategic Land Use Plan. 	<p>The Tocumwal Town Concept Plan 2015 does not identify any community facilities on the land.</p> <p>The land is not earmarked for any particular community purpose and can therefore be developed for urban purposes. More specifically, the land can be developed with a focus on retired persons (in the form of a MHE). This facility will serve the community by allowing residents to age within</p>

		<p>the local community and supporting local employment opportunities.</p> <p>Control Satisfied.</p>
<p>7.6 Public open space</p> <ul style="list-style-type: none"> • To provide a network of quality, well-distributed, multi-functional and cost effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space. • To provide a network of public open space that caters for a broad range of users. • To encourage healthy and active communities. <p>To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.</p>	<p>General</p> <ul style="list-style-type: none"> • Compliance with the Berrigan Shire Engineering Guidelines for Subdivisions and Development. • Dedication of land or payment of public open space contributions in accordance with Berrigan Shire Section 94 Development Contributions Plan as amended from time to time. 	<p>The proposal is compliant with engineering guidelines as shown by Appendix E.</p> <p>Appropriate land for public open space will be provided as part of the project in the form of two new reserves. These spaces will be enjoyed by local residents whilst protecting biodiversity values.</p> <p>Control Satisfied.</p>
<p>7.7 Landscaping</p> <ul style="list-style-type: none"> • An overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping for the public domain. 	<p>General</p> <ul style="list-style-type: none"> • A Landscape Plan is required to be submitted to Council detailing proposed landscaping • On land to which Council's Roadside Vegetation Management Plan applies, consistency with the provisions of that plan. 	<p>As shown in Appendix B, generous landscaping is applied through the proposal, including comprehensive planting of street trees and careful consideration of tree retention in open spaces. The communal facilities will also include tree planting and landscape features, to be enjoyed by future residents.</p> <p>Control Satisfied.</p>
<p>7.8 Lot design</p> <ul style="list-style-type: none"> • To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features. • To provide lot design that is consistent with the character and desired density of an area 	<p>General</p> <ul style="list-style-type: none"> • Compliance with the Berrigan Shire Engineering Guidelines for Subdivisions and Development. <p>Residential</p> <ul style="list-style-type: none"> • For rectangular shaped blocks: <ul style="list-style-type: none"> – 16m frontage – 16m square width – 30m depth – 600m² area, 650m² for corner lots 	<p>The proposal supports control 7.8 as all lots are above 600 sqm. Furthermore, most lots are substantially greater than 600 sqm.</p> <p>While most residential lots are rectangular, their orientation is determined by the boundaries of the site, which does not provide ideal solar access. Despite this constraint, we suggest that the ample lot sizes will ensure that all lots have solar access,</p>

<ul style="list-style-type: none"> • To ensure smaller lots are located only in areas suitable for higher density housing and will consistent with the direction of the LEP. • To provide lots for industrial and commercial purposes that allow for the appropriate siting of buildings, landscaping, parking and the manoeuvring of vehicles. • To ensure that subdivision of commercial or industrial land is appropriately sized for the expected use and would not compromise its productive or desired use. 	<ul style="list-style-type: none"> • For radial shaped blocks: <ul style="list-style-type: none"> – 12m frontage – Chord width at 6 metres from street alignment tangential to curve – 16m – 600m2 area • For battle-axe allotments: <ul style="list-style-type: none"> – 4.5m minimum width access corridor – 700m2 area – Access corridor will not constitute a nuisance to adjoining dwellings – Lot frontage to a public reserve or waterway • Subdivisions are to be designed to maximise solar access and the number of rectangular shaped allotments • A proposal to subdivide land that creates lots of less than 600 square metres in RU5 Village Zone must satisfy the following criteria: <ul style="list-style-type: none"> – Clause 4.1C of Berrigan Local Environmental Plan 2013 applies to the exception of minimum lot sizes for certain residential development and should referred to when considering potential development. – An application must address the impact of higher density development on the surrounding area. – Consideration may be given to any special circumstances relating to the land and/or development that justify the smaller lot. Industrial • For rectangular shaped blocks: <ul style="list-style-type: none"> – 25m frontage – 1000m2 area, 1200m2 for corner lots • For battleaxe allotments: <ul style="list-style-type: none"> – 5.5m wide access – 1300m2 area R5 Large Lot Residential • A minimum average width of 50m to ensure functionality for rural residential use. 	<p>facilitated by significant separation from adjoining properties.</p> <p>Despite the above, the proposal satisfies objective 7.8. The proposal includes large lot sizes that will allow for the siting and construction of dwellings whilst allowing ample private open space. Vehicle access and water management will also be supported. As discussed above, solar access will be provided through larger frontage widths allowing for suitable side setbacks. The character of the area is exemplified by larger lot sizes, and the benefits they provide. The 29-lot subdivision supports the objectives of the chapter.</p> <p>Objective satisfied.</p>
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<p>7.9 Infrastructure & services</p> <ul style="list-style-type: none"> • To provide public utilities to each lot in an efficient manner. • To design and implement infrastructure that minimises Council's ongoing maintenance burden. • To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off. • To encourage Water Sensitive Urban Design techniques in new subdivisions. • To maximise the opportunities for shared trenching. • To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. 	<p>General</p> <ul style="list-style-type: none"> • Compliance with the Berrigan Shire Engineering Guidelines for Subdivisions and Development. • Payment of infrastructure contributions in accordance with Councils Development Servicing and Development Contributions Plans. • All services, including but not limited to the following, are to be considered for each subdivided allotment: <ul style="list-style-type: none"> - Water - Sewer - Power - Gas - Stormwater - Roads - Kerb and Gutter - Footpaths - Street lighting - Public open space - Road naming - Access - Effluent management - Fencing 	<p>As outlined within the Infrastructure and Servicing report, the proposal can adequately be serviced by relevant utilities (Appendix E).</p> <p>Control Satisfied.</p>
<p>7.10 Natural hazards</p> <ul style="list-style-type: none"> • Amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected. 	<p>General</p> <ul style="list-style-type: none"> • On land mapped as bushfire prone, compliance with the NSW Rural Fire Service document Planning for Bushfire Protection (2006). • On land identified as flood liable in the LEP maps, compliance with clause 6.2 of the LEP and the State Government's Floodplain Development Manual (2005). • On land that is potentially contaminated an investigation in accordance with the requirements of State Environmental Planning Policy No.55 – Remediation of Land. The investigation should be in accordance with the process detailed in the 	<p>The subject site is not within a mapped bushfire prone area or a flood liable area.</p> <p>As per the submitted Coffey report the land is not contaminated.</p> <p>Control Satisfied.</p>

	State Government's Managing Land Contamination – Planning Guidelines (1998).	
7.11 Site management <ul style="list-style-type: none"> • To protect drainage infrastructure and receiving waters from sedimentation and contamination. • To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. • To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable. 	<i>General</i> <ul style="list-style-type: none"> • Compliance with the Berrigan Shire Engineering Guidelines for Subdivisions and Development. • Compliance with the Blue Book – Managing Urban Stormwater: Soils and Construction (2004). • Payment of stormwater contributions in accordance with Councils Development Contributions Plans. 	The relevant engineering guidelines are considered and responded to within the submitted servicing report (Appendix E). Stormwater will be managed in accordance with the submitted SWMS (Appendix F).

Part 8 – Vegetation Removal is relevant to the application. The purpose of this chapter is to direct the operation of Section 5.9 of the LEP by specifying what trees and vegetation it applies to. The Test of Significance report (**Appendix C**) has considered the requirements provided by Part 8 during their assessment. They find that less than 0.25 ha of vegetation removal is required by the proposal. The design of the project limits vegetation loss through the careful placement of reserves in the north-west and south of site, where relevant vegetation, as defined by Part 8, is located. This will ensure that biodiversity values are maintained to the greatest extent possible on the land.

Chapter 12.2 of the DCP states that notification or advertising will required in accordance with Table 12.1 of the same document.

4.8. Berrigan Shire Local Strategic Planning Statement 2020-2040

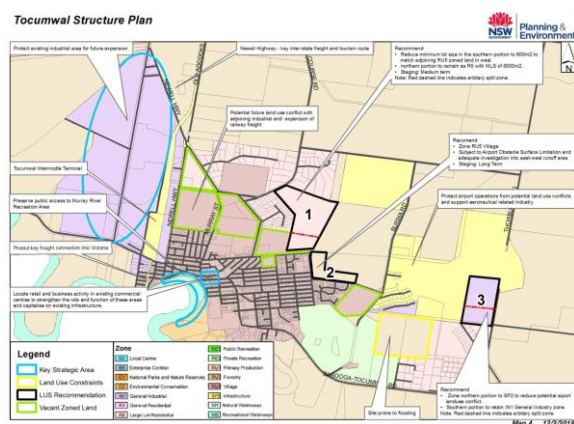
The *Berrigan Shire Local Strategic Planning Statement 2020-2040* forms the basis for strategic planning within the municipality. The strategy discusses the shire's popularity as a low-cost retirement option for Melbournians noting this is the closest capital city. The proposed MHE will support this feature by ensuring that cost-effective seniors housing is available within the region. It will improve the visitor economy and urban amenity by providing additional patrons to the adjacent golf course, ensuring it continues to draw tourists to the township in the future and provide amenity to local residents. The amenities within the estate, such as the lawn bowls green and swimming pool will promote an active lifestyle within the estate, which will further be supported by the adjacent golf course. It will support a variety of housing types, supporting the shift away from three bedroom dwellings.

4.9. Berrigan Shire Land Use Strategy 2018

The Berrigan Shire Land Use Strategy 2018 is the strategic land use strategy for the shire. The purpose of the strategy is to inform the BLEP, providing direction of preferred land use outcomes and a level of certainty to the community.

Section 6 of the strategy emphasises Tocumwal's room for growth. The commercial precinct is thriving and offers a variety of services to future residents. The Tocumwal Intermodal Terminal provides a strong foundation for jobs whilst the Tocumwal Aerodrome is expanding, with extra land for private hangers being created. The sewerage system has capacity for 4,000 persons, whilst the water used is around half that of the high security allocation provided to the town. Natural gas and electricity remain sufficient to support future population.

Based on the above, the Tocumwal structure plan suggests two locations for residential growth, numbered 1 and 2 on the below map. The subject site is listed as Vacant Zone Land, showing that the plan considers the land ready for development, and has accounted for this land when suggesting that further expansion is possible.



Tocumwal Structure Plan

Source: Berrigan Shire Land Use Strategy 2018

4.10. Riverina Murray Regional Plan 2041

The *Riverina Murray Regional Plan 2041* is a broad regional plan encompassing Griffith, Wagga Wagga, Albury as well as a large extent of the surrounding rural region.

Key outcomes related to the proposal include:

- *Recognise stronger than expected population growth, particularly along the Murray River, and related housing pressures*
- *Plan for different types of housing to meet changing demographics and to meet demand from temporary workers and visitors without impacting availability and affordability for residents*

Supporting the key outcomes, the proposal will provide housing stock to the township and support seniors to age within their local community despite housing pressures to downsize. Strategy 1.1 of the plan highlights the importance of avoidance and minimisation of vegetation loss to reduce the need for biodiversity offsets. The proposal creates two open spaces where vegetation is concentrated, supporting the continued biodiversity values on the land. Supporting Objective 5, the proposal will assist in increasing the variety and affordability of housing for seniors, allowing this demographic to age within their local community.

5. STATEMENT OF ENVIRONMENTAL EFFECTS

This section of the Planning Report considers potential impacts that may occur as an outcome of the proposal as well as providing a response to relevant matters of Section 4.15(1)(b) to (e) of the *Environmental Planning and Assessment Act 1979*.

5.1. Subject Site and Context

32 Burma Road in Tocumwal abuts the eastern extent of the township of Tocumwal, as well as the Club Tocumwal golf course. It is also a short distance from the Tocumwal airport to the north-east, while rural land extends to the north. The property has an area of 21.9 hectares and is largely regular in shape. The northeastern boundary abuts Hutsons Road while Burma Road abuts the east of the land. The land is currently used for agricultural purposes.

The site is primarily within the Village Zone (RU5), reflecting Council's vision for the land to be used for urban purposes. The Primary Production Zone (RU1) applies to the southern portion of the land, reflecting the biodiversity values of this portion of the land.

The *Berrigan Shire Local Strategic Planning Statement 2020-2040* describes the shire as a popular retirement destination, with a need to shift away from three-bedroom dwellings. The proposal will provide the housing stock needed by this demographic in a location envisioned for urban development.

5.2. Transport

The Traffic Impact Assessment (**Appendix G**) prepared by Ratio shows that the internal road network will support each manufactured home site and that appropriate car parking is provided for both residents and visitors, including suitable accessible parking. A total of 988 daily vehicle movements are anticipated, which can be supported by the proposed entrance to Hutsons Road.

5.3. Utilities

Appropriate connections to utility services are available, as outlined within the Infrastructure and Servicing Report prepared by Beveridge Williams (**Appendix E**). As noted within the report, our investigation found that appropriate services can be provided to the land. We note that the report relies on authority approval and related technical assessments for some services.

5.4. Heritage

The site has not been identified as having aboriginal heritage significance. We understand that the land was inspected by Cummerangunja representatives on the 14 of September 2005. The site was found to be disturbed and no evidence of cultural significance.

The site does not include any buildings that could be considered to contain European heritage. Accordingly, no European heritage is present.

5.5. Land Contamination

Land contamination was considered by Coffey Geosciences (**Appendix D**). Soil samples from 46 boreholes did not include significant concentrations of any contaminants, as prescribed by the applicable guidelines for human and environmental health. Since this study was conducted in 2005, no significant activity has been undertaken on the land that would be expected to alter the nature of the soil.

5.6. Stormwater Management

A stormwater management plans has been prepared and is submitted as part of this application.
(**Appendix F**)

5.7. Erosion and Sediment Control

As per the submitted Coffey report there is no evidence of erosion or sediment issues.
(**Appendix D**)

5.8. Biodiversity

A Test of Significance was undertaken by Hamilton Environmental Services for the subject site (**Appendix C**). Biodiversity values are concentrated within the north-east and south of the site, where reserves will allow vegetation to be retained on the land. The layout of the design avoids the loss of native vegetation where possible, resulting in less than 0.25 ha of vegetation removal. Some vegetation clearing is necessary for the project; however it is below the level requiring a BDAR assessment.

5.9. Noise

The site is not anticipated to be significantly impacted by noise as it is outside of the ANEF forecast area.

5.10. Natural Hazards

Available mapping suggests that the site benefits from not being impacted by mapped hazards.

5.11. Economic and Social Impacts

The proposal will support economic and social outcomes within the Tocumwal township. The proposal will provide construction employment opportunities when establishing the estate, as well as a range of staff to maintain the retirement centre grounds and support residents. The additional population will provide an increase in potential customers for local businesses. In particular, residents will be able to walk directly to the adjacent golf course, providing significant business opportunities for this community asset.

The MHE will provide excellent social outcomes for the site. It will ensure that seniors are able to downsize within their local community, alleviating both home maintenance responsibilities and any financial pressure on the demographic. These homes will then become available for families within the Tocumwal township, providing positive opportunities to the broader township. The retirement centre will have a broad range of amenities, creating a high standard of living and supporting social interaction. The adjacent golf course will also support active living.

The 28 residential lots are of an appropriate size to allow high quality dwellings to be constructed, supporting the housing needs of the community. These lots will also provide a residential interface to Hutons Road and Burma Road, supporting the character of the area.

5.12. Public Interest

The proposed MHE and residential lots will support the township of Tocumwal by providing a high-quality retirement destination, with access to generous on-site amenities as well as a pedestrian connection directly to the adjacent golf course. It will foster an active and social senior's population, whilst ensuring that this demographic is able to downsize within the local community. It will create employment opportunities for staff of the retirement facility and provide additional patrons to the golf course.

The proposal will also support housing demand within the township by providing 28 residential lots, which are adjacent to the existing urban fabric and of a suitable size for future dwellings.

6. CONCLUSION

The proposed 29-lot subdivision will create 28 generously sized residential lots and a Manufactured Home Estate (MHE) with 323 individual sites. The MHE will be tailored to the needs of retirees, including an extensive range of high-quality facilities. The application forms a high-quality design proposal, which delivers an amenity-rich community.

The proposal will allow the expansion of the Tocumwal in the direction expected by strategic documents, including the *Berrigan Shire Land Use Strategy 2018*. The site is well placed for development as it is largely free from encumbrances, with the proposal respecting the biodiversity values found in the south and north-west of the land. Furthermore, as the site adjoins residential land, it has access to suitable utility services.

The application plans have been prepared following a process of detailed site analysis, technical assessments and analysis of State and Council policies governing the development of the land. Careful analysis of the layout of nearby lots has also taken place, which will provide opportunities for seamless neighbourhood integration. This is supported by the residential lots fronting Hutons Road and Burma Road responding to the residential land abutting the site.

The proposed design offers the community a variety of housing types by providing a range of lot sizes. This includes meaningful variation in the residential lot sizes, which range from 605 sqm to 1881 sqm. The seniors housing will also include a range of manufactured home designs, with five "types" of dwelling envisioned to respond to the differing needs of the demographic. We note that the *Berrigan Shire Local Strategic Planning Statement 2020-2040* highlights the importance of senior's housing within the municipality, aiming to provide a greater number of homes with less than three bedrooms. The proposal will reflect and respond to the needs of the community. Emphasis placed on the pedestrian connection to the adjoining golf course, which will promote an active and connected retirement community.

The planning assessment completed in this report has confirmed that the proposal is consistent with the following key planning provisions:

- *State Environmental Planning Policy* – particularly 'Housing 2021' through the provision of appropriate utilities.
- *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* – such as through the provision of a wide range of amenities, located away from the boundaries of the property.
- *The Berrigan Local Environmental Plan 2013* – including utilising the Village zone (RU5) for urban purposes, whilst respecting the unique village character by having larger residential lots boarding the boundary of the estate where visible from Hutons Road and Burma Road. Additionally, environmental values within the RU1 will remain undisturbed.
- *The Berrigan Development Control Plan 2014* – such as through implementing good subdivision practices that respond to the rural context and character of the township.
- *The Berrigan Shire Local Strategic Planning Statement 2020-2040* – particularly by responding to the housing and lifestyle needs of retired persons.

- The *Berrigan Shire Land Use Strategy 2018* – by supporting envisioned growth within the township and making efficient use of the available capacity of utilities.
- The *Riverina Murray Regional Plan 2041* – through the careful placement of open space to avoid and minimise vegetation removal and to support biodiversity outcomes on the land.

For the reasons outlined above and throughout this report, we suggest that the proposed development will support the public interest, in accordance with section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*. Accordingly, it is respectfully requested that Council issue a planning permit as soon as possible to enable the establishment of a new community within the Shire of Berrigan.

Nick Jay

Principal Planner

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APPENDIX A: CERTIFICATE OF TITLE

APPENDIX B: ARCHITECTURAL PLANS

APPENDIX C: FLORA AND FAUNA TEST OF SIGNIFICANCE

APPENDIX D: LIMITED ENVIRONMENTAL SITE ASSESSMENT

APPENDIX E: INFRASTRUCTURE AND SERVICING REPORT

APPENDIX F: STORMWATER MANAGEMENT REPORT

APPENDIX G: TRANSPORT IMPACT ASSESSMENT