

Statement of Environmental Effects

40-80 and 82 Chapmans Road,
Tuncurry

Prepared on behalf of Allam MHE # 2 Pty Ltd

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Acknowledgement of Country

We, ADW Johnson, acknowledge the Traditional Custodians of the land where we live and work, the country of Awabakal, Darkinjung and the Eora Nation.

We recognise their continuous connection to the land and waters of our beautiful regions. We pay our respects to Aboriginal and Torres Strait Islanders Elders past, present and emerging.

Artwork created by Joe Griffin, a proud Aboriginal man, descendant of the Awabakal people.



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Executive Summary

PURPOSE

This Statement of Environmental Effects has been prepared by ADW Johnson on behalf of Allam MHE # 2 Pty Ltd to accompany a development application with MidCoast Council for a two (2) into two (2) lot Torrens subdivision, and development of a Manufactured Home Estate / Land Lease Community at 40-80 and 82 Chapmans Road, Tuncurry.

APPLICATION DETAILS

| | |
|-------------------|--|
| Applicant: | Allam MHE Developments # 2 Pty Ltd |
| Development: | Two (2) into Two (2) Lot Torrens Subdivision, and a 283 Site Manufactured Home Estate over proposed Lot 1. |
| Site Description: | Lot 100 DP 1286524 ("Lot 100") at 40-80 Chapmans Road, Tuncurry; and Lot 11 DP 615229 ("Lot 11") at 82 Chapmans Road, Tuncurry. (see Appendix A – Deposited Plans & Appendix A1 – Certificate of Title) |
| Owner: | Lot 100 DP 1286524 – Allam MHE # 3 Pty Ltd Lot 11 DP 615229 – Michelle Woodford (see Appendix A2 – Owners consents) |
| Development Cost: | Demolition & Remediation: \$21,500 Construction: \$25,541,696.23 Mitigation of Impact Items: N/A Consultant Fees: \$319,271.20 Authorities Fees: \$63,854.24 Plant & Equipment – incl. Furniture, Fitting & Equipment – incl. Contingency: \$1,277,084.81 Escalation – excluded, no significant escalation envisaged Total: \$27,223,406.48 (EXCL.GST) \$29,945,747.13 (INCL.GST) (see Appendix Y - Corbett & Scott Quantity Surveying EDC Report). |

DEVELOPMENT STANDARDS/CONTROLS

| | |
|-----------------|--|
| Zone: | Subject Site is partly zoned R2: Low Density Residential; and partly zoned C2: Environmental Conservation. Works will also be undertaken on the Road Reserve which is zoned RU2 Rural Landscape. |
| Definition: | Subdivision Manufactured Home Estate |
| Permissibility: | Subdivision is permitted with consent under clause 2.6 of Great Lakes Local Environmental Plan 2014. In accordance with Great Lakes Local Environmental Plan 2014, Zone R2 Low Density Residential, land uses including caravan parks and multi-dwelling housing as permitted with consent. Consequently, the proposed manufactured home estate (MHE) may be carried out pursuant to State Environmental Planning Policy (Housing) 2021, Chapter 3 'Diverse Housing', Part 8 'Manufactured home estates'. The proposed development includes ancillary works to support the MHE such as earthworks, demolition of existing structures, stormwater detention basins and raingardens, landscaping, drainage and road works, connections to infrastructure such as water and sewer, sewer pump stations, construction of a community building and community facility precinct, caravan parking, wash bay and dump point, maintenance shed, temporary sales and display dwellings and community facility, and tree removal etc. |

| | |
|---|---|
| Minimum Subdivision Lot Sizes for certain split zones | <p>As the development requires a boundary amendment/realignment being a subdivision of two (2) into two (2) lot Torrens subdivision; the minimum lot size is prescribed under clause 4.1 of Great Lakes Local Environmental Plan 2014 and associated Lot Size Map. The subject site has a minimum lot size of 40 hectares (which generally encompasses the environmental conservation zoned land), and 450m² (which generally encompasses the residential zoned land).</p> <p>Clause 4.1D 'Minimum subdivision lot size for certain split zones', can be utilised to facilitate subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1 of Great Lakes Local Environmental Plan 2014; and ensures that the subdivision occurs in a manner that promotes suitable land use and development.</p> <p>The proposed subdivision meets these clause objectives as proposed Lot 1 will be 18.11 hectares and will deliver the MHE development across the R2 Low Density Residential zoned land. Proposed Part Lot 2 will have a total area of 4.416 hectares (being less than the prescribed minimum 40 hectares as identified on the Lot Size Map for the subject site) but will contain all of the significant biodiversity, environmentally sensitive areas including the coastal wetland, and C2 Environmental Conservation zoned land. Consequently, Council may grant consent to permit the subdivision of the subject land in the proposed configuration.</p> |
| Maximum Height of Buildings | <p>There is an 8.5m maximum prescribed height of buildings under the Great Lakes Local Environmental Plan 2014.</p> <p>The proposed development will exceed the prescribed maximum height of building. The Community Building central lounge fireplace chimney flue will have a 9.8m building height as a consequence of the fill depth needed across the site. A clause 4.6 variation request will be needed, and has been submitted with the DA documentation. (see Appendix C2)</p> |
| Maximum Floor Space Ratio | <p>There is a maximum floor space ratio (FSR) prescribed under the Great Lakes Local Environmental Plan 2014. The FSR of the R2 zoned land is 0.5:1, and the C2 zoned land has an FSR of 0.4:1.</p> <p>The proposed development will include a floor space ratio of less than 1% being approximately 1: 0.01. The FSR calculation includes the community building, wash bay and maintenance shed. The proposed manufactured homes to be erected on the dwellings sites, do not contribute to FSR as they are not classified as buildings under the Building Code of Australia (BCA) or the National Construction Code (NCC) and subject to a separate Section 68 application under the <i>Local Government Act 1993</i>.</p> |
| Exceptions to development standards | <p>A clause 4.6 variation request has been submitted with this application in support of approving a variation to clause 4.3 of Great Lakes Local Environmental Plan 2014 maximum height of building (see Appendix C2).</p> |

EXTERNAL REFERRALS

| | |
|------------------|---|
| Roads: | <p>The proposed road widening, stormwater, and footpath upgrade works along Chapmans Road <u>is not considered integrated development</u> under section 4.46(3) of the <i>Environmental Planning & Assessment Act 1979</i>, as works require the development consent of MidCoast Council and the approval under Section 138 of the <i>Roads Act 1993</i> of MidCoast Council.</p> |
| Bushfire: | <p>Subdivision on bushfire prone land requires a Bush Fire Safety Authority in accordance with section 100B of the <i>Rural Fires Act 1997</i>. This <u>requires referral to the NSW Rural Fire Service as integrated development</u>.</p> <p>A manufactured home estate is defined as a 'Special Fire Protection Purpose' under clause 47(a) of the Rural Fires Regulation 2022 and therefore under the <i>Rural Fires Act 1997</i> will <u>require referral to the NSW Rural Fires Service as integrated development</u>.</p> |
| Water Management | <p>In accordance with Section 90 of the <i>Water Management Act 2000</i>, there are 3 kinds of water management works approvals, namely, water supply work approvals, drainage work approvals and flood work approvals. The works in the Council Road Reserve <u>will require approval from Mid Coast Council</u>, as will the extension to connect with reticulated water & sewer connection.</p> |

| | |
|--|--|
| | In accordance with Section 91 of the <i>Water Management Act 2000</i> , there are two (2) types of approvals, namely controlled activity approvals and aquifer interference approvals. <u>Referral to NRAR / DCCEEW Water Group is not required</u> as no works are proposed within 40m of a watercourse, and there is no interference with the aquifer. |
|--|--|

SUMMARY

The proposed Subdivision and Manufactured Home Estate (MHE) is consistent with the key planning controls as per the relevant legislation, most notably the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG MHE Regs 2021). The development has been designed to protect key ecological features whilst delivering on the regions housing targets, the proposal is also generally consistent with the strategic planning framework for the area. Council is requested to grant consent for this application.

Section 1

Introduction

1 Introduction

ADW Johnson Pty Ltd has been engaged by Allam Property Group Pty Ltd (the proponent) to prepare a Statement of Environmental Effects (SEE), to accompany a Development Application (DA) to Mid Coast Council (MCC), for a subdivision and manufactured home estate (MHE) at 40-80 and 82 Chapmans Road, Tuncurry (respectively, Lot 100 in DP1286524 and Lot 11 in DP615229) (the site).

The proposed development initially involves a two (2) into two (2) lot subdivision of the site. The proposed development also seeks consent for the establishment of a Manufacture Home Estate, known as the Sorrento Lifestyle Village over proposed Lot 1; and the retention and protection of biodiversity within Part Lot 2. The proposed MHE comprises 283 sites, on which manufactured homes will be erected or constructed on site. The manufactured homes will seek approval under a separate application in accordance with Section 68 of the *Local Government Act 1993* (LG Act). The proposed estate is to be operated as a land lease community and is generally marketed towards over 55's to accommodate for the ageing population of Tuncurry / Forster and the broader MidCoast region.

The MHE development also seeks consent for the establishment, extension and connection to water, sewer and stormwater infrastructure; internal access roads and parking areas; demolition of existing structures on site; vegetation removal, site earthworks and landscaping; construction of a community building and community facilities precinct, MHE facilities such as the wash down bay, and maintenance shed; temporary community building, sales office and display home.

The site is within the MidCoast Local Government Area (LGA), and falls under the provisions of the Great Lakes Local Environmental Plan 2014 (GLLEP2014). The majority of the site is zoned R2: Low Density Residential, and there are some smaller areas to the north, east and south zoned C2: Environmental Conservation. Infrastructure works including road widening works, drainage works, footpath construction and connection to services will be undertaken within the Chapmans Road reserve, which is zoned RU2: Rural Landscape.

The development has also been designed in consideration of the provisions of State Environmental Planning Policy (Housing) 2021 and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG MHE Regs 2021). A section 82 Objection under the *Local Government Act 1993* is being submitted with the application (see **Appendix B**). The Section 82 Objection seeks a variation to the LG MHE Regs 2021 and requires concurrence from NSW Department of Planning, Housing and Infrastructure (DPHI) to enable the manufacture, construction, and erection of the manufactured homes at the site, not off-site as identified in the LG MHE Regs 2021 (see **Appendix B**). This information is provided for Council to enable consideration of this methodology as part of the assessment process, and reflection in the development consent.

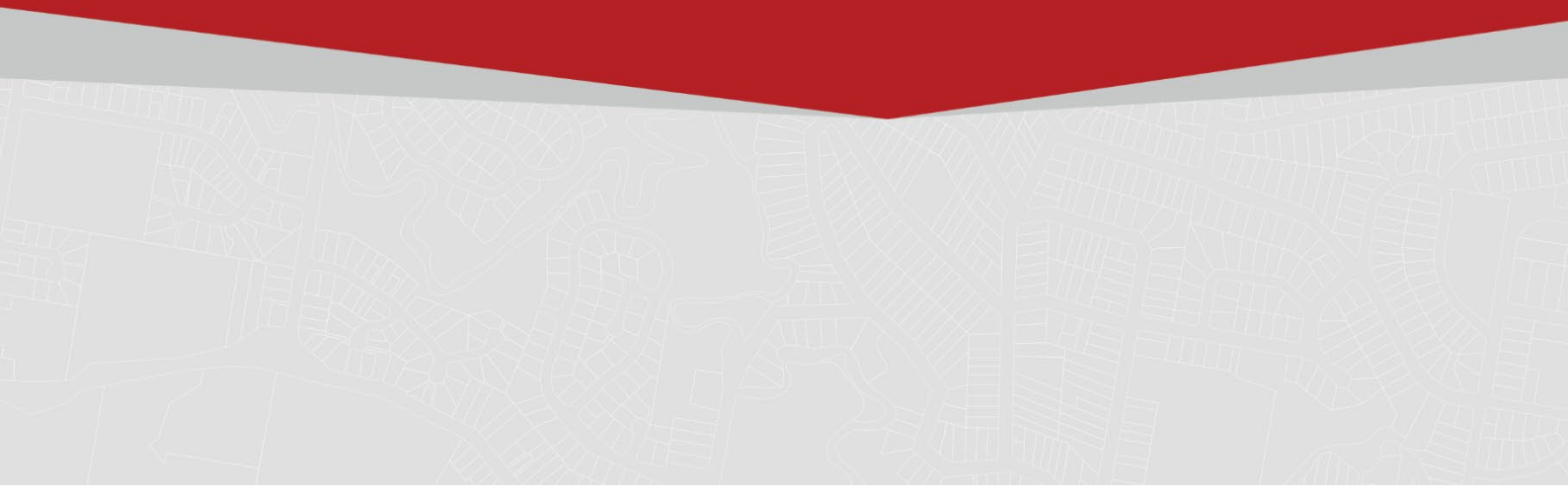
This SEE has been prepared pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act) and accompanying regulations, and addresses the necessary items that require assessment to assist Council in making a determination on the subject application.

A clause 4.6 Variation Request report has been prepared in accordance with Section 35B(2) of the Environmental Planning and Assessment Regulations 2021, and seeks to vary the development standard of Clause 4.3 – Height of Building under the GLLEP2014 (see **Appendix C2**). The community building roof ridgeline and chimney flue exceed the maximum building height of 8.5m. The request contends that compliance with the maximum building height development standard under Clause 4.3 of the GLLEP2014, is considered unreasonable and unnecessary in the circumstances of the proposed development. Also, that there are sufficient environmental planning grounds to justify the contravention of the development standard.

This report represents a Statement of Environmental Effects (SEE) as required by the EP&A Act, and NSW Environmental Planning and Assessment Regulation 2000 (EP&A Reg). This SEE describes the site and its context, the nature of the proposal, the relevant planning framework and assesses the proposal against the matters for consideration pursuant to Section 4.15 of the EP&A Act. This SEE concludes that there is no material planning or statutory impediment to the approval of the proposed use. This report should be read in conjunction with the Appendices and uploaded documents on the NSW e-planning portal accompanying this application. The proposed development is generally compliant with the applicable legislative standards and associated development considerations. On this basis, it is requested that Council grant consent to the subject application.

Section 2

The Site



2 The Site

2.1 Location

The existing site is comprised of the following two lots:

- 40-80 Chapmans Road, Tuncurry (Lot 100 in DP1286524); and
- 82 Chapmans Road, Tuncurry (Lot 11 in DP615229).

The proposed development is located on the southern side of Chapmans Road approximately 550m from The Lakes Way (see **Figure 1**). Both lots have frontage to Chapmans Road (a bitumen sealed road reserve) along the entire northern boundary.

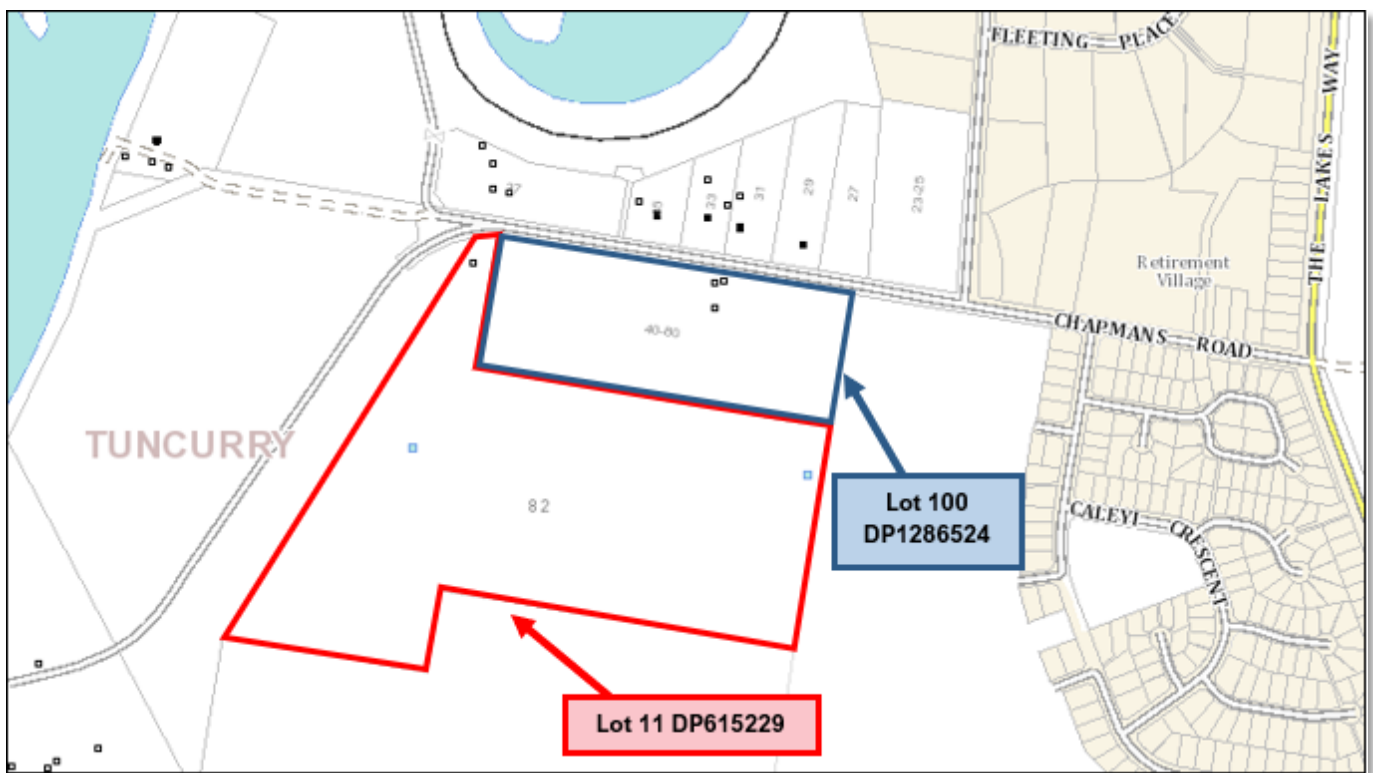


Figure 1: Regional Map Showing Site Context
Source: Six Maps

In terms of the locality, the site is located within the north-western periphery of Tuncurry, off The Lakes Way via Chapmans Road. The site is well appointed to the coastal villages of Forster and Tuncurry. Forster and Tuncurry are large townships which provide for a range of services and facilities to residents and the surrounding locality. The subject site is located on the entrance/approach into Tuncurry; approximately 3km north-west from the core business / shopping region which includes a Woolworths, mixed commercial and business premises, specialty shops, and various other public and community services. Tuncurry has a TAFE, public school, supermarkets, medical centres, service stations, shops, and cafés.

The site location is identified in **Figure 2**.

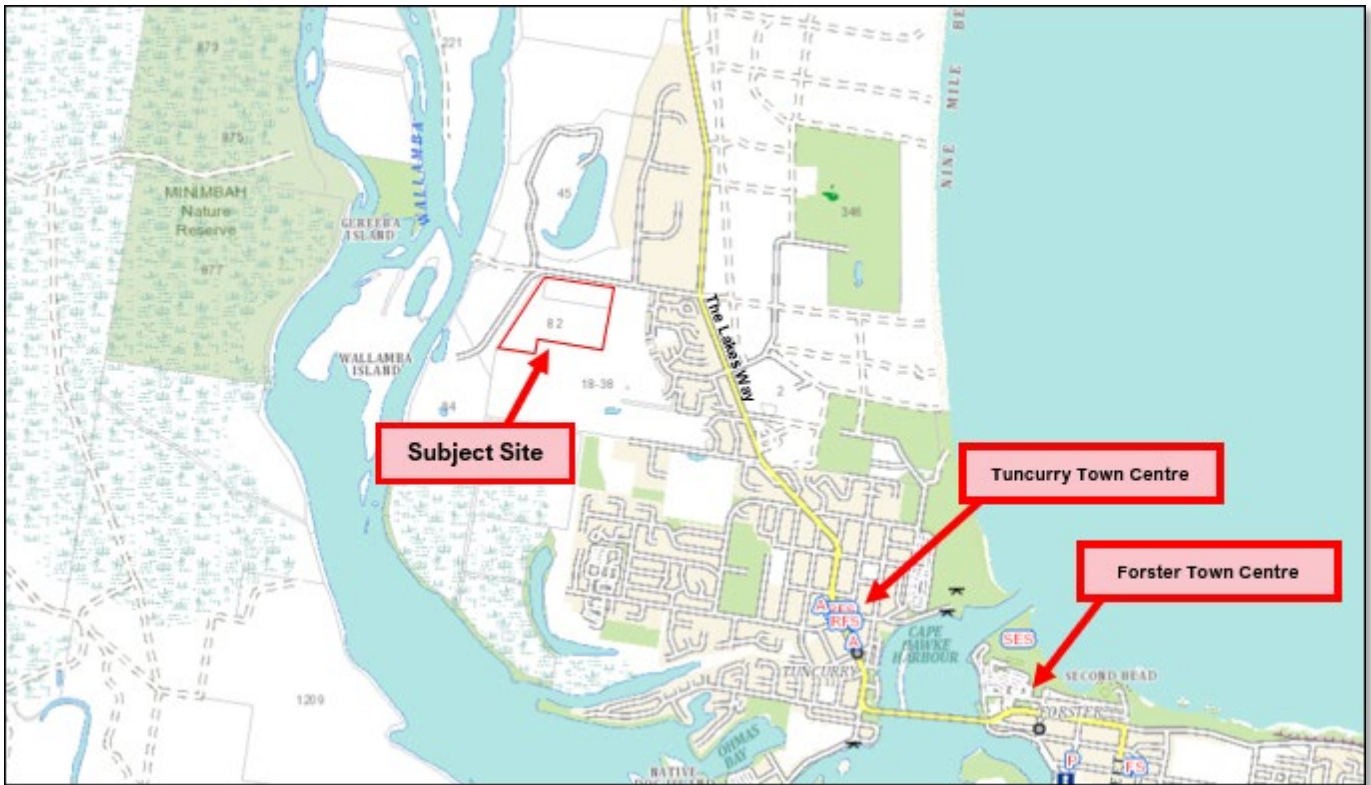


Figure 2: Locality Map
Source: NSW Planning Portal

2.2 Land Title

The site is legally identified as Lot 100 in Deposited Plan 1286524 (40-80 Chapmans Road), and Lot 11 in Deposited Plan 615229 (82 Chapmans Road).

The Lots have the following areas as per the relevant Deposited Plans:

- Lot 100 – 6.11 ha; and
- Lot 11 – 16.42 ha.

Cumulatively, the lots have a total area of approximately 22.53 ha. The Deposited Plans for the site are provided in **Appendix A**.

2.3 Ownership

Lot 100 in DP 1286524 is owned by Allam #3 Pty Ltd, and Lot 11 in DP 615229 is owned by Michelle Woodford,

The Certificates of Title and owner's consent for both lots are provided in **Appendices A1** and **A2** respectively.

2.4 Physical Description

2.4.1 Site and Context

The site is made up of two individual allotments, each comprising separate built form and context.

Lot 100 is a rectangular shaped allotment containing some stock piles associated with previous bulk earthworks and filling approved on the site. Lot 11 is a large irregular shaped allotment which contains a shed structure to the north of the site, and two small stock dams. Both allotments are generally cleared in areas zoned R2 Low Density Residential, and densely vegetated within the portions zoned C2 Environmental Conservation.

Surrounding the proposed development are a variety of land uses. The proposed development is located on the southern side of Chapmans Road, approximately 550m from The Lakes Way. Directly opposite the site is a RV storage facility, child care centre, a plant nursery, and large lot residential properties. Located to the north of the subject site, these developments adjoin the Tuncurry-Forster Jockey Club and golf driving range. Further south-west of the subject site are vegetated portions of land leading to the Tuncurry Lakes Resort; which is a tourist facility located at the end of Chapmans Road.

Further east along Chapmans Road is the Sunrise Supported Living Accommodation an assisted living facility, and Goodlife Forster Tuncurry Church. The entrance to Chapmans Road and land to the south includes residential dwellings, generally single storey in height. Vacant residential land is located on the southern side of Chapmans Road, adjoining the existing suburban development and the site.

Given the fusion of developments within the locality, the proposed manufactured home estate, being a lifestyle resort development is not inconsistent with these urban developments.

Figures 3-5 below show the current site.



Figure 3: Aerial View of the Site
Source: Near Map (January 2024)



Figure 4: Drone Photograph of the Site (Facing North) (Red line = Indicative Site)
Source: ADW Johnson (May 2024)



Figure 5: Drone Photograph of the Site (Facing East)
Source: Bushfire Planning Asutralia (Appendix S)

2.4.2 Access

Both lots are currently accessed via Chapmans Road to the north. The existing access arrangements for Lots 100 and 11 will be removed as a component of the development, with formalised access to Chapmans Road to be established on proposed Lot 1. An additional emergency access road to the MHE is proposed with connection to Chapmans Road. This access is gated for emergency access.

As the traffic and parking assessment identifies (see **Appendix P**) Chapmans Road is a local collector road providing access to The Lakes Way at a give-way controlled T-intersection. The roads' main function is to collect traffic from the residential areas west of The Lakes Way providing access to The Lakes Way as well as providing vehicular access to properties along its length. As a local road Chapmans Road is under the care and control of MidCoast Council. Near the site it is a two-lane two-way sealed urban road with kerb and gutter along the developed sections of the road. The total sealed carriageway width near The Lakes Way is approximately 9m which allows a single lane of travel in each direction as well as some on-street car parking. West of Grandis Drive, including along the site frontage Chapmans Road becomes a rural standard road with a pavement width of 7m with grassed table drains. A 50 km/h speed limit zone applies to this section of road.

2.4.3 Topography and Watercourses

In terms of topography, the site is predominantly flat and low lying with grades between 0.3% and 0.5% in the north-east to south-west direction. The maximum and minimum natural surface elevations within the site are RL 1.8m and RL 0.65m respectively. Currently, stormwater runoff experiences localised ponding in low-lying areas of the site where the natural surface undulates.

The nearest watercourse is a man-made water body within the Forester Tuncurry Golf Driving Range, approximately 160m to the north of the site. Wallamba River occurs approximately 360m to the west of the site.

No works are proposed within 40m of any watercourse (see **Figure 6**).



Figure 6: Watercourse Map
Source: NSW Government Hydroline Spatial Data

2.4.4 Vegetation

As outlined in the Biodiversity Assessment Report (**Appendix O**), the historic land use of the future MHE site has resulted in a degraded landscape generally devoid of dense canopy cover, with multiple areas in a poor condition. Areas that remain vegetated with native species include the north-east and south-west areas of the site. These areas are proposed to be retained and remain outside the development footprint so as to avoid impacting intact areas of native vegetation.

On Lot 100 vegetation occurs predominately within C2 zoned land to the east of the lot. Lot 11 also contains land zoned C2 along the eastern boundary and within the south-western portion of lot which is more established and densely vegetated. There is a small pocket of C2 land in the north-western corner which will also be protected.

The R2 zoned portions of land is sparsely vegetated and includes remnant dry forest and forested wetlands.

The proposal includes the retention of vegetation within all the C2 zoned areas of the site, with these areas set to be entirely contained within proposed Part Lot 2.

Ecological assessment over Lot 100 DP1286524 has been undertaken and biodiversity has been addressed as per the previous development consent for bulk earthworks / filling and development. As **Appendix 02** identifies an ecological clearance supervision report for the removal of 2 hollow-bearing habitat trees and an additional tree were supervised for clearing. Therefore, the Biodiversity Assessment Report (BDAR) (**Appendix O**) that supports this DA application has been prepared to assess the biodiversity values on Lot 11 DP 615229 for the purposes of a DA that seeks a MHE across both lots.

An Arborist Impact Assessment (see **Appendix O1**) has been undertaken by Anderson Ecological and Planning (AEP) whereby a visual tree assessment was undertaken to evaluate the health and condition of 26 native trees within proximity to the development footprint. Construction management, tree protection measures, and mitigation measures were identified by AEP to enable retention of these 26 trees within the conservation zones.

As identified in the BDAR vegetation will be removed from the site to permit the MHE development. The site demolition and tree clearing plan is provided at **Figure 7**.

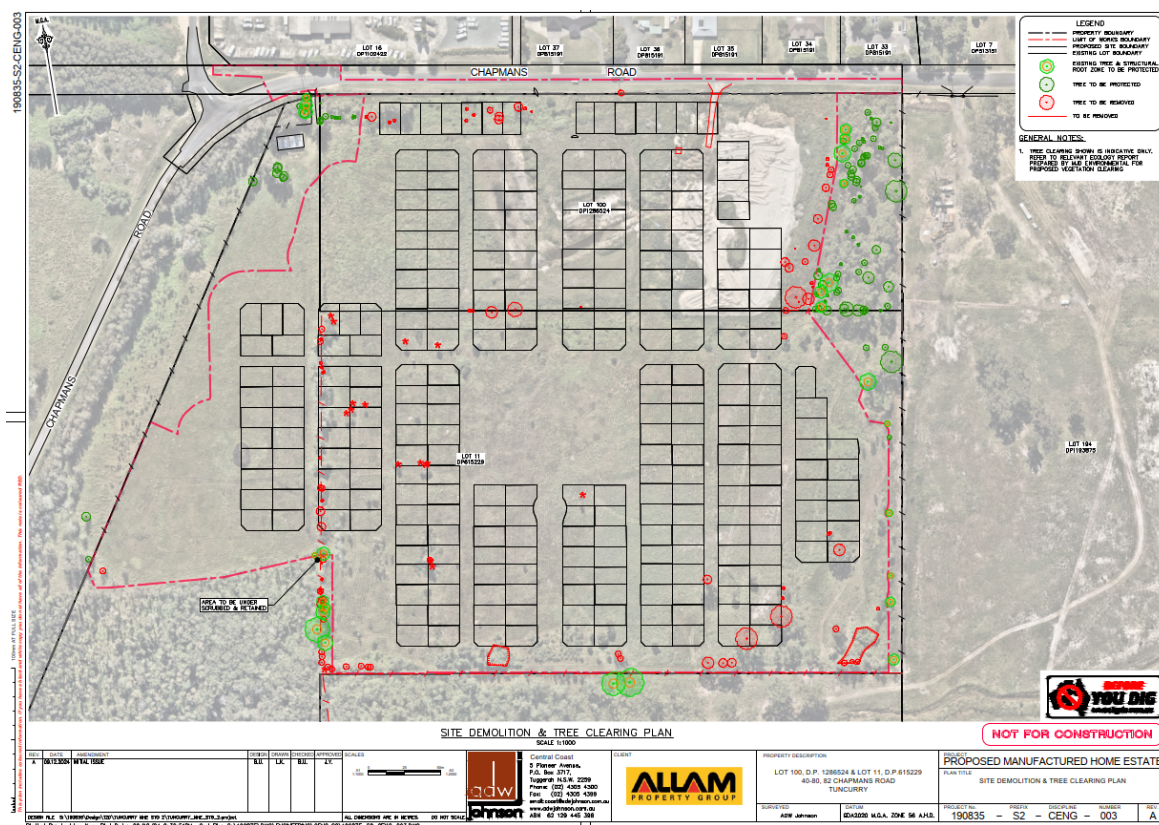


Figure 7: Site Demolition and Tree Clearing Plan
Source: ADW Johnson (Appendix G)

2.5 Development History

2.5.1 Existing Manufactured Home Estate Approval (DA2022/0214)

The following DA approvals were identified over Lot 1 DP 304132 (now Lot 100 DP 1286524), Chapmans Road.

DA-504/2011

- Determined 7 July 2011
- Bulk earthworks

DA-290/2012

- Determined 6 September 2012
- Bulk earthworks

Regional Geotechnical Solutions (RGS) Report RGS00319.1 (14/05/2013)

- Filling undertaken September to November 2012

It is noted that David Guest, Coordinator Legal and Property Services, at MidCoast Council, advised via email on 25 January 2021, that Council obtained external legal advice confirming that the relevant consent(s) have been physically commenced.

An existing approval for a Manufactured Home Estate applies to 40-80 Chapmans Road, Tuncurry (DA2022/0214). For clarity, this original DA will be referred to as 'Stage 1', with the subject DA comprising 'Stage 2'. It is noted that this subject development application represents an entirely new DA and layout over 40-80 and 82 Chapmans Road.

The Stage 1 Development Application (DA) No. 2022/0214 was lodged with MidCoast Council on 21 March 2022 and sought consent for a Manufacturing Housing Estate on Lot 100 DP 1286524. Note - The DA documents were originally lodged with the description Lot 1 DP 304132 and this legal description has been changed as a boundary redefinition of the site has been registered. Under the State Environmental Planning Policy (Planning Systems) 2021 as the development cost greater than \$5 million, and Council was the owner of the subject site at time of DA lodgement; the development was considered regionally significant and the Hunter and Central Coast Regional Planning Panel was made the consent authority. On 5 September 2023 the Hunter and Central Coast Regional Planning Panel refused the application.

On 16 October 2023 Allam Property Group Pty Ltd filed an appeal to the Land and Environment Court pursuant to 8.7 of the *Environmental Planning and Assessment Act 1979* due to the refusal of Development Application (DA) No. 2022/0214. [Allam Property Group Pty Ltd v MidCoast Council]. MidCoast Council filed a Statement of Facts and Contentions (SOFAC) on 8 November 2023. On 15 January 2024, the s.34 Court Conference took place in Tuncurry before Commissioner Bish; no agreement was reached and the s.34 Conference was terminated.

Following termination of the s.34 Conference, MidCoast Council staff, the owners' representatives, and engaged expert consultants undertook 'without prejudice meetings,' and discussions to address the contentions raised by Council in the Statement of Facts and Contentions (SOFAC), the matters raised during the Section 34 Conference, objectors' comments, and matters raised from subsequent discussions.

On 22 July 2024 another Section 34 conference was held, during which parties reached an agreement as to the terms of a decision in the proceedings that would be acceptable to the parties. This decision involved the Court upholding the appeal for the amended application and granting development consent to the amended application subject to conditions of consent.

Consent for DA 2022/0214 was determined by the Land and Environment Court on 6 August 2024 (Case number: 2023/00327030). **Figure 8** shows the masterplan for the approved Stage 1 MHE over 40-80 Chapmans Road, Tuncurry.

Post DA consent, concurrence for Stage 1 under Section 82(3) of the *Local Government Act 1993* (LGA1993) was granted by the Department of Planning, Housing and Infrastructure (DPHI) to MidCoast Council approving the application under Section 68 of the LGA1993. This concurrence for Stage 1 was provided on 17 September 2024. A copy of the letter has been provided in **Appendix B1**. It set aside clauses in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG MHE Regs 2021) that do not apply so that the manufactured homes can be erected / constructed on the site rather than constructed and assembled off-site.

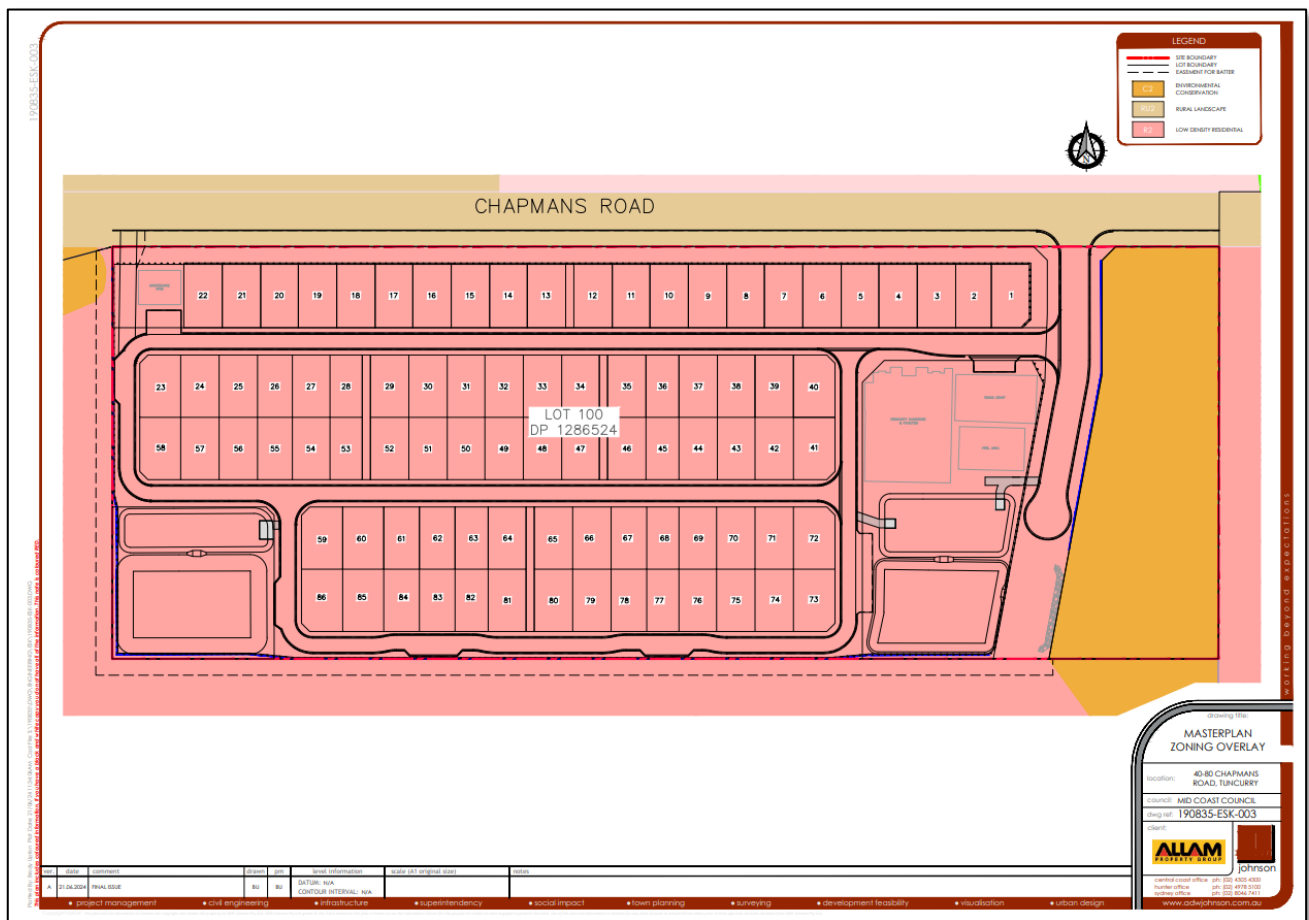
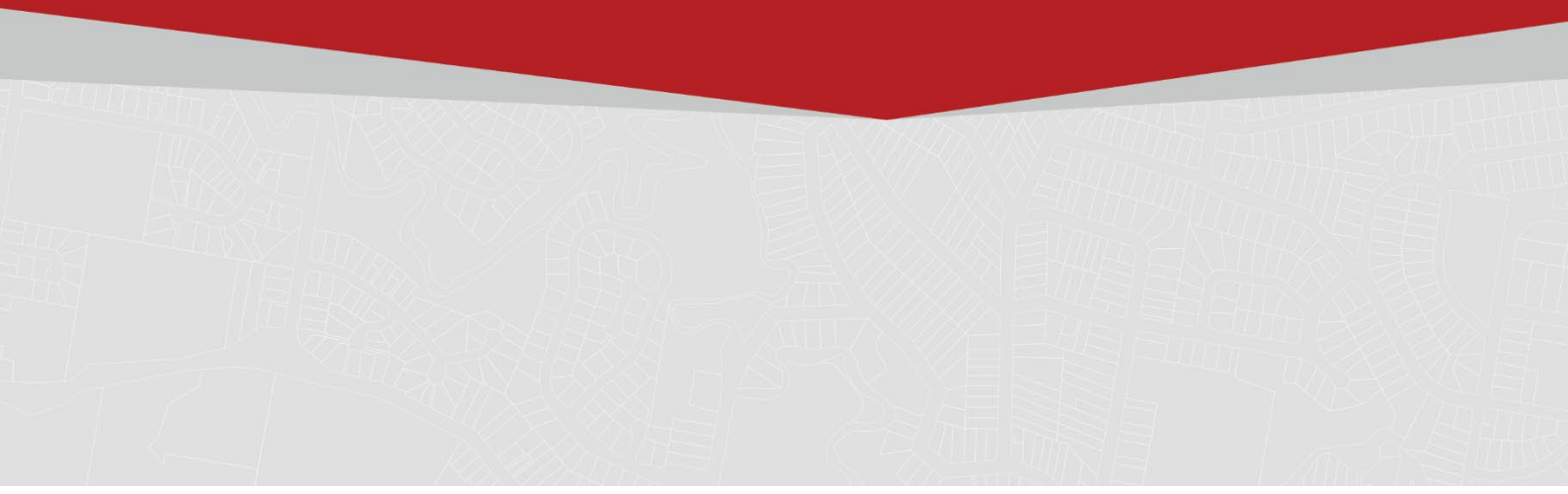


Figure 8: DA 2022/2014 Approved Master Plan with Zoning
Source: ADW Johnson (June 2024)

Section 3

Description of the Proposed Development



3 Description of the Proposed Development

3.1 Proposed Development

The proposed development is for a two (2) lot subdivision and subsequent establishment of a Manufactured Home Estate (MHE) over one of the proposed lots. The subdivision proposed is a two (2) into two (2) lot Torrens Title subdivision of the existing site being Lot 100 DP 1286524 (40-80 Chapmans Road, Tuncurry), and Lot 11 DP 615229 (82 Chapmans Road, Tuncurry). The subdivision will result in the consolidation of all land zoned R2 Low Density Residential within proposed Lot 1, with proposed Part Lot 2 to contain all land zoned C2 Environmental Management, and a small portion of residential zoned land which contains a Coastal Wetland. The proposed manufactured home estate involves the establishment of a residential land lease community called 'Sorrento Lifestyle Community' operated by Allam Property Group. The developer operates and develops quality 'Over 55s villages' that provides secure, quality, and affordable accommodation options with excellent community facilities for older Australians.

As the Masterplan shows (see **Appendix D**) more specifically, the proposal comprises the following physical elements:

- Establishment of a manufactured home estate over Proposed Lot 1, comprising 283 manufactured home sites under a land lease arrangement;
- The development proposes 4 stages of construction, but is not considered Staged Development. The initial construction of Stage 1 will include a temporary sales office and 2 display homes, and a temporary community building whilst the larger community facility is constructed;
- Establishment of a community facility precinct including:
 - A community building (including a cinema, library, craft room, gym, kitchen, managers office, and washrooms), covered outdoor seating areas, bus drop off area, and associated landscaping;
 - A pickleball court, swimming pool, a three-lane bowling green, events lawn, and an outdoor activity area; and
 - Landscaping and associated works.
- Construction of a maintenance shed, wash bay and dump point;
- Estate signage within the entryway;
- Construction of the internal access road network, including a secured main entrance and an emergency access point via Chapmans Road, 48 visitor parking space, and an RV/ caravan parking area;
- Road widening and kerb and guttering along the southern side of Chapmans Road to connect to the existing kerb and guttered section of Chapmans Road;
- Footpath upgrades along the site frontage;
- Establishment of and connection to services (connection to reticulated sewer and water, the construction of 4 stormwater basins and 8 raingardens, sewer pump stations, and drainage works), and electrical pad mounts;
- Site preparation earthworks and associated civil works;
- Demolition of existing structures onsite;
- Removal of vegetation;
- Landscaping throughout; and
- Protection and retention of proposed Part Lot 2 including all environmental conservation zoned portions of the site and the Coastal Wetland area.

3.1.1 Proposed Subdivision

The proposal includes the subdivision of the existing site into two (2) lots; with Lot 1 being the subject site for the proposed manufactured home estate, and Lot 2 created for environmental conservation purposes.

Lot 1 contains exclusively land zoned R2 Low Density Residential and has been designed to be sympathetic to the land's natural features and environmental attributes.

Part Lot 2 is comprised of three part-lots and includes all land zoned C2 Environmental Conservation, and an additional small portion of land zoned R2 Low Density Residential. The R2 land included within proposed Part Lot 2 is within the south-west corner of the site and includes a portion of land identified as a Coastal Wetland as per Chapter 2 of State

Environmental Planning Policy (Resilience and Hazards) 2021. Given the environmental value of this land, it is considered appropriate to separate it from the remaining land that is zoned for residential use.

The plan of the proposed subdivision has been provided in **Appendix C**, with an extract included below (see **Figure 9**).

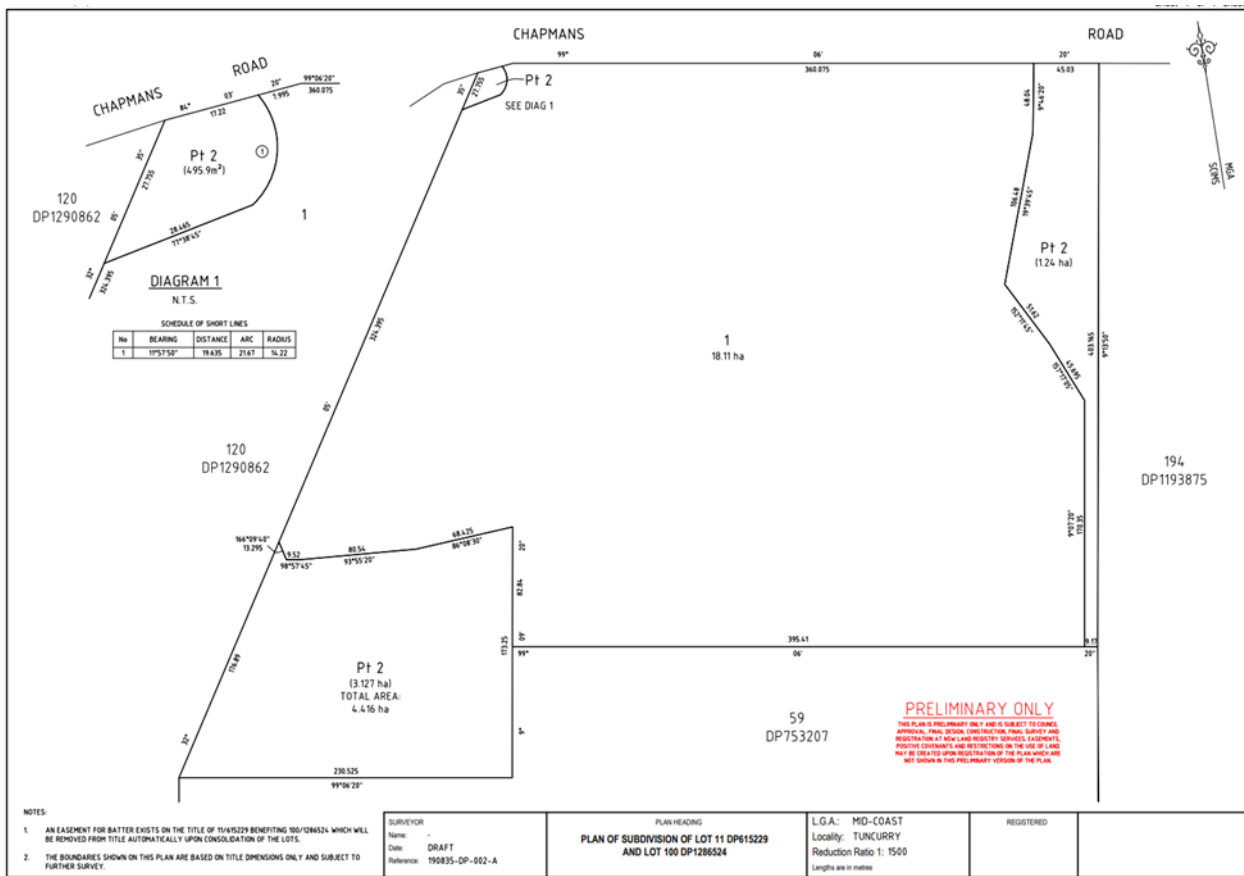


Figure 9: Plan of Subdivision
Source: ADW Johnson (Appendix C)

3.1.2 Proposed Manufactured Home Estate

This application seeks to establish a manufactured home estate (MHE) over proposed Lot 1. The DA Plan Set for the proposed development is provided in **Appendix C1**.

Construction of the MHE is proposed to be undertaken in four construction stages. The community facility precinct is to commence construction during stage 1. Whilst the community facility precinct is being completed, a temporary community building and temporary open space area is proposed at the entry of the estate and will occupy two manufactured home sites. Stage 1 of construction will also involve the establishment of a temporary sales office and two associated display homes; occupying a further three manufactured home sites close to the entrance of the estate.

An extract from the site plan for the proposed manufactured home estate is included in **Figure 10**, with the full Master Plan for the site included in **Appendix D**. Architectural Plans (including the community building, maintenance shed, and wash bay) are included in **Appendix E**. Landscape Plans are provided in **Appendix F**.

The proposed lifestyle resort (MHE) is compatible with the surrounding residential uses, which are a mix of residential allotments and large lot residential lifestyle allotments. Tuncurry is undergoing residential expansion and transformation with new residential estates including lifestyle and retirement housing for the area being constructed.

The intent behind the proposed lifestyle resort relates primarily to the market desire for dwellings with smaller backyards and less maintenance which assists with the active retiree portion of the market.

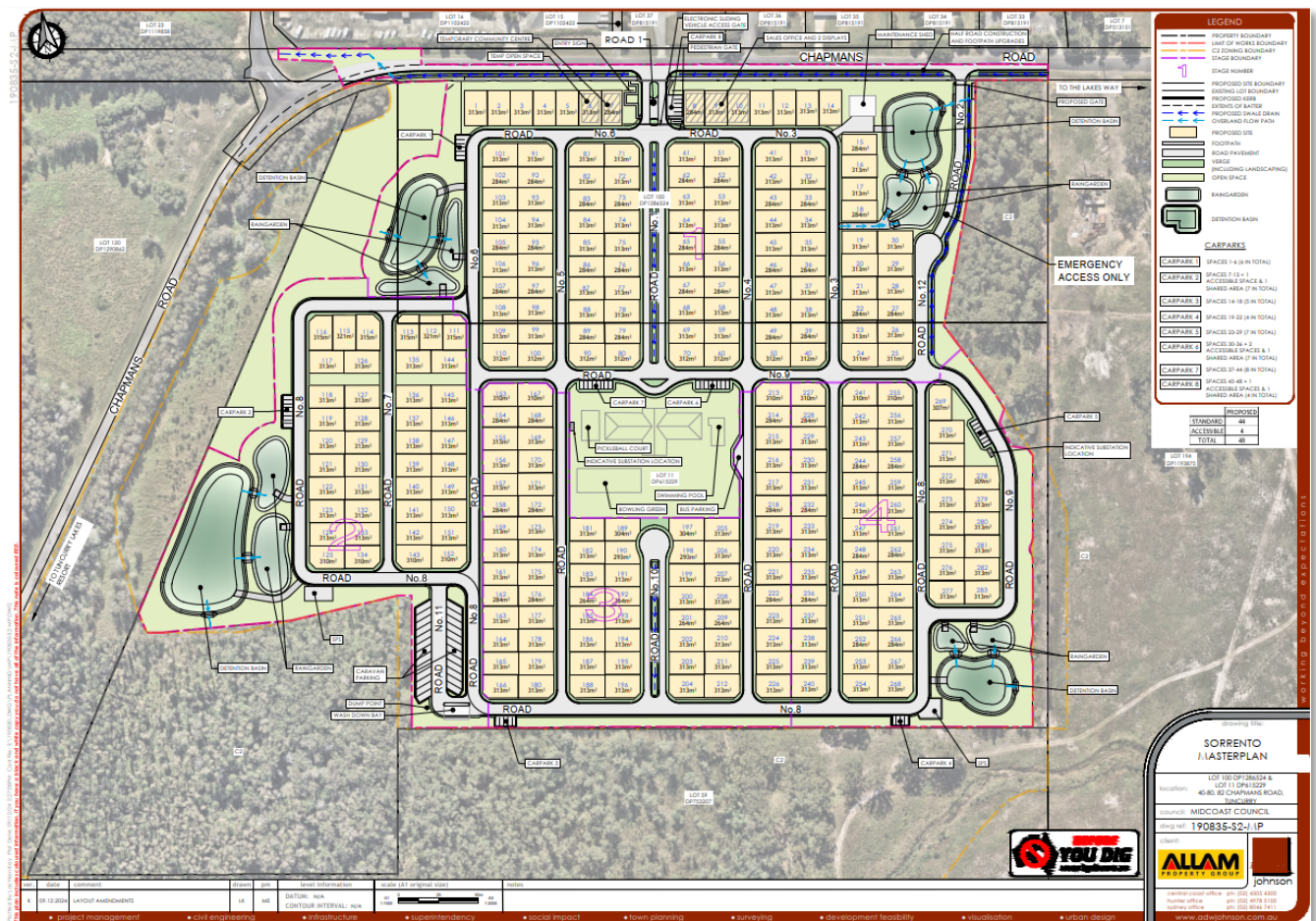


Figure 10: Extract of Master Plan
Source: ADW Johnson (Appendix D)

3.1.2.1 Future Dwellings

Consent is being sought for the MHE use as part of this DA. A depiction of a range of dwelling types, elevations and site coverage that would fit the sites, forms part of this application, to enable Council and the community an appreciation of the aesthetic values and quality of dwellings to be integrated within the proposed estate. The proposed dwellings and community facilities will have contemporary finishes supported by high quality products and appliances. They will be sited in a landscaped setting supported by services and facilities. Plans demonstrating an indicative dwelling design in this regard are provided below and within **Appendices E1 to E14**

A Certificate of Installation for the manufactured dwellings and Notice of Completion of an Installation, being a separate approval under Section 68 of the *Local Government Act 1993*, will be sought in the future for the dwellings. Therefore, indicative dwellings have been included in this application for information and illustrative purposes to demonstrate the high-quality product that is to be expected. Refer to **Figures 11-15**, overpage.



Figure 11: Indicative Dwelling Design & Streetscape 1
Source: Allam Lifestyle Communities



Figure 12: Indicative Dwelling Design & Streetscape 2
Source: Allam Lifestyle Communities



Figure 13: Indicative Dwelling Design & Streetscape 3
Source: Allam Lifestyle Communities



Figure 14: Indicative Dwelling Design & Streetscape 4
Source: Allam Lifestyle Communities



Figure 15: Indicative Dwelling Design & Streetscape 5
Source: Allam Lifestyle Communities

Future dwellings will be constructed to meet compliance with the Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2021. The proposed dwelling sites vary in size from 264m² to 321m², meeting the required minimum 130m² site area. Each site will have a high-quality manufactured dwelling and the provision of single or double garage (based on two or three-bedroom type designs). Each dwelling will meet regulatory requirements for the provision of private open space, landscaping, and dwelling setbacks to ensure quality indoor and outdoor alfresco living for residents.

Several options for dwelling types will be provided to the purchasers to be accommodated on the sites. Dwellings include living, dining, kitchen, bathroom, and outdoor alfresco areas. The indicative dwelling types produced include 2 or 3 bedrooms and corresponding single or double garages. An Estate Plan (**Appendix D1**) has been prepared to demonstrate an indicative arrangement of manufactured homes on the dwelling sites.

Several façade options are available for the purchasers. All built forms demonstrate a high-quality urban form and landscaping is integrated throughout the site. **Figure 16** below provides three examples of typical floor plan layouts. Further indicative floor plan layouts are identified in **Appendices E1 to E14**.



Figure 16: Typical Dwelling Floor Layout Examples
Source: Allam Lifestyle Communities

3.1.2.2 Operations Manual

A drafted Operations Manual has been prepared to outline how the Sorrento Lifestyle Community will be managed, operated, and generally function on a day-to-day basis (see **Appendix X**).

This manual aims to ensure:

- (i) The Estate is operated in accordance with the requirements of the approved operating permit.
- (ii) The continued health and safety of all residents within the Estate.
- (iii) That the Estate operates with minimal impact upon the surrounding area and adjoining residential dwellings.
- (iv) The continued presentation, maintenance and repairs of the Estate which is undertaken in a timely and safe manner.
- (v) The safety and security of the Estate including those of the Residents, Employees and general public of the Estate.
- (vi) To promote safety and security for residences.
- (vii) Management of any anti-social behaviour within the Estate; and
- (viii) The updating and carrying out of emergency procedures.

The operation of the dwellings and community facilities are not restricted by hours of operation, but rather by standard noise criteria under the *Protection of the Environment Operations Act 1997*, conditions of the Development Consent, and any approvals including the section 68 Approval to Operate the MHE.

The hours of operation for other facilities within the estate are outlined below:

| Facilities | Hours of Operation October to March | Hours of Operation April to September |
|-------------------|--|--|
| Club House | 7am to 10pm daily | 7am to 10pm daily |
| Pickle Ball court | 8am to 8pm daily | 8am to 5pm daily |
| Swimming pool | 7am to 8pm daily | 8am to 3pm daily |
| Bowling green | 8am to 8pm daily | 8am to 6pm daily |
| Community bus | Ref 4.14 | Ref 4.14 |

Community Bus - Set Timetable:

- Daily to Forster/Tuncurry main streets – bus leaves at 10am and will pick up at 2pm.
- Fortnightly to Taree – bus leaves at 10am and will pick up at 2.30pm.
- Other excursions – as and when required provided set timetable unaffected.
- Alterations to Schedule in consultation with Residents Committee.

3.1.2.3 Landscape Plan

Landscape Plans have been prepared by Terras Landscape Architects (see **Appendix F**) for the proposed MHE with extracts shown below; refer to **Figures 17 – 22**.

Landscaping has been incorporated along Chapmans Road to provide amenity and privacy for residents, neighbours and road users. Throughout the estate, landscaping includes planting along internal communal roads and within the community facility precinct. Landscaping of private dwelling frontages and streetscapes are incorporated providing amenity to the area. Mass planning in rain gardens is provided. Landscape works also incorporate seating areas designed to provide informal spaces for residents to socialise and rest. Landscape planting will be in accordance with Appendix 4 of NSW RFS Planning for Bushfire Protection 2019 (PBP2019) to meet bushfire requirements.

Site fencing has been designed to define boundaries, protect environmental conservation land, and ensure resident safety. This primarily includes the design of perimeter fencing and fencing surrounding all detention basins, and the front entry fence and security gate.

See **Appendix F** for the full set of Landscape Plans.

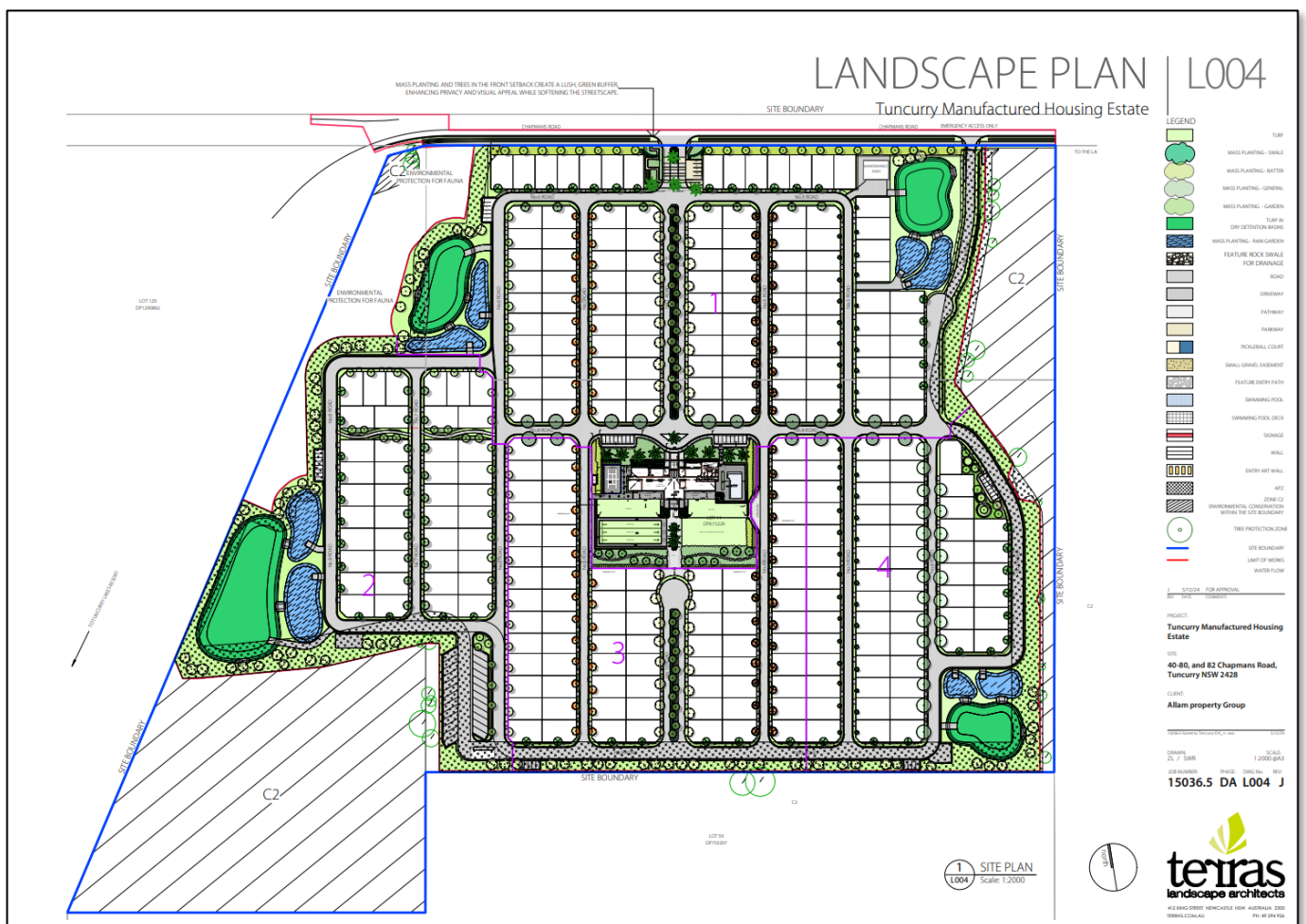


Figure 17: Concept Landscape Plan of Site
Source: Terras Landscape Architects (Appendix F)

L005



- 3. SWALL ALLOW LONGER, READABLE AND INTERESTING PATHWAYS WITH GRASSES, SHRUBS OR TREES, AND SMALL TREES, KERNIS FATHERLAND INTERIOR BIRKS FOR WATER FLOW INTO SWALE. THE SWALE, WITH ITS LOCATION, PROVIDES A VISUAL CONNECTION TO THE LANDSCAPE AND MAKES THE LANDSCAPE BETTER FOR PEDESTRIAN ACCESSIBILITY AND COUNCIL REQUIREMENTS.
- 4. THE LANDSCAPE BARRIER PROVIDES PRIVACY FOR THE COMMUNITY WHILE MINIMIZING IMPACTS ON THE STREET AND NEIGHBORING PROPERTIES. REFER TO DRAWINGS 1011 AND 1014 FOR DETAILS.
- 5. THE LANDSCAPE FEATURE WALL, PARTIALLY SCREENS VIEWS, PROVIDING BOTH PRIVATE AND AESTHETIC APPEAL.
- 6. ENTRY PLANTINGS INCLUDE DISTINCTIVE SHRUBS UNDER 1M AND GROUNDCOVERS, ENHANCING THE LANDSCAPE APPEAL.
- 7. THE CENTRAL ENTRY PLANTER FEATURES 3-2M MEDIUM-SIZED SHRUBS, PROVIDING BOTH PRIVATE AND AESTHETIC VALUE. THESE SHRUBS ARE ALSO STRATEGICALLY PLACED TO SCREEN EXISTING CAR HEADLIGHTS.
- 8. THE PEDESTRIAN RAMP MAINTAINS A MINIMUM SLOPE OF 1:3, ENSURING ACCESSIBILITY FOR ALL.
- 9. SUB-1M PLANTINGS FLANK THE ENTRY FEATURE WALL ON BOTH SIDES, COMPLEMENTING THE LOGO TO CREATE A SEAMLESS ENTRY DISPLAY.
- 10. THE ENTRY PLANTING AND CONCRETE CURB VARIATION TO THE ENTRY SPACE, ENHANCING SPATIAL DEPTH AND SEAMLESSLY CONNECTING TO THE PEDESTRIAN RAMP.
- 11. FOUR VISITOR PARKING SPACES UTILIZE THE SAME COLOURED CREATING, CREATING A COHESIVE DESIGN AND AESTHETIC VALUE.
- 12. LARGE SHRUBS ON ONE SIDE ARE PLANTED IN GRADUALLY INCREASING HEIGHTS, PROVIDING PRIVACY AND MINIMIZING IMPACT ON NEW RESIDENTS.
- 13. LARGE SHRUBS ON THE OTHER SIDE ARE PLANTED 2 METRE HEIGHTS, PROVIDING PRIVACY AND MINIMIZING IMPACT ON NEW RESIDENTS.
- 14. THE SECOND-LAYER FEATURE WALL, COMBINED WITH TWO SLIDING LANDSCAPE FEATURE GATES, CREATES A BEAUTIFUL FEATURE WALL THAT HARMONIZES WITH THE ENTIRE SPACE. THE FENCE HAS A SOLO BOLDING, TO BLOCK INTERIOR CAR HEADLIGHTS AND INSURE PRIVACY.
- 15. THE ENTRY PLANTING AND FEATURE WALL, AS WELL AS THE MATCHING DESIGN OF THE VEHICULAR LANDING GATE, CREATING A UNIFIED ENTRY DESIGN.

LEGEND

- TURN
- MAIZE PLANTING - GENERAL
- MAIZE PLANTING - BATTER
- MAIZE PLANTING - GENERAL
- MAIZE PLANTING - GARDEN
- TURN IN DRY DETENTION AREA
- MAIZE PLANTING - DRY DETENTION
- FEATURE ROCK TERRACE FOR CRAWFISH
- ROAD
- DRIVEWAY
- FACTORY
- FARMWAY
- FOOTBALL COURT
- SMALL GENERAL EXHIBIT
- FEATURE DETENTION POND
- SWIMMING POOL
- SWIMMING POOL DECK
- STORAGE
- WALL
- DRYER HOT WALL
- HOT
- ZONE C-2 ENVIRONMENTAL CONSERVATION WITHIN THE SITE BOUNDARY
- SITE PROTECTION ZONE
- SITE BOUNDARY
- LIMIT OF WORKING WATER PLANT

PROJECT:
Tuncurry Manufactured Housing
Estate

SITE:
40-80, and 82 Chapmans Road,
Tuncurry NSW 2428

CLIENT:
Allam property Group

DRAWING: 21 / SWR SCALE: 1:200 @A3
 JOB NUMBER: 15036.5 PHASE: DA L005 DWG No: REV: J

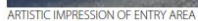


terras
landscape architects

410 KING STREET NEWCASTLE NEW AUSTRALIA 2300
TERRAS.COM.AU PH: 02 294 9326

Source: Terras Landscape Architects (Appendix F)

Tuncurry Manufactured Housing Estate



PROJECT
Tuncurry Manufactured Housing Estate

SITE
40-80, and 82 Chapmans Road,
Tuncurry NSW 2428

CLIENT
Allam property Group

Drawn
2L / SWR



Source: Terras Landscape Architects (Appendix F)



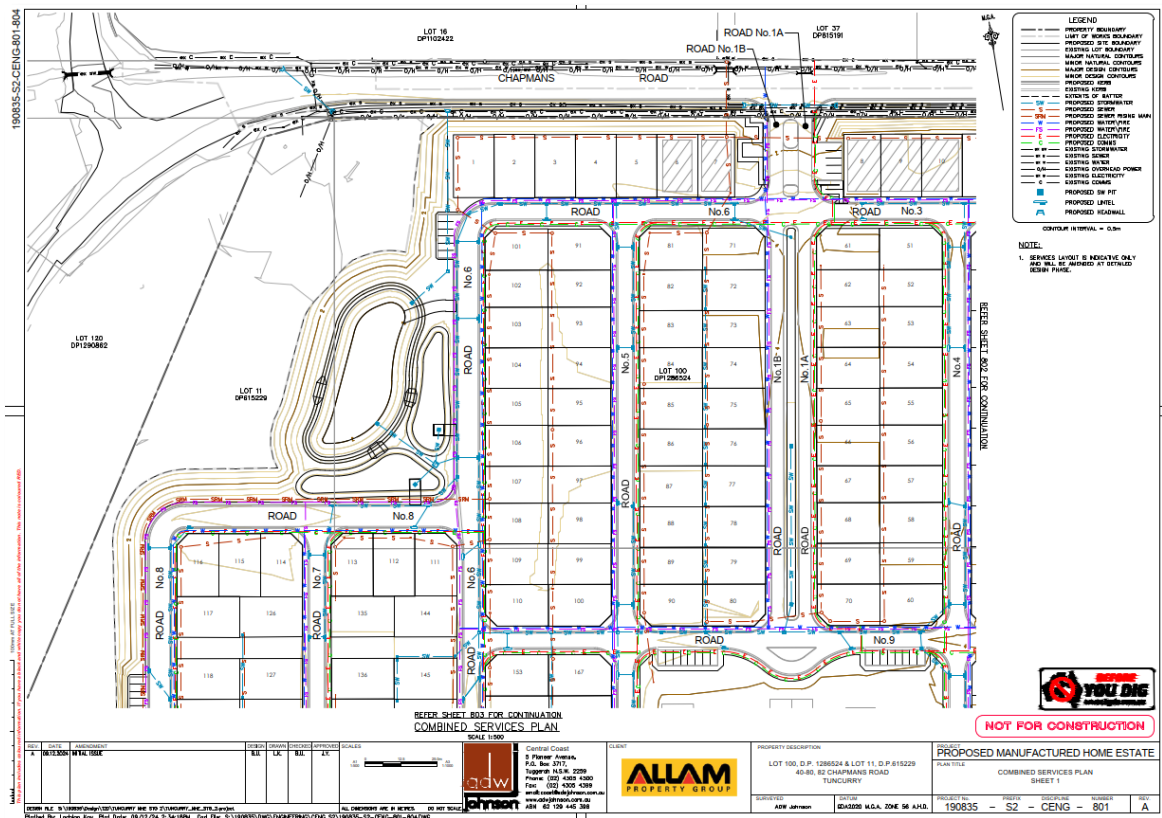


Figure 23: Combined Services Plan (Sheet 1)
Source: ADW Johnson (Appendix G)

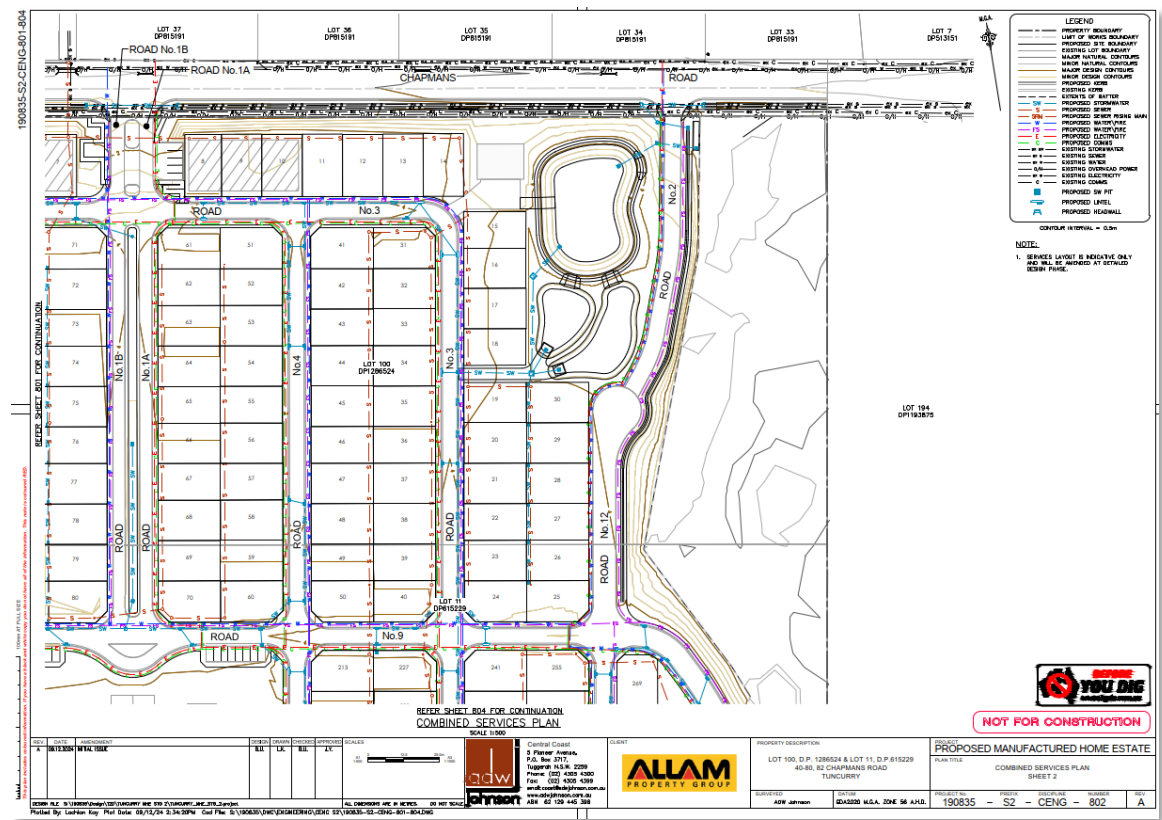
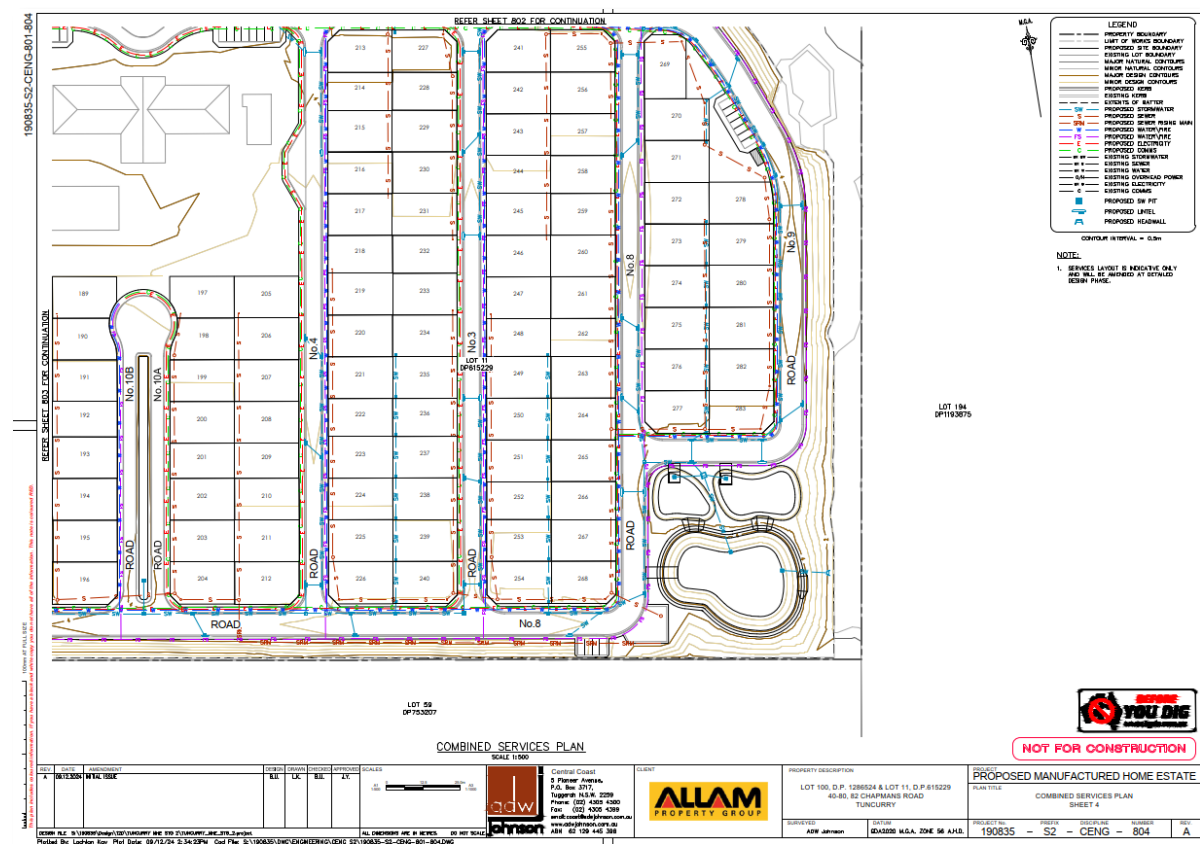
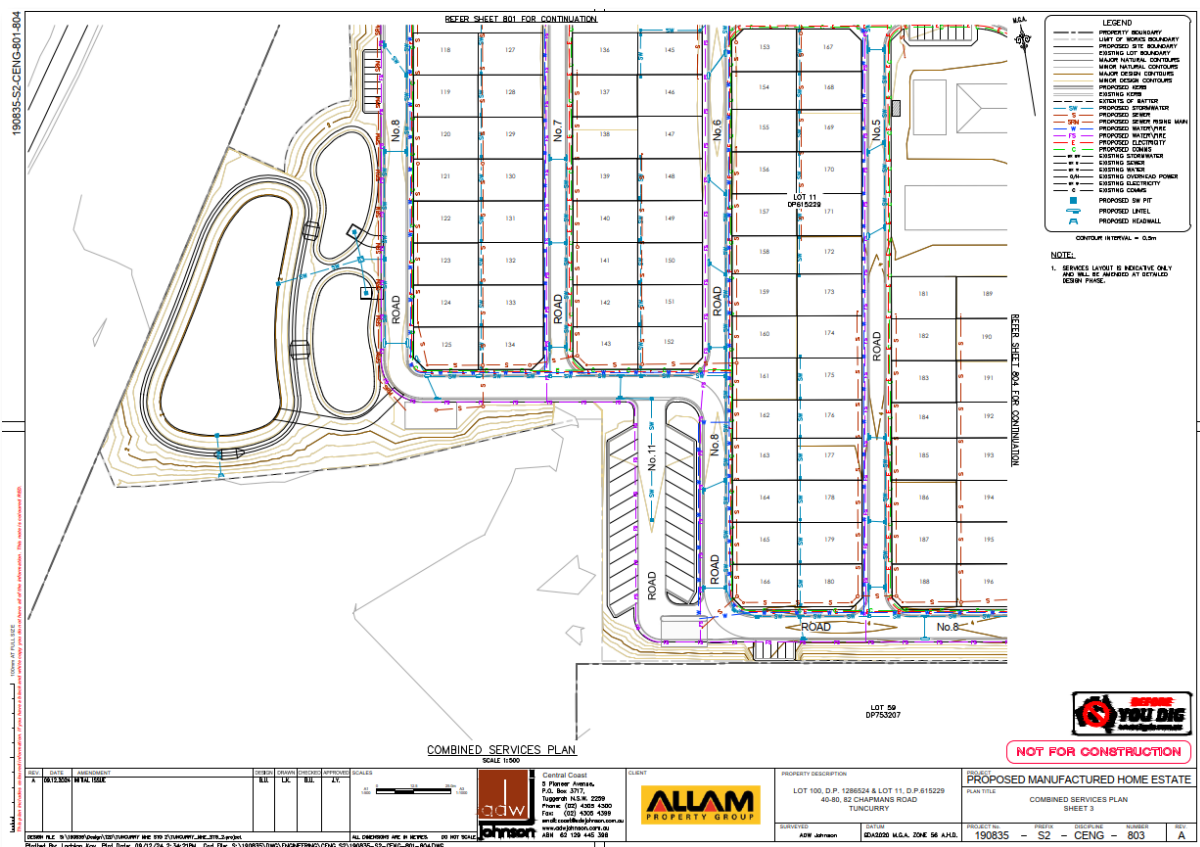


Figure 24: Combined Services Plan (Sheet 2)
Source: ADW Johnson (Appendix G)



3.1.2.5 Stormwater and Drainage

A Water Cycle Management Plan (WCMP) (see **Appendix H**) has been prepared by ADW Johnson to provide information on stormwater quality (water sensitive urban design) and stormwater quantity controls (hydrology and detention sizing). **Figure 27** identifies the stormwater layout plan for the proposed development. Additionally, the WCMP addresses the pre and post development scenarios for the development. The proposed development includes four specifically designed detention basins and accompanying rain gardens which are generally proposed in each of the four corners of the site. The WCMP has detailed how the proposed stormwater detention, water quality treatment, and erosion and sediment control infrastructure achieves the requirements outlined in the Great Lakes Development Control Plan 2014 (GLDCP), Water Sensitive Urban Design (WSUD) and stormwater drainage criteria specified by MidCoast Council. The context of the proposed development within the 'Western Precinct' of the GLDCP has been considered by proposing and modelling stormwater management measures regarding detention, water quality and water balance. For further detail see the WCMP in **Appendix H**.

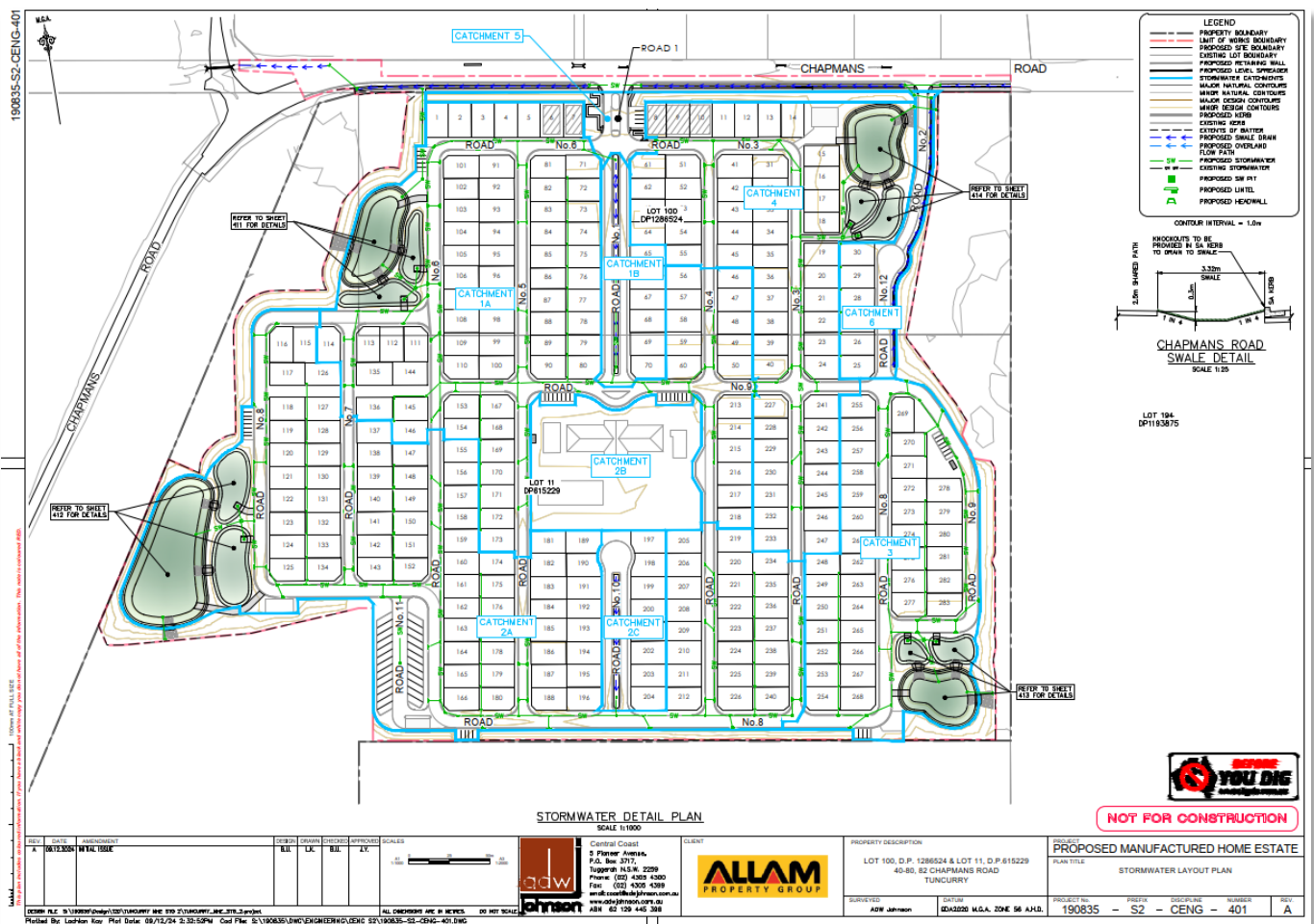


Figure 27: Stormwater Layout Plan
Source: ADW Johnson (Appendix G)

3.2 Consultation

3.2.1 Council Consultation

A Pre-lodgement meeting was undertaken with Council for Stage 1 of the MHE on 20 July 2021. As established in **Section 2.5.1** above, further discussion with council occurred throughout the progression of Stage 1 DA and the court appeal.

In preparing this current DA, all prior consultation with Council has been considered, and is addressed within this SEE and the accompanying expert consultant reports.

3.2.2 Community Consultation

Allam Property Group undertook a community consultation process in October 2024 to ensure that accurate information about the project was available to the community. A Consultation Outcomes Report has been prepared by ATX Consulting to describe the consultation process undertaken, and the key feedback received from community members (see **Appendix I**).

The key elements of the engagement process included:

- A newsletter distributed to the local area covering over 500+ dwellings;
- A 'drop-in community information session' held at Club Forster from 3-6pm on 23 October being a local, accessible venue;
- Individual meetings, phone conversations with interested stakeholders and the public; and
- Preparation of a Community Consultation Outcomes Report that accompanies this development application.

Comments and feedback received during the engagement process have been documented and compiled. The project team has considered the responses in iterative plan changes. Many of the comments, particularly those relating to traffic, raised concerns about Chapman Road, Grandis Drive and The Lakes Way intersection. It is acknowledged that there is a need for a coordinated approach to understand cumulative impacts along this stretch of The Lakes Way given the impacts of the urban release area to the east of the Lakes Way by Landcom, and any infrastructure upgrades to the road required for their development. This matter therefore requires further discussion with representatives of Council, Transport for NSW, Landcom and the applicant's project team during the assessment process.

The full Consultation Outcomes Report is provided as **Appendix I**.

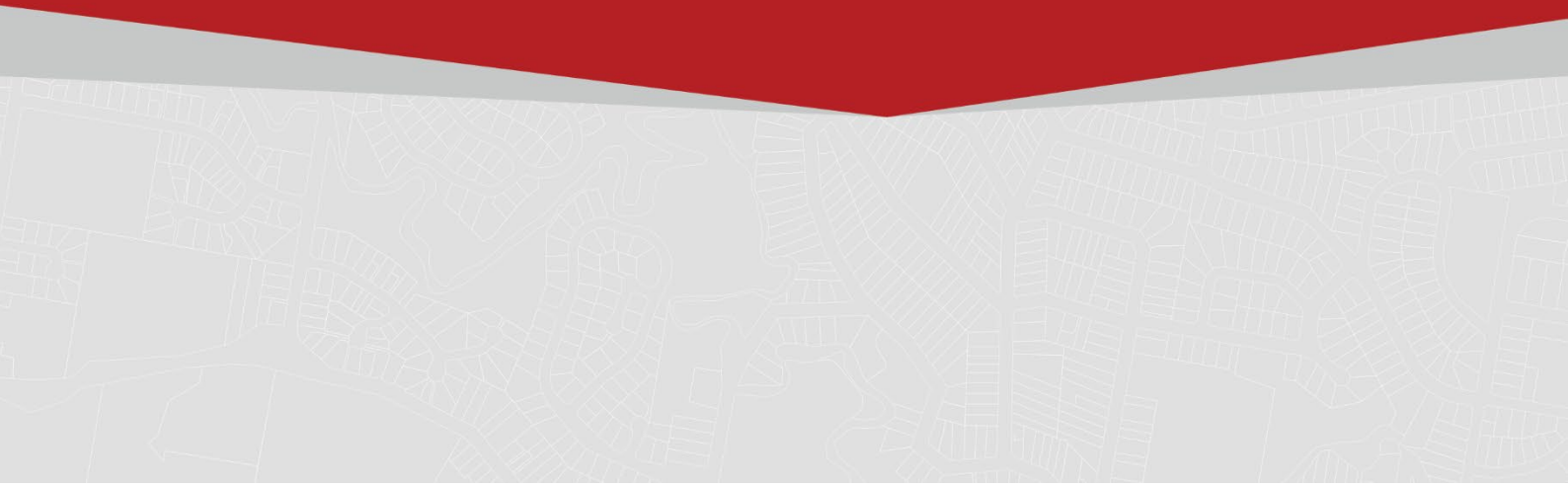
3.2.3 Consultation with Other Agencies

Consultation with Agencies was undertaken as part of the Stage 1 development approval process; and comments and requirements have been adopted in the preparation of this DA. The following consultation with Agencies as part of this present DA shall likely include:

- NSW Rural Fire Service (RFS) as a Bushfire Safety Authority (BFSA) is required.
- MidCoast Council for connections to MidCoast water and sewerage reticulation, drainage works, and works within the Chapmans Road reserve.
- Transport for NSW (TfNSW) for discussions regarding any upgrades to The Lakes Way.
- Essential Energy due to the work being undertaken and expansion of the electrical network.

MidCoast Council will identify and undertake any appropriate Agency or Authority referrals or concurrence requirements as part of the lodgement through the NSW Planning Portal where appropriate.

Section 4 Planning Controls



4 Planning Controls

4.1 Environmental Planning Instrument (S4.15C1(A)(I))

4.1.1 Local Government Act 1993

The *Local Government Act 1993* (LG Act 1993) provides the legal framework for the system of local government in New South Wales and sets out the responsibilities and powers of Councils, Councillors, and other persons and bodies that constitute the system of local government. Chapter 7, Part 1, Division 1, Section 68 of the LG Act 1993 sets out activities that generally require the approval of the council.

Separate future Section 68 applications will be submitted once DA approval is granted to this present application, seeking approval from MidCoast Council under Part A(1) for the installation of a manufactured home, moveable dwelling or associated structure on the land; and Part F(3) for approval to operate a manufactured home estate. Other applications in accordance with Part B approval will also be sought for water supply, sewer and stormwater drainage work and if required Part C for management of waste. These matters can all be addressed as part of the DA assessment and consent.

As discussed previously, concurrence for Stage 1 (40-80 Chapmans Road) has been granted by NSW Department of Planning, Housing and Industry (DPHI) under Section 82 of the LG Act 1993 for Council to approve the application under Section 68 of the LG Act 1993 to set aside clauses in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG MHE Regs 2021) that do not apply, so that the manufactured homes can be erected / constructed on the site rather than constructed and assembled off-site (see **Appendix B1**). Similarly, a Section 82 Objection has been provided in **Appendix B** requesting that the LG MHE Regs 2021 be varied so that the manufactured homes can be erected / constructed on the site rather than constructed and assembled off-site.

The Section 82 report (see **Appendix B**) appropriately demonstrates that the provisions of the LG MHE Reg 2021 restricting onsite construction are unreasonable and unnecessary, pursuant to Section 82(1)(b), the following summary identifies some of these reasons including:

- Construction / erection on site improves residential amenity, provides a contemporary residential 'look and feel', and avoids the delivery of in excess of 600 'oversized' loads and the manoeuvring and logistical difficulties often encountered which creates potential conflicts as dwellings are unloaded. It separates residential traffic from heavy load traffic.
- The proposal to construct the manufactured homes onsite will provide for real and measurable improvements in residential amenity by removing/managing the use of the main entrance and internal road infrastructure for ongoing construction activities and thereby removing the potential for direct and indirect conflict between residents and building contractors.
- Enables a proactive approach to environmental sustainability through increased on-site management opportunities of factors such as erosion and sediment controls, dust and rubbish and reduced risk and potential damage to existing infrastructure. This is in contrast to the ad hoc and reactive outcomes which result due to poor communication and co-ordination between on-site building contractors, transport contractors and off-site manufacturers involved in the offsite manufacture and installation of manufactured homes.
- Reduced risk and potential for damage to existing infrastructure, (roads, services, trees, landscaped areas, community facilities), as a result of the delivery of in excess of 600 oversized loads and the need to unload and install the major sections using a 40-tonne crane.
- Affordability of the homes within the site will be improved by constructing and erecting the homes on-site through economies of scale, ability to control supply rates and providing flexibility in design, elimination of crane costs, transportation, and installation of the major sections of the homes.
- Benefits to the local economy as development will use local builders, tradesmen, contractors and suppliers of materials and goods for the required homes.
- Environmental health and road safety improvements as construction on-site eliminates for the need for pilot assisted, oversized loads and trips from the place of manufacture.

- Improved on-site facility management with greater levels of control over the design and installation of houses, reducing disputes between residents and MHE management, and onsite construction will not adversely affect existing and neighbouring residents.

Accordingly, the proposed development is in accordance with the relevant regulations, except for the variations identified in the accompanying MHE Regulations Compliance Table (**Appendix R**) and the Section 82 Objection (**Appendix B**).

Council's support is sought for the small variations to the boundary front setback, and for the Section 82 Objection to manufacture the homes on-site. Council's support and referral to the NSW DPHI seeking concurrence for the variation to Section 68 of the Local Government Act 1993 is required.

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

The site is a Manufactured Housing Estate for the purposes of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG MHE Regs 2021) The table attached to this report (see **Appendix R**) comprehensively addresses the relevant regulations for MHE and moveable dwellings which are applicable to the proposed sites. An assessment of GLDCP Chapter 17 'Manufactured Homes Estates and Caravan Parks' has also been undertaken (See **Appendix Q**). The following features are incorporated into the proposal to ensure compliance with the regulations:

- Community facilities and services are reasonably accessible to occupants locally in Tuncurry and Forster. The main Tuncurry shopping centre is 3 km from the site. Most occupants will have private car ownership to access services, however there is an existing bus stop located in Chapmans Road.
- Communal facilities are proposed within the lifestyle resort which are reserved for resident's recreational pursuits including a clubhouse and community facility precinct. Residents without a car will still have connection to other local facilities via a community bus provided by the estate.
- A variation is also sought from MidCoast Council to Clause 18 of the MHE LG Regs 2021 which permits a dwelling site to be setback less than 10m of a boundary if the dwelling site will be properly screened, fenced, enclosed, or otherwise treated. The boundary fence along Chapman Road affecting these northern lots will be set back 6m from the boundary (as permitted in the approved Stage 1 plans), as these dwelling sites are to be appropriately screened and fenced, refer to **Figure 28** showing landscaping.



Figure 28: Landscape Detail Plan – Chapmans Road
Source: Terras Landscape Architects (Appendix F)

- An appropriate screened and vegetated frontage to the lifestyle resort development will be provided as identified in **Figures 18-19, 28** and the Landscape Plan (see **Appendix F**). This will ensure that the site is fenced and landscaped to ensure amenity, privacy, and appropriate acoustic treatments for residents from commuters.
- Dwelling sites have access to road frontages. Visitor parking is proposed within the lifestyle resort, including disabled spaces. The lifestyle resort design incorporates appropriate road carriageway and road reserve widths.
- Future dwelling designs will comply with the LG MHE Regs 2021 with respect to fire, wind design, structural adequacy, waterproofing, and the provision of light and ventilation.
- The proposed indicative dwelling designs show compliance with site setback, site coverage, minimum open space and height requirements, and provision of garage(s) for dwelling sites.
- Dwelling sites are all above the minimum area of 130m². In this instance, the sites are substantially larger than allowed under the Regulations varying in size from 264m² to 321m².
- The lifestyle resort development will be connected to appropriate utility services including water supply, sewer, and stormwater drainage system, electricity, and telecommunication networks.
- Appropriate arrangements will be made for removal of garbage, placement of fire hydrants.
- Plans of Management, Community Map and Compliance certificates will be prepared as part of the Section 68 'Approval to Operate a manufactured home estate', and Section 68 'Approval for installation of a manufactured home, moveable dwelling, or associated structure on land'.
- A section 82 Objection under the *Local Government Act 1993* is being submitted with the application. The attached Section 82 Objection Report (see **Appendix B**) seeks a variation to the LG MHE Reg 2021 and requires concurrence from NSW DPHI to enable the manufacture, construction, and installation of the manufactured homes at the site, not off-site as identified in the LG MHE Reg 2021.

As shown in the accompanying MHE Assessment Report (see **Appendix R**), the assessment identifies the development generally meets or exceeds the minimum requirements for a manufactured homes estate, which increases the amenity for residents and responds to the location and setting.

The LG MHE Regs 2021 allows for minor variations to limited controls such as setbacks, where it can be demonstrated that appropriate provision of screening such as fencing, or landscaping is provided. The controls are addressed within **Appendix R**, and within this SEE.

4.1.3 Great Lakes Local Environmental Plan 2014

4.1.3.1 Part 2- Permitted or Prohibited Development

Zoning

Under the provisions of the Great Lakes Local Environment Plan 2014 (GLLEP2014), the subject site is primarily zoned R2 Low Density Residential. A portion of the south-western and eastern side of the site is zoned C2 Environmental Conservation. The C2 zone also covers a small portion of land in the north-western corner of the site and further borders the site along the entire southern property boundary. Bordering the site to the north, along Chapmans Road is land zoned RU2 Rural Landscape (see **Figure 29** overpage).

The proposed development can be categorised as 'subdivision' which is permissible with development consent pursuant to Clause 2.6 of the GLLEP2014.

The proposed development over proposed Lot 1 is categorised as a 'manufactured home estate' which is not defined within the GLLEP2014. 'Manufactured home estate' and 'manufactured home' is defined within the *Local Government Act 1993* as:

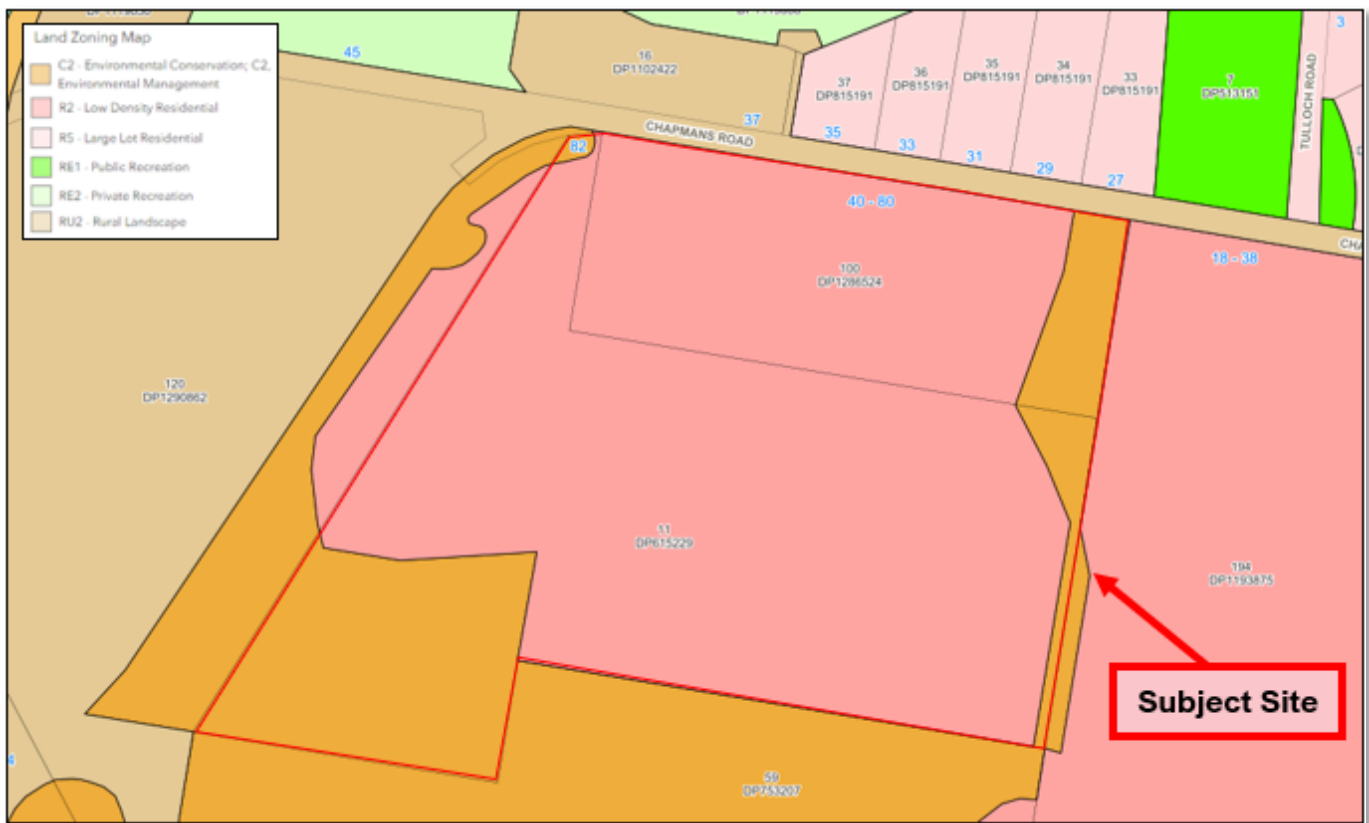
***manufactured home estate** means land on which manufactured homes are, or are to be, erected.*

***manufactured home** means 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, and includes any associated structures that form part of the dwelling.

Permissibility of an MHE on the site is discussed in sections below.



Manufactured Home Estates are permissible under Chapter 3, Part 8, Section 122 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), whereby “*a manufactured home estate may be carried out pursuant to this Part on any land on which development for the purposes of a caravan park may be carried out*”.

A Caravan Park is permissible with consent in the zoning table for the R2 zone. As such, a Manufactured Home Estate is permissible with consent on proposed Lot 1, with the land exclusively zoned R2 within this lot. The requirements of the Housing SEPP are further assessed later in this SEE in **Section 4.1.5**.

The temporary sales office and 2 display homes are proposed to facilitate the marketing and sales of manufactured homes within the proposed MHE. A temporary community facility is also to be provided in the interim whilst the main community buildings and community facility precinct is constructed. Approval is also required for the wash bay, caravan parking storage, dump point, maintenance shed, demolition, infrastructure and road works etc. As these land uses are subservient to the proposed MHE use of the site, these facilities are considered to be ancillary development for the purposes of this DA but will form part of the DA assessment and consent.

Land UseTable

As stipulated in Clause 2.3 'Zone objectives' and the 'Land Use Table' of GLLEP2014, the consent authority must have regard to the Land Use Table for development uses permitted within the zone in which development is to be carried out; and consider the zone objectives.

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed subdivision facilitates the establishment of the proposed MHE footprint, with proposed Lot 1 generally including all R2 zoned land; excluding the identified portion of residential land containing part of a Coastal Wetland. The proposed subdivision and MHE development support the zone objectives.

The site is located in a well-connected area that has been identified for future housing growth, and the proposed MHE introduces a varied form of housing choice in a desirable location. This housing form allows for a varied price point and less maintenance for future residents. It also allows for extra security than a standard residential subdivision, through on-site management and operations. The dwellings are of a high standard, yet still affordable, and have a consistent contemporary resort feel through the provision of a range of dwelling types and styles within a landscaped setting.

Orderly and economic use of the land is proposed in accordance with the general aims of the GLLEP2014. The proposed development will contribute 283 additional dwellings to the residential housing stock of Tuncurry, as well as the greater Mid Coast region. The proposed layout as identified within the Estate Plan will increase the density on the site (see **Appendix D and Appendix D1**) and will provide for a variety of built form dwelling sizes and styles within the estate (refer to **Appendix E1-E14**). This development aims to provide a high-quality product which appears as single dwellings. This housing stock is consistent with the regional strategies and the identified population increase within the emerging residential area. The lifestyle resort will support projected population growth in the Tuncurry area, and this will have a positive impact on the local community and support existing and future planned businesses.

The lifestyle resort also provides for a range of community uses and services on the site, which will assist with the needs of those people living in the development. The range of community facilities will provide future residents with a substantial variety of opportunities to participate in social activities, health and wellness, relaxation and general entertainment. In this way, the community facility precinct, and the estate more broadly, has been designed to maximise the amenity and services within the MHE.

Considering the above, the proposed development is in keeping with the objectives of the R2 zone.

The objectives of the C2 Environmental Conservation zone are as follows:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

The proposal includes the retention and protection of all C2 land by consolidating these areas into a single lot for the purpose of environmental conservation. Therefore, the subdivision has been designed to protect these areas of high ecological significance. This includes all portions of the existing site which are zoned C2; these being located at the south-western area of Lot 11, a small portion at the northern end of Lot 11, and the eastern boundary of Lot 100 and Lot 11.

Compared to traditional residential subdivision where many lots would share boundaries with the C2 land, the development of the site allows for the design of the proposed MHE site to be subdivided and will protect all C2 land within the site. This includes establishing a buffer distance where possible between C2 zoned land and the proposed dwelling sites through the strategic location of detention basins and the perimeter road.

Overall, through the consolidation of ecologically valuable land within a single lot and a streamlined approach to the residential development of the remaining land, the proposed subdivision prevents future development that could potentially have an adverse effect on the ecological values of the C2 land. Therefore, the objectives of the C2 zone are considered to be satisfied by the proposed development.

4.1.3.2 Part 4 Principal Development Standards

Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1 of GLLEP 2014 specifies that the size of any lot resulting from a subdivision of land to which this clause applies. Subdivision is not to result in less than the minimum lot size shown on the Lot Size Map in relation to that land. As identified on the Lot Size Map, the site has a minimum subdivision lot size of 40ha associated with the C2 zoned land and 450sqm associated within the R2 zoned land. (see **Figure 30** overpage).

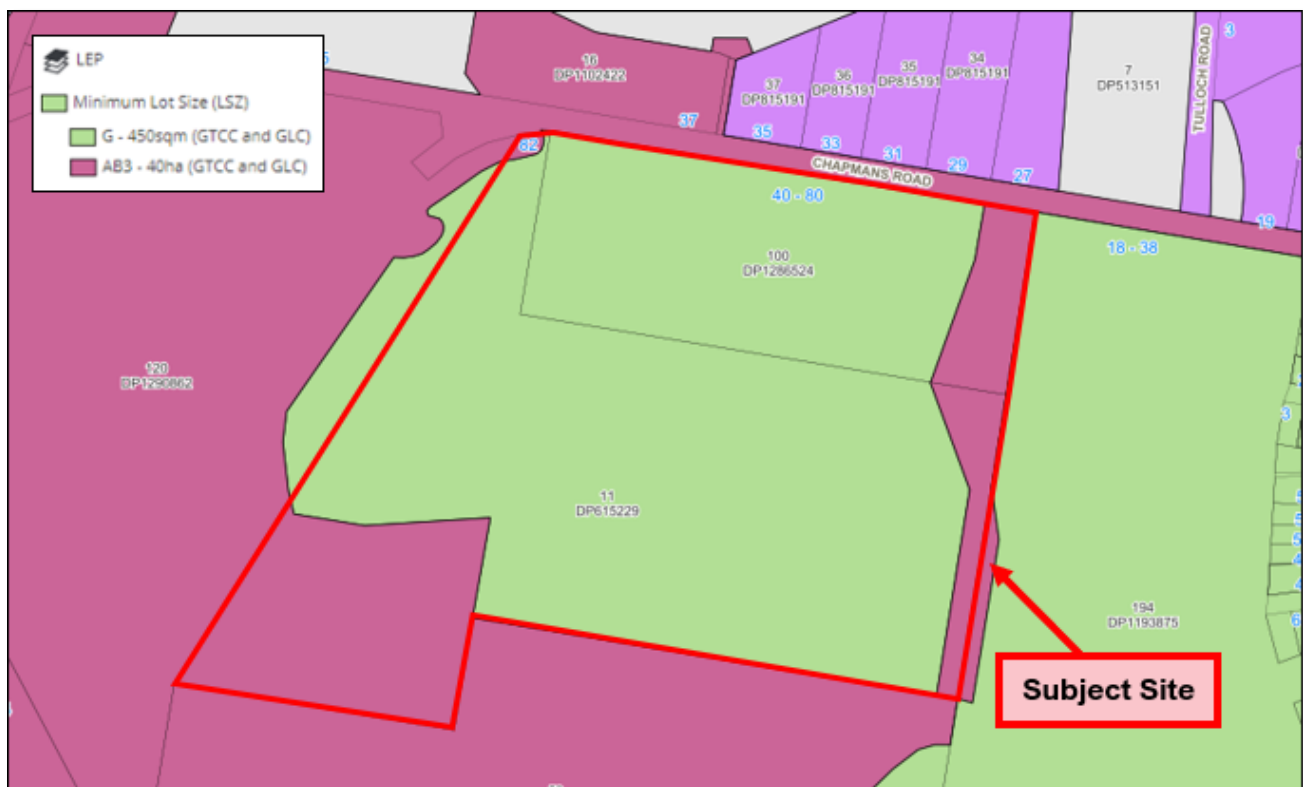


Figure 30: Lot Size Map
Source: MidCoast Council IntraMaps

The proposed subdivision will create two (2) lots as follows:

- Proposed Lot 1 has an area of 18.11ha and contains exclusively R2 zone land; and
- Proposed Part Lot 2 contains all C2 land within the existing site (and a small slither of R2 land being the coastal wetland), and is comprised of three (3) part-lots with a total area of 4.416ha.

As Part Lot 2 is proposed to have an area less than that identified on the Lot Size Map, the land cannot be subdivided under clause 4.1 of GLLEP2014.

Clause 4.1D Minimum Subdivision Lot Sizes for Certain Split Zones

The objectives of Clause 4.1D of GLLEP 2014 are to provide for the subdivision of land that have more than one zone but cannot be subdivided under Clause 4.1, and to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

The subject site cannot be subdivided under Clause 4.1. However, through the concurrent conservation of C2 land and establishment of a MHE, subdivision in this way promotes the sustainable land use and development of the site.

- (1) *This clause applies to each lot (an **original lot**) that contains—*
 - (a) *land in a residential, employment, mixed use or village zone, or land in Zone W4 Working Waterfront, and*
 - (b) *land in Zone RU2 Rural Landscape, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living.*

The existing site contains land in a residential zone (being R2 Low Density Residential) and land in Zone C2 Environmental Conservation; making Clause 4.1D applicable to the proposed of subdivision.

- (2) *Despite clause 4.1, development consent may be granted for the subdivision of an original lot to create other lots (the resulting lots) if—*
 - (a) *one of the resulting lots will contain—*
 - i. *land in a residential, employment, mixed use or village zone, or land in Zone W4 Working Waterfront, that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and*

ii. all of the land in Zone RU2 Rural Landscape, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living that was in the original lot, and

The subdivision will not result in any land in a residential zone having an area less than that shown on the Lot Size Map (that being 450sqm), and all C2 land that was in the original lot will be contained in a single lot.

(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

As above, the proposed subdivision will create two lots which both comply with the requirements outlined in subclause (3)(a). No additional lots are proposed.

The proposal is therefore considered to be compliant with the requirements for subdivision under Clause 4.1D of the GLLEP2014.

Clause 4.3 Height of Building

Clause 4.3 of GLLEP 2014 specifies that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The Height of Buildings Map extracted below (see **Figure 31**) has a site maximum height of 8.5m. All future manufactured homes will be single storey and will have a building height less than the 8.5m height of buildings limit.



Figure 31: Height of Buildings Map
Source: MidCoast Council Intra Maps

The building heights are identified in the Architectural Plans (**Appendix E**), and described below:

- The proposed maintenance shed has a building height of 6.255m. The height of building varies between 7.080m-7.188m when calculated from 'existing ground level' to the roof ridgeline.
- The proposed wash bay has a building height of 5.460m. The height of building varies with the building height being 8.502m on the northern elevation, 8.40m on the western elevation, 8.43m on the southern elevation and 8.464m on the eastern elevation to account for the unevenness of the 'existing ground level' and level of fill to be placed across the site.

- Centrally located within the community facility precinct of the MHE, the clubhouse will exceed the prescribed maximum height of building. The Community Building will have a building height of 6.35m. However, the Community Building's roof ridgeline, apex porticos and chimney flues will exceed the 8.5m height of building limit. The Community Building's central lounge fireplace chimney flue will have the largest building height exceedance at 9.8m (RL 10.8m), being a 1.3m or 15.29% variation to the maximum building height development standard requirement within GLLEP2014. The exceedance is the consequence of the fill depth of approximately 3.2m needed across the site. A clause 4.6 variation request in support of approving a variation to clause 4.3 of GLLEP2014 maximum height of building has been submitted with the DA documentation (see **Appendix C2**). The

Clause 4.4 Floor Space Ratio

Proposed Lot 1 has a maximum floor space ratio (FSR) of 0.5:1 (see **Figure 32**). The total FSR of the proposed MHE (excluding dwellings which are not part of this DA) is considerably below the permitted FSR, being less than 1%. The proposal has an FSR of 0.01:1, and is therefore in accordance with the FSR development standard.



Figure 32: Floor Space Ratio Map
Source: MidCoast Council Maps

4.1.3.3 Part 5 Miscellaneous Provisions

Clause 5.10 Heritage Conservation

European Heritage

There are no heritage items or mapped heritage conservation areas on the site, or within proximity to the site.

Aboriginal Heritage

The site is not mapped as containing any heritage items or as being within a culturally significant area with respect to Aboriginal heritage. An AHIMS search with a 200m buffer has been completed for both lots. These searches reveal that no items are identified on, or within proximity to the site. A copy of the AHIMS search has been provided in **Appendix J**.

Further to the above, an Archaeological Due Diligence Report has been prepared by McCardle Cultural Heritage for 82 Chapmans Road. This report is provided in **Appendix K**. Earthworks have already been approved and fill applied to the 40-80 Chapmans Road.

McCardle Cultural Heritage investigations have identified no items, sites or areas of potential archaeological sensitivity were located on site. The report has identified that historically the area is considered to be very low-lying, prone to water logging with no elevated landforms present; so was unsuitable for camping but may have been utilised for transitory movement or hunting/gathering activities only. In relation to modern alterations to the landscape, the report has concluded that due to grazing and ploughing practices, construction of the dam and house; it can be expected these activities will have moderate to high impacts upon the archaeological record. Natural factors such as erosion and bushfires would have all impacted the archaeological record, all of which would have displaced or destroyed cultural material. The likelihood of identifying in situ cultural material is very low.

Considering the above, the proposed development is consistent with the provisions of this clause.

Clause 5.21 Flood Planning

The site is mapped as flood prone land, as per MidCoast Council's Intramap online mapping portal (see **Figure 33**).



Figure 33: Flood Prone Land Mapping
Source: MidCoast Council Maps

Council has confirmed that for the site:

- Flood Planning Level RL 2.7m AHD
- Habitable Floor Level RL 3.2m AHD

The proposed cut and fill across the site are identified in **Figure 36**. As such the proposed development is to be filled to at least RL2.7m AHD to comply with MidCoast Council requirements for flood prone land. However habitable floor level areas across the site will be filled to RL3.2 AHD. The site will be regraded as per the plan to ensure functionality across the site considering matters such as stormwater and drainage, civil engineering works such as roads and infrastructure delivery, and the future use of the site as an MHE.

A Flood Impact Assessment and hydraulic modelling has been completed by Royal Haskoning DVH (see **Appendix L**) to evaluate the impact of the proposed works on the flood behaviour within the site and in the surrounding environment.

Clause 5.21(1) of GLLEP2014 states that the objectives of this clause are as follows—

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

To support this present DA, and to ensure the objectives of Clause 5.21(1) are achievable, the following information has been collated from expert consultants:

- A Flood Impact Assessment, to evaluate the impact of the proposed works on flood behaviour in the surrounding environment.
- An assessment of the potential to evacuate persons safely from the site during extreme flood events.
- An evaluation of the impact of the proposed stormwater management system on the existing hydrological regime, in accordance with the requirements of site-specific development control plan.
- A summary of the groundwater monitoring across the site and the implications of the proposed development on groundwater.
- A Flood Evacuation Plan has been prepared, and measures will be adopted in the Operations Manual for the MHE.

The Concept Engineering Plans have considered the site constraints, flood function and behaviour, modelling data for the site and any cumulative impacts on or from the surrounding locality. The engineering plans have also incorporated the various expert consultant report recommendations, and Council's previous discussions in designing the development to appropriately meet flooding concerns.

Clause 5.21(2) of GLLEP2014 states that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses*

Clause 5.21(3) of GLLEP2014 states that in deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The development site is located within the floodplain of the Wallamba River. To appropriately consider Clauses 5.21(2) and 5.21(3) of GLLEP2014, a Flood Impact Assessment (FIA) and hydraulic modelling investigation was completed by Royal Haskoning DVH (see **Appendix L**) to evaluate the impact of the proposed works on the flood function and behaviour within the site, and in the surrounding environment. The FIA also considered the results of the previous flood study undertaken by WMAwater for the Wallamba River on behalf of the then Great Lakes Council (now MidCoast Council).

The design flood events were modelled within the FIA for their respective critical storm durations determined in the Wallamba River Flood Study (WMAwater, 2015):

- 1% AEP - 36-hour storm event
- 5% AEP - 36-hour storm event (adopted for the flood study)

The TIA identifies that no changes were made to the hydrology of the model in the FIA. In order to assess the impact of the proposed works on the existing development, the results of the Proposed Development Scenario were compared with the Base Case Scenario. Results for modelled events have been provided in Appendix A of the FIA (**Appendix L**), including:

- Flood Levels
- Flood Velocity
- Flood Hazard
- Flood Level Impact
- Flood Hazard Impact
- Flood Hazard Impacts

A summary of existing flood characteristics, and those resulting from the proposed design conditions have been assessed within the TIA. An evaluation of the hydraulic modelling has been provided in the FIA. The FIA concluded that:

- During modelled events, changes to peak flood levels due to the proposed design are minor and not considered notable. There are no notable changes in flood hazard and impacts for the 5% and 1% AEP events are confined to Chapmans Road. Where the increase occurs, this is limited to < 40 mm and occurs either in the public roadway or in non-habitable areas.
- The impact of filling has been compared with the base case conditions, representing the previously approved bulk earthworks development. There is less than a 40mm increase in the adjoining allotment to the west.
- The proposed design surface is affected by the elevated river water levels only in the 1% AEP plus 0.5 metre freeboard and rarer events. The modelling indicates that evacuation would only be necessary to avoid the potential for the site to become isolated rarer than the 1% AEP event. Evacuation of the site should be based around the development of a site-specific evacuation plan for the development. A Flood Evacuation Plan has been prepared considering recommendations within the FIA (see **Appendix L1**)
- The Water Cycle Management Plan (WCMP) at **Appendix H** prepared ADW Johnson including stormwater basins and rain gardens, and stormwater drainage have been designed in accordance with the requirements of Part 16, and as outlined in Section 16.5 of GLDCP for Chapmans Road 'Western precinct'.
- It is noted that there is an existing sensitive receiving wetland located to the south western corner of the site. It will be necessary to maintain the hydrological regime into the wetland. It is expected that this will be achieved via the control of outflows from Catchment Basin 3, with the release of treated water and a level spreader to distribute run-off. While the volume of run-off required would be subject to further advice from an ecologist, it is suggested that the proposed scheme outlined in the Water Cycle Management Plan prepared by ADW Johnson would represent an appropriate starting point, where there is no increase in run-off volume from the development site to the wetland.

The nature of the site development and various engineering design, construction and land use management options available to minimise potential flooding issues, enables the development to proceed to approval and construction. The regrading of the site enables a flood planning level of 1%AEP plus 500mm freeboard to limit flood inundation and impacts. Given the potential flooding within the locality, appropriate measures to manage risk to life and property from flood have been adopted. As per the Flood Evacuation Plan, the Operational Plan for the lifestyle resort operations will incorporate flood evacuation procedures and advance warning for residents. Flood impacts are therefore considered to have been suitably addressed and Council can grant development consent.

4.1.3.4 Part 7 Additional Local Provisions

Clause 7.1 Acid Sulfate Soils

The site is mapped as partially containing acid sulfate soils (ASS) Class 2 in the western portion of the site and Class 3 across the remaining site (see **Figure 34**).

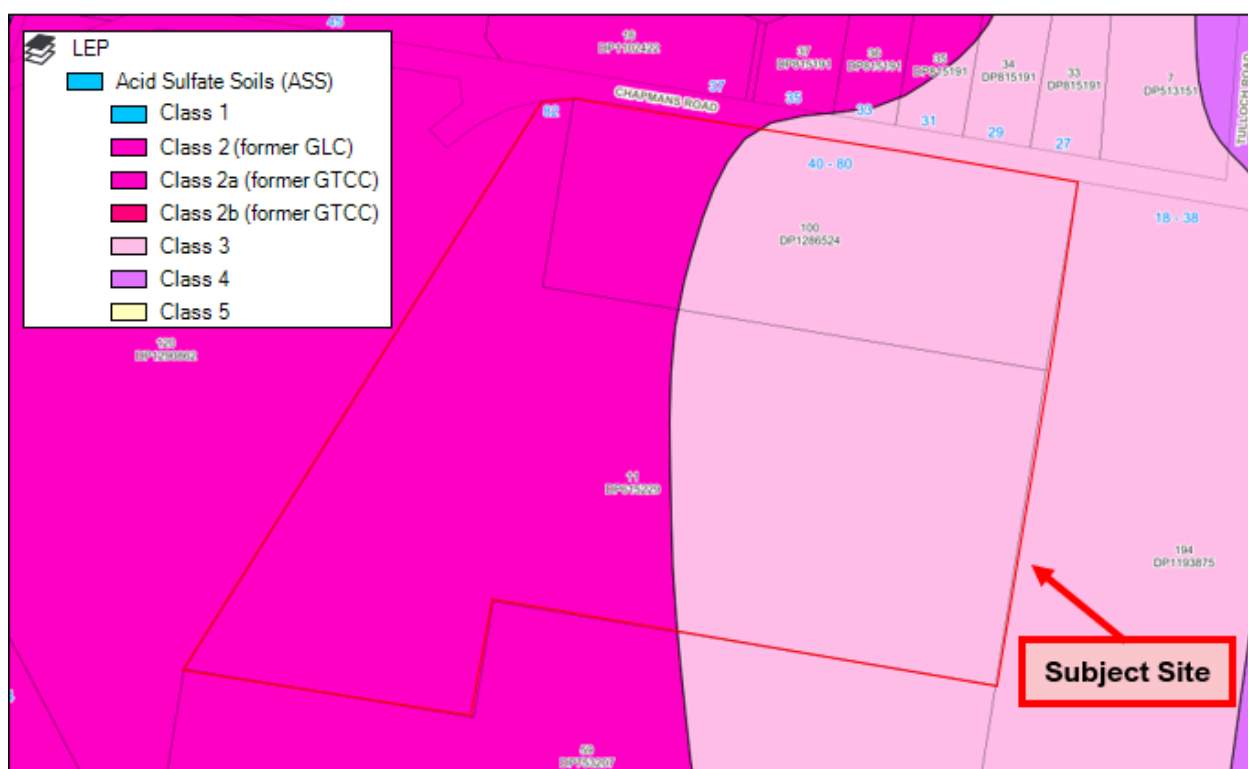


Figure 34: Acid Sulfate Soils Map
Source: MidCoast Council Maps

Subclause (2) is set out as follows:

- (3) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

| Class of Land | Works |
|---------------|--|
| 2 | <i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i> |
| 3 | <i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i> |

An Acid Sulfate Soils Assessment has been prepared for both Lot 100 (**Appendix M**) and Lot 11 (**Appendix M1**). As assessed, both lots include some area containing actual ASS and potential ASS.

As **Appendix M and M1** identifies the assessment of the site was undertaken on 1 and 2 August 2023 by an Engineer from Regional Geotechnical Solutions and involved:

- Review of previous geotechnical and geo-environmental assessment investigations undertaken within the vicinity of the site;
- Observation of site features and surrounding features relevant to the geotechnical conditions of the site;
- Logging and sampling of thirty-three test pits excavated using a track-mounted excavator; and
- Laboratory testing of representative samples.

Engineering logs of the test pits are presented in Appendix A of the report. Laboratory test results are presented in Appendix B of their report. The location of the test pits are identified in **Figure 35** overpage.

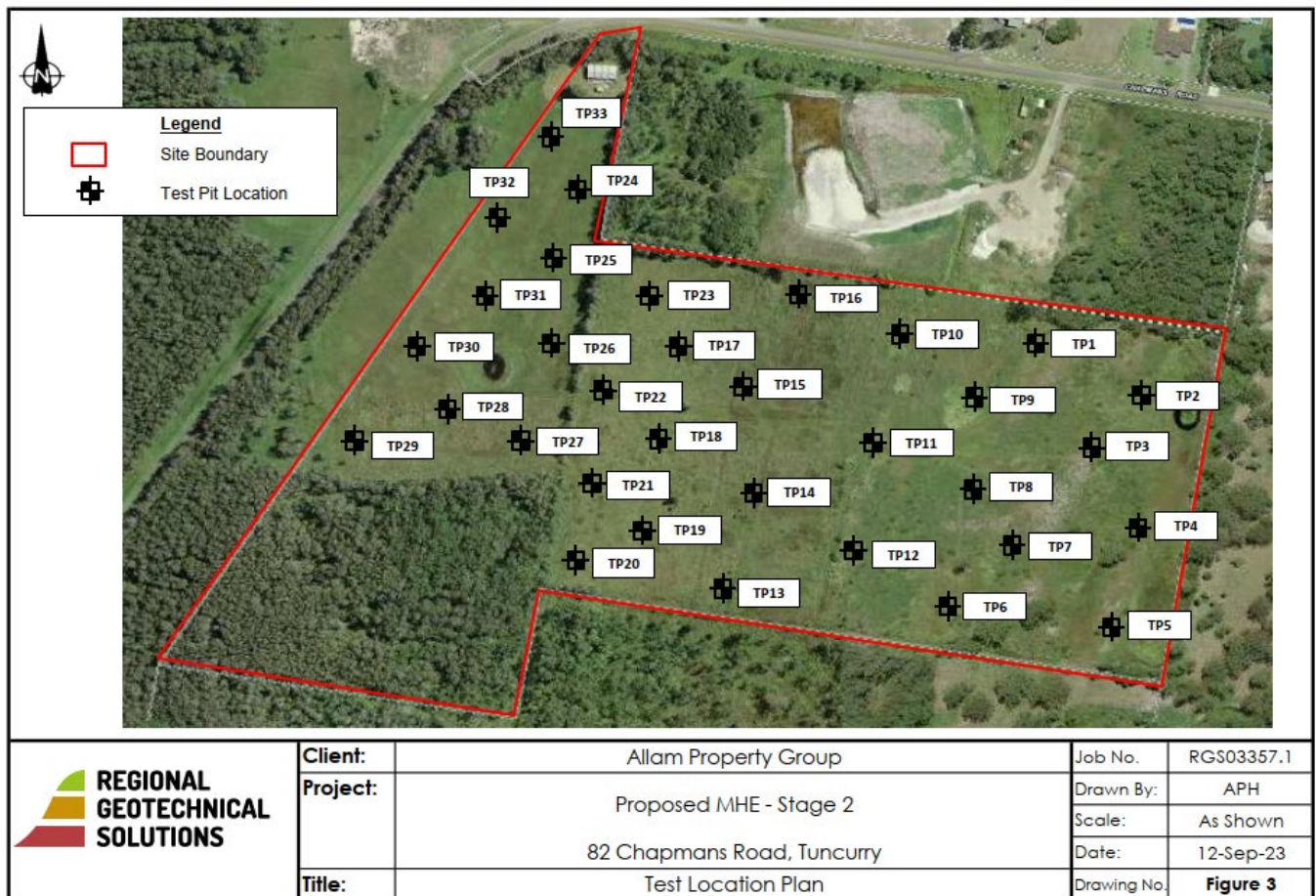


Figure 35: Acid Sulfate Soils Map
Source: Regional Geotechnical Solutions (Appendix M & M1)

Subclause (3) sets out as follows:

- (3) *Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.*

In accordance with Subclause 3, an Acid Sulfate Soils Management Plan (ASSMP) has been prepared for each lot; these plans are included within the Acid Sulfate Soils Assessment reports. The management plans evidence that the potential impact from acid sulfate soils can be managed appropriately. Noting that the MHE site will require filling, the ASSMP will be implemented for excavations into the natural ground profile.

Therefore, it is considered that objectives of Clause 7.1 of GLLEP2014 can be achieved, and the potential impact from acid sulfate soils will not be an impediment to the proposed lifestyle resort development. Any potential impacts can be managed appropriately through conditions of consent.

Further details are provided in **Appendix M** and **Appendix M1**.

Clause 7.2 Earthworks

Subclause (2) set out as follows:

- (2) *Development consent is required for earthworks unless—*
- (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) *the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

[illegible]

Clause 7.5 Stormwater Management

Subclause (2) sets out as follows:

- ## STATEMENT OF ENVIRONMENTAL EFFECTS

(f) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

A Water Cycle Management Plan (WCMP) has been prepared by ADW Johnson for the proposal and is included as **Appendix H**, and extracted in **Figure 27**.

In consideration of Clause 7.5 of GLLEP2014, the preparation of this WCMP has been undertaken to document stormwater management facilities for the proposed development. The WCMP has detailed how the proposed stormwater detention, water quality treatment, and erosion and sediment control infrastructure achieves the requirements outlined in the Great Lakes DCP, Water Sensitive Urban Design (WSUD) and stormwater drainage criteria specified by MidCoast Council. The context of the proposed development within the 'Western Precinct' has been considered by proposing and modelling stormwater management measures regarding detention, water quality and water balance.

Hydrological modelling indicated that the respective detention criteria for each proposed basin discharge location was met for all storm events up to and including the 1% AEP storm event. A mixture of standard pre-post detention and level spreader detention requirements governed each modelled facility based on the receiving downstream environment. Where site catchments drained to Chapmans Road and didn't achieve detention requirements, the bypass plus the detained flow from the rest of the site still greatly exceeded pre-post requirements in accordance with Section 4.4 of the Mid Coast Council Site Specific Stormwater Guidelines.

Water quality treatment has been modelled using the MUSIC software to demonstrate compliance of the proposed WSUD facilities with MidCoast Council's WSD Guidelines and Great Lakes DCP controls for the proposed development. A treatment train including devices such as rainwater tanks, sump pits, inlet sediment forebays, bioretention raingardens, and infiltration was shown to achieve the target reductions in pollutant loads specified in the Great Lakes DCP. In addition, the surface runoff criteria of no more than five (5) days on average per year, as outlined in the MCC WCP, was achieved for the proposed development. The Engineering plans, CENG Plans 410-415 provide details of stormwater catchment and layout plans, detailed plans of the four (4) basins and raingardens. An extract of the typical section of the basin and raingarden is provided at **Figure 37** overpage.

A discussion with the WCMP was provided which outlined that the proposed development did not adversely impact the mapped downstream wetland based on the modelling carried out and the proposed stormwater management principles and facilities.

A capacity assessment found that adequate capacity was available in the Chapmans Road reserve to convey the minor storm developed flows from the site. Additionally, a 450mm high x 1200mm wide box culvert was proposed to maintain flows within the public road corridor.

An erosion and sedimentation control plan will minimise the risk of erosion to disturbed areas and limit the transport of sediments from the proposed development to the downstream environment during construction. Refer to Engineering plans CENG 601 and 611 in **Appendix G**.

The information presented in the WCMP demonstrates that the proposed development at 40-80, 82 Chapmans Road, Tuncurry sustainably manages stormwater detention, water quality, and erosion and sediment control to minimise development impacts on the receiving environment. The WCMP demonstrates that the proposed stormwater management facilities for the proposed development complies with the Great Lakes DCP. Therefore, the objectives of Clause 7.5 to minimise the impacts of stormwater on land to which this clause applies and on adjoining properties, native bushland, groundwater, wetlands and receiving waters has been achieved.

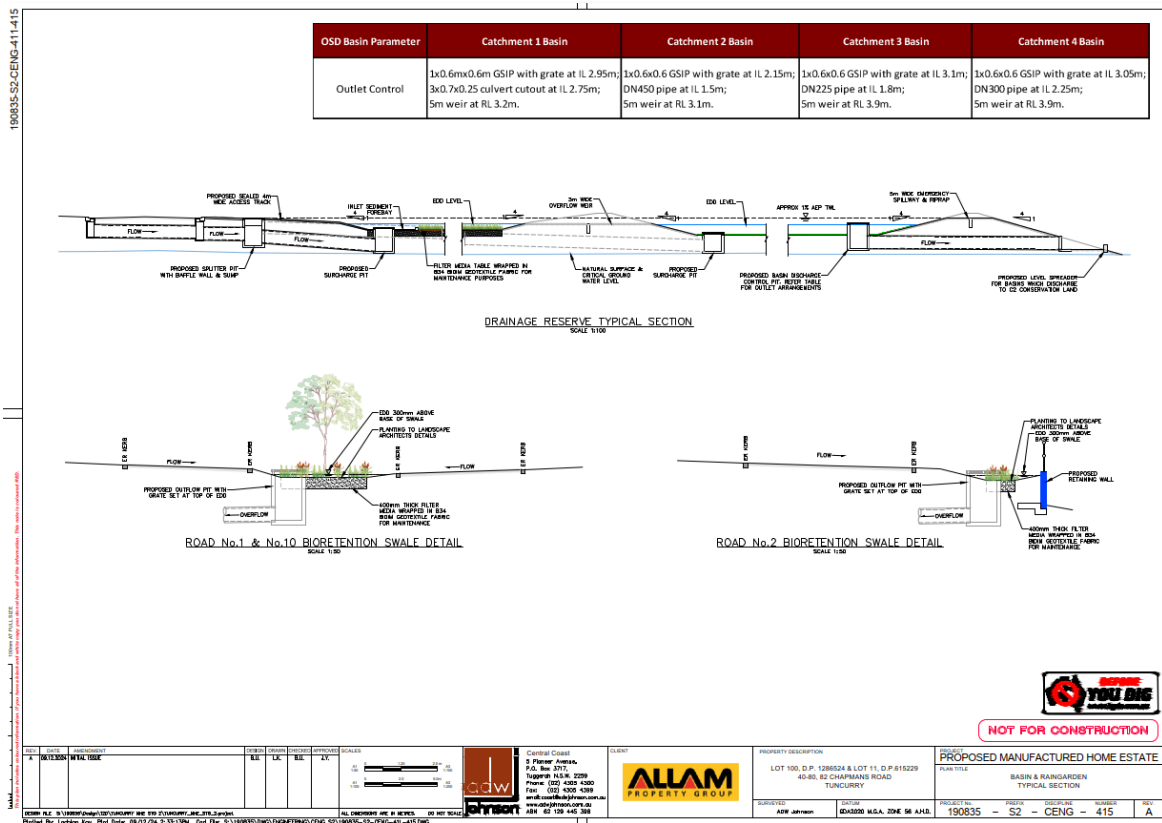


Figure 37: Typical Section of Basin and Raingarden
Source: ADW Johnson (Appendix G)

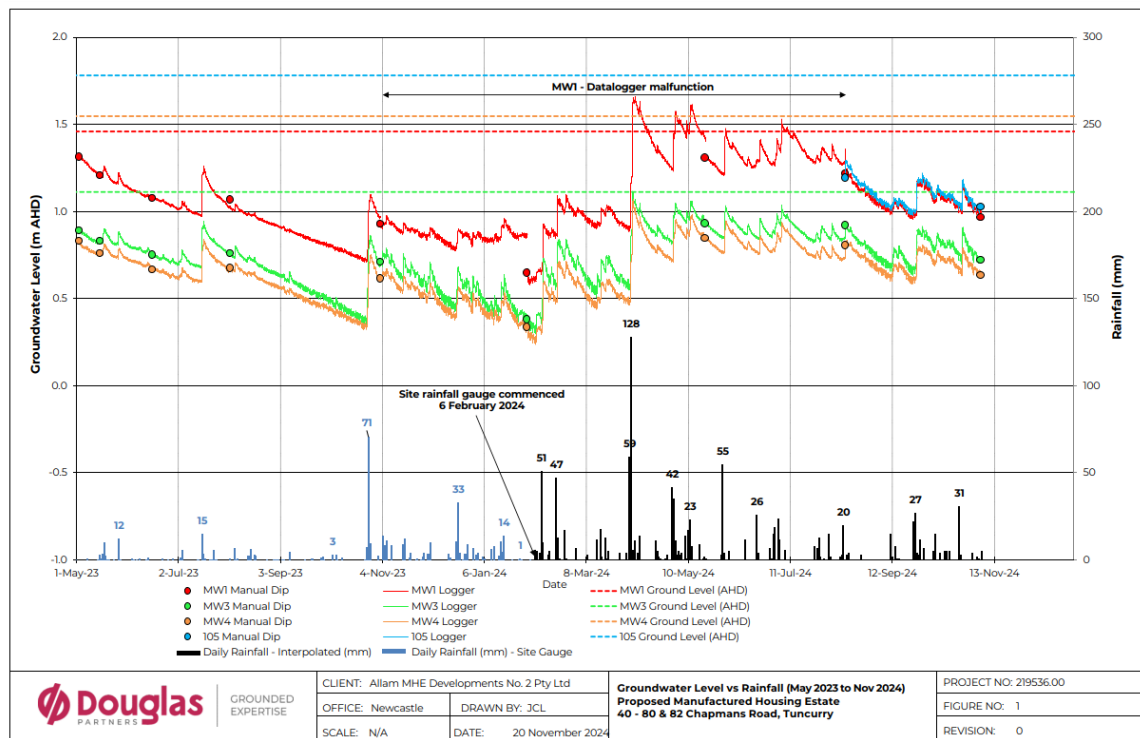


Figure 38: Groundwater Monitoring
Source: ADW Johnson (Appendix H1)

Groundwater monitoring of the site is ongoing by Douglas Partners. A Report of the Groundwater Study (November 2024) accompanies the DA (see **Appendix H1**). The current round of monitoring was undertaken on 5 November 2024 and comprised manual gauging of the groundwater monitoring wells and datalogger download. The groundwater monitoring is informing the design of the proposed stormwater management measures.

As the proposed MHE provides for multiple residential occupation and a community facility precinct and ancillary wash bay, dump point, maintenance shed etc all services essential to the development will be made available as required. The Concept Engineering Services Plan (**Appendix G**) details the existing and new services proposed throughout the development, and appropriate restrictions will be identified on the Deposited Plan and associated 88B Instrument where required. **Figures 23-26** above identify the proposed combined Services Plan for the development.

This DA seeks the relevant approvals from MidCoast Council to ensure connection to reticulated water supply and sewer services for proposed Lot 1 to service the MHE. A water supply for firefighting purposes has been provided and the design for hydrant coverage has been considered to meet fire protection purposes as required under the NSW RFS PBP2019. Additional sewer pump stations and associated infrastructure will be located on the site. Suitable vehicular access for residents, service and delivery vehicles, and firefighting purposes have been adopted throughout the estate. As addressed in previous sections, stormwater has been appropriately addressed. An electrical infrastructure review has been prepared by Power solutions (see **Appendix G1**).

Considering the above, Council can be satisfied that adequate arrangements have been made for all services essential to the proposed development.

4.1.3.5 Remaining LEP Mapping Layers

The following is noted with respect to the remaining mapping layers under the GLLEP2014:

- The site is not mapped on the Land Reservation Acquisition Map;
- The site is not mapped on the Urban Release Area Map;
- The site is not mapped on the Coastal Risk Planning Map;
- The site is not mapped on the Drinking Water Catchment Map;
- The site is not mapped on the Foreshore Building Line Map; and
- The site is not mapped on the Active Street Frontages Map.

4.1.4 State Environmental Planning Policy (Resilience and Hazards) 2021

4.1.4.1 Chapter 2 – Coastal Management

The aim of this Chapter is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*. This Chapter of the State Environmental Planning Policy (Resilience and Hazards) 2021 applies to land within the coastal zone, which includes coastal wetlands and littoral rainforests areas, coastal vulnerability areas, coastal environment areas, and coastal use areas.

Division 1 Coastal Wetlands and Littoral Rainforests Area

Section 2.7 Development on certain land within coastal wetlands and littoral rainforests area

Section 2.7(1) sets out that certain development on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map may only be carried out with development consent.

Section 2.7 (2) specifies that development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.

The site is not mapped as having “littoral rainforest” or being within proximity to such features. The southern portion of Lot 11 is mapped as containing land identified as “coastal wetlands” on the Coastal Wetlands and Littoral Rainforests Area Map (see **Figure 40**). The Coastal Wetland on the site is predominately contained within the C2 zoned land of this lot, with a small slither within R2 zoned land. The design of the proposed subdivision has ensured that all areas of coastal wetland have been included in proposed Part Lot 2. It is noted that no further fragmentation of, or works within the coastal wetland area is proposed under this DA. In this way, no works are proposed to be “carried out” on land identified as “coastal wetlands”.

For the avoidance of doubt, in a recent Land and Environmental Court ruling the Chief Judge (Preston CJ) considered that subdivision that included but did not fragment land mapped ‘coastal wetland’ was not designated development under the SEPP (Resilience and Hazard) 2021. See *Goldcoral Pty Ltd (Receiver and Manager Appointed) v Richmond Valley Council [2024] NSWLEC 77*. As such, the development is not considered to be designated development.

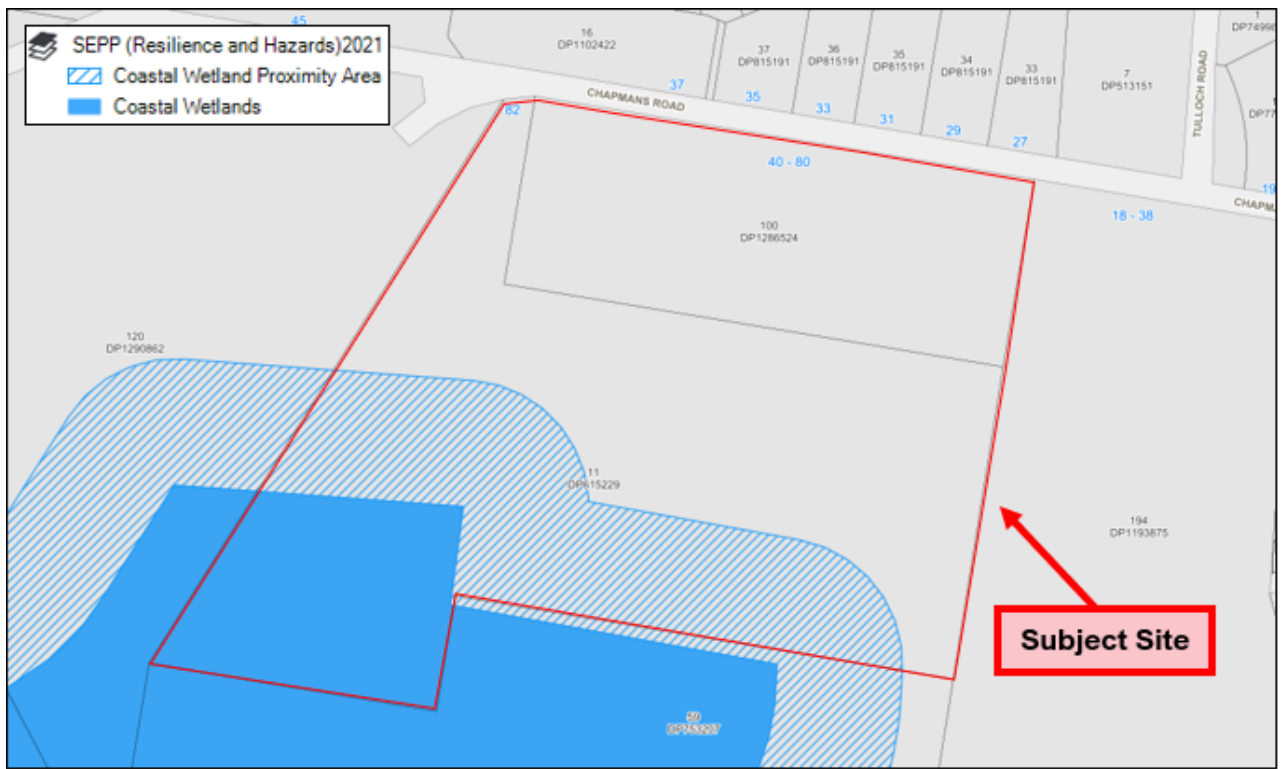


Figure 40: Coastal Wetlands and Littoral Rainforests Map
Source: SEPP (Resilience and Hazards) 2021

Section 2.8 Development on land in proximity to coastal wetlands or littoral rainforest

As shown in **Figure 40** above, a portion of Lot 11 contains land identified as “proximity area for coastal wetlands”, making Section 2.8 relevant to the proposed development.

Section 2.8 is set out as follows:

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—*
 - (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

To address the above sections of the SEPP (Resilience and Hazards) 2021, a WCMP has been prepared for the proposed development. See **Appendix H** and the below summary.

As identified in Chapter 6 of the WCMP (**Appendix H**) in accordance with Chapter 2, Part 2.2, Division 1, Section 2.8(1)(a) the proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest as discussed below:

The proposed development will not propose any works within the area mapped as ‘coastal wetlands’ (dark blue) within **Figure 40**, thereby not directly or physically impacting the mapped wetland area. The proposed development will not clear any land mapped as “wetland”, thereby protecting the ecology and existing vegetation of the adjacent coastal wetland.

The proposed development will mimic the overland hydrological regime of the existing site as demonstrated with the results and methodology presented in Section 4 of the WCMP report. For any developed catchment discharging to the southern boundary (where the existing wetland and buffer zone is mapped), the development greatly exceeds pre-post stormwater detention requirements. Additionally, all surface developed stormwater flows discharging to land mapped as ‘wetland’ or ‘C2 conservation land’ is proposed to discharge through a level spreader.

The proposed development meets MidCoast Council's level spreader criteria where discharging through a level spreader including ensuring the proposed development will not scour or damage existing vegetation within the wetland.

As demonstrated in Section 5 of the WCMP report, the proposed development will maintain the overland flow conditions and infiltration centric regime of the existing site. Based on 10 years of rainfall data, the proposed stormwater system has been modelled to discharge overland flow from the site less than 5 days in a given year on average. By infiltrating a majority of the stormwater runoff developed from the site after biological treatment to NorBe criteria, the proposed development will maintain the groundwater regime which currently nourishes the adjacent wetland and its associated ecosystem.

An erosion and sediment control plan has been developed to protect the downstream wetland from erosion and sediment caused by construction phase activities by proposing sediment capture devices and diverting dirty water from direct release to the wetland.

As identified in Chapter 6 of the WCMP (**Appendix H**) in accordance with Chapter 2, Part 2.2, Division 1, Section 2.8(1)(b) the proposed development will not significantly impact on the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest as discussed below:

The stormwater quantity regime of the existing site is preserved through the provision of rainwater tanks, infiltration/OSD basins, and level spreaders where discharging to C2 conservation land. Rainwater tanks have been proposed to promote stormwater harvesting and reuse, thereby reducing the quantity of stormwater and associated pollutants entering the stormwater network. Proposed infiltration facilities have been demonstrated to greatly exceed Mid Coast Council's pre and post detention requirements and also achieve the site-specific overland flow criteria (average of 5 days per year). The character of overland flow leaving the site has been preserved through the provision of level spreaders and rip rap scour protection to disperse and reduce the velocity of developed flows leaving the site.

Through a proposed treatment train involving stormwater harvesting, gross and suspended pollutant capture devices, and biological treatment with bioretention facilities, the proposed development has been modelled to achieve NorBe water quality targets. As modelling indicates the development will achieve NorBe targets over the modelled 10 year rainfall period, the development will maintain or improve the water quality currently experienced by the existing site.

Division 3 Coastal Environment Area

A portion of the site is mapped as being within the coastal environment area (**Figure 41**) making Division 3 of the Resilience and Hazards SEPP 2021 applicable to the proposed development. The coastal environment area occurs over a portion of land in the west of the site (see **Figure 41**).

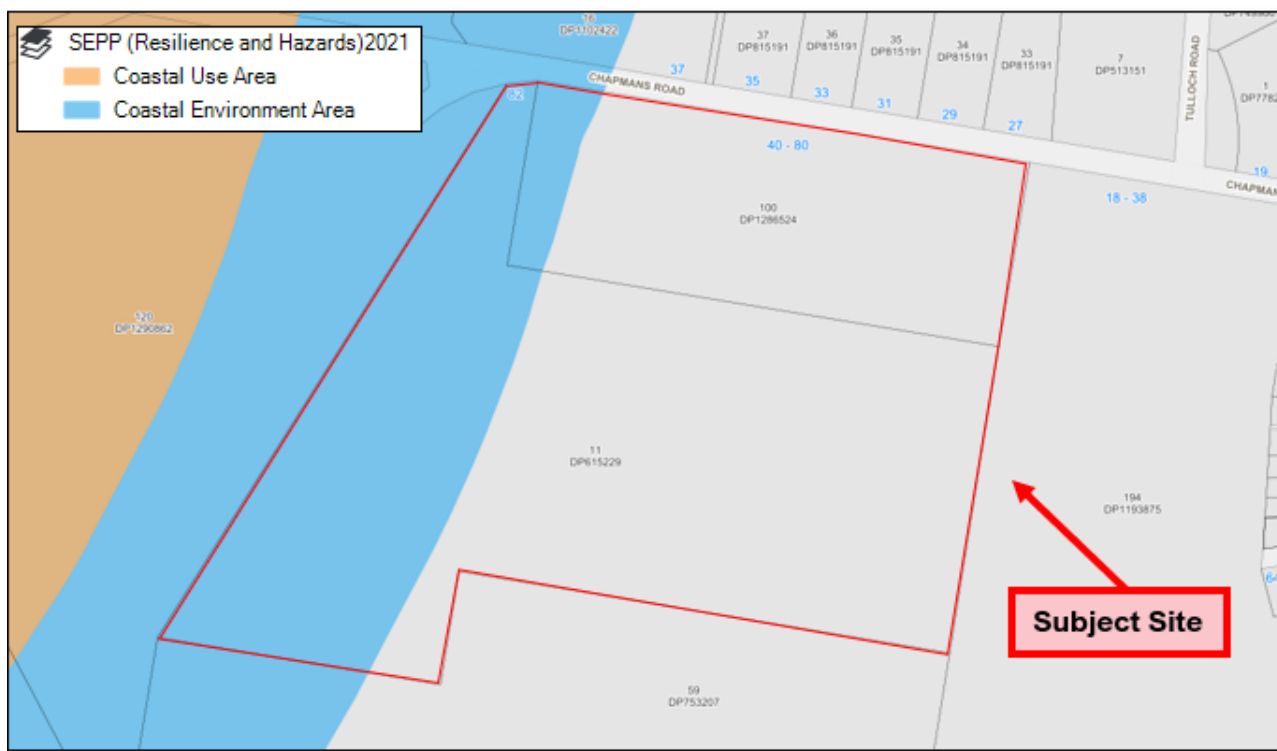


Figure 41: Coastal Use Area & Coastal Environment Area Map
Source: SEPP (Resilience and Hazards) 2021

As such, the provisions of Clause 2.10 “Development on land within the coastal environment area’ applies and is summarised in **Table 1** below:

Table 1: Chapter 2 Coastal Management Source: SEPP (Resilience and Hazards) 2021

| Subsection | Consideration |
|--|--|
| (1) <i>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—</i> | Supporting documentation has been provided, including the Water Cycle Management Plan (Appendix H), Groundwater Report (Appendix H1) and Biodiversity Assessment Report (Appendix O). These documents have considered and addressed potential impacts to the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment; which can be managed and protected appropriately throughout the development process. |
| (a) <i>the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i> | |
| (b) <i>coastal environmental values and natural coastal processes,</i> | The proposal will not adversely impact on the environmental values of the coastal zone or natural coastal processes. |
| (c) <i>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,</i> | The site is not in proximity to any sensitive coastal lake identified in <i>Schedule 1</i> . |
| (d) <i>marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i> | Native vegetation has been retained on site within all C2 zoned land. The proposal will have no impact on any marine vegetation, undeveloped headlands or rock platforms. |

| | |
|---|---|
| <i>(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</i> | The development is proposed entirely on private land and therefore development would not restrict existing public access to open spaces and coastal areas. |
| <i>(f) Aboriginal cultural heritage, practices and places,</i> | As discussed in the Archaeological Due Diligence Assessment Report (Appendix K), there are no Aboriginal heritage items or places located on the site or in proximity to the site. |
| <i>(g) the use of the surf zone.</i> | The site is not located within the surf zone. |
| <p><i>(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—</i></p> <p><i>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or</i></p> <p><i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p> | During the design phase, consideration of the coastal environment was given to avoid adverse impacts within the coastal environment area. As described above, it is considered that subsection (1) has been adequately satisfied. |
| <i>(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.</i> | Noted – The site is not within the Foreshores and Waterways Area. |

4.1.3.2 Chapter 4 – Remediation of Land

The object of this chapter of the Resilience and Hazards SEPP 2021 is to reduce the risk of harm to human health or any aspect of the environment through a state wide approach to the remediation of contaminated land.

Section 4.6 Contamination and remediation is set out as follows:

- (1) A consent authority must not consent to the carrying out of any development on land unless—
- (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Contamination Assessment for the proposed development has been provided in **Appendix N** and **Appendix N1** consecutively.

80-40 Chapmans Road

A Site Contamination Assessment prepared by Regional Geotechnical Solutions dated 14 September 2022, has been provided to address Section 4.6 of the Resilience and Hazards SEPP 2021 for Lot 100 (40-80 Chapmans Road) (see **Appendix N**). The objectives of this assessment were to characterise the nature and extent of soil contamination present on the site (if any); assess the suitability of the site for future residential land use; and provide recommendations for on-site management, the need and options for remediation and any further investigation and testing that is required.

Methodology

The NSW EPA (2022) Sampling Design: Contaminated Land Guidelines recommend that approximately fifty-five sampling points are required for characterisation of the contamination status of the proposed development area (approximately 5 hectares). Based on the above, 66 soil samples were collected from 55 test pits (TP1 to TP55) and 6 surface soil sample locations (SS101 to SS106).

Field work for the assessment was undertaken on 4, 5, 7 and 12 October 2022 by an Environmental Engineer from RGS and included:

- Site walkover of the AEC's to assess visible surface conditions and identify evidence of contamination, or past activities that may cause contamination;
- Logging and sampling of 55 test pits across the site using a track mounted excavator;
- Collection of 66 soil samples from the test pits and surface sample locations; and
- Installation of 4 groundwater monitoring wells and collection of groundwater samples from each of the wells.

The locations of the sampling points are shown on **Figure 42**. They were obtained on site and located by measurement relative to existing site features. Soil samples were taken from fill and natural soil using disposable gloves directly from the excavator bucket (test pits) and using hand tools (surface sample locations) which were decontaminated between sampling points using Decon90 detergent and deionised water. The samples were collected in acid-rinsed 250mL glass jars and placed in an ice-chilled cooler box.

Samples were transported under chain-of-custody conditions to ALS Laboratory Group, a NATA accredited specialist chemical testing laboratory, to be analysed for the following suite of contaminants.

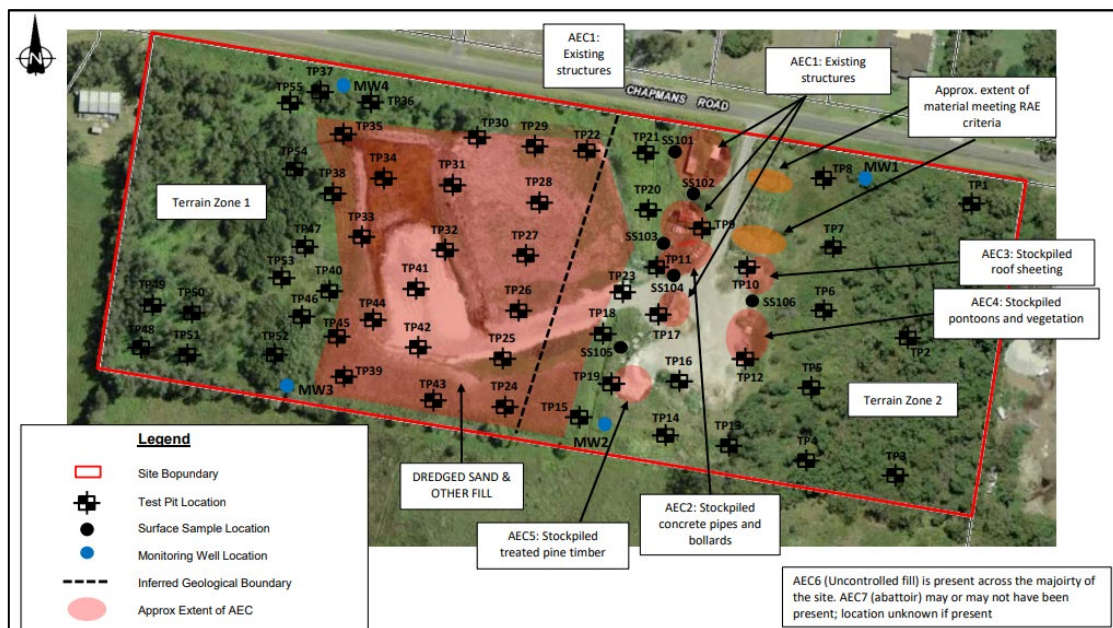


Figure 42: Sampling Point Locations
Source: Regional Geotechnical Solutions (Appendix N)

Conclusions and Recommendations

- The results indicate that the site soils and stockpiles of fill are suitable to remain onsite from a contamination perspective.
- It is recommended that an Asbestos Management Plan be prepared by a suitably qualified person in accordance with the NSW WorkCover Code of Practice (How to Manage and Control Asbestos in the Workplace), to facilitate the removal of the identified ACM. This is likely to involve visual identification and removal of asbestos fragments from the site by licensed asbestos removal contractors. Additional sampling may be required if a significant proportion of fine asbestos material is detected during the removal works.
- It is also recommended that the concrete pipes and bollards, roof sheeting, gangway, pontoons and treated pine logs be removed and disposed of at a licenced landfill or recycling facility; or stored at an alternative location.

- On the basis of the elevated heavy metals present in groundwater, it is recommended that some ongoing periodic groundwater monitoring be undertaken to identify trend changes in groundwater quality.
- Should any materials suspected of being contaminated (by way of visual or olfactory evidence) be encountered during development of the site, particularly in the vicinity of the former structures and stockpiled materials, it is recommended that advice from a suitable qualified and experienced environmental consultant be sought without delay.
- Should any of the fill materials present onsite require removal off site, it is recommended that advice from a suitable qualified and experienced environmental consultant be sought to evaluate whether additional sampling and testing is required in accordance with the Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 – the Excavated Natural Material (ENM) Order 2014 or alternatively, in accordance with NSW EPA 2014 Waste Classification Guidelines.
- Material imported to the site for filling should be accompanied by either Virgin Excavated Natural Material (VENM) or ENM documentation.

The full assessment report is attached as **Appendix N**, and concludes that based on the results obtained in this investigation and the NEPM 2013 guidelines, it is considered that the site can be made suitable for the proposed residential land use with regard to the presence of soil contamination, provided the recommendations and advice of the report are adopted, and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements.

Addendum

In response to asbestos removal and asbestos clearance work that has been undertaken since the above recommendations, Regional Geotechnical Solutions has prepared an Addendum to the above discussed contamination report for Lot 100; this is provided as **Appendix N1**.

Asbestos Clearance

In accordance with the findings of Stage 1 assessments, asbestos clearance works were undertaken as follows:

- Removal of asbestos cement sheet debris to the ground surface in the vicinity of the dilapidated structures to the central northern portion of the site; and
- Turkey picking of the ground surface to a distance of 30 metres from the dilapidated structures to remove any detectable asbestos cement sheet debris to the ground surface.

The above works were completed on 15th November 2024. To confirm these works, an Asbestos Clearance Report has been provided for Lot 100 (see **Appendix N2**).

In accordance with the Contamination Assessment and Asbestos Clearance Report prepared for the lot, and the DA consent, it is considered that from a contamination perspective Lot 100 can be made suitable for the proposed development.

82 Chapmans Road

A Site Contamination Assessment, dated 4 September 2023, has been prepared by Regional Geotechnical Solutions to address Section 4.6 of the Resilience and Hazard SEPP for Lot 11 (82 Chapmans Road) (see **Appendix N3**). The objectives of this assessment were to provide a preliminary assessment of the potential for soil contamination to be present on the site.

Based on available data the chronological development of the site is summarised below:

- Land title information indicates that the site has been owned by various individuals and companies with farmers being listed as owners between 1916 and 1922;
- Historically, the site is likely to have been used for low intensity farming and grazing activities and/or unused land;
- The existing shed located in the north-west corner of the site appears to have been constructed sometime between 1980 and 1997;
- The existing farm dams in the central-west and north-east corner of the site appear to have been constructed between 1980 and 1997;
- With the exception of the above, the site layout appears to have changed little over time; and

- The majority of the site comprising open paddocks has remained largely unchanged over the last 70 years with the exception of some vegetation clearing and re-growth.

Methodology

Using the methodology set out in the NSW EPA (2022) Sampling Design Guidelines, a minimum of 195 sampling locations to characterise a site of 16.3 hectares would be needed where a systematic sampling pattern is adopted to detect a hotspot of 33.5m diameter with a 95% level of confidence. Due to the preliminary nature of the assessment and on the basis of the site history, at this stage targeted sampling was considered appropriate and six sampling locations were selected using a judgemental approach based on the identification of Areas of Environmental Concern. Six soil samples (SS1 to SS6) were collected from targeted locations within the site.

Field work for the assessment was undertaken on 13 July 2023 and included:

- Site walkover to assess visible surface conditions and identify evidence of contamination, or past activities that may cause contamination (if any); and
- Collection of six soil samples by an Environmental Engineer.

The locations of the sampling points are shown on **Figure 43**. They were obtained on site and located by measurement relative to existing site features. Soil samples were taken from fill and natural soil using disposable gloves and hand tools which were decontaminated between sampling points using Decon90 detergent and deionised water. The samples were collected in acid-rinsed 250mL glass jars and placed in an ice-chilled cooler box.

Samples were transported under chain-of-custody conditions to ALS Laboratory Group, a NATA accredited specialist chemical testing laboratory, to be analysed for the following suite of common potential contaminants.

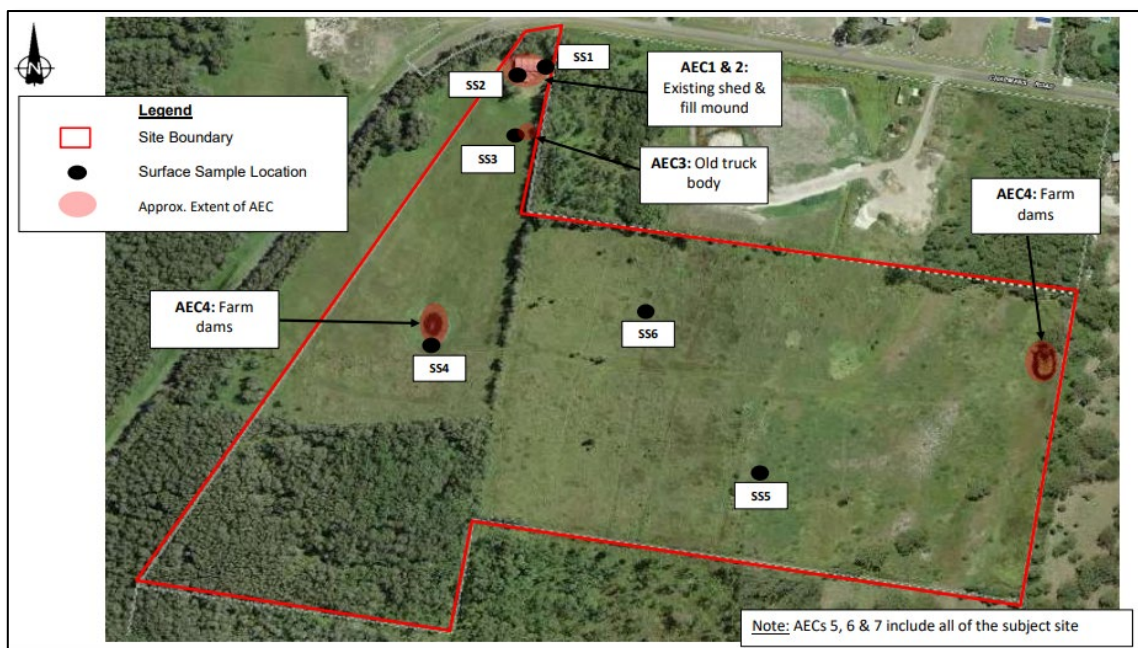


Figure 43: Sampling Point Locations
Source: Regional Geotechnical Solutions (Appendix N)

Conclusions and Recommendations

- It is recommended that some nominal soil sampling be undertaken within the existing shed footprint and adjacent areas following its removal. Soil samples should be analysed for a broad suite of contaminants and asbestos and physio-chemical properties of the soil should be determined to facilitate calculation of soil specific EILs to further assess risk to potential ecological receptors.
- It is recommended that a licenced asbestos assessor be engaged to undertake a Hazardous Materials Survey (HMS) of the existing shed if it is to be demolished.

- Should evidence of contaminated soils such as hydrocarbon odour and staining be identified following the removal of the old truck body then an experience consultant should be engaged without delay. Additional soil sampling beneath the old truck body may then be required.
- Should any fill materials be encountered that require removal off site, assessment for a Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 in accordance with the Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 – the Excavated Natural Material (ENM) Order 2014, will be required.
- The investigation works undertaken were of limited scope and provide a preliminary assessment of identified AECs. Should any materials suspected of being contaminated (by way of visual or olfactory evidence) be encountered during development of the site, it is recommended that advice from a suitably qualified and experienced environmental consultant be sought without delay.

The full assessment report is attached as **Appendix N3**, and concludes that based on the results obtained, it is considered that the site can be made suitable for the proposed residential land use with regard to the presence of soil contamination if the recommendations and advice of this report are adopted, and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements.

Considering the above and the attached supporting documentation, it is considered that in accordance with Chapter 4 of the Resilience and Hazards SEPP 2021, the site can be made suitable for the purpose of the proposed MHE.

4.1.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.1.4.1 Chapter 2 – Infrastructure

Chapter 2 of the Transport and Infrastructure SEPP 2021 aims to facilitate the effective delivery of infrastructure across the State and as such, applies to the whole state unless otherwise specified in the Chapter.

Division 5 Electricity transmission or distribution

As per *Chapter 2 'Infrastructure', Part 2.3 'Development Controls', Division 5 'Electricity transmission or distribution', Subdivision 2 'Development likely to affect an electricity transmission or distribution network', Section 2.48 under State Environmental Planning Policy (Transport and Infrastructure) 2021*, outlines work that require referrals to the electricity supply authority.

Section 2.48 is set out as follows:

- (1) *This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—*
 - (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
 - (b) *development carried out—*
 - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) *immediately adjacent to an electricity substation, or*
 - (iii) *within 5m of an exposed overhead electricity power line,*
 - (c) *installation of a swimming pool any part of which is—*
 - (i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
 - (d) *development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*
- (2) *Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—*
 - (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
 - (b) *take into consideration any response to the notice that is received within 21 days after the notice is given*

Referral to Essential Energy is required. Power Solutions has provided an Electrical Infrastructure Review (see **Appendix G1**) and an Essential Energy Enquiry Planning Assessment (see **Appendix G2**). Any matters raised can be addressed through the DA assessment and where appropriate conditions of consent.

Division 17 Roads and Traffic

As per *Chapter 2 'Infrastructure', Part 2.3 'Development Controls', Division 17 'Roads and road traffic' Subdivision 2, 'Development in or adjacent to road corridors and road reservation', Clause 2.122 'Traffic-generating development' under State Environmental Planning Policy (Transport and Infrastructure) 2021* provisions are outlined for traffic-generating development, and where referral for certain types of development to Transport for NSW (TfNSW) is required.

Section 2.122 is set out as follows:

- (1) *This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—*
 - (a) *new premises of the relevant size or capacity, or*
 - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this section, relevant size or capacity means—*
 - (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2 outlines that development is considered traffic generating if the following is achieved:

| Column 1 | Column 2 | Column 3 |
|------------------------|---|--|
| Purpose of development | Size or capacity—site with access to a road (generally) | Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road) |
| Any other purpose | 200 or more motor vehicles per hour | 50 or more motor vehicles per hour |

Motor vehicle access is proposed to Chapmans Road which has connection to a classified road, this being The Lakes Way. However, access to the site is not within 90m of this connection.

A Traffic and Parking Assessment (TPA) has been prepared by Intersect Traffic for the proposed development (see **Appendix P**). This assessment concludes that the adoption of a peak hour traffic generation of 0.4 vehicle trips per hour (vtph) per dwelling for this development will result in a robust worst-case assessment of the impact of the development. This results in an AM & PM peak hour traffic generation of 114 vtph in the AM and PM peak or 595 vehicle trips per day (vtphd).

As such, the proposed MHE will not generate 200 or more motor vehicles per hour, and is therefore not considered to be traffic generating development under the Transport and Infrastructure SEPP 2021.

4.1.5 State Environmental Planning Policy (Housing) 2021

4.1.5.1 Chapter 3 – Diverse Housing

Part 8 Manufactured Home Estates

The aims of Part 8 of the Housing SEPP 2021 are as follows:

- (1) *The aims of this Part are—*

- (a) 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, and
- (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Part, and
- (c) to encourage the provision of affordable housing in well designed estates, and
- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and
- (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and
- (f) to protect the environment surrounding manufactured home estates, and
- (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

Table 2 below addresses the relevant sections of Part 8.

Table 2: Part 8 Manufactured Home Estates Source: SEPP (Housing) 2021

| Clause 122 Where development for the purpose of a manufactured home estate may be carried out | |
|--|---|
| Development for the purposes of a manufactured home estate may be carried out pursuant to this Part on any land on which development for the purposes of a caravan park may be carried out, except— <ul style="list-style-type: none"> (a) land within one or more of the categories described in Schedule 6, or (b) land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i>, or (c) land within a Crown reserve. | <p>Caravan parks are a permissible land use on the site under the <i>R2 Low Density Residential</i> zoning of the site.</p> <p>The site does not fall within any category of excluded land described in Schedule 6, and is not land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i>, and is not within a Crown reserve.</p> <p>Therefore, the proposed development for the purposes of a manufactured home estate is permissible on the site.</p> |
| Clause 123 Development consent required for manufactured home estates | |
| (1) Development for the purposes of a manufactured home estate permitted to be carried out by this Part may be carried out only with the development consent of the council. | This SEE accompanies an application to MidCoast Council for development consent for an MHE. Once approved a Section 68 approval for operation of the MHE and installation of dwellings will be provided to MidCoast Council. |
| (2) A council must not consent to any such development unless it imposes, as a condition of the consent, a requirement that an approval to operate a manufactured home estate on the land on which the development is to be carried out must be obtained under Part 1 of Chapter 7 of the <i>Local Government Act 1993</i>. | Noted – A condition of consent imposing a requirement to obtain an ‘approval to operate an MHE’ under the <i>Local Government Act 1993</i> is expected. |
| (3) Nothing in this Part requires a separate development consent to authorise the placing of each manufactured home within a manufactured home estate. | Noted – A Section 68 approval will be sought for the installation of the manufactured homes. |
| Clause 124 Subdivision of manufactured home estates | |
| (1) Land on which development for the purposes of a manufactured home estate may be lawfully carried out (whether or not because of a development consent granted pursuant to this Part) may be subdivided— <ul style="list-style-type: none"> (a) under section 289K of the <i>Local Government Act 1919</i> for lease purposes, or (b) under the <i>Community Land Development Act 1989</i>, only with the development consent of the council. | Noted - The proposal does not include land to be subdivided for lease purposes under section 289K of the <i>Local Government Act 1919</i> . |

| | |
|--|---|
| (2) A council must not grant a development consent for such a subdivision if any of the lots intended to be created by the proposed subdivision would contravene a requirement of the <i>Local Government (Manufactured Home Estates) Transitional Regulation 1993</i> . | Noted – No subdivision within the MHE footprint is proposed. This clause not impact the boundary amendment / subdivision proposed as part of this DA. |
| (3) Any prohibition or restriction on the subdivision of land imposed by any other environmental planning instrument (whether made before or after this Part) does not apply to such a subdivision. | Noted |
| (4) This Part does not allow the subdivision of land within a Crown reserve. | Noted – No subdivision is proposed of land with a Crown reserve. |
| 125 Matters to be considered by councils | |
| <p>(1) A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only if it is satisfied—</p> <ul style="list-style-type: none"> (a) that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and (b) that the manufactured home estate is or will be provided with adequate transport services, and (c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and (d) that the development will not have an adverse effect on any— <ul style="list-style-type: none"> • conservation area • heritage item • waterway or land having special landscape, scenic or ecological qualities, which is identified in an environmental planning instrument applicable to the land concerned. | <ul style="list-style-type: none"> (a) The site is proposed to be adequately serviced by infrastructure. For further detail see Combined Servicing Plan in the Concept Engineering Plans at Appendix G. (b) There is a bus stop approximately 440m from the site on Chapmans Road. The site will be serviced with a community bus to ensure residents are provided with adequate transport services. (c) The lifestyle resort residents will utilise the existing shops and facilities in the local area. The resort is conveniently located within proximity of the existing business and commercial areas of Tuncurry. Several community activities and communal facilities are proposed on-site within the community facility precinct and community building for resident use and enjoyment. (d) The development will have no adverse impact upon heritage, waterways, scenic or ecological values. For further detail refer to specialist consultant reports accompanying this SEE. |
| <p>(2) A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only after it has considered the following—</p> <ul style="list-style-type: none"> (a) the cumulative impact of the proposed development and other manufactured home estates in the locality, (b) any relevant guidelines issued by the Director, (c) the provisions of the <i>Local Government (Manufactured Home Estates) Transitional Regulation 1993</i>. | <ul style="list-style-type: none"> (a) A Social Impact Assessment has been prepared (see Appendix U) which considers the cumulative impact from approval of the MHE in the locality. The popularity of the nearby lifestyle resorts demonstrates a demand for this high-quality form of housing in the area. (b) Noted. Relevant Planning Circulars have been considered. (c) N/A – The 1993 Transitional Regulation provisions have now been superseded by the adoption of the Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. An assessment of the LG MHE Reg 2021 is provided at Appendix R. |

4.1.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.1.6.1 Chapter 4 – Koala Habitat Protection 2021

Chapter 4 of the Biodiversity and Conservation SEPP 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Chapter 4 of the Biodiversity and Conservation SEPP 2021 applies to the proposed development due to the following:

- The land being located within the Mid Coast Council LGA which is listed under the SEPP [Part 4.1, Section 4.4(1) being an LGA listed in Schedule 2];
- There being no approved Koala Plan of Management for the subject site;
- The land contains trees listed under the Schedule 3 Koala Use Tree species; and
- The land has an area of more than 1 ha (including adjoining land within the same ownership).

To address the Biodiversity and Conservation SEPP 2021 requirements a Koala Assessment Report (KAR) has been prepared by MJD Environmental and is provided at Appendix J of the BDAR (see **Appendix O**). The report is summarised below.

A review of the OEH BioNet Atlas using a search of the locality, revealed the site, on which the proposed development is to occur, has four existing records occurring within 2.5 km in the last 18 years. These records being a resulting factor of local bushfire events, and a further 7 historic records within 10km. However, when cross referenced with a Sydney-Hunter Sub-IBRA region BioNet search there is a single record within a 10km buffer of the site. Koala use tree species listed under Schedule 3 of the Biodiversity and Conservation SEPP 2021 occur within the development footprint and constitute at least 15% of the total number of trees in the upper stratum, therefore 'koala habitat' is present in accordance with the SEPP definition.

During the BDAR assessment, formal surveys to target the Koala were undertaken by MJD Environmental. There were no scratch marks displayed on trees within the site and no recent secondary indications such as belly rubs, loose fur nor scats were detected. Despite presence of suitable habitat (through Koala use tree species), there was no recent evidence of Koala presence in or around the site observed during any of the survey efforts. No Koalas were observed during spotlighting and / or opportunistic observation, and no Koala scats were identified around the base of any Koala use trees during the SAT search.

The proposed location of the development is situated in an area of historic disturbance. The proposal will remove no more than 12.05 ha of native vegetation with 8.5 ha of this consisting of managed and derived native grasslands. The proposed development should not further impede the movement by Koalas across the landscapes as movement is already limited due to large areas of open grassland. The development will not further impact recovery and / or expansion of Koala populations as the areas of highest value within the Subject Area are to be retained as part of the proposal.

Within the BDAR, a plan to manage and protect the Koalas and their habitat is provided (extracted overpage in **Table 3**).

Owing to the lack of evidence of Koala use within the site, it is not considered necessary to prescribe monitoring/adaptive management plans or compensatory measures for the proposal. The proposal should not impact the connectivity of the Site within the wider area, nor the ability of any Koala's present to move through the surrounding landscape.

For further detail in this regard see **Appendix O**.

Table 3: Plan to Manage and Protect Koalas and their Habitat Source: Appendix O

| Impact | Management measures |
|---|---|
| Vehicle strike | Traffic speed limits throughout the site during construction (10-20 km/hr) and 50km thereafter. |
| Noise and light disturbance | Suitably qualified ecologist or similar to inspect vegetation for all fauna (Inc. Koalas) before development commences, including surrounding trees to Subject Site. If a koala is identified during construction, temporary suspension of works that might disturb the koala and / or prevent from moving itself to adjacent undisturbed habitat. |
| Introduction or spread of disease, Edge effects | Ensure that all equipment is free of plant material and soil that may contain weed seeds or soil-borne diseases prior to entering the subject site. Vehicles should be washed down at an appropriate location where weeds are regularly managed prior to commencing work. If machinery is transported from an area of confirmed infection of <i>Phytophthora cinnamomi</i> or Exotic Rust Fungi to the subject site, stringent wash down must be completed before leaving the area, removing all soil and vegetative material from cabins, trays, and under carriages; |
| Disturbance to Koala habitat | Ensure the extent of clearing is clearly marked in the field prior to the commencement of vegetation clearing. Ensure that only the minimum vegetation clearing required is undertaken. Suitably qualified ecologist or similar to inspect vegetation for all fauna (Inc. Koalas) before development commences. If a koala is identified during construction, temporary suspension of works that might disturb the koala and / or prevent from moving itself to adjacent undisturbed habitat |

4.1.7 State Environmental Planning Policy (Planning Systems) 2021

4.1.7.1 Chapter 2 – State and Regional Development

Chapter 2 'State and Regional Development, Part 2.2 'State significant development' under State Environmental planning Policy (Planning Systems) 2021, nominates provisions for development that is considered to be State significant.

As stipulated in Section 2.6 'Declaration of State significant development: section 4.36':

- (1) Development is declared to be State significant development for the purposes of the Act if—
- the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and
 - the development is specified in Schedule 1 or 2.

The proposed development is permissible on the land by the operation of an environmental planning instrument (GLLEP2014 and Housing SEPP 2021), and is not specified in Schedule 1 or 2 of the Planning Systems SEPP 2021. As such, the proposed development is not considered to be state significant development for the purpose of the EP&A Act.

Development that is considered to be regionally significant is nominated in Part 2.4 'Regionally significant development'. Section 2.19 'Declaration of regionally significant development: section 4.5(b)' stipulates that development specified in Schedule 6 of the Planning Systems SEPP 2021 is declared to be regionally significant development for the purposes of the EP&A Act.

Schedule 6 of the Planning Systems SEPP 2021 specifies that “general development” with an estimated cost of more than \$30 million is nominated as regionally significant development. The proposed development is valued under \$30 million and as such, it is not considered to be regionally significant development.

As the Corbett Scott Quantity Survey Estimated Development Cost (EDC) Report (see **Appendix Y**) identifies, the total EDC will be \$29,945,747.13 (inclusive of GST). Consequently, the proposal is not considered to be regionally significant development.

4.1.8 State Environmental Planning Policy (Sustainable Buildings) 2022

In accordance with *Part 4 ‘Determination of development applications’, Division 2 ‘Conditions of development consent – the Act, s 4.17(11), Subdivision 1 ‘Development generally’, Clause 75 ‘Fulfilment of BASIX commitments’ of the Environmental Planning and Assessment Regulation 2021*, where required a BASIX certificate must be fulfilled.

Clause 75 of the EP&A Reg 2021 states:

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

- (a) BASIX development,*
- (b) BASIX optional development, if the development application was accompanied by a BASIX certificate*

Concurrently, in accordance with Chapter 3 ‘Standards for Non-residential Development’, Section 3.1 ‘Application of this Chapter of the State Environmental Planning Policy (Sustainable Buildings SEPP) 2022 identifies when BASIX applies to non-residential development.

Section 3.1(1)(a) of the Sustainable Building SEPP 2022 states:

- (1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—*
 - (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or*
 - (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.*

Accordingly, Section 3.2 ‘Development consent for non-residential development’ of the Sustainable Building SEPP 2022 states:

- (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*
 - (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
 - (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
 - (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
 - (d) the generation and storage of renewable energy,*
 - (e) the metering and monitoring of energy consumption,*
 - (f) the minimisation of the consumption of potable water.*

BASIX does not apply to Manufactured Homes Estates. BASIX only applies to ‘residential building work’ as designed in the *Home Building Act 1989*. To fit this definition a structure must be considered as a ‘building’. The only proposed ‘building’ in the DA subject to Section J is the clubhouse, maintenance shed, wash bay, gates, fences etc.

The *Local Government Act 1993* specifically excludes manufactured homes from its definition of ‘building’. The actual operation and subsequent installation of manufactured homes does not necessarily form part of this development consent. The actual installation of manufactured homes will be carried out under Clause 9 of the LG MHE Reg 2021 which identifies conditional exemptions, or a Section 68 ‘installation’ approval framework under an Approval to Operate under Section 68, Part F3 of the *Local Government Act 1993* after a development consent has been granted. A BASIX Certificate for the proposed dwellings within the resort lifestyle development is not required.

In reviewing the Corbett Scott Quantity Survey EDC Report (see **Appendix Y**) the development has an EDC building cost of \$2,890.349 (excluding GST). Consequently, the Sustainable Building SEPP 2022 does not apply to the proposed development or this DA application.

4.1.9 State Environmental Planning Policy (Industry and Employment) 2021

4.1.9.1 Chapter 3 – Advertising and Signage

The proposed MHE includes entry signage at the front of the estate which displays the name and logo of the estate; that being “Sorrento Tuncurry”. This signage is to be mounted to stone walls on either side of the entry into the estate, refer to **Figure 44** and extracted from **Appendix F** landscape plans.



Figure 44: Propsoed Entry Signage
Source: Terras Landscape Architects (Appendix F)

As this signage is visible from Chapmans Road the provisions of *Chapter 3 ‘Advertising and Signage’* of State Environmental Planning Policy (Industry and Employment) 2021 therefore apply.

Part 3.2 – Signage Generally

Chapter 3 ‘Advertising and signage’, Part 3.2 ‘signage generally’, Section 3.6 ‘Granting of consent to signage’, Sub-Section (a) of the Industry and Employment SEPP 2021 requires that the consent authority be satisfied that the proposal is consistent with the aims and objectives of the policy.

Section 3.1(1)(a) of the Industry and Employment SEPP 2021 states:

- (1) *This Chapter aims—*
 - (a) *to ensure that signage (including advertising)—*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
 - (b) *to regulate signage (but not content) under Part 4 of the Act, and*
 - (c) *to provide time-limited consents for the display of certain advertisements, and*
 - (d) *to regulate the display of advertisements in transport corridors, and*
 - (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

In consider Section 3.6(a), the proposed signage is considered to be consistent with the aims and objectives above, noting the following:

- The signage proposed is of high-quality design and finish which is compatible with the visual character of the desired residential character of the site;
- The proposed signage does not comprise advertising, nor does it impact any transport corridors; and

- The proposed signage will result in public benefit through providing signage in a suitable location at the entrance to the estate; will enhance the visual amenity; and provide identification of the estate in a way that is consistent and complimentary with the surrounding landscape and residential character of the locality.

Part 3.2, Section, 3.6(b) also requires a consent authority to consider the assessment criteria within Schedule 5 of the Industry and Employment SEPP 2021.

The provision of Schedule 5 in relation to the proposed signage is addressed in **Table 3** below.

Table 3: Schedule 5 Source: SEPP (Industry and Employment) 2021

| STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021 | |
|--|--|
| SCHEDULE 5 ASSESSMENT CRITERIA | |
| 1 Character of the Area | |
| Requirements | Complies? |
| <ul style="list-style-type: none"> • <i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i> • <i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i> | <p>Yes</p> <p>The entry signage to the proposed MHE is compatible with the style typically used to identified residential housing estates. In this way, the signage is consistent with the desired low density residential character for the western precinct of Chapmans Road, Tuncurry; as established in the <i>Great Lakes DCP 2014</i>.</p> <p>There is no particular theme for outdoor advertising in the area.</p> <p>The proposed signage is therefore considered to be compatible with the locality, both in terms of the existing and future character of the area.</p> |
| 2 Special Areas | |
| Requirements | Complies? |
| <ul style="list-style-type: none"> • <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i> | <p>Yes</p> <p>The proposed signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes, or residential areas.</p> <p>The signage is located within an area identified for residential development and is consistent with the scope and scale of signage located within such an area. No conflicts in relation to any special areas are therefore anticipated.</p> |
| 3 Views and Vistas | |
| Requirements | Complies? |
| <ul style="list-style-type: none"> • <i>Does the proposal obscure or compromise important views?</i> • <i>Does the proposal dominate the skyline and reduce the quality of vistas?</i> • <i>Does the proposal respect the viewing rights of other advertisers?</i> | <p>Yes</p> <p>The proposed signage does not obscure or compromise important views, dominate the skyline, or reduce the quality of vistas. The signage does not impact the viewing rights of other advertisers.</p> |

| 4 Streetscape, Setting or Landscape | |
|---|--|
| Requirements | Complies? |
| <ul style="list-style-type: none"> <i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i> <i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i> <i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i> <i>Does the proposal screen unsightliness?</i> <i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i> <i>Does the proposal require ongoing vegetation management?</i> | <p>Yes</p> <p>In terms of scale, proportion, and form, the proposed signage is appropriate for the residential streetscape in which it is located.</p> <p>Through material choice and design, the entry signage enhances the visual appeal of the front entryway, and the broader streetscape and defines the entrance to this private development.</p> <p>The proposed signage will not result in cluttering, nor will it screen unsightliness, and does not protrude above buildings, structures or tree canopies in the local area. The proposed signage is complimentary to the proposed design style of the MHE.</p> <p>The proposed signage does not require ongoing vegetation management.</p> |
| 5 Site and Building | |
| Requirements | Complies? |
| <ul style="list-style-type: none"> <i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i> <i>Does the proposal respect important features of the site or building, or both?</i> <i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i> | <p>Yes</p> <p>The signage has been designed to be complimentary to the scale, proportion, and characteristics of the proposed development frontage and surrounding landscape and ensure safety of road users but identify the development entrance.</p> <p>The signage is of a high-quality architectural design and is well integrated into the overall aesthetic quality of the development.</p> |
| 6 Associated Devices and Logos with Advertisements and Advertising Structures | |
| Requirements | Complies? |
| <ul style="list-style-type: none"> <i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i> | <p>N/A</p> <p>All required safety devices, platforms, lighting devices have been integrated into the overall design. Logos and lighting of the entrance signage has been minimised and considerate of any potential impacts on the surrounding neighbourhood.</p> |
| 7 Illumination | |
| Requirements | Complies? |
| <ul style="list-style-type: none"> <i>Would illumination result in unacceptable glare?</i> <i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i> <i>Would illumination detract from the amenity of any residence or other form of accommodation?</i> <i>Can the intensity of the illumination be adjusted, if necessary?</i> <i>Is the illumination subject to a curfew?</i> | <p>N/A</p> <p>The signage is not proposed to be illuminated in any way.</p> |

| 8 Safety | |
|--|--|
| Requirements | Complies? |
| <ul style="list-style-type: none"> • <i>Would the proposal reduce the safety for any public road?</i> • <i>Would the proposal reduce the safety for pedestrians or bicyclists?</i> • <i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i> | <p>Yes</p> <p>The proposed signage does not in any way reduce the safety for any public road, pedestrians or bicyclists.</p> <p>The signage is not to be illuminated and does not obscure sightlines from public areas.</p> |

Consequently, MidCoast Council can be satisfied that the proposed signage is considered appropriate and consistent with the objectives and aims of Chapter 3 and satisfies the assessment criteria specified in Schedule 5 of the Industry and Employment SEPP 2021.

4.2 Draft Environmental Planning Instruments (S4.15C1(A)(III))

4.2.1 Draft MidCoast Local Environmental Plan

Community consultation for the Draft Mid Coast Local Environmental Plan concluded in July 2024.

Currently three LEP's within MidCoast LGA create an inconsistent planning framework across the MidCoast region. The Draft LEP aims to provide a combined LEP with a consistent approach with improved planning controls for the LGA.

There are no proposed zone changes under the Draft LEP that affect the site, nor any change to any principal development standards that affect the proposed development.

It is noted that in the Draft LEP "caravan parks" have been removed from the permitted land use table in the R2 zone, and in turn MHE's may no longer be permitted in the zone once the LEP comes into effect.

In a MHE Fact Sheet prepared by Council in January 2020, the justification provided for the deletion of MHE's from the Low-Density zone is because they are "typically located a distance from centres and are low-scale neighbourhoods". As the subject site is located within 3km from the centre of Tuncurry and will be connected in this way via a pedestrian pathway, and has bus services, the site contradicts this generalisation of the R2 zone.

Furthermore, for the reasons discussed throughout this SEE, the proposed development also supports the additional proposed zone objective in the Draft LEP; this being "To enable development that is compatible with the character and amenity of the surrounding neighbourhood".

As such, the Draft LEP has been considered and concludes that the current application is supportive of the current and future zone objectives, and remains permissible development with consent under the current legislation.

However, as the approval pathway may become tenuous with the deletion of 'caravan parks' from the R2 zoned and associated land use table should this be adopted in the new MidCoast LEP; it is requested that Council include a transitional clause or add an additional permitted use in the Draft LEP which permits this site to be operated as a manufactured homes estate.

4.3 Development Control Plan 2014 (S4.15C1(A)(III))

The Great Lakes Development Control Plan (GLDCP) applies to the site. An assessment of the relevant provisions of the GLDCP has been prepared and provided in **Appendix Q**.

Overall, it is considered that the proposal is consistent with the aims and controls as outlined within the GLDCP.

4.4 Planning Agreements (S4.15C1(A)(IIIA)) and Contributions Plans

4.4.1 MidCoast Council Contributions Plans

The site is not subject to any draft Planning Agreements; however, is affected by MidCoast Council's Section 7.11 (former Section 94) Contributions Plans.

It is acknowledged that a condition of consent will be applied to the development requiring the payment of contributions in accordance with these Contribution Plans plan.

4.5 The Regulations (S4.15C1(A)(IV))

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG Regulations 2021) are applicable to the development.

The LG MHE Reg 2021 aims to provide opportunities for affordable alternatives in short-term and long-term accommodation by setting standards relating to the design of manufactured home estates, caravan parks and camping grounds. The LG MHE Reg 2021 sets standards for the design and siting of manufactured homes and other movable dwellings; and aims to provide for the health, safety and amenity of their occupants.

Appendix R contains an assessment of the relevant sections of the LG MHE Reg 2021.

4.6 Integrated Development

4.6.1 Rural Fires Act 1997

The entirety of the site is mapped as bushfire prone land (see **Figure 45**). The majority of the site is classified as Vegetation Category 3, with a portion of the south west corner mapped as Vegetation Category 1. Section 100B 'Bush fire safety authorities' of the *Rural Fires Act 1997* stipulates when a bushfire safety authority is required, and a development is considered to be integrated:

- (1) The Commissioner may issue a bush fire safety authority for—
 - (a) a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or
 - (b) development of bush fire prone land for a special fire protection purpose.

As per Chapter 6 of Planning for Bushfire Protection (PBP2019), manufactured home estates are categorised as a special fire protection purpose. As such, under Section 4.46 of the *Environmental Planning and Assessment Act 1979*, the proposal will require referral to the NSW Rural Fire Service as integrated development.

A Bushfire Assessment Report has been prepared by Bushfire Planning Australia in support of the development and is included in **Appendix S**. Bushfire is further discussed in **Section 5.1.10.1** of this SEE.

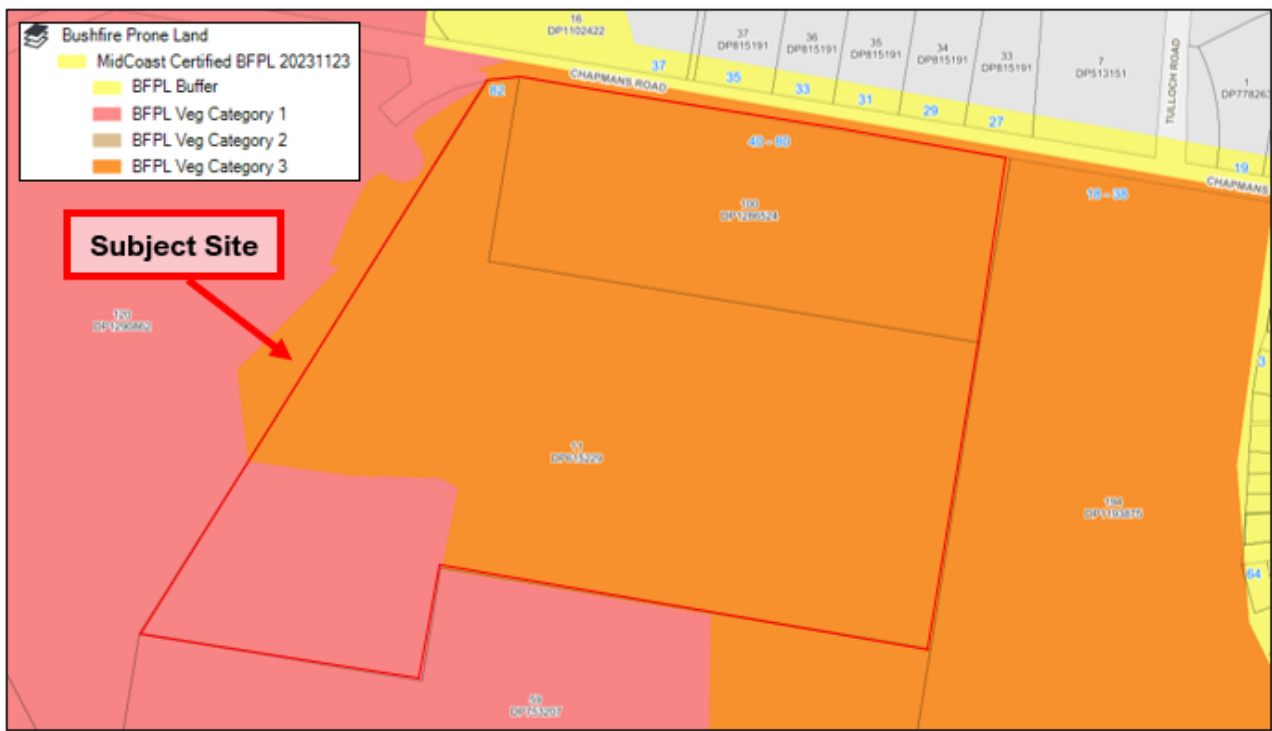


Figure 45: Bushfire Prone Land
Source: MidCoast Council Maps

4.6.2 Roads Act 1993

Chapmans Road near the site is a local collector road providing access to The Lakes Way at a give-way controlled T-intersection. The roads' main function is to collect traffic from the residential areas west of The Lakes Way providing access to The Lakes Way, as well as providing vehicular access to properties along its length.

The proposed development includes upgrades to Chapmans Road to MidCoast Council's requirements. Works include ensuring a two-way driveway connection for the estate from the existing kerb and guttered section of Chapmans Road, new kerb and gutter (broken kerb to permit stormwater flow to the swale), and a half road construction (4 metres wide) on the southern (development) side of the road is to be undertaken for this section of road. A proposed 450mm high and 1200mm wide box culvert with riprap scour protection is to be placed near the north-western corner of the development for stormwater management, and the road remediated to suit proposed box culvert levels and create smooth connections with existing road levels. Proposed drainage works including swale and appropriate landscaping, and infrastructure placement will be incorporated within the road reserve.

As a local road Chapmans Road is under the care and control of MidCoast Council. An integrated referral is not required in this regard and a Section 138 approval will be obtained for these works.

4.7 Strategic Planning Framework

4.7.1 Mid North Coast Regional Strategy 2006-2031

Within the former Mid North Coast Regional Strategy dated March 2009, the subject site is identified as a Growth Area on Map 9 of the document (see extract in **Figure 46**). Lot 11 DP 615229, and Lot 100 DP 1286524 are identified within the strategy as being part of the Tuncurry future urban release area.



Figure 46: Growth Areas – Great Lakes North
Source: Mid North Coast Regional Planning Strategy 2006-2031 (p.58)

4.7.2 Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP) provides a 20-year land use plan for the Hunter Region. The vision of the HRP is for the Hunter to be the leading regional economy in Australia, where people are connected and care for Country, with a vibrant metropolitan city at its heart and sustainable 15-minute neighbourhoods.

It identifies that people place value on local, vibrant, and connected neighbourhoods which can be met within a 15-minute walk, bike, or drive and are close to recreational pursuits. The HRP emphasises infill approaches, has a renewed focus on green infrastructure and public space to enrich the experience of living in the region. The plan also aims to reinforce the importance of equity in how people live, work and travel by providing greater housing choice and affordability close to shops, jobs, and services.

The subject land at Chapmans Road, Tuncurry can assist to provide this required housing diversity in Tuncurry, close to green corridors and recreational opportunities, and is well connected with shopping and services within 3km (see **Figure 47**). The subject land has been considered in past strategic documentation as able to provide for urban expansion.

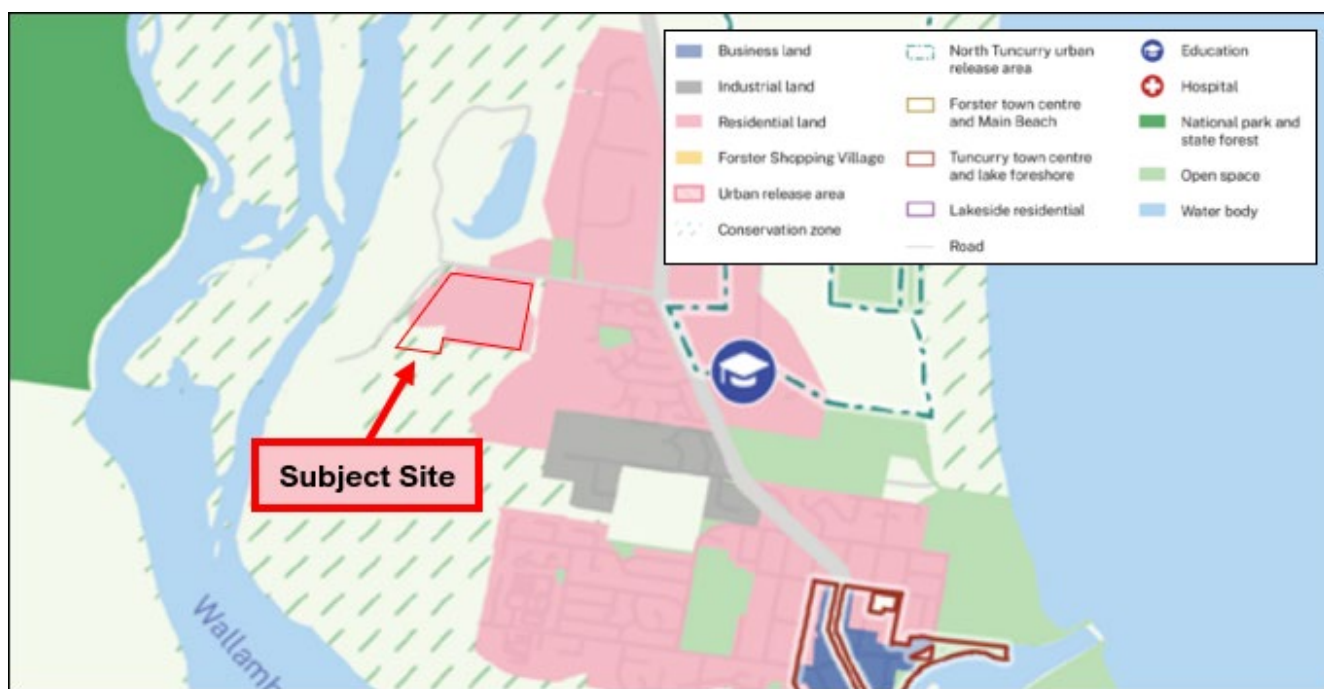


Figure 47: Forster Regionally Significant Growth Area
Source: Hunter Regional Plan 2041 (p. 166)

As the HRP identifies, capitalising on these behavioural shifts requires a rethink of the role and function of local neighbourhoods. There is a need to provide a diversity of housing choices and affordable options to make neighbourhoods nimbler and more resilient, and responsive to change and growth should complement the desired character and natural setting of an area. The plan emphasises providing diverse housing choices through development proposals that respond to demographic trends and affordability, and housing should be adaptable to enable residents to age in place.

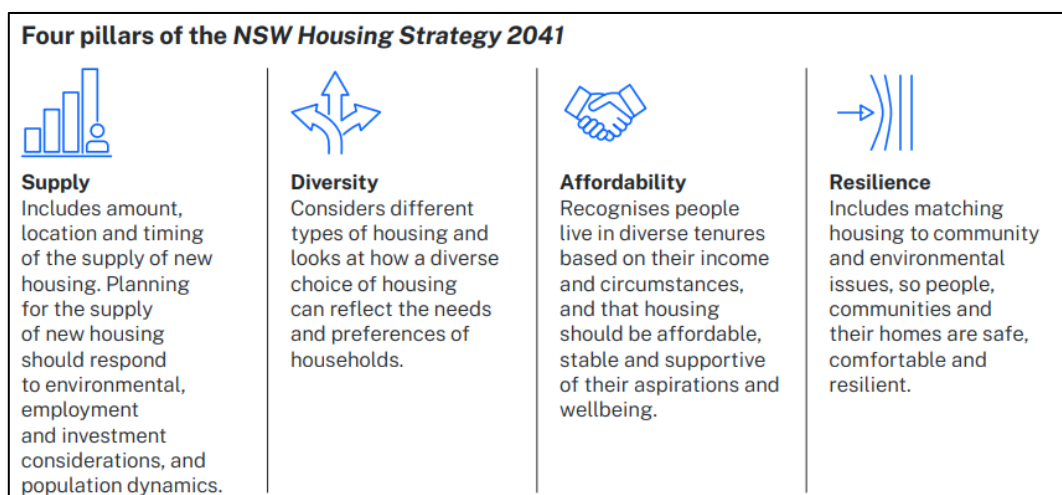


Figure 48: Four Pillars of the NSW Housing Strategy 2041
Source: Hunter Regional Plan 2041 (p. 53)

As the HRP envisages, the proposed development will provide a higher density housing mix that is affordable, ensures provision of recreational facilities, in-house services, pedestrian walkways connected with the natural surrounds of the site and enables healthy living immediately within the neighbourhood. Furthermore, the proposed MHE embodies the four pillars of the NSW Housing Strategy 2041 that support the objectives of the HRP; these being supply, diversity, affordability, and resilience (Figure 48).

Overall, the development will meet the community needs within 15 minutes of a major centre and contribute to creating more sustainable, resilient, and vibrant places to live within the region.

4.7.3 MidCoast Local Strategic Planning Statement

The MidCoast Council completed its Local Strategic Planning Statement in September 2020. It identifies ten planning priorities, along with short, medium, long term, and ongoing actions to monitor and report on the progress of implementation. The statement is closely aligned with the vision and key values set out in the MidCoast Community Strategic Plan 2022-2032 and the Hunter Regional Plan 2041.

4.7.4 MidCoast Housing Strategy

Council's MidCoast Housing Strategy identifies the opportunities and the constraints within the housing market now, and the housing needs of the future. The MidCoast Housing Strategy outlines a 20-year vision for Council's direction to facilitate the delivery of residential housing needs. As the housing strategy highlights, increasing population pressures are driving housing demand. However, it is noted that the MidCoast region has a greater than average median age, having an older population than almost any other Council area in Australia and income per week is also very low. This means that affordability and diversity of housing are particularly important in the MidCoast region. Refer to **Figure 49**.

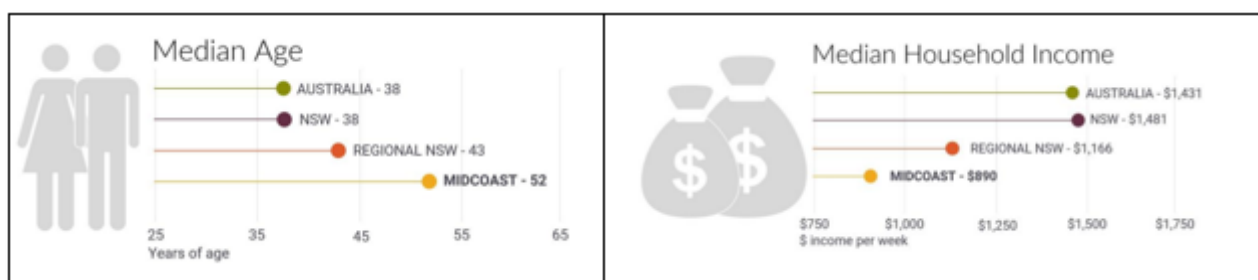


Figure 49: Comparative Analysis of Median Age and Income Level of MidCoast Residents and Australia
Source: MidCoast Housing Strategy (p. 8)

Council identifies, p.70 of the MidCoast Housing Strategy, that housing responses to these demographic changes may vary between:

- *Housing that can be adapted to the changing needs of its occupants over their lifecycle.*
- *Ensuring that smaller and more affordable dwellings are available when people seek to downsize.*
- *Facilitating a range of housing options for older people including aged care accommodation facilities.*

As envisaged in the MidCoast Housing Strategy, the proposed development seeks to create a balance by providing a vibrant and desirable residential development meeting the on-going and changing needs of an aging population, whilst protecting the environmental qualities of the region. Located in an appropriate and identified urban area for growth and development, the proposal also will protect the unique environmental qualities of the locality (see **Figure 50**). The proposed manufactured home estate involves the establishment of a residential land lease community called 'Sorrento Lifestyle Community' operated by Allam Property Group. The developer operates and develops quality 'Over 55s villages' that provides secure, quality, and affordable accommodation options with excellent community facilities for older Australians. The land lease community offers an alternate housing option or product to the market.

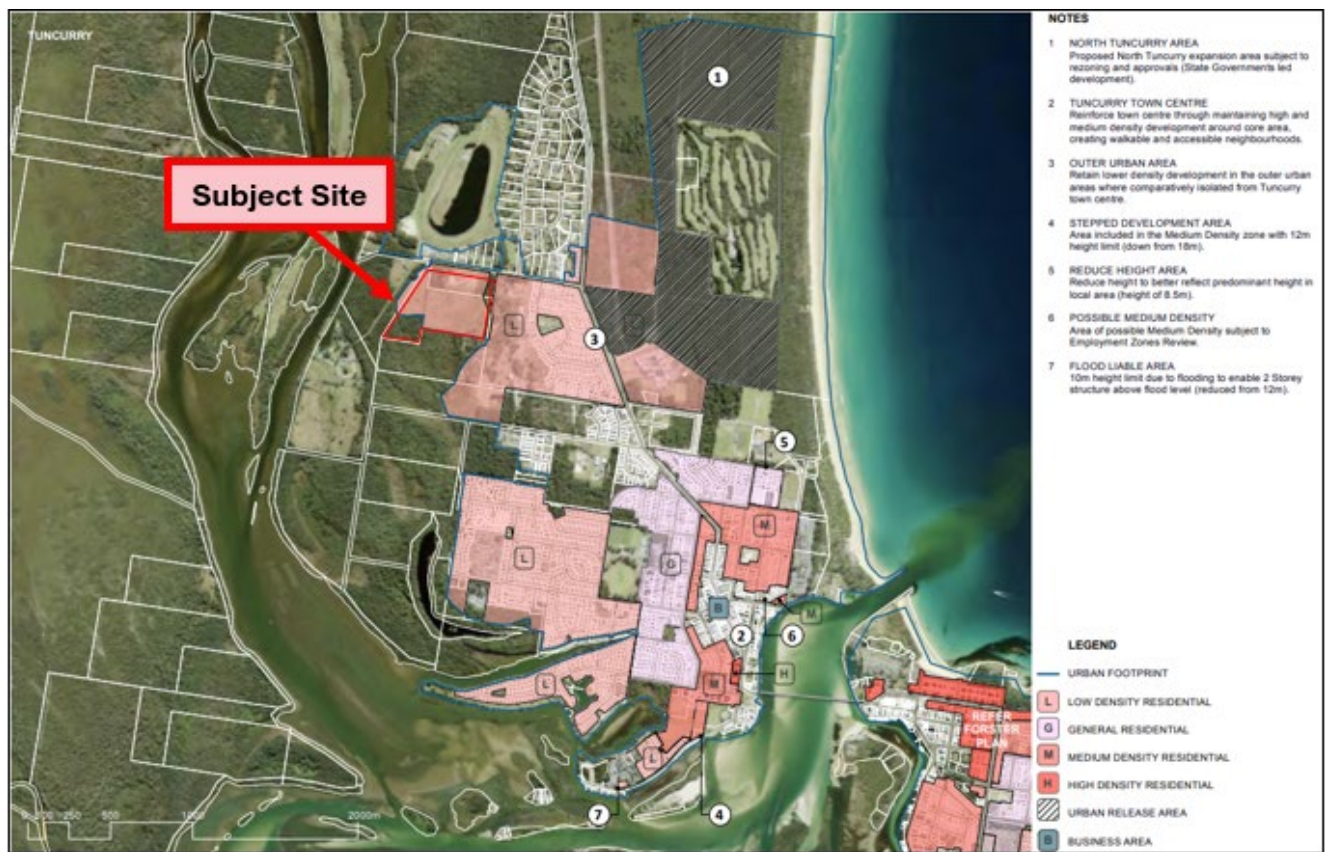


Figure 50: Forster Urban Release Areas
Source: MidCoast Housing Strategy (p. 30)

4.7.5 MidCoast Urban Release Areas Report

The MidCoast Urban Release Areas Report was adopted by MidCoast Council on 28 July 2021 and provides certainty around the expansion of settlements on the MidCoast by identifying land that can be rezoned to meet additional demands for housing, business, or industrial growth.

The MidCoast Urban Land Monitor (ULM) 2016-2036 was prepared in October 2019 states that Forster-Tuncurry has a population growth of 1.05% per year, and notes that take up rates for new residential land releases has been rapid, with few subdivided residential vacant lots.

The MidCoast Urban Release Areas Report (pg. 30) identifies that “The Urban Release Areas for Forster/Tuncurry represents the last expansion areas for this Strategic Centre. Any future growth after these areas are rezoned and developed will need to be by increasing densities”.

As **Figure 51** shows, the subject site is identified as within the urban footprint of the north-western Tuncurry locality, and forms part of the urban development of Forster. The proposed lifestyle resort development meets the intent of the MidCoast Urban Release Areas Report and addresses the ULM demand by providing appropriate housing within the urban footprint with increased density to meet housing needs and supply.

4.7.6 Summary of Strategic Planning Framework

In summary, the site meets the objectives of the strategic planning frameworks of State and local policies. A Social Impact Assessment (SIA) was prepared by AIGIS Group (**Appendix U**). As the SIA identifies, the proposed addition of 283 dwellings to regional housing stock will contribute positively to increased diversity and relative affordability for some residents. The addition of 283 dwellings equates to 2.5% of the additional required dwellings needed in the region. The proposal is consistent with the principle of equity, providing housing choices and secure retirement to older residents likely to form part of the future community in the proposed retirement community. The proposal is consistent with strategic planning aims particularly from the perspective of providing additional smaller lot housing for older households.

The project would make a contribution to additional housing, without ‘crowding out’ the diversity of housing required to accommodate the growing population. Various types of housing will be required to achieve diversity objectives. The dwellings in the proposed development will provide one form of new housing. Residents downsizing to live in the development could also release their existing properties onto the market, facilitating redistribution of these properties and potentially improving housing efficiency (number of people per bedroom in dwellings). The project also represents private investment from the development sector. The proposed development is likely to produce beneficial social outcomes for the people who eventually live in the proposed over 55s community. These benefits are likely to relate to providing a safe and secure environment for these older citizens, with social infrastructure and services provided onsite. The proposal’s attributes provide positive outcomes to meet the strategic planning frameworks.

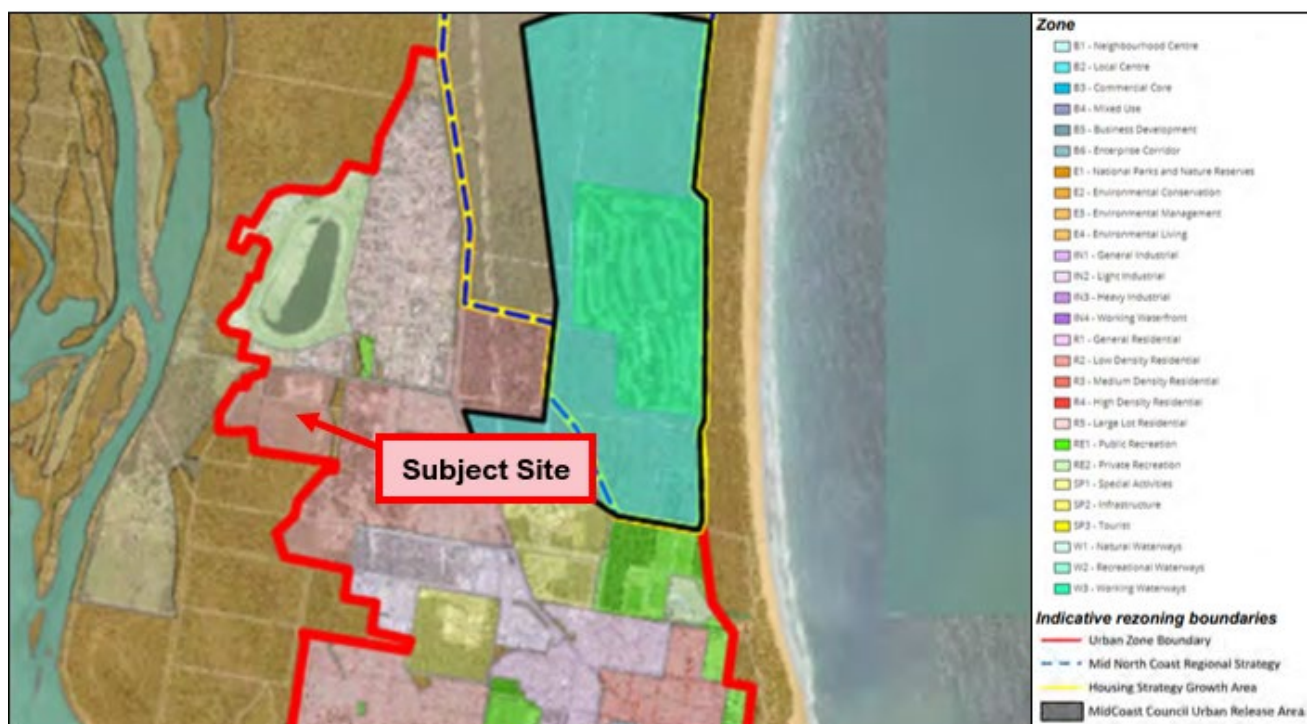
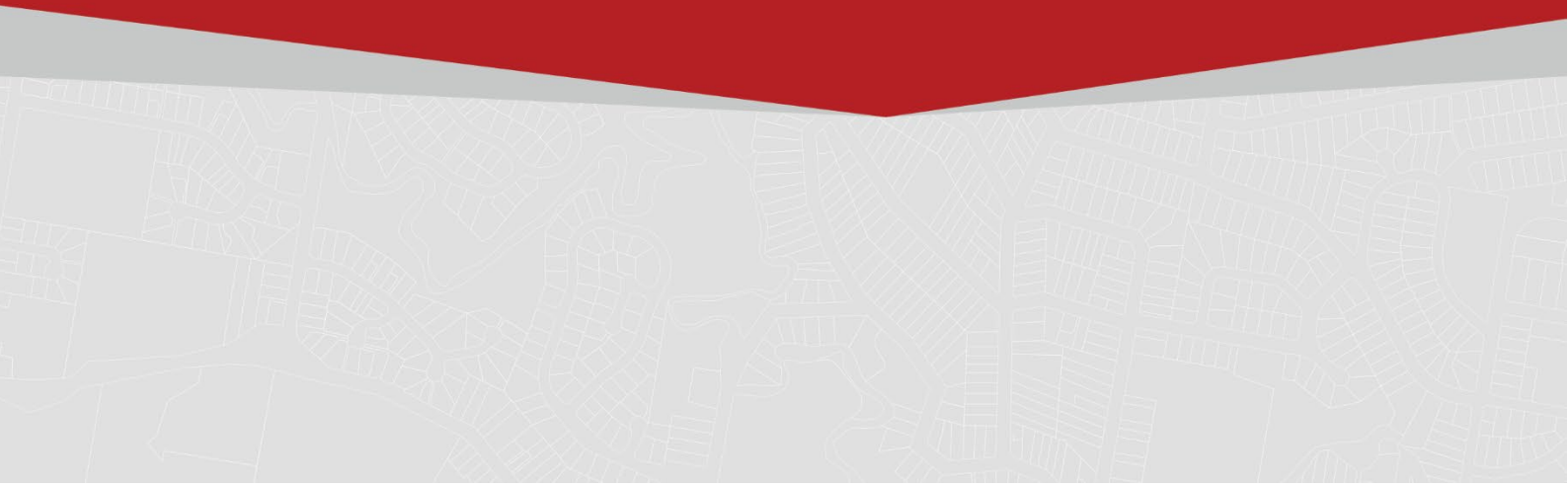


Figure 51: Tuncurry Site Overview Map
Source: MidCoast Urban Release Areas Report (p. 32)

Section 5

Environmental

Controls



5 Environmental Controls

5.1 The Likely Impacts of Development (S4.15C(1)(B))

It is important to note in the planning assessment that a Manufactured Home Estate (MHE) is not directly comparable with a typical residential subdivision given the low occupancy rate (likely 1-2 people per dwelling based on 2016 Census data) and the use being separately defined. A standard residential allotment could accommodate large dwellings or dual occupancies without a limit on the number of bedrooms, most likely up to 4 bedrooms for a standard dwelling and 3-4 bedrooms for each of the dwellings in the case of a dual occupancy. Therefore, the population and environmental impacts for comparison between standard residential allotments and the proposal is not directly comparable. This difference needs to be considered in the assessment of traffic, stormwater, water, sewer, and developer contributions rates.

It should be noted that as per the LG MHE Regs 2021, MHE sites can only contain one dwelling and are limited in size generally to two-bedroom, however occasionally on larger sites dwellings may have three-bedroom or an alternatively a multi-purpose room. **Appendices E1- E14** provides indicate dwelling floor plans and elevations.

Further, the lifestyle resort will be marketed to a certain age group, generally being over 50's, as per the same arrangement of many of the manufactured home estates established in the northern area of NSW and throughout Australia, where these are not age restrictions. A manufactured home estate is land lease living, the residents buy a new or established home within a secure estate and instead of buying the land, a weekly or fortnightly site fee is paid to lease the land where your home is located. Residents are unable to obtain a traditional mortgage to purchase a home within a manufactured home estate as the land is not owned, which in effect restricts the eligible purchasers to those downsizing from larger family homes or retired from the work force with capital available to purchase without the need to borrow money. It is unlikely that first home buyers or adults with families have the type of cash equity required to purchase a home or desire a home of the size or style of those offered in a manufactured home estate. Hence, this reinforces the trend for two-bedroom dwellings on each site and a lower traffic, stormwater, water, and sewer impact.

NSW local Councils in their assessments of MHE developments, have rightly so, not assessed MHE previously as standard residential allotments when considering the associated impacts.

5.1.1 Context and Setting

As identified in **Section 4.7** above, the site is strategically well positioned for the type of high quality and affordable residential development that the proposed manufactured home estate would deliver.

The current site contains land predominantly zoned R2: Low Density Residential. A smaller portion of C2: Environmental Conservation zoned land is generally located within the south west of Lot 11 and the east of Lot 100. The proposed subdivision layout and MHE footprint has been designed to have regard and ensure the protection of the environmental qualities, specifically within C2 zoned land.

Proposed Lot 1 is zoned to allow the proposed development and is located within a diverse area with a mix of land uses close to the township of Tuncurry. The broader area of northern Tuncurry will undergo a significant transformation and the character and land uses in this locality will become more diverse when the Landcom Urban Release Area is developed. The design of the proposed development embraces the diversity of the emerging area whilst respecting the residential and rural uses adjoining the site. The high level of building design, open space and landscaping ensures minimal impact on the character of the locality. The proposal is of benefit to the surrounding area as it proposes a positive development of high-quality contemporary design that will improve surveillance and safety of the precinct. Overall, the proposed land lease community is compatible with existing and future surrounding land uses.

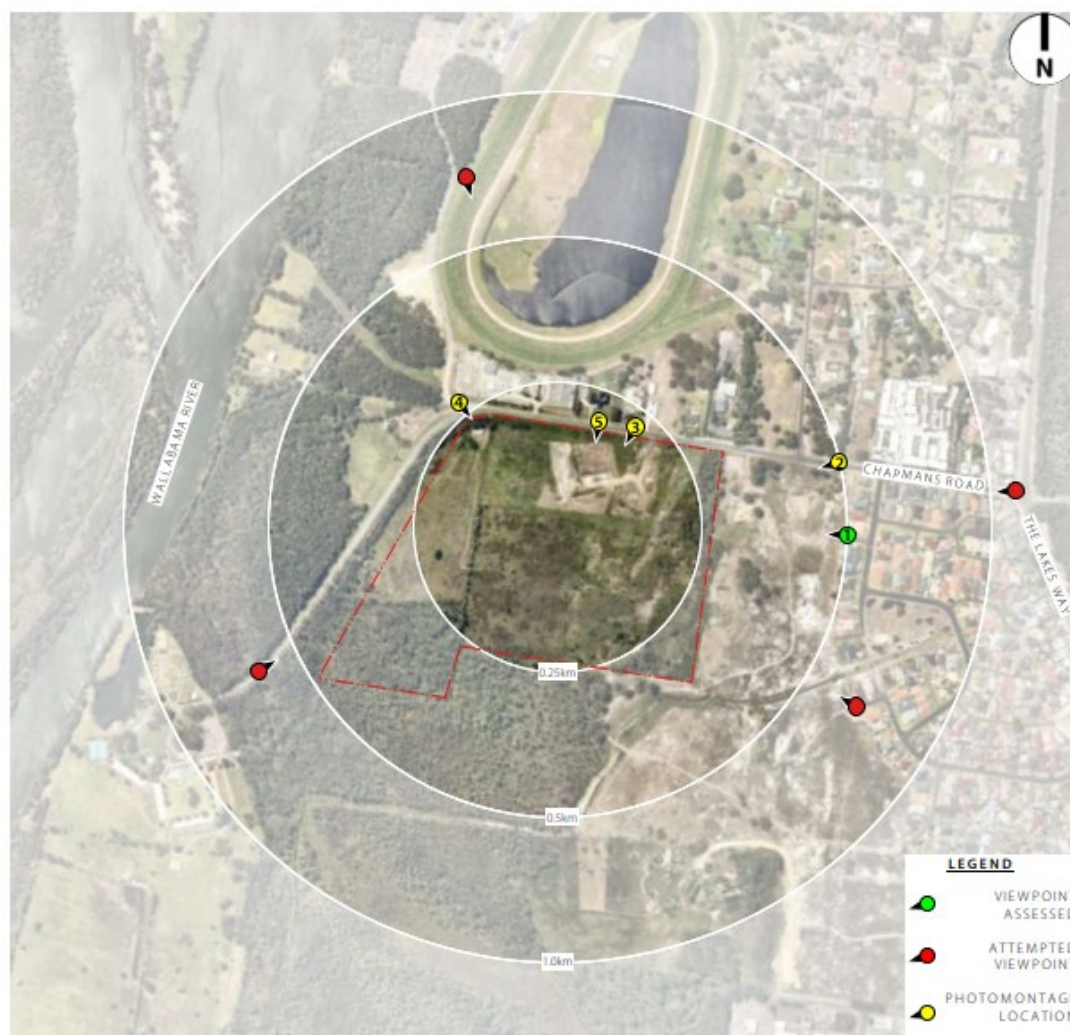
5.1.1.1 Adjoining Properties and Public Domain

The density and scale of the proposed development are commensurate with the desired character of the Tuncurry area. The MHE when viewed from the public domain, is unlikely to be highly visible due to provision of the environment land buffer surrounding the site. A Visual Impact Assessment (VIA) was prepared by Terras Landscape Architects (see **Appendix T**) for the proposed MHE and determined that the proposal will have a low accumulative visual impact on the surrounding area, with the exception of immediate proximity views from Chapmans Road residential dwellings; which would be screened via vegetation planting once established.

The VIA determined that the proposal will have a low accumulative visual impact on the surrounding area, refer to **Figure 52**. The VIA notes that views of the site are limited to approximately 500 metres due to surrounding development and existing vegetation. The greatest visual impact is immediately on the site boundary, where view of proposed works are visible prior to the establishment of proposed vegetation screen planting. Landscaping has been designed to integrate the development with the street to create a high aesthetic quality for the adjoining public domain.

The viewpoints assessed are viewed within the context of the surrounding landscape, and while the proposal will differ from existing visual character, the proposal aligns with the expected built environment of the Low-Density Residential Zone (R2) in which the site is situated. As such, the design of the proposal is compatible with the scenic impact of a new residential development.

For further detail in this regard see the VIA provided as **Appendix T**.



The proposed lifestyle resort and built form will retain a high level of amenity for residents and surrounding sites including in respect of solar access, views, privacy, and noise levels. There will be no significant overshadowing impacts on adjoining properties as no substantial building construction is proposed other than the provision of the clubhouse and associated communal infrastructure, which are located centrally within the estate, and away from adjoining properties. Purple Apple Access has prepared an Access Report (see **Appendix Z**) and has assessed the proposal against applicable access legislation. The report demonstrates that the fundamental aims of accessibility legislation are achievable within the proposed development. Spatial planning and general arrangements of facilities will offer inclusion for all building users.

Subject to future Section 68 approval, future dwellings will be single storey in height and will therefore have no overshadowing impacts or cause a loss of sunlight to adjacent properties. Given the separation to existing and future adjoining dwellings including landscaping along the Chapmans Road reserve, and protection of vegetation within the C2 conservation land along the boundary; there is not expected to be overshadowing impacts on future neighbouring properties.

5.1.2 Access, Transport and Traffic

A Traffic and Parking Assessment (TPA) has been prepared by Intersect Traffic in support of the proposed development (see **Appendix P**).

The report concludes that the proposal can be supported from a traffic and parking impact perspective as it will not adversely impact on the local and state road network and complies with all relevant MidCoast Council, Australian Standard, Austroad and TfNSW requirements as well as the LG MHE Reg 2021. Further detail in this regard is provided below.

5.1.2.1 Roads and Access

External

New vehicular access to the site is proposed off Chapmans Road via a two-way driveway; each side of the road has a 4.5 metre carriage way. This driveway is approximately 70m west of the existing site access, and 470m west of Grandis Drive. As discussed in the TPA, the proposed access arrangements to the site and within the site are suitable, being compliant with Austroad, Council and Local Government Regulation requirements.

Sight distance along Chapmans Road at the proposed new access would comply with Austroads requirements for a public road intersection being greater than 97 metres for a 50 km/h speed zoning. By observation on site, the sight distance at this access is in excess of 200 metres and thus compliant with Austroads requirements.

Along Chapmans Road from Grandis Drive to the site, access will need to be upgraded to Mid-Coast Council requirements to provide kerb and gutter on the southern (frontage) side of the development and to extend the existing shared pathway through to the site access.

It is understood that the intersection of The Lakes Way and Chapmans Road is to be upgraded in the future from a priority-controlled give way intersection to a roundabout. This is to be funded by developer contributions for which the subject development will be liable. It is understood that upgrades to this intersection will be a product of negotiations between Council and Transport for NSW, and will be further influenced by surrounding developments such as the Landcom site. Contributions will therefore be paid by the developer as required.

Overall, the external road works proposed under this DA will have a positive impact on the surrounding road network, including on road user safety and traffic (discussed further below).

Internal

A new internal road system servicing the lifestyle resort development will connect to Chapmans Road. The internal road network includes an internal ring road and ten (10) internal roads. Pedestrian pathways also form a component of the internal access arrangements.

The internal access arrangements have been designed in accordance with the relevant Australian Standards and the LG MHE Reg 2021, and are suitable for the purpose of the proposed MHE. The proposed development provides internal non-perimeter roads with a minimum carriageway of 6m wide, and perimeter roads within a minimum carriageway of 8m wide.

There will be two access points provided from Chapmans Road. The main entrance and exit is located towards the mid-section of the site along the northern site boundary and the other located in the north-eastern corner of the development site is dedicated to emergencies. The internal road network will include a combination of perimeter and multiple non-perimeter roads providing access to each site, and offers safe access and egress for emergency services and residents.

5.1.2.2 Parking

The proposed development will generate an on-site parking demand. Therefore, on-site parking in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 will need to be provided. The relevant requirements within the LG MHE Reg 2021 are:

Resident Parking: 1 resident parking space per dwelling site

Visitor Parking: For developments with more than 105 sites – 20 spaces plus 1 space per every 7 sites above 140 sites.

Accessible Parking: 1 visitor accessible parking space per 100 sites or fraction of 100 sites

Resident and visitor parking is to be 6.1 metres x 2.5 metres while the accessible visitor car parks are to comply with Australian Standard AS2890.6-2009 Parking facilities Part 6: Off-street parking for people with disabilities.

Noting that on completion of the development a total of 283 long term sites would exist within the estate the following minimum on-site parking is required to be provided to meet the LG MHE Reg 2021:

- Resident Parking – 283 car parks
- Visitor Car Parking – 41 car parks
- Accessible Visitor Car Parking $283 / 100 = 2 - 3$ accessible car parks (within the 41 visitor car parks to be provided).

The development proposes 48 on-site visitor car parking spaces including four (4) accessible spaces across eight (8) separate car parking areas. There is also a caravan parking area proposed with 25 spaces for future residents to park larger vehicles including but not limited to caravans, RVs, and boats. Furthermore, as each of the 283 dwelling sites are provided with a single or double garage, there is sufficient room on each site to provide an on-site car park, and parking on the driveway.

The TPA confirms that the proposal would meet the parking requirements for resident parking, visitor parking, and accessible visitor car parking as outlined by the LG MHE Regs 2021.

5.1.2.3 Traffic

As identified in the TPA the Lifestyle Resort is to be an over 55's resort the applicable traffic generation rate for the development has been sourced from the latest TfNSW data for seniors housing contained in their Technical Direction TDT 13/04.

The rates nominated in this document for housing for seniors is as follows;

Weekday Daily vehicle trips = 2.1 per dwelling; and
Weekday Peak hour trips = 0.4 per dwelling.

The seniors housing traffic rate is considered appropriate as car ownership rates for the Village will be similar to a seniors housing development and many of the occupants will be retired. In justifying this rate, the TPA reference is also made to survey work undertaken by Intersect Traffic at two lifestyle village resorts at Nelson Bay a similar tourist / retirement area as Tuncurry. Intersect Traffic undertook traffic generation surveys at the entrances to these villages Ingenia Communities Latitude One Lifestyle Village and Hometown's Sunrise Lifestyle Village at Anna Bay and Bobs Farm respectively.

Based on approximate traffic generation of an additional 114 vtph in the AM and PM peak periods, the TPA presents the following conclusions in regards to traffic impacts:

- Current traffic volumes on the local and state road network are below the technical and environmental mid-block capacities of the roads and as such there is spare capacity within the road network to cater for development in the area
- It is expected that the additional traffic generated by the development will be up to 114 vtpd in the AM and PM peak or 595 vtpd.
- The local road network has sufficient spare two-way mid-block capacity to cater for the additional development traffic without adversely impacting on current level of service (LoS) experienced by motorists on the road network or the residential amenity for adjoining residences.
- SIDRA Intersection modelling has shown that The Lakes Way / Chapmans Road intersection will need to be upgraded prior to more than 160 sites being provided within the proposed development; and cycle and phase changes may be required prior to 2034 at The Lakes Way / Grandis Drive / The Northern Parkway traffic signals.
- Based on the analysis undertaken it is considered the most efficient option for both peak hour and non-peak hour periods would be the construction of a single lane roundabout at The Lakes Way / Chapmans Road intersection as it minimises both delays and queuing on the local and state road network. It would also perform a traffic calming function for traffic entering Tuncurry from the north and reduce the impact of the development on Grandis Drive.
- Noting Council is already collecting developer contributions for the roundabout, if there were insufficient funding for the roundabout then channelisation of the intersection to prohibit the right turn movement out of Chapmans Road could be considered due to the availability of an alternate and safer connection to The Lakes Way via Grandis Drive. It would however be recommended on the basis of it being temporary works until such time as funding for a roundabout was available.
- If Council was to condition the roundabout on this development's consent, then there will need to be an agreement between Council and the developer in regard to payment of developer contributions as works in kind and payment to the developer of future monies collected for the roundabout for the requirement to be considered fair and reasonable as required by the Environmental Planning and Assessment Act.
- Therefore, subject to The Lakes Way / Chapmans Road intersection being suitably upgraded prior to more than 160 sites being occupied within the development the proposed development would not adversely impact on the local and state road network.
- The proposed Landcom development on The Lakes Way near Chapmans Road has the potential to accelerate the upgrading of The Lakes Way / Chapmans Road intersection therefore this development may only be required to contribute to the road upgrading requirements in accordance with a suitable contributions plan.
- The proposed access arrangements to the site and within the site are suitable being compliant with Austroad, Council and Local Government Regulations requirements. Chapmans Road from Grandis Drive to the site access will need to be upgraded to Mid-Coast Council requirements to provide kerb and gutter on the southern (frontage) side of the development and to extend the existing shared pathway through to the site access.
- In regard to on-site car parking the proposal would meet the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
- Waste collection vehicles would be able to enter the site in a forward direction and collect bins from in front of sites before exiting the site in a forward direction. Therefore, the site is able to be safely and conveniently serviced for waste collection.
- There is sufficient nexus for the development to be required to extend the existing off-road shared pathway (pedestrian and cycle) on the southern side of Chapman Street to the site.
- Internal pedestrian paths will also need to be provided to facilitate the safe passage of pedestrians around the site.
- No changes to the existing public transport services are required as a result of this development and no additional infrastructure would be required. However, it is also considered that the provision of a private bus shuttle within the development is likely to be of particular benefit to residents and should be considered by the operator of the Lifestyle Resort; and
- No nexus for the provision of additional cycle ways in the vicinity of the site is necessary as a result of the development noting that it is recommended that the off-road shared pathway in Chapmans Road be extended to the site.

The post development traffic flows are lower than the determined road capacities through to at least 2034 and as such the local and state road network has sufficient spare capacity to cater for the proposed development, whilst maintaining suitable residential amenity for dwellings near the site.

Traffic Management Plans for the site are provided at CENG 701-703 within the Concept Engineering Plans at **Appendix G**.

5.1.2.4 Public Transport and Pedestrian and Cyclist Infrastructure

In terms of accessibility, the site is well situated being 3km from the core business / shopping area of Tuncurry.

The shared pathway on the southern side of Chapmans Road is to be extended to the site as part of the development. This will provide a safe pedestrian and cycle pathway between the site and Tuncurry centre, and further to Forster. The site is also serviced by a number of bus routes surrounding the site. There is a bus stop within approximately 440m of the proposed site entry, and additional services are available less than 1km away from The Lakes Way.

The TPA determined that no changes to the existing public transport services or infrastructure would be required as a result of this development.

In addition to the existing available public transport, the MHE is going to be serviced by a community shuttle bus. The community bus timetable is addressed in **Section 3.1.2.2** above, with any alterations to this schedule to be decided in consultation with the MHE Residents Committee. The community bus will provide residents with greater access to services, including shopping facilities and recreation activities within the broader Tuncurry and Forster area.

5.1.4 Utilities

Essential services and utilities are discussed in **Section 3.1.2.4** providing details regarding the site, and in **Section 4.1.3.4** within discussions regarding Clause 7.21 Essential Services of GLLEP2014. The essential services and utility works and location are detailed in the Concept Engineering Plans (**Appendix G**). All services can be extended to the proposed development when required. The demands of the development on utility supplies are reasonable given the urban context and the availability and location of all required servicing. All installations will meet all necessary construction requirements.

Discussions have been undertaken to ensure the provision of water and sewer to the site can be facilitated, and have been incorporated into Concept Services Plan. An extract of these infrastructure plans is provided at **Figures 23 -26**.

Referral to Essential Energy is required. Power Solutions has provided an Electrical Infrastructure Review (see **Appendix G1**) and an Essential Energy Enquiry Planning Assessment is provided (see **Appendix G2**).

Any matters raised regarding infrastructure and utility requirements and upgrades can be addressed through the DA assessment and where appropriate, via conditions of consent.

5.1.5 Stormwater, Drainage and Water Quality

A Water Cycle Management Plan (WCMP) and associated assessment has been prepared to provide information on stormwater quality and quantity control, and addresses the pre and post development scenarios for the development. A copy of the WCMP report accompanies this application (see **Appendix H**).

Stormwater management, drainage and water quality have been discussed within the SEE in **Section 3.1.2.5** providing details of the site, and in **Section 4.1.3.4** an assessment was undertaken in terms of Clause 7.5 Stormwater Management of GLLEP2014. All stormwater service information is detailed in the Concept Engineering Plans (**Appendix G**). As identified within the SEE, **Figure 27** provides an extract of the water cycle management plan, and **Figure 35** shows the typical basin section.

The information presented in the WCMP demonstrates that the proposed development at 40-80, and 82 Chapmans Road, Tuncurry sustainably manages stormwater detention, water quality, and erosion and sediment control to minimise development impacts on the receiving environment. The WCMP demonstrates that the proposed stormwater management facilities for the proposed development complies with the Great Lakes DCP and GLLEP2014.

If required, appropriate reciprocal rights for access and maintenance can be placed on title to allow the developer and on-going operators and Council legal rights to stormwater infrastructure.

5.1.6 Erosion and Sediment Control

As discussed above in **Section 4.1.3.4** Earthworks under Clause 7.2 of GLLEP2014, Concept Engineering Plans have been prepared, and are included in **Appendix G**.

An Erosion and Sediment Control Plan and Detailed Plan has been prepared as a component of the Concept Engineering Plans and is included within **Appendix G**, refer to CENG 601 and 611, as extracted in **Figures 53** and **54**. These plans provide details as to soil erosion and sediment measures to be employed during construction works.



5.1.7 Ecology

5.1.7.1 Biodiversity Assessment Report

An existing approved DA encompasses Lot 100, DP1286524 for bulk earthworks/ filling and development. The Ecological Clearance Supervision for this lot has been provided in **Appendix O2**. Acknowledging that biodiversity has been addressed in the existing approval over Lot 100 and earthworks have commenced, the Biodiversity Assessment Report (BDAR) assesses the biodiversity values on Lot 11, DP615229 for the purposes of the subject DA that seeks a Manufactured Home Estate across both lots. A copy of the BDAR is provided within **Appendix O**.

Under this report the 'Study Area' (Lot 11) is comprised primarily of R2 zoned land, with a small portion of the eastern boundary consisting of C2 zoned land. The 'Subject Land' refers to the R2 zoning located within this lot (see **Figure 55**).

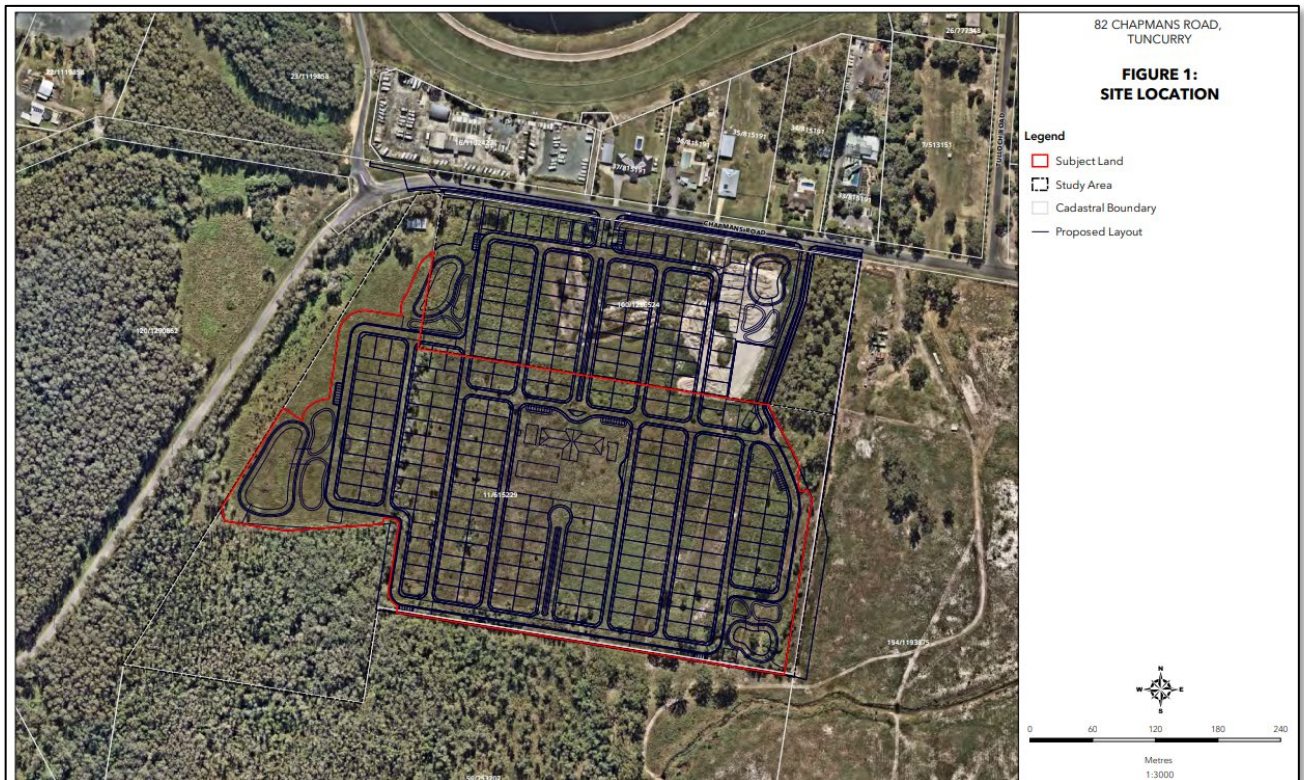


Figure 55: Site Location
Source: BDAR (Appendix O)

The Subject Land is not mapped on the Biodiversity Values Map (BV Map); however, the proposal is expected to involve greater than 1 ha of native vegetation clearance, which will exceed the area clearing threshold associated with the minimum lot size of the lot (450sqm). As such the proposal triggers entry into the Biodiversity Offset Scheme (BOS) as per Section 7.1.1(b) of the Biodiversity Conservation Regulations 2017, and assessment under the Biodiversity Assessment Method (BAM).

The proposal will require the removal of 12.05 ha of native vegetation identified as consisting of two (2) separate PCT's - 4006 Northern Paperbark-Swamp Mahogany Saw-sedge Forest, and 3544 Coastal Sands Apple-Blackbutt Forest. **Figure 56** shows all identified plant community types and vegetation zones across the subject land.

The proposal will retain: 1.56ha of VZ1, 0.21ha of VZ2, 0.13ha of VZ4, 0.46ha of VZ6, 0.21ha of VZ9 and 0.02ha of VZ10. And avoid 1.63ha of identified PCT 4004.

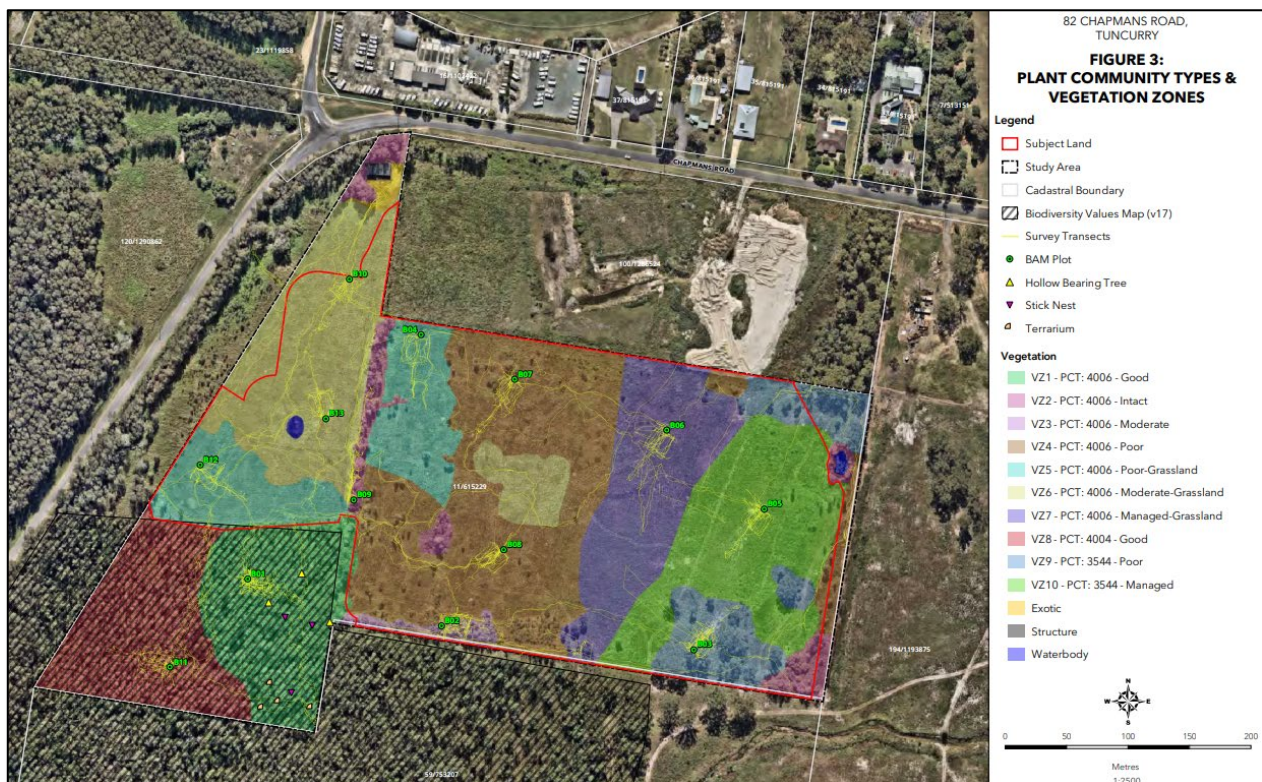


Figure 56: Plant Community Types and Vegetation Zones
Source: BDAR (Appendix O)

Avoid and Minimise Direct and Indirect Impacts (as per Section 7 of the BDAR)

Project Location - Impacts to native vegetation and threatened species habitat have been avoided and minimised by locating the proposal in areas:

- Lacking biodiversity values.
- Where native vegetation or threatened species habitat is in the poorest condition (i.e. areas that have low vegetation integrity score).
- That avoid habitat for species with a high biodiversity risk weighting or land mapped on the important habitat map, or native vegetation that is a TEC or a highly cleared PCT.
- Locating the proposal outside of buffer areas around breeding habitat features such as nest trees or caves.

Project Design - Impacts to native vegetation and threatened species habitat have been avoided and minimised during project design by:

- Reducing the proposal's clearing footprint by minimising the number and type of facilities.
- Locating ancillary facilities in areas that have no biodiversity values.
- Locating ancillary facilities in areas where the native vegetation or threatened species habitat is in the poorest condition. (i.e. areas with the lowest vegetation integrity scores).
- Locating ancillary facilities in areas that avoid habitat for species and vegetation that has a high threat status.
- Actions and activities that provide for rehabilitation, ecological restoration and/ or ongoing maintenance of retained areas of native vegetation, threatened species, threatened ecological communities and their habitat on the Subject Land.

Avoid and Minimise Prescribed Impacts (as per Section 7.2 of the BDAR)

Project Location - The determination of the proposed location for the development has been a reiterative process in efforts to avoid prescribed habitat features located within the site were possible.

Surface works and subsurface works have been located within areas lacking in prescribed biodiversity. The Subject Land's location avoids impact to geophysical features such as caves and karst along with avoiding mapped watercourses. One waterbody identified within the site will be removed as part of the proposal however the creation of two (2) quality basins will offset potential impacts to occur to threatened species habitat.

The proposals' location has been identified as to avoid severing or interfering with habitat corridors. Connectivity is maintained throughout the site. Also, within the broader landscape the land adjacent to the west of the site would offer a more suitable intact corridor for fauna and for a species, this then extends to the site along the south-western portion of the site which will be retained as part of the proposed development.

Project Design - The project design aims to retain aquatic habitat integrity by replacing one identified farm dam with two (2) quality basins, in doing so minimising impacts to native vegetation and fauna that relies on the onsite waterbody and riparian habitat. The introduction of these basins also aims to improve standing water quality within the retained TEC vegetation located within the southern portion of the site. Road networks within the site will be designed with traffic calming devices to reduce vehicle speed and therefore reducing the likelihood of potential vehicle strikes to native fauna. Fencing along the western boundary will be established with *Turnix maculosus* in mind as to allowed to continued access of the species into the retained suitable habitat found within vegetation zone 6, this will be achieved through utilised fencing having a 100ml gap as to not disrupt movement across the site. This gap has been incorporated within the landscape plans.

Section 7.3 of the BDAR provides a summary of measures to avoid and minimise impacts.

Impact Assessment

Section 8 of the BDAR provides a comprehensive impact assessment based on the assessment conducted. These include the following:

- Direct impacts (residual direct impacts & change in vegetation integrity score);
- Indirect impacts (residual indirect impacts);
- Prescribed impacts (non-native vegetation, waterbodies, water quality and hydrological processes, vehicle strikes).

Section 8.4 of the BDAR provides a summary of proposed mitigation and management measures for residual impacts (direct, indirect and prescribed).

Serious and Irreversible Impacts (SII)

No fauna or flora listed as SII were recorded within the site during surveys.

Impact Summary

Based the BAM assessment result, the impact of the proposed development requires an offset of 155 total ecosystem credits (see **Table 4**) and 225 species credits (see **Table 5**).

Table 4: Impacts that require an offset – ecosystem credits Source: BDAR (Appendix O)

| Vegetation zone | PCT name | TEC | Impact area (ha) | Current VI score | Future VI score | Change in VI score | Biodiversity risk weighting | Number of ecosystem credits required |
|--------------------------------|---|--|------------------|------------------|-----------------|--------------------|-----------------------------|--------------------------------------|
| VZ1: 4006 - Good | 4006 – Northern Paperbark-Swamp Mahogany Saw-sedge Forest | Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions. | 0.05 | 91.9 | 0 | -91.9 | 2 | 2 |
| VZ2: 4006 – Intact | | | 0.4 | 68.2 | 0 | -68.2 | 2 | 14 |
| VZ3: 4006 - Moderate | | | 0.17 | 40.1 | 0 | -40.1 | 2 | 3 |
| VZ4: 4006 – Poor | | Not representative of a TEC | 3.51 | 34.1 | 0 | -34.1 | 1.5 | 45 |
| VZ5: 4006 – Poor-Grassland | | | 1.52 | 36.2 | 0 | -36.2 | 1.5 | 21 |
| VZ6: 4006 – Moderate-Grassland | | | 1.93 | 37.7 | 0 | -37.7 | 1.5 | 27 |
| VZ7: 4006 – Managed-Grassland | | | 1.69 | 31.4 | 0 | -31.4 | 1.5 | 20 |
| VZ9: 3544 – Poor | 3544 – Coastal Sands Apple-Blackbutt Forest | 0.83 | 28.1 | 0 | -28.1 | 1.5 | 9 | |
| VZ10: 3544 - Managed | | 1.97 | 18.8 | 0 | -18.8 | 1.5 | 14 | |
| Total credits | | | | | | | | 155 |

Table 5: Impacts that require an offset – species credits Source: BDAR (Appendix O)

| Common name | Scientific name | Loss of habitat (ha) or individuals | Number of species credits required |
|-------------------------|-------------------------|-------------------------------------|------------------------------------|
| Wallum Froglet | <i>Crinia tinnula</i> | 1.7 | 24 |
| Red-backed Button-quail | <i>Turnix maculosus</i> | 12.1 | 201 |

Further details are provided in Appendix O

5.1.7.2 Arborist Impact Assessment and Tree Protection Plan

Vegetation removal has been discussed within the SEE in Section 2.4.4 providing details of the site of assessments made in terms of protecting vegetation. An Arborist Impact Assessment (including a Tree Protection Plan) has been prepared for the development and is provided in Appendix O1. Extracted at Figure 7 is the proposed Tree Clearing Plan.

Figure 57 and 58 below, identify the tree impact assessment contained within the Arborist Impact Assessment Report. The recommendations for tree retention and removal have been made with consideration of minimising impacts on trees within the Conservation Zones.

As identified in the Arborist Impact Assessment, based on the construction methodology proposed, and review of tree retention and removal proposed, all 26 assessed trees assessed can be retained. Tree Protection Measures including tree protection fencing and retaining walls along the interface between the Conservation Zones and the proposed development will need to be further considered during construction.

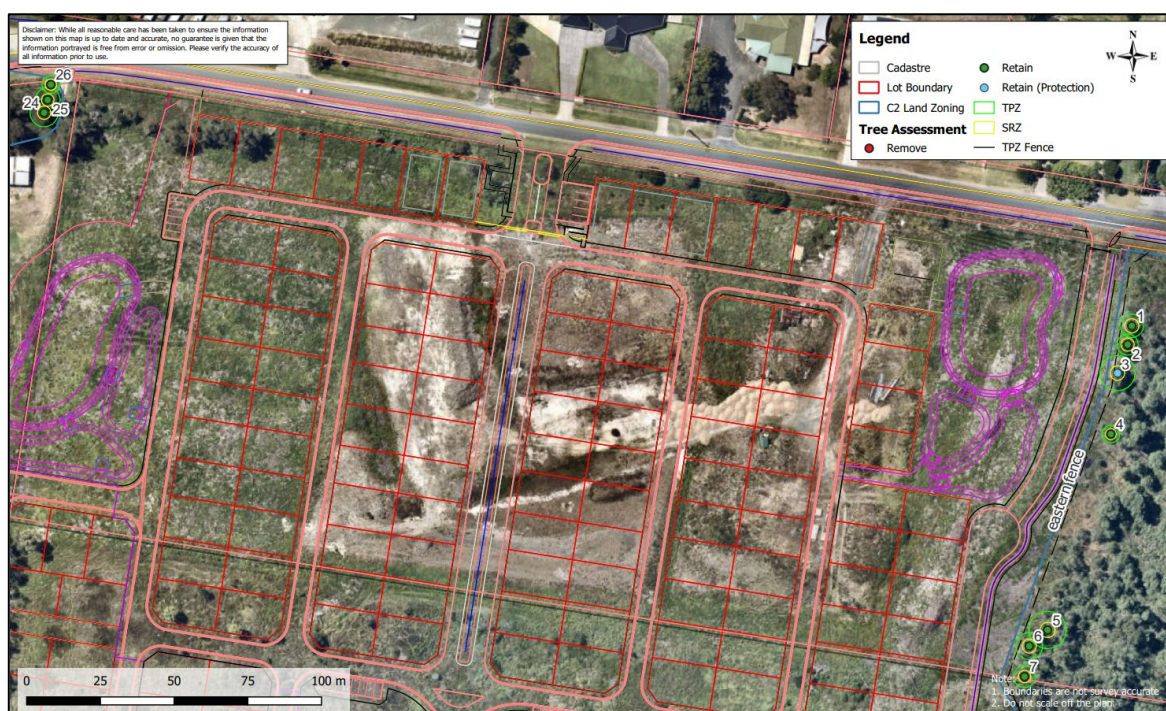


Figure 57: Tree Assessment (North)
Source: Arborist Impact Assessment (Appendix O1)



Figure 58: Tree Assessment (South)
Source: Arborist Impact Assessment (Appendix O1)

5.1.8 Heritage

As discussed in **Section 4.1.3.3** of this SEE in assessing Clause 5.10 of GLLEP2014, there are no Aboriginal or European heritage matters within the site.

Council's LEP maps do not indicate European heritage on the site or in the vicinity of the site. An AHIMS search for both lots has not revealed any sites or places of aboriginal heritage on or within 200m of the site. A copy of the AHIMS searches have been included as **Appendix J**.

An Archaeological Due Diligence Report has been prepared by McCardle Cultural Heritage for 82 Chapmans Road. This report is provided in **Appendix K**

In accordance with the NSW Office of Environment and Heritage's "Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales" and flowchart in Section 8, no further investigation is required, and it is standard practice if any item of heritage significance is revealed during construction of the development works will cease immediately and the appropriate authorities will be contacted. These matters can be conditioned as part of the DA consent.

5.1.9 Preliminary Contamination and Geotechnical Considerations

As discussed in this SEE **Section 4.1.3.2** Remediation of Land under the Resilience and Hazard SEPP 2021, in terms of contamination it is considered that the site can be made suitable for the purpose of the proposed MHE in accordance with the SEPP.

A Site Contamination Assessment prepared by Regional Geotechnical Solutions, dated 14 September 2022, has been provided to address Lot 100 (40-80 Chapmans Road) (see **Appendix N**). The report concludes that based on the results obtained in this investigation and the NEPM 2013 guidelines, it is considered that the site can be made suitable for the proposed residential land use with regard to the presence of soil contamination, provided the recommendations and advice of this report are adopted, and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements.

In response to asbestos removal and asbestos clearance work that has been undertaken on the site, Regional Geotechnical Solutions GS has prepared an Addendum to the above discussed contamination report for Lot 100. This addendum is provided as **Appendix N1**.

In accordance with the Contamination Assessment and Asbestos Clearance Report prepared for the Lot 100, and the DA consent, it is considered that from a contamination perspective Lot 100 can be made suitable for the proposed development. An Asbestos Clearance Report has been provided for Lot 100 (see **Appendix N2**).

A Site Contamination Assessment, dated 4 September 2023, has been prepared by Regional Geotechnical Solutions to address Section 4.6 of the Resilience and Hazard SEPP for Lot 11 (82 Chapmans Road) (see **Appendix N3**). The report concludes that based on the results obtained, it is considered that the site can be made suitable for the proposed residential land use with regard to the presence of soil contamination if the recommendations and advice of the report are adopted, and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements.

As discussed in this SEE **Section 4.1.3.4 Acid Sulfate Soils** under Clause 7.1 of GLLEP2021 an Acid Sulfate Soils Management Plan (ASSMP) has been prepared for each lot; these plans are included within the Acid Sulfate Soils Assessment reports in **Appendix M** and **Appendix M1**. The management plans evidence that the potential impact from acid sulfate soils can be managed appropriately. Noting that the MHE site will require filling, the ASSMP will be implemented for excavations into the natural ground profile. It is considered that the potential impact from acid sulfate soils will not be an impediment to the proposed lifestyle resort development and can be managed appropriately through conditions of the DA consent.

5.1.10 Natural Hazards

5.1.10.1 Bushfire

As established in **Section 4.6** of this SEE, the entirety of the site is mapped as bushfire prone land. The proposed development is categorised as a manufactured home estate with is categorised as a Special Fire Protection Purpose (SFPP) under Chapter 6 of Planning for Bushfire Protection 2019. As such, Council is required to refer the application to the NSW Rural Fire Service (RFS).

To assist the NSW RFS with their assessment, a Bushfire Assessment Report (BAR) has been prepared by Bushfire Planning Australia, and is included in **Appendix S. Figure 59** identifies the relevant Bushfire Attack Level (BAL) contours and associated Asset Protection Zones (APZ) that are required to minimise the bushfire hazard to the site.

As the BAR identifies, all buildings, including single dwellings (Class 1a buildings), constructed within the site are required to satisfy the Performance Requirements of the National Construction Code: Building Code of Australia (BCA). However, the moveable dwellings that will be installed in the MHE are not considered a building under the BCA. Consequently, standards and building solutions required by the BCA do not apply to moveable dwellings.

Regardless of the statutory requirement to comply with the BCA, building design and the materials used for construction of future dwellings should be chosen based on the information contained within AS3959-2018, and has been accordingly considered by the designer/architect in the preparation of the indicative moveable dwellings. Each future dwelling shall be constructed in accordance with the relevant Bushfire Attack Level (BAL) identified.

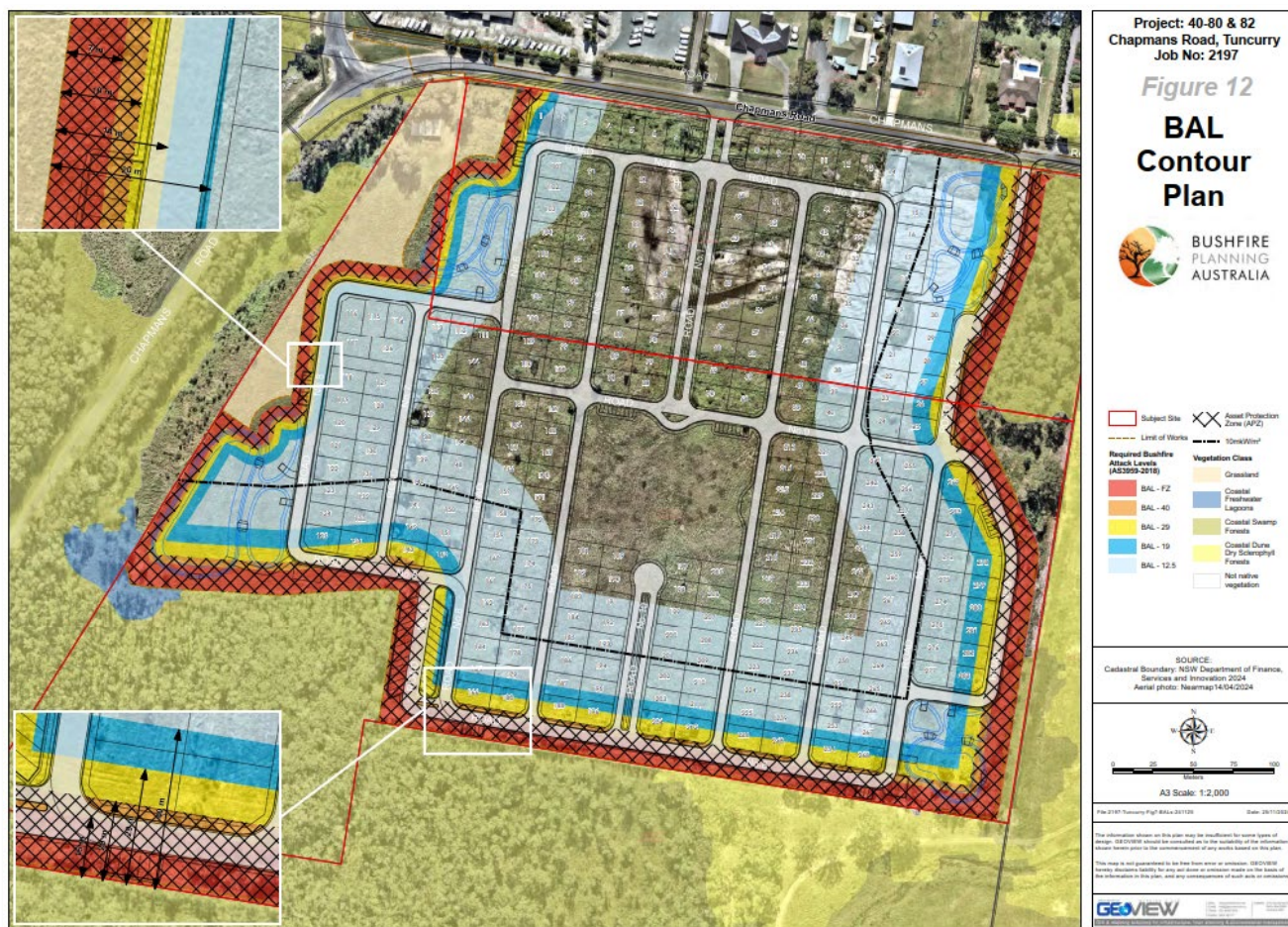


Figure 59: BAL Contour Plan
Source: BDAR (Appendix S)

The BAR concludes that the proposed manufactured home estate is able to comply with the specification and requirements of PBP2019. The report concludes that should the above recommendations be implemented, the proposed modification to the approved development will result in a better bushfire outcome as the existing bushfire risk should be suitably mitigated to offer an acceptable level of protection to life and property for those persons and assets occupying the site but they do not and cannot guarantee that the area will not be affected by bushfire at some time.

The following key recommendations were identified in the BAR to enable the proposed development to achieve Performance Criteria for SFPP developments detailed in Section 6.8 of PBP 2019:

1. The areas within the site identified as an Asset Protection Zone shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of PBP 2019 and the RFS document Standards for asset protection zones;
2. All future buildings to be constructed on the proposed sites shall have due regard to the specific considerations given in the National Construction Code: Building Code of Australia (BCA) which makes specific reference to Australian Standard AS3959-2018 Construction of buildings in bushfire prone areas (AS3959-2018) and the NASH Standard Steel Framed Construction in Bushfire Prone Areas;
3. Where the new dwellings are not required to be comply with the BCA, each dwelling shall be constructed in accordance with the relevant Bushfire Attack Level (BAL) identified. An updated Approval to Operate (issued under Section 68 of the Local Government Act 1993) shall include the BAL Contour Plan and require each new dwelling to be constructed to the nominated BAL rating. Furthermore, a suitably worded instrument(s) must be created pursuant to section 88 of the Conveyancing Act 1917 clearly outlining the require BAL ratings for each dwelling;

4. All new sites are to be connected to a reliable water supply network and that suitable fire hydrants are located throughout the development site that are clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure shall comply with AS2419.1 2005 and section 6.8.3 of PBP 2019;
5. The internal access road is to be designed and constructed in accordance with section 6.8.2 of PBP 2019 or as shown in the ADW Johnson plans;
6. Consideration should be given to landscaping and fuel loads on site to decrease potential fire hazards on site; and
7. A Bushfire Emergency Management and Evacuation Plan (BEMEP) shall be prepared that is consistent with the RFS Guidelines 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

It is also noted that the following features of the estate have been provided to assist with bushfire control:

- A reticulated water supply is provided.
- A series of fire hydrants will be located throughout the MHE.
- A new water supply ring main will be provided throughout the new component of the MHE.
- All transmission lines shall be located underground within the MHE.
- All tanked gas stored on site will be sited and secured with appropriate shielding from the bushfire hazard.
- A Bushfire Evacuation Plan has been prepared for the MHE (see **Appendix S1**).
- Where required, consultation with staff and residents will be undertaken during the preparation of the Bushfire Management Plan.

The full assessment of required bushfire protection measures is discussed within the BAR (see **Appendix S**).

5.1.10.2 Flooding

As discussed earlier in this SEE within **Section 4.1.3.2**, an assessment was made in regards to Clause 5.21 Flood Planning of GLLEP2014.

The proposed cut and fill across the site is identified in **Figure 36**. As such the proposed development is to be filled to at least RL2.7m AHD to comply with MidCoast Council requirements for flood prone land. However habitable floor level areas across the site will be filled to RL3.2 AHD. The site will be regraded as per the plan to ensure functionality across the site considering matters such as stormwater and drainage, civil engineering works such as roads and infrastructure delivery, and the future use of the site as an MHE.

The Concept Engineering Plans at **Appendix G** have considered the site constraints, flood function and behaviour, modelling data for the site and any cumulative impacts on or from the surrounding locality. The engineering plans have also incorporated the various expert consultant report recommendations, and Council's previous discussions in designing the development to appropriately meet flooding concerns.

A Flood Impact Assessment and hydraulic modelling has been completed by Royal Haskoning DVH (see **Appendix L**) to evaluate the impact of the proposed works on the flood behaviour within the site and in the surrounding environment.

A Flood Evacuation Plan has been prepared considering recommendations within the FIA (see **Appendix L1**)

As concluded previously, the nature of the site development and various engineering design, construction and land use management options available to minimise potential flooding issues, enables the development to proceed to approval and construction. The regrading of the site enables a flood planning level of 1%AEP plus 500mm freeboard to limit flood inundation and impacts. Given the potential flooding within the locality, appropriate measures to manage risk to life and property from flood have been adopted. As per the Flood Evacuation Plan, the Operational Plan for the lifestyle resort operations will incorporate flood evacuation procedures and advance warning for residents. Flood impacts are therefore considered to have been suitably addressed and Council can grant development consent.

5.1.11 Noise and Air Quality

During construction, some noise and vibration is likely to be created, however, construction activities will be short term and will only occur during those hours permitted by the Council and as represented in the development consent conditions. Construction noise may be effectively mitigated against by conditioning hours of operation for construction works imposed within the DA conditions of consent.

When the development is completed, air pollution caused by the operation of the development is not expected to be significant nor create any long-term impacts.

The occupation of future dwellings and operations of the community facilities are not restricted by hours of operation, but rather by standard noise criteria under the *Protection of the Environment Operations Act 1997*. The proposed separation of sites from the community building, retention of vegetation combined with boundary fencing and the landscaping throughout all assist in providing adequate separation between land uses. The operational noise levels from the proposal will not be out character with the future intent of the precinct.

As such, it is considered there will be no ongoing air or noise issues pertaining to the proposed development.

5.1.12 Social Impact

In accordance with the requirements of the Great Lakes Development Control Plan, a Social Impact Assessment (SIA) has been prepared by AIGIS Group for the proposed development and included as **Appendix U**.

The report concludes that the proposed development is assessed as being likely to produce beneficial social outcomes for the people who eventually live in the proposed over 55s community. These benefits are likely to relate to providing a safe and secure environment for these older citizens, with social infrastructure and services provided onsite.

The proposed development will provide alternative housing stock for people who wish to downsize from their existing home or relocate to Tuncurry. Throughout Australia proportionately more people aged 50 years and over live in small towns than major cities; with proof of this being that the Tuncurry and Forster median ages are markedly higher than that of the LGA. The proposed development meets this market demand.

The SIA provides an audit of the current services and infrastructure accessible to Tuncurry residents and identifies their proximity to the site. The assessment concludes there are likely to be cumulative increases in demand for the range of services that residents in Tuncurry and its surrounds needed to maintain their lifestyles and standards of living, due to the development. However, in the context of the area's current population and its projected growth, the likely increases from the development will be proportionally modest. There are additionally a range of design features and village management strategies that can be put in place that may also mitigate the extent of increases in some elements of service demand.

In terms of the social impacts from construction on adjoining properties, while some have been identified (such as traffic and noise generation), it is assessed that these would be limited in duration and appropriately mitigated through measures such as a Construction Management Plan. Furthermore, the relatively high existing residential density, combined with other uses in the immediate area, result in an environment where the occupancy stage effects of the proposed development is considered as unlikely to create material impacts.

It is assessed that on balance, the social impacts of the development would be positive for directly involved parties, such as future residents. Other parties in the Forster-Tuncurry area and the LGA more generally are assessed as being unlikely to be materially affected. Further details are provided within the SIA provided in **Appendix U**.

5.1.13 Economic Impact

The proposed development is expected to create a positive economic effect on the local community of Forster/Tuncurry. Approximately 3km south of the site, Tuncurry is an urban township serviced by a large range of retail, commercial and community services. Increasing the number of people in the area will increase the retail and economic demand and the consequent flow on effect of this is expected to contribute to produce a minor contribution to the economic growth of Tuncurry and surrounds.

In addition to the positive impact for businesses from the new residents, increased job opportunities during construction and the provision of affordable housing for the area further add to the economic benefits of the proposed development.

The development will provide housing stock at a relatively affordable pricing point and provides a variety and choice of housing stock.

According to NSW Treasury Economic Update (September 2013), “NSW Treasury estimates that for every \$1 million spent on extra residential construction, a possible \$2.5 million would be generated in the overall economy. The spending would give rise to an additional three full-time jobs in the construction industry and a total of eight full-time jobs in the overall economy.”

The total construction cost of the proposed development, being the roads, enabling infrastructure, community facilities is estimated to be approximately \$29.95 million. Using the information provided by NSW Treasury the proposed development will generate \$68.88 million to the overall economy. In addition, full-time construction jobs and flow on jobs in the overall economy will be created. The proposed lifestyle resort therefore has a positive economic and social benefit to the community of Tuncurry and the MidCoast region.

The SIA also discusses economic benefits (see **Appendix U**).

5.1.14 Landscaping

A Landscape Plan has been prepared and is included in **Appendix F**.

The proposed landscaping, street trees and fencing will be consistent throughout the MHE site and has been designed in keeping with the entry gate, dwellings and community buildings which will all have a modern feel. The proposed landscaping softens and integrates the new development with the surrounding streetscape, creating a high aesthetic quality and amenity for both the new occupants and the adjoining public domain. The proposed species have been selected from suitable low-water-use primarily native planting list, with a view for low-water usage and low landscape maintenance requirements and planning for bushfire provisions.

Landscaping within proposed Lot 1 includes new plantings that will soften the appearance of the built form, contribute to the creation of a high amenity environment, provide for pleasant views to and from the site, and generally enhance the vegetated character of the locale.

The surrounding environmental zoned land within proposed Lot 2 also provides appropriate visual and amenity buffers to surrounding developments.

5.1.15 Site Design and Internal Design

As the MHE Masterplan evidences (see **Appendix D**) with regards to the scale and character of the proposed development, the proposed dwelling sites (see **Appendix E1- E14**) will ultimately accommodate single storey low scale dwellings which will be consistent with the existing and residential dwellings being constructed to the immediate east and north-east of the subject site. Long and short-range views will not be adversely affected as the proposal generally presents detached style housing, incorporating various typologies. On a regional scale, the development is consistent with the existing pattern of development and is a logical extension of the existing and urban area of northern Tuncurry.

The proposed internal layout of the land lease community ensures the orderly use of the land through the provision of regularly shaped sites with street frontages capable of accommodating several typologies of dwelling house and sufficient private open space. The size, shape and orientation of individual allotments allows for good solar access to each site and will enable future built form to address the street creating visual interest.

The proposed clubhouse building has been located at the centre of the development site with large areas of landscaping surrounding the building. As such the clubhouse will have minimal impact on sunlight access for surrounding dwellings. A shadowing assessment is included within the Architectural Plans at **Appendix E**. Other buildings as part of this application will have minimal impact upon solar access and neighbouring public domain. Given the separation to existing and future adjoining dwellings including a landscape strip and C2 land, there is not expected to be overshadowing impacts on future neighbouring developments.

5.1.16 Waste

A Site Waste Minimisation and Management Plan (SWMMP) has been prepared to address the relevant DCP provisions and the potential waste related impacts of development. The SWMMP is attached as **Appendix V**.

As outlined below, all waste generated by the proposed development (demolition, construction, and operations) is to be appropriately re-used, recycled, or disposed of.

Demolition & Construction:

- Trees and shrubs on site to be mulched/chipped for re-use in landscaping or site stabilisation;
- Concrete and metal materials to be recycled off-site; and
- Landfill disposal of frames and trusses.
- House building contractor to provide skip bins for recyclable and land fill waste during house construction phase subject to separate application. House construction regulated via Section 68 approvals of the LG Act.

Operations/ Domestic Waste

Individual general garbage, green waste and recycling bins will be provided to each dwelling with collection via contract with private provider (JR Richards). Bins are to be stored on individual dwelling lots and placed at kerb line for collection by private waste service provider.

Garbage bins are to be located in designated service area of Community Facilities Building as shown on design plans prepared by ELK Designs at **Appendix E**.

The Traffic and Parking Assessment (see **Appendix P**) also concludes that the site is able to be safely and conveniently serviced for waste collection as waste collection vehicles would be able to enter the site in a forward direction and collect bins from in front of sites before exiting the site in a forward direction. Swept path drawings are provided in the Concept Engineering Plans (see **Appendix G**).

5.1.17 Safety, Security and Crime Prevention

Crime Prevention Through Environmental Design (CPTED) is the development of design principles within and surrounding a proposed development to assist in minimising crime opportunities once the development has been completed. CPTED reduces crime opportunities by increasing the risk to offenders of being identified, increasing the effort required to commit crime, reducing opportunities for excuse making and reducing the likely rewards of criminal behaviour. A CPTED report has been prepared by James Marshall & Co for the proposed MHE and is provided as **Appendix W**. This report included various recommendations which have been incorporated into the layout design.

There are four CPTED principles that must be considered to minimise crime which include Surveillance; Access Control; Territorial Reinforcement and Space/ Activity Management. These main principles are addressed below.

Territorial Reinforcement

Territorial reinforcement relates to the clear distinction between public and private property using actual and symbolic boundary markers and environmental cues. Territorial reinforcement encourages community responsibility, identifies the use of a space, and distinguishes who should / should not be within such space. The proposed design incorporates boundary fences, gated pedestrian entry and 'private property' signage which clearly defines who utilises the space. This provides a clear distinction between private and public property. Through the designation of clear common areas including the clubhouse and recreation areas, the proposed MHE design encourages community responsibility for the space. Territorial reinforcement is therefore achieved.

Surveillance

Through providing opportunities for effective surveillance, design choices can reduce the attractiveness of crime targets. Surveillance comes in various forms through nature, technical and formal measures. In the proposed design the pathways and open space connections have been left as a mostly open grass terrace and low shrub planting with a number of canopy trees offering shade alongside the pathway. Screen shrub planting is only recommended adjoining the boundary fences and away from the pathway which allows pedestrians the safety of a visually unimpeded pathway. Canopy trees which won't obstruct visibility shall be planted alongside this pathway zone.

Lighting will be imperative to ensure effective evening and night surveillance and will be provided in the form of post top lighting along the pathway and at the entrance gate. Lighting design will ensure no spillage onto neighbouring properties. Natural surveillance is therefore being achieved along the route of the pathway as well as at the gated accessway into the development. It is anticipated that formal surveillance will be provided in the form of security cameras within the community facility.

The design of dwelling sites allows for passive surveillance of the streets and pathways network. The proposed open space links and landscaping have been designed to be wider than normal to avoid areas of entrapment and are also subject to general observation by the adjoining future dwellings. People feel safe in areas when they can see and interact with others allowing people to see what others are doing in public spaces. This helps in the deterrence of crime.

Access Control

Access control is the restriction or attraction of movements of people out of and around developments. In the proposed design this is achieved through the provision of a formal footpath with a physical barrier at the development end being a locked pedestrian gate. The main entrance to the lifestyle resort development is to be secured by a gate. Fencing is proposed to ensure security for the residents; however, it will be designed to blend in with the locale and surrounded by landscaping. The pathway provides a formal desire line which minimises opportunities for people to wander into areas where they are not encouraged to do so. The key / card-controlled gate to the development is an effective access control which channels and controls permissible pedestrians into the development site. These various controls increase the time and effort required for criminals to commit crime activities. Access control is therefore able to be achieved within the site.

Space/Activity Management

Space management ensures that the area is appropriately utilised and well maintained to maximise security and community safety. It involves the formal control and care of the development. The proposed design shall be maintained by the management of the proposed lifestyle resort development. This will involve regular mowing, weeding of garden beds, under pruning of canopy trees and pruning of shrubs as required. Any damage to lighting, fences and gates shall be repaired by the lifestyle resort management team. By ensuring a well-maintained pathway area will encourage greater and more effective use. This in turn helps to avoid anti-social or bad behaviour. Space management is therefore to be achieved through the future management of the proposed development.

The proposed development will be accessible from the public domain via pathways. The dwellings will have clearly articulated entries to provide a welcoming and secure environment for residents and their guests. Residents residing within the dwellings have chosen to do so for the peaceful environmental attributes of the site and location.

The proposal also included common areas and shared facilities including the club house and open space/ recreation areas. These common areas and shared facilities will be monitored by management for the entire development.

As per the above assessment, the proposed MHE has been designed in such a way that encourages safety and security, and has considered and implemented the key CPTED principles for future users of the site.

5.2 The Suitability of the Site for the Development (S4.15C(1)(C))

The site is considered to be entirely suitable for the proposed subdivision and establishment of a manufactured home estate over proposed Lot 1.

The recent DA approval (DA 2022/0214) for a MHE at 40-80 Chapmans Road is an indication of the site suitability. Noting the site has been expanded to be inclusive of 82 Chapmans Road, this SEE and the accompanying supporting documentation has adequately considered the suitability of the subject site for the proposal. Consideration has been given to relevant site constraints such as, ecology, bushfire, traffic, flooding and the coastal wetland area, to which impacts can be suitably avoided or mitigated.

The proposed subdivision is entirely consistent with the objectives of the R2 and C2 land use zones, and the proposed MHE remains consistent with the applicable R2 zone objectives.

The site is therefore considered to be suitable for the proposed development.

5.3 Any Submissions made in Accordance with the Act (S4.15C(1)(D))

It is expected that the proposed development will be notified in accordance with Council guidelines. Any relevant submissions will be addressed as required.

5.4 The Public Interest (S4.15C(1)(E))

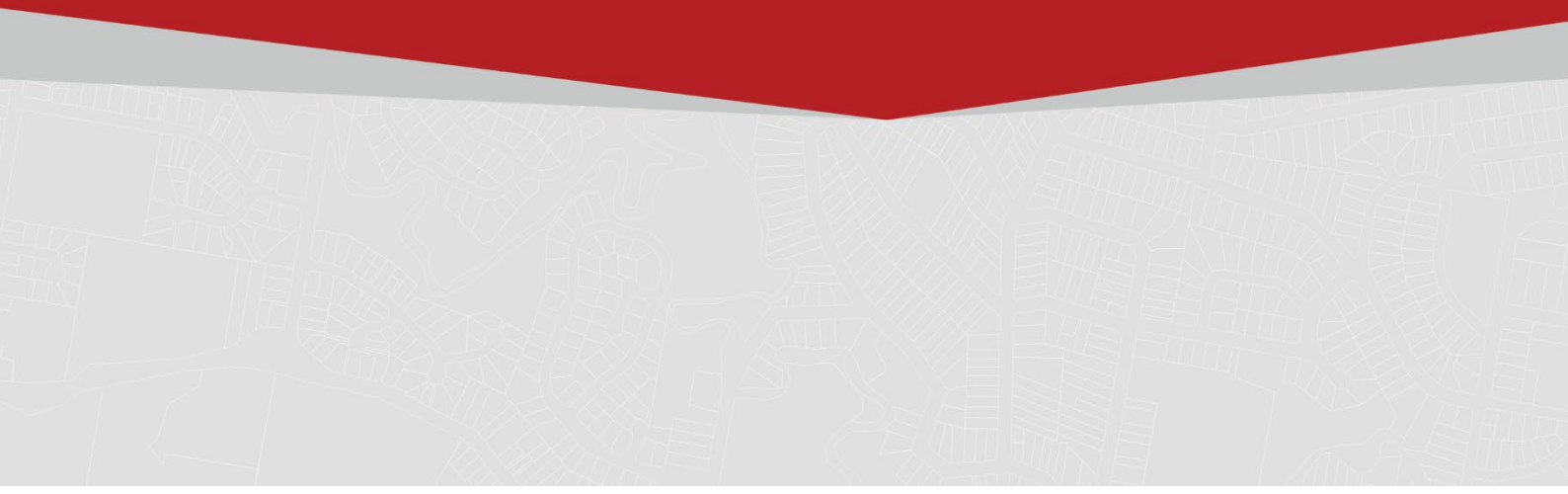
As an alternative form of affordable housing, the proposed manufactured home estate is considered to be in the public interest, supporting housing within the area in an appropriate location. The proposal will also:

- Support the strategic planning direction for the region through the provision of well-located affordable housing for an ageing demographic;
- Provide varied housing stock within the locality;
- Contribute to the local economy through generating greater positive impacts for businesses and increasing employment opportunities during construction;
- Retain environmentally zoned land and coastal wetland areas within a separate lot dedicated to conservation; and
- Contribute to key infrastructure, particularly transport infrastructure, through the payment of contributions associated with the DA.

It is considered that the proposal is in the public interest, and of benefit to both Tuncurry and the wider region.

Section 6

Conclusion



6 Conclusion

This development application seeks development consent for a two (2) into two (2) lot Torrens subdivision and the establishment of a manufactured home estate over proposed Lot 1, at 40-80 and 82 Chapmans Road, Tuncurry.

The proposed manufactured home estate provides 283 dwelling sites, suitable for the construction of manufactured homes (subject to a separate application), which are intended to provide diverse housing stock within the Tuncurry / Forster and MidCoast locality. The MHE includes a community facility precinct, ancillary infrastructure, and landscaping throughout.

The proposed MHE and associated works have taken into account all site constraints, most notably the adjoining C2 zoned land and coastal wetland, flooding and bushfire considerations applicable. The proposed development is inclusive of servicing, including water, sewer, and stormwater management provisions.

Internal access roads and formalised vehicular access off Chapmans Road are also proposed, along with road upgrades and a pedestrian footpath along a portion of Chapmans Road. The proposed site layout has been designed in consideration of the necessary servicing requirements, disability access compliance, as well as future well-being, safety and use of residents.

The proposed development generally complies with the provisions of the GLLEP2014, the LG MHE Regs 2021, and the GLDCP. Where variations are proposed, the development continues to remain consistent with the overall aims and objectives of the relevant provisions. Sufficient justification and expert consultant documentation has been provided to support the proposal and variations required.

Taking the above into consideration, the proposal suitably addresses all relevant matters under Section 4.15 of the EP&A Act and on this basis, it is requested that Council grant development consent to the application.

Appendices



Appendix A

Deposited Plans

Appendix A1

Certificate of Title

Appendix A2

Owners Consent

Appendix B

Section 68 Application including Section 82 Objection

Appendix B1

DPHI Concurrence

Appendix C

Plan of Subdivision

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Master Plan

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Allam Estate Plan

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Water Cycle Management Plan

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Appendix I

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Appendix K

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Appendix L

Flood Impact Assessment

Appendix L1

Flood Evacuation Report

Appendix M

Acid Sulfate Soils Assessment (Stage 1)

Appendix M1

Acid Sulfate Soils Assessment (Stage 2)

Appendix N

Site Contamination Assessment (Stage 1)

Appendix N1

Addendum to Contamination Assessment (Stage 1)

Appendix N2

Asbestos Clearance Report

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Site Contamination Assessment (Stage 2)

Appendix O

Biodiversity Development Assessment Report

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Arborist Impact Assessment

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Appendix U

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CPTED Assessment

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Operations Manual

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Estimated Development Cost Report

Appendix Z

Access Report
