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STATEMENT OF ENVIRONMENTAL EFFECTS

APPLICATION FOR DEVELOPMENT CONSENT FOR MULTI DWELLING HOUSING
(MANUFACTURED HOME ESTATE) – 204 DWELLINGS

**106 (PART ONLY) & 142 FOREST LANE, OLD BAR
(PART OF LOT 2 DP1022067 & LOT B DP377867)**



Andrew Magoffin & Matilda Parer for

PALM LAKE WORKS PTY LTD PO Box 10479, Southport QLD 4215

22 July 2025

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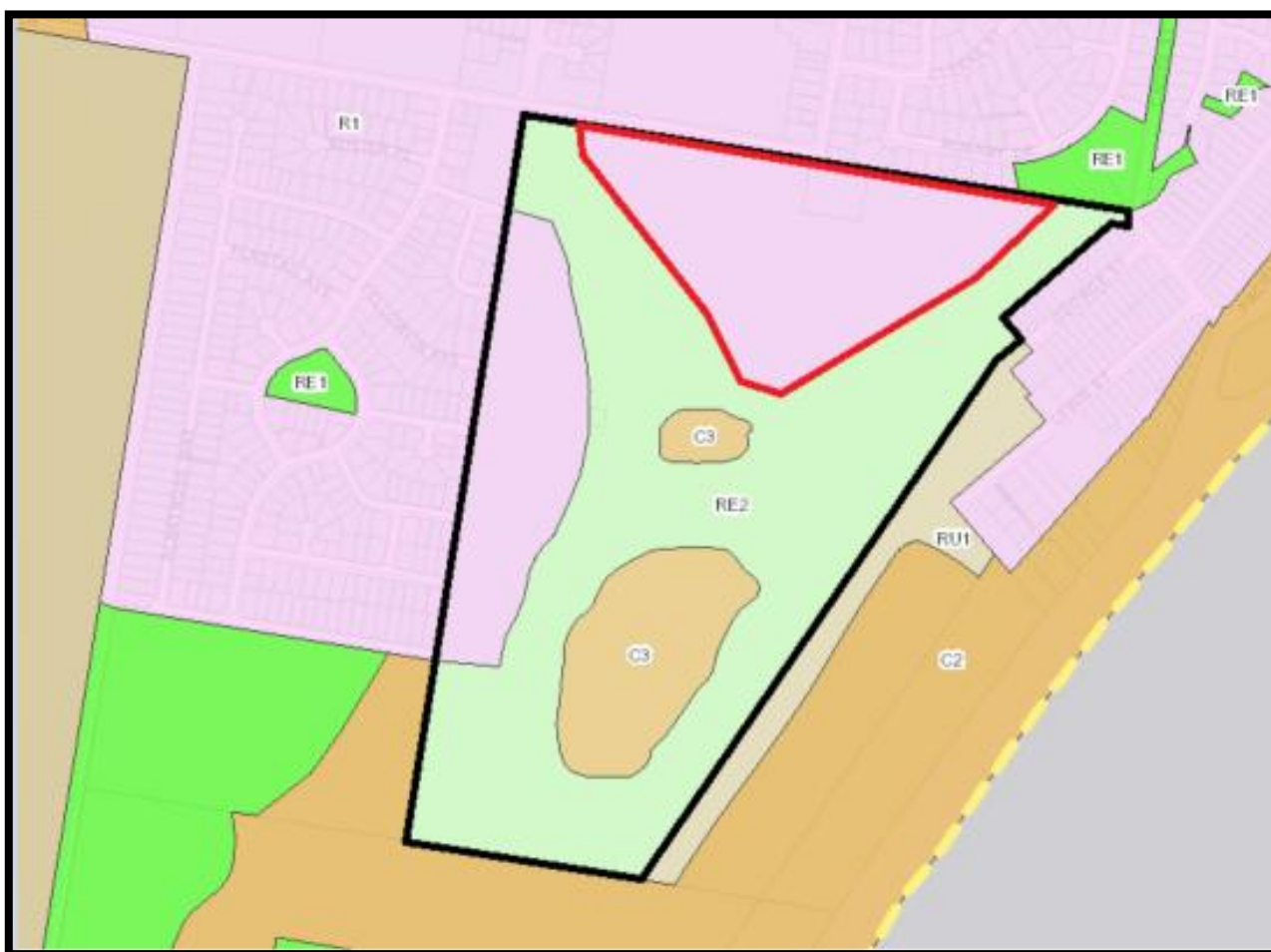
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Executive Summary

This Statement of Environmental Effects (**SoEE**) forms part of an application for development consent being made to the Hunter & Central Coast Regional Planning Panel (**Panel**) (via MidCoast Council (**Council**)) pursuant to section 4.12 of the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**), by Palm Lake Resort Pty Ltd c/- Palm Lake Works Pty Ltd (**Palm Lake**).

This application is being made over land described as 106 (part only) & 142 Forest Lane, Old Bar (Part of Lot 2 DP1022067 & Lot B DP377867) (**Site**) and the development consent being sought from Council is for Multi Dwelling Housing (Manufactured Home Estate), comprising 204 dwellings.

The Site is within the part of the MidCoast local government area wherein development is regulated by the Greater Taree Local Environmental Plan 2014 (**LEP**). Under the LEP, the Site is mapped in the R1 General Residential Zone (see area outlined in red in the below image). The balance of 106 Forest Lane (Lot 2 DP1022067) is in three different zones but this application applies only to the land outlined in red (below):



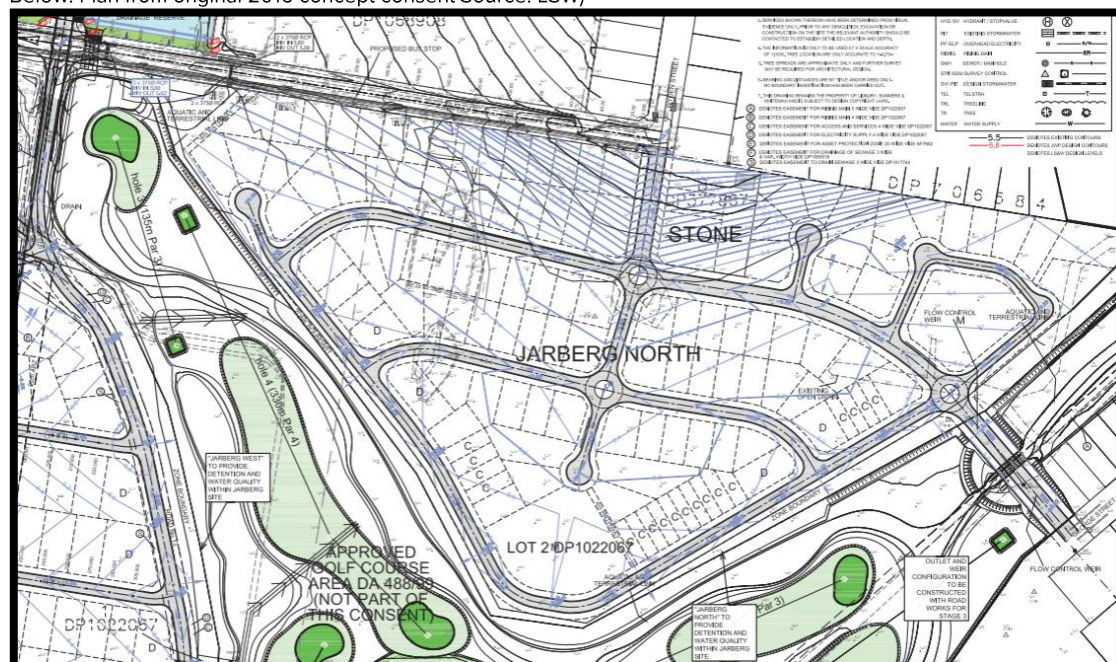
Above: Extract from LEP Land Zoning Map

The Land Use Table at the end of Part 2 of the LEP lists 'Multi dwelling housing' as development that is permitted with consent in the R1 General Residential Zone. Section 4.2, subsection (2) of the LEP identifies that development consent is to be obtained "by the making of a determination by a consent authority to grant development consent". This application seeks such a determination from the Panel, given the proposed development is "regionally significant development" pursuant to Schedule 6, section 2 of *State Environmental Planning Policy (Planning Systems) 2021* (NSW), meaning the Panel is the consent authority, per section 4.5 of the Act.

PRECINCT 2B

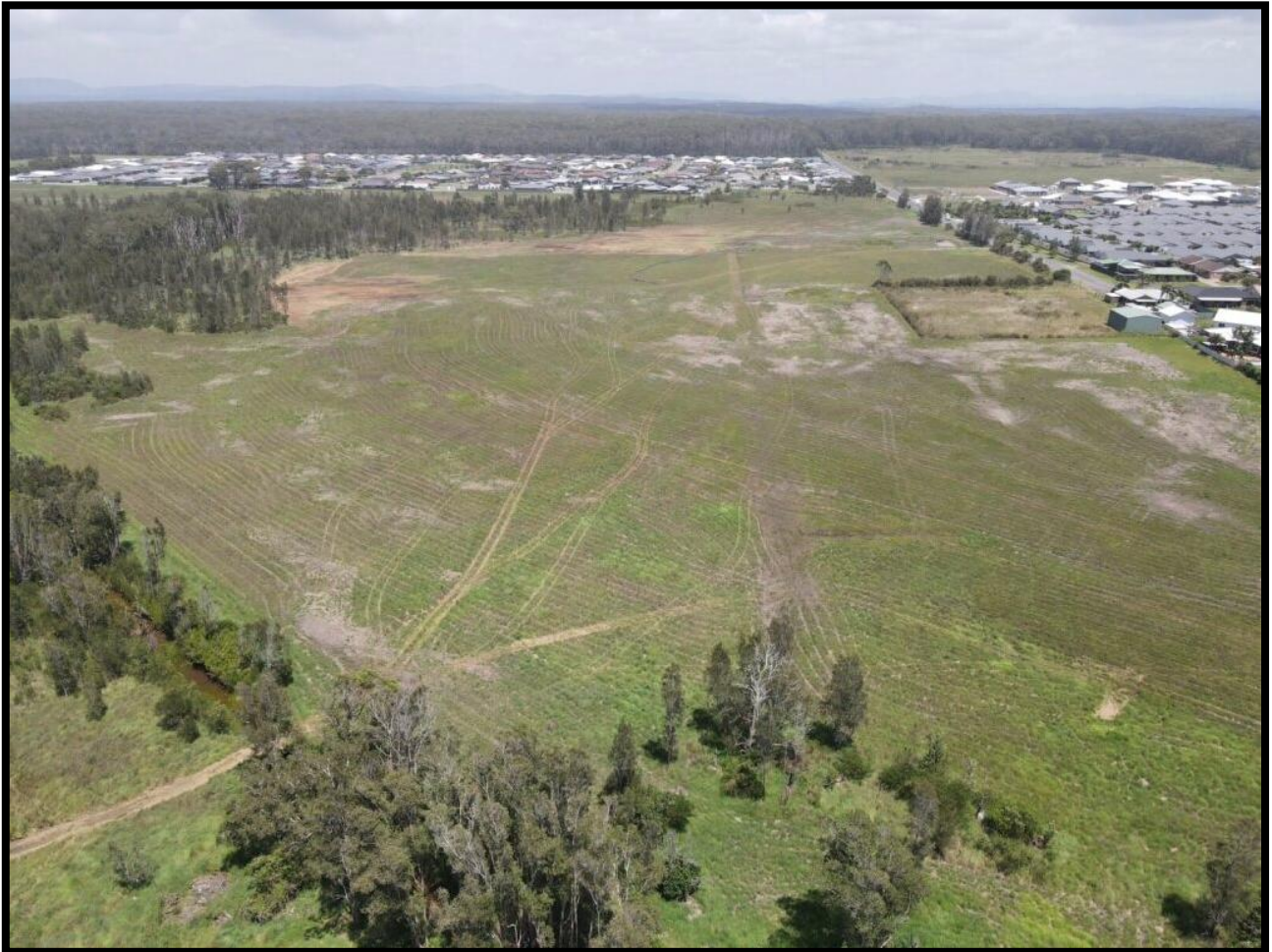
RED LINE DENOTES
APPROXIMATE LOCATION OF
EASEMENT TO DRAIN WATER
WITHIN LOT 2 (IE. OUTSIDE
DEVELOPMENT FOOTPRINTS OF
STAGES 3 AND 10) IN FAVOUR
OF COUNCIL. STANDARD TERMS
OF EASEMENT TO BE INCORPORATED
SO THERE IS NO ADVERSE
AFFECT ON APPROVED
DEVELOPMENT PER CONSENT
DIA 485506.

Below: Plan from original 2016 concept consent Source: LSW)



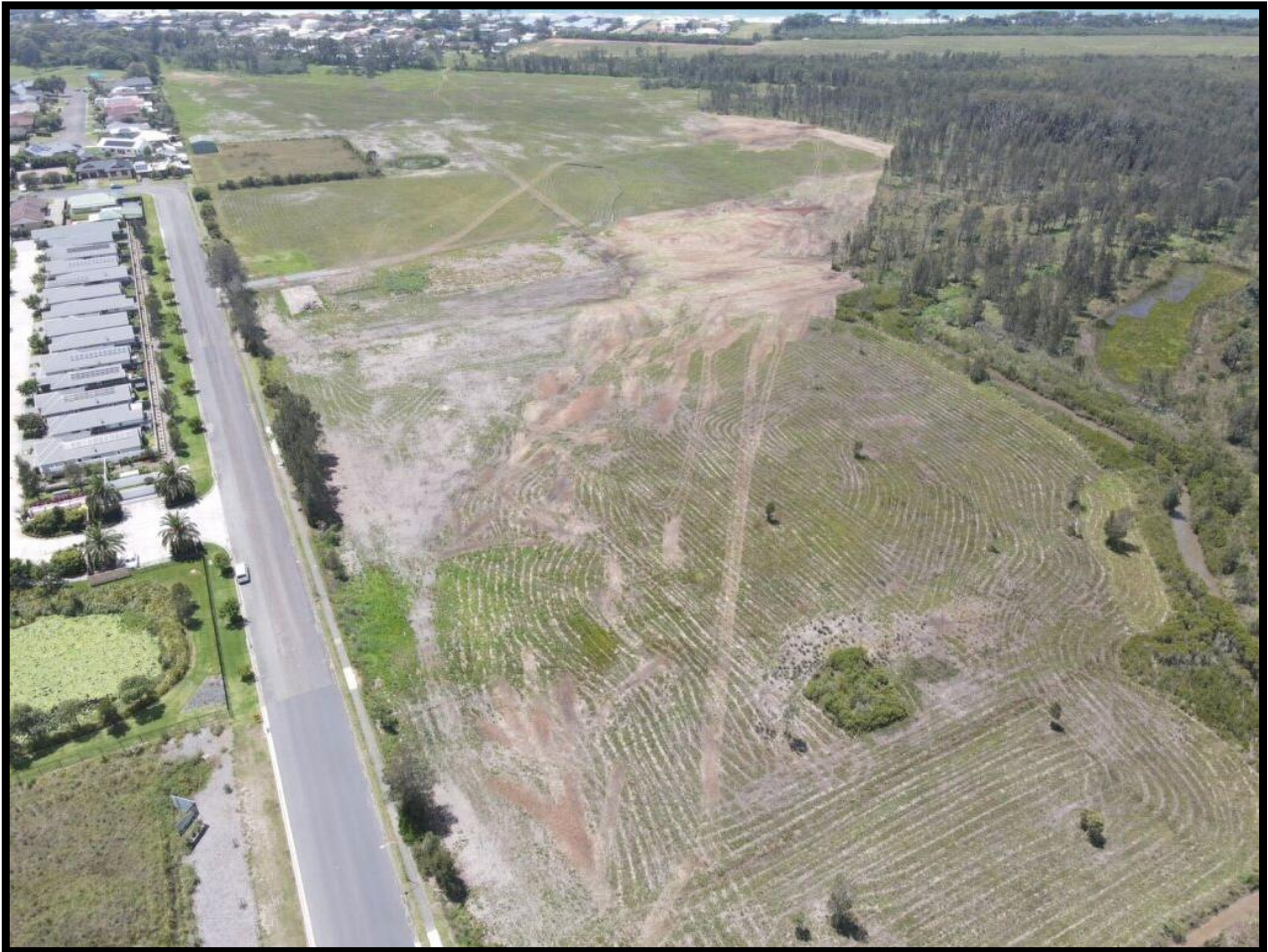
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The vast majority of the Site is open, maintained grassland; vegetation was recently cleared from the Site in accordance with a development consent for bulk earthworks (Council reference: 229/2018/DA) and a subsequent construction certificate (Council reference: SWC CC2022/0749). Some vegetation remains in place along the Site's Forest Lane frontage and around the boundaries common to Lot 2 DP1022067 and Lot B DP377867. Recent photographs taken by a drone-mounted camera captured the Site – those photographs are included below and overleaf:



Above: Photograph of the Site, looking westward, taken 10 December 2024 (Source: Palm Lake)

Topographically, the Site is mildly undulating, with current ground levels ranging from around 9 metres AHD in the north, near the Forest Lane frontage, to 4.5 metres AHD at the most southerly point. Across a distance of around 325 metres, that fall equates to an average slope of less than 1.5%. However, the fall from 9 metres AHD to 6 metres AHD occurs over a distance of around between 100 metres and 150 metres, translating to a slope of 2 to 3%.



Above: Photograph of the Site, looking eastward, taken 10 December 2024 (Source: Palm Lake)

This SoEE assesses the proposed development's performance against relevant parts of the LEP, relevant provisions of the Greater Taree Development Control Plan 2010 (**DCP**) as well as the following State Environmental Planning Policies (**SEPPs**):

- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Housing) 2021;
- State Environmental Planning Policy (Planning Systems) 2021; and
- State Environmental Planning Policy (Resilience and Hazards) 2021.

Importantly, State Environmental Planning Policy (Sustainable Buildings) 2022 is not applicable to this application as a manufactured home is not a “building”, as defined in section 1.4 of the Act, meaning it cannot be a “BASIX building” and therefore not “BASIX development” under Schedule 7 of the *Environmental Planning and Assessment Regulation 2021* (NSW) (**Regulation**).

Also, State Environmental Planning Policy (Transport and Infrastructure) 2021 is not applicable to this application given the number of proposed dwellings does not exceed the threshold stated in Column 2 of the table in Schedule 3 of the SEPP (via section 2.122 of the SEPP).

Section 4.15 of the Act sets out the matters to be considered by Council in assessing this application. Palm Lake's position is that the proposed development is consistent with those things, so far as they are relevant to the Site and the proposed development. The development is unlikely to result in significant adverse environmental impacts nor be detrimental to the public interest.

Palm Lake is a well-established developer and operator of retirement living communities and aged care facilities throughout New South Wales, Queensland and Victoria. The Site is planned to become its latest retirement

living community in the mid-coast region of New South Wales, with early stages of its existing community in Forster now completed and further stages under construction.

Palm Lake also has consents in place for developing the balance of Lot 2 DP1022067 in Old Bar for a 9-hole golf course, as well as the neighbouring Lot 1 Lewis Street (Lot 1 DP594864) for a manufactured home estate comprising 147 homes (Council reference: MOD2022/0253). Additionally, we recently lodged an application for development consent over 42 Lewis Street, Old Bar (Lot F DP420085) to develop a “Beach Clubhouse” (‘Recreation Facility (Indoor)’) for recreational use by future residents of the retirement living community we propose in this location.

The application now being made over the Site is for one component of Palm Lake’s overall vision for its Old Bar retirement living community. Particulars of the proposed development are detailed in section 3 of this SoEE. The development is planned to be another high-quality Palm Lake residential community and we hereby request a development consent with conditions that meet the requirements of section 4.17 of the Act.

1.0 Site & application particulars

Particulars of the Site are set out in the table below:

Address	106 (part only) & 142 Forest Lane, Old Bar NSW 2430
Legal description	Part of Lot 2 DP1022067 & Lot B DP377867
Title encumbrances	Lot 2 DP1022067 is burdened by a number of easements for various purposes but the part of Lot 2 DP1022067 that is the subject of this application is burdened by just one easement, being an easement for drainage purposes. If this application were to be approved, the easement would need to be extinguished and potentially a new drainage easement registered in substitution.
Site area	11.25 hectares (approx.)
Land owner	Palm Lake Resort Pty Ltd
Existing use	Vacant land
Local Government Area	MidCoast
Environmental Planning Instruments	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021; • State Environmental Planning Policy (Housing) 2021; • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; and • Greater Taree Local Environmental Plan.
LEP Zoning	'R1 – General Residential'
Maximum Building Height	8.5 metres
Maximum FSR	0.75:1
NSW Coastal Zone	Yes

The table below identifies further particulars of the Site:

Topography	The Site's ground level ranges from around 9 metres AHD in the north to about 4.5 metres AHD in the south. The average slope is about 1.5%, with the steepest parts being approximately 3%.
Vegetation	In the main, the Site is open grassland but there remain some trees along the Forest lane frontage and around the boundaries common to Lot 2 DP1022067 & Lot B DP377867.
Infrastructure & services	<p>'Before You Dig' search results reveal the Site:</p> <ul style="list-style-type: none"> • has a reticulated water service connection at its frontage to Forest Lane, near the Forest Lane/Wyden Street intersection; • has a sewer service connection at the Forest Lane frontage, near its intersection with Wyden Street and also a lateral sewer line to the south of the Site, within the part of Lot 2 DP1022067 approved for a private golf course; • has electricity supply via high voltage and low voltage underground cables than run within the southern verge of Forest Lane and a high voltage cable that runs into Lot 2 DP1022067, just south/south-west of the Site; and • has NBN Co cabling available within the Forest Lane road reserve.
Existing use and improvements	There is just one small shed on the Site, situated in the north-eastern corner of Lot B DP377867, otherwise the Site has no built improvements and is vacant land.

The Site is in the southern reaches of the Old Bar locality, with the majority of existing urban development in the area being north of the Site. As at the 2021 Census, Old Bar had a resident population of 5,126 people, with 35.4% of those people being aged 50 or over. Old Bar is a quiet, coastal settlement situated south-east of Taree.

The Site itself is approximately 11.25 hectares in area and has direct frontage to Forest Lane, the eastern end of which intersects with Wyden Street. The northern end of Wyden Street intersects with Old Bar Road (a classified road), which is the gateway to Old Bar, running between the Pacific Highway in the west and Old Bar Beach in the east. A Coles-branded supermarket is located along Old Bar Road, as are a few small food and drink premises.

The Site is mostly open, maintained grassland, with a line of trees near the Site's Forest Lane frontage and around the boundaries common to Lot 2 DP1022067 and Lot B 377867. There is one small dam near the southern boundary of Lot B DP377867.

The Site topography can be generally flat to very mildly undulating, with slope ranging from around 1.5% to 3%.

Ponds associated with a sewer treatment plant are located approximately 900 metres south of the Site, at the very southern extremity of the Old Bar locality. Further south lies the township of Wallabi Point.

North of the Site lies the majority of the Old Bar urban settlement, which is characterised by single dwelling houses (typically one per lot). On the northern side of Forest Lane is "Clifton Old Bar", which is an over-55s lifestyle resort of the like Palm Lake might deliver. Clifton Old Bar comprises around 128 homes plus ancillary community facilities.

East of the Site are more of the existing dwelling houses that characterise the Old Bar locality, further east of which lies the Pacific Ocean.

Immediately west of the Site is the Ocean Blue Estate, which has been progressively developing since around the early 2000s. It is a development of several hundred lots where each lot hosts a dwelling house.

The Site context is unquestionably residential by character.

Particulars of this application for development consent are set out in the table below:

Proposed development	Multi dwelling housing (Manufactured home estate) – 204 dwellings
Estimated development cost	<p>\$134,103,319</p> <p>Application fee calculated to be \$184,786.78 (per items 2.1 & 9.5 of Environmental Planning and Assessment Regulation 2021, Schedule 4). This fee is calculated on the estimated development cost but <i>inclusive</i> of GST (e.g. \$147,513,650.90).</p> <p>Given the history of approvals over the Site, including the fact that bulk earthworks is already approved and therefore beyond the scope of assessment in this new application, Palm Lake is of the view that the calculated application fee is excessive. We hereby request that Council consider a reduced application fee that better reflects the resources Council is likely to commit to assessing this application.</p>
Consent authority	Hunter & Central Coast Regional Planning Panel
State significant development	No
Regionally significant development	Yes
Designated development	No
Integrated development	No

SEPP Transport and Infrastructure Referral	No
Applicant	Palm Lake Resort Pty Ltd c/- Palm Lake Works Pty Ltd
Applicant contact details	Contact person: Matilda Parer Email: matildap@palllake.com.au Phone: (07) 5552 1324

2.0 Background

The Site is part of Precinct 3 – Old Bar, a wider area of land that was the subject of a 2016 consent granted by the Hunter & Central Coast Joint Regional Planning Panel to a concept development application made by Lidbury, Summers and Whiteman (now LSW Surveyors) in 2014 (Council reference: DA439/2014). Stage 1 (including sub-stages thereof) of the development have been progressed by third parties (to the north and north-west of the Site).

The Concept Approval has been modified five times since 2016 with the latest modification removing the 131 lots conceptually approved over Stages 2 and 3 and 64 lots over Stage 10 to allow for medium density sites. This development application is the subsequent proposal for Stages 2 and 3 to bring to fruition the medium density development conceptually approved under the latest Concept Approval (MOD2022/0277).

The Site also benefits from a separate Development Consent for Bulk Earthworks, with the latest modification approved in June 2025 (MOD2025/0026), and a related Subdivision Works Certificate (SWC) CC2022/0749 approved in December 2022. The development consent allows for the filling of Stage 3 (Jarberg North) and Stage 10 (Jarberg West) to the edge of the R1 – General Residential Zone boundary for both stages.

The Site is further benefitted by a Development Consent for a Golf Course and regional retention basin for the Old Bar region. The Golf Course was originally approved in February 2000 (D488/99), modified in August 2008 (488/1999/DA/A), with the latest modification approved in September 2024 (MOD2023/0226). The latest Consent has updated the flooding strategy for the Old Bar locality allowing for the submission of this ‘Multi dwelling housing’ (Manufacture Home Estate) application to be submitted.

3.0 Proposed Development

This application seeks development consent for ‘Multi dwelling housing’ in the form of a manufactured home estate. This Precinct, known to Palm Lake as the ‘Northern Precinct’, forms one of three core residential areas within the overall Palm Lake Old Bar development. The Northern Precinct proposes a total of 204 dwellings that will operate under the *Residential (Land Lease) Communities Act 2013* (NSW).



Above: Site Plan Northern Precinct (Source: Northrop)

The Northern Precinct is the second precinct to the Palm Lake Resort Old Bar development, with an approval for 147 home sites in the Eastern Precinct already approved (MOD2024/0214). A future DA application seeking the third core residential area known as the ‘Western Precinct’ will be lodged in due course.

All precincts will be afforded access to the Communal Facilities, including the centralised Golf Course (MOD2023/0226) the Beach Clubhouse (DA2024/0767), recreational areas in the Eastern Precinct and all future Communal Facilities proposals including the upcoming Main Clubhouse DA.

3.1 General Configuration

The internal layout of the development allows for the most efficient and effective use of the subject site providing a northerly aspect for the majority of home sites. The proposal seeks to establish ‘typical home site’ sizes and types to identify internal parameters for each individual dwelling.

Each home site is proposed as one of four types:

- ‘Forest Lane Frontage Site’;
- ‘Premium Site’;
- ‘Standard Site 1’; and
- ‘Standard Site 2’.

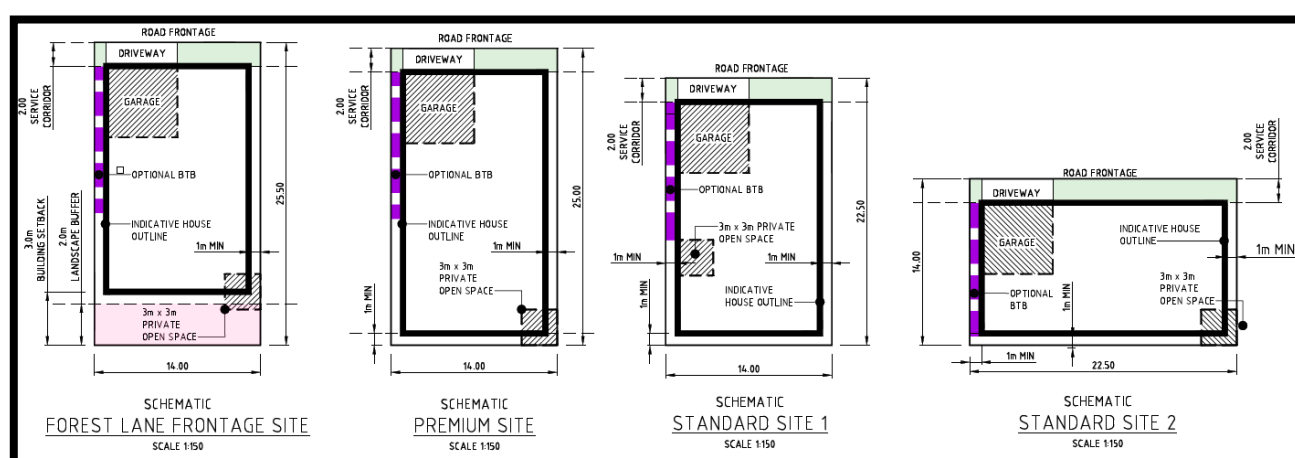
Each home site will be 14 metres wide or, in the case of Standard Site 2, 14 metres deep. The long dimension of each home site will vary from 22.5 metres (Standard Site 1 and Standard Site 2) to 25 metres (Premium Site) and 25.5 metres (Forest Lane Frontage Site). The following table identifies each home site number by type:

Type	Home site number
Forest Lane Frontage Site	1 to 33
Premium Site	110 to 135 & 190 to 204
Standard Site 1	34 to 109, 136 to 138 & 141 to 189
Standard Site 2	139 & 140

The development features premium sites on the perimeter and standard sites internally. The difference in site sizes allows for a diversity of Manufactured Home product that can be offered on market to future residents of the community and for additional amenity benefits.

All typical sites feature a 2m wide service corridor along the frontage providing space for internal infrastructure and services to each dwelling. All proposed setbacks, site coverage, built-to-boundary allowances and building heights are provided in the Control Notes on the proposal plans.

An image of each of the four home site types is included below.



Above: Home Site Types (Source: Northrop)

The plans depict 80 visitor parking bays throughout the development (including the 11 at the entry gate), which equates to more than one visitor space per 2.55 dwellings.

Outside of the internal roads and visitor parking bays there are several small pocket parks proposed, at least two of which are proposed to be embellished with a barbeque and seating. It is important to note that the future residents of this development will be afforded access to the approved private golf course the subject of MOD2023/0226, immediately south of the Site (on land owned by Palm Lake) and also the proposed Beachfront Clubhouse the subject of an application currently with Council for assessment (Council reference: DA2024/0767), at 42 Lewis Street (also on land owned by Palm Lake). Combined with the private open space internal to each proposed home site, the communal open space provisioning is expected to be ample, in this context.

Additionally, a “Main Clubhouse” for the resort is being proposed in one of two locations:

- within the large area left vacant in the Northern Precinct in the plans for this development application; or
- just south of the future residential area known to Palm Lake as the Western Precinct (Council reference: DA2025/0468).

Depending on its ultimate location, there might be a future application made for more multi dwelling housing in the large area of land shown vacant in the Northern Precinct under this application. In any event, there will be ample open space and recreational opportunities afforded to the future residents of the resort.

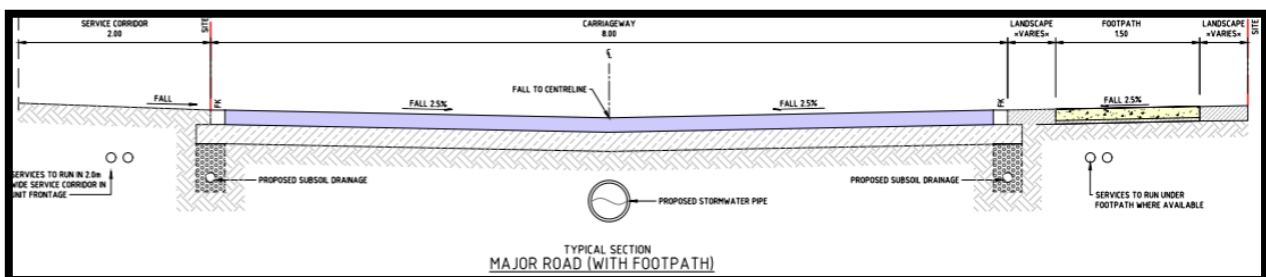
3.2 Site Access

Access to the development is proposed via Forest Lane, near its intersection with Wyden Street, but the access has already been approved in the latest modification to the development consent for the Eastern Precinct (Council reference: MOD2024/0214).

The entry to the development is a median-divided, two-way private carriageway with parking bays on each side. The moving lanes themselves are proposed to be a minimum of 5 metres in width, with the landscaped median strip being 2.5 metres in width. All adjacent parking bays at the entry are for visitors, with dimensions of 5400mm deep by 2500mm wide. Landscaping at the site entry is intended to contribute to an aesthetically appealing entry to the development and presentation to the public realm.

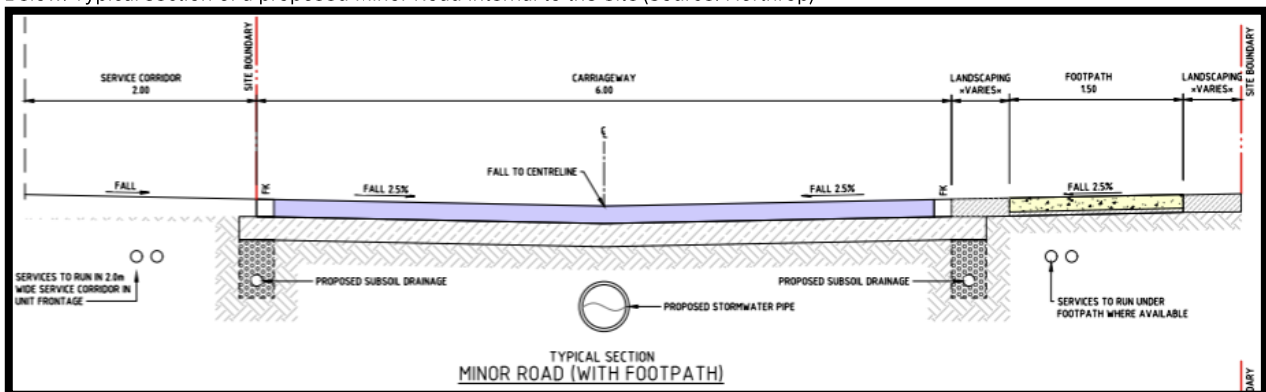
Security gates will control access between the development entry and the balance of the development; one controlling vehicular access and the other controlling access by pedestrians.

Beyond the secure access gates will lie a network of internal, private roads. The main thoroughfare roads ("Major Road (with footpath)" in the images overleaf) are designed at 8 metres in width and the balance of the roads are 6 metres in width ("Minor Road (with footpath)" overleaf). Typically, the roads will fall to the centreline, with stormwater drainage pipes running beneath the pavement to a series of gross pollutant traps, a biofiltration swale and an end-of-line sedimentation basin, before ultimately discharging to a constructed wetland approved under MOD2023/0226.

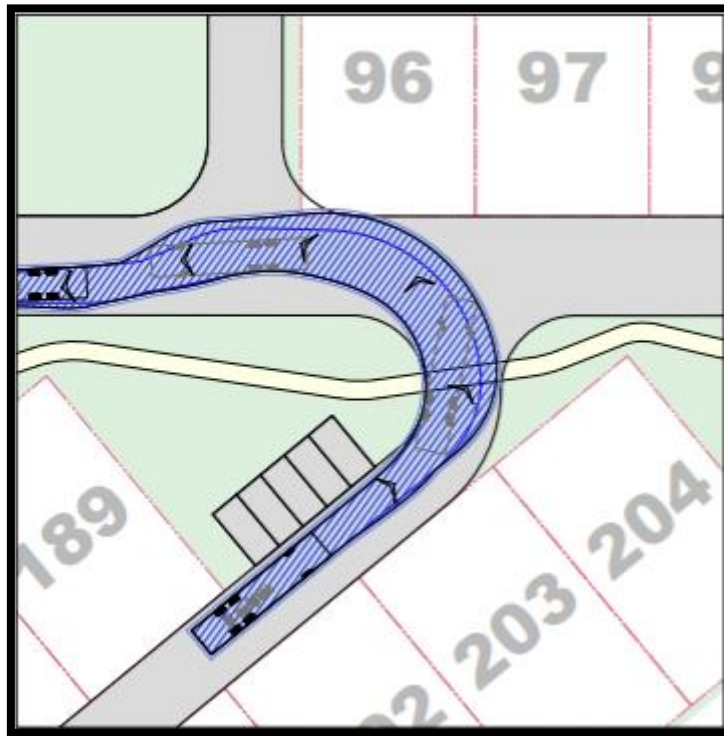


Above: Typical section of a proposed Major Road internal to the Site (Source: Northrop)

Below: Typical section of a proposed Minor Road internal to the Site (Source: Northrop)



Swept path drawings are included in this application and demonstrate the ability for a Medium Rigid Vehicle (MRV) to manoeuvre around the tightest of intersections in the development – see example below:



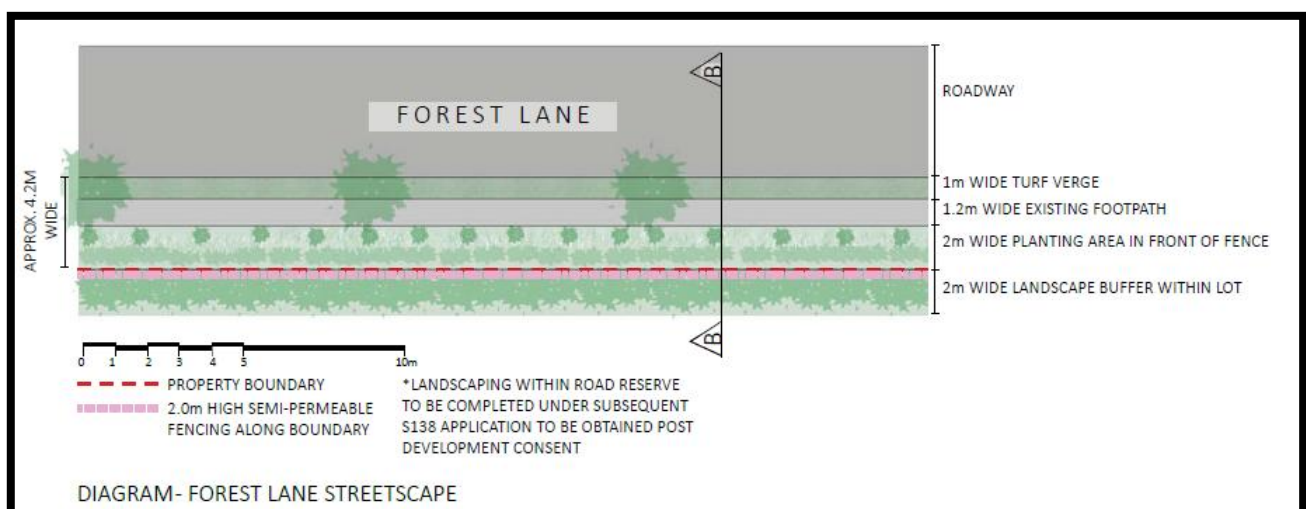
Above: Screenshot of one swept path drawing (Source: Northrop)

3.3 Forest Lane Frontage

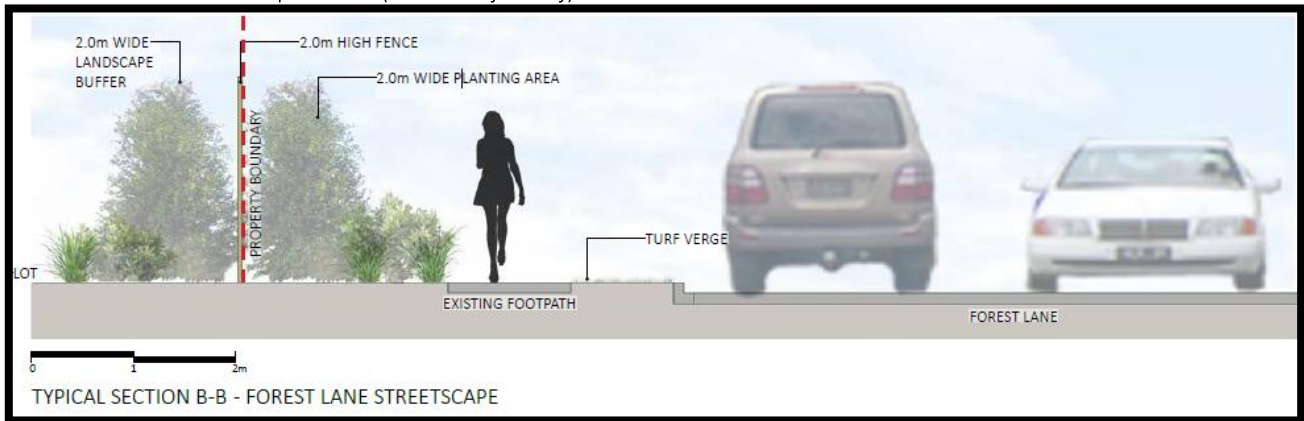
Home sites 1 to 13 are proposed to have frontage to Forest Lane (hence the name) and are 25.5 metres deep. Home sites 14 to 33 are also Forest Lane Frontage Sites of 25.5 metres depth, but they do not actually have frontage to Forest Lane – they back onto existing residential properties that front Rushby Court.

Despite not having frontage to Forest Lane, home sites 14 to 33 are the same typology as sites 1 to 13 to provide sufficient space for a landscape buffer to preserve amenity for current and future residents.

The rear boundary setback (to Forest Lane, in the case of sites 1 to 13 and to neighbouring residential lots, in the case of sites 14 to 33) is proposed to be three metres for the Forest Lane Frontage Sites. The 3-metre setback area is to include a landscape strip of at least two metres in width, with a 2-metre-high semi-permeable fence to run along the Site boundary.



Above: Forest Lane Streetscape Diagram (Source: Boyd's Bay)
 Below: Forest Lane Streetscape Section (Source: Boyd's Bay)



No direct access to Forest Lane is proposed to any of the Forest Lane Frontage Sites, they will all be accessed directly from the east-west internal, private road.

Aside from instances where a built-to-boundary garage might occur, adjacent homes on sites 1 to 33 will have a minimum separation of two metres (1-metre side boundary setbacks for each).

3.4 Dwellings

In all, there are 16 different dwelling designs proposed across the 204 home sites comprising the Northern Precinct of Palm Lake Resort Old Bar. 14 of the 16 designs are single-storey homes and the other two are for double-storey homes.

Of the 16 dwelling designs proposed, most of them could be accommodated on any of the 204 proposed home sites and they would achieve compliance with the minimum setback provisions set out in the 'Control Notes' of the Site Plan (Drawing No: MP-NP03.01 Revision 7, by Northrop) (**Site Plan**). However, the designs have been split between those intended for homes sites of 14 metres x 22.5 metres (Designs 1 to 9) and those intended for home sites 14 metres x 25 metres (Designs 10 to 16). Designs 10 to 16 are also intended for the Forest Lane Frontage Sites which are 14 metres x 25.5 metres.

With this split of home designs, one double-storey design is included for each of the site types (Standard, Premium and Forest Lane Frontage) but Palm Lake anticipates that the vast majority of homes to be constructed in this development will be single-storey homes, owing to various economic factors at play for a construction project of this scale in 2025, in a locality like Old Bar. As a percentage of the total number of designs, two double-storey designs equates to 12.5% of housing. Ultimately, it will be the individual home buyers who choose which house design they wish to establish on their home site but Palm Lake anticipates only around 12 or 13% of total homes constructed in the Northern Precinct will be double-storey homes, for the reasons aforementioned.

The proposed home site parameters reflect those required under the *Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021* and are outlined in the Control Notes on the proposal plans specifying the below requirements:

- On-site car parking – minimum 2 spaces per dwelling (Double garage);
- Minimum private open space – 30m²
- Building height 8.5m from finished ground level
- Maximum site cover – 65% (per dwelling)
- Setbacks (building wall) to public domain areas, 3m to Forest Lane and Rushby Drive, Covered patio and alfresco areas 2m and BTB setback to the remainder (Recreational Zone) of Lot 2 DP1022067
- Internal MHE setbacks
 - Primary Frontage: 2m to building wall

- Secondary Frontage: 1m to building wall
- Side and Rear: 1m to building wall
- BTB allowances – 12m max length where no single part exceeds 9m in length (may include habitable rooms)

A marketing brochure has been provided in support of this Development Application to provide visual context and the theming intent of the development. The theming of the resort is 'Elevated Coastal' aiming to feature whites, creams and earthy tone facades featuring some timber look accents.



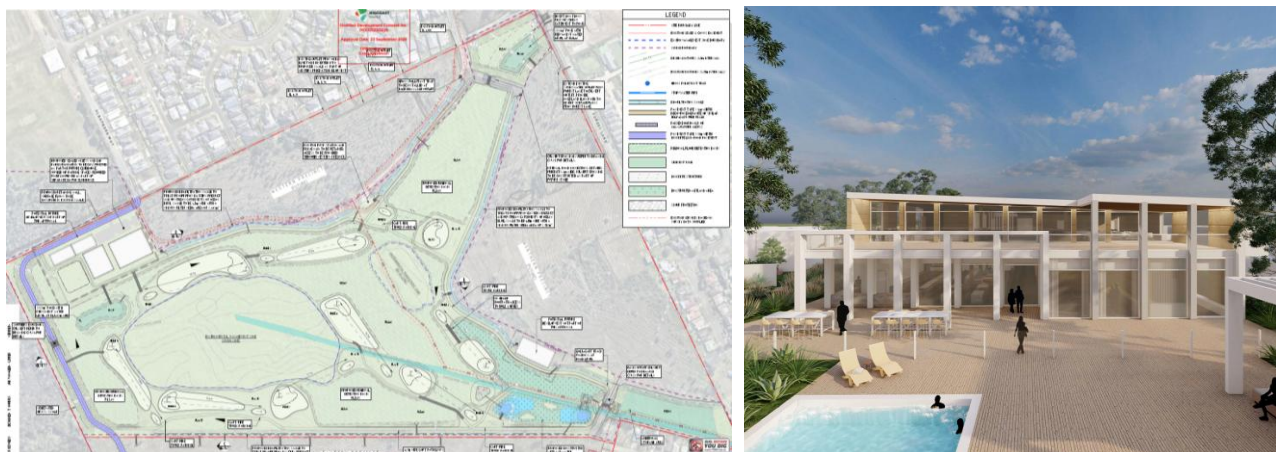
Above and below: Examples of 'Elevated Coastal' theming (Source: PLR Marketing Brochure)



3.5 Community Facilities

The Northern Precinct proposes ancillary recreational spaces for two (2) covered barbeque areas featuring fixed seating areas for gathering, central to the site and in the far southern tip of the site. Pedestrian connections have been intentionally placed allowing for residents to move between and throughout the site to key areas. There are also provisional spaces for potential future clubhouse facilities, one large area near the entry point to the development and another at the rear of home sites numbered 196 to 199. If either of them are to materialise it will necessarily be via separate, future applications for development consent.

Beyond those potential future facilities, the future residents will have access to the larger Palm Lake Resort community facilities. These include, the Golf Course (MOD2023/0226) the Beach Clubhouse (DA2024/0767) and the workshop, tennis, pickleball and dog park areas (MOD2024/0214).



Above: Approved Golf Course and future Beach Clubhouse (Source: Northrop and VIA Architect Plans)

The area left vacant between home site 13 and the proposed entry to the development is for a future local retail/commercial development that might include neighbourhood shops and medical-type uses. A development of that type would also be the subject of a separate, future application for development consent.

3.6 Traffic

This Development Application is supported by the Traffic Advice Letter by Bitzios Consulting approved as part of the latest Concept Approval (MOD2022/0277).

The assessment looked at Stages 2, 3 and 10 of the Concept Approval changing from 195 freehold lots to an over 50's 'multi dwelling' estate featuring individual dwellings. The traffic forecasts remained the same with predicted improvements on peak travel times as retirees typically do not travel at peak times. Furthermore, a large number of traffic movements occur internally on private roads and are expected to have negligible impacts on surrounding public roads.

No further traffic assessment is required as part of this Development Application.

3.7 Landscaping

A Statement of Landscape Intent (**SLI**) prepared by Boyds Bay Landscaping supports the Northern Precinct development layout. The SLI provides a landscaping intent for the development consistent with previous SLI's submitted as part of the Eastern Precinct and Beach Clubhouse. The SLI identifies treelined footpath areas, pocket parks, BBQ shelter landscaping, edible gardens and key feature palms throughout the site. Internal footpaths connect residents to key nodes within the site to the Golf Course, Eastern and future Western

Precincts, and the future Clubhouse. Connections to the public realm to Forest Lane and Rushby Park will be secured with lockable codes gates to maintain security of the resort.

The Forest Lane frontage is discussed in Section 3.3 above and features a 2m wide landscaping buffer in Council's road reserve in front of the proposed fence, and a 2m wide landscape buffer behind the fence within the Site. Landscaping within Council's road reserve will be obtained through a future S138 if approved as part of this development application.

4.0 Technical assessments and considerations

This application is supported by inputs from Palm Lake's project consultancy team, as identified and summarised below:

4.1 Earthworks

Site bulk earthworks for the Northern Precinct are approved under a separate DA (299/2018) and Construction Certificate (2022/0749). A modification to the bulk earthworks consent was recently approved (MOD2025/0026) and a revised construction certificate is in the process of being finalised and approved.

The bulk earthworks consent and construction certificate were required to be modified to update levels now approved under relevant subsequent approvals (MOD2023/0226 & MOD2022/0253 and MOD2024/0214).

No earthworks form part of this development application for 'multi dwelling housing'.

4.2 Civil Engineering Package

Northrop Consulting Engineers Pty Ltd (**Northrop**) is Palm Lake's engineering consultant on this project. Northrop has produced a 'Civil Engineering Package' for this application, dealing with matters of:

- Stormwater management;
- Erosion and sediment control;
- Civil design and infrastructure connections;
- Swept path drawings; and
- Pavement, signage and line marking.

In respect of stormwater management, it is critical to note that regional detention and a water quality treatment system are both accommodated via a modified development consent for the private golf course to the south of the Site (on the same Lot 2 DP1022067 owned by Palm Lake (MOD2023/0226)). Accordingly, the documentation detailing the stormwater management strategy for this new application is somewhat abbreviated when compared to what would ordinarily be submitted in the absence of what is required to be done under MOD2023/0226.

4.3 Bushfire Assessment

A Bushfire Assessment by Australian Bushfire Assessment Consultants (**ABAC**) accompanies this application.

The Bushfire Assessment nominates BAL ratings for particular sites for the purposes of dwelling construction. The below images demonstrate the grey area to be BAL Low, the green as BAL 12.5, and the remaining as BAL 19 – 29. The report notes that sites identified with a higher BAL rating are worst case scenario and a lesser BAL rating may be determined by an accredited bushfire consultant based on actual setbacks of the dwelling to be installed on each site.



5.0 Development Controls

5.1 Integrated Development triggers

This application is *not* for integrated development, as analysed in the table below:

Act	Provision	Approval	Applies?
Coal Mine Subsidence Compensation Act 2017	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	No – The Site is not in a Mine Subsidence District
Fisheries Management Act 1994	s 144	aquaculture permit	No – Aquaculture is not proposed
	s 201	permit to carry out dredging or reclamation work	No – the Site's existing dam will be filled pursuant to an existing development consent and construction certificate for bulk earthworks (Council references: MOD2025/0026 & SWC CC2022/0749)
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	No – This application does not seek to remove, damage or destroy marine vegetation
	s 219	permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	No – the Site's existing dam is not (and is not part of) a bay, inlet, river or creek or across or around a flat. In any event, the existing dam will be filled pursuant to an existing development consent and construction certificate for bulk earthworks (Council references: MOD2025/0026 & SWC CC2022/0749)
Heritage Act 1977	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	No – The Site does not contain an item listed on the State Heritage Register
Mining Act 1992	ss 63, 64	grant of mining lease	No – This application does not seek a mining lease
National Parks and Wildlife Act 1974	s 90	grant of Aboriginal heritage impact permit	No – A basic AHIMS search revealed the presence of three Aboriginal sites in or near Lot 2 DP1022067. A subsequent extensive search revealed that all three sites are destroyed. Accordingly, no permit under s 90 of

			the <i>National Parks and Wildlife Act 1974</i> (NSW) is being sought as part of this application for development consent
Petroleum (Onshore) Act 1991	s 16	grant of production lease	No – The proposal does not seek a petroleum production lease
Protection of the Environment Operations Act 1997	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises	No – The proposal does not trigger the requirement for an Environmental Protection Licence (the proposed development is not for “scheduled activities” under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (NSW), nor “scheduled development work” for same)
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	No – The proposal does not trigger the requirement for an Environmental Protection Licence for “non-scheduled activities” to regulate water pollution resulting from a “scheduled activity”
Roads Act 1993	s 138	consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	No – No consent under section 138 of the Roads Act is being sought in this application
Rural Fires Act 1997	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	No – this application does not propose subdivision of land
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	No – No consent under the Water Management Act is being sought here

5.2 State Environmental Planning Policies

The following SEPPs apply in assessment of this application:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Housing) 2021;

- State Environmental Planning Policy (Planning Systems) 2021; and
- State Environmental Planning Policy (Resilience and Hazards) 2021.

These SEPPs are addressed in Section 6 of this SoEE.

5.3 Local Environmental Planning Instruments

Parts of the LEP apply to the Site and/or proposed development, as set out in the table below:

Part	Clause
Part 1 Preliminary	1.2 Aims of Plan
Part 2 Permitted or prohibited development	2.3 Zone objectives and Land Use Table
Land Use Table	Zone R1 General Residential
Part 4 Principal development standards	4.3 Height of buildings
	4.4 Floor space ratio
	4.5 Calculation of floor space ratio and site area
Part 5 Miscellaneous provisions	5.3 Development near zone boundaries
	5.21 Flood planning
Part 6 Urban release areas	6.2 Public utility infrastructure
	6.3 Development control plan
Part 7	7.1 Acid Sulfate Soils
	7.3 Earthworks
	7.11 Essential services

The relevant parts of the LEP are addressed in Section 6 of this SoEE.

5.4 Development Control Plan

Parts of the DCP apply (or potentially apply) to the Site and/or proposed development, as set out in the table below:

Section
A1.8 How to use this development control plan
B1.2.2 Old Bar
D1.3 Old Bar to Manning Point
D3 Earthworks, Erosion and Sedimentation
Part G Car Parking and Access
Part H Residential Requirements
L6 Precinct 3, Old Bar
Part M Site Waste Minimisation and Management
Part N Landscaping Requirements

The relevant parts of the DCP are addressed in Section 6 of this SoEE.

6.0 Matters for Consideration

Section 4.15 of the Act lists the matters for Council to consider when assessing this application – subclause (1) of section 4.15 of the Act reads as follows:

Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

- (i) *any environmental planning instrument, and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) *any development control plan, and*
- (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

Additionally, section 1.7 of the Act requires consideration of Part 7 of the *Biodiversity Conservation Act 2016* (NSW) (**Biodiversity Act**). Part 7 of the Biodiversity Act requires Council to consider whether the proposed development is likely to significantly affect threatened species. Section 7.2 of the Biodiversity Act defines what is “likely to significantly affect threatened species” as follows:

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) *it is carried out in a declared area of outstanding biodiversity value.*

Section 6.1 below is an assessment of the proposed development against the matters listed in section 4.15 of the Act plus an assessment of whether the proposed development is likely to significantly affect threatened species, for the purposes of Part 7 of the Biodiversity Act.

6.1 Biodiversity Act

The table below is the Applicant’s assessment of the proposed development against (a) to (c) of section 7.2 of the Biodiversity Act:

Criteria for assessment	Applicant’s response
(a) Is the development “likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3”?	No – the vast majority of the Site is open grassland that is otherwise completely devoid of vegetation. The open grassland is not known to host, nor likely to be suitable for, threatened species or ecological communities, or their habitats. The small parts of the Site still hosting trees are similarly not likely to be of any significance for threatened species or ecological communities as those treed areas are small in area and not part of any larger ecological corridor.
(b) Will the development exceed “the biodiversity offsets scheme threshold if the biodiversity	No – the Site is almost completely devoid of vegetation such that the ‘area of clearing threshold’ under section 7.2

offsets scheme applies to the impacts of the development on biodiversity values”?	of the <i>Biodiversity Conservation Regulation 2017</i> (NSW) is not triggered.
(c) Is the development to be “carried out in a declared area of outstanding biodiversity value”?	No. There are currently only four such declared areas in New South Wales (by reference to the ‘Areas of Outstanding Biodiversity Value Register’ found here: Areas of Outstanding Biodiversity Value register NSW Environment and Heritage) and the Site is not even proximate to those declared areas.

6.2 Environmental Planning Instrument(s)

6.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (**SEPP Biodiversity**) applies to the Site and proposed development to the following extents:

- **‘Chapter 2 Vegetation in non-rural areas’ – applies;**
- ‘Chapter 3 Koala habitat protection 2020’ – not applicable given the Site’s zoning is not listed in section 3.3;
- **‘Chapter 4 Koala habitat protection 2021’ – applies;**
- ‘Chapter 5 River Murray lands’ – not applicable given the Site is not located in the places listed in section 5.3;
- ‘Chapter 6 Water catchments’ – not applicable given the Site is outside of the catchments listed in section 6.1;
- Chapters 7 to 12 (repealed); and
- Chapter 13 Strategic conservation planning – not applicable given the Site is not shown on the ‘Land Application Map’ for section 13.1.

6.2.1.1 – Chapter 2 Vegetation in non-rural areas

Chapter 2 of SEPP Biodiversity applies to an assessment of this application because the Site’s zoning is listed in section 2.3(1)(b). However, the Site is almost completely devoid of vegetation and this application does not propose any clearing (recent clearing has occurred in accordance with a development consent for bulk earthworks (Council reference: MOD2025/0026) and related construction certificate (Council reference: SWC CC2022/0749)). Accordingly, no further assessment of the application against Chapter 2 of SEPP Biodiversity is warranted.

6.2.1.2 – Chapter 4 Koala habitat protection 2021

Chapter 4 of SEPP Biodiversity applies to an assessment of this application because MidCoast local government area is listed in Schedule 2 of the SEPP. However, the Site is almost completely devoid of vegetation and this application does not propose any clearing (recent clearing has occurred in accordance with a development consent for bulk earthworks (Council reference: MOD2025/0026) and related construction certificate (Council reference: SWC CC2022/0749)). Accordingly, no further assessment of the application against Chapter 2 of SEPP Biodiversity is warranted.

6.2.2 State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (**SEPP Housing**) applies State-wide. One of the principles of SEPP Housing is that it encourages “the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, *seniors* and people with a disability” (emphasis added). Whilst consent is being sought for ‘Multi dwelling housing’ (Manufactured home estate) in this instance, the housing proposed is specifically for persons aged 50 years or older, in line with Palm Lake’s core business model. In proposing 204 new homes for that demographic, this development application is generally consistent with the principles of SEPP Housing.

Whilst Chapter 3, Part 8 of SEPP Housing applies to manufactured home estates, this development application is not being made pursuant to SEPP Housing. The land use of 'Multi dwelling housing' is permitted with consent under the LEP, hence there is no need to rely on Chapter 3, Part 8 of SEPP Housing. In any event, through the imposition of consent conditions, the proposed development will comply with section 125, subsection (1) of SEPP Housing.

6.2.3 State Environmental Planning Policy (Planning Systems) 2021

Section 2.19 of *State Environmental Planning Policy (Planning Systems) 2021* (NSW) (**SEPP Planning Systems**) identifies that development specified in its Schedule 6 is declared to be regionally significant development. Clause 2 of Schedule 6 lists development with an estimated development cost of over \$30 million as being regionally significant development. As the proposed development has an estimated development cost of more than \$134 million (exc. GST), it is regionally significant development for the purposes of SEPP Planning Systems.

6.2.4 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (**SEPP Resilience**) covers a number of matters to be considered as part of a development application. Of relevance to this development application and the Site's location are:

- Chapter 2 Coastal management
- Chapter 4 Remediation of land.

6.2.4.1 - Chapter 2 – Coastal management

The aim of Chapter 2 of SEPP Resilience:

"is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—

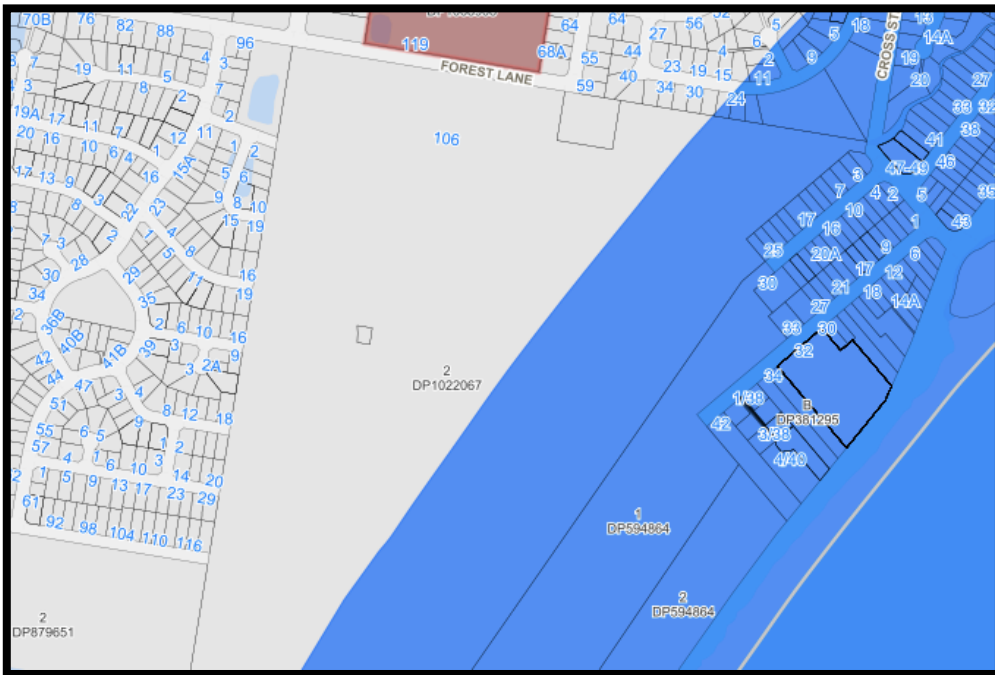
- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016."*

Clause 2.3 of SEPP Resilience states that Chapter 2 applies "to land within the coastal zone" and clause 2.4 (by reference to the *Coastal Management Act 2016* NSW)) identifies that the coastal zone:

"... means the area of land comprised of the following coastal management areas –

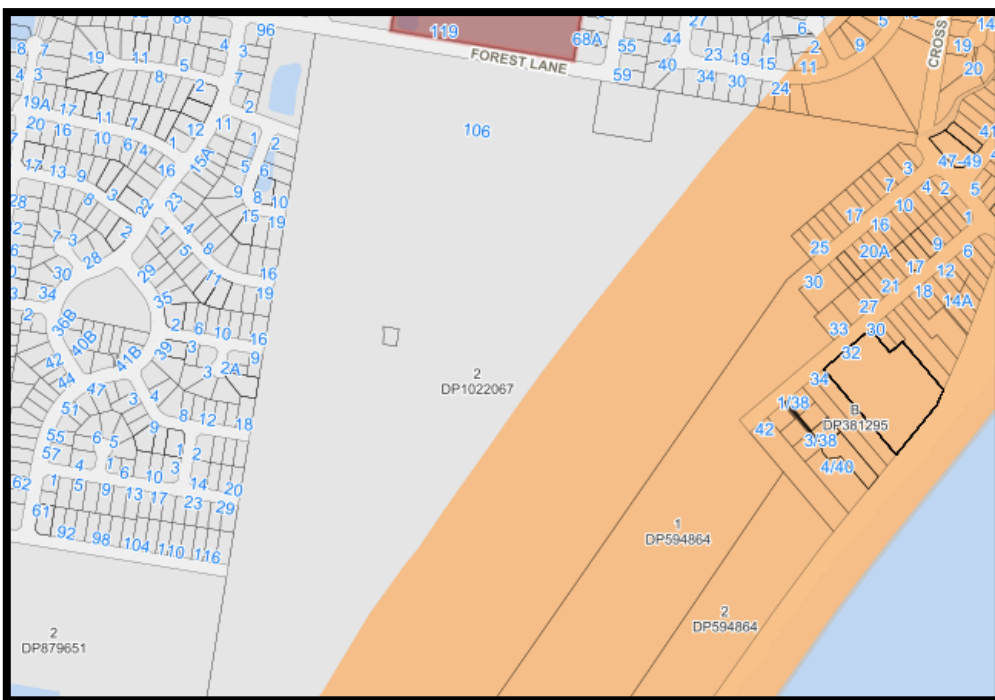
- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area."*

The Site is mapped as being partially within the 'Coastal zone' and the 'Coastal use area' – see below and overleaf:



Above: Blue area depicts the mapped Coastal Zone for SEPP Resilience (Source: Council Online Mapping)

Below: Orange area depicts the mapped Coastal Use Area for SEPP Resilience (Source: Council Online Mapping)



Clause 2.11 of SEPP Resilience reads as follows:

- (1) "Development consent must not be granted to development on land that is within the coastal use area unless the consent authority –
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i. existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - ii. overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - iii. the visual amenity and scenic qualities of the coast, including coastal headlands,
 - iv. Aboriginal cultural heritage, practices and places,
 - v. cultural and built environment heritage, and

- (b) *is satisfied that –*
- i. *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - ii. *if that impact cannot be reasonably avoided – the development is designed, sites and will be managed to minimise that impact, and*
 - iii. *if that impact cannot be minimised – the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.”*
-

Applicant's assessment

Firstly, it is only about 20% of the proposed development footprint that lies within the mapped 'Coastal use area'; the balance of the development is outside of that mapped area, where clause 2.11 of SEPP Resilience is of no effect.

For the 20% (approx.) of the development where clause 2.11 does apply, the following is relevant:

1. there is existing residential development and approved residential development that lie eastward of the proposed development (nearer the foreshore and beach);
2. the development the subject of this application is some 400 metres or more from the foreshore;
3. the proposed development is on privately-owned land that does not serve (partially or otherwise) as a public thoroughfare to the foreshore, beach, headland or any rock platform;
4. the three Aboriginal sites recorded in or near the Site are all recorded as destroyed (see AHIMS search results accompanying this application); and
5. Palm Lake is not aware of any cultural or built environment heritage on or near the Site.

On the above bases, Palm Lake's assessment is that the proposed development complies with clause 2.11, subclause (b) because the development is designed and will be sited and managed to avoid any adverse impacts on the things referenced in subclause (a).

Clause 2.12 of SEPP Resilience reads as follows:

“Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.”

Applicant's assessment

So far as it affects the Site, the extents of the mapped 'Coastal zone' mirror those of the mapped 'Coastal use area', meaning only about 20% of the proposed development footprint lies within the mapped 'Coastal zone'. Outside of that area, clause 2.12 of SEPP Resilience is of no effect.

For the 20% (approx.) of the development where clause 2.12 does apply, it is important to recognise that bulk earthworks have already been approved over the Site, to raise the level of the land to a minimum 5.5 metres AHD (see MOD2025/0026 and CC2022/0749). Condition 7 of MOD2025/0026 requires that the earthworks not result in an “[a]dverse flood impact to the surrounding areas” nor a “[l]oss of flood storage volumes”.

The development the subject of this new development application (for multi dwelling housing) is not expected to have any impact (positive or negative) on the susceptibility of the Site and surrounding land to coastal hazards. Accordingly, the development is assumed to comply with clause 2.12 of SEPP Resilience.

Clause 2.13 of SEPP Resilience reads as follows:

“Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.”

Applicant's assessment

The ‘Manning River Estuary Coastal Management Program 2022-2032’ (**MRECMP**) applies in an assessment of this application, pursuant to clause 2.13 of SEPP Resilience. Under MRECMP, the Site is mapped within the ‘Old Bar – Manning Point CMP planning area’, per Figure 2 of the document.

Table 3 of the MRECMP lists the Council's strategic directions for the various coastal management areas that are defined in SEPP Resilience (e.g. ‘Coastal environment area’, ‘Coastal use area’ etc). For the ‘Coastal use area’, Council's strategic direction is to largely contain development to consolidation of the existing urban footprint. The Site is part of that urban footprint, having been conceptually approved for development since 2016. Through the imposition of conditions that comply with section 4.17 of the Act, the proposed development will comply with MRECMP.

6.2.3.2 – Chapter 4 – Remediation of land

The object of Chapter 4 is to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment. Section 4.6 of SEPP Resilience relates to contamination and remediation that should be considered in determining a development application. A consent authority must firstly consider whether a site is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state, or it will be suitable after remediation, for the proposed development.

Refer to the Contaminated Land Assessment accompanying this application.

6.2.4 Greater Taree Local Environmental Plan 2010

The following is an assessment of the proposed development against the relevant clauses of the LEP.

6.2.4.1 – Clause 1.2 Aims of the Plan

The aims of the LEP are stated in clause 1.2 as follows:

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to promote and encourage the ecologically sustainable development of Greater Taree City,*
- (b) *to encourage the proper management, development and conservation of natural and human made resources (including natural areas, forests, coastal areas, water, groundwater dependent ecosystems, agricultural land, extractive resources, towns, villages, and cultural amenities) for the purpose of promoting the social and economic welfare of the community, protecting ecological and cultural heritage and achieving a better environment,*
- (c) *to promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent land uses,*
- (d) *to facilitate the provision and co-ordination of community services and facilities,*
- (e) *to encourage the protection of the environment, including the protection and conservation of native animals and plants, threatened species and endangered ecological communities and their habitats,*
- (f) *to minimise the exposure of development to natural hazards and natural risks,*
- (g) *to seek the provision of adequate and appropriate infrastructure to meet the needs of future development,*
- (h) *to encourage a strong, growing and diversified economy that promotes local self-reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generations.*

Perhaps of greatest relevance in clause 1.2 of the LEP is its intent “to promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent uses”. This application is for

multi dwelling housing on land that has been conceptually approved for residential development since 2016. A development of the Site of the type and scale proposed very much meets the LEP's aim of promoting orderly and economic development of land.

Through the imposition of conditions that comply with section 4.17 of the Act, the proposed development will support the balance of the aims set out in clause 1.2 of the LEP (where applicable).

6.2.4.2 – Clause 2.3 Zone objectives and Land use table

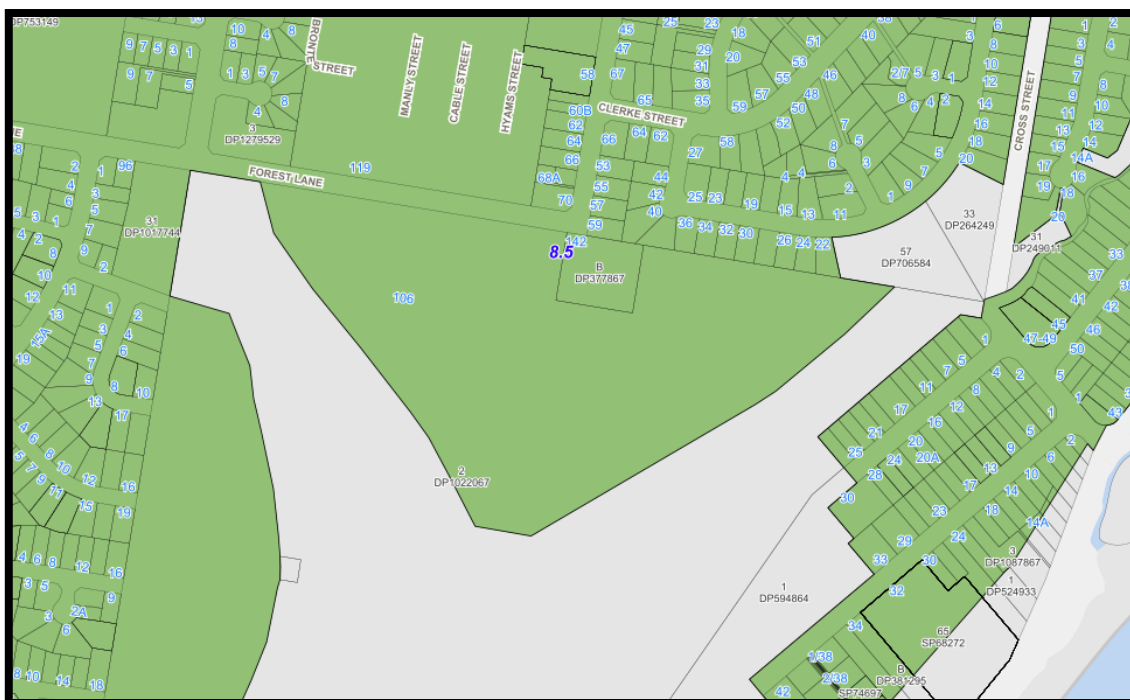
Under the LEP, the Site is mapped in the 'R1 – General Residential' zone, the objectives of which are stated to be as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

This development application seeks consent for multi dwelling housing (204 dwellings), in the form of a manufactured home estate. The nature and scale of the proposed development clearly delivers on the zone objectives listed above – there is a need for housing in the locality and the proposed development would add diversity to the types and densities of housing that currently exist in the area.

6.2.4.3 – Clause 4.3 Height of buildings

The Site is mapped for a maximum building height of 8.5 metres under the LEP:

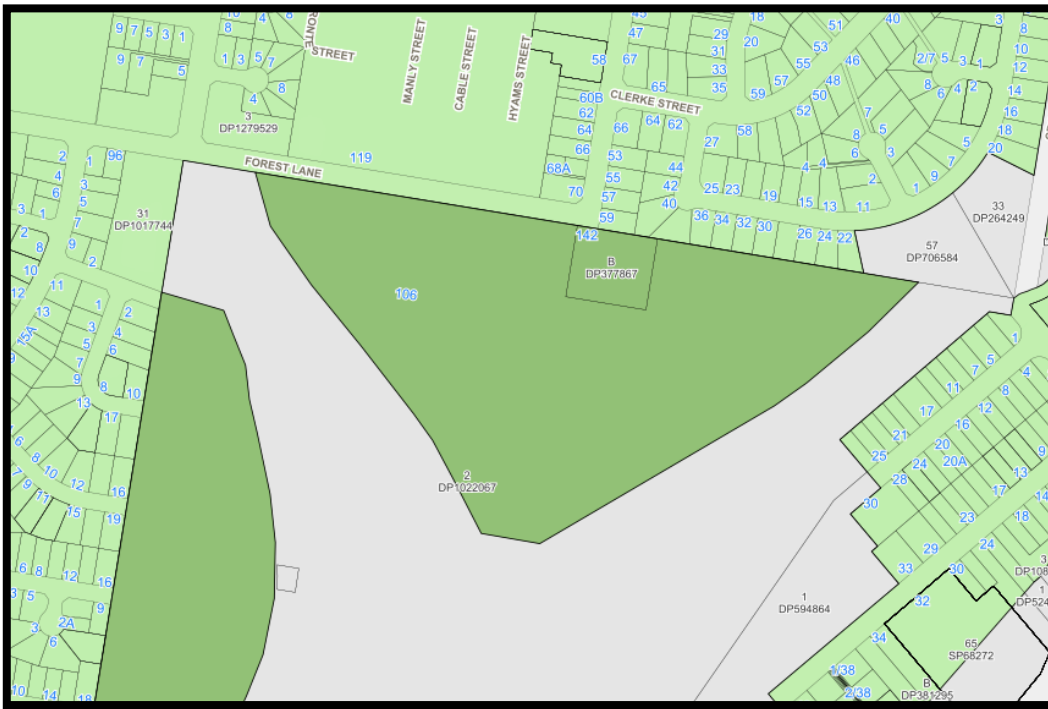


Above: Extract from LEP's Height of Buildings Map

All proposed dwellings will be a maximum of 8.5 metres in height and so the development complies with clause 4.3 of the LEP.

6.2.4.4 – Clause 4.4 Floor space ratio

The Site is mapped for a maximum floor space ratio (**FSR**) of 0.75:1 under the LEP:



Above: Extract from LEP's FSR Map

Taking the most extreme scenario of:

- Design 9 (a double-storey home design) being built on all 130 'Standard' home sites; plus
- Design 16 (a double-storey home design) being built on the balance 74 proposed home sites,

the FSR would still be a compliant 0.53:1.

That calculation adopts the full 273.42m² of floor space for Design 9 (x 130) and 321.38m² for Design 16 (x 74) even though some of those areas are not strictly gross floor area, per the definition under the LEP.

It is the most extreme scenario to assess for the FSR metric because double-storey homes are likely to comprise only a small fraction of the homes ultimately constructed in the development, for reasons of cost and market preference.

6.2.4.5 – Clause 5.21 Flood planning

The Site is mapped as being part of an area of land that is designated as 'Flood Control Unknown' on Council's mapping of flood controls. However, the development consent for bulk earthworks (Council reference: 229/2018/DA) allows for the Site's existing ground level to be cut and filled in accordance with certain approved plans and in accordance with a suite of consent conditions. Condition 7 of the consent requires submission to Council of a stormwater drainage report that demonstrates, *inter alia*, that the earthworks will not result in:

- an adverse flood impact on surrounding areas; nor
- a loss of flood storage volumes from the Site.

This new application for development consent for multi dwelling housing will have no bearing on flood planning outcomes – the development, if approved, will be constructed jointly with or subsequent to the approved bulk earthworks, meaning flood planning outcomes are already secured through condition 7 of 229/2018/DA. In this manner, the proposed multi dwelling housing development complies with clause 5.21 of the LEP.

6.2.4.6 – Clause 6.2 Public utility infrastructure

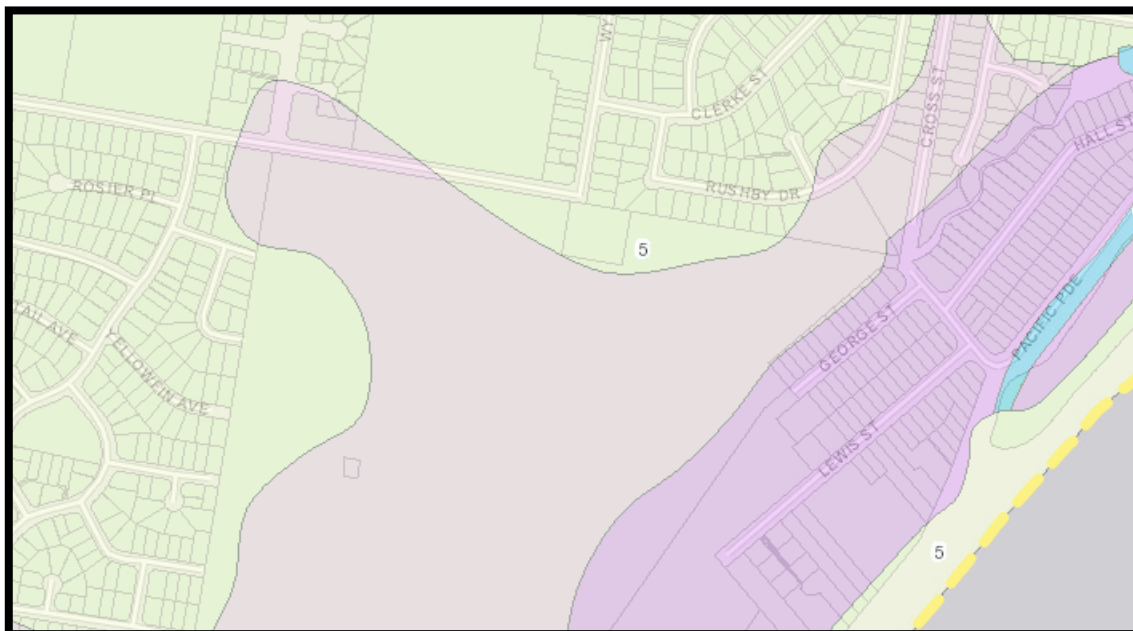
The 'Before You Dig' search results accompanying this application identify that all urban infrastructure necessary for the proposed development is already at or near the Site. Through the imposition of reasonable conditions of consent, the proposed development will comply with clause 6.2 of the LEP.

6.2.4.7 – Clause 6.3 Development control plan

The Site is within a mapped 'Urban Release Area' under the LEP. Clause 6.3 of the LEP requires that development consent must not be granted for development on land in such an area unless a development control plan that provides certain information has already been prepared for the land. To Palm Lake's understanding, the modified concept approval (Council reference: MOD2022/0277) serves the function of the development control plan required by clause 6.3 of the LEP.

6.2.4.8 – Clause 7.1 Acid sulfate soils

The Site is mapped as being in areas 3 and 5 on the LEP's acid sulfate soils map – see below screenshot:



Above: Extract from LEP's Acid Sulfate Soils Map

However, as with matters of flood planning, the development consent for bulk earthworks (Council reference: 229/2018/DA) addresses the acid sulfate soils constraint – condition 8 of the consent requires the submission to Council of an assessment and management plan, prior to the issue of a construction certificate for the earthworks.

This new application for development consent for multi dwelling housing will have no bearing on acid sulfate soils disturbance – the development, if approved, will be constructed jointly with or subsequent to the approved bulk earthworks, meaning outcomes regarding acid sulfate soils are already secured through condition 8 of 229/2018/DA. In this manner, the proposed multi dwelling housing development complies with clause 7.1 of the LEP.

6.2.4.9 – Clause 7.3 Earthworks

As stated above, earthworks (cut and fill) are already approved for the Site (Council reference: 229/2018/DA). This application is being lodged concurrently with an application to modify that development consent. Clause 7.3 of the LEP is sufficiently addressed in this manner.

6.2.4.10 – Clause 7.11 Essential services

The 'Before You Dig' search results accompanying this application identify that all urban infrastructure necessary for the proposed development is already at or near the Site. Through the imposition of reasonable conditions of consent, the proposed development will comply with clause 7.11 of the LEP.

6.3 Proposed Instruments

Council is currently preparing a new, consolidated Local Environmental Plan for the whole of the MidCoast local government area – community consultation on the Draft MidCoast Local Environmental Plan took place during April and July 2024.

The following table identifies how the Site is treated and proposed to be treated under the current LEP and Draft MidCoast LEP, respectively:

	Current LEP	Draft MidCoast LEP
Land Zoning Map	'R1 – General Residential	No change.
Land Use Table	Multi dwelling housing is permitted with consent	No change.
Lot Size Map	'G' – 450m ²	No change.
Height of Buildings Map	8.5 metres	No change.
Floor Space Ratio Map	'I – FSR = 0.75:1'	Not mapped.

Per the above table, the Draft MidCoast LEP is unchanged from the current LEP in respect of the zoning and principal development standards that apply to the Site.

6.4 Development Control Plan

6.4.1 Greater Taree Development Control Plan

The following parts of the DCP potentially apply to the Site and/or proposed development:

Section
A1.8 How to use this development control plan
B1.2.2 Old Bar
D1.3 Old Bar to Manning Point
D3 Earthworks, Erosion and Sedimentation
Part G Car Parking and Access
Part H Residential Requirements
L6 Precinct 3, Old Bar
Part M Site Waste Minimisation and Management
Part N Landscaping Requirements

The following sections of this report address those parts.

6.4.1.1 A1.8 How to use this development control plan

This section of the DCP lists which parts of the DCP apply when undertaking development. The sections of the DCP listed in the above table apply to this application, by application of section 1.8 of the DCP.

6.4.1.2 B1.2.2 Old Bar

This part of the DCP is intentionally blank, with the character statement for Old Bar yet to be drafted.

6.4.1.3 D1.3 Old Bar to Manning Point

As the Site lies wholly landward of the 'Coastal Hazard Line', section D1.3 of the DCP does not apply to this application.

6.4.1.4 D3 Earthworks, Erosion and Sedimentation

The development consent for bulk earthworks (Council reference: 229/2018/DA) addresses the things set out in this section of the DCP. To the extent it does not, compliance with the DCP can be secured through the imposition of conditions of consent.

6.4.1.5 Part G Car Parking and Access

G1 Car parking and access	
General requirements for all development	
Control	Palm Lake's assessment
Car parking spaces will not be permitted closer than 3m to the street alignment in residential areas ...	The only street alignment of relevance to this development control is Forest Lane – the proposed development has no other frontage to a public road. For the dwellings that will back onto Forest Lane, each garage is more than three metres from the alignment of Forest Lane, given access to those dwellings will be from the proposed internal road, not directly from Forest Lane. Whilst some visitor car parking is proposed between the front entry gate to the development and Forest Lane, within three metres of the Forest Lane street alignment, that merely reflects the entry design that is the subject of the modified consent for the Eastern Precinct of the overall development (see MOD2024/0214).
The minimum width of an enclosed garage shall be 3m. The garage opening may be a minimum of 2.6m provided the width is sufficient to allow convenient access to and from the garage in accordance with the design car turning path.	Each of the five proposed dwelling types include a double garage of greater than three metres in width and with a wider opening that 2.6 metres in width. The development complies with this control.
Combined entry/exit driveways are to have a minimum width of 6m ...	Each of the five proposed dwelling types will have a driveway befitting a double garage home, meaning at least a 6-metre wide driveway.
Hardstand areas should be minimised, but where used shall be concrete or bitumen and, where soil conditions and vehicular traffic permit, be substantially constructed using semi-previous materials.	Each of the five proposed dwelling types will have a concrete or concrete aggregate driveway. The proposed internal roads will be concrete too.
All rights of way and access corridors for battle axe blocks ...	No battle-axe home sites are proposed in this application.
G1.1 Location of driveways	
General provisions for all development	

Control	Palm Lake's assessment
<p>A vehicular driveway, entry and/or exit, which crosses the edge of the carriageway and the property boundary, shall:</p> <ol style="list-style-type: none"> be clear of all obstructions which may prevent drivers from having a timely view of pedestrians; be located such that any vehicle turning from the street into it or into the street from it can be readily seen by the driver of an approaching vehicle in the street; be constructed in accordance with Australian Standard AS2890.1 <i>Parking Facilities – Off Street Car Parking</i>. 	<p>The entry/exit driveway to the development from Forest Lane is optimally located for site distances up Wyden Street and along Forest Lane. Compliance with Australian Standards can be secured through conditions of consent.</p>
G1.2 Service vehicle requirements	
Performance criteria	
Control	Palm Lake's assessment
Service areas should operate independently of other parking areas.	<p>The Preliminary Civil Plans accompanying this application include swept path drawings for a Medium Rigid Vehicle.</p> <p>Service vehicles needing to access the development will enter and exit at the same point on the Site as other vehicular traffic.</p> <p>Any loading/unloading of service vehicles will occur within the internal roads themselves (for at least refuse collection) or otherwise within the driveways of dwellings. There is no overhead structures within the internal road areas that limit headroom.</p>
Convenient and safe access should be provided to facilitate on-site service operations and to thus discourage on-street loading and unloading.	
Where practical, service roadways should require vehicles to circulate in a clockwise direction.	
The movement and turning path requirements of vehicles should be used to determine the design and layout of service areas.	
However, specific requirements peculiar to certain developments may demand more generous space provisions.	
A minimum of 3.6m headroom should be provided over all areas traversed by service vehicles.	
For docking purposes, a manoeuvring width of not less than twice the length of the longest vehicle using the facility is recommended.	
Service vehicular access ways are to be clearly separate from normal customer and resident vehicular access to ensure free movement of service vehicles and safety of pedestrians.	
G1.3 Parking requirements for specific land uses	
Control	Palm Lake's assessment
In the case of a combination of uses ...	Not applicable – only multi dwelling housing is proposed.
Details and plans of parking areas and driveways shall be submitted with the Development Application including method of construction, paving, marking and drainage.	<p>The typical house plans accompanying this application indicate the garaging and driveway arrangements proposed. No line-marking is proposed nor warranted, given the proposed use type.</p> <p>Driveways and garage floors will be constructed of concrete or concrete aggregate.</p> <p>Drainage is addressed in the Preliminary Civil Plans and the Stormwater Letter accompanying this application.</p>

In respect of existing premises being altered ...	Not applicable – the Site is currently vacant and a multi dwelling housing development is proposed.
Any new consent or consent to alter, enlarge, convert or increase the capacity of any building or the use of any land shall make provision for off-street vehicular parking in accordance with the following table: ... Residential Flat Building and Multi Dwelling Housing: 1 space per 1 and 2-bedroom dwelling; 2 spaces per 3 or more bedroom dwelling; and 1 space per 3 dwellings for visitor parking.	Each of the five proposed dwelling types will have a double garage and thereby comply with this control. In terms of visitor parking, 244 dwellings equates to a requirement for 82 visitor spaces throughout the development. The proposed development complies, as there are 91 visitor parking bays proposed throughout the development.

6.4.1.6 Part H Residential Requirements

H2 Primary residential requirements	
H2.1 Site coverage and lot requirements	
Performance criteria	Palm Lake's assessment
The maximum site coverage for all residential development is 65%.	The Control Notes on the proposal plans (see Drawing Number: MP-NP03.01, Rev 4, by Northrop) stipulate a maximum site coverage of 65% per dwelling. Accounting for the fact there are internal roads and green spaces proposed, this translates to a site coverage figure well below 65%.
H2.2 Building setbacks	
Performance criteria	Palm Lake's assessment
Zero lot lines – not applicable given no zero lot lines proposed.	
H2.3 Building height	
Performance criteria	Palm Lake's assessment
The lowest flood level of all development shall not be greater than 1m above natural ground level at any point.	Finished floor levels of the dwellings will be less than one metres higher than the finished ground level approved under the consent for bulk earthworks (Council reference: 229/2018/DA).
In areas mapped as having a permitted building height of 8m or 8.5m, development shall contain not more than two storeys at any given point.	Development complies – the proposed dwellings will predominantly be single-storey, with the potential for some two storey dwellings.
In areas mapped as having a permitted building height of 8m or 8.5m, the maximum height to the point of intersection of wall and eaves line is to be 6m above the corresponding lowest storey at any point along the line of external walls.	Development complies – the height of any upper storey in the two storey dwelling will be much less than six metres.
H2.4 Car parking and access	
Performance criteria	Palm Lake's assessment
Garages and driveways do not dominate the street façade of the development.	In most of the five typical house designs, the garage is recessed behind the front building line, in an effort to

	reduce the visual dominance of garages presenting to the street.
Long straight driveways are to be avoided.	No such driveways are proposed.
Hardstand areas should be minimised and, where soil conditions permit, be substantially constructed using semi-pervious materials to reduce water run-off and increase soil absorption.	Semi-pervious materials are not proposed in this instance – the reliability of concrete is preferred for safe pedestrian footing for the over-50s end user.
Design for vehicle access and parking should in every instance take into account: <ul style="list-style-type: none"> the size and number of dwellings proposed; the provision of on-site car parking that is easily accessible by visitors; the effect of sloping land in reducing parking opportunities; the safety of pedestrians, cyclists and vehicles; efficient use of car spaces and access ways including manoeuvrability for vehicles between the street and the lot. 	Each proposed dwelling has its own double garage. Visitor parking is dispersed throughout the development, so as to be easily accessible by visitors to any dwelling.
Driveways in all cases are to be at least 3m wide and include an internal radius of 4m at the point where there is a change in direction.	Development complies – each of the five proposed dwelling types has a double garage, with a driveway to it being more than three metres in width.
Special consideration will be given to particular site conditions such as existing vegetation, site drainage, steep access etc.	No such site conditions apply in this case.
Where land has a frontage to a main road all development shall provide sufficient area on site to allow vehicles to enter and leave the site in a forward direction.	The Site does not have frontage to a main road but all vehicles will enter and exit the development in a forward direction anyway.
H2.5 Private open space	
Performance criteria	Palm Lake's assessment
Each dwelling shall be provided with quality, useable private open space (POS)	Each proposed dwelling type has an outdoor living area or "alfresco" that immediately adjoins the main living area of the dwelling. These outdoor private open spaces are regularly-shaped and are suitably sized for a dining table and chairs.
The POS area of each dwelling is to have a principal private open space (PPOS) directly connected to a living zone of the dwelling.	Each proposed dwelling type has an outdoor living area or "alfresco" that immediately adjoins the main living area of the dwelling.
POS is to be no steeper than 1:10 gradient. On steeper sites open space s to be terraced to provide useable space. A front POS forward of the building line will only be considered where the allotment is predominantly north facing.	The Site is already fairly flat but when the earthworks consent is enacted it'll be flatter still. POS gradients are expected to be less than 1:10 grade.
Sunlight must reach at least 50% of the POS of both the subject dwelling and of any adjoining dwelling, for not less than 3 hours between 9:00am and 3:00pm on 21 June. POS that has a southerly orientation (shaded by the dwelling and/or adjacent dwelling) may require an increase in its area to compensate for the shaded POS.	The vast majority of proposed dwellings in the development are expected to be single-storey. Accordingly, the casting of shadows is expected to be minimal. Also, a fairly high percentage of the dwellings will have a northerly (or predominantly northerly) aspect, which optimises solar access outcomes.

At least one principal living area of a dwelling must face predominantly north.	The 244 home sites are a mix in terms of aspects and orientation. In the main, the dwelling types have private open space located at the rear of the dwelling. A combination of these two things means not every dwelling has a principal living area facing predominantly north.
The POS shall be adequately screened for privacy from adjacent dwellings and passers-by.	In the main, the dwelling types have private open space located at the rear of the dwelling, meaning privacy is assured from the street. Fencing is a means by which privacy between adjacent dwellings will be secured, with fencing along side “boundaries” of each home site to be 1.8 metres in height (see Statement of Landscape Intent for details of fencing).
Any dwellings which cannot be provided with private open space at ground level ...	Not applicable – each dwelling will have private open space at ground level.
Enclosing screen walls or fences should be designed to ensure privacy, for the dwelling and for adjoining communal open space or access ways and for other dwellings and their yards.	Fencing around each home site will ensure adequate privacy outcomes.
Parts of the private open space should be capable of enabling an extension of the function of the dwelling for relaxation and recreation, and be directly accessible from the living area of a dwelling. Its location should take into account: outlook, natural features, continuity with open space and the location of adjoining dwellings. Its orientation should provide for maximum year round use.	In the main, the dwelling types have private open space located at the rear of the dwelling, meaning privacy is assured from the street. Each proposed dwelling type has an outdoor living area or “alfresco” that immediately adjoins the main living area of the dwelling. These outdoor private open spaces are regularly-shaped and are suitably sized for a dining table and chairs.
Planting should not obscure or obstruct dwelling entries, adjoining public space, paths or streets in a way that reduces actual or perceived personal safety.	Actual or perceived personal safety is not expected to be any concern in this private residential community – access will be security-controlled and fencing will surround the development. Planting will occur in accordance with the Statement of Landscape Intent accompanying this application.
Proposed tree locations and species are to be selected so as not to adversely impact upon the amenity of adjoining properties or interfere with adjoining structures.	Planting will occur in accordance with the Statement of Landscape Intent accompanying this application.
H2.6 Solar access and overshadowing	
Performance criteria	Palm Lake’s assessment
Shadow diagrams are to be submitted with all new development applications for 2 storeys or greater. The shadow diagrams are to be professionally prepared and based on a survey of the relevant site and the adjoining development / properties. Shadow diagrams are to take into consideration existing vegetation.	The vast majority of proposed dwellings will be single-storey and therefore outside of the purview of this criterion. In wanting to maintain some flexibility as to the inclusion of and siting of double-storey dwellings in the development, shadow diagrams are not possible at this stage.
All new dwellings are to be designed to ensure that the predominant living spaces and the key private open space maximises northern and eastern sun.	A fairly high percentage of the dwellings will have a northerly (or predominantly northerly) aspect, which optimises solar access outcomes.
The proposed development is to demonstrate that the minimum of 3 hours of solar access is achieved between 9:00am and 3:00pm on 21 June to at least 50% of the private open space and to the principal living, dining, family and rumpus room(s) of the proposed dwelling and the adjoining dwellings/properties. Where this cannot be achieved,	In wanting to maintain some flexibility as to the inclusion of and siting of double-storey dwellings in the development, shadow diagrams are not possible at this stage.

applicants are to demonstrate that the design maximises solar access.	
Buildings must be sited and/or designed to avoid overshadowing on adjoining properties should be addressed, including, but not limited to, increasing setbacks, articulation, variations in roof forms and/or reducing building bulk or minimising height (sic).	In wanting to maintain some flexibility as to the inclusion of and siting of double-storey dwellings in the development, shadow diagrams are not possible at this stage.
H2.7 Acoustic and visual privacy	
Performance criteria	Palm Lake's assessment
Windows and balconies should be designed and oriented to minimise overlooking of main living areas and private open space. Effective design is preferred to the use of screening devices, high sills or obscured glass.	With the desire to maintain a degree of flexibility in the delivery of the dwellings on each home site, it is difficult to assess against this criterion. When dwelling types are ultimately chosen for a given home site, regard will be had at that time for overlooking between neighbouring dwellings. That said, the vast majority of dwellings are likely to be single-storey such that dividing fences between homes will function as inhibitors to overlooking.
Dwellings are to be sited and designed to limit the potential for noise transmission to the living and sleeping areas of adjacent dwellings.	Again, with the desire to maintain a degree of flexibility in the delivery of the dwellings on each home site, it is difficult to assess against this criterion. When dwelling types are ultimately chosen for a given home site, regard will be had at that time for this criterion.
Shared common walls and floors between dwellings must be constructed in accordance with the noise transmission and insulation requirements of the Building Code of Australia.	Not applicable – there will be no shared common walls or floors.
Where landscape plantings can assist in visual privacy, evergreens must be used and they must be of a size that will visually screen the noise source within 3 years.	Landscape plantings will be used in this manner, where necessary or desirable.
Careful consideration should be given to the location of noise generating activities/items such as air-conditioning units, swimming pool equipment, recreation areas driveways and car spaces to minimise the impact on the amenity of adjoining properties.	Due consideration will be given to this criterion, at detailed design stage.
A minimum line-of-sight separation of 3m is required between parking areas/streets and all bedroom windows.	In the main, front bedrooms (where featuring in a proposed dwelling typology) will be at least three metres from the internal streets.
Where any wall openings of adjacent dwellings are opposite each other, a minimum separation of 3m is required.	Each proposed home site type (Forest Lane Frontage Site, Premium Site, Standard Site 1 and Standard Site 2) has a minimum 1-metre proposed side boundary "setback". Accordingly, there will be instances where wall openings of adjacent dwellings are less than three metres apart. However, the vast majority of dwellings will be single-storey and home sites will be fenced. Accordingly, there is not expected to be any adverse privacy outcomes eventuate from wall openings of adjacent dwellings being only two metres apart.
All opposing windows and doors on adjacent lots must be offset.	Again, with the desire to maintain a degree of flexibility in the delivery of the dwellings on each home site, it is difficult to assess against this criterion. When dwelling types are ultimately chosen for a given home site, regard will be had at that time for this criterion.

<p>A minimum of 9m is required between the windows of habitable rooms of facing dwellings that abut a public or communal area. This distance should be increased to 12m for windows above first-floor level. Direct views between living area windows of adjacent dwellings must be screened or obscured where:</p> <ul style="list-style-type: none"> • Ground and first floor windows are within an area described by taking a 9m radius from any part of the window of the adjacent dwellings. An area so defined is described as a privacy sensitive zone. • Other floor windows are within a privacy sensitive zone described by a 12m radius. 	<p>Again, with the desire to maintain a degree of flexibility in the delivery of the dwellings on each home site, it is difficult to assess against this criterion. When dwelling types are ultimately chosen for a given home site, regard will be had at that time for this criterion.</p>
<p>Overlooking of ground level private open spaces, from upper levels is to be avoided, for example through the use of setbacks, level changes, landscaping and/or pergolas.</p>	<p>The vast majority of proposed dwellings will be single-storey. In any event, outdoor living areas/alfresco spaces will be covered/roofed such that views into those areas from an upper level of an adjoining dwelling will be limited.</p>
<p>Overlooking between units is to be avoided, for example through dividing fins, louvers and other design detail.</p>	<p>The vast majority of dwellings will be single-storey and home sites will be fenced. Accordingly, there is not expected to be any adverse overlooking outcomes.</p>
<p>The windows and doors of proposed dwellings that provide direct view into the living area/bedroom windows of an adjoining dwelling should:</p> <ul style="list-style-type: none"> • Be located out of alignment with the windows of adjoining dwellings, or • Have fixed obscure glazing to a minimum height of 1.7m above floor level, or • Use another form of screening to the satisfaction of Council. 	<p>The vast majority of dwellings will be single-storey and home sites will be fenced. Accordingly, there is not expected to be any adverse privacy outcomes eventuate from wall openings of adjacent dwellings being only two metres apart.</p>
<p>The outlook from a proposed dwelling into the private open space of another dwelling does not require screening where:</p> <ul style="list-style-type: none"> • Windows are in bathrooms, toilets, laundries, storage rooms or other non habitable rooms. • Windows have a minimum sill height of 1.5m above floor level or translucent glazing to a minimum height of 1.5m above floor level. • Windows and balconies of upper level dwellings are purpose designed to prevent overlooking of more than 50% of the private open space of a low-level or neighbouring dwelling. 	<p>The need for screening of windows is diminished by the intention to have 1.8-metre high fences along the “boundaries” of the home sites. Screening of windows will be considered for upper levels of the double-storey homes (where built).</p>
<p>A roof top balcony, terrace and the like on residential developments and outbuildings is not suitable where it compromises privacy and amenity.</p>	<p>No such elements proposed in this application.</p>
H2.8 Views	
Performance criteria	Palm Lake’s assessment
<p>Provision of a view analysis as a component of a site analysis to indicate that a proposed development reflects the desirability of protecting known views and the principles of view sharing. The view analysis of surrounding development is required to indicate the position of the proposal on its site, the location of adjoining buildings and the degree of view loss, if any, resulting from the proposal.</p>	<p>The Site is approved for bulk earthworks already (Council ref: 229/2018/DA/A & CC2022/0749) and this new application for multi dwelling housing is the final development consent being sought for the Site conceptually approved for development since 2016. A view analysis is not warranted in this instance and, in any event, the land forms in the immediate local area are fairly flat such that significant views do not exist.</p>

Council may require the erection of a height profile structure certified by a registered surveyor on the site prior to determining an application.	The Site is mapped for a maximum building height of 8.5 metres and the vast majority of proposed dwellings will be single-storey only, in keeping with the general character of the immediate area. A height profile structure should not be necessary in this instance.
H2.9 Safety, security and entrances	
Performance criteria	Palm Lake's assessment
Buildings are designed to face the street, with at least one habitable room window which can overlook streets and other public areas to provide casual surveillance of the public domain.	All proposed dwellings are designed to face the new internal streets of the development. For the homes sites backing onto the future golf course, the fencing along that boundary is to be 1.2-metres to 1.5-metres high and semi-permeable, so as to provide outlook opportunities, for the benefit of casual surveillance.
The site layout should ensure that the front entrance to a dwelling is easily identified by visitors and emergency services through design and conspicuous house numbering and that adequate privacy is maintained between individual entrances.	All proposed dwellings are designed to face the new internal streets of the development and a site map will be installed at the entry to the development, as a navigation aid for emergency services.
Separate and covered pedestrian entry should be provided to each dwelling. In the case of dual occupancy, entries should be either oriented to the street and/or separated from driveways and communal areas by a transition zone (e.g. a porch or front verandah).	Each of the six proposed dwelling types has its own front entry door, distinct from the garage.
Front fences, garages and landscaping elements are to be designed not to obstruct casual surveillance to and from the dwelling to permit safe access by residents and visitors to the dwelling.	All proposed dwellings are designed to face the new internal streets of the development and fencing typology has been duly considered, in balancing the privacy of the future residents with the opportunities for casual surveillance of common and/or public realms.
Lighting to the exterior is to be provided to enhance the amenity and security around the dwelling, however, light spill must not adversely impact on adjoining properties.	Adequately lighting features in all Palm Lake resorts, as it will here. Details of external lighting are to form part of application(s) for construction certificate(s).
Buildings should be detailed or articulated in a manner that identifies the entry and expresses individual dwellings to the street frontage where possible.	Each of the six proposed dwelling types has a clearly-defined front entry.
H2.10 Front fencing	
Performance criteria	Palm Lake's assessment
Fencing should not block views from a dwelling towards the street or similarly obscure the visibility of the front entrance of a dwelling.	The Site has frontage to Forest Lane (a public street) but the homes with a frontage along that street (1 to 21) will present a front-of-house to the proposed internal road instead. To the rear of those lots is proposed a 2-metre high semi-permeable fence, details of which are shown in the Statement of Landscape Intent accompanying this application. The proposed fencing strikes a balance between ensuring a degree of privacy for the future residents of site 1 to 21 and having a filtered vista of the street from those sites, for passive surveillance opportunities.
Where front boundary fencing is required, it is to be no taller than 900mm if solid and no taller than 1.5m if the fence has openings which make it at least 50% transparent. Fence materials and detail design is to be consistent with those of the character of fencing in the immediate locality.	The Site has frontage to Forest Lane (a public street) but the homes with a frontage along that street (1 to 21) will present a front-of-house to the proposed internal road instead. To the rear of those lots is proposed a 2-metre high semi-permeable fence, details of which are

	shown in the Statement of Landscape Intent accompanying this application. The proposed fencing strikes a balance between ensuring a degree of privacy for the future residents of site 1 to 21 and having a filtered vista of the street from those sites, for passive surveillance opportunities.
The distance between modulating elements (indentations, posts, or engaged piers), should not be greater than 2.5m.	No such modulations are proposed at this stage but requiring a modulation every 2.5 metres is excessive.
Front fences must not exceed 10m in length without some articulation or detailing to provide visual interest, i.e. fence posts, engaged piers etc.	The Statement of Landscape Intent shows the semi-permeable fencing type with a post every two metres (approx.).
In locations (such as Crowdy Head), where front fences are not common, front boundary definition shall be achieved by hedging or other methods common to the local area.	Not applicable – front fencing is a safety requirement for the use type and is not inconsistent with the character of the area.
All fencing behind the line of the dwelling/building façade, side and rear fences, may be a maximum of 1.8m.	The Statement of Landscape Intent shows fencing or different heights and typologies, with only the Forest Lane frontage fencing exceeding the 1.8-metre height.
Side fences which project forward of the front building line should step down to the adjoining front fence.	Height transitions will occur where necessary.
Expansive flat and blank surfaces to street frontages are to be minimised to reduce the opportunity for graffiti.	No such fencing is proposed.
Where front fencing is utilised to provide screening to private open space it must be no higher than 1.5m if located on the front boundary. If proposed higher than 1.5m the fence must be located at least 1.2m from the property boundary. Private open space fencing must not exceed 1.8m.	Fencing along Forest Lane and between proposed homes sites will be more than 1.5 metres in height. The fence heights proposed are for the privacy of future residents.
Private open space fencing must demonstrate its adequacy for providing privacy to the development. Design treatments such as articulation, panelling, hedging, etc can be engaged to provide both privacy and contribute to the visual amenity of the streetscape.	The Statement of Landscape Intent prioritises private open space privacy, primarily through fencing choices.
H3.4 Multi dwelling housing and residential flat buildings	
Performance criteria	Palm Lake's assessment
Site coverage Development for the purposes of multi dwelling housing requires a minimum land size of 1,000m ² .	The part of the Site the subject of this application is more than 11 hectares in area.
Setbacks The minimum front street boundary setback is 7m. Where adjacent multi dwelling housing development is closer to the front boundary, the setback may be similar to that of adjacent development. Likewise, where adjacent development is set further back, Council may require a greater setback than the minimum otherwise permitted. The minimum side and rear required setback is calculated using the formula: 2.25m + H/4 – Where H = the height of the ceiling of the topmost storey above any point along the line indicating the unexcavated level of the land. ...	The Site has a number of road frontages, including several that are distant from where development is proposed in this application (George Street to the east, The Breezeway to the west) but Forest Lane is the frontage street. A 3-metre setback is proposed to Forest Lane and it will feature a fence and landscape strip of two metres in width. So far as it relates to existing adjacent development, the proposed setback is similar to (or even greater than) the boundary setbacks of the dwelling house on Lot 84 DP733444, which itself is fairly typical of housing on Wyden Street.

<p>A minimum setback of 3m is permitted from the carriageway edge for multi dwellings fronting private streets.</p>	<p>In terms of side and rear setbacks, owing to the sheer size of the Site, those setbacks are more than ample (and comply with the formula stated).</p> <p>The proposed minimum setback from internal private roads is two metres, which complies with the standards that apply to manufactured homes in the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>.</p>
<p>Car parking and access</p> <p>Parking in the form of garages or carports is to be provided on site at the rate of:</p> <ul style="list-style-type: none"> • 1 space for each 1 and 2 bedroom dwelling; • 2 spaces for each 3 or more bedroom dwelling. <p>Visitor parking is to be provided onsite at the rate of 1 space per 3 dwellings.</p> <p>...</p> <p>Entrance driveways are to be designed to the minimum width necessary to serve any development and allow safe forward in and forward out movement. For developments servicing six or more dwellings, the entrance driveway across the footpath to the building setback is to be a minimum of 5m wide.</p>	<p>Each proposed dwelling includes a double garage (compliant).</p> <p>A total of 80 visitor car parks are proposed throughout the development, which translates to 1 visitor space per 2.55 dwellings (compliant).</p> <p>The entrance driveway to the development is already approved as part of the development consent for the Eastern Precinct.</p>
<p>Private open space</p> <p>The useable private open space per ground level dwelling should not total less than 35m², where:</p> <ul style="list-style-type: none"> • The minimum dimension in any direction is 4m. • The open space contains an area not less than 16m² with a minimum dimension of 4m and is directly accessible from the living room of the dwelling. 	<p>Each proposed dwelling has a dedicated private open space area (e.g. alfresco) as well as yard space. The Control Notes on the proposed Site Plan require the private open space to be a minimum of 30m² per dwelling, which complies with the standards that apply to manufactured homes in the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>.</p>
<p>Storage</p> <p>In addition to normal kitchen, linen and bedroom storage, accessible storage is to be provided at the following rates:</p> <ul style="list-style-type: none"> • Studio, 1 and 2 bedroom apartments – 6m³, • 3 bedroom or greater apartments – 8m³. 	<p>Storage has been accommodated in each of the 16 dwelling designs within the home itself and also within the double garage of each home. Storage is anticipated to be ample for each dwelling, based on proposed designs.</p>
H3.7 Manufactured Home Estates and Caravan Parks	
Development Controls	Palm Lake's assessment
<p>Setbacks and Separation</p> <ol style="list-style-type: none"> a) Site layouts for manufactured homes shall be designed to provide for articulation and diversity along street frontages. b) Buildings and manufactured homes are to be grouped/clustered to provide a high level of pedestrian permeability. Each group is to be separated by an access road or a pedestrian path, with communal landscaped areas. 	<p>The proposed site layout is functional, permeable and incorporates a good mix of home site orientations for future dwellings. The proposed development is to be a private one (gated) but the use type and the scale/density of the use are not unique to the locality.</p>

<ul style="list-style-type: none"> c) The setbacks provided between buildings and manufactured homes, are to be designed to ensure acoustic and visual privacy to residents. d) The property boundary setbacks to buildings and manufactured homes are to be maximised, to provide visual separation from the street and adjoining properties. e) Setbacks shall be sufficient to avoid any land use conflicts with adjoining zones and uses. 	
<p>Landscaping</p> <ul style="list-style-type: none"> a) Setbacks to manufactured homes are to be screened, fenced and landscaped to ensure an attractive streetscape, to both internal and public roads. Setbacks to public roads are not to be used for administrative buildings, community buildings/amenities, camping sites or parking facilities. b) Deep soil planting and semi-mature street trees are to be provided in the property boundary setbacks and between groups/clusters of manufactured homes, to provide visual buffers and shaded areas in communal open spaces. 	Landscaping is proposed to occur in accordance with the Statement of Landscape Intent which accompanies this application.
<p>Building Design of Manufactured Homes</p> <ul style="list-style-type: none"> a) Building articulation and habitable rooms in dwellings must enable passive surveillance of access roads. b) Building materials and colour schemes must be selected to demonstrate compatibility with surrounding residential development. c) Building designs on corner lots should avoid blank walls and include design features that provide visual interest to, and passive surveillance of, access roads. 	The materials and colours of the proposed dwellings are indicatively set out in the marketing brochure which accompanies this application. Palm Lake only delivers high-end resort-style dwellings, with high aesthetic appeal.
<p>Visitor Parking</p> <ul style="list-style-type: none"> a) Visitor parking is required to be accessible at all times by residents and visitors to the development. b) Where the number of dwellings and/or sites is 100 or fewer, a centralised visitor car parking facility is to be provided. c) Where the number of manufactured homes and/or sites is more than 100, visitor parking is to be spread throughout the development site. A minimum of 4 spaces and maximum of 10 spaces per parking facility are to be provided in any location. 	Visitor parking bays number 87 in total, including 12 at the entry gate. They are interspersed throughout the development, for equitable access to the visitors of the future dwellings, without requiring lengthy walks to any dwelling.
<p>Caravan and Boat Storage</p> <ul style="list-style-type: none"> a) Where a separate parking facility is to be provided for caravan and boat storage, the facility is to incorporate a wash down facility. b) The siting, design and security of this facility is to have regard to the need to minimise the opportunity for crime. 	Caravan and boat storage is planned for another part of Palm Lake's Old Bar development – further details to feature in a future application for development consent.
<p>Services and Infrastructure</p> <ul style="list-style-type: none"> a) The entrance of a development with more than 25% longterm/permanent occupancy sites, is to be within 400m of a bus stop serviced with daily bus services or provided with a private daily bus service for residents. 	The nearest public bus stop appears to be about one kilometre away, on Old Bar Road. However, Palm Lake resorts all operate with a privately-owned and operated 'Coaster' bus that is available to residents, on request. Although yet to be confirmed in the case of this project,

<ul style="list-style-type: none"> b) Any onsite administration, retail, community facilities and amenity buildings are to be accessible to all residents. c) Garbage facilities on the site are to be designed to be accessible to all residents and provided with screening from manufactured homes and long-term/permanent occupancy sites, adjoining properties and public areas. 	<p>Palm Lake resorts usually make provision for golf buggy transportation throughout the resort too.</p> <p>Garbage collection will occur within the verge of the proposed internal roads, in accordance with the Waste Management Plan.</p>
Additional Lodgement Requirements	
<p>A Visual Impact Assessment which addresses:</p> <ul style="list-style-type: none"> a) The landscape and visual context of the locality; b) The potential impact of the development, in particular, when viewed from surrounding residential development, public spaces and/or facilities; and c) Any relevant 'local character' statements for the town, village or locality. <p>The Visual Impact Assessment is to include illustrations, photomontages and/or artists' impressions.</p>	<p>With reference to the proposal plans and the marketing brochure, one can obtain a fairly clear picture of how the development will present, visually. With the desire to maintain flexibility with the allocation of dwelling types throughout the development, any formal Visual Impact Assessment could only ever be indicative anyway, in this context.</p>
<p>An Access Audit that provides details on the following:</p> <ul style="list-style-type: none"> a) Gradients, widths and lengths of pedestrian pathways; and b) Access to and within administrative and communal buildings and structures. 	<p>There are very stringent Australia Standards that apply to development of the type proposed in this application and compliance will be ensured when physical constructions works take place.</p>
<p>A Social Impact Assessment which considers:</p> <ul style="list-style-type: none"> a) An assessment of how the development location and design addresses the requirements of residents; and b) Connectivity between the development site, surrounding neighbourhood and community. 	<p>In terms of connectivity, the Site has an independent character apart from the existing residential development in the area. It is not currently connected to the surrounding neighbourhood but rather it is its own isolated development site. The nature of the proposed development will maintain that degree of independence to the surrounding area, as a private over-50s lifestyle resort typically does.</p>
<p>A Traffic assessment which considers the impact of traffic generated by the development upon the existing road network. Note: dependent upon the scale of the development relative to its location, a full Traffic Impact Assessment may be required.</p>	<p>Matters of traffic planning were duly considered during assessment of the original application for concept approval, as modified (Council reference: MOD2022/0277).</p>
<p>A water and sewer servicing plan detailing:</p> <ul style="list-style-type: none"> a) The capacity of the reticulated water and sewerage systems in the locality; and b) Details of any additional infrastructure (on and off-site) required to connect to existing systems and/or provide sufficient capacity to cater for the increase in demand. 	<p>Section 68 applications have been lodged for water and sewer servicing to what Palm Lake calls the 'Eastern Precinct' of its broader Old Bar development (being a development the subject of a modification application currently with Council (Council ref: PAN-466456). Those section 68 applications set out the manner in which water and sewer provisioning is to occur, with water and sewer infrastructure to run through the Site the subject of this new application, as private infrastructure. A public water main runs within the southern verge of Forest Lane and a public sewer main runs to the rear of properties fronting Rushby Drive (to the rear of proposed home sites 22-41).</p>
<p>To enable a visual impact assessment for the development of the manufactured home estate provide:</p> <ul style="list-style-type: none"> a) a minimum of five manufactured home designs, including at least one design appropriate for corner blocks (where relevant); and 	<p>This application includes details of five typical dwelling types intended to be constructed on the Site in the event consent for the development is forthcoming.</p>

b) information on the design and location of any centralised mail facility for residents.	
To enable a visual impact assessment for the development of the caravan park where proposing manufactured homes in the park: a) identify sites where manufactured homes are proposed; and b) provide a minimum of five manufactured home designs, including at least one design appropriate for corner blocks (where relevant).	This application includes details of five typical dwelling types intended to be constructed on the Site in the event consent for the development is forthcoming.
Any caravan park established on land in a rural or environmental zone may not accommodate more than 25% of sites for use as long term sites.	Not applicable – a caravan park is not being proposed here.
Caravan parks and manufactured home estates require a community plan to be lodged that identifies the location and nature of occupancy, of all resident and visitor sites.	A Community Plan will be developed in due course, after development consent is secured.
Caravan parks and manufactured home estates may also be required (depending on scale and location) to provide an Economic Impact Assessment which considers: a) the potential impact on local businesses, services and facilities within the town, village and/or locality; and b) the potential impact on local businesses, services and facilities within the MidCoast region.	No such assessment accompanies this application. The Site has been conceptually approved for residential development for years – this new application seeks to deliver on that intent. The economic outcomes are expected to be net positive, with greater patronage for the local retailers, amongst other things.
All applications for caravan parks and manufactured home estates are required to demonstrate how they meet the Crime Prevention Through Environmental Design (CPTED) principles.	The proposed development layout is open, with all home sites having a clear road frontage and otherwise being in plain sight. There are no significant “hidden” pockets of space that might be considered unsafe for users, particularly in the context that this development is a private community of over-50s residents.

6.4.1.7 L6 Precinct 3, Old Bar

In section L6.1.4 of the DCP, the area titled “Golf Course Mews” is the site the subject of this application. The character statement is clear in contemplating “multi-unit housing” in the precinct, such as the type proposed herein. Outside of the character statement, part L6 of the DCP adds very little to what has already been addressed in other applicable parts of the DCP.

6.4.1.8 Part N Landscaping Requirements

To the extent applicable, the Statement of Landscape Intent that accompanies this application reflects the performance criteria of Part N of the DCP.

6.5 Planning Agreement(s)

There are no voluntary planning agreements applying to the site as yet.

6.6 Environmental Planning & Assessment Regulation 2021

None of the development types or subject matter of sections 61 to 68 of the Regulation are relevant to/apply to the development the subject of this application.

6.7 Likely Impacts

The proposed development will have the impacts one would anticipate for residential development in a residential area – all reasonable in the circumstances. The impacts will be perceived as either positive or negative, depending on the audience, but the supply of additional housing should be welcomed, as should an increase in the vibrancy of the community and an increased service catchment for local retailers.

The Site is largely devoid of vegetation and has been conceptually approved for development for years now.

6.8 Suitability of the site

The proposed multi dwelling housing development is wholly intended for the Site, as evidenced by the permissibility of the use in the zone under the LEP, the intent statement from part L6 of the DCP and the provisions of the modified concept approval that applies to the Site and parts of wider Old Bar (Council reference: MOD2022/0277).

Given the above, and recognising that earthworks will accord with an existing development consent, the question of whether the use is suitable for the site largely boils down to scale of development and the design/layout. In respect of scale, Palm Lake notes that the FSR is well below the 0.75:1 permissible under the LEP and that the predominant building height of the dwellings will be single-storey, much like the existing dwellings in the immediate vicinity of the Site.

The layout of the proposed development achieves the aims of maximising the number of dwellings, for the benefit of housing supply in the area, as well as providing reasonable amenity outcomes for the future residents, to encourage healthy lifestyles.

Additionally, the Site is well serviced by essential urban utilities/infrastructure.

On the above bases, the Site is suitable for the proposed development.

6.9 Submissions

The Panel will need to consider any submission received during assessment of the application consistent with MidCoast Council's Community Engagement Policy requirements. We understand the notification period will be 14 days in duration.

6.10 The Public Interest

With reference to Section 4.15 'Matters for Consideration' of the Act the proposal is consistent with the relevant controls and permissible with consent; is suitable for the site and unlikely to result in significant impact or be detrimental to the public interest.

7.0 Conclusion

This Statement of Environmental Effects forms part of an application for development consent being made to the Hunter & Central Coast Regional Planning Panel (via Council) pursuant to section 4.12 of the *Environmental Planning and Assessment Act 1979* (NSW), by Palm Lake Resort Pty Ltd c/- Palm Lake Works Pty Ltd.

This application is being made over land described as 106 (part only) & 142 Forest Lane, Old Bar (Part of Lot 2 DP1022067 & Lot B DP377867) (**Site**) and the development consent being sought from the Panel is for Multi Dwelling Housing (Manufactured Home Estate), comprising 204 dwellings.

The SoEE describes the Site and the proposed development, identifies the statutory framework that applies to the application and provides an assessment of the proposed development against the development controls under the LEP and relevant provisions of applicable SEPPs and the DCP.

Palm Lake's position is that the proposed development is consistent with the things listed in section 4.15 of the Act, so far as they are relevant to the Site and the proposed development. The proposed development is appropriate for the Site and is unlikely to result in significant adverse environmental impacts or be detrimental to the public interest.

We hereby request a development consent with conditions that meet the requirements of section 4.17 of the Act.