

JRPP No:	Item 1 (2009NTH006)
DA No:	DA 2009/314
PROPOSED DEVELOPMENT	MARIA RIVER ROAD, RIVERSIDE – 400 SITE CARAVAN PARK AND ANCILLARY FACILITIES
APPLICANT:	Macquarie Gardens Ltd
REPORT BY:	Port Macquarie-Hastings Council
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Assessment Report and Recommendation

PRECIS

This report considers a development application for a 400 site caravan park and ancillary facilities at Lot 6 DP 251919, Lot 91 DP 754451, Lot 4 DP 114288, Lot 1 DP 43918, Lot 22 DP 1040272 & Lot 1 DP 583466, Riverside Drive and Lot 106 DP 754451, Maria River Road, Riverside (North Shore). The development also contains a desalination plant that contains infrastructure that will extend out into the Hastings River (Crown Land).

The application is being reported to the Joint Regional Planning Panel as the proposal is a "regional development" pursuant to Clause 13B (1) (a) and 13C (a) (i) of State Environmental Planning Policy (Major Development) 2005, being development with a capital investment value more than \$10 million and also being a caravan park for more than 10 persons in a sensitive coastal location.

The development is also "integrated development" for the purposes of the Rural Fires Act 1997, Fisheries Management Act 1994, Water Management Act 2000 and National Parks & Wildlife Act 1974.

Adjoining property owners and North Shore residents were notified of the application and an advertisement placed in the local paper exhibiting the development for thirty (30) days. During the exhibition period, Council received 95 submissions including a petition. The submissions consisted of 8 for and 87 opposed to the development. The opposed also included a petition containing 397 signatories. Some of the signatories on the petition also put in separate submissions against the development within the 87 opposed submissions received. Furthermore, it was noted from the petition that not all signatories opposed to the development resided on the North Shore.

RECOMMENDATION

That **DA 2009/314** for a 400 site caravan park and ancillary facilities at Hastings River (Crown Land), Lot 6 DP 251919, Lot 91 DP 754451, Lot 4 DP 114288, Lot 1 DP 43918, Lot 22 DP 1040272 & Lot 1 DP 583466, Riverside Drive and Lot 106 DP 754451, Maria River Road, Riverside be determined by **refusing consent** for the following reasons:

1 - The proposal will have an unacceptable social impact.

- The proposal fails to provide sufficient access to medical and social services for residents of the caravan park.
- The application has failed to demonstrate that sufficient medical and social support services are available in the locality to support the development.
- The application fails to demonstrate effective integration of the development in the local community.
- The development would result in adverse social segregation. The physical isolation of the site will exacerbate social dislocation of the development.
- No secure mechanism has been provided to ensure affordable housing and necessary community facilities are provided for in the long term.
- The proposed community transport plan and private bus service is impractical and will not adequately service the needs of future residents.

2 - The application has not satisfactorily demonstrated that the proposed development will not adversely impact on the existing vehicular ferries servicing the North Shore. The proposed upgrading of the Hibbard Ferry has not been supported with adequate information and it would be inappropriate to deal with such an upgrade via conditions of consent. Additionally, any upgrading of the ferry would result in unacceptable ongoing operational and maintenance costs for Council, which is not considered to be in the public's interest. Upgrading of the ferry to support the transport needs of such a significant increase in population on the North Shore is considered to be an unsustainable transport solution.

3 - The application has not satisfactorily demonstrated that the proposed development will not result in unmanageable transport demands on road infrastructure in the locality. No secure mechanism(s) have been provided to ensure necessary infrastructure upgrades are achieved.

4 - The application has failed to address the impact of the development on Maria River Road and provided no secure mechanism to manage impact on the road.

5 - The proposal is contrary to Clause 10 (a) (c) (d) (f) of State Environmental Planning Policy 21 - Caravan Parks.

6- The proposal is contrary to Clause 8 (a)-(k), (m) & (p) of State Environmental Planning Policy 71 - Coastal Protection.

7 - The proposal is contrary to Clauses 2, 15, 32B, 33 and 81 of the North Coast Regional Environmental Plan.

8 - The proposal is incompatible with the 1(a1) Rural zone objectives and clauses 11, 13, 25 & 26 of the Hastings Local Environmental Plan 2001.

9 - The proposal is incompatible with the context and setting of the locality. The scale, density and aesthetics of the development is significantly out of character with the North Shore's built and natural environments.

10 - The application has not satisfactorily demonstrated that the development can be adequately serviced in the case of an emergency. The application has failed to demonstrate that the proposed development will not impose an added cost to the community, especially during emergency situations.

11 - The application has failed to provide a suitably detailed flood assessment as required by Council's policy and the Government's Floodplain Management Manual.

12 - The application fails to adequately address the impacts of climate change on the development.

13 - The application fails to provide adequate groundwater and nutrient balancing modelling to ensure there is no adverse pollution risk to receiving waters.

14 - The application fails to provide adequate stormwater management measures to ensure there is no adverse pollution risk to receiving waters.

15 - The submitted acid sulphate soils management plan is not consistent with the Acid Sulphate Soils Manual.

16 - The proposal is contrary to State Environmental Planning Policy 44 - Koala Habitat Protection. The submitted draft Koala Plan of Management fails to adequately address the Policy.

17 - The proposal is contrary to Clause 15C of State Environmental Planning Policy 62 - Sustainable Aquaculture.

18 - The application fails to adequately demonstrate that Clause 2 of State Environmental Planning Policy 14 - Coastal Wetlands will be achieved.

19 - The application fails to adequately address the aims and Rural Planning Principles of State Environmental Planning Policy (Rural Lands) 2008.



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the development:

- 400 sites proposed. No caravans only manufactured homes to be installed.
- Property is approximately 50.59ha.
- The current population of the North Shore is approximately 700 persons in 330 dwellings. The development will basically double these figures.
- Access to the site will be off Shoreline Drive.
- Additional proposed facilities include a nine (9) hole golf course, one (1) full size bowling green and clubhouse/community, three (3) tennis courts and clubhouse, library, 165m² general store with ATM, swimming pool, gymnasium, fire station, emergency helicopter landing pad, reception/administrative centre, sewerage treatment and desalination plants, parks and BBQ areas.
- Electricity supply will need to be accepted by Country Energy.
- The application has been notified to Department of Industries and Investment (I&I) under the Fisheries Management Act 1994, Department of Environment Climate Change and Water (DECCW) under Section 90 National Parks and Wildlife Act 1974 and Water Management Act 2000 and the New South Wales Rural Fire Service (NSW RFS) under S100B Bushfire Safety Authority for integrated development purposes.
- Others to be notified include CASA (for the Helipad), State Emergency Service (SES), NSW Maritime, Kempsey Local Aboriginal Land Council (LALC), Department of Planning

(DoP) under State Environmental Planning Policy 44 (SEPP 44) and Roads and Traffic Authority (RTA) under State Environmental Planning Policy (Infrastructure) 2007.

- Development is to be completed in 9 stages as follows:
 - Stage 1 = Front entrance, landscaping, administrative building, general store, ATM, swimming pool, bowling green, clubhouse/community centre, one (1) tennis court, golf course, fire station, sites 1-25, sewage treatment plant, desalination plant, helicopter landing pad, aboriginal site fencing, caravan/storage area, standby generator, boat and 4wd, foot/cycle path to Hibbard Ferry, staff facilities and all associated roads, car parking/landscaping associated with these works.
 - Stage 2 = Sites 26-65 and associated works (NB: associated works refers to landscaping, roads, signage, lighting etc), plus one (1) tennis court.
 - Stage 3 = Sites 66-110 and associated works.
 - Stage 4 = Sites 111-194 and associated works, plus tennis court, clubhouse and library. Installation of 21 car ferry to replace existing 15 car ferry.
 - Stage 5 = Sites 195-240 and associated works.
 - Stage 6 = Sites 241-272 and associated works.
 - Stage 7 = Sites 273-304 and associated works.
 - Stage 8 = Sites 305-336 and associated works.
 - Stage 9 = Sites 337-400 and associated works.
- Nurse station to be provided in the administrative centre.
- Fire station to be provided and operated by fully trained volunteers.
- The desalination plant will have a 200,000 litre daily capacity.
- Construction to occur 7am to 5pm Mon-Fri and 7am to 1pm Sat.
- Access to the site is via the two (2) car ferries (Hibbard and Settlement Point) or from Kempsey via the predominately unsealed Maria River Road or the 4wd unsealed Point Plomer Road.
- Site is partially flood prone and will be isolated during major flood events.
- Site is zoned 1(a1) Rural. There is a section of 7(a) Environmental Protection – Wetland, which will not be developed.
- Development is defined as a caravan park under the Hastings LEP, being permissible with consent.
- A free park bus service will be provided within the park. It is proposed to operate every hour on the hour and have disabled access. The bus will be a ten (10) seater and be provided as part of stage 1. Further monitoring will determine any upgrade. A bus service will operate outside the park, 3 times a day. A courtesy car and eventually a small bus will also be provided for emergencies.
- Twenty six (26) specialist people will be employed by the development during construction and ten (10) during the operation.
- There is an aboriginal heritage site onsite.
- The majority of sites and facilities will be located on Lot 106 DP 754451.

Attachments - site plans and elevations

Refer to attachments at the end of this report.

Application Chronology

11/12/2008	DA 2007/134 for a 441 site caravan park and ancillary facilities was refused by Council over much of the same site.
12/5/2009	The application was presented to Council's Pre-Lodgement meeting. A copy of the advice provided to the applicant can be found in the attachments section of this report.
11/8/2009	DA 2009/280 for a 400 site caravan park and ancillary structures was submitted to Council for the subject site. The application was rejected by Council under clause 51 of the Environmental Planning and Assessment Regulations. The application was considered inadequate as the submitted information did not include the address and formal particulars of the title of the land to which the development is to be carried out as required by Schedule 1, 1(c) of the Regulations (ie for the additional allotments with desalination infrastructure). Furthermore, owners consent as required by Schedule 1, 1(i) from NSW Lands for the desalination infrastructure and consent from Quildan Pty Ltd for Lot 22 DP 1040272, Lot 1 DP 583466 and Lot 1 DP 43918 had not been provided. Furthermore, the applicant was advised that a cursory perusal of the development application suggested that the fundamental issues raised in the determination of refusal for a similar application on the site (DA2007/134) had not been resolved. It was recommended to the applicant that the application not be pursued.
21/8/2009	DA 2009/280 was relodged with Council as a new DA 2009/314. The outstanding matters from DA 2009/280 had been addressed to the point the application could be accepted.
11/9/2009	Letter sent to the applicant requesting a full set of plans to scale for all proposed infrastructure onsite, confirmation on whether Lot 3 DP 114288 was part of the application and the number of helicopter flights per day.
15/9/2009	Applicant responded to Council's letter dated 11/9/2009. The applicant advised that a number of the proposed buildings were either not part of this application or plans would be provided with the construction certificate. Helicopter pad was confirmed to only be used for emergencies. Council responded (via letter) to the applicant advising that the proposed buildings/infrastructure were being relied upon to justify the development in terms of managing fire, social impact etc and therefore needed to form part of the application. Plans for such buildings are required as part of the development application and not part of a construction certificate so that Council can assess any impact.
16/9/2009	Applicant advised that in response to Council's letter on 15/9/2009, the plans of all buildings would be provided.
25/9/2009 - 26/10/2009	Notification period for the application.
30/9/2009	Applicant submitted updated plans in response to Council's letter dated 15/9/2009. However, the plans were not considered complete.

2/10/2009	Council responded to applicant's submission dated 30/9/2009, stating that the submitted plans were incomplete.
8/10/2009	Following advice back from an internal Council referral, a letter was sent to the applicant requesting additional information on such matters as: impacts of the development on acid sulfate soils, impacts of nutrient loads from the sewage treatment plant and golf course, modelling of potential flows into the SEPP 14 area, issue of trees within the development site being included in the KPOM as their long term viability (based on other examples) is limited, long term management of koala habitat, Endangered Ecological Communities - Swamp Sclerophyll Forest (EEC), and State Environmental Planning Policy 14 (SEPP 14) Wetlands is inadequate. An alternative is required via Voluntary Planning Agreement (VPA), dedication.
13/10/2009	Applicant responded to Council's letter dated 2/10/2009 and also Council's letter dated 13/10/2009. The applicant refused to respond to the majority of issues raised in Council's letter dated 8/10/2009, unless it could be demonstrated that these were required under a legal instrument.
27/10/2009	Following advice back from another internal Council referral, a letter was sent to the applicant requesting a number of traffic, ferry and infrastructure issues be addressed. In addition, it was clarified to the applicant that Council's request for additional information dated 8/10/2009 was made pursuant to Clause 54 and was required by Council to carry out the relevant 79(C) assessment.
28/10/2009	Applicant responded to Council's letters dated 8/10/2009 and 27/10/2009. The applicant reinstated that they would not be addressing the majority of issues identified in Council's letter dated 8/10/2009, believing that the issues can be addressed at the construction certificate stage.
2/11/2009	The applicant's road/traffic consultant provided a response to Council's letter dated 27/10/2009.
5/11/2009	Council's Development Engineer responded to the road/traffic consultants response dated 2/11/2009
10/11/2009	The applicant's road/traffic consultant requested clarification on the operation of the existing ferries, so that a further response could be formulated.
11/11/2009	Council provided a response to the road/traffic consultant's request dated 10/11/2009. Applicant responded the same day.

NOTE: Copies of the above correspondence between Council and the applicant are contained in the attachments section of this report.

Issues Relevant to the Decision - In Point Form

- Permissibility
- Social, traffic and environmental impacts.
- Impact of increased traffic on road and ferry infrastructure both during and after construction.
- Ongoing maintenance of ferries.
- Social impact (ie isolated and gated community, lack of reliable access to services, etc).
- Cost to community of ensuring the development operates properly and also during emergencies.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) The provisions (where applicable) of:**
(i) any Environmental Planning Instrument:

SEPP 14 - Coastal Wetlands

A SEPP 14 wetland is located on the site. The applicant is not proposing any works within the SEPP 14 wetland. However the following points of concern are raised with respect to potential impacts on the wetlands:

- Council's Water and Natural Resource division have advised that insufficient nutrient balancing, groundwater and stormwater modelling has been undertaken for the proposed on-site sewage management facility, golf course and excavation works on acid sulfate soil land to demonstrate that there will be no adverse impact on ground and surface waters. Until such matters are addressed, the application has the potential to have an adverse impact on the SEPP 14 area, though increased water and nutrient flows. Given the scale of the development and sensitive receiving environment it is considered reasonable to require greater detail at the development application stage. These concerns have also been reiterated by I&I and DECCW.
- Concern was raised in relation to long-term sustainability of the on-site sewage management facility.
- I&I has advised that the application fails to address Clause 15(e) of the North Coast Regional Environmental Plan (NCREP).
- I&I has advised that the development fails to provide sufficient information to ascertain the likely impacts on SEPP 14 - Coastal Wetlands. Further it is unclear as to the extent of SEPP 14 - Coastal Wetland (no. 494) in relation to the proposed development footprint, 7(a) zone, the identified EEC and the proposed clearing.
- I&I & DECCW (along with Council staff) have raised concern that the information accompanying the development application contains deficiencies and inconsistencies that restrict a conclusion being reached that no adverse impact will occur.

Based on the above, the application fails to adequately demonstrate that the aims and objectives (Clause 2) of SEPP 14 will be achieved.

SEPP 21 - Caravan Parks

The following comments are taken from the Development Assessment Panel report for DA 2007/134, which still remain relevant to this application in terms of addressing the permissibility of the proposal:

"Until legal advice was received from the applicant's solicitor on 23/6/08. The opinion was maintained that the proposal was not a 'caravan park' as defined under SEPP 21, but rather constituted a manufactured housing estate and was prohibited pursuant to Schedule 2 of SEPP 36. SEPP 21 contains the following definitions:

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

moveable dwelling has the same meaning as it has in the Local Government Act 1993.

Under the Local Government Act 1993, a moveable dwelling includes both a caravan and a manufactured home. The original opinion that the proposal did not represent a caravan park was on the basis that the SEPP 21 definition suggests the caravan park needs to contain 'caravans (or caravans **and** other moveable dwellings)'. The following is noted;

- The development provides only 44 of the 441 sites exclusively for 'caravans' with all other sites capable of containing manufactured homes. (Note: DA 2009/314 is for 400 sites, none of which are exclusively for caravans with all other sites being capable of containing manufactured homes).
- Under the staging nominated, caravans won't be guaranteed on the site until stage 10
- The proposed sites are of a size predominately suited for manufactured homes (approximately 300m² where as designated caravan park sites are 100m²)
- However, in *Wygiren Pty Ltd v Kiama Municipal Council* (2008 NSWLEC (13 February 2008)) the court considered a similar development in Kiama for a proposed 'caravan park (containing manufactured homes) in a rural zone. Under the Kiama LEP a caravan park 'means land used for the accommodation of caravans or other moveable dwellings within the meaning of the Local Government Act 1993'

The following extract relevant to the consideration of whether a caravan park containing manufactured homes is defined as a 'caravan park' and hence permitted in the rural zone is provided:

31 Sections 76 to 76B of the EPA Act identify the three categories of development (development permissible without consent, development permissible only with consent, and prohibited development) by reference to the provisions of environmental planning instruments. The Kiama LEP 1996, SEPP 21, and SEPP 36 are environmental planning instruments and thus capable of regulating development in accordance with s76 to 76B. Section 36 of the EPA Act also applies (containing a general presumption that higher order instruments prevail to the extent of any inconsistency unless otherwise provided and subject to the capacity for any later instrument to amend an earlier instrument to provide for the way in which an inconsistency between them is to be resolved).

32 The provisions of, and policy disclosed by, these planning instruments, do not support the respondent's arguments. SEPP 21 commenced on 24 April 1992 and has been amended since. It does not prohibit any development permitted under another instrument. The key provisions of SEPP 21 (cll 8 to 10) require development consent to be obtained for caravan parks, permit subdivision for lease purposes, and impose obligations on the consent authority to consider certain matters in determining whether to grant consent. Accordingly, and for example, the requirement for development consent in SEPP 21 would prevail over any instrument permitting such development without consent. Similarly, the capacity to subdivide caravan parks in cl 9 of SEPP 21 would prevail over any prohibition on such subdivision in another instrument. Clause 7 of SEPP 21 performs an important function in this context. It ensures that, whether or not other instruments define caravan park or camping ground and howsoever those terms may be defined, the provisions of SEPP 21 will operate. Accordingly,

consent will be required for any such development. Any such land will be able to be subdivided for lease purposes. A consent authority will have to consider the matters nominated in SEPP 21 when deciding whether to grant consent.

- 33 The fact that cl 7 achieves this result by making the references in the other instrument include references to caravan parks within the meaning of SEPP 21 is consistent with the overall operation of the State policy. SEPP 21 assumes that other instruments will regulate caravan parks. It imposes an additional layer of regulation and provides greater flexibility in terms of title arrangements for caravan parks. It does not seek to reduce areas of land made available for such development under other instruments.
- 34 Clause 7 of SEPP 21 does not result in any inconsistency between SEPP 21 and the Kiama LEP 1996. Clause 7 of SEPP 21 takes effect pursuant to cl 5(1) and thus dictates how references to “caravan parks” in other instruments are to be read (that is, as including references to caravan parks within the meaning of SEPP 21). As the applicant submitted, cl 7 could have, but does not, replace the definitions in other instruments. Clause 7 of SEPP 21 also does not result in any inconsistency within the Kiama LEP 1996. The Kiama LEP 1996 happens to contain a more expansive definition of “caravan parks” than SEPP 21 (although other instruments may not). Clause 7 operates in all cases. Contrary to the respondent’s submission, there is no inconsistency, incompatibility, contrariety or lack of harmony in circumstances where the prevailing provision (SEPP 21) states that it will operate by way of inclusion. The manifest intention of cl 7, construed in context, is to leave intact references to and definitions of “caravan parks” in other instruments but ensure all such references are taken to include caravan parks as defined in SEPP 21.
- 35 SEPP 36 commenced on 16 July 1993 and has been amended since. SEPP 36 regulates one category of development only, namely, development pursuant to SEPP 36. In common with SEPP 21, SEPP 36 does not prohibit any development permissible under another instrument. In contrast to SEPP 21, it does not require consent or specify relevant considerations for manufactured home estates generally. Instead, SEPP 36 makes manufactured home estates permissible on certain land, requires consent for such development where the relevant source of permissibility is SEPP 36 and, for any such development, imposes requirements to consider certain matters in granting consent. SEPP 36 does not contain any provision restricting the permissibility of manufactured home estates on land where such development is permissible by reason of another instrument. Clause 8(1) makes this clear. It contemplates in terms that land may be developed for a manufactured home estate in accordance with an instrument other than SEPP 36.
- 36 The fact that s 68 of the Local Government Act and the Regulation deal with caravan parks and manufactured home estates separately does not support the respondent’s approach to the Kiama LEP 1996. The Kiama LEP 1996 commenced on 19 July 1996. The definition of “caravan park” in the LEP specifically refers to land used for the accommodation of caravans or other moveable dwellings within the meaning of the Local Government Act. In other words, the Kiama LEP 1996 elected to define “caravan park” as a place that might accommodate only moveable dwellings other than caravans. The LEP did so against the background of the Local Government Act and Regulation (recognising that the predecessor regulation, the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995, also dealt separately with caravan parks and manufactured home estates). The LEP did so presumably recognising that development may involve a use for one purpose to determine permissibility under the EPA Act and yet attract different levels or types of regulation under the Local Government Act. Moreover, the LEP adopted this definition of “caravan parks” after

both SEPP 21 and SEPP 36 had commenced, and in a context where those instruments did not override the operation of other instruments insofar as they dealt with permissibility of placing manufactured homes on land.

37 Accordingly, and in contrast to the respondent's submissions, all material contextual and purposive considerations point to giving the provisions of the Kiama LEP 1996 their ordinary meaning. Consistent with that ordinary meaning, development involving the use of land to accommodate manufactured homes (being moveable dwellings other than caravans under the Local Government Act) is development for the purpose of a "caravan park" under the Kiama LEP 1996 and, thereby, is permissible with consent in the 1(a) zone.

The HLEP definition is similar to the Kiama definition in that it is broader than that contained in SEPP 21. The HLEP definition is

'caravan park means an area used for the purpose of:

(a) placing moveable dwellings (within the meaning of the Local Government Act 1993) for permanent occupation or for the temporary accommodation of tourists, or

(b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.'

Note: the provisions of this LEP relating to caravan parks are subject to SEPP 21 - Caravan Parks, which contains the following definition:

"caravan park" means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

The HLEP 'note' under the definition of caravan park has no effect in restricting the make-up of a caravan park due to the definition preceding it and the fact that Clause 7 of SEPP 21 allows a broader definition of a caravan park under an LEP. It is considered that refusal of the application on permissibility grounds could not be sustained."

Based on the above, the application cannot be refused on permissibility grounds.

Council is required to have regard for Clause 10 of SEPP 21 when assessing the application. Relevant matters are contained in table below:

SEPP 21 - Clause 10 criteria	Council Officer Comments	Complies
(a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,	Due to its location, the land is not considered suitable for a caravan park of the scale proposed for long term residents - refer to traffic and social impact comments later in the report.	No
(b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence	Noted - no tourist accommodation is proposed as part of the development.	N/A
(c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality.	The North Shore currently has a relatively stable population. Due to its isolation, the provision of affordable housing on the north shore is not considered suitable - refer to social impact comments later in this report.	No
(d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,	<p>The applicant has proposed a range of community facilities to service the development including general store, golf course, bowling and tennis clubs. However the facilities are concentrated around the main entrance and are not centrally located. Residents at the northern end of the park would have an approximate 2.5km round trip to access many of the facilities. Whilst the applicant's comments regarding travel times are noted, the convenience is still questionable. The development layout and demographic of residents is likely to result in a heavy reliance on the private motor vehicle.</p> <p>There is insufficient health care facilities in the locality of the North Shore to service such a development - refer to social impact comments later in this report.</p>	No
(e) any relevant guidelines issued by the Director, and	Perusal of the Department of Planning's website has not located any circulars relevant to the application.	N/A
(f) the provisions of the <i>Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993</i> .	<ul style="list-style-type: none"> • Development provides greater than minimum long-term site area (80m2). • Required setbacks between moveable dwellings capable of being achieved. • Minimum 10% of site provided for recreation and community facilities. • Sufficient visitor car parking spaces provided. • Road infrastructure appears capable of compliance with minimum standards. 	No

	<p>Areas of concern associated with the proposal's consistency with the Regulation relate to consistency with NSW Government Floodplain Management Manual (refer to flooding comments later in this report) and availability of sufficient shower, toilet and laundry facilities in accordance with Subdivision 5 and 6 of the Regulation.</p> <p>In the event that the application was approved, conditions of consent would be required to ensure compliance with other standards such as car wash facilities, setbacks, lighting etc.</p>	
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Based on the above table, the development fails to adequately address Clause 10 of the SEPP.

SEPP 36 - Manufactured Home Estates

Clause 6 of SEPP 36 states:

'Development for the purposes of a manufactured home estate may be carried out pursuant to this Policy on any land on which development for the purposes of a caravan park may be carried out, except:

- (a) land within one or more of the categories described in Schedule 2, or*
- (b) land dedicated or reserved under the National Parks and Wildlife Act 1974, or*
- (c) land within a Crown reserve. A manufactured housing estate on the site is not consistent with Schedule 2 of SEPP 36. "*

The Hastings area is specifically listed under schedule 2 of SEPP 36. However, Clause 5 (4) of SEPP 21 states 'Nothing in State Environmental Planning Policy No 36—Manufactured Home Estates prevents development consent from being granted pursuant to this Policy for the use of land as a caravan park in which manufactured homes are or are to be installed or placed'. As outlined under SEPP 21 comments, the HLEP does not conflict with SEPP 21 or 36 as Clause 7 of SEPP 21 enables another environmental planning instrument to be broader when defining a caravan park. The Kiama court case suggests that given the HLEP definition, a caravan park can be made up entirely of manufactured homes and still be permissible as a 'caravan park' in the 1(a1) Rural zone.

SEPP 44 - Koala Habitat Protection

A SEPP 44 assessment submitted with the application concluded that the site represented core koala habitat as defined under the SEPP. A Koala Plan of Management (KPoM) was submitted with the application. The KPoM was referred to the Department of Planning in accordance with Clause 13 of the SEPP. The following provides a summary of the comments received:

- The KPOM lacks sufficient detail for such a high impact development in a sensitive location.

- The nature and scale of the proposed development in relation to the existing koala habitat and movement corridors is at odds with the objectives of the SEPP.
- 140 sites are proposed to be located within high koala activity areas.
- The layout and linkages are seen as an improvement to the KPOM submitted with DA 2007/134. However, the layout still appears to present major blockages. It is questionable whether the Asset Protection Zones should be applied to the Habitat Linking Areas. In particular, this would substantially negate their benefits.
- The KPOM should include a rehabilitation plan that quantifies the number of trees to be removed, stated replacement ratio, planting numbers and methodology for identified sites.
- A detailed action plan with binding actions, timeframes, responsibilities and measureable outcomes should be included in a tabular form. Any actions contained in other associated reports should be incorporated into the KPOM.

Based on the above, the current KPOM does not appear to meet the objectives of SEPP 44 to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. In particular, the proposed development is situated in an area of high koala activity where koala movement pathways connect to surrounding land including the Limeburners Creek Nature Reserve. Furthermore, the nature and scale of the development would require major modification of the habitat and it is likely that the tree removal and retention plan as proposed would have a significant impact on koala habitat by the removal and isolation of many trees. A number of these concerns have also been reiterated by Council's Natural Resource Section and Tree Preservation Officer.

Based on the above, the provisions of the SEPP have not been adequately addressed and the KPOM would require further refinement before being considered acceptable.

SEPP 55 – Remediation of Land

There is no evidence of any former use on the site that would give rise to an adverse contamination risk.

SEPP 62 - Sustainable Aquaculture

The application was referred to the I&I pursuant to Clause 15B of the SEPP. I&I have subsequently raised the following concerns:

- The supporting information in terms of stormwater management provides very little detail regarding how the drainage system both pre and post construction associated with the development will ensure a neutral or improved impact on the quality of stormwater runoff.
- Water quality objectives from the NSW Oyster Industry Sustainable Aquaculture Strategy and the Interim Environmental Objectives are identified. However, no analysis to determine if the proposed development is likely to have an adverse impact on receiving waters.
- It is noted that acid sulfate soils have impacted on the quality of water in the wetland in the past. It is unclear whether the concept plan addresses this issue or whether the development will exacerbate the problem.
- I&I supports the need for an Acid Sulfate Soils Management Plan to be prepared despite the report from Rosewood Environmental stating such a report is not required.
- Other comments/concerns from I&I under the SEPP 14 heading above are also relevant to SEPP 62.

- Limited detail has been provided on the construction and impacts associated with the boat ramp, desalination pipeline/plant and associated discharge.
- The issue of the Onsite Waste Management System failing has not been addressed.
- I&I have identified a number of inconsistencies with the planning and onsite waste management reports that would need further refinement.

Based on the above, I&I is unable to support the current proposal. Furthermore, as a number of the concerns raised by I&I have also been identified by DECCW and Council staff, it is recommended that the development be refused pursuant to Clause 15(C) as follows:

Clause 15(C)

A consent authority may refuse to grant consent to development:

a) if it is satisfied that the development will have an adverse effect on, or impede or be incompatible with:

(i) any oyster aquaculture development that is being carried out (whether or not within a priority oyster aquaculture area), or

(ii) any oyster aquaculture development that may in the future be carried out within a priority oyster aquaculture area, or

(b) if it is not satisfied that appropriate measures will be taken to avoid or minimise any such adverse effect, impediment or incompatibility.

It should be noted that issues/concerns with the proposed development have also been received from the oyster industry and are incorporated and discussed in submission table later in this report.

SEPP 64 - Advertising and Signage

No signage has been included with the application.

SEPP 71 – Coastal Protection

Refer to attached assessment table, which illustrates that the development is not consistent with the subject SEPP.

SEPP (Major Development) 2005

The application is being reported to the Joint Regional Planning Panel as the proposal is a "regional development" pursuant to Clause 13B(1)(a) and 13C(a)(i) of State Environmental Planning Policy (Major Development) 2005, being development with a capital investment value more than \$10 million and also being a caravan park for more than 10 persons in a sensitive coastal location.

SEPP (Building Sustainability Index: BASIX) 2004

Applicant states that manufactured homes will be designed to exceed BASIX. However, BASIX does not apply to moveable dwellings.

SEPP (Infrastructure) 2007

The application was referred to the Roads and Traffic Authority (RTA) pursuant to the SEPP. However, the RTA subsequently advised that the application did not require referral and is to be dealt with by Council. Subsequently the RTA had no objection to the proposal.

SEPP (Rural Lands) 2008

Refer to the attached assessment table, which illustrates that the development is not consistent with the subject SEPP.

North Coast Regional Environmental Plan

Relevant NCREP Clauses to the development	Comments on Consistency/Compliance
2 - Aims and Objectives	The aims and objectives largely relate to regional policy development. However, Clause 2B clearly states that a consent authority must have regard for relevant aims and objectives of the NCREP when determining a development applications. In this regard the scale of the proposal is considered to conflict with the NCREP intent of providing for coordinated and managed growth. The negative impacts associated with the development are considered to outweigh any benefits.
12 - Impact of Development on agriculture activities	Nature of soils on site would suggest that agricultural activities or valuable agricultural land is unlikely to be affected by the proposal.
15 - Wetlands or fishery habitats	Concern raised with respect to potential impact on wetlands and fishery habitats - Refer to SEPP 14, 62 and 71 comments.
29A - Natural areas and water catchment	No clearing proposed in 7(a) Environment Protection Wetland zone. However concern is raised with respect to potential pollution impact on wetland. Refer to SEPP 14, 62 & 71 comments.
32B - Coastal lands	Whilst there will be no overshadowing of the foreshore, concern is raised with respect to compliance with principles contained in NSW Coastal Policy 1997, Coastline Management Manual and North Coast Design Guidelines. Whilst the primary function of these documents is for policy development they are still recognised as relevant heads of consideration for development assessment in the NCREP and the Regulations (Coastal Policy). The relevant principles have been built into the HLEP, NCREP and SEPP 71 and are discussed in more detail within these relevant sections of the report.
33 - Coastal hazard areas (impact on foreshore)	The application has failed to adequately address the potential impacts of climate change on the development. In particular, the impacts of flooding restricting access.
36 - Heritage items	DECCW have advised that the submitted aboriginal archaeological assessment is adequate in terms of addressing aboriginal heritage.
81 - Development adjacent to the ocean or a waterway	Refer to comments on SEPP 14, 62 & 71, which indicate potential adverse impacts from stormwater runoff and desalination infrastructure on waterways.
82 - Sporting fields or specialised recreation facilities	Concerns related to the need for the traffic assessment to recognise use of the caravan park facilities (gymnasium, golf, bowls, tennis etc) by the public so as accurate traffic volumes could be projected. This is not considered to be 'undue pressure' but rather information needed to support the application. It is considered that such a large development in the context of an existing small community should attempt to integrate usage of facilities (refer to social impact comments). Mechanisms to achieve these as a long term goal are unclear.

Based on the above, the development fails to adequately address the North Coast Regional Environmental Plan.

Hastings Local Environmental Plan 2001

In accordance with clause 9, the subject site is zoned 1(a1) Rural and 7(a) Environmental Protection - Wetland. The proposed development for a caravan park (predominant use) is permissible with consent in the 1(a1) Rural zone. It should be noted that no specific works associated with the caravan park are proposed within the 7(a) Environmental Protection - Wetland area.

With regards to the other proposed land uses associated with the development, the following comments are provided:

- General Stores are permitted in the 1(a1) Rural zone with Council consent. The proposed general store will have a display area of approximately 100m². The general store is considered technically capable of complying with the legal definition, however concern is raised with respect to the merits of the proposal. No economic impact assessment has been submitted to support the scale and viability of the general store and its impact on existing commercial development in the local government area.
- Uses of golf course and club, bowling greens and club and tennis greens and club are considered to be defined as recreation areas under the HLEP and are permitted in the 1(a1) Rural zone with the consent of Council.
- Proposed gymnasium and swimming pool are considered to be defined as recreational facilities and permissible in the 1(a1) zone.
- Proposed nursery permissible in the 1(a1) Rural zone.
- Administration and maintenance buildings considered to be ancillary to primary 'caravan park' use.
- Utilities such as sewage treatment and desalination plants are permitted as utility installations in the zone and would be considered integral to the primary use.
- Proposed helipad is permissible in the zone with Council consent and would be considered to be an ancillary use to the caravan park.

With regard to the zone objectives the following comments are provided

HLEP 2001 Objectives of 1(a1) Rural zone	Comments on Consistency/compliance
(a) To protect and encourage utilisation of the productive potential of agricultural, extractive and mineral resources located in rural areas.	Objective (a) is unlikely to be compromised by the proposal. The site is not considered to contain significant agricultural or mineral resources
(b) To protect the amenity of rural residential subdivision areas.	Whilst there is no rural residential zoning in the area, the land pattern and use of allotments on the North Shore are primary for residential and rural residential purposes and are relatively small in size compared to a viable agricultural/rural locality. The scale and density of the development is considered to be out of context with existing land uses on the North Shore.
(c) To prevent the unnecessary, premature or sporadic fragmentation of rural land, to protect the agricultural potential of land and also to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities and services	The proposal is considered to result in an unacceptable demand on the vehicular ferries and road network servicing the North Shore. Refer to traffic comments later in this report.
(d) To enable appropriate development where allowed with consent.	<p>The scale and density of the development is considered inappropriate for the site. Refer to context and setting and social impact comments.</p> <p>It has been acknowledged that the proposed use is permissible in the zone. Clause 9 of the HLEP requires Council to consider zone objectives in determination of a development application. Objective (d) is considered to provide scope to evaluate the appropriateness of a permissible use in the 1(a1) zone and is considered to be a relevant head of consideration.</p>

Comments on other relevant clauses of the HLEP 2001 are as follows:

- Clause 11 Development of Uncoloured Land - This clause applies to the proposed works (ie desalination pipeline) within the Hastings River, which comprises unzoned land. The objectives and matters for consideration are as follows:

Clause 11 Objective/Requirement	Comment	Complies
1(a) To enable the control of development on unzoned land.		Noted
1(b) To ensure that development of unzoned land is compatible with surrounding development and zones.	The development application contains insufficient detail to ascertain the compatibility of the works with the surrounding area and zones. Based on information provided with the application, comments from Council staff and associated referral bodies, there is potential that the development will have an adverse impact on the river habitat. Refer to comments on SEPP 14, 62 and 71 in this report.	No
1(c) To ensure that development of certain waters takes account of environmental impacts and all lawful users of the waters.	Refer to the comments on 1(b) above.	No
3(a) whether the proposed development is compatible with development allowed in the adjoining zone and the character of existing lawful development in the vicinity, and	Refer to the comments on 1(b) above. However, it should be noted that in terms of the appearance of the pipeline, it is considered that it will not look out of character with existing lawful development in the vicinity. In particular, pipelines entering the river are a common occurrence (ie irrigation pipes).	No
3(b) in the case of unzoned land that is below the mean high water mark of the ocean or an estuary, bay, lake or river: (i) whether or not the proposed development would alienate the waters of the ocean, estuary, bay, lake or river from recreational uses or from commercial fishing and, if so, whether there is sufficient area in the locality for those uses to mitigate the adverse effect of the proposed	The proposed development will alienate a section of the Hastings River for private desalination purposes. The actual extent of the alienation cannot be determined due to the limited detail provided on the desalination process. I&I have raised concern that the impact from disposing of hyper saline water on the river system has not been fully addressed.	No

<p>development on those uses, and</p> <p>(ii) the provisions of and the impact on any coastal, estuary or river plan of management in force from time to time that applies to the unzoned land or land in the vicinity, and</p> <p>(iii) any impact on, or from, the natural environment and its processes.</p>		
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- Clause 13 Availability of essential services - It is considered that insufficient detail has been provided on the ability to fully service the development. Electricity and telecommunications are available to the site, but no detail has been provided on the ability/cost to extend such services to the development. This is important for a development of this scale that will double the North Shore population and potential energy consumption. The applicant has not demonstrated that stormwater can be suitably disposed of and there are further concerns raised by Council staff and referral agencies on the proposed desalination plant and onsite waste management systems being utilised in such a sensitive area.
- Clause 15 Subdivision in Zone 1(a1) and 7(a) - adjusted lots can achieve minimum 40Ha standard.
- Clause 20 Tree Preservation - The subject clause requires Council to protect vegetation and assess the impact of any clearing works. The application requires the removal of vegetation and the impacts/acceptability of such works are addressed later in the report under the "flora and fauna" heading.
- Clause 25 Flood liable land - Dwellings will be located above 'flood liable land' as defined under the HLEP. However, Council's Natural Resources Division have raised concern with respect to the impact of the Probable Maximum Flood (PMF) event on the development and associated impacts of emergency evacuation - refer to natural hazard comments later in this report.
- Clause 26 Acid Sulfate Soils - Council's Natural Resources Division have raised concern that the development application has failed to address the issue of acid sulfate soils. In particular, acid sulfate soil impacts from the construction of the desalination plant pipeline have not been addressed.
- Clause 33 Heritage Items - The property contains an aboriginal archaeological site. The Biripai Local Aboriginal Land Council are aware of the site and accepted the proposed development, subject to the imposition of conditions. A further archaeological report was prepared taking into account comments from the LALC. The report and development application were referred to DECCW as integrated development requiring a s90 approval pursuant to the National Parks and Wildlife Act. DECCW have subsequently provided the General Terms of Approval on this aspect. The GTA's will ensure the proper management of the site.

It should be noted that the archaeological report did raise the potential for the site to contain relevance to the Kempsey LALC. As a result, the application was referred to the Kempsey LALC with no response having been received.

Based on the above, the proposed development does not comply with the provisions of the Hastings Local Environmental Plan 2001.

(ii) any draft instruments on applies or on exhibition pursuant to Section 47(b) or 66(1)(b):

None relevant.

(iii) any Development Control Plan in force under Section 72:

Port Macquarie-Hastings Development Control Plan 2006

The subject DCP calls up the following DCP's:

DCP 40 - Advertising of Development

Adjoining property owners and North Shore residents were notified of the application and an add placed in the local paper exhibiting the development for thirty (30) days. During the exhibition period, Council received 95 submissions including a petition. The submissions consisted of 8 for and 87 opposed to the development. The opposed also included the aforementioned petition containing 397 signatories. Some of the signatories of the petition also put in separate submissions against the development within the 87 opposed submissions received. Furthermore, it was noted from the petition that not all signatories opposed to the development resided on the North Shore.

The issues raised in the submissions are addressed later in this report.

DCP 41 - Building Construction and Site Management.

Any approval of the application could be conditioned to achieve building and construction requirements outlined in DCP 41.

DCP 18 – Off-street Parking Code

The subject DCP contains parking provisions for caravan parks. However, the parking provisions in SEPP 21 prevail and are considered achievable.

DCP 34 – Acid Sulphate Soils

Refer to comments on Clause 34 of the HLEP 2001 above.

(iiia) any planning agreement that has been entered into under Section 93f or any draft planning agreement that a developer has offered to enter into under Section 93f:

None relevant.

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

Refer to comments on SEPP 71.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

Context & Setting

The population of the North Shore locality is approximately 700 persons in approximately 330 dwellings. The built environment on the North Shore is dominated by single detached dwellings. Whilst the zoning of land is largely rural, the subdivision pattern is characterised by a mix of typical rural residential and residential sized allotments, with the majority of dwellings in lineal dispersions along Riverside Drive and the eastern end of Shoreline Drive. Lot sizes in these two areas typically range from 600m² to 1500m². Dwellings in the locality address both the water and streets and accommodate significant vegetation elements. This results in open and accessible streetscapes that are sympathetic with the rural/coastal setting. The locality of the North Shore has no typical village centre.

Under the current rural zoning, permanent residential development comprising single detached dwellings is largely constrained, with few dwelling entitlements remaining on vacant land.

The proposal is considered to be incompatible with the context and setting of the locality for the following reasons:

- The bulk and scale of the permanent buildings (General Store, Gymnasium, clubhouses etc) is significantly out of character with the built and natural environment of the locality. With proposed flood mounds, main building will be up to approximately 9m in height (roof pitch). This, coupled with the large floor plates, poorly articulated walls, and large roof structures results in visually obtrusive buildings that fail to respond to the natural features of the site and built form in the locality.
- The density of the moveable dwellings is inconsistent and incompatible with the locality. This density hinders the ability to incorporate significant vegetation elements throughout the site and leads to narrow cluttered streetscapes.
- The 1.8m high security fence along the property boundary is out of character with the locality and is visually obtrusive. The fence fails to address the features of Shoreline Drive and Maria River Road Streetscapes.
- The 'gated' nature of the development is out of character with the locality. The development fails to integrate into existing built environment.

Access, Transport & Traffic

Council's Engineering section has carried out a review of the application and RoadNet Traffic Studies that accompanied the proposal. A summary of their comments are provided below.

External Roads

Shoreline Drive is of bitumen sealed road construction and is under the care and control of Council. The carriageway width is approximately 5.5 metres within a 19-metre road reserve. Maria River Road is of gravel construction and is under the care and control of Council. The carriageway width is approximately 5.5 metres within a 20-metre road reserve.

Riverside Drive is of bitumen sealed road construction and under the care and control of Council. The carriageway width is less than 5 metres (in areas between the Hibbard Ferry and Shoreline Drive) and located within a narrow road reserve adjacent to the Hasting River embankment. The North Shore/Riverside Drive area is considered 'rural' and with the proposed

development Riverside Drive should be upgraded to collector standard. **Riverside Drive road reserve is inadequate to provide the required cross-section to accommodate ferry queuing, cycleway/pedestrian footpath and carriageway without additional land acquisition.**

Construction traffic for the proposed development will impact Riverside Drive, Shoreline Drive, and Maria River Road. Traffic routes for the 25m purpose-built articulated vehicle are proposed to use the Hibbard Ferry, Riverside Drive, Shoreline Drive, and Maria River Road. Houses are proposed to be owned by residents and the land will be rented. Therefore, owners may move their dwellings in the future. **Pavement conditions for Riverside Drive, Shoreline Drive are not adequate to accommodate the proposed development construction traffic. Both Riverside Drive and Shoreline Drive would need to be upgraded to accommodate development construction traffic and designed to accommodate the purpose-built articulated vehicle.**

Internal Roads

The proposed internal private roadway system comprises of a major access road forming a loop around the perimeter of the manufactured home sites. Minor roads providing access to dwelling sites supplement this loop road. The internal road network layout is generally consistent with the 'Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005' and shall provide the following:

- 8-metre wide (min) entrance to or exit from manufactured home estate
- 8.5-metre major road reserves (min.) with a 6-metre carriageway width
- 6-metre minor road reserves (min) with a 4-metre carriageway width
- Passing bays are required for any minor road greater than 80 metres and are not to be spaced more than 100 metres apart.

Based upon a review of the site plan, passing bays are required and are not provided.

All internal roads to the subdivision will remain on private land, and under the ownership and maintenance of the housing estate.

Traffic

The development proposes a 400-site manufactured home caravan park with a general store and other site amenities including a swimming pool, gymnasium, tennis courts & clubhouse, bowling green & clubhouse, and a golf course. Traffic impacts were initially assessed in the July 2009 Roadnet Traffic Study. Council requested additional information and comments on 8 October 2009. Roadnet replied to the request on the 11 November 2009 and revised the Traffic Study (November 2009). Analysis findings where determined not adequate to address outstanding traffic issues are summarised below.

1. Construction traffic impacts:

- 26 full-time employees generating a total of 52 movements per day (one to the site, and one away from the site). It is noted that in 11 November 2009 responses from Roadnet, that a maximum of 26 contractors are proposed rather than 26 employees.
- Concrete agitators at 2 movements per hour throughout the day with one movement during the peak hour. Concrete agitator impacts are stated to be split between both ferries.

- A food vendor is proposed to attend the site daily in an effort to minimize additional traffic impacts to/from the site by contractors.
- The majority of heavy equipment is to remain on the site during construction.
- Transport of homes via 25-metre product specific semi-trailer from Wauchope during off-peak hours (10:00 a.m. to 2:45 p.m.) through private hire of the Hibbard Ferry.

Although the applicant provides this information, no details of construction impacts are provided throughout the report. **It is anticipated that with the scale and size of works that contractors will require additional staff to support works and therefore construction impacts are underestimated.**

Council currently limits heavy vehicle use on the Hibbard Ferry. **The applicant has failed to demonstrate the ability for the Hibbard Ferry to accommodate heavy vehicles including adequacy of ramps and size constraints.**

2. Residential traffic impacts:

The applicant states in the site selection criteria that the site is intended for retiree age group (as defined in the SEPP 21 report). The proponent has specifically declared that sites will be rented only to residents that “do not work and do not intend to work full or part time in the future”. This condition is not reasonable, as there is limited ability to monitor and control resident actions once a resident of the community. **The applicant has not provided substantial evidence to demonstrate how the development can limit residents ability to work.**

If the development operates similar to residential housing in Port Macquarie, the development could generate 2,800 daily vehicle trips with 280 vehicle trips during the peak hour.

The traffic consultant has analysed conditions as if they are a retiree age group using the RTA’s Guide to Traffic Generating Development for “Housing for aged and disabled persons”, and references several trip generation studies for retiree communities. Based upon the RTA rates for “Housing for aged and disabled persons”, the 400 relocatable manufactured homes will generate 800 daily vehicle trips and 80 vehicles trips during the peak hour. **The development does not propose age-restrictions and therefore may not operate as an age restricted community.**

Roadnet states that the development will be similar to Dahlsford Grove in Port Macquarie. Roadnet has stated that they have conducted trip generation surveys at Dahlsford Grove. No details have been provided by Roadnet to when or how the data was collected. Reviewing information provided by Roadnet with the original July 2009 study and the revised November 2009 study show that the trip generation characteristics have changed, as follows:

240 sites surveyed in July and 270 sites surveyed in November
 AM Conditions: from 0.17 vph to 0.15 vph
 PM Conditions: from 0.20 vph to 0.18 vph

References in Section 5.2.5, Page 20 of the revised (November 2009) study, shows that the Dahlsford Grove range of trip generation rates researched have changed

from the (Original) July 2009 study which states “0.13 trips per dwelling per hour peak to 0.2 trips per dwelling per hour peak” to “0.10 per dwelling per hour peak to 0.17 trips per dwelling per hour peak”.

Furthermore, references on Page 20, Section 5.2.5 states that the “Dahlsford Grove traffic analysis indicated AM peak traffic occurred from 9:15 am to 10:15 pm with the corresponding PM peak occurring from 12pm to 1pm with approximately 36% of trips being inbound to the retirement village at the corresponding peaks.”

Assuming the 10:15 pm is a typo and should reflect 10:15 am, it is understood that the a.m. and p.m. peak hour data reflects “inbound” traffic which is further depicted in Figures 6 and 7 (showing greater inbound residential impacts in both the a.m. and p.m. peak hours). Although this data is internally consistent, Council questions the likelihood that both peaks are inbound as residents typically sleep at residential land uses and therefore leave in the morning.

Changes between reports have not been substantiated and details have not been provided for the trip generation study. Therefore, the accuracy of the trip generation survey is questionable.

3. Additional On-Site facilities traffic impacts:

As stated in the traffic report, other “facilities are generally being provided for the residents and their personal visitors of the Caravan Park only.” Additionally the “General Store will be made available to the residents of the ‘Riverside Drive’ and ‘North Shore’ areas” (Section 2.0, Page 5). This does not preclude the use of any of these facilities by the general public and therefore their trip generation characteristics should be included unless these facilities are restricted from public use.

Section 5.2.5, Page 20 provides a summary of amenities at Dahlsford Grove, and additional amenities that need to be evaluated. The report states that the General Store, Golf Course, Gymnasium, and Tennis Courts “are not available at Dahlsford Grove and need to be assessed externally resulting in increased traffic generation”.

This is in direct conflict with the previous paragraph of the report stating that the Dahlsford Grove rates “reflect the provision of onsite facilities and amenities such as the general store, post office and recreational facilities which reduce the need for trips external to the development.” **Based upon these inconsistencies between report statements, no conclusions can be drawn on what on-site amenities are included within the Dahlsford Grove trip generation study.**

The applicant is proposing to build a 168 m² general store with ATM (as provided in the SEPP 21 report). **The traffic study assumes a 100m² general store, and therefore has underestimated the trip generation potential for the 168 m² store defined in the application.** Based upon the RTA’s *Guide to Traffic Generating Development*, the general store is anticipated to generate 111 peak hour vehicle trips not the 66 peak hour vehicle trips defined in the study. **External trip generation impacts for the general store and other referenced on-site amenities are consistently not included in analysis and figures throughout the report.**

4. Traffic Growth

Anticipated future volumes are critical to determining the adequacy of proposed improvements and facilities. Page 23, Section 5.3.1 assumes traffic growth rates of 0.5% and 0.8% for the Riverside/North Shore Area and Port Macquarie, respectively. Although it is reasonable to assume nominal growth in the Riverside/North Shore area, growth within Port Macquarie is anticipated to be higher. The applicant recognizes a two (2%) growth rate in Port Macquarie in determining fair share contribution cost for the Hastings River Drive & Boundary Street roundabout (Page 59). **Inconsistency between growth rates underestimate future growth within the Port Macquarie area, and required improvements while recommending the development to pay less in fair share contributions.**

Reviewing full development figures (Figure 8–11) in conjunction with existing traffic figures (Figures 3 & 4) and project traffic (extrapolated from Figures 6 & 7) show that the sum of existing and project traffic exceeds the full development volumes for the following cases:

- the westbound right-turn at the Riverside Drive & Shoreline Drive intersection in the a.m. peak hour (Figure 8)
- the westbound right-turn at the Boundary Street & Hastings River Drive intersection in the a.m. and p.m. peak hours (Figures 10 & 11).

Based upon these findings, intersection volumes underestimate future full development conditions and potential required intersection improvements.

5. Traffic Counts

Council staff has requested for updated traffic count data both in the pre-lodgement meeting and as a request for additional information on 8 October 2009. Council requested this information due to changed travel patterns associated with the Hibbard Ferry upgrade, background traffic growth (which is anticipated to be greater than 0.8% in Port Macquarie), and peak season ferry fluctuations. The applicants data reflects May 2007 conditions, adjusted to 2009 conditions through applying a 0.8% growth rate. **Traffic volumes used in the study are anticipated not to reflect current traffic conditions.**

6. Roadways & Intersection Analyses

- Intersection analysis does not address transportation impacts for many cases, including the typical early afternoon peak hour conditions associated with Hibbard Ferry time-of-day constraints. **Based upon the underestimation of development traffic impacts, traffic volumes, and traffic growth, intersection analysis does not accurately reflect potential development impacts and required intersection improvements.**
- At several locations within the report the applicant has recommended environmental changes (i.e. speed limits, ferry speeds, etc.) to suit the development rather than recommending improvements to suit the environment. **Environmental changes cannot be guaranteed without local traffic committee (LTC) approval.**

Macquarie Gardens Bus Service

The applicant proposes to provide a free private bus service in an effort to minimize impacts to the roadway network. The traffic study (Section 10.0, page 57) summarizes the anticipated scheduling of the bus with an expected 90% bus ridership. It is not clear if multiple buses are to

be provided for internal and external use or just one. Council staff is not convinced that a 90% bus ridership is reasonable, and that ridership will equate to a reduction in traffic of 26 trips (10-13 vehicles). It has been stated by the applicant that the service will be provided 3 times a day to off-site uses. It is not anticipated that this service will coincide with many residents time tables. **Roadnet has not provided adequate information from Dahlsford Grove or other similar facilities to substantiate ridership percentages and trip generation rate reductions.**

Ferries

The "North Shore" area is currently connected to Port Macquarie through the Hibbard Ferry and the Settlement Point Ferry. The Settlement Point Ferry is a 21-car ferry operating 24 hours/7 days a week. The Hibbard Ferry is a 15-car ferry typically operating 7.5 hours per day during the week (Monday through Friday: 6:30 AM – 10:00 AM, 2:45 PM to 7:00 PM) and 11 hours per day during the weekend (Saturday & Sunday: 8:00 AM – 7:00 PM). It should be noted also that the Hibbard Ferry was upgraded from an 8-car ferry to the 15-car ferry in February 2008.

The development proposes significant use of the existing Ferry resources. The development recommends hiring the Hibbard Ferry during the week between 10:00 AM and 2:45 PM for construction use during the off-peak, as well as proposes to upgrade the existing Hibbard Ferry to a 21-car ferry upon development of 216 relocatable (manufactured) homes. Private commitment on the Hibbard Ferry may conflict with Council ability to modify conditions to suit ferry demands.

Due to the locality of the development and its reliance on the Port Macquarie Ferry system, the applicant has been requested to evaluate queuing and operational impacts for both ferries throughout the course of development. Additionally, the applicant has been requested to evaluate conditions when either (Hibbard Ferry or Settlement Point Ferry) are out-of-operation due to regular maintenance or other reasons. Diversion of existing travel patterns are required to show adequacy of ferry queuing during peak hour operation.

Council has provided available ferry counts and adjacent roadway traffic counts to better understand time-of-day and month-of-year relationships. Council has made the applicant aware that ferry operations fluctuate with peak season conditions, and that queuing and operations during peak season fluctuations will need to be provided to address potential impacts and safety concerns on these public facilities.

The applicant has provided analysis of ferry impacts in Sections 5.4.5 through 5.4.15 of the traffic report evaluating the following cases:

- Full Development Hibbard Ferry Impacts (peak season and peak hour conditions)
- Settlement Point Ferry Impacts (peak hour conditions)
- Settlement Point Ferry Impacts when Hibbard Ferry is not operational (non-peak analysis)
- Hibbard Ferry Impacts when Settlement Point Ferry is not operational (peak hours for different levels of development)

The following deficiencies and inconsistencies have not been addressed by the applicant to substantiate that the development has mitigated ferry impacts associated with the development:

- 1. Peak season ferry fluctuations are not adequately addressed.**

- Roadnet states that there is a “small difference” between maximum holiday and non-holiday peak volumes. The information provided to justify this statement appears to be defined in a Table in Section 5.4.5 (Page 34). P.M. peak hour data between the Holiday and Non-Holiday periods reflect a 31% volume increase which is similar to Council records for monthly peak fluctuations.

Table information shows holiday data was collected in January and April. This is inconsistent with date references provided for the table on Page 33. No references are made in the table to Non-Holiday dates. Council records indicate February 2007, June 2009, and February 2009 represent some of the lowest months of use for the Hibbard Ferry.

- Modelling provided in Table 2 (Sections 5.4.6) and Table 3 (Section 5.4.7) reflect existing hourly volumes conditions. Figure 4 depicts traffic on 31 May 2007 during the a.m. and p.m. peak hours headed to and from the Hibbard Ferry. This figure shows 50 vehicles approaching the Hibbard Ferry in the a.m. peak hour and 47 vehicles departing the Hibbard Ferry in the p.m. peak hour. These counts are higher than the peak season conditions determined on page 34 and capacity calculations provided in Table 2 (Page 37) and Table 3 (Page 37). Council records of Hibbard Ferry use in May 2007 and June 2007 do not reflect the peak season conditions. **Inconsistencies in this data shows peak season capacity calculations provided in Tables 2 and 3 do not accurately reflect peak season conditions and therefore back-of-queue calculations are underestimated.**

2. Inability of ferry to provide adequate capacity and queuing for peak hour conditions.

- Ferry calculations provided in Tables 2 and 3 (which reflect lower peak hour volume conditions than those counted on 31 May 2007) show inadequate ferry capacity after 180 sites or 198 sites are developed in the AM and PM, respectively. The development proposes to upgrade the ferry to a 21-car ferry after 216 sites are developed. **Based upon Table 2 and Table 3, the ferry does not have adequate capacity during peak hour conditions to address development impacts.**
- Ferry calculations provided in Tables 2 and 3 show average hourly conditions during the peak hour for different stages of development. Queues may fluctuate during the peak hour. **Conclusions cannot be drawn from the analysis provided to development impacts to the maximum back-of-queue for the Hibbard Ferry during the peak hour.**

3. Queuing not adequately addressed for conditions when one ferry is out-of-service

- Section 5.4.9 provides off-peak analysis at the Settlement Point Ferry when the Hibbard Ferry is not in operation. According to Council records, June 2009 represents the 2nd lowest volume month of the year for both the Hibbard and Settlement Point Ferry. Table 5 calculations only reflect anticipated full development peak conditions in the off-peak hour (assuming a vehicle reduction associated with 90% bus ridership). Analysis does not take into consideration residual effects of AM peak hour conditions which will occur

when the Hibbard Ferry is not in operation. Calculations also assumes average conditions throughout the hour, and does not reflect queue fluctuations through the hour. **Queue analysis for the Settlement Point Ferry does not adequately address conditions when the Hibbard Ferry out-of-service.**

- **No analysis is provided by Roadnet of AM peak hour conditions with either ferry not in operation.**
- Section 5.4.10 through Section 5.4.14 provide analysis for operations when Settlement Point Ferry is out of service in the PM peak period. Counts used in this analysis were collected in June 2009. As stated previously, June 2009 represents the 2nd lowest volume month of the year for both the Hibbard and Settlement Point Ferry. It is noted that the analysis only provides data to 6:00 PM, and the maximum back-of-queue for these conditions may occur beyond 6:00 PM. **Analysis results in Section 5.4.14 demonstrating queuing deficiencies to accommodate the maximum back-of-queue, which will result in safety concerns along Hastings River Drive.**

4. Ability for Hibbard Ferry to accommodate construction

- The applicant has stated that the development will hire the Hibbard Ferry during the 10:00 AM to 2:45 PM for construction vehicle use. **Time-of-day restrictions to construction vehicles will be hard to enforce.**
- The Council has also restricted semi-trailer use of the Hibbard Ferry due to difficulty in loading and unloading. **Information provided in Section 6.2.7 and Appendix I of the applicant's traffic study is inconclusive of how the Hibbard Ferry can accommodate the purpose-built semi-trailer.**

5. Financial implications of ferry upgrade

- Council provided financial information for both the Hibbard Ferry and the Settlement Point Ferry. **Based upon this information, anticipated maintenance and fuel cost for the proposed ferry upgrade will be significantly higher than estimates provided by the applicant.**

In addition to the above, Council placed a moratorium on approving dual occupancies on the North Shore due to concerns surrounding the impact of increased traffic usage on the ferry service. If Council approves this development it will not be able to justify maintaining the moratorium. Therefore **any traffic assessment for this proposal needs to consider the potential traffic growth generated by dual occupancies.**

Access

Access to the site is proposed through an access driveway on Shoreline Drive south of Maria River Road. Construction access is proposed on Maria River Road.

Intersection improvements at the main access driveway & Shoreline Drive intersection were determined based on traffic conditions where 95% of the site traffic goes to and from the Hibbard Ferry. In addition, traffic impacts associated with on-site amenities were not considered. **Calculations are inadequate to determine if intersection improvements are appropriate for additional impacts associated with the development.**

Parking

Visitor parking is provided throughout the site. Visitor parking for the manufactured development sites is required accordance with Local Government (manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005. Based upon 400 sites, a total of 63 visitor spaces are required.

Adequate car parking is required for the general store in accordance with DCP 18. Based upon plans provided, adequate parking appears to be available.

Manoeuvring

In general, site manoeuvrability appears to be adequate. **Sweep paths shall be provided to demonstrate adequacy of internal facilities for garbage collection and construction delivery of removable homes.**

Pedestrians

Off-site pedestrian facilities are proposed to link the Hibbard Ferry service to the site through a combined cycleway/pedestrian footpath along Shoreline Drive and Riverside Drive. **Inadequate road reserve appears to be available to accommodate the proposed cycleway/footway cross-section along Riverside Drive between Shoreline Drive and the Hibbard Ferry**

Conclusion

The proposed development has not adequately provided information to ensure that traffic and ferry can be addressed. Specific issues include:

- Inability to demonstrate how Riverside Drive improvements can be accommodated without additional land acquisition
- Inability of Ferry and Riverside Drive to accommodate turning movements for purpose-built 25m articulated vehicle for delivery of manufactured homes.
- Inability to ensure construction impacts can be mitigated for the Hibbard Ferry
- Inability to guarantee retirement community traffic impacts ("non-working" and/or age-restrictions)
- Inability to verify the accuracy of Dahlsford Grove trip generation used as bases for traffic report
- Lack of assessment of traffic generated by additional on-site amenities
- Inconsistencies and inaccuracies in background growth used for the development
- Lack of assessment of traffic improvements that mitigate typical development conditions
- Inability to demonstrate peak season ferry conditions are adequately addressed
- Inability of ferry to provide adequate capacity and queuing for peak hour conditions
- Inability to demonstrate adequate improvements to accommodate queuing conditions when ferries are out-of-operation.
- Financial implications for Council with Hibbard Ferry upgrades
- Inability to demonstrate adequate measures to service the development in case of emergency.
- Substandard conditions of North Shore Area (Riverside Drive, Shoreline Drive) roadway pavement and cross-section to accommodate construction impacts created by the development
- Ongoing burden and cost of heavy vehicle impacts on Council ferries.
- Ongoing impact to Council Infrastructure for ownership changes associated with development; specifically associated with the migration of manufactured homes.

Public Domain

The external community is 'gated' from the development. As outlined in context and setting comments, the development fails to respond to the existing natural and built environment.

Utilities

Telephone and electricity are available to the site and would require upgrading to the requirement of the providers. No detail has been provided on the ability/cost to extend such services to the development. This is important for a development of this scale that will ultimately double the North Shore population and potential energy consumption.

Stormwater

No drainage concept plan(s) has been submitted with the application. Statements by the applicant as part of the SEPP 21 report do not address water quality objectives.

Previous stormwater management plans for similar development on the subject property (submitted in DA 2007/134) were not to an acceptable standard. Stormwater management concept plans as part of this application were of poor quality and provided little real information to demonstrate the necessary water quality objectives can be met. MUSIC modelling and a proper plan(s) showing the location of stormwater infrastructure including WSUD features such as bioretention/sandfilter systems, swale drains and the like is a basic requirement of all developments of this scale. It is clear the consultant has limited understanding of best management stormwater treatment systems (i.e. WSUD).

Based upon limited drainage information provided to address stormwater and water quality initiatives, the development cannot be supported.

Water

The applicant proposes to build a desalination plant to provide water to the subject development. The plant will involve construction of pipelines both to and from the Hastings River, enabling saline water to be extracted from the river and processed. The clean water will be stored for use by the development with the hyper saline water being returned to the Hastings River.

Due to the above works, the application was forwarded to the I&I and DECCW as integrated development. The impacts of the desalination plant and proposed development on water quality and associated concerns raised by I&I and DECCW have already been outlined in this report under SEPP 14, 62 and 71 headings. In summary, I&I and DECCW have not issued the General Terms of Approval due to the lack of information submitted with the application.

Wastewater

Council's Onsite Waste Management Officer has assessed the application and provided the following comments:

"Taking the information provided in the wastewater report at face value the proposal appears to be able to be serviced by a package sewage treatment plant with disposal on site. However, some critical information needs to be provided to address the following issues:

- *The application fails to provide adequate groundwater and nutrient modeling to ensure there is no pollution risk to receiving waters. This concern has also been raised by Council's Natural Resources Officer.*

- *The wastewater report only addresses the one option and, in principle, it should be investigating with a view to identifying the best possible outcome for treatment and disposal of effluent from the proposed development.*
- *Calculations have not been included to show how the figure of 180,000L/day for wastewater generation was determined. Also, some ambiguity exists as to the availability of the facilities at the site for use by non-residents. This matter can have significant bearing on the amount of wastewater generated by non-domestic activities at the site and needs to be clarified.*
- *The location of the proposed 1,800,000L wet weather storage pond is not shown on the plans for the development nor on the wastewater report site plan. No calculations have been provided to show why this storage size was nominated.*
- *Management of power and/or plant failure events should be documented clearly and it is likely that planning for this could be conveniently addressed along with the point above regarding wet weather storage.*
- *Although appropriate for a "broad brush" assessment of the proposal, the wastewater report is not an adequate critique of the treatment and disposal options for a proposal of this size and potential for adverse impacts on this sensitive location. I believe the report should be reviewed by a consultant with suitable experience in this type of proposal.*

Based on the above, it would be reasonable to consider that the application is not supported by sufficient level of detail to ensure there is no adverse pollution risk on surface and ground waters. Further refinement would be required before any consent were to be issued.

It should also be noted that Council's Reticulated Sewer section advised that the load from the proposed development has not been considered during investigations for sewerage the North Shore. The equivalent load from the development is approximately 60% of that from the entire North Shore and would have significant cost implications for the overall scheme.

Soils

Refer to comments on Clause 26 of the HLEP 2001 above in this report.

Heritage

Refer to comments on Clause 36 of the HLEP 2001 above in this report.

Energy

Desalination plants are renown for consuming large amounts of electricity/energy. At a time when there is a shift towards greener development, the use of such a system is contrary to such a trend. The adoption of such a system is due to the limitations on a secure drinking water supply for the North Shore. At present there is no reticulated water supply and the majority of existing residents rely on rain water. The use of such a system is further evidence that the site is not suitable for a development of this scale.

The applicant has stated that homes will exceed BASIX standard and fitted with solar powered electrical systems. Moveable dwellings are not required to comply with BASIX and their transient nature will make such measures difficult to enforce/monitor.

Other Land Resources

The proposal is not considered to have an adverse impact on agricultural or mineral resources.

Air & Micro-climate

Council's Environmental Health Officer has assessed the application and considers that dust can be managed through conditions of consent.

Odour impacts attributed to waste are also considered manageable.

Flora & Fauna

The applicant's ecologist submits that approximately 80 mature trees (some with hollows) and a small area of Swamp Sclerophyll Endangered Ecological Community will require removal.

The limitations of the assessment included;

- Seasonal variances. The applicant acknowledged that cryptic flora species flower at varying times and may not have been detected.
- The cool Autumn night (April) may have limited amphibian activity.

The ecologist concludes that despite the limitations, adequate information was obtainable to assess the impacts of the proposal and a precautionary approach was applied.

The following threatened species were recorded during surveys

- Eastern Freetail-bat
- Grey-headed Flying-fox
- Little Bentwing-bat
- Eastern Bentwing-bat
- Koala
- Wallum Froglet

An additional 28 species were listed as subject species on the site and one EEC (Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast) and were included in Section 5A (7-part test) assessments.

The applicant has proposed ecological mitigation measures involving:

- Compensatory replanting. and selective tree retention
- Retention of high quality Swamp Sclerophyll Forest
- Weed management
- Stormwater management
- Hollow compensation via nest boxes
- Pre-clearing surveys
- Clearing supervision
- Koala Plan of Management
- Fire management

The ecologist report basically concludes that through the implementation of the proposed mitigation measures, no significant adverse impact will occur to flora and fauna onsite

It is noted the site is nominated as provided key habitat and an extremity of a regional corridor on DECC's Key CANRI website. The proposal will result in loss/impact of this identified key habitat and corridor.

Heavy reliance has been placed on the information presented by the applicant's ecologist. Whilst it would appear it would be difficult to sustain refusal of the application on ecological grounds (other than KPOM issue - refer to SEPP 44 comments), it would be considered reasonable to seek clarification/justification on the following:

- Practicality and enforceability of some mitigation measures (eg. pre-clearing bat surveys and cessation of development until a maternity site is no longer used etc.).
- Increased barriers to wildlife movement.
- Increased risk of road strike.
- Security of long-term management measures.
- Level of detail provided in management measures (eg; What are nest box construction requirements? How is appropriate stormwater management to be achieved? What are requirements of wildlife ladders over perimeter wall? etc.)
- Likelihood of many trees nominated to be retained requiring removal due to safety and servicing of development - refer to comments on the "arborist report" below.

It is also noted that the application cannot be approved without the Department of Planning concurring with the Koala Plan of Management and that no sufficient ecological assessment has been provide to support the proposed desalination outlet.

Arborist report

Council's Tree Preservation Officer has carried out an assessment of the application and more specifically the Arborist Report and provides the following comments:

"The arborist report compiled by Rodney Page Consulting Arborist dated 14 April 2009 is basically a preliminary tree assessment and has not made comment relating to the current design layout.

The purpose of the submitted report/assessment is to provide information to be used by planners, architects and designers in conjunction with any planning controls and other legislation, to develop the design layout in such a way that trees suitable for retention are provided with enough space.

Annexure A of the report is a Visual Tree Assessment carried out on the trees surveyed within the site to provide information relating to tree retention.

(Please note: the consulting arborist has stated in the conclusion of the report page 7 that there are many more trees on site that have not yet been included in which many would be retainable in the longer term).

Annexure B of the report is trees surveyed that are worthy of retention.

Annexure C of the report is the trees surveyed that are worthy of retention but require some remedial works i.e. pruning of deadwood or specific branches.

Annexure D of the report is all the trees surveyed that are trees not worthy of practical retention and require removal.

All the required information is supplied in the report to allow the developers to design a layout with the retention of the trees as specified in Annexure B & C of the report.

However the development application submitted has provided a final layout for the proposal and a Tree Impact Assessment is required as an addendum to the original Arborist report submitted.

The Tree Impact Assessment will identify trees to be removed/retained and identifies possible impacts to trees proposed to be retained.

The report is to explain design and construction methods proposed to minimize impacts on retained trees where there is encroachment into the calculated Tree Protection Zone (TPZ).

The report is to provide a tree protection plan (Drawing) showing the TPZ's for existing trees being retained.

The report is to recommend measures necessary to protect trees throughout the construction process and review architectural, services and landscape plans to ensure all impacts are identified including trees impacted by the proposal located on the road reserve or neighbouring properties.

Council requires a topographical survey plan of existing trees with trees plotted and colour coded to portray trees to be removed, retained or retained with remedial works as specified in Annexure B, C & D.

A detailed topographical survey plan showing all the existing site features should include;

- Location of all trees or groups of trees and other vegetation plotted correctly including trees on the road reserve or trees on neighbouring properties that may be impacted upon by the proposal.*
- Colour coding trees to be removed, retained and retained with remedial works.*
- Crown spread measured and drawn to scale, defining the actual crown spread for trees to be retained.*
- Other features, such as streams, creeks, watercourses, buildings and above and below ground services.*
- Spot heights of ground levels throughout the development site and specifically including level at the base of individual tree as a basis for evaluating changes in soil levels around retained trees.*
- Tree protection zones setback distances can also be shown for trees to be retained.*

Conclusion

Trees to be retained require comment from the project arborist by way of a tree impact assessment and a tree protection plan.

Once this information has been submitted to council further assessment is required and detailed conditions of consent relating to tree protection can be drawn up. "

Waste

Waste (refuse etc) associated with the development is considered capable of being managed. A waste management plan would be necessary to ensure suitability of management measures.

Noise & Vibration

The proposal has a number of potential offensive noise sources (desalination and sewage treatment plant, loading and unloading associated with general store, recreational activities and construction, ferry etc.)

The applicant has submitted a noise assessment to support the application.

Council's Environmental Health Officer has assessed the application and has advised that subject to the imposition of the noise assessment recommendations as conditions of consent, no adverse noise impact was foreseen.

Some of the noise mitigation measures include:

- Buildings to house plant machinery to be acoustically housed.
- Location of doors and openings on southern and western walls.
- Location of certain plant on the western side of any plant building.
- Complaints register to be established.
- Noise restriction on music levels in the gym.

Natural Hazards

Flooding

Council's Water and Natural Resources Division have advised the following with respect to flooding:

"The quality of the Flood Impact Assessment (Murray Dalton & Associates, August 2009) is of a poor standard and it is clear that the report has not been prepared in accordance with the requirements of the NSW Floodplain Development Manual (April 2005). It is equally evident that a suitably qualified flood engineer with demonstrated experience in flood assessments has not prepared this report. It appears a Surveyor has authored much of the report. Note: the report gives the impression further modelling work has been obtained (ie. completed) by qualified flood engineers Worley Parsons - this is incorrect. Worley Parsons provided raw data so that further analysis could be undertaken for this report. It appears this has not been done.

In addition, the report contains errors in methodology when determining warning and evacuation times. DECC and I have advised Murray Dalton & Associates of these errors in the past but they continue to use this incorrect approach. My quick calculations suggest that road evacuation is unavailable before a Major warning is disseminated from the BOM or SES. I also note that residents will be isolated from Port Macquarie in Minor floods due to the ferries stopping operation around the 10 year flood event.

The Emergency Management Plan (2009) indicates it is not part of the plan to fully evacuate residents in a Major flood event. This reflects the inexperienced nature of the report's authors. A strategy that puts helicopters on call is not 'fool proof' and there is no guarantee helicopters would be available in a flood emergency. The potential transient nature of caravan park residents and the unconventional nature of this strategy does not convince me that this strategy has been considered properly or is at all suitable.

The report also contains simple errors, such as indicating the site is Low to Medium Hazard only, when the Hastings River Flood Study (2006) indicates part of the site is High Hazard. In addition, all road based evacuation routes are via High to Extreme Hazard areas (refer to attached map below). Further, the Flood Impact Assessment (FIA) incorrectly uses Figure L2 from the NSW Floodplain Development Manual (April 2005) to assess hazard. The Manual clearly states this approach is incorrect.

The FIA report has not adequately addressed Climate Change in accordance with the DECC guideline, Practical Consideration of Climate Change (October 2007) or the newly released NSW Sea Level Rise Policy Statement (October 2009). This policy requires developments in NSW to adopt a 90cm (900mm) sea level rise (SLR) value for the year 2100.

Fundamentally, it has not been prepared by a qualified flood engineer and has not considered the seriousness of the evacuation issues. The report is not appropriate for this scale of development.

After reviewing the flood information submitted for this development, I cannot support the development with regard to flooding. The information provided does not demonstrate that the application should be supported.

The additional information provided by the applicant does not address the flooding constraints of the site, Contrary to the response of the applicant the site is not on flood free land (owing to the PMF) and it is necessary to consider the PMF given the isolated nature of the site, lack of evacuation routes and age/capability of the residents proposed for the development. Not withstanding the above, it is the view of staff from council and the DECC that the development will place unnecessary and avoidable additional pressure on emergency services for rare flood events, those where emergency services resources are least available. "

The application was referred to the State Emergency Service for comment. No response was received from the SES during the assessment period. It should be noted that the SES raised a number of concerns with the previous application for a caravan park on the site (DA 2007/134). Based on the similarities of the two (2) applications, it could be assumed that their previous comments would remain relevant.

Bushfire

The proposed development was referred to the NSW Rural Fire Service for a s100B Bushfire Safety Authority. The NSW Rural Fire Service has since issued the s100B Bushfire Safety Authority, subject to inclusion of conditions, which could be incorporated into any consent.

Contamination Hazards

No evidence of any former use that would give rise to an adverse contamination risk. Proposal does not require any significant excavations.

Safety, Security & Crime Prevention

The submitted crime risk assessment (contained within social impact assessment) is lacking detail. The consultant suggests that CPTED principles will be incorporated in the design of the development but provides little explanation as to how this will be achieved. Given the density of development, physical segregation from existing community and the variety of proposed uses, a comprehensive crime risk assessment is considered essential prior to development consent. The assessment should factor in potential crime risk during and after construction.

Social Impact in the Locality

Council's Social Planner has assessed the application and accompanying Social Impact Assessment and provided the following comments:

"1. Physical Isolation of the site from Social and Community services.

The applicant states that the development is aimed at persons over the age of 55, who are highly independent now, but are likely to require increased access to health services as they age, of which there are none on the North Shore. The proponent acknowledges a shortage in General Practitioners in the LGA. But is of the view that the provision of medical services to elderly people in an isolated location is not a sufficient issue to warrant the refusal of the application. On the contrary, if the applicant can't secure the necessary social, health and community services prior to a Development Assessment approval there is little chance of securing such service post approval.

The proposed community bus does not adequately resolve Council's concerns relating to physical separation from Port Macquarie proper. Council is also not convinced of the practical and long-term viability of the bus service for residents.

The applicant does not recognise the physical barrier that the Hastings River represents to residents. The only means of crossing the river are two ferries, Hibbard and Settlement Point, which are limited in size and therefore vehicle carrying capacity.

The applicant suggests that the provision of a bus service would be sufficient to overcome any physical isolation that the site may exhibit. However, regardless of the transport provided, all residents on the North Shore, are reliant on the capacity of the ferry service. The ferry service, although regular and reliable for most of the time, is only as reliable as the prevailing conditions on the river. In so much as the service cannot operate in times of flood, major storm events and periodic maintenance. There is also the potential for the service to cease due to mechanical failure, which has occurred in the past. In short there are too many variables to consider the ferry service as a suitable and 100% dependable means of overcoming the physical barrier of the river.

The bus service is also not considered a sustainable means of reducing private vehicle use or a public transport option. Furthermore no form of financial modelling to test viability of bus services has been provided undermining the validity of such a service.

2. Physical Isolation of the site from any existing physical and social infrastructure.

The proposal, if approved, has the potential to unfairly place a greater burden on Council facilities and resources, such as the ferry service.

The proposed manufactured housing estate (caravan park) by design and location must be considered a separate stand alone gated community. The development has no physical connection to existing North Shore development.

The location of the development compromises the access of residents to social and community services. A range of social and community services are proposed onsite in an effort to resolve the isolation and separation problem. However, Council is of the view that

the proposed social and community services have not been modelled to test economic sustainability over the long term ie Golf Course and supermarket.

3. Inadequate access to amenities within the park for proposed residents.

Limited amenities per capita of population.

Lack Disability Access within the Park.

The community bus also lacks any reference to Disability access.

The size of the park limits access to facilities for residents at the northern end of the proposed park.

Weak pedestrian links within the park.

4. Medical Services

Proposed mitigation measures fail to convince council that adequate services can be provided to the proposed community.

The over 55 age group are more likely to require medical and other services and as such require convenient access to medical and clinical services. To be fare the applicants SIA has modified the proposed level of on site health services to include a nurse, there is still a distinct lack of economic modelling to test sustainability of such as service. More importantly no credibility has been provided to the option through auditing of existing service to ensure availability of Nurses for the proposed service. This is considered a band-aid approach to a long-term issue and therefore cannot be seriously considered as a legitimate strategy by social planning.

The proposed use of a bus and Heli pad to over come isolation does not adequately resolve the issue. On the contrary the provision of such services further highlights the isolation of the proposal from existing community and social services. If the site were not isolated there would not be a requirement for a Heli pad.

5. Severance between existing and proposed population, gated design of park e.g. 2-kilometre colour bond fence along Maria River Road.

Inappropriate development that is inconsistent with the existing neighbourhood character of North Shore.

Socially exclusive development, which does not encourage interaction with existing community.

The road infrastructure does not adequately encourage external community interaction.

Creation of a new village development completely separated from existing North Shore Village. The proposal seeks to more than double population in the area. Major issues with community identity and cohesion. As a guide the Local Government and Shires Associations of NSW, suggest that for a development that proposes such a dramatic increase in

population a Community Development project worker should be employed to facilitate engagement programs.

6. Affordable Housing

The application does not represent a clear increase in affordable housing. The revised report does not clarify or remove any doubts council may have had as a result of the previous social impact assessment.

Using the proponents own measure "Affordable Housing is housing which: is reasonably adequate in standard and location for a lower or middle-income households".

Whilst the accommodation may be affordable to lower and middle-income earners Council is still of the view that the site is both remote and physically separated from social and community infrastructure, which undermines one of the key requirements of affordable housing, which is to be appropriately located.

7. Community Facilities

Council does not accept the argument that the facilities proposed as part of the park will replace any requirement for council owned and maintained facilities. Council must presume that the park and its facilities are entirely for the use of park residents, with external persons having access only by invitation and as such the park facilities must be considered private property.

8. Community Networks / Social Integration

Gated or compound community is distinctly out of character with existing development in Nth Shore. Physical separation from existing built environment.

9. Demographics / Employment

The development is apparently geared primarily towards over 55 age groups. The application doesn't specifically indicate that residents will be retired, but with rapid changes in work structure it is likely that a percentage of the proposed 800 new residents would be still employed, be it casual, part time or full time. Whilst employment is not an issue, the added impact on infrastructure is (or should it be the lack of infrastructure).

The site dimensions and scale (i.e. distance from extremities of park to "Community facilities") and isolation from major shopping centres encourage private car ownership.

Proposed population growth not in accordance with strategic/social vision for the North Shore. Current proposal does not represent clear and orderly planning of the North Shore.

Council cannot support such a dramatic population change. The proposal is suggesting a 135% increase in population for the north shore. Given the current social and community resources on the North Shore, approval is not recommended.

10. Quality of the survey included as part of the SIA.

The survey provided does not provide quality data.

The survey questions can be perceived as misleading.

Survey layout and question require some record of whom filled out the survey for validity. In some cases the surveys are anonymous and not usable to support or object to the proposal. Some of those who have filled out the survey can be perceived as having a vested interest in the proposals approval.

11. Application

What is the nature of the application?

This question is yet to be resolved.

Is the application an over 55's retirement village, Caravan Park or Manufactured Housing Estate?

Is the proposal for a Caravan Park geared toward over 55s, but open to all persons regardless of age?

To be clear the application should be submitted and assessed under the provision of the Seniors Living SEPP.

12. Conclusion

In assessing the information provided by the applicant it is the considered view of Social Planning that the proposed MHE / Caravan park is inappropriate for the North Shore. The mitigation measures proposed by the applicant fall short in resolving the myriad of issues stemming from the application.

It is strongly recommend that the application be refused due to unacceptable Social Impacts. "

Compliance or Otherwise with the DDA

Council's Aged and Disability Development Officer has reiterated concerns raised throughout this report on the lack of suitable access to services. Furthermore, a number of concerns have been raised in terms of the proposed buildings complying with AS 1428. This would need to be further investigated should the application be approved.

Economic Impact in the Locality

Concern is raised with respect to the economic viability and impact possibly attributed to the proposed general store. The proposal has not been supported by an economic impact assessment.

Council does acknowledge that there will be positive economic and flow on effects from the development during and after construction. However, what has not been adequately addressed in the application is the negative impacts. In particular, the costs to Council and community for upgrading roads, ferries and services to provide for the development. The figures provided on the ferry upgrade were assessed by Council's Chief Financial Officer and contain a number of deficiencies. Furthermore, the economic impacts on the community during flood events (ie cost of evacuation) have not been considered.

Cumulative Impacts

The synergistic effects attributed to the development are considered unacceptable. The social, traffic, flooding and environmental impacts are interrelated and exacerbated when cumulatively taken into account (refer to discussion throughout this report).

Other

CASA

The application was referred to CASA and also Council's Airport Manager for comment. Neither raised any objection to the proposed development, subject to the imposition of conditions on the operation of the helipad, cranes during construction, types of lighting to use etc.

Department of Environment, Climate Change and Water (DECCW) formerly known as Department of Water & Energy

DECCW have advised that there is insufficient information provided regarding groundwater conditions and sewage treatment disposal to allow the provision of General Terms of Approval for the integrated development. The information provided on groundwater levels was based on a point in time and does not address changes over time.

In addition an effluent disposal monitoring and management plan needs to be prepared incorporating a network of monitoring bores. An effective groundwater monitoring program depends on data collection in space, time and quality.

Any impact on the groundwater has the potential to flow through to the wetland and possible future bore licences.

The desalination works will require a Controlled Activity Approval for the works on the waterfront land.

The concerns raised by DECCW on the project reiterate the concerns of other referral bodies and Council staff.

Kempsey Shire Council

The application was referred to Kempsey Shire Council due to the Maria River Road access point and potential impacts on the subject neighbouring Council's infrastructure. The matter was reported to Council (ie Kempsey Shire Council) on 10 November 2009 where the following was resolved:

- "1. *That Council continue to strongly object to the proposed caravan park at the North Shore, Port Macquarie, on the basis that:-*
 - (a) *The proposal is likely to result in the deterioration of Maria River Road and Crescent Head Road for which insufficient information has been provided.*
 - (b) *Insufficient information has been provided to determine the likely impacts on Kempsey Shire Council's infrastructure of an additional 400 dwellings at the end of Maria River Road.*
 - (c) *Maria River Road is inadequate to service the development and would suffer significant deterioration.*
2. *That Port Macquarie Hastings Council be advised that if it of a mind to approve the development that further consultation be undertaken with the Kempsey Shire Council relating to the imposition of a condition requiring a contribution towards Maria River Road in accordance with Section 94C of the EP&A Act 1979.*

3. *That Kempsey Shire Council keep in close contact with Port Macquarie Hastings Council on this development."*

Designated Development

On-site sewage management facilities are designated development under the Regulation if the following criteria is triggered:

29 Sewerage systems and sewer mining systems

- (1) *Sewerage systems or works (not being development for the purpose of sewer mining systems or works):*
- (a) *that have an intended processing capacity of more than 2,500 persons equivalent capacity or 750 kilolitres per day, or*
 - (b) *that have an intended processing capacity of more than 20 persons equivalent capacity or 6 kilolitres per day and are located:*
 - (i) *on a flood plain, or*
 - (ii) *within a coastal dune field, or*
 - (iii) *within a drinking water catchment, or*
 - (iv) *within 100 metres of a natural waterbody or wetland, or*
 - (v) *within 250 metres of a dwelling not associated with the development.*
- (2) *Sewerage systems or works that incinerate sewage or sewage products.*
- (3) *Sewer mining systems or works that extract and treat more than 1,500 kilolitres of sewage per day.*
- (4) *This clause does not apply to:*
- (a) *the pumping out of sewage from recreational vessels, or*
 - (b) *sewer mining systems or works that distribute treated water that is intended to be used solely for industrial purposes.*

Clause 37A of the Regulations states:

37A Ancillary development

- (1) *Development of a kind specified in Part 1 is not designated development if:*
- (a) *it is ancillary to other development, and*
 - (b) *it is not proposed to be carried out independently of that other development.*
- (2) *Subclause (1) does not apply to development of a kind specified in clause 29 (1) (a).*

Given that the on-site sewage management facility capacity is less than 2500 persons it is considered that it is ancillary to the primary land use proposed. This approach was also applied to DA 2007/134.

It is also considered that the proposed helipad is an ancillary use and not designated development. The applicant has advised that the helipad would be only used in emergency situations.

(c) The suitability of the site for the development:

The site is not considered suitable for the proposed development having regard for the following:

- The transport demands of the development and associated impacts on road infrastructure in the locality have not been adequately addressed (refer to traffic comments).
- The impact of probable maximum flood and its effect on evacuation and emergency access (refer to flooding comments).
- The isolated nature of the site and density of development proposed and associated social impacts (refer to social impact comments).
- The information provided has not concluded that no adverse impact will occur to flora, fauna and associated habitats (including aquatic habitat).
- The information provided has not concluded that there will be no adverse impacts generated from the onsite waste management system and desalination plant.

(d) Any submissions made in accordance with this Act or the Regulations:

Adjoining property owners and North Shore residents were notified of the application and an add placed in the local paper exhibiting the development for thirty (30) days. During the exhibition period, Council received 95 submissions including a petition. The submissions consisted of 8 for and 87 opposed to the development. The opposed also included the aforementioned petition containing 397 signatories. Some of the signatories of the petition also put in separate submissions against the development within the 87 opposed submissions received. Furthermore, it was noted from the petition that not all signatories opposed to the development resided on the North Shore.

A list of names and addresses of members of the public who have lodged submissions is provided as an attachment to this report.

Issues raised in the submissions received and comments in response to these issues are provided as follows:

Issue	Submission Summary	Planning Comment
Letter of Support	<ul style="list-style-type: none"> • An increased population would benefit the North Shore by allowing development of a general store and other facilities. • There are flood free areas that could be used for subdivision, this project envisages using some of it. • The proposers of this project are to be congratulated for the comprehensive plan they have put forward and the rational layout proposed. • The impact on ferries should not be too great a constraint. The change to Hibbard ferry will expand capacity greatly and improve efficiency. The availability of a general store will reduce many cross overs. • Facilities will be a benefit to North Shore residents and future occupants of the park. • Creation of jobs. 	Noted - refer to relevant discussion throughout report.
Impact on Ferries servicing North Shore	<ul style="list-style-type: none"> • Adverse queuing and time delays will be experienced. One can wait 45min -1hr at worst case presently. • Ferry services would be chaotic creating loss of livelihood, medical access, social and general amenity disruptions. • The ferry service would never cope with the doubling of the current population. • All residents are likely to have cars due to isolated nature of the development. The private bus service won't be effective. How can it be assured residents would use the bus? • Garbage and all other services would be negatively impacted on by increased usage. • The risk to ferry cables being hit by vessels will increase as water traffic increases. Increase number of users of ferry will simply increase risk management issues. • Impact on ferries during construction phase would be chaotic • Caravans and other large vehicles going on and off ferry would create a problem. • A bridge or tunnel would be needed to support such a development. • If there is an accident on the Pacific Highway and all road users have to use the ferry services, the impact would be detrimental. • Impacts will be exacerbated during periods the ferries are being serviced. • No amenities are available at Hibbard ferry - increased delays will lead to increase inconvenience. 	Noted - refer to Social and Access, Traffic and Transport comments.

	<ul style="list-style-type: none"> • The proposal has a potential of doubling the North Shore population in addition to employees and users of recreational facilities. The ferries will not be able to cope. • Residents with boats, trailers and caravans would place extra pressures on ferries. • The upgrade in ferries does not match the population growth (ie 6 extra spaces to cover a doubling in population when the current population rely on 36 spaces). • The traffic assessment assumes an orderly use of the ferry when at times it is erratic. 1 or 2 trucks can take an entire trip and queuing can be unpredictable. • The traffic assessment is based on perfect conditions. This is unacceptable for such a large development and its potential implications. • The traffic report contains numerous anomalies and lack of detail • The comparison of the development with Dahlsford Grove is concerning and inappropriate. • The ferry has difficulties coping with existing traffic as it is. • Residents are still going to be drawn to the services provided in Port Macquarie. It is questionable whether the services provided would be comparable and competitive with those in Port Macquarie. • The ferry crossing times are optimistic. Loading times can vary significantly depending on environmental conditions, operator, holidays, No. of people with annual passes etc). • Parking area near the ferries would need to be established. • Impacts if desalination plants fails and water needs to be trucked over. 	
Pollution and Impacts on Waterways from STP and Desalination plant	<ul style="list-style-type: none"> • Concern is raised in relation to possibility of effluent entering wetlands (SEPP 14) and Hastings River. • Potential adverse impact on oyster industry is concerning. • Council should take note of other areas such as Tillagerry Creek at Port Stevens where sewerage has ruined the viability of oyster operations. • A 100% iron clad guarantee would be required that there will be no adverse impact on the waterways and oyster industry before considering such a development. • Development will potentially impact on acid sulphate soils. 	Noted - refer to SEPP 14, 62, 71 comments. In addition refer to wastewater comments and comments from DECCW.

	<ul style="list-style-type: none"> • Discharging of concentrated salt water into Hastings River from desalination infrastructure could adversely impact on water quality and oyster industry. • Breakdown of STP will have serious environmental consequences. • The high water table and sandy nature of soils in the locality is a major constraint/concern in relation to potential for effluent to pollute wetlands and waterways. • The construction and maintenance of the bowling green and golf course will require ongoing chemical/nutrient application which would surely impact on the waterways and oyster industry. • Concern is raised with respect to drainage impacts on the surrounding environment. • Prolonged wet weather would increase pollution risk from STP. • There is a potential adverse impact on fishing and recreational use of the river associated with effluent management and desalination onsite. • Oyster industry is already affected by periods of heavy rain. It is concerning to think the possible effect of a failing sewage system in addition to this. • Erosion and sediment controls are necessary. • Future operations would need to have regard for DECC criteria and keep NSW Food Authority advised of any system failures and potential pollution outbreaks. • Impacts of system failure. 	
Emergency Services	<ul style="list-style-type: none"> • Emergency access such as ambulance, police, fire during an emergency event would be severely compromised by increased traffic. You can't depend on the ferries in the case of an emergency (broken cables, delays etc.) • Bushfire risk on North Shore is extreme. Additional risk to over 55's targeted by the development is a concern. • Medical services are not available on the North Shore at present and the increase demand attributed to the development is unacceptable. • Concern is raised with respect to policing being able to cope with increase population. • Evacuation plans for fire flood and other disasters are not up to date and would not be able to cope with additional 800+ residents. • Relying on a helicopter is absurd, unsustainable and not a secure means to manage emergency 	Noted - refer to Bushfire, Flooding, Access Traffic and Transport comments.

	access.	
Road Infrastructure	<ul style="list-style-type: none"> • Riverside Drive is not of sufficient standard to accommodate increase in population. Riverside Drive is subsiding into Hastings River and there is insufficient queuing space for the ferry. • Shoreline and Riverside Drive are substandard. The additional use could not be supported by the state of the roads. • Impact on Maria River Road is a concern. • The narrow nature of the existing roads servicing the North Shore is dangerous. Safety risks will increase. • There are no adequate footpaths or cycleways servicing the North Shore. Safety to pedestrians and cyclists would be placed at greater risk. • There is no public transport servicing the North Shore. • Insufficient car parking appears to be provided. • There is no suitable boat ramp to service the North Shore. • Impact of additional service vehicles on road and ferries. 	<p>Noted - refer to Access Traffic and Transport comments.</p> <p>Adequate car parking is available in the development.</p> <p>The issue of a boat ramp is not considered critical to the application.</p>
General Planning comments - and need for long-term planning on North Shore	<ul style="list-style-type: none"> • There is no long-term plan for the North Shore. • The tenancy is not clear. Whether the proposal is for a caravan park or a lifestyle village. • The information contained in the application is contradictory and deceptive. The proposal appears to be a manufactured housing estate rather than a caravan park. • The application represents poor planning for the North Shore. Development on the North Shore needs to be strategic and for the long-term. • North Shore has inadequate services and infrastructure to service such a development. • Council has little involvement in planning on North Shore. An overall masterplan for the area is essential before contemplating such a development. • It would be a breach of Council's responsibilities to approved the development without a plan for the future. • The area is not included in the Mid North Coast Strategy for future growth. • The proposal has been made on an ad hoc basis rather than a carefully developed long-term town planning exercise. • Concern over a partially completed development if finances or proposal fail. • Can the consent (if approved) be passed onto a 	<p>Refer to SEPP 21, 36 and HLEP 2001 comments regarding permissibility.</p> <p>Other than the HLEP 2001, there is no long term strategic plan for the North Shore, especially in terms of future growth/development. The focus is on little change occurring to the area, due to the constraints the area faces.</p> <p>Council staff agree that the information provided contains numerous anomalies and lack of specific detail. This is reiterated in the comments provided by the various specialist sections of Council and referral bodies on the application.</p>

	<p>future purchaser/owner. Who is responsible for compliance with conditions.</p> <ul style="list-style-type: none"> • Council would not be able to enforce the developers requirements/proposed undertakings. • Cost of development has been fabricated to avoid Council. 	<p>The consent goes with the land and owner/operator. In this regard, it can be passed on (subject to the consent not lapsing). Compliance with conditions is governed by the operator, Council and in some cases other government authorities.</p> <p>Part of the reason the application is recommended for refusal is that a number of the undertakings cannot be covered by Council - these are listed throughout the body of the report.</p> <p>The cost is considered reasonable and not the only factor in the application being referred to the JRPP - see comments on SEPP (Major Development) 2005.</p>
Social Impact	<ul style="list-style-type: none"> • Concern is raised in relation to the social impact of a low cost caravan park on the North Shore. • The demographic of the caravan park could change and create increased social impacts/problems. Council's assurance is sought on how certain demographic will be restricted to the development. • The social impact assessment is inadequate and assumes residents will be inactive in the workforce, not use private motor vehicles, will be content with social activities supplied on site, have maximum of 1 car, no families or children. We see no mechanism to control this. • Social impact will be worsened by impact on ferry network. • Lower socio economic status of demographic of permanent caravan park poses safety and crime concerns. 	<p>Refer to Social comments.</p>

	<ul style="list-style-type: none"> • The absence of medical services is a major health/social problem, particularly given the targeted demographic of the park. • Behavioural problems could increase with the development. • The development will have a major impact on the social dynamics of the area. • Any licensed premises could not be accessed quickly by police if the need arose. • The golf course is close to dwellings and will pose a safety risk to occupants via stray balls. 	
Flooding	<ul style="list-style-type: none"> • We question whether the land is zoned Probable Maximum Flood Level - if so, it is flood prone land under the provisions of the Floodplain Manual 2005. • An additional 800 residents on North Shore would have adverse consequences on emergency services during a major flooding event. • Evacuation during a PMF will be impossible. 	Noted - Refer to Flooding and Social comments.
Flora and Fauna	<ul style="list-style-type: none"> • Domestic animals owned by future residents will have an adverse impact on wildlife in Limeburner's Creek Nature Reserve and surrounding area. • The area contains a significant koala population. The management of this population has not been adequately addressed. • Increased population will have increased edge effects on the environmental attributes of the locality. • Many common species are not recognised in the assessment. • The proposal will involve the removal of a large number of trees, impacting on wildlife. • The development will lead to increased vehicular usage of North Shore beach resulting in increase erosion and damage to dune environment. • Increased road collision with native fauna will occur. • The perimeter wall will be a major problem for wildlife movement. • Impact on threatened species is concerning. • Concern is raised in relation to potential increase in weeds. • Concern is raised in relation to increased usage and associated impacts on foreshore in the locality. • Increased human activity (4WDs, motor cycles) 	Noted - refer to SEPP 44 and flora and fauna comments.

	<p>will affect surrounding environment.</p> <ul style="list-style-type: none"> • The report contains a number of deficiencies. Not all species have been suitably considered and the timing and traps used were not suitable. 	
Odour	<ul style="list-style-type: none"> • Southerly winds could lead to adverse odour impacts attributed to sewerage treatment plant. 	<p>Noted - refer to air and microclimate comments.</p> <p>Odour from the onsite waste system would depend on proper maintenance.</p>
Amenity/context and setting	<ul style="list-style-type: none"> • The proposal is completely out of character with the North Shore environment. • Current lifestyle on North Shore would be compromised. • The aesthetic of the locality will be compromised. • The density of the development is excessive. 	<p>Noted - refer to context and setting comments and discussion throughout report.</p>
Energy/Electricity	<ul style="list-style-type: none"> • The proposal would have an adverse drain on electricity supply to the north shore. • The costs associated with running a desalination plant are not considered sustainable. 	<p>Electricity would have to be upgraded to the satisfaction of provider.</p> <p>Refer to energy comments.</p>
Noise	<ul style="list-style-type: none"> • Noise impacts attributed to the development. • Road traffic noise will be increased. 	<p>Noted - refer to noise comments.</p>
Aboriginal Cultural Heritage	<ul style="list-style-type: none"> • Potential increase impacts on significant sites in Limeburners Creek Nature Reserve due to increased casual usage of the area. 	<p>Noted - refer to heritage comments</p>
Economic/Employment	<ul style="list-style-type: none"> • Most people are still going to go to town a couple of times a week and are unlikely to have significant benefit from a general store. Whether the store can be competitive with larger supermarkets is questionable. • Proposal will reduce property values. • Impact on tourism and events. 	<p>Noted - refer to economic impact comments.</p> <p>Effects on property values and tourism is somewhat speculative and would be considered difficult to sustain refusal.</p>

(e) The Public Interest:

The proposal is not considered to be in the public's interest for the following reasons:

- The proposal is considered to adversely conflict with local, regional and state environmental planning instruments, which have all been adopted publicly (refer to relevant sections in report).
- The extent of public opposition of the proposal, which is considered to be largely justified (refer to submission table and comments throughout report).
- The adverse social impacts attributed to the proposal are not considered to be in the public's interest (refer to social impact comments).

- The proposal will place an unacceptable and adverse demand on emergency services (refer to flooding comments).

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

If the application were to be approved, the following contributions would apply:

- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

5. CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Based on this assessment, the site is considered not suitable for the proposed development, is contrary to the public's interest and will have an adverse social, environmental or economic impact. Consequently, it is recommended that the application be refused.

ATTACHMENTS

SEPP 71 Assessment
SEPP (Rural Lands) 2008 Assessment
Site plans and elevations