



COUNCIL ASSESSMENT REPORT

Panel Reference	2016NTH026
DA Number	DA2017/0054
LGA	Richmond Valley
Proposed Development	Manufactured Home Estate –199 dwelling sites; construction of communal facilities (clubhouse, bowling greens and pool); construction of internal access roads and associated works. The application is nominated Integrated Development under Section 58 of the Heritage Act 1977 and Section 100B of the Rural Fires Act 1997.
Street Address	17 Memorial Airport Drive EVANS HEAD NSW 2473
Applicant/Owner	Oasis Evans Head Unit Trust (Applicant) Richmond Valley Council (Owner)
Date of DA lodgement	23 September 2016
Number of Submissions	Four (4)
Recommendation	That development application DA2017/0054 be determined by granting approval subject to conditions.
Regional Development Criteria (Schedule 4A of the EP&A Act)	The application is a Council related development with a capital investment value of over \$5 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Heritage Act 1977 • Rural Fires Act 1997 • Environmental Planning and Assessment Regulation 2000 • Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 • State Environmental Planning Policy No. 36 – Manufactured Home Estates • State Environmental Planning Policy No. 71 – Coastal Protection • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • Richmond Valley Local Environmental Plan 2012 • Richmond Valley Development Control Plan 2015
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Drawings • Engineering Drawings • Landscape Master Plan • General Terms of Approval from Office of Environment and Heritage (Heritage Division) dated 28 July 2017. • General Terms of Approval from the NSW Rural Fire Service dated 28 April 2017. • Advice from Roads and Maritime Services dated 19 December 2016 and 16 May 2017. • Advice from DPI Fisheries dated 8 December 2016 and 5 May 2017. • Review of Development Assessment Process by Newton Denny Chapelle dated 31 July 2017.
Report prepared by	Sonja Kennedy - Development Assessment Planner

Report date	31 July 2017
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Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. Executive Summary

1.1. Overview

Development Application DA2017/0054 (JRPP Reference No. 2016NTH026) seeks consent for a 199 site manufactured home estate in Evans Head. The development aims to provide additional housing in the Evans Head village area that provides an attractive, affordable, low-maintenance alternative to the existing traditional low density housing currently available in Evans Head.

The project has an estimated capital investment value (CIV) of \$12.744 million and comprises the following key components;

- 198 manufactured home dwelling sites ranging in size from 180m² to 234 m²
- One manager's residence lot
- Construction of communal facilities – community clubhouse building, outdoor swimming pool and bowling green
- Car parking (29 visitor spaces, 5 staff parking spaces)
- Construction of internal access roads
- Landscaped open space areas (including construction of a raised boardwalk)
- Construction of new stormwater drainage and services (including two detention basins and 1 bio-retention basin)
- Construction of a landscaped earth mound along the Memorial Airport Drive boundary of the site
- Ancillary site works including earthworks, reticulated services infrastructure, maintenance areas, lighting, and electrical works.

1.2. Reason for consideration by Joint Regional Planning Panel

The development application has been referred to the Northern Joint Regional Planning Panel for determination pursuant to Clause 23G and Clause 4 of Schedule 4A of the Environmental Planning and Assessment Act 1979. The application is a Council related development with a CIV of over \$5 million.

1.3. Integrated Development

The application is Integrated Development and has been referred to the Office of Environment and Heritage (Heritage Division) and the NSW Rural Fire Service both of whom have provided General Terms of Approval to be included in the consent. The GTAs are provided in Appendices D and E of this report.

1.4. Location, History and Permissibility

The development is located on Lot 1 DP 1193927, 17 Memorial Airport Drive, Evans Head. The site is approximately 1.5 kilometres north-west of the Evans Head village CBD and was formerly part of the Evans Head Memorial Aerodrome (EHMA) and Richmond Valley Council's Works Depot. The site has undergone extensive remediation works to address contamination of the site from previous aviation and industrial uses to allow the land to be utilised for residential purposes. Consequently the site is largely cleared with scattered ground cover. Existing fencing restricts unauthorised access onto the site.

The site is considered historically significant due to the RAAF operations during WWII that occurred on the site. A number of aviation and commemorative events are held at the adjoining EHMA throughout the year, including ANZAC Day commemorations, Remembrance Day commemorations and the annual Great Eastern Fly-In. The Fly-In features the arrival of aviators, air displays and other operations relating to the WWII use of the EHMA generally.

The development seeks consent for a 199 lot manufactured home estate.

State Environmental Planning Policy No 36 – Manufactured Home Estates permits manufactured home estates on certain land on which caravan parks are permitted. The site is zoned R1 General Residential under the Richmond Valley Local Environmental Plan 2012. Caravan parks are permitted within this zone with consent. The proposed manufactured home estate is therefore a permissible land use in this zone.

1.5. Public Exhibition and Notification

The development application was placed on Public Exhibition from 12 October 2016 to 14 November 2016. Written notification to adjoining land owners was undertaken and a published notice appeared in a local newspaper on 12 October 2016.

The amended application was re-notified and placed on public exhibition from 8 June 2017 to 10 July 2017. Written notification to adjoining land owners was undertaken and a published notice appeared in a local newspaper on 7 June 2017. The amended application was forwarded to all integrated agencies and referral bodies so that the amended plans were considered in the assessment process.

1.6. Legislative Assessment

The application has been assessed in accordance with the requirements of the following legislation:

- Environmental Planning and Assessment Act 1979 - Clause 79(c)
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 - Divisions 2 and 3
- State Environmental Planning Policy No. 36 – Manufactured Home Estates – Clauses 6, 7, 8, 9 and Schedule 2
- State Environmental Planning Policy No. 71 – Coastal Protection – Clauses 8, 14, 15 and 16
- State Environmental Planning Policy No. 55– Remediation of Land – Clause 7
- State Environmental Policy (Infrastructure) 2007 – Clause 104
- Richmond Valley Local Environmental Plan 2012 – Clauses 4.3, 5.5, 5.10, 6.1, 6.2, 6.3, 6.8, 6.11 and 6.12

The application has been assessed and is considered to comply with the provisions of the relevant legislation.

1.7. Recommendation

That development application DA2017/0054 (JRPP Reference No. 2016NTH026) be determined by granting consent subject to the conditions of consent contained within Appendix A.

1.8. Attachments

Appendix A	Architectural Drawings
Appendix B	Preliminary Engineering Drawings
Appendix C	Landscape Master Plan
Appendix D	General Terms of Approval - Office of Environment & Heritage (Heritage Division)
Appendix E	General Terms of Approval – NSW Rural Fire Service
Appendix F	Advice from DPI Fisheries
Appendix G	Advice from NSW Roads & Maritime Services
Appendix H	Report from Newton Denny Chappelle – Review of Assessment
Appendix I	Recommended Conditions of Consent

2. Site Description, Location and Context

Site Location

The development is located on Lot 1 DP 1193927, 17 Memorial Airport Drive, Evans Head. The site is approximately 1.5 kilometres north-west of the Evans Head village CBD and was formerly part of the Evans Head Memorial Aerodrome (EHMA) and Richmond Valley Council's Works Depot. The site has undergone extensive remediation works to address contamination of the site from previous aviation and industrial uses to allow the land to be utilised for residential purposes. Consequently the site is largely cleared with scattered ground cover. Existing fencing restricts unauthorised access to the site.

The subject site is bound by:

- Evans Head Memorial Aerodrome directly north of the site. Beyond this are SEPP 14 wetlands and the Broadwater National Park;
- Currajong Street and existing residential development to the south. Beyond this lies the Evans River and Bundjalung National Park;
- Memorial Airport Drive and the existing light Industrial area to the east. Further east is the northern parts of the residential area of Evans Head and Airforce Beach (Pacific Ocean);
- Woodburn–Evans Head Road to the west. Beyond this lies more SEPP 14 Wetland, the Evans River and Bundjalung National Park.



Figure 1: Site Location

Site History

The development site has been managed by Council since 1992 and contained a Council works depot.

Council, as the land owner, has obtained the following relevant rezoning and development consents for the land:

- **25th September 2009** - Rezoning the site from 1(b1) – Rural (Secondary Agricultural Land) to 2(v) – Village Zone under the Provisions of Richmond River LEP 1992 (Amendment No. 31)
- **DA 2011.0097**- Remediation of the Site
This development approval permitted remediation of the land (removal of contaminated soil) to be undertaken so the site is suitable for residential use. All remediation works on the site have been completed under DA 2011.097.
- **DA 2011.0125**- Two lot Subdivision.
This approval was issued by Council on 15th February 2011 as a deferred commencement development consent. The deferred condition has been satisfied and Council activated this consent on the 8 February 2012.
- **DA 2011.0223** –Integrated Retirement Village and 20 Lot Torrens Title Subdivision.
This approval included an aged care facility, serviced apartments, independent living, and associated community buildings.

Council also is currently in receipt of a separate development application (DA 2017/0130) to subdivide the site into 4 temporary lots to allow for the staged purchase of the site. The proposed lots will be consolidated upon completion of the manufactured home estate. Assessment of DA2017/0130 has been deferred until determination of this application is finalised.

3. The Proposal

The Proposal

The proposed Manufactured Home Estate has an estimated CIV of \$12.744 million and comprises the following key components;

- 198 manufactured home sites ranging in size from 180m² to 234 m²;
- One manager's residence site;
- Community Clubhouse building;
- Outdoor swimming pool;
- Bowling green;
- Car parking (29 visitor spaces, 5 staff parking spaces);
- Construction of new internal access roads;
- Landscaped community open space areas (including construction of a raised boardwalk);
- Construction of new stormwater drainage and services (including two detention basins and a bio-retention basin);
- Construction of a landscaped earth mound along the Memorial Airport Drive boundary of the site.
- Ancillary site works including earthworks, retaining walls, reticulated services infrastructure, maintenance areas, lighting, and electrical works.



Figure 2– Master Plan – Overall Concept Layout

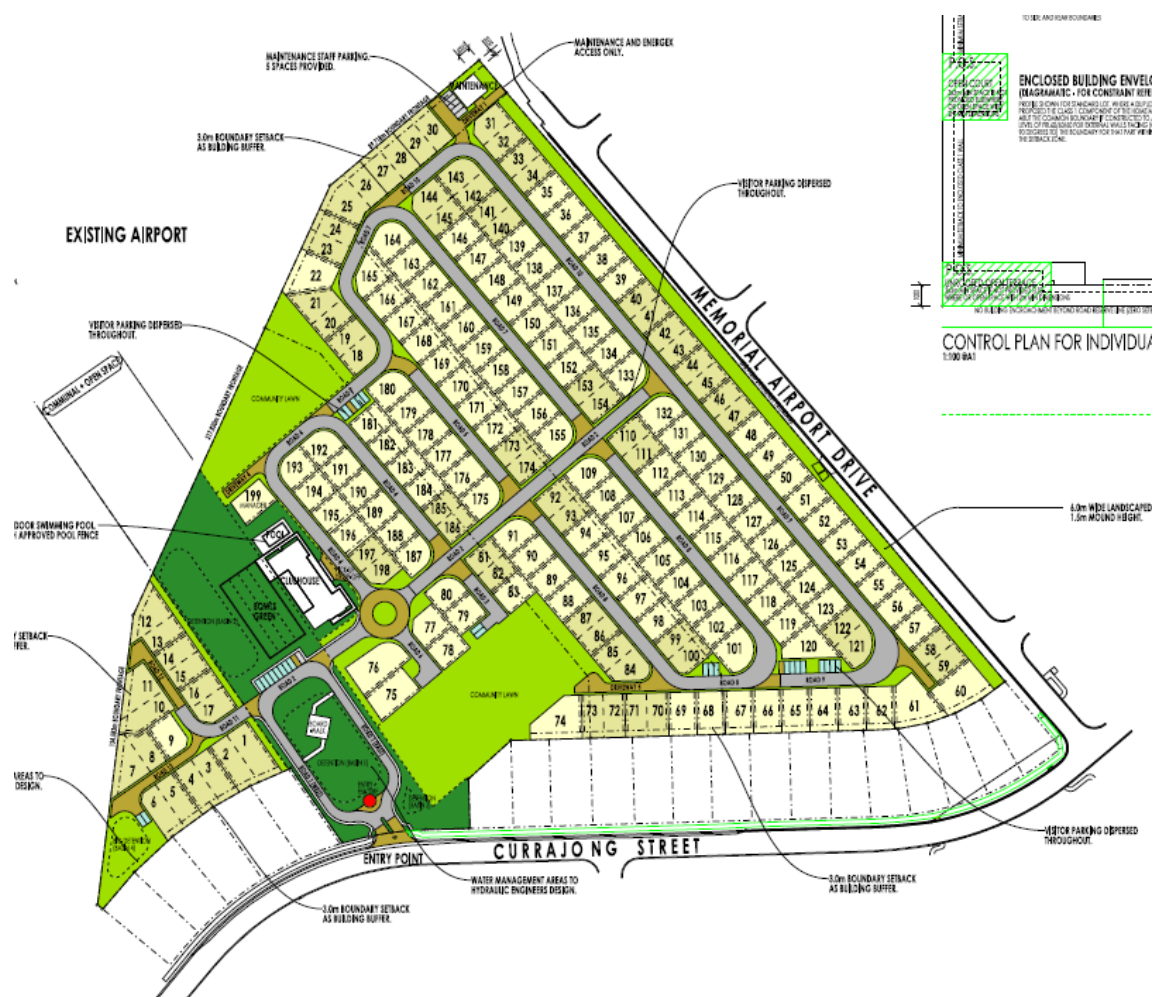


Figure 3- Site Plan

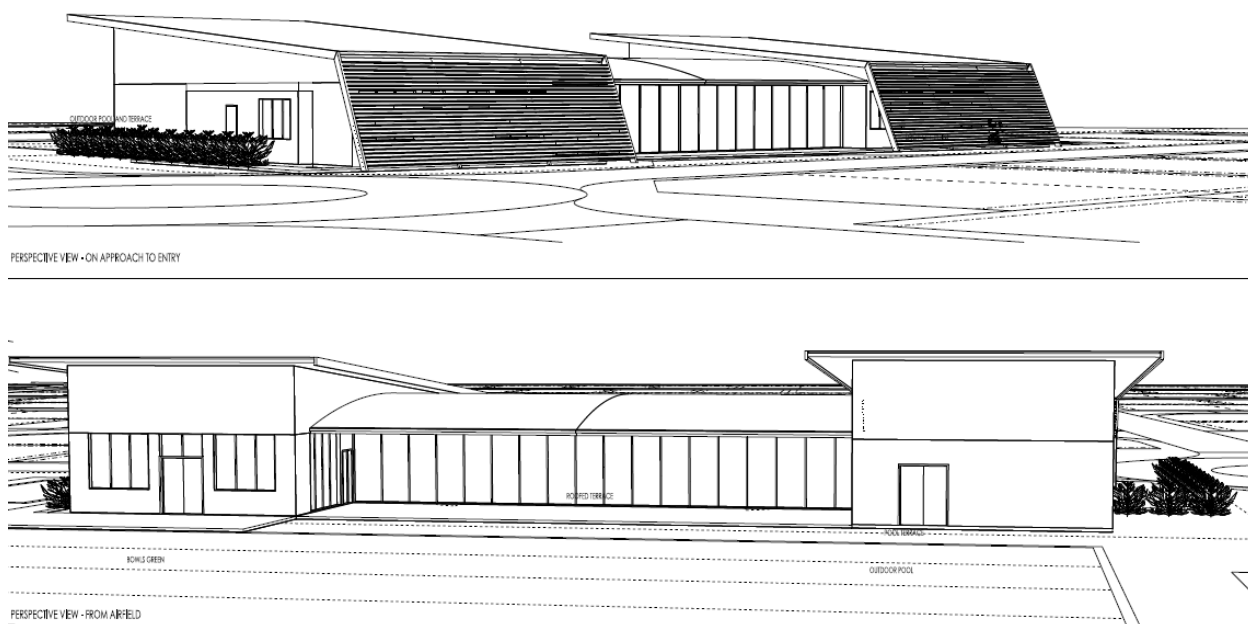


Figure 4 – Proposed Clubhouse Building



Figure 5 – Perspectives of Clubhouse Building

Proposed Staging of Development

The proposed MHE will be undertaken in five (5) stages, as shown in the table below and Figure 5.

Stage	Proposal
1	17 Dwellings
2	28 Dwellings (including Manager's Residence) Clubhouse (Stage 1) and Bowling Green
3	47 Dwellings Clubhouse (Stage 2) and Swimming Pool
4	50 Dwellings and Maintenance area
5	57 Dwellings

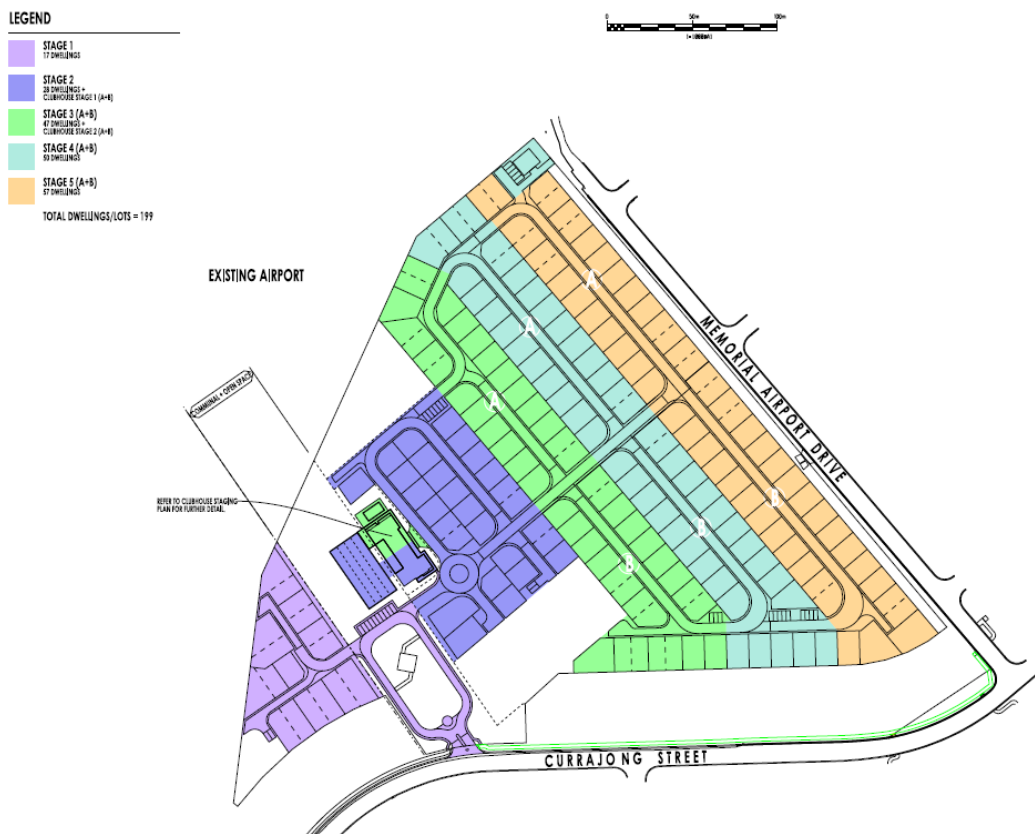


Figure 6: Staging Plan

Summary of the Amended Proposal

In response to matters raised by the Office of Environment and Heritage (OEH), the proposed layout of the manufactured home estate has been amended from the application originally lodged with Council. These changes are summarised below:

- Relocation of the Community Clubhouse off the former runway area;
- Removal of dwelling sites from the former taxiways and maintained as open space;
- Reduced number of dwelling sites from 216 to 199 (including manager's residence);

The amended plans were forwarded to all integrated agencies and referral bodies so that the amended plans could be considered in the assessment process.

4. Referrals

The following referrals were undertaken during the referral process:

Integrated

Authority	Comment
Office of Environment and Heritage (Heritage Division) <i>Section 58 of the Heritage Act 1977</i>	General Terms of Approval provided 28 July 2017 subject to conditions pertaining to: <ul style="list-style-type: none"> • retention of the runway and taxiways as open space; • noise management associated with the Evans Head Memorial Aerodrome; • heritage conservation and management. These conditions have been included in Appendix D of this report.
NSW Rural Fire Service <i>Section 100B of the Rural Fires Act 1997.</i>	General Terms of Approval provided 28 April 2017 subject to conditions relating to: <ul style="list-style-type: none"> • asset protection zones; • water and utilities; • evacuation and emergency management; • design and construction; • landscaping These conditions have been included in Appendix E of this report.

External

Authority	Comment
Department of Primary Industries (Fisheries Eco Systems)	Given the site's proximity to known Oxleyan Pygmy Perch (OPP) habitat, DPI Fisheries requested a test of significance for the proposed development's impact on the threatened OPP fish species in order to satisfy the provisions of <i>Part 7A of the Fisheries Management Act 1994</i> . The applicant provided the requested information on 5 December 2016. DPI Fisheries have assessed the Test of Significance provided by the applicant and determined that <i>"...the proposed works are not likely to significantly affect threatened species, populations or ecological communities listed under the Fisheries Management Act 1994 (FM Act), or their habitats, and consequently the proposed works do not require a licence under section 220ZW under the FM Act"</i> .
Roads and Maritime Services	The original application had in excess of 200 dwelling sites and consequently, required referral to RMS in accordance with Clause 104 of State Environmental Planning Policy Infrastructure 2007. RMS provided advice dated 19 December 2016 that it had no objection to the proposal provided that: <ul style="list-style-type: none"> • Council are satisfied that the intersection of Currajong Drive and Evans Head-Woodburn Road can safely accommodate peak traffic movements generated by the development. • All vehicles shall enter and leave the site in a forward direction. Council referred the amended application to RMS for further comment. Council received additional advice from RMS dated 16 May 2017 suggesting the following be considered in the assessment process: <ul style="list-style-type: none"> • Access to public transport; and • Safe connections to existing pedestrian/cycle facilities.
NSW Police	No response received.
Independent Town Planning Consultant	The development application, SEE and file have been provided to an independent Town Planning Consultant to review Council's assessment processes. The subsequent response and comments have been taken into consideration and amendments made to this report where appropriate. A copy of the report of the planning consultant is attached to Appendix H of this report.

Internal

Authority	Comment
Environmental Health	Acceptable subject to conditions.
Development Engineer	Acceptable subject to conditions.
Building Surveyor	Acceptable subject to conditions.
Heritage Consultant	Deferred to the Office of Environment and Heritage for assessment.

5. Environmental Planning and Assessment Act 1979**Section 5A: Significant effect on threatened species, populations or ecological communities, or their habitats**

The Tests of Significance determined that the proposal would be unlikely to have a significant impact on Oxleyan Pygmy Perch or *Maundia triglochinos* habitat. This conclusion is supported by DPI Fisheries who determined “...the proposed works are not likely to significantly affect threatened species, populations or ecological communities listed under the Fisheries Management Act 1994 (FM Act), or their habitats, and consequently the proposed works do not require a licence under section 220ZW under the FM Act”.



The development application has been referred to the Northern Joint Regional Planning Panel for determination pursuant to Clause 4 of Schedule 4A of the Environmental Planning and Assessment Act 1979. The application is a Council related development with a capital investment value of over \$5 million.

The proposal is seeking consent for a manufactured home estate under Part 4 of the Act. A manufactured home estate is permissible with the consent of Council on any land on which development for a caravan park may be carried out. Caravan parks are permitted with consent in the R1 General Residential Zone pursuant to the Richmond Valley Council Local Environmental Plan 2012.

Clause 79A: Public Participation

Section 79A identifies the public exhibition and notification requirements for Advertised Development. The development application was placed on Public Exhibition for thirty-three days being from 12 October 2016 to 14 November 2016. Written notification to land owners was undertaken and a published notice appeared in a local newspaper on 12 October 2016. Two submissions were received during the exhibition period and an additional late submission accepted by Council.

The amended application was re-notified and placed on public exhibition for 32 days from 8 June 2017 to 10 July 2017. Written notification to land owners was undertaken and a published notice appeared in a local newspaper on 7 June 2017. An additional submission was received during the second exhibition period.

Section 79C: Evaluation

This section specifies matters which a consent authority must consider when determining a development application. These are addressed in the Table below:

Provision	Comment
Section 79(1)(a)(i) – Environmental planning instruments	Refer to section 7
Section 79(1)(a)(ii) – Draft environmental planning instruments	Refer to section 8
Section 79(1)(a)(iii) – Development control plans	Refer to section 9
Section 79(1)(a)(iia) – Planning Agreements	No planning agreements relate to the application.
Section 79(1)(a)(iv) – The Regulations	Refer to section 10
Section 79(1)(a)(v) – Coastal Zone Management Plan	The subject site is not affected by any coastal risks as identified in the CZMP.
Section 79(1)(b) – Likely impacts	Refer to section 11
Section 79(1)(c)(i) – Site suitability	Refer to section 12
Section 79(1)(d)(i) – Submissions	Refer to section 13
Section 79(1)(e)(i) – The public interest	Refer to section 14

Clause 94B: Section 94 or 94A contributions

A consent authority may only impose a condition relating to contributions if it is a kind allowed and in accordance with a contributions plan. The Richmond Valley Council Section 94A Contributions Plan applies and a consent condition consistent with this plan has been included in the recommended conditions.

Division 5: Special procedures for Integrated Development

Section 91 identifies development that requires approvals under certain legislation as Integrated Development. Before granting consent, General Terms of Approval must be obtained and a consent must be consistent with those terms.

The development was referred to the Office of Environment and Heritage (Heritage Division) and the NSW Rural Fire Service both of whom have provided General Terms of Approval to be included in the consent.

6. Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

The object of this Regulation is to provide opportunities for affordable alternatives in short-term and long-term accommodation. The Regulation provides standards for the design of manufactured home

estates, the design and construction of manufactured homes and to promote the health, safety and amenity of the occupiers of manufactured homes and other moveable dwellings.

Division 2 and 3 of this Regulation applies to the design of manufactured home estates. The relevant clauses are addressed in the Table below:

Clause/Development Standard	Comment
Clause 6 - Factors for consideration before approval is granted	
(1) The council must not grant an approval to operate a manufactured home estate unless it is satisfied that the manufactured home estate will be designed, constructed, maintained and operated in accordance with the relevant requirements of Division 3.	The application has been assessed in accordance with Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Removable Dwellings) Regulation 2005.
(2) In deciding whether or not the approval for the manufactured home estate should allow the installation of a manufactured home on flood liable land, the council must have regard to the principles contained in the Floodplain Development Manual.	Council engineers have advised the land is not affected by riverine flooding, however localised flooding from intense 1 in 100yr rainfall events may occur. This normal situation means that the underground drainage system will surcharge and flow down the streets as overland flow.
Clause 7 - Matters to be specified in approval.	
In addition to any other matters it must contain, an approval to operate a manufactured home estate must specify, by reference to a plan, the number, size and location of the dwelling sites allowed by the approval.	Condition 1 of the draft consent notice makes reference to plans of the manufactured home estate providing these details.
Clause 8 - Conditions of approval	
An approval to operate a manufactured home estate is subject to the condition that the manufactured home estate is designed, constructed, maintained and operated in accordance with the requirements of Division 3.	Condition 3 of the draft consent notice addresses this clause.
Clause 12 - Minimum size of estate	
A manufactured home estate must not have an area of less than one hectare or, if a lesser area is permitted by a relevant environmental planning instrument, that lesser area.	Complies: The subject site is 8.084 hectares.
Clause 13 - Community amenities	
(1) Of the total land area of a manufactured home estate: (a) at least 10 per cent, or (b) such lesser proportion (but not less than 6 per cent) as the approval for the manufactured home estate may allow, must be reserved for recreation or other communal activities.	Complies: The total area dedicated for communal activities is approximately 13,100m ² . This includes the two community lawn areas, the community clubhouse, pool, bowling greens and the landscaped retention/detention Basins 1 and 3. These areas represent approximately 16% of the total site. If the retention/detention basins are excluded from the open space calculations the communal activity areas will represent approximately 13% of the site area. The addition of the boardwalk and viewing platform over

	detention Basin 1 transforms this space to a useable community space. The amount of community areas provided is appropriate and meets the development standard of 10%.
2. In deciding whether to allow a lesser proportion, the council must have regard to the type and range of amenities to be provided and to such other matters as it considers relevant	Not applicable – the land available for communal activities exceeds 10%.
Clause 14 - Size of dwelling sites	
A dwelling site must have an area of at least 130 square metres.	Complies: The proposed development consists of one hundred and ninety-nine (199) sites of which standard sites have an area of 234m ² ; mid lot sizes have an area of 225m ² and small lot sizes have an area of 180m ² . The proposed development therefore complies with the requirements of Clause 14.
Clause 15 - Site identification	
(1) A dwelling site must be numbered or identified and its site boundaries clearly delineated. (2) The site identification must be conspicuous.	Condition 5 of the draft consent notice requires each allotment to be identified in accordance with this clause.
Clause 16 - Dwelling sites to have road frontage	
A dwelling site must have vehicular access to an access road.	Complies: Each of the 199 dwelling sites have frontage and/or vehicular access to an access road.
Clause 17 - Setbacks of community buildings	
(1) A community building must not be located closer than 10 metres to the boundary of a manufactured home estate, or to the boundary of a dwelling site, unless the approval for the manufactured home estate so allows. (2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the community building has been or will be properly screened, fenced, enclosed or otherwise treated. (3) A community building must not in any case be located closer than 2 metres to the boundary of a manufactured home estate or to the boundary of a dwelling site.	Complies: The proposed community building is centrally located and is approximately 50 metres away from the closest boundary of the manufactured home estate. The closest dwelling site to the community building is the Manager's residence, directly north of the community building. This dwelling site is set back approximately 16 metres from the community building. The Landscape Master Plan indicates the areas around the community building will be suitably landscaped to screen the clubhouse from neighbouring dwelling sites within the estate.
Clause 18 - Setbacks of dwelling sites from road frontages	
(1) A dwelling site must not be located closer than 10 metres to a public road or 3 metres to any other boundary of the manufactured home estate unless the approval for the manufactured home estate so allows. (2) The approval for a manufactured home	Lots 31 to 60 have a setback of 6 metres from Memorial Airport Drive therefore do not comply with the 10 metre setback standard. This clause does allow approval of a reduced setback provided adequate screening and/or fencing are incorporated into the design.

estate must not allow a lesser distance than 10 metres unless the council is satisfied that the dwelling site has been or will be properly screened, fenced, enclosed or otherwise treated.	A 1.5 metre high x 6 metre wide landscaped mound will be established along this boundary to provide a visual buffer between the estate and Memorial Airport Drive and the adjacent industrial lots. Page 5 of the Landscape Master Plan shows details of how the mound will be landscaped. This is considered appropriate screening for dwelling sites 31 to 60 and is in accordance with Clause 18(2). All other dwelling sites within the estate comply with these setback standards.
Clause 19 - Use of buffer zones	
Nothing in this Part prevents land within a buffer zone arising from the setbacks required by this Subdivision from being used: (a) for community amenities, access roads, car parking spaces, footpaths or landscaping, or (b) for any similar purpose allowed by the approval for the manufactured home estate.	Noted.
Clause 20 - Entrance and exit roads	
(1) A road that forms an entrance to or exit from a manufactured home estate must be at least 8 metres wide. (2) In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres. (3) The arrangement for the width of an entrance or exit road to taper into or meet the width of the sealed portion of the access roads leading to the entrance or exit may be specified in the approval for the manufactured home estate.	Complies: The Road Network Plan shows a single access point allowing entry/exit to the estate from Currajong Street. The divided road has a sealed width of 5 metres either side of the 1.5 metre wide median strip. The entrance point then narrows to 4 metre wide seal as it adjoins access Road 1 which is a one-way road that runs around the perimeter of detention Basin 1.
Clause 21 - Width of roads	
(1) The width of the road reserve must be: (a) at least 8.5 metres for a major access road, and (b) at least 6 metres for a minor access road.	The Regulation defines a major and minor access roads as follows: major access road - an access road serving more than 30 dwelling sites within a manufactured home estate. minor access road - an access road serving no more than 30 dwelling sites within a manufactured home estate. <u>Major Roads:</u> <ul style="list-style-type: none"> Based on the road layout, Roads 1 and 2 are classified as major access roads and therefore require an 8.5 metre road reserve. Road 1 is a divided road with a 5.2 metre road reserve either side of detention Basin 1. This provides a total road reserve width of 10.4 metres which complies with the standard.

	<p>Furthermore, Road 1 allows for one-way traffic only. The 5.2 metre road reserve width for one way traffic is deemed sufficient. Condition 24 of the draft consent will require Road 1 (East) and Road 1 (West) to allow one way traffic only.</p> <ul style="list-style-type: none"> • Road 2 has 9 metre wide road reserve which complies with this standard. <p><u>Minor Roads:</u></p> <ul style="list-style-type: none"> • The internal road configuration and the provision of two-way traffic ensures that no section of the remaining roads will service more than 30 dwelling sites. Therefore Roads 3 - 13 are classified as minor access roads. Each of these roads has a road reserve of 6 metres or greater and therefore comply with this clause.
<p>(2) The width of the sealed portion of an access road must be:</p> <p>(a) at least 6 metres for a major access road, and</p> <p>(b) at least 4 metres for a minor access road.</p>	<p><u>Major Roads:</u></p> <ul style="list-style-type: none"> • Road 1 is a divided road with a 4 metre wide seal either side of detention Basin 1. This provides a total sealed width of 8 metres which complies with the 6 metre standard. • Road 2 has a seal of 6 metres therefore complies with this standard. <p><u>Minor Roads:</u></p> <ul style="list-style-type: none"> • Each of the proposed minor access roads has a sealed portion of 4 metres or more and therefore complies with this clause.
<p>(3) If a minor access road exceeds 80 metres in length, a passing bay or bays must be provided within the road reserve.</p>	<p>Complies:</p> <p>Each of the proposed roads with the exception of Roads 12 and 13 have a sealed pavement of 6 metres. Minor access roads are required to have a sealed width of 4 metres wide. Each of the minor access roads are 2 metres wider than required which will provide adequate manoeuvring areas for passing. Roads 12 and 13 do not exceed 80 metres in length therefore do not require passing bays.</p>
<p>(4) Passing bays must be provided at intervals of not more than 100 metres.</p>	<p>Complies:</p> <p>Passing areas are provided the full length of each of the minor access roads due to the 6 metre road seal.</p>
<p>(5) The width of the sealed portion of an access road at any point at which there is a passing or parking bay must be:</p> <p>(a) at least 8.5 metres for a major access road, and</p> <p>(b) at least 6 metres for a minor access road.</p>	<p>Complies:</p> <p>Pursuant to Clause 21(3), parking bays are only required for minor access roads that exceed 80 metres in length. With the exception of Roads 12 and 13 (neither of which exceed 80 metres), each of the minor access roads have a sealed width of 6 metres and therefore comply with this standard.</p>

Clause 22 - Speed restrictions as part of road design	
<p>Access roads must be so designed as to limit the speed at which vehicles may travel on them to:</p> <p>(a) 30 kilometres per hour for major access roads, and</p> <p>(b) 15 kilometres per hour for minor access roads.</p>	<p>Condition 6 of the draft conditions addresses these requirements.</p>
Clause 23 - Visitor parking	
<p>(1) A manufactured home estate must contain no fewer visitor parking spaces than the following:</p> <p>(a) 8 spaces for a manufactured home estate containing not more than 35 sites,</p> <p>(b) 12 spaces for a manufactured home estate containing more than 35 sites but not more than 70 sites,</p> <p>(c) 16 spaces for a manufactured home estate containing more than 70 sites but not more than 105 sites,</p> <p>(d) 20 spaces for a manufactured home estate containing more than 105 sites, plus one additional space for each additional 7 sites (or part of a site) over 140.</p>	<p>Complies:</p> <p>Based on the above calculations, a manufactured home estate containing 199 dwelling sites requires 29 visitor parking spaces. A total of 29 visitor car spaces have been provided throughout the estate.</p> <p>An additional 5 parking spaces have been provided in the north eastern corner of the site for staff parking.</p> <p>The OEH require parking to be relocated off the former runway area and provided elsewhere within the estate. Condition 7 of the draft conditions addresses this matter.</p>
<p>(2) Each parking space is to have, at minimum, dimensions of:</p> <p>(a) 5.4 metres by 2.5 metres, in the case of angle parking, and</p> <p>(b) 6.1 metres by 2.5 metres, in any other case.</p>	<p>Complies:</p> <p>Condition 8 of the draft consent conditions requires each parking space to comply with the above provisions.</p>
<p>(3) Visitor parking spaces must be clearly identified as such.</p>	<p>Complies:</p> <p>Condition 8 of the draft consent conditions requires visitor parking to be clearly identified.</p>
Clause 24 - Visitor parking for people with disabilities	
<p>(1) A manufactured home estate must contain at least one visitor parking space for people with disabilities.</p> <p>(2) A manufactured home estate that contains more than 100 sites must contain at least one visitor parking space for people with disabilities for each 100 sites or fraction of 100 sites.</p> <p>(3) Such parking is to be provided in accordance with AS/NZS 2890.1:2004, <i>Parking facilities—Off street parking</i>.</p> <p>(4) Visitor parking spaces for people with disabilities must be clearly identified as such.</p> <p>(5) Visitor parking spaces provided under this clause may be counted for the purposes of clause 23.</p>	<p>Complies:</p> <p>Based on the above standards, 2 disabled parking spaces are required for the estate. The Road Network Plan (DA104) identifies 4 parking spaces available for people with a disability. Condition 7 of the consent will require all parking spaces to comply with AS/NZS 2890.1:2004, <i>Parking facilities—Off street parking</i> and must be clearly identified.</p>

Clause 25 - Road surfaces	
All access roads, including all passing and parking bays, must have an all-weather sealed or other surface finish specified in the approval for the manufactured home estate, and must be adapted to the topography to allow for adequate drainage and to eliminate excessive grades.	Condition 9 of the draft consent addresses this matter.
Clause 26 - Lighting	
All access roads must be adequately lit between sunset and sunrise.	Condition 10 of the draft consent addresses this matter.
Clause 27 - Water supply	
(1) A manufactured home estate: (a) must be connected to a mains water supply, or (b) must be provided with an alternative water supply service as specified in the approval for the manufactured home estate.	The manufactured home estate will be connected to a mains water supply Conditions 76 of the draft consent notice addresses this matter.
(2) A dwelling site: (a) must be connected to the water supply service for the manufactured home estate, and (b) must be provided with a separate water meter and a separate water service isolating valve.	Condition 77 requires that all sites shall have their own service and meter and isolation tap.
(3) The water supply service must comply with: (a) the <i>Plumbing and Drainage Act 2011</i> and any regulations under that Act, and (b) the requirements of any relevant statutory body.	Condition 11 of the draft consent notice addresses this matter.
(4) The water supplied for human consumption or domestic purposes must comply with the <i>Australian Drinking Water Guidelines</i> published in 2004 by the National Health and Medical Research Council.	The manufactured home estate will be connected to Council's reticulated water services.
Clause 28 - Sewerage	
(1) A manufactured home estate: (a) must be connected to a main sewer, or (b) must be provided with an alternative sewage disposal system as specified in the approval for the manufactured home estate. (2) A dwelling site must be connected to the sewage disposal system for the manufactured home estate. (3) The sewage disposal system must comply with: (a) the <i>Plumbing and Drainage Act 2011</i> and any regulations under that Act, and (b) the requirements of any relevant statutory body.	The estate will be connected to a sewer main.

Clause 29 - Drainage	
<p>(1) A manufactured home estate must be provided with a stormwater drainage system as specified in the approval for the manufactured home estate.</p> <p>(2) A dwelling site:</p> <p>(a) must be connected with the stormwater drainage system for the manufactured home estate, or</p> <p>(b) must be provided with an on-site stormwater drainage system.</p> <p>(3) A stormwater drainage system must comply with:</p> <p>(a) the Plumbing Code of Australia, and</p> <p>(b) the requirements of any relevant statutory body.</p>	<p>Preliminary Engineering Drawings for Development Approval have been submitted to Council. (Manage-Design-Engineer Pty Ltd – MDE-DA-023-D05, D06 and D07 - Roadworks and Drainage Plans). Council approval of the final plans for the management of stormwater is required prior to the issue of the Construction Certificate.</p>
30 Electricity supply	
<p>(1) A dwelling site must be supplied with electricity from a reticulated electricity service by means of an electrical circuit connected to a separate electricity meter.</p> <p>(2) Any such electrical circuit must be installed in accordance with the requirements of AS/NZS 3000:2000, <i>Electrical Installations</i> (known as the Australian/New Zealand Wiring Rules) as in force on 1 September 2005, except that the maximum capacity of the electrical circuit supplying a dwelling site need not be greater than 32 amperes if the site is provided with gas, whether by means of a reticulated gas service or by means of on-site gas containers.</p> <p>(3) If a dwelling site is provided with electricity otherwise than by way of direct connection to the local electricity supply authority's electricity main, the maximum amount that may be charged for the supply of electricity during a particular period is the amount that the standard retail electricity supplier for the relevant district would have charged under a standard form customer supply contract for that supply during that period.</p>	<p>Condition 13 of the draft consent notice addresses this matter.</p>
Clause 31 - Telephone lines	
<p>Telephone services, if available, must be provided in such a manner that a telephone connection is available to each dwelling site within the manufactured home estate.</p>	<p>Condition 15 of the draft consent notice addresses this matter.</p>
Clause 32 - Common trenches	
<p>A common trench may be used for the installation of services in accordance with</p>	<p>Noted.</p>

guidelines provided in AMCORD.	
Clause 33 - Garbage removal	
<p>Arrangements specified in the approval for the manufactured home estate must be instituted and maintained for the removal of garbage and for the maintenance of garbage receptacles in a clean and sanitary condition.</p>	<p>A waste minimisation and management plan has been submitted with the application. The management plan identifies the need to manage waste during construction of the estate as well as providing options to manage domestic waste when the development is occupied. Two options are proposed to manage domestic waste including providing bins for waste and recycling at each allotment or providing a number of larger skip bins at designated points around the estate. The proposal is to have the waste collected by a private contractor, not Council.</p> <p>Waste is manageable on the site via either option. Condition 86 of the draft conditions will ensure suitable ongoing management and minimisation of waste over the long-term and to protect the environment from potential runoff from any waste storage areas.</p>
Clause 34 - Fire hydrants	
<p>(1) No part of a dwelling site or community building within a manufactured home estate may be situated more than 90 metres from a fire hydrant.</p> <p>(2) Any fire hydrant located within a manufactured home estate must:</p> <ul style="list-style-type: none"> (a) be a double-headed pillar-type fire hydrant, and (b) be maintained to the standard specified in the approval for the manufactured home estate. 	<p>Condition 16 of the draft consent notice addresses this matter.</p>
Clause 35 - Buildings	
<p>(1) A building must not be erected on a manufactured home estate unless the approval for the manufactured home estate so allows.</p> <p>(2) The approval for the manufactured home estate is to allow only the following kinds of buildings to be erected on a manufactured home estate:</p> <ul style="list-style-type: none"> (a) community buildings, (b) brick or masonry walls in the form of separating walls between adjoining manufactured homes or in the form of external facades to manufactured homes. <p>(3) The approval for a manufactured home estate is to allow the erection of a brick or</p>	<p>Complies:</p> <p>The proposed development application pertains solely to the manufactured home estate layout, community building, road layout and associated infrastructure. There are no other buildings proposed as part of this application other than the community building.</p>

<p>masonry wall in the form of an external facade to a manufactured home only:</p> <p>(a) if the dwelling site on which the manufactured home is situated is a neighbourhood lot within the meaning of the <i>Community Land Development Act 1989</i>, and</p> <p>(b) the owner of the manufactured home is also the proprietor of the neighbourhood lot.</p>	
Clause 36 - Use of manufactured home estates	
<p>(1) A manufactured home estate must not be used:</p> <p>(a) for any commercial purpose other than a manufactured home estate or an associated purpose, or</p> <p>(b) for the manufacture, construction or reconstruction of moveable dwellings.</p> <p>(2) Nothing in this clause prevents a manufactured home from being used for exhibition purposes.</p> <p>(3) This clause does not prevent the carrying out of work on a manufactured home that is installed in a manufactured home estate for the purpose of its renovation, maintenance or repair (such as painting, replacement of wall cladding or roof sheeting and the like).</p>	<p>Complies:</p> <p>The manufactured home estate is to be used for residential purposes only. No ongoing regular commercial activities are proposed as part of this development. Condition 17 of the draft consent notice addresses this matter.</p>
Clause 37 - Community map	
<p>The person who holds the approval to operate a manufactured home estate must provide the Council with a copy of the current community map:</p> <p>(a) as soon as practicable after any amendment is made to the map, and</p> <p>(b) at such other times as the council may reasonably require.</p>	<p>Condition 19 of the draft consent notice addresses this matter.</p>
Clause 38 - Access to approval and community map	
<p>The holder of an approval to operate a manufactured home estate must ensure that copies of the following documents must be readily available for inspection without cost by any person in a location in the manufactured home estate specified in the approval for the manufactured home estate:</p> <p>(a) the approval for the manufactured home estate,</p> <p>(b) the current community map,</p> <p>(c) this Regulation.</p>	<p>Condition 20 of the draft consent notice addresses this matter.</p>

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy No. 36 – Manufactured Home Estates
- State Environmental Planning Policy No. 71 – Coastal Protection
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Richmond Valley Local Environmental Plan 2012

Compliance with these instruments is addressed below

7.2 State Environmental Planning Policy No. 36 – Manufactured Home Estates (SEPP 36)

Development for the purposes of manufactured home estates is regulated by State Environmental Planning Policy No 36 – Manufactured Home Estates (SEPP 36). The aim of SEPP 36 is to facilitate the development of well designed, appropriately located manufactured home estates to provide an alternative contemporary form of medium density residential development.

SEPP 36 permits manufactured home estates with consent on any land on which development for a caravan park may be carried out except land dedicated or reserved under the National Parks and Wildlife Act 1974, Crown reserves or specified categories of excluded land.

The subject site is zoned R1 General Residential under the Richmond Valley Local Environmental Plan 2012. Caravan Parks are a permissible land use within this zone. The proposed manufactured home estate is therefore a permissible land use in this zone.

Clause 9 of SEPP 36 stipulates matters that must be considered by Council when assessing development applications for manufactured home estates. The relevant sections of SEPP 36 are considered below:

SEPP 36 Clause	SEPP Requirement	Comment
Clause 6	Identifies land where manufactured home estates are not permitted under SEPP 36	Complies: The subject site is not land identified in Schedule 2 of this SEPP nor is it land dedicated or reserved under the National Parks and Wildlife Act 1974 or a Crown Reserve.
Clause 7 (1)	Requires development consent to be obtained for manufactured home estate	Complies: A development application was lodged with Richmond Valley Council on 23 September 2016 and is referred to the Joint Regional Planning Panel for determination.
Clause 7 (2)	Approval to operate a manufactured home estate under the provisions of the Local Government Act 1993	Complies: Condition 4 of the draft conditions addresses this matter.
Clause 8	Subdivision of manufactured home estates	Complies: The application does not include subdivision of the estate.
Clause 9 (1) Council must not grant approval for a manufactured home estate unless it is satisfied that:		
Clause 9 (1)(a)	Each of the sites on which a	Complies:

	manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity	All dwelling sites are to be connected to reticulated water, sewerage, drainage and electricity.
Clause 9 (1)(b)	The manufactured home estate is or will be provided with adequate transport services	<p>Complies:</p> <p>The estate has a single access point onto Currajong Street with the internal road network servicing each of the dwelling sites. Adequate visitor parking is provided on site.</p> <p>Existing public transport buses are available within 400m of the site.</p> <p>The local road network is capable of accommodating the additional traffic generated by the development.</p> <p>The site is able to be serviced by public transport and taxi.</p> <p>Condition 75 of the draft conditions requires pathways suitable for shared use and mobility scooters along Currajong Street and Booyong Street.</p>
Clause 9 (1)(c)	Sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate	<p>Complies:</p> <p>The MHE includes community facilities and recreation activities within the estate. The site's proximity to the town centre of Evans Head ensures that future residents have access to adequate community facilities and services.</p>
Clause 9 (1)(d)	<p>The development will not have an adverse effect on any:</p> <ul style="list-style-type: none"> • conservation area • heritage item • waterway or land having special landscape, scenic or ecological qualities, which is identified in an environmental planning instrument applicable to the land concerned. 	<p>Complies:</p> <p>The EHMA is listed under the State Heritage Register (No. 01649) for its historic, associative, aesthetic, social and representative values. The MHE site forms part of the land subject to this listing. Residential development on the site is consistent with the EHMA Plan of Management (POM 2009). The application was referred to the Heritage Division of the Office of Environment and Heritage who have provided General Terms of Approval to mitigate any potential conflicts between the estate and the EHMA.</p> <p>Given the site's proximity to known Oxleyan Pygmy Perch (OPP) habitat, the application was also referred to DPI Fisheries. DPI Fisheries have assessed the Test of Significance provided by the applicant and determined that <i>"...the proposed works are not likely to significantly affect threatened species, populations or ecological communities listed under the Fisheries Management Act 1994 (FM Act), or their habitats"</i>.</p>
Clause 9 (2) A council may grant a development consent pursuant to this Policy only after it has considered the following:		
Clause 9 (2)(a)	The cumulative impact of the proposed development and	<p>Complies:</p> <p>Currently there is no approved manufactured home</p>

	other manufactured home estates in the locality	estates located within the Evans Head village area. Riverside Village Caravan Park is located approximately 2.6 kms north west of the proposed MHE site. The proposed MHE estate is not perceived to generate any cumulative impacts if approved. The development will provide additional low maintenance housing opportunities for the Evans Head community on a currently vacant site.
Clause 9 (2)(b)	Any relevant guidelines issued by the Director,	None applicable.
Clause 9 (2)(c)	The provisions of the <i>Local Government (Manufactured Home Estates) Transitional Regulation 1993</i> .	Complies: The application has been assessed against the provisions of The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Removable Dwellings) Regulation 2005 in Section 6 of this report.
Schedule 2	Categories of excluded land	Complies: <ul style="list-style-type: none"> • The subject site is not subject to any coastal erosion, tidal inundation, slip, dunal movement or any other risks that may affect the development. • The site is not subject to flooding. • The site is not located within a water catchment area. • The site is not affected to an unacceptable level by an offensive or hazardous industry or any form of pollution. • The site is not identified in an environmental planning instrument as any of the following: <ul style="list-style-type: none"> ◦ extractive resources, ◦ services corridors, ◦ airport/industry buffer area, ◦ habitat corridor, ◦ containing significant remnant vegetation, ◦ littoral rainforest, ◦ water catchment, ◦ wetlands. • The subject site is zoned R1 General Residential in the Richmond Valley Local Environmental Plan 2012 and is “considered to be appropriate for residential purposes” in the Evans Head Memorial Aerodrome Plan of Management.

7.3 State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

The site is located within the coastal zone as defined by SEPP 71 and as such is required to comply with the relevant provisions of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71). The site is set back approximately 1.0 km from Airforce Beach to the east and 1.4km from the Evans River to the south and therefore it is not classified as a ‘sensitive coastal location’. It is considered that this development will not obstruct or affect the foreshore areas, views to and from these water bodies or affect activities currently undertaken in the vicinity of these water bodies.

The relevant clauses of SEPP 71 matters have been addressed in the table below:

SEPP 71 Clause	Comment
Clause 8 Matters to be considered:	
(a) the aims of this Policy set out in clause 2,	The development's location and design are considered to be consistent with the aims of SEPP 71 with regard to protecting, preserving and managing the natural, cultural, recreational and economic value of the coastal foreshore area east of the development site.
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	The site is set back approximately 1.0 km from Airforce Beach to the east and 1.4 km from the Evans River to the south and therefore does not have direct frontage to the coastal foreshore. It is considered that this development will not obstruct or affect access to the foreshore areas for pedestrians or persons with a disability.
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	Condition 75 requires pathways suitable for shared use and mobility scooters to be provided along Currajong Street towards Beech Street. This will improve accessibility to the foreshore area for pedestrians and persons with a disability.
(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	The site is surrounded by residential development to the south and industrial land to the east. It is considered that the proposed MHE has been designed and landscaped appropriately with regard to its location.
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	The development site is located approximately 1 km away from the coastal foreshore area. The community building is a single storey structure that is centrally located in the estate and will not result in any overshadowing or view loss of the foreshore area.
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	The developments design, bulk, scale and landscaping are in keeping with its coastal location and the EHMA POM 2009. The development will not detract from the scenic quality of the area.
(g) measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats,	The site is clear of vegetation due to extensive remediation works that have previously been undertaken on the site. Sediment control measures are to be undertaken during the construction phase of the development to mitigate any impacts on the nearby Oxleyan Pygmy Perch habitat areas.
(h) measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part),	An assessment has been undertaken to determine the proposal's impact on Oxleyan Pygmy Perch habitat. DPI Fisheries has advised the proposed works are not likely to significantly affect threatened species, populations or ecological communities. The

and their habitats	development will not significantly impact animals and plants and their habitats and will not impact fish and marine vegetation and their habitats.
(i) existing wildlife corridors and the impact of development on these corridors,	The proposed development site is to be constructed on a cleared site that has been zoned for residential purposes. The proposed development is not considered to have an adverse impact on nearby wildlife corridors.
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	The site's separation from the coastal foreshore area minimises its exposure to coastal hazards and processes. The development is not considered to have an impact on coastal hazards and processes.
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	The site does not have direct frontage or access to the coastal foreshore. The proposed use of the site for residential purposes is unlikely to generate conflict between land-based and water-based coastal activities.
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	A search of the Office of Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that no Aboriginal sites are recorded in or near the development site and no Aboriginal places have been declared in or near the above location.
(m) likely impacts of development on the water quality of coastal waterbodies,	The development has been designed so as to reduce stormwater volumes and improve water quality leaving the site. Measures such as sediment fences, hay bale sediment traps, inlet filters and vegetated stormwater retention/detention areas are to be incorporated on the site to mitigate the impact of the development on nearby waterbodies.
(n) the conservation and preservation of items of heritage, archaeological or historic significance,	<p>The Evans Head Memorial Airport located north of the development site is listed under the State Heritage Register (No. 01649) for its historic, associative, aesthetic, social and representative values. The development site forms part of the land subject to this listing.</p> <p>Residential development on the site is consistent with the EHMA Plan of Management (POM 2009). A Heritage Impact Statement was prepared and was referred to the Office of Environment and Heritage (Heritage Division) for their concurrence. Formal concurrence and general terms of approval has been received for the development.</p> <p>The estate has been designed to reflect the linear, regimented appearance of the wartime aerodrome. Runways and taxi ways will remain clear of buildings and are easily identifiable through appropriate landscaping treatments.</p> <p>The proposed development ensures protection of the</p>

	existing aviation use of the EHMA by being outside the 20 ANEF contour and by providing noise control measures be installed on future dwellings with the estate. Heritage matters are discussed in more detail on sections 7.6 and 11 of this report.
(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	Not applicable.
<p>(p) only in cases in which a development application in relation to proposed development is determined:</p> <p>(i) the cumulative impacts of the proposed development on the environment, and</p> <p>(ii) measures to ensure that water and energy usage by the proposed development is efficient.</p>	<p>The site currently has approval for an Integrated Retirement Village and 20 Torrens title lots under Development Consent No. 2011/0223. Condition 2 of the draft conditions requires all components of Development Consent No. 2011/0223, other than the 20 Torrens title lots, be surrendered prior to commencement of the manufactured home estate development.</p> <p>The loading from the previously approved retirement village (2011) was determined at the time to be 288.6 ETs. The MHE site loading based on the submitted plans is 181.5ET. This represents a reduction in loading on the STP of some 107.1 ET from what has previously been assessed.</p>
<p>Clause 14 Public access</p> <p>A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.</p>	The site is located approximately 1 km east of the coastal foreshore with residential, industrial and Crown land located between the development site and the foreshore area. It is considered the development will not affect existing foreshore access.
<p>Clause 15 Effluent disposal</p> <p>The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform</p>	The proposed Manufactured home sites will be connected to a reticulated sewerage disposal system.

<p>Clause 16 Stormwater</p> <p>The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.</p>	<p>The Stormwater Management plan will ensure the stormwater leaving the site is treated to minimise its environmental impact.</p> <p>Condition 74 of the draft conditions requires measures to be put in place to control stormwater runoff during the construction stages. These control measures shall be in place prior to the commencement of construction works and shall prevent soil erosion and transport of sediments from the development site into either:</p> <ul style="list-style-type: none"> • adjoining land • natural drainage courses • constructed drainage systems, and • waterways <p>The methods to be used shall be in accordance with the book <i>"Managing Urban Stormwater: Soils & Construction" also known as 'the Blue Book'"</i> published by NSW Landcom.</p> <p>All control measures are to be maintained in an operational condition at all times during construction and until vegetation or permanent structures can satisfactorily control stormwater runoff. Control measures shall be regularly cleared of sediment and debris build-up, to ensure continued operation.</p> <p>During construction works all motor fuels, oils and other chemicals are to be stored and used on site in a manner which ensures no contamination of stormwater. No incidents of visible pollution leaving the construction site. No litter placed in a position where it may be blown or washed off site.</p>
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It is considered the development satisfies the matters for consideration under SEPP 71.

7.4 State Environmental Planning Policy No. 55 – Remediation of Land

The historical uses of the site resulted in contamination of the soil during RAAF operations during WWII with road and runway construction, dust suppression, asbestos fibro building materials and Council Depot operations. The contamination was located within the top 200mm of soil.

Extensive remediation works have been undertaken on the site to ensure the site is suitable for residential use. These works were undertaken in accordance with Development Consent Notice 2011.0097.

Council has received clearance from the site auditor in August 2012 that the remediation works have been carried out in accordance with the Contaminated Land Planning Guidelines and in accordance with the Remediation Action Plan (RAP) for the site.

7.5 State Environmental Planning Policy (Infrastructure) 2007

The original application proposed in excess of 200 dwelling sites and therefore is classified as a “traffic generating development” in accordance with Clause 104 of State Environmental Planning Policy Infrastructure 2007. As such the proposal was referred to Roads and Maritime Services (RMS).

RMS provided advice dated 19 December 2016 and 16 May 2017 that it has no objection to the proposal provided that:

- Council are satisfied that the intersection of Currajong Drive and Evans Head-Woodburn Road can safely accommodate peak traffic movements generated by the development;
- All vehicles shall enter and leave the site in a forward direction;
- Availability of nearby public transport ; and
- Safe connections to existing pedestrian/cycle facilities.

Council engineers have advised the local road network has capacity to safely accommodate traffic generated by the development. Vehicles are able to enter and exit the site via the single access point onto Carrajong Street. Adequate maneuvering areas are available for staff and maintenance vehicles to merge onto Memorial Airport Drive in a forward direction.

Bus services run along Currajong Street and will be available to future residents of the estate.

Condition 75 of the draft conditions requires pathways suitable for shared use and mobility scooters along Currajong Street and Booyong Street, to connect with existing pathways through Evans Head.

7.6 Richmond Valley Local Environmental Plan 2012

Objectives of the zone

The site is zoned R1 General Residential as shown in Figure 7. Caravan parks are permitted in this zone with consent. The proposed manufactured home estate is therefore a permissible land use in this zone pursuant to the provisions of SEPP 36.

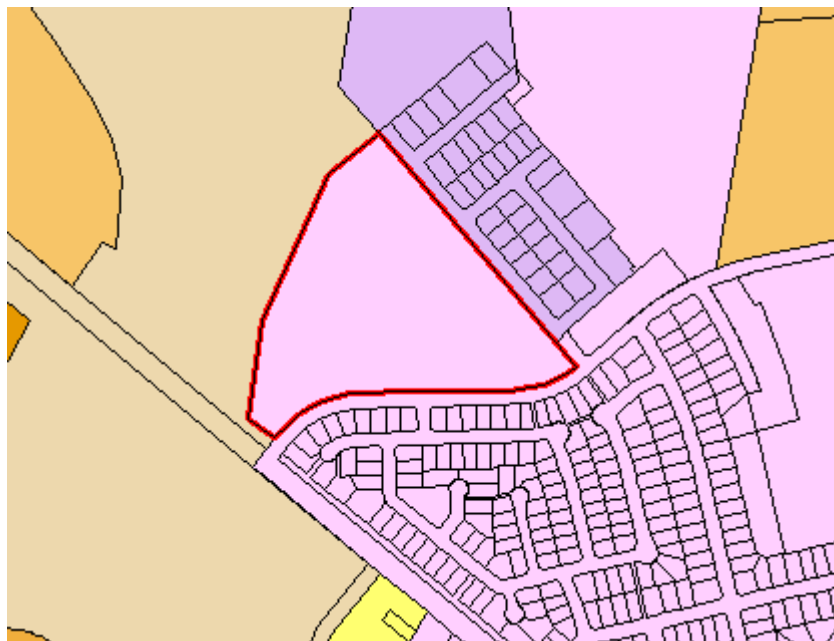


Figure 7 – RVLEP 2012 Zoning Map

The zone objectives are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that housing densities are generally concentrated in locations accessible to public transport, employment, services and facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

The proposal is consistent with these objectives as the development will provide affordable, low-maintenance housing not currently available in the Evans Head village area. The site's proximity to the Evans Head town centre makes it ideally situated for residents to access services and facilities. The estate has been designed in accordance with relevant planning legislation to minimise conflict with existing land uses in the locality. Future housing located on the estate will be designed and constructed so as to mitigate impacts from existing development such as the industrial land and the Evans Head Memorial Aerodrome.

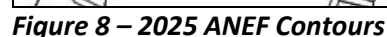
The LEP provisions applicable to the proposed development are listed below:

LEP Clause	Provision	Comment
4.3 Height of buildings	Maximum height of 8.5m applies.	Complies The proposed community clubhouse will be 6.725 metres at its highest point. The proponent has advised that future dwellings on the site will be single storey.
5.5 Development within the Coastal Zone		Complies The proposed development: <ul style="list-style-type: none"> • will not restrict access to or impact the coastal foreshore; • has been designed to mitigate any potential land use conflicts with existing development in the locality; • is not likely to significantly affect threatened species, populations or ecological communities; • will be appropriately serviced with reticulated water, sewerage and stormwater infrastructure to ensure the water quality of nearby water bodies is maintained.
5.10 Heritage Conservation		See comments below.
6.1 Acid Sulfate Soils (ASS)	Addresses the management of acid sulfate soils.	Complies The site is identified as potentially containing Class 3 Acid Sulfate Soils. Testing of the site previously undertaken by consultants indicated that neither actual nor potential acid sulfate soils are present on the site. Seventy-two samples were tested at various depths to 3 metres below ground level. Excavation works to provide services to the development may

		<p>exceed 3 metres below natural ground level. Condition 93 of the draft conditions will require an ASS Management Plan for any excavation works beyond 3 metres below ground level.</p>
6.2 Essential Services	<p>Requires the provision of water, electricity, sewage, stormwater drainage and road access is to be provided or suitable arrangements for its provisions be available.</p>	<p>Complies</p> <p>The manufactured home estate will be fully serviced with reticulated water and sewage services.</p> <p>Stormwater drainage and road design are detailed in the <i>Preliminary Engineering Drawings</i> attached to this report.</p> <p>Electricity and phone services will be connected to the site in accordance with the draft conditions.</p>
6.3 Earthworks	<p>Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>Complies</p> <p>The development proposes earthworks including two detention basins and a bio-retention basin for stormwater management, a 1.5m high x 6 metre wide earth mound along the eastern boundary of the site and fill to be imported to the whole of the site. Details of the proposed earthworks are provided in the <i>Site Earthworks Plan</i> attached to this report.</p> <p>The site is currently flat and with limited drainage during heavy rainfall events. The estate has been designed to direct stormwater flow to the retention/detention basins and to Council stormwater infrastructure. This is an improvement to current drainage of the site.</p> <p>Excavation of the site has previously been undertaken in remediation works to enable the site to be suitable for residential development.</p> <p>A retaining wall is to be constructed along the north-western boundary to support the fill required for the development. This will allow surface flows being directed away from the EHMA.</p> <p>The proposed earth mound along Memorial Airport Drive will provide a visual and acoustic barrier from the adjacent industrial estate. It is therefore considered that the proposed earthworks will not have a negative impact on the adjoining properties.</p> <p>Condition 35 of the consent requires details of the source and quality of all proposed fill material and sedimentation control measures to be submitted to and approved by Council prior to work commencing. Any excavated site material will be redistributed on the site where</p>

		<p>needed.</p> <p>Relics are not anticipated due to the site being significantly disturbed from its original state both as a consequence of the aerodrome operations and the site remediation which involved removal of the top soil and all vegetation from site.</p> <p>Investigation of the site in regard indigenous heritage was undertaken prior to the remediation works undertaken in DA 2011.0097. No objects or places of indigenous heritage value were found on the site. A search of the Office of Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that no Aboriginal sites are recorded in or near the development site and no Aboriginal places have been declared in or near the above location.</p> <p>Erosion and sediment control measures will be put in place and maintained to prevent soil erosion and the transportation of sediment from the site and eventually into natural or constructed drainage lines or watercourses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Work may not proceed until the sedimentation controls are in place.</p>
6.8 Riparian land and watercourses	Requires the preservation of water courses, and aquatic and riparian habitats.	<p>The south western corner of the site is mapped as Key Fish Habitat under the LEP. The site is within the immediate catchment areas of known habitat of the threatened fish species Oxleyan Pygmy Perch. A Test of Significance pursuant to Section 220ZZ of the Fisheries Management Act 1994 has been undertaken to assess the impact of the proposal on the Oxleyan Pygmy Perch habitat. A site inspection of the site also recorded the presence of a threatened water plant (<i>Maundia triglochinoxoides</i>) within the road side drain along Woodburn-Evans Head Road. Consequently, a Test of Significance under Section 94 of the Threatened Species Conservation Act 1995 for the <i>Maundia triglochinoxoides</i> species was also undertaken.</p> <p>The Tests of Significance determined that the proposal would be unlikely to have a significant impact on Oxleyan Pygmy Perch or <i>Maundia triglochinoxoides</i> habitat. This conclusion is supported by DPI Fisheries who</p>

		determined “...the proposed works are not likely to significantly affect threatened species, populations or ecological communities listed under the Fisheries Management Act 1994 (FM Act), or their habitats, and consequently the proposed works do not require a licence under section 220ZW under the FM Act”.
6.11 Airspace operations	Requires the Limitation or Operations Surface (OLS) to be assessed on development in the vicinity of airports.	<p>Complies</p> <p>The OLS within the EHMA Plan of Management defines the lower limits of airspace, centred on the aerodrome, which is required to allow the safe maneuvering of aircraft on arrival or departure from the aerodrome. The OLS of the majority of the subject site is 51.5 metres AHD. A small portion of land in the south-western corner of the site has an OLS of 30 metres AHD. The proposed clubhouse will be 6.725 metres above ground level. The ground level of the site is 7.000 RL AHD. The community building will therefore have a maximum height of 13.725 RL AHD. This is well below the OLS of the site.</p>
6.12 Development in areas subject to aircraft noise	<p>Australian Noise Exposure Forecast</p> <p>This clause applies to land that is in an ANEF contour of 20 or greater.</p>	<p>The ANEF is used to provide guidance for land use planning. The ANEF contours indicate the suitability of various land uses near an aerodrome. Values higher than 25 ANEF are considered incompatible with residential development, whilst areas below 20 ANEF are considered acceptable for residential development. Between 20 and 25 ANEF, residential development should only be permitted with the incorporation of suitable noise reduction features.</p> <p>The boundary of the development site is outside the 20 ANEF contour (refer to Figure 8 below). According to the Australian Standard AS 2021, residential development is an appropriate land use in the area.</p> <p>Notwithstanding, the GTAs received from the OEHL include conditions regarding aircraft noise and measures to mitigate the impacts of the aerodrome on future dwellings in the estate.</p>



The site is considered historically significant due to the RAAF operations during WWII that occurred on the site. The aerodrome is believed to be the largest RAAF training base (over 5000 personnel) in the Southern Hemisphere during World War II and was used for air crew training under the Empire Air Training Scheme and was designated as the No. 1 Bombing and Gunnery School from 1939 to 1943.

The Evans Head Aerodrome was listed in the NSW State Heritage Register (SHR) on 22 November 2002. Consequently the NSW Heritage Council became the joint consent authority with Richmond Valley Council for proposals that may affect the registered item's heritage significance. This process is facilitated by the provisions for Integrated Development Assessment (IDA) under the Environmental Planning and Assessment Act 1979.

A Heritage Impact Statement has been prepared by the applicant and forwarded to the OEH for consideration in the assessment of the development. The OEH provided General Terms of Approval for the development subject to conditions pertaining to:

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- ongoing heritage conservation and management measures.

These conditions have been included in the draft conditions of consent.

Evans Head Memorial Aerodrome Plan of Management 2009 (POM)

The subject site is identified as the Southern Runway Zone in the EHMA POM. This area consists of the southern section of Runway 14/32 and associated taxiways. Existing residential development south of Currajong Street has been constructed on land previously comprising the extreme southern extension of the runway

The POM identified the Southern Runway Zone to be appropriate for residential purposes, however any development of this area should be subject to appropriate development controls which protect the continued use of the aerodrome for aviation purposes. The site's aviation history should also be reflected in any proposed development for this area by incorporating the following design principles:

- The alignment of runway 14/32 and the two taxiways off it should be retained in some clearly recognisable form in the landscape in any subsequent land use. This may include retention of open space, alignment of roads and adjacent building development, landscape treatment or some other approach that stressed the lineal nature of the runways and taxiways, visible from both ground level and the air. •
- Any buildings proposed should be treated with noise dampening devices such as insulation and double glazing.
- The form, orientation, external building materials and scale of any buildings located within the Southern Runway Zone should be sympathetic to the existing landscape which includes the southern end of Runway 14/32 and the two taxiways off it, the objective being to echo the lineal nature of the aerodrome.

The estate has been designed with these design principles in mind by incorporating the following design features in the development:

- keeping the former runway and taxiway areas as open space recreation areas;
- landscaping treatments to emphasis the former runway and taxiway footprints (refer to page 4 of *Landscape Master Plan*);
- Construction of a statement art piece at the entry of the estate that reflects the heritage use of the site.

8. Draft Environmental Planning Instruments

Draft Coastal Management SEPP

This Policy was recently on public exhibition, and gives effect to the planning objectives outlined in the Draft Coastal Management Act, which was also recently exhibited. The two documents combined provide an integrated approach to land use planning in the Coastal zone. In relation to the proposed development, the draft SEPP aims to manage development in the coastal zone and protect the environmental assets of the coast. Similarly to the response to SEPP 71, the proposed development is not considered to have any unacceptable impacts on the coastal environment.

9. Development Control Plan

The application requires compliance with the applicable sections of the Richmond Valley Development Control Plan 2015 (RVDCP). The relevant sections of the RVDCP are addressed below:

DCP Provision	Comment
E-7 Manufactured Home Estates, Caravan Parks and Camping Grounds	Requires all manufactured home estates to be assessed in accordance with SEPP 36. This has been addressed in section 7.2 of this report.
H-2 Bushfire	<p>Part of the site is identified within the 100m buffer area of bush fire prone land (i.e. land to the south of Woodburn- Evans Head Road). A s.100B approval under the <i>Rural Fires Act 1997</i> is required as the development is a 'special fire protection purpose'. The NSW Rural Fire Service (RFS) has provided General Terms of Approval subject to conditions relating to:</p> <ul style="list-style-type: none"> • asset protection zones; • water and utilities; • evacuation and emergency management; • design and construction; • landscaping <p>These conditions have been included in the draft conditions of consent.</p>
H-3 Acid Sulfate Soils	Refer to section 7.6 of this report.
H-4.5 Riparian Land and watercourses	Refer to section 7.6 of this report.
I-1 Heritage	Refer to section 7.6 of this report.
I-3 Setbacks and Building Height	<p>Setbacks The minimum setbacks required for manufactured home estates are set by Clauses 17 & 18 of the Local Government Regulation 2005 (Complies - refer to Section 6 of this report).</p> <p>Building Height Complies - Refer to section 7.6 of this report.</p>
I-4 Car Parking Requirements	Car parking for manufactured home estates are set by Clauses 23 & 24 of the Local Government Regulation 2005 (Complies - refer to Section 6 of this report).
I-7 Noise Impact Assessment	The proposed development does not require a Noise Impact Assessment under the provisions of the DCP. Given the proposed development is outside of the 20 ANEF contour for the EHMA, no additional acoustic treatment to the buildings is required. Despite this, conditions pertaining to noise impacts have been included in the general terms of approval provided by OEH. These include the requirement for a letter from a suitably qualified and experienced acoustic engineer be submitted for any new dwelling certifying that the dwelling has suitable internal noise levels as set out in <i>Australian Standard 2021:2015 Acoustics—Aircraft noise intrusion— Building siting and construction</i> .
I-8 Social Impact Assessment (SIA)	<p>Council required a SIA to be undertaken in order to assess the potential social impacts of the development on the local community The applicant claimed there are substantial social benefits to be derived from the proposed development namely:</p> <ul style="list-style-type: none"> • Significant increase in the stock of purpose-built over 55 'retirement' housing to allow housing options for aging in place; • Construction of a house type that is currently non-existent in

	<p>the locality;</p> <ul style="list-style-type: none"> • Provision of a purpose-built facility that will provide a high level of residential amenity, safety and security for residents; • Provision of a purpose-built facility that will provide a high level of facilities and services on the site to cater for the day-to-day needs of the residents (including sport and recreational activities); • An increase in employment opportunities for local residents both during construction and operation of the facility. <p>The social impacts associated with the proposal include additional demand on water, sewer and road infrastructure and additional demand on local and regional recreation facilities.</p>
I-9 Water Sensitive Urban Design (WSUD)	<p>The development has been designed so as to reduce stormwater volumes, improve water quality and implement the principals of WSUD. Roadworks & Drainage Plans, Site Earthworks Plan, Erosion & Sedimentation Control Plan and Erosion and Sedimentation Control Details have been submitted with the application. These have been prepared in accordance with the DCP which incorporates measures such as sediment fences, hay bale sediment traps, inlet filters and vegetated stormwater retention/detention areas.</p> <p>The proposal development is considered consistent with provisions of the DCP.</p>
I-10 Crime Prevention Through Environmental Design	<p>Part I-10 of the RVDCP outlines the requirements to consider CPTED elements within developments. The CPTED principles have been addressed with the following design/operational elements:</p> <ul style="list-style-type: none"> • Reciprocal passive surveillance will exist between the 20 dwellings to the south along Currajong Street and the manufactured home estate to the north; • Landscaping has been selected so that species do not unreasonably interfere with the natural monitoring of public spaces. The retention basin has medium size shrubs that will ensure longer range visibility through the landscaped areas. • The proposal will employ active deterrence elements in the form of onsite staff including 2 full-time grounds/building maintenance personnel and a 24 hours caretaker. The responsibility of the onsite employees will include the daily open up and lock up of the community facility and attending to any issues on site. • Passive surveillance from the future manufactured homes will be provided onto the internal roadways within the MHE. • Clear entry into the site with central landscaping and sculptural element; • Clear transitions and boundaries between public and private space at all boundaries and internally; • Pedestrian routes to the community facilities building being clearly defined by footpaths and entrance treatment;

	<ul style="list-style-type: none"> • The manager and staff will ensure the facility is kept clean, tidy and in a presentable manner, which reinforces ownership; • Rapid repair of vandalism, ongoing regular maintenance; • A condition will be placed on the consent requiring the estate to be adequately lit between sunset and sunrise. <p>The proposed 1.5 metre high earth mound located along the entire length of the eastern boundary of the estate limits the opportunity for natural surveillance between the MHE and Memorial Airport Drive. It is considered that the earth mound is a necessary feature to provide noise attenuation for the existing industrial uses that are adjacent to the subject site. The development was referred to NSW Police for comment. No response was received.</p> <p>The proposal is considered to incorporate sufficient and practical CPTED measures and is compliant with the intent of Part I-10</p>
I-11 Land Use Conflict Risk Assessment	<p>This section of the DCP predominantly relates to land use conflicts and recommended buffers in rural areas. The site is located within the village area of the Evans Head.</p> <p>Notwithstanding this, consideration has been given with regard to potential land use conflicts (particularly noise impacts) with the Evans Head Memorial Aerodrome to the north and the existing industrial estate to the east. The GTAs provided by OEH include a number of conditions aimed at ensuring the operations of the EHMA will not be impacted by the future residential use of the site. These include:</p> <ul style="list-style-type: none"> • Requirements to notify future residents of the aerodrome activities and ANEF contours prior to entering into any formal agreements/contracts; • Acoustic report demonstrating compliance with Australian Standard 2021:2015 Acoustics—Aircraft noise intrusion—Building siting and construction for new dwellings on the site; • Procedures to deal with noise complaints; <p>Construction of the 6 metre wide x 1.5 metre high landscaped earth mound will provide a visual and acoustic buffer between the future dwellings on the estate and the adjacent industrial estate.</p>
J Notification and Advertising	The proposal was notified and advertised for 30 days.

10. The Regulations

The development application has been processed and assessed in accordance with the following provisions of the Regulation. Where appropriate, draft conditions of consent have been included to address these matters.

Part	Provision	Comment
Clause 5	Advertised Development	The application is classified as Nominated Integrated Development

		and exhibited in accordance with requirements.
<i>Cause 25J and 25K</i>	Section 94A levy—determination of proposed cost of development	Condition 67 of the draft conditions imposes S94A contributions for the development.
<i>Part 6 Division 3</i>	Procedures for Integrated development.	General Terms of Approval were obtained from OEH and RFS and are attached in Appendices D & E.
<i>Part 6 Division 7</i>	Public participation – Other Advertised Development	The Application was advertised and notified as required.
<i>Part 6 Division 8</i>	Additional matters to be considered: Coastal Policy	The proposal is consistent with the strategic actions and goals of the NSW Coastal Policy 1997.
<i>Part 6 Division 12A</i>	Provisions relating to Regional Panels	The application is referred to the Joint Regional Planning Panel for determination.
<i>Part 9</i>	Fire Safety and BCA compliance	Consent conditions are included to require compliance with BCA and fire safety as required for the proposed clubhouse building.

11. The likely impacts of the development

Built Environment

The proposed development will create a visual impact with the construction of medium density residential development on a currently vacant site. The community building to be erected within the development is a single storey building. The density of the development when compared to the surrounding 'traditional' residential subdivision and development is considered high, however the visual impact of the development on the locality is somewhat mitigated by the following:

- Existing vegetation located along the Woodburn-Evans Head Road screens the development site from the west. This vegetation is located along the road reserve and will not be removed.
- The 20 Torrens title lots approved in DA2011.0223 fronting Currajong Street will eventually contain traditional low density residential development. This will mitigate the visual impact of the development to the south and along Currajong Street. When viewed from the adjoining residential subdivision the development will not look dissimilar to the existing residential development in the area, with similar scale and density.
- The proposed landscaped earth mound will create a visual buffer of the development to the east, along Memorial Airport Drive.
- The site will be visible from the Evans Head Memorial Aerodrome to the north of the site. The proposed development complies with the required setback from the property boundary. The proposed landscaping and open space areas of the site will soften the built form located that will eventually be located on the site.
- Landscaping is proposed to compensate for the additional built form.

As demonstrated earlier in the report, the proposed development has been designed to achieve compliance with the planning controls relating to manufactured home estates.

Roads and Traffic

The proposed development will create additional traffic movements in the locality. The application was referred to RMS in accordance with Clause 104 of State Environmental Planning Policy Infrastructure 2007. RMS provided advice that it had no objection to the proposal provided that Council are satisfied that the intersection of Currajong Drive and Evans Head-Woodburn Road can safely accommodate peak traffic movements generated by the development and all vehicles shall enter and leave the site in a forward direction. Council's engineers have advised the surrounding road network is capable of servicing the increase in traffic activity generated by the development.

Resident access to the site will be via a single access point on Currajong Street. No resident access is proposed from Memorial Airport Drive. A single vehicular access point from Memorial Airport Drive to the north eastern corner of the estate will be restricted to staff vehicles only.

Adequate car parking and vehicle manoeuvrability is available on site for all types of vehicles that are expected to access the development. Road design, visitor parking, parking for people with disabilities and speed limits all comply with the relevant legislation.

Natural Environment

The proposed development will not require the removal of any vegetation and is unlikely to cause a detrimental impact to any endangered and non-endangered species of flora and fauna. Due to previous remediation works, the entire development site has been stripped of its top soil which contained the contamination and the remaining soil has been grass seeded. The proposed landscape plan shows appropriate planting and establishment of vegetation within the setbacks to ensure the development is unlikely to result in any detrimental impact upon the natural environment.

The south western corner of the site is located within the immediate catchment areas of known habitat of the threatened fish species Oxleyan Pygmy Perch and *Maundia triglochoides* habitat. Advice from DPI Fisheries confirms that the proposed development not likely to significantly affect threatened species, populations or ecological communities listed under the Fisheries Management Act 1994 (FM Act), or their habitats.

Adequate erosion and sediment control measures are to be implemented during the construction of the development to ensure water runoff to the drain located on the western boundary of the site is appropriated managed.

Contamination

The historical uses of the site resulted in contamination of the soil during RAAF operations during WWII with road and runway construction, dust suppression, asbestos fibro building materials and Council Depot operations. The contamination was located within the top 200mm of soil.

Extensive remediation works have been undertaken on the site to ensure the site is suitable for residential use. These works were undertaken in accordance with Development Consent Notice 2011.0097.

Documentation has been submitted to Council in August 2012 verifying that the remediation works have been carried out in accordance with the Contaminated Land Planning Guidelines and in accordance with the Remediation Action Plan (RAP) for the site.

European Heritage

The EHMA is listed under the State Heritage Register (No. 01649) for its historic, associative, aesthetic, social and representative values. The development site forms part of the land subject to this listing.

Residential development on the site is consistent with the EHMA Plan of Management (POM 2009). A Heritage Impact Statement was prepared and was referred to the Office of Environment and Heritage (Heritage Division) for their concurrence. Formal concurrence and general terms of approval has been received for the development.

The general terms of approval issued by the Office of Environment and Heritage (Heritage Division) include measures to ensure the protection of the existing aviation use of the EHMA. These include noise management strategies and ensuring prospective owners a suitably advised of the aerodrome operations prior to entering into any agreements.

Indigenous Heritage

The site is significantly disturbed from its original state both as a consequence of the aerodrome operations and the site remediation which involved removal of the top soil and all vegetation from site.

Investigation of the site in regard indigenous heritage was undertaken prior to the remediation works in DA 20011.0097. No objects or places of indigenous heritage value were found on the site. A search of the Office of Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that no Aboriginal sites are recorded in or near the development site and no Aboriginal places have been declared in or near the above location.

Noise

Noise generation during the construction phase is considered to be acceptable within normal building hours. The closest receptors will be the existing residential subdivision to the south and some caretakers units within the Industrial estate to the east. As the 20 residential lots are constructed and occupied along Currajong Street, they will become the closest receptor with once again normal construction hours limiting impacts. Condition 34 of the draft conditions addresses hours in which construction activities are permitted.

Once the development is complete there will be potential for multiple noise sources and noise receivers such as aerodrome operations and MHE occupants, activities centred around the community building and recreational facilities, the 20 residential lots and the caretakers units in the industrial estate.

Condition 18 of the draft conditions addresses noise impacts generated by activities associated in the community building.

The proposed compacted earth mound and landscaping along Memorial Airport Drive will mitigate potential noise impacts from the existing industrial estate and future dwellings on the manufactured home estate.

Given the proposed development is outside of the 20 ANEF contour for the EHMA, no additional acoustic treatment to the buildings is required. Despite this, conditions pertaining to noise impacts have been included in the general terms of approval issued by OEH.

Waste Management

The site will generate waste during construction and the ongoing operation of the facility. A Waste Minimisation and Management Plan has been submitted with the application. The management plan identifies the need to manage waste during construction of the estate as well as providing options to manage domestic waste when the development is occupied. Two options are proposed to manage domestic waste including providing bins for waste and recycling at each allotment or providing a number of larger skip bins at designated points around the estate. The proposal is to have the waste collected by a private contractor.

Condition 86 of the draft conditions require a Waste Management Plan be submitted to and approved by Council prior to commencement of Stage 1 of the estate.

Bushfire

Part of the site is identified within the 100m buffer area of bush fire prone land (i.e. land to the south of Woodburn- Evans Head Road). A s.100B approval under the *Rural Fires Act 1997* is required as the development is a 'special fire protection purpose'. The NSW Rural Fire Service (RFS) has provided General Terms of Approval subject to conditions relating to:

- asset protection zones;
- water and utilities;
- evacuation and emergency management;
- design and construction;
- landscaping

These conditions have been included in Appendix E of this report.

Social and Economic Impacts

The development is likely to result in a positive social impact within the locality by providing a housing type previously not available in the Evans Head village area. The proposed development will provide affordable, low maintenance housing and will increase housing supply in Evans Head.

The provision of the communal open spaces and facilities within the estate will create a positive space for social interaction and bonding among residents.

The development will result in a positive economic impact, providing employment during the construction of the estate and employment opportunities for the maintenance and management of the estate.

Cumulative impacts

The cumulative impact of the development has been considered in relation to the heads of consideration under s. 79C of the *EP&A Act 1979*. As each impact is considered minimal when the mitigation measures are applied, overall it is considered the cumulative impact of the development will in turn be minimal and acceptable.

12. Site Suitability

The proposed development has demonstrated compliance with the applicable planning legislation attached to the site. Furthermore, both OEH and RFS have provided concurrence for the development subject to appropriate conditions. Additional referral bodies such as the RMS, NSW Police, and DPI Fisheries have provided no objection to the development application. It is therefore considered that construction of a manufactured home estate is a suitable and appropriate use of the site.

13. Submissions

The development application was placed on Public Exhibition for thirty-three days being from 12 October 2016 to 14 November 2016. Written notification to land owners was undertaken and a published notice appeared in a local newspaper on 14 October 2016. Two submissions were received during the exhibition period and an additional late submission accepted by Council.

The amended application was re-notified and placed on public exhibition for 32 days from 8 June 2017 to 10 July 2017. An additional submission was received during the second exhibition period.

Issues raised in the submissions are addressed below:

ISSUE RAISED	ASSESSMENT COMMENTS
Noise complaints from future residents of the MHE against existing business activities in the industrial estate.	Multiple site inspections were undertaken throughout the assessment process of the application. On each occasion excessive noise generated from the industrial estate was not evident. Notwithstanding, the proposed 6m wide x 1.5 m high densely packed soil mound with landscaping is proposed to act as a sound barrier for noise generated from the industrial estate.
Heritage impacts of the development	The application was referred to the Office of Environment and Heritage (Heritage Division). OEH has assessed the application and provided concurrence for the development subject to the general terms of approval issued 28 July 2017.
Aviation accidents	The EHMA is a low use aerodrome. There are currently no guidelines in NSW which regulate or provide buffer distances between airports and residential development. The GTAs imposed by OEH include provisions to ensure potential residents of the MHE are aware of the activities associated with the aerodrome prior to entering into any lease agreements. The proposed use is consistent with the previously approved seniors living development on the MHE site.
Conflict of interest with Council being the land owner and providing assessment advice to JRPP.	Council has undertaken the assessment report for this development in accordance with the Environmental Planning and Assessment Act and Regulations. The final determination lies with the JRPP. Council has engaged the services of independent consultant town planner to review Council's assessment processes. The independent review has been taken into consideration and amendments made to this report where appropriate. A copy of this review is attached to this report (Appendix H).
Conflict with current development application on adjoining land.	Council received a late submission regarding the proposed MHE's compatibility with an existing development application for a proposed Air Park on the adjoining EHMA (DA2017/0003). The submission suggested acoustic treatment of the MHE dwellings should be considered to mitigate noise generated by the aerodrome. This has been addressed in the OEH's GTAs. This submission also raised concern that the proposed MHE will limit the aerodrome's potential for future expansion. The subject site already holds an existing approval (DA2011/0223) for high density residential development that would need to be considered in any future plans to upgrade/increase the current

	operations of the EHMA.
Determination of this application should be deferred until finalisation of DA2017/0003	Development Application No 2017/0003 was lodged with Richmond Valley Council on 11 July 2016 for a proposed Airpark directly north of the subject site. At the current time this application has not progressed and Council's request for additional information remains outstanding. It is not appropriate to defer determination of the application of the manufactured home estate.
Aesthetic and hydrological concerns regarding the proposed retaining walls.	<p>The retaining walls are necessary to retain the site fill required to allow stormwater flows to be directed to the south-western corner of the estate. Stormwater will pass through the detention basins 1 & 2 for pre-treatment of flows before being directed to the bio-retention basin. The proposed earthworks have been designed to direct stormwater flows away from the EHMA.</p> <p>Condition 74 of the draft conditions requires design details of any retaining walls in excess of 0.6 metres be submitted to and approved by Council. Details such as dimensions, materials and design features are to be provided to Council.</p>
Lack of stormwater modelling data provided in the application.	The Stormwater Management Report prepared by GeoLINK contained stormwater modelling utilising DRAINS and MUSIC software. These programs are widely used and accepted as effective stormwater modelling tools. It is considered that the stormwater management report has been prepared by a suitably qualified professional.
Adequacy of existing sewerage capacity of the Evans Head Sewerage Treatment Plant	<p>Council engineers have advised the following:</p> <ul style="list-style-type: none"> • The Evans Head STP and transport system were augmented in 2007 and included a second extended aeration tank that will that will be able to double the capacity of the plant once the loading on the plant increases over the years. Similarly upgrades of pump stations and rising mains are programmed over a number of years to match the increases in loadings as they occur. The loadings on the treatment plant have not yet reached the stage where the second extended aeration tank needs to be commissioned. • The loading from the MHE site from the previously approved retirement village (2011) was determined at the time to be 288.6 ET. The MHE site loading based on the submitted plans is 181.5ET. This represents a reduction in loading on the STP of some 107.1 ET from what has previously been assessed/approved. • It is expected that there will be sufficient capacity in the short to medium term to cater for this development. Works will be undertaken to review the treatment plant capacity in light of changes to potential development areas and expected populations of developments. • In regards to the variation to the Licence, there have been no failures or regulatory breaches but an initiative to ensure ongoing success of the channel closure and ecosystem health.

14. Public Interest

Council received very few submissions opposing the development from the public. On consideration of the development as a whole, the development is considered to be in the public interest by providing alternative low-maintenance housing, recognition of the heritage values of the site and adjoining land, without having a detrimental impact on the Evans Head community.

The proposed development is consistent with the Directions 22, 23 and 25 of the *North Coast Regional Plan 2036* by delivering greater housing supply, increase housing diversity and choice and deliver more opportunities for affordable housing.

15. Conclusion and Recommendations

Development consent is sought for a manufactured home estate with 199 manufactured home sites, construction of community facilities (clubhouse, bowling greens and pool), construction of internal access roads and associated works.

The project delivers an alternative housing supply that is not currently available in the Evans Head village.

This application has been assessed having regard to the relevant matters for consideration prescribed by Section 79C (1) of the *Environmental Planning and Assessment Act 1979*.

The proposed development is permissible with consent in the R1 General Residential Zone and has been submitted for approval under the provisions of *State Environmental Planning Policy 36 – Manufactured Home Estates* and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The application was exhibited and notified with four public submissions being received. The application has been referred to and is supported by the Office of Environment and Heritage (Heritage Division) and the NSW Rural Fire Service.

The proposed development complies with legislative requirements, has appropriately considered potential impacts, is suitable for the location and will have social and economic benefits for the Evans Head community. The development is not considered to be inconsistent with the public interest subject to operation in accordance with the Statement of Environmental Effects and recommended consent conditions.

It is recommended that development application number DA2017/0054 (JRPP Reference No. 2016NTH026) be approved subject to conditions contained in Appendix I.

Appendix A – Architectural Drawings

(Please refer to separate attachment)

Appendix B – Preliminary Engineering Drawings

(Please refer to separate attachment)

Appendix C– Landscape Master Plan

(Please refer to separate attachment)

Appendix D – General Terms of Approval – Office of Environment & Heritage (Heritage Division)



File: SF16/49803
Doc: DOC17/213263
Your Ref: DA 2017.0054

Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Attention: Sonja Kennedy – Development Assessment Planner

Dear Ms Kennedy

**INTEGRATED DEVELOPMENT APPLICATION
HERITAGE COUNCIL OF NSW—GENERAL TERMS OF APPROVAL**

EVANS HEAD MEMORIAL AERODROME

17 Memorial Airport Drive (Lot1 DP193927)

Proposal: Manufactured Home Estate

IDA Application No: 2016/IDA/110

Amended application accepted: 12 July 2017

Additional information requested: Nil

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above amended integrated development application. In accordance with Section 91A of the *Environmental Planning and Assessment Act 1979*, the following amended General Terms of Approval are proposed to be granted:

1. Development must be in accordance with:

a) Architectural drawings (plans) prepared by Zoran Architecture as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Evans Head Estate			
DA001	Site Analysis Plan	27/03/2017	D1
DA100	Master Plan	27/03/2017	D1
DA101	Site Data Plan	27/03/2017	D1
DA102	Staging Plan	27/03/2017	D1
DA103	Open Space Plan	27/03/2017	D1
DA104	Road Network Plan	27/03/2017	D1
DA200	Club House Imagery Cover Sheet	27/03/2017	D1
DA201	Floor Plan Clubhouse	27/03/2017	D1
DA202	Roof Plan Clubhouse	27/03/2017	D1
DA203	Staging Plan Clubhouse	27/03/2017	D1
DA301	Elevations Clubhouse	27/03/2017	D1
DA401	Sections Clubhouse	27/03/2017	D1

DA001	Site Analysis Plan	27/03/2017	D1
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- b) Preliminary civil drawings (plans), prepared by Manage-Design-Engineer as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Airport Memorial Drive & Currajong Street, Evans Head NSW. Proposed Modular Housing Estate			
MDE-DA-023-D02 sheet 2 of 16	Site Plan	27/03/2017	2
MDE-DA-023-D05 sheet 5 of 16	Roadworks & Drainage Plan Sheet 1 of 3	27/03/2017	2
MDE-DA-023-D05 sheet 6 of 16	Roadworks & Drainage Plan Sheet 2 of 3	27/03/2017	2
MDE-DA-023-D05 sheet 7 of 16	Roadworks & Drainage Plan Sheet 3 of 3	27/03/2017	2
MDE-DA-023-D05 sheet 8 of 16	Site Earthworks Plan	27/03/2017	2
MDE-DA-023-D05 sheet 14 of 16	Sewer & Water Layout Plan	27/03/2017	2
MDE-DA-023-D05 sheet 15 of 16	Erosion & Sediment Control Plan	27/03/2017	2
MDE-DA-023-D05 sheet 16 of 16	Erosion & Sediment Control Details	27/03/2017	2

- c) Supplementary document entitled Memorial Airport Drive Evans Head. Landscape Master Plan, March 2017, prepared by Planit Consulting (DOC17/213263-4- 3).
- d) Supplementary document entitled Bushfire Threat Assessment for proposed Manufactured Home Estate at 17 Memorial Airport Drive, Evans Head, NSW, March 2017 prepared by Anderson Environment & Planning (DOC17/213263-2).
- e) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

EXCEPT AS AMENDED by the conditions of this approval:

WORKS

- No trees shall be planted within the area of the former landing strip or taxiways other than along the long edges of the former runway and taxiways. Landscaping in the area of the stormwater detention basin must be low in height, reinforcing the visually open character of the former runways.

Reason: To retain important historic and aesthetic elements of Evans head memorial Aerodrome.

- Delete the proposed carparking bays or relocate within the area of the former landing strip and taxiways.

Reason: To retain important historic and aesthetic elements of Evans head memorial Aerodrome.

DESIGN DETAILS

4. **Submit with the Section 60 application for assessment and approval, full construction and design details for the public domain works on the former runway and taxiway including but not limited to, all surface finishes, kerbs and gutters, grill and grates, furniture and landscaped areas.**

Reason: To enable a full and proper assessment of heritage impacts. It is recommended that the public domain works be detailed to retain the interpretation of the former runway and taxiways as long rectilinear spaces.

NOISE MANAGEMENT

5. **The owner of the land shall provide prospective lessees and residents with the 2025 ANEF (Evans Head Aerodrome Australian Noise Exposure Forecast 2025) chart with the 15 ANEF contour displayed and the ANEC contours for a busy day if the Great Eastern Fly-In. A copy of these documents shall be provided to the Conservation Manager, Heritage Division, Office of Environment and Heritage prior to any works commencing on site.**

Reason: To help ensure compliance with the "Heritage Agreement – Evans Head Memorial Aerodrome".

6. **A letter from a suitably qualified and experienced acoustic engineer must be submitted with a s60 application made under the Heritage Act for any new dwelling, the letter certifying that the dwelling has suitable internal noise levels as set out in Australian Standard 2021:2015 Acoustics—Aircraft noise intrusion— Building siting and construction.**

Reason: To help ensure that noise complaints are minimised.

7. **The owner of the land on which the proposed Manufactured Home Estate is located shall provide all prospective residents, staff, volunteers, contractors and other service providers with information advising them of the site's exposure to noise and safety issues associated with the aviation use of the Evans Head Memorial Aerodrome. Further, the owner shall ensure that all prospective residents, staff, volunteers, contractors and other service providers have acknowledged in writing that they have been advised of the site's exposure prior to entering into any formal arrangements. A copy of the noise information document and template acknowledgement form shall be provided to the Conservation Manager, Heritage Division, Office of Environment and Heritage prior to any works commencing on site.**

Reason: To help ensure that all prospective residents, staff, volunteers, contractors and other service providers are provided with the opportunity to have careful regard to the impact noise and safety exposure will have on them personally prior to entering into any arrangements that involve them being on the site. (Note: Exposure to aviation noise can be expected on a daily basis with a considerably increased level of exposure during key aviation events.)

8. **Prior to works commencing on site, a complaint handling management plan, shall be prepared in accordance with Annexure C, Noise Complaints Procedures, of the Heritage Agreement – Evans Head Memorial Aerodrome to the satisfaction of the Manager, Conservation, Heritage Division, Office of Environment and Heritage.**

Reason: To help ensure compliance with the "Heritage Agreement – Evans Head Memorial Aerodrome".

9. **A restriction/condition shall be registered on any lease and/or land title containing provisions preventing complaints regarding noise from the Evans Head Memorial Aerodrome to the satisfaction of the NSW Heritage Council or its delegate. The restriction/condition must include a requirement for approval from the Heritage Council or its delegate for any amendment in future. A copy of the registered condition shall be submitted to the satisfaction of the Manager, Heritage Division, Office of Environment and Heritage, prior to a construction certification being issued for any works on site.**

Reason: To help protect the on-going use and viability of Evans Head Memorial

Aerodrome. INTERPRETATION

10. **Prior to the commencement of works an interpretation plan which details how the history and heritage significance of the Evans Head Memorial Aerodrome will be communicated, is to be prepared to the satisfaction of the Manager, Conservation, Heritage Division, Office of Environment and Heritage. The interpretation plan is to be implemented within 12 months of the release of the scheme.**

Reason: To help conserve and present the Evans Head Memorial Aerodrome through a good understanding of its history and heritage significance.

COMPLIANCE

11. **Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval and may photograph, take samples or request records in relation to any aspects of the approved activity.**
12. **The Applicant and the nominated Heritage Consultant may be required to participate in random audits of Heritage Council approvals to confirm compliance with conditions of consent at any time.**

Reason: To ensure compliance with conditions.

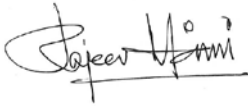
SECTION 60 APPLICATION

13. **An application under section 60 of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing. (Note: Approval under the Heritage Act is additional to that which may be required from other Local Government and State Government Authorities in order to undertake works.)**

Reason: To comply with legislation.

If you have any questions regarding the above matter please contact Carole-Lynne Kerrigan, Senior Heritage Assessments Officer, at the Heritage Division, Office of Environment and Heritage, on (02) 9873 8525.

Yours sincerely



Rajeev Maini
Manager Conservation
Heritage Division
Office of Environment and Heritage
As Delegate of the Heritage Council of NSW
28 July 2017



Appendix E– General Terms of Approval – NSW Rural Fire Service

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
Facsimile: 8741 5433
[e-mail: csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)

The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Your Ref: DA2017/0054
Our Ref: D16/3378
DA16101004208 DC

ATTENTION: Sonja Kennedy

28 April 2017

Dear Ms Kennedy

Integrated Development for 1//1193927 - 17 Memorial Airport Drive Evans Head 2473

I refer to your letter dated 6 April 2017 seeking general terms of approval for the above Integrated Development in accordance with Clause 55(1) of the Environmental Planning and Assessment Regulation 2000.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the drawing titled 'Site Data Plan' prepared by Mavid Group as submitted in the 'Bushfire Threat Assessment Report' prepared by Anderson Environment & Planning dated March, 2017, except where modified by this bush fire safety authority.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the issue of development consent and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire

Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'. This includes bio-detention (basin 4) located to the south of Lots 1-17.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. For each stage of the development, water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', except a perimeter road is not required.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

5. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency/evacuation plan consistent with the NSW Rural Fire Service document titled 'A guide to developing a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to commencement of the development.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

6. Construction of proposed dwellings located 42-<100 metres of the forested wetland vegetation to the south shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Landscaping

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 22 December 2016.

For any queries regarding this correspondence please contact Danette Cook on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Bawden', with a stylized, flowing script.

Alan Bawden

Team Leader, Development Assessment & Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006' , visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Appendix F – Advice from DPI Fisheries



**Department of
Primary Industries**

Our Ref: IDA#16-71

The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

5 May 2017

Attention: Ms Sonja Kennedy

Dear Ms Kennedy

**Re: Additional Information, Oxleyan Pygmy Perch Test of Significance
DA 2017/0054 Lot 1 DP 1193927 – 17 Memorial Airport Drive Evans Head,
Richmond Valley Council LGA**

Thank you for your letter of 6 April 2017 advising DPI Fisheries that the proponent for the above mentioned development has amended Development Application DA 2017/0054. The amendment involves reconfiguration of the manufactured Home Estate located within Lot 1 DP 1193927.

DPI Fisheries has reassessed the proposed amendment with regard to the *Oxleyan Pygmy Perch Test of Significance* prepared by GeoLINK (24 November 2016) and DPI Fisheries most up to date mapping of the known and expected distribution of the threatened fish species Oxleyan Pygmy Perch available for download from DPI Fisheries website at: www.dpi.nsw.gov.au/fishing/species-protection/threatened-species-distributions-in-nsw/freshwater-threatened-species-distribution-maps

The subject amendments to DA2017/0054 do not alter DPI Fisheries determined, outlined in correspondence dated 8 December 2016, that the proposed works: are not likely to significantly affect threatened species, populations or ecological communities listed under the *Fisheries Management Act 1994* (FM Act), or their habitats, and consequently the proposed works do not require a licence under section 220ZW of the FM Act. This position outlined by DPI Fisheries **is contingent upon:** the amended proposal maintaining or improving the stormwater quality targets assessed and considered adequate in the section on *Stormwater Disposal and Treatment* in the GeoLINK Test of Significance for Oxleyan Pygmy Perch.

If you have any further enquiries please contact me on 0407 264 391 or via [email: patrick.dwyer@dpi.nsw.gov.au](mailto:patrick.dwyer@dpi.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Dwyer', with a long horizontal stroke extending to the right.

Patrick Dwyer

Senior Fisheries Manager - Aquatic Ecosystems (North Coast)

Division of Primary Industries, DPI Fisheries
1243 Bruxner HWY WOLLONGBAR NSW 2477
Tel: 0407 264 391 ABN 72 189 919 072 www.dpi.nsw.gov.au



Department of Primary Industries

Our Ref: IDA#16-71

The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

8 December 2016

Attention: Ms Sonja Kennedy

Dear Ms Kennedy

**Re: Additional Information, Oxleyan Pygmy Perch Test of Significance
DA 2017/0054 Lot 1 DP 1193927 – 17 Memorial Airport Drive Evans Head,
Richmond Valley Council LGA**

Thank you for your email of 5 December 2016 advising DPI Fisheries that the proponent for the above mentioned development has submitted the additional information sought by DPI Fisheries in a letter dated 18 October 2016. The two attachments accompanying your email were:

- 1.) Response to DPI Request for Information dated 5 December 2016; and
- 2.) *DA 2017/0054 Lot 1 DP 1193927 Memorial Drive Evans Head OPP Test of Significance* dated 24 November 2016

DPI Fisheries has considered the test of significance provided in *DA 2017/0054 Lot 1 DP 1193927 Memorial Drive Evans Head OPP Test of Significance dated 24 November 2016* for the proposed works and work methods outlined in correspondence and documentation received 5 December 2016. The Department has determined that the proposed works are not likely to significantly affect threatened species, populations or ecological communities listed under the *Fisheries Management Act 1994* (FM Act), or their habitats, and consequently the proposed works do not require a licence under section 220ZW of the FM Act.

If you have any further enquiries please contact me on 0407 264 391 or via [email: patrick.dwyer@dpi.nsw.gov.au](mailto:patrick.dwyer@dpi.nsw.gov.au)

Yours sincerely

Patrick Dwyer
Senior Fisheries Manager - Aquatic Ecosystems (North Coast)

Appendix G– Advice from NSW Roads & Maritime Services



File No: NTH16/00070

The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Attention: Sonja Kennedy – Development Assessment Planner

Dear Sir / Madam,

Development Application 2017/0054: Manufactured Home Estate, Community Building and Associated Works; Lot 1 DP1193927, 17 Memorial Airport Drive, Evans Head

I refer to your email correspondence of 30 November 2016 requesting comment from Roads and Maritime Services in relation to the abovementioned development application.

Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

The Evans Head – Woodburn Road (MR153) is a classified (Regional) road. In accordance with Section 7 of the *Roads Act 1993* (the Act) Richmond Valley Council is the Roads Authority for this road and all other public roads in the subject area. Roads and Maritime is the Roads Authority for freeways and has responsibilities for freeways and classified roads in accordance with the Act.

In accordance with Clause 104 of the *State Environmental Planning Policy Infrastructure 2007* (ISEPP), Roads and Maritime is given the opportunity to review and provide comment on the subject development application as it meets the requirements under Schedule 3.

Roads and Maritime Response

Roads and Maritime has reviewed the proposed development application provides the following comments to assist Council in making a determination;

1. It is understood that all access to the proposed development will be via Currajong Street. Council should be satisfied that the intersection of Currajong Drive and Evans Head - Woodburn Road can safely accommodate the additional peak traffic movements generated by the proposed development.

Any improvements to the Evans Head – Woodburn Road and Currajong Drive intersection should be consistent with the current Austroads Guidelines, Australian Standards and associated Roads and Maritime Supplements.

2. All vehicles should enter and leave the site in a forward direction. The access driveway and internal manoeuvring areas should be designed in accordance with AS2890.

Upon determination of the application, it would be appreciated if Council could forward a copy of the Notice of Determination for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact, Matt Adams, Acting Manager Land Use Assessment on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully



19 December 2016
for Liz Smith
A/Network & Safety M

File No: NTH16/00070
Your Ref: DA2017/0054 – SK:DC

The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Attention: Sonja Kennedy – Development Assessment Planner

Dear Sir / Madam,

Woodburn-Evans Head Road [MR153]: Manufactured Home Estate – Development Application No. 2017.0054. 17 Memorial Airport Drive. Evans Head.

I refer to your letter of 6 April 2017 requesting comment from Roads and Maritime Services in relation to the above mentioned development application.

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

Woodburn-Evans Head Road is a classified (Regional) road (MR153) under the *Roads Act 1993* (Roads Act). Richmond Valley Council (Council) is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the Roads Act.

Roads and Maritime is the roads authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Roads and Maritime's concurrence is required prior to Council's approval of works on this road under Section 138 of the *Roads Act 1993*.

Following review of the application it is suggested that consideration be given to public transport and active transport needs such as school and town bus facilities and safe connections to existing pedestrian/cycle facilities.

Upon determination of the application, it would be appreciated if Council could forward a copy of the Notice of Determination for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Liz Smith, Manager Land Use Assessment on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully



For Monica Sirol
Network & Safety Manager, Northern Region
16 May 2017

Appendix H –Statutory Review Newton Denny Chapelle

(Please refer to separate attachment)

Appendix I - Schedule of Recommended Consent Conditions

(Please refer to separate attachment)