

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSHCC-127
DA Number	DA2022/0214
LGA	MidCoast Council
Proposed Development	<p>Manufactured Home Estate, comprising:</p> <ul style="list-style-type: none"> • Filling and regrading of the land to accommodate 88 manufactured home sites together with a community club house and recreation facilities plus a maintenance shed; • Internal road works and parking for 18 vehicles provided in three separate locations through the development; • Extension of the public road network from Chapmans Road to the entry of the estate; • Landscaping of the site; • Retention of vegetation over the eastern part of the site; and • Provision of necessary services and infrastructure.
Street Address	<p>Lot 100 DP 1286524</p> <p>40-80 Chapmans Road TUNCURRY NSW 2428</p>
Applicant/Owner	Allam MHE #3 Pty Ltd (at the time of lodgement MidCoast Council was the owner of the land)
Date of DA lodgement	21 March 2022
Total number of Submissions Number of Unique Objections	Nineteen
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 the proposal is Council related development over \$5 million, as MidCoast Council was the owner of the land at the time the application was made.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Environmental Planning and Assessment Regulation 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Housing) 2021</i> • <i>Great Lakes Local Environmental Plan 2014</i> • <i>Great Lakes Development Control Plan 2014</i> • Great Lakes Section 94 Development Contributions Plan - Great Lakes Wide • Great Lakes Section 94 Development Contributions Plan - Forster District

List all documents submitted with this report for the Panel's consideration	Attachment A – Development Plans Attachment B – Statement of Environmental Effects Attachment C – Clubhouse Plans Attachment D – Dwelling Layout Analysis Attachment E – Dwelling Plan – Beechwood -7 Attachment F - Dwelling Plan – Cedarwood -7 Attachment G - Dwelling Plan – Elmwood -7 Attachment H – Dwelling Plan – Mahogany -7 Attachment I – Dwelling Plan – Silverwood -7 Attachment J – Dwelling Plan – Spruce -7 Attachment K – Landscape Plans Attachment L – Preliminary Engineering Plans Attachment M – ASS Report & Management Plan Attachment N – Detailed Contamination Report Attachment O – Traffic & Parking Assessment Attachment P – SWMP Report Attachment Q – SWMP Plans Attachment R – Reasons for Refusal
Clause 4.6 requests	Nil
Summary of key submissions	Traffic / Parking Contamination Stormwater Compatibility
Report prepared by	Bruce Moore, Coordinator Major Assessment MidCoast Council
Report date	19 May 2023

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Yes

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 (S7.24)?

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

No

Conditions

Have draft conditions been provided to the applicant for comment?

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

No

EXECUTIVE SUMMARY

Consent is sought for the establishment of a Manufactured Home Estate at Lot 100 DP 1286524 (No 40-80) Chapmans Road, Tuncurry.

Specifically, the proposed development includes:

- Filling and regrading of the land to accommodate 88 manufactured home sites together with a community club house and recreation facilities plus a maintenance shed;
 - Sites will vary in size from 262.7m² to 345m².
- Internal road works and parking for 18 vehicles provided in three separate locations through the development;
- Extension of the public road network from Chapmans Road to the entry of the estate;
- Emergency access to the western portion of the development from Chapmans Road;
- Landscaping of the site;
- Retention of vegetation over the eastern part of the site; and
- Provision of necessary services and infrastructure.

The land currently has consent (DA-290/2012) for clearing and filling. The application proposes that works under the existing consent would be completed before any works on the MHE would commence.

The application is referred to the Hunter and Central Coast Regional Planning Panel as the application is Council related development over \$5 million, with MidCoast Council being the owner of the land on which the development is to be carried out at the time the application was made.

Three briefings and an inspection of the site have been carried out with the Hunter and Central Coast Regional Planning Panel.

The application as originally made was exhibited from 1 April 2022 to 19 May 2022. Upon receipt of amended plans the application was further exhibited between 24 February 2023 to 31 March 2023. As a result of the public exhibition a total of 19 submissions were received.

The development is identified as integrated development requiring approval from the NSW Rural Fire Service pursuant to S100B of the Rural Fires Act 1997. The NSW RFS have granted approval to the development.

The application was also referred to Essential Energy for comment.

The development has been assessed against applicable State, Regional, and Local Environmental Planning Instruments and Policies, including:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *Great Lakes Local Environmental Plan 2014*
- *Great Lakes Development Control Plan 2014*

The application does not provide sufficient detail to conclude that the development is consistent with the various provisions of the planning controls and that the development will not have an adverse impact on the road network and adjoining lands.

It is recommended that the Panel determine Development Application 2022/0214 for the establishment of a Manufactured Home Estate at Lot 100 DP 1286524 (No 40-80) Chapmans Road Tuncurry, pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, by refusing to grant consent for the reasons contained in this report at Attachment R.

1. THE SITE AND LOCALITY

The subject site is located at the north western edge of Tuncurry and is legally described as Lot 100 DP 1286524 (No. 40-80) Chapmans Road Tuncurry.

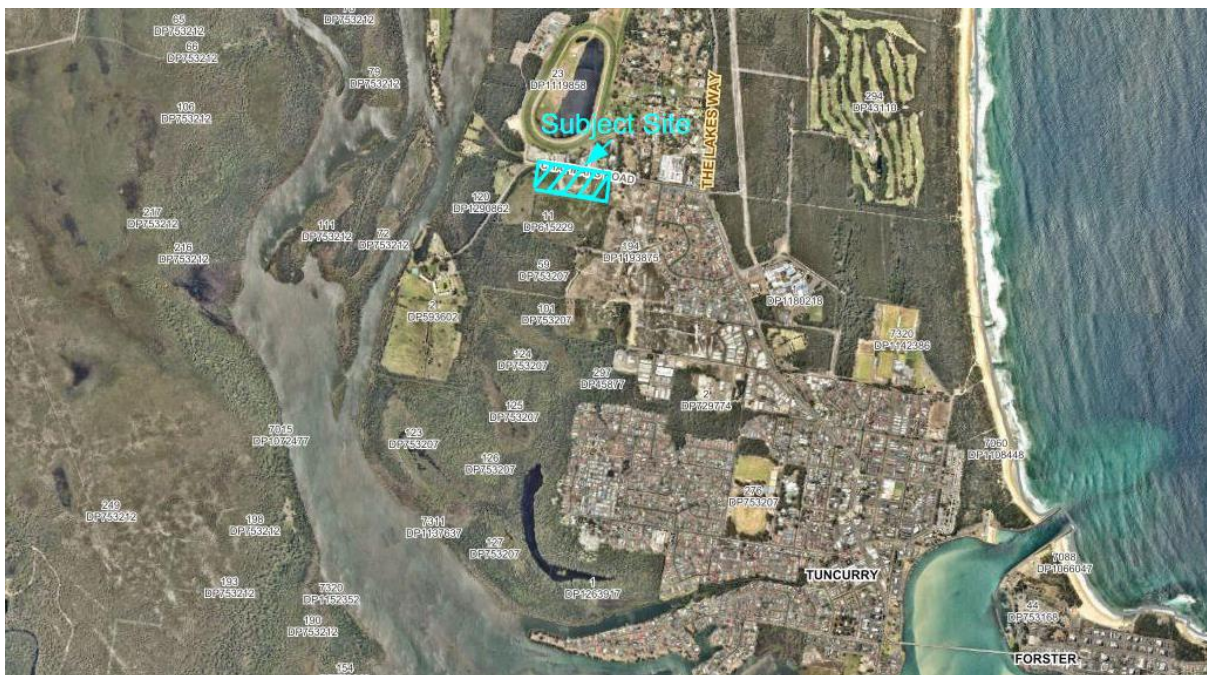


Figure 1 – Locality Map (Source Intrampas)

The lot is rectangular in shape and covers an area of approximately 6.07ha. The northern boundary of the site has frontage to Chapmans Road of approximately 405m. Access to the site is via Chapmans Road. The Wallamba River is located approximately 500m to the west of the site.

The levels of the land vary from approximately 2m AHD in the north east to 0.5m AHD in the south west with the exception an area of disturbance associated with deposited fill being within the central part of the site.

To the east of the area of disturbance there is an area of Swamp Mahogany Tall Woodland and Lepironia – Thick-leaved Bottlebrush Sedgeland. West of the modified landscape has been mostly cleared of vegetation.

The site is identified as both flood prone and bush fire prone land.



Figure 3 – Stamped Plan – Development Consent 540/2011.

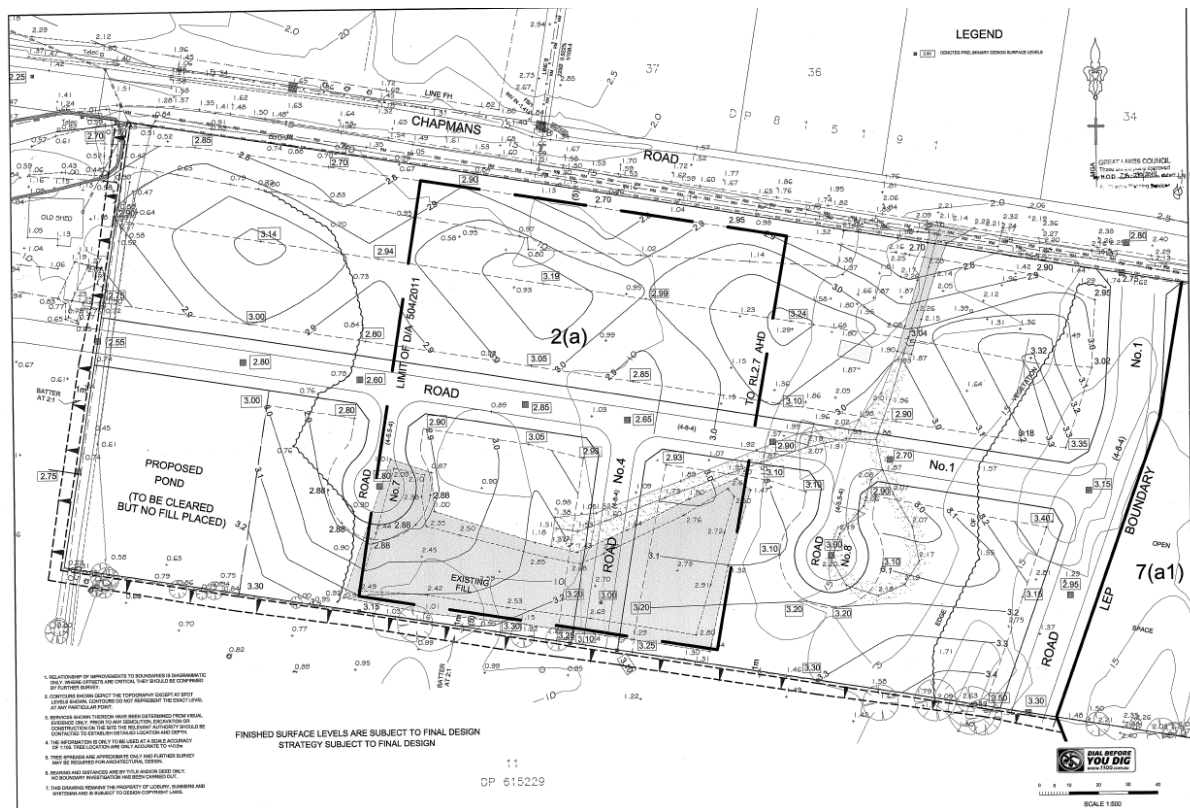


Figure 4 - Stamped Plan – Development Consent 290/2012

3. THE PROPOSAL AND BACKGROUND

3.1 The proposal

The application seeks consent for the development of a Manufactured Home Estate on the Land. Specifically, the proposed development includes:

- Filling and regrading of the land to accommodate 88 manufactured home sites together with a community club house and recreation facilities plus a maintenance shed;
 - Sites will vary in size from 262.7m² to 345m².
- Internal road works and parking for 18 vehicles provided in three separate locations through the development;
- Extension of the public road network from Chapmans Road to the entry of the estate;
- Emergency access to the western portion of the development from Chapmans Road;
- Landscaping of the site;
- Retention of vegetation over the eastern part of the site; and
- Provision of necessary services and infrastructure.



Figure 5 – Site Plan (Source: Land Dynamics Australia)

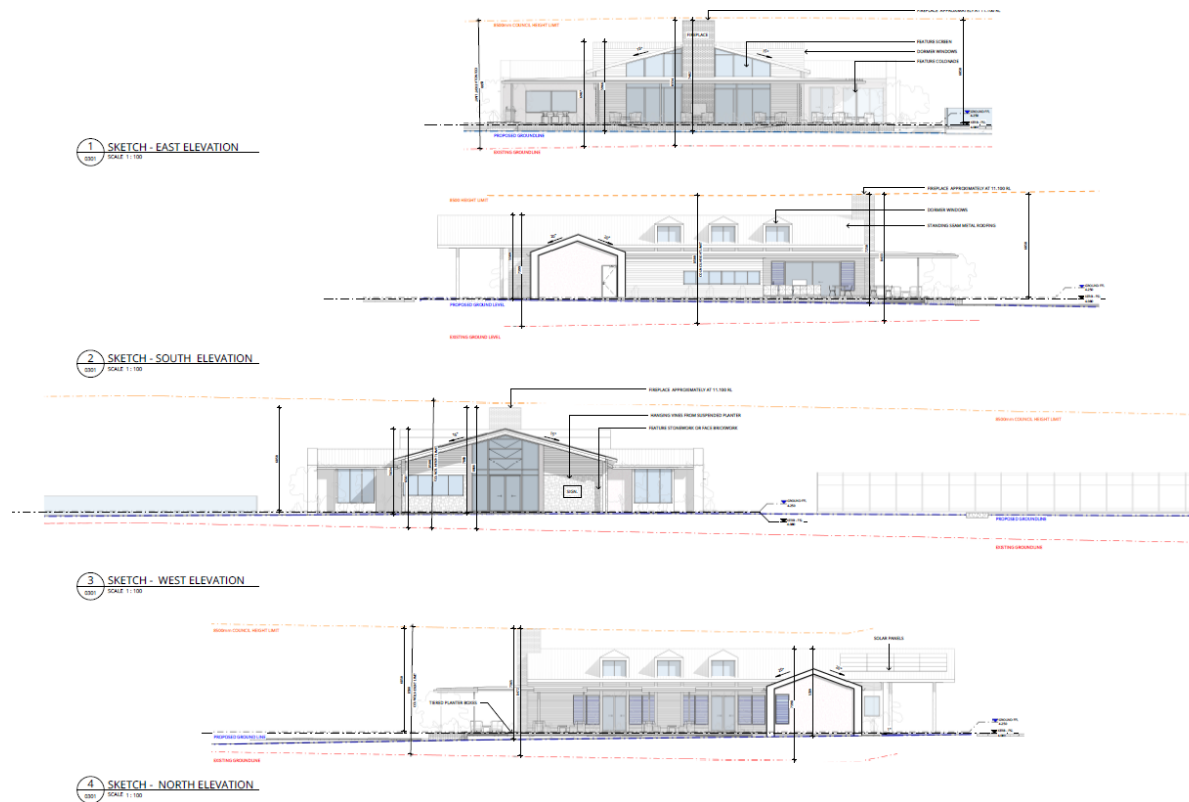


Figure 6 - Clubhouse elevations (source: webber architects)

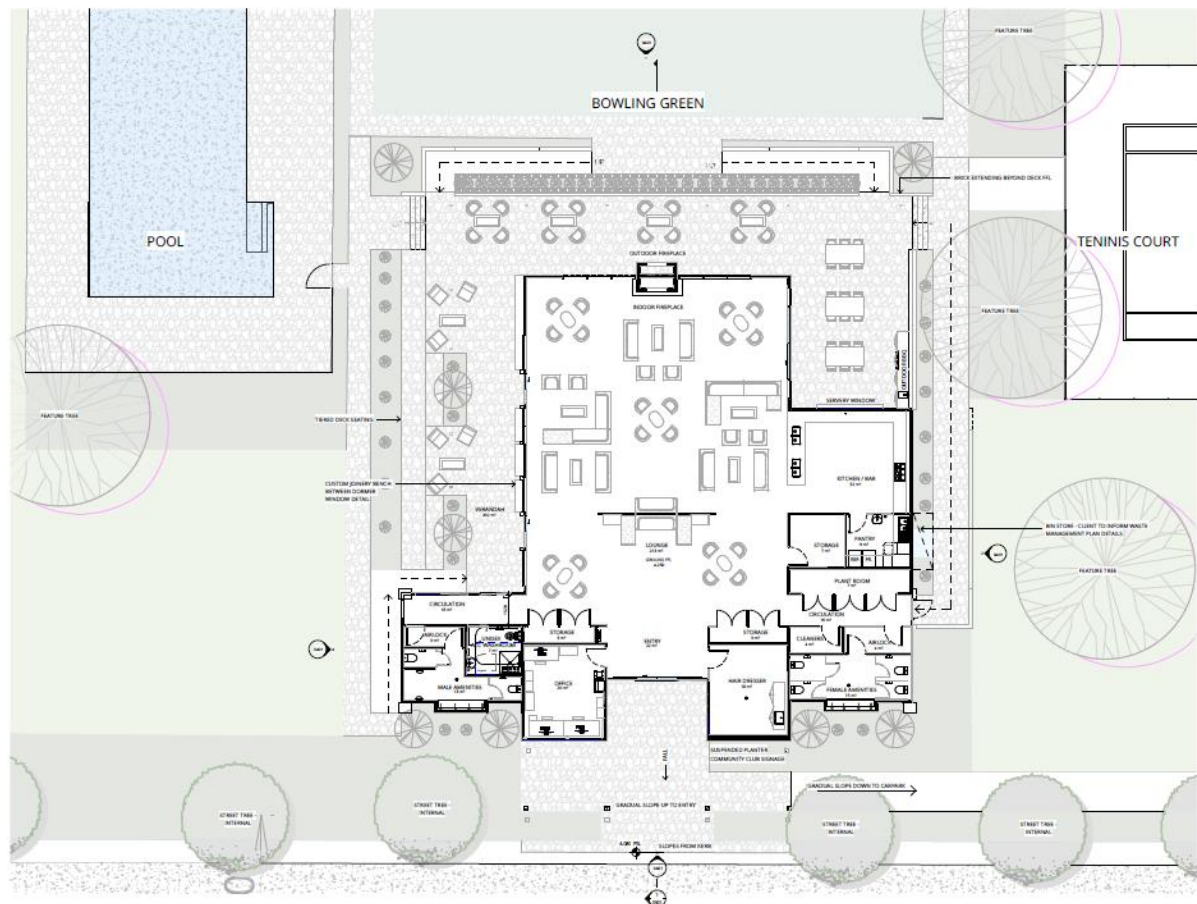


Figure 7 - Clubhouse elevations (source: webber architects)

The application does not propose construction / installation of the manufactured homes. Notwithstanding dwelling typologies for the sites and a dwelling layout analysis have been provided to inform the visual presentation of the proposed development. The dwelling typologies and layout analysis are at figures 9 – 15.

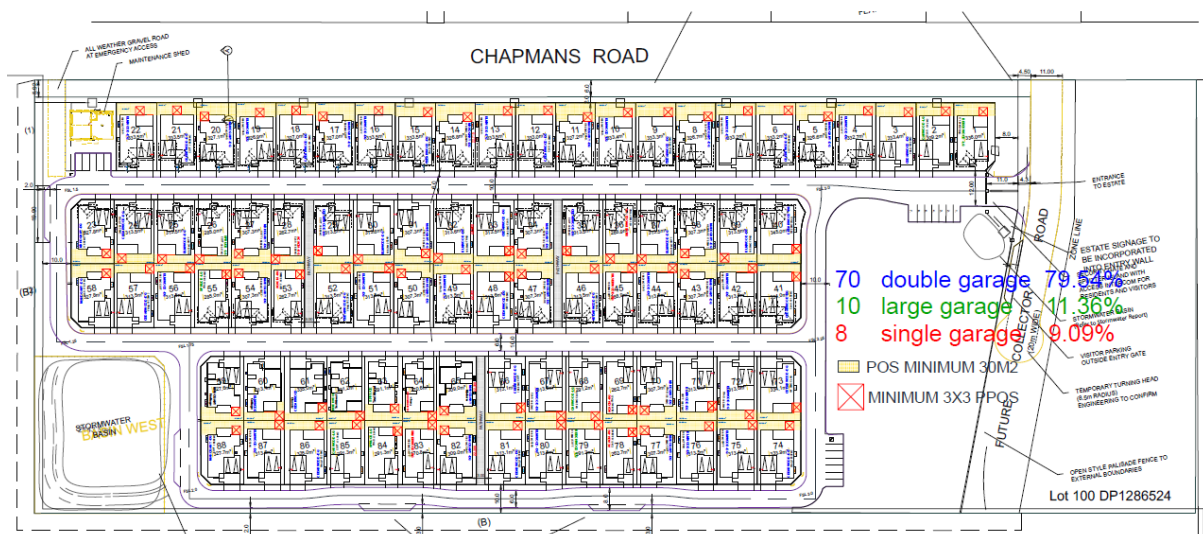


Figure 8 - Dwelling layout analysis (Source: Land Dynamics Australia)

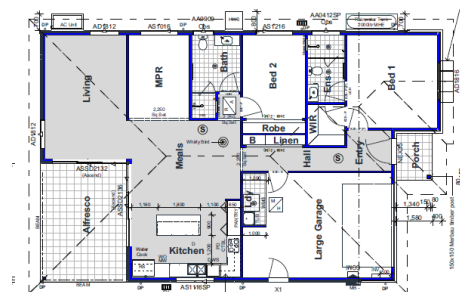
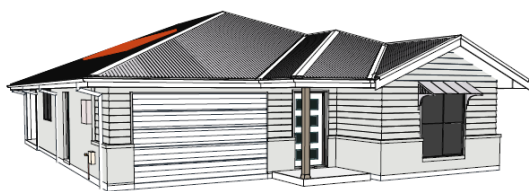


Figure 9 – Beechwood (Source: Allum Homes Pty Ltd)

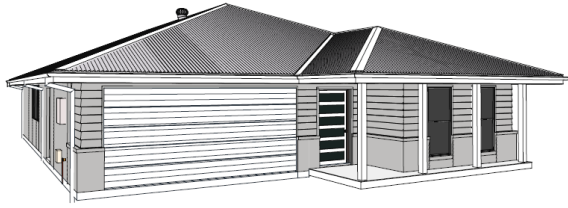


Figure 10 – Cedarwood (Source: Allum Homes Pty Ltd)

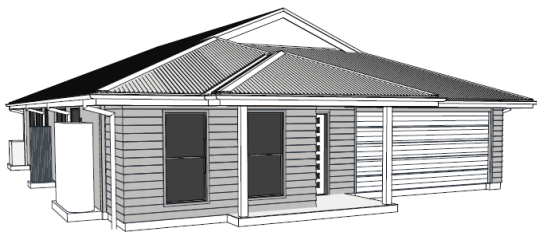
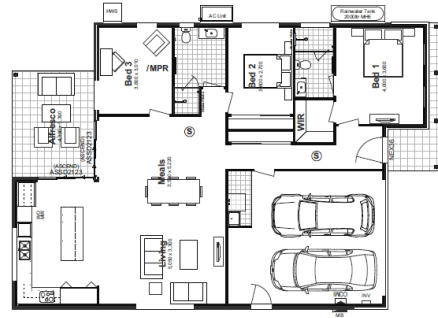


Figure 11 – Elmwood (Source: Allum Homes Pty Ltd)

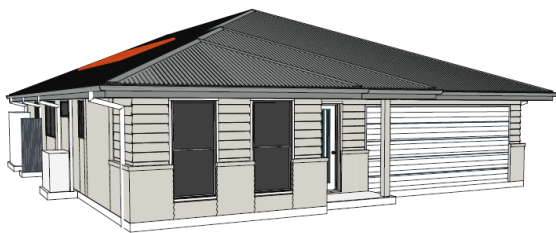
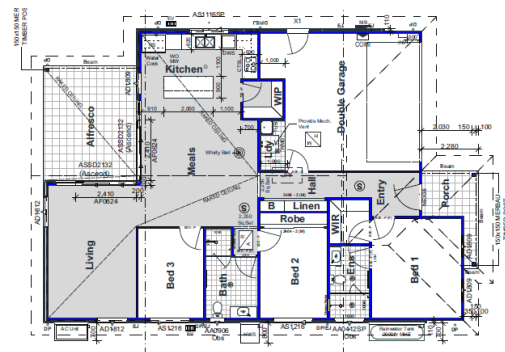


Figure 12 – Mahogany (Source: Allum Homes Pty Ltd)

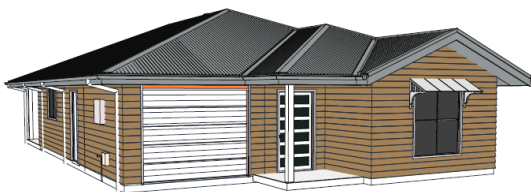
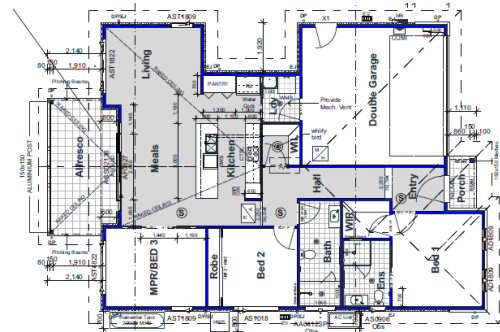
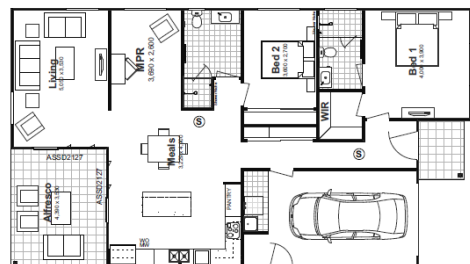


Figure 13 – Silverwood (Source: Allum Homes Pty Ltd)



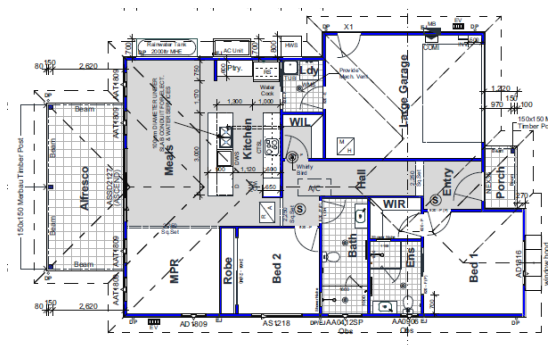


Figure 14 – Spruce (Source: Allum Homes Pty Ltd)

3.2 Background

On 4 May 2022 a kick-off briefing was held with the Hunter & Central Coast Regional Planning Panel (RPP). The following key issues were identified for consideration:

- Contamination is a threshold matter and the applicant is advised that if Council requests information it will be required and should be supplied
- The position on the community building is of key consideration. The Panel's position is that it needs to be part of the DA
- Interfaces (levels, fences, landscaping, presentation to public road) pedestrian movements and amenity all need careful consideration
- Urban design as part of site planning and layout needs to be considered and addressed, particularly in respect of the Council's MHE objectives in the DCP
- Slab on ground construction – the application needs to ensure consistency with intent of the legislation, and not result in change to definitions or permissibility
- Environmental sustainability should be considered
- The Panel questions the needs for a traffic impact assessment for this development in its own right
- Waste management arrangements for on-site collection need to be provided
- Visitor parking and demand need to be specifically considered
- The application needs to recognise the strategic context and not prevent future development.
- The Panel will want to understand the ownership and maintenance of the C2 land – and relationship to the future collector road
- Flooding needs to be considered in terms of the previous bulk earthworks approvals and whether any additional filling needs to be considered and boundary transitions, any retaining and the like. Council will need to interrogate the previous consents in relation to this aspect

On 25 July 2022 a detailed request for further information (RFI) was forwarded to the applicant. The issues raised included:

- Clubhouse details and reliance on clubhouse for the development
- Filling of development site - relationship to previous consent and potential impacts on biodiversity
- Bus service and nearest bus stop of the service to the Tuncurry business and commercial areas
- Confirmation of proposed setbacks and justification to be provided if a variation is being requested
- The Panel raised questioned regarding the urban design outcomes and requested Council give consideration to this in their assessment.

- Detention basin calculations, location and discharge point in relation to property boundaries and owners consent if there is reliance on land outside site subject to DA.
- Traffic Impact Assessment and to include details relating to garbage collection.
- Proposed road network and earthworks extents – clarification of proposed works and serviceability to future adjoining subdivision area and consideration of gates and avoiding queuing onto public road network.
- Water quality – inadequate MUSIC model submitted, groundwater and acid sulphate soil impacts to be addressed.
- Site contamination – detailed site investigation required.

On 17 August 2022 a further briefing was held with the RPP. The RPP encouraged the applicant to discuss the RFI with Council and to respond in a comprehensive manner to facilitate final assessment without further RFI, response and delay. The RPP requested that determination be by December 2022.

On 28 October 2022 additional information had been received from the applicant through the NSW Planning Portal.

On Wednesday 7 December a further briefing was held with the RPP. The Panel remained concerned that the DA was lodged prematurely. The Panel strongly recommended that the application is withdrawn and relodged with a complete package of documents including landowner's consent once resolved. In the absence of the withdrawal of the DA the Panel is likely to request Council bring forward the application for determination in early 2023 based on the information available to the Council at that time.

On 22 March 2023 the RPP carried out a site inspection of the land. The key issues discussed were:

- The previous filling of the site (using material dredged from the lake), flooding, traffic and access arrangements were discussed.
- Council provided an overview of the proposed development and advised that plans of the proposed community building had now been received.
- Stormwater / groundwater issues still not resolved to Council's satisfaction.
- Previous consent for filling the site is being relied upon, however Council are reviewing in the context of the current proposal.
- A key issue for the Panel will be the boundary treatments and interfaces and detailed cross sections are required.
- 19 submissions received therefore a public determination meeting will be required.
- A key issue from the submissions and Council's assessment is traffic impacts (intersection of Chapman Rd and Lakes Way) and use of surrounding residential street network as a 'rat run' to avoid delays at the intersection. Applicant's traffic assessment indicates no additional traffic management works required.
- Standard monetary contributions to be levied by Council.
- The Panel raised questioned regarding the urban design outcomes and requested Council give consideration to this in their assessment.

On 22 March, Council received additional detail in relation to stormwater. This information has not been formally lodged through the Planning Portal, however will be given consideration in assessment of the application.

No further information has been requested and the application is being reported on the basis of the information submitted by the applicant.

4. STATUTORY CONSIDERATIONS

4.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *Great Lakes Local Environmental Plan 2014*

State Environmental Planning Policy (Planning Systems) 2021

The application is regionally significant development under Part 2.4 Regionally significant development and Schedule 6 – clause 3 of the SEPP as MidCoast Council owned the land at the time the application was made, and the capital investment value of the development exceeds \$5 million.

Accordingly, the Hunter and Central Coast Regional Planning Panel is the consent authority for the application.

Since making of the application, ownership of the land has been transferred from MidCoast Council to Allam MHE #3 Pty Ltd.

State Environmental Planning Policy (Resilience and Hazards) 2021

Division 3 Coastal environment area

The site is mapped as being within the ‘coastal environment area’ and Division 3 State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the proposed development.

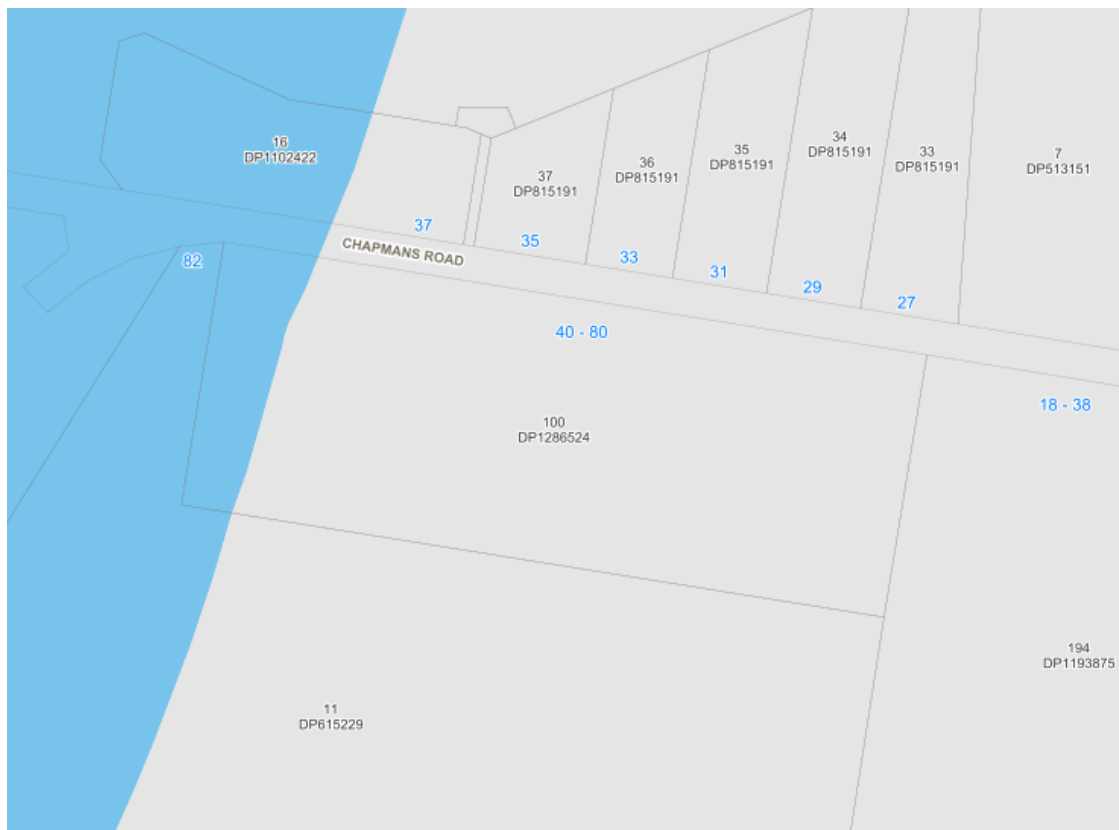


Figure 15 – Coastal Environment Area (Source: Intramaps)

Table 1 below lists the matters for consideration prescribed by Section 2.10(1) of the SEPP and details how they relate to the proposed development.

SEPP (Resilience and Hazards) 2021	
Table 1: Section 2.10(1) Considerations	
Section 2.10 (1)	Comment
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	The development will have no adverse impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment
<i>(b) coastal environmental values and natural coastal processes,</i>	The development will have no impact on coastal environmental values and natural coastal processes
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i>	The development will have no impact on a marine estate or sensitive coastal lake.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	The proposed development will have no adverse impact on marine vegetation, native vegetation or fauna.
<i>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	No impacts on the existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability will result from the development.
<i>(f) Aboriginal cultural heritage, practices and places,</i>	The proposal will have no adverse impact on aboriginal cultural heritage, practices or places. An AHIMS search was conducted and revealed no sites within proximity to the development.
<i>(g) the use of the surf zone.</i>	The development will have no adverse impact on the surf zone.

Clause 2.12 of the SEPP provides that ‘development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land’.

Clause 2.13 of the SEPP provides that Council must give consideration to any coastal management provisions applying to land.

The proposed development is in keeping with the relevant coastal management provisions applying to the land and is not likely to cause increased risk of coastal hazards.

Chapter 4 Remediation of land

Under section 4.6 of the SEPP, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

The site has historically been used for the stockpiling of materials and has been partly filled.

There are a number of stockpiles of various materials such as rock aggregate, road base, gravel, vegetation and foreign materials (concrete, treated pine roof sheeting etc.) located in the central and eastern parts of the site.

A Detailed Site Investigation was prepared by Regional Geotechnical Solutions (RGS), titled 'Contamination Assessment Proposed Manufactured Home Estate (MHE) 40-80 Chapmans Road, Tuncurry' (Report No. RGS03137.1-AC), dated 14 November 2022.

The Detailed Site Investigation (DSI) included additional site history review, update of the conceptual site model, fifty-five test pits excavated across the site and four groundwater monitoring wells, collection of soil and ground water samples. The DSI concluded that 'the site soils and stockpiles of fill are suitable to remain onsite from a contamination perspective', however the DSI did not provide or address the following:

1. A Copy of the groundwater monitoring well logs have not been provided;
2. The DSI found that 'the groundwater quality results indicated that there are elevated concentrations of heavy metals at the site', however concluded that it is likely that 'the elevated heavy metals are due to naturally occurring processes associated with the underlying hydrogeology and hydrogeological conditions'. It was noted that the arsenic exceeded the recreational human health screening criteria however potential exposure pathways presented in the DSI did not identify the potential for bore water to be used within the proposed MHE, nor other potential exposure pathways to the groundwater.
3. The DSI recommends that 'some ongoing periodic groundwater monitoring be undertaken to identify trend changes in groundwater quality', however the report provides no specific information in relation to when this monitoring is to occur, who is to undertake the monitoring, who will monitor the results or what action should be taken if appropriate trigger values are exceeded?
4. The DSI found that stockpiled material present near the entrance of the site had previously been tested and results of the testing found that the material meets The Recovered Aggregate Exemption (2014). The DSI concluded that these materials could be re-used in future road making activities on the site, however the DSI test pit logs indicate that there are additional areas of fill which contain asphalt and road base. The DSI provides no information or recommendations as to how the extent of fill (which contains material that is not suitable for residential use in accordance with EPA Waste Order and Exemptions) should be delineated, separated and used on site or disposed of.

Accordingly, the application does not provide sufficient detail to demonstrate that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose of the Manufactured Home Estate.

State Environmental Planning Policy (Transport and Infrastructure) 2021

2.48 Determination of development applications—other development

The application was referred to Essential Energy under clause 2.48 of the SEPP. In response Essential Energy following comments as to potential safety risks arising from the proposed development:

1. Essential Energy's records indicate existing 11kV overhead powerlines are located across the Chapmans Road street frontage of the property:
 - a. Minimum safety clearance requirements are to be maintained at all times for the proposed Future Collector Road and all weather gravel access/emergency, as such roadways will pass under the existing overhead powerlines located across the front of the property. The roadways must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
 - b. Any proposed Future Collector Road or all weather gravel access/emergency must remain at least 3.0 metres away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
 - c. Any excavation works in this area or works on the roadways must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
 - d. All proposed Dense Avenue Tree Planting across the Chapmans Road street frontage of the property must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Prior to any works/planting in this area commencing, the Applicant must provide a detailed plan setting out species, type, height at full maturity and horizontal distances/location of all proposed trees to the existing overhead powerlines to Essential Energy for review and pre-approval. Information relating to developments/proposals near electrical infrastructure is available on Essential Energy's website Development Applications (essentialenergy.com.au).
 - e. Minimum safe distances to the existing powerlines must be maintained at all times, to any activity.
2. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, such as a padmount substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
3. Essential Energy's records indicate an existing overhead and underground service/s to the property on the Chapman Street frontage of the property, between the boundary of this Lot and the adjoining Lot 194 DP1193875. This appears to also be in the location of the proposed Future Collector Road access. These existing services may need to be disconnected and re-located (at the Applicant's expense) to ensure compliance with the NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.

4. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to each manufactured dwelling(s) in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.

The requirements of Essential Energy are able to be accommodated within the development.

State Environmental Planning Policy (Housing) 2021

The proposed development derives permissibility through Part 8 of the SEPP which provides that a manufactured home estate (MHE) may be carried out on any land on which development for the purposes of a caravan park may be carried out. The SEPP provides that an MHE may not be carried out on certain land, though the subject site is not identified as land on which an MHE may not be carried out.

As a caravan park is a permitted form of development on the land, a MHE may be carried out pursuant to the SEPP.

Section 125 of the SEPP provides the matters to be considered by Council in allowing development for the purposes of a manufactured home estate. Table 2 below lists the matters for consideration prescribed by Section 125 and details how they relate to the proposed development.

SEPP (Housing) 2021	
Table 2: Section 125 Considerations	
Section 125	Comment
<i>(1) A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only if it is satisfied—</i>	
<i>(a) that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and</i>	Each site within the proposed MHE will be adequately provided with reticulated water, a reticulated sewerage system and electricity. The application fails to demonstrate that the development will be provided with an adequate drainage system. The specifics of the drainage system are discussed under the heading of Stormwater .
<i>(b) that the manufactured home estate is or will be provided with adequate transport services, and</i>	Residents of the MHE will be largely dependant on private vehicles for transport, although there is a local bus service that services Chapmans Road. The nearest bus stop is approximately 440m from the site.
<i>(c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and</i>	The development proposes a community club house with ancillary facilities including a pool and tennis court. Outside of the MHE, Tuncurry is serviced with a variety of health, retail and social facilities that would be reasonably accessible.

<p>(d) that 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>The development will have no adverse impact on any conservation area, heritage item or waterway</p>
<p>(2) A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only after it has considered the following—</p> <p>(a) the cumulative impact of the proposed development and other manufactured home estates in the locality,</p> <p>(b) any relevant guidelines issued by the Director,</p> <p>(c) the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.</p>	<p>There are no other Manufactured Home Estates within the vicinity of the proposed development. There is not likely to be any adverse cumulative impacts.</p> <p>There are no know guidelines of relevance to the development.</p> <p>Repealed</p>

Great Lakes Local Environmental Plan 2014

The relevant local environmental plan applying to the site is the *Great Lakes Local Environmental Plan 2014* (GT LEP 2014).

The site is zoned R2 Low Density Residential and C2 Environmental Conservation. All proposed works are located within the R2 zone.

The development land use is defined as a manufactured home estate. The LEP does not contain a definition of a MHE and the definition is found within State Environmental Planning Policy (Housing) 2021.

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

A manufactured home estate is not identified as permitted development in the R2 Low Density Residential Zone.

Permissibility is derived through SEPP (Housing) 2021 which provides that development for the purposes of a MHE is permitted where development for the purposes of a caravan park is permitted.

Caravan Parks are identified as permitted with consent in the R2 Low Density Residential Zone.

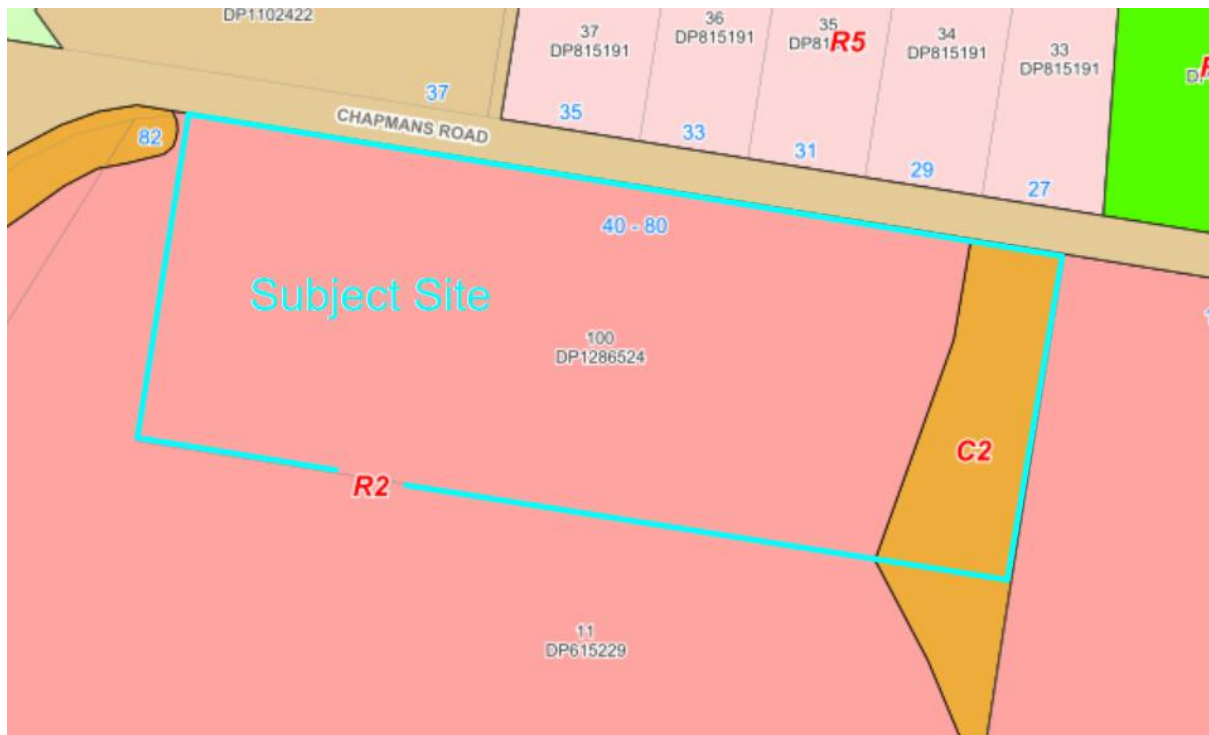


Figure 16 – Zoning Map (Source: Intramaps)

The objectives of the R2 zone 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 provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To provide for low rise and medium density development that is compatible with the existing and desired future character and amenity of the surrounding neighbourhood.*

The proposed development is considered consistent with the relevant zone objectives as

- The development provides housing for the needs of the community.
- The development provides a variety of housing types.
- The proposal is for medium density development that provides low rise housing in keeping with traditional residential development in the locality.

The LEP also contains controls relating to development standards, miscellaneous provisions, and local provisions. The controls relevant to the proposal are considered in Table 3 below.

Table 3: Consideration of the LEP controls		
Control	Requirement	Proposal
Height of buildings (cl 4.3)	8.5m	The development includes a clubhouse, the height of which is below the development standard.
Floor Space Ratio	0.5:1	The site has an area of 6.07ha. The only building proposed with the development is that of the

(cl 4.4)		<p>clubhouse. The development will have an FSR well below the development standard.</p> <p>Dwellings will be established separately within the estate. The dwelling typologies proposed are such that the fully developed MHE will maintain an FSR below that of the development standard.</p>
Heritage conservation (cl 5.10)	Consideration must be given to the effect of the development on heritage significance of Aboriginal objects or places.	<p>The proposed development is not located within a heritage conservation area or within proximity to any items of heritage.</p> <p>A basic AHIMS search was conducted and the search reveals no known items of aboriginal cultural heritage located within proximity to the proposed development.</p>
Flood Planning (cl 5.21)	Consideration must be given to the effect of the flooding on the development.	<p>The site is mapped within the flood planning level under the LEP 2010. Proposed site levels will be above the flood planning level.</p> <p>The development will not have any adverse impact on flood characteristics.</p>
Acid Sulfate Soils (cl 7.1)	Consideration must be given to the presence of Actual and/or Potential Acid Sulfate Soils and the impact the development may have on such soils.	<p>The development site within the Class 2 and 3 mapped area.</p> <p>The site is to be filled to accommodate the development and is not likely to impact on Acid Sulfate Soils.</p> <p>An Acid Sulfate Soils Management Plan has been prepared for the development.</p>
Earthworks (cl 7.2)	Consideration must be given to impacts arising from earthworks.	<p>The site is to be filled under an existing consent (DA-290/2012).</p> <p>The application proposes minor earthworks in addition to the works being carried out under DA-290/2012.</p> <p>There will be no adverse impact on drainage patterns, soil stability or environmentally sensitive areas.</p> <p>The earthworks will be supported with suitable erosion and sediment control measures in accordance with Council requirements.</p>
Stormwater Management (cl 7.5)	The objectives of this clause is to minimise the impacts of stormwater on land to which this clause applies and on adjoining properties, native bushland, groundwater, wetlands and receiving waters	<p>The proposed development does not suitably provide for the treatment and detention of stormwater.</p> <p>The proposed discharge of stormwater from the site is likely to have an adverse impact on adjoining properties.</p>

Essential Services (cl 7.21)	The consent authority is to be satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required	<p>The site has adequate availability of water, sewer, electricity, and telecommunications to service the development.</p> <p>Suitable vehicle access is provided to the development.</p> <p>The development does not provide adequate arrangements for the management of stormwater.</p>
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The proposal is considered generally consistent with the LEP, except for stormwater management.

4.2 Section 4.15 (1)(a)(ii) – Provisions of any proposed instruments

There are no proposed instruments of relevance to the development

4.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Great Lakes Development Control Plan 2014 (DCP 2014) is relevant to the application. The aims of the Plan are to ensure good quality, sustainable development outcomes that maintain a high level of environmental amenity. The Plan is designed to allow flexibility in the application of its controls where strict compliance is considered unreasonable or unnecessary provided the relevant objectives of the Plan have been achieved.

The following is a summary of the evaluation of the proposal pursuant to the relevant provisions of the Plan.

Table 4: Consideration of the DCP controls		
Control	Requirement	Proposal
Part 4 Environmental Requirements		
D4.1 Ecological Impacts	Development is to be designed in a manner that avoids, mitigates or offsets negative impacts on biodiversity and the quality and function of the natural environment and responds to relevant ecological constraints and opportunities	<p>The footprint for the MHE is to be located on an area currently subject to clearing and filling approved under a separate development consent (DA-290/2012).</p> <p>The proposed development will disturb no areas of native vegetation and will have no significant adverse impact.</p>
D4.2 Flooding	Development is to be located in response to the identified flood hazard and the risk of impacts from flooding on people and assets are avoided or otherwise minimised.	<p>The 1% flood level is 2.7m AHD. The 1% Flood Planning Level is 3.2m AHD.</p> <p>Under Development Consent (DA-290/2012) the land is being filled to levels between 2.55m to 3.5m AHD.</p> <p>The proposed development will require minor additional filling above current approved levels.</p>
D4.7 Bush Fire	To ensure new development is designed with regard to bush fire hazards.	<p>The land is identified as bush fire prone land.</p> <p>The proposal has been designed in accordance with the requirements of Planning for Bushfire Protection 2019.</p>

		The NSW RFS have issued a Bush Fire Safety Authority for the development.
Part 11 Water Sensitive Design		
Part 11 Water Sensitive Design	To safeguard the environment by maintaining or improving the quality of stormwater run-off.	The application does not demonstrate that appropriate water quality targets will be achieved.
Part 16 Site Specific Development Controls		
16.5 Chapmans Road, Tuncurry (Western Precinct)		
16.5.3 Subdivision	To ensure future subdivision development ensures connectivity between the subject lands in terms of lot layout, road hierarchy, stormwater management and infrastructure servicing. An indicative subdivision layout for the Western Precinct is shown on the 'Proposed Lot Layout'.	While the application does not propose subdivision of the land, the development does provide for the identified collector road in the eastern part of the land. It is considered that the application provides suitable connectivity between lots.
16.5.6 Bushfire Management	To provide adequate bushfire protection measures which are consistent with: <ul style="list-style-type: none"> the need to preserve life, property and the environment; and the need to protect identified conservation areas 	The development conforms to the requirements of Planning for Bushfire Protection Guidelines.
Water Quality and Stormwater Management	Ensure stormwater treatment measures within the "Western Precinct" substantially achieve the Great Lakes Water Quality Improvement Plan (2009) target of 'no net increase' in average annual pollutant loads relative to existing land use	The application has not demonstrated that stormwater treatment measures will achieve the specified targets.
Road Network and Access	1. The internal road network shall connect to Chapmans Road to enable primary vehicular access to and egress from the residential development area relating to the lots identified above. In addition, the internal road network shall be designed to provide clear patterns of movement, maximise connectivity and promote efficient flow paths for vehicles, pedestrians and cyclists.	The development provides for connection to Chapmans Road as the primary access. The internal road network provides clear patterns of movement.
	2. The road network shall include a perimeter road where it adjoins the land zoned for environmental protection.	The road network includes a perimeter road to the C3 zoned land.
	3. The road network shall adopt an efficient layout to assist in drainage and ensure a maximum number of north facing blocks.	The layout of the MHE provides for north facing sites

16.5.7 Protection of Aquifer	Stormwater quality measures associated with future development are sufficient to adequately protect the underlying aquifer identified in the Chapmans Road and North Tuncurry Local Environmental Study (2003).	The application has not provided sufficient detail to ensure that the aquifer will be appropriately protected.
Part 17 Manufactured Home Estates and Caravan Parks		
17.2.1 Setbacks and Separation	a) Site layouts for manufactured homes shall be designed to provide for articulation and diversity along street frontages.	The site layout is a typical grid pattern with minimal articulation site design. Notwithstanding, the sites are of sufficient area to allow articulation with dwelling design and setback.
	b) Buildings and manufactured homes are to be grouped/clustered to provide a high level of pedestrian permeability. Each group is to be separated by an access road or a pedestrian path, with communal landscaped areas.	The sites have been grouped / clustered with separation provided by landscaped roads and pedestrian paths
	c) The setbacks provided between buildings and manufactured homes, are to be designed to ensure acoustic and visual privacy to residents.	Suitable separation is provided between the dwelling sites and clubhouse.
	d) The property boundary setbacks to buildings and manufactured homes are to be maximised, to provide visual separation from the street and adjoining properties.	The development provides for a minimum 10m landscaped buffer between property boundaries and buildings / dwelling sites.
	e) Setbacks shall be sufficient to avoid any land use conflicts with adjoining zones and uses.	The setbacks proposed are landscaped and larger than setbacks traditionally found in a residential setting. The setbacks are sufficient to avoid land use conflicts.
17.2.2. Landscaping	a) Setbacks to manufactured homes are to be screened, fenced and landscaped to ensure an attractive streetscape, to both internal and public roads. Setbacks to public roads are not to be used for administrative buildings, community buildings/amenities, camping sites or parking facilities.	The development proposes landscaping to both internal and public roads. Setbacks to existing public roads are not used for any building, site or facility. There will be a minor encroachment with the tennis court and bowling green to the proposed public road reserve. The variation is approximately 1m and the setback is to be suitably landscaped. The variation is considered acceptable.

	b) Deep soil planting and semi-mature street trees are to be provided in the property boundary setbacks and between groups/clusters of manufactured homes, to provide visual buffers and shaded areas in communal open spaces.	The development incorporates suitable deep soil planting areas.
17.2.3. Building Design of Manufactured Homes	a) Building articulation and habitable rooms in dwellings must enable passive surveillance of access roads.	Several dwelling typologies have been provided with the application which allow for passive surveillance.
	b) Building materials and colour schemes must be selected to demonstrate compatibility with surrounding residential development.	The proposed dwelling typologies are comparable and compatible with existing residential development in the locality.
	c) Building designs on corner lots should avoid blank walls and include design features that provide visual interest to, and passive surveillance of, access roads.	The application does not clearly identify dwelling types for corner lots and suitable design features. Notwithstanding this, the application does not seek consent for any dwelling.
17.2.4 Visitor Parking	a) Visitor parking is required to be accessible at all times by residents and visitors to the development.	A 'boom gate' is proposed at the entrance of the development which will restrict access to visitor parking.
	b) Where the number of dwellings and/or sites is 100 or fewer, a centralised visitor car parking facility is to be provided.	The development provides for 88 dwelling sites. Carparking is provided in three separate locations within the estate. The number and location of carparking is considered suitable and useable for the development. The variation is supported.
17.2.6 Services and Infrastructure	a) The entrance of a development with more than 25% long-term/permanent occupancy sites, is to be within 400m of a bus stop serviced with daily bus services or provided with a private daily bus service for residents.	The nearest bus stop providing a daily service is approximately 450m from the entrance to the estate. The development does not propose a private daily bus service for residents.
	b) Any onsite administration, retail, community facilities and amenity buildings are to be accessible to all residents.	The community facilities will be accessible to all residents

	<p>c) Garbage facilities on the site are to be designed to be accessible to all residents and provided with screening from manufactured homes and longterm/permanent occupancy sites, adjoining properties and public areas.</p>	<p>Waste storage areas are provided adjacent to the clubhouse, for the clubhouse use.</p> <p>The application proposes that a private contractor will service the development and that dwelling waste bins and collection points will be determined as part of the approval to operate and the waste management plan.</p> <p>It is considered that each site has sufficient area for the storage of waste bins.</p>
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4.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

4.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Part 4 Division 1 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. No matters are relevant to the application.

4.6 Section 4.15(1)(b) - Likely impacts of development

Context, Setting and Design

The site is located to the north west of the developed residential areas of Tuncurry. The land is zoned Low Density Residential and forms an extension of the existing residential areas.

Existing residential development in the locality is comprised mostly of single storey dwelling houses and Dual Occupancies. To the east of the site within Chapmans Road exist a seniors living development comprising multiple single storey dwellings and associated facilities.

To the north of the development site, land is used for large lot residential, commercial and recreational developments, typically single story with larger setbacks.

The application proposes a form of low rise medium density development. The application proposes a road network with individual lots to accommodate single dwellings. While the dwelling sites are of a size lessor than that of traditional torrens title development, the density of the development is considered to be similar to torrens title development with dual occupancy development. The proposal is considered to be compatible with the existing residential development in the locality.

The development also responds to development to the north by having a setback to Chapmans Road that is greater than that required for residential development and is also landscaped to reduce the impact of the development on the streetscape.

Overall, proposed development is considered to be appropriate given the local context.

Site and Internal Design

The design of the proposed development in most respects relates appropriately to the local environmental conditions and the site attributes.

The proposal retains the C2 Environmental Conservation area within the site and utilises areas that are subject to previous / current disturbance.

The internal design provides for sites and buildings clustered in groups and with suitable deep soil areas to boundaries and between groups of sites to accommodate landscaping, to improve amenity and reduce the visual impact of the development.

Where the development does not appropriately respond to the constraints of the site is with regard to filling and stormwater disposal.

The extent of fill proposed requires batters to extend beyond the site boundaries into an adjoining property. Landowners consent has not been obtained for the filling on the adjoining land.

Similarly, the development requires stormwater to be discharged onto adjoining land. The impacts of this discharge have not been suitably addressed (as discussed further in this report) and Landowners consent has not been obtained for stormwater works on the adjoining land.

As such it is considered that the development does not respond appropriately to the site.

Access and Transport

The site has frontage to Chapmans Road, which is a local collector providing access to The Lakes Way (State Road) at a give-way controlled T-intersection.

Chapmans Road is a two-lane two-way sealed urban road with kerb and gutter and shared pathway (pedestrian and cycle) along the developed sections of the road, which is taken to be from the intersection of Chapmans Road with the Lakes Way to the intersection with Grandis Drive (approximately 250m). This section of the road has a total sealed carriageway width of approximately 9 metres which allows a single lane of travel in each direction as well as some on-street car parking. West of the developed section, to the subject site and beyond, Chapmans Road becomes a rural standard road with a pavement width of 7 metres with grassed table drains.

The application proposes construction of a new collector road and intersection with Chapmans Road. Access to the MHE will be from this collector road. A secondary access for emergencies is provided at the western end of the development site with direct access to Chapmans Road.

A Traffic and Parking Assessment Report was prepared by traffic Intersect Traffic Pty Ltd (Intersect Traffic) in support of the proposed development. The report concludes that both the Local and State road network can cater for the increase in traffic generated by the development, without upgrade.

The only works recommended are for the extension of the existing off-road shared pathway (pedestrian and cycle) on the southern side of Chapman Street to the site

Notwithstanding the findings of the Traffic Assessment it is considered that the report does not adequately address impacts of the development for the following reasons.

- The traffic assessment models the development on a seniors living development with 2.1 daily vehicle trips per dwelling. The Statement of Environmental Effects submitted with the application makes no mention that the MHE is a seniors living development and assumes daily vehicle trips will be in the order of 3.6 per dwelling (noting that this is below trip generation for a typical dwelling). No clarification in the anomaly has been provided.
- The traffic assessment makes no comment on the likelihood of residents using Grandis Drive to access the Lakes Way where a signalised intersection exists.
- While the development provides a sufficient number of parking spaces for visitors, the visitor spaces are not accessible with access being prevented by way of a 'boom' gate. The effect of this is that visitors will be required to park off site within the public road network.

The traffic assessment provides no comment on the availability of on-street parking.

- The report fails to address the increased traffic movements and impacts on the existing intersection of Chapmans Road and The Lakes Way. This includes any required upgrades or acceleration in the timeline required for the roundabout included in Council's current contribution plan.
- The report has not provided consideration to the requirements of upgrading Chapmans Road to an urban standard. This includes extension of existing infrastructure to and upgrading of the frontage to the development.

Natural Hazards

The site is identified as being subject to the hazards of flooding and bushfire

Flooding

The 2100 1% Annual Exceedance Probability flood level for the site is 2.7m AHD.

The application proposes that finished levels be in the range of 2.80m AHD to 4.40m AHD. Proposed dwelling sites will have finished levels of not less than 2.90m AHD.

The Habitable Floor Level, which is the minimum floor level for dwellings and buildings on the land is 3.2m AHD (2.7m + 0.5m freeboard). The proposed site levels ensure that compliance can be achieved.

As the building is located on flood prone land, it will also be required that the building be constructed to withstand the forces of flood. This can be addressed as a condition of any consent.

To ensure the safety of occupants a site operational management plan has also been prepared.

It is considered that the development appropriately responds to the natural hazard of flood.

Bushfire

The land is identified as bushfire prone land.

The development has been designed in accordance with Planning for Bushfire Protection to ensure levels of construction, asset protection zones, access, utilities and the like appropriately respond to the hazards of bushfire.

Pursuant to s100B of the Rural Fires Act 1997 the application was referred to the NSW Rural Fires Service for consideration of the issue of a Bush Fire Safety Authority.

The RFS have granted conditional approval for the development.

It is considered that the development appropriately responds to the natural hazard of bush fire.

Stormwater

The development proposes that stormwater be collected and piped to a combined detention bioretention basin located in the south western corner of the site.

It is acknowledged that an updated stormwater design has been prepared for the development that separates detention from water quality, however this plan has not been formally lodged through the NSW Planning Portal as part of the application, nor have revisions to site layout and other plan sets required by adjustment to the stormwater treatment been received.

Notwithstanding the uncertainty of which plan set is to be considered in relation to stormwater management it is considered that the development as proposed fails to appropriately address the treatment and discharge of stormwater from the site. In this regard the following comments are made:

Easements

The application does not include owners' consent in the form of an easement to drain water over the adjoining downstream lots. Concentrated discharge and overflow associated with events larger than the 1% AEP is not supported in the design's current form.

Modelling (On Site Detention)

The application includes a summary however does not include the DRAINS model to allow assessment in accordance with Section 1.1 of MidCoast Council's Site Stormwater Design Guidelines. The lack of information prevents Council from determining if the modelling has been undertaken in accordance with Council's guidelines and Australian Rainfall & Runoff (AR&R) 2019.

Basin Details

The design drawings submitted with the stormwater management plan only include a layout plan for the site and "Typical Details" for a level spreader and grassed swale. Due to the complexities of retaining walls, batters, and the lack of modelling provided for the detention sizing, Council is unable to form the view if adequate area has been allowed for.

Groundwater

The application does not include suitable information that addresses potential groundwater impacts due to the fill / mounding and concentrated discharge adjacent to the western boundary. It is noted that Council's concerns and impacts on the adjoining property without an easement in place are further exacerbated by the commentary surrounding the infiltration assumptions of the proposed detention / bio basin. The stormwater management plan assumes a high infiltration value based on the sandy soil however the information provided in the Geotechnical Report has revealed a high-water table which will significantly limit the ability of the basin to drain appropriately.

Water Quality

The application fails to demonstrate that water quality targets can be achieved and that there will be no adverse impact on receiving waters. The MUSIC model provided

- a) does not accurately represent the current condition of the site which prevents an accurate assessment of the developed site;
- b) does not accurately represent the future extent of impervious area nor does the application provide a mechanism to ensure that assumptions on impervious area are not exceeded;
- c) does not accurately represent the bio filter proposed for the development.

The application does not assess whether the bioretention media intercepts the acid sulfate soil layer and if so, how the risks will be mitigated.

Ecology

The land has been largely cleared of vegetation through disturbance associated with previous land use and approval for clearing and filling of the land. Works on filling the land are currently being undertaken in accordance with Development Consent DA-290/2012. Compliance with the consent will result in the majority of the residential zoned part of the land being cleared and filled.

The eastern portion of the site, which is zoned C2 Environmental Conservation, contains an area of Swamp Mahogany Tall Woodland and Lepironia – Thick-leaved Bottlebrush Sedgeland.

The application proposes no work within the C2 Environmental Conservation Zone.

As the development is to be located on an area of the site already disturbed and currently being developed (filled), it is considered that the ecological impacts have already been assessed in conjunction with the previous development approvals and the proposed development will have no adverse impact.

Notwithstanding, as the application relies on works being carried out under Development Consent DA-290/2012 it would be reasonable to require completion of this consent prior to any works commencing on the proposed development, should consent be granted.

Social and Economic Impact

The proposed development provides an alternative form of housing in the locality and is likely to have positive social and economic benefits for the local area and the broader community.

The development will also have a positive economic contribution to the locality through the creation of jobs through construction phase and direct employment.

4.7 Section 4.15(1)(c) - Suitability of the site

The proposal is permitted with consent on the site under the relevant zoning pursuant to State policy.

The proposal is for a low rise medium density development that is compatible with existing residential development in the locality.

The site is considered suitable for the concept proposed, however the design does not respond appropriately to the constraints of the site, with particular regard to stormwater and filling.

As such the site is not considered suitable for the development as proposed.

4.8 Section 4.15(1)(d) - Public submissions

The subject development application was first publicly exhibited between 1 April 2022 to 19 May 2022 in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and the MidCoast Council Community Engagement Strategy. Upon receipt of amended plans the application was further exhibited between 24 February 2023 to 31 March 2023. As a result of the public exhibition of the application Council received a total of nineteen (19) submissions.

The submissions referred to the following issues:

1. Traffic

Multiple submission outlined concerns with the impact the development will have on the traffic network and in particular:

- the suitability of the existing intersection of Chapmans Road and the Lakes Way;
- the likelihood that the development will increase traffic through the neighbouring Banksia Estate and no assessment of the impacts
- the cumulative impacts of development.

Comment: The application was supported with a traffic impact assessment which found that the development would have no impact on the road network and with exception of extending a shared path (pedestrian and cyclist) no upgrade works would be required.

Upon review of the application and traffic impact assessment it is considered that the application does not adequately address traffic generation and as such it **cannot** be concluded the existing network is suitable and no upgrades are required.

In particular the traffic report relies on reduced trip generation rates which are not supported, does not address likely vehicle movements through Banksia Estate (along Grandis Drive) and does not comment on cumulative impacts.

2. Site Contamination

Several submissions raise concern that the site is contaminated to a level that would prevent the development from being carried out.

Comment: A Detailed Site Investigation was carried out in support of the application. While the DSI concluded that the site was suitable for the development, it is considered that the report did not address all relevant matters and as such the application does not provide sufficient detail to demonstrate that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose of the Manufactured Home Estate.

3. Visual Impact

Several submissions raise concern with visual impact and compatibility with existing development in the locality.

Comment: The proposal is for a form of low rise medium density development. The resultant density of the development is not dissimilar to dual occupancy development found in neighbouring residential areas.

While approval is not being sought for individual dwellings, they are proposed to be of single storey construction. The development also provides substantial setbacks from road frontages and internal areas suitable for landscaping.

It is considered that the development will have no significant detrimental adverse impact on visual amenity and is a form of development compatible with existing development in the locality.

4. Ecology

Concern has been raised in relation to the impacts the development will have on the ecology of the area.

Comment: The proposed development is to be carried out over the R2 Zoned portion of the land. Clearing the substantial filling of the land has been approved under a previous consent. The development does not propose any clearing or disturbance of any vegetated areas.

5. Flooding

Concern is raised that the development does not provide suitable safeguards from the hazards of flooding, with particular regard to evacuation.

Comment: The 1% AEP flood level for the land is 2.7m AHD. The land is within a flood storage area and velocities in a flood event will be low. Chapmans Rd at the access to the development is at 2.4m AHD.

The application proposes that the land will be filled to levels between 2.8m and 4.4m AHD, while evacuation along Chapmans Road would require vehicles / persons to negotiate 300mm of water with little velocity.

The filling of the site ensures that adequate safe area is available to shelter on site, while it would still be possible to negotiate Chapmans Road to higher land if required.

6. Development Control Plan

Concern is raised that the development is not compliant with the site specific provisions of the Great Lakes Development Control Plan 2010.

Comment: The proposal is generally compliant with the provisions of the plan. The DCP, including areas of non-compliance is discussed in Table 4.

7. Assessment

Concern is raised that there may be conflict with Council assessing the application due to Council being the previous owner of the land

Comment: The application is being assessed in accordance with State policy which provides that Council cannot determine the application. While Council staff have assessed the application, the relevant consent authority is the Hunter Central Coast Regional Planning Panel.

8. Stormwater

Several submissions raise concern with the regard to the disposal of stormwater and the potential impact on adjoining land.

Comment: The development proposes that stormwater be collected and piped to a combined detention bioretention basin located in the south western corner of the site, however the application does not provide sufficient detail to confirm that water quality targets can be achieved and that discharge of stormwater will have no adverse impact on adjoining lands.

9. Parking

Concern is raised that suitable parking is not provided for the development

Comment: The development proposes that residents will be able to park on their individual sites, while eighteen (18) spaces are to be made available for visitors.

The number of parking spaces is compliant with relevant regulations and would be considered acceptable if the visitor parking was readily accessible. A boom gate is proposed with the development and prevents visitors from readily accessing the site. Street parking has not been considered in the traffic assessment and will not be permitted as an alternative to on-site parking.

4.9 Section 4.15(1)(e) – The Public Interest

The provision of additional housing is considered to be in the public interest however the proposed development will have an unknown impact on the traffic network, inadequate stormwater management and adverse impacts on adjoining land which is not in the public interest.

5.0 Other Matters

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

Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 provides the matters to be considered for approval of a Manufactured Home Estate. Table 5 below lists the matters for consideration and details how they relate to the proposed development.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021	
Table 5: Division 3	
Subdivision 1 Land and dwelling site requirements	Comment
<p>(12) A manufactured home estate must not have an area of less than—</p> <p>(a) 1 hectare, or</p> <p>(b) if a lesser area is permitted on the land by an environmental planning instrument, the lesser area.</p> <p>13 Community amenities</p> <p>(1) A minimum of 10% of the total land area of a manufactured home estate must be reserved for recreation or other communal activities.</p> <p>(2) The council may allow a lower percentage, not less than 6% of the total land area of the manufactured home estate, to be reserved for recreation or other communal activities.</p> <p>(3) Before allowing a lower percentage, the council must consider—</p> <p>(a) the type and range of amenities to be provided, and</p> <p>(b) other matters the council considers relevant.</p> <p>14 Size of dwelling sites</p> <p>A dwelling site must have an area of at least 130 square metres.</p> <p>15 Site identification</p> <p>(1) A dwelling site must be numbered or identified with its site boundaries clearly outlined.</p> <p>(2) The site identification must be easily recognised.</p>	<p>The Manufactured Home Estate will have an area of approximately 5.05 hectares</p> <p>Approximately 15% of the site area will be reserved for communal and recreation activities.</p> <p>The dwelling sites range from 288.7m² to 345.5m², with an average site area of 310.95m²</p> <p>Dwelling site are numbered on plan and can be reflected on ground upon construction.</p>
Subdivision 2 Setbacks	Comment
<p>16 Dwelling sites to have road frontage</p> <p>A dwelling site must have vehicular access to an access road.</p>	<p>All dwelling sites have vehicular access to an access road.</p>
<p>17 Setbacks of community buildings</p> <p>(1) A community building must not be located closer than 10 metres to the boundary of a manufactured home estate or dwelling site.</p> <p>(2) The council may allow a lesser distance of at least 2 metres if satisfied the community building has been or will be properly screened, fenced, enclosed or otherwise treated.</p>	<p>The clubhouse (community building) will have a setback of approximately 18m from the boundary of the estate and 13m to the closest dwelling site.</p>

<p>18 Setbacks of dwelling sites from road frontages</p> <p><i>(1) A dwelling site must not be located closer than—</i></p> <p><i>(a) 10 metres to a public road, or</i></p> <p><i>(b) 3 metres to another boundary of the manufactured home estate.</i></p> <p><i>(2) The council may allow a lesser distance if satisfied the dwelling site has been or will be properly screened, fenced, enclosed or otherwise treated.</i></p> <p>19 Use of buffer zones</p> <p><i>Nothing in this Part prevents land within a required setback from being used for—</i></p> <p><i>(a) community amenities, access roads, car parking spaces, footpaths or landscaping, or</i></p> <p><i>(b) a similar purpose allowed by the council.</i></p>	<p>All dwelling sites will have a setback of not less than 10m to public roads and boundaries of the site.</p> <p>Landscaping, footpaths, and visitor carparking spaces at the entrance to the development are within the setback buffer area.</p>
<p>Subdivision 3 Roads</p>	<p>Comment</p>
<p>20 Entrance and exit roads</p> <p><i>(1) A road forming an entrance to or exit from a manufactured home estate must be at least 8 metres wide.</i></p> <p><i>(2) For 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.</i></p> <p><i>(3) The council may specify, in an approval, the way in which an entrance or exit road must meet the sealed portion of other access roads.</i></p> <p>21 Width of roads</p> <p><i>(1) The width of the road reserve must be at least—</i></p> <p><i>(a) 8.5 metres for a major access road, and</i></p> <p><i>(b) 6 metres for a minor access road.</i></p> <p><i>(2) The width of the sealed portion of an access road must be at least—</i></p> <p><i>(a) 6 metres for a major access road, and</i></p> <p><i>(b) 4 metres for a minor access road.</i></p> <p><i>(3) If a minor access road exceeds 80 metres in length, a passing bay must be provided within the road reserve.</i></p> <p><i>(4) Passing bays must be provided at intervals of no more than 100 metres.</i></p> <p><i>(5) The width of the sealed portion of an access road at a passing or parking bay must be at least—</i></p> <p><i>(a) 8.5 metres for a major access road, and</i></p> <p><i>(b) 6 metres for a minor access road.</i></p> <p>22 Speed restrictions as part of road design</p> <p><i>Access roads must be designed to limit the speed at which vehicles may travel on the roads to—</i></p> <p><i>(a) 30 kilometres per hour for major access roads, and</i></p> <p><i>(b) 15 kilometres per hour for minor access roads.</i></p> <p>23 Visitor parking</p> <p><i>(1) A manufactured home estate must contain at least the following number of visitor parking spaces—</i></p> <p><i>(a) for a manufactured home estate containing no more than 35 sites—8 spaces,</i></p>	<p>The entrance road has a sealed width of 10m.</p> <p>All road reserves have a minimum width of 10m with 6m seal.</p> <p>Speed signs can be signposted at construction.</p> <p>A total of 17 visitor parking spaces are required.</p> <p>A total of 18 visitor parking spaces are proposed throughout the development.</p> <p>Carparks are complaint with minimum dimensions, and visitor</p>

<p><i>(b) for a manufactured home estate containing more than 35 sites, but no more than 70 sites—12 spaces,</i></p> <p><i>(c) for a manufactured home estate containing more than 70 sites, but no more than 105 sites—16 spaces,</i></p> <p><i>(d) for a manufactured home estate containing more than 105 sites—20 spaces plus 1 additional space for every 7 sites above 140 sites.</i></p> <p><i>(2) Each parking space must have minimum dimensions of—</i></p> <p><i>(a) for angle parking—5.4 metres by 2.5 metres, or</i></p> <p><i>(b) otherwise—6.1 metres by 2.5 metres.</i></p> <p><i>(3) Visitor parking spaces must be clearly identified.</i></p> <p>24 Visitor parking for people with disabilities</p> <p><i>(1) A manufactured home estate must contain—</i></p> <p><i>(a) at least 1 visitor parking space for people with a disability (a disabled parking space), or</i></p> <p><i>(b) if the manufactured home estate contains 100 sites or more—at least 1 additional disabled parking space for—</i></p> <p><i>(i) the first 100 sites, and</i></p> <p><i>(ii) every further 100 sites, and</i></p> <p><i>(iii) a remaining part, if any, of 100 sites.</i></p> <p>25 Road surfaces</p> <p><i>All access roads, including all passing and parking bays, must—</i></p> <p><i>(a) have an all-weather sealed or other surface finish specified in the approval, and</i></p> <p><i>(b) be adapted to the land to enable adequate drainage and remove excessive grades.</i></p> <p>26 Lighting</p> <p><i>All access roads must be adequately lit between sunset and sunrise.</i></p>	<p>parking can be sign posted once constructed.</p> <p>In accordance with the regulations, a total of 1 disabled visitor space is required.</p> <p>A total of 2 carparking spaces will be dedicated and signposted as disabled parking spaces.</p> <p>All roads are to be sealed all weather surface and drained.</p> <p>Lighting is proposed throughout the development</p>
<p>Subdivision 4 Utility services</p>	<p>Comment</p>
<p>27 Water supply</p> <p><i>(1) A manufactured home estate must be—</i></p> <p><i>(a) connected to a mains water supply, or</i></p> <p><i>(b) provided with an alternative water supply service as specified in the approval.</i></p> <p><i>(2) A dwelling site must be—</i></p> <p><i>(a) connected to the water supply service for the manufactured home estate, and</i></p> <p><i>(b) provided with—</i></p> <p><i>(i) a separate water meter, and</i></p> <p><i>(ii) a separate water service isolating valve.</i></p> <p><i>(3) The water supply service must comply with—</i></p> <p><i>(a) the Plumbing and Drainage Act 2011 and the regulations made under that Act, and</i></p> <p><i>(b) the requirements of a relevant statutory body.</i></p> <p><i>(4) The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines 6 published in October 2011 by the National Health and Medical Research Council.</i></p>	<p>A reticulated water supply is to be extended to the MHE site and each dwelling site will be separately metered.</p>

<p>28 Sewerage</p> <p><i>(1) A manufactured home estate must be—</i></p> <p><i>(a) connected to a main sewer, or</i></p> <p><i>(b) provided with an alternative sewage disposal system as specified in the approval.</i></p> <p><i>(2) A dwelling site must be connected to the sewage disposal system for the manufactured home estate.</i></p> <p><i>(3) The sewage disposal system must comply with—</i></p> <p><i>(a) the Plumbing and Drainage Act 2011 and the regulations made under that Act, and</i></p> <p><i>(b) the requirements of a relevant statutory body.</i></p> <p>29 Drainage</p> <p><i>(1) A manufactured home estate must be provided with a stormwater drainage system as specified in the approval.</i></p> <p><i>(2) A dwelling site must be—</i></p> <p><i>(a) connected with the stormwater drainage system for the manufactured home estate, or</i></p> <p><i>(b) provided with an on-site stormwater drainage system.</i></p> <p><i>(3) A stormwater drainage system must comply with—</i></p> <p><i>(a) the Plumbing Code of Australia, and</i></p> <p><i>(b) the requirements of a relevant statutory body.</i></p> <p>Electricity supply</p> <p><i>(1) A dwelling site must be supplied with electricity from a reticulated electricity service by an electrical circuit connected to a separate electricity meter.</i></p> <p><i>(2) The electrical circuit must be installed in accordance with the Australian/New Zealand Wiring Rules.</i></p> <p><i>(3) The maximum capacity of the electrical circuit supplying a dwelling site is not required to be more than 32 amperes if the site is provided with gas, whether by a reticulated gas service or on-site gas containers.</i></p> <p><i>(4) If a dwelling site is provided with electricity otherwise than by a direct connection to the local electricity supply authority's electricity main, the occupant of the dwelling site may only be charged reasonable charges for the supply of the electricity.</i></p> <p>31 Telephone lines</p> <p><i>Telephone services, if available, must be provided by a telephone connection that is available to each dwelling site within the manufactured home estate.</i></p> <p>32 Common trenches</p> <p><i>A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.</i></p>	<p>Sewer will be extended to the MHE site, and each dwelling will be connected.</p> <p>A drainage system is proposed for the MHE and each dwelling can be connected to the drainage system.</p> <p>As discussed under the heading of stormwater, the drainage system proposed is considered inadequate.</p> <p>A reticulated electricity service is available and will be extended to the site and dwellings.</p> <p>Telecommunications are available and will be extended to the site and dwellings.</p> <p>To be considered during construction</p>
<p>Subdivision 5 General</p>	<p>Comment</p>
<p>33 Garbage removal</p> <p><i>Arrangements specified in an approval must be implemented and maintained—</i></p> <p><i>(a) for the removal of garbage, and</i></p> <p><i>(b) to keep garbage receptacles in a clean and sanitary condition.</i></p>	<p>The development proposes waste collection for individual dwelling sites and community facilities.</p>

<p>34 Fire hydrants</p> <p><i>(1) No part of a dwelling site or community building within a manufactured home estate may be located more than 90 metres from a fire hydrant.</i></p> <p><i>(2) A fire hydrant located within a manufactured home estate must be—</i></p> <p><i>(a) a double-headed pillar-type fire hydrant, and</i></p> <p><i>(b) maintained to the standard specified in the approval.</i></p>	<p>Fire Hydrants can be installed with construction</p>
<p>35 Buildings</p> <p><i>(1) A building must not be erected on a manufactured home estate unless the approval allows the erection of the building.</i></p> <p><i>(2) An approval may allow only the following kinds of buildings to be erected on the manufactured home estate—</i></p> <p><i>(a) community buildings,</i></p> <p><i>(b) brick or masonry walls to erect—</i></p> <p><i>(i) separating walls between adjoining manufactured homes, or</i></p> <p><i>(ii) external facades to manufactured homes.</i></p> <p><i>(3) The approval may allow the erection of a brick or masonry wall to erect an external facade to a manufactured home only if—</i></p> <p><i>(a) the dwelling site on which the manufactured home is located is a neighbourhood lot, and</i></p> <p><i>(b) the owner of the manufactured home is the owner of the neighbourhood lot.</i></p>	<p>The application seeks approval for construction of the community building.</p>
<p>36 Use of manufactured home estates</p> <p><i>(1) A manufactured home estate must not be used—</i></p> <p><i>(a) for a commercial purpose other than a manufactured home estate or an associated purpose, or</i></p> <p><i>(b) for the manufacture, construction or reconstruction of moveable dwellings.</i></p> <p><i>(2) A manufactured home may be used for exhibition purposes.</i></p> <p><i>(3) A manufactured home installed in a manufactured home estate may be renovated, maintained and repaired.</i></p>	<p>The MHE is not proposed to be used for any commercial purpose other than the MHE.</p> <p>Dwellings are proposed to be constructed on site and an objection providing justification for variation to this requirement has been provided.</p> <p>Council has no objection to construction on site.</p>
<p>37 Community map</p> <p><i>The holder of an approval must provide the council with a copy of the community map for the manufactured home estate—</i></p> <p><i>(a) as soon as practicable after an amendment is made to the map, and</i></p> <p><i>(b) at other times reasonably required by the council.</i></p>	<p>A map can be made available upon operation of the estate.</p>
<p>38 Access to approval and community map</p> <p><i>The holder of an approval must ensure that copies of the following documents are available for inspection, free of charge, by an occupant of the manufactured home estate—</i></p> <p><i>(a) the approval for the manufactured home estate,</i></p> <p><i>(b) the current community map,</i></p> <p><i>(c) this Regulation.</i></p>	<p>A map can be made available upon operation of the estate.</p>

5.2 Section 7.12 Contributions Plan

The development would require the payment of contributions in accordance with Council's Section 7.11 Contributions Plan. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any approval to operate a manufactured home estate being granted.

6.0 CONCLUSION

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is not considered suitable for the site and is not in the public interest.

7 . 0 RECOMMENDATION

It is recommended that Development Application 2022/0214 for the establishment of a Manufactured Home Estate at Lot 100 DP 1286524 (No 40-80) Chapmans Road Tuncurry, be refused for the reasons contained in Attachment R.