



LandDynamics
AUSTRALIA

STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION (DA)

Proposed Manufactured Housing Estate (MHE)

Lot 1 DP 304132

40-80 Chapmans Road, Tuncurry

On behalf of

Allam Property Group Pty Ltd

February 2022



Prepared for:

Allam Property Group Pty Ltd

Prepared By:

Land Dynamics Australia

77 Lord Street, Port Macquarie NSW 2444 – PO Box 2459, Port Macquarie NSW 2444

T: 02 6583 2677 E: pm@ldynamics.com.au

www.ldynamics.com.au

	Name	Date
Prepared By	Susan Blake	26/02/2022
Checked By	Michael Summers	28/02/2022

Disclaimer

This report was prepared in accordance with the scope of works set out in correspondence between the client and Land Dynamics Australia. To the best of Land Dynamics Australia's knowledge, the report presented herein accurately reflects the Client's intentions when the report was printed. However, it is recognised that conditions of approval at time of consent, post development application modification of the proposals design, and the influence of unanticipated future events may modify the outcomes described in this report.

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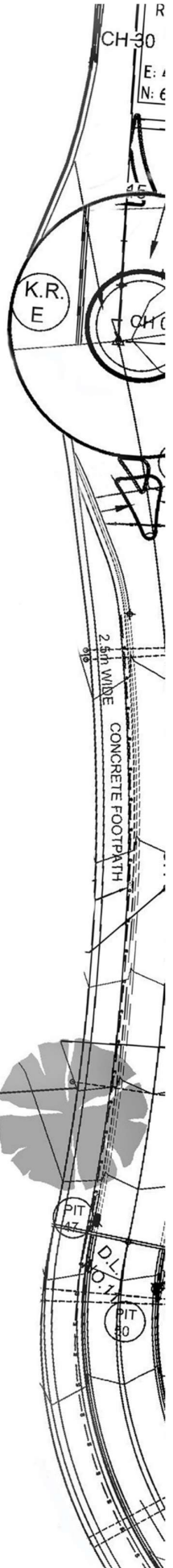
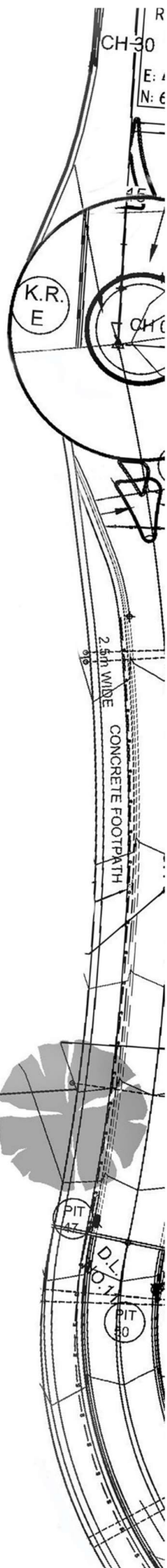


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EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) is to accompany a Development Application (DA) lodged with Mid Coast Council for the approval of a Manufactured Housing Estate (MHE), referred to as a Lifestyle Resort, on land known as Lot 1, DP 304132, being 40-80 Chapman Road, Tuncurry. The site is located on the north-western edge of the township of Tuncurry, on the north coast of NSW, within the MidCoast local government area. The site is identified within Council's strategic planning documentation for development within the Forster/Tuncurry. *Figure 1* identifies the subject land in relation to Tuncurry, Forster, and surrounds.



Figure 1: Aerial Photograph of Locality of Site & Surrounding Forster township – (Source [40-80 Chapmans Road, Tuncurry NSW 2428 - Land & Development Property For Sale | Commercial Real Estate](#))

The proposed development involves the establishment of a private lifestyle resort operated by Allam Property Group Pty Ltd which develop residential estates, construct and operates land lease living estates including quality 'Over 55s villages' that provides secure, quality, and affordable accommodation options with excellent community facilities for older Australians, being 'an exceptional way of living'.

The proposed development will occur on part of the 6.07-hectare property. The development footprint within the zone R2 Low Density residential land is 5.05 hectares (excluding proposed collector road). The lifestyle resort will contain 88 dwelling sites under a private title arrangement. The proposed residential sites vary in size from 288.7m² to 345.5m² and have an average site area of 310.9m². The proposed large community clubhouse centrally located at the entrance to the development will be subject to a future separate DA application. The clubhouse is likely to include reception area, consultation rooms, gymnasium, games and entertainment room, and function area. The proposed dwellings and community facilities will have contemporary finishes supported by high quality products, sited in a landscaped setting supported by services and facilities.

The subject property includes two land zones under the Great Lakes LEP 2014 (GL LEP 2014) as identified in *Figure 2*. The site of the proposed development is located wholly within the land zoned R2 Low Density Residential

located being most of the subject property. On the eastern edge of the subject property is zone E2/C2 Environmental Conservation land. The E2/C2 zoned land will remain unchanged.

A local road will be constructed which will provide a road connection for the subject development. This will form part of a proposed collector road connecting the surrounding development to the south. The proposed collector road will be located entirely within and along the eastern edge of the R2 zoned land and skirts the western edge of the E2/C2 land. The section of the collector road needed to permit egress into the development will be constructed as part of this application. The road pavement will be 11m and the road reserve will be 20m. An approval under the *Roads Act 1993* will be required.

The proposed Manufactured Housing Estate (Land Lease Living) is a permissible land use in the R2 Low Density Residential zone and aligns with the objectives of the zone. The development will have a private network of internal roads within the development. An alternate emergency access road will be constructed with connection to Chapman Road.

The proposal considers the residential amenity of the existing and future residents including adjoining residential zoned properties, the environmental constraints of the site, as well as the wider area. There will be a positive community benefit resulting from the proposal, with a boost to the local economy and a development which supports the overall community of Tuncurry.

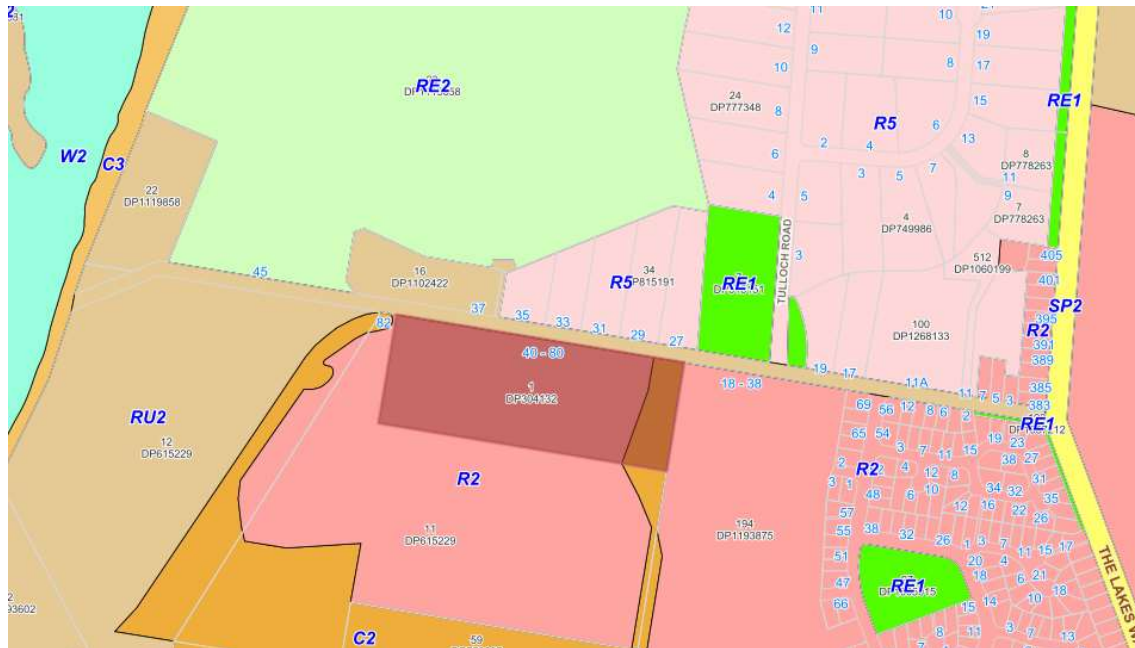


Figure 2: Land Zone Map 11E - Great Lakes LEP 2014

Pre-lodgement discussions were held with Council and the issues raised are addressed in this report.

Investigations undertaken for this assessment and design considerations illustrates the proposal is suitable for the site. Bushfire, stormwater, and contamination assessments were undertaken. No unmanageable issues were identified in relation to transport, visual and acoustic privacy, heritage, acid sulfate soils, flooding, bushfire, flora and fauna or the provision of utilities.

The development is proposed on the residential zoned component of a largely cleared site and can accommodate the lifestyle resort and existing services and infrastructure are capable of being extended. The existing and proposed road network can appropriately manage the increased traffic generation. Further, approval of this development does not preclude nearby development on the adjoining land.

The popularity of the other lifestyle resorts such as Palm Lake Resort Tuncurry, Golden Ponds Retirement Resort, Secura Lifestyle and Evermore Retirement Living demonstrates a popularity for this high-quality form of housing in the area and there is a clear need for planning of new similar developments to keep up with the current market demand.

There is currently a mix of housing choices and forms in Tuncurry and this proposal embraces this diversity.

This report represents a Statement of Environmental Effects (SEE) as required by the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) and NSW Environmental Planning and Assessment Regulation 2000 (EP&A Reg). This SEE describes the site and its context, the nature of the proposal, the relevant planning framework and assesses the proposal against the matters for consideration pursuant to Section 4.15 of the EP&A Act. This SEE concludes that there is no material planning or statutory impediment to the approval of the proposed use. This report should be read in conjunction with the Appendices and uploaded documents on the NSW e-planning portal accompanying this application.

SITE & CONTEXT

The Site

The subject land may be described as Lot 1 DP 304132, being known as 40-80 Chapmans Road, Tuncurry. The proposal will be constructed over the residential zoned part of the subject site. The overall site is located on the north-western edge of the township of Tuncurry. The site is well appointed to the coastal villages of Tuncurry and Forster. The overall site is shown in the locality map, refer to *Figure 3*.

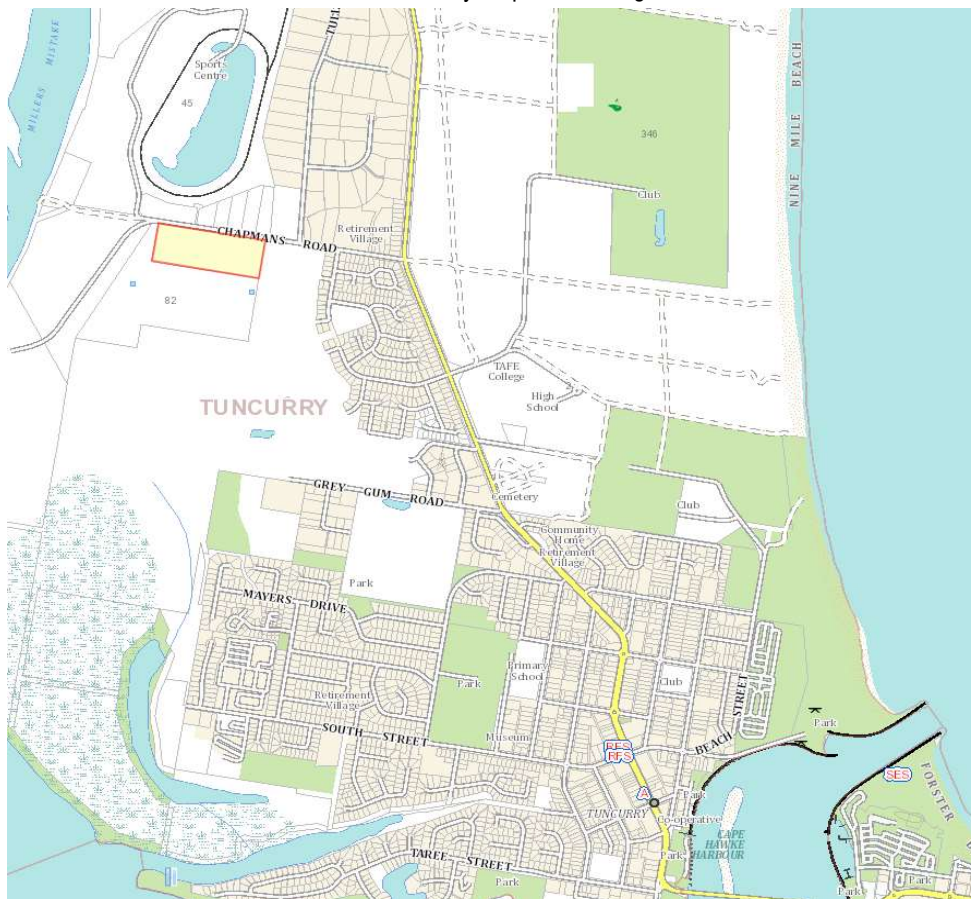


Figure 3: Locality Plan, Overall Site highlighted (source: www.sixmaps.nsw.gov.au)

The site is located on the north-western periphery of Tuncurry, off The Lakes Way in Chapmans Road. The area is located on the entrance/approach into Tuncurry being approximately 3km north-west from the core business / shopping region including Woolworths, mixed commercial and business premises, shops, and various public and community services.

As *Figures 4-6* show, and the Deposited Plan identifies, the subject property is a regular rectangular shaped allotment and has an area of approximately 6.07 hectares.

The proposed lifestyle resort residential development will be sited on 5.05 hectares of land already zoned for low density residential purposes. The subject site has frontage on its northern side to a bitumen sealed road reserve – Chapmans Road Council's strategic planning documentation identifies a proposed collector through the site towards the south to connect future residential development. The vegetation has been primarily retained in the E2/C2 environmental conservation zoned land located on the eastern boundary of the development. This vegetation corridor will act as a buffer between land uses.



Figure 4: Aerial Photograph of Site and Surrounds (source: www.maps.six.nsw.gov.au)

Surrounding the proposed development are a variety of land uses. The proposed development is located on the southern side of Chapmans Road approximately 550m from The Lakes Way. The entrance to Chapmans Road and land to the south includes residential dwellings, generally single storey in height. Opposite is the Sunrise Supported Living accommodation being an assisted living facility, and Goodlife Forster Tuncurry Church which are located on the northern side of Chapmans Road.

Further westward on the northern side of Chapmans Road the land becomes larger supporting managed large lot residential properties. Vacant residential land is located on the southern side of Chapmans Road, adjoining the existing suburban development. Mid-way along Chapman's Road on the southern side is Lumpy's Nursery and Landscaping Yard, and on the northern side is recreational land. There is a childcare facility opposite the site.

At the western end of Chapmans Road is the Ausgarden Centre landscaping supplies, and the Super Storage Boat and Caravan facility. These developments adjoin the Tuncurry-Forster Jockey Club and golfing range which are located north of the subject site. Further south-west of the subject site is cleared and vegetated portions of land leading to the Tuncurry Lakes Resort which is a tourist facility.

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

An aerial photograph showing a residential neighborhood. A specific parcel of land is highlighted with a red border and a yellow fill. The highlighted parcel is located in the center-left of the image, adjacent to a large, dark, irregularly shaped pond or lake. The surrounding area includes various residential lots with houses, some with swimming pools, and patches of greenery. A road or driveway runs along the right side of the highlighted parcel. The overall scene is a mix of developed residential land and natural vegetation.

Figure 5: Locality Plan, Subject Land highlighted (source: www.maps.six.nsw.gov.au)

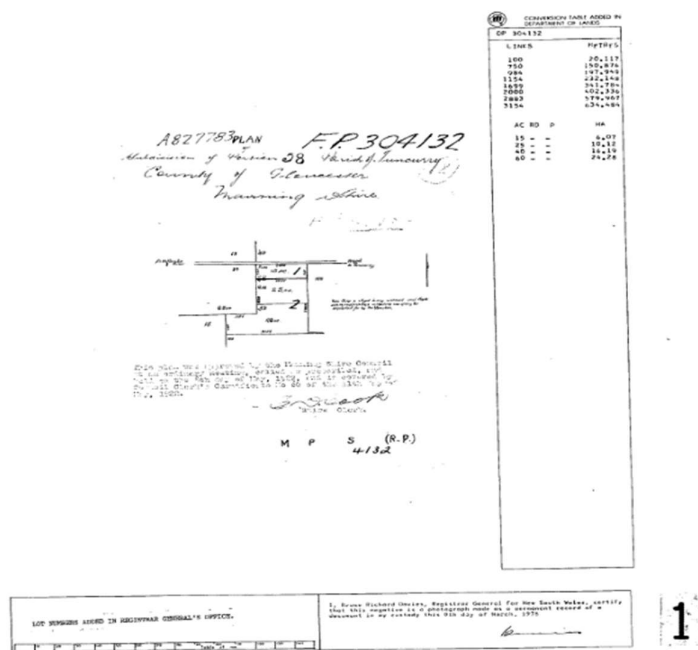


Figure 6: Deposited Plan Extract

Surrounding Development

Tuncurry is a township on the Mid North Coast of NSW. It is part of the MidCoast Council local government area. Forster and Tuncurry are large townships which provide for a range of services and facilities to the residents of both Tuncurry and Forster and the surrounding locality including commercial and retail services. Tuncurry has a TAFE, public school, supermarkets, medical centres, service stations, shops, and cafés.

Compatibility of the Proposal

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

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

Previous Applications

The following DA approvals were identified over Lot 1 DP 304132, Chapmans Road.

DA-504/2011

- Determined 7th July 2011
- Bulk earthworks

DA-290/2012

- Determined 6th September 2012
- Bulk earthworks

RGS Report RGS00319.1 (14/05/2013)

- Filling undertaken September to November 2012

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

THE PROPOSAL

The proposed development involves the establishment of a private lifestyle resort operated by Allam Property Group Pty Ltd. The developer operates and develops quality 'Over 55s villages' that provides secure, quality, and affordable accommodation options with excellent community facilities for older Australians. The proposal will permit a manufactured housing estate on part Lot 1 DP 304132 being 40-80 Chapmans Road, Tuncurry.

Refer to *Figure 7* showing the overall site layout.

The proposal, as detailed in the plans accompanying this application and extracts specifically involves:

- 88 manufactured housing sites within a lifestyle resort under a private title arrangement.
- The lifestyle resort connects into the existing public road access via a connection / extension off Chapmans Road. The roads within the lifestyle resort are in private ownership with access on title over the private roads.

- A landscaped entry and visitor parking is provided near the estate entrance, set back from the road, near the community facilities. There are 6 visitor parking spaces located at the entrance, with a walkway to enable visitors to access reception to the resort prior to gaining access into the lifestyle resort or as otherwise identified in the future Management Plan.
- An additional 5 internal visitor car parking spaces are located along the perimeter road for visitor use. There are also 7 additional car parking spaces, including one disability access car park provided near the community clubhouse.
- Services and infrastructure utilities will be extended to ensure provision throughout the site, and a stormwater drainage basin is in the south-western boundary. Reciprocal rights of access, and for maintenance, is proposed with Council in terms of the basins management.
- The adjoining E2/C2 environmental land provides a wide green corridor and landscaped screening to the development and will be retained and protected.
- Appropriate waste storage areas are provided adjacent to the clubhouse. The entire development will be serviced by a private contractor. Dwelling waste bins and collection points will be determined as part of the approval to operate and the waste management plan.
- As a lifestyle village, this development is ideally suited to people who want to downsize or like to travel and have the security of their dwelling being looked after whilst they are away.

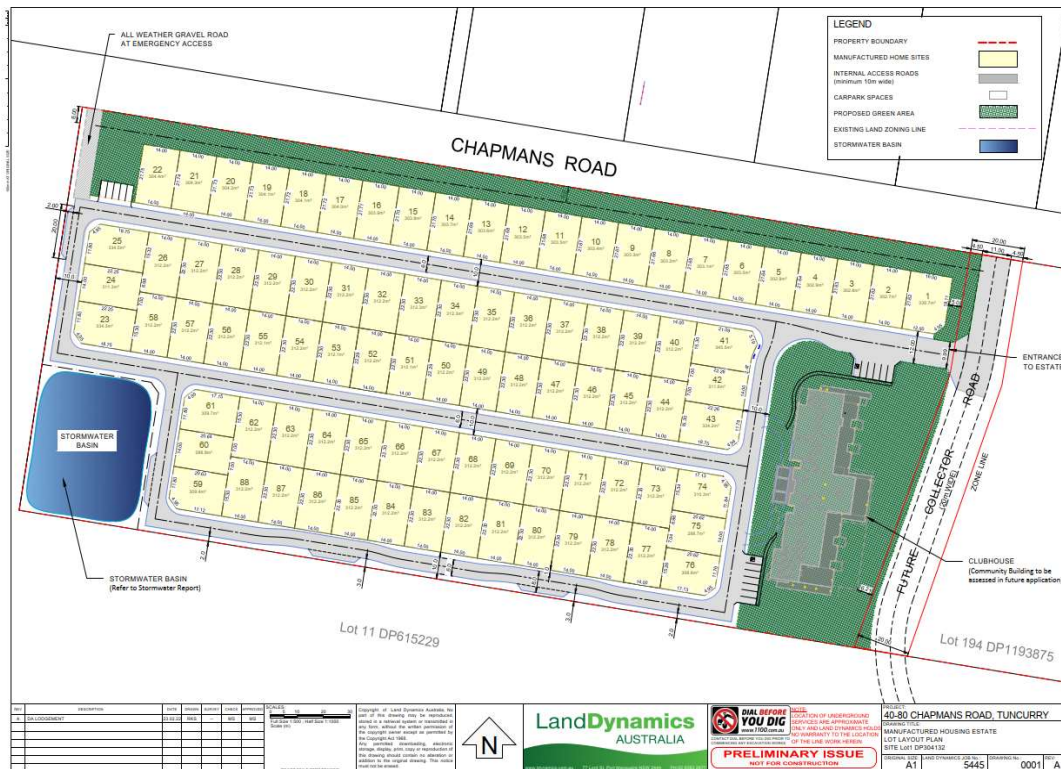


Figure 7: Site Layout of Proposed MHE

Clubhouse and Community Facilities Precinct

- The proposed community clubhouse is centrally located at the entrance to the development. A future DA application will be submitted for the clubhouse. It is proposed the clubhouse will include reception area, consultation rooms, gymnasium, games and entertainment room, and function area.

- The Clubhouse and Community Facilities Precinct provides a recreation area of 5907m² being 11.69% of the total land area of the lifestyle resort development. Additionally, other communal areas such as the car parking sites, landscaped areas and footpaths provides additional amenity that also contribute to passive recreational opportunities for residents.
- The entry to the clubhouse and reception areas will be clearly identifiable, and visitor car parking is provided adjacent to the entry. The proposed clubhouse is centrally located near the lifestyle resort entry and is easily accessible by residents via a series of pathways and road linkages.
- Landscaping treatments for the proposed clubhouse includes planting, entry treatments and outdoor furniture. A high level of level of amenity and functionality is achieved for the proposed clubhouse, which will make the area a hub for social activities of residents, whilst activating it as a main entry feature.

Figures 8 indicates what the proposed design of the resident's clubhouse may look like. The clubhouse will be the hub of the development with multiple activities provided for resident participation. The clubhouse is to contain a room(s) for appointments and use by medical professionals or other relevant service providers, as well as a noticeboard within reception or the clubhouse to alert residents to local events and activities.



Figure 8: Concept Design - Proposed Clubhouse Frontage

Dwellings

- Consent is being sought for the MHE use. A depiction of a range of dwelling types, elevations and site coverage that would fit the sites forms part of this application to enable Council and the community an appreciation of the aesthetic values and quality of dwellings to be integrated within the proposed development. A Certificate of Compliance being a separate approval under section 68 of the *Local Government Act 1993* will be sought in the future for the dwellings. Therefore, indicative dwellings have been included in this application for information and illustrative purposes to demonstrate the high-quality product.
- The proposed dwellings and community facilities will have contemporary finishes supported by high quality products and appliances, sited in a landscaped setting supported by services and facilities.



Figure 9: Indicative Dwelling Design & Streetscape 1

The images, *Figures 9-13* provide indicative perspectives of typical dwelling designs and streetscape.



Figure 10: Indicative Dwelling Design & Streetscape 2



Figure 11: Indicative Dwelling Design & Streetscape 3



Figure 12: Indicative Dwelling Design & Streetscape 4



Figure 13: Indicative Dwelling Design & Streetscape 5

The following two Figures 14A & 14B provide typical floor plan layouts.



Figure 14A: Typical Dwelling Floor Layout

Dwellings will be constructed to meet compliance with the Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2021.



Figure 4B: Typical Dwelling Floor Layout

The proposed residential sites vary in size from 288.7m² to 345.5m² and have an average site area of 310.9m², which is ample room to accommodate a high-quality manufactured dwelling, provision of single or double garage based on two or three-bedroom type designs. Each dwelling will meet regulatory requirements for the provision of private open space, landscaping, and dwelling setbacks to meet regulatory requirements and ensure quality indoor and outdoor alfresco living for residents.

Several options for dwelling types will be provided to the purchasers to be accommodated on the sites. Dwellings include living, dining, kitchen, bathroom or ensuites, and outdoor alfresco areas. The indicative dwelling types produced include 2 or 3 bedrooms and corresponding single or double garages. Several façade options are available for the purchasers. All built forms demonstrate a high-quality urban form and landscaping is integrated throughout the site.

Plan of Management

A Draft Plan of Management will be prepared and formalised prior to commencement of operation of the MHE and occupation of the first dwelling. The operation of the dwellings and community facilities are not restricted by hours of operation, but rather by standard noise criteria under the *Protection of the Environment Operations Act 1997*, conditions of the Development Consent, and any approvals including the section 68 Approval to Operate the MHE

development complex. The operation of the lifestyle village will comply with the *Residential (Land Lease) Communities Act 2013*. An on-site Manager will be appointed to run the lifestyle resort on a day-to-day basis and has an office within the clubhouse. Compliance with the regulations, management and village operations will ensure availability for after-hours emergencies, and for anyone external to the site who has enquiries or requires maintenance.

Staging of Development

It is proposed to undertake the development in one stage, with the clubhouse and associated facilities being commenced and constructed as dwellings are being constructed on site. It is noted that the development is less than 3-5 kilometres from the centre of Tuncurry and greater Forster which has provision of plentiful community facilities and services.

Landscape Plan

A landscape concept plan, refer to *Figure 15* is shown below. A perimeter fence has been setback 6m from the road reserves and landscaping has been incorporated along the collector road and Chapmans Road to provide amenity and privacy for residents and commuters. Landscape planting will be in accordance with Appendix 4 of the NSW RFS 'Planning for Bushfire Protection 2019 guidelines.' The landscaping scheme also includes planting along the internal roads and within the Clubhouse Precinct. The proposed drainage basin in the south-western portion of the site will also be integrated into the landscaping.



Figure 15: Proposed Landscape Plan

Infrastructure & Utilities

Water, sewer, electricity, and telecommunications will be made available to the lot. The lot dimensions, road layout and Concept Servicing Plans are provided in *Figure 16*. A Stormwater Management Report and associated plan has been prepared by Land Dynamics Australia to provide information on stormwater quality (water sensitive urban design) and stormwater quantity controls (hydrology and detention sizing). The Stormwater Management Report addresses the pre and post development scenarios for the development. The proposed development includes one large basin in the common area in the south-western portion of the site which will divert overland runoff into a specifically designed stormwater detention / infiltration basin. Appropriate reciprocal rights for access and maintenance can be placed on title to allow the developer and on-going operators and Council legal rights.

The entry road leads into the site from an extension off Chapmans Road and links to other roads within the private development. The site entry will be designed to channel traffic appropriately, and the entry way will be formalised to facilitate potentially a gated community, with a landscaped entry and visitor parking provided before the gate, and adjacent to clubhouse. Implementation of a security gate will be reviewed as part of the plan of management and operations of the site. Service vehicles have been given due consideration in the design of the proposed road network to allow waste collection and emergency vehicles to enter the site and manoeuvre sufficiently.

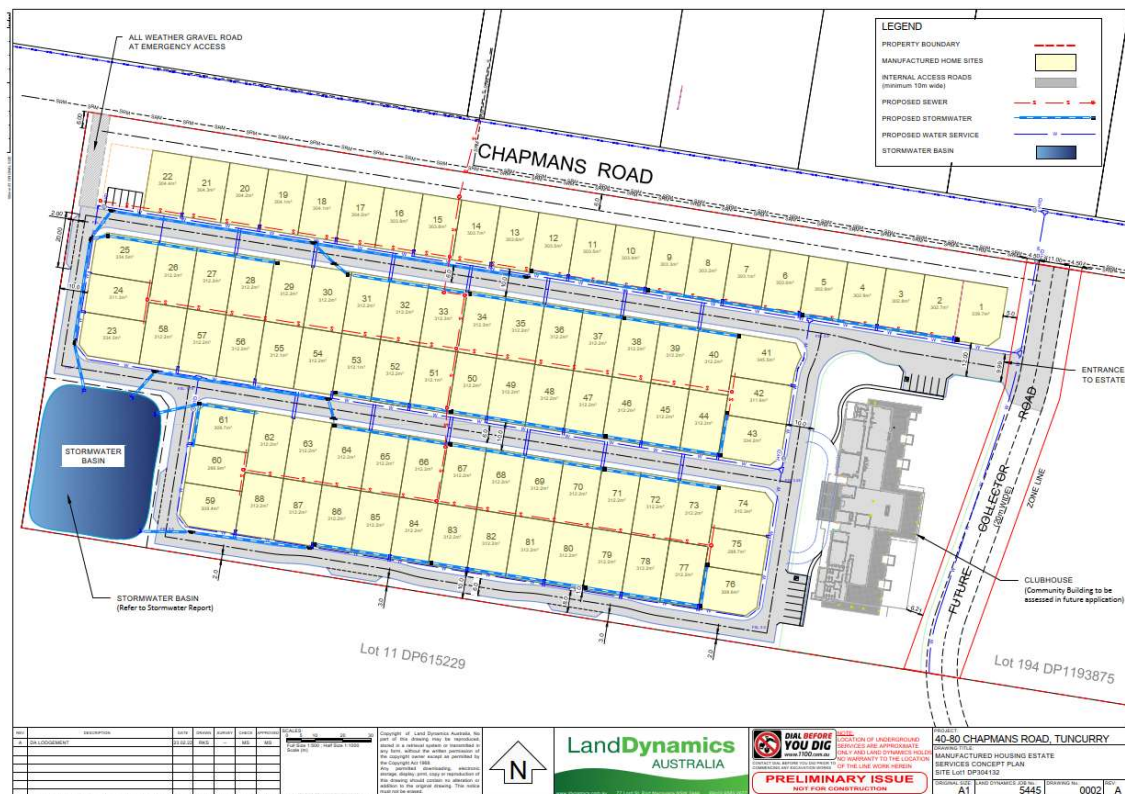


Figure 16: Site Plan with Concept Services Plan

Pre-lodgement Discussions

A pre-lodgement meeting was held between MidCoast Council and Land Dynamics on 20 July 2021. Following the Pre-lodgement, points have been clarified or explored further with Council. These issues have also been investigated and discussed in detail in this report and the accompanying expert reports.

PLANNING FRAMEWORK

Planning and Approvals Framework- Section 4.15 (1)(a)

The EP&A Act and EP&A Regulation establishes the framework for the assessment and approval of development in NSW. The proposal represents 'local development' under the EP&A Act which requires development consent. The EP&A Regulation sets out the processes and procedures for the assessment and approval of local development and specifies that a DA must be lodged with the consent authority in line with certain specific requirements.

This SEE accompanies a DA prepared to address the requirements of the EP&A Act and Regulation. Mid Coast Council is the consent authority. Pursuant to the provisions of the EP&A Act and EP&A Regulation, the proposed development must be assessed against relevant State and Local planning instruments, as described below, as well as the overarching Federal legislation relating to ecology. The proposed development has been assessed against the planning controls and principles within the following applicable planning instruments:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021;
- Planning for Bush Fire Protection 2019;
- Biodiversity Conservation Act 2016;
- Mid North Coast Regional Strategy;
- Hunter Regional Plan 2036;
- Mid Coast Housing Strategy;
- State Environmental Planning Policy (Housing) 2021;
- State Environmental Planning Policy (Koala Habitat Protection) 2021;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No. 55 Remediation of Land;
- Great Lakes Local Environmental Plan 2014; and
- Great Lakes DCP 2014.

In Section 4 of this report, an assessment of the proposal against each of these instruments is undertaken and demonstrates the proposal is generally consistent with the aims, objectives, and controls of each applicable planning instrument, in accordance with Section 4.15 (1)(a) of the EP&A Act. Section 5 of this report addresses Section 4.15 (1)(b), (c), (d) and (e) of the EP&A Act.

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

The site is a Manufactured Housing Estate for the purposes of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 [MHE Regs]. The table attached to this report comprehensively addresses the relevant Regulations for MHE and moveable dwellings which are applicable to the proposed sites. The following features are incorporated into the proposal to ensure compliance with the regulations:

- Community facilities and services are reasonably accessible to occupants locally in Tuncurry and Forster. The main Tuncurry shopping centre is 3 km from the site. Most occupants will have private car ownership to access services, however there is an existing bus stop located in Chapmans Road. Refer to *Figure 17*.
- Communal facilities are proposed within the lifestyle resort which are reserved for recreation or other communal activities, including a clubhouse, and residents will still have connection to other local facilities.



Figure 17: Existing Bus Service along Chapmans Road, Tuncurry

- A variation is sought from MidCoast Council to clause 17 of the MHE Regs which permits a community building to be setback less than 10m of a boundary to the MHE but not less than 2m if the community building will be properly screened, fenced, enclosed, or otherwise treated. Clause 19 of the MHE Regs also permits community amenities, access roads, car parking spaces, footpaths, and landscaping within the setback buffers.
- A variation is also sought from MidCoast Council to clause 18 of the MHE Regs which permits a dwelling site to be setback less than 10m of a boundary if the dwelling site will be properly screened, fenced, enclosed, or otherwise treated. The boundary fence along Chapman Road affecting these northern lots will be set back 6m from the boundary if Council permits, which still permits dwelling sites to be appropriately screened and fenced. The plans indicate a 10m setback for dwelling sites at present from the northern boundary.
- The community facility will be setback 6.2m, and no dwelling site will be closer than 6m from the road reserve and 10m of the western and southern boundary of the development. An appropriate screened and vegetated frontage to the lifestyle resort development will be provided as identified in the Landscape Plan. This will ensure that the site is fenced and landscaped to ensure amenity, privacy, and appropriate acoustic treatments for residents from commuters.

- Dwelling sites have access to road frontages. Visitor parking is proposed within the lifestyle resort, including disabled spaces. The lifestyle resort design incorporates appropriate road carriageway and road reserve widths.
- Future dwelling designs will comply with the MHE Regs with respect to fire, wind design, structural adequacy, waterproofing, and the provision of light and ventilation. The proposed indicative dwelling designs show compliance with site setback, site coverage, minimum open space and height requirements, and provision of garage(s) for dwelling sites.
- Dwelling sites are all above the minimum area of 130m². In this instance, the sites are substantially larger than allowed under the Regulations, generally being 310.9m² in size.
- The lifestyle resort development will be connected to appropriate utility services including water supply, sewer, and stormwater drainage system, electricity, and telecommunication.
- Appropriate arrangements will be made for removal of garbage, placement of fire hydrants.
- Plans of Management, Community Map and Compliance certificates will be prepared as part of the section 68 Approval to Operate a manufactured home estate, and section 68 approval for installation of a manufactured home, moveable dwelling, or associated structure on land.
- A section 82 Objection under the *Local Government Act 1993* is being submitted with the application. The attached Section 82 Objection Report seeks a variation to the MHE Regs and requires concurrence from NSW DPIE to enable the manufacture, construction, and installation of the manufactured homes at the site, not off-site as identified in the MHE Regulations.

As shown in the accompanying MHE Assessment Report, the assessment identifies the development generally meets or exceeds the minimum requirements for a MHE, which increases the amenity for residents and responds to the location and setting.

The MHE Regs allow for minor variations to limited controls such as setbacks, where it can be demonstrated that appropriate provision of screening such as fencing, or landscaping is provided. The controls are addressed within the table and within this SEE and do not require an objection under Section 82 of the *Local Government Act 1993*.

As noted above, an objection under Section 82 of the *Local Government Act 1993* relating to compliance with the Regulations has been prepared by David Pensini and accompanies this application. The primary purpose of the Section 82 Objection is to seek approval for the onsite construction and erection of the manufactured homes within the MHE, and other related administrative provisions. The application seeks dispensation to clauses 36(1)(b) and 41(1) of the MHE Regulations. Any dispensation to the MHE Regs granted under the Section 82 Objection are to be deemed as otherwise compliant with those regulations.

The Section 82 Objection provides justification for the requested dispensation on the grounds that constructing the manufactured homes onsite will allow the developer to deliver a better-quality product for potential purchasers, and in doing so, will not detrimentally affect surrounding properties or create significant environmental impacts.

The Section 82 report concludes that it appropriately demonstrates that the provisions of the MHE Regulations restricting onsite construction are unreasonable and unnecessary, pursuant to Section 82(1)(b), on the grounds that:

- Improves residential amenity, provides a contemporary residential 'look and feel', and avoids the delivery of 'oversized' loads and the maneuvering and logistical difficulties often encountered which creates potential conflicts as dwellings are unloaded. It separates residential traffic from heavy load traffic.
- Enables proactive approach to environmental sustainability through increased on-site management opportunities of factors such as erosion and sediment controls, dust and rubbish and reduced risk and potential damage to existing infrastructure.

- Affordability of the homes within the site will be improved by constructing and erecting the homes on-site through economies of scale, ability to control supply rates and providing flexibility in design, elimination of crane costs, transportation, and installation of the major sections of the homes.
- Benefits to the local economy as use local builders, tradesmen, contractors and suppliers of materials and goods for the required homes.
- Environmental health and road safety improvements as construction on-site eliminates the need for pilot assisted, oversized loads and trips from the place of manufacture.
- Improved on-site facility management with greater levels of control over the design and installation of houses, reducing disputes between residents and MHE management, and onsite construction will not adversely affect existing and neighbouring residents.

Accordingly, the proposed development is in accordance with the relevant Regulations, except for the variations identified in the accompanying Regulations Compliance Table and the Section 82 Objection.

Council's support is sought for the small variations to the boundary setbacks, and for the Section 82 Objection to manufacture the homes on-site. Council's support and referral to the NSW Department of Planning, Industry and Environment seeking concurrence for the variation to Section 68 of the *Local Government Act 1993* is required.

Planning for Bush Fire Protection 2019

The site is currently identified as bushfire prone land as per the Rural Fire Service's (RFS) online mapping, refer to *Figure 18*. A Bushfire Hazard Assessment Report was prepared by Stuart Greville which identifies that the bushfire risk is manageable for the proposed manufactured housing estate and provides several bushfire protection management measures including construction standards and asset protection zones.

The proposed development is a Special Fire Protection Purpose Development and as such is Integrated Development and has a requirement for a Bushfire Safety Authority under section 100B of the *Rural Fires Act 1997*. It is noted that the proposed MHE development is subject to the relevant requirements of Chapter 6 of the NSW Rural Fire Services', Planning for Bushfire Protection 2019.

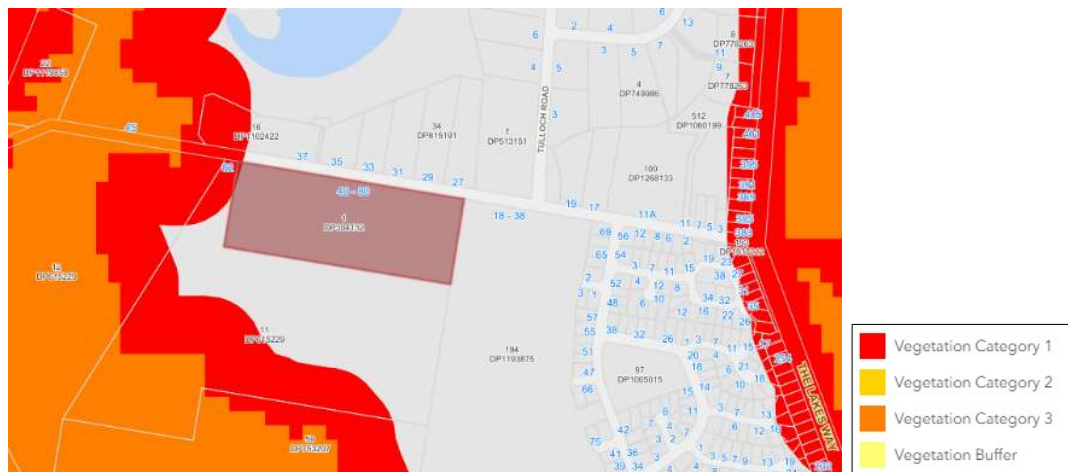


Figure 18: Bushfire Prone Land Mapping - Site and Surrounds (source: MidCoast Council Intramaps)

The Bushfire Hazard Assessment report accompanying this application identifies that the site was exposed to a low and medium bushfire hazard located primarily to the east of the site which is mapped as Category 1 Vegetation as shown in *Figure 18*.

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

1. The areas within the site identified as an Asset Protection Zone in Figure 13 shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of PBP 2019 and the RFS document Standards for asset protection zones;
2. All land within Lot 1 shall be maintained as an IPA as outlined in Appendix 4 of PBP 2019;
3. All future buildings to be constructed on the proposed sites shall have due regard to the specific considerations given in the National Construction Code: Building Code of Australia (BCA) which makes specific reference to Australian Standard AS3959-2018 Construction of buildings in bushfire prone areas (AS3959-2018) and the NASH Standard Steel Framed Construction in Bushfire Prone Areas;
4. Where the new dwellings are not required to be comply with the BCA, each dwelling shall be constructed in accordance with the relevant Bushfire Attack Level (BAL) identified on Figure 15 and shown in Table 4. An updated Approval to Operate (issued under Section 68 of the Local Government Act 1993) shall include the BAL Contour Plan and require each new dwelling to be constructed to the nominated BAL rating. Furthermore, a suitably worded instrument(s) must be created pursuant to section 88 of the Conveyancing Act 1917 clearly outlining the require BAL ratings for each dwelling;
5. All new sites are to be connected to a reliable water supply network and that suitable fire hydrants are located throughout the development site that are clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure shall comply with AS2419.1 2005 and section 6.8.3 of PBP 2019;
6. The internal access road is to be designed and constructed in accordance with section 6.8.2 of PBP 2019 or as shown in the plans contained in Appendix A;
7. Consideration should be given to landscaping and fuel loads on site to decrease potential fire hazards on site; and
8. A Bushfire Emergency Management and Evacuation Plan (BEMEP) shall be prepared that is consistent with the RFS Guidelines 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

It was noted in the bushfire report that this assessment has been made based on the bushfire hazards observed in and around the site at the time of inspection and production (December 2021). Should the above recommendations be implemented, the proposed modification to the approved development will result in a better bushfire outcome as the existing bushfire risk should be suitably mitigated to offer an acceptable level of protection to life and property for those persons and assets occupying the site but they do not and cannot guarantee that the area will not be affected by bushfire at some time.

All vegetation identified in the bushfire prone land map was confirmed during the site inspection. The results of the hazard assessment are shown in Table below, refer to *Figure 19*. The transects for the assessment are identified in *Figure 20*.

Table 2: Slope and Vegetation Assessment Results

Transect	Vegetation or Other Infrastructure	Vegetation Classification (PBP 2018)	Slope
T1 West	Open paddock, actively grazed with evidence of regular slashing/ mowing	Grassland	0.2° Downslope
T2 South west	Proposed stormwater basin within site – wet basin	Low threat vegetation/ managed land	0.0° Flat
T3 South	Open paddock, actively grazed with evidence of regular slashing/ mowing	Grassland	0.1° Downslope
T4 South	Open paddock, actively grazed with evidence of regular slashing/ mowing	Grassland	-0.1° Upslope
T5 East	Modified low-lying forest in moderate condition. To be revegetated	Forest (Coastal Swamp Forest)	-0.2° Upslope
T6 East	Modified low-lying forest in moderate condition. To be revegetated	Forest (Coastal Swamp Forest)	-0.2° Upslope

Figure 19: Slope and Vegetation Assessment Analysis (source: Bushfire Planning Australia report)

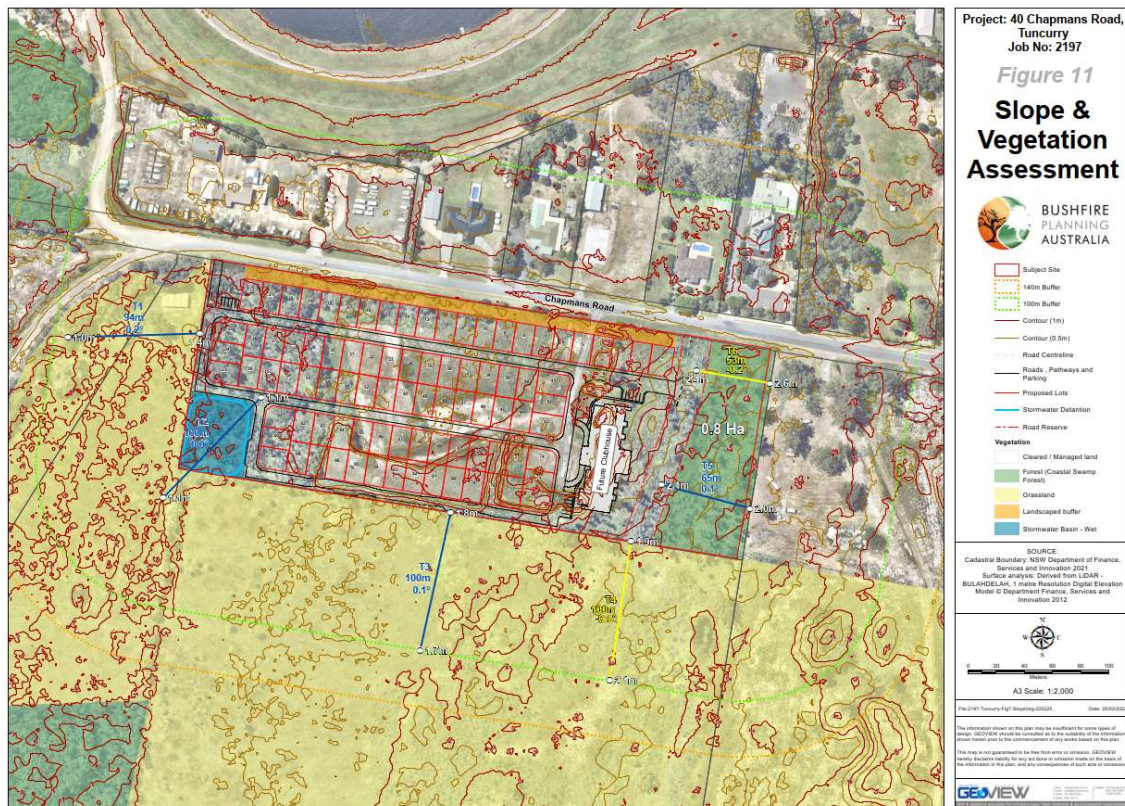


Figure 20: Slope and Vegetation Assessment & Transect Locations (source: Bushfire Planning Australia report)

The Bushfire Assessment report states that although the proposed development does not include the construction of any dwellings, each future dwelling shall be constructed in accordance with the relevant Bushfire Attack Level (BAL) identified on Figure 12 and shown in Table 4 of the Bushfire Assessment Report. Refer to Figure 21 of this SEE. The Approval to Operate shall include the BAL Contour Plan and require each dwelling to be constructed to the nominated BAL rating (maximum BAL-29). Furthermore, a suitably worded instrument(s) will be created pursuant to section 88B of the Conveyancing Act 1917 clearly outlining the required BAL ratings for each dwelling. In this regard, each new dwelling will be sited to ensure radiant heat levels do not exceed 29kW/m².

Therefore, the extract, being Table 4 of the Bushfire Assessment report indicates the minimum required Asset Protection Zones (APZ's) between the various hazards and a dwelling positioned on each of the proposed sites. Refer to Figure 21. A representation of the varying BALs across the site is identified in Figure 15 of the Bushfire Assessment report, refer to Figure 22 of the SEE.

Table 4: Bushfire Attack Levels

Transect	Vegetation Classification (PSP 2018)	Slope	APZ	Distance from Hazard	Bushfire Attack Level (BAL)
T1, T3, & T4	Grassland	0.0° Flat	10m	0m-<2m	BAL-FZ
				2m-<7m	BAL-40
				7m-<10m	BAL-29
				10m-<14m	BAL-19
				14m-<20m	BAL-12.5
T4 (North)	Forest (Coastal Swamp Forest)	0.0° Flat	20m	20m-<50m	BAL-FZ
				50m-<15m	BAL-40
				15m-<20m	BAL-29
				20m-<29m	BAL-19
				29m-<40m	BAL-12.5
				40m-<100m	10kW/m ²

Figure 21: Bushfire Attack Levels for the subject site (source: Bushfire Planning Australia Report)

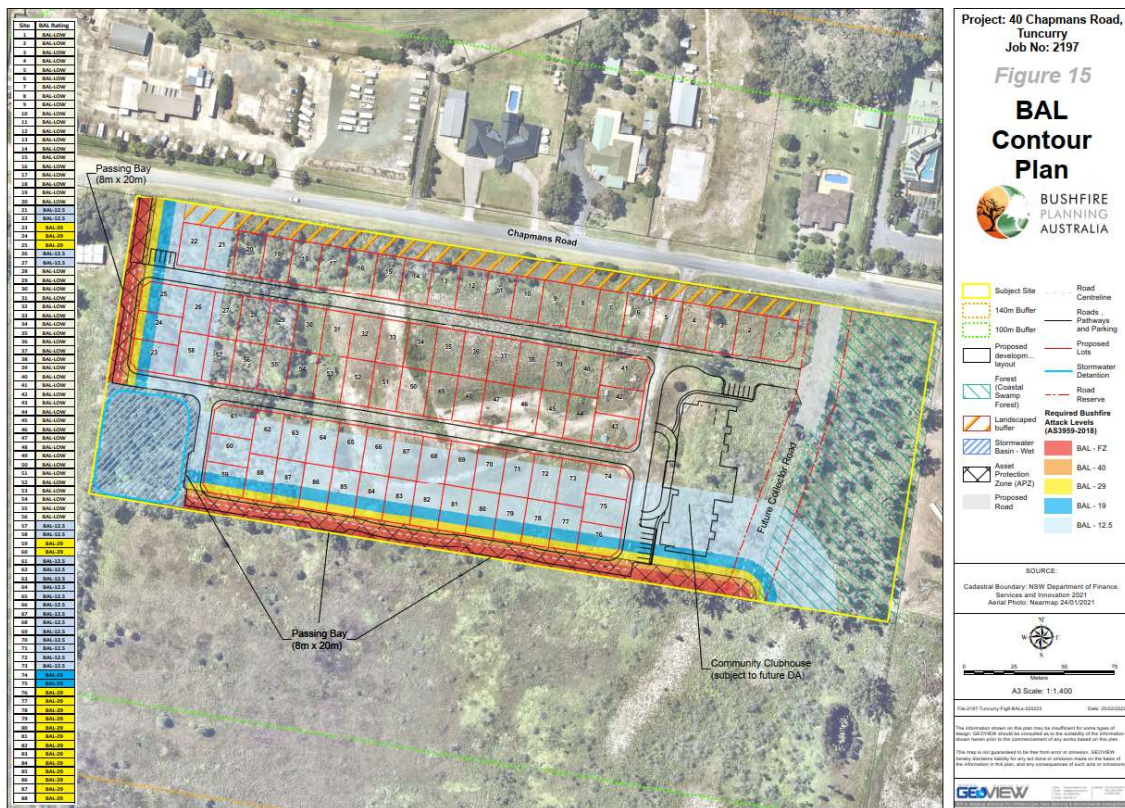


Figure 22: Site Plan with APZ Compliance (source: Bushfire Planning Australia report)

Notwithstanding, the information provided in the Table and Appendix to the Bushfire Assessment, the identification of Bushfire Attack Levels for individual dwelling sites are to be verified prior to the issuing of the construction certificate for the proposed lifestyle resort development.

Accordingly, the proposal is acceptable in terms of bushfire impacts and the requirements have been incorporated and considered as part of the layout and shown in the site plan.

As such, the bushfire assessment undertaken for this proposal is appropriate, the application can be referred to NSW RFS for their review and conditional Bush Fire Safety Authority.

Biodiversity Assessment

The ecological characteristics of the site and surrounds are considered in the bushfire report and in detail previously by the former Great Lakes Council as part of the 2014 rezoning for the area. As noted above, David Guest, Coordinator Legal and Property Services, at MidCoast Council, advised LDA via email on 25 January 2021, that Council obtained external legal advice confirming that the relevant consent(s) for bulk earthworks and filling of the site have been physically commenced.

Consent for bulk earthworks to facilitate future residential development on Lot 1 DP 304132 under DA-504/2011 determined 8 July 2011, identified within Condition 7 (as extracted below, Figure 23A) the following ecological requirements:

7. Immediately prior to the commencement of the site preparation or reposition works, Council's Ecologist must re-inspect the habitat of the site for the Grass Owl and for *Lindernia alsinoides*, or evidence of their presence. If detected during these pre-clearing inspections, appropriate mitigation measures must be devised and adopted. It is envisaged that suitable lands occur nearby for this species and provided that no nesting is occurring, displacement is not considered a significant threat to this species due to the very small area of the works site.

Figure 23A: Extract from DA Conditions of Consent – DA-504/2011 dated 8 July 2011

The following aerial overlay, Figure 23B, provides the stamped plans and extent of the DA-504/2011.



Figure 23B: Extract from DA Conditions of Consent - DA504/2011 dated 8 July 2011 – Stamped Plans

Consent for additional bulk earthworks on Lot 1 DP 304132 under DA-290/2012 determined 6 September 2012, identified within Condition 12, 19, 26 and 27 (as extracted below, *Figures 24A -24D*) the following ecological requirements:

12. Pre-clearing inspection for threatened species

Within 5-days prior to the commencement of site preparation and clearing activities, Council's Senior Ecologist shall conduct a traverse of the development footprint to investigate the presence of Grass Owls, Wallum Froglets or *Lindernia alsinoides*. If detected, actions identified by Council's Senior Ecologist must be deployed to minimise the risk of mortality of threatened biodiversity within the approved works area.

Reason: To protect threatened biodiversity that may occur within the approved development footprint from direct harm.

Figure 24A: Extract from DA Conditions of Consent – DA-290/2012 dated 6 September 2012

19. Management of felled vegetation

Felled native vegetation from the subject land shall be heaped and mulched and shall be stock-piled for re-use in the wider locality for the purpose of wetland restoration at the direction of Great Lakes Council's Natural Systems Branch.

Reason: To utilise felled vegetation in local wetland restoration programs.

Figure 24B: Extract from DA Conditions of Consent – DA-290/2012 dated 6 September 2012

26. Conservation and restoration of the environmental protection area

A qualified bushland regenerator must be engaged to conduct a primary and one secondary/ follow-up weed control program in the 7(a1) zoned land during the placement of fill on the land.

Reason: To enhance the condition and resilience of the environmental protection zoned area of the subject land.

Figure 24C: Extract from DA Conditions of Consent – DA-290/2012 dated 6 September 2012

27. Street tree planting

As part of the approved works, street trees must be established in the road verge of Chapmans Road at the northern boundary of the subject land. Trees must be planted at intervals of 8metres, comprise Bangalay (*Eucalyptus botryoides*) and be appropriately established in adequate tree guards. These trees must be maintained and replaced if lost.

Reason: To maintain an element of the local amenity and streetscape.

Figure 24D: Extract from DA Conditions of Consent – DA-290/2012 dated 6 September 2012

The following surveyed plan, *Figure 24E*, provides the planned extent of the bulk earthworks and filling across the site under DA-290/2012. The proposal included works across the site, except the 7(a1) environmental zoned land. During the rezoning process the environmental land was rezoned E2 Environmental Conservation.

The proposed lifestyle resort layout does not encroach into the E2 zoned land and therefore remains consistent with the previous investigations and conditions of consents under DA-504/2011 and DA-290/2012. The development therefore has reduced impacts on biodiversity.

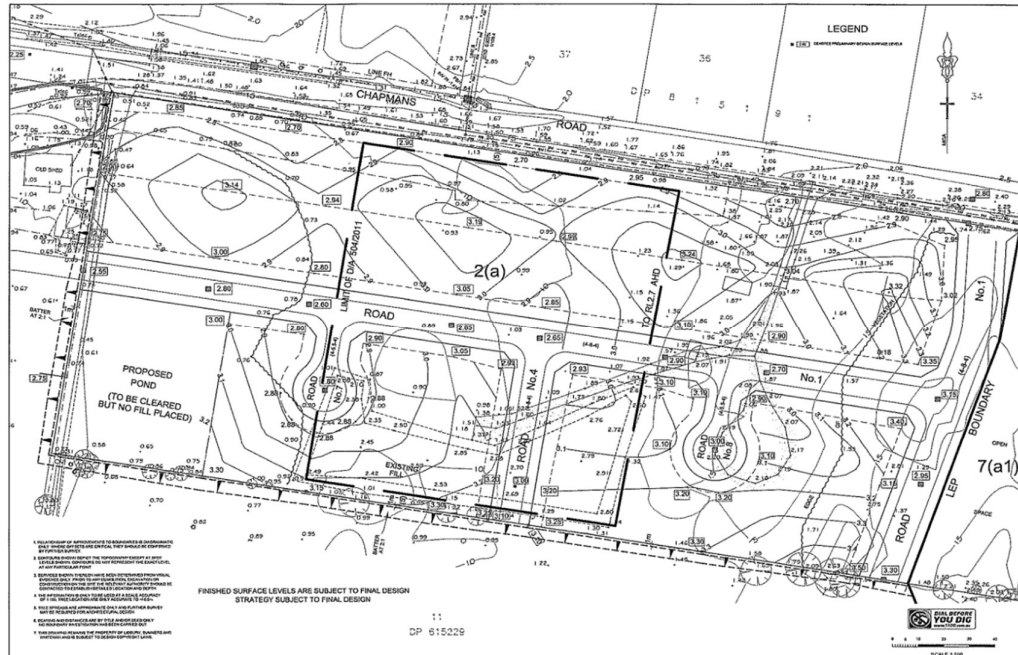


Figure 24E: Extract from DA Conditions of Consent – DA-290/2012 dated 6 September 2012 - Plans

Biodiversity Impacts

The project design is confined to land zoned R2 Low Density Residential and within the approved DA earthwork and filling footprint. This development footprint avoids impacts to all land zoned E2/C2 Environmental Conservation (including retained vegetation commensurate with Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South-East Corner Bioregions) within the eastern portion of the site.

As the development for the bulk earthworks and filling has been physically commenced, the vegetation clearing of the site, and ecological requirements have been addressed as part of the previous development assessment and consent conditions under DA-504/2011 and DA-290/2012. And as physically commenced of the previous DAs permitted clearing of the land as part of the earthwork and filling process, the *Biodiversity Conservation Act 2016* and associated Biodiversity Conservation Regulations 2017 do not trigger a requirement for further ecological and biodiversity assessments across the site. A Biodiversity Development Assessment Report (BDAR) is not required.

It is noted that the proposed development area is not identified on the Biodiversity Vegetation Maps, refer to Figure 25.



Figure 25: Extract from the Biodiversity Values Map and Threshold Tool (source: Biodiversity Values Map and Threshold tool nsw.gov.au)

Regional Strategies

The proposal remains consistent with the regional strategies and will provide additional housing, as well as provide for jobs growth during construction. The site is deemed suitable for residential purposes with little constraints, consistent with the various regional strategies including the Mid North Coast Regional Strategy, the Hunter Regional Plan 2036 and draft Hunter Regional Plan 2041 recently placed on exhibition for public comment.

Mid North Coast Regional Strategy 2006-2031

Within the Mid North Coast Regional Strategy dated March 2009, the subject site is identified as a Growth Area on Map 9 of the document. Lot 1 DP 304132 is identified within the strategy as being part of the Tuncurry future urban release area. An extract, refer to *Figure 26*, of the site is shown below.



Figure 26: Extract Mid North Coast Regional Strategy dated March 2009

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 provides a strategic framework for land use planning priorities and decisions within the Hunter region, which includes the MidCoast area.

The Plan identifies at Goal 3 – Thriving communities, Direction 17 – Create healthy built environment, that communities should be designed so they enrich the quality of life and wellbeing of residents by encouraging physical activity, social cohesion, access to healthy grown food, and increased opportunities to extend networks into new residential release areas and renewal sites. The resort style lifestyle is provided with connection to Tuncurry shopping, administration and health systems and surrounding waterways, recreational facilities, and opportunities.

The Plan identifies at Goal 4 – Greater housing choice and jobs and will influenced by changing by growth and change in the population and preferences. At Direction 22 - Promote housing diversity, trends identify that there is an increase in the ageing population across the region, and therefore the population is seeking particular types of housing to meet their needs. A resort style development provides an alternate solution to traditional residential subdivision, providing lifestyle opportunities for residents, and assists to meet housing diversity, household size choice, and aids to meet overall supply of housing reducing costs and pressures on the housing market.

Direction 23 -Grow Centre and renewal corridors, identifies Taree and Tuncurry / Tuncurry as the strategic centres in the MidCoast. Within the Local Government Narratives of the Plan, which sets out the priorities for each Council area, it states that the MidCoast area will have to consider the needs of diverse communities within a regional setting. It specifically identifies that South Tuncurry will provide an opportunity for future housing opportunities, as identified in the following extracts:

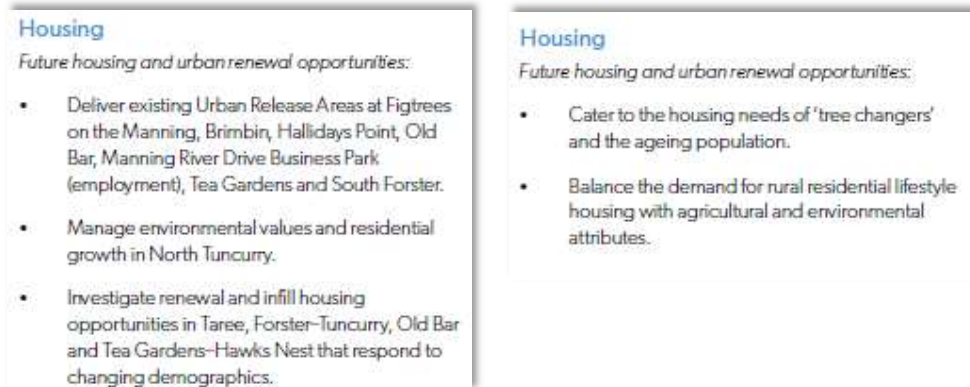


Figure 27: Extract Hunter Regional Plan 2036

The proposed lifestyle resort development at 40-80 Chapmans Road, Tuncurry will therefore assist to meet housing choice, meet housing supply, and cater for the ageing population through well connected and supported lifestyles. The proposed development balances the demand for residential lifestyle whilst considering the environmental values of the surrounding land, and objectives of the Hunter Regional Plan 2036.

Draft Hunter Regional Plan 2041

The draft Hunter Regional Plan 2041 sets the strategic land use framework for the region. As the draft plan identifies, collaboration between state and local government organisations is needed to identify and embrace new investments, housing choices and lifestyle opportunities to retain the Hunter's position as a leading regional economy. The regional plan draws from council's local strategic planning statements and local planning strategies to develop a program for short, medium, and long-term development. The draft Hunter Regional Plan has set the following goals and principles:



Figure 28: Extract from Draft Hunter Regional Plan 2041

A focus of the draft Hunter Regional Plan is creating a region made up of 15-minute and 30-minute mixed use neighbourhoods, including as a response to the way people live and work considering COVID 19 shifts in how we live and work. It identifies that people place value on local, vibrant, and connected neighbourhoods which can be met within a 15-minute walk, bike, or drive and are close to recreational pursuits. The draft plan emphasises infill approaches, has a renewed focus on green infrastructure and public space to enrich the experience of living in the region. The draft plan also aims to reinforce the importance of equity in how people live, work and travel by providing greater housing choice and affordability close to shops, jobs, and services.

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



Figure 29: Forster-Tuncurry regionally significant growth area



Figure 29: Draft Hunter Regional Plan 2041, p. 118

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

As the draft Hunter Regional Plan 2041 envisages, the proposed development will provide a higher density housing mix that is affordable, ensures provision of recreational facilities, in-house services, pedestrian walkways connected with the natural surrounds of the site and enables healthy living immediately within the neighbourhood. The development will meet the community needs within 15 minutes of a major centre.

Local Planning Strategies

MidCoast Local Strategic Planning Statement

The MidCoast Council completed its Local Strategic Planning Statement in September 2020. It identifies ten planning priorities, along with short, medium, long term, and ongoing actions to monitor and report on the progress of implementation and is closely aligned with the vision and key values set out in the MidCoast Community Strategic Plan 2030 and the Hunter Regional Plan 2036.

MidCoast Housing Strategy

Council's MidCoast Housing Strategy identifies the opportunities and the constraints within the housing market now, and the housing needs of the future. The MidCoast Housing Strategy outlines a 20-year vision for Council's direction to facilitate the delivery of residential housing needs. As the housing strategy highlights, increasing population pressures are driving housing demand. However, it is noted that the MidCoast region has a greater than average median age, having an older population than almost any other Council area in Australia. Unfortunately, income per week is also very low. This means that affordability and diversity of housing are particularly important in the MidCoast region. Refer to *Figure 30*.



Figure 30: Comparative Analysis of Median Age of MidCoast Residents and Australia, and Income levels (Source: MidCoast Housing Strategy, p.8)

Council identifies, p.70, that housing responses to these demographic changes may vary between:

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

As envisaged in the MidCoast Housing Strategy, the proposed development seeks to create a balance in providing a vibrant and desirable residential development meeting the on-going and changing needs of an aging population, whilst protecting the environmental qualities of the region. The proposed lend lease community resort style living facilitates a range of housing options that can be adapted to the changing needs of the occupants.

The site is identified for urban development under the current MidCoast Housing Strategy. Refer to *Figure 31*.



Figure 31: Forster Urban Release Areas, (Source: MidCoast Housing Strategy, p. 30)

MidCoast Urban Release Areas Report

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

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

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

As *Figure 32* shows, the subject site is identified as within the urban footprint of the north-western Tuncurry locality, and forms part of the urban development of Forster. The lifestyle resort development meets the intent of the MidCoast Urban Release Areas Report and addresses the ULM demand by providing appropriate housing within the urban footprint with increased density to meet housing needs and supply.

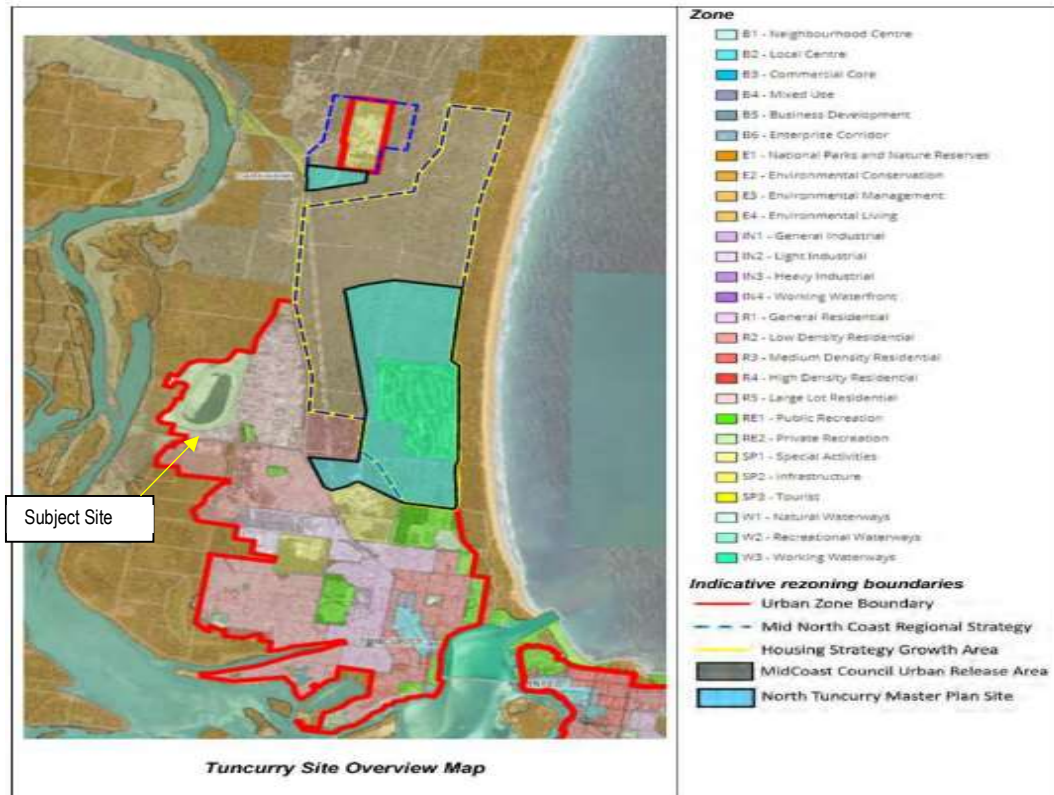


Figure 32: Forster/Tuncurry - MidCoast Urban Release Areas Report - July 2021, p.32

State Environmental Planning Policies (SEPP's)

The following SEPPs are of relevance to the proposal:

State Environmental Planning Policy (Koala Habitat Protection) 2021

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

The Koala SEPP applies as the site is located within the MidCoast Local Government Area, which is identified in Schedule 1 of the SEPP. There are no Koala Plans of Management (KoPM) on the site, and the site contains non rural land. However, as the development for the bulk earthworks and filling has been physically commenced, the vegetation clearing of the site, and ecological requirements have been addressed as part of the previous development assessment and consent conditions under DA-504/2011 and DA-290/2012. An assessment of the koala habitat suitability was not conducted of the subject site. to determine whether the site vegetation is considered 'highly suitable koala habitat' and 'core kola habitat'.

In reviewing the site to consider where it may be 'highly suitable koala habitat' and 'core kola habitat', it is likely that any koala species constitute less than 15% of the number of trees within the forested communities, and as such these vegetation zones within the subject site is not considered 'highly suitable habitat' under the Koala SEPP. The subject site does not meet the definition of 'core koala habitat' under the Koala SEPP 2021.

The proposed development is likely to have negligible impact to a locally occurring population of koalas and the SEPP requirements have been satisfactorily met.

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 aims to “promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment”. The land is generally cleared, except for the E2 area, and forms part of a developing residential area.

Regional Geotechnical Solutions (RGS) has prepared a Geotechnical and Preliminary Site Contamination Assessment Report dated 13 December 2021. A Stage 1 Site Contamination Assessment was undertaken by RGS to assess past and present potentially contaminating activities and contamination types as a due diligence to satisfy the requirements of SEPP 55 and to assist with the DA application for future residential land use. The RGS assessment report is attached to the DA application.

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

- The first structures on the site were likely to have been sheds which were constructed between 1978 and 1997, some of which were removed between 1997 and 2001;
- Great Lakes Council (now Midcoast Council) acquired the site in 2000;
- Filling works (primarily dredged sand) appear to have commenced between 2001 and 2003 and stopped around 2015; and
- Since 2015, the site appears to have been used for the storage of fill, equipment and various other materials used by Council for roads and parks;

RGS identified that

“the majority of the imported fill has been placed in the central part of the site and comprised dredged sand. More recently, it appears that the site has been used by Council for storage of fill materials for road construction and equipment associated with parks and lake side infrastructure such as picnic tables, pontoons and a gangway. A number of the old sheds remain on the site in a state of disrepair which are located on the western side of the access road along with stored concrete pipes and bollards, treated pine and some felled vegetation.

RGS identified they have previously undertaken testing on some of the existing stockpiles in the eastern part of the site in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A, The Recovered Aggregate Exemption (RAE) 2008 (since revised in 2014). The results of the RAE testing are presented in report RGS00319.1-AB, dated January 2012 and indicated that the materials comply with RAE criteria which allows for the material to be used for road making activities, building, landscaping and construction works. The report concluded that these materials could therefore be re-used in future road making activities on the site.

Identified AEC's were soils in the vicinity of the existing and former structures, stored equipment and materials, and imported fill from unknown origin.

No visual or olfactory evidence of contamination (such as oil staining or hydrocarbon odours) were observed. However, fragments of vinyl tile suspected of being ACM were identified on the floor on the inside of one of the old sheds near the site entrance.

The results of laboratory analysis of surface soil samples collected from eight targeted locations (AEC's outlined above), revealed concentrations of the chemicals of concern were either below the laboratory detection limit, or below the adopted health investigation criteria for a Residential A site. Asbestos was not detected in each of the soil samples submitted for analysis.

Analysis of ACM sample AS1, a fragment of vinyl tile collected from the floor of one of the old sheds near the site entrance, contained Chrysotile (white) asbestos.”

The Regional Geotechnical Solutions report made the following conclusions and recommendations:

"It is recommended that an Asbestos Management Plan be prepared by a suitably qualified person in accordance with the NSW WorkCover Code of Practice (How to Manage and Control Asbestos in the Workplace), to facilitate the removal of the identified ACM. This is likely to involve visual identification and removal of asbestos fragments from the site by licensed asbestos removal contractors. Additional sampling may be required if a significant proportion of fine asbestos material is detected during the removal works.

It is also recommended that the concrete pipes and bollards, roof sheeting, gangway, pontoons and treated pine logs be removed and disposed of at a licenced landfill or recycling facility; or stored at an alternative location.

Should any materials suspected of being contaminated (by way of visual or olfactory evidence) be encountered during development of the site, particularly in the vicinity of the former structures and stockpiled materials, it is recommended that advice from a suitable qualified and experienced environmental consultant be sought without delay.

Should any of the fill materials present onsite require removal off site, they will require assessment for a Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 in accordance with the Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 – the Excavated Natural Material (ENM) Order 2014 or alternatively, in accordance with NSW EPA 2014 Waste Classification Guidelines.

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

It is noted that the RGS report recommends an Acid Sulfate Soil Management Plan be prepared (and a draft was included within the RGS report), and an Asbestos Management Plan be prepared to facilitate the removal of identified asbestos containing materials, and further investigation of the extent and nature of the existing filling be undertaken, prior to development of the site.

The geotechnical and preliminary site contamination investigations and Stage 1 contamination assessment have identified that the site can be made suitable for the proposed manufactured home estate from a contamination perspective. Given there is no change of use of the site from approved for residential purposes, no further investigation of land contamination is required under the provisions of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of State Environmental Planning Policy (Infrastructure) 2007. This Policy contains State-wide planning controls for developments adjoining rail corridors and busy roads. The development is not located immediately adjacent to a classified road or within 40 metres of a Railway corridor.

The development is not classified as a Traffic Generating Development in accordance with Clause 104 and Schedule 3 of SEPP (Infrastructure) as it would not result in more than 300 dwellings or 75 dwellings fronting a classified road.

State Environmental Planning Policy (Housing) 2021 – Manufactured Homes Estate

Approval is being sought for the Manufactured Housing Estate in accordance with SEPP (Housing) 2021. The objectives of Part 8 of the Housing SEPP 2021, are stated as:

“118 Aims and strategies

(1) The aims of this Policy are:

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

(2) The strategies by which those aims are to be achieved are:

- (a) by allowing, with development consent, manufactured home estates on certain land on which caravan parks are permitted if the land meets the suitable locational criteria stipulated in this Policy (which it would not do if, for example, it contains important resources, is subject to natural or man-made risks or has sensitive environmental or ecological features), and*
- (b) by applying this Part to areas where there is likely to be a demand and suitable opportunities for the development of manufactured home estates, and*
- (c) by allowing manufactured home estates to be subdivided with development consent either by way of leases for terms of up to 20 years or under the Community Land Development Act 1989, and*
- (d) by enabling the Minister for Planning to exclude from this Policy any land that is subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Policy under section 117 of the Act.”*

The proposal is a well-designed estate containing a contemporary form of housing, and contributes to housing choices, whilst having regard to the environmental qualities of the site. This form of resort style housing is popular on the mid-north coast and is highly desirable to the mature population who wish to downsize or live in a secure community. The tenants of this lifestyle resort have their tenure secured via legislation.

Clause 122 states:

“122 Where development for the purposes of a manufactured home estate may be carried out

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

- (a) land within one or more of the categories described in Schedule 6 or*
- (b) land dedicated or reserved under the National Parks and Wildlife Act 1974, or*
- (c) land within a Crown reserve.”*

The land does not fall within Schedule 6, and caravan parks are a permissible land use on the site under the R2 – Low Density Residential General Residential zoning of the site. Therefore, the proposed development for the purposes of a manufactured housing estate is permissible on the site.

The site is identified in Council's strategic documents as being part of a residential release area, and the previous LEP rezoning of the site would have included a review of aboriginal heritage, threatened species, bushfire, flooding, noise, and infrastructure capability. Having regard to this, the site was deemed suitable by Council and State government for residential purposes.

Further site-specific investigations have been undertaken as part of this application, which confirm that the site has minimal constraints and/or can be managed appropriately. Known environmental qualities such as significant flora and fauna sites has been retained and protected, and no development footprint is located within the E2/C2 zoned land.

Clause 123 of the SEPP requires approval to operate the MHE to be obtained under the Local Government Act and a condition of consent to this effect is envisaged on the consent. This SEE accompanies an application to MidCoast Council for development consent for an MHE and once approved will be followed by a Section 68 approval for operation of the MHE and installation of dwellings.

The design and layout of the lifestyle resort has had regard to the E2 zoned land and respects the environmental qualities of the area. The traffic generation of the proposal is less than that of a subdivision, provision of public transport will further reduce car dependency and have less impact upon the traffic network and reduce the environmental impact of the residents of the resort. All infrastructure utilities can be extended to provide services for the development and residents.

Clause 125 states:

“125 Matters to be considered by councils

(1) A council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only if it is satisfied:

- (a) that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and*
- (b) that the manufactured home estate is or will be provided with adequate transport services, and*
- (c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and*
- (d) that the development will not have an adverse effect on any:*
 - 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.

(2) *A council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only after it has considered the following:*

- (a) the cumulative impact of the proposed development and other manufactured home estates in the locality,*
- (b) any relevant guidelines issued by the Director,*
- (c) the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993."*

With respect to Clause 125:

- The site is proposed to be adequately serviced by infrastructure.
- The lifestyle resort residents will utilise the existing shops and facilities in the local area. The resort is conveniently located within proximity of the existing business and commercial areas of Tuncurry.
- There is a bus service along Chapman Street.
- Several community activities and communal facilities are proposed on-site within the Clubhouse Precinct for resident use and enjoyment.
- The development will have no impact upon heritage, waterways, scenic or ecological values.
- There is unlikely to be a cumulative impact from approval of the lifestyle resort development as there is a diversity of housing forms in Tuncurry including standard lots, large lot residential, rural, and MHE / lifestyle resort developments, as well as future residential flat buildings. The popularity of the nearby lifestyle resorts demonstrates a popularity for this high-quality form of housing in the area.
- The landscape screening around the boundaries of the resort also provides a visual separation to the adjoining land uses.
- Whilst a new resort lifestyle development is being introduced into the area, this is consistent with the residential development of the site identified within Council's strategic policies.
- The technical reports accompanying this application have demonstrated that there is capacity within the road network and existing infrastructure to accommodate the proposed development. The road network will be upgraded from the Chapmans Road to meet a standard public road of 11m carriageway between kerbs. The proposed collector road network will be built to enable access to the development. The proposed Collector Road has been nominated on the plans to ensure provision of appropriate connections for future residents and commuters. It is considered there is no cumulative adverse impact upon infrastructure as a direct result of the proposed lifestyle resort development, instead the road extensions will provide a benefit to the wider community as into the future as an alternative road connection through the residential zoned land.
- The population predictions indicate a solid increase in residents over 65 in the Tuncurry area and the Mid Coast Council LGA. There is a demonstrated need for this form of housing in the region given the demographics of the area and continuing similar trend. To ensure this growth, it is important to accommodate the future needs. The proposed development of a lifestyle resort in Tuncurry will contribute to the required future housing stock for people wanting to move to the area.

The Housing SEPP 2021 aims to provide affordable housing in well-designed estates, in suitable locations where proper management and development of land can occur, and residents are adequately serviced and have access to community facilities and services, whilst protecting the environment. This statement and the accompanying reports and documentation indicate that the Housing SEPP objectives are satisfied.

State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 came into effect in April 2018. The SEPP mapping is detailed below and shows that only a small portion of the western portion of the site is mapped within the Coastal Environment Area. Refer to *Figure 33*. Notably, the site is not mapped as wetlands or littoral rainforest, nor in proximity to such features.

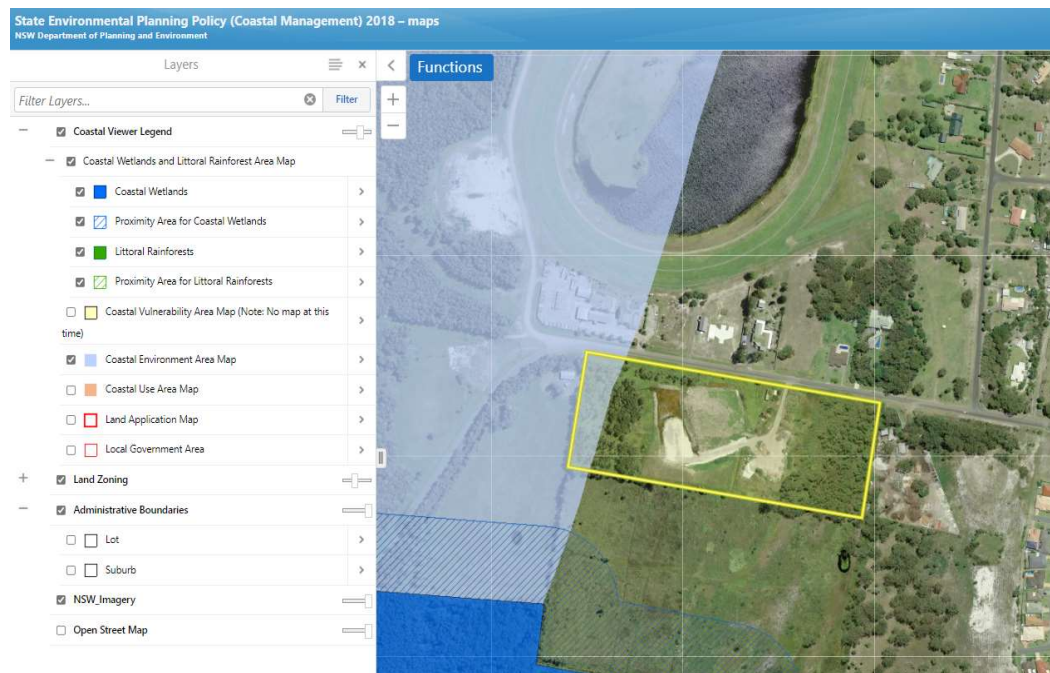


Figure 33: State Environmental Planning Policy (Coastal Management) 2018 – Extract (source: www.legislation.nsw.gov.au)

As the site is affected by Coastal Environment Area mapping, clause 13 of the SEPP requires consideration to be given to the biophysical, hydrological, or ecological integrity, coastal environmental values, water quality and the like. Consent must not be granted unless the development is designed, sited, and will be managed to avoid an adverse impact referred to in this clause.

The resort lifestyle development has identified the various coastal environment constraints and the proposed development has been considered in detail. The drainage and detention of the overall site, mitigation measures and controls have been implemented to ensure the overall drainage of the development and the water quality and associated hydrological impacts are appropriate. Refer to accompanying WSUD, SWMP and Services Plan / Sewer Strategy for further technical details. Ecological impacts have been primarily avoided where possible as part of the design and flora and fauna impacts. The proposed resort lifestyle development layout also includes landscaped buffers around the perimeter of the development.

As such, having regard to the small extent of mapping and the distance of the site from the ocean and Wallamba River, the proposed drainage design, and the accompanying specialist reports, it is reasonable to conclude that the biophysical, hydrological, or ecological integrity of the adjacent coastal wetland or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland are not affected by the proposal. The lifestyle resort development is consistent with the Coastal SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Schedule 1 of the EP&A Regulation sets out the requirement for a BASIX Certificate to accompany “any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel”.

Refer to the accompanying letter from Allam Property Group dated 17 February 2022 that identifies that BASIX does not apply to Manufactured Homes Estates. BASIX only applies to ‘residential building work’ as designed in the *Home Building Act 1989*. To fit this definition a structure must be considered as a ‘building’. The only proposed ‘building’ in the DA subject to Section J is the clubhouse, shed, gates, fences etc.

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

Local Planning Policies

Great Lakes Local Environmental Plan 2014

(a) Zoning, Permissibility & Objectives

As indicated by the following map extract, refer to *Figure 34*, the subject site is zoned R2 Low Density Residential and E2/C2 Environmental Conservation under Great Lakes Local Environmental Plan 2014.

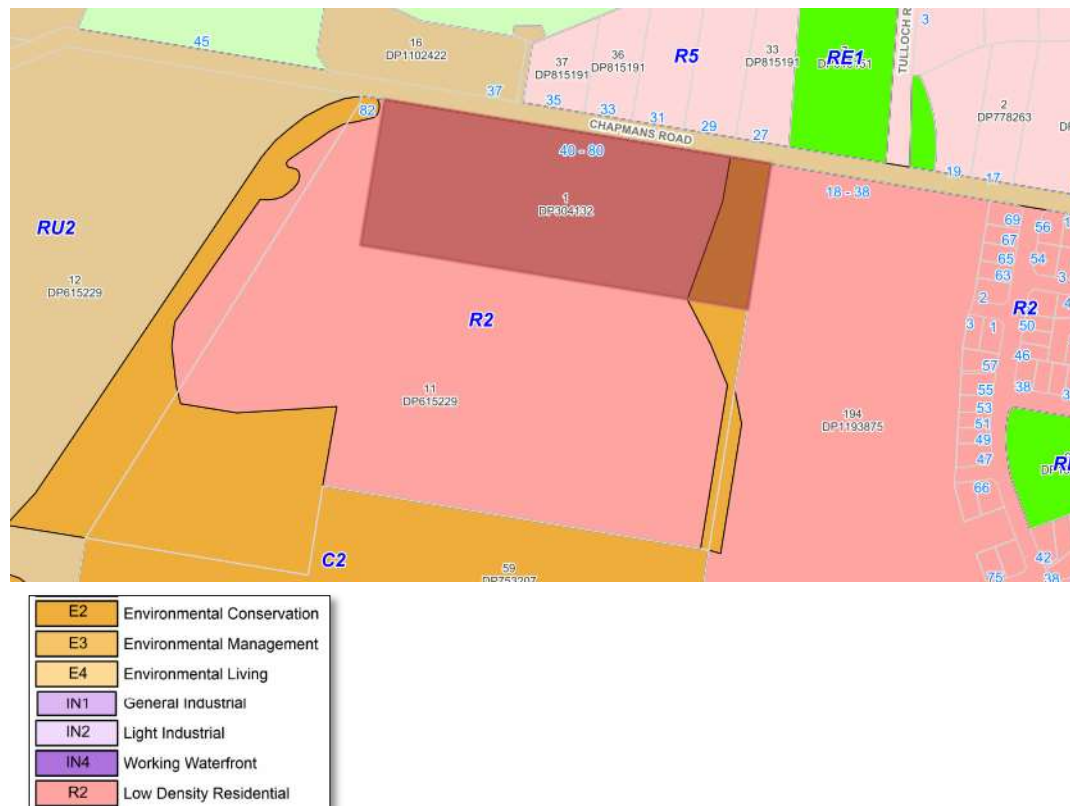


Figure 34: Zoning Map Extract Great Lakes LEP 2014 (source: www.legislation.nsw.gov.au)

The subject land is located within the north-western extent of the urban fringe of Tuncurry. The character of the area presently is predominately subdivided into residential and larger residential allotments. The surrounding locality has a mixture of land uses including rural and recreational opportunities. The land within this area will continue to experience significant urban expansion and residential development.

It is noted that land use zonings in the locality also provide for a range of future urban land uses.

LEP Zoning

The R2 Low Density Residential zoning table states:

"Zone R2 Low Density Residential"

1 Objectives of zone

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

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Helipads; Home-based child care; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Medical centres; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture; Water recreation structures; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3"

Caravan Park and Moveable Dwellings are permissible with consent in the zoning table. For a Manufactured Housing Estate to be permissible under the Housing SEPP 2021, a caravan park must be permissible on the land. As identified above an MHE is permissible on the zoned R2 land of the subject site.

The E2 Environmental Conservation zoning table states:

"1 Objectives of zone

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

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Community facilities; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental

facilities; Environmental protection works; Home-based child care; Home businesses; Information and education facilities; Oyster aquaculture Research stations; Roads; Sewerage systems; Water supply systems

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3"

No part of the development extends into the E2 zoned land.

Definitions

Under the LEP definitions, a caravan park and moveable dwelling are defined as:

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

"Moveable dwelling has the same meaning as in the Local Government Act 1993.

Note. *The term is defined as follows:*

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or*
- (b) a manufactured home, or*
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the Local Government Act 1993) for the purposes of this definition."*

It is proposed that after development consent is granted for the estate, a Certificate of Compliance or approval under Section 68 under the *Local Government Act 1993* will be obtained for the moveable dwelling in the form of a manufactured home.

LEP Objectives

The proposed lifestyle resort introduces a varied form of housing into Tuncurry, which increases housing choice in a desirable location on the edge of a village in an area identified for future housing yet easily accessible to the facilities nearby in Tuncurry and further afar to Taree. This housing form allows for a varied price point and less maintenance. It also allows for extra security than a standard residential subdivision, through the security gate and on-site management and operations. The dwellings are of a high standard, yet still affordable and have a consistent contemporary resort feel through provision of a range of dwelling types and styles. A series of pedestrian linkages are proposed throughout the development.

Orderly and economic use of the land is proposed in accordance with the general aims of the LEP. The proposed development will contribute 88 additional residential dwellings to the residential housing stock of Tuncurry, as well as the greater MidCoast region. This housing stock is consistent with the regional strategies and the identified population increase. Providing additional housing on a relatively unconstrained site on the edge of an established urban area and part of an emerging residential area is ideal infill development. The surrounding area contains a variety of allotment sizes. The proposed layout will increase the density on the site and will provide a variety in the built form and dwelling sizes within the existing estate. The proposed development is in keeping with the objectives of the R2 zone and the overall LEP.

This development aims to provide a high-quality product which appears as single dwellings. The lifestyle resort also provides a range of community uses and services on the site, which assists with the needs of those people living in the development. The lifestyle resort adds to population growth in the Tuncurry area, and this will have a positive impact on the local community and existing and future planned businesses.

The provision of a landscaped buffer along the boundaries integrates the development into the environment and provides a buffer to the surrounding land uses. The development does not encroach into the E2 zoned land, and environmental land will be retained. As such, the objectives of the E2/C2 zone are satisfied by the proposal, to protect, manage and restore areas of high ecological values.

(b) Clause 4.1 Minimum Lot Size

No subdivision of the site is proposed. The minimum lot size for land within the residential portion of the site is 450m².

(c) Clause 4.3 - Height of Building

The site has a maximum height of 8.5m, as shown on the Great Lakes Local Environmental Plan 2014 – Height of Buildings Map extract below, refer to *Figure 35*. The proposed dwellings, as well as the community buildings, such as the clubhouse will have a building height less than the 8.5m HOB limit. Concept drawings of clubhouse and dwellings accompany this application.



Figure 35: Height of Buildings Map Extract Great Lakes LEP 2014 (source: MidCoast Council Intramaps))

(d) Clause 4.4 – Floor Space Ratio

The site has a maximum floor space ratio (FSR) of 0.5:1 for the R2 component. The total FSR of the development (excluding dwellings which are not part of this DA) is considerably below the permitted FSR.



Figure 36: Maximum Floor Space Ratio Map Extract Great Lakes LEP 2014 (source: MidCoast Council Intramaps))

Clause 5.10 - Heritage

The site is not mapped as containing a heritage item, archaeological site, or aboriginal place of heritage significance. The results of an AHIMS report are attached as part of this application. Refer to *Figure 37*.



Your Ref/PO Number : 5445

Client Service ID : 660938

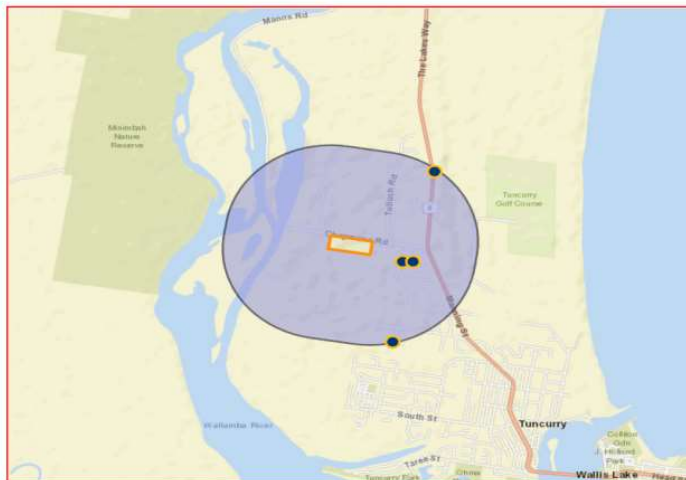
Date: 21 February 2022

Susan Blake
77 Lord Street
Port Macquarie NSW New South Wales 2444
Attention: Susan Blake
Email: susan.blake@ldynamics.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 1, DP:DP304132, Section: - with a Buffer of 1000 meters, conducted by Susan Blake on 21 February 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

4	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Figure 37: AHIMS Search (source: <https://www.environment.nsw.gov.au>)

(e) Clause 5.21 Flood Planning

The site is identified as being subject to flooding and considered flood prone land being within 500m of the Wallamba River.

A review of Wallis Lake Foreshore (flood plain) Risk Management Study – Flood Study Review (WMA Water January 2004) does not clearly show the flood planning level for the proposed development site as it is on the fringe of the model used within the report.

As such further clarification has been sought from MidCoast Council with confirmation of the following flood levels supplied:

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

As such the proposed development is to be filled to at least RL2.7m AHD to comply with MidCoast Council requirements for flood prone land.

Clause 5.21 requires consideration to be given to appropriate measures to manage risk to life from flood.

The nature of the site development and various engineering design and construction and land use management options available to minimise potential flooding issues enables the development to proceed to construction. With the proposed lot filling, this site will not be subject to flooding. As such, no further assessment of flood impact is required.

Given the potential flooding within the locality, the Plan of Management for the lifestyle resort operations will incorporate flood evacuation procedures and advance warning for residents.



Figure 38: Extract Flood Planning Map – Great Lakes LEP 2014 (source: MidCoast Council Intramaps)

(f) Clause 7.1 – Acid Sulfate Soils

The site is mapped as partially containing acid sulphate soils class 2 in the western portion of the site and class 3 across the remaining site. These are manageable constraint.

No major excavations are proposed under this application that are likely to create an acid sulphate soil issue onsite. The works will be unlikely to lead to any significant identifiable adverse effects upon existing drainage patterns, soil stability of the site or adjoining/adjacent sites, any nearby water course or known environmental sensitive area within the immediate locality. An acid sulphate management plan will be prepared. The potential impact from acid sulphate soils will not be an impediment to the proposed lifestyle resort development and can be managed appropriately through conditions of consent.



Figure 39: Extract Acid Sulfate Soils Map – Great Lakes LEP 2014 (source: MidCoast Council Intramaps)

(g) Clause 7.2 - Earthworks

The proposal involves earthworks with respect to the construction to ensure the land is not impacted by flood. Full details of earthworks will be provided at the construction certificate stage. Previous earthwork and fill requirements have been addressed as part of the previous development assessment and consent conditions under DA-504/2011 and DA-290/2012. The earthworks will be undertaken as per conditions of consent, and has considered the adjoining environment, properties, and the proposed drainage of the subject site.

(h) Clause 7.5 - Stormwater Management

The stormwater design of the development has had regard to the environmental characteristic of the E2 zoned land, as well as the site drainage.

In its existing condition, the site generally grades toward the southwest with a gradual slope of approximately 0.5% - 1.0%. There is no nominated site discharge location for this property; it currently discharges overland and via infiltration given the sandy geology of the site.

Whilst the site is unlikely to discharge overland for frequent rainfall events due to infiltration, rare events may discharge overland into the adjacent property (Lot 11 DP615229) heading towards Wallamba River. The infiltration effectiveness of the site will be affected by groundwater levels.

The site drains in a south-westerly direction towards the adjacent property (Lot 11 DP615229).

Figure 5-1, refer to *Figure 40* of the SEE shows the adjacent upstream catchment and the expected stormwater response.

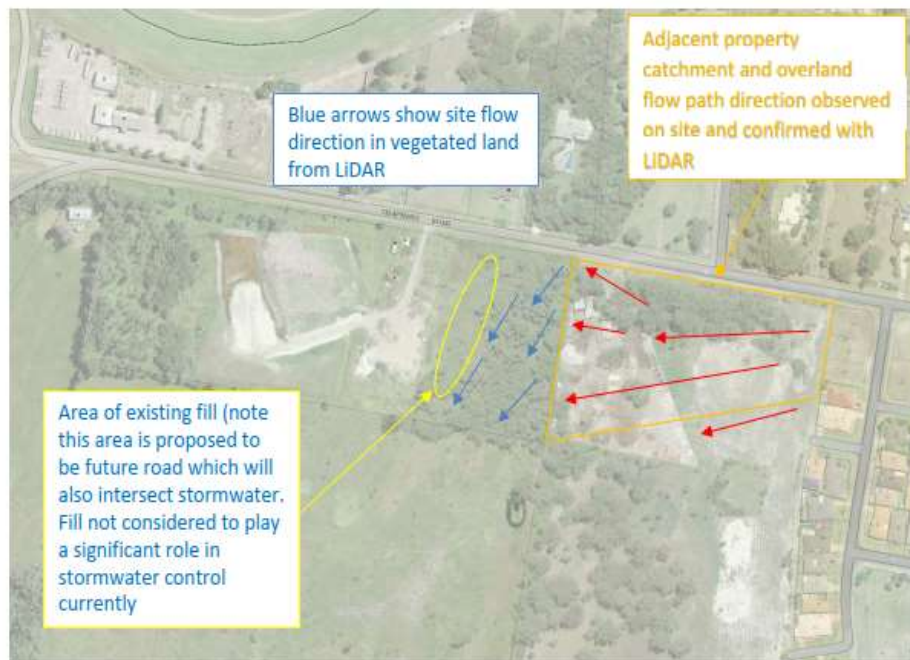


Figure 5-1 Existing Stormwater flow and Catchment boundaries

Figure 50: Extract from the Stormwater Management Plan, p.8

For the proposed development, the site will retain its existing discharge location at the southwest corner of the lot onto the adjacent property (Lot 11 DP615229).

The existing site discharge is via infiltration and overland sheet flow, whereas the post-development condition may see a more concentrated site discharge in the southwest corner of the site for rare events. This is proposed to be managed with a level spreader device to ensure there will be no erosion or impact upon the existing property.

As the existing site has no underground stormwater connection, the existing natural surface level has been utilised as the controlling level for stormwater infrastructure on the development site. Lot filling will occur to provide flood controls, site grading and cover for underground services.

The upstream catchment to the east of the proposed development will bypass the proposed development site.

The area of the development site to the east of the future collector road has not been included in hydraulic assessment as it will discharge to the adjacent property in its current capacity without modification.

Based on the results for the existing and unmitigated developed scenarios, an end of line stormwater detention basin was modelled as part of the mitigated scenario to detain and manage discharge flows from the site to ensure non-worsening of downstream conditions.

The Report concludes:

"This Stormwater Management Plan (SWMP) has been prepared to provide a design proposal and guide to the stormwater quantity and quality management techniques for the site.

The two primary objectives of this SWMP have been to ensure that:

- *Suitable measures are incorporated in the development to ensure that there are no adverse impacts to downstream receiving waterways, property or infrastructure resulting from any increase to peak discharging stormwater flow rates.*
- *Details of a proposed stormwater quality treatment train are provided to ensure discharge of stormwater from the site is of adequate quality standards to comply with the requirements of MidCoast Council.*

The analysis presented in this report shows that the development overall will increase flows from the undeveloped state. However, this increase will be managed by diverting overland runoff into a specifically designed stormwater detention / infiltration basin. The proposed measures will ensure no adverse impacts to downstream receiving waterways, properties or infrastructure is achieved.

The site will maintain its existing site discharge via infiltration (primarily) and overland flow to the adjacent property via a level spreader device to prevent scour and erosion.

A stormwater quality assessment is provided which demonstrates that a specially tailored treatment system will be required to meet the pollutant removal targets of MidCoast Council during the operational phase of the proposed development. The proposed treatment system comprises of an end of line bioretention basin.

Based on the proposed Stormwater Assessment presented in this report the proposed Stormwater system for 40-80 Chapmans Road, Tuncurry will treat the stormwater generated onsite to a sufficient level that is compliant with MidCoast Council's Water Quality and Quantity objectives."

(i) **Clause 7.7 – Riparian land and watercourses**

The site is not mapped on Council's Watercourse Map, not located within 40m of the top of the bank of each watercourse on land identified as 'watercourse' on the map.

(j) **Clause 7.21 - Essential Services**

Clause 7.13 requires Council to be satisfied that essential services are capable of being provided to the site. Telecommunications, electricity, reticulated sewer, and water supply is available to be extended to and within the subject site.

As the proposed development provides for the multiple residential occupation, all proposed manufactured homes and community facilities will need to have extension of services and infrastructure. It is proposed that the development seek approvals from MidCoast Council to ensure connection to reticulated water supply and sewer services. A provision of a reticulated town water supply will be to provide a water supply that is also available for firefighting purposes and ensure availability of hydrant coverage to the proposed development for fire protection purposes as required under the NSW RFS Planning for Bushfire Protection 2019.

Where practicable within the lifestyle resort development, electrical transmission lines will be underground.

The Concept Services Plan details the existing and new services proposed throughout the development, and appropriate restrictions will be identified on the Deposited Plan and associated 88B Instrument.

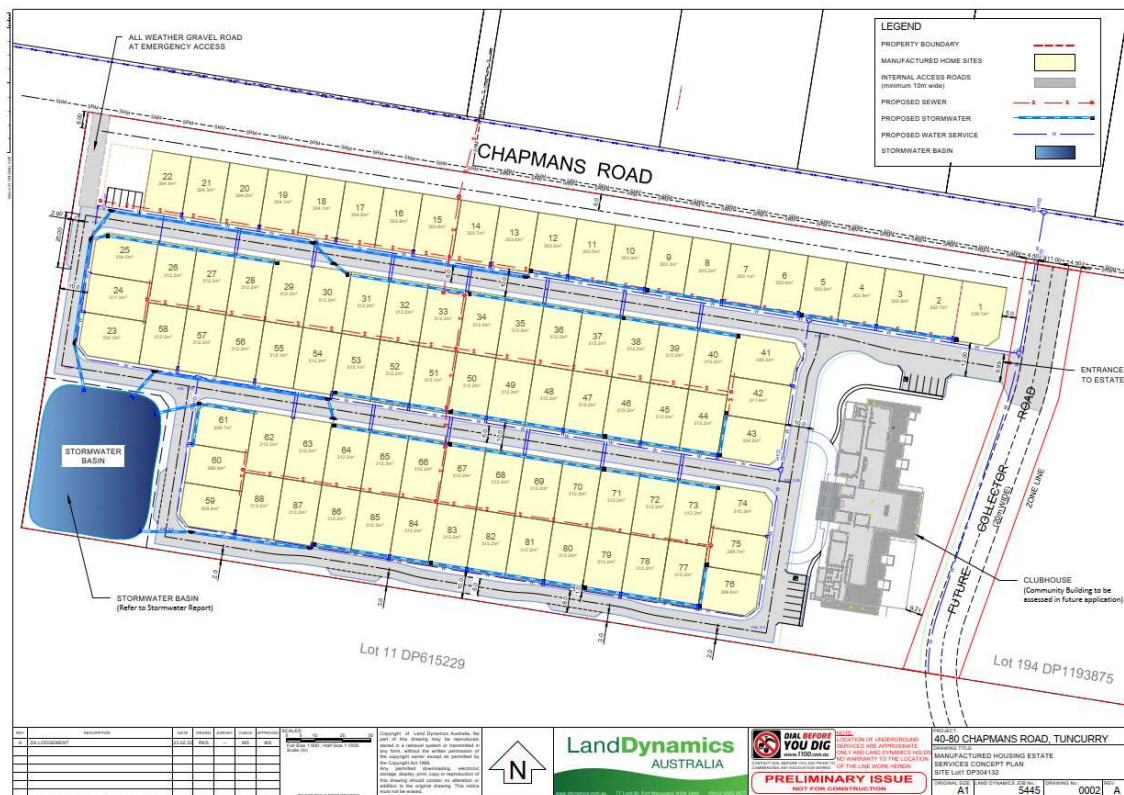


Figure 41: Proposed Concept Services Plan

Development Control Plans

Great Lakes DCP 2014

An assessment against the controls set out in the Great Lakes DCP 2014 is provided in the DCP Compliance Table accompanying this application. This includes assessment of Chapter 17 'Manufactured Home Estates and Caravan Parks'.

1. PLANNING ASSESSMENT

This section will consider the likely impacts of the development; site suitability and public interest in accordance with Section 4.15 (1)(b), (c), (d) and (e).

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

It should be noted that as per the Regulations, MHE sites can only contain one dwelling and are limited in size generally to two-bedroom or occasionally three-bedroom for the larger lots.

Further, the lifestyle resort will be marketed to a certain age, generally being over 50's, as per the same arrangement of many of the manufactured housing estates established in the northern area of NSW and throughout Australia, where these are no age restrictions. A manufactured home estate is land lease living, the residents buy a new or established home within a secure estate and instead of buying the land, a weekly or fortnightly site fee is paid to lease the land where your home is located. Residents are unable to obtain a traditional mortgage to purchase a home within a manufactured home estate as the land is not owned, which in effect restricts the eligible purchasers to those downsizing from larger family homes or retired from the work force with capital available to purchase without the need to borrow money. It is unlikely that first home buyers or adults with families have the type of cash equity required to purchase a home or desire a home of the size or style of those offered in a manufactured housing estate. Hence, this reinforces the trend for two-bedroom dwellings on each site and a lower traffic, stormwater, water, and sewer impact.

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

Assessment of Natural & Built Environmental Impact – Section 4.15 (1)(b)

Topography and Scenic Impacts

Overall, the proposed development is compatible with existing and future planned surrounding land uses. The site is zoned to allow the proposed development and is located close to the township of Tuncurry. The proposed design includes landscaping and has been designed to have regard to the protection of the environmental qualities located on the eastern section of the site.

The proposed lifestyle resort and built form will retain a high level of amenity for residents and surrounding sites including in respect of solar access, views, privacy, and noise levels. The design of the proposal incorporates durable materials with low maintenance requirements compatible with the scenic impact of a new residential development.

The site does not exhibit any characteristics which would preclude the development of a lifestyle resort development from proceeding.

Micro-Climate Impacts

The proposal will not impact on micro-climates.

Water & Air Quality Impact

It is considered there will be no ongoing air or noise issues pertaining to the proposed development. Construction noise may be effectively mitigated against by conditioning hours of operation. The operation of the dwellings and community facilities are not restricted by hours of operation, but rather by standard noise criteria under the *Protection of the Environment Operations Act 1997*. The proposed separation of sites from the common boundaries, retention of vegetation combined with boundary fencing and the landscaped strip all assist in providing adequate separation between land uses.

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

During construction, some noise and vibration is likely to be created, however, construction activities will be short term and will only occur during those hours permitted by the Council and as represented in the development permit. The operational noise levels from the proposal will not be out character with the future intent of the precinct. The development has been designed (materials, setbacks etc) to minimise any impacts on existing residents of the area. It is considered there will be no ongoing air quality issues pertaining to the proposed development.

In terms of water and air quality impacts there are no impediments that would stop the development proceeding.

Soils

As previously assessed, the site is unlikely to include any contaminated soil (or other contaminating agents) based on the site's land use history and the site is suitable for the construction of the proposal. Disturbance to insitu soils on site will be minimised by undertaking all erosion and sediment control practices during construction in accordance with "*NSW Department of Housing - Managing Urban Stormwater, Soils & Construction*" 2004 (Blue Book). Post construction of residential development, all previous surfaces will be vegetated by landscaping or turfing/grass seeding until established.

Impact on the Area's Character

The proposal is of benefit to the surrounding area as it proposes a positive development of high-quality design that will achieve urban development in the locality, improve surveillance and safety of the precinct. Overall, the proposed development is compatible with existing and future surrounding land uses, which is residential as per the strategies for the area.

The site is zoned for residential purposes and is located within a diverse area with a mix of land uses. This northern area of Tuncurry is undergoing a significant transformation and the character and land uses in this locality are becoming more diverse. The design of the proposed development embraces the diversity of the emerging area whilst respecting the residential and rural uses adjoining, with a high level of building design, fencing and open space and landscaping to ensure minimal impact on the character of the locality.

The proposed lifestyle resort development is residential in nature and of a lower density than a standard residential dwelling due to the smaller size of the dwellings. The proposed lifestyle resort design will retain a high level of amenity for residents and surrounding sites including in respect of solar access, views, privacy, and noise levels.

This application includes indicative dwelling designs and the community facilities. A review of these plans clearly identifies a high-quality, contemporary product being produced, which will set the tone for the residential development of this immediate area.

The Land and Environment Court has established Planning Principles. In *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*, a Planning Principle has been established with respect to surrounding development and compatibility. Having regard to above Planning Principle, the proposed development does have regard to height, setbacks, landscaping, and architectural style of the desired residential area and has had regard to the relationship between the various factors and this has been reflected in the site layout and building design. The built form is low scale with large areas of landscaped open space surrounding. In terms of height, the overall building height is consistent with nearby built form and setbacks are appropriate for any future adjoining residential developments. The design reference allows for individuality in the development on this site, whilst having regard to the existing and future desired character.

The proposed development is a new feature for this immediate area but is considered complimentary to the mixed land uses evident within this locality. The proposed built form, layout and design reference allows for a rhythm within the development to be established which is not repetitious and uninteresting in form. The future development of this area should be guided by this architectural form.

As outlined in the Planning Principle above, the development is to be in harmony with the Precinct but does not need to be the same and can have different attributes and remain compatible. The proposed built form responds to the essential elements identified in the area, both built and landscaping, to ensure a harmonious development and form.

The proposal is of benefit to the surrounding area as it proposes a positive development of high-quality contemporary design that will improve surveillance and safety of the precinct. Overall, the proposed development is compatible with existing and future surrounding land uses, which is low density residential. The site is zoned for residential purposes and is located within an emerging residential area. The proposed design will retain a high level of amenity of the subject and surrounding sites including in respect of solar access, views, privacy, and noise levels. Consideration has been given to the existing adjoining dwellings and new landscaping and fencing will be provided along boundaries where not currently in place to ensure a delineation of boundaries and to ensure the amenity is protected for existing and proposed residents. The design of the sites, open space and landscaping are consistent with that anticipated for this form of development. The aim of this development is to provide high quality dwellings within the lifestyle resort, with generous living areas, highly sought-after outlook and finishes which are in keeping with the surrounding development, and reflective of Council's planning controls. These objectives are reflected in the design.

Appropriate mitigation will be undertaken during construction and operation to preserve the amenity of surrounding land uses. The site does not exhibit any characteristics which would preclude the development from proceeding.

Aural & Visual Privacy Impact

The proposed community buildings and future residential dwellings on the sites comply with relevant controls for this form of development including height limits. There are appropriate setbacks and screening from the community buildings to nearby dwellings within the site and neighbouring properties ensuring there will be no issues pertaining to visual and acoustic privacy, or views and overshadowing. The clubhouse is a larger structure; however, this will serve as a main entry feature and nodal point to clearly give identity and is located centrally within the site. The density and scale of the proposed development are commensurate with the desired character of the Tuncurry area, and the lifestyle resort when viewed from the public domain, is unlikely to be highly visible due to provision of the environment land buffer surrounding the site.

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



There will be no significant overshadowing impacts on adjoining properties as no substantial building construction is proposed other than the provision of the clubhouse and associated communal infrastructure, which are located away from neighbours. However, once the new sites are completed, new dwellings will be single storey and will therefore have no overshadowing impacts or cause loss of sunlight to adjacent properties.

The proposed lifestyle resort will exhibit a positive visual outcome for the area achieved through planning and design. The variety of site sizes and dwelling types will allow for diversity within the lifestyle resort. The proposed landscaping, street trees and fencing will be consistent throughout the site and designed in keeping with the entry gate, dwellings and community buildings which will all have a modern feel. The proposed landscaping softens and integrates the new development with the surrounding streetscape, creating a high aesthetic quality and amenity for both the new occupants and the adjoining public domain. The proposed species have been selected from suitable low-water-use native planting list, with a view for low-water usage and low landscape maintenance requirements and planning for bushfire provisions.

The proposed internal layout of the land lease community ensures the orderly use of the land through the provision of regularly shaped sites with street frontages capable of accommodating several typologies of dwelling house and sufficient private open space. The size, shape and orientation of individual allotments will enable future built form to address the street creating visual interest and providing opportunities for passive surveillance. Landscaping within the development includes new plantings that will soften the appearance of built form, contribute to the creation of a high amenity environment, provide for pleasant views to and from the site and enhance the vegetated character of the locale. The surrounding environmental zoned land also provides appropriate visual and amenity buffers to surrounding developments.

Crime Prevention Through Environmental Design (CPTED)

The proposal ensures that principles of Crime Prevention Through Environmental Design is incorporated into the design with living zones facing the street, driveway and common open space to provide passive surveillance, building articulation to inhibit hiding or enclosed spaces, and landscaping to provide an attractive streetscape without compromising safety and security. The pedestrian linkages are wide in their design to ensure a feeling of openness and safety for the residents, and low glare lighting is to be incorporated throughout the lifestyle resort.

The proposed buildings and design of the dwellings will contribute positively to the street by providing a clear street address, direct access from the street and provide a direct outlook into the street.

The proposed dwellings are compatible in size and scale. The proposed development promotes modern design, providing a quality architecturally designed building design incorporating defined public and private areas. The proposed landscaping will soften the overall appearance of the buildings whilst defining private and public spaces.

The lifestyle resort development is likely to incorporate entrance gates and has on-site management staff ensuring effective operations, management and maintenance of the site also providing safety and security. These matters are addressed in further detail later in this report.

Impact on Sunlight Access

The proposed clubhouse building has been located at the entrance/edge of the development site with large areas of landscaping surrounding so will have minimal impact on sunlight access for surrounding dwellings. Other buildings as part of this application are single storey and will have minimal impact upon solar access. Given the separation to existing and future adjoining dwellings including a landscape strip, there is not expected to be overshadowing impacts on future neighbouring projects. The size of the individual dwelling sites allows for good solar access to each site.

Environmentally Sustainable Development

The proposal incorporates passive solar design principles, which will allow for the dwelling to enjoy levels of thermal comfort and to minimise the reliance on mechanical ventilation, heating and cooling. BASIX Certificates are not required for the dwellings, as per the legislation for MHE.

Waste Management

Adequate dedicated waste storage and collection facilities to service the development are proposed. The development will provide appropriate best practice facilities for removal of waste through a private waste contractor at the Operators expense.

Heritage

The subject site is neither a heritage item nor located within a conservation area. Council's LEP maps do not indicate European heritage on the site or in the vicinity. An AHIMS search has not revealed aboriginal heritage on the site or within 50m of the site and a copy of the search forms an attachment to this report. In accordance with the NSW Office of Environment and Heritage's *"Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales"* and flowchart in Section 8, no further investigation is required, and it is standard practice if any item of heritage significance is revealed during construction of the development works will cease immediately and the appropriate authorities will be contacted.

Social and Economic Impacts

The proposed development will provide alternative housing stock for people who wish to downsize from their existing home or relocate to Tuncurry. Throughout Australia proportionately more people aged 50 years and over live in small towns than major cities. The upgrades to the Pacific Highway have presented the Mid North Coast area with new opportunities. The improved travel safety and reduced travel times makes Tuncurry more accessible and more attractive to those looking for a both a sea and tree change. The proposed development meets this market demand.

Tuncurry provides a vast range of community and government facilities/services for all ranges of ages, and the proposed development will have access to a variety of commercial and community services and facilities. It is expected that all the existing community and government services would have capacity to service the needs of the residents. An audit of current services and facilities located within the Forster/Tuncurry area is not deemed necessary for the proposed development. Forster/Tuncurry is an urban township which is serviced by a large range of retail, commercial and community services. The more people in the area will increase retail and economic demand and the flow on effect expected to contribute to Tuncurry and surrounds.

The proposed development will create a positive economic effect on the local community. Services, shopping and retail, businesses, and Woolworths are located within Tuncurry centre being located 3km south of the subject site. Refer to *Figure 42*. The subject site is ideally located to ensure residents have easy access to existing services and facilities within 5-15 minutes within both Tuncurry and Forster.

Diversity in housing prices is an important part of community infrastructure that supports community wellbeing and social and economic sustainability, strong and inclusive communities, including supporting a diverse labour market and economy. The nature of the development will encourage social cohesion amongst residents of the development. The demographics of the residents will result in similar characteristics – these could include age, income, life experiences and education. It is also envisaged that the residents will assimilate with their peers and other residents currently residing in the Mid Coast Council and surrounding area.

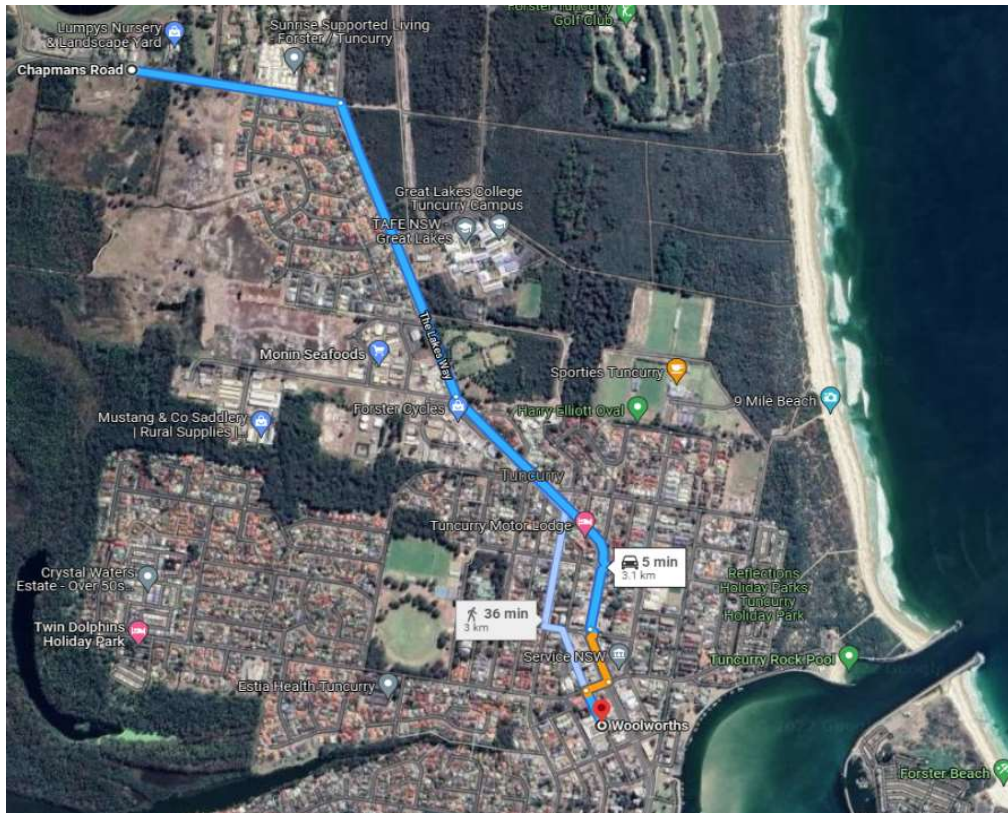


Figure 42: Distance and Location to larger shops and facilities in Tuncurry (source: google maps)

There is a greater demand for alternative living arrangements and diversity of housing stock and various sized dwellings and bedroom mixes. The proposed development is designed to accommodate residents choosing a certain lifestyle which has a lower level of maintenance with shared facilities rather than being single dwellings with its own backyard. Benefits can include the unit that is easily maintained, in a private and secure environment with people of a similar life stage. Manufactured homes built on site also increases the opportunity for residents to age in place, remaining in their homes longer. The proposed development is not expected to create a negative impact on the neighbourhood character or identity given its consistency for the planning of the area and mix of housing types in existence.

The development will have a positive social and economic impacts, with increased job opportunities during construction and provision of affordable housing for the area with the associated positive impact for businesses from the new residents. The location of the edge of the existing residential allows the existing services and facilities to be available to the future residents. The development will provide housing stock at an affordable pricing point and provides a variety and choice of housing stock.

According to NSW Treasury Economic Update (September 2013),

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

The total construction cost of the proposed development, being the roads, enabling infrastructure, community facilities and homes is estimated to be approximately \$7 million. Using the information provided by NSW Treasury the proposed development will generate \$17.8 million to the overall economy. In addition, full-time construction jobs and flow on jobs in the overall economy will be created. The proposed lifestyle resort therefore has a positive economic and social benefit to the community of Tuncurry and the MidCoast region.

Assessment of the Site Suitability – Section 4.15 (1)(c)

Proximity to Services & Infrastructure

All services can be extended to the proposed development. The demands of the development on utility supplies are reasonable given the urban context and the availability and location of all required servicing. All installations will meet the requirements of Council, Australian Standards and the Building Code of Australia.

Discussions have been undertaken to ensure provision of water and sewer to the site and have been incorporated into the Concept Services Plan.

The application for a Manufactured Housing Estate is made under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. The Regulations state:

“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 Plumbing and Drainage Act 2011 and any regulations under that Act, and

(b) the requirements of any relevant statutory body.”

The site is capable of being serviced by way of extension of the sewer. Therefore, the Regulations and Clause 7.13 of Local Environmental Plan 2011 are satisfied by way of the proposed sewer route and upgrades. Refer to Concept Services Plan accompanying this application.

A Stormwater Management plan and associated assessment has been prepared to provide information on stormwater quality and quantity control and addresses the pre and post development scenarios for the development. A copy of the report accompanies this application. The proposed development includes a basin in the lifestyle resort common area. Appropriate reciprocal rights for access and maintenance can be placed on title to allow the developer and on-going operators and Council legal rights.

Traffic, Parking & Access

Access is proposed to be provided to the lifestyle resort via the construction of a portion of the new collector road which will connect the development site with Chapmans Road.

It is noted that Council's strategic policy documents identify that the collector road will ultimately connect the northern Tuncurry residential area. The proposed collector road to be partially constructed will bisect the proposed lifestyle resort development and the environmental land.

A new internal road system servicing the lifestyle resort development will connect with the proposed collector road with the movement of traffic to and from the subject site. The future extension of the collector will at some stage provide for the movement of vehicles within the urban area of north Tuncurry.

The proposed internal road infrastructure servicing the proposed lifestyle resort will provide for the east/west movement of vehicles. The main entry road into the resort complex will provide two-way movement of vehicles to and from the proposed new public collector road. The perimeter road will separate most of the proposed development from areas of bushfire hazard vegetation.

Access to the proposed individual dwelling sites and community facilities will also be provided via several two-way internal access roads which will provide direct road frontage to each of the proposed sites. The road system within the proposed lifestyle resort development will function as a two-way pavement and will be constructed to normal private road standards with a through road design providing for alternative directions of travel.

It is noted that the development concept incorporates a secondary alternative emergency access road from the proposed development which will connect with Chapmans Road to the north-west of the subject site.

RMS's preferred approach to traffic assessment rather than utilising a numerical comparison is to take an actual count of a similar development. The RMS Guide to Traffic Generating Developments, suggests review of a comparable development, stating *"Surveys of existing developments similar to the proposal, can also be undertaken and comparisons may be drawn"*. Comparable MHE / lifestyle resort developments have been considered as part of this application.

A Manufactured Housing Estate is not directly comparable with a residential subdivision given the low occupancy rate (likely 1-2 people per dwelling) and the use being separately defined and not being a detached dwelling. Therefore, the suggested rate of 3.6 trips per day per dwelling is appropriate for this development. The proposed development has a lower traffic generation than a standard residential development.

The community facilities will not attract additional traffic, as they are community facilities for use of the lifestyle resort development patrons and any guests invited, not opened to the public for hire, so no additional traffic would be created. The provision of community facilities is required by the Regulations for MHE and in fact, reduce car usage given some facilities are provided on-site rather than requiring a trip off-site.

In terms of traffic generation, based on other MHE / lifestyle resort development applications, the road network has capacity to withstand the proposed lifestyle resort, based on actual traffic counts of a directly comparable development.

When reviewing other recent MHE / lifestyle resort development applications throughout NSW (e.g. Evans Head, Tenambit, Avoca), it was noted that many did not include traffic impact assessments and minimal comment was provided in the assessment reports with respect to traffic generation beyond the RMS review comments on the application. This is reflective of the low traffic generation of an MHE, consistent with the range of vehicle movements identified above, being well below the standard residential rate.

It is noted that our application uses 3.6 trips per day, based on the actual Ocean Club traffic count which is now being adopted for many MHE developments approved on the NSW mid to north coast over the past 3 years. This is at the higher end of the traffic generation scale and well as the comment above with the usual range for MHE being between 0.2 to 0.34, which equates to 2 - 3.4 trips per day.

Traffic movements will be further reduced as public transport is available along Chapmans Road.

Given the established traffic rate for manufactured housing state-wide, the need for road upgrading or improvements should be considered against the rate contained within our Traffic Impact Assessment of 3.6 trips per day, or lower. The extension of the road from The Lakes Way to the development does not warrant the need for road upgrading to its ultimate design. The collector road within the development site is proposed to be constructed to its ultimate design. However, the construction of The Southern Parkway extension is confirmed by Council as being available for a works in kind arrangement to allow it to be provided earlier.

The proposed development provides on-site resident and visitor car parking spaces more than the minimum parking requirements of the Regulations and meet Council's DCP requirements. Off-street parking spaces are capable of being accommodated on each dwelling site. The proposal is a private development under one ownership and appropriate road widths and pathway network has been proposed, connecting into the public system.

Hazards

As discussed under the LEP assessment section of this report, the subject land is identified as flood prone land and affected by acid sulfate soils. The subject land is also identified as bushfire prone land. These potential hazards are manageable constraints and have been addressed earlier within this report.

Overall Suitability

The site is suitable for a lifestyle resort as it is in an existing and emerging residential area and will be developed on relatively cleared land with no unmanageable constraints which preclude the development. The lifestyle resort development is suitable for the subject land and provides additional housing stock. The proposal is a permissible land use and has been designed to complement the character of the locality. The proposed development is compatible with the future desired character of the surrounding area and the R2 zoning for housing.

There are a variety of land uses within the area and diversity in residential form, including large lots, standard residential lots, resort lifestyle developments and residential care accommodation. The population statistics indicate that there is a higher proportion of residents aged over 50 in the LGA and the Department of Planning forecasts a strong increase in couple and lone persons households to 2031 within the region. Therefore, there is a greater demand for alternative living arrangements and diversity of housing stock. The proposed development accommodates the growing demand for reasonably priced housing which offer social activities and lifestyle amenities.

The matter of competition between any existing MHE and this lifestyle resort is a commercial consideration and market driven and is not a consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Safety, Security & Crime Prevention

The principles specified under the "*Crime Prevention and the Assessment of Development Applications*" published by Department of Urban Affairs and Planning Guidelines are required to be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979* as amended.

Crime Prevention Through Environmental Design (CPTED) is the development of design principles within and surrounding a proposed development to assist in minimizing crime opportunities once the development has been completed. CPTED reduces crime opportunities by increasing the risk to offenders of being identified, increasing the effort required to commit crime, reducing opportunities for excuse making (e.g. spatial ambiguity is commonly used by burglars to justify trespassing) and reducing the likely rewards of criminal behaviour. There are four CPTED principals that must be considered to minimize crime which include Surveillance; Access Control; Territorial Reinforcement and Activity and Space Management. These main principals are addressed below.

The design of the community buildings and facilities, dwelling sites and walkways have been planned to exclude any potential areas that could foster criminal activities. The design of the development responds to the four main (CPTED) principles. The proposal establishes good opportunity for casual surveillance throughout the development and within dwelling sites providing safety and security. There is also a clear delineation between public and private areas, and lighting is proposed for safety.

The main entrance to the lifestyle resort development is likely to be secured by a gate. Fencing is proposed to ensure security for the residents; however, it will be designed to blend in with the locale and surrounded by landscaping.

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

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

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

Access control is the restriction or attraction of movements of people out of and around developments. In the proposed design this is achieved through the provision of a formal footpath with a physical barrier at the development end being a locked pedestrian gate. The pathway provides a formal desire line which minimises opportunities for people to wander into areas where they are not encouraged to do so. The key / card-controlled gate to the development is an effective access control which channels and controls permissible pedestrians into the development site. These various controls increase the time and effort required for criminals to commit crime activities. Access control is therefore being achieved within the site.

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

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

The proposed development will be accessible from the public domain via pathways and if a resident of the dwelling has special needs, their homes will be constructed to cater for them. The dwellings will have clearly articulated entries to provide a welcoming and secure environment for residents and their guests.

The proposal also included common areas and shared facilities in the form of open space. These common areas and shared facilities may be facilitated by management for the entire development. Residents residing within the dwellings have chosen to do so for the peaceful environmental attributes of the site and location.

The CPTED principles are incorporated within the proposed development.

Social and Economic Assessment

The proposed development will be complimentary to the neighbourhood, the exterior appearance of the buildings will be maintained in an excellent condition. The new dwelling sites, comprehensive landscaping and pathway network and community facilities will create and strengthen the sense of place and community by providing a high-quality residential environment with key pieces of social infrastructure. The layout of the proposed development and design of the community facilities has been prepared to afford both privacy for individual dwelling sites, and accessibility for residents to the community infrastructure.

Each dwelling allows the resident to have their own private open space as well as access to communal areas providing residents with options to suit their individual circumstances and feel a sense of belonging. The community facilities likely include the clubhouse with meeting rooms, craft area, games area and dining area, as well as other facilities. The perimeter of the site includes substantial landscaped buffers and pedestrian connections throughout the development and to the street.

The orientation and layout of the proposed dwelling sites provides natural surveillance and visibility in public areas by reducing areas that people could hide or where criminal activity could take place. Internal roads and common areas will be provided with adequate lighting, streets will have clear lines of sight and the proposed landscaping reduces areas where people could hide. The proposed development will provide both residential and visitor parking. The proposed lifestyle village will be controlled throughout its operational hours and made safe by on site management and casual surveillance.

The subject site is located within a bush fire prone area. The proposed development will comply with the principles of *"Planning for Bush Fire Protection 2019"*.

The proposed development meets '*Neighbourhood Planning Principle*' as public transport and social infrastructure are already in place within 3km of the development and can reasonably accommodate the needs of the proposed development.

Net Benefit is defined as *"having an overall positive impact on relevant communities"*. This social impact comment has identified several areas in which the proposed development has an overall positive impact on the wider Tuncurry area.

The proposed development is deemed appropriate with respect to relevant social planning issues as follows:

- It is envisaged that the residents will assimilate with their fellow residents and the general population.
- Positive community cohesion between all Tuncurry residents can be achieved.
- It is unlikely that the proposed development will result in any significant increase of crime activity but could potentially contribute towards the greater security and crime prevention in the area.
- While measures can be implemented to promote a safe environment for residents, residents must also be responsible in ensuring they act in a responsible and safe manner at all times.
- There is a genuine need for 'reasonably priced' housing within MidCoast Council.
- The proposed development is not expected to decrease housing prices within the area.
- Integration between residents within the development is expected to be positive.
- The proposed development will create a positive economic effect on the local community.
- The proposed development will have access to water, sewer, electricity, internet and telephone services.
- Local commercial businesses have the capacity to service the proposed development.
- Diversity of housing stock will be achieved through the proposed development, with a mix of dwelling sizes and bedroom numbers.
- The development site is within close proximity to commercial, community, public transport recreation and environmental areas.
- Enrichment of the local community by supporting a diversity of population.

It is concluded that the proposed development will not have unreasonable/ negative social impacts in the locality.

The net benefit to the community in allowing new residential development is the key contribution to provision of a liveable community. The development makes provision for new housing, upgraded and extension of the collector road, and the new footpath along the frontage of the site. This infrastructure will be a benefit for the existing community and encourages the areas capacity for growth.

It is anticipated that residents of the development will be able to access public bus services along Chapmans Road.

Sewer, water, electricity and phone services will be made available to all sites. The existing service providers will be able to provide these services and design will be determined in consultation with authorities.

Every effort has been made to restrict negative impacts on the environment. Council's strategic planning documents identifies this site and surrounds for residential development. The LEP controls allow Manufactured Housing Estates. Whilst some vegetation will be removed to accommodate the proposed development, replanting is to occur, and any loss to the environment, potentially to lifestyle and outlook is expected to be minimal.

It was considered that potential negative impacts associated with the proposed development can be mitigated as part of the development application design and assessment process, as well as through appropriate ongoing site management and as part of a refinement of certain aspects of the site design.

The following mitigation measures are recommended or have been implemented to reduce the potential negative impacts and maximise the potential benefits and suitability of the proposed development:

- Finalisation of a Plan of Management prior to operation of the lifestyle resort & copy to all residents as part of a welcome pack.
- Development of a Landscape Plan for the lifestyle Resort, with plantings which encourage screening along boundaries within setback areas.
- The front vehicular access gate / boom gate being set back within the development to allow access to the reception to facilitate site access by visitors, service providers and the like and to ensure a welcoming entrance to the site is provided.
- Provide a pedestrian connection for the residents of the lifestyle Resort to the nearby areas via the public roads.
- A community bus can be provided by the Operator
- The clubhouse is to contain space for booking and use by medical professionals or other relevant service providers.
- Provision of a noticeboard within reception or clubhouse to alert residents to local events and activities.
- The entrance to the lifestyle resort will be provided with low glare security lighting after dark and the overall site will contain low glare lighting to increase security and reduce opportunities for crime.

Overall, any potential negative impacts of the proposed development can be successfully managed with the implementation of the above mitigation measures. As such, the proposal will have a positive social and economic impact and provide 88 manufactured home sites within the proposed lifestyle resort being consistent with affordable housing principles.

Submissions made in accordance with the Act or Regulations - Section 4.15 (1)(d)

Mid Coast Council is the Consent authority and will consider any submissions received in response to the public exhibition of the proposed development after lodgement of the Development Application. Following the notification period, a review of submissions can be undertaken.

The Public Interest - Section 4.15 (1)(e)

It is considered there are no matters of public interest pertaining to the proposal which will limit the orderly and efficient use of land within the area which has been zoned for residential and urban uses. The proposal provides an opportunity for more choice of housing in the market. The development of the site will improve the supply of housing in the Mid Coast Council region, in accordance with the regional strategies.

The proposal will accommodate the needs of an aging population and supports a high standard of living for future residents and provides for more choice of housing in the market. The development of the site will improve the supply of housing in the region, in accordance with the regional strategies. The proposal is considered within the public interest as it will assist with housing shortage issues and housing targets because of increasing populations in the locality.

A variety of site sizes are proposed which can accommodate various dwelling typologies to meet market demands. Overall, the proposal provides positive social, economic, and environmental outcomes that will positively contribute to Tuncurry. All environmental impacts can be sufficiently mitigated to minimise disturbance to surrounding land uses. The proposal is therefore considered to be in the general interest of the public and will not conflict with the character or amenity of the surrounding region. The proposed development is ideally located close to local services, and community facilities in Tuncurry, as well as benefiting from those on-site.

The proposed housing form is proposed to accommodate market demands from a particular sector of the market. Overall, the proposal provides positive social, economic, and environmental outcomes that will positively contribute to Tuncurry and the overall region.

There are no known Federal and/or State Government policy statements and/or strategies other than those discussed in this report that are of relevance to this development proposal. The proposed development is unlikely to result in any adverse social or economic effects in the locality. The proposal has been designed to respect the surrounding built form and amenity of residents.

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

CONCLUSION

This application has been considered against the relevant provisions of the Section 4.15 of the Environmental Planning and Assessment Act, 1979 including relevant State Environmental Planning Policies, Great Lakes Local Environmental Plan 2014, and Great Lakes DCP 2014 and the proposed development is consistent with legislation and Council's controls including the Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

The site is zoned R2 Low Density Residential and E2 Environmental Conservation. The proposed plans have also included a proposed road extension.

The proposed MHE being a lifestyle resort development is permissible on the site in accordance with Housing SEPP 2021.

The subject site is located on the northern edge of an established residential area and within an appropriately zoned residential area which is emerging in the northern part of Tuncurry in accordance with the local and regional strategies. The proposed development layout is in keeping with the existing and desired residential character of the area and the site constraints have been resolved within the design. The likely impacts have been considered and found to be satisfactory and the site is suitable for the proposed development and the proposal is in the public interest. On balance, a good planning outcome has been achieved. No unmanageable issues were identified in relation to transport, visual and acoustic privacy, heritage, flooding, bushfire, flora and fauna or the provision of utilities. The development is proposed on the cleared or disturbed portion of site, in an area zoned for residential purposes. All services and infrastructure are readily capable of being extended to the site.

The comprehensive assessment undertaken has found the following:

- The layout and design of the proposal responds to the site conditions, taking into consideration the site topography/ height limits, the current and future character and scale of the surrounding residential area and environmental constraints.

- The proposal includes landscape provisions to enhance the visual amenity of the site and integrate the proposed development into the site and surrounding area.
- The development will contribute positively to the quality of life of its occupants, by rationalising the existing living spaces - providing improved amenity and visual quality to the occupants, whilst meeting the requirements of the contributory item objectives.
- The proposed development of the site has been assessed and informed by a team of specialist consultants including Architecture, Building Code Australia, Bushfire, Traffic, Civil Engineering, Landscaping and Town Planning advice. The supporting reports and plans are included with the application and conclude the proposal is appropriate for the site.

On this basis, it is considered that the proposal is consistent with the relevant objectives and provisions of applicable planning instruments and suitable for the site and will have minimal negative impact. For all the above reasons, in our opinion, the proposal is an appropriate development for the subject site, and we seek Council's support for this application.

APPENDICES

1. Owner's Consent
2. Statement of Environmental Effects
3. Costs of Works
4. BASIX Information
5. Chapter 17 MHE Assessment – GL DCP
6. MHE Regulations Assessment
7. DA 504-2011 Determination
8. DA 290-2012 Determination
9. AHIMS Search

- A1. Typical Dwelling & Elevation
- A2. Photo Montage Layouts 1-4
- A3. Concept Dwelling Layout Analysis
- B. Full DA Plan Set
- C. Bushfire Assessment
- D. Geotech & Stage 1 Site Contamination Assessment Report
- E. Stormwater Management Plan
- F. Drains Model
- G. MUSIC Model