

## STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION FOR MULTI-DWELLING HOUSING (RESIDENTIAL LAND LEASE COMMUNITY COMPRISING 136-DWELLINGS), RESIDENT CLUBHOUSE, POOL, BOWLING GREEN, EXHIBITION HOME, ASSOCIATED INFRASTRUCTURE AND RETAINING WALLS

‘PARKSIDE’ 8 Park Avenue, Yamba



Date: 7 July 2021 (Amended 1 October 2021 and 16 June 2022)  
Prepared by: Joe Waugh  
Planning Manager  
Hometown Australia

## Declaration

Document name: *SEE – Development Application for Multi-dwelling Housing (Residential Land Lease Community comprising 136-dwellings), Resident Clubhouse, Pool, Bowling Green, Exhibition Home, Associated Infrastructure and Retaining Walls*

Document Author: Joe Waugh

Occupation of document author: Planning Manager

Qualifications of document author: Bachelor of Regional & Town Planning (BRTP)  
University of Queensland

Declaration: I, Joe Waugh, declare that this SEE has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (the Act).

Date: 07 July 2021 (Amended 1 October 2021 and 16 June 2022)

Document History and Version Control				
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1.0	JW	JW	07 July 2021	DA issue
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Statement of Environmental Effects  
Proposed Multi-Dwelling Housing, Exhibition Home & Ancillary Amenities  
8 Park Avenue, Yamba

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### Attachments

*Site Photos*  
*Response to DMU Minutes*  
*Planning Framework Maps*  
*Context Analysis*  
*Title Documents*  
*Community Day*  
~~*Architectural Design (Amended)*~~  
~~*Landscape Design (Replaced)*~~  
*Waste Management Plan*  
*Engineering Services Report*  
*Social Impact Assessment*  
*Traffic Impact Assessment*  
*Cost Estimate Report*

### Attachments (for Planning Panel July 2022)

*Flood Emergency Management Plan & Flood Risk Assessment*  
*Architectural Design (June 2022)*  
*Landscape Design (June 2022)*  
*Stormwater Advice (June 2022)*

## EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by Hometown Australia Management to accompany this Development Application (DA) to Clarence Valley Council for a Multi-Dwelling Housing (136 Moveable Dwellings), Resident Clubhouse, Pool, Bowling Green, Exhibition Home, Associated Infrastructure and Retaining Walls.

The site is located at 8 Park Avenue, Yamba (Lot 101 on DP1228576) and is included in the R3 Medium Density Residential Zone. The development is proposed to be managed as a private "land lease" residential community and incorporates the following:

- Multi-Dwelling Housing: The proposed development fits within the definition of Multi-Dwelling Housing - a term listed under the land use table of the R3 Zone in the Clarence Valley Local Environmental Plan 2011, as permissible with consent.
- Resident Clubhouse and facilities: The ancillary Resident Clubhouse and facilities are located centrally within the subject site. All facilities are ancillary for resident use only – they are not a standalone commercial use nor are they accessible to the public.
- Car parking/access: Vehicle ingress/egress will be via the eastern arm of Park Avenue and pedestrian access to both the eastern and western arm of Park Avenue. The proposal includes the construction of private internal roads to provide access to each future dwelling. Each home will have a double garage and 68 visitor car parking spaces are proposed throughout the site.
- Civil works: Stormwater drainage works are proposed, including internal stormwater detention, pits, pipes and associated infrastructure. External stormwater upgrades in the eastern arm of Park Avenue are also proposed.
- Retaining walls and earthworks: are proposed to create suitable building pads for future dwellings
- Landscaping: Extensive landscaping is proposed and the development provides 35% landscape space plus Resident Clubhouse facilities.

The proposal does not involve subdivision of land or dedication of land. The proposal seeks approval for the entirety of the development and includes a variety dwelling designs. The application incorporates a 'House Type Matrix' along with architectural plans and elevations, confirming the variety of designs, facades and materials incorporated. As a condition of Consent, Hometown Australia (HTA) is requesting that each dwelling require a subsequent approval via Section 68 Approval under *Local Government Act* 1993. This DA and subsequent Section 68 Approvals provides certainty and clarity about the dwelling types and approvals; enabling HTA to manage the community as a secure, residential community in accordance with the *Residential (Land Lease) Communities Act* 2013.

This SEE is supported by assessment of Engineering Services, Stormwater Management, Social Impact, Traffic Impact; and by architectural design of the new community building, facilities, landscaping and

waste management. The assessment provides a detailed description of the proposal and assesses the development in accordance with the statutory requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. Key assessment matters addressed herein include the Clarence Valley LEP, DCP, relevant State Environmental Planning Policies, development impacts and public interest.

Two pre-Development Application meetings were held with Council to discuss the proposal and a community 'Drop In' day was held on site on Saturday the 5<sup>th</sup> of June 2021. Feedback from the pre-DA meetings and the community day have been considered against the backdrop of previous development approvals on site. By way of overview, the SEE confirms the proposal will:

- Fulfil the planning objectives for the locality by providing housing needs and housing choice close to services;
- Meet the zoning intent by providing medium density housing that integrates with the residential character and amenity of the area;
- Provide new, architecturally-designed facilities, accessible open space and recreation facilities for future residents of the community.
- Provide access and internal services in accordance with engineering designs submitted with this application;
- Comply with DCP provisions for the design of the site, parking, open space and future dwellings.

The proposal will not have significant impacts that would prevent the development from occurring and is recommended for approval.

## PART A – SITE AND CONTEXT

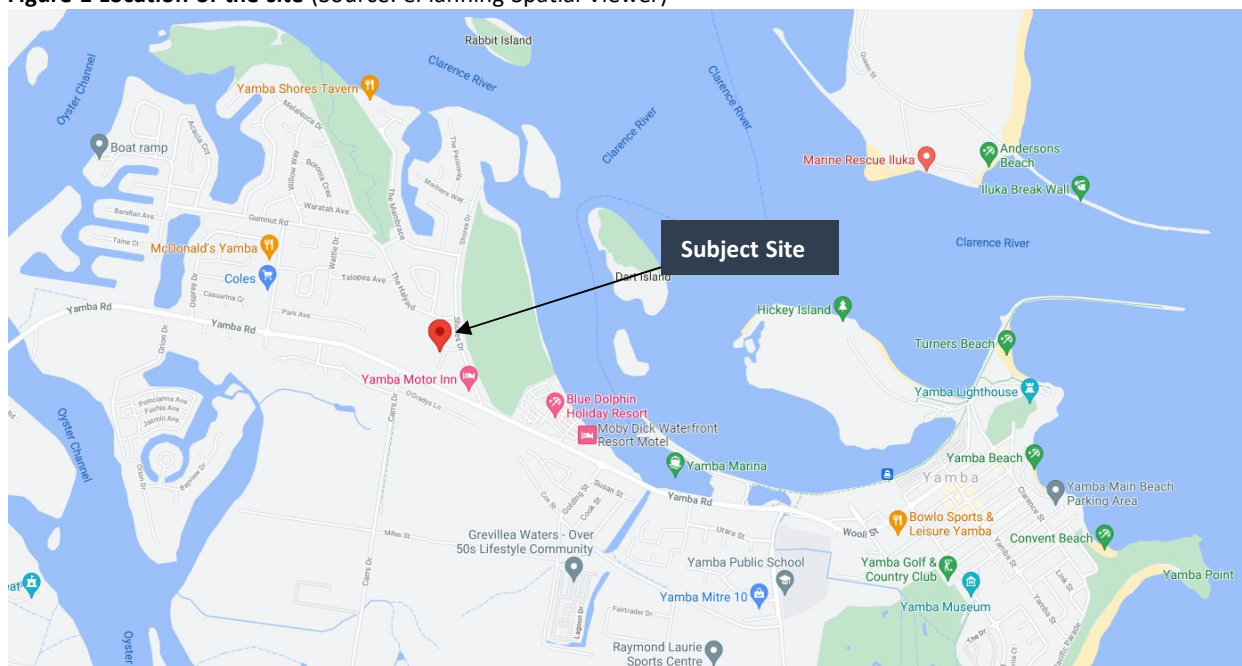
The following description of the site and relevant context is supported by images and illustrations in the following Attachments:

*Site Photos*  
*Response to DMU Minutes*  
*Planning Framework Maps*  
*Context Analysis*  
*Title Documents*

### Location

The site is located on the northern side of Yamba Road, approximately 3km west of the Yamba Street business district and 500m east of the Yamba Fair Shopping Mall (see **Figure 1** below). A detailed description of services and infrastructure available in the Local Government Area is provided in the Social Impact Assessment, prepared by AGIS Group (Attached).

**Figure 1 Location of the site** (Source: ePlanning Spatial Viewer)



As shown in **Figure 2** below, the western boundary of the site is adjoined by Wattle Park and on all other boundaries by a mix of established attached and detached housing. Vehicle access is from the eastern side of Park Avenue, with pedestrian-only access to the western side of Park Avenue. The site is located approximately 100m west of the Clarence Estuary Nature Reserve.

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**Figure 2 Site context** (Source: ePlanning Spatial Viewer)



The site adjoined by land in the RE1 Public Recreation Zone, R2 Low Density Residential Zone and R3 Medium Density Zone (see **Figure 3** below). The distribution of zones reflects the variety of established dwelling types and housing choice surrounding the subject site, with low-density housing along the linear sections of Telopea Avenue, The Halyard and Yamba Road; and pockets of medium density in Park Avenue, Shores Drive and Telopea Avenue.

A Context Analysis has been prepared (Attached) and provides an overview of the local area in the context of local and Regional planning strategy, location, zoning and surrounding built form. The Context Analysis has been used to inform the Vision for Parkside and confirms the DA:

- Is consistent with the established and planned character and density for the area;
- Is in keeping with the single-level built form of recently constructed attached dwellings on adjoining land in Telopea Avenue and Park Avenue
- Will create private internal streetscapes that reflect elements of the surrounding public street network, including street trees, grass verge and the rhythm of built form.



**Figure 3 Zone Map** (Source: ePlanning Spatial Viewer)



## Area demographic & housing profile

The following points on the demographic profile of the locality are taken from the Social Impact Assessment prepared by AGIS Group – Mark Sargent Enterprises, dated July 2021 (Attached):

### *Population demographics*

- The populations of Yamba and the SA2 area are comparatively older than the larger population groups. However, the LGA more broadly also has an older age profile than NSW, as indicated by:
  - Median age, which is significantly higher than NSW (38 years) for the localised populations in particular (Yamba, 56 years; SA2, 55 years and; LGA, 49 years). The median age for each of the regional and local areas is particularly high when compared with the larger population of the state.
- The proportion of the population aged 65 years and older for Yamba is greater than one-third of the population ( $\approx 37\%$ ), and in relative terms is increasingly large as the comparison population is expanded. There are proportionally more single or lone person households in Yamba and the SA2, which is consistent with the larger proportion of the population reporting as widowed or divorced for that population.



- The population of the LGA is forecast to contract over the period 2016 to 2041 by approximately 2.3%. There are forecast decreases across all population age groups with the exception of the oldest group (75 years and over). The 75 years and over group is forecast to significantly increase from being the smallest cohort on 2016 counts, effectively almost doubling, to become the second largest group by 2041. There are noticeably higher proportions of couples without children households for each of Yamba, the SA2, and the LGA, indicating a greater proportion of older households ('empty nesters').

#### *Family, household and housing*

- The rate of outright home ownership is higher for Yamba and the SA2, and to a lesser but still apparent extent, for the LGA, when compared with NSW. This may be interpreted as being suggestive of the longer residential tenure of these households and is a further indicator of their likely older household age profile. However, it is also noted that there are a number of existing properties catering to older residents, which may be owned outright on the basis of their lower acquisition cost.
- Yamba also has the lowest average number of people per household (2.1), which is marginally lower than the SA2 (2.2). The implied smaller households are also indicative of the older suburb-level and SA2 populations, with the previous observations on single person and couple-only households interpreted as being contributory.
- Based on the various indicators of an older population, it is apparent that the region is attractive to older people, who, based on their numerical and proportional representations, are apparently able to enjoy an amenable lifestyle, with adequate access to the services necessary to support that lifestyle.
- The most notable features of the data are lower proportions of households in which both partners are employed full time, and higher proportions of households in which both partners are not working. The differences between the suburb and SA2 populations and those for the LGA and NSW are large, with the local population having the greatest predominance of households in which neither partner is employed. This is further evidence of older populations in the local area, with more retiree households.

#### *Housing stock and affordability*

- Material observations in respect of local and regional housing stocks, which were identified in Section 3.3.1. Briefly these are:
  - Housing costs in Yamba and the SA2 are higher than for the LGA, but lower than for NSW as a whole.
  - Yamba is characterised by relatively large concentrations of townhouse/attached dwellings, and flats and apartments, which is consistent with the town's status as a holiday destination.
  - The relatively low occupancy rate for Yamba, which is further evidence of casual or periodic occupancy.

- Across the LGA, and to a greater degree in Yamba and the SA2, separate houses are mainly of three-bedroom configuration.
- DPIE's Regional Plan emphasises the need for increasing housing diversity, particularly with respect to provision of suitable scale housing for smaller (and generally older) households, and the associated requirement for increasing the stock of affordable housing. Population forecasts suggest that demand for access to smaller, suitable housing is likely to increase in conjunction with the increasing older population.

## Site details

**Table 1 Site details**

Site address	8 Park Avenue, Yamba
Real property description	Lot 101 on DP1228576
Owner details	Parkside (Menai) Pty Limited
Site area	6.625ha
Current use	Vacant
Local Government Area	Clarence Valley Council

## Physical description

Table 2 below describes the physical characteristics of the site:

**Table 2 Physical description**

Feature	Description
Shape	The site is characterised as a large rectangular allotment with irregular variations in the boundary alignment on the southern and northern boundaries.
Site dimensions	A survey plan is Attached and confirms all boundary dimensions. Broadly speaking, the site is x m in length (east to west) and x m in width (north to south).
Access	Vehicle access to the site is via the Park Avenue ingress/egress point on the eastern boundary of the site.
Topography	Flat across most of the site with variations due to historic fill. An elevated fill pad in the centre of the site is the high-point, while the low-points adjoins both Park Avenue frontages where the levels meet at-grade with the external street.
Vegetation	There is one fig tree on site at the western boundary, adjacent to the Park Avenue frontage. It will be preserved as part of this DA.
Built form	No buildings or structures exist on site. Existing retaining walls around the perimeter of the site will be maintained.
Services	See the Engineering Services Report (Attached) for a detailed description of services.
Flooding	See the Engineering Services Report (Attached) for a detailed description of flood levels.

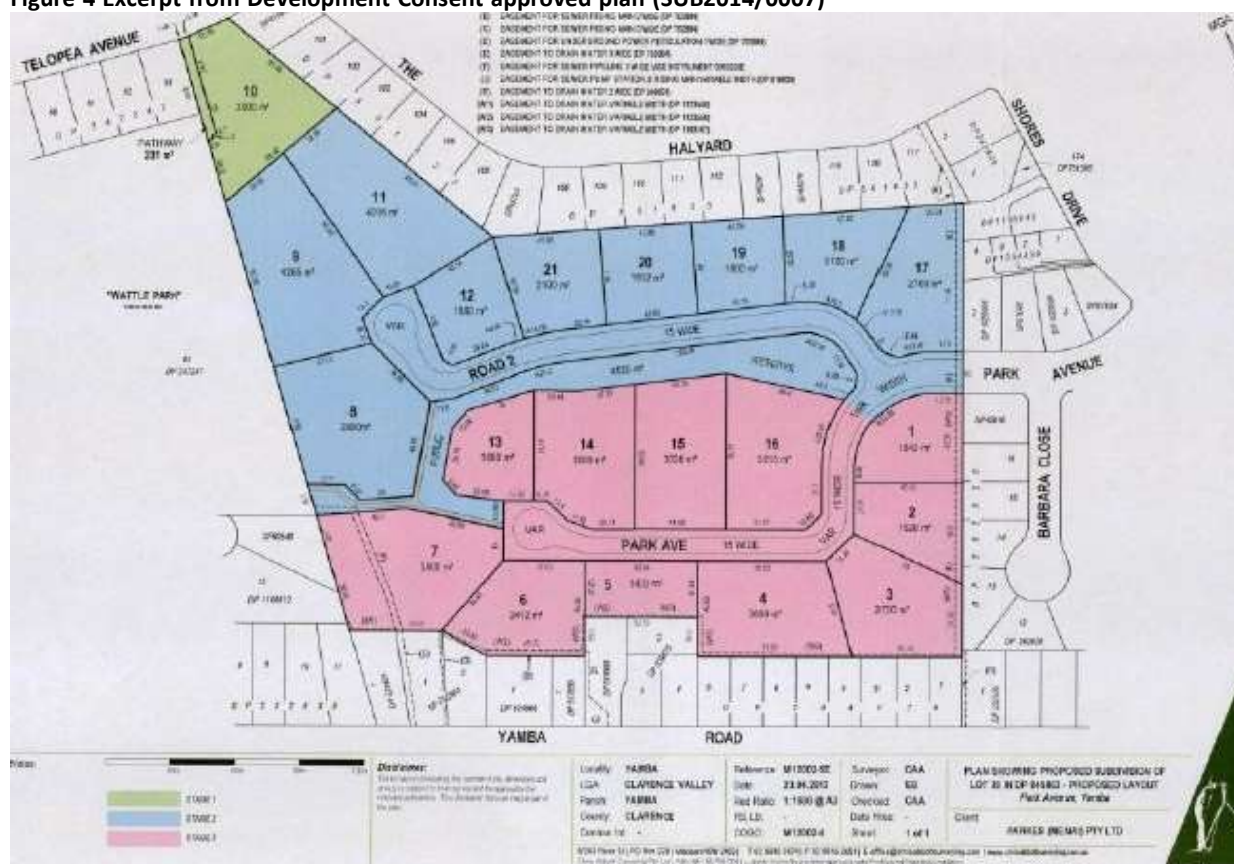
## Application & Approval history

**Table 3 Development history**

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Consent No.	Development Consent
DA2002/85	According to the Council officer report in relation to SUB2014/0007, the site was “filled to a level of approximately RL2.8AHD in accordance with previous development consent (DA2002/85)”. A search of Council records did not provide further information in relation to this Consent.
SUB2014/0007	21 residential lots and associated civil infrastructure. Lot sizes ranged from 1800m <sup>2</sup> to 4265m <sup>2</sup> , creating the opportunity for a number of individual medium density residential developments. The subdivision was approved in three stages in accordance with the plan shown in Figure 4 below.
MOD2016/0013	This modification to the Consent under Section 96(1) of the EP&A Act modified Conditions 22 and 35 as they relate to intersection works and street lighting.

**Figure 4 Excerpt from Development Consent approved plan (SUB2014/0007)**



Key points from Council officer assessment reports in relation to the above subdivision include the following:

#### Land use

- “The land is zoned for medium density residential use. If appropriately conditioned for matters such as stormwater management, traffic management, sediment and erosion control, impact on the environment will be minimized. Social impacts may be positive through the provision of additional medium density land, which can be taken up for housing. There is likely to be economic benefit to the community by provision of employment and materials throughout the construction stage.

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- “...with the creation of large medium density lots, the opportunity for larger-scale integrated forms of residential development is reduced. Each lot can be sold to a different developer, who may not fully consider the effect of numerous different multi-unit developments. This is, however, a matter for later applications.”

Council’s assessment of social and economic merits of developing medium density residential in the R3 Zone can be equally applied to the proposed development. However, unlike the previous approval, the proposal is an integrated development which provides certainty on the final land use and built form.

#### *Built form and design*

- “Each of the new allotments can accommodate some form of medium density housing development in the future. This application is for subdivision only so no indication of future housing designs has been provided at this time. Any future development of the land will require a new DA, which will be advertised and notified to adjoining residents (unless just a single dwelling house).
- “The design proposed is considered appropriate, and meets the future intent for development of this site (medium density housing). It takes account of surrounding road networks and topography of the land. Conditions will be recommended to deal with road construction and servicing of the lots. All lots will be fully serviced (there is capacity in the current systems to accommodate the increased density).”

Council’s acknowledgement that medium density housing meets the future intent for development and service-capacity, can be equally applied to the proposed development. This proposal provides clarity on the future built form and design of homes; however, no dwellings are proposed as part of this application and instead, future dwellings will be subject of a subsequent approval via Section 68 Approvals under *Local Government Act 1993* for the installation of moveable dwellings.

#### *Stormwater*

- “... owners of residential properties adjacent to the subject land, and fronting Yamba Road, raise strong concerns as their properties currently receive localized flooding in times of heavy rain. The issue is that inundation of these properties must not be intensified as a result of the subdivision; and where possible flooding should be reduced.
- “Currently there is a large open stormwater drain that runs behind those adjacent lots. There is a retaining wall separating the subject land (which has been filled as detailed above) from the lots fronting Yamba road. Easements are provided over the drain, and these easements will be retained.”

The proposed development provides a comprehensive Engineering Services Report (Attached) and retains the existing easements. As a managed integrated community, the proposal provides improved certainty for

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the long-term maintenance of easements and stormwater management.

#### *Traffic*

- “There is no opportunity for a western entry to this development (due to the residential lots positioned at the eastern end of the existing Park ... Therefore, traffic needs to enter and leave the development from the Shores drive end of the land.
- “A full traffic study was provided with the application which based its outcomes on a projected density of 185 three bedroom dwelling units (an ultimate future capacity). The density of 185 three bedroom units was agreed to by Council’s planning and engineering sections, for use as the traffic study calculation basis, as it addresses the density permitted for R3 land in the DCP.”

The proposed development fulfills the requirement to enter and leave the development from the Shores Drive end of the land; however, the proposed density is significantly lower than the projected density of 185 x 3-bedroom dwellings. A comprehensive Traffic Impact Assessment (Attached) confirms the vehicle trips for the proposed development are well within planned demand for the local network. The site has been zoned for medium density residential for many years; therefore, current and future network plans have anticipated the planned increased in traffic movements from this site.

#### *This analysis demonstrates that:*

- Council has approved medium density residential for the site with an anticipated density of 185 x 3-bedroom dwellings. By comparison, the proposed development reduces density to 136 x 2-bedroom dwellings;
- Council accepts that medium density residential up to 185-dwellings is in line with existing and planned infrastructure network. Any suggestion that the proposed development is an overdevelopment or places unintended pressure of infrastructure networks would be unfounded and HTA has a reasonable expectation that Council would immediately dismiss such a suggestion, if it were made;
- The subdivision did not provide an indication of future housing, but Council was willing to accept this would be resolved in subsequent DAs. The proposal provides clarity about the design of housing and also provides an avenue for sequent approval of final dwellings via the *Local Government Act* approval process. This DA can be reasonably conditioned to provide certainty in this regard.

Based on this review, we strongly believe that nothing in the history of the site would preclude the proposed development from occurring as proposed.

### **Pre-development meetings**

Prior to submitting this Development Application, HTA held two pre-development meetings with Council officers. Minutes were provided only for the following meeting:

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Council Reference	Date	Discussion
D<U2020/0056	10 November 2020	Proposed Multi-dwelling housing (Residential Land Lease Community comprising 143-sites)

At the time of the first meeting, HTA was undertaking due diligence analysis on the site. Figure 5 below shows the Master Plan discussed in the meeting, showing 143-sites and an area for communal amenities; however, the type of amenities was not shown.

**Figure 5 Master Plan at 26 May 2020**



A response to Council's Development Management Unit (DMU) for both meetings is Attached. The DMU minutes are summarized in Table 4 below:

**Table 4 Response to DMU Minutes**

Matter specified in DMU	SEE Reference
Proposal description	SEE - Part B Proposal
Land use definition and characterisation of use	SEE - Part B
Local Government Act approval requirements	SEE - Part B Proposal SEE - Part C Assessment
Engineering - Access	SEE - Part C Assessment
Engineering - Stormwater Management	SEE - Engineering Services Report
Engineering - Water Supply & Sewer	SEE - Engineering Services Report
Water & Sewer Headworks	SEE - Engineering Services Report
Parking	SEE - Traffic Impact Assessment

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Health & Building Requirements – Construction Certificate Application	SEE – Part B Proposal
Section 68 Local Government Act Approvals	SEE – Part B Proposal
Flooding	SEE – Engineering Services Report
Section 68 Plumbing & Drainage requirements	SEE – Part B Proposal
Site Civils	SEE – Part B Proposal SEE – Civil Engineering Plans

Table 4 confirms that each matter discussed in the meetings have been addressed in this Development Application. HTA is confident that all aspects of advice from Council officers has been comprehensively addressed and has informed the scope, design and documentation submitted with this application. On this basis, HTA submits that the proposal has sufficient merit to warrant approval without modification.

## Community engagement

During the period of June 2021, HTA engaged with the local community regarding the proposed development. Table 5 below provides a summary of the engagement process and information presented:

**Table 5 Community engagement process**

Stage	Date	Purpose
Letter box drop	May 2021	An invitation to the Community Day was placed in the letter box of approximately 500 homes in the area surrounding the subject site, to the north of Yamba Road. A copy of the invitation is Attached.
Community 'Drop In' Day	5 June 2021	The 'Drop In' day was held on-site from 10am to 2pm. Eight HTA representatives were on hand to answer questions and provide information about the proposed development. A copy of the information available on the day is Attached.
Website landing page	May - Present	A website was also created for the purpose of giving the opportunity for people to connect with HTA, if they had any questions or concerns about the proposal ( <a href="https://hometownaustralia.com.au/live/parkside-yamba/">https://hometownaustralia.com.au/live/parkside-yamba/</a> ).

In addition to neighbouring and local residents, the following elected representatives were notified and invited to attend the community session:

- Federal Member for Page.
- State Member for Clarence.
- Clarence Valley Mayor and three other Councillors

The following points are key issues raised during the consultation period and HTAs response through the evolution of design concepts. This is not an exhaustive list of all issues raised by residents throughout the engagement process; rather, it is a summary of key resident comments that have shaped the current proposal.

- Access
- Stormwater Management
- Number of dwellings
- Future sale price of homes
- Communal amenities
- Management of the community
- Type of homes

**Figure 6 Community 'Drop In' Day 5 June 2021**



Based on the feedback received during the community engagement process, HTA was able to refine the DA to ensure sufficient detail is provided in response to key issues. Overall, the feedback provided suggested there is a reasonable understanding that the site is significant and will ultimately be developed for medium density housing. In this context, the opportunity for the site to be developed a centrally-managed Residential Land Lease community was understood and broadly welcomed by those who attended the community 'Drop In' day.

## PART B - PROPOSAL

**Table 6 Proposal details**

Applicant details	Joe Waugh – Planning Manager, Hometown Australia
Sites included in the DA	8 Park Avenue, Yamba Lot 101 DP1228576
Owner details:	Parkes (Menai) Pty Ltd
Approval sought	Development Consent
Proposed use	Multi-dwelling Housing (Residential Land Lease Community), Exhibition Home & Ancillary Facilities
Permissibility	Permitted with Consent

### Proposed development

This Development Application is seeking Development Consent for Multi-dwelling Housing (Residential Land Lease Community) comprising:

- 136 dwelling sites for the installation of moveable dwellings;
- Resident Clubhouse for ancillary resident use, containing a resident kitchen, dining, amenities, lounge and gym
- Ancillary communal amenities, including a pool, bowling green, shed and open space
- Visitor parking, internal roads and secondary exit/entry to Park Avenue
- Manager Office
- Exhibition Home (sales office)
- Design for works associated with the above, including:
  - Landscaping
  - Earthworks and retaining
  - Services and stormwater management

Subject to Council approval of the proposed concepts, HTA will secure relevant approvals and/or certification prior to work commencing.

## Summary of Proposal

The following table provides a summary of proposed development outcomes being sought by this proposal and assessed in this report:

**Table 7 Summary of key development assessment matters**

Land use	
Multi-dwelling Housing	<p>Clarence Valley LEP definition:</p> <p>Multi-dwelling housing means <i>three or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building. Multi dwelling housing is a type of residential accommodation.</i></p>
Exhibition Home	<p>Clarence Valley LEP definition:</p> <p>exhibition home means <i>a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.</i></p>
Ancillary communal amenities	
Resident Clubhouse	A new community building for the ancillary use of residents, comprising kitchen, amenities, gym, cinema, pool, bowling green and meeting room. Note: The proposal is an independent living community and residents can use facilities for their own active / passive recreation and social activities, such as craft, games, birthdays etc. The Resident Clubhouse is not used for the provision of catered meals and/or central dining that may otherwise be provided in retirement and aged care facilities.
Manager office	The Manager Office is for the community manager to perform central management functions. It has been located at the front of the site for convenience and control of access.
Car parking	All homes will be provided with a double garage. 68 visitor parking spaces are provided, including 5 PWD.
Dwelling sites	
New dwelling sites	136 dwellings
Site sizes	Ranging from 230m <sup>2</sup> to 301m <sup>2</sup> with some larger sites.
Density	1 dwelling per 452m <sup>2</sup>
New dwelling types	Single storey, 2-bedroom, multi-purpose room, double garage. Plans and elevations are included in the Architectural Designs Attached
Staging	
Civils	Nil
Dwellings & communal amenities	A staging plan has been included in the Architectural package Attached. The proposal incorporates four stages for the dwellings and communal amenities. HTA requests the conditions of Consent permit all subsequent approvals, certifications, developer contributions and permits be issued in stages.
Environment	
Tree removal	Nil
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Biodiversity assessment & offsets	Nil
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#### Infrastructure works

Road network upgrades	Nil. The proposal does not include works to the external road network. See the Traffic Impact Assessment Attached.
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External services	Sewer - In keeping with the previously approved residential subdivision (CC2016/0660) it is proposed to construct a new gravity sewer connection along the western arm of Park Avenue to connect to Councils existing sewer pump station.
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Stormwater - The majority of the site will drain Park Avenue. Discharge into Park Avenue will require the installation of a stormwater culvert along Park Avenue with the discharge point on the eastern side of Shores Drive. This is in keeping with the existing approval CC2016/0660.

Conceptual design and location of the works are detailed in the Engineering Services Report (Attached). HTA will accept conditions of approval requiring Construction Certification for the works.

Internal services	Proposed works include internal roads, water, sewer, power and telecommunication connections to existing services. See the Engineering Services Report Attached.
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#### Stormwater Management

Stormwater quality	Stormwater from the majority of the site (the central and eastern catchments) will be treated prior to discharge. The proposed treatment train consists of a primary (Humegard) and secondary (Humeceptor) devices working in conjunction with the detention tanks. All devices are inside the site and will be maintained by the owner of the site.
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Stormwater attenuation	Detention tanks are proposed and will be sufficient to ensure the post-developed peak flows do not exceed the pre-developed peak flows for the site.
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#### Local Government Act 1993 (the Act) and Regulation 2005

Section 68 Approval to Operate	Not part of this DA. HTA will accept a condition of approval requiring Section 68 approval to operate to be secured and maintained for the RLLC.
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Section 68 Approval to install a moveable dwelling	Not part of this DA. HTA will accept a condition of approval requiring Section 68 approval to install dwellings on the approved dwelling sites.
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Section 68 Plumbing & Drainage	Not part of this DA. HTA will accept conditions of approval requiring Section 68 approval for plumbing and drainage works.
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#### Developer contributions

Water & Sewer	As per DMU Minutes
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Existing easements	Existing registered easements are highlighted on the following plan. The existing stormwater easement (yellow) will be maintained without amendment.
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The existing sewer rising main (red) running through the south west corner of the site will be realigned to match the development layout with a setback allowed to the existing gravity sewer located along the southern boundary.



Proposed easements                      No new easements are proposed.

Proposed covenants	No new covenants are proposed.
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Waste management	A private contractor collects all waste from the site. Attached is a Waste Management Plan confirming proposed waste management will maintain the existing central collection point. Additional landscaping and screening are proposed.
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1. **Certainty about built form, management and residents.** The proposed RLLC provides a greater level of certainty about the built form, central management of the community, residents and operations than many other forms of medium density residential (e.g. subdivision or strata title);
2. **Design for safety and management.** All built form will be designed and constructed to compliant standards and in accordance with the recommendations of the technical reports attached to this application. HTA is committed to maintaining safety, amenity and emergency management practices.
3. **Delivering housing choice and affordability.** The Social Impact Assessment (Attached) confirms the proposal has the ability to meet the growing demand for housing choice, affordability and allowing residents to age in place.



4. **Efficient infill development, as planned by Council.** To meet housing demand for an aging population, land available within the urban area must be used efficiently and provide choice to the aging population. Local and State planning strategy recognises the need to diversify housing types and increase the proportion of attached / multi-dwelling housing in urban infill localities. The CV LEP puts this into practice by zoning the land for the purpose of medium density residential, as proposed.

## Proposed dwellings

This DA provides a clear description and imagery of the intended dwelling types, demonstrating the intent to deliver a high-quality, high-amenity living environment. The DA also makes clear that dwellings will be subject of a subsequent approval via Section 68 Approvals under *Local Government Act 1993* for the installation of dwellings.

This is consistent with the advice provided in Council's DMU Minutes. A response to the Minutes is provided (Attached) and an excerpt from key points is provided in Table 10 below:

**Table 8 Excerpt from DMU Minutes Response**

Item	Council DMU Minutes	Response
3	The LG Regulation allows the installation of moveable dwellings elsewhere than in a caravan park, or camping ground or MHE. Moveable dwellings are defined under relocatable homes under the Regulation and not in the LEP.	<p><b>The proposed DA is consistent with this advice.</b></p> <p>No dwellings are proposed as part of this application and instead, future dwellings will be subject of a subsequent approval via Section 68 Approvals under <i>Local Government Act 1993</i> for the installation of dwellings</p>
4	Council can issue a Section 68 of the <i>Local Government Act 1993</i> approval for a relocatable/moveable dwelling. A Construction Certificate Principle Certifying Authority is not required unless constructing other items such as community facilities, decks carports etc. additional to the transportable home.	<p><b>The proposed DA is consistent with this advice.</b></p> <p>No dwellings are proposed as part of this application and instead, future dwellings will be subject of a subsequent approval via Section 68 Approvals under <i>Local Government Act 1993</i> for the installation of dwellings. The Consent can be conditioned to require Construction Certification for any buildings or structures.</p> <p>Construction Certificates and Occupation Certificates are not required for the installation of dwellings, as this is not "building work" as defined in Section 6.1 of the EP&amp;A Act.</p>

5	The development approval for the multi dwelling housing and community building will require number of conditions to be met - these will be required prior to the issue of any S.68 approval an approved site/lot.	<b>The proposed DA is consistent with this advice.</b> HTA will accept reasonable and relevant conditions to be met prior to Section 68 approval.
15	<p>Section 68 Local Government Act Approvals</p> <p>An approval under section 68 of the Government Act will need to be obtained to install relocatable homes on the site. The homes must:</p> <ul style="list-style-type: none"> <li>• be of a design certified by a practicing structural engineer as structurally sound</li> <li>• be installed in accordance with the specifications in the engineer's certificate or such other specifications as are in the approval for the installation on the land</li> <li>• have compliance plates attached</li> </ul>	<p><b>The proposed DA is consistent with this advice.</b></p> <p>An approval under Section 68 of the LG Act will be obtained and provide the information detailed in the minutes.</p>

To remove any doubt, HTA will accept reasonable conditions of Consent requiring subsequent approvals under Section 68 of the *Local Government Act* 1993, prior to the installation of dwellings on site. This provides a clear line-of-sight from the DA, to the Consent and subsequent approvals and provides sufficient certainty about the quality of the outcome and process to warrant approval. Council has previously approved subdivision of the site on the basis that subsequent applications would be made; however, HTA believes this DA provides greater certainty about the overall outcome and warrants approval.

## PART C - PLANNING ASSESSMENT

**Table 9 Assessment framework**

State Planning Controls	
State Environmental Planning Policies	SEPP – Coastal Management 2018 SEPP 55 – Remediation of Land SEPP – Vegetation in Non-Rural Areas 2017 SEPP – Infrastructure 2007
Assessment matters	Nil
Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Moveable Dwellings) 2005	Subsequent Section 68 LG Act approvals will be sought. See discussion below.
Local Environmental Plan	
Local Environmental Plan	Clarence Valley Local Environmental Plan 2011
Statement of Environmental Effects Proposed Multi-Dwelling Housing, Exhibition Home & Ancillary Amenities 8 Park Avenue, Yamba	

Zone:	R3 Medium Density Residential Zone	
Part 2: Land use table	Multi-dwelling Residential, Exhibition Home and ancillary amenities are Permitted with Consent in the R3 Zone	
Part 3: Exempt and Complying Development	NA	
Part 4: Principle development standards	NA	
Part 5: Miscellaneous provisions	NA	
Part 6: Urban release areas	NA	
Part 7: Additional local provisions	7.1 Acid sulfate soils – Class 2 & 5 7.9 Essential Services	
Hazards:	Flooding	
Applicable codes:	NA	
Development Control Plan		
Development Control Plan:	Residential Development Control Plan 2013	
Overview		
Overlay mapping analysis	Floor space ratio controls	Not applicable
	Height of Building controls	Applicable 9m
	State Heritage Register	Not applicable
	EPI Heritage	Not applicable
	Minimum Lot Size	Not applicable
	Land Reservation Acquisition	Not applicable
	Active Street Frontages	Not applicable
	Additional Permitted Uses	Not applicable
	Urban Release Area	Not applicable
	Greenfield Housing Code Area	Not applicable
	Bushfire Prone Land	Not applicable.
	Flood Planning	Applicable
	Acid Sulfate Soils	Applicable.
	Airport Noise	Not applicable
	Riparian Lands & Watercourses	Not applicable
	Scenic Protection Land	Not applicable
	Terrestrial Biodiversity	Not applicable
	Wetlands	Not applicable
	Environmentally Sensitive Land	Not applicable
Aboriginal heritage	An AHIMS Search for the site has not identified any Aboriginal Places or Sites on the land or surrounding area. The subject land has been disturbed from past activities and the land would be considered 'disturbed land' under the Due Diligence Code prepared by the Department of Environment, Climate Change and Water.	

## Environmental Planning & Assessment Act 1979 – Clause 4.15 Evaluation

### (1) Matters for consideration—general

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

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
  - (v) (Repealed)that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

## State Environmental Planning Policies (SEPP)

### SEPP – Vegetation in Non-Rural Areas 2017

The site is subject to the provisions of the SEPP Vegetation in Non-Rural Areas as the site is included in the RE2 – Private Recreation Zone.

Development controls for the SEPP aim to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Clause 7 of the SEPP details when the clearing of vegetation in non-rural areas requires authority under the Policy, as follows:

- (1) A person must not clear vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.*

- (2) A person must not clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval of the Native Vegetation Panel under Part 4. This subclause does not apply to clearing on biodiversity certified land under Part 8 of the [Biodiversity Conservation Act 2016](#).*
- (3) Clearing of vegetation is not authorised as referred to in this clause unless the conditions to which the authorisation is subject are complied with. This subclause extends to conditions that impose obligations on the person who clears the vegetation that are required to be complied with before or after the clearing is carried out.*
- (4) This clause is subject to clause 8.*

Vegetation clearing is not required or proposed for this DA. The site is predominantly cleared and the one tree that exists on site will be retained as part of landscape open space.

#### **State Environmental Planning Policy No. 55 – Remediation of Land**

In accordance with the provisions of SEPP55, Council must not consent to the carrying out of development unless it has considered whether the land is contaminated and if the land requires remediation to be made suitable for the development. In accordance with the 'Planning Guidelines SEPP55 – Remediation of Land', the history of land use needs to be considered as an indicator of potential contamination (page 6). Due to the extent of works on site and residential context, an investigation of land contamination is not required by SEPP55.

#### **State Environmental Planning Policy (Costal Management) 2018**

Planning Framework Mapping (Attached) shows the proposed development areas are located within the mapped Coastal Environment Area. Clauses 13 of the SEPP provide as follows:

- 13 Development on land within the coastal environment area
  - (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
    - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
    - (b) coastal environmental values and natural coastal processes,
    - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
    - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - (f) Aboriginal cultural heritage, practices and places,
  - (g) the use of the surf zone.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed dwelling sites and facilities are located on a site that is an infill development site that does not expand closer to coastal environment than the existing development area. The proposal is supported by a stormwater management plan and conceptual engineering designs to improve stormwater management. Based on this assessment, it is therefore submitted that the proposal achieves the aims of the SEPP Coastal Management and warrants approval.

#### **State Environmental Planning Policy (Infrastructure) 2007**

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by (inter alia) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing,

A comprehensive assessment of infrastructure and services is provided in the Engineering Services Report (Attached).

In relation to transport infrastructure, Clause 104 of the SEPP provides that any development listed within Schedule 3 is classified as “traffic generating development” and requires concurrence by Transport for New South Wales (TfNSW). As the proposed development does not fall under any categories within Schedule 3, it does not require the concurrence of TfNSW. Detailed assessment of the transport infrastructure network is provided in the Traffic Impact Assessment (Attached) and discussed later in this report. The Development Application provides sufficient clarity in relation to relevant infrastructure networks to warrant approval subject to conditions.



## Clarence Valley Local Environmental Plan (LEP) 2011

### LEP-Part 2 Land Use Table

The Clarence Valley LEP includes the site in the R3 Medium Density Residential Zone.

The proposed development is defined as Multi-dwelling Housing and is permissible with consent under the R3 Medium Density Residential Zone. The development addresses the objectives of the R3 Zone, as it will provide for the housing needs of the community and provide a variety of housing types within a medium density residential environment.

As detailed, the proposed Multi-dwelling Housing development will be developed and operated as a Residential Land Lease Community (RLLC).

To remove any doubt, the proposal is characterised as a nominate permissible use (Multi-dwelling Housing) and there are no other uses listed in any part of the Land Use Table of the R3 Zone which more accurately define the use. While a Multi-dwelling Housing development may take on characteristics of other uses, it remains permissible and there is no requirement to consider characterisations further than the terms listed in the land use table.

### LEP-Part 4 – Principal development standards

The provisions of Part 4 are not applicable to the assessment of this proposal.

### LEP-Part 5 – Miscellaneous provisions

The provisions of Part 5 are not applicable to the assessment of this proposal. It is noted that Clause 5.10 Heritage Conservation is not applicable as the site is not within a mapped heritage conservation area or containing environmental heritage, heritage item or archaeological site.

### LEP-Part 6 – Urban release areas

The provisions of Part 6 are not relevant to the assessment of this proposal as the site is not included within an Urban release area.

### Part 7 – Additional local provisions

#### Clause 7.1 Acid sulfate soils

The site is included within the Class 5 Acid Sulfate Soils (ASS) area.

Clause 7.1(2) states that development consent is required for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. The proposal will involve works within 500m of Class 2 ASS; however, the Engineering Services Report (Attached) details the proposal is to fill the site with only small areas of excavation to match the fill level, generally ranging from RL3m to RL4.33 AHD. HTA will accept reasonable conditions of consent requiring management of ASS.

#### Clause 7.9 Essential Services

The proposal is supported by an Engineering Services Report (Attached), which confirm the development has access to essential services including:

- Access via Park Avenue;
- Sufficient internal parking and access;
- Stormwater infrastructure to meet Council's water quality and attenuation requirements;
- Stormwater discharge into Park Avenue will require the installation of a stormwater culvert along Park Avenue with the discharge point on the eastern side of Shores Drive.
- Proposed treatment train sufficient to achieve the attenuation and quality treatment requirements of the site;
- Water and sewer infrastructure including connections to each new site;
- Electrical, comms and gas services to each new site.

### Proposed Environmental Planning Instruments

In accordance with Section 4.15(1)(a)(ii) of the Act, this assessment has regard to proposed planning instruments. The applicant is not aware of any proposed planning instruments that require consideration in the assessment of this DA.

### Residential Development Control Plan

In accordance with Section 4.15(1)(a)(iii) of the Act, a detailed assessment of the proposal has been carried out against the Clarence Valley DCP – Development in Residential Zones (**Attached**). Relevant parts of the assessment include:

- Part C – General Development Controls for Residential Zones
- Part D – Floodplain Management Controls (addressed in the Engineering Services Report Attached)
- Part G – Parking and Vehicular Access Controls

The assessment confirms the development has been designed to comply with (or exceed) all relevant Clauses of the DCP, including:

- a. Setbacks and landscaping to deliver a high-amenity residential environment for residents and neighbours;
- b. Resident and visitor car parking provision, including for persons with a disability;
- c. Safe and convenient circulation of all forms of vehicles, pedestrians and bicycles in the community.
- d. Manage erosion and sediment control.
- e. Provide access, infrastructure and services to the development to meet the needs of residents and within the capacity of existing networks.
- f. Ensure the development is compatible with the flooding characteristics of the site and is designed to ensure the post-developed peak flows do not exceed the pre-developed peak flows for the site..

Two variations are proposed in relation to private open space and cut/fill levels, as follows.

#### Clause 5.2 Cut and Fill

A variation is proposed for C5.2, as follows:

##### ***C5.2. Cut and fill***

*The maximum height for cut and fill is 1.2 metres above or below the existing ground level, except where the cut and fill is incorporated into the design of the building.*

*On steeper sites an excavation above 1.2 metre can be approved where it will be retained by the wall of the proposed building, eg under floor garage.*

*Council may consider a variation to the 1.2 metre requirement, where an adequate area is available for battering and benching the cut area.*

*In all cases adequate provision for surface and subsurface water drainage shall be made. Retaining walls shall be set in from boundaries so that agricultural pipes and crushed stone backfill can be wholly located within the subject property and surface water is not dammed or concentrated onto adjoining properties.*

*Cut and fill must be approved by Council in conjunction with the Development Application. Full details of all proposed earthworks must be clearly indicated on plans and section drawings*

Submitted with the DA are Bulk Earthworks Plan and Site Earthworks Sections by NDC in **Attachment\_Engineering Services Report**, which confirm the proposed cut and fill across the site is predominantly below 1.0m. To achieve the levels required for stormwater management, the ground level will be raised at the southern end of the site, with fill up to approximately 1.6m.

The submitted documentation confirms the design include a 1 in 4 batter from the existing retaining wall adjacent to the southern boundary, up to the top of batter approximately 8m in from the external boundary. The top of batter is the highest point of fill up to 1.6m.

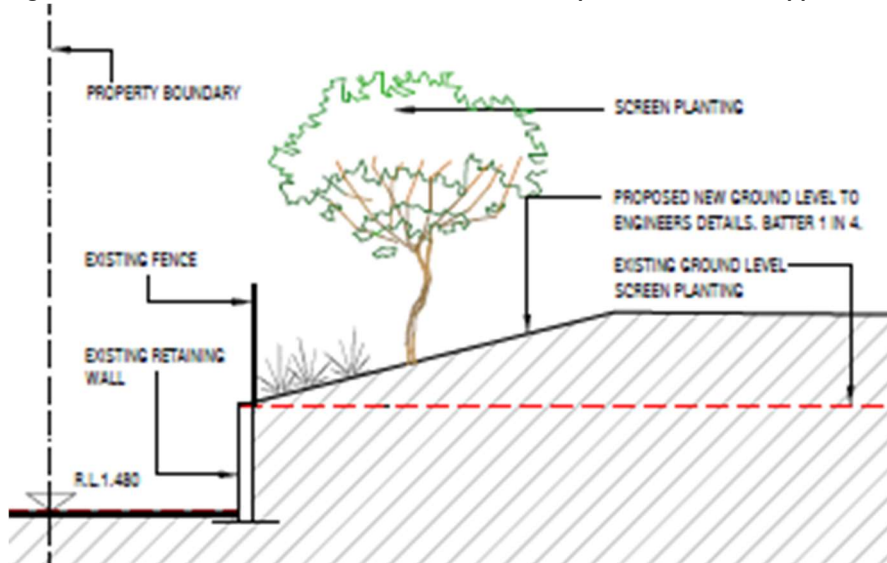
**Figure 7** below shows the section and landscaping along the boundary and batter, to be maintained by HTA. **Figure 8**

is an excerpt from the Bulk Earthworks Plan, showing the design and proximity to the southern boundary (red line).

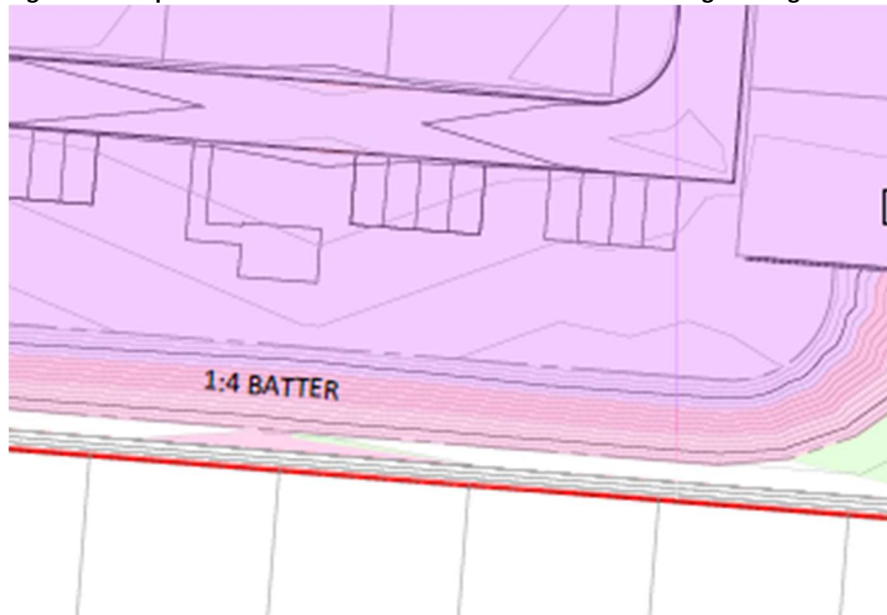
The area on top of the batter and to the internal roadway will be useable communal open space. The design protects the privacy of neighbouring residents and will be a high-quality landscape space and buffer area with no impacts to surrounding residents. As a managed community, the use of the area will be controlled by central management to ensure amenity and landscaping is maintained.

As stated in C5.2, Council may consider a variation where adequate area is available for battering. The proposal has been carefully designed to provide adequate area and minimize impacts. It is therefore recommended for approval.

**Figure 7 Section of the batter area and maximum fill up to 1.6m, located approximately 8m from the boundary**



**Figure 8 Excerpt from the Bulk Earthworks Plan in the attached Engineering Services Report**



## Clause 20.2 Private Open Space Requirements

A variation is proposed for C20.2, as follows:

**C20.2.** *For attached dwellings, dwelling houses, secondary dwellings, dual occupancies, multi dwelling housing and semi-detached dwellings, private open space must meet the following requirements:*

1. *An area of 50m<sup>2</sup> in one parcel, with a regular shape and a minimum dimension of 4.5 metres.*
2. *For secondary dwellings, a minimum area of 24m<sup>2</sup> with a minimum dimension of 4 metres must be provided.*
3. *A level area, or if terraced, a minimum width of 4.5 metres.*
4. *Located with direct access to living areas of the dwelling.*
5. *Located behind the front setback line.*
6. *Located on the northern or eastern side of the dwelling.*

*Additional private open space may be provided within the front setback.*

*Private open space should appear clearly defined for private use. This can be achieved by siting in relation to the dwelling, and enhanced by landscaping and screening. Walls, fences and/or planting and the buildings themselves can be used to provide screens to avoid overlooking onto private open space.*

To remove any doubt, the proposal complies with all requirements of C20.2 in relation to the following:

- i. Each dwelling is provided with:
  - a. Private open space that is a level area with direct access to living areas of the dwelling;
  - b. Private open space located behind the front setback line and on the northern or eastern side of the dwelling;
  - c. Additional private open space within the front setback area;
  - d. Clearly defined space for private use, enhanced by landscaping and screening for privacy.

The images in **Figure 9** below provides examples of the high-standard of private open space provided in each dwelling. As shown, each home will have high-quality open space that is private, accessible and provides amenity for residents.

The quality of private open space is defined by the finished product, the lifestyle it offers residents and is fit-for-purpose. Parkside has been designed to provide residents with housing choice, affordability, low-maintenance homes and resort-style facilities. HTAs target demographic is older residents who are downsizing and choose quality private open space over quantity. The design, scale and proportions of private open space are carefully designed to deliver quality at an affordable price, while giving residents safe access to generous communal parks, gardens and resort-style facilities. In our opinion, a mandated increase in private open space would be counter to broader planning objectives of housing choice, affordability and may impact quality.

The proposal therefore achieves the performance objectives of the DCP and the variation is recommended for approval.

**Figure 9 Examples of private open space courtyards accessible from internal living areas.**



### Any Planning Agreement under section 7.4

The Applicant is not aware of any planning agreement or draft planning agreement in respect of the site.

### Any Regulations

There are no regulations relevant to the assessment of this DA. HTA acknowledges Council's advice in respect of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005* (LG Regulation) as detailed in the DMU Minutes (Attached) and the excerpt provided in Table 12 below:



Table 10 Excerpt from DMU Minutes Response

Item	Council DMU Minutes	Response
7	There does not seem to be a requirement for moveable dwellings elsewhere than in caravan parks or camping grounds to comply with the other requirements of the LG Regulation in regard to land and site requirements, setbacks, roads, utility services etc. The requirements under Council's Residential Development Control Plan and Council's adopted road design standards would need to apply	<b>The proposed DA is consistent with this advice.</b> A comprehensive assessment of the proposal against the Residential DCP and design standards is included in this DA. HTA notes that the development has also been designed having regard to the provisions of the LG Regulation and if required for future Section 68 applications, the development will be able to demonstrate compliance with the relevant clauses of the LG Regulation.

To remove any doubt, HTA acknowledges that future Section 68 approvals relating to dwellings, approval to operate and plumbing and drainage will be required subsequent to consent of this DA. HTA has ensured the master plan has been designed to comply with key design criteria for roads, access, parking, dwelling sites, site cover, setbacks and amenities. On this basis, the DA can be approved without amendment and conditioned to ensure subsequent approvals are obtained.

### Likely impact of that development

In accordance with Section 4.15(1)(b) of the Act, an assessment of the impacts of the proposal is provided as follows:

#### Built Environment Impacts

The proposed development has been designed to broadly reinforce the residential nature of the locality, having regard to the mix of attached and detached dwellings in the surrounding area. As an infill development site, the development will be effectively screened from most public vantage points in the surrounding street network. Notwithstanding, the development has been designed to provide landscape buffers to the edges of the site and the access to Park Avenue will provide high-quality landscaping. As detailed in the Context Analysis (Attached), HTA's vision is to ensure Parkside is a:

1. A great neighbour
  - Provide a land use and density consistent with the R3 Medium Density Residential Zone
  - Deliver high-amenity, safe and attractive housing for the quiet enjoyment of residents and neighbours
2. An inclusive and liveable community
  - Provide a range of housing types to cater to a variety of people and price points
  - Provide community facilities that encourage social interactions in an accessible location.
2. A connected community
  - Create a managed community that provides safe, independent living

- Enable local residents to stay in their community, close to friends, family and their support networks
- Create accessible and inclusionary housing with easy access to shops, open space and services

There are no anticipated adverse impacts on the built environment as a result of the proposed development and it warrants approval.

#### Environmental Impacts

The proposed development includes a stormwater detention system that manages stormwater in accordance with Council's quantity and quality requirements. As the site is cleared, no vegetation removal is required; however, additional planting and landscaping utilising native species will generally improve the landscape quality of the location. There are no anticipated adverse impacts on the natural environment as a result of the proposed development and it warrants approval.

#### Infrastructure Impacts

Attached to this report is an Engineering Services Report detailing the available of infrastructure and required connections to services. All internal services will be privately owned and maintained. External works for the connection to sewer and upgrade of stormwater infrastructure in Park Avenue are required. However, these works are consistent with works previously approved by Council; therefore, the extent of impacts are necessary and understood for any future development of the site. There are no anticipated adverse impacts on the infrastructure networks as a result of the proposed development and it warrants approval.

#### Traffic Impact

A comprehensive Traffic Impact Assessment is submitted with the DA (Attached) and confirms the following:

- The proposed parking supply for the site is consistent with Council and LGR accepted parking requirements. The car park layout complies with AS2890.1 requirements.
- The internal private road network includes 7.0m wide road reserves with 4.0m, 5.5m and 6.0m wide carriageways. The internal road network is suitable to provide access and servicing for the site.
- Servicing for this development will be facilitated within the internal private roadways, accessed from Park Avenue. The largest design vehicle, 8.8m long MRV, can manoeuvre on site to enter and exit in a forward gear. Refuse is to be collected on-site via HTAs private refuse collection vehicle.
- The development will not have a significant impact on the local road network and the upgraded Yamba Road / Shores Drive roundabout. As such, no further mitigating road works are required.

There are no anticipated adverse impacts on transport networks as a result of the proposed development

and it warrants approval.

### Social Impacts

A comprehensive Social Impact Assessment is submitted with the DA (Attached) and confirms the following:

- Parkside is proposed as a residential land lease community. Accordingly, owner occupiers in the village essentially buy the dwelling, not the land on which the dwelling is situated, while retaining the right to sell their dwelling at the market value for comparable dwellings. As the cost of a dwelling does not include the cost of land, dwellings are, and ought to, continue to be relatively affordable.
- Research conducted for the Property Council of Australia (PCA) determined that in developments comparable the proposed development, there were 1.3 people per dwelling.
- There is potential for some residents of the proposed development to originate from within the local and regional areas, which would have the effect of reducing actual and proportional population increase.
- The scale of the population increase, as a proportion of the regional population, associated with the future residents is unlikely to be material of itself.
- The population increase that the development will produce is relatively modest in the regional context (less than 2% of the SA2 population, and less than 1% of the LGA population at its largest). As a consequence, it is highly likely that the public health facilities will be able to absorb any additional demand associated with the eventual occupation of dwellings in the new development.
- It is also noted that DPIE's LGA profile (2019) identifies 'the \$263m Grafton Base Hospital redevelopment to boost health services in the Clarence Valley'. This indicates that public health capacity is being expanded to meet the increasing demand associated with regional demographic change.
- An additional element in management of future demand is that, although the older population is projected to increase significantly, overall population is forecast to decline marginally. Notionally, this would result in a corresponding reduction in demand, potentially freeing up capacity available to remaining residents.
- Property security may be improved for adjoining properties by having occupied dwellings on the boundary, rather than the existing open space. For both existing dwellings and those proposed consequent to the DA, there is likely to be increased activation and natural surveillance associated with more residents being in the area.

The proposal achieves the objectives of providing housing affordability, security and efficient use of land. There are no anticipated adverse social impacts as a result of the proposed development and it warrants approval without amendment.

### Flood Hazard

HTA engaged Bewsher Consulting Pty Ltd to independently review the flood risks associated with the

development, liaise with SES and Council, and prepare a 'Flood Emergency Management Plan & Flood Risk Assessment' (FEMP). **Attached** to this SEE is an FEMP (dated 14 June 2022) which concludes the development proposal is consistent with NSW floodplain development practice and Council's LEP and DCP controls. By way of summary, the FEMP states:

1. The proposed FEMP will allow the flood risks to occupants to be safely managed consistent with the SES' existing flood strategy for Yamba, Council's LEP and DCP controls, and the requirements of the NSW Floodplain Development Manual.
2. The provision of a fully equipped community refuge on the site above the reach of the largest possible flood will not only provide a safe haven for Parkside's occupants but also the local community. This will assist the SES' flood emergency management in the area during extreme floods.
3. The development cannot have any adverse flood impacts on adjacent properties given that the site is already substantially filled above the 1 in 100 chance per year flood level.
4. The additional filling and reshaping of the site's ground surface and the construction of a new stormwater system, will not only provide for proper drainage of the site but will also improve stormwater drainage for the adjacent residential developments.
5. There is an existing approval for more than a dozen residential super-lots on the site. We are advised by Council that the development flowing from this subdivision was envisaged to comprise 185 three bedroom dwellings compared to the 136 two bedroom dwellings within the current Application. The presence of a dedicated community manager and a coordinated warning/evacuation system, and the smaller number of dwellings/occupants means that the flood risk of the current Application is significantly less than that which may occur if the existing super-lots are subsequently developed as envisaged when the land was subdivided.

HTA will accept conditions of Consent requiring ongoing compliance with the FEMP.

## Integrated Development

Division 4.8 of the *Environmental Planning and Assessment Act 1979* provides that certain development, in order for it to be carried out, requires development consent and one or more approvals from a NSW State Government Agency. The proposal is not integrated development under Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## Suitability of the site

The subject site is surrounded by established residential areas, commercial services and recreation facilities and is clear of vegetation. The site has access to all relevant services and the proposed development is an

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efficient use of appropriately zoned land. The proposed design includes all elements required under the relevant planning instruments and policies and there are no significant negative impacts on the locality as a result of the development.

The development has been designed to:

- Integrate with the established character of the area, as intended by the zone;
- Connect to services in line with planned network demands;
- Provide stormwater quality management and attenuation in line with Council guidelines;
- Provide safe and secure housing for residents and a high-amenity, low impact neighbour for surrounding residents;
- Provide housing in line with local and regional growth targets, within an established urban area.
- Flood risks can be safely managed by HTA and the development will not have adverse impacts on adjoining properties.

The site is therefore suitable for the proposed development.

## Submissions made in accordance with the Act or Regulations

Council will consider submissions received during the public exhibition process after the Development Application has been lodged with Council. HTA requests the opportunity to respond to submissions received during the public exhibition of the proposal.

## Public interest

The above assessment provides grounds for approval of the development in the public interest. Key elements of public interest associated with this proposal include:

- The proposal responds to the immediate and growing demand for housing choice and affordability;
- The housing-type, location and access to services, allows HTA to deliver housing rapidly to market and in advance of current proposals in the surrounding area;
- The proposal facilitates the aims of the LEP and DCP;
- The proposal meets the increasing demand for secure, stable, permanent housing;
- The proposal utilises existing infrastructure without a significant increase in demand on the networks;
- The proposed built form and character is consistent with the established character and meets reasonable expectation.

The proposal is considered to achieve reasonable public expectations for residential development and warrants approval.

## CONCLUSION

This SEE Report has been prepared in accordance with the statutory requirements of the *Environmental Planning and Assessment Act 1979*, including assessment of relevant State Environmental Planning Policies,

Statement of Environmental Effects  
Proposed Multi-Dwelling Housing, Exhibition Home & Ancillary Amenities  
8 Park Avenue, Yamba

Clarence Valley LEP 2011 and Clarence Valley DCP.

A comprehensive assessment of the development has been undertaken and is supported by technical assessment of social impact, traffic, engineering services and stormwater management. The assessment confirms proposal will:

- Integrate with the established built form and character of the local area;
- Introduce new, architecturally-designed facilities, accessible open space and recreation facilities.
- Efficiently deliver housing within an in-fill urban locality, to meet the growing demand for safe, secure housing;
- Provide access and internal services in accordance with engineering designs submitted with this application;
- Efficiently connect to infrastructure in line with planned density and corresponding demand on infrastructure networks.

On this basis, the proposal is considered to have minimal negative impacts and is consistent with planning objectives for the locality. The proposal is recommended for approval subject to reasonable and relevant conditions.