



Catalyze Property Consulting Pty Ltd  
M: 0403 007 447  
E: [cjm@catalyze.net.au](mailto:cjm@catalyze.net.au)  
PO Box 44 Islington, NSW 2296

# **Statement of Environmental Effects**

**for a**

**Manufactured Home Estate**

**at**

**110-120 Carrs Drive,  
Yamba, NSW, 2464**

**being**

**Lot 2, DP 733 507**

**and**

**Lot 32 DP 1280863**

February 2024

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## Attachments

Attachment 1 – Responses to RFIs

# 1 Introduction

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## 1.1 Summary

Site Details	
Property Description	Lot 2 DP 733507 Lot 32 1280863 (together the Site)
Area	17.68ha (total site) 10.06ha (development footprint)
Local Government Area	Clarence Valley Council

General Details	
Applicant	Clifton Yamba Land Pty Limited ATF Yamba Land Trust
Proposal	216 Dwelling manufactured home estate and communal facilities
Application Type	Development Application
Consent Authority	Clarence Valley Council
Key Applicable Codes	Clarence Valley Council LEP 2011 (CVLEP) Clarence Valley Residential Development Control Plan 2011 (CVDCP)

## 1.2 Background

This Statement of Environmental Effects (SEE) has been prepared by Catalyze Property Consulting Pty Ltd (Catalyze) to accompany a Development Application (DA) to Clarence Valley Council (Council) seeking development consent for a 216 dwelling manufactured home estate and communal facilities.

The purpose of this report is to describe the proposed development and review the relevant planning requirements relating to the Proposal. It provides an assessment of the proposed development in terms of the Evaluation Criteria prescribed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (Act).

In the preparation of this SEE, the Site and the locality has been considered, along with the development plans and specialist reports.

The merits of the Proposal have been considered with reference to the relevant State, Regional and Local Council planning instruments, codes and policies and the Proposal is considered worthy of development consent.



### 1.3 Development Application Amendments

On 16 May 2023, DA2023/20241 was lodged with Council.

Following preliminary assessment by Council and referral authorities, three separate Requests for Information (RFIs) were issued in relation to DA2023/20241.

To address these RFIs, the Applicant amended DA2023/20241 and prepared additional supporting material.

The amendments to DA2023/20241 generally include the following matters:

- Increasing the level of fill the Site by approximately 1m so that the finished surface level of dwelling sites to a minimum level of RL3.5m AHD.
- Amending the stormwater drainage strategy to reflect the increase in fill.
- Removal of all fill and excavation works from the existing stream.
- Amending the internal layout of the Club House, relocating the terrace area to overlook the bowling green, modifying the roof form (to ensure compliance with the Height of Building Control) and raising the FFL to by 1.1m to +4.1m.
- Minor layout adjustments to Sites 1-7 and Site 11.
- Additional Landscape plan showing indicative trails and node locations (character imagery page also included for reference).
- Addition of the proposed Carrs Drive Shared Path.

Detailed schedules of the changes are provided within the Civil Drawings, Roadworks, Earthworks, Drainage & Services dated January 2024, Architectural Plans dated 19/02/2024 and Statement of Landscape Intent dated February 2024.

The specific responses to the RFI Items are included in this SEE as Attachment 1.

### 1.4 Site & Locality Description

The property is essentially a rectangular shape with an overall area of approximately 17.68ha. It is located within the West Yamba Urban Release Area and approximately 3 km from the Yamba CBD. The development footprint is located on the eastern section of the property and is approximately 10.06ha in size.

Carrs Drive adjoins the Site on the eastern boundary and an existing MHE approved by DA2018/0373 as modified by MOD2021/0066 and MOD2022/0050 for 197 dwelling sites is on the northern boundary.

The Oyster Channel (waterway) is located on the western boundary of the Site and is approximately 400 m west of the development footprint. There is a water course adjacent to the southern boundary of the Site that alters course in a north easterly direction when it is approximately 160m from Carrs Drive.

Despite historically being cleared and utilised for cattle grazing, the property has in recent years been allowed to revegetate with regrowth. The proposed development will remove 8.3ha of native vegetation on the eastern section of the Site. Vegetation to be impacted is mainly comprised of regrowth swamp forest, with scattered remnant paddock trees and small stands of mature vegetation.

The Site is very flat with slight grades to the west and south. It is proposed to fill the Site in the order of 1.8m-3.1m which will enable a conventional stormwater pit and pipe network system to be constructed to provide adequate drainage. This will also raise the finished surface level of dwelling sites to a minimum bulk earthworks level of RL3.5m AHD. This is equivalent to the 1 in 100 year Climate Change 1 Scenario flood level (refer to Lower Clarence Flood Model Update 2022) of RL3.0m AHD plus a freeboard of 500mm for the subject property.

The closest Coastal Wetland mapped area is located approximately 450 m west of the development footprint on the Site and the closest Littoral Rainforest occurs is over one kilometre from the Site. The proposal does not impact these areas. The development footprint is mapped Coastal Environment Area but is outside of the area mapped as Coastal Use Area.

The Site is not mapped on Council's Yamba Coastline Management Plan as susceptible to risk associated with coastal hazards however the Site is mapped as prone to flooding.

Bushfire Prone Land is located approximately 300m south east of the development area, but does not affect the Site.

Location maps showing the Site in a regional and local context are set out in the following Figures.

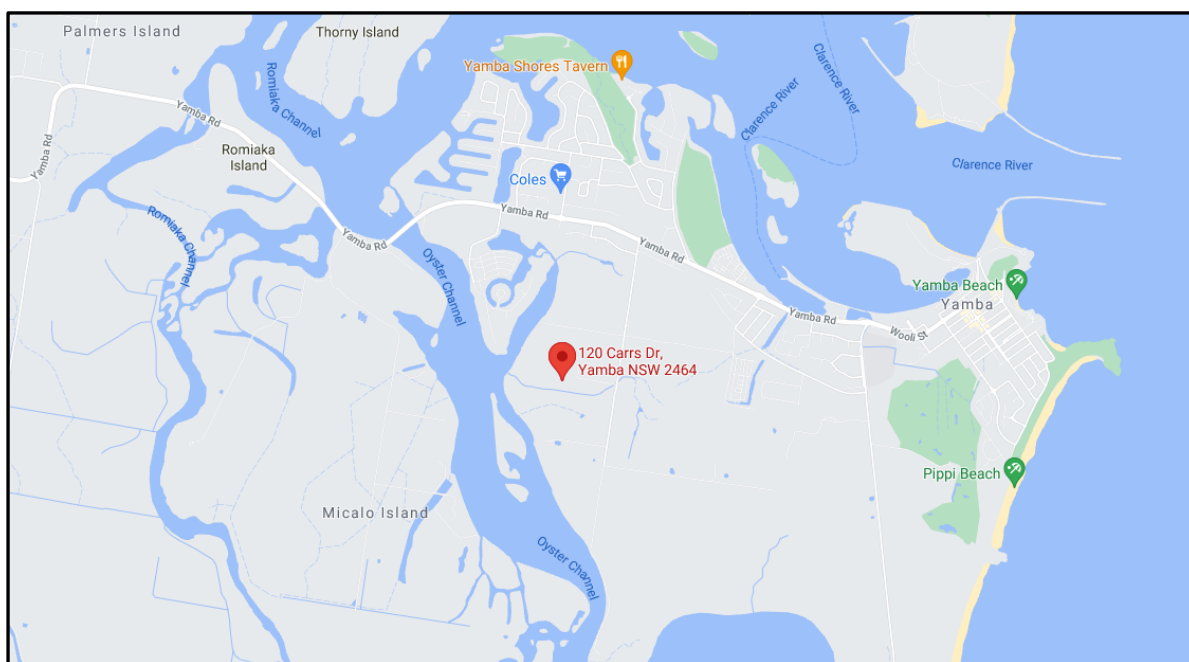


Figure 1 - Regional Context Map

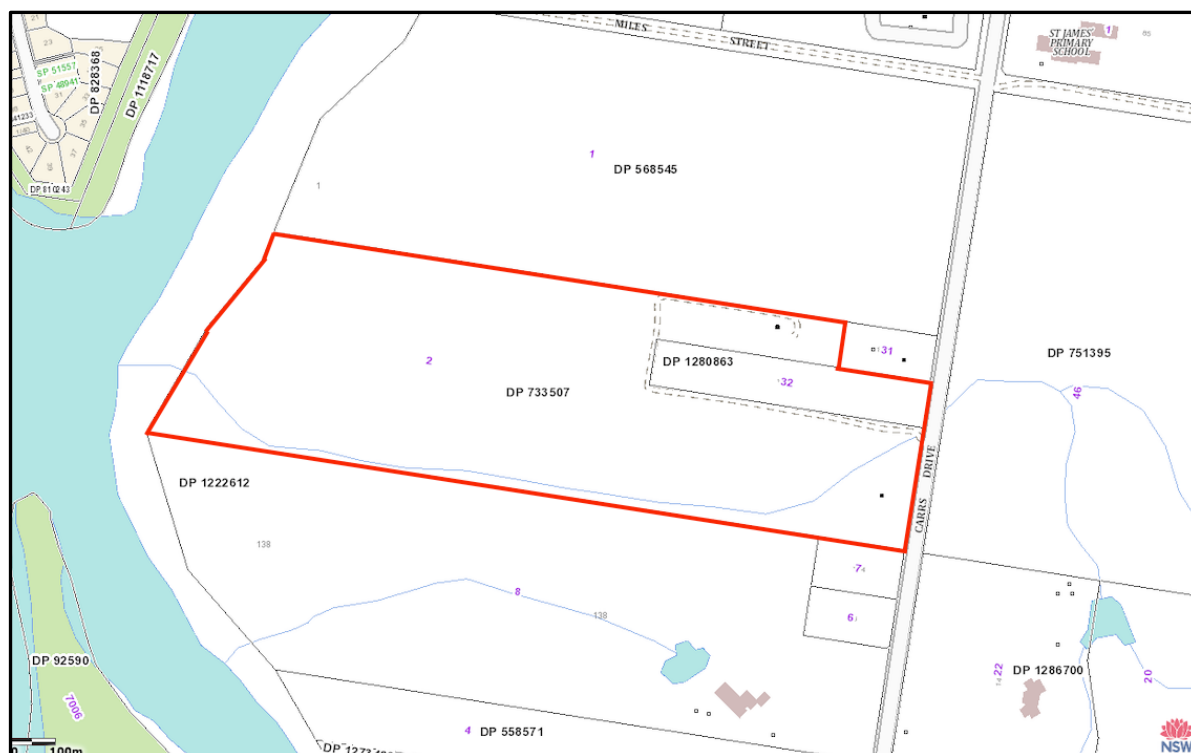


Figure 2 – Subject Site

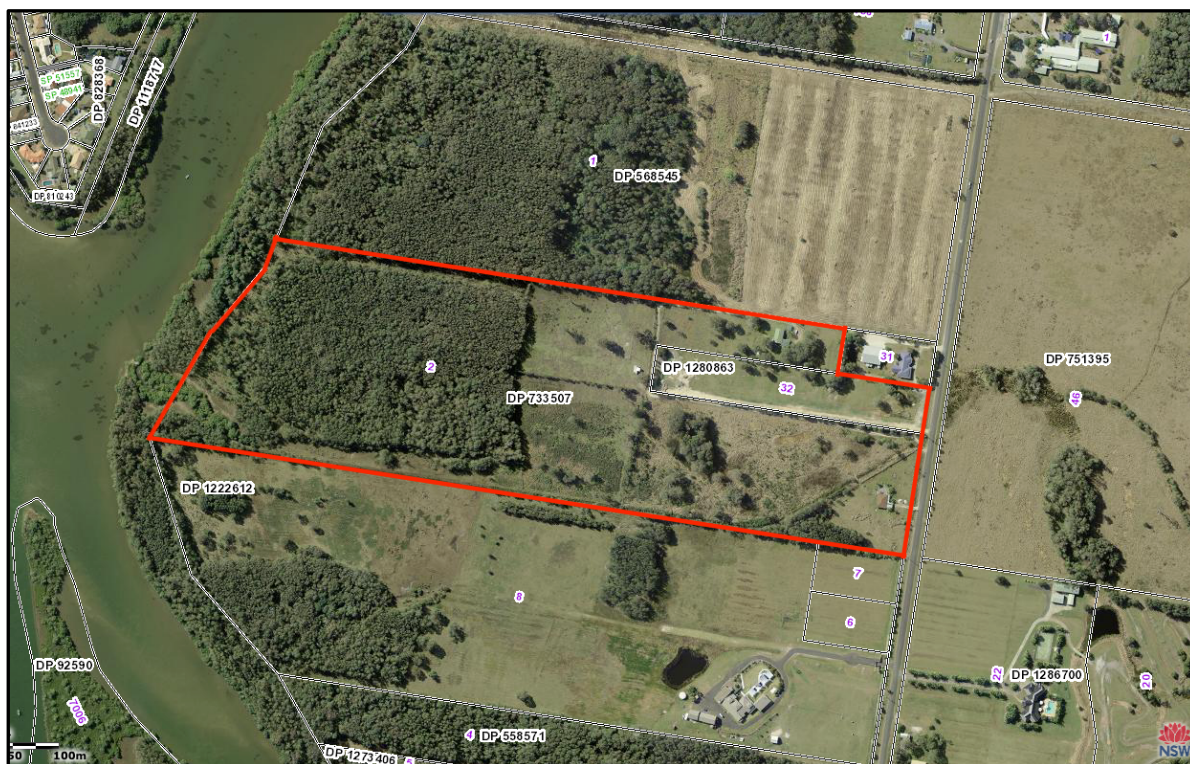


Figure 3 – Aerial photograph of the Site

## 1.5 Pre-lodgement Meeting

A pre-lodgement meeting was held with Council Officers on 1 July 2021. Key matters discussed and advised are summarised as follows:

Relevant Provision	Comment
<b>Clarence Valley Local Environmental Plan 2011</b>	
The proposed manufactured home estate will be carried out solely on the R1 zoned portion of the land. The proposed development is permissible with consent using Clause 6 of <i>State Environmental Planning Policy No. 36 – Manufactured Homes Estates</i> which permits development for the purposes of manufactured home estates on any land where caravan parks are permitted.	Noted; with this provision being carried forward into s.122 of the Housing SEPP.
Clause 4.3 Height of Buildings A maximum 9m height limit applies to buildings on the site.	Noted
Clause 5.10: Heritage Conservation An Aboriginal Heritage Assessment Report must be carried out for the land. There are 2 known Aboriginal Sites were identified within the WYURA.	Noted and an Aboriginal Cultural Heritage Assessment is provided with this DA.
Clause 6.2: public utility infrastructure The proposed development will involve the extension of public utility infrastructure and suitable conditions will be	Noted

placed upon the approval to ensure that adequate arrangements will be made to service the development.	
<p>Clause 6.3: development control plan: A development control plan has been prepared for the West Yamba Urban Release Area under Part X of the Residential Zones DCP. Please provide an assessment with application.</p>	Noted - see Section 3.7 of this SEE.
<p>Clause 7.1 Acid Sulfate Soils An ASS management report must be prepared for the development and submitted with the DA.</p>	Noted and ASS Management Report and Plan is provided with this DA.
<p>Clause 7.3 Flood Planning A Flood Impact Assessment Report for the development must be prepared. The report must consider impact of filling of the development site on the surrounding area including drainage patterns and groundwater</p>	Noted and as discussed with Council Officers a Flood Impact Assessment is provided with this DA.
<p>State Environmental Planning Policy No. 36 – Manufactured Homes Estates The proposed development is a permissible use on the land using the provisions of Clause 6 of the SEPP. The development is to be located on land zoned R1 General Residential. The Clarence Valley Local Environmental Plan permits caravan parks within the R1 zone and therefore, the development is permitted with consent within the zone.</p>	Noted
<p>State Environmental Planning Policy No. 55 - Remediation of Land A preliminary site investigation is required to be submitted with the application demonstrating the land is suitable for residential use.</p>	Noted and a Preliminary Site Investigation is provided with this DA.
<p>State Environmental Planning Policy (Coastal Management) 2018 The State Environmental Planning Policy (Coastal Management) 2018 applies to the development as the land is located within the coastal zone. The land is identified as being located within the coastal environment area and coastal use area of the SEPP.</p>	Noted - see Section 3.4 of this SEE.
<p>Community Participation Plan The applicant was advised that the proposal will be advertised and or notified.</p>	Noted
<p>Clearing Controls Any clearing over 2500m<sup>2</sup> in area will trigger the need for a Biodiversity Development Assessment Report under the <i>Biodiversity Conservation Act 2016</i>. If the development does not exceed this threshold a Baseline Ecological assessment is required to be prepared. Note Threatened Ecological Communities exist in this area.</p>	Noted and a BDAR is provided with this DA.

<b>Engineering Requirements</b>	
<p>Access and Parking considerations Entrance roads, widths of roads, speed restrictions, visitors parking, visitors parking for people with disabilities, road surfaces and lighting must be in accordance with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. Parking for the development is to be designed to comply with AS2890 – Parking Facilities.</p>	Noted and the plans comply.
<p>Traffic Impact Assessment A traffic impact assessment (TIA) must be undertaken and submitted with the DA in accordance with RMS Guide to Traffic Generating Development to assess the impact of the development traffic onto the surrounding road network and at intersections near the development. The TIA must be undertaken by a qualified and experienced Traffic Engineer.</p>	Noted and a TIA is provided with this DA.
<p>Access to the site is proposed from Carrs Drive. The external road must be upgraded in accordance with the Council's DCP. All design and construction cost must be borne by the applicant. Any cost sharing arrangements to be negotiated privately between the developer and owners of adjoining properties that may benefit in the future.</p>	Noted
<p><b>Stormwater Management</b> The stormwater management plan must be supported by a using industry standard computer model as specified in section 6.2 of D10 Handbook of Stormwater Drainage Design and the draft CVC Guidelines in Preparing a MUSIC Model.  A second order stream runs through the site. Requirements for general terms of approval, controlled activity approvals and offsets will need to be discussed directly with Natural Resource Access Regulator (NRAR).</p>	Noted and a Stormwater Management Plan is provided with this DA.
<p>Earthworks All earthworks must be in accordance with D6 Development Design Specification – Site Regrading and the site specific controls in Council's DCP for Residential Development.</p>	Noted
<p>Water / Sewer Headworks contributions Where the proposed development increases the loading, Council charges a capital contribution under Section 64 of the Local Government Act.</p>	Noted

<p><b>Water and Sewer Requirements</b></p> <p>The proposed development shall be serviced by a pressure sewer system. The pressure sewer pump unit for the development should have sufficient capacity to pump directly to the STP. The internal sewer system may be private. The internal system may consider using a gravity system to a central pump station or a number of quad units set up to pump into a pressure main system.</p> <p>The developer is responsible for the cost of the design &amp; construction to upgrade the water and sewer reticulation systems up to the development site generally in accordance with 'West Yamba Water and Sewer Servicing Strategy'. Any cost sharing to be negotiated privately between the developer and owners of adjoining properties that may benefit in the future.</p> <p>Water and Sewer service connection must generally be in accordance with Council's Sewer &amp; Water Connection Policy.</p>	Noted
<p><b>Utility Services</b></p> <p>Utility services would be required to be provided in accordance with the Clarence Valley Council DCP for development in Residential Zones and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.</p>	Noted
<b>Health and Building Requirements</b>	
<p><b>Relocatable Dwellings</b></p> <p>The prior approval of Council is not required for the installation of compliant movable dwellings in the park provided they are installed on sites approved for that purpose. A notice of completion of installation in accordance with Clause 68 of the Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005 must be submitted to Council within 7 days of their installation</p>	Noted
<p><b>Construction Certificate / Occupation Certificate Applications</b></p> <p>A Construction Certificate will need to be obtained before any building works that are not deemed to be exempt development can commence. An Occupation Certificate will also need to be obtained prior to use or occupation of the proposed works.</p>	Noted
<p><b>Plumbing and Drainage Requirements</b></p> <p>All new plumbing, drainage and stormwater work must be the subject of a Section 68 Local Government Act application.</p>	Noted

<p><b>Flooding</b> The site is flood prone. The finished floor level of the primary habitable area of each dwelling must be at least 3.0m AHD with all materials of construction below that level of flood compatible materials. The dwelling design must be certified by a practising structural engineer to the effect it will be capable of withstanding all forces imposed upon it during a 1 in 100 year flood event.</p>	Noted
<p><b>Fire Hydrant Coverage</b> The development will need to be serviced by fire hydrant coverage in accordance with NSW Fire and Rescue requirements. Details of how this will be achieved will need to be submitted with the development application.</p>	Noted and incorporated into the design.
<p><b>Access and Parking Spaces for Persons with a Disability</b> Access for persons with a disability will need to be provided to and within the community building in accordance with the requirements of Part D3 of the Building Code Australia. Parking spaces for persons with a disability will need to be provided. A continuously accessible path of travel from any required accessible car parking space to the principal entrance of the building must be provided.</p>	Noted
<p><b>Geotechnical Report</b> A preliminary geotechnical assessment of the development site will need to be prepared and submitted with the DA.</p>	Noted and a Geotechnical Assessment is provided with this DA.
<p><b>Potential Soil Contamination</b> Due to the possible previous use of the land for agricultural/horticultural purposes it will need to be demonstrated that the site is suitable for its intended use.</p>	Noted and a Preliminary Site Investigation is provided with this DA.
<p><b>Demolition</b> If the existing dwelling contains asbestos then any demolition involving removal of asbestos will need to be undertaken by a SafeWork NSW accredited asbestos contractor. All demolition work shall be carried out in accordance with the requirements of AS 2601 by appropriately licensed contractors.</p>	Noted



## 2 Description of Proposal

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The overall property is approximately 17.68ha in area; however the proposed development footprint is approximately 10.06ha located within the previously disturbed eastern portion of the Site.

In general terms, the proposed MHE consists of two hundred and sixteen (216) dwelling sites and will be undertaken in thirteen (13) stages.

Specifically, the proposal includes the following elements:

- 216 dwelling sites
- Community Building, including lounge, library, cinema, craft room, games room, gym and multi-purpose spaces
- 50 visitor car parking spaces and vehicle wash down bay
- Swimming pool
- Bowling green
- Croquet lawn
- 24 RV storage spaces.

Detailed Landscape Plans have been prepared and accompany this DA. These Plans detail the entry statement, fencing types, bioretention basins, Riparian Zones, internal streetscape, community facilities and buffer planting. Planting palettes for all areas are also provided.

Community amenities comprise approximately 34,070m<sup>2</sup> being 34% of the development footprint.

Local elevation at the site is approximately 1.3m (RL) and the MHE development proposes up to 3.1m of fill will be imported to ensure filling that provides the finished surface level of dwelling sites to a minimum level of RL3.5m AHD.

The development plan applies the setbacks required by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (MHE Regs)*, being 10 metres to a public road and 3 metres to any other boundary of the manufactured home estate.

Entrance roads, widths of roads, speed restrictions, visitors parking, visitors parking for people with disabilities, road surfaces and lighting design will be in accordance with the MHE Regs.

Internal services shall be provided within the site including reticulated water/sewer, power and telecommunications. Power and telecommunications services are currently located at the eastern boundary of the site. A Servicing Strategy is included with this DA.

A Stormwater Management Plan has been provided with this DA and is discussed in Section 5.

A Biodiversity Development Assessment Report (BDAR) is provided with this DA. It confirms the proposal will remove 8.3 hectares of native vegetation in varying states of condition. This vegetation was assessed under Part 1 of the Biodiversity Assessment Method (BAM). Vegetation to be impacted mostly comprises regrowth swamp forest (legacy Plant Community Types 1064 being Paperbark swamp forest of the coastal lowlands of the NSW north coast and 1235 being Swamp oak forest of coastal lowlands of the NSW north coast bioregion), with some areas of non-native vegetation containing scattered remnant paddock trees and small stands of mature vegetation. Ecosystem credits will be required to offset this clearing.

In addition, species credits are also required for squirrel gliders and eastern (common) planigale. A detailed biodiversity assessment has been provided with this DA.

The Traffic Impact Assessment confirms there are no significant traffic or transport impacts associated with the proposed development. Further it confirms that garbage removal arrangements can be accommodated within the proposed road layout.

The Development Plans and proposed Staging are shown on the Architectural Plans which are included as part of this DA.

Extracts from the proposed plans are set out in the following Figures.

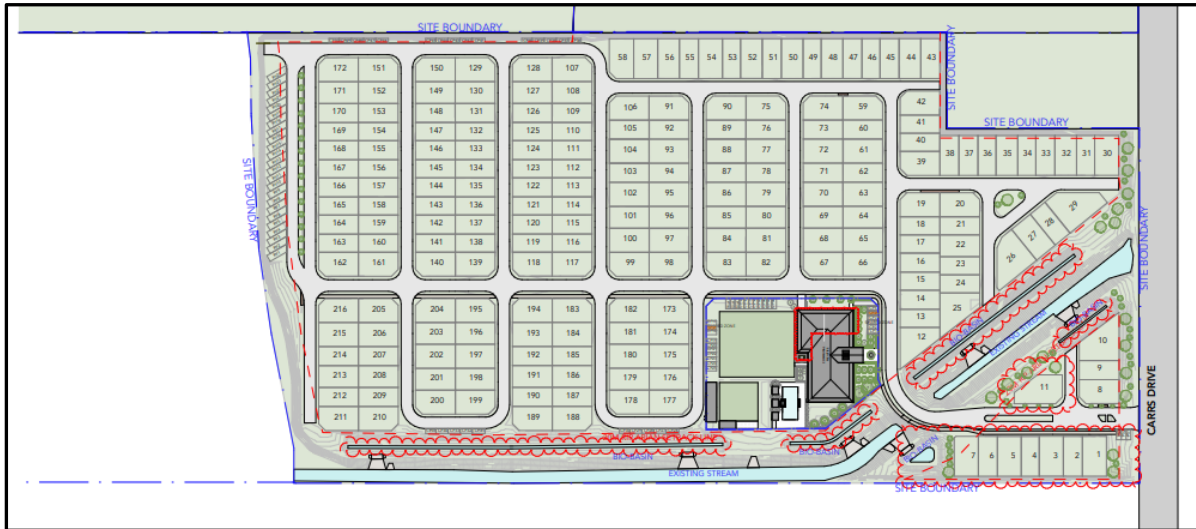


Figure 4 - Extract from Master Site Plan

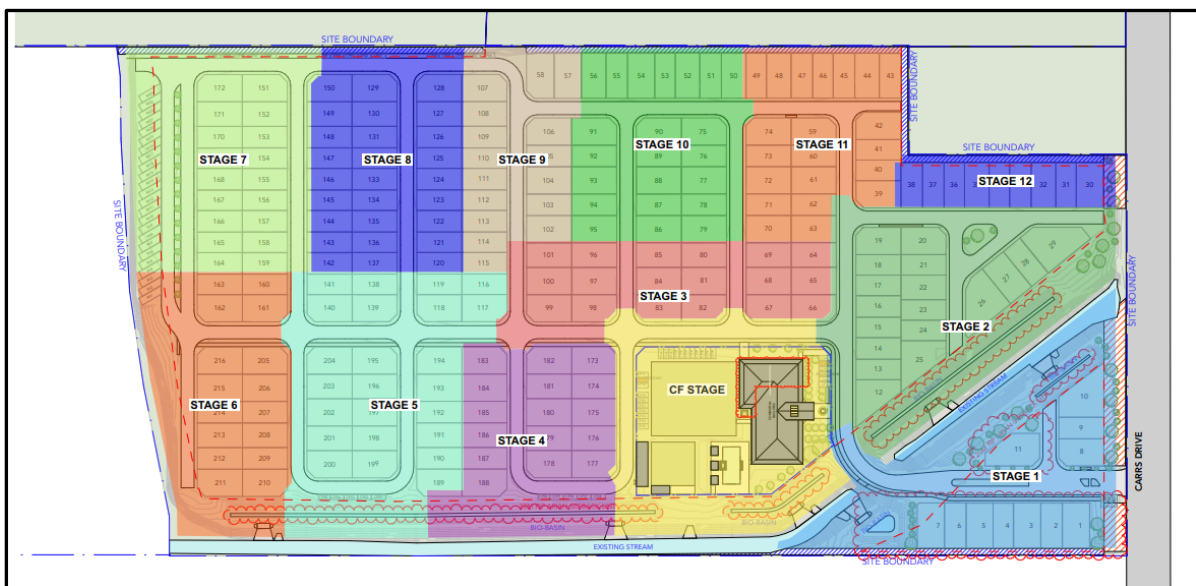


Figure 5 - Extract from Staging Plan

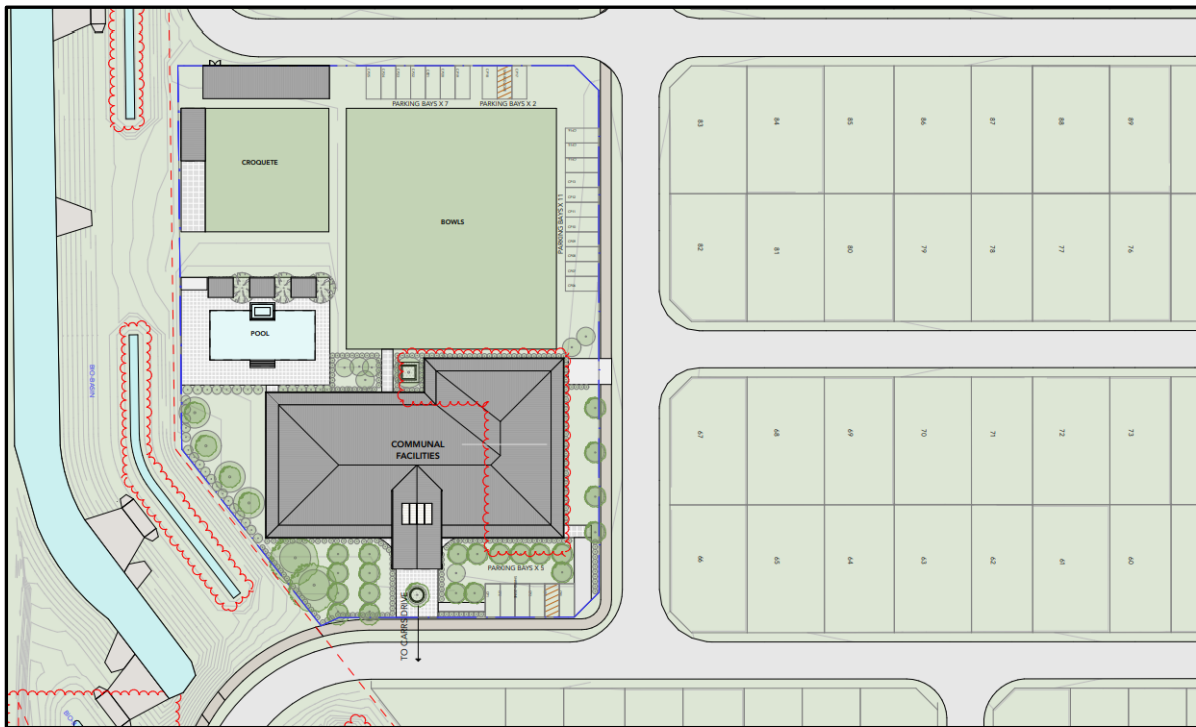


Figure 6 - Extract from Community Amenities Plan

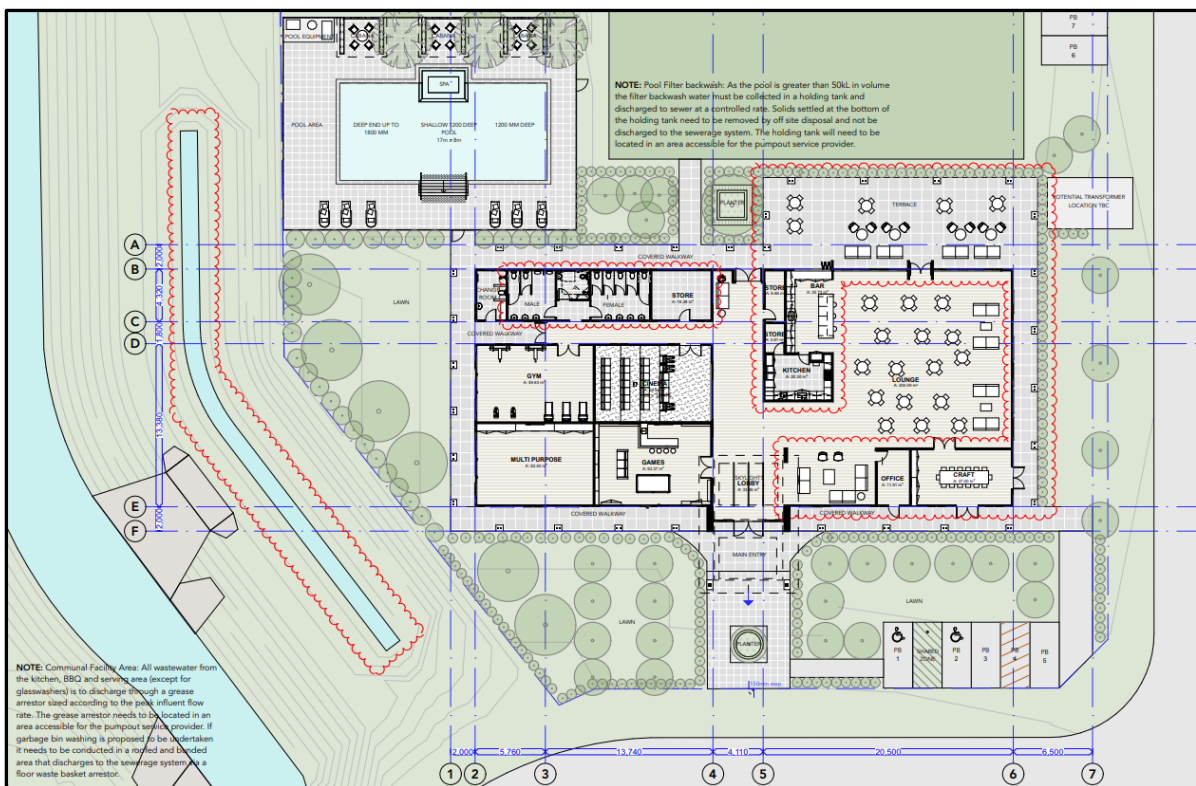


Figure 7 - Extract from Communal Facilities Floor Plan



Figure 8 - Extract from Landscape Design Development Layout

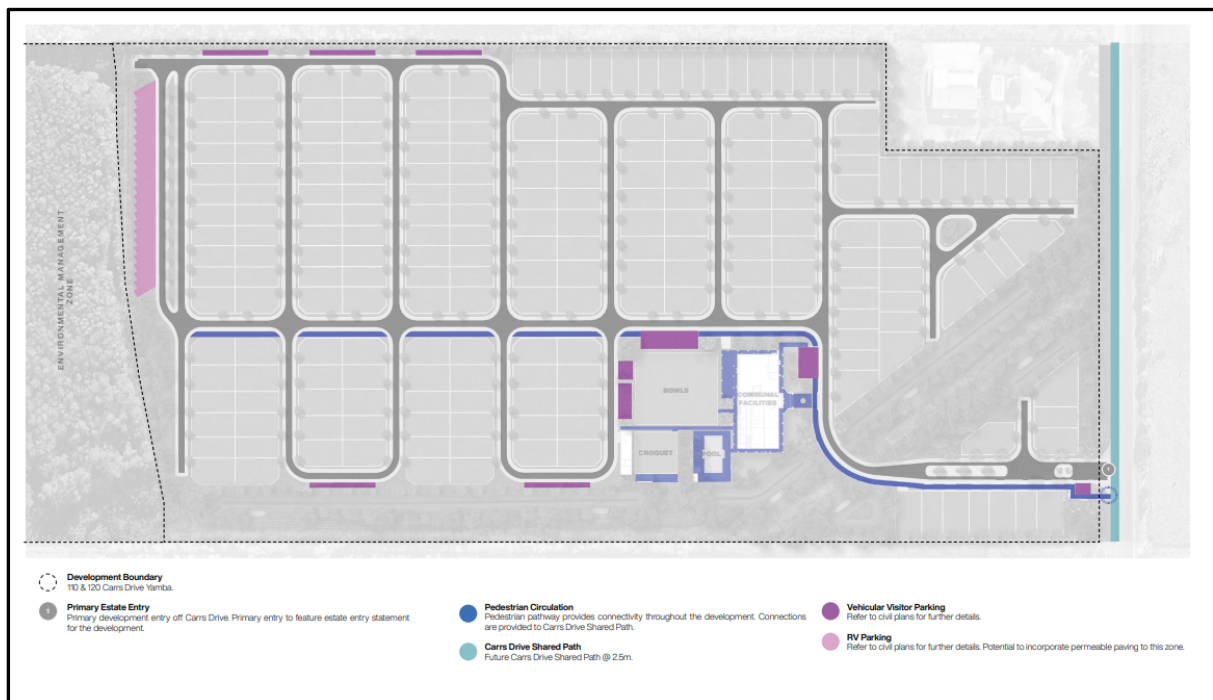


Figure 9 - Extract from Pedestrian Access and Mobility Plan



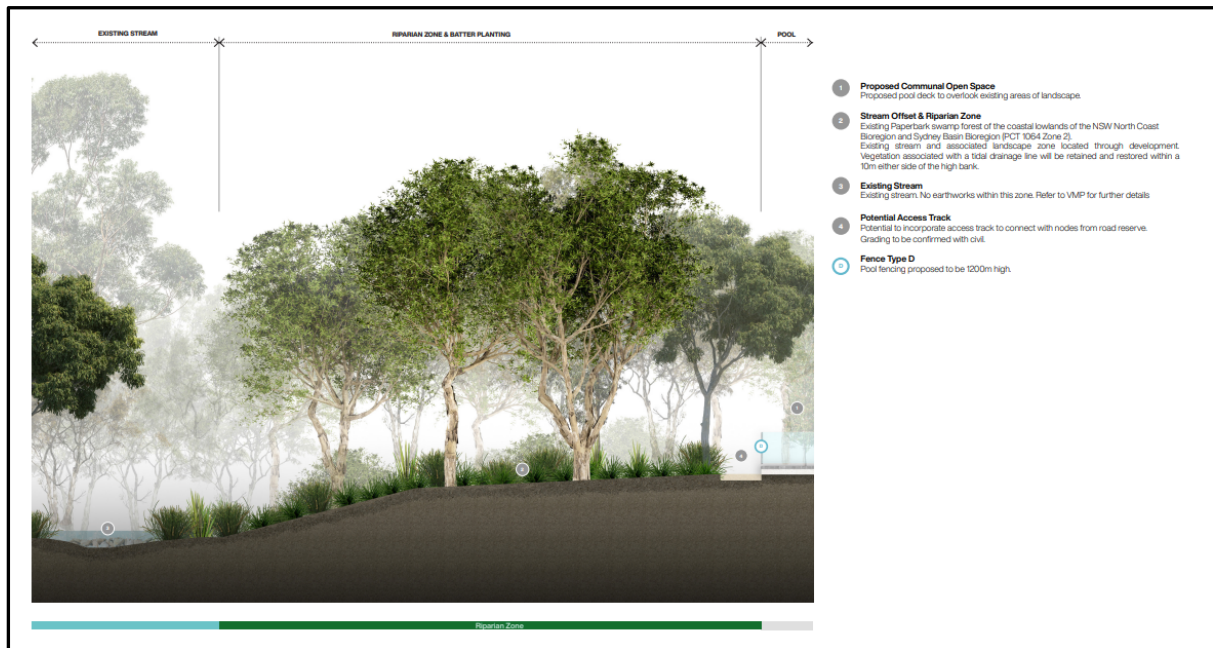


Figure 10 - Extract from typical Riparian Zone Section

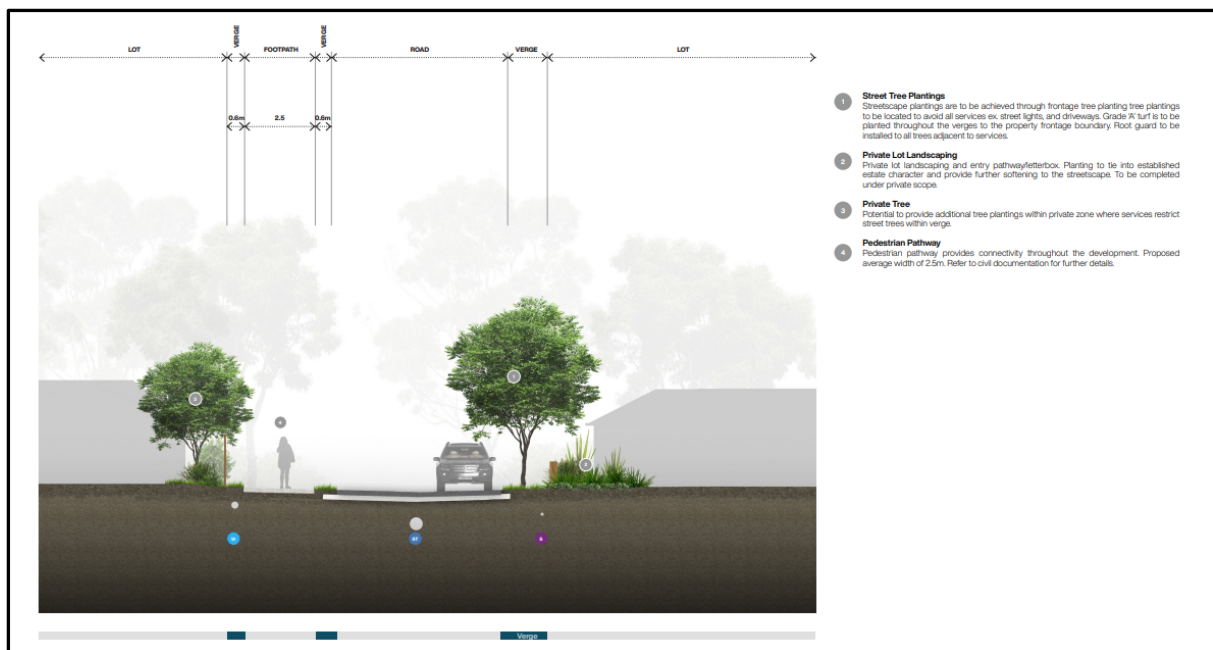


Figure 11 - Extract from Landscaping Main Road Section

### 3 Planning Certificate Notifications

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A formal Planning Certificate under Section 10.7 of the Act was obtained prior to lodgement of this DA. Relevant matters to note include:

- No proposed local environmental planning instrument applies to the land that has been placed on public exhibition under the Act.
- The Clarence Valley Development Control Plan - Development in Residential Zones applies to the carrying out of development on the land.
- The Clarence Valley Development Control Plan - Development in Rural Zones applies to the carrying out of development on the land.
- The subject land is NOT known to include or comprise critical habitat as defined in the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994.
- The land is NOT located within a heritage conservation area (however described) under the local environmental planning instrument.
- The land does NOT have located on it an item of environmental heritage (however described) under the local environmental planning instrument.
- The land is NOT proclaimed to be within a mine subsidence district within the meaning of section 15 of the Mines Subsidence Compensation Act, 1961.
- The land is NOT affected by any road widening or road re-alignment under Division 2 of Part 3 of the Roads Act 1993, any environmental planning instrument, or any resolution of Council, unless otherwise stated within this certificate.
- The subject land is NOT affected by a policy adopted by the Council, or by any other public authority and notified to the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).
- The subject land IS mapped AS BEING potentially affected by Acid Sulfate soils, as indicated on the Acid Sulfate Soils Planning Map held by Council.

- The land is considered to be located below the flood planning level. Hence, development on the land for any purpose is subject to flood related development controls. Details are contained in the relevant local environmental planning instrument/s and relevant development control plan/s.
- No environmental planning instrument or proposed environmental planning instrument applies to this land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act 1979, unless otherwise stated within this certificate.
- The Clarence Valley Contributions Plan 2011 applies to the land.
- The Section 94 Contributions Plan for Rural Roads applies to the land.
- The Section 94 Contribution Plan for Street Trees in Urban Subdivisions applies to the land.
- The Section 94 Contributions Plan Yamba Urban Bypass & Urban Intersections applies to the land except for provisions of that plan that relate to contributions from non-residential developments.
- The land is NOT biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, unless otherwise stated in this certificate.
- The land is NOT a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016, unless otherwise stated in this certificate.
- The land is NOT a set aside area under section 60ZC of the Local Land Services Act 2013, unless otherwise stated in this certificate.
- The land is NOT within land declared to be significantly contaminated land, subject to a management order, subject of an approved voluntary management proposal, subject of an ongoing maintenance order or subject to a site audit statement within the meaning of the Contaminated Land Management Act 1997
- The subject land is indicated on Council's bushfire prone land map as NOT being bush fire prone land.



- Council HAS NOT been notified that a property vegetation plan (PVP) approved under Part 4 of the Native Vegetation Act 2003 (and that continues in force) applies to the land.
- Council has NOT been notified of an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.
- There is NO current site compatibility certificate issued under clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.
- There is NO current site compatibility certificate issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.
- There is NO current site compatibility certificate (affordable rental housing) issued under State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of proposed development on the land.
- The land is NOT subject of a current site verification certificate that sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
- The land is NOT occupied by any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that is listed on the register that is required to be maintained under that Division.
- Council is NOT aware of any affected building notice (within the meaning of the Building Products (Safety) Act 2017) or building product rectification order that is in force in respect of the land.
- A development consent has NOT been issued over the subject land within the last five years.
- Council records indicate that the land in question is potentially or actually contaminated. Consideration of Council's adopted policy on Contaminated Land and the provisions of relevant State legislation is warranted.

## **4 Relevant Legislation and Planning Controls**

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### **4.1 Biodiversity Conservation Act 2016 (BC Act)**

A BDAR has been completed for the Proposal in accordance with the requirements of the BC Act and includes the required BAM.

The proposed development footprint is entirely situated within the portion of the site zoned R1 – General Residential and the impacts of the proposed development have been avoided or minimised as far as possible during project planning. The following principles have been used to locate the development footprint in areas by:

- limiting clearing to the most modified habitats on the site
- retaining the highest quality and least disturbed vegetation on the lot to the west of the proposed development footprint
- excluding earthworks from the bed of the existing 2nd order stream, to reduce the risk of mobilising acid sulphate soils in accordance with advice discussed in the Aquatic Assessment (Birch 2023).

The BDAR confirms there are no Serious and Irreversible Impacts (SAIL) associated with the proposed development.

The proposal will remove 8.3 hectares of native vegetation in varying states of condition. This vegetation was assessed under Part 1 of the BAM. Vegetation to be impacted mostly comprises regrowth swamp forest (legacy Plant Community Types 1064 being Paperbark swamp forest of the coastal lowlands of the NSW north coast and 1235 being Swamp oak forest of coastal lowlands of the NSW north coast bioregion), with some areas of non-native vegetation containing scattered remnant paddock trees and small stands of mature vegetation. Ecosystem credits will be required to offset this clearing.

In addition, species credits are also required for squirrel gliders and eastern (common) planigale. A detailed biodiversity assessment has been provided with this DA.

An extract from the Vegetation Type Mapping in the BDAR is included below.

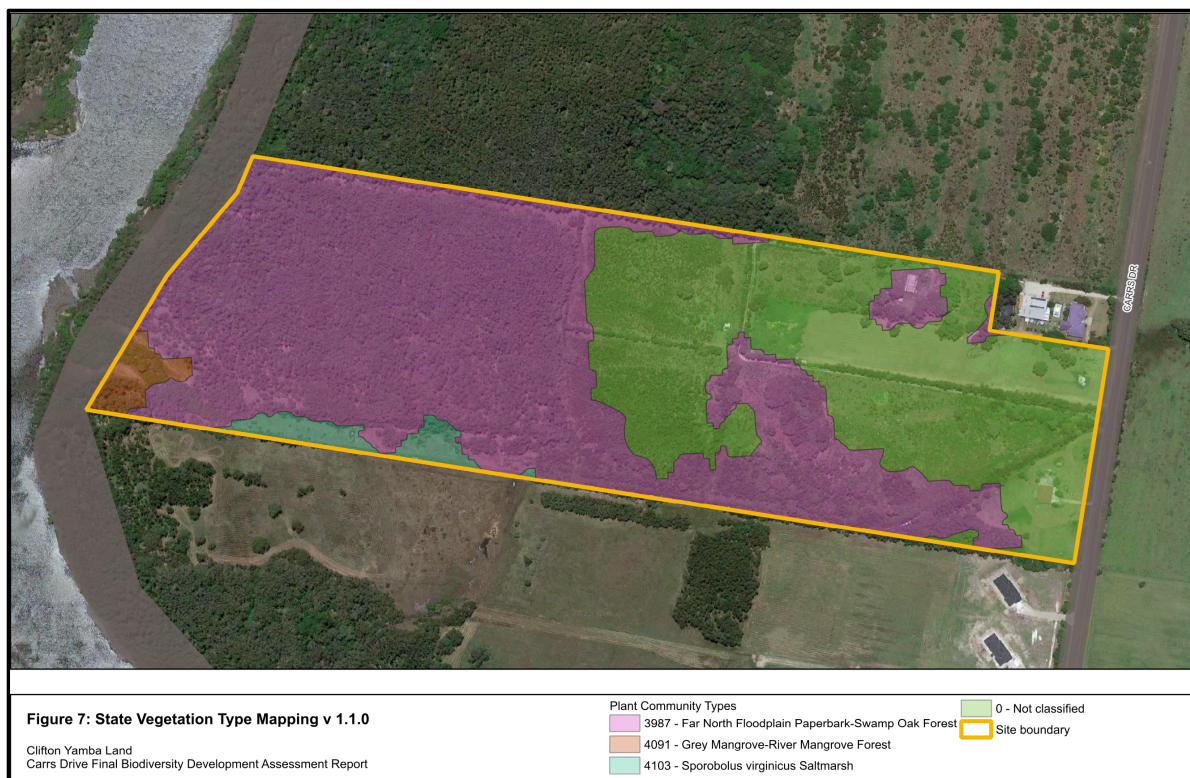


Figure 12 - Extract from Vegetation Type Mapping from the BDAR

Subject to the provision of the assessed credits and appropriate conditions of Consent, the proposal is considered satisfactory from a biodiversity conservation perspective.

#### 4.2 Environment Protection & Biodiversity Conservation Act 1999 (EPBC Act)

The EPBC Act aims to protect matters of national environmental significance (MNES).

The proposal was referred to the Department of Climate Change, Energy, the Environment and Water under EPBC Act and on 6 March 2023 the applicant was advised that the proposed action is a controlled action and will require assessment under the EPBC Act before it can proceed. The applicant was further advised that the project will be assessed by preliminary documentation and this process is ongoing.

#### 4.3 Fisheries Management Act 1994 (FM Act)

The FM Act requires an assessment of significance when there may be potential to impact on any species, populations and communities listed in the FM Act. Based on the habitat at the site and records within the locality, it is unlikely that the Proposal would impact on any species, populations or communities; as such an assessment of significance is not required.

#### 4.4 SEPP (Housing) 2021 - (Housing SEPP)

Part 8 of the Housing SEPP primarily aims to facilitate manufactured home estates as a contemporary form of medium density residential development in suitable locations having regard to the protection of the landscape, scenic or ecological qualities and ensuring that adequate services are available for the development.

Specifically s.125 of the Housing SEPP requires the following (our emphasis):

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.*

We provide the following assessment and comments in relation to the Housing SEPP matters.

- As demonstrated in the Infrastructure and Servicing Strategy, all sites will be provided with reticulated water, a reticulated sewerage system, drainage and electricity.

- The Site is within easy access of a range of employment/ recreational/ commercial opportunities both by car and public transport and facilities are expected to improve with future development of the WYURA.
- The proposal includes generous on-site community facilities and services including community clubhouse including a gym, cinema and games room and other recreational facilities such as a pool, bowling green and croquet lawn. Outside the estate, there are a wider range of existing facilities and services that are reasonably accessible to the residents of the manufactured home estate.
- The proposed development, subject to appropriate conditions, will not have an adverse effect on any conservation area, heritage item, waterway or land having special landscape, scenic or ecological qualities.
- There are no relevant guidelines issued by the Director that relate to this DA.
- The provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993 are not relevant as they simply provide a transition between Ordinance 71 and the former SEPP 36 and Housing SEPP

On this basis, the proposal satisfies all matters required to be considered under the Housing SEPP when granting a consent for a manufactured home estate.

#### **4.5 SEPP (Biodiversity and Conservation) 2021 - (Biodiversity SEPP)**

The Biodiversity SEPP incorporates the repealed State Environmental Planning Policy (Koala Habitat Protection) 2021 and an assessment of these provision in relation to the Site has been completed by the project Ecologist and is included with this DA. This assessment concludes:

*The available habitat on site is not considered core koala habitat as defined by the SEPP 2021. Given the low density of eucalypt species as listed in Schedule 3, no signs of koala activity during extensive surveys and low number of recent BioNet records in the vicinity, this assessment concludes that vegetation on site does not currently support a permanent koala population.*

On this basis the proposal is considered satisfactory in terms of the Biodiversity SEPP.

## 4.6 SEPP (Resilience and Hazards) 2021 – (SEPPRH)

### Chapter 2 – Coastal Management

Pursuant to Chapter 2 of the SEPPRH, the closest Coastal Wetland mapped area is located approximately 450 m west of the development footprint on the Site and the closest Littoral Rainforest occurs well over one kilometre of the site. As such, the Proposal does not impact on any areas of mapped Coastal Wetland or Littoral Rainforest areas.

The development footprint area is mapped Coastal Environment Area but outside of the area mapped as Coastal Use Area. Extracts from the relevant maps are included below.

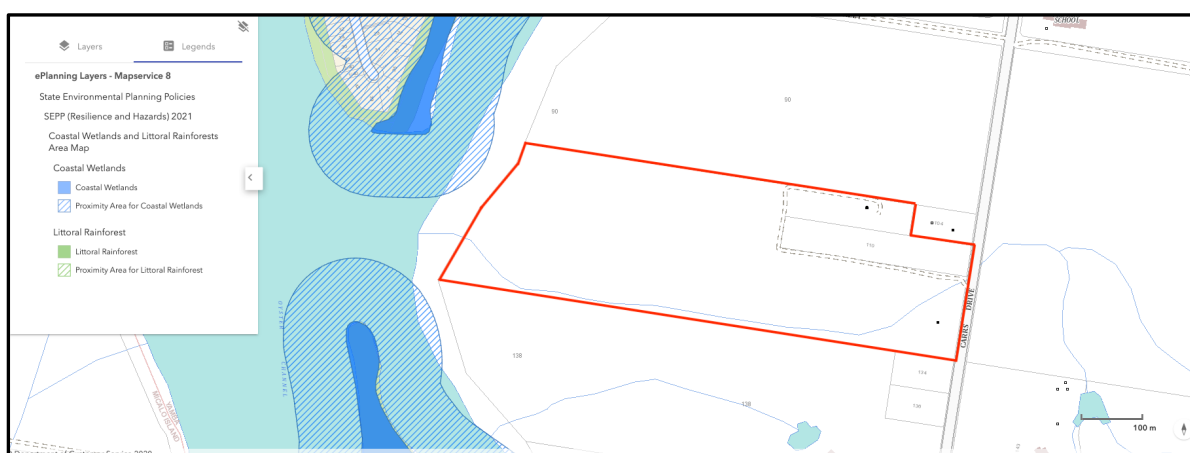


Figure 13 - Coastal Wetlands and Littoral Rainforest Area Map

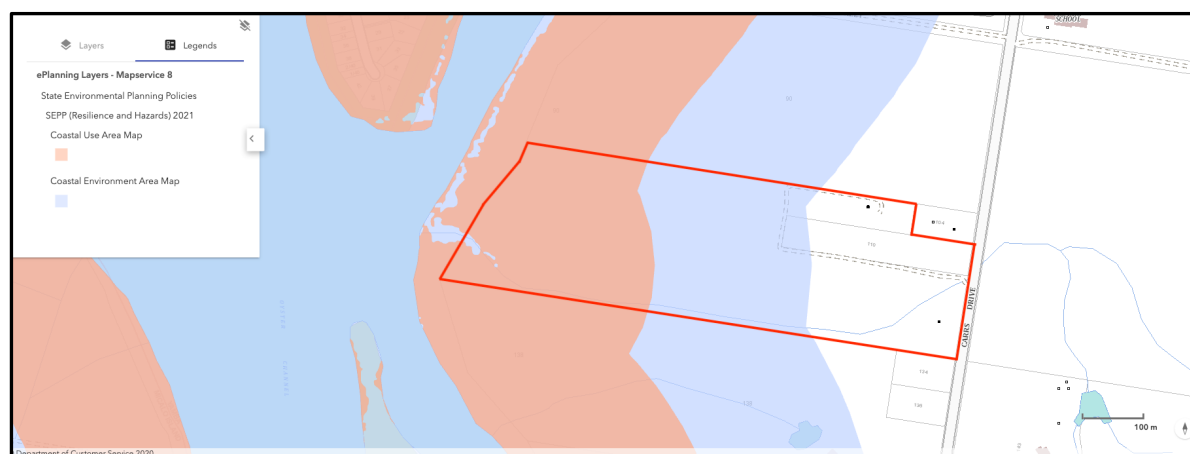


Figure 14 - Coastal Environment and Coastal Use Area Map

The relevant provisions for consideration are in Division 3 Coastal environment area and Division 5 General. The proposal's compliance with these Divisions is assessed below.

Relevant Provision	Comment
<b>Division 3 Coastal environment area</b>	
2.10(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,	<p>The Proposal includes a detailed Stormwater Management Plan designed to mitigate water quality impacts on adjoining environments. As such, it does not present environmental risk to the hydrological environment.</p> <p>The BDAR concludes that the proposal would result in impacts to 5.36ha of PCT 1064 being Paperbark swamp forest of the coastal lowlands of the NSW north coast and Sydney Basin bioregion and 2.97ha of PCT. 1235 being Swamp oak forest of coastal lowlands of the NSW north coast bioregion.</p> <p>In addition, species credits are also required for squirrel gliders and eastern (common) planigale.</p> <p>These impacts have been assessed and will be offset in accordance with the requirements of the BC Act.</p>
(b) coastal environmental values and natural coastal processes,	The proposed development does not affect 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	N/A
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	<p>As discussed above, the proposal would remove 8.3 hectares of native vegetation in varying states of condition and require species credits are for squirrel gliders and eastern (common) planigale.</p> <p>These impacts will be offset in accordance with the requirements of the BC Act.</p>

(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,	The proposed development does not affect any of the elements listed.
(f) Aboriginal cultural heritage, practices and places,	Heritage values of the site and potential heritage impacts associated with the Proposal are addressed within the detailed Aboriginal Cultural Heritage Assessment.  It is concluded that the proposal is not anticipated to result in heritage impacts.
(g) the use of the surf zone.	The Site is not in proximity of the surf zone.
2.10(2) Development consent must not be granted to development on land to which this section 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 subsection (1), or	The proposed development is consistent with this requirement to avoid adverse impacts.
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	See above
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	See above.
<b>Division 5 General</b>	
2.12 Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	Due to the location of the site and filling proposed to enable the development, the MHE is not subject to risk associated with coastal hazard and does not result in increased risk of coastal hazards on that land or any other.
2.13 Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	Review of the Council's Coastal Risk Planning Map shows the Site is not subject to coastal hazards and associated planning provisions.



## Chapter 4 – Remediation of Land

SEPPRH establishes state-wide provisions to promote the remediation of contaminated land.

Clause 4.6 of SEPPRH requires that a consent authority must not grant consent to a development unless it has considered whether the site is contaminated.

As such a Preliminary Site Investigation has been completed and accompanies this DA. This report concludes:

*The known site history, in combination with site investigation, anecdotal information and CSM, have identified the primary contaminating activities to be the use of the site for rural residential land use, with various areas of waste identified across the site.*

*The contamination identified is attributed to clear sources of contamination, and it is recommended that the following works are implemented during site development:*

- *The impacted soil in the area of the oil drum should be excavated and disposed of off- site in accordance with the NSW EPA waste framework. Given delineation samples indicated the impact has not extended to depth, it is anticipated that the works will result in an excavation of approximately 2 m x 2 m x 0.4 m depth.*
- *Unless additional sampling is conducted to prove otherwise, the soil surrounding the concrete slab of the former residential dwelling should be considered as impacted given the likely mode of contamination, i.e. demolition and/or fire of the buildings. It is recommended that the surface soil surrounding the concrete slab be excavated and disposed of off-site in accordance with the NSW EPA waste framework. Given the impacts are not visually distinguishable, validation sampling is recommended following removal of impacted soil to confirm the soil is suitable for low-density residential land use.*
- *Investigation via a sampling and analysis program of the area of intensive agricultural use in the eastern portion of 110 Carrs Drive.*
- *If the western portion of the site is to be developed in the future, investigations in this area should be conducted.*

*Apart from the aforementioned areas, no other significant or widespread contamination has been identified from the preliminary sampling program conducted, and concentrations of PCoCs were below the land use criteria for low-density residential use. It is however, emphasised that the sampling plan was limited to accessible areas of the site, and an assessment across the whole site has not been conducted. It is therefore recommended that the site development works are conducted in accordance with a site-specific UFP.*

*Overall, it is considered that the site can be made suitable for residential land use if the above recommendations are implemented. It is considered that these recommendations can be implemented during development works.*

On this basis, and subject to appropriate conditions of Consent to apply these recommendations, the Site is suitable for the proposed development.

#### **4.7 North Coast Regional Plan 2041 (NCRP)**

The Site is included within the Clarence Valley Urban Growth Area in the NCRP and the proposed development is consistent with the goals of the NCRP in that it provides for housing choice and lifestyle options within an identified growth area.

A strategy of the NCRP is to facilitate a range of housing options and suitable housing densities in the right locations to create a more compact urban footprint and protect significant environmental areas with future housing to be directed to locations that can accommodate more housing that have existing or planned infrastructure and services.

Given the proposed development footprint is zoned for residential use, the development will contribute to catering for future demand for dwellings houses consistent with the NCRP.

Overall, the development will deliver a sustainable land use consistent with the zoning of land that will not adversely impact on the North Coast's biodiversity and environmental values.

#### **4.8 Clarence Valley LEP 2011 (CVLEP)**

Section 4.15(1)(a)(i) of the Act requires the consideration of CVLEP.

## Clause 2.2 - Zoning of Land

The overall Site is zoned R1 General Residential, C3 Environmental Management and C2 Environmental Conservation under the CVLEP. The development footprint for the proposed MHE is located entirely within the R1 General Residential zoning of the site.

The use is permissible within the R1 zone via s.122 of the Housing SEPP.

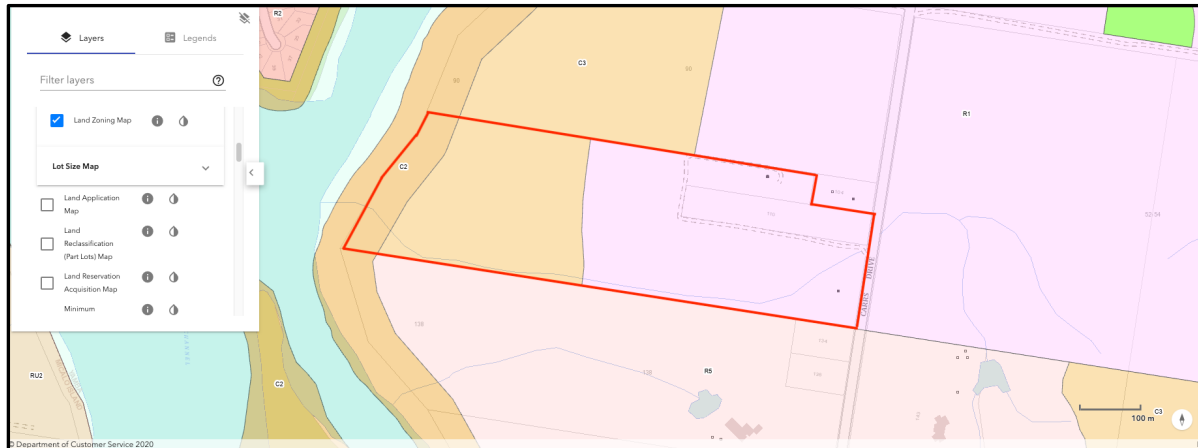


Figure 15 - Extract from CVLEP Zoning Map

The stated Objectives of the R1 General Residential zone are as follows;

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development is consistent with these objectives as it provides;

- Additional housing opportunities within the LGA.
- Affordable housing for the LGA and an opportunity for residents within the LGA to downsize which frees up traditional housing stock for larger families.
- Community facilities that support and enhance the experience and needs of the residents.

## Clause 4.3 - Height of Buildings

The overall Site has a maximum Building Height of 9m.

The clubhouse building is the only significant built form proposed as part of this application and the Architectural Plans clearly shows it complies with this development control.

#### Clause 4.4 - Floor Space Ratio

The Site does not have a maximum FSR.

#### Clause 5.10 – Heritage

The Site is not an Item of Environmental Heritage or in Heritage Conservation Area and the development footprint remains unchanged.

An Aboriginal Cultural Heritage Assessment has been undertaken in relation to the proposed development and is provided with this DA. This Assessment makes the following conclusions and recommendations.

*The assessment has concluded that ground disturbing works, being the MHE allotments, bio-retention basins, underground services and interior roads are unlikely to impact on Aboriginal objects and will not impact on any known places or sites of cultural significance to the Aboriginal community. As such additional consultation and archaeological investigation is not required. However, the following recommendations are provided as a precautionary measure to mitigate impacts to potential Aboriginal heritage values.*

##### *Recommendation 1: Aboriginal Objects Find Procedure*

*It is recommended that if suspected Aboriginal material has been uncovered because of development activities within the Project Area:*

- a) work in the surrounding area is to stop immediately;*
- b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;*
- c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and*
- d) should the works be deemed to have harmed the Aboriginal objects the Heritage NSW should be notified immediately via the EPA Enviro Hotline.*

*Having consideration for the outcomes of the ACHA it is recommended that Aboriginal sites monitors from Yaegl TOAC are engaged as "cultural heritage spotters" for ground disturbing works of original topsoils below the extent of the European fill layer.*

##### *Recommendation 2: Aboriginal Human Remains*

*Although it is unlikely that Aboriginal Human Remains will be located at any stage during earthworks within the Project Area, should this event arise it is recommended that all works must halt in the immediate area to prevent any further impacts to the remains. The site should be cordoned off and the remains themselves should be left untouched. The nearest Police Station (Yamba), Yaegl TOAC and the Heritage NSW Regional Office (Coffs Harbour) are all to be notified as soon as possible. If the remains are found to be of Aboriginal origin*

*and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and the Heritage NSW should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.*

Based this Assessment and provided the Consent is conditioned accordingly to incorporate the stated recommendations, the proposal is satisfactory from a heritage perspective.

#### Clause 5.21 – Flood Planning

The objectives of this clause are to:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

Further, cl.5.21(2) requires that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Cl.5.21(3) requires that the consent authority must consider the following matters—

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

To address these matters in detail, a Flood Impact and Risk Assessment (FIRA) and a Flood Emergency Response Plan (FERP) has been prepared.

The FIRA considers impacts resulting from the development in isolation and in combination with the WYURA developments (actual and potential) and the projected changes to flood behaviour due to climate change.

The FIRA demonstrates that the proposed development will not generate unacceptable flood impacts either on a standalone basis or on an aggregate basis when considering all expected future development within WYURA.

Specifically, this Report concludes:

*The proposed development scenarios were assessed for the 10%, 5%, 1%, 0.5%, 0.2% AEP and Probable Maximum Flood (PMF) events. The assessment was also carried out for future climate conditions by considering the 1% AEP 2100 Climate Change Scenario 1.*

*Both assessing the Site in isolation and cumulatively as part of the overall WYURA, an increase in flood levels between 10 mm and 20mm was observed at the adjacent lots to the north and south of the Study Site in the 10% AEP event.*

*To the south of the Site, the predicted increase in flood depth occurs in locations already inundated, indicating that the extent of inundation does not increase. While the depth of inundation increases between 10 and 20mm it does not further impact on existing residential buildings on this adjoining lot and therefore has limited significance.*

*To the north of the Site, the limited extent of impact in the 10% AEP event occurs on land owned by Clifton Yamba Land Pty Ltd in a location that is reserved for vegetation and will not be developed.*

*Additionally, no significant changes in flood hazard category were observed between the pre- and post-development conditions at these locations in all modelled events.*

*During the PMF event, the proposed development results in an increase in flood levels between 10 and 20 mm on the southern adjoining lots and a decrease of 10 to 20 mm in an area to the northeast of the Site. This increase in flood level is observed both in assessing the Site in isolation and cumulatively as part of the overall WYURA and likely results from a slight conveyance restriction presented by the Site fill pad. The impact is not considered significant due to its minor nature and limited extent. The PMF event is mainly used to inform flood emergency planning considerations for developments. No changes to flood hazard category were observed in this area as a result of the proposed development. This is due to the high flood depths that exist within the Site and the adjoining lots to the south (over 6 m in depth) in the PMF event.*

*A comparison between a fully developed WYURA (Post-development Scenario 2) against a fully developed WYURA excluding the development of 120 Carrs Drive (Post-development Scenario 3), showed no incremental impacts of the proposed development on the cumulative flood behaviour.*

*In assessing the Site in isolation, no significant adverse changes in flow velocity, flood hazard category, duration and frequency of inundation are observed throughout the study area for all modelled events.*

The FERP has been prepared to minimise exposure to flood risks at the site to acceptable levels.

The FERP makes recommendations, based on a review of available flooding information and applicable flood planning controls and guidelines, to ensure that in the event of a flood at the site, risk to personal safety and the environment is appropriately managed.

The measures recommended by the FERP minimise exposure to flood risks at the site to acceptable levels, as summarised below:

1. *The development is a manufactured housing estate and will be managed by the owner/operator which will implement in perpetuity the FERP and its requirements.*
2. *The site may become isolated for up to approximately 8 days in very rare extreme flood events. However, there will be sufficient warning time for all flood events, ensuring complete evacuation of the site either towards Maclean/M1 or to the Yamba Bowling Club, considering the minimum warning times of approximately 6 hours and 22 hours.*
3. *A community refuge building, situated above the Probable Maximum Flood (PMF) level documented in 2013, will be equipped with adequate resources to facilitate 'shelter in place' for any occupants who were unable to leave the site before or during a flood event.*
4. *The owner/operator will install and operate flood risk management measures including provision of flood risk awareness information, flood level indicators, informative signs, and a flood warning device, in addition to a public address and alarm system to co-ordinate site flood response.*
5. *Flood wardens will be appointed by the owner/operator and will be trained to monitor floods, manage responses, and ensure maximum evacuation opportunities for site occupants during extreme flooding, in addition to SES services.*

Based on the FIRA and the implementation of recommendations contained in the FERP, the proposal is considered satisfactory from a flood impact and risk perspective and taking into consideration the objectives of cl.5.21 and the matters listed in Cl.5.21(2) and (3).

#### Clause 6.1 - Arrangement for designated state public infrastructure

The proposed development does not propose subdivision of land and therefore does not trigger this clause.



### Clause 6.2 - Public Utility Infrastructure

The proposed development will involve the extension of public utility infrastructure and it would be expected that conditions will be placed upon the approval to ensure that adequate arrangements will be made to service the development.

### Clause 6.3 - Development Control Plan

Clause 6.3 of the LEP requires the preparation of a development control plan (DCP) for development on land within an urban release area.

A development control plan has been prepared for the West Yamba Urban Release Area (WYURA) under Part X of the Residential Zones DCP.

### Clause 7.1 Acid Sulfate Soils

The subject land is identified as containing Class 2 Acid Sulfate soils on the Acid Sulfate Soils Map and is therefore subject to the provisions of Clause 7.1.

As such, an Acid Sulfate Soil Investigation and Management Plan has been prepared and accompanies this DA.

### Clause 7.2 - Earthworks

The objectives of this clause are to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Within the Civil Drawings, Roadworks, Earthworks, Drainage & Services submitted with this DA are detailed plans identifying cut and fill areas and depths across the Site.

The stormwater runoff will be managed in accordance with the Stormwater Management Plan submitted with this DA.

We note that any potential flood impacts resulting from this fill are assessed and considered under the discussion for Clause 7.3.

An Earthworks Management Plan and Stormwater Management Inspection and Maintenance Plan have been prepared and are included with this DA.

We note that the western edge of the property (not including the development footprint) is within the Earthworks Exclusion Zone as mapped. However, given the development does not propose work in this area, it is of no consequence.

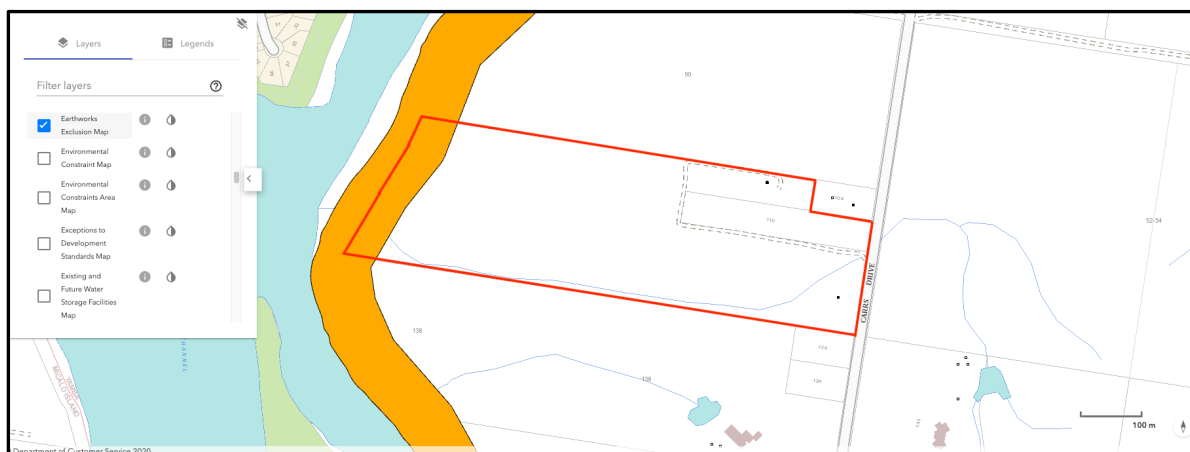


Figure 16 - Extract from Earthworks Exclusion Zone in CVLEP

### Clause 7.8 Essential Services

As demonstrated by the Infrastructure and Servicing Strategy, all essential services are available to the development, and it can be expected that the Consent would be conditioned accordingly.

## **4.9 Draft LEPs**

Section 4.15(1)(a)(ii) of the Act requires the consideration of all relevant Draft LEPs.

As confirmed in the Planning Certificate, there are no proposed local environmental planning instrument applies to the land that has been placed on public exhibition under the Environmental Planning and Assessment Act 1979.

## **4.10 Development Control Plans**

Section 4.15(1)(a)(iii) of the Act requires the consideration of all relevant DCPs.

The proposed development is subject to several provisions within the Clarence Valley Development Control Plans 2011.

Specifically, there are provisions within the Residential Zones DCP such as Part C General Controls, Part D Floodplain Management Controls, Part E Vegetation Controls, Part H Sustainable Water Controls, Part I Erosion and Sedimentation Controls and Part J Subdivision and Engineering Controls. The relevant provisions are assessed below.

The proposed development is also subject to the provisions of the Environmental Protection, Recreation and Special Use Zones DCP. However, as no works are proposed within the C2 and C3 zones, no assessment is required under this DCP.

### Residential Zones DCP 2011

#### Part C - General Development Controls for Residential Zones

Clause C6 of the DCP requires consideration of the NSW Coastal Policy and NSW Coastal Design Guidelines. It is considered that the proposed development is not inconsistent with the objectives of those policies.

As demonstrated in the Infrastructure and Servicing Strategy, essential services will be provided to service the development in accordance with Clause C24 Provision of Essential Services and any extensions or upgrade to existing infrastructure will be the responsibility of the developer.

An Acid Sulfate Management Plan has been prepared as required by Clause C27. The potential disturbance of Acid Sulfate Soils is dealt with in the Earthworks Management Plan which ensures compliance with the LEP and Clause C27 of the DCP.

#### Part D - Floodplain Management Controls

Part D5 requires that development which involves filling of flood liable land must comply with the following criteria:

- (a) *The filling of flood liable land must not increase the flood risk on other land within the floodplain.*
- (b) *Filling and associated works must not have any unacceptable associated environmental impacts such as detrimental affects on the ecology of riparian corridors.*

Part D7 sets out the requirements for supporting information to be required for DAs on Flood Liable Land.

As discussed in Section 4.8 of this SEE, the FIRA submitted with this DA demonstrates that the proposed development will not generate unacceptable flood impacts either on a standalone basis or on an aggregate basis when considering all expected future development within WYURA. In addition, the measures recommended by the FERP minimise exposure to flood risks at the site to acceptable levels.

As such, it is considered that the proposed development is designed so that it is not inconsistent with the controls as set out within Part D of the DCP and it will provide flood and drainage systems that mitigate the impact on surrounding property and infrastructure.

#### Part E - Vegetation Controls

In accordance with the BDAR and Vegetation Management Plan (VMP) that accompanies this DA and subject to the provision of the appropriate Bio-Diversity Offsets, the proposed development is not inconsistent with the provisions set out in Part E Vegetation Controls.

#### Part H - Sustainable Water Controls

The principles of water sensitive design are incorporated in the submitted Stormwater Management Plan which meets Council's Sustainable Water controls and current water quality pollution targets in accordance with Part H Sustainable Water Controls.

#### Part I - Erosion and Sediment Control

An Erosion and Sedimentation Control Plan in accordance with the provisions of Part I of the DCP is provided in the Civil Plans that accompany this DA.

#### Part J - Subdivision and Engineering Controls

Part J11 of the DCP requires the provision of street planting. As such, a detailed Statement of Landscape Intent is provided indicating suitable locations and species of proposed street planting within the development.

Clause J12 of the DCP sets out the requirements for services for the development. An Infrastructure and Servicing Strategy is provided with the DA to demonstrate how the development is proposed to be serviced.

We would expect any resultant Consent to be conditioned accordingly to incorporate these matters.

#### Part X Urban Release Controls

The proposed development is not inconsistent with the provisions of Part X Urban Release Areas of the DCP.

A Traffic Impact Assessment has been prepared and accompanies the DA. It confirms the design is consistent with the transport movement hierarchy and road network design of Part X(2).

A Statement of Landscape Intent dated February 2024 has been prepared and accompanies this DA. It includes a Pedestrian Access & Mobility Plan which proposes an external pathway/cycleway 2.5m wide to integrate to the MHE to the north of the Site.

We note it is not possible to provide a perimeter footpath around the perimeter of the proposed MHE as this is private property and not part of a residential subdivision. However, a footpath is provided along the Carrs Drive frontage of the property.

We would anticipate that any resultant Consent will be conditioned to require construction of these facilities along the Carrs Drive frontage to the Site.

A detailed Statement of Landscape Intent which meets the objectives and controls set out in Part X(4) has been prepared and accompanies this DA.

We would anticipate that any resultant Consent would be conditioned to ensure that the VMP applies to the residual land within the C2 and C3 zones.

The application proposes to discharge stormwater runoff from the filled site through water quality management (bioretention) filters to the land west of the proposed development area.

On this basis, the development is not inconsistent with the flood and fill management objectives and controls set out in X(6) and it is anticipated that appropriate conditions would be imposed on any resultant Consent to ensure that earthworks management including acid sulfate soil management is suitable.

Aboriginal Cultural Heritage has been considered and addressed under the LEP provisions. In conclusion, subject to conditions of Consent, it was found that there will be no impact to Aboriginal Cultural Heritage or places from the proposed development due to the already heavily disturbed site.

In summary, it is assessed that the DA is not inconsistent with Part X Urban Release Areas.

#### **4.11 Planning Agreements and Matter Prescribed by the Regs**

Section 4.15(1)(a)(iiia) and (iv) of the Act requires the consideration of all relevant Planning Agreements and matters prescribed by the regulations.

There are no Planning Agreements or matters prescribed by the Environmental Planning and Assessment Regulation 2021 that are relevant to the proposed development.

### **5 Assessment of Likely Impacts**

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Section 4.15(1)(b) of the Act requires the consideration of the likely impacts of the development.

The impacts of the proposed development have been assessed with the key matters for consideration discussed below.

#### Traffic and Parking

The DA is accompanied by a Traffic Impact Assessment. This Report included the following work:

- Reviewing the existing conditions of the site and its surrounds relevant to traffic and transport
- Estimating the proposed development's traffic generation and distribution on the surrounding road network
- Detailed assessment of the development's traffic impacts on the surrounding road network
- Review the on-site road layout against Council's DCP and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
- Review the proposed access arrangements against Council's requirements and AS2890
- Review the servicing/refuse collection arrangements Council's requirements and AS2890.

Following consideration of these matters, the Report makes the following relevant findings and conclusions:

- *The development site currently has limited access to alternate transport services however facilities are expected to improve with future development of the WYURA*
- *The proposed development is estimated to generate in the order of 87 vehicle trips in the AM and PM peak hours*
- *SIDRA assessment demonstrates that nearby intersections are expected to operate within acceptable performance limits for the 10-year design horizon, with or without the proposed development and consideration to seasonal peaks. Development trips are also shown to have a negligible impact on intersection performance*
- *With the provision of a resident car parking area on each Lot, proposed parking provisions meet the relevant requirements of the Local Government Regulation (2021)*
- *Bicycle parking spaces are not specified in Council's DCP nor the Local Government Regulation 2021), it is expected residents will securely store their bicycles within their property*
- *The on-site internal geometric layout is considered compliant with the relevant requirements of Council's DCP, Local Government Regulation (2021) and AS2890*
- *Refuse collection is proposed on-street by a side-loading RCV, swept paths demonstrate that the RCV can safely and efficiently manoeuvre the site*
- *Infrequent servicing is proposed to occur on-site by an MRV (removalist truck)*
- *Ample sight lines are present in both directions from the proposed access location as per the requirements of AS2890.*

*Based on the above assessment, it is concluded that there are no significant traffic or transport impacts associated with the proposed development to preclude its approval and relevant conditioning on transport planning grounds.*

On this basis, it is assessed that the proposed development is satisfactory in relation to traffic, transport and parking impacts.

#### External Amenity, Context and Setting

The proposed development has the required setbacks and will have no external amenity impacts such as overshadowing or loss of privacy and is an appropriate urban form within the zone and locality.

#### Biodiversity

This DA is accompanied by a BDAR which carries out the required assessment and concludes:

*The proposed development will remove 8.3 hectares of native vegetation in varying states of condition, which was assessed under part 1 of the Biodiversity Assessment Method. The assessment uses the legacy Plant Community Type classification to maintain continuity with the existing Biodiversity Development Assessment Report. Vegetation to be impacted mostly comprises regrowth swamp forest (legacy Plant Community Types 1064 and 1235), with some areas of non-native vegetation containing scattered remnant paddock trees and small stands of mature vegetation.*

*Plot-based vegetation surveys identified four Plant Community Types across the site, as defined under the legacy classification, three of which occur within the development footprint. Two Plant Community Types recorded within the development footprint are associated with Threatened Ecological Communities listed under the NSW Biodiversity Conservation Act 2016 and Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Impacts on vegetation comprising Paperbark swamp forest of the coastal lowlands of the NSW north coast and Sydney Basin bioregion (legacy Plant Community Type 1064) and Swamp oak swamp forest of the coastal lowlands of the NSW north coast bioregion (legacy Plant Community Type 1235) generate an offset requirement of 228 ecosystem credits.*

*Five candidate threatened species, comprising the squirrel glider, three microbat species and the grey-headed flying fox were detected on the site during surveys. Assessment of habitat suitability for threatened species, along with targeted flora and fauna surveys undertaken between September 2021 to January 2024, identified two threatened candidate species (squirrel glider recorded during surveys and eastern [common] planigale assumed present) generating a total offset requirement of 420 species credits. Habitat constraints*



were determined not to be present for the three species of microbat and the grey-headed flying fox and therefore did not generate species credit offset requirements.

*The planning and design phase of the proposed development applied the avoid or minimise principle by limiting clearing to the most modified habitats on the site, retaining 7.7 ha of the most undisturbed native vegetation on the lot, restoring a naturalised tidal drainage feature following completion of works within the development footprint, and managing retained vegetation under a Vegetation Management Plan. Mitigation actions recommended for direct impacts involve clearing protocols including engagement of a qualified ecologist during vegetation clearing works; staged clearing; and timing of clearing to avoid critical life cycle events such as breeding during late winter/spring.*

On this basis, and subject to approval from the Department of Climate Change, Energy, the Environment and Water under EPBC Act and appropriate conditions of Consent, the proposal is acceptable.

#### Heritage

Heritage Impacts are assessed and considered satisfactory, subject to appropriate conditions of Consent, in Section 4.7 of this SEE.

#### Stormwater Management

The design criteria for stormwater management are outlined in the Clarence Valley Council Residential Zones Development Control Plan 2011 Part H – Sustainable Water Controls.

The proposed development requires filling of the site to a height of approximately 1.8-3.2m above the existing natural surface level, corresponding with final dwelling site bulk earthworks finished surface levels of between RL3.5m to RL4.1m. The requirement to fill provides an opportunity to effectively control the grade of the finished surface and efficiently manage flows within the site.

On this basis, a Stormwater Management Plan has been prepared for the development and accompanies this DA. This Plan described the Stormwater Management Strategy as follows;

*Table 3.1 of the NRLG Handbook of Stormwater Drainage Design requires minor systems to be designed for the 1 in 5-year rainfall event and the 1 in 100 year*

event for the major system. A conventional stormwater pit and pipe system drainage network will be provided to convey minor system flows up to the 1 in 5-year event with larger flows, up to the 1 in 100 year event, conveyed via overland flow paths contained within the V profile concrete pavements. All flows will be directed to a number of stormwater bio basins and buried infiltration tanks (Atlantis Flo Tank or equivalent) situated at the southern and western extents of the development. All of these detention and treatment devices discharge via a controlled outlet to the existing second order stream location along the Southern boundary of the site.

Bio basins and buried infiltration tanks positioned adjacent the existing second order stream will be located in the outer 50% of the dedicated riparian corridor. Use of this area for stormwater detention is permissible under a controlled activity approval as outlined in the Department of Primary Industries Guideline for Riparian Corridors on Waterfront Land (refer to Appendix C).

The basins and infiltration tanks will both serve a dual purpose of providing stormwater detention and treatment functions. Open basins will incorporate both a low flow piped outlet arrangement as well as a high flow weir to limit post development flows to the predeveloped rates. Buried infiltration tanks will be provided with both a low and high flow outlet pipe, which again have been designed to achieve predevelopment discharge rates.

Treatment of stormwater runoff will occur in both the open basins and buried infiltration tanks through the provision of an extended stormwater detention zone below the invert level of the low flow outlet pipes. The extended detention zone allows stormwater to temporarily pond within the basin or infiltration tank and subsequently permeate down through filter media into underlying sandy soils. The bioretention zone within the basins will be vegetated to assist in nutrient removal. The existing sandy soil profile that has been identified at this site during the Geotechnical Investigation is ideal for the above arrangement and will allow effective infiltration of stormwater from the basins and buried tanks into the underlying soil profile and ultimately the water table. Reference is made to the bore logs provided in the Geotechnical Report in Appendix B which details fine sand encountered typically at 300-500mm below the existing natural surface.

To ensure effective infiltration is achieved, the area below basins and buried tanks will be prepared by removing any topsoil or organic material down to a depth where the naturally occurring fine sand is encountered. Clean drainage sand will then be placed up to the underside of the basins and tanks to provide a suitable drainage path for detained stormwater to permeate into the groundwater layer.

*In conclusion the Stormwater Management Plan states:*

*Model results confirm that a total of 5 Bio Retention Basins and 2 buried detention tanks are necessary to meet the quantity and quality discharge parameters. These devices have been detailed in the Civil Engineering drawing set that forms part of the DA package.*

*Drains modelling demonstrates that flows are effectively conveyed within the proposed open channel and that culvert structures under Carrs Drive and the proposed development access road are also sized sufficiently to convey these flows.*

Based on this design and assessment, the Stormwater Management is satisfactory.

### Flooding

The potential impacts from flooding have been assessed and are discussed in Section 4.8 of this SEE.

### Social and Economic Impacts

The proposed development will provide positive economic impacts, including the provision of housing opportunities and employment during the construction and operational phase.

A Social Impact Statement has been prepared in relation to the proposal which concludes:

*The proposed development provides a significant social benefit to the local community by creating more affordable housing options in Yamba. The proposed development will be attractive to existing residents in the local area and to residents in south eastern Queensland and north coast areas. It is considered that the proposed development will contribute to and secure the economic viability of the local community.*

On this basis the proposal is considered to have positive social and economic impacts.

## **6 Suitability of the Site**

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Section 4.15(1)(c) of the Act requires the suitability of the Site for the proposed development.

Based on the detailed assessment within this SEE and the studies that accompany this DA, the Site is assessed as suitable for the proposed development, subject to suitable conditions being imposed related to biodiversity offset requirements and construction management.

## **7 Submissions**

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Section 4.15(1)(d) of the Act requires the consideration of submissions received in relation to the proposed development.

The consent authority is required to exhibit this DA and it will consider any submissions received at that time.

## **8 Public Interest**

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Section 4.15(1)(e) of the Act requires the public interest to be considered.

Council is required to notify this DA and specific local issues of public interest relevant to this application can be addressed as required following the notification period.

In any event, the proposed development is in the broader public interest by meeting the following objects of the Act in that it promotes:

- the social and economic welfare of the community through the provision of much needed affordable housing,
- the orderly and economic use and development of land,
- the protection of the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, and
- the protection of Aboriginal cultural heritage,

On this basis, it is assessed that the proposed development is in the public interest.

## 9 Other Regulations

Division 3 of the MHE Regs applies specifications and design requirements for the MHEs.

For completeness, the compliance for the proposal is assessed in the following Table.

<b>12 Minimum size of Estate</b>		
Relevant Provision	Comment	Compliance
A manufactured home estate must not have an area of less than one hectare or, if a lesser area is permitted by a relevant environmental planning instrument, that lesser area.	The net Site area is approximately 10Ha.	Yes
<b>13 Community Amenities</b>		
Relevant Provision	Comment	Compliance
Of the total land area of a manufactured home estate:  (a) at least 10 per cent, or  (b) such lesser proportion (but not less than 6 per cent) as the approval for the manufactured home estate may allow,  must be reserved for recreation or other communal activities.	Community amenities have an area of 34,070m <sup>2</sup> or 34% of net Site Area.	Yes
<b>14 Size of dwelling sites</b>		
Relevant Provision	Comment	Compliance
(1) A long-term site must have an area of at least 130 square metres.	All sites are generously sized with the smallest site being 194.5m <sup>2</sup> .	Yes
<b>15 Site identification</b>		
Relevant Provision	Comment	Compliance
(1) A dwelling site must be numbered or identified and its site boundaries clearly delineated.  (2) The site identification must be conspicuous.	All proposed sites are numbered and proposed to have conspicuous identification.	Yes
<b>16 Dwelling Sites to have Road Frontages</b>		
Relevant Provision	Comment	Compliance
A dwelling site must have vehicular access to an access road.	All sites have vehicular access.	Yes

<b>17 Setbacks of community buildings</b>		
Relevant Provision	Comment	Compliance
<p>(1) A community building must not be located closer than 10 metres to the boundary of a manufactured home estate, or to the boundary of a dwelling site, unless the approval for the manufactured home estate so allows.</p> <p>(2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the community building has been or will be properly screened, fenced, enclosed or otherwise treated.</p> <p>(3) A community building must not in any case be located closer than 2 metres to the boundary of a manufactured home estate or to the boundary of a dwelling site.</p>	The community building is setback significantly from the Site boundaries and dwelling sites and complies with this requirement.	Yes
<b>18 Setbacks of dwelling sites from road frontages</b>		
Relevant Provision	Comment	Compliance
<p>(1) A dwelling site must not be located closer than 10 metres to a public road or 3 metres to any other boundary of the manufactured home estate unless the approval for the manufactured home estate so allows.</p> <p>(2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the dwelling site has been or will be properly screened, fenced, enclosed or otherwise treated.</p>	The proposed plan has a 10m front setback to Carrs Drive and minimum 3m setback to the side boundaries.	Yes
<b>19 Use of buffer zones</b>		
Relevant Provision	Comment	Compliance
<p>Nothing in this Regulation prevents land within a buffer zone arising from the setbacks required by this Division from being used—</p> <p>(a) for community amenities, access roads, car parking spaces, footpaths or landscaping, or</p> <p>(b) for any similar purpose allowed by the approval for the caravan park or camping ground.</p>	Noted	Yes

<b>20 Entrance and exit roads</b>		
Relevant Provision	Comment	Compliance
<p>(1) A road that forms an entrance to or exit from a manufactured home estate must be at least 8 metres wide.</p> <p>(2) In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.</p> <p>(3) The arrangement for the width of an entrance or exit road to taper into or meet the width of the sealed portion of the access roads leading to the entrance or exit may be specified in the approval for the manufactured home estate.</p>	The entrance has a width of the sealed portion of the road on either side of the median strip is 5 metres.	Yes
<b>21 Width of roads</b>		
Relevant Provision	Comment	Compliance
<p>(1) The width of the road reserve must be -</p> <p>(a) at least 8.5 metres for a major access road, and</p> <p>(b) at least 6 metres for a minor access road.</p> <p>(2) The width of the sealed portion of an access road must be—</p> <p>(a) at least 6 metres for a major access road, and</p> <p>(b) at least 4 metres for a minor access road.</p> <p>(3) If a minor access road exceeds 80 metres in length, a passing bay or bays must be provided within the road reserve.</p> <p>(4) Passing bays must be provided at intervals of not more than 100 metres.</p> <p>(5) The width of the sealed portion of an access road at any point at which there is a passing or parking bay must be—</p> <p>(a) at least 8.5 metres for a major access road, and</p> <p>(b) at least 6 metres for a minor access road.</p>	All road widths comply with these standards.	Yes

<b>22 Speed restrictions as part of road design</b>		
Relevant Provision	Comment	Compliance
<p>Access roads must be so designed as to limit the speed at which vehicles may travel on them to—</p> <p>(a) 30 kilometres per hour for major access roads, and</p> <p>(b) 15 kilometres per hour for minor access roads.</p>	Noted	Yes
<b>23 Visitor Parking</b>		
Relevant Provision	Comment	Compliance
<p>(1) A manufactured home estate must contain no fewer visitor parking spaces than the following—</p> <p>(a) 8 spaces for a manufactured home estate containing not more than 35 sites,</p> <p>(b) 12 spaces for a manufactured home estate containing more than 35 sites but not more than 70 sites,</p> <p>(c) 16 spaces for a manufactured home estate containing more than 70 sites but not more than 105 sites,</p> <p>(d) 20 spaces for a manufactured home estate containing more than 105 sites, plus one additional space for each additional 7 sites (or part of a site) over 140.</p> <p>(2) Each parking space is to have, at minimum, dimensions of—</p> <p>(a) 5.4 metres by 2.5 metres, in the case of angle parking, and</p> <p>(b) 6.1 metres by 2.5 metres, in any other case.</p> <p>(3) Visitor parking spaces must be clearly identified as such.</p>	The proposed development provides 50 visitor parking spaces which is well over the 31 required.	Yes
<b>24 Visitor Parking for people with a disability</b>		
Relevant Provision	Comment	Compliance
<p>(1) A manufactured home estate must contain at least one visitor parking space for people with disabilities.</p> <p>(2) A manufactured home estate that contains more than 100 sites must contain at least one visitor parking space for people with disabilities for each 100 sites or fraction of 100 sites.</p>	The proposed development requires 3 spaces and provides 4 parking spaces for people with a disability.	Yes



<p>(3) Such parking is to be provided in accordance with AS/NZS 2890.1:2004, Parking facilities—Off street parking.</p> <p>(4) Visitor parking spaces for people with disabilities must be clearly identified as such.</p> <p>(5) Visitor parking spaces provided under this clause may be counted for the purposes of clause 23.</p>		
<b>25 Road surfaces</b>		
Relevant Provision	Comment	Compliance
All access roads, including all passing and parking bays, must have an all-weather sealed or other surface finish specified in the approval for the manufactured home estate, and must be adapted to the topography to allow for adequate drainage and to eliminate excessive grades.	All proposed roads are to be sealed.	Yes
<b>26 Lighting</b>		
Relevant Provision	Comment	Compliance
All access roads must be adequately lit between sunset and sunrise.	Noted.	Yes
<b>27 Water Supply</b>		
Relevant Provision	Comment	Compliance
<p>(1) A manufactured home estate—</p> <p>(a) must be connected to a mains water supply, or</p> <p>(b) must be provided with an alternative water supply service as specified in the approval for the manufactured home estate.</p> <p>(2) A dwelling site—</p> <p>(a) must be connected to the water supply service for the manufactured home estate, and</p> <p>(b) must be provided with a separate water meter and a separate water service isolating valve.</p> <p>(3) The water supply service must comply with—</p> <p>(a) the Plumbing and Drainage Act 2011 and any regulations under that Act, and</p> <p>(b) the requirements of any relevant statutory body.</p>	The proposed development will be adequately serviced.	Yes

(4) The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines published in 2004 by the National Health and Medical Research Council.		
<b>28 Sewerage</b>		
Relevant Provision	Comment	Compliance
<p>(1) A manufactured home estate—</p> <p>(a) must be connected to a main sewer, or</p> <p>(b) must be provided with an alternative sewage disposal system as specified in the approval for the manufactured home estate.</p> <p>(2) A dwelling site must be connected to the sewage disposal system for the manufactured home estate.</p> <p>(3) The sewage disposal system must comply with—</p> <p>(a) the Plumbing and Drainage Act 2011 and any regulations under that Act, and</p> <p>(b) the requirements of any relevant statutory body.</p>	The proposed development will be adequately serviced.	Yes
<b>29 Drainage</b>		
Relevant Provision	Comment	Compliance
<p>(1) A manufactured home estate must be provided with a stormwater drainage system as specified in the approval for the manufactured home estate.</p> <p>(2) A dwelling site—</p> <p>(a) must be connected with the stormwater drainage system for the manufactured home estate, or</p> <p>(b) must be provided with an on-site stormwater drainage system.</p> <p>(3) A stormwater drainage system must comply with—</p> <p>(a) the Plumbing Code of Australia, and</p> <p>(b) the requirements of any relevant statutory body.</p>	The proposed development will comply with this requirement as demonstrated in the Stormwater Management Plan.	Yes

<b>30 Electricity Supply</b>		
Relevant Provision	Comment	Compliance
<p>(1) A dwelling site must be supplied with electricity from a reticulated electricity service by means of an electrical circuit connected to a separate electricity meter.</p> <p>(2) Any such electrical circuit must be installed in accordance with the requirements of AS/NZS 3000:2000, Electrical Installations (known as the Australian/New Zealand Wiring Rules) as in force on 1 September 2005, except that the maximum capacity of the electrical circuit supplying a dwelling site need not be greater than 32 amperes if the site is provided with gas, whether by means of a reticulated gas service or by means of on-site gas containers.</p> <p>(3) If a dwelling site is provided with electricity otherwise than by way of direct connection to the local electricity supply authority's electricity main, the maximum amount that may be charged for the supply of electricity during a particular period is the amount that the standard retail electricity supplier for the relevant district would have charged under a standard form customer supply contract for that supply during that period.</p>	The proposed development will be adequately serviced.	Yes
<b>31 Telephone lines</b>		
Relevant Provision	Comment	Compliance
Telephone services, if available, must be provided in such a manner that a telephone connection is available to each dwelling site within the manufactured home estate.	The proposed development will be adequately serviced.	Yes
<b>32 Common Trenches</b>		
Relevant Provision	Comment	Compliance
A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.	Noted.	Yes
<b>33 Garbage removal</b>		
Relevant Provision	Comment	Compliance
Arrangements specified in the approval for the manufactured home estate must be instituted and maintained for the removal of garbage and for the maintenance of garbage receptacles in a clean and sanitary condition.	The proposed development will have a garbage service and the TIA assesses the turning circles for the required trucks.	Yes

<b>34 Fire hydrants</b>		
Relevant Provision	Comment	Compliance
<p>(1) No part of a dwelling site or community building within a manufactured home estate may be situated more than 90 metres from a fire hydrant.</p> <p>(2) Any fire hydrant located within a manufactured home estate must—</p> <p>(a) be a double-headed pillar-type fire hydrant, and</p> <p>(b) be maintained to the standard specified in the approval for the manufactured home estate.</p>	The proposed development can comply with this requirement.	Yes
<b>35 Buildings</b>		
Relevant Provision	Comment	Compliance
<p>(1) A building must not be erected on a manufactured home estate unless the approval for the manufactured home estate so allows.</p> <p>(2) The approval for the manufactured home estate is to allow only the following kinds of buildings to be erected on a manufactured home estate—</p> <p>(a) community buildings,</p> <p>(b) brick or masonry walls in the form of separating walls between adjoining manufactured homes or in the form of external facades to manufactured homes.</p> <p>(3) The approval for a manufactured home estate is to allow the erection of a brick or masonry wall in the form of an external facade to a manufactured home only—</p> <p>(a) if the dwelling site on which the manufactured home is situated is a neighbourhood lot within the meaning of the Community Land Development Act 1989, and</p> <p>(b) the owner of the manufactured home is also the proprietor of the neighbourhood lot.</p>	Noted	Yes

<b>36 Use of Manufactured home estates</b>		
Relevant Provision	Comment	Compliance
<p>(1) A manufactured home estate must not be used—</p> <p>(a) for any commercial purpose other than a manufactured home estate or an associated purpose, or</p> <p>(b) for the manufacture, construction or reconstruction of moveable dwellings.</p> <p>(2) Nothing in this clause prevents a manufactured home from being used for exhibition purposes.</p> <p>(3) This clause does not prevent the carrying out of work on a manufactured home that is installed in a manufactured home estate for the purpose of its renovation, maintenance or repair (such as painting, replacement of wall cladding or roof sheeting and the like).</p>	Noted	Yes
<b>37 Community Map</b>		
Relevant Provision	Comment	Compliance
<p>The person who holds the approval to operate a manufactured home estate must provide the council with a copy of the current community map—</p> <p>(a) as soon as practicable after any amendment is made to the map, and</p> <p>(b) at such other times as the council may reasonably require.</p>	Noted	Yes
<b>38 Access to approval and community map</b>		
Relevant Provision	Comment	Compliance
<p>The holder of an approval to operate a manufactured home estate must ensure that copies of the following documents must be readily available for inspection without cost by any person in a location in the manufactured home estate specified in the approval for the manufactured home estate—</p> <p>(a) the approval for the manufactured home estate,</p> <p>(b) the current community map,</p> <p>(c) this Regulation.</p>	Noted	Yes

## 10 Conclusion

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This SEE has been prepared to accompany a DA to Council seeking consent for a 216 dwelling manufactured home estate and communal facilities.

The merits and environmental impacts of the Proposal have been considered and assessed in the context of the relevant State, Regional and Local Council planning instruments, codes and policies and the Proposal is considered worthy of development consent.

On this basis, we recommend to Council that development consent is granted for the proposed development.



Craig McGaffin  
Town Planner - BTP (UNSW)  
Lawyer – Dip Law (LPAB)

## Attachment 1 – Responses to RFIs

Request for Information – 22 June 2023 Clarence Valley Council		
RFI Item #	Description	Comment
1-4	Essential Energy	Addressed by the new plan entitled Overhead Conductor Blowout Model dated 19 July 2023.
5	Biodiversity	These matters are specifically addressed within Biodiversity Development Assessment Report (BDAR) dated February 2024.
6	Vegetation Management Plan (VMP)	These matters are specifically addressed in VMP dated February 2024.
7	Flood Evacuation	A Flood Emergency Response Plan (FERP) dated 20 February 2024 has been prepared and the SEE has been updated appropriately.
8	Engineering - Water and Sewer – concept plans	The proposed Sewer and Water infrastructure external to the Site has been shown on Plan D39 of the revised set of plans entitled Civil Drawings, Roadworks, Earthworks, Drainage & Services dated January 2024.
9	Engineering - Water and Sewer – capacity assessment	These issues are addressed within new reports entitled Potable Water Supply Service Assessment dated 8 November 2023 and Pressure Sewer System Design Summary Report dated August 2023.
10	Engineering – Bulk Earthworks/Geotechnical	Plans D14, D15, D16, D17 within the revised set of Civil Drawings, Roadworks, Earthworks, Drainage & Services dated January 2024 have been amended to remove any cut from the existing stream.
11	Engineering – Earthworks Management Plan	These issues are addressed within the new report entitled Earthworks Management Plan dated January 2024.

12	Engineering – Geotechnical Assessment	<p>There is no compression to ground conditions and no dredge material proposed.</p> <p>These issues are addressed within the new report entitled Earthworks Management Plan dated January 2024 and Preliminary Geotechnical Investigation dated 20 May 2022.</p>
13-18	Traffic	These matters are addressed within the revised Traffic impact Assessment dated 5 September 2023.
19 - 22	Flooding	These matters are addressed within the Flood Impact and Risk Assessment dated 20 February 2024.
23 – 26	Stormwater	<p>The Civil Drawings, Roadworks, Earthworks, Drainage &amp; Services dated January 2024 contain Q20, Q50 and Q100 flow depths shown for the cross sections for the proposed drainage corridor (refer plan D32).</p> <p>The DRAINS model and MUSIC model are provided.</p> <p>A Staged Soil and Water Management Plan dated January 2024.</p> <p>A Stormwater Management Inspection and Maintenance Plan dated January 2024.</p>
27	Planning - height of building	The revised Architectural Plans dated 19 February 2024 submitted with this letter clearly demonstrates that all buildings comply with the Height of Building control within the Clarence Valley LEP.
28 - 31	Urban Design	<p>The issues raised are addressed within Statement of Landscape Intent dated February 2024 which includes a Pedestrian Access &amp; Mobility Plan which proposes an external pathway/cycleway 2.5m wide to integrate to the MHE to the north of the Site.</p> <p>We note it is not possible to provide a perimeter footpath around the perimeter of the proposed MHE as this is private property and not part of a residential subdivision. A footpath is provided along the Carrs Drive frontage of the property.</p>



32-34	<i>Landscaping</i>	The revised Statement of Landscape Intent dated February 2024 address these matters including providing details of the entry signage, deleting the secondary access, indicating fence types, showing retaining walls and including relevant cross sections.
35	<i>Acid Sulfate Soils</i>	These matters are addressed within revised Acid Sulfate Investigation and Management Plan dated July 2023.
36	Public Health	The revised Statement of Environmental Effects dated February 2024 contains the correct references to the current version of Regulations and an updated Section 9.
37	Site plan, road widths and hydrants	These matters are addressed within the Clifton House Plans dated 26 April 2022 and plans D03, D05, D06 and D39 of the Civil Drawings, Roadworks, Earthworks, Drainage & Services dated January 2024.
38	Compliance with Clause 13 of MHE Regs	<p>The proposal contains 34% of the development site for Community amenities.</p> <p>Clause 13 of the MHE Regs does not require each individual stage of a MHE for provide 10% of that particular stage for community amenities.</p> <p>Notwithstanding this point, the Plan entitled Community Amenities Area Calculation Table and Staging Plan dated February 2024 shows that the cumulative area of Community amenities provided in accordance with the Staging Plan is always well over 10% of the area of the total of the Stages.</p> <p>Further at the completion of Stage 2, there will be 10,700m<sup>2</sup> of community amenities, which by itself fully satisfies Cl. 13 for the entire Site.</p>
39	Food business	There is no food business proposed and the kitchen facility is for use of residents only and does not involve the sale of food or alcohol.

40	Trade Waste	These matters are addressed on the revised Architectural Plan dated 19 February 2024 DA2001 and DA2002 and Civil Drawings, Roadworks, Earthworks, Drainage & Services dated January 2024 D39.
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**Request for Information – 20 July 2023**  
**NSW Government Department of Planning and Environment**

In response to the matters raised, we enclose Biodiversity Development Assessment Report (BDAR) dated February 2024.

**Request for Information – 26 July 2023**  
**NSW Government Department of Planning and Environment – Water**

<b>Additional Information Required</b>	<b>Comment</b>
As the plans provided do not show how the threatened ecological community (Swamp oak swamp forest of the coastal lowlands of the NSW north coast bioregion) being protected from disturbance the Department requests the proponent to show cause why the proposal should be considered for a controlled activity approval.	The proposed development will impact approximately 1.3 ha of Threatened Ecological Community (TEC) Swamp oak swamp forest of the coastal lowlands of the NSW north coast bioregion. Measures to avoid and reduce impacts to the TEC are detailed in the Biodiversity Development Assessment Report (BDAR) dated February 2024, including retention over 2 ha of mature, high condition class areas of the TEC across the development lot. The BDAR also outlines the requirement for offset contributions under the Biodiversity Offset Scheme for unavoidable impacts to the TEC. The extent of the TEC to be impacted includes the riparian corridor of the 2nd order stream that runs inside the site's southern boundary between Carrs Drive on the eastern boundary and Oyster Channel on the western boundary. Although the bed and areas of the banks of the existing stream have been excluded from clearing, a revegetation and adaptive management strategy has been detailed for the entire riparian corridor in a Vegetation Management Plan (VMP) to ensure the protection, perseverance, and enhancement of the TEC within the development footprint. As outlined in the VMP, an objective of the development is to naturalise, restore and stabilise the riparian channel, including the TEC.

Based on the creek modification plans provided to date, there has been no consideration of retaining riparian values for impacted watercourses. The Department seeks a more naturalised approach that enhances riparian value and function with creek modification works.	<p>The plans have been amended so that there are no longer any works proposed within the creek bed and bank. For reference see Civil Drawings, Roadworks, Earthworks, Drainage &amp; Services dated January 2024.</p> <p>A Vegetation Management Plan (VMP) dated February 2024, addresses revegetation and management in Riparian Zone</p>
As the plans provided do not show how the creek channel will be stabilised after modification works, the Department requests amended plans that detail stabilisation works for the creek channel and banks.	<p>The plans have been amended so that there is no longer any works proposed within the creek bed and bank. For reference see Civil Drawings, Roadworks, Earthworks, Drainage &amp; Services dated January 2024.</p> <p>The VMP dated February 2024 addresses revegetation and management in Riparian Zone</p>
As the plans provided do not clearly show a 20 metre vegetated riparian corridor, the Department requests the proponent to amend the landscape plan to identify the appropriate riparian corridor width and management zone. Further clarification is required on how offsets have been provided for encroachments into the riparian corridor.	This has been addressed in the Statement of Landscape Intent dated February and the VMP dated February 2024.
As the plans provided do not show APZ for the proposal, clarification is requested on whether there is any APZ within the vegetated riparian corridor.	The Site is not mapped as bush fire land and, as such, there is no APZ required.
As the plans show excavation within the stream channel, the Department requests the proponent to amend the acid sulphate soil investigation and management plan to clarify any potential impact and management requirement relating to the disturbance of potential acid sulphate soils within the stream channel and banks.	The plans have been amended so that there are no longer any works proposed within the creek bed and bank. For reference see Civil Drawings, Roadworks, Earthworks, Drainage & Services dated January 2024. As such, there is no need to amend the Acid Soil Acid Sulfate Investigation and Management Plan dated July 2023.