

**COUNCIL ASSESSMENT REPORT  
NORTHERN REGIONAL PLANNING PANEL**

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSNTH-269 / 0254/24DA
<b>DEVELOPMENT</b>	<p>The development of a manufactured home estate to be operated as an over-55's lifestyle community under the Residential (Land Lease) Communities Act 2013 and comprising the following:</p> <ul style="list-style-type: none"> <li>• Installation of infrastructure and bulk-earthworks;</li> <li>• Establishment of 180 dwelling sites;</li> <li>• Construction of a clubhouse and communal amenity areas;</li> <li>• Construction of stormwater detention and water quality basins;</li> <li>• Construction of internal roads and a public pedestrian pathway;</li> <li>• Landscaping; and</li> <li>• The provision of 10 caravan storage spaces.</li> </ul>
<b>ADDRESS</b>	Lot 11 DP 830936 - Newman's Road, Woolgoolga, NSW 2456
<b>APPLICANT</b>	INA Plantations Development Pty Ltd
<b>OWNER</b>	INA Plantations Development Pty Ltd
<b>DA LODGEMENT DATE</b>	13 November 2023
<b>APPLICATION TYPE</b>	Development Application (Integrated)
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the development as regionally significant development as the development has a capital investment value of more than \$30 million, being \$30,470,000
<b>CIV</b>	\$30,470,000 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	The development does not propose the variation of any development standards.
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021;</li> <li>• State Environmental Planning Policy (Housing) 2021;</li> <li>• State Environmental Planning Policy (Planning Systems) 2021;</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>• Coffs Harbour Local Environmental Plan 2013;</li> <li>• Coffs Harbour Development Control plan 2015.</li> </ul>

<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	Following the notification of the development from 24 November 2023 to 13 January 2024, a total of 40 submissions were received. Twelve submissions are in support and 28 are in objection.
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Architectural Plans Aboriginal Cultural Heritage Assessment Arborist Report Biodiversity Impact Assessment Bushfire Assessment Report Civil and Stormwater Plans Contamination Site Investigation Engineering Design Report Geotechnical Report Landscape Drawings Social Impact Assessment Statement of Environmental Effects Traffic Impact Assessment Vegetation Management Statement Waste Management Plan
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	The site is not located in an area that Special Infrastructure Contributions (SIC) apply.
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	23 July 2024
<b>PREPARED BY</b>	Gareth Simpson Senior Planning Officer - NSW Department of Planning and Environment - (Regional Housing Flying Squad)  Subsequently updated by Glenn Petersen - Development Assessment Officer - the City of Coffs Harbour as the Regional Housing Flying Squad program has ended.
<b>DATE OF REPORT</b>	27 June 2024

## EXECUTIVE SUMMARY

Development consent is sought under Development Application (DA) 0254/24DA for a manufactured home estate comprising installation of infrastructure and bulk-earthworks, establishment of 180 dwelling sites, construction of a clubhouse and communal amenity areas, construction of stormwater detention and water quality basins, construction of internal roads and a public pedestrian pathway, landscaping and the provision of 10 caravan spaces for storage of caravans (the development).

The development will be operated as an over 55's lifestyle community under the Residential (Land Lease) Communities Act 2013.

The individual design, construction and occupation of dwellings does not form part of the development, but all dwelling sites will be subject to compliance with the relevant provisions under Part 2 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. Should development consent be granted for the development, it will be necessary to lodge an application with the City of Coffs Harbour (City) under Section 82 of the Local

Government Act 1993 for construction of the dwellings and Section 68 of the Local Government Act 1993, to enable the occupation of the dwellings.

The development is 'Regionally Significant Development' as defined by Chapter 2 Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP), as the development is for a manufactured home estate with a Capital Investment Value (CIV) over \$30 million in value (being \$30,470,000). The Northern Regional Planning Panel (NRPP) is the relevant determining authority.

#### Consultation

The development was notified in accordance with the City's Community Participation and Engagement Plan 2023 from 24 November 2023 to 13 January 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties;
- Notification on the the City's website.

The City received 40 submissions in response to the notification. An assessment of the issues raised within these submissions is provided in Section 4.3 of this report.

#### Integrated Development

The development is within bushfire prone land and is nominated as integrated development under section 100B of the Rural Fires Act 1997 as the development proposes development on bush fire prone land for a special fire protection purpose (manufactured home estate). The Rural Fire Service NSW assessed the development and confirmed it is acceptable via the provision of General Terms of Approval (GTA).

The development was also referred to Heritage NSW under section 90 of the National Parks and Wildlife Act 1974 in relation to the issuing of an Aboriginal Heritage Impact Permit (AHIP). Heritage NSW confirmed their acceptance of the development via the provision of GTAs.

#### Other external referrals

The development was referred to Essential Energy (EE). A discussion on these referrals is proposed in Table 9 of Section 4.1 of this report. EE had no objection to the development.

#### Pre-conditions to granting development consent

The following legislative clauses apply to the development which require the consent authority satisfaction prior to the granting of development consent:

- Chapter 2 'State and Regionally Significant Development' and Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP), as the development is for a development with a CIV over \$30 million in value. The Northern Regional Planning Panel (SRPP) is the relevant determining authority.
- Chapter 4 – Clause 4.6 'Contamination and remediation to be considered in determining development application' of State Environmental Planning (Resilience and Hazards) 2021. A preliminary site investigation (PSI) was provided with the (DA). The PSI concluded that the site *"is likely to be suitable in its current state for the proposed residential land use with regard to the presence of soil contamination"*. The PSI has been reviewed by the City's Environmental Health team who concur with the findings. Accordingly, this matter is considered to be suitably addressed.
- Chapter 2.2 – Clause 2.6 Clearing that requires permit or approval of State Environmental Planning Policy (Biodiversity & Conservation) 2021. A person must not clear vegetation in any non-rural area of the State without the authority confirmed by a permit granted by the council. The development includes the removal of trees for which consent is sought in accordance with this clause.

- Clause 2.3 'Zone objectives and Land Use Table' of the Coffs Harbour Local Environmental Plan 2013 (CHLEP). The development site is zoned R2 Low Density Residential. Under clauses 122 and 123 of State Environmental Planning Policy (Housing) 2021, development for the purposes of a manufactured home estate may be carried out with development consent on any land on which development for the purposes of a caravan park is permissible. Caravan parks are permitted with consent in the R2 Low Density Residential zone under the CHLEP and therefore a manufactured home estate is permissible in the zone.
- Clause 7.1(3) 'Earthworks' of the CHLEP provides several matters that the consent authority must consider prior to granting development consent to earthworks. The matters listed under clause 7.1(3) have been considered during the assessment and the proposed works are acceptable.
- Clause 6(1) of Division 2 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2023 provides that the council must not grant an approval unless satisfied the manufactured home estate will be designed in accordance with specified design standards. The matters listed in Division 3 and Division 4 of this Regulation have been considered during the assessment and the development is considered to satisfactorily address these standards.
- Section 82 of the Local Government Act 1993 requires the submission of a separate application to construct the dwellings onsite. An application has been made under section 82 of the Local Government Act 1993 to construct moveable dwellings onsite rather than constructing offsite and transporting modular sections of dwellings to the site for installation. This is considered to satisfactorily address this standard.

### Key Issues

The key issues considered during the assessment relate to:

- Access Arrangements
- Lot Layout
- Biodiversity impacts (tree removal)
- Site servicing

The development has been assessed under section 4.15(1) of the Environmental Planning & Assessment Act (EP&A Act) and is considered satisfactory. Accordingly, it is recommended that the application be approved for the reasons set out in Appendix A.

### Recommendation

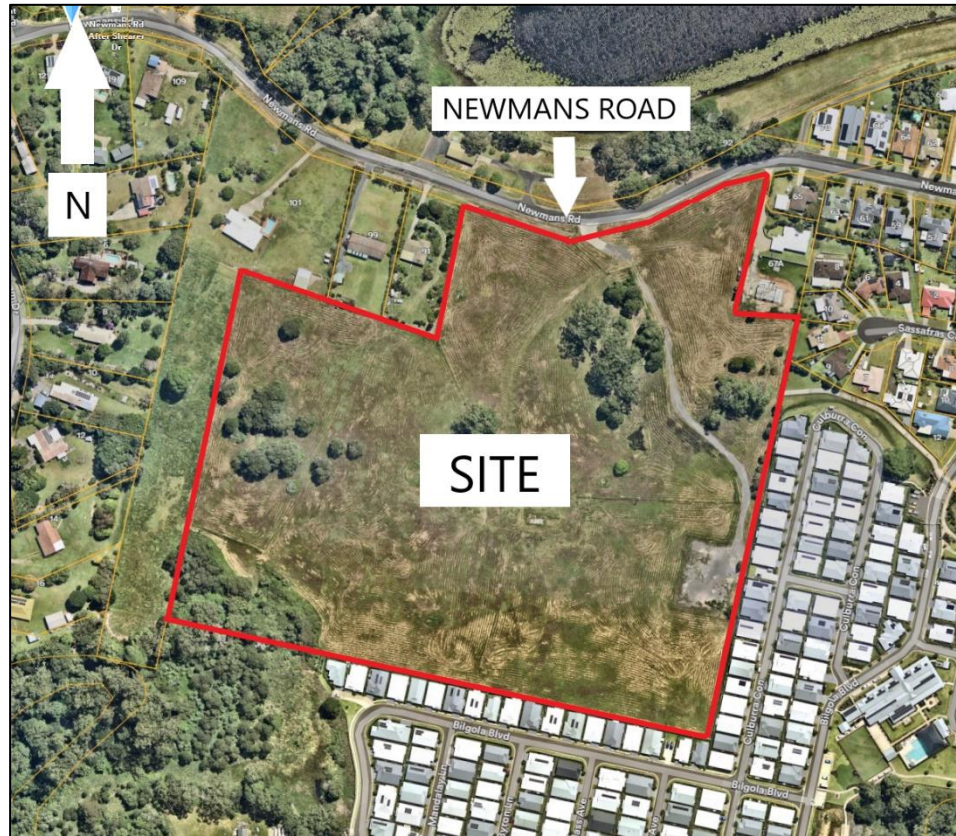
That the DA 0254/24DA for an over-55's manufactured home estate comprising 180 dwelling sites at Lot 11 DP 83093643, Newmans Road, Woolgoolga be APPROVED pursuant to section 4.16(1)(a) or (b) of the EP&A Act subject to the draft conditions of consent attached to this report at Attachment A.

## **1. THE SITE AND LOCALITY**

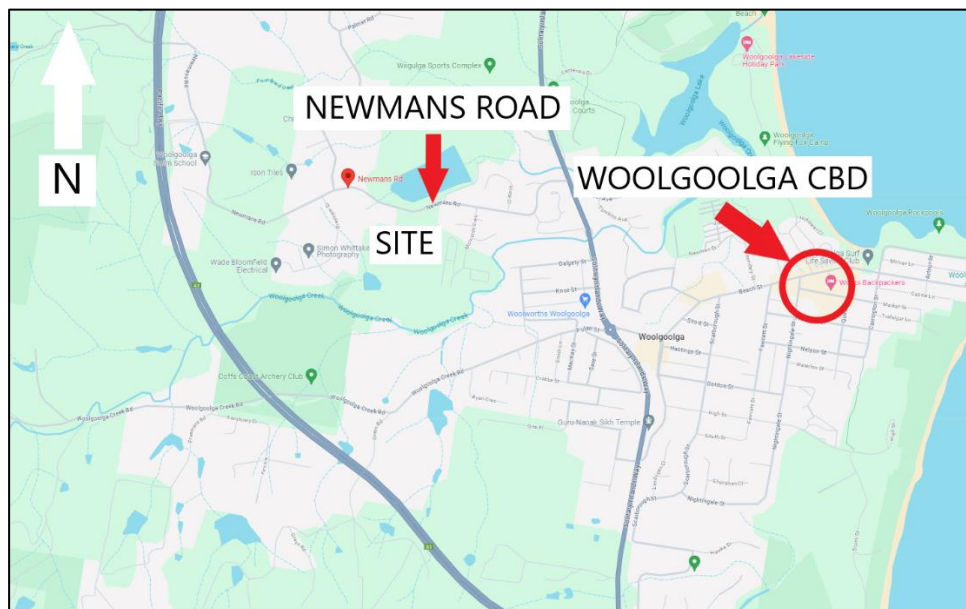
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### **1.1 The Site**

The site is currently vacant and comprises 10Ha of R2 Low Density Residential zoned land pursuant to the CHLEP and is located at Lot 11 DP 830936, Newmans Road, Woolgoolga (see Figure 1 and Figure 2) and is legally described as Lot 11 DP 830936 (the site). The site is located approximately 1.4km north-west of Woolgoolga Central Business District (CBD) and is within the Coffs Harbour Regional Local Government Area (LGA).



**Figure 1: Site Location**



**Figure 2: Locality Map**

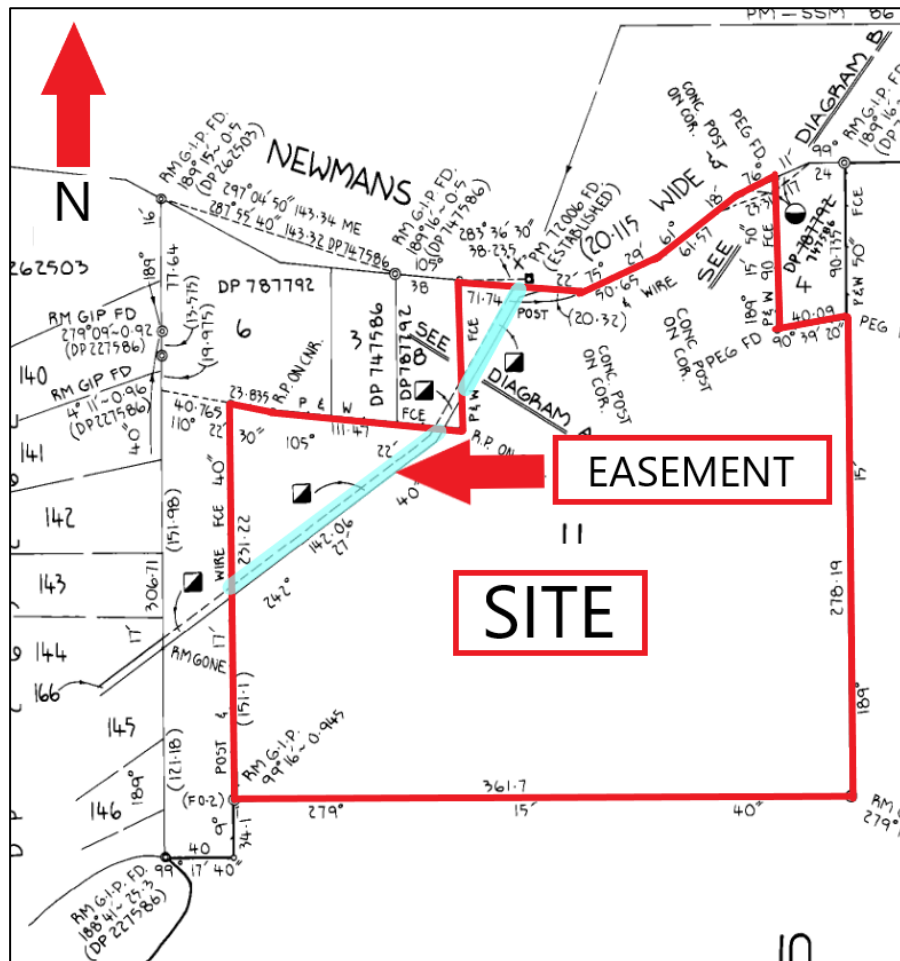
The site has a frontage to Newmans Road to the north. The highest point onsite is 26.5m Australian Height Datum (AHD) on the northern boundary of the site and the lowest point is 13.5m on the southern boundary of the site. The site slope is 4.36%.

The site is identified as bushfire prone and flood prone land. The site contains no european heritage items and is not in a heritage conservation area however the site is in proximity (200m) to 5 known Aboriginal sites with 2 sites identified on site as determined by an AHIMS search undertaken on 23



April 2024 and test surveys undertaken on site by Everick Heritage as part of the preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR) which was submitted with the DA. The test excavation program was undertaken and included testing 3 areas of potential archaeological deposit which resulted in the 2 Aboriginal sites being recorded: Newmans Road as 01 (22-1-0648) and Newmans Road as 02 (22-1-0647). An assessment of the heritage implications of the development are discussed in this report.

There is a 5.03m wide easement located on site which runs from the western site boundary to the northern site boundary as shown in Figure 3. This easement is for a water pipe that is not in use. The development includes the removal of this pipe.



**Figure 3: Deposited Plan Highlighting Existing Easement**

The site was inspected on 22 January 2024. Photos from the site inspection are included below (see Figures 4-6).



**Figure 4: Photo of site looking south-east**



**Figure 5: Photo of site looking south**



**Figure 6: Photo of site looking south-west**

## **1.2 The Locality**

The site is located approximately 1.4km north-west of the Woolgoolga CBD. Located north-east of the site is Woolgoolga Beach in addition to Woolgoolga Lake.

The site is bounded by Newmans Road to the north which extends westwards past the site and has access to a large dam, pump and Rural Fire Service (RFS) brigade station, while east and south of the site is occupied by an established manufactured home estate known as Ingenia Plantations Lifestyle Community.

To the south-west of the site immediately lies Woolgoolga Creek (environmental conservation) in addition to low density residential areas.

To the north-west of the site are 3 large lot residential properties fronting Newmans Road with 1 of the properties (101) extending along the western site boundary.

## **2. THE DEVELOPMENT AND BACKGROUND**

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### **2.1 The Development**

The development seeks approval for the creation of a manufactured home estate at Lot 11 DP 830936, Newmans Road, Woolgoolga, to be operated as a over 55's lifestyle community under the Residential (Land Lease) Communities Act 2013 (RC Act). Specifically, the following works are proposed:

- Infrastructure upgrades and bulk-earthworks;
- Establishment of 180 dwelling sites;
- Construction of a clubhouse and community areas;
- Construction of stormwater detention and water quality basins;
- Construction of internal roads and a public pedestrian pathway;
- landscaping; and
- 10 caravan spaces.



The design, construction and occupation of the future homes within the estate does not form part of this development, but all sites will be subject to compliance with the relevant provisions under part 2 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. Should development consent be granted for this development, the Applicant will be required to lodge a separate application with Council under Section 82 of the Local Government Act 1993 to construct the dwellings and Section 68 of the Local Government Act 1993, to enable the occupation of the constructed dwellings.

Bulk earthworks and site grading are required for the development. The maximum depth of cut will be approximately 4.5m and the maximum depth of fill will be approximately 3.4m.

Vehicle access to the site will be off Newmans Road to the north. A vehicle access from the existing Ingenia Plantations village to the east will also be provided to the development. Internal roads throughout the development are also proposed.

The development provides 26 visitor car parking spaces within the site in addition to 10 caravan storage bays.

A 12-seater community bus is provided which can be driven by volunteer residents and services the existing manufactured home estate known as Ingenia Plantations Village to the east. It is intended that the existing community bus service will be expanded to service the development.

The development provides for 4 main areas of landscaping within the development, located in the centre and eastern side of the site. The development also provides an amenity area called the 'clubhouse' for use by residents. The clubhouse has been separated into 2 distinct buildings with a specific focus on social connectivity and wellness. The social amenities include a cocktail lounge, intimate lounge and kitchen. While the wellness section promotes facilities such as a multi-purpose/yoga suite, massage sauna and steam rooms, indoor pool and spa, gym and outdoor exercise equipment.

The proposed utility and service connections for the development are outlined below:

#### **Sewer**

The City's existing sewer main was extended to end adjacent to the eastern boundary of the site as part of the existing manufactured home estate to the east of the site. This is proposed to be the sewer connection point for the development. The sewer main will also be extended to the western boundary to allow future access to adjacent R2 zoned land and future development.

#### **Water**

The development is proposed to be connected to the existing 100mm watermain on Newmans Road.

#### **Electrical**

The existing overhead powerline that traverses the site will be relocated underground as part of the development. Connection will then be made to this network to service the development. The site will be serviced by a single new substation.

#### **Communications**

A NBN network is located within Newmans Road and it is understood it can be connected to the development.

#### **Waste**

A Waste Management Plan (WMP) and Bin Bays Plan has been provided as part of the DA. Private waste collection is proposed for the development with the following shared bulk bins proposed onsite for waste disposal and management:

- 14x 1,100l recycling bins
- 14 x 1,100l rubbish bins.

The locations of the bin storage areas are shown on the architectural plans.

#### Internal Referrals:

The development was referred internally to the City's Environmental Health Officer, Local/Strategic Planning Officer, Water Sensitive Urban Design Engineer, Development Engineer, Waste Services Officer and Water/Sewer Services Engineer.

#### External Referrals:

The development was referred externally to Essential Energy, the Rural Fire Service and Heritage NSW.

## 2.2 Background

A pre-lodgement meeting was held on 30 March 2023 where various issues were discussed. A summary of the issues and how they have been addressed by the development is outlined below:

The DA was lodged on **13 November 2023**. A chronology of the development application since lodgement is outlined below including the Northern Regional Planning Panel's (NRPP) involvement:

**Table 1: Chronology of Development**

Date	Issues discussed	Addressed
23 November 2023	Information requested to clarify Capital Investment Value (CIV)	Revised quantity surveyor report provided confirming CIV of \$30,270,000.
24 November 2023 – 13 January 2024	Notification of application.	40 Submissions received with concerns considered as part of this assessment.
20 February 2024.	<p>A briefing with the NRPP was completed. The City provided a background to the development and an overview of the assessment process to date.</p> <p>The NRPP raised questions regarding:</p> <ul style="list-style-type: none"> <li>a) Landscaping - open space areas and streetscape interaction, including indicative plans for internal roads with proposed gradients to internal facilities ensuring accessibility</li> <li>b) Indicative house/dwelling type designs</li> <li>c) Compliance with relevant codes to be assessed - lot size, site coverage, landscaping, relocatable dwellings, etc</li> <li>d) Contamination - being reviewed internally</li> <li>e) Voluntary Planning Agreement to be notified and draft through Council - timing of execution.</li> </ul>	<p>Applicant provided a response on 26 March 2024.</p> <ul style="list-style-type: none"> <li>a) Additional indicative information in respect of future landscaping, open space and internal road layouts.</li> <li>b) The Applicant has provided details of indicative house/dwelling type designs.</li> <li>c) The Applicant has provided an assessment of the development against the relevant codes.</li> <li>d) The development has been assessed by the City's Environmental Health Officer in respect of contamination and is considered acceptable.</li> <li>e) The Voluntary Planning Agreement (VPA) has been assessed by the City as is recommended for endorsement by the Council. The Applicant has provided details in respect of site slope which is considered acceptable.</li> <li>f) Additional information was submitted on extent of earthworks</li> <li>g) The development has been assessed in respect of water and sewer servicing and the site is sufficiently serviced.</li> </ul>

	<p>f) Maintenance and stabilisation of slopes, noting amount of fill</p> <p>g) Water and sewer servicing adequacy to cater for the development</p> <p>h) Pedestrian and cycle connectivity to the east and beaches (Woolgoolga Bay)</p> <p>A request for further information (RFI) was issued to the Applicant on 22 February 2024. In addition to the above, details were requested in respect to:</p> <ul style="list-style-type: none"> <li>i) biodiversity impacts,</li> <li>j) water sensitive urban design</li> <li>k) setback distances</li> <li>l) internal sewerage</li> <li>m) pathways,</li> <li>n) vehicle access from Newmans Road</li> <li>o) internal roads</li> <li>p) stormwater</li> <li>q) fencing</li> <li>r) street trees along Newmans Road, and</li> <li>s) impacts to future development of Masterplan area.</li> </ul>	<p>h) The development provides acceptable pedestrian links to the east.</p> <p>i) Biodiversity assessment updated to consider clubhouse impacts.</p> <p>j) Information supplied shows that development can achieve stormwater pollution reduction requirements.</p> <p>k) Sufficient information submitted to determine setbacks.</p> <p>l) Whilst sewerage design information submitted, information to confirm design in accordance with the City's development specifications and extension of sewer main to western boundary was insufficient with further information requested.</p> <p>m) Pathways will be constructed around the development near boundaries</p> <p>n) Details demonstrating compliant sight distances and confirmation that development will be gated with turning area provided for vehicles at entrance.</p> <p>o) Details confirming how roads will tie-in to existing MHE on neighbouring site with the 2 lots (Lot 11 DP 830936 &amp; Lot 82 DP 1251657) to be consolidated. Details include assessment against Local Government Regulations requirements and road cross-sections.</p> <p>p) Lots will be consolidated to allow legal discharge of stormwater from site. MUSIC and Drains models provided.</p> <p>q) Fencing details provided with permeable fencing provided for much of site frontage at Newmans Road. Sections of masonry fencing also proposed with fencing to be set back from boundary.</p> <p>r) Submitted details only show trees within site. Street tree details along Newmans Road to be provided as condition of consent.</p> <p>s) Conceptual details provided demonstrating development of remaining R2 land in masterplan area despite site development site not being subdivided to include public roads as envisioned by masterplan.</p>
2 April 2024	<p>A request for further information (RFI) was issued to the Applicant requesting additional detail in respect to waste servicing and compliance with Local Government Regulations.</p>	<p>The Applicant responded on 12 April 2024 to this RFI. Construction and operational waste management plan provided. Waste management to be carried out by private contractor. S.82 objection will be submitted to address on-site construction of homes and road width/passing bay requirements.</p>

24 May 2024	<p>A request for further information (RFI) was issued to the Applicant requesting additional detail in respect to:</p> <ul style="list-style-type: none"> <li>a) Sewerage</li> <li>b) Pathways</li> <li>c) Drainage</li> <li>d) Discrepancy between plans</li> <li>e) Biodiversity</li> <li>f) Waste servicing vehicle</li> </ul>	<p>The Applicant responded on 31 May 2024 to this RFI.</p> <ul style="list-style-type: none"> <li>a) Details demonstrate that sewer can be constructed in accordance with the City's standards and can be extended to service R2 zoned land west of the site.</li> <li>b) In lieu of pathways through the site, a pedestrian connection will be provided across Newmans Road</li> <li>c) Updated civil engineering plans provided to provide minimum grade of 0.7% for roads and show considerations for overland flow paths.</li> <li>d) Discrepancy between access from Newmans Road addressed with plans providing consistent details.</li> <li>e) BDAR re-certified.</li> <li>f) Confirmation that private contractor has smaller vehicles that can provide waste servicing due to proposed road widths.</li> </ul>
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## 2.3 Site History

The site has historically been used for agricultural purposes and currently contains no structures on site. There is no known planning history for the site.

## 3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in section 4.15(1) of the EP&A Act. The matters as are of relevance to the development application include the following:

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

These matters are considered below.

### 3.1 Environmental Planning Instruments



The relevant environmental planning instruments (EPIs), proposed instruments, development control plans, planning agreements and the matters for consideration under the Environmental Planning & Assessment Regulation 2021 (EP&A Regs) are considered below.

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

The following EPI are relevant to this development application:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Coffs Harbour Local Environmental Plan 2013
- State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

A summary of the key matters for consideration arising from these SEPPs is outlined in **Table 2**.

**Table 2: Summary of Applicable Environmental Planning Instruments**

EPI	Matters for Consideration						
Housing SEPP	<p>Chapter 3, Part 8 Manufactured home estates of the State Environmental Planning Policy (Housing) 2021 was introduced with the following aims:</p> <ul style="list-style-type: none"><li>a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and</li><li>b) to provide immediate development opportunities for manufactured home estates on the commencement of this Part, and</li><li>c) to encourage the provision of affordable housing in well-designed estates, and</li><li>d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and</li><li>e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and</li><li>f) to protect the environment surrounding manufactured home estates, and</li><li>g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.</li></ul> <p>Section 118 states that the strategies by which those aims are to be achieved are:</p> <ul style="list-style-type: none"><li>a) by allowing, with development consent, manufactured home estates on certain land on which caravan parks are permitted if the land meets the suitable locational criteria stipulated in this Part (which it would not do if, for example, it contains important resources, is subject to natural or man-made risks or has sensitive environmental or ecological features), and</li><li>b) by applying this Part to areas where there is likely to be a demand and suitable opportunities for the development of manufactured home estates, and</li><li>c) by allowing manufactured home estates to be subdivided with development consent either by way of leases for terms of up to 20 years or under the Community Land Development Act 1989, and</li><li>d) by enabling the Minister for Planning to exclude from this Part any land that is subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Part under section 117 of the Act.</li></ul> <p>The development is assessed against Part 8 in Table 3 below.</p> <p><b>Table 3: Part 8 Assessment</b></p> <table><tr><th>Control</th><th>Compliance</th><th>Outcome</th></tr><tr><td>Clause 122 Where development for the</td><td>Yes</td><td>Development for the purpose of a caravan park may be carried out on</td></tr></table>	Control	Compliance	Outcome	Clause 122 Where development for the	Yes	Development for the purpose of a caravan park may be carried out on
Control	Compliance	Outcome					
Clause 122 Where development for the	Yes	Development for the purpose of a caravan park may be carried out on					

EPI	Matters for Consideration		
	<p>purposes of a manufactured home estate may be carried out</p>		<p>the site as caravan parks are permitted with consent in the R2 Low Density Residential zone under the CHLEP. Therefore, a manufactured home estate may be carried out on the site. The land is not within any of the categories described in Schedule 6 of the Housing SEPP. The land is also not dedicated or reserved under the National Parks and Wildlife Act and is not within a Crown reserve</p>
	<p>Clause 123 Development consent required for manufactured home estates - Development for the purposes of a manufactured home estate permitted to be carried out by this Part may be carried out only with the development consent of the council</p>	<p>N/A</p>	<p>Noted</p>
	<p>Clause 124 Subdivision of manufactured home estates</p>	<p>N/A</p>	<p>Subdivision is not proposed as part of this development</p>
	<p>Clause 125 Matters to be considered by councils -            (1) A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only if it is satisfied—            (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            (b) that the manufactured home estate is or will be provided with adequate transport services            (c) that sufficient community facilities and services, whether</p>		<p>An Engineering Design Report (EDR) has been provided with the development application. The EDR demonstrates that each dwelling site will be adequately provided with reticulated water and sewerage, drainage, and electricity.</p> <p>The development will include a 12-seater community bus that is run on a volunteer basis by residents and provides transport for residents in and around the site.</p> <p>A Community Needs Assessment has been provided with the development application which determined that there are no significant gaps in social infrastructure provision in the area surrounding the development. Having reviewed this assessment, these findings are considered accurate.</p> <p>The site does not contain any European heritage items. The site is, however, located to the north of the Woolgoolga Creek and is mapped as</p>

EPI	Matters for Consideration		
	<p>situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and</p> <p>(d) that the development will not have an adverse effect on any—</p> <ul style="list-style-type: none"> <li>• conservation area</li> <li>• heritage item</li> <li>• waterway or land having special landscape, scenic or ecological qualities, which is identified in an environmental planning instrument applicable to the land concerned</li> </ul> <p>(2) A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only after it has considered the following—</p> <p>(a) the cumulative impact of the proposed development and other manufactured home estates in the locality,</p> <p>(b) any relevant guidelines issued by the Director,</p> <p>(c) the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.</p>		<p>having biodiversity values. A Biodiversity Development Assessment Report (BDAR) and Vegetation Management Statement (VMS) has been provided with the development application. The development has appropriately considered the ecological qualities of the site.</p> <p>Cumulative impacts of the development have been considered as part of his assessment</p>
<p>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</p>	<p><b>Chapter Two: Vegetation in non-rural areas</b></p> <p>Chapter Two of the B&amp;C SEPP applies to the development pursuant to clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.</p> <p>Under Clause 2.10(2) of the B&amp;C SEPP, a permit cannot be granted to clear native vegetation that exceeds the biodiversity offsets scheme threshold. The development will exceed this threshold, and accordingly a BDAR and (VMS) has been provided as part of the development application.</p> <p>Under Clause 2.10(3) of the B&amp;C SEPP, a permit cannot allow the clearing of vegetation:</p> <p><i>(a) That is or forms part of a heritage item or that is within a heritage conservation area, or</i></p>		

EPI	Matters for Consideration									
	<p><i>(b) That is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance.</i></p> <p><i>unless the council is satisfied that the proposed activity is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and would not adversely affect the heritage significance of these items, objects or areas.</i></p> <p>The prescribed vegetation does not form part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of heritage significance as confirmed in the Aboriginal Cultural Heritage Assessment. A BDAR has been prepared for the development which identifies the ecosystem offset requirements of 13 ecosystem credits.</p> <p>The BDAR and VMS has been reviewed and is considered acceptable.</p> <p>In summary, the BDAR concludes the following:</p> <p><i>“Application of the avoid and minimise standard during project design has resulted in the limited removal of remnant native vegetation and prioritisation of development in highly modified areas with low native species richness. Two PCTs were confirmed on site including Plant Community Type (PCT) 3174 - Northern Turpentine-Brush Box Wet Forest and PCT 4045 - Northern Lowland Swamp Turpentine-Paperbark Forest. Plant Community Type 4045 is associated with a TEC Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion, but was determined to not meet the TEC criterium of the threatened community.</i></p> <p><i>Given the clearing area was under 1 ha, the streamlined assessment module for small area development was applied, under which PCT 3174 was allocated as the dominant PCT for the site. This was determined due to several factors including PCT 3174 being the largest homogenous vegetation zone with the highest native species richness, and habitat value. The BAM plot data collected from PCT 3174 resulted in a VI of 54.9 percent. The total impact area was 0.65 ha, inclusive of all native vegetation on site, was applied to PCT 3174 in the BAM-C and generated an ecosystem offset requirement of 13 credits.”</i></p> <p>The vegetation removal has been assessed by the City's Biodiversity Officer and is considered to meet the Biodiversity Assessment Method requirements and has manageable ecological impacts.</p> <p><b>Chapter Four: Koala Habitat Protection 2021</b></p> <p>Chapter Four – Koala Habitat Protection 2021 of the B&amp;C SEPP applies to the development pursuant to clause 4.4 and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <p><b>Table 4: Koala Habitat Assessment</b></p> <table><tr><th>Control</th><th>Development</th><th>Outcome</th></tr><tr><td>Clause 4.8 - Does the site have a KPOM?</td><td>Yes</td><td>The site does not contain any vegetation identified as koala habitat in the KPOM. No further consideration required. The development is consistent with the KPOM.</td></tr><tr><td>Clause 4.9 - Does the site have an area greater than 1.0 Ha and not have an approved koala plan of management applying to the land.</td><td>No</td><td>LGA wide KPOM applies to the site.</td></tr></table>	Control	Development	Outcome	Clause 4.8 - Does the site have a KPOM?	Yes	The site does not contain any vegetation identified as koala habitat in the KPOM. No further consideration required. The development is consistent with the KPOM.	Clause 4.9 - Does the site have an area greater than 1.0 Ha and not have an approved koala plan of management applying to the land.	No	LGA wide KPOM applies to the site.
Control	Development	Outcome								
Clause 4.8 - Does the site have a KPOM?	Yes	The site does not contain any vegetation identified as koala habitat in the KPOM. No further consideration required. The development is consistent with the KPOM.								
Clause 4.9 - Does the site have an area greater than 1.0 Ha and not have an approved koala plan of management applying to the land.	No	LGA wide KPOM applies to the site.								



EPI	Matters for Consideration								
	<p>Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat.</p> <p>Note: 'koala habitat' means koala habitat however described in a plan of management under this Chapter or a former Koala SEPP and includes core koala habitat.</p>	No	<p>The potential impact of the development on koala habitat is considered within the submitted BDAR and has been considered by the City's Biodiversity Officer. The development is satisfactory under B&amp;C SEPP – able to grant consent.</p>						
	<p>The development has been assessed against the requirements of Chapter Four of the B&amp;C SEPP and it has been determined that the development would meet the requirements and objectives of the B&amp;C SEPP.</p>								
State Environmental Planning Policy (Planning Systems) 2021	<p>State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP) applies to the development pursuant to Part 2.4 – Regionally Significant Development as the development is classified as regionally significant development under Schedule 6 of the PS SEPP.</p> <p><b>Chapter 2: State and Regional Development</b></p> <p>The development has a CIV of \$30,470,000 and is therefore classified as being 'regionally significant development' pursuant to Clause 2.19(1) and Clause 2 of Schedule 6 of Planning Systems in having a CIV of more than \$30 million.</p>								
State Environmental Planning Policy (Resilience & Hazards) 2021	<p><b>Chapter Two: Coastal Management</b></p> <p>Chapter Two of State Environmental Planning Policy (Resilience and Hazards) 2021 (R&amp;H SEPP) applies to the development pursuant to clause 2.3 as the site is mapped as being within the coastal zone and aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 (CM Act).</p> <p>Section 5 of the CM Act provides that the coastal zone means the area of land comprised of the following coastal management areas:</p> <ul style="list-style-type: none"><li>the coastal wetlands and littoral rainforests area,</li><li>the coastal vulnerability area,</li><li>the coastal environment area,</li><li>the coastal use area.</li></ul> <p>The site is mapped as Coastal Environment Area.</p> <p><b>Table 5 – Chapter Two: Coastal Management Assessment</b></p> <table><tr><th>Part 2.2 Development Controls for coastal management areas</th><th>Requirement</th><th>Development Response</th></tr><tr><td>Division 3 Coastal environment area</td><td>Clause 2.10 - Development on land within the coastal environment area</td><td>A BDAR and a Vegetation Management Statement (VMS) have been prepared for the development which provides an assessment of the impact of the development on existing vegetation.</td></tr></table>			Part 2.2 Development Controls for coastal management areas	Requirement	Development Response	Division 3 Coastal environment area	Clause 2.10 - Development on land within the coastal environment area	A BDAR and a Vegetation Management Statement (VMS) have been prepared for the development which provides an assessment of the impact of the development on existing vegetation.
Part 2.2 Development Controls for coastal management areas	Requirement	Development Response							
Division 3 Coastal environment area	Clause 2.10 - Development on land within the coastal environment area	A BDAR and a Vegetation Management Statement (VMS) have been prepared for the development which provides an assessment of the impact of the development on existing vegetation.							

EPI	Matters for Consideration		
			<p>The BDAR considers that impacts on biodiversity can be adequately mitigated through the mitigation measures proposed and biodiversity offset requirements. Several mitigation measures have been recommended for the site. These include the relocation of habitat features, clearing protocols including pre-clearing surveys, daily surveys and staged clearing, management of retained and adjoining vegetation through the implementation of a VMP, and appropriate storm water and hydrological management. In addition, due to the clearing of 0.65 ha of native vegetation, an offset requirement of 13 ecosystem credits applies.</p> <p>The VMS notes the development proposes a modification to the vegetation zone along the south-west boundary of the lot. The modification will result in planting being removed from this corner and new planting located along the eastern site boundary. This modification has been considered by Council's Biodiversity Officer and is acceptable subject to a detailed Vegetation Management Plan (conditioned).</p> <p>An EDR has been prepared for the development which includes a Stormwater Management Strategy for how stormwater quality will not be adversely impacted by the development. The general strategy for the minor storm events is to convey stormwater runoff from the development via a piped drainage system to the proposed detention and treatment systems, eventually discharging to Woolgoolga Creek. The pit/pipe network will be sized to convey a minimum of the 10% AEP storm event, in line with the City's guidelines.</p>

EPI	Matters for Consideration		
			<p>A major storm event, being the 1 % AEP storm event, will be conveyed to the discharge points via a combination of road carriageways and defined overland flow swales/ channels.</p> <p>Concept stormwater management plans have been provided with the development and assessed by the City's Development Engineer. The engineer has confirmed that the development can satisfy the objectives and requirements of the City's Water Sensitive Urban Design guidelines.</p> <p>The site is not located within proximity of a marine estate, any sensitive coastal lakes identified in Schedule 1 or the surf zone.</p> <p>The development is therefore considered to be designed, sited and will be managed to avoid an adverse impact on the coastal environment.</p>
	<p>The development has been assessed against the requirements of Chapter Two of the R&amp;H SEPP and it has been determined that the development would meet the requirements and objectives of the R&amp;H SEPP.</p> <p><b>Chapter Four: Remediation of Land</b></p> <p>Chapter Four of the R&amp;H SEPP applies to the site pursuant to clause 4.4 and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use to be carried out.</p> <p>The site has previously been in agricultural use and therefore has potential for contamination. A Stage 1 and Stage 2 Site Contamination Assessment has been prepared by Regional Technical Solutions and provided with the development application. In summary, the report concludes:</p> <p><i>"Based on the results obtained in this investigation, it is considered that the site is likely to be suitable in its current state for the proposed residential land use with regard to the presence of soil contamination, provided the recommendations and advice of this report are adopted, and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements."</i></p> <p>The development has been assessed by the City's Environmental Health Officer and is considered acceptable subject to the imposition of conditions of consent.</p>		
State Environmental Planning	<p><b>Chapter Two: Infrastructure</b></p> <p>Chapter Two - State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&amp;I SEPP) applies to the development pursuant to clause 2.2 and aims to facilitate the effective delivery of infrastructure across the State.</p>		

EPI	Matters for Consideration
Policy (Transport and Infrastructure) 2021	<p>Clause 2.48 of the T&amp;I SEPP requires certain development to be referred to the relevant electricity supply authority and any response is to be considered as part of the assessment.</p> <p>The development proposes a penetration of ground within 2m of an underground electricity power line and is adjacent to an electricity substation, and as such was referred to Essential Energy (EE) for comment under clause 2.48(2)(a). EE did not object to the development subject to the following:</p> <ul style="list-style-type: none"> <li>As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10 meters from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. OVERHEAD 11KV HIGH VOLTAGE RUNNING THROUGH THE BLOCK.</li> <li>It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the persons completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.</li> </ul> <p>EE did not recommend conditions to be included in the development consent.</p> <p>The Applicant provided a response to EE's comments which include a plan indicating the required distances between the development and electricity infrastructure will be met. No further referral to EE is required.</p>

### **Coffs Harbour Local Environmental Plan 2013**

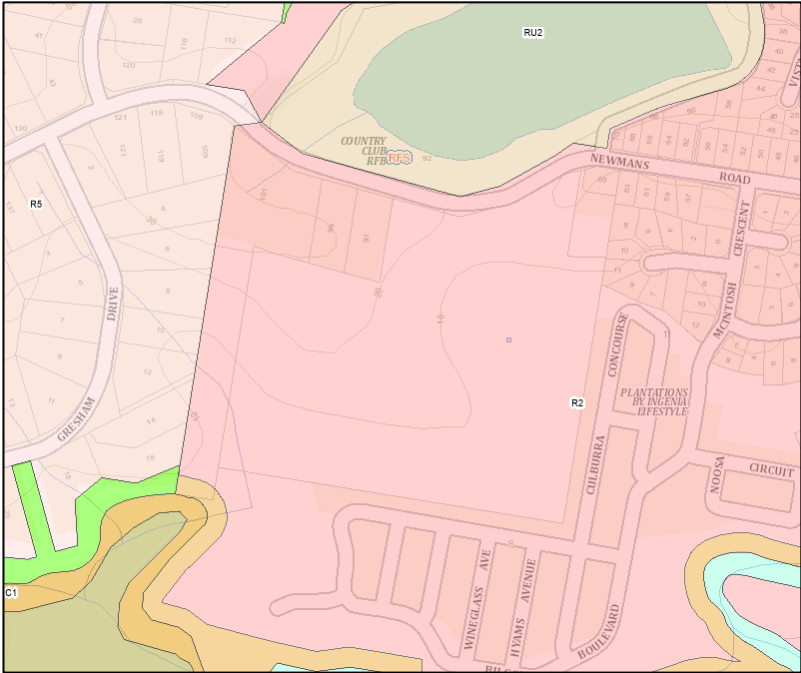
Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of EPIs, which includes Local Environmental Plans (LEPs). The CHLEP applies to all land within the Coffs Harbour LGA. An assessment of the development against the relevant sections of the CHLEP is provided below:

**Table 6: Coffs Harbour Local Environmental Plan 2013**

QLEP Clause	Development	Compliance
<b>Part 1 Preliminary</b>		
<b>Clause 1.2 Aims of Plan</b>	<p>The aims of this clause are as follows:</p> <p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p> <p>(a) to promote a sustainable growth footprint by directing urban development and growth into the existing urban footprint and identified greenfield investigation areas,</p> <p>(b) to protect and sustainably manage areas of high biodiversity, agricultural, scenic, recreational and European and Aboriginal cultural heritage value,</p> <p>(c) to reinforce the Coffs Harbour City Centre as the principal business, office, cultural, civic, entertainment and retail hub, while supporting the objectives of Zones E1, E2, E3 and MU1,</p> <p>(d) to reinforce the Coffs Harbour LGA business centres hierarchy to maintain the primacy of the Coffs Harbour City Centre and</p>	Yes



QLEP Clause	Development	Compliance
	<p><i>provide for a range of employment opportunities in appropriate locations,</i></p> <p><i>(e) to provide for active living and connectivity by providing healthy, walkable and green built environments, including quality public open space and community facilities and walkable local streets,</i></p> <p><i>(f) to provide for development that supports tourism in appropriate locations,</i></p> <p><i>(g) to create a highly liveable city, through the promotion of design excellence in all elements of the built environment and public domain,</i></p> <p><i>(h) to create local and sub-regional movement corridors by maximising renewal opportunities after the completion of the Coffs Harbour bypass,</i></p> <p><i>(i) to promote ecologically sustainable development that supports a strong and diverse local economy both now and into the future,</i></p> <p><i>(j) to ensure that sensitive land uses and development are sited and designed so that they do not affect the viability of existing uses,</i></p> <p><i>(k) to provide for the social and economic welfare of the community by facilitating equitable access to public open spaces, community services and facilities that are safe and meet the needs of a diverse population,</i></p> <p><i>(l) to promote the delivery and maintenance of housing diversity and affordable housing,</i></p> <p><i>(m) to promote a strong sense of community, identity and place,</i></p> <p><i>(n) to promote the effective management of natural hazards and risks and the creation of a climate resilient community.</i></p> <p>The development is generally consistent with the relevant aims of the CHLEP. Specifically, the development will promote a sustainable growth footprint by directing urban development and growth into the existing urban footprint, promoting the delivery and maintenance of housing diversity and affordable housing and promoting a strong sense of community, identity and place.</p>	
<b>Clause 1.4 Definitions</b>	The development is defined as a manufactured home estate in the Local Government Act 1993.	Yes
<b>Clause 1.6 Consent Authority</b>	Pursuant to Schedule 2 of the EP&A Act, the NRPP is the consent authority for the development.	Yes
<b>Clause 1.9A Suspension of Covenants, Agreements and Instruments</b>	No covenants, agreements and instruments restricting the development have been identified.	N/A
<b>Part 2 Permitted or Prohibited Development</b>		

QLEP Clause	Development	Compliance
<b>Clause 2.1 Land use zones</b>	<p>The site is located within the R2 Low Density Residential zone as shown in Figure 7.</p>  <p style="text-align: center;"><b>Figure 7: Zoning Map</b></p>	<p>N/A</p>
<b>Clause 2.3 Zone objectives and Land Use Table</b>	<p>Under clauses 122 and 123 of Housing SEPP, development for the purposes of a manufactured home estate may be carried out with development consent on any land on which development for the purposes of a caravan park is permissible. As identified, caravan parks are permitted with consent in the R2 Low Density Residential zone under the CLEP and therefore a manufactured home estate is permitted with consent on the site.</p> <p>The site is within the R2 Low Density Residential zone, of which the objectives are:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a low-density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li>• <i>To provide for housing diversity and choice and associated infrastructure that supports the changing housing needs of the population that is consistent with local character.</i></li> <li>• <i>To encourage active living through the provision of healthy, walkable, green and safe built environments and streets, greener connections and walking and cycling infrastructure.</i></li> <li>• <i>To ensure that development reflects design excellence in its presentation to the public realm.</i></li> </ul> <p>The development is considered to be consistent with the objectives of the R2 Low Density Residential zone as it will provide for the housing needs of the community in a low-density residential</p>	<p>Yes</p>

QLEP Clause	Development	Compliance
	environment and provide for housing choice and diversity that supports the changing housing needs of the population.	
<b>Clause 2.4 Unzoned land</b>	Clause 2.4 does not apply to the development as there is no part of the site that is unzoned.	N/A
<b>Clause 2.5 Additional permitted uses for particular land</b>	Clause 2.5 does not apply to the development as the development is not located on land identified in Schedule 1.	N/A
<b>Clause 2.6 Subdivision – Consent requirements</b>	Clause 2.6 does not apply as the development does not propose subdivision.	N/A
<b>Clause 2.7 Demolition requires development consent</b>	Clause 2.7 does not apply as the development does not propose demolition.	N/A
<b>Clause 2.8 Temporary use of land</b>	Clause 2.8 does not apply as the development does not include the temporary use of land.	N/A
<b>Part 4 Principal Development Standards</b>		
<b>Clause 4.1 Minimum subdivision lot size</b>	Clause 4.1 does not apply as the development does not propose subdivision.	N/A
<b>Clause 4.1AA Minimum subdivision lot size for community title schemes</b>	Clause 4.1AA does not apply as the development does not include community title subdivision.	N/A
<b>Clause 4.1A Minimum subdivision lot sizes for certain split zones</b>	Clause 4.1A does not apply as the development does not propose subdivision.	N/A
<b>Clause 4.3 - Height of buildings</b>	The maximum permitted building height for the site is 8.5m from natural ground level. The development (community building a and b) proposes a maximum building height of 8.1m from natural ground level in accordance with this clause.	Yes
<b>Clause 4.4 Floor space ratio</b>	Clause 4.4 does not apply as the development as the site does not have a prescribed maximum permitted Floor space ratio (FSR)	N/A
<b>Clause 4.6 Exceptions to development standards</b>	Clause 4.6 does not apply as the development does not include variations to development standards.	N/A
<b>Part 5 Miscellaneous Provisions</b>		
<b>Clause 5.3</b>	Clause 5.3 does not apply as the development is not in proximity to a zone boundary.	N/A

QLEP Clause	Development	Compliance
<b>Development near zone boundaries</b>		
<b>Clause 5.6 Architectural roof features</b>	Clause 5.6 does not apply as the development does not propose any architectural roof features	N/A
<b>Clause 5.10 Heritage conservation</b>	<p>The site is not within a heritage conservation area and has no known heritage items (European) on site.</p> <p>However, given previous aboriginal finds in proximity to the site and following an onsite consultation meeting with the local Registered Aboriginal party (RAP) the Jagun Elders, a test excavation program was undertaken 26-27 April 2022 to determine if aboriginal sites were present on site.</p> <p>The test excavation included testing 3 areas of potential archaeological deposit (PAD) that were identified during consultation with representatives of the Registered Aboriginal Parties (RAPs). The test excavation program resulted in 2 Aboriginal sites being recorded: Newmans Road as 01 (22-1-0648) and Newmans Road OS 02 (22-1-0647). Both recorded sites are situated either on the slope of a spur line or the edge of a crest of a ridge. The alluvial flats in the southeast corner of the site were also tested for subsurface potential.</p> <p>Following a review of the development, it was concluded that an impact is likely to occur relating to 2 identified Aboriginal sites. As such, an Aboriginal Heritage Impact Permit (AHIP) is required prior to any works proceeding on site.</p> <p>These findings are contained within an Aboriginal Cultural Heritage Assessment prepared by Everick Heritage dated 13 September 2023. This report was reviewed by Heritage NSW who confirmed the acceptability of the development and approach to the protection of Aboriginal heritage on site and provided the following General Terms of Approval (GTAs):</p> <ol style="list-style-type: none"> <li>1. A s.90 Aboriginal Heritage Impact Permit for the proposed works must be sought and granted prior to the commencement of works.</li> <li>2. The Aboriginal Heritage Impact Permit application must be accompanied by appropriate documentation and mapping as outlined in Applying for an Aboriginal Heritage Impact Permit: Guide for applicants (2011).</li> <li>3. Consultation with the Aboriginal community undertaken as part of the Aboriginal Heritage Impact Permit application must be in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010.</li> <li>4. The Aboriginal Heritage Impact Permit application must be completed with reference to the requirements of the Guide to</li> </ol>	Yes



QLEP Clause	Development	Compliance
	<p>investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011).</p> <p>5. The Aboriginal Heritage Impact Permit application must include complete records satisfying the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010).</p> <p>6. Long term management of Aboriginal objects must be considered as part of the Aboriginal Heritage Impact Permit application. These GTAs are included in the condition of consent and, if approved, the development will be required to meet the GTAs.</p> <p>On the basis of the above, the development is considered acceptable in respect of Aboriginal heritage impacts.</p>	
<b>Clause 5.11 Bush fire hazard reduction</b>	Clause 5.11 does not apply as the development does not propose bush fire hazard reduction.	N/A
<b>Clause 5.21 Flood planning</b>	<p>The south-western part of the site is located within the flood prone land and no structures are proposed within this area. Notwithstanding this, the development has been assessed against the following criteria of this clause:</p> <p><i>(a) is compatible with the flood function and behaviour on the land, and</i></p> <p><b>Response:</b> The development proposes no structures within flood prone land and is therefore considered to be compatible with the flood function and behaviour on the land.</p> <p><i>(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</i></p> <p><b>Response:</b> The development proposes no structures or works within flood prone land and is therefore considered not to result in detrimental increases in the potential flood affectation of other development or properties.</p> <p><i>(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</i></p> <p><b>Response:</b> The area of flood prone land contains no structures and will not impact on the safe occupation and evacuation of the development as no evacuation routes are through the flood area.</p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><b>Response:</b> The flood prone land is located in the southwestern corner of the site only and is not proposed to be built on. This area</p>	Yes

QLEP Clause	Development	Compliance
	<p>will be maintained as open space. Given this, there is not considered to be a risk to life in the event of a flood.</p> <p><i>(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.</i></p> <p><b>Response:</b> The development has been assessed by the City's Biodiversity Officer and Development Engineer and is not considered to adversely impact the environment.</p>	
<b>Part 7 Additional Local Provision</b>		
<b>Clause 7.1 Acid Sulfate Soils</b>	A geotechnical assessment of the development has been completed which confirmed that the site does not contain acid sulfate soils.	N/A
<b>Clause 7.2 Earthworks</b>	<p>The site falls from the northwest corner (26.5m AHD) to the southwest corner (13.5m AHD). The development proposes cut of up to 4.5m and fill of up to approx. 3.4m. In addition to providing flat dwelling sites, consideration was given to the following as part of the bulk earthworks and grading design:</p> <ul style="list-style-type: none"> <li>• Grading for road networks, ensuring a minimum of 0.5% and maximum of 12.5% longitudinal grade.</li> <li>• Grading for gravity drainage of stormwater networks. Generally, a minimum fall across blocks of 1 % (min) to 15% (max) has been adopted.</li> <li>• Interface with surrounding dwelling sites. Generally, retaining walls or 1:3 batters have been adopted.</li> </ul> <p>Before granting development consent for earthworks the consent authority must consider the following matters:</p> <p><i>a) The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p>Proposed site preparation and earthworks will not have an adverse impact on soil stability or drainage patterns.</p> <p>A Preliminary Engineering Design Report (PEDR) prepared by Northrop dated 29 September 2023 stated that:</p> <p><i>The general strategy for the minor storm events is to convey stormwater runoff from the development via a piped drainage system to the proposed detention and treatment systems, eventually discharging to Woolgoolga Creek.</i></p> <p><i>To achieve this, each lot will be graded to the street or be provided with an inter-allotment drainage connection, which will convey stormwater runoff from the lot to the trunk infrastructure in the road network. The pit/pipe network will be sized to convey a minimum of the 10% AEP storm event, in line with Council guidelines.</i></p>	

QLEP Clause	Development	Compliance
	<p>The PEDR has been reviewed by the City's Development Engineer and is considered acceptable.</p> <p><i>b) The effect of the development on the likely future use or redevelopment of the land,</i></p> <p>The development is consistent with the identified future use of the land and will not impact its potential future re-development.</p> <p><i>c) The quality of the fill or the soil to be excavated, or both,</i></p> <p>The majority of fill will come from the site itself as confirmed in the geotechnical report prepared by Regional Geotechnical Solutions. In addition, a condition of consent is included to require fill material to meet the relevant quality standards.</p> <p><i>d) The effect of the development on the existing and likely amenity of adjoining properties.</i></p> <p>The development is unlikely to impact on the existing and likely amenity of adjoining residential and non-residential properties as detailed in the assessment portions of this report and as required as a condition of consent.</p> <p><i>e) The source of any fill material and the destination of any excavated material.</i></p> <p>The source or destination of any fill material will be required to be detailed and confirmed as a condition of consent.</p> <p><i>f) The likelihood of disturbing relics,</i></p> <p>As identified in the assessment of the development under Clause 5.10 of the CLEP, the development will not result in an unacceptable disturbance of relics.</p> <p><i>g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>Woolgoolga Creek is located in the southwestern corner of the site however the development does not impact on this waterway.</p> <p><i>h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i></p> <p>As detailed, where impacts may occur, conditions of consent have been provided to minimise those impacts.</p> <p><i>i) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</i></p>	

QLEP Clause	Development	Compliance
	An assessment of the development in respect of heritage impacts is provided under Clause 5.10 of this table.	
<b>Clause 7.4 Terrestrial Biodiversity</b>	<p>Vegetation is located in the south-western corner of the site which sits adjacent to the ecologically significant Woolgoolga Creek, which is mapped as 'biodiversity' on the Terrestrial Biodiversity Map.</p> <p>The development includes a BDAR and Vegetation Management Strategy which details the impact of the development on the biodiversity of the site.</p> <p>In order to accommodate the development footprint, a modification to this vegetation zone (VZ) is proposed which would involve clearing approximately 0.08ha of ground and midstorey cover from the northern part of the VZ.</p> <p>To mitigate the reduction in area, restoration and planting is proposed to extend the VZ by approximately 0.1 ha to the east. This modification to the VZ has been required by the City's Biodiversity Officer and is considered acceptable.</p>	Yes
<b>Clause 7.5 Drinking water catchments</b>	Clause 7.5 does not apply as the site is not within a drinking water catchment.	N/A
<b>Chapter 7.6 Riparian land and watercourses</b>	Clause 7.6 does not apply as the site is not located in close proximity to a watercourse or riparian zone.	N/A
<b>Clause 7.9 Airspace operations</b>	Clause 7.9 does not apply as the development is outside the OLS map coverage.	N/A
<b>Clause 7.10 Development in areas subject to aircraft noise</b>	Clause 7.10 does not apply as the site is not within the noise contour mapping.	N/A
<b>Clause 7.11 Essential services</b>	The City's Development Engineer has assessed the development and confirmed that adequate services are available (or can be made available) subject to the imposition of recommended conditions.	Yes
<b>Clause 7.12 Scenic Protection</b>	This clause is not applicable as the site is within the R2 Low Density Residential zone.	N/A
<b>Clause 7.13 Coffs Harbour City Centre</b>	The development is considered to strengthen Coffs Harbour's position as the prime business, office, retail and cultural centre.	Yes
<b>Clause 7.19 Development on certain land at Bark Hut Road and Newmans Road, Woolgoolga</b>	Clause 7.19 does not apply as the site is not within the listed sites in this clause.	N/A

**(b) Section 4.15 (1)(a)(ii) - Provisions of any Draft Environmental Planning Instruments**

Section 4.15(1)(a)(ii) of the EP&A Act requires the consent authority to consider the provisions of draft EPIs that have been publicly exhibited.

There are no draft EPIs applicable to the site or development.

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

Section 4.15(1)(a)(iii) of the EP&A Act requires Council to consider the provisions of any development control plan.

The development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Coffs Harbour Development Control Plan 2015 (CDCP).

**Table 7: Coffs Harbour Development Control Plan 2015**

CDCP Clause	Requirement	Development	Compliance
<b>E1.1 Preservation of Trees and Vegetation</b>	<p>1) Prescribed vegetation for the purposes of the SEPP (Biodiversity and Conservation) 2021 is:</p> <p>a. All native vegetation shown on the Preservation of Vegetation Map (regardless of size); and</p> <p>b. any native tree with either a height greater than 5 metres or any part of a trunk that has a diameter greater than 15 centimetres (or a girth greater than 47 cm); and</p> <p>c. any hollow bearing tree; and</p> <p>d. any significant tree.</p> <p>2) Approval is required in accordance with the SEPP (Biodiversity and Conservation) 2021 prior to the removal (or other specified action) of any prescribed vegetation.</p>	<p>The development proposes the removal of prescribed vegetation. A BDAR, Arborist Report and VMS have been provided with the development application detailing the extent of vegetation removal and mitigation for this removal.</p> <p>The VMS details the proposed modification to an area of vegetation in the south-western corner of the site which sits adjacent to the ecologically significant Woolgoolga Creek. This modification proposes the removal of 0.08ha of vegetation in this area and the planting of 0.1 ha of vegetation as compensatory planting. This modification has been reviewed by the City's Biodiversity Officer and is considered acceptable with the compensatory planting appropriately mitigating for vegetation loss.</p> <p>A BDAR and Arborist Report have also been provided detailing vegetation removal throughout the site area to</p>	Yes



CDCP Clause	Requirement	Development	Compliance
		<p>accommodate the development. The BDAR notes the development will result in a total removal of 0.65 of vegetation of predominantly Northern Turpentine-Brush Box Wet Forest and Northern Turpentine-Brush Box Wet Forest and Northern Lowland Swamp Turpentine-Paperbark Forest. This removal is required to be offset via the ecosystem offset system which results in the need for 13 offset credits which will be required to be achieved as a condition of consent.</p> <p>Whilst it is recognised the development will result in tree removal, the proposed mitigation is considered to address the vegetation loss which is considered acceptable.</p>	
<b>E1.2 Compensatory Requirements</b>	1) Compensatory planting is to be provided for the removal of high conservation value vegetation	<p>A total of 15 trees are proposed in the southern part of the site in accordance with this control. These trees are required to be of a Northern Turpentine-Brush Box Wet Forest and Northern Turpentine-Brush Box Wet Forest and Northern Lowland Swamp Turpentine-Paperbark Forest species type which accords with existing vegetation on site. The majority of the compensatory tree planting will occur in the south-western corner of the site and the area around the community buildings in the northern part of the site.</p> <p>The proposed compensatory planting is</p>	Yes

CDCP Clause	Requirement	Development	Compliance
		considered acceptable by the City's Biodiversity Officer subject to the imposition of a condition of consent.	
<b>E1.3 Riparian Zone Requirements</b>	<p>(1) Riparian zones are to be vegetated and stabilised with native vegetation</p> <p>(2) Riparian zones are not to be used for private infrastructure purposes, such as on-site sewage management, bush fire asset protection zones and the like.</p>	<p>1) The development proposes the planting of native tree species in the south-western corner of the site within the riparian zone including Northern Turpentine-Brush Box Wet Forest and Northern Turpentine-Brush Box Wet Forest and Northern Lowland Swamp Turpentine-Paperbark Forest.</p> <p>2) N/A</p>	Yes
<b>E4.1 Flood Planning Requirements - General</b>	<p>1) Development is to be designed and located so that it is free from any land that is at or below the 100 year Average Recurrence Interval flood level.</p> <p>2) Development is to be designed and located so that it is free from any flood ways.</p> <p>3) Development is not to comprise the external storage of any materials below the 100-year Average Recurrence Interval flood level that are potentially hazardous or that may cause pollution.</p> <p>4) Development is not to result in an increase in flood levels on adjoining or surround land.</p> <p>5) Operational access to the development is to provide a level of service commensurate with the zoning and proposed use with consideration to both on site and off-site access.</p>	<p>1) No development or dwelling sites are proposed on land that is at or below the 100 year Average Recurrence Interval flood level or in floodways.</p> <p>2) The development is free from any floodways</p> <p>3) The development does not comprise the external storage of any materials.</p> <p>4) The general strategy for the minor storm events is to convey stormwater runoff from the development via a piped drainage system to the proposed detention and treatment systems, eventually discharging to Woolgoolga Creek. The pit/pipe network will be sized to convey a minimum of the 10% AEP storm event, in line with the City's guidelines.</p> <p>The major storm event, being the 1 % AEP storm event, will be conveyed to the discharge points via a</p>	N/A

CDCP Clause	Requirement	Development	Compliance
		combination of road carriageways, and defined overland flow swales! channels.  5) Operational access to the development has been assessed by the City's Development Engineer and is considered acceptable with no development proposed within the area identified as flood prone land.	
<b>E4.2 Clause Flood Planning Requirements - Residential and Tourist Development</b>	<p>1) Buildings are to be designed and located so that they are free from any high hazard flood area.</p> <p>2) Development is to be designed and located with consideration to impacts from any high hazard flood area on access to the development and the operation of the development.</p> <p>3) Development applications for development at or below the 100-year Average Recurrence Interval flood level are to be accompanied by a flood study prepared by a suitably experienced and qualified engineer to substantiate that the development will not increase upstream or downstream flood levels or change flood behaviour to the detriment to any other property.</p> <p>4) The minimum finished floor level of all habitable room(s) is to be at the height of the 100-year Average Recurrence Interval flood level plus 0.5 metre freeboard.</p> <p>5) The minimum finished floor level of all non- habitable room(s) is to be at the height of the 100 year Average Recurrence Interval flood level.</p>	<p>1) N/A as no buildings are proposed within the flood zone.</p> <p>2) N/A as no development proposed within flood prone land.</p> <p>3) N/A as no development proposed within flood prone land.</p> <p>4) N/A as no development proposed within flood prone land.</p> <p>5) N/A as no development proposed within flood prone land.</p>	Yes
<b>F1.1 Vehicular Access and Manoeuvring - General</b>	<p>(1) Where possible, driveways are to be provided from lanes and secondary roads rather than primary roads.</p>	<p>1) Driveways will be provided from internal roads only.</p> <p>2) Vehicle access points can be integrated into the</p>	Yes

CDCP Clause	Requirement	Development	Compliance
	<p>(2) Vehicle access and entry points are to be integrated into the building design so as not to dominate the streetscape.</p> <p>(3) Driveway width and grades, vehicle circulation, passing bays and vehicular ramp width and grades are to accord with Australian Standard 2890.</p> <p>(4) Vehicles must be able to enter and leave the site in a forward direction.</p> <p>(5) Driveway crossovers are to be:</p> <p>(a) designed in accordance with the City of Coffs Harbour's Driveway Specifications, and</p> <p>(b) located to take into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, and</p> <p>(c) located clear of intersections as specified in Australian Standard AS2890,</p> <p>(d) located to minimise amenity impacts to adjacent properties, and</p> <p>(e) located to avoid adverse impacts on traffic safety.</p> <p>(6) Vehicular ramps are to be less than 20 metres long within developments and parking stations must not exceed a maximum grade of 1 in 5 (20%). Ramp widths are to accord with Australian Standard 2890.1.</p> <p>(7) Vehicle access ramps parallel to the street frontage are not supported.</p> <p>(8) Porte cocheres:</p> <p>(a) are permitted in certain circumstances for hotels, major tourist venues, aged care developments, medical centres and the like subject to urban design,</p>	<p>building design however this will form part of a separate approval process under.</p> <p>3) The proposed internal roads and access from Newmans Road achieves the required standards.</p> <p>4) All vehicles can enter and leave the site in a forward direction.</p> <p>5) N/A – the development does not propose driveway crossovers.</p> <p>6 N/A – The development does not propose ramps or parking stations.</p> <p>7) N/A – No vehicle access ramps are proposed.</p> <p>8) N/A – No Porte Cocheres are proposed.</p> <p>9) Where public parking areas are proposed there are links to pedestrian walkways.</p>	

CDCP Clause	Requirement	Development	Compliance
	<p>streetscape, heritage and pedestrian amenity considerations; and</p> <p>(b) should be attached to the building with 1 combined vehicle entry and exit point, or 1 entry and exit point on 2 different street frontages of the development; and</p> <p>(c) may have separate entry and exit points across the footpath (in exceptional circumstances) for buildings with 1 street frontage only, provided that:</p> <p>(i) they are constructed entirely at the footpath levels, and</p> <p>(ii) they provide active street frontage uses in addition to any hotel entry or lobby at their perimeter, and</p> <p>(iii) they are of high quality design and finish, and</p> <p>(iv) they provide for safe and clear pedestrian movement along the street.</p> <p>(9) Certain parking areas will require dedicated pedestrian paths (separate to parking spaces and vehicle manoeuvring areas) where high public usage is expected.</p>		
<b>F1.2 Vehicular Access and Manoeuvring - Residential</b>	<p>(1) Vehicles must be able to enter and leave the site in a forward direction</p> <p>(2) A driveway, which serves a maximum of 2 dwellings, is to have a minimum paved width of 3 metres at the street.</p> <p>(3) A shared driveway, which serves more than 2 dwellings, is to provide:</p> <p>a. a minimum paved width of 4.5 metres at the property frontage, continuing at this width to a depth of 6 metres, and thereafter at a minimum width of 3 metres, and</p> <p>b. a minimum of 0.5 metres of unobstructed area either side of the driveway to enable provision of services.</p>	<p>(1) Vehicles can enter and exit the site in a forward direction.</p> <p>(2) Driveways do not form part of this development application and will be assessed under a separate approval process under Section 82 of the Local Government Act 1993.</p> <p>(3) Driveways do not form part of this development application and will be assessed under a separate approval process under Section 82 of the Local Government Act 1993.</p> <p>(4) Driveways do not form part of this development application and will be</p>	Yes

CDCP Clause	Requirement	Development	Compliance
	<p>(4) Driveways may require 'passing points' (particularly where the driveway is providing access to and from a busy road).</p> <p>(5) Manoeuvring areas including car parking areas, circulation roadways and access driveways are to be designed in accordance with Australian Standard AS2890 to allow for the 85% Design Car Turning Path template generally and the 99% design vehicle where applicable.</p> <p>(6) Wherever practicable, a driveway crossover is to be a single lane crossing with a minimum width of 3.0 metres over the footpath, and perpendicular to the kerb alignment. Increased crossing width may be permitted in accordance with AS2890.</p> <p>(7) Access is to be limited to one point from public road frontage secondary roads (where available) and is to conform to the City of Coffs Harbour's Development Specifications.</p>	<p>assessed under a separate approval process under Section 82 of the Local Government Act 1993.</p> <p>(5) All access ways and manoeuvring areas provided as part of this development application are designed in accordance with AS2890 as confirmed by the City's Development Engineer. Driveways and car parking areas for dwellings will be assessed under a separate approval process under Section 82 of the Local Government Act 1993.</p> <p>(6) Driveways do not form part of this development application and will be assessed under a separate approval process under Section 82 of the Local Government Act 1993.</p> <p>(7) The development proposes one point of access from Newmans Road to the north in accordance with this control.</p>	
<b>F1.4 On-Site Parking – Residential Uses</b>	<p>(1) Parking is to be provided in accordance with the Off Street Parking Rates</p> <p>(2) Visitor/overflow parking is to be provided in accordance with the Off Street Parking Rates as shown in the table below.</p> <p>(3) Visitor/overflow parking provided within the front setback area is to be appropriately screened from the primary road.</p> <p>(4) Parking design is to accord with the relevant Australian Standards</p>	<p>1) As a MHE, Car parking rates for dwellings are required to be obtained from the Housing SEPP 2021 which states that car parking should be provided at a rate of 0.5 parking spaces for each bedroom. Details of car parking rates are not considered in this development application and instead will be assessed under a separate approval process under Section 82 of the Local Government Act 1993.</p>	Yes



CDCP Clause	Requirement	Development	Compliance
	(AS 2890.1, AS 2890.2, AS 2890.3 and AS 2890.6).	<p>2) Reference has been made to the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 to determine the appropriate visitor parking provision for the development. The proposal involves the provision of 180 manufactured housing estates. This results in a visitor parking requirement of 25 visitor spaces to be provided within the site. The development proposes 26 visitor car parking spaces in accordance with this control.</p> <p>3) Car parking is required to be screened as a condition of consent.</p> <p>4) Proposed car parking is and future car parking will be required to be designed in accordance with the relevant Australian Standard will be assessed under a separate approval process under Section 82 of the Local Government Act 1993.</p>	
<b>F1.5 On-Site Parking – Non Residential Uses</b>	Parking is to be provided in accordance with the City's Off Street Parking Rates.	The proposed community facilities provide 14 car parking spaces in accordance with the car parking standards.	Yes
<b>F2.1 Cultural Heritage Requirements</b>	(1) Development applications for development and subdivision proposals are to be accompanied by an archaeological assessment prepared by an appropriately qualified person where the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010) identifies that such an assessment should be undertaken.	1) Known Aboriginal artefacts and sites are located within proximity to the site. Accordingly, the development application is accompanied by an Aboriginal Cultural Heritage Assessment (ACHA) prepared by a suitably qualified person in	Yes

CDCP Clause	Requirement	Development	Compliance
	(2) Wherever practicable, heritage values should be protected in situ and managed appropriately in consultation with the local Aboriginal community.	accordance with this control.  2) As detailed in the assessment of heritage impact under Clause 5.10 of the CLEP, the development will impact upon 2 known Aboriginal heritage sites. General Terms of Approval for Heritage NSW require the application of an Aboriginal Heritage Impact Permit.	
<b>F3.1 Landscaping Requirements - General</b>	<p>(1) Landscaping is to be provided which:</p> <p>(a) complements and enhances the existing streetscape features of the locality; and</p> <p>(b) creates human scale at ground level; and</p> <p>(c) softens buildings and hard landscaping; and</p> <p>(d) provides privacy.</p> <p>(2) Soft landscaping is to comprise:</p> <p>(a) species that are sensitive to local climate, topography and natural features; and</p> <p>(b) understorey plantings to visually enhance the development (in keeping with NSW Police Safer by Design: Crime Prevention Through Environmental Guidelines); and</p> <p>(c) groundcover to minimise unsealed ground; and</p> <p>(d) deep soil zones to promote large tree growth; and</p> <p>(e) species that will ensure driver visibility for ingress and egress to the site; and</p> <p>(f) shade trees to soften the visual impact of large parking areas (where provided).</p> <p>(3) Landscaping beds (internal dimensions not including edging or supports) are to be:</p>	The development provides a concept landscaping plan for communal areas that achieves the requirements of this control.	Yes

CDCP Clause	Requirement	Development	Compliance
	<p>(a) a minimum of 1.5 metres in width where trees are likely to reach 4 metres in height upon maturity; or</p> <p>(b) a minimum of 2 metres in width where trees are likely to reach more than 4 metres in height upon maturity.</p> <p>(4) The visual impact of hard landscaping is to be minimised via soft landscaping.</p> <p>(5) Shade tree planting is to be provided for every 8 parking spaces within parking areas and along public street frontages of parking areas.</p> <p>(6) Existing high conservation value vegetation, mature trees and high landscape value trees are to be retained on the site and incorporated into the landscaping design wherever possible.</p> <p>(7) Where development or subdivision proposals comprise or adjoin high conservation value vegetation, plant species selection for additional soft landscaping is to comprise a mix of bushland friendly species and native vegetation where possible.</p> <p>(8) Where palms are incorporated into landscape designs, they are to complement and not substitute trees.</p> <p>(9) One street tree is to be planted for every 5 - 10 metres of the development's public road frontage.</p>		
<b>F3.5 Landscaping Requirements - Subdivision</b>	<p>(1) Development applications for subdivisions:</p> <p>(a) on greenfield sites comprising the provision of a public road (or certain community title schemes), or works on a public road frontage, are to be accompanied by a street tree masterplan in accordance with the City's requirements and the Coffs</p>	<p>Detailed landscaping arrangements do not form part of this development application and will be provided as part of a separate approval process. The development can achieve the required landscaping standards.</p>	Yes

CDCP Clause	Requirement	Development	Compliance
	<p>Harbour Public Realm Urban Design Guidelines comprising the provision of a minimum of 1 street tree for every 5 - 10 metres of road frontage to a public road.</p> <p>(b) on infill sites are to provide a minimum of 1 street tree for every 5 - 10 metres of frontage to a public road in accordance with the City's requirements and the Coffs Harbour Public Realm Urban Design Guidelines.</p> <p>(2) Street tree species are to complement existing street trees in the locality or where there are no existing street trees in the locality, the City's Landscape Architect is to be consulted.</p> <p>(3) Street tree species are to be carefully selected so that:</p> <p>(a) they visually enhance the development (in keeping with NSW Police Safer by Design: Crime Prevention Through Environmental Guidelines); and</p> <p>(b) upon maturity they are likely to achieve a height of 6 metres (unless above ground services are present); and</p> <p>(c) they are not located above water and/or sewer infrastructure.</p> <p>(4) Where subdivision proposals comprise median treatments:</p> <p>(a) Sir Walter Buffalo is to be used as the preferred turf; and</p> <p>(b) mass planting is to be provided where the ground slope is greater than 1:4 utilising a suitable ground cover approved by the City.</p>		
<b>F6.1 Waste Requirements - General</b>	<p>(1) A 3 stream waste separation system is to be provided to cater for all waste generated by the development.</p> <p>(2) The following variables are to be considered in the calculation of waste generation rates:</p>	<p>Waste is proposed to be managed by a private contractor who will provide a waste pickup service using a medium rigid vehicle (MRV) that can enter and exit the site in a forward direction. The proposed waste management</p>	Yes

CDCP Clause	Requirement	Development	Compliance
	<p>(a) the number of occupants;  (b) size of dwellings;  (c) nature of business;  (d) nature of waste being generated;  (e) frequency of collections; and  (f) peak season volume changes.</p> <p>(3) The number and type of bins required for waste separation systems are to suit the type of development and may include any of the following options:</p> <p>(a) 240 litre lime green-lidded bin for organics (green waste and food waste, collected weekly); and 240 litre yellow-lidded bin for recycling (collected on alternate fortnights); and 240 litre red-lidded bin for residual garbage (collected on alternate fortnights); or  (b) 660 litre red and yellow-lidded bulk bins (collected weekly) for multi dwelling housing (with 6 or more units) or commercial development; or  (c) 1,100 litre red and yellow-lidded bulk bins (collected weekly) for multi dwelling housing (with 10 or more units) or commercial development; or  (d) 1m<sup>3</sup> to 3m<sup>3</sup> bulk bins for commercial and industrial development (with no council service).</p> <p>Maximum weekly waste generation rates collected through the City's standard waste collection service.</p>	<p>arrangements have been reviewed by the City's Waste Officer and are considered acceptable.</p>	
<b>G14.2.1 Woolgoolga West Masterplan</b>	<p>(1) Development and subdivision proposals are to comply with the principles of the Woolgoolga West Masterplan.</p>	<p>The development is considered to comply with the principles of the Woolgoolga West Masterplan which includes providing residential uses on site, increasing connectivity from Newmans Road to the east. Protecting and providing a bicycle path through the site.</p> <p>The development proposes a residential type use in the form of a manufactured</p>	Yes

CDCP Clause	Requirement	Development	Compliance
		home estate, includes a bicycle path linking the existing development to the east through the site and to Newmans Road and provides for pedestrian pathways through the site.	
<b>G14.2.2 Infrastructure Requirements</b>	<p>(1) Subdivision proposals are to accord with the requirements of relevant controls within Chapter C1 Subdivision of this Plan.</p> <p>(2) The roads and intersections shown on the Woolgoolga West Masterplan shall be constructed at no cost to the (unless otherwise specified in the Woolgoolga Developer Contributions Plan).</p> <p>(3) The intersection of Newmans Road and Solitary Islands Way is to be upgraded in accordance with the Woolgoolga Developer Contributions Plan.</p> <p>(4) Cycleways are to be provided at no cost to the in accordance with the Woolgoolga West Masterplan (unless otherwise specified in the Woolgoolga Developer Contributions Plan).</p> <p>(5) Neighbourhood open space areas (including playgrounds) are to be provided at no cost to the in accordance with the Woolgoolga West Masterplan (unless otherwise specified in the Woolgoolga Developer Contributions Plan).</p> <p>(6) Reticulated water and sewerage services are to be provided within the release area by the developer in accordance with the City's Development Servicing Plans and Development Specifications.</p> <p>(7) Where services identified in the City's Development Servicing Plans are not in place, it is the developer's responsibility to forward fund such services.</p>	<p>1) The development does not accord with the infrastructure as set out in the Woolgoolga West Masterplan. The road layout and bicycle paths proposed in the development do not match the layout of the masterplan however are considered to comply with the principles of the masterplan including increased connectivity and bicycle paths.</p> <p>The layout of the development has been reviewed by the City's Strategic/Local Planning Officer and is considered to suitably respond to the site and surrounding properties and is considered acceptable.</p> <p>2) All roads within the development will be constructed at no cost to the City.</p> <p>3) Upgrades of Newmans Road are to be at no cost to the City and will be funded by the Applicant via a Voluntary Planning Agreement (VPA). The VPA is currently recommended for endorsement by Council.</p> <p>4) Shared pedestrian/cycle ways within the development are to be provided at no cost to the City.</p>	Yes



CDCP Clause	Requirement	Development	Compliance
	(8) The sewer rising main from Pump Station 14 shall be upgraded and diverted along the Pacific Highway to Pullen Street.	5) The development includes communal open space areas provided at no cost to the City.	
	(9) Smaller pump stations shall be provided as necessary.	6) Reticulated water and sewerage services are provided for the development in accordance with the City's Development Servicing Plans and Development Specifications as confirmed by the City's Development Engineer.	
		7) All services required on site are to be funded by the owner.	
		8) N/A	
		9) N/A	
<b>G14.2.3 Environmental Requirements</b>	Subdivision proposals are to comply with the relevant controls of E1 Biodiversity of this Plan.	The development is considered to accord with the requirements of Section E1 of the CDCP.	Yes

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Coffs Harbour Administration Levy 2024*
- *Coffs Harbour Road Network 2024*
- *Coffs Harbour Surf Rescue 2024*
- *Coffs Harbour Open Space 2024*
- *Woolgoolga Northwest and West 2023*

The Section 7.11 contribution is currently \$2,436,829.00 for the 180 manufactured home development. This includes a credit of \$20,000.00. The offered planning agreement allows for a full offset of the 7.11 contributions.

**(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act**

The following planning agreement has been offered under Section 7.4 of the EP&A Act:

- **Voluntary Planning Agreement between Ingenia Communities operating as (INA Operations Pty Limited) and Coffs Harbour City Council**

The development is consistent with this Planning Agreement as discussed in this report. A draft recommended condition of consent requires the proponent to enter into the planning agreement should the development proceed.

### (e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. None of the listed matters apply to this development.

### 3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Construction** – The construction stage of the development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval is conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like.
- **Changes to Woolgoolga West Masterplan** – The Woolgoolga West Masterplan provided an indicative layout and bicycle path location for the site as shown in Figure 7. The indicative plan indicates the bicycle path traversing from east-west across the site and extending southwards across the southern site boundary.

The development proposes to vary this indicative layout and bicycle path location with the road layout and lot placement amended to confirm with the site topography and on site hazards such as flooding. As indicated in Figure 8, the development proposes a bicycle path that connects the existing plantation development to the east to Newmans Road and onto the proposed road network on site.

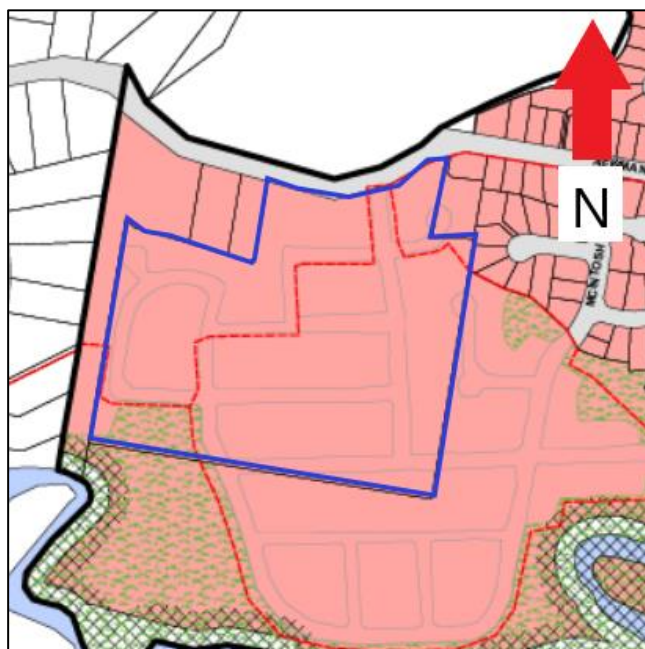


Figure 7: Woolgoolga West Masterplan showing site in blue and bicycle path in red.



**Figure 8: Proposed site layout and bicycle path.**

The proposed variation has been considered by the City's Development Engineer and Local Planning Officer and is considered to suitably respond to the site and is acceptable.

- **Cumulative impacts** – Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered that with adherence to recommended conditions of consent that the proposal will not give rise to any adverse cumulative impacts.

Accordingly, it is considered that the development will not result in any notable adverse impacts in the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

**Does the development fit in the locality?** - There are no significant constraints, heritage, threatened species, agricultural or mineral and extractive resource constraints impacting the development. The development will not give rise to unmanageable transport demands, adequate recreational opportunities will be provided and all services will be available.

### **3.4 Section 4.15(1)(d) - Public Submissions**

Section 4.15(1)(d) of the EP&A Act requires Council to consider “any submissions made in accordance with this Act or the regulations”.

A total of 40 public submission were received for the application. An assessment of the issues raised within these submissions is provided in Section 4.3 of this report.

### **3.5 Section 4.15(1)(e) - Public interest**

Section 4.15(1)(e) of the EP&A Act requires Council to consider “the public interest”. The development satisfactorily addresses Council's criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Approval of the development would be in the public interest.

### **3.6 Other Statutory Considerations**

Section 1.7 of the EP&A Act it has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 (FM Act), both in connection with the terrestrial and aquatic environments. Both the BC Act and FM Act must be considered in the assessment of the development.

### 3.6.1 Biodiversity Conservation Act 2016

The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecological sustainable development.

BC Act requires an assessment on whether an action, development or activity is likely to significantly affect threatened species, ecological communities or their habitats. The development is expected to impact 0.65 ha of native vegetation. The site includes a minimum lot size of 400m<sup>2</sup> with the clearing applicable clearing threshold summarised in **Table 8**.

**Table 8 – Biodiversity Conservation Act 2016 Assessment**

Minimum lot size associated with the property	Threshold for clearing, above with the BAM and offsets scheme apply
less than 1 ha	0.25 ha or more

As the development exceeds the biodiversity offset scheme threshold, the development is considered likely to significantly affect threatened species with a biodiversity assessment report (BDAR) submitted with the application. The BDAR meets the Biodiversity Assessment Methodology requirements and has manageable ecological impacts.

Draft conditions are included that require the proponent to retire biodiversity credits to offset the residual impact on biodiversity values of the number and class specified in the BDAR.

### 3.6.2 Fisheries Management Act 1994

The purpose of the FM Act is to manage NSW fishery resources. The FM Act ensures the fishing needs and traditions of Aboriginal people are appropriately captured in the management of fisheries resources.

The development will not impact on the threatened marine species as the development is not in close enough proximity to a water body.

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

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 was introduced with the aim of providing opportunities for affordable alternatives in short-term and long-term accommodation by setting minimum standards:

- a) for the design of manufactured home estates, caravan parks and camping grounds, and
- b) for the design and construction of manufactured homes and other moveable dwellings, and
- c) for the siting of manufactured homes and other moveable dwellings, and
- d) to promote the health, safety and amenity of the occupiers of manufactured homes and other moveable dwellings.

Clause 6(1) of Division 2, Subdivision 1 states the following-

- 1) The council must not grant an approval unless satisfied the manufactured home estate will be designed, constructed, maintained and operated in accordance with Division 3.
- 2) Before approving the operation of a manufactured home estate on flood liable land, the council must consider the principles in the Floodplain Development Manual.

Clause 10(2) of Division 2, Subdivision 2 states that a manufactured home estate must be designed, constructed and installed in accordance with Division 3. The development is assessed against Division 3 in Table 9 below:

**Table 9 – Division 3 Assessment**

Control	Compliance	Outcome
Clause 12 Minimum size of Estate - A manufactured home estate (MHE) must not have an area of less than- (a) 1 hectare, or (b) if a lesser area is permitted on the land by an environmental planning instrument, the lesser area.	Yes	The site area of the development is approximately 10 hectares.
Clause 13 Recreational and Community amenities - A minimum of 10% of the total land area of a manufactured home estate must be reserved for recreation or other communal activities.	Yes	A minimum of 10% of the total land area of the development is proposed to be reserved for recreation or other communal activities, including a clubhouse precinct.
Clause 14 Size of dwelling sites - Min. 130 square metres	Yes	All dwelling sites will have a minimum area of 130m <sup>2</sup> .
Clause 15 Site identification - A dwelling site must be numbered or identified with its site boundaries clearly outlined. (2) The site identification must be easily recognised.	Yes	All dwelling sites will be numbered and identified with its site boundaries clearly outlined.
Clause 16 Dwelling sites to have road frontage - A dwelling site must have vehicular access to an access road.	Yes	All dwelling sites have vehicular access to an access road.
Clause 17 Setbacks of community Buildings – (1) A community building must not be located closer than 10 metres to the boundary of a manufactured home estate or dwelling site. (2) The council may allow a lesser distance of at least 2 metres if satisfied the community building has been or will be properly screened, fenced, enclosed or otherwise treated.	Yes	No community buildings will be located closer than 10m to a manufactured home estate or dwelling site.
Clause 17 Setbacks of community Buildings – (1) A community building must not be located closer than 10 metres to the boundary of a	Yes	No community buildings will be located closer than 10m to a manufactured home estate or dwelling site.

Control	Compliance	Outcome
<p>manufactured home estate or dwelling site.</p> <p>(2) The council may allow a lesser distance of at least 2 metres if satisfied the community building has been or will be properly screened, fenced, enclosed or otherwise treated.</p>		
<p>Clause 20 - Entrance and exit roads - A road forming an entrance to or exit from a manufactured home estate must be at least 8 metres wide.</p>	Yes	The site entry from Newmans Road has an 8m wide total carriageway.
<p>Clause 21 Width of roads – (1) The width of the road reserve must be at least-</p> <p>(a) 8.5 metres for a major access road, and</p> <p>(b) 6 metres for a minor access road.</p> <p>(2) The width of the sealed portion of an access road must be at least-</p> <p>(a) 6 metres for a major access road, and</p> <p>(b) 4 metres for a minor access road.</p> <p>(3) If a minor access road exceeds 80 metres in length, a passing bay must be provided within the road reserve.</p> <p>(4) Passing bays must be provided at intervals of no more than 100 metres.</p> <p>(5) The width of the sealed portion of an access road at a passing or parking bay must be at least-</p> <p>(a) 8.5 metres for a major access road, and</p> <p>(b) 6 metres for a minor access road.</p>	Yes	The road layout of the development has been assessed by the City's Development Engineer and is considered in accordance with this clause.
<p>Clause 22 Speed restrictions as part of road design - Access roads must be designed to limit the speed at which vehicles may travel on the roads 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>	Yes	The development can comply with this clause and will be required to comply as a condition of consent.
<p>Clause 23 Visitor parking – (1) A manufactured home estate must contain at least the following number of visitor parking spaces -</p> <p>(a) for a manufactured home estate containing no more than 35 sites – 8 spaces,</p> <p>(b) for a manufactured home estate containing more than 35 sites, but no</p>	Yes	<p>The development involves the provision of 180 dwelling sites. This results in a visitor parking requirement of 25 visitor spaces to be provided within the site, with dimensions of 5.4 metres by 2.5 metres (for angle parking).</p> <p>The development includes 26 visitor parking spaces, which complies with this requirement via a condition of consent.</p>



Control	Compliance	Outcome
<p>more than 70 sites - 12 spaces,  (c) for a manufactured home estate containing more than 70 sites, but no more than 105 sites - 16 spaces,  (d) for a manufactured home estate containing more than 105 sites - 20 spaces plus 1 additional space for every 7 sites above 140 sites.  (2) Each parking space must have minimum dimensions of:  (a) for angle parking - 5.4 metres by 2.5 metres, or  (b) otherwise – 6.1 metres by 2.5 metres.  (3) Visitor parking spaces must be clearly identified.</p>		
<p>Clause 24 Visitor parking for people with disabilities - m A manufactured home estate must contain -  (a) at least 1 visitor parking space for people with a disability (a disabled parking space), or  (b) if the manufactured home estate contains 100 sites or more-at least 1 additional disabled parking space for:  (i) the first 100 sites, and  (ii) every further 100 sites, and  (iii) a remaining part, if any, of 100 sites.  (2) A disabled parking space must be-  (a) provided in accordance with AS/NZS 2890.1:2004, Parking facilities,  Part 1: Off street car parking, and  (b) clearly identified as a disabled parking space.  (3) A disabled parking space may be counted as a visitor parking space.</p>	Yes	<p>With 180 dwelling sites, the development is required to provide 2 disabled parking spaces.</p> <p>The Masterplan indicates that 2 spaces will be provided for people with a disability within the visitor spaces in the Clubhouse precinct, which complies.</p>
<p>Clause 25 Road surfaces - All access roads, including all passing and parking bays, must-  (a) have an all-weather sealed or other surface finish specified in the approval, and  (b) be adapted to the land to enable adequate drainage and remove excessive grades.</p>	Yes	<p>All access roads will have an all-weather sealed surface and will be adapted to the land to enable adequate drainage and remove excessive grades.</p>
<p>Clause 26 Lighting - All access roads must be adequately lit between sunset and sunrise.</p>	Yes	<p>Street lighting will be installed along the internal access roads.</p>

Control	Compliance	Outcome
<p>Clause 27 Water supply – (1) A manufactured home estate must be--</p> <p>(a) connected to a mains water supply, or</p> <p>(b) provided with an alternative water supply service as specified in the approval.</p> <p>(2) A dwelling site must be--</p> <p>(a) connected to the water supply service for the manufactured home estate, and</p> <p>(b) provided with -</p> <p>(i) a separate water meter, and</p> <p>(ii) 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 the regulations made under that Act, and</p> <p>(b) the requirements of a relevant statutory body.</p> <p>(4) The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines 6 published in October 2011 by the National Health and Medical Research Council.</p>	Yes	<p>The development will be connected to the existing watermain on Newmans Road with this watermain being extended along Newmans Road to the site.</p> <p>The dwelling sites will be connected to this water supply service for the development and will be provided with a separate water meter and separate water service isolating valve. The connection to the watermain has been assessed by the City's Development Engineer and is considered acceptable.</p>
<p>Clause 28 Sewerage – (1) A manufactured home estate must be--</p> <p>(a) connected to a main sewer, or</p> <p>(b) provided with an alternative sewage disposal system as specified in the approval.</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 the regulations made under that Act, and</p> <p>(b) the requirements of a relevant statutory body.</p>	Yes	<p>An existing 225mm gravity sewer main is located on the eastern boundary of the site.</p> <p>Each dwelling site will be connected to the existing sewage disposal system. This approach has been assessed by the City's Development Engineer and is considered acceptable.</p>
<p>Clause 29 Drainage – (1) A manufactured home estate must be provided with a stormwater drainage system as specified in the approval.</p> <p>(2) A dwelling site must be--</p> <p>(a) connected with the stormwater drainage system for the manufactured home estate, or</p>	Yes	<p>The general strategy for the minor storm events is to convey stormwater runoff from the development via a piped drainage system to the proposed detention and treatment systems, eventually discharging to Woolgoolga Creek. To achieve this, each lot will be graded to the street or be provided with an inter-allotment drainage connection, which</p>

Control	Compliance	Outcome
<p>(b) 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 a relevant statutory body.</p>		<p>will convey stormwater runoff from the lot to the trunk infrastructure in the road network. The pit/pipe network will be sized to convey a minimum of the 10% AEP storm event, in line with the City's guidelines.</p> <p>The major storm event, being the 1 % AEP storm event, will be conveyed to the discharge points via a combination of road carriageways, and defined overland flow swales! channels.</p> <p>The drainage arrangements have been reviewed by the City's Development Engineer and is considered acceptable.</p>
<p>Clause 30 Electricity supply – (1) A dwelling site must be supplied with electricity from a reticulated electricity service by an electrical circuit connected to a separate electricity meter.</p>	Yes	<p>The existing overhead powerline that traverses the site will be relocated underground as part of the development. Connection will then be made to this network to service each dwelling site by way of separate electricity meter. It is expected that the MHE will be able to be serviced by a single new substation. The electricity connection has been reviewed by Essential Energy and is considered to be acceptable.</p>
<p>Clause 33 Garbage removal - Arrangements specified in an approval must be implemented and maintained-</p> <p>(a) for the removal of garbage, and</p> <p>(b) to keep garbage receptacles in a clean and sanitary condition.</p>	Yes	<p>The DA provided a WMP which details proposed waste arrangements. This has been reviewed by the City's Waste Officer and is considered acceptable.</p>
<p>Clause 35 Buildings – (1) A building must not be erected on a manufactured home estate unless the approval allows the erection of the building.</p> <p>(2) An approval may allow only the following kinds of buildings to be erected on the manufactured home estate:</p> <p>(a) community buildings,</p> <p>(b) brick or masonry walls to erect -</p> <p>(i) separating walls between adjoining manufactured homes, or</p> <p>(ii) external facades to manufactured homes.</p> <p>(3) The approval may allow the erection of a brick or masonry wall to erect an external facade to a manufactured home only if -</p>	Yes	<p>The development proposes 2 community buildings in accordance with this control.</p>

Control	Compliance	Outcome
<p>(a) the dwelling site on which the manufactured home is located is a neighbourhood lot, and</p> <p>(b) the owner of the manufactured home is the owner of the neighbourhood lot.</p> <p>(4) In this section - neighbourhood lot has the same meaning as in the Community Land Development Act 1989.</p>		
<p>Clause 36 Use of manufactured home estates – (1) A manufactured home estate must not be used-</p> <p>(a) for a 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) A manufactured home may be used for exhibition purposes.</p> <p>(3) A manufactured home installed in a manufactured home estate may be renovated, maintained and repaired.</p>	Yes	The MHE will not be used for a commercial purpose. It is intended to construct the moveable dwellings onsite. A separate application has been made under section 82 of the Local Government Act 1993 to construct moveable dwellings onsite rather than transporting modular sections of dwellings to the site for installation.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 10.

**Table 10: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements</b> (s4.13 of EP&A Act)			
N/A			
<b>Referral/Consultation Agencies</b>			
Essential Energy (EE)	SEPP (Transport and Infrastructure) 2021, s2.48	<p>EE confirmed the following minimum distances required from EE's infrastructure:</p> <ul style="list-style-type: none"> <li>As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10 meters from the nearest part of the development to Essential Energy's infrastructure (measured</li> </ul>	Following receipt of these comments, the Applicant provided plans confirming the distance of the development from all relevant EE infrastructure is in

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
		<p>horizontally) is required to ensure that there is no safety risk. OVERHEAD 11KV HIGH VOLTAGE RUNNING THROUGH THE BLOCK.</p> <ul style="list-style-type: none"> <li>It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.</li> </ul> <p>Essential Energy makes the following general comments:</p> <ul style="list-style-type: none"> <li>If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;</li> <li>Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;</li> <li>Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;</li> <li>Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app <a href="https://essentialenergy.com.au/lookupandlive">essentialenergy.com.au/lookupandlive</a>.</li> </ul>	<p>excess of the minimum requirements. Accordingly, this matter is considered to be resolved.</p>
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
Heritage NSW	National Parks and Wildlife Act 1974 s.90	<p>Heritage NSW provided the following general terms of approval (GTA):</p> <p>1. A s.90 Aboriginal Heritage Impact Permit for the proposed works must be sought and granted prior to the commencement of works.</p>	<p>Heritage NSW have issued GTAs which will form part of the development consent if approved.</p>

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
		<p>2. The Aboriginal Heritage Impact Permit application must be accompanied by appropriate documentation and mapping as outlined in Applying for an Aboriginal Heritage Impact Permit: Guide for applicants (2011).</p> <p>3. Consultation with the Aboriginal community undertaken as part of the Aboriginal Heritage Impact Permit application must be in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010.</p> <p>4. The Aboriginal Heritage Impact Permit application must be completed with reference to the requirements of the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011).</p> <p>5. The Aboriginal Heritage Impact Permit application must include complete records satisfying the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010).</p> <p>6. Long term management of Aboriginal objects must be considered as part of the Aboriginal Heritage Impact Permit application.</p>	
Rural Fire Service (RFS)	Rural Fires Act - S.100B	RFS have issued GTAs which are provided in Appendix C	The development has been assessed by RFS and is considered satisfactory subject to the implementation of GTAs.

#### 4.2 Council Officer Referrals

The development application has been referred to various City officers for technical review as outlined **Table 10**.

**Table 11: Consideration of Council Referrals**



Officer	Comments	Resolved
Water Sensitive Urban Design	The water sensitive urban design (WSUD) officer has reviewed the development application and confirms it is acceptable subject to the imposition of conditions of consent.	The recommended conditions of consent have been included in full in the draft consent.
Engineering Officer	The engineering officer has reviewed the development application and confirms it is acceptable subject to the imposition of conditions of consent.	The recommended conditions of consent have been included in the draft consent.
Environmental Health	Environmental health officer has reviewed the development application and confirms it is acceptable subject to the imposition of conditions of consent.	The recommended conditions of consent have been included in full in the draft consent.
Compliance and Regulatory enforcement	Compliance and regulatory officer has reviewed the development application and confirms it is acceptable subject to the imposition of conditions of consent.	The recommended conditions of consent have been included in full in the draft consent.
Biodiversity	Biodiversity officer has reviewed the development application and confirms it is acceptable subject to the imposition of conditions of consent.	The recommended conditions of consent have been included in full in the draft consent.
Trade Waste	Trade Waste officer has reviewed the development application and confirms it is acceptable subject to the imposition of conditions of consent.	The recommended conditions of consent have been included in full in the draft consent.
Waste	Waste officer has reviewed the development application and confirms it is acceptable subject to the imposition of conditions of consent.	The recommended conditions of consent have been included in full in the draft consent.
Finance	Finance officer has advised the VPA can be supported. Full offset of s7.11 contributions water/sewer contribution.	VPA and required contributions have been included in draft consent.
Local/Strategic Planning	Local/Strategic Planning officer has reviewed the development application and confirms the variations to the masterplan are acceptable subject to the imposition of conditions of consent.	The recommended conditions of consent have been included in the draft consent.

### 4.3 Community Consultation

The development was notified in accordance with the CCCP from 24 November 2023 to 13 January 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (a rough estimate of the number of letters sent);

- Notification on the City's website.

the City received 40 submissions in response to the notification. Twelve submissions in support of the development and 28 submissions in objection to the development. An assessment of these submission is provided in **Table 11**:

**Table 12: Public Submissions**

Issue	Detail	Response
Traffic	<ul style="list-style-type: none"> <li>• Traffic congestion on intersection</li> <li>• Traffic safety</li> <li>• Increase in traffic</li> </ul>	<p>It is recognised the development will result in increased traffic loads on the surrounding road network. A Traffic Impact Assessment was submitted as part of the development application which details the potential impact on the road network. It is recognised that the Solitary Islands Way/ Newmans Road intersection is at capacity. Furthermore, it is understood that future residential development will occur along Newmans Road.</p> <p>In order to ensure this intersection has sufficient capacity, the site owner will upgrade this intersection from a priority controlled intersection to a single-lane roundabout under a VPA, meaning at no cost to the City. The VPA is expected to be endorsed by the Council.</p> <p>In respect of traffic safety, the proposed access from the site to Newmans Road has been assessed by the City's Development Engineer and is considered to provide sufficient sightlines in both directions along Newmans Road.</p> <p>Given this upgrade, the local road network can sufficiently accommodate the additional traffic and the development will not have an unacceptable impact on traffic congestion or traffic safety in the area.</p>
Inadequate Services	<ul style="list-style-type: none"> <li>• Inadequate Ambulance/Fire/Police in locality</li> <li>• Increasing pressure on medical services in locality</li> <li>• Insufficient shops</li> </ul>	<p>A Community Needs Assessment was submitted as part of the development application. This report provides an assessment of local services and whether there will be sufficient community</p>

Issue	Detail	Response
		<p>facilities and services, whether situated within or outside the development, that will be available to the future residents.</p> <p>This report concludes that future residents will have access to a wide range of social infrastructure and services, both on site and within the wider area. The report also concludes that Woolgoolga is well-serviced for medical and health services, capable of servicing the development. The provision of local services onsite includes consult rooms within the existing Ingenia Plantations development and within the development which will provide medical assistance.</p> <p>Residents will also have access to a supportive service (Ingenia Connect). Ingenia Connect is a free service to help connect Ingenia's residents with mental and physical support in the area.</p> <p>The development is considered to be well serviced with existing and proposed medical assistance and will not put unacceptable pressure on existing medical services in the area.</p> <p>In respect of fire and police services, these matters are not assessed as part of this development and are not considered to be a planning matter.</p>
Pressure on infrastructure	<ul style="list-style-type: none"> <li>• Reduced water pressure</li> <li>• Servicing of site for telecommunications and utilities</li> <li>• Overloading existing utilities provision</li> </ul>	<p>An Engineering Design Report has been provided with the development application. This report includes an infrastructure servicing strategy which outlines how the development will be serviced.</p> <p>The development is proposed to connect to the existing watermain on Newman Road. approximately 50m to the east of the development. Historically, water pressure and flow at the western end of Newman Road has been poor however there</p>

Issue	Detail	Response
		<p>have been upgrades to the network undertaken recently that have improved the water pressure.</p> <p>The City has assessed the proposed water connection and confirm there is sufficient water pressure to accommodate the development whilst not impacting on existing residents.</p> <p>All other utilities can be connected to the development as demonstrated in the Engineering Design Report.</p>
Visual Impacts	<ul style="list-style-type: none"> <li>• Over development</li> <li>• Not enough green space</li> <li>• Too many dwellings on site</li> <li>• Development not in character with the surrounding area.</li> </ul>	<p>The area is nominated as an infill growth precinct under Section 4.1 of the Coffs Harbour Local Growth Management Strategy. The development is consistent with the objectives of the precinct and consistent with the relevant planning controls for the site.</p> <p>It is noted that the development does not include details of dwellings including landscaping as this will be dealt with via a separate approval process.</p> <p>The development is considered to be consistent with the layout and density of the existing approved manufactured home estate to the east of the site.</p> <p>Given this, the development is not considered to be over development and is consistent with the existing and future character of the area.</p>
Stormwater impacts	<ul style="list-style-type: none"> <li>• Impact of stormwater run off from the development to adjoining properties</li> </ul>	<p>A stormwater management strategy was provided with the development application which confirms that stormwater runoff can be managed on site, resulting in a reduction in runoff to surrounding properties. The stormwater management proposal has been assessed by the City's Development Engineer and is considered to comply with the requirements of the City.</p>

Issue	Detail	Response
West Woolgoolga Urban Release Area	<ul style="list-style-type: none"> <li>Development is not consistent with the indicative layout of the West Woolgoolga Masterplan</li> </ul>	<p>This issue is addressed in Section 3.1 of this report. It is recognised the development proposes a variation to the approved masterplan layout for the site including road layout and cycle path location. The proposed variations are in response to site constraints and due to the development involving a manufactured homes estate which retains the large lot and does not provide public roads. The development layout is considered to be broadly consistent with the masterplan and will provide for a cycle path around the site. Furthermore, the layout has been reviewed by the City's Local/Strategic Planner and is considered acceptable.</p> <p>Accordingly, the proposed development layout is considered acceptable.</p>

## 5. CONCLUSION

The Applicant is seeking development consent for a manufactured home estate comprising installation of infrastructure and bulk-earthworks, establishment of 180 dwelling sites, construction of a clubhouse and communal amenity areas, construction of stormwater detention and water quality basins, construction of internal roads and a public pedestrian pathway, landscaping and the provision of 10 caravan spaces.

The development is 'Regionally Significant Development' as defined by Chapter 2 Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP) – The development is for a residential flat building with a CIV over \$30 million in value. The Northern Regional Planning Panel (NRPP) is the relevant determining authority.

The development application is identified as Nominated Integrated Development with General Terms of Approval provided by RFS NSW and Heritage NSW. The development has been assessed under the relevant State Environmental Planning Policies, CHLEP and Coffs Harbour Development Control Plan 2015.

This assessment found that the development generally satisfies the controls and requirements of these instruments with some variations to the Coffs Harbour DCP that do not warrant refusal and can be managed by way of conditions of consent.

The other relevant matters for consideration under Section 4.15 of the Act have also been considered and the development is considered suitable for the site and it will have an acceptable impact on the site, local area and neighbouring properties.

The submissions from agencies have been considered and conditions recommended where appropriate, and the public submissions are considered to have been satisfactorily addressed by the development.

There are no significant public interest concerns resulting from the development.

The development is recommended for conditional approval. It is considered that the key issues as outlined in this report have been resolved satisfactorily through recommended draft conditions at **Attachment A**.

## **6. RECOMMENDATION**

That the Development Application DA 0254/24DA for a manufactured home estate comprising installation of infrastructure and bulk-earthworks, establishment of 180 dwelling sites, construction of a clubhouse and communal amenity areas, construction of stormwater detention and water quality basins, construction of internal roads and a public pedestrian pathway, landscaping and the provision of 10 caravan spaces at Newmans Road, Woolgoolga, be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft conditions of consent
- Attachment B: Plans



