

Stockland Development Pty Limited  
Level 25  
133 Castlereagh Street  
SYDNEY NSW 2000

|                      |                         |
|----------------------|-------------------------|
| <b>CERTIFICATE</b>   | <b>LG-2024/19</b>       |
| Determination        | Refused                 |
| Certifying Authority | Wollongong City Council |
| Issued               | 29 April 2025           |

### NOTICE OF DETERMINATION OF LOCAL GOVERNMENT APPLICATION

#### Issued under Section 94 of the Local Government Act, 1993

The Section 68 Part F3 Local Government application described below has been determined:

|                 |   |
|-----------------|---|
| <b>Activity</b> | Operate a manufactured home estate comprising 236 dwellings and associated community facilities |
| <b>Location</b> | Lot 197 DP 1258914  |
|                 | Lot 197 DP 1258914 Bong Bong Road HUNTLEY NSW 2530  |

Under Section 99(1) of the Local Government Act 1993, notice is given that the above application has been determined by refusing approval using the power in Section 94(1)(b) of the Local Government Act 1993, for the reasons specified below:

#### Reasons for Refusal

1. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, the proposed activity does not meet the requirements of Section 10(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
2. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, the proposed activity does not meet the requirements of Section 13(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
3. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, insufficient information has been submitted pursuant to the provisions of Section 17(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
4. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, insufficient information has been submitted pursuant to the provisions of Section 18(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
5. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, the proposed activity does not meet the requirements of Section 20(2) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
6. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, the proposed activity does not meet the requirements of Section 21(2)(a) and Section 21(4) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
7. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, the proposed activity does not meet the requirements of Section 23(1)(d), Section 23(2)(a) and Section 23(2)(b) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

8. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, insufficient information has been submitted pursuant to the provisions of Section 24 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
9. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, insufficient information has been submitted pursuant to the provisions of Section 33 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
10. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, the proposed activity does not meet the requirements of Section 34(2)(a) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
11. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, the proposed activity does not meet the requirements of Section 35(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
12. Pursuant to the provisions of Section 89(1)(a) of the Local Government Act 1993, the proposed activity does not meet the requirements of Section 36(1)(b) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
13. Pursuant to the provisions of Section 82(1)(b) of the Local Government Act 1993, Council does not find that that compliance with of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 is unreasonable or unnecessary in the particular circumstances of the case.

#### **Notes**

1. Section 176 of the *Local Government Act, 1993* confers on an applicant who is dissatisfied with the determination of a Council a right of appeal to the Land and Environment Court exercisable within twelve months from the date of this notice.
2. Section 100 of the *Local Government Act, 1993* confers on an applicant who is dissatisfied with the determination of a council a right to request the council to review the determination. The request for review of the determination must be made within 28 days after the date of the determination.

Should you have any enquiries regarding this matter please contact me on the telephone number below.

This letter is authorised by

#### **Tim Powell**

Development Project Officer  
Wollongong City Council  
Telephone (02) 4227 7111

## SECTION 89 ASSESSMENT REPORT

### LOCAL GOVERNMENT ACT 1993 ASSESSMENT

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | LG-2024/19  |
| <b>Location</b>           | Lot 197 DP 1258914  |
|                           | Lot 197 DP 1258914 Bong Bong Road HUNTLEY NSW 2530  |
| <b>Description</b>        | Operate a manufactured home estate comprising 236 dwellings and associated community facilities |
| <b>Date</b>               | 29 April 2025   |

## **APPLICATION OVERVIEW**

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### **EXECUTIVE SUMMARY**

The application was lodged on the 20<sup>th</sup> of March 2024.

The application is made under Section 68 (Part F4) of the Local Government Act to establish and operate a manufactured home estate.

It is recommended that the application is refused.

### **ACTIVITY DESCRIPTION**

This application seeks to establish and operate a manufactured home estate comprising 236 dwellings and associated community facilities at Lot 197 DP 1258914 Bong Bong Road, Huntley.

### **LANDOWNER CONSENT**

The landowner being Ken Franklin has provided written consent for the lodgement of the application.

### **PLANNING CONTROLS**

The following planning controls apply to the land:

#### State Environmental Planning Policies:

- State Environmental Planning Policy (SEPP) No. 21 – Caravan Parks
- Complying Part – ESL Natural Resources
- Pt 3A West Dapto/Tallawarra Water/Wastewater
- Complying Part - Heritage Item
- Complying Part - ESL- Escarpment
- Complying Part - Public Purpose
- Complying Part - Public Purpose – Greenfield
- Complying Part ESL (NR) – Greenfield
- Complying Part - ESL - Escarpment - Greenfield

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

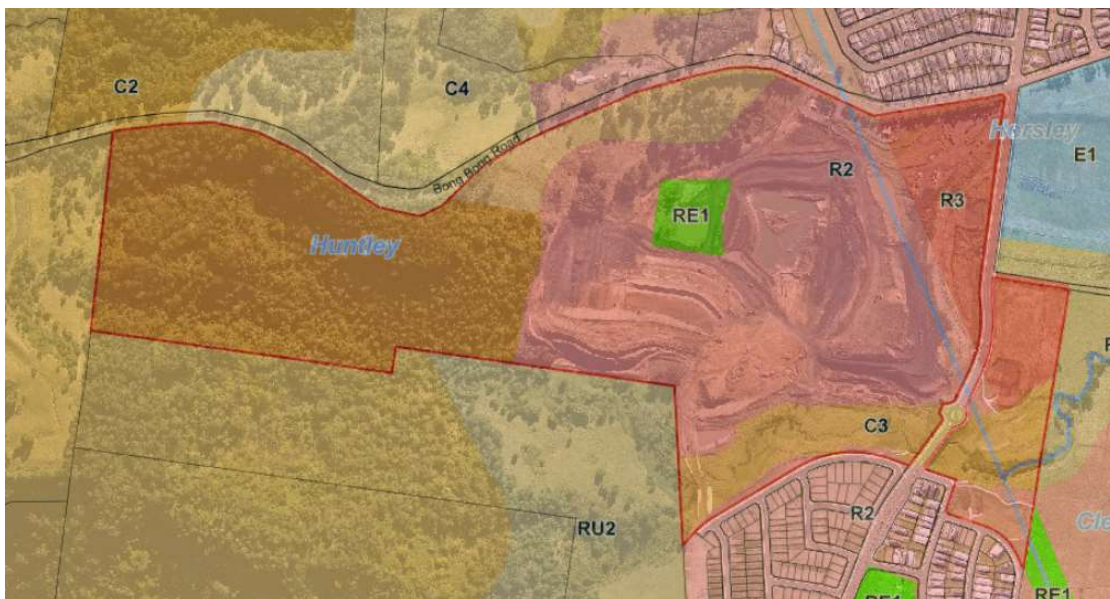
- Wollongong Development Control Plan 2009

## RELEVANT APPLICATION HISTORY

Development Application DA-2023/849 has been lodged for the use of the land as multi dwelling housing. The application is awaiting further information, and no Development Consent has been granted. Subdivision Works Certificate applications SWC-2024/4, SWC-2024/4/A, and SWC-2024/8 have been assessed and approved by Council for the establishment of 162 residential lots at the site, broken into four stages. Section 68 Application LG-2024/19 has been lodged in conjunction with DA-2024/849 for the establishment and operation of a manufactured home estate on a separate part of the site. The following Development applications remain current for separate subdivision related works on the site:

- DA-2023/891
- DA-2023/930
- DA-2024/202
- DA-2024/307
- DA-2024/613
- DA-2024/824

## SITE DESCRIPTION



## PROPERTY CONSTRAINTS

Council records list the site as being affected by the following constraints:

- Acid sulfate soils - class 2, 3, 4 and 5
- Flood affected – Medium and High Flood Risk Precinct
- Ecological sensitive land – NR biodiversity
- SEPP Resilience and Hazards – Whole of lot
- Coastal Wetlands Buffer Area
- Filled Land
- Unstable Land
- Records Relating to Land concerning Contamination
- Potentially Contaminated Land
- Heritage Item - Site of former "Waples" Butchery
- Heritage Item - Site of former "Swan" Homestead
- Contaminated Land Management Act – Affected
- Bushfire Affected - Part

## INTERNAL CONSULTATION

The following consultation has been undertaken at the DA stage of the proposal:

### Internal Consultation

| Department               | Response                           |
|--------------------------|------------------------------------|
| Community Service        | Satisfactory – Conditions imposed. |
| Community Safety         | Satisfactory – Conditions imposed. |
| Environment              | Satisfactory – Conditions imposed. |
| Geotechnical Engineering | Satisfactory – Conditions imposed. |
| Heritage                 | Satisfactory – Conditions imposed. |
| Landscape                | Satisfactory – Conditions imposed. |
| Stormwater               | Unsatisfactory                     |
| Traffic                  | Satisfactory – Conditions imposed. |
| Urban Release            | Unsatisfactory                     |

## External Consultation

| Department   | Response                                |
|--|---|
| Department of Planning & Environment – Water – NSW Planning Portal     | Satisfactory – No further requirements. |
| Endeavour Energy   | Satisfactory – Conditions imposed.      |
| Heritage NSW – Department of Premier and Cabinet – NSW Planning Portal | Satisfactory – Conditions imposed.      |
| NSW RFS  | Satisfactory – Conditions imposed.      |
| Sydney Trains  | Response not received.                  |
| Transgrid  | Concurrence Refused                     |
| Transport for NSW  | Response not received.                  |

## LOCAL GOVERNMENT ACT, - SECTION 89 ASSESSMENT

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### MATTERS FOR CONSIDERATION - GENERAL

Pursuant to Section 89 of the Local Government Act (LGA), 1993, Council:

1. *In determining the application, the Council...*
  - a. *must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation, and*
  - b. *must take into consideration any criteria in a local policy adopted under Part 3 by the council which are relevant to the subject-matter of the application, and*
  - c. *must take into consideration the principles of ecologically sustainable development.*
2. *If no requirements are prescribed for the purposes of subsection (1) (a), and no criteria are adopted for the purposes of subsection (1) (b), the council in determining an application:*
  - a. *is to take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application, and*
  - b. *is to seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.*
3. *Without limiting subsection (2), in considering the public interest the matters the council is to consider include:*
  - a. *protection of the environment, and*
  - b. *protection of public health, safety and convenience, and*

*c. any items of cultural and heritage significance which might be affected.*

In determining this application, the matters discussed below are relevant considerations under this section of the LGA.



# **LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2021**

Sections relevant to this activity are addressed below:

| Section | Requirement   | Comment  |
|---------|---|--|
| 10      | <p>Before approving an installation on flood liable land, council must consider the principles of Floodplain Development Manual.</p> <p>Any approved manufactured home on flood liable land must be designed and installed in accordance with Division 4 of the regulation.</p>                                       | <p>Development Engineering Division (Stormwater) referral undertaken at DA stage was found to be unsatisfactory.</p>   |
| 11      | <p>Before approving a manufactured home or associated structure exceeding 1 storey, Council must consider the likely impact on the amenity of:</p> <ul style="list-style-type: none"> <li>- Occupiers of adjoining manufactured homes</li> <li>- Occupiers of land adjoining the manufactured home estate.</li> </ul> | <p>Satisfactory.</p> <p>The site is currently vacant.</p>  |
| 12      | A manufactured home estate must not have an area of less than 1 hectare or lesser is permitted by an environmental planning instrument.   | <p>Satisfactory.</p> <p>Total site area: 146,739m<sup>2</sup>.</p>   |
| 13      | <p>At least 10% of the total land area of a manufactured home estate must be reserved for recreation or other communal activities.</p> <p>Council may permit a lower percentage, up to 6%, only after considering the type and range of amenities provided and any other relevant matters.</p>                        | <p>Unsatisfactory.</p> <p>Total facilities and recreation area: 6,970m<sup>2</sup></p> <p>4.7% of the total site area is reserved for community facilities and recreation.</p> |
| 14      | Each dwelling site must have an area of at least 130m <sup>2</sup>  | <p>Satisfactory.</p> <p>All dwelling sites exceed 130m<sup>2</sup>.</p>  |
| 15      | All dwelling sites must be numbered or identified with its site boundaries clearly outlined.  | <p>Satisfactory.</p> <p>The provided plans and documentation indicate the clear numbering and identification of each dwelling site.</p>  |
| 16      | All dwelling sites must have vehicular access to an access road.  | <p>Satisfactory.</p> <p>All dwelling sites are provided with vehicular access to access roads throughout the estate.</p>   |
| 17      | No community building may be located closer than 10 metres to the manufactured home estate boundaries or a dwelling site.   | <p>Unsatisfactory.</p> <p>No setback distances have been indicated on the provided architectural plans and documentation.</p>  |

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|----|--|---|
|    | Council may permit a reduced distance if the building has been appropriately screened, fenced, enclosed or otherwise.  | The proposed community facilities building appears to be located within 10 metres of the estate boundaries.   |
| 18 | A dwelling site must be setback at least 10 metres from a public road and 3 metres from the estate boundaries.   | Unsatisfactory.<br><br>No setback distances have been indicated on the provided architectural plans and documentation.  |
| 19 | Setback areas may be used for access roads, car parking spaces, footpaths, landscaping, or similar purposes.   | Satisfactory.   |
| 20 | <p>A road forming an entrance to or exit from a manufactured home estate must be at least 8 metres wide.</p> <p>For a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres</p> <p>The council may specify, in an approval, the way in which an entrance or exit road must meet the sealed portion of other access roads.</p> | <p>Unsatisfactory.</p> <p>Divided road provided at the entrance/exit of the estate provides road widths on either side of the median strip of 3.5 metres.</p> |

| Section | Requirement  | Comment   |
|---------|--|---|
| 21      | <p>The width of each road reserve must be at least:</p> <ul style="list-style-type: none"> <li>- 8.5 metres for a major access road.</li> <li>- 6 metres for a minor access road.</li> </ul> <p>The width of the sealed portion of an access road must be at least:</p> <ul style="list-style-type: none"> <li>- 6 metres for a major access road.</li> <li>- 4 metres for a minor access road.</li> </ul> <p>If a minor access road exceeds 80 metres in length, a passing bay must be provided within the road reserve.</p> <p>Passing bays must be provided at intervals of no more than 100 metres.</p> <p>The width of the sealed portion of an access road at a passing or parking bay must be at least:</p> <ul style="list-style-type: none"> <li>- 8.5 metres for a major access road</li> <li>- 6 metres for a minor access road.</li> </ul> | <p>Unsatisfactory.</p> <p>5.5m sealed width of major access roads 05 and 06.</p> <p>Passing bays provided only through the use of parking bays. No dedicated passing bays provided.</p> |
| 22      | <p>Access roads must be designed to limit vehicle speed to:</p> <ul style="list-style-type: none"> <li>- 30km/h on major access roads.</li> <li>- 15km/h on minor access roads.</li> </ul>   | Satisfactory.   |
| 23      | <p>A manufactured home estate must contain at least the following number of visitor parking spaces:</p> <ul style="list-style-type: none"> <li>- for a manufactured home estate containing no more than 35 sites—8 spaces</li> <li>- for a manufactured home estate containing more than 35 sites, but no more than 70 sites—12 spaces</li> <li>- for a manufactured home estate containing more than 70 sites, but no more than 105 sites—16 spaces</li> <li>- for a manufactured home estate containing more than 105 sites—20 spaces plus 1 additional space for every 7 sites above 140 sites</li> </ul> <p>Parking space dimensions:</p> <ul style="list-style-type: none"> <li>- angle parking—5.4 metres by 2.5 metre</li> <li>- otherwise—6.1 metres by 2.5 metres</li> </ul> <p>All visitor parking must be clearly identified.</p>           | <p>Unsatisfactory.</p> <p>236 dwelling sites provided.</p> <p>34 visitor parking spaces required.</p> <p>Both angled and parallel parking fail to meet required dimensions.</p>         |
| 24      | <p>1 visitor disabled parking space must be provided.</p> <p>If the manufactured home estate contains 100 sites or more—at least 1 additional disabled parking space for:</p>  | <p>Unsatisfactory.</p> <p>No details provided for disabled parking spaces.</p>  |

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|----|---|-----------------------|
|    | <ul style="list-style-type: none"> <li>- The first 100 sites.</li> <li>- Every further 100 sites.</li> <li>- A remaining part, if any, of 100 sites.</li> </ul> <p>All disabled parking spaces must comply with AS/NZS 2890.1:2004.</p> |                       |
| 25 | All access roads, including all passing and parking bays must have an all weather sealed finish or otherwise specified in the approval and be adapted to suit the land, enabling drainage, and removing excessive grades.               | Capable of complying. |
| 26 | All access roads must be adequately lit between sunset and sunrise  | Capable of complying. |

| Section | Requirement  | Comment               |
|---------|--|-----------------------|
| 27      | <p>The estate must be connected to a mains water supply or be provided with an alternative water supply service as specified in the approval.</p> <p>Dwelling sites must be connected to the water supply service for the manufactured home estate and provided with:</p> <ul style="list-style-type: none"> <li>- A separate water meter, and</li> <li>- A separate water service isolating valve.</li> </ul> <p>All water supply must comply with the plumbing and drainage act 2011 and the regulations.</p> <p>The water supplied for human consumption or domestic purposes must comply with the <i>Australian Drinking Water Guidelines</i> 6 published in October 2011 by the National Health and Medical Research Council.</p> | Capable of complying. |
| 28      | <p>The estate must be connected to a mains sewer or alternative sewage disposal system specified in the approval.</p> <p>All dwelling sites must be connected to the system.</p> <p>The sewage disposal system must comply with the Plumbing and Drainage Act 2011 and the regulations made under that Act</p>   | Capable of complying. |
| 29      | <p>Is stormwater disposal adequate?</p> <p>All dwelling sites must be connected with the stormwater drainage system servicing the estate or provided with an on-site drainage system.</p> <p>System must comply wit the Plumbing Code of Australia.</p>  | Capable of complying. |
| 30      | <p>Dwelling site must be supplied with electricity from a reticulated electricity service by an electrical circuit connected to a separate electricity meter.</p> <p>The electrical circuit must be installed in accordance with the Australian/New Zealand Wiring Rules.</p> <p>The maximum capacity of the electrical circuit supplying a dwelling site is not required to be more than 32 amperes if the site is provided with gas, whether by a reticulated gas service or on-site gas containers.</p> <p>If a dwelling site is provided with electricity otherwise than by a direct connection to the local electricity supply authority's electricity main, the</p>  | Capable of complying. |

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|----|--|---|
|    | occupant of the dwelling site may only be charged reasonable charges for the supply of the electricity.  |   |
| 31 | Telephone services, if available, must be provided by a telephone connection that is available to each dwelling site within the manufactured home estate.  | Satisfactory.   |
| 32 | A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.   | Satisfactory.   |
| 33 | Arrangements specified in an approval must be implemented and maintained for the removal of garbage and to keep garbage receptacles clean and sanitary.  | No details have been provided.  |
| 34 | <p>No part of a dwelling site or community building within a manufactured home estate may be located more than 90 metres from a fire hydrant.</p> <p>All fire hydrants within the estate must be a double headed pillar type fire hydrant and maintained to the specified standard.</p>  | <p>Proposed use of Sydney water hydrant specification instead of double headed pillar type.</p> <p>Council finds that compliance Section 34 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 is unreasonable or unnecessary in the particular circumstances of this case</p> <p>Council would be willing to support objection in future Section 68 application.</p> |
| 35 | <p>A building must not be erected on the estate unless the approval permits its construction. An approval may allow only the following kinds of buildings to be erected on the manufactured home estate:</p> <ul style="list-style-type: none"> <li>- community buildings</li> <li>- brick or masonry walls to erect: <ul style="list-style-type: none"> <li>- separating walls between adjoining manufactured homes</li> <li>- external facades to manufactured homes.</li> </ul> </li> </ul> | <p>Unsatisfactory.</p> <p>The construction of each manufactured home is proposed to take place on site.</p>   |

|    |   |   |
|----|---|---|
|    | <p>The approval may allow the erection of a brick or masonry wall to erect an external facade to a manufactured home only if:</p> <ul style="list-style-type: none"> <li>- the dwelling site on which the manufactured home is located is a neighbourhood lot, and</li> <li>- the owner of the manufactured home is the owner of the neighbourhood lot.</li> </ul>  |   |
| 36 | <p>A manufactured home estate must <b>not</b> be used for:</p> <ul style="list-style-type: none"> <li>- a commercial purpose other than a manufactured home estate or an associated purpose</li> <li>- the manufacture, construction or reconstruction of moveable dwellings</li> </ul> <p>A manufactured home may be used for exhibition purposes.</p>   | <p>Unsatisfactory.</p> <p>The construction of each manufactured home is proposed to take place on site.</p> |
| 37 | <p>The holder of an approval must provide the council with a copy of the community map for the manufactured home estate as soon as practicable after an amendment is made to the map.</p>   | <p>Satisfactory.</p> <p>Capable of complying.</p>   |
| 38 | <p>The holder of an approval must ensure that copies of the following documents are available for inspection, free of charge, by an occupant of the manufactured home estate:</p> <ul style="list-style-type: none"> <li>- Approval for the manufactured home estate</li> <li>- Current community Map</li> <li>- The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</li> </ul> | <p>Satisfactory.</p> <p>Capable of complying.</p>   |

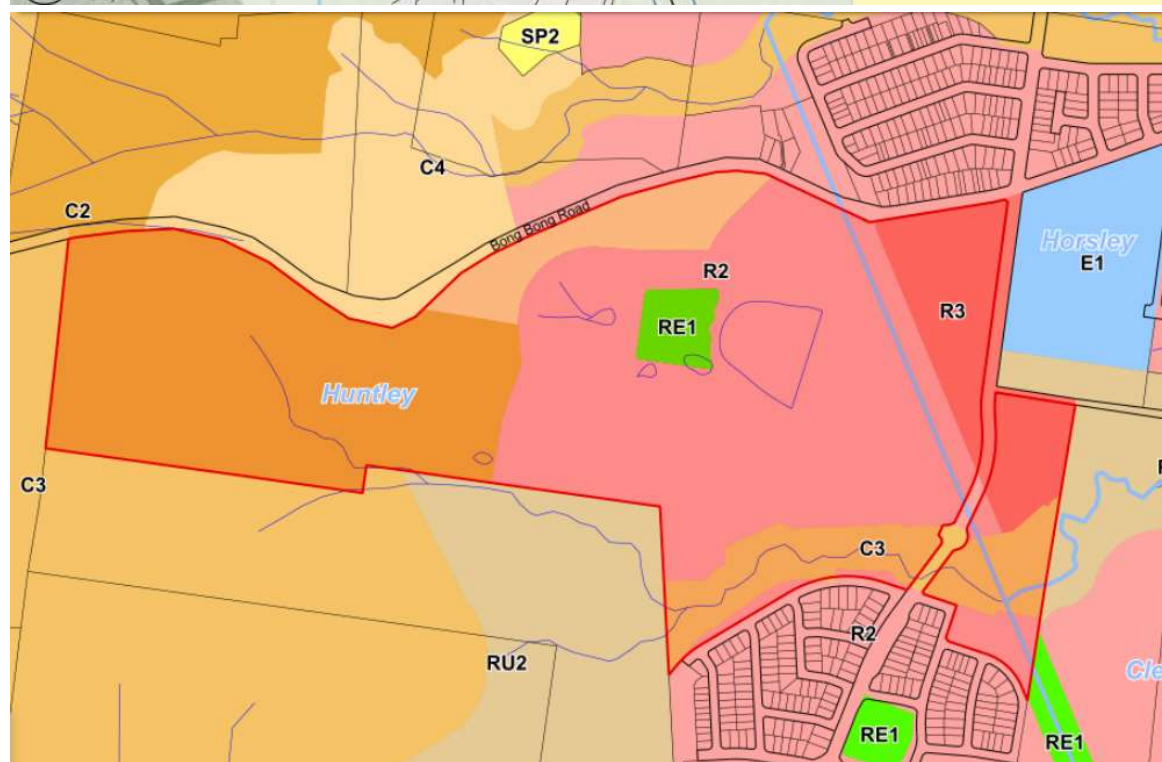
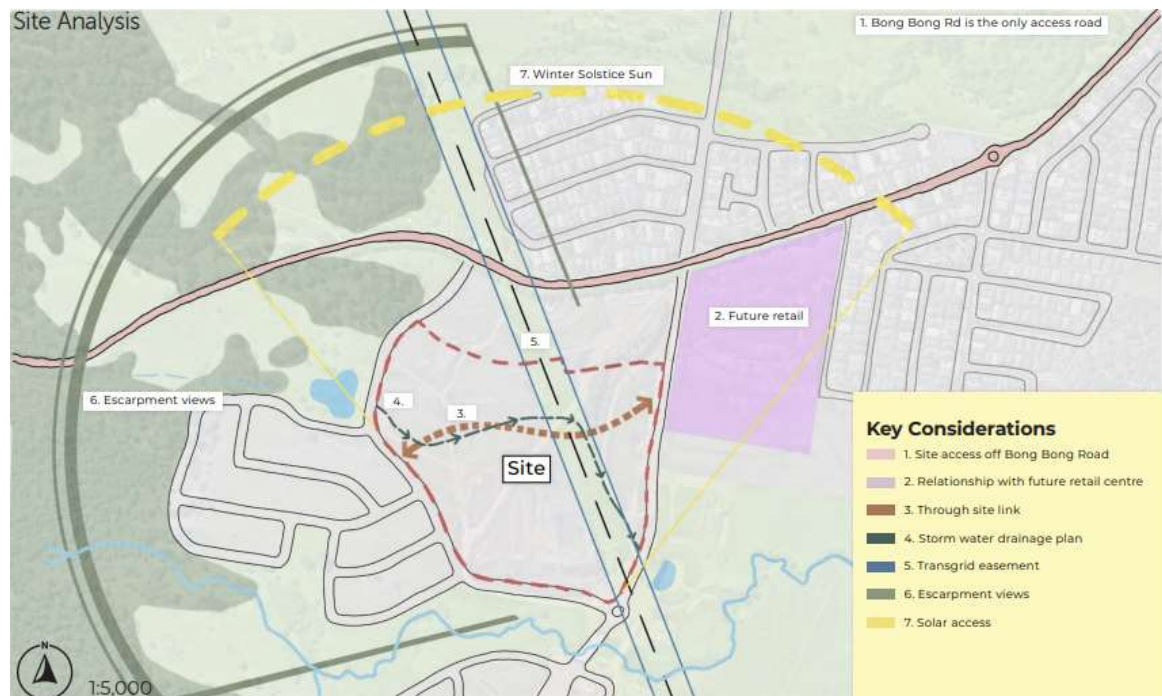
## WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009 (WLEP)

Relevant provisions of WLEP are considered below.

- **Part 2 Permitted or prohibited development**

**Clause 2.2 – zoning of land to which Plan applies**

The zoning map identifies the Lot as being zoned C2, C3, RE1, R2, R3. The proposed manufactured estate is contained within the areas zoned R2, R3, and RE1.





### **Clause 2.3 – Zone objectives and land use table**

The objectives of the R2 – Low-density residential zone are as follows:

*To provide for the housing needs of the community within a low-density residential environment.*

*To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.*

The land use table permits the following uses in the zone.

#### **2 Permitted without consent**

*Home occupations*

#### **3 Permitted with consent**

*Attached dwellings; Bed and breakfast accommodation; Boat launching ramps; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tank-based aquaculture; Veterinary hospitals*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

The Objectives of the R3 – medium density zone are as follows:

*To provide for the housing needs of the community within a medium density residential environment.*

*To provide a variety of housing types within a medium density residential environment.*

*To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.*

#### **2 Permitted without consent**

*Home occupations*

#### **3 Permitted with consent**

*Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Tank-based aquaculture; Veterinary hospitals*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

The objectives of the RE1 – Public recreation zone are as follows:

*To enable land to be used for public open space or recreational purposes.*

*To provide a range of recreational settings and activities and compatible land uses.*

*To protect and enhance the natural environment for recreational purposes.*

*To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.*

## **2 Permitted without consent**

*Nil*

## **3 Permitted with consent**

*Aquaculture; Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures.*

## **4 Prohibited**

*Any development not specified in item 2 or 3*

Development Application DA-2023/849 remains current and seeks Development Consent for the establishment and operation of the manufactured home estate.

- **Part 5 Miscellaneous provisions**

- Clause 5.9 Preservation of trees or vegetation**

- An assessment regarding vegetation removal and protection has been undertaken under Development Application DA-2023/84.

- Clause 5.10 Heritage conservation**



The site is impacted by heritage Items 61079 and 61082, the site of former “Waples: Butchery” and the site of former “Swan” Homestead. A heritage assessment has been undertaken as part of DA-2023/849.

- **Part 7 Local provisions – general**

- Clause 7.1 Public utility infrastructure**

- Electrical, water, and sewage services are available.

### **Clause 7.2 Natural resource sensitivity – biodiversity**



**Figure 1 : Mapped Natural resource sensitivity – biodiversity.**

The Site is identified as being affected by “Natural Resource Sensitivity – Biodiversity” on the Natural Resource Sensitivity – Biodiversity Map. An assessment regarding biodiversity impacts has been undertaken under DA-2023/849.

### **Clause 7.3 Flood planning area**

The site is identified as being flood affected. Council’s Stormwater Engineers have reviewed the proposal under DA-2023/849. An unsatisfactory response was received.

### **Clause 7.6 Earthworks**

An assessment regarding the proposed earthworks has been undertaken under DA-2023/849.

## **SECTION 82 LOCAL GOVERNMENT ACT OBJECTIONS**

The applicant has provided a submission under section 82(1)(b) of the Act objecting to certain provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (the Regulation).

Under section 82 of the Act, Council must take the objection into consideration before it determines the section 68 application. If Council finds the section 82 objection to be well-founded, then it must obtain the concurrence of the Departmental Chief Executive prior to determining any section 68 approval.

The objections made against the regulations are as follows:

### **Section 21 – Width of Roads**

“(2) The width of the sealed portion of an access road must be at least—

- (a) 6 metres for a major access road, and
- (b) 4 metres for a minor access road.”

### **Objection:**

The width of major access roads 05 and 06 is proposed to be 5.5 metres in width.

Council does not find that compliance with 21 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 is unreasonable or unnecessary in the particular circumstances of this case.

Council does not find the objection to be well-founded.

### **Section 23 – Visitor Parking**

*“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.”*

#### **Objection:**

Angle parking dimensions are proposed to be 5.4 metres by 2.4 metres, and parallel parking space dimensions are proposed to be 2.2 metres x 6.6 metres.

Council does not find that compliance with Section 23 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 is unreasonable or unnecessary in the particular circumstances of this case

Council does not find the objection to be well-founded.

### **Section 34 – Fire Hydrants**

*“A fire hydrant located within a manufactured home estate must be—*

*(a) a double-headed pillar-type fire hydrant, and*

*(b) maintained to the standard specified in the approval.”*

#### **Objection:**

Fire hydrants are proposed to be installed in accordance with Sydney Water’s Specification opposed to the installation of double-headed pillar-type fire hydrants.

Council finds that compliance Section 34 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 is unreasonable or unnecessary in the particular circumstances of this case

Council would be willing to support objection in any future Section 68 application.

### **Section 36 – Use of Manufactured Home Estates**

*“A manufactured home estate must not be used—*

*(a) for a commercial purpose other than a manufactured home estate or an associated purpose, or*

*(b) for the manufacture, construction or reconstruction of moveable dwellings.”*

#### **Objection:**

All manufactured homes (moveable dwellings) are to be constructed on site.

Council does not find that compliance with Section 36 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 is unreasonable or unnecessary in the particular circumstances of this case

Council does not find the objection to be well-founded.

## CONFLICT OF INTEREST STATEMENT

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I, Tim Powell, declare that I have no potential or actual conflict of interest in assessing this application.

## RECOMMENDATION

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This application has been assessed having regard to the Heads of Consideration under Section 89 of the *Local Government Act, 1993*, the provisions of Wollongong Local Environmental Plan 2009, relevant Regulations and all relevant Council Development Control Plans, Codes and Policies.

It is recommended this application is refused.

This letter is authorised by:

**Tim Powell**  
Development Project Officer  
Wollongong City Council  
Telephone (02) 4227 7111